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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

QUINDARIS K. WASHINGTON,

APPELLANT

APPELLATE CASE NO. 2025-001167

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[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT 11 (INITIALS ON THE TAG)]

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 8
COUNTY OF GREENWOOD) DOCKET No. 2022-GS-24-00129

STATE OF SOUTH CAROLINA,)
 Plaintiff,)
versus)
)
QUINDARIS WASHINGTON,)
 Defendant.)

H E A R I N G
BEFORE THE HONORABLE G.D. MORGAN JR.

DATE: June 2-4, 2025
TIME: 12:13 P.M.
LOCATION: South Carolina Circuit Court 8
TRANSCRIBED BY: Latasha Jefferson

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1 PROCEEDINGS - JUNE 2, 2025.

2 THE COURT: All right. Ladies and gentlemen, we are
3 about to select the jury for the case of the State of South
4 Carolina versus Quindaris Washington. First of all,
5 Mr. Washington, if you would please stand and face the jury?
6 All right. Thank you, sir. All right. Thank you.

7 All right. Ladies and gentlemen, Mr. Washington has
8 indictments against him, and charges brought that we are --
9 are going to be trying in this matter. Now, let me first of
10 all say that indictments are not evidence. The fact that
11 Mr. Washington has been indicted does not mean there's any --
12 that is any evidence -- is not to be considered as evidence.
13 The Defendant is entitled to the presumption of innocence
14 until all the evidence has been put forth and presented and
15 the jury reaches a unanimous verdict. So again, these are
16 only indictments and charges against Mr. Washington.

17 The Defendant has been indicted for armed robbery which
18 alleges to have occurred on or about March 5, 2021, here in
19 Greenwood County, which alleges: while armed with a deadly
20 weapon, or while displaying what a person present during the
21 robbery would reasonably -- reasonably believe to be a deadly
22 weapon, did take, by means of force, threats, or
23 intimidation, goods or monies, described as a vehicle, cell
24 phone, and United States currency from the person or presence
25 of Quentin Pierre Gordon.

1 Also indicted for carjacking, alleges to have occurred
2 on or about March 5, 2021, here in Greenwood County, where
3 the Defendant is alleged to have taken or attempted to take a
4 motor vehicle from the victim, Quentin Pierre Gordon, by
5 force and violence or by intimidation while the victim was
6 inside or operating the vehicle.

7 Also indicted for kidnapping, which alleges that the
8 Defendant did, in Greenwood County, South Carolina, on about
9 March 5, 2021, did unlawfully seize, confined -- confined,
10 decoy -- decoy, kidnapped, abduct, or carry away Quentin
11 Pierre Gordon, by any means whatsoever without the authority
12 of law.

13 Also an indictment for possession of a weapon during
14 the commission of a violent crime, which alleges that
15 occurred on or about March 5, 2021, in Greenwood County.
16 While committing the violent crime of armed robbery,
17 carjacking, and kidnapping, he did possess a firearm.

18 An indictment for unlawful carrying of a pistol,
19 occurring on or about March 7, 2021, where it alleges that
20 the Defendant did unlawfully carry about his person a
21 handgun, whether concealed or not, all in violation of the
22 State statute.

23 Driving without a license, which alleges to have
24 occurred on March 7, 2021. And an indictment for failure to
25 stop for a blue light, which alleges to have occurred on

1 March 7, 2021. Now, is there any member of the jury panel
2 ever been related by blood or marriage to either the
3 Defendant, Quentin -- Keondre Washington, or the victim
4 Quentin Pierre Gordon? If so, please stand. Does anyone --
5 or has anyone ever had a close personal or social
6 relationship with either the Defendant Quindaris Keondre
7 Washington or the victim Quentin Pierre Jordan -- Gordon? If
8 so, please stand.

9 All right. The following is a list of potential
10 witnesses in this trial. Benjamin Baker with Greenwood
11 Police Department. Melissa Bollman or Bollman,
12 B-O-L-L-M-A-N, with Greenwood DC -- Greenwood County DC.
13 Cory Boyter, B-O-Y-T-E-R, with Greenville Police -- Greenwood
14 Police Department. Fausto Gonzalez Corona Greenwood Police
15 Department. Quentin Pierre Gordon, Kimberly Gordon, Kenya
16 Griffin, Greenwood Police Department. Kimberly Holloway,
17 Spencer Lucas, with the Greenville -- Greenwood Police
18 Department. Kane Quantavious Parker, Bailey Thompson,
19 Greenwood Police Department. Kathy Tucker, Greenwood -- is
20 that Greenwood County Department of Corrections?

21 MR. BROWN: Detention.

22 THE COURT: Detention Center, I mean. It's Greenwood
23 County Detention Center. That was also Melissa Bollman. She
24 was with the Greenwood County Detention Center. Russ
25 Vernali, with SLED. Jill Bolland, Greenwood County 911.

1 Megan Burch, Greenwood County 911. Paul Greer III, with
2 SLED, Stephanie Summey, with Greenwood County 911. Matthew
3 Womack, Greenwood County -- Greenwood County Sheriff's
4 Office. Patrick Durkin, Greenwood County Sheriff's Office.
5 Dyer Archibald, Eighth Circuit Solicitor's Office. Seth
6 Joyner, Securus -- Securus or Securus Technologies, and
7 Lonnie Smith, Greenwood County Sheriff's Office -- Sheriff's
8 Office. Has anyone ever been related by blood or marriage to
9 any of these potential witnesses I just listed, or anyone
10 ever had a close personal or social relationship with any of
11 these witnesses? If so, please stand. All right. First of
12 all, yes, ma'am in the back, your number?

13 JUROR NUMBER 98: Juror 98.

14 THE COURT: 98? All right. Yes, ma'am.

15 JUROR NUMBER 98: Ms. Jill Bolland, I don't have a
16 close relationship, but we know each other, family friends.

17 THE COURT: All right. Not a close relationship, but
18 you do know her? All right. The fact that you do know her
19 could you set that aside and view this case based solely on
20 the evidence and be fair and impartial to both the State and
21 the Defendant?

22 JUROR NUMBER 98: Yes.

23 THE COURT: All right. Thank you, ma'am. All right.
24 Your number?

25 JUROR NUMBER 197: 197.

1 THE COURT: 197? All right. Yes, ma'am.

2 JUROR NUMBER 197: Benjamin Baker.

3 THE COURT: All right. And how do you know Mr. Baker?

4 JUROR NUMBER 197: He's (inaudible).

5 THE COURT: All right. How distant is he?

6 JUROR NUMBER 197: We don't speak -- I mean, but we
7 don't have any (inaudible).

8 THE COURT: All right. The fact that you are a distant
9 cousin with a witness, could you set that aside and be fair
10 and impartial to both the State and the Defendant in this
11 case?

12 JUROR NUMBER 197: Yes.

13 THE COURT: All right. Thank you, ma'am. All right.
14 And we'll ask lawyers to introduce your staff. Starting with
15 the State.

16 MR. BROWN: Thank you, your Honor. My name is Yates
17 Brown, Deputy Solicitor for Greenwood County. I work for the
18 Eighth Circuit Solicitor's Office where we have Abbeville,
19 Greenwood, Laurens, and Newberry. Sitting with me is Senior
20 Assistant Solicitor, Andrew Hodges and Dyer Archibald with
21 our office. And the man that was sitting here earlier is
22 Solicitor David Stone.

23 THE COURT: All right.

24 MR. HOLLOWAY: Hi, I'm Ryan Holloway, I'm -- I'm the
25 attorney for my client here. He's on trial as the charges

1 have been mentioned before. I'm proud to stand before you
2 (inaudible). Thank you.

3 THE COURT: All right. Any member of the jury panel
4 ever been represented by any of the lawyers involved in this
5 case? If so, please stand. All right. Has anyone ever been
6 related by blood, or marriage, or had a close personal -- oh,
7 somewhere in the back. All right. Yes, your number?

8 JUROR NUMBER 97: Juror Number 97.

9 THE COURT: Yes, ma'am.

10 JUROR NUMBER 97: David Stone's office and Mr. Yates
11 are the people who represented me in a case against my son,
12 who was killed by drunk driver and they were the attorneys.

13 THE COURT: That was in a criminal case?

14 JUROR NUMBER 97: Criminal. The civil case is still
15 pending.

16 THE COURT: All right. And so they -- but you've got
17 somebody else representing you in the civil case?

18 JUROR NUMBER 97: Yes, sir.

19 THE COURT: Okay. But they represented the State in
20 the case involving your son?

21 JUROR NUMBER 97: Yes.

22 THE COURT: All right. The fact that they were
23 involved and that case -- and is that case still going on?
24 All right. The fact that -- that they were involved in the
25 prosecution of that case, could you set that aside and view

1 this case based solely on the evidence and be fair and
2 impartial to both the State and the Defendant?

3 JUROR NUMBER 97: I'm (inaudible).

4 THE COURT: All right. Thank you, ma'am. I will --
5 you'll not be part of the -- I'll excuse you from this trial,
6 but you stay -- stay with us. You stay with us. I may have
7 already asked this, but when we got started, anybody ever
8 been related by blood, or marriage, or had any close personal
9 or social relationship with any of the lawyers involved in
10 this case other than the juror who was involved in that case?

11 All right. Is any member of the jury panel a member or
12 a contributor to any group which has as its primary concern
13 the promotion of law enforcement or victim's rights? These
14 include MADD, Mothers Against Drunk Drivers, CAVC, which is
15 Citizens Against Violent Crime. Those are examples of some
16 of those organizations. So anyone ever been a member of or
17 contribute to any organization that promotes victims' rights
18 or law enforcement? Yes, ma'am. Again, your number?

19 JUROR NUMBER 97: 97.

20 THE COURT: All right. I'm may -- taking you out of
21 the panel for this. So you are excused in this panel anyway.
22 Thank you. All right. Ladies and gentlemen, I've got a -- a
23 series of questions that I'm going to ask and I'm going to
24 ask each of these questions together. So don't respond until
25 I get through with the questions. And what I'm going to do,

1 if you do answer yes to any of these questions, I'm going to
2 have you come up and speak a little bit more privately to me
3 and the lawyers if you do answer "Yes" to any of these
4 questions. So let me -- let me finish the questions before
5 you stand up if you do, if there is anyone that does respond.
6 All right. My first question: Has any member of the jury
7 panel, or any family member, or any close friend ever been
8 prosecuted by the Eighth Circuit Solicitor's office?

9 Next question: Has any member of the jury panel or
10 family member or close friend ever been accused of a violent
11 crime or ever been a victim of a violent crime?

12 Next question: Does any member of the jury panel have
13 any pending criminal charges that will be heard by the Court
14 here in the Eighth Circuit? So if there is anyone in the
15 jury panel who is required to answer "Yes" to any of those
16 questions please stand.

17 All right. Is there any member of the jury panel who
18 has heard of, or formed, or expressed an opinion about this
19 case, or any issue in this case? Is there any member of the
20 jury panel who is aware of any bias or prejudice, either
21 towards the State or towards the Defendant in this case? If
22 so, please stand.

23 Does any member of the jury panel know of any reason
24 whatsoever why he or she should not serve as a juror in this
25 case with particular emphasis being placed on your ability to

1 be fair and impartial to both the State and the Defendant in
2 this case? I've got one more question. Oh, yes, ma'am.
3 Your number?

4 JUROR NUMBER 170: 170.

5 THE COURT: All right. Yes, ma'am.

6 JUROR NUMBER 170: I own a small family business and
7 some of the --

8 THE COURT: Well, let me do that. I -- I may just have
9 you speak to me because I've got one more question that I
10 also have if you do answer "Yes" to this question. Is there
11 any member of the jury panel that is a member of a group or
12 organization that advocates for defunding the police or any
13 other anti-law enforcement measures? So I'm going to have
14 the juror that just stood up, and if there's anyone that
15 answers that question. All right. If you would come off,
16 please. What's your juror number?

17 JUROR NUMBER 170: 170.

18 THE COURT: 170? I think you'll come on just a little
19 bit.

20 JUROR NUMBER 170: Okay.

21 THE COURT: You need (inaudible) she okay.

22 JUROR NUMBER 170: I -- I know the Washington family
23 through the business. One of the (inaudible) defendant. I
24 know her more personally and I don't know if I could serve on
25 a jury -- you know, buy (inaudible).

1 THE COURT: Oh, I'm --

2 JUROR NUMBER 170: I'm pretty loyal with my customers.

3 THE COURT: All right. So he or his family --

4 JUROR NUMBER 170: The family.

5 THE COURT: -- is the customer?

6 JUROR NUMBER 170: Coming over the years a lot to where
7 I've grown relations with some of them.

8 THE COURT: Okay. And what kind of business do you
9 have?

10 JUROR NUMBER 170: And I don't -- it's in a beauty
11 supply business.

12 THE COURT: Supply business. Okay.

13 JUROR NUMBER 170: And I don't want to affect this
14 relationship.

15 THE COURT: All right. So what I'm hearing is that you
16 could not be fair and impartial?

17 JUROR NUMBER 170: I'm just scared I won't be.

18 THE COURT: Okay.

19 JUROR NUMBER 170: I don't -- it's hard to explain.

20 THE COURT: I understand -- I understand. Okay. Well,
21 I'm going to -- I'm going to excuse you.

22 JUROR NUMBER 170: Yes. But there were -- they were
23 good customers.

24 THE COURT: Good customers. Okay.

25 JUROR NUMBER 170: Uh-huh. They come over here. They

1 know my mom, my kids.

2 THE COURT: Okay. All right. Well, I'm going to
3 excuse you from this --

4 JUROR NUMBER 170: Okay.

5 THE COURT: -- this case. And if you're still here you
6 could stay.

7 JUROR NUMBER 170: Just stay?

8 THE COURT: You still stay here. Yeah.

9 JUROR NUMBER 170: Okay.

10 THE COURT: Okay. Oh, I'm sorry. Yes, ma'am.

11 JUROR NUMBER 67: 67.

12 THE COURT: 67?

13 JUROR NUMBER 67: Yeah.

14 THE COURT: Yes, ma'am.

15 JUROR NUMBER 67: I have a close relationship with
16 someone who works in the Solicitor's Office, Ms. Rhetta
17 Smith.

18 THE COURT: Okay. Well, just personal friends?

19 JUROR NUMBER 67: Yeah.

20 THE COURT: All right.

21 JUROR NUMBER 67: And my friend's kids play together,
22 go do things together.

23 THE COURT: All right. The fact that you have a
24 friendship with somebody who works in the solicitor's office,
25 could you set that aside, though, and view this case based

1 solely on the evidence and be fair and impartial to both the
2 State and Defendant?

3 JUROR NUMBER 67: I don't -- I don't really know.

4 THE COURT: You can't be sure?

5 JUROR NUMBER 67: Yeah, I can't be sure.

6 THE COURT: Okay. All right. I can --

7 JUROR NUMBER 67: I want to say "Yes," but -- and I
8 don't know.

9 THE COURT: Okay. Thank you. Yes, ma'am. Yes.
10 What's your number?

11 JUROR NUMBER 238: 238.

12 THE COURT: Okay.

13 JUROR NUMBER 238: So I have two issues. Number one, I
14 hold a federal firearms license. So if it involves a gun --
15 you know, I'm a little leery about that in this community
16 since I don't know who all runs through mine without
17 verifying. Also, I do have an issue with the circuit -- the
18 Eighth -- the office here.

19 THE COURT: Okay. What is the issue you have?

20 JUROR NUMBER 238: My issue is because when I was
21 burglarized to this day, I still never got victim's rights
22 and I still deal with it and I never had any help from this
23 office. So I just want to --

24 THE COURT: All right.

25 JUROR NUMBER 238: -- because it still messes with me.

1 THE COURT: Well, as you say, it still messes with you?

2 JUROR NUMBER 238: Oh, it does.

3 THE COURT: All right. So then --

4 JUROR NUMBER 238: Because I was stalked.

5 THE COURT: All right. Could you then not or -- could
6 you be fair and impartial and view the case solely based on
7 the evidence? Could you be fair and impartial both to
8 Solicitor in this case?

9 JUROR NUMBER 238: No.

10 THE COURT: Okay. All right.

11 JUROR NUMBER 238: I'll answer anonymously.

12 THE COURT: All right. Any additional questions from
13 the State?

14 MR. BROWN: Not from the State.

15 THE COURT: Any from the Defendant?

16 MR. HOLLOWAY: No, sir.

17 THE COURT: All right. Let's pool our panel. All
18 right. Ladies and gentlemen, while we're pooling the panel
19 here, let me just kind of give you an idea of what we're
20 doing. Your number -- if your number is called the clerk
21 will explain for you what to do. And -- and then each the
22 lawyers will determine whether or not they want to select you
23 for the jury. And then once we do that, what we'll do, we'll
24 select 12 with two alternates. And then -- then we will
25 proceed from there. You all agree is 10 and five?

1 MR. HOLLOWAY: Yes, sir.

2 THE COURT: And bear with us ladies and gentlemen, just
3 pooling the names. We're just pooling the names. Ladies and
4 gentlemen, then -- I meant to introduce to you the gentleman
5 sitting by me. He is my law clerk. This is Adam Compton.
6 He is a recent graduate of law school. He's passed the bar,
7 so he's officially a lawyer. He works for a year. He'll be
8 with me -- he's been with me since August, and he'll be with
9 me until this coming August, and then he will go out in the
10 real world. And so he is -- he's my left-hand guy here. So
11 yeah, that's who he is. And he has also one day returned
12 from his honeymoon. So he just got married last week. All
13 right. Clerk is recognized.

14 THE CLERK: All right. Ladies and gentlemen, we're
15 going to go ahead and start selecting a jury. When I call
16 your name, if you'll just stand up at your seat. And then if
17 you're seated, we'll bring you up, but for right now, just
18 stand up where you're at. Juror Number 33, Quinesha Bryson.
19 What says the State?

20 MR. BROWN: Please present this juror.

21 THE CLERK: What says the Defense?

22 MR. HOLLOWAY: At this time, we'd ask her to be seated.

23 THE CLERK: Okay. And then you'll just bring your
24 stuff. And you'll come up and sit in one of these chairs.
25 So bring everything with you and you can have a seat. All

1 right. Juror Number 41, Rhonda Cantrell. What say for the
2 State?

3 MR. BROWN: Please present Ms. Cantrell.

4 THE CLERK: And what says the Defense?

5 MR. HOLLOWAY: At this time, we'd ask to strike this
6 juror.

7 THE COURT: You may have a seat. Juror Number 112,
8 Veronica Hill. What says the State?

9 MR. BROWN: Please excuse Ms. Hill from the trial of
10 this case.

11 THE CLERK: Okay. Ms. Hill, you may have a seat.
12 Juror Number 113, Crystal Hilly. What says the State?

13 MR. BROWN: Please excuse Ms. Hilly from trial of this
14 case.

15 THE CLERK: Okay. You may have a seat, Ms. Hilly.
16 Juror Number 95, Russell Greg. What says the State?

17 MR. BROWN: Please present Mr. Greg.

18 THE CLERK: What says the Defense?

19 MR. HOLLOWAY: We ask to strike this juror.

20 THE CLERK: Thank you. You may go ahead and have a
21 seat. Juror Number 167, Amanda Moon. What says the State?

22 MR. BROWN: Please present Ms. Moon.

23 THE CLERK: What says the Defense?

24 MR. HOLLOWAY: We ask she be seated.

25 THE CLERK: You may come ahead. Juror Number 245, Eric

1 Wilson. What says the State?

2 MR. BROWN: Please present Mr. Wilson.

3 THE CLERK: What says the Defense?

4 MR. HOLLOWAY: At this time, we'd ask to strike this
5 juror.

6 THE CLERK: Juror Number 56, Kay Culbertson. You can
7 have a seat. What says the State?

8 MR. BROWN: Please present Ms. Culbertson.

9 THE CLERK: What says the Defense?

10 MR. HOLLOWAY: At this time, we'd ask to seat this
11 juror.

12 THE CLERK: You may come have a seat. Juror Number 16,
13 Stacy Attaway. What says the State?

14 MR. BROWN: Please present Ms. Attaway.

15 THE CLERK: What says the Defense?

16 MR. HOLLOWAY: At this time, we'd ask to seat this
17 juror.

18 THE CLERK: Okay. You may come have a seat. Juror
19 Number 14, Zachary Banks. What says the State?

20 MR. BROWN: Please present Mr. Banks.

21 THE CLERK: What says the Defense?

22 MR. HOLLOWAY: At this time, we'd ask to strike this
23 juror.

24 THE CLERK: Juror Number 70, Tracy Dumont. What says
25 the State?

1 MR. BROWN: Please present Ms. Dumont.

2 THE CLERK: What says the Defense?

3 MR. HOLLOWAY: At this time, we'd ask to seat this
4 juror.

5 THE CLERK: You may come have a seat. Juror Number
6 149, Cheryl Leverett Wright. What says the State?

7 MR. BROWN: Please present Ms. Leverett Wright.

8 THE CLERK: And what says the Defense?

9 MR. HOLLOWAY: At this time, we'd ask to seat this
10 juror.

11 THE CLERK: Okay. Ms. Wright, you going to come have a
12 seat. Juror Number 210, Joseph Steele. What says the State?

13 MR. BROWN: Please present Mr. Steele.

14 THE CLERK: What says the Defense?

15 MR. HOLLOWAY: At this time, we'd ask to seat this
16 juror.

17 THE CLERK: Okay. You can come have a seat,
18 Mr. Steele. Juror Number 3, Nathaniel Allen. What says the
19 State?

20 MR. BROWN: Please present Mr. Allen.

21 THE CLERK: And what says the Defense?

22 MR. HOLLOWAY: At this time, we'd ask to strike this
23 juror.

24 THE CLERK: Okay. You may have a seat. Juror Number
25 50, Wesley Clark. What says the State?

1 MR. BROWN: Please present Mr. Clark.

2 THE CLERK: And what says the Defense?

3 MR. HOLLOWAY: At this time, we'd ask that this juror
4 be seated.

5 THE CLERK: Okay. You can come have a seat. Juror
6 Number 72, Marcus Dunlap. What says the State?

7 MR. BROWN: Please present Mr. Dunlap.

8 THE CLERK: What says the Defense?

9 MR. HOLLOWAY: At this time, we'd ask to seat this
10 juror.

11 THE CLERK: You may come have a seat. Juror Number 60,
12 Glenda Davis. What says the State?

13 MR. BROWN: Please present Ms. Davis.

14 THE CLERK: And what says the Defense?

15 MR. HOLLOWAY: At this time, we ask to have this juror
16 seated.

17 THE CLERK: All right. If you'll come forward,
18 Ms. Davis. Juror Number 212, Aaron Stockman. What says the
19 State?

20 MR. BROWN: Please excuse Mr. Stockman from trial of
21 this case.

22 THE CLERK: You may have a seat, Mr. Stockman. Juror
23 Number 233, Walter Warren. What says the State?

24 MR. BROWN: Please excuse Mr. Warren from the trial of
25 this case.

1 THE CLERK: You have a seat, Mr. Warren. Juror Number
2 120, Jonathan Hughes. What says the State?

3 MR. BROWN: Please present Mr. Hughes.

4 THE CLERK: And what says the Defense?

5 MR. HOLLOWAY: At this time, we'd ask to have this
6 juror seated.

7 THE CLERK: All right. If you'll come up here,
8 Mr. Hughes. Juror Number 100, Elizabeth Harget. What says
9 the State?

10 MR. BROWN: Please present Ms. Harget.

11 THE CLERK: And what says the Defense?

12 MR. HOLLOWAY: At this time, we'd ask to strike this
13 juror.

14 THE CLERK: All right. If you'll have a seat for me.
15 Juror Number 242, Emma Williams. What says the State?

16 MR. BROWN: Please present Ms. Williams.

17 THE CLERK: And what says the Defense?

18 MR. HOLLOWAY: At this time, we'd ask to have her
19 seated.

20 THE CLERK: All right. If you'll come have a seat,
21 Ms. Williams. Okay. That was the 12th and normal. These
22 will be for the alternates. Juror Number 165, Divya Modi.
23 What says the State?

24 MR. BROWN: Please present Ms. Modi.

25 THE CLERK: And what says the Defense?

1 MR. HOLLOWAY: At this time, we'd ask to have her
2 seated.

3 THE CLERK: All right. If you'll come forward and have
4 a seat for me. Juror Number 189, Ladessera Robertson. What
5 says the State?

6 MR. BROWN: Please excuse this juror from trial of this
7 case.

8 THE CLERK: Okay. If you'll have a seat for me. Juror
9 Number 186, Jessie Richardson. What says the State?

10 MR. BROWN: Please present Ms. Richardson.

11 THE CLERK: What says the Defense?

12 MR. HOLLOWAY: At this time, we ask to strike this
13 juror.

14 THE CLERK: All right. If you'll just have a seat.
15 Juror Number 101, Nicholas Harper. What says the State?

16 MR. BROWN: Please present Mr. Harper.

17 THE CLERK: What says the Defense?

18 MR. HOLLOWAY: At this time, we'd ask to have this
19 juror seated.

20 THE CLERK: All right. If you'll come forward, Mr.
21 Harper. All right. Thank you.

22 THE COURT: All right. Any motions as to selection of
23 the jury? Any from State?

24 MR. BROWN: None from the State.

25 THE COURT: Any from the Defendant?

1 MR. HOLLOWAY: No, sir.

2 THE COURT: All right. Ladies and gentlemen, you have
3 been selected for the trial of this case. What we're going
4 to do is we are going to break for the day. So you are
5 excused for the day. And we will start up first thing in the
6 morning, 9:30. What I'm going to ask you to do is the
7 bailiff will escort you back to your jury room for you to
8 leave. Either today or first thing in the morning when you
9 come, if you would select a foreperson to be foreperson for
10 the jury. And it's got to come from the 12. The two
11 alternates, although they may eventually end up involved in
12 the deliberations, but the foreperson is got to be from the
13 12 -- the first 12.

14 So if you would select a foreperson that -- that
15 particular person has no more weight or effect or anything as
16 far as decision making, deliberation or anything. So it --
17 they don't have a bigger vote. It's just got to -- it's got
18 to be somebody that is so of the ledge on with me throughout
19 the trial. So if you all would select that person, let the
20 bailiffs know, and then we will see then 9:30 in the morning.

21 Please do not discuss this case with each other or
22 anyone at your -- in your house, your family, your friends.
23 Someone may know that you're on jury duty and say, "Hey, tell
24 me about the case. What's going on? Who's" -- "what" --
25 "what's the" -- "what's the scoop?" You will need to tell

1 them that the judge has requested or actually ordered you not
2 to speak. It is a violation -- a serious violation if you
3 discuss this case with anyone including yourselves. You all
4 can talk about anything in the world, but not about this
5 case. And that includes when you go home tonight. Again,
6 you may have some family members or friends ask you, but you
7 just tell them that "I cannot -- the judge has not allowed me
8 to do that." And that you get in big trouble. Because
9 again, as I said, it is a very serious violation if you
10 discuss a case before deliberation.

11 So with that also do not look up on social media
12 anything. Do not google anything. Do not google any names.
13 Do not google anything about what you think this case may
14 involve. The only thing I would like for you all to hear
15 about this case is the evidence that gets put from that
16 witness stand, and any documents and exhibits that may be
17 admitted. That is the only thing that you are to discuss. I
18 know we live in the world of Google and phones and everything
19 else but the -- these couple of days do not google anything
20 about this case. Do not google the lawyers. Do not google
21 anything. You can do all of that after this -- this case is
22 over. You can talk to anybody you want to after the case,
23 but I'm going to ask you not to do that until then. So with
24 that, I hope all of you have a good night. We will see you
25 tomorrow morning, 9:30. Thank you.

1 Hold on just a minute. Hold on, ladies. Hold on.

2 Hold on. Not excused. All right. Ladies and gentlemen, you
3 are excused for the day, but I'm going to have you call in.
4 There is a number that I understand that you have been given.
5 Was it 6:00? Is that a good time?

6 THE CLERK: We usually say after 5:00.

7 THE COURT: After 5:00? Okay. If you would call that
8 number after 5:00 today to get further instructions going
9 forward. Again -- well, we may be through, but there may be
10 another case just in case whatever it is we're -- we're done
11 this week. You will not have to worry about any -- anything
12 else. But just in case, if you would call that number after
13 5:00 today for further instructions. And with that, I am
14 excusing you. If I do not see you again, I want to thank you
15 for your service. And again, as I said this morning, I know
16 you're not here voluntarily. You got that piece of paper in
17 the mail and that's why you're here. But as I said, also,
18 you are so vital to our system. Without you we couldn't
19 proceed. And so I want to thank you on behalf of Greenwood
20 County in this the Eighth Circuit. And myself personally,
21 thank you for being here. Hope all of you have a good day
22 and night. And if I don't see you again, I hope all have a
23 good life. Have a good day.

24 (Jury exits room at 1:02 p.m.)

25 THE COURT: What -- what -- how much time are you going

1 to take for lunch? You want to be back here at 2:30 or
2 earlier? What do you all want to do? I'll give you all the
3 opportunity to whatever time you all need.

4 MR. BROWN: 2:30 -- 2:30.

5 THE COURT: 2:30? 2:30, okay?

6 MR. HOLLOWAY: Yes, sir.

7 THE COURT: All right. Anything we need to take up
8 before we break the lunch? Anything from State?

9 MR. BROWN: Not from the State, your Honor.

10 THE COURT: Defendant?

11 MR. HOLLOWAY: No, sir.

12 MR. BROWN: Judge, we just -- have jury right there.

13 THE COURT: A what?

14 MR. BROWN: The jury is still there.

15 THE COURT: Is there -- can they hear through that
16 door?

17 MR. BROWN: No, sir.

18 THE COURT: Oh.

19 MR. BROWN: Didn't know if we want to still be sitting
20 here where they -- they're brought out and excused.

21 THE COURT: Is that -- do they come out this way?

22 MR. BROWN: Yes, sir.

23 THE COURT: Oh, they do. So you want to wait until
24 they come through, is that what you going to do?

25 MR. BROWN: Yes, sir.

1 THE COURT: That's good.

2 MR. BROWN: Just that they're not seeing him. They can
3 also hopefully clear out before he's taken back (inaudible).

4 (Off the record at 1:05 p.m.)

5 (On the record at 1:12 p.m.)

6 THE COURT: All right. Anything you need to take up?
7 I got it. All right. See you all at 2:30.

8 (Off the record at 1:12 p.m.)

9 (On the record at 2:35 p.m.)

10 THE COURT: All right. I got some pretrial motions.
11 First of all, any from the State?

12 MR. BROWN: Judge, on pretrial motions -- just to kind
13 of for housekeeping motion or housekeeping matters. Prior to
14 this, there is a body cam from the failure to stop. That
15 officer's name is Bailey Thompson, that initially got behind
16 or that got behind and made the traffic stop on
17 Mr. Washington. Mr. Holloway and I have gotten together. He
18 has some proposed redactions. I also added redactions to it.
19 And we have pulled those out. We'll let him hear that this
20 afternoon. But we basically -- this is by our IT person that
21 -- we basically took out a section that said, "Acting like a
22 murderer" or something. There's a section saying "References
23 to charges." Another, "You know who I am?" Any kind of
24 indication that law enforcement's already had previous
25 interactions with him. Part about a cup of liquor, that's

1 out. About his ID for that, purposes was ID only. Reference
2 to the charges coming over to the radio. Now we do have the
3 DMV records showing that he was driving without a record --
4 without a license, and things of that nature. Reference to
5 ability to possess a gun. Again, a cup of liquor. Reference
6 to prior incidents, the officer does talk about knowing who
7 he was. So those are -- those are out. I was going to make
8 -- mark this as a court's exhibit.

9 THE COURT: You all have agreed to that. Is that
10 right, Mr. Holloway?

11 MR. HOLLOWAY: Yes, sir.

12 THE COURT: Okay.

13 MR. BROWN: This kind of -- this just shows -- I can --
14 but this is just going to be a courts exhibit, so future
15 reference to it. I don't know (inaudible) that.

16 THE COURT: Okay. I'll -- that's Court's Exhibit 1?

17 MR. BROWN: Yes, sir.

18 THE COURT: All right. All right. Any -- anything
19 else before we turn to the Defendant?

20 MR. BROWN: I don't think the State has any other
21 pretrial motions or anything like that.

22 THE COURT: All right. Let's turn to the Defense. Why
23 don't we have the motion to sever or lack, and then there's
24 motion to exclude evidence. Why don't we handle the motion
25 to sever or elect first? So let me hear from you on that,

1 Mr. Holloway.

2 MR. HOLLOWAY: Sor, your Honor, thank you. Obviously
3 on Saturday I emailed copies of these motions to your Honor
4 and the State as well. Basically it sounds as if the -- the
5 State has agreed to pull back on two of the indictments.
6 Possession of stolen vehicle, possession of stolen goods.
7 That's part of the issue that we have as far -- and that --
8 that's -- I think that's leaning more toward elect that
9 they're electing the State's theory. The State's theory,
10 obviously going back to State v Hamilton of 1934 there's
11 really not a lot of case law out there on -- on this subject.
12 It seems pretty well settled that if the theory of the
13 State's case is that my client is the one who actually stole
14 the -- the vehicle, carjacking what have you, he cannot also
15 be the person who received it or possessed any stolen status.
16 That's the case law out there is State v McNeil. And I've
17 got copies of these cases if the Court would like copies.

18 THE COURT: I -- I actually -- if it was in your memo,
19 I read them.

20 MR. HOLLOWAY: McNeil goes -- brings us at least out of
21 the 1930s into the 1990s.

22 THE COURT: Yeah, that one was old. That -- that was
23 an old one.

24 MR. HOLLOWAY: It is very old. My argument in -- in
25 the motion is that it's well settled. That's an easy way to

1 gloss over the fact the case is -- you know, 90 years old as
2 of right now. But it's something that has been -- you know,
3 taught me when I was a prosecutor for many years. I remember
4 earlier on I had a case very similar to the situation where
5 he -- he was charged initially with grand larceny and having
6 the vehicle or item in -- in his -- in his custody. But
7 anyway, it seems like the State has elected on that, that
8 obviously pushes us to severance.

9 THE COURT: That takes care of your motion there.

10 MR. HOLLOWAY: That part? Yes.

11 THE COURT: Okay.

12 MR. HOLLOWAY: As far as severing, we are still asking
13 the Court to sever the failure to stop for blue lights. The
14 unlawful carrying -- the unlawful carrying probably is the
15 most concerning because it involves a -- a firearm that is
16 distinctly different from what the victim in this case has
17 said.

18 THE COURT: Give me a little -- for the record, give me
19 some facts on that issue.

20 MR. HOLLOWAY: Yes, sir, your Honor. The -- the victim
21 in this case said, Mr. Gordon cannot identify, who his -- who
22 the assailant was, he can say very generally what the
23 assailant was wearing. This is sort of what I'm saying is
24 going to kind of dovetail into the next motion. But in any
25 event, the -- the victim cannot identify the -- the

1 assailant. He -- but in general terms of what he was -- the
2 person was wearing it seems to be a male, African American
3 male. As far as the gun, he describes it as a black handgun.
4 The Draco -- I -- I -- in my motion, I describe it
5 differently. I describe it as a -- a firearm. It's -- it's
6 meant to look like an AK-47, or at least I -- and I'm -- by
7 no means a ballistics expert. I'm an expert in really
8 nothing except maybe Star Wars trivia, but the bottom line is
9 that it's -- it's a distinctive gun. The -- this particular
10 gun, a -- a -- a mini Draco was found in my client's
11 backpack. I say that because my client himself does say on
12 -- on camera that this was his backpack.

13 Inside the backpack was a -- a mini Draco. Mini Draco
14 has become sort of a -- it's become a -- a popular gun in --
15 in the -- the rap culture, namely -- beginning with Soulja
16 Boy or a famous rapper. I am not a -- I listen to rap
17 occasionally. I'm over Beatles. I'm old school. But I've
18 had -- I've had to learn -- learn this and research this.
19 The mini Draco, the sales of the gun itself shot up, no pun
20 intended. Once that -- that video came out. It's become a
21 -- a sort of a cultural touchstone. And in this particular
22 case, some of the photographs, again, go -- kind of veering a
23 little bit into motion. It -- it -- these pictures are --
24 are photo stills from a -- a channel, I think it's YouTube
25 and Snapchat. Some of the photo stills look like they are

1 from YouTube. And what we're saying is that because the gun
2 as described as the -- by the victim is -- is -- cannot be
3 even remotely viewed. And I don't think the State believes
4 that -- that that's the gun that was used. It's brown. It
5 -- it's -- it's -- it's a very prominently -- I -- I'll show
6 you some pictures. There's no objection from the State. May
7 I approach?

8 THE COURT: Yeah.

9 MR. HOLLOWAY: These are some of the pictures. The
10 barrel of the gun is brown. It's wooden, or at least it's --
11 that's the appearance. You can see there a -- but it's still
12 from, I believe, YouTube. What we're saying is that a gun
13 like that, with that appearance and the idea that it sort of
14 is meant to look like an AK-47, carries a distinctly
15 different message to the -- to the jury.

16 And we believe that the fundamental problem with this
17 issue and going forward on both the unlawful carrying and the
18 carjacking, is that the bootstrapping and misdemeanor charge
19 for unlawful carrying on a gun that the victim describes
20 differently to essentially victim of carjacking. There is no
21 reason to go forward on that charge, plus the carjacking,
22 it's not relevant to this case because of what I've
23 mentioned. The appearance of the gun is completely different
24 from what the victim said. It leads the -- there's a high --
25 a heightened risk that the jury would convict my client on

1 improper grounds, which is the fundamental balancing test
2 under Rule 403. The Court has to -- has to decide upon with
3 these -- with the issue of not just severing the unlawful
4 carrying of firearm, but also with the other pictures, which
5 we'll cover in my -- my other motion.

6 The failure to stop is a -- is an issue because the
7 body cam shows the -- the officer following my -- my client,
8 there is no argument he -- it's not him. He is in a vehicle.
9 He's driving in a direction the officer follows him. The
10 Court can view the video and see what time -- what moment he
11 -- he turns the -- his lights on. Which kind of --

12 THE COURT: What -- what's the video? Who's -- who's
13 --

14 MR. HOLLOWAY: I think it's the -- the officer.

15 THE COURT: It's his video -- his vehicle video?

16 MR. HOLLOWAY: Yes, sir.

17 THE COURT: Okay.

18 MR. HOLLOWAY: The -- the timing of it -- of when he
19 turns the blue lights on, and when my client does stop the
20 vehicle. That's the irony here. He does stop.

21 THE COURT: And he gets out and runs though, doesn't
22 he?

23 MR. HOLLOWAY: He runs.

24 THE COURT: Okay.

25 MR. HOLLOWAY: And the statute, it's -- it's open

1 enough for interpretation. I think in practice it's -- if
2 someone is in a vehicle and they refuse to stop the vehicle
3 it's -- it's ambiguous on whether it -- it applies. If
4 someone puts it in park like my client did, the car doesn't
5 roll forward. He puts it in park. But whether the statute
6 covers when you -- when you run from the vehicle, because he
7 stopped, put it in park and it ran from -- from the vehicle.
8 It is obviously the fact that he's charged with failure to
9 stop. The -- the facts are different. The charge is
10 distinctive from carjacking. It's two days later. The
11 evidence is -- is separate from the proof of the carjacking.

12 And so because of those reasons, I'm asking the Court -
13 - and plus the fourth prong, I -- I cited to -- let's see
14 here. State v Talent to me was a really good analysis of
15 this issue, particularly the fourth prong on prejudice. What
16 they -- they -- the Supreme Court and the States has called
17 it a "Real right." Not sure what that means, but I would say
18 it's -- I would characterize that as a fundamental
19 constitutional right.

20 Does it prejudice my client's a -- a real right of his?
21 And certainly, it does when he's charged carjacking. I don't
22 know how -- if the Court is willing to simply let someone
23 testify yes, he ran from the vehicle, even show the -- the
24 snippet of the vehicle of the -- the -- my client leaving on
25 foot being found some distance away, but without having the

1 jury know he was charged with that. Now, I will say this,
2 they're aware the indictment is -- is here because the Court
3 advised them on each of the indictments earlier on. But
4 certainly when they're considering the charges, severing that
5 from -- what really is the -- the crux of this trial, which
6 is the carjacking and the kidnapping, we're saying that it
7 does prejudice a real right of his. That he is -- it -- it
8 is going into prejudicial -- prejudicial evidence against him
9 -- overly prejudicial, unfairly prejudicial evidence against
10 him.

11 THE COURT: Let me ask you this though. You know, if
12 you look at -- and -- and Tucker is one, Talent is one,
13 there's several of them out there. Tucker is as close, I
14 think you can get to our situation. Although it's not
15 exactly -- there's -- there's not a case that I've found out
16 there that is exactly right on point with the facts we have
17 here. But in that case, in Tucker -- you know, the guy
18 commits the crime, then he goes out and burglarize places.
19 And the Court looked at that as -- they're -- they're
20 different to some degree. And I did say in its opinion that
21 somewhat similar, but I think that case is more analogous
22 here. And so the issue is whether flight apprehension,
23 whether those are issues that connect the second crime or
24 crime to the first crime. And that's the key. The two have
25 to be interrelated.

1 And so one of -- if you look at the language in Tucker,
2 in these other cases, it's one of the requirement or not
3 requirements, one of the elements is connected. You know,
4 there are those four elements, all the cases set out and the
5 -- the language is connected -- you know, arises out of the
6 transaction or connected. Wouldn't you agree though that in
7 this particular situation that the -- the vehicle -- as I
8 understand, the vehicle was stopped because it was a stolen
9 vehicle and the officers were put on alert that it was the --
10 or the stolen vehicle in this case, and that's the reason
11 that he was stopped. Doesn't that come within the definition
12 of being connected a part of the transaction because he is
13 stopped in this vehicle. It's the stolen vehicle, and then
14 he runs. And so wouldn't that be enough under Tucker,
15 Talent, and all the others that it's -- that it is connected.

16 Now, if it was a situation where he's going through --
17 maybe going through and he goes by a stop sign, or he's --
18 there's a taillight out or something like that, and they stop
19 him because of that, I think he may have a different little
20 argument, a strong argument in that particular situation that
21 he got stopped because of the taillight, not because of
22 anything to do with this particular -- the first crime.
23 Here, he's stopped because of that first crime. Doesn't that
24 fall within the definition -- and I'm not -- I'm not getting
25 you to admit that, but I'm just asking the question. Is that

1 certainly an argument state has?

2 MR. HOLLOWAY: I can tell you when I was drinking two
3 or three cups of coffee on Saturday, and I -- I was thinking
4 about that. That the distinguishing factor for me is I had
5 to ask myself, why is he running? Is he running because the
6 vehicle is stolen or is he running because he's got mini
7 Draco in his backpack because the -- he brings his backpack
8 with him. Now the victim's -- the -- the backpack he carries
9 with him and as he's running, he abandons it into a bamboo
10 patch.

11 THE COURT: Yeah. Goes into bamboo.

12 MR. HOLLOWAY: So is he running because of that, or is
13 he running because he believes this vehicle was stolen?

14 THE COURT: Well, isn't though that a question for the
15 jury as opposed to the issue of severance at this stage?

16 MR. HOLLOWAY: I think that if the Court's going to
17 sever one of the indictments, I think that the most
18 appropriate one to sever is the unlawful carrying of that
19 Draco.

20 THE COURT: Well, let me hear from State on that.

21 MR. BROWN: Judge, one thing about when you tie all
22 this together and -- again, we agree that this is a full
23 chain of facts. They're all connected and it's really not
24 two days full days later, this happened on 3/5, so March 5,
25 2021, between the hours of 10:30 and 11:15 in the evening

1 p.m. The victim is out, he's picking up a friend and while
2 he's sitting in the car, a person comes up to him, points a
3 gun at his head, orders him out of the car, takes \$200 out of
4 his pocket -- or out of his pocket or wallet, tries to order
5 him to get in the trunk. Trunk closes up, tries to order him
6 in there and the victim does not get in the trunk. The
7 victim's phone is still in the car, which is an iPhone 12.
8 The Defendant then takes off, or the -- the gunman takes off
9 in the vehicle because the car keys are still in the
10 Chevrolet Malibu. And he drives off.

11 The victim is able to use his friend who is there to
12 pick up, use a phone to call his wife. Who is Kimberly
13 Gordon. Ms. Gordon is able to use an app to try to locate
14 where that cell phone is of the victim's cell phone.
15 Ultimately 911 is called. And this information is being
16 relayed to 911 that they can see from this New Haven
17 apartment, which is off of New Market Street, that the cell
18 phone -- the victim's cell phone, which is -- was in the car
19 at the time that it was taken, is gone up in front of the
20 packing plant -- Carolina Pride packing plant and then around
21 Taggart. Law enforcement gets out there to this location.
22 And the timing of this all is accurate. And there's --
23 there's going to be mapping, cell phone mapping of the
24 Defendant's phone which will be used as well.

25 A little bit later, 911 addition is called in saying

1 that the phone is pinging on -- the victim's phone's ping on
2 Lake Street, which is actually behind the courthouse here
3 kind of going up and out of town to the right. This is all
4 relevant based off of the mapping that we have of the
5 Defendant's phone. Around that same time, it's leaving or
6 you can see the pattern where it's kind of shifting away,
7 where these cell towers are, moving away from that location.
8 And then we'll move on up going towards Greenville.

9 The next day, so 3/6, March 6, 2021, around midday the
10 Defendant, Mr. Washington, takes a video in -- in the
11 Chevrolet Malibu, victim's car. There's an identifying
12 steering wheel in the video and on the video, it says 12:09,
13 but it's right around 12:09 to 12:18 that this video is
14 produced.

15 THE COURT: On the 6th?

16 MR. BROWN: On the 6th.

17 THE COURT: Okay.

18 MR. BROWN: And this is on Mr. Washington's phone.
19 That video would correspond again with mapping, showing that
20 after he is gone to Greenville, he's coming back down to
21 Greenwood. Same time this video is being shot. Short time
22 later, he drives back to Greenville. And then that night on
23 March 6th, he comes back down to Greenwood. Looks like he
24 goes towards Highway 72 towards the lake a little bit. But
25 then as he's coming back in around -- I think it's a Flock

1 camera around the gas station on the bypass it hits. And
2 Bailey Thompson, who's a city officer, is alerted to it, is
3 in position on Tarrant, which is Tarrant and East Cambridge.
4 And that's when the Defendant car pulls in by him.

5 Mr. Thompson pulls out, turns around, gets behind and
6 turns his blue lights on. And that's when the Defendant
7 punches the gas, but then parks on Gum Avenue jumps out of
8 the car and runs. And Bailey Thompson chases after him.
9 Locates him on the ground, he's on the cell -- on his cell
10 phone on the ground that's captured by a body cam. And in
11 his pocket, is the victim's cell phone. And his pants pocket
12 is the victim's cell phone. So that also ties it in to this
13 whole common chain of facts and is connected.

14 At that time, does Bailey Thompson -- they threw his
15 clothes in the woods. It was in his bag. Bailey Thompson
16 and another Officer Corona ended up finding the bag and it's
17 got the -- the Draco in it. Your Honor, so the -- the
18 failure to stop again it shows -- it's part of the chain of
19 -- chain of events, I would say that all goes to showing
20 evidence of a guilty conscience that he is jumping out of the
21 car.

22 THE COURT: I -- I don't disagree with you on the --

23 MR. BROWN: Yes, sir.

24 THE COURT: -- "failure to stop." What about the --

25 MR. BROWN: The Draco?

1 THE COURT: Draco.

2 MR. BROWN: Now, Judge, again, they -- law enforcement
3 was able to get Mr. Washington's phone, got a search warrant
4 for that from AT&T records, Snapchat, Facebook, all the
5 different social media apps. And also, we're able to do a
6 phone dump on his phone. And in that -- and in this case,
7 the victim says -- says that the person had on a black jacket
8 or black hoodie, a mask over his face, gray pants and had a
9 -- it was a black pistol that was pointed at him.

10 Now, there are a number of pictures that come off of
11 this phone. One I think you have seen -- and this is
12 actually was pulled off, I think it was as YouTube video,
13 looks like it was -- it was created or published on February
14 11, 2021, and it's got a person standing over the side in a
15 black North Face jacket with a mask on his face and a mini
16 Draco or micro -- micro Draco.

17 Your Honor, the Draco -- we're also using -- and not
18 only in -- in this particular video, we're showing the mask
19 and the black jacket. Draco also is going to identification
20 of Mr. Washington. And that video was shot on February 11,
21 2021, less than a month prior to this incident. Again, black
22 jacket, mask, and the Draco again showing ID. The other
23 pictures there are going to be -- that the State would like
24 to introduce or would move to introduce, and we've marked
25 this as a State's Exhibit 23 so far. For future reference,

1 if he gets admitted into evidence was taken off as -- during
2 a report that Mr. Womack is going to be able to testify to on
3 a phone dump. This photograph was taken on February 28,
4 2021, just less than a week prior to this incident where
5 Mr. Washington is crouched down again with the mini Draco
6 plus a black in color pistol, showing that he had access to a
7 black pistol just a short time before this incident took
8 place. Again, it states -- we've marked as a State's 30.
9 Mr. Washington and another gentleman that is in this
10 photograph that we believe is -- is KG again, black pistol on
11 the floor and the mini Draco.

12 Judge, you can find the mini Draco with the ID, with
13 the mask, with the black jacket. There's some other pictures
14 we intend to -- to use also that has the gray pants on
15 Mr. Washington. But these -- these corresponding, they're
16 relevant and are highly probative, is that on 3/7, after
17 Mr. Washington was arrested, he's arrested again around 2:00
18 a.m. or -- or slightly thereafter on March 7, 2021. Midday
19 or a little after on 3/7 after he has had -- his bond
20 hearing, he's making a phone call and a jail recording. He
21 talks about this instance, it starts about the four minute 45
22 second mark where Mr. Washington kind of breaks out a
23 conversation about the bond, and talks about that he should
24 have waited -- he should have waited for KG to come pick him
25 up. "But you know me, I got to be extra." And then he goes

1 into talking about how he pulled in by the police officer
2 that he thought the police officer was going to pull out, but
3 he turned around on him, and he said he knew what time it was
4 then. He said he knew what time it was. He then got out and
5 then law enforcement up finding his Draco. And he said,
6 "That was my baby." He goes, "That was my" -- "that was my
7 soul when they got the Draco."

8 Judge, this whole -- the Draco is a linchpin between
9 these other photographs to show identify -- identification of
10 Mr. Washington also to the black -- the -- another black
11 pistol that he had just days before this.

12 THE COURT: Let me ask you this.

13 MR. BROWN: Yes, sir.

14 THE COURT: I -- I -- I understand the black pistol.

15 MR. BROWN: Yes, sir.

16 THE COURT: I'm -- I'm -- I'm -- I'm clear on that.
17 But tell me the -- the relevance of the Draco -- and I
18 recognize you got the indictment --

19 MR. BROWN: Yes, sir.

20 THE COURT: -- for "unlawful carry," which I assume is
21 the Draco?

22 MR. BROWN: Yes, sir.

23 THE COURT: Okay. If it was -- if the issue was
24 whether or not he had a black pistol and he showed a black
25 pistol, which apparently one of them, the -- one of the

1 photographs or more that would clearly be probative, but
2 where -- how is it probative about the Draco if, I mean, it's
3 in his backpack. Is the -- are you arguing that it's not his
4 Draco?

5 MR. HOLLOWAY: I -- I -- I'm not arguing that because
6 my client admits --

7 THE COURT: Admit -- he admits.

8 MR. HOLLOWAY: -- it backpack or -- or his.

9 THE COURT: He admits it's his backpack, he admits it's
10 his Draco, he admits he's in possession because it's in his
11 backpack. And that all you need for proof wise, he admits
12 he's got it. It's in his backpack. It's his backpack.
13 Where -- where does the -- where do the photos add to that?
14 If he's admitting -- now, if it was a situation where he is
15 at -- I want my Draco. I didn't own any Draco. I've never
16 had a Draco, I've never handled a Draco. Somebody must have
17 put that or -- you know, somebody must have put it in my car.
18 It's obviously not believable. But let's just assume that --
19 that was his argument, then it would be probative at that
20 point, would it not to -- to -- through the case. But if
21 he's admitting that it's backpack, is in his backpack, he's
22 -- you're going to have evidence that he's got it. How does
23 the photograph?

24 MR. BROWN: Well, it depends on which photograph I'm
25 going to pass forward to State's 23 and State's 30. And then

1 I'll pre-mark --

2 THE COURT: All right.

3 MR. BROWN: -- another video -- still shot video from
4 the rap video. And I think the -- to get back, I guess to --
5 to make it show tie it all together, is that he --
6 Mr. Washington, he's not denying that the Draco is him. But
7 in that particular video that's dated February 11th, with the
8 still shot from the video dated February 11, 2021,
9 Mr. Washington we believe is the one holding that firearm
10 that Draco with the mask or bandana over his face.

11 This in the case -- again with a black jacket I may
12 add. It really goes to show the clothing, the mask, that he
13 was in possession of just within a month of this armed
14 robbery, carjacking. And the gray pants are in the other
15 videos with him -- or in the other still shot of him. And
16 for that matter, I'll show you State's 28. Now, on that
17 particular photo, he does not have his Draco in his hand.
18 There's another one where he has the Draco and that pistol in
19 his hand in the same position. But that would be a picture
20 of Mr. Washington wearing the black color jacket. I can't
21 tell if it's got a hoodie on it, but then a gray pants as
22 well with a black pistol.

23 THE COURT: All right. Now this photograph, State's
24 Exhibit 28, shows him in the black jacket or over -- what --
25 top, white colored pants and the pistol.

1 MR. BROWN: Yes, sir.

2 THE COURT: All right. So that is probative.

3 MR. BROWN: Yes, sir.

4 THE COURT: In the Court's opinion, that's probative
5 because what I'm hearing is that Mr. Gordon is going to
6 testify that the person that robbed him had a black pistol.
7 So there's a black pistol, and I think that's probative.

8 MR. HOLLOWAY: At the appropriate time, I will -- I
9 have various objections I've made clear in my motion about
10 most of the photographs, and I can argue right now or wait
11 till the -- the State's done or --

12 THE COURT: Yeah, we'll wait and I'll -- I'll come back
13 on it. So -- all right, back on the Draco. So that photo,
14 20 -- State's Exhibit 28, shows him with the pistol. The
15 other photographs 23, 30, and 31. 30 shows the pistol and
16 the Draco. 31 -- that was 30. 31 just shows the Draco
17 unless you can point out, I don't see a pistol in that one.
18 That's that one. Now...

19 MR. BROWN: State's 31, your Honor, does not have a
20 pistol, but that -- that just goes to show the black jacket
21 and the mask.

22 THE COURT: And you agree, though, 28 where he --

23 MR. BROWN: Yes, sir.

24 THE COURT: -- he does have the black jacket.

25 MR. BROWN: Yes. Gray pants and a pistol.

1 THE COURT: Gray pants and a pistol, which is what
2 Mr. Gordon, I understand is going to -- so I -- I believe
3 that one is -- is probative. My concerns are with the others
4 with the Draco. Again, you're going to have testimony that
5 he was arrested, he admit it's his backpack, he threw it
6 down, his backpack has the Draco. I'm guessing you may even
7 have the Draco admitted into evidence. Is -- if Draco's
8 admitted into evidence, photographs admitted into evidence,
9 aren't you? Isn't that what you're -- what -- what -- what
10 -- what -- what do you gain with this? What -- what do you
11 gain with these photographs with the Draco, isn't it somewhat
12 prejudicial? You're going to have the evidence that he had
13 the Draco in his backpack. It's his backpack. He was in the
14 car, he ran from the car with the backpack, throws it down,
15 they get it. So you've got it. So what -- what do these
16 photographs add to?

17 MR. BROWN: I -- I just want to make sure we're just
18 talking about admissibility of the photograph and not
19 severance.

20 THE COURT: Well, let's -- we're -- we're sort of kind
21 of talking both on them.

22 MR. BROWN: Both of them.

23 THE COURT: But let -- let's -- and we kind of maybe I
24 -- maybe just me got off track a little bit and just looking
25 at the -- but from a severance standpoint. What -- what is

1 specifically -- let's kind of focus by again is my fault on
2 that. What is the argument on the severance from the State's
3 point of view of the unlawful carry with the Draco?

4 MR. BROWN: Judge, I think it's all still part of the
5 same -- same issue, the same fact pattern. It's -- it's
6 within roughly 28 hours. He's in the vehicle. He's in --
7 he's got the victim's phone in his pocket. He's throwing
8 bags that have a weapon. He -- I think he tells law
9 enforcement there he -- he threw his clothes down, which
10 obviously is not truthful. So he is trying to tell -- he's
11 -- he's telling a story to law enforcement what was in the
12 bag. Again, it's all the same chain of circumstances.
13 They're all connected.

14 THE COURT: All right. How is the Draco connected?

15 MR. BROWN: It's -- it's really part of the res gestae.

16 THE COURT: I know -- I recognize that he -- he's
17 arrested for the Draco, arrested with the Draco and asked you
18 part of your indictment there, how is the -- the Draco
19 connected under State v Talent, and all the severance cases
20 to the carjacking?

21 MR. BROWN: I believe that it's all -- it all ties it
22 together with ID of the Defendant with -- in -- in our -- the
23 theory of it is, especially with the picture from the rap
24 video, is that a mask that he is got on with the clothing
25 he's got on. There's a picture with him and KG in it with

1 both the black pistol and the micro -- the mini Draco within
2 a week of it. It's mostly the ID, it's all part of the same
3 -- same fact, even if the failure to stop is 18 or 28 hours
4 later, it's so closely connected with the vehicle, cell phone
5 in his pocket, misrepresentation of law enforcement.

6 THE COURT: I -- and as I said, I --

7 MR. BROWN: Yes, sir.

8 THE COURT: -- I -- in this stage I'm -- of course I'll
9 hear everybody till we get to the end, but I'm inclined on
10 the failure to stop to not sever that because I do -- at this
11 point believe that is connected under Tucker, Talent and the
12 other cases. There is a connection there between the crimes
13 on the 5th and the 7th. So the failure to stop -- again, I'm
14 inclined to not sever that one. However, the Draco, how --
15 from a severance standpoint, how is the Draco and the
16 unlawful carry connected to the carjacking on the 5th? How
17 is that connected? I -- again, I -- the failure to stop, I
18 believe, unless I hear anything else that I'm inclined to not
19 sever the failure to stop. But I do -- I do have some issues
20 -- for argument purposes, I have not made a decision there
21 either. Is to the unlawful carry and the Draco, how is that
22 connected or part of the transaction? Because he didn't --
23 you know, again, it would -- if he used the Draco at the
24 crime -- the first crime, then -- you know, I think it does
25 arise. I'll let you all talk. I'll...

1 MR. BROWN: Is going through all of the -- how it's all
2 intertwined is -- one is a judicial economy to try -- it's
3 all out of separate -- or all out of the same fact pattern,
4 is that we went forward on failure to stop. Then we'd come
5 back and just try the CPU out of the same incident, not
6 failure to stop. And I would -- I would imagine there'd be a
7 -- a motion by Defense about bringing up that. Trying that
8 as separate case. But one of the -- like, going back to the
9 jail phone call where it's only about 35 seconds, 40 seconds
10 that Mr. Washington is talking about, and how it ties in with
11 who he's going to see that night or how -- why he should have
12 -- he should have waited on this person to pick me up that
13 "You know me, I had to be extra." And then talking about how
14 or why he ran that "I knew what was on at that moment." I
15 think breaking it up and then cutting off part of that jail
16 phone call could be misleading.

17 And then in the body cam of Mr. Thompson, when he goes
18 -- when he finds Mr. Washington, all this -- well, I would
19 argue shows flight, but then also the -- basically telling
20 law enforcement something that's not true. Also when he's
21 running away that he -- he threw his clothes and that he is
22 now -- but he -- he shows that it actually is not closed it's
23 something else. Is -- I just think it's all so closely
24 connected in the whole -- in the whole package from the 5th
25 to the 7th. One in the photograph --

1 THE COURT: Of the -- I -- I don't -- again, as I said,
2 I don't disagree with you on the "failure to stop."

3 MR. BROWN: Yes, sir.

4 THE COURT: Again, I -- I officially rule that, but
5 that's my inclination what I'm hearing as I think those are
6 connected -- again, because he stole the -- allegedly stole
7 the car. That's why they stopped him. It's all connected.
8 And he ran from him.

9 MR. BROWN: Yes, sir.

10 THE COURT: Knowing the State's argument would be that
11 he was guilty of kidnapping and carjacking and therefore
12 that's why he ran evidence of guilt. And that's an
13 evidentiary issue that's related to the severance also. So
14 I'm -- I -- I'm inclined to not -- as I said, not sever that
15 one. But again, the Draco really doesn't have anything to do
16 with the failure to stop either. It doesn't have anything to
17 do with the kidnapping -- Kidnapping and the carjacking, does
18 it? It just happens that when he -- when the he got stopped
19 and ran, he just happened to have that gun. Wonder if he had
20 other stuff. Wonder if he had pornographic material, child
21 porn or wonder if he had drugs. It didn't have anything to
22 do with the first one. But let's say child porn. So he had
23 some child porn, you arrest him on the child porn -- you
24 know, where -- where do you -- where do you draw the line
25 there? How is -- again, I keep getting back. How is the

1 Draco unlawful carry? How is it -- doesn't arise out of that
2 transaction. And even the broad term, which I use out of
3 Tucker of "connected," how is that even connected to the
4 first one?

5 MR. BROWN: I believe -- and going back to the initial.
6 I think the -- it really just connects up. It goes back to
7 connect up Mr. Washington in the YouTube video with a mask
8 that is similar to -- or what the victim says he had a mask
9 on during this armed robbery. And when you add it all up
10 that the Washington in his jail phone calls talks about,
11 "That's my soul." It's really, like, it's an identification
12 of him always having that weapon with him, with the mask,
13 with the black clothing in addition to the pistol, the -- the
14 black pistol we have with Mr. Washington, with that Draco,
15 with the clothing that I would support or I would suggest
16 that that's the clothing he was wearing that night. It's
17 more about identifying him with the clothing and the
18 materials used during the armed robbery on 3/5. And that's
19 mostly just -- it is the connector there showing
20 Mr. Washington.

21 THE COURT: And that basically though an evidentiary
22 issue that -- and I don't necessarily disagree with what your
23 argument is there, from an evidentiary standpoint, but an
24 evident -- evidentiary standpoint and a severance standpoint
25 are one and the same. I mean, I think we'll get there on the

1 evidentiary as far as the photographs there --

2 MR. BROWN: Well --

3 THE COURT: -- I mean, evidentiary standpoint, some of
4 it may come in, but --

5 MR. BROWN: Well, that -- that being a question.

6 THE COURT: -- the actual severance of the trial.

7 MR. BROWN: The severance of the trial and that's what
8 I might be getting confused with is, so right now you're not
9 saying you're going to eliminate or exclude a picture of the
10 Draco, just the CPU charge?

11 THE COURT: That's what the issue is right now. Yes,
12 that's a separate issue that -- I mean, Mr. Holloway is going
13 to argue against that, I'm sure. And we'll -- we'll address
14 that, but it's a different issue, but the severance part of
15 it is what we've got. And that is a different standpoint a
16 standard that we're looking at from an evidentiary standpoint
17 in the case of proving he had the pistol, he had the black,
18 he had all that stuff. So that's definitely -- and of course
19 we'll have to -- we're going to have to deal with that too.
20 But severance issue and the unlawful carry, I don't see the
21 connection even in the brawl term used connection.

22 MR. BROWN: Well, I guess it would just be -- mine
23 would be just the judicial economy. If we're going forward
24 with a failure to stop, we do believe that failure to stop is
25 a connection to the armed robbery since it's in the Malibu,

1 cell phone -- the victim's cell phone is in his pocket.

2 THE COURT: And I -- I am inclined to agree there, and
3 I'm -- as I've said I -- on the failure to stop, I'm probably
4 not going to sever that.

5 MR. BROWN: Yes, sir. And the only thing -- or the
6 State's position would be that -- and I agree with you. The
7 Draco is not alleged to be used during the -- the armed
8 robbery. But during the -- I guess to -- to -- to wrap it
9 all up, I guess that -- I mean, at that point, you just have
10 that one charge outstanding with an open container charge and
11 -- you know, you got those kind of outstanding on that. And
12 that -- that'd be the State's position is just to wrap it all
13 up because it's out of the same occurrence. But -- but I
14 understand your Honor's viewpoint of it, and that would just
15 be our argument that it's all still connected, so...

16 THE COURT: Anything else on that issue?

17 MR. HOLLOWAY: I think I've covered everything. I've
18 -- I would say, just to kind of encapsulate everything, is
19 that the gun itself, the severance issue, unlawful carrying
20 is a gateway to a landmine guilt for the jury to trips into
21 it and convict my client simply because he was carrying a
22 Draco on March the 7th. And believe that because he's -- and
23 I -- I said this in my -- in my motion that if he's -- the
24 jury may think -- well, if he's willing to carry a Draco in a
25 vehicle on the street -- nighttime streets of Greenwood,

1 wouldn't he also commit a carjacking, an armed robbery at
2 night in Greenwood? That's -- that's the -- that's the --
3 that is the connection I'm worried about. I would ask the
4 Court to sever that charge. We'll get to the evidentiary.

5 THE COURT: All right. I'm going to deny the motion to
6 sever the failure to stop. I'm going to keep that one in.
7 I'm going to grant the motion to sever on the unlawful
8 carrier. I just think based on Tucker, Talent, any other
9 cases, I just don't think it reaches the level of arising out
10 of the transaction or connected to the original crime.
11 Again, if it was related to the pistol, it did have
12 connection to the -- to the -- to the original crime, then
13 there may be some different arguments there. So I'm going --
14 as I said, grant a motion as to the severance on the unlawful
15 carry. Deny the motion on the failure to stop.

16 Now, that -- then we sort of got into talking about the
17 -- the photographs that was other part of your motion and we
18 -- there's been some overlap in that and talking about the
19 photographs and the severance and the photographs to some
20 degree on the evidentiary part of it. But let me ask you
21 this, Mr. Holloway, and one of your motions is to exclude the
22 photographs based on really the Draco is what you really
23 arguing for the most part, aren't you?

24 MR. HOLLOWAY: Yes, sir. But the -- there's also
25 issues of -- throughout the argument of the State, there's a

1 conflating of mask and -- and bandana, black hoodie and a
2 black jacket. There's multiple distinctions between what is
3 seen or depicted in the photos and what the victim says that
4 his assailant was wearing. The other issue too is on -- on
5 many of the photos, granted -- the photos were found on my
6 client's phone, but are they really him? We don't really
7 know for sure. Again, the photos come from his phone, but we
8 don't know who can authenticate that that's him. You've got
9 someone who can authenticate, extracting the photos, the --
10 the files from his phone. But to my knowledge, their expert
11 can't say, "Well, that's him." He's -- his face is -- a good
12 portion of his face is covered by a bandana in many of the
13 photographs, which the bandanas differ from a cloth.

14 THE COURT: Well, two of them are not. State's Exhibit
15 23, State's Exhibit 28. 28 is the one where he is just
16 holding the pistol?

17 MR. HOLLOWAY: Yes, sir. Yes.

18 THE COURT: State's 23 is holding the pistol and the --
19 the Draco and his face is not covered in either one of those.

20 MR. HOLLOWAY: The issue that -- that we have with
21 those particular photos is the fact that when they were
22 either uploaded, we don't know when they were taken. We know
23 when -- from the expert he would testify when they were
24 uploaded, he may be able to testify the -- the -- the data
25 with -- within the photo. I -- we're kind of getting more

1 complicated matters of -- like, the -- basically the data
2 within the photographs may be able to tell when the photos
3 were taken. I'm not clear on that from what I've received,
4 but what we're saying is even taken that, even we can -- we
5 can assume that the photos were taken, say on February 28,
6 2021 or closer in time, we don't have a -- a temporal
7 proximity, it's -- it's too far. It's too far in advance.
8 It's -- it's not at or near the time of the crime itself on
9 March the 5th. That's the issue I have with at least one or
10 -- or both of those photos the Court did reference.

11 Many of these photos the -- the temporal proximity is
12 -- is too -- too far in advance or from when the crime
13 occurred. The clothing is different. I don't think that's a
14 matter of the -- the trier of fact deciding whether it's
15 relevant or not. I think that's -- that's a rule of the
16 Court, the gatekeeper of the evidence to say whether it's
17 relevant or not. If he's not wearing -- if the person in the
18 photos is not wearing the same clothing -- for example, a
19 jacket with -- a North Face jacket with multiple North Face
20 logos all over it is not the same.

21 THE COURT: What time was the alleged incident? Was it
22 nighttime, wasn't it?

23 MR. HOLLOWAY: It was around 11:42 p.m., I believe 43
24 p.m.

25 THE COURT: So it was nighttime, it's dark -- I mean,

1 do the photographs show he's got a -- he's got a dark jacket
2 on. And that's sort of a -- and that's something you can
3 certainly argue to the jury that -- all right, well this dark
4 jacket had some little things on it and the victim didn't say
5 the dark jacket in the night when he had a gun up to his
6 head.

7 MR. HOLLOWAY: Yes, sir.

8 THE COURT: Had little things on it. So I think that's
9 -- I think it's probative. That's for the jury and that's
10 for you to argue because it does, and I'm referring to 28,
11 that's the one with the jacket. And 23 and 30 show the gray
12 pants. There's going to be testimony about gray pants,
13 correct? Is that what I understand?

14 MR. BROWN: Judge, I'll pass forward one that we
15 pre-marked as 24. Judge, this is another one pre-marked as
16 24.

17 THE COURT: Oh, I -- yeah, that's -- I think somebody
18 gave me that.

19 MR. BROWN: (Inaudible).

20 THE COURT: Maybe he -- you gave me that one.

21 MR. BROWN: Yes, sir.

22 THE COURT: All right. I was going to ask you about --
23 that's exactly what I was going to ask you was.

24 MR. HOLLOWAY: One that, I -- I referenced in -- in my
25 motion. The caption is -- it says the mall in Greenwood or

1 Greenwood Mall. This case has nothing to do with that. And
2 I'm very familiar with the fact that there have been multiple
3 shootings at -- at -- at the mall in Greenwood over the past
4 six years, seven years. That brings a strong connotation to.

5 THE COURT: All right. And here's what I'm going to do
6 on that one. I'm going to have that part of it redacted, cut
7 out however, but the rest of it, any reference to the
8 Greenwood Mall because I do agree that is not probative and
9 it's also prejudicial in 403. But I do find it probative in
10 the fact that in this particular photograph, he does have a
11 black mask on.

12 MR. HOLLOWAY: For the record, the object -- the second
13 objection I have to that photograph is the fact there's no
14 time listed. We don't know when it was taken, much less
15 posted. That's an issue that we have as well.

16 THE COURT: Well, I think that's probably got to be an
17 evidentiary authentication issue that has got to be into
18 evidence.

19 MR. BROWN: It would be Benji Baker who got -- I got a
20 lot of this information off Snapchat. The search warrant, I
21 believe actually that one was around January of 2021 that
22 picture was taken.

23 THE COURT: All right. So what we'll -- we'll just
24 happen to deal with that issue when it comes up. It's a
25 motion in limine. As far as the -- the -- the relevance

1 objection that you've got, I will grant and pardon -- and
2 deny part. I'm going to grant -- redact the Greenwood Mall.
3 And subject to the exhibit being authenticated. Then I will
4 allow that in because I do find that it is probative because
5 the issue is a black mask. I then have to look at it a 403
6 issue. I got to determine whether it's unfairly prejudicial
7 and does it substantially outweigh any probative value. And
8 I find based on the information I've got right now, that it
9 -- it is not excluded. That it is not unfairly prejudicial,
10 and it does not substantially outweigh the probative value.
11 So subject to authentication, I'll allow that in.

12 As to State's Exhibit 28, that's the one with him in
13 the black jacket. Well, with the pistol in the gray pants
14 laying on the couch, there's no Draco in that one. Subject
15 to authentication, I will allow that one in. There's no
16 redaction in that. There's no writing on that one.

17 All right. Now, as to State's 31 -- and that's this
18 one. That's one with -- with someone holding the Draco, and
19 someone in a white sweatshirt next to him. That one that was
20 taken that's the one KJ the truth February 11, 2021. And
21 that was one of your objections there?

22 MR. HOLLOWAY: Yes, sir.

23 THE COURT: What -- let me hear from State on that one.
24 It's somewhat related back to our -- well, not really on the
25 severance, but some degree. What is your probative value on

1 State's Exhibit 31? And you know which one I'm talking
2 about.

3 MR. HOLLOWAY: Okay.

4 THE COURT: What's the probative value of that one
5 other than I heard your argument about the black jacket and
6 the black mask, but what's probative value on that one?

7 MR. BROWN: Judge, I think that there's a couple of
8 issues. Number one is -- is res gestae and number two is
9 motive and identity. The State's theory, if you listen to
10 that jail call, he says, "I should have waited on KG to" --
11 "to come pick me up." All right. "But I" -- "I had to be
12 extra." Our argument would be that he didn't wait on KG to
13 come pick him up he went and carjacked the car so he had his
14 own ride, and then went to Greenville to hang out with KG.
15 That ties in then with, he -- he talks in that jail call
16 about wanting to see KG, should have waited to get picked up
17 by KG. Then he talks about the failure to stop, about the
18 officer turning around on him and that it was sole crushing
19 that he got his Draco taken. So that's all kind of entwined
20 in that jail call. We then have the picture -- there's one
21 photograph where you see two individuals standing with the
22 Draco and the black pistol.

23 THE COURT: All right. Let me -- before we get to that
24 though what about this one though 31? There's no black
25 pistol.

1 MR. BROWN: That is -- that is KG's. That's KG.

2 That's the -- the person he mentions in the jail call KG that
3 he should have waited to come pick him up.

4 THE COURT: So how's that probative to this?

5 MR. BROWN: That's -- that's KG's YouTube channel.

6 THE COURT: All right. I recognize that, but if he --
7 if there's testimony that KG they're friends -- I mean, what
8 is the probative value of this?

9 MR. BROWN: That it's the Defendant with the Draco
10 that's tied to the -- the arrest with the black mask is the
11 -- is the connection.

12 THE COURT: All right. Well, I'm severing the unlawful
13 -- unlawful carry, and the Draco's not related to the March
14 5th carjacking. And that's why I'm severing that one because
15 it just is not related. So how is 31 with him showing a
16 Draco probative of the indictments here?

17 MR. BROWN: I think that the relevance of that evidence
18 to the indictments that we're going forward on is distinct
19 from the issue of severing that charge because that evidence
20 goes to a motive and identity.

21 THE COURT: All right. What is the motive in 31?
22 What's the motive of him holding a Draco?

23 MR. BROWN: It's showing the Defendant in a mask. And
24 the way that you cannot identify that that's him in the mask
25 is that he's holding the Draco he was arrested with and it's

1 on KG's YouTube channel.

2 THE COURT: But again, you -- you keep saying that it's
3 -- it's the -- he's holding the Draco that he's arrested in.
4 That's not -- you know, we've severed the unlawful carry. So
5 how -- how does holding the Draco have anything to do with
6 the carjacking?

7 MR. BROWN: It helps identify that that's him. He was
8 arrested with the Draco, which helps identify that that is
9 the Defendant in that photo in his friend KG's YouTube video
10 wearing -- wearing a mask.

11 THE COURT: But isn't -- is there any issue, is there
12 any issue that the Defendant was the one that he was
13 arrested, that he was -- he was -- failure to stop for the
14 blue light, he got out of the car, he ran, he threw the
15 backpack. I mean, is there any question that that was not
16 the Defendant?

17 MR. BROWN: The question would be: Is that the
18 Defendant wearing a mask in that photograph in the way that
19 you would tend to identify that that's him is by possession
20 of the Draco he was later arrested with. And that it is on
21 KG's YouTube video.

22 THE COURT: But how do you connect that to the -- to
23 the testimony, which I believe is going to come out that he
24 was -- he robbed the victim with a pistol? I mean, I see --
25 as I've said, I'm going to allow in subject authentication

1 picture with a mask that shows he's got a mask, and then I'm
2 going to allow in 28, which shows he's laying there with a
3 pistol, and he's got a black jacket, and he's got gray pants.
4 So that matches up. But then you have this.

5 MR. BROWN: We will agree not to offer that picture,
6 your Honor.

7 THE COURT: That is a good decision. Because I was
8 going to not allow it. All right. Now, let's go to 23 and
9 30. Now, Mr. Holloway, I -- I understand the Dracos are in
10 23 and 30. You know which one we're talking about?

11 MR. HOLLOWAY: Yes, sir.

12 THE COURT: That's -- these State's 23 and State's 30.
13 That's one where he is with his buddy there in the Tommy
14 jeans shirt. And the one where he is squatting down with --
15 squatting down he's got the black pistol and he is got the
16 Draco, and then the one with the Tommy jeans, they're
17 standing there and he's -- there's the black pistol and the
18 Draco. Now, I recognize the Draco is in there, but is it not
19 probative that the pistol is in there also and he's wearing
20 gray pants?

21 MR. HOLLOWAY: Just for the record, I'm going to object
22 and I'm -- I'm objecting over the fact we don't know if it's
23 the same black pistol or not. There's no proof of that.
24 Also, the issue is -- goes back to again authentication. But
25 I -- I, again, I'm arguing that the Court as gatekeeper of

1 the evidence should examine the issue. When were these
2 photos taken? They could have been taken four years ago,
3 nowhere -- or I'm sorry, four years before the incident. We
4 don't know for sure when they were taken, if they're relevant
5 or not. The -- the other photographs shows what looks like
6 gang signs to me. Both he and his -- his cohorts or -- or
7 friend are flashing gang signs. That's highly inflammatory
8 for the Court to have that published to --

9 THE COURT: Well, I don't know is -- is the State going
10 to be arguing that they're flashing gang signs?

11 MR. BROWN: No, your Honor.

12 MR. HOLLOWAY: That's -- that's what it is. Those are
13 -- they're not waving "hello" to the camera. They are
14 flashing gang signs.

15 THE COURT: I mean, is there going to be testimony
16 about that though?

17 MR. HOLLOWAY: That's my point. There's not any
18 testimony that this is gang affiliated at all. And then
19 secondly, the -- the relevance of the photo with the second
20 person in there is the victim in the carjacking only
21 describes one assailant. No one else lurking around, no one
22 else helping him, no one driving away, a second person
23 driving away. So again, drives a further wedge. And -- and
24 whether that I -- it's not relevant to the carjacking case.
25 And again, I want to make it clear for the record, I'm still

1 objecting to any introduction of the Draco itself, any photos
2 with the Draco, any mention of a Draco in this trial for the
3 reasons I've mentioned before.

4 THE COURT: Well, I mean that -- that -- that
5 indictment's been severed, so there shouldn't be any
6 testimony about the Draco. What about the Draco in these
7 photos?

8 MR. BROWN: As the Court mentioned, Judge, there's also
9 the black pistol and the gray pants and the one photograph
10 with two individuals we would've testimony that that other
11 individual is KG, who was mentioned throughout and is part of
12 the motive. And we do know when these pictures were taken --
13 our expert would testify that it's on February the 28th, so
14 about a week before this incident. So it's very close in
15 time as well.

16 MR. HOLLOWAY: And I would argue it's seven days a week
17 prior is -- is too long. And the fact is, there's no
18 evidence that KG was involved in the situation other than
19 helping my client and his -- his online influencing. I mean,
20 I -- I'm not making light of it, but what I'm saying is
21 there's a distinction between what someone publishes online
22 and -- and on YouTube or Snapchat. I mentioned this in
23 chambers earlier, and I maybe in my argument before that the
24 idea of comparing on a jail call, which has no relevance if
25 the Court has severed the -- the indictment, that's my

1 argument from this case, the jail call itself would be not
2 relevant to this trial. But the soul he -- he's referring to
3 is a Soulja Boy. The inspiration for...

4 THE COURT: But didn't though in the jail -- and I
5 don't know what the jail call says because I'm just listening
6 to what you all say, but didn't he say something along, "I
7 should have waited on KG instead of running?" And that go to
8 failure to stop.

9 MR. HOLLOWAY: Again, what the -- the KG photo is a
10 week prior. Anything related to KG that would be as far as a
11 tangible object, tangible exhibit would be at least a week
12 before the -- the carjacking. The jail call is on March the
13 7th. It does separate when the call was made. It tends to
14 refer more to the failure to stop on March the 7th. "I
15 should have waited." The implication is by -- he doesn't
16 have a driver's license then say "Waiting around and should
17 have waited." To the carjacking. So again, the jail call
18 really is meant to solidify dominion and control over the
19 Draco versus connecting my client to the carjacking.

20 THE COURT: We'll get to that when it comes down. But
21 let me ask you on 403 on -- and as far as 30 and 23, the two
22 we're talking about. Tell me -- argue to me how it survives
23 403 -- maybe probative, let's assume for our argument
24 purposes that it is probative because it shows the gray
25 pants, it shows the pistol, but does the Draco in there get

1 you into 403 and being prejudicial or -- and it -- greater
2 than the probative value? What's --

3 MR. BROWN: Well, Judge, I think -- I would say the --
4 the picture with -- if we just could look at the picture with
5 Mr. Washington with the pistol and the Draco. Again,
6 Mr. Womack will testify this -- this create -- this picture
7 was created on 2/28. It's just the close proximity to the
8 time with that pistol. That happens to be the only picture
9 right around that time that he's got the black pistol in his
10 pocket, in that possession of that pistol. But he's showing
11 off that pistol plus the Draco. In addition with the one
12 with he and KJ or KG, again, gray pants, but in both of those
13 pictures with just himself and the one with KG, if we had one
14 just the pistol based off your rulings, probably just put
15 that one in. But this is close in time and it just happens
16 to have both guns in there. And it would look odd if we took
17 a scissor -- if we took scissors and cut off what is in his
18 arm or in his hand especially the one with just Mr.
19 Washington in it.

20 THE COURT: How about on the -- on 30 with both of
21 them? Could you -- did you white out that or redact that
22 one? I agree with you on 23.

23 MR. BROWN: Well, you probably could, but then I -- I
24 think if we were choosing between those two pictures, you'd
25 probably be -- be the one that we'd prefer, would be the one

1 with Mr. Washington with both of them in his hands. There's
2 no denying that there's ownership in that. The other laying
3 between it, he could very well say, "Well, those are KG's
4 guns laying there." So if that -- if it got down to that to
5 -- to admit one and not the other, I think I would go forward
6 with the one Mr. Washington with both of them. It's just at
7 that time, on February 28, 2021, he doesn't have just a
8 picture with the black pistol. Now he does have the prior
9 picture that you've ruled on or that you've -- you know,
10 based off we authenticated not that one, but the one where
11 he's in a black jacket or black colored jacket.

12 THE COURT: Yeah, Exhibit 28 -- 28?

13 MR. BROWN: That he does have the pistol in that. And
14 we've just passed forward that instead of one with both the
15 -- the mini Draco and the pistol, but...

16 THE COURT: Right. Subject to authentication, I'm
17 going to allow Exhibit 28. I've already said that's the one
18 where he is laying down with a pistol. I am going to allow
19 23 and I will allow 30 if the Draco is redacted there. I --
20 I recognize that -- that the Draco is in 23. And so my
21 analysis, I got to determine -- determine whether this
22 evidence is probative, and in my opinion, Exhibit 23, which
23 is the one squatting down just by himself, that is probative
24 -- it probative. It does show him in the gray pants. It
25 does show him with a black pistol, which the evidence is

1 going to show. And I recognize there is a Draco in there.

2 And so I've then got to determine under 403, I have
3 determined that it is probative. But does the -- is it
4 unfairly prejudicial? And does the admission of this
5 evidence substantially outweigh the probative value?

6 And I recognize that it may be prejudice, all evidence
7 of course is prejudice or prejudicial. And it may be -- it
8 may outweigh -- the prejudice may outweigh a little bit the
9 probative value, but under 403, the standard is that it has
10 to be unfairly prejudicial and it has to substantially
11 outweigh the prejudicial value. A lot of people forget that
12 word, and that word is important because it has to
13 substantially outweigh it. And I do find that it -- it is
14 probative and it is not unfairly prejudicial and does not
15 substantially outweigh the probative value because it does
16 show the gray pants. It does show him having the pistol.
17 Has -- so that would be admitted subject to authentication.

18 Are -- as far as 30, I'm -- we can either redact it --
19 or you said you going to withdraw it? If -- if you had --
20 you said if you had either one of them, but I will allow it
21 in if -- but we'll redact the Draco. And I recognize the
22 Defense argument that well, there's a picture with the Draco
23 in there, but I will allow 30 in as well, but redact that
24 picture of the Draco in that particular photograph, if
25 there's a way to do that.

1 MR. BROWN: Thank you, Judge.

2 MR. HOLLOWAY: And again, I -- I did object earlier
3 about the fact they're -- they're flashing gang signs that's
4 --

5 THE COURT: Well...

6 MR. HOLLOWAY: I'm saying that again for the record.

7 THE COURT: I think if there was -- going to be test --
8 you know, I'm not so sure that everybody knows what gang
9 signs are. I mean, I got probably pictures of me doing stuff
10 like that. My kids -- I mean, I'm going to do it just like,
11 okay, this is what I'm doing, just what they were doing
12 there. I just don't think the evidence -- unless there's
13 some evidence that comes in, I'll address it later. But so
14 let me -- for the record on 30, I find that it is probative
15 because it shows gray pants, and it also shows the pistol
16 that was allegedly used in the March 5th carjacking and
17 kidnapping.

18 From a 403 analysis, like I did with 23, I find the
19 same. It is probative and I do not find that it is unfairly
20 prejudicial, nor does it substantially outweigh the -- the
21 probative value because it does show the black pistol, which
22 the victim will testify that there was one. And it does show
23 -- show some gray pants. I will do -- I'll allow 30 in
24 redacting that part, the Draco in that one. So right now,
25 State's 24 is in, State's 28 is in, State's 23 is in, State's

1 30 is -- will be in assuming evidentiary authentication.

2 MR. BROWN: Judge, as for housekeeping matters. With
3 regard to Bailey Thompson's body-cam footage, when he makes
4 the arrest Mr. Washington, we need to redact any mention of
5 the Draco at that point. And we'll go through that this
6 afternoon to try to clean that up.

7 THE COURT: All right.

8 MR. BROWN: To make sure if -- if -- it's in there.
9 Would we assume correctly then based on the Court's ruling
10 that the Draco itself is inadmissible as well as the mention
11 on the jail call?

12 THE COURT: That -- that's correct. Yeah. All right.
13 Anything else from the Defense?

14 MR. HOLLOWAY: No, sir. I think we've covered
15 everything.

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

17 MR. BROWN: Judge, I think we -- I think there's only
18 hot button pieces of evidence that we're -- but I think we
19 can agree that. I think the phone records -- and both sides
20 are going to use those. So I believe it's going to be
21 stipulated to or we will get that there's no objection to
22 those phone records getting into it. Jail phone call per the
23 redaction, we do have an affidavit -- certified affidavit
24 that is kept and I don't believe there's any objection from
25 the Defense subject to the redaction of the Draco.

1 MR. HOLLOWAY: Yes, sir. Just for the record, the cell
2 records we're talking about that created the -- the State
3 created its exhibit from, is my client's iPhone 6. The phone
4 number attached to that is [REDACTED]-2178. I think that
5 there's good things for the State. There's good things for
6 -- for us in those records.

7 THE COURT: All right.

8 MR. HOLLOWAY: That's why I'm not objecting to that.
9 And then...

10 MR. BROWN: The jail call.

11 MR. HOLLOWAY: What?

12 MR. BROWN: The jail call.

13 MR. HOLLOWAY: Oh, the jail call. As far as I -- I
14 think the State is going to redact the mentioning of the
15 Draco. Beyond that, I'm not objecting to someone from -- or,
16 I guess, not having someone come in and authenticate it. I
17 think that it -- that it's -- it would happen. They have
18 them on under subpoena. Objecting to it is not -- not to --
19 not worth it.

20 THE COURT: All right. All right. Anything else? All
21 right. We are adjourned till 9:30 in the morning. All
22 right.

23

24 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

25

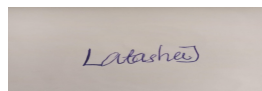
3:52 P.M.)

CERTIFICATE OF TRANSCRIBER

I, LATASHA JEFFERSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 8 of Greenwood County, South Carolina, on June 2, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 1, 2025.

A rectangular box containing a handwritten signature in blue ink that reads "Latasha".

LATASHA JEFFERSON

TRANSCRIBER

1 CONTINUATION OF PROCEEDINGS - JUNE 3, 2025.

2 MR. BROWN: We're going -- we can start. We're going
3 to run out.

4 THE COURT: Okay. All right. Let's bring them in.

5 (Jury enters room at 9:50 a.m.)

6 THE COURT: You all may be seated. You all may be
7 seated. All right. Good morning, ladies and gentlemen. I
8 hope all of you had a good night. I believe you all have
9 selected a foreperson, is that correct? All right -- all
10 right. Let's swear the jury.

11 THE CLERK: Good morning, ladies and gentlemen. Could
12 you please stand and raise your right hand?

13 (Jury sworn at 9:51 a.m.)

14 THE CLERK: Thank you. You may be seated.

15 THE COURT: All right, ladies and gentlemen. We about
16 to start the trial of the State of South Carolina versus
17 Quindaris Washington. As I read to you yesterday, Mr.
18 Washington has been indicted on charges for armed robbery,
19 carjacking, kidnapping, possession of a weapon during the
20 commission of a violent crime, driving without a license, and
21 failure to stop for a blue light. Now, as I told you
22 yesterday, I read you in detail each of the indictments and
23 those are just that. They are indictments. They are not
24 evidence, and you're not to consider the fact that the
25 Defendant has been indicted in your deliberations in

1 consideration in this case.

2 Now, I don't know if any of you have ever served on a
3 jury before, but let me just give you this warning. It is
4 not like TV. It's not TV, something happens, the case goes
5 to trial and it's over in an hour and everybody goes home and
6 goes on. Now, trials in the real life are different. So
7 with that I ask for your patience early on because it does
8 not go like it does on TV. There may be some times where it
9 seems like it may go a little bit slower than you would like
10 or may go faster than you'd like, but just be patient. It is
11 -- again, a little bit different from TV. And so keep that
12 in mind.

13 The Defendant in this case has been indicted, but he's
14 pled not guilty. And as a result of that, the burden is on
15 the State -- on the State to prove him guilty beyond a
16 reasonable doubt. And that has to be by unanimous verdict.
17 I'll explain more of that at the end of this trial when I
18 charge you on the law. But under our constitution, even
19 though he may be -- has been in -- may have been indicted,
20 and it's not evidence, he has the presumption of innocence
21 because the State has that burden, they've got to prove
22 beyond -- guilty beyond a reasonable doubt. And up until
23 that point, he is presumed to be innocent in the case.

24 The start of this case will begin with the opening
25 statements. The State will have the opportunity to go first

1 because they have the burden of proof. They will get up and
2 tell you what they believe the facts will show you in this
3 case. At that point, the Defendant has the opportunity at
4 that point to give an opening statement as well. Once the
5 opening statements have been given to you by the lawyers,
6 then the State will go forward with their evidence. Once
7 they have completed their presentation of the evidence in the
8 case, then it goes to the Defendant. And the Defendant does
9 not have to put up any evidence. As I said, the State has
10 the burden to prove guilty beyond a reasonable doubt. The
11 Defendant has no burden. And so the Defendant is not
12 required to put up any evidence in the case.

13 Once all of the evidence is in, then the lawyers will
14 get back up in front of you and they will give what we call
15 "closing arguments." And that is exactly what it is,
16 "argument." And the opening statements that you'll hear in a
17 few minutes those are just the statements from attorneys on
18 what they think the facts are going to be in the case. And
19 then at the end, they will give their closing arguments and
20 argue to you what they believe the evidence has shown and
21 what they are asking you to do. Once those closing arguments
22 are given, then I will charge you on the law of the case.
23 And at that point, then you will go to the jury room and
24 deliberate the case.

25 Now, you and I have a couple of different roles in the

1 case. We're both judges in this case. You are the judges of
2 the facts in the case. And you and you alone determine the
3 facts in this case. I have nothing to do with determining
4 what the facts are. In fact, I'm not allowed to. That is
5 solely your responsibility in this case. And you and you
6 alone determine the facts in the case. So you are judges of
7 the facts. I'm the judge of the law. I will instruct you
8 what the law is at the end of this case, and you are to
9 accept what I tell you the law is. If you have any thought
10 that the law should be something else, you are to disregard
11 that right now as we go through this trial, and as the law
12 that I will give you at the end of this case will be the law.
13 And you are to accept that.

14 Now, there may be some times through the case where
15 you'll hear objections from the lawyers to certain things in
16 the case. Do not hold that against the lawyers. Do not hold
17 it against the -- the parties in this case. That's part of
18 the system. They are representing their respective clients
19 and they have that obligation to do so. So do not hold any
20 objections or issues that are brought up by the lawyers in
21 this case against them, nor -- nor their -- their clients.

22 Now there may be some times where there are some
23 objections and I've got to handle it and I may need to excuse
24 you because we may -- may need to just discuss some issues
25 outside your presence and I apologize ahead of time, but

1 that's part of it. And that may occur here. There may be
2 some times where I can just bring them up here to the bench
3 and we can handle it quickly and I may not have to -- have to
4 excuse you. So there may be some times where that's done.
5 We're not trying to hide anything from you, but I may be able
6 to be more efficient like that and not have to excuse you.
7 But there may be some times where I have to excuse you. And
8 again, as I said, I apologize for doing that.

9 As I mentioned to you yesterday, please do not discuss
10 the case at all during -- while you are here, or when you are
11 at home. This is going to be a fairly short trial and
12 there's a good chance we finish tomorrow, but I can't
13 guarantee that there's just potentially what it -- it could
14 be. It may go into Thursday, we just don't know. Again, you
15 never know how trials are -- are -- are going to transpire.
16 So -- but even when you're in there in a break or at
17 lunchtime, don't discuss the case. And I mean, don't discuss
18 anything. Don't mention any personalities about lawyers,
19 parties, witnesses. Don't discuss the facts of course. And
20 when you go home tonight, I'll instruct you at the end of the
21 day today that again, don't discuss the case. The only time
22 you should discuss this case is after I have charged you the
23 law and told you that, "You all are now free to discuss and
24 deliberate the case." I know you won't do that. I've --
25 we've got a good 14 good jurors here from the county, and

1 again, I sure do appreciate you being here. With that, I
2 recognize the State. Onto State.

3 MR. HODGES: Thank you, your Honor. All one of those
4 inspirational posters one time picture on it was kind of a
5 low angle shot from the ground shooting up and you could see
6 the back of this guy's legs and some tennis shoes, looked
7 like maybe he was on a -- like a jogging track. And the
8 sleeve on it said, "Running from your problems is a race you
9 shall never win." I mentioned that to you because you're
10 going to hear back on March 7, 2021, that the Defendant in
11 this case, Quindaris Washington, tried to run from his
12 problems.

13 You will hear that law enforcement had out a BOLO.
14 BOLO is an acronym, a law enforcement acronym, B-O-L-O, that
15 is "Be on the lookout." They were on the lookout for a Chevy
16 Malibu that had been stolen at gunpoint about 28 hours
17 earlier. You'll hear that an officer spotted that stolen
18 vehicle right off of East Cambridge here in Greenwood, and
19 that he turned his blue lights and sirens on that, Malibu
20 took off, fled from the blue lights and sirens. That's a
21 crime. That's one of the crimes the Defendant is charged
22 with, is failure to stop for blue lights.

23 And you will hear that the Defendant was driving that
24 stolen Chevy Malibu that had been stolen at gunpoint about 28
25 hours earlier. He then continued to try to run from his

1 problems by bailing out of that car, running on foot.
2 Officers took chase and were able to catch up and take him
3 into custody. So let's back up about 28 hours to March 5,
4 2021. Late evening hours, about 10:00, 11:00 at night. The
5 victim in this case, Mr. Gordon was sitting in that Chevy
6 Malibu car running, and he was in apartment complex on New
7 Market right off of East Cambridge again New Haven apartment
8 complex, sitting in his car waiting on a friend to come out.
9 When he is approached by a man in a mask, in a hoodie, gray
10 pants, who came up and pointed a gun at him. Demanded that
11 he get out of his car to get -- and turn over his money.
12 That's armed robbery. You take something of value from
13 another person with the threat of a deadly weapon, that's
14 armed robbery.

15 Then he tried to get him to get in the trunk of the car
16 and Mr. Gordon refused. He was trying to kidnap him, trying
17 to put him in the trunk of his own car. He wouldn't get in.
18 So then car is running, Defendant jumps in and drives off
19 with the victim's car. It's carjacking. Take a vehicle from
20 somebody with deadly force, it's carjacking. One thing that
21 remained in that vehicle was the victim's cell phone. Of
22 course now he's without a car and without a phone, but he's
23 able to get with his friend, call family. He had an app on
24 the phone. It's a Life360 and you use -- like, find my
25 friends when you got an app on your phone where you can see

1 where your family and friends are. And so they're able to
2 start tracking the phone that is in the stolen car. And it
3 goes on down New Market to Carolina packing plant area and
4 then onto Taggart Avenue, which is also down that direction.
5 Well, guess who lives on Taggart? Defendant. And law
6 enforcement comes and meets with the victim, gets a
7 description of the car and him, and they start kind of
8 swarming down to that area. The car is not there. The
9 Life360 now hits on Lake Street, kind of over here behind the
10 courthouse, headed the direction out of -- out of town.

11 And what you will hear is that the Defendant actually
12 went to Greenville, and we've got evidence that we're going
13 to show you. And I'm not going to get in the weeds and tell
14 you every single piece of evidence we've got because you're
15 going to get witnesses from this witness stand. And they are
16 going to tell you about the evidence that we have. We've got
17 physical evidence that we will introduce for you to look at
18 and consider. That it's going to show that chain of him
19 going to Greenville, coming back to Greenwood and getting
20 pulled over. Driving that car with the victim's cell phone
21 in his pocket.

22 Talk about that evidence. The Judge has already told
23 you he's going to -- at the end of this case, tell you what
24 the law is. I'm going to highlight a couple of areas of the
25 law that I think it's important for you to understand. One

1 of them is this concept of evidence. There's two kinds of
2 evidence, there's -- not one that's better than the other.
3 There's just different concepts of evidence. One is direct
4 evidence, one is circumstantial evidence. Direct evidence is
5 like eyewitness testimony, okay? I'll give you a couple
6 examples. You go outside, you see water falling from the
7 clouds, it's raining. That's direct evidence that it's
8 raining. You see it's raining, right? Or let's say you see
9 a cat eat a mouse. You witness that happen, that direct
10 evidence that the cat ate the mouse.

11 Now, let's talk about circumstantial evidence.
12 Circumstantial evidence is a chain of circumstances, you look
13 at it as a whole and add it together, you can reach a logical
14 conclusion. All right. So let's go back to the rain. You
15 wake up one morning, you go outside, the ground is wet, your
16 car is wet, water dripping from the trees, there's water and
17 puddles, the street is wet, roof is wet. You think to
18 yourself, "Oh, I didn't know it rained last night." Well,
19 how do you know it rained last night? You didn't see water
20 falling from the clouds. But you can look at those pieces of
21 evidence, use your common sense and take as a whole, you know
22 that it rained even though you didn't see it happen. Let's
23 go with the cat and the mouse. Take a cat, mouse, you put it
24 in a cardboard box, tape it up real tight, come back later,
25 you open the box, cat is in there, mouse is gone. You didn't

1 see the cat eat the mouse. But that's what logically
2 occurred inside that box. Even though you didn't see it
3 happen, you can use your common sense and figure out that --
4 that -- that's what circumstantial evidence is. We have
5 both; direct and circumstantial evidence, but you can use
6 your common sense to add those pieces together to figure out
7 what happened to judge the facts.

8 The other concept that you're going to hear is
9 "reasonable doubt." The judge has already mentioned it a
10 couple times to you this morning. This burden of proof, the
11 burden of reasonable doubt. Mr. Brown and I are lawyers. We
12 represent the State of South Carolina, the sort of nebulous
13 people of the State, or prosecutors. That's our client, is
14 the State. The State is the one that brings criminal charges
15 against a person. And it is our burden because the State
16 brings those charges to prove that the Defendant is guilty
17 beyond a reasonable doubt. That is the legal standard. It's
18 basically the yard stick as to the level of proof that we
19 have to bring you to convince you of the Defendant's guilt.

20 It's kind of a nebulous concept, is proof beyond a
21 reasonable doubt. One way that I've heard it explained is
22 that it is proof that leaves you firmly convinced that the
23 Defendant is guilty. If you were firmly convinced by the
24 evidence, then it is your duty as a jury to find the
25 Defendant guilty of the charges. Firmly convinced.

1 The Judge will tell you at the end that there is
2 nothing you can know with absolute certainty, right? That's
3 not our burden. There's no burden for us to prove to you
4 beyond all doubt that the Defendant is guilty. It's beyond a
5 reasonable doubt. And that's somewhat of a challenge because
6 -- you know, we get to talk at you, but we don't get to have
7 a conversation with you. We don't get to -- you know, say,
8 "Well, what other questions do you have? Do you have any
9 other -- anything we'd like -- you'd like for us to clear up
10 for you?" We don't get to do that. So we have to kind of
11 anticipate what questions you might have in your mind and try
12 to figure out, what do you need to know to get you to that
13 point? And it's really impossible for us to know every
14 question that you might have. And so you might have at the
15 end of this case, when you go back in the jury room, some
16 question left unanswered like, "I really wish I knew that,"
17 or, "I wish I'd seen this other piece of evidence," or
18 whatever. And you might start to think, well, is that
19 reasonable doubt? The fact that I've got that question
20 unanswered, I want to -- I want to hold up a picture for you.
21 I just want you to think to yourself, what's this a picture
22 of? Are you firmly convinced what it's a picture of?

23 Are you -- are you firmly convinced that's the Statue
24 of Liberty? Now, I want you to notice holes in it, right?
25 You don't see the whole picture, but you see enough of the

1 picture to be convinced that it's the Statue of Liberty.
2 These kind of represent lingering questions or pieces of
3 evidence you wish maybe you'd seen or maybe gotten collected.
4 What I'm trying to explain to you is to see the entire
5 picture, that's proof beyond all doubt. And that's not our
6 burden. Our burden is prove beyond a reasonable doubt that
7 you've got enough of the picture that you were convinced what
8 happened, and that the Defendant is guilty of these charges.
9 And I trust that when we've reached the end of this case, we
10 will have proven to your satisfaction, the Defendant is
11 guilty of these charges, and we will ask you to render that
12 verdict. Thank you.

13 THE COURT: All right. Defense is recognized.

14 MR. HOLLOWAY: Morning. I'm Brian Holloway. I'm
15 privileged to be the attorney for my client. It's a
16 privilege because, honestly, I've been doing this 21 years,
17 almost 22 years. This is the greatest justice system in the
18 world. There's no doubt about that. And the crucible of
19 truth, the crucible where the events, the evidence are
20 analyzed and assessed is right here in this jury box.
21 There's no doubt about that.

22 When we get the people of this community, the people of
23 any community together from all walks of life, there's
24 nothing more beautiful than when 12 jurors, of course, the --
25 here are two alternates, get together and discuss the

1 evidence that's -- that's shown in a trial, there's nothing
2 more beautiful than that, and there's no greater test of the
3 American justice system. In fact, the test that Mr. Hodges
4 was mentioning earlier with this picture of liberty and
5 justice, it is right here in the jury box. So while you're
6 here, we know we picked all of you, both sides picked all of
7 you knowing that you would take your oaths very seriously.
8 My client expects that, the State expects that. We have no
9 doubt, no reasonable doubt that you would -- you will do
10 this.

11 My client is charged with a multitude of crimes and
12 making no mistake, the State does have a heavy burden to
13 prove each and every element of that crime. And it is up to
14 you to decide which holes they haven't plugged, which holes
15 they should have plugged. And if they did not plug
16 reasonable holes, then you are required to -- to return a
17 verdict of "not guilty" for each of these crimes.

18 This case began as a possession of a stolen vehicle,
19 possession of stolen goods case, 10 months later, it veered
20 into a carjacking, kidnapping, armed robbery case. And
21 throughout this trial, you will have to decide, why was that?
22 What changed? Let's talk about the night of March 5, 2021,
23 more than four years ago. Quentin Gordon was sitting in a --
24 his 2014 Chevrolet Malibu in a parking lot of New Haven
25 apartments on New Market Street in Greenwood. The victim was

1 sitting in his car waiting for a friend to come out of an
2 apartment somewhere near the -- the playground. Gordon
3 called his mother first, not the police. These are questions
4 that you may need to -- I -- I suggest that you should ask,
5 why would he call his mother first, not 911?

6 Gordon said a Chevrolet Malibu have been stolen from a
7 subject with a black handgun. The subject ordered him to
8 give his wallet, which he did. Gordon had \$200 in his
9 wallet. The subject took the \$200 out of the wallet and gave
10 the wallet back to Gordon. The subject did order him out of
11 his car to get into the trunk of his car. Gordon refused to
12 do that. The subject got into the driver's seat and drove
13 off. About 28 hours later, on March the 7th, law enforcement
14 spotted after searching for the vehicle with a number of
15 Flock cameras. I'm not sure if you're familiar with Flock
16 cameras. You will learn what that term is. Flock cameras,
17 in my experience, can run -- run really from this area all
18 over South Carolina, even through other states, going even
19 out west. These cameras are -- are positioned usually in
20 certain locations of a city or county, where law enforcement
21 can monitor, even pick up tag numbers. They're all over the
22 place. Some call it "big brother." It's more of just keep
23 -- you can secure your area, your community.

24 And after 28 hours of this vehicle supposedly being
25 driven to Greenville back and forth all over the place, no

1 Flock cameras picked up that vehicle. 28 hours later, a
2 Flock camera finally did that. Now, the Chevrolet Malibu, to
3 -- to my knowledge, doesn't have Star Trek shields. It's not
4 stealth like an SR-71 Spy Plane. Cameras did not pick it up
5 until 28 hours later.

6 Lieutenant Bailey Thompson saw the Malibu turn from
7 East Cambridge to Tarrant Street. He turned on his blue
8 lights, the driver stopped the vehicle and stopped his
9 vehicle and ran from the scene. That driver was my client.
10 There's no doubt about that. We're not here to dispute that.
11 He was behind the wheel of the Chevrolet Malibu and inside
12 the -- when he ran from -- from the vehicle and he was
13 apprehended shortly thereafter, he was found and -- and with
14 the victim's Mr. Gordon's iPhone.

15 So the original charges began against my client were
16 March 7, 2021, possession of stolen 2014 Chevrolet Malibu and
17 possession of stolen goods, an iPhone. Those were the
18 warrants that law enforcement obtained on March 7, 2021. 10
19 months later -- 10 months later, they got carjacking,
20 kidnapping, armed robbery warrants at that time. You will
21 hear a lot about cell phone data. It'll be prominent
22 throughout this trial. It's very important you ask the tough
23 questions about the cell phone data. It's not a magic wand
24 for the State to fill gaps in the case that -- that -- that
25 they lead. You will hear terms like "cell site historical

1 data." It's location data indicating the cell tower sectors
2 in which the phone is pinging. It's meant to fill from the
3 State's perspective, the gap between March the 7th -- March
4 the 5th, and March 7, 2021. What was going on with the --
5 with the phone? My client's phone. And it's --- it's
6 important when I say "my client's phone" because there is a
7 second phone in this case, right? It's the phone that
8 belonged to Mr. Gordon that was found in his -- in my
9 client's pocket.

10 You will hear a testimony about incessant activity on
11 my client's iPhone 6 during that 28-hour period. Compare
12 what the State shows you from March the 7th through the next
13 28 hours with what is actually in those records. It's very
14 important. It is very easy when you hear technology, you
15 hear about cell phone data for the eyes to glaze over. I
16 mean, these phones are really -- really glorified computers.
17 There's actually a comedian who says that the -- the actual
18 phone function has become an app no one uses anymore. People
19 are more likely to use Facebook and -- and other apps versus
20 actually making phone calls. Most -- a lot of people just
21 screen their calls, let it go to voicemail and then text.
22 They prefer texting. But anyway, my client on -- his records
23 had a -- a plethora -- a incessant activity during that
24 28-hour timeframe.

25 The contents of my client's iPhone 6 were obtained.

1 Here's key. Contents of Mr. Gordon's iPhone 12 were -- were
2 not obtained, unable to conduct a cell phone extraction on
3 this phone. No location data or contents from Mr. Gordon's
4 iPhone 12 will be presented in this trial to compare. Why?
5 Ask that question. The investigators have returned his phone
6 to him the night they recovered it, on March the 7th. Why
7 did they give the victim's phone back to him? Sure, that's
8 easy. Sure that Mr. Gordon wanted his phone back. But this
9 is a -- an investigation of serious charges that have -- that
10 became serious charges. Why weren't they assessed? Did he
11 not consent? No, they just gave the phone back to him.
12 Really gave it back to him.

13 Most important here, I think with the -- you'll not
14 hear -- see records to compare the two phones movements.
15 Again, ask the questions. Never got a search --
16 investigators never got a search warrant for his cell records
17 -- Mr. Gordon's cell records. In January 2022, the State
18 adds four new charges. The carjacking, the armed robbery,
19 the kidnapping, possession of a weapon during the commission
20 of a violent crime. That's a typical charge when there's
21 allegations of carjacking, armed robbery, kidnapping
22 classified as violent.

23 It's more than just the idea yet involved or potential
24 involvement of violence. It is under a statute 16-1-60.
25 These are classified as violent offenses. Even manufacturing

1 methamphetamine is classified as a violent offense. Breach
2 of trust, more than \$10,000 which is basically embezzlement,
3 also violent. These charges were added 10 months later.
4 Why? Ask these questions. In the crucible of -- of finding
5 the truth ask these questions throughout this trial.

6 The State will attempt to fill the gap on the 10-month
7 window. Photos of my client posing with a gun on social
8 media, posing with friends, various articles of dark
9 clothing, photos of playing up -- basically our social media
10 environment of exaggerated bravado, strength, and influence.
11 Cell tower versus GPS monitoring, you'll find out there's a
12 difference. The key differences between what cell phones
13 show the movement versus pinpoint GPS monitoring. Ask the
14 question, how exact is the science behind the data that
15 you're presented with?

16 I created this. This is a -- an investigation
17 checklist that throughout this trial you ask each of these
18 questions to see if the State satisfies these questions.
19 Proving the identity of Mr. Gordon's assailant. Can they
20 place my client at -- at New Haven Apartments around 11:42
21 p.m. March 5, 2021. Were the proper investigative steps
22 taken? Cell site historical data recovered from all relevant
23 phones? What steps weren't taken? Again, what steps were
24 taken and the relevance is almost as important -- maybe even
25 more important than what steps weren't taken. The path of

1 the vehicle that night can you -- can we talk about that?

2 Can they pinpoint the path of the vehicle versus the path of

3 the phone? Two different items my client was originally

4 charged with taking. Path of the phone. All of this during

5 a 28-hour gap over a day. The investigators gather all the

6 evidence available. Was it available? Did they have access

7 to it? Potential forensic evidence checked and processed.

8 Believe it or not, the vehicle that my client was found in,

9 was not processed. It was given back to the victim that

10 night. What evidence was left out in the field that night?

11 These are important questions here. What was preserved was

12 not preserved for this jury to review. How will it affect

13 your verdict?

14 Again, these are listed the charges: carjacking,

15 kidnapping, armed robbery, possession of a weapon during the

16 commission of a violent crime, failure to stop for blue

17 lights. Ask the questions of each and every element of these

18 crimes, did the State prove it beyond a reasonable doubt?

19 State's evidence will leave the jury with more questions than

20 answers I submit to you. Possession of stolen vehicle and

21 possession of stolen goods, I believe it's original charges.

22 Maybe that's what you're left with in this trial. Once you

23 -- once all is said and done, once all the evidence is

24 presented, maybe just maybe what they had originally is what

25 you're left with, what places him at the scene of the

1 carjacking. This -- the cell phone evidence merely just
2 place him in the vicinity of what happened. Which is by the
3 way, not -- not a mile from where he lived. Isn't -- again,
4 it's a sector, things of a sector like a baseball field.
5 Home plate starts right here with a tower, and each tower has
6 three different sectors. Boom, boom, Boom. Right? And it
7 goes on for as potentially infinity, but at least as far as
8 the power of the tower is able to pick up. That's what
9 they're trying to convince you to place my client in -- in
10 that particular sector with hundreds of people in Greenwood.
11 Can anyone place my client at New Haven Apartments March 5,
12 2021, with a black handgun pointed at Quentin Gordon.

13 To say that we appreciate your time is an
14 understatement. Both sides have an important job to do. We
15 know we're taking you from your daily routines. This is not
16 law and order. This is not a John Grisham novel, and John
17 Grisham novel is still being read these days. The bottom
18 line is we understand that we're going to go as efficiently
19 as possible. Again, there may be objections that I have to
20 make to protect the record for my client, but objections they
21 may have to ask -- make -- to protect the integrity of their
22 case. Understand that, and we're not wasting your time.
23 You're not wasting my client's time. You are the crucible of
24 truth in Greenwood County today. Thank you.

25 THE COURT: All right. State call first witness.

1 MR. BROWN: We call Quentin Gordon.

2 THE CLERK: Place your left hand on the Bible and raise
3 right hand, please.

4 QUENTIN PIERRE GORDON,
5 being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q. Good morning.

9 A. Good morning.

10 Q. Mr. Gordon, state your full name.

11 A. Quentin Pierre Gordon.

12 Q. And, Mr. Gordon, how old are you?

13 A. 31.

14 Q. 31. Where are you originally from?

15 A. McCormick, South Carolina.

16 Q. You live here in Greenwood now?

17 A. Yes, sir.

18 Q. How long have you lived in Greenwood?

19 A. About five years.

20 Q. Five years? Do you work anywhere?

21 A. Velux.

22 Q. And if you can -- if you could speak up a little
23 bit louder, just so everybody can make sure they hear you.
24 And maybe not so close to the microphone. If you just want
25 to sit back at here because it'll pick it up. Let me ask you

1 that again. Where you originally from?

2 A. McCormick.

3 Q. McCormick? If you could speak up just a little
4 bit more and -- how long have you lived in Greenwood?

5 A. Five years.

6 Q. Five years. And where do you work?

7 A. Velux.

8 Q. How long have you been there?

9 A. About five years.

10 Q. About five years? Is that what's on your shirt?

11 A. Yes, sir.

12 Q. That's your Velux shirt?

13 A. Yes, sir.

14 Q. Mr. Gordon, do you have a wife?

15 A. Yes, sir.

16 Q. What's her name?

17 A. Kimberly Gordon.

18 Q. And do you have children?

19 A. Yes, sir. Two of them.

20 Q. Two of them? Mr. Gordon, do you remember back on
21 March 5, 2021?

22 A. Yes, sir.

23 Q. Where were you that night?

24 A. In New Haven.

25 Q. New Haven Apartments?

1 A. Yes, sir.

2 Q. And how'd you get there?

3 A. About -- the 2014 Malibu.

4 Q. Was that your vehicle?

5 A. Yes, sir.

6 THE COURT: Can you all hear him okay? If you could,
7 sir, if you could speak up a little bit so the jury can hear
8 you.

9 THE WITNESS: Yes, sir.

10 THE COURT: Thank you, sir.

11 THE WITNESS: You're welcome.

12 BY MR. BROWN:

13 Q. Mr. Gordon, are you nervous?

14 A. A little bit.

15 Q. A little bit? Okay. And I'll -- if I -- if I
16 can't hear you, I'm going to ask for you -- I'll keep
17 reminding you to speak up. Mr. Gordon, how'd you get to New
18 Haven Apartments that night?

19 A. 2014 Malibu.

20 Q. Was that your vehicle?

21 A. Yes, sir.

22 Q. Do you remember -- was there something that you
23 remember about your steering wheel?

24 A. It's -- it is all black and blue stripes.

25 Q. Blue stripes? And what about the key chain in

1 your car?

2 A. It's orange and the words is blue.

3 Q. Okay. What kind of -- what was that made of?

4 What was that key chain?

5 A. Broncos NFL key chain.

6 Q. Remember Broncos? Mr. Gordon, on March 5, 2021,

7 was it dark that night?

8 A. Yes, sir.

9 Q. Was it -- what time of night was it? Between
10 10:00 and 11:00?

11 A. Between 10:00 and 11:00.

12 Q. What were you doing?

13 A. Picking up my friend at the time to take him home.

14 Q. Take him home? What happened?

15 A. I was just sitting there, and then I -- I seen him
16 come in my house, a man with a hoodie on and a mask on,
17 pointed a gun at me.

18 Q. Where was the gun pointed?

19 A. Right through the window where my head at.

20 Q. Where your head at? What did he ask for?

21 A. He told me to leave my phone in the car open.

22 "Don't -- don't cut it off." He told me to get out the car.

23 Q. Did you have cash on you?

24 A. Yes, sir.

25 Q. How much?

1 A. 200.

2 Q. Did he take that from you?

3 A. Yes, sir.

4 Q. What happened next?

5 A. He told me to come around to the trunk and he told
6 me to open it. So I opened the trunk, he tried to put me in
7 the back of my trunk, so I told him, "No, I'm not getting in
8 my own car in my trunk."

9 Q. Did he still have the gun out?

10 A. Yes, sir.

11 Q. Did you -- did you get loud with him at that time,
12 or did you just refuse to get in the trunk?

13 A. I refused to get in the trunk, but I was getting
14 loud so he told me to get back because I've been too loud.

15 Q. What did he do?

16 A. He shut the trunk and got in the car.

17 Q. What kind of mask did he have over his face?

18 A. A COVID mask.

19 Q. Like a COVID mask?

20 A. Like a COVID mask.

21 Q. Okay. What kind of top do you remember?

22 A. It was dark -- a black hoodie.

23 Q. And again, was it -- that type of -- that time of
24 night, was it pretty dark outside?

25 A. Yes, sir.

1 Q. Do you remember what -- you remember what color
2 pants he had?

3 A. No, sir, but it is -- I think it's gray.

4 Q. After you refused to get in the trunk, what did he
5 do?

6 A. He just shut the trunk and told me to get back.
7 So he ran to the driver's side. So I ran to the passenger
8 side, opened the door. He pointed a gun and just drove off.

9 Q. He drove off in your car?

10 A. Yes, sir.

11 Q. And again, where do you say your phone was?

12 A. It was right there where the -- the gear thing
13 got.

14 Q. In the car?

15 A. In the car.

16 Q. What do you remember your phone looking like?
17 What kind of phone was it?

18 A. iPhone 12.

19 Q. And do you remember if it had a case on it?

20 A. It had a case on it.

21 Q. On your screensaver, do you remember what your
22 screensaver was?

23 A. No, sir.

24 Q. Did you have a picture of your kids on it?

25 A. I probably did.

1 Q. After the person who pulled the gun on you took
2 your money, your phone, and your car, what'd you do?

3 A. I called my wife.

4 Q. How'd you do that?

5 A. From my friend at the time.

6 Q. You called your wife?

7 A. Yes, sir.

8 Q. And then who ended up calling 911?

9 A. My stepmom.

10 Q. During this time, were you able to -- you and your
11 wife able to -- to see where your phone was going?

12 A. Yes, sir. From the Life360.

13 Q. Life360? And where do you remember that phone
14 going?

15 A. It went to Carolina Pride first, and then it went
16 to Taggart after that. And then I lost it after Taggart.

17 Q. Later on, did you see at one other place pop up?

18 A. Yes, sir. Over there at Lake -- Lake Street.

19 Q. At Lake? And you all -- did you have to call 911
20 back to let them know that?

21 A. Yes, sir.

22 Q. After that, did your phone -- could you track your
23 phone anymore?

24 A. No, sir.

25 Q. Mr. Gordon, this sounds like a silly question, but

1 is New Haven Apartments in -- in the City of Greenwood?

2 A. Yes, sir.

3 Q. In Greenwood County?

4 A. Yes, sir.

5 Q. In the State of South Carolina?

6 A. Yes, sir.

7 Q. That night after you called your wife -- obviously
8 911 was contacted, did you speak with law enforcement?

9 A. Yes, sir.

10 Q. Fast forward to March 7, 2021, a little after 2:00
11 a.m., did you get a call from law enforcement?

12 A. Yes, sir.

13 Q. What'd they tell you?

14 A. They found my car behind Old Brewer.

15 Q. Okay. By where?

16 A. Behind Old Brewer.

17 Q. Behind the Old Brewer? Did you -- could you
18 identify your car?

19 A. Yes, sir.

20 Q. Did you go and -- and get your car that night?

21 A. Yes, sir.

22 Q. Now is this car a car that you drive to work?

23 A. I don't have it now no more, but I was driving to
24 work.

25 Q. Is that a car that you would drive to work?

1 A. Yes, sir.

2 Q. Transport your children and family?

3 A. Yes, sir.

4 Q. You say you needed your car?

5 A. Yes, sir.

6 Q. That night when you got initially to identify your
7 car, to pick it up was it Officer Corona that called you?

8 A. Yes, sir.

9 Q. What -- do you remember -- was your phone in the
10 car at that time?

11 A. No, sir.

12 Q. Was your phone case in the car?

13 A. It was on the floor. On the passenger side.

14 Q. Is that your phone case?

15 A. Yes, sir.

16 Q. Short time later, did officers bring you your
17 phone?

18 A. Yes, sir. They handed it to me.

19 Q. And could you identify that?

20 A. Yes, sir.

21 Q. And were you able to identify that based off the
22 -- your -- you turn it on and find your kids' picture?

23 A. Yes, sir.

24 Q. What was different about your phone when you got
25 it on March 7th than when you left it, or it was taken from

1 you on March 5th? Do you remember --

2 A. The SIM card was out.

3 Q. The what was out?

4 A. I was missing the SIM card.

5 Q. Missing the SIM card --

6 A. I had to get a whole new one.

7 Q. -- in your iPhone 12?

8 A. Yes, sir.

9 Q. Mr. Gordon, in the interim between March 5th and
10 March 7th, did you -- did you have another phone or were you
11 relying on your wife's phone at that time?

12 A. I was relying on my wife's phone at that time.

13 Q. Were you, like, about everybody else without the
14 phone you seemed lost?

15 A. Yes, sir.

16 Q. Did law enforcement give you your phone back that
17 night?

18 A. Yes, sir.

19 Q. This is March 7, 2021 when you got that phone
20 back, do you still have that same phone?

21 A. No, sir, I got a whole new one.

22 Q. Did you upgrade?

23 A. Yes, sir.

24 Q. When you upgrade, did you turn it in?

25 A. No, sir, it was about broken, anyways, so...

1 Q. Okay. I will show you what's been marked -- I'm
2 going to show you -- Mr. Gordon, initially when I started
3 talking to you, I asked you about your steering wheel of your
4 vehicle. What color of steering wheel do you have?

5 A. All black and blue stripes.

6 Q. I'm going to show you what's been marked, for
7 identification purposes, State's Exhibits 1, 2, and 3. Do you
8 recognize that steering wheel?

9 A. Yes, sir, I do.

10 Q. Is that your steering wheel?

11 A. Yes, sir.

12 Q. State's Exhibit Number 2. Can you see -- is this
13 the inside of your car?

14 A. Yes, sir.

15 Q. What do you see there? Is that your steering
16 wheel?

17 A. Yes, sir. That is.

18 Q. With the blue on it?

19 A. Yes, sir.

20 Q. And State's Number 3, another photograph. And
21 what do you see in that photograph?

22 A. My orange key chain.

23 Q. Your orange key chain.

24 MR. BROWN: Your Honor, State would move 1, 2, and 3
25 into evidence at this time, and we fully authenticate it

1 later need be, but at least permission to publish to the
2 jury.

3 THE COURT: Any objection?

4 MR. HOLLOWAY: No, sir, your Honor.

5 THE COURT: All right. State's 1, 2, and 3 admitted
6 without objection.

7 (State's Exhibit Numbers Number 1, 2 & 3 admitted into
8 evidence.)

9 BY MR. BROWN:

10 Q. Again, this State's 1, is that your steering
11 wheel?

12 A. Yes, sir.

13 Q. State's 3, is this the orange key chain?

14 A. Yes, sir.

15 Q. State's 2 -- again, is this your blue steering
16 wheel?

17 A. Yes, sir.

18 Q. Mr. Gordon, that night on 3/5/2021 -- March 5,
19 2021, sitting in your car, how did that make you feel?

20 A. Can you explain it?

21 Q. What was going through your head when that
22 happened?

23 A. I was in fear for my life. I thought -- I
24 realized I was going to die, really.

25 Q. Why didn't you get in that trunk of that car?

1 A. I just refused. I can't get in my own trunk of my
2 own car. You just going to have to shoot me, or you just let
3 me go.

4 Q. You don't want to be here today, do you?

5 A. Not really.

6 Q. And where do you work?

7 A. Velux.

8 MR. BROWN: No further questions.

9 THE COURT: All right. Cross?

10 MR. HOLLOWAY: Excuse me, your Honor.

11 CROSS-EXAMINATION

12 BY MR. HOLLOWAY:

13 Q. It is nerve wracking testifying. I've actually
14 testified myself a few times. As it stands right now, you
15 cannot say that my client was the one who carjacked you,
16 correct?

17 A. No, sir. He had a hood on and mask on.

18 Q. Okay. You have no idea really who -- who did this
19 to you, correct? It's true that you don't know who -- who
20 did this to you?

21 A. He just had a hood on.

22 Q. Okay.

23 A. And mask on.

24 Q. What you know about how my client's involvement --
25 alleged involvement in this situation is what you've learned

1 from the State, isn't that true?

2 A. Yes, sir.

3 Q. If you could speak up just a little bit.

4 A. Yes, sir.

5 Q. Now, obviously we can't get around the fact my
6 client had your vehicle and your cell phone almost two days
7 later, is that right? It's true that if they've told you, my
8 client had your vehicle and your iPhone 12 on March 7th,
9 that's true?

10 A. Yes, sir.

11 Q. That's what they've told you?

12 A. As far I know he had it.

13 Q. Okay. Because of March 7th early morning hours,
14 you were called around 2:00 in the morning?

15 A. Yes.

16 Q. The 7th?

17 A. Yes, sir.

18 Q. To come out --

19 A. Behind Old Brewer.

20 Q. Okay. About how far is that from -- from this
21 courthouse?

22 A. I -- I really don't know.

23 Q. Okay. In any event that particular night, March
24 7th, they gave you your vehicle back, is that correct?

25 A. Yes, sir.

1 Q. They gave you your iPhone back?

2 A. Yes, sir.

3 Q. Did they say anything about processing the
4 vehicle, need to process it?

5 A. No, sir.

6 Q. When I say "processing," is it clear what that
7 means?

8 A. No, sir.

9 Q. Like, check your DNA, check your fingerprints.
10 They didn't offer it to do that?

11 A. They just told me -- I -- they found my car and I
12 came and picked it up.

13 Q. And your phone, did you -- on your phone, did you
14 have a Find My Phone app on your phone?

15 A. It was on there, but I wasn't using it. I was
16 using the Life360.

17 Q. Okay. So you had the Life360 application or the
18 app on your phone?

19 A. Yes, sir.

20 Q. Your wife also had it on -- on her phone?

21 A. Yes, sir.

22 Q. Okay. Did you tell the police that night
23 everything that you knew about what was going on?

24 A. What do you mean?

25 Q. Well, did you tell them everything that you knew

1 about the -- the -- the person who did this to you, what they
2 were wearing?

3 A. Yes, sir.

4 Q. Okay. Do you know if -- if any of the officers
5 were wearing a sort of a black square-like device, like a
6 camera on -- on their -- on their bodies?

7 A. I was -- I didn't pay attention to none of that.
8 I looked in their face and talked to them.

9 Q. Did you write out a statement about what happened?

10 A. I can't remember that far back.

11 Q. Okay. As far as the clothing that the person who
12 did this to you was wearing, can you go through that with me
13 again? What clothing was -- was this person wearing?

14 A. A black hoodie and gray sweatpants.

15 Q. Okay. Now, on -- on direct examination, you
16 initially weren't quite sure what color the pants were, is
17 that true?

18 A. No, sir.

19 Q. Okay. So you're very clear -- are -- are you
20 clear in what color of pants the person was wearing?

21 A. Yes, sir.

22 Q. What kind of pants were they?

23 A. It was, like, sweatpants.

24 Q. Okay. Like a draw string sweatpants?

25 A. Yes, sir.

1 Q. All right. Now what kind of hoodie was it?

2 A. It ain't no zipper hoodie, just like a pullover
3 hoodie.

4 Q. Okay. What color was it?

5 A. Black.

6 Q. You sure it was black not like a dark blue?

7 A. Well, anything can look black in dark, so...

8 Q. In the hoodie, describe the -- the position of --
9 of the hood itself, how was it positioned on -- on -- on the
10 person?

11 A. Just over the head.

12 Q. Okay. Was it, say, "I'm bringing my -- my hand
13 down to my nose"? Was it covering -- covering his eyebrows
14 or down to his -- his eyebrows?

15 A. Yeah, it was covering the forehead and everything.

16 Q. Covering the forehead?

17 A. Yes, sir.

18 Q. Okay. The Life360 did -- did you -- did your wife
19 or did you give access to your phone or offer access to your
20 phone to -- to follow the -- the Life360 movements?

21 A. Yes, sir.

22 Q. To the officers?

23 A. Yes, sir.

24 Q. Okay. Did they take that information?

25 A. Yes, sir.

1 Q. Do you -- okay. All right. Your stepmom called
2 911 -- I -- I -- I think I mentioned earlier it was your
3 mother, but it was your stepmother, in fact?

4 A. Yes, sir. She called on my real mom phone.

5 Q. Okay. How long after what happened to you did she
6 call?

7 A. I can't say.

8 Q. Okay. Can you tell the jury why you -- you called
9 your wife first and not 911? Is there a reason why?

10 A. I just wanted to find my car and my phone going
11 first.

12 Q. Your first reaction in that state of -- in which
13 you went in fear for your life, was to call a member of your
14 family not the police?

15 A. She called my mom and they called the police for
16 me. I was just tracking my phone and where my car was going.

17 Q. Your focus was on your phone and your car, their
18 focus was on making sure law enforcement got involved?

19 A. Yes, sir.

20 Q. The SIM card you said was taken out, when did you
21 discover that?

22 A. When I got my phone. Well, really when I found
23 out that I lost the connection out to Lake Street.

24 Q. Okay.

25 A. When it turned back on.

1 Q. So I guess my question is, how do you know the SIM
2 card was -- was taken out and a new one put in?

3 A. Because when I got my phone, I -- all -- I
4 couldn't access my phone at all because I had a phone number
5 to it.

6 Q. Okay. What -- what couldn't you access?

7 A. Everything.

8 Q. Like videos, photos?

9 A. Calls, texts, everything.

10 Q. Videos?

11 A. Yes, sir.

12 Q. But you testified on direct that when the
13 screensaver was on, the photo of your children was on -- was
14 on there.

15 A. Well, that picture is still on the wallpaper.
16 That's not going to change.

17 Q. Well, if the SIM card is taken out, it basically
18 resets factory settings?

19 A. Not really.

20 Q. Are you sure about that?

21 A. Yes, sir, I am.

22 Q. Okay. So out of potentially tens of thousands of
23 photos, that was the one that was -- that was left?

24 A. Yes, sir.

25 Q. Okay. What kind of gun did the person have? Do

1 you know?

2 A. No, I do not.

3 Q. Okay. Glock, Taurus?

4 A. I do not.

5 Q. SIG Sauer?

6 A. I don't know.

7 Q. Okay. When did -- the assailant first came up to
8 you -- this was March. So can you describe your -- your
9 window was it up or down?

10 A. It was up.

11 Q. Okay. Was your car running?

12 A. Yes, sir.

13 Q. Okay. When he told you to get in the car, you
14 opened the trunk, is that right?

15 A. Not straight opened the trunk.

16 Q. Okay.

17 A. When he took me back there, I opened it then.

18 Q. At that point, you still had your -- your key fob
19 to be able to open the trunk, right?

20 A. No, my key was still in the ignition.

21 Q. Well, how'd you open the trunk?

22 A. I got a button at the back on -- on that car that
23 I can open it from.

24 Q. When you were tracking the vehicle out and about,
25 how are you tracking the vehicle and -- and -- and the phone

1 with what device?

2 A. My wife phone.

3 Q. Okay. And as far as the vehicle, were you able to
4 track the vehicle on your -- on your phone?

5 A. No, sir. My phone was just with it.

6 Q. Okay. And you've provided all the information
7 about Life360 to law -- to law enforcement?

8 A. Yes, sir, I did.

9 MR. HOLLOWAY: All right. That's all I have, your
10 Honor. Thank you.

11 THE COURT: All right. Any re-direct?

12 MR. BROWN: Just a few follow-ups.

13 RE-DIRECT EXAMINATION

14 BY MR. BROWN:

15 Q. Mr. Gordon, Mr. Holloway asked you, "Why'd you
16 call your wife before you called 911?" Easy Monday -- Monday
17 morning quarterback, why did you call your wife? Do you
18 know?

19 A. I wasn't thinking at the time.

20 Q. And by calling your wife, were you able to track
21 your phone for a minute?

22 A. Yes, sir.

23 Q. Was that information relayed to law enforcement?

24 A. Yes, sir.

25 Q. Mr. Holloway asked you about the type of gun. You

1 don't know the make and model, do you?

2 A. No, I do not.

3 Q. What did it look like?

4 A. I just know it was black.

5 Q. Black? Was it a black handgun, pistol?

6 A. I can't say what kind it is, but I just know it's
7 black.

8 Q. Okay.

9 A. I didn't see the side of it.

10 Q. It wasn't a rifle?

11 A. No, sir.

12 Q. It was a handgun or something?

13 A. Yes -- yes, sir.

14 Q. He also asked you about the hoodie that the person
15 was wearing. You said something else. He said could have
16 been blue. And you said what?

17 A. Black.

18 Q. Black. Did you also -- did you say something that
19 it was -- it was dark outside, the blue could look dark too?

20 A. Yes, sir.

21 Q. In the event after Mr. Washington was stopped on
22 March 7th, did you get your car and your phone back?

23 A. Yes, sir, I did.

24 MR. BROWN: No further questions.

25 THE COURT: All right. Any re-cross?

1 MR. HOLLOWAY: No, sir.

2 THE COURT: All right. You may step down. Thank you,
3 sir.

4 MR. GORDON: You are welcome.

5 THE COURT: All right. Next witness.

6 MR. BROWN: Judge, may we approach one second.

7 THE COURT: Yeah.

8 (Bench conference at 10:52 a.m.)

9 MR. BROWN: State calls Kimberly Gordon.

10 THE CLERK: Good morning. Place your left hand on the
11 Bible and raise your right hand, please.

12 MS. GORDON: Good morning.

13 KIMBERLY ELIZABETH GORDON,

14 being duly sworn, testified as follows:

15 THE CLERK: Thank you.

16 THE WITNESS: You're welcome.

17 DIRECT EXAMINATION

18 BY MR. BROWN:

19 Q. Good morning.

20 A. Good morning.

21 Q. Ms. Gordon, can you state your full name?

22 A. Kimberly Elizabeth Gordon.

23 Q. Ms. Gordon, who's this man?

24 A. My husband.

25 Q. And do you all have children together?

1 A. Yes, sir, we do.

2 Q. Ms. Gordon, do you remember back on March 5, 2021?

3 A. Yes, sir, I do.

4 Q. And what do you remember?

5 A. I remember my husband calling me and telling me
6 that he had just been robbed at gunpoint.

7 Q. And how did he get in touch with you?

8 A. From a gentleman's phone that he knew.

9 Q. When he got in touch with you, what did you do?

10 A. He asked me to look on the Life360 and see where
11 his phone was located, and I did that. And then after I did
12 that, I called his mom.

13 Q. And then is it that point that his mom contacted
14 911?

15 A. Yes, sir.

16 Q. While you were looking at Life360, do you remember
17 what it showed?

18 A. It showed the car being located over there by the
19 packing plant, and then after the packing plant, it went to
20 Taggart Street.

21 Q. And this would be the phone?

22 A. Yes, sir.

23 Q. After you looked at Taggart, did -- did you see
24 any additional movement after that?

25 A. No, sir. Not no more after that.

1 Q. Did you ultimately go and get Mr. Gordon, or you
2 became acquainted again later on that night?

3 A. Later on that night, his mom went to where he was
4 at.

5 Q. And later on, was he starting to look at your
6 phone?

7 A. Yes, sir, he did.

8 Q. To look at Life360?

9 A. Yes, sir. To see had the phone been turned back
10 on.

11 Q. And is that when the Lake Street address popped
12 up?

13 A. Yes, sir.

14 Q. Ms. Gordon, had you been in that car?

15 A. Yes.

16 Q. A number of times?

17 A. Yes. Yes, sir, I have.

18 Q. I'm going to ask you the same question I asked
19 Quentin, do you recognize that steering wheel?

20 A. Yes, sir, I do.

21 Q. And what does that steering wheel belong to?

22 A. Quentin.

23 Q. Is that the 2014 Chevy Malibu?

24 A. Yes, sir, it was.

25 Q. Ms. Gordon, how did -- how did this incident make

1 you feel?

2 A. It didn't make me feel too good because it was a
3 possibility that he could have been shot and killed.

4 Q. Has it affected Mr. Gordon?

5 A. Yes, it has.

6 Q. You -- you both really don't want to be here, do
7 you?

8 A. No, sir, I do not.

9 Q. Is it hard to -- to have to remember this and
10 relive it?

11 A. Yes, sir, it does.

12 Q. Bring back -- brings back bad memories?

13 A. Yes, sir.

14 MR. BROWN: Thank you for being here.

15 THE WITNESS: Thank you.

16 MR. BROWN: Please answer anything Mr. Holloway has.

17 THE COURT: All right. Cross?

18 CROSS-EXAMINATION

19 BY MR. HOLLOWAY:

20 Q. Good morning.

21 A. Good morning.

22 Q. You testified that the phone was pinged off at
23 Lake Street address?

24 A. A little bit later on.

25 Q. Did it show a certain address?

1 A. No, sir, not that I can remember.

2 Q. On Taggart Street, was it pinging at particular
3 location on Taggart Street?

4 A. Not that I can remember as well. I just remember
5 it being on Taggart Street.

6 Q. Do you remember the -- the ping -- now, of course,
7 describe to the jury, some jury members may not know what the
8 Life360 is can you (inaudible)?

9 A. It's an app that you can get and you can have it
10 with family and friends and it will locate where you are and
11 everywhere you go.

12 Q. It'll locate the phone, right?

13 A. Yes.

14 Q. Okay.

15 A. As long as you have your phone on you and with
16 you.

17 Q. Most people are tied to their phones at the hip,
18 right?

19 A. Yes, sir.

20 Q. Okay. On Taggart, was the -- does it show a -- a
21 -- a logo or an emblem on a -- on a map?

22 A. It does have a map and you can pull up the map,
23 and it can show you the exact location.

24 Q. Was it moving?

25 A. It was not. It was pinpointing at a house.

1 Q. Do you know which house that was?

2 A. No, I do not, sir.

3 Q. And it was not moving?

4 A. No, sir, it was not.

5 Q. The information that you provided to law
6 enforcement, do you know that they had you write a statement
7 out?

8 A. No, I did not have to write a statement out.

9 Q. Do you know if they were wearing a -- a body
10 camera?

11 A. No, sir, I do not.

12 Q. Did you -- and sorry to ask again, do you -- did
13 you notice them having sort of a black square or rectangle --

14 A. No, sir. I didn't really pay no attention to
15 that.

16 Q. Are you familiar with the fact that most officers
17 have to wear it?

18 A. Yes, sir. I am familiar with that.

19 Q. Did you think about asking about whether they were
20 making sure they had it on camera, what you were saying?

21 A. No, sir. I didn't even think about that.

22 MR. HOLLOWAY: Thank you very much. That's all I have
23 for you.

24 THE COURT: All right. Any re-direct?

25 MR. BROWN: No re-direct.

1 THE COURT: All right. You may step down. Thank you,
2 ma'am.

3 MS. GORDON: Thank you

4 MR. BROWN: Judge, at this moment, it might be time for
5 first restroom break.

6 THE COURT: All right. All right, ladies and
7 gentlemen, let's take a morning break here. As I instructed
8 you, please don't discuss the case and I will bring you back
9 out after a little break. Thank you.

10 (Jury exits room at 10:59 a.m.)

11 THE COURT: All right. In recess about 15 minutes.

12 (Off the record at 11:00 a.m.)

13 (On the record at 11:26 a.m.)

14 THE COURT: Yeah, thanks. All right. Bring the jury.

15 (Jury enters room at 11:27 a.m.)

16 THE COURT: All right. You all go ahead and sit down
17 as you come in. All right. State, call your next witness.

18 MR. HODGES: State calls Megan Burch.

19 THE CLERK: Good morning.

20 MS. BURCH: Good morning.

21 THE CLERK: Place your left hand on the Bible, and
22 raise your right hand, please.

23 MEGAN BURCH,

24 being duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. HODGES:

2 Q. If you would please introduce yourself to the
3 jury.

4 A. My name is Megan Burch.

5 Q. Where do you work?

6 A. I work for Greenwood County Dispatch.

7 Q. What is that?

8 A. 911 Center.

9 Q. Okay. And where is the 911 center located?

10 A. It's downstairs in the courthouse.

11 Q. And what does -- what do you do? What's -- what
12 does the 911 center do?

13 A. My responsibilities, I'm a shift supervisor. I
14 supervise the activities of dispatchers, ensure prompt
15 emergency communications to public safety and to the
16 citizens, monitor the CAD for accuracy, and maintain accurate
17 records of received calls and tape recordings.

18 Q. You mentioned something called "CAD," what is
19 that?

20 A. It's the computer-aided dispatch. That's what we
21 use for all of our calls that come in.

22 Q. All right. And you talk about calls and
23 communications. So tell us kind of what kind of
24 communications dispatchers enter into?

25 A. We get all kinds of calls, from simple calls to

1 the really extreme kind of calls.

2 Q. When you say "calls," you're talking about from
3 citizens --

4 A. Yes.

5 Q. -- that call into the 911?

6 A. 911 emergent calls and non-emergent.

7 Q. Did dispatchers also communicate with officers?

8 A. Yes, sir.

9 Q. And that's through the police radio?

10 A. Through the radio and over the phone even.

11 Q. And are -- are the officers identified by name, or
12 by number, or how do you --?

13 A. They have unit numbers that we use.

14 Q. And you mentioned that you maintain the records of
15 these calls?

16 A. Yes, sir.

17 Q. All right. And that's through this CAD system?

18 A. Yes, sir.

19 Q. I'm going to hand you what has been previously
20 marked as State's 5 and 6. Ask if you recognize what those
21 are.

22 A. I do. The CAD detail report it's a detailed
23 printout of the incident that's fully time stamped from --
24 when the case was opened until we closed it.

25 Q. And are those CAD reports kept in the normal

1 course of the business of the dispatch office?

2 A. Yes, sir.

3 Q. And you're one of the custodians of those records?

4 A. Yes, sir.

5 MR. HODGES: Your Honor, we would offer State's 5 and 6
6 into evidence.

7 THE COURT: All right. Any objection?

8 MR. HOLLOWAY: No, sir.

9 THE COURT: All right. State's 5 and 6 are admitted
10 into evidence without objection.

11 (State's Exhibit Numbers 5 & 6 admitted into evidence.)

12 BY MR. HODGES:

13 Q. Now, you've got two different reports before you.
14 Could you tell us what the -- the date of those two
15 respective reports are?

16 A. The first one came in on March 5th. The second
17 one came in on March 7th.

18 Q. All right. And the one that's on March 5th, does
19 it -- is it the late evening hours of March 5th?

20 A. Yes, sir.

21 Q. Does it then kind of bleed into the early morning
22 hours of the 6th?

23 A. Yes, sir.

24 Q. All right. Starting with the -- the report from
25 March 5th, can you tell us what is the -- the incident

1 location that report came from?

2 A. 207 New Market Street.

3 Q. Is that a particular apartment complex here in
4 Greenwood?

5 A. Yes, sir. That's New Haven Apartments.

6 Q. And it looks like that there is a officer that's
7 involved, that's listed there as "Unit 128." You mentioned
8 that officers go by numbers.

9 A. Yes, sir.

10 Q. Who -- who is 128?

11 A. Officer Corona.

12 Q. And what agency does he work for?

13 A. Greenwood City Police Department.

14 Q. All right. And so when a -- when a 911 call comes
15 into dispatch, is an officer then typically sent to that
16 location by dispatch?

17 A. Yes, sir.

18 Q. All right. Is that the officer who was sent to
19 meet out with --

20 A. Yes, sir.

21 Q. -- with the complainant?

22 A. Yes, sir.

23 Q. Okay. Below that there is what is listed as
24 "incident remarks." What are those?

25 A. Those are the remarks entered by the dispatcher

1 and she's entering what she was told as she's being told.

2 Q. All right. So is that something that they're sort
3 of typing in real time on --

4 A. Yes, sir.

5 Q. -- on the fly as this unfolds?

6 A. Yes, sir.

7 Q. All right. If you would, what -- what is the
8 first incident remark that is made on that report?

9 A. The remark says "Son, just put a gun to his head
10 and took his car."

11 Q. And what time is that remark entered into the CAD?

12 A. 23:41:16.

13 Q. Is that military time?

14 A. Yes, sir.

15 Q. What time is that in regular non --

16 A. 11:41 p.m.

17 Q. So shortly before midnight?

18 A. Yes, sir.

19 Q. And again, this is on March 5th?

20 A. Yes, sir.

21 Q. What is the next comment then?

22 A. The next comment was "Black Malibu."

23 Q. All right. And the next comment?

24 A. "Advised county units."

25 Q. What does that mean?

1 A. Since it was a city incident, we let the county
2 know as well in case anyone is close and they'll come assist
3 also.

4 Q. So there's county deputies out in the area, they
5 kind of know what's going on?

6 A. Yes, sir.

7 Q. What's the next comment?

8 A. The next comment is "Tracking his car and it is
9 showing in Taggart."

10 Q. And then the next comment?

11 A. "Tracking on his phone."

12 Q. Next comment?

13 A. "Son is Quentin Gordon."

14 Q. Next comment?

15 A. "Registered to her son."

16 Q. Next comment?

17 A. "Showing close to Carolina Pride."

18 Q. Again, these are all within a minute or two of
19 each other, right? Is that information --

20 A. Yes, sir.

21 Q. -- coming in and being typed into the system? You
22 would turn to the next page. What is the comment? Third
23 line down there?

24 A. "Complainant is 1017 to her son, unsure where he
25 is at."

1 Q. What is 1017?

2 A. That means en route.

3 Q. So that's saying that whoever is calling is trying
4 to get to --?

5 A. They're on the way. Yes, sir.

6 Q. Does -- as part of the -- the dispatch lingo you
7 all use 10 codes?

8 A. We do, yes, sir.

9 Q. What are 10 codes?

10 A. It's just the police lingo to communicate over the
11 radio.

12 Q. So shorthand?

13 A. Yes, sir.

14 Q. So, like, 1050s or wreck?

15 A. Yes.

16 Q. Whatever.

17 A. Yes, sir.

18 Q. Jumping on down, there's a -- I guess there's a --
19 a big chunk. Is that registration of the vehicle so that
20 there is --

21 A. The vehicle. Yes, sir.

22 Q. -- like specificity of what car they're looking
23 for?

24 A. Uh-huh.

25 Q. Okay. And then what's the next comment after

1 that?

2 A. The next comment is "The vehicle has not moved off
3 of Taggart."

4 Q. Okay. And then is there a comment about what the
5 -- the complainant is in?

6 A. "The complainant is in a silver Honda Accord."

7 Q. Okay. And then the next -- the next comment is,
8 "128 has a new remark." What does that mean?

9 A. That's something that he said on the radio. So we
10 put it under his unit number so we know who said it and what
11 was said.

12 Q. 128 again would be Officer Corona?

13 A. Yes, sir.

14 Q. So that's something that he calls out on the radio
15 and then that's logged in?

16 A. Yes, sir.

17 Q. What was his comment back to dispatch?

18 A. He said that he was out with the complainant.

19 Q. So apparently, he has now found wherever he is and
20 out -- is out talking?

21 A. Yes, sir.

22 Q. There are three lines up from the bottom that
23 says, "Complainant is on the way." What -- what were they
24 advised not to do?

25 A. They were advised not to go to the residence just

1 to wait at the top.

2 Q. And presumably that means what residence? Do you
3 know?

4 A. I am not sure.

5 Q. And again, you're the custodian of this record,
6 you're not the one that actually picked this call, right?

7 A. Yes, sir.

8 Q. All right. What is the very last comment on that
9 page?

10 A. "Called back advised that it is moving near Lake
11 Street."

12 Q. Where is that in terms of time in relation to the
13 other comments that are being put in? So like what -- the
14 comment before that, where 113 is out at 926 Taggart, what is
15 that? What time is that?

16 A. That -- 113 was at Taggart at 23:57, and the
17 vehicle started moving at 00:23, which is about half past
18 midnight.

19 Q. Okay. So the -- there's a kind of -- the last
20 comment before midnight is "113 being out at Taggart." And
21 then the next comment on the page is not until March 6th,
22 which is after midnight?

23 A. Yes, sir.

24 Q. And it's called back. Does that mean that there
25 was, like, a -- an additional call later on --

1 A. Yes, sir.

2 Q. -- with more information?

3 A. Yes, sir.

4 Q. And that -- and that is that it's moving near Lake
5 Street?

6 A. Yes, sir.

7 Q. Okay. Let's turn to the -- the other report. I
8 believe that is State's 6, is that right?

9 A. Yes, sir.

10 Q. And what's the date on that report?

11 A. This one was March 7th.

12 Q. And who is the unit 113 that is listed there on
13 the report?

14 A. 113 is Bailey Thompson.

15 Q. Is he also a city officer?

16 A. Yes, sir.

17 Q. Okay. And if you would go again to the incident
18 remarks and what is the date and time of the first remark
19 that is put in?

20 A. The first remark on this one was at 02 -- 2:32,
21 sorry.

22 Q. At 2:32 in the morning?

23 A. Yes, sir.

24 Q. And that's on March 7th?

25 A. Yes, sir.

1 Q. Okay. What is that -- what is that comment?

2 A. It says "BM carrying backpack." Which would be a
3 black male carrying a backpack.

4 Q. Next comment?

5 A. "In a backyard."

6 Q. Next comment?

7 A. "On beetle."

8 Q. And then it says, "Behind laundromat," is that
9 right?

10 A. Yes, sir.

11 Q. What is -- there's another comment 367. What is
12 -- the other officers we've talked about their unit number
13 starts with a one?

14 A. Yes, sir.

15 Q. Is there a difference with ones that start with a
16 three?

17 A. Yeah, the ones are going to be the city units and
18 the threes will be the county units.

19 Q. Okay. So 367 would be a sheriff's deputy as
20 opposed --

21 A. Yes, sir.

22 Q. -- so obviously the county was out there as well?

23 A. Yes, sir.

24 Q. What's the next comment after that?

25 A. "After 367 was turning onto Gum, it was ditched on

1 Campbell. "

2 Q. Okay. And the next comment?

3 A. "First saw vehicle on Tarrant to Central to Gum to
4 Campbell."

5 Q. And then is there identifying information about
6 Mr. Washington?

7 A. Yes, sir. His driver's license -- actually his ID
8 was placed in the call.

9 MR. HODGES: Okay. All right. Answer -- please answer
10 any questions that defense counsel have.

11 THE COURT: All right. Cross?

12 CROSS-EXAMINATION

13 BY MR. HOLLOWAY:

14 Q. All right. Ms. Burch, I'm going to show you
15 what's been marked as Defense Exhibit 2. Can you identify
16 this for the jury?

17 A. Yes, sir.

18 Q. Okay.

19 A. That's the CAD detail report of the incident at
20 New Haven.

21 Q. And are you able to tell whether it's basically
22 the -- a duplicate of what is State's Exhibit 5?

23 A. Yes, sir.

24 Q. And all the pages?

25 A. Uh-huh.

1 Q. From the State's exhibit are in --

2 A. Yeah.

3 Q. -- this exhibit. Exhibit 2?

4 A. Yes.

5 Q. Okay. I'm go through this with you if you don't
6 mind.

7 A. Okay.

8 Q. All right. See if we can zoom in a little bit.

9 All right. So we have here, this is page 2 of Defense
10 Exhibit 2.

11 MR. HOLLOWAY: Oh, and, your Honor, I'm going to ask to
12 move this into -- into evidence at this time. Defense 2.

13 THE COURT: State's 2? Any objection?

14 MR. HODGES: No objection.

15 THE COURT: Defense 2?

16 MR. HOLLOWAY: Yes, sir.

17 THE COURT: All right. Defense 2 is admitted without
18 objection.

19 (Defendant's Exhibit Number 2 admitted into evidence.)

20 BY MR. HOLLOWAY:

21 Q. Top here we have -- what kind of vehicle do we see
22 at March 5th, 23:46 -- roughly 11:46 p.m. What vehicle is
23 described right there?

24 A. A 2014 Chevy Malibu.

25 Q. Okay. Going further down March 5th, it's at

1 20:48, what is the -- the notation right there?

2 A. "The vehicle has not moved off of Taggart."

3 Q. And they're referring to that Malibu, correct?

4 A. Yes, sir.

5 Q. Okay. Below there, going further about two lines
6 down, "Complainant is in a silver Honda Accord." What does
7 that mean?

8 A. The caller would be driving a silver Honda Accord.

9 Q. The caller was -- was (inaudible)?

10 A. The caller was -- the caller's name was not
11 listed, but it would be the victim's mother.

12 Q. So the victim's mother, basically what this
13 notation means is the victim's mother is out there at this
14 location near Taggart Street?

15 A. Yes, sir.

16 Q. Okay. And she's in a silver Honda Accord?

17 A. Yes, sir.

18 Q. Okay. From there, three lines down, what is that
19 notation at 23:54? 11:40 -- 11:54 p.m.

20 A. The 976 Taggart?

21 Q. Yes.

22 A. Yeah. "976 Taggart, the vehicle is located."

23 Q. So what's being said right here is in Malibu, was
24 actually located at a particular address?

25 A. Yes, sir.

1 Q. Okay. 976 Taggart, is that correct?

2 A. Yes, sir.

3 Q. Okay. And then she is advised two -- three lines
4 below there, "Complainant is on the way. She has been
5 advised not to go to the residence. Wait at the top," is
6 that what that says?

7 A. Yes, sir.

8 Q. Okay. So she's advised not to go on the property
9 at 976, correct?

10 A. Yes, sir.

11 Q. And so asking questions for herself?

12 A. Uh-huh.

13 Q. Okay. That's obviously not safe?

14 A. Yes, sir.

15 Q. Okay. And what is really supposed to happen at
16 that point?

17 A. She should wait at the top and not go to the
18 residence.

19 Q. Who should go to the residence?

20 A. The police.

21 Q. Okay. Do you have any notation on this CAD report
22 that they actually -- law enforcement actually went to 976
23 Taggart?

24 A. No, sir.

25 Q. Okay. If they -- if they had gone on the property

1 at all, they would've had to -- to notify dispatch, correct?

2 A. They should, yes, sir.

3 Q. They had knocked on the door they -- they would
4 have had to notify dispatch, correct?

5 A. Yes, sir.

6 Q. If they had talked to anyone at any resident at
7 976 Taggart, they would've had to notify dispatch, correct?

8 A. Yes, sir.

9 Q. Okay. You see no notation at all, correct?

10 A. Yes, sir.

11 Q. You testified on direct, this is meant to be an --
12 an accurate record of what law enforcement was doing, was
13 observing at that time on March 5, 2021, correct?

14 A. Yes, sir.

15 Q. Okay. Let's move to page 5. Okay. Again moving
16 down about eight lines down, 23:41, it's 11:41 p.m. It says
17 "Tracking his car, it is showing on Taggart," correct?

18 A. Yes, sir.

19 Q. It's not saying "Tracking his iPhone," is it?

20 A. No, sir.

21 Q. If -- as Mr. Gordon -- if Mr. Gordon had notified
22 law enforcement he was tracking his phone versus his car or
23 his mom knew that information, dispatch would've known that
24 information, correct?

25 A. Yes, sir.

1 Q. Because this is meant to be accurate, correct?

2 A. Yes, sir.

3 Q. Basically know what resources law enforcement is
4 supposed to be dispatched to that location?

5 A. Yes, sir.

6 Q. For investigative purposes to preserve peace
7 between people solving their own problems, right?

8 A. Yes, sir.

9 Q. Namely, "Getting my phone back," correct?

10 A. Yes, sir.

11 Q. Okay. Further down actually the next line down,
12 he says, or the line says "Tracking on his phone." That's
13 what it says?

14 A. Yes, sir.

15 Q. Okay. So the implication is he's tracking the
16 vehicle on his phone, correct?

17 A. Yes, sir.

18 Q. Okay. Moving to page 7. This is three -- three
19 lines down at 23:54, 11:54:54. What does that say?

20 A. "976 Taggart Avenue, the vehicle is located."

21 Q. Okay. To your knowledge, do you have any
22 documentation in this CAD report that the vehicle was
23 actually located other than that? Okay. So that would be a
24 mistake, correct? If it didn't actually happen what is
25 written -- what is typed in here in real time would be a

1 mistake, correct?

2 A. I'm not sure.

3 Q. Okay. It'd be a mistake on what information is
4 relayed to dispatch, is what I'm -- is what I'm getting at?

5 A. Yes, sir.

6 Q. Your dispatcher is simply typing in the
7 information that they are provided by -- by officers on
8 scene. Okay. Is that -- is that correct?

9 A. Yes, sir.

10 Q. Okay. Further down, that's about 10 lines down,
11 23:57:07. What does it say right there, 23:57:07?

12 A. "113 was out at 926 Taggart."

13 Q. What does that indicate?

14 A. That we had a unit out at 926 Taggart Avenue.

15 Q. At a different address?

16 A. Yes, sir.

17 Q. Okay. So two different residences officers
18 respond, 976, 926 Taggart Avenue, is that correct?

19 A. Yes, sir.

20 Q. Okay. Do you have any -- as with the other
21 address, do you have any information on here that law
22 enforcement actually talked to a resident there?

23 A. No, sir.

24 Q. And if they had, if they had knocked on the door
25 or even entered the property, they'd have to tell dispatch?

1 A. Yes, sir.

2 Q. Because it's important for dispatch to know what
3 officers are doing?

4 A. Uh-huh.

5 Q. To protect their safety -- protect their safety of
6 anyone out there, correct?

7 A. Yes, sir.

8 Q. So they're actually at a second residence, 926
9 Taggart Avenue, but they didn't talk to anyone? Nothing is
10 indicated? Okay. Now, in -- before you -- you came here to
11 -- to testify today, you actually went through these records?

12 A. Yes, sir.

13 Q. State's Exhibit 5, duplicate of State's Exhibit 2?

14 A. Yes, sir.

15 Q. To prepare and know exactly what the State is
16 going to ask of you, maybe even try to forecast what I'm
17 going to ask of you, is that correct?

18 A. Yes, sir.

19 Q. Okay. Do you see any indication of an address 938
20 Taggart Avenue in this report?

21 A. No, sir.

22 Q. Officers never would -- never -- to your
23 knowledge, never went to 938 Taggart Avenue?

24 A. No, sir.

25 MR. HOLLOWAY: That's all I have, your Honor. Thank

1 you.

2 THE COURT: All right. Any re-direct?

3 MR. HODGES: Just a few questions, Judge.

4 RE-DIRECT EXAMINATION

5 BY MR. HODGES:

6 Q. Mr. Holloway asked you some questions about being
7 important for these reports to be accurate. Would it be fair
8 to say that the report is an accurate reflection of whatever
9 information is coming into dispatch?

10 A. Yes, sir.

11 Q. You may be getting good information and bad
12 information, is that fair to say?

13 A. That's fair.

14 Q. He asked you if there was an officer out at
15 Taggart Avenue?

16 A. Yes, sir.

17 Q. Do actually have an officer, 113, which is Bailey
18 Thompson out on Taggart Avenue?

19 A. Yes, sir.

20 MR. HODGES: That's all the questions I have. Thank
21 you.

22 THE COURT: Any re-cross?

23 RE-CROSS EXAMINATION

24 BY MR. HOLLOWAY:

25 Q. But there's no indication that Bailey Thompson

1 talked to anybody at any address on that night the night of
2 what the alleged carjacking, correct?

3 A. We just know he was out there.

4 MR. HODGES: That's all I have, your Honor. Thank you.

5 THE COURT: Anything else?

6 MR. HODGES: Nothing further.

7 THE COURT: All right. You may step down. Thank you.

8 MS. BURCH: Thank you.

9 THE COURT: All right. Next witness.

10 MR. HODGES: Call Officer Corona.

11 THE CLERK: Morning, Officer. Place your left hand on
12 the Bible, and raise your right hand, please.

13 OFFICER FAUSTO GONZALEZ CORONA,
14 being duly sworn, testified as follows:

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION

17 BY MR. HODGES:

18 Q. If you would please introduce yourself to the
19 jury?

20 A. I'm Officer Corona, with the Greenwood Police
21 Department.

22 Q. And how long have you worked for the police
23 department?

24 A. Going on, nine years. I left for about three
25 years and then came back to the city.

1 Q. And what are your duties currently?

2 A. At this point, I'm in the community -- community
3 team (inaudible) team. My rank is a sergeant.

4 Q. And what is the community team?

5 A. We do community outreach, go to events, interact
6 with the community as much as we can. We try to get close to
7 the community as far as police officers in the community.

8 Q. All right. Is that a different role than you had
9 back in 2021?

10 A. It is. Yes, sir.

11 Q. All right. What was your role back in 2021?

12 A. I was -- I was on shift. I was patrol officer on
13 shift, working on -- on answering calls.

14 Q. All right. What -- what does it mean to be on
15 shift?

16 A. Basically you are assigned to a shift, and you
17 have a captain and lieutenant and other officers on that
18 shift and you work period throughout the week.

19 Q. All right. And -- and what kind of hours and --
20 and -- and schedule do shift patrol officers work?

21 A. 12 hours. Rotating shift.

22 Q. What do you mean by "rotating shift"?

23 A. To, like, I -- I work Monday and Tuesday. Off
24 Wednesday and Thursday. Work Friday, Saturday, and Sunday.

25 Q. All right.

1 A. And then next week would be the opposite.

2 Q. And do you flip flop between days and nights?

3 A. Yes, sir.

4 Q. Periodically?

5 A. Yes, sir.

6 Q. All right. And you mentioned that you have
7 basically a chain of command on the shift?

8 A. I did, yes, sir.

9 Q. And who was your supervisor that night back on
10 March 5th?

11 A. Lieutenant Thompson.

12 Q. Okay. Bailey Thompson was your --

13 A. Yes, sir.

14 Q. -- lieutenant? All right. Did you get dispatched
15 on the -- the night of March 5, 2021 to a -- a robbery
16 somewhere in the vicinity of the New Haven apartment complex?

17 A. I did.

18 Q. Describe for us, if you would, maybe just taking
19 us from here at the courthouse, where in the city of
20 Greenwood is this New Haven apartment complex?

21 A. It is -- if you take -- if you leave here this
22 monument, you take Maxwell, which is the street, if you --
23 that runs into monument, take a left onto South Main, then a
24 right onto Seaboard, keep going straight onto East Cambridge
25 and then New Market is going to be on -- on the right. So

1 and...

2 Q. Give us some landmarks like when you turn off of
3 Main Street up here onto Seaboard, what's there on the
4 corner?

5 A. Wells Fargo. That'd be Wells Fargo on your corner
6 right there.

7 Q. Go on down Seaboard. And that kind of -- sort of
8 like blends into East Cambridge?

9 A. Yes, sir, it is. There's two --

10 Q. And is like a little convenience store or
11 something right there?

12 A. Yes, sir.

13 Q. What -- what is that?

14 A. It's a Hispanic Mexican store.

15 Q. Okay. Used to be The Workman's restaurant?

16 A. That's right. Yes, sir.

17 Q. Maybe before your time. Keep going through the
18 intersection, you get to New Market?

19 A. Yes, sir. You go to Watson and then New Market.

20 Q. Okay. And then which way do you turn off
21 Cambridge to get to the apartments?

22 A. You going -- you turn right to get to New Market
23 and then you keep going down New Market and then your
24 apartment complex is going to be on the left.

25 Q. Okay. And that was where the report of this

1 robbery occurred?

2 A. Yes, sir, it is.

3 Q. All right. Did you -- did you have an opportunity
4 then to meet up with Mr. Gordon, the complainant in this
5 case?

6 A. I did.

7 Q. And in talking with him were you able to get any
8 sort of a description of the -- the subject in the case?

9 A. What's on my report, a black male about 5'10 to
10 six foot tall, thin built.

11 Q. Okay. And did you get any sort of clothing
12 description?

13 A. Yes, sir, I did.

14 Q. What was that?

15 A. Let me see. I apologize. Oh, okay. I got it.

16 "The victim also described subject as wearing a black hoodie
17 and a hoodie over his head, a mask and gray pants."

18 Q. And is it important to have a -- a description of
19 who it is -- is you're looking for?

20 A. Yes, sir, it is.

21 Q. Okay. Did he also indicate that his -- his
22 vehicle had been taken?

23 A. Yes, sir.

24 Q. Did you get information about that vehicle?

25 A. Yes, sir. It's 2020 -- 2014, if I can recall, it

1 was Chevy Malibu.

2 Q. And did you also get a tag number for the vehicle?

3 A. I did, yes, sir. South Carolina registration, [REDACTED]
4 [REDACTED].

5 Q. All right. And again, important to have that
6 information to know what you're looking for, right?

7 A. It is, yes.

8 Q. Tell us if you would, what -- what is a -- what's
9 a BOLO?

10 A. It's a "be on the lookout" for our agency for
11 other officers and outside agencies.

12 Q. Would that information that you gathered have been
13 sent into dispatch and out to other officers? So they again,
14 knew what you knew about what you were looking for?

15 A. Yes, sir.

16 Q. And did -- did other officers then begin to come
17 to that area to search for this individual and this vehicle?

18 A. Yes, sir. It's a regular practice that other
19 officers start gathering in the area, make sure that we are
20 looking for such vehicle.

21 Q. And -- and this is in the City of Greenwood,
22 correct?

23 A. It is, yes, sir.

24 Q. And so city officers would've been doing that?

25 A. That's right. Yes, sir.

1 Q. And it would appear then also from the -- the CAD
2 that county officers were assisting as well?

3 A. Yes, sir.

4 Q. And is that -- is that kind of common practice
5 that if something is happening in the city, that county
6 deputies will come in and --

7 A. Yes, sir.

8 Q. -- provide assistance as well?

9 A. Try to assist, yes, sir.

10 Q. All right. I'm going to hand you what's been
11 previously marked as State's Exhibit Number 7. Ask if you
12 recognize what this is.

13 A. Yes, sir, I do.

14 Q. What is that?

15 A. It's a map of area of New Market.

16 Q. Is it -- does it show the -- the general area that
17 we've been talking about?

18 A. Yes, sir. It does.

19 MR. HODGES: Your Honor, I would offer State's Exhibit
20 7 into evidence.

21 THE COURT: All right. Any objection?

22 MR. HOLLOWAY: No, sir.

23 THE COURT: State's 7 is admitted into evidence without
24 objection.

25 (State's Exhibit Number 7 admitted into evidence.)

1 MR. HODGES: Can I publish it?

2 THE COURT: Yes, sir.

3 BY MR. HODGES:

4 Q. All right. So what is this area right here that
5 my finger is circling over? You can see that?

6 A. That would be New Haven Apartment Complex.

7 Q. Okay. And you talked about turning off of East
8 Cambridge to get there and -- and I know Cambridge is not on
9 this map, but where would it be in relation to what we're
10 looking at here?

11 A. On the top part -- part of the screen.

12 Q. Okay. So -- so East Cambridge would be running
13 along --

14 A. Yes, sir.

15 Q. -- the top of the page there?

16 A. Yes, sir.

17 Q. Beyond above the map?

18 A. Yes, sir.

19 Q. All right. And then what is the road here that
20 runs past New Haven Apartments?

21 A. New Market.

22 Q. And then as you go south from New Haven on New
23 Market, what is the next big landmark below New Haven?

24 A. The packing plant.

25 Q. And then what is the -- what road then is below

1 south of the packing plan?

2 A. Taggart.

3 Q. And that's an east and west running road --

4 A. Yes, sir.

5 Q. -- basically south of the packing plan?

6 A. Yes, sir.

7 Q. All right. And did you and the other officers
8 basically saturate this area, attempting to locate this
9 vehicle that the complainant had provided a description to
10 you about?

11 A. Yes, sir.

12 Q. Were you and the other officers able to find that
13 vehicle?

14 A. At that point, no, sir.

15 Q. There's been mention of a Flock camera system.
16 Can you explain what the Flock camera system is?

17 A. To my knowledge, it is a device -- it's a camera
18 that is set up to -- in which we can enter vehicles of
19 interest for us to get a -- an alert. And at which point, we
20 get an alert and we can get in the area of where that vehicle
21 was last seen.

22 Q. Okay. And are -- are those -- those cameras are
23 at fixed locations?

24 A. It is, yes, sir.

25 Q. Would it be fair to say there are more Flock

1 cameras today than there were in 2021?

2 A. Yes, sir.

3 Q. Is that a fairly -- a fairly new thing back then?

4 A. It was, yes, sir.

5 Q. And it has grown over time?

6 A. Most definitely.

7 Q. Obviously if a vehicle doesn't drive past one of
8 these fixed locations, then it's not going to set off an
9 alert, correct?

10 A. That's right, yes, sir.

11 MR. HODGES: All right. Please answer any questions
12 that Defense Counsel may have.

13 THE COURT: All right. Cross?

14 CROSS-EXAMINATION

15 BY MR. HOLLOWAY:

16 Q. I show you what's already been admitted State's
17 Exhibit 7. Can you tell the jury how many Flock cameras were
18 already posted in March of '21?

19 A. I don't know that answer.

20 Q. Just estimate.

21 A. I don't know the answer.

22 Q. More than one?

23 A. I don't know that answer. As far as had to be
24 one, but I don't know how many -- I didn't ask those -- I
25 don't ask those questions.

1 Q. Well -- I mean, you certainly utilized the tools,
2 didn't you?

3 A. Yes, sir.

4 Q. So you're -- you're aware -- you had to be aware
5 that there's more than one Flock camera --

6 A. Yes, sir, I do.

7 Q. -- in this area. I mean, law enforcement, it --
8 it would be -- not be worth law enforcement's resources to
9 purchase just one, right?

10 A. That's right.

11 Q. So were there five?

12 A. I don't recall.

13 Q. So you don't know if there's less than -- if
14 there's more than five or less than five cameras out there
15 during this timeframe?

16 A. It could have been more, it could have been less,
17 yes, sir.

18 Q. Okay. What about 12 -- 12 cameras operating in
19 Greenwood at that time?

20 A. Could have been less, could have been more, yes,
21 sir.

22 Q. Okay. But at that time, law enforcement in
23 Greenwood was using -- was using these tools actively using
24 these tools?

25 A. Yes, sir.

1 Q. During March of '21, right?

2 A. Yes, sir.

3 Q. So it had been more than just five or 10 or 12 all
4 over an area this size, and that has -- correct? I mean, it
5 stretches logic that you're saying you don't know, and yet
6 you were utilizing these tools.

7 A. Yes, sir.

8 Q. To locate suspect -- locate vehicles, right?

9 A. That's right.

10 Q. So that the -- there had been more than 10 or 12
11 in this particular --

12 MR. HODGES: Objection. Asked and answered. He's
13 indicated he doesn't know.

14 THE COURT: Sustained.

15 BY MR. HOLLOWAY:

16 Q. All right. So on March 5th, you responded to New
17 Haven Apartments, you testified about that?

18 A. Yes, sir.

19 Q. Okay. During that -- that call, were you wearing
20 a body camera?

21 A. I was.

22 Q. Okay. Was it operational?

23 A. It is. I've noticed that the camera wasn't on. I
24 don't remember why it wasn't on.

25 Q. Okay. But a recording, the car -- the -- the

1 camera was -- was operational?

2 A. Yes, sir.

3 Q. Okay. Did you press the button to -- to turn it
4 on?

5 A. I don't recall. I don't recall why it wouldn't
6 cut on.

7 Q. Okay. Did -- I'm going to show you just the
8 purposes of identification.

9 A. Yes, sir.

10 Q. What is that?

11 A. My report.

12 Q. Okay. Your report from which case?

13 A. 11/13/21.

14 Q. This case? This case?

15 A. Yes, sir.

16 Q. And which date?

17 A. 11/13/21.

18 Q. So the date on that report is November 13, 2021?

19 A. I'm sorry. No, well, it says -- yes, sir. It
20 says on here 11/13/21.

21 Q. Okay. What does that really mean since the
22 incident in this case occurred March 5, 21, eight months
23 earlier?

24 A. I don't know. I don't recall. I don't know why.

25 Q. Okay. Is it possible that the more information

1 was added to the -- that report?

2 A. I don't recall. No, sir. I -- I turned my
3 reports and that's what I do.

4 Q. Okay. You were involved in this case sufficiently
5 to create a report?

6 A. Yes, sir.

7 Q. Is that correct?

8 A. That's correct.

9 Q. Okay. Which means you had at least an important
10 part in this investigation, right?

11 A. Yes, sir.

12 Q. Who was the first person to interview Mr. Gordon?

13 A. I did.

14 Q. Okay. Yet you didn't make sure that the interview
15 was -- was recorded on your body camera?

16 A. Yes, sir.

17 Q. And you have -- do you have any independent
18 knowledge of turning the camera on?

19 A. I don't recall why it wasn't cut on. I don't
20 recall why it didn't cut on.

21 Q. Just didn't turn it on?

22 A. That's right.

23 Q. Okay. Did other officers respond with you?

24 A. Yeah, I don't recall who showed up with me.

25 Q. Do you know -- can you approximate how many

1 officers showed up to the scene with you?

2 A. I don't recall. Maybe -- I don't recall. I can't
3 say exactly how many officers responded with me.

4 Q. Who was the lead investigator on this case?

5 A. Detective Baker.

6 Q. Okay. Did you notify him that your camera wasn't
7 operational or wasn't turned on?

8 A. I did not.

9 Q. Okay. So you didn't notify him the fact that you
10 didn't record your interview of the victim?

11 A. If it's not in my report, no, sir. I did not
12 notify him.

13 Q. Okay. What the victim -- what we know of what the
14 victim actually, or what Mr. Gordon said is just in what you
15 typed up, correct?

16 A. Yes, sir.

17 Q. Do you know of any other officer out there that
18 took a statement, verbal or otherwise, from Mr. Gordon?

19 A. That I recall? No, sir.

20 Q. Okay. Did you do a -- a handwritten statement
21 from Mr. Gordon?

22 A. It wasn't handwritten. It was on my computer in
23 car camera -- in car computer. I'm sorry.

24 Q. Okay. So you typed up as -- I guess, tell us --
25 how did you record what he said?

1 A. I didn't record it.

2 Q. I mean record it as far as documenting it.

3 A. On a piece of paper, what he was telling me.

4 Q. Okay. Where is that piece of paper at?

5 A. I don't -- I don't have it. I don't have it with
6 me.

7 Q. Did you take -- did you write handwritten notes?

8 A. Yes, sir.

9 Q. And then when did you transcribe them?

10 A. After -- after the report was taken.

11 Q. Same night?

12 A. Yes, sir.

13 Q. Okay. Did you turn in your handwritten notes to
14 Investigator Baker?

15 A. I did not.

16 Q. Where are those handwritten notes?

17 A. I don't have them.

18 Q. Were they disposed of?

19 A. No, sir. They might be in one of my notebooks
20 somewhere. I don't know where they're at.

21 Q. Do you maintain an independent notebook of your
22 investigations?

23 A. No, sir. There's a notepad.

24 Q. A notepad?

25 A. Yes, sir.

1 Q. Do you have an archives of your -- your
2 investigative notepads?

3 A. Other than what I have in front of me in my
4 reports, no, sir.

5 Q. So those notes are lost?

6 A. Yes, sir.

7 Q. What the victim actually said, what we really know
8 of what you transcribed -- you wrote down, those notes are
9 gone?

10 A. Yes, sir.

11 Q. Not -- okay. Did you tell Investigator Baker that
12 -- that you lost the notes?

13 A. I did not, no, sir.

14 Q. You told the State that?

15 A. I did not.

16 Q. Did you before this trial prepare for the -- what
17 the State would be asking you and what I might be asking you?

18 A. All I know is what I wrote in my report.

19 Q. Do you know whether you met with the State -- the
20 Prosecutors prior to this trial?

21 A. Yes, sir.

22 Q. Okay. Did you let them know that your handwritten
23 notes, sir, are lost?

24 A. I did not. I mean, no -- because -- no, sir, I
25 did not.

1 Q. Did you speak to Mr. Gordon's wife?

2 A. No, sir.

3 Q. Was she on scene?

4 A. Not that I recall.

5 Q. Okay. Did you speak to his -- his stepmother?

6 A. No, sir. Not that I recall.

7 Q. Okay. Did you speak to any other witnesses?

8 A. Not that I recall. I spoke to Mr. Gordon.

9 Q. Did any of the officers canvas the apartment
10 complex to see if there were any other witnesses out there?

11 A. I can't speak on what other officers did.

12 Q. What about you?

13 A. Me? I was with Mr. Gordon.

14 Q. Okay. Did you observe any other officers
15 canvassing that apartment complex to see if there are any
16 potential witnesses out there?

17 A. I was with the victim so, no. No.

18 Q. Did the apartment complex have any -- any cameras?

19 A. Not that I know of.

20 Q. Where did -- did you or any other officer out
21 there check for -- for cameras?

22 A. I did not.

23 Q. And to your knowledge, the Flock cameras that had
24 been installed picked up -- did not pick up a Chevy Malibu, a
25 2014 Chevy Malibu with the tag number of Mr. Gordon's vehicle

1 that night?

2 A. No, sir.

3 Q. Did you have any further involvement with this
4 investigation after March 5th?

5 A. No, sir.

6 MR. HOLLOWAY: All right. That's all I have, your
7 Honor.

8 THE WITNESS: Then --

9 MR. HOLLOWAY: I'm sorry. Go ahead.

10 THE WITNESS: Sir?

11 BY MR. HOLLOWAY:

12 Q. I -- I -- I -- I thought you said something.

13 A. Other than -- excuse me. Can you repeat the
14 question? I'm sorry.

15 Q. Did you have any further involvement in this
16 investigation?

17 A. As far as the investigation on this incident, no,
18 sir. It was further down on the -- on the next day.

19 Q. But when you say "the next day," it was really
20 March 7th?

21 A. 7th. I'm sorry. That's what I meant. Yes, sir.

22 MR. HOLLOWAY: That's all I have.

23 THE COURT: All right. Re-direct?

24 MR. HODGES: Few questions, your Honor.

25 RE-DIRECT EXAMINATION

1 BY MR. HODGES:

2 Q. You mentioned that the -- the lead on this was
3 Detective Baker?

4 A. Yes, sir.

5 Q. What -- what did detectives do?

6 A. They investigate -- they follow up on the
7 investigations of cases that we as patrol officers would
8 usually take.

9 Q. Okay. So you are sort of involved at the
10 beginning stages and then they're the ones that actually go
11 out and -- and investigate more serious incidents?

12 A. Yes, sir.

13 Q. When you are a shift officer and you are
14 documenting what you've done in a report, where do you do
15 that? Where do you actually type up your report?

16 A. In my in-car computer.

17 Q. All right. So you've actually got in your patrol
18 car a -- a computer mounted in the car?

19 A. Yes, sir.

20 Q. And you can sit down and pull up and type a report
21 out it?

22 A. Yes, sir.

23 Q. All right. Can you really do that while you're
24 talking to witnesses?

25 A. No, sir.

1 Q. That's something that you do sort of --

2 A. Afterwards.

3 Q. -- after the fact?

4 A. Yes, sir.

5 Q. Do you do it that same night while you're on
6 shift?

7 A. Yes, sir.

8 Q. And you actually have to then turn that into a
9 supervisor to be reviewed?

10 A. That's correct.

11 Q. Before you go off work?

12 A. Yes, sir.

13 Q. And are there times where you've kind of been
14 working all night and then before you get off you got to sit
15 down and write all these reports?

16 A. Yes, sir.

17 Q. Because of that, do you take little handwritten
18 notes that you can then later transcribe into your official
19 report?

20 A. That is correct, yes, sir.

21 Q. Okay. And would that be the -- the point of
22 having a little notebook to make sure what ends up in your
23 report is accurate?

24 A. Yes, sir.

25 Q. All right. And -- and do you transcribe that

1 information into your report?

2 A. Yes, sir.

3 Q. And that would be the report that you made?

4 A. That would be my report, yes, sir.

5 Q. Okay. You mentioned that when you're on shift
6 there as a supervisor, and then a number of -- of officers,
7 right?

8 A. That's right.

9 Q. About how many officers are there on any given
10 shift?

11 A. From five to seven. Yes, sir. Depending on who
12 calls out or so.

13 Q. Depending on vacation or something sick or
14 whatever?

15 A. Yes, sir.

16 Q. But around five to seven officers?

17 A. Yes, sir.

18 Q. When something of this seriousness of nature
19 occurs does pretty much the whole shift get involved?

20 A. Yes, sir.

21 Q. And we've also heard then there were some county
22 deputies that also got involved.

23 A. That's correct.

24 Q. So would it be fair to say that there was a large
25 law enforcement presence in this area in response?

1 A. Yes, sir.

2 Q. While you're talking with Mr. Gordon, other
3 officers are doing other things that you wouldn't necessarily
4 be aware of?

5 A. That's right. Yes, sir.

6 Q. And then all of that goes to a detective that --
7 who then investigates the --

8 A. Further investigates. Yes, sir.

9 MR. HODGES: All right. Please answer any questions
10 that Mr. Holloway has.

11 THE COURT: Any re-cross?

12 MR. HOLLOWAY: Just briefly.

13 RE-CROSS EXAMINATION

14 BY MR. HOLLOWAY:

15 Q. Do you know what's better than handwritten notes
16 and keeping track of what someone said?

17 A. What would be?

18 Q. Your --

19 A. My body camera? Yes, sir.

20 Q. That'd be a lot more accurate, right?

21 A. Yes, sir.

22 Q. And cover everything that was said by a witness.
23 The conditions of the scene, anything that's happening is --
24 is documented forever, right?

25 A. Yes, sir.

1 Q. It's not the old days when you had to rely on BHS
2 tapes that sometimes melt in the sun. Is a digital document
3 -- digitally documented evidence, correct?

4 A. Yes, sir.

5 Q. And you didn't document that important evidence,
6 did you?

7 A. No, sir.

8 Q. So what we have is -- in your report is what you
9 remember what happened not -- not really necessarily what
10 exactly Mr. Gordon said to you?

11 A. What the victim told me. Yes, sir.

12 Q. Okay. But not necessarily what he said, right?

13 A. What he told me, I wrote down and wrote my report
14 based on that.

15 Q. Now, as far as other cameras, did your car have a
16 -- have a dash camera?

17 A. It does.

18 Q. Okay. At the time, right?

19 A. Yes, sir.

20 Q. Okay. And the -- the dash cam would be pointed --
21 the camera itself would be pointed at your dashboard, right?

22 A. At the windshield. Yes, sir.

23 Q. At the windshield?

24 A. Yes, sir.

25 Q. But it's recording the audio of conversations as

1 well?

2 A. If it's activated. Yes, sir.

3 Q. Did you preserve your dash cam from this interview
4 of Mr. Gordon in this incident?

5 A. In my in-car camera?

6 Q. Yes.

7 A. No, sir.

8 Q. Okay. Where is that footage at?

9 A. It is not it -- if it wasn't activated, it was not
10 recording.

11 Q. Did you turn your --- your blue lights?

12 A. I did not.

13 MR. HOLLOWAY: Okay. That's all I have, your Honor.
14 Thank you.

15 THE COURT: Any re-direct?

16 RE-DIRECT EXAMINATION

17 BY MR. HODGES:

18 Q. The in-dash cameras in your cars, when are they
19 activated?

20 A. When you hit your blue lights or you manually
21 activate them.

22 Q. Automatic thing turn blue lights on camera?

23 A. Yes, sir.

24 MR. HODGES: That's all I have, your Honor.

25 THE COURT: Anything else?

1 MR. HOLLOWAY: No, sir.

2 THE COURT: All right. You may step down.

3 OFFICER CORONA: Thank you, sir.

4 THE COURT: It's a good point for our lunch break. So
5 I'm going to excuse you for lunch. Let's be back here 1:45.
6 1:45. Please don't discuss the case. Hope you have a good
7 lunch, and I'll see you at 1:45.

8 (Jury exits room at 12:16 p.m.)

9 THE COURT: I got one more. All right. We're in
10 recess till 1:45.

11 (Off the record at 12:18 p.m.)

12 (On the record at 1:50 p.m.)

13 THE COURT: All right. You all can sit down. They're
14 standing for you all. Hope every -- everybody had a good
15 lunch. All right. State call next witness.

16 MR. BROWN: State calls Bailey Thompson.

17 THE CLERK: Good afternoon. Place your left hand on
18 the Bible and raise your right hand, please.

19 LIEUTENANT BAILEY THOMPSON,

20 being duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 DIRECT EXAMINATION

23 BY MR. BROWN:

24 Q. Good afternoon. Mr. Thompson, state your full
25 name.

1 A. Bailey Thompson. Greenwood Police Department.

2 Q. And what is your position there?

3 A. Patrol lieutenant.

4 Q. How long have you been with Greenwood Police
5 Department?

6 A. 13 years.

7 Q. Mr. Thompson, did you have the opportunity to
8 respond actually on March 5, 2021 to an armed robbery
9 carjacking case?

10 A. Responded to the area. Yes.

11 Q. And what was that area?

12 A. Area around New Haven. New Market Street,
13 Greenwood.

14 Q. Greenwood. Okay. Was that your shift that was
15 working that night?

16 A. It was.

17 Q. And are you the supervisor of that shift?

18 A. I am.

19 Q. Was Officer Corona working that night?

20 A. He was.

21 Q. On March 5, 2021, once you got the call, what did
22 you do?

23 A. Just went through the area, just started patrol.

24 Q. Patrol? Were you looking for anything in
25 particular?

1 A. The reported -- the vehicle that was reported
2 stolen.

3 Q. The 2014 Malibu?

4 A. That's correct.

5 Q. By doing this, did you ride around that area
6 looking for it?

7 A. I did.

8 Q. By the -- tell me all the areas, if you remember,
9 you would've looked?

10 A. Essentially, just New Market down, just that
11 general area. New Haven, New Market, including area of
12 Taggart.

13 Q. And Taggart -- Taggart, does it do -- is it a
14 loop? Taggart?

15 A. No, it's not.

16 Q. It's not. And Taggart -- I'm show you a map we've
17 got State's 7. Do you recognize that?

18 A. I do.

19 Q. And is there a street that runs behind Taggart?

20 A. There is Russell Street.

21 Q. Russell Street. Patrol for this 2014 Malibu, was
22 it just you looking for this Malibu or is it other officers
23 as well?

24 A. There would've been other officers as well.

25 Q. Now are you familiar -- you said, how long have

1 you been working with the police department?

2 A. 13 years.

3 Q. 13 years. Have you been a patrol officer most of
4 those years?

5 A. Majority of them, yes.

6 Q. Majority of them. Are you pretty familiar with
7 Greenwood City?

8 A. I am.

9 Q. New Market Street?

10 A. Yes.

11 Q. Taggart?

12 A. Yes.

13 Q. Now, on that particular night do you get -- does
14 dispatch -- can you hear that on the radio coming out if
15 something is reported?

16 A. Yes.

17 Q. And what's been mentioned in a CAD report at 976
18 Taggart that was called out by the mother-in-law of the
19 victim. Is there a 976 Taggart?

20 A. There's not a 976 Taggart.

21 Q. Are you -- do you know that for sure?

22 A. Yes.

23 Q. And why do you know that?

24 A. From patrolling the area.

25 Q. Is there a 938 Taggart?

1 A. There is.

2 Q. And what's the last house on Taggart?

3 A. Last house on Taggart for Russell would be 940.

4 Q. And then right exit, that's 938?

5 A. Yes.

6 Q. Now, and -- in looking that night is there a 926
7 Taggart?

8 A. There is a 926 Taggart.

9 Q. Did you go by 926 Taggart?

10 A. I rode by 926 Taggart. Yes.

11 Q. And on March 5, 2021, did you see the 2014 Malibu?

12 A. I did not.

13 Q. Moving forward to March 7, 2021, do you remember
14 that night?

15 A. I do.

16 Q. The early morning hours of March 7, 2021?

17 A. I do.

18 Q. Do you remember about what time that call came
19 out?

20 A. No, not off the top of my head.

21 Q. If I showed you CAD report State's 6, to refresh
22 your memory.

23 A. 2:31 in the morning.

24 Q. On March 7, 2021?

25 A. Correct.

1 Q. And what is your unit number or signal if you were
2 calling a dispatch?

3 A. At the time, it appears it was 113.

4 Q. On that night, tell me leading up to your
5 involvement on March 7th or that actual in your vehicle, what
6 were you doing with other officers?

7 A. We were eating.

8 Q. You were eating?

9 A. Yeah.

10 Q. And did something alert you?

11 A. Yes, we got a flight notification of stolen
12 vehicle.

13 Q. Of what stolen vehicle?

14 A. Of the 2014 Chevy Malibu.

15 Q. And where did that hit come from?

16 A. I believe it was on East Cambridge. Would've been
17 eastbound going towards Walmart.

18 Q. After you got that notification -- and what does
19 that notification come to?

20 A. It comes through email.

21 Q. Through email. After you got that notification,
22 what'd you do?

23 A. Went to East Cambridge just for patrol.

24 Q. Patrol vehicle?

25 A. Yes.

1 Q. When you went to that area, what do you remember?

2 A. Just remember just patrolling around through the
3 -- through the neighborhood surrounding East Cambridge, going
4 through the side streets because the vehicle hadn't hit
5 again. So I was under the assumption that it was somewhere
6 in that immediate area.

7 Q. And ultimately did you lay eyes on that car?

8 A. I did.

9 Q. And where was that?

10 A. Vehicle -- hey, I was on Tarrant, which is near
11 the Old Brewer between the Old Brewer and the Early Childhood
12 Center, and got a notification that the vehicle was coming
13 westbound on East Cambridge. And about simultaneously from
14 where the camera is looked up and the vehicle was turning
15 next to me onto Tarrant from East Cambridge.

16 Q. And in that, do you have -- the vehicle you were
17 in, do you have in-car camera?

18 A. I do.

19 Q. And do you have body camera?

20 A. I did.

21 Q. And on that night, was it active?

22 A. They were.

23 Q. Have you had an opportunity to -- to review that
24 body cam?

25 A. I have.

1 Q. This would be State's 11. Are these your initials
2 on the back of this tag?

3 A. They are.

4 MR. BROWN: Your Honor, at this point, the State would
5 move State's 11, which is a portion of his in-car video, and
6 then his body cam.

7 THE COURT: All right. Any objection?

8 MR. HOLLOWAY: Subject to our -- our pretrial objection
9 I had, make it -- make it -- noted for the record, just
10 subject to my -- my previous objection.

11 THE COURT: Subject to the objection, the State's
12 Exhibit 11 is admitted over objection.

13 (State's Exhibit Number 11 admitted into evidence.)

14 MR. BROWN: Thank you, your Honor.

15 BY MR. BROWN:

16 Q. Mr. Thompson, after you made contact with the
17 vehicle, what did you do?

18 A. Turned around on the vehicle, obviously noted --
19 noted the increase in speed in attempt to evade, turned on my
20 blue lights and then by the time I caught back up to the last
21 time, it turned on Gum from Tarrant, put it in park and
22 observed a male fleeing from the vehicle.

23 Q. And when this male was fleeing from the vehicle,
24 did you make chase?

25 A. I did.

1 Q. And is the person that you chased from that
2 vehicle, is he in the courtroom today?

3 A. He is.

4 Q. And what's he wearing?

5 A. He's wearing a white and black suit.

6 Q. Is that Quindaris Washington?

7 A. That is.

8 Q. Is that the person you arrested that night?

9 A. It was.

10 Q. After you made contact with Mr. Washington, did
11 you also locate his book bag?

12 A. I did.

13 Q. Did he mention having clothes and an ID in that
14 book bag, did you disclose his ID in that book bag?

15 A. I did not.

16 Q. In addition, I'm going to show you what's been
17 marked as State's 10 -- State's 10. Do you recognize that?

18 A. Yes, sir.

19 Q. Did that come out of the vehicle --?

20 A. It did.

21 MR. BROWN: At this time, State moves State's 10 into
22 evidence.

23 THE COURT: Any objection?

24 MR. HOLLOWAY: No, sir.

25 THE COURT: State's 10, admitted without objection.

1 (State's Exhibit Number 10 admitted into evidence.)

2 BY MR. BROWN:

3 Q. What color is this?

4 A. Black.

5 Q. What's this on the top?

6 A. A hood.

7 Q. Now, before we play the body cam, when you made
8 contact with Mr. Washington, was he on a telephone?

9 A. He was.

10 Q. And it was clearly lit up?

11 A. It was.

12 Q. And did you take possession of that telephone?

13 A. Yes, we did.

14 Q. Was it the silver iPhone?

15 A. It was.

16 Q. I'll show you what's been previously marked as
17 State's Number 12. Do you recognize that?

18 A. Yes, sir. It appears to be his cell phone.

19 Q. And you collected that that night?

20 A. Yes, sir.

21 Q. Once you collected that that night, did you put it
22 in evidence?

23 A. Yes, sir.

24 Q. In addition to his silver iPhone, did you find any
25 other phones on him?

1 A. Yes, I did.

2 Q. What'd you find?

3 A. He had a green colored iPhone in his pocket.

4 Q. In his pants pocket?

5 A. Yes, sir.

6 Q. It wasn't just in the car?

7 A. It was in his pocket.

8 Q. In his pocket? Now, I'll show you what's been
9 marked, again, and it's in -- entered into evidence as
10 State's 11. Mr. Thompson, is this your in-car camera?

11 A. It is.

12 Q. What road is that in front of you?

13 A. That is East Cambridge Avenue.

14 Q. In a couple seconds, are -- are the headlights
15 about to come on the left fender of your car?

16 A. Yes, sir.

17 Q. Is that it there?

18 A. Yes, that is.

19 Q. And was that the Chevrolet Malibu?

20 A. It was.

21 (Audio starts at 2:03 p.m.)

22 (Inaudible).

23 (Audio ends at 2:04 p.m.)

24 BY MR. BROWN:

25 Q. Mr. Thompson, I'm going to stop your in-car there.

1 And again, did you say you had your body-worn camera on as
2 well?

3 A. I did.

4 Q. Have been activated. Tell me again, how was --
5 how was your body-worn camera activated?

6 A. Either this activated simultaneously with the
7 in-car with the blue lights or either if you get out and you
8 don't need the blue lights, you hit the button and activate
9 it.

10 (Audio starts at 2:05 p.m.)

11 MR. THOMPSON: Get on the ground.

12 MR. LUCAS: I got him pulled out in the backyard with
13 real beetle.

14 MR. THOMPSON: Put it down. Don't move. Put your
15 hands at the back. (Inaudible) like that.

16 MR. WASHINGTON: (Inaudible) my phone. No, I got
17 nothing for you. No, I got nothing for you.

18 MR. THOMPSON: (Inaudible). You all right? You -- you
19 got a right to remain silent anything --

20 MR. WASHINGTON: (Inaudible).

21 MR. THOMPSON: -- anything you say is going to be used
22 in the court of law. You have a right to answer questions if
23 you wish. I -- 167 on beetle behind the (inaudible).

24 MR. WASHINGTON: (Inaudible).

25 MR. THOMPSON: (Inaudible). What's your name?

1 MR. WASHINGTON: I don't know bro. You got your
2 extension bro.

3 MR. THOMPSON: Okay. Stop moving.

4 MR. WASHINGTON: I ain't moving bro. I ain't got
5 nothing on you bro.

6 MR. THOMPSON: Right.

7 MR. WASHINGTON: I ain't got on you bro.

8 MR. THOMPSON: Where's your book bag at?

9 MR. WASHINGTON: I got my clothes on you see I dropped
10 my bag. You see how I dropped my bag when you got my
11 (inaudible).

12 MR. THOMPSON: Yeah, (inaudible).

13 MR. WASHINGTON: No, I dropped my sh*t bro. I ran
14 straight through (inaudible) come out. You know I dropped my
15 sh*t bro.

16 MR. THOMPSON: Give me some (inaudible).

17 MR. WASHINGTON: You got a -- there's a draw string bag
18 that he dropped. (Inaudible), all my social security, my
19 shoes (inaudible).

20 MR. THOMPSON: (Inaudible).

21 MR. WASHINGTON: You just got me -- you just read my
22 whole right to me bro. You said anything (inaudible).

23 MR. THOMPSON: I'm going -- I'm going to figure out
24 some name is what I know.

25 MR. WASHINGTON: (Inaudible) bro. I ain't did nothing

1 wrong. You said come on, get over here you know what I'm
2 saying? Please bro. Please bro. Come on bro.

3 MR. THOMPSON: What's your name?

4 MR. WASHINGTON: Please bro.

5 MR. THOMPSON: You ain't going to see (inaudible).

6 MR. WASHINGTON: (Inaudible).

7 MR. THOMPSON: You can't have your phone while in the
8 back car.

9 MR. WASHINGTON: I -- I'm saying he going to take the
10 (inaudible).

11 MR. THOMPSON: All right. What's (inaudible) right.
12 Okay. Have a seat for me brother. (Inaudible). Hey,
13 (inaudible). Here you go. This is other cell phone. Here
14 you go. This other cell phone, right? It don't matter. Do
15 somebody if you don't mind (inaudible).

16 MR. WASHINGTON: (Inaudible).

17 MR. THOMPSON: Do what? Take your seat in your car.

18 MR. WASHINGTON: (Inaudible) get my car.

19 MR. THOMPSON: I'm going to walk back up there. Yeah,
20 Spencer is going to take me. (Inaudible). There we go. We
21 just cut -- we just cut through as soon as we saw you went
22 down central. That Taggart Road the first time I got behind
23 him and they pulled up Early Childhood Center. So I was
24 like, I'm going to see what they do. They (inaudible) come
25 off Taggart, he comes off North Bethune. As soon as he turns

1 he just like starts slow driving. Yeah. So he passes me
2 anyway. I turn around and look (inaudible) as he turn he
3 just hauling. So I hit the blue lights had -- was
4 (inaudible) Bethune here and he pulls here and ditches me.
5 (Inaudible) come back up. (Inaudible)?

6 MR. WASHINGTON: Yeah.

7 MR. THOMPSON: It is so hard because he ain't -- I'm
8 not fast, but he's not either. But I was keeping sight of
9 him and the whole time I was like (inaudible). When all went
10 around that corner in that field up (inaudible)? Yeah, he
11 rolling up the edge of the road and he went around by the
12 laundromat. I walked straight over behind the blue mansion,
13 right there is, like, a bamboo thicket. I turned around and
14 I saw him. He was standing at the edge of the bamboo thicket
15 and I didn't see -- didn't find the book bag. So after --
16 oh, he knows where he was going. So after we got him from
17 the Spencer's car, he was like, man, that bag just had my
18 clothes in and you saw me carry and it just had my clothes in
19 it. We go back and I tell Corona I was like, "This is where
20 he was standing I saw him." As soon as I say Corona is like,
21 "Oh, here's the book bag right here."

22 MR. LUCAS: You saw that yellow thing?

23 MR. THOMPSON: Yeah.

24 MR. LUCAS: (Inaudible).

25 MR. THOMPSON: Oh, yeah. (Inaudible).

1 (Audio ends at 2:15 p.m.)

2 BY MR. BROWN:

3 Q. Now Mr. Thompson, a lot of that goes by real fast,
4 but about four minutes into that or four minutes 40 seconds
5 into that video before you put Mr. Washington in the vehicle,
6 do you find the victim's cell phone in his pocket?

7 A. I did.

8 Q. And who was that that was standing there next to
9 you that you handed it to?

10 A. Officer Lucas.

11 Q. Officer Lucas? And the -- and the victim's phone
12 was in his pocket?

13 A. Yes, sir.

14 Q. When you went back -- State's 9, which is the book
15 bag, Mr. Washington, when you were taking him to the car, he
16 said his social security ID and his clothes were in the bag.
17 That was not in the bag, was it?

18 A. It was not.

19 Q. Did Mr. Washington have a driver's license?

20 A. He does not.

21 Q. Towards the end, when you were looking at the --
22 looking in the car belonging to Mr. Gordon, was that -- was
23 his phone case in the floorboard there?

24 A. It was.

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

1 marked States 1, 2, and 3. Specifically State's 2 and 3, do
2 you recognize those photographs?

3 A. I do.

4 Q. Are those from your body cam?

5 A. They are.

6 Q. Still shots? And then State's 1, that's the
7 steering wheel of the vehicle?

8 A. It is.

9 Q. Is that blue -- blue steering wheel cover?

10 A. Yes, it is.

11 Q. And an orange key chain?

12 A. Yes.

13 Q. Now, while you were out on that call, was Officer
14 Corona -- did he show up to help that night?

15 A. He did.

16 Q. How many other officers were out there that night?

17 A. At least five other ones.

18 Q. Five other officers? And when you respond to a
19 call -- especially after you make arrest, do you call into
20 dispatch every single move you make?

21 A. No, you do not.

22 Q. Why is that?

23 A. Some of it is irrelevant. Some of it is just
24 doesn't need to be said on the radio.

25 Q. When you were chasing after Mr. Washington, were

1 you making radio calls?

2 A. I was.

3 Q. What's the purpose of that?

4 A. So to update other people that are coming to
5 assist, know where I'm at.

6 Q. Now, after you all finished searching the 2014
7 Malibu was Mr. Gordon notified?

8 A. He was.

9 Q. And did Mr. Gordon come out to that location?

10 A. He did.

11 Q. Was his cell phone and car turned back over to
12 him?

13 A. It was.

14 Q. Is that Mr. Gordon there that came back out?

15 A. It is.

16 Q. Now, you're the lieutenant over a shift, is that
17 correct?

18 A. Correct.

19 Q. How many calls on average do you get a night?

20 A. Probably somewhere around 25, 30, depending time
21 of year.

22 Q. And during that time on some calls, are your body
23 cams activated on every call?

24 A. Not every call.

25 Q. And do police officers also use -- utilize a

1 notebook to keep notes on?

2 A. Yes, we do.

3 Q. But after you do the notes, what do you all --
4 what do you do?

5 A. The notes are simply your name, date of birth,
6 address, phone number, maybe some -- maybe some notes
7 relevant to the call you're on after you clear all -- any of
8 those notes go directly into your report. Once you fill your
9 notebook up, it's common practice to throw it away.

10 Q. And did most of your guys on your shift have a
11 little pad?

12 A. Yes.

13 Q. Now earlier, it was mentioned to Mr. Corona about
14 on the incident report 11/13//2021?

15 A. Yes, sir.

16 Q. Was the date. What day did this happen that you
17 actually got behind Mr. Washington and detained him? Was
18 this March 7, 2021?

19 A. Correct.

20 Q. And in your incident report, did you write your
21 report around that time?

22 A. I did.

23 Q. Now, I'm just going to show you -- is this -- just
24 tell me, is this a copy of your report?

25 A. It is.

1 Q. What's the date during -- of your paragraph of
2 your actual report that that -- that was written?

3 A. I actually don't have the -- oh yeah, 3/27/2021.

4 Q. 3/27 or?

5 A. Oh 3/7/2021. My bad.

6 Q. 3/7/2021?

7 A. Correct.

8 Q. And at the top of that incident report, what date
9 does that say?

10 A. It says 11/13/2021.

11 Q. Do you know why that says that?

12 A. That was around the time we switched reporting
13 systems and when it got converted over, it changed the dates
14 on a lot of different reports.

15 Q. Is that just at the top of the page?

16 A. Just at the top of the page. It changes nothing
17 about the narrative.

18 Q. And the body of the narrative of your actual
19 report states 3/7/2021?

20 A. It does.

21 Q. It accurately reflect the date that this report
22 was written?

23 A. Correct.

24 MR. BROWN: Your Honor, at this time also, will finish
25 with Mr. Thompson. State would move white or the silver

1 iPhone 12 State's 12 into evidence.

2 THE COURT: Are any objection?

3 MR. HOLLOWAY: No, sir.

4 THE COURT: All right. State's 12 is admitted into
5 evidence without objection.

6 (State's Exhibit Number 12 admitted into evidence.)

7 MR. BROWN: Your Honor, I'm also at this time, State's
8 Number 13 which would be a certificate of (inaudible) on jail
9 phone call. Put that in as evidence and then also publish
10 State's Number 25, which is a jail phone call by Mr.
11 Washington.

12 THE COURT: All right. So you moving State's 13 and
13 State's 25?

14 MR. BROWN: Yes, sir.

15 THE COURT: Any objection?

16 MR. HOLLOWAY: No, sir.

17 THE COURT: All right. State's 13, State's 25 admitted
18 into evidence without objection.

19 (State's Exhibits Numbers 13 & 25 admitted into evidence.)

20 BY MR. BROWN:

21 Q. Before I get to that phone call, just to be
22 certain with you, Mr. Thompson, again around the 4:40 mark on
23 your body cam, is that when you can see you taking the
24 victim's cell phone out of the -- out of Mr. Washington's
25 pocket?

1 A. That's correct.

2 Q. And again, Mr. Washington, what kind of clothing
3 did he have on there? What kind of shirt did he have on?

4 A. Some type of hoodie.

5 Q. A dark and colored hoodie?

6 A. Correct.

7 (Audio starts at 2:24 p.m.)

8 UNIDENTIFIED SPEAKER: Do (inaudible). Invalid phone
9 number, please enter the area code. Enter your pin number
10 now. You will be asked to verify your name now please say
11 your full name after the beep.

12 MR. WASHINGTON: Keondre Washington.

13 UNIDENTIFIED SPEAKER: Thank you. I recognize your
14 voice. You have \$42.50. This call will cost \$1.75 for the
15 first minute and three cents for each additional minute.
16 Property applicable federal, state, and local taxes. This
17 call is subject to recording and monitoring. If your call is
18 not connected, you'll be offered the option to leave now to
19 make your silence during the acceptance of your call, please
20 continue to hold. Hello. This is a free call from?

21 MR. WASHINGTON: Quin Washington.

22 UNIDENTIFIED SPEAKER: (Inaudible) at Greenwood County
23 Jail. This call is subject to reporting and monitoring. To
24 accept this free call, press one. To refuse this brief
25 (inaudible). You may start the conversation now.

1 MR. WASHINGTON: Oh my God, somebody answered the
2 phone.

3 UNIDENTIFIED SPEAKER: You talking to me, you woke up.

4 MR. WASHINGTON: (Inaudible).

5 UNIDENTIFIED SPEAKER: (Inaudible).

6 MR. WASHINGTON: (Inaudible) the first time I always
7 (inaudible) I called you two times.

8 UNIDENTIFIED SPEAKER: I -- did I get (inaudible).

9 MR. WASHINGTON: Huh?

10 (Audio ends at 2:25 p.m.)

11 MR. BROWN: So I going to fast forward up to the
12 pertinent time, your Honor.

13 (Audio starts at 2:26 p.m.)

14 MR. WASHINGTON: (Inaudible).

15 UNIDENTIFIED SPEAKER: I (inaudible).

16 MR. WASHINGTON: What? My (inaudible).

17 UNIDENTIFIED SPEAKER: Yeah.

18 MR. WASHINGTON: My whole (inaudible).

19 UNIDENTIFIED SPEAKER: (Inaudible).

20 MR. WASHINGTON: (Inaudible) because damn, man,
21 something told me, like, "Hey, man, listen, man, no need hop
22 in that shit. Like, just go on ahead and just wait on KG to
23 come back and get me." Something just told me -- like, you
24 know me, man, I just want to be extra.

25 UNIDENTIFIED SPEAKER: Listen this time -- listen this

1 time.

2 MR. WASHINGTON: Listen, it is so crazy because listen,
3 I turned on the same street that the police on. You feel me?
4 I turned the same street the police on, he faked like he was
5 finna pull out like -- like, pull out. Man, that nigga
6 pulled out and turned around. Man, I knew what time it was,
7 I knew what time it was in.

8 UNIDENTIFIED SPEAKER: (Inaudible).

9 MR. WASHINGTON: (Inaudible) what is she doing?

10 UNIDENTIFIED SPEAKER: (Inaudible).

11 MR. WASHINGTON: (Inaudible) because damn, man,
12 something told me, like, "Hey, man, listen man, no need hop
13 in that shit. Like, just go on ahead and just wait on KG to
14 come back and get me." Something just told me, like -- you
15 know me, man, I just want to be extra.

16 UNIDENTIFIED SPEAKER: Listen this time -- listen this
17 time.

18 MR. WASHINGTON: Listen, it is so crazy because listen,
19 I turned on the same street that the police on. You feel me?
20 I turned the same street the police on, he faked like he was
21 finna pull out like -- like, pull out. Man, that nigga
22 pulled out and turned around. Man, I knew what time it was,
23 I knew what time it was in.

24 (Audio ends at 2:28 p.m.)

25 BY MR. BROWN:

1 Q. Mr. Thompson -- yeah, when you -- when you were
2 out patrolling for Mr. Washington or this Malibu, were you on
3 Tarrant?

4 A. I was.

5 Q. And did he pull next to you?

6 A. He did.

7 Q. Turn around on him?

8 A. He did.

9 Q. Was it on then?

10 A. It was.

11 MR. BROWN: No further questions.

12 THE COURT: All right. Cross?

13 MR. HOLLOWAY: Yes, sir, your Honor.

14 CROSS-EXAMINATION

15 BY MR. HOLLOWAY:

16 Q. Hey, Lieutenant Thompson. Let's go back and
17 rewind to the beginning of your in-car video, okay? Now this
18 is related to the failure to stop, okay? Are your headlights
19 on?

20 A. They are.

21 Q. Okay. Is there outside lighting?

22 A. There is.

23 Q. Okay. Where are you located right now?

24 A. On Tarrant, facing East Cambridge.

25 Q. Okay. Are you -- are you in a -- in a parking

1 lot?

2 A. I'm on a street.

3 Q. Okay. Now, right -- right now you've put your --
4 your car in the drive, okay? Is that -- is that correct?

5 A. Correct.

6 Q. Okay. And you've already been -- been told by
7 dispatch that a -- a Chevy Malibu stolen was picked up by a
8 Flock camera?

9 A. Incorrect.

10 Q. Okay. What happened?

11 A. We get the notifications, they don't go through
12 dispatch.

13 Q. Okay. That goes through a text on -- on your cell
14 phone?

15 A. Email.

16 Q. Email? Okay. At what point in time did he see
17 you, or that -- did -- did you see the vehicle?

18 A. He turned -- he turned right next to me.

19 Q. Okay. Let's go back. That's him?

20 A. It is.

21 Q. Okay. Where -- maybe it's a dumb question. Were
22 his headlights on?

23 A. They were.

24 Q. Did -- did you -- you saw his face?

25 A. I did not.

1 Q. Okay. Did he -- you know if your car was -- was
2 lit enough for him to be able to see the interior of your
3 car?

4 A. The interior of my car?

5 Q. Yeah. Where -- where you're sitting behind the
6 wheel?

7 A. I don't know if he saw me.

8 Q. Okay. Was there enough light? I mean, obviously
9 I wasn't out there, the jury wasn't out there. I'm trying to
10 figure out the possibility if he was able to see you inside
11 the vehicle, you were able to see him?

12 A. He -- I could not see him. He might've been able
13 to see me. I -- I don't know that.

14 Q. Your -- was your car marked?

15 A. It was.

16 Q. Okay. And right now your -- your blue lights were
17 not on at this point, were they?

18 A. Correct.

19 Q. Okay. Right there is when they -- right there
20 roughly a couple seconds past where I stopped, your blue
21 lights are turned on?

22 A. Correct.

23 Q. Where is he at?

24 A. Ahead of me.

25 Q. Okay. Do you see the taillights on -- on the --

1 on the Chevy Malibu?

2 A. At this second, no.

3 Q. Okay. What about here?

4 A. Yes.

5 Q. So after your -- after your blue lights are turned
6 on, he's already way up -- up the street?

7 A. Yes.

8 Q. Okay. How far is that?

9 A. I have no idea.

10 Q. I mean, most of us have never been out here. Can
11 you estimate how -- how far that is? Is it like a football
12 field or two football fields?

13 A. 75 yards maybe.

14 Q. Okay. And he's supposed to reasonably know that
15 your blue lights are turned on, right? And that's what
16 you're telling the jury?

17 A. Yeah. Judging that he turned next to a marked
18 patrol vehicle and began to accelerate speed? Yes.

19 Q. So is it a crime to turn around in -- in -- near
20 or proximity of -- of a patrol car?

21 A. That's not what I said.

22 Q. Okay. You were implying that he -- he knew the
23 jig was up essentially and he turned around, that's when you
24 turned your blue lights on, is that a fair?

25 A. I was implying that when he turned next to me,

1 seeing a marked patrol vehicle, at which time I turned my
2 blue lights on being the only vehicle behind him that they
3 were intended for him.

4 Q. It wasn't -- at which time was it? It was how
5 many seconds? 30 seconds, 20 seconds? Let's go back. The
6 car is turned -- his car has turned?

7 A. That was not him.

8 Q. Okay. So he's already turned around, right?

9 A. Correct.

10 Q. Okay. I counted 15 seconds from the time he turns
11 around the time you turn your blue lights on.

12 A. Okay.

13 Q. That -- is that accurate?

14 A. Sure.

15 Q. I'm asking you, is it accurate?

16 A. Yeah, I -- I mean, I wasn't counting the seconds,
17 but...

18 Q. But you were -- the -- your response to my
19 question would imply that it was instantaneous, it was not
20 instantaneous, right? 15 seconds.

21 A. I didn't -- I never said it was instantaneous.

22 Q. You said "at which time." "At which time" implies
23 at which time I turned my in reaction to his turning, I
24 turned my blue lights on, is that -- is that accurate? I
25 mean, it's your testimony.

1 A. It wasn't immediately, no.

2 Q. Okay. So 15 seconds went by. He is up the street
3 at -- right now, you don't see his taillights, do you?

4 A. No.

5 Q. So when you turned your blue lights on, he has no
6 idea you turned your blue lights on, does he?

7 A. Not from his vantage point. I don't know if he
8 could see me or not. Just because he is over a hill doesn't
9 mean the lights aren't reflecting

10 Q. His line of sight. Your line of sight is -- is
11 below the level of a hill, wouldn't his?

12 A. We don't know what -- we don't know his
13 perspective.

14 Q. What's your perspective?

15 A. That I can't see.

16 Q. Okay. So he's turned?

17 A. Yes.

18 Q. At that point?

19 A. Yes.

20 Q. Now, how fast were you traveling?

21 A. I do not recall.

22 Q. Well, it is safe to say -- and sort of in Star
23 Trek terms, "intercepting speed," is that kind of accurate?
24 You were speeding up to catch up to him basically?

25 A. Yes.

1 Q. Okay. But you have no idea how fast he was going?

2 A. No.

3 Q. You didn't clock him, right?

4 A. No.

5 Q. You didn't track him sort of optically?

6 A. No.

7 Q. Estimate? Okay. So you don't know if he was
8 speeding or not, like you said on -- in your previous
9 testimony?

10 A. I said he accelerated. I never said he was
11 speeding.

12 Q. Accelerating implies that he's attempting to evade
13 you. Isn't that what that word choice means?

14 A. Correct.

15 Q. Okay. Now, at this point, he actually stops the
16 car?

17 A. Correct.

18 Q. So he didn't fail to stop the vehicle, right?

19 A. Technically.

20 Q. He put it in park?

21 A. Yes.

22 Q. Okay. Car is not rolling?

23 A. Correct.

24 Q. Brake lights -- I mean, the headlight, taillights
25 are on?

1 A. Correct.

2 Q. Okay. But this is -- this is a failure to stop
3 for blue lights. This is what you're telling this jury?

4 A. Correct.

5 Q. Okay. Now, is the shifts -- you were the shift
6 supervisor on March the 5th, correct?

7 A. Correct.

8 Q. Okay. What does that entail?

9 A. The same thing that the guys on shift do. Answer
10 911 calls and just approve reports. Just kind of oversee
11 what's going on in the city.

12 Q. So when something like a carjacking occurs, what
13 -- or alleged carjacking, what is your involvement regarding
14 the investigation?

15 A. Honestly it just depends on the details, or the --
16 or the circumstance. I just -- because the call comes out
17 doesn't necessitate that I go there immediately or that I
18 have any active role in it.

19 Q. In this case, you -- you did respond?

20 A. To the area, correct.

21 Q. Okay. Was there -- was there any lag time or did
22 you respond pretty -- pretty quickly?

23 A. It would've been right after the call.

24 Q. Okay. As far as -- you know, is it a fair
25 statement that being -- being the person sort of in charge,

1 is that sort of accurate?

2 A. Correct.

3 Q. Okay. That your job is to make sure that you have
4 all of your fellow officers have enough resources to respond
5 to any particular call?

6 A. Correct.

7 Q. Okay. Any of the -- anything that's necessary to
8 find, let's say, a stolen vehicle, your job is to make sure
9 that all the resources are marshaled to -- to get everything
10 you -- you need to -- to investigate, right?

11 A. Correct.

12 Q. Okay. Can you -- are -- you've been on the force
13 for how long?

14 A. 13 years.

15 Q. Okay. Are you familiar with how many Flock
16 cameras were operational at that time?

17 A. Exact number? No. Probably a little more 10.

18 Q. Do you know roughly where they were at, like where
19 they were positioned?

20 A. A few of them. They -- they've been moved. We
21 got more, so...

22 Q. But they -- they're positioned to be able to most
23 -- first off -- who -- who does that? Who -- who changes
24 their -- their position?

25 A. I wouldn't be able to tell you that.

1 Q. Okay. Because I'm not sure if the jury kind of
2 has a good enough picture of what it means to -- to
3 reposition them. Are they -- how easy is it to move a -- a
4 Flock camera?

5 A. I've never done it. I know that it involves using
6 a bucket truck.

7 Q. Okay. Are they -- are they attached to a -- a
8 pole or are they attached to a -- something with wheels?

9 A. No, they're attached.

10 Q. To a pole?

11 A. To a pole.

12 Q. Okay. So at -- at this time in this particular
13 area, there were maybe 10 or more?

14 A. Not in the area; in the entire city.

15 Q. Okay. In the entire city. Okay. In this area,
16 maybe three?

17 A. I believe at the time there was two on East
18 Cambridge.

19 Q. Okay. But in the area around East Cambridge,
20 there was one more camera?

21 A. Yes.

22 Q. Okay. And where at, do you know?

23 A. I believe it is -- if you're coming from Bypass 25
24 on East Cambridge, back towards the city, it should be right
25 there at North -- right after North Bethune, I think.

1 Q. Okay. In relation to North Market, where were
2 those cameras at?

3 A. In relation to New Market, they would've been
4 maybe a half mile.

5 Q. Okay. How many cameras were around that area
6 where this alleged carjacking occurred?

7 A. At the time, I -- I -- I would say at least one.
8 I -- I don't know, like, there's two currently, but I don't
9 know if the second one was there at the time.

10 Q. Okay. And the Flock cameras at that time, 10
11 Flock cameras total roughly in the city, were they all over
12 the city or are they kind of concentrated where based on --
13 on data the most crime occurred?

14 A. I can't really answer that question exactly where
15 they were at.

16 Q. You would want to -- your department would want to
17 make sure you maximize your resources?

18 A. Yeah, they're -- they're mainly used to maximize
19 entries and exits out of the city.

20 Q. But -- and as far as that is concerned, there were
21 no Flock cameras that picked up a Chevy Malibu the night of
22 March the 5th, exiting the city?

23 A. There were -- yeah, you're correct. There were
24 none that picked it up that I know of.

25 Q. A stolen vehicle was not picked up on a Flock

1 camera fleeing Greenwood that night?

2 A. Yeah. Like I said, with the limited number,
3 there's ways to get out of the city without it.

4 Q. But the cameras are positioned to help prevent
5 that?

6 A. Correct. Well, now that we have more, correct.

7 Q. And there the Flock cameras again, you're exiting
8 the city. Most likely you're returning through the same --
9 on the same routes. Again, Flock cameras didn't show a -- a
10 stolen Chevy Malibu returning to the city?

11 A. Correct.

12 Q. The following day?

13 A. Correct.

14 Q. The first time a Flock camera picks up a stolen
15 Malibu is actually not long before you got your text or your
16 email?

17 A. Correct.

18 Q. Okay. Now, you mentioned earlier that your
19 officers have notebooks.

20 A. Correct.

21 Q. And that helps them keep track of facts, dates
22 that may be necessary for say today, a trial, correct?

23 A. Not correct.

24 Q. Okay. Why are the notebooks kept?

25 A. Like I said, just simple. You go to a call, I do

1 whatever you call for. If I need to write a report, I'm
2 writing down a name, date of birth, phone number, address.

3 Q. If someone a witness says something even off the
4 cuff, is it a notebook to be able to make sure you have that
5 documented?

6 A. Yeah. If I was getting a witness statement, then
7 I would write down same thing for a witness name, date of
8 birth, phone number.

9 Q. Okay. And the question I have for you is, if a
10 witness later changes their story, how do you keep track of
11 what they said originally?

12 A. It's just what you documented in the report.

13 Q. Okay. But are you aware that the handwritten
14 notes that an officer had -- I mean, they are -- they are --
15 they should be provided to -- to the Defense. They are
16 discoverable items. Are you aware of that?

17 A. They're not notes. Usually they're just very
18 brief description. There's no, like, there's nothing in the
19 notes that does not go in the incident report. It's not like
20 additional source of information.

21 Q. But occasionally mistakes are made, aren't they?

22 A. Can be.

23 Q. So sometimes an officer miswrites something in a
24 report, right?

25 A. Possibly.

1 Q. A witness says something different to the State at
2 a meeting or on the witness stand. And those -- those
3 notebooks are critical to keeping track of that. There are
4 changes in their stories, right?

5 A. Could be.

6 Q. And that evidence is being thrown away?

7 A. Like I said, it's general practice, just names,
8 dates of birth, phone numbers.

9 Q. You're aware under the United States constitution
10 that it's -- those -- those notebooks are -- are discoverable
11 items. Are you aware of that?

12 A. Not necessarily.

13 Q. The body-cam footage from that night, did you make
14 sure every officer who was under your -- and you're the
15 lieutenant, did you make sure all -- every officer that you
16 were over that night returned in their body camera footage?

17 A. We don't have to check it every night. Just check
18 every month.

19 Q. Okay. Did you make sure in the wake of this case,
20 this investigation, that their body camera footage was
21 preserved for this trial?

22 A. I personally did not.

23 Q. Okay. Whose job was that?

24 A. Majority of the time incident like this, body
25 cameras on, we -- body camera upload them. Lead investigator

1 she is the one that goes through preserving anything. We
2 make sure the video is there.

3 Q. What happened in this case? Because, I mean, it's
4 true there's no body camera footage?

5 A. That's correct.

6 Q. From the night of the carjacking?

7 A. Correct.

8 Q. Conversations with Mr. Gordon not preserved,
9 right?

10 A. Correct.

11 Q. Conversation with his wife not preserved, right?

12 A. Correct.

13 Q. Responding at least driving by 926 Taggart Street
14 not preserved?

15 A. Would've been necessarily been something I
16 would've had a camera on for.

17 Q. Doesn't state law require any interaction with the
18 public that you have to have your body camera turned on?

19 A. Riding by a house, isn't interaction with the
20 public.

21 Q. And shouldn't you have stopped at the house?

22 A. I was looking for a stolen vehicle. If it's not
23 immediately observed an area, I wasn't going to stop.

24 Q. The victim said it was tracked to that address,
25 wouldn't you have at least stopped, knocked on the door?

1 A. Not if I didn't see the vehicle.

2 Q. Well, the victim said it was there, right?

3 A. Correct.

4 Q. Someone documented from the dispatch, right?

5 A. You referencing the 976 Taggart?

6 Q. 976 was loaded into dispatch whether that's a
7 mistake or not is up to this jury to decide, but there's two
8 different addresses that dispatch notified you to respond to.
9 And no officer stopped the vehicle at either location, did
10 they?

11 A. Correct.

12 Q. Maybe there's witnesses -- maybe, right?

13 A. I -- yeah, possibly. But like I said, if you're
14 looking -- they say "Hey, there's a stolen vehicle over here.
15 You ride by the house." So there's not a stolen vehicle in
16 the front yard. I'm going to continue the search.

17 Q. Yeah, I mean the -- this vehicle could have --
18 whoever the driver is could have gotten out of there, right?

19 A. Correct.

20 Q. And that was -- obviously your concern wasn't it
21 -- that the car is -- is on -- is on the go?

22 A. Correct.

23 Q. But at that point, shouldn't you have radio to
24 someone else what's going on? "I'm checking out this address
25 while you guys keep looking for the car." But you didn't do

1 that?

2 A. Like I said, depending if -- if I'm just riding
3 by, that wouldn't have been something I got on the radio is
4 what I'm saying.

5 Q. All right. On direct, you said that my client was
6 found wearing a dark hoodie?

7 A. Correct.

8 Q. But what color was it actually?

9 A. I -- I'm not real sure.

10 (Audio starts at 2:49:22 p.m.)

11 MR. THOMPSON: (Inaudible).

12 (Audio ends at 2:49:39 p.m.)

13 BY MR. HOLLOWAY:

14 Q. What color is that?

15 A. Appears to be blue.

16 Q. Dark blue, isn't it?

17 A. It's kind of art tail with a flashlight on it,
18 but...

19 Q. The emblem on it? Is there emblem on it?

20 A. Can you play it back?

21 Q. Yeah.

22 (Audio starts at 2:49:54 p.m.)

23 MR. THOMPSON: Hey, (inaudible).

24 (Audio ends at 2:49:57 p.m.)

25 BY MR. HOLLOWAY:

1 Q. You see it?

2 A. It appears like it has some writing on the front.

3 Q. Yeah. Let me back it up one more time.

4 (Audio starts at 2:50:06 p.m.)

5 MR. THOMPSON: Hey, (inaudible).

6 (Audio ends at 2:50:08 p.m.)

7 BY MR. HOLLOWAY:

8 Q. Kind of looks like a Nike swoosh, right?

9 A. It's kind of hard to see from here, but I'm -- I
10 can argue with that.

11 Q. So it's different from, say, a black hoodie,
12 different color, logo on it?

13 A. Black hoodie, dark jacket.

14 Q. In cases like this, the devil is in the details,
15 aren't they? Details are very important, aren't they?

16 A. Sure.

17 Q. I mean, they have to be documented, they have to
18 be preserved for this trial, for this jury over here to
19 figure out who's telling the truth, who's exaggerating,
20 right?

21 A. Correct.

22 Q. What did you do with -- with the phone once it was
23 found?

24 A. Which phone?

25 Q. The -- I'm sorry. The green iPhone.

1 A. It was returned to the victim.

2 Q. Okay. Was there any conversation amongst you and
3 the other officers to have that phone sent in for a phone
4 extraction?

5 A. No.

6 Q. Okay. Why -- why wasn't there a conversation?

7 A. One standard -- once again, standard procedure of
8 return property back to the victims of crimes.

9 Q. So you have a victim who two -- about 28 hours
10 before says he was at a location to pick up a friend, right?

11 A. Correct.

12 Q. Isn't standard procedure, not to accuse a victim,
13 but to question their story?

14 A. To a degree.

15 Q. Well, and also to try to corroborate their story,
16 isn't that true?

17 A. Correct.

18 Q. He says he's there waiting for a friend. Wouldn't
19 you want to know whether he actually is doing that or not, or
20 something else is afoot?

21 A. Sort of. Sounds kind of accusatory towards the
22 victim.

23 Q. One of the -- yeah, one of the dangers of being in
24 this business is being cynical, isn't it?

25 A. Correct.

1 Q. But that actually saves cases, doesn't it?

2 A. Sometimes.

3 Q. Asking those tough questions, right?

4 A. Sometimes.

5 Q. Make sure they're not lying to you --

6 A. Correct.

7 Q. -- what actually happened? The vehicle -- maybe
8 you would've -- maybe checked his -- his -- his messages, his
9 text messages, right?

10 A. As a patrol officer, generally that's not what we
11 do. That's outside of our scope, but could.

12 Q. Well, I guess the question is -- that I have now
13 is who -- whose decision was that to return the phone?

14 A. It was my decision.

15 Q. Okay. Would you do things differently next time?
16 Would you submit it to -- for a phone extraction?

17 A. Same scenario. I'd probably give it back to the
18 victim.

19 Q. Potentially would miss out on potential evidence,
20 right?

21 A. Potentially.

22 Q. From social media? It really kind of depends on
23 where the investigation goes. You follow the leads, don't
24 you?

25 A. Correct.

1 Q. Investigations are sort of like a spiderweb,
2 aren't they?

3 A. Correct.

4 Q. And one lead it could -- could lead to three leads
5 and to five leads?

6 A. Correct.

7 Q. The vehicle was returned to the victim as well,
8 Mr. Gordon?

9 A. It was.

10 Q. Okay. Who decided that?

11 A. I did.

12 Q. Okay. So you have a 28-hour window where you
13 don't know where that -- in fact, no one knows where that
14 vehicle was for 28 hours?

15 A. Correct.

16 Q. The vehicle could have been anywhere, right?

17 A. Correct.

18 Q. And then parked at a different address on -- on
19 Taggart Street, right?

20 A. Correct.

21 Q. And then parked -- we know -- we know it was
22 somewhere -- it was linked to 926 Taggart, right?

23 A. I don't know that for a fact.

24 Q. The CAD report lists it at 926.

25 A. I'll agree to that.

1 Q. Again, there's a second number. Apparently, it's
2 a mistake, but it looks like it's on there at 976.

3 A. I'll agree the car was linked to Taggart.

4 Q. Okay. You'll agree that there was a -- a specific
5 address where it was linked?

6 A. In the CAD notes, correct.

7 Q. And in your investigation, it was linked to a
8 specific address on Taggart, right?

9 A. It was reported in the CAD notes. Correct.

10 Q. Okay. What address wasn't reported from Taggart
11 Street not reported in your file -- in your investigation and
12 your -- and the CAD report. What -- what -- what address on
13 Taggart was not reported?

14 A. Mr. Washington's house.

15 MR. HOLLOWAY: Right. 938 was not on there. All
16 right. Your Honor, that's all I have right now. Thank you,
17 your Honor.

18 THE COURT: All right. Re-direct?

19 RE-DIRECT EXAMINATION

20 BY MR. BROWN:

21 Q. Mr. Thompson, Mr. Washington's house is 938
22 Taggart, is it?

23 A. Correct.

24 Q. How far down the road is 926 Taggart?

25 A. Not very far. Maybe from where I'm sitting to the

1 street out front.

2 Q. Five houses down?

3 A. Yeah. Correct.

4 Q. And when you went to that location, did you ride
5 down Taggart?

6 A. I did.

7 Q. Did you see the Malibu?

8 A. I did not.

9 Q. I'll show you what's been marked as State's Number
10 5 in that report. Can you tell me what the time is
11 (inaudible) mentioned 926 Taggart?

12 A. It would've been 23:57 or 11:57 at night.

13 Q. Did you all drive by that location a short time
14 after that?

15 A. Correct.

16 Q. And the car was not there?

17 A. Correct.

18 Q. Now, Mr. Holloway is asking a lot about the
19 victim's phone in this case, and you turned it back over to
20 him, is that right?

21 A. That is right.

22 Q. Whose phone did you take and submitted into
23 evidence?

24 A. Mr. Washington's.

25 Q. What was the purpose of that?

1 A. The incident -- the current incident involving me
2 when I took it at hand is that he was a suspect in that case.
3 So his phone would've been possibly evidence.

4 Q. You turned it in, didn't you?

5 A. To evidence. Correct.

6 Q. Going back to the -- to the video of the failure
7 to stop, you turned your lights on and your siren or your
8 lights on, you crested the hill. Could you see the back of
9 his car?

10 A. I could.

11 Q. Hey, did he speed up after he passed by you
12 initially?

13 A. He did.

14 Q. And when you turned onto -- what was the last
15 street you turned onto when he got out?

16 A. That would've been Gum.

17 Q. Mr. Washington stayed in his car?

18 A. He did not.

19 Q. Did he run away?

20 A. He did.

21 Q. He failed to stop for your blue lights?

22 A. Correct.

23 Q. Just one thing about your video when you're
24 sitting at the stop sign on facing East Cambridge on Tarrant,
25 why is the in-car camera audio not on at that point? What --

1 tell me why -- how that works?

2 A. Whenever they're activated, like I said, whether
3 you either cut your lights on or either you push the button
4 on the body camera or activate the camera manually with the
5 button. It has a playback. So it's the camera is constantly
6 recording but not audio. So when you click it, it goes back.
7 So you have the audio, but you missed the video or you missed
8 the audio, but you have the video.

9 Q. So when you went back to get your video, your
10 audio, it goes back -- once you turn on your siren and
11 lights, it goes back to capture a certain amount of time
12 prior?

13 A. Correct.

14 Q. And then when you actually approach Mr. Washington
15 as you're running with your body cam, are you having to
16 actually manually turn on your body -- your audio?

17 A. Manually it was cutting on the camera.

18 MR. BROWN: Okay. No further questions.

19 THE COURT: Any re-cross?

20 MR. HOLLOWAY: Just briefly.

21 RE-CROSS EXAMINATION

22 BY MR. HOLLOWAY:

23 Q. You said that the distance between 926 Taggart and
24 938 Taggart was from basically here up until -- where you're
25 sitting to the street?

1 A. Approximately.

2 Q. So what 200 yards?

3 A. Approximately. It's not very far.

4 Q. And are these houses large houses?

5 A. No.

6 Q. Small houses?

7 A. Yes.

8 Q. How many houses are we talking about at this
9 point?

10 A. I don't know. Four, five.

11 Q. Five?

12 A. Four or five.

13 MR. HOLLOWAY: Thank you, your Honor.

14 THE COURT: Any re-direct? All right. You may step
15 down. Thank you. All right. Next witness?

16 MR. BROWN: May we approach?

17 THE COURT: Ladies and gentlemen, we're going to take
18 our afternoon break. Please don't discuss the case. We'll
19 take about 15, 20 minutes or so.

20 (Jury exits the room at 3:00 p.m.)

21 (Off the record at 3:00 p.m.)

22 (On the record at 3:26 p.m.)

23 THE COURT: Anything from the State?

24 MR. BROWN: No.

25 THE COURT: Anything from the Defendant?

1 MR. HOLLOWAY: No, sir.

2 THE COURT: All right. Bring in the jury.

3 (Jury enters the room at 3:27 p.m.)

4 THE COURT: All right. Ladies and gentlemen, I
5 apologize for being a few minutes. I had to take care of
6 another case -- another matter didn't have anything to do
7 with this one, but another one. So that's why we're a few
8 minutes behind. All right. State, call the next witness.

9 MR. HODGES: State call Matthew Womack to the stand.

10 LIEUTENANT MATTHEW WOMACK,

11 being duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HODGES:

14 Q. If you would please introduce yourself to the
15 jury.

16 A. My name is Lieutenant Matthew Womack with the
17 Greenwood County Sheriff's Office.

18 Q. Lieutenant Womack, what are your duties at the
19 sheriff's office?

20 A. So I am the lieutenant over the Criminal
21 Investigations Division, as well as the evidence and
22 investigators training, the IT department, and the digital
23 forensics portion of the investigations division.

24 Q. You wear a lot of hats at the sheriff?

25 A. A lot of them, yes, sir.

1 Q. What was the last thing you mentioned that you're
2 in charge of?

3 A. Digital forensics.

4 Q. What is that?

5 A. So digital forensics is the study or the -- the
6 investigation or analysis for computer, cell phones. We live
7 in a digital world, so it's a lot of things. I mean, your
8 washing machine could have Wi-Fi nowadays, so technically it
9 could fall under digital forensics.

10 Q. Have you had a lot of training in digital
11 forensics?

12 A. I have.

13 Q. If you would, for the jury, go through the extent
14 of the training you have had in that field.

15 A. So specifically to digital forensics, I was
16 trained by the National Criminal Justice Training Center on
17 ICAC introduction to OS triage. ICAC is the internet crimes
18 against children. They investigate -- we investigate as a
19 national task force, specifically through the Attorney
20 General's Office of the State of South Carolina

21 Q. That's child porn?

22 A. Child -- child pornography, child sexual assault
23 material, but anyhow OS triage, basic investigations,
24 undercover chat, responding to cyber incidents at schools,
25 ICAC investigation techniques. I've had multiple trainings

1 with the National White Collar Crime Center, also known as
2 NW3C over 10 classes with them. At the National Computer
3 Forensics Institute, I'm a task force member of the United
4 States Secret Service Cyber Fraud Task force. And I can -- I
5 attended and completed command line principles, digital
6 investigation supervisor course, advanced mobile extraction
7 techniques. I am a certified mobile forensics or
8 fundamentals through Cellebrite, a certified Cellebrite
9 operator and a certified physical analyst through Cellebrite.

10 Q. What is Cellebrite?

11 A. Cellebrite is the -- is a software company that
12 particularly focuses on software and hardware to extract data
13 from mobile devices. I'm also certified through Magnet
14 Forensics through basic fundamentals, advanced computer
15 forensics, advanced mobile forensics. I'm a certified video
16 examiner and a certified (inaudible) examiner.

17 Q. You mentioned Magnet Forensics. Is that like
18 Cellebrite?

19 A. It -- essentially it's a competitor. They do the
20 same thing. They provide software and hardware to be able to
21 extract information from computers, cell phones, things of
22 that nature.

23 Q. Have you been qualified to testify in the circuit
24 courts of the State as an expert witness?

25 A. I have. Twice.

1 Q. And in what?

2 A. Digital forensics specifically mobile forensics.

3 MR. HODGES: Your Honor, we would offer Matthew Womack
4 as an expert in those fields.

5 THE COURT: All right. Any objection or request for
6 voir dire?

7 MR. HOLLOWAY: Just one question, your Honor.

8 THE COURT: All right.

9 VOIR DIRE

10 BY MR. HOLLOWAY:

11 Q. I just want to make sure you had no direct
12 involvement in the investigation of the carjacking and the
13 kidnapping, basically independent?

14 A. That's correct.

15 MR. HOLLOWAY: Your Honor, we have no objection.

16 THE COURT: All right. And what is the field in?

17 MR. HODGES: Digital forensics.

18 THE COURT: All right. I find this witness qualified
19 in the field as an expert in digital forensics. All right.
20 Ladies and gentlemen, normally only -- witnesses can only
21 testify as to facts. They cannot give opinions. The rules
22 of evidence here allow certain witnesses to be able to give
23 opinions, and they are determined to be expert witnesses by
24 virtue of any education, training, work history. And so
25 they're allowed to give opinions. Now, just because a

1 witness is allowed to give an opinion and qualified as
2 expert, you determine their credibility and their testimony
3 just like any other witness in this case. An expert witness
4 does not get any additional or greater weight just because of
5 that. They're just like any other witness and you determine
6 their credibility and their opinions in this case. All
7 right.

8 MR. HODGES: Thank you, your Honor.

9 DIRECT EXAMINATION

10 BY MR. HODGES:

11 Q. Before we get into the analysis, you did -- I want
12 to ask about specifically about a -- a question about a cell
13 phone.

14 A. Okay.

15 Q. I know on -- on iPhones, at least the older ones,
16 they came with, like, a little tool, kind of looks like a
17 paperclip, and you can poke a little hole, and a little tray
18 comes out and there's a chip in there.

19 A. A SIM card tray.

20 Q. That's called a SIM card.

21 A. There's a SIM card tray specifically to an iPhone,
22 yes, it's a SIM card tray. On the older versions.

23 Q. What -- what does that physical little chip do?

24 A. So the SIM card essentially is the connection
25 between the device and the network, whether your carrier can

1 be AT&T, Verizon, T-Mobile.

2 Q. So what -- what if SIM card is taken out of the
3 iPhone, what can you do with the phone at that point?

4 A. It would be removed from that mobile carrier
5 network.

6 Q. So could you make calls on it?

7 A. Not -- not without SIM card or Wi-Fi capabilities.

8 Q. Same thing with text messages?

9 A. Same thing. Yes.

10 Q. What about tracking?

11 A. The exact same. Yep.

12 Q. Now, the -- the -- what about like pictures and
13 that sort of thing? Are those still accessible in the phone?

14 A. So the phone is still accessible. Like -- again,
15 it -- it just takes it off of the network being able to
16 upload essentially if everyone is familiar with the airplane
17 mode -- you know, when you can't text out, you can still see
18 all the interoperability of your phone and just can't
19 communicate with the outside.

20 Q. So its basically the length between the phone and
21 the network?

22 A. That's correct.

23 Q. All right. So you work for the sheriff's office
24 so obviously you're in the case?

25 A. That's correct.

1 Q. Do you get involved as part of your expertise with
2 cell phones and actually doing extractions for other
3 agencies?

4 A. Sure. The -- the sheriff's office, Sheriff Kelly
5 has been able to -- to help us start the digital forensics
6 back in 2021. And we have done -- so exceedingly well, but
7 we assist a lot of the smaller agencies or agencies
8 surrounding us. The Greenville Police Department does not
9 have the software to extract the devices, so we work hand in
10 hand with those guys as well as I've assisted state and
11 federal agencies as well.

12 Q. Tell us just in a general sense, when -- when you
13 get a phone, what -- what does it mean to extract from what
14 -- what are you trying to accomplish?

15 A. Well, the first thing that we determine is what
16 state is the phone in. The state can -- it could be a cold
17 state, which is normally before first unlock or a hot state,
18 which is after first unlock. Do have to determine if the
19 passcode is known, if it's in working capabilities, things of
20 that nature.

21 Q. What do you mean by first unlock? Explain what
22 that means.

23 A. So, for example, if you are actively using your
24 cell phone and you lock it, and then you swipe up, but it's
25 not your face recognized, and you'll see sometimes where it

1 says "passcode required," that -- if it does not show
2 passcode required after reset, it's in a AFU mode after first
3 unlock. BFU mode will show, "phone has been restarted,
4 please enter your passcode." For instance, if you ever do a
5 software update and your face won't work, you still have to
6 put it in. It's because the phone has been restarted. When
7 you put your passcode in, essentially, you're putting in your
8 encryption key to your device in the encryption state. And
9 determining these two states if you get the device in an AFU
10 state or after first unlock, essentially, we could pull
11 approximately 95 percent of the data with --

12 Q. So the state that the phone is in somewhat impacts
13 what you're able to get off of the phone?

14 A. That's correct. That's correct.

15 Q. Okay. And does the condition of the phone itself
16 affect that?

17 A. Sure. I mean, we still have to have access to the
18 phone itself. We have to -- if the passcode is known, we
19 still have to enter the passcode. Sometimes we have to put
20 the phone or the device into a developer mode for the program
21 or the software to run appropriately on the device.

22 Q. What are you actually doing when you do this
23 extraction?

24 A. So what the extraction does is it -- essentially
25 in -- in layman's terms, it makes a copy of -- of what's in

1 -- in the device and it extracts it from all of the files
2 depending on which encryption or -- or which state that the
3 phone is in. And it'll pull and create a copy, and then
4 we'll place it into another piece of software that will parse
5 and sort that information.

6 Q. Like a reader basically?

7 A. Yes, because the information that is pulling is
8 not necessarily readable to the untrained or -- you know,
9 human eye. That's untrained.

10 Q. All right. So were you provided a -- a cell
11 phone. I'm going to hand you what's been previously
12 introduced as State's Exhibit 12 and ask if you recognize it.

13 A. I do recognize it.

14 Q. Did you perform an extraction on that particular
15 device?

16 A. I did.

17 Q. Now, based on whatever condition or state it was
18 in, were you able to extract everything off that phone or was
19 it partial?

20 A. I was not. I was not. When the phone arrived to
21 me I performed the same extractions. It was a known
22 passcode. Typically with an iPhone and a known passcode, you
23 can get a full file system extraction. So the certain tiers
24 of extractions are full file system, advanced logical, or --
25 or an logical extraction. And then there's a manual which is

1 manually going through the phone. A full file system
2 extraction goes into the file system partitions of the phone
3 and pulls that data and that information.

4 Q. So -- but suffice to say you were able to get some
5 information off of this phone?

6 A. I was able to get some information. I performed a
7 -- an advanced logical or a logical plus quick image.

8 Q. And which tool did you use to -- to do this
9 extraction?

10 A. I used the Magnet Graykey as well as Acquire and
11 Process.

12 Q. And does this Magnet Forensics that you said
13 you're certified in -- does it allow you then -- once you've
14 done an extraction to actually generate reports about
15 information that you've gotten from that device?

16 A. Sure.

17 Q. I'm going to hand you -- it's previously been
18 marked as State's 15 and 16. I want to ask if you recognize
19 these reports.

20 A. I do.

21 Q. Are those reports that you generated off of the
22 extraction that you performed on this phone?

23 A. Yes.

24 Q. All right. Explain to us what those reports are
25 about.

1 A. So these reports specifically are from this
2 device, and this one is showing the -- do you want me to go
3 in detail what each report is?

4 Q. What are they reports about?

5 A. So it's reports of -- of information that could be
6 pertained to the case.

7 MR. HODGES: Your Honor, I offer State's 15 and 16 into
8 evidence.

9 THE COURT: Any objection?

10 MR. HOLLOWAY: No, sir.

11 THE COURT: State's 15 and 16 admitted into evidence
12 without objection.

13 (State's Exhibit Numbers 15 & 16 admitted into evidence.)

14 BY MR. HODGES:

15 Q. All right. Start with 15, let us know what --
16 what exactly -- what part of the functions of the phone does
17 that pertain to?

18 A. So this is specifically regarding the Apple map
19 searches. There are three records of interest that were
20 flagged as -- again, records of interest.

21 Q. Could you explain to us what the date and time, if
22 you haven't, what -- what those items of interest are?

23 A. So one of them, it gives an address of 5300
24 Augusta Road Unit 1, Greenville, South Carolina 29605 in the
25 United States. And the created timestamp is March the 6,

1 2021, 01:16:07, that would be 1:16 a.m. And then it gives
2 the latitude and longitude for that address. The second one
3 is an address for 4306 Augusta Road in Greenville. That one
4 was dated the 27th of February, 2021, at 7:32. And then it
5 gives the lat and long to that location also. The third one
6 was looking up Gantt, South Carolina on the 27th February, at
7 11:28 a.m., and gives a lat and long.

8 Q. First one that was on March the 6th. Describe if
9 you would -- if -- if you were actually using the device,
10 what actions would cause that --

11 A. So if you --

12 Q. -- so data to be generated on phone?

13 A. Right. So if you were on the device and you went
14 to -- in this case it's under Apple maps. If you went to the
15 maps and you searched for this specific address, or if you
16 were looking on a map and you clicked an address and you
17 saved it, it could be either or.

18 Q. So basically at 1:16 in the morning on March the
19 6th, there's Apple maps search for a Greenville address?

20 A. That's correct.

21 Q. You would move on to the next report then, which I
22 believe is State's 16. What does that report pertain to?

23 A. This is for -- this is for the Apple map trips.

24 Q. What does that mean?

25 A. So this would be -- for instance, again, if you're

1 looking in -- an Apple phone and you select an address and
2 you get the directions, that would be considered your Apple
3 map trips.

4 Q. Basically you're following the GPS to get wherever
5 you're going?

6 A. Essentially, yes. It would give you the
7 directions to follow.

8 Q. And what -- what -- are there any trips that are
9 between the 5th and the 7th?

10 A. So on -- one is marked 1 Marcus Drive, Greenville,
11 South Carolina. The destination address is 5300 Augusta
12 Road, Unit one, Greenville, South Carolina. It gives the
13 latitude longitude for each. Again, that is March the 6th at
14 1:16 a.m. The second one is Haywood Mall, Greenville, South
15 Carolina 29607, on Augusta Road. And it gives the lat and
16 long and then that is also created on March the 6th at 1:17
17 a.m.

18 Q. That first one you mentioned was -- does that
19 correspond the trip correspond with the map search in the
20 other exhibit?

21 A. Yes, it does.

22 Q. A separate one shortly thereafter after a
23 (inaudible)?

24 A. That's correct.

25 Q. I'm also going to hand to you what is marked as

1 State's Exhibit 26.

2 A. Yes.

3 MR. HOLLOWAY: Your Honor, just -- I would -- based on
4 my previous objections from yesterday, I would object. The
5 Court's already made a ruling on the photographs, but I just
6 want to make sure my objections are noted.

7 THE COURT: Can I see what you (inaudible). All right.
8 Defense objection is noted.

9 MR. HOLLOWAY: Yes, sir.

10 THE COURT: And it's overruled.

11 MR. HOLLOWAY: Thank you.

12 BY MR. HODGES:

13 Q. All right. Detective, I'm going to hand you
14 what's been marked as State's Exhibit 26. Is that also a
15 report that you generated through the extraction of this cell
16 phone that you generated with this Magnet (Inaudible)?

17 A. It -- it is.

18 MR. HODGES: Your Honor, I'd offer State's 26 into
19 evidence.

20 THE COURT: All right. State's 26 is admitted into
21 evidence over Defense objections.

22 (State's Exhibit Number 26 admitted into evidence.)

23 BY MR. HODGES:

24 Q. Now, does -- does that report pertain to images
25 and/or videos that you were able to extract from this

1 particular device?

2 A. It does.

3 Q. Also handed you --

4 THE COURT: (Inaudible) yesterday? All right. Are you
5 moving them?

6 BY MR. HODGES:

7 Q. All right. I'm going to hand you what's been
8 marked as State's 23, 28, and 14 what's already in evidence
9 as State's Exhibit 1. Ask if you recognize those.

10 A. I do. For that one, yeah.

11 Q. What's the -- what's the thumb drive, State's 23?

12 A. Thumb Drive is a video that was captured on the
13 cell device.

14 Q. And then the three photographs, are those
15 enlargements of the same photographs that are depicted --

16 A. In the report?

17 Q. -- in the report?

18 A. That's correct.

19 MR. HODGES: State's 1 is already in. State would
20 offer 23, 28, and 14.

21 THE COURT: All right. Any objection from the
22 Defendant?

23 MR. HOLLOWAY: Yes, sir. Just based on what -- what
24 the Court's ruling yesterday was, I want to make sure my --
25 my objections are noted for the record.

1 THE COURT: All right. State's 14, 28, and 23 are
2 admitted into evidence over the Defense objection.

3 (State's Exhibit Numbers 14, 28 & 23 admitted into evidence.)

4 MR. HODGES: Thank you, your Honor.

5 BY MR. HODGES:

6 Q. All right. If you would -- the -- the report
7 that's before you, I think has a number of different images
8 and then sort of related data to those images?

9 A. Regarding 26 -- State's 26. Okay.

10 Q. What -- other than, like, when you -- when you get
11 an image off of a phone, is there more information than just
12 the image? Like is there information connected to that
13 image?

14 A. Sure. So most images have what's called "EXIF
15 data." It could capture -- when you take a picture, just one
16 picture with your phone it could capture the orientation of
17 the phone, which lens it used, if the flash went on or off.
18 Sometimes the latitude and longitude. If you had the
19 locations enabled, it can show you the make and model of the
20 camera. I mean, you -- you -- each device can vary, but it
21 can give you a significant amount of information just from
22 the EXIF data on a photograph.

23 Q. I -- I believe the first photograph on your
24 report, is it --

25 A. Yes.

1 Q. -- State's Exhibit 28? Okay.

2 A. Yes.

3 Q. If you would with -- with regard to this
4 particular photograph, can you -- can you -- can you tell us
5 any information about this particular image of when the
6 photograph was taken?

7 A. Sure. So the image -- the file name on the device
8 for this image was IMG_0282.JPEG.JPG, indicating that it's an
9 image file. It was captured and created on February 3, 2021
10 01:43 a.m.

11 Q. Approximately a month before --

12 A. Sure.

13 Q. -- the incident here?

14 A. Sure.

15 Q. And it shows him or shows the Defendant holding
16 two pistols, is that correct?

17 A. From what I can -- from what I can tell, yes.

18 Q. Do you do anything to validate your results when
19 you are doing these extractions?

20 A. Sure. So when you're extracting from the device,
21 it gives you a lot of information. Sometimes the photographs
22 or videos, it can be stored in multiple locations in the
23 phone. Now, you as a user only see it under your photos, but
24 a lot of times if you use an application or social media app
25 or something like that and you take a photograph, it still

1 saves on your phone, but it also saves under that file path
2 for the app location. So it could -- if you -- one picture
3 could actually be saved in multiple different files. So what
4 we have to do is whenever we pull this or these images, we
5 validate, we take the file path and some of them are in
6 SQLite databases, essentially that is just a binary code.
7 This is ones and zeros and letters. And we parse that to
8 make sure that it -- that it matches that what we're seeing
9 is the correct image. And another easy way is we physically
10 go through the device and see what we're seeing on the
11 device. Is it matching what we're seeing pulling from --
12 from the -- the raw data as well?

13 Q. All right. What is the -- if you could just
14 describe for me, what's the next image on your report?

15 A. The -- talking about the -- this one?

16 Q. The steering wheel?

17 A. Yes. It should be the -- make sure it -- yeah.

18 Q. Placing State's Exhibit 1 on the screen with that
19 -- is that the same image that's there in your report?

20 A. That's correct.

21 Q. And can you explain the -- I guess the source of
22 that image? It's a still image right on the phone?

23 A. Right. It's a JPG image. And as you can see, it
24 is of what appears to be inside a vehicle with some sort of
25 modification through a third-party application with the

1 times, and then the images on the bottom. And then it is
2 indicated in the file path this could be a snippet from a
3 video file.

4 Q. So it's a still image in the phone, but there
5 appears to be a connected video?

6 A. That is correct.

7 Q. Okay. And again, this -- this came from your
8 extraction of State's Exhibit 12 from the Defendant's phone?

9 A. That is correct.

10 Q. All right. Do you have any information connected
11 to this image about when the image was created?

12 A. So this image indicated "March 6, 2021, 12:18:56:
13 p.m.," so just after noon.

14 Q. All right. And then you mentioned there was a
15 video -- which we'll get to in a minute, State's Exhibit 14
16 is that the video that's associated with this particular
17 image?

18 A. That's correct.

19 Q. All right. And, I guess, did the video come at
20 the same time?

21 A. That -- that's correct.

22 Q. March 6th?

23 A. That's correct.

24 Q. All right. The -- then you've got one last image
25 on your report, correct?

1 A. I do.

2 Q. All right.

3 A. As far as photographs, yes.

4 Q. Is that a -- an image of him squatting?

5 A. It is.

6 Q. All right. If you would give us any information
7 that you have with regard to the date and time that image was
8 taken.

9 A. This image was created on February 28, 2021,
10 00:39, which would be 12:39 a.m.

11 Q. And that would be about a -- a week prior to the
12 incident that occurred in this case about right?

13 A. Yes. Yeah, somewhere around there, yeah.

14 Q. All right. And does that image show him in
15 possession of a black pistol?

16 A. It does.

17 Q. Now, I'm going to publish the State's 14, pausing
18 it here for just a second. Is this the -- the video that you
19 extracted from the Defendant's phone?

20 A. It is.

21 Q. And again, what -- what day and time was this
22 video created?

23 A. It was created March 6, 2021, 12:18. Again, that's
24 just after noon, 12:18 p.m.

25 (Video starts at 3:54 p.m.)

1 MR. WOMACK: (Inaudible).

2 (Video ends at 3:55 p.m.)

3 MR. HODGES: All right. Please answer any questions
4 that defense counsel may have.

5 THE COURT: All right. Cross?

6 CROSS-EXAMINATION

7 BY MR. HOLLOWAY:

8 Q. All right. The video we just --

9 A. Okay.

10 Q. -- watched. Does it indicate that -- in your
11 investigation, does it indicate who actually is in that --
12 that video?

13 A. No.

14 Q. So you have no idea? I mean, it's on my client's
15 phone, but we don't have no idea who's actually behind the
16 wheel of the car.

17 A. That's correct.

18 Q. As far as the -- the timing of many of these
19 images, let's see your report.

20 A. I got a couple of them. Which?

21 Q. Yeah.

22 A. That's the photos, videos, this is the...

23 Q. You got State's exhibit?

24 A. One of them is the Apple searches, the other is --

25 Q. Yeah. So let's start with State's Exhibit 15.

1 Just to recap, this is -- this is what? Let me get back to
2 you.

3 A. Yeah. The evidence overview?

4 Q. Yeah.

5 A. So the evidence overview is just the version of
6 software that I'm using and then the location where I stored
7 it as well as the name of the -- of the case. I -- I name
8 the case file typically with the case number from the agency
9 that we get it from, the end of -- the individual who is
10 listed as the owner of the device, and then the type of
11 device that it is.

12 Q. Okay. Who -- who is the owner of this iPhone 6?

13 A. According to the device, it indicated
14 Mr. Washington.

15 Q. So he's the one -- he's the customer who --

16 A. Right.

17 Q. -- purchased the phone?

18 A. Well, no, how I get that information is from the
19 device itself. So at some point in time your client would've
20 had to put his information in it or someone would have to put
21 his information in it.

22 Q. Who -- do you know who originally purchased the
23 phone?

24 A. I have no idea.

25 Q. Okay. SIM cards. I mentioned earlier that SIM

1 cards are -- can be taken out of one phone and put into
2 another one.

3 A. Sure.

4 Q. And use the SIM card?

5 A. Sure.

6 Q. Okay. You mentioned earlier on direct examination
7 that -- that really applies to older model of iPhones.

8 A. Yes.

9 Q. Would that apply to --?

10 A. Well, and not necessarily iPhones. So anyone that
11 has a -- a -- a newer, and it's even happening in Android
12 devices is what's called an eSIM. It's an electronic SIM
13 card. For instance, the iPhone 16, it doesn't have a
14 physical SIM, it's an electronic SIM inside the device, so it
15 can't be extracted or changed.

16 Q. Okay.

17 A. But this was an iPhone 6, which would've had a SIM
18 card tray.

19 Q. In this case, the -- the allegations are in the
20 victim's phone that the SIM card was taken out, and I guess a
21 new one put in?

22 A. I have no idea. I -- I have not examined or seen
23 the victim's device.

24 Q. But in your experience at what point was the issue
25 of the SIM card, or if it's -- if it is an issue, but at what

1 point in the model years of Apple devices, where did that
2 change?

3 A. I believe it was in the -- I -- I'm not exactly
4 sure. I believe somewhere around Apple 13 or 14, when that
5 device came out, it had both options. Now, the devices, you
6 only have the option for the electronic SIM, the eSIM.

7 Q. In your experience, is there a reason why they
8 just stopped doing that?

9 A. I mean, it's -- number one, they want to be able
10 to sell through the carrier, but number two, you can put
11 multiple cell phone carriers or numbers through a device.
12 You can have an Apple iPhone 16 and have both T-Mobile and
13 AT&T on that device through eSIMs. But essentially, I
14 believe the intention from Apple was space.

15 Q. In your experience, what does the changing of the
16 SIM card do to the content of the phone?

17 A. It -- it documents that it's in there, but as far
18 as the content, it -- it keeps it from -- if it's not
19 connected to a network, it can't interact with the outside
20 other than the user and themselves.

21 Q. So it -- does it affect the content? Does it --
22 if someone changes -- I guess, for example, if someone has a
23 SIM card that's been used before --

24 A. Uh-huh.

25 Q. -- and you put that SIM card into another device,

1 will it sweep in the, like, new -- newer content, different
2 content than what was on the phone?

3 A. No, it -- it won't change the content. It will
4 only log, but the SIM card has been entered into the device.
5 And when you say "content," you mean pictures, videos?

6 Q. You know, like --

7 A. Yes, it will not change.

8 Q. One -- one question I want to ask you before I
9 move on. In your experience with all the various things that
10 you do for the sheriff's office, have you heard of the fact
11 that vehicles can be tracked as well through GP -- I mean,
12 I'm not talking about OnStar, I'm talking about the vehicles
13 basically through the Bluetooth system, they're sort of
14 glorified --

15 A. Right.

16 Q. -- devices themselves?

17 A. In the newer vehicles? Yes, I'm very familiar.

18 Q. How far back do they go?

19 A. It just kind of depends on the make and model, the
20 year of the vehicle. I'm not -- I'm not familiar with a
21 specific vehicle if you're asking.

22 Q. Yeah. Well, have you ever been asked to -- to do
23 that -- to track the vehicle's movements much like a cell
24 phone?

25 A. Most of the time when I'm -- I'm involved as far

1 as extracting the evidence from that vehicle, not necessarily
2 actively tracking.

3 Q. But it is possible depending on what make and
4 model and your model of a vehicle to track the vehicle
5 itself, independent of a cell phone because of the same --
6 similar cell technology inside the vehicles.

7 A. "Yes" and "No." I -- I, again, I can't -- I don't
8 have enough experience in that field to be able to tell you
9 "Yes" or "No."

10 Q. In your report on State's Exhibit 16, does -- just
11 for clarification, the two searches, is this the coordinates
12 that's listed here. Is it for the location he's searching
13 for or where the phone is located?

14 A. For the coordinates on?

15 Q. Like the Haywood Mall.

16 A. Okay. So this is going to be the coordinates for
17 -- the origin address is where he is at, the destination is
18 where he's selecting. So the origin lat long will be where
19 he's at, and then the destination will be where he's
20 selecting.

21 Q. Do you -- did you check to see where he's actually
22 -- where the phone actually -- I say the phone, when the
23 phone was located, when the search was --

24 A. So I plugged into the -- I plugged these origin
25 latitude and longitude. It didn't give me the demerits on

1 Google Maps, always for -- or Google Earth, but it -- it does
2 show the address as well the street as Marcus Drive, as well
3 as Augusta Road.

4 Q. So I guess you -- I just want to make sure he is
5 -- what you're saying is that he was actually on Augusta
6 Road?

7 A. That's what...

8 Q. The phone was?

9 A. No, no, no. That's the destination.

10 Q. Okay.

11 A. That's the destination.

12 Q. As far as where the phone was located at the time
13 of the search, you're not able to say where that -- where the
14 phone was located?

15 A. In this search on the origin it could, yes. Yes,
16 it does.

17 Q. Okay.

18 A. That's what the Marcus Drive is.

19 Q. And that's in?

20 A. Greenville. In Greenville.

21 Q. So he was in Greenville -- the phone was in
22 Greenville when you made the search?

23 A. Yeah, this device was in Greenville. And whenever
24 he did an origin address, which is where the device location
25 was, he did essentially a -- a -- he's looking for

1 destination guides to this address 5300 Augusta Road. And
2 now as the user, it's not going to show you the lat long, you
3 wouldn't care. You just want to know how to get there, but
4 that's what it pulled off of the data. That make sense?

5 Q. Yeah.

6 A. Yeah. Okay. Yeah.

7 Q. The searches that were -- that were flagged, who
8 -- who flagged those -- those searches?

9 A. The -- those searches?

10 Q. Yes.

11 A. Yes. I -- I -- you -- I flagged them as well.
12 Yeah.

13 Q. Did you have those searches?

14 A. I believe so, yes. They -- I mean, just through
15 the life of the phone.

16 Q. Okay. These searches are not from the same
17 (inaudible).

18 A. I don't have those numbers quite -- you know, at
19 this point in time, but during that timeframe, no, I did not.
20 It -- it was specifically March -- within the week or two
21 before and after.

22 Q. So the searches -- it was you that just decide to
23 flag the searches?

24 A. Based on the information given to me by the
25 investigators or by the State, yes. But me specifically, no,

1 I didn't -- you know.

2 Q. Let's look at the other Exhibit 15. And 15 is --
3 15 is also searches?

4 A. Yeah. 15 is searches. I think what you were
5 showing me in the other exhibit is the destination.

6 Q. So the searches that we have, two of them are from
7 February 27, 2021?

8 A. That's correct.

9 Q. That -- it's eight days?

10 A. Somewhere around. Yeah.

11 Q. Eight days prior. That'd be prior?

12 A. That's right.

13 Q. So really it has nothing to do with this case?

14 A. That's right.

15 Q. You happen to be searching on that date?

16 A. That's correct.

17 Q. There's one on -- on March 6, 2021, that -- in
18 essence your testimony is -- is his own phone is there.
19 There's no proof that he himself was actually there?

20 A. The device was there. Yes.

21 Q. The -- what's interesting to me what you said
22 earlier about the software, then -- that once the -- the
23 mirror image basically of the contents of the phone is pulled
24 from the phone, you have software that helps. It really
25 organizes the -- the data.

1 A. It parses and sorts. That's correct.

2 Q. Does that mean when you receive an iPhone 6, it
3 potentially add a well (inaudible) information?

4 A. Oh, yeah. I mean even a six can give a -- you
5 know, it's a lot to look at. Imagine now with a terabyte,
6 so...

7 Q. But how much, percentage-wise, can you estimate
8 how much of the contents of his phone you were able to pull?

9 A. If I had to say it would probably as far as this
10 extraction and pulling, as far as the extraction, I believe
11 it -- it did not pull a full file system. It only pulled an
12 advanced logical. So we're probably talking maybe 65
13 percent, somewhere around there. 65 to 75 percent.

14 Q. Did you -- or did someone go through that 65
15 percent?

16 A. Myself and the Prosecution, yeah -- or the State.

17 Q. So what we have today is what you guys viewed and
18 what basically is report?

19 A. That's right.

20 Q. There's certainly other information you just found
21 out that it's not even here?

22 A. Sure, absolutely.

23 Q. The technology -- and I'm going to use the generic
24 term technology software you have. Does it tell you who --
25 who took the pictures?

1 A. No, just the device information.

2 Q. Okay. Does it tell you when there's a video -- we
3 saw the video I asked this earlier, do you know who actually
4 is in the -- it mentioned who actually hit -- hit the button
5 to record it.

6 A. I can only tell that the device captured it.

7 Q. Did you see any of the images -- images that have
8 been admitted, put into different apps? And you mentioned
9 earlier that you can (inaudible).

10 A. Yes, there was indications of third-party
11 applications.

12 Q. You know which applications?

13 A. It appeared to be Snapchat.

14 Q. You -- do you know whose account that was?

15 A. I don't recall offhand.

16 Q. But with Snapchat, a lot of -- like a lot of
17 applications someone may put (crosstalk).

18 A. A different name, yeah.

19 Q. (Inaudible) name?

20 A. Yeah, that's right.

21 Q. 75?

22 A. That's right.

23 Q. So in the images here, we don't know who posted
24 those?

25 A. I -- I can only testify to the device itself.

1 Q. Do you know if the photos were actually put on
2 Snapchat from that device or they just simply screenshot and
3 save?

4 A. Yes, they -- they did come for the device. It was
5 -- they did show a capture. And so Snapchat its original
6 name is "Peekaboo." And so the one thing Snapchat can change
7 their name just like -- you know, Facebook can go to Meta or
8 whatever, but what they don't change is their -- how is their
9 file structure. And so when they created their file
10 structure, it was created as Peekaboo. So when I see that
11 file structure, I know that that is a Snapchat.

12 Q. Maybe the first time that word's ever been used in
13 court before. What's the difference between -- what is the
14 key difference between Graykey and Cellebrite?

15 A. Cellebrite is the company. It's -- Magnet is a
16 company as well as Cellebrite. Magnet owns Graykey, Axiom.
17 Cellebrite has their own extractions. They have Cellebrite
18 premium and physical analyzer or -- or inlets as they now
19 have them. We previously used -- utilized Cellebrite. We
20 have now went to the direction of Magnet Forensics.

21 Q. Is -- is one better -- is one software better?

22 A. It -- that's a user preference. I believe that
23 the Graykey pulls a little better extraction than what a
24 premium would.

25 Q. Which one was used on -- on this phone?

1 A. The Graykey and the Axiom. The Axiom Logical
2 Plus.

3 MR. HOLLOWAY: Your Honor, can I have a moment?

4 THE COURT: Yeah.

5 MR. HOLLOWAY: Just one last question.

6 BY MR. HOLLOWAY:

7 Q. This is the only phone that you were asked to do
8 an examination of?

9 A. That's correct. Regarding this case, yes.

10 MR. HOLLOWAY: Thank you very much, your Honor.

11 THE COURT: All right. Re-direct?

12 MR. HODGES: Just one clarification.

13 RE-DIRECT EXAMINATION

14 BY MR. HODGES:

15 Q. The -- the video that we watched, that was created
16 by this phone?

17 A. That's correct.

18 MR. HODGES: That's all I have, your Honor.

19 THE COURT: Any re-cross?

20 MR. HOLLOWAY: That's it.

21 THE COURT: All right. You may step down.

22 MR. HODGES: Your Honor, may -- may we approach?

23 THE COURT: Yeah.

24 MR. HODGES: Put these here.

25 THE COURT: Don't discuss the case with anyone, and I

1 will see you 9:30 in the morning. Hope all of you have a
2 good night.

3 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
4 4:12 P.M.)

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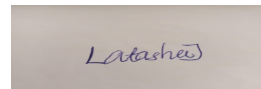
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CERTIFICATE OF TRANSCRIBER

I, LATASHA JEFFERSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 8 of Greenwood County, South Carolina, on June 3, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 1, 2025.

A rectangular box containing a handwritten signature in blue ink that reads "Latasha".

LATASHA JEFFERSON

TRANSCRIBER

1 CONTINUATION OF PROCEEDINGS - JUNE 4, 2025.

2 THE COURT: One thing on the charge, I let you all take
3 a look at my first draft of the charges and looking at it.
4 One thing I think we got to do on the possession of a weapon
5 during the commission of a violent crime, it says "Armed
6 robbery." I define it as armed robbery is a violent crime.
7 I think I need to add armed robbery, carjacking, kidnapping,
8 all three of them. I just noticed that when I was reviewing
9 it. And we'll talk about that later after -- after the
10 testimony. All right. Anything we need to take up before we
11 bring them in?

12 MR. BROWN: Not from the State.

13 MR. HOLLOWAY: No, sir.

14 THE COURT: All right. Let's bring them in.

15 (Jury enters the room at 9:37 a.m.)

16 THE COURT: Good morning.

17 THE JURY: Good morning.

18 THE COURT: So I hope you all had a good night. All
19 right. We're ready to proceed. State, call the next
20 witness.

21 MR. BROWN: State call Benjamin Baker.

22 THE CLERK: Place your left hand on the Bible and raise
23 your right hand.

24 BENJAMIN BAKER,

25 being duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. BROWN:

3 Q. Good morning.

4 A. Good morning.

5 Q. Mr. Baker, where do you work?

6 A. I work for the City of Greenwood, also for this
7 Greenwood Police Department.

8 Q. What do you do for the City of Greenwood?

9 A. So my full-time role is an IT support specialist
10 in the IT department, and I also work part-time with the
11 police department to assist them with forensic investigations
12 and their own ongoing investigations that they have at the
13 time.

14 Q. Back in 2021, where were you working?

15 A. So in 2021, I was a full-time detective for the
16 Greenwood Police Department. That was my only role.

17 Q. And take me back. When did you become a law
18 enforcement officer?

19 A. Went to the academy and started at the Greenwood
20 Police Department in 2010.

21 Q. 2010? And your roles from 2010 up, what were
22 those?

23 A. So I did 10 years on the road as a patrol officer,
24 and then May of 2020 is when I went over to the
25 investigations division as a detective.

1 Q. And in this case, did you have an opportunity to
2 work along in this particular case?

3 A. Yes, sir, I did.

4 Q. Now, were you aware on March 5, 2021 of an
5 incident that occurred at New Haven Apartments?

6 A. I became aware of that incident the -- I believe
7 March 5th was the Friday, it was the following Monday when I
8 was assigned the case.

9 Q. Okay. Now, when you got assigned the case, what
10 were you do -- what's your role in that?

11 A. So typically -- especially on a Monday morning,
12 the supervisor of investigations will review all the cases
13 that happened over the weekend. Unless we were called out to
14 respond there at the location on the weekend, say that the
15 time of the incident, he'll review all the cases and then
16 assign cases to all the detectives at that time.

17 Q. And in this particular case, you got assigned to
18 follow up for this case?

19 A. That's correct.

20 Q. Now, initially the officers that responded was
21 Officer Corona, is that right?

22 A. That's correct.

23 Q. Bailey Thompson.

24 A. Yes, sir.

25 Q. Was the shift supervisor?

1 A. Yes, sir.

2 Q. And you'd gotten information after that?

3 A. That's correct.

4 Q. And in this particular case, did you have the
5 occasion to go out and actually follow up -- follow back up
6 with Mr. Gordon?

7 A. I did. So what I did is I went out to his
8 residence at, I believe it was 117 on Greenside Drive, and
9 spoke with him then and just asked him -- you know, to kind
10 of tell me what happened. And he told me the details and
11 that's what we have.

12 Q. At that time, after you followed up -- and that
13 was 3/9/2021?

14 A. That's correct.

15 Q. Okay. And is that documented in your report?

16 A. Yes, sir.

17 Q. I think you were in the courtroom yesterday on
18 your report it says 3/9/2021. I just want to clean this up
19 and at the top it says authored or date created is
20 11/13/2021. Can you explain that?

21 A. So it was either -- of that year, November 3rd or
22 4th, we went from an old report management system to a new
23 report management system. And what they did is they took all
24 the incident reports that were done out of the old one and
25 did what was called a "data merge" into the new one. And it

1 was about that time that on that November 13th, that when all
2 the evidence from the old system comes into the new one, a
3 lot of it had to be cleaned up. And in order to put the
4 evidence into the new system, it had to be manually entered.
5 And that would've probably been about the time that that was
6 done for that system that created that date. That day at the
7 top just shows what time that narrative was created in the
8 system. It doesn't represent the actual time where the --
9 the incident was taken or anything of that just shows that
10 when the -- the narrative for that report was created.

11 Q. The narrative from the actual report when you were
12 talking with Mr. Gordon is 3/9/2021?

13 A. That's correct.

14 Q. As a result of you falling back up with
15 Mr. Gordon, did you learn that law enforcement had actually
16 taken a phone from Mr. Washington?

17 A. Yes, sir.

18 Q. And as a result of learning that you all had a
19 cell phone, an iPhone 6 in your possession -- I will show you
20 what's been marked and is in evidence as State's 12. Do you
21 recognize that cell phone?

22 A. Yes, sir.

23 Q. What did you do as a result of getting -- you
24 know, as -- of having that cell phone?

25 A. So with this, what we would've done is we would

1 try to get the -- the contents off the phone with a phone
2 extraction, obtain a search warrant at that time would've
3 sent it to either -- typically at that time we could have
4 sent a SLED, but also the -- that was when the sheriff's
5 office also began theirs as well.

6 Q. And in this case, did you also get a search
7 warrant for AT&T and Apple?

8 A. Yes, sir, I did.

9 Q. And were you able to get data back from those
10 companies?

11 A. So with Apple, we weren't able to obtain anything
12 back, but with AT&T, we did obtain a search warrant for their
13 -- the call detail records and we were able to get the -- the
14 location data from the phone records itself on showing the --
15 the tower records and the call -- the phone calls and to who
16 and from it was made and what times.

17 Q. What about also Google? Did you send search
18 warrants to that?

19 A. Yes, sir. It was there only did for Google and
20 there was several other as well. But Google was one of them.

21 Q. Snapchat?

22 A. Yes, sir.

23 Q. And in this case, when you get this information
24 back from AT&T, Google, is it -- how does it come back to
25 you?

1 A. So it'll come back more or less like on a
2 spreadsheet type view. I know AT&T is a PDF format, but it's
3 a -- a large list of data which would show the -- the call
4 date and times, the originating number for the -- from which
5 the call was made to which call -- to the phone number that
6 it was made to and the call duration, what type of call it
7 was. It will show the location of the tower in which sector
8 and the azimuth of the tower as well. For which side of the
9 tower that it hit.

10 Q. I will show you what's been marked as State's 18
11 and State's 20. I'll show you -- you know, State's 18 and
12 20. What are these documents?

13 A. So Exhibit Number 18 is the certificate of
14 authenticity for the AT&T records that I obtained. And then
15 number 20 is the certificate of -- the certification from the
16 Apple custodian of records from the Apple search warrant that
17 I obtained.

18 Q. And also, I'll show you State's 19 and 21. Have
19 you had a chance to review that? Did you actually put that
20 information on those thumb drives?

21 A. Yes, sir, I did.

22 Q. What is that?

23 A. The -- one of them will be the mapping for the --
24 the call detail records. The other one is the -- the -- the
25 -- the records that were sent from AT&T itself.

1 MR. BROWN: Your Honor, at this time, the State move to
2 18, 19, 20, 21 into evidence.

3 THE COURT: Any objection from the Defense?

4 MR. HOLLOWAY: No, sir.

5 THE COURT: All right. State's 18, 19, 20, and 21 are
6 admitted into evidence without objection.

7 (State's Exhibit Numbers 18, 19, 20, 21 admitted into
8 evidence.)

9 BY MR. BROWN:

10 Q. Now, Mr. Baker, once you get back all this
11 information, is it hard to read for people that don't have a
12 trained eye?

13 A. Yes, sir, it is. It's just a bunch of numbers.

14 Q. How do you make sense of the information?

15 A. So what we use is a program, it's called PLX, made
16 by Penlink. And what it does is it's a data analysis tool,
17 but it also does -- the software does mapping of those detail
18 records. What I can do is take the -- the records that are
19 provided from AT&T and directly import them into the
20 software, and then it will generate the -- the mapping and
21 show each -- for each of the call details and visualize it on
22 a -- a map for you.

23 Q. Visualize it on the map? Can you actually see the
24 -- of the movement of a cell phone and where it would ping
25 off a tower?

1 A. That's correct.

2 Q. Now, in addition to -- before we get into the
3 mapping portion of it, during your investigation follow-up,
4 did you also -- you mentioned Snapchat as well. I want to
5 show you State's 24. State's 24 do you recognize this
6 photograph?

7 A. I do.

8 Q. Okay. And where did that photograph come from?

9 A. That was taken off of a Snapchat post.

10 Q. Whose Snapchat?

11 A. Quindaris Washington.

12 Q. Okay. And -- and you were able to extract that
13 off, or you -- you were able to give this off during your
14 investigation?

15 A. Yes, sir.

16 MR. BROWN: Your Honor, at this time, State moves
17 State's 24 into evidence.

18 THE COURT: All right. Any objection?

19 MR. HOLLOWAY: Your Honor -- yes, your Honor. Just
20 because we -- we covered this photograph in pretrial, it's
21 basically subject to my previous objection.

22 THE COURT: All right. Subject to Defendant's
23 objection, State's 24 is admitted over objection.

24 (State's Exhibit Number 24 admitted into evidence.)

25 BY MR. BROWN:

1 Q. And again, when going through his phone and
2 getting this information back from Snapchat, AT&T you're able
3 to retrieve this photograph of Mr. Washington?

4 A. Yes, sir.

5 Q. What is this on his face?

6 A. Black -- what appears to be a black mask.

7 Q. A COVID style mask?

8 A. Yes, sir.

9 Q. Now, when -- going back to the mapping. At this
10 -- during this mapping and you put it in Penlink, are you
11 able to demonstrate on your computer where the -- where the
12 -- the things are or the actual towers are in that -- in that
13 mapping?

14 A. Yes, sir, I am.

15 Q. Before we get into doing that, I want to show you
16 what's marked as 17. Do you recognize this?

17 A. Yes, sir, I do.

18 Q. What was that?

19 A. This is the recording of -- or the -- the mapping
20 that I provided to you or in the case.

21 Q. Are those documented in the three separate videos?

22 A. Yes, sir. There's -- there's three different
23 videos. Yes, sir.

24 Q. And what's the first video?

25 A. So the first one would've been the -- the time of

1 the -- the carjacking incident. There were -- initially, if
2 we did the -- starting from March 5th, there -- evening --
3 the near the time of the incident to March 7th, at the time
4 of the arrest there were a total of 1500 records. So what I
5 did was, is I broke it down to save time, essentially to show
6 the -- the time of the -- the incident and then the time of
7 coming back to Greenwood on March 6th, and then also the --
8 the time of the arrest as well.

9 Q. Okay. And those three incidents -- those three
10 time spans were on that video?

11 A. That's correct.

12 MR. BROWN: Your Honor, at this time, the State would
13 move State's 17 into evidence.

14 THE COURT: All right. Any objection?

15 MR. HOLLOWAY: No objection.

16 THE COURT: All right. State's 17 is admitted into
17 evidence without objection.

18 (State's Exhibit Number 17 admitted into evidence.)

19 BY MR. BROWN:

20 Q. Now, Mr. Baker, would it be helpful or to -- for
21 you to be able to demonstrate the Penlink and -- and this
22 data in your program?

23 A. Yes, sir.

24 Q. Are you able to do that today with your computer?

25 A. I am.

1 Q. With the data that's already been admitted into
2 evidence?

3 A. Yes, sir.

4 Q. I'll ask you that you come down and open that up.

5 A. All right. So what we can see here is, this is
6 just kind of a general overview to begin with. Can you hear
7 me okay? Just wanted to be sure. So we have here is just a
8 general overview with what Mr. Yates was saying, is that on
9 the video, it's a recording of what I can show you here -- by
10 demonstrating here on my computer, I can kind of just click
11 through it to easy -- to easier demonstrate to you what we're
12 speaking of.

13 So right here, what you see with this orange pie-shaped
14 area, so this is what the call detail records would explain.
15 So essentially right here where this circle is or this
16 pinpoint is where the -- the antennas are for the cell tower.
17 What we're looking at here is the top of a water tower, and
18 on top of the water tower, it's kind of hard to see right
19 here in this view, but the antennas are positioned on top of
20 that water tower right there on Reynolds Avenue. So if it
21 has three sectors to it and then it would hit this side of
22 it, this is what it is demonstrating to you here. So you can
23 see that when the phone call or the data is sent to the tower
24 to come back to the device, this is the side of the tower
25 that it would hit.

1 Q. Just to be clear, we're looking at Quindaris
2 Washington's phone data.

3 A. That is correct.

4 Q. And at this particular time, what date and time is
5 this?

6 A. So this is -- this one right here is March 5,
7 2021, at 21:03:40, which will be 9:03.

8 Q. And what are these? What are the -- the pinpoints
9 in the picture?

10 A. So these are the places of interest. What I have
11 here on this pinpoint is the incident location. As you can
12 see, I can zoom in. We're looking at New Haven Apartments,
13 and this pin I dropped here is just basically in the -- this
14 center of the complex here. Right here is New Market Street.
15 And in relation to the image we seen earlier, this is the
16 Carolina Pride. This location right here in red is
17 Mr. Washington's residence at 938 Taggart. And it's this
18 second to last house on the end right here. And then as I
19 zoom out, we can see over in this area, this yellow pin is
20 where Mr. -- where the vehicle was parked after Lieutenant
21 Thompson initiated this traffic stop. You see...

22 Q. That would've been two days later?

23 A. Yes, that would've been two days later. And that
24 was just to show the -- the places of interest in relation to
25 the -- the detail records.

1 Q. Now, so this is a little after -- this is around
2 9:00, a little after 9:00 on March 5, 2021?

3 A. That's correct.

4 Q. Closer to the 11:00 hour, what does the phone data
5 show?

6 A. Okay. What I'll do now is I'll just play through
7 it and then we also can see over here on the right side. I
8 know if the popups, you can't read it, but the -- the
9 information is also here on the right side.

10 Q. What time -- go back one. What time when it
11 starts moving away from Taggart? That time there. What time
12 is that?

13 A. It's right here is March 5, 2021, at 23:42:56. So
14 that would be 11:42 p.m.

15 Q. 11:42 p.m.?

16 A. That's correct.

17 Q. And did boxes start moving away from that area?

18 A. It -- they started moving around, yes, sir.

19 Q. Looking at the CAD report, State's Exhibit 5, what
20 time does the call come out to 911?

21 A. The receive date and time on this call is March 5,
22 2021, at 23:40:25, so it'll be 11:40 p.m.

23 Q. And what time does that cone start moving?

24 A. This -- this record here is at March 5, 2021, at
25 23:42:56. And the very next one -- and this one is 23:46:22.

1 Q. And can you let it play? Does it continue away
2 from the area of New Market, Taggart?

3 A. Yes, sir.

4 Q. What area is that in, that particular cone?

5 A. So this area would be the -- the north end of the
6 city of Greenwood. This intersection right here where the
7 mouse pointer is, is Montague and the bypass right there in
8 the Greenwood Mall in that area. Where the cell tower
9 located is right here, is over there kind of behind tractor
10 supply and back behind the hotel and the post office.

11 Q. Drag your mouse down towards the middle. What --
12 what is that? What word -- what words are those?

13 A. Right there is Cedar Lake.

14 Q. And if you came on down, where's the Lake Street?

15 A. Lake street is down here in the area of the mill
16 village -- let's see. Right here.

17 Q. And being that cone, does that cone stop at that
18 last line or does it branch on out?

19 A. No, sir. So that is just the range from that
20 tower -- you know, it -- it could depend on the population
21 density on topography of the land -- you know, it could be
22 plus or minus. That is just for a -- a -- a visual aid to
23 represent of which direction that the tower is facing. It
24 could be depending on, like I said, the population density or
25 the topography. It could be greater than that. It could be

1 less than that.

2 Q. Again, what time is that, that's pinging off that
3 cell tower?

4 A. 23:50:56 on March 5, 2021. So that would be 11:50
5 p.m.

6 Q. If you can let it play from there. What's this --
7 what's the -- what are they doing now?

8 A. So typically what it's doing is it -- it could
9 bounce from one to the other, but you see here in the overlap
10 if it'll go back and forth, typically that means it's
11 somewhere in the area of where the -- the towers would
12 overlap in those sectors.

13 Q. And taking a picture is Druid Hills, and then
14 going towards far still Cherokee Hills?

15 A. That's correct.

16 Q. And what time is that?

17 A. At 23:53:07 on March 5, 2021.

18 Q. Would that be 11:00?

19 A. 11:53 p.m.

20 Q. 11:53 p.m.? And with these towers pinging, what
21 does that signal -- what does that tell you?

22 A. That the -- the phone is -- has connectivity for
23 either a data from the phone, or a phone call, or text
24 message. In this particular one right here it is data you
25 see on the call type as data. And that could be just as

1 simply as using Facebook or -- you know, apps that run in the
2 background could send -- you know, request data or send data
3 back and forth.

4 Q. What road is that -- that it looks like it's
5 tracking up towards the direction?

6 A. Highway 25. U.S. 25.

7 Q. What time is that now?

8 A. This one would be March 6, 2021, at 00:26:01. So
9 it'd be shortly after midnight or 12:26 a.m.

10 Q. And the speed for which he is getting up or
11 getting out of Greenwood and going up 25, it's 25 minutes
12 going up 25, would that be a quicker pace than somebody
13 walking?

14 A. Absolutely.

15 Q. What area is he in now?

16 A. So this is the area of Fountain Inn, just south of
17 Greenville.

18 Q. And what time is that?

19 A. This is at March 6, 2021, at 00:54:59, which will
20 be 12:54 a.m. on March 6th.

21 Q. Pause it there. What time is that that he's
22 gotten up around I-85 in Greenville?

23 A. So this is March 6, 2021, at 1:00 -- it's 1:12:48.
24 So 1:12 a.m.

25 Q. You were in the courtroom yesterday all day long,

1 is that correct?

2 A. That is correct.

3 Q. And on the phone dumping the extraction report
4 State's 15, are you aware during the investigation that he
5 keyed in some addresses that he was searching --

6 A. Yes, sir.

7 Q. -- directions? What time did he key those times
8 in?

9 A. So this is for the address of 5300 Augusta Road
10 Unit 1, Greenwood, South Carolina. That date and time
11 created is March 6, 2021, at 1:16:07 which would be 1:16 a.m.

12 Q. And what time is he in Greenville on this map? Do
13 you have on your screen?

14 A. At 1:12 a.m., March 6th.

15 Q. About four minutes later he is keying in an
16 address on his phone?

17 A. That's correct.

18 Q. You let it keep going. At 1:00 -- if you pause it
19 back at 1:17. In addition to looking up the 5300 Augusta
20 Road, did he also search in his maps Haywood Mall?

21 A. Yes, sir, that is correct. The -- let's see --
22 the date and time created on that is March 6, 2021, at
23 1:17:10, so 1:17 a.m.

24 Q. 1:17 on his phone map, he in the area Haywood
25 Mall?

1 A. Yes, sir.

2 Q. Are -- does the phone still appear to be moving
3 around?

4 A. Yes, sir.

5 Q. What time is it now?

6 A. So for this record, it's March 6, 2021, at
7 05:06:23, which will be 5:06 a.m. So what -- if you notice a
8 difference here, you see the circles, those are some data
9 that also AT&T provides. And when you see these, what it
10 does is, it'll calculate basically the -- the time that the
11 phone made to hit the tower or the back, and then it will say
12 the phone is somewhere within this circle and of approximate
13 difference distance. So at this one, you see a meter radius
14 of a -- a thousand meters be a thousand meter circle. And
15 they're saying that the device was somewhere within this area
16 at the time that the -- it made connectivity with the tower.

17 Q. Now we're in a 10:00 hour?

18 A. Yes, sir.

19 Q. On the morning of 10/6?

20 A. Yes, sir.

21 Q. He's still in the area of Greenville?

22 A. That's correct.

23 Q. What is the direction of travel now?

24 A. South.

25 Q. And what direction is he driving?

1 A. Appears to be south on Highway 25.

2 Q. In Greenwood?

3 A. That's correct.

4 Q. What time is it now that this car is moving?

5 A. This is March -- March 6, 2021, at 12:11:23.

6 Q. Through this investigation, were you able to see
7 the video that was extracted off his cell phone?

8 A. Yes, sir.

9 Q. And on the video, was that time stamped on the
10 video 12:09?

11 A. Yes, sir. I was to deploy on the screen. Yes,
12 sir.

13 Q. And I think Mr. Womack's report, did it say
14 generated or created around 12:18?

15 A. Yes, sir.

16 Q. P.m., on 12/6/2021?

17 A. Yes, sir.

18 Q. Is this around the same time this -- his phone is
19 tracking down 25?

20 A. Yes, sir.

21 Q. Now, right around this time here in the 1:00 hour,
22 there's been mention of Flock cameras around Greenwood.

23 A. Yes, sir.

24 Q. At the time of 2021, how many Flock cameras were
25 in Greenwood?

1 A. 12.

2 Q. And being an IT person and also investigations,
3 did you have a pretty good idea of where those Flock cameras
4 were?

5 A. Yes, sir. So actually when we -- we got the Flock
6 cameras and had them installed, I was on the -- I guess you
7 say "administrative team" of it, which didn't initially plan
8 the location for the original 12, but did maintain them and
9 repositioned them and relocate them if we decided that -- you
10 know, location for that camera wasn't as good a location as
11 it could be somewhere else without to relocate it. Yes, sir.

12 Q. At this time around New Haven, were there any
13 cameras on New Haven?

14 A. Yes, sir.

15 Q. And where were they?

16 A. So what I can do here is I actually show you on
17 the map. So right here is New Market, and then the camera is
18 actually -- it was on a pole which was right here and it was
19 facing northbound traffic. So you'd actually have to drive
20 north on New Market as it would come by the camera and then
21 catch a license plate and -- and pictures of vehicles as it's
22 traveling north. The other...

23 Q. So -- so it really depends if Flock camera is only
24 good if a car is driving away from the camera and that camera
25 is angled in the direction where it could capture that tag?

1 A. That's correct. The other camera was positioned
2 right here on here's Chipley Avenue and New Market, there's a
3 pole right here. And that camera was facing southbound to
4 catch the southbound traffic. So you actually had to --
5 would've been traveling in this direction right here and pass
6 Chipley for it to -- to capture the vehicle.

7 Q. And again, these cones it shows not specifically
8 going down a certain road, but an area -- a general area --

9 A. That's correct.

10 Q. -- the phone is traveling? So it'd really be by
11 luck if he -- if it went by -- by a Flock camera?

12 A. That's correct. And it that at -- at nighttime,
13 it doesn't do the best. Basically what a Flock camera is --
14 this is essentially a trail camera. I'm not if you're
15 familiar with that. If it -- it detects motion, it takes the
16 pictures of it, and then Flock safety they'll use their
17 algorithms as it runs it through the cloud to basically get a
18 description of the vehicle if possible and also see if it can
19 read the license plate. But at nighttime, it's actually
20 increasingly harder because it -- the cameras are equipped
21 with IR, and it takes a picture of the license plate and then
22 if the -- the angle isn't right or if the -- is traveling at
23 an increased speed, it doesn't always get a -- a good read on
24 the tag at -- at nighttime.

25 Q. You said "IR," is that infrared?

1 A. Yes, sir.

2 Q. If you want to zoom back out and -- and again this
3 is midday of 12/6 or -- or one in the 1:00 hour, is that
4 right?

5 A. That's correct.

6 Q. His phone -- and this movement doesn't stay in
7 Greenwood at that time, does it?

8 A. No, sir. It will continue back north towards
9 Greenville. My apologies. What I'm going to do is take us
10 back to where -- because I -- because I was taking a sip of
11 water, I didn't have time to -- to zoom out, so I'll take us
12 back so you can see it had moved.

13 Q. What -- I think leaving out as of -- his phone is
14 leaving out or he's leaving out Greenwood --

15 A. Yes.

16 Q. -- that's now 2 -- is that 14?

17 A. Yes, sir. This is March 6, 2021, at 14:42. 4:56.

18 Q. 2:42 in the afternoon?

19 A. Yes, sir. Like I said, I just was taking a sip of
20 water as it -- I failed to zoom out and just so you could
21 visually see as it was playing through automatically.

22 Q. What time is that now?

23 A. This is at March 6, 2021, at 15:24:50, which will
24 be 3:24 in the afternoon.

25 Q. So 2:42 to 3:24 created from Greenwood all the way

1 up to Greenville again?

2 A. Yes, sir.

3 Q. Again, at a quicker rate than walking?

4 A. Yes, sir.

5 Q. Now we're at what time?

6 A. This is March 6, 2021, at 20:36:01.

7 Q. 8:36 p.m.?

8 A. Yes, sir. That's correct.

9 Q. At what time does Mr. Washington's phone get back
10 to Greenwood?

11 A. So this is March 6, 2021, at 21:16:18, so at 9:16
12 p.m.

13 THE COURT: Can you make sure you're kind of near that
14 microphone?

15 THE WITNESS: Yes, sir.

16 THE COURT: Got it. Okay.

17 BY MR. BROWN:

18 Q. You can zoom in. And again, with the way these
19 cones are directed if you're overlapping -- what is that
20 overlapping -- overlapping seen about?

21 A. So it is just the -- the two towers. You have the
22 tower here and then you have the other tower here. And it
23 would just -- it could hit either one, but it would've hit
24 this sector and this sector. So it's more likely than not
25 that he's in the area most likely where they overlap.

1 Q. And with these moving -- these quadrants moving
2 around, this still signify his phone is moving?

3 A. Yes, sir.

4 Q. And a little bit before 11:00 and -- and 12:00 --
5 or 12:00 midnight going into the 7th, showing out going
6 towards the lake on 72?

7 A. Yes, sir.

8 Q. What time are we at now?

9 A. So this is March 7, 2021, at 02:00:07 -- at 2:00
10 a.m.

11 Q. What time are we at now?

12 A. This is March 7, 2021, at 02:02:58 -- at 2:02 a.m.

13 Q. Where are we at now?

14 A. This is March 7, 2021, at 02:46:41 -- at 2:46 a.m.

15 Q. Now, when -- Bailey Thompson radio in on March
16 7th, he was behind the vehicle and then he was out on foot
17 pursuit or foot pursuit. What time did he initially call
18 that evening?

19 A. So it was March 7, 2021 at 2:31 a.m. 02:31:50.

20 Q. During that time now two -- what time is that on
21 the screen?

22 A. That is 2 -- March 7, 2021 at 02:46:41 at 2:46
23 a.m.

24 Q. What is that yellow pin you got dropped there?

25 A. That yellow pin was the final stop location for

1 the Chevy Malibu there -- after -- during the traffic stop.

2 Q. You've seen the -- the body cam, what was he using
3 when Mr. Thompson came up and arrested him? Was he on his
4 phone at that time?

5 A. Yes, sir.

6 Q. And his phone was taken?

7 A. Yes, sir.

8 Q. We'll let it keep playing from there. Can you
9 just stop right in that area? What time is that?

10 A. This is March 7, 2021, at 02:57:53.

11 Q. What is over in that area?

12 A. That...

13 Q. Is Greenwood Police Department in that area?

14 A. Yes, sir.

15 Q. Is the evidence room in that area?

16 A. Yes, sir.

17 Q. As at what time?

18 A. At 2:57 a.m.

19 Q. Okay. Now, Mr. Baker, there was some mention
20 (inaudible) other witness and questions asked, initially
21 charged with possession of a stolen vehicle -- receiving a
22 stolen vehicle. After you received the cell phone data and
23 continued investigation, did you write those charges -- the
24 armed robbery, kidnapping, carjacking, possession of a weapon
25 during the commission of a violent crime?

1 A. Yes, sir.

2 Q. And that's based off continued investigations?

3 A. That's correct.

4 Q. Further data that you got?

5 A. Yes, sir.

6 Q. Sometimes investigations last more than two days,
7 sometimes they last 10 months, is that right?

8 A. Absolutely. Even longer than that in my
9 experience.

10 Q. Again, where did this -- where did the carjacking,
11 armed robbery take place?

12 A. At 207 New Market Street, New Haven Apartments.

13 Q. City of Greenwood?

14 A. That's correct.

15 Q. And Mr. Washington was located on March 7, 2021?

16 A. Yes, sir.

17 Q. Around 2:31?

18 A. Yes, sir.

19 Q. Does that correspond with his phone data?

20 A. Yes, sir, it does.

21 Q. The phone data moving down the road on 25, a
22 little after 12:00 on March 6, 2021, does that coincide with
23 the cell phone video that was extracted off his phone?

24 A. Yes, sir, it does.

25 Q. And the steering wheel on that -- that cell phone

1 video, does that match up with the cell phone or with the
2 steering wheel in Bailey Thompson's body cam?

3 A. Yes, sir, it does.

4 MR. BROWN: No further questions. Please answer
5 anything...

6 THE COURT: All right. Cross?

7 CROSS-EXAMINATION

8 BY MR. HOLLOWAY:

9 Q. Based on -- based on what you observed, based on
10 what was collected and observed on March the 5th, March the
11 7th, during that timeframe, do you believe that there was
12 probable cause to arrest my client for carjacking,
13 kidnapping, armed robbery, and a gun charge at that point?

14 A. At -- between March 5th and March 7th? No, sir.

15 Q. Based on everything that was collected?

16 A. At that time? No, sir.

17 Q. Okay. But it certainly possible that you could
18 have sought arrest warrants from a judge?

19 A. From March 5th and March 7th?

20 Q. Based on the fact he was --

21 A. For carjacking?

22 Q. Is that right?

23 A. No, sir. Not if I don't have probable cause. No,
24 sir.

25 Q. Sometimes arrest warrants are obtained in a case

1 such as this and then more evidence comes to light, it -- it
2 -- the investigation does go on after an arrest, right?

3 A. That's correct, yes, sir.

4 Q. Okay. Was this a -- a -- a -- a decision amongst
5 the investigators not to arrest on March the 7th for all
6 these other charges and just wait?

7 A. Well, a lot of times what we do is we wait till we
8 have, like, sufficient evidence to prosecute the case beyond
9 a reasonable doubt -- you know, and when you obtain search
10 warrants from companies, you have to send it off and then
11 wait for them to send it back. And that can take weeks and
12 months at -- at a time.

13 Q. So the -- the investigation was ongoing with the
14 eye toward arresting my client for additional charges?

15 A. Can I -- I didn't understand one of the things you
16 just said. Can you repeat it for me?

17 Q. At the moment in time you charged him with
18 possession of stolen vehicle and possession of stolen goods,
19 there was an ongoing investigation with the goal of arresting
20 him on these other charges even on March 7th?

21 A. I -- I wouldn't say that it was my goal because I
22 just essentially followed evidence and when that leads me, I
23 wasn't -- you know, predetermined that I was going to choose
24 him as the -- the subject. But -- you know, I didn't make
25 the charges on the possession of stolen goods and possession

1 of stolen vehicle, but I believe there was absolutely
2 sufficient of evidence to obtain those arrest warrants, if
3 that's what you're asking.

4 Q. That was two months later?

5 A. For the?

6 Q. The additional charges.

7 A. For -- yes, sir. For the carjacking and armed
8 robbery those -- we're talking about two separate -- two
9 separate sets of charges?

10 Q. Yes.

11 A. Yes, sir.

12 Q. Before the investigation, you actually did follow
13 up and spoke to Mr. Gordon?

14 A. Yes, sir.

15 Q. On March 9, 2021?

16 A. Yes, sir.

17 Q. What was the purpose of that?

18 A. It's just routine follow up on a -- an assigned
19 case.

20 Q. Okay.

21 A. Yeah, if you -- you can just close it if you need
22 to.

23 Q. Is this the original, the first video? I'm going
24 to use mine. The -- the follow-up in section of your
25 investigation with Mr. Gordon. What did that entail?

1 A. What I do is typically just go out and follow up
2 and just confirm everything that was provided to the
3 reporting officer. I asked him -- you know, "Just kind of
4 repeat to me everything what happened, what he did." And it
5 confirmed everything that was reported by the -- the
6 reporting officer, asked him would he be able to identify the
7 subject and he said he didn't feel like he could because it
8 was -- it was dark. The subject was wearing a -- a hooded
9 shirt with a hood pulled up. And he was also wearing a mask.

10 Q. So he -- he would (inaudible) identify who the
11 assailant was?

12 A. No, sir. Well, not when I spoke with him March --
13 March 9th. He said -- he said he couldn't.

14 Q. All right. Was your interview on video? Did you
15 record?

16 A. No, sir.

17 Q. Was there a reason why you didn't?

18 A. It was just standard operating procedure or
19 something like that. We don't necessarily record every
20 interaction that we do with the public on, especially with
21 follow up investigations. I felt like it was necessary or
22 something I would have, but in this case, I didn't feel like
23 it was.

24 Q. Did you take handwritten notes?

25 A. No, sir, I did not.

1 Q. So I guess I'm confused here. You're saying
2 standard policy is not to record an interview with a key
3 witness in a carjacking case?

4 A. I wouldn't say it was policy. Just a -- a common
5 practice that we -- that we use. You know, it just really
6 depends on the -- the situation. I just went up, knocked on
7 his door and talked to him, and it -- the -- only lasted a
8 few minutes. There wasn't really a -- a whole lot to really
9 say other than what the reporting officer had documented.

10 Q. Did you check for any body-cam footage, in-car
11 videos from March the 5th?

12 A. I did and there was none.

13 Q. So none -- I guess, what (inaudible).

14 A. But the -- I'm sorry, let me rephrase that. As
15 far as the -- the interview with the victim.

16 Q. Okay. Were there any body cams that were obtained
17 from March the 5th at all? Every officer responded to -- to
18 New Market New Haven Apartments?

19 A. No. No, sir.

20 Q. Were they just not -- just not turned on?

21 A. Well, I couldn't really tell you that exactly.
22 You know, it just -- it -- it really depends on the
23 situation. I can tell you from my experience as a patrol
24 officer for 10 years, I mean -- if a -- I would consider that
25 a hot call come out and say a car jack just occurred. I

1 mean, you going to pretty much -- especially if it's your
2 area of response, you going to drop what you're doing. You
3 know, there's been times where if it got activated or
4 something like that -- you know, but there's also been times
5 where there's malfunctioning devices. It could be that the
6 -- the battery was dead or -- you know, something like that.
7 Because if the way the body cameras would work that there's a
8 docking station in the vehicle, and if it was dead, you would
9 have to put in there. And I would -- I can tell you from
10 experience that after time those things, the batteries would
11 wear down. You'd have to charge it. And if you just get out
12 of speed with a victim during a hot call, I mean, you may
13 have easily forgotten to, "Hey, I should have gotten my body
14 camera out and activated it." Yeah.

15 Q. How many officers responded to that scene that
16 night?

17 A. I couldn't tell you the exact number, but I can
18 tell you just on a -- a normal night, I think a minimum of
19 five officers would've been working. You know, it could be
20 around five, six, or seven, depending on the -- how many are
21 staffed on that shift, but I would imagine that at the very
22 minimum, the officer that's assigned to that zone would've
23 responded and talked to the victim or whoever would've been
24 closest. That way they could gather the pertinent
25 information to relay that to other officers as a BOLO -- you

1 know, be on the lookout so that they could potentially locate
2 the suspect, or the suspect vehicle in this case.

3 Q. You're an investigator in this case, aren't you?

4 A. Yes, sir.

5 Q. Did you check to see the body camera footage
6 (inaudible) the officers turn on the cameras at all?

7 A. If -- that immediate week I don't recall exactly
8 when I would have, but I know typically on a case, like if we
9 have a major incident, especially where an arrest is made or
10 something like that, we go through and just ensure that all
11 of that was, but if it wasn't activated to -- to begin with,
12 that it wasn't be -- it wouldn't be there for me to preserve.
13 You follow what I'm saying?

14 Q. Describe when an officer goes off shift how are --
15 how is the footage preserved?

16 A. So if I remember correct, we had the WatchGuard
17 body camera systems and what it would do is, the body cameras
18 synced to the in-car video. And then what it would do is it
19 would save it to the -- the hard drive, essentially in the
20 vehicle. And then when officers would pull up out back of
21 City Hall, it would wirelessly connect to the server there at
22 City Hall, and would upload the video to City Hall. But in
23 order for it to do that, they would have to have activated
24 and then save the body camera itself. And in my experience,
25 sometimes what could happen too is if you mislabeled the --

1 or miscategorized the event, so essentially a traffic stops
2 body camera or just simply a -- a -- like a -- a 911 hang up
3 call, that would be categorized different compared to an
4 event like this. And -- you know, in those cases are
5 preserved as far as the timeframes differently. But that's
6 -- that's how it would -- would be done. So once then it
7 would upload to City Hall, and then store on the server, you
8 would log in through the website and then you could
9 categorize it further for there, preserve it and -- you know,
10 attach it to a case number. And that way it was just easier
11 to search and find what you're looking for later on.

12 Q. And this case occurred on the -- I think March 5th
13 to Friday 9th?

14 A. That's correct. Yes, sir.

15 Q. You came on -- the case was assigned to you on
16 that Monday?

17 A. Yes, sir.

18 Q. Okay. Would it -- was Monday -- was three days
19 sufficient time for you to check any videos at least to see
20 if -- if -- what videos were uploaded on March the 5th during
21 that timeframe?

22 A. You asking sufficient time for me or sufficient
23 time for it to --?

24 Q. You. If -- if indeed the videos are upload
25 automatically as they are supposed to?

1 A. Yes. If -- it would've been sufficient time -- if
2 the incident would occurred Friday, it would've been
3 sufficient time for the officer to pull up back at City Hall
4 and for the vehicles to upload by the time that I would've
5 had time to review it on Monday.

6 Q. And you're aware that state law requires
7 (inaudible) four years ago, you're aware of state law
8 requires officers anytime they're -- had any interaction with
9 the public especially carjacking the victim, body cams are
10 turned on. Were you aware of that?

11 A. To the specifics of every single interaction with
12 law?

13 Q. Carjacking.

14 A. Okay. Well, I think what you asked me was every
15 single interaction.

16 Q. My -- my question was, are you aware there's a
17 statute in place that requires this?

18 A. Not for every single interaction, no, sir.

19 Q. Every allegation of -- of a violent crime?

20 A. I'd have to look at the specifics of that. I know
21 there was one they were mandating body cameras, but I don't
22 know to what specifics of every single, because if we did
23 every single one, the -- the amount of video would be unreal.

24 Q. Did you ask Mr. Gordon for his phone to analyze?

25 A. No, sir, I did not.

1 Q. Why was that?

2 A. He was a victim of a crime -- you know, of a
3 carjacking. I -- I felt like he went through a -- a
4 traumatic event for him. I mean, somebody came at him from
5 -- with gun to his head, told him to get in the trunk of his
6 car and then -- you know, stole his vehicle. And
7 fortunately, he didn't get in. And -- you know, then it was
8 two days later that his vehicle and his phone was returned to
9 him. You know, and I -- I know typically people that if you
10 don't have your phone or something, you almost feel lost.
11 Like you -- I mean, you don't have a way with -- communicate
12 with people because -- I mean, phones now -- people get so
13 attached to them and it's almost like a lifeline to the
14 outside world in a sense. I mean, it's -- it's bad to say
15 that in a sense, but it is. And at that point in the
16 investigation, he didn't -- he told me that he didn't feel
17 like he could identify the subject, and I didn't want to
18 further -- you know, not necessarily would inflict injury,
19 but -- you know, cause any more grief to him of taking his
20 device because it would've taken a lot longer. I had to
21 obtain a search warrant, and then to actually do the phone
22 extraction, it would just add further grief to the -- further
23 injury to the -- the incident in a sense.

24 Q. Here's the issue. You -- you're an experienced
25 investigator. Isn't one of the first rules that you don't

1 take a story at face value?

2 A. That's correct. That go where the evidence would
3 lead me. Yes, sir.

4 Q. So you left potential evidence in the hands of the
5 victim, right?

6 A. I mean, that would really depend on your
7 interpretation, on your opinion. I mean, it -- it could --
8 it could not have. I mean, it's...

9 Q. But we won't know ever, right? I mean, at this
10 point it's -- it's too late. And then whatever was in his
11 phone.

12 A. Well, I don't really know what I could have gained
13 from -- from taking his phone and doing a phone extraction
14 off of it based off of the details and information that he
15 gave me.

16 Q. You could check his story. He says he was waiting
17 in the parking lot. You could have checked his story. Maybe
18 there's alternative theories as to what -- what he was doing
19 in the parking lot, right?

20 A. I -- I mean, I guess so.

21 Q. Alternative theories as to who actually carjacked
22 him. Independent of who was in possession of the car 28
23 hours later, right?

24 A. I mean, alternative theories, he told me that
25 there was a masked man that come up and put him at gunpoint.

1 I mean, I don't -- it wasn't like he specifically told me
2 that -- that John Doe did it.

3 Q. You could follow up on the story -- collect a
4 story. He's there to pick up -- he's there to -- to pick up
5 a friend, right?

6 A. Yes, sir.

7 Q. You could check the messages as to whether he --
8 he was messaging the friend or vice versa or calling the
9 friend or vice versa, right?

10 A. I mean, I could, but one thing you have to
11 consider, if I took every single victim's cell phone and did
12 a phone extraction, number one, I wouldn't have the time to
13 investigate any case because all I would be doing is going
14 through victim's cell phones.

15 Q. You should have...

16 A. And in this --

17 Q. I'm sorry, go ahead.

18 A. -- and in this case, I didn't -- based on the
19 details and the information he provided me, I -- I didn't
20 feel like it was necessary.

21 Q. Did you get a search warrant for his cell records?

22 A. No, sir, I did not.

23 Q. And to get search warrant -- a search warrant for
24 his cell records, you wouldn't need his device, would you?

25 A. No, sir, I would not.

1 Q. Okay. Why didn't you get his -- his cell records?

2 A. Goes back to the same thing then at that time,
3 based off of the information that he provided me, I didn't
4 feel like it was necessary.

5 Q. Wouldn't be great to have -- with your -- your
6 exhibit, because you've done this before. This exhibit can
7 show multiple phones.

8 A. Yes, sir.

9 Q. (Inaudible) all over the -- the upstate?

10 A. Yes, sir.

11 Q. Wouldn't it great to have the victim's phone and
12 those -- his movement of his phone, which presumably is -- is
13 left in the Malibu, right?

14 A. Yes, sir.

15 Q. Married up with my client's phone, wouldn't it?

16 A. Yes, sir. I -- I don't disagree with that. But
17 one thing I also took into consideration was that at the time
18 -- you know, his device was recovered, the -- the SIM card
19 had been ejected. So if -- and when the SIM card ejected,
20 there would've been no connectivity to the -- the cell phone
21 towers at that time. So there would've been no records
22 available.

23 Q. Once the SIM card is -- is removed, the phone
24 cannot be tracked?

25 A. By the call detail records? No, sir. Because the

1 way it -- it works is the phone reaches out to the tower and
2 then the tower responds back to it. You know, if I make a
3 phone call back and forth to you, but if you remove the SIM
4 card is essentially the same thing is put it into airplane
5 mode, that -- that connectivity there is gone. So there
6 would be no records almost as like you turn -- turn the phone
7 off, there's going to be no call detail records there and
8 there would be nothing for me to display -- you know, as --
9 as like you mentioned.

10 Q. We heard testimony yesterday that a SIM -- a new
11 SIM card or -- that was put back into the phone, right?

12 A. You said my testimony and testimony --

13 Q. I said there's other testimony -- you were in this
14 courtroom the entire time of this trial?

15 A. Yes, sir.

16 Q. Okay. So it wasn't, like, a SIM card was simply
17 removed, another one was put in?

18 A. Right. But the SIM card for that one would've had
19 to have the -- the phone number or the -- the identifiers for
20 that SIM card because the call detail records would've been
21 essentially significant to the SIM card that was answered in
22 that device at that time. So if I would've did for the
23 victim's cell phone number, in this case that his identifier,
24 it would not have shown the -- for the other SIM card that
25 would've been inserted into it.

1 Q. Would you be able to get through the carrier the
2 additional data from that SIM card, the new -- the different
3 SIM card, you can check the area of the records from the
4 original SIM card and then the new SIM card, right?

5 A. Yes, sir. If I -- if -- we would have.

6 Q. The phone just doesn't turn off, right?

7 A. I'm sorry.

8 Q. The phone just doesn't turn off?

9 A. Well, when I -- if I don't have the device, what I
10 do is we figure out the phone number, and the phone number is
11 basically is what's tied to that SIM card. So if I put
12 another SIM card in it, it's going to be another phone
13 number, another identifier for me to send -- when I request
14 that information, that is part of what I request, identifying
15 basically, "These are the records I need for this specific
16 phone number." Because it's not really pulling the
17 information from the device, it's pulling from the -- the
18 tower records essentially. In which side of the tower that
19 -- that I guess you could say the easy way to say it is that
20 SIM card is what we're trying explain that. That SIM card
21 would've accessed or -- you know, may be connected to the
22 tower, which the SIM card is also inserted into the device.

23 Q. So basically you would've taken a week for search
24 warrants?

25 A. Yes, sir. If -- if we'd -- had the -- the SIM

1 card exactly what -- what I think what you're trying to say,
2 it would've been two search warrants for the two different
3 phone numbers attached to those -- those SIM cards. Yes,
4 sir.

5 Q. Did you do that? Did you in this case?

6 A. No, sir.

7 Q. Again, if you had done that and had the
8 coordinates of victim's phone, we would be able to put this
9 wonderful software to show the phone is tracking together,
10 he's going to Greenville, he's going all over the place.
11 Like we've seen both phones are tracking together. We don't
12 have that, do we?

13 A. No, sir. But it's like I was saying that -- you
14 know, the -- the SIM card was ejected. You know, so that
15 even if the -- would've obtained the search warrant at the
16 time the SIM card was ejected, that -- that data wouldn't be
17 there to demonstrate to you. It would've just -- there
18 would've been a gap in the timeframe from when it was ejected
19 to when it was reinserted.

20 Q. The Flock cameras in Greenwood at that time were
21 there Flock cameras along Highway 25?

22 A. So I know we had -- now, there was a few that we
23 relocated. Okay. I know in the area of Cambridge,
24 Cokesbury, and New Market, those cameras never got relocated.
25 There was one on 25 north coming into town. If you're

1 familiar, where the Old Burger King used to be, right there
2 next to the Greenwood Mall, there's a pole there and it would
3 catch the traffic coming into town. But at that exact date
4 and time, because we didn't really document when we -- we
5 moved them, so it -- one -- that's where one is at now, if I
6 recall.

7 Q. Is that close to Starbucks, like, Verizon in that
8 direction?

9 A. Yes, sir. It's a little bit north of that, but
10 yes, sir, it's a few -- it's right behind it essentially.

11 Q. And that -- that camera was in that location at
12 that particular time?

13 A. To my -- the best of my knowledge, I don't -- I
14 can't say definitively whether it was in that exact location.
15 I can't remember what time that I -- that I relocated that
16 camera there, but it -- it is possible.

17 Q. The Flock camera system, it's meant to pick up tag
18 numbers, right?

19 A. Well, the way it is designed to do is -- so like I
20 said before, is essentially like a -- a trail camera the way
21 it works if you're familiar with one of those. It has a
22 motion sensor on, it detects motion, it takes a bunch of
23 pictures in rapid succession. With that one on 25, it's a
24 two-lane road. So I remember when I was positioning that one
25 there, I tried to do it to catch both lanes. But what I've

1 learned in my experience and just from setting up trying to
2 get at the best position possible is that during heavy
3 traffic -- you know, it could sometimes struggle to pick up
4 multiple vehicles into it. Because what it will do is it
5 takes the pictures, it uploads it to -- to Flock in their
6 service, however they manage their data, and then their
7 computers and algorithms, it will basically try to best
8 describe the -- the make of the vehicle or the model, like,
9 the description of it, say like a pickup truck or a Ford --
10 you know, kind of like that the best it can. But I've also
11 seen that -- that could be wrong. You know, it can mistake a
12 Ford for a Chevrolet, or -- you know, the colors, but what
13 also it does it will try to take a picture of the tag. But I
14 have also seen where it could say instead of being like the
15 letter B bravo, it could be number eight -- you know, it's
16 not always 100 percent perfect.

17 And the way that works going into the tags, so once
18 they're entered into NCIC, Flock also runs all these tags
19 that come through by the cameras, it'll run it through NCIC.
20 So and then if it comes, we get a hit as a -- a stolen
21 vehicle, it will then notify that agency and say by email --
22 you know, we can do email or text message, but almost every
23 officer has it set up by email, sends you a picture of what
24 the vehicle is -- what the -- was took, and then it will have
25 what it read as the tag number, the location, time, and then

1 also say like if it's a NCIC stolen vehicle. And then what
2 you would do is then review that picture and then confirm
3 that that's the tag that it actually read and say "Yes." So
4 -- and then you would confirm with dispatch to see if that
5 vehicle -- vehicle in fact is actually stolen.

6 But I've also seen it where we get hit, it's on stolen
7 vehicles and say you look at it and instead of it reading
8 ABC123, I mean, it could misread it as -- you know, ADC123 --
9 you know, and if that shows it as a stolen vehicle, but then
10 it says it's like a -- a white Ford pickup, but the -- the
11 vehicle that was stolen was a red four door car, you could
12 visually tell that that doesn't match and the tag doesn't
13 match. So there's times it could make errors, but there's
14 also times where I've done my investigations that I'll just
15 do a -- say like a search, say we know something like it
16 would've passed this area. We can do to where it would only
17 read a partial tag. So if instead of it reading ABC123, it
18 only read ABC12, it's missing that -- that 3 on the last one.
19 So when it would've run it through NCIC, it wouldn't have
20 shown as a stolen vehicle. You follow what I'm saying?

21 Q. I do.

22 A. Okay.

23 Q. I do appreciate.

24 A. Yes, sir.

25 Q. When you need to access information from the Flock

1 (inaudible) make and model of the vehicle?

2 A. Yes, sir, you can.

3 Q. Okay. Did you do that in this case reading the
4 camera?

5 A. I did. So also in my experience, doing it at
6 nighttime is -- is taking a picture at dark when it's dark
7 and it's -- you know, the camera will also flash with the IR.
8 So the vehicle tags are reflective. So when the -- it takes
9 the photograph and then the IR -- the infrared hits that tag
10 and it reflects back, all you see is the tag. You don't see
11 anything on the vehicle. Sometimes you can make out the
12 taillights, and if they're significant enough, if the -- the
13 design on the taillights, you can kind of make out the
14 vehicle, but it's not always 100 percent. So when you do at
15 nighttime, if I were to search for a Chevy Malibu, you --
16 you're not going to hardly get any results back because it's
17 dark, and then it -- it can't make out what type of vehicle
18 it is compared to daytime to when it has a clear image to
19 kind of search for.

20 Q. Is the IR held against the ability -- the camera
21 to pick up make and model and shape?

22 A. No, it would enhance the -- the tags because
23 they're reflective. It basically just makes it -- it pop,
24 but sometimes it's so much that it -- it just kind of blurs
25 out the tag too. So it would actually have -- it would

1 enhance more for reading the tag and stuff like that. But
2 sometimes it could also take away from it. But it will also
3 kind of depend on where the camera is positioned at. And
4 then also the lighting. So if you got -- if it's a well-lit
5 area by street lights, it's obviously going to get a much
6 better picture because you would have those street lights
7 also helping that -- that camera take that picture compared
8 to somewhere if it's just on a side street where there are no
9 street lights, and it's just all you have is make -- you
10 know, the kind of the tag and -- and stuff like that, so...

11 Q. And when you making a decision (inaudible) cameras
12 you take that into account, you take into account nighttime
13 street lights as one of the factors?

14 A. I would say that was probably at the bottom of the
15 list. Typically what we did is high-crime areas. So when I
16 would try to determine the locations for these cameras,
17 number one, what's going to help us mainly in our violent
18 crime investigations and stuff like that. So typically that
19 was where we placed them in our high crime areas. Or if we
20 were having a -- a problem on a certain street to where we
21 constantly -- you know, week after week or month after month
22 having shootings, and -- or -- you know, not getting a lot of
23 information or they just say it was a red vehicle, we
24 obviously would place them on those streets. And also -- so
25 if say we had a -- a neighborhood to where we're having a

1 bunch of crime or something like that, we could post it in
2 the area outside of it to where the -- you know, the ins and
3 outs of that would also capture that. But also on that
4 street were a lot of the factors we took into on our
5 placements.

6 Q. There was a -- there were two cameras on the
7 street where this incident occurred?

8 A. Yes, sir. There were two cameras on New Market.
9 One right there at Chipley Avenue and one at Milwee Avenue.

10 Q. So basically one north one south?

11 A. That's correct. The one on Chipley was facing
12 southbound. It would've captured traffic traveling south and
13 the camera was -- the other camera was positioned on New
14 Market Milwee, which would've captured northbound traffic.

15 Q. So it's fair to say that New Market is a
16 high-crime area?

17 A. I wouldn't say, like, New Market itself, but that
18 general area it -- yes, sir, it's a -- it's a high-crime
19 area.

20 Q. And Taggart Street is going south?

21 A. That's correct.

22 Q. And there was no -- the camera -- the Flock camera
23 pointed south or at least would pick up southbound traffic
24 did not pick up the vehicle or the tag at night?

25 A. The -- the way that camera is positioned, no

1 matter which exit it would've took out at New Haven, it
2 wouldn't have captured the -- the vehicle.

3 Q. Were there any of the cameras in that area?

4 A. Other than Flock cameras?

5 Q. Well, I mean, like, any of the Flock cameras?

6 A. Oh, yes. Other than one on -- the two on New
7 Market I spoke of, there was one on East Cambridge, right
8 there at South Hospital Street. It would've captured the --
9 the traffic going out towards the new Walmart and the Spanx.
10 And there was other one right there positioned at Tarrant
11 Avenue is on a pole right there at the entrance to the Early
12 Childhood Center.

13 Q. Is that the --

14 A. He stopped.

15 Q. -- camera that picked up the vehicle on March the
16 7th?

17 A. I don't recall exactly which one it was, but I
18 believe that was what -- I know it was one on East Cambridge
19 is what Lieutenant Thompson testified to.

20 Q. But again, none of the cameras picked up the
21 vehicle until March the 7th?

22 A. That's correct. Because we would've had the NCIC
23 hit on it. It's quite possible -- let me rephrase that.
24 It's quite possible it could have picked it up, but it didn't
25 capture a read on the tag or the vehicle description wasn't

1 enough to easily identify it. Because if not -- you'd have
2 to search thousands and thousands of images just to try to
3 make out whether that was the vehicle or not. But -- you
4 know, it just makes it a lot easier to search and then has
5 that tag number that'll come back and then you can readily
6 identify and say that was the tag and verify that what the
7 Flock camera had read.

8 Q. And you pulled up all the -- all the pictures that
9 came in to more than one camera during the set timeframe?

10 A. Yes, sir.

11 Q. That -- that --

12 A. Essentially like a blind search.

13 Q. Right. But in this case you didn't do that?

14 A. I believe I did, but there was nothing that -- you
15 know -- I mean, like I said, it would be thousands of images
16 -- you know, because typically what I've done in my
17 experience, if we have something to where it doesn't get a
18 read on a tag, I would just pull that footage from any -- any
19 pictures that it would've taken -- you know, within a certain
20 timeframe. But -- you know, you're talking hundreds of images
21 and just even say within a -- a 10 to 20, 30-minute timeframe
22 -- you know, it could be a lot. But also at nighttime if on
23 East Cambridge with it being that two-lane highway, if it's
24 on the further one -- you know, it could be a lot harder to
25 make out. You know, and it was -- I would've searched it,

1 but it would've been nothing that would've been of
2 evidentiary value to -- to document and say that -- you know,
3 I wouldn't want to put something in my case I saying, "This
4 -- this kind of looks like it," but I can't say 100 percent.
5 You know, it's not because it wouldn't serve any purpose.

6 Q. The camera that is positioned on highway -- or
7 near Highway 25, did you check that picture -- where the --
8 the picture was taken?

9 A. What I would've done is searched, like, searched
10 all the cameras using the tag number to check to see if we
11 got anything, and then searched the area at the time of the
12 incident to see if everything at -- in that area like -- of
13 like a blind search what I was referring to a moment ago of
14 the area of where it would've took place.

15 Q. You saw nothing of -- of -- of value on that
16 camera, correct?

17 A. That's correct.

18 Q. Did you compare the footage from the phone data
19 showing my client's phone because it is just his phone. I
20 don't know if it's him or not, right?

21 A. Yes, sir. The -- the -- yes, sir. It's from the
22 -- the cell -- the call detail records from that phone
23 number. Yes, sir.

24 Q. Did you check the -- the cameras to see if there
25 were cameras in those locations where he is -- where someone

1 was driving with the phone?

2 A. I would've checked the cameras of that night of
3 the incident -- you know, to see if there was anything
4 matching -- you know, the vehicle description of -- of what
5 was stolen, the Chevy Malibu. And then once I -- if I didn't
6 locate it then -- you know, I would've not felt like it was
7 necessary to go back and check again, just when we had the
8 call detail records. Because I would've checked everything
9 that night of -- or the -- upon following up, I didn't
10 respond out that night. But upon following up on it.

11 Q. Some of the data that you showed the jury
12 (inaudible) he was driving during the day, correct?

13 A. Yes, sir.

14 Q. And -- and certainly returning from Greenville,
15 it's possible that there would've been camera footage or
16 camera pictures recorded or taken showing the vehicle as
17 well, right?

18 A. Yes, sir.

19 Q. And that evidence is not lost? There's no way to
20 check on that at this point?

21 A. As far as the Flock.

22 Q. Basically the marry up -- you have the phone data,
23 but if the Flock camera picked up the Malibu as well the same
24 time, that'd be great evidence, wouldn't it?

25 A. Yes, sir. But it also -- if it would've picked it

1 up, it more than likely than not, it would've during the
2 daytime, recognized the tag number and then it would've come
3 back as a stolen vehicle.

4 Q. So you're saying that it certainly -- the -- it's
5 likely when his phone passed that area where there was a
6 Flock camera, it was just the phone and not him with the
7 vehicle, right?

8 A. I'm sorry, can -- can you say that again for me,
9 please?

10 Q. Yeah. Let me just rephrase here. I'm trying to
11 get the fact that you had the opportunity to corroborate that
12 -- that my client was with the vehicle and his phone at the
13 same time earlier on than we have -- could have imagined --

14 A. Yes, sir.

15 Q. -- did you check the Flock camera pictures during
16 that timeframe?

17 A. No, sir. I didn't do like a -- a blind search of
18 the -- the daytime of when it would've come through there.
19 You know, Flock only maintains -- so the -- they keep it 30
20 days. So I'd have to look at the dates on my search warrants
21 on when I actually obtained the records. You know, it is
22 quite possible that could have been outside of the 30 days
23 that that would've been there. So if I wouldn't have known
24 past that 30 days to check those exact cameras at that time -
25 - you know, preserve it then -- you know, so I could go back

1 and review it later, it wouldn't have been there for me to --
2 to review at the point once I obtained the -- the records
3 from AT&T, so...

4 Q. State's Exhibit 24, you've already brought into
5 evidence and to you -- can you describe -- first off, do we
6 know definitively who that is in that picture?

7 A. It appears to be going to be Quindaris Washington.

8 Q. You don't know for sure, do you?

9 A. I couldn't say 100 percent, but 95, I could.

10 Q. What's he wearing?

11 A. In this it appears to be a black beanie style
12 toboggan. It's a black in color mask, soft, like, material
13 and then a -- a black jacket. I see a zipper. I don't see
14 anything -- any identifiable marks or branding or anything.

15 Q. So it's not a hoodie, right?

16 A. Not from what I can tell on the collar. No, sir.
17 I mean, I'm not saying that it's not, but I'm not saying that
18 it is either, so...

19 Q. People don't wear a stocking cap with -- with a
20 hoodie, do they?

21 A. I have.

22 Q. You've worn a stocking cap with the hoodie over
23 your head?

24 A. If it's cold outside, absolutely.

25 Q. When -- when was that picture taken?

1 A. January 9, 2021.

2 Q. Where is he at? Is he outside?

3 A. No, sir. It appears he is inside of a building.

4 Q. So once he's in a below zero freezer, he wouldn't
5 be wearing a hoodie -- the hood over with the stocking cap,
6 would he?

7 A. Well, I do see two air conditioner supply vent
8 there, so -- I -- I don't know. I mean, I can't say where he
9 was or wasn't. I mean, I'm just -- I've seen people wear a
10 mask and, like, sweatshirts and full on, like, you would
11 think it is zero degrees outside, but it's, like, 80 degrees.
12 So I don't -- I don't understand that. So, I mean, I
13 don't...

14 Q. This picture is not just a -- an active shot,
15 right? It's -- it's actually posted to social media, isn't
16 it?

17 A. That's what it appears, yes, sir.

18 Q. So whatever he's doing he's posting it to his
19 followers, right?

20 A. I would assume so.

21 Q. Possibly the world?

22 A. If the world follows him, then yes.

23 Q. A multitude of people were -- could have been
24 following him to see him and --

25 A. He -- he absolutely wanted to make that public.

1 Q. Which is really what you want to do. You want to
2 advertise yourself when you are allegedly carjacking people,
3 and gun around, right? But would you prefer to hide what you
4 doing?

5 A. Me, I would hide it, but I can tell you my
6 experience that it's been quite the opposite.

7 Q. Do people want to basically make friends and
8 influence people online?

9 A. I've seen them do that, and then brag about what
10 they've done.

11 Q. Do you know whether he's bragging or just
12 advertising himself and his personality to the world?

13 A. Right there in that picture, all he did was post
14 it to social media. There's -- in that image there there's
15 nothing else that is seen.

16 Q. You testified earlier about PLX. What is PLX?

17 A. So PLX is the actual name of the software.
18 Penlink is just the company that made Penlink. So what I
19 demonstrated earlier is the mapping side of the PLX software
20 by Penlink.

21 Q. As a part of this investigation, did you create an
22 -- an Excel spreadsheets with all of your data included?

23 A. What I did on the -- the spreadsheet, what -- it
24 was basically all the stuff that was the messages, and it's
25 like a combined data of the -- all the stuff and exported it

1 to the spreadsheet. So that way, because -- I can't, like,
2 share the actual software from Penlink because it's -- you
3 know, it's -- it's tied to a -- a license that we pay yearly
4 a fee for. But what I can do to share that data is send it
5 to a -- a spreadsheet and that way you can view it. And it's
6 the same -- essentially the same exact data. It is just an
7 Excel spreadsheet.

8 Q. I'm showing you what's been marked as Defense
9 Exhibit 1. Can you identify this for the jury?

10 A. So what I'm looking at is -- it's a -- it is in a
11 spreadsheet format. It has phone identifiers. Then it has a
12 list of subject names with -- including Quindaris Washington
13 dates, times, and more additional date and times. From the
14 software here, it would also -- when we get the -- the data,
15 it shows the provider. So I see AT&T, and Google, and
16 Facebook. This appears to be the same. I'd have to compare
17 it to -- to the other one just to see if it's exactly
18 identify -- excuse me, exactly the same as what I provided.
19 Because it's just a lot of data.

20 Q. And what I -- this exhibit I've presented you is
21 -- are hard copies of a portion of --

22 A. Yes, sir. If I remember correctly, it was upwards
23 of 67,000 records.

24 Q. And it goes -- to my knowledge, it goes from year
25 2020 into --?

1 A. Yes, sir. It was a big timeframe.

2 Q. That indicates a lot of cell phone activity.

3 A. It indicates a lot of things. It -- it is AT&T,
4 Google, Facebook, Snapchat. It's -- it could be more than
5 just a cell phone. I mean, you could access some of those
6 things from other devices as well.

7 Q. So the -- the software, the -- the PLX software
8 was pulled in all of my client's activities from app --
9 applications to calls, text.

10 A. So what it can do is any -- any data from a lot of
11 these companies and -- and data that's provided, you can
12 place it in there and -- just like on a spreadsheet, you can
13 view it all together instead of just looking, say if I just
14 wanted to look at AT&T alone on that, I could put them all
15 together and then sort and filter it by date and time. And
16 what it just does is basically in this view here, I -- I
17 believe it may be in chronological order. And as far as the
18 -- as when it occurs, as you can see all the events or
19 whether it be a -- a phone message or the phone call or
20 whatever it may be in chronological order.

21 Q. What's the first date and time on there?

22 A. So I have two sets of dates and times here. And a
23 lot of times what it does is, it will be the provider date
24 and time, and then also it will convert it to our time zone.
25 So I have March 5, 2021 at 07:21:52, and there's another date

1 next to it March 5, 2021, at 02:21:52. But on this
2 particular exhibit here, it doesn't have which column, which
3 -- which one was which provider time or the -- the location
4 time.

5 Q. Okay. Does this software exhibit both times and
6 the -- the provider time is what they call UTC time?

7 A. It depends on what the provider, they could use
8 different ones, but in this case, it very well could be --
9 I'd have to look at the records to see, but yes, sir. And
10 then it would convert it to -- we would tell it that that was
11 UTC, what was provided by the provider. And then it would --
12 with our times on it would put it in our time so it would be
13 more accurate and easier to -- to view and search.

14 Q. What -- what exactly is the -- when you say UTC
15 time, what is -- what is that?

16 A. So that's the universal time. It's basically --
17 it doesn't recognize daylight savings time. So it was
18 essentially, if you look at the -- the world clock, that's --
19 say 00:00, and then we're Eastern Standard time would be --
20 depending on whether it's daylight savings time or not. It
21 could be -- it would be four hours behind or five hours
22 behind.

23 Q. And the data -- to be clear about -- the data that
24 you have in that Exhibit -- Exhibit 1, is that in local time?

25 A. I believe so. I would have to look at -- on -- I

1 know what I provided it. I think it was the very top
2 (inaudible). Of course, like -- you know, like you said
3 before, that was a lot earlier on the date, but I would've to
4 see which one of which column is which. But yes, one would
5 be that the provider time was provided by either AT&T,
6 Google, Facebook, and then what our time would show.

7 Q. What is the last date and time on that exhibit?

8 A. On this first page or on the very last page?

9 Q. On the very last page.

10 A. Okay. All right. I have March 7, 2021, at 03 --
11 oh, excuse me. 03:02:53. And then March 6, 2021, at
12 22:02:53.

13 Q. And is this exhibit -- is it a fair and accurate
14 copy of the exhibit that you created?

15 A. I would have to see mine and compare it to this
16 one to say it's fair and accurate because -- I mean, it's --
17 all I see here is just the date and time of that. I'd have
18 to compare it.

19 Q. Would it help to see the original Excel
20 spreadsheet?

21 A. Yes, sir. I --

22 Q. All right.

23 A. Yes, sir. Do you have it to the -- I didn't know
24 if you had it scrolled to the -- to the last page or not?
25 That's a lot of --

1 Q. I have it beginning around March the 5th.

2 A. Okay. So this would've been the -- the first page
3 of your exhibit here?

4 Q. Yeah.

5 A. Okay. Yes, sir. Everything appears to -- to be
6 the same. It's just -- you know, there's more data obviously
7 on this spreadsheet. I mean, it's -- like I said upwards of
8 60,000-plus records. I mean, it's -- yeah, I believe it
9 would take way too long to say everything is exactly the same
10 or not, but everything what you have here is, yes, sir.

11 MR. HOLLOWAY: Your Honor, I would ask to admit Defense
12 Exhibit 1 into evidence at this time.

13 THE COURT: Any objection?

14 MR. BROWN: No objection.

15 THE COURT: Defense --

16 MR. HOLLOWAY: That is 1 or 2 -- would be 2, right?

17 THE COURT: You said 1?

18 THE WITNESS: Yeah, it's 1. Yes, sir.

19 MR. HOLLOWAY: Yes. 1.

20 THE COURT: I think you all put in 2. All right.
21 Defense Exhibit 1 is admitted into evidence without
22 objection.

23 (Defendant's Exhibit Number 1 admitted into evidence.)

24 BY MR. HOLLOWAY:

25 Q. If you don't mind, I'm going to make it easier for

1 everyone.

2 A. Okay.

3 Q. This is what we're referring. I'm showing -- just
4 for the record, I'm showing on the big screen TV what you had
5 in your -- or have in your hands Defense Exhibit 1. The
6 column H is that local time?

7 A. Do you mind if I step down? I can't see it from
8 where I'm at.

9 THE COURT: Mr. Holloway.

10 (Bench conference at 11:16 a.m.)

11 THE COURT: All right. Ladies and gentlemen, we're
12 going to take our -- our morning break here. So please don't
13 discuss the case. Thank you.

14 (Jury exits the room at 11:17 a.m.)

15 THE COURT: Be in recess.

16 (Off the record at 11:17 a.m.)

17 (On the record at 11:30 a.m.)

18 THE COURT: Sorry about that. All right. Bring them
19 back.

20 (Jury enters room at 11:31 a.m.)

21 THE COURT: All right. Mr. Holloway?

22 BY MR. HOLLOWAY:

23 Q. All right. So as we were talking earlier, is
24 column H -- what -- what is column H since you -- you created
25 this spreadsheet I'll let you explain it.

1 A. If -- if I may can I step down so I can see
2 aswell?

3 Q. Sure, yes. I'm sorry. That's fine. What -- what
4 time -- what is column H?

5 A. So column H is showing time. You'd have to scroll
6 all the way to the top of the -- the spreadsheet to see
7 exactly what that column is representing.

8 Q. Okay. All right. Do you know -- I mean, just
9 offhand, do you know if it's the -- the time of the activity?

10 A. I believe the -- the column ENF is the provider
11 time, and GNH is the -- the time which will be our Eastern
12 Time.

13 Q. Which as you said earlier in the old days, UTC was
14 I think Greenwich Mean Time?

15 A. Yes, sir. It's Greenwich. It was essentially the
16 same thing. Greenwich Mean Time.

17 Q. Okay. So the activity that's -- that's coming in
18 and local time is column H?

19 A. Yes, sir, is.

20 Q. Okay. And the approximate time when the incident
21 -- the carjacking occurred -- I'm scrolling down, was at what
22 time?

23 A. I believe it was 11:00 -- 11:00 -- somewhere late,
24 11:00.

25 Q. Okay.

1 A. Within an hour or so, plus or minus.

2 Q. Okay. So around 11:00 p.m.?

3 A. Yes, sir.

4 Q. Okay. So we've got a window right here.

5 A. If I may. I believe you're looking at a different
6 set of records on what is the -- the display on the -- the
7 demonstration I did before.

8 Q. Okay.

9 A. Okay.

10 Q. I guess the question I have is when -- when you
11 were preparing your -- your exhibit, you were using the --
12 the data from his -- my client's AT&T records?

13 A. That's correct.

14 Q. Okay. And that same data is in this exhibit,
15 correct?

16 A. That -- what I demonstrated to you to here, I
17 would have to look at the -- or two authenticity, because
18 there was two -- two sets of AT&T data that I obtained over
19 time during investigations.

20 Q. Uh-huh.

21 A. And you can see on that, I believe, it's column I
22 or U, either report AU and then the number.

23 Q. Yeah.

24 A. I'd have to verify that number to see if it's the
25 exact same.

1 Q. But I guess the -- the question I want to make
2 sure is you got data from my client's phone, you got two
3 different sets of data from the same phone number?

4 A. Yes. So the initial on this case here,
5 carjacking, I would've got the data was from the March 5th
6 and March 7th. And then on further investigation over time
7 and leading into other investigations would've been the
8 second data, which would've been a much greater time span.

9 Q. Okay.

10 A. And that's what we're looking at here. That
11 explains the -- the long time span.

12 Q. Okay. So it's -- this exhibit is encompassing
13 various cell phone activity. I'm saying "cell phone
14 activities," that -- that's including calls, social media
15 activities?

16 A. It -- it could be specific -- speaking
17 specifically for the AT&T records, they just provide whether
18 it's the data -- you know, and that could -- you know,
19 encompass any social media or anything that's using the
20 internet essentially.

21 Q. Okay.

22 A. So it -- it could be a multitude of things.

23 Q. And what we're seeing here from Road 29560 down to
24 29583, this is a span of from local time 23:03 to 23:52,
25 correct?

1 A. Yes, sir.

2 Q. And this encompasses AT&T phone activity for the
3 same phone number that you created your exhibit earlier -- we
4 saw earlier, correct?

5 A. That it uses -- I don't believe it's this specific
6 data, but it is the same AT&T.

7 Q. But again, what we're seeing is calls that he's
8 making, calls he's receiving during this roughly 10-minute
9 timeframe, are we?

10 A. That's where that is showing there.

11 Q. Okay. So this is a --

12 A. I'd have to look to the -- the actual to verify
13 the -- the actual records from AT&T, which show this data as
14 well.

15 Q. Okay. What we're seeing is in the space of really
16 nine minutes, he's very active, isn't he?

17 A. That's what it appears.

18 Q. And this is during the timeframe in which --

19 A. You have to, like, the first -- so let's just say
20 row 29560 -- 560, 61, 62, 63, 64, 65, that in column M,
21 that's what six or seven calls. But then you look at the
22 duration as zero seconds, five seconds, five seconds, zero
23 seconds, four seconds, four seconds. Well, that could
24 indicate as he's attempting to make a call, but there was no
25 -- he didn't have a signal or -- you know, no connection or

1 nobody picked up. So, I mean, it -- it shows that it is six,
2 but in reality, it was nothing. But then you also look at
3 the time, 23:03:19 on -- let's see, on Road 29561 and 62 that
4 they have the exact same time as 23:03:19. So that would've
5 been just showing it twice on there.

6 Q. Okay. But basically during this -- this
7 timeframe, he is at the very least on his phone making a
8 call, whether it's someone picks up or not, and it looks like
9 the first several calls no one picks up?

10 A. Well, the -- yeah, so the first -- the ones I was
11 talking about were all shows as a call, but all in the -- the
12 other ones are just showing as -- as data. And that could be
13 -- I mean, that could be anything from the device. It
14 doesn't specify what it is. So we're looking at like the --
15 the calls he made, it was or attempted to make. What I would
16 suggest is that those first six to the, I guess, the 389
17 number, you have to expand that column to see what it was,
18 but appears he tried calling that person and it didn't --
19 didn't go through whenever he got in contact with him.

20 Q. Looks like he attempted to call his person six
21 times. Jamir?

22 A. Yes. Yes, sir.

23 Q. Okay. And then further down, it says in 23:40 --
24 42, 23:44, 23:46, is showing outgoing signal. What does that
25 mean?

1 A. At the time is 24 -- yes, sir. So that was just
2 -- it is showing data on that. Like I said, I would have to
3 refer back to the exact the records itself to see that that
4 was -- it -- but it would -- I mean, if he just got on his --
5 his phone and was just using -- you know, Facebook or -- you
6 know, doing a search or something, any just kind of data
7 connection to the tower itself, not a -- a voice or a voice
8 call or a text message.

9 Q. But he actually has to actively do something with
10 the phone?

11 A. No, absolutely not.

12 Q. Okay.

13 A. A smartphone, I mean, you'd be surprised that is
14 -- your device is constantly -- the tower especially if
15 something is refreshing the background, the apps, it depends
16 on what permissions and what apps you give it. I mean, it's
17 -- it's -- you would be shocked at how much your phone
18 actually reaches out and does things on these apps and these
19 devices.

20 Q. And in your data where it shows for example row
21 29572 through 29583, it shows data call outgoing. It's
22 distinguishable from a message or email, correct?

23 A. Yeah. Let me just find it real quick.

24 Q. Sure.

25 A. Well, it -- so we need -- this -- we need to

1 verify exactly with it because on Penlink it shows as a call,
2 but you see the column directly left at column J, it's
3 showing as data that is actually probably more accurate
4 representation of what's actually coming through on the
5 records because AT&T doesn't provide, like, the data and the
6 call side by side, that is something saying that in PLX as
7 the software saying probably what it was, but have to verify
8 that through the -- the records provided.

9 Q. So is -- just to clarify for the jury, Penlink is
10 meant to marry up the data from the AT&T provides, along with
11 what is pulled from the phone itself when you do a phone
12 extraction?

13 A. Not necessarily. So some providers will provide
14 say as data, and then it could be also that, but at AT&T
15 itself, it just shows whether it's data, or voice, or SMS, or
16 text message basically.

17 Q. Okay. I'm going to scroll down a bit further.
18 Obviously showing Defense Exhibit 1, there's just a ton of --
19 there's a multitude of activity, whether it's calls received,
20 calls made, social media activity even the phone just being
21 active, like you said earlier, sometimes the phone is sitting
22 there and it's pinging off a towel.

23 A. Uh-huh.

24 Q. But the phone is on?

25 A. Yes.

1 Q. If the phone is turned off, it's not going to
2 show.

3 A. That's correct.

4 Q. And this was over a period of the 28 hours?

5 A. Yes, sir. It was the March the 5th through the --
6 the 7th, which you showed me.

7 Q. So scrolling through here, this is March the 5th
8 into March the 6th. This is just a -- an overview of his
9 activities, Facebook voice call. This is column 29705 AT&T
10 data call.

11 A. Yes, sir. So if you look, you got the -- you got
12 selected there -- the Facebook voice call, and then you look
13 at the time and then you got the one directly above that.
14 The AT&T data is -- it's essentially the same thing. One
15 just AT&T records showing that the data reached out, but it
16 was probably from the Facebook call that he made.

17 Q. Okay. And when you were creating your exhibit for
18 this jury, the one we saw earlier, did you -- in creating the
19 exhibit select key moments to put into the exhibit out of
20 these -- the data?

21 A. Yes, sir. So the -- the -- what I showed you
22 there on the demonstration was the AT&T records starting from
23 March 5th to March 7th at the time of the arrest. And it was
24 just for that alone was over 1500 records.

25 Q. So during the -- the timeframe of this incident

1 from roughly 11:00 p.m., March the 5th, through around 2:00
2 -- just after 2:00 a.m., March the 7th, what the jury saw
3 earlier does not include even -- it includes a fraction of
4 what we're seeing in this Excel spreadsheet?

5 A. Yes. So what -- what is shown on the
6 demonstration, what is actually able to be displayed on a --
7 a map itself. Because if you look there on the -- the
8 Facebook, you got about middle ways. You notice on column Q
9 and R, there are no coordinates for it. What this whole
10 spreadsheet provided was basically everything within that
11 timeframe, whether it was calls, or messages, or Facebook, or
12 Google -- you know, it could include emails. But anything
13 that was provided on the -- the demonstration was
14 specifically to the AT&T call detail records from March 5th
15 to March 7th.

16 Q. Okay. So we're going through March the 6th, the
17 timeframe that is included with your demonstration throughout
18 the day very active, it looks like.

19 A. Okay.

20 Q. This is up through March the 7th roughly to --
21 roughly about there. I'm saying there, I'm pointing to row
22 301148. This is roughly at the time he is found in the car,
23 correct?

24 A. No, sir. That would've been the provider time.

25 Q. I'm sorry, March 7th.

1 A. Yes, sir.

2 Q. Yeah. There we go. I correct myself that's
3 column -- I'm sorry, row 30410. That's roughly when he -- he
4 was found with the vehicle, is that correct?

5 A. Yes, sir.

6 Q. Okay. All right -- all right. Now, I'm going to
7 -- if you don't mind step around here. I just want to make
8 sure this is a -- an accurate copy of your -- the exhibit you
9 had earlier. It was -- I just want to ask you, is what I'm
10 showing you an accurate copy of State's Exhibit 17?

11 A. Yes, sir. It's the mapping I provided to you.
12 Yes, sir.

13 Q. Okay. Now, the first -- first moment we see right
14 here, what are we seeing right here?

15 A. So that is the pin that I placed showing the
16 incident location of 207 New Market Street, which is New
17 Haven Apartments.

18 Q. And which -- each cell tower has three different
19 sectors, is that right?

20 A. Yes, sir.

21 Q. Which sector is this one?

22 A. Let's see. Well, that second would have to
23 actually click to the next one for me to be able to -- to tell
24 I'd have to see.

25 Q. Okay. Let's see.

1 A. All right.

2 Q. I'm going to let you -- let you see.

3 A. Okay. Let's see. I actually have to look at the
4 records to see typically it was over there on the right side,
5 but --

6 Q. Okay.

7 A. -- I could look at -- if we got the both
8 records...

9 Q. Yeah.

10 A. I could tell you. It would -- it would show it on
11 there. The ones from AT&T.

12 Q. AT&T?

13 A. Yes, sir.

14 Q. Oh, okay. Give me one second here.

15 A. This is not going to show on there.

16 Q. Yeah. I'm going to let you scroll through there.

17 A. Okay.

18 Q. I'll just go back.

19 A. Bear with me I'm just trying to compare.

20 Q. No, that's fine.

21 A. You want this one specifically or you just asking
22 what next record would --?

23 Q. Just -- just that one.

24 A. Okay. That's the only one you have there?

25 Q. Yeah.

1 A. So I believe this one -- what you're looking at
2 here is slightly different. Because there's also ones that
3 show the data and there's also that show the phone calls. So
4 I think there's another one.

5 Q. Okay.

6 A. That you all are missing another. That would show
7 that one because that was data on that one.

8 Q. Okay. Got it.

9 A. In the video.

10 Q. All right. Okay. You can have a seat.

11 A. Okay.

12 Q. Well, actually I'm going to ask you one thing that
13 -- sorry about that.

14 A. That's okay.

15 Q. What time are we seeing right here? When this one
16 -- this is the exhibit -- State's Exhibit 17?

17 A. Yes, sir. That's March 5, 2021, at 21:07:17,
18 which is 9:07.

19 Q. Okay. And this is -- and the next one we see
20 here, what times are we seeing right here?

21 A. 23:42.

22 Q. Okay.

23 A. Which will be 11:42 p.m.

24 Q. And I believe on your -- and yeah, that's fine.

25 A. Okay.

1 Q. In your testimony on direct examination, you said
2 that was the time of the initial call to 911, correct?

3 A. Yes, sir. I believe so.

4 Q. Okay. And Mr. Gordon did not make that call,
5 correct?

6 A. Correct.

7 Q. Someone else did?

8 A. Yes, sir. He did -- he didn't have his phone.

9 Q. I believe you were here for -- for the testimony
10 of Mr. Gordon and Ms. Gordon yesterday?

11 A. Yes.

12 Q. Quite a bit of time transpired between the time of
13 the actual incident and when they called 911, correct?

14 A. I didn't hear the first part of your question.

15 Q. Several minutes if not a full hour?

16 A. Yes, there was. Yes, sir.

17 Q. So this location data of my client's phone is
18 nearly one hour after the actual incident, correct?

19 A. It could be, yes, sir.

20 Q. Okay. Now, the sector that we're seeing right
21 here, there's a sector -- first off, the center point is the
22 cell tower we're talking about, near the -- the apartment
23 complex where this occurred, right?

24 A. It is fairly close, yes, sir.

25 Q. Okay. Where is Taggart Street in relation to that

1 same sector?

2 A. Taggart Street falls within the same sector. That
3 sector encompasses that whole side of town over there. It
4 would encompass the New Haven Apartments and also Taggart the
5 -- that end of Taggart Avenue.

6 Q. Okay. And in your experience, do you know roughly
7 how far away cell towers are from each other?

8 A. Well, it really depends -- you know, I mean,
9 obviously in a huge city, say if you say Atlanta, they could
10 be extremely close, but if you have somewhere that goes
11 nowhere near that size, they could place them a lot further
12 apart. Is -- you can't really determine the range. We don't
13 have those type of resources or authority to really do that,
14 to go out there and measure which tower you're kind of
15 hitting. But it also could kind of depend on how many calls
16 or what kind of stress level that tower is handling. It
17 could hand it off to another tower that -- that's close that
18 could also reach that area.

19 Q. Typically a phone pings off the nearest tower
20 because it's the strongest tower.

21 A. That's correct. The strongest signal. Yes, sir.

22 Q. And if it's overloaded with texting --

23 A. Yeah.

24 Q. -- calls, it goes to the next nearest tower.

25 A. Yes, sir, it could.

1 Q. Okay. That didn't happen in this case.

2 A. I can't specify which, like, why it -- it hit that
3 tower. I just know that it did -- I mean, it could hit the
4 next tower -- you know, we have to watch it to see. But you
5 know what reasons it -- it chose that tower, but typically
6 it's because one has the -- the strongest signal from that
7 tower.

8 Q. And the city -- the size of Greenwood in
9 comparison to say Greenville or Atlanta or Columbia, the
10 towers are -- are further apart in Greenwood, right?

11 A. Yeah -- I mean, I would say that if you got the
12 City of Greenville compared to the City of Greenwood, that
13 they're more likely than not, that they're closer than they
14 would be just because of the -- the density and the amount of
15 devices that would be in there and where that tower could
16 handle it all really depends.

17 Q. Okay. And so the fact that number one, my client
18 lived at the time during the same sector as this incident
19 occurred, plus the range and the city size of Greenwood, it
20 -- these records are less accurate as to pinpointing a
21 location, right?

22 A. I wouldn't say that they're less accurate as far
23 as pinpointing at a location, I would say that he could be
24 there because -- I mean, he lives -- it's not, I would say it
25 is less than a mile crow flies from the incident location to

1 where he resides. So -- I mean, it's just showing that he
2 was on -- the -- the phone hit that sector of the tower.
3 Wouldn't say that's any less accurate just because those two
4 locations happened to fall within the same sector.

5 Q. It means that he could be anywhere in that -- in
6 that sector or the phone could be anywhere in that sector?

7 A. Yes, sir.

8 Q. Okay. This is not like GPS monitoring?

9 A. No, sir. This -- this is nowhere near as accurate
10 as GPS monitoring, something that provides precise location
11 data.

12 MR. HOLLOWAY: Thank you very much for your patience.
13 That's all I have.

14 THE WITNESS: Yes, sir.

15 THE COURT: All right. Re-direct?

16 MR. BROWN: No, sir. Judge, at this time, the State
17 rest.

18 THE COURT: You may step down.

19 MR. BAKER: Thank you, your Honor.

20 THE COURT: All right. Ladies and gentlemen, the State
21 has rested and so they have presented their evidence to you.
22 And I am required to take up some matters at this time. So
23 I'm going to excuse you for a while, and I'll bring you back
24 out after we get through. Thank you. Please don't discuss
25 the case.

1 (Jury exits the room at 11:58 a.m.)

2 THE COURT: All right. State has rested. Any motions?

3 MR. HOLLOWAY: Yes, sir. Your Honor, at this time, the
4 Defense moves for directed verdict. Based on -- let's see,
5 based on what we've heard in -- in the testimony, we don't --
6 there's no testimony as to the identity of the assailant and
7 the carjacking. I would ask for -- especially a -- a -- a
8 directed verdict on the indictment for carjacking,
9 kidnapping, armed robbery, and the -- the gun charge.
10 There's a -- a lot of assumptions here with the cell phone
11 data is not accurate. It -- it places my client an hour --
12 almost an hour after the incident in the -- the general
13 sector of where the incident occurred. The victim, Mr.
14 Gordon, cannot identify who his assailant is. The -- when
15 he's found with the vehicle and the iPhone, there's no
16 independent evidence corroborating it. What mentioned on
17 cross-examination earlier, marrying up of the victim's cell
18 records with my client's cell records showing a -- a -- a --
19 a parallel path or a -- a path that they were traveling at
20 the same time or with his timeframe.

21 So there's a significant amount of -- number of -- of
22 hours from the time of the incident to the time he is found
23 with the vehicle and the phone. It's -- it really rises to
24 the level of -- of it's -- it's -- I would say it shows some
25 suspicion for the carjacking, for the kidnapping. As the

1 Court has heard, we -- we have conceded that he's in
2 possession of the stolen vehicle, possession of stolen goods,
3 but linking him to the carjacking, the State has not risen to
4 that level and in light most favorable even to the State.

5 So we would ask the Court to dismiss each of the
6 indictments. As far as the failure to stop, he actually did
7 stop. I think the statute is at -- at best ambiguous as to
8 whether it means the failure to stop in just a vehicle. I
9 think in practice, that's really how it's used. As far as in
10 charging people with that crime, he did stop the vehicle. He
11 put it in park and he ran from the vehicle. I don't -- based
12 on what I've heard, that's not sufficient to prove the
13 element of failing to stop.

14 THE COURT: All right. First -- anything else?

15 MR. HOLLOWAY: No, sir, your Honor.

16 THE COURT: All right. Let me hear from State. First
17 of all on the first directed verdict, yes. Of the
18 carjacking, kidnapping -- kidnapping, armed robbery, and
19 possession of a weapon.

20 MR. BROWN: Judge, I think, based off the testimony
21 from Mr. Gordon, he states -- you know, within the hour of
22 11:43 when the 911 call is called out, or when he first
23 speaks with Officer Corona, he gives a description of a -- a
24 gunman with a black pistol, a mask, dark hoodie, a hood on,
25 gray pants that took his phone -- his iPhone and his car.

1 Also he testified that he tried to -- he told him to open up
2 the trunk of the car and tried to get him get in the trunk of
3 the car, which the victim said either -- thought to himself
4 "Either you have to shoot me now or let me go." Defendant
5 then took the car, drove off.

6 Judge, this is mirrored up with -- it's in the CAD
7 report where the victim's family, they were able to relay
8 that to the CAD to the 911 dispatch. That he was able to
9 track the victim's phone, his iPhone in front of the packing
10 plant around the exact same time that the phone of
11 Mr. Washington's pinging up to Taggart Avenue, same time.
12 Victim calls back to 911 and says his phone is pinging over
13 around Lake Street. Which corresponds to the phone data that
14 was entered today, showing the sectors that Mr. Washington
15 was leaving with his cell phone leaving out of town to go to
16 Greenville.

17 The next day what actually mirrors this up even more is
18 that the Defendant, and this was taken off and was entered
19 into evidence yesterday, made a video of -- of driving down
20 the road in the victim's car is identified by the victim
21 being his steering wheel. Also it's -- it's of note the time
22 he posts that is midday on March 6, 2021, which is in direct
23 correspondence with the Defendant's cell phone also coming
24 back down the road from Greenville at that time on 25 or in
25 that area it matches up.

1 Also in the video footage that Mr. Washington posts to
2 Snapchat, it shows his white shoes that he was wearing.
3 Later on that night, law enforcement gets behind the vehicle
4 the Chevy Malibu, Mr. Washington is the only person in that
5 car. He -- and this goes to now "the failure to stop," is
6 that lights as the officer crest the hill, he has his lights
7 on. Defendant's taillights are still there, turns left. And
8 as officer turns onto that next tree off Gum the Defendant is
9 jumping out of the car. Again, the only person in that
10 vehicle running away. When he is apprehended, he has the
11 same white shoes on that was in the car earlier in the day on
12 March 6th. He also has a black jacket with a hood. In
13 addition to all of this there's a jail phone call, your
14 Honor, and a jail phone call, submit to you is essentially an
15 admission. It's an admission for the failure to stop, but
16 it's also an admission to him jumping in that car. That's
17 quote, "Because damn, man, something told me like, 'Hey, man,
18 listen, man, no need to hop in that" -- "hop in this shit.'
19 Like, just go ahead and wait on KG to come back and get me,
20 man. Something just told me like -- you know, my" -- "you
21 know me, man, I just want to be extra." The next line of
22 that is, "Listen, it is so crazy because listen, I turned on
23 the same street that the police on. You feel me? I turned
24 the same street the police on, he faked like he was finna
25 pull out like" -- "like, pull out. Man, that bleep pulled

1 out and turned around. Man, I knew what time it was, I knew
2 what time it was in."

3 Your Honor, all of this evidence -- in addition, when
4 he's arrested, he's not only getting out of the car, he's
5 running, only person in the car, he's got the victim's cell
6 phone in his pocket. All of this information, all of this
7 evidence conclusively points to Mr. Washington. In the light
8 most favorable of the State, I think that easily gets us by
9 directed verdict on all these charges.

10 THE COURT: All right. Anything in response?

11 MR. HOLLOWAY: Yes, sir, your Honor. The -- the
12 credibility of the evidence in the immediate aftermath of
13 locating the phone, locating the vehicle, the CAD reports are
14 conflicting at -- at worst, confusing at -- at best. In
15 fact, Officer Corona, I believe he testified that the victim
16 was unsuccessful in locating the phone. During this trial,
17 it went from being Find My Phone app to a different
18 application, Life360. Again, CAD report is not referring to
19 tracking a phone. It's tracking a vehicle. And then there's
20 no corroboration of that. So what we have -- and it's an
21 interesting case to say the least, you've got a client in a
22 vehicle belongs to the victim. There's no doubt about that
23 phone's in his pocket, but linking him to what happened on
24 March the 5th the State has not risen to that level at this
25 time. And the jail call, it really does not reference -- in

1 fact the -- the context of the -- the -- the comments are in
2 relation to the failure to stop, not the carjacking.

3 THE COURT: All right. As parties know, the Court does
4 not weigh the evidence, but just determines whether there is
5 the existence or non-existence of any evidence. And the
6 standard is -- is there any direct evidence or is there any
7 substantial circumstantial evidence? So based on the
8 testimony and the evidence presented as to the carjacking,
9 kidnapping, armed robbery, and possession of a weapon during
10 the commission of a violent crime, I do find there's both
11 direct evidence and substantial circumstantial evidence
12 that's been presented.

13 Mr. Holloway, you make the arguments there, but I think
14 those are jury arguments that you just made and -- and very
15 well may cure today. But at this stage, there is evidence to
16 make that decision by the Court that there is enough to go to
17 the jury.

18 As to the failure to stop of the blue light, I think
19 the jail phone call -- and you certainly can't argue that to
20 the jury that it doesn't mean anything. But as to the
21 failure to stop for blue light, it does show that he did know
22 that that officer was there. Also, it was interesting --
23 this was an interesting argument that you made sort of early
24 on that -- and there's no case out there that -- all right.
25 If the testimony is blatant, this is notwithstanding the jail

1 call, I'm -- I'm -- I'm going to deny the motion on that.
2 But I do want to just for the record on -- on the issue of
3 failure to stop is that -- notwithstanding the jail call, but
4 the argument that well, he may not have seen the siren or
5 heard the siren or saw the blue lights because he had turned
6 and the -- the officer there was some time, maybe possibly 15
7 seconds before he hit the lights, and that he actually did
8 stop. And so they -- failure to stop for blue light. He
9 stopped his vehicle and then he ran. It is an interesting
10 argument.

11 Again, this is notwithstanding the jail call, but if
12 you look at -- it is the statute, and there's no case out
13 there, of course, on the issue, but it does say -- 56-5-750,
14 and it -- "In the absence of" -- "In the absence of
15 mitigating circumstances, it is unlawful for a motor vehicle
16 driver, while driving on the road, street, or highway of the
17 State, to fail to stop when signaled by a law enforcement
18 vehicle by means of a siren or flashing light. An attempt to
19 increase the speed of a vehicle or in other manner avoid the
20 pursuing law enforcement vehicle when signaled by siren or
21 flashing light is prima facie evidence of a violation of this
22 section."

23 And I -- I concentrate on "or in other manner." I --
24 the Court can interpret that that when he gets out of the car
25 and runs, that is another matter he's avoiding. He is. He

1 sees the light then because he is getting out of the -- the
2 vehicle, and that's another matter. He's avoiding --
3 avoiding the pursuing law enforcement vehicle. So I think
4 there's an interpretation of the statute that notwithstanding
5 the jail call could still be evidence of his failure to stop
6 for blue light. But it is an interesting issue. There is no
7 case on it, but the jail call is arguably a -- an omission,
8 but of course, the Defense can argue to the jury that it's
9 not. All right. Any additional motions? So the -- so the
10 motions as to the directed verdict are -- are denied. All
11 right. Any additional motions?

12 MR. HOLLOWAY: No, sir.

13 THE COURT: All right. Okay. Mr. Washington, if you
14 would please stand, sir. All right. At this time, the State
15 has rested, so the -- it is time for the Defense to have the
16 opportunity to put on its -- your case. And so with that,
17 you have certain rights that I'm required to advise you of.
18 If you don't understand anything that I say to you, you let
19 me know, and I'll explain it in more detail. We've reached a
20 stage in this case, Mr. Washington, where you may present
21 your defense. Now under the Constitution, Fifth Amendment
22 specifically to that constitution allows you to claim the
23 right not to testify. It says that, "No person shall be
24 compelled in any criminal case to be a witness against
25 himself." This means that you cannot be required to testify

1 in this trial. You have the right to testify on your own
2 behalf. However, no one can make you testify. That decision
3 is yours and yours alone. It is a personal right, and no one
4 can waive the right to testify except you.

5 Now, if you do decide to testify, you will be subject
6 to the same rules of evidence like other witnesses, and that
7 includes the -- you can be examined and cross-examined in
8 this case. And if you have any convictions that may be
9 admissible for impeachment purposes, then that you are
10 subject to being impeached. Is there any -- or are there any
11 convictions that State has that Mr. Washington could be
12 subject to under Rule 609?

13 MR. BROWN: No, sir.

14 THE COURT: All right. If you do decide to testify --
15 again, as I said, this decision must be made by you freely,
16 voluntarily, and intelligently with the knowledge that you do
17 have the protections of the Fifth Amendment to the
18 constitution. Now, if you do decide not to testify, then I
19 will instruct the jurors -- the jury that they cannot give
20 the fact that you are not testifying any weight whatsoever.
21 They can't consider it. There's absolute -- they're not to
22 consider it, discuss it at all. And that there's to be no
23 prejudice to you because you did not testify.

24 Now, it is entirely left up to you. As I said, it is
25 your decision, but you may talk -- you may have already

1 spoken with your lawyer, but you can speak with your lawyer
2 at this time, and any family members or friends that may be
3 present that you would like to talk to. Now, is there
4 anything that I have said that you have not understood, or if
5 you -- do or do you want me to repeat anything?

6 MR. WASHINGTON: No, sir. I understand everything,
7 your Honor.

8 THE COURT: All right. What I'm going to do, I'm going
9 to step off the bench and give you the opportunity to speak
10 again with your lawyer and any friends. And if you all would
11 just let me know. I'll give you as much time as you need and
12 just provide -- to provide you the opportunity to speak with
13 anyone. So I'll step off and you all let me know when you're
14 ready.

15 MR. HOLLOWAY: Yes, sir. Thank you.

16 (Off the record at 12:14 p.m.)

17 (On the record at 12:21 p.m.)

18 THE COURT: Have you had an opportunity to speak with
19 either your lawyers or your family?

20 MR. WASHINGTON: Yes, sir.

21 THE COURT: Do you need any additional time to speak
22 with anybody?

23 MR. WASHINGTON: No, sir.

24 THE COURT: All right. What's your decision?

25 MR. WASHINGTON: I refuse not to testify. No, I --

1 THE COURT: You not -- you're not going to testify, is
2 that correct? Okay. All right. So, almost 12:30 now, do
3 you anticipate any testimony in your case?

4 MR. HOLLOWAY: No, sir.

5 THE COURT: Okay. All right. Why don't we do this,
6 why don't we go ahead and break -- break for lunch and we can
7 discuss charges when I excuse the jury. And then is
8 everybody ready to close?

9 MR. HOLLOWAY: Yes, sir.

10 MR. BROWN: Yes, sir.

11 THE COURT: Okay. What time? I'll give you all the --
12 the choice. What time would you all like to start? What
13 time -- how much time you need to get ready and I want to
14 give you all that opportunity, whatever time you need. Let
15 me know what time you want to start in the afternoon.

16 MR. BROWN: Judge, I'm fine with 1:30 or 2:00.

17 MR. HOLLOWAY: I'm fine with 2:00, 1:00 to 2:00.

18 THE COURT: Okay. All right. So yeah, it gives them
19 about an hour and a half for lunch. So why don't we -- I'll
20 bring them out, we'll recess till 2:00. And once I excuse
21 them from lunch, we'll discuss charges and verdict form. All
22 right. Let's bring them out. And I will call on you. Go
23 ahead and get that done.

24 (Jury enters room at 12:23 p.m.)

25 THE COURT: All right. Ladies and gentlemen, as I

1 said, the State has rested, now is -- it is the Defense's
2 opportunity to present their case as well. All right.
3 Defense is recognized.

4 MR. HOLLOWAY: Yes, your Honor, at this time, we do
5 rest.

6 THE COURT: All right. All right. Ladies and
7 gentlemen, all the evidence is in and the timing is right at
8 lunch hour. So I'm going to excuse you for lunch till 2:00.
9 And at that time, the lawyers will give you their closing
10 arguments. I will charge you the law, and you will get the
11 case this afternoon. So you are excused until 2:00. Again,
12 please do not discuss the case, and I will see you back here
13 at 2:00 and we will finish up the case.

14 (Jury exits room at 12:24 p.m.)

15 THE COURT: All right. We had a little bit of
16 discussion first thing this morning. I told you I'm going to
17 add to the possession of a weapon during the commission of a
18 violent crime. I'm -- I'm going to add the kidnapping and
19 the carjacking to the armed robbery. So we're doing --
20 taking care of that. Now, there was a note, I don't know
21 which one it was, on the lesser included for attempted
22 kidnapping. Whose was that?

23 MR. HODGES: That was --

24 THE COURT: All right. Let me -- let me hear from you
25 on that.

1 MR. HODGES: Well, I think on an attempt, if you've
2 taken a substantial step towards the commission of the crime,
3 then it could potentially be an attempted kidnapping -- you
4 know, the victim -- the testimony was, did not actually get
5 in the trunk of the car. I think the jury could conceivably
6 decide that there were substantial steps in trying to get the
7 victim into the trunk, that was not accomplished because the
8 victim refused. So it seemed like the -- some -- some
9 instructions regarding an attempted kidnapping might be
10 appropriate, I guess is a lesser included.

11 THE COURT: All right. Mr. Holloway, what's your
12 response?

13 MR. HOLLOWAY: Well, the -- the frame of the case from
14 the very beginning has been kidnapping. That's been the
15 indictment that was announced. And I -- and I realize we can
16 delve into a lesser included in this situation. What we have
17 is a -- the words of my -- of the assailant saying "Get in
18 the trunk," is a command and attempt. I think that the law
19 requires physical act to an overt action on the part of the
20 assailant to accomplish a kidnapping that never happened. So
21 at this time, I would object to that.

22 THE COURT: What about that, Mr. Hodges?

23 MR. HODGES: I think the overt acts, number one would
24 be -- you know, commanding the victim from the car at
25 gunpoint, taking him to the back of the vehicle, having him

1 physically open the trunk. There was testimony he had him
2 open the trunk lid with the -- the button at the trunk lid.
3 And that at that point, he refused to get into the truck.
4 But those were definitely overt acts towards that -- that
5 kidnapping.

6 THE COURT: What -- what about that, Mr. Holloway?
7 Isn't that an overt -- overt act? He's got a gun, he's
8 telling you to pop the trunk, walk back here and get in it.
9 Isn't that an overt act?

10 MR. HOLLOWAY: Well, the -- the victim, Mr. Gordon,
11 testified that he made on his own volition actions to go to
12 the trunk and then press the button. He made the overt
13 decision not to comply.

14 THE COURT: Wouldn't he have, though? He made that
15 decision with a gun to his head?

16 MR. HOLLOWAY: There is -- there is that from the...

17 THE COURT: He didn't voluntarily say, "Let me open my
18 trunk, I think I'm going to go get in it." And now if that
19 was a situation, there was something like that, I could see
20 that. But he's got a -- the evidence is, he is got a gun to
21 his head and he is told by the Defendant to go back there.
22 He's told by the Defendant to open up the trunk, and he's
23 told by the Defendant to get in the trunk. Isn't that an
24 overt act to kidnapping?

25 MR. HOLLOWAY: Well, the -- he's complying with

1 commands to go to the trunk, I get that, but he didn't get
2 into the trunk. The act was not accomplished. The
3 kidnapping was not accomplished. The attempt was to get him
4 to come to the trunk. And Mr. Gordon -- what's interesting
5 about this case, he showed in my mind extraordinary courage.
6 And I want him to know that for me as an ex-prosecutor, that
7 he showed extraordinary courage to refuse. I'm not obviously
8 admitting that my client was involved in the situation, but I
9 want him to hear that from me. In his courage, he made
10 distinct decisions and steps on his own, independent of the
11 gun.

12 THE COURT: All right. Well, I think though that you
13 argue -- certainly a jury argument that on the kidnapping
14 indictment there that he -- that -- that you said he didn't
15 -- it didn't get accomplished. Which is kind of what the
16 attempted kidnapping is, that he tried to get him in there,
17 it didn't accomplishment -- accomplish what he was trying to
18 get done. Could go to your argument of kidnapping
19 indictment, but then that goes back -- relates back, okay.
20 If he didn't accomplish the -- what he was trying to do in
21 kidnapping, he attempted to kidnapping. It just didn't work
22 based on the -- the courage of Mr. Gordon and not getting in
23 the trunk. There is -- and I say the courage that you say
24 yourself.

25 So I -- I do think that there is evidence that there

1 was an attempted kidnapping based on the overt acts of the
2 Defendant pointing the gun to his head, telling him to go
3 back to the car, telling him to open the trunk and telling
4 him to get in there, but he didn't. So he didn't -- your
5 argument on the kidnapping, he didn't kidnap him because he
6 didn't get in, but at least there would be an attempt to
7 kidnapping. So I think there is evidence there that would
8 warrant a lesser included offense on that. So we will add
9 that to the charge and we'll add that to the verdict form as
10 well.

11 All right. Is there -- and I did -- for the record, I
12 did give both the -- both the State and the Defendant the
13 opportunity to review my proposed charges and with those two
14 issues, the adding of the kidnapping and carjacking to the
15 possession of a weapon during the commission of a violent
16 crime. And then now the lesser included offense of attempted
17 kidnapping. I didn't see any other notes, is that correct?

18 MR. HODGES: That was the only -- the only exceptions
19 from the State, your Honor.

20 THE COURT: All right. And how about from the
21 Defendant?

22 MR. HOLLOWAY: No, sir, your Honor.

23 THE COURT: All right. Is there anything we need to
24 take up before we adjourn for lunch? Anything from the
25 State?

1 MR. HODGES: Judge, I can't think of anything.

2 THE COURT: Anything from the Defense?

3 MR. HOLLOWAY: No, sir.

4 THE COURT: All right. As you may or may not know, I
5 was trial lawyer myself a long time. I wanted to have as
6 much time or as little -- little time to argue, but I wanted
7 to make that choice on my own. And so I have carried that
8 into my judgeship on the bench. I will never make a lawyer
9 give a certain time -- give him a -- her or her a certain
10 time to argue. So you've got all the time in the world that
11 you need. And so we will go forward 2:00. See you then.

12 MR. HODGES: Thank you, Judge.

13 (Off the record at 12:32 p.m.)

14 (On the record at 2:14 p.m.)

15 THE COURT: Okay. So you read my proposed charges, is
16 that correct? All right.

17 MR. HODGES: Yes, sir.

18 THE COURT: And any objections or exceptions to my
19 proposed charges?

20 MR. HODGES: Not from the State.

21 MR. HOLLOWAY: No, sir.

22 THE COURT: All right. The verdict -- you've also
23 reviewed the verdict form. I did add the one request
24 regarding possession of a weapon during the commission of a
25 violent crime. I have put in there before -- and that's

1 paragraph four, I have put in there, read before continuing
2 to question four. "In order to find the Defendant guilty of
3 possession of a weapon during the commission of a violent
4 crime, you must also find that the State proved beyond a
5 reasonable doubt that the Defendant committed at least one of
6 the previously mentioned violent crimes which are carjacking,
7 armed robbery, kidnapping, and attempted kidnapping." Is
8 that okay with the State?

9 MR. HODGES: Yes, sir.

10 THE COURT: Okay with the Defense?

11 MR. HOLLOWAY: Yes, sir.

12 THE COURT: All right. Bring them in.

13 (Jury enters the room at 2:16 p.m.)

14 THE COURT: All right. Ladies and gentlemen, we are at
15 the next to last phase of the trial and that is the closing
16 arguments of lawyers. With that, I recognize the State.

17 MR. BROWN: May it please the Court? Good afternoon,
18 everybody. Again, as we stated the other day, we appreciate
19 you being here. I know you could be doing some other things
20 this week, work, or maybe just out of town, but we appreciate
21 you being here. Appreciate you listening, your attention.
22 This case is important. It's very important. It's important
23 to Mr. Quentin Gordon, his wife, Kimberly, it's important for
24 the Defense, Mr. Washington. We appreciate you being here.

25 Before I get into the facts and what you've heard

1 throughout this case, I want to first talk about what the
2 charges are and the judge is also going to talk about this.
3 This judge is going to be charging you on the law in a few
4 minutes. And if I say anything that contradicts the Judge,
5 you disregard what I say, and follow what the judge tells
6 you. Because he's going to give you the law in this case.
7 Can I give you the overview of it? All right.

8 Mr. Washington is charged with armed robbery. So what
9 is that? Person who commits a robbery while armed with a
10 pistol, darts, slingshot, metal knuckles -- you disregard the
11 other things. A pistol in this case. Somebody that commits
12 a robbery while armed with a pistol, while alleging either by
13 action or words. He was armed while using a representation
14 of a deadly weapon or any object which a person present
15 during the commission of robbery reasonably believed to be a
16 weapon -- a pistol. Wasn't be heard -- heard from the victim
17 he had a black pistol.

18 Kidnapping, person who unlawfully seizes, confines,
19 inveigles, decoys, kidnaps, ducks, or carries away any other
20 person by any means whatsoever without authority of law to do
21 that. Moves them, carries them away, any -- without the
22 authority of law to do that is kidnapping. Now, in this case
23 it's a little -- a little different. We have kidnapping. I
24 submit to you the full kidnapping. But if you feel like he
25 didn't actually carry him away in the car, Judge is also

1 going to talk to you about attempted kidnapping. Attempted
2 kidnapping. And that is an overt act to try to accomplish
3 the kidnapping. The -- the act of trying to commit that
4 kidnapping, what I just described to you. Pulling somebody
5 out of the car at gunpoint, telling them to open up the trunk
6 of the car, trying to get them in the trunk of the car,
7 kidnapping. If you don't find it's kidnapping, then it's
8 attempted kidnapping. The Judge is going to charge you on
9 that.

10 The other charge is carjacking. This is -- carjacking
11 is something he takes -- or attempts to take a motor vehicle
12 from another person by force or violence or by intimidation
13 while the person is operating the vehicle, or while the
14 person is in the vehicle. Carjacking. And this -- we're
15 going to go over what Mr. Gordon said. He was operating that
16 vehicle. It's his car, his 2014 Malibu. He was in it. The
17 gun was pointed at his head, told to get out of the vehicle,
18 and ultimately the vehicle was taken from him. It was
19 carjacking. All three of them, armed -- armed robbery,
20 kidnapping, and carjacking.

21 Judge is also going to tell you possession of a weapon
22 during the commission of a violent crime. Pretty
23 self-explanatory. Is he possessing a weapon while committing
24 a violent crime? Armed robbery, kidnapping, attempted
25 kidnapping, and carjacking are all considered violent crimes.

1 So if you believe he did those three, you find him guilty of
2 those three, you find him guilty of that possession of a
3 weapon during the commission of a violent crime because he
4 had a pistol. Ordered him out of the car.

5 Failure to stop for blue light. The Judge also is
6 going to charge you on this, and this goes to 3/7/2021, when
7 he is found by Mr. Thompson. "In the absence of mitigating
8 circumstances, it's unlawful for a motor vehicle driver,
9 while driving on a road, street, or highway of the State, to
10 fail to stop when signaled by a law enforcement vehicle by
11 means of a siren or flashing light. An attempt to increase
12 speed of a vehicle or in other manner avoid the pursuing law
13 enforcement vehicle when signaled by a siren or flashing
14 light," is evidence of his failure to stop for blue light.
15 Line in there, "Or in other manner avoid the pursuing law
16 enforcement."

17 Folks, I'm going to play you a sound bite again in a
18 minute. You might not have been able to hear it very
19 clearly, but I'm going to try to help you out explain -- or
20 not explain, just have some words there so you can see what
21 he was saying in that jail phone call, and we'll break it
22 down, but failure to stop for a blue light. Jumping out of
23 the car and running away is also in other manner to avoid law
24 enforcement. And then driving without a license. You heard
25 the testimony from Bailey Thompson, that's what -- it's

1 simple. Did he have a license or did he not? He didn't have
2 a license. So those are the charges there.

3 Burden of proof. You're going to hear this a lot. You
4 are going to hear this from the Judge. The burden of proof
5 in this case is always on the State. Something we work on.
6 Burden of proof is proof beyond a reasonable doubt, that's
7 the type of evidence that leaves you firmly convinced --
8 firmly convinced of his guilt. Doesn't mean beyond all
9 doubt, doesn't mean beyond every doubt or any doubt. It
10 leaves you firmly convinced. Mr. Hodges did a demonstration
11 at the beginning of the case. He showed you a picture.
12 There's some holes in it, but you knew what it was. Well, in
13 this case, I submit to you, you are going to be firmly
14 convinced. All the evidence pulling in conclusively,
15 decisively at Mr. Washington. Firmly convinced and he's
16 going to charge you on the proof beyond reasonable doubt.

17 Also talk to you about direct and circumstantial
18 evidence. Direct again as somebody that sees it, witnessed
19 it. In this case, Mr. Gordon in this stand told you exactly
20 what happened to him. He didn't ask to be here, he didn't
21 ask for that to happen to him that night. But he told you
22 what happened. He was sitting in the car minding his own
23 business, going to take somebody home. When a gunman comes
24 up, points a gun at his head. He sees it out of the corner
25 of his eye, and he's ordered to get out of the car. Gives up

1 \$200. He then is forced out of his car, is ordered to go to
2 the back of his car and push the button to get in the trunk,
3 ordered out of the car and told to get in the trunk and,
4 "Open up your trunk and get in your own trunk."

5 He had a decision to make, made a proper one. He told
6 you from the stand, "You got to make a decision. It's either
7 you want to shoot me now or let me go." Feared the worst if
8 he got in that trunk, and he made the decision. That's
9 direct evidence coming out of his mouth.

10 Direct evidence is when Bailey Thompson gets behind
11 him. You see him driving that vehicle. The only person in
12 that car, the only person jumping out of that car, the only
13 person has a cell phone in his pocket. Something you see.
14 The other is a circumstantial evidence. You put all these
15 pieces together, phone, the information that Mr. Gordon
16 tells. That's all circumstantial. We will go through that
17 in just a minute.

18 I want to play something for you. You might not -- it
19 was played real quick the other day. Sometimes it can be
20 hard to hear. I added caption to it so you can follow along
21 with the words of Quindaris Washington. This call documented
22 on this sheet of paper saying when it was made. March 7,
23 2021, at 15:56:27 minutes, so 3:56 in the afternoon on March
24 7th.

25 (Audio starts at 2:26 p.m.)

1 MR. WASHINGTON: Because damn, man, something told me,
2 like, "Hey, man, listen, man, no need hop in that shit.
3 Like, just go on ahead and just wait on KG to come back and
4 get me." Something just told me, like -- you know me, man, I
5 just want to be extra.

6 UNIDENTIFIED SPEAKER: Listen this time -- listen this
7 time.

8 MR. WASHINGTON: Listen, it is so crazy because listen,
9 I turned on the same street that that police on, you feel me?
10 I turned on the same street the police on, he faked like he
11 was finna pull out, like -- like, pull out. Man, that nigga
12 pulled out and turned around on me, man. I knew what time it
13 was. I knew what time it was in.

14 (Audio ends at 2:27 p.m.)

15 MR. BROWN: I'm going to play it again. When you break
16 that down, it says, "Because damn, man, something told me,
17 like, 'Hey, man, listen, man, no need hop in that shit. Hop
18 in this shit.' Like, just go on ahead and just wait on KG to
19 come back and get me. Something just told me, like -- you
20 know me, man, I just want to be extra." I submit to you
21 that's an admission. "No need to hop in that. No need to
22 hop in that car. I told him not to do it, but he did it."
23 He's telling him on a jail phone call the day -- a couple
24 hours after he got arrested. "No need to hop in that shit.
25 Like, just go ahead and just wait on KG to come back." He

1 didn't wait. He went and took Mr. Gordon's car, stuck a gun
2 to his head, took his car, didn't wait on KG to come back
3 again. He had to be extra. "Something told me, like, you
4 know me man, I just" -- "I just want to be extra." Masked
5 up, pulled a hoodie over his head, took a gun and pointed at
6 his head and took his car, and took his cell phone. And then
7 that's the first part, the armed robbery, carjacking,
8 kidnapping, the possession of weapon during the commission of
9 a violent crime, I submit to you is admission, his own words.

10 He then talks about the next day on 3/7 when he gets
11 arrested. "Listen, it is so crazy because listen, I turned
12 on the same street that that police on, you feel me? I
13 turned on the same street the police on, he faked like he was
14 finna pull out, like, pull out. Man, that -- pulled out and
15 turned around on me. Man, I knew what time it was. I knew
16 what time it was in." He just told you he failed to stop.
17 He saw him -- he saw him turn around. He's looking in his
18 rear-view mirror. He saw him turn around on him. He knew
19 what time it was. Jumped out of that car and ran. Listen to
20 his words again.

21 (Audio starts at 2:29 p.m.)

22 MR. WASHINGTON: Because damn, man, something told me,
23 like, "Hey, man, listen, man, no need hop in that shit.
24 Like, just go on ahead and just wait on KG to come back and
25 get me." Something just told me, like -- you know me, man, I

1 just want to be extra.

2 UNIDENTIFIED SPEAKER: Listen this time -- listen this
3 time.

4 MR. WASHINGTON: Listen, it is so crazy because listen,
5 I turned on the same street that that police on, you feel me?
6 I turned on the same street the police on, he faked like he
7 was finna pull out, like -- like, pull out. Man, that nigga
8 pulled out and turned around on me, man. I knew what time it
9 was. I knew what time it was in.

10 (Audio ends at 2:30 p.m.)

11 MR. BROWN: Mr. Washington. Now, let's add in all the
12 other evidence we have other than his statement. Mr. Gordon.
13 Mr. Gordon is here with his wife. What'd he tell you?
14 Worked five years at Velux, got a wife, two kids, got his
15 2014 Chevy Malibu, got his phone in his pocket or in the car,
16 and \$200 on. He want to pick up a friend, give him a ride
17 home.

18 Folks, then mention wanting to question him,
19 investigate him. Folks, some people give people a ride home.
20 Some people do that. Some people in the wrong place at the
21 wrong time get a gun pointed at their head. Do you know what
22 he did? He came up here. You got to watch him from this
23 stand. You got to watch his demeanor. You got to hear his
24 voice. I think you all can all tell he didn't want to be
25 here. He's nervous. He's traumatized there. It's still

1 affecting him, but he's here. You can see that. He told you
2 the best evidence exactly what happened. He's in his car and
3 the gun is pulled out, and go on through it. He even told
4 you he had a black hoodie on, had a hood up pulled over him
5 like a COVID mask over his face, gray pants and black pistol.

6 He then -- after this happens, goes and the first thing
7 he's going to pick up, he made a split decision about the
8 same time -- about the same, like, the same decision he made
9 with not getting in that trunk of that car called his wife.
10 It's not unusual to call your wife, your husband, best friend
11 or something like that when something happens. He called his
12 wife. You know, luckily he did. You know why? Because they
13 were actually able to start tracking his phone. There's been
14 mentioned there wasn't other body cams out there, but you
15 know what? Tracking his phone is recorded. They were
16 calling that in. His mother-in-law or stepmom was calling it
17 telling that the phone -- that his phone is tracking up
18 Taggart in front of the packing plant. Regression of New
19 Haven if you're going up New Market, it's past the packing
20 plant up to Taggart. Call that in. Yeah, there was an
21 address 976 that's non-existent. Taggart not that big and he
22 lives on 938 Taggart.

23 The timeline of this is what's really important. You
24 have 911 call coming out about 11:41. Phone is pinging. You
25 saw that today. 11:43 that triangle is starting to move out

1 of Taggart. His phone moving around, comes over here behind
2 the courthouse, down around Lake Street. You all saw that.
3 What's tracking? Corroborates what it does, what they're
4 saying to CAD where his phone is tracking, is tracking the
5 Defendant's phone, the movements. Last tracks on Lake Street
6 and the Defendant's phone tracks over here on Lake Street
7 too. Then all of a sudden, Defendant's phone shooting up
8 towards Greenville. He continues to track this. How do you
9 know it was him? Well, his phone keeps driving around in
10 Greenville, next day comes back down towards Greenwood. You
11 saw the map. Around 12 noon on 12/6, his phone is coming
12 down there. He's not walking folks. He's driving that car.
13 You know why you know he's driving that car? Because he
14 makes a video of it.

15 (Video starts at 2:36:02 p.m.)

16 (Video ends at 2:36:27 p.m.)

17 MR. BROWN: Tracks his phone. His phone is coming down
18 25 at that time you saw it, his phone. How do you know he's
19 driving this car? Because he makes a video of it. What's he
20 also playing in there? Window shopper. Riding in something
21 you can't buy. There's another identifying thing in this
22 picture. Made a screenshot for you. So he continues to
23 ride. He videos his feet. Videos his feet. White tennis
24 shoes right behind the key chain, should have a blue swoosh,
25 white tennis shoes. His video, riding down the road,

1 tracking his phone, riding in the -- the victim's car with
2 his white shoes on. You know how you know they're his white
3 shoes? Was the next. About 14 hours later off of Bailey
4 Thompson's body cam, there are his shoes. He got blue
5 swoosh, white shoes. Only one man did armed robbery. One
6 man driving this car, one man posting this video on his
7 phone, one man jumps out of that car. His shoes, folks,
8 that's the evidence. Keeps on going. We can go through the
9 CAD, we go down step by step, but you're going to have that
10 with you. But you know the general times you can pair it up.
11 There's no -- there's no question who that identity is of
12 this person. Tracks his phone. There's no question of that.
13 It all matches up. But also to show Mr. Washington, add the
14 clothes and the pistol. So in State's 28 picture of
15 Mr. Washington, not only one pistol, but two pistols. Black
16 hoodie, gray pants. State's 24, COVID mask. Again, shoes,
17 the gray pants, all clothing, descriptive clothing that he --
18 he has in his possession he owns. You see pictures of him
19 wearing them, that the victim describes. Clothing, his phone
20 records, his car, his phone in his possession. Hard to get
21 away from that. Get away from Mr. Gordon's phone being in
22 his pocket.

23 And yeah, it would be nice if his phone -- if Mr.
24 Gordon's phone could be tracked further in Lake Street?
25 Yeah, it could. It would've been nice. But you heard

1 testimony about that. Heard it from him as he got it back.
2 And there was no SIM card. With no SIM card, doesn't have
3 connection to cell towers, essentially like in airplane mode.
4 But you have the Defendant's phone. You have his data, you
5 have that corresponding with its videos, with the timeline
6 from CAD, with the timeline of -- of the places that he's
7 tracking, and then all the way back to Greenwood the night of
8 3/7/2021.

9 And Mr. Washington sees Bailey Thompson, runs from him,
10 jumps out of -- at Mr. Gordon's car with his cell phone.
11 Folks, we put you on this jury, use your common sense, your
12 life experiences. All of these -- all of these pieces of
13 evidence point in one direction. Mr. Washington is guilty.
14 Guilty of pulling that gun out on him, guilty of trying to
15 put him in a trunk, guilty of taking his car from him, guilty
16 of taking his cell phone from him, guilty of taking his \$200
17 from him, guilty of running from law enforcement, driving
18 without a license.

19 (Audio starts at 2:43 p.m.)

20 MR. WASHINGTON: Because damn, man, something told me,
21 like, "Hey, man, listen, man, no need hop in that shit.
22 Like, just go on ahead and just wait on KG to come back and
23 get me." Something just told me, like -- you know me, man, I
24 just want to be extra.

25 UNIDENTIFIED SPEAKER: Listen this time -- listen this

1 time.

2 MR. WASHINGTON: Listen, it is so crazy because listen,
3 I turned on the same street that that police on, you feel me?
4 I turned on the same street the police on, he faked like he
5 was finna pull out, like -- like, pull out. Man, that nigga
6 pulled out and turned around on me, man. I knew what time it
7 was. I knew what time it was in.

8 (Audio ends at 2:44 p.m)

9 MR. BROWN: Thanks. With all the evidence we present
10 in front of the -- and his statement, he's guilty. With
11 that, I ask you to find him guilty on all charges. Thank
12 you.

13 THE COURT: All right. Defense is recognized.

14 MR. HOLLOWAY: Yes, sir, your Honor. Thank you. No
15 one -- no one likes a Monday morning quarterback. People
16 hate an armchair quarterback. And so throughout this trial,
17 the questions I've been asking each and every officer may --
18 may seem like I'm being a Monday morning quarterback, that
19 I'm looking at -- from an unfair, a vantage point. 50/50
20 hindsight is 20/20, that it may be unfair, but when the State
21 brings a -- a charge or charges, certainly charges of this
22 nature, that is what is entailed by this. When you put a --
23 a case on trial -- put a defendant on trial, you're putting
24 the case itself on trial, right? Tough questions have to be
25 asked. They can't say, "Well, these" -- "these questions

1 are" -- "are irrelevant." The questions I asked, I chose
2 very -- very carefully, based on 22 years of experience. And
3 I'll tell you yesterday I heard something from the witness
4 stand I have -- I have never heard. And it -- it was a -- a
5 -- it thunder struck me. When one of the -- a lieutenant --
6 a police lieutenant says, "We throw away handwritten notes."
7 Not only that, it's policy that is discoverable evidence.
8 Why is it discoverable? Because the United States
9 Constitution puts the burden on the State to produce every
10 single tangible object at our disposal. At our disposal for
11 us to review. That didn't happen because they disposed of
12 it. That puts this -- this case -- this entire case in a
13 different shape.

14 The questions I've asked again, are tough questions.
15 We don't know what witnesses said originally. We don't know
16 if things were changed as they were transcribed. We don't
17 have the body camera footage. Why is -- why is this all
18 important? It's -- it's because your job is to corroborate
19 every last detail they said. Every last detail that was said
20 in opening statement, every last detail each witness said,
21 that is the American way. This is why you all are here.
22 It's not to waste your time. It's not to pull you from your
23 families and your jobs and your lives. It puts you through
24 the stress of a trial. It's because that is my client's
25 right. And many of the things that should have been

1 collected, were not collected. Many of the extra steps
2 weren't done. And that is unfair to every single person who
3 is affected by this case.

4 There's more that meets the eye in this case. You
5 can't -- you cannot take for granted at face value the
6 evidence the State presents. Your oath requires you to ask
7 the tough questions because the State's burden of proof is
8 tough. It's meant to be tough. Our founding fathers made it
9 tough. It should be tough. Don't be afraid throughout this
10 trial when you abide your oath and you go back to that jury
11 room to ask the tough questions in this case. If your
12 questions are not answered, the State didn't produce
13 sufficient evidence. To my tough questions, many of the
14 State's witnesses gave defiant answers. Your job is to dig
15 deeper.

16 Many large gaps were left in this case. As of today,
17 the State has -- has rested its case. They glossed over with
18 cell phone activity of my client on his own cell phone, not
19 Mr. Gordon's phone. I'll get to that, why that's important.
20 Remember the old saying, Benjamin Franklin said, "Small holes
21 sink large ships." The idea of processing Gordon's Chevrolet
22 Malibu is viewed as pointless. You saw the reaction to my
23 question about that. The suggestion they should have
24 conducted cell -- cell phone extraction to Mr. Gordon's phone
25 or obtained his cell records seemed -- was seen as

1 unnecessary. Their job is to close a 28-hour hole in their
2 case.

3 The next several slides are about what I call "the
4 investigative boxes" -- "the investigation boxes." These are
5 the things that they should have done. Some things they did,
6 some things many things they did not do. We have no body
7 camera footage of three interviews of Quentin Gordon. On
8 March the 5th when this incident happened, March the 7th,
9 when he responded to the scene to pick up his car. Because
10 they gave his car back without processing it. And March the
11 9th when the lead investigator went out there to back to his
12 house to interview him or at least confirm whether he could
13 identify his assailant. No body camera footage or in-car
14 camera footage of tracking the Chevrolet Malibu the night of
15 March the 5th. We know that from the CAD report, it -- it --
16 what's written in the CAD report, which is what I had to rely
17 on, what you had to rely on is they put two different
18 addresses. There's a mistake as to 926, 976. That's not on
19 -- on our case. That's on them. The CAD report indicates
20 officers tracked the vehicle to -- to two addresses.
21 Certainly didn't track it to 938 Taggart, with multiple
22 addresses. Again, no body cam footage.

23 Again, they say 976 is a typo. Perhaps none of the
24 officers bothered to stop these locations. They did a drive
25 by. They drove right on by these locations, at least knock

1 on the door. You have information that that vehicle may have
2 been there. Why not stop? This -- that really just this
3 drive-by attitude sums up their viewpoint of the tough
4 questions I asked them. My client was in possession of the
5 Malibu and a green iPhone. Why bother asking any further
6 questions? The first lesson in this business that we are --
7 that we are in on this side of the courtroom and this side of
8 the bar, this side of the jury box, never take what a witness
9 says at face value. You have to ask the relevant questions
10 on the front end. You have to canvas for other witnesses.
11 That was not done. If you come up with no further witnesses,
12 so be it. You've documented that you tried, they didn't make
13 the effort.

14 Second lesson in this business is corroborate. Check
15 every available location near a crime scene for cameras,
16 whether doorbell cams on the pathway of where these -- this
17 vehicle may have been driving or the -- the cell phone.
18 Flock cameras, apartment complex surveillance cameras scour
19 the area. This was not done. They had my client in
20 possession of the car and the phone. Why bother? The
21 follow-up investigation. There was one follow-up
22 Investigator Baker spoke with Gordon on March the 9th, four
23 days after the incident. Check to confirm if he could
24 identify his assailant. We'll get to identity later in my
25 presentation. Again, confirm he could not. No other effort

1 made to canvas the area around New Haven Apartments for
2 witnesses or surveillance cameras.

3 Third lesson in this business go knock on some doors.
4 None of that was done around New Haven or Taggart Avenue.
5 Speaking of a failure to -- to -- to stop, they failed to --
6 to do anything. They failed to stop in driving by this
7 address. 926, maybe 976 doesn't exist, but at least that's
8 what the CAD report says. "Stop, get out of your patrol car
9 and go talk to people." But in this case, why bother that?
10 Why -- why bother doing that? Did they bother to identify or
11 -- or interview the friend of Quentin Gordon that he was
12 waiting on? Did he even get his name? One Officer Baker
13 reported he -- he canvassed the area for surveillance
14 cameras. So that was done. He did not check for doorbell,
15 cameras in surrounding residences. Didn't check for any
16 potential witnesses. He may have been out there in the
17 parking lot hanging out on patios or balconies. None of that
18 was done. Asked them why they didn't -- asked them when you
19 go back there, why they didn't conduct the basic police work
20 when bringing carjacking, armed robbery, and kidnapping
21 charges? Demand an answer from these important questions.

22 Fourth lesson, do not return property without
23 processing it. We've been -- since the -- since, I mean, for
24 at least 30 to 35 years, DNA has been one of the quantum
25 leaps in forensic sciences. Cell phone data is another one.

1 They're not infallible. We've seen that before in other
2 cases. But why process the Chevrolet Malibu? To see if
3 anybody else was driving the car over the 28-hour period.
4 Standard protocol to have SLED forensics to try to lift
5 prints or even DNA from the exterior and interior door
6 handles, the gear shift, the key fob, the visor, the
7 rear-view mirror, take photos of the vehicle as well. None
8 of that was done.

9 So the State tacked on four new charges 10 months after
10 the incident. Up to that point, based on the shortcomings in
11 the investigation, my client was facing two charges,
12 possession of stolen vehicle, possession of a stolen iPhone
13 or stolen goods. Then he found himself confronting
14 carjacking, armed robbery, kidnapping. The sound alone is --
15 is -- is -- it's overwhelming.

16 The failure to stop a blue lights charge. The State
17 has failed to meet these elements. After two days of
18 searching, law enforcement spotted -- after 28 hours, spotted
19 the Chevrolet Malibu. Lieutenant Bailey Thompson saw the
20 Malibu turn from East Cambridge onto Tarrant Street. He
21 turned on the blue lights. The driver stopped his vehicle.
22 He did stop. We know that we see the video. He actually
23 stopped his vehicle. The driver was indeed my client. There
24 is no dispute on that. My client was in possession. I told
25 you this on Monday. My client was in possession of the

1 vehicle. He was the driver. He actually did stop.

2 Now, let me talk about this for a second. The jail
3 call. References someone named KG. Listen to the context.
4 Context is critical in any trial. You are here. You've been
5 here for almost three days, and all of you have been
6 listening and been attentive. You've been focused. No one's
7 eyes are closing, none -- none of that. You all have been
8 abiding your oath. We respect that.

9 The failure to stop. He's having second thoughts about
10 hopping into the vehicle. Okay? Put it into context it's
11 related to the night of March the 7th, not the carjacking.
12 The State wants to kind of make that Quantum Leap back in
13 time -- Quantum Leap, one of my favorite shows 30 years ago.
14 Most people don't remember it, but I loved it. Quantum Leap
15 back in time to March the 5th. But putting that in context,
16 he's -- it actually fits into the theory of the case that he
17 was not driving that vehicle. It was in the carjacker,
18 right? It says he hopped into the vehicle. It sounds like
19 he is -- and you guys heard -- heard it yourselves. You'll
20 have a copy of it back there. You listened to it. Well, let
21 -- it's your interpretation. That's important. My
22 interpretation is that he hopped in the vehicle that night.
23 He wasn't the driver.

24 We don't have any phone records of Mr. -- from Mr.
25 Gordon's phone to show the phone is going along with my

1 client's phone in that pathway, which would've if -- if it in
2 fact was obtained and my client was indeed the carjacker, it
3 would've shown the phone's -- which you saw in that exhibit,
4 would show them tracking together in Greenville, over here,
5 over the hills, and through the woods. That's exactly what
6 you would have. But if you don't have that, because they
7 didn't take the extra step to provide that to you, that's why
8 these additional records are -- are important. It's not me
9 nitpicking a case to -- to death. It's because it's supposed
10 to be done a standard protocol and it was not done.

11 My interpretation of that jail call is putting into
12 context with my client's own words. It's related to that
13 night. He talks about the officer, seeing the officer
14 turning around in the -- in the same line of -- of a
15 narrative. He's -- to whom he's talking, talks about meeting
16 KG -- and by the way, why would he go to a different location
17 to meet up with KG? KG may come pick him up. Why would he
18 go leave his house on Taggart -- 938 Taggart and go to his
19 apartment complex when KG can just pick him up at 938
20 Taggart? That's not been explained to you. Well, because
21 that doesn't make sense. Again, it goes toward putting these
22 comments into context. Context is always part of it.

23 Why did he run from the Malibu? Well, he was driving
24 without a license, but Flock cameras at least 12. We heard
25 through the testimony that there were at least -- at that

1 time, 12 Flock cameras. He's in a stolen vehicle. He just
2 hopped in it. He wasn't hiding in -- he wasn't hiding in a
3 plane. He really was kind of advertising himself. If you
4 watch his actions on -- on the -- the body -- really the
5 in-car video, he's a 19-year-old joy riding in a stolen
6 Malibu. Basic steps were not followed to prevent gaps in
7 investigations. Steps to ensure solid cases are presented to
8 you, the jury. The steps were not followed. There is a
9 28-hour gap in this case that they have filled -- and I'll
10 get to this in a minute, with cell phone data. What does my
11 client's phone's trip to Greenville prove he was also driving
12 the Malibu to Greenville? Well, we don't have that. His
13 phone is pinging toward Greenville with really insufficient
14 data presented in the exhibit, and I'll get to that in a
15 minute. But we don't know what -- what the Malibu was doing
16 or where it was. Flock cameras -- at least the one Flock
17 camera going Highway 25, which would be the direct route to
18 Greenville from here, didn't pick it up. And I'm sorry, it's
19 in the middle of the night. There's not heavy traffic out
20 there. And they didn't -- they didn't bother to go check the
21 additional pictures that this system may or may not have --
22 have picked up.

23 The iPhone was in the -- Mr. Gordon left his iPhone in
24 the Malibu. Once again, if you have the cell records of Mr.
25 Gordon, which we don't have, Mr. Gordon left the iPhone in

1 the Malibu, there's a greater link to the vehicle itself. So
2 if you have the records of the green iPhone, Mr. Gordon's
3 iPhone, showing a -- a parallel pathway with my client's
4 phone, you got them. But right now, you don't.

5 The significance of the CAD reports, that's -- I kind
6 of went through it ad nauseum. It wasn't to bore you.
7 Honestly, it was to go through missed opportunities. Again,
8 no one stopped at -- at -- at least 926. We heard testimony
9 that 976 is -- is a typo. We don't really have proof of that
10 other than what the officers say. And it's your choice to
11 trust them on that point or not, that's -- but you know,
12 whose address was not pinging? 938 Taggart was not pinging.
13 Remember, the Taggart would be within the same sector as the
14 cell tower nearest New Market and New Haven Apartments.
15 Whether my client was in his recliner watching Netflix or at
16 New Haven, his phone would ping in that same sector off the
17 same tower.

18 Let's talk about something here. We have conflicting
19 information about whether it's Find My Phone or Life360. We
20 don't actually have the Life360 records, do we? Because
21 again, that additional step of getting a search warrant was
22 not done. We have the word of Ms. Gordon. You as the jury,
23 you decide whether to believe her or not. But wouldn't it
24 have been nice to have some corroboration or not? We don't
25 have that because the step wasn't done. I think you're

1 seeing pattern here.

2 A lot of -- a lot of hay was made about the pictures.
3 First off, we don't know this is my client. No one
4 authenticated it. We know this -- this was on his phone. We
5 don't know if Baby30 with some emojis is his Snapchat handle.
6 No clue about that. He's not wearing a black hoodie, he's
7 wearing a stocking cap. He's not wearing a dark or a black
8 -- he's wearing a black jacket, not a hoodie. This is a
9 mask. This is the era of COVID, which no one in their right
10 mind misses. It was an extraordinarily tough time in our
11 country, and many of us were wearing masks during that time.
12 Is that really earth shattering that in January of '21 --
13 which by the way, that's when this photo was taken only two
14 months prior to the incident. I'm not really sure it's him.
15 I don't know. There's no proof of it. It's taken two months
16 before. What is really the relevance of this other than to
17 say he wore -- occasionally wore dark clothing?

18 You can see a repeated pattern related to some of these
19 photographs. The difference in time when they were taken,
20 difference in time when they were posted to social media. In
21 fact, they were posted to social media should be relevant to
22 you guys. What is the purpose behind it? He's not -- he's
23 not sort of hiding in plain view, right? And social media is
24 exaggerated images. Isn't that what we've learned in -- in
25 the past several years of Snapchat, Facebook? Not really

1 trusting what we're seeing on there. It's exaggerating the
2 -- the fun of vacations. I have three daughters going on
3 vacation with them. Sometimes it's fun, sometimes it is not.
4 Depends on the hour, depends on the day, depends on the
5 season. People exaggerate what they post to social media.
6 He's exaggerating himself, strength, authority -- the
7 authority a gun gives you. This is what -- what I see in
8 these photos. When the photos were taken, when they were
9 posted is highly -- is highly important. Because what
10 they're wanting to do is use these photos to bridge the gap
11 between -- to bridge the gap of identity. Linking my client
12 to this -- to this -- to these crimes. That's why you have
13 to ask these questions.

14 The SIM card, what actually was said during my
15 cross-examination was that the phone records for the green
16 iPhone, despite the fact that the SIM card was changed, they
17 can get a search warrant for the records, the coordinates of
18 the phone, which shows the movement of the phone for -- the
19 records for the -- the previous SIM card, and then the next
20 one, it takes two search warrants. That does not take long
21 to get a search warrant. It really doesn't. You go to a
22 magistrate, you present what you have. You had an ongoing
23 investigation, and it didn't take the step to do that. What
24 we have is suspicion in this case, don't we? The suspicion
25 other than being behind the wheel of the Malibu, having the

1 green iPhone on his pocket that we have is a whole lot of
2 suspicion.

3 In fact, the evidence shows Mr. Gordon -- let's see
4 here. We don't have cell records from Mr. Gordon's phone to
5 see if the different phone number is being used or other
6 suspicious activity. Nothing was done to independently
7 verify Mr. Gordon's story. I'm not saying he's lying.
8 That's not why -- I'm a -- the man says he's carjacked. What
9 I'm saying is, I'm commenting on this, that it's
10 corroboration. As a police officer, you have to
11 independently verify if not every single detail, most of the
12 -- of the key details. Key ones. Why didn't the
13 investigator get the victim's cell records from the provider?
14 Cell records contain cell size historical data, the
15 coordinates of the nearest cell tower from the phone. As
16 this phone moves, the cell tower -- the cell phone moves from
17 tower to tower. These records, which were -- were never --
18 they -- these records never showed the phones movements over
19 the 28-hour period. It could follow the path of the -- of
20 that phone. Really, both phones in this case over those --
21 those 28 hours. 28 hours is a very long time in moving
22 stolen property. The territory within each cell tower, our
23 sector or cone includes vast territory. There's overlapping
24 sectors that imply movement of the phone, but the animation
25 can be misleading if you don't dig deeper on what the exhibit

1 really shows. What data did they include from my client's
2 phone activities from March the 5th through the 7th?
3 Consider what the sector and signal actually means. It
4 simply means that he is in the area, right?

5 Mentioned this in cross-examination. At 23:42 when the
6 first 911 call comes in, that's a -- that's an hour. That's
7 a full hour. So even if you believe that's my client's
8 phone, it's pinging an hour after the carjacking. Okay? And
9 again, I said this earlier, that statute covers a -- a wide
10 area. A wide area of territory of residence during that
11 timeframe. And whether he is in a recliner and netflixing
12 and chilling, or at New Haven Apartments, it's going to be in
13 the same tower. This is not GPS monitoring. It's not
14 pinpoint accuracy.

15 The overlaps really mean movement of the phone. It's
16 an approximate location of the phone, not the person. What
17 you're seeing is the notations is you're seeing cherry picked
18 calls activity from my client's phone. You're not seeing the
19 full picture of the data. This is why I went through this --
20 this data, what you see is not everything that was all the
21 data, the calls, the activities of my client during this
22 timeframe. You'll have these records back there when you
23 review and decide upon this case, what this really means.
24 Okay.

25 Again, we're tracking the phone. This is just really

1 the movement of the phone in the timeframe. Again, we're --
2 we're seeing some of the data, some of the calls, some of the
3 activities. We're not seeing all of the activities because
4 they were not included in the exhibit. When you see the
5 records, what I want you to do is this. This is -- I -- I
6 like hard copies of things. I'm a little old school. I'm
7 Gen X, so we're sort of old school and new school. We're
8 kind of straddling a generational fence. Look at the
9 activities. It's the reason why I showed this. Not to be
10 boring, not that. Show tiny prints with -- you know, a white
11 background. Look at what's happening, what is going on with
12 -- with -- what he's doing with the phone, what my client's
13 doing with the phone activities on the phone during the
14 timeframe in which this incident was to have occurred. You
15 ask yourself, do we have that -- the time? Do we have the
16 time to -- you know, put the phone down for a minute and then
17 go carjack somebody? I would -- I -- I submit to you, no, he
18 did not. This is not what they call an alibi, but it -- it's
19 an explanation of at least in -- in part, what his activities
20 were during that timeframe. Ask yourself, you have this back
21 there. This is in local time. It transfers from UTC to
22 local time. Ask yourselves, did he have the time to do this?
23 And then immediately pick up after the carjacking and go --
24 get on Facebook and make calls? And -- those are valid
25 questions.

1 What we have here is maybe the victim's vehicle.
2 Maybe. We have a picture of a dashboard, a portion of the
3 dashboard of a -- a steering wheel handle. That's not
4 exactly distinctive. I got to believe they're sold in about
5 a thousand stores across South Carolina. It's on Q -- a
6 Facebook account QRoy. We don't hardly have proof that it --
7 it's on my client's phone. That's what we have. But we
8 don't know who's in the video. There's no voice. There's a
9 song playing which may or may not have a connection to.
10 Songs are not an admission. I mean, unless you write a love
11 song, you're admitting love for someone. But this is -- we
12 don't know who this is. I can't even speculate who this is
13 in this vehicle. And we have -- there -- there's a reason
14 why when you presented photo lineup to a witness that you
15 avoided being overly suggested. What happened in this case
16 is this video was presented to Mr. Gordon. Is this your car?
17 You'll see. They already know -- you already know the
18 suspect in custody. It's suggesting the person you have in
19 custody is the person who created the video with a photo
20 line. You can show a photo array, multiple photos like this.
21 Okay? You don't say you -- you -- you're very careful as to
22 what questions you ask a potential witness to not taint your
23 identification. You don't ask leading questions. You even
24 say that the person you're looking for may or may not be in
25 this -- this photo array that didn't happen in this case.

1 How this was presented to Mr. Gordon is very -- very
2 suggestive. That could be any vehicle. Again, they brought
3 a shoe. They don't have to put a picture of the shoe.
4 That's not really a distinctive shoe. A shoe that could be
5 sold in many -- many different stores independent of online
6 sales.

7 The times -- I put this up here, because of the time --
8 let's see here. When it comes to the pictures, remember what
9 I said earlier? We were looking at various pictures the
10 State's presented. You don't believe -- you don't know the
11 date and time when they were taken. Are they really
12 relevant? This posing -- posing -- what this says. This is
13 bravado. This is social media bravado. This is not an
14 admission. This picture taken. Who took it? What's the
15 context? Ask what's the context? If they did not give you
16 the context, they don't want to admit the context, the
17 context -- the context is bad. Further explanation of that.
18 You got to scratch through the surface in this case.

19 I can't express it enough. When you're doing
20 scientific research and when you put yourself as out as an
21 expert, you've got to be able to show that you provided all
22 of the data and didn't cherry pick the data. Otherwise, your
23 results should be questioned. The cell phone activities --
24 again, they fill up that 28-hour gap. You'll have those
25 records. Corroboration is probably the most important steps

1 in any investigation. Missing a step is a misstep. Every
2 single misstep is significant. You miss, you have a misstep,
3 you're missing something. The failure to corroborate
4 magnifies the other missteps. It means -- it can mean the
5 difference between proving a case beyond a reasonable doubt
6 or coming up short. Again, scratch through the surface more
7 in these photos than meets the eye. We're in the era of
8 social media influence. What can be trusted from social
9 media. Again, exaggerated strength and beauty or influence.
10 The photos that you will see, and you have seen are photos of
11 my client posing with a gun on social media, posing with
12 friends and different articles of clothing. Clothing that is
13 not what he was -- what the assailant was wearing during this
14 incident. Contrast the photos that you see, which the State
15 provides you with Mr. Gordon's description of his assailant.
16 There's differences in his clothing. Hoodie or no hoodie,
17 black hoodie or blue hoodie, logo in the hoodie or no logo,
18 hoodie or stocking cap. COVID mask or bandana. Gray pants,
19 gray sweatpants, torn jeans, but jeweled jeans. Some of the
20 jeans he's wearing are torn and have rhinestones on them.
21 Red shirt, white shirt, long sleeved shirt or short sleeved
22 shirt.

23 Think about the dates in the photos. How far in
24 advance when you have the date provided to think about how
25 far in advance of the incident date. Is he posing or is he a

1 dangerous carjacker? You are the judge. You are the judges
2 of the facts in this case. All of these photos are meant to
3 gloss over the identity issue. You must have direct proof of
4 identity. I can't stress it enough. Because without the
5 proof of identity, they don't have a case. You have him in a
6 vehicle with a phone without verification, but without a
7 (inaudible) during that 28-hour period. You don't -- they
8 don't have a case for carjacking, kidnapping, armed robbery.
9 He post with a black gun, is it the same black gun? They
10 have to answer these questions. I've asked these questions
11 and you all have to decide if the answers you heard from this
12 witness stand it -- are sufficient or not. That's how
13 important this is. Glossing over doesn't get you to beyond a
14 reasonable doubt.

15 You have to scratch through the surface. Correct?
16 Again, when you go back to the jury room, talk amongst
17 yourselves about what level of corroboration was done, what
18 was not done. Ask the pertinent questions. Ask the
19 pertinent questions about alternative theories to this case.
20 Maybe just -- maybe that jail call mentioned earlier is an
21 admission of just hopping in a vehicle the night of. That's
22 the context I -- I heard. You be the judge, though, and ask
23 yourselves these extra steps I'm asking about -- I'm talking
24 about how important are they. I submit to you that they are
25 the -- the crux of this case.

1 This is a review of the video that is so important to
2 the State's case. But again, no real proof, no real view of
3 the key fob, no identifying voice. We have not proven even
4 and beyond a reasonable doubt my client was behind the wheel
5 of that car. Honestly, we don't even know if it's a Malibu
6 or not. What are you left with? You have assumptions,
7 suppositions in this case. They have to prove every element
8 of the crime. That's their job. If they haven't done that,
9 they haven't done their job. What you have is a case that --
10 that collapses under assumptions. These -- these links, some
11 of the holes that were in the image that were presented to
12 you in the opening statement, maybe they are important.
13 Maybe something was happening around the Statue of Liberty
14 that needed to be known. You won't know that because all you
15 have is -- is a vague notion. It's the Statue of Liberty.
16 That's the problem with glossing over the fine details, you
17 invariably miss something. Something important.

18 We're back to where the State -- the case began. This
19 is what I talked about on Monday -- on -- yesterday morning
20 in opening statements. We have gone around the bend, we've
21 gone over the hills and through any kind of metaphor you want
22 to talk about on a -- on a (inaudible) journey. The Beatles
23 sing a song, "The Long and Winding Road," back in 1970. One
24 of my favorite songs of all time. Long and Winding Road is
25 about -- it's a love song, is really what it's about. But it

1 -- the image -- is captured here. You have been on a long
2 and winding road through this case -- this -- this trial.
3 We've asked -- both sides have asked all of you pick -- you
4 guys very -- very closely and I -- I absolutely agree with
5 Mr. Brown here to believe that you have the -- the
6 background, the knowledge, the intelligence to make the right
7 decision in this case. And we obviously disagree on -- on
8 what happened on March 5, 2021, but make no mistake, that we
9 respect your time, and we -- I believe that we have tried
10 this case as efficiently as possible. A lot of that has to
11 do with the -- the level of work that we did prior to the
12 trial. Make sure that -- I find it a fair trial and the
13 evidence is appropriate for your viewing. What you're left
14 with after that long and winding road of the past few days is
15 a possession of a stolen vehicle case and the possession of
16 stolen goods in this case. Thank you.

17 THE COURT: All right. Ladies and gentlemen, what I'm
18 going to do, I'm going let you take about a five-minute break
19 before I give you the charges on the law. It's not going to
20 be a regular break. Just to give you an opportunity to
21 stretch your legs, if anybody needs to use restroom. Short
22 break and I'm going to get you to come back out for
23 instructions on the law.

24 MR. BROWN: Judge, can we approach?

25 THE COURT: Yeah.

1 (Jury exits the room at 3:24 p.m.)

2 (Off the record at 3:24 p.m.)

3 (On the record at 3:32 p.m.)

4 THE BAILIFF: You're ready to call them?

5 THE COURT: Yes, sir.

6 THE BAILIFF: Okay.

7 (Jury enters room at 3:32 p.m.)

8 THE COURT: All right. Ladies and gentlemen, we have
9 the reply of the State and then my instructions on the law.

10 MR. BROWN: Ladies and gentlemen, I'm not going to be
11 very long. I'm know you all -- you all probably tired of
12 hearing about it all. One thing the Defense talked about the
13 State glossing over evidence. Glossing over evidence, you
14 just can't gloss over evidence. Folks, don't gloss over the
15 evidence that's been presented in front of you. For example,
16 suggestion about the jail phone call that he just hopped in
17 that car the night of the 6th or the 7th. Folks, you know
18 that's not accurate. Don't gloss over that. You have video
19 of him in the car earlier. That is a distinctive steering
20 wheel. Those are distinctive shoes, a distinctive key -- key
21 chain in that car. And it's got a timestamp, and timestamp
22 in his phone records showing when he did that, which
23 corresponds and is corroborated by his own cell phone data
24 coming back down the road. You have the evidence, don't
25 gloss over it. Don't forget parts of it because it all works

1 together. You have the direct evidence and you have the
2 substantial circumstantial evidence that all and only put
3 Mr. Washington.

4 The purpose of these photographs, the purpose is
5 evidence. Is to show you that he had the tools, he was in
6 possession of the clothes, either the night of when he was
7 arrested, 3/7 leading up to it, have access to wear the
8 clothes, hoodies, the gray pants and the pistol and the mask
9 as Mr. Gordon talked about. You have the evidence, don't
10 gloss over it. Don't dismiss it because it all works
11 together, that didn't just happenstance. His phone is
12 tracking the same time it's going -- that is matching the
13 victim's phone being called into cab. It's not just some
14 random matter that he's coming back down the road video and
15 in a car with the same shoes on, same steering wheel, same
16 key chain, key chain and steering wheel bought by Mr. Gordon.
17 Same time the phone records are (inaudible). Don't dismiss
18 that. When you compare that and add that in corroboration
19 with his jail phone call -- he didn't hop in that car on
20 March 6th or March 7th. He hopped in the car March 5th.

21 Ladies and gentlemen, a carjacking, armed robbery it
22 doesn't take an hour to accomplish. It's a matter of
23 seconds, minutes at max. If you're driving a car doesn't
24 belong to you after committing an armed robbery, carjack and
25 kidnapping, he sped off, looked in his rearview, saw the

1 officer turn around on him, ran. Threw his bag in the woods,
2 told the officer had his clothes, ID, Social in it, didn't
3 have any of that in it.

4 Why is he running? Flight is the evidence of guilt.
5 He ran. He knew what time it was, he knew it caught up with
6 him. He committed these acts on March 5th, drove around
7 bragging about it, bravado, putting his video on Snapchat,
8 him driving somebody else's car, window shopping something he
9 can't pay for, And then when the lights came on, he got out
10 and ran. Don't gloss over the evidence you got because all
11 of it points to him guilty.

12 THE COURT: All right. Ladies and gentlemen, we are at
13 the final stage and I want to thank you for your attention
14 that you have shown in this case, and I just want to give you
15 -- or ask you just to give me a little bit more time of your
16 attention for the final charges on the law.

17 All right. The indictments in this case charged the
18 Defendant with carjacking, armed robbery, kidnapping,
19 possession of a weapon during the commission of a violent
20 crime and failure to stop for a blue light and driving
21 without a license. I remind you that the fact that the
22 Defendant was arrested, charged, and indicted in this case is
23 not evidence and cannot be considered by you as evidence of
24 guilt in this case, nor does it create any presumption or
25 inference of guilt. This document or these documents are

1 simply the formal written instruments which contain the
2 charges made against the Defendant in this case. They are
3 the formal documents by which the case is brought into court.

4 Now, I remind you that during this trial you and I have
5 had different duties to perform in this case. As the trial
6 judge, it's been my responsibility to preside over the trial
7 of this case, and I have also had the duty to rule on the
8 admissibility of the evidence offered in this trial. You are
9 to consider only the competent evidence before you, either
10 from the witness stand right here or any exhibits that may be
11 have been admitted into evidence. I have the additional duty
12 to charge you the law that is applicable to this case. As
13 the presiding judge, I am the sole judge of the law of this
14 case, and it is your duty as jurors to accept and apply the
15 law as I now state it to you. If you have any idea as to
16 what the law is or what the law should be, and it does not
17 agree with what I now tell you the law is, then you must
18 abandon this idea because you are sworn to accept the law and
19 apply the law as I now state it to you.

20 In every case tried in this court before a jury, the
21 jury becomes the sole and exclusive judge of the facts. You
22 are the judges of those facts. A trial judge like myself
23 cannot state, comment on, or make any statement to you as the
24 jury about the facts in this case. Since you, the jury, are
25 the sole judges of the facts in this case, you're not to

1 infer anything that I may have said or any ruling that I've
2 made in this case, that I have any opinion about the facts of
3 the case because I do not, nor am I allowed to have any
4 opinion. That is solely your responsibility.

5 Now, the indictments in this case alleged several
6 different offenses against the Defendant. The charges are:
7 Carjacking, armed robbery, kidnapping, possession of a weapon
8 during the commission of a violent crime, failure to stop for
9 a blue light, and driving without a license. Each indictment
10 charges a separate and distinct offense. You must decide
11 each indictment separately on the evidence and the law that
12 is applicable to each of these charges. The Defendant may be
13 convicted or acquitted on any or all of the offenses charged.
14 You'll be asked to write a separate verdict of guilty or not
15 guilty for each indictment.

16 Now, the Defendant has pled not guilty to these
17 indictments, and that plea puts the burden on the State to
18 prove the Defendant guilty. And a person charged with a
19 criminal offense in South Carolina is never required to prove
20 his or her innocence. I charge you that it is an important
21 rule of law that the Defendant in a criminal trial, no matter
22 what the seriousness of the charges are, will always be
23 presumed to be innocent of the crimes for which the
24 indictments were issued, unless guilt has been proven by the
25 evidence satisfying you of that guilt beyond a reasonable

1 doubt. This presumption of innocence does not end when you
2 begin your deliberations, but it accompanies the Defendant
3 throughout the trial until you reach a verdict of guilt based
4 on evidence satisfying you of that guilt beyond a reasonable
5 doubt, and it must be unanimous.

6 The presumption of innocence is like a robe of
7 righteousness that is placed above the shoulders of the
8 Defendant. It remains with the Defendant until it has been
9 stripped from the Defendant by the evidence satisfying you of
10 the Defendant's guilt beyond a reasonable doubt. The
11 presumption of evidence -- of innocence is not mere legal
12 theory. It's not just a legal phrase. It is a substantial
13 right to which every defendant is entitled unless you, the
14 jury, are satisfied from the evidence of the Defendant's
15 guilt beyond a reasonable doubt. Now, the State has the
16 burden, as I've said, to prove the Defendant guilty.

17 Some of you may have served as jurors in a civil case
18 where you were told that it's only necessary to prove a fact
19 by a preponderance of the evidence or a greater weight of the
20 evidence. In a criminal case, that is different. It is
21 beyond a reasonable doubt. Now, proof beyond a reasonable
22 doubt is proof. It leaves you firmly convinced of the
23 Defendant's guilt. There are very few things in this world
24 that we know with absolute certainty, and in criminal cases,
25 the law does not require proof that overcomes every possible

1 doubt. If based on your consideration of the evidence you
2 are firmly convinced that the Defendant is guilty of the
3 crimes charged, you must find the Defendant guilty. If on
4 the other hand you think there is a real possibility that the
5 Defendant is not guilty, you must give the Defendant the
6 benefit of the doubt and find him not guilty.

7 Now, the following things are not evidence. Any
8 statements of the lawyers, any arguments of the lawyers, any
9 questions or objections of the lawyers. The only evidence,
10 as I've said is from the witness stand right here and any
11 exhibits that may have been admitted into evidence.

12 Now, there are two types of evidence, direct and
13 circumstantial. Now, direct evidence is evidence that
14 directly proves the existence of a fact and does not require
15 any deduction. Circumstantial evidence on the hand is proof
16 of a chain of facts and circumstances that indicate the
17 existence or proof of a fact. Crimes may be proven by
18 circumstantial evidence. The law makes no distinction
19 between the weight or value to be given to either direct or
20 circumstantial evidence.

21 However, to the extent the State relies on
22 circumstantial evidence, all of the circumstances must be
23 consistent with each other. And when taken together point
24 conclusively to the guilt of the Defendant beyond a
25 reasonable doubt. If the circumstances merely portray the

1 Defendant's behavior as suspicious, the proof has failed.
2 The State has that burden of proving the defendant guilty
3 beyond a reasonable doubt, and it rests with the State
4 regardless of whether they rely on direct evidence,
5 circumstantial evidence, or a combination of the two.

6 Now, in reviewing the evidence and making your
7 decision, you must determine the credibility of the witnesses
8 who have testified in this case. Credibility simply means
9 believability. You are to analyze as jurors each and every
10 witness and evaluate the evidence and the credibility of
11 those witnesses as part of that process. In determining the
12 believability of witnesses who have testified in this case,
13 you may believe one witness over several witnesses, or
14 several witnesses over one witness. You may believe a part
15 of the testimony of a witness and reject the remaining part
16 of the testimony of that same witness. You may believe the
17 testimony of a witness in its entirety or you may reject the
18 testimony of a witness in its entirety. You may consider
19 whether any witness has exhibited to you any interest, bias,
20 prejudice, or other motive in this case. You may also
21 consider the appearance and manner of a witness while on the
22 witness stand.

23 Now, the rules of evidence as I -- as I told you during
24 this trial ordinarily do not allow witnesses to give opinions
25 or conclusions in the case. An exception to that rule exists

1 for witnesses we call "expert witnesses," and that is a
2 witness who by education and/or experience has become expert
3 in some art, science, profession or calling. They may state
4 an opinion as to relevant and material matter in which that
5 expert or which that witness claims to be an expert. And
6 they may also give the reasons for that opinion. You should
7 consider any expert opinion testimony received in this case.
8 And just like any other evidence, you give it the weight you
9 think it deserves.

10 If you decide that the opinion of an expert witness is
11 not based on sufficient education and experience, or if you
12 conclude that the reasons given in support of the opinion are
13 not sound, or that the opinion is outweighed by other
14 evidence, you may disregard the opinion entirely. An expert
15 witness's testimony is to be given no greater weight and that
16 of other witnesses simply because the witness is an expert.
17 You are not required to accept an expert's opinion, even
18 though it is -- it is not contradicted.

19 Now, I instruct you and I emphasize that the fact that
20 the Defendant did not testify in this case is not a factor to
21 be considered by you in any way, in any manner in your
22 deliberations in this case. It must not be considered by you
23 in any manner whatsoever. A defendant has the constitutional
24 right to remain silent, and the assertion of that right must
25 not be considered by you in your deliberations. I repeat,

1 under your oath, you are to draw no conclusion whatsoever
2 from the fact that the Defendant in this case did not
3 testify. The fact that he did not testify should not even be
4 discussed in the jury room. The State has the burden to
5 prove, and the Defendant is not required to prove his
6 innocence. That burden remains on the State to prove beyond
7 -- prove guilt beyond a reasonable doubt.

8 Now, in order to establish criminal liability, criminal
9 intent is required. For example, the mental state required
10 to be proven by the State for a particular crime might be
11 purpose, intent, knowledge, recklessness, or criminal
12 negligence. Criminal intent must be proven by the State
13 beyond a reasonable doubt. Intent is always a matter. It
14 must be determined by you, the jury, from the circumstances
15 surrounding the situation. There is no way to prove intent
16 to a mathematical certainty. There is no way medical science
17 can dissect a person's brain and determine what that person
18 had in mind. So the law says that criminal intent may be
19 inferred from the circumstances shown to have existed. This
20 is how you make a determination of whether or not the element
21 of requiring intent -- or the element requiring intent was
22 present. It is not necessary to establish intent by direct
23 and positive evidence, but intent may be established by
24 inference in the same way as any other fact is by taking into
25 consideration the acts of the parties and all the facts and

1 circumstances of this case.

2 Criminal intent is a mental state, a conscious
3 wrongdoing. It is up to you to determine what the Defendant
4 intended to do based on the circumstances shown to have
5 existed. Criminal intent can arise from action or a failure
6 to act. It may arise from negligence, recklessness, or an
7 indifference to duty or to consequences that is considered by
8 the law to be the equivalent of criminal intent.

9 Now, the Defendant is charged with carjacking. In
10 order to prove carjacking, the State must prove beyond a
11 reasonable doubt that the Defendant took or attempted to take
12 a motor vehicle from another person by force and violence or
13 by intimidation while the person was operating the vehicle or
14 while the person was in the vehicle.

15 The Defendant is also charged with armed robbery. In
16 order to prove armed robbery, the State must prove beyond a
17 reasonable doubt that the Defendant took personal property
18 from the person or presence of another person. Property is
19 in the presence of a person if it is within the person's
20 reach, inspection, observation, or control so that the person
21 could, if not overcome with violence or prevented by fear,
22 keep possession of the property.

23 State must also prove beyond a reasonable doubt that
24 the Defendant carried away the property, intending to
25 permanently deprive the owner of the property and to keep the

1 property for the Defendant's own use. The slightest removal
2 of the property or the complete possession of the property,
3 even for an instant by the Defendant, is sufficient to show a
4 taking and carrying away of the property. The taking and
5 carrying away of the property must have been done with
6 violence or by putting the owner of the property in fear of
7 violence.

8 Finally, the State must prove -- again, beyond a
9 reasonable doubt, that the Defendant was armed with a deadly
10 weapon during the robbery. A deadly weapon is any article,
11 instrument, or substance which is likely to cause death or
12 great bodily harm. Whether an instrument has been used as a
13 deadly weapon depends on the facts and circumstances of each
14 case. Pistols and knives are considered deadly weapons. A
15 gun may be a deadly weapon even if it is not operated.

16 The Defendant is charged with kidnapping. State must
17 prove beyond a reasonable doubt that the Defendant knowingly
18 and unlawfully seized, confined, inveigled, decoyed,
19 kidnapped, abducted, or carried away another person without
20 authority of law. To do a thing unlawfully is to do it
21 willfully against the law. "Knowingly" means knowledge,
22 consciously not accidentally. "Seize" means to take hold off
23 suddenly or forcibly. "Confined" means to limit, restrict or
24 enclose with inbounds. Imprison or shut or keep in.
25 "Inveigled" means to lure, entice or lead astray by false

1 representations, promises or other deceitful means. "Decoy"
2 means to lure by or as if by decoy. Decoy is something to
3 entice a person into a trap. "Kidnap" is to remove a person
4 against his will by unlawful force or by fraud. "Abduct"
5 means to carry off secretly or by force for an illegal
6 purpose, and "carry away" means to remove. The State does
7 not have to prove that the Defendant did all of these things.
8 Instead, if you find beyond a reasonable doubt that the
9 Defendant did any of these things, you may find the Defendant
10 guilty of kidnapping. Something done without authority of
11 law is something which the law does not sanction, permit,
12 allow, condone or provide justification for. The kidnapping
13 does not have to be for any personal or monetary gain for any
14 illegal purpose, but may be for any reason whatsoever.

15 Now, if you find that the State failed to prove beyond
16 a reasonable doubt that the Defendant is guilty of
17 kidnapping, then you may consider whether the State proved
18 beyond a reasonable doubt that the Defendant committed the
19 lesser included offense of attempted kidnapping. An attempt
20 is an effort to accomplish a crime which does not succeed.
21 An attempt includes a specific intent to do a particular
22 criminal act, along with an act falling short of the act
23 intended. The State must prove or must show more than mere
24 preparation and intent. There must be some overt act
25 committed in the effort to commit the crime. "Intent" means

1 intending the result which actually occurs not accidentally
2 or involuntarily. Intent may be shown by acts of conduct --
3 acts and conduct of the Defendant and other circumstances
4 from which you may naturally and reasonably infer intent.

5 The Defendant is charged with possession of a weapon
6 during the commission of a violent crime. The State must
7 prove beyond a reasonable doubt that the Defendant was in
8 possession of a firearm or visibly displayed what appeared to
9 be a firearm during the commission of a violent crime. A
10 firearm means any machine gun, automatic rifle, revolver,
11 pistol, or any weapon which will or is designed to or may be
12 readily converted to expel a projectile.

13 In order to find the Defendant guilty of possession of
14 a weapon during the commission of a violent crime, you must
15 first find the Defendant guilty of committing a violent
16 crime. Carjacking, armed robbery, kidnapping, an attempted
17 kidnapping are all violent crimes under the laws of the State
18 of South Carolina. The State must prove beyond a reasonable
19 doubt that the weapon furthered, advanced or helped in the
20 commission of the crimes.

21 The Defendant is charged with failing to stop for a
22 blue light. In order to prove this crime, the State --
23 again, beyond a reasonable doubt, must prove that the
24 Defendant was driving a motor vehicle, that the Defendant was
25 driving the motor vehicle on a road, street or highway in

1 State of South Carolina, that the Defendant was signaled to
2 stop by a law enforcement vehicle by means of a siren or
3 flashing light, and that the Defendant did not stop. In
4 determining whether there are mitigating circumstances which
5 would justify the Defendant's failure to stop for the blue
6 light, you may consider actual road conditions, other
7 conditions such as lighting and weather, officer, driver
8 and/or passenger safety, and any other circumstances you
9 believe to reasonably mitigate the alleged violation by the
10 Defendant. An official signal requiring a motor -- motorist
11 to stop may be a siren or flashing lights, but both are not
12 required.

13 An attempt to increase the speed of a vehicle or in
14 some other matter, avoid the pursuing law enforcement vehicle
15 when signal by a siren or flashing light, may be considered
16 as evidence of failure to stop for a blue light. However, it
17 is merely an evidentiary fact to be taken into consideration
18 by you along with all the other evidence in the case, and to
19 be given the weight that you decide it should receive.

20 Defendant is also charged with driving without a
21 license. The Defendant has been charged, and the State must
22 prove beyond a reasonable doubt that the Defendant drove a
23 motor vehicle without having in his possession a valid
24 driver's license. Now, as I told you, your decision must be
25 based on the evidence in this case from the witness stand and

1 exhibits in this case. It must not be based upon any
2 sympathy, passion, prejudice, or emotion or anything else
3 other than the evidence that's been presented to you in this
4 case.

5 And let me say something about deliberations, which you
6 are getting ready to do. It's often been defined as the act
7 of thinking about, or deciding -- or discussing something and
8 deciding carefully. A great thing about our system is that
9 it brings and allows 12 good people, 12 men and women from
10 different backgrounds, from different life experiences and
11 perspectives in our life to consider the evidence, talk about
12 it, and ultimately attempt to reach a verdict. We call them
13 "deliberations" for a reason. You ought to consider the
14 evidence in this case carefully and deliberately and discuss
15 it in a calm, thorough and courteous manner.

16 Remember, you are not partisans or advocates for either
17 the State or the Defendant in this case, you are the judges.
18 Remember that. You are the judges of the facts in this case.
19 Listen to the views of all of your fellow jurors. Consider
20 other people's points and points of view and talk through it.
21 Discuss the evidence. And remember, if you are doing
22 something deliberately, you are not in a big hurry and you
23 should not be in a big hurry here. This case is very
24 important to both the State and the Defendant in this case.
25 This is their only day in court in this case.

1 When you retire to this jury room, you should discuss
2 it with your fellow jurors to attempt to reach a verdict. A
3 verdict must be unanimous. Each of you must decide the case
4 for yourself, but you should do so after and partially
5 considering -- consider all the evidence, discuss it fully
6 with your fellow jurors, and listen to the views of your
7 fellow jurors. Do not be afraid to change your opinion if
8 the discussion persuades you to do so. But do not come to a
9 decision simply because other jurors think you should. It is
10 important that you attempt to reach a unanimous verdict, but
11 of course, only if each of you can do so after having made
12 your own decision. Do not change an honest opinion or belief
13 about the weight and the effect of this evidence simply to
14 reach a verdict. In other words, do not change your opinion
15 solely for the sake of reaching a unanimous verdict.

16 Now, Madam Forelady and members of the jury, you'll
17 have a verdict form back there with you. I'm going to just
18 go through it as self-explanatory, but I just want to go over
19 it with you. So you'll see on the verdict form there'll be
20 questions and/or paragraphs as to each of the charges. Each
21 one of the indictments and charges has a specific number. So
22 the first one will read, "As to the charge of carjacking, we,
23 the jury, unanimously find the Defendant, Quindaris Keondre
24 Washington" -- and it has check one, it has a blank for
25 guilty and a blank for not guilty. Now, do not look at any

1 particular reason in the order that is in. I have to do one
2 or the other, put guilty or not guilty first. I just do it
3 by the alphabet. G comes before N, so that's why that is
4 there. So you check one or the other.

5 The second question, "As to the charge of armed
6 robbery, we, the jury, unanimously find the Defendant,
7 Quindaris Keondre Washington, guilty or not guilty." Check
8 one. Question number three relates to kidnapping. The same
9 thing. "As to the charge of kidnapping, we, the jury,
10 unanimously find the Defendant, Quindaris Keondre Washington,
11 either guilty or not guilty."

12 Now as to the kidnapping, you heard my charge on the
13 kidnapping. If you find that the State has failed to prove
14 beyond a reasonable doubt as to the kidnapping charge, you
15 may consider whether the State has proven beyond a reasonable
16 doubt the lesser -- what we call the lesser included offense,
17 and that's attempted kidnapping. So if you fail -- if you
18 find that the -- the State hasn't proved the kidnapping, you
19 may consider attempted kidnapping. And if so, there is a
20 question for that. That is 3A. So three is the charge of
21 kidnapping. If you find the State has not filled -- or not
22 met the burden of proof, you may consider attempted
23 kidnapping. And there is a question for that.

24 Now the next question, number four, is possession of a
25 weapon during the commission of a violent crime. Again, the

1 question read, "We, the jury, find the Defendant, Quindaris
2 Keondre Washington, either guilty or not guilty." Now, there
3 is a -- a note that I had put before it, and again, it's
4 self-explanatory, but before you get to that question there
5 on the possession of a weapon during the commission of a
6 violent crime, remember in my charge it's a few minutes ago.
7 In order for you to find the Defendant guilty of that charge,
8 you must find that he was guilty of the underlying violent
9 offense. And I said armed robbery, kidnapping, attempted
10 kidnapping, and carjacking are all considered violent
11 offenses. So you must -- in order to get to the possession
12 of a weapon during the commission of a violent crime, you
13 must find that he is guilty at least one of those.

14 And then the last one, number five, "As to the charge
15 of failure to stop for blue light, we, the jury, unanimously
16 find the Defendant, Quindaris Keondre Washington, guilty or
17 not guilty." Last one I spoke to you earlier. Number six as
18 the charge of driving without a license, that is the last
19 one. "We, the jury, unanimously find the Defendant,
20 Quindaris Keondre Washington, either guilty or not guilty."
21 And, Madam Forelady, you will -- you'll see, "I certify this
22 as a unanimous decision of the jury," and a place to sign and
23 your juror number.

24 Now, a couple of things here. If you have any
25 questions. Madam Forelady, if you would -- there'll be some

1 paper and pen back there, if you would write the question out
2 and knock on the door and let the juror -- the bailiff know.
3 And then they will provide the question or questions to me.
4 And I'll handle it in a couple different ways, potentially.
5 I may just be able to write the answer on the note and send
6 it back in, or I may need to bring you out and explain my
7 answer a little bit more. So just depending on what your
8 question is, if you do have any questions.

9 If you wanted to have some testimony replayed, we can
10 do that for you. You won't hear the testimony from the
11 witness stand. You'll hear the recorded testimony that was
12 taken here this week. So again, if you have any questions,
13 just simply write them on the piece of paper and let the
14 bailiff know. I'm going to excuse you. Right now I've got
15 to -- I'm required to check with the lawyers to make sure
16 that I have charged the correct law. And if I have, then I
17 will have them get the exhibits and compile that for you,
18 bring it into you and tell you to start your deliberations.
19 If I need to correct something or add something, I'll bring
20 you back out and -- and add to -- to my charge. But if not,
21 as I said, just wait until you get the go ahead from the
22 bailiff. He or she will have the -- the exhibits for you and
23 tell you to commence your deliberations. So with that, I'm
24 going to excuse you.

25 (Jury exits room at 4:09 p.m.)

1 THE COURT: All right. Any exceptions to the charges
2 from State?

3 MR. BROWN: None from the State, your Honor.

4 THE COURT: Any from the Defendant?

5 MR. HOLLOWAY: No, sir.

6 THE COURT: All right. If you all would -- first of
7 all, all have -- you did a -- an outstanding job on -- it was
8 good to preside over good lawyers trying the case. So your
9 client -- your respective clients can be proud and
10 appreciative of your representation in this case. So if you
11 would check on the exhibits, make sure everything is there.
12 Here's the verdict form to give with the exhibits.

13 MR. BROWN: There's one on the Bailey Thompson thumb
14 drive. His body cam has been fully redacted. Parts that
15 need to be redacted. His in-car -- the full in-car is there.
16 So I don't know what at the end of it may come back. So if
17 they're willing to watch that, or if they're willing to watch
18 any of these videos potentially, I think the safe thing would
19 be just to bring them out. We play it on here.

20 THE COURT: All right.

21 MR. BROWN: That's -- that can just be told to them.

22 THE COURT: All right.

23 MR. HOLLOWAY: Sir, I -- I -- I agree.

24 THE COURT: Okay.

25 MR. HODGES: Yeah, of course we got a couple alternates

1 will be --

2 THE COURT: Yeah, I'm going to bring them out when you
3 all go through the exhibits.

4 MR. BROWN: You want me to give her now?

5 THE COURT: Just wait until they get all.

6 (Off the record at 4:11 p.m.)

7 (On the record at 4:18 p.m.)

8 (Jury enters the room at 4:18 p.m.)

9 THE COURT: All right. I want to thank you for your
10 service because everybody has remained on the jury. You will
11 not be needed any -- anymore. Let me just tell you a lot of
12 times so many times that believe it or not, during the trial,
13 something happens, maybe a juror gets sick or some other
14 issue comes up. And so we need an alternate and sometimes
15 we'll need both alternates. And so your -- your appearance
16 and your participation in here was very important because
17 that could have happened, but it didn't in this case.
18 Everybody stayed, nobody got sick and we didn't have any
19 issues. And so all 12 are there and ready to deliberate. So
20 your service is no longer needed. But I want to thank you
21 for it. You are excused for the day and you are excused for
22 the week and you're excused for three years. So if you get
23 picked again, you -- now we'd love to have you come back,
24 even if it may be in a three week -- you know, three years if
25 you wanted to serve, we'd love to have you, but you are free

1 from serving again for three years. So again, thank you for
2 your service. You're going to get a real big check, I'm sure
3 here for your service, so don't spend it all at once. And
4 thank you again. Best of luck to you. All right.

5 (Jury exits room at 4:20 p.m.)

6 (Off the record at 4:20 p.m.)

7 (On the record at 4:50 p.m.)

8 THE COURT: Is there anything else before I go back?
9 Anything?

10 MR. HODGES: The jury has a note.

11 THE COURT: Oh, somebody --

12 MR. HODGES: The jury got a question.

13 THE COURT: Oh yeah, that's right. Yeah.

14 MR. HODGES: The jury already got a question.

15 THE COURT: Got a question, all right.

16 MR. HODGES: You ready for it?

17 THE COURT: Yes, sir.

18 MR. HODGES: Whoa -- whoa -- whoa.

19 THE COURT: No, we got to get -- hold on -- hold on --
20 hold on -- hold on. Let's get the -- when they get him then
21 let's get Mr. Washington. All right. I have two questions.
22 First question, "How far does BOLO extend?" And then it has
23 under that, -statewide, under that, -Greenwood County.
24 Question number two, "Where is weapon?" All right. Again,
25 question number one, "How far does BOLO extend statewide and

1 Greenwood County?" And number two, "Where is weapon?" All
2 right. I'll hear from the -- first of all State or Defense.
3 Any response?

4 MR. HODGES: Judge, those are questions the facts that
5 -- that obviously the Court can answer.

6 THE COURT: Mr. Holloway? I can either do one or two
7 things. I can write the answer and say that's just a
8 question. You base your decision solely on the evidence, or
9 I can bring them out here and just tell them.

10 MR. HODGES: I'd say you send a note back to them.

11 THE COURT: Yes, sir.

12 MR. HOLLOWAY: Yes, sir.

13 THE COURT: You okay with that? All right. Both
14 parties agree. Any -- any objection to that?

15 MR. HODGES: Not from the State.

16 MR. HOLLOWAY: No, sir.

17 THE COURT: All right. I just wrote, "Your decision
18 must be based on the evidence presented to you during the
19 trial." Is there anything that you want me to add or that
20 you want me to change on that?

21 MR. HODGES: Not from the State, your Honor.

22 THE COURT: Anything from the Defendant?

23 MR. HOLLOWAY: I think it covers everything.

24 THE COURT: Yeah. Donna, if you would -- would you
25 mark this as an exhibit -- court's exhibit.

1 (Court's Exhibit 2 was marked into evidence.)

2 THE COURT: All right. We will be in recess on that
3 case. Now, I -- have anything else -- anybody else need to
4 hear -- need me for anything?

5 (Off the record at 4:57 p.m.)

6 (On the record at 5:24 p.m.)

7 THE COURT: All right. Got a question. "Can we
8 request victim's side of story again to rehear testimony?"
9 All right. So unless there's any objection from the State or
10 Defendant, we'll just need to bring them out to hear
11 Mr. Gordon's testimony. So, Donna, what -- first of all,
12 let's mark this as court's exhibit -- as question mark here.
13 I mean, as question here, if you would mark it as court's
14 exhibit. How do we --

15 MR. HODGES: He was our first witness.

16 THE COURT: He was the very first -- he was the first
17 witness. All right. We'll be in recess.

18 (Off the record at 5:25 p.m.)

19 (On the record at 8:24 p.m.)

20 THE COURT: Which one of you all is published? Can you
21 all --? All right. Madam Forelady, I understand you have a
22 verdict? All right. If you would hand it to the bailiff,
23 please. All right. Clerk, please publish the verdict.

24 THE CLERK: "State of South Carolina versus Quindaris
25 Keondre Washington, Indictment 25-GS-24-336, 337, 338, 339,

1 2022-GS-24-131 and 132. As to the charge of carjacking, we,
2 the jury, unanimously find the Defendant, Quindaris Keondre
3 Washington, guilty. As to the charge of armed robbery, we,
4 the jury, unanimously find the Defendant, Quindaris Keondre
5 Washington, not guilty. As to the charge of kidnapping, we,
6 the jury unanimously find the Defendant, Quindaris Keondre
7 Washington, not guilty. As to the charge of attempted
8 kidnapping, we, the jury, unanimously find the Defendant,
9 Quindaris Keondre Washington, not guilty. As to the charge
10 of possession of a weapon during the commission of a violent
11 crime, we, the jury, unanimously find the Defendant,
12 Quindaris Keondre Washington, not guilty. As to the charge
13 of failure to stop for a blue light, we, the jury,
14 unanimously find the Defendant, Quindaris Keondre Washington,
15 guilty. As to the charge of driving without a license, we,
16 the jury, unanimously find the Defendant, Quindaris Keondre
17 Washington, guilty." Ladies and gentlemen of the jury, if
18 this was your verdict and remains your verdict, please
19 signify by raising your right hand. Thank you.

20 THE COURT: All right. Before I excuse you, anything
21 else to the verdict from the State for any motions or
22 anything?

23 MR. HODGES: Not from the State.

24 THE COURT: Anything else to the verdict itself?
25 Anything from the Defendant?

1 MR. HOLLOWAY: No, sir, your Honor.

2 THE COURT: All right. Ladies and gentlemen, I want to
3 thank you for your service. I'm going to excuse you to step
4 back and I'm going to step back and just speak with you just
5 for a -- a brief moment. And so with that, if you would
6 please step on back, and I'll step back in a minute.

7 (Jury exits room at 8:27 p.m.)

8 THE COURT: All right. I'm going to step out there and
9 speak with them, and then we'll do sentencing. So if you all
10 will get the sentencing sheets available -- ready.

11 (Off the record at 8:28 p.m.)

12 (On the record at 8:38 p.m.)

13 THE COURT: All right. State ready to proceed? State
14 ready to proceed? Defense ready to proceed?

15 MR. BROWN: Yes, your Honor.

16 THE COURT: All right. Let's go to sentencing. Let me
17 hear from you.

18 MR. BROWN: Your Honor, I think you -- in the back,
19 you've -- we've talked to you a little bit about
20 Mr. Washington. Mr. Washington, in the State's view and --
21 and law enforcement view, is probably one of the most
22 dangerous and violent people here in Greenwood. Based off of
23 this, we respect the jury's verdict on the carjacking. This
24 case carries up -- or the carjacking carries up to 20 years
25 as a most serious and violent offense. Your Honor, we will,

1 based off of this conviction, be seeking an LWOP notice to
2 him in the coming days seeking life without possibility of
3 parole based off the other charges that are still pending.
4 Attempted murder from June 29, 2020. Prior to this, the two
5 sets of murder charges that came after this -- after he made
6 bond on those charges and other assaults as well. Judge, he
7 did eventually have his bond revoked in 2023. We're looking
8 for that order, revoking his bond -- actually in 2022. I
9 believe it was October of 2022. But, your Honor, we -- the
10 State request or ask that he -- for the facts of this case --

11 THE COURT: He -- he -- the bond was revoked when he
12 picked up the murder charges, he was out?

13 MR. BROWN: He was out, bond was revoked, and the
14 motion was bond-revoked -- was revoked at that time when he
15 was out after the murder charges that happened in June of
16 2022. Your Honor, I believe that based off the facts of this
17 case alone, you've seen the facts. You've heard -- you've
18 heard from the witness that a -- a sentence that reflects his
19 violent tenancy is warranted. And I know Rhett Smith or
20 victim's advocate would like to speak on behalf of Quentin
21 Gordon and Kimberly.

22 THE COURT: Yes, ma'am.

23 MS. SMITH: Your Honor, the victim asked that I speak
24 on his behalf. This week has been incredibly difficult for
25 him. After three years, he has tried to put this behind him,

1 and this week, it has felt like ripping a band-aid off. He
2 showed an incredible amount of courage by standing up to this
3 man. If it were not for his courage, he would not be here
4 today and would not be there for his children. His hope is
5 that he will receive a -- a substantial prison sentence. And
6 I want to leave this with you today. The way justice works
7 is that you recognize harm, you take responsibility for it,
8 and then you begin to repair it. Thank you.

9 THE COURT: Thank you.

10 MR. BROWN: Judge, actually, as -- it was actually --
11 Judge Addy actually revoked bond on October 28, 2021.

12 THE COURT: 2021?

13 MR. BROWN: Yes, Judge.

14 THE COURT: Okay. When did he -- and is that when he
15 picked up the murder charges? When did he pick up the --?

16 MR. BROWN: He actually he picked up the first murder
17 charge from June 10, 2021, couple weeks after.

18 THE COURT: So he got out on bond on the initial
19 charge, then he picked up the murder -- first murder charge
20 while he was out on bond on that initial charge?

21 MR. BROWN: Well, it's for the murder from the first
22 murder in June were actually served on him January 13, 2022.
23 The murder warrants for the second murder for the two murders
24 in the second incident, they came about in 2023. Those were
25 issued, but there were a number of gun charges in between.

1 After he was out on bond for this, he picked up another gun
2 charge, state moved to revoke his bond. Spring of 2021, it
3 was denied. Moved to revoke it a second time. It was
4 denied. And then the date that I just spoke of it was
5 granted by Judge Addy.

6 THE COURT: All right. Anything else from State?

7 MR. BROWN: Judge, I think you got a pretty good feel
8 where the -- where everything is.

9 THE COURT: All right. Mr. Holloway?

10 MR. HOLLOWAY: Yes, sir, your Honor. Thank you. My
11 client has no prior record. He's today 23 years old. He's
12 got no record either -- as a juvenile, even nothing of a
13 violent nature. Bottom line is he has an avalanche charges
14 that the Court has no doubt aware of. But my job -- and I
15 think the Court's job is to recognize -- obviously the Court
16 knows that he's not been tried on those charges yet. I will
17 tell you in -- in my opinion, this -- the Court has seen the
18 strongest of his cases this week. And the jury in this case
19 was out for over -- for my -- by my count over four hours.
20 And even on the strongest of cases, they took their time and
21 we respect their -- their decision. I want to emphasize
22 that. But 12 jurors had -- took a long time on a -- on a
23 case -- that's the strongest of cases. And of course the
24 State is going to mention, and I -- I get it, the other --
25 the -- the multitude of charges he's facing.

1 The murder charge involving Ms. Beaks and Ms. Curry,
2 the State had someone else charged for -- for two years. And
3 there's various reasons why those charges were dismissed,
4 including the fact that suspect actually gave a statement, a
5 self-serving statement implicating my client. Those charges
6 were dismissed, and my client was arrested on these charges
7 in July 2023. I was appointed, not in July of 2023, I was
8 appointed July of 2024. He's had by my account three other
9 attorneys. And I have visited him at least 19 times by my
10 count to make sure I'm doing my -- my -- my due diligence by
11 him. But I would ask the Court not take into account the
12 avalanche of charges against him because obviously the Court
13 is aware of this that he's not been found guilty.

14 And certainly, the Court is aware of the facts, the
15 evidence in those cases there -- those are difficult cases
16 for the State to prove. I will tell you that. And that's
17 coming from 21 years as a prosecutor. They -- they're tough
18 cases. And so I would independently of those cases, he has
19 been in -- in jail for three and a half years, he's not
20 getting credit for those days because -- of course we've
21 talked about this back in chambers. So the statute under
22 Title 24 because of the re-arrest, he's not getting credit.
23 I would ask the Court to fashion a reasonable sentence based
24 on the fact he's already been in custody at his age, at his
25 age at 23 years old for three and a half years. He began

1 serving time as a teenager. And it's easy because of
2 everything that's been happening with -- in him in Greenwood
3 and all these charges are swirling around, it's easy to lose
4 sight of the point. He is the teenager when he went into
5 custody. He's now 23 years old. He's grown into a man
6 behind bars.

7 In light of all these things, I would ask the Court to
8 fashion a reasonable sentence. In light of the fact the
9 State is seeking life without parole, they've already made
10 that abundantly clear. And I've made that clear to my
11 client. I would ask the Court to fashion a single-digit
12 sentence in light of the nature of the crime, in light of
13 what the victim through the advocate has said. We respected
14 the jury's decision, but measuring justice, I think dictates
15 something of a sentence like that.

16 THE COURT: All right.

17 MR. HOLLOWAY: And I believe his mother would like to
18 say something at the appropriate time.

19 THE COURT: All right. Yes, ma'am.

20 MS. WASHINGTON: Yes, your Honor. My name is Kiana
21 Washington, and I'm Quindaris Washington's mother. And I
22 just want to talk about him and the picture that they want to
23 paint against him. My son, you -- if you know him, you'd
24 love him. Does violence and stuff like that? Yeah. Do --
25 do I believe he probably got around the wrong crowd? Yes, I

1 do. But him as a person when I was sick -- I've just been
2 cancer free for the past year. I had the (inaudible) cancer
3 in my stomach for five and a half years. Well, he used to
4 take care of me. He used to give me my shots. I used to
5 have to get three shots a day. He used to fix my chemo
6 cocktails and he was there, like, I used to -- can barely get
7 out of bed to use the bathroom. He used to take me to the
8 bathroom. He used to take care of me to the fullest of his
9 ability.

10 Where we lived at the time on Taggart, is -- it was
11 like elderly people on both sides. And at the back of us,
12 well, the 1st of every month they'll come get him and he'll
13 -- they'll go to the grocery store, he'll help them in
14 grocery shop, and Ms. May, he would even help her put the
15 stuff on her leg. She had the big leg syndrome, I don't
16 really know what it's called, but when they had like elephant
17 legs whatever, he'll take care of her as well. So he's a
18 loving person and a caring person. They paint this picture
19 like he's just this monster, but they don't know the things
20 that he done -- did within the community.

21 He -- juvenile, he had got these group of guys, they
22 was like maybe 10 of them. They used to come and meet at my
23 house. I think the oldest one was like 10, 11, and they was
24 getting in trouble. So they used to go to the Old Brule and
25 he organized a program for them guys because he had been

1 getting in trouble for -- you know, and he started doing
2 good, got a job, was working and everything. When he was --
3 allegedly all these crimes, a lot of times he was working. I
4 can remember times where pretty much the police was coming
5 by, harassing him, accusing him of stuff, and he was at work.
6 It's -- I can go on and on about things that I feel like --
7 personally, I feel like they had a vendetta against him. My
8 ring camera for the month of June got rang by like 48 times
9 in one month. We -- actually when he went in front of the --
10 a judge, he pretty much said -- told him, "You need to keep
11 your t's crossed and your i's dotted." Pretty much like they
12 hated him for, like, some kind of vendetta. Now, I
13 understand if he -- he break a crime, he must pay for the
14 crime that -- you know, he committed. He committed a crime,
15 he must to pay for it.

16 I do apologize to the victim because you -- for one,
17 you work hard for your things. For two -- you know, you have
18 your things for your family and stuff. And -- you know, I do
19 sympathize with the victim because he was in a situation.
20 Like I said, I respect the jurors' decisions and everything,
21 but I feel like he -- he been gone away from me. I been
22 dealing with the cancer -- like I said, five years I've been
23 cancer free for a year.

24 And during this time -- I mean, I lost my dad. I lost
25 -- I lost my grandma, and all these people he helped take

1 care of. So -- you know, he got convicted of a crime. So
2 I'm not saying, "Okay, sweep it under the rug, throw it on
3 the rug." But he has been gone almost four years, and I feel
4 like talking to him, he's my son. I had him so you know your
5 children. Talking to him, I know he has matured and grown up
6 mentally from our talks, from our visits and stuff. I can
7 tell, like, not only has this impacted -- not only the
8 victim, but everybody. My family did -- you know, help as
9 well taking care of me. But the doctors really had, like,
10 gave me three years to live and I'm still here. So that's a
11 blessing. And like I said, he was the main person that took
12 care of me. He took care of people in his community. He
13 seen them young guys getting unfocused, he got a group
14 they'll meet every Thursday. So he did things within the
15 community.

16 The last three, four times he went to jail he was at
17 home when he went to jail. They came pretty much harassing
18 him, like, at home. He was at home. So like I said, the
19 picture they want to paint, like he's just this most violent
20 person in the world, and that -- that's not true. That's not
21 true, sir. I am a mother and I'm not an -- an enabler of my
22 kids. Anyone that knows me can always say when my kids are
23 wrong -- just because they my kids do I make them right? No,
24 when you're wrong, you're wrong. And you're going to get
25 disciplined for being wrong. I never been an enabler of my

1 children, but I let them know when you're right, you're
2 right. And when you're wrong, you're wrong. And when you're
3 wrong and do something wrong, then you have to deal with
4 those consequences.

5 He was younger, a teenager when he first got locked up
6 with these charges. But like I said, I know from the
7 conversations from the visit that mentally he has grown. I
8 feel like he understands now everything that I instilled in
9 him as far as, your friends ain't your friends. Who you
10 think your friends ain't your friends who -- who you think in
11 your corner is not in your corner. But again, the picture
12 that they try to paint on him is a false narrative because
13 they don't know the side that -- all the stuff that he done
14 did. If he was such a violent person, why would all the
15 elderly people in the neighborhood come and seek help for
16 him? Why would they trust him around them and -- you know,
17 come get him to help them? It was like three, four people in
18 the neighborhood. They still ask about him. "How he doing?"
19 You know, "We hope the best for him," and -- you know, "Hope
20 he get everything past him because he's so smart."

21 Went to school, AB honor roll. I got certificates
22 hanging up at home four years in a row where he -- straight A
23 student. Straight A student. Good -- I mean, good -- a good
24 student. Now, like I said, again, I'm honest, I do feel like
25 he hung around some of the wrong crowds, which I told him are

1 some of the wrong crowds. But I feel as he accepts the
2 responsibility of things and he has mentally grew from that
3 mind frame when he was younger. Because he ain't had nothing
4 but three and a half years to sit in there. He done lost his
5 granddaddy. He done lost his grandma. Our other grandma,
6 she sick and can leave anytime now. You know, he helped me
7 dealing with my situation. It's been so much that he done --
8 you know, missed that. I feel like -- you know, I don't -- I
9 don't feel -- I don't just feel he deserves 20 years, like
10 the -- the maximum or whatever. You know, I feel like he --
11 you know, manned up to his mistakes and I'm just -- you know,
12 basically find it in your heart not to just throw a book at
13 him, or -- or -- or anything like that because they don't
14 know -- they just know of really -- of the stuff that he's
15 accused of not actually found guilty of. It's the stuff that
16 he's accused of. So they paint this picture of him.

17 I mean, like I said, I can go on and on and on. They
18 harass and stop people that was coming from my house, trying
19 to get stuff on him. I mean, time and time after again -- I
20 mean, a lot of hearsay and stuff. Like I said, the picture
21 that they want to present that he's just this horrible
22 person, like, he just a dangerous person in Greenwood is --
23 it is really ridiculous because they don't know him. They're
24 not -- they -- they haven't been there in all the -- the good
25 deeds that he done done. It's like the good deeds go

1 unnoticed because they done put -- painted this picture or
2 blinded this -- you know, want -- want him to be like this
3 terrible, horrible guy, and he's not that guy. And again,
4 I'm not saying that because he's my son, I'm saying it
5 because he's been there with me till this happened -- till
6 this happened. He's -- he -- he's been there with me, and I
7 know that he's not that type of person.

8 THE COURT: All right. Thank you, ma'am.

9 MR. WASHINGTON: Well, first and foremost, I would like
10 to thank the jurors for their deliberation for them residing
11 over my case. I know it probably was hard. I ain't going to
12 say I know, like, it probably was. I know it was hard with
13 the deliberations and breaking down everything from the
14 State's perspective and my great lawyer perspectives, and I
15 accept that decision because it's like how they say -- you
16 know, you -- you only can -- you only can walk before you
17 run. You know what I'm saying? Like, you only can walk
18 before you run. So a crawl before you walk. So -- you know,
19 like I say, I accept the -- and I accept the juror -- through
20 the jury's decisions. And I'd like to thank you, your Honor,
21 for residing over my case. You know, for you being a
22 honorable and civilized man, you and your -- your man right
23 there. I'm sorry, I don't know your name -- you know what
24 I'm saying? But I'd like to thank you, your Honor, for
25 residing over my case. And I just want you to know, your

1 Honor, like, I've been over across the street for almost four
2 years, like, since I was 19. All these charges that they
3 have brought up against me is since I've been incarcerated in
4 Greenwood County on a revoked bond.

5 So I just want you to take into consideration of at
6 least, like, allowing me to have some time, sir, or whatever
7 -- what -- whatever your sentence may be. You know, like I
8 say, like how my mom stated, I've grown into -- I went from a
9 -- a young boy to a young man -- you know what I'm saying?
10 From mentally -- from a mental state, physical state,
11 spiritual state.

12 So I would just like to -- like I say -- you know,
13 thank my family for being here. Their -- their support.
14 Thank the courts for doing their job effectively. That's the
15 key word of everything, "effectively," making sure their jobs
16 is done. I like to thank the Court for making sure that
17 their job is effectively done where there's no mishaps.
18 There's no missteps. It is -- it's effectively done.

19 And, like I say, I -- I thank the jury a lot. You
20 know, I'm not big on names -- you know, I'm big on faces and
21 despite receiving the guilty verdict on one charge -- you
22 know, like, I don't hold no ill will or no malice in my heart
23 towards neither juror. I hope God blesses us all in this
24 court -- courtroom, from the officers. And I never even like
25 officers, but these officers who carry me, from court back

1 and forth will tell you that I've had good conversation with
2 them as I've been with them. So it's like -- like I say,
3 like I learned everybody has their role in society, and --
4 you know, I hate mines was -- my -- my role is being
5 tarnished. You know, my image is being tarnished into a
6 violent individual. I'm not violent -- you know what I'm
7 saying? Like, I've made some crazy decisions, which we all
8 have. One thing that God -- our good God gave us is the only
9 thing we have control of is our decision makings, from man to
10 woman. You know what I'm saying? So it's like another
11 thing, like, for I just end up what I have to say -- you
12 know, as much as I want to turn to the victim and just
13 sincerely apologize for all the -- the -- the -- the -- the
14 -- the -- what word am I looking for here? I just want to
15 apologize for all the trauma. You know what I'm saying?
16 That this incident caused him, although he was not able to
17 effectively identify me as the perpetrator -- you know, I was
18 found guilty.

19 So I just want to tell the victim, like, as a man, I
20 respect you. You know, with you being older. One thing
21 about me, I listen -- you know, so I just hope that him and
22 his wife and his kids will -- will -- will -- will -- will be
23 able to put all this behind them. You know, I know it was
24 hard for him to get on that stand. I -- I was watching his
25 every movement. I was watching his -- hearing how -- he

1 ain't want to be -- how he wanted to talk. And to be honest,
2 I'm not saying if -- if I was in that situation, I would've
3 done the -- the same exact thing, but I wouldn't -- me
4 personally, I -- I wouldn't feel like I couldn't do it -- you
5 know, to relive such trauma.

6 So to the victim, I'm really sorry that you had to go
7 through that -- you know what I'm saying? Like, I'm sorry
8 that you felt like you feared for your life -- you know,
9 like, and I hope you find it in your heart -- you know what
10 I'm saying? To -- although I've been convicted of this crime
11 -- you know, considering the evidence, that you forgive me --
12 you know what I'm saying? Because I believe in forgiveness -
13 - you know, like I said, I have no ill will towards my heart,
14 towards the Judge, the -- the Court, the jurors, my lawyer,
15 the Prosecutor, the police, nobody.

16 So to the victim and his -- and his wife and -- you
17 know, may -- may peace and blessing be upon you. And I
18 really hope that you can grow and you can elevate and -- and
19 prosper as you -- as -- as -- as time go on. But that's
20 pretty much all I got to say, your Honor. And I thank you,
21 though, for residing my case.

22 THE COURT: All right. Thank you. Anything else, Mr.
23 Holloway?

24 MR. HOLLOWAY: Just the fact that whatever the sentence
25 is, that the Court order he be held here so that he's facing

1 other charges and not transported to SCDC yet.

2 THE COURT: I'll have to hear from -- any response on
3 that from the State. I'm not sure at this stage that I'm
4 making a decision on whether he's held here or not. That's
5 -- whatever I sentence, I think SCDC has to make that call.

6 MR. BROWN: I -- I think -- I think SCDC would make
7 that call and -- but I've talked to the county, but I think
8 normally he gets whatever sentence may be that your Honor may
9 impose, that would be sent down and served in SCDC.

10 THE COURT: I don't think whatever sentence I give him
11 today, I can't keep -- SCDC -- I can't tell SCDC that, "Well,
12 no, he doesn't go down there, he stays here." So I think
13 he's got to -- SCDC's got to make whatever call it is, but I
14 think he goes down to SCDC. All right. Anything else from
15 the Defendant?

16 MR. HOLLOWAY: No, sir.

17 THE COURT: Anything else from the State?

18 MR. BROWN: Nothing, Judge.

19 THE COURT: All right. As to the carjacking,
20 2025-GS-24-0336 -- and we do -- as counsel has noted, there
21 is no credit based on the statute. Under this charge on the
22 -- the sentence for carjacking, under this indictment,
23 Defendant will be sentenced to the Department of Corrections
24 for a period of 12 years. Under 2022-GS-24-0131, failure to
25 stop for a blue light, it's a concurrent sentence of three

1 years. Under 2022-GS-24-132, driving without a license, it
2 is a concurrent sentence of 30 days. That will be the
3 sentence. There is no credit per the statute due to his bond
4 being revoked for -- he was out on bond and then had charges
5 and his bond was revoked, and the statute, therefore no
6 credit. That will be the sentence of the Court, and we are
7 adjourned.

8 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

9 9:04 P.M.)

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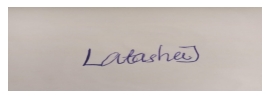
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CERTIFICATE OF TRANSCRIBER

I, LATASHA JEFFERSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 8 of Greenwood County, South Carolina, on June 4, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 4, 2025.

A rectangular box containing a handwritten signature in blue ink that reads "Latasha".

LATASHA JEFFERSON

TRANSCRIBER

WITNESSES

DYER ARCHIBALD
Greenwood Police Department

WARRANT NUMBER

2021A2420100255

TRUE BILL

Keyla Torrey

Foreman of the Grand Jury

Date: 1/28/2022

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2022

Indictment # 2022GS24-0128

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

POSSESSION OF A STOLEN VEHICLE

SC Code: § 16-21-0080

CDR: 3467

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

*Noelle Prueger due to
going forward & trial w/
carjacking, etc.*

P. Gato 31
6/5/2025

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

POSSESSION OF A STOLEN VEHICLE
§16-21-0080

At a Court of General Sessions, convened on the 28th day of January, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Quindaris Keondre Washington, did on or about March 7, 2021, in Greenwood County, South Carolina, receive, possess, conceal, sell or dispose of a stolen vehicle valued at more than Two Thousand (\$2,000.00) Dollars but less than Ten Thousand (\$10,000.00) Dollars, and the said defendant knew or had reason to believe such vehicle was stolen. All in violation of 16-21-0080 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Elizabeth P. Taylor
Assistant Solicitor

WITNESSES

DYAR ARCHIBALD
Greenwood Police Department

WARRANT NUMBER

2021A2420100256

TRUE BILL

Kyle Carter

Foreman of the Grand Jury

Date: 1/28/2022

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2022

Indictment # 2022GS24-0129

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

RECEIVING STOLEN GOODS \$2,000 OR LESS

SC Code: § 16-13-0180(A)

CDR: 3425

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

*Nolle Prosequi due to
going forward w/ carrying, etc
at trial.*

*C. Jones By
6/5/2025*

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

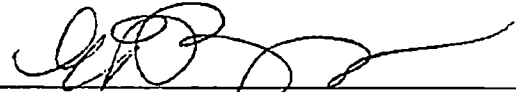
COUNTY OF GREENWOOD

RECEIVING STOLEN GOODS \$2,000 OR LESS
§16-13-0180(A)

At a Court of General Sessions, convened on the 28th day of January, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Quindaris Keondre Washington, did on or about March 7, 2021, in Greenwood County, South Carolina, buy, receive, or possess stolen goods, chattels, or other property valued at less than two thousand dollars (\$2,000) and knew or had reason to believe the goods, chattels, or property was stolen. All in violation of 16-13-0180(A), Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



Elizabeth P. Taylor
Assistant Solicitor

WITNESSES

DYAR ARCHIBALD
Greenwood Police Department

WARRANT NUMBER

2021A24 2.000257

TRUE BILL

Kyle Conner
Foreman of the Grand Jury
Date: 1/28/2022

VERDICT

Not guilty
Amade M. M.
Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2022
Indictment # 2022GS24-0130

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

UNLAWFUL CARRYING OF A PISTOL
SC Code: § 16-23-0020

CDR: 0044

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF GREENWOOD

UNLAWFUL CARRYING OF A PISTOL
§16-23-0020

At a Court of General Sessions, convened on the 28th day of January, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Quindaris Keondre Washington, did in Greenwood County, South Carolina, on or about March 7, 2021, unlawfully carry about his person a handgun, whether concealed or not, all in violation of Section 16-23-20, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



Elizabeth P. Taylor
Assistant Solicitor

WITNESSES

DYAB ARCHIBALD
Greenwood Police Department

WARRANT NUMBER

2021110121791

TRUE BILL

Kylea Torres
Foreman of the Grand Jury
Date: 1/29/2022

VERDICT

Guilty
Amadamoon
Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2022
Indictment # 2022GS24-0132

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR**DRIVING WITHOUT A LICENSE**

SC Code: § 56-01-0020

CDR: 0701

I hereby waive presentment to the Grand
Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

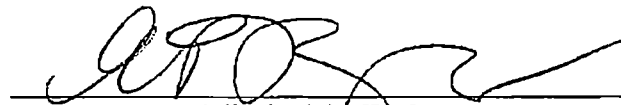
DRIVING WITHOUT A LICENSE

§56-01-0020

At a Court of General Sessions, convened on the 29th day of January, 2022, the Grand Jurors of Greenwood County present upon their oath:

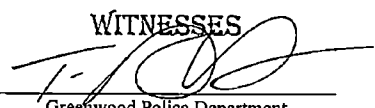
Quindaris Keondre Washington, did on or about March 7, 2021 in Greenwood County, operate a motor vehicle on a highway in this State without a valid motor vehicle driver's license issued to him. All in violation of 56-01-0020, Code of Laws of South Carolina, (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

A handwritten signature in black ink, appearing to read 'Elizabeth F. Taylor', is written over a horizontal line.

Elizabeth F. Taylor
Assistant Solicitor

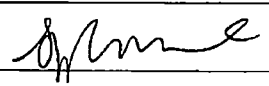
WITNESSES


Greenwood Police Department

WARRANT NUMBER

2022A2420100030

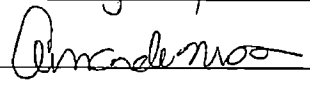
TRUE BILL


Foreman of the Grand Jury

Date: 3/7/25

VERDICT

Not guilty


Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2025

Indictment # 2025GS24- 0337

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

ARMED ROBBERY

SC Code: § 16-11-0330(A)

CDR: 0139

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

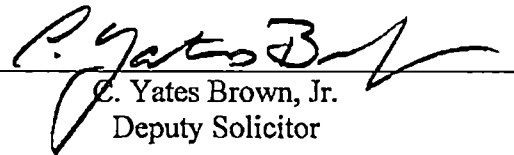
THE STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

INDICTMENT FOR
ARMED ROBBERY
§16-11-0330(A)

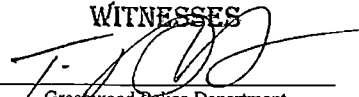
At a Court of General Sessions, convened on the 7th day of March, 2025, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Quindaris Keondre Washington, did on or about March 5, 2021, in Greenwood County, South Carolina, while armed with a deadly weapon or while displaying what a person present during the robbery would reasonably believe to be a deadly weapon, take by means of force, threats, or intimidation, goods or monies described as a vehicle, cell phone and United States currency from the person or presence of Quentin Pierre Gordon. All in violation of 16-11-0330(A) of the South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


C. Yates Brown, Jr.
Deputy Solicitor

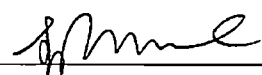
WITNESSES


Greenwood Police Department

WARRANT NUMBER

2022A2420100031

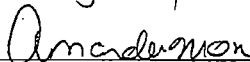
TRUE BILL


Foreman of the Grand Jury

Date: 3/7/25

VERDICT

not guilty



Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2025

Indictment # 2025GS24- 033 8

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

KIDNAPPING

SC Code: § 16-03-0910

CDR: 0095

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

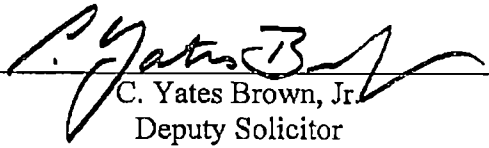
COUNTY OF GREENWOOD

KIDNAPPING
§16-03-0910

At a Court of General Sessions, convened on the 7th day of March, 2025, the Grand Jurors of Greenwood County present upon their oath:

That Quindaris Keondre Washington did in Greenwood County, South Carolina, on or about March 5, 2021, unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Quentin Pierre Gordon, by any means whatsoever, without the authority of law. All in violation of 16-03-0910 Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


C. Yates Brown, Jr.
Deputy Solicitor

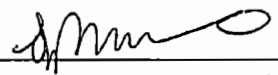
WITNESSES


Greenwood Police Department

WARRANT NUMBER

2022A2420100032

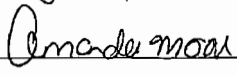
TRUE BILL


Foreman of the Grand Jury

Date: 3/7/25

VERDICT

Not guilty


Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2025

Indictment # 2025GS24- 0339

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

SC Code: § 16-23-0490

CDR: 0549

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

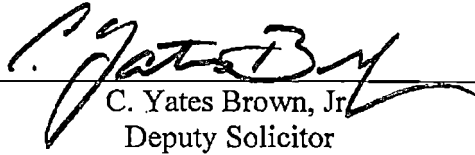
INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME
§16-23-0490

At a Court of General Sessions, convened on the 7th day of March, 2025, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Quindaris Keondre Washington, did on or about March 5, 2021, in Greenwood County, South Carolina, while committing the violent crime of armed robbery, carjacking, and kidnapping, possess a firearm. All in violation of 16-23-0490, South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



C. Yates Brown, Jr.
Deputy Solicitor

WITNESSES

DYAR ARCHIBALD
Greenwood Police Department

WARRANT NUMBER

20211110121789

TRUE BILL

Kyle Conner
Foreman of the Grand Jury
Date: 1/28/2022

VERDICT

Guilty
Amanda Moon
Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2022
Indictment # 2022GS24-0131

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

FAIL TO STOP FOR A BLUE LIGHT
SC Code: § 56-05-0750(B)(1)

CDR: 0065

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

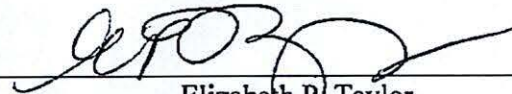
INDICTMENT FOR

**FAIL TO STOP FOR A BLUE LIGHT
§56-05-0750(B)(1)**

At a Court of General Sessions, convened on the 28th day of January, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Quindaris Keondre Washington, did on or about March 7, 2021 in Greenwood County, while driving on a road, street, or highway of the state, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light, all in violation of Section 56-05-0750(B)(1), Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Elizabeth P. Taylor
Assistant Solicitor

WITNESSES

DYAR ARCHIBALD
Greenwood Police Department

WARRANT NUMBER

20211110121791

TRUE BILL

Keyla Torres
Foreman of the Grand Jury
Date: 1/28/2022

VERDICT

Guilty
Amadamon
Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2022
Indictment # 2022GS24-0132

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

DRIVING WITHOUT A LICENSE

SC Code: § 56-01-0020

CDR: 0701

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

DRIVING WITHOUT A LICENSE

§56-01-0020

At a Court of General Sessions, convened on the 29th day of January, 2022, the Grand Jurors of Greenwood County present upon their oath:

Quindaris Keondre Washington, did on or about March 7, 2021 in Greenwood County, operate a motor vehicle on a highway in this State without a valid motor vehicle driver's license issued to him. All in violation of 56-01-0020, Code of Laws of South Carolina, (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

A handwritten signature in black ink, appearing to read 'E. Taylor', is written over a horizontal line.

Elizabeth F. Taylor
Assistant Solicitor

WITNESSES

Greenwood Police Department

WARRANT NUMBER

2022A2420100029

TRUE BILL

Foreman of the Grand Jury

Date: 3/7/25

VERDICT

Guilty

Amadeo moon

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2025

Indictment # 2025GS24- 0336

THE STATE

vs.

QUINDARIS KEONDRE WASHINGTON

INDICTMENT FOR

CARJACKING

SC Code: § 16-03-1075(B)(1)

CDR: 2599

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

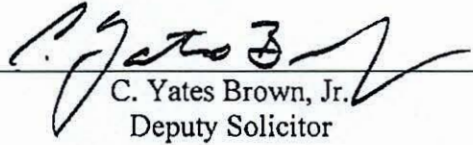
INDICTMENT FOR

CARJACKING
§16-03-1075(B)(1)

At a Court of General Sessions, convened on the 7th day of March, 2025, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Quindaris Keondre Washington, did on or about March 5, 2021, in Greenwood County, South Carolina, take or attempt to take a motor vehicle from the victim Quentin Pierre Gordon by force and violence or by intimidation while the victim was inside or operating the vehicle. All in violation of 16-03-1075(B)(1), South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


C. Yates Brown, Jr.
Deputy 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 April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of April, 2026.

RECEIVED
Apr 13 2026
SC Court of Appeals