

ORIGINAL

RECEIVED

DEC 04 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTHONY WILLIS, JR.,

APPELLANT

APPELLATE CASE NO. 2012-213066

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

Attorneys for Respondent

INDEX

INDEX.....	i
TRIAL TRANSCRIPT.....	1
OPENING STATEMENT BY MR. GIESE.....	58
OPENING STATEMENT BY MR. FARLEY.....	62
TESTIMONY	
EARL LEWIS	69
CHRISTOPHER LIMEHOUSE.....	73
BRIAN ACORD	79
TRAVORRIS PHILLIPS.....	84
QUINTON JACKSON	95
NATHAN HILL.....	105
RYAN POLLARD	117
ROBERT LEWIS.....	145
MICHAEL SWEENEY	154
STEPHANIE STOVER.....	164
EARL ASBELL	170
JAMIE ZENSEN.....	182
DR. JANICE ROSS	192
BUSTER EDWARDS	204
TIM KNIGHT	208
TORRIE BROOMFIELD	230

JOANNE RAMSEY	234
AMY STEPHENS	239
IRA PARNELL	245
RYAN DEPOPPE.....	265
MOTION FOR A DIRECTED VERDICT.....	293
CLOSING ARGUMENT BY MR. HILTON.....	300
CLOSING ARGUMENT BY MR. FARLEY	325
CHARGE ON THE LAW.....	348
VERDICT	361
SENTENCING	370
INDICTMENT	372
CERTIFICATE OF COUNSEL.....	374

STATE OF SOUTH CAROLINA	)	
COUNTY OF DORCHESTER	)	COURT OF GENERAL SESSIONS
	)	2011-GS-18-00613

STATE OF SOUTH CAROLINA	)	
vs.	)	TRANSCRIPT OF RECORD
	)	VOLUME 1
ANTHONY WILLIS, JR.	)	
DEFENDANT	)	

September 17-18, 2012
St. George, South Carolina

B E F O R E:

HON. KRISTI LEA HARRINGTON, Judge and a jury.

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

RUSSELL D. HILTON, ASSISTANT SOLICITOR
WARREN P. GIESE, ASSISTANT SOLICITOR
Attorneys for the STATE

MITCHELL E. FARLEY, ASSISTANT PUBLIC DEFENDER
JOHN M. LOY, ASSISTANT PUBLIC DEFENDER
Attorneys for the DEFENDANT

CAROL M. THUEME, RPR
Official Court Reporter

I N D E X

OPENING STATEMENTS:	PAGE
Mr. Giese	57
Mr. Farley	61
WITNESSES:	
EARL LEWIS:	
Direct Examination by Mr. Hilton	68
Cross Examination by Mr. Farley	71
CHRISTOPHER LIMEHOUSE:	
Direct Examination by Mr. Giese	72
BRIAN ACORD:	
Direct Examination by Mr. Hilton	78
Cross Examination by Mr. Farley	81
TRAVORRIS PHILLIPS:	
Direct Examination by Mr. Hilton	83
Cross Examination by Mr. Farley	89
Redirect Examination by Mr. Hilton	91
QUINTON JACKSON:	
Direct Examination by Mr. Hilton	94
Cross Examination by Mr. Farley	101
Redirect Examination by Mr. Hilton	102
NATHAN HILL:	
Direct Examination by Mr. Hilton	104
Cross Examination by Mr. Farley	113

WITNESSES:	PAGE
RYAN POLLARD:	
Direct Examination by Mr. Giese	116
Cross Examination by Mr. Farley	133
Redirect Examination by Mr. Giese	142
ROBERT LEWIS:	
Direct Examination by Mr. Hilton	144
Cross Examination by Mr. Farley	150
MICHAEL SWEENEY:	
Direct Examination by Mr. Hilton	153
Cross Examination by Mr. Farley	158
Redirect Examination by Mr. Hilton	160
STEPHANIE STOVER:	
Direct Examination by Mr. Hilton	163
Cross Examination by Mr. Farley	168
EARL ASBELL:	
Direct Examination by Mr. Hilton	169
Cross Examination by Mr. Farley	179
JAMIE ZENSEN:	
Direct Examination by Mr. Hilton	181
Cross Examination by Mr. Farley	188
DR. JANICE ROSS:	
Direct Examination by Mr. Giese	191
BUSTER EDWARDS:	
Direct Examination by Mr. Hilton	203

WITNESSES:	PAGE
TIM KNIGHT:	
Direct Examination by Mr. Hilton	207
Cross Examination by Mr. Farley	215
Redirect Examination by Mr. Hilton	216

EXHIBITS
State Exhibits

		ID	EVD
Exh.-1	Black strap	46	
Exh.-2	Gun	46	175
Exh.-3	Bullet fragment	46	188
Exh.-4	Photo	46	183
Exh.-5	Photo	46	183
Exh.-6	Photo	46	183
Exh.-7	Photo	46	166
Exh.-8	Photo	46	166
Exh.-9	Photo	46	166
Exh.-10	Photo	46	166
Exh.-11	Photo	46	166
Exh.-12	Photo	46	172
Exh.-13	Photo	46	166
Exh.-14	Photo	46	172
Exh.-15	Photo	46	172
Exh.-16	Photo	46	183
Exh.-17	Photo	46	183
Exh.-18	Photo	46	
Exh.-19	Photo	46	
Exh.-20	Photo	46	

EXHIBITS

State Exhibits

		ID	EVD
Exh.-21	Black bag	46	
Exh.-22	Map	46	47
Exh.-23	Map	46	47
Exh.-24	Map	46	47
Exh.-25	Map	46	47
Exh.-26	Map	46	47
Exh.-27	Known shell casings	46	
Exh.-28	Spent casings	46	179
Exh.-29	Photo	49	
Exh.-30	Photo	49	
Exh.-31	CD	49	70
Exh.-32	Photo	162	183
Exh.-33	Photo	162	183
Exh.-34	Photo	173	174
Exh.-35	Shoes	185	185
Exh.-36	Shorts	185	187
Exh.-37	X-ray	197	200

Court's Exhibits

Exh. -1	Stipulation	46

1 THE COURT: There are no jurors in the
2 courtroom; is that correct?

3 MR. HILTON: That's correct.

4 THE COURT: All right. Mr. Farley, I understand
5 there's something we need to place on the record?

6 MR. FARLEY: Yes, Your Honor.

7 My client tells me that he does not wish to
8 dress in civilian street clothes, that he would prefer to
9 be here in his prison attire, and I would just like to put
10 that on the record and ask the Court to inquire of the
11 defendant. And we have provided him clothes.

12 THE COURT: All right. Mr. Farley, you have
13 clothes available for Mr. Willis?

14 MR. FARLEY: Yes, Your Honor.

15 THE COURT: And are those in the courtroom here
16 today or in the jail?

17 MR. FARLEY: They're in the jail, Your Honor.

18 THE COURT: All right. Mr. Willis, please
19 stand.

20 Mr. Willis, I placed you under oath on Friday, I
21 believe -- Thursday. Do you remember that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: I'm sorry?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. I need you to speak very

1 loudly so that I can hear you. We are making a record and
2 it's very important that you speak loudly and clearly. Do
3 you understand that, sir?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Mr. Willis, you are
6 currently dressed in a prison jumpsuit; is that correct?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Why do you keep looking at the
9 ceiling?

10 (There was no response.)

11 THE COURT: Your attorney has indicated to me
12 that he has clothes for you to wear. Did you know that?

13 THE DEFENDANT: Yes.

14 THE COURT: And so that you can have -- you
15 don't appear in front of the jury in that orange and white
16 suit.

17 Do you wish to have some time to put some
18 streets clothes on?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: All right. Tell me what it is --
21 why you don't want to put streets clothes on.

22 THE DEFENDANT: Huh.

23 THE COURT: I'm sorry?

24 (There was no response.)

25 THE COURT: Are you refusing to put street

1 clothes on?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And why is that?

4 THE DEFENDANT: I just don't want to put them
5 on.

6 THE COURT: Do you understand that you will
7 appear throughout the entirety of this trial in that
8 outfit that you currently have on?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: If the Court orders you to put on
11 street clothes, are you refusing the Court's order?

12 THE DEFENDANT: No.

13 THE COURT: All right. I'm ordering you to get
14 dressed in street clothes.

15 So please let me know when he's dressed.

16 Thank you.

17 MR. FARLEY: Yes, ma'am.

18 THE COURT: Let me know if you have any issues
19 with him.

20 MR. FARLEY: Thank you, Your Honor.

21 (A break was taken.)

22 THE COURT: Mr. Hilton, is there anything before
23 we bring the jury in for general qualification?

24 MR. HILTON: No, Your Honor.

25 THE COURT: Mr. Farley?

1 MR. FARLEY: I have nothing, Your Honor.

2 THE COURT: And you have no objection to the
3 State's voir dire and the defendant's voir dire?

4 MR. HILTON: There were six questions that we
5 submitted.

6 THE COURT: With the exception of No. 7.

7 MR. FARLEY: And I would like to say that we
8 have had him evaluated pursuant to McNaughton and Blair.

9 THE COURT: Thank you for placing that on the
10 record, Mr. Farley.

11 Your client is waiving formal arraignment?

12 MR. FARLEY: Yes, Your Honor.

13 THE COURT: Mr. Hilton, do you wish to read the
14 indictment and you can call the case?

15 MR. HILTON: Generally that's how we do it.
16 Whatever is the Court's desire.

17 THE COURT: I will let you do that then. We're
18 at ease.

19 (A break was taken.)

20 THE COURT: Once again, there's no jurors in the
21 courtroom; is that correct?

22 We're back on the record.

23 Mr. Willis, I note for the record that you are
24 dressed in the clothes that were provided by your counsel;
25 is that correct, sir?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: All right. And, Mr. Willis, thank
3 you for following the Court's advice. And if you have any
4 other discussions regarding your clothes, if you'll just
5 let your attorneys know, but I think that it was in your
6 best interest to dress out. You look very nice, and thank
7 you for tucking your shirt in in court.

8 Is there anything further that we need to place
9 on the record regarding the clothing issue?

10 MR. FARLEY: No, Your Honor.

11 THE COURT: Thank you.

12 Mr. Hilton, I just wanted to place on the record
13 that he was dressed and so that that was not an issue
14 before we brought the jury up.

15 Is there anything prior to -- we're just now
16 taking roll and waiting on the jury. Anything prior to
17 bringing the jury up that we need to address at this time?

18 MR. HILTON: Nothing from the State, Your Honor.

19 THE COURT: Mr. Farley, anything else?

20 MR. FARLEY: No, Your Honor.

21 THE COURT: All right. So I understand they've
22 just taken roll at this time.

23 THE CLERK: I think so.

24 THE COURT: And just for the record, you're
25 waiving formal arraignment, strikes are five and ten; is

1 that correct, Mr. Hilton?

2 MR. HILTON: That's correct.

3 MR. FARLEY: Yes, Your Honor.

4 THE COURT: All right. And depending on how
5 many jurors we have, I plan to pick two alternates.

6 All right. With that, if there's nothing else
7 that needs to be placed on the record, we'll be at ease
8 awaiting the jury.

9 Mr. Willis, we'll come and get you when we're
10 ready.

11 Thank you.

12 (A break was taken.)

13 THE COURT: Mr. Farley, Mr. Loy, please
14 approach, and Mr. Hilton.

15 (A bench conference was held with the judge and
16 attorneys.)

17 THE COURT: Ladies and gentlemen, we will need
18 to administer the oath and then the Clerk will take roll.
19 So if all members of the jury panel will please stand.

20 Madam Clerk.

21 THE CLERK: If you will please raise your right
22 hand to be sworn.

23 (The jury panel was sworn at 2:40 p.m.)

24 THE COURT: Were there any members of the jury
25 who could not take that oath? If so, please stand.

1 (No response.)

2 THE COURT: Please let the record reflect that
3 all jurors have taken the oath.

4 Ladies and gentlemen, if you cannot hear me,
5 please make arrangements to move closer. I see that
6 there's a few more spaces on the front row. And it is
7 important that we have your complete and truthful
8 responses, and if you can't hear my questions, then it's
9 hard for you to answer.

10 Madam Clerk, if you will please take the roll.

11 THE CLERK: Thank you very much.

12 (WHEREUPON, the Clerk took roll and jury
13 qualification was had but not transcribed.)

14 THE COURT: All right. Ladies and gentlemen, as
15 I indicated to you previously, I was making a
16 determination to determine whether or not you were
17 qualified to serve as a juror. The law is very clear in
18 the statutory provisions that since I am a resident of
19 Berkeley County, I am a Berkeley County judge, I would not
20 be qualified to serve on this jury. So those were just
21 some of the questions that I was asking to determine your
22 general qualifications.

23 Ladies and gentlemen, now we are going to begin
24 more specific questions to determine whether or not you
25 will be suitable to serve as a juror for a particular

1 case.

2 Ladies and gentlemen, please give your attention
3 to Mr. Hilton.

4 My understanding is the defendant waives formal
5 arraignment; is that correct?

6 MR. FARLEY: That's correct, Your Honor.

7 THE COURT: All right. Mr. Hilton, if the State
8 will call its case.

9 MR. HILTON: Thank you, Your Honor.

10 The State would call the case of State of South
11 Carolina versus and Anthony Willis, Jr. Mr. Willis was
12 charged in Indictment No. 2011-GS-18-613 with the offense
13 of murder. It was true-billed on August 4, 2011.

14 The indictment states that in Dorchester County
15 on or about May 2, 2011, with malice aforethought, the
16 defendant, Anthony Willis, Jr., did kill one Justin Smoot
17 by means of shooting the victim with a rifle. The victim
18 did die as a proximate result thereof. This offense being
19 in violation of the Common Law and Section 16-3-10, of the
20 South Carolina Code of Laws, as amended.

21 THE COURT: Thank you.

22 Ladies and gentlemen of the jury panel,
23 Mr. Willis has pled not guilty to this indictment.

24 Ladies and gentlemen, is there any member of the
25 jury panel that knows anything about this case other than

1 what has just been read to you? If so, please stand.

2 (No response.)

3 THE COURT: Thank you. There are none.

4 Mr. Farley, if you would please stand, introduce
5 yourself, your client, and any persons who will be
6 assisting you throughout this trial.

7 Yes, ma'am. Hold on one second.

8 I need -- when you stand, I need you to identify
9 yourself by your juror number and your name and then
10 please don't answer a question unless I ask it, okay?

11 So your juror number?

12 THE JUROR: Eighty-seven, Valarie Lloyd.

13 THE COURT: And your last name again? I'm
14 sorry.

15 THE JUROR: Lloyd.

16 THE COURT: All right. And you stood up
17 because?

18 THE JUROR: I actually know him.

19 THE COURT: You know the defendant?

20 THE JUROR: Uh-huh.

21 THE COURT: All right. If you would please
22 approach.

23 THE BAILIFF: Juror No. 87.

24 THE COURT: And if you'd stand right here. And
25 you're telling me you know the defendant; is that correct?

1 THE JUROR: Uh-huh.

2 THE COURT: Is that a yes?

3 THE JUROR: Yes.

4 THE COURT: And how do you know him?

5 THE JUROR: We used to live by him. We used to
6 be neighbors.

7 THE COURT: All right. How long ago did you
8 live by him?

9 THE JUROR: Maybe in the '90s.

10 THE COURT: All right. In the '90s?

11 THE JUROR: Uh-huh.

12 THE COURT: All right. How long has it been
13 since you've lived by him then, ten years?

14 THE JUROR: Uh-huh.

15 THE COURT: All right. How old were you when
16 you lived by him?

17 THE JUROR: Thirty-four or 32.

18 THE COURT: All right. And how old was he when
19 you lived next to him?

20 THE JUROR: About 14, 15.

21 THE COURT: All right. Is there -- did you keep
22 in touch with him or his family?

23 THE JUROR: My kids talk to his sisters on
24 Facebook.

25 THE COURT: Okay. Is there anything about that

1 relationship that will affect your ability to be fair and
2 impartial in this case?

3 THE JUROR: I'd rather not take the case.

4 THE COURT: All right. Now, I need you to stay
5 with us. I would ask that you sit on the back row, but
6 you do not have to answer and please do not answer any
7 further questions regarding this case or discuss of this
8 with anyone until I tell you that you may do so. Do you
9 understand?

10 THE JUROR: Uh-huh.

11 THE COURT: Is that a yes?

12 THE JUROR: Yes, ma'am.

13 THE COURT: All right. Thank you.

14 Juror 87 is excused from the trial of this case.
15 Hold on one second.

16 Are you answering the previous question?

17 THE JUROR: I'm not sure if it pertains to it or
18 not.

19 THE COURT: All right. I need you to step out,
20 please.

21 She's staying with us, 87 is staying with us.
22 She's excused from the trial of this case, but she is
23 staying with us.

24 Your juror number?

25 THE JUROR: One sixty-five.

1 THE COURT: One sixty-five.

2 Ma'am, I just need you to stay on the back row
3 with the -- not the back row, the back row of the jurors.

4 Thank you.

5 Yes, ma'am.

6 THE JUROR: I attended school with the deceased,
7 Smoot.

8 THE COURT: And I can see that you are visibly
9 crying.

10 THE JUROR: Right.

11 THE COURT: All right. Is there anything about
12 that that's going to affect your ability to be fair and
13 impartial in this case?

14 THE JUROR: Yeah, because it's kind of a very
15 hard thing.

16 THE COURT: All right. I'm going to excuse you.
17 I'm going to transfer your service to another time.

18 Juror 165 is transferred.

19 You are free to go if you'll just hand him your
20 badge. Please do not discuss this case with anyone.

21 Thank you.

22 THE JUROR: Thank you.

23 THE CLERK: To a civil term?

24 THE COURT: Just any time. Thank you.

25 Is there anyone else?

1 (No response.)

2 THE COURT: All right. Thank you.

3 Sorry to interrupt you, Mr. Farley.

4 MR. FARLEY: I'm Mitchell Farley. I work for
5 the Public Defender's Office. I'm going to be defending
6 Mr. Willis.

7 Sitting second chair with me is John Loy. He's
8 the Deputy Chief Public Defender for Dorchester County.

9 Some other people from our office that you'll
10 see are Mary LeMatty and Michelle Suggs. They're right
11 here.

12 The Chief Public Defender for our circuit is
13 Mark Leiendecker.

14 And that's us.

15 THE COURT: All right. Is there any member of
16 the jury panel related by blood, marriage, close personal
17 friend, ever have any business, personal, professional
18 dealings with Mr. Anthony Willis, Jr.? If so, please
19 stand.

20 (No response.)

21 THE COURT: Thank you. There are none.

22 Any member of the jury panel related by blood,
23 marriage, close personal friend, ever have any business,
24 personal, professional, or legal matters handled by
25 Mr. Farley or Mr. Loy? If so, please stand.

1 (No response.)

2 THE COURT: Thank you. There are none.

3 Any member of the jury panel ever been employed
4 by or have any matters handled by the First Circuit Public
5 Defender's Office? If so, please stand.

6 (No response.)

7 THE COURT: Thank you. There are none.

8 Mr. Hilton, if you would please stand, introduce
9 yourself and any persons who will be assisting you
10 throughout this trial.

11 MR. HILTON: Thank you, Your Honor.

12 I'm Russell Hilton. I work with the First
13 Circuit Solicitor's Office. And together with me is
14 Mr. Barney Giese, he's another prosecutor in the office,
15 and we'll be prosecuting this case.

16 Our elected solicitor is Mr. David Pascoe. You
17 probably won't see him throughout the course of this
18 trial.

19 And also we have Cary Huff seated at the table
20 with me and our detective, Ryan Depoppe.

21 THE COURT: Thank you.

22 Is there any member of the jury panel related by
23 blood, marriage, close personal friend, ever have any
24 business, personal, professional dealings, or ever been
25 represented by, or have any matters handled by either

1 Mr. Hilton or Mr. Giese? If so, please stand.

2 (No response.)

3 THE COURT: Thank you. There are none.

4 Is there any member of the jury panel related by
5 blood, marriage, close personal friend, ever have any
6 business, personal, professional dealings with Detective
7 Ryan Depoppe with the Dorchester County Sheriff's Office?
8 If so, please stand.

9 (No response.)

10 THE COURT: Thank you. There are none.

11 Any member of the jury panel ever have any
12 matters handled or ever been employed by the First Circuit
13 Solicitor's Office? If so, please stand.

14 (No response.)

15 THE COURT: Thank you. There are none.

16 Ladies and gentlemen, I'm now going to call a
17 list of potential witnesses who may be called to testify.
18 If you are related by blood, marriage, close personal
19 friend, ever have any business, personal, professional
20 dealings with any of these individuals, please stand when
21 I call their name.

22 Deputy Chris Limehouse with the Dorchester
23 County Sheriff's Office; Ira Parnell with SLED, the State
24 Law Enforcement Division; David Wahl; Lieutenant Poncho
25 Villa with Dorchester County Sheriff's Office; Earl Lewis;

1 Lashon Horton; Amy Stephens with the State Law Enforcement
2 Division; Deputy Justin Eaches; Dr. Janice Ross with
3 Newberry Pathology; Leroy Lucas; Karen Washington;
4 Detective Tim Knight with Dorchester County Sheriff's
5 Office; Dan Defreese with SLED; Joanne Ramsey; Armand
6 Brault; Detective Rebecca Parker, Dorchester County
7 Sheriff's Office; Robert Lewis; Ryan Pollard; Detective
8 Adam Smith with the Dorchester County Sheriff's Office;
9 Doris Yarborough with SLED; Deputy Gary Scaggs, Dorchester
10 County Sheriff's Office; Brian Acord, Dorchester County
11 EMS; Detective Jamie Zensen, Dorchester County Sheriff's
12 Office; Chioke Richards; Detective James King, Dorchester
13 County Sheriff's Office; Nathan Hill; Jamie Baker; Officer
14 Robert Blajszczak with Summerville Police Department;
15 Detective Brad Mullis, Dorchester County Sheriff's Office;
16 Felix Nicolini; Quinton Jackson; Detective Derek Sauro,
17 Dorchester County Sheriff's Office; Derek Washington,
18 Dorchester County EMS; Michael Sweeny; Detective Buster
19 Edwards, Dorchester County Sheriff's Office; Torrie
20 Broomfield; Detective Stephanie Stover, Dorchester County
21 Sheriff's Office; Tavorris Phillips; David Kane;
22 Lieutenant Earl Asbell, Dorchester County Sheriff's
23 Office; William Gaskins; Ila Simmons with SLED; William
24 O'Neill, and Lieutenant Tony Phinney with the Dorchester
25 County Sheriff's Office.

1 Any member of the jury panel related by blood,
2 marriage, close personal friends with any of those
3 individuals? If so, please stand.

4 (No response.)

5 THE COURT: Thank you. There are none.

6 Any member of the jury panel related by blood,
7 marriage, or with anyone, or you yourself have ever worked
8 for Dorchester County Sheriff's Office, Newberry
9 Pathology, State Law Enforcement Division, Dorchester
10 County EMS? If so, please stand.

11 (No response.)

12 THE COURT: Thank you. There are none.

13 Ladies and gentlemen, is there any member of the
14 jury panel who is currently or was previously employed by
15 law enforcement in any capacity? If so, please stand.
16 Law enforcement in any capacity, please stand.

17 (No response.)

18 THE COURT: Thank you. There are none.

19 Is there any member of the jury panel or a
20 member of your family that is a member of an organization
21 which is dedicated to drug abuse educational awareness,
22 such as DARE or Just Say No, or a member which encourages
23 strict enforcement of criminal laws, such as Mothers
24 Against Drunk Drivers or Citizen Against Violent Crime?
25 If so, please stand.

1 (No response.)

2 THE COURT: Thank you. There are none.

3 Ladies and gentlemen, is there any member of the
4 jury panel based upon the information that has been shared
5 with you by the reading of the indictment or the reading
6 of the witness list that you feel that you will be unable
7 to listen to the testimony from the witness stand, apply
8 the law as the Court gives it, rendering a verdict based
9 only upon those things? If you feel that for whatever
10 reason you would be unable to do those things or if you
11 need to speak with me in private again concerning any of
12 the matters or your role in serving as a fair and
13 impartial juror for the remainder of this week, now is the
14 time to come forward.

15 Again, please move to the center and the
16 bailiffs will assist you.

17 THE BAILIFF: Juror No. 139.

18 THE JUROR: Hello.

19 THE COURT: Yes, sir.

20 THE JUROR: I am the main provider for my
21 family --

22 THE COURT: Yes, sir.

23 THE JUROR: -- a family of five. If I stay here
24 all week, it's going to seriously financially hurt me.

25 THE COURT: All right. Sir, I hear what you're

1 saying, but it is a civic duty to which you owe. Have you
2 been transferred before?

3 THE JUROR: No, I've never been here.

4 THE COURT: All right. I'm going to have you
5 stay with us at this time, all right?

6 Juror 139 will remain.

7 THE BAILIFF: Juror 63.

8 THE JUROR: Good afternoon.

9 THE COURT: Yes.

10 THE JUROR: Your Honor, my mother-in-law was
11 murdered in her home. That's just that I'm -- I'm very
12 pro, you know, maximum.

13 THE COURT: Was that here in Dorchester County?

14 THE JUROR: Yes, ma'am.

15 THE COURT: All right. And about how long ago
16 was that?

17 THE JUROR: 1985.

18 THE COURT: All right. Well, is there anything
19 about what you shared with us that will affect your
20 ability to be fair and impartial in this case?

21 THE JUROR: I don't think so.

22 THE COURT: All right. And I do that very same
23 thing, I say guess so or I think so.

24 Will you be able to listen to the facts from the
25 witness stand, apply the law as the Court gives it, and

1 render a verdict based only upon those things free of what
2 you have just shared with us?

3 THE JUROR: I think so, yes, ma'am.

4 THE COURT: I need a yes or a no because both of
5 those --

6 THE JUROR: Yes, ma'am.

7 THE COURT: Hold on. Both the defendant and the
8 State deserve a juror who is able to be fair and
9 impartial, listen to the facts from the witness stand,
10 apply the law as the Court gives it, and render a verdict
11 based only on those things. Will you be able to do that,
12 sir?

13 THE JUROR: Yes, ma'am.

14 THE COURT: All right. Juror 63 will remain
15 with us.

16 Thank you.

17 Is there anyone else?

18 (No response.)

19 THE COURT: Is there anyone else?

20 (No response.)

21 THE COURT: Sir?

22 What is your juror number? 139?

23 Juror 139 is excused from the trial of this
24 case.

25 I need you to remain with us, sir, but you do

1 not have to answer any further questions.

2 Thank you.

3 THE JUROR: Do I sit on the back row?

4 THE COURT: No, you can just sit where you were.

5 Thank you.

6 Any further questions from the State?

7 MR. HILTON: No, Your Honor.

8 THE COURT: All right. Thank you.

9 The panel is qualified. The strikes are five
10 and ten.

11 THE CLERK: The alternates?

12 THE COURT: And we will take two alternates.

13 THE CLERK: And the strikes for that?

14 THE COURT: One and two; is that correct,
15 Mr. Hilton?

16 MR. HILTON: That's correct.

17 MR. FARLEY: Yes, Your Honor.

18 THE COURT: Thank you.

19 Ladies and gentlemen, we are now going to select
20 a jury for this case. We will pick -- we will randomly
21 select your names and it will come from the computer.

22 Prior to the advent of the computer system, the
23 statute required that a child under seven or a blind
24 person had to select the jurors, so this is how far we
25 have come in our technology as the computer has taken the

1 place of a child or a blind person to ensure fairness.

2 So once we have the list, the Clerk will call a
3 name one by one and you will need to come forward and both
4 the State and the defendant are entitled to what are
5 called strikes. It doesn't mean that you are not
6 qualified to serve. It simply means that they now have
7 the right to say I choose not to have you serve.

8 All right. And once we have selected the jury,
9 then I will give you further instructions regarding your
10 service for the week.

11 If you would just be patient. We have a lot
12 going on. So just sit quietly. I'm sorry.

13 (Pause.)

14 THE COURT: Is the State ready to proceed?

15 MR. HILTON: We are, Your Honor.

16 THE COURT: Is the defense ready to proceed?

17 MR. FARLEY: Yes, Your Honor.

18 THE COURT: All right. Thank you.

19 THE CLERK: As I call your name, please come
20 forward and turn around and just face the back of the
21 courtroom.

22 THE COURT: And please bring your belongings
23 with you.

24 THE CLERK: Juror No. 155, Kristi Vanaxen.

25 (White female.)

1 THE COURT: Please come forward. And then if
2 you'll just turn and face the back of the courtroom.

3 Thank you.

4 THE CLERK: What sayeth the State?

5 MR. HILTON: Please present the juror.

6 THE CLERK: The defense?

7 MR. FARLEY: Please swear the juror.

8 THE CLERK: Ma'am, have a seat in the jury box
9 to your left.

10 Juror No. 110, John Oldham. (White male.)

11 Come all the way up to the front and just turn
12 around.

13 What sayeth the State?

14 MR. HILTON: Please present the juror.

15 THE CLERK: The defense?

16 MR. FARLEY: Please excuse the juror.

17 THE CLERK: Have a seat back in the audience.

18 Juror No. 26, Jennifer Button. (White female.)

19 What sayeth the State?

20 MR. HILTON: Please present the juror.

21 THE CLERK: The defense?

22 MR. FARLEY: Please excuse the juror.

23 THE CLERK: Have a seat back in the audience.

24 Juror No. 151, Natalie Trueworthy-Hutt. (White
25 female.)

1 What sayeth the State?

2 MR. HILTON: Please present the juror.

3 THE CLERK: The defense?

4 MR. FARLEY: Please excuse the juror.

5 THE CLERK: Have a seat back in the audience.

6 Juror No. 167, Matthew Zimmerman. (White male.)

7 What sayeth the State?

8 MR. HILTON: Please present the juror.

9 THE CLERK: The defense?

10 MR. FARLEY: Please swear the juror.

11 THE CLERK: Have a seat in our jury box to your

12 left.

13 Juror No. 23, Frank Bruno. (White male.)

14 What sayeth the State?

15 MR. HILTON: Please present the juror.

16 THE CLERK: The defense?

17 MR. FARLEY: Please excuse the juror.

18 THE CLERK: Have a seat back in the audience.

19 Juror 103, Derek Mitchell. (Black male.)

20 What sayeth the State?

21 MR. HILTON: Please present the juror.

22 THE CLERK: The defense?

23 MR. FARLEY: Please swear the juror.

24 THE COURT: Have a seat in our jury box.

25 Juror No. 81, John Kessler, Jr. (White male.)

1 What sayeth the State?

2 MR. HILTON: Please present the juror.

3 THE CLERK: The defense?

4 MR. FARLEY: Please excuse the juror.

5 THE CLERK: Juror 144, Craig Stone. (White
6 male.)

7 What sayeth the State?

8 MR. HILTON: Please present the juror.

9 THE CLERK: The defense?

10 MR. FARLEY: Please swear the juror.

11 THE CLERK: Have a seat in our jury box.

12 Juror No. 56, Louise Grant. (Black female.)

13 What sayeth the State?

14 MR. HILTON: Please present the juror.

15 THE CLERK: The defense?

16 MR. FARLEY: Please swear the juror.

17 THE CLERK: Have a seat in our jury box.

18 Juror No. 72, Gary Hunter. (White male.)

19 What sayeth the State?

20 MR. HILTON: Please present the juror.

21 THE CLERK: The defense?

22 MR. FARLEY: Please excuse the juror.

23 THE CLERK: Have a seat back in the audience.

24 Juror No. 77, Amanda Johnson. (Black female.)

25 What sayeth the State?

1 MR. HILTON: Please present the juror.
2 THE CLERK: The defense?
3 MR. FARLEY: Please excuse the juror.
4 THE CLERK: Juror No. 104, Joni Molina. (White
5 female.)
6 What sayeth the State?
7 MR. HILTON: Please present the juror.
8 THE CLERK: The defense?
9 MR. FARLEY: Please excuse the juror.
10 THE CLERK: Have a seat back in the audience.
11 Juror No. 35, Priscilla Coats. (Black female.)
12 What sayeth the State?
13 MR. HILTON: Just a moment.
14 (Pause.)
15 MR. HILTON: Please present the juror.
16 THE CLERK: The defense?
17 MR. FARLEY: Please swear the juror.
18 THE CLERK: Have a seat in our jury box.
19 Juror No. 50, Johnny Gantt. (Black male.)
20 What sayeth the State?
21 MR. HILTON: Please present the juror.
22 THE CLERK: The defense?
23 MR. FARLEY: Please swear the juror.
24 THE CLERK: Have a seat in our jury box.
25 Juror No. 66, Sabrina Herman. (White female.)

1 What sayeth the State?

2 MR. HILTON: Please present the juror.

3 THE CLERK: The defense?

4 MR. FARLEY: Please swear the juror.

5 THE CLERK: Have a seat in our jury box.

6 Juror No. 114, Jeffery Pastorius. (White male.)

7 What sayeth the State?

8 MR. HILTON: Please present the juror.

9 THE CLERK: The defense?

10 MR. FARLEY: Please swear the juror.

11 THE CLERK: Have a seat in our jury box.

12 Juror No. 28, Lionel Cantrell. (White male.)

13 What sayeth the State?

14 MR. HILTON: Please present the juror.

15 THE CLERK: The defense?

16 MR. FARLEY: Please excuse the juror.

17 THE CLERK: Have a seat back in the audience.

18 Juror No. 117, Doris Penick. (White female.)

19 What sayeth the State?

20 MR. HILTON: Please present the juror.

21 THE CLERK: The defense?

22 MR. FARLEY: Please excuse the juror.

23 THE CLERK: Juror No. 108, Syndia Moultrie.

24 (Black female.)

25 What sayeth the State?

1 MR. HILTON: Please present the juror.

2 THE CLERK: The defense?

3 MR. FARLEY: Please swear the juror.

4 THE CLERK: Have a seat in our jury box.

5 Juror No. 127, Donnell Rumph. (Black male.)

6 What sayeth the State?

7 MR. HILTON: Please excuse the juror.

8 THE CLERK: Have a seat back in the audience,
9 please.

10 Juror No. 126, Peter Rosebrock. (White male.)

11 What sayeth the State?

12 MR. HILTON: Please present the juror.

13 THE CLERK: The defense?

14 MR. FARLEY: Please swear the juror.

15 THE CLERK: Have a seat in the jury box.

16 Juror No. 106, Cynthia Morris. (White female.)

17 What sayeth the State?

18 MR. HILTON: Please present the juror.

19 THE CLERK: The defense?

20 MR. FARLEY: Please swear the juror.

21 THE CLERK: Have a seat in our jury box.

22 That is 12.

23 THE COURT: Alternate No. 1.

24 THE CLERK: Juror No. 142, Mark Steele. (White
25 male.)

1 What sayeth the State?

2 MR. HILTON: Please present the juror.

3 THE CLERK: The defense?

4 MR. FARLEY: Please swear the juror.

5 THE CLERK: Have a seat in our jury box.

6 Juror No. 6, William Bayless. (White male.)

7 What sayeth the State?

8 MR. HILTON: Please present the juror.

9 THE CLERK: The defense?

10 MR. FARLEY: Please excuse the juror.

11 THE CLERK: Have a seat back in the audience.

12 Juror No. 138, Beulah Shuler. (Black female.)

13 What sayeth the State?

14 MR. HILTON: Just one moment.

15 (Pause.)

16 MR. HILTON: Please present the juror.

17 THE CLERK: The defense?

18 MR. FARLEY: Please seat the juror.

19 THE CLERK: Have a seat in our jury box.

20 Thank you.

21 THE COURT: Ms. Shuler, you are Alternate 2 and,
22 Mr. Steele, you are Alternate No. 1.

23 Any motions or matters pertaining to the jury as
24 selected from the State?

25 MR. HILTON: Just one moment, Your Honor.

1 (Pause.)

2 MR. HILTON: No motions from the State, Your
3 Honor.

4 THE COURT: From the defense?

5 MR. FARLEY: No, Your Honor.

6 (The jury is impaneled at 3:37 p.m)

7 THE COURT: Ladies and gentlemen, you have been
8 selected as the jury to try this case.

9 Ladies and gentlemen, if you would, please, the
10 bailiffs will escort you to your jury deliberation room,
11 allow you to take a comfort break if you need to, and then
12 I'm going to bring you back in and give you further
13 instructions.

14 While you are there, I need everyone, with the
15 exception of the alternates, to decide upon a foreperson.
16 So you cannot be part of the selection process, the two
17 alternates. Understand?

18 All right. So please, if you have any
19 questions, please let us know.

20 Once you have completed that, if you'll just
21 knock on the door and then we will receive you back in the
22 courtroom.

23 Thank you.

24 Stay seated.

25

1 (The jury left open court at approximately 3:38
2 p.m.)

3 THE COURT: Outside the presence of the jury,
4 any motions or matters, Mr. Hilton?

5 MR. HILTON: No, Your Honor.

6 MR. FARLEY: No, Your Honor.

7 THE COURT: Then with that, that is our jury and
8 two alternates.

9 Mr. Hilton, are there other matters on the
10 docket? Should the jurors remain on call?

11 MR. HILTON: Oh, for the rest of the jury panel,
12 yes, ma'am. I would have them call back after 6 tomorrow.

13 THE COURT: After 6 tomorrow evening?

14 MR. HILTON: Yes.

15 THE COURT: All right. Thank you.

16 Ladies and gentlemen, you were not selected as
17 the jurors in this case. But as I indicated to you, your
18 jury service is for the week.

19 You have been given information, a jury call-in
20 number, and the reason for that, as Ms. Graham is showing
21 you again the number, the reason for that is that would
22 prevent you from having to come in and just sit around
23 until we reach our next case.

24 Ladies and gentlemen, if you will please call in
25 tomorrow evening after 6 p.m. you will receive further

1 instructions.

2 Ladies and gentlemen, I know that each of you
3 has your own life and your own obligations, but please
4 understand that we are trying to do everything we can to
5 minimize the inconvenience.

6 So much is given to us as American citizens, the
7 freedom of speech, religion, the right to assemble, and
8 the Constitution requires very few things of us and one of
9 those is jury service. And while I understand that this
10 is a huge inconvenience, none of us on this side of the
11 bar could do our job if you were not here in order for
12 cases to be heard. So with great thanks it is to you, I
13 give to you that our system continues to work.

14 And I did not give you the speech about this is
15 the greatest American justice system ever created, but
16 please know that it is.

17 So with that, I thank you for your service to
18 Dorchester County. Please call tomorrow after 6 p.m. to
19 receive your instructions.

20 Thank you.

21 THE CLERK: And if you need anything to take
22 back to work, the Clerk's Office is right down below us.

23 THE COURT: Thank you.

24 (The jury panel was excused at approximately
25 3:41 p.m.)

1 THE COURT: All right. Just so the record is
2 clear, there are no jurors in the courtroom, Mr. Hilton,
3 Mr. Farley; is that correct?

4 MR. HILTON: That's correct, Your Honor.

5 MR. FARLEY: Yes, Your Honor.

6 THE COURT: I'm going to bring the jury back in,
7 and because of the lateness of the hour, we will begin
8 tomorrow at 9:30.

9 Is the State ready at 9:30?

10 MR. HILTON: We'll be prepared to go forward.

11 MR. FARLEY: Yes, we are, Your Honor.

12 THE COURT: And Mr. Willis is in custody so I do
13 not need to address bond issues; is that correct,
14 Mr. Hilton?

15 MR. HILTON: That's correct.

16 MR. FARLEY: Yes, Judge.

17 THE COURT: All right. So whenever the jury is
18 ready, we'll bring them back in.

19 (A break was taken.)

20 THE COURT: Is there something that we needed to
21 address on one of your out-of-state witnesses that's
22 coming in?

23 MR. HILTON: I don't think so.

24 THE COURT: You have a witness coming in this
25 evening, right?

1 MR. HILTON: That's correct. They're not coming
2 into the courthouse, but they're coming into Charleston.

3 THE COURT: Into town, right. . . .

4 And have you made him available to Mr. Farley?

5 Do you need anything from that witness?

6 MR. FARLEY: No, Your Honor. Thank you, though.

7 THE COURT: Thank you.

8 You've received all the information you needed,
9 all the rap sheets and everything?

10 MR. FARLEY: Yes, ma'am.

11 THE COURT: Please rise for the jury.

12 (The jury came into open court at approximately
13 3:47 p.m.)

14 THE COURT: Please have a seat as you come in.

15 Thank you. Be seated.

16 Mr. Pastorius, you have been selected as the
17 foreperson in this case; is that correct?

18 THE FOREPERSON: Yes, ma'am.

19 THE COURT: All right. As the foreperson, you
20 are the jurors' spokesperson here in court. You will also
21 be asked to write the verdict, but I will give you further
22 instructions regarding that issue.

23 As I've indicated, you two are the alternates,
24 so you will occupy those two chairs as the alternates.
25 You can alternate the alternate seats, but the two of you

1 must remain there.

2 And as such, Mr. Foreman, you must sit right
3 there. And the reason for that is you are the jury
4 spokesperson and so if at any time any of you need an
5 extra break or cannot hear or something of that nature,
6 please alert your foreperson, he'll alert the bailiff, and
7 she will alert me and we'll handle the matter as soon as
8 possible.

9 Ladies and gentlemen, you'll notice when you
10 came in this time the attorneys and all the members of the
11 audience were standing. That is out of respect for your
12 new position as judges of the facts of this case. So
13 please come in -- they will remain standing until all of
14 you are seated, so please come in and take your seats.

15 You will be allowed to take notes in this case,
16 and when we resume in the morning, you will have note pads
17 and pens. So you will be allowed to take notes.

18 I always caution jurors when they take notes,
19 some of us were much better note takers in school than
20 others, so please remember, those notes are for your use
21 only. One juror's notes are no more correct or accurate
22 than another juror's notes.

23 Also, when I'm taking notes I have a tendency to
24 look down, so please remember that if you are taking
25 notes, you may actually miss what is happening in court.

1 Ladies and gentlemen, I'm going to release you
2 for the evening and we're going to begin promptly at 9:30
3 in the morning. So again, the bailiff will instruct you
4 on where you need to report and what time so that we can
5 all begin promptly at 9:30.

6 We cannot begin until all 14 of you are here, so
7 please be courteous and respectful of your other jurors
8 and please be on time.

9 Please remember also that if any of you told me
10 you had some personal issues or you needed to break at a
11 certain time, I probably won't remember that, so please
12 let me know. Tell your foreperson to tell the bailiff and
13 we'll make arrangements as needed.

14 Ladies and gentlemen, we'll typically run from
15 9:30 to 5, we'll take approximately an hour break for
16 lunch, so please plan accordingly. And again, if any of
17 that does not fit into your schedule for whatever reason,
18 please alert the foreperson and the bailiff and we'll make
19 every accommodation.

20 Ladies and gentlemen, please understand I'm now
21 going to give you some very preliminary instructions.

22 Please, until I tell you otherwise, you may not
23 perform any investigation, research, or experiment of any
24 kind, either individually or as a group, about this case.
25 Please do not consult any dictionaries for the meaning of

1 words or encyclopedias for the general information on the
2 subjects of this trial. Do not look up anything anywhere.

3 And we all know that the go-to now is the
4 Internet, so you cannot go home and Google any of the
5 names that you have heard.

6 You may not do any independent investigation or
7 research either this evening, or as the trial progresses,
8 on the defendant, the witnesses, the attorneys, the judge,
9 anything.

10 Do not go to the scene where any of the events
11 that are the subject of this trial are alleged to have
12 taken place or use Internet maps or Google Earth or
13 anything of that nature to research any place discussed in
14 this case.

15 You must not have any discussions regarding this
16 case or make any entry on MySpace, LinkedIn, Facebook, or
17 any other Internet social media site. I already
18 understand Facebook is no longer in vogue. So whatever is
19 the most current one, do not use that one. In essence,
20 you may not discuss this case with anyone in any form or
21 fashion. That includes face-to-face discussions.

22 So you're all going to go home and your
23 significant other, your pets, or friends are going to ask
24 you what you did today and you simply say, I may not
25 discuss the case until the Judge tells me so.

1 Please understand that I'm giving these
2 directions as part of my responsibility to ensure fairness
3 to all of the parties in this case. That fairness would
4 be compromised and your actions could jeopardize the
5 results of this trial if you violate my instructions.

6 Ladies and gentlemen, the simple thing is, do
7 not watch any news accounts regarding this case. Do not
8 discuss this case with anyone. Do not read anything in
9 the newspapers.

10 So for the next few days until this trial is
11 over, I'd just tell you you should take a break from any
12 technological or any news articles just in order to enjoy
13 and to be fresh and ready to go.

14 Ladies and gentlemen, I'm not saying that you
15 may not watch television, but sometimes it's a nice relief
16 from our very, very technological and connected world for
17 us to take a simple break. So please remember, you may
18 not read, watch, listen to any news accounts regarding
19 this case, should there be any. You may not do any
20 independent investigation and you may not discuss this
21 case in any manner with anyone.

22 You may not discuss any issue in this case with
23 your fellow jurors until I tell you you may do so. So you
24 cannot discuss -- when you go back on breaks you cannot
25 discuss this case.

1 And, Mr. Foreman, this is one of your
2 obligations, too, to make sure that discussions in the
3 jury room are appropriate and following the Court's
4 advice.

5 Ladies and gentlemen, I will ask you if you have
6 complied with my instructions before we begin the trial in
7 the morning, so please remember that this is something
8 that I will always ask you.

9 Please remember also that the attorneys and the
10 parties involved in this case have been instructed they
11 are not to speak with you at all. So if you should see
12 somebody in the parking lot or the hallway and they don't
13 speak to you, please understand, they're not being rude,
14 they're merely following my instructions.

15 With that being said, I am excusing you for the
16 evening. We will get cell phone numbers just in case we
17 need to delay the trial or something were to happen, but
18 otherwise, you need to report so that we can begin
19 properly at 9:30.

20 Mr. Foreman, does any member of your jury have
21 any questions before we recess for the evening?

22 THE FOREPERSON: I don't believe so, Your Honor.

23 THE COURT: All right. Thank you.

24 Please have a restful evening.

25 Please rise for the jury.

1 You are excused for the evening. Thank you.

2 (The jury left open court at approximately 3:55
3 p.m and the following proceedings were held:)

4 THE COURT: Thank you. Please be seated.

5 Is there anything before we break for the
6 evening, Mr. Hilton?

7 MR. HILTON: Nothing that requires the Court,
8 but we did have our evidence brought up and we were going
9 to mark a few exhibits, so if the court reporter can stick
10 around for just a few minutes.

11 THE COURT: The court reporter will be here and
12 will mark exhibits so we can get that done and it will be
13 an appropriate time to do so.

14 Anything required from the Court, Mr. Farley?

15 MR. FARLEY: No, Your Honor.

16 THE COURT: Thank you.

17 And let's make sure that the clothes -- you have
18 clothes for Mr. Willis to dress in tomorrow?

19 MR. FARLEY: Yes, Your Honor.

20 THE COURT: All right. If you'd make sure he's
21 transported in time enough to dress appropriately for
22 court.

23 Thank you. Let's have a wonderful evening.

24 We're at ease.

25

1 (WHEREUPON, STATE'S Exhibits Nos. 1-28 were
2 marked for identification only.)

3 (The proceedings were concluded for the day, to
4 be reconvened on September 18, 2012.)

5 * * *

6 (Court proceedings resumed on September 18,
7 2012.)

8 (WHEREUPON, The Court's Exhibit No. 1 was marked
9 for purposes of the record.)

10 THE COURT: Is there anything before we bring in
11 the jury?

12 MR. HILTON: Your Honor, we have a couple of
13 brief things to put on the record.

14 We discussed a stipulation and that stipulation
15 has been put in writing and marked as a Court's exhibit,
16 and we'll pass that up to the Court. And we ask that be
17 published at the appropriate time.

18 THE COURT: Mr. Hilton, do you wish to read the
19 stipulation?

20 MR. HILTON: I would ask the Court to read it.

21 THE COURT: Is there any objection, Mr. Farley?

22 MR. FARLEY: No, Your Honor.

23 THE COURT: I assuming -- I'm making an
24 assumption that we need to indicate this address is within
25 Dorchester County. Is that part of the stipulation?

1 MR. HILTON: That is not necessary. It will be
2 visible on all the maps and with other testimony that the
3 crime scene is in Dorchester County.

4 THE COURT: All right.

5 MR. HILTON: The second thing, Your Honor, is
6 that these five maps, what has been pre-marked State's
7 Exhibit 22, State's Exhibit 23, State's Exhibit 24,
8 State's Exhibit 25, and State's Exhibit 26 by agreement
9 are going to be entered into evidence without further
10 authentication.

11 THE COURT: Is that correct?

12 MR. FARLEY: Yes, Your Honor.

13 THE COURT: And one more time for my records,
14 Mr. Hilton?

15 MR. HILTON: State's 22, 23, 24, 25, and 26.

16 THE COURT: That is without objection on all
17 those exhibits, State's 22, 23, 24, 25, 26 are in evidence
18 without objection.

19 (WHEREUPON, STATE'S Exhibits Nos. 22, 23, 24,
20 25, 26 were admitted into evidence.)

21 MR. HILTON: Likewise, Your Honor, we are going
22 to mark where the victim in this case lived, Mr. Smoot.

23 THE COURT: And pursuant to the Court's Exhibit
24 No. 1, which is Stipulation No. 1, that is [REDACTED]
25 [REDACTED]; is that correct?

1 MR. FARLEY: Yes, Your Honor.

2 MR. HILTON: Your Honor, for the record, we've
3 circled Mr. Smoot's residence with a blue highlighter and
4 written on what's the roof "Smoot" indicates where that
5 is.

6 MR. FARLEY: That's correct, Your Honor.

7 MR. HILTON: Finally, the motion exhibits, can
8 we handle now any motion exhibits offered during motion
9 hearings?

10 THE COURT: Yes.

11 MR. HILTON: Specifically State's Exhibit 3, 2,
12 and 5, those numbers are the motion hearing numbers, and
13 the problem that I bring up, they were entered as those
14 numbers there and we would be offering these during the
15 course of trial and we don't want the numbering to cause
16 an issue and have a delay during the trial, so whatever
17 the Court wants to do. I'd perhaps suggest we remark
18 these and place it on the record now that State's Exhibit
19 whatever was formerly State's Exhibit 2 for purposes of
20 the motion hearing.

21 THE COURT: Is there any reason it cannot be the
22 same exhibit number?

23 MR. HILTON: It would be a duplicate.

24 THE COURT: Can you mark something else State's
25 2?

1 MR. HILTON: That will be fine.

2 Your Honor, for the record, we have added for
3 State's Exhibits 29, 30, and 31, we have added a red
4 sticker with a black line around it that has written 29
5 with the word "trial" and 30 with the word "trial" and 31
6 with the word "trial." The other State exhibit stickers
7 are red and those were the ones with the numbers that
8 correspond to the exhibits entered during the motion
9 hearings last Thursday.

10 (WHEREUPON, STATE'S Exhibits Nos. 29, 30, 31
11 were marked for identification only.)

12 THE COURT: With that, Mr. Hilton, is there
13 anything before we bring in the jury?

14 MR. HILTON: I think we're ready to go, Your
15 Honor.

16 THE COURT: Mr. Farley?

17 MR. FARLEY: We're ready, Your Honor.

18 THE COURT: And Mr. Giese will be doing the
19 opening?

20 MR. GIESE: Yes, ma'am.

21 THE COURT: Mr. Farley?

22 MR. FARLEY: That's correct.

23 THE COURT: Thank you.

24 Bring in the jury.

25 (The jury came into open court at approximately

1 9:44 a.m.)

2 THE COURT: Thank you. Please be seated.

3 Good morning, ladies and gentlemen of the jury.

4 Has every member of the jury complied with the
5 Court's instructions? If you did not comply with my
6 instructions for last evening, please stand.

7 (No response.)

8 THE COURT: Please let the record reflect that
9 all the jurors have complied with the Court's
10 instructions.

11 Madam Clerk, I will need you to swear the jury.

12 THE CLERK: Yes, ma'am.

13 THE COURT: Please rise.

14 THE CLERK: Please raise your right hand.

15 (WHEREUPON, the jury was sworn at 9:45 a.m.)

16 THE COURT: May the record reflect that all the
17 jurors have taken the oath.

18 Ladies and gentlemen, the case that we are about
19 to try is the case of the State versus Anthony Willis,
20 Jr., defendant.

21 Before we begin this trial, I want to tell you
22 that this trial probably will be different from what you
23 might expect. Most of you don't have the opportunity to
24 come to court as you are doing now, and most people think
25 that by watching television or movies or reading books,

1 that trials are always full of high drama, intense action,
2 and rivetting circumstances.

3 While all of these things may be true at times,
4 this trial is not for your entertainment. It is a
5 fundamental part of our democracy. It is a search for the
6 truth in an effort to make sure that justice is done
7 before you and before the parties before the Court.

8 Please remember that searching for the truth and making
9 sure that justice is done is often slow and deliberate.

10 Ladies and gentlemen, this courtroom is a place
11 of honor. It is dedicated to the protection of citizens'
12 rights through what many have called the greatest justice
13 system ever created.

14 The attorneys appearing before you are advocates
15 for the parties they represent. But first and foremost,
16 they are officers of this court. They are sworn to uphold
17 the integrity and the fairness of our judicial system and
18 to help you in the search for the truth. You should
19 expect them to be professional, competent, and ethical in
20 the representation of their client's interest.

21 And remember that you have just taken an oath
22 and you are also expected to be professional, competent,
23 reasonable, and ethical.

24 Thank you again for accepting this most
25 important responsibility of jury service and for your

1 contribution today to our justice system.

2 What I now say is intended to serve as a general
3 introduction to the trial of this case. Please remember
4 these remarks are not a charge on the law. I will
5 instruct you on the law applicable to this case at the end
6 of the trial before you retire to consider your verdict.
7 This is merely an explanation of the procedure that we
8 will follow so that you may better understand what is
9 happening.

10 The defendant is charged by an indictment filed
11 in this court with the crime of murder, the elements which
12 will be explained to you later. The indictment is simply
13 the charge by which this case is brought into this court.
14 It is not in any sense evidence of the allegations it
15 contains.

16 The defendant has pled not guilty to this
17 indictment. The State has the burden of proving each
18 element of the indictment beyond a reasonable doubt. It
19 is your duty, ladies and gentlemen, to decide whether the
20 State has met that burden.

21 Your purpose as jurors is to find and determine
22 the facts. You are the sole judges of the facts in this
23 case. Please remember, if at any time I make any comment
24 regarding the facts in this case, you must disregard it.
25 You are to determine the facts from the testimony you hear

1 and the other evidence that is introduced in court. It is
2 up to you to determine the inferences which you feel may
3 be properly drawn from the evidence.

4 It is important that you perform your duty of
5 determining the facts diligently and conscientiously,
6 because ordinarily, there is no way to correct an
7 erroneous determination of the facts by a jury.

8 On the other hand and with equal emphasis, the
9 same law that makes you the judges of the facts makes me
10 the judge of the law. The law as given by this Court is
11 the only law that you may consider. You must accept it
12 and follow it even though you may disagree with it. I
13 cannot tell you what I think the facts are, and you cannot
14 disagree with me about what the law is or what the law
15 should be.

16 Your job is to take the law as I give it to you,
17 apply it to the facts as you find them from the testimony
18 you hear from the witnesses, as well as any other evidence
19 that is introduced. After doing that, you will render
20 your verdict, a true and just verdict under the solemn
21 oath that you just took as jurors.

22 Until I advise you to begin your deliberations,
23 you must not discuss this case with anyone. As I
24 indicated to you last evening, that means you cannot
25 discuss any issue in this case until I tell you to do so.

1 You may not discuss it with your fellow jurors, your
2 friends, your family members, anyone involved in this
3 case.

4 Ladies and gentlemen, please remember this
5 includes face-to-face discussions, but it also includes
6 e-mails, texting, blogging, anything of that nature.
7 Simply put, you may not discuss this case with anyone in
8 any form or fashion until I tell you you may do so.

9 Until I tell you that you may, you must not do
10 any independent investigations regarding this matter. You
11 may not read, watch, listen to any news accounts regarding
12 this case. You must not do any independent research about
13 anything involved in this case.

14 It is important that you keep an open mind and
15 not decide any issue in this case until all of the
16 evidence has been presented. If evidence is admitted in
17 this case, during your deliberations, that evidence will
18 go back with you in the jury room. Please remember that
19 until the parties have made their closing arguments and I
20 have instructed you on the law applicable to this case,
21 you must not decide any issue in this case. It is your
22 solemn responsibility to determine the guilt or innocence
23 of the defendant, and your verdict must be based solely on
24 the evidence as it is presented here in court.

25 Ladies and gentlemen, in just a moment, the

1 Solicitor will make what is called an opening statement in
2 which the Solicitor will explain to you the issues in this
3 case or at least what he thinks the issues are.

4 The attorney for the defendant may also make an
5 opening statement, although he is not required to do so.

6 Please remember, what the attorneys tell you in
7 their opening statements and in their closing arguments is
8 not evidence in this case. It is merely their contention
9 as to what the issues are. The evidence in this case will
10 be presented to you by the testimony of sworn witnesses
11 from this witness stand, as well as the evidence which is
12 introduced.

13 Please remember during the trial, you may hear
14 one of the attorneys say, Your Honor, I have a question of
15 law or may we approach, or I might find it necessary to
16 excuse you for a short while.

17 Ladies and gentlemen, if I have the attorneys
18 approach the bench, please do not try to read our lips or
19 hear what we're saying. And please do not think that
20 we're trying to hide anything from you. The reason for
21 this is because sometimes it is necessary for me to make a
22 comment on the facts in order for me to rule properly on
23 the law. And as I indicated to you, I cannot have an
24 opinion about the facts in this case, so I will excuse you
25 from the courtroom or have the attorneys approach so that

1 in no way what I say will influence you as to the facts.

2 Ladies and gentlemen, in determining what the
3 true facts are in this case, you must decide whether or
4 not the testimony of the witnesses is believable. It is
5 my responsibility to rule as a matter of law whether
6 certain testimony is admissible. But once it is admitted,
7 whether or not you believe it is solely for you to
8 determine.

9 In deciding whether to believe a witness, you
10 have the right to consider the interest of a witness, the
11 bias of a witness, the prejudice of the witness, the
12 opportunity for the witness to have seen the matters and
13 things about which the witness may testify, as well as the
14 way the witness acts on the witness stand.

15 You have a right to consider anything in the
16 record that will help you evaluate the testimony of the
17 witnesses. That means it's your duty to pay close
18 attention. Please do not let your thoughts wander but
19 give strict attention so at the end of the testimony,
20 after you have heard closing arguments on behalf of
21 counsel and I have instructed you on the law applicable in
22 this case, you will be in a position to render a verdict,
23 a true and just verdict, under the facts as you find them.

24 As I indicated, it is your responsibility to
25 write the verdict, but I will give you further

1 instructions regarding that.

2 Ladies and gentlemen, please give your strict
3 attention to Mr. Giese.

4 MR. GIESE: May it please the Court, Your Honor.

5 THE COURT: Yes, sir.

6 MR. GIESE: On May 2, 2011, Justin Smoot, the
7 victim in this case, was 18 years of age. He was a high
8 school student here in Dorchester County. He was living
9 his life. He had his whole future in front of him, he had
10 his whole life in front of him.

11 On that day, May 2, 2011, at approximately
12 3:30 that afternoon, somewhere in that vicinity, Justin
13 Smoot was near a bus stop here in Dorchester County in an
14 apartment complex, speaking with his friends, talking to
15 them. Within 30 minutes of that conversation, Justin
16 Smoot had been shot at twice by a high-powered rifle, hit
17 once, and lay dying in a parking lot on Muir Court, his
18 life terminated, his future terminated.

19 Ladies and gentlemen of the jury, the State
20 submits the man responsible for that termination of his
21 future and his life is the defendant in this case, Anthony
22 Willis.

23 That's Mr. Willis, seated at the defense table
24 along with his attorneys, who have been introduced to you.

25 Seated at the State's table is Mr. Russell

1 Hilton and Detective Depoppe, Dorchester County Sheriff's
2 Department. They will be assisting in the prosecution of
3 this case.

4 I am Barney Giese. I'm an Assistant Solicitor
5 in the First Judicial Circuit. I work with David Pascoe
6 as he's the Solicitor.

7 Today it's my job and the State's job to prove
8 to you, the jury, through witnesses, that Anthony Willis
9 is a murderer.

10 As I said, it's my job. The indictment in this
11 case reads that in Dorchester County on or about May 2,
12 2011, with malice aforethought, the defendant, Anthony
13 Willis, did kill one Justin Smoot by means of shooting the
14 victim with a rifle. The victim did die as a proximate
15 result thereof. This offense being a violation of the
16 Common Law and Section 16-3-10 of the South Carolina Code
17 of Laws, as amended. It is totally up to the State of
18 South Carolina to prove the elements of that indictment.

19 So what is it the State has to prove? Well, the
20 State has to prove that Mr. Willis, the defendant, with a
21 rifle, shot Justin Smoot -- that's pretty simple -- and
22 that shooting caused the death of Justin Smoot.

23 But there's something else we have to prove.
24 And that is that the shooting and the killing was done
25 with malice aforethought.

1 Now, Your Honor is going to instruct you what
2 malice aforethought is at the end of this trial. Suffice
3 it to say that it's a term of legal art, and it basically
4 means an evil heart, a heart devoid of social duty, a dark
5 heart, a heart fatally bent on mischief.

6 Ladies and gentlemen, the State submits in this
7 case, after you hear the facts, there will be no doubt
8 that this was done with malice aforethought. The State
9 submits it drips with it.

10 Now, to prove those elements, the State is going
11 to put up evidence, eyewitnesses, on May 2, 2011, they're
12 going to swear an oath and they're going to tell you what
13 they saw and what they did on May 2nd of 2011. And the
14 State submits what they're going to tell you is this:
15 That on May 2, 2011, the victim, Mr. Smoot, and some of
16 his friends were in an area called Churchill Apartments,
17 which is an apartment complex on Old Trolley Road in
18 between the Arby's and the Perkins. And they're out there
19 near the bus stop talking, just having a conversation.

20 At some point during this conversation, the
21 defendant, Mr. Willis, approaches this group; that Mr.
22 Smoot, the victim, and Mr. Willis, the defendant, then got
23 into a verbal altercation that turned physical. That
24 there was some contact between the two parties. That at
25 that time, Mr. Willis leaves. The individuals who had

1 been there before with Mr. Smoot, the victim, stay.

2 Several minutes later, Mr. Willis comes out of
3 Apartment -- near Apartment I of Churchill Apartments,
4 which is in the vicinity of the bus stop, with a
5 high-powered rifle. That Mr. Willis then shows the rifle,
6 points the rifle, and fires the rifle at this group and
7 Mr. Smoot. He misses. The group breaks up.

8 The victim, Mr. Smoot, goes toward his mother's
9 house where he was living at the time. You'll see it on
10 the pictures that we have. He goes off that way. Well,
11 in between Churchill Apartments and where his mother lives
12 is another area called Muir Court.

13 Now, Muir Court is where Mr. Smoot stops to talk
14 to friends. The State submits while he stands there
15 talking with his friends on his way home, the defendant,
16 Mr. Willis, hunts him down, follows him, because he's
17 already missed once with that same rifle, that he then
18 finds Mr. Smoot in this Muir Court, pulls out the rifle
19 again, fires a second shot minutes after the first,
20 hitting Mr. Smoot, knocking him down. Mr. Smoot died.
21 Mr. Willis ran. Mr. Willis ran.

22 Ladies and gentlemen of the jury, that is the
23 case that the State submits will be testified to.

24 Now, there will be other evidence in the case
25 that's not eyewitness evidence that the State submits ties

1 Mr. Willis to the weapon, to the scene, to the shooting,
2 and to the murder. That will be presented also by the
3 State.

4 Her Honor has told you who has the burden in
5 this case. The State of South Carolina has the burden to
6 prove Mr. Willis guilty beyond a reasonable doubt.

7 Ladies and gentlemen, in this case, the State
8 gladly accepts that burden. We accept the burden of
9 proving him guilty of murder. The State submits that in
10 the end, when you have heard all the testimony and you
11 have heard the law, there will be no doubt in your mind
12 but that Mr. Willis shot and killed Justin Smoot, and that
13 he did it with a malicious heart, a heart that was fatally
14 bent on mischief and devoid of all social duty.

15 Thank you.

16 THE COURT: Mr. Farley.

17 MR. FARLEY: May it please the Court.

18 THE COURT: Yes, sir.

19 MR. FARLEY: First of all, ladies and gentlemen,
20 I thank you for being here today. We couldn't be here
21 without you.

22 But the reason we're here today is because
23 Anthony Willis told you that he did not commit this crime.
24 He's pled not guilty.

25 Now, your oath requires that you take him at his

1 word until the point that the State has proven him guilty
2 beyond a reasonable doubt. After hearing the testimony
3 and seeing the evidence, I'm sure that you will return a
4 verdict of not guilty.

5 Now, when we read in the newspaper or hear on
6 the news about law enforcement catching a criminal, we
7 think, thank God that they got that guy. But you and I
8 know, we've seen it on TV, we've seen it time and time
9 again, that the media gets it wrong.

10 Something else that we see is there's lots of
11 people in prison that have been convicted or pled guilty
12 of things where it's later evidence like DNA proves them
13 innocent.

14 In our country, when a person is accused of a
15 crime, he is assumed innocent until proven guilty. That
16 piece of paper, the indictment that the Solicitor read to
17 you, that's only allegations. That's a piece of paper
18 that is used to inform the defendant of what he stands
19 trial for. That piece of paper right now is irrelevant
20 because he's here to face the charge of murder. Once
21 again, he's told you that he is not guilty.

22 The Solicitor is going over in depth and detail
23 what he thinks the important issues are in this case.
24 Well, the important issues that I think you should look at
25 are the issues the Solicitor glosses over, the issues the

1 Solicitor doesn't even talk about, the things the
2 Solicitor tries to explain away. You need to be skeptical
3 of all the witnesses, the things the Solicitors say, and
4 the things that I say. You've got to take into account
5 everything that you hear today and use your common sense,
6 something that we all have, to make a decision.

7 You-all know there's at least two sides to every
8 story. And in this case, there are numerous events of
9 that day given from many perspectives. The police have
10 tried to weave all those different stories into a nice,
11 pretty package and expect you to believe it as they've
12 given it to you. But once again, you've got to be
13 skeptical of the evidence as it's presented.

14 You also got to be skeptical of the people
15 presenting that evidence. Everyone comes to court with
16 their own agendas, their own biases, their own opinions,
17 and their own reasons to tell the truth, and of course,
18 their own reasons to lie. Part of your job is to sort out
19 the liars from those that are telling the truth. And pay
20 special attention to the lay witnesses. You've got to be
21 skeptical.

22 The police and the solicitors have worked very
23 hard to prepare this case. However, when you work on
24 something so long and so hard, sometimes you can't see the
25 forest for the trees. Sometimes you want the pieces of

1 the puzzle to fit together precisely in the way that you
2 see it, but sometimes they won't. And that's what we're
3 dealing with in this case.

4 I have a great deal of respect for law
5 enforcement. My father was a military policeman in
6 Vietnam, my uncle was the chief of detectives in the
7 Chatham County Police Department, and my aunt ran their
8 dispatch division. And right now, my sister is a federal
9 agent on the U.S. border in the Border Patrol. So I have
10 a heck of a lot of respect for people who go out there and
11 put their lives on the line to protect all of our rights.

12 I don't think any of us can imagine what it
13 feels like to wake up in the morning, put on a bullet
14 proof vest, say good-bye to our family, and go out into a
15 world full of bad things and bad people. And not to
16 mention, they don't get paid much at all for that. I
17 think we can all agree that they have a difficult job.

18 But we have also given law enforcement a great
19 deal of tools and power to help them with that job.
20 You'll see some of those tools this week, forensic
21 evidence, DNA analysis, gunshot residue, ballistics
22 capabilities, medical examiners, police canines,
23 fingerprints, and much more. With all those tools, it's
24 hard to believe that any of us citizens stand a chance to
25 win in trial.

1 We also give police officers some other
2 unimaginable powers. Given the right set of
3 circumstances, they have the power to stop us when we
4 drive down the street or walk down the road. They have
5 the ability to search us, our belongings, houses. They
6 can tap our phones, they can intercept our e-mail
7 communications. They can fingerprint us, they can take
8 our DNA. And yes, given the right circumstances, they can
9 use lethal force.

10 It's written that for those whom much is given,
11 much is expected. And we expect a heck of a lot from
12 these guys. We expect them to spend our tax dollars
13 prudently. But the most important thing we expect them to
14 do is follow the laws that they have sworn to protect.
15 And one of those laws is the Constitution. Under that
16 law, a person is presumed innocent until proven guilty,
17 and that guilt must be proven beyond all reasonable doubt.

18 Folks, the State is not going to be able to
19 prove that Anthony committed this crime beyond all
20 reasonable doubt.

21 In our system, it's supposed to be almost
22 impossible for the State to prove anyone guilty. The
23 cards are supposed to be stacked in our favor. And the
24 standard that the courts have developed is the reasonable
25 doubt standard.

1 What that means to me is if you have any doubts
2 about the State's case, if something doesn't add up, if
3 the pieces of the puzzle don't fit together precisely,
4 you've got to give Anthony the benefit of the doubt.

5 We wouldn't cross the street without looking
6 both ways. A principal wouldn't expel a student unless it
7 was for the greater good. A doctor wouldn't amputate a
8 leg without being sure that it had to be done. So why
9 would we convict a child unless we are absolutely certain
10 beyond all reasonable doubt that he committed that crime?

11 According to our laws, a jury cannot convict
12 unless they are absolutely sure the State has proven
13 somebody guilty beyond a reasonable doubt. And once
14 again, the State is not going to be able to do that.

15 So what is my role in this whole thing? Well,
16 one of the first things I'm asked as a criminal defense
17 attorney is how do you do what you do? How do you defend
18 guilty people? Well, folks, not everybody that comes
19 before this court is guilty. There's a lot of people in
20 prison right now that I think we all can agree are not
21 guilty of what they've done.

22 Something a friend of mine told me kind of
23 summed it all up. About four years ago, I was at a
24 wedding and ran into an old high-school friend. We
25 started talking, we introduced our wives, and then we

1 turned to what we did for a living. I asked him and he
2 said, Well, I'm a detective with the North Charleston
3 Police Department. Now, after some of the things we had
4 done in high school, I found that kind of hard to believe,
5 but what I thought was I've got to tell him what I do, and
6 he's not going to like it.

7 So eventually, I told him what I did, and what
8 he said kind of stuck with me. And that's, You're there
9 to keep us honest. And that's what my job is, to keep the
10 State honest. And that's what your job is to do today is
11 to keep the State honest. And I know that once you have
12 seen the evidence, once you've heard the witnesses, I am
13 certain that you will find the defendant not guilty.

14 THE COURT: Call your first witness.

15 MR. HILTON: The State would call Earl Lewis.

16 THE CLERK: Place your left hand on the Bible.
17 Please raise your right hand. State your full name for
18 the record.

19 THE WITNESS: Earl Lewis.

20 EARL LEWIS, after being duly sworn, testified as
21 follows:

22 THE CLERK: Thank you. Have a seat.

23 MR. HILTON: May it please the Court.

24 THE COURT: Yes, sir.

25 DIRECT EXAMINATION

1 BY MR. HILTON:

2 Q You're Mr. Earl Lewis?

3 A Yes, sir.

4 Q And, Mr. Lewis, where are you working now?

5 A Fruit of the Loom in Jedburg.

6 Q All right. And just lean into that microphone so
7 everybody can hear you.

8 A Fruit of the Loom in Jedburg.

9 Q All right. And back on May 2, 2011, where were you
10 living at that time?

11 A [REDACTED]

12 Q And do you live there now?

13 A No.

14 Q You've moved since then?

15 A Yeah.

16 THE COURT: Is that a yes?

17 THE WITNESS: Yes.

18 THE COURT: Thank you.

19 BY MR. HILTON:

20 Q You have to say yes or no so that the court reporter
21 can take it down.

22 Do you remember on May 2, 2011, the date Justin
23 Smoot got shot?

24 A Yes, I do.

25 Q Where were you that day?

1 A I was in my house taking my kids out their car seats,
2 because I had just got home.

3 Q Okay. And that [REDACTED] address, that was your
4 address?

5 A Yes.

6 Q All right. Did anybody live there with you?

7 A My brother, Robert, and his girlfriend.

8 Q Okay. And so around 4 o'clock that afternoon, around
9 the time of the shooting, or just before the shooting,
10 where were you on that property?

11 A Upstairs.

12 Q Okay. And what happened around that time?

13 A I just took them out their car seat and I heard a
14 shot. I came downstairs, I ran outside, and I seen Justin
15 on the ground.

16 Then my brother told me to call 911. I ran over
17 there, had my phone in my hand. And then I called 911,
18 and he was still just laying there. And he was like, I
19 ain't going to make it, I'm not going to make it.

20 Q Let me ask you, have you had the opportunity to
21 listen to that 911 call in the past couple weeks?

22 A One time.

23 Q All right. Is that an accurate recording of the call
24 that you made to 911?

25 A Yes.

1 MR. HILTON: Your Honor, at this time, we would
2 offer State's Exhibit 31 into evidence.

3 THE COURT: Any objection?

4 MR. FARLEY: We'd renew our objections.

5 THE COURT: State's 31 into evidence noting your
6 objection.

7 MR. HILTON: At this time, we'd publish that for
8 the Court, Your Honor.

9 THE COURT: You may publish.

10 (WHEREUPON, STATE'S Exhibit No. 31 was admitted
11 into evidence.)

12 (WHEREUPON, the CD recording was played but not
13 transcribed.)

14 BY MR. HILTON:

15 Q Mr. Lewis, was that the call you made to 911 that
16 day?

17 A Yes.

18 Q After you hung up from 911, who came on scene then?

19 A That's when the cops showed up.

20 Q Okay. Did anybody else show up?

21 A The paramedics and everything. That's when they took
22 everybody's statement.

23 MR. HILTON: All right. Please answer any
24 questions the defense may have for you.

25 THE COURT: Mr. Farley.

1 MR. FARLEY: Thank you, Judge.

2 CROSS-EXAMINATION

3 BY MR. FARLEY:

4 Q Mr. Lewis, you didn't see the shooting; is that
5 right?

6 A No, sir.

7 Q You never saw the shooter?

8 A No.

9 Q Did you see the victim fall to the ground?

10 A No.

11 MR. FARLEY: Thank you.. I don't have any
12 further questions.

13 THE COURT: Redirect?

14 MR. HILTON: No redirect, Your Honor.

15 THE COURT: You may step down. Thank you.

16 You may call your next witness.

17 MR. GIESE: The State calls Corporal Limehouse.

18 THE COURT: Please come forward and be sworn.

19 THE CLERK: Place your left hand on the Bible.

20 Please raise your right hand. State your full name for
21 the record.

22 THE WITNESS: Ernest Christopher Limehouse.

23 CHRISTOPHER LIMEHOUSE, after being duly sworn,
24 testified as follows:

25 THE CLERK: Thank you. Have a seat.

1 DIRECT EXAMINATION

2 BY MR. GIESE:

3 Q State your name for the record, please.

4 A Deputy Ernest Christopher Limehouse.

5 Q And where are you employed?

6 A I work for the Dorchester County Sheriff's Office.

7 Q What's your position there?

8 A Deputy, road patrol.

9 Q How long have you been with Dorchester?

10 A Approximately seven and a half years now.

11 Q And how about all of law enforcement, is that it?

12 A That's it.

13 Q You say you're a road deputy?

14 A Yes, sir.

15 Q Tell the jury just real briefly what a road deputy
16 does.17 A A road deputy here is responsible for answering calls
18 for service, patrolling neighborhoods, as well as traffic
19 enforcement. So basically, if you call 911, we're the
20 ones that's going to come out first.21 Q And I want to draw your attention to May 2nd of 2011
22 around 4 o'clock in the afternoon. Were you on duty at
23 that time?

24 A I was.

25 Q Did you have an opportunity to respond to a 911 call?

1 A I did.

2 Q And tell the jury when you got that call, where were
3 you?

4 A When I got that call, I was at the intersection of
5 Trolley Road and Dorchester Road and Oakbrook in the town
6 of Summerville within Dorchester County.

7 Q And because of that call, what, if anything, did you
8 do?

9 A When I initially got the call, I activated my blue
10 lights and siren and got to the scene as quickly as I
11 could.

12 Q Approximately how long did it take you to get from
13 where you were to the scene?

14 A I got the call at 4:09 p.m., and I was on the scene
15 by 4:11.

16 Q So within two minutes of the call?

17 A Yes, sir.

18 Q Tell the jury just real briefly, if you could, what
19 you saw when you got there.

20 A When I arrived on scene, what I observed was a black
21 male laying in the roadway in front of the 102 building of
22 Muir Court, a large amount of blood on his clothing as
23 well as on the ground around him. And there were several
24 other people that were standing around him, one of which
25 had a towel, was trying to put pressure on the wounds.

1 Q Okay. And did you assist at that time?

2 A I was trying to keep order of the scene. Like I
3 said, I was the first one there. So I was doing the most
4 I could, you know, with just me.

5 Q And tell the jury, when you arrive on a scene like
6 that, what is your role?

7 A My role is to secure the scene, basically try to take
8 mental notes, what I observed, everything like that,
9 trying to preserve as much as I can, until other units can
10 come and help me assist doing what I need to do.

11 Q So when you secure the scene, just make sure nothing
12 else happens?

13 A Correct.

14 Q All right. And how long was it approximately before
15 EMS arrived?

16 A I believe it was within a matter of minutes. It was
17 not long at all.

18 The first thing I did when I got there, I saw
19 the severity of the situation. Dispatch is not able to
20 respond until law enforcement is on the scene and can
21 clear or secure -- secure the scene, make sure nothing
22 further's going to happen. Once I can advise my dispatch
23 that it's safe, EMS then proceeds to the scene. And that
24 was the first thing I did when I got there.

25 Q Did you do that?

1 A I did.

2 Q All right. So EMS arrived?

3 A Yes.

4 Q What, if anything, did you do at that time?

5 A I stood by and assisted EMS any way I could to help
6 them, and also kept track of the individuals that were
7 standing nearby, keeping an eye on them to make sure they
8 didn't go anywhere.

9 Q And you did all that in several minutes?

10 A Yes, sir.

11 Q Did other officers respond also?

12 A Yes, they did.

13 Q We would like to draw your attention --

14 MR. GIESE: Your Honor, may he step down? I'm
15 going to have him point some things out on State's Exhibit
16 No. 26, if he could.

17 THE COURT: Is there a reason he needs to step
18 down?

19 MR. GIESE: No. I can approach if you would
20 rather.

21 THE COURT: All right. You may approach. I
22 think the jury has a better view.

23 MR. GIESE: Okay.

24 THE COURT: Mr. Farley, if you need to move, you
25 may move. Thank you.

1 MR. GIESE: Mr. Farley, it's State Exhibit No.
2 26.

3 THE COURT: Twenty-six has been previously
4 admitted without objection.

5 BY MR. GIESE:

6 Q Take a good look at it.

7 A Okay.

8 Q If you could, point out, if you would, just this
9 area, this general area.

10 A Sure. This -- this is kind of hard to see here. If
11 you could imagine, this is Trolley Road down here on this
12 side, okay? This would be -- I don't know if you-all are
13 familiar with Arby's, Midland Parkway like you're going
14 towards Summerville Medical Center, and down here would be
15 the Perkins, okay? Travelers Boulevard would be right
16 here. It makes a big U that connects from where the
17 Arby's goes back on around, makes like a U shape, goes
18 down further on to Trolley Road and Oakbrook. This is
19 Travelers Boulevard and this is Muir Court. The incident
20 happened right about here on Muir Court in front of the
21 102 building.

22 Q And you said you were on Trolley Road?

23 A Yes.

24 Q So which way did you come?

25 A I came down Trolley to where the Perkins was, turned

1 down to the Perkins, and then came down to Muir Court.

2 Q And where on Muir Court are you talking about?

3 A It took place right about in here.

4 Q And that's where you saw Mr. Smoot?

5 A Yes.

6 Q And people around him?

7 A Correct.

8 Q And this whole area, this area that we're talking
9 about, Muir Court, Churchill Apartments, that site, is
10 that all in Dorchester County?

11 A Yes, sir.

12 MR. GIESE: That's all I have. Thank you.

13 MR. FARLEY: I don't have any questions, Your
14 Honor.

15 THE COURT: You may step down.

16 Is this witness excused?

17 MR. GIESE: Please.

18 THE COURT: Any objection?

19 MR. FARLEY: No, Your Honor.

20 THE COURT: You are excused. You are free to
21 leave the courthouse. You are also free to remain with
22 us. Thank you.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Call your next witness.

25 MR. HILTON: The State would call Brian Acord.

1 THE COURT: Please come forward and be sworn.
2 Thank you.

3 THE CLERK: Place your left hand on the Bible.
4 Please raise your right hand. State your full name for
5 the record.

6 THE WITNESS: Brian Jeffrey Acord.

7 BRIAN ACORD, after being duly sworn, testified
8 as follows:

9 THE CLERK: Thank you. Have a seat.

10 DIRECT EXAMINATION

11 BY MR. HILTON:

12 Q Thank you, Mr. Acord. Where are you living now?

13 A Denver, Colorado.

14 Q You came down from Colorado?

15 A I did.

16 Q And back in May 2, 2011, where were you living at
17 that time?

18 A I was living in North Charleston.

19 Q Okay. And where were you working back in 2011?

20 A Dorchester County EMS.

21 Q Specifically, do you remember May 2, 2011, responding
22 out to the Muir Court area of Dorchester County?

23 A Yes, sir.

24 Q What was that in reference to?

25 A A gunshot victim.

1 Q And your title at that time, what would that have
2 been?

3 A I was an EMT intermediate.

4 Q What does that mean?

5 A It's basically right underneath a paramedic. I
6 worked with the EMS crew doing driving and medical care as
7 well.

8 Q So you would be one of the crew on the ambulance; is
9 that right?

10 A Yes, sir.

11 Q You say you responded out to a shooting. Kind of
12 describe the scene as you got there.

13 A Once the scene was secured by law enforcement, we
14 responded in and found the patient on the ground
15 surrounded by a whole bunch of bystanders. And he had
16 what looked like a gunshot wound to his neck area. And we
17 got him in the ambulance and tried to get him to the
18 hospital as quick as we could.

19 Q What kind of condition was he in at that time?

20 A He was conscious. He was what we consider just to be
21 like in urgent but stable condition, you know, stable
22 condition, which quickly changed once we got him into the
23 ambulance.

24 Q Was he able to communicate with you audibly? Was he
25 able to speak?

1 A Not really, no. No, sir.

2 Q Was he able to communicate with you?

3 A He was able to shake his head yes or no.

4 MR. FARLEY: Objection, Your Honor.

5 THE COURT: Basis?

6 MR. FARLEY: Opinion and also hearsay.

7 THE COURT: Overruled.

8 BY MR. HILTON:

9 Q Did you have the opportunity to communicate with Mr.
10 Smoot while he was in the ambulance?

11 A Yes, sir.

12 Q What's the purpose of that communication?

13 A It's to get a better understanding for medical
14 reasons what exactly occurred to him.

15 Q And what are some of the questions that you asked him
16 on that ride to the hospital?

17 MR. FARLEY: Objection. This response requires
18 the witness's opinion as well as hearsay.

19 THE COURT: Overruled.

20 THE WITNESS: I asked him if he knew who the
21 shooter was, he shook his head yes. I also asked if he
22 knew what type of firearm caused the injury, and he said
23 yes, in which case I asked -- since it was kind of yes or
24 no questions, I asked was it a pistol, and he said no.
25 And I asked if it was a shotgun, and he said yes. And

1 given the wound, it didn't appear to be shotgun in nature.

2 MR. FARLEY: Objection, Your Honor. Opinion.

3 THE COURT: Overruled.

4 THE WITNESS: So then I asked if it was a rifle.

5 He stated yes. And I again asked him if it was a rifle.

6 And again, he said that it was, shaking his head.

7 BY MR.. HILTON:

8 Q And you're saying he said that it was or he is saying
9 yes. How is he saying that?

10 A By nodding and shaking his head.

11 MR. HILTON: Please answer any questions the
12 defense may have for you.

13 THE COURT: Mr. Farley.

14 MR. FARLEY: Yes, Judge.

15 CROSS-EXAMINATION

16 BY MR. FARLEY:

17 Q Sir, I just want to reiterate, he wasn't talking, he
18 wasn't verbalizing. He was nodding; is that correct?

19 A Yes, sir.

20 Q And how would you say his condition was? You
21 initially said that he was stable, but his condition
22 deteriorated; is that right?

23 A Yes, sir.

24 Q So would you agree that at the point he was doing
25 this nodding, this communication with you, that his

1 condition had worsened greatly?

2 A I'm not sure I understand.

3 Q I'm sorry. That was a bit confusing.

4 Do you code the condition of patients? Do you
5 say he's a level this or that?

6 A Yes.

7 Q Do you recall what level he started at?

8 A He was what we call a Category 2 patient, which is
9 urgent but not cardiac arrest.

10 Q And by the time that we started this -- you started
11 this nonverbal conversation with him, what condition had
12 he turned to?

13 A He stayed -- actually, the categories are kind of
14 vague as far as what we go by. Usually Category 1 is what
15 they refer to as like a cardiac arrest patient. Category
16 2 is urgent where you would run like lights and sirens to
17 the hospital. And a Category 3 would be someone who's
18 stable, not life threatening injuries where you would run
19 non-emergent to the hospital. So he was a Category 2 the
20 entire trip, but his vital signs were getting worse as we
21 were in the ambulance.

22 Q So you were going through town with your lights and
23 sirens going?

24 A Correct.

25 MR. FARLEY: Thank you.

1 THE COURT: Redirect?

2 MR. HILTON: No redirect.

3 THE COURT: Is this witness excused?

4 MR. HILTON: He is, Your Honor.

5 THE COURT: Any objection?

6 MR. FARLEY: No, Your Honor.

7 THE COURT: You are excused. You are free to
8 remain with us, but you're also free to leave the
9 courthouse. Thank you.

10 THE WITNESS: Thank you, ma'am.

11 THE COURT: Call your next witness.

12 MR. HILTON: The State would call Tavorris
13 Phillips.

14 THE CLERK: Place your left hand on the Bible.
15 Please raise your right hand. State your full name for
16 the record.

17 THE WITNESS: Tavorris Phillips.

18 TAVORRIS PHILLIPS, after being duly sworn,
19 testified as follows:

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MR. HILTON:

23 Q Thank you, Mr. Phillips. What's your full name?

24 A Tavorris Phillips.

25 Q And where are you living now, Mr. Phillips?

1 A Off of Ladson.

2 Q And where are you working?

3 A McDonald's.

4 THE COURT: Sir, I'm going to need you to speak
5 very loudly so my court reporter -- she's writing down
6 everything that you say. Are you comfortable?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: All right. I need you to just speak
9 loudly into the microphone. Can you do that for me,
10 Mr. Phillips? Is that a yes?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: She is wonderful, but she cannot
13 write down head shaking. So I'm going to need you to make
14 sure you say yes or no. Can you do that for me?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Thank you.

17 Mr. Hilton.

18 MR. HILTON: Thank you, Your Honor.

19 BY MR. HILTON:

20 Q Let me turn your attention back to May 2, 2011. Do
21 you remember that day in particular?

22 A Yes, sir.

23 Q Okay. Is that the day that Justin Smoot was killed?

24 A Yes, sir.

25 Q Were you in school that day?

- 1 A No, sir.
- 2 Q Were you working that day?
- 3 A Yes.
- 4 Q All right. Kind of from the time you got off of
5 work, I want you to take us through your day.
6 What time did you get off work?
- 7 A About 2 o'clock it should be.
- 8 Q After you got off work, where did you go?
- 9 A To Churchill Apartments.
- 10 Q And where is that?
- 11 A It's off of Trolley Road.
- 12 Q All right. And do you remember about what time you
13 got to Churchill Commons?
- 14 A About 3 something.
- 15 Q Were you meeting anybody over there?
- 16 A I was meeting with Chi.
- 17 Q Who is Chi?
- 18 A Chioke, he's a close friend.
- 19 Q Just a friend of yours?
- 20 A Uh-huh.
- 21 Q And when you met up with Chi, where did you meet him?
- 22 A In front of his apartment complex.
- 23 Q Okay. Do you remember what apartment he lived in?
- 24 A Not exactly, but I know how to get there.
- 25 Q All right. Was it close to the entrance?

1 A Yes, sir.

2 Q Okay. Is there a particular area that you-all were
3 meeting at?

4 A No. I just met him in front of his house.

5 Q Let me show you what's been introduced into evidence
6 as State's Exhibit 26. I'm going to just put this up
7 here, and as we go through your testimony, just refer to
8 it if you need to, okay?

9 All right. So when you said -- well, take a
10 look at the map, if you want. You know where everything
11 is there?

12 A Yes.

13 Q All right. Where was Chi living?

14 A (Indicating.)

15 Q Right in there?

16 A Yes.

17 Q All right. Where did you meet Chi?

18 A (Indicating.)

19 Q And is that area -- does it have any particular
20 characteristics?

21 A Yeah, a little bench.

22 THE COURT: Sir, I'm going to need you to speak
23 into the microphone. Even this close, I can hardly hear
24 you.

25 THE WITNESS: They have a little bench right

1 here under the tree, and that's about it.

2 BY MR. HILTON:

3 Q All right. And do you remember who all was out there
4 that day?

5 A Me, Chi, Smoot, and some other guys.

6 Q And Smoot, is that a nickname for somebody?

7 A Yes, sir.

8 Q Who was that?

9 A Justin.

10 Q Justin. All right. So his name was Justin Smoot,
11 you-all called him Smoot?

12 A Uh-huh.

13 Q Okay. And do you know the defendant in this case,
14 Mr. Anthony Willis?

15 A Yes, sir.

16 Q How do you know him?

17 A I mean, I don't know him, but I know him from --

18 Q You know who he is?

19 A Yes, sir.

20 Q Okay. And did you see him out there that day?

21 A Not until he pulled up on the moped.

22 Q Where did he pull up?

23 A Right where the little bench was by the tree.

24 Q And did he and Justin talk?

25 A Yes, sir.

1 Q All right. And kind of what happened after that
2 little talk?

3 A AJ ran across by the park like this. They was in
4 over here and got a gun or whatever and was pointing --

5 MR. FARLEY: Objection, Your Honor.

6 THE COURT: Basis?

7 MR. FARLEY: Hearsay.

8 THE COURT: Rephrase your question.

9 BY MR. HILTON:

10 Q When he ran over to this apartment building, what did
11 you see him do at that point?

12 A He -- I didn't see him get the gun. When he came
13 back out to the front of the breezeway, he was pointing,
14 aiming at everybody.

15 Q All right. What kind of gun was it? In other words,
16 was it a pistol, shotgun, rifle?

17 A Rifle, it had to be.

18 Q And what did you do after that?

19 A I left.

20 Q Where did you go?

21 A To the little pizza place down the street by Food
22 Lion.

23 Q At the end of Trolley?

24 A Yes.

25 Q So you left the area completely?

1 A Yes, sir.

2 Q All right. Do you remember what AJ had on when he
3 came up here?

4 A An orange shirt. I'm not sure what color pants or
5 jeans.

6 Q An orange shirt?

7 A Yes, sir.

8 Q The guy that was wearing that orange shirt, do you
9 see him in the courtroom today?

10 A Yes, sir.

11 Q Who is that?

12 A Anthony Willis.

13 MR. HILTON: Please answer any questions the
14 defense may have for you.

15 THE COURT: Mr. Farley.

16 MR. FARLEY: Yes, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. FARLEY:

19 Q You see Mr. Willis pulling a gun; is that correct?

20 A Yes, sir.

21 Q And you weren't scared?

22 A I mean, he wasn't shooting it yet, but he was
23 pointing it.

24 Q You see someone with a gun pointing it at you and
25 you're not scared?

1 A I mean, I'm not scared. I was intimidated, but I
2 wasn't scared.

3 Q Did you call the police?

4 A No, I didn't call the police.

5 Q Is it common to see people carrying guns around that
6 neighborhood?

7 A No, sir.

8 Q Do you own any guns?

9 A I don't know nothing about the neighborhood like
10 that.

11 Q Do you own any guns?

12 A No, sir.

13 Q How do you know it wasn't a shotgun?

14 A I don't know. If he was aiming from that far, then
15 it must have had something on it.

16 Q He was aiming from that far, but you could certainly
17 tell who it was?

18 A Yes.

19 MR. FARLEY: May I approach?

20 THE COURT: You may.

21 BY MR. FARLEY:

22 Q Can show me where you were standing again? Right
23 there? And can you also point where you saw the shooter?

24 A (Indicating.)

25 Q Would you agree that there are trees in between?

1 A No, not from where I was at.

2 Q Are you familiar with football?

3 A Football?

4 Q The game football, the sport?

5 A Yes.

6 Q How many yards would you say that was?

7 A About 40, 30.

8 Q So somebody is standing 30 or 40 yards away from you
9 pointing a gun at you, and you don't run and you don't
10 call the police; is that right?

11 A Yes.

12 MR. FARLEY: I don't have any other questions.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. HILTON:

16 Q Even though he was 40 yards away, could you see that
17 orange shirt that he was wearing?

18 A Yes, sir.

19 Q Did you know who it was?

20 A Yes, sir.

21 Q How long did you stick around after he had that gun?

22 A About three minutes, four minutes.

23 MR. HILTON: No further questions, Your Honor.

24 THE COURT: Recross?

25 MR. FARLEY: No, Your Honor.

1 THE COURT: Is this witness excused?

2 MR. HILTON: He is.

3 THE COURT: Any objection?

4 MR. FARLEY: No, Your Honor.

5 THE COURT: Mr. Phillips, you may step down.

6 You are free to leave the courthouse, but feel free to
7 remain with us. Thank you.

8 Mr. Foreman, this would be an appropriate time
9 for us to take a break. Do you wish to take a break now?

10 THE FOREPERSON: Yes, please.

11 THE COURT: Please remember my admonitions. Do
12 not discuss this case amongst yourselves, do not begin
13 your deliberations.

14 Please let the bailiff know when you are ready
15 to come back in. Please take about ten minutes.

16 Please rise for the jury.

17 (The jury left open court at approximately
18 10:41 a.m.)

19 THE COURT: Thank you. Be seated.

20 Mr. Hilton, anything before we take our break?

21 MR. HILTON: Nothing, Your Honor.

22 THE COURT: Mr. Farley?

23 MR. FARLEY: No, Your Honor.

24 THE COURT: We'll take ten minutes.

25 Thank you.

1 (Break was taken.)

2 THE COURT: Mr. Hilton, who is your next
3 witness?

4 MR. HILTON: Quinton Jackson.

5 THE COURT: Anything before we bring in the
6 jury, Mr. Hilton?

7 MR. HILTON: Nothing from the State.

8 THE COURT: Mr. Farley?

9 MR. FARLEY: No, Your Honor.

10 THE COURT: Let's bring in the jury. Thank you.
11 Please rise for the jury.

12 (The jury came into open court at approximately
13 10:54 a.m.)

14 THE COURT: Thank you. Be seated.
15 Call your next witness.

16 MR. HILTON: The State calls Quinton Jackson.

17 THE COURT: All right. Mr. Jackson, please come
18 to the witness stand. Thank you.

19 THE CLERK: Place your left hand on the Bible.
20 Please raise your right hand. State your full name for
21 the record.

22 THE WITNESS: Quinton Zamara Jackson.

23 QUINTON JACKSON, after being duly sworn,
24 testified as follows:

25 THE COURT: Was that a yes?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: I'm sorry, I'm having trouble
3 hearing you.

4 THE WITNESS: Yes, ma'am.

5 THE COURT: All right. Thank you.

6 DIRECT EXAMINATION

7 BY MR. HILTON:

8 Q All right. Mr. Jackson, you've got to talk real loud
9 for us, okay?

10 A Yes, sir.

11 Q Where are you living now?

12 A Sprucewood.

13 THE COURT: I'm going to need you to speak
14 loudly and clearly.

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Thank you.

17 BY MR. HILTON:

18 Q Back in May of 2011, where were you living at that
19 time?

20 A Muir Court.

21 Q Let me show you what's been marked as State's
22 Exhibit 23.

23 MR. HILTON: May I approach, Your Honor?

24 THE COURT: You may.

25

1 BY MR. HILTON:

2 Q I'd just ask you to take a look at that and tell us
3 where you were living at that time.

4 A (Indicating.)

5 Q Right in that building? And what address was that?

6 A I don't know. I can't remember. But I know I lived
7 in Apartment D.

8 Q Okay. And it was in that building?

9 A Yes, sir.

10 Q All right. Now, do you remember May 2, 2011?

11 A Yes, sir.

12 Q All right. And how do you remember that day?

13 A Somebody got shot.

14 Q All right. You say somebody. Do you know who that
15 was?

16 A Justin.

17 Q Do you know his last name?

18 A Smoot.

19 Q Do you know what you-all called him?

20 A Smoot.

21 Q Let me turn your attention to that particular day and
22 around after you got out of school. Let me ask you, were
23 you in school at that time?

24 A Yes, sir.

25 Q Are you still in school?

1 A Yes, sir.

2 Q All right. And on that day when you got out of
3 school, where did you go?

4 A To the bench.

5 Q What bench?

6 A In Churchill.

7 Q Okay. There's another map here, we'll kind of go
8 back and forth. This is going to be State's Exhibit 26.

9 Can you point out on that map where that bench
10 was in Churchill?

11 A (Indicating.)

12 Q Okay. When you got off from school, did you go
13 directly there, or did you go to your house and then
14 there? How did that take place?

15 A Directly there.

16 Q You went straight there? Did you ride the school
17 bus?

18 A Yes, sir.

19 Q Where does the bus let out?

20 A At the bench.

21 Q At that location that you pointed out?

22 A Yes, sir.

23 Q Did you stick around there for a little while?

24 A Yes, sir.

25 Q Who all was at the bench that day?

1 A Me, Nate, Brian, DJ, Jasmine, and some other kids
2 that went to school with us.

3 Q Was Justin Smoot out there?

4 A Yes, sir. He came a little bit after us.

5 Q Do you know who Anthony Willis is?

6 A Yes, sir.

7 Q Does he have any nicknames?

8 A AJ.

9 Q Do you see him in the courtroom today?

10 A Yes, sir.

11 Q Can you point him out for the jury?

12 A (Indicating.)

13 MR. HILTON: Let the record reflect he pointed
14 towards the defendant.

15 THE COURT: The record will reflect.

16 BY MR. HILTON:

17 Q Did you see AJ out at that park bench area that day?

18 A Yes, sir.

19 Q All right. Tell us what happened when he came up.

20 A He came up to the bench and he spoke to everybody,
21 and Smoot pulled up a little bit after and they started
22 arguing.

23 Q All right. Where did AJ go after that?

24 A I don't know.

25 Q Did he leave somewhere?

- 1 A Yes, sir.
- 2 Q Okay. And did you leave after that?
- 3 A Yes, sir.
- 4 Q Where did you go?
- 5 A I jumped through the cut to my house.
- 6 Q Can you kind of show us on that map where that is?
- 7 A (Indicating.)
- 8 Q Where would your house be on that map?
- 9 A Right here.
- 10 Q Okay. And so from the park bench, just kind of make
- 11 a little line with that stick of where you were going.
- 12 A (Indicating.)
- 13 Q And did you make it back to Muir Court?
- 14 A Yes, sir.
- 15 Q At any time on your trip from the park bench back to
- 16 Muir Court, did you hear anything out of the ordinary?
- 17 A Yes, sir.
- 18 Q What did you hear?
- 19 A A gunshot.
- 20 Q Back at the bus stop when AJ was there, do you
- 21 remember what he was wearing when he showed up?
- 22 A No, sir.
- 23 Q Did you see AJ any other time that day, that
- 24 afternoon?
- 25 A Yes, sir.

- 1 Q All right. Where were you at that time?
- 2 A I was sitting at the back of my friend's car.
- 3 Q Where was that on the map?
- 4 A (Indicating.)
- 5 Q Right in there?
- 6 A Uh-huh.
- 7 Q I'm going to go back to this map, State's Exhibit 23,
- 8 and just ask if you can point it out on that one as well.
- 9 A (Indicating.)
- 10 Q Who was with you at that time?
- 11 A Nathan and Ryan.
- 12 Q Did you see anybody come through?
- 13 A Yes, sir.
- 14 Q Who was that?
- 15 A AJ.
- 16 Q Do you remember what he was wearing at that time?
- 17 A An orange shirt.
- 18 Q What happened after that?
- 19 A I went in the house to go get something to drink and
- 20 I heard another gunshot.
- 21 Q When you came back out after hearing the gunshot,
- 22 what did you see?
- 23 A Smoot was on the ground.
- 24 Q How long a time was it from the time that you saw AJ
- 25 to the time you heard that second gunshot?

1 A Like 15 minutes.

2 Q Fifteen minutes?

3 A Uh-huh.

4 Q How long were you in the house?

5 A Probably about like 15 minutes.

6 Q Now, let's get that straight. From the time you
7 heard the first gunshot, the first one, where were you at
8 that time?

9 A I was jumping through a cut.

10 Q And when you saw AJ come through the cut, how long
11 was it since you had heard that first gunshot?

12 A Maybe ten, 15 minutes.

13 Q Okay. And when you heard the second gunshot, how
14 long was it?

15 A How long was it from what?

16 Q From the time you saw AJ to the time you heard the
17 second gunshot.

18 A Probably about like ten minutes.

19 Q Ten minutes?

20 A Uh-huh.

21 Q Okay. Is that the same AJ that you pointed out
22 earlier that came walking through in the orange shirt?

23 A Yes, sir.

24 MR. HILTON: Please answer any questions the
25 defense may have for you.

1 MR. FARLEY: May it please the Court.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. FARLEY:

5 Q Is it correct that you said the first time you saw AJ
6 you couldn't remember what he was wearing?

7 A Yes, sir.

8 Q But the second time you were able to remember what he
9 was wearing?

10 A Yes, sir.

11 Q And what was that again?

12 A An orange shirt.

13 Q An orange shirt.

14 Smoot was your friend, wasn't he?

15 A Yes, sir.

16 Q And you'd do anything you could to vindicate him,
17 wouldn't you?

18 A Yes, sir.

19 Q At that bus stop, how many people were there with
20 you? I think I heard five, but I don't want to put words
21 in your mouth.

22 A Five or so.

23 Q Five. And at no point you saw Mr. Willis carrying a
24 gun; is that correct?

25 A No, sir.

1 MR. FARLEY: Thank you.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY MR. HILTON:

5 Q Mr. Jackson, do you remember giving a statement to
6 police back on May 4, 2011?

7 A Yes, sir.

8 Q And that would have been, what, two days after the
9 incident?

10 A Yes, sir.

11 Q All right. Let me show you this statement.

12 MR. HILTON: May I approach, Your Honor?

13 THE COURT: You may approach.

14 BY MR. HILTON:

15 Q Just take a look at that. You got it?

16 A Uh-huh.

17 THE COURT: Is that yes?

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Thank you.

20 BY MR. HILTON:

21 Q After looking at that statement, do you remember
22 talking to police about the time that it was from when you
23 walked into your house until when you heard the shot?

24 A Yes, sir.

25 Q What did you tell police?

1 A That it was like immediate when I walked in the
2 house.

3 Q All right. So you testified a little bit differently
4 here today, so let's get it straight.

5 MR. FARLEY: Objection, Your Honor. This is
6 outside the scope of cross.

7 THE COURT: Overruled.

8 BY MR. HILTON:

9 Q When Mr. Willis walked by, you told police that you
10 turned to walk inside and you heard the shot. But you
11 said here --

12 MR. FARLEY: Objection, Your Honor. Leading.

13 THE COURT: Rephrase your question. Sustained
14 as to leading.

15 BY MR. HILTON:

16 Q You remember what you told police. All right. And
17 you testified to something different here. All right. So
18 help us understand. Was it immediate, was it ten minutes,
19 or something in between?

20 A I had time to get in the house before I heard the
21 shot.

22 MR. HILTON: No more questions, Your Honor.

23 MR. FARLEY: No questions, Your Honor.

24 THE COURT: Is this witness excused?

25 MR. HILTON: He is.

1 THE COURT: Any objection?

2 MR. FARLEY: No, Your Honor.

3 THE COURT: Mr. Jackson, you are free to leave,
4 you are free to remain with us. Thank you.

5 Call your next witness.

6 MR. HILTON: The State would call Nathan Hill.

7 THE COURT: Please come forward and be sworn.

8 THE CLERK: Place your left hand on the Bible.
9 Please raise your right hand. State your full name for
10 the record.

11 THE WITNESS: Nathan James Hill.

12 NATHAN HILL, after being duly sworn, testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MR. HILTON:

16 Q Thank you, Nathan. Are you still in school?

17 A No.

18 Q Graduated?

19 A No.

20 Q Are you working anywhere?

21 A Yes.

22 Q Who do you work with?

23 A Grace Moving System.

24 Q Is that a family member of yours?

25 A My step-dad works there.

- 1 Q And where were you living back on May 2, 2011?
- 2 A Summer Trace.
- 3 Q Do you still live there?
- 4 A Yes.
- 5 Q And Summer Trace, how far is that from like the
- 6 Churchill Commons area?
- 7 A About a mile.
- 8 Q Is it on Trolley Road?
- 9 A Yes.
- 10 Q Were you in school back on May 2, 2011?
- 11 A Yes.
- 12 Q From the time you got off of school that day, where
- 13 did you go after that?
- 14 A To Churchill.
- 15 Q And what were you doing there?
- 16 A Trying to play basketball.
- 17 Q All right. Did you run into anybody in Churchill?
- 18 A Yes.
- 19 Q Who was in Churchill?
- 20 A Quinton and Ryan.
- 21 Q Quinton, is that the guy that just walked out of
- 22 here?
- 23 A Yes.
- 24 Q And Churchill, when you say Churchill, are we talking
- 25 about Churchill Commons Apartments?

1 A Yes.

2 Q And when you went into Churchill, where did you go
3 inside the apartment complex?

4 A By the entrance at the bench.

5 Q Let me show you what's been marked as State's
6 Exhibit 26 and just ask if you can point out on that map
7 where you were.

8 A Right around here.

9 Q Right in there?

10 A Uh-huh.

11 Q And who all was at the bus stop there? You didn't
12 say bus stop. Is it a bus stop?

13 A Yes.

14 Q Who all was at that bus stop?

15 A It was me, Quinton, Ryan, Smoot, and everybody that
16 was there.

17 Q Okay. And when you say Smoot, who are you referring
18 to?

19 A The victim.

20 Q Was that his nickname?

21 A Yes.

22 Q And you said AJ, too. Who is that?

23 A Him over there.

24 Q Do you know his full name?

25 A Yes.

1 Q What is it?

2 A Anthony Willis.

3 Q And you-all called him AJ?

4 A Yes.

5 Q Do you remember what AJ was wearing that day?

6 A An orange shirt and black shorts.

7 Q So a group of people were at the bus stop. And then
8 when AJ came up, what happened at the bus stop?

9 A Him and Smoot got into an altercation.

10 Q All right. And what happened after the little fight?

11 A We all left the area.

12 Q Did you see AJ go anywhere?

13 A Yeah. He took off running towards the basketball
14 court.

15 Q Okay. And then where did you go?

16 A To Muir Court.

17 Q Is that Muir Court?

18 A Yes.

19 Q Where did you go on Muir Court, if you can just point
20 it out on the map?

21 A Right here.

22 Q Whose house was that?

23 A Quinton's.

24 Q And between the time that you were over at Churchill
25 Commons and Muir Court or somewhere close to that, did you

1 ever hear anything?

2 A I heard a loud noise when I was at Muir Court. I
3 honestly don't know what it was.

4 Q Okay. Did it sound like a gunshot?

5 A Yes.

6 Q All right. Did you ever see Justin Smoot after that?

7 A Yeah.

8 Q Where was Justin Smoot after the bus stop incident?

9 A In Muir Court.

10 Q Can you point out on the map where he was?

11 A Right here.

12 Q Was he talking to anybody or just walking or what?

13 A He was talking.

14 Q Do you know to who?

15 A Me and Quinton and Ryan.

16 Q He was talking to you-all?

17 A Yes.

18 Q When he was over there, who was he talking to?

19 A Us, because we were right there by my car.

20 Q Okay. All right. Did you ever see -- did you ever
21 see AJ after the Churchill -- after you left the Churchill
22 park bench, the bus stop?

23 A Yes.

24 Q Where did you see AJ?

25 A Coming through the woods walking to Muir Court.

1 Q Can you kind of show us where he was coming through
2 on the map?

3 A Right here.

4 Q Is there some mailboxes or something between those
5 two apartment buildings?

6 A Yes.

7 Q Where are they?

8 A Right here.

9 Q How long was it between the time that you left
10 Churchill and the time you saw AJ again?

11 A Twenty minutes at the most.

12 Q Okay. And was -- when you heard that first noise,
13 had AJ already come through or was he still over at
14 Churchill?

15 A He has still in Churchill.

16 Q When AJ came through there by the mailboxes, what was
17 he wearing at that time?

18 A The same orange shirt and shorts.

19 Q Did you get a good look at him?

20 A Yes. He walked right in front of me.

21 Q How did you know it was AJ?

22 A Because I know him and I know who he is.

23 Q How do you know him?

24 A From going to Churchill over the years.

25 Q All right. You-all play basketball together?

1 A Yes.

2 Q Was there any question of who it was coming through
3 the cut?

4 A No.

5 Q When AJ came walking through, did you notice anything
6 kind of unique about how he was walking?

7 A He had like a little limp kind of. I don't know how
8 to explain it. He was just walking with a limp kind of.

9 Q Was it kind of like stiff legged?

10 A Yes.

11 Q Where were his hands?

12 A On his waistline, like holding his pants up.

13 Q Did you hear anything when he came walking through?

14 A I just heard some, like, jingling in his pocket and
15 that's it.

16 Q Do you know if it was keys or change or what?

17 A No.

18 MR. FARLEY: Objection, Your Honor.

19 THE COURT: Basis?

20 MR. FARLEY: Speculation.

21 THE COURT: Overruled.

22 BY MR. HILTON:

23 Q Do you know what it was?

24 A No.

25 Q When AJ came walking through by you-all, how close

1 were you to him?

2 A Maybe like three feet away from him.

3 Q Did you say anything to him?

4 A No.

5 Q Did he say anything to you?

6 A No.

7 Q Did he look at you-all?

8 A Yes.

9 Q How did he look?

10 A Angry.

11 Q Where was Justin Smoot at that time? At the time
12 when he's walking through, where was Justin Smoot?

13 A He was -- I guess he was coming out of the house,
14 like right around here, and he was, like, right here.

15 Q Okay. Was there anything in the roadway on that
16 particular day that you remember?

17 A I know there's a trailer parked on the road.

18 Q What kind of trailer?

19 A Almost like a horse trailer, but it wasn't. It was
20 like a small car trailer.

21 Q All right. After AJ came walking past, which
22 direction was he walking?

23 A He was walking right here to here.

24 Q What did you see after AJ came out into the
25 cul-de-sac on Muir Court?

- 1 A Nothing really, just him walking.
- 2 Q Okay. Did anything happen after that?
- 3 A I had my back turned to him.
- 4 Q Okay.
- 5 A And that's when I heard the shot.
- 6 Q Where were you headed when you had your back turned
7 towards AJ?
- 8 A To talk to Smoot.
- 9 Q Were you walking towards Smoot?
- 10 A Yes.
- 11 Q Okay. And so you're walking towards Smoot. AJ would
12 have been where?
- 13 A He was already down here, and I was walking towards
14 him like down in this area.
- 15 Q Did you have your back turned towards AJ?
- 16 A I mean, I saw him walk over there and then I turned
17 my back to him.
- 18 Q Okay. And then when you turned your back to him,
19 what did you hear?
- 20 A Boom, a loud noise, a loud bang.
- 21 Q All right. What happened to Justin Smoot at that
22 time?
- 23 A He fell over.
- 24 Q Did you know what had happened?
- 25 A I mean, I was -- yeah. He got shot.

1 Q How much time had passed from the time that AJ walked
2 out into Muir Court, into the cul-de-sac, the time you
3 turned to walk toward Smoot, to the time the gunshot
4 occurred?

5 A Maybe a minute.

6 Q After the gunshot, did you ever turn to see what that
7 was?

8 A I turned that way and ran towards my friend Quinton's
9 house.

10 Q Did you see AJ?

11 A No.

12 Q Did you see anything?

13 A No.

14 Q When Smoot was actually shot, where was he on Muir
15 Court?

16 A Right around here.

17 Q Had he started walking towards you-all's direction?

18 A Yes.

19 MR. HILTON: Please answer any questions the
20 defense may have for you.

21 CROSS-EXAMINATION

22 BY MR. FARLEY:

23 Q So when you heard the first shot that you told the
24 Solicitor that you thought was a gunshot, did you contact
25 the police?

1 A No.

2 Q You just hung out in the street?

3 A Yeah, I didn't know what it was.

4 Q I just want to clarify. When AJ was close to you and
5 walking towards you, no one had any conversation with him?

6 A Yeah, nobody talked to him.

7 Q Nobody talked to him, he just kept walking?

8 A Yes.

9 Q Now, you said that you saw him holding up his pants;
10 is that correct?

11 A Yes.

12 Q You're a kid, right, a young person, right?

13 A Yes.

14 Q Do you ever see young people around school or around
15 town that wear clothes that are too big for them?

16 A Yes.

17 Q Would you say that's somewhat common?

18 A Yeah, I guess.

19 Q How about the limp, do you see that? Is that
20 somewhat common?

21 A Not really. I don't really see people limping.

22 Q And what did you say he was wearing?

23 A An orange shirt and black shorts.

24 Q Black shorts. And you didn't see him carrying a gun,
25 did you?

1 A No.

2 MR. FARLEY: May I approach the witness, Your
3 Honor?

4 THE COURT: You may.

5 BY MR. FARLEY:

6 Q So you're standing approximately there by the
7 mailboxes; is that correct?

8 A Yes.

9 Q And he walks towards you. No one talks to him,
10 correct?

11 A Yes.

12 Q And then he walks in this direction; is that correct?

13 A Yes.

14 Q And at the closest point, how far was AJ away from
15 you?

16 A Two to three feet.

17 Q Okay. How far away from Smoot was AJ when you saw
18 him?

19 A Smoot wasn't right there when AJ walked by, so I
20 don't know.

21 Q He wasn't right there or he wasn't close to you?

22 A He wasn't outside at the time that AJ walked by.

23 MR. FARLEY: Thank you. No further questions.

24 MR. HILTON: No redirect, Your Honor.

25 THE COURT: Is this witness excused?

1 MR. HILTON: He is.

2 THE COURT: Any objection?

3 MR. FARLEY: No, Your Honor.

4 THE COURT: Mr. Hill, you are excused. You are
5 free to leave the courtroom, but you are free to remain
6 with us. Thank you.

7 Call your next witness.

8 MR. GIESE: The State calls Ryan Pollard.

9 THE COURT: Mr. Pollard, come forward and be
10 sworn.

11 THE CLERK: Place your left hand on the Bible.
12 Please raise your right hand. State your full name for
13 the record.

14 THE WITNESS: Ryan Evan Pollard.

15 RYAN POLLARD, after being duly sworn, testified
16 as follows:

17 DIRECT EXAMINATION

18 BY MR. GIESE:

19 Q Mr. Pollard, I'm going to ask you to pull up. You
20 have to speak into that microphone so everybody can hear
21 you, all right?

22 A All right.

23 Q A little louder than that.

24 A Okay.

25 Q How old are you, Ryan?

- 1 A Eighteen.
- 2 Q And where do you live now?
- 3 A Moncks Corner.
- 4 Q You have to speak a little louder.
- 5 A Moncks Corner.
- 6 Q And where is that?
- 7 A Berkeley County.
- 8 Q Now, did you grow up in this area?
- 9 A Yes, sir.
- 10 Q Where did you grow up?
- 11 A Well, no. I grew up in Moncks Corner, so --
- 12 Q Okay. In Berkeley?
- 13 A Yes.
- 14 Q Did you have an opportunity to come over to
- 15 Dorchester County?
- 16 A Yes, sir.
- 17 Q Do you work now?
- 18 A Yes, sir.
- 19 Q Where you work?
- 20 A Subway.
- 21 Q And which Subway?
- 22 A Moncks Corner again.
- 23 Q Okay. Now, I want to draw your attention to
- 24 Churchill Commons Apartments. Are you familiar with that
- 25 area?

1 A Yes, sir.

2 Q And tell the jury how you're familiar with it.

3 A I used to live in the apartments.

4 Q So at some point you lived over there?

5 A Yes, sir.

6 Q All right. Now, are you also familiar with Muir
7 Court, I guess?

8 A Yes, sir.

9 Q I want to take you back to May 2nd of 2011. And were
10 you still working at the Subway then?

11 A No, sir.

12 Q What were you doing?

13 A Going to school.

14 Q All right. And where did you go to school?

15 A Ashley Ridge.

16 Q All right. And specifically back on May 2, 2011, I
17 want to draw your attention to Churchill Commons. Did you
18 go there that day?

19 A Yes, sir.

20 Q Had you gone to school that day?

21 A Yes, sir.

22 Q All right. Tell the jury after school, what did you
23 do?

24 A I got off the bus and talked to Justin Smoot. I
25 asked what he was going to do the rest of the day because

1 we were going to play basketball.

2 Q All right. Let me stop you there.

3 So you say you get off the bus. That was the
4 school bus?

5 A Yes, sir.

6 Q Okay. And you got off right at that bus stop?

7 A Yes, sir.

8 Q Could you tell the jury, describe that bus stop for
9 everybody.

10 A It's right beside the bridge that connects Muir Court
11 to Churchill Commons.

12 Q Is that kind of a place that everybody kind of hangs
13 out after the bus drops off?

14 A Yes, sir.

15 Q And tell the jury to the best of your recollection,
16 who was there when you were talking to Smoot.

17 Who is Smoot?

18 A Justin Smoot.

19 Q How long have you known Justin Smoot?

20 A For a short while while I lived there.

21 Q So you were living there at that time?

22 A Yes, sir.

23 Q Which apartment, do you remember?

24 A Apartment K3.

25 Q K3?

1 A Yes.

2 Q So it's you, Justin Smoot at the bus stop. Who else
3 was there to your recollection?

4 A Quentin Jackson, Nathan Hill, and as far I can
5 remember, that's it.

6 Q And you-all are standing there. Do you-all play
7 basketball together?

8 A Yes, sir.

9 Q About every day?

10 A Yes, sir.

11 Q Okay. And were you-all talking about doing that that
12 day?

13 A Yes, sir.

14 Q All right. So you're talking about playing
15 basketball. What, if anything, happens at that time while
16 you're standing there?

17 A Can you be a little more clear?

18 Q Okay. You're standing there with Justin and Quinton
19 and Nathan, okay. What, if anything, happens? You-all
20 are there talking.

21 A Uh-huh.

22 Q Do you have an opportunity to see the defendant in
23 this case, AJ Willis?

24 A Yes, sir. He pulls up on a moped.

25 Q Now, you say he pulls up on a moped. What kind of

1 moped was it?

2 A It was a red one.

3 Q A red moped. All right. And when you say he pulls
4 up, does he pull up to where you-all are?

5 A Yes, sir. He pulls up into the back of the apartment
6 complex and was talking to someone. I can't remember who
7 it was.

8 MR. GIESE: May I approach, Your Honor?

9 THE COURT: You may.

10 BY MR. GIESE:

11 Q I want you to take a look at State's Exhibit No. 26,
12 all right? Take hold of that now. If you could, just
13 point to where the bus stop is.

14 A (Indicating.) Right here..

15 Q Down here?

16 A Yes, sir.

17 Q That's Travelers Boulevard?

18 A Yes, sir.

19 Q Okay. And you say that he pulled up on a moped.
20 Show us where you first saw him.

21 A Right here.

22 Q Okay. And he was talking to somebody at that point?

23 A Yes, sir.

24 Q Okay. Tell the jury what happened at that point
25 after he talked to that person.

1 A Justin Smoot went over there to question him about
2 something. They got into a little scuffle and he ran off.

3 Q Okay. Now, which way did he run off to?

4 A Over here.

5 Q Okay. And that's toward I?

6 A Yes, sir.

7 Q All right. Where is K?

8 A K is over this way.

9 Q And that's where you lived?

10 A Yes, sir.

11 Q All right. So the confrontation took place, and at
12 some point AJ Willis leaves?

13 A Yes, sir.

14 Q Now, tell us how you know AJ.

15 A He lives in the same neighborhood.

16 Q How long had you known him?

17 A I really didn't know him like that, but I see him
18 around a couple of times.

19 Q You knew who he was?

20 A Yes.

21 Q Did he ever play basketball with you-all?

22 A Nope.

23 Q But you knew who he was?

24 A Yes.

25 THE COURT: Is that a yes?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Thank you.

3 BY MR. GIESE:

4 Q All right. So you know AJ Willis?

5 A Yes, sir.

6 Q And you see the confrontation?

7 A Yes, sir.

8 Q And the scuffle?

9 A Yes, sir.

10 Q And Willis leaves?

11 A Yes, sir.

12 Q Toward I?

13 A Yes, sir.

14 Q Who stays, to your recollection?

15 A The rest of us just stayed there.

16 Q All right. Now, you're still talking to Smoot at
17 that time?

18 A Yes, sir.

19 Q All right. Do you see -- what's the next time you
20 see AJ, if you see him again?

21 A I do see him again. He runs out from the I building
22 with the gun in his hand.

23 Q All right. Now, you say he runs out of I. I want
24 you to take a look at No. 26 again. Show us where you saw
25 him come out of or around or where.

- 1 A Right through here.
- 2 Q You see him run right through there?
- 3 A Uh-huh.
- 4 Q You say you saw him with a gun. Where was the gun?
- 5 A In his hands. Well, where did he get it from or --
- 6 Q No. When you first saw him, where was the gun?
- 7 A He had it aimed toward us.
- 8 Q Okay. Now, you say, "aimed toward us," and it was a
- 9 gun. Describe the gun for the jury.
- 10 A It was a rifle.
- 11 Q You say -- okay. Go ahead.
- 12 A I know it had some wood on it, like, it was a long
- 13 rifle, almost something for distance shooting.
- 14 Q Okay. Now, when you first saw Mr. Willis that day,
- 15 do you remember what he was wearing?
- 16 A Orange shirt, some -- I think they were Air Force
- 17 high tops, some black pants.
- 18 Q All right. And that is the first time you saw him?
- 19 A Uh-huh. Yes, sir.
- 20 Q Now, when you saw him again with the rifle over near
- 21 I apartments, what was he wearing?
- 22 A Same clothes but with a white shirt.
- 23 Q And where was the white shirt?
- 24 A Around his neck.
- 25 Q You say "around his neck." Was it over his shoulders

1 or just around his neck?

2 A It was over his shoulders.

3 Q You say just draped on?

4 A Yes, sir.

5 Q Were his arms through it?

6 A No, sir.

7 Q So just like a T-shirt hanging there?

8 A Yes, sir.

9 Q All right. Now, you said that you saw him with a
10 rifle?

11 A Yes, sir.

12 Q Was it pointed towards you-all?

13 A Yes, sir.

14 Q And you're sure that it was Mr. Willis with the
15 rifle?

16 A Positive.

17 Q No doubt in your mind?

18 A None.

19 Q Is he in the courtroom?

20 A Yes, sir.

21 Q Could you point to him, please?

22 A (Indicating.)

23 Q Where is he sitting at the table?

24 A At the end.

25 MR. GIESE: Your Honor, may the record reflect

1 that he's pointed to the defendant.

2 THE COURT: It will.

3 BY MR. GIESE:

4 Q So he's got this weapon pointed at you, this rifle.

5 And you say it looked like it had a wood stock to it?

6 A Yes, sir.

7 Q What, if anything, happened at that point?

8 A He shot it and it didn't hit anything, so he began to

9 run to Muir Court.

10 Q Did you see him shoot it?

11 A After I heard the shot, I turned my head and

12 proceeded to run.

13 Q But you heard the shot, you saw him with it pointed

14 at you?

15 A Yes, sir.

16 Q Okay. And no one got hit?

17 A No, sir.

18 Q Now, was Smoot standing near you at that time?

19 A When we all began to run, yes, sir.

20 Q So you ran. Where did you run to?

21 A Over to Muir Court near my friend Quinton's house.

22 Q And show the jury, if you would, on State's Exhibit

23 No. 26, okay, if that's the bus stop and this is

24 Churchill, where did you run?

25 A Over here.

- 1 Q Did you go through a cut or over a bridge or how did
2 you get there?
- 3 A We ran over the bridge.
- 4 Q Okay. So you ran over the bridge and went to Muir
5 Court?
- 6 A Yes, sir.
- 7 Q Did you see where Mr. Willis went at that point?
- 8 A No, sir.
- 9 Q Okay. That's because you turned and ran?
- 10 A Yes, sir.
- 11 Q You say no one was hit. No one fell, that's how you
12 know no one was hit?
- 13 A Yes, sir. There was no screams or nothing.
- 14 Q So after that first shot by Mr. Willis, you run to
15 Muir Court and you see who? Quinton?
- 16 A Yes, sir.
- 17 Q And who else?
- 18 A And Nathan.
- 19 Q Do you see Smoot again?
- 20 A Yes, sir.
- 21 Q Where do you see Smoot?
- 22 A He was in the middle of the street.
- 23 Q Is he talking to anybody at that time?
- 24 A Not at that time.
- 25 Q Were there other people out at that time?

1 A Yes, sir.

2 Q Okay. Who else, do you remember who they were or do
3 you know their names?

4 A Some people that was living on the street with their
5 children.

6 Q And that's on Muir Court?

7 A Yes, sir.

8 Q And show us again -- I'm going to show you this one,
9 State's Exhibit No. 23. If that's Muir Court, where were
10 you standing?

11 A Right over here by the trees.

12 Q Okay. And where was Smoot at that time?

13 A Right around here.

14 Q So he was close to you?

15 A Yes, sir.

16 Q All right. Once you get over there on Muir Court and
17 you're standing there talking, do you have an opportunity
18 to see Mr. Willis again?

19 A Yes, sir.

20 Q And tell the jury what you saw.

21 A I saw him coming out of the woods right in front of
22 my face, walk straight past me. And when I see him walk
23 past me, I heard the bullets jingling in his pocket and
24 see him holding his -- at that time what I thought was a
25 revolver or something or a handgun. And he walks over and

1 Justin is talking to him and asking him -- well, he's not
2 really asking him anything, he's just talking to him. And
3 next thing you know, all I see is Anthony pull his shirt
4 up over his face and get on the side of this building, on
5 the side of this building right here, and pull the rifle
6 out and shoot.

7 Q Now, you say pull the rifle out, where was he pulling
8 it out from?

9 A Under his shirt and his pants.

10 Q It was a big old rifle, he pulled it out?

11 A Yes, sir.

12 Q Could you describe for the jury how he was walking
13 when he walked by you?

14 A He walked by me, looked at me, and just continued to
15 look at Justin.

16 Q So on State's Exhibit No. 23, show the jury where you
17 first saw him while you were standing there.

18 A Walking right up there.

19 Q All right. And at that time, he's walking toward
20 this way?

21 A Yes, sir.

22 Q All right. Now, what was he wearing at that point?

23 A Again, the orange shirt. The same clothes, just with
24 a white shirt around his back.

25 Q And that's the white shirt you're talking about

1 that's around his neck just sitting there?

2 A Yes, sir.

3 Q It's not through the arms?

4 A No, sir.

5 Q All right. So he walks by you, you hear something in
6 his pocket?

7 A Yes, sir.

8 Q What did you testify you thought that was?

9 A Bullets.

10 MR. FARLEY: Objection, Your Honor. That's
11 speculating.

12 THE COURT: Sustained. Rephrase your question.

13 BY MR. GIESE:

14 Q What, if anything, can you tell the jury about what
15 you heard as he walked by?

16 A Well, the sound of metal coming together.

17 Q Now, he walks by you. After he walks by you, do you
18 turn and watch him?

19 A Yes, sir.

20 Q All right. Where does he walk?

21 A To the side of this building right over here.

22 Q All right. And at that point, tell the jury exactly
23 what you saw.

24 A I saw him throw the white shirt over his face, pull
25 it out and pull the trigger. And I saw Justin turn.

1 Well, I knew he was hit because he screamed. And after
2 that, I just ran to him.

3 Q Who did you run to?

4 A Justin.

5 Q Now, when you say that Mr. Willis pulled the gun up
6 and pointed it at Mr. Smoot, show the jury what you're
7 talking about. Show us how he did it, how you saw him do
8 it.

9 A He threw his shirt up over his face, pulled the gun
10 out, and he shot.

11 Q You actually see him shoot?

12 A Yes, sir.

13 Q And you see Smoot get hit?

14 A Yes, sir.

15 Q And the man that you're talking about that pulled the
16 trigger is the same man that shot at you earlier?

17 A Yes, sir.

18 Q And who is that?

19 A Mr. Anthony Willis.

20 Q No doubt in your mind?

21 A None whatsoever.

22 Q Do you see where Mr. Willis goes after he fires that
23 shot?

24 A He runs off and I don't see him no more.

25 Q When you say "he runs off," which way does he go?

1 Can you see or did you -- were you looking at Smoot?

2 A I was looking at Smoot.

3 Q So you see the shot, you see Smoot get hit, and you
4 go try and help Smoot?

5 A Yes.

6 Q Tell the jury how you tried to help him at that
7 point.

8 A Well, at that point in time, we ran over to him. By
9 that time, I can't remember his name, but he brings some
10 towels out and tried to cover the wound. I proceeded to
11 -- well, they already called the police and everything.
12 So we were just sitting there putting pressure on it, on
13 the gunshot wound. And that's it.

14 Q Pretty traumatic?

15 A Yeah.

16 Q Mr. Pollard, you said that the defendant was
17 wearing -- Mr. Willis was wearing what again?

18 A Some high top Air Force Ones.

19 Q Shoes?

20 A Yes.

21 Q Okay. What color pants?

22 A Black.

23 Q What type shirt?

24 A Orange.

25 Q And then what else?

1 A At the time of the shooting, the white shirt, white
2 T-shirt.

3 Q Now, you described some shoes. Describe those again.

4 A White with some -- they had some orange in them.

5 Q And I hand what has been marked State's Exhibit No.
6 16 and No. 4. They're not in evidence, but can you just
7 identify those?

8 A Yes, sir. Those are the shoes.

9 Q Those look like the shoes?

10 A Yes, sir.

11 MR. GIESE: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 (Pause.)

14 BY MR. GIESE:

15 Q When you say that Mr. Willis pulled the white shirt
16 up, was it over his mouth?

17 A Yes, sir.

18 Q Not his eyes?

19 A No, sir.

20 MR. GIESE: That's all I have of this witness.

21 Thank you.

22 THE COURT: Mr. Farley.

23 MR. FARLEY: One moment, Your Honor.

24 (Pause.)

25 CROSS-EXAMINATION

1 BY MR. FARLEY:

2 Q Hello, Mr. Pollard. How are you?

3 A I'm good. How are you?

4 Q Good. The very first time that you saw Mr. Willis,
5 he was riding a red moped; is that correct?

6 A Yes, sir.

7 Q And you described your relationship with Mr. Willis.
8 You didn't know him personally, did you?

9 A No. I just seen him around the complex a couple of
10 times.

11 Q How did you know he was AJ?

12 A Everybody knew who he was.

13 Q So -- okay. There was an initial altercation, and
14 then you said that you saw AJ again by the I building; is
15 that correct?

16 A Yes, sir, that's the direction he ran to.

17 Q So he ran to the I building?

18 A Yes.

19 Q And then came directly from the I building again?

20 A Yes, sir.

21 Q What kind of time frame would you say that was?

22 A I would say less than two minutes.

23 Q Less than two minutes?

24 THE COURT: Say that one more time, I'm sorry.

25 THE WITNESS: Less than two minutes.

1 THE COURT: Thank you.

2 BY MR. FARLEY:

3 Q Do you know where Mr. Willis lived?

4 A I don't remember the apartment, but it was the
5 apartment right -- it was in front of the mail -- where
6 they put the mail slots at.

7 MR. FARLEY: May I approach, Your Honor?

8 THE COURT: You may.

9 BY MR. FARLEY:

10 Q I'm going to show you what's been introduced as
11 State's 22. Can you kind of orientate us on this map?
12 Where were you standing after the initial altercation?

13 A After the initial altercation, it was right about
14 here.

15 Q And could you show me where -- what direction
16 Mr. Willis left that area?

17 A Yes, sir. (Indicating.)

18 Q Can you show me where he reemerged?

19 A Right over there next to the I building.

20 THE COURT: I can't hear you, sir.

21 THE WITNESS: Right in front of the I building.

22 THE COURT: Thank you.

23 BY MR. FARLEY:

24 Q And you said you knew where Mr. Willis' apartment
25 was, around about?

1 A Yes.

2 Q And can you show us the general area?

3 A Right here.

4 Q So after the two minutes elapses, you see Mr. Willis
5 come back and hold up a rifle?

6 A Yes, sir.

7 Q And you actually see him take a shot?

8 A Yes, sir.

9 Q And remind me what he was wearing?

10 A An orange shirt, black pants, and some white and
11 orange shoes.

12 Q You could see the color of his shoes?

13 A It's not hard to see a white and orange pair of
14 shoes.

15 Q Once that shot was fired, you ran, didn't you?

16 A Yes, sir.

17 Q Then you called the police?

18 A No, I didn't call the police.

19 Q You were shot -- someone shot towards you and you
20 didn't call the police?

21 A Yes, sir.

22 Q And I just want to clarify which direction you ran.

23 I think at one point, you said you went over the bridge?

24 A Yes, sir.

25 Q But I also think I heard you say you went through the

1 cut. Which was it?

2 A No, I didn't say I went through the cut. I said we
3 walked over a bridge.

4 Q Remind me how much time elapsed between the time you
5 say he fired the shot and the time that you saw him again.

6 A It couldn't have been too much longer than between a
7 couple of minutes.

8 Q A couple of minutes?

9 A A couple of minutes.

10 Q A couple meaning two?

11 A Two or three.

12 MR. FARLEY: May I approach?

13 THE COURT: You may.

14 BY MR. FARLEY:

15 Q I'm going to show you what's been marked State's 23.

16 So about two minutes later, where do you see
17 Mr. Willis come?

18 A He came through the woods.

19 Q Can you point to it, please?

20 A Through here. (Indicating).

21 Q I'm sorry. I didn't mean to cut you off. But I did
22 want to ask you where you were standing?

23 A Right through there.

24 Q How far away from you would you say he was?

25 A About ten feet.

1 Q Ten feet?

2 A Yeah.

3 Q There were some other people there with you. How far
4 away were they from you?

5 A They were right beside me.

6 Q So what you're saying is that Mr. Willis was about
7 ten feet from your whole group?

8 A Yeah, in front of me.

9 Q You said you heard something rattling in his pocket,
10 right?

11 A Yes.

12 Q You would agree with me that that could be change?

13 A It couldn't have been.

14 Q You're absolutely certain that it was not change?

15 A Change wouldn't be that loud or that heavy.

16 Q How about car keys?

17 A Car keys neither. They aren't that heavy.

18 Q Everybody in the neighborhood was upset when they
19 heard that Smoot was shot, weren't they?

20 A Yes.

21 Q Were you upset?

22 A Yes.

23 Q Now, you talk about seeing Mr. Willis pulling a gun
24 from his shorts, right?

25 A Yes.

- 1 Q Where exactly was he when you saw that?
- 2 A Point it out?
- 3 Q Yes.
- 4 A Beside this house, beside this building.
- 5 Q So you're standing here by the mailboxes?
- 6 A Yeah, right there.
- 7 Q By the trees?
- 8 A Yes.
- 9 Q I don't want to put words in your mouth. Were you by
- 10 the mailbox?
- 11 A By the trees right by the house -- well, the
- 12 mailboxes.
- 13 Q Can you point to it just --
- 14 A (Indicating.)
- 15 Q And then you saw Mr. Willis walk behind this
- 16 building?
- 17 A To the side of it, to the right side.
- 18 Q And then as you described, you saw him shoot the
- 19 victim?
- 20 A Yes.
- 21 Q So after that incident, the police arrived?
- 22 A Yes.
- 23 Q And which detective did you give your statement to?
- 24 A I didn't give a statement.
- 25 Q Did you talk to any of the police officers?

1 A No.

2 Q You had just witnessed a murder. You didn't even
3 talk to the EMS?

4 A No.

5 Q To the police officers?

6 A No.

7 Q Did you talk to them the week after?

8 A No.

9 Q Did Mr. Depoppe, the detective on this case, talk to
10 you the week after?

11 A No.

12 Q The week after that?

13 A No.

14 Q How about the month after that?

15 A No.

16 Q You said nothing to any law enforcement whatsoever?

17 A No.

18 Q And no law enforcement came to speak to you?

19 A No.

20 Q When was the first time that you spoke to law
21 enforcement?

22 A About this current case?

23 Q Is there another case?

24 A No.

25 Q About this case, when was the last time?

1 A Well, I got -- he called my mother, Detective O'Neill
2 was calling and looking for me and wanted to talk to me.

3 Q I hate to cut you off, but when was that?

4 A Seems like last week.

5 Q Last week?

6 A Yeah, a little bit before last week.

7 Q And then when was the first time you actually spoke
8 to either the detective or the Solicitor's office?

9 A It had to be, I think, Tuesday.

10 Q Tuesday of last week?

11 A Yes.

12 Q Did they ask you if you wanted to talk to me?

13 A Yes.

14 Q And what did you tell them?

15 A No.

16 MR. FARLEY: If I may have a moment, Your Honor.

17 THE COURT: Yes, you may.

18 (Pause.)

19 MR. FARLEY: May I approach one more time, Your
20 Honor?

21 THE COURT: You may.

22 BY MR. FARLEY:

23 Q I hate to keep going over this again, but you said
24 you were standing by the trees?

25 A Yes.

1 Q And your group of friends were all together?

2 A Yes.

3 Q And could you point one more time to where Mr. Smoot
4 was?

5 A Standing there in the street.

6 Q When AJ emerged from the woods and walked over to the
7 building, the other building, did he say anything to
8 you-all?

9 A No.

10 Q Did you say anything to him?

11 A No, just looked at him.

12 MR. FARLEY: Thank you, Judge. I don't have
13 anything else for this witness.

14 MR. GIESE: Just a few.

15 REDIRECT EXAMINATION

16 BY MR. GIESE:

17 Q Just that last question Mr. Farley asked you.

18 He didn't say anything to you?

19 A Mr. Willis?

20 Q Yes.

21 A No.

22 Q You didn't say anything to him?

23 A No.

24 Q He just looked at you?

25 A Yeah.

1 Q When you say he just looked at you, did you see his
2 face?

3 A Yes.

4 Q Was it light out?

5 A Yes.

6 Q Was it hard to see his face?

7 A Not at all.

8 Q And you say you just looked at his face and he kept
9 walking?

10 A Yes.

11 Q Then you saw him walk over to the --

12 A Apartment building.

13 Q And did you see him pull the gun out?

14 A Yes.

15 Q Who shot Justin Smoot?

16 A Mr. Willis.

17 Q And you saw him?

18 A Yes.

19 MR. GIESE: That's all I have.

20 THE COURT: Mr. Farley, re-cross?

21 MR. FARLEY: I have nothing further.

22 THE COURT: May this witness be excused?

23 MR. GIESE: Please.

24 THE COURT: Any objection?

25 MR. FARLEY: No, Your Honor.

1 THE COURT: Mr. Pollard, you are excused. Feel
2 free to remain with us, but you're free to leave the
3 courthouse.

4 THE WITNESS: All right.

5 THE COURT: Thank you. You may step down.

6 We're going to go until about 12:30. So call
7 your next witness.

8 MR. HILTON: The State would call Robert Lewis.

9 THE COURT: Please come forward and be sworn,
10 Mr. Lewis. Thank you.

11 THE CLERK: Place your left hand on the Bible.
12 Please raise your right hand. State your full name for
13 the record.

14 THE WITNESS: Robert Nathaniel Lewis.

15 ROBERT LEWIS, after being duly sworn, testified
16 as follows:

17 DIRECT EXAMINATION

18 BY MR. HILTON:

19 Q Thank you, Mr. Lewis. Where were you living back on
20 May 2, 2011?

21 A Muir Court.

22 Q Was that with your brother?

23 A Yes.

24 Q What's his name?

25 A Earl Lewis.

1 Q How long had you-all been living there?

2 A I'm not sure. I had just got there. Not too long.

3 THE COURT: I'm going to need you to slow down
4 just a little bit. Can you repeat what you just said?

5 THE WITNESS: I don't know how long he was
6 living there before I got there. But when I got there, I
7 was only there for, like, I believe six to eight months or
8 like a year, something like that.

9 BY MR. HILTON:

10 Q Okay. But on May 2, 2011, you were living at [REDACTED]
11 Muir Court?

12 A Yes.

13 Q Do you remember what apartment that was?

14 A Apartment that we lived in?

15 Q Yes.

16 A [REDACTED].

17 Q But is there an A, B, C, or D?

18 A I believe it's C, I think.

19 Q And just point on that map. That's State's Exhibit
20 23. Just point out on that map where that would be
21 located.

22 A I believe it's behind this brush right here.

23 Q Right in there?

24 A Yes, on this side.

25 Q Do you know the victim in this case, Justin Smoot?

1 A Yes.

2 Q How did you know him?

3 A As a friend, from being over there, basketball.

4 Q Did he live near you?

5 A I believe he lived on the street next to us.

6 Q Okay. And on May 2, 2011, did you have the
7 opportunity to talk to Mr. Justin Smoot that day?

8 A Yes.

9 Q When did that take place, about what time?

10 A I'm not exactly sure of the time.

11 Q Do you remember when he got shot?

12 A Yes.

13 Q How long was it before he got shot?

14 A When we talked, it was about, what, two, two minutes.

15 Q Okay. How did you come in contact with Mr. Smoot
16 that day?

17 A He had come to my house that day. And he come
18 knocking on the door, said that he got into an
19 altercation, and he had met up with someone. I said okay,
20 was everything straight. He said everything was fine. So
21 we was sitting there talking, the kids come out. For
22 them, that was their Uncle Smoot or whatever. He was
23 messing with the kids or whatever, we was talking. And
24 then he left. And when he went to go leave, that's when
25 we heard the shot.

1 Q You say he left. Where did he go? And just show us
2 on the map where he went.

3 A When he left, he came out this way and was going down
4 this way towards the cul-de-sac.

5 Q Okay. Was there anything parked in the roadway there
6 in front of your apartment?

7 A Around this area, yes.

8 Q What was it?

9 A I believe it was like a little trailer thing or
10 whatever.

11 Q Any vehicles?

12 A Yes.

13 Q Okay. Do you know whose those were?

14 A The vehicles? One was my brother's vehicle, the
15 neighbors, and then I think the neighbors had a
16 motorcycle, and then they had another car, and then that
17 trailer was hitched up to it.

18 Q Do you remember if he said anything about going to
19 his momma's house or anybody going to his momma's house?

20 A Yeah. He after --

21 MR. FARLEY: Objection. Hearsay.

22 THE COURT: Sustained as to hearsay.

23 BY MR. HILTON:

24 Q How long was it from the time when he walked away
25 from you and walked around that trailer to the time he got

1 shot?

2 A It was no time at all because that's when I was
3 walking back in the house to go grab my beer. And by the
4 time I got to the door was when I heard it.

5 Q When you heard what?

6 A The shot.

7 Q When you walked back out in the street, what did you
8 see?

9 A After I heard the shot, the first thing I did was
10 grabbed the kids and took the kids in the house. And
11 that's when he yelled out my name, and that's when I ran
12 over there to him.

13 THE COURT: I'm going to have to ask you to slow
14 down and repeat what you just said. I'm sorry.

15 THE WITNESS: I'm sorry. The first thing I did
16 was bring the kids in the house, because all the kids,
17 they was outside. Brought them in the house. And that's
18 when he yelled out my name, and that's when I ran out
19 there to him.

20 BY MR. HILTON:

21 Q And what did you see at that time?

22 A That's when he was shot. He was bleeding all over
23 the place, and he told me he couldn't feel his arm.

24 Q Okay. And did you see who shot him?

25 A No.

1 Q Why not?

2 A Because I was walking toward the inside of the house,
3 going towards the house.

4 Q Did you call the police?

5 A My brother did. I yelled to him to call the police
6 after I went out there, after we went to him.

7 Q Why didn't you call the police?

8 A I was aiding him.

9 Q Okay. And then shortly after that, the police and
10 EMS arrive?

11 A Yes.

12 Q Did you ever talk to Mr. Smoot after that?

13 A No.

14 Q When he came running up to your apartment, where was
15 he coming from?

16 A When he first came, I believe he came from this way
17 from the street.

18 Q Okay. And when he came up there, I mean, was he
19 walking, running or what?

20 A I don't know. I was inside the house. He knocked on
21 the door and came in.

22 Q Okay. When you came out to talk to him, I mean, was
23 he kind of charged up, excited, or what?

24 A He was out of breath.

25 Q All right. Did he -- I mean, did he seem like

1 something was wrong?

2 MR. FARLEY: Objection, Your Honor. Leading.

3 THE COURT: Overruled.

4 BY MR. HILTON:

5 Q Did it seem like something was wrong?

6 A At first. That's when he told me that he got in an
7 altercation.

8 MR. HILTON: Just a moment, Your Honor.

9 THE COURT: Take your time.

10 (Pause.)

11 MR. HILTON: Please answer any questions the
12 defense may have for you.

13 THE COURT: Mr. Farley.

14 MR. FARLEY: Thank you, Judge.

15 CROSS-EXAMINATION

16 BY MR. FARLEY:

17 Q How are you?

18 A Good.

19 Q Isn't it true that back in 2007, you were convicted
20 of possession of cocaine?

21 A 2007?

22 Q 2007.

23 A I believe so.

24 Q I'm sorry?

25 A I said I believe so. Everything was on there.

1 Q You were also convicted of possession of a controlled
2 substance and Schedule 1 through 5?

3 A What is that?

4 Q Well, did you have a trial for that cocaine charge?

5 A No. We got all that done. I had to go to PTI for
6 all that.

7 Q So you didn't plead guilty, you went to PTI?

8 A Yeah, PTI.

9 MR. HILTON: Judge, I'm going to object to any
10 specifics.

11 THE COURT: Sustained. Move on, Mr. Farley.

12 MR. FARLEY: May I have just a moment?

13 THE COURT: You may.

14 (Pause.)

15 BY MR. FARLEY:

16 Q You had been drinking that day; isn't that right?

17 A Excuse me?

18 Q You had been drinking that day, right?

19 A I had just started, yes.

20 Q Did you ever see Mr. Willis that day?

21 A Who?

22 Q I'm sorry?

23 A Who?

24 MR. FARLEY: Just a moment.

25 THE COURT: Take your time, Mr. Farley.

1 (Pause.)

2 MR. FARLEY: I have no further questions, Judge.

3 MR. HILTON: No redirect.

4 THE COURT: May this witness be excused?

5 MR. HILTON: He may.

6 THE COURT: Any objection?

7 MR. FARLEY: No, Your Honor.

8 THE COURT: Mr. Lewis, you may step down. You
9 are free to remain with us, but you're also free to leave
10 the courthouse. Thank you.

11 Do you have another witness that will fit into
12 the Court's schedule to break at 12:30?

13 MR. HILTON: I think it would probably go
14 outside of the 30-minute window.

15 THE COURT: All right. Is it a lay witness or
16 who was your anticipated next witness?

17 MR. HILTON: No. It would be another Muir Court
18 witness.

19 THE COURT: Let's go ahead and call your next
20 witness.

21 MR. HILTON: The State calls Michael Sweeney.

22 THE COURT: Counsel, just for scheduling, just
23 approach.

24 (A bench conference was held with the judge and
25 attorneys in the presence of the jury but out of the

1 hearing of the jury.)

2 THE COURT: Mr. Sweeney, please come forward and
3 be sworn right here.

4 THE CLERK: Place your left hand on the Bible.
5 Please raise your right hand. State your full name for
6 the record.

7 THE WITNESS: Michael Christopher Sweeney.

8 MICHAEL SWEENEY, after being duly sworn,
9 testified as follows:

10 THE COURT: Mr. Giese, is this your witness?

11 MR. GIESE: No, ma'am.

12 THE COURT: Thank you.

13 DIRECT EXAMINATION

14 BY MR. HILTON:

15 Q Thank you, Mr. Sweeney. Where do you live now?

16 A [REDACTED].

17 Q And are you still -- were you living there back in
18 2011?

19 A Yes, sir.

20 Q May 2nd?

21 A Yes, sir.

22 Q And do you want to be here today?

23 A No, sir.

24 Q You don't want to be here at all?

25 A No, no, not really.

1 Q All right. Well, we're going to talk to you briefly
2 about what happened on May 2, 2011. Do you remember that
3 day in particular?

4 A Yes, sir.

5 Q How do you remember that day?

6 A Tragic.

7 Q Is that the day that Justin Smoot got shot?

8 A Yes, sir.

9 Q Did you know the victim in this case, Mr. Smoot?

10 A No.

11 Q Okay. So is it that you learned who he was after he
12 was killed?

13 A Yes.

14 Q On May 2, 2011, around the 4 o'clock time frame, what
15 were you doing on that day?

16 A Everyone was just hanging out on the street, and I
17 was just out there skateboarding.

18 Q And there is a map next to you, and that is going to
19 be State's Exhibit 29 -- I'm sorry, State's Exhibit 23.

20 A I'm in the middle of the street right there.

21 Q She's going to hand you a pointer. And as I refer to
22 things and as you refer to things, just kind of point them
23 out on the map for the jury, if you will.

24 A Okay.

25 Q All right. So around 4 o'clock, where were you that

1 day?

2 A (Indicating.)

3 Q And what were you doing?

4 A Just skateboarding with all the kids in the
5 neighborhood and just hanging out.

6 Q Okay. So just kind of up and down Muir Court?

7 A (Nodding.)

8 Q All right. And do you remember the victim coming
9 over to talk to somebody?

10 A Yes, sir.

11 Q Who was that?

12 A Robert.

13 Q Was that the guy that just walked out the courtroom?

14 A Yes, sir.

15 Q Okay. And where was he living at the time?

16 A (Indicating.)

17 Q In that building?

18 A Yes, sir.

19 Q As you were out on Muir Court skateboarding, the
20 victim's talking to Rob, did you see anybody come through
21 anywhere?

22 A Yes, sir.

23 Q What did you see?

24 A An African American male come out of this little path
25 right here, which you can't really see. And he was

1 walking over here towards the circle, and I guess Smoot
2 came up to confront him. And that's when I heard the
3 shot.

4 Q Okay. Where were you at that time on Muir Court?
5 How close were you to them?

6 A Right in here.

7 Q Right in there? And did you see -- you described him
8 as an African American male that come through. Do you
9 know what he was wearing?

10 A Orange shirt and black pants.

11 Q Do you know about how tall he was?

12 A Short. I'm not precise on that.

13 Q Okay. Shorter than you?

14 A Yes, sir.

15 Q And tell us, you know, while we're here, how about
16 your eyesight, what about that?

17 A It's pretty bad.

18 Q Do you wear contacts or glasses?

19 A Glasses.

20 Q And you're not wearing glasses now?

21 A Normally I just wear them when I drive.

22 Q Just when you drive?

23 A Yeah.

24 Q All right. So how big of a prescription or how much
25 of a prescription do you have for glasses?

1 A And I don't even know what it is, but it's pretty
2 bad.

3 Q Okay. And so are you able to see colors?

4 A Yes.

5 Q So this orange shirt, is there any question about
6 that?

7 A No.

8 Q Okay. And did you know the guy in the orange shirt?

9 A No.

10 Q Had you ever seen him before?

11 A Nope.

12 THE COURT: Was that a no?

13 THE WITNESS: Yes, ma'am. No.

14 THE COURT: Thank you.

15 BY MR. HILTON:

16 Q When the guy in the orange shirt walked past and the
17 victim came around, how long was it before there was a
18 gunshot that you heard?

19 A Not long.

20 Q Okay. Minutes, seconds?

21 A Two minutes.

22 Q Okay.

23 A Three minutes maybe.

24 Q And did you see the guy in the orange shirt?

25 A No. I was, like, kind of right over here. So by the

1 time that he walked out, he was, like, over in here. So
2 kind of, like, stopped there. And there was a trailer
3 sitting in the street, too.

4 Q Did you ever see -- did you ever see a gun?

5 A No. I saw him throw his arm like this, but I'm
6 pretty blind, so I couldn't see it.

7 Q Saw who throw his arm like that?

8 A The shooter.

9 Q The guy in the orange shirt?

10 A Yes, sir.

11 Q You saw him throw his arms up?

12 A Yes.

13 Q Was that right around the time of the shot?

14 A Yes, it is.

15 Q I take it you weren't wearing your glasses while you
16 were skateboarding?

17 A No, sir.

18 Q That's a different kind of driving?

19 A Yes.

20 MR. HILTON: Please answer any questions the
21 defense may have for you.

22 MR. FARLEY: May I approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 CROSS-EXAMINATION

1 BY MR. FARLEY:

2 Q Hello. How are you?

3 A How are you doing?

4 Q Where exactly on this map were you when you saw
5 someone in an orange shirt throw up his arms?

6 A This area.

7 Q In this area?

8 A Yes.

9 Q And we're talking about State's 23. And where was
10 the person you saw throw up their arms?

11 A It would say right here.

12 Q And you saw the arms being thrown up at that time?

13 A Yes, sir.

14 Q And at the top of this map, there's it looks like
15 trees?

16 A Yes, sir.

17 Q Are there also mailboxes there?

18 A Yes, sir, right here, and then right here.

19 Q And so would you agree with me that he was pretty
20 close to those trees and mailboxes when you saw his arms
21 move?

22 A Yes, sir.

23 MR. FARLEY: Thank you. I don't have anything
24 else, Judge.

25 REDIRECT EXAMINATION

1 BY MR. HILTON:

2 Q Does your eyesight have any effect on distance?

3 A No.

4 Q No effect on that?

5 A Not really. I can't really see far away.

6 Q Does it just make it blurry?

7 MR. FARLEY: Objection. He's asked and answered
8 this question.

9 THE COURT: Rephrase your question.

10 BY MR. HILTON:

11 Q Describe what your eyesight, your poor eyesight, how
12 that affects you.

13 A I just can't see far away. Everything is blurry
14 really far away. If there is, like, letters on that door
15 back there, I wouldn't be able to read it. I can't read
16 the exit sign right now.

17 MR. HILTON: No further questions, Your Honor.

18 MR. FARLEY: Nothing, Your Honor.

19 THE COURT: May this witness be excused?

20 MR. HILTON: He may.

21 THE COURT: Any objection?

22 MR. FARLEY: No, Your Honor.

23 THE COURT: You may step down. You are free to
24 leave, but you're also free to remain with us. Thank you.

25 All right. Would this be an appropriate time to

1 break, Mr. Hilton?

2 MR. HILTON: It would be, Your Honor.

3 MR. FARLEY: Yes, please.

4 THE COURT: All right. If we come back at 1:30,
5 Mr. Hilton?

6 MR. HILTON: Yes, ma'am.

7 THE COURT: Mr. Farley?

8 MR. FARLEY: That's fine, Your Honor.

9 THE COURT: Ladies and gentlemen, it's an
10 appropriate time for us to take our lunch break.

11 Please remember all of my admonitions from last
12 evening and from this morning. Do not begin your
13 deliberations. Do not discuss this case with anyone. Do
14 not begin deciding any issue in this case. Do not do any
15 independent investigations.

16 Please have a wonderful lunch. Please be ready
17 to get started, we'll start at 1:30. So what time do they
18 need to report downstairs?

19 So about 1:20, if you'll report downstairs, that
20 will give you time to get up here and take a comfort break
21 and be ready at 1:30 to begin.

22 Have a wonderful lunch.

23 Please rise for the jury.

24 (The jury left open court at approximately
25 12:10 p.m.)

1 THE COURT: Thank you. Be seated. Anything
2 before we break for lunch?

3 MR. HILTON: Nothing, Your Honor.

4 MR. FARLEY: No, Your Honor.

5 THE COURT: All right. Please be back here and
6 ready to begin at 1:25 and we'll begin promptly at 1:30 at
7 that time.

8 Thank you. We're at ease.

9 (Lunch recess.)

10 (WHEREUPON, State's Exhibits Nos. 32, 33 were
11 marked for identification only.)

12 (The jury came into open court at approximately
13 1:28 p.m.)

14 THE COURT: Ladies and gentlemen of the jury, if
15 you were unable to comply with my instructions, please
16 stand.

17 (No response.)

18 THE COURT: Let the record reflect that all 14
19 jurors are seated, that they have complied with the
20 Court's instructions.

21 Mr. Foreman, I was warm earlier, and now it
22 seems that in order to adjust the temperature, it seems a
23 little cooler in here, so I'm going to let you kind of
24 gauge the temperature. And so if anything needs to be
25 situated, if you'll just pass a note to the bailiff and

1 she'll let us know as far as the temperature. But as of
2 now, I'm not changing it.

3 Thank you.

4 All right. Mr. Hilton.

5 MR. HILTON: The State would call Stephanie
6 Stover.

7 THE CLERK: Please raise your right hand. State
8 your full name for the record.

9 THE WITNESS: Stephanie Stover.

10 STEPHANIE STOVER, after being duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HILTON:

14 Q Thank you, Ms. Stover. Where are you employed?

15 A Dorchester County Sheriff's office.

16 Q In what capacity?

17 A I'm a corporal in the crime scene unit.

18 Q It's Corporal Stover in the crime scene unit. And
19 were you working in the crime scene unit back on May 2,
20 2011?

21 A Yes, sir.

22 Q How long have you been with the crime scene unit?

23 A I've been up there about two and a half years now.

24 Q All right. And how about law enforcement?

25 A I have been with Dorchester County for about six and

1 a half years.

2 Q Okay. And back on May 2, 2011, did you receive a
3 call to respond out to a shooting scene on Muir Court?

4 A Yes, sir.

5 Q And where is that located, just generally?

6 A In Dorchester County off of Trolley Road.

7 Q Is that between the Arby's and the Perkins?

8 A Yes, sir.

9 Q And when you responded out there, I guess is crime
10 scene the first people to respond?

11 A No, sir, we're not.

12 Q All right. So when you got there, who all had been
13 there already?

14 A EMS had been on scene, we had road patrol on scene,
15 and numerous residents.

16 Q And do you know about what time it was when you
17 responded out?

18 A It was a little after 4 p.m.

19 Q Okay. And just describe the scene for the jury, if
20 you will. What was there -- when you arrived, what was
21 there?

22 A When we arrived on scene, we pulled up to the court
23 itself being blocked off with crime scene tape and being
24 held secure. There was some evidence left in the roadway
25 off to the left-hand side if you're staring down the

1 court.

2 Q Was the victim still there at that time?

3 A The victim was no longer there. EMS had taken him.

4 Q And as part of crime scene, what is your purpose of
5 responding to a homicide scene such as this?

6 A To document the scene itself, to photograph, to
7 collect any evidence or anything that we feel could have
8 been evidence at the time.

9 Q And is the scene always located in one central area?

10 A No, sir.

11 Q Tell us about that a little bit.

12 A It can be, you know, where your victim is, but also
13 as well as where your subject could have been, where --
14 anywhere in between the two places.

15 Q And in this particular case, what scene did you work?

16 A I was at the scene at Muir Court, and I responded to
17 a search warrant as well.

18 Q All right. Let me show you what's been marked --
19 show you several pictures that have been marked for
20 identification. That's State's Exhibit 7, 8, 9, 10, 11,
21 and 13, and just ask if you could just take a look at
22 those and see if you recognize these pictures.

23 A Yes, sir.

24 Q Do you recognize those?

25 A Yes, sir.

1 Q What are those pictures of just generally?

2 A The scene where the victim was located.

3 Q Okay. And are those accurate pictures of the scene
4 as it was on May 2, 2011?

5 A Yes, sir.

6 MR. HILTON: Your Honor, at this time, we would
7 offer State's Exhibit 7, 8, 9, 10, 11, and 13 into
8 evidence.

9 THE COURT: Any objection?

10 MR. FARLEY: No, Your Honor.

11 THE COURT: State's 7, 8, 9, 10, 11, 13 into
12 evidence without objection.

13 You may publish.

14 MR. HILTON: Thank you, Your Honor.

15 (WHEREUPON, STATE'S Exhibits Nos. 7, 8, 9, 10,
16 11, 13 were admitted into evidence.)

17 BY MR. HILTON:

18 Q This is State's Exhibit No. 8. What is that a
19 picture of?

20 A That is a picture of the street name.

21 Q State's Exhibit 9, can you tell us about this
22 photograph?

23 A That's a picture of how it was when we were coming up
24 on scene.

25 Q Is that a picture of Muir Court?

1 A Yes, sir.

2 Q And where is the -- where was -- where was Mr. Smoot
3 found when EMS arrived?

4 A Slightly in front of the white truck.

5 Q State's Exhibit 10, what is that?

6 A That is where the victim was found.

7 Q And is that the white truck that you were referring
8 to?

9 A Yes, sir.

10 Q And this trailer, was that there the whole time?

11 A Yes, sir, it was.

12 Q State's Exhibit 13. Do you know what that is?

13 A That is across from the truck, the mailboxes.

14 Q Is that the rear of that white truck we just looked
15 at up to the left of the picture?

16 A Yes, sir, it is.

17 Q Finally, State's Exhibit 11, where is that taken?

18 A That's from the back of the cul-de-sac looking back
19 towards the front of the road where the road sign was.

20 Q Let me show you State's Exhibit 23 and just ask you
21 to point out for the jury kind of the view from where that
22 picture is taken.

23 A That is going to be, if I've got my directions right,
24 back towards this area.

25 Q So you're at the right side of the cul-de-sac?

1 A Right. Going back towards this direction.

2 Q All right. The truck and the trailer, where would
3 that have been on State's Exhibit 23?

4 A In the approximate area right through here.

5 MR. HILTON: All right. Please answer any
6 questions the defense may have for you.

7 MR. FARLEY: If I may have a moment.

8 THE COURT: You may.

9 MR. FARLEY: May I approach the witness?

10 THE COURT: You may.

11 CROSS-EXAMINATION

12 BY MR. FARLEY:

13 Q I'm going to show you State's 23. And you said that
14 photo that they showed you -- you may refer to it -- I'm
15 going to show you what's been marked State's 11 so you can
16 see. That photo was taken from this point right here?

17 A At the end of the cul-de-sac.

18 MR. FARLEY: Thank you. I don't have anything
19 else right now, Your Honor.

20 THE COURT: Mr. Hilton.

21 MR. HILTON: No further questions, Your Honor.

22 THE COURT: Is this witness released?

23 MR. HILTON: She is.

24 THE COURT: Any objection?

25 MR. FARLEY: No, Your Honor.

1 THE COURT: You are released. You may leave the
2 courtroom, but you are welcome to stay with us. Thank
3 you.

4 Call your next witness.

5 MR. HILTON: State would call Detective Earl
6 Asbell.

7 THE CLERK: Please raise your right hand. State
8 your full name for the record.

9 THE WITNESS: Earl Vincent Asbell.

10 EARL ASBELL, after being duly sworn, testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MR. HILTON:

14 Q Thank you, Detective Asbell. How long have you been
15 in law enforcement?

16 A Counting my reserve time, 37 years. Twenty-four
17 years full-time in Dorchester County.

18 Q And so obviously back in May of 2011, you were
19 employed with Dorchester County; is that right?

20 A Yes, I was. I was lieutenant over the crime scene.

21 Q All right. And as the lieutenant over crime scene,
22 is that like the supervisor's position over crime scene?

23 A Yes, it is.

24 Q And did you have an opportunity to respond out on
25 May 2, 2011 near the Muir Court and Churchill Commons

1 area?

2 A Yes, I did. I not enter the crime scene. I stayed
3 on the outside of it until I was later called somewhere
4 else.

5 Q And where was that somewhere else?

6 A It was over at Timber Lane Apartments. At the very
7 back of the apartments there was a ditch. Sergeant Zensen
8 had notified me that Derek Sauro --

9 MR. FARLEY: Objection, Your Honor. Hearsay.

10 THE COURT: Sustained.

11 Please remember what hearsay is. Thank you.

12 Mr. Hilton, you may continue.

13 BY MR. HILTON:

14 Q Let me show you State's Exhibit 25 and just ask if
15 you will point out to the jury, you mentioned Timber Lane.
16 Where is that on the map?

17 A This is Timber Lane. It runs off of Trolley Road
18 just before you get to Churchill Commons Apartments.

19 These are Churchill Commons Apartments here, and
20 this is Muir Court in the back of it.

21 Now, there is a ditch that separates Timber Lane
22 and Muir Court, and this ditch travels up and makes a
23 90-degree turn to the right, and it separates Churchill
24 Commons and Muir Court.

25 This is where the incident occurred here. And

1 right here on this 90-degree curve on the left bank, if
2 you're looking at it here, is where we found the rifle.

3 Q Is that why you responded out to that area in the
4 ditch?

5 A That's correct. I went out there to assist Derek
6 Sauro.

7 Q Who is Derek Sauro?

8 A He is one of my crime scene personnel.

9 Q And where is he today?

10 A He's in Largo, Florida, at a class for two weeks.

11 Q Were you there with Mr. Sauro, Detective Sauro,
12 assisting him in what he was doing with regard to this
13 case?

14 A Yes, sir, I was there while he was taking the
15 photograph and while he collected the gun.

16 Q In fact, were you his supervisor?

17 A Yes, I was.

18 Q Okay. Let me show you what's been marked for
19 identification as State's Exhibit 12, 14, and 15, and just
20 ask if you recognize these items.

21 A Yes, I do.

22 Q What are those pictures of?

23 A State's Exhibit 12, this is a photograph, a distant
24 photograph, of the rifle laying on the left bank of the
25 ditch right where the 90-degree curve is.

1 State's Exhibit 15 is just a medium range shot
2 where you can actually see the rifle laying down in the
3 water.

4 And State's Exhibit 14 is a close-up of the
5 rifle partially submerged underwater.

6 Q All right. Are those accurate photographs of that
7 rifle as it was recovered that day?

8 A Yes, they are.

9 MR. HILTON: Your Honor, at this time, we would
10 offer State's Exhibits 12, 14, and 15 into evidence.

11 THE COURT: Any objection?

12 MR. FARLEY: No, Your Honor.

13 THE COURT: State's 12, 14, and 15 into evidence
14 without objection. You may publish.

15 MR. HILTON: Thank you, Your Honor.

16 (WHEREUPON, STATE'S Exhibits Nos. 12, 14, 15
17 were admitted into evidence:)

18 BY MR. HILTON:

19 Q Let me show you what's been marked State's
20 Exhibit 14. I know you briefly described them just a
21 second ago, but with the jury having the benefit of seeing
22 them, can you tell them what that picture is?

23 A That is a picture of the 30-30 caliber rifle being
24 partially submerged in the water. You can see it's
25 submerged all the way up to the stock and just the upper

1 part of the stock is out of the water at that time.

2 Q And State's Exhibit 15?

3 A That is a little bit more distant shot but the same
4 rifle.

5 Q And how about State's Exhibit 12?

6 A That is a distant shot there. This is the inner bank
7 of this 90-degree curve, ditch runs, make a right, and
8 goes straight out. And the rifle is laying over here on
9 this left bank on the Churchill Commons side.

10 (WHEREUPON, STATE'S Exhibit No. 34 was marked
11 for identification only.)

12 BY MR. HILTON:

13 Q Let me show you what's been marked for identification
14 as State's Exhibit 34 and just ask if you recognize this
15 photograph.

16 A Yes. State's Exhibit 34 is a distant shot of that
17 90-degree curve where the rifle was located.

18 Q Is that an accurate photograph of that ditch and kind
19 of a distant shot of where the rifle was that day?

20 A Yes, it is.

21 MR. HILTON: Your Honor, we would offer State's
22 Exhibit 34 into evidence.

23 THE COURT: Any objection?

24 MR. FARLEY: No, Your Honor.

25 THE COURT: State's 34 into evidence without

1 objection.

2 MR. HILTON: May I publish to the jury, Your
3 Honor?

4 THE COURT: You may.

5 (WHEREUPON, STATE'S Exhibit No. 34 was admitted
6 into evidence.)

7 BY MR. HILTON:

8 Q If you will, Lieutenant Asbell, just describe that
9 picture as well.

10 A This is a ditch right here. This is the ditch that
11 runs directly behind Timber Lane, between Timber Lane and
12 Muir Woods, right here. Muir Woods is back to your right
13 here, it makes a 90-degree and goes to the -- back behind
14 Muir Woods between Churchill Commons, and the rifle was
15 laying down right in this area right in here.

16 Q All right. After photographing that rifle, what did
17 you-all do with it?

18 A First of all, Derek, when he got it out of the water,
19 the stock was still dry. So he went ahead and processed
20 the stock for latent prints and swabbed it for DNA, along
21 with the trigger and the handle at that time.

22 Q Did anything become of those, either the DNA or
23 fingerprints?

24 A No. We didn't develop any latents on the rifle
25 whatsoever. And the DNA came back negative for human.

1 Q Let me show you what's been marked for identification
2 as State's Exhibit 2, and just ask if you'll take a look
3 at that.

4 A This is the 30-30 rifle that was recovered from the
5 ditch.

6 Q Okay. How do you know that this rifle is the one
7 recovered from the ditch?

8 A It had a broke stock on it. And the serial number,
9 6292477, is the rifle that had been collected, and it's
10 the only high-powered rifle we've ever had involved in a
11 case like this.

12 MR. HILTON: At this time, we'd offer State's
13 Exhibit 2 into evidence.

14 THE COURT: Any objection?

15 MR. FARLEY: No, Your Honor.

16 THE COURT: State's 2 into evidence without
17 objection.

18 (WHEREUPON, STATE'S Exhibit No. 2 was admitted
19 into evidence.)

20 BY MR. HILTON:

21 Q Now, when you recovered that gun out of the water,
22 was there any bullets in it or any spent casings or
23 anything of that nature?

24 A The hammer was down and we cleared the gun. There
25 was one spent casing inside the rifle. Derek Sauro

1 removed that.

2 Q Let me show you what's been marked as State's
3 Exhibit 28 for identification and ask if you recognize it.

4 A This is a standard envelope here that we place our
5 evidence in, and we list what's inside of it.

6 Let's see, a spent Winchester 30-30 caliber
7 shell casing seized by Derek Sauro. And on the outside of
8 the box, when we collect the gun, we label the case
9 number, the date, collected by whom, and the description
10 of what is inside. And this here is a Winchester 30-30
11 casing from the rifle. And rifle has the SLED lab number
12 and their item number.

13 MR. HILTON: At this time, we would offer
14 State's Exhibit 28 into evidence.

15 MR. FARLEY: May I take a look at it?

16 THE COURT: You may.

17 BY MR. HILTON:

18 Q Once the item -- State's Exhibit 2 and State's
19 Exhibit 28, the gun and the spent casing, once they were
20 recovered, what did you-all do with those items at that
21 point in time?

22 A Well, the rifle, we contacted James Parker as part of
23 our dive team and asked him to bring the dive tube out --
24 that if we collect a gun in the water, we keep it
25 submerged in water so that it doesn't rust. There didn't

1 appear to be any rust on the gun. We keep it in the same
2 state it's in until we're ready to process it.

3 So Mr. Parker brought the tube, probably 45
4 minutes to an hour later, he arrived on the scene, and the
5 rifle was placed back down in the water. We left it in
6 the ditch in the water until the tube got there and had
7 water in it. He took it out, processed it for prints and
8 the DNA swab, and then we put it right into the tube of
9 water.

10 Q Is that for the purpose of preserving the item?

11 A If you don't, once it starts -- if the air gets to
12 it, it will start rusting.

13 Q Okay.

14 A And we want to keep everything as stable as we can.

15 Q Were those items then turned into evidence?

16 A Yes, sir. Derek delivered all the items to the
17 office.

18 MR. FARLEY: Objection, Your Honor. This is
19 hearsay.

20 THE COURT: Sustained. I don't -- sustained,
21 but not as to hearsay.

22 BY MR. HILTON:

23 Q As the evidence lieutenant, when items such as this
24 are recovered, what happens to them?

25 A They're transported to the sheriff's office, but I

1 went to the sheriff's office with him. And we left the
2 scene with the rifle so we could secure it, and he
3 transported it in his vehicle.

4 Q And it was secured into evidence at that time?

5 A Yes.

6 MR. HILTON: Please answer any questions the
7 defense may have for you.

8 THE COURT: Mr. Farley, did you have an
9 objection to State's 28?

10 MR. FARLEY: Yes, Your Honor.

11 THE COURT: All right. Please approach.

12 Please bring that item with you, Mr. Hilton.

13 (A bench conference was held with the judge and
14 attorneys in the presence of the jury but out of the
15 hearing of the jury.)

16 BY MR. HILTON:

17 Q Detective Asbell, just briefly, when the gun was
18 taken from the ditch, where were you standing?

19 A Pardon me?

20 Q When the gun, State's Exhibit 2, was taken from the
21 ditch, where were you standing?

22 A I was holding the camera for him. I was standing
23 right there in the ditch with him.

24 Q Did you see what Detective Sauro was doing?

25 A Yes. That's what I was there for. I was there to

1 witness him. He'd never recovered a gun from the water
2 before, so I was at the ditch. I was on the scene with
3 him probably for an hour, hour and a half.

4 Q And with regard to State's Exhibit 28 that's been
5 marked for ID at this point, this being the shell casing
6 removed from that gun, did you see that item removed from
7 the gun?

8 A Yes, I did. It was removed on the back of his truck
9 right there, we ejected the shell casing, and placed it in
10 the box.

11 Q And this, what's been marked as State's Exhibit 28,
12 is that the item that was taken from State's Exhibit 2?

13 A Yes, sir.

14 MR. HILTON: Your Honor, at this time, we would
15 offer State's Exhibit 28 into evidence.

16 MR. FARLEY: No objection, Your Honor.

17 THE COURT: State's 28 into evidence without
18 objection.

19 (WHEREUPON, STATE'S Exhibit No. 28 was admitted
20 into evidence.)

21 THE COURT: Mr. Farley, your witness.

22 MR. FARLEY: Thank you, Judge.

23 CROSS-EXAMINATION

24 BY MR. FARLEY:

25 Q You're unable to tell exactly how long that gun has

1 been in the water; is that correct?

2 A That's true. I can't tell you how long it's been in
3 there. I just know it wasn't rusted.

4 Q But you keep it in water so that it doesn't rust,
5 correct?

6 A Correct.

7 Q You tested it for fingerprints. And what were the
8 results of those fingerprint?

9 A It was negative for latent prints.

10 Q And now you said there was no human DNA on the rifle.
11 Does that mean there was some other type of DNA?

12 A The report just says no, if I remember correctly,
13 said no human DNA detected.

14 MR. FARLEY: Thank you. I don't have anything
15 else.

16 THE COURT: Mr. Hilton, redirect?

17 MR. HILTON: No redirect, Your Honor.

18 THE COURT: Is this witness excused?

19 MR. HILTON: He is.

20 THE COURT: Any objection?

21 MR. FARLEY: No, Your Honor.

22 THE COURT: Lieutenant, you are free to leave.
23 You are welcome to remain with us in the courtroom,
24 though.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: You may step down.

2 Call your next witness.

3 MR. HILTON: The State would call Detective
4 Jamie Zensen.

5 THE CLERK: Please raise your right hand. State
6 your name for the record.

7 THE WITNESS: Jamie Zensen.

8 JAMIE ZENSEN, after being duly sworn, testified
9 as follows:

10 DIRECT EXAMINATION

11 BY MR. HILTON:

12 Q Detective Zensen, where are you employed?

13 A Dorchester County Sheriff's Office.

14 Q And how long have you been employed there?

15 A Since 1999.

16 Q How long have you been in law enforcement?

17 A Since 1992.

18 Q Where was that?

19 A Palm Beach County, Florida.

20 Q Was there a lot of crime in Palm Beach County,
21 Florida?

22 A Yes, sir.

23 Q With regard to the case against Mr. Anthony Willis,
24 did you have any involvement in that case?

25 A I did.

1 Q Specifically with regard to a search warrant that was
2 executed on May 2, 2011, did you participate in that
3 search warrant?

4 A Yes, I did.

5 Q And where was that conducted?

6 A [REDACTED].

7 Q And whose apartment is that?

8 A Anthony Willis.

9 Q And when you go on a search warrant, you conduct a
10 search warrant, how do you go through the process?

11 A You start out photographing the outside of the
12 building, and then I photograph a doorway or anything that
13 has markings for the address. Then I photograph typically
14 left to right of every room that I go into.

15 Q Is that what you did in this particular case?

16 A Yes.

17 Q And let me show you what's been marked for
18 identification as State's Exhibit No. 4, No. 5, No. 6, No.
19 16, 17, 32, 33. These are photographs. I would just ask
20 you take a look at those and see if you recognize them.

21 MR. FARLEY: Mr. Hilton.

22 THE COURT: Please show them to Mr. Farley.

23 Thank you.

24 (Pause.)

25

1 BY MR. HILTON:

2 Q Do you recognize those?

3 A Yes, I do.

4 Q What are those photographs of?

5 A These are photographs that I took the night of the
6 search warrant, May 2nd.

7 Q All right. Are those accurate photographs as the
8 position of items found as they were found in Apartment
9 No. [REDACTED]?

10 A Yes, sir.

11 MR. HILTON: Your Honor, at this time, we would
12 offer State's Exhibit 5, 4, 16, 6, 32, 17, and 33 into
13 evidence.

14 THE COURT: Any objection?

15 MR. FARLEY: No, Your Honor.

16 THE COURT: State's 5, 4, 16, 6, 32, 17, and 33
17 into evidence without objection.

18 You may publish.

19 (WHEREUPON, STATE'S Exhibits Nos. 4, 5, 6, 16,
20 17, 32, 33 were admitted into evidence.)

21 BY MR. HILTON:

22 Q What is that a photograph of?

23 A The building C, apartments 1 through 8.

24 Q Is that kind of the first photograph you take showing
25 where you are?

1 A Yes.

2 Q That is State's Exhibit 33.

3 State's Exhibit 5?

4 A That's the identification of Anthony Willis.

5 Q And where was that recovered?

6 A Detective King recovered that, I believe, out of a
7 pants pocket.

8 Q State's Exhibit 6?

9 A Those are the orange shoes.

10 Q State's Exhibit 16?

11 A That's the orange and white shoe that we got a report
12 of that had fresh mud on it.

13 Q Was that the same shoes or one of the shoes that was
14 in State's Exhibit 6?

15 A Yes.

16 Q And then State's Exhibit 4?

17 A The bottom of the shoe showing the tread pattern.

18 Q And then what about State's Exhibit 32?

19 A That is the entrance to the laundry room.

20 Q And finally, State's Exhibit 17?

21 A The shorts that were just inside the entrance of the
22 laundry room next to the orange and white shoes.

23 Q Did you recover any items from that search warrant?

24 A Yes. Several items were recovered that night.

25

1 (WHEREUPON, State's Exhibits Nos. 35-36 were
2 marked for identification only.)

3 BY MR. HILTON:

4 Q Let me show you what's been marked for identification
5 as State's Exhibit 35 and just ask if you recognize these.

6 A Yes. Those are the orange and white shoes in the
7 picture.

8 Q Those were recovered from Apartment [REDACTED]?

9 A Yes, sir.

10 MR. HILTON: Your Honor, we would offer State's
11 Exhibit 35 into evidence.

12 THE COURT: Any objection?

13 MR. FARLEY: No, Your Honor.

14 THE COURT: State's 35 into without objection.

15 (WHEREUPON, STATE'S Exhibit No. 35 was admitted
16 into evidence.)

17 BY MR. HILTON:

18 Q Let me show you what's been marked as State's
19 Exhibit 21 for identification and ask if you recognize
20 this.

21 A Yes, I do.

22 Q What is that?

23 A That's the black leather case containing an FX sound
24 portable DVD player.

25 Q Where was that recovered from?

1 A Out of an orange tub in the living room of Anthony
2 Willis.

3 Q You say it was in the living room?

4 A Yes, sir, inside of an orange tub.

5 Q Did he have a bedroom in the house?

6 A No.

7 Q Where was he staying?

8 MR. FARLEY: Objection, Your Honor. This
9 requires speculation.

10 THE COURT: Sustained.

11 BY MR. HILTON:

12 Q You say it was found in the living room?

13 A Yes.

14 Q Let me show you what's been marked for identification
15 as State's Exhibit 36 and just ask you to take a look at
16 those. Do you recognize those?

17 A Yes, I do.

18 Q Is that the pair of pants that is pictured in State's
19 Exhibit 17?

20 A Yes, sir.

21 MR. HILTON: Your Honor, at this time, we would
22 offer State's Exhibit 36 into evidence.

23 THE COURT: Any objection?

24 MR. FARLEY: No, Your Honor.

25 THE COURT: State's 36 into evidence without

1 objection.

2 (WHEREUPON, STATE'S Exhibit No. 36 was admitted
3 into evidence.)

4 BY MR. HILTON:

5 Q Now, at some point in time, Detective Zensen, did you
6 respond back out to Muir Court in reference to recovering
7 a projectile?

8 A Yes, I did.

9 Q Okay. And what date was that on?

10 A May 6th.

11 Q Let me show you what's been marked for identification
12 as State's Exhibit 3 and just ask you to take a look at
13 this. Do you recognize that?

14 A Yes, I do.

15 Q What is that?

16 A It appears to be a copper jacket of a projectile.
17 It's usually wrapped in a copper jacket or some form of
18 metal with some striations.

19 Q Where did you recover that from?

20 A Out of a vehicle at 103-A Muir Court.

21 Q And let me show you on the map again, State's
22 Exhibit 23, and if you will, just point to us where that
23 truck was located on May 2nd, 2011.

24 A It's actually right there. That is the truck.

25 MR. HILTON: Your Honor, at this time, we would

1 offer State's Exhibit 3 into evidence.

2 MR. FARLEY: No objection.

3 THE COURT: State's 3 into evidence without
4 objection.

5 (WHEREUPON, STATE'S Exhibit No. 3 was admitted
6 into evidence.)

7 MR. HILTON: Just a moment.

8 (Pause.)

9 BY MR. HILTON:

10 Q Let me show you again State's Exhibit 9. And I'm
11 going to hand it to you so you can take a look at it
12 first. But State's Exhibit 9, do you see the truck in
13 that photograph where you recovered that fragment from?

14 A I believe, if I can see my other photograph, it
15 should be this black truck right here.

16 Q All right. Let me put that on the screen. If you'll
17 point that out for the jury.

18 A (Indicating.)

19 Q And that photograph was actually taken on May 2nd; is
20 that correct?

21 A Yes, it is.

22 MR. HILTON: Please answer any questions the
23 defense may have for you.

24 CROSS-EXAMINATION

25 BY MR. FARLEY:

1 Q How are you?

2 A Fine. How are you?

3 Q Good. I want to talk about the search warrant.

4 When you recovered those shorts, was there
5 anything inside of the shorts, in the pockets?

6 A I did a photography of it. It was Detective King
7 that picked the shorts up. I believe that was the ID and
8 either debit card or credit card that was in the shorts.

9 Q So it's your testimony that, to your knowledge, there
10 was nothing in there or you just don't know?

11 A I'm not a hundred percent sure.

12 Q And the shoes that were recovered, you described them
13 as having mud on them?

14 A Yes.

15 Q Did you do any kind of testing of that?

16 A No, I did not.

17 Q Did you take a sample of that so that at a later date
18 it could be tested?

19 A No, I did not.

20 Q Are you familiar with the type of shoe that you
21 found?

22 A It's an Air Force One.

23 Q Would you agree with me that they have a very unique
24 tread pattern on the bottom of those?

25 A Yes.

1 Q Did you during that day or any other day that you
2 were returned out there, did you happen to look at the
3 ditch that is around that area?

4 A I did not respond to the ditch area, no.

5 Q Isn't it true that you -- when executing your search
6 warrant, you also found a white sock with red paint on it?

7 A Yes, in the laundry room.

8 MR. FARLEY: I have nothing else, Your Honor.

9 THE COURT: Redirect?

10 MR. HILTON: No redirect.

11 THE COURT: Is this witness excused?

12 MR. HILTON: Subject to recall.

13 THE COURT: Any objection?

14 MR. FARLEY: No, Your Honor.

15 THE COURT: You may step down. Please
16 understand what I have been told is you are subject to
17 recall. So please stay in touch with the Solicitor's
18 office, but you may step down. Thank you.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Call your next witness.

21 MR. GIESE: If it please the Court, Your Honor,
22 the State calls Dr. Janice Ross.

23 THE CLERK: Please raise your right hand. State
24 your full name for the record.

25 THE WITNESS: Janice Edwards Ross.

1 DR. JANICE ROSS, after being duly sworn,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY MR. GIESE:

5 Q Dr. Ross, where are you employed?

6 A In Newberry, South Carolina, for Newberry Pathology
7 Associates.

8 Q All right. And as a pathologist, what does a
9 pathologist do?

10 A A pathologist is a physician, is a doctor, I have my
11 M.D. degree. And we -- as a pathologist, we are trained
12 further in the identification of diseases.

13 We are trained in several areas of pathology, to
14 identify tumors that come out of surgery.

15 We also are trained to do an autopsy.

16 And in forensic pathology, a subspecialty, we
17 are trained to do an autopsy to document evidence for a
18 criminal event, to identify the patterns of injury and
19 find the cause and manner of death.

20 Q Now, your background and training to become a
21 forensic pathologist, because I believe that's what you
22 are, correct?

23 A Yes.

24 Q Could you tell the jury briefly what that is, what
25 your training is?

1 A Yes. Four years of college, four years of medical
2 school, four plus years of training in pathology.

3 I actually am board certified in three areas of
4 pathology, anatomic, clinical, and forensic pathology.

5 Q When you say "board certified," is that different
6 from just a forensic pathologist? Explain that.

7 A To be board certified, you have to pass a certain
8 test, it's a nationwide test. But in order to take the
9 test, you have to have certain experience and training
10 before that.

11 Q Have you testified as an expert in the field of
12 forensic pathology in courts in South Carolina before?

13 A Yes.

14 Q Approximately how many times?

15 A Over 70 times.

16 MR. GIESE: We would offer her at this time as
17 an expert in the area of forensic pathology.

18 THE COURT: Any objection?

19 MR. FARLEY: No, Your Honor.

20 THE COURT: Ladies and gentlemen, normally a
21 person cannot give opinion testimony. Typically, when a
22 person testifies, they must testify as to either what they
23 saw or heard or sensed by something like smell.

24 There is an exception. When someone is
25 qualified because of their education and experience, they

1 are permitted to give their opinion in certain areas if
2 the Court qualifies them that way.

3 This witness will be qualified in the area of
4 forensic pathology to give opinion testimony in that area.
5 That does not mean that you must accept the opinion. It
6 is simply evidence for you to use in any way that you see
7 fit.

8 Mr. Giese.

9 MR. GIESE: Thank you, Your Honor.

10 BY MR. GIESE:

11 Q Dr. Ross, do you have a specific procedure that you
12 use when you do an autopsy?

13 A Yes. The coroner of the county authorizes the
14 autopsy and sends the body to us in a body bag. We open
15 the body bag, identifying externally any clothing
16 available. We do an inventory of that. Then we take
17 photographs for the outside of the body and look again for
18 any signs of injury or natural disease. Then we do a
19 specific internal injury -- or internal examination.

20 Q During the internal examination, you see what is, I
21 guess, inside the person?

22 A Yes. See what's injured, yes.

23 Q Now, specifically, I want to draw your attention to
24 May 3rd of 2011. Did you have an opportunity to do an
25 autopsy on the victim in this case, Justin Smoot?

1 A Yes.

2 Q Where did that take place?

3 A In the morgue at the Newberry County Memorial
4 Hospital.

5 Q If you would, tell the jury what you found. You did
6 an external examination first, as in all autopsies. Tell
7 them what you found.

8 A Yes. We found evidence that he had been in the
9 hospital and he had some surgery.

10 We found a gunshot wound to his right chest,
11 right upper chest and shoulder, and otherwise, evidence of
12 medical therapy, therapeutic procedures.

13 Q When you say that, you mean -- tell the jury what you
14 mean by that.

15 A He had, for instance, a chest tube in place and some
16 interavenous lines running into him and an oral tube down
17 his throat for breathing.

18 Q Now, you found -- externally you found an entrance
19 wound, I believe, in the front?

20 A Yes.

21 MR. GIESE: Your Honor, may I approach?

22 THE COURT: You may.

23 BY MR. GIESE:

24 Q If you could just point out on me, if you would,
25 where you're talking about where you saw the entrance

1 wound.

2 A At the base of the right neck just above the collar
3 bone. The surgeons had cut through it, but we could
4 reoppose the edges to show it.

5 Q And after you found that externally, you did an
6 internal examination at that time?

7 A Yes.

8 Q Okay. Tell the jury what you found during the
9 internal examination on my body, if you would.

10 A Okay. First of all, on the external of the back, we
11 found an exit wound right here in the upper right
12 shoulder.

13 Q So you say an entrance wound and exit wound, so that
14 means the projectile went through?

15 A Correct.

16 Q Please tell the jury what else you found.

17 A We found that the bullet had gone through the upper
18 lobe of the right lung and caused a lot of hemorrhage from
19 that.

20 Q So show on me what you're meaning.

21 A Bullet wound, entrance here, exit in the back a
22 little bit to the right, almost straight through.

23 Q And it lacerated the lung?

24 A Yes.

25 Q When it lacerates the lung like that, what does that

1 cause?

2 A It causes bleeding. And in a lung, when a lung gets
3 lacerated like that, the only way to stop it from bleeding
4 is to go in and surgically close it up.

5 Q Now, a wound like that, when it lacerates the lung,
6 the cause of death in a situation like that would be what,
7 loss of blood?

8 A Loss of blood, yes.

9 Q Let me ask you this now. Did you have an opportunity
10 to do an x-ray of the body?

11 A Yes. Any time we have evidence of a gunshot wound,
12 we do x-rays.

13 Q Before I get to that, though, let me ask you this,
14 are you able to tell how far away a gun is from, say,
15 where the person is when they're shot?

16 A To a certain extent. Obviously if the barrel of the
17 gun is right on the skin, you can see evidence of the
18 muzzle imprint. As you go away an inch or two, you might
19 see soot and what we call stippling and tattooing.

20 When a bullet comes out of a barrel, it also
21 comes out with some soot and some burning pieces of metal.
22 But those -- that soot and all only goes a certain
23 distance.

24 So depending on the gun, the caliber of
25 ammunition, et cetera, you can get an idea of the range of

1 fire.

2 If there is no soot or tattooing on the skin,
3 then it's called a distant wound, which could be two feet
4 or 50 feet.

5 Q Did you find any soot or stippling in this case?

6 A No, I did not.

7 Q So your decision in this case was a distant shot?

8 A Correct.

9 Q Now, I want to get back to the x-ray that I asked you
10 about. Did you actually x-ray the wound area itself?

11 A Yes.

12 Q Do you have a copy of it or do you have the x-ray?

13 A I have the x-ray.

14 Q If you would, take a look at that and tell us what
15 that is.

16 A This is the x-ray taken of Justin Smoot at our
17 autopsy on May 3, 2011.

18 Q You brought that with you today?

19 A Yes.

20 (WHEREUPON, STATE'S Exhibit No. 37 was marked
21 for identification only.)

22 MR. GIESE: We'd like to offer it at this time.

23 THE COURT: Any objection?

24 MR. FARLEY: Yes, Your Honor. May we approach?

25 THE COURT: You may.

1 (A bench conference was held with the judge and
2 attorneys in the presence of the jury but out of the
3 hearing of the jury.)

4 THE COURT: As to State's 37, Mr. Farley?

5 MR. FARLEY: Your Honor, we object.

6 THE COURT: All right. Mr. Giese.

7 BY MR. GIESE:

8 Q If you could, Dr. Ross, how many autopsies have you
9 done with gunshot wounds in your life?

10 A A couple hundred anyway.

11 THE COURT: I'm sorry. I did not hear you.

12 THE WITNESS: I'm sorry. A couple hundred, at
13 least.

14 BY MR. GIESE:

15 Q You've testified as an expert in the area of gunshot
16 wounds that have caused death on numerous occasions,
17 correct?

18 A Yes.

19 Q And you've been able during those testimonies to
20 testify about --

21 MR. FARLEY: Objection, Your Honor. Leading.

22 THE COURT: Rephrase your question.

23 BY MR. GIESE:

24 Q What, if anything, can you tell this jury or this
25 Judge about whether or not you have testified before about

1 gunshot wounds and the type of guns used to create the
2 wound?

3 A The x-ray can tell us some things about the wound,
4 the gunshot, whether it's from --

5 MR. FARLEY: Objection, Your Honor. This is
6 non-responsive.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: Whether it's, for instance, from a
10 shotgun when you have little BBs or bird shot as opposed
11 to buck shot, as opposed to sometimes you have evidence of
12 a high-power rifle wound which gives a picture and an
13 x-ray of certain, what we call leaden snowstorm, which the
14 bullet is at such a high velocity and so powerful that as
15 it expands, little tiny fragments of lead are pushed off
16 of the bullet as it goes through. It shows a pathway
17 through the body.

18 BY MR. GIESE:

19 Q Now, in your role as a forensic pathologist, you just
20 testified that you have testified before about that exact
21 thing that you've just testified to, you just talked
22 about?

23 A Yes.

24 MR. GIESE: We offer it at this time, Your
25 Honor.

1 MR. FARLEY: No objection.

2 THE COURT: All right. State's 37 into evidence
3 without objection.

4 MR. GIESE: Thank you.

5 (WHEREUPON, State's Exhibit No. 37 was admitted
6 into evidence.)

7 BY MR. GIESE:

8 Q I hand you State's Exhibit No. 37. Tell the jury one
9 more time what that is.

10 A It's an x-ray of the chest of Mr. Smoot at the time
11 of autopsy.

12 MR. GIESE: Your Honor, may she publish it at
13 this time by showing the jury? I'm not sure if it's going
14 to be able to show or not, but I would like her to testify
15 from it and point to just a specific area. She can step
16 down.

17 THE COURT: I'm not sure that her stepping down
18 is going to accomplish what you need her to accomplish.

19 MR. GIESE: Can it go on that? I apologize,
20 Your Honor. I am screen illiterate.

21 BY MR. GIESE:

22 Q If you would, Dr. Ross, tell us what that x-ray shows
23 you.

24 A This is a rib, this is a rib, this is a rib, this is
25 a collar bone. And these little white fragments are what

1 I'm referring to as a lead snowstorm, little piece of lead
2 bullet that are -- show the path of the bullet.

3 Q Now, when you have a lead snowstorm like you have on
4 State's Exhibit No. 37, what, if anything, does that tell
5 you?

6 A It's consistent with a high-power rifle wound.

7 Q Thank you. You may sit down.

8 Now, finally, Dr. Ross, for the record, can you
9 testify as to a reasonable degree of medical certainty as
10 to what caused Justin Smoot's death?

11 A Yes.

12 Q And what is that?

13 A We call it hypovolemic shock because he lost so much
14 blood from the lacerated lung from the gunshot wound to
15 the chest.

16 MR. GIESE: Thank you. That's all I have.

17 THE COURT: Mr. Farley.

18 MR. FARLEY: I don't have any questions, Your
19 Honor.

20 THE COURT: May this witness be released?

21 MR. GIESE: Please.

22 THE COURT: Any objection?

23 MR. FARLEY: No, Your Honor.

24 THE COURT: You may step down. You are free to
25 remain with us, but you're also released. Thank you.

1 This is an appropriate time for us to take a
2 break, if you're ready to take a break.

3 Do not begin your deliberations, do not discuss
4 this case amongst yourselves. You may leave your note
5 pads here.

6 Please rise for the jury. We'll take about ten
7 minutes. Just let us know when you're ready. Thank you.

8 (The jury left open court at approximately 2:30
9 p.m.)

10 THE COURT: Thank you. Be seated.

11 Mr. Hilton, anything before we take a break?

12 MR. HILTON: Judge, I will say that we are
13 running low on witnesses this afternoon. We have blazed
14 through this much faster than we anticipated, and so
15 tomorrow will consist of mainly SLED witnesses, chain
16 witnesses from SLED. And so I don't anticipate going too
17 far tomorrow. I think we may have two more witnesses here
18 now, and I need to check on that. But after that, we're
19 going to be out of witnesses for today. I can't expect my
20 people to come down from SLED on such short notice.

21 THE COURT: And are you telling me, then,
22 tomorrow we will just hear from SLED witnesses?

23 MR. HILTON: Well, and a detective, but I don't
24 want to call the detective just yet. That would be too
25 out of order.

1 THE COURT: All right. We'll see how the
2 afternoon goes then, Mr. Hilton. And anything before we
3 break?

4 MR. FARLEY: No, Judge.

5 THE COURT: All right. Thank you. Ten minutes.

6 (A break was taken.)

7 THE COURT: Anything before we bring in the
8 jury?

9 MR. HILTON: One moment, Your Honor.

10 THE COURT: Okay.

11 (Pause.)

12 MR. HILTON: Thank you.

13 (The jury came into open court at approximately
14 2:48 p.m.)

15 THE COURT: Please be seated.

16 Call your next witness.

17 MR. HILTON: The State would call Buster
18 Edwards.

19 THE CLERK: Please raise your right hand. State
20 your full name for the record.

21 THE WITNESS: Buster Edwards.

22 BUSTER EDWARDS, after being duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. HILTON:

1 Q Thank you, Mr. Edwards. Where are you employed?

2 A Dorchester County Sheriff's Office, sir.

3 Q And what's your title there?

4 A Evidence custodian.

5 Q And is it corporal, sergeant, what is it?

6 A There is no rank with my title, sir.

7 Q Okay. And why is that?

8 A That is because my work for the county is all
9 volunteer.

10 Q Okay. And as evidence custodian, do you transport
11 items of evidence from the sheriff's office to other
12 agencies?

13 A That's correct, sir.

14 Q And in this particular case, the case against Mr.
15 Anthony Willis, did you transport some items up to the
16 State Law Enforcement Division?

17 A That's correct, sir.

18 Q All right. And let me show you a couple of items.
19 State's Exhibit 28 is an item that's been entered into
20 evidence. I ask you to just take a look at the evidence
21 tag on that item.

22 A Yes, sir.

23 Q Is that one of the items that you took up to SLED?

24 A That's correct, sir, it is.

25 Q Do you know when you did that?

1 A 5-27-11, sir.

2 Q All right. How about State's Exhibit 27 that's been
3 marked for identification? I'd just ask if you recognize
4 that.

5 A Yes, sir.

6 Q Did you take those items up to SLED?

7 A That's correct, sir, I did.

8 Q What date was that?

9 A The date of this was 5-27-11 also, sir.

10 Q Okay. Let me show you what's been marked as State's
11 Exhibit 3 and ask if you recognize this item.

12 A Yes, sir, I do.

13 Q Is that one of those items that you transported?

14 A Yes, sir, it is.

15 Q And when was that taken at?

16 A The date of it looks like 5-6-11 on it, sir.

17 Q Yeah, but when was it taken to SLED?

18 A 8-27-12, sir.

19 Q And have you had the opportunity to look at this box
20 here, this State's Exhibit 2? And I can bring it to you
21 if you need to. But have you had the opportunity to take
22 a look at it close?

23 A Can I, sir?

24 Q Sure.

25 A Yes, sir, my initials are on it.

1 Q Is that one of the items that you took up to SLED?

2 A That's correct, sir.

3 Q When you take those items up there, what do you do
4 with them?

5 A Log it. It's already pre-logged. The only thing I
6 have to do is take it up there and the evidence technician
7 there will log it in for testing.

8 Q On your trip up to SLED, do you take the evidence out
9 and mess with it or alter it or tamper with it or anything
10 of that nature?

11 A No, sir, we do not.

12 Q Do you even know exactly, other than what is written
13 on here, do you know exactly what's inside these envelopes
14 when you take something to SLED?

15 A No, sir, I don't.

16 Q So is it safe to say they remain sealed up while you
17 transport them?

18 A Exactly, sir. They are sealed. They are sealed and
19 yellow tape is placed on there. That's when I put my
20 initials on it. They seal it.

21 Q Mr. Edwards, let me show you what's also been marked
22 for identification as State's Exhibit 1 and just ask if
23 this is one of the items that you took up to SLED.

24 A Yes, sir, it is.

25 Q All right. And the same thing, you didn't alter it,

1 tamper with it or anything like that?

2 A No, sir.

3 MR. HILTON: Please answer any questions the
4 defense may have for you.

5 MR. FARLEY: We have no questions.

6 THE COURT: All right. May this witness be
7 excused, Mr. Hilton?

8 MR. HILTON: He may.

9 MR. FARLEY: No objection, Your Honor.

10 THE COURT: You may be excused. You are free to
11 remain with us but you are free to leave the courthouse.
12 Thank you.

13 Call your next witness.

14 MR. HILTON: The State would call Detective Tim
15 Knight.

16 THE CLERK: Please raise your right hand. State
17 your full name for the record.

18 THE WITNESS: Paul Timothy Knight.

19 TIM KNIGHT, after being duly sworn, testified as
20 follows:

21 DIRECT EXAMINATION

22 BY MR. HILTON:

23 Q Thank you, Detective Knight. Where are you employed?

24 A The Dorchester County Sheriff's Office.

25 Q How long have you been working there?

1 A About five years.

2 Q And how long have you been a detective?

3 A Since May of this year.

4 Q So back in May of 2011, May of last year, what was
5 your assignment with the sheriff's office?

6 A I was a member of the canine unit.

7 Q Okay. And as a member of the canine unit, did you
8 just have the dog or is it a road patrol or detectives or
9 what else goes along with that?

10 A A little bit of everything: Patrol work, anything
11 canine related that we have to get involved with, any
12 assistance with other agencies. So we do a lot.

13 Q All right. And what type of canine did you have?

14 A I had a two-year-old German Shepherd.

15 Q Was he -- what was the training that the dog had with
16 regard to like what area?

17 A His -- he was a patrol canine.

18 Q What does that mean?

19 A Which means that he was certified in tracking
20 narcotics, building search for a man, area search for a
21 man, article recovery, aggression work.

22 Q Is it kind of like a general purpose dog, if you
23 will?

24 A You can call it that, yes.

25 Q And with regard to tracking, what does that mean?

1 A Tracking means that he is able to follow the scent of
2 a human is the best way I can explain that.

3 Q What type of training does the dog go through to
4 learn to be a patrol dog?

5 A With this -- my dog here, this was my second dog. I
6 had retired my first dog that I had, so this was my second
7 dog that I was working.

8 With this dog here, Eiko, I trained four weeks
9 with him in North Carolina at Highland Canine, four weeks
10 of very intensive training. We did all the patrol work
11 with him there, we were certified there. And then once we
12 came back and started working in the county, we trained
13 every Tuesday, every week.

14 Q You say you trained with the dog?

15 A Yes.

16 Q All right. Did the dog have any training independent
17 of that, independent of you?

18 A He had a little bit. But once I got to North
19 Carolina and once we started the training, we added in
20 some other things and really polished up everything that
21 they had already.

22 Q Now, does every dog make the force?

23 A No.

24 Q All right. And what is your canine's name?

25 A His name is Eiko.

1 Q Eiko. Obviously Eiko made the cut?

2 A He did.

3 Q All right. Was he a pretty good dog?

4 A He was a very good dog.

5 Q And do you still have Eiko?

6 A I do not. July of last year, I was involved in an
7 incident that took me out of work for about eight months
8 and he was given to another canine handler.

9 Q And is there any certificates or certification that
10 the dog gets or that you get as a handler?

11 A Sure. Once we finish the four-week course in North
12 Carolina, his initial training, we were certified through
13 the Highland Canine.

14 Q Were you called out on May 2, 2011, to employ your
15 canine in this particular case?

16 A I was.

17 Q And tell us about that.

18 A Sure. I was home. I was getting prepared to start
19 my shift that night, I was working night shift on that
20 date. I was home getting dressed. I got a phone call
21 telling me about the incident that had occurred. I
22 quickly finished getting dressed. I got my canine ready
23 who was with me at my house, got everything prepared, we
24 jumped in the car and went to the scene.

25 Q All right. Do you remember about what time that was?

1 A No, I do not.

2 Q All right. Was it daytime, nighttime?

3 A It was daytime.

4 Q And when you say you went to the scene, do you know
5 where that was?

6 A Yes.

7 Q Where was that?

8 A Muir Court.

9 Q Let me show you what's been entered into evidence as
10 State's Exhibit 25, and just as you need to, just refer to
11 State's Exhibit 25.

12 All right. When you responded out to the scene,
13 how do you know where to deploy your canine? What is that
14 based on?

15 A Yeah. Once we got there -- and not just this scene,
16 but any scene where a canine is needed for a man track,
17 obviously when we get on scene, we don't know the details.
18 So we were quickly briefed of the situation, and we were
19 advised by the deputies who were already on scene of the
20 last sighting of the suspect.

21 Q And point to the map about where that was.

22 A Sure. About this area here.

23 Q Now, is that based on information that you-all had
24 May 2, 2011, while you were on scene?

25 A Yes, sir.

1 Q All right. So any information that was developed
2 subsequently, you wouldn't have had the benefit of that?

3 A Correct.

4 Q So on May 2, 2011, you deployed your canine. And
5 where did the dog track?

6 A There was a group of mailboxes over in this area
7 here. And like I said, the deputies on scene advised that
8 he was observed seen running right past the mailboxes
9 between the two buildings here. So myself, two other
10 deputies accompanied me, which was standard procedure, to
11 have deputies with the canine handler.

12 Q Let me stop you a second. I'm going to show you
13 State's Exhibit 13. Is that the group of mailboxes you
14 were referring to?

15 A Yes, sir, it is.

16 Q Okay. And so you said you pulled your canine near
17 the mailboxes?

18 A Yes, sir.

19 Q And take us from there.

20 A Started the track at the mailboxes. I gave my canine
21 the command to start tracking. We begin tracking. He
22 begins pulling me pretty hard between the two apartment
23 buildings.

24 We came through the two apartment buildings to
25 the back side of the apartment buildings, which kind of

1 opens up into like a small grassy field. We made a
2 straight line from the mailboxes all the way back.

3 Once we got into the back part of the complex,
4 we teed into a drainage ditch, four feet deep drainage
5 ditch. Once we got to the drainage ditch, Eiko turned,
6 made a hard left back toward Timber Lane Townhomes, which
7 was here. We began tracking back up toward Timber Lane
8 parallelling the ditch. Approximately 50 yards down
9 parallelling the ditch, Eiko turned and pulled me into the
10 ditch itself. So we went down into the ditch.

11 Once we got down into the ditch, he continued
12 tracking toward Timber Lane Townhouses here. Several
13 yards down from once we got down into the ditch, he
14 tracked right over top of a long gun, a rifle that was in
15 the ditch.

16 We continued tracking from that point. We came
17 up into the back side of Timber Lane Townhomes. And once
18 we got up into Timber Lane Townhomes, we come up out of
19 the ditch, into the back side of Timber Lane.

20 And then once we got into Timber Lane Townhomes,
21 we crossed over and went into Churchill Commons Apartments
22 which was over here.

23 Q Now, take a look at the map. Timber Lane is actually
24 labeled on the map right here. So is that where you're
25 referring to, or are you referring to Timber Lane over

1 here?

2 A Yes, Timber Lane here.

3 Q Okay. Let me show you what's been marked as State's
4 Exhibit 34 and just ask, is that the ditch that you went
5 through?

6 A Yes.

7 Q When you came up into the back of Timber Lane
8 Apartments, where did the dog go at that point?

9 A Once we got up here to the back of Timber Lane
10 Apartments back here, we crossed over, he pulled into the
11 back side of Churchill Commons.

12 Q All right. And did the dog track to a specific
13 apartment?

14 A Yes, sir.

15 Once we got into Churchill Commons, he was
16 making his way over to what we later found out to be the C
17 building. Once we were in the direction of the C
18 building, we were advised on the police radio that a black
19 male matching the description of the suspect was seen
20 exiting from the C building into the C building parking
21 lot.

22 Once we got up to the C building, to the
23 concrete there near the breezeway, Eiko pulled up into the
24 breezeway area and picked his head up. We continued on
25 through the breezeway. The suspect that was seen leaving

1 the apartment complex was being spoken to by the deputies
2 at that time.

3 Q So Eiko tracked to the back of the C building?

4 A Yes.

5 MR. HILTON: Okay. Please answer any questions
6 the defense may have for you.

7 THE COURT: Mr. Farley.

8 MR. FARLEY: Thank you, Judge.

9 CROSS-EXAMINATION

10 BY MR. FARLEY:

11 Q It's kind of confusing, the path you took.

12 MR. FARLEY: May I approach?

13 THE COURT: You may.

14 BY MR. FARLEY:

15 Q Could you just slowly point out the path you took? I
16 don't think you really need to narrate it, but just kind
17 of show us very slowly where you started.

18 THE WITNESS: Can I get up?

19 THE COURT: You may.

20 THE WITNESS: Started in the area here off of
21 Muir Court, came up in between the two apartment buildings
22 here. You can't really tell with this picture here, but
23 there is a drainage ditch that parallels all the way back
24 here into the back side of Timber Lane Townhomes here.

25 So once we made it through here, we started

1 parallelling the ditch, went down into the ditch,
2 continued back this way all the way into the back side of
3 Timber Lane. Once we got into Timber Lane, that's when we
4 crossed over into Churchill Commons.

5 BY MR. FARLEY:

6 Q And where did you locate the gun again?

7 A Right here in this area.

8 Q When you located the gun, did you happen to see any
9 footprints around the gun?

10 A I do not remember, no, sir.

11 Q And at some point, you had to lift the dog over a
12 fence; is that correct?

13 A Yes.

14 Q Can you show us where that is on the map?

15 A Again, it would be hard to tell from this picture
16 here, but Timber Lane, this area over here.

17 Q Was it before or after you found the gun?

18 A It was after.

19 Q Is that common, to have to lift the dog over objects?

20 A Oh, sure. Sure.

21 Q In your opinion, does that affect the track?

22 A Absolutely not.

23 MR. FARLEY: I don't have anything else.

24 THE COURT: Mr. Hilton.

25 REDIRECT EXAMINATION

1 BY MR. HILTON:

2 Q You say you deployed the dog, and you testified that
3 was near those mailboxes; is that correct?

4 A Yes, sir.

5 Q That is the mailboxes I showed you in State's
6 Exhibit 13?

7 A Yes, sir.

8 Q All right. Again, that was based on the information
9 you-all had while you were on the scene?

10 A At the time, yes, sir.

11 MR. HILTON: No further questions.

12 THE COURT: Mr. Farley?

13 MR. FARLEY: Nothing further.

14 THE COURT: Is this witness released?

15 MR. HILTON: He is, Your Honor.

16 MR. FARLEY: No objection.

17 THE COURT: You may step down. You are free to
18 remain with us but you're also free to leave the
19 courthouse. Thank you.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Ladies and gentlemen of the jury,
22 the attorneys for the State and for the defendant have
23 reached what is called a stipulation. A stipulation is
24 simply an agreement. And what that does is it prevents
25 some witnesses from having to come to testify.

1 So during the break, both the State and the
2 defense agreed that the victim, Justin Smoot, resided at
3 [REDACTED] with his mother. And that location
4 has been pre-marked on any exhibits.

5 Is that the stipulation that was entered into,
6 Mr. Hilton?

7 MR. HILTON: It is, Your Honor.

8 THE COURT: Mr. Farley?

9 MR. FARLEY: Yes, Your Honor.

10 THE COURT: And so you need to take notice of
11 that stipulation as if there had been witnesses to testify
12 to that fact.

13 Ladies and gentlemen, what that also does is we
14 have heard all the testimony that we will hear today. So
15 we will break for the afternoon.

16 I need you to be back in your jury room at the
17 same time that you were so that we can begin promptly at
18 9:30.

19 Please remember all of my admonitions. Now,
20 you're in day two and I know that there's going to be
21 somebody at your house that's going to say what did you do
22 today, tell me about your day. And you're going to have
23 to say, I may not discuss this case until the Judge says
24 that I can.

25 Please do not discuss this case with anyone,

1 that includes each other, face-to-face discussions, and it
2 also includes any texting, posting and blogging, anything
3 of that nature. Do not discuss this case in any way with
4 anyone until I tell you that you may.

5 Please do not do any independent research
6 regarding this case. And remember, as I told you this
7 morning, everything that you know about this case must
8 come from the witness stand or any exhibits that are made
9 part of the record of this case.

10 Ladies and gentlemen, please have a wonderful
11 and restful evening. Again, no news accounts, should
12 there be any regarding this case, either television,
13 Internet, newspapers, anything of that nature.

14 Please be back in your jury room.

15 Please rise for the jury.

16 I will see you in the morning. If you'll take
17 your note pads with you, we're going to lock them up for
18 the evening.

19 Thank you.

20 (The jury left open court at approximately 3:11
21 p.m.)

22 THE COURT: Thank you. Please be seated. And
23 that was Court's 1, the stipulation.

24 Is there anything further from the State?

25 MR. HILTON: Nothing from the State.

1 THE COURT: For the afternoon?

2 MR. HILTON: Nothing from the State.

3 THE COURT: Mr. Farley?

4 MR. FARLEY: No, Your Honor.

5 THE COURT: All right. Since we have broken
6 early, I'm going to go ahead and advise your client of his
7 right to testify. I do not expect his answer at this
8 time, but this will give you some additional time to meet
9 with him over the evening hours to discuss the
10 consequences and the benefits of his testifying or not
11 testifying.

12 Madam clerk, if you'll please place Mr. Willis
13 under oath.

14 ANTHONY WILLIS, after being duly sworn,
15 testified as follows:

16 THE COURT: Mr. Willis, what I want to do at
17 this time is we have reached an appropriate time for me to
18 advise you of your constitutional rights. I do not expect
19 an answer at this time, but this will give you more
20 information so that you may discuss this matter with your
21 attorney. Do you understand that, sir?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right. Mr. Willis, if you do
24 not understand anything that I say, please let me know.
25 If you need me to repeat anything, please let me know. Do

1 you understand?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: You have the right to claim the
4 protections given to you by the Fifth Amendment to the
5 Constitution of the United States. This amendment states
6 in part that no person shall be compelled in any criminal
7 case to be a witness against himself. This means that you
8 cannot be required to testify in this case. You have the
9 right to testify on your own behalf. No one can make you
10 testify. This is a personal right and no one can waive
11 this right except for you.

12 If you decide to testify, you will be subject to
13 the same rules that govern other witnesses, and you may be
14 examined and cross-examined on any relevant issue in this
15 case.

16 In addition, if you have any convictions
17 involving dishonesty or false statement or for crimes
18 punishable by imprisonment for more than one year and I
19 determine that the probative value of admitting this
20 evidence outweighs its prejudicial effect to you, the
21 Solicitor will be able to introduce your record to attack
22 your credibility.

23 Mr. Hilton, are there convictions that you plan
24 to use?

25 MR. HILTON: I don't think there's any

1 convictions that will be impeachable offenses, Your Honor.

2 THE COURT: Do you agree with that, Mr. Farley?

3 MR. FARLEY: Yes, Your Honor.

4 THE COURT: All right. If you decide to
5 testify, this decision on your part must be freely,
6 voluntarily, and intelligently made with the knowledge of
7 the protections given to you by the Fifth Amendment and
8 the consequences of your decision to testify.

9 If you decide not to testify, I will instruct
10 the jurors that they cannot give the fact that you did not
11 testify any consideration whatsoever and that there is to
12 be absolutely no prejudice to you because you did not
13 testify.

14 It is left entirely up to you to make this
15 decision. You may talk with your attorneys, your friends,
16 your family, or anyone else, but the final decision is
17 left entirely up to you. Do you understand what I have
18 explained to you?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you have any questions about what
21 I've explained to you?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Have you had an opportunity to
24 discuss this matter with your attorney, either together or
25 separately?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: You have not discussed this matter
3 with your attorney so far?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: You have?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right. Well, it is -- we're
8 going to break, so you will have some additional time to
9 speak with your attorney, both Mr. Farley and Mr. Loy,
10 concerning your decision.

11 Thank you, Mr. Willis.

12 Anything further, Mr. Farley?

13 MR. FARLEY: Not at this time, Your Honor.

14 THE COURT: Thank you.

15 I will see you-all at 9:25. We'll begin
16 promptly at 9:30. Thank you.

17 Have a good evening.

18 (The proceedings were concluded for the day, to
19 be reconvened on September 19, 2012.)

20 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

21 VOLUME 1 OF 2

22

23

24

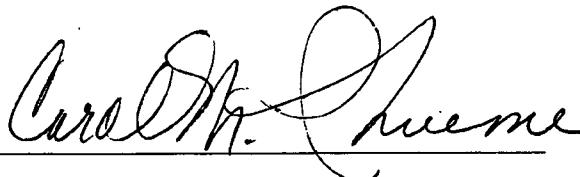
25

1 CERTIFICATE OF REPORTER
2
34 STATE OF SOUTH CAROLINA)
5)6 COUNTY OF DORCHESTER)
7

8 I, CAROL M. THUEME, RPR, Official Court Reporter for
9 the 11th Judicial Circuit of the State of South Carolina,
10 do hereby certify that the foregoing is a true, accurate
11 and complete Transcript of Record of the proceedings had
12 and evidence introduced in the trial of the captioned
13 case, relative to appeal, in the Court of General Sessions
14 for Dorchester County, South Carolina, on the 17th and
15 18th days of September, 2012.

16 I do further certify that I am neither of kin,
17 counsel nor interest to any party hereto.
18

19 March 1, 2013
20

21 
22

23 CAROL M. THUEME, RPR
24 Circuit Court Reporter
25

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER	)	2011-GS-18-00613

STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	VOLUME 2
ANTHONY WILLIS, JR.	)	
DEFENDANT	)	

September 19, 2012
St. George, South Carolina

B E F O R E:

HON. KRISTI LEA HARRINGTON, Judge and a jury.

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

RUSSELL D. HILTON, ASSISTANT SOLICITOR
WARREN P. GIESE, ASSISTANT SOLICITOR
Attorneys for the STATE

MITCHELL E. FARLEY, ASSISTANT PUBLIC DEFENDER
JOHN M. LOY, ASSISTANT PUBLIC DEFENDER
Attorneys for the DEFENDANT

CAROL M. THUEME, RPR
Official Court Reporter

I N D E X

WITNESSES:	PAGE
TORRIE BROOMFIELD:	
Direct Examination by Mr. Hilton	229
Cross Examination by Mr. Farley	232
JOANNE RAMSEY:	
Direct Examination by Mr. Hilton	233
Cross Examination by Mr. Farley	237
AMY STEPHENS:	
Direct Examination by Mr. Hilton	238
DORIS YARBROUGH:	
Direct Examination by Mr. Hilton	242
IRA PARNELL:	
Direct Examination by Mr. Giese	244
Cross Examination by Mr. Farley	258
Redirect Examination by Mr. Giese	262
RYAN DEPOPPE:	
Direct Examination by Mr. Hilton	264
Cross Examination by Mr. Farley	285

CLOSING ARGUMENTS:	PAGE
Mr. Hilton	299
Mr. Farley	324
CHARGE OF THE COURT	347
VERDICT OF THE JURY	360
SENTENCE OF THE COURT	369
CERTIFICATE OF REPORTER.	370

EXHIBITS

State's Exhibits

		ID	EVD
Exh.- 1	Black strap		273
Exh.-18	Photo		274
Exh.-19	Photo		274
Exh.-20	Photo		274
Exh.-21	Black bag		291
Exh.-27	Known shell casings		252
Exh.-29	Photo		274
Exh.-30	Photo		235
Exh.-38	Live rounds	277	280
Exh.-39	Photo	278	279

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

2 MR. HILTON: Just one second, Your Honor.

3 THE COURT: Yes, sir.

4 (Pause.)

5 MR. HILTON: Your Honor, I've talked with the
6 defense. William O'Neill, our investigator, is on the
7 witness list. We had him on the witness list in case a
8 previous witness -- we needed to put up other testimony
9 with regard to that witness. We don't plan on doing that
10 at this point. So I think with defense's permission he'd
11 be allowed to stay in the courtroom.

12 MR. FARLEY: That's fine with us, Judge.

13 THE COURT: Thank you. And who is your next
14 witness, Mr. Hilton?

15 MR. HILTON: It will be Ms. Broomfield. She's
16 coming in the door now.

17 THE COURT: You may have a seat on the front row
18 until we bring in the jury.

19 Anything before we bring in the jury? I
20 understand they're all here; is that correct?

21 THE BAILIFF: Yes, they're all here.

22 THE COURT: Thank you.

23 Anything before we bring in the jury?

24 MR. HILTON: Nothing, Your Honor.

25 MR. FARLEY: No, Your Honor.

1 THE COURT: Let's bring in the jury. Thank you.
2 (The jury came into open court at approximately
3 9:32 a.m.)

4 THE COURT: Thank you. Please be seated.
5 Good morning. Did every member of the jury
6 comply with my instruction? If you did not, please stand.
7 (No response.)

8 THE COURT: Thank you. All 14 jurors have
9 complied with my instruction.

10 Mr. Hilton, call your next witness.

11 MR. HILTON: The State would call Torrie
12 Broomfield.

13 THE COURT: Please come forward and be sworn.

14 THE CLERK: Please raise your right hand. State
15 your full name for the record.

16 THE WITNESS: Torrie Broomfield.

17 TORRIE BROOMFIELD, after being duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. HILTON:

21 Q Ms. Broomfield, you're Torrie Broomfield?

22 A Yes.

23 Q And where do you live now, what area?

24 A Summerville.

25 Q And back on May 2, 2011, where were you living at

1 that time?

2 A Timber Lane.

3 Q And is that the Timber Lane shown on this map here
4 between Travelers and Trolley Road?

5 A Yes.

6 Q All right. And is there an apartment complex there?

7 A Townhomes.

8 Q What is it called?

9 A Timber Lane.

10 Q Timber Lane Apartment or Timber Lane Townhouses?

11 A Yes.

12 Q On May 2, 2011, you said you were living there that
13 day. Do you remember a bunch a police being out there
14 that day?

15 A Yes.

16 Q And do you remember somebody coming up to you that
17 day?

18 A Yes.

19 Q Tell the jury what that was about.

20 A It was a young man, he was in between the apartments
21 and he was peeping around the corner to see where the
22 polices was, and then we were --

23 MR. FARLEY: Objection, Your Honor. She's
24 speculating.

25 THE COURT: Overruled. You may continue.

1 THE WITNESS: I was standing on the balcony of
2 the apartment and he was standing out and he looked up at
3 us and asked us if we could let him in the house.

4 BY MR. HILTON:

5 Q Do you remember what he looked like?

6 A No. All I know is he's short, brown skin, low
7 haircut.

8 Q And do you remember what he was wearing?

9 A It was a white shirt and some shorts.

10 Q What did he have in his hand?

11 A A shirt.

12 Q Do you remember what color it was?

13 A Orange.

14 Q Did you let him in your house?

15 A No.

16 Q And after that where did he go?

17 A I don't know.

18 Q He just left?

19 A Yeah.

20 THE COURT: Was that a yes?

21 THE WITNESS: Yes.

22 MR. HILTON: Please answer any questions defense
23 may have for you, Ms. Broomfield.

24 THE COURT: Mr. Farley.

25 MR. FARLEY: Thank you, Judge.

CROSS-EXAMINATION

BY MR. FARLEY:

Q Ms. Broomfield, did you see this person carrying a gun?.

A No.

Q And isn't it true you told the police that he pulled out a large wad of money?.

A No.

Q You did not tell them that?

A No.

MR. FARLEY: Just a moment, Your Honor.

THE COURT: All right, Mr. Farley.

(Pause.)

MR. FARLEY: Judge, I have no further questions.

THE COURT: Redirect?

MR. HILTON: No redirect, Judge.

THE COURT: May this witness be excused?

MR. HILTON: She may.

MR. FARLEY: No objection, Your Honor.

THE COURT: Ms. Broomfield, you are free to leave. You are also free to remain with us. Thank you.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. HILTON: The State calls Joanne Ramsey.

THE CLERK: Please raise your right hand. State

1 your full name for the record.

2 THE WITNESS: Joanne Ramsey.

3 JOANNE RAMSEY, after being duly sworn, testified
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. HILTON:

7 Q You're Joanne Ramsey?

8 A Yes, I am.

9 Q All right. And back in May of 2011, do you remember
10 where you were living at that time?

11 A Churchill Commons.

12 Q And do you remember what apartment you lived in?

13 A [REDACTED].

14 Q And how long have you lived -- been in [REDACTED] in
15 Churchill Commons?

16 A I moved there on December 18th.

17 Q Of?

18 A 2011.

19 Q So back in May 2011 --

20 A 2010.

21 Q 2010 you moved there?

22 A Yes.

23 Q So you had been there for a couple of months?

24 A Yes, sir.

25 Q All right. And did you ever own a rifle while you

1 were living in [REDACTED]?

2 A Yes, I did.

3 Q Do you remember what kind it was?

4 A It was a Winchester 30-30.

5 Q You don't remember the serial number or anything?

6 A No, I do not.

7 Q And what did that gun look like when you owned it?

8 As far as, you know, did it have certain items attached to
9 it?

10 A It had a black strap on it and it was a wooden stock.

11 Q All right. Let me show you some pictures here just a
12 second.

13 Let me show you what's been marked for
14 identification as State's Exhibit 30 and just ask if you
15 recognize that picture.

16 A Yes, I do.

17 Q What is that a picture of?

18 A My 30-30, Winchester 30-30.

19 Q All right. And do you know where that picture was
20 taken?

21 A It was taken at a rifle range.

22 Q Is this an accurate picture of your rifle as it was
23 before it was taken from your house?

24 A Yes, sir.

25 MR. HILTON: Your Honor, at this time, we would

1 offer State's Exhibit 30 into evidence.

2 MR. FARLEY: No objection.

3 THE COURT: State's 30 into evidence without
4 objection.

5 You may publish if you wish to do so at this
6 time.

7 (WHEREUPON, State's Exhibit No. 30 was admitted
8 into evidence.)

9 BY MR. HILTON:

10 Q Can you kind of describe what that is? You mentioned
11 a strap. Where are you talking about on the gun?

12 You can actually point to that screen. If you
13 touch the screen, it will show up.

14 A Okay. It started at the back and went to the front
15 of the gun so you could carry it.

16 Q Did that gun ever go missing from your apartment?

17 A Yes, it did.

18 Q Do you remember about when that was?

19 A February 22, 2011.

20 Q Okay. Let me show you State's Exhibit 21. Do you
21 recognize this item?

22 A Yes, I do.

23 Q What is this?

24 A It's a DVD case.

25 Q Okay. Do you have any children, Ms. Ramsey?

1 A Yes, I do.

2 Q Do you have a child named Joel?

3 A Yes, I do.

4 Q Is that his name written inside the cover there?

5 A Yes. He wrote that.

6 Q When did this DVD player go missing?

7 A On the same day of my rifle.

8 Q Let me show you what's been entered into evidence as
9 State's Exhibit 2. Do you recognize this gun?

10 A Yes, I do.

11 Q What is this gun?

12 A That's my Winchester 30-30.

13 Q Anything missing from it?

14 A There's no strap on it.

15 Q Okay.

16 A And there's no scope on it.

17 Q All right. Let me show you what's been marked as
18 State's Exhibit 1. I'm not going to pull this out at this
19 point, Ms. Ramsey, but State's Exhibit 1 for
20 identification, I believe, and you can just look in the
21 bag. Have you had the opportunity to pull that out and
22 look at it close?

23 A Would you like me to?

24 Q Not right now, but have you had the opportunity to
25 pull it out and look at it?

1 A Yes.

2 Q And were you able to determine what that item was?

3 A It was the strap to my rifle.

4 Q What did you say it was?

5 A The strap to my rifle.

6 Q Is that the strap that's in that picture there?

7 A Yes, sir.

8 Q Did you report all these items missing shortly after
9 they went missing?

10 A Yes, sir.

11 MR. HILTON: Please answer any questions the
12 defense may have for you.

13 THE COURT: Mr. Farley.

14 MR. FARLEY: Thank you, Judge.

15 CROSS-EXAMINATION

16 BY MR. FARLEY:

17 Q Hello, Ms. Ramsey. I just have a quick question for
18 you..

19 When you say the gun was taken, was there any
20 ammunition taken?

21 A No, I didn't keep the ammunition with it, with the
22 gun.

23 MR. FARLEY: I don't have anything further.

24 THE COURT: Redirect, Mr. Hilton.

25 MR. HILTON: No redirect, Your Honor.

1 THE COURT: Is this witness excused?

2 MR. HILTON: She is.

3 THE COURT: Any objection?

4 MR. FARLEY: No, Your Honor.

5 THE COURT: Ms. Ramsey, you may step down.

6 You're free to leave the courtroom but also welcome to
7 remain with us.

8 THE WITNESS: Thank you.

9 THE COURT: Call your next witness.

10 MR. HILTON: The State would call Amy Stephens.

11 THE CLERK: Please raise your right hand. State
12 your full name for the record.

13 AMY STEPHENS, after being duly sworn, testified
14 as follows:

15 DIRECT EXAMINATION

16 BY MR. HILTON:

17 Q Ms. Stephens, where are you employed?

18 A I'm employed with the South Carolina Law Enforcement
19 Division, commonly known as SLED.

20 Q What do you do with SLED?

21 A I'm a forensic technician in the evidence control
22 department. Our basic duties are to log in packages and
23 transfer evidence for forensic analysis in criminal cases.

24 Q How long have you been there?

25 A Over six years.

1 Q Did you receive some items of evidence with regard to
2 what became SLED Lab No. L-1104909?

3 A Yes, I did.

4 Q And also L-1105948?

5 A Yes, I did.

6 Q When those items came in, how were they packaged?

7 A I believe when some of them came in, they were in
8 envelopes and a gun box.

9 Q Okay. Let me show you what's been marked as State's
10 Exhibit 2, just ask if you recognize predominantly the
11 box.

12 A I do. The lab number corresponds with my chain of
13 custody.

14 Q Did you receive that item into SLED intake for
15 processing?

16 A Yes, I did.

17 Q And do you have documented the items that were in the
18 box when you received it?

19 A In that particular box when I originally received it
20 on May 27, 2011, it was a rifle described as a Winchester
21 Ranger 30-30 rifle. On August 27, 2012, the rifle along
22 with a piece of metal from projectile and two pieces of
23 plastic from truck and a black rifle strap was submitted.

24 Q Let me show you what's been marked as State's
25 Exhibit 27 and 28 and ask if you recognize these items.

1 A State's Exhibit 28 corresponds with our lab number
2 L11-04909. This is Item No. 14 which was submitted as a
3 Winchester 30-30 casing removed from the rifle.

4 Q And how about the other exhibit?

5 A State's Exhibit 27 corresponds with SLED's Lab No.
6 L-1105948. Inside this envelope is two spent shell
7 casings.

8 Q And when you receive those items, do you open them
9 up, do you do any processing?

10 A No. We work on a self-contained basis. So whatever
11 is listed on the paperwork is how we log it into our
12 system. We don't physically inventory any evidence.

13 Q And it's not your task to actually open the evidence
14 up and tamper with it or document it or anything like
15 that; is that correct?

16 A No, it's not.

17 Q After you got these items, do you remember who you
18 gave them to?

19 A Once I would log them in, I would have transferred
20 them to the firearms evidence intake storage in our
21 evidence room saying that I received them. And then on
22 6-6-2011, I transferred SLED Item No. 14, which was the
23 30-30 casing and the rifle, to Ira Parnell, a firearms
24 examiner within SLED. And on August 27, 2012, when the
25 rifle was resubmitted along with a piece of metal and the

1 black strap, I also transferred those evidenced items to
2 Ira Parnell.

3 Q With regard to State's Exhibit 27 -- and I will show
4 you the item again -- what did you do with this item?

5 A Once I logged this item in, I transferred it directly
6 to our firearms evidence intake storage in our evidence
7 room.

8 Q Do you know who received that?

9 A Doris Yarbrough, who is a forensic technician in my
10 department, received it out of evidence intake storage.

11 Q When you got these items of evidence, everything, do
12 you remember who you got it from?

13 A I received all pieces of evidence in this case from
14 Buster Edwards of the Dorchester County Sheriff's office.

15 MR. HILTON: All right. Please answer any
16 questions the defense may have for you.

17 THE COURT: Mr. Farley.

18 MR. FARLEY: I don't have anything, Judge.

19 THE COURT: Is this witness excused, Mr. Hilton?

20 MR. HILTON: She is, Your Honor.

21 THE COURT: Any objection?

22 MR. FARLEY: No, Your Honor.

23 THE COURT: You may step down. You are free to
24 remain with us but you're also free to leave.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: Call your next witness.

2 MR. HILTON: The State would call Doris
3 Yarbrough.

4 THE CLERK: Please raise your right hand. State
5 your full name for the record.

6 THE WITNESS: Doris Yarbrough,
7 Y-A-R-B-R-O-U-G-H.

8 DORIS YARBROUGH, after being duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HILTON:

12 Q Ms. Yarbrough, where are you employed?

13 A I'm employed by the South Carolina Law Enforcement
14 agency, also known as SLED.

15 Q And how long have you been employed there?

16 A Four and a half years.

17 Q And what position do you hold at SLED?

18 A I'm an evidence -- forensic technician in the
19 evidence control department.

20 Q And did you receive some items of evidence in this
21 case, specifically with regard to SLED Lab No. L-1105948?

22 A I did.

23 Q And let me show you what's been marked as State's
24 Exhibit 27 and ask if you recognize this item.

25 A I would recognize this item by the yellow bar code

1 that's on the front of the package.

2 Q All right. And is that the item that you received in
3 this case?

4 A It is.

5 Q Is that the only item you received in this case?

6 A It is.

7 Q And when you get items of evidence such as State's
8 Exhibit 27, do you open them up or alter them?

9 A Oh, no, sir.

10 Q Did you do that in this case?

11 A I didn't open it, no, sir.

12 Q It stayed sealed?

13 A Yes, sir.

14 Q After you received the item, what did you end up
15 doing with it?

16 A Well, I actually got it from the -- our secure
17 evidence room, which is a firearms evidence intake
18 storage, and transferred them.

19 Q To who?

20 A I transferred them to Dan Defreese from the firearms
21 department.

22 Q Who is he?

23 A He's a firearms analyst from the firearms department.

24 MR. HILTON: Please answer any questions the
25 defense may have for you.

1 MR. FARLEY: I don't have any questions, and I
2 have no problem with her being excused.

3 THE COURT: May this witness be excused,
4 Mr. Hilton?

5 MR. HILTON: She may.

6 THE COURT: Ms. Yarbrough, you are free to
7 remain with us but you're also excused. Thank you.

8 THE WITNESS: Thank you.

9 THE COURT: Call your next witness.

10 MR. GIESE: The State calls Ira Parnell.

11 THE CLERK: Please raise your right hand. State
12 your full name for the record.

13 THE WITNESS: Ira Byrd Parnell, Jr.,
14 P-A-R-N-E-L-L.

15 IRA PARNELL, after being duly sworn, testified
16 as follows:

17 THE COURT: Mr. Giese.

18 MR. GIESE: Thank you, Your Honor. If it please
19 the Court.

20 DIRECT EXAMINATION

21 BY MR. GIESE:

22 Q State your name, please.

23 A Ira Byrd Parnell, Jr.

24 Q Where are you employed?

25 A I'm employed by the State Law Enforcement Division,

1 also known as SLED.

2 Q What is your position there?

3 A I'm a firearm and tool mark examiner.

4 Q What is your rank there?

5 A Well, I'm retired and come back.

6 Q Okay. Tell the jury, if you would, what a firearm
7 and tool mark examiner does.

8 A A firearm and tool mark examiner is a forensic
9 scientist who microscopically compares individual unique
10 markings that are caused by tools such as crowbars,
11 pliers, screwdrivers, and the marks that they may or may
12 not have made at the crime scene relating to tools.

13 Now, firearms, a fired bullet is the object on
14 which the gun, which is the tool, puts marks. When a
15 bullet is fired out of a barrel, unique marks are left on
16 the outer surface of the bullets, and cartridge cases,
17 too, by that firearm. And by microscopically comparing
18 evidence, bullets and cartridge cases, to test bullets
19 into cartridge casings that we produce, we're able to make
20 associations between these items.

21 Q And tell the jury, if you would, just what your
22 training and background is.

23 A I graduated from the University of South Carolina
24 with a degree in the area of criminal justice, which when
25 I graduated, they didn't have a criminal justice program

1 per se, a four-year program. So there was no four-year
2 program that you could go to anywhere to receive the
3 degree in criminal justice and forensics. So I got my
4 degree from the University of South Carolina.

5 During the latter portion of my college career,
6 I was also employed at SLED and receiving training in
7 firearm and tool mark identification by three
8 court-qualified firearm and tool mark examiners there.
9 Basically, the training at that time was on the job. So
10 it took about three years for an individual to be trained.
11 I received that training.

12 I attended the South Carolina Criminal Justice
13 Academy, the FBI National Academy, both places where I
14 received training in firearms and tool marks. I have been
15 to numerous other courses given by the FBI to continue my
16 education in firearm and tool mark examination.

17 I'm a member of the Association of Firearm and
18 Tool Mark Examiners, which is an international group of
19 people who do the same thing I do. We get together once a
20 year for a week and discuss the latest new techniques in
21 firearm and tool mark identification.

22 I've testified in federal court, federal
23 district court, pretty much every county in our state,
24 North Carolina state court, approximately 640 times as a
25 firearm and tool mark examiner.

1 MR. GIESE: Your Honor, at this time, we would
2 offer him as an expert in those two fields.

3 THE COURT: Any objection?

4 MR. FARLEY: No, Your Honor.

5 THE COURT: This witness will be qualified as an
6 expert.

7 BY MR. GIESE:

8 Q I don't know if you said this or not, but how many
9 years have you been doing this?

10 A The 5th of this month is 40.

11 Q At SLED the whole time?

12 A Yes, sir.

13 Q Specifically, I want to get to your role in this
14 case, if we could.

15 I hand you what's marked State's Exhibit No.

16 1 -- I'm sorry, No. 2 and ask if you can identify that.

17 A I recognize the packaging and the numbers on it, the
18 exterior of State's Exhibit No. 2.

19 Q You may take it out of that box.

20 MR. GIESE: Your Honor, may I approach?

21 THE COURT: You may.

22 THE WITNESS: The rifle contained in State's
23 Exhibit No. 2 -- or that is State's Exhibit No. 2 -- bears
24 my initials, case number, and specimen number described
25 over here. And I have examined this item.

1 BY MR. GIESE:

2 Q Now, did that item come sealed in that box?

3 A It did.

4 Q From SLED?

5 A It came originally from Dorchester County through our
6 log-in system, and I received it from our log-in
7 personnel.

8 MR. GIESE: We'd like to offer it at this time,
9 Your Honor. I don't think it's in yet. It might be, but
10 if it's not I'd like to offer it.

11 THE COURT: I show that State's 2 has already
12 been admitted without objection.

13 MR. GIESE: Thank you. Just checking.

14 BY MR. GIESE:

15 Q When you first got State's Exhibit 2, did you look to
16 see whether it was in good working order or not?

17 A Yes, sir, I did. And it was in working order. The
18 only thing I noticed was a crack down here on the stock
19 where what we call the toe portion of the stock had been
20 partially separated.

21 Q Any rust or anything on it that you could see?

22 A No, sir. It was in good working order.

23 Q Now, explain to the jury how State's Exhibit No. 2
24 works, if you would.

25 A State's Exhibit No. 2 is a Winchester lever action

1 30-30 Winchester caliber high-powered rifle. It holds six
2 cartridges. The magazine tube is here which holds your
3 extra cartridges. The barrel holds an additional
4 cartridge.

5 It being a lever action, the lever here is what
6 makes it work. You load the unfired cartridges into the
7 loading gate right here, and they feed up into the
8 magazine tube to what looks like an under barrel here.
9 When you operate the lever, it pulls one from the magazine
10 and loads it into the chamber and puts it into what we
11 call the battery condition or the ready-to-fire condition.
12 At that point, you can either fire or let the hammer down,
13 put the safety on, and you're in a fairly safe condition
14 to carry it as if you were hunting.

15 Q Now, when you want to fire that weapon, what do you
16 do?

17 A Assuming it's already loaded, take the safety off
18 here, cock it, and fire it, pull the trigger and fire it.

19 Q When you fire it like that, does it make any markings
20 on anything at that point?

21 A Yes, sir. There are two items that are marked upon
22 each shot. The first one that is marked is the fired
23 bullet that comes out of the barrel. It bears the
24 impressions of the rifling -- which I'll explain to you in
25 a minute, I'm sure -- on the outside of the bullet. It

1 causes the bullet to spin and go straight, much like a
2 quarterback throwing the football. It spirals the bullet.
3 And it goes down range spinning; in this case, in a
4 clockwise direction.

5 Also, in addition to the bullet that is marked,
6 it flies out of the barrel. It's gone. What is left is a
7 fired cartridge case or a hull, as you sometimes might
8 call it. It's left in the chamber. And until you pull
9 this lever down and extract it from the chamber, it stays
10 right in the chamber of the gun. It won't move unless you
11 or somebody ejects it. If you work the lever, it's
12 extracted and ejected. And if you pull the lever back
13 forward, then another cartridge from the magazine is
14 loaded into the chamber and is ready to fire at that
15 point.

16 Q So for the cartridge to come out of that gun, the
17 fired cartridge, you have to cock it again?

18 A It has to be levered, manipulated manually, yes, sir.

19 Q And then it flies out?

20 A It comes out, and usually it will be the right
21 shoulder.

22 Q Thank you. I'll hand you State's Exhibit No. 28 and
23 ask you if you can identify that.

24 A Again, I recognize the exterior writing as my own, or
25 partially my own. This is State's Exhibit 28. It also

1 bears my case number, specimen number, and initials
2 inscribed on it with an electric pencil, and I have
3 examined this item.

4 MR. GIESE: I would like offer it at this time,
5 Your Honor.

6 MR. FARLEY: No objection.

7 THE COURT: The number again, Mr. Parnell?

8 THE WITNESS: Twenty-eight.

9 THE COURT: State's 28 into evidence -- 28 has
10 already been admitted as well; is that correct?

11 MR. GIESE: Your Honor, I'm making sure.

12 THE COURT: I just want to make sure.

13 BY MR. GIESE:

14 Q You can just put it back in the box. We'll get back
15 to it in a second.

16 No. 27, State's Exhibit 27?

17 A I have examined the two items in State's Exhibit 27
18 also. They both bear my case number, specimen number, and
19 initials.

20 Q You received that also from the evidence people at
21 SLED?

22 A That's correct, yes, sir.

23 MR. GIESE: Your Honor, if it's not in, I move
24 for it to be in.

25 THE COURT: Any objection?

1 MR. FARLEY: No, Your Honor.

2 THE COURT: State's 27 into evidence without
3 objection.

4 (WHEREUPON, STATE'S Exhibit No. 27 was admitted
5 into evidence.)

6 BY MR. GIESE:

7 Q Finally, State's Exhibit No. 3?

8 A Yes, sir. I have examined the item in State's
9 Exhibit No. 3. It also bears my case number, specimen
10 number, and initials.

11 MR. GIESE: I'd offer it at this time.

12 THE COURT: Previously admitted.

13 MR. GIESE: Beg the Court's indulgence.

14 (Pause.)

15 BY MR. GIESE:

16 Q Agent Parnell, I'd like for you to start with State's
17 Exhibit No. 28. If you would, tell the jury what you did
18 with State's Exhibit No. 28. And what it is again?

19 A State's Exhibit 28 is a fired 30-30 Winchester
20 caliber cartridge casing.

21 The request was made to determine whether or
22 not, if we could, State's Exhibit 28, was or was not fired
23 in State's Exhibit 2. In order to do that, I had to
24 perform certain tests. I described a little bit about it
25 earlier, but basically what we do is we examine the

1 firearm at the time to be sure it's safe to shoot. That
2 having been done, I obtained similar cartridges from our
3 firearms reference collection -- or ammunition reference
4 collection, rather. I test fired State's Exhibit 2
5 myself. I microscopically compared the firing pin
6 impression, the back end of the cartridge case.

7 Basically when firearms such as State's
8 Exhibit 2 are fired, if any of you have fired a gun or
9 seen one shot, there's a phenomenon that occurs called
10 recoil. It's the kick. It's the opposite reaction to the
11 cartridge being fired. When it's fired, the bullet goes
12 out of the barrel, but as a result, the powder that's
13 inside the cartridge case causes some recoil or kickback
14 to the shoulder of the shooter.

15 Now, while that is going on, the tool marks that
16 were left on the area around where the firing pin
17 protrudes in the bolt face from machining and
18 manufacturing, these marks are transferred or stamped into
19 the back end of the cartridge case, and in some cases, in
20 the firing pin impression.

21 By microscopically examining these individual
22 marks on the ones that I fired in State's Exhibit 2, and
23 then comparing those marks to the ones that were on
24 State's Exhibit 28, I was able to conclude through my
25 experience and training, in my opinion, that State's

1 Exhibit 28 was fired in State's Exhibit 2 by this rifle.

2 Q Now, that is the casing removed from the weapon?

3 A Yes, sir.

4 Q Now, I want you to take a look at State's Exhibit No.
5 27. What is that? What are those?

6 A State's Exhibit 27 contains two fired 30-30 cartridge
7 cases. And I microscopically compared the markings on
8 these two cartridge cases in the tests that I fired in
9 State's Exhibit 2, as well as the marks on State's
10 Exhibit 28. And I concluded through my experience and
11 training; in my opinion, that the two fired cartridge
12 cases from State's Exhibit 27, the fired cartridge case in
13 State's Exhibit 28, and the tests that I fired in State's
14 Exhibit 2, were all fired by State's Exhibit 2.

15 Q So State's Exhibit No. 27, which are two fired
16 cartridges, and 28, were fired by State's Exhibit 2?

17 A In my opinion and based on my experience and
18 training, yes, sir.

19 Q Did you also do a test on State's Exhibit No. 3?

20 A I did.

21 Q Tell the jury what you did with State's Exhibit 3,
22 what it is.

23 A State Exhibit No. 3 is a small metallic fragment. It
24 was originally thought that it could have been a part of a
25 fired bullet. Upon closer examination, I determined that

1 it was not a part of a fired bullet, but it had been
2 struck by a fired bullet.

3 By microscopically looking at the surface of
4 this little metallic fragment in State's Exhibit No. 3, I
5 saw impressions which were consistent with having been
6 left there by a fired bullet. So in other words, if this
7 wasn't a fired bullet fragment, then it was struck by a
8 fired bullet.

9 Upon further comparison, I also discovered that
10 this not being a bullet fragment, it had not actually come
11 into contact with a firearm barrel. So in order to
12 determine if there was any relationship between State's
13 Exhibit No. 2, the rifle, and State's Exhibit No. 3, this
14 fragment, I had to do the technique which we call casting.
15 I made a silicone-like cast of the impressions found on
16 State's Exhibit No. 3, and I cast the end of the muzzle of
17 State's Exhibit No. 2, this rifle, in order to examine the
18 markings against each other one to one.

19 The surface of State's Exhibit No. 3 actually
20 was representative of what the inside of the barrel of
21 State's Exhibit No. 2 may be. So I had to pour a positive
22 cast of each of these items and compare them
23 microscopically before I could have a valid conclusion.

24 So I say all that to say that the marks left on
25 State's Exhibit No. 3 were consistent with having been

1 made by a bullet fired from State's Exhibit No. 2 or from
2 another firearm with similar rifling dimensions.

3 I could eliminate a lot of firearms by doing
4 that comparison. I certainly could not identify State's
5 Exhibit No. 2 as being, in my opinion, the only gun that
6 made these marks or fired a bullet that made these marks,
7 but it could have been from this rifle or another one like
8 it.

9 Q So that's not actually a piece of bullet?

10 A It's not, no, sir.

11 Q Okay. It's a piece of metal?

12 A Correct.

13 Q With lands and grooves in it?

14 A Rifling impressions.

15 Q Rifling impressions?

16 A Yes.

17 Q And that's what you were explaining before about
18 rifling?

19 A Rifling is a process. It can be a noun or a verb.
20 We're using it both ways. The process of rifling is where
21 metal is removed -- in this case, it's State's
22 Exhibit 2 -- in a pattern which leaves six grooves, what
23 we call -- it is a groove in the barrel. It's a square
24 bottom groove. It's narrow. The area between where this
25 metal is removed is called a land, it's raised up. The

1 whole series of lands and grooves is called rifling as a
2 noun.

3 The rifling, the purpose of rifling is to cause
4 the bullet to spin like we talked about a minute ago. It
5 stabilizes the bullet. When the rifling is cut into the
6 barrel, the first process is that it's drilled. This
7 piece of metal is drilled, and then the rifling is cut.

8 The drill marks that are left inside the barrel
9 are totally unique and random. Those are made by a
10 spinning drill. They can't be duplicated. If I drilled a
11 hole, if any of you drilled a hole, we could never make
12 the same marks with a drill using the same drill. So the
13 marks that are left inside the barrel during rifling are
14 unique to State's Exhibit No. 2 and other rifle firearms.

15 The measurement of these lands and grooves can
16 be unique to a brand of firearm or to a caliber of
17 firearm. The rifling dimensions that are in State's
18 Exhibit No. 2, the measurement of them, not the individual
19 marks that are contained in them for identification, but
20 just the measurement size of them, are consistent with
21 what I found on State's Exhibit No. 3. And a bullet fired
22 from State's Exhibit No. 2 could have made this indentation
23 on this piece of metal. There could be others. There's
24 nothing unique to these markings except for the fact that
25 their measurement is similar to the rifling that's in

1 State's Exhibit No. 2.

2 MR. GIESE: Agent Parnell, that's all I have for
3 you.

4 THE COURT: Mr. Farley.

5 CROSS-EXAMINATION

6 BY MR. FARLEY:

7 Q How are you today?

8 A Fine, sir.

9 Q Thanks for coming down to Columbia.

10 A You're welcome.

11 Q The State talked about Exhibit 28. Am I right that's
12 the cartridge that you said was fired from the gun?

13 A There are two. Twenty-seven is two, yes, sir. The
14 one in 28 is a single cartridge case, that's correct.

15 Q And that's the one that was labeled taken from the
16 gun?

17 A Yes, sir, that was what it was labeled.

18 Q So the cartridge that was taken from the gun indeed
19 is the cartridge that was fired from the gun?

20 A No surprise there.

21 Q Yes, sir. Now, Exhibit 27, the two cartridges, would
22 you call those control cartridges?

23 A In this situation, yes, sir, potentially.

24 Q Is there a better term?

25 A No. What you're referring to is correct.

1 Q Okay. And those were used to determine if some other
2 cartridge that wasn't in the gun -- those would be used to
3 determine if some other cartridge that wasn't in the gun,
4 a cartridge that was expelled, matched up with the gun; is
5 that correct?

6 A I'm not sure I follow you, but I think you're correct
7 in what you're saying. But what I have to do when I'm
8 doing one of these examinations is I fire State's
9 Exhibit 2 myself to make my own controls. I don't take it
10 on face value that either this was fired in the gun
11 because somebody said it came out of the gun or that these
12 were fired in the gun somebody else said they were. I've
13 independently determined microscopically that what I was
14 being told and what was written down was true. And then
15 based on those tests, I was able to conclude and agree
16 that all three, that the one in State's Exhibit 28 and the
17 two fired cartridges cases in State's Exhibit 27 were in
18 fact fired by State's Exhibit 2.

19 Q Are those the only cartridges you were given to
20 examine?

21 A Yes, sir.

22 Q There was not a third cartridge -- or a fourth
23 cartridge, excuse me?

24 A No, sir, not that I recall.

25 Q And I believe you testified, and I just want to

1 clarify, every time that you want to fire another round,
2 you have to cock the lever?

3 A That's correct, yes, sir.

4 Q And in doing that, a bullet is -- the spent cartridge
5 is expelled?

6 A It's extracted and ejected and expelled away from the
7 gun. And if you leave the lever down, then nothing else
8 happens. It's totally a manually operated firearm. But
9 if after you've extracted and ejected the cartridge case,
10 if you want to put another unfired one into the barrel in
11 order to fire again, then you pull the lever back up and
12 it in effect puts another unfired cartridge into the
13 chamber.

14 Q If the gun was fully loaded and I was to take a shot
15 and then chamber another round, that bullet -- that
16 cartridge would be expelled, the cartridge that I fired,
17 and there would be another one ready to go?

18 A That's correct.

19 Q Now, I want to talk about State's Exhibit 3, the
20 metallic fragment.

21 A Yes, sir.

22 Q I believe what you said was it was consistent with a
23 gun of that size, power; am I paraphrasing it wrong?

24 A The marks left on this little metallic fragment in
25 State's Exhibit 3 bear -- the marks are consistent with

1 having been made by a fired bullet. In measuring the
2 marks that are left on here, the marks that are left here
3 are similar or consistent with being left by a bullet that
4 could have been fired out of State's Exhibit 2 or another
5 rifle like State's Exhibit 2 or another firearm with
6 similar or the same size rifling impressions. Does that
7 make sense?

8 Q Yes, it does. And I think that basically means that
9 you can't determine for sure that that gun, the bullet
10 from that gun, caused that metal fragment?

11 A That is correct.

12 Q And just to also clarify, you never went out to the
13 scene of the crime?

14 A No, sir. I never was called to the scene.

15 Q And they didn't ask you to judge any trajectories or
16 distances, just what you have seen here is -- what we've
17 seen here is what they asked you to do?

18 A That's correct.

19 Q Now, I want to talk about State's Exhibit 1. I'm
20 going to show it to you. Can you determine from the
21 packaging if you've ever examined that?

22 A Yes. These are my numbers on here, and my initials.
23 But the only thing I did to it --

24 Q I'm sorry. I hate to cut you off. What is it?

25 A It's a rifle sling.

1 Q Okay.

2 A It's a black-in-color rifle sling.

3 I received it. It had nothing germane to add to
4 or take away from any comparisons I was doing with State's
5 Exhibit 2 in these other items. So I did nothing other
6 than look at it and package it back up.

7 Q Thank you very much. I will grab that back from you.

8 A All right.

9 MR. FARLEY: Judge, I don't have any further
10 questions.

11 MR. GIESE: Just one slight area.

12 REDIRECT EXAMINATION

13 BY MR. GIESE:

14 Q Agent Parnell, Mr. Farley was asking you about that
15 piece of metal?

16 A Yes, sir, State's Exhibit 3.

17 Q You could not say for sure that it came out of that
18 gun, correct?

19 A I cannot say for sure that it was struck by a bullet
20 that came out of this gun.

21 Q But it could have?

22 A Absolutely could have. And there are a lot of others
23 that didn't make those marks, but I can't eliminate others
24 as having made them.

25 MR. GIESE: All right. Thank you.

1 MR. FARLEY: Nothing further.

2 THE COURT: May this witness be excused?

3 MR. GIESE: Please.

4 THE COURT: Any objection?

5 MR. FARLEY: No, Your Honor.

6 THE COURT: You may step down. You are free to
7 remain with us.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Call your next witness.

10 MR. HILTON: May we approach, Your Honor?

11 THE COURT: You may.

12 (A bench conference was held with the judge and
13 attorneys in the presence of the jury but out of the
14 hearing of the jury.)

15 THE COURT: We're going take a mid-morning
16 break. Do not begin your deliberations. Do not discuss
17 this case amongst yourselves.

18 Please rise for the jury.

19 You may leave your note pads.

20 (The jury left open court at approximately 10:21
21 a.m.)

22 THE COURT: Thank you. Please be seated.

23 Mr. Hilton, I understand we just have one
24 remaining witness; is that correct?

25 MR. HILTON: That's correct, Your Honor.

1 THE COURT: So we'll take ten minutes?

2 MR. HILTON: Yes, ma'am.

3 THE COURT: Will that be sufficient?

4 MR. HILTON: Yes, ma'am.

5 THE COURT: Ten minutes. Thank you.

6 (A break was taken.)

7 (The jury came into open court at approximately
8 10:34 a.m.)

9 THE COURT: Thank you. Be seated.

10 Call your next witness.

11 MR. HILTON: The State would call Detective Ryan
12 Depoppe.

13 THE CLERK: Please raise your right hand. State
14 your full name for the record.

15 THE WITNESS: Ryan Depoppe.

16 RYAN DEPOPPE, after being duly sworn, testified
17 as follows:

18 DIRECT EXAMINATION

19 BY MR. HILTON:

20 Q Thank you, Detective Depoppe. How long have you been
21 with the sheriff's office?

22 A I've been with the sheriff's office in two separate
23 stages a total of 12 years. I worked briefly for
24 Charleston County from 2006 to 2007.

25 Q Okay. Back in May of 2011, where were you assigned

1 within the department?

2 A I'm assigned to the criminal investigation division.

3 I'm a detective.

4 Q And in criminal investigations, as a detective, what
5 is your role in the case?

6 A I am the lead investigator on this case.

7 Q What does that mean?

8 A I'm responsible for putting the case together, just
9 everything that goes along with it. I'm the responsible
10 one for this case.

11 Q All right. Is it kind of like you just kind of head
12 everything up?

13 A Yes, sir. I'm the head investigator.

14 Q All right. And were you assigned to investigate the
15 case against the defendant, Anthony Willis?

16 A I was.

17 Q Lead investigator for Mr. Willis?

18 A I am.

19 Q And back on May 2, 2011, at what point in time, if
20 any, did you arrive on the scene?

21 A Originally, I was notified or I received a call from
22 my lieutenant. It was approximately 4:11 in the
23 afternoon. He requested I respond to Muir Court in
24 reference to a shooting.

25 I arrived on scene at approximately 4:30 p.m.

1 When I arrived at Muir Court, due to the amount of traffic
2 and congestion that went along with the shooting incident
3 there, I had to park a little ways over.

4 EMS was gone when I arrived; however, I was told
5 they had been there and they had transported the victim,
6 that he had been shot.

7 They had identified the victim as Justin Smoot.
8 And at that point, I found another detective that was
9 there, Detective King, who was beginning to interview
10 people around the scene.

11 Q All right. Now, you don't start off an investigation
12 knowing everything that you know at the end obviously,
13 right?

14 A Absolutely not.

15 Q You start with limited information?

16 A Very limited.

17 Q And it builds?

18 A Correct.

19 Q Okay. And how did the investigation build from
20 May 2nd?

21 A Well, as I was on scene, I got information that the
22 victim had an issue with an individual that lived at
23 "Charlie" [REDACTED] in Churchill Commons. Based on that
24 information, I began to kind of do some research on that.

25 The other information I was being provided at

1 the time -- because again, I learned that there had been a
2 canine on scene, that the canine had been deployed and was
3 tracking -- that a rifle was found and that the canine was
4 tracking to the C building, or tracked to the C building.

5 Other information that I obtained, or was coming
6 in, was that the shooter was potentially a young black
7 male wearing an orange shirt. There was another --

8 Q Let me just stop you for a second and give you this
9 pointer and ask you to refer to some things like the gun
10 being found and so forth. Just refer to the map, if you
11 will. And the map is State's Exhibit 25.

12 A Again, when I arrived at Muir Court, I parked and I
13 was across the street more or less in this area right
14 here.

15 I don't know, I was told that the canine tracked
16 at the last point that they knew somebody may have been
17 gone, a potential suspect, and that it was somewhere in
18 this area over here.

19 This map is kind of hard to see. There's two
20 units but there's -- excuse me. There are two units, but
21 this actually right here is kind of an open area right
22 here, and it's very, very wooded all through here, but
23 there's actually significant open space here. So that's
24 where they indicated to me that the canine had deployed.

25 Q Is that the area near the mailboxes?

1 A Yes, sir. The mailboxes are right kind of in front
2 of this area. For whatever reason, there's no building
3 right here. I'm not even sure why. But there's an open
4 area. So anyway, the mailboxes are right in there.

5 As far as where the rifle was found, I was -- at
6 the time only knew that it was on the track, not
7 specifically where at that point in time, and that they
8 were, again, going towards the C building, which I ended
9 up learning was going to be this building right here as I
10 went over in that direction.

11 I actually went to the C building based on that
12 information I obtained about [REDACTED]. And when I got to the C
13 building, I was directed by another law enforcement
14 officer that the residents or some of the residents from
15 the C building were now standing over here in this area,
16 and there's mailboxes and such here. It's just a grass
17 island in Churchill Commons.

18 So I went over there and I made contact with a
19 young black male who identified himself to me as Anthony
20 Willis, Jr., and that he said he lived in the [REDACTED]
21 apartments. At the time, he was wearing a dark Polo shirt
22 and tan shorts.

23 Q All right. And from there, I take it you-all are
24 gathering information from other sources -- you're not the
25 only detective working on the case; is that right?

1 A No, sir. We had Detective King was there as well.
2 He was talking to people over on Muir Court. And
3 Detective Parker had responded to the hospital
4 anticipating to talk to the victim. And she made contact
5 with some people at the hospital. My supervisor began to
6 respond as well, and then I had some support detectives at
7 the office to help.

8 Q Okay. And now, when was it that you all ended up
9 getting a search warrant for Apartment [REDACTED]?

10 A Based on the information that we had as it was
11 developing, it was that same evening. The search warrant,
12 it was about 8 o'clock, a little bit after 8 o'clock, when
13 we actually executed a search warrant on Apartment [REDACTED].

14 Q Did you know exactly what you were looking for at
15 that time?

16 A Very limited information. Again, with an area that's
17 this big, we get stretched pretty thin. We had a lot of
18 support from Summerville as far as the containment of the
19 area, but obviously, with evidence processing and the
20 track and everything -- the areas where there was possible
21 physical evidence is a pretty broad area. It wasn't
22 contained in a small area.

23 And so at that point, I again, only knew that it
24 was a rifle. I had very limited information on the rifle
25 at that point. The crime scene was busy doing their

1 thing, and, of course, I was up to my eyeballs in
2 information that I was trying to process and run down as
3 well.

4 So we had very limited information regarding
5 this, other than a description of clothing, there was a
6 firearm used, possibly a rifle. So it was very limited.

7 Q And during the execution of that search warrant on
8 May 2nd around 8 o'clock, did you participate in that?

9 A No, not really. I was present for it, but again, I
10 had a lot of -- being the lead detective, I had a lot of
11 other information that I was trying to focus on.

12 Q Is that the search warrant that Detective Zensen
13 participated in?

14 A Yes, sir. Yes, sir. I was present in the area, but
15 I did not myself participate in the search.

16 Q And the items that she recovered from there are what?

17 A They are some black shorts, orange and white shoes,
18 Mr. Willis' ID, and a DVD player.

19 Q Now, I may be jumping around in time a little bit,
20 but at some point in time there was another search warrant
21 that was done; is that correct?

22 A That's correct.

23 Q All right. When was that done?

24 A That was -- just to confirm it, but it was May 13th,
25 if I remember correctly. Excuse me, it was May 16th.

1 Q May 16th?

2 A Yes, sir.

3 Q And on that particular search warrant, what was the
4 reason for going back?

5 A Through the course of the investigation, we had
6 learned that there was a rifle that was missing from
7 Apartment [REDACTED]. And at that point, I had made contact with
8 Ms. Joanne Ramsey. She had provided some photographs of
9 the rifle. In those photographs, there were -- the rifle
10 as she had it had a scope and a strap.

11 Q Let me show you State's Exhibit 30 and ask if those
12 are the photographs that you provided.

13 A That is the photograph.

14 Q And you mentioned the rifle and the strap?

15 A Yes, sir. There is a strap visible and then the
16 scope as well on the top of the rifle.

17 Q Okay.

18 A So based on that information, as we were discussing,
19 as the detectives were going over this, we remembered that
20 there was a strap in the dining room --

21 MR. FARLEY: Objection, Your Honor. May we
22 approach?

23 THE COURT: You may.

24 (A bench conference was held with the judge and
25 attorneys in the presence of the jury but out of the

1 hearing of the jury.)

2 THE COURT: Basis, Mr. Farley?

3 MR. FARLEY: Hearsay, Your Honor.

4 THE COURT: Overruled.

5 You may continue.

6 THE WITNESS: Excuse me. So as the detectives
7 were discussing this, we remembered that there was a strap
8 found. It was in the dining room of Apartment [REDACTED].

9 At the time, the significance wasn't known, and
10 it was believed to have been a strap from like a laptop
11 case, computer case, but it bore resemblance to the strap
12 shown on the rifle, so we executed another search warrant.

13 BY MR. HILTON:

14 Q And let me just ask now, this picture, was that
15 obtained before or after the first search warrant?

16 A That was obtained after.

17 Q Okay.

18 A Myself and Detective Adam Smith executed a search
19 warrant. I recovered out of the dining room one black
20 rifle strap marked with the Outdoor Connection brand.

21 Q Let me show you what's been marked State's Exhibit 1
22 for identification and ask if you recognize this.

23 A I do. That is the rifle strap.

24 Q Is that the strap that you recovered out of the
25 Apartment [REDACTED]?

1 A It is.

2 MR. HILTON: Your Honor, at this time, we would
3 offer State's Exhibit 1 into evidence.

4 THE COURT: Any objection?

5 MR. FARLEY: No, Your Honor.

6 THE COURT: State's 1 into evidence without
7 objection.

8 (WHEREUPON, STATE'S Exhibit No. 1 was admitted
9 into evidence.)

10 BY MR. HILTON:

11 Q Let me show you what's been marked for identification
12 as State's Exhibit 20.

13 Actually, I'm going to show you a series of
14 pictures. State's Exhibit 18, do you recognize -- just
15 one second.

16 (Pause.)

17 BY MR. HILTON:

18 Q State's Exhibit 18, do you recognize that photo?

19 A I do. This is a photograph that I took in the dining
20 room.

21 Q And 19 and 20?

22 A Those are additional shots of that same area.

23 Q Little different angle?

24 A Little different angle, different distance.

25 Q Finally, State's Exhibit 29?

1 A And that is a photo that I took on the dining room
2 table.

3 Q All those photos were taken during the search
4 warrant?

5 A They were.

6 Q Accurate representation of items that you found?

7 A Yes, sir.

8 MR. HILTON: Your Honor, at this time, we would
9 offer State's Exhibits 18, 19, 20, and 29 into evidence.

10 THE COURT: Any objection?

11 MR. FARLEY: No, Your Honor.

12 THE COURT: State's 18, 19, 20, and 29 into
13 evidence without objection.

14 (WHEREUPON, STATE'S Exhibits Nos. 18, 19, 20, 29
15 were admitted into evidence.)

16 MR. HILTON: In regard to State's Exhibit 18,
17 may I publish, Your Honor?

18 THE COURT: You may.

19 BY MR. HILTON:

20 Q Can you describe what that is for the jury?

21 A Again, inside the apartment, this is a shot of the
22 dining room. And this is the corner of the dining room
23 where the strap was originally seen. Again, you can kind
24 of see it there, amongst the items that are right there
25 near the sewing machine, if I remember correctly.

1 Q And if you would, just touch that screen in front of
2 you and point out where they were.

3 A Part of it would be here, here, and then there is
4 more of it over here and down here, just that black strap
5 area.

6 Q With regard to State's Exhibit 20?

7 A Again, that is just a different angle shooting back
8 into the corner amongst those same items. And again, you
9 see part of the strap right here.

10 Q State's Exhibit 29?

11 A This is after I had physically taken it, and I laid
12 it up on the dining room table to get a better photograph
13 of it.

14 Q Is this just the strap or does it have other
15 components associated with it?

16 A Well, one thing I noticed -- and again, it was just
17 kind of going back through the evidence -- was on the
18 rifle that we recovered, it was missing the screw out of
19 the butt stock. It's got a wood stock on it, and there's
20 usually a knob that's there that accommodates slings.
21 It's just got a little hole through it, and that's where a
22 strap for a rifle of that kind would attach to, one up
23 near the top.

24 MR. HILTON: May I hand this to the witness,
25 Your Honor?

1 THE COURT: You may.

2 BY MR. HILTON:

3 Q If you could, just tell the jury what you're talking
4 about with State's Exhibit 2.

5 A When you use the rifle, the piece that I'm referring
6 to is going to be on the butt stock right here at the
7 bottom. As you can see, it's missing from here. So when
8 we recovered the strap, I immediately noticed that that --
9 a screw that would traditionally go here was still
10 attached to the rifle -- or excuse me -- the sling. It
11 was missing from here and still attached or one attached
12 to the sling.

13 Q Will you circle what you're talking about on the
14 screen?

15 A Okay. Right there.

16 Q So that part would screw into the stock of the gun?

17 A Yes, sir.

18 Q What about the other end?

19 A The other end has a similar mechanism for attaching
20 to the rifle. It would attach to the top up here. Now,
21 this part right here is metal, it would be very difficult
22 to remove that, but it would be where you would attach the
23 other part of the sling.

24 Q Let me give you State's Exhibit 1 and just ask if you
25 could kind of demonstrate that.

1 A Yes. This would be the top part right here, this is
2 the shoulder strap here. This piece right here has got a
3 little screw that goes through an opening here to
4 accommodate that piece right there and attach there.

5 On the other end, like I said, normally when the
6 rifle is manufactured, this item right here is going to be
7 embedded into the stock there. And then, of course, this
8 piece right here is the same as the other one. If you
9 unscrew this piece here, fit it over that piece, and screw
10 it back in to hold it in place.

11 Q All right. Again, the strap was found where?

12 A In the dining room of Apartment [REDACTED].

13 Q And who lives in [REDACTED]?

14 A The defendant, Anthony Willis.

15 (WHEREUPON, STATE'S Exhibit No. 38 was marked
16 for identification only.).

17 BY MR. HILTON:

18 Q Let me show you what's been marked for identification
19 as State's Exhibit 38 and ask if you recognize these
20 items.

21 A Yes, I do.

22 Q Where were those recovered or were they recovered?

23 A These are two live 30-30 rounds.

24 During that second search warrant of the [REDACTED]
25 apartment, the one issue -- the one thing that we were

1 still trying to find was an orange shirt. We had done
2 several area searches around the buildings and between
3 Muir Court. Like I said, this is a big open area. So the
4 areas that separate here is a big ditch that basically
5 horseshoes this way and separates each of these complexes.
6 We searched those areas and we were trying to find this
7 orange shirt still. And so when we were back in there
8 with the search warrant, we wanted to continued the search
9 for the orange shirt.

10 I went back into the hall closet/laundry area
11 where the washer and dryer were and began going
12 meticulously through the clothing. I located a pair of
13 dark in color Rocawear shorts size 32, appeared to be
14 mens, and in that pocket were two Winchester 30-30 rounds,
15 live ammunition.

16 (WHEREUPON, STATE'S Exhibit No. 39 was marked
17 for identification only.)

18 BY MR. HILTON:

19 Q Let me show you what's been marked as State's
20 Exhibit 39 for identification and ask if you recognize
21 that photo.

22 A I do. That is my hand holding the two rounds that I
23 recovered.

24 Q Is that the rounds that were recovered from Apartment
25 [REDACTED]?

1 A They were.

2 Q May 16th?

3 A Actually, my correction, the 16th day was the day
4 that I returned the search warrant. It was the 13th. My
5 initial --

6 Q May 13th?

7 A Yes, sir, it was May 13th, excuse me.

8 MR. HILTON: Permission to publish to the jury,
9 Your Honor?

10 THE COURT: You may.

11 MR. HILTON: Actually, we'd move the photograph
12 into evidence at this time.

13 THE COURT: Any objection?

14 MR. FARLEY: No objection.

15 THE COURT: And the number on that one?

16 MR. HILTON: State's Exhibit 39.

17 THE COURT: State's 39 into evidence without
18 objection.

19 (WHEREUPON, STATE'S Exhibit No. 39 was admitted
20 into evidence.)

21 BY MR. HILTON:

22 Q Was that the two rounds -- minus the red circle, was
23 that the two rounds that you recovered?

24 A They were.

25 Q Now, back to the exhibit that I placed in front of

1 you.

2 A These are those.

3 Q Which number is that?

4 A Exhibit 38.

5 Q Are they the same caliber that would fit the rifle in
6 State's Exhibit 2?

7 A They are.

8 MR. HILTON: Your Honor, at this time, we would
9 offer State's Exhibit 38 into evidence.

10 THE COURT: Any objection?

11 MR. FARLEY: No, Your Honor.

12 THE COURT: State's 38 into evidence without
13 objection.

14 (WHEREUPON, STATE'S Exhibit No. 38 was admitted
15 into evidence.)

16 BY MR. HILTON:

17 Q Now, you had touched on the orange shirt and you-all
18 went back to look for the orange shirt. Tell us about the
19 orange shirt.

20 A We knew from the get-go that the orange shirt was a
21 piece of item that we would like to recover. Myself,
22 crime scene, other detectives over the coming days, that
23 night, and over the coming days had gone back over and
24 done area searches. Again, the problem we were having is
25 these are big complexes, fairly large area, and again,

1 it's heavily wooded around this ditch and there is quite a
2 bit of area here. And we checked dumpsters, trash cans,
3 these complexes over here, as well as the complexes around
4 Muir Court and Churchill Commons and anywhere that we
5 could think that a shirt might be able to be hidden.

6 Q Were you able to find the orange shirt?

7 A Unfortunately we were not.

8 Q Now, we also talked about you going to Ms. Ramsey's
9 house, and I showed you the photograph of the gun and the
10 strap. Did you ever recover any other items from
11 Ms. Ramsey?

12 A I did. In the effort to try to determine where the
13 rifle had come from and based on the information we had
14 about her missing a rifle, we asked if she had any shell
15 casings left over from a time where she had fired her
16 rifle, and she said she did. And I collected two of those
17 rounds to submit for comparison.

18 Q Let me show you what's been marked as State's
19 Exhibit 27 and ask if you recognize this.

20 A I do. Those are the two that I secured from
21 Ms. Ramsey.

22 MR. HILTON: Your Honor, in the event that they
23 haven't been introduced --

24 THE COURT: They have been.

25

1 BY MR. HILTON:

2 Q What was the purpose of determining who the gun
3 belonged to?

4 A Well, we thought it was important, especially given
5 the close proximity to Mr. Willis' apartment.

6 Ms. Ramsey's apartment is downstairs, right downstairs.

7 The apartments in C building are, if I remember correctly,
8 two breezeways, one through eight, and then the remaining
9 eight apartments on the other side, 9 through 16.

10 Q [REDACTED] upstairs or downstairs?

11 A [REDACTED] is upstairs and immediately across down below is
12 [REDACTED].

13 Q Okay. And so were you able to determine that this
14 was her rifle?

15 A Through the comparison that SLED had done, they said
16 that it was consistent.

17 Q Were you able to conclusively show, other than her
18 saying it was her rifle, were you able to have any kind of
19 scientific evidence?

20 MR. FARLEY: Objection, Your Honor.

21 THE COURT: Let him finish his question.

22 BY MR. HILTON:

23 Q Were you able to find any scientific evidence that
24 would connect the strap to the gun?

25 A Scientific, no.

1 Q What's the purpose of the DVD player?

2 A Well, the DVD player, the significance of that is
3 that it's the property of Joanne Ramsey that was recovered
4 out of the defendant's apartment.

5 Q As well as the gun -- not the gun -- as well as the
6 strap?

7 A At the same time that the gun was taken, that was one
8 of the items that she had stated was missing.

9 Q There was some mention, some testimony -- and you
10 have been here the whole time -- of another shot that was
11 fired earlier over in the Churchill area. Did you-all
12 ever attempt to find a shell casing over there?

13 A Absolutely. And this map actually doesn't fully show
14 all of Churchill Commons. It's a little bit closer view
15 of Muir Court.

16 Q Let me show you State's Exhibit 22. And you can
17 refer to this one.

18 A Okay. Again, this is a very large area. This all
19 right here is Churchill Commons, Muir Court, and Timber
20 Land Apartments there. So again, a very large area.

21 We did, again, blanket those areas and as more
22 information came in, try to be more specific with our area
23 searches as to where we could recover other evidence.

24 Q And specifically with regard to the shell casing over
25 in the Churchill area, where all did you look for that?

1 A Again, the information I ended up with was at the I
2 building, so it was really specific to these areas right
3 here and then following through Muir Court and these areas
4 right here. But again, especially when you start getting
5 into here, it's heavily wooded, uncleared. It's fairly
6 easy to walk through, but you're talking about a lot of
7 tree debris, leaves, that kind of thing. And for an item
8 as small as shell casings, it was very difficult.

9 Q How did you go about looking for it?

10 A Again, just very specifically trying to be very
11 detailed with going through and moving stuff over, just
12 trying the best that we could to find those items.

13 Q You-all canvased that whole area?

14 A Yes, sir. Yes, sir.

15 Q And never found it?

16 A No, sir. Another shell casing was never recovered.

17 Q Is there anything that would prevent somebody -- if a
18 shell casing is ejected out, is there anything that
19 prevents somebody from just picking it up?

20 A No, sir.

21 MR. HILTON: Please answer any questions the
22 defense may have for you.

23 MR. FARLEY: May I have just a moment, Your
24 Honor?

25 THE COURT: You may.

1 (Pause.)

2 MR. FARLEY: Thank you for your patience, Your
3 Honor.

4 CROSS-EXAMINATION

5 BY MR. FARLEY:

6 Q How are you?

7 A Good sir.

8 MR. FARLEY: May I approach the witness, Your
9 Honor?

10 THE COURT: You may.

11 BY MR. FARLEY:

12 Q I just want to see if you can orientate the jury with
13 this whole map.

14 Is this a picture of the entire crime scene?

15 A Well, again, the area -- we knew we had a -- the
16 immediate crime scene was, again, right here on Muir Court
17 where the victim was found. That obviously had to expand
18 because of the vast majority of area we had to cover,
19 considering that the victim lived over in this -- excuse
20 me -- the defendant in this building over here, you know,
21 and that we had information that this area right in here
22 was traveled, and then later on, this area over here. We
23 had secondary searches that had to be conducted through
24 those areas.

25 Q Let me just be clear for the record. We're referring

1 to State's 22. Can you point out where the victim lived?

2 A The victim lived on Kimmerman Lane right here.

3 Q And how is that indicated on the map?

4 A It looks like it's circled with a blue highlighter.

5 Q Can you show me where the murder occurred?

6 A It would have been right in this area right here.

7 Q Can you show me where the bus stop is?

8 A The bus stop is right here.

9 Q Can you show me where the witnesses say the first
10 shot was fired?

11 A The I building, which was over in this area here.

12 Q And can you show us where the defendant lived?

13 A The defendant lived in the C building right about
14 there.

15 Q And Ms. Broomfield where -- the person that the
16 defendant apparently tried to get into their house?

17 A Ms. Broomfield, from the best that I can tell with
18 the trees in the way, I think it was this one right here.

19 Q So the murder happens here on Muir Court, defendant
20 lives right here, and Ms. Broomfield lives over here?

21 A Actually, I believe it's going to be this one right
22 here. It's going to be one of the ones further down.

23 Q How far would you judge the distance between -- and
24 if you can't, you can't -- from the -- where the murder
25 took place to the defendant's house?

1 A I would have a hard time trying to estimate that. A
2 couple of hundred yards maybe.

3 Q And how far from Muir Court to Ms. Broomfield's
4 house?

5 A It would probably be pretty close, depending on the
6 route you took, pretty close proximity.

7 Q And then from Ms. Broomfield's house back down to the
8 defendant's house?

9 A A little bit shorter distance than that.

10 MR. FARLEY: Your Honor, I have a question for
11 the Court. Has State's 36 been entered?

12 THE COURT: Yes.

13 BY MR. FARLEY:

14 Q I'm going to show you State's 36, which has been
15 described as a pair of pants from the first search
16 warrant; is that correct?

17 A That's correct.

18 Q And these are not the pants that you say you found
19 the 30-30 live rounds in; is that correct?

20 A That's correct.

21 Q And I think you testified -- and I just want to make
22 sure -- you did not participate in the first search
23 warrant?

24 A No, sir. I was in the area but did not directly
25 participate in the search warrant.

1 Q Now, as lead investigator, you had to pull together
2 information from all these sources and try to make -- put
3 it all together and make it fit into this case; is that
4 right?

5 A Pull the information, evaluate it, see what was
6 useable information and what is not, do our best to
7 analyze it.

8 Q Did you ever go to the area where the gun was
9 recovered from?

10 A Later on, yes.

11 Q Did you ever speak to anybody that actually recovered
12 the gun?

13 A Yes, I did the crime scene.

14 Q In your investigation, did you hear of any footprints
15 around the gun?

16 A No, sir. I mean, the discussion had come up --
17 again, this is a heavily traveled area, I mean, heavily
18 traveled between people that just -- you can see through
19 pathways and stuff that's cut all through here that this
20 was an area that is used between people, you know, in all
21 these complexes getting back and forth between the
22 complexes.

23 Q So to your knowledge, no footprints were found?

24 A There were none that were recovered for evidence.

25 Q In this highly traveled area?

1 A Yes, sir.

2 Q How old do you have to be to buy ammunition in South
3 Carolina?

4 A I believe 18.

5 Q How old was the defendant?

6 A He was 17 at the time of this incident.

7 Q And just to wrap up, after searching that entire area
8 with how many, would you say, police officers?

9 A That would be tough to say. I know that myself and
10 Detective Smith did on a couple of occasions. I believe
11 crime scene did to an extent as well. I don't know how
12 many personnel had been used. I do know that the patrol
13 did as well, but I don't know how many personnel they used
14 either for those searches.

15 Q It's fair to say, though, that very early on, you had
16 the description of an orange shirt?

17 A That's correct.

18 Q And you'd agree with me that an orange shirt is a lot
19 easier to see than other things?

20 A It would be if it was out in the open, yes.

21 Q And you don't have any idea how many officers in
22 total responded at the scene initially?

23 A It was a significant amount. Again, because when you
24 get a shooting incident like that, there's obviously
25 concern, you have all these areas over here.

1 I believe this is either a day care or some kind
2 of facility, educational facility, if I remember
3 correctly. There was a concern about a loose gunman
4 running around. So, you know, there was a very broad
5 perimeter set up using the sheriff's office and
6 Summerville, and there may have been more agencies I'm not
7 familiar with.

8 So there were a significant amount of officers
9 in this entire area at that time or shortly after the
10 incident occurred.

11 MR. FARLEY: Thank you.

12 Just one moment, Your Honor.

13 THE COURT: Take your time, Mr. Farley.

14 (Pause.)

15 MR. FARLEY: Nothing else, Your Honor.

16 MR. HILTON: No redirect, Your Honor.

17 THE COURT: You may step down. Thank you.

18 Call your next witness.

19 MR. HILTON: May we approach, Your Honor?

20 THE COURT: You may.

21 (A bench conference was held with the judge and
22 attorneys in the presence of the jury but out of the
23 hearing of the jury.)

24 MR. HILTON: Your Honor, there's been some
25 reference to State's Exhibit 21. At this time, the State

1 would move to have State's Exhibit 21 entered into
2 evidence.

3 THE COURT: Mr. Farley, that was the DVD case.
4 Any objection?

5 MR. FARLEY: No objection.

6 THE COURT: State's 21 into evidence without
7 objection. That was just for housekeeping.

8 (WHEREUPON, STATE'S Exhibit No. 21 was admitted
9 into evidence.)

10 MR. HILTON: Thank you, Your Honor.

11 At this time, the State would rest.

12 THE COURT: Ladies and gentlemen, you have heard
13 all of the testimony and received into exhibits all of the
14 evidence that will be presented from the State at this
15 time. That indicates to the Court there's a matter of law
16 that I must take up outside of your presence.

17 Do not begin your deliberations, do not discuss
18 this case amongst yourselves.

19 Please rise for the jury.

20 We will receive you back in just a few moments.
21 Thank you.

22 (The jury left open court at approximately
23 11:15 a.m.)

24 THE COURT: Thank you. Be seated.

25 And just for the record, Mr. Hilton, I show --

1 my records indicate that all the exhibits now have been
2 admitted that have been introduced by the State; is that
3 correct, Madam Court Reporter?

4 THE COURT REPORTER: Yes, Judge.

5 THE COURT: All right. The State has rested.

6 Mr. Farley, motions or matters?

7 MR. FARLEY: Yes, Your Honor. We move for a
8 directed verdict. When you take all the evidence in the
9 light most favorable to the State, there's been no direct
10 or substantial circumstantial evidence given on each and
11 every element of the crime. There is -- the evidence does
12 raise a mere suspicion, but that's it.

13 THE COURT: All right. Mr. Hilton, are you
14 arguing this motion?

15 MR. HILTON: I will if I need to, Your Honor.

16 I mean, obviously, the Court's obligation is to
17 take the evidence in the light most favorable to the State
18 in State versus Cherry.

19 In this case, I mean, there's been evidence of
20 jurisdiction, identity, and more importantly, evidence,
21 direct evidence, from an eyewitness that says Anthony
22 Willis shot and killed Justin Smoot on May 2, 2011. That
23 testimony alone I think will survive a directed verdict
24 motion. However, there is other substantial
25 circumstantial evidence that corroborates not only that

1 statement but the fact that Anthony Willis committed this
2 murder on May 2, 2011.

3 And so with that, the State would ask the Court
4 to deny the defendant's motion.

5 THE COURT: Are there any other motions? Is
6 that your motion at this time?

7 MR. FARLEY: Just we would like to renew all the
8 previous motions that we've made throughout the course of
9 this trial.

10 THE COURT: And the Court stands by the initial
11 rulings made at the time that the testimony was presented
12 as to all previous motions.

13 Any response to the State's --

14 MR. FARLEY: No, Your Honor. You've heard my
15 view.

16 THE COURT: All right. Based upon my review of
17 the evidence and Rule 19, in the light most favorable to
18 the State, the Court is concerned with the existence or
19 nonexistence and not to the weight of the evidence.

20 There has been substantial testimony as to
21 jurisdiction, that it occurred in Dorchester County. More
22 than one witness has identified the defendant, and there
23 was testimony that Mr. Smoot was deceased.

24 And based upon all of the testimony that has
25 been presented, I deny your motion for directed verdict.

1 All right. And Mr. Willis, please stand.

2 Mr. Willis, I'm advising you that you are still
3 under oath from yesterday. Do you remember that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Have you had time over the evening
6 hours to speak with Mr. Farley and Mr. Loy concerning your
7 decision to testify?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And what is your decision at this
10 time?

11 THE DEFENDANT: No.

12 THE COURT: Do you wish to testify at this time?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: And, Mr. Farley, you have discussed
15 what the Court indicated to your client as to the
16 consequences and the benefits of testifying?

17 MR. FARLEY: Yes, Your Honor, as well as his
18 Constitutional rights.

19 THE COURT: And he understood that conversation
20 in your mind?

21 MR. FARLEY: I'm sure he did, Your Honor.

22 THE COURT: All right. And he indicated to you
23 that he did not wish to testify?

24 MR. FARLEY: That's correct.

25 THE COURT: All right. With that, does the

1 defense have any additional witnesses?

2 MR. HILTON: No, Your Honor. We would rest.

3 THE COURT: All right. I will allow you to rest
4 in the presence of the jury.

5 And you may have a seat, Mr. Willis. Thank you.

6 All right, Counsel, it is 11:15. It's a little
7 early to break for lunch. So just for scheduling, why
8 don't we approach.

9 (A bench conference was held with the judge and
10 attorneys in the presence of the jury but out of the
11 hearing of the jury.)

12 (A break was taken.)

13 (The jury came into open court at approximately
14 11:23 a.m.)

15 THE COURT: Be seated.

16 Mr. Farley.

17 MR. FARLEY: Thank you, Your Honor. The defense
18 rests.

19 THE COURT: Ladies and gentlemen, that indicates
20 to the Court that you have heard all of the evidence
21 that's been presented in the trial of the case and also
22 have received into evidence all of the exhibits that are
23 going to be put in the record. As I indicated to you
24 before, all of the exhibits that have been admitted will
25 come back to your jury room with you.

1 Ladies and gentlemen, there is a matter of law
2 that I must take up outside of your presence, so we're
3 going to go ahead and take an early lunch.

4 Please remember all of my admonitions. Do not
5 discuss this case amongst yourselves. Do not begin to
6 decide any issue in this case. You have not heard closing
7 arguments on behalf of counsel, and I have not instructed
8 you on the law applicable to this case.

9 Please do not read, watch any news accounts
10 regarding this case should there be any, and do not do any
11 independent investigations.

12 Please be back in your jury room. We will begin
13 promptly at 12:30, and so I will see you back then.

14 Once you return, we will hear closing arguments
15 on behalf of counsel, and I will instruct you on the law
16 applicable to this case.

17 Have a nice lunch. I'll see you back at 12:30.
18 Thank you.

19 If you would please take your note pads and
20 leave them in the jury room during lunch. Thank you.

21 (The jury left open court at approximately 11:25
22 a.m.)

23 THE COURT: Thank you. Please be seated.

24 Mr. Farley, any motions or matters?

25 MR. FARLEY: Just to renew all of our prior

1 motions.

2 THE COURT: And in response to that, Mr. Hilton,
3 does the State have anything additional to add?

4 MR. HILTON: Nothing additional, Your Honor.

5 THE COURT: Mr. Farley, the Court stands by its
6 initial ruling made at the time. I'd note that you have
7 renewed your objections for the record.

8 MR. FARLEY: Thank you.

9 THE COURT: Is there anything before we break
10 for lunch?

11 MR. FARLEY: No, Your Honor.

12 MR. HILTON: Nothing from the State.

13 THE COURT: And we had a charge conference
14 yesterday afternoon after court ended. Any additional
15 charges that you are requesting?

16 MR. FARLEY: Nothing's changed, Your Honor.

17 THE COURT: All right. From the State?

18 MR. HILTON: Nothing, Your Honor.

19 THE COURT: All right. And we will be back.

20 Please be back here at 12:25, and we will begin promptly
21 when all the jurors are here.

22 Thank you. Have a nice lunch.

23 (A lunch recess was taken.)

24 THE COURT: Counsel, please approach to review
25 the verdict form.

1 (A bench conference was held with the judge and
2 attorneys.)

3 THE COURT: Anything before we bring in the
4 jury?

5 MR. HILTON: Nothing from the State.

6 MR. FARLEY: No, Your Honor.

7 THE COURT: Mr. Hilton, you are doing the close?

8 MR. HILTON: That's correct.

9 THE COURT: And Mr. Farley?

10 MR. FARLEY: Yes, Your Honor.

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

12 (The jury came into open court at approximately
13 12:32 p.m.)

14 THE COURT: Thank you. Be seated.

15 Ladies and gentlemen, we have reached the stage
16 in the trial where you will hear closing arguments on
17 behalf of counsel.

18 Just as I instructed you what was contained in
19 their opening statements was not evidence, neither is what
20 is contained in their closing arguments.

21 Please give your strict attention, and after
22 you've heard closing arguments from Mr. Hilton and
23 Mr. Farley, I will instruct you on the law applicable to
24 this case.

25 Mr. Hilton.

1 MR. HILTON: Thank you, Your Honor.

2 Thank you, ladies and gentlemen of the jury.

3 First of all, I do want to thank you for your
4 three days of service here, Monday, Tuesday, and now
5 today.

6 You know, a lot of times, jurors come to circuit
7 court and they don't know exactly what to expect. You
8 don't know if you're going to be here for a civil case or
9 a criminal case. It could be stealing a car or it could
10 be murder. And you don't know what to expect when you get
11 here.

12 Just as you didn't expect to be here today,
13 Justin Smoot didn't expect on May 2, 2011, to be lying in
14 the middle of Muir Court bleeding out from a gunshot
15 wound.

16 You came here because of a little piece of paper
17 that the Clerk of Court sent you, a jury summons. And
18 we're here because the defendant, Anthony Willis, Anthony
19 Willis shot Justin Smoot on Muir Court on May 2, 2011. He
20 took a ride to the hospital and later died on a gurney
21 from that gunshot wound, all at the hands of Anthony
22 Willis.

23 I get to talk to you now about the case and the
24 evidence that we presented. And after I speak to you, the
25 defense will be able to come up and speak to you. I won't

1 get a chance to respond, so this is the last time that you
2 will hear from the State.

3 And Mr. Giese told you at the outset of the
4 trial that the State has the burden of proof in a criminal
5 case. And that is exactly correct. We have the burden of
6 proof beyond a reasonable doubt, a burden that we gladly
7 accept. And I'm going to talk to you more about the
8 burden of proof a little bit towards the end of the
9 argument, but right now, I want to talk to you about the
10 evidence that was actually presented during the course of
11 the trial.

12 First of all, you heard from Earl Robinson.
13 Earl Robinson was a guy who lived on Muir Court in, I
14 think he said, [REDACTED]. He lived there, his brother had just
15 moved in with him, and he was staying at [REDACTED].

16 He heard a gunshot when he was up there doing
17 something with his kids. He came running outside, sees
18 Justin Smoot on the ground, his brother hands him the
19 phone, he calls 911.

20 And it was Earl Lewis (sic) who kind of gets
21 this ball rolling. That is who alerts the police that
22 there is a shooting that occurred. And this happened just
23 seconds after the shooting actually took place.

24 After he calls 911, you heard from Chris
25 Limehouse, who was the responding deputy that came out.

1 He comes out to the scene, he said there was a lot of
2 people around. Justin Smoot is on the ground, ambulance
3 hadn't gotten there yet. He secures the scene so that
4 it's safe for the ambulance to come. He makes sure
5 everything is protected. Ambulance comes in and takes
6 Mr. Smoot off to the hospital.

7 And then you heard from Brian Acord. Remember,
8 Mr. Acord was the medic that responded out on the
9 ambulance that day. And, you know, most of the time in a
10 criminal case, you don't get to hear from a deceased
11 victim. But in this case, you did. You did hear the
12 testimony of the victim. You heard it in a couple of
13 ways. First of all through the 911 tape that was played
14 for you at the beginning. At the very end of that tape,
15 you hear him say, "I'm dying," he's telling Earl Lewis,
16 "I'm dying." And Earl Lewis responds, "No, you're not, no
17 you're not."

18 But then on that ambulance ride, Mr. Acord is
19 trying to engage him in conversation, trying to keep him
20 alert, and starts asking him questions. "Do you know who
21 shot you?" And he shook his head yes. And he asked him a
22 series of other questions and he gets to the point of, you
23 know, "Were you shot with a pistol?" No, wasn't shot with
24 a pistol. And then there was some confusion about a
25 shotgun. And he asked him, "Were you shot with a rifle?"

1 He said yes. "Are you sure you were shot with a rifle?"

2 And he nodded his head yes.

3 I want to jump a little bit out of order and
4 then go to Dr. Janice Ross. That was the pathologist you
5 heard from from Newberry hospital.

6 Dr. Janice Ross came in here and told you, A,
7 that the victim had died from a gunshot wound. But more
8 importantly, she told you that he was shot with a rifle,
9 and she knew that because of the x-ray that she took
10 during the time.

11 And I know that is going to be hard to see, but
12 if you hold it up -- and you saw it during court. If at
13 any point in time we need to put that on the projector
14 again, send out a note, we'll bring you back out and put
15 it on the projector and you can see it.

16 But in that x-ray, you see the lead particles
17 that come from a high velocity shot, consistent with being
18 fired with a high-powered rifle, same type of weapon used
19 in this case.

20 So let's stop right there a second. We know
21 from those witnesses that the victim died, the victim knew
22 who shot him, he was shot with a rifle.

23 Next, we called up a guy named Travorris
24 Phillips. By that time, you started hearing from some
25 witnesses over in the Churchill Commons area, and you

1 heard from Travorris Phillips. He was the young guy that
2 came in and said that he went there that day to meet one
3 of his friends to get some money from him, I think is what
4 he testified to. And he shows up in Churchill Commons at
5 the bus stop, and he pointed to it at the map.

6 And you'll have all these maps, you can look at
7 them closely when you go back there.

8 He pointed to the map and said they were all at
9 the bus stop area here right at the entrance of Churchill
10 Commons, and several of the friends were around. Justin
11 Smoot, the victim, was out there, and also, AJ Willis,
12 Anthony Willis pulls up on a moped. He knows him by name
13 and sight, knows who he is. He says he's wearing an
14 orange shirt. And that becomes very important, he is
15 wearing an orange shirt.

16 He sees the victim and the defendant get into a
17 little altercation, and the defendant runs off towards the
18 I building.

19 A few minutes later, the defendant appears,
20 except now he's carrying a rifle. He's carrying a rifle.
21 Travorris said he stepped around for a second or so and
22 then got in his car and got out of there, he went to the
23 pizza place at the end of Trolley.

24 You then heard from a triad of witnesses. You
25 heard from Quinton Jackson, Nathan Hill, and Ryan Pollard.

1 All three of them were at both scenes.

2 So let's start with Quinton Jackson. Quinton
3 Jackson, again, knew the defendant, Anthony Willis, by
4 name and sight, knew the victim, Justin Smoot, and was
5 also out at that bus stop area. And he testified,
6 likewise, that they were out there for a basketball game,
7 that the defendant comes pulling up on a moped, there was
8 an altercation between the two of them, AJ went running
9 off.

10 Now, at that point in time, he left to go back
11 to Churchill. And you heard him testify he was on his way
12 back and he heard a gunshot, and he goes back to 107 Muir
13 Court, which is where he lived just behind this bus stop
14 area. He lived right over in here, he testified.

15 He goes back to his car, and shortly thereafter,
16 Nathan Hill comes back and Ryan comes around, and they're
17 sitting on the car. Justin Smoot had come up and was
18 talking to Robert Lewis at Earl Lewis' house at 102.

19 And from there, who comes through the cut, the
20 guy in the orange shirt, the guy he knew by name and sight
21 as Anthony Willis. He walks through, walks out into the
22 court. And Quinton said -- he said ten minutes at one
23 point in time, but we asked him about you remember telling
24 police that you turned into the house and you heard the
25 shot, and he admitted to that.

1 So he turns to walk inside and he hears a
2 gunshot, looks back around, and the victim is laying down
3 in Muir Court bleeding, AJ nowhere to be found at that
4 point in time.

5 Nathan Hill comes in, and he adds a little more.
6 Nathan Hill says he's over at Churchill, the altercation,
7 AJ runs off, he leaves, and he's back at [REDACTED]
8 with Quinton.

9 Ryan comes around. He said at some point in
10 time going around, he heard a noise. He thought it was a
11 gunshot, but he wasn't sure. Nonetheless, he's hanging
12 out on the car there with Quinton Jackson and Ryan
13 Pollard. And who does he say comes through? Anthony
14 Willis, wearing that orange shirt. And he comes through,
15 and he said Anthony Willis walked out on the court, and he
16 turned to walk towards Smoot. He said as he turned away
17 to walk towards Smoot, he heard a gunshot, Justin Smoot
18 hit the ground, and he looked back and Anthony Willis was
19 gone. Anthony Willis was gone.

20 He also said -- he also said that when Anthony
21 Willis walked by, he looked angry, didn't say anything to
22 him, he just looked angry.

23 Then you heard from Ryan Pollard. Ryan Pollard
24 is an eyewitness in this case, a true eyewitness, someone
25 who saw what took place.

1 Ryan Pollard testified a little bit differently
2 than the rest of them. He was there at different times
3 over at Churchill. He was there with Quinton and Nathan.
4 AJ comes up, AJ runs off, and according to Nathan and
5 Quinton's testimony, they leave.

6 Ryan sticks around for a few minutes or a few
7 moments later, long enough to see AJ pull out a gun, the
8 same gun that Travorris sees him with. It's not just Ryan
9 Pollard saying he's pulling out a gun, you also had
10 Travorris say he pulled out a gun. And so he's over there
11 with a gun near the I building. And what does he do? He
12 levels off that gun and shoots at them, and they disburse
13 at that point in time.

14 He goes back around to Quinton Jackson's house.
15 The victim, Justin Smoot, makes his way back around there
16 as well, over to Muir Court where Mr. Lewis was living,
17 Robert Lewis was living.

18 Ryan makes it back over to [REDACTED], and
19 now he's with Quinton and Nathan, and they're sitting
20 there talking, trying to find a basketball game, whatever.
21 Who comes through the cut, Anthony Willis. All three of
22 them say that, all three of them, no doubt about it, they
23 know who he is. They've played basketball with him, this
24 is not somebody that they just got a look at for the first
25 time. This is somebody they knew, Anthony Willis comes

1 through the cut, wearing the same orange shirt that he had
2 on over at Churchill. And both Nathan and Ryan say that
3 he's walking funny and holding his pants area.

4 Ladies and gentlemen, I submit to you that he
5 had State's Exhibit 2 under his pants and stuck up his
6 shirt. And that's exactly what Ryan goes on to say, as he
7 passes by, Ryan said he's staring at Smoot. He walks out
8 to the cul-de-sac of Muir Court next to the -- they call
9 it the blue apartment, this is the apartment right at the
10 back of Muir Court, and you can see a part of it on this
11 picture here. And he walks to the corner, and Ryan sees
12 him with his own eyes throw that white T-shirt up that he
13 had on around his neck. He had on the orange shirt. He
14 pulls up his orange shirt, pulls the gun out of his
15 shorts, levels off, and shoots Justin Smoot right there in
16 front of them. He sees that.

17 Mr. Giese during the testimony asked him who
18 shot Anthony Willis (sic), and he said that guy right
19 there -- who shot Justin Smoot, that guy right there. An
20 eyewitness, direct testimony, it doesn't get any better
21 than that.

22 And you heard him testify. You looked at him
23 while he was testifying. You're a judge of character,
24 that is why jurors are chosen, because we judge people
25 every day on their character. You can tell if he was

1 lying or not. He didn't have anything to hide at that
2 point.

3 I suspect you will hear a great deal from the
4 defense about Ryan Pollard not coming forward, not
5 contacting police early on. Ask yourself this question.
6 If he had come forward on May 2, 2011, would this case
7 have been any different? Would the testimony have been
8 any different, would the evidence that we presented be any
9 different? Absolutely not. Whether he told police on
10 May 2, 2011, or whether he came in here yesterday and told
11 you what happened, the fact is is that he came in and told
12 you what happened, he's an eyewitness to the case.

13 Then we get to Michael Sweeney. Michael Sweeney
14 was the guy who was skating around -- skateboarding on
15 Muir Court. A truly independent eyewitness, he didn't
16 know -- he didn't know the defendant, he didn't know the
17 victim, he didn't know anybody involved. He knew his
18 neighbor, Robert Lewis, and he knew some people on Muir
19 Court, but he didn't know either the victim or the
20 defendant in this case.

21 And unfortunately, the only person who is a
22 truly independent eyewitness is the one who had the worst
23 eyesight. He said he couldn't even read the exit sign up
24 there.

25 All right. And what do we know about Michael

1 Sweeney? He says he's in the area of Muir Court, he sees
2 a guy in an orange shirt walk out. He can't identify him.
3 He couldn't see that far, he can't see on a distance. But
4 he knows that the guy in the orange shirt walked out. He
5 sees his arms go up, he hears a shot, and Justin Smoot
6 hits the ground, perfectly consistent with all the other
7 witnesses that testified as to what took place on that
8 day.

9 Now, he did testify that -- he did testify that
10 the shooter shot from in this area somewhere in here.
11 Well, the victim was found right in here. So if he's in
12 this area, the line of the shot would be this way.

13 We know that is not the case. Detective Zensen
14 testified that the truck was found right here where they
15 found the projectile in the truck, where the projectile
16 went through the truck.

17 When you draw a line back to where the victim
18 was, we know that the shot came right from this corner. I
19 mean, that's just common sense.

20 And so Michael Sweeney, I'm not doubting that he
21 doesn't believe that that's what happened, that's just not
22 exactly what happened. Michael Sweeney is testifying
23 based on what he remembers happening that day. He's not
24 lying to you, he's not making stuff up. That's just what
25 he perceived. And remember, he's got the worst eyesight

1 of all of them, which is unfortunate.

2 The guy in the orange shirt came out, threw his
3 hands up, he heard the gunshot, Justin Smoot goes down.
4 There is not one single witness that says he wasn't
5 wearing that orange shirt, that says that defendant wasn't
6 wearing the orange shirt.

7 Let's talk about the investigation for a moment.
8 After Earl Lewis called 911, police responded out, and
9 they brought out Officer Tim Knight, the canine unit. And
10 based on the information that he had at the moment,
11 remember, they hadn't talked to Quinton Jackson and Ryan
12 Pollard and Nathan Hill at that point.

13 Based on the information they had at the moment,
14 they released that canine behind the mailboxes, he said
15 behind the mailboxes. That is pictured in State's
16 Exhibit 13, and you can see a bank of mailboxes. That
17 bank of mailboxes is right here where they testified that
18 there is no building, the bank of mailboxes is right here.

19 And you heard Quinton and Ryan and Nathan
20 testify that they were hanging out around the car right in
21 this area. They put the dog in behind the mailboxes, not
22 because of what Quinton and Ryan and Nathan said, but
23 because of what the other individuals said, as in Michael
24 Sweeney, who said they saw the individual come out from
25 that area. So they put the dog in that area.

1 They didn't know that he had run behind this
2 building at that time. So they put the dog in there and
3 the dog tracks and goes down the ditch and leads them to
4 this rifle shown in State's Exhibit 15 and State's Exhibit
5 14, and there is a couple other photographs of it.
6 Nonetheless, this rifle, State's Exhibit 2. And they
7 recover that rifle out of a ditch based on that dog
8 tracking.

9 And the dog tracked up, down the ditch, up the
10 other side, and Officer Knight testified the dog picked
11 his head up and kind of looped around and then went
12 towards the C building. That is important because the dog
13 takes the strongest track, and so he picked up that
14 strongest track and went back towards the C building. Who
15 lives in the C building? Anthony Willis.

16 While they were out there, they also canvased
17 the neighborhood, and it didn't include just Churchill
18 Commons and just Muir Court, they went all around. They
19 tried to find as many witnesses as they could possibly
20 find and so they also canvassed the Timber Land area. And
21 while they were over there, they talked to Ms. Torrie
22 Broomfield, who came in and testified.

23 And you heard Torrie Broomfield say that she was
24 standing out on the balcony with her husband or fiancée or
25 somebody, and a young black male comes up. And he's

1 peeping around the corner, looking for police, looking for
2 police. And what's he wearing? Wearing a white T-shirt.
3 What's he holding in his hand? An orange shirt. He's
4 holding an orange shirt in his hand.

5 Ladies and gentlemen, that white shirt he had
6 on, I submit to you, was the same white shirt that he had
7 draped around his neck that Ryan Pollard talked about.
8 That is the white T-shirt that he put on because he knew
9 that people would be looking for that orange shirt. He
10 says, "Let me come inside," and she says no, absolutely
11 not, and he takes off.

12 Where does he go at that point? He goes back to
13 the C building. And it was down that track where the dog
14 picked up the strongest scent then and went to the C
15 building.

16 They begin to execute search warrants based on
17 the information that they had at the time. May 2, 2011,
18 the day of the incident, now a couple of hours later, the
19 incident happens around 4, Detective Depoppe testified
20 around 8 o'clock, they executed a search warrant on the
21 defendant's residence. That's Apartment [REDACTED] at Churchill
22 Commons.

23 They go in there looking for clothes. They're
24 looking for that orange shirt, they're looking for dark
25 shorts, descriptions that they had received on what the

1 shooter was wearing. And what do they find? They find
2 shoes. They find shoes with dirt all over them, the same
3 shoes that Ryan Pollard said, "Yeah, that's the shoes.
4 That's the shoes he was wearing." They find a black pair
5 of shorts matching the description given by folks.

6 They don't find the orange shirt because I
7 submit to you he got rid of that shirt. That's why he
8 took it off when he was at Torrie Broomfield's. And that
9 shirt is somewhere between Torrie Broomfield's and his
10 house.

11 Did he cut it up and flush it down the toilet?
12 I don't know. Did he stuff it in a hollow tree? Maybe.
13 I don't know. They looked for it, they canvassed the
14 area, they executed search warrants. They tried to find
15 it, but they couldn't find it. But you don't reward a
16 defendant for destroying evidence.

17 They also recovered this DVD player. Now, I'll
18 tell you, there is no video of the crime or anything on
19 this DVD player. What's significant about this DVD player
20 is that it was taken, it was reported missing by Joanne
21 Ramsey at the same time that the rifle and the strap went
22 missing. And they end up finding this DVD player -- and
23 they don't realize the significance of it at the time --
24 but they end up finding this DVD player inside Apartment
25 ■ along with the strap.

1 It's just a black strap. You'll have it, you
2 can take a look at it in the jury room. There is nothing
3 special about this strap other than it has all the
4 components that are missing from the gun to make it match,
5 but it's just an ordinary black strap. It has no serial
6 number on it. You can pick these up at your local
7 sporting goods store.

8 But the problem is when you have this strap and
9 this gun and this DVD player with "Joel" written on the
10 back cover in here, we know, we know that this was taken
11 from Joanne Ramsey's house.

12 Where does it end up? It ends up in the
13 defendant's apartment. And that was the second search
14 warrant where they went back, because they started talking
15 amongst themselves and they realized, wait a minute, there
16 was a rifle strap in there, we thought it was a computer
17 strap. That wasn't a computer strap, that was a rifle
18 strap. Because between the first search warrant and the
19 second search warrant they talked to Joanne Ramsey, and
20 they find out that her rifle did have a strap on it.

21 And there is a photograph in here that Joanne
22 Ramsey provided, this photograph that shows the rifle, it
23 has a scope on it at that time, and it has the strap. It
24 has the strap attached to the rifle.

25 And after gaining that information, they thought

1 back and said, wait a minute, there was strap in there.
2 And they got another search warrant and they went back,
3 and they looked through the place again, this time with a
4 little more information.

5 What did they find? They found that strap right
6 in the place where they thought it was, and they found two
7 30-30 rounds, live rounds, in a pair of pants belonging to
8 the defendant.

9 Now, was this -- were these the rounds that were
10 rattling in his pocket as he walked past Ryan Pollard and
11 Nathan Hill? Maybe, maybe not. But nonetheless, they
12 found these rounds in the defendant's pocket.

13 By the way, the casing removed from the weapon,
14 the murder weapon, is a Winchester brand 30-30, the
15 casings found in his pocket, the live rounds found in his
16 pocket, Winchester brand 30-30.

17 Now, you can buy Winchester brand 30-30s
18 anywhere. But the point is it's the same brand of bullets
19 taken from the casing in the murder weapon were found in
20 his pockets at his apartment.

21 There's no question that the strap to the murder
22 weapon is found inside the defendant's apartment, and this
23 part right here screws into there, and this top part
24 attaches right up there at that post. No question. Same
25 strap pictured in the photographs that Ms. Ramsey

1 provided, the same strap that she looked at today and
2 said, yeah, that's my strap. The same gun that she said
3 was taken from the house, the same DVD player found along
4 with the strap taken from her house.

5 We know that's Joanne Ramsey's gun because Agent
6 Parnell came in here and testified that scientifically, he
7 was able to match some recovered casings from Joanne
8 Ramsey to the casing that was found in the gun as it was
9 in the ditch. So we know that it's Joanne Ramsey's gun,
10 we know that. There's no question about that.

11 The victim tells the EMS worker he's shot with a
12 rifle. The pathologist says consistent with being fired
13 with a rifle. Ira Parnell: Live rounds consistent with
14 the rounds taken from Ms. Ramsey.

15 Witnesses see the defendant with a rifle. And
16 also, Agent Parnell analyzed that fragment taken from the
17 truck. You remember where I said it was in line? He
18 analyzed that fragment and said he can't make a conclusive
19 match, because it's just a ghost impression. He can't
20 make a conclusive match, but he can say that it's
21 consistent with being struck by a round fired from that
22 weapon or another weapon with the same characteristics,
23 the same lands and grooves, the same type of caliber.

24 There's witnesses that see the defendant on
25 scene with the rifle minutes before the fatal shot took

1 place. All of them testified he was wearing that orange
2 shirt. And then there is a rifle found, that rifle found,
3 in the ditch about 75 yards or so from where the victim
4 lay dying. And completely independent, Michael Sweeney
5 comes in and says, I don't know who did it but I know that
6 the guy in the orange shirt did it. I don't know his
7 name, but I know that the guy in the orange shirt did it.
8 Forget everything else, the defendant's guilty of murder.

9 But you can't forget everything else because
10 there are those three other eyewitnesses that come in.
11 There's three other witnesses. They either saw him with
12 the gun over on Churchill or going along the scale of
13 things, see him pull the gun out of his pants, out from
14 under his shirt, and see him shoot Justin Smoot on Muir
15 Court on May 2, 2011. All of them run to assist Smoot,
16 there's people putting towels on him and trying to help
17 him out. Where is AJ? He's gone, took off.

18 I submit to you, ladies and gentlemen, he ran
19 from there, ran from where he was to the corner, tossed
20 that gun in the ditch. Ran up here, knew he couldn't go
21 home, so he had to go somewhere. So he tried to go over
22 here and he finds Torrie Broomfield, asked if he could
23 come in, she tells him no. He had an orange shirt in his
24 hand.

25 He runs back down, runs back to his Apartment

1 [REDACTED], where he changes his clothes, and where police end up
2 finding him a little bit later standing outside the
3 apartment. He couldn't go anywhere. Police had the whole
4 place blocked off.

5 Remember, there was testimony early on about the
6 whole area was blocked off. So if somebody was going to
7 try to leave, he would have been questioned then.

8 Mr. Giese also told you in the opening that
9 murder is the unlawful killing of another with malice
10 aforethought. That is one of the most serious charges and
11 probably has the shortest definition.

12 There is no question Justin Smoot is dead. So
13 let's talk about malice.

14 Mr. Giese also said that malice is a heart
15 fatally bent on mischief, or someone devoid of social
16 duty, or evilness or ill will towards another.

17 There's no question that whatever they were
18 arguing about made Anthony Willis angry that day, so much
19 so that he ran off and armed himself with a rifle. He
20 ended up shooting at the victim the first time and missed.

21 But that wasn't good enough for Anthony Willis.
22 That malice kept building, that anger kept building
23 inside, to where he concealed that gun in his pants,
24 concealed that gun under his shirt, and he walked over
25 there holding that gun up just like Ryan Pollard said.

1 And he walked over to Muir Court towards where
2 he thought Justin Smoot was. And where did he think he
3 was? His house. If you look on these maps, it's
4 indicated, marked, and has a stipulation that Justin Smoot
5 lives right here. He lives right here. Wherever Anthony
6 Willis was coming from, he's coming down Muir Court and
7 he's walking towards his house.

8 But he confronts him on Muir Court before he
9 gets to his residence on Kimmerman. He confronts him on
10 Muir Court after arming himself with that rifle and after
11 hunting him down, like you hunt down a wild animal, a deer
12 or something. He pulled out that rifle after he walked by
13 Nathan Hill and Ryan Pollard. They said he looked angry,
14 he was staring at Smoot. He pulled out that gun, and in
15 pure evilness, pure malice, he gunned Justin Smoot down
16 right there on Muir Court. If that is not murder, there
17 is no such thing.

18 Mr. Farley said in his opening that the burden
19 of proof was almost impossible to convict somebody, and
20 it's designed that way. That's not true. That's not
21 true. The burden of proof is a heavy burden, it's a tough
22 burden, and it should be. We don't want to just
23 willy-nilly convict somebody.

24 But that is not what this case is about. You
25 heard from 20 something witnesses that came up here, and

1 every one of them had an important piece of the puzzle to
2 tell you. If the burden of proof were so impossible to
3 convict somebody, nobody would be held accountable for
4 their actions. Everybody would be let go. It's not
5 impossible to convict somebody.

6 The burden of proof is, as the judge will tell
7 you, after hearing all the evidence, considering the
8 testimony and all the physical evidence that's presented,
9 if you are firmly convinced that the defendant's guilty,
10 you must find him guilty.

11 If on the other hand, there is a real
12 possibility, not just some remote fantasy, not it could
13 have possibly happened this way, if there is a real
14 possibility that the defendant is not guilty, you have to
15 find him not guilty.

16 This is a very serious case for the defendant,
17 it's serious for the State, it's serious for the victim's
18 family.

19 And the defendant, any defendant, Mr. Willis as
20 well as anybody charged with a crime, is entitled to
21 certain things. They're entitled to a trial, they're
22 entitled to have the State bring forward all their
23 witnesses to testify, they're entitled to cross-examine
24 those witnesses.

25 But there's another right as well. Because when

1 the State puts up the evidence and proves to the jury
2 beyond a reasonable doubt that that person is guilty of
3 the crime, he has a right to be convicted. The State has
4 a right to a conviction in the case, as well as the
5 victim.

6 Now, I told you the defense was going get up
7 here and I wouldn't have a chance to respond, and so I
8 suspect they're going to get up here and talk about all
9 sorts of red herrings, just to try to divert your
10 attention away. So I want to address some of those.

11 One of the first things Mr. Farley said was
12 something about the defendant being a child, he's a child.
13 Folks, a child is someone who plays with toys. A child is
14 not someone who arms himself with a rifle, hunts down a
15 victim, shoots him in the street. That's not a child,
16 that's a murderer. That is an attempt to get you to feel
17 sorry for the defendant. That's all that is. Because
18 there is no other plausible defense.

19 They're also going to get up here and talk
20 about, you know, all the witnesses' stories not meshing
21 up. Well, let me tell you something. I have been doing
22 this for a long time, and when witnesses get up here and
23 everybody says the exact same thing, you wonder who
24 scripted that for them.

25 Everybody is going to perceive things a little

1 bit differently. Everybody has a little bit different
2 point of view. Take any witness' testimony when you go
3 back there in the jury room, everybody is going to
4 remember something a little bit differently about what
5 that witness said. Nobody is going to be able to take out
6 a note pad and write down verbatim what that person said.
7 You-all have different accounts of what happened.

8 And that's what happened here. That's why you
9 have Quinton Jackson, Nathan Hill, Ryan Pollard, they were
10 all standing beside each other, they all saw something a
11 little bit different. Michael Sweeney, he's down the road
12 a piece, he's got bad vision. He came up here and he told
13 you what he saw. None of it is inconsistent with each
14 other, it's just a little bit different.

15 They're probably going to say something about no
16 DNA, no fingerprints, none of that stuff. They tried all
17 that, you heard the testimony. They swabbed the gun, they
18 swabbed the trigger and the stock and they tried to take
19 fingerprints. Folks, the gun is down in the water. They
20 would have been lucky to get any DNA or any fingerprints
21 off of it. They didn't get any DNA or fingerprints. That
22 doesn't mean the defendant didn't do it. That means there
23 is no DNA or fingerprints on the gun. If you could find
24 DNA and fingerprints in every single case, there would be
25 no unsolved burglary, there would be no unsolved crime,

1 because we would find evidence in every case, and that is
2 just not the way it works. This isn't CSI that you see on
3 TV where they find exactly what they need and fit all the
4 pieces together.

5 They're going to say the police didn't
6 investigate good enough. They never found a shell casing
7 over in Churchill or they never found the orange shirt.
8 Well, they looked for it. They looked for it as hard as
9 they could look for it and they couldn't find it.

10 I told you a minute ago and I demonstrated when
11 Detective Depoppe was testifying that he could have easily
12 picked up that shell casing, and Lord knows what he did
13 with that orange shirt. But you don't reward a defendant
14 for destroying evidence.

15 They're going say, you know, Ryan Pollard just
16 came forward. I thought about this a lot, and the only
17 answer I can come up with is so what. This case wouldn't
18 have been any different if he came forward on May 2nd, if
19 he came forward a couple of weeks ago. The fact that
20 somebody is arrested and charged with a crime, that
21 doesn't mean that the investigation is over. You continue
22 the investigation right on up until the time of trial and
23 during the trial. So the fact that he came forward
24 really -- the fact that he came forward later has no
25 bearing on his testimony. You judge his testimony just

1 like you would judge any other, and that is based on what
2 he told you. Does his story make sense? Did he appear as
3 though he was telling the truth? Did he have an axe to
4 grind? All those will be in the judge's instructions
5 about how you judge a witness' credibility.

6 The defendant pled not guilty, and all that
7 means is he's saying, "State, prove your case. I plead
8 not guilty, prove your case." And that is exactly what we
9 have done in this case.

10 There is but one verdict that speaks the truth.
11 That's what verdict means. There's but one verdict that
12 speaks the truth, a verdict that's consistent with all the
13 evidence up here that you will have in your jury room and
14 consistent with all the testimony that came from the
15 witness stand, and that is a verdict of guilty of murder
16 for gunning down Justin Smoot on May 2, 2011.

17 Thank you.

18 THE COURT: Mr. Farley.

19 MR. FARLEY: Thank you, Judge.

20 Thank you for being here. I know it's been kind
21 of crazy. I know you haven't been able to talk to your
22 family, haven't been able to talk to each other, for that
23 matter, about what is going on here. But soon, you'll get
24 the case, you'll get to have all this stuff in the jury
25 room with you, and you'll get to make your choice. And

1 after looking at the evidence, after reflecting on all the
2 testimony you've heard, I'm sure you'll return a verdict
3 of not guilty.

4 He's told you that this is the best case he's
5 ever had. He's never seen a case any better than this,
6 that I'm just blowing smoke and putting up mirrors, that
7 you-all don't need to listen to me, just listen to what
8 he's got to say.

9 But, folks, I think you-all were all sitting in
10 here on the same trial as I was, and there are a lot of
11 inconsistencies. There's a lot of things the State hasn't
12 been able to tie together. There's a lot of puzzle pieces
13 that we talked about in my opening statement that are not
14 fitting together.

15 I'm going to try to use -- sum this thing up
16 with the evidence that we actually did see, with the
17 testimony that we actually did hear.

18 What I'm not going to do is I'm not going to
19 talk about the law and the cases the Solicitor did. The
20 only person who is qualified in this courtroom to talk to
21 you about the law is the judge, and she will give you
22 the -- read you the law on this case, and you'll use her
23 law to decide this case, not the Solicitor's.

24 Really, the only thing that every witness can
25 agree on in this case is that Mr. Smoot died that day in

1 2011. The rest of the evidence the Solicitor has
2 presented is circumstantial, completely circumstantial.

3 Yesterday, I told you to listen carefully to all
4 the evidence that was presented. Not only the evidence
5 that you hear and see here, but the evidence you don't
6 see, the questions the Solicitor doesn't ask, the items of
7 evidence that are never brought in.

8 Probably the most striking of the evidence like
9 that that the Solicitor didn't bring in is the testimony
10 from all the people at the bus stop. You heard that there
11 was more than three people, there was some estimates of
12 five people at that bus stop that would have seen this
13 first shot. But you only heard from three of them. Why
14 is that? Do their stories not mesh? Do those puzzle
15 pieces not fit together into the overall story that the
16 State has presented to you?

17 You get to speculate. You may have heard me
18 object to speculation, but the jury's role is to
19 speculate. It's to look at every single possible answer,
20 every possible reason that this would be so or that it
21 would be what it is. You get to speculate.

22 We don't know what those two other people would
23 say, so we've got to -- you've got to make some
24 assumptions. I think one assumption could be made is that
25 the Solicitor had a reason not to bring them.

1 All those people at the bus stop, they said they
2 saw someone wearing an orange shirt that pointed a gun at
3 them and shot at them. And not a single one of those
4 people called the police? Really? If someone points a
5 gun at you and pulls the trigger and fires a shot at you,
6 you don't call the police?

7 And something else that we don't hear is no one,
8 no one from that neighborhood where the shot allegedly
9 took place called the police either. No one heard a
10 gunshot, or at least never reported it to 911.

11 So after you've had a gun pointed at you, after
12 you've had a bullet fired at you, you walk right over, you
13 go a block over to Muir Court. You go right over here.

14 Is that logical? You don't call the police, you
15 don't hide, you don't run, you go a block over?

16 Now, I want to talk to you about the State's
17 eyewitnesses from the second scene. You heard from three
18 of them, and all of them admitted they're friends with
19 Smoot. And they'd probably say or do anything for him.
20 But like the Solicitor said, he admitted the stories don't
21 match up.

22 And I'm not expecting their stories to match up
23 perfectly, I'm not expecting them to bring in a piece of
24 paper and line for line agree with each other. But their
25 stories are so far apart, it just blows the mind.

1 The time between the first shot and second shot.
2 One says a couple of minutes, another says up to 15
3 minutes, and then there's somewhere in between there.
4 That is a long time. If you've just been shot at, I think
5 that you probably have some idea, some imagination of how
6 long it took. Did they even get shot at?

7 None of them can agree exactly where they were
8 standing when Anthony came through the cut. The cut's
9 kind of an ambiguous term, but I think we've nailed it
10 down to somewhere in between here. Some of them are
11 saying that they were standing by the mailboxes. Some of
12 them said they were standing by the trees. It makes a big
13 difference.

14 This is a really small area here. You've got
15 one, two, three units deep. The victim is right here. If
16 they're standing right there, they're nearly next to the
17 victim. They're standing here, they're a little bit
18 further away from the victim. It's real important where
19 they were standing because it shows how far they were
20 away, how far -- how they could see the shooter.

21 And remember, the shooter -- Mr. Sweeney says
22 the shooter was approximately right here, which in my
23 recollection would be a pretty -- within feet, within feet
24 of the victim.

25 However, another one of the witnesses says that

1 he was back near the edge of the building. Mr. Hill says
2 he was back over here in this corner. And then finally,
3 Mr. Pollard says he was just kind of halfway between where
4 Sweeney and Mr. Hill say he was.

5 Something they do all agree on is that none of
6 them saw Mr. Willis walk by them with a gun, with a rifle,
7 with a rifle. They did say that they saw him hold his
8 pants funny.

9 If holding your pants funny and walking funny
10 means you're packing, then I say about half of all the
11 teenagers in this country are packing heat. I don't think
12 that that is dispositive of anything.

13 This is a heavy gun. You'll get to feel how
14 heavy this gun is. And to hide it under short pants, to
15 pass in front of people, mere feet, and have a gun hidden
16 there, a heavy gun hidden there, it doesn't make sense.
17 It just doesn't make sense.

18 And the jingling in the pocket. That could be
19 change, could be bullets. Mr. Pollard apparently is an
20 expert in the sound of metal clanging because he said, oh,
21 it had to be bullets. Car keys? Who knows. I don't
22 think we know for certain what it was or if it even was
23 something jingling in his pocket.

24 Now, let's talk about that star witness,
25 Mr. Pollard. He says he saw Anthony with a white shirt

1 wrapped around his neck, raise his orange shirt up over
2 his face. I think it was clarified in the Solicitor's
3 questions that, oh, it wasn't all the way over his face,
4 it was just over his mouth as to hide his identity, which
5 if he had just walked right past them, why would somebody
6 want to try to hide their identity?

7 A white shirt around his neck, pulls up his
8 shirt, pulls this gun out of his shorts, has time to take
9 aim and fire, and with one single shot, injures and kills
10 Smoot. It just doesn't make sense. He's a friend.

11 Now, the Solicitor's right. I'm going to make a
12 big deal about him not coming forward that day. His
13 friend was murdered in front of him, and he says he saw
14 the killer. And with all of those cops, those dozens, if
15 not more, cops around there, he couldn't find one of them
16 to talk to?

17 The detectives seemed to have no problem talking
18 to the other witnesses, they all came forward. And what
19 did they tell the police? "We didn't see who shot him."

20 He didn't come forward in the weeks after the
21 incident, the months after the incident. He came forward
22 on the eve of trial.

23 If he had come forward in the beginning, he
24 would have written a statement, he would have spoken to
25 police. Law enforcement would have had time to check out

1 his story, to even see if he was there. That's important.
2 That's something that you do in a law enforcement
3 investigation, to make sure you lock in somebody's story
4 at that time. As time passes, our memories fade. I
5 couldn't tell you what I had for dinner two weeks ago, you
6 know?

7 If you see a friend gunned down, you contact the
8 police, especially when they're all around you, and he
9 didn't do that.

10 It's just really fishy that on the eve before
11 trial, after all of his friends had been subpoenaed and
12 not him, he comes forward, this was last Tuesday he comes
13 forward, and says, yes, I saw the murder.

14 And it just coincidentally is strange to me that
15 when we asked if we could just talk to him for a couple of
16 minutes, he told the Solicitor's office that he didn't
17 want to talk to us. It's something to think about.

18 Now, Mr. Sweeney, the State tells you in the
19 beginning that Mr. Sweeney is the only unbiased
20 eyewitness, because we know Mr. Pollard's a biased
21 witness. But Mr. Sweeney is the only unbiased eyewitness.
22 He has a vision problem, but he told you he doesn't have a
23 depth perception problem.

24 He was skateboarding somewhere down here on the
25 end of the street. He says Smoot was right here where the

1 other people say that he was. They say that Mr. Willis
2 was right here. Did he say he saw Mr. Willis with a gun?
3 No. He said that he saw Mr. Willis -- or, excuse me, a
4 person in an orange shirt that has been called
5 Mr. Willis -- throw up his arms. That's his testimony.
6 He doesn't say he wasn't able to identify Mr. Willis,
7 presumably because of his eyesight, but he was also not
8 able to say that he saw Mr. Willis with a gun or saw
9 Mr. Willis take aim, pull it out of his pants, none of
10 that stuff, none of it. So he wants to discredit the only
11 unbiased eyewitness, the only witness who doesn't have any
12 skin in the game.

13 Now, let's talk about the dog track. This map
14 that I'm showing you is an overview, you'll remember, of
15 the entire area. And you'll recognize that this is Muir
16 Court, and this is that open area where the mailboxes are,
17 which we're not sure if they were standing in front of the
18 mailboxes or in front of the trees. But regardless, this
19 is where the dog takes his track, starts to track. And
20 the track comes over here and over towards the C building.

21 Well, you'll remember, the witnesses say Anthony
22 came from that direction. The path of flight allegedly
23 was back through these buildings, not this way. So the
24 dog tracked where the witnesses say that Willis came from,
25 no surprise there. And you never heard the canine officer

1 or he never did say that he saw any kind of footprints
2 around that area.

3 Let's talk about Torrie Broomfield. Do you-all
4 remember her? She was way over here.

5 All right. The defendant lives here and the
6 murder took place here. What did she tell you? She says,
7 I live way over here, a young black male, light skinned
8 male, comes to me carrying an orange shirt, asking if he
9 can hide out with her. Does he have a gun? No.

10 Well, if the shooter shot from here in an orange
11 shirt with a white shirt around his neck, did he go down
12 here to the ditch and dump the gun, keeping the orange
13 shirt, go back up here to her house and try to bribe his
14 way into the house with the orange shirt in his hand, come
15 back down here, come back to his house, change, and then
16 somehow be over here where the dog track is? We've got
17 somebody being here, here, here, here, here, here and here
18 and ditching a gun, changing his shirt, running to hide --
19 to talk to somebody to see if he can hide over here.
20 Running over here to this ditch, running this way, running
21 that way, doing all these things that the Solicitor says
22 he -- he threw the shirt in a hole in a tree. You would
23 think the police would look in a hole in a tree, wouldn't
24 you? There's not enough time. Remember, police responded
25 extremely quickly. There's not enough time to be here,

1 here, here, and here, not to mention the stuff that
2 supposedly happened down there in the time frame that the
3 Solicitor has allotted for. It's just not possible.

4 Where is that orange shirt? A bright orange
5 shirt and confined to that possible area that the
6 Solicitor has given to you? Where is the orange shirt?

7 The events that the Solicitor wants you to
8 believe in this path of flight, this ditching the
9 evidence, is impossible. It's impossible. So don't worry
10 about that the Solicitor says. That's just a red herring.
11 It's impossible. And this is a piece of the puzzle that
12 is not fitting together for them.

13 Let's talk about the gun. The agent from SLED
14 was highly trained. He'd been doing this, what, 40 years?
15 He knew his stuff. He wasn't an amateur. And what did he
16 tell us? The cartridge that was in the gun was fired from
17 the gun. Illuminating, wouldn't you agree? And that the
18 hole punched in the truck, wherever that may be, is
19 similar to a gun similar to that. He says, I can exclude
20 a lot of guns, but in the alternative, he can include a
21 lot of guns as well. I don't know how many rifles are
22 made in this country, but I own a couple.

23 What he can't tell you, what he has no
24 scientific ability to do, he cannot tell you that this is
25 the murder weapon. How long has that gun been in the

1 ditch? We don't know. Could have been there a week.

2 There was talk of rust. There is no rust on
3 this gun. Was it just there? Does rust happen when
4 there's air, when there's not? It's confusing.

5 Mr. Asbell said, "We put it in the water to
6 prevent it from rusting. We clean it up." It just does
7 not all come together. And he can't tell us if that stuff
8 from the truck had anything to do with this except for
9 that it's consistent.

10 And the Solicitor says, Oh, well, he's going to
11 mention that DNA. Of course I'm going to mention the DNA.
12 If you look at the pictures, there is a great deal of
13 stock outside of the water, and no one has testified that
14 because a gun is placed in that water, that affects the
15 ability to get DNA.

16 In order to fire a gun like this, in order to
17 pull a gun out of your pants, to carry it around, you have
18 got to touch it in a lot of places. And the type of DNA
19 they're talking about is touch DNA. I'm not going to go
20 into how it's taken, but leave it to say that they tested
21 for DNA and they did not find human DNA. Plant DNA,
22 lizard DNA, no human DNA.

23 And fingerprints. Likewise, in order to fire a
24 gun, you've got to touch this gun all over the place.
25 You're right, I'm going to bring that up because it's

1 important.

2 Now, if they had fingerprints, you better
3 believe they would be saying, oh, well, this is
4 scientifically indisputable proof, these fingerprints
5 here. But they don't have them. That's why they're
6 trying to discredit it. It doesn't fit into their puzzle.

7 Now, the SLED examiner took a look at three
8 cartridges, two that we kind of described as control
9 cartridges, and one that was found in the gun that
10 shockingly was shot from the gun. But according to the
11 witnesses at the bus stop, the gun was fired again. And
12 not only did the witnesses say the gun was fired, they
13 said it was all fired from the I building, which is down
14 here in a pretty specific spot. With all of those law
15 enforcement people around there, don't you think they
16 could have brought out a metal detector or something?
17 This small area they can't find a cartridge? Where is
18 that? The SLED analysts never had a chance to look at
19 that. Would that have affected their case? We'll never
20 know.

21 Now, let's go into the search warrants. I don't
22 think I need to spend too much time pointing out that
23 there were two separate search warrants days apart, days
24 apart.

25 In the first search warrant, they obtained a

1 pair of shoes that they say were worn by the shooter. As
2 Jamie Zensen of the Dorchester County Sheriff's Office
3 said, these Air Force Ones have a very distinctive tread
4 pattern. And all of that running back and forth, over and
5 over, they didn't find one single footprint? In the muddy
6 area where the gun was, no footprint? Oh, well, the shoes
7 had mud on them. Well, if there's mud, there's a
8 footprint.

9 Well, that mud, since there's mud on it, must
10 have come from that ditch. Did they do anything to test
11 that? The case, the investigation is ongoing, Mr. Hilton
12 tells you. Looks like there's some dried mud on there.
13 Why don't we take that up to SLED? Why don't we see if
14 it's consistent with the path of flight? We haven't done
15 it, and why is that?

16 In the first search warrant, they also found
17 this pair of pants that they say the shooter was wearing.
18 What did they find in there? An ID card. They didn't
19 find two 30-30 rounds on the first search hours after the
20 incident. Even though they knew that a weapon that had
21 been recovered was a 30-30 rifle, don't you think that
22 they would have looked through every pair of pants in that
23 laundry room to see if there were bullets in there? No,
24 that doesn't happen until the second search warrant days
25 and days later.

1 Now, the second search warrant, after they have
2 had time to collect the evidence and the statements and
3 the things that they need, they know what they're missing,
4 so that's why they go and get another search warrant.
5 Let's go in, let's fill in these gaps, let's get these
6 missing pieces. We'll do another search warrant.

7 The gun strap. Detective Depoppe testified that
8 the gun strap had been seen in Anthony's apartment on the
9 first search. Agent Zensen told you that she took
10 photographs of that entire search, the entire house. Has
11 the State presented you one photograph of that strap in
12 that house during the first search warrant? Has the State
13 even presented you one photograph, let's say a shot of the
14 entire room with a sewing machine in the corner? They
15 haven't. They were thorough in that first search, they
16 thoroughly photographed and recorded the scene, but this
17 strap isn't photographed during that first one.

18 And we thought that was a laptop strap. They
19 sent this strap to SLED. Do you remember that? Sent the
20 strap to SLED. And what did he say? What did the SLED
21 agent say when he was on the stand? "I can make no
22 scientific determinations about this strap." Your expert
23 with 40 years of experience could not make a determination
24 about that strap.

25 The unfired rounds. Detective Depoppe told you

1 you had to be 18 years old to buy ammunition in South
2 Carolina. You've got a 17-year-old kid accused of buying
3 some ammunition. Where did they find those two bullets
4 from a 30-30, 30-30 bullets, and a pair of pants in the
5 house? They didn't look at those the first time? Where
6 are those pants? What color are those pants? Are they
7 pants, are they shorts? Are they even -- they're a men's
8 size 32, he told us that. Are they his? Are they someone
9 else's? There is not an ID in this one. Where are those
10 pants? You're not going to see them in evidence because
11 they have not been put in there. Where are those pants?
12 Where did they come from?

13 Now, the State wants to make a big deal about
14 the stuff that was taken from the Ramsey's house. How did
15 it get there? Did somebody pick that strap up off the
16 ground? Was it on the ground? We don't know.

17 The DVD player. There is a black market out
18 there, folks, I don't know if you're aware of it. Was it
19 purchased on the black market? Was it found next to the
20 strap? These all are circumstantial things that you can
21 use to determine whether or not the strap and the DVD
22 player were together. It's just circumstantial. Just
23 circumstantial. They have nothing else.

24 Did they fingerprint the strap? Did they do DNA
25 on the strap? Did they perform any kind of tests? Oh,

1 that's right, their expert said there were no tests, that
2 he couldn't make any scientific determinations about the
3 strap. It's similar.

4 One last thing about that search warrant. They
5 found a strap but not a scope? Is that peculiar?

6 There are a lot of other inconsistencies,
7 you-all probably saw more than I did. Some of them --
8 some other ones that I saw is there is no orange shirt
9 found, I think we can all agree on that. But there is
10 also no white shirt found. Where is the white shirt that
11 he supposedly changed into in that short little path right
12 there, or that long path or that convoluted path, or
13 however you want to describe it? Where's the white shirt?
14 Once again, there's no scope, no DNA, no fingerprints, no
15 cartridge, no white shirt.

16 But most importantly, there's no evidence on
17 this record that the police even tried to talk to Anthony.
18 There's no confession --

19 MR. HILTON: Objection, Your Honor. That's not
20 in evidence.

21 THE COURT: Sustained.

22 MR. FARLEY: The only statement that we have
23 from Anthony is him pleading not guilty right there in
24 front of you.

25 By pleading not guilty, you can't infer that

1 that means prove it. What you can infer is "I'm pleading
2 not guilty." It's not rocket science. The plain English
3 will work just fine. I'm saying I'm not guilty.

4 Now, I've talked about how this case is
5 circumstantial evidence. There's different types of
6 evidence, and I'm going to try to go into this. The judge
7 will go into it more in detail, but there's several
8 different types of evidence.

9 This is a pencil. That's direct evidence. You
10 saw me break that in front of you. Another pencil. You
11 didn't see me break it in front of you, but you saw -- you
12 heard it, you heard the breaking sound. You saw me put it
13 behind my back.

14 But there's a different type of circumstantial
15 evidence, the kind of circumstantial evidence that is in
16 this case, and that's this, this pencil that I pulled out
17 of my pocket. It appears to be broken, but did you see it
18 break? Were you given any information about it being
19 broken, or were you just presented a broken pencil? In
20 this case, the evidence is that broken pencil with nothing
21 to corroborate it.

22 Now, the Solicitor went into depth about, oh,
23 the State's burden, yeah, it's got a burden, but, you
24 know, the burden is serious. The burden is really
25 serious. And I didn't say that it's impossible for the

1 State to prove it, but it's supposed to be virtually
2 impossible for an innocent person to be convicted in our
3 country.

4 Now, my wife's mother is from England. She came
5 over here in the '60s, worked at the V.A. Hospital to get
6 her residency, fell in love with a boy from east
7 Tennessee, married him. My wife came about, I'm married
8 to her today. Why am I telling you-all that? Well, from
9 time to time, we go back to England to visit her cousins
10 and her family that are still over there. And me being
11 the legal dork that I am, I thought, hey, let's check out
12 this legal system.

13 So we were staying in London near St. Paul's,
14 and near St. Paul's there's a place called the Old Bailey,
15 which is the London Central Criminal Court. So while my
16 wife and daughter and mother-in-law were off shopping, I
17 went, took some time out of my day and went in there.

18 It's crazy. They still wear the robes and the
19 wigs. I couldn't imagine doing that here today.

20 I did talk to one of the lawyers there, and I
21 asked -- you know, told him what I did for a living and
22 asked him some questions and, you know, I wanted to know
23 if the burden of proof was the same over there as it is
24 here. He said, yes, it's the same. But the difference is
25 we have more than one verdict that you can render. In

1 England, they have three separate verdicts, guilty, not
2 guilty, and not proven.

3 Ladies and gentlemen, in the United States,
4 we're much more efficient, I think. We have combined that
5 not guilty and not proven into one verdict. After looking
6 at all of this evidence, after hearing all of this
7 testimony, after trying to reconcile the Solicitor's
8 convoluted argument about this case, try to put these
9 pieces together, because they're not going to work. Don't
10 let him gloss over the things that you saw and you heard
11 from that stand change your mind. The State has not
12 proven the defendant guilty, certainly not beyond all
13 reasonable doubt.

14 The judge is going to tell you that your decision
15 has to be unanimous, that you-all have to agree. Not only
16 does your decision have to be unanimous, it has to be the
17 decision that you stick with, because as the judge told
18 you in her opening charge, ordinarily there is no way to
19 overturn a jury's finding on the facts. So let's say you
20 decide this case today and you're driving home and you
21 think of something that you had forgot about in the
22 arguments. You can't change your mind. You're taking a
23 shower a week from now, God, why didn't I see that? You
24 can't change your mind.

25 What you've got to do is you've got to go back

1 there, you've got to take your time, and you've got make
2 sure you decide this right. And I think you've seen it,
3 you've seen that the evidence does not fit together, the
4 story does not add up. There's too many ifs and other
5 possibilities. There's not enough firm, solid evidence.
6 There's that circumstantial evidence that's pretty much
7 irrelevant, not substantial.

8 Once you go over all that, I'm confident that
9 you will do the right thing, choose the right verdict, and
10 find the defendant not guilty.

11 THE COURT: Ladies and gentlemen, I'm going to
12 take a break. Do not begin your deliberations. When you
13 return, I will instruct you on the law applicable to this
14 case.

15 Please rise for the jury.

16 (The jury left open court at approximately
17 1:48 p.m.)

18 THE COURT: Thank you. Be seated. We'll take
19 about ten minutes.

20 Mr. Hilton, Mr. Farley, if you'll make sure all
21 of the exhibits are together and ready to go back to the
22 jury.

23 Thank you. We're at ease.

24 (A break was taken.)

25 THE COURT: Mr. Hilton, do you want the rifle to

1 go back or the ammunition to go back?

2 MR. HILTON: I'd like them both to go back, but
3 I think there's some policy they can't go back at the same
4 time.

5 THE COURT: Well, it's my policy that they can't
6 go back at the same time. So what do you wish to go back?

7 I will instruct them that they can switch them
8 out, but they cannot have the rifle and the ammunition, so
9 I need to know.

10 MR. HILTON: If that's the case, I'll send the
11 ammunition back first --

12 THE COURT: Okay.

13 MR. HILTON: -- and then they can just send out
14 a note requesting the gun.

15 THE COURT: Okay. I need -- because I've
16 already moved all my exhibit sheets, what exhibits are the
17 ammunition so that when they come back, they -- we'll just
18 say in order to get the rifle, you will need to give us
19 this, this, and this.

20 MR. HILTON: State's Exhibit 38 is the live
21 ammunition.

22 THE COURT: All right. And that's it?

23 MR. HILTON: And the gun is State's Exhibit 2.

24 THE COURT: All right. So 38 and 2 cannot be in
25 the room at the same time.

1 MR. LOY: Your Honor, I notice we don't have
2 Mr. Farley here.

3 THE COURT: Yes.

4 MR. LOY: He might -- and I would ask the Court
5 to consider -- I don't know what his position is, this is
6 not something that we've discussed, but it may be that he
7 would feel the rifle itself is of more evidentiary value;
8 that is, with the allegations it was concealed and carried
9 around, et cetera, and that may be something that would be
10 more useful to the jurors. And if that's his position,
11 I'd want you to consider that before deciding.

12 Am I being unclear?

13 THE COURT: No.

14 MR. LOY: That may be his position. If that's
15 the case, I hope you consider that before making your
16 final ruling.

17 THE COURT: So, Mr. Hilton, your position is
18 that you want 38 to go back; is that right?

19 MR. HILTON: It really makes no difference to me
20 as long as they have the opportunity to view both of them.

21 THE COURT: All right. We'll just keep it in
22 numerical order. Two will go back first, and when they're
23 done with 2 and wish to see 38, then they can request 38.

24 MR. LOY: May I attempt to retrieve Mr. Farley
25 for us, Your Honor?

1 THE COURT: You can, and the defendant is here.

2 (Pause.)

3 THE COURT: All right. Anything before we bring
4 in the jury from the State?

5 MR. HILTON: Nothing from the State, Your Honor.

6 MR. FARLEY: No, Your Honor.

7 THE COURT: All right. Thank you.

8 Let's bring in the jury. Thank you.

9 (The jury came into open court at approximately
10 1:59 p.m.)

11 THE COURT: Thank you. Be seated.

12 Ladies and gentlemen, we have reached the stage
13 of the trial where I will instruct you on the law
14 applicable to this case.

15 I remind you that during this trial, you and I
16 have had certain duties to perform. As the trial judge,
17 it is my responsibility to preside over the trial of this
18 case, and I have the duty to rule on the admissibility of
19 the evidence offered during this trial.

20 You are to consider only the competent evidence
21 before you. If there was any testimony ordered stricken
22 from the record, you must disregard that testimony. You
23 are to consider only the testimony which has been
24 presented from the witness stand, the exhibits that have
25 been made part of the record in this case, as well as the

1 stipulations of counsel.

2 I have the additional duty to charge you the law
3 applicable to this case. As the presiding judge, I am the
4 sole judge of the law in this case. It is your duty as
5 jurors to accept the law and apply the law as I state it
6 to you now.

7 If you already have any idea as to what the law
8 is or what the law ought to be and it does not agree with
9 what I'm about to tell you, you must abandon your own idea
10 because you are sworn to accept the law and apply the law
11 exactly as I state it to you now.

12 In every case tried in this court before a jury,
13 the jury becomes the sole and exclusive judges of the
14 facts. A trial judge may not make any comment regarding
15 the facts in this case. You, the jury, are the sole judge
16 of the facts in this case, and you are not to infer from
17 anything that I have said during the progress of this
18 trial or while I'm charging you on the law that I have any
19 opinion about the facts in this case. I do not. The law
20 does not allow me to have an opinion about the facts in
21 this case. This is a matter solely for you, the jury, to
22 determine. As jurors, it is your duty to determine the
23 effect, value, and weight, and the truth of the evidence
24 that has been presented throughout this trial.

25 The indictment in this case charges the

1 defendant with murder. I remind you the fact that the
2 defendant was arrested, charged, and indicted in this case
3 is not evidence and cannot be considered by you as
4 evidence of guilt, nor does it create any presumption or
5 inference of guilt. An indictment is simply the formal
6 document which contains the charge made against the
7 defendant. It is the formal document by which this case
8 is brought into court.

9 Just as the indictment in this case is not
10 evidence, any terminology or labels used to refer to the
11 individuals involved in this case cannot be considered as
12 evidence. For example, the use of the words "defendant"
13 and "victim" are merely formal labels and may not be
14 considered by you as evidence in this case.

15 The defendant has pled not guilty to this
16 indictment. A person charged with a criminal offense in
17 South Carolina is never required to prove himself
18 innocent. I charge you, it is an important rule of the
19 law that the defendant in a criminal trial, no matter what
20 the seriousness of the charge may be, will always be
21 presumed innocent of the charge for which the indictment
22 was issued unless guilt has been proven by evidence
23 satisfying you of that guilt beyond a reasonable doubt.

24 This presumption of innocence does not end when
25 you begin your deliberation, but it accompanies the

1 defendant throughout the trial until you reach a verdict
2 of guilt based upon evidence satisfying you of that guilt
3 beyond a reasonable doubt.

4 The presumption of innocence is like a robe of
5 righteousness placed around the shoulders of the defendant
6 which remains with the defendant until it has been
7 stripped from the defendant by evidence satisfying you of
8 the defendant's guilt beyond a reasonable doubt.

9 The presumption of innocence is not mere legal
10 theory, it is not just a legal phrase. It is a
11 substantial right to which every defendant is entitled
12 unless you are satisfied from the evidence of the
13 defendant's guilt beyond a reasonable doubt.

14 The State has the burden of proving the
15 defendant guilty beyond a reasonable doubt. Some of you
16 may have served as jurors previously in civil cases where
17 you were told that it's only likely or necessary to prove
18 a fact more likely true than not true, such as by the
19 greater weight or preponderance of the evidence.

20 In criminal cases, the State's proof must be
21 more powerful than that. It must be beyond a reasonable
22 doubt.

23 Proof beyond a reasonable doubt is proof that
24 leaves you firmly convinced of the defendant's guilt.
25 There are very few things in this world that we know with

1 absolute certainty. And in criminal cases, the law does
2 not require proof that overcomes every possible doubt. If
3 based upon your consideration of the evidence, you are
4 firmly convinced that the defendant is guilty of the crime
5 charged, you must find the defendant guilty. On the other
6 hand, if you think there is a real possibility that the
7 defendant is not guilty, you must give the defendant the
8 benefit of the doubt and find him not guilty.

9 There are two types of evidence generally
10 presented in a trial, direct evidence and circumstantial
11 evidence. Direct evidence is the testimony of a person
12 who claims to have actual knowledge of a fact, such as an
13 eyewitness. It is evidence which immediately establishes
14 the main fact to be proved.

15 Circumstantial evidence is proof of a chain of
16 facts and circumstances indicating the existence of a
17 fact. It is evidence which immediately establishes
18 collateral facts from which the main fact may be inferred.
19 Circumstantial evidence is based on inference and not on
20 personal knowledge or observation.

21 The law makes absolutely no distinction between
22 the weight or value to be given either direct or
23 circumstantial evidence, nor is a greater degree of
24 certainty required of circumstantial evidence than that of
25 direct evidence. You should weigh all of the evidence in

1 this case. And after weighing all of the evidence, if you
2 are not convinced of the guilt of the defendant beyond a
3 reasonable doubt, you must find the defendant not guilty.

4 Necessarily, you must determine the credibility
5 of the witnesses who have testified in this case.
6 Credibility simply means believability. It becomes your
7 duty as jurors to analyze and to evaluate the evidence and
8 determine which evidence convinces you of its truth.

9 In determining the believability of the
10 witnesses who have testified in this case, you may believe
11 one witness over several witnesses or several witnesses
12 over one witness. You may believe a part of the testimony
13 of a witness and reject the remaining part of the
14 testimony of that same witness. You may believe the
15 testimony of a witness in its entirety or reject the
16 testimony of a witness in its entirety. You may also
17 consider whether any witness has exhibited to you any
18 interest, bias, prejudice, or other motive in this case.
19 And you may also consider the appearance and demeanor of a
20 witness while on the witness stand.

21 The Rules of Evidence ordinarily do not permit
22 witnesses to testify to opinions or to conclusions. An
23 exception to this rule exists for witnesses we call expert
24 witnesses. A witness who by education and experience has
25 become an expert in some art, science, profession or

1 calling may state an opinion as to relevant and material
2 matter in which the witness claims to be an expert, and
3 may also state the reasons for that opinion.

4 You should consider any expert opinion received
5 into evidence in this case like any other evidence. Give
6 it the weight you think it deserves. If you decide that
7 the opinion of an expert is not based upon sufficient
8 education and experience, or if you conclude that the
9 reasons given in support of the opinion are not sound or
10 that the opinion is outweighed by other evidence, you may
11 disregard the opinion entirely.

12 An expert witness' testimony is to be given no
13 greater weight than that of other witnesses simply because
14 the witness is an expert. Further, you are not required
15 to accept an expert's opinion even though it's not
16 contradicted.

17 I instruct you and I emphasize the fact that the
18 defendant did not testify is not a factor to be considered
19 by you in any way in your deliberation and in your
20 consideration on the question of the guilt of the
21 defendant. It must not be considered by you in any manner
22 whatsoever. A defendant has the constitutional right to
23 remain silent and the assertion of this right must not be
24 considered by you in your deliberations. I repeat, under
25 your oath, you are to draw no conclusion whatsoever from

1 the fact that the defendant in this case did not testify.

2 Mr. Foreman, the fact that the defendant did not
3 testify should not even be discussed in the jury room.
4 The burden of proof, as I have stated to you, is on the
5 State to prove guilt beyond a reasonable doubt. The
6 defendant is not required to prove his innocence.

7 In order to establish criminal liability,
8 criminal intent is required. For example, the mental
9 state required to be proven by the State for a particular
10 crime might be purpose, intent, knowledge, recklessness,
11 or criminal negligence. Criminal intent must be proven by
12 the State beyond a reasonable doubt.

13 Criminal intent is always a matter that must be
14 determined by the jury from the circumstances surrounding
15 the situation. There is no way to prove intent to a
16 mathematical certainty because there is no way to tell
17 with exact certainty what the person had in mind. The law
18 says that criminal intent may be inferred from the
19 circumstances shown to have existed. This is how you make
20 a determination of whether or not the element requiring
21 intent was present.

22 It is not necessary to establish intent by
23 direct and positive evidence, but intent may be
24 established by inference in the same way as any other
25 fact, by taking into consideration the acts of the parties

1 and all the facts and circumstances of the case.

2 Criminal intent is a mental state, a conscious
3 wrongdoing. It is up to you to determine what the
4 defendant intended to do based on the circumstances shown
5 to have existed.

6 The defendant is charged with murder. The State
7 must prove beyond a reasonable doubt that the defendant
8 killed another person with malice aforethought.

9 Malice is hatred, ill will, or hostility towards
10 another person. It is the intentional doing of a wrongful
11 act without just cause or excuse and with an intent to
12 inflict an injury or under circumstances that the law will
13 infer an evil intent.

14 Malice aforethought does not require that malice
15 exist for any particular time before the act is committed,
16 but malice must exist in the mind of the defendant just
17 before and at the time that the act is committed.
18 Therefore, there must be a combination of the previous
19 evil intent and the act.

20 Malice aforethought may be express or inferred.
21 These terms, express and inferred, do not mean different
22 types malice, but merely the manner in which malice may be
23 shown to exist, that is, either by direct evidence or by
24 inference from the facts and circumstances which are
25 proved.

1 Express malice is shown when a person speaks
2 words which express hatred or ill will for another or when
3 the person prepared beforehand to do the act which was
4 later accomplished. For example, lying in wait for a
5 person or any other acts of preparation going to show that
6 the deed was within the defendant's mind would be express
7 malice.

8 Malice may be inferred from conduct showing a
9 total disregard for human life. Inferred malice may also
10 arise when the deed is done with a deadly weapon. A
11 deadly weapon is any article, instrument, or substance
12 which is likely to cause death or great bodily harm.
13 Whether an instrument has been used as a deadly weapon
14 depends on the facts and circumstances of each case.

15 Ladies and gentlemen, there are two possible
16 verdicts on the verdict form. You must be unanimous in
17 the decision, meaning all 12 of you must agree.

18 There is no significance to the way that the
19 verdict appears on the form, it's simply something must go
20 first on the paper.

21 In the Court of General Sessions, First Judicial
22 Circuit, Indictment 2011-GS-18-613, the State of South
23 Carolina versus Anthony Willis, Jr., we, the jury, find
24 the defendant not guilty, or we, the jury, find the
25 defendant guilty of murder.

1 Mr. Foreman, you're responsible for filling out
2 the verdict form, signing the verdict form, dating the
3 verdict form, certifying that the decision on the verdict
4 form is the unanimous decision, again, meaning all 12 of
5 you must agree. Once you have reached a unanimous
6 verdict, you will knock on the jury room door, indicating
7 that you have reached a verdict and we will receive you
8 back into the courtroom.

9 Two-by-two alternates, you have at this time
10 completed your service to this case, but I ask that you
11 remain with us.

12 All 14 of you, do not discuss this case with
13 anyone. This will be the last time that I will give this
14 admonition. Do not discuss this case with anyone, do not
15 begin your deliberations. We will be gathering the
16 verdict form and the exhibits to go back.

17 Ladies and gentlemen, it is my policy just as a
18 precaution that a weapon, the gun, which is State's
19 Exhibit No. 2, and the live ammunition do not go to the
20 jury room at the same time. So State's Exhibit No. 2 will
21 go back, and if you wish to see State's Exhibit 38, if you
22 will, again, knock on the jury room door and indicate to
23 the bailiff that you wish to have Exhibit 38, then we will
24 switch those two out for you.

25 Mr. Foreman, No. 2 will go back, and so there

1 will be -- we will wait to hear from you. We'll keep 38
2 in the courtroom.

3 Please make sure that we keep two alternates.
4 Again, the two of you do not discuss this case amongst
5 yourselves or with anyone until I come and personally
6 release you.

7 Ladies and gentlemen, we will excuse you. If I
8 need to bring you back in, the bailiff will bring you back
9 in.

10 Please rise for the jury.

11 (The jury left open court at approximately
12 2:14 p.m.)

13 THE COURT: Please take all your note pads and
14 your belongings with you. Thank you.

15 Be seated. Any objection, correction, or
16 addition to the charges read from the State?

17 MR. HILTON: Nothing from the State.

18 MR. FARLEY: No, Your Honor.

19 THE COURT: All right. And so with the
20 exception of State's 38, all exhibits will go back.

21 Here is the verdict form.

22 So, please, Mr. Hilton, if you'll pull 38 out
23 for me.

24 MR. HILTON: It's been separated. We'll just
25 leave it with the clerk, I guess.

1 THE COURT: Thank you. Madam Clerk, you will
2 hold that, but everything else goes back to the jury.

3 (WHEREUPON, the jury began deliberations at
4 approximately 2:15 p.m.)

5 THE COURT: Anything while we're waiting on the
6 verdict, Mr. Hilton?

7 MR. HILTON: Nothing from the State, Your Honor.

8 MR. FARLEY: No, Your Honor.

9 THE COURT: All right. We will await -- do I
10 need -- when they want to have 38, do we need to put that
11 back on the record or can we just have permission to go
12 ahead and switch those two out?

13 MR. FARLEY: I don't think that needs to go on
14 the record.

15 MR. HILTON: I agree.

16 THE COURT: All right. Thank you.

17 We're at ease.

18 (Proceedings recessed at 2:16 p.m.)

19 THE COURT: I understand we have a verdict.
20 Anything before we bring in the jury from the
21 State?

22 MR. HILTON: Nothing from the State.

23 MR. FARLEY: No, Your Honor.

24 (The jury came into open court at approximately
25 4:21 p.m.)

1 THE COURT: Thank you. Be seated.

2 If you will hand the verdict form to the
3 bailiff. Thank you.

4 Will the defendant please rise.

5 THE CLERK: State of South Carolina, County of
6 Dorchester, in the Court of General Sessions for the First
7 Judicial Circuit. State of South Carolina versus Anthony
8 Willis, Jr., Indictment No. 2011-GS-18-0613.

9 We, the jury, find the defendant guilty of
10 murder.

11 I certify this decision as being the unanimous
12 decision of the jury, signed by the foreperson, Jeffrey
13 Pastorius, September 19, 2012.

14 THE COURT: Anything further required of the
15 jury from the State?

16 MR. HILTON: Just a thank you from the State.

17 MR. FARLEY: We would ask that the jury be
18 polled, Your Honor.

19 THE COURT: All right. Madam Clerk, you may
20 poll the jury. Please use the juror numbers.

21 THE CLERK: When I call your name and number,
22 please stand.

23 Juror No. 155, Christy Vanaxen.

24 THE COURT: Ma'am Clerk, please just use the
25 numbers.

1 THE CLERK: Okay. Sorry.

2 THE COURT: We have a couple of questions for
3 you, so I need you to remain standing. She's going to ask
4 you two questions.

5 THE CLERK: Was this your verdict in the jury
6 room?

7 JUROR: Yes.

8 THE CLERK: Is this still your verdict?

9 JUROR: Yes.

10 THE CLERK: Juror No. 167, was this your verdict
11 in the jury room?

12 JUROR: Uh-huh.

13 THE CLERK: Is this still your verdict?

14 JUROR: Yes.

15 THE CLERK: Juror 103, was this your verdict in
16 the jury room?

17 JUROR: Yes.

18 THE CLERK: Is this still your verdict?

19 JUROR: Yes.

20 THE CLERK: Thank you.

21 Juror 144, was this your verdict in the jury
22 room?

23 JUROR: Yes.

24 THE CLERK: Is this still your verdict?

25 JUROR: Yes.

1 THE CLERK: Thank you.

2 Juror 56, was this your verdict in the jury
3 room?

4 JUROR: Yes.

5 THE CLERK: Is this still your verdict?

6 JUROR: Yes.

7 THE CLERK: Thank you.

8 Juror 35, was this your verdict in the jury
9 room?

10 JUROR: Yes.

11 THE CLERK: Is this still your verdict?

12 JUROR: Yes.

13 THE CLERK: Thank you.

14 Juror 50, was this your verdict in the jury
15 room?

16 JUROR: Yes.

17 THE CLERK: Is this still your verdict?

18 JUROR: Yes.

19 THE CLERK: Thank you.

20 Juror 66, was this your verdict in the jury
21 room?

22 JUROR: Yes.

23 THE CLERK: Is this still your verdict?

24 JUROR: Yes.

25 THE CLERK: Thank you.

1 Juror 114, was this your verdict in the jury
2 room?

3 JUROR: Yes.

4 THE CLERK: Is this still your verdict?

5 JUROR: Yes.

6 THE CLERK: Thank you.

7 Juror 108, was this your verdict in the jury
8 room?

9 JUROR: Yes.

10 THE CLERK: Is this still your verdict?

11 JUROR: Yes.

12 THE CLERK: Thank you.

13 Juror 126, was this your verdict in the jury
14 room?

15 JUROR: Yes.

16 THE CLERK: Is this still your verdict?

17 JUROR: Yes.

18 THE CLERK: Thank you.

19 And Juror 106, was this your verdict in the jury
20 room?

21 JUROR: Yes.

22 THE CLERK: Is this still your verdict?

23 JUROR: Yes.

24 THE CLERK: Thank you.

25 THE COURT: Thank you.

1 Anything further?

2 MR. FARLEY: No, Your Honor.

3 THE COURT: All right. Is the State prepared
4 for sentencing at this time?

5 MR. HILTON: We are, Your Honor.

6 THE COURT: Do you have the sentencing sheets?

7 MR. HILTON: We do.

8 THE COURT: Ladies and gentlemen of the jury,
9 this completes your service for this matter. I am going
10 to sentence at this time. If there's any member of the
11 jury that wishes to leave at this time, please signify by
12 raising your hand.

13 (No response.)

14 THE COURT: Does every member of the jury wish
15 to remain for sentencing?

16 THE FOREMAN: Yes.

17 THE COURT: Thank you.

18 Mr. Farley, is the defendant ready for
19 sentencing at this time?

20 MR. FARLEY: He is, Your Honor.

21 THE COURT: Mr. Farley, I will hear the State's
22 presentation, and then I will hear from your client.

23 MR. FARLEY: Thank you, Judge.

24 THE COURT: So if you-all wish to have a seat
25 until -- Mr. Hilton, does any member of the family wish to

1 address the court?

2 MR. HILTON: I do believe the victim's mother
3 wishes to address the Court.

4 THE COURT: All right. I'll hear from her at
5 this time. And then, Mr. Hilton, I'll need to hear prior
6 record, if any, and the State's position as to sentencing.

7 Ma'am, I need you to please come forward. I'll
8 need you to state your full name for the record, and
9 please spell your last name.

10 MS. WASHINGTON: Karen Washington,
11 W-A-S-H-I-N-G-T-O-N.

12 THE COURT: Yes, ma'am, I'll be happy to hear
13 from you.

14 MS. WASHINGTON: I just want to say that there's
15 not just only one life gone, it's two lives here.
16 Families forever torn apart. That's all I have to say.

17 THE COURT: Thank you, Ms. Washington.

18 MS. WASHINGTON: Thank you.

19 THE COURT: Yes, sir.

20 MR. HILTON: Your Honor, he has no convictions
21 on his record.

22 The State has heard -- I'm sorry -- the Court
23 has heard the facts as presented in this case. There was
24 certainly maliciousness there where he hunted down the
25 victim, and we just ask for a sentence that's appropriate

1 to the crime that was committed.

2 THE COURT: All right. Thank you.

3 Mr. Farley, I'll be happy to hear from you, your
4 client, and anyone else regarding the sentencing at this
5 time.

6 MR. FARLEY: Thank you, Your Honor.

7 As the Solicitor said, you heard the facts of
8 the case. I can say that my client still maintains to me
9 his innocence. He came here before the Court and the jury
10 to stand trial. I know that typically defendants are
11 given leniency when they plead guilty, but I just hope
12 that he's not punished for exercising his rights.

13 He's a young man. He's just turned 19 in the
14 county jail. Thirty years of his life would take out the
15 better part of his life. Thirty years in a maximum
16 security prison is not the same as 30 years for me and you
17 and the jury out on the street. Your Honor, that is the
18 mandatory minimum, and I think that that is an appropriate
19 sentence in this case.

20 We have nothing further, Your Honor.

21 THE COURT: Mr. Farley, I'm assuming that you
22 have explained to your client his appeal rights?

23 MR. FARLEY: Yes, Your Honor.

24 THE COURT: Mr. Willis, you have ten days to
25 appeal this sentence that I am about to impose. Do you

1 understand that, sir?

2 THE DEFENDANT: Uh-huh.

3 THE COURT: Is that a yes?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. And, Mr. Willis, this is
6 classified as a violent and a most serious offense.

7 Mr. Farley, did you explain that to your client?

8 MR. FARLEY: Yes, Your Honor.

9 THE COURT: And did he understand what that
10 classification means?

11 MR. FARLEY: He did.

12 THE COURT: Okay. And does any member of
13 Mr. Willis' family wish to address the Court?

14 MR. FARLEY: Yes, Your Honor.

15 THE COURT: All right. I'll be happy to hear
16 from one member at this time.

17 I need her to stand on the other side,
18 Mr. Farley. Thank you.

19 MR. FARLEY: Can you state your name for the
20 record and spell your first name?

21 MS. WILLIS: Shaniquwa, S-H-A-N-I-Q-W-U-A,
22 Willis.

23 THE COURT: I'll be happy to hear from you,
24 Ms. Willis.

25 MS. WILLIS: I'm just asking from you that you

1 just -- this is my brother, and I love him dearly. And
2 I'm quite -- I know for a fact he's innocent. But they
3 already made their decision, said what they had to say,
4 but I just ask that you can just give him -- to sentence
5 him to the minimum. Just give him a chance at life. He's
6 young. I just ask that you just show him some type of
7 sympathy, if anything.

8 THE COURT: Thank you, Ms. Willis.

9 MR. FARLEY: We don't have anything further,
10 Your Honor.

11 THE COURT: And, Mr. Willis, I understand your
12 attorney has probably advised you based upon your appeal
13 rights not to address the Court. Is there anything that
14 you wish to tell me before I invoke sentence?

15 THE DEFENDANT: No.

16 THE COURT: Mr. Willis, I am taking into account
17 everything that I have heard here today, everything that I
18 have heard over the past week, the fact that you are 19
19 years of age. The mandatory minimum is 30 years up to
20 life.

21 Mr. Willis, are you -- you were aware when we
22 entered into this trial that you were facing a life
23 sentence?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Mr. Willis, I know Mr. Farley knows,

1 I am not punishing you for exercising your Constitutional
2 right to a trial. I have sat here and listened for three
3 days to a very horrific situation that occurred.

4 It's the order of the Court on Indictment
5 2011-GS-18-613 that you be committed to the State
6 Department of Corrections for a term of life.

7 Good luck to you, sir.

8 Ladies and gentlemen of the jury, I will see
9 you-all in the jury room. Thank you.

10 If the deputies will please escort the victim's
11 family. The defendant's family will please wait until the
12 victim's family has been escorted to the parking lot.

13 All right. I'm going to release the jury.

14 Anything further, Mr. Hilton, Mr. Farley?

15 MR. HILTON: No, Your Honor.

16 MR. FARLEY: No, Your Honor.

17 THE COURT: I'll see counsel in chambers in
18 about five minutes. Thank you.

19 We're at ease.

20 (The proceedings were concluded.)

21 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

22 VOLUME 2 OF 2

23

24

25

1 CERTIFICATE OF REPORTER

2
3
4 STATE OF SOUTH CAROLINA)5 COUNTY OF DORCHESTER)
6
7

8 I, CAROL M. THUEME, RPR, Official Court Reporter for
9 the 11th Judicial Circuit of the State of South Carolina,
10 do hereby certify that the foregoing is a true, accurate
11 and complete Transcript of Record of the proceedings had
12 and evidence introduced in the trial of the captioned
13 case, relative to appeal, in the Court of General Sessions
14 for Dorchester County, South Carolina, on the 19th day of
15 September, 2012.

16 I do further certify that I am neither of kin,
17 counsel nor interest to any party hereto.
18

19
20 March 22, 2013

21 
22

23 CAROL M. THUEME, RPR
24 Circuit Court Reporter
25

WITNESSES

R Depoppe

Dorchester County Sheriff

ARREST WARRANT NUMBER
M471768

Arrested: May 11, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: August 4, 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS18-0613

The State of South Carolina

County of DORCHESTER

COURT OF GENERAL SESSIONS

August 8, 2011 TERM

THE STATE
vs.

Anthony Willis Jr.

Indictment for
MURDER

SC Code: 16-3-10

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant:

I
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED - RECORD
2011 AUG - 4 AM 11:10
CLERK
DORCHESTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

INDICTMENT
2011GS18-0613

At a Court of General Sessions, convened on August 8, 2011 the Grand Jurors of
Dorchester County present upon their oath:

MURDER

That in Dorchester County on or about May 2, 2011, with malice aforethought,
the defendant, Anthony Willis Jr did kill one Justin Smoot by means of shooting
the victim with a rifle. The victim did die as a proximate result thereof. This
offense being in violation of the Common Law and Section 16-3-10, of the South
Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.

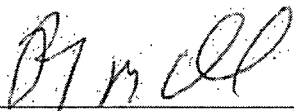


Russell D. Hilton, Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

December 4, 2013



Robert M. Dudek
Chief Appellate Defender

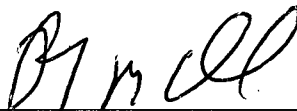
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

December 4, 2013



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County

Kristi Lea Harrington, Circuit Court Judge

ORIGINAL

DEC 04 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTHONY WILLIS, JR.,

APPELLANT

APPELLATE CASE NO. 2012-213066

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 4th day of December, 2013 .

Brandon Hall
Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 4th day of December, 2013 .

Barley Reed (L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021 .

RECEIVED

DEC 04 2013

SC Court of Appeals