

¹⁰
The State of South Carolina
IN THE SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
JUDGE FRANK ADDY CIRCUIT COURT
JUDGE

TYRONE ROBINSON #235104

VS.

STATE OF SOUTH CAROLINA

CASE NO. 2025-001540

APPENDIX

SIGNATURE: Tyrone L. Robinson
PRINT: TYRONE L. ROBINSON
Date: 10/29/2,025

RECEIVED

APR 22 2026

S.C. SUPREME COURT

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EXHIBIT-A

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2021-CP-07-00820

TYRONE L. ROBINSON

STATE OF SOUTH CAROLINA

2025 MAY 23 PM 4:40

APPLICANT

DEFENDANT

Submitted by: COURT

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter came before the Court on April 16, 2025 for a hearing on Applicant's petition for Post-Conviction Relief. Mr. Robinson was present and represented by Chelsey Marto, Esq. The State was represented by Assistant Attorney General Danielle Dixon. The Court finds as follows:

At the outset, the Court notes that Applicant's PCR filings are extensive and extremely repetitive. As promised at the hearing, the Court has endeavored to review his filings and divine the nature of Applicant's grounds. At the hearing, the Court made an effort to guide Applicant so that his presentation and complaints were more comprehensible, and to an extent, this effort was somewhat of a success. Based upon a review of the filings, Court has categorized Applicant's allegations to the best of my ability and will address his claims as outlined in his filings in turn:

1. Lack of jurisdiction;
2. Sentence void for lack of jurisdiction;
3. 6th Amendment right to effective assistance of counsel because lawyer did not argue lack of jurisdiction;
4. Lack of jurisdiction over the crime;
5. Prosecutorial misconduct for pursuing conviction under the felony murder rule;
6. Double jeopardy.

Simply stated, grounds 1-6 lack any basis in the law or the record. The Court had jurisdiction over this matter, no prosecutorial misconduct took place, and double jeopardy obviously does not apply. Proper motions were made with respect to a directed verdict motion, Applicant received proper notice of the indictment and the charges for which he would be tried, and counsel was not deficient in interposing any objection as to any structural amendments of the indictment.

Similarly, Applicant's objection that no individual properly authenticated the photo of the 4-wheeler is without basis. Counsel properly argued that Applicant was acting in self defense, and there is not evidentiary basis for the allegation that the trajectory of the bullet was fabricated. As to the testimony of J.S. (a minor at the time of the trial), the minor testified that he didn't think that Applicant meant to shoot the decedent; this testimony clearly hurt the State, so no grounds exist to support the proposition that trial counsel was ineffective.

The Court notes that, in many respects, the legal theory pursued by the State to obtain Applicant's conviction broke new ground. Trial counsel adequately preserved the record and objected appropriately in challenging the State's legal and factual theory. The South Carolina Supreme Court ultimately found the State's theory of the case to be valid and legally supported under the law. Accordingly, the Court finds no deficiency in any respect with regard to trial counsel's performance, and no prejudice has been shown warranting relief to Applicant.

The Attorney General is requested to prepare a more formal order reflecting this Court's findings within thirty (30) days.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

For Clerk of Court Office Use Only

This judgment was entered on the 23 day of 5, 2024 and a copy mailed first class or placed in the appropriate attorney's box on this 23 day of 5, 2024 to attorneys of record or to parties (when appearing pro se) as follows:

Chelsey Marto, Esq.

Dianne Dixon, Esq.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

22
CLERK OF COURT

Court Reporter: Cathy Young

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

EXHIBIT-B

FORM 4

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2021CP0700820STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

Tyrone Lorenzo Robinson

South Carolina State Of
Warden Bryan KendallBryan Kendall
Department Of
Correction South
Carolina

PLAINTIFF(S)

DEFENDANT(S)

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

Submitted by:

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☒ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☒ Other: Order of Dismissal
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order, (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

ORDER OF DISMISSAL

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ F. R. Addy, Jr

Circuit Court Judge

2159

Judge Code

7/1/2025

Date

For Clerk of Court Office Use Only

This judgment was entered on **July 14, 2025**, and a copy mailed first class or placed in the appropriate attorney's box on **July 16, 2025**, to attorneys of record or to parties (when appearing pro se) as follows:

Tyrone Lorenzo Robinson #235104 Ridgeland Corr. Inst.
S-A-Rm 19 P. O. Box 2039 Ridgeland, SC 29936
Chelsey Faith Marto PO Box 8795 Columbia, SC 29201

Danielle Dixon PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Jerri Ann Roseneau - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Tyrone Lorenza Robinson, #235104,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT
)

) CASE NO. 2021-CP-07-00820
)
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ORDER OF DISMISSAL

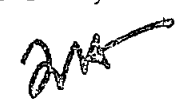
2025 JUL 14 PM 1:24
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

THIS MATTER CAME BEFORE THE COURT by way of applications for post-conviction relief (PCR) filed by Tyrone Lorenza Robinson (Applicant) on April 22, 2021. An evidentiary hearing was convened on April 16, 2025. At that hearing, Applicant was present and represented by Chelsey F. Marto, Esquire, and Assistant Attorney General Danielle Dixon represented the State. At the hearing, the Court heard testimony from Applicant and Deputy Solicitor Sean Thornton. Following a thorough review of the records before this Court and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant did not meet his burden of proof. Thus, this Court denies and dismisses this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a life sentence. In October 2012, the Beaufort County Grand Jury indicted Applicant for murder (2012-GS-07-01935). This charge arose from the fatal shooting of eight-year-old Khalil Singleton on September 1, 2013.¹

¹ Applicant was indicted with co-defendants Aaron Young, Sr. and Aaron Young, Jr. On April 21, 2014, the State called the case to trial with all three co-defendants. Before the jury was sworn, however, the State joined the defendants' motion to sever, and the trials were severed and continued.



On September 15–19, 2014, Applicant proceeded to a jury trial before the Honorable Thomas G. Cooper, Jr. Applicant was represented by Arie D. Bax, Esquire. Solicitor Duffie McDuffie Stone, III. and Deputy Solicitor Sean Thornton prosecuted the case. The jury convicted Applicant as indicted, and Judge Cooper sentenced Applicant to life.

Applicant filed a motion to reconsider the sentence, which was denied on October 12, 2017.² Applicant filed a timely notice of appeal, which was perfected by Appellate Defender David Alexander through the filing of a brief pursuant to Anders v. California, 386 U.S. 738 (1967).³ The Court of Appeals dismissed pursuant to Anders, and the remittitur was sent December 16, 2020.

CURRENT APPLICATION

On April 22, 2021, Applicant filed this current PCR application totaling 414 pages. In his application, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. Ineffective Assistance of Counsel
2. Prosecutorial Misconduct
3. The Circuit Court lacked Subject Matter Jurisdiction
4. Double Jeopardy
5. Actual Innocence⁴

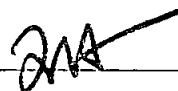
On June 4, 2021, Applicant filed an amended application totaling 427 pages, including 303 handwritten pages of argument. Applicant alleged the following:

1. Ineffective Assistance of Counsel
2. Due Process Violations

² Applicant initially filed a notice of appeal on September 29, 2014, but he withdrew that appeal due to the pending motion to reconsider. See Appellate Case No. 2014-002138.

³ While Applicant's motion to reconsider was pending, Applicant filed his first PCR application (2015-CP-07-2053). That application was dismissed without prejudice on December 12, 2019.

⁴ The State construed Applicant's argument of failing to satisfy the elements of "felony murder rule theory" and due process violations for "failure to prove elements of murder beyond a reasonable doubt" as an argument of actual innocence.



On August 27, 2021, Applicant filed a second amended application totaling 119 pages, including 85 handwritten pages of argument. Applicant alleged the following:

1. Ineffective Assistance of Counsel
2. Due Process Violations
3. Prosecutorial Misconduct
4. Double Jeopardy
5. The Circuit Court lacked Subject matter jurisdiction.
6. Actual Innocence

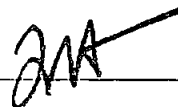
On June 20, 2022, Applicant filed a third amended application totaling 596 pages, including 132 handwritten pages of argument. Applicant alleged the following:

1. "Violation of Federal Sixth Amendment right of effective assistance of counsel; Ineffective Assistance of Counsel"
2. "Violation of Federal Fifth and Fourteenth Amendment rights of Due Process of Law; and deprived out of Federal Due Process right to notice."
3. "Lack of Jurisdiction over the Crime."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Beaufort County Clerk of Court records of the underlying convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

At the outset, this Court notes Applicant's PCR filings are extensive and extremely repetitive. As promised at the hearing, the Court has endeavored to review his filings and divine the nature of Applicant's grounds. At the hearing, the Court made an effort to guide Applicant so



that his presentation and complaints were more comprehensible, and to an extent, this effort was somewhat of a success. Based upon a review of the filings, this Court has categorized Applicant's allegations to the best of its ability and will address his claims as outlined below:

1. Lack of jurisdiction;
2. Sentence void for lack of jurisdiction;
3. Counsel was ineffective for not arguing lack of jurisdiction;
4. Lack of jurisdiction over the crime;
5. Prosecutorial misconduct for pursuing conviction under the felony murder rule;
6. Double jeopardy.
7. Counsel was ineffective for not objecting to picture of four-wheeler;
8. Counsel was ineffective for not objecting when the solicitor fabricated the trajectory of the bullet;
9. Counsel was ineffective for not eliciting further testimony from J.S., a minor at the time of the trial.

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudiced applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.



Applicant's arguments in this regard center on his belief that the State improperly changed its theory of the case and, in doing so, did not put him on notice of the charges he faced. These allegations patently lack merit. As a threshold matter, the circuit court clearly had subject matter jurisdiction. See State v. Gentry, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005) (“[S]ubject matter jurisdiction of the circuit court and the sufficiency of the indictment are two distinct concepts and the blending of these concepts serves only to confuse the issue. *Circuit courts obviously have subject matter jurisdiction to try criminal matters.*” (emphasis added)).

Further, this Court has reviewed the indictment and finds it was sufficient to put Applicant on notice of the charge. See id. at 102–03, 610 S.E.2d at 500 (“The indictment is a notice document. A challenge to the indictment on the ground of insufficiency must be made before the jury is sworn as provided by § 17–19–90. If the objection is timely made, the circuit court should judge the sufficiency of the indictment by determining whether (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and (2) whether it apprises the defendant of the elements of the offense that is intended to be charged.”) Because the indictment was sufficient, there was no basis for counsel to object to the indictment itself. However, trial counsel *did* move to quash the indictment and, by doing so, advanced many of the same arguments Petitioner raises now. (ROA 228–45). Further, counsel raised this argument again at the directed verdict stage and properly argued the directed verdict motion. (ROA 664–75, 1021–23). This Court finds counsel was not deficient in interposing any objection as to any structural amendments of the indictment. Much of Applicant's argument

⁵ This section combines allegations 1–4, as outlined above.

centers on his mistaken belief that the State improperly changed its theory of the case. In many respects, the legal theory pursued by the State broke new ground. However, trial counsel adequately preserved the record and objected appropriately in challenging the State's legal and factual theory. The South Carolina Supreme Court ultimately found the State's theory of the case to be valid and legally supported under the law. Based on the foregoing, Applicant has not shown counsel was ineffective for not further objecting to the indictment or arguing the court lacked jurisdiction.

Prosecutorial Misconduct

When alleging prosecutorial misconduct, an applicant bears the burden of proof. Alabama v. Smith, 490 U.S. 794 (1989). Although a PCR applicant may present a claim based on constitutional violations other than ineffective assistance of counsel, such constitutional violations may only be alleged if the issue could not have been raised at trial or on direct appeal. Gibson v. State, 329 S.C. 37, 41 496 S.E.2d 426, 428 (1998); Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975) (“[A]n application for post-conviction relief is not a substitute for an appeal.”); Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) (“Issues that could have been raised at trial or on direct appeal cannot be asserted in an application for post-conviction relief absent a claim of ineffective assistance of counsel.”); but see Fortune v. State, 428 S.C. 545, 559, 837 S.E.2d 37, 44 (2019) (addressing issue of prosecutorial misconduct that implicated due process and was not adequately raised as a claim of ineffective assistance of counsel).

This Court finds Applicant has not met his burden of proving prosecutorial misconduct. Again, his argument here centers on his mistaken belief that the State improperly changed its theory of the case and/or presented a theory that he believes was not supported by the indictment. As noted, the South Carolina Supreme Court ultimately found the State's theory of the case to be



valid and legally supported under the law. It is incredulous to aver the State engaged in misconduct in pursuing a legal theory that was ultimately affirmed by the South Carolina Supreme Court. Applicant has not met his burden in this regard, and this claim is denied.

Double jeopardy

Applicant next contends his trial violated the double jeopardy clause, and counsel was ineffective for not objecting on this basis. This claim lacks merit. Although Applicant's case was initially called to trial in April 2014 with Applicant's co-defendants, it was severed and continued before the jury was sworn. This Court finds credible Deputy Solicitor Sean Thornton's testimony that the jury had not been sworn when the court severed and continued the first trial. This testimony is consistent with the April 2014 transcript, which does not indicate the jury was sworn. Because the jury was not sworn, jeopardy did not attach. See State v. Rowlands, 343 S.C. 454, 457, 539 S.E.2d 717, 718 ("Generally, jeopardy attaches when a jury *is sworn* and impaneled" (emphasis added)). Thus, Applicant failed to prove counsel was ineffective for not raising a double jeopardy issue. For the same reason, Applicant did not prove any constitutional violation, and this claim is denied.

Picture of Four-Wheeler

Applicant contends counsel was ineffective for not objecting to a picture of a four-wheeler used by the State at trial. This Court finds the picture was authenticated by Charlese Mitchell, who testified it depicted the scene outside her home that day. (ROA 326-27). Applicant has not set forth a valid, legal objection to this picture that would have reasonably excluded its use. Applicant thus did not prove deficiency. Further, in this self-defense case, it is not reasonably probable the outcome would have been different had this picture had been excluded. Applicant has not shown deficiency or prejudice in this regard, and this claim is denied.



Trajectory of Bullet

Applicant asserts counsel was ineffective for not objecting when the solicitor fabricated the trajectory of the bullet. This claim lacks merit. Initially, the solicitor's argument relating to the trajectory of the bullet was a reasonable inference based on the pathologist's testimony, and Applicant did not show this argument was fabricated. (R. 574-78, 968-69). Further, counsel argued his own theory about what the bullet's trajectory showed—which was also based upon reasonable inferences from the evidence. (R. 948-50). Counsel's performance was reasonable under prevailing professional norms and not deficient. Applicant did not set forth a valid, legal objection to the solicitor's argument and did not prove deficiency or prejudice. Thus, this claim is denied.

Testimony of J.S.

Applicant asserts counsel was ineffective for not eliciting further testimony from J.S., a minor who testified at trial. However, J.S. (who never identified Applicant as the shooter) testified he didn't think the shooter meant to shoot the victim. (R. 785-89). This testimony hurt the State, and Applicant has failed to set forth what more counsel should have done in this regard. Applicant thus did not prove deficiency. Likewise, Applicant did not submit any credible evidence of what J.S. would have said upon further questioning, thereby leaving this Court to speculate about what that testimony would be. Applicant did not prove deficiency or prejudice, and this claim is denied.

CONCLUSION

Based on the foregoing, this Court concludes Applicant has not established any constitutional violations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203,

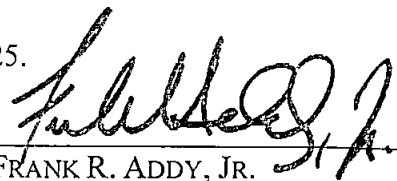


SCACR. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 1st day of July, 2025.


FRANK R. ADDY, JR.
Presiding Judge
Fourteenth Judicial Circuit

Greenwood, South Carolina

South Carolina Code of Laws
 Unannotated
 Current through the end of the 2012 Session

DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2012 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

Title 17 - Criminal Procedures
 CHAPTER 23
 PLEADING AND TRIAL

SECTION 17-23-90. Indictment and trial of persons committed for treason or felony; consequences of failure to indict.

If any person committed for treason or felony, plainly and specially expressed in the warrant of commitment, upon his prayer or petition in open court the first week of the term to be brought to his trial shall not be indicted some time in the next term after such commitment, the judge of the circuit court shall, upon motion made in open court the last day of the term either by the prisoner or anyone in his behalf, set at liberty the prisoner upon bail, unless it appear to him, upon oath made, that the witnesses for the State could not be produced at the same term. And if any person committed as aforesaid, upon his prayer or petition in open court the first week of the term to be brought to his trial, shall not be indicted and tried the second term after his commitment or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

12A0720300113

STATE OF SOUTH CAROLINA
County/ ☒ Municipality of

Hilton Head Island
THE STATE
against

Wildhorse Rd
Hilton Head Island, SC 29926

B He
DL #:
3 Agency ORI #:
Beaufort County Sheriff Department
L Albertin

Offense Code: 00116
16-03-0010; 16-03-0020

CERTIFIED FOR SERVICE In the
Municipality of

The accused
ed and brought before me to be
g to the law.

Signature of Judge (L.S.)

RETURN
est warrant was delivered to
ven Scott Young Jr
-6-2012
Signature of Constable/Law Enforcement Officer

TO:
County General Sessions
Road Suite 208
C 29901

☐ County/ ☒ Municipality of

Hilton Head Island
Personally appeared before me the affiant L Albertin
being duly sworn deposes and says that defendant
did within this county and state on: 09/01/2012
State of South Carolina (or ordinance of
in the following particulars:

DESCRIPTION OF OFFENSE:

Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on 09-01-12 at approximately 1648 hrs, the Defendant, Aaron Scott Young Jr, while engaged in an ongoing gun
battle, an inherently dangerous felony, did willfully, unlawfully and with malice aforethought, cause the victim, Khalil
Singleton, to be shot and killed. This incident occurred near Allen Road, Hilton Head Island, Beaufort County, SC.
The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
Hilton Head Island

Affiant's Address 2001 Duke St
Beaufort, SC 29902-
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012 defendant Aaron Scott Young, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of

DESCRIPTION OF OFFENSE:

Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me
on 09/06/2012

Signature of Issuing Judge (L.S.)

Judge Code: 6522

Judge's Address Municipal Court
Hilton Head Island, SC 29928-
Judge's Telephone (843)341-4670

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Beaufort County Sheriff's Office
Beaufort, SC 29902
Copy of this Affidavit to be filed with the Clerk of Court for Beaufort County.

EXHIBIT - D 16

EXHIBIT

A COPY OF ARREST WARRANT #2012 A07203-
- 00113 CHARGING AARON SCOTT YOUNG JUNIOR
WITH CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY, FOR THE DEATH OF
VICTIM KHALIL SINGLETON

2012A0720300114

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

20901707

THE STATE

against

Tyrone Robinson

Address: 38 Allen Road

Hilton Head Island SC 29926

Phone: (843) 684-8482

M Race: B Height:

State: SC DL #: 090117386

3: Agency ORI #:

Securing Agency: Beaufort County Sheriff Department

Securing Officer: L Albertin

Offense: Murder

Offense Code: 00116

e/Ordinance Sec: 16-03-0010; 16-03-0020

This warrant is CERTIFIED FOR SERVICE in the
County/ ☐ Municipality ofThe accused
to be arrested and brought before me to be
dealt with according to the law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to

Defendant

Tyrone Robinson
9-6-2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertin

being duly sworn deposes and says that defendant Tyrone Robinson

did within this county and state on 09/01/2012

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of

In the following particulars:

DESCRIPTION OF OFFENSE:

Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 09-01-12 at approximately 1648 hrs, the Defendant, Tyrone Lorenzo Robinson, while engaged in an ongoing
gun battle, an inherently dangerous felony, did willfully, unlawfully and with malice aforethought, cause the victim,
Khalil Singleton, to be shot and killed. This incident occurred near Allen Road, Hilton Head Island, Beaufort County,
SC. The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke St

Beaufort, SC 29902-

Affiant's Telephone

- ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012

defendant Tyrone Robinson

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Hilton Head Island

) as set forth below:

DESCRIPTION OF OFFENSE:

Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge

Judge Code: 6522

Judge's Address

Municipal Court

Hilton Head Island, SC 29928-

Judge's Telephone

(843) 341-4670

Issuing Court:

☐

Magistrate

☒

Municipal

☐

Circuit

ORIGINAL

AFFIDAVIT

S.C. Attorney General
April 21, 2003
SCCA 516

who

violate the criminal laws of the

Hilton Head Island

Certified to be true and correct
copy of the original is in the
with the Office of Sheriff's Office
Beaufort County, Beaufort Sheriff's OfficeEXHIBIT-E
17

EXHIBIT D

A COPY OF ARREST WARRANT # 2012 A07203-
-00114. CHARGING TYRONE ROBINSON WITH
THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY, FOR THE DEATH OF
VICTIM KHALIL SINGLETON

ARREST WARRANT

2012A0720300115

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

201209010707

THE STATE

against

Aaron Scott Young, Jr

Address: 17 Wildhorse Rd
Hilton Head Island

Phone: (843)681-8372

Sex: M Race: B Height: -

DL State: - DL #: -

DOB: - Agency ORI #: -

Prosecuting Agency: Beaufort County Sheriff Department

Prosecuting Officer: L Albertin

Offense: Criminal Conspiracy

Offense Code: 00049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to

Defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertin

being duly sworn deposes and says that defendant

did within this county and state on 09/01/2012

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

I further state that there is probable cause to believe that the defendant did violate the criminal laws of the State of South Carolina and that probable cause is based on the following facts:

That on 09-01-12 at approximately 1648 hours the Defendant, Aaron Scott Young, Jr. and a Co-Defendant did willfully and unlawfully conspire to murder the victim, Tyrone Robinson. The Defendant and Co-Defendant did travel, while armed with a deadly weapon, to many locations on Hilton Head Island, SC looking for the victim. This incident occurred near Allen Road, Hilton Head Island, Beaufort County, SC. The affiant and others are witnesses to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke St
Beaufort, SC 29902-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012

defendant Aaron Scott Young, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Hilton Head Island

) as set forth below:

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 09/05/2012

Signature of Issuing Judge

Judge Code: 6522

Judge's Address Municipal Court

Hilton Head Island, SC 29928-

Judge's Telephone (843)341-4670

Issuing Court: ☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

Form Approved
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

Hilton Head Island
Beaufort County Sheriff's Office
Chief Deputy
Beaufort County Sheriff's Office
copy of this affidavit document is to be filed with the Clerk of Court for Beaufort County.

18 EXHIBIT-1

EXHIBIT E

A COPY OF ARREST WARRANT # 2012 A07203-
- 00115. CHARGE IN "AARON SCOTT YOUNG JUNIOR"
WITH THE CRIME OF CONSPIRACY TO MURDER
TYRONE ROBINSON



ARREST WARRANT

2012A0720300116

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

201209010707

THE STATE

against

Aaron Scott Young

Address:

17 Old Wild Horse Rd

Hilton Head Island, SC 29926

Phone: (843)298-0802

Sex: M Race: B Ht.DL State: SC DL #: 007381799

DOB: _____ Agency ORI #: _____

Prosecuting Agency: Beaufort County Sheriff DepartmentProsecuting Officer: L AlbertinOffense: Criminal ConspiracyOffense Code: 00049Code/Ordinance Sec: 16-17-0410This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

Signature of Judge

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant _____
on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertin

being duly sworn deposes and says that defendant

did within this county and state on

09/01/2012

State of South Carolina (or ordinance of

☐ County/☒ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 09-01-12 at approximately 1648 hours the Defendant, Aaron Scott Young Sr. and a Co-Defendant did
willfully and unlawfully conspire to murder the victim, Tyrone Robinson. The Defendant and Co-Defendant did travel,
while armed with a deadly weapon, to many locations on Hilton Head Island, SC looking for the victim. This incident
occurred near Allen Road, Hilton Head Island, Beaufort County, SC. The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke StBeaufort, SC 29902-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012defendant Aaron Scott Young

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/☒ Municipality ofHilton Head Island

) as set forth below:

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/08/2012

Signature of Issuing Judge

Judge Code: 6522

Judge's Address

Municipal CourtHilton Head Island, SC 29928-

Judge's Telephone

(843)341-4670

Issuing Court:

☐ Magistrate☒ Municipal☐ CircuitForm Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

original document to be
with the Office of Sheriff for Beaufort County
Beaufort County Sheriff's Office
Beaufort County Sheriff's Office

EXHIBIT-6 19

EXHIBIT F

A COPY OF ARREST WARRANT # 2012 A07203-
-00116. CHARGING AARON SCOTT YOUNG SENIOR
WITH THE CRIME OF CONSPIRACY TO MURDER
TYRONE ROBINSON

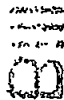
STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2014GS0701940

At a Court of General Sessions, convened on October 30, 2014 the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

That in Beaufort County, South Carolina, on or about September 1, 2012 the Defendant, Aaron Young, Jr with intent to kill and malice aforethought, either express or implied, attempted to murder the victim, Tyrone Robinson, in violation of Section 16-03-29 of the Code of Laws of South Carolina (2010, as amended).



Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

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[Signature]

Solicitor

EXHIBIT G.

A COPY OF INDICTMENT #2014GJ0701940
CHARGING "AARON SCOTT YOUNG JUNKER" WITH
CRIME OF ATTEMPTED MURDER AGAINST
TYRONE ROBINSON

UP 1230

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
 STATE VS.
Aaron Scott Young Jr

INDICTMENT/CASE#: 2014GS0701940A/W#: 2014GS0701940Date of Offense: 9/1/2012S.C. Code § : 16-03-0029CDR Code #: 3410

AKA:

Race: AFRICAN AME Sex: M Age: 21DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Attempted Murder☒ CONVICTED OF or ☐ PLEADS

SENTENCE SHEET

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Swanson, HunterSTONE

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 2012 - 1931 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther:
☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

KDB Boone
WANDA NELSON

Presiding Judge

Judge Code:

Sentence Date:

2/25/15

EXHIBIT H.

A COPY OF THE SENTENCING SHEET. THAT
AARON SCOTT YOUNG JUNIOR WAS SENTENCED
TO THIRTY YEARS IMPRISONMENT ON. FOR
CRIME OF ATTEMPT TO MURDER & VICTIM
TYRONE ROBINSON

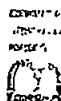
STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2014GS0701941

At a Court of General Sessions, convened on October 30, 2014 the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

That in Beaufort County, South Carolina, on or about September 1, 2012 the Defendant, Aaron Young, Sr with intent to kill and malice aforethought, either express or implied, attempted to murder the victim, Tyrone Robinson, in violation of Section 16-03-29 of the Code of Laws of South Carolina (2010, as amended).



Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

A handwritten signature in cursive script, appearing to read "Lance M. Stewart".

Solicitor

EXHIBIT I

A COPY OF INDICTMENT #2014650701941
CHARGING "AARON SCOTT YOUNG SENIOR"
WITH CRIME OF ATTEMPTED MURDER
AGAINST TYRONE ROBINSON

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE VS.
Aaron Young Sr

AKA:

Race: AFRICAN AME Sex: M Age: 39

DOB: [REDACTED] SS#: [REDACTED]

Address: 17 WILD OAKS RD

City, State, Zip: HAZEL SC 29926

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Attempted Murder

INDICTMENT/CASE#: 2014GS0701941

A/W#: 2014GS0701941

Date of Offense: 9/1/2012

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ § 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] #11883 SC Bar# 74889

Swanson, Hunter Defendant Attorney for Defendant SC Bar#

DUFFIE STONE

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: #2173
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: Obtain GED ☐☐ Set by SCDPPPS Attend Voc. Rehab. or Job Corp. _____

Recipient: May serve W/E beginning _____

*Fine: Substance Abuse Counseling ☐§ 14-1-206 (Assessments 107.5%) Random Drug/Alcohol testing ☐

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$5.00

3% to County (if paid in installments) \$3.90

TOTAL \$133.90

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk

Presiding Judge
Judge Code: 2054

EXHIBIT

J

A COPY OF THE SENTENCE SHEET, THAT
AARON SCOTT YOUNG SENIOR WAS SENTENCED
TO TWENTY YEARS IMPRISONMENT ON
FOR CRIME OF ATTEMPT TO MURDER
VICTIM TYRONE ROBINSON

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701935

At a Court of General Sessions, convened on October 18, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim Khalil Singleton to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, SC, and that Khalil Singleton did die in Beaufort County as a proximate result thereof on September 1, 2012; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

James M. Shaw

25

EXHIBIT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE VS.

Tyrone Robinson

AKA:

Race: AFRICAN AM Sex: M Age: 39

DOB: 1975 SS#: [REDACTED]

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

A/W#: 2012A0720300114

Date of Offense: 9/1/2012

S.C. Code §: 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

[Signature]

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of _____ days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SC JPPPS

Recipient:

*Finc:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (UI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforcement Funding)	\$25	\$ 75.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/cn	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 6.00
3% to County (if paid in installments)		\$ 8.90
TOTAL		\$ 183.90

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

Certified - A True Copy

Jerrin Roseman, Clerk of Court
Beaufort County, SC - Karen Boone

EXHIBIT

Sentence and sheet that cites
Indictment # 2012-65-07-01935

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) DOCKET NO. 2012-GS-07-1935

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TRANSCRIPT OF RECORD

September 15, 2014
Beaufort, South Carolina

VOLUME 1 (OF 5)

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BEFORE:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

COURT

APPEARANCES:

DUFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

ARIE BAX, ESQ.
JESSICA SAXON, ESQ.
Attorneys for the Defendant

No.	Description	Marked / Admitted
1	Voir Dire	116

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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State v Tyrone Robinson
Proceedings
September 15, 2014

PROCEEDINGS

1 THE COURT: Ladies and gentlemen thank you for your
2 patience throughout the morning and we're now ready to
3 get to the issue of the jury qualification for the first
4 case to be tried. Mr. Solicitor, is the State ready to
5 proceed?

7 MR. STONE: The State is ready, Your Honor.

8 THE COURT: Mr. Bax, is the defense ready to
9 proceed?

10 MR. BAX: Yes, Your Honor.

11 THE COURT: Thank you. Mr. Solicitor, you can call
12 your case.

13 MR. STONE: Your Honor, indictment 2012-GS-07-1935
14 charging the defendant Tyrone Robinson with the offense
15 of Murder. I'll hand that indictment up to you.

16 [Whereupon, Mr. Stone provides documents to the
17 court]

18 THE COURT: Thank you. Ladies and gentlemen as you
19 have heard the Solicitor has called the case of the State
20 versus Tyrone Robinson. Mr. Robinson has been indicted
21 by the grand jury of Beaufort County and charged with the
22 crime of Murder. The indictment alleges that here in
23 Beaufort County on or about September the 1st of 2012
24 while engaged in an ongoing gun battle, an inherently
25 dangerous felony, Tyrone Robinson did willfully,

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3

State v Tyrone Robinson
Proceedings
September 15, 2014

1 unlawfully, and with malice aforethought cause the victim
2 Khalil Singleton to be shot and killed in the area of
3 Marshland Drive and Allen Road on Hilton Head Island and
4 that Khalil Singleton did die in Beaufort County as a
5 proximate result thereof on September the 1st 2012 in
6 violation of the law.

7 Now ladies and gentlemen the indictment which I have
8 just read to you is not evidence nor is it proof of the
9 charges that it contains. It is a charging document; a
10 legal document that tells you or me or anybody else who
11 reads it what this case is all about. So to the charges
12 contained in this indictment Mr. Robinson has pled not
13 guilty and has asked for a jury trial at your hands. Mr.
14 Robinson, will you please stand and face the jury?

15 [Whereupon, the defendant stands]

16 THE COURT: Thank you. You can be seated.

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1 THE COURT: Ladies and gentlemen I need to know if
2 any of you all are related by blood or connected by
3 marriage to Mr. Tyrone Robinson; that is are you kin to
4 him, or are you a friend of his or a business associate
5 of his, or a casual acquaintance of his, or a person who
6 has any direct or indirect contact with Mr. Robinson. If
7 so would you please stand?
8 [Whereupon, no one stands]
9 THE COURT: Thank you. According to the indictment
10 the victim in this case was Khalil Singleton. I need to
11 know if any of you all are related by blood or connected
12 by marriage to Khalil Singleton; that is are you kin to
13 him or are you a friend of his, a business associate, a
14 casual acquaintance or a person who has any direct or
15 indirect contact with Khalil Singleton who I understand
16 was nine years of age at the time.
17 MR. STONE Eight, Your Honor.
18 THE COURT: Any connection with the alleged victim
19 if so, please stand.
20 [Whereupon, no one stands]
21 THE COURT: Thank you Ladies and gentlemen the
22 potential witnesses who may testify in the trial of this
23 case I'm going to read a list to you and I'm going to ask
24 you the same questions about these potential witnesses
25 that I've asked you about the parties; that is I want to

5
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1 have any direct or indirect contact with any of those
2 potential witnesses if so please stand.
3 [Whereupon, individuals stand]
4 THE COURT: Someone right here on the front. Your
5 name and number please sir?
6 MR. DUNNING: Ben Dunning.
7 THE COURT: Mr. Dunning?
8 MR. DUNNING: Number 125.
9 THE COURT: Thank you Mr. Dunning. Tell me about
10 the association and connection. Who is it with?
11 MR. DUNNING: Brandon Cooler.
12 THE COURT: And what's the nature of that
13 association?
14 MR. DUNNING: We had an employee -- he took to jail
15 --
16 THE COURT: I'm sorry?
17 MR. DUNNING: We had an employee who was arrested by
18 him.
19 THE COURT: I see. All right.
20 MR. DUNNING: So we had a long investigation with
21 him.
22 THE COURT: Okay. Would that association Mr.
23 Dunning that you've just described make it difficult for
24 you to be fair and impartial as a juror in the trial in
25 this case in which he might testify?

7
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1 know if you are kin to them or if you friends of theirs,
2 business associates, casual acquaintances or people who
3 have any direct or indirect contact with any of these
4 potential witnesses. I'll break the list up into two
5 parts because it's rather lengthy and if I read it all at
6 one time you may not be able to remember at the end of
7 the list whether you knew somebody at the first; at least
8 I wouldn't but you might.
9 Potential witnesses who may testify in the trial of
10 this case are Charlese Mitchell, Tyrone Delaney,
11 Dominique Griffin, Bennie Lee Hamilton, Martin Thomas of
12 the Beaufort County Sheriff's office, Wendy Conant of the
13 Sheriff's office, Ebony Campbell, Jontu Singleton,
14 Brittany Brinson, Melanie Smith from the Sheriff's
15 Office, Zachary Taylor from Beaufort County EMS, Doug
16 Seifert from the Sheriff's Office, John Adams from the
17 Sheriff's Office, Laurel Albertin from the Sheriff's
18 Office, Bob Bromage from the Sheriff's Office, Brandon
19 Cooler from the Sheriff's Office, James Padgett from the
20 Sheriff's Office, Derrick Nelson from the Sheriff's
21 Office, Jeff Moran from the Sheriff's Office, Jennifer
22 Snyder from the Sheriff's Office.
23 Anybody out there related by blood or connected by
24 marriage to any of those potential witnesses, or friends,
25 business associates, casual acquaintances or people who

6
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1 MR. DUNNING: I don't see how it would make a
2 difference.
3 THE COURT: Okay. Let me ask you another way.
4 Would you be able to put that relationship aside and
5 decide this case based on the evidence that you would
6 hear without regard to that relationship?
7 MR. DUNNING: I don't know him very well. He came
8 and arrested a guy who was stealing money from us.
9 THE COURT: I understand. The question that I need
10 to know is whether or not that relationship would make it
11 difficult for you to be fair and impartial?
12 MR. DUNNING: No.
13 THE COURT: You can set that aside okay.
14 MR. DUNNING: Yes.
15 THE COURT: Thank you Mr. Dunning. I appreciate
16 that. Yes sir, your name and number please?
17 MR. GRAVES: Robert Graves, 167. Brandon Cooler is
18 my cousin.
19 THE COURT: All right. Mr. Graves what sort of
20 cousin; first, second, third?
21 MR. GRAVES: Second.
22 THE COURT: Second cousin? All right. Would that
23 association make it difficult for you to be fair and
24 impartial in the trial of this particular case in which
25 he might testify?

8
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1 MR. GRAVES: I don't think so.
2 THE COURT: Would you be able to not worry about
3 your family relationship with him regardless of how you
4 would decide this case?
5 MR. GRAVES: No, sir.
6 THE COURT: You could set that association aside
7 then and decide this case based on the evidence?
8 MR. GRAVES: Yes, sir.
9 THE COURT: And will you do that please, sir?
10 MR. GRAVES: Yes.
11 THE COURT: Thank you, Mr. Graves. Yes sir, your
12 name and number please?
13 MR. OLANDER: Timothy Olander, 311.
14 THE COURT: Mr. Olander, who is the association
15 with please?
16 MR. OLANDER: There are several. Zachary Taylor,
17 he's actually an employee for Hilton Head Island Fire and
18 Rescue and I also work for Hilton Head Island Fire and
19 Rescue. And several of the deputies you mentioned I've
20 crossed paths with on different scenes, different paths.
21 THE COURT: And what connection have these paths
22 crossed with yours Mr. Olander?
23 MR. OLANDER: Just calls we've worked on, different
24 scenes as a paramedic and a firefighter.
25 THE COURT: That's what you do? .

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1 or friends, casual acquaintances, business associates or
2 people who have any direct or indirect contact with any
3 of those potential witnesses if so please stand.
4 [Whereupon, individuals stand]
5 THE COURT: Yes ma'am, your name and number please?
6 MS. JOLLEY: Kelly Jolley, 232. Sheriff Tanner was
7 a witness on a case that I had at one point, Your Honor.
8 THE COURT: And Ms. Jolley, tell me what you do?
9 MS. JOLLEY: I'm a litigator, Your Honor, sole
10 litigator.
11 THE COURT: I'm sorry; I haven't had a chance to
12 work with you. Would your involvement with Sheriff
13 Tanner in that connection that you just described to me
14 make it difficult for you to be fair and impartial as a
15 juror in this case?
16 MS. JOLLEY: No, Your Honor.
17 THE COURT: Could you set aside that association
18 and decide this case based on the evidence you hear in
19 court without regard to that?
20 MS. JOLLEY: Yes.
21 THE COURT: Would you do that please, ma'am?
22 MS. JOLLEY: Yes, Your Honor.
23 THE COURT: Thank you, Ms. Jolley. Yes ma'am, your
24 name and number please?
25 MS. HUGHES: Mary Hughes, 209.

11
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1 MR. OLANDER: Yes.
2 THE COURT: Good. Thank you, Mr. Olander. Would
3 those associations you've just described to me since as
4 you say your paths cross with them from time to time
5 because what you do and what they do you come in contact
6 with them. Would any of those associations individually
7 or all of them collectively make it difficult for you to
8 be fair and impartial as a juror in this trial?
9 MR. OLANDER: No.
10 THE COURT: Could you set aside those associations
11 and decide this case based on the evidence that you hear
12 in the court without regard to those associations?
13 MR. OLANDER: Yes, sir.
14 THE COURT: Would you do that please sir?
15 MR. OLANDER: Yes, sir.
16 THE COURT: Thank you Mr. Olander. Other potential
17 witnesses who may testify in the trial of this case are
18 Doctor Lee Marie Tormos from the Medical University, Illa
19 Simmons from SLED, Dan DeFreese from SLED, Roger Heaton
20 from the 14th Circuit Solicitor's office, Mary Beth
21 Hefner, Patrick Young, Earnest Bryant, Cedric Campbell,
22 Melvin Campbell, Larry Forrest, Aaron Young, Sr., Aaron
23 Young, Jr., P.J. Tanner from the Sheriff's Office, Kelly
24 Fite, Tyrone Robinson. Are any of y'all related by
25 marriage -- blood or marriage; that is kin to those folks

10
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1 THE COURT: Ms. Hughes, tell me about the
2 association please?
3 MS. HUGHES: Well, I'm not real sure that I know Bob
4 and I wasn't sure when you first said his name if that
5 was his last name or not.
6 THE COURT: Who is that?
7 MR. STONE: Captain Bob Bromage who is sitting
8 beside me, Your Honor.
9 THE COURT: Okay. That's who we're talking about.
10 MS. HUGHES: Yes.
11 THE COURT: Okay. What's the association with
12 Captain Bromage?
13 MS. HUGHES: I don't know maybe 20 years ago just
14 out -- I didn't even know his last name.
15 THE COURT: Okay. All right. I think we know
16 all about that we need to know right this minute. Now I
17 need to ask you another question about that. Would that
18 association, however you would describe it and you
19 characterize it however you want to describe it. Would
20 that association make it difficult for you to fair and
21 impartial as a juror in the trial of this case in which
22 he is likely to testify?
23 MS. HUGHES: No.
24 THE COURT: Could you set aside that association
25 then and decide this case based on what you would hear in

12
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1 the courtroom without regard to that?
2 MS. HUGHES: Yes.
3 THE COURT: And would you do that please?
4 MS. HUGHES: Yes.
5 THE COURT: Thank you, Ms. Hughes. I appreciate
6 that. Yes, your name and number in the center please?
7 MR. MCMANUS: Tomme McManus, 287.
8 THE COURT: All right. Mr. McManus, tell me about
9 the association who it's with?
10 MR. MCMANUS: Sheriff P.J. Tanner.
11 THE COURT: And what's the nature of it?
12 MR. MCMANUS: I don't know him closely but I've
13 played a couple of golf tournaments with him --
14 THE COURT: Was he on your team?
15 MR. MCMANUS: No, but I beat him up pretty good in
16 one of them.
17 THE COURT: All right. You might get struck.
18 Putting that matter aside Mr. McManus would that
19 association make it difficult for you to be fair and
20 impartial as a juror in this trial?
21 MR. MCMANUS: I don't think so.
22 THE COURT: Could you set aside that association
23 then and decide this case based on the evidence that you
24 hear in the court without regard to that?
25 MR. MCMANUS: Absolutely.

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1 MS. LEVY: Yes.
2 THE COURT: Thank you, Ms. Levy. Ladies and
3 gentlemen, the lawyers who will be involved in the trial
4 of this case on behalf of the State the case will be
5 prosecuted by the Solicitor Duffy Stone who is the
6 Solicitor from the 14th Judicial Circuit, assisted by Mr.
7 Sean Thornton who is a Deputy Solicitor for the 14th
8 Circuit.
9 The defendant in this case is represented by Mr.
10 Arie Bax and assisted by Ms. Jessica Saxon; both of the
11 Public Defender's office here. I need now to know about
12 your association with any of these lawyers. First of all
13 are you kin to them; that is related to them by blood or
14 by marriage or are you friends of theirs, business
15 associates of theirs, casual acquaintances of theirs, or
16 have you ever been represented by any of them or sued by
17 any of them in the past? If you have would you please
18 stand?
19 [Whereupon, individuals stand]
20 MS. SHIPLEY: Misty Shipley, 369.
21 THE COURT: Tell me about the association again Ms.
22 Shipley?
23 MS. SHIPLEY: I work in a café where they come and
24 eat lunch.
25 THE COURT: Which ones? All of them?

15
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1 THE COURT: And would you do that please, sir?
2 MR. MCMANUS: Yes.
3 THE COURT: Thank you Mr. McManus. Yes, your name
4 please?
5 MS. LEVY: Mary Levy, 252.
6 THE COURT: Ms. Levy, tell me who the association
7 is with please ma'am.
8 MS. LEVY: It's with Bob also.
9 THE COURT: Okay. And tell me the nature of that
10 association.
11 MS. LEVY: And I also -- but anyway I just know Bob
12 from around Hilton Head.
13 THE COURT: Okay. Would you describe that as a
14 casual friendship?
15 MS. LEVY: Yes.
16 THE COURT: All right. Would that friendship then
17 as you've just described it Ms. Levy make it difficult
18 for you to be fair and impartial as a juror in the trial
19 of this case?
20 MS. LEVY: No, sir.
21 THE COURT: Could you set aside that association
22 and decide this case based on the evidence you hear here
23 in the court?
24 MS. LEVY: Yes, sir.
25 THE COURT: Would you do that please, ma'am?

14
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1 MS. SHIPLEY: Most of them.
2 THE COURT: Would that association that you've just
3 described make it difficult for you to be fair and
4 impartial as a juror in this case?
5 MS. SHIPLEY: No.
6 THE COURT: You could set that matter aside and
7 decide this case based on the evidence that you hear?
8 MS. SHIPLEY: Yes.
9 THE COURT: And you'll do that please ma'am?
10 MS. SHIPLEY: Yes.
11 THE COURT: Thank you, Ms. Shipley. Yes, ma'am?
12 MS. SHERRY: Susan Sherry, 367.
13 THE COURT: 3 -- what's that last number?
14 MS. SHERRY: 67.
15 THE COURT: 367 okay thank you. Ms. Sherry tell me
16 about the association please ma'am
17 MS. SHERRY: I'm friends with Duffie Stone and his
18 wife.
19 THE COURT: Okay. Ms. Sherry, would you describe
20 that as a close friendship or casual relationship? How
21 would you describe it?
22 MS. SHERRY: Casual probably.
23 THE COURT: Okay. Would that association make it
24 difficult for you to be fair and impartial as a juror in
25 the trial of this case in which he is representing one

16
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1 side?
2 MS. SHERRY: No sir, it would not.
3 THE COURT: Could you set aside that relationship
4 and decide this case based on the evidence that you hear
5 in court without regard to that?
6 MS. SHERRY: Yes, sir.
7 THE COURT: And would you do that please ma'am?
8 MS. SHERRY: Yes, sir.
9 THE COURT: Thank you, Ms. Sherry. Now ladies and
10 gentlemen I read to you the indictment a few moments ago.
11 As I've said not because it is evidence or proof of
12 anything; it is a charging document that tells us what
13 this case is all about because I wanted you to know what
14 this case is all about because now I need to know if you
15 have seen or heard or read anything about this case or if
16 you have any knowledge about this case from conversations
17 with anybody else, social media, or from any source at
18 all.
19 This case has been highly publicized. The Island
20 Packet has written articles about it from time to time in
21 the past. I read to you the indictment so you understand
22 what the charges are and where this occurred and you
23 understand the names of the parties; the defendant and
24 the victim in this particular case. Hopefully those
25 things will be able to alert you as to whether you -- if

17
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1 this is the case that you actually know something about
2 because now I need to know if you have seen or heard or
3 read anything about this case or if you have any
4 knowledge about this case from any source at all I want
5 you to please stand right now so that we can simply get
6 your juror number and I'll ask you some more questions
7 later. But right now we just need to know your juror
8 numbers. If you will please stand if you have seen,
9 heard, read, or know anything about this case from any
10 source at all.
11 [Whereupon, individuals stand]
12 THE COURT: All right. We'll start over here on
13 this [indicates] side. Your name and number please
14 ma'am?
15 MS. SMITH: Dana Smith, juror 380.
16 THE COURT: I tell you what we just need the number
17 would be the easiest thing I think for us to get. That's
18 number 380?
19 MS. SMITH: Correct.
20 THE COURT: Thank you. And next to you?
21 MS. JEFFERSON: 221.
22 THE COURT: I'm sorry?
23 MS. JEFFERSON: 221.
24 THE COURT: 221. Okay. Yes, sir?
25 MR. DUNNING: 125.

18
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1 THE COURT: Okay. And once you have given me your
2 number you can sit back down. Thank you.
3 MS. STAAB: 388.
4 THE COURT: Thank you.
5 MR. ROBERTS: 345.
6 THE COURT: Thank you.
7 MS. JOLLEY: 232.
8 THE COURT: Thank you.
9 MS. HUTCHINS: 213.
10 THE COURT: Thank you.
11 MS. BATISTA: 25.
12 THE COURT: 25?
13 MS. BATISTA: Yes.
14 THE COURT: Thank you.
15 MR. GIBBS: 158.
16 THE COURT: Thank you.
17 MS. SEABROOK: 365.
18 THE COURT: Thank you.
19 MR. BURKE: 59.
20 THE COURT: Thank you.
21 MS. DENNARD: 111.
22 THE COURT: Thank you.
23 MS. BOLTON: 36.
24 THE COURT: Thank you.
25 MS. BROWN: 51.

19
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1 THE COURT: Thank you.
2 MS. KERR: 235.
3 THE COURT: Thank you.
4 MS. STURN: 395.
5 THE COURT: Thank you.
6 MS. PATALUCH: 316
7 THE COURT: Thank you.
8 MS. FRYMAN: 148.
9 THE COURT: Thank you.
10 MS. LEVY: 252.
11 THE COURT: Thank you.
12 MS. STANLEY: 389.
13 THE COURT: Thank you.
14 MR. WIGINGTON: 427.
15 THE COURT: Thank you.
16 MR. RECHIN: 341.
17 THE COURT: Thank you.
18 MS. NEMNHAM: 308.
19 THE COURT: Thank you.
20 MR. DAVIS: 102.
21 THE COURT: Thank you.
22 MR. LORENZ: 262.
23 THE COURT: Thank you.
24 MS. DOE: 116.
25 THE COURT: Thank you. Starting in the front?

20
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1 MS. SHIPLEY: 369.
2 THE COURT: Thank you.
3 MS. HUNTER: 211.
4 THE COURT: Thank you
5 MR. POLLARD: 329.
6 THE COURT: Thank you.
7 MR. MATTE: 277
8 THE COURT: Thank you.
9 MR. LANCASTER: 245.
10 THE COURT: Thank you.
11 MS. SHERRY: 367.
12 THE COURT: Thank you.
13 MR. GRAVES: 167.
14 THE COURT: Thank you.
15 MS. PAYNE: 318.
16 THE COURT: Thank you.
17 MS. GREEN: 169.
18 THE COURT: Thank you.
19 MR. MANNING: 273.
20 THE COURT: Thank you.
21 MS. LOVELL: 264.
22 THE COURT: Thank you.
23 MS. HAIR: 180.
24 THE COURT: Thank you.
25 MS. BROWN: 53.

21

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1 THE COURT: Thank you.
2 MR. CARR: 70.
3 THE COURT: Thank you.
4 MR. FRINGLE: 335.
5 THE COURT: Thank you.
6 MR. GRISWOLD: 177.
7 MR. ZAPP: 448, Your Honor.
8 THE COURT: Thank you.
9 MR. MCMANUS: 287.
10 THE COURT: Thank you.
11 MR. OLANDER: 311.
12 THE COURT: Thank you.
13 MR. EDLIN: 127.
14 THE COURT: Thank you.
15 MS. LAROCHE: 248.
16 THE COURT: Thank you.
17 MS. ENGGREN: 129.
18 THE COURT: Thank you.
19 MR. MCNICHOL: 288.
20 THE COURT: Thank you.
21 MS. GIAMPORTEONE: 31.
22 THE COURT: Thank you.
23 MS. SINGLETON: 378.
24 THE COURT: All right. Thank you, folks. In a
25 few moments we're going to be bringing you up here

22

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1 individually to talk with you at sidebar about what
2 you've heard and read and what impact, if any, those
3 things would have on your ability to serve as a juror.
4 But before I do that I've got another series of questions
5 I need to ask you. And if these apply to you as well if
6 you'll give those numbers and some of the numbers might
7 be the same as these others, so that I can bring you up
8 here and talk to you about things at the same time; we
9 won't have to bring you back and forth.
10 Ladies and gentlemen, as I've said I read the
11 indictment to you because you need to know what this case
12 is all about. You understand that the allegations -- the
13 defendant is charged with the crime of murder. Murder is
14 a crime of personal violence obviously. There are other
15 crimes of personal violence like Assault and Battery of a
16 High and Aggravated Nature, Assault and Battery, Criminal
17 Domestic Violence, Criminal Sexual Conduct, Armed Robbery
18 is a crime of personal violence, Manslaughter. There is
19 a litany of crimes against a person which qualify as a
20 crime against a person, a personal crime like Murder.
21 I need to know if any of you all or any members of
22 your immediate family have ever had any involvement with
23 a crime of personal violence. So the question applies
24 not only to you individually; it applies to any members
25 of your immediate family. That normally is your

23

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1 household; close personal relatives. The possible
2 involvement that you or your family might have had in a
3 crime of personal violence could be either as a
4 defendant, that is the person who was charged with the
5 crime, you or your family member could have been the
6 victim; that is the person against whom the crime was
7 inflicted or committed, or you or your family member
8 could have been a witness to the crime.
9 So it's a broad range of involvement that could
10 possibly exist in those three areas. You or your family
11 member could have been charged with a crime. You or your
12 family member could have been a victim of a crime. You
13 or your family member could have been a witness to the
14 crime.
15 Now if any of those things apply to you once again I
16 want you to stand in place and then I'll get your numbers
17 just as we did before and then we'll bring you down
18 shortly to talk with you about this particular question
19 as well. So if that question applies to anyone would you
20 please stand at this time?
21 [Whereupon, individuals stand]
22 THE COURT: We'll start on this [indicates] side
23 first of all. Your name please ma'am?
24 MS. HUNTER: Janet Hunter.
25 THE COURT: I'm sorry ---

24

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1 MS. HUNTER: --- 211 ---
2 THE COURT: --- I forgot my own instructions I'm
3 sorry. Number 211; thank you ma'am, you can be seated
4 again. Yes sir, the back in the green?
5 MR. EDLIN: 127.
6 THE COURT: Yes, sir?
7 MR. MCMANUS: 287.
8 THE COURT: Yes, ma'am?
9 MS. GONGALEZ: 162.
10 THE COURT: 162. Thank you. Yes, sir?
11 MR. ROBERT: 345.
12 THE COURT: Thank you.
13 MS. BOSTON: 41.
14 THE COURT: Yes ma'am, thank you.
15 MS. DENNARD: 111.
16 MR. BURKE: 59.
17 THE COURT: Thank you.
18 MS. ESPINOZA: 130.
19 THE COURT: 130. Thank you. I think the best way
20 to do this is divide the courtroom up in half. If any of
21 you all -- those of you who stood for either of those
22 questions on this side [indicates] would you please stand
23 at this point in time.
24 [Whereupon, individuals stand]
25 THE COURT: Why don't we take like the first three

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1 rows back there or the first half and get them in line.
2 The rest of you can sit back down. We'll get this first
3 crowd up here and then we'll work our way on back through
4 the house all right.
5 THE BAILIFF: Juror number 245, Your Honor.
6 [Whereupon, the juror comes forward]
7 THE COURT: Mr. Lancaster, you indicated that you
8 knew something about this case or had some knowledge
9 about it. Tell me what you know about the case.
10 MR. LANCASTER: Just the general news feed and the
11 paper feed is all I know.
12 THE COURT: The paper would that be the Island
13 Packet?
14 MR. LANCASTER: Yes, sir.
15 THE COURT: And the news would that be television
16 news?
17 MR. LANCASTER: Yes sir, it would be.
18 THE COURT: Was that just recently or did it occur
19 at the time of the event a couple of years ago? When did
20 you get the news ---
21 MR. LANCASTER: --- after the time it happened;
22 like right after it happened.
23 THE COURT: Since that time have you continued to
24 follow the case?
25 MR. LANCASTER: No, sir, I have not.

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1 THE COURT: Based on what you saw or heard at the
2 time, Mr. Lancaster, did you form in your own mind or
3 express to anybody else any opinion that you might have
4 as to the guilt or the innocence of Mr. Robinson?
5 MR. LANCASTER: No sir, I did not.
6 THE COURT: If you were asked to serve as a juror
7 in this case could you put aside what you have seen and
8 heard and read ---
9 MR. LANCASTER. --- yes sir, I could ---
10 THE COURT: --- and decide this case based on the
11 evidence that you hear in court?
12 MR. LANCASTER: Yes, sir.
13 THE COURT: Would you do that please sir?
14 MR. LANCASTER: Yes, sir.
15 THE COURT: Thank you. You can go ahead and have a
16 seat Mr. Lancaster.
17 [Whereupon, the juror returns to the audience]
18 THE BAILIFF: Juror number 277, Your Honor.
19 THE COURT: Thank you.
20 [Whereupon, the juror comes forward]
21 THE COURT: Mr. Matte, you indicated that you had
22 seen or heard or read something about this case and you
23 had some knowledge. Will you tell me where that
24 knowledge and information came from?
25 MR. MATTE: Sometime over the last year in the

27
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1 Island Packet --
2 THE COURT: Have you followed the case since it was
3 reported two years ago or ---
4 MR. MATTE: --- we just moved --
5 THE COURT: Sir?
6 MR. MATTE: We moved to South Carolina one year back
7 so just whatever was in the newspaper at that time.
8 THE COURT: At that time? Based on what you heard
9 or read at that time Mr. Matte did you form in your own
10 mind or did you express to anybody else any opinion that
11 you might have as to the guilt or innocence of Mr.
12 Robinson?
13 MR. MATTE: No, Your Honor.
14 THE COURT: If you were asked to serve as a juror
15 in this trial could you put aside what you have seen or
16 heard or read and decide this case based on the evidence
17 that you hear in court?
18 MR. MATTE: Yes, sir.
19 THE COURT: Would you do that please sir?
20 MR. MATTE: Yes, sir.
21 THE COURT: Thank you Mr. Matte. You can go back
22 and have a seat.
23 [Whereupon, the juror returns to the audience]
24 THE BAILIFF: Juror number 329, Your Honor.
25 THE COURT: Thank you.

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1 [Whereupon, the juror comes forward]
2 THE COURT: Mr. Pollard, you indicated that you
3 have seen or heard or read about this case.
4 MR. POLLARD: Yes, sir.
5 THE COURT: Tell me what you know about it.
6 MR. POLLARD: The first time I saw there was a
7 commemorative banner on my son's baseball field. We just
8 moved here two years so I didn't know who it was so I
9 googled and that's where I heard about it and then I've
10 seen it in the paper since that time.
11 THE COURT: Since that time?
12 MR. POLLARD: Yes, sir.
13 THE COURT: How old is your son?
14 MR. POLLARD: Nine.
15 THE COURT: Does he play baseball?
16 MR. POLLARD: Yes, sir.
17 THE COURT: Based on what you have seen or heard at
18 that time and what you followed since that time did you
19 form in your own mind or did you express to anybody else
20 any opinion that you might have as to the guilt or
21 innocence of Mr. Robinson?
22 MR. POLLARD: No sir because I don't know the facts
23 to it.
24 THE COURT: Would it have any impact on your
25 ability to decide this case as a fair and impartial juror

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1 in this case could you set aside what you've heard or
2 read and decide this case based on what you hear in
3 court?
4 MS. HUNTER: Yes, sir.
5 THE COURT: Would you do that?
6 MS. HUNTER: Yes, sir.
7 THE COURT: You also indicated that you or a family
8 member had been involved in a crime of personal violence.
9 Was that you or a family member?
10 MS. HUNTER: That was me.
11 THE COURT: It was you? And...
12 MS. HUNTER: My son was -- it was eleven years ago
13 and my son was convicted of Criminal Domestic Violence
14 toward me and was sent to juvenile prison.
15 THE COURT: So you were the victim of criminal
16 domestic violence?
17 MS. HUNTER: Yes, sir.
18 THE COURT: Would that involvement as a victim of a
19 crime make it difficult for you to serve fairly and
20 impartially in this case?
21 MS. HUNTER: No, sir.
22 THE COURT: Could you set aside that unfortunate
23 and probably tragic event in your life and decide this
24 case based on what you hear in court?
25 MS. HUNTER: Yes, sir.

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1 to know that Khalil Robinson was a nine year old baseball
2 player?
3 MR. POLLARD: No, sir.
4 THE COURT: Would you be able to set aside those
5 things and decide this case based on the evidence that
6 you hear?
7 MR. POLLARD: Yes, sir.
8 THE COURT: Would you do that?
9 MR. POLLARD: Yes, sir.
10 THE COURT: Thank you Mr. Pollard. You can go back
11 and have a seat.
12 [Whereupon, the juror returns to the audience]
13 THE BAILIFF: Juror number 211, Your Honor.
14 [Whereupon, the juror comes forward]
15 THE COURT: You said you have some knowledge about
16 this case. Would you tell me what you know about it?
17 MS. HUNTER: Just reading in the Packet about it a
18 couple years ago and then recently about the upcoming
19 trial.
20 THE COURT: I see. Based on what you've heard or
21 read from any source; the Packet or whatever source did
22 you form in your own mind or express to anybody else any
23 opinion about the guilt or the innocence of Mr. Robinson?
24 MS. HUNTER: No, sir.
25 THE COURT: If you were asked to serve as a juror

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1 THE COURT: Would you do that please ma'am?
2 MS. HUNTER: Yes, sir.
3 THE COURT: Thank you. I'm sorry --
4 [Whereupon, the juror returns to the audience]
5 THE BAILIFF: Juror number 369, Your Honor.
6 [Whereupon, the juror comes forward]
7 THE COURT: Ms. Shipley?
8 MS. SHIPLEY: Yes.
9 THE COURT: Ms Shipley, you said you know something
10 about this case. Would you tell me what your knowledge
11 of this case is?
12 MS. SHIPLEY: From reading it in the newspaper?
13 THE COURT: The Island Packet?
14 MS. SHIPLEY: Uh Huh.
15 THE COURT: Was it at the time this happened a
16 couple of years ago or more recently or both?
17 MS. SHIPLEY: When it happened.
18 THE COURT: When it happened?
19 MS. SHIPLEY: Uh Huh.
20 THE COURT: Have you followed the case since that
21 time in the Packet?
22 MS. SHIPLEY: No.
23 THE COURT: Based on what you've heard or read at
24 any time about this case did you form in your own mind or
25 express to anybody else any opinion you might have as to

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1 the guilt or innocence of Mr. Robinson?
2 MS. SHIPLEY: No.
3 THE COURT: If you were asked to serve as a juror
4 in this case could you set aside what you've heard or
5 read and decide this case based on what you hear in
6 court?
7 MS. SHIPLEY: Yes.
8 THE COURT: Would you do that please ma'am?
9 MS. SHIPLEY: Yes.
10 THE COURT: Thank you, ma'am. You may have a seat
11 Ms. Shipley.
12 [Whereupon, the juror returns to the audience]
13 THE BAILIFF: Juror number 264, Your Honor.
14 THE COURT: Thank you.
15 [Whereupon, the juror comes forward]
16 THE COURT: Ms. Lovell, you had indicated that you
17 had heard something about or read something about this
18 case in the past. Would you tell us what you knowledge
19 is about the case and where you got it from?
20 MS. LOVELL: T.V. news when the incident occurred.
21 THE COURT: A couple of years ago?
22 MS. LOVELL: Uh Huh.
23 THE COURT: Have you followed it since that time in
24 the Island Packet, or any other source of news?
25 MS. LOVELL: No.

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1 MS. SHERRY: Both.
2 THE COURT: So you followed it since it occurred a
3 couple of years ago?
4 MS. SHERRY: Yes, sir.
5 THE COURT: Based on what you've seen or heard or
6 any information that you might have about this case from
7 any source at all did you form in your own mind or did
8 you express to anybody else any opinion that you might
9 have as to the guilt or innocence of Mr. Robinson?
10 MS. SHERRY: No, sir.
11 THE COURT: If you were asked to serve as a juror
12 in this case could you set aside what you have seen or
13 heard or read and decide this case based on what you will
14 hear in the courtroom?
15 MS. SHERRY: Yes, sir.
16 THE COURT: Would you do that please?
17 MS. SHERRY: Yes, sir.
18 THE COURT: Thank you. You can go back and have a
19 seat.
20 [Whereupon, the juror returns to the audience]
21 THE BAILIFF: Juror number 335, Your Honor.
22 [Whereupon, the juror comes forward]
23 THE COURT: You had indicated that you have some
24 knowledge about this case. Would you tell me where you
25 got that knowledge from?

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1 THE COURT: Based on what you heard or read at that
2 time or any time since that time have you formed in your
3 mind or have you expressed to anybody else any opinion
4 that you might have as to the guilt or the innocence of
5 Mr. Robinson?
6 MS. LOVELL: No, I have not.
7 THE COURT: If you were asked to serve as a juror
8 in this case could you set aside the things that you've
9 seen or heard or read and decide this case based on what
10 you would hear in court?
11 MS. LOVELL: Yes, Your Honor, I can.
12 THE COURT: Would you do that please?
13 MS. LOVELL: Yes, sir.
14 THE COURT: Thank you Ms. Lovell. You can go back
15 and have a seat.
16 [Whereupon, the juror returns to the audience]
17 THE BAILIFF: Juror number 367, Your Honor.
18 [Whereupon, the juror comes forward]
19 THE COURT: You indicated that you had some
20 knowledge about this case. Will you share where you got
21 that information from?
22 MS. SHERRY: Just reading about it in the Island
23 Packet.
24 THE COURT: Was this when it happened or since that
25 time or both?

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1 MR. PRINGLE: Newspaper and on the news.
2 THE COURT: The Island Packet and the T.V.?
3 MR. PRINGLE: The Beaufort Gazette and the
4 television.
5 THE COURT: Was that at the time that it happened
6 or since that time or both?
7 MR. PRINGLE: No, that was the time it happened.
8 THE COURT: Have you followed it since that time?
9 MR. PRINGLE: No.
10 THE COURT: Based on what you've heard or read or
11 have any knowledge about this case from any source at all
12 have you formed in your own mind or have you expressed to
13 anybody else any opinion you might have as to the guilt
14 or the innocence of Mr. Robinson?
15 MR. PRINGLE: At the time I felt that it's just too
16 much of that going on.
17 THE COURT: Right.
18 MR. PRINGLE: I feel that people involved should
19 just face up to their -- you do the crime you do the time
20 I feel.
21 THE COURT: I understand. And you still feel that
22 at this time?
23 MR. PRINGLE: Yes, sir.
24 THE COURT: I take it you would have some
25 difficulty setting aside those feelings to try this case

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1 if that correct?
2 MR. PRINGLE: Yes.
3 THE COURT: Okay. Mr. Pringle, I appreciate that
4 and I appreciate your candor and we will stand you aside
5 as a juror in this case. Don't leave. Stay with us but
6 you will not be in the pool in this particular case,
7 okay.
8 MR. PRINGLE: All right, sir.
9 THE COURT: Thank you. Juror number 329 [sic] will
10 be set aside in this particular case.
11 [Whereupon, the juror returns to the audience]
12 THE COURT: I'm sorry; its 335. Thank you.
13 THE BAILIFF: Juror 167, Your Honor.
14 [Whereupon, the juror comes forward]
15 THE COURT: Mr. Graves is it?
16 MR. GRAVES: Yes, sir.
17 THE COURT: Mr. Graves, you indicated you had some
18 knowledge about this case? Could you tell us where you
19 got that knowledge?
20 MR. GRAVES: I subscribe to the Island Packet. And
21 whatever is written is what I know.
22 THE COURT: That's it? All right. Based on what
23 you did read or whatever you know about the case from any
24 source did you form in your own mind or express to
25 anybody else any opinion about the guilt or the innocence

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1 else any opinion about the guilt or the innocence of Mr.
2 Robinson?
3 MS. PAYNE: No.
4 THE COURT: If you were asked to serve as a juror
5 in this case could you set aside those things and decide
6 this case based on what you will hear in court?
7 MS. PAYNE: Uh Huh.
8 THE COURT: Would you do that please?
9 MS. PAYNE: Yes.
10 THE COURT: Thank you. You can go back and have a
11 seat.
12 [Whereupon, the juror returns to the audience]
13 THE BAILIFF: Juror 169, Your Honor.
14 [Whereupon, the juror comes forward]
15 THE COURT: You indicated that you have some
16 knowledge about this case. Would you tell me where that
17 came from?
18 MS. GREEN: The Island Packet. I read it every day.
19 THE COURT: I understand that it's a good paper and
20 a lot of people read it. Ms. Green, based on what you
21 have heard or read about this case or anything you know
22 about the case have you formed in your own mind or
23 expressed to anybody else any opinion that you might have
24 as to the guilt or the innocence of Mr. Robinson?
25 MS. GREEN: No.

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1 of Mr. Robinson?
2 MR. GRAVES: No.
3 THE COURT: If you were asked to serve as a juror
4 in this case could you set aside those things that you
5 heard or read and decide this case based on what you will
6 hear in court?
7 MR. GRAVES: Yes, sir.
8 THE COURT: Would you do that please?
9 MR. GRAVES: Yes, sir.
10 THE COURT: Thank you Mr. Graves. You can go back
11 and have a seat.
12 [Whereupon, the juror returns to the audience]
13 THE BAILIFF: Juror number 318, Your Honor.
14 [Whereupon, the juror comes forward]
15 THE COURT: Ms. Payne, you indicated you have some
16 knowledge about this case. Would you tell me where it
17 came from?
18 MS. PAYNE: Just in the paper; whatever articles
19 they had.
20 THE COURT: Okay. Did you read it at the time
21 this occurred a couple of years ago or since or both?
22 MS. PAYNE: When it occurred.
23 THE COURT: Okay. Based on what you know or read
24 or whatever you might know about this case have you
25 formed in your own mind or have you expressed to anybody

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1 THE COURT: If you were asked to serve as a juror
2 in this case could you set aside those things that you
3 heard or read and decide this case based on what you will
4 hear in court?
5 MS. GREEN: Yes.
6 THE COURT: Would you do that please?
7 MS. GREEN: Yes.
8 THE COURT: Thank you.
9 MS. GREEN: I do need to mention; it dawned on me I
10 don't know if this is too old but my father was a State
11 Trooper and he was wounded in action. I didn't even
12 think about it when you asked that question.
13 THE COURT: How long ago was that?
14 MS. GREEN: A very, very long time ago.
15 THE COURT: All right. And what state was that
16 in?
17 MS. GREEN: West Virginia.
18 THE COURT: Well, let me ask you this. Would that
19 make any difference in your ability to be fair and
20 impartial in this particular case?
21 MS. GREEN: No, I don't think so.
22 THE COURT: Could you set aside -- how badly was
23 your father wounded?
24 MS. GREEN: Not badly; a leg wound.
25 THE COURT: Okay. Would you be able to set aside

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1 that experience and decide this case based on the
2 evidence you will hear without regard to that experience?
3 MS. GREEN: Yes, sir.
4 THE COURT: Thank you, Ms. Green. You can go back
5 and have a seat.
6 [Whereupon, the juror returns to the audience]
7 THE BAILIFF: Juror number 70, Your Honor.
8 [Whereupon, the juror comes forward]
9 THE COURT: Mr. Carr, you told me that you know
10 something about this case. Tell me where you got that
11 information?
12 MR. CARR: Just the news.
13 THE COURT: Did you read it at the time it happened
14 or since that time or both?
15 MR. CARR: No, just the time it happened.
16 THE COURT: Okay. Based on what you know about
17 this case from any source Mr. Carr have you formed in
18 your own mind or expressed to anybody else any opinion
19 about the guilt or the innocence ---
20 MR. CARR: --- no sir.
21 THE COURT: Would you be able to set aside what
22 you've heard or read and decide this case based on what
23 you would hear in court?
24 MR. CARR: Absolutely.
25 THE COURT: Would you do that please??

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1 MR. CARR: Yes, sir.
2 THE COURT: Thank you Mr. Carr.
3 [Whereupon, the juror returns to the audience]
4 THE BAILIFF: Juror number 53, Your Honor.
5 [Whereupon, the juror comes forward]
6 THE COURT: Tell me what you have heard or read
7 about this case; where it came from?
8 MS. BROWN: Media, television, I know the parents.
9 THE COURT: The newspaper? You said you know what?
10 MS. BROWN: I know the parents.
11 THE COURT: You know the parents?
12 MS. BROWN: Uh Huh.
13 THE COURT: Which parents do you know?
14 MS. BROWN: Both of them.
15 THE COURT: Both sides?
16 MS. BROWN: Both of them.
17 THE COURT: The Robinson's and the Singletons?
18 MS. BROWN: No, just the Singletons.
19 THE COURT: I'm sorry?
20 MS. BROWN: The Singletons.
21 THE COURT: The Singleton parents? How well do you
22 know them?
23 MS. BROWN: They were members of my congregation at
24 church.
25 THE COURT: I see. You're number 53 is that right?

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1 MS. BROWN: Yes, sir.
2 THE COURT: I want to make sure I've got the right
3 number. They still members of your church?
4 MS. BROWN: No.
5 THE COURT: Were they members at the time this
6 happened?
7 MS. BROWN: No, sir.
8 THE COURT: What's your relationship to that church
9 and to them?
10 MS. BROWN: Just members.
11 THE COURT: You're a member and they're a member?
12 MS. BROWN: Yes.
13 THE COURT: Okay. Let's take this then in two
14 parts. Let's start with what you have heard or read
15 about the case. Based on what you've heard or read about
16 the case did you form in your own mind or did you tell
17 anybody else any opinion that you might have as to
18 whether Mr. Robinson was guilty or not guilty of these
19 charges?
20 MS. BROWN: No, sir
21 THE COURT: Based on what you've heard or read
22 about the case would you be able to set aside those
23 things and decide this case based on what you hear in
24 court without regard to those things?
25 MS. BROWN: Yes, sir.

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1 THE COURT: Now talking about your connection with
2 the parents how close were you connected with the
3 parents?
4 MS. BROWN: We just interacted in the congregation
5 as members.
6 THE COURT: All right. How long ago was that?
7 MS. BROWN: I think early 2000. I became a member
8 in 2001 and they came around 2002 or 2003.
9 THE COURT: Khalil would have been born about 2004?
10 MR. STONE: Yes, sir.
11 THE COURT: Round about Did you know ---
12 MS. BROWN: --- no I didn't know him.
13 THE COURT: You did not know him?
14 MS. BROWN: I didn't have the opportunity of knowing
15 him.
16 THE COURT: When this event occurred these folks
17 were not members of your church at that time?
18 MS. BROWN: No, sir.
19 THE COURT: Would that combination of things Ms.
20 Brown the fact that you know the parents would those
21 things make it difficult to be fair and impartial as a
22 juror in this trial?
23 MS. BROWN: I can be impartial.
24 THE COURT: Ma'am?
25 MS. BROWN: Yes, I can be impartial.

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1 THE COURT: You can be impartial?
2 MS. BROWN: Uh Huh.
3 THE COURT: Could you set aside those relationships
4 that you've described to me and decide this case based on
5 the evidence that you will hear without regard to the
6 relationship you've had with the parents?
7 MS. BROWN: Yes, sir.
8 THE COURT: Would you do that please?
9 MS. BROWN: Yes, sir.
10 THE COURT: Thank you Ms. Brown.
11 [Whereupon, the juror returns to the audience]
12 THE BAILIFF: Juror number 180, Your Honor.
13 [Whereupon, the juror comes forward]
14 THE COURT: What source of information did you have
15 about this case? Where did you get your knowledge from?
16 MS. HAIR: Through the Island Packet.
17 THE COURT: Okay. Did you read that at the time
18 it occurred a couple of years ago or since that time or
19 both?
20 MS. HAIR: Both.
21 THE COURT: Both? So you've followed it since that
22 time. From whatever source you might have your
23 information Ms. Hair have you formed in your mind or
24 expressed to anybody else any opinion that you might have
25 as to the guilt or the innocence of Mr. Robinson?

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1 five years when I got out of college. I taught it like a
2 foreign language you know...
3 MR. MANNING: That's what I do.
4 THE COURT: Based on what you know about the case
5 Mr. Manning did you express to anybody else or have you
6 formed in your own mind any opinion as to whether you
7 think Mr. Robinson is guilty or not guilty of these
8 charges?
9 MR. MANNING: No, sir.
10 THE COURT: Could you set aside those things that
11 you have seen or heard or read or talked about with your
12 staff members and decide this case based on what you will
13 hear in court without regard to those things?
14 MR. MANNING: Yes, sir.
15 THE COURT: Would you do that please?
16 MR. MANNING: Yes, sir.
17 THE COURT: Thank you. You can go back and have a
18 seat.
19 [Whereupon, the juror returns to the audience]
20 THE BAILIFF: Juror number 311, Your Honor.
21 [Whereupon, the juror comes forward]
22 THE COURT: You told me that you had some knowledge
23 about this case. Would you tell me where you got that
24 knowledge from?
25 MR. OLANDER: Primarily through work as a

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1 MS. HAIR: No.
2 THE COURT: If you were asked to serve as a juror
3 in this case could you set aside those things that you've
4 seen or heard or read and decide this case based on the
5 evidence that you will hear in court?
6 MS. HAIR: Yes.
7 THE COURT: Would you do that please?
8 MS. HAIR: Yes.
9 THE COURT: Thank you. You can go back and have a
10 seat.
11 [Whereupon, the juror returns to the audience]
12 THE BAILIFF: Juror number 273, Your Honor.
13 THE COURT: You had indicated that you have some
14 information about this case or some knowledge about the
15 case. Where did you get that knowledge from?
16 MR. MANNING: I read about the story when it
17 happened and I'm also a school teacher and staff members
18 talking about the events.
19 THE COURT: I see. Where do you teach school?
20 MR. MANNING: At McCracken Middle School.
21 THE COURT: And what grade do you teach?
22 MR. MANNING: Ninth grade.
23 THE COURT: What subject do you teach there?
24 MR. MANNING: English.
25 THE COURT: Bless your heart. I taught English for

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1 firefighter and paramedic. My wife is an elementary
2 teacher and he was a student at -- I don't know if it was
3 her school or Creative Arts which is right next door so
4 it's sort of a small community. My son played baseball
5 which he was a baseball player. And obviously through
6 the Packet, I read the paper every day.
7 THE COURT: Let's kind of chop those things up
8 because that's a lot ---
9 MR. OLANDER: --- it's a lot, yes.
10 THE COURT: Did your son play on the baseball team
11 and one of the baseball leagues with him?
12 MR. OLANDER: No. He played -- he was not -- I want
13 to say he was a couple of years older than my son so it
14 was part of the -- the baseball whatever it is Rec league
15 that they have.
16 THE COURT: How old is your son now?
17 MR. OLANDER: He is seven now.
18 THE COURT: Does he still play baseball?
19 MR. OLANDER: No, unfortunately not. He chose
20 soccer instead; broke my heart.
21 THE COURT: My grandson did too. Did your wife
22 know him in connection with the school?
23 MR. OLANDER: She did not know him personally.
24 THE COURT: She knew about the event when it
25 happened?

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1 MR. OLANDER: Absolutely.
2 THE COURT: That would have been after the fact she
3 learned who he was?
4 MR. OLANDER: Yes.
5 THE COURT: All right. And you indicated earlier
6 you had had some interaction perhaps with some of these
7 folks who are first responders or police officers?
8 MR. OLANDER: Yes.
9 THE COURT: So now let me ask you about the
10 combination of those things that you described. What you
11 knew about the case, the fact that your son was a
12 baseball player and he was a baseball player, your wife
13 had some connection to the school near where he was a
14 student; based on any of those things or all of those
15 together did you form in your own mind or express to
16 anybody else any opinion that you might have as to the
17 guilt or innocence of Mr. Robinson?
18 MR. OLANDER: I'm going to say only through work. I'd
19 say probably.
20 THE COURT: From what you learned at work?
21 MR. OLANDER: Yes.
22 THE COURT: Tell me what that opinion was?
23 MR. OLANDER: Well my opinion was that he probably
24 did it so.
25 THE COURT: If you were asked to serve as a juror

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1 in this case could you set aside that opinion that you
2 had and decide this case based on what you would hear in
3 court?
4 MR. OLANDER: I would do the best I could.
5 THE COURT: All right. And I appreciate that
6 qualification. That's an honest answer and that's what
7 we ask of you. I can't tell you what the questions and
8 answers will be at this point in time.
9 MR. OLANDER: I understand.
10 THE COURT: And I can't be assured because you
11 can't be assured based on what little bit you know about
12 this case with the testimony in the court whether the
13 best that you can do might be the standard that we have
14 to have to be completely fair and impartial. I
15 appreciate your candor and I respect your answers but I'm
16 going to stand you aside as a juror in this case.
17 MR. OLANDER: I understand.
18 THE COURT: Don't leave. You might get lucky and
19 get picked on another one.
20 MR. OLANDER: Right. I figured that might be the
21 case.
22 THE COURT: Thank you. Juror number 311 will be
23 stood aside as a juror in this case.
24 [Whereupon, the juror returns to the audience]
25 THE BAILIFF. Juror number 127, Your Honor.

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1 [Whereupon, the juror comes forward]
2 THE COURT: Mr. Edlin is it? Did I say it right?
3 MR. EDLIN: Yes.
4 THE COURT: Mr. Edlin, you indicated that you have
5 some knowledge about this case. Tell me where that
6 information came from.
7 MR. EDLIN: Basically just the local news,
8 newspapers, and then Sun City residents talking about the
9 case.
10 THE COURT: Based on what you've heard or read
11 about this case from any source that you might have
12 information did you form in your own mind or did you
13 express to anybody else any opinion that you might have
14 as to whether Mr. Robinson was guilty or not guilty of
15 these charges?
16 MR. EDLIN: No sir, I didn't even know the names.
17 It's just the general -- like you said when we first
18 started that's about what I knew.
19 THE COURT: If you were asked then to serve as a
20 juror in this trial could you set aside those things that
21 you knew and decide this case based on what you will hear
22 in court?
23 MR. EDLIN: Yes, sir.
24 THE COURT: Would you do that please?
25 MR. EDLIN: Yes, sir.

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1 THE COURT: Thank you. You also indicated that you
2 or a family member had been involved at some point in
3 time in a crime of personal violence. Would you tell me
4 what that's all about?
5 MR. EDLIN: My sister-in-law was attacked at
6 gunpoint in an attempted rape.
7 THE COURT: Where did that happen?
8 MR. EDLIN: Hilton Head Island.
9 THE COURT: How long ago?
10 MR. EDLIN: Probably a good 15 years or so ago.
11 THE COURT: Was anyone ever caught and prosecuted
12 for that ---
13 MR. EDLIN: --- yes.
14 THE COURT: What was the outcome of that case?
15 MR. EDLIN: I'm sorry?
16 THE COURT: What was the outcome of that case?
17 MR. EDLIN: He's currently serving multiple life
18 sentences.
19 THE COURT: I see. Would your experience through
20 your sister-in-law vicariously I suppose as a victim of a
21 crime of personal violence make it difficult for you to
22 be fair and impartial as a juror in this trial?
23 MR. EDLIN: No, sir.
24 THE COURT: Could you set aside that now and decide
25 this case based on what you would hear in court?

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1 MR. EDLIN: Yes, sir.
2 THE COURT: Would you do that please?
3 MR. EDLIN: Yes, sir.
4 MR. EDLIN: Thank you. You can go back and have a
5 seat.
6 [Whereupon, the juror returns to the audience]
7 THE BAILIFF: Juror number 248, Your Honor.
8 [Whereupon, the juror comes forward]
9 THE COURT: Ms. Laroche is it?
10 MS. LAROCHE: Yes.
11 THE COURT: You said that you have some knowledge
12 about this case from some source. Would you tell me
13 where that information came from?
14 MS. LAROCHE: I've followed the case by reading
15 daily newspapers as the articles have come across.
16 THE COURT: Was this both at the time when this
17 occurred a couple of years ago and since that time as
18 well?
19 MS. LAROCHE: Yes, sir.
20 THE COURT: Based on what you have heard or read
21 during that period of time Ms. Laroche have you formed in
22 your mind or have you expressed to anybody else any
23 opinion that you might have as to the guilt or innocence
24 of Mr. Robinson?
25 MS. LAROCHE: Not him specifically.

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1 where that information came from?
2 MS. ENGGREN: Mostly from the Packet but probably
3 from T.V. news as well.
4 THE COURT: I understand. Was that at the time it
5 occurred or since that time or both?
6 MS. ENGGREN: Both.
7 THE COURT: Based on what you know about this case
8 from any source Ms. Enggren did you form in your own mind
9 or did you express to anybody else any opinion that you
10 might have as to the guilt or the innocence of Mr.
11 Robinson?
12 MS. ENGGREN: I don't know that I expressed the
13 guilt or innocence but I did discuss it with other
14 people.
15 THE COURT: Okay. Did you form in your own mind
16 then any opinion about the guilt or the innocence of him?
17 MS. ENGGREN: Probably leaning one way, yes.
18 THE COURT: Would that way be in favor of guilt?
19 MS. ENGGREN: Yes.
20 THE COURT: Would you be able to set aside that
21 leaning and decide this case based on the evidence that
22 you hear in court?
23 MS. ENGGREN: I think I could do that with the
24 facts.
25 THE COURT: Would you require that Mr. Robinson

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1 THE COURT: When you say not him specifically would
2 you tell me what you mean by that?
3 MS. LAROCHE: The activity that occurred that
4 resulted in the death of this child I'm disgusted.
5 THE COURT: I understand that. We appreciate that
6 and we respect that. But the question however is do you
7 feel that your disgust at this event itself would make it
8 difficult for you to serve fairly and impartially as a
9 juror in response to Mr. Robinson who is charged with
10 that offense?
11 MS. LAROCHE: I do not.
12 THE COURT: You think you could set that issue
13 aside and decide this case based on the evidence that
14 you'd hear in court?
15 MS. LAROCHE: I believe so, sir.
16 THE COURT: Would you do that please ma'am?
17 MS. LAROCHE: Yes.
18 THE COURT: Thank you.
19 [Whereupon, the juror returns to the audience]
20 THE BAILIFF: Juror number 129, Your Honor.
21 [Whereupon, the juror comes forward]
22 THE COURT: Ms. Enggren?
23 MS. ENGGREN: Yes.
24 THE COURT: You said that you have some knowledge
25 about this case from some source. Would you tell me

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1 prove to you that he is not guilty of these charges in
2 order for you to change your mind?
3 MS. ENGGREN: Yes.
4 THE COURT: Okay. I can understand that and I
5 appreciate your leanings and I appreciate your candor.
6 But I'm going to stand you aside. I'm not going to put
7 you through the conundrum of having to make a decision in
8 this situation. You stay with us. Don't leave but we'll
9 stand you aside as a juror in this case.
10 MS. ENGGREN: Thank you.
11 THE COURT: Number 129 will be stood aside as a
12 juror in this case.
13 [Whereupon, the juror returns to the audience]
14 THE BAILIFF: Juror number 162, Your Honor.
15 [Whereupon, the juror comes forward]
16 THE COURT: Ms. Gonzalez, you indicated that you or
17 a family member had been a victim of a crime of personal
18 violence. Was it you or a family member?
19 MS. GONZALEZ: Family member.
20 THE COURT: Ma'am?
21 MS. GONZALEZ: Family member.
22 THE COURT: And what was the relation to you please?
23 MS. GONZALEZ: It's actually not a victim of a
24 crime. My uncle -- serving in prison.
25 THE COURT: I'm sorry?

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1 MS. GONZALEZ: My uncle is currently serving in
2 prison for a vehicular homicide involving a two year old.
3 THE COURT: Vehicular homicide?
4 MS. GONZALEZ: Yes.
5 THE COURT: I see.
6 MS. GONZALEZ: I'm going to be honest. I don't know
7 if I could be fair.
8 THE COURT: You said you don't think you could be
9 fair in this particular case?
10 MS. GONZALEZ: Yes.
11 THE COURT: Could you tell me what is it about that
12 would give you some difficulty in being fair?
13 MS. GONZALEZ: The fact that it is involving an
14 eight year old --
15 THE COURT: I see. Do you have children?
16 MS. GONZALEZ: No.
17 THE COURT: But I was very, very close to my uncle.
18 He was more like my brother.
19 THE COURT: All right Ms. Gonzalez, we can
20 appreciate that. I appreciate you sharing that
21 information with us. We'll stand you aside as a juror in
22 this case.
23 MS. GONZALEZ: Okay.
24 THE COURT: Don't leave; you might still get picked
25 on the other jury.

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1 MS. GONZALEZ: Thank you.
2 THE COURT: Juror number 162 will be stood aside as
3 a juror in this case.
4 [Whereupon, the juror returns to the audience]
5 THE BAILIFF: Juror number 378, Your Honor.
6 [Whereupon, the juror comes forward]
7 THE COURT: Ms. Singleton?
8 MS. SINGLETON: Yes.
9 THE COURT: Ms. Singleton, you said you have some
10 knowledge about this case. Would you tell me where you
11 got information from?
12 MS. SINGLETON: The Beaufort Gazette and from WTLC,
13 the T.V station.
14 THE COURT: Okay. Have you followed this thing
15 since it happened a couple of years ago or did you just
16 read about it and hear about it then?
17 MS. SINGLETON: Since it happened.
18 THE COURT: Since it happened? Did you in your own
19 mind based on all these things you've been seeing and
20 hearing about it form any opinion as to or did you
21 express to anybody else for that matter any opinion that
22 you might have as to whether or not you feel Mr. Robinson
23 is guilty or not guilty of these charges?
24 MS. SINGLETON: No, I haven't.
25 THE COURT: If you were asked to serve as a juror

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1 in this case could you decide this case based on what you
2 will hear in court and not on what you've heard or read
3 about this case at some point in the past?
4 MS. SINGLETON: It might be difficult because I
5 heard about the last mistrial and the police conduct so I
6 don't know if I can based on that.
7 THE COURT: I understand that. I can appreciate
8 that. We won't put your conscience to that struggle
9 okay.
10 MS. SINGLETON: Okay.
11 THE COURT: We'll stand you aside in this case Ms.
12 Singleton. Is it 378; is that your number?
13 MS. SINGLETON: Yes, sir.
14 THE COURT: We'll stand you aside but don't leave;
15 you may get picked in the other jury next door, okay. Go
16 back and have a seat.
17 [Whereupon, the juror returns to the audience]
18 THE COURT: Juror number 378 will be stood aside.
19 THE BAILIFF: Juror number 177, Your Honor.
20 THE COURT: You've got some knowledge about this
21 case from some source. Would you tell me where that came
22 from?
23 MR. GRISWOLD: It was -- I believe I read about it
24 in the paper at the time that it happened.
25 THE COURT: At the time it happened? Have you

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1 followed it since that time?
2 MR. GRISWOLD: No.
3 THE COURT: Based on what you know about this case
4 from any source Mr. Griswold did you form in your own
5 mind or did you express to anybody else any opinion that
6 you might have as to the guilt or the innocence of Mr.
7 Robinson?
8 MR. GRISWOLD: No, I did not.
9 THE COURT: If you were asked to serve as a juror
10 in this case could you be fair and impartial and set
11 aside what you know about this case and decide this case
12 on the basis of what you would hear in court?
13 MS. GRISWOLD: I believe I could, Your Honor.
14 THE COURT: Would you do that please?
15 MR. GRISWOLD: Yes, sir.
16 THE COURT: Thank you sir, Mr. Griswold.
17 [Whereupon, the juror returns to the audience]
18 THE BAILIFF: Juror number 448, Your Honor.
19 [Whereupon, the juror comes forward]
20 THE COURT: You said that you have some information
21 about this case. Would you tell me where that came from
22 please, sir?
23 MR. ZAPP: The Island Packet.
24 THE COURT: Have you followed this case since it
25 happened two years ago?

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1 MR. ZAPP: I have.
2 THE COURT: Based on what you know about the case
3 have you formed in your mind or have you expressed to
4 anybody else any opinion that you might have as to the
5 guilt or innocence of Mr. Robinson?
6 MR. ZAPP: No I have not, Your Honor.
7 THE COURT: If you were asked to serve as a juror
8 in this case could you set aside those things that you
9 heard or read ---
10 MR. ZAPP: --- I believe I could, yes Your Honor ---
11 THE COURT: --- and decide this case based on what
12 you will hear in court?
13 MR. ZAPP: Yes, Your Honor.
14 THE COURT: Would you do that please?
15 MR. ZAPP: I would love to do that, yes, Your Honor.
16 THE COURT: Thank you, Mr. Zapp.
17 [Whereupon, the juror returns to the audience]
18 THE BAILIFF: Juror number 287, Your Honor.
19 [Whereupon, the juror comes forward]
20 THE COURT: You indicated that you have some
21 information or knowledge about this case from some
22 source. Would you tell me what you know about the case?
23 MR. MCMANUS: Not a whole lot. I just read about it
24 in the newspaper and heard about it from other people.
25 THE COURT: Was this when it happened a couple of

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1 in court?
2 MR. MCMANUS: Yes?
3 MR. MCMANUS: If you were asked to serve as a juror
4 since you've had those opinions before would you require
5 that Mr. Robinson prove to you that he did not commit
6 this crime?
7 MR. MCMANUS: Yes.
8 THE COURT: All right, sir. I appreciate that and
9 I appreciate your opinions and your candor Mr. McManus.
10 We're going to stand you aside as a juror in this case.
11 If you'll go back and have a seat; you might get picked
12 on the other one...
13 MR. MCMANUS: Thank you.
14 THE COURT: Juror number 287 is stood aside as a
15 juror in this case.
16 [Whereupon, the juror returns to the audience]
17 THE BAILIFF: Juror number 31, Your Honor.
18 [Whereupon, the juror comes forward]
19 THE COURT: You indicated that you have some
20 information about this case. Would you share that with
21 us please?
22 MS. GIAMPORTONE: Yes. I had seen it on the news
23 right after it happened.
24 THE COURT: Have you followed it since that time
25 two years ago?

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1 years or since that time?
2 MR. MCMANUS: When it happened a couple of years
3 ago.
4 THE COURT: You haven't followed it since that
5 time?
6 MR. MCMANUS: Not a whole lot.
7 THE COURT: Based on what you heard or read at that
8 time Mr. McManus did you form in your own mind or did you
9 express to anybody else any opinion that you might have
10 as to whether you think Mr. Robinson is guilty or not
11 guilty of these charges?
12 MR. MCMANUS: Not really to anybody else but to
13 myself I guess.
14 THE COURT: Okay.
15 MR. MCMANUS: Would you like me to tell you what
16 that is?
17 THE COURT: Exactly. You're under oath.
18 MR. MCMANUS: I thought he was guilty but that's
19 just my conclusion but...
20 THE COURT: That was your conclusion based on what
21 you heard at the time or read at the time?
22 MR. MCMANUS: Mostly.
23 THE COURT: All right. If you're asked to serve
24 as a juror could you set aside those preconceived ideas
25 that you have and decide this case based on what you hear

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1 MS. GIAMPORTONE: No.
2 THE COURT: Based on what you saw at that time did
3 you form in your mind or did you express to anybody else
4 any opinion that you might have as to whether Mr.
5 Robinson you think is guilty or not guilty of this
6 charge?
7 MS. GIAMPORTONE: Yes.
8 THE COURT: What was that?
9 MS. GIAMPORTONE: Just being in a public place like
10 that with guns is you know and small children so -- I
11 have kids of my own so.
12 THE COURT: I understand. How old are your kids?
13 MS. GIAMPORTONE: Nineteen now.
14 THE COURT: They were eight or nine at one time.
15 MS. GIAMPORTONE: Yes, yes.
16 THE COURT: You indicated you expressed that
17 opinion at one time or had that opinion at one time. If
18 you were asked to serve as a juror in this case would you
19 be able to set aside that opinion and decide this case
20 based on the evidence that you hear in court?
21 MS. GIAMPORTONE: Yes, I probably could.
22 THE COURT: Since you had that preconceived
23 opinion, which certainly you're entitled to have would
24 you require that Mr. Robinson prove to you that he is not
25 guilty of these charges in order to overcome that

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1 presumption that you have?
2 MS. GIAMPORTONE: Yes.
3 THE COURT: I understand and appreciate that. I'm
4 going to stand you aside as a juror in this particular
5 case.
6 MS. GIAMPORTONE: Okay.
7 THE COURT: But don't leave because you might get
8 picked for a jury next door.
9 MS. GIAMPORTONE: Okay.
10 THE COURT: And you might get picked on another
11 jury somewhere else.
12 MS. GIAMPORTONE: Okay. Thank you.
13 THE COURT: Juror number 31 will be stood aside as
14 a juror in this case.
15 [Whereupon, the juror returns to the audience]
16 THE BAILIFF: Juror number 288, Your Honor.
17 [Whereupon, the juror comes forward]
18 THE COURT: Tell me where you got your information
19 about this case?
20 MR. MCNICHOL: The Island Packet.
21 THE COURT: Okay. Did you -- is that both at the
22 time it happened a couple of years ago and since that
23 time?
24 MR. MCNICHOL: Yes, sir. I worked there for fifteen
25 years.

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1 because you might get picked on another jury.
2 MR. MCNICHOL: Okay. Thank you.
3 THE COURT: Juror number 288 will be stood aside as
4 a juror in the trial of this case.
5 [Whereupon, the juror returns to the audience]
6 THE COURT: Let's ask the first half of these folks
7 to get over to the other side and then I need to talk
8 with Judge Early just a minute. We'll stay in place; I'm
9 not going to take but a second.
10 [Off the record momentarily]
11 THE COURT: Folks, I'm sorry. We're trying to
12 coordinate two court rooms here and so I had to go talk
13 with Judge Early.
14 THE BAILIFF: Juror number 235, Your Honor.
15 [Whereupon, the juror comes forward]
16 THE COURT: Ms. Kerr, you said you indicated you
17 have some information about this case. Will you tell me
18 where that information came from?
19 MS. KERR: The Island Packet.
20 THE COURT: Did you read it just at the time it
21 happened or have you followed it since that time?
22 MS. KERR: More just the time it happened.
23 THE COURT: Based on what you know about it from
24 any source at all have you formed in your own mind or
25 have you expressed to anybody else any opinion that you

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1 THE COURT: At the Island Packet?
2 MR. MCNICHOL: Yes, sir.
3 THE COURT: When did you last work there?
4 MR. MCNICHOL: It's probably been about eight years
5 ago. My wife worked there for 20. So I follow the
6 newspaper every day online.
7 THE COURT: I understand. Your publisher or your
8 editor was on the potential jury last time we had it.
9 MR. MCNICHOL: Oh really? Tara [phonetic] was.
10 THE COURT: At least the last time I was here
11 presiding; sometime two, three, or four months ago.
12 Based on what you have read in the Island Packet or paper
13 that you have some affinity for because you worked for it
14 did you form in your own mind or did you express to
15 anybody else any opinions that you might have as to the
16 guilt or the innocence of Mr. Robinson in this case?
17 MR. MCNICHOL: I have a pretty good idea, yes.
18 THE COURT: And what would that idea be?
19 MR. MCNICHOL: I think he's guilty.
20 THE COURT: All right. Would you be able to set
21 aside that idea and decide this case based on the
22 evidence that you would hear in this courtroom?
23 MR. MCNICHOL: I don't believe so.
24 THE COURT: I understand and I appreciate that.
25 Thank you, sir. We'll stand you aside but don't leave

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1 might have as to whether Mr. Robinson is guilty or not
2 guilty of this charge?
3 MS. KERR: No.
4 THE COURT: If you were asked to serve as a juror
5 in this case would you be able to set aside what you
6 heard or read about the case and decide the case based on
7 what you will hear in court?
8 MS. KERR: Yes.
9 THE COURT: Would you do that please?
10 MS. KERR: Yes.
11 THE COURT: Thank you. You can go back and have a
12 seat.
13 [Whereupon, the juror returns to the audience]
14 THE BAILIFF: Juror number 51, Your Honor.
15 [Whereupon, the juror comes forward]
16 THE COURT: Ms. Brown?
17 MS. BROWN: Yes, sir.
18 THE COURT: You indicated you had some knowledge
19 about this case. Would you tell me where that came from?
20 MS. BROWN: In just reading the Island Packet.
21 THE COURT: At the time it happened or since that
22 time or both did you read ---
23 MS. BROWN: --- just at the time.
24 THE COURT: At the time?
25 MS. BROWN: Uh Huh.

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1 THE COURT: Based on what you read then have you
2 formed in your own mind or did you express to anybody
3 else any opinion that you might have as to the guilt or
4 innocence of Mr. Robinson?
5 MS. BROWN: No, I have not. Something I did want to
6 voice out I was a dance instructor at the Creative Arts
7 school in Hilton Head and I don't know if I might have
8 taught Khalil or not.
9 THE COURT: Right.
10 MS. BROWN: I would have to see a picture. Teaching
11 so many children you just don't know.
12 THE COURT: Right.
13 MS. BROWN: So I just wanted to voice that.
14 THE COURT: If we showed you a picture would you
15 know whether you taught him or not?
16 MS. BROWN: Uh Huh.
17 THE COURT: Do you have a picture?
18 MR. STONE: No sir, but I can get one if you could
19 give me just a few minutes.
20 THE COURT: Did you teach eight and nine year olds
21 creative dance at that time?
22 MS. BROWN: Uh Huh.
23 THE COURT: If we showed you a picture would you be
24 able to recognize him if you taught him?
25 MS. BROWN: Uh Huh.

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1 395.
2 [Whereupon, the juror comes forward]
3 THE COURT: Tell me the source of this information
4 about this case?
5 MS. STURM: Mainly the newspaper and then a little
6 bit of Facebook comments just about the little boy.
7 THE COURT: Was that when it happened or since that
8 time or?
9 MS. STURM: Both.
10 THE COURT: Based on any of those things or all of
11 them together Ms Sturm did you form in your own mind or
12 did you express to anybody else any opinion that you
13 might have as to the guilt or innocence of Mr. Robinson?
14 MS. STURM: No.
15 THE COURT: No?
16 MS. STURM: No.
17 THE COURT: Okay. If you were asked to serve as a
18 juror in this case could you set aside those things that
19 you heard or read or talked about with anybody and decide
20 this case based just on what you will hear in court?
21 MS. STURM: Yes.
22 THE COURT: Would you do that please?
23 MS. STURM: Yes.
24 THE COURT: Thank you. You can go back and have a
25 seat.

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1 [Whereupon, Ms. Brown is shown a photograph]
2 MS. BROWN: No, I don't recognize him.
3 THE COURT: You said you didn't form or express any
4 opinion as to whether you thought Mr. Robinson was guilty
5 or not guilty of the charge. Would you be able to set
6 aside what you did hear or read and decide this case
7 based on what you would hear in court?
8 MS. BROWN: Sure.
9 THE COURT: Would the fact that you taught at the
10 school where he attended make it difficult for you --
11 where Mr. Singleton, Khalil attended would that make it
12 difficult for you to be fair and impartial as a juror in
13 the trial of this case?
14 MS. BROWN: I don't think so.
15 THE COURT: Could you set aside that factor and
16 decide this case based on what you would hear in the
17 court?
18 MS. BROWN: Certainly.
19 THE COURT: Would you do that please?
20 MS. BROWN: Uh huh.
21 THE COURT: Let me get your number again.
22 MS. BROWN: 51.
23 THE COURT: Thank you, ma'am.
24 [Whereupon, the juror returns to the audience]
25 THE BAILIFF: Juror number 295, Your Honor -- oh

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1 [Whereupon, the juror returns to the audience]
2 THE BAILIFF: Juror number 388, Your Honor.
3 [Whereupon, the juror comes forward]
4 THE COURT: Ms. Staab, you have some knowledge about
5 this case you said. Tell me where you got that
6 information from?
7 MS. STAAB: The Island Packet
8 THE COURT: Okay. Was that at the time it
9 happened or since that time or both?
10 MS. STAAB: Both.
11 THE COURT: Okay. Based on all that you know
12 about this case from any source Ms. Staab did you form in
13 your own mind or did you express to anybody else any
14 opinion about whether you think he's guilty or not guilty
15 of these charges?
16 MS. STAAB: No, I did not.
17 THE COURT: If you were asked to serve as a juror
18 in this case could you set aside those things that you
19 heard or read and decide this case based on what you will
20 hear in court?
21 MS. STAAB: Yes.
22 THE COURT: Would you do that please?
23 MS. STAAB: Yes, sir.
24 MS. STAAB: Thank you. You can go back and have a
25 seat.

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1 [Whereupon, the juror returns to the audience]
2 THE BAILIFF: Juror number 365, Your Honor.
3 [Whereupon, the juror comes forward]
4 THE COURT: Tell me where you got your information
5 about this case?
6 MS. SEABROOK: The newspaper --
7 THE COURT: The Island Packet?
8 MS. SEABROOK: Yes.
9 THE COURT: Okay. Was that at the time that it
10 happened or since that time or both?
11 MS. SEABROOK: Both.
12 THE COURT: So you followed it since it occurred a
13 couple of years ago. Based on all of those things or any
14 information that you have about the case have you formed
15 in your own mind or have you expressed to anybody else
16 any opinion that you might have as to whether you think
17 he is guilty or not guilty of these charges?
18 MS. SEABROOK: No.
19 THE COURT: If you were asked to serve as a juror
20 could you set aside what you have heard or seen about the
21 case and decide this case based on what you will hear in
22 court?
23 MS. SEABROOK: Yes.
24 THE COURT: Would you do that please?
25 MS. SEABROOK: Yes.

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1 THE COURT: Thank you. You can go back and have a
2 seat.
3 [Whereupon, the juror returns to the audience]
4 THE BAILIFF: Juror number 380, Your Honor.
5 [Whereupon, the juror comes forward]
6 THE COURT: Tell me the source of your information
7 about this case.
8 MS. SMITH: At the time of the incident I was
9 working in the court office. A lot of the girls in that
10 office have been on Hilton Head, they're from here and
11 I'm not. They are one of the families that have been on
12 Hilton Head for a long time and they're all kind of tied
13 within -- they know the Singletons let's just say that.
14 THE COURT: Right. Based on those conversations
15 and what you heard your co-workers telling you or what
16 you've read about the case have you formed in your own
17 mind or have you expressed it to anybody else any opinion
18 about the guilt or the innocence of Mr. Robinson?
19 MS. SMITH: No.
20 THE COURT: If you were asked to serve in this case
21 could you set aside those things that you've heard and
22 read and decide this case based on what you will hear in
23 court?
24 MS. SMITH: Yes.
25 THE COURT: Would you do that please?

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1 MS. SMITH: Yes.
2 THE COURT: Thank you. You can go back and have a
3 seat.
4 [Whereupon, the juror returns to the audience]
5 THE BAILIFF: Juror number 36, Your Honor.
6 [Whereupon, the juror comes forward]
7 THE COURT: Ms. Bolton?
8 MS. BOLTON: Yes.
9 THE COURT: Tell me the source of your information
10 about this case.
11 MS. BOLTON: I originally remember reading the
12 original article that came out in the Hilton Head paper.
13 THE COURT: Okay. Have you followed it since that
14 time?
15 MS. BOLTON: No.
16 THE COURT: Based on what you did hear or read at
17 that time have you formed in your own mind or did you
18 express to anybody else any opinion that you might have
19 as to whether you think Mr. Robinson is guilty or not
20 guilty of this charge?
21 MS. BOLTON: No, I don't even remember his name
22 being in the article.
23 THE COURT: That's good. If you were asked to
24 serve as a juror in this case could you set aside those
25 things and decide this case based on what you will hear

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1 in court?
2 MS. BOLTON: Yes, of course.
3 THE COURT: Would you do that please?
4 MS. BOLTON: Yes.
5 THE COURT: Thank you. You can go back and have a
6 seat.
7 [Whereupon, the juror returns to the audience]
8 THE BAILIFF: Juror 111, Your Honor.
9 [Whereupon, the juror comes forward]
10 THE COURT: Ms. Dennard?
11 MS. DENNARD: Yes.
12 THE COURT: Thank you. Ms. Dennard you said first
13 of all that you have some knowledge about this case.
14 Tell me where you got that information from.
15 MS. DENARD: From the Beaufort Gazette.
16 THE COURT: Okay. At the time?
17 MS. DENNARD: At the time and I think there was an
18 article on Sunday about it.
19 THE COURT: Okay. Based on any of that
20 information that you have about the case have you
21 expressed it to anybody else or have you formed in your
22 own mind any opinion that you might have as to whether
23 he's guilty or not guilty?
24 MS. DENNARD: No.
25 THE COURT: Could you set aside those things and

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1 decide this case based on what you hear in court?
2 MS. DENNARD: I should be able to.
3 THE COURT: Would you do that please?
4 MS. DENNARD: Yes.
5 THE COURT: You also indicated that you or a family
6 member had been involved in a crime of violence at one
7 time. Was it you or a family member?
8 MS. DENNARD: It was my brother.
9 THE COURT: Your brother? And what was that
10 involvement?
11 MS. DENNARD: He was on disability and he was
12 addicted to pain meds. He was going off of them and one
13 night he called information and dialed 911 in error. So
14 to make a long story short he got accused of trying to
15 kill a police officer for coming into his house.
16 THE COURT: He did what?
17 MS. DENNARD: Attempting to kill a police officer
18 for coming into his home.
19 THE COURT: I see.
20 MS. DENNARD: Anyway, I was there at the trial.
21 THE COURT: Right. Was that here in Beaufort?
22 MS. DENNARD: No, it was in Florida.
23 THE COURT: And what was the outcome of that case?
24 MS. DENNARD: They convicted him.
25 THE COURT: Did he serve time?

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1 MS. DENNARD: Yes, I will.
2 THE COURT: Thank you. You can go back and have a
3 seat.
4 [Whereupon, the juror returns to the audience]
5 THE BAILIFF: Juror number 59, Your Honor.
6 [Whereupon, the juror comes forward]
7 THE COURT: Mr. Burke you said you have some
8 knowledge about this case. Would you tell me where that
9 information came from?
10 MR. BURKE: Newspaper, T.V., media. I had an
11 interest in reading it. I just read it ---
12 THE COURT: --- that's good ---
13 MR. BURKE: --- I saw an opportunity and recently
14 there was some information that came up last week in one
15 of the local media that may not have been involved or may
16 not have pulled the trigger. That's what I read. It
17 wasn't...
18 THE COURT: So you followed it with a great deal of
19 interest. That's fine; that's what a citizen should do.
20 Based on all the information that you have swirling
21 around in your head based on all those accounts that
22 you've read have you formed in your own mind or have you
23 expressed to anybody else any opinion that you might have
24 as to whether or not Mr. Robinson is guilty or not guilty
25 of these charges?

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1 MS. DENNARD: Yes.
2 THE COURT: Would your involvement through your
3 brother then as a victim or -- you felt victimized by it
4 I'm sure.
5 MS. DENNARD: Yes.
6 THE COURT: Would that make it difficult for you to
7 be fair and impartial as a juror in this case?
8 MS. DENNARD: I would like to think I could be fair
9 and impartial, but I lived through that and I saw how it
10 ended up and I just don't think it was fair.
11 THE COURT: I understand. Do you think that would
12 make it difficult for you to be fair and impartial in
13 this case?
14 MS. DENNARD: I would like to say no. I think I'm a
15 smart enough person that I can listen to the evidence and
16 determine...
17 THE COURT: Right. So then let me put it to a fine
18 point.
19 MS. DENNARD: Nobody raised that.
20 THE COURT: That's right. Will you be able to set
21 aside that experience through your brother and decide
22 this case based just on the evidence that you will hear
23 in the courtroom?
24 MS. DENNARD: Yes, I could do that
25 THE COURT: And you will do that?

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1 MR. BURKE: No sir, absolutely not because I don't
2 know.
3 THE COURT: So you would be willing to set aside
4 those things you've heard and read and decide this case
5 based on what you would hear in court?
6 MR. BURKE: I would be.
7 THE COURT: And you will do that?
8 MR. BURKE: Absolutely.
9 THE COURT: You also indicated that some family
10 member had been involved in a crime of personal violence.
11 MR. BURKE: Yes, sir.
12 THE COURT: Was it you or a family member?
13 MR. BURKE: It was my nephew. I had a nephew three
14 years ago unfortunately it's not my music -- he was an
15 uprising rap star -- and he was told he couldn't do -- go
16 independent and he went independent and he was gunned
17 down in the city of New York.
18 It's been on Jon Walsh a couple of times. We've
19 never found out who did it. And last year there was a
20 shooting in Brooklyn. My niece was picking up her
21 daughter from daycare and there was a big gunfight in the
22 street and my niece's daughter was just grazed. Thank
23 God she wasn't hurt seriously. Those were the incidents.
24 THE COURT: Would those events, your nephew and
25 your niece's daughter, would either of those events or

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1 all of them together make it difficult for you to be fair.
2 and impartial as a juror in the trial of this case?
3 MR. BURKE: No because in my niece's daughter's case
4 justice was prevailed and the jury did what they had to
5 do. And we're all happy with that. In my nephew's case
6 we're never going to know the truth because we have not
7 been able to apprehend the shooters and there is nothing
8 we can do about that.
9 THE COURT: Right. Would the fact that the charges
10 in this particular case, the allegations in this
11 particular case that there was a gunfight, like there was
12 in Brooklyn and that a young child died as a result of
13 that and your niece of course was wounded by a stray
14 bullet up in Brooklyn. Would the similarity of those two
15 things make it difficult for you to be fair and impartial
16 in a trial with those allegations?
17 MR. BURKE: No, I would have to be fair. I couldn't
18 hold any grudge or anything. I would have to go
19 according to what the evidence and the law mandates.
20 THE COURT: I appreciate that. I appreciate your
21 interest Mr. Burke. You can go back and have a seat.
22 [Whereupon, the juror returns to the audience]
23 THE BAILIFF: Juror number 221, Your Honor.
24 [Whereupon, the juror comes forward]
25 THE COURT: Ms. Jefferson, tell me where you got

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1 your information about this case.
2 MS. JEFFERSON: Just the newspaper and news.
3 THE COURT: The news -- did you stay in front of
4 the T.V?
5 MS. JEFFERSON: Yes.
6 THE COURT: Was this at the time it happened or
7 since that time or both?
8 MS. JEFFERSON: Since it happened.
9 THE COURT: Since it happened?
10 MS. JEFFERSON: Uh Huh.
11 THE COURT: So you followed it since it happened a
12 couple of years ago?
13 MS. JEFFERSON: No, just when they print something
14 else.
15 THE COURT: I understand. Based on what you know
16 about the case Ms. Jefferson from any source have you
17 formed in your own mind or have you expressed to anybody
18 else any opinion that you might have as to whether Mr.
19 Robinson is guilty or not guilty of this charge?
20 MS. JEFFERSON: No.
21 THE COURT: If you're asked to serve as a juror in
22 this trial could you set aside those things that you've
23 seen or heard and decide this case based on the evidence
24 that you hear in court?
25 MS. JEFFERSON: Yes.

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1 THE COURT: Would you do that please?
2 MS. JEFFERSON: Yes.
3 THE COURT: Thank you. You can go back and have a
4 seat.
5 [Whereupon, the juror returns to the audience]
6 THE BAILIFF: Juror number 158, Your Honor.
7 [Whereupon, the juror comes forward]
8 THE COURT: Mr. Gibbs how are you?
9 MR. GIBBS: Freezing.
10 THE COURT: It is cold in here. Mr. Gibbs you
11 indicated that you had some information about this case.
12 What was the source of that information?
13 MR. GIBBS: Through the newspaper and the media;
14 mainly Facebook.
15 THE COURT: I see. Social media and the sort?
16 MR. GIBBS: Yes.
17 THE COURT: Was that at the time it happened or
18 since that time or both?
19 MR. GIBBS: Since that time.
20 THE COURT: You followed it since that time?
21 MR. GIBBS: Yes.
22 THE COURT: Based on all of those things have you
23 formed in your own mind or have you expressed to anybody
24 else any opinion that you have as to whether you think
25 Mr. Robinson is guilty or not?

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1 MR. GIBBS: I have not.
2 THE COURT: If you're asked to serve as a juror
3 could you set aside those things and decide this case
4 based on what you would hear in court?
5 MR. GIBBS: Yes.
6 THE COURT: Would you do that please?
7 MR. GIBBS: Yes.
8 THE COURT: Thank you Mr. Gibbs I appreciate it.
9 Hopefully we find where that thermostat is and not freeze
10 you out in this case.
11 [Whereupon, the juror returns to the audience]
12 THE BAILIFF: Juror number 25, Your Honor.
13 [Whereupon, the juror comes forward]
14 THE COURT: Ms. Batista is it?
15 MS. BATISTA: Yes.
16 THE COURT: Tell me where you got your information
17 about the case Ms. Batista?
18 MS. BATISTA: Reading in the newspaper, radio,
19 television.
20 THE COURT: Have you followed it since it happened
21 a couple of years ago or did you just follow it at the
22 time it occurred?
23 MS. BATISTA: No, I followed it since it first
24 occurred?
25 THE COURT: Since that time?

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1 MS. BATISTA: Uh Huh.
2 THE COURT: Based on the things you have read and
3 heard about this case have you formed in your own mind or
4 have you expressed to anybody else any opinion that you
5 might have as to whether you think Mr. Robinson is guilty
6 or not guilty of these charges?
7 MS. BATISTA: Yes, I have.
8 THE COURT: And what is that opinion?
9 MS. BATISTA: I believe that his actions are a
10 result of this crime.
11 THE COURT: You believe what?
12 MS. BATISTA: That his actions are a result of this
13 crime.
14 THE COURT: You believe that he was at fault in
15 causing the death of the young man?
16 MS. BATISTA: Yes, Uh Huh.
17 THE COURT: If you're asked to serve as a juror in
18 this trial could you set aside those opinions and decide
19 this case based on the evidence that you hear in court?
20 MS. BATISTA: Yes, I could.
21 THE COURT: You could set that aside?
22 MS. BATISTA: Yes.
23 THE COURT: Since you had those preconceived ideas
24 about whether he was guilty or that he was guilty of the
25 charge would you require that he prove to you that he did

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1 go back in my brain.
2 THE COURT: I understand. Based on those things at
3 any time Mr. Dunning have you formed in your own mind or
4 have you expressed to anybody else any opinion that you
5 might have as to whether Mr. Robinson is guilty or not
6 guilty?
7 MR. DUNNING: No.
8 THE COURT: If you're asked to serve as a juror
9 could you set aside those things that you've seen and
10 heard and decide this case based on what you'd hear in
11 court?
12 MR. DUNNING: Uh Huh.
13 THE COURT: Would you do that please?
14 MR. DUNNING: Yes.
15 THE COURT: Thank you. You can go back and have a
16 seat.
17 [Whereupon, the juror returns to the audience]
18 THE BAILIFF: Juror number 213, Your Honor.
19 [Whereupon, the juror comes forward]
20 THE COURT: Ms. Hutchins, tell me where you got
21 your information about the case.
22 MS. HUTCHINS: I worked with Janet Young who is the
23 Young's -- the other side of the case. I worked with her
24 for three years.
25 THE COURT: Now Janet Young...

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1 not do this in order for you to...
2 MS. BATISTA: Yes.
3 THE COURT: Ms. Batista I appreciate that and I
4 appreciate your candor. And we -- your opinions I'm
5 going to stand you aside as a juror in this trial okay?
6 MS. BATISTA: Okay. Thank you.
7 THE COURT: Don't leave. You might get picked in
8 the other case okay.
9 MS. BATISTA: I'll sit down.
10 THE COURT: Juror number 25 will be stood aside as
11 a juror in this case.
12 [Whereupon, the juror returns to the audience]
13 THE BAILIFF: Juror 125, Your Honor.
14 [Whereupon, the juror comes forward]
15 THE COURT: Tell me the source of your information
16 about the case?
17 MR. DUNNING: Newspaper. It's right down the street
18 from my office like two blocks and I have a couple of
19 guys that live off Island Drive too and they were talking
20 about it a bunch at work when it first happened.
21 THE COURT: When it first happened?
22 MR. DUNNING: Uh Huh.
23 THE COURT: What about since that time? Have you
24 followed it since that time?
25 MR. DUNNING: Not until I heard this and it made me

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1 MS. HUTCHINS: Is the mother and she has a grandson.
2 THE COURT: Oh, Aaron Young; that side? Aaron
3 Young, Sr. and Jr.?
4 MS. HUTCHINS: Yes. I worked with her for three
5 years.
6 THE COURT: I see. I understand.
7 MS. HUTCHINS: And she told me a lot you know a lot
8 of things.
9 THE COURT: I see.
10 MS. HUTCHINS: And I think I would be impartial.
11 THE COURT: You think you would be what?
12 MS. HUTCHINS: I would be impartial.
13 THE COURT: You think you could be impartial?
14 MS. HUTCHINS: Yes.
15 THE COURT: You could set aside those things that
16 Ms. Young told you and be fair and impartial in this
17 case?
18 MS. HUTCHINS: No, no I don't.
19 THE COURT: I understand. I thought I had
20 misunderstood you. And I can appreciate that. What's
21 your number again?
22 MS. HUTCHINS: 213.
23 THE COURT: I can appreciate that and the fact that
24 you do have information, whether it's correct information
25 or not is another matter, but you've got information and

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1 you've relied on it and that could make it difficult for
2 you to disregard those things.
3 MS. HUTCHINS: Right.
4 THE COURT: We'll stand you aside as a juror in
5 this case Ms. Hutchins but please do not leave the court.
6 You might get picked on another jury before it's all
7 over.
8 MS. HUTCHINS: Okay.
9 THE COURT: Thank you Ms. Hutchins.
10 MS. HUTCHINS: Thank you.
11 THE COURT: Juror number 213 will be stood aside as
12 a juror in this case.
13 [Whereupon, the juror returns to the audience]
14 THE BAILIFF: Juror number 41, Your Honor.
15 [Whereupon, the juror comes forward]
16 THE COURT: Ms. Boston, you indicated that you or a
17 family member had been involved in a crime of personal
18 violence. Was it you or a family member?
19 MS. BOSTON: My stepson.
20 THE COURT: Your stepson? And what was his
21 involvement?
22 MS. BOSTON: He was charged with domestic violence
23 by his then girlfriend and I actually came here with him
24 about three years ago a couple of times. The case was
25 eventually dismissed.

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1 THE COURT: It was dismissed?
2 MS. BOSTON: Yes, sir.
3 THE COURT: Would that experience through your son
4 as being charged with a crime that was dismissed would
5 that make it difficult for you to be fair and impartial
6 as a juror in this particular case?
7 MS. BOSTON: No, sir.
8 THE COURT: You could set aside that experience and
9 decide this case based on what you hear in court?
10 MS. BOSTON: Yes, sir.
11 THE COURT: Would you do that please?
12 MS. BOSTON: Yes.
13 THE COURT: Thank you. You can go back and have a
14 seat.
15 [Whereupon, the juror returns to the audience]
16 THE BAILIFF: Juror number 232, Your Honor.
17 [Whereupon, the juror comes forward]
18 THE COURT: Ms. Jolley, you have some information
19 about the case. Would you tell me where it came from?
20 MS. JOLLEY: It came from the Island Packet, Your
21 Honor.
22 THE COURT: Was that at the time it happened or
23 since that time or both?
24 MS. JOLLEY: It was just at the time it happened.
25 THE COURT: Did you form in your own mind or did

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1 you express to anybody else any opinion that you might
2 have as to the guilt or innocence of Mr. Robinson at that
3 time?
4 MS. JOLLEY: No, Your Honor.
5 THE COURT: If you're asked to serve as a juror in
6 the trial of this case could you set aside those things
7 that you have seen and heard and decide this case based
8 on the evidence that you will hear in this courtroom?
9 MS. JOLLEY: Yes, Your Honor.
10 THE COURT: Would you do that please?
11 MS. JOLLEY: Yes, Your Honor.
12 THE COURT: Thank you. You can go back and have a
13 seat.
14 [Whereupon, the juror returns to the audience]
15 THE BAILIFF: Juror number 345, Your Honor.
16 [Whereupon, the juror comes forward]
17 THE COURT: Mr. Roberts, tell me where you got the
18 information that you have about this case?
19 MR. ROBERTS: From the Island Packet articles.
20 THE COURT: Was that at the time it happened or
21 since that time or both?
22 MR. ROBERTS: Both.
23 THE COURT: Based on those things you read in the
24 Packet or wherever you got your information did you form
25 in your own mind or did you express to anybody else any

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1 opinion as to the guilt or the innocence of Mr. Robinson?
2 MR. ROBERTS: No.
3 THE COURT: If you're asked to serve as a juror in
4 this case could you set aside those things that you've
5 seen or heard and decide this case based on the evidence
6 that you hear in court?
7 MR. ROBERTS: Yes, I could.
8 THE COURT: Would you do that please?
9 MR. ROBERTS: Certainly.
10 THE COURT: Thank you, sir. Now you also indicated
11 that you or a family member had been a victim of a crime
12 of personal violence. Was it you or a family member?
13 MR. ROBERTS: Both.
14 THE COURT: Let's start with you first of all.
15 What was your involvement?
16 MR. ROBERTS: You said robbery and I had my house
17 robbed.
18 THE COURT: Were you in the home at the time it
19 happened?
20 MR. ROBERTS: No.
21 THE COURT: Was anybody ever caught and convicted
22 for that?
23 MR. ROBERTS: No.
24 THE COURT: Was it here in Hilton Head -- in
25 Beaufort County?

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1 MR. ROBERTS: No.
2 THE COURT: Somewhere else?
3 MR. ROBERTS: Somewhere else.
4 THE COURT: And then who was the other family
5 member?
6 MR. ROBERTS: I have a step-son he wasn't convicted
7 but a burglary. He was accused.
8 THE COURT: Whatever became of that case?
9 MR. ROBERTS: The case was dropped due to lack of
10 evidence.
11 THE COURT: Okay. Was that here in Beaufort
12 County?
13 MR. ROBERTS: Yes.
14 THE COURT: How long ago was that?
15 MR. ROBERTS: Three years ago maybe.
16 THE COURT: How old was your step-son at the time?
17 MR. ROBERTS: 17.
18 THE COURT: Was he living with you all the time?
19 MR. ROBERTS: Yes.
20 THE COURT: Would either of those experiences that
21 you've just talked about you being a victim and your
22 step-son being accused of a crime would those things make
23 it difficult for you to be fair and impartial as a juror
24 in this case?
25 MR. ROBERTS: No.

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1 MR. WIGINGTON: No, sir.
2 THE COURT: If you're asked to serve as a juror in
3 this case could you set aside those things that you've
4 seen or heard and decide this case based on what you hear
5 in court?
6 MR. WIGINGTON: Yes, sir.
7 THE COURT: Would you do that please?
8 MR. WIGINGTON: Yes, sir.
9 THE COURT: Thank you. You can go back and have a
10 seat.
11 [Whereupon, the juror returns to the audience]
12 THE BAILIFF: Juror number 389, Your Honor.
13 [Whereupon, the juror comes forward]
14 THE COURT: Tell me the information that you have
15 about this case. Where did it come from?
16 MS. STANLEY: Well I live at Haig Point community
17 and I believe the victim's aunt was an employee there.
18 THE COURT: Right.
19 MS. STANLEY: And a lot of the women and I rallied
20 around her because it was a horrible, horrible event.
21 THE COURT: That was Khalil Singleton's aunt right?
22 MS. STANLEY: Uh Huh.
23 THE COURT: And of course you read about it or
24 followed it in the news media to some extent.
25 MS. STANLEY: Uh Huh.

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1 THE COURT: Could you set aside those things and
2 decide this case based on what you would hear in court?
3 MR. ROBERTS: Yes, I could.
4 THE COURT: Would you do that please?
5 MR. ROBERTS: I will.
6 THE COURT: Thank you. You can go back and have a
7 seat.
8 [Whereupon, the juror returns to the audience]
9 THE BAILIFF: Juror number 427, Your Honor.
10 [Whereupon, the juror comes forward]
11 THE COURT: Mr. Wigington, tell me about the
12 information you have about this case where it came from.
13 MR. WIGINGTON: I saw the headline in yesterday's
14 Island Packet.
15 THE COURT: Okay.
16 MR. WIGINGTON: I might have read the first
17 paragraph but I just saw it.
18 THE COURT: When this thing occurred a couple of
19 years ago did you follow it at that time?
20 MR. WIGINGTON: No, sir.
21 THE COURT: Okay. Based on what you have read or
22 what you know about it from any source at all have you
23 formed in your own mind or have you expressed it to
24 anybody else any opinion about the guilt or the innocence
25 of Mr. Robinson?

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1 THE COURT: Would the scope of the information that
2 you have from both of those things; both reading it in
3 the paper and having some connection with the victim's
4 family would either or both of those things make it
5 difficult for you to be fair and impartial as a juror in
6 the trial of this case?
7 MS. STANLEY: The newspaper not but knowing the
8 aunt...
9 THE COURT: Did you get personally involved with
10 the aunt?
11 MS. STANLEY: No, I would see her about every day
12 though.
13 THE COURT: I see.
14 MS. STANLEY: But I'm not real close with her but I
15 know people that are.
16 THE COURT: I understand. Would any of those
17 things or all of them together make it difficult for you
18 to be fair and impartial as a juror in this trial?
19 MS. STANLEY: Yes.
20 THE COURT: All right. We'll stand you aside as a
21 juror in this case Ms. Stanley. You might still get
22 picked on the other one. I don't know what happened with
23 that one yet but don't leave us just yet.
24 MS. STANLEY: Okay.
25 THE COURT: Thank you Number 389 stood aside as a

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1 juror in this trial.
2 [Whereupon, the juror returns to the audience]
3 THE BAILIFF: Juror number 341, Your Honor.
4 [Whereupon, the juror comes forward]
5 THE COURT: You indicated you have some information
6 about this case. Tell me where you got the information.
7 MR. RECHIN: Probably the Island Packet and maybe a
8 little bit of gossip hearsay through work and church.
9 THE COURT: Where do you work?
10 MR. RECHIN: Sonesta Resort, formerly Crown Plaza.
11 THE COURT: Okay. Based on any of the information
12 that you have about the case have you formed in your own
13 mind or have you expressed to anybody else any opinion
14 that you might have as to the guilt or the innocence?
15 MR. RECHIN: I don't think so.
16 THE COURT: If you were asked to serve as a juror
17 in this case could you set aside those things that you
18 have seen and heard?
19 MR. RECHIN: I think so.
20 THE COURT: And decide this case based on what you
21 would hear here in court?
22 MR. RECHIN: Yes.
23 THE COURT: Would you do that please?
24 MR. RECHIN: Uh Huh.
25 THE COURT: Thank you. You can go back and have a

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1 people on Hilton Head who were just talking about it did
2 you form in your mind or did you express to anybody else
3 any opinion as to whether you think he's guilty or not
4 guilty of this charge?
5 MS. LEVY: Oh no. I mean it was never -- no.
6 THE COURT: Could you set aside those things and
7 decide this case based on what you would hear in court?
8 MS. LEVY: Absolutely.
9 THE COURT: Would you do that please?
10 MS. LEVY: Yes, sir.
11 THE COURT: Now based on the fact that your nephew
12 is or was nine years old and played baseball or eight
13 years old Khalil Singleton was about the same age and
14 played baseball. Would that impact on your ability to be
15 fair and impartial as a juror in this trial?
16 MS. LEVY: No.
17 THE COURT: Could you set aside that matter and
18 decide this case based on what you hear in the courtroom?
19 MS. LEVY: Uh Huh.
20 THE COURT: Thank you. You can go back and have a
21 seat.
22 MS. LEVY: What about the -- that I knew about.
23 THE COURT: What's that?
24 MS. LEVY: That I just remembered????
25 THE COURT: Oh, that's fine. Thank you.

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1 seat.
2 [Whereupon, the juror returns to the audience]
3 THE BAILIFF: Juror number 252, Your Honor.
4 [Whereupon, the juror comes forward]
5 THE COURT: Tell me where you got your information
6 about the case?
7 MS. LEVY: Well, I live in Hilton Head and everybody
8 was talking about it.
9 THE COURT: Right. Did it come from conversation
10 or from the Island Packet or some combination of those
11 things?
12 MS. LEVY: I actually saw his picture on the front
13 page of the Packet. And my nephew played baseball and he
14 was the same age so he...
15 THE COURT: Your nephew was eight or nine?
16 MS. LEVY: Yes, when that happened.
17 THE COURT: I see. Did your nephew know him?
18 MS. LEVY: Not really. I mean he knew who he was.
19 THE COURT: I see.
20 MS. LEVY: I mean he had seen him.
21 THE COURT: I see. Didn't play on the same team or
22 anything like that as far as you know.
23 MS. LEVY: I don't think so.
24 THE COURT: Based on any of that information --
25 lets start with what you knew about the case from the

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1 [Whereupon, the juror returns to the audience]
2 THE BAILIFF: Juror number 237, Your Honor.
3 [Whereupon, the juror comes forward]
4 THE COURT: Ms. King, I didn't have you down on my
5 note --
6 MS. KING: You had stated the question and I was
7 thinking about it when this side over here stood up and
8 you said if you were a victim. Maybe this is not
9 pertinent but I almost had a home invasion at my house in
10 August of 2012. And my husband was at work and I told
11 the perpetrator that I had weapons and I know how to use
12 them; I'm former military.
13 And I called 911 of course and they came and took
14 footprints and this and that but they did say that
15 someone was there but there was no home invasion. But I
16 just wanted to -- like I said it has nothing to do with
17 this.
18 THE COURT: I appreciate that.
19 MS. KING: I just don't want to get in any kind of
20 trouble.
21 THE COURT: No, you won't. Did anybody -- I take
22 it nobody was ever caught.
23 MS. KING: There was two people involved. There was
24 a black gentleman and a white gentleman. They both were
25 killed in drug deals in Aiken. So, there it is.

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1 THE COURT: All right. Would what you just
2 described to me would any of that make it difficult for
3 you to be fair and impartial as a juror in this trial?
4 MS. KING: Absolutely not.
5 THE COURT: You can set aside those things and
6 decide this case based on what you hear in court?
7 MS. KING: Absolutely.
8 THE COURT: Would you do that please?
9 MS. KING: Absolutely.
10 THE COURT: Thank you. You can go back and have a
11 seat.
12 [Whereupon, the juror returns to the audience]
13 THE BAILIFF: Juror number 116, Your Honor.
14 [Whereupon, the juror comes forward]
15 THE COURT: Ms. Doe tell me where your information
16 came about this case.
17 MS. DOE: My husband has told me because he likes to
18 watch the news.
19 THE COURT: I'm sorry?
20 MS. DOE: My husband had told me about it. He likes
21 to watch the news.
22 THE COURT: I got you. Was that when it happened
23 some time ago a couple of years ago when it happened?
24 MS. DOE: Uh Huh.
25 THE COURT: Have you and your husband followed it

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1 since that time?
2 MS. DOE: No.
3 THE COURT: Based on what you know about the case
4 from talking with our husband or wherever you got your
5 information from have you made up your own mind or have
6 you told anybody else any feelings that you might have as
7 to whether you think he's guilty or not guilty of these
8 charges?
9 MS. DOE: No.
10 THE COURT: If you're asked to serve as a juror in
11 this trial would you forget those things that you have
12 heard and read and decide this case based on the evidence
13 that you hear in court?
14 MS. DOE: Yes, sir.
15 THE COURT: Would you do that please?
16 MS. DOE: Yes, sir.
17 THE COURT: Thank you. You can go back and have a
18 seat.
19 [Whereupon, the juror returns to the audience]
20 THE BAILIFF: Juror number 308, Your Honor.
21 [Whereupon, the juror comes forward]
22 THE COURT: Ms. Newnham you said you have some
23 information about this case. Where did you get it from?
24 MS. NEWNHAM: I heard it first on the news, Savannah
25 news WSAB.

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1 THE COURT: When it happened a couple of years ago?
2 MS. NEWNHAM: Yes.
3 THE COURT: Have you followed it since that time?
4 MS. NEWNHAM: Just what I've heard on the news.
5 THE COURT: Okay. Do you read the island Packet?
6 MS. NEWNHAM: Occasionally but I haven't read it
7 lately.
8 THE COURT: Okay. That's fine. Based on those
9 things that you've heard and read wherever you got your
10 information from Ms. Newnham have you formed in your own
11 mind or have you expressed to anybody else any feeling
12 that you might have as to the guilt or innocence of Mr.
13 Robinson?
14 MS. NEWNHAM: No, sir.
15 THE COURT: If you're asked to serve as a juror in
16 this trial could you make your decision based on what you
17 would hear in court without regard to those things that
18 you've seen and heard?
19 MS. NEWNHAM: Yes, sir.
20 THE COURT: Would you do that please?
21 MS. NEWNHAM: Yes.
22 THE COURT: Thank you. You can go back and have a
23 seat.
24 [Whereupon, the juror returns to the audience]
25 THE BAILIFF: Juror number 102, Your Honor.

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1 [Whereupon, the juror comes forward]
2 THE COURT: Mr. Davis, tell me the source of your
3 information about the case.
4 MR. DAVIS: The Island Packet. I've just seen a
5 couple. I haven't spoken to anybody or really know the
6 details; just seeing the names in the Island Packet when
7 it happened.
8 THE COURT: When it happened?
9 MR. DAVIS: Uh Huh. And then again I think it the
10 last week or so there was something that...
11 THE COURT: Based on those things have you formed
12 in your own mind or have you expressed to anybody else
13 any opinion that you might have as to whether you think
14 he's guilty or not guilty of this charge?
15 MR. DAVIS: I have not.
16 THE COURT: If you're asked to serve as a juror in
17 this trial could you set aside those things that you've
18 seen or heard and decide this case based on the evidence
19 that you hear in court?
20 MR. DAVIS: Absolutely.
21 THE COURT: Would you do that please?
22 MR. DAVIS: Yes, sir.
23 THE COURT: Thank you. You can go back and have a
24 seat.
25 [Whereupon, the juror returns to the audience]

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1 THE BAILIFF: Juror number 148, Your Honor.
2 [Whereupon, the juror comes forward]
3 THE COURT: You indicated you have some information
4 about this case. Where did you get that information
5 from?
6 MS. FRYMAN: From the Beaufort Gazette.
7 THE COURT: Okay. Was it at the time that it
8 happened or since that time or both?
9 MS. FRYMAN: Both.
10 THE COURT: Based on those things you read in the
11 Gazette Ms. Fryman have you formed in your own mind or
12 have you expressed to anybody else any opinion that you
13 might have as to the guilt or the innocence of Mr.
14 Robinson?
15 MS. FRYMAN: No.
16 THE COURT: If you're asked to serve as a juror in
17 this trial could you set aside those things that you've
18 seen or heard and decide this case based on the evidence
19 that you hear in court?
20 MS. FRYMAN: Yes, I could.
21 THE COURT: Would you do that please?
22 MS. FRYMAN: Yes, sir.
23 THE COURT: Thank you. You can go back and have a
24 seat.
25 [Whereupon, the juror returns to the audience]

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1 THE BAILIFF: Juror number 262 Your Honor.
2 [Whereupon, the juror comes forward]
3 THE COURT: Tell me where you got your information
4 about this case.
5 MR. LORENZ: Newspaper and television reports.
6 THE COURT: At the time it happened or since that
7 time or both?
8 MR. LORENZ: Both.
9 THE COURT: Both? Based on that information that
10 you do have, have you formed in your own mind or have you
11 expressed to anybody else in any opinion that you might
12 have as to the guilt or the innocence of Mr. Robinson?
13 MR. LORENZ: No, sir.
14 THE COURT: If you're asked to serve as a juror in
15 this trial could you set aside those things that you've
16 seen or heard and decide this case based on the evidence
17 that you hear in court?
18 MR. LORENZ: Yes, sir.
19 THE COURT: Would you do that please?
20 MR. LORENZ: Yes, sir.
21 THE COURT: Thank you. You can go back and have a
22 seat.
23 [Whereupon, the juror returns to the audience]
24 THE BAILIFF: Juror number 130, Your Honor.
25 [Whereupon, the juror comes forward]

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1 THE COURT: You have indicated that you or a family
2 member had been involved in a crime of personal violence.
3 MS. ESPINOZA: My sister.
4 THE COURT: Your sister?
5 MS. ESPINOZA: My only sister was raped at gunpoint
6 in her home in 1974.
7 THE COURT: And where did that happen?
8 MS. ESPINOZA: Palm Springs, California.
9 THE COURT: Was anyone ever caught and convicted of
10 that?
11 MS. ESPINOZA: He was caught and it turned out he
12 had raped about 12 women in a span of two years. He was
13 convicted and was released after about 17 years. So she
14 still looks over her shoulder as we do.
15 THE COURT: I see ---
16 MS. ESPINOZA: --- it changed her life.
17 THE COURT: Does she still live there?
18 MS. ESPINOZA: Yes, she still lives there. It
19 destroyed her marriage.
20 THE COURT: How old is she now?
21 MS. ESPINOZA: She is 60.
22 THE COURT: So she was relatively young when this
23 happened?
24 MS. ESPINOZA: She was 20 when she was raped.
25 THE COURT: Would your unfortunate experience

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1 through your sister vicariously as a victim in this case
2 make it difficult for you to be fair and impartial as a
3 juror in the trial of this case?
4 MS. ESPINOZA: I've lived with this for 40 years and
5 it's ingrained; it's part of me. I could try. I also
6 have a very -- my best friend was murdered in 1980 in
7 Palm Springs, California so I would give it my best but
8 it's part of me.
9 THE COURT: I understand. I can appreciate that.
10 I'm concerned that we might put you in a difficult
11 position asking you to set aside all those -- those types
12 of experiences.
13 MS. ESPINOZA: I can still try.
14 THE COURT: Well, let me ask you the pointed
15 question. Would you be able to set aside those
16 experiences that you've just described to me and decide
17 this case based on the evidence that you hear in court?
18 MS. ESPINOZA: I would do my very best to do that.
19 THE COURT: Would you do that please?
20 MS. ESPINOZA: I don't know how I'm going to feel
21 when things come up.
22 THE COURT: I understand and I can appreciate that.
23 Of course we need to have folks who don't bring into this
24 process the unfortunate experience you have had through
25 no fault of your own. And that's the reason we ask these

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1 questions so that we can make sure ---
2 MS. ESPINOZA: --- I can serve on any other jury.
3 THE COURT: I know ---
4 MS. ESPINOZA: --- I have and I will.
5 THE COURT: I'm sure you will. And there are
6 others -- we don't want to recall your number again.
7 MS. ESPINOZA: 130.
8 THE COURT: There are other cases out there that
9 which would not recall the unfortunate memories that you
10 would have to recall in this particular case. I'm going
11 to stand you aside as a juror in this case but there are
12 other cases to be tried this week so hopefully you ---
13 MS. ESPINOZA: --- so just hang out?
14 THE COURT: Hang out for a while. Thank you. You
15 can go back and have a seat.
16 [Whereupon, the juror returns to the audience]
17 THE COURT: Juror number 130 will be stood aside in
18 this case.
19 THE BAILIFF: Juror number 316, Your Honor.
20 [Whereupon, the juror comes forward]
21 THE COURT: Ms. Pataluch you indicated that you
22 have some information about the case. Would you tell me
23 what the source of that information was?
24 MS. PATALUCH: It was the Island Packet.
25 THE COURT: Okay. Was it at the time it happened

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1 borne up under that rather tedious process that we
2 necessarily have to work through in order to assure that
3 at least those matters that we were talking about up here
4 at sidebar would not adversely impact your ability to be
5 fair and impartial as jurors in this trial.
6 Ladies and gentlemen, if any of you all out there
7 ever been employed by a law enforcement agency other than
8 the one or two of you have expressed that what your
9 employment is and we already know about that, anybody
10 else who has been employed by a law enforcement agency
11 either civilian or military agency or has been employed
12 in either a Public Defender's office, a Solicitor's
13 office or an Attorney General's office, if any of you
14 have ever been employed by a law enforcement agency,
15 civilian or military, or if you have ever been an
16 employee of a Public Defender's office, Solicitor's
17 office, or Attorney General's office would you please
18 stand.
19 [Whereupon, an individual stands]
20 THE COURT: Yes sir, you name and number please?
21 MR. POLLARD: Juror number 329. I graduated from
22 the police academy in 2012 in Brevard County, Florida. I
23 was hired by the Titusville Police Department. I quit
24 during F-T-O.
25 THE COURT: You did what; I'm sorry?

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1 or since that time or both?
2 MS. PATALUCH: It's just reading the Sunday paper
3 just keeping up with the story.
4 THE COURT: Just like you do all the news?
5 MS. PATALUCH: General information but I thought I
6 better say something.
7 THE COURT: You did exactly the right thing. Based
8 on those things that you have seen or heard or read about
9 this case have you formed in your mind or have you
10 expressed to anybody else any opinions you may have as to
11 the guilt or innocence?
12 MS. PATALUCH: No, I haven't.
13 THE COURT: If you're asked to serve as a juror
14 could you set aside those things that you've seen or
15 heard and decide this case based on the evidence that you
16 hear in court?
17 MS. PATALUCH: Yes, I think I could.
18 THE COURT: Would you do that please?
19 MS. PATALUCH: Yes, I will.
20 THE COURT: Thank you. You can go back and have a
21 seat.
22 [Whereupon, the juror returns to the audience]
23 THE COURT: Ladies and gentlemen, I thank you all
24 for your patience in that process, that important part of
25 this process, and for the good humor in which you have

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1 MR. POLLARD: I quit during my field training.
2 THE COURT: I see. All right, sir. Thank you Mr.
3 Pollard, we appreciate that.
4 [Whereupon, an individual stands]
5 THE COURT: Yes, sir?
6 MR. GAITHER: Warren Gaither, 151. I was a military
7 policeman for 22 years and I'm in security now.
8 THE COURT: Thank you. Mr. Pollard and Mr.
9 Gaither, would your employment or your experience in that
10 regard with law enforcement make it difficult for you to
11 be fair and impartial as a juror in this trial, Mr.
12 Pollard?
13 MR. POLLARD: No, sir.
14 THE COURT: Mr. Gaither?
15 MR. GAITHER: No, sir.
16 THE COURT: Thank you gentlemen, you may have a
17 seat.
18 [Whereupon, an individual stands]
19 THE BAILIFF: One more standing, Your Honor.
20 THE COURT: Okay. I'm sorry. We know about
21 yours. Thank you. I've written it down a couple of
22 times already but I think the lawyers have made a
23 notation of that as well. Thank you.
24 Ladies and gentlemen, understanding the allegations
25 in this particular case, which as you know from reading

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1 the indictment are allegations accusing the defendant in
2 this particular case with the murder of a young boy, who
3 was either eight or nine years old at the time this
4 happened.
5 Is there anything in your own background, your own
6 family history, your own experiences, your own religious
7 beliefs that would make it difficult for you to serve
8 fairly and impartially as a juror in a trial with those
9 allegations against the defendant? If so, would you
10 please stand?
11 [Whereupon, an individual stands]
12 THE COURT: Yes, sir?
13 MR. MANNING: Michael Manning, 273.
14 THE COURT: 273 wait just one second. All right
15 Mr. Manning would you come forward again, please sir?
16 [Whereupon, the juror comes forward]
17 THE COURT: Mr. Manning, if you will speak once
18 again so that she can hear. Tell me what you...
19 MR. MANNING: My girlfriend lost her son to leukemia
20 and he was eight years old and it was a long and
21 difficult process And to see a young child lose their
22 life was very difficult for me.
23 THE COURT: I understand. And I'm sorry that we
24 had to even recall that unfortunate incident in your life
25 with your girlfriend We'll stand you aside as a juror

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1 MR. BAX: Approach briefly, Your Honor?
2 THE COURT: Sir?
3 MR. BAX: Approach?
4 THE COURT: Yes, sir. We can do it right here with
5 her. Speak so she can hear you.
6 MR. BAX: I know you did ask if anybody is employed
7 by law enforcement. We did not ask if anybody is married
8 to somebody or has in their immediate family somebody in
9 law enforcement. I do typically try to get that
10 information if it's possible because a lot of people have
11 sons, or daughter's, or husbands. We've heard from a
12 few. And then the other one, Your Honor, was whether any
13 member of the jury panel typically or currently donates
14 to a ---
15 THE COURT: --- I should have asked that. I'll
16 decline to get -- but you are right; I overlooked that.
17 I'll get it.
18 MR. BAX: Thank you.
19 THE COURT: Ladies and gentlemen, I'm sorry I had
20 overlooked one of the questions I was supposed to ask
21 you. Are any of you all members of or contributors to
22 any law enforcement support, or victim's rights
23 organizations such as MADD, SADD, CODA, CADRE or the
24 like? If so please stand.
25 [Whereupon, an individual stands]

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1 Mr. Manning in this trial. You might get picked in
2 another one so don't leave us just yet.
3 MR. MANNING: Okay. Thank you.
4 [Whereupon, the juror returns to the audience]
5 THE COURT: Number 273 will be stood aside as a
6 juror in this case.
7 Ladies and gentlemen, have any of you all thought in
8 your own mind or have you expressed to anyone else any
9 opinion that you might have as to the guilt or the
10 innocence of Mr. Robinson in this case? If you have will
11 you please stand?
12 Is anyone out there conscious that is to say aware
13 of any bias or prejudice that you might have for or
14 against the State of South Carolina or for or against Mr.
15 Tyrone Robinson? If so, please stand.
16 Do any of you then know of any reason whatsoever
17 that would prevent you from being fair and impartial as a
18 juror both to the State and to this defendant? If you
19 know of any such reason would you please stand. Mr.
20 Solicitor, any further questions from the state?
21 MR. STONE: Nothing from the State, Your Honor.
22 THE COURT: Mr. Bax, other than previously noted
23 any additional questions from the defense?
24 MR. BAX: A moment, Your Honor.
25 [Whereupon, Mr. Bax and Ms. Saxon confer]

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1 THE COURT: Yes ma'am, your name and number please?
2 MS. LOVELL: 264.
3 THE COURT: And which organization do you
4 contribute to?
5 MS. LOVELL: Well, I just want to clarify I work for
6 United Way. We have partner agencies CODA, Oak Haven
7 [phonetic] some of those type of agencies.
8 THE COURT: Thank you, ma'am. Would that make it
9 difficult for you to be fair and impartial in this case?
10 MS. LOVELL: No.
11 THE COURT: Thank you, ma'am. You can have a
12 seat.
13 [Whereupon, an individual stands]
14 THE COURT: Yes, ma'am?
15 MS. LAROCHE: 248. I donate money to CODA and MADD.
16 THE COURT: Thank you. Would that impact your
17 ability to be fair and impartial in this case?
18 MS. LAROCHE: No, sir.
19 THE COURT: Thank you, ma'am. Mr. Bax, anything
20 further?
21 MR. BAX: No, Your Honor. Thank you.
22 THE COURT: Thank you. Madame Reporter, if you
23 will make the Voir Dire a court's exhibit please?
24 [Whereupon, court's exhibit number 1 is marked by
25 the court reporter]

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1 THE COURT: All right. Madame Clerk, you can give
2 us a jury. The strikes will be five for the State, ten
3 for the defense. We will pick two alternates. As to the
4 alternates the strikes will be one for the State, two for
5 the defense.
6 MR. BAX: And Your Honor if I may? I just want to
7 make sure I note for the record my motion that we
8 discussed in chambers.
9 THE COURT: Thank you. I will note that the
10 motion that we talked about in chambers we will note that
11 for the record and we will argue it out of the presence
12 of the jury.
13 MR. BAX: Thank you, Your Honor.
14 THE COURT: Thank you. Ladies and gentlemen,
15 right this minute as you and I are talking this computer
16 up here is furling about feverishly. We can't see it or
17 hear it but all of your names are in there and it is
18 jumbling those up in something of a random fashion and it
19 will generate a list.
20 So some of your names will be on the list and some
21 of your names will not be on it. You won't know whether
22 your name is on it unless you hear it called. This is
23 the modern day era of old process that we used to engage
24 in years ago. Even when I started 40 years ago with the
25 law when every voter had a strip of paper with a name on

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1 it and it was placed in a big huge box in a capsule. In
2 those days the juror lists were all generated from the
3 voter registration list. And so those capsules with the
4 juror's names on them would be put in some sort of a
5 tumbler and shaken all up. And here you got a little
6 white capsule with a cap on it and a piece of paper
7 sealed up inside it and then the thing would be tumbled
8 up.
9 And according to the statute either a blind person
10 or a child under the age of ten had to draw those things
11 out. They must have thought they had x-ray vision or
12 something like that to be able to see through. Well it
13 was a wonderful old archaic process and a great deal of
14 ceremony attached to it. Unfortunately that has gone the
15 way of technology and you saw just the sterile process a
16 while ago it spits out a piece of paper and it's got
17 names on it. And some of you will momentarily know if
18 your names are on the list.
19 Ladies and gentlemen, as your names are called
20 please if you will follow the instructions given to you
21 by the Clerk. You will simply stand in place right where
22 you are and remain there until you get further
23 instructions from the Clerk. Thank you. Madame Clerk?
24
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1 CLERK OF COURT: Juror number 237 Christine King.
2 [Whereupon, the juror stands]
3 CLERK OF COURT: What says the State?
4 MR. STONE: Please present Ms. King.
5 CLERK OF COURT: What says the defense?
6 MR. BAX: Please excuse the juror from the trial in
7 this case.
8 CLERK OF COURT: Juror number 172 Clarence Greene.
9 [Whereupon, the juror stands]
10 CLERK OF COURT: What says the State?
11 MR. STONE: Please excuse Mr. Greene from this
12 case.
13 CLERK OF COURT: Juror number 95 David Crocker.
14 [Whereupon, the juror stands]
15 CLERK OF COURT: What says the State?
16 MR. STONE: Please present Mr. Crocker.
17 CLERK OF COURT: What says the defense?
18 MR. BAX: Please seat the juror in the trial of
19 this case, Your Honor.
20 [Whereupon, juror number 95 is seated in the jury
21 box as a juror]
22 CLERK OF COURT: Juror number 51 Holly Brown.
23 [Whereupon, the juror stands]
24 CLERK OF COURT: What says the State?
25 MR. STONE: Please present Ms. Brown.

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1 CLERK OF COURT: What says the defense?
2 MR. BAX: Please excuse the juror from the trial in
3 this case.
4 CLERK OF COURT: Juror number 151 Warren Gaither.
5 [Whereupon, the juror stands]
6 CLERK OF COURT: What says the State?
7 MR. STONE: Please present Mr. Gaither.
8 CLERK OF COURT: What says the defense?
9 MR. BAX: Please seat the juror in the trial of
10 this case, Your Honor.
11 [Whereupon, juror number 151 is seated in the jury
12 box as a juror]
13 CLERK OF COURT: Juror number 121 James Dresher.
14 [Whereupon, the juror stands]
15 CLERK OF COURT: What says the State?
16 MR. STONE: Please present Mr. Dresher.
17 CLERK OF COURT: What says the defense?
18 MR. BAX: A moment's indulgence, Your Honor.
19 [Whereupon, Mr. Bax and Ms. Saxon confer]
20 MR. BAX: Please seat the juror in the trial for
21 this case, Your Honor.
22 [Whereupon, juror number 121 is seated in the jury
23 box as a juror]
24 CLERK OF COURT: Juror number 317 Cherie
25 Patterson.

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1 [Whereupon, the juror stands]
2 CLERK OF COURT: What says the State?
3 MR. STONE: Please present Ms. Patterson.
4 CLERK OF COURT: What says the defense?
5 MR. BAX: Please excuse the juror from the trial in
6 this case.
7 CLERK OF COURT: Juror number 286 Tyianna McKoy.
8 [Whereupon, the juror stands]
9 CLERK OF COURT: What says the State?
10 MR. STONE: Please present Ms. McKoy.
11 CLERK OF COURT: What says the defense?
12 MR. BAX: Please seat the juror in the trial for
13 this case, Your Honor.
14 [Whereupon, juror number 286 is seated in the jury
15 box as a juror]
16 CLERK OF COURT: Juror number 111 Patricia Dennard.
17 [Whereupon, the juror stands]
18 CLERK OF COURT: What says the State?
19 MR. STONE: Please excuse this juror for this case.
20 CLERK OF COURT: Juror number 262 James Lorenz.
21 [Whereupon, the juror stands]
22 CLERK OF COURT: What says the State?
23 MR. STONE: Please present Mr. Lorenz.
24 CLERK OF COURT: What says the defense?
25 MR. BAX: Please seat the juror in the trial for

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1 this case, Your Honor.
2 [Whereupon, juror number 262 is seated in the jury
3 box as a juror]
4 CLERK OF COURT: Juror number 388 Nancy Staab.
5 [Whereupon, the juror stands]
6 CLERK OF COURT: What says the State?
7 MR. STONE: Please present Ms. Staab.
8 CLERK OF COURT: What says the defense?
9 MR. BAX: Please excuse the juror from the trial in
10 this case.
11 CLERK OF COURT: Juror number 365 Evelyn Seabrook.
12 [Whereupon, the juror stands]
13 CLERK OF COURT: What says the State?
14 MR. STONE: Please present Ms. Seabrook.
15 CLERK OF COURT: What says the defense?
16 MR. BAX: Please seat the juror in the trial for
17 this case, Your Honor.
18 [Whereupon, juror number 365 is seated in the jury
19 box as a juror]
20 CLERK OF COURT: Juror number 127 Matt Edlin.
21 [Whereupon, the juror stands]
22 CLERK OF COURT: What says the State?
23 MR. STONE: Please present Mr. Edlin.
24 CLERK OF COURT: What says the defense?
25 MR. BAX: Please excuse the juror from the trial in

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1 this case.
2 CLERK OF COURT: Juror number 427 John Wigington.
3 [Whereupon, the juror stands]
4 CLERK OF COURT: What says the State?
5 MR. STONE: Please present Mr. Wigington.
6 CLERK OF COURT: What says the defense?
7 MR. BAX: Please excuse the juror from the trial in
8 this case.
9 CLERK OF COURT: Juror number 211 Janet Hunter.
10 [Whereupon, the juror stands]
11 CLERK OF COURT: What says the State?
12 MR. STONE: Please present Ms. Hunter.
13 CLERK OF COURT: What says the defense?
14 MR. BAX: Please excuse the juror from the trial in
15 this case.
16 THE COURT: The State has exercised two strikes.
17 The defense has exercised seven strikes.
18 CLERK OF COURT: Juror number 245 David Lancaster.
19 [Whereupon, the juror stands]
20 CLERK OF COURT: What says the State?
21 MR. STONE: Please present Mr. Lancaster.
22 CLERK OF COURT: What says the defense?
23 MR. BAX: Please seat the juror in the trial for
24 this case, Your Honor.
25 [Whereupon, juror number 245 is seated in the jury

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1 box as a juror]
2 CLERK OF COURT: Juror number 406 Edward
3 Uniejewski.
4 [Whereupon, the juror stands]
5 CLERK OF COURT: What says the State?
6 MR. STONE: Please seat Mr. Uniejewski.
7 CLERK OF COURT: What says the defense?
8 MR. BAX: Please seat the juror in the trial for
9 this case, Your Honor.
10 [Whereupon, juror number 406 is seated in the jury
11 box as a juror]
12 CLERK OF COURT: Juror number 209 Mary Hughes.
13 [Whereupon, the juror stands]
14 CLERK OF COURT: What says the State?
15 MR. STONE: Please present Ms. Hughes.
16 CLERK OF COURT: What says the defense?
17 MR. BAX: Please seat the juror in the trial for
18 this case, Your Honor.
19 [Whereupon, juror number 209 is seated in the jury
20 box as a juror]
21 CLERK OF COURT: Juror number 244 Christopher
22 Lambert.
23 [Whereupon, the juror stands]
24 CLERK OF COURT: What says the State?
25 MR. STONE: Please excuse Mr. Lambert for this

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1 case.
2 CLERK OF COURT: Juror number 59 Samuel Burke.
3 [Whereupon, the juror stands]
4 CLERK OF COURT: What says the State?
5 MR. STONE: Please present Mr. Burke.
6 CLERK OF COURT: What says the defense?
7 MR. BAX: Please seat the juror in the trial for
8 this case, Your Honor.
9 [Whereupon, juror number 59 is seated in the jury
10 box as a juror]
11 CLERK OF COURT: Juror number 232 Kelly Jolley.
12 [Whereupon, the juror stands]
13 CLERK OF COURT: What says the State?
14 MR. STONE: Please excuse Ms. Jolley for this case.
15 CLERK OF COURT: Juror number 308 Helen Newnham.
16 [Whereupon, the juror stands]
17 CLERK OF COURT: What says the State?
18 MR. STONE: Please present Ms. Newnham.
19 CLERK OF COURT: What says the defense?
20 MR. BAX: Please excuse the juror from the trial in
21 this case.
22 CLERK OF COURT: Juror number 448 Jeffrey Zapp.
23 [Whereupon, the juror stands]
24 CLERK OF COURT: What says the State?
25 MR. STONE: Please present Mr. Zapp.

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1 CLERK OF COURT: What says the defense?
2 MR. BAX: Please excuse the juror from the trial in
3 this case.
4 CLERK OF COURT: Juror number 125 Benjamin Dunning.
5 [Whereupon, the juror stands]
6 CLERK OF COURT: What says the State?
7 MR. STONE: Please present Mr. Dunning.
8 CLERK OF COURT: What says the defense?
9 MR. BAX: Moment's indulgence, Your Honor.
10 [Whereupon, Mr. Bax and Ms. Saxon confer]
11 MR. BAX: Please seat the juror in the trial for
12 this case, Your Honor.
13 [Whereupon, juror number 125 is seated in the jury
14 box as a juror]
15 CLERK OF COURT: Juror number 155 Steven Gates.
16 [Whereupon, the juror stands]
17 CLERK OF COURT: What says the State?
18 MR. STONE: Please present Mr. Gates.
19 CLERK OF COURT: What says the defense?
20 MR. BAX: Please excuse the juror from the trial in
21 this case.
22 CLERK OF COURT: Juror number 438 Steven Womack.
23 [Whereupon, the juror stands]
24 CLERK OF COURT: What says the State?
25 MR. STONE: Please present Mr. Womack.

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1 CLERK OF COURT: What says the defense?
2 MR. BAX: Please seat the juror in the trial for
3 this case, Your Honor.
4 [Whereupon, juror number 438 is seated in the jury
5 box as a juror]
6 CLERK OF COURT: Now we will be striking for our
7 first alternate. Juror number 41 Caroline Boston.
8 [Whereupon, the juror stands]
9 CLERK OF COURT: What says the State?
10 MR. STONE: Please seat Ms. Boston.
11 CLERK OF COURT: What says the defense?
12 MR. BAX: Please seat the juror in the trial for
13 this case, Your Honor.
14 [Whereupon, juror number 41 is seated in the jury
15 box as an alternate juror]
16 CLERK OF COURT: Now we will be selecting our
17 second alternate. Juror number 279 Maureen Mauriocourt.
18 [Whereupon, the juror stands]
19 CLERK OF COURT: What says the State?
20 MR. STONE: Please present Ms. Mauriocourt.
21 CLERK OF COURT: What says the defense?
22 Please seat the juror in the trial for this case,
23 Your Honor.
24 [Whereupon, juror number 279 is seated in the jury
25 box as an alternate juror]

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1 THE COURT: Mr. Solicitor, are there any matters of
2 law regarding the jury selection process from the State?
3 MR. STONE: There are not, Your Honor.
4 THE COURT: Thank you. Mr. Bax, any matters of
5 law regarding the jury selection process from the
6 defense?
7 MR. BAX: Other than the ones already previously
8 noted, no Your Honor.
9 THE COURT: Thank you. Ladies and gentlemen,
10 those of you who were not selected as jurors for the
11 trial of this case I thank you again for your patience
12 throughout the morning. Judge Early needs you back at
13 3:30. That's a little over an hour for you to get lunch
14 and to get out of this courthouse and stretch your legs
15 and move about.
16 Ladies and gentlemen when you come back at 3:30 if
17 you will report across the hall to the jury assembly room
18 Judge Early has a trial to start and he would like to get
19 the jury selected this afternoon and some of you might be
20 lucky enough to get drawn on that one. So we appreciate
21 your patience throughout this day. Enjoy your lunch and
22 please be back at 3:30.
23 [Whereupon, the jury panel is excused at 2:25 p.m.]
24
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1 THE COURT: Now ladies and gentlemen, you all have
2 been selected as jurors for the trial of this case.
3 We're not going to be in a position to start the trial of
4 this case, and that is present testimony to you until in
5 the morning at 9:30. So I'm going to give you the
6 balance of the afternoon off momentarily. But I want you
7 to be back in the morning at 9:30 and you are to report
8 to the jury room right across the hall.

9 When you leave here you will follow the bailiff she
10 will take you down the hall and she will show you where
11 you are to come back. You will come up the back hallway;
12 you will not come into this courtroom tomorrow. There is
13 a secret passageway back there they will show you to get
14 to and assemble in the jury room at 9:30 tomorrow
15 morning.

16 Before we start the trial tomorrow morning I will
17 give you some instructions about what your
18 responsibilities are as jurors and things that you may
19 and may not do while you're serving as jurors in the
20 trial of this case. But to keep you from mistakenly and
21 inadvertently and innocently doing some of those things
22 that you are not supposed to between now and then let me
23 tell you now that you are not allowed to discuss this
24 case among yourselves or with anybody else. You're not
25 allowed to expose yourself to any information about this

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1 the exhibits that will be introduced into evidence during
2 the course of this trial. So please don't expose
3 yourself to any further information. There will be
4 something; you've seen the cameras back there. You won't
5 be on them by the way so you don't need to look for
6 yourself because they are not allowed to take pictures of
7 you all.

8 But don't watch the news reports and don't read the
9 news reports about this. Put those things aside if you
10 want to. If you are that interested in it when the trial
11 is over you can pull those papers off the shelf and read
12 about it. But you're really not going to need to read
13 anything about what is going on in this case. You're
14 going to be sitting 20 feet from where it is going on
15 right here. You're not going to have to read what
16 anybody else tells you about what is going on. You're
17 going to be eyewitnesses to the whole thing that happens
18 in this courtroom.

19 So with that in mind please follow those admonitions
20 and those conditions throughout your service as jurors in
21 the trial of this case. Enjoy what little bit of the
22 afternoon you have left you. I'll see you at 9:30
23 tomorrow morning. Thank you, folks.

24 [Whereupon, the jury exits at 2:30 p.m.]

25 THE COURT: Folks, before we take a lunch recess

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1 case from any source at all as long as you are serving as
2 jurors in the trial of this case. All of what we have
3 been doing since you got here this morning up until right
4 now at 2:30 in the afternoon has been designed to assure
5 that when we got 14 of you all in those chairs up there
6 we were going to have 14 people who did not have any
7 connection with this case that would prevent them from
8 being fair and impartial as jurors.

9 People who if they knew something about this case
10 were able and willing to put those things aside and
11 decide this case based on what they would hear in court.
12 People who did not have any connection with any of the
13 parties who are involved; the defendant, the victim, the
14 lawyers, the witnesses, people who didn't have any
15 preconceived ideas that would keep them from being fair
16 and impartial as jurors in this trial.

17 Now if you go out on your own and try to find out
18 something about this case or if you let anybody else talk
19 with you about it or if you try to talk with anybody else
20 about it to find something out about the case you will
21 have undone everything that you did and that we have done
22 all day to try to get folks like you in this box. When
23 this trial begins you will learn all that you need to
24 know and all that you are allowed to know about this case
25 from this witness chair right here [indicates] and from

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1 for an hour is there anything that we need further from
2 the State? We'll come back at 3:30 and begin the motions
3 in this case. Mr. Solicitor, is there anything further
4 from the State before we break for lunch?

5 MR. STONE: No, sir.

6 THE COURT: Thank you. Mr. Bax, from the defense
7 before we break for lunch?

8 MR. BAX: One thing before we do go to lunch, Your
9 Honor, I see that my esteemed colleague Mr. Vaux is here
10 in the courtroom today. I did want to bring this up.
11 Obviously I've had investigators with the Public
12 Defender's office who have been tasked with serving
13 subpoenas in this case.

14 Last I spoke with Mr. Chapman [phonetic] and I do
15 not see him in the courtroom, I know he was here earlier,
16 he had not been able to serve Mr. Aaron Young, Jr. who is
17 represented by Mr. Vaux. I don't if that has happened
18 since then and I don't know that Mr. Vaux knows.

19 But Mr. Vaux has indicated that he would not or was
20 not comfortable with accepting service in lieu of his
21 client. Mr. Aaron Young, Sr.'s attorney who is also here
22 has accepted service. I'm just trying to cure that issue
23 for my client. I just put it before the court if there
24 is any information that either Mr. Vaux or the court can
25 help us with we're just trying to make sure that he has

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1 the subpoenas out that he needs in order to compel
2 attendance of the witnesses that we want.
3 THE COURT: All right. If you all can furnish me
4 a good address -- surely there is a bondman or somebody
5 who has got an address on him I will assist you in
6 getting the subpoena delivered. In any event you will
7 not need his testimony during the State's case.
8 MR. BAX: That's correct; it would not be until
9 after the State's case so we do have some time, Your
10 Honor.
11 THE COURT: All right. That will be fine.
12 MR. BAX: That's all that I had to bring up before
13 the lunch time.
14 THE COURT: All right. We'll be in recess for an
15 hour. We'll start back at 3:30 and we'll deal with
16 motions at that time.
17 MR. BAX: Thank you, Your Honor.
18 THE COURT: Thank you.
19 [Whereupon, court is in recess from 2:30 p.m. until
20 3:30 p.m.]
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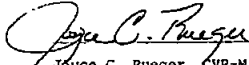
Y103

C E R T I F I C A T E

1 I, the undersigned, Joyce C. Rueger, Official
2 Circuit Court Reporter for the Ninth Judicial Circuit of
3 the State of South Carolina, do hereby certify that the
4 foregoing is a true, accurate, and complete Transcript of
5 Record of the proceedings had and evidence introduced in
6 the trial of the captioned case, relative to appeal, in
7 the Court of General Sessions for Beaufort County, South
8 Carolina on the 15th day of September, 2014.

9 I do further certify that I am neither of kin,
10 counsel, nor interest to any party hereto.
11

12 January 23, 2015
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Joyce C. Rueger, CVR-M
Court Reporter



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State of South Carolina) In the Court of General Sessions
 County of Beaufort) Fourteenth Judicial Circuit
 2012-GS-07-01935

State of South Carolina,)
 Plaintiff,)
 Vs.) Transcript of Record
 Tyrone Robinson,)
 Defendant.)

September 15, 2014
 Beaufort, South Carolina

B e f o r e:

The Honorable Thomas Cooper, Jr., Judge

A p p e a r a n c e s:

Duffy Stone, Esquire
 Sean Thornton, Esquire
 Attorneys for the Plaintiff

Arie Bax, Esquire
 Jessica Saxon, Esquire
 Attorneys for the Defendant

Bonnie H. Kelly, CVR
 Circuit Court Reporter

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2

I N D E X

WITNESS/DESCRIPTION				PAGE NO.
	DIRECT	CROSS	REDIRECT	RECROSS
				MARTIN THOMAS
Mr. Stone	4		19	
Mr. Bax		13		
				WENDY CONANT
Mr. Stone	22			
Mr. Bax		30		
Argument/Mr. Bax				34
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Decision by the Court				84
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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
S-1	Photo	8	
S-2	Photo	19	
S-3	Photo	19	
S-4	Incident Scene DVD	20	
S-5	Miranda Warning Form	24	
S-6	Miranda Warning DVD	28	

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DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS

THE COURT: All right. Gentlemen, I'll be glad -- and ladies, I'll be glad to hear motions in any particular order that you all have. I understand the *Jackson v Denno* motion will require testimony. And do we have the witnesses here for that?

MR. STONE: We do, Your Honor.

THE COURT: All right, sir. Why don't we do that one first since we to take testimony in that regard. And then we'll move from that to the matters of law. Okay.

MR. STONE: The State calls Martin Thomas to the stand.

THE COURT: Mr. Thomas, come forward, please, and be sworn.

MARTIN THOMAS, having been first duly sworn, testifies as follows:

THE COURT: Mr. Solicitor.

MR. STONE: Thank you, Your Honor.

DIRECT EXAMINATION BY MR. STONE:

Q Sergeant Thomas, is that correct?

A Yes, sir.

Q Sergeant, you responded to Allen Road on September the 1st, 2012, did you not?

A Yes, sir.

Q That was a general call and a number of law enforcement officers arrived, but you were one of those at

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that time; is that correct?

A Yes, sir.

Q Now, your car is equipped with a video camera and a -- and I believe an audio tape as well; is that correct?

A It's all one system contained, yes.

Q Okay. What -- tell me about that system. How does that work?

A Well, it can be activated by several different ways: By -- I can activate it with my body mic outside of the car; it's activated when you turn the blue lights on and other buttons on the console emergency equipment; I can actually physically turn it on at the -- at the monitor or actually on the machine. And it's all uploaded to the server when we drive by -- by a hot point.

Q All right. You said the camera itself is located actually in the car, shooting out; is that correct?

A That's correct.

Q And so it's basically video taping what is right directly in front of the car, correct?

A Wherever that camera is turned, that's -- whatever the peripheral on that is, that's what it's viewing, directly in front of it.

Q Now, the microphone is on you; is that correct?

A The external mic is on me, and there -- there's a mic in the car as well, several mics in the car.

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Q If you physically leave the car and the camera's still rolling, is all that recording as well?

A Up to about a 1000 feet or depending on what kind of structure you're in, yes, sir.

Q Now, on September the 1st, 2012, was your camera activated during -- once you started engaging and heading toward Allen Road, did you -- did you turn on the camera or does it turn on automatically?

A I turned it on by activating my lights and siren.

Q That also activated your body mic; is that correct?

A That's -- well, you have to physically turn the mic on yourself --

Q Okay.

A In the morning, when you take it out of the -- their cradle, you actually have to physically turn it on. So then when the mic -- when the camera's activated, that mic will automatically turn on if you push -- slid the button over.

Q From the time that you headed to Allen Road through -- through the time that you were there, was that being recorded?

A Yes.

Q Video and audio as well.

A That's correct.

Q All right. Now, you have reviewed that video tape,

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did you not?

A I have, sir.

MR. STONE: Now, Your Honor, I believe I have it --

(To assistant) Is it already loaded in?

And I'll hand it back. It was actually a disc that we've loaded into the computer, Your Honor.

Q But you reviewed that disc. Is that a accurate depiction of -- of that day as you recorded it?

A Yes, sir.

Q All right. And that is being recorded, obviously, while it's happening; is that correct?

A That's correct, real time.

Q Now, during the time that you were at Allen Road assessing the situation, did you come in contact with Tyrone Robinson?

A I did.

Q And how did that happen?

A From where the initial incident was where the young boy had been shot, there was a lady that I was looking for that supposedly had witnessed -- her name was Savoya [phonetic.] That's all I remember. I went around the backside of the trailer. I believe it would have been 1 Allen Road or 219 Marshland Road.

Q Okay.

A There was two different addresses. Then I was

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approached by Tyrone Robinson.

Q Do you recall what he was wearing when he approach -- when he approached you?

A Red shorts.

Q Okay.

(Marked State's Exhibit No. 1, photo, for ID.)

Q All right. Let me show you, Mr. Martin, State's Exhibit 1.

(Hands exhibit to the witness.)

Q Ask if you could identify that gentleman in that photograph.

A Yes, sir. That would be the defendant, Tyrone Robinson.

Q Okay. That's how he appeared when he came up to your car that day.

A Yes, sir.

Q All right. Do you also see him in the courtroom today?

A I do, sir.

Q And could you point him out for us.

A The gentleman wearing the white shirt, in between the defense counselors.

Q Okay. Now, the disc itself --

MR. STONE: And I'll get that marked, Your Honor, after we've played it ---

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THE COURT: That'll be fine.

MR. STONE: --- if that's acceptable to you.

Q You have reviewed that, and that is -- that's fair and accurate depiction of your encounter with Tyrone Robinson; is that correct?

A Yes, sir. From my camera only.

Q Right. And during that time, you also, at some point, give Mr. Robinson his rights; is that correct?

A Yes, sir.

Q And what was the purpose behind doing that?

A Because Mr. Robinson was telling things that were in relation to the case that we -- that -- for the reason that we were there. He was very excited and he was talking about a lot of things. And I felt that he needed to have his -- to be Mirandized.

Q Okay. And all this is obviously shown on the video, but did he appear to you to understand those rights?

A Yes, absolutely.

Q And did he question any of those rights or did he bring any of that up to you after you read him his rights?

A No, sir.

Q Did you promise him anything, threaten him in any way, before, during, or after you read him those rights?

A No, sir.

Q And he continued to talking with you after you read

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him his rights ---

A Yes, sir, he did.

Q --- is that correct? Okay.

MR. STONE: Your Honor, at this time, I'd like to play this. And I will make that State's Exhibit 2 after we take it out of the computer, if that's acceptable.

THE COURT: That'll be fine. Thank you.

(Brief pause to set up video.)

(Video plays.)

(Video is paused.)

MR. STONE: Now, that person there (indicates), that is not Tyrone Robinson; is that correct?

THE WITNESS: It is not.

MR. STONE: That is another person that walked up to you when you were at the scene; is that correct?

THE WITNESS: Um ...

MR. STONE: Or was in the neighborhood.

THE WITNESS: He was in the neighborhood, and he came -- came back because he lives in that area.

MR. STONE: Okay.

THE WITNESS: And I was trying to, at this point, establish a crime-scene area ---

MR. STONE: Okay.

THE WITNESS: --- and without letting people walk around.

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MR. STONE: Okay.

(Video continues.)

Whereupon the video stops and Mr.

Stone continues his examination of the witness as follows:

DIRECT EXAMINATION BY MR. STONE:

Q Now, I know there's other parts on this -- on this video as well. But as far as the statements from Tyrone Robinson, both before you read him his rights before you took him into custody and after, is that -- is that a complete, fair, and accurate depiction of what happened out there?

A Yes, sir, it is.

Q Okay. Now, I know initially he walked up to you. At what point in time -- and I think the video talks about this, but I want to make sure it's clear -- at what point in time did you actually take him into custody?

A Well, I knew that he matched the description, and so what I was trying to do -- I'm trying to answer your question ---

Q Sure.

A --- in a roundabout way -- is that he was giving us information about somebody else who was part of this, who had guns or weapons. And I was getting that information to put out on the radio for other officers. And then at the point in time when there was a crowd of people coming over

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accusing him of being the shooter who shot and killed that little boy, that's when I detained him and advised him of his Miranda rights, and then tried to get him out of there.

Q Okay. Now, you put him in somebody's patrol car; is that correct?

A Corporal Lear's car, I did.

Q All right. And then he was taken from Lear straight to the Hilton Head substation I guess?

A I don't know -- I don't think he went directly there, but I'm not sure. I think -- I ---

Q How -- how far is it from Allen Road to the Hilton Head station?

A A guesstimate?

Q Yeah.

A Ten miles maybe.

Q Okay.

A I'm guessing.

Q All of it's on Hilton Head.

A Yes.

Q Okay. Now, when you -- when you read him his rights, it sounded like he would basically -- kind of interrupting you as you were going. Were you reading his rights off a card, off of memory, or how were you doing it?

A Off of memory.

Q Okay. All right. And again, did he appear to

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understand those rights as you read them to him?

A Absolutely, he did.

MR. STONE: I don't have any further questions for this witness, Your Honor.

THE COURT: Thank you. Cross-examine, Mr. Bax?

MR. BAX: Thank you very much, Your Honor.

CROSS-EXAMINATION BY MR. BAX:

Q Afternoon, Officer Thomas.

A Good afternoon, sir.

Q Really briefly, what we saw there was initially this started out as -- as Mr. Robinson having contact with you, correct?

A That is correct.

Q Now, you were away from your patrol unit when you made contact with Mr. Robinson?

A I was.

Q About how far were you away from your car at that time?

A I mean, do you want it in feet or ...

Q Just roughly. A house -- you were behind -- you know, was it a couple ---

A There was a ---

Q --- of feet? couple of yards?

A From where my patrol car was parked, sir, initial contact with Mr. Robinson, there's a little bit of a yard area to the left of -- of -- if you're looking out the

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front of the car. Then there was a mobile home or house or whatever it was. We were on the other side of that. So couple of hundred feet maybe?

Q Okay. And where your vehicle was parked, it was parked on Allen Road --

A Yes, sir.

Q -- or was it parked on Marshland?

A No, sir. Allen.

Q On Allen Road.

A Uh-huh.

Q Right there at the beginning of Allen Road when you turn off of Marshland?

A That's correct.

Q Okay. Okay. And you stated, I believe, that there were other officers on scene at that time; is that correct?

A There was.

Q How many other officers; do you recall?

A When I first got there, or at the time Mr. Robinson

...

Q Well, let's -- let's do both. When you first got there, how many officers were on scene?

A I only recall two.

Q Okay.

A Other than myself.

Q And by the time you made contact with Tyrone, had

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other officers arrived?

A I know for -- yes. Yes.

Q Include -- was Officer Lear one of the ones that arrived ---

A Yes.

Q --- at that time?

A Yes.

Q Okay.

A Somewhere about that time. I don't know when though.

Q Okay. Now, you indicated that part of your concern was the fact that there were people in that area. I guess residents possibly, or people that were wandering up, that were starting to kind of form together and made you concerned about safety; is that correct?

A That's correct.

Q Okay. And where were they standing in relation to -- in relationship to you and Mr. Robinson?

A Well, from my first contact behind the mobile home or house or whatever it is, up to where he wanted to go to show his vehicle to me, which would have been more up front, towards Marshland Road area, the people were coming -- if you flip-flop around, you're looking out towards Marshland Road, they were coming from the left, coming from the area in which that little boy had been shot.

Q Okay. Over towards the area where I think the

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trampoline was, kind of in that area at that time, correct?

A In that area. Not exactly at the trampoline, but --

Q Okay. Now, Officer, when Tyrone approached you, did you see what direction he came from?

A No, sir. I don't recall that.

Q Okay. And at the time that he approached you, I know that you were speaking with another individual in order to ascertain where this "Savoya" was; is that correct?

A That's correct, but I don't -- I don't know that gentleman's name.

Q Okay. And did you ever make contact with this person that you said was named "Savoya"?

A No, sir. I don't recall talking to anybody named "Savoya." I -- I may have, but there was a lot of people in a group, and I don't know if she was one of them.

Q Okay. Sargent Thomas, when Tyrone started talking to you, he was -- was trying to get you to go over and look at his vehicle; is that right?

A Yes, sir.

Q Okay. But based on the situation, did you ever get to go over to his vehicle with him?

A Yes, sir.

Q You did -- you did.

A Yes, sir.

Q Okay. So at some point during that conversation that

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we see on this tape -- obviously we don't see where y'all are.

A Uh-huh.

Q We hear the conversation -- you have gone over to where his car was?

A That's correct.

Q Okay. And what car was that, do you recall?

A It was a green car. I don't remember what make or model.

Q Okay.

A The window was -- the back window was shattered out.

Q So you weren't -- how far were you from that vehicle, from that -- from that green car, when Tyrone came up to you?

A Well, I was towards the back of the trailer. If I go -- if I went around the backside of the trailer, this is Marshland up here (indicates.)

Q Uh-huh.

A He may have -- I -- I don't know where he came from. Out of the house maybe? I don't know. But his car was parked directly in front of that residence.

Q So it was in front of the one that you were already behind.

A That's correct.

Q Okay.

A But I was -- I was more -- not necessarily behind it as you would think. Like at this block right here (indicates) is the residence. I was behind -- I had come around this side behind over here (indicates) not behind. I don't want you -- just want you to misunderstand.

Q Okay. All right. And initially he was not detained, correct, when you were talking to him, when he approached you and you were speaking; and then you went and looked at his car, he was not in handcuffs at that time; is that correct?

A That's correct.

Q Okay. When you did detain him, I -- I noticed that -- that you told him that -- that you were primarily concerned about your safety and his safety, correct?

A That's correct.

Q Okay. Did you place him in handcuffs at that time or no?

A I did.

Q Okay. And then, based on what I saw, it appeared that you were waiting for a car to be brought to y'all; is that correct?

A That's correct.

Q Okay.

A Because Joe Lear had to go get his car to bring it back.

RE-DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS 19

Q And this was to avoid having to walk Mr. Robinson through these people that had gathered?

A That's correct.

Q Okay.

MR. BAX: Moments indulgence, Your Honor.

THE COURT: All right, sir.

(Brief pause as Mr. Bax confers with co-counsel.)

MR. BAX: No further questions. Thank you, Sargent.

THE COURT: Thank you. Re-direct, Mr. Solicitor?

MR. STONE: Just a few, Your Honor.

(Brief pause.)

(Marked State's Exhibit No. 2 and 3, photos.)

RE-DIRECT EXAMINATION BY MR. STONE:

Q Let me show you what's marked as State's Exhibit 2 and State's Exhibit 3.

THE COURT: State's 2 is the disc earlier. You gonna remark that?

MR. STONE: Yes, sir. I'm sorry.

THE COURT: Okay, sir. That's all right. Whatever you ...

RE-DIRECT EXAMINATION BY MR. STONE:

Q You recognize those photographs?

A Yes, sir, I do.

Q And what do those depict?

A This was the car that Mr. Robinson said was his and

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RE-DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS 20

that he kept wanting to show me.

THE COURT: What number is that, please, Officer?

THE WITNESS: What -- two, and -- it says 2 and 3, sir.

THE COURT: Okay. The first one -- both of them the same thing?

THE WITNESS: They're just different angles, sir.

THE COURT: Okay. Thank you.

RE-DIRECT EXAMINATION BY MR. STONE:

Q Are those fair and accurate depictions of how the car looked at that -- at that time?

A Yes, sir.

Q All right. Let me first hand you then State's Exhibit 2. You can just show the judge. What -- what is that exactly? This is State's Exhibit 2.

A This is the vehicle that Mr. Robinson said belonged to him that was in front of this residence, the one with the shattered-out windshield.

Q Okay. And State's Exhibit 3?

A Again, sir, this is just -- this is the same vehicle, but a slightly different angle.

Q Okay.

MR. STONE: Now I'll mark the tape, Your Honor, as State's Exhibit 4.

THE COURT: Okay. Thank you.

(Marked State's Exhibit No. 4, Incident Scene DVD.)

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RE-DIRECT EXAMINATION BY MR. STONE:

Q And I will show you what's been marked State's Exhibit

4. Is this the disc that I asked you to review earlier?

A Yes, sir. It's -- that's my initials.

Q Is everything on that accurate -- fair and accurate as to what was taken out of your patrol car, as far as the video and the audio?

A Yes, sir.

Q Okay. And you reviewed the transcript that goes along with that as that -- as well?

A I did. Yes, sir.

Q All right. And that is accurate as well.

A Yes, sir.

MR. STONE: Your Honor, this is State's Exhibit 4.

THE COURT: Thank you.

MR. STONE: And that's all we have at this time.

THE COURT: All right. Thank you. Officer, you can step down.

THE WITNESS: Thank you.

THE COURT: Thank you, sir.

(The witness exits the stand.)

MR. STONE: Your Honor, the State calls Corporal Wendy Conant to the stand.

THE COURT: Corporal, come forward, please, ma'am, and be sworn.

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WENDY CONANT, having been first duly sworn, testifies as follows:

THE COURT REPORTER: Would you spell your last name for me?

THE WITNESS: Conant, C-o-n-a-n-t.

DIRECT EXAMINATION BY MR. STONE:

Q And you're a corporal; is that correct?

A Yes, sir.

Q Did I get the rank right? Okay.

Corporal, you were also called to -- to participate in the investigation of -- of Tyrone Robinson; is that correct?

A Yes, sir.

Q Now, on September the 1st, 2012, where did you go first? I know you were at your house at first. Where did you go once you were called in?

A When I was called in, I went to the Allen Road area, where I -- where I was requested to meet with Corporal Lear and follow him to the Hilton Head office in order to interview Tyrone Robinson.

Q All right. Tyrone Robinson, I believe from the testimony earlier, was actually in Lear's car; is that correct?

A That's correct.

Q And he was in the car when you got there?

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A That's correct.

Q Did you follow Lear to the -- to the patrol office?

A I ---

Q I mean, the Hilton Head office.

A I did.

Q And go straight there? Take any detours? What did you do?

A Straight there.

Q Once you got to the Hilton Head station, what did you do after that?

A We brought Tyrone into the interview room, and Corporal Lear and myself remained in the room with him while we waited for another investigator to come so we could interview him together.

Q And when you got him in there, did you -- did you perform any tests on him or anything like that?

A I did not perform any tests on him.

Q Okay.

A Oh. Well, after the handcuffs were placed in front of him for his comfort, we did do a GSR test with -- which is a gunshot residue collection kit.

Q And after that, at some point in time, did you also read Tyrone Robinson his rights?

A I did.

Q Now, the substation at Hilton Head in this interview

room, is that videotaped?

A It is.

Q And is that audio taped as well?

A It is.

Q Does it tape contemporaneously with the event that's going on?

A It is.

Q Have you reviewed the videotape of Tyrone Robinson when he was in that interview room on September the 1st?

A I have.

Q Is it accurate?

A Yes, it is.

Q Is it fair and accurate in -- in all manner of the time that you were actually in there with him?

A Yes, it is.

Q Now, at some point during your time --

MR. STONE: Excuse me just a moment, Your Honor. I'm going to mark this as State's Exhibit 5.

(Marked State's Exhibit No. 5, Miranda Warning Form.)

Q Let me show you what's been marked as State's Exhibit 5. Ask if you could identify that, please.

A Yes, sir. That's our county form that we use. It's called the "Miranda Warning Form." This is the standard form we use to read a person their rights, and we ask the person to follow along with us and initial that he

understands the rights. At the end of it, he can initial if he wishes to speak with us or not. And then he signs the form or she signs the form, and then two of us witness it.

Q Now, at some point during this -- this interview that we'll see just -- in just a moment, you actually read those rights to Tyrone Robinson; is that correct?

A I did.

Q Now, at -- at what point did the questioning start from your -- from your standpoint?

A I did not officially start questioning him until after this form was signed. He was speaking to us prior to this form being signed, and we were trying to get him to stop speaking until we could get this read to him. But he kept interrupting us as we were trying to read this to him.

Q Okay. Now, going specifically through that -- that right form -- the writing on this form, whose writing is this?

A Let's see, the case number, which is the first line, is my writing; the location where Miranda issued is my writing; the name is printed by Mr. Robinson; the date of birth was printed by myself. Then there's a statement of rights section which has four lines for initials, and those are the initials of Tyrone Robinson.

In the waiver of rights section, there's two places

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where you check either "yes" or "no." Those are both checked "yes" by Mr. Robinson.

In the signature area, there's three lines. There's the signature of Mr. Robinson and then myself as a witness; and it was then Staff Sargent Andre Florencia was a witness.

Q Okay. All of which is signed and dated accordingly to those signatures; is that correct?

A Correct.

Q Now, did you read these rights to him as well or just show him the form?

A I read them to him.

Q So you read them to him, and then when he initials that, when does he initial them?

A He initialed them towards the very end. He signed it first, then we -- I explained to him that we need him to initial each of the four questions, and he initials them after he has signed it.

Q Okay. And if you would, please, read to the Court what you read to Mr. Robinson.

A (As read) "This is the Miranda warning form and it's a statement of your rights." And I read them one at a time, I say (as read): "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to have an attorney

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present before or during questioning. If you cannot afford an attorney, one will be appointed for you before any questioning if you wish."

The next section is a waiver of the rights, and it says (as read): "Do you understand each of these rights I have explained to you?" And you would either check "yes" or "no."

Then there's a section that says (as read): "Having these rights in mind, do you wish to talk to us now?" And you would check "yes" or "no," and both were checked "yes."

And then everybody signs.

Q All right. And all of this is on this video as well; is that correct?

A Correct.

Q And as I recall with this video, there's a good portion of it where he is talking, you're moving the handcuffs around, and then you read him these rights. Does he -- he continue to talk after that as well?

A He does.

Q Now, have you reviewed this video?

A I have.

Q And you initialed that disc as well?

A I don't recall.

Q Okay. Let me go ahead and pull that out now while we do it.

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MR. STONE: And Your Honor, I will hand you up the rights form. This is State's Exhibit No. 5.

THE COURT: All right. Thank you.

(Hands exhibit to the Court.)

(Marked State's Exhibit No. 6, Miranda Warning DVD.)

(Brief pause to set up video.)

DIRECT EXAMINATION BY MR. STONE:

Q Let me show you what's been marked as State's Exhibit 6, this disc. Have you reviewed this disc?

A My initials are not on there, but I have reviewed it.

Q Is it -- is it accurate as to what took place in that interview room at -- at the Hilton Head station?

A Yes, it is.

MR. STONE: And Your Honor, at this time, I would offer that for the purposes of this hearing.

THE COURT: All right, sir.

MR. STONE: Your Honor, we have it, at this point, keyed up to right before he reads him his rights. There's about 20 to 30 minutes that goes on before that, and he is talking before those rights are read. We could play it either way, but I knew that -- think we'd already covered that base. But I'll be glad to cover it any way the defense needs me to do it.

THE COURT: Mr. Bax, what's your -- what's your wish in that regard?

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DIRECT EXAMINATION BY MR. STONE - WENDY CONANT 29

MR. BAX: Your Honor, I'm fine with him starting at where he's read his rights.

THE COURT: Okay.

MR. BAX: No objection to that, Your Honor.

MR. STONE: Thank you.

THE COURT: Thank you.

MR. STONE: Thank you.

(Video plays.)

DIRECT EXAMINATION BY MR. STONE:

Q Corporal, you viewed all this. Does this go on for a while?

A Yes, it does.

Q He continues talking. And there was -- again, there was the segment before you read him his rights that he was talking as well; is that correct?

A Correct.

Q All right. At any point in time during any of this, or for that matter, any time that you were with him, did you threaten Mr. Robinson, promise him anything in any way, to get him to give you a statement?

A I did not.

Q You read him those rights from that -- from that sheet; is that correct?

A That's correct.

Q And did he indicate to you that he understood those

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CROSS-EXAMINATION BY MR. BAX - WENDY CONANT 30

rights?

A He did. And at one point, he even read it along with me.

Q And then everything that he gave you or everything that he said after that and before that, in your opinion, was that voluntary?

A Yes.

MR. STONE: Your Honor, I don't have any further things. For the purposes of the Jackson/Denno hearing, I think that is -- that is enough to establish. We have the full disc if -- if Your Honor would like to review it.

THE COURT: All right. Thank you. Mr. Bax, cross-examine?

MR. BAX: Thank you. Briefly, Your Honor. Thank you.

CROSS-EXAMINATION BY MR. BAX:

Q Good afternoon, Ms. Conant. How you doing?

A Good. And yourself, sir?

Q Good. Just a couple of questions. Yourself and was that Officer Lear that was in with you?

A Initially it was Corporal Lear.

Q Uh-huh.

A And ---

Q And --- and who was the gentleman that signed as the other witness on the Miranda form?

A That was Master Sargent Andres Florencio.

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CROSS-EXAMINATION BY MR. BAX - WENDY CONANT

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Q Now, was it -- was it before or after that, from your recollection, that you collected the -- the GSR kit, or the gunshot residue kit?

A The GSR was done before the Miranda was read.

Q And Office Conant, did you remain -- well, let me ask you this: How long was Mr. Robinson in that interview from start to finish, do you know?

A I would estimate about an hour and 20 or 25 minutes.

Q Okay. And were you in the room with him that entire time?

A I stepped out at one point to take a phone call. And then towards the end, when he was moved to a different area, I was no longer with him.

Q Okay. And during that time when he was there for approximately an hour and a half/hour and 25 minutes, did other officers enter in and have conversations with Mr. Robinson?

A Well, it was initially Lear and myself, and then Master Sargent Florencio came in and we did the primary interview. And after that, I believe that somebody walked by in the hallway and might have come in and said hello to him. But he wasn't being interviewed.

Q Okay. Do you recall who it was that came in and said hello to him? Was that Captain Bromage?

A Yes, it was.

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CROSS-EXAMINATION BY MR. BAX - WENDY CONANT

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Q And while he was in that room and during that period of time, was he also -- did -- did Officer ** talk to him at any time?

A Not while I was present.

Q Now, you also mentioned the fact that he was taken to another area. Do you know where he was taken and why?

A I believe he was moved somewhere else because other people involved in the situation were being brought in, and they didn't want them exposed to each other.

Q And do you know where that was? Was he taken into Beaufort to County? Do you know where he went?

A He was still in the same building, but I don't know exactly where they brought him. Just to another location where nobody could see him.

Q And do you know if that other location was also video and audio tape like this room is?

A I don't know where they took him, so I can't say. Quite a bit of that building is under video surveillance, but not all of it's audio.

Q And finally, Officer Conant, Mr. Robinson basically gives his account of the events several times over; is that your remembrance?

A Uh-huh.

Q He would tell the story, and then he would tell it again; is that right?

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A That's correct.

Q Okay. But in the interim, there was parts where he just sat there for awhile and just made conversation; is that correct?

A Correct.

Q Talked about things that were basically off topic; is that right?

A That's correct.

Q That's your remembrance of that?

A (No audible response.)

Q And of course, that wasn't things that you were asking about. That's just to fill the silence, was that your remembrance of it?

A There were a few instances like that.

Q Okay. All right.

MR. BAX: No further questions. Thank you, Your Honor.

THE COURT: Thank you. Mr. Stone, redirect?

MR. STONE: That's all we have at this time, Your Honor.

THE COURT: Thank you. Corporal, you can step down.

(The witness exits the stand.)

THE COURT: Mr. Stone, you indicated that's the last of your witnesses for the State on these issues?

MR. STONE: Yes, sir.

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THE COURT: Thank you. Mr. Bax, does the defense wish to offer any testimony in the *Jackson v. Denno* issue?

MR. BAX: We do not have any witnesses that we wish to offer. There'd be some argument/discussion with the Court concerning some issues that we have when you're ready, Your Honor.

THE COURT: This would be a good time.

MR. BAX: Okay. Your Honor, the defense does not contest that Mr. Robinson was aware of his rights, and -- and I believe a good portion of what has been shown as well as what follows is admissible and we're not contesting that; however, Your Honor, there are portions of this interview as well as portions in -- well, there's portions on the -- the dash-cam of Sargent Martin Thomas that would be subject to a subsequent motion to suppress by the defense. That has to do with statements that were not Mr. Robinson's, but others that came up to Sargent Thomas. Your Honor's aware of those from the last time we attempted to try this case.

THE COURT: Right.

MR. BAX: As to this video, however, Your Honor, there are -- some portions in this video that we would object to and ask that they would be redacted. There's portions where Mr. Robinson is -- is in -- is in that room for a good period of time. And Officer Conant is there for a

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large amount of time. Other officers are present.

And a lot of the off-topic conversations that occur while basically they're sitting there waiting to find out what's going to happen I don't think that are relevant. And I think that they're certainly more prejudicial than they are probative.

Most of them happen towards the last, I think, 30 minutes or so of the video; maybe 30/45 minutes of the video from my viewing.

So the defense's position would be that those should be redacted. To my remembrance there was some conversations about Mr. Robinson's religious beliefs that I think would certainly not be relevant material for the jury. And then I believe there was also a conversation that he had about the definition of what a gangster is, that I think is definitely not relevant and -- and would not pass 403. We would ask that that be redacted as well.

And finally, Your Honor, there is a couple of other discussions with my client that occurred at -- at another location. I have audio of those conversations. I do not have video of those conversations.

If the solicitor's not intending to move those forward, then I have no argument to be made. I just wanted to make sure, from an abundance of caution, that we wouldn't be dealing with those portions, either through

officer testimony or through the audio recordings, at some other time.

THE COURT: All right. Mr. Stone, let's deal with that first of all. The -- the off-camera audio that I have not heard, so what's the State's intention --

MR. STONE: I don't believe we're going to -- I -- I'm not exactly sure what we're talking about. I don't believe we're going to use it. Everything that we have is audio/video in -- in this. So any of the -- any of the stuff that's -- I -- I -- we're not planning on using that, Your Honor.

THE COURT: Okay.

MR. STONE: So that's not an issue.

THE COURT: Okay.

MR. STONE: I will tell you this, Your Honor, just for the purposes and -- and he did not bring this up. The defense attorney did not bring this up, but -- but I've already redacted it.

He makes -- the defendant makes two references in his statement about being in prison before.

THE COURT: Right.

MR. STONE: And just recently getting out. We have redacted that. I don't think that's proper going before the Court. And so I know he hasn't made that motion, but we have -- we've already taken that out.

MR. BAX: Thank you, Mr. Stone. I would have done that. I appreciate that.

MR. STONE: The -- the religion -- well, first of all, the gangster stuff comes in toward the very end of this. Quite frankly, I -- I don't think there's a problem. We can cut that before we get to it. I don't think there's an issue.

The religion is -- is kind of interesting because -- is not a question -- first of all, it's not a question at all posed by law enforcement. For whatever reason, Mr. Robinson -- if -- if this is exactly what we're talking about, Mr. Robinson says that a few months ago he was visited by the Angel of Death, who said he was killing all of his family because he had been "prophesizing." That, Your Honor, we had planned on introducing quite frankly, because I think it shows Mr. Robinson state of mind.

I think that there is a -- there's clearly discussion as -- as you have seen from other statements, Mr. Robinson's made about ---

THE COURT: Uh-huh.

MR. STONE: --- getting cocaine that day, and being -- and -- and trying to get cocaine and things like this. I think that actually shows his state of mind at the time that all of this took place. I think that is relevant.

Again, not -- not responsive to any particular

question by law enforcement, he was basically "rambling," for -- for lack of a better term.

Other than -- the other material though, we have either redacted or we're not planning on using. So we would have no objection to -- to taking that out.

THE COURT: The -- is that in reference to the Thomas video as well -- I -- I guess, Mr. Bax, you're talking about the -- the female who came up there screaming and pointing the finger at ---

MR. BAX: Yes, sir.

MR. STONE: Now, that -- that's -- I do plan on -- everything on the Martin Thomas video, Your Honor, and I think you watched this before we ---

THE COURT: I did.

MR. STONE: We've shown it to you before. But let me just go ahead, and if I could, just go back over it a little bit.

THE COURT: Right.

MR. STONE: First of all, just out of an abundance of caution, I want to make sure we're clear on the record that -- that the Jackson/Denno issues have been covered. I think clearly Mr. Robinson's not in custody ---

THE COURT: Okay.

MR. STONE: --- up until a certain time ---

THE COURT: Right.

MR. STONE: And we have them. We can dupe -- either duplicate them, or put them up on a screen. And we'll just offer the tape itself in evidence, but use that as demonstrative evidence tomorrow.

THE COURT: That'll be fine.

MR. STONE: I'll have that covered one way or the other.

THE COURT: Okay.

MR. STONE: Of course, anything that -- that needs to be redacted, I'll make sure that's redacted as well, and give the defense attorney enough opportunity to take a look at that.

THE COURT: All right.

MR. STONE: If you'd like, we can go ahead and play that -- play that section of the tape.

(Mr. Stone confers with assistant.)

MR. STONE: And give you some help about where it is.

THE COURT: Okay. What -- what page, Mr. Bax? Twenty-eight did you say?

MR. BAX: It's 28 on our transcript of that particular interview. Each one of the interviews was transcribed as a separate ---

MR. STONE: Do you have that transcript, Judge?

THE COURT: No.

MR. STONE: I will hand you up mine, and then -- I

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will start at page 27.

THE COURT: Okay. That's good.

(Mr. Stone hands a document to the Court.)

THE COURT: Thank you.

(Brief pause as counsel confer.)

THE COURT: All right. I've read the -- from 27 through the top of 29. I see the context of the "Angel of Death" statement.

MR. BAX:- And Your Honor, I think we'd -- for some reason thought it was a little bit later. But it actually comes before the Miranda portion of the video you saw just a few minutes ago with Ms. Conant on the stand.

The defense would respond to the State, as far as state of mind, I didn't see it that way and I -- and I still don't see it that way. It seems to me that he is telling them things as -- as if having conversation with them.

A lot of what I saw from it comes, obviously, from Mr. Robinson's religious beliefs. And I believe that it is -- I -- I stand by my argument that it's not relevant. I stand by my argument that it would not pass 403, that it's more prejudicial than it is probative.

It doesn't go to the discussion about the facts of this case. It is something he references that occurred long before, and it really sounds more along the lines of a

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personal religious experience than anything else. I don't see how it can be seen any other way.

And especially when you add in the fact that they didn't even get to the secondary set of Miranda. Obviously we heard the testimony and we heard the dash-cam that he'd been read Miranda before.

THE COURT: Right.

MR. BAX: But the fact that this comes prior to his being Mirandized via a written form is also indicative that I think he was just sitting there filling the empty space.

I think that was close in time, perhaps where they were getting the GSR kit together in order to take those swabs. It was around that time period I believe.

I would argue that that can -- I would -- I would think, and I -- and I firmly believe that -- especially since we don't really necessarily delve into the religious beliefs of jurors in order to respect their privacy in that area, that that comment could taint the jury in a way that wouldn't have anything to do with the determination of the facts, whether they even realized it or not, because that's kind of a -- an extreme experience at the very least.

THE COURT: All right. Mr. Stone, what says the State?

MR. STONE: First of all, as -- as far as when it arrived toward the Miranda -- this would have, of course,

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been the second Miranda.

THE COURT: Right.

MR. STONE: That to me, I think, Your Honor, has already been covered.

Second thing is ---

THE COURT: Right.

MR. STONE: --- I -- I don't believe this is any type of real discussion about his religious beliefs. It appears to me to show demeanor. It shows his attitude at this time right after the -- right after a child has been killed. And it also I think shows it is particularly relevant in showing his state of mind at this particular time.

All of this conversation, again, is not even in response to any particular questions.

THE COURT: Right.

MR. STONE: It's not as if the officer asked, "Tell me about your religious beliefs." So I -- I believe that it is relevant in that context.

THE COURT: First of all, it -- it is -- it is not in response to any questions, no direct questions on these particular issues. It's all in the larger context that goes back to page 23, and I haven't gone back behind that.

He's being told at that point in time -- he clearly is being detained. They say he's not under arrest, but clearly he's in the jailhouse, he might be in handcuffs.

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I'm not sure. But clearly his -- his freedom of movement has been restrained.

And so the -- the custodial aspect of the Miranda requirements is in place. He's already been read the Miranda warnings at one time on his way. I'm not sure what the time frame is between when we heard them on the tape and when he got here. It was not a long time.

He -- he is told that he was brought here for his own safety. It's not a good place for him to be out there, and he interrupts and talks about the -- he's the only one who was out there, "me and the shooter and the kid on the trampoline," and so forth.

And he talks about the incident again, as they ride by and -- and shoot up the house and the car -- or shoot up the car, I'm sorry.

And the officer really says nothing other than, "We called 9 -- you called 911. We got that."

And she does ask, "At what time did all this start?" And he said, "Early in the morning," and what time they did what.

And then he comes talking about, "They clean about 6:30 or 7. They clean 7 by 7," and so forth. And then he goes into the dialogue about the -- the event itself. And there is something of a -- sort of a rambling exchange at that point in time. He keeps injecting things about what

happened at the time, obviously, and trying to get them to look up some things that he's telling them about, "Go check this out or go check that out."

And when -- I'm looking for -- for something that the -- that he says, "You ain't gotta tell me no more." I'm trying to figure out what the officer told him at that point that he was responding to. The only thing she says on page 26 is -- whoever this is -- that, "Nobody's untouchable." And -- and then Mr. Robinson says, "I'm telling you, Bro, you not listening." And the officer says, "He's listening, but we ..." -- and then at that point, Mr. Robinson starts again.

That goes into a dialogue about the -- the Grim Reaper, and trouble following like a snake, and things of that nature. And then that blends into the -- the Black Angel of Death.

All of that I think is a -- it may be a stream of conscious rambling. I'm not sure what it happens to be, but it does show his state of mind about these -- these matters, whether he perceives a threat from these people and a right to respond, I'm not exactly sure. Whether he is talking about a threat that caused him to run, as he has already said he did.

I'm not sure it's the explanation and why it's being offered, but I think it is relevant, in any event, on his

state of mind.

I find that the Miranda warnings have been given; that the statement in that regard is voluntary. He is in custody. I find that the statement is relevant as to his state of mind at the time it was made. Okay.

MR. STONE: I believe also, Your Honor, to cover the -- leaving memoranda issue at this point and -- and covering the -- the issue that -- that includes statements by people out on the scene at Allen Road, that the audio/video of Martin Thomas's camera picks up --

THE COURT: Right.

MR. STONE: -- as well as -- I -- I know we showed you this at the last hearing, and I think -- quite frankly, I think the Court's already ruled on it, but let me just make sure that that's clear for the record. Jontu Singleton, Jr., who is out playing on the trampoline with Khalil Singleton when he was killed, walks up -- goes up to Martin Thomas. Martin Thomas asks the question: "Did anybody see what happened?" Jontu Singleton goes, "I did." At which time he points to Tyrone Robinson and says, "That man shot my best friend."

All of these testimonies -- statements, not only the statements from the people who are around there, who's saying, "That's -- that's Tyrone Robinson. That's the guy that did it," to the statement with Jontu Singleton, I

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believe brings in two issues that I believe are covered very well by United States Supreme Court case law. The one is whether or not it's hearsay.

I think it's a well established hearsay exception under the present sense impression, and what used to be termed as *res gestae*, before they included that under 801 - 80 -- 803, subsection 1 and 2.

Second part of that, then if it is a well established hearsay exception, all of this clearly, Your Honor, is something that's taking place during the stress or the excitement of the moment, without time for cool reflection. I think it clearly falls under the hearsay exception.

The next step, however, is going to be a *Crawford* analysis, of whether or not that testimony is -- excuse me -- that -- the statements are testimonial. The determination about testimonial recently and -- and probably best clarified by the United States Supreme Court is in a case called *Michigan vs. Bryant*.

In *Michigan vs. Bryant*, a victim of a gunshot was at a gas station. Police officers responded to the scene. The victim tells law enforcement who shot him, where he was shot, and what happened. That was all found to be non-testimonial. As law enforcement was -- the primary purpose behind asking those questions were in response to an ongoing emergency.

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Your Honor, that's exactly what Martin Thomas has found himself in, and I think that's evident from the video of being there in an ongoing emergency. In order for Michigan vs. -- *Michigan vs. Bryant* analysis, they basically go through two different columns of -- of ideas: What is testimonial and what's non-testimonial.

One of the factors the Court takes into consideration is where it takes place: Is it a station house? If it is, it's probably testimonial. If it's at the crime scene, however, it's not -- or it was found not to be in *Michigan vs. Bryant*.

Was there a weapon involved? If it were a fist, probably not so much an ongoing emergency as if it was a gun. And in this case, there is a gun, and just as *Michigan vs. Bryant* had as well.

The types of questions and what law enforcement was there for. Again, the ongoing emergency, whether or not the emergency is ongoing, and clearly, when Martin Thomas gets there, it is.

I believe under both the hearsay exception as well as *Michigan vs. Bryant* analysis, I believe all of that is admissible. It's on video -- or it's on audio. You can -- you can hear that, and we would offer it in that context.

THE COURT: All right. Mr. Bax?

MR. BAX: Thank you, Your Honor. Mr. Stone has

referenced both *Crawford v. Washington* and *Michigan vs. Bryant*. As Mr. Robinson pointed out last time, and -- and as I recall, Your Honor discussing last time, *Michigan vs. Bryant* is way off point and is not really where this case is.

In that case, it was someone who was determined to be a victim of the crime.

THE COURT: Right.

MR. BAX: That individual was wounded at the time. That individual later was deceased and obviously not available to testify in court.

So when you look at the situation where -- there's two distinct portions of Sargent Thomas's dash-cam that we would be moving to suppress. One is a portion that we actually heard when it was played earlier, where an individual -- a female individual came up and said, "That's him. That's him. I saw him." You heard that.

The portion where the young boy, Jontu Singleton, Jr. -- has not been played, but Your Honor has heard it before.

THE COURT: Right.

MR. BAX: And I think that the argument goes to both of those individuals. But we would be moving to suppress both of them.

Number 1, neither of those individuals were the victim of the crime. Neither of those individuals were wounded at

the time. In fact, the -- the female, which I believe was Ms. Brittany Brinson, was not even outside of her residence. She came out immediately following, within seconds, according to her testimony or her -- her -- what she's given on interview, after the shots were fired.

And the young boy was -- was brought over because individuals around were saying, you know, "Talk to him. He saw what happened."

THE COURT: Right.

MR. BAX: At that time, based on what we've heard from the officer on the stand, Sargent Thomas, this was a law enforcement officer who had Mr. Robinson, and who had placed him in his car, which is a marked police unit, blue lights over top of it.

The statements that were made were clearly to accuse Mr. Robinson of having a criminally liable role in what had just transpired.

THE COURT: Uh-huh.

MR. BAX: It is the defense's position that it was clearly testimonial. It does not fit where they were victims, they were not the recipient of a mortal wound or even any kind of injury whatsoever, and they were accusing Mr. Robinson in the two law enforcement officers, while he's sitting in the back of a police car. Even someone as young as Jontu Singleton, Jr., who was around the same age

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as -- as Khalil in this case, he's well aware, even at that age, of what sitting in the back of a cop car and -- and -- and being arrested is. He knows what that is.

A boy of that age can certainly understand that when you tell an officer, "This person did something bad," that that's going to put that person in jail. And it was clearly the intent of both of those individuals to point him out for the purposes of prosecution.

So it'd be the State's -- or the defense's position that it was very much testimonial. And under *Crawford vs. Washington* -- especially due to the fact that neither of these individuals are dead. They are here.

THE COURT: Right.

MR. BAX: In fact, both of them are under subpoena.

THE COURT: Right.

MR. BAX: Brittany Brinson's under both State and defense subpoena, Your Honor, and Jontu Singleton, Jr.'s under my subpoena.

THE COURT: Uh-huh.

MR. BAX: So they are available to testify.

THE COURT: Right.

MR. BAX: And you know, should they want to, there is the opportunity to call them to the stand and ask them, "Did you make this statement at that time and why?"

And if they're on the stand, that no longer goes

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through the issue of hearsay or *Crawford*.

THE COURT: Right.

MR. BAX: So for those purposes, we'd be moving to suppress those statement from the dash-cam video.

THE COURT: All right. Mr. Stone, what does the State intend to do insofar as Ms. Brinson? Is she going to be testifying?

MR. STONE: At this point in time, Your Honor, I don't believe she is, neither her nor Jontu Singleton. I would call your attention -- and I -- I know you're -- the Court has already been aware of this, but under Rule 802, the hearsay rule, the declarant is -- the declarant's availability is immaterial.

And so for under 803, subsection 1 and 2, present sense impression and excited utterance, we believe all those statements come in, regardless of whether the declarant is available or not.

And I did not hand you up a case, and I apologize for that. Here's -- I've given a copy to the defense. But here's a copy of State -- of *Michigan vs. Bryant*, which is the case I had cited earlier.

(Mr. Stone hands a document to the Court.)

THE COURT: Right. I believe I may have read it the last time, but I'm not sure.

The -- the testimony in my view is -- is more like an

excited utterance, at least insofar as the female victim's -- not female -- the female witness who was doing the screaming, whoever that is.

It's -- it's clear that -- that she was excited. I think that's inescapable. Anybody can determine that. I can't recall enough of -- of Jontu's demeanor at the time he made the statement as to whether or not he was excited or not.

But -- but just because it -- it might be admissible as hearsay, that doesn't necessarily get it in if -- if there is a confrontation issue, as the case law has -- has -- has stated.

I'm reading, actually, from the prosecutor's book, *State v Garner*, as a case which is argued for part of that. I probably need to read Michigan and Bryant again.

Although Mr. Bax makes a good point when he says that -- that here we have a -- as it turns out, a dying victim, which depending on the timing of it all, could probably come in under some other rule of -- of evidence.

The -- the part where the -- where the lady is screaming, I -- that is not -- first of all, it's -- it's something that no questions were asked. She just came up volunteering that screaming, "He's the man," or something to that effect. And clearly she was excited. So it could come in under Rule 803(2) as -- as well as 803(3).

I really gotta look at that a little bit more in depth over the night to see if -- if the confrontation craws -- clause is still triggered by that. But of course, if they testify, then that takes care of that, if they're -- if they're here.

I'm not prepared, at this point, without reading *Michigan vs. Bryant* and without reading *State vs. Garner* again to -- to rule on whether or not those portions of the statement are admissible. I'll be prepared to do that tomorrow morning, however, before you have to make your opening statements, and you'll know how you can deal with that at that point in time.

I will hold those matters in abeyance overnight until I've had a chance to look at those cases in -- in greater detail.

MR. BAX: Thank you, Your Honor.

THE COURT: All right.

MR. STONE: Your Honor, this actually probably plays into the defense next motion, but I'll go ahead and tell you this as well. Dominique Griffin is on our witness list. He has been on our witness list last time as well as this time. He is here today. He is going to be back tomorrow morning.

Dominique Griffin was at the scene. He was actually in the house, and I don't know if you recall -- and -- and

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I wish I had the model with me and I'd show you. But on the front house, where the initial shooting was taking place, the firing at the car --

THE COURT: Right.

MR. STONE: -- Dominique Griffin was actually in the house during that shooting.

He comes out of the house. He sees Jontu Singleton, the child, as well as Tyrone Robinson. And Jontu Singleton says the same thing to him that he said to Martin Thomas. And we are going to offer him as a -- as a witness as well. So that's -- law enforcement did not get a statement from him, so we have not turned anything over. He's not made a statement, but again, he will be here tomorrow morning; and -- and has been, as far as I'm concerned, available.

THE COURT: Okay. All right. Thank you. I remember the diagram.

MR. STONE: That would be the same argument as far as the *Crawford* analysis. That would be the same argument as that as well.

THE COURT: Okay. But of course --

MR. STONE: Of course, he's not a State -- that changes a little bit as well.

THE COURT: Right.

MR. STONE: So I -- I apologize. That actually is not the same analysis.

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THE COURT: That's right. And at this juncture, we don't have a statement of Mr. Griffin being offered as we do of these other people though, right?

MR. STONE: Pardon me, sir? I'm sorry.

THE COURT: At this juncture, we don't have a statement that Mr. Griffin made that is being offered, as is the statement of Jontu or Ms. Brisbon, right?

MR. STONE: That's correct. That's correct.

THE COURT: Okay. So he's gonna have to testify to get that in.

MR. STONE: That's correct.

THE COURT: So that takes care of all those issues.

MR. STONE: Yes, sir.

THE COURT: Okay.

MR. BAX: And for clarity, Your Honor, the reason I had mentioned that was I saw that Dominique Griffin was on their witness list, obviously, the first time around Mr. Robinson was representing himself.

THE COURT: Right.

MR. BAX: So -- so I -- I would state that -- that that was something that got handed to Mr. Robinson. I don't recall really looking at the witness list last time as much. I was focusing on being able to advise him as to rules.

In looking at it this time, Your Honor, I've been

informed by my client, after March, when I was appointed to be his counsel at his request, that Dominique Griffin was actually somebody that he had initially wanted my office to talk to as a potential witness. And as you can see, he is on our witness list.

THE COURT: Right.

MR. BAX: Unfortunately, my investigator was never able to locate Dominique Griffin in order to serve him with a subpoena. So when I saw his name on the State's witness list, as -- as I mentioned to Solicitor Stone, I have been through the discovery in this case many times in the last four months, but it is voluminous as it is typically in a murder case --

THE COURT: Right.

MR. BAX: -- and I do not recall seeing anything mentioning from any officer or any incident report or any witness statement any information concerning something that Dominique Griffin had given to the State or any purpose why they would be calling him. And that was why I had mentioned it to Solicitor Stone this morning.

The motion I'd mentioned to him was motion to compel against the State as to any information that they have about what Mr. Griffin would be intending to testify to, and how they were able to glean that information. If there were some law enforcement officer that had an interview

with Mr. Griffin, I wanted to make sure that there were some kind of investigative notes or something that had not gotten filed in this case that I was entitled to look at. So that would be the first part of that motion.

The second part, Your Honor, is -- and I want to make sure that I'm clear on this and I didn't hear from wrong -- that Mr. Griffin was told by Jontu Singleton, Jr. the same thing that he basically said on the tape. If that's the case, obviously, I would be moving to exclude that as -- as -- as hearsay.

THE COURT: Right.

MR. BAX: And for a lot of the same reasons that we've talked about in the other motion.

THE COURT: Right.

MR. BAX: But on top of that you have the fact that, you know, this doesn't even have the authenticity of the video. This is coming secondhand through another person.

THE COURT: Right.

MR. BAX: So that would be my issues as to Dominique Griffin.

THE COURT: Yeah. I -- yeah. And you're right, the fact that Dominique heard ostensibly what Jontu said, doesn't necessarily make Jontu's statement admissible.

If Jontu does testify, then Dominique's statement that he saw Jontu and the decedent in close proximity to where

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the shooting occurred -- it might lend some credibility to the -- at least the scenario where this occurred and would put Jontu in the vicinity of where it happened in that regard. That would be Dominique's testimony as to where he saw these folks and when he saw them.

But you're right. It doesn't necessarily make an otherwise inadmissible statement by Jontu admissible just because he heard him say it.

MR. BAX: And -- and Your Honor, just going back to the issue of -- of discovery, in preparation for this, I would certainly ask the Court to -- or -- or -- or ask the solicitor provide anything that they may have.

I mean, as I said before, I knew about Mr. Griffin only because my client said he was in that area, and he might have seen something. But I was not aware of any contact the State had had with Mr. Griffin. And if there's anything out there, I would really -- believe that it would be pertinent and discoverable information for me.

THE COURT: Mr. Stone, what says the State to that? I understood that he had not made a statement or at least y'all didn't have a copy of the statement.

MR. STONE: He did not. He didn't -- he did not make a statement to law enforcement. I actually knocked on the door out at the crime scene myself, and -- and -- and met him. And that's where that took place. So he doesn't have

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a statement to law enforcement. So there's nothing under either Rule 5 or Brady. There was nothing exculpatory that needed to be turned over.

THE COURT: Right.

MR. STONE: However, although I don't think there's any obligation to produce, I will tell you that's -- and I was not clear earlier. The -- the shooting that takes place -- Dominique Griffin stayed at his house until the shooting stops.

THE COURT: Right.

MR. STONE: And he comes out of his backdoor. When he comes out of his back door, that's where Tyrone Robinson's car was parked.

THE COURT: Right.

MR. STONE: He sees Tyrone Robinson walk up, Jontu Singleton is walking behind him with tears in his eyes, and says, "It --" -- at which time he comes out, and he says, "That guy shot my best friend."

THE COURT: Right.

MR. STONE: This is separate and apart from the conversation that you hear on the tape with Martin Thomas. This is maybe 20 yards over --

THE COURT: Right.

MR. STONE: -- but this is a totally separate statement. So in other words we say the same thing, he's

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pointing to the same defendant --

THE COURT: Right.

MR. STONE: -- this time it's heard by Dominique Griffin. But that's not the same. In other words those are two times that he -- that Jontu Singleton says that.

THE COURT: Right.

MR. STONE: So I wanted to clarify that. I don't think I was very clear. But that's ---

THE COURT: Right.

MR. STONE: --- that's the testimony that he would be offering, and ---

THE COURT: Right.

MR. STONE: --- that he was actually in the house when the -- you heard the rapid-fire shooting outside of his house --

THE COURT: Right.

MR. STONE: -- that -- that he was in there with his one-month-old -- I think that's correct -- child, in a bed. And actually rolled on the floor when he heard the shooting.

THE COURT: Right.

MR. STONE: But that, I believe, was the shooting from the Youngs.

THE COURT: Right. Okay. Thank you for clearing that up.

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MR. BAX: Well, and Your Honor, I have to respond if -- if Mr. Stone was actually the one who had contact with Mr. Griffin, that makes it kind of doubly bad. I mean, Mr. Stone is an attorney as I am and knows that these kind of things are essential for me to be able to be prepared for a case. We do not have trial by ambush in this country. That's the core principle of Rule 5 and Brady.

And obviously Rule 5 would come into play because this -- this is someone they intend to use in their case in chief against my client, then any information about what he is saying would be relevant through discovery.

And to find out now that there is a witness -- and -- and I think that to some degree we should not ignore -- and I'm not going to ignore the fact that the way that Mr. Stone has described this testimony, it is going to have impact on the case. It will be something that I would've had to have been prepared for because it puts the boy, as he said, with tears in his eyes, immediately following an event that is going to be characterized as traumatic for another young child, and that cost the life of his friend, another young child, on scene, in close proximity to where it happened and potentially in close proximity to my client, making an accusation.

THE COURT: Can -- Mr. Bax, can you point me to that part of Rule 5 that -- that is violated by this non-

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disclosure?

MR. BAX: Yes, I can. Rule 5 -- and let me bring it up so that I cannot operate from memory. I've discovered that's bad no matter how many times you read a rule. If you give me a minute, Your Honor.

THE COURT: Okay.

(Brief pause.)

MR. BAX: Your Honor, I would like to Rule 5(A)(1)(a) It discusses the substance of any oral statement which the prosecution intends to offer in evidence at the trial. Well, that's as to the defendant.

THE COURT: Read -- read Rule 2 -- I mean, subpart rule -- of Rule -- (A)(2), information not subject to disclosure, and see if it doesn't more correctly, under that part of the rule. I'll be glad to hear from you on that.

(Brief pause.)

MR. STONE: Your Honor, may I just have just a moment?

THE COURT: Yes.

(Mr. Stone and Mr. Bax confer briefly.)

MR. BAX: Apparently I was sent an e-mail prior to me being made Tyrone's attorney, when I was second chair to him or -- or his shadow counsel, saying that there was a witness named Dominique Griffin. Not going too much into detail about it.

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I don't recall that e-mail, that was prior to me being appointed to him. So I -- there's really not anything that I can argue from this point on that issue.

I do have a number of other motions. Would you like me to move on or ...

THE COURT: Yeah. Let me just -- like -- sort of put a cap on that. Rule 5(A)(2) lists the information that is not subject to disclosure, and it speaks directly to -- to what Mr. Stone was talking about a while ago. It -- it says (as read): "Except as provided in paragraphs A, B, and D" -- paragraph A has to do with a statement by defendant, which Mr. Bax was right, certainly you're entitled to all of that. B has to do with the defendant's prior record, which he's entitled to. D has to do with reports of examination and tests. None of that is applicable here.

(As read) "This rule does not authorize the discovery or inspection of reports, memoranda, other internal prosecution documents made by the attorney for the prosecution or other prosecution agents in connection with the investigation or prosecution of the case; or of statements made by prosecution witnesses or perspective prosecution witnesses" -- that would be Dominique Griffin -- "provided that after a prosecution witness has testified on direct, then the Court shall, on motion, order the

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prosecution to produce any statements, etc."

So I -- there's been no violation of Rule 5 in connection with the Dominique Griffin issue that I can see under the rule.

So now -- but I will be glad to have, Mr. Bax, for you to go on to the next motion.

MR. STONE: May I add ---

MR. BAX: All right.

MR. STONE: --- something to this, Your Honor.

THE COURT: All right.

MR. STONE: I apologize for taking the Court's time.

THE COURT: Okay.

MR. STONE: But I do think it's important. My concern is -- and we've been -- we -- we've discussed this, both at a national level as well as state level, and discovery is a particularly difficult issue. And I want to make sure that we are clear on the record as far as Your Honor's -- I don't particularly care. I -- I understand that the rule doesn't require me to turn that over. I don't particularly care to follow that in -- in that context.

And -- and what I was a little concerned about is I was making an argument. I knew legally it was right. I just was concerned why we didn't.

I found an e-mail -- actually my staff did. Hunter Swanson, who's working with me, actually sent an e-mail

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out, and I do want to make this as part of the record if I could. It was sent on April, the 3rd, after we had interviewed Dominique Griffin at the scene.

The e-mail reads (as read): "Just wanted to let you know" -- this was sent to Robert -- Robbie Ferguson and Arle Bax. And I do not recall if Mr. Bax was representing Tyrone Robinson at the time, but that was one of those things that the best we could come up with as far as notice.

(As read) "We just wanted to let you know about a possible additional witness who was not mentioned in the reports and was not interviewed by law enforcement. Dominique Griffin is Savoya Simmons's boyfriend -- lives at the house on the corner of Allen and Marshland Road -- and was home with their baby at the time the shooting was going on. He heard shots that sounded like they were coming from Marshland Road, rapid-fire-type rounds. He grabbed the baby and hit the floor. Once the shooting concluded, he ran to the back of the house where Jontu, Jr. had run up saying, quote, "He shot Khalil." He saw Tyrone Robinson leave in his car."

And then it goes on to talk about other material, but I did want to put that on the record because I think it's important, Your Honor, for -- for you to know, as well as the appellate courts, that we do try to make sure that it's

-- it's not trial by ambush.

THE COURT: Thank you.

MR. STONE: Thank you for hearing from me on that.

THE COURT: All right. Thank you. Mr. Bax?

MR. BAX: Your Honor, the first I'd like to go into is what we've talked about in chambers. I have filed a written motion on it. And I would still be moving for a change of venue in this case.

I know that I forwarded a copy of my written motion to Your Honor. Hopefully you're still in receipt of that. If not, I can sort the pass you a copy.

THE COURT: Now, I got the motion earlier, the one that you sent earlier, some time ---

MR. BAX: Yes, Your Honor.

THE COURT: Yeah.

MR. BAX: I filed it in July --

THE COURT: Yeah.

MR. BAX: -- of this year, and I'm relying on that same -- that same motion.

THE COURT: Right.

MR. BAX: Your Honor, based on -- on my rough calculations of what we dealt with this morning with the jury, there was, I believe, over -- there was 65 -- approximately 65 percent of our available jury pool at that time that responded that they had read some kind of media

coverage about this case.

THE COURT: Right.

MR. BAX: Out of those individuals, we did lose a number of them, due to the specific voir dire up at the bench, as they came to Your Honor one at a time, as -- as we all went through this morning.

THE COURT: Right.

MR. BAX: There was obviously, in my opinion, a number of individuals who -- I -- I was questionable of their responses, but they -- they were what they were. But there was quite a few individuals who have followed the story, and while they stated that they could set that aside and be impartial, I ended up using seven of my strikes on jurors who had been exposed to media.

THE COURT: Right.

MR. BAX: And I did -- I did let other people onto the jury that had been exposed to media, but I had to make that choice.

THE COURT: Right.

MR. BAX: I had to make that choice based on my evaluation of their responses to Your Honor as to whether they were telling the truth --

THE COURT: Right.

MR. BAX: -- about whether they have been affected by that media, because frankly, I don't believe all of them

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were.

THE COURT: Right.

MR. BAX: And no offense to them, but you know, to some degree, I think there were certain people that gave the impression, at least to me as an attorney, that they were very eager to be on this jury and not for the right reasons ---

THE COURT: Right.

MR. BAX: --- in my opinion.

So of the strikes that I used, the primary cause was that media exposure and their responses to that media exposure.

Additionally, because of the percentage of the jury pool who had been exposed to that media coverage is the other reason why I could not strike everyone who'd been exposed to that media coverage --

THE COURT: Right.

MR. BAX: -- because I would have run out of strikes, and -- and any of my other basises [sic] for the striking of those jurors would have gone by the wayside.

THE COURT: Right.

MR. BAX: And there were other areas, just like in a case that doesn't receive media coverage, where I would like to be able to strike jurors for other reasons: relationships, people that they know, their familial

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relationships, any number of -- of things, Your Honor.

But I wasn't given as much of a choice on that, I think, as I should have been.

I believe that this is a case where the Court should consider striking the jury that we have and -- and changing venue because this is a reoccurring problem. We have only but so many people in Beaufort County, and obviously, the paper here does a very good job of appealing to that very local audience

THE COURT: Right.

MR. BAX: I was made aware of the *Beaufort Gazette/Island Packet* within days of moving here and certainly had my issues with them, considering the fact that they refuse to respond to my subpoenas.

THE COURT: Right.

MR. BAX: But obviously this issue of media coverage is one that I'm very concerned about.

Based on what we've seen, based on what I have shown -- and also, Your Honor, I -- it would state -- you know, we -- we have looked into the media coverage issue in order to show saturation. There's been a huge amount of media coverage, not just by the local paper, but by also the local TV stations: WTOC and I think there's a couple of others.

And I'm -- I am quite hamstrung in my argument, Your

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Honor, I -- I will put on the record, because I did issue subpoenas to *The Island Packet*, to WTOC, and I think two other news stations, in order to get not just data about the amount of coverage, but also data about the amount of attention that the Internet coverage of this story has gotten.

THE COURT: Right.

MR. BAX: We did have a motion to compel *The Island Packet* in front of Judge Mullen. There was oral arguments taken at that time. Mr. Jay Bender, from Columbia, represented the paper and came down and argued the case. At that time, Judge Mullen's ruling was held in abeyance because several questions that I had, several -- the pieces of information that I wanted, Mr. Bender could not really tell us whether the State was in -- or the paper was in possession of. That included information such as the number of update articles online that never actually made it into the printed final version of the papers; the number of times that those articles were viewed, i.e. "hits" on those website articles. Each article has its own basic website address.

THE COURT: Uh-huh.

MR. BAX: And each time someone opens it on their computer to view it that's recorded somewhere. It's called a "hit" on -- on -- on that website and any of its sub-

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links. When you create a website, obviously you don't want to just have one page. Everything has to be dynamic these days ---

THE COURT: Right.

MR. BAX: --- in order to draw the attention of your viewer ---

THE COURT: Right.

MR. BAX: --- which is what you're looking for. Whether it's for profit or for advertising purposes or whatever, you want people to come to your website and you want them to move around, go from page to page.

Each of those pages is individually identifiable. I argued at that time that the information concerning, not only the -- the articles that are put online -- but don't actually ever make it into the paper because they're small or mid-size updates to a story that's either already running or one they're about to run -- are important to show how many times that was viewed.

If we have roughly 150 to 200,000 permanent residents in Beaufort County and it was viewed 350,000 times, you start to see that there's -- there's almost a complete saturation there. I mean, obviously, there's a number of people in our community that live here only during the summers. There's plenty of people that have moved away and maybe they still read the news here, but it is indicative

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of the saturate -- saturization [sic]

I was not provided that information. Mr. Bender was ordered by the Court to -- to provide that before our trial. He did not do that, and I was informed that my motion was denied via e-mail on Friday evening. So I was never privy to that information.

Additionally, I was in a situation where not only am I trying to prepare for this trial and represent Mr. Singleton, but I was in a situation of trying to chase down these TV news networks.

THE COURT: Uh-huh.

MR. BAX: I spoke with one network -- I think it was WTOG -- representative over the phone. She assured me she was going to provide that same information about coverage, hits on the Internet, and I never heard back from her. And unfortunately, my resources are very limited as a public defender, and there's only been so much that I can do after these phone calls have been made and the subpoena's been issued.

Regardless of that, Your Honor, the media coverage, as I've reviewed it, includes well over a dozen articles. In fact, we printed out everything that they have, and I'm happy to provide it to Your Honor. It is well over 100 pages.

THE COURT: All right.

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MR. BAX: And these are articles that were printed in the paper, and these are articles that were also repeated online and kept online.

Additionally, *The Island Packet* and *Beaufort Gazette*, they're one entity, published a timeline that was accessible by the general public on their website. That timeline is a link of all the different events as -- as they were reported or as has -- as -- as the paper's reporter saw it, including the dates and times of the funeral of -- of Khalil Singleton, pictures of that, dates of arrest, dates of bond hearings, dates of the prior trial. And that was linked on -- each time an article was put out, they re-linked that timeline.

In that timeline was also a link to the video. There was a dash-cam video from Corporal Evans's patrol unit. You cannot see Corporal Evans, but as Your Honor's aware from last time we tried to try this, and it -- it did pertain a lot to the Youngs. As Your Honor's aware, that video was also accessible to the media. That was released I believe -- and correct me if I'm wrong -- by Mr. Stone's office in response to a FOIA request, based on what I saw.

And that video was linked as an imbedded video, so when you clicked on it, you could watch the video.

THE COURT: Right.

MR. BAX: And that evidence has -- and that basically

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potential evidence in -- in this case that has been exposed, or evidence that wouldn't be admissible in this particular case.

THE COURT: Right.

MR. BAX: In that video, Aaron Young, Sr., does accuse my client of being the real bad guy, the one who started this, the one that needed to be dealt with, as well as the one who was responsible for Khalil's death.

That evidence -- that -- that piece of material is -- as out there, and that's not just a reporter's interpretation of what they viewed in a courtroom. That is the actual video from that dash-cam. That's all out there.

And we didn't get as specific on -- on that as -- as -- as necessarily we -- we could have because I think to some degree there's an issue of confusing the jury; and also, we had time constraints.

THE COURT: Right.

MR. BAX: If we were to sit there and ask every single person about every single article that they read, (a) most likely wouldn't be able to necessarily remember it, but (b) we would still be over in jury selection right now.

THE COURT: Right.

MR. BAX: And I understand that, but do not want to waive my client's rights to make these arguments.

That being my argument on -- on -- on the motion to

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change venue, Your Honor, I would like to -- to also place on the record that if Your Honor sees fit to deny that motion, I do feel like there is a remedy, a secondary remedy I would ask for. And I -- I can argue that now or I can wait until Your Honor issues your ruling on the change of venue motion.

THE COURT: All right. First of all, let me see if the solicitor wishes to add anything from it's perspective insofar as the change of venue is concerned.

MR. STONE: Your Honor, from the -- from the standpoint of -- of the law in this case, this is why the Supreme Court has outlined the particular process that the Court goes into, what the burden is, and -- and various things like that. And I'll just -- just very briefly.

The change of venue is in your discretion, and -- and absent some void of sound discretion, there's State vs. Sheppard, your proceeding and your voir dire of the jurors is -- is something that the Court -- the -- the appellate court give grave deference to.

In -- under State vs. Caldwell, which sort of is the outline of -- of the question (as read): "A denial of change of venue is not error if the jurors are found to have the ability to set aside any impressions or opinions, and render a verdict based on the evidence presented at trial."

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You asked every one of those witnesses [sic] that question. Each one of them that still made the jury panel, answered that they had -- that they could set aside anything that they had heard before. In fact, you excused -- I don't recall exactly the same number, maybe five or six, who could not answer that question affirmatively.

Again, it is the defendant's burden to show actual prejudice to the defendant, again, based under State vs. Caldwell. And in this case, there simply has been no -- no -- no prejudice at all established. And I believe your questioning the process was -- was proper.

THE COURT: All right. Mr. Bax, clearly there -- there is no question that the media coverage in this particular case has -- has been widespread. Notwithstanding the fact that you were not able to get the information you sought, the information that was revealed in there today when -- when the jurors stood -- Ms. White, who is working with me this week, thank goodness, at the -- at the auspices of -- of Judge Mullen, who is not here today; and so it's her law clerk, Meghan White, has been helping me. And she color coded the -- the jury list of those who had exposure with a yellow highlighter. The whole page was yellow in some cases for almost.

So nobody would question the fact that there was widespread media exposure -- exposure. *The Island*

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Packet/The Beaufort Gazette, TV stations to a lesser extent.

It is not that unusual, quite frankly, in -- in areas where you have something like this, which has attracted a whole lot of exposure, for a lot of people to read it. There are a lot of retired people here, a lot of folks who -- who have high levels of education. They're -- they are the types people, as they told me at sidebar on many occasions, "I just read the news. I try to keep up with it and try to keep up with what's going on," which, quite frankly, is admirable.

And when it gets right down to it, that's the type of jury veniary that -- that we want. We want people who are informed and who are educated, not necessarily to -- to prejudge these issues. But it indicates a civic responsibility, that these are not folks who hide under a rock somewhere, and -- and who run from television or run from the -- the new media when reports are out there.

Because I would imagine that all those folks who stood there and told me that they -- or at least most of them -- that they had read this in the *Island Packet* -- did not read just this. They read everything else was in there; and in whatever they -- their areas of interest were, they followed those types of things.

But the underlying question, of course, does not --

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does not revolve around whether or not there was exposure or even overexposure, quite frankly, to pre-trial publicity. The question is the question that I asked each juror, and that is, as the record reflects, whether or not whatever they had read had caused them to form or express an opinion as to the guilt or the innocence of Mr. Robinson in this case.

They looked me in the eye. They did not equivocate. I can't read everybody that well. There are a lot of people who'd look me in the eye and lie to me from time to time. So I don't depend to be any sort of a seer in that regard. But I was -- frankly, I was -- I was struck by the candor of these folks, and by the fact that they seemed to be sincere and -- and -- and unblinking in their statement in that regard.

So I find that -- that -- that there is no burden -- there is -- the burden -- I'm sorry -- of -- of actual prejudice has not been met in this regard. We're all familiar with those cases: *Caldwell* is the one the solicitor stated. *State v. Manning* is one that I have a little bit of knowledge about, as well as *State v. Tucker*, another case that I have a little bit of knowledge about.

On *Tucker*, I was affirmed; on *Manning*, I was reversed. But the issue was the same, and that was the extent of pre-trial publicity. Of course, *State v. Manning* didn't have

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anything to do with pre-trial publicity. It had to the -- had to do with whether or not the State was title to such a motion.

That's a long way of saying that respect the work that you -- that you've gone through to -- to find out exactly how widespread this coverage was. But I'm impressed that the answers that I received today indicates that, in spite of how widespread it was, it was not convincing enough to those folks who read it to cause them to prejudge the guilt or the innocence of Mr. Robinson, to the extent that they could not fairly and -- and serve impartially as a juror in this case.

The motion for change of venue is denied, and so I'll be glad to hear the alternative that you propose.

MR. BAX: Your Honor -- and it has to do with the integrity of the trial that we have now. Obviously, Your Honor has instructed the jury this afternoon not to expose themselves to anything going forward; however, as Your Honor is -- is aware, just from looking out across the audience, we are currently under the scrutiny of our First Amendment patrons.

In fact, my understand -- well, I'm looking at the fact that someone with the *Island Packet* is live streaming everything we're talking about right now.

THE COURT: Right.

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MR. BAX: It's going out as we speak.

THE COURT: Right.

MR. BAX: And the problem is -- two things: Number 1, coverage of events is changing based on technology.

THE COURT: Uh-huh.

MR. BAX: It's becoming more minute-by-minute, it's becoming more 140-characters-by-140-characters; it is becoming more instant message, more text message, more tweeting, more YouTube. Everything is instantly accessible, and I think, to a large degree, that makes it harder to protect the integrity of the process.

And despite adamant instructions to jurors, and despite the fact that they have all been very sincere in their answers to Your Honor that they would put anything aside, it is not so much them that I worry about, but all those around them and everything around them.

THE COURT: Right..

MR. BAX: Our phones provide constant streams of information, and we cannot tell those jurors the moment they walk out of this courthouse that they are not to pick up their phone.

THE COURT: Right.

MR. BAX: It is an instrument, at this point, of basic necessity unfortunately. It -- it is probably not that far from being implanted on one of our limbs so that we can

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never leave it behind.

THE COURT: Right.

MR. BAX: As a result of that, I think courts are going to have to adapt, and when we have a case of this magnitude. Involving fax such as this that are involving the kind of coverage that we have -- as I said, it's being tweeted right now as we speak. She's right back here in the corner, Ms. Lourie.

THE COURT: Uh-huh.

MR. BAX: The idea that the jurors themselves can't abstain themselves from getting any of that exposure I think is going past just legal fiction and into just plain old fantasy.

THE COURT: Uh-huh.

MR. BAX: They're all going to have family members, and we have no way of knowing what level of interest those family members have. But I can guarantee you this, once those family members find out what case they're on, regardless of whether or not that juror tells them, you know, "I can't talk about the case" --I'm sure they will --

THE COURT: Uh-huh.

MR. BAX: -- their family members are gonna find out what case they're on.

THE COURT: Right.

MR. BAX: And that means that they're going to be

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spouting comments that they're reading; and their interest in the case once they find out their dad or their mother is on the case is going to rise.

THE COURT: Right.

MR. BAX: You could have teenage children, sitting there at the dinner table, asking Dad, "Well, what about this? They said this."

And this includes information coming out just today about rulings in here, Your Honor, on admissibility, that we're doing outside of the presence of the jury for a reason.

THE COURT: Right.

MR. BAX: Because the jury shouldn't be purview to these arguments about what is admissible and what is not.

As Your Honor knows it -- it runs across the problem of the judiciary commenting on the weight of information; it has to do with arguments of the defense to exclude things the juror could take as us trying to hide things.

THE COURT: Right.

MR. BAX: The same could be said of the State. If they say we're not going to go into these other statements, the jurors could take that in a negative way.

THE COURT: Right.

MR. BAX: So I have looked at all the case law concerning Your Honor's discretion in ordering that the

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courtroom will be closed to the media, and that's what I would ask the Court to consider doing. In all the cases that I have looked at, Your Honor, it's basically a balancing test, and it's -- it's not exactly well-defined for Your Honor.

THE COURT: Right.

MR. BAX: And I know that Your Honor's head to look at in cases such as the ones you already cited, as well as the Quattlebaum case; some of these others where you had to gag certain things, and tell the media that could not put that out there.

THE COURT: Right.

MR. BAX: And I -- it has to be -- you know, the -- the -- the press's and the people's right to freedom of speech and freedom of information has to be balanced against my client's Sixth Amendment right to a fair trial.

THE COURT: Right.

MR. BAX: And at this point, I'm not asking that Your Honor completely gag the press from writing anything about this case. I think that would be going too far, and I don't, frankly, want to ask for something that I'm really just reaching for the stars on.

But I don't think it's unreasonable to ask them -- to put them out of the courtroom. They can certainly do articles about what they have seen from people coming and

going or interviews. I would certainly ask that the attorneys involved not give any interviews, but it don't know that we can control anybody else.

But the fact that they're even -- they're inside the courtroom, they're making streams of information available to the public based on hearings that are not even in the presence of the jury, and that this is going to be ongoing throughout the week, I think strongly threatens the integrity of the case. And as Your Honor knows, we've already spent a week trying to get this case through.

THE COURT: Right.

MR. BAX: I think from a judicial economy standpoint as well, not only the interest of my client stood against the interest of freedom of speech, that the interest of the judiciary being able to do its business are part of the balancing test, because once we get to the end of this case, if we find that a juror finally blurts out, says, "You know, my daughter's been telling me all about 'x,' 'y,' and 'z' --

THE COURT: Right.

MR. BAX: -- we're gonna end up in a mistrial situation potentially. And once again, the time of Mr. Stone, myself, my office, his office, and my client and Your Honor's been wasted; as well that of the juries who are, frankly, not getting paid a whole heck of a lot.

So I think it is well within reason to ask Your Honor to consider barring the press from the courtroom until the close of this case.

And -- and I would put on the record also, Your Honor, I did think about the idea of sequestration of the jury. But frankly, it just felt to me -- and I'm putting this on the record purely for -- for the purposes of -- of future review -- I felt like that was strategically not a good idea, as my understanding is those jurors would be put in a hotel where they would be cut off from their Internet access, they probably wouldn't be allowed to use their phones -- really, nowadays with Smart phones; and they would only be given access to some old movies and -- and that would be it. And unfortunately, that's the kind of thing that could potentially turn a somewhat uncomfortable and -- and -- and -- and feeling unlucky jury into a flat-out cranky and upset jury.

THE COURT: Right.

MR. BAX: So I -- I did not decide, in -- in -- in my small wisdom, to ask for that. So I feel that this is a reasonable request in light of the circumstances.

THE COURT: All right. Thank you. Quoting the Fourth Circuit case of *In Re The Press Association*, which reminds us a strong constitutional presumption in favor of open criminal proceedings because the Constitution provides for

that, that can be overcome only if there's an overriding interest based on specific findings that it's necessary to close the courtroom in order to preserve higher values.

It would be difficult for me, of course, to tell the press that it cannot come in when it has a constitutionally protected right, but yet allow the public in, which has the same right, no greater, no less. There has to be a -- the higher value, of course, is measured by protecting the defendant's, as you've said, Sixth Amendment right to a fair trial by an impartial jury. And I think we all understand, and I've understood it for many years as sitting in this role, that -- that -- that the press's responsibility is to inform the public. It is not protected defendant's right to a fair trial. So I recognize that sometimes those two things are sometimes antithetical, which the -- one's the antithesis of the other.

Several years ago -- I think the guy's name is Dan Abrams. He used to be on one of these trial networks. Is he still -- I think he -- he -- he spoke to some group that I was -- was a part of. Might have been a judicial conference. And he made no bones about the fact that -- that the press is really not interested in a fair trial. It was interested in news coverage because that's what it does. And that's right, that's what it does.

The Court, however, of course, is interested in a fair trial because that's what we do. And when those two things run afoul of each other, when -- when the public's right to know intrudes into the right of a defendant to a trial by a fair and impartial jury by the standard that has to be met, then we are at liberty to take the drastic action of closing the courtroom. Of course, we can't do it without giving the press a right to be heard, obviously, as Mr. Bender was down here last week, and -- and I'm sure that if I were to say I was going to have a hearing this afternoon at eight o'clock on the motion to close the courtroom, Mr. Bender would be right here somehow or another.

But I don't think, quite frankly, that it's necessary to -- to go to that very dramatic and extreme step under these particular circumstances. I know that this -- right this minute, in -- in Beaufort, is -- is apparently the judicial proceedings of -- of great interest. Not just here, the State newspaper yesterday had an article about this trial and about the trial that's gonna start next door, tomorrow morning sometime -- or next door -- that way or in here. As a matter of fact, this is where it's gonna be, in this room.

I realize that when I go to town and -- and prepare to start a high-profile case that's been pending for some time, that -- that the newspaper is going to report that

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because that's what they do. They don't do it with the intention of making the Court's job any harder, but that is the impact of it.

There is, in Richland County, I believe, starting today, a trial of a University of South Carolina professor who -- she was murdered in 2011, I believe was the date. Almost four years ago. And frankly, the public probably had forgotten about it until they read the State newspaper this morning, and then they remembered it again. I don't criticize the papers for doing those things because, as I said, that's what they do. They try to inform the public.

And some judge in Columbia today is struggling with the same thing over there that I am here in this case because of the publicity.

There's another way, however, I think that I can do all that I can without reaching the -- the limits that you have suggested, Mr. Bax. I will voir dire the jurors tomorrow. I'm willing to voir dire them individually, to bring them out of the jury room one at the time, and ask them these questions, out of the presence of each other. And I'll do that every day during the course of this trial to see whether or not this is a problem. And if it becomes a problem, then frankly, strategy or not, I would choose to sequester the jury rather than to shut the courtroom down.

But for now, your motion to close the courtroom is

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respectfully denied. I will voir dire the jurors when they come back tomorrow, before we begin. Okay.

MR. BAX: Thank you, Your Honor. Your Honor, moving on, I do have -- just for the purposes of the Court understanding where we're at, trying to estimate which ones we've finished here -- four more motions, Your Honor.

THE COURT: Okay.

MR. BAX: And obviously I would move to sequester the witnesses. I don't expect that motion to be long. We can even handle that right now, and that would be, obviously, the shortest of the motions.

My next motion is to quash the indictment, and I can start arguing that. But just for the Court's -- just to let the Court know, as I had stated before, I have my Castle Doctrine motion, which is gonna take a few minutes; and a motion concerning photographic evidence in this case, which would take a few minutes, obviously, as well. So that Your Honor will know just how much more I -- I've got to deal with.

THE COURT: Okay.

MR. BAX: So going to the -- the quashing the indictment, Your Honor --

THE COURT: Okay. If you'll just give me a minute and let me take the easy one first and get it out of the way --

MR. BAX: Certainly.

THE COURT: --- so we can close the book on sequestration.

MR. BAX: Sure, Your Honor.

MR. STONE: I -- I don't have any objection to that as long as all the witnesses are treated the same.

THE COURT: That's right. It -- it would be reciprocal. The -- the -- the victim's family, if there are any in that regard; the main investigating officer for the State will be there -- can remain. The sequestration order will be in effect closing the opening arguments tomorrow morning. Okay? All right. Now --

MR. BAX: Thank you, Your Honor.

THE COURT: -- to the motion to quash.

MR. BAX: Thank you. Your Honor, the -- the defense would move to quash the indictment as insufficient in this case. First of all, obviously, under State vs. Gentry, I, as a defense attorney, am required to make this motion prior to the swearing of the jury or -- or basically forever waive that. I'd have to face that issue on PCR.

But it -- it -- this is a situation where the motion to quash the indictment, I think, is very important; and -- and I believe a very strong argument.

The indictment in this case, which I'm sure Your Honor has copy of because you read it to the jury this morning --

THE COURT: I did, but I gave it back to the clerk, and I'm not sure that it's been -- you got it in here?

(Brief pause.)

MR. BAX: Your Honor, I would -- I would point to the body of the indictment, the portion, I believe, that Your Honor read to the jury veniary this morning in qualifications. It says that (as read): "In Beaufort County, on or about September 1, while engaged in an ongoing gun battle," comma, "an inherently dangerous felony," comma, "Tyrone Robinson did willfully, unlawfully ..." and it goes through the language of -- of murder at that point, and -- and -- and does give the victim's name and -- and the location for jurisdictional purposes.

THE COURT: Right.

MR. BAX: It is the portion here where it says (as read): "... while engaged in an ongoing gun battle -- comma -- an inherently dangerous felony..." that I address my motion to quash the indictment.

The language "inherently dangerous felony" indicates that -- and it is my understanding -- that the State, through the statements they've made in -- in court before, is going forward on -- on -- on a argument of felony murder. Felony murder, obviously, is -- is -- had a number of cases address it, and it -- it does have a little bit of a confused history --

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THE COURT: Right.

MR. BAX: -- as far as whether it's an inference of malice or whether it's a substantive rule that says you must charge murder if there was another felony ongoing.

THE COURT: Right.

MR. BAX: However, those confusions aside, it is extremely clear, all the case law about the felony murder rule or the felony murder inference, that it must be -- it must allege that it was a -- that -- that the homicide, or the death of the victim, occurred during the commission of a felony. And it says a specifically enumerated felony, to the point where there are certain felonies that qualify and certain that don't.

The case -- the oldest case -- or one of the older cases that -- that's talked about is *Gore v. Leeke*, Your Honor.

THE COURT: Right.

MR. BAX: And I'm quoting out of the *McAninch* book, because that's one of the best sources I find that goes right to the -- to the source.

THE COURT: Right.

MR. BAX: *Gore v. Leeke*, Your Honor, can be found at 261 S.C. 308. It has it listed here as 199 S.E. 2d at 755. It's a 1973 case.

(The Court confers with law clerk.)

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THE COURT: That book is in the other room, and I was trying to see if I could get Ms. White to ---

MR. BAX: And I certainly have no problem if you'd like to pause while you go get it.

THE COURT: All right.

MR. BAX: I have ---

THE COURT: I -- I can send her for it and continue..

MR. BAX: Here's a copy of the ---

THE COURT: It's a green book. Okay. McAninch has a lot to say about felony murder other than *Gore v. Leeke*, however, and I might ---

MR. BAX: It does.

THE COURT: I might need that as well.

(Brief pause.)

THE COURT: All right. That -- the -- the book is being retrieved. And while we're doing that, I can -- I can listen to you now in regard -- in connection with *Gore v. Leeke*.

MR. BAX: Thank you, Your Honor. What -- I believe I was addressing was that not only does it ask that -- it -- it requires that there be a specifically enumerated felony, but it -- it actually does that to the point where it even has felonies that do not qualify; because it talks about *malum in se*.

THE COURT: Right.

MR. BAX: In other words, that inherently dangerous aspect -- McAninch posits that crimes such as public embezzlement of funds would be an example of a potentially non-qualifying felony --

THE COURT: Right.

MR. BAX: -- one that is not necessarily foreseeable as an inherently dangerous felony.

So if your case law is clear, one that is *malum in se*, must be cited. And here we do not have that, Your Honor. And this is something that -- that is being dealt with -- I know it -- it has been dealt with in the other courtroom, but I think it is very important because it's been happening a lot as far as the cases that are before the Beaufort County Courts, and I'm sure before many of the county courts in this state.

It -- it talks about engaged in an ongoing gun battle.

THE COURT: Right.

MR. BAX: Your Honor, there is no gun battle charge in our felony book. You can pick up every chapter and you can look through it exhaustively.

THE COURT: Right.

MR. BAX: There's not a charge for gun battle.

THE COURT: Uh-huh.

MR. BAX: There's not a charge for shoot out, which is referenced in other indictments. It is not illegal --

there -- there's no specific crime for being in a gun battle.

THE COURT: Uh-huh.

MR. BAX: The reason being, Your Honor, is that we have charges for murder, we have charges for attempted murder, we have charges for pointing and presenting, we have charges for discharging a firearm. We have all these different break downs of different felonies that involve weapons, that involve assaults, that involve violence. But in every one of them, they're specific because we, in our jurisprudence, from here all the way back to the Wild West, decided that we needed to determine who was at fault, that just because there was an exchange of gunfire does not mean everybody who was involved is guilty of a crime.

And that has always been the substance of our case law in South Carolina and throughout the United States. And it is, in fact, the basis of the Castle Doctrine, which I'll be arguing next --

THE COURT: Right.

MR. BAX: -- is the idea that there are times when deadly force is justified.

THE COURT: Right.

MR. BAX: And there's times when you, as a human being and as a citizen of this state and this country, have the right to defend yourself.

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As a result, the Legislature has never come up with a felony that's clearly defined that's entitled "gun battle" or "shoot out." As a result of that, Your Honor, this indictment does not pass muster.

Additionally, the case law involved in the chapter about felony murder in McAninch's book talks about this. There is the fact that the relationship between any other co-defendants, which obviously has to happen in a case where you're alleging felony murder --

THE COURT: Right.

MR. BAX: -- by definition --

THE COURT: Uh-huh.

MR. BAX: -- is crucial.

THE COURT: Uh-huh.

MR. BAX: And to be held responsible for the actions of a co-defendant, you have to be in a conspiracy with that co-defendant.

Your Honor, in this case, the only other individuals charged, as Your Honor is aware, is Aaron Young, Sr. And Aaron Young, Jr.

THE COURT: Right.

MR. BAX: And by the State's own allegations and by their own admissions -- which Your Honor's been party to in -- in prior hearings --

THE COURT: Uh-huh.

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MR. BAX: -- they were conspiring to kill Mr. Robinson.

THE COURT: Right.

MR. BAX: It is beyond the realm of foreseeability or even reasonability that my client could be in a conspiracy with two other individuals to get himself killed.

THE COURT: Uh-huh.

MR. BAX: He didn't conspire to get himself shot at.

And you can't, by definition, conspire with your attackers to be attacked, nor can you conspire with you -- just like the Youngs can't conspire with Mr. Young to come and kill him.

THE COURT: Right.

MR. BAX: Unless we could provide some kind of very unique false suicide or false insurance claim case, I don't think you can ever claim that a conflagration between two parties, that resulted in some kind of violence or attempted violence, was something that they conspired to do.

In discussing this and looking at this and preparing for this hearing, I think the only time this would ever have been something that would have been an argument is when we still had dueling. Basically, when people would agree to meet on a field and -- and do that. Perhaps that would have been our argument at that time to say that

you've conspired with -- with the person shooting at you to be shot at.

Today, and with these facts, it doesn't fit. And as a result, this indictment, number one, does not adequately put forth a crime to which we are to defend against, nor as -- as Your Honor's aware, the case law requires for the sufficiency of an indictment -- it's not just a notice document. It's also something to where Your Honor is going to be able to present that to a jury in order to define what it is they have to make a decision on.

THE COURT: Uh-huh.

MR. BAX: And this is, I think, a very important point in this motion to quash, Your Honor. Not only does it not put me on notice of which inherently dangerous felony I am defending against, or I'm defending my client against, that he's defending himself against --

THE COURT: Right.

MR. BAX: -- which, I submit, is crucial and it's a failure -- is -- is basically insufficient on its face; but also, for the integrity of this process, when we get to the end of this trial, what is it that we argue? What is that I argue on opening? What is it that Your Honor charges the jury with?

My understanding -- and the case law backs this up -- you would have to define for that jury what that inherently

dangerous felony is, because as a matter of law, if they're going forward on this felony murder rule or felony murder inference, then they would have to make a determination that my client was committing an inherently dangerous, enumerated felony, and what that felony is when the homicide occurred, when the victim was killed; and the proximate result thereof.

At this point, there is -- you cannot define ongoing battle -- gun battle to that jury. And I know from my experience, and I know you know this better than I, no judge wants to be making up a charge from scratch.

THE COURT: Right.

MR. BAX: That's never where the Court wants to be. And I don't think that's where the appellate courts want you to be either.

THE COURT: Uh-huh.

MR. BAX: Obviously, at some point, everybody had to make up a charge, and it had to be reviewed --

THE COURT: Right.

MR. BAX: -- but at this point, in our jurisprudence, that should be beyond rare. We have -- we have gotten through a lot of this, and it's been clearly defined.

I know that, as I said before, the notice aspect of an indictment is important. And that is why it's -- it's referenced in *State v. Gentry* the way it is.

They changed it, obviously, for a long time. Indictments had to do with subject matter jurisdiction. As a former attorney general handling -- handling PCRs, it was the bane of my existence --

THE COURT: Right.

MR. BAX: -- that subject matter jurisdiction could be brought at any time.

THE COURT: Uh-huh.

MR. BAX: And I know for a fact that -- that my co-counsel, Deb Shupe, was very proud of *State v. Gentry* when it came out because she argued it while she was working with me. But the way that the State -- or the Courts define the change from subject matter to notice, they did make an important point to illustrate for all of us in the Bar that notice is not just an empty saying. It is important.

And when you already have a complicated factual scenario like we do here, definition is all the more important.

THE COURT: Right.

MR. BAX: Thank you.

THE COURT: Thank you. Mr. Stone?

MR. STONE: First of all, Your Honor, let's make sure that we're clear on what the motion is. I mean, are you talking about the sufficiency of the indictment, and not

only is that under *State vs. Gentry*, but also a very recent decision, 2013 decision, speaking -- the State -- the *State vs. Manuel Samuels* -- excuse me -- Myron Samuels. All of that is under the same context, and the context is for the sufficiency of the indictment to be challenged, the issue before the Court is, No. 1 (as read): "The offense is stated with sufficient certainty and particularity to enable the Court to know what judgement to pronounce."

I don't think there's any question in this case, Your Honor. This is a murder indictment giving you the -- the -- the knowledge at that point from there that it carries from 30 years to life. That is clear that it fits under -- under that part of Part 1.

(As read) "And the defendant to know what he is called upon to answer, and whether he has -- he may plead an acquittal of conviction thereof, and too, whether it apprises the defendant of the elements of the offense that it intended to be charged."

Quite frankly, I think the indictment has more than is necessary instead of less than is necessary. The issue is whether or not the indictment is -- on its face is sufficient to give you the ability to know how to sentence, the defendant to know whether or not he pleads guilty or not guilty, and whether or not he knows the elements of the crime.

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It actually -- this indictment is more specific than it needs to be. It needed only to basically say he is charged with the murder of Kahlil Singleton. What I think we now go into is whether or not that you have jury charges that you can make to the jury. And -- and I apologize, but my jury charges are in Courtroom 1.

THE COURT: Uh-huh.

MR. STONE: And I was going to hand that up to you now and I'll be glad to do that after we take a break.

But in the context of the felony murder rule, it does establish malice on the part of the defendant. It -- it is in most of the cases, and as *McAninch* cites, almost every state has done it differently, and it's based not only on statutory law, but also on the common law establishment of malice.

You also -- and -- and the reason is very confusing. It's because it also meshes with not only transferred intent in this case ---

THE COURT: Uh-huh.

MR. STONE: --- which I believe that Tyrone Robinson was aiming at the Youngs ---

THE COURT: Uh-huh.

MR. STONE: --- when he hit Kahlil Singleton.

THE COURT: Right.

MR. STONE: So I think you have a transferred intent

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issue there as well.

And -- and what's very interesting is even for what McAninch -- as I recall reading *Gore vs. Leeke* and McAninch's analysis of that, he really doesn't even call it a felony murder case. In fact, he goes back to say although this is what the Court said, it really isn't a felony murder case. It's more of a hand of one is the hand of all, which also, I think, ties in with jury instructions that go to this -- that -- that go to the jury.

Tyrone Robinson was not conspiring with the Youngs. I don't think there's any allegation from the State that's the case. He was, however, involved in -- as he said in both the -- the tape that you heard from Martin Thomas earlier, as well as he -- makes the same statement, "There was a shoot out. It was a shoot out earlier. These guys came by. They chased me." And -- and I think you can certainly infer from that that is an inherently dangerous felony.

For the purpose of this motion, Your Honor, though, I think it is -- I -- I think the indictment is sufficient. I don't believe that -- I believe the only "sin," so to speak, from the indictment standpoint, is it may have more information in there than it needs to.

THE COURT: All right. Mr. Bax?

MR. STONE: And -- and I apologize. Also he stated as

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-- as well, and I forgot to state this as well, is that this was all about a drug deal. There is lots of testimony that -- that people are armed. In fact, Tyrone Robinson is blaming the Youngs on being armed as well. So there is an armed drug deal going on as well.

THE COURT: Right. Thank you.

MR. STONE: Thank you.

THE COURT: Mr. Bax, I -- I concur that the -- that the indictment does seem to meet the requirements that the law requires it to meet, that is, stating the offense with sufficient clarity and putting Mr. Robinson on notice about what he's required to -- to answer.

The only thing about the -- the interesting point that you've raised is that what is the inherently dangerous felony? It could be the drug deal. It could be attempted murder, as they were shooting at each other. It could be several other events, I think, that were potentially unlawful, depending upon the truth -- what the truth is going to reveal in the course of the trial.

There might come a time, at -- at the conclusion of the State's case, for you to revisit this issue. But I don't think it comes up right this minute in any event.

And -- and I -- and I'm not sure that the -- that *Leeke* requires that this be as narrowly construed as you're suggesting to me. For now, the motion to quash the

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indictment is respectfully denied. I will allow you to -- to raise some of those issues, perhaps at directed verdict or some other stage during these proceedings. But not at the -- not at this juncture in any event.

For those -- for these purposes, the indictment is sufficient. Thank you.

MR. BAX: And Your Honor, I understand your ruling and -- and we respect that ruling, we'll make that point. There's one -- just -- argument I meant to put on the record. I just state this if -- with Your Honor's permission.

THE COURT: Okay.

MR. BAX: The other aspect of this that I think does go to the issue of -- of quashing the indictment and notice is the fact that when you say "an ongoing gun battle," you can infer an inherently dangerous felony.

THE COURT: Uh-huh.

MR. BAX: I think that's -- and that -- that's the statement Mr. Stone just made in response to this motion. That is the problem with this.

THE COURT: Uh-huh.

MR. BAX: The problem is is that it allows the State to put their case up, let the chips fall where they may, pick the felony that they think works best, and concentrate on it. It's a scatter-shot technique, and the problem is

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that exactly that notice document, as to indictment insufficiency, go to is we are not required to defend ourselves against the possibility of any number of felonies. As Mr. Stone just now said, "Well, it could have been an armed drug deal battle. Could have been an attempted murder battle. Whatever works the best when we get done, that's what we'll go with."

THE COURT: Right.

MR. BAX: That puts me at a real disadvantage because I fight against the drug deal gun battle, and then I turn around and have to fight something different. That's the whole purpose behind this. That is the whole reason why notice documents and -- and what you're going to be defending against have to be given with particularity.

As Your Honor has said, you know, these cases talk about the fact that there is a two-prong requirement that: They have to give the charge with sufficient particularity for the Court to be able to know what to pronounce judgment upon; as well as, No. 2, give the defendant notice of what he has to defend against.

I submit that even with, in fact, the statements of Solicitor Stone here in response, specifically illustrate the exact problem here. It's a scatter-shot. Whatever sticks against the wall, that's going to work later. And when there's a multitude of potentials and we let the chips

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fall where they may in front of the jury, then it is left where the defense is hampered; and my client is -- is irrevocably prejudiced, in that I'm trying to dodge different balls at different times and there's only but so much the defense can do.

THE COURT: I think, insofar as the facts of this case are concerned, that I don't believe there are many secrets, insofar as those things are concerned. As to what -- at least what the allegations are going to be obviously and -- and -- and the facts of this particular case. Clearly, whatever legal theory flows from those, that is going to have to be tied directly to the facts themselves. So that -- that -- and that's where the defense in these cases, of course, goes for the most part as we know.

Although you've raised a legal defense in the quashing, nonetheless, I think that -- that -- that -- that there's not so much a "hidden ball trick" in this regard insofar as -- as the -- as the indictment is concerned in any event.

As I say, if -- if there is not some acknowledged legal theory that fits under these facts, then that's another matter we'll deal with when we -- when we get to that point.

All right. Let's go to the Castle Doctrine next, if that's the next thing on your list.

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MR. BAX: That is, Your Honor. Thank you.

THE COURT: Okay.

MR. BAX: Obviously, you heard from my client at one point about this issue, and then I would like to express for the record my appreciation of the Court's allowing me to address it again.

THE COURT: Right.

MR. BAX: And -- and I -- and I believe that as -- as an attorney and -- and the fact that Mr. Robinson has chosen to -- to make me his attorney -- which I -- I think was a smart decision. I hope it ends up being a smart decision.

I think there are certain things about that argument that did not get addressed, and for the fullness of the record and to -- to request that Your Honor potentially -- I guess, to put this in the right context, the motion would technically be a motion to reconsider your decision on -- on the immunity granted under the Castle Doctrine.

I would argue that two -- couple -- couple of areas when it comes to the Castle Doctrine: No. 1, I think Mr. Robinson, to some degree, got hung up on the idea that -- or at least on -- to -- to some degree, on the fact that because he was both representing himself and the defendant, and the impartation of the facts was coming from his own recollection --

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THE COURT: Right.

MR. BAX: -- he was dealing with a situation where he had cross interests to some degree. And -- and I think that that's one of the reasons why, you know, having legal counsel is -- is the more preferable way to go about it because we don't have that same -- we were not there. I was not there.

THE COURT: Right.

MR. BAX: In my looking at this as an observer, Your Honor, I do see that the Castle Doctrine does apply, quite clearly, in fact, I think.

There's two aspects to it: No. 1, there was an event earlier in the day, and there's a set of circumstances based on the -- the statements made by the Youngs, statements made by my client, that are basically uncontested.

THE COURT: Right.

MR. BAX: It is uncontested that there was an altercation at Wild Horse Road, at the residence of Aaron Young, Jr. and Aaron Young, Sr.

THE COURT: Uh-huh.

MR. BAX: It's basically uncontested, as you saw from the dash-cam video, my client admits that earlier, on Wild -- he calls it "Squire Pope" --

THE COURT: Right.

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MR. BAX: But it's -- it's Old Wild Horse Road. Those roads are all kind of right around each other. The beginning of Hilton Head Island. I got quite lost going out there trying to find all these little places.

THE COURT: Right.

MR. BAX: But it's uncontested there was an altercation there; it's uncontested my client had a gun at that point and fired that gun at that point. And in fact, what I expect to see in this trial is evidence introduced to that effect, really without much contestation from us, Your Honor, including what looks like a bullet that was fired there into the ground at Old Wild Horse Road.

THE COURT: Right.

MR. BAX: Those facts are uncontested.

Additionally what is uncontested is that my client, when informed of whatever words the Youngs had, "We're going to go get our own guns. We're -- we're gonna get you," kind of thing, hightailed it and left.

THE COURT: Uh-huh.

MR. BAX: He took off.

Your Honor, the law is -- is -- is -- addresses withdrawal, and I -- and I go back to the McAninch book, and I really think he should have given me an "A." I just gotta put that out there.

THE COURT: Right.

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MR. BAX: When I took the class from him, if he had known how much I was gonna use his book, I think he -- he may be up from the "B" to the "A," I think.

But it talks about withdrawal in the -- in the context of self-defense, on page 545, references a couple of cases, Your Honor, and I'd just like to -- to point that out.

And it does talk about the fact that South Carolina cases, such as *Hendrix*, have addressed the fact that there can be a sufficient withdrawal from a conflict, even if that's a conflict where, as Your Honor knows, when it comes to self-defense and the Castle Doctrine, you cannot be at fault in bringing upon the trouble.

THE COURT: Right.

MR. BAX: You cannot be the one that went and -- and started the whole mess and then try to claim self-defense.

THE COURT: Right.

MR. BAX: I think if all of this happened at Wild Horse Road, we wouldn't be in the statute that we are; however, withdrawal -- of the self-defense, they quote *State v. Hendrix*, I believe that's the name of the case, at 270 -- excuse me -- let me give you the Southeastern Second: 244 SE 2d, at page 506.

It talks about the fact that if you withdraw or you communicate in some way that you are withdrawing and then withdraw, your right to self-defense comes back. The idea

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being if the person that you have had this altercation with, that maybe they would have been entitled to say self-defense if you started the fight, if you decide to turn tail and flee at the sight of resistance or that this fight was going to go beyond what you wanted, it is the responsibility of who would have then been the victim to cool down, to call law enforcement.

And in this case, it is undisputed that Mr. Robinson fled, he fled the scene, he left. It's also undisputed that the Youngs, Aaron Young, Sr. and Aaron Young, Jr., discussed, literally out loud, "Let's go after him."

THE COURT: Now, that might give him the right to reassert the -- the self-defense, but how -- which would -- which would be a defense, of course, could be raised if he can -- if he can otherwise meet the elements of it.

But how does that entitle him to the immunity of the Castle Doctrine?

MR. BAX: Well, Your Honor, obviously, the Castle Doctrine flows from the concept of self-defense. With -- without self-defense, you don't have the Castle Doctrine.

The Castle Doctrine has been basically codified. We now have statutory language that was referenced by my client in his hearing. In fact, he referenced the subsection C, which talks about if you're in a place where you legally have a right to be.

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The reason that I believe that the Castle Doctrine then becomes important is the fact that he still -- he meets all the elements of the Castle Doctrine: He had fled; a time period had elapsed; these individuals came after him with the express intent of killing him.

So any response with lethal force that Mr. Robinson did, he would be immune from prosecution for the results of that lethal force.

I think that -- and the State argued that -- well, Mr. Robinson's not admitting that he used lethal force at that time. However, Your Honor, as a legal argument, it doesn't matter because the State is saying that he did. The evidence that's going to be presented at this trial is that Mr. Robinson fired back at the Youngs at some point. And I believe that -- that where they're going to go with this case is that he fired back as the Robinson's [sic] were trying to drive away.

THE COURT: Right.

MR. BAX: And that as a result, young Mr. Singleton was accidentally struck --

THE COURT: Right.

MR. BAX: -- and killed.

Mr. Robinson was in a place that he was legally entitled to be. This is his neighborhood, this is where he has stayed on more than one occasion. He is not under any

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kind of trespass notice. The State has not alleged that he was illegally there. The State has not alleged that he was committing some crime that would have made him illegally in that place. This is his neighborhood. This is where he's from.

That's exactly why the Youngs went there because they know that's where Tyrone is from. Tyrone is, in fact, related to the victim in this case --

THE COURT: Right.

MR. BAX: -- because that is the people in that neighborhood. He's legally entitled to be there.

And the State is saying that he fired back and he used lethal force.

So regardless of what Mr. Robinson has -- has stated in his legal arguments or in his statements to law enforcement, they're alleging he used lethal force.

We're -- and -- and taking their allegations as true, in the light -- basically assuming that everything that they're saying is true, he's still immune from prosecution because he was legally entitled, under the Castle Doctrine, because he was where -- in a place he was legally entitled to be, to respond with deadly force.

It was not -- non-reciprocal. The allegations and -- and it's uncontested that his car had been filled with a number of bullet holes -- anywhere from nine to a dozen,

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somewhere in that area -- and that any shots that are alleged to have come from Mr. Robinson immediately followed shots that were fired in his general direction and at his vehicle, with -- any -- and I would argue that any reasonable person, seeing their car shot all to heck, would be very safe in assuming that those people meant that -- meant him harm, meant to kill him; hoped that he was either in that vehicle or thought he was in that vehicle or thought he was just past it or hiding behind it or whatever.

So all the elements are met: The reasonableness of his response, the fact that he was in a place that he was legally entitled to be, and the fact that he would then be immune from lethal force.

Now, I know that in the memorandum, in response to Mr. Robinson's Castle Doctrine motion earlier, the State argued that he's not entitled to a -- to immunity under the Castle Doctrine also because he was responding to the Youngs, but it was Mr. Singleton who was the receiver of the deadly force.

THE COURT: Right.

MR. BAX: Your Honor, in looking at all these cases, it does not make an exception in that, if your bullet goes astray while you are legally defending your self, legally exerting your rights under the Castle Doctrine, that you

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would then be liable.

There is nothing in the -- in the statute that says that. And I would argue that the State wants to argue transferred intent as they have just stated in the previous motion.

THE COURT: Right.

MR. BAX: It stands to reason that you cannot -- in this situation it basically equates to having your cake and eating it too. You can't at one point say I want to use transferred intent in order to show criminal liability -- we are arguing that any response fire was clearly directed at the Youngs in response to their attempts to kill him -- but when he's defending himself, you can't use transferred intent. That is two contrary positions. It -- it -- it -- I think really comes to a level of judicial estoppel. If you're gonna take the position that he can have transferred intent for criminal liability, you can't then turn around and say he can't have transferred intent for self-defense or Castle Doctrine.

So I would argue -- and there is no case law that they've been able to supply this Court that. And I've certainly not found anywhere anyone said if you were legally defending yourself and one of the bullets misses your attacker and hits a third party, that you're still -- that you're not entitled to self-defense or the Castle

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Doctrine at that point. There is absolutely nothing that says that, and I think that would be contrary to the legislative intent.

THE COURT: Right. Where is the -- the -- the evidence of them attempting to get into his dwelling on force -- forcibly enter his dwelling or his residence or his vehicle? It seems to be the linchpin of the beginning of the Castle Doctrine.

Granted, the General Assembly put in the unfortunate language, which has created problems for all of us, that (as read): "A person not engaged in an unlawful activity, who's attacked in a place where he has a right to be, has no duty to retreat and to meet force with force, etc., including deadly force, if he believes it necessary to prevent his death ..." and so forth.

And that would seem to indicate that you can be out there on the street if you want to, and -- and the duty to retreat is no longer there if -- if you feel like you, in your own mind, have to kill somebody instead of driving off or seeking safety behind a locked door.

But the -- the Castle Doctrine started out as -- just as it says, the Castle Doctrine, it was the defense of habitation. And it created certain presumptions that normally you would have to have some sort of evidence, in a self-defense case, that -- that you were in imminent fear

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of bodily harm and -- and -- and things of that nature. The Castle Doctrine says if somebody is trying to break into your house forcibly, then your present to be in imminent fear of bodily harm. You -- that -- that burden is already met under those circumstances.

As I understand it here, the evidence and the testimony was that -- that they came to is they -- and according to something that I heard at one point in time in these proceedings -- "Swiss-cheesed" his automobile. And then apparently were driving off, going down the road, in the -- in the direction away from the house, when, according to the evidence that the State has indicated, Mr. Robinson shot in their direction and unfortunately, hit Kahlil.

You know, that -- that -- you might get into an argument of self-defense of transferred intent, an argument one way or another about that and the self-defense doctrine. But how do you -- how does that fit into the defense of habitation?

They've shot up his automobile. That's right. Now they're moving; they're going away. There apparently is no evidence at this point in time that they're unlawfully trying to enter the dwelling or the residence or the -- or the vehicle.

And depending upon the evidence in this case, he may

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be able to raise the defense of self-defense. I don't know whether he will or not. But -- but what you're asking for is that he be immune from prosecution on this case under the Castle Doctrine. Can you -- can you tell me how that fits in?

MR. BAX: I can, Your Honor. Obviously it -- it -- as you mentioned, his vehicle is -- is mentioned in the -- in the statute. It talks about your residence or your vehicle, Your Honor, and -- and -- and that this has been raised -- and in other cases ---

THE COURT: It's "occupied vehicle," "occupied ---

MR. BAX: Well ---

THE COURT: --- vehicle."

MR. BAX: --- and that's the case, Your Honor. But the -- the thing is attempt to enter a place that -- the thing is, my belief on -- on that issue is the fact that he's in his neighborhood. There has been a number of shots.

THE COURT: Right.

MR. BAX: Okay. By the -- the undisputed facts that my understanding is going to come in is that not only have the Youngs come by and -- and shot up his car, but -- in other words, their -- the thing is this is -- as -- as they've said, the concept of the drive-by.

THE COURT: Right.

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MR. BAX: The concept that someone's not going to get out and face you, "mano-a-mano," in the middle of the street, and do it the old honorable way.

THE COURT: Right.

MR. BAX: We're gonna hang out of a car, in a cowardly way, and fire off random bullets into a residential area.

THE COURT: Right.

MR. BAX: Which is why we're all here today, because that wanton disregard for unintentioned [sic] targets has been the tragedy of many a case.

But yet it -- it -- the fact that -- that a perpetrator would use that particular method I don't think is -- is meant to keep the -- the intended victim from being able to assert either self-defense or the Castle Doctrine.

I would point out, from a factual standpoint, Your Honor, that Mr. Robinson already had one -- two prior encounters with the Youngs: One was at Wild Horse Road --

THE COURT: Right.

MR. BAX: -- the second was as he's trying to flee --

THE COURT: Right.

MR. BAX: -- he encounters them and they attempt to shoot him one more time.

THE COURT: Right.

MR. BAX: There's an allegation that the gun jammed,

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otherwise the issue would have been done right there.

THE COURT: Right.

MR. BAX: He then flees again, and he's in a neighborhood trying to find a way out. There's evidence that will be introduced that he was trying to get out of there, trying to find a way to get out of town --

THE COURT: Right.

MR. BAX: -- since they have shown their desire, physically, to follow him wherever he may go ---

THE COURT: Right.

MR. BAX: --- to finish this job.

You have individuals in that neighborhood which certainly don't want to let him necessarily in the house because there's the allegation of gun play involved.

THE COURT: Right.

MR. BAX: And they don't want their families, understandably, to be behind paper-thin walls of mobile homes.

Regardless of whether you try to break into someone's mobile home or their car, if you fire bullets into their car or bullets into their home, you intend for those bullets to act as your lethal agent, to break into that plane of existence and do harm to the residents therein. That is the clear intent of firing a weapon that sends these kind of projectiles at houses or cars.

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THE COURT: Well, was he in the car at the time it was fired upon?

MR. BAX: I don't believe he was in the car at the time ---

THE COURT: Okay.

MR. BAX: --- I haven't -- I don't have any evidence to that fact.

THE COURT: I think he -- he, himself, has testified to the contrary, as I understand.

MR. BAX: He did. But that -- I would also point out the fact that if he's seen what they've just done --

THE COURT: Right.

MR. BAX: -- to his car, and he's seen that they have already chased him, not once but twice. Why would he have any reason but to believe that they are going to turn around and do it again?

THE COURT: He might not have any reason to believe anything different from that, and he had every reason to believe that they're out to kill him. I mean, they chased him, according to his version of the facts, up and down the island, shooting at him, because he testified or talked about that very forcibly at -- at the earlier proceedings.

But immunity does not apply like a defense. Immunity is greater than that. And for that reason, it has to be strictly construed -- the statute has to be strictly

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construed, in my view, to give rise to an immunity of -- of this nature.

As a matter of fact, the law requires the elements to be proven in the Castle Doctrine by the defendant; unlike in self-defense, where they -- the State has the burden, in that regard, of overcoming self-defense.

And so when it says that -- that the person is presumed to have this reasonable fear of imminent harm, which jumps to the second or third prong of self-defense, it assumes that the defendant was not at -- or the person on trial -- in this case, Mr. Robinson -- was not at fault in starting the event.

So I'll give you the withdrawal on that to create that first prong being there. But then the -- the second prong which says he has to be in reasonable fear of serious bodily harm, and the statute says, well, if somebody's trying to break into your house, we'll presume that you're in reasonable fear of serious bodily harm. We have helped you pass that.

But in order to be entitled to that presumption, you have the burden of showing, by the greater weight of the evidence, that somebody else, the intruder -- Mr. Stone argued before the person who was killed, which is not the case here -- was unlawfully trying to get into your dwelling or your residence or your occupied vehicle.

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Now, they weren't trying to get into his dwelling. They weren't trying to get into his residence because that's not where he lives. He was not occupying the vehicle. I don't think you get past that -- that initial stage in order to get to a -- to a Castle Doctrine defense in this case -- or Castle Doctrine immunity, I should say.

And it's -- and -- and the -- the statute is called, in certain instances, "defense of habitation." It's not defense of the neighborhood, it's defense of habitation. It is a narrow area.

As a matter of fact, there is some argument about whether the -- even the curtilage, the front yard, and things of that nature are entitled to -- to be treated like a residence or a dwelling or an occupied vehicle.

I don't -- I don't think that he gets past that point. He may, as I've said, at some point in time, depending upon the evidence, be able to raise the defense of self-defense and transferred intent and things of that nature, but not -- not in an immunity under the Castle Doctrine. The motion is respectfully denied.

I think you said then there -- there were some photographs that needed to be -- was it photographic evidence that you were going to argue against as well.

MR. BAX: That's correct, Your Honor.

THE COURT: Okay. What -- go ahead.

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MR. BAX: Well, Your Honor, obviously we have a young victim in this case. And I think it really doesn't matter because I've had these in cases where the victims were of all ages.

THE COURT: Right.

MR. BAX: Obviously, when you're dealing with a homicide case, you're -- you're dealing with -- with pictures of a graphic nature.

THE COURT: Right.

MR. BAX: And a lot of these pictures are -- they have the -- they have -- they have the -- the result of inflaming the passions of the jury.

THE COURT: Right.

MR. BAX: They're even traumatic to view. Your Honor, frankly, they were traumatic for me to view. I'm a parent of young children myself --

THE COURT: Right.

MR. BAX: -- and it was, as it has been in the last decade of my doing this, one of those things where I have to swallow and do my job.

THE COURT: Right.

MR. BAX: And that's something that I've signed on to do.

But I think for the purposes of proving the case, a lot of these pictures are unnecessary and would potentially

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threaten the integrity of the jury's verdict ---

THE COURT: Right.

MR. BAX: --- in that it would appeal more to their passions and to -- to -- to kind of put them in a state of almost trauma than it would be probative.

Obviously under 403, that would be part of the argument, and there's plenty of case law about this, some negative and some positive. It's kind of been in both directions in my research.

THE COURT: Right.

MR. BAX: The most recent case is *Collins*, and it is not positive for me, but I agree whole heartedly with Judge Pleicones's dissent in that case.

THE COURT: That was the dog bite case?

MR. BAX: That's correct, Your Honor.

THE COURT: Can we do this -- first of all, I need to know what we're talking about. So I need to have the photographs, so I can make the -- the statement.

I would -- I would ask you all to do this, to submit to me the ones which are in dispute -- and if it's all of them, then it's all of them -- and let me look at those overnight. I've got some homework that you all have given me, and I'm gonna -- you know, I'm gonna get it done.

And let me look at those, in view of the hour and these folks have been sitting around here and some of these

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folks probably have lives outside this courtroom -- I'm not sure -- that they'd like to get to. They don't have anything more important than what we're doing here in -- in the greater scheme of things, but they do have other things to do notwithstanding that.

And I would like to look at those tonight, and I can meet with you all in chambers in the morning at nine o'clock and go over them and let you explain your rationale. We can come back and put it on the record as soon as -- before the jury comes out.

I just didn't want to -- first of all, I didn't want to take another 30 minutes here today -- tonight unnecessarily because right this minute, I don't know what we're talking about.

And if I've looked at the photographs, at least I'll be able to make a more reasoned determination, without having to look at those things, while you all are telling me about it because it's -- my -- my multitasking ability gets real weak about 6:30 every night when I'm trying to think and read and listen at the same time.

And then tomorrow, if -- if Joy happens to be here a little early -- I told her to be here at 9:30 -- if she's here a little early, we'll go out and put it on the record right then. I -- I've got to voir dire the jury tomorrow morning. I don't want to -- you know, I want to take care

of that early on. So we're going to be a little bit delayed starting this tomorrow.

But if I can look at those photographs, at least the ones that are in dispute. I take it -- I'm not sure how many of those you wish to offer, Mr. Solicitor, whether you -- you know, whether there's duplication.

MR. STONE: I will be so bold as to say that there will be no objection to any of these pictures. I'm not putting any graphic pictures in of the child or autopsies or anything like that.

I'll let him look at all of them, but I would submit to you that there's going to be -- the only -- the only picture that is remotely close to that, there are two x-rays that show where the bullet went in and the pathologist needs that to show the cause of death.

Other than that, we're not putting any other photographs like that in. Quite frankly, I -- I -- I don't want to do that.

I'll be glad to, obviously, leave -- let him have time to look at these. That's what I intend to do. If there's -- for some strange reason we see something that we absolutely have to put in that would be controversial, we will get in touch with him tonight and get that over to you as soon as possible.

But I really don't see it. I think all of these

pictures that we have right now -- there aren't any graphic pictures at all.

THE COURT: Okay. All right. Can you -- excuse me. Can you look at those and ---

MR. BAX: I certainly can, Your Honor, and -- and the -- the x-ray photos were already ones I was gonna concede -

THE COURT: Right.

MR. BAX: -- as -- as being a happy -- well, not a happy medium, but a medium --

THE COURT: Right.

MR. BAX: -- between the two necessities. So I will look through them and will inform you if there's any issue at all in the morning.

THE COURT: And if we need to argue about it, we'll argue about it then.

MR. BAX: Yes, sir.

THE COURT: All right. Thank you, Mr. Bax.

Mr. Solicitor, is there anything further before we break for the evening?

MR. STONE: No, sir. You don't want to spend the entire night with us, Judge.

(Courtroom laughter.)

MR. STONE: We've covered I think everything I can come up with.

THE COURT: Okay. I'm -- I'm the only one in here who doesn't need a note to get back into my house. I'm not -- I'm staying at the hotel. They don't care what time I get there, but the rest of your folks might ---

MR. STONE: I think my wife's already given up on me, Your Honor.

THE COURT: Okay. All right. Thank you all.

MR. STONE: What time -- I'm sorry. Back at 9:30 tomorrow morning, Your Honor.

THE COURT: 9:30. I'll be in -- I'll be in chambers around nine o'clock. In case any photographic issues have come up, we can deal with that at that time.

And we'll -- I'll deal with the voir dire of the jury. The jury will then be brought in, I'll appoint a foreperson, swear the jury, we'll make opening statements, and then we'll be prepared to start the testimony tomorrow. Thank you.

MR. BAX: Thank you, Your Honor.

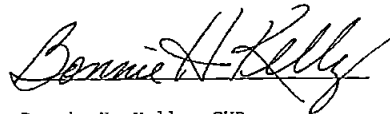
MR. STONE: Thank you, Your Honor.

-- END OF TRANSCRIPT RECORD --

CERTIFICATE

I, the undersigned Bonnie H. Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourteenth Circuit Court for Beaufort County, South Carolina, on the 15th day of September, 2014.

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



Bonnie H. Kelly, CVR

Official Court Reporter

Columbia, South Carolina

February 27, 2015

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) DOCKET NO. 2012-GS-07-1935

STATE OF SOUTH CAROLINA)

vs.)

TYRONE ROBINSON)
Defendant)

TRANSCRIPT OF RECORD
September 16, 2014
Beaufort, South Carolina

VOLUME 2 (OF 5)

B E F O R E:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

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STATE

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4	C.D. Dash Cam	282
5	Miranda Warning form	297
6	C.D.- Officer Conant interview	301
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8	Overview map	I.D. only
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1 PROCEEDINGS
2 THE COURT: All right folks are we ready to
3 proceed? Is the State ready to proceed?
4 MR. STONE: Yes sir, the State is ready.
5 THE COURT: Mr. Bax?
6 MR. BAX: Yes, Your Honor.
7 THE COURT: Gentlemen, when we left yesterday there
8 were some things hanging, ends that we needed to tie down
9 this morning. Most notably the due to the admissibility
10 of the taped statements that show up on the video's here
11 the screaming female whom I understand to be Ms. Brinson
12 and also the statements of a young male which were not
13 shown yesterday but which I am familiar with of Jontu
14 Singleton as to whether or not they are admissible under
15 our rules.
16 The defense had made an objection that these are
17 violations of Mr. Robinson's 6th Amendment right to a
18 fair trial in this regard because he is denied
19 confrontation of those particular witnesses under these
20 circumstances further alleging or stating that the
21 statements themselves were testimonial in nature. The
22 distinction between testimonial or non testimonial
23 evidence is important to this analysis. And in this
24 regard the analysis of Crawford v Washington and other
25 cases of that nature have been helpful to us.

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No.	Description	Marked / Admitted
25	Black bag	333
26	Black gun	335 336
27	Silencer	336 337
28	Gun clip	336 337
29	Shell Casing	
30	Bullet from house	
31	Unfired bullet	
32	Can of lubricant	
33	Bullets	
34	Bullet from autopsy	
35	Bottle of vinegar	

DEFENDANT

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4	Photo	326
5	Photo	326

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1 Testimonial evidence traditionally is statements taken by
2 a police officer in interrogation because affidavits of
3 prior testimony that the defendant cannot cross-examine;
4 similar pretrial statements that a person would normally
5 expect to be used in a court of law in the prosecution of
6 a case. It is a declaration, a solemn declaration as has
7 been described or an affirmation made for the purpose of
8 establishing some fact.
9 Now if there appears to be an ongoing emergency that
10 the police officers are trying to deal with and
11 statements are made in that particular setting then the
12 statements are non-testimonial in nature; a statement
13 made in the course of a police interrogation under
14 circumstances objectively indicating but the main purpose
15 of the interrogation is to help them meet an ongoing
16 emergency.
17 Those are the types of statements that are non-
18 testimonial in nature. When the person is making them
19 they are not making them with a mind toward testifying in
20 court or establishing some fact in a solemn sterile
21 setting of a police station or an interrogation room or
22 something of that nature. Now even though a statement is
23 non-testimonial in nature it doesn't mean it
24 automatically comes in just because it's non-testimonial.
25 It still has to come in under some hearsay exception. In

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1 this particular case the statements made by Ms. Brinson
2 and Mr. Singleton first of all Ms. Brinson's statements
3 did not appear to be a result of an interrogation to
4 begin with. I'm not that certain about Mr. Singleton's
5 statements but I gather that they too may have been
6 produced under something like what happened and Mr.
7 Singleton was giving his reflection in his observation of
8 what happened.

9 Clearly the statements made by Ms. Brinson were
10 excited utterances under Rule 803(2). Mr. Singleton's
11 statements according to another witness who testified and
12 whose testimony was alluded to yesterday had tears
13 streaming from his eyes as he was making his statement
14 regarding who had shot his friend. So I find first of
15 all that the statements made by Ms. Brinson and Mr.
16 Singleton are non-testimonial; they are not the result of
17 formal interrogation.

18 Here was clearly an ongoing emergency and a crime
19 scene which was still hot to say the least. Bystanders
20 were approaching the police from one corner or another
21 screaming, shouting telling what they had seen or telling
22 what somebody told them they had seen and things of that
23 nature. So they were non-testimonial but as I've said
24 they still have to come in under a firmly rooted
25 exception to the hearsay rule and that exception here is

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1 violation of Fifth Amendment Rights would not arise out
2 of that. The statements were voluntarily made after
3 proper warnings had been given to him and the rights had
4 been read to him and in some cases he had actually signed
5 off on the rights form. No promises had been made, no
6 threats were made, the statements were involuntary in
7 that regard. The jury is entitled to consider them if it
8 chooses to do so.

9 I previously ruled on a motion to quash the
10 indictment. I need not repeat that. And I ruled on the
11 castle doctrine. In regard to the concern about the
12 pretrial publicity I just looked briefly at the Beaufort
13 Gazette this morning and saw that there was a brief
14 article on the inside page. We got pushed down beyond
15 the traffic light at the Berkeley Hall out there. But I
16 am still going to as I said yesterday, Mr. Bax going to
17 voir dire the jury to make sure there has been no
18 violation of that rule.

19 All right folks the jury now will be brought in. I
20 will appoint a foreperson. I will individually ask them
21 about any exposure to any information about this case
22 overnight. The jury will be sworn. I'll make some brief
23 opening comments and allow you all then at that point in
24 time proceed to openings. Mr. Stone, are you opening for
25 the State?

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1 803(2) excited utterance rule of admissibility. Also
2 when we left yesterday there was an issue of perhaps some
3 photographs that may be a matter of question. When I
4 left you yesterday I got the impression that you all were
5 going to work through those things. But if there are any
6 objections to any of the photographs I'll be glad to deal
7 with them right now. Mr. Bax?

8 MR. BAX: Your Honor, we're in accord on the
9 photographs. I've looked at everything that Solicitor
10 Stone has and have no objections to them. As I stated
11 before the expert photographs were the ones that I was
12 already prepared to concede knowing that the Solicitor
13 has the duty to try and prove his case. So I've got
14 nothing objectionable in the photographs of what I've
15 seen. If something else comes up of course I reserve my
16 right to then make myself known to the court if there is
17 an objection but as of now no.

18 THE COURT: Good. Thank you. I've previously
19 ruled on the admissibility of Mr. Robinson's statements
20 or the statements which were objected to or parts of the
21 statements which were objected to yesterday as being
22 perhaps if those statements are religious beliefs the
23 angel of death statements and those things; all of those
24 statements were made after either being Mirandized or
25 even before he was in custody. So the implications of

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1 MR. STONE: Yes, sir.

2 THE COURT: Okay. Thank you. Are both sides
3 ready for the jury?

4 MR. STONE: The State is ready.

5 MR. BAX: We are ready for the jury. I did want to
6 point out just in case you wanted to make sure that you
7 note it during your voir dire while we were pushed to an
8 inside page on the actual physical paper we're the first
9 thing that comes up on the website.

10 THE COURT: And that's what I understood that there
11 was a -- I understand there was also television coverage
12 last night.

13 MR. BAX: That's correct. And there is imbedded
14 video in all of the websites. Most of what I've seen
15 Your Honor is video that happened while the jury was in
16 here during selection. But there may be some video out
17 there of pretrials as well.

18 THE COURT: All right. I'll make that -- thank
19 you.

20 MR. BAX: Thank you.

21 THE COURT: Would you bring us the jury?

22 THE BAILIFF: The jury is entering the courtroom,
23 Your Honor.

24 THE COURT: Thank you, ma'am.

25 [Whereupon, the jury enters at 9:44 a.m.]

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1 THE BAILIFF: The jury is seated, Your Honor.
2 THE COURT: Thank you. Good morning ladies and
3 gentlemen. Before we begin the mornings work I want to
4 inquire of you regarding my instructions yesterday about
5 the publicity generated by this trial just to be certain
6 that perhaps inadvertently or innocently or mistakenly
7 you have been exposed to some information that would be
8 pertinent to your decision in this regard. So Mr.
9 Crocker have you been exposed in advertently or otherwise
10 to any information about this case since you left
11 yesterday?
12 MR. CROCKER: No, I haven't Your Honor.
13 THE COURT: Thank you, sir. Mr. Gaither, have you
14 been exposed inadvertently or otherwise exposed to any
15 information about this case since you left yesterday?
16 MR. GAITHER: No, sir.
17 THE COURT: Thank you. Mr. Dresher, have you?
18 MR. DRESHER: No, sir.
19 THE COURT: Thank you. Ms. McKoy, have you?
20 MS. MCKOY: No, sir.
21 THE COURT: Thank you, ma'am. Mr. Lorenz, have
22 you?
23 MR. LORENZ: No, sir.
24 THE COURT: Thank you. Ms. Seabrook, have you?
25 MS. SEABROOK: No, sir.

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1 appreciate very much your abiding by them. Mr. Dresher,
2 I've asked you to occupy that seat sir because I want you
3 to serve as the foreperson of this jury. That means that
4 you will be the jury's spokesman here in court and when
5 the trial is over you will also be responsible for
6 writing the verdict of the jury. I'll tell you more
7 about that before you get to do it; you don't have to
8 worry about that now. Just remember you've got a
9 reserved seat. You will occupy that chair throughout the
10 trial of this case.
11 MR. DRESHER: Yes, sir.
12 THE COURT: Ms. Boston and Ms. Mauriocrat, ladies
13 you will occupy those two chairs as jurors throughout
14 this trial unless at some time during the trial I ask you
15 to sit somewhere else. The rest of you folks don't have
16 reserved seats. You've just got general admission seats;
17 you've got to do the best you can when you come in from
18 time to time.
19 But you've seen the seats are all the same and one
20 is just as comfortable as the other so just pick a seat
21 when you come in. It's always a good idea to do what you
22 just did; move all the way down before you take a seat
23 and don't leave an empty seat beyond you because if you
24 do somebody is going to step all over your feet and it
25 could get right painful during the course of the trial.

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1 THE COURT: Thank you. Mr. Lancaster, have you?
2 MR. LANCASTER: No, sir.
3 THE COURT: Thank you. Mr. Uniejewski?
4 MR. UNIEJEWSKI: No, sir.
5 THE COURT: Thank you. Mr. Hughes, have you?
6 MS. HUGHES: Ms. Hughes?
7 THE COURT: Ms. Hughes; I'm sorry.
8 MS. HUGHES: No, sir.
9 THE COURT: I'm sorry Ms. Hughes. I was just
10 reading last names; I apologize. Mr. Burke, have you?
11 MR. BURKE: No, sir.
12 THE COURT: Mr. Dunning, have you?
13 MR. DUNNING: No, sir.
14 THE COURT: Mr. Womack, have you?
15 MR. WOMACK: No, sir.
16 THE COURT: Ms. Boston, have you?
17 MS. BOSTON: No, sir.
18 THE COURT: Thank you. Ms. Mauriocrat?
19 MS. MAURIOCRAT: No, sir.
20 THE COURT: Thank you very much. I inquire in that
21 regard because it is important. It's not that there are
22 any secrets out there floating around quite frankly that
23 you don't already know that haven't been revealed in what
24 we did yesterday or that you will soon find out in this
25 courtroom here. But the rules are still important and I

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1 THE COURT: Ladies and gentlemen, you are going to
2 be sworn in now as jurors for the trial of this case. I
3 want you to pay particular attention to the oath that you
4 are about to take. It's a time honored oath. It is an
5 artfully worded oath. It tells you very completely but
6 at the same time very concisely what your
7 responsibilities are going to be as jurors during the
8 trial of this case. And I'm going to be reminding you
9 during this trial and indeed after the trial as to
10 exactly what you were sworn to do as jurors. Please give
11 your attention now to the Clerk as she swears you in.
12 Madame Clerk?
13 CLERK OF COURT: Would you please stand and raise
14 your right hand.
15 [Whereupon, the jurors are duly sworn by the Clerk
16 of Court as follows: Do you solemnly swear or affirm that
17 you shall well and truly try and true deliverance make
18 between the State of South Carolina and the accused at
19 the bar and a true verdict give according to the evidence
20 so help you God]
21 CLERK OF COURT: If you accept this oath please say
22 I do.
23 [Whereupon, all jurors respond affirmatively]
24
25

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1 THE COURT: Ladies and gentlemen, let me take just
2 a few moments to tell you the procedure that we will
3 follow in the trial of this case and what your role as
4 jurors will be in the trial of this case.

5 In just a few minutes when I sit down the State
6 through Solicitor Stone is going to make a brief opening
7 statement for you. And in that opening statement he is
8 going to outline for you in something of a preview
9 fashion what this case is all about from the State's
10 point of view. He may also indicate to you some of what
11 he intends to offer by way of proof in support of the
12 charges which the State has brought in this indictment.

13 After he has made the opening statement on behalf of
14 the State then Mr. Bax on behalf of Mr. Robinson, the
15 defendant in this case, will have the right to make an
16 opening statement as well. But he is under no obligation
17 to do that for reasons that I will tell you in just a few
18 moments.

19 After the opening statements have been made then you
20 will actually begin to see and hear the presentation of
21 evidence. Evidence for the most part will take the form
22 of testimony of witnesses who will take an oath and will
23 sit right here [indicates] in this chair and will answer
24 questions that the lawyers from both sides will put to
25 them. Evidence will also take the form of photographs

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1 start talking about this case among yourselves you're
2 going to start to make up your mind about it. You're
3 going to start to draw conclusions based on what you've
4 talked about. Now it might happen that later in the
5 trial of the case you hear somebody take the stand and
6 tell you something that is different from what you've
7 already started to talk about and to make your mind up
8 about.

9 Well, if you've already done that then you are not
10 likely to receive that later testimony with an open
11 because you had already started to make up your mind
12 before you heard that. And so that's the reason that you
13 can't talk about because we expect you to keep an open
14 mind throughout this entire process. Listen to what you
15 hear from whatever source it might come and make up your
16 mind once you've started your joint deliberations and
17 your discussions among yourselves at the conclusion of
18 the trial of this case.

19 Now ladies and gentlemen you took an oath just a few
20 moments ago to well and truly try this case and to render
21 a true verdict according to the law and the evidence so
22 help you God. When it comes to the matter of evidence
23 let me tell you that the opening statements you're going
24 to hear are not evidence and the closing arguments are
25 not evidence. And the questions that the lawyers ask

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1 and diagrams. There is a model there that you will is a
2 form of evidence during the course of this trial. The
3 State will offer its evidence and testimony first. And
4 after the State has completed putting in its evidence and
5 testimony the defendant has a right to offer evidence and
6 testimony but once again he is under no obligation to do
7 that:

8 Now after all of the evidence and testimony has been
9 presented to you then the lawyers will come back before
10 you and present their closing arguments, or final
11 statements as they are sometimes called, in which they
12 are allowed to summarize the evidence and to submit to
13 you conclusions that they claim you ought to draw from
14 the evidence that you have seen and heard; obviously
15 conclusions which support their side of this particular
16 case.

17 And after the final arguments have been made then I
18 will instruct you or charge you as to what the law is in
19 this case and then and only then will you be allowed to
20 go back to your jury room and finally start talking about
21 this case among yourselves. I've already told you that
22 you can't talk about it among yourselves or with anybody
23 else during the course of the trial and I need not
24 belabor that particular point. But the reason you can't
25 talk among yourselves about the case is this; once you

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1 they're not evidence either. Now all of those things are
2 important parts of this trial and we wouldn't be able to
3 have a very orderly proceeding without those things but
4 they are not evidence.

5 The evidence as I told you is the testimony from
6 this [indicates] chair. It is not the question that is
7 the evidence. It is the answer to the question that is
8 evidence because the answer comes from a person who is
9 under oath and whose testimony is subject to examination
10 and cross-examination to try to meet the test of strict
11 proof. The documents and items of course are evidence as
12 well.

13 Now the reason that it is real important that you
14 understand the distinction between what is evidence and
15 what is not evidence is this. When it comes to the
16 matter of evidence ladies and gentlemen you actually are
17 the judges. That's right. You came here as jurors and
18 you're just getting paid a juror's pay and it's not a lot
19 of money and we appreciate the sacrifice that you make
20 and the contributions that you make on behalf of the
21 efforts of this court. But when it comes to evidence
22 you're really the judges. Now I'm the judge of the law.
23 I've got the easy job. All I've got to do is decide as a
24 matter of law whether you can hear somebody tell you
25 something on this witness chair or whether you can look

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1 at an item of evidence or not. But once I decide that
2 you can hear the testimony or look at the evidence from
3 that point on what you do with it is entirely up to you.
4 You've got the right to believe it or not believe it.
5 You have the obligation to decide how important it is and
6 how much weight you're going to assign to it if any in
7 your decision in this case.

8 I doubt that any of you have ever served as jurors
9 before but whether you have or not doesn't mean that you
10 are any more or less qualified to do what we're going to
11 be asking you to do in this particular case because
12 you're well qualified to make the decision that you are
13 going to have to make in deciding the facts of this case,
14 deciding the evidence of this case, deciding the truth of
15 this case.

16 Every since you've been able to think on your own
17 and make decisions for yourself you have been using the
18 same abilities that we expect you to bring to your
19 courtrooms experience of a juror, your common sense,
20 that's what it boils down to; your experiences in life.

21 The common experience and knowledge that you bring
22 from whatever you do your job, your work, your family;
23 all of those things bear to mind and come to play when
24 you decide what you believe and what you do not believe.
25 And so we ask you to use those same abilities and then

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1 did not do the things that he is accused of doing. That
2 means that he does not have to bring a parade of
3 witnesses in here to try to convince you that he is
4 innocent of the charges contained in the indictment. He
5 is presumed to be innocent. So that places the burden of
6 proof on the State to prove that he is guilty to the
7 satisfaction of each of you beyond a reasonable doubt.

8 Now when the trial of this case is over I will give
9 you a more complete description of what we mean by proof
10 beyond a reasonable doubt. But for our purposes right
11 now in these brief openings moments let me tell you that
12 proof beyond a reasonable doubt is proof that leaves you
13 firmly convinced that the defendant is guilty of these
14 charges.

15 And so after hearing all the evidence in this case
16 if you are firmly convinced that he is guilty the State
17 will have met its burden of proof. But after hearing all
18 the evidence in this case if you believe there is still a
19 real possibility that he is not guilty the State has not
20 met its burden of proof and in that case the defendant
21 would be entitled to a verdict of not guilty.

22 Some of you have asked whether you have the right to
23 take notes in this particular trial. And Ms. Brown has
24 notepads here for those of you who want to use those
25 during the course of this trial. Let me tell you and

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1 bring those to bear on what you hear in this courtroom.
2 And when you do you'll be able to decide the truth of
3 this case. And when you've decided where the truth of
4 this case lies you will take the truth that you find and
5 you will wrap it in the mantle of the law, which I will
6 give you in my instructions. And those two things will
7 come together; the truth that you find and the law that I
8 give you to result in a verdict which will speak the
9 truth of this particular case.

10 I told you a few moments ago that Mr. Robinson did
11 not have to offer an opening statement, he does not have
12 to offer evidence if he chooses not to do so. And the
13 reason for that is this. As I told you yesterday before
14 you were selected as jurors he has pled not guilty to the
15 charges contained in this indictment. The legal effect
16 of a plea of not guilty in the trial of a case is to
17 create a presumption on the defendant that he is innocent
18 of the charges.

19 Innocent until proven guilty you have heard that I'm
20 sure throughout your lives in your studies in Civics and
21 social studies and just following what goes on in the
22 world. When somebody pleads not guilty he is presumed to
23 be not guilty. And that means that he doesn't have to
24 prove that he's not guilty. That means that he doesn't
25 have to take the stand and try to convince you that he

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1 caution you in this regard you're free to take notes if
2 you wish to take them. But I urge you not to be so
3 consumed in what you're writing down that you don't hear
4 what is being said next. And that's always a problem
5 with these things. It's always important that you write
6 down if you can write down what the witness says not what
7 you think or summarize what the witness says. And so
8 there are certain constraints that necessarily have to be
9 placed on note taking. They are a memory to your aid
10 [sic] just like notes always are but don't let those
11 notes supplant or replace the testimony which is offered
12 here in court.

13 The notes will also be left in the jury room at
14 night. You won't be able to take them home with you.
15 And if in your final deliberations in discussing the
16 facts of this particular case if the collective wisdom of
17 the rest of the jury is that the testimony was this and
18 your notes say that your notes don't have any greater
19 weight than the collective wisdom of the rest of the
20 jurors. Having said that if you wish to take notes with
21 those constraints, you are free to do that.

22 Now ladies and gentlemen when the trial is over and
23 when you get this in your hands at the conclusion and go
24 back into the jury room to consider the things that I've
25 discussed with you and to decide whether or not the State

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1 has met its burden of proof you will be asked to write a
2 verdict at the conclusion of those things. And the
3 verdict will be guilty if you find that the State has met
4 its burden of proof and not guilty if the State has
5 failed to meet its burden of proof. And you will express
6 your opinion on the evidence in this case in those words
7 and those words alone.

8 I appreciate very much your attention to these
9 remarks ladies and gentlemen. Now please give your
10 attention to the lawyers as they make their opening
11 statements. Mr. Stone?

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1 Aaron Young, Sr. drives the truck and they go chasing
2 Tyrone Robinson. They chase him from Wild Horse Road at
3 the very front of Hilton Head Island down through Oak
4 View in the Spanish Wells area and into Allen Road where
5 Khalil Singleton and two of his friends are playing.

6 The Youngs find Tyrone Robinson's car and they shoot
7 it. Tyrone Robinson wasn't in the car. He had moved
8 away from the car and as the Youngs left Tyrone Robinson
9 returned fire with the same revolver that he had just
10 shot on Wild Horse Road. This time though the bullet
11 didn't land harmlessly and it didn't hit a house. It hit
12 Khalil Singleton and it killed him.

13 Like I told you Khalil Singleton didn't know how
14 long that fight had been going on. He didn't know who
15 started it. And you'll hear evidence of all of that; why
16 the fight started, what it was over, why the Youngs and
17 the Robinsons didn't like each other. And at the end of
18 the day none of it matters. It doesn't matter who
19 started it, it matters how it ended.

20 Your job -- first let me tell you what my job is and
21 the Judge mentioned it earlier. My job is to prove to
22 you this case beyond a reasonable doubt. Today is Tyrone
23 Robinson's case. You don't have to be concerned with the
24 Youngs today. That is for a different day in a different
25 courtroom with a different jury. Your decision will be

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OPENING STATEMENT

1
2 BY MR. STONE:

3 May it please the court, Your Honor? September the
4 1st 2012 Khalil Singleton died in a shootout. It wasn't
5 a shootout he was involved in. He was eight years old at
6 the time. He was playing outside on a trampoline with
7 two of his friends. The shootout was between the Youngs,
8 Aaron Young, Jr. and Aaron Young, Sr. and this man over
9 here [indicates] Tyrone Robinson.

10 Khalil Singleton didn't know what the fight was
11 about. He had no reason to know anything about that. He
12 didn't know how long it had been going on. You will.
13 You will learn that on that day earlier Tyrone Robinson
14 went over to Aaron Young's house. He got into an
15 argument with the younger Young; there are two of them;
16 Aaron Young, Sr. and Aaron Young, Jr. Tyrone Robinson
17 gets in an argument with Young and Tyrone Robinson pulls
18 out a revolver and he points it at the younger.

19 Aaron Young, Sr. struggles and gets in the middle of
20 it, struggles with Tyrone Robinson and the gun goes off.
21 It actually shoots the house that the Youngs live in.
22 Tyrone Robinson then gets two more shots off before he
23 gets in his car and leaves. The Youngs gave chase.
24 Aaron Young, Jr. goes and gets a .9mm semi-automatic
25 weapon with a clip that holds about 32 bullets in it.

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1 strictly about Tyrone Robinson. My job is to prove to
2 you beyond a reasonable doubt that Tyrone Robinson killed
3 Khalil Singleton. My job is to prove to you that Khalil
4 Singleton died in that shootout. And if I don't do that
5 your job is to come back here and say you didn't do your
6 job Mr. Solicitor, he's not guilty.

7 But when we come back after you hear this testimony,
8 after you hear what happened that day I'm going to ask
9 you the same thing that the Judge just instructed you;
10 give us a verdict that speaks the truth. That's all I'll
11 ever ask of you. Give us a verdict that speaks the
12 truth. Thank you.

13 THE COURT: Thank you Mr. Stone. Mr. Bax?

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OPENING STATEMENT

BY MR. BAX:

Thank you, Your Honor. May it please the court, Your Honor? Good morning ladies and gentlemen. Once again my name is Arie Bax. I work with the Beaufort County Public Defender's office. I have been practicing criminal law for over a decade all throughout the state of South Carolina. I'm happy to be here in this community. It is my choice to be here. I had the choice to go anywhere in South Carolina and I chose here; not only because of its beauty but because of its community. Every community has value. And every community can produce a jury. And that's why I believe in this system. Not because of me, not because of the State, not because of the Judge, but because of you because you are the ones that decide the fate of anyone that the government decides to charge.

Yes, the government has a job but our forefathers, the ones that wrote the Constitution did not want that government to have unchecked power as to who it would charge and how it would incarcerate them and take away their liberty. Do not make a mistake, this is important and someone else's life is at stake. It is a tragedy that this young boy lost his life. It is an absolute tragedy. It's a tragedy that I have had to live with as

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the grocery store, you try to decide what product is best. Every one of them is trying to tell you they are the better noodle, they are the better sauce, they are the better this. You've got to make a decision. You take a lot of things into consideration.

You talk to someone who is trying to sell you something. You're not mad at that person but if they tell you something that you asked a different question and they changed the subject you're thinking well, why did they change the subject? Why don't they want to talk about the gas mileage on this big car? You're making those judgments in the community.

But I'm going to tell you something. What you are going to hear, what you're going to see on the stand, and what you're going to hear from the prosecution in this case is going to have the tendency and I think sometimes the intent to stir the passions, to make you as jurors upset too. It is your duty to fight that. It is your duty to suppress that and look at this calmly and dispassionately.

They are going to paint this with a broad brush. You've already heard from Solicitor Stone there was a shootout. It doesn't matter who started it. Absolutely wrong. And you're going to hear that that is why we have the law and who started it does matter and always has

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the attorney in this case. It is a tragedy that all the parties in this case have had to live with but no one more so than the ones that lost Khalil. However, all cases involve some kind of loss. All cases if they are criminal involve someone being upset, someone has lost something, someone is upset. There is a tragedy somewhere.

Why is it that we have this system? Why is it that we have a Judge, the law, rules of evidence, and a jury that we worked very hard to pick who does not know what is going on with this particular case, that does not know more than what the common man would necessarily know. We do that because in order for this system to work it is based on the idea of calm, dispassionate, deliberative process.

The Judge mentioned common sense to y'all earlier. He said you are the judges of the facts because you have the tools in your possession already as members of our community. And I agree wholeheartedly with that and I have talked to many a jury over the years about it to the point where I have forgotten the number of times I've talked about it. But it remains true today just like it did ten years ago when I started this. You have the tools. Every day when you go out in the community you make judgments about someone's creditability. You go to

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mattered. You are going to hear from the Judge that there is no charge, there is no felony called shootout. You have never heard of anybody being charged in a warrant that says shootout because we don't have that in the law. The reason why is we have always made a determination of who started what and whether someone was responding to save their own life.

We have always determined that we want to know and we want to determine and a jury is there to do that; who did what and who is guilty and who is not guilty. There is no broad brush in the law. There is no everybody was over in this neighborhood shooting so we're going to arrest all of them and send them to jail. The law has never allowed that and you're not going to allow that this week; I know that.

We talked a little bit about common sense. You all know exactly when common sense disappears don't you? When you're upset; that's when you make bad judgments. That's when you can't make a judgment about someone's creditability when you're mad, when you're upset. It's a common affliction of all human beings, myself included. Being upset defeats the mind. It defeats your ability to be calm and rational. And that's why you're sitting in this courtroom completely safe and protected listening to the evidence in a calm manner so that you are not making

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1 rash judgments based on being upset, which is why the
2 evidence has to be judged in a manner that is
3 dispassionate because the facts do matter. Who started
4 it does matter. Who is guilty does matter otherwise we
5 wouldn't have this process. Every time anybody had a
6 weapon, anytime anything happened we'd just pick them all
7 up and throw them away. We don't do that.

8 This case has garnered a lot of attention because of
9 the tragedy. The media has covered this case. Many of
10 you answered our questions in Voir Dire and indicated
11 that you've read some of that media coverage. And I know
12 that you have promised the Judge and us that you will put
13 that aside and I believe in that promise.

14 But I want to caution you as well. In our minds we
15 tell ourselves a lot of things but it doesn't always come
16 out true so remember this. The media is under absolutely
17 no obligation to be accurate. They have no obligation to
18 be accurate. They can report what anybody tells them and
19 there is no obligation that they make sure that
20 information is absolutely accurate.

21 That is not the case here. You are going to be the
22 one that determines whether the information is accurate
23 because you're going to be able to see the people saying
24 it. You're going to be able to determine if there is a
25 reason for that person to lie not only based on what he

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1 THE COURT: Thank you, Mr. Bax. Ms. Brown, if you
2 will pass out those notebooks. I'm sorry I didn't
3 indicate that earlier.

4 THE BAILLIFF: I'm sorry; Your Honor.

5 [Whereupon, the bailiff provides notepads to the
6 jury]

7 THE COURT: The reason I asked Ms. Brown to wait
8 until after the opening statements to give you the
9 notebooks was because as I told you earlier the opening
10 statements are not evidence. So that's the reason you
11 didn't need to record those things because remember what
12 needs to be recorded. Mr. Stone, you may call your first
13 witness.

14 MR. STONE: The State calls Melanie Smith to the
15 stand.

16 THE COURT: Ms. Smith, come forward please and be
17 sworn.

18 MR. STONE: May we approach briefly, Your Honor?

19 THE COURT: Yes, sir.

20 [Whereupon, an off the record bench conference is
21 held]

22 THE COURT: Ladies and gentlemen, sometimes we
23 huddle over there and whisper behind your back because
24 we're talking about things that don't concern you. And I
25 always tell jurors however if you're real curious about

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1 said but not he has not said based on how he said it,
2 based on body language; those are all factors. So please
3 make your judgments, gather the evidence, and do your
4 deliberations based on what you see here and nowhere
5 else. Your duty is to examine this closely. Your duty
6 is to determine guilt for this individual; for Mr.

7 Robinson and for no one else. And that has to be based
8 on a determination of exactly what you believe happened
9 based on what has been presented. The law is not a broad
10 brush. We have never allowed that in this country and I
11 expect that you will keep it that way. Thank you.

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1 what we're whispering about over here behind your back
2 when the trial is over if you will come to me and ask me
3 what we were whispering about and if I can remember what
4 we were whispering about I'll tell you. But I remember
5 what we were whispering about just a moment ago.

6 The witness who was just called is on the stand in
7 the courtroom next door testifying right now in another
8 trial. She's in rather great demand and so we're going
9 to try to see how long it's going to be as to whether we
10 can put someone else in place.

11 This witness of course apparently is necessary to
12 lay some foundation for some other testimony that will
13 follow. It will make it easier for you to understand if
14 she can testify first. We're trying to find out how long
15 it's going to take for her next door and we'll keep you
16 advised momentarily. I'll have a word in just a moment.
17 MR. STONE: She is testifying right now. She's
18 finished her testimony and they're playing the exhibit
19 and so it should not be too much longer.

20 THE COURT: Okay. Like a few minutes?

21 MR. STONE: Yes, sir.

22 THE COURT: Folks, please step to your jury room.
23 I'm not going to put you out here under the microscope.
24 I apologize for this. It was unforeseen obviously and
25 it's not the sort of thing that happens very often. As a

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1 matter of fact it never has happened that I can recall
2 from my experience or Mr. Stone's experience. We will
3 get you back out as soon as she is available. Thank you.
4 [Whereupon, the jury exits at 10:14 a.m.]
5 THE COURT: Folks we will stand down momentarily.
6 As soon as she is available if you'll let me know we'll
7 get started again.
8 MR. STONE: I apologize. I've never had that
9 happen before.
10 [Whereupon, court is in recess from 10:15 a.m. until
11 10:22 a.m.]
12 THE COURT: Thank you.
13 MR. STONE: The State is ready, Your Honor. I
14 apologize; she just got off the witness stand.
15 THE COURT: Good. Is she already in the courtroom?
16 MR. STONE: She is right there [indicates].
17 THE COURT: Very good, thank you. Bring us the
18 jury please?
19 THE BAILIFF: The jury is entering the courtroom,
20 Your Honor.
21 [Whereupon, the jury enters at 10:25 a.m.]
22 THE COURT: Folks, Ms. Smith is now available from
23 the courtroom next door. It was a short delay but it was
24 in this case will be worth the fact that you will be able
25 to hear the case presented in a sequential manner and

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1 MELANIE SMITH,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. STONE:
6 Q. Ms. Smith, what do you do ma'am?
7 A. I was the records custodian for Beaufort County
8 Sheriff's Office Communication Center.
9 Q. All right. Tell me about -- and I need you to speak
10 up just a little bit; you're kind of soft spoken. What
11 exactly do you mean with Beaufort County Communication
12 Center? What is that?
13 A. The 911 center. We receive incoming calls from the
14 public and dispatch Fire, EMS, and Police.
15 Q. Is that something that you do -- how long have you
16 been doing that?
17 A. Sixteen years.
18 Q. All of this when it comes to 911 traffic and calls
19 in you also dispatch out I'm assuming ambulances, law
20 enforcement as well?
21 A. Yes, sir.
22 Q. And this is for everything in Beaufort County is
23 that correct?
24 A. Yes, sir.
25 Q. Let me first -- at this point you're pretty familiar

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1 make it easier for you to understand. Ms. Smith, come
2 forward please to be sworn.
3 [Whereupon, Ms. Smith comes forward]
4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]
6 THE WITNESS: My name is Melanie Smith,
7 M-E-L-A-N-I-E, S-M-I-T-H.
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1 with Beaufort County I would imagine.
2 A. Just a little.
3 Q. Let me show you first what has been marked as
4 State's exhibit number 8.
5 [Whereupon, the witness is shown item]
6 Q. I'm going to ask you to keep your voice up but I'll
7 ask you to come down from the stand if that is all right
8 with Your Honor.
9 THE COURT: That will be fine. Ms. Smith, when you
10 get up off the stand if you will turn and generally face
11 in this [indicates] direction, stand on that side
12 [indicates] and face back in this direction so that you
13 back will not be to the court reporter please. Thank
14 you.
15 THE WITNESS: Okay.
16 [Whereupon, the witness steps down from the stand]
17 Q. [Mr. Stone] What I have put up here and I'm sure
18 everyone can see is State's exhibit 8. Do you recognize
19 this as an aerial view of basically parts of Hilton Head
20 Island?
21 A. Yes.
22 Q. First of all tell me what this area is that is
23 numbered number 1?
24 A. Wild Horse Squire Pope area.
25 Q. Okay. So this is -- all of this would sort of be

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1 considered the same area?
2 A. Correct.
3 Q. This I'm assuming is the Cross Island Expressway is
4 that correct?
5 A. Correct.
6 Q. And number 2 what is that area?
7 A. That's the Oak View Road area.
8 Q. And where is Spanish Wells in accordance with that?
9 A. Right here [indicates].
10 Q. Down in this area [indicates]? The lower quadrant
11 here [indicates]?
12 A. Correct.
13 Q. Okay. And then I think this [indicates] is
14 Marshland Road. Going down to area number 3 what is
15 that area?
16 A. That's Allen Road area.
17 Q. Okay. Speak to these folks here; I'm sorry.
18 Number 3 is?
19 A. Allen Road area.
20 Q. All right. Thank you, ma'am, if you would go ahead
21 and take the stand.
22 [Whereupon, the witness returns to the witness
23 stand]
24 Q. On September the 1st, 2012 did your dispatch center
25 receive 911 calls concerning the Allen Road area of

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1 Q. And have you reviewed the transcript that goes along
2 with that disk?
3 A. Yes.
4 Q. Is that accurate as to the 911 calls that came in on
5 September the 1st, 2012?
6 A. Correct.
7 Q. And you -- this was a recording actually a copy of
8 that digital recording that is kept in the ordinary
9 course of that business is that correct?
10 A. Correct.
11 MR. STONE: Your Honor, at this time we offer
12 State's exhibit number 7 into evidence.
13 THE COURT: Mr. Bax?
14 MR. BAX: No objection, Your Honor.
15 THE COURT: Thank you. Without objection.
16 [Whereupon, State's exhibit number 7 is entered into
17 evidence by the court]
18 MR. STONE: Your Honor, we have already pre-loaded
19 it into the computer and will show it on the monitor at
20 this time.
21 THE COURT: Good, thank you.
22 [Whereupon, the C.D. plays] [Not taken down]
23 MR. STONE: No further questions for this witness,
24 Your Honor.
25 THE COURT: Thank you. Mr. Bax, cross-examination?

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1 Beaufort County?
2 A. Yes.
3 Q. And as the records custodian are these calls that
4 are coming into your center are they recorded?
5 A. Yes.
6 Q. And are they recorded contemporaneously with the
7 call actually coming in?
8 A. Yes.
9 Q. How does that system work? Once it records it where
10 do those -- are they tapes, are they digital?
11 A. They are stored on a digital recording system and
12 they start recording as soon as they come into the system
13 until the line disconnects.
14 Q. So you actually hear some part of the call before
15 you pick up?
16 A. Correct.
17 Q. And all of that is kept in the ordinary course of
18 business of the EMS department or the Communications
19 Center?
20 A. Yes.
21 Q. Now, I will show you what has been marked as State's
22 exhibit number 7, which is a disk.
23 [Whereupon, the witness is shown item]
24 Q. Have you reviewed that disk?
25 A. Yes.

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good morning, Ms. Smith.
4 A. Good morning.
5 Q. A couple of quick questions. Obviously what we have
6 heard here was a collection of multiple calls that came
7 in that day regarding this incident, correct?
8 A. Correct.
9 Q. Was that all the calls you received on this case for
10 that day?
11 A. No.
12 Q. Was there also a call from Mr. Robinson that came in
13 that day?
14 A. That I don't recall.
15 Q. Okay. So this isn't a complete listing of all the
16 calls that came in though, correct?
17 A. Correct.
18 Q. Okay.
19 MR. BAX: A moment's indulgence, Your Honor.
20 THE COURT: Yes, sir.
21 [Whereupon, Mr. Bax confers with Ms. Saxon]
22 MR. BAX: Approach the bench, Your Honor?
23 THE COURT: Yes, sir.
24 [Whereupon, an off the record bench conference is
25 held]

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1 MR. BAX: Your Honor, no further questions for Ms.
2 Smith.
3 THE COURT: Thank you. Mr. Stone, redirect?
4 MR. STONE: Nothing else, Your Honor.
5 THE COURT: Thank you. You can step down Ms.
6 Smith.
7 [Whereupon, the witness is excused and exits the
8 witness stand]
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1 MR. STONE: The State calls Zachary Taylor to the
2 stand.
3 THE COURT: Mr. Taylor, come forward please to be
4 sworn.
5 [Whereupon, Mr. Taylor comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8 MR. STONE: State your full name because she needs
9 to get all that.
10 THE WITNESS: My name is Zachary William Taylor.
11 MR. STONE: And your last name is spelled
12 T-A-Y-L-O-R, is that correct?
13 THE WITNESS: Yes, sir.
14 - - - - -
15 ZACHARY TAYLOR,
16 Having been first duly sworn,
17 Was examined and testified as follows:
18 DIRECT EXAMINATION
19 Q. What do you do sir? I see you are in a I guess it's
20 a fire and rescue, EMS?
21 A. Yes sir, I'm a firefighter and driver for the town
22 of Hilton Head, Hilton Head Island Fire and Rescue. I'm
23 also a paramedic.
24 Q. How long have you been doing that?
25 A. I have been with the town since '93, for 21 years.

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1 I've been a paramedic for 22 years.
2 Q. What does being a paramedic mean? I hear that term
3 but what does that mean as opposed to someone who just
4 works at EMS?
5 A. Emergency medical technician provides a lot of first
6 responder care. And being a paramedic gives you the
7 opportunity to provide advanced care.
8 Q. Do you have special training that allows you to be a
9 paramedic?
10 A. Yes, sir.
11 Q. And what type of training is that? What are you
12 allowed to do as a paramedic?
13 A. As a paramedic I'm allowed to start I.V.'s,
14 administer medications, use a cardiac monitor to
15 determine whether or not the cardiac rhythm is life
16 threatening or otherwise, and to use that monitor to also
17 defibrillate and to try to change the outcome of that
18 condition.
19 Q. So you have the ability to determine if there are
20 vital signs, if somebody is alive and that type of thing
21 when you respond?
22 A. Yes, sir.
23 Q. Now did you respond on September the 1st 2012 to the
24 Allen Road area of Beaufort County?
25 A. Yes, sir.

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1 Q. And when you got there did you find an eight year
2 old child there?
3 A. Yes, sir.
4 Q. Tell me about that. What did you do once you got
5 there?
6 A. When we first arrived there -- first of all we
7 staged prior to going there because the scene was not
8 secured. And then once we were cleared to go in I was
9 riding in the back of the ambulance so I had no idea of
10 exactly where we were.
11 But I was directed to where the patient was and I
12 found him on the ground with another person there trying
13 to do CPR and screaming that he's not breathing.
14 I determined -- I could not find a pulse and
15 determined that he was not breathing. I noted that there
16 was blood around the mouth and that he was essentially
17 dead.
18 Q. And you made that determination at the scene?
19 A. Yes, sir. I made that determination that he was not
20 breathing and didn't seem to be alive. I applied the
21 cardiac monitor and determined that there was no cardiac
22 rhythm and we proceeded to clear him.
23 Q. Thank you, sir. I don't have any further questions.
24 THE COURT: Mr. Bax?
25 MR. BAX: Thank you, Your Honor.

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good morning, Mr. Taylor.
4 A. Morning, sir.
5 Q. Now despite the determinations did you still attempt
6 to administer any kind of life saving ---
7 A. --- yes, sir ---
8 Q. --- medications or treatment?
9 A. Yes, sir.
10 Q. Okay. And what did those detail? Further CPR?
11 A. Continuation of the CPR that was started by the
12 person on the scene. I transported to the hospital. We
13 did establish an I.V. access and we did administer one
14 drug; epinephrine. We also attempted to intubate.
15 Q. And based on what you were seeing and observing in
16 your training at the scene at one point you requested
17 through your dispatch to stop life-saving efforts on
18 scene is that correct?
19 A. I requested it through medical control. I actually
20 called the doctor on scene.
21 Q. And that request was refused at that time, correct?
22 A. Yes, sir.
23 Q. And so efforts were continued?
24 A. Yes, sir.
25 Q. Okay.

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1 MR. STONE: The State calls Charles Mitchell.
2 THE COURT: Ms. Mitchell, come forward please ma'am
3 and be sworn.
4 [Whereupon, Ms. Mitchell comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7
8 CHARLESE MITCHELL,
9 Having been first duly sworn,
10 Was examined and testified as follows:
11 DIRECT EXAMINATION
12 BY MR. STONE:
13 Q. Hey Ms. Mitchell, are you doing all right?
14 A. Yes, sir.
15 Q. Please spell your last name for me?
16 A. M-I-T-C-H-E-L-L.
17 Q. Ms. Mitchell, where do you live ma'am?
18 A. I now reside at 36 Delaney Circle, Seabrook, South
19 Carolina.
20 Q. How long have you lived there?
21 A. A year and a half now.
22 Q. Prior to that where did you live?
23 A. 229 Marshland Road on Hilton Head Island, South
24 Carolina.
25 Q. Now how close is that to Allen Road?

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1 A. I had made the call while my partners were already
2 continuing the CPR and the life resuscitating efforts.
3 Q. Okay. In your treatment did you determine where
4 there was a wound on the young boy?
5 A. Initially when we first got to the scene yes, and it
6 was on the left side of the chest.
7 Q. Okay. Thank you Mr. Taylor.
8 MR. BAX: No further questions, Your Honor.
9 THE COURT: Mr. Stone, redirect?
10 MR. STONE: Nothing else, Your Honor.
11 THE COURT: Thank you Mr. Taylor. You can step
12 down.
13 [Whereupon, the witness is excused and exits the
14 witness stand]
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1 A. Real close. It's like a house here [indicates] and
2 my house so it's not that far from me from Allen Road.
3 Q. How long did you live there?
4 A. I've been there for -- I'm 45 now so about 44 years.
5 Q. Let me talk to you specifically about September the
6 1st, 2012. Who lived there with you?
7 A. Myself, Tyrone Delaney, and my son C.J., which is
8 Calvin.
9 Q. Okay. Let me -- first of all you and I have talked
10 before. Have you seen this model [indicates]?
11 A. Yes, sir.
12 Q. Would this aid in your testimony today?
13 A. Yes, sir.
14 MR. STONE: Your Honor, if I could I'd like to
15 bring this in front of the jury?
16 THE COURT: Okay.
17 MR. STONE: And I'm going to ask her to step down.
18 [Whereupon, the witness steps down from the stand]
19 THE COURT: Ms. Mitchell, it will be helpful to us
20 if you stand on the other side and face this [indicates]
21 direction that way your back will not be to the court
22 reporter and she will be able to hear what you are saying
23 too.
24 THE WITNESS: Yes, sir.
25 THE COURT: That's perfect. Thank you.

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1 Q. [Mr. Stone] First of all this is the model I've
2 shown you before. Can you tell me on this -- we have it
3 marked Marshland Road, this is [indicates] Allen Road
4 obviously as it is marked on the model.
5 Can you show us please and I'll give you this
6 [indicates]. First of all it would be better for you
7 probably to stand here. You can stand anywhere you want
8 to; I just want to make sure...
9 THE COURT: As long as she is facing the court
10 reporter it doesn't matter where she stands.
11 Q. [Mr. Stone] Come on over here because I want the
12 jury to be able to see what you are pointing to.
13 [Whereupon, the witness complies]
14 Q. Tell me where your house is on that model?
15 A. This right here [indicates] is my house, right here.
16 Q. And this is the -- what is this address
17 specifically?
18 A. 229 Marshland Road.
19 Q. And this is where Tyrone Delaney lives with you and
20 C.J. or that in September?
21 A. Yes, sir.
22 Q. Okay. Who else lives in this neighborhood? Do you
23 know who else is around here?
24 A. Yes. This is my cousin Eddie Allen's old trailer
25 right here [indicates]. This mobile home right here

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1 A. Yes, sir.
2 Q. And this is -- do you know who was living in this
3 house [indicates] at the time, this trailer here
4 [indicates]?
5 A. Some Mexicans or Hispanics were living in this
6 mobile home right there [indicates].
7 THE COURT REPORTER: I'm sorry, I didn't get the
8 name; repeat please?
9 THE WITNESS: Some Hispanics was living in this
10 trailer right here [indicates].
11 Q. [Mr. Stone] Were they home during this?
12 A. I don't think they were home, no sir.
13 Q. Tell me what is going on in your house here; it's
14 around 4 o'clock or so that afternoon.
15 A. I was home and me and my two step boys, which is
16 Dashawn Washington and Xavier Delaney we were home. At
17 that particular time while we were home we heard some
18 gunshots being fired while we were inside the house.
19 Q. Where were the gunshots coming from?
20 A. They sounded like they were coming closer by this
21 [indicates] the opening of Allen Road is where because it
22 wasn't that far away from our house.
23 Q. Somewhere around in here [indicates]?
24 A. Yes, sir.
25 Q. Okay.

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1 [indicates] is my Aunt Marguerite [phonetic] trailer
2 right here [indicates]. This trailer right here
3 [indicates] is my cousin Ernest's trailer, right here.
4 This trailer right here [indicates] is my aunt
5 Marguerite's [phonetic] trailer right here.
6 This trailer here [indicates] is my Aunt Mary's
7 trailer, and this trailer right here [indicates] is my
8 aunt Shirley's trailer.
9 This right here [indicates] is the little bench that
10 they had that's outside the road where people going can
11 sit, and this right here [indicates] is my aunt Shirley's
12 little shed in the back.
13 Q. Okay. Now Brittany Brinson lives somewhere along
14 here [indicates] does she not?
15 A. Yes, sir.
16 Q. Where does she live?
17 A. She lives in this trailer [indicates] in front of
18 this mobile home right here [indicates].
19 Q. And I believe Dominique Griffin and Savoya
20 [phonetic] Simmons lives somewhere around this as well is
21 that correct?
22 A. They live in this -- in Aunt Shirley's house right
23 there [indicates].
24 Q. This is -- obviously here [indicates] this is a
25 trampoline is that correct?

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1 A. When we heard --
2 Q. --- describe -- I'm sorry; describe to me the
3 gunshots that you heard. How many did you hear and how
4 fast were they; that kind of thing?
5 A. The gunshots that we heard the first sets were like
6 pow, pow, pow, pow, pow, pow were the first set of shots
7 that we heard the first time.
8 After we heard the first sets of gunshots me
9 personally I didn't dawn on it at the first set of shots.
10 After the first set of shots came in I would say within
11 10 to 15 minutes Mr. Tyrone Robinson knocked on my front
12 door.
13 Q. Now how do you know Tyrone Robinson?
14 A. Tyrone Robinson is my first cousin.
15 Q. Do you see Tyrone Robinson in the courtroom today?
16 A. Yes, sir.
17 Q. And where is he? Can you point him out for me
18 please?
19 A. Yes, sir. He is right there [indicates] with the
20 pink on.
21 MR. STONE: Your Honor, let the record reflect she
22 has identified the defendant.
23 THE COURT: Yes, sir.
24 Q. [Mr. Stone] Tyrone Robinson comes to your door.
25 What does he say when he gets there?

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1 A. When he came in there he walked -- he pretty much --
2 I opened the door, he came inside. When he came inside
3 he walked in the house. Inside the house I have like a
4 bar. He walked in and he sat a brown paper bag bottle
5 with a beer inside and he asked if my cousin Patrick
6 Young was home. Patrick Young was not there and he came
7 out and he asked if he could use the phone.
8 He got the phone, he walked outside. When he walked
9 outside the door he used the house phone. As he used the
10 house phone he was talking to somebody on the phone.
11 And as of that time my boyfriend Tyrone Delaney pulled
12 up.
13 Q. Now how does Tyrone Robinson look when he comes in
14 to your house?
15 A. He came into the house he had no shirt on. He had
16 on red shorts; he had a black handle sticking out of his
17 red shorts. He had on mismatched socks and some tennis
18 shoes.
19 Q. Okay. First let me show you what has been marked as
20 State's exhibit 13 and ask if you could identify that
21 photograph for me please?
22 [Whereupon, the witness is shown photograph]
23 A. Yes, sir. The vehicles or the trampoline?
24 Q. All of it.
25 A. Okay. The little blue Toyota car is my son's. The

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1 side of it is my son's blue Toyota Yaris, that
2 [indicates] is my double wide mobile home right there,
3 that [indicates] is the trampoline that the kids were
4 playing on, that's [indicates] Jontu's bike, and that
5 [indicates] is Khalil's four wheeler.
6 Q. Now the first set of shots that you described were
7 the kids outside playing on the trampoline?
8 A. No sir, there were no kids.
9 Q. They had not gone out there at that point?
10 A. No, sir.
11 Q. Okay. Later on did they go out and play on the
12 trampoline?
13 A. They went -- my stepson, Khalil, and Jontu went
14 outside after the first -- well my stepson went over to
15 the trampoline because Jontu and Khalil came over to my
16 house to get Xavier Delaney to play.
17 Q. Now how old is Xavier?
18 A. Xavier is I believe seven or eight.
19 Q. At that time he was seven or eight?
20 A. Yes.
21 Q. And Jontu Singleton how old was he at that time?
22 About the same age?
23 A. About the same age.
24 Q. Okay. Let me show you what has been marked as
25 State's exhibit 1.

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1 green truck is Tyrone Delaney's truck; the white Crown
2 Vic is mine, that's my mobile home that sits there
3 [indicates], that [indicates] is the trampoline that was
4 in the yard where the kids were playing. This
5 [indicates] blue bike was a bike that Jontu was riding on
6 and the red four wheeler is a bike that Khalil was on.
7 Q. Okay. Is that a fair and accurate depiction of the
8 scene as it appeared that day?
9 A. That is correct.
10 MR. STONE: Your Honor, at this time we would move
11 State's exhibit 13 into evidence.
12 MR. BAX: No objection, Your Honor.
13 THE COURT: Without objection 13 is evidence. Thank
14 you.
15 [Whereupon, State's exhibit number 13 is entered
16 into evidence by the court]
17 [Whereupon, the photo is shown on screen]
18 Q. [Mr. Stone] Now what has been showing on the monitor
19 is what you've already pointed out to me as State's
20 exhibit 13. But if you could can you tell the jury what
21 that is? First of all there is a white car right in
22 front. Whose car is that?
23 A. That white Crown Vic is my vehicle.
24 Q. And beside that what is there?
25 A. That is Tyrone Delaney's green truck, and on the

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1 [Whereupon, the witness is shown photograph]
2 Q. Is that a fair and accurate depiction of how Tyrone
3 Robinson looked that day?
4 A. That is correct.
5 Q. Okay.
6 MR. STONE: Your Honor, at this time we offer
7 State's exhibit 1 into evidence.
8 THE COURT: Without objection.
9 [Whereupon, State's exhibit number 1 is entered into
10 evidence by the court]
11 Q. [Mr. Stone] Let me show you -- let me show the jury
12 -- I'll put this up here.
13 MR. STONE: State's exhibit 1, Your Honor, I am
14 just publishing to the jury.
15 THE COURT: Yes, sir.
16 Q. [Mr. Stone] This is the outfit that he had on that
17 day when he came to your door?
18 A. Yes, sir.
19 Q. These are the red shorts and the shoes? This is how
20 he was dressed that day?
21 A. Yes, sir.
22 Q. And the black object was sticking out where?
23 A. The black object was sticking out right here
24 [indicates] in his pants, right in the waistline of his
25 pants was a black handle.

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1 Q. All right. What did they -- the black handle,
2 describe the black handle for me.
3 A. The black handle -- by me working for Palmetto Dunes
4 to me the black handle looked exactly like a hand gun.
5 Q. What kind of work did you do at Palmetto Dunes?
6 A. Dispatch security.
7 Q. Okay. So that car, the white Crown Vic was
8 actually your security car.
9 A. That's correct.
10 Q. When Tyrone Robinson knocks on your door he comes in
11 and he goes out. Can you hear him talking on the phone?
12 Can you hear him saying anything when he is out on the
13 phone?
14 A. The only thing that I actually heard when whoever he
15 was talking to on the phone said those motherfuckers.
16 Q. And I know you don't want to cuss and I apologize
17 for that but I need you to tell me exactly what he said.
18 A. Whoever he was on the phone with he said those
19 motherfuckers tried to kill me -- I'm sorry; was shooting
20 at him.
21 Q. Got you.
22 A. Yes, sir.
23 Q. Tyrone Delaney then pulls up is that correct?
24 A. That is correct.
25 Q. Tell me what happens when Tyrone Delaney gets there?

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1 kids came over to the house. They asked can Xavier come
2 outside and play. We let Xavier and then went outside
3 and played. They were on this trampoline right here
4 [indicates].
5 While they were on this trampoline right here
6 [indicates] when me and Tyrone was in the house we heard
7 some more shots. We heard those more shots it was again
8 pow, pow, pow, pow, pow kind of shots.
9 Q. Let me stop you because you used the word Tyrone.
10 You're inside the house with Mr. Delaney now, is that
11 correct?
12 A. Yes, with Mr. Delaney.
13 Q. Tyrone Robinson is gone?
14 A. Tyrone is gone.
15 Q. And that's when you hear the second set of shots?
16 A. After the kids were already on the trampoline. The
17 kids were outside playing on the trampoline. When we
18 heard the second round of shots that's when I came to the
19 door and told the kids to come inside of the house.
20 Q. Describe the second set of shots.
21 A. They were pow, pow, pow, pow, pow almost like the
22 first sets of shots.
23 Q. Okay. What did you do after that?
24 A. After that I told the kids to come inside the house.
25 The only person that came inside of the house was

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1 A. When Tyrone Delaney pulls up he when he came home he
2 met Tyrone. As you can see this [indicates] is our
3 driveway. As the three cars was here [indicates] Tyrone
4 came -- Tyrone Robinson was here [indicates]. Tyrone
5 wanted me -- and then two wound up talking outside.
6 Q. Delaney and Robinson? Use their last names if you
7 could.
8 A. Delaney and Robinson were outside talking. I then
9 stayed inside of the house. While them two were out
10 there talking that's when whatever he said to Tyrone I
11 don't too much know because I didn't hear that.
12 And after that was said and done that's when I
13 remained in the house and I finally came outside and
14 that's when I let Tyrone know that it was time for Tyrone
15 to leave, Tyrone Robinson to leave.
16 Q. And did he leave?
17 A. Yes sir, he did leave.
18 Q. And where did he go? Did you see him walk off? Did
19 you see which direction he went?
20 A. No because when Tyrone came in the house that was
21 it.
22 Q. When Delaney comes in the house that...
23 A. When Delaney came in the house that was it.
24 Q. What was the next thing that happened?
25 A. The next thing that happened we heard some -- the

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1 Tyrone's son. Jontu and Khalil did not come in after I
2 told them to come inside the house after we heard the
3 second set of shots.
4 Q. Which way did they go?
5 A. They wound up going back toward the other way
6 because -- well, I don't have a picture of aunt Vena's
7 [phonetic] trailer but Jontu lives here [indicates].
8 Q. Okay. Here with Dominique Griffin and Savoya?
9 A. Correct. But back further back aunt Mary's trailer
10 is aunt Vena's trailer.
11 Q. And that's where Jontu lived?
12 A. No ---
13 Q. --- I'm sorry ---
14 A. --- no, this [indicates] is where Jontu lives, this
15 [indicates] is where Khalil grandmother lives past aunt
16 Mary's trailer.
17 Q. Okay.
18 A. But he left his four wheeler here [indicates].
19 Q. That [indicates] is Khalil's four wheeler?
20 A. That's Khalil's four wheeler that he left.
21 Q. What was the next thing that you heard?
22 A. The last thing that we heard after we got the kids
23 in the house as we seen was the grey truck, which is...
24 Q. Okay. Let's use this [indicates] as the grey
25 truck. Where did you see the grey truck?

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1 A. The last sets of three shots that we heard the grey
2 truck turn out of Allen Road because I was peeping
3 through my front door here [indicates]. We saw the grey
4 truck came and we heard three shots.
5 But those three shots that we heard as the grey
6 truck turned on Allen Road we heard pow, pow, pow. And
7 that was the last of the shots. The grey truck had
8 already gone down Marshland Road. The last vehicle that
9 we seen come down was Tyrone Robinson's black ---
10 Q. --- use that [indicates] to show it.
11 A. His car was the last car that came past after the
12 last three shots were fired.
13 Q. The last three shots that you hear did they sound
14 like the same as the first series?
15 A. No, sir. They sounded like single shots.
16 Q. Okay. Much slower than the first set?
17 A. Yes, sir.
18 Q. I'm going to show you what has been marked as
19 State's exhibit 3 and State's exhibit 2 and ask you is
20 that a fair and accurate depiction of Tyrone Robinson's
21 car as you saw it that day?
22 [Whereupon, the witness is shown photographs]
23 A. That's correct.
24 MR. STONE: Your Honor, at this time we would move
25 State's exhibit 2 and State's exhibit 3 into evidence.

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1 [Whereupon, State's exhibit numbers 9 and 10 are
2 entered into evidence by the court]
3 Q. [Mr. Stone] And this is the truck that you saw go by
4 first, then you heard the three shots is that correct?
5 A. That is correct.
6 Q. Then you saw Mr. Robinson's car ---
7 A. --- came behind that ---
8 Q. --- go after that?
9 A. Yes.
10 Q. Did you see who was driving this [indicates] truck?
11 A. Yes, sir.
12 Q. And who was driving this truck?
13 A. Aaron -- I call him Bennie Jr. but Aaron, Sr. was
14 driving this truck [indicates].
15 Q. Aaron Young, Sr.?
16 A. Yes, sir.
17 Q. Okay. And when the shots went off where was the
18 truck exactly? And you can just point to the area when
19 the last three shots were ---
20 A. --- when the last three shots were going the grey
21 truck was coming down the road. It sounded like it was
22 close in this area [indicates] as it was coming because I
23 was peeping through the door to make sure that everything
24 was already cleared or whatever they had going on. So
25 that's when the grey truck came rolling past.

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1 MR. BAX: No objection, Your Honor.
2 THE COURT: Without objection State's 2 and 3.
3 Thank you.
4 [Whereupon, State's exhibit numbers 2 and 3 is
5 entered into evidence by the court]
6 Q. [Mr. Stone] And I'll show this to the jury and ask
7 if you could come over here. This [indicates] is the car
8 Tyrone Robinson was driving that day?
9 A. Yes sir, because when he passed by he didn't have no
10 back window. He didn't have no back window in his car as
11 he rolled by.
12 Q. Okay. And it was in this condition here
13 [indicates]?
14 A. Yes, sir.
15 Q. Now did you recognize the person -- while I'm at it
16 let me show you what has been marked as State's exhibit 9
17 and 10.
18 [Whereupon, the witness is shown photographs]
19 Q. Is that a fair and accurate depiction of the truck
20 that you saw go by?
21 A. Yes sir, that's is.
22 MR. STONE: Your Honor, at this time we'd move
23 State's exhibits 9 and 10 into evidence.
24 MR. BAX: No objection, Your Honor.
25 THE COURT: Without objection.

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1 Q. Were you in a position of being able to see whether
2 or not there were shots being fired out of the grey truck
3 at that point?
4 A. When I was looking at the grey truck pass by all the
5 windows were up. On the driver's side the window was
6 completely up. And whoever was on the passenger side of
7 the vehicle, of the truck, they were inside of the truck
8 sitting down.
9 Q. Okay. And that's when the last three shots were
10 fired?
11 A. Yes, that is correct.
12 MR. STONE: I don't have any further questions at
13 this time for this witness, Your Honor,
14 THE COURT: Thank you, Mr. Stone.
15 Q. [Mr. Stone] Thank you, ma'am. If you'll answer any
16 questions...
17 THE COURT: Cross-examine Mr. Bax?
18 MR. BAX: Yes, Your Honor.
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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. I wanted to go through a couple of the places you
4 were describing just to make sure that I am clear with
5 it.
6 A. Okay.
7 Q. You were living here [indicates] correct?
8 A. This [indicates] is my home.
9 Q. This is [indicates] where you were at?
10 A. Yes, sir.
11 Q. Okay. And basically you've described that you
12 actually heard three sets of gunshots. That you heard a
13 set of rapid gunshots before you ever saw Mr. Robinson is
14 that correct?
15 A. The first sets of shots, yes.
16 Q. Okay. And then after Mr. Robinson left your
17 residence you heard another set of rapid shots.
18 A. That is correct.
19 Q. Okay. Now the time in between the first set of
20 rapid shots and the second set of rapid shots how long a
21 period of time was that?
22 A. I would say no longer than 10 to 15 minutes.
23 Q. Ten to 15 minutes?
24 A. That is correct.
25 Q. So in that period of time Tyrone came to the house,

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1 [indicates]?
2 A. It is.
3 Q. Okay. And people do walk behind the trailers to
4 get back and forth to the homes correct?
5 A. Not to -- pretty much not to mine. Mine -- I don't
6 know because it's pretty much just me, Tyrone, and my son
7 so really we don't have nobody that would be coming to
8 visit.
9 Q. But it's possible to come back behind this house
10 [indicates] correct?
11 A. That's correct.
12 Q. And it's possible to return to these trailers
13 through that back wooded area?
14 A. That's correct.
15 Q. Okay. And I believe you testified that after Mr.
16 Robinson left you didn't see which way he went.
17 A. No, sir.
18 Q. Because he just exited the house and that was it.
19 A. Well, he was outside talking to Tyrone.
20 Q. Okay.
21 A. And I told Tyrone Delaney that is was time for
22 Tyrone to leave.
23 Q. Okay. So then Mr. Delaney relayed that to Mr.
24 Robinson as well ---
25 A. --- and he left ---

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1 had conversation with you ---
2 A. --- that is correct ---
3 Q. --- used the phone, and talked with Mr. Delaney.
4 A. That is correct.
5 Q. And left.
6 A. That is correct.
7 Q. Okay. You -- Ms. Mitchell did you see him drive
8 up? Did you see him arrive in a car or anything like
9 that?
10 A. He did not. He walked. Well, when he came in my
11 yard like I said when he came it was only two vehicles
12 there, which is my white Crown Vic and my son's little
13 blue Yaris was the only two vehicles that were parked in
14 my yard.
15 Q. And you've indicated in your direct testimony that
16 you didn't see where he came from correct?
17 A. I did not.
18 Q. He just came into the house?
19 A. He just came and knocked on the door and came inside
20 of the house.
21 Q. Okay. Now Ms. Mitchell it's possible to walk
22 through this area [indicates] back behind these trailers
23 correct ---
24 A. --- that is correct ---
25 Q. --- this kind of a wooded area back here

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1 Q. --- and said it's time to go.
2 A. Yes sir and he left.
3 Q. Okay. And I believe you stated that he had asked
4 to use your phone. Now is your phone a wireless phone or
5 it is got a cord attached?
6 A. No sir, it was a wireless phone. Yes, sir.
7 Q. Okay. Did he make a phone call from that phone?
8 A. He did.
9 Q. Did he talk to that individual inside or outside
10 your house?
11 A. Outside of the house.
12 Q. Okay. And he returned the phone to Mr. Delaney
13 before he left?
14 A. Yes, sir.
15 Q. Now let's talk a little bit about that second and
16 third sets of fire that you heard. After Mr. Robinson
17 left you testified that you heard a second set of rapid
18 fire.
19 A. That was after Tyrone came home from work.
20 Q. Okay.
21 A. We heard ---
22 Q. --- Mr. Delaney was home and Mr. Robinson had left.
23 A. Mr. Robinson was gone.
24 Q. Okay. And that fire -- could you tell how many
25 shots that was?

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1 A. On the rapid one?
2 Q. Yes?
3 A. The rapid one was the same exact as the first. It
4 was just pow, pow, pow, pow, pow, pow; just like the
5 first.
6 Q. Okay. Were they so fast that it was hard to
7 determine how many shots were fired?
8 A. I really couldn't say. I can just give you the
9 sound of how I actually heard it.
10 Q. Okay. And I believe you described the fact that it
11 almost sounded like it was an automatic weapon.
12 A. To me the last three shots -- on the first with the
13 sets of shots?
14 Q. Uh Huh?
15 A. To me I don't know if it's an automatic but it was
16 just that way.
17 Q. Okay. So the last set of shots you described those
18 as three shots correct?
19 A. It was three shots.
20 Q. And those shots were slow and distinct between each
21 one?
22 A. That is. Each one was like pow, pow, pow.
23 Q. Okay. Now I want to move back a little bit. After
24 that second set of rapid shots is that when you asked the
25 kids to come inside?

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1 A. The boys were headed back that way [indicates]
2 because like I said Jontu lives there [indicates] and
3 Khalil's grandmother lives further back.
4 Q. All right. And your testimony was the shots
5 sounded like they were close up to where the truck was
6 going by?
7 A. Yes, sir.
8 Q. Thank you Ms. Mitchell, I appreciate it.
9 MR. BAX: No further questions, Your Honor.
10 THE COURT: Thank you. Redirect Mr. Stone?
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1 A. After the second round of shots because they were
2 still playing on the trampoline.
3 Q. Okay.
4 A. And when they were playing on the trampoline when we
5 heard the second those shots I yelled and told the kids
6 to come inside the house.
7 Q. Okay. And you've testified that it's your son or
8 step-son.
9 A. My step-son.
10 Q. Your step-son came to your house but the other two
11 Khalil and Jontu they went the other way.
12 A. That's correct.
13 Q. And that's because Jontu lives here [indicates].
14 A. That's correct. Jontu lives here [indicates].
15 Q. And Khalil's grandmother is up here [indicates] ---
16 A. --- and stayed by the back, that is correct.
17 Q. So the kids traveled in this direction [indicates].
18 this way [indicates]?
19 A. Yes.
20 Q. Okay. And when they -- you described hearing the
21 three shots from around in this area [indicates] as the
22 truck passed is that correct?
23 A. As the truck was passing by.
24 Q. Okay. And at that time the boys were headed this
25 way [indicates] correct?

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1 REDIRECT EXAMINATION
2 BY MR. STONE:
3 Q. Did you go back out there -- I'm assuming after you
4 left you heard the last three shots. Did you go back out
5 here [indicates]?
6 A. I went back. What I did was I went inside the house
7 and as I in the house -- my bathroom is on this end
8 [indicates] so my bathroom faces this way [indicates]. I
9 heard somebody yelling.
10 As I heard somebody yelling and I wound up going to
11 the front door and that's when it came -- the noise was
12 coming closer this way [indicates]. So as I left and I
13 came this way [indicates] that when I noticed Brittany.
14 Q. And Brittany is Brittany Brinson?
15 A. Brittany Brinson was working on Khalil and that's
16 when I actually made a phone call to 911 to let 911 know
17 exactly what was going on. And I was in this area
18 [indicates] right up in here [indicates] where he was.
19 Q. Let me -- you are pointing right at this sort of the
20 end of this area right here [indicates]?
21 A. In this little area right here [indicates] yes, sir.
22 Q. That's where Khalil was when you went out there ---
23 A. --- yes, sir.
24 Q. At that point and I don't know if you stated but
25 could you tell what condition Khalil was in when you got

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1 there?
2 A. When I got there Khalil was laying there. His
3 tongue was already out. He was bleeding from the side of
4 his head and he was bleeding like almost to me on his
5 side. Brittany was working to do CPR on him to try to
6 get him back.
7 And as she was working on him that's when I was
8 still on the phone with 911 trying to get help and to let
9 them know what vehicle that -- on the grey truck what I
10 had actually seen with the grey truck because the grey
11 truck was already headed down Spanish Wells and so was
12 the vehicle right there [indicates] ---
13 Q. --- and the Spanish Wells area is over here
14 [indicates] ---
15 A. --- it's going back past my house way.
16 Q. All right. And when Tyrone Robinson's vehicle left
17 it went in the same direction?
18 A. It went in the same direction.
19 Q. When Tyrone Robinson goes into your house, and I
20 know you're related and you know him, but how close did
21 you get to him?
22 A. Close enough where he walked -- if this [indicates]
23 is half my trailer where he actually -- I was standing
24 here [indicates] and he like walked because this right
25 here [indicates] is ---

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1 RECCROSS-EXAMINATION
2 BY MR. BAX:
3 Q. One quick follow up question. You stated in your
4 testimony that you saw the grey truck go by. When you
5 saw the grey truck by that was following those three
6 shots correct?
7 A. Those were the last three shots that were fired.
8 Q. Okay. And you saw that truck after you had heard
9 the three shots correct?
10 A. Yes.
11 MR. BAX: No further questions, Your Honor. Thank
12 you.
13 THE COURT: You can have the last word, Mr. Stone.
14 MR. STONE: Nothing else, Your Honor.
15 THE COURT: Thank you, Ms. Mitchell you can step
16 down. Thank you, ma'am.
17 [Whereupon, the witness is excused and exits the
18 witness stand]
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1 Q. --- put me as far as the back -- if I'm Tyrone how
2 close did he get to you?
3 A. He walked past me ---
4 Q. --- past you ---
5 A. --- yes, because he walked in the door. I opened
6 the door and he walked past me to come in the house.
7 Q. And is that when you saw the black handle?
8 A. Yes, sir.
9 MR. BAX: Briefly on recross, Your Honor?
10 THE COURT: Yes sir.
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1 MR. STONE: The State calls Tyrone Delaney.
2 THE COURT: Mr. Delaney, come forward please to be
3 sworn.
4 [Whereupon, Mr. Delaney comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7
8 TYRONE DELANEY,
9 Having been first duly sworn,
10 Was examined and testified as follows:
11 DIRECT EXAMINATION
12 BY MR. STONE:
13 Q. Sir, if you could please state your full name and
14 spell your last name.
15 A. Tyrone Delaney, D-E-L-A-N-E-Y.
16 Q. Let me get you to pull the microphone a little bit
17 closer to you so I can hear you okay.
18 [Whereupon, the witness complies]
19 Q. Mr. Delaney, on September 1st, 2012 where were you
20 living?
21 A. 92 Marshland.
22 Q. Pardon me?
23 A. 92 Marshland.
24 Q. And who were you living with?
25 A. Charlese Jackson.

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1 Q. And at this time I think her name is Charlene
2 Mitchell is that correct?
3 A. Mitchell.
4 Q. Okay. What -- at that point what were you doing?
5 You live with her -- how long have you been living with
6 her?
7 A. Two years.
8 Q. Specifically around 4 o'clock did you come home at
9 some point?
10 A. Around about 4:30.
11 Q. About 4:30? Where were you coming from?
12 A. O.C. Welch.
13 Q. Pardon me?
14 A. O.C. Welch.
15 THE COURT REPORTER: I still didn't hear you.
16 A. O.C. Welch.
17 Q. Do you work at O.C. Welch?
18 A. Yes, sir.
19 Q. And what do you do at O.C. Welch?
20 A. A technician.
21 Q. How long have you worked at O.C. Welch?
22 A. Thirteen years.
23 Q. And you're still there now is that correct?
24 A. Yes.
25 Q. What does a technician do? What do you do?

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1 A. Mechanic, oil change, tire rotation, engine work,
2 tune ups.
3 Q. You had gotten off work that day, came home and
4 that's -- what time do you normally get off work?
5 A. On a Saturday it is 4 o'clock.
6 Q. So by the time it took you -- at that time was O.C.
7 Welch still located out in the Bluffton area where it is
8 now?
9 A. Sun City.
10 Q. It was in that location?
11 A. Yes.
12 Q. Okay. So you came directly from work home?
13 A. Straight home.
14 Q. Now we have shown the jury this photograph but I
15 want to make sure that State's exhibit 13 has a truck in
16 it.
17 [Whereupon, the witness is shown photograph]
18 Q. Is that your truck?
19 A. Yes, sir.
20 Q. Okay. And this is as we showed earlier State's
21 exhibit 13. That is you -- is that a blue truck?
22 A. Green.
23 Q. It's green?
24 A. Its green.
25 Q. Tell me what happens when you get home.

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1 A. Tyrone was in my yard.
2 Q. Tyrone who?
3 A. Robinson.
4 Q. How do you know Tyrone Robinson?
5 A. From a family member.
6 Q. He was in your yard and your yard is on this model I
7 think right here [indicates] this front house?
8 A. Yes.
9 Q. Is that correct?
10 A. Yes.
11 Q. Okay. And you've seen this model before is that
12 correct?
13 A. Yes, sir.
14 Q. What was he doing in your yard when you pulled up?
15 A. He was on the phone when I pulled up.
16 Q. What was he -- you don't know who he was talking to?
17 A. No, sir.
18 Q. Okay. What happened then?
19 A. He asked me if I saw a grey truck on the road when I
20 came home. And I told him yes, they almost hit me head
21 on.
22 Q. Where did the grey truck almost hit you?
23 A. On Spanish Wells.
24 Q. This is somewhere down this road [indicates] over
25 here?

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1 A. Yes, way down.
2 Q. Let me get you to come off the stand. You've seen
3 this map before?
4 A. Yes.
5 [Whereupon, the witness leaves the witness stand]
6 Q. You're pretty quiet spoken so I need you to keep
7 your voice up if you could. I'm showing you what has
8 been marked as State's exhibit 8.
9 [Whereupon, the witness is shown map]
10 Q. Could you tell us -- I think this [indicates] has
11 been identified as the Wild Horse Road area, this
12 [indicates] is I believe Spanish Wells, this [indicates]
13 is the Oak View area and then Allen Road is over there
14 [indicates]. Can you show us -- let me get you to back
15 up so the foreperson can see you -- I'm going to give you
16 that, it might help.
17 [Whereupon, the witness is given pointer]
18 Q. Show me where you came from?
19 A. I was coming from this direction [indicates]
20 traveling up ---
21 THE COURT REPORTER: --- I need you to speak up
22 please.
23 Q. [Mr. Stone] Yes, speak up. This is [indicates] the
24 Allen Road area here.
25 A. Okay.

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1 Q. This is Spanish Wells here [indicates] and then I
2 think Marshland Road is going in this [indicates]
3 direction is that correct?
4 A. Yes, right up in there [indicates].
5 Q. Okay. Now speak up.
6 A. I was coming from this [indicates] direction.
7 Q. Toward the Allen Road area?
8 A. Toward Allen Road and when they came onto my lane
9 they almost hit me head-on at a high rate of speed and
10 they swerved into my lane and so I hit brakes so he could
11 straighten up and clear away so they can -- so I can go
12 home.
13 Right up in there [indicates] that's when they came
14 over in my lane. I had to hit brakes so they could
15 straighten up and get where they going.
16 Q. And then you headed at that point on to Allen Road.
17 A. On to Allen Road.
18 Q. I'll show you what's been marked as State's exhibit
19 9.
20 [Whereupon, the witness is shown photograph]
21 Q. Is that the truck that almost ran you off the road?
22 A. Yes.
23 Q. That would be State's exhibit number 9. And Tyrone
24 Robinson asked you specifically if you saw a grey truck?
25 A. Yes, sir.

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1 Q. And what did you tell him?
2 A. I said yes, they almost hit me head-on.
3 Q. What did he say about the gray truck?
4 A. He said them motherfuckers was just shooting at me.
5 They don't know who they are fucking with. I blast back
6 at them.
7 Q. And I understood the first part. Say that one more
8 time. He said -- take your time and speak very clearly
9 please.
10 A. He said them motherfuckers was just shooting at me.
11 They don't know who they messing with, so I shot back at
12 them.
13 Q. Did you see at any point a gun on Tyrone Robinson?
14 A. He showed me a black .38 revolver. He was waving it
15 in the air.
16 Q. He was waving it in the air?
17 A. Yes.
18 Q. And what was he saying while he was waving the black
19 revolver?
20 A. Them motherfuckers don't know who they playing with.
21 Q. Tell me -- when you call it a revolver what do you
22 mean?
23 A. It's a five shooter. It holds the bullets and they
24 shoot it out and it don't leave no shell casings. It
25 stays in the gun.

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1 Q. Is that the one with the little turn -- you pull the
2 trigger and it turns?
3 A. The belly part turns.
4 THE COURT REPORTER: The what?
5 A. The belly part of the gun it turns while you're
6 shooting it.
7 Q. [Mr. Stone] And that's the type of gun Tyrone
8 Robinson had with him that day?
9 A. Yes, sir.
10 Q. When you see the gun what do you do?
11 A. I go back in the house and tell Charlese he had to
12 leave.
13 Q. Let me ask you this. When Tyrone Robinson is
14 holding this gun and saying these people don't know who
15 they are dealing with how far are you away from him?
16 A. About two foot. I was still at my truck ---
17 Q. --- if I am Tyrone Robinson how close do I get to
18 you?
19 [Whereupon, Mr. Stone moves toward the witness]
20 A. Right there.
21 Q. Right here?
22 A. Right there. I was still at my truck at this time
23 and then when I got out to go in the house and tell her
24 that he got to leave.
25 Q. And that's when you went inside to tell her he's got

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1 to go?
2 A. Yes.
3 Q. At that point you go in after you see the gun?
4 A. Yes, sir.
5 Q. Did she go out and tell Tyrone he had to leave?
6 A. Yes, sir.
7 Q. When he is saying that those -- and I apologize but
8 these motherfuckers is what he said, is that correct?
9 A. Yes, sir.
10 Q. When he said those motherfuckers don't know who they
11 are dealing with how close are you to him when he says
12 that?
13 A. We're kind of close then.
14 Q. Y'all are pretty much at the same distance that we
15 were before?
16 A. Yes, sir.
17 Q. And at the same time he is waving the gun?
18 A. Yes, sir.
19 Q. And then is that the same time he says he shoots
20 back?
21 A. Yes, sir.
22 Q. Did you see -- and I'm assuming at this point
23 Charlese goes out and tells him to leave. Are you with
24 her when she does that?
25 A. No, sir. I'm in the house.

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1 Q. Okay. Do you see Tyrone Robinson again that day?
2 A. No, sir. I saw him later on.
3 Q. Pardon me?
4 A. He came later on. He came back later.
5 Q. Now let me show you what has been marked as State's
6 exhibit 1.
7 [Whereupon, the witness is shown photograph]
8 Q. Is that a fair and accurate depiction of how Tyrone
9 Robinson looked that day?
10 A. Yes, sir.
11 Q. After Tyrone Robinson -- after Charlese goes out and
12 tells Tyrone Robinson to leave what happens after that?
13 A. Heard some rapid gunfire.
14 Q. About how much -- do you know about how much time?
15 A. It wasn't like no little gun. It was real rapid,
16 real quick.
17 Q. How long after he left did you hear the rapid
18 gunfire?
19 A. I want to say like maybe five or ten minutes after.
20 Q. Okay. So he leaves and then five to ten minutes
21 later you hear this rapid gunfire. How can you describe
22 that?
23 A. It almost sounded like a machine gun.
24 Q. How many shots went off do you know?
25 A. Not exactly.

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1 house. My son ran to the house and the other two went
2 the other direction.
3 Q. Do you know why the other two went the other way?
4 A. I'm not sure.
5 Q. What happens after that?
6 A. That's when we heard the last three shots. When we
7 called them to come in the house then the last three
8 shots and that's when we heard the screaming.
9 Q. And that's when you heard the what?
10 A. Screaming for help.
11 Q. The last three shots did that sound the same as the
12 rapid fire that you heard earlier?
13 A. No, sir.
14 Q. And how was it different?
15 A. The rapid fire was like a [indicates sound] and the
16 last three shots was like a pow, pow, pow.
17 Q. Okay. And then you heard the screaming?
18 A. Yes, sir.
19 Q. What did you do after that?
20 A. We went outside to see what was going on.
21 Q. What did you see?
22 A. We see Khalil laying and a girl holding him trying
23 to bring him back.
24 Q. Trying to bring him back?
25 A. Yes, sir.

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1 Q. Now you earlier stated that Robinson had a revolver
2 and that had five...
3 A. Five shots.
4 Q. Five shots, okay. The rapid fire did you hear more
5 than that when you heard the rapid fire shots?
6 A. After the rapid fire that was it. And then about
7 five or ten minutes after that you hear like three more
8 shots.
9 Q. After the first rapid fire what happened after that?
10 Where were the kids at this point?
11 A. They still was outside playing on the trampoline.
12 Q. Which kids were outside?
13 A. My kid, Jontu, and Khalil.
14 Q. And your kid's name is what?
15 A. Xavier Delaney.
16 Q. Okay. So Xavier is outside with Jontu and what are
17 they doing?
18 A. Playing on the trampoline.
19 Q. And Khalil and they are all three playing on the
20 trampoline?
21 A. Yes, sir.
22 Q. And that's when you hear the rapid fire?
23 A. Yes, sir.
24 Q. What happens after that?
25 A. We yelled at them and told them to come in the

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1 MR. STONE: Excuse me just a moment.
2 THE COURT: Yes, sir.
3 [Whereupon, Mr. Stone confers with Mr. Thornton]
4 Q. [Mr. Stone] Let me show you what has been marked as
5 State's exhibit 3 and State's exhibit 2.
6 [Whereupon, the witness is shown photographs]
7 Q. Did you see that car that day?
8 A. Yes, sir.
9 Q. Where did you see this car?
10 A. Leaving then it came back.
11 Q. When did you see him leaving?
12 A. After the three shots.
13 Q. About how much time after the last three shots?
14 A. About ten minutes.
15 MR. STONE: Nothing else at this time, Your Honor.
16 THE COURT: Thank you. Cross-examine Mr. Bax?
17 MR. BAX: Thank you, Your Honor.
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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good morning Mr. Delaney; is it still morning?
4 Well, I guess it is good morning, how you doing?
5 A. How you doing?
6 Q. Mr. Delaney, a couple of questions for you. I'll
7 stay right here so they can see this. Mr. Delaney you
8 testified that you arrived back from work at where you
9 were living with Ms. Mitchell around 4:30 is that right?
10 A. Yes, sir.
11 Q. And that Mr. Robinson was there in the yard?
12 A. Yes, sir.
13 Q. Okay. Now did he have y'all's house phone on him?
14 A. Yes, sir.
15 Q. Okay. Was he making a call when you were there?
16 A. When I got there he was on the phone already.
17 Q. Okay. He was already on the phone.
18 A. Yes, sir.
19 Q. Okay. And then he got off the phone and that's
20 when he talked to you?
21 A. Yes, sir.
22 Q. Okay. And that's when he asked you about the grey
23 truck?
24 A. Yes, sir.
25 Q. Okay. Now when you got home at 4:30 you were -- in

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1 that -- let me back up; I'm sorry. At some point Mr.
2 Robinson leaves, correct?
3 A. Yes, sir.
4 Q. Who was it that asked Mr. Robinson to leave was it
5 you or was it...
6 A. Yes, I went to Charlese and asked her to tell him to
7 leave.
8 Q. Okay. So Charlese asked him to leave?
9 A. Yes, sir.
10 Q. Okay. And he left correct?
11 A. Yes, sir.
12 Q. Okay. Now you've testified that he had this gun
13 and he was waving it around. Now was he waving it
14 around out in the yard?
15 A. Yes, sir.
16 Q. Okay. So he didn't wave it around in the house
17 like you originally reported?
18 A. No, sir.
19 Q. Okay. Do you recall talking to law enforcement
20 about this case?
21 A. Yes, sir.
22 Q. Okay. Do you recall telling them that this
23 happened inside the house and not outside the house?
24 A. No, sir.
25 Q. Okay. So if you had said that before you were

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1 the following times you only heard two sets of shots
2 correct?
3 A. Yes, sir.
4 Q. So you didn't hear any shots preceding those two
5 sets of shots, it was just the two sets correct?
6 A. Just the two sets.
7 Q. Okay. Now but before you got there you had this
8 encounter with the grey truck that you have identified in
9 the State's photograph right?
10 A. Yes, sir.
11 Q. Okay. And you've indicated that that happened on
12 Marshland Road correct?
13 A. Spanish Wells Road.
14 Q. Spanish Wells, okay. I'm sorry; Spanish Wells Road.
15 Now Spanish Wells leads you to Marshland and that's why
16 you were on it because you were taking it to get home on
17 Marshland Road correct?
18 A. Yes, sir.
19 Q. Okay. Where you have this encounter with the grey
20 truck about how far is that from where you were living at
21 the time?
22 A. I would say about five or six miles.
23 Q. About five or six miles?
24 A. Yes, sir.
25 Q. Okay. And you've testified that when you heard

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1 confused. It happened outside the house?
2 A. Yes, sir.
3 Q. Okay. Now you indicated that it was about five or
4 ten minutes after Tyrone left that you heard that rapid
5 fire, that machine gun sound.
6 A. Yes, sir.
7 Q. Okay. Did you see who was firing at that time?
8 A. No, sir.
9 Q. Okay. When that happened your son, Jontu, and
10 Khalil they were on the trampoline, correct?
11 A. Yes, sir.
12 Q. And at that time they were fine is that right?
13 A. Yes, sir.
14 Q. Okay. So no indication from you that any of the
15 children were wounded in any way?
16 A. No, sir.
17 Q. Okay. And was it you and Charlese or did both of
18 you tell the kids to come in the house?
19 A. Both of us.
20 Q. Both of y'all, okay. And it's your testimony that
21 Xavier came to your house --
22 A. --- yes ---
23 Q. --- because that's where he lives right?
24 A. Yes.
25 Q. And Jontu and Khalil they left going the other way

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correct?

A. Yes, sir.

Q. Now if you wouldn't mind would you step down please for me.

[Whereupon, the witness leaves the witness stand]

Q. Now Tyrone you've testified that you had lived in that house around two years at that time right?

A. Yes.

Q. Did you kind of know who lived in the neighborhood?

A. No, sir.

THE COURT REPORTER: I'm sorry I can't hear you ---

Q. [Mr. Bax] --- You didn't really necessarily know?

A. No, sir.

THE COURT: Mr. Delaney, I'm going to have to ask you if you could generally face the court reporter and speak up. She needs to hear what you're saying okay?

THE WITNESS: Okay.

MR. BAX: Thank you, Your Honor.

Q. [Mr. Bax] Did you know where Jontu lived in this neighborhood over here [indicates]?

A. No, sir.

Q. Okay. And Khalil did you know where he lived at?

A. No, sir.

Q. Okay. But did you witness with your eyes Khalil and Jontu heading this way [indicates]?

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REDIRECT EXAMINATION

BY MR. STONE:

Q. And I don't know if you can see back here but all of this area here [indicates] I know this all isn't covered in but is this a wooded area back in here [indicates]?

A. Yes, sir.

Q. And behind this trailer here [indicates] in the center all of that is wooded area as well?

A. Yes, sir.

MR. STONE: I don't have any further questions for this witness, Your Honor.

THE COURT: Thank you, sir. Mr. Delaney, you can step down. Thank you.

[Whereupon, the witness is excused and exits the witness stand]

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A. Yes, sir.

Q. Okay.

MR. BAX: A moment's indulgence, Your Honor. You can take the stand again Tyrone. Thank you.

[Whereupon, the witness returns to the stand]

[Whereupon, Mr. Bax confers with his client]

MR. BAX: Your Honor, no further questions for Mr. Delaney.

THE COURT: Thank you. Mr. Stone, redirect?

MR. STONE: Just very briefly.

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MR. BAX: Your Honor?

THE COURT: Yes, sir?

MR. BAX: At this time I would request a brief recess as a bathroom break and maybe to move some things around in the courtroom.

THE COURT: Okay. It's about time for that. I was going to stop in a few minutes in any event and this will better than trying to interrupt the witness. Folks, we'll take the morning recess at this time. I'm going to send you to your jury room and we'll be back in about fifteen minutes. I'll remind you not to talk about this case among yourselves while you're in the jury room. Thank you.

[Whereupon, the jury exits at 11:36 a.m.]

THE COURT: Folks, let's try to start back in fifteen minutes. Thank you.

MR. STONE: Yes, sir.

[Whereupon, court is in recess from 11:37 a.m. until 12:02 p.m.]

THE COURT: I understand that there may be some efforts to try to get a microphone. The person who is in charge of that is not immediately available but they are working on that. I think the jury probably can hear. I'm not sure that Ms. Rueger can hear and that's my main concern about that. But we'll just try to keep the

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1 witnesses voices up as loud as we can while they are away
2 from the stand and see what we can do to try to minimize
3 that problem. All right Mr. Stone, is the State ready to
4 proceed?

5 MR. STONE: The State is ready, Your Honor.

6 THE COURT: Okay. Mr. Bax?

7 MR. BAX: Your Honor, there was just a couple of
8 housekeeping matters real quickly. One, Ms. Saxon
9 informed me that some of the members of the gallery who
10 are watching that are not involved as far as witnesses
11 have been discussing the case in the -- I'm sure
12 unintentionally -- in the hallway where a lot of
13 witnesses who are under sequester are.

14 So out of an abundance of caution I wanted to make
15 the court aware of that. Just make sure or if it's
16 possible to request the court give an instruction to the
17 gallery that if they would please refrain from discussing
18 testimony outside of the courtroom where they may be
19 around individuals who have been sequestered as witnesses
20 the defense would appreciate that.

21 THE COURT: Folks, and I'm not sure who that is
22 directed toward but in any event I'll just make a blanket
23 instruction. Certainly the witnesses -- I mean the
24 spectators have a right to talk about this case. They
25 are under no constraints not to talk about it but they do

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1 language or says something differently that the audio
2 itself is the evidence.

3 THE COURT: And I have a charge that I give to the
4 jury at the conclusion, I can give it now, reminding them
5 that the transcripts are simply an aid to assist them in
6 understanding the testimony. As you said their own ears
7 and their own hearing control if there is a distinction
8 between what is printed and what they hear. I can give
9 that now or I can give it at the conclusion as part of my
10 general charge. Which would you prefer?

11 MR. BAX: Well Your Honor since I know they are
12 going to be hearing a lot of things with transcription
13 below it I would ask Your Honor just to briefly address
14 it beforehand. And then if Your Honor sees fit to
15 address it again at the end I have no objection to that
16 either. Thank you, Your Honor.

17 THE COURT: Thank you. Bring us the jury please.

18 THE BAILIFF: The jury is entering the courtroom,
19 Your Honor.

20 [Whereupon, the jury enters at 12:08 p.m.]

21 THE COURT: Folks, I told the other court personnel
22 when I came in there is no such thing as a 15 minute
23 recess. There is always something that has to be done
24 during the recess that takes up that time. So I'm sorry
25 we were late getting you back out here but we're going to

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1 have to be mindful of discussing it in the presence of
2 other potential witnesses for the reasons that Mr. Bax
3 has said; it could interfere with the sequestration
4 process which we have in place. So I'm not telling you
5 don't talk about it. You've got every right to talk
6 about it but just be mindful of the fact that if somebody
7 is standing around you that you don't know that person
8 could be a potential witness on this list and so I would
9 urge you to be careful about that and I appreciate your
10 cooperation. Thank you.

11 MR. BAX: Thank you very much, Your Honor. And the
12 only other thing I wanted to bring up, and this can be
13 done at any time really if Your Honor sees fit to do it,
14 I know that in -- the 911 calls that the jury has already
15 heard and the dash cam video of Sergeant Thomas that I
16 expect the jury will see there is convenient
17 transcriptions of what they are hearing.

18 And I have not myself been able to see any
19 necessarily mistakes in that but obviously as Your Honor
20 knows people talk over each other, there are things in
21 the background and I do desire that the jury knows that
22 if they hear something that is not in the transcription
23 they should still take that audio to be what is
24 happening. And just because a transcriptionist says it a
25 little bit differently or doesn't include some background

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1 continue in a minute as the State continues to offer
2 evidence and testimony. Before I get to that just one
3 point of caution; you've been watching listening to tapes
4 of recordings, 911 recordings and things of that nature
5 and you will continue to hear some of that throughout
6 part of the trial as it continues. And there has been
7 furnished for you transcriptions of what has been said.

8 And that's a help of course to you in understanding
9 because some of this is excited talking and talking over
10 and things like that. It would make it difficult if
11 you're like me and have trouble hearing anyway to discern
12 a lot of what is going on. But I tell you this the
13 transcriptions, that is the transcripts themselves, the
14 transcribed words that you see up there are put up there
15 as an aid to assist you in understanding what is actually
16 being said.

17 Now you're listening to what is being said at the
18 same time and so if you hear something that doesn't sound
19 like what you are reading up there then you go with your
20 hearing and not what you're reading because you can hear
21 too. The printed words are there to be an aid, an
22 assistance to you. And if it turns out that you don't
23 need that assistance that you are perfectly capable of
24 hearing everything that is being said and you hear it
25 well and it's not what they say up there on the printed

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1 screen I can assure you that would be an inadvertent
2 omission. But if you hear it differently than you see it
3 go with what you hear okay. Thank you. Mr. Stone?
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1 MR. STONE: The State calls Brittany Brinson to the
2 stand.
3 THE COURT: Ms. Brinson, come forward please ma'am
4 and be sworn.
5 [Whereupon, Ms. Brinson comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8 MR. STONE: Ms. Brinson, how do you spell your last
9 name ma'am?
10 THE WITNESS: B-R-I-N-S-O-N.
11 - - - - -
12 BRITTANY BRINSON,
13 Having been first duly sworn,
14 Was examined and testified as follows:
15 DIRECT EXAMINATION
16 BY MR. STONE:
17 Q. I'm going to get you to pull the microphone a little
18 bit closer to you please ma'am. What do you do Ms.
19 Brinson?
20 A. I'm a registered nurse at Beaufort Memorial
21 Hospital.
22 Q. How long have you been a registered nurse?
23 A. Two and a half years.
24 Q. And that entire time you've spent at Beaufort
25 Memorial Hospital?

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1 A. Yes.
2 Q. What type of shift work do you do?
3 A. At the time it was 7 p.m. to 7 a.m.
4 Q. And at the time being September the 1st, 2012?
5 A. Yes.
6 Q. So you went in every morning at 7 o'clock or I'm
7 sorry.
8 A. Seven p.m.
9 Q. Okay, you went in at 7 p.m. until 7 a.m.
10 A. Uh Huh.
11 Q. Let me ask if you could first of all where were you
12 living at that time?
13 A. Eight Allen Road.
14 Q. Do you still live there?
15 A. Yes.
16 Q. And I know you have seen this model [indicates]
17 before is that correct?
18 A. Yes.
19 Q. Let me ask you -- and I need you to keep your voice
20 up -- could you point out where your house is on this?
21 Let me go ahead and get you to come down.
22 [Whereupon, the witness leaves the witness stand]
23 Q. I'll give you this and ask if you could -- that's
24 your house there that you're pointing to?
25 A. Yes.

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1 Q. And who lives there with you?
2 A. My Mom.
3 Q. And what is your Mom's name?
4 A. Marguerite Washington.
5 THE COURT REPORTER: I need you to speak up please.
6 THE COURT: Ms. Brinson, if you're going to
7 continue to talk Mr. Solicitor I'm going to ask you kind
8 of get down there where you see Mr. Bax standing and
9 facing this direction right here [indicates]. You don't
10 have to go all that way down; just that general direction
11 you'll have to come back to the model of course. If you
12 will face in that direction she'll be able to hear you.
13 He asked you who was your mother I think.
14 Q. [Mr. Stone] Now who was in that house with you?
15 A. Marguerite Washington and my son Kaulrik [phonetic]
16 Green.
17 Q. And Marguerite Washington is what to you?
18 A. My mother.
19 Q. So the house itself is going to be registered in Ms.
20 Washington's name?
21 A. Yes.
22 Q. And were you living there at that time?
23 A. Yes.
24 Q. About two years ago I guess.
25 A. Yes.

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1 Q. Tell me what happens around 4 o'clock that
2 afternoon.
3 A. I was sitting in the house with my Mom and we were
4 just talking and I had just gotten up and was about to go
5 to work.
6 Q. Where in the house were you sitting?
7 A. Right here [indicates].
8 Q. Okay. And is that a den area?
9 A. Uh Huh.
10 Q. Okay. And say yes or no just so we can pick
11 everything up.
12 A. Yes.
13 Q. Okay. So you're sitting in the den area and you're
14 talking with your Mom?
15 A. Yes.
16 Q. What happens after that?
17 A. We heard what we thought were fireworks. And I went
18 to go to the back door to see what it was. And I peeked
19 out ---
20 Q. --- what do you mean you heard what sounded like
21 fireworks?
22 A. We thought it was fireworks. We didn't know at the
23 time it was gunshots.
24 Q. Okay.
25 A. So I walked to the back door and I peeked out the

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1 window and I didn't see anything. So I opened the door
2 and I saw a man with red shorts on and two beer bottles
3 in his hand.
4 Q. Okay. And where was he when you walked outside the
5 house? I see two doors back here [indicates]. Is this
6 [indicates] the door you're talking about here?
7 A. This [indicates] door, yes.
8 Q. Okay. So you walk out of this [indicates] door.
9 Where do you see the man with the red shorts?
10 A. Between these two ---
11 THE COURT: --- I'm sorry; ma'am keep your voice
12 up; I'm sorry.
13 A. Right here [indicates].
14 Q. [Mr. Stone] Between these two buildings here
15 [indicates]?
16 A. He was coming around the house.
17 Q. So he is coming from around this [indicates]
18 direction when you see him?
19 A. Yes.
20 Q. Okay. And he's wearing red shorts?
21 A. Yes. And he has two beer bottles in his hand.
22 Q. Okay. What do you see after that?
23 A. I saw what I thought at the time was a little boy
24 running with Junior and the little boy stopped running
25 and Junior ---

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1 Q. --- let me stop you there. Who is Junior?
2 A. Jontu.
3 Q. Jontu, Jr.?
4 A. Yes.
5 Q. Okay.
6 A. And the little boy stopped and Junior kept running.
7 And I looked at him and I said what happened he pointed
8 at the guy in the red shorts and said he did it.
9 MR. BAX: Objection, Your Honor.
10 THE COURT: The little boy himself, is that right?
11 MR. STONE: Yes, sir. This I believe is...
12 THE COURT: I'll overrule that based on the ruling
13 that I made earlier.
14 MR. STONE: Thank you, Your Honor.
15 Q. [Mr. Stone] When you see Jontu, and I guess it's
16 Jontu Singleton?
17 A. Yes.
18 Q. Junior?
19 A. Uh Huh.
20 Q. First of all how old is Jontu, Jr. at that time?
21 A. Maybe eight.
22 Q. And he is running with somebody else?
23 A. Yes.
24 Q. And where are they running? When do you see them,
25 where do you see them?

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1 A. They are running coming from here [indicates] this
2 direction.
3 Q. Coming from this direction [indicates] here?
4 A. Yes.
5 Q. Okay. And then what do you see at that point?
6 A. The little boy stopped running. He fell.
7 Q. And about where did he fall?
8 A. In this [indicates] area.
9 Q. Somewhere in this area [indicates] here?
10 A. Yes.
11 Q. Okay. And then I'm assuming Jontu, Jr. continued
12 in this direction [indicates] towards you?
13 A. Yes towards me.
14 Q. So when he gets to you where is the man in the red
15 shorts?
16 A. About in this area [indicates] right here.
17 Q. Okay. So he has come all the way around here
18 [indicates] and he's here [indicates]. Little Jontu is
19 coming up in this [indicates] direction.
20 A. Yes, towards my back porch.
21 Q. Okay. How far away from Jontu Jr. are you when he
22 points at the man in the red shorts?
23 A. Maybe the distance you are from me.
24 Q. From here [indicates]? I don't know how much that
25 is for the record; probably about three yards or

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1 something maybe. And where is the man in the red shorts?
2 How far away is he?
3 A. Probably where she [indicates] is in the pink shirt.
4 Q. She [indicates] is?
5 A. Uh Huh.
6 Q. Okay. And this is when Jontu points at him?
7 A. Yes.
8 Q. And what does he say at this point?
9 A. He did it.
10 Q. Okay. Where do you see -- what does the man in the
11 red shorts do after Jontu has pointed to him and said he
12 did it?
13 A. He kept walking.
14 Q. He kept walking?
15 A. Uh Huh.
16 Q. Which direction did he walk?
17 A. Around my house this [indicates] way.
18 Q. Okay. And heading in this [indicates] direction
19 over here?
20 A. Yes.
21 Q. Okay. What did you do after that?
22 A. I closed the door and ran to the front of the house
23 and I peeked out the window right here [indicates] and I
24 could see him walking.
25 Q. The man in the red shorts?

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1 and called 911.
2 Q. And the little boy on the ground that was Khalil
3 Singleton?
4 A. It was.
5 [Whereupon, Mr. Stone confers with Mr. Thornton]
6 Q. When you -- how many sets of shots did you hear?
7 A. About 10 to 12.
8 Q. Okay. Tell me how -- you first heard the
9 fireworks. Did you hear a series of fireworks -- how did
10 that 10 or 12 shots I'm not sure ---
11 A. --- it was straight through then it was a pause and
12 then about two more shots.
13 Q. Okay. So there was a series of rapid and then a
14 pause and then about two more after that?
15 A. Yes.
16 MR. STONE: No further questions at this time, Your
17 Honor.
18 THE COURT: Thank you. Cross-examine Mr. Bax?
19 MR. BAX: Thank you, Your Honor.
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1 A. Uh Huh.
2 Q. Still walking?
3 A. Uh Huh.
4 THE COURT REPORTER: Is that yes?
5 A. Yes.
6 Q. [Mr. Stone] Go ahead and take the witness stand.
7 [Whereupon, the witness returns to the stand]
8 Q. At some point in time do you get on the phone with
9 911?
10 A. Yes.
11 Q. And I know they referred I think to Ms. Washington
12 but that would be the house that you were in, Ms.
13 Washington's house, is that correct?
14 A. Yes.
15 Q. That's you on the 911 tape?
16 A. Yes.
17 Q. What do you do after that?
18 A. After?
19 Q. What do you do after this point? You see the man in
20 the red shorts walking in this [indicates] direction here
21 towards I guess the Allen Road area, toward Allen Road?
22 A. Yes.
23 Q. Okay. And what do you do?
24 A. I went back outside and I kind of went towards the
25 little boy on the ground and then I ran back in the house

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Ms. Brinson, I'm going to ask you to get down from
4 the stand if you please again.
5 [Whereupon, the witness leaves the witness stand]
6 THE COURT: And once again Ms. Brinson if you will
7 stand on the other side and face in this direction. It's
8 real important that the court reporter hear what you say.
9 Thank you.
10 Q. [Mr. Bax] Thank you, Ms. Brinson. I just want to
11 have this here because I want to make sure that we've got
12 something to refer to. Ms. Brinson you testified that
13 you heard these shots and that you looked out of your
14 back door here [indicates] is that right?
15 A. Yes.
16 Q. Okay. And that Mr. Robinson was coming between
17 these two buildings [indicates]?
18 A. Yes.
19 Q. You testified that he had two bottles of beer in his
20 hands is that right?
21 A. Yes.
22 Q. Did he hold one bottle in each hand?
23 A. Like this [indicates].
24 Q. Like that, okay. Did you see a gun in his hands?
25 A. No.

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1 Q. Okay. Now you've spoken with law enforcement about
2 this case. You gave interviews to law enforcement right
3 after it happened correct?
4 A. Yes.
5 Q. Relaying to them what you've testified to here today
6 right?
7 A. Yes.
8 Q. And do you recall telling them that you looked out
9 here and saw Mr. Robinson within a few seconds of hearing
10 those last sets of shots is that correct?
11 A. Yes.
12 Q. So there was virtually no time after those shots.
13 You peeped out the window and saw -- actually stepped out
14 the back door and saw Mr. Robinson.
15 A. Yes.
16 Q. Without a gun in his hand, correct?
17 A. Yes. He just had two beer bottles.
18 Q. Now and you've also testified -- well, let me back
19 up. When you talked to law enforcement you indicated
20 that right when you looked out you saw young Mr.
21 Singleton fall.
22 A. Yes.
23 Q. And that was right as you stepped out, correct?
24 A. Yes.
25 Q. So it was a very short period of time. He wasn't --

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1 A. Uh Huh.
2 Q. Okay. Could you tell whether Jontu was a little
3 ahead or a little behind anything like that?
4 A. They were at the same; side by side.
5 Q. They were side by side okay. And they were -- Jontu
6 and Khalil they were headed in this [indicates]
7 direction?
8 A. Yes.
9 Q. Okay. So if you had come out your door you would
10 have been looking at their faces is that right?
11 A. Yes.
12 Q. Okay. Now you testified that you heard what
13 appeared to be or what you thought was fireworks.
14 A. Yes.
15 Q. And I believe you testified under direct that it was
16 two sets.
17 A. Uh Huh.
18 Q. Is that correct?
19 A. Yes.
20 Q. Were you able to tell how much time between the
21 first set and the second set of shots?
22 A. Seconds. It was rapid, pause, pow, pow.
23 Q. Okay. So not a whole lot of time between the two
24 sets of shots?
25 A. No.

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1 you didn't see him running but you came out and you saw
2 him fall.
3 A. No, I saw him running and then he fell.
4 Q. And then he fell, okay. How many steps did you see
5 him take at most?
6 A. Maybe five to six if I had to guess.
7 Q. Okay. And that was right about the same time that
8 last set of shots rang out is that correct?
9 A. Yes.
10 Q. How much time between the time you heard the last
11 set of shots and when you stepped out that back door?
12 A. I would say maybe 30 or 45 seconds. I mean I didn't
13 immediately get up and run to the back door.
14 Q. Okay. So it was seconds not minutes? It was a
15 very quick period of time correct?
16 A. Yes.
17 Q. Okay. And as soon as you came out a few steps and
18 Khalil fell, is that right?
19 A. Yes.
20 Q. Okay. And Jontu was in front of him, right?
21 A. They were running side by side.
22 Q. And they were running and he was -- so they were
23 side by side?
24 A. Jontu was on his left side.
25 Q. Jontu was on his left side?

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1 Q. Could you at all tell from hearing them where they
2 were coming from in your neighborhood?
3 A. Back here in this [indicates] area.
4 Q. Okay. Both sets?
5 A. Yes.
6 Q. Okay. If you will take the stand for me. Thank
7 you.
8 [Whereupon, the witness returns to the stand]
9 [Whereupon, Mr. Bax confers with his client]
10 Q. One brief follow up question Ms. Brinson. When you
11 were speaking with law enforcement do you recall
12 indicating that you also right after the shots heard a
13 car squealing off or heard a car leaving?
14 A. Yes.
15 Q. Okay. So you saw -- you saw Mr. Robinson but you
16 heard a car squealing off, correct?
17 A. After the gun shots.
18 Q. After the gun shots?
19 A. Yes.
20 Q. Did you see a car?
21 A. No.
22 Q. Okay. No further questions. Thank you Ms.
23 Brinson.
24 MR. BAX. Thank you, Your Honor.
25 THE COURT: Redirect?

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1 REDIRECT EXAMINATION
2 BY MR. STONE:
3 Q. You heard the squealing tires after the first set of
4 shots or after the second set of shots?
5 A. After the second after all the gunshots had ceased.
6 Q. Okay. I don't have any further questions.
7 THE COURT: Thank you. You can step down Ms.
8 Brinson. Thank you.
9 [Whereupon, the witness is excused and exits the
10 witness stand]
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1 A. Yes.
2 Q. Could you come show us where your house is located
3 where you live?
4 [Whereupon, the witness steps down from the stand]
5 THE COURT: Excuse me, Mr. Stone. Mr. Griffin, if
6 you will face back in this general direction and keep
7 your voice up. This lady up here in front of me needs to
8 hear everything you're saying okay. Thank you.
9 Q. [Mr. Stone] Where do you live?
10 A. Right here [indicates].
11 Q. And that is -- I'm sorry, you told me the address
12 but I missed it. What is that address?
13 A. 215 Marshland.
14 Q. Okay. Who do you live there with?
15 A. My fiancé and my two kids.
16 Q. And who is your fiancé?
17 A. Savoya [phonetic] Simmons.
18 Q. Now your two kids live there as well. How old are
19 they?
20 A. Nine and two now.
21 Q. So September 2012 newborn I guess.
22 A. Yes.
23 Q. On September 1st, 2012 can you tell me what -- first
24 of all tell me what you were doing that afternoon
25 somewhere around 4 o'clock or 4:30?

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1 MR. STONE: Dominique Griffin.
2 THE COURT: Come forward Mr. Griffin please and be
3 sworn.
4 [Whereupon, Mr. Griffin comes forward]
5 MR. BAX: Your Honor, may we approach prior to the
6 beginning of his testimony.
7 [Whereupon, the witness is duly sworn by the Clerk
8 of Court]
9 [Whereupon, an off the record bench conference is
10 held]
11
12 DOMINIQUE GRIFFIN,
13 Having been first duly sworn,
14 Was examined and testified as follows:
15 DIRECT EXAMINATION
16 BY MR. STONE:
17 Q. Mr. Griffin, where do you live sir?
18 A. 215 Marshland.
19 Q. How long have you lived at 215 Marshland?
20 A. I would say four years now.
21 Q. So on September 1st, 2012 you lived at that address,
22 is that correct?
23 A. Yes, sir.
24 Q. Now you have seen this model I believe before have
25 you not?

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1 A. This room right here [indicates] on this front
2 porch.
3 Q. Right.
4 A. I'm in the room with my newborn son.
5 Q. Okay. What are you doing?
6 A. Watching T.V. mostly until I heard numerous
7 gunshots.
8 Q. Tell me about the gunshots.
9 A. It sounded as if it was a machine gun going towards
10 Marshland Road that way [indicates]. But I was on the
11 floor and after that I actually got up.
12 Q. Okay. So you -- did you get on the floor when you
13 heard the shots?
14 A. Yes, sir.
15 Q. And your newborn was with you at the time?
16 A. Yes, he was under me.
17 Q. Okay. What happens after that? What do you do
18 after that?
19 A. I ran out the backdoor to check on my stepson ---
20 --- now who is your stepson?
21 A. Jontu.
22 Q. Jontu Singleton?
23 A. Yes, sir.
24 Q. How old was Jontu Singleton then?
25 A. He actually was maybe I would say seven.

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1 Q. Okay. What did you see when go out -- and this is
2 out of the backdoor of this house here [indicates] is
3 that correct?
4 A. Yes, the backdoor is right here [indicates].
5 Q. Keep your voice up so everybody can hear it. You go
6 out the backdoor and what do you see?
7 A. Jontu is running up to me pointing.
8 Q. When you see Jontu what does Jontu look like?
9 A. Crying.
10 Q. He's crying when he walks up to you -- actually he
11 was running ---
12 A. --- running out of breath crying.
13 Q. Running out of breath crying. Is anybody else
14 around?
15 A. At the moment no, it was just me and him. Then the
16 Mr. Robinson guy was coming behind him walking with him
17 or behind him. And he was pointing at him saying he shot
18 Khalil, he shot Khalil ---
19 MR. BAX: --- objection, Your Honor.
20 THE COURT: I'll overrule the objection. I think
21 he's established the conditions Jontu was under running
22 out of breath crying establishes his excited utterance.
23 I'll allow it. Thank you.
24 MR. STONE: Thank you, Your Honor.
25 Q. [Mr. Stone] I'm going to show you what has been

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1 A. Not even a feet.
2 Q. So he's -- put me where he was to you.
3 A. Right here [indicates]. I was standing on the porch
4 he was right there [indicates].
5 Q. This is as close as far as -- where is Mr. Robinson?
6 A. From there he is right here [indicates] right here
7 [indicates] by the shed not too far behind.
8 Q. So he's coming in from behind Jontu this [indicates]
9 way?
10 A. Coming from this [indicates] way.
11 Q. From this [indicates] way?
12 A. Behind.
13 Q. And when Jontu says he did it what exactly did he
14 say?
15 A. He said -- he pointed at him and said he shot
16 Khalil, he shot Khalil.
17 Q. He pointed at Mr. Robinson over here [indicates] and
18 said that?
19 A. Yes, sir.
20 Q. Okay. What did Mr. Robinson do when Jontu pointed
21 at him and said he shot Khalil?
22 A. He didn't do nothing. He just looked as if he had
23 to go and actually got in the vehicle and backed up into
24 a fig tree, a four by four stick we had holding up the
25 fig a tree and left.

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1 marked as State's exhibit 1.
2 [Whereupon, the witness is shown photograph]
3 Q. Do you recognize that person?
4 A. Yes.
5 Q. Speak up for me.
6 A. Yes, sir.
7 Q. Okay. And who is that?
8 A. That's Mr. Robinson.
9 Q. And where did you see Mr. Robinson?
10 A. Between this shed right here [indicates].
11 Q. Yes.
12 A. And the car; walking between coming towards.
13 Q. Okay. And here is -- let's assume this [indicates]
14 is the car. Where was this car parked?
15 A. On the backside of the add-on.
16 Q. Okay.
17 A. By the back door just like that [indicates].
18 Q. Let me show you what has been marked as State's
19 exhibit 2 and ask if you can identify that?
20 [Whereupon, the witness is shown photograph]
21 A. Yes, this is the car.
22 Q. This is the car?
23 A. That's the car that was on the side of my house.
24 Q. How close is Jontu Jr. to you when he comes up to
25 the house?

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1 Q. Left in this car?
2 A. Yes, sir. What happened when he backed up into the
3 fig tree?
4 A. His windows were falling in.
5 Q. That's when the glass fell in?
6 A. Yes.
7 Q. Okay. Did Mr. Robinson say anything? Did he --
8 not anything?
9 A. Nothing.
10 Q. Just looked at you?
11 A. That was it.
12 Q. Go ahead and get back on the witness stand.
13 [Whereupon, the witness returns to the stand]
14 [Whereupon, Mr. Stone confers with Mr. Thornton]
15 Q. How did Mr. Robinson look to you when you looked at
16 him?
17 A. Like it was -- like it was actually up to having to
18 hurry up and leave in a hurry. Like you know I got to
19 go. Like I got to go.
20 Q. But he didn't say anything to you?
21 A. No.
22 Q. No further questions, thank you. If you don't mind
23 answering any questions he's got.
24 THE COURT: Thank you. Mr. Bax, cross-examine?
25 MR. BAX: Thank you, Your Honor.

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CROSS-EXAMINATION

1 BY MR. BAX:
2 Q. You can stay right there. I appreciate it Mr.
3 Griffin. And I know you can't see it from right here but
4 I know your own house. I think you indicated when you
5 came out of the house to find out what was going on to
6 check on Junior you came out the back door is that
7 correct?
8 A. Yes, sir.
9 Q. And there is a little porch rail like a little porch
10 right here [indicates] right next to Mr. Robinson's car.
11 A. Yes, sir.
12 Q. That's where you came out?
13 A. Yes, sir.
14 Q. Okay. Why did you choose to come out the backdoor?
15 A. Because the front door never opens.
16 Q. Well, that's a good answer. When you heard the
17 gunfire could you tell what direction it was coming from?
18 A. If I may I can get up and...
19 Q. Come on down.
20 [Whereupon, the witness steps down from the stand]
21 Q. Stand on that [indicates] side for me.
22 A. It sounded as if it started here [indicates] and
23 continued down that way [indicates].
24 Q. Okay. Now you can go ahead and have a seat on the
25

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1 stand. I'm not going to ask you down again I promise.
2 [Whereupon, the witness returns to the stand]
3 Q. You've testified to what your stepson Jontu Jr. told
4 you outside the house right as he was running up
5 breathless and crying correct?
6 A. Yes.
7 Q. Now -- but he lives with you right?
8 A. Yes.
9 Q. Your stepson he's Savoya's son correct?
10 A. Yes.
11 Q. Okay. Did you later take him into the house that
12 day and ask him exactly what he saw?
13 A. No, I took him into the house. I didn't ask him.
14 Q. Okay. Did he tell you what he saw?
15 A. Yes.
16 Q. What did he tell you?
17 A. He shot Khalil.
18 Q. Did he ever say that he didn't actually see anyone
19 shoot anything?
20 A. No, I didn't go into details or anything. I just
21 went by what he told me when I came out the backdoor he
22 shot Khalil, he shot Khalil; he was pointing at him.
23 Q. Okay. So there was no further discussion inside
24 the house by you?
25 A. No.

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1 MR. BAX: A moment's indulgence, Your Honor.
2 THE COURT: Yes, sir.
3 [Whereupon, Mr. Bax confers with his client]
4 Q. [Mr. Bax] Some final questions Mr. Griffin. Now
5 when you came out of the house you've testified that you
6 saw your son and you saw Mr. Robinson, correct?
7 A. Yes.
8 Q. Okay. Did you see what Mr. Robinson was holding?
9 Was he holding anything in his hands?
10 A. No, I didn't see all that.
11 Q. You didn't see anything that he was holding?
12 A. No.
13 Q. Did you see him with a gun?
14 A. No.
15 Q. Okay. Did you have a gun?
16 A. No.
17 Q. Okay. Do you own a firearm?
18 A. No.
19 Q. Did you own a firearm at that time?
20 A. No.
21 Q. No further questions. Thank you.
22 THE COURT: Thank you. Redirect?
23 MR. STONE: Nothing else, Your Honor.
24 THE COURT: Thank you Mr. Griffin, you may step
25 down.

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1 THE WITNESS: Yes, sir.
2 [Whereupon, the witness is excused and exits the
3 witness stand]

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1 MR. STONE: The State calls Bennie Lee Hamilton.
2 THE COURT: Mr. Hamilton, come forward please sir
3 and be sworn.
4 [Whereupon, Mr. Hamilton comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7
8 -----
9 BENNIE LEE HAMILTON,
10 Having been first duly sworn,
11 Was examined and testified as follows:
12 DIRECT EXAMINATION
13 BY MR. STONE:
14 Q. State your full name please sir?
15 A. Bennie Lee Hamilton.
16 Q. I need you to pull the microphone a little bit
17 closer to you please.
18 A. Bennie Lee Hamilton.
19 Q. How do you spell your last name, sir?
20 A. H-A-M-I-L-T-O-N.
21 Q. You're here under my subpoena is that correct?
22 A. Correct.
23 Q. May I ask you specifically about September the 1st,
24 2012? Did you see Tyrone Robinson that day?
25 A. Yes, sir.
26 Q. Okay. Let me get you to pull the microphone a

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page-402

1 gym shorts and like two beers in his hand. That's how he
2 came in.
3 Q. Okay. Did he ask you for help?
4 A. Yes. He asked me what I thought he should do?
5 Q. Did he tell you anything about where he had been?
6 A. Said he had been in a shootout.
7 Q. Said he had been in a shootout?
8 A. He said some others had been shooting at him.
9 Q. Okay. And did he specifically tell you he had been
10 in a shootout?
11 A. Yes. He said some fellows were shooting at him and
12 there has been in a shootout or something like that.
13 Q. Did he tell you that there was a child involved?
14 A. He said a little kid got shot or something like
15 that. A little kid got shot.
16 Q. Did he say if he had shot back at the people that
17 were shooting at him?
18 A. No, he didn't say exactly like he was shooting back
19 but it was like a shootout and I think that ---
20 MR. BAX: --- objection, Your Honor.
21 THE COURT: I'll sustain the objection.
22 Q. [Mr. Stone] Tell me exactly what he said.
23 A. He said he's been in a shootout on Allen Road and
24 the guys were trying to shoot him and a little kid got
25 shot.

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1 little bit closer to you.
2 A. Yes, sir.
3 Q. Where did you see Tyrone Robinson?
4 A. In Spanish Wells around Muddy Creek.
5 Q. Specifically whose house?
6 A. At Snake's house.
7 THE COURT REPORTER: At whose house?
8 Q. [Mr. Stone] Who is Snake?
9 A. Joseph.
10 Q. Bryant?
11 A. Right.
12 Q. That's Snake Bryant?
13 A. Yes.
14 Q. And where is that house located? I know it's in the
15 Spanish Wells area. Do you know what street that's on?
16 A. On Bryant Road.
17 Q. And that is going to be I guess as you go down
18 Marshland Road that will be off to the left? If you're
19 going away from the Cross Island Expressway it will be
20 over to the left, is that right?
21 A. Yes.
22 Q. Okay. What were you doing? You're at Bryant's
23 house when you see Tyrone Robinson. How do you see
24 Tyrone Robinson? Tell me about that encounter.
25 A. He just came in the house with no shirt on and some

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1 Q. Did he tell you whether or not he shot?
2 A. No, he didn't say that he was shot -- shooting
3 either. He didn't say that he was shooting but there was
4 a shootout.
5 Q. Okay. What kind of help did he ask you for?
6 A. He asked me to take him to the police station.
7 Q. What else did he ask you for?
8 A. He asked if -- he used my phone and he asked if
9 there was any bleach in the house and stuff.
10 Q. He asked you for bleach?
11 A. Yes.
12 Q. Did you have any bleach at the house?
13 A. No.
14 Q. What did you have?
15 A. It wasn't my house I didn't have it. But what was
16 in the house was vinegar.
17 THE COURT: I'm sorry?
18 THE COURT REPORTER: I'm sorry I couldn't hear you.
19 You said vinegar; is that what you said?
20 A. Yes.
21 Q. [Mr. Stone] What did he do with the vinegar?
22 A. Cleaning his hands.
23 Q. He put the vinegar on his hands? Tyrone Robinson
24 put the vinegar on his hands?
25 A. Correct.

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page-405

1 MR. STONE: Excuse me just a moment, Your Honor.
2 THE COURT: All right.
3 [Whereupon, Mr. Stone confers with Mr. Thornton]
4 Q. [Mr. Stone] That afternoon do you recall -- actually
5 a couple of days later do you recall speaking to an
6 investigator with the Beaufort County Sheriff's Office?
7 A. Yes.
8 Q. Do you also recall speaking to an investigator with
9 my office?
10 A. Yes.
11 Q. And do you recall the question coming up concerning
12 whether or not Mr. Robinson had shot at Allen Road?
13 A. Did he shoot?
14 Q. Yes? Do you recall being asked if Mr. Robinson told
15 you that he had shot at Allen Road?
16 A. I'm not sure. I just know it was shootout so I'm
17 expecting that both sides were shooting.
18 Q. And that's information you got from Mr. Robinson?
19 A. Yes, sir. It was a shootout.
20 MR. STONE: Nothing else at this time, Your Honor.
21 THE COURT: Thank you. Mr. Bax, cross-examine?
22 MR. BAX: Thank you, Your Honor.
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1 indicated that Mr. Robinson said the other men shot the
2 little boy; that they were trying to shoot him and they
3 shot the little boy? Do you remember that?
4 A. I remember him saying -- he was saying that yes, it
5 was something like that they were trying to shoot him and
6 the killed the little boy.
7 Q. Okay. So you recall that and that's what you told
8 the police and put in your written statement, correct?
9 A. Yes and that it was a shootout, too.
10 Q. Thank you.
11 MR. BAX: A moment's indulgence.
12 [Whereupon, Mr. Bax confers with his client]
13 MR. BAX: No further, Your Honor.
14 THE COURT: Thank you.
15 MR. STONE: Just briefly.
16 THE COURT: Yes, sir.
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1 CROSS EXAMINATION
2 BY MR. BAX:
3 Q. Mr. Hamilton, you testified on direct that you did
4 speak to some law enforcement officers about what you've
5 just testified to back when it happened right?
6 A. Yes.
7 Q. Okay. Now did they come to the house over on Muddy
8 Creek or?
9 A. They met me on Muddy Creek.
10 Q. On Muddy Creek?
11 A. Yes.
12 Q. Okay. And this all occurred at a residence near
13 there, correct? Is that an apartment or a trailer?
14 A. Excuse me; what all occurred there?
15 Q. When you allege Mr. Robinson came over to Snake's
16 house ---
17 A. --- oh, yes ---
18 Q. --- is that a house, a trailer ---
19 A. --- yes, his trailer.
20 Q. It's a trailer? Okay. Now do you recall that when
21 you spoke with law enforcement you gave a written
22 statement that they asked you if you'd be willing to and
23 you wrote out a statement?
24 A. Right.
25 Q. Okay. Do you recall that in that statement you

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1 REDIRECT EXAMINATION
2 BY MR. STONE:
3 Q. Do you recall when telling the law enforcement
4 officers that Mr. Robinson said the Youngs shot at the
5 kid or was shooting at him and hit the kid, do you recall
6 that?
7 A. Yes. He said that they were trying to shoot him and
8 they killed the little boy.
9 Q. And in that same statement as he is talking to law
10 enforcement do you recall him saying that he went down
11 the road a little bit and shot back?
12 A. I believe I might have said -- I'm sorry; I may have
13 said that, yes.
14 Q. That's fine.
15 MR. STONE: Nothing else, Your Honor.
16 THE COURT: Thank you. Mr. Hamilton, you may step
17 down.
18 [Whereupon, the witness is excused and exits the
19 witness stand]
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1 THE COURT: We'll take a morning -- the lunch break
2 at this point in time if that's okay Mr. Solicitor unless
3 you've got somebody else that has to testify before
4 lunch?
5 MR. STONE: We're flexible. Thank you, Your Honor.
6 THE COURT: Folks, this is a good time for us to
7 take a lunch recess. We'll be in recess until 2 o'clock.
8 If you will be back in the jury room that's an hour and
9 15 minutes; I think that's enough time for you. Please
10 remember as always not to talk about this case with
11 anybody while you're out of the courtroom or among
12 yourselves when you get back at 2 o'clock. We'll start
13 back at 2 o'clock this afternoon. Thank you.
14 [Whereupon, the jury exits at 12:45 p.m.]
15 THE COURT: Mr. Stone, anything from the State
16 before we break for lunch?
17 MR. STONE: No sir, not from the State.
18 THE COURT: Thank you. Mr. Bax, from the defense
19 before we break?
20 MR. BAX: No, Your Honor.
21 THE COURT: Thank you. 2 o'clock folks. Thank
22 you.
23 [Whereupon, court is in recess from 12:45 until 2:00
24 p.m.]
25 THE COURT: Thank you, ladies and gentlemen.

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1 MR. STONE: The State calls Martin Thomas to the
2 stand.
3 THE COURT: Mr. Thomas, come forward please and be
4 sworn.
5 [Whereupon, Mr. Thomas comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8 CLERK OF COURT: Would you state your name and
9 spell your name for the record please.
10 THE WITNESS: Martin Thomas, M-A-R-T-I-N
11 T-H-O-M-A-S
12
13 MARTIN THOMAS,
14 Having been first duly sworn,
15 Was examined and testified as follows:
16 DIRECT EXAMINATION
17 BY MR. STONE:
18 Q. And you're obviously with the Beaufort County
19 Sheriff's Office is that correct?
20 A. Yes, sir.
21 Q. How long have you been with the Sheriff's office?
22 A. Almost 14 years.
23 Q. In September of 2012 you were with the Sheriff's
24 Office at that time?
25 A. That's correct.

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1 Please be seated. Good afternoon. Is the State ready to
2 proceed?
3 MR. STONE: The State is ready, Your Honor.
4 THE COURT: Mr. Bax, is the defense ready?
5 MR. BAX: Yes, Your Honor.
6 THE COURT: Please bring us the jury.
7 THE BAILIFF: The jury is entering the courtroom,
8 Your Honor.
9 THE COURT: Thank you, ma'am.
10 [Whereupon, the jury enters at 2:02 p.m.]
11 THE COURT: Thank you ladies and gentlemen for your
12 prompt return from lunch. We're now ready to resume the
13 trial where we left off before lunch. The State is
14 continuing to offer evidence and testimony. Mr. Stone?
15 MR. STONE: Yes, sir.
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1 Q. What were your job duties? What did you do with the
2 Sheriff's Office at that point?
3 A. I was a supervisor on the southern -- on the
4 enforcement division on the southern side, on the Hilton
5 Head side.
6 Q. When you say enforcement division what is that
7 exactly?
8 A. It's a road officer. I respond to calls for
9 service, I assist the road officers with whatever duties
10 or whatever things that they need assistance with.
11 Q. Specifically around 4 o'clock or so September the
12 1st, 2012 did you respond to the Allen Road area?
13 A. I did.
14 Q. Now your car, the patrol car that you drive is it
15 equipped with a camera?
16 A. It is.
17 Q. And is there also equipment in that car for audio
18 tape?
19 A. There is.
20 Q. Do you have a body mic of any sort that is on you,
21 on your uniform?
22 A. On my belt, yes.
23 Q. Now if the camera is rolling and videotaping is it
24 also picking up sound at the same time?
25 A. It can be.

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1 Q. And if you are -- for instance if you park your
2 patrol and you leave your patrol car is there a process
3 in which the body mic can stay on?
4 A. Yes.
5 Q. How does that work?
6 A. There is an actual button on the body mic that you
7 have turn on in the morning or at the beginning of your
8 shift when you put it on your belt.
9 So either I can activate the camera by the body mic
10 itself if I'm standing outside the car or if I turn on
11 the blue lights or sirens the camera system will engage,
12 which also engages my body mic if the body mic button has
13 been turned on. You can turn it on from the actual
14 camera itself or from the machine down on the console.
15 Q. Did you have the videotape or the camera in the car
16 working and was it on as you responded to the Allen Road
17 incident?
18 A. I did. I was running lights and siren.
19 Q. Did you also have when you got out of your car at
20 Allen Road did you also have your body mic on?
21 A. I did.
22 Q. All of that is recorded I'm assuming into some type
23 of database is that correct?
24 A. Right. For my particular camera there is 7.4 gigs
25 or whatever it is and then that is maintained in the

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1 is split by my patrol car and there is another house I
2 went around the backside of that trailer or that home to
3 look for this lady named Savoya who I never found.
4 Q. Okay. Now Tyrone Robinson -- let me show you what
5 has been marked as State's exhibit 1 and ask if you can
6 tell me is that a fair and accurate depiction of how
7 Tyrone Robinson looked that day when you saw him.
8 [Whereupon, the witness is shown photograph]
9 A. Yes.
10 Q. Okay. And do you see Tyrone Robinson in the
11 courtroom today?
12 A. Yes, I do.
13 Q. And can you point him out for me please?
14 A. He's the gentleman sitting in the salmon colored
15 shirt between the two counselors.
16 Q. Have you reviewed -- let me show you what has been
17 marked as State's exhibit 4 and ask if you have reviewed
18 that disk?
19 [Whereupon, the witness is shown exhibit]
20 A. Yes sir, my initials are on the disk.
21 Q. Is that a fair and accurate depiction of what your
22 camera picked up and what your body mic picked up?
23 A. Yes, sir.
24 Q. And there is a transcript that goes along with that.
25 Have you reviewed that as well?

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1 system and then when you drive by one of the hotspots
2 it's automatically uploaded on to the server.
3 Q. When you arrived at Allen Road were you -- were
4 there a number of other officers already there or were
5 you one of the first ones there? How did that happen?
6 A. There were two officers already there and I was the
7 third. I was the first supervisor on scene.
8 Q. And what was your job when you got there? What was
9 your initial job duty when you responded?
10 A. Probably for crime scene containment. At that point
11 we didn't have a lot of information on who the shooter or
12 shooters were. So part of my job is to make sure the
13 officers are containing the crime scene and to obtain any
14 information that I had and relay that on to my supervisor
15 over the air.
16 Q. At some point during your time on Allen Road did you
17 come across Tyrone Robinson?
18 A. I did.
19 Q. And how did that happen?
20 A. I went from the actual location where the little boy
21 was and further when I was actually looking for a witness
22 that everybody was calling Savoya who witnessed the
23 incident so that I could get information to relay that
24 over. So if you're looking at the crime scene to the
25 right is where that young boy was and to the left, which

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1 A. I have.
2 Q. And is that accurate as to what is going on in that
3 video?
4 A. It is.
5 Q. Now the video itself does not move is that correct?
6 The video ---
7 A. --- not unless you move it.
8 Q. Pardon me?
9 A. Not unless you move it physically.
10 Q. Okay. So during this video we are going to watch
11 that's just showing the outside of the car. The body mic
12 goes with you no matter what?
13 A. That's correct.
14 MR. STONE: At this time, Your Honor, we'd move
15 State's exhibit 4 into evidence.
16 THE COURT: Subject to the previous objection?
17 MR. BAX: That's correct, Your Honor. Thank you.
18 THE COURT: Thank you. State's 4 in evidence.
19 [Whereupon, State's exhibit number 4 is entered into
20 evidence by the court]
21 MR. STONE: We have already loaded that.
22 [Whereupon, the C.D. plays] [Not taken down]
23 MR. STONE: No further questions at this time, Your
24 Honor.
25 THE COURT: Thank you. Mr. Bax?

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good afternoon, Sergeant Thomas.
4 A. Good afternoon, sir.
5 Q. A couple of quick questions for you. Obviously
6 you've testified already that Mr. Robinson came up to you
7 while you were in that area trying to find Savoya I
8 believe it was, is that correct?
9 A. That's correct.
10 Q. Okay. And for the jury about how far were you from
11 your patrol unit when you were approached by Mr.
12 Robinson?
13 A. A guesstimate; a couple hundred yards on the other
14 side of the house that was closest to my car.
15 Q. Okay. During the time obviously we can't see you
16 or Mr. Robinson on this video because that camera is
17 aimed straight out the front of your vehicle, is that
18 correct?
19 A. That's correct.
20 Q. Okay. While you're talking with Mr. Robinson do
21 you stay in one place or do you move around a little bit?
22 A. We move around a little bit from when I was looking
23 for Savoya to when I encountered him to the very end when
24 I put him in the car.
25 Q. Okay. And we hear on this video that Mr. Robinson

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1 broken in some way?
2 A. It's completely shattered out.
3 Q. Completely shattered out, okay. Now it seemed like
4 from what we heard on the video that you were concerned
5 about both your safety and Mr. Robinson's safety because
6 there seemed to be a lot of people gathering around is
7 that right?
8 A. That's correct.
9 Q. Okay. As a result of that it sounded like you were
10 trying to get transportation for Mr. Robinson out of the
11 area is that right?
12 A. That's correct.
13 Q. Okay. And I believe what we heard was you calling
14 for one of your other officers to bring their vehicle
15 around is that right?
16 A. That's correct. The officer was standing right next
17 to me.
18 Q. Okay. And which officer was that Sergeant?
19 A. Corporal Lehr [phonetic].
20 Q. Now I noticed in the video that you are talking with
21 Mr. Robinson saying we're going to get you in the car and
22 he in fact says yes, I'll get in the car and then there
23 is a break in the video. Was that at the time in which
24 you put him in Lehr's car?
25 A. I don't recall the break. But no, him going into

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1 is trying to show you his vehicle, is that correct?
2 A. That's correct.
3 Q. During that period of time where we hear you and Mr.
4 Robinson conversing do you go over and look at his car
5 for a brief period of time?
6 A. We do.
7 Q. Okay. And what did you observe when you saw his
8 car?
9 A. The back windshield was shattered.
10 Q. Okay. I'm going to show you what's marked as
11 State's 2 and State's 3.
12 MR. BAX: Approach the witness, Your Honor?
13 THE COURT: Yes, sir.
14 Q. [Mr. Bax] Let me pass those both to you Sergeant.
15 [Whereupon, the witness is shown photographs]
16 Q. Is that the vehicle that Mr. Robinson showed you
17 that day?
18 A. Yes sir, I believe it is.
19 Q. Did it appear in basically that same condition when
20 you saw it that day?
21 A. Yes, sir.
22 Q. Okay. And are there what appears to be visible
23 bullet holes in that car?
24 A. From this picture [indicates] I see a bullet hole.
25 Q. Okay. And does the back windshield appear to be

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1 Lehr's car has nothing to do with my body mic.
2 Q. I understand, I understand. I'm just trying to
3 ascertain during the course of this video when Mr.
4 Robinson is put in the car. You had a conversation with
5 the young gentleman named Jontu Singleton, Jr. and we
6 hear that on the video correct?
7 A. That's correct.
8 Q. Okay. Had you put Mr. Robinson in Lehr's car
9 before that happened?
10 A. Yes.
11 Q. And had Mr. Lehr or Officer Lehr taken Tyrone
12 Robinson off scene before you talked with Jontu
13 Singleton, Jr.?
14 A. Yes.
15 Q. Okay. So when we hear you speaking with the young
16 boy Mr. Robinson is no longer on scene at that time?
17 A. That's correct. And I would have already walked
18 crossed back over the street to the general area where
19 the incident took place.
20 Q. Okay. Can you recall exactly how long between the
21 time that Mr. Robinson left with Mr. Lehr or Officer Lehr
22 and when you spoke to the young boy?
23 A. A very short time. A couple of minutes maybe, five
24 minutes; that's just a guess.
25 Q. Okay.

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1 MR. BAX: A moment's indulgence, Your Honor.
2 THE COURT: All right, sir.
3 [Whereupon, Mr. Bax confers with his client]
4 MR. BAX: Thank you, Your Honor. No further
5 questions at this time.
6 THE COURT: Thank you. Mr. Stone, redirect?
7 MR. STONE: Just briefly.
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1 REDIRECT EXAMINATION
2 BY MR. STONE:
3 Q. I want to make sure. All of the conversation that
4 you had with Tyrone Robinson was on this video is that
5 correct?
6 A. Yes, sir.
7 Q. And this was an accurate video as to that
8 conversation?
9 A. Yes, sir.
10 Q. I notice a number of times he asked you to look at
11 his car and asked why my car is so shot up and all this
12 kind of stuff is that right?
13 A. That's correct.
14 Q. Did he ever ask you how the kid was doing?
15 A. No, sir.
16 MR. STONE: Nothing else, Your Honor.
17 THE COURT: Thank you. Any follow up Mr. Bax?
18 MR. BAX: Yes, briefly Your Honor.
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1 RE-CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Mr. Robinson, and I think this is on the video, Mr.
4 Robinson did tell you that he came back, correct?
5 A. He did.
6 Q. In other words he indicated that he had left the
7 scene but that he had come back and he approached you,
8 correct?
9 A. Yes sir, that's correct.
10 Q. Sergeant Thomas, were you in uniform that day?
11 A. I was.
12 Q. Okay. And there were police cars in that vicinity
13 that could be seen where you were at correct?
14 A. Yes, sir.
15 Q. Visible units. Did any of them have their blue
16 lights going?
17 A. I would say all of them probably did.
18 Q. Okay. Thank you.
19 THE COURT: Thank you. Mr. Stone, you've got the
20 last word.
21 MR. STONE: Nothing else, Your Honor.
22 THE COURT: Thank you. Officer, you can step
23 down. Thank you.
24 [Whereupon, the witness is excused and exits the
25 witness stand]

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1 MR. STONE: Corporal Wendy Conant.
2 THE COURT: Ms. Conant, come forward please ma'am
3 and be sworn.
4 [Whereupon, Ms. Conant comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7 CLERK OF COURT: Please state your name and spell
8 it for the record.
9 THE WITNESS: Wendy Conant, W-E-N-D-Y, C-O-N-A-N-T.
10
11 WENDY CONANT,
12 Having been first duly sworn,
13 Was examined and testified as follows:
14 DIRECT EXAMINATION
15 BY MR. STONE:
16 Q. And I called you Corporal is that correct?
17 A. That's correct.
18 Q. And you are with the Beaufort County Sheriff's
19 Office?
20 A. I am.
21 Q. What are your job duties with the Sheriff's Office?
22 A. I am currently an evidence technician. At the time
23 of this incident I was an investigator.
24 Q. Did you get called to the Hilton Head substation
25 concerning the shooting on Allen Road on September 1st,

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1 2012?
2 A. I did.
3 Q. Tell me about that.
4 A. We get called out. I was at home obviously and I
5 responded to the area of Allen Road where the incident
6 had occurred. And I was given instruction to follow
7 Corporal Lehr to the Hilton Head substation. He had the
8 defendant in his car and I was to interview him at the
9 office.
10 Q. And the defendant being Tyrone Robinson?
11 A. That's correct.
12 Q. Let me show you what has marked as State's exhibit
13 1.
14 [Whereupon, the witness is shown photograph]
15 Q. Is this the man that you dealt with that day Tyrone
16 Robinson?
17 A. Yes.
18 Q. Now you followed behind Lehr. Did you go directly
19 to the Hilton Head substation?
20 A. Yes, we did.
21 Q. And once you got there did Mr. Robinson go into an
22 interview room?
23 A. Yes, he did.
24 Q. Now what was your primary function when you got to
25 the interview room with Mr. Robinson?

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1 Robinson's hands?
2 A. I did.
3 Q. And did you seal them in that package afterwards?
4 A. I did.
5 Q. Is this a package provided to you by SLED?
6 A. Correct.
7 Q. And SLED is the State Law Enforcement Division is
8 that correct?
9 A. Yes.
10 Q. Okay. Let me show you what has been marked as
11 State's exhibit 24 and ask if you could identify that for
12 me please?
13 [Whereupon, the witness is shown exhibit]
14 A. This is the gunshot residue evidence collection kit
15 that I collected when I processed the hands of Tyrone
16 Robinson.
17 Q. Now when you take that type of test do you do it --
18 there are some initials on the outside. There are some
19 stickers on this, any of that coming from you? What
20 comes from you and what comes from somebody else?
21 A. I complete the front of the bag. There is a line
22 for subject's name. It says Tyrone Lorenzo Robinson.
23 The officer's name is the person who collected and its
24 myself, Wendy Conant. I put on my badge number, in this
25 case C-3776. The agency I represent Beaufort County

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1 A. Initially I needed to do a gunshot residue evidence
2 collection kit, which we also call a G-S-R on his hands.
3 Q. How does that work?
4 A. It is a sealed kit that we receive and it contains
5 various components for checking a person's hands for
6 elements of gunshot residue.
7 We test his hands and those test results are sent up
8 to SLED for processing and SLED determines if there is
9 any gunshot residue on the hands.
10 Q. So you don't actually do the testing itself; you
11 just do the taking the sample.
12 A. Correct. I just take the samples and then I seal all
13 those samples in a bag and it goes up to SLED.
14 Q. Okay. And how do you take the sample off the
15 hands?
16 A. There are two different ways. There is one
17 component that has a little cap. You take the cap off
18 and underneath is a little black sticky patch. And that
19 sticky patch will pick up residue. So you do that on the
20 palms of his hands.
21 There is also another type in there where its swabs
22 and you wet them with a little bit of saline solution and
23 you again swab the hands with that as well. And you do
24 both the left and the right.
25 Q. And did you take gunshot residue tests from Tyrone

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1 Sheriff's Office, and our case number and it was
2 20120901-707. These lines below are a chain of
3 possession and that gets completed when it's turned into
4 evidence.
5 So I signed it over to evidence on September 4th,
6 2012 at 12:30 and the person that received it from me was
7 Ms. Snyder and she received it at I think that says 12:30
8 hours.
9 Q. Now Ms. Snyder worked I think at that time she
10 worked in your evidence room, is that correct?
11 A. She did.
12 Q. Now how does that process work? You take the test,
13 you put it in this envelope, you fill it out, you turn it
14 into evidence is that correct?
15 A. Correct.
16 Q. What happens to it after you put it into evidence?
17 A. Evidence assigns a container number to it and that's
18 the white sticker that is on the back of it. It has a
19 container number, which is related to this specific item.
20 Each item in the case has a different container number.
21 It has the case number, the date that they received
22 it, and the receiving agency the Beaufort County
23 Sheriff's Office. And when I had given it them I had
24 also put this red seal on there and it had my initials
25 and that's how they can tell if it has been tampered

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1 with. If somebody tries to peel this back it will shred
2 or the red will stick to the bag and you can tell it has
3 been tampered with.
4 Q. So from your -- now the yellow I think -- what is
5 the yellow tape?
6 A. The yellow is all SLED and there is a SLED -- when
7 we bring it up to SLED they assign their own item number
8 to it so that's their yellow sticker.
9 And when they process it they have to get inside the
10 bag so they have to also reseal it so the yellow tape is
11 then resealing it after it has been processed.
12 Q. So the red seal you put on it and it stays in this
13 package and it goes to SLED and then they open the
14 package and -- so when it's in the evidence room nobody
15 is able to open this without breaking the red seal is
16 that correct?
17 A. Correct.
18 Q. When you put this -- when you took this test from
19 Tyrone Robinson and you put it in the bag did you change
20 or alter it in any way? Did you do anything to it other
21 than put it back in the package and seal it?
22 A. I did not. We even have a standard set of questions
23 or a form that comes with it telling us how to do it and
24 it's step by step and you always follow that same form on
25 how to do the process.

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1 Q. Now the writing on that form is that your writing or
2 Mr. Robinson's?
3 A. It's a little bit of both of ours. The case number
4 at the top is my handwriting, the location where the
5 Miranda was issued, which was our office at Shelter Cove
6 Lane is my handwriting.
7 The name was completed by Tyrone Robinson. I
8 completed the date of birth of 8-31-75. In the statement
9 of rights section there are four lines for initials and
10 Tyrone placed his initials on those lines.
11 There is a waiver of rights section where you can
12 check off yes or no and there are two lines for that and
13 that is Tyrone's handwriting.
14 And then the form is signed and witnessed. Tyrone
15 signed it and dated it and put the time on it and then I
16 witnessed it as well as Master Sergeant Andres Florencio.
17 MR. STONE: At this time, Your Honor we would move
18 in State's exhibit number 5 into evidence.
19 MR. BAX: No objection.
20 THE COURT: All right. Without objection State's 5
21 in evidence.
22 [Whereupon, State's exhibit number 5 is entered into
23 evidence by the court]
24 Q. [Mr. Stone] Now the first thing I want you to do
25 please is tell the jury what rights you read to Tyrone

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1 Q. Okay. And then at that point you put it into
2 evidence is that correct?
3 A. Correct.
4 Q. Okay. Now, at some point in time while you are
5 talking to Mr. Robinson do you also read him his rights?
6 A. I do.
7 Q. Now this is -- I recognize we've already had a video
8 of him already having his rights read to him but you
9 weren't there at that point is that correct?
10 A. I was not there.
11 Q. So this is when you arrive at the Sheriff's Office?
12 A. Yes.
13 Q. Now how do you do that?
14 A. This was after his G-S-R. And we have a standard
15 form we use where we read it to the person and we have
16 them read along with us. And I used our standard form
17 for that.
18 Q. Okay. Let me show you what has been marked as
19 State's exhibit 5 and ask if you can identify this
20 please?
21 [Whereupon, the witness is shown document]
22 A. This is our Beaufort County Sheriff's Office Miranda
23 Warning form.
24 Q. Is that the form that you read to Tyrone Robinson?
25 A. Yes, it is.

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1 Robinson that afternoon.
2 A. Yes. I will read this form entirely. It says it's
3 the Beaufort County Sheriff's Office Miranda Warning
4 form. And as I'm reading this to the defendant it's on
5 the table in front of us and he's able to follow along
6 with me.
7 The case number is written on 20120901-707, location
8 where Miranda is issued is 58 Shelton Cove Lane, Hilton
9 Head Island, South Carolina. The name was filled in as
10 Tyrone Robinson, date of birth 8-31-75.
11 The next section is a statement of rights. And I
12 read these to him, there are four of them. The first one
13 is you have the right to remain silent. Second, anything
14 you say can and will be used against you in a court of
15 law, third, you have the right to have any attorney
16 present before or during questioning, and four, if you
17 cannot afford an attorney one will be appointed for you
18 before any questioning if you wish.
19 And then there is a waiver of rights section and
20 there are two things there. The first one says do you
21 understand each of these rights I have explained to you?
22 And the person is given a chance to either initial
23 yes or no; in this case yes was initialed. And having
24 these rights in mind do you wish to talk to us now? And
25 again they have the choice of yes or no and he initialed

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1 yes. He also initialed each of the statement of rights.
2 And by placing his initials on those lines that is our
3 indication that he understands those rights. If they
4 don't they have a chance to ask us any questions they
5 might have.
6 The final process is that the defendant or whoever
7 this is being read to signs it, which he did, and he
8 dated it and timed it on 9-1-12 at 7:15 p.m. and then I
9 witnessed it and Andras Florencio witnessed it as well.
10 Q. Did he indicate to you that he understood those
11 rights?
12 A. He did.
13 Q. And he initialed that -- those are his initials
14 beside each one of those rights?
15 A. Those are his initials.
16 Q. Did you promise him or threaten him in any way while
17 you were with him to get him to give you a statement?
18 A. I did not.
19 Q. I should have asked you this earlier. On this SLED
20 bag I know you testified that you seal on the red when
21 you place it into evidence. Did you also transport this
22 to SLED?
23 A. I did.
24 Q. When you transported it to SLED was the seal still
25 intact at that time?

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1 Q. It is accurate as to what took place in that
2 interview room?
3 A. It is.
4 Q. There is also -- have you had an opportunity to
5 review the transcript of that as well?
6 A. I have not.
7 Q. Okay. That's fine.
8 MR. STONE: Your Honor, at this time we'd offer
9 State's exhibit 6 into evidence.
10 THE COURT: Subject to previous objection?
11 MR. BAX: Exactly, Your Honor.
12 THE COURT: Thank you. In evidence subject to
13 previous objection.
14 [Whereupon, State's exhibit number 6 is entered into
15 evidence by the court]
16 MR. STONE: Your Honor, if I could hand this up to
17 you. This is concerning what we discussed last night.
18 [Whereupon, Mr. Stone provides documents to the
19 court]
20 THE COURT: Thank you.
21 MR. STONE: This has actually been added to the
22 video, Your Honor.
23 THE COURT: Okay. Thank you.
24 MR. STONE: Permission to publish at this time,
25 Your Honor?

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1 A. It was.
2 Q. And had it been opened you would have been able to
3 tell that?
4 A. Yes.
5 Q. So it was in the same condition as you put it into
6 evidence when you took it back out to take to SLED?
7 A. Correct.
8 Q. Let me show you what has been marked as State's
9 exhibit 6.
10 [Whereupon, the witness is shown exhibit]
11 Q. Can you tell me what that is?
12 A. This is a DVD-R containing my interview of Tyrone
13 Robinson at our Hilton Head office
14 Q. The interview room and I know State's exhibit 1
15 actually has a photograph of Mr. Robinson in that
16 interview room, that is a videotaped room, is that
17 correct?
18 A. Correct.
19 Q. And that is audiotaped at the same time?
20 A. Yes.
21 Q. All of that is contemporaneous with the event as it
22 is happening?
23 A. Yes.
24 Q. And the disk itself have you reviewed that?
25 A. I have.

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1 THE COURT: Yes, sir.
2 [Whereupon, the C.D. plays] [Not taken down]
3 MR. STONE: No further questions from this witness
4 at this time, Your Honor.
5 THE COURT: Thank you. Mr. Bax, cross-
6 examination?
7 MR. BAX: A moment, Your Honor.
8 [Whereupon, Mr. Bax confers with this client]
9 MR. BAX: No questions at this time.
10 THE COURT: Thank you. Corporal Conant, you can
11 step down. Thank you.
12 [Whereupon, the witness is excused and exits the
13 witness stand]
14 THE COURT: Ladies and gentlemen, this is a good
15 time to take the afternoon break. We'll send you back
16 there for about 20 minutes and we'll get you out and
17 resume around 4 o'clock. Please do not discuss this case
18 among yourselves while you are back in the jury room.
19 Thank you.
20 [Whereupon, the jury exits at 3:34 p.m.]
21 THE COURT: Folks we'll be in recess until about 4
22 o'clock. Thank you.
23 [Whereupon, court is in recess from 3:35 p.m. to
24 4:00 p.m.]
25

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1 THE COURT: Folks, both sides ready for the jury?
2 MR. STONE: Yes, sir.
3 MR. BAX: Yes, Your Honor.
4 THE COURT: Thank you. You can bring us the jury.
5 THE BAILIFF: The jury is entering the courtroom,
6 Your Honor.
7 THE COURT: Thank you.
8 [Whereupon, the jury enters at 4:00 p.m.]
9 THE COURT: Folks, some of the observant, astute
10 members of the clerk's staff and the courtroom staff who
11 are very concerned about your well-being and your comfort
12 have noticed that during the playing of the extended
13 video that you just watched that those poor unfortunates
14 who were sitting on this row [indicates] right here are
15 probably going to need a chiropractor if you have to go
16 through that much longer.
17 And it just so happens that we have three vacant
18 seats along that back row and they are going to be
19 showing some more of that stuff to you right now. So if
20 those of you on this first row right here [indicates]
21 would like to take those three seats that are vacant on
22 the back right there [indicates] that will leave this row
23 vacant and you can continue to occupy those throughout
24 the rest of the trial if you would like because there are
25 going to be some more exhibits that will be shown to you.

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1 I doubt that we will have anything that long again but
2 there will be other exhibits shown to you and that should
3 be a little more comfortable. You can thank the Clerk's
4 staff for seeing that. I saw y'all leaning back but
5 didn't occur to me that your necks were about to kill you
6 and I'm sorry about that. All right Mr. Stone, you can
7 call your next witness.
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1 MR. STONE: The State calls Ebony Campbell.
2 THE COURT: Ms. Campbell, come forward and be
3 sworn.
4 [Whereupon, Ms. Campbell comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7 CLERK OF COURT: State your name for the record and
8 spell it please.
9 THE WITNESS: My name is Ebony Campbell E-B-O-N-Y
10 Campbell is C-A-M-P-B-E-L-L.
11 - - - - -
12 EBONY CAMPBELL,
13 Having been first duly sworn,
14 Was examined and testified as follows:
15 DIRECT EXAMINATION
16 BY MR. STONE:
17 Q. Ms. Campbell, where do you live ma'am?
18 A. I live at 16-A Marshland Road.
19 Q. And how long have you lived there?
20 A. Twenty plus years.
21 Q. Are you from here originally?
22 A. Originally yes.
23 Q. Now I'm going to ask you to go back with me to
24 September 1st, 2012. Do you remember where you were that
25 day, that afternoon?

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1 A. I was.
2 Q. Where were you?
3 A. I was at my boyfriend's house at 17 Old Wild Horse
4 Road.
5 Q. Now Wild Horse Road is in the Squire Pope area of
6 Hilton Head, is that correct?
7 A. It is.
8 Q. And how is your boyfriend?
9 A. Aaron Young, Sr.
10 Q. And who was there with you?
11 A. My stepson Aaron Young, Jr. was at home with us.
12 Q. And this is all at that Squire Pope residence?
13 A. Yes, sir.
14 Q. Tell me about 4 o'clock that afternoon -- well, let
15 me back up. At any point in time during that day did you
16 see Tyrone Robinson?
17 A. Yes, I did.
18 Q. And how do you know Tyrone Robinson?
19 A. He is my first cousin. My brother -- or my father
20 and his father are brothers.
21 Q. So you've known Tyrone Robinson your whole life?
22 A. Yes.
23 Q. When -- about what time did you see Tyrone Robinson?
24 A. A little bit before 4:00 or possibly a little after
25 4:00.

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1 Q. How are you certain about that time?
2 A. It was around the time when everyone was going to
3 work and everyone had to be to work by 4 o'clock.
4 Q. And that would be your boyfriend as well as your
5 stepson, is that correct?
6 A. Yes.
7 Q. Where were they working at the time?
8 A. Aaron, Jr. was working at King Fisher restaurant and
9 my boyfriend Aaron, Sr. was working at Chart House.
10 Q. When you saw Tyrone Robinson tell me about that.
11 Where were you?
12 A. We were just about to get inside our truck. I was
13 going to be dropped off to my mother's house and the
14 other guys were going to work and we were ---
15 Q. --- let me stop you there I just want to make sure.
16 The truck we're talking about is State's exhibit number 9
17 is that correct?
18 [Whereupon, the witness is shown photograph]
19 A. That was our truck, yes.
20 Q. That's your truck? Or that's the truck that you
21 were riding in, is that correct?
22 A. Yes.
23 Q. Okay. So you were about to get in the truck and
24 what do you see after that?
25 A. We were just about to get into truck when we saw a

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1 Q. Okay. What happens after that?
2 A. Well, Jontu jumps out. I don't really remember what
3 he was saying other than he needed two dollars for a beer
4 or something along those lines.
5 And somehow or another -- no one actually even paid
6 attention to the driver, we didn't. One way or another
7 he just -- Tyrone Robinson just kind of jumped out and
8 starting screaming obscenities at us and that's yes...
9 Q. How far away were you from Tyrone Robinson?
10 A. Initially I was probably maybe 30 steps from him I
11 would say.
12 Q. So from a distance between me and you how close or
13 far away?
14 A. I guess where you would be standing would be about
15 right where I was standing and this [indicates] would be
16 the car, so about that far initially.
17 Q. Okay. That's when he first got out of the car?
18 A. Yes.
19 Q. What happens after he gets out and starts -- who is
20 he yelling the obscenities to?
21 A. I believe at my stepson Aaron, Jr.
22 Q. What happens after that?
23 A. Well, I just kind of ran to the car side where he
24 was where he was standing and I tried to ---
25 Q. --- when you say he who are you talking about?

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1 dark green, what I thought was black that day but it was
2 green, Honda pull inside the driveway blocking us in. At
3 first we didn't know who it was. Jontu Singleton jumped
4 out and he just kind of said hey. I don't really
5 remember what he was talking about.
6 Q. Now Jontu Singleton how old is Jontu Singleton?
7 A. How old is he?
8 Q. Yes? Is he -- we've had some testimony about a
9 younger Jontu Singleton so this is his father?
10 A. His father, Sr.; yes.
11 Q. Okay. Now let me show you also before you get too
12 far down the line what has been marked as State's exhibit
13 2.
14 [Whereupon, the witness is shown photograph]
15 Q. Other than the back glass in that is that the car
16 that you saw pull into your driveway?
17 A. Definitely.
18 Q. And that is the car that Jontu Singleton got out.
19 He got out the driver's side or the passenger side?
20 A. He got out of the passenger side.
21 Q. And he gets up and starts talking to whom?
22 A. He starts talking to Aaron, Sr.
23 Q. Okay. Where is Tyrone Robinson?
24 A. At that time he was still behind the driver wheel,
25 behind the wheel; he was still in the car.

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1 A. Tyrone Robinson.
2 Q. So you actually run towards Tyrone Robinson?
3 A. Yes, I did.
4 Q. Okay. Go ahead; I'm sorry.
5 A. So I just basically asking you know what are you
6 doing here? Please leave, you know please go back to
7 whatever you were doing before you came here. And so I'm
8 trying to coax him back inside the car but he's not
9 wanting to get back in the car.
10 He's wanting to argue or whatnot. And before I knew
11 it it's like I looked over and then I looked back over
12 and he had a gun pointed at my stepson.
13 Q. What kind of gun was it could you tell?
14 A. It was a revolver of some type. I don't know much
15 about guns.
16 Q. Do you know what color it was? Could you remember?
17 A. Black.
18 Q. It was black?
19 A. Uh Huh.
20 Q. And when he is pointing the revolver how close are
21 you to him when he is doing that?
22 A. I was still next to him but at that point I had
23 started to back away.
24 Q. So when you first see him is he still in the car or
25 is he kind of in the apex of the door or how was that?

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1 A. He is in the apex of the door.
2 Q. Okay. He's standing in the door and then how far
3 away from the door are you?
4 A. I am right next to him on the other side of the
5 door.
6 Q. Closer than you and I are right now or farther away?
7 A. Closer.
8 Q. Okay. So how close?
9 A. If this [indicates] is the apex of the door he is
10 standing here [indicates] and I'm here [indicates].
11 Q. Okay. And that's when you see him with the gun in
12 his hand?
13 A. Yes.
14 Q. Pointing it at Jontu, Jr.?
15 A. No, Aaron, Jr.
16 Q. Aaron, Jr., excuse me; Aaron, Jr. Okay. You start
17 backing away are you still talking to him?
18 A. I believe I was but it was more to the effect of the
19 same thing that I said earlier. You know please put that
20 away, please go home, go wherever; just please don't be
21 here.
22 And the next thing I know he and my boyfriend Aaron,
23 Sr. started tussling. It was not much -- it wasn't so
24 much of a fist fight, it was more like a wrestle. And
25 during that time he had the gun pointed this way

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1 Q. When Robinson is holding the gun and Aaron Young
2 knocks it out of his hand or hits it out of his hand does
3 Aaron Young, Sr. have a gun at the same time?
4 A. No.
5 Q. Did anyone out there have a gun other than Tyrone
6 Robinson?
7 A. No.
8 Q. Did you see any other guns on Tyrone Robinson?
9 A. I did.
10 Q. Where was that?
11 A. In the driver's seat -- well, on the side of the
12 driver's seat. Say you open the door and along the
13 floorboard on the side of the seat there was another gun
14 just kind of stuck there. I could see the butt of it. I
15 couldn't see the head of it I could only see the butt of
16 it.
17 Q. Okay. Do you at this point go inside?
18 A. Yes.
19 Q. Does Aaron Young, Sr. come inside with you as well?
20 A. Yes.
21 Q. And where does Aaron Young, Jr. go?
22 A. Aaron Young, Jr. he came in the house as well so
23 we're all in the house, yes. The first one to go back
24 out was Aaron Young, Sr.
25 Q. And did you go back out with him when he went out?

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1 [indicates] and my boyfriend went to go and kind of knock
2 it out of his hand.
3 Q. Okay.
4 A. And when he knocked his hand this way [indicates]
5 the gun went off the first time. And that's when I
6 definitely starting running.
7 Q. That's when you ran?
8 A. That's when I ran.
9 Q. Okay. Do you know where that shot went?
10 A. Yes. It went into our neighbor's house.
11 Q. Okay.
12 A. Into one of the exterior walls.
13 Q. You start running. What happens after that?
14 A. At that point little Aaron -- I'm running faster
15 than little Aaron. Little Aaron is walking very quickly
16 but he's not running and my boyfriend is walking briskly
17 but not running.
18 Q. Got you. And what is Tyrone Robinson doing?
19 A. He's still -- he's shooting at this point. He is
20 letting off rounds at this point as we're like going
21 towards the house.
22 Q. Where did those shots go do you know?
23 A. I'm not sure.
24 Q. You're actually running away at this point?
25 A. Yes, I'm running away so I'm not sure.

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1 A. I did. I did, but it was several minutes later.
2 Q. Okay. And what about Aaron Young, Jr.?
3 A. He goes back out just a couple of seconds after his
4 father.
5 Q. Okay. What happens after that? Is Tyrone Robinson
6 still in the yard when they go back out?
7 A. Yes, he's still in the yard but he's trying to
8 retreat at that point. But there is a spot in our yard
9 that was concrete at one time.
10 It was poured I think back in the '70's and it
11 started to erode a little bit on the edges and the
12 undercarriage of his car got stuck on it so he wasn't
13 able to back up like he wanted to.
14 So he's still pretty much stuck there and they are
15 on their way back out to them -- back out to Tyrone and
16 he finally breaks free of the concrete and kind of just
17 skids out and leaves.
18 Q. What does Aaron Young, Jr. and Aaron Young, Sr. do
19 after that?
20 A. They talked among each other for a while and then
21 they decided that -- or Aaron Young, Sr. and I decided
22 that he wasn't going to go to work that day.
23 Junior had to go to work. He didn't have an option
24 or he wouldn't have a job so he had to go to work. So
25 the agreement was that I would stay at the house and wait

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1 for Senior to come back and I just waited.
2 Q. Jontu, Jr. -- excuse me Jontu Singleton did he --
3 when Robinson left was Jontu Singleton with him?
4 A. Yes.
5 Q. Okay. He was there when he got there was he still
6 there when he left?
7 A. Jontu came walking back up at some point.
8 Q. Okay.
9 A. So I'm not sure if he went with them or whether -- I
10 know that he left in the truck with them. Now when they
11 put him out ---
12 Q. --- I'm sorry -- and I apologize I didn't ask that
13 question very well. So Jontu Singleton leaves with Aaron
14 Young, Jr. and Aaron Young, Sr. is that correct?
15 A. Yes.
16 Q. So when Tyrone Robinson leaves I guess Tyrone
17 Robinson leaves Jontu there at the house?
18 A. Yes.
19 Q. Okay. I'm sorry; I didn't ask that question very
20 well. Although Jontu comes with Tyrone Robinson when
21 Robinson leaves Jontu is still there is that correct?
22 A. Yes.
23 Q. And then all three of them go off in the truck
24 together?
25 A. Yes.

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1 State's exhibits 18, 19, 20, and 21 into evidence.
2 MR. BAX: No objection, Your Honor.
3 THE COURT: Thank you. Without objection 18 thru
4 21 in evidence.
5 [Whereupon, State's exhibit numbers 18, 19, 20, and
6 21 are entered into evidence by the court]
7 MR. STONE: Let me first show, if I may Your Honor,
8 publish this to the jury. This is State's exhibit 18.
9 [Whereupon, photo is shown on screen]
10 Q. [Mr. Stone] That is -- could you tell me what that
11 is? I know you're looking at the monitor as well but can
12 you tell me what that is?
13 A. That is my boyfriend's neighbor's house. It's the
14 front of the house. That's myself standing there.
15 Q. That is you in the red dress or the pink dress; I
16 can't tell?
17 A. It was coral.
18 Q. All right. Is this a few days later when the law
19 enforcement officers arrived at the house?
20 A. It is.
21 Q. Let me show you what has been marked and entered
22 into evidence as State's exhibit 19.
23 [Whereupon, photo is shown on screen]
24 Q. Is that the same house with an officer speaking to
25 someone at the front door?

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1 Q. And you thought they were going to work?
2 A. They were supposed to, yes.
3 Q. They returned at some point?
4 A. Yes. It was about 30 minutes later, 30 or 40 ---
5 THE COURT: --- when you say all three left in the
6 truck which three are we talking about.
7 MR. STONE: I apologize, Your Honor ---
8 THE WITNESS: Jontu Singleton, Sr. Aaron Young,
9 Sr., Aaron Young, Jr.
10 THE COURT: Thank you.
11 Q. [Mr. Stone] Those three people in the truck, okay.
12 At some point you see Jontu Singleton come back?
13 A. Yes, he comes walking up on feet.
14 Q. And then Aaron Young, Sr. and Aaron Young, Jr. they
15 come back at some point?
16 A. They do.
17 Q. Let me show what's been marked as State's exhibit
18 18, 19, 20, and 21.
19 [Whereupon, the witness is shown photographs]
20 Q. Are these fair and accurate depictions of your -- I
21 believe it would be your neighbor's house on September
22 1st, 2012?
23 A. Yes, all four are accurate.
24 Q. Okay.
25 MR. STONE: Your Honor, at this time we would move

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1 A. It is.
2 Q. Now the lady at the front door who is that? -
3 A. She is the daughter of the couple who rented the
4 house.
5 Q. Okay. She's renting from?
6 A. From Aaron, Sr.'s father.
7 Q. Let me show you what has been marked as State's
8 exhibit 20. It's entered into evidence.
9 [Whereupon, photo is shown on screen]
10 Q. If you can't see that I'll give you the picture back
11 closer. But is that the bullet hole from the shot from
12 Tyrone Robinson's gun?
13 A. Yes.
14 Q. And were you there when law enforcement officers
15 went to that spot to get the bullet out?
16 A. I absolutely was.
17 Q. And also State's exhibit 21 is a close up.
18 [Whereupon, photo is shown on screen]
19 Q. Is that the bullet hole caused by Tyrone Robinson's
20 gun?
21 A. Yes.
22 MR. STONE: I don't have any further questions of
23 this witness at this time, Your Honor.
24 THE COURT: Thank you. Mr. Bax, cross-examine?
25 MR. BAX: Your Honor, may I approach?

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1 THE COURT: Yes, sir.
2 [Whereupon, an off the record bench conference is
3 held]
4 MR. STONE: Your Honor, I do not have anything else
5 on that right now.
6 THE COURT: All right. Do you have a copy of any
7 statement that Ms. Campbell may have made?
8 MR. STONE: Yes, sir. I believe the defense has it
9 but I've got another copy if they need it.
10 THE COURT: Okay.
11 MR. BAX: Your Honor, I do have a copy of the
12 written statement.
13 THE COURT: Okay. We'll leave that matter open
14 and see if they may be any other information on that but
15 certainly you can cross-examine on that issue.
16 MR. BAX: Obviously, Your Honor, I would reserve
17 the right to go on the record at a later time about this
18 issue.
19 THE COURT: Sure, yes sir.
20 MR. BAX. Thank you, Your Honor.
21
22
23
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25

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1 Q. And he was having a conversation with Aaron Young,
2 Sr. is that correct?
3 A. It wasn't so much a conversation.
4 Q. Okay. How would you describe what Jontu Singleton,
5 Jr. was doing -- Sr.; excuse me?
6 A. Senior he was just kind of saying hey, how y'all
7 doing. I need two dollars for a beer and such and such
8 and such.
9 Q. Let me ask you this. Yourself and the two Youngs
10 were you still in the cab of the truck or were you
11 sitting in the truck?
12 A. No, we hadn't gotten in the truck yet.
13 Q. Hadn't gotten in the truck so you are standing in
14 proximity to the truck?
15 A. We were in front of the truck.
16 Q. In front of the truck. Was he addressing all three
17 of you when he was talking to y'all or does he talk to
18 one of y'all in particular?
19 A. Well, I understood that he wasn't speaking to me.
20 He was speaking to Senior and I'm sure Junior understood
21 as well that he wasn't speaking to him.
22 Q. Okay. So your understanding was he was talking to
23 Aaron Young, Sr. your boyfriend?
24 A. Yes.
25 Q. Okay. And he was talking about possibly borrowing

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good afternoon, Ms. Campbell. I just want to go
4 through a few questions with you, okay. You've testified
5 that you were over at 17 Old Wild Horse Road on September
6 1st, right?
7 A. Yes.
8 Q. And this encounter with Mr. Robinson that you've
9 described for the jury happened on that day at that
10 location, correct?
11 A. It did.
12 Q. Okay. Now you've indicated that yourself and Aaron
13 Young, Sr. and Aaron Young, Jr. were getting ready to
14 leave the residence at that time correct?
15 A. We were.
16 Q. Okay. And that was to go to work?
17 A. I was going home. They were going to work.
18 Q. Okay. So they were going to drop you at home on
19 Marshland Road.
20 A. Yes.
21 Q. Now you've testified that this green car that you've
22 identified, the green Acura in the pictures is what
23 pulled up and Jontu Singleton, Sr. is the one who first
24 got out.
25 A. Yes.

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1 money from him.
2 A. Yes.
3 Q. How did Aaron Young, Sr. respond to him?
4 A. I don't clearly remember but I'm sure he would have
5 given it to him
6 Q. Well, that's my next question. Did you hear
7 anything that indicated that Aaron Young, Sr. was going
8 to loan him any money?
9 A. I can't say that I did I can't.
10 Q. Was Aaron Young, Sr. or Junior happy to see Jontu
11 Singleton coming up asking for money?
12 A. They weren't upset about it, no.
13 Q. So you don't recall what their response was to Jontu
14 Singleton, Sr.?
15 A. No, I'm sorry I don't.
16 Q. Was there any kind of argument between Jontu
17 Singleton, Sr. and the Youngs?
18 A. No ---
19 Q. --- before Mr. Robinson got out of the car?
20 A. Oh, no
21 Q. Now you've testified that at some point Mr. Robinson
22 gets out of the car, this altercation happens. And when
23 the shot is fired you said you run towards the house,
24 correct?
25 A. Yes.

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1 Q. And the Youngs walked towards the house as well;
2 Aaron Young, Sr. and Aaron Young, Jr.
3 A. Yes, behind me.
4 Q. Okay. You were running and they were walking
5 briskly I believe was your testimony, right?
6 A. Yes.
7 Q. Okay. Were they saying anything to Mr. Robinson as
8 they walked towards the car -- excuse me; the house?
9 MR. STONE: Objection, Your Honor.
10 A. I can't answer that because I don't ---
11 THE COURT: --- I'm sorry; what's the nature of the
12 objection?
13 MR. STONE: Hearsay.
14 MR. BAX: Your Honor, they can't object to hearsay
15 now when they've been eliciting it this entire time.
16 THE COURT: Right.
17 MR. STONE: That's not correct, Your Honor.
18 THE COURT: My recollection is this whole thing has
19 been about conversations between Junior and Senior and
20 the individual in this case. I think he's entitled to
21 elicit that.
22 MR. BAX: Thank you, Your Honor.
23 Q. [Mr. Bax] I'll ask the question again. Was Aaron
24 Young, Jr. or Aaron Young, Sr. saying anything to Mr.
25 Robinson as they walked briskly towards the house?

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1 A. Yes.
2 Q. Now how were you able to see that from the house?
3 How were you seeing that? Looking through a window,
4 through an open door?
5 A. Looking out our back door window.
6 Q. A back door window, okay. And you've indicated that
7 he was stuck for a little bit but when the Youngs come
8 out his car breaks free of whatever it was stuck on and
9 speeds off, correct?
10 A. Yes.
11 Q. And your testimony was that Aaron Young, Jr. and
12 Aaron Young, Sr. were coming out of the house right about
13 that same time?
14 A. Yes.
15 Q. And did just Aaron Young, Jr. have a gun in his hand
16 or did both of them have guns in their hands?
17 A. Neither one of them had guns in their hands.
18 Q. So neither one of them had any guns on them at that
19 time?
20 A. No, sir.
21 Q. That's your testimony?
22 A. That's the truth.
23 Q. Okay. When you were looking at Mr. Robinson's car
24 you could see that it was trying to exit and then sped
25 off, correct? It was leaving the area?

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1 A. Not that I remember. I don't want to tell you
2 something and it not be true when I don't remember it.
3 Q. So you don't recall anything that the Youngs have
4 said. You recall what Jontu Singleton, Jr. says. You've
5 testified to that, correct?
6 A. I remember Aaron Young, Sr. saying don't be here
7 when I get back or something along those effects but
8 that's the only thing that I really remember.
9 Q. Okay. And why did he say that?
10 A. I'm not sure why he said that.
11 Q. What did you take his meaning to be when he said
12 don't be here when I come back?
13 A. I think it was a bluff of some sort.
14 Q. And you don't recall Aaron Young, Sr. saying I've
15 got guns too. I'm going to go get my guns when he walked
16 towards the house briskly?
17 A. I don't remember him saying that because I don't
18 believe he said that.
19 Q. Well, let me ask you. Is it because he didn't say
20 it or because you don't remember it, yes or no?
21 A. I don't remember it.
22 Q. Okay. Now you've indicated that after y'all
23 entered the house that you saw Mr. Robinson get back in
24 his vehicle and attempt to get out of the driveway or out
25 of the front of the house, correct?

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1 A. Yes.
2 Q. And Aaron Young, Jr. and Aaron Young, Sr. were
3 looking at the same thing you were looking at so they saw
4 Mr. Robinson leave correct?
5 A. Yes.
6 MR. BAX: A moment's indulgence, Your Honor.
7 THE COURT: All right, sir.
8 [Whereupon, Mr. Bax confers with his client].
9 MR. BAX: Your Honor, I'm going to have some items
10 premarked for I.D. only by the Clerk -- excuse me; the
11 court reporter.
12 THE COURT: Okay
13 [Whereupon, defendant's exhibit numbers 1, 2, 3, 4,
14 and 5 are marked for identification only by the court
15 reporter]
16 Q. [Mr. Bax] Ms. Campbell, when they -- when Aaron
17 Young, Jr. and Aaron Young, Sr. were exiting the house as
18 Mr. Robinson was leaving in his car were they carrying a
19 bag? Were they carrying anything?
20 A. They weren't carrying anything at all.
21 Q. Okay.
22 MR. BAX: Approach the witness, Your Honor.
23 THE COURT: Yes, sir.
24 Q. [Mr. Bax] I'm just going to show you that picture.
25 You don't have to say what's on it.

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1 [Whereupon, the witness is shown photograph]
2 Q. Have you ever seen that before?
3 A. It looks like an old diaper bag.
4 Q. Well, you don't have to describe it. I'm just
5 asking you have you ever seen that before?
6 A. I think so, yes.
7 Q. Okay. Did they have that on them when they were
8 exiting the house?
9 A. No.
10 Q. Okay. I'm handing you what has been premarked as
11 defendant's exhibit 2 for I.D.
12 [Whereupon, the witness is shown photograph]
13 Q. Have you ever seen that before? Like I said you
14 don't have to describe it.
15 A. No.
16 Q. Okay. Did Aaron Young, Jr. or Aaron Young, Sr.
17 have anything like that on them when they left?
18 A. No.
19 Q. Okay. I'm going to hand you what has been marked
20 as defendant's 3.
21 [Whereupon, the witness is shown photograph]
22 Q. Have you ever seen that before?
23 A. No.
24 Q. Okay. Same question. Did they have anything that
25 looked like that on them when they left?

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1 A. No, not that I recall. Or no, there was nothing in
2 their hands.
3 Q. What about that?
4 [Whereupon, the witness is shown photograph]
5 A. No.
6 Q. Finally, 5 is just all of those things together.
7 [Whereupon, the witness is shown photograph]
8 Q. Same thing; have you seen that before or see them
9 with that that day?
10 A. No, not on that day. I've seen this [indicates]
11 before.
12 Q. Where have you seen this before?
13 A. I think in my kitchen, but it was a very, very long
14 ago; I could be wrong.
15 Q. Okay. Thank you, Ms. Campbell.
16 MR. BAX: No further questions, Your Honor.
17 THE COURT: Thank you. Redirect, Mr. Stone?
18 MR. STONE: No, nothing else Your Honor.
19 THE COURT: Thank you. Ms. Campbell, you can step
20 down. Thank you, ma'am.
21 [Whereupon, the witness is excused and exits the
22 witness stand]
23
24
25

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1 MR. STONE: Jontu Singleton.
2 [Whereupon, Mr. Singleton comes forward]
3 THE COURT: Mr. Singleton, if you'll come right
4 here [indicates] and have a seat.
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7 CLERK OF COURT: Please state your name and spell it
8 for the record.
9 THE WITNESS: My name is Jontu Virgil Singleton,
10 Sr., J-O-N-T-U, V-I-R-G-I-L, S-I-N-G-I-E-T-O-N, S-R.
11 -----
12 JONTU SINGLETON, SR.,
13 Having been first duly sworn,
14 Was examined and testified as follows:
15 DIRECT EXAMINATION
16 BY MR. STONE:
17 Q. Mr. Singleton, you are currently in the Beaufort
18 County Detention Center is that correct?
19 A. Yes, sir.
20 Q. On separate charges not related to the incident on
21 Allen Road on September 1, 2012 is that correct?
22 A. Yes, sir.
23 Q. On September the 1st, 2012 you were with Tyrone
24 Robinson that day were you not?
25 A. Yes sir, I was.

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1 Q. How did that happen? How did that come about?
2 A. Well, I walked from my house around ---
3 Q. --- where was your house at that time?
4 A. It was on Gum Tree Road right around the corner from
5 Wild Horse Road.
6 Q. Got you. Go ahead.
7 A. I walked up to 215-A Wild Horse Road, which is
8 Darryl Ferguson's house, one of my cousins, and
9 Robinson's car was there with the music playing loud and
10 he was arguing outside with one of the residents that
11 stays there.
12 And I walked up and asked Mr. Ferguson was he
13 looking for me. And he was like no, not really. That's
14 when I seen Robinson and I talked to Robinson as well as
15 he asked me if I wanted a beer, which I went to his car
16 and got a beer.
17 Q. So Robinson had beer in his car?
18 A. Yes, sir.
19 Q. Was Robinson drinking at that time, too?
20 A. Yes, sir.
21 Q. About what time was this?
22 A. I think it was like after 4:00.
23 Q. Okay. After 4:00 in the afternoon?
24 A. After 4:00 in the afternoon.
25 Q. Okay. And Robinson's car --let me show you what

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1 has been put into evidence as State's exhibit 3.
2 [Whereupon, the witness is shown photograph]
3 Q. Is that the car you're talking about?
4 A. Yes sir, it is.
5 Q. Okay. So do you stay there for a while and drink
6 beer with Mr. Robinson?
7 A. We wasn't there that long, probably like 10 or 15
8 minutes, sir.
9 Q. Where did you go after that?
10 A. We left to go to the store on Wild Horse Road.
11 Q. What kind of store is that?
12 A. It's a convenience store.
13 Q. What did you go to the convenience store for?
14 A. Some more beers and I told him on the way going to
15 the store to stop by Aaron, Sr.'s house so I can get some
16 money from him for some cigarettes as well.
17 Q. Okay. Did he stop by -- you're talking about
18 Aaron, Sr. What is Aaron, Sr.'s last name?
19 A. Aaron, Sr.; Young.
20 Q. Okay. And Aaron Young, Sr.'s house where is that
21 located?
22 A. Its located on Wild Horse Road as well.
23 Q. And you go there -- tell me what you do after that.
24 Do you go to the store first or do you go to Aaron Young,
25 Sr.?

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1 Q. Okay. So you didn't get back in the car with Mr.
2 Robinson?
3 A. No, sir.
4 Q. What did Mr. Robinson do?
5 A. He walked off and got in his car and was about to
6 leave and he spun off
7 Q. Did he leave?
8 A. Yes, he left.
9 Q. What did you do?
10 A. I was like in shock for a little minute. I got
11 myself together and me and Aaron Young, Jr. and Sr. was
12 standing there and they walked off and went in the house
13 and came back out, which they had a book bag.
14 And we got in the truck and drove down Wild Horse
15 Road and went towards Spanish Wells Road. And at that
16 time we went down Oak View Road but ---
17 Q. --- let me get you to stop right there for me.
18 [Whereupon, State's exhibit number 25 is marked by
19 the court reporter]
20 Q. I'm going to show you what has been marked as
21 State's exhibit 25. There is another item in this bag
22 but right now what's in this bag, does this look like the
23 book bag that you saw that day?
24 [Whereupon, the witness is shown exhibit]
25 A. I'm definitely not sure but I believe that it was.

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1 A. We stopped at Aaron, Sr.'s house first.
2 Q. Tell me what happened once you got there.
3 A. We pulled up in side of the bicycle path where his
4 house is located. They were standing outside Aaron
5 Young, Jr. and Aaron Young, Sr. And I got out the car --
6 and I think his girlfriend Ebony was there as well, and I
7 got out the car and was speaking with them.
8 I talked to Aaron Young, Sr. about giving me a few
9 dollars to go to the store and that's when I heard Tyrone
10 Robinson car door slam. He was in the car when I got
11 out. And he was approaching Aaron Young, Jr. and it
12 looked like a gun was in his hand and that's when they
13 started tussling over the gun.
14 Q. Who was tussling over the gun?
15 A. Aaron Young, Sr. walked off and went to Tyrone
16 Robinson and they were tussling over the gun.
17 Q. Did the gun go off at any point?
18 A. Yes, the gun did went off at that point.
19 Q. And how did the gun go off? What happened there?
20 A. After the gun went pow, one shot went off Aaron
21 Young, Sr. backed away and Robinson shot one down in the
22 ground at his feet. And he told me to come on get in the
23 car and let's go and that's when I told him no.
24 Q. So you told who no?
25 A. I told Mr. Robinson no.

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1 Q. Okay. And who had this bag or something that
2 looked like this?
3 A. Aaron Young, Sr. had the bag.
4 Q. When you get in the -- you then get in the truck is
5 that right?
6 A. Yes, we get in the truck. Aaron Young, Sr. was
7 driving and me and Aaron Young, Jr.
8 Q. And Aaron Young, Jr. was?
9 A. On the passenger side.
10 Q. He was on the passenger side?
11 A. Yes, sir.
12 Q. What were you doing? Where were you going?
13 A. At that point we left going towards 278, which is
14 approaching Spanish Wells Road and that's when they
15 pulled the bag -- out of the bag was a gun in the bag.
16 Q. And who pulled the gun out the bag?
17 A. Aaron Young, Sr.
18 Q. Now who is driving the car?
19 A. No, Aaron Young, Sr. was driving and Aaron Young,
20 Jr. pulled the gun out the bag.
21 Q. Okay. Let me get this straight because this is
22 important. Where are you sitting? Are you in the...
23 A. I was in the middle.
24 Q. You're in the middle?
25 A. Yes, sir.

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1 Q. To your left who is driving the truck who is that?
2 A. Aaron Young, Sr.
3 Q. Okay. And to your right?
4 A. Which is on the passenger side Aaron Young, Jr.
5 Q. Okay. Who's got the bag?
6 A. Aaron Young, Sr.
7 Q. In the driver's side?
8 A. Aaron Young, Jr. on the passenger side.
9 Q. And at this time Aaron Young, Jr. pulls something
10 out of the bag?
11 A. Yes, sir.
12 [Whereupon, State's exhibit number 26 is marked by
13 the court reporter]
14 Q. I'm showing you what has been marked as State's
15 exhibit 26, specifically in the bag --
16 MR. STONE: And Your Honor, I'm tearing the rest of
17 the evidence tape.
18 Q. [Mr. Stone] Is this the gun you saw Aaron Young, Jr.
19 take out of the bag?
20 [Whereupon, the witness is shown exhibit]
21 A. Yes, sir.
22 MR. STONE: At this time, Your Honor, I'd move item
23 number 26 into evidence.
24 MR. BAX: No objection, Your Honor.
25 THE COURT: Without objection, 26 in evidence.

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1 [Whereupon, State's exhibit number 26 is entered
2 into evidence by the court]
3 Q. [Mr. Stone] Was the gun in that condition or did it
4 have anything else on the gun, do you recall?
5 A. Well, it looked like it had like holes at the end of
6 the barrel.
7 Q. Okay. What do you mean by that; something on the
8 end of the barrel?
9 A. It looked like a muffler of some sort.
10 [Whereupon, State's exhibit number 27 is marked by
11 the court reporter]
12 Q. I'm showing you what has been marked as State's
13 exhibit 26 -- excuse me; 27, going into the evidence bag.
14 [Whereupon, the witness is shown exhibit]
15 Q. Does that appear to be what was on the end of the
16 gun?
17 A. It looked similar to it. It looked like it had
18 holes at the end of it though if I'm not -- if I'm sure.
19 Q. And at what point -- is it stuck into this
20 [indicates] part of it, the front of the gun?
21 A. Yes, sir.
22 Q. Okay. And did the gun have a clip on it?
23 A. Yes, sir.
24 [Whereupon, State's exhibit number 28 is marked by
25 the court reporter]

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1 Q. I'm showing you what is marked as State's exhibit
2 28. Does that appear to be the clip that was in the gun?
3 [Whereupon, the witness is shown exhibit]
4 A. Yes, sir.
5 MR. STONE: Your Honor, at this time we'd move
6 State's exhibit 28 into evidence.
7 MR. BAX: No objection, Your Honor.
8 THE COURT: What about 27?
9 MR. BAX: No objection to that either, Your Honor.
10 THE COURT: All right.
11 MR. STONE: Now, all State's exhibit 26, 27, and
12 28, yes sir, into evidence.
13 [Whereupon, State's exhibit numbers 27 and 28 are
14 entered into evidence by the court]
15 THE COURT: 25 is the bag and that has not been
16 offered yet?
17 THE COURT REPORTER: Correct, that's the book bag.
18 THE COURT: Right.
19 MR. STONE: That's correct.
20 Q. [Mr. Stone] Now is this the condition -- and I'm not
21 going to be able to put everything together on this -- is
22 this the condition generally --
23 MR. STONE: And this will not go in obviously
24 because of the trigger lock, Your Honor. It is trigger
25 locked.

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1 THE COURT: Good. Thank you.
2 Q. [Mr. Stone] Is this the condition that the gun was
3 in when you saw it when Aaron Young, Jr. took it out?
4 [Whereupon, the witness is shown exhibit]
5 A. Well, he had to put it together, sir.
6 Q. He had to put it together. And he put it together
7 in the passenger side?
8 A. As he was driving -- as Aaron Young, Sr. was driving
9 down Spanish Wells Road yes, sir.
10 Q. And Aaron Young, Jr. is in the passenger side
11 putting this together?
12 A. Yes, sir.
13 Q. Did Aaron Young, Sr. have a gun?
14 A. No, sir.
15 Q. Did you see any other gun in the truck?
16 A. No, sir.
17 Q. What are you going down Spanish Wells Road for?
18 What are y'all doing?
19 A. At the time he said he was looking for Tyrone but we
20 never seen him. We seen a car like it went down Oak View
21 and we went down Oak View and we didn't see the car like
22 it no more.
23 We came back out of Oak View Road and he went to
24 Marshland Road to Allen Road. We went down Allen Road
25 where Tyrone usually be at to Little Max's house. He

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1 wasn't there and we left out and went back to Wild Horse
2 Road.
3 Q. Did Aaron Young, Jr. try to shoot the gun at anytime
4 while you were with him?
5 A. No, he could not put the gun together.
6 Q. Okay. Was he able to get it together at some
7 point?
8 A. Not when I was with him.
9 Q. Did you stay with them? What happened after that?
10 A. We went back to Aaron Young, Sr. house on Wild Horse
11 Road.
12 Q. And when you went back to Aaron Young, Sr.'s house
13 what happened then? What did you do?
14 A. We got out the truck and was talking and Aaron
15 Young, Sr. and Aaron Young, Jr. left.
16 Q. So they dropped you back at their house and then
17 they went back out?
18 A. They left out, yes.
19 MR. STONE: Nothing else for this witness, Your
20 Honor.
21 THE COURT. Thank you. Mr. Bax?
22 MR. BAX: Thank you, Your Honor.
23
24
25

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good afternoon, Mr. Singleton.
4 A. How you doing.
5 Q. I just want to go back through a couple of things.
6 Now you testified that you met with Mr. Robinson in the
7 morning and he offered you a beer and you accepted and
8 that's when y'all started hanging out that day, correct?
9 A. No, sir. It was afternoon, sir.
10 Q. It was in the afternoon? Okay, I'm sorry so it was
11 after midday?
12 A. I'd say around 4:00.
13 Q. Around 4:00, okay. And that's when you saw him over
14 at his cousin's house with his music playing and he
15 offered you a beer is that right?
16 A. Yes, sir.
17 Q. Now you testified you were only there for about 10
18 or 15 minutes and y'all decided to go to the convenience
19 store, correct?
20 A. Yes, sir.
21 Q. To get some more to drink and some cigarettes,
22 correct?
23 A. Yes, sir.
24 Q. Your testimony is that when y'all were driving to
25 the convenience store it was you that asked to stop at

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1 the Youngs so you could borrow some money, is that right?
2 A. Yes, sir.
3 Q. Okay. And then why did you want to stop and get
4 some money from the Youngs? Did they owe you some money
5 or are you just close with them that way?
6 A. I'm close with them that way.
7 Q. And you were just wanting to get some money, a
8 couple of dollars for cigarettes or beer is that correct?
9 A. Yes, sir.
10 Q. Now when you arrived and started talking to Aaron
11 Young, Sr. and his son did they want to loan you the
12 money?
13 A. I believe he would have if I wouldn't have went
14 there with Tyrone Robinson.
15 Q. Okay. Did he -- did Aaron Young, Sr. say anything
16 to you before he went over towards Mr. Robinson?
17 A. No, sir.
18 Q. Was it a fairly short amount of time that you
19 started talking to him and then he went over to see
20 Tyrone?
21 A. Yes, sir.
22 Q. How long do you think, a minute, two minutes?
23 A. Probably like a minute.
24 Q. So in your remembrance Aaron Young, Sr. latched onto
25 the fact that Tyrone was there pretty quick?

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1 A. Say that again?
2 Q. He saw that Tyrone was with you pretty quickly
3 didn't he?
4 A. Yes, sir.
5 Q. Okay. Now how as Aaron Young, Sr.'s demeanor when
6 he went over towards Mr. Robinson?
7 A. Well, he walked off pretty quick because Tyrone's
8 car door had just slammed and Tyrone was walking towards
9 Aaron Young, Jr. and it looked like a gun was in his hand
10 at that moment.
11 Q. And Aaron Young, Sr. was approaching him pretty
12 quick?
13 A. Yes, sir.
14 Q. Okay. Now some things happened. You said they
15 started to tussle over the gun and you said the gun went
16 off. Did you see where that bullet went? When the gun
17 went off where did that go?
18 A. No sir, I did not see.
19 Q. You did not see. You testified that Robinson may
20 have shot a round into the ground. Was that the first
21 round or the second round?
22 A. Second round.
23 Q. Second round. And then there wasn't any other shots.
24 by Robinson is that correct?
25 A. Yes, sir.

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1 Q. Okay. So he shot a round into the ground and
2 didn't fire anymore?
3 A. No, sir.
4 Q. Okay. Let me ask you this. When you got to the
5 house was Ebony Campbell there? Well, let me ask you
6 this. Do you know who Ebony Campbell is?
7 A. Yes sir, I do know who she is.
8 Q. Was she there as well?
9 A. Yes, sir.
10 Q. All right. After the gun went off -- let me ask
11 you this. Was that when people started going into the
12 house? Did Ebony head towards the house at that point?
13 A. Yes, sir.
14 Q. And Aaron Young, Jr. and Sr. they headed towards the
15 house?
16 A. Yes, sir.
17 Q. When they were headed towards the house did they say
18 anything that you recall?
19 A. No, sir.
20 Q. Could you hear everything that they were saying?
21 A. At that time I was just lost. You know I wasn't
22 really focusing at time or paying attention really.
23 Q. Okay. While we still have power here let me hurry
24 up. Mr. Singleton, you stated that Tyrone got in his car
25 to go and you decided to stay. Did he ask you to get in

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1 Tyrone.
2 Q. So they said they were going to go look for Tyrone?
3 A. Yes.
4 Q. Okay. Now you testified that when they came out of
5 the house Aaron Young, Sr. had this black bag, is that
6 correct?
7 A. Yes, sir.
8 Q. And did you see Ebony Campbell in the door of the
9 trailer as they were coming out?
10 A. I don't recall, sir.
11 Q. Okay. But when they came out right after going in
12 they had the black bag with them, correct?
13 A. Yes, sir.
14 Q. Okay. Now you've testified that -- now was it
15 Senior or was it Junior that got this big old gun out of
16 the bag right here [indicates]?
17 A. Aaron Young, Jr.
18 Q. Junior did?
19 A. Took the gun out the bag.
20 Q. Because he was in the passenger seat, right?
21 A. He was in the passenger seat.
22 Q. So at some point Aaron Young, Sr. had to have handed
23 him the bag.
24 A. Yes, sir.
25 Q. Okay. What did he tell Aaron Young, Jr. to do?

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1 the car or did he say anything?
2 A. Yes, he asked me to come on and let's go and I was
3 like no.
4 Q. No. And so you chose to stay?
5 A. Yes, sir.
6 Q. And then he left?
7 A. He left.
8 Q. Okay. Now you stated that then the Youngs came out
9 of the house and when they first came out of the house
10 they had this black bag with them right here [indicates]?
11 A. Yes, sir.
12 Q. Okay. And obviously you've testified that you all
13 got into their truck, correct, and you've identified that
14 as this grey F-150 Ford truck, correct?
15 A. Yes, sir.
16 Q. Okay. Were they saying anything as they got into
17 the truck?
18 A. No sir, they was like we're just getting into the
19 truck. And they was arguing why I brought him here you
20 know. And I was like shit; I just needed to stop to
21 holler at you for a minute but...
22 Q. Okay. Now, did they tell you what they wanted to
23 do when they were getting you in the truck or not until
24 after the got the truck?
25 A. No, they just said they were going to look for

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1 A. At the moment I did not hear him say anything to
2 Aaron Young, Jr.
3 Q. So Aaron Young, Jr. got the bag and just started
4 doing this and you don't remember any conversation?
5 A. He was trying to put the gun together and couldn't.
6 Q. Was there any discussion between the Youngs as he
7 was trying to put this together?
8 A. He was trying to explain to him how to put the gun
9 together.
10 Q. Senior was trying to explain to Junior how to put
11 the gun together?
12 A. Yes.
13 Q. Okay. Now you've testified that when you were with
14 the Youngs you went to a number of places looking for
15 Tyrone correct?
16 A. We went to Allen Road.
17 Q. Allen Road?
18 A. We went down Marshland, down Oak View and back
19 around.
20 Q. And while you're going down these roads you're
21 looking around for Tyrone Robinson, correct? They were
22 looking around for that car is that right?
23 A. I believe so.
24 Q. Okay. And you testified earlier that these were
25 places that he was known to hang out, correct?

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1 A. Yes, sir.
2 Q. In fact I think you even mentioned was it Little
3 Max?
4 A. Yes, sir.
5 Q. Who is that?
6 A. I believe it is Tyrone's cousin
7 Q. And where does he stay at?
8 A. Off of Allen Road.
9 Q. Off of Allen Road?
10 A. Yes, sir.
11 Q. So there were specific places that they were looking
12 to see where Tyrone was?
13 A. We only went to that area after we rode around
14 Spanish Wells Road and Oak View.
15 Q. Now you went down Oak View though. I believe -- I
16 think there is a map here. I don't know if you're going
17 to be able to see it but there is a more direct path that
18 you can take down Spanish Wells to get to Marshland Road,
19 right? Let me turn so the jury can see.
20 [Whereupon, the map is shown]
21 Q. In order to go down Oak View don't you have to cut
22 off of Spanish Wells?
23 A. Yes, cut off at Spanish Wells, sir.
24 Q. And you come up right here [indicates], correct, and
25 it rejoins what turns into Marshland Road; goes

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1 Q. Well, your testimony so far is that they took you to
2 Wild Horse Road.
3 A. Yes.
4 Q. Okay. Did they stop and get out of the car for a
5 minute when you got there?
6 A. We got out the car
7 Q. So they got out of the car, correct?
8 A. Yes, sir.
9 Q. Out of the truck. Where was this gun when they got
10 out of the truck?
11 A. I don't recall. I think it was still inside the
12 vehicle.
13 Q. Okay. And at some point they got back in their
14 truck, correct?
15 A. Yes, sir.
16 Q. And they left again?
17 A. Yes, sir.
18 Q. What were they talking about before they left again?
19 A. I don't recall. I was talking to Ebony.
20 Q. Okay. So you don't recall whether they were
21 talking about still looking for Tyrone or not?
22 A. No, sir.
23 Q. But they still had the gun with them, correct?
24 A. I believe it still was inside the vehicle.
25 Q. Okay. Now after that you were at Old Wild Horse

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1 underneath the overpass right?
2 A. Yes, sir.
3 Q. So if you were just trying to get to Allen Road as
4 quickly as possible you'd stay right there on Spanish
5 Wells, right?
6 A. Yes, sir.
7 Q. Now you've testified that Aaron Young, Jr. could not
8 get this gun here together, correct?
9 A. Correct.
10 Q. Okay. How was he -- from what you observed how was
11 he able to know that he wasn't getting together?
12 A. He was -- I mean I just seen him trying to put it
13 together. I mean I don't know what the hell he was doing
14 so. I don't mess with guns; I don't know.
15 Q. Okay. But obviously there was some problem is what
16 you're saying?
17 A. There was a problem, yes sir.
18 Q. There was a problem, okay. Now when they went back
19 to Old Wild Horse Road, they took you there, correct?
20 A. Yes, sir.
21 Q. They took you directly to Old Wild Horse Road?
22 A. Yes, sir.
23 Q. They didn't drop you off somewhere before they got
24 there so that you had to walk to Old Wild Horse Road?
25 A. Well, I don't recall.

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1 Road and they had left. Where did you go at that point?
2 A. I walked off and went home.
3 Q. Okay. So you walked -- basically walked home?
4 A. Yes, sir.
5 Q. Okay. Let me backtrack a little bit. I want to
6 make sure I ask you this. You stated when you came back
7 to Wild Horse Road with Aaron Young, Jr. and Aaron Young,
8 Sr. that you were talking to Ebony.
9 A. Yes, sir.
10 Q. You telling her about what y'all had been doing?
11 A. No, I was asking her why would Tyrone come to her
12 house like that.
13 Q. Did she ask y'all where y'all had been?
14 A. I don't recall, sir.
15 Q. Okay.
16 MR. BAX: A moment's indulgence, Your Honor.
17 [Whereupon, Mr. Bax confers with his client]
18 MR. BAX: No further questions, Your Honor.
19 THE COURT: Thank you. Redirect?
20 MR. STONE: No sir, nothing else.
21 THE COURT: Thank you. You can step down, sir.
22 [Whereupon, the witness is excused and exits the
23 witness stand]
24
25

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1 THE COURT: Solicitor, this looks like a good time
2 to stop. Do you have anybody else you need to work in
3 today?
4 MR. STONE: No, sir.
5 THE COURT: All right. Ladies and gentlemen, this
6 is a good place to stop. I'm not sure how much of a
7 favor I'm doing turning you loose at 5 o'clock with the
8 sound of things outside but I'm going to go ahead and
9 wish you luck on your way home. I'll remind you again
10 not to talk about this case among yourselves or with
11 anybody else or expose yourself to any information about
12 it. We'll see you tomorrow morning once again at 9:30.
13 Have a safe trip home and a good evening. Thank you.
14 [Whereupon, the jury exits at 4:59 p.m.]
15 MR. STONE: Anything else before we break for the
16 day?
17 MR. STONE: No, sir. I had made a note -- I had
18 made a note earlier that I think the defense made an
19 objection as far as discovery is concerned with the
20 statements from Ebony Campbell. I have a note in my
21 notes that she had mentioned that earlier in a police
22 report. I cannot at this point locate the police report.
23 I'll try to do that overnight. It might also have been
24 the interview when she was in the car. She was arrested
25 along with the other two out of the Ford truck when it

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1 ascertain where he is getting that information from, how
2 he knew to ask that question because I certainly would
3 not have known to ask that question based on what I have.
4 THE COURT: I understand. If it doesn't show up
5 anywhere else I'll allow her to be recalled during the
6 State's case and you can cross-examine her on the fact
7 that that information doesn't show up anywhere else if
8 you want to do it.
9 MR. BAX: Thank you very much, Your Honor.
10 THE COURT: All right. Okay folks, 9:30 tomorrow.
11 MR. STONE: Yes, sir.
12 MR. BAX: Yes, sir.
13 THE COURT: Thank you.
14 [Whereupon, court adjourns at 5:02 p.m.]
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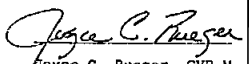
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1 was stopped. So I will try to find that over the evening
2 but I could not find it and keep the jury sitting here
3 waiting while I was looking for it.
4 THE COURT: Thanks for reminding me of that Mr.
5 Solicitor. Madame Reporter the sidebar conference during
6 the testimony of Ms. Ebony Campbell before cross-
7 examination of her Mr. Bax said that he did not have any
8 information regarding the testimony that she gave about a
9 second gun in Mr. Robinson's vehicle. And so they are
10 still searching to see where that information came from,
11 and if it can be verified or not. And Mr. Bax I'll be
12 glad to hear from your further in that regard once we
13 chase that thing down.
14 MR. BAX: Thank you, Your Honor. And I'll reserve
15 further argument for that time. I can certainly tell the
16 court we have researched, we doubled our search perhaps
17 is a better way to say it through everything that we have
18 that refers to Ebony Campbell. We do have an incident
19 report where Brandon Cooler, and officer with the
20 Sheriff's Office, interviewed her and we have her written
21 statement. And in neither of those things does it
22 mention a second gun. And obviously the reason for my
23 request at sidebar is obviously Solicitor Stone knew
24 about that because he specifically asked the question did
25 you see another gun in the car and I'm trying to

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1 C E R T I F I C A T E
2 I, the undersigned, Joyce C. Rueger, Official
3 Circuit Court Reporter for the Ninth Judicial Circuit of
4 the State of South Carolina, do hereby certify that the
5 foregoing is a true, accurate, and complete Transcript of
6 Record of the proceedings had and evidence introduced in
7 the trial of the captioned case, relative to appeal, in
8 the Court of General Sessions for Beaufort County, South
9 Carolina on the 16th day of September, 2014.
10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.
12
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January 23, 2015


Joyce C. Rueger, CVR-M
Court Reporter



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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS
DOCKET NO. 2012-GS-07-1935

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STATE OF SOUTH CAROLINA

vs.

TYRONE ROBINSON

Defendant

TRANSCRIPT OF RECORD

September 17, 2014
Beaufort, South Carolina

VOLUME 3 (OF 5)

B E F O R E:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

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

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ARIE BAX, ESQ.
JESSICA SAXON, ESQ.
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JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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State v Tyrone Robinson
Proceedings
September 17, 2014

PROCEEDINGS

1
2 THE COURT: All right folks, are both the State and
3 the defense ready for the jury?
4 MR. STONE: Yes sir, the State is ready, Your
5 Honor.
6 MR. BAX: The defense is ready, Your Honor. I was
7 about to approach Solicitor Stone. The only thing I was
8 wondering is just a little bit of an idea of when I might
9 need to start having defense witnesses ready. I do
10 expect that we're going to have Mr. DeFreese testimony
11 from the State and then obviously I would assume that we
12 will also hear from the pathologist in this case, Dr.
13 Tormos. I'm not sure what other witnesses so I'm trying
14 to figure out what kind of timeframe I need to be aware
15 of in order to have my investigator calling witnesses so
16 we can keep running smoothly, Your Honor.
17 THE COURT: You got any ideas that you can share
18 with us? I talked yesterday, as a matter of fact at the
19 end of the day I came down and I was talking with Mr.
20 Thornton and you were talking to somebody else at the
21 time Mr. Bax so you weren't in on the conversation. But
22 we were standing close to you because we didn't want to
23 talk with one side without the other side being present.
24 I got the impression that the State would take most of
25 the day. You all tell me?

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1 MR. STONE: We'll probably take -- I would not
2 think we'll take the entire day. I think we will get
3 most everything done this morning in the morning time.
4 THE COURT: Okay.
5 MR. STONE: We've got a number of basically chain
6 witnesses that are going to go right now and that should
7 not take us very long. So if it is -- if we go after
8 lunch it will not be long after lunch.
9 THE COURT: Okay. Does that give you something to
10 go by?
11 MR. BAX: It does, Your Honor. Obviously I would
12 have the standard motions after the rest of the defense
13 [sic] case. I guess it would have to be a situation
14 where I do have at least one witness that I have here
15 that I know he is eager to testify. He won't be a very
16 long witness. But if it's late in the afternoon I may
17 ask the court just to consider whether we should start
18 the defense case in the morning or not. We'll just play
19 it by ear at this point.
20 THE COURT: Okay. You know that it will not be in
21 the morning and we will not need them before this
22 afternoon in any event.
23 MR. BAX: Yes, Your Honor.
24 THE COURT: And if for some reason the State would
25 run out before lunch time I'll recess at that point in

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1 [Whereupon, an off the record bench conference is
2 held]
3 THE COURT: Ladies and gentlemen, I was reminded of
4 my need to voir dire you all and just ask you
5 individually about any exposure to the trial or evidence
6 in the trial of this or publicity about the trial of this
7 case after you left yesterday. I think it was covered on
8 the T.V. stations but the T.V. stations I think didn't
9 discover what was going on in this courtroom.
10 Nevertheless out of an abundance of caution I'll ask
11 you once again if any of you have been exposed to any
12 information about this case inadvertently or otherwise
13 outside of the courtroom. Mr. Crocker have you been?
14 MR. CROCKER: No, I haven't Your Honor.
15 THE COURT: Thank you, sir. Mr. Gaither, have
16 you?
17 MR. GAITHER: No, Your Honor.
18 THE COURT: Thank you. Mr. Dresher, have you?
19 MR. DRESHER: No, Your Honor.
20 THE COURT: Thank you. Ms. McKoy, have you?
21 MS. MCKOY: No, Your Honor.
22 THE COURT: Thank you, ma'am. Mr. Lorenz, have
23 you?
24 MR. LORENZ: No, Your Honor.
25 THE COURT: Thank you. Ms. Seabrook, have you?

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1 time-and-we-won't-start-until-you-can-get-your-folks-here
2 this afternoon.
3 MR. BAX: Thank you, sir. We're ready to go.
4 THE COURT: Bring us the jury please.
5 THE BAILIFF: The jury is entering the courtroom,
6 Your Honor.
7 THE COURT: Thank you, ma'am.
8 [Whereupon, the jury enters at 9:35 a.m.]
9 THE COURT: Good morning ladies and gentlemen.
10 Thank you for your prompt return this morning. I'll
11 renew the invitation if you all from this end want to
12 take those seats back there in back in the event -- I
13 think they will be using the video viewer this morning
14 for some evidence. So I'll leave it up to you; the seats
15 are available to you.
16 I'm glad that you all survived the flood that I sent
17 you out in yesterday. I was a little concerned that we
18 didn't have a lifeguard on duty in the parking lot when
19 you all were out there. But I'm glad you all made it
20 back. We're ready now to continue where we left off
21 yesterday. The State is continuing to offer evidence and
22 testimony in this case. Mr. Stone?
23 MR. STONE: May we approach briefly before we
24 start, Your Honor.
25 THE COURT: Yes, sir.

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1 MS. SEABROOK: No, Your Honor.
2 THE COURT: Thank you. Mr. Lancaster, have you?
3 MR. LANCASTER: No, sir.
4 THE COURT: Thank you. Mr. Uniejewski?
5 MR. UNIEJEWSKI: No, Your Honor.
6 THE COURT: Thank you. Ms. Hughes?
7 MS. HUGHES: No, Your Honor.
8 THE COURT: Thank you. Mr. Burke, have you?
9 MR. BURKE: No, Your Honor.
10 THE COURT: Thank you, sir. Mr. Dunning?
11 MR. DUNNING: No, Your Honor.
12 THE COURT: Mr. Womack?
13 MR. WOMACK: No, Your Honor.
14 THE COURT: Ms. Boston?
15 MS. BOSTON: No, Your Honor.
16 THE COURT: Thank you. Ms. Mauriocourt?
17 MS. MAURIO COURT: No, Your Honor.
18 THE COURT: Did I leave out anybody? Thank you,
19 folks. And thank you for reminding me Mr. Stone.
20 MR. STONE: Yes, sir.
21 THE COURT: All right. Mr. Stone?
22 MR. STONE: Yes, sir.
23
24
25

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1 MR. STONE: Investigator Doug Seifert.
2 THE COURT: Come forward Mr. Seifert and be sworn.
3 [Whereupon, Mr. Seifert comes forward]
4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]
6 - - - - -
7 DOUG SEIFERT,
8 Having been first duly sworn,
9 Was examined and testified as follows:
10 DIRECT EXAMINATION
11 BY MR. STONE:
12 Q. Investigator Seifert, you're with the Beaufort
13 County Sheriff's Office?
14 A. I am, sir.
15 Q. And on September the 1st, 2012 what was your
16 involvement in the investigation concerning the death of
17 Khalil Singleton?
18 A. I was called out on that day and I responded
19 straight to the 278 Gum Tree Lane where the other
20 defendants were.
21 Q. And the other defendants were Aaron Young, Jr. and
22 Aaron Young, Sr is that correct?
23 A. That's correct, sir.
24 Q. We have put into evidence State's exhibit 10.
25 [Whereupon, the witness is shown photograph]

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1 exhibit 15 into evidence. Is that a close up picture of
2 those two shell casings?
3 A. It is.
4 Q. Did you, sir, take those shell casings from the
5 truck?
6 A. I did.
7 [Whereupon, State's exhibit number 29 is marked by
8 the court reporter]
9 Q. I'll show you what has been marked as State's
10 exhibit 29 and ask if you could identify that for me
11 please?
12 [Whereupon, the witness is shown exhibit]
13 A. These are the three shell casings, .9mm shell
14 casings that I collected out of the back of the truck
15 bed.
16 Q. Now there is some writing on there on the very
17 front. Did you put that writing in there?
18 A. That is my handwriting yes, sir.
19 Q. Okay. And what is the purpose behind that writing?
20 A. Just for that no one else had collected the actual
21 evidence; it was just me.
22 Q. Did you then put it in that bag and seal it?
23 A. I did, sir.
24 Q. And then what was your process with those shell
25 casings afterwards?

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1 Q. Was that the vehicle they were in?
2 A. Yes, sir.
3 Q. And you actually responded to that scene did you
4 not?
5 A. I did, sir.
6 Q. Let me show you what has been marked as State's
7 exhibit 11 and State's exhibit 15 and ask if these are
8 fair and accurate depictions of the truck bed -- the bed
9 of that Ford F-150?
10 [Whereupon, the witness is shown photographs]
11 A. Yes, sir.
12 MR. STONE: At this time, Your Honor, we'd move
13 these into evidence, State's exhibit 15 and State's
14 exhibit 11.
15 MR. BAX: No objection, Your Honor.
16 THE COURT: In evidence without objection.
17 [Whereupon, State's exhibit numbers 11 and 15 are
18 entered into evidence by the court]
19 Q. [Mr. Stone] Let me first show you what has been
20 marked as State's exhibit 11. Can you tell us what that
21 is please?
22 A. That's the back of the truck of the '95 Ford F-150
23 where there is an empty shell casing right there
24 [indicates].
25 Q. Let me show you what has been marked as State's

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1 A. Once I sealed the actual top of the actual bag you
2 actually sign your name on both sides and then once I did
3 that I actually handed that over to Corporal Conant.
4 Q. Wendy Conant?
5 A. Yes, sir.
6 Q. Did you change or alter these shell casings in any
7 way when you took them out of the truck bed?
8 A. No, sir.
9 MR. STONE: No further questions of this witness,
10 Your Honor.
11 THE COURT: Thank you. Mr. Bax?
12 MR. BAX: Thank you, Your Honor.
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CROSS-EXAMINATION

1 BY MR. BAX:
2 Q. Good morning Investigator Seifert.
3 A. Good morning, sir.
4 Q. A couple of questions for you. You testified that
5 you responded to the scene on Allen Road, is that
6 correct?
7 A. No sir, it was Gun Tree; 278.
8 Q. Right, I'm sorry. You responded to the location
9 where the Ford F-150 had been pulled over is that
10 correct?
11 A. That is correct, sir.
12 Q. Okay. And that's on one of those main roads coming
13 onto Hilton Head Island, correct; 278?
14 A. That is correct, yes sir.
15 Q. How far is that from 17 Old Wild Horse Road?
16 A. You can go two different ways. I would say within a
17 mile or mile and a half.
18 Q. Okay. Now you weren't the officer that actually
19 pulled or blue lighted this grey F-150 correct?
20 A. That is correct, sir. I did not blue light it.
21 Q. Okay. When you arrived were you able to determine
22 how long it had been since they were pulled? How long
23 had they been there on the road?
24 A. Not -- as far as my understanding it wasn't long,

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1 correct?
2 A. That is correct, sir
3 MR. BAX: Approach the witness, Your Honor?
4 THE COURT: Yes, sir.
5 MR. BAX. Thank you.
6 Q. [Mr Bax] I'm going to show you what has been marked
7 as State's exhibit 26. I'm just going to lay that up
8 there. Did you locate anything like this in the truck?
9 [Whereupon, the witness is shown exhibit]
10 A. No, sir.
11 Q. Did any of the other officers locate anything like
12 this in the truck?
13 A. No, sir.
14 Q. Okay. There are some other items associated with
15 it; a clip. I assume the answer is the same that none of
16 these items were found in the truck at that time?
17 A. No, sir.
18 Q. Okay.
19 MR. BAX: And that was State's 28, Your Honor.
20 Q. [Mr Bax] And finally there is State's 25, which is
21 a black bag.
22 [Whereupon, the witness is shown exhibit]
23 Q. Was there any bags like that that were located in
24 the car?
25 A. No, sir.

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1 they weren't pulled over that long.
2 Q. Okay. How many officers were on scene when you
3 arrived?
4 A. There were three when I first responded
5 Q. And did they each have their own patrol unit? In
6 other words there were three marked patrol units around?
7 A. Yes, sir.
8 Q. Okay. And they had their blue lights activated?
9 A. Yes, sir.
10 Q. Okay. And how many -- did they inform you, did the
11 officers inform you or were you able to determine how
12 many occupants were in that vehicle when it was pulled
13 over?
14 A. Each individual officer stated that they had one in
15 the back of their car.
16 Q. So for a total of three, is that correct?
17 A. That is correct, sir.
18 Q. And who were those individuals?
19 A. As far as officers or the people ---
20 Q. --- the individuals that pulled out of the car.
21 What was their identity?
22 A. It was Aaron Young, Jr., Aaron Young, Sr., and Ebony
23 Campbell.
24 Q. Okay. And you've testified to the exhibits where
25 some shell casings were found in the back of the F-150

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1 Q. Okay. Investigator Seifert, obviously yourself and
2 these three officers were on scene. Were the Youngs
3 placed under arrest at that time?
4 A. Yes, they were under arrest as far as they were
5 detained inside the vehicles, yes sir.
6 Q. Okay. And the pictures that the State has
7 introduced, State's 11 and 15 that show the pictures of
8 those casings in the back of the truck. Were those taken
9 there on 278?
10 A. Yes, sir.
11 Q. Okay. So that wasn't taken at a later time?
12 A. No, sir.
13 Q. Because I believe that vehicle was impounded by the
14 police for some period of time, is that correct?
15 A. Yes sir, it was by Duke's Towing.
16 Q. But they are on the road on 278 near Gum Tree did
17 you and the other officers or did the other officers have
18 an opportunity to look through the car incident to that
19 detainment?
20 A. Very briefly due to -- because of the congestion on
21 the road it was a very dangerous area to be at so it was
22 as far as -- we already knew we were going to tow it to
23 the actual impound lot. But as far as the back of the
24 truck we actually collected the casings because obviously
25 the air and everything like that.

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1 Q. Okay. Regardless of what y'all looked through
2 there on 278 y'all seized the car in the condition that
3 it was in at that time correct?
4 A. Yes, sir.
5 Q. So whatever was in that truck would have stayed in
6 that truck until you got a chance to search it at the
7 impound?
8 A. Yes, sir.
9 Q. So there wouldn't have been anything that went
10 missing in between?
11 A. No, sir.
12 Q. Okay. So if the gun had been in the car the
13 exhibit I've just showed you y'all would have found at
14 that time?
15 A. Yes, sir.
16 Q. Okay. Investigator Seifert, was that the end of
17 your role in this investigation or did you continue to
18 work on this case that day?
19 A. I continued to work on this case.
20 Q. Did that work include attempting to interview and
21 interviewing the Youngs, Sr. and Jr.?
22 A. Yes, sir.
23 Q. And did that occur just there at the side of the
24 road or were there other times that you were able to
25 interview them that day?

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1 videotaped and audio recorded, is that correct?
2 A. That is correct, sir.
3 Q. To your remembrance were the Youngs placed in rooms
4 similar to that that had those capabilities?
5 A. I believe certain ones were. Our office was
6 actually new at the time so I just knew that the one
7 interview room was mostly used had video that was
8 working.
9 Q. Okay. Thank you very much.
10 MR. BAX. A moment's indulgence, Your Honor.
11 THE COURT: Yes, sir.
12 [Whereupon, Mr. Bax confers with Ms. Saxon]
13 Q. [Mr. Bax] One final question Investigator Seifert.
14 You indicated you reported there to or responded to 278
15 Gum Tree During the course of this investigation did
16 you ever have a chance to go to Allen Road later on for
17 the purposes of any gathering of evidence or looking at
18 the scene?
19 A. I did not as far as that evening or anything like
20 that. Actually I'm actually on the K-9 team and what we
21 did is try to scan for different pieces of evidence
22 throughout the neighborhood but that was it sir.
23 Q. During those searches were you a part of gathering
24 any other evidence? Did y'all find anything?
25 A. No, sir.

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1 A. Once it was on the side of the road and I also did
2 it at the Hilton Head office.
3 Q. Okay. How far is the Hilton Head office from there
4 at 278 Gum Tree?
5 A. A mile and a half or two miles I'd guess.
6 Q. So a short transport and they were over there?
7 A. Yes, sir.
8 Q. About what time of the day was it when you arrived
9 on scene?
10 A. Can I refer to my notes?
11 Q. Yes, absolutely please do.
12 [Whereupon, the witness reviews documents]
13 A. It would be 1730 hours, which would be about 5:30 in
14 the evening.
15 Q. Okay. So can you estimate about how long they were
16 on the side of the road before they were taken over to
17 the Hilton Head branch office?
18 A. If I had to guess with myself it probably would have
19 been about 40 or 50 minutes if I had to guess.
20 Q. And just once again Investigator Seifert you were
21 involved in interviewing the Youngs later that day at the
22 Hilton Head branch office, correct?
23 A. That is correct, sir.
24 Q. Okay. And at your interview rooms at the Hilton
25 Head branch office you have interview rooms that are both

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1 Q. Thank you Investigator Seifert.
2 MR. BAX: Your Honor, no further questions on cross
3 at this time.
4 THE COURT: Thank you. Redirect Mr. Stone?
5 MR. STONE: No, sir.
6 THE COURT: Thank you ---
7 MR. BAX: --- Your Honor, if I may could I approach
8 briefly?
9 THE COURT: Okay. Investigator Seifert, if you'll
10 stay right there just a minute. I'm not sure whether
11 this involves you or not but hang on a second.
12 THE WITNESS: Yes, Your Honor.
13 THE COURT: Thank you.
14 [Whereupon, an off the record bench conference is
15 held]
16 THE COURT: Investigator, you can step down. We
17 may need you back at some other later time but I
18 understand you'll be where we can get you.
19 THE WITNESS: Thank you, sir.
20 [Whereupon, the witness is excused and exits the
21 witness stand]
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1 MR. STONE: The State calls John Adams to the
2 stand.
3 THE COURT: Come forward please Mr. Adams to be
4 sworn.
5 [Whereupon, Mr. Adams comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8
9 JOHN ADAMS,
10 Having been first duly sworn,
11 Was examined and testified as follows:
12 DIRECT EXAMINATION
13 BY MR. STONE:
14 Q. Investigator Adams, you're with the Sheriff's
15 Office?
16 A. Yes, sir.
17 Q. At some point did you respond to Old Wild Horse --
18 was it Wild Horse Road I believe it is?
19 A. Old Wild Horse, yes sir.
20 Q. And did you respond for the purpose of inspecting a
21 bullet hole in a house?
22 A. Yes sir, I did.
23 [Whereupon, State's exhibit number 30 is marked by
24 the court reporter]
25 Q. Now I will show you these photographs that have

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1 already been entered into evidence as State's exhibit 18,
2 19, 20, and 21 and ask if you recognize that?
3 [Whereupon, the witness is shown photographs]
4 A. Yes, sir.
5 Q. Okay. Is that the house that you inspected?
6 A. Yes sir, it is.
7 Q. Let me first go to State's exhibit -- and I'll put
8 it up on the monitor -- this is State's exhibit 18 and I
9 think we've had testimony that that is Ebony Campbell in
10 the front of this house. Is this the house that you went
11 to to inspect the bullet hole?
12 A. Yes sir, it is.
13 Q. State's exhibit 21 actually has a close up of that
14 bullet hole with a hand in it. Is that you?
15 A. It's my hand sir, yes sir.
16 Q. Did you retrieve a bullet out of that particular
17 spot?
18 A. Yes sir, we did.
19 Q. Let me show you what has been marked as State's
20 exhibit 30 and ask if you can identify that for me?
21 [Whereupon, the witness is shown exhibit]
22 A. Yes, sir.
23 Q. And what is that?
24 A. That is the bag containing the projectile that came
25 out of that hole in the wall.

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1 Q. You got this out of the wall? What did you do with
2 it once you got it?
3 A. The bullet was actually retrieved with the aid of
4 the owner of the residence. It had fallen within the
5 wall itself between the outer siding and the inner
6 drywall. And the bottom portion of the wall was pried
7 open and that bullet dropped on the ground and I picked
8 up, photographed it, and then put it in a tin and it was
9 sealed in that bag and turned over to Investigator
10 Albertin with the Sheriff's Office.
11 Q. And investigator Albertin was with you I believe at
12 the time?
13 A. She was, sir.
14 Q. And in fact I think this is Investigator Albertin in
15 State's exhibit 19 is that correct?
16 A. That is correct, sir.
17 Q. Okay. Did you change or alter the bullet in any
18 way when you took it when you picked it up and handed it
19 to Investigator Albertin?
20 A. No, sir.
21 Q. Okay.
22 MR. STONE: No further questions at this time, Your
23 Honor.
24 THE COURT: All right. Cross-examination?
25 MR. BAX: Thank you, Your Honor.

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Briefly -- good morning Officer Adams, how you
4 doing?
5 A. Good morning, sir.
6 Q. What was the date that you went over to 17 Old Wild
7 Horse Road and found this projectile?
8 A. September the 10th.
9 Q. And you indicated that there was another officer
10 with you at that date. Who was that?
11 A. Investigator Albertin.
12 Q. And this was the only projectile you took into
13 custody personally yourself. Did Investigator Albertin
14 find any other projectiles that day?
15 A. I don't believe we found any other projectiles. We
16 did find I believe an entire bullet that was over in the
17 ground but that was the only projectile that came out of
18 that residence.
19 Q. Okay. The projectile that was in the ground did
20 y'all seize that as well or take that into evidence?
21 A. I don't think it was a projectile. It was an entire
22 bullet.
23 Q. Oh, it was an unfired ---
24 A. --- an unfired bullet.
25 Q. Okay. Do you recall what caliber that unfired

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1 was that do you recall?
2 A. That was the 6th of September.
3 Q. Was that the first time that you had had the chance
4 to speak with the Youngs? Did you ever talk to them on
5 September 1st when they were first arrested?
6 A. No, sir.
7 Q. That was the first time you had contact with them?
8 A. It was.
9 Q. And you had an opportunity at that time to also
10 serve them with some warrants, is that correct?
11 A. That is correct, sir.
12 MR. BAX: Moment's indulgence, Your Honor.
13 THE COURT: Okay.
14 [Whereupon, Mr. Bax confers with Ms. Saxon]
15 MR. BAX: Briefly, Your Honor. I'd ask that a
16 couple of things be marked as defense for I.D. only.
17 THE COURT: All right.
18 [Whereupon, defendant's exhibit numbers 6, 7, and 8
19 are marked by the court reporter]
20 MR. BAX: Approach the witness, Your Honor?
21 THE COURT: Yes, sir.
22 Q. [Mr. Bax] Investigator Adams I'm just going to hand
23 you a couple of pictures that are marked for I.D. only.
24 [Whereupon, the witness is shown photographs]
25 Q. Do you recognize any of those objects in those

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1 bullet was?
2 A. I don't recall, sir.
3 Q. Was that taken into evidence at that time?
4 A. Yes, sir.
5 Q. Obviously the incident that we have had testimony
6 about Investigator Adams occurred on September 1st, 2012
7 is that correct?
8 A. Yes, sir.
9 Q. So this would have been roughly nine days later?
10 A. That is correct, sir.
11 Q. And did you go to do this search after already
12 having talked to the Youngs?
13 A. Yes, sir.
14 Q. Okay. So you had an opportunity at least to
15 attempt to speak with the Youngs and try to get some
16 statements from them, correct?
17 A. Yes, sir.
18 Q. And is that what led you to go to 17 Old Wild Horse
19 Road and look for this projectile?
20 A. It is.
21 Q. Okay. And Investigator Albertin was with you when
22 you went to speak with the Youngs as well is that
23 correct?
24 A. She was.
25 Q. When was it that you spoke to the Youngs? What day

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1 pictures?
2 A. Yes sir, I do.
3 Q. Can you identify for me what they are in those
4 pictures?
5 THE COURT: Identify them by exhibit numbers if you
6 would please?
7 MR. BAX: Yes sir, thank you.
8 A. Exhibit 6, 7, and 8 are all pictures of the
9 projectile that was collected from the wall.
10 Q. [Mr. Bax] Okay. Thank you very much. Were those
11 shots that you took or were those shots that were taken
12 later on?
13 A. I believe I took those shots right after the bullet
14 was collected.
15 Q. Fantastic. Thank you very much.
16 MR. BAX: Your Honor, the defense would move these
17 at this time into evidence as defense 6, 7, and 8.
18 MR. STONE: No objection.
19 THE COURT: Without objection defense 6, 7, and 8
20 in evidence.
21 MR. BAX: Thank you.
22 [Whereupon, defendant's exhibit numbers 6, 7, and 8
23 are entered into evidence by the court]
24 MR. BAX: No further questions. Thank you.
25 THE COURT: Thank you.

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REDIRECT EXAMINATION

2 BY MR. STONE:
3 Q. When you interviewed the Youngs I think on the 6th
4 where were the Youngs?
5 A. They were at the Beaufort County Detention Center.
6 Q. They were in custody at that time?
7 A. They were, sir.
8 Q. And they had been in custody since they were taken
9 out of the truck?
10 A. I believe so.
11 Q. Okay.
12 MR. STONE: No further questions, Your Honor.
13 THE COURT: Thank you, sir. You can step down Mr.
14 Adams. Thank you.
15 [Whereupon, the witness is excused and exits the
16 witness stand]
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1 MR. STONE: Laurel Albertin.
2 THE COURT: Ms. Albertin, come forward please ma'am
3 and be sworn.
4 [Whereupon, Ms. Albertin comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7
8 LAUREL ALBERTIN,
9 Having been first duly sworn,
10 Was examined and testified as follows:
11 DIRECT EXAMINATION
12 BY MR. STONE:
13 Q. Investigator Albertin you are with the Beaufort
14 County Sheriff's office?
15 A. Yes, sir.
16 Q. You were involved I believe in going to -- let me
17 just show you first what has been marked as State's
18 exhibit 19, a house on Old Wild Horse Road.
19 [Whereupon, the witness is shown photograph]
20 Q. Is that you in this photograph?
21 A. Yes sir, it is.
22 Q. Okay. You were with Investigator Adams when he
23 retrieved a bullet from the wall of this house?
24 A. Yes, I was.
25 Q. Let me show you what has been marked as State's

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1 exhibit 30 and ask if you could identify that please
2 ma'am?
3 [Whereupon, the witness is shown exhibit]
4 A. This is the bag with a projectile that I collected
5 from the Wild Horse -- 17 Old Wild Horse Road.
6 Q. Now Investigator Adams handed you this and then you
7 took it from him, is that correct?
8 A. Yes, sir.
9 Q. And at what point -- what did you do with it once
10 you took it?
11 A. I then secured the bag into a storage locker with a
12 lock that only I have. I initialed it and I turned it
13 over to our evidence technician.
14 Q. Did you change or alter the bullet in any way while
15 it was in your custody?
16 A. No, sir.
17 Q. And you put this directly into evidence, is that
18 correct?
19 A. Yes, sir.
20 MR. STONE: No further questions for this witness,
21 Your Honor.
22 THE COURT: Thank you. Mr. Bax?
23 MR. BAX: Briefly, Your Honor.
24
25

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CROSS-EXAMINATION

1
2 BY MR. BAX:
3 Q. Good morning.
4 A. Good morning.
5 Q. You testified that you were with and in fact you are
6 in the picture over at 17 Wild Horse Road. Now the house
7 here [indicates] that you are in front of in the picture,
8 State's exhibit number 19 is that 17 Old Wild Horse Road
9 or is that the neighbor of 17? I'll pass that up to you.
10 [Whereupon, the witness is shown photograph]
11 Q. Do you recall from the structure of the neighborhood
12 was that where the Youngs lived or was that where
13 somebody lived next to them?
14 A. That is the house directly in front of the Youngs.
15 Q. Directly in front, okay. And have you had an
16 opportunity to speak with Aaron Young, Jr. and Aaron
17 Young, Sr. before you went over to look for this
18 projectile?
19 A. Yes, sir.
20 Q. Okay. And that was at the Beaufort County
21 Detention Center is that correct?
22 A. Yes.
23 Q. And at that time yourself and Investigator Adams
24 served them with warrants, correct?
25 A. That's correct.

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1 Q. Okay. And the reason that you went over there on
2 the 10th was based on at least in part on information
3 that was provided to you by the Youngs during those
4 interviews correct?
5 A. Correct.
6 Q. We have one projectile here and I want to show you
7 these.
8 MR. BAX: Approach, Your Honor?
9 THE COURT: All right.
10 Q. [Mr. Bax] These have been marked defendants exhibits
11 6, 7, and 8 and have been introduced into evidence.
12 Could you take a look at those and see if you can
13 identify those?
14 [Whereupon, the witness is shown photographs]
15 A. Yes, sir. That's the projectile we recovered there.
16 Q. Thank you very much. Was there anything else that
17 you and Investigator Adams recovered that day over there
18 at Wild Horse Road?
19 A. Yes. We recovered two shell casings, we recovered
20 one bullet and we also recovered numerous bottle caps,
21 cans, crushed cans, pennies, coins.
22 Q. Do you recall the caliber of the shell casings that
23 you recovered?
24 A. They were .9 mm.
25 Q. Okay. Was there an unspent cartridge, in other

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1 words a bullet that has not yet been fired that you found
2 outside?
3 A. Yes, sir.
4 Q. What was the caliber of that?
5 A. That was a .9 mm.
6 Q. That was a .9 mm as well? Okay. Anything else
7 that y'all found that day?
8 A. No, sir.
9 Q. Thank you very much.
10 MR. BAX: Moment's indulgence, Your Honor.
11 THE COURT: All right.
12 [Whereupon, Mr. Bax confers with Ms. Saxon and his
13 client]
14 MR. BAX: No further questions, Your Honor. The
15 same request as I had with Investigator Seifert.
16 THE COURT: Thank you.
17 MR. STONE: No objection.
18 THE COURT: All right. Investigator, you said you
19 turned the retrieved bullet put it in your storage locker
20 and then gave it to the evidence custodian. Who was the
21 evidence custodian?
22 THE WITNESS: That was Corporal Padgett.
23 THE COURT: Thank you. All right, anything
24 further Mr. Stone?
25 MR. STONE: Briefly.

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1 REDIRECT EXAMINATION
2 BY MR. STONE:
3 Q. And then you sealed the package actually before you
4 put it into evidence is that correct?
5 A. Yes, sir.
6 Q. When it is in the evidence locker then that seal
7 when it was taken out -- you did not take it out. That
8 was I guess Wendy Conant took it out of the evidence
9 locker, is that correct? Let me hand it to so you can
10 see.
11 [Whereupon, the witness is shown exhibit]
12 A. I sealed the bag, I initialed -- I signed it and I
13 turned it over directly to Corporal Padgett where he
14 signed it.
15 Q. And then at that point that's the last contact you
16 had with it?
17 A. Yes, sir.
18 MR. STONE: Thank you, Your Honor.
19 THE COURT: Thank you. Investigator we may need
20 you back later today or perhaps even tomorrow so don't
21 leave the country.
22 THE WITNESS: Yes, sir.
23 THE COURT: Thank you, ma'am.
24 [Whereupon, the witness is excused and exits the
25 witness stand]

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1 MR. STONE: Captain Bob Bromage.
2 THE COURT: Captain Bromage, come around please and
3 be sworn.
4 [Whereupon, Captain Bromage comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7
8 BOB BROMAGE,
9 Having been first duly sworn,
10 Was examined and testified as follows:
11 DIRECT EXAMINATION
12 BY MR. STONE:
13 Q. Captain Bromage, you were also involved in the
14 investigation concerning the death of Khalil Singleton?
15 A. I was.
16 Q. And at some point -- let me first show you State's
17 exhibit 17 and ask you if you could identify this for me
18 please?
19 [Whereupon, the witness is shown photograph]
20 A. That's the small duffle bag that contained the .9mm
21 pistol and accessories.
22 Q. And the photograph itself where is the location of
23 this?
24 A. Benny Young's shed behind his house on Wild Horse
25 Road.

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1 Q. All right.
2 MR. STONE: At this time, Your Honor, we offer --
3 Q. [Mr. Stone] And that is a fair and accurate
4 depiction as you saw the scene that night?
5 A. It was.
6 MR. STONE: At this time Your Honor we offer
7 State's exhibit 17 into evidence.
8 MR. BAX: No objection, Your Honor.
9 THE COURT: Thank you. Without objection.
10 [Whereupon, State's exhibit number 17 is entered
11 into evidence by the court]
12 Q. [Mr. Stone] Tell me what we are looking at in this
13 view?
14 A. During the interview of Aaron Young, Sr.?
15 Q. Yes.
16 A. He decided that he was going to cooperate and bring
17 us to the gun that he and his son possessed during this
18 entire gun battle.
19 He led me and Sergeant Simms [phonetic] Trey Simms
20 to his father's residence where he and his son had hid
21 this after the incident. And it was a bag containing
22 what appeared to be a submachine gun, a .9mm submachine
23 gun.
24 Q. Okay. Let me hand you what has been marked as
25 State's exhibit 25 at this point just for identification.

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1 at the scene to process, photograph, and collect the
2 evidence. I was not equipped to do so at the time.
3 Q. But you were present during the collection of this?
4 A. Prior to the collection. When he got out there and
5 started photographing I looked in the bag myself with a
6 flashlight prior to him coming out.
7 Q. And these items were in that bag?
8 A. Yes.
9 MR. STONE: Your Honor, at this time we'd move
10 State's exhibit 31 into evidence.
11 MR. BAX: No objection, Your Honor.
12 THE COURT: And what is that?
13 MR. STONE: These are unfired .9mm bullets, a box
14 of them as well as individual ones.
15 THE COURT: Okay. Thank you.
16 [Whereupon, State's exhibit number 31 is entered
17 into evidence by the court]
18 Q. [Mr. Stone] And what has already been introduced
19 into evidence as State's exhibit 26 was this the gun that
20 was in that bag?
21 A. That was the gun in the bag.
22 Q. Okay.
23 [Whereupon, State's exhibit number 32 is marked by
24 the court reporter]
25 Q. [Mr. Stone] Also in this bag of evidence that has

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1 [Whereupon, the witness is shown exhibit]
2 Q. Can you tell me what that is please?
3 A. That's the bag that contained the .9mm submachine
4 gun.
5 MR. STONE: At this time, Your Honor, we'd move
6 this into evidence as State's exhibit 25.
7 MR. BAX: No objection, Your Honor.
8 THE COURT: Without objection 25 in evidence.
9 [Whereupon, State's exhibit number 25 is entered
10 into evidence by the court]
11 Q. [Mr. Stone] I'll take this out. So this is the bag
12 in that doorway right there [indicates] is that correct?
13 A. It is, sir.
14 [Whereupon, State's exhibit number 31 is marked by
15 the court reporter]
16 MR. STONE: Your Honor, for purposes of the defense
17 all of this was together in the bag. I have just taken
18 it out just making sure we are clear as far as the
19 evidence is concerned.
20 THE COURT: That's fine.
21 Q. [Mr. Stone] Let me show you what has been marked as
22 State's exhibit 31. These items were inside this bag.
23 [Whereupon, the witness is shown exhibit]
24 Q. Was that part of what was inside the black bag?
25 A. It was. I contacted Corporal Cooler to meet me out

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1 already been put into evidence I will refer to this as
2 State's exhibit 32 for purposes of the record. This is a
3 can of lubricant. Was that in that bag as well?
4 A. Yes, sir.
5 MR. STONE: I want to move this into evidence as
6 well, Your Honor.
7 MR. BAX: No objection, Your Honor.
8 THE COURT: Thank you.
9 [Whereupon, State's exhibit number 32 is entered
10 into evidence by the court]
11 Q. [Mr. Stone] Item number 27 and 28 have also been
12 moved into evidence. This is part of the gun in State's
13 exhibit 26 is that correct?
14 A. That's correct.
15 Q. And this was with the gun at the same time?
16 A. It was.
17 MR. STONE: I don't have any further questions of
18 this witness at this time. Thank you, Captain.
19 THE COURT: Thank you. Mr. Bax?
20 MR. BAX: Thank you, Your Honor.
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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good morning Captain Bromage.
4 A. Good morning, sir.
5 Q. A couple of questions briefly. You had stated
6 earlier in your direct testimony that this was discovered
7 as a result of Aaron Young, Sr. deciding to cooperate
8 correct?
9 A. That's correct.
10 Q. Okay. So the basic location where you found this
11 came from Aaron Young, Sr. is that correct?
12 A. It did.
13 Q. Okay. And just so that we are clear. I know there
14 is a little confusion about the family relations here.
15 You've also talked about Benny Young.
16 In order to make it clear to the jury who is who in
17 this family who is Benny Young in relation to Aaron
18 Young, Sr. and Jr.?
19 A. Benny Young is Aaron Young, Sr.'s father and Aaron
20 Young, Jr.'s grandfather.
21 Q. Okay. And I believe we've seen some testimony and
22 seen some evidence that Aaron Young, Sr. has been
23 referred to as Bennie as well at certain times, is that
24 correct?
25 A. The people in the community call him Bennie. It is

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1 them with that Benny's Lounge is that right?
2 A. They do.
3 Q. And that's kind of where calling them all Benny
4 comes from?
5 A. Yes, sir.
6 Q. Okay. And this building that is in the picture
7 that is still up and let me refer to it by number,
8 State's exhibit 17 I think you said this is a shed behind
9 Benny Young's place?
10 A. The oldest Benny Young?
11 Q. Yes?
12 A. This is on his property and it's a shed behind his
13 house.
14 Q. Okay. And how far from 17 Old Wild Horse Road
15 where Aaron Young, Jr. and Sr. were living is Benny's
16 place?
17 A. I didn't measure it. I stuck around that night to
18 make sure the gun was being properly collected and left.
19 I would say within 100 yards or something but I'm just
20 guessing.
21 Q. So in close proximity?
22 A. It's all in close proximity. It's definitely
23 walking distance from Benny's lounge and from where the
24 Youngs live.
25 Q. Okay. And when y'all found this you indicated it

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1 confusing; there's no question about it.
2 Q. Okay.
3 A. Aaron Young, Jr. who was 17 or 18 at the time.
4 Aaron Young, Sr. I think was 36 or 37 at the time. Benny
5 Young is 65; late 60's.
6 Q. And they can sometimes be people in the community
7 all be referred to as Bennie?
8 A. That's what I understand.
9 Q. And I believe there was some testimony that at some
10 point Benny Young, basically the third generation, the
11 oldest, the grandfather as it were, had some kind of
12 establishment; a bar or some kind of place that people
13 went is that correct?
14 A. Yes, he had Benny's Lounge in the 1990's that was
15 right in that area. As a matter of fact it was active on
16 the weekends.
17 Q. Was it in that same Squire Pope right in there where
18 those houses are?
19 A. Its right at the tip I believe of Wild Horse Road.
20 Q. Okay.
21 A. Which is just down from Squire Pope and Gum Tree and
22 all that; it's in the middle actually.
23 Q. And it's not active any more, is that correct?
24 A. Not that I know of.
25 Q. But a lot of people in the community still associate

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1 was in that shed. Was it sitting in that location in the
2 picture or was it inside the shed somewhere?
3 A. It was right there. I went in and actually unzipped
4 it so see what was in it and I said okay, I'm going to
5 back out and let it gets photographed and I opened the
6 bag and looked in it and saw the submachine gun, the .9mm
7 and backed out at that point.
8 Q. Okay. So it was just in the floor right near the
9 door?
10 A. Well, it was hidden in there. It was obviously a
11 hasty throw it in there because we wouldn't have any idea
12 it was there.
13 Q. Okay. During the course of that evening did
14 yourself or any officers under your command get any
15 search warrant for the rest of that shed?
16 A. I'd have to look at Corporal Cooler's -- I believe
17 we had consent but we may have gotten a search warrant.
18 But again it was Benny Young, the oldest Benny Young's
19 property so nobody would have any standing -- any of our
20 defendants wouldn't have any standing with that so give
21 me a second. Can I?
22 Q. Certainly. Take your time.
23 [Whereupon, the witness reviews documents]
24 A. No, we didn't get a search warrant by the report.
25 Q. Well, and not for the issues of challenging anything

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1 obviously just from your remembrance did you or the other
2 officers get a chance to look through the rest of that
3 shed; consent or otherwise?
4 A. I would imagine. I instructed Corporal Cooler to do
5 but I did not.
6 Q. Okay. Were you made aware that any other weapons
7 were found on Benny Young's property or in that shed?
8 A. There were no other weapons found in this case.
9 Q. Okay.
10 MR. BAX: Moment's indulgence, Your Honor.
11 THE COURT: Yes, sir.
12 [Whereupon, Mr. Bax confers with Ms. Saxon]
13 Q. [Mr. Bax] One brief follow up, Captain. Earlier in
14 the evening did you have the opportunity to be at least
15 for some small periods of time part of the interviews of
16 Aaron Young, Sr. and Aaron Young, Jr.?
17 A. I oversaw the interviews to make sure that the tone
18 was right and that everything was going forward. Yes I
19 did; I spoke to everybody in this case.
20 Q. Okay. And I believe we've heard some testimony
21 about this from some of the other officers. The Youngs
22 were placed in a room that is audio and videotaped is
23 that correct?
24 A. If I could give you a layout of the office. We had
25 just moved into the new Hilton Head office at that point,

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1 Q. Okay. So you can maybe see but not necessarily
2 hear.
3 A. Unless somebody's yelling you can't really get a
4 grasp of what is going on.
5 Q. Well, there was probably some yelling that night
6 though wasn't there?
7 A. Not that I recall as far as yelling. But there
8 could have been as far as the -- obviously this case
9 brings a lot of passion to it so the tone could have
10 changed several times.
11 Q. Okay. Thank you.
12 MR. BAX: No further questions, Your Honor.
13 THE COURT: Thank you. Mr. Stone?
14 MR. STONE: Nothing else, Your Honor. Thank you.
15 THE COURT: Thank you. Captain, you can step
16 down. Thank you.
17 [Whereupon, the witness is excused and exits the
18 witness stand]
19 [Whereupon, State's exhibit number 33 is marked by
20 the court reporter]
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1 which we had one interview room equipped with video and
2 audio. It was still basically under construction, we
3 were putting it all together so we had to put people in
4 different areas to stage them before we actually did the
5 formal interviews.
6 The formal interviews were done in the interview
7 room where Mr. Robinson was interviewed, Aaron Young, Jr.
8 was interviewed and Aaron Young, Sr. and then they were
9 held in different spots until we could transport them to
10 Beaufort.
11 Q. So you basically had to rotate them through that
12 room in order to do the interviews?
13 A. Unfortunately we did, yes sir.
14 Q. Okay. Now Captain the video feed of that formal
15 interview room is that something that can be viewed
16 outside the room by other officers?
17 A. At that time I don't think so at that time. Again,
18 we had just moved in a few months prior so we were still
19 putting everything together. So to find out what was
20 going on you actually had to go in the room and engage at
21 that point.
22 Q. Were there any windows to see or a window in the
23 door or a window in the wall or anything like that?
24 A. There is a window on the outside but you can't hear
25 what is going on.

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1 MR. STONE: Derrick Nelson.
2 THE COURT: Officer Nelson, come forward please and
3 be sworn.
4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]
6
7 DERRICK NELSON,
8 Having been first duly sworn,
9 Was examined and testified as follows:
10 DIRECT EXAMINATION
11 BY MR. STONE:
12 Q. Investigator Nelson, you're with the Beaufort County
13 Sheriff's office?
14 A. I am, sir.
15 Q. Specifically on the case involving Tyrone Robinson
16 did you process Tyrone Robinson's car?
17 A. I did.
18 Q. Let me show you what has been marked as State's
19 exhibit 14 and 16 and ask if you could identify those
20 photographs for me.
21 [Whereupon, the witness is shown photographs]
22 A. Yes, sir. These are photographs I took during the
23 execution of the search.
24 Q. Okay. And the car at this point is located at the
25 impound lot, is that correct?

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1 A. That's correct.
2 Q. That's a fair and accurate depiction of how the car
3 looked that day?
4 A. It is, sir.
5 Q. Now the sticks coming out I guess those are called
6 dowels, is that right?
7 A. Yes, sir.
8 Q. And what's the purpose of that?
9 A. Those are to help us determine the basic trajectory
10 of any projectiles that entered the vehicle.
11 Q. Okay.
12 MR. STONE: At this time, Your Honor, we'd move
13 State's exhibit 16 and 14 into evidence.
14 MR. BAX: No objection.
15 THE COURT: Without objection in evidence.
16 [Whereupon, State's exhibit numbers 14 and 16 are
17 entered into evidence by the court]
18 Q. [Mr. Stone] I'm now putting up on the monitor
19 State's exhibit 14.
20 [Whereupon, the photograph is shown]
21 Q. Is that a photograph -- what is that a photograph
22 of?
23 A. That is a photograph of Tyrone Robinson's vehicle at
24 the time we were processing it.
25 Q. And who are you out there with?

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1 A. I'm with Staff Sergeant Chapman [phonetic] also with
2 the Investigations Division.
3 Q. And State's exhibit 16?
4 [Whereupon, the photograph is shown]
5 A. That is also the same vehicle.
6 Q. Let me show you what has been marked as State's
7 exhibit 33 for identification and ask you to tell me what
8 is in that bag please.
9 [Whereupon, the witness is shown exhibit]
10 A. These are five projectiles that were taken out of
11 the vehicle at the time we processed it.
12 Q. So these bullets actually were taken out of this car
13 is that correct?
14 A. That's correct.
15 Q. When you took the -- when those bullets were taken
16 out of this car what did you do with them at that point?
17 A. We removed them, photographed them, and then sealed
18 them in small manila evidence bags and then put them in
19 these [indicates] evidence bags, sealed them, and turned
20 them into the Beaufort County evidence station.
21 Q. And do you initial these bags? How does the seal
22 work?
23 A. We do. We place an evidence seal on the top of the
24 bag and then my initials went on the seal of the bag.
25 Q. And these are your initials on each one of these

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1 seals?
2 A. That's correct.
3 Q. And that's the clear plastic bag, is that correct?
4 A. That's the proof, yes sir.
5 Q. And then inside the individual bag is the smaller
6 package that you put ---
7 A. --- put the projective in.
8 Q. And then what did you do with those projectiles
9 after you sealed the bag?
10 A. I turned them into BCSO evidence.
11 Q. Into the evidence room?
12 A. They went to; yes they went directly into evidence.
13 Q. Okay. And who was the evidence custodian on those?
14 A. It was Jimmy Padgett.
15 Q. Okay. Did you change or alter these in any way
16 from taking them out of Tyrone Robinson's car and putting
17 them into evidence other than to seal them in the
18 packaging and then initial the seal?
19 A. No, sir.
20 Q. What is the purpose by the way of sealing it with
21 evidence tape and putting your initials on the outside of
22 the evidence tape?
23 A. To make sure nothing gets tampered with.
24 Q. Okay.
25 MR. STONE: No further questions of this witness,

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1 Your Honor.
2 THE COURT: Thank you. Cross-examine?
3 MR. BAX: Thank you very much, Your Honor.
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CROSS-EXAMINATION

1 BY MR. BAX:
2 Q. I'm actually going to put these back up.
3 Investigator Nelson, I'm sorry that I'm moving this
4 around; I just want to make sure I get back where you can
5 see the most of it.
6 [Whereupon, the photo is shown on screen]
7 Q. Is that you there in the picture?
8 A. No sir, I'm taking the photographs.
9 Q. Who is in the picture?
10 A. That's Staff Sergeant Chapman.
11 Q. Okay. So he is assisting you -- is he the one who
12 is placing the dowels into the holes?
13 A. In that photograph, yes sir.
14 Q. Okay. Now this is showing the -- what side of the
15 car is this showing?
16 A. That's the driver's side of the vehicle.
17 Q. Okay. And as you said before those dowels are to
18 try and assist with determining the projectile of -- or
19 excuse me; the trajectory of the bullet or projectile is
20 that right?
21 A. That's correct.
22 Q. Okay. How many dowels are we seeing in this
23 photograph?
24 A. In this particular photograph there is only three.

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1 Q. Okay. Moving to State's 14 -- and we were just on
2 16 -- this is a view of the back of the car is that
3 correct?
4 A. That is correct, sir.
5 Q. Okay. And these were additional dowels that have
6 been placed into the vehicle by yourself or Chapman in
7 order to do the same thing as we were seeing on the side
8 of the car correct?
9 A. Correct.
10 Q. How many dowels are we looking at here Officer
11 Nelson?
12 A. It looks like five, sir.
13 Q. Five? Okay. They kind of look like a porcupine.
14 They look like they are coming out at a couple of
15 different angles.
16 A. That's correct.
17 Q. Okay. And that would indicate the position not
18 only of the bullet going in the car but wherever the
19 projectile was shot from correct?
20 A. Correct.
21 Q. In your experience bullets travel a straight path
22 basically, correct?
23 A. Until they strike an object.
24 Q. Until they strike something. Now I believe it is
25 State's 33.

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1 Q. Okay. I also see what appears to be kind of a
2 white dot there above the dowel closest to Chapman. Is
3 that another bullet hole? What is that?
4 A. That's a ricochet.
5 Q. A ricochet? So there is some kind of dent or mark.
6 A. That's correct.
7 Q. Where something possibly struck?
8 A. Correct.
9 Q. Okay. Did that appear to be something that had
10 been caused by a projectile?
11 A. It did because it seemed to have what appeared to be
12 like maybe lead deposits in the indentation.
13 Q. Okay. And so what we are seeing here is evidence
14 of at least four projectiles making contact with the car
15 on this [indicates] side?
16 A. That's correct.
17 Q. Okay. And I noticed that one of the dowels is
18 angled back toward the back of the car whereas the first
19 two are straight out. What does that indicate to you?
20 A. That they were shot from a different position?
21 Q. Okay. And that's why you're putting the dowels in
22 there to try and figure that out.
23 A. It helps us also plot trajectory on the inside of
24 car and helps locate projectiles on the inside for
25 recovery.

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1 MR. BAX: Approach, Your Honor?
2 THE COURT: Yes, sir.
3 MR. BAX: Thank you, sir.
4 Q. [Mr. Bax] I'm handing you what the Solicitor has
5 already handed you and it's been identified for
6 identification purposes as State's 33.
7 [Whereupon, the witness is shown exhibit]
8 Q. You indicated that was the projectiles you removed
9 from this vehicle is that correct?
10 A. Correct.
11 Q. Can you tell us how many projectiles y'all removed
12 from the car?
13 A. A total of five.
14 Q. A total of five? So between State's 14, which we've
15 stated has approximately five dowels sticking out of the
16 back of the car, there is another three dowels in State's
17 16. There were actually more bullet holes that there
18 were projectiles, is that correct?
19 A. That's correct.
20 Q. So based on this Officer Nelson were you able to
21 determine there might have been some projectiles you
22 weren't able to recover?
23 A. Yes, sir. There was one that went through the
24 bottom of the vehicle and exited the vehicle so it was
25 unrecoverable because its final trajectory couldn't be

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1 determined. Another one would have entered the passenger
2 side rear wheel well and also could not be recovered
3 final trajectory. And that would account for all the
4 dowels.
5 Q. Okay. And so if we look at the dowels we have
6 approximately eight dowels going into this car if you
7 look at the five on the back and the three in this shot
8 correct?
9 A. Correct.
10 Q. And then of course we have the possible projectile
11 that skipped off the side of the car there that wasn't
12 recovered was it?
13 A. No, sir.
14 Q. Because that would have gone somewhere on the scene
15 there on Allen Road is that right?
16 A. It's possible.
17 Q. Possible, okay. And finally let me switch back to
18 this other shot. The back window was shattered in this
19 car, is that correct?
20 A. Correct.
21 Q. Were any of the other windows shattered that you
22 were able to tell?
23 A. No sir, I believe they were all just rolled down.
24 Q. Rolled down? Do you know whether or not they were
25 rolled down on the scene or not?

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1 passed through that window and then out an open window
2 correct?
3 A. It's possible.
4 Q. And you obviously can't place a dowel into an empty
5 window that has been shattered, correct?
6 A. Correct.
7 Q. And that back window that was shattered before you
8 looked at it is that right?
9 A. That's correct.
10 Q. So you weren't able to look at it when it was whole
11 to see if there were any additional bullet holes in it?
12 A. No, sir.
13 Q. Okay. Thank you. No further questions.
14 THE COURT: Thank you. Mr. Stone?
15 MR. STONE: No further questions, Your Honor.
16 THE COURT: Thank you. Investigator you can step
17 down. Thank you, sir.
18 [Whereupon, the witness is excused and exits the
19 witness stand]
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1 A. I do not know.
2 Q. Okay. Were you present on the Allen Road scene at
3 all?
4 A. No, sir.
5 Q. Okay. But this car was in impound is that correct?
6 A. Correct.
7 Q. Where was that impound located at?
8 A. Its 120 Shanklin Road. It's behind our garage
9 complex.
10 Q. Okay. And the windows were down when it was in the
11 impound correct?
12 A. Correct.
13 Q. Okay. Typically -- well, this is towed by a private
14 towing company, is that right?
15 A. I'm not certain who towed it that day, sir.
16 Q. Okay. Does law enforcement have their own towing or
17 do they go to an independent contractor to do towing?
18 A. We have a wrecker -- or a rotation service that the
19 Sheriff's Office uses.
20 Q. Okay. Do those towing companies typically change
21 the car in any way or do anything to them at all when
22 they transport them for y'all's purposes?
23 A. No, sir.
24 Q. Okay. So it's possible that with this back
25 windshield being shattered like that a bullet could have

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1 422
2 MR. STONE: Investigator Jeff Moran.
3 THE COURT: Investigator come forward please and be
4 sworn.
5 [Whereupon, Mr. Moran comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8
9 -----
10 JEFF MORAN,
11 Having been first duly sworn,
12 Was examined and testified as follows:
13 DIRECT EXAMINATION
14 BY MR. STONE:
15 Q. Investigator Moran you were involved in the
16 investigation of the death of Khalil Singleton as well,
17 is that correct?
18 A. That's correct.
19 Q. Now I want to specifically talk with you about two
20 events. First, did you attend the autopsy of Khalil
21 Singleton?
22 A. Yes, I did.
23 Q. Where did that autopsy take place?
24 A. The Medical University of South Carolina in
25 Charleston.
26 Q. You traveled up there?

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1 A. On Sunday the 2nd, yes.
2 Q. And you were actually present during the autopsy is
3 that correct?
4 A. That's correct.
5 Q. I believe Doctor Tormos was the pathologist, is that
6 correct?
7 A. Yes, sir.
8 Q. Were you present when Doctor Tormos removed the
9 bullet from Khalil Singleton?
10 A. I was.
11 Q. Let me show you what has been marked as State's
12 exhibit -- I've not marked this; I'm sorry.
13 [Whereupon, State's exhibit number 34 is marked by
14 the court reporter]
15 Q. [Mr. Stone] State's exhibit 34 and ask you if you
16 could identify that please, sir.
17 [Whereupon, the witness is shown exhibit]
18 A. It's the evidence bag that I placed the bullet in
19 and a small tin can.
20 Q. Is that the bullet Doctor Tormos removed from Khalil
21 Singleton?
22 A. That's the same bullet I placed in this can.
23 Q. Pardon me?
24 A. That's the same bullet.
25 Q. And what did you do with the bullet once you

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1 received it from Doctor Tormos?
2 A. I returned to the substation on Hilton Head
3 Sheriff's Office locked it in a temporary locker with a
4 lock that only I have. And I think that was Sunday. On
5 Tuesday I transferred it to Investigator Conant who then
6 took some other evidence along and turned it in.
7 Q. Now did you seal the -- you did the actual sealing
8 of the bullet in this, is that correct?
9 A. I did.
10 Q. And then there is evidence tape on the outside I
11 guess of this bag. Is that tape that you put on there?
12 A. Yes, that's my badge number and the date I did it.
13 Q. Okay. And this was -- obviously it's unsealed now
14 but it was sealed at the time I guess in that way is that
15 correct?
16 A. Yes, sir.
17 Q. Prior to putting it in the bag did you change or
18 alter the bullet in any way?
19 A. No, I didn't.
20 Q. And then once it is sealed it's placed into the
21 evidence and you got it back out -- well, you put it in
22 your locker. When you got it back out of your locker was
23 it still sealed with your initial on it?
24 A. Yes, it was.
25 Q. And then you placed it in or you gave it directly to

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1 Wendy Conant?
2 A. Investigator Conant.
3 [Whereupon, State's exhibit number 35 is marked by
4 the court reporter]
5 Q. You also I believe went to Bryant Road, 31 Bryant
6 Road I believe Snake Bryant's house, is that correct?
7 A. Yes, sir.
8 Q. And why did you do that?
9 A. On Monday Investigator Nelson and I met with Bennie
10 Hamilton at the substation in Hilton Head. Bennie told
11 us that he was at Snake's house on Saturday when Tyrone
12 came to the house. Bennie told us that he came into the
13 house and ---
14 MR. BAX: --- objection, Your Honor.
15 MR. STONE: That's fine. We've already had Bennie
16 Hamilton's testimony ---
17 THE COURT: --- yes, Mr. Hamilton has already
18 testified about this very thing. As long as he stays
19 within that line he will be fine.
20 Q. [Mr. Stone] As a result of your conversation with
21 Bennie Hamilton you then went to Bryant Road is that
22 correct?
23 A. That's correct.
24 Q. Let me show you what has been marked as State's
25 exhibit 35 and ask if you could identify that please?

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1 [Whereupon, the witness is shown exhibit]
2 A. That's a plastic bottle of vinegar that I collected
3 from the table of Mr. Bryant's house.
4 Q. And that was on September the 3rd is that correct?
5 A. That's correct.
6 Q. And this is your evidence tag that you filled out is
7 that right?
8 A. Yes, sir.
9 MR. STONE: Your Honor, at this time we would move
10 State's exhibit 35 into evidence.
11 MR. BAX: No objection.
12 THE COURT: Thank you. Without objection.
13 [Whereupon, State's exhibit number 35 is entered
14 into evidence by the court]
15 MR. STONE: No further questions of this witness,
16 Your Honor.
17 THE COURT: Thank you. Mr. Bax?
18 MR. BAX: No questions for Investigator Moran.
19 THE COURT: Thank you. You can step down
20 Investigator. Thank you, sir.
21 [Whereupon, the witness is excused and exits the
22 witness stand]
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1 MR. STONE: The State calls Wendy Conant to the
2 stand.
3 THE COURT: Ms. Conant, come forward please ma'am.
4 You've already been sworn. Take the stand.
5 [Whereupon, Ms. Conant comes forward]
6
7 WENDY CONANT,
8 Having been previously duly sworn,
9 Was examined and testified as follows:
10 DIRECT EXAMINATION
11 BY MR. STONE:
12 Q. And you've already been sworn ma'am but let me now
13 ask you questions concerning the handling of evidence in
14 this particular case. I want to make sure I've got all
15 the items. You transported a number of items to SLED did
16 you not?
17 A. Yes, I did.
18 Q. And I know you're now involved in the evidence room
19 or the evidence section of the Beaufort County Sheriff's
20 Office?
21 A. Correct. I'm an evidence technician now.
22 Q. But at that time you were an investigator and part
23 of your job was to transport the evidence from here to
24 SLED where it would be tested, is that correct?
25 A. I would not normally transfer it to SLED, but we

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1 each individual item in one at a time. And I waited and
2 once they were processed in and logged, pre-logged with
3 SLED, then I took them right up there.
4 Q. Okay. Now this was, and I believe Investigator
5 Seifert testified earlier that he has sealed this when he
6 gave this to you or when you got it, is that correct?
7 A. Yes, sir. You can see his initials on the tape on
8 both sides.
9 Q. Did it remain sealed throughout the process until
10 you took it to SLED?
11 A. Yes, it did.
12 Q. Okay. And the purpose behind the sealing is what?
13 A. The purpose behind sealing is so that nobody can
14 tamper with the evidence. Again, this is the type of
15 tape if you try to peel it off to get in there it's not
16 going to peel; it's either going to break apart or it is
17 going to leave residue behind.
18 And the reason we sign the tape is because if
19 somebody does try to peel it thinking that they won't
20 damage the tape it's hard to get it back in the exact
21 position it was and the initials won't match up. In this
22 case they all match up.
23 Q. So you're dealing basically at this point just with
24 the package itself. You don't go in and touch the...
25 A. I do not.

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1 were needing the evidence processed quickly so I went up
2 that day at a special request.
3 Q. Now when you gathered the evidence some of the
4 evidence I'm assuming came directly to you and some you
5 actually retrieved from the evidence locker, is that
6 correct?
7 A. The evidence that was brought to Beaufort to be
8 logged in here was transferred to me by investigators of
9 the Hilton Head office and then I brought it here to
10 Beaufort where it was logged in and then it was logged
11 back out to go up to SLED.
12 Q. Okay. Let me first start with State's exhibit 29,
13 three what appear to be .9mm rounds. Did you retrieve
14 that piece of evidence and handle it?
15 A. Yes, I did.
16 Q. And tell me about that process?
17 A. These items were originally collected by
18 Investigator Doug Seifert who turned them over to me on
19 September 4th, 2012 at 10:39. I turned these items over
20 to the Beaufort evidence section on September 4th at
21 12:30.
22 Q. Did you then get them out of evidence and take them
23 to SLED?
24 A. I waited while the evidence technician processed
25 everything here in Beaufort because she had to process

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1 Q. And in fact to do that you would have had to break
2 the seal?
3 A. I would actually have opened it at a different
4 section; I would have retaped it and initialed it with
5 new tape.
6 Q. Okay. Let me show you what has been marked as
7 State's exhibit 33. Individual packages inside; feel
8 free to look through those if you can and tell me about
9 your evidence handling of those.
10 [Whereupon, the witness is shown exhibit]
11 A. There are one, two, three, four, five items in this
12 bag that came back from SLED. These items were all
13 initially collected by Corporal Derrick Nelson.
14 They were turned over to evidence technician Jimmy
15 Padgett and they are all done on the same date, which was
16 September 6th, 2012 at 10:20 a.m. These items were then
17 processed into evidence and subsequently pre-logged for
18 SLED.
19 And again on this day they requested that I bring
20 the items up to SLED. So I picked up these items and
21 personally brought them to SLED where they were logged in
22 at SLED for processing.
23 Q. And all those packages were sealed when you picked
24 them up?
25 A. They were.

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1 Q. And they were sealed with I think is that Derrick
2 Nelson's initials?
3 A. Yes, Derrick Nelson.
4 Q. All right. And so you are again dealing with the
5 outside packages not inside is that correct?
6 A. That's correct.
7 Q. And so they were sealed when you received them and
8 then they remained sealed from your time until the time
9 that you handed them to SLED.
10 A. They remained sealed.
11 Q. Go ahead and put them back into State's exhibit 33
12 please.
13 [Whereupon, the witness complies]
14 Q. Did you change or alter them in any way?
15 A. I did not.
16 Q. I'll show you what has been marked as State's
17 exhibit 30, a bullet from the house at Old Wild Horse
18 Road. Did you receive that as well?
19 [Whereupon, the witness is shown exhibit]
20 A. I believe this again was an item that was collected
21 Sergeant Laurel Albertin and turned over to evidence
22 technician James Padgett on September 12th at 10:20. And
23 I would have to refer to my notes to confirm if I brought
24 this to SLED.
25 Q. Sure.

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1 Q. And I believe it has initials on the back as well is
2 that correct?
3 A. Yes, it does.
4 Q. And can you tell whose initials those are?
5 A. I can tell by the badge number that it is Jeff Moran
6 and he sealed it on September 2, 2012.
7 Q. Did you change or alter that in any way?
8 A. I did not.
9 Q. I believe you have already testified to this but I
10 want to make sure. This would be State's exhibit 24, the
11 gunshot residue test that you took from Tyrone Robinson.
12 [Whereupon, the witness is shown exhibit]
13 A. That's correct.
14 Q. And that is the actual kit itself is that correct?
15 A. Yes, sir.
16 Q. You created the kit -- what did you actually do?
17 You created the kit and then put it in that particular
18 package?
19 A. We actually have these kits they are given to us
20 just like this in this envelope and inside are numerous
21 tubes and containers that we use along with a bottle of
22 saline solution.
23 When we are given the kit it is not sealed. There
24 is a little red evidence tag inside along with the
25 instructions on how to complete the kit. Once we have

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1 [Whereupon, the witness reviews documents]
2 A. I do not recall this ever being transferred to me.
3 I haven't signed the bag and I don't see any SLED tags on
4 here so I'm not sure that it was delivered to SLED.
5 Q. Okay. Inside this is a package as well. What is
6 that?
7 A. That is a SLED number. And just so you know it says
8 the description is a projectile from the wall of
9 residence. That is not on my list of what I brought to
10 SLED so I can't say who transferred that.
11 Q. Okay. Finally, let me show you what has been
12 marked as State's exhibit 34, a lead bullet projectile in
13 a small I guess tin container.
14 [Whereupon, the witness is shown exhibit]
15 A. Yes, this was an item that Sergeant Jeffrey Moran
16 collected in the autopsy up in Charleston. He
17 subsequently packaged it in here and turned it over to me
18 on September 4th, 2012 at 10:39.
19 I then transferred it to the evidence technician
20 here in Beaufort on September 4th 2012 at 12:30. Later
21 in the day once everything was processed in I brought
22 this item up to SLED and transferred it to them for
23 processing.
24 Q. And was it sealed at the time that you received it?
25 A. Yes, it was.

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1 completed the kit per the instructions we seal everything
2 inside the individual containers and then inside this
3 envelope and we place this piece of red tape on the back
4 and we put our initials on it; that way the item is
5 secured and sealed fully.
6 And if somebody tampers with it they are going to
7 have to pull down here [indicates] or rip the tape and
8 we'll know it has been tampered with.
9 Q. Okay. And once you seal it then it goes to SLED in
10 that condition is that correct?
11 A. That's correct.
12 Q. And you transported this to SLED yourself?
13 A. I did.
14 Q. And did you change or alter it in any way once you
15 put it in the seal -- in the package?
16 A. I did not.
17 MR. STONE: I think that's all the questions I have
18 of this witness at this point, Your Honor.
19 THE COURT: Thank you. Cross-examine?
20 MR. BAX: Briefly, Your Honor.
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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Everything that Solicitor Stone went through with
4 you, you transported up to SLED. Was that all on the
5 same date Officer Conant?
6 A. I went on two different dates.
7 Q. Okay. What were those two different dates?
8 A. If I could just quickly refer to my notes.
9 Q. Sure, take your time.
10 [Whereupon, the witness reviews notes]
11 A. The first time I went was on September 4th, 2012 and
12 the second time was September 7th of 2012.
13 Q. And this State's exhibit 35 was not one of the items
14 that you transported?
15 A. No, sir.
16 MR. BAX: No further questions, Your Honor.
17 THE COURT: Thank you.
18 MR. STONE: Nothing else at this time, Your Honor.
19 THE COURT: Thank you. You can step down Ms.
20 Conant. Thank you.
21 [Whereupon, the witness is excused and exits the
22 witness stand]
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1 MR. STONE: Your Honor, we have our next witnesses
2 are out of town so they are all on the way. But this
3 might be a good time for morning break.
4 THE COURT: We'll do that at this time thank you.
5 Ladies and gentlemen we'll take a morning recess. We'll
6 get you back out at about 10 minutes after the hour.
7 Please do not talk about this case among yourselves while
8 you are in the jury room. Thank you.
9 [Whereupon, the jury exits at 10:15 a.m.]
10 THE COURT: Folks, we'll take about 20 minutes.
11 MR. BAX: Your Honor, if I may approach briefly
12 before we begin the break?
13 THE COURT: Sure.
14 [Whereupon, an off the record bench conference is
15 held]
16 [Whereupon, court is in recess from 10:52 a.m. to
17 11:10 a.m.]
18 THE COURT: Thank you, folks.
19 [Whereupon, an off the record bench conference is
20 held]
21 MR. STONE: We're ready to go, Your Honor.
22 THE COURT: Would you bring us the jury.
23 THE BAILIFF: The jury is entering the courtroom,
24 Your Honor.
25 THE COURT: Thank you.

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1 [Whereupon, the jury enters at 11:15 a.m.]
2 THE COURT: Solicitor, you can call your next
3 witness.
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1 MR. STONE: Roger Heaton.
2 THE COURT: Come forward please, sir and be sworn.
3 [Whereupon, Mr. Heaton comes forward]
4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]
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ROGER HEATON,
Having been first duly sworn,
Was examined and testified as follows:
DIRECT EXAMINATION
BY MR. STONE:
Q. Investigator Heaton, who do you work with, sir?
A. Fourteenth Judicial Circuit Solicitor's Office.
Q. Let me show you what has been marked as State's
exhibit 30 and ask if you can identify that for me, sir.
[Whereupon, the witness is shown exhibit]
A. Yes sir, I can.
Q. And did you transport this item to SLED, which is
commonly known as the State Law Enforcement Division?
A. I did, sir.
Q. And when you received it was this red seal, which is
the sealed evidence, was that still intact?
A. Yes sir, it was.
Q. And when you transported it from the Sheriff's
Office to SLED was that seal still intact?

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1 A. It was, sir.
2 Q. And you then turned it into the SLED evidence room,
3 is that correct?
4 A. I did, sir.
5 Q. Did you change or alter this item in any way in the
6 transportation of it?
7 A. Absolutely not, sir.
8 MR. STONE: No further questions at this time, Your
9 Honor.
10 THE COURT: Thank you. Mr. Bax?
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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good morning, Roger.
4 A. Good morning, sir.
5 MR. BAX: I don't believe I have any questions for
6 Mr. Heaton. Thank you, Your Honor.
7 THE COURT: Thank you. Investigator, you can step
8 down.
9 THE WITNESS: Thank you, Your Honor.
10 [Whereupon, the witness is excused and exits the
11 witness stand]
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1 MR. STONE: Doctor Lee Marie Tormos.
2 THE COURT: Doctor Tormos, if you will come forward
3 please ma'am and be sworn.
4 [Whereupon, Doctor Tormos comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7
8 DR. LEE MARIE TORMOS,
9 Having been first duly sworn,
10 Was examined and testified as follows:
11 DIRECT EXAMINATION
12 BY MR. STONE:
13 Q. Doctor Tormos, what do you do ma'am?
14 A. I'm a forensic pathologist at the Medical University
15 of South Carolina.
16 Q. What exactly is a forensic pathologist?
17 A. A forensic pathology is a doctor that has a
18 specialty degree in the study of disease and also in the
19 study of injury and how it causes death.
20 Q. And you are -- you actually practice pathology, you
21 perform autopsies and that sort?
22 A. I do practice autopsies on the bodies that are
23 referred to us by the coroners or by the doctors.
24 Q. And what type of special education do you have in
25 order to allow you to be a forensic pathologist?

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1 A. After completing your medical doctor degree, which
2 is four years, you have to do a specialty in pathology,
3 which is an another additional four years and then an
4 extra year in forensic pathology as a subspecialty of
5 pathology.
6 Q. And where did you do those?
7 A. I did my undergrad and my medical school and my
8 pathology specialty in the University of Puerto Rico and
9 then I came to the Medical University of South Carolina
10 where I completed my subspecialty training.
11 Q. How long have you been at the Medical University of
12 South Carolina now?
13 A. Four years.
14 Q. And you performed a number of autopsies during that
15 time?
16 A. Over a thousand, yes sir.
17 MR. STONE: At this time, Your Honor, we move that
18 she be admitted as an expert in the field of forensic
19 pathology.
20 THE COURT: Thank you. Mr. Bax, voir dire?
21 MR. BAX: No voir dire. We stipulate, Your Honor.
22 THE COURT: Thank you. Doctor Tormos is so
23 qualified as an expert. Go ahead.
24 Q. [Mr. Stone] Doctor Tormos, did you perform the
25 autopsy on Khalil Singleton?

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1 A. Yes, I did.
2 Q. And that was at the Medical University of South
3 Carolina is that correct?
4 A. That's correct.
5 Q. Tell me first of all what did you -- what were your
6 findings? What exactly did you perform?
7 A. During the course of the examination we perform an
8 external examination and an internal examination. The
9 decedent is a young man of eight years old. He is just
10 over four feet tall.
11 He is 49 and a half inches tall, weighs 55 pounds.
12 And externally other than some very small bruises on the
13 left leg the main external exam finding was a gunshot
14 wound to the left chest.
15 Q. Could you determine the trajectory of that gunshot
16 wound?
17 A. Yes, I can.
18 Q. Tell me about that please?
19 A. The gunshot wound entered the left chest at the
20 seventh intercostal space, which is right under the
21 armpit at the midaxillary line seventh rib.
22 It did scrape the seventh rib and then it proceeded
23 to go through the left lung, the heart, the right lung
24 before exiting the chest cavity. It stayed under the
25 skin, it went through the armpit and it was recovered on

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1 A. So left to right [indicates] at the mid chest ---
2 Q. --- make sure everybody on the jury can see it.
3 A. The trajectory of the bullet is like this
4 [indicates]. It is left to right slightly upwards and it
5 doesn't have a significant forward or backward deviation.
6 Q. Now let me also show you what has been marked into
7 evidence -- excuse me; marked for identification as
8 State's exhibit 23 and 22. First let me ask you if you
9 could identify those for me please?
10 [Whereupon, the witness is shown exhibits]
11 A. These are x-rays that I took at the autopsy on
12 September 2nd.
13 Q. And these are the x-rays of Khalil Singleton?
14 A. These are the x-rays of Khalil Singleton.
15 MR. STONE: At this time, Your Honor we're going to
16 move into evidence State's exhibit 22 and 23.
17 MR. BAX: No objection, Your Honor.
18 THE COURT: Thank you.
19 [Whereupon, State's exhibit numbers 22 and 23 are
20 entered into evidence by the court]
21 Q. Okay. Let me hold that if I could State's exhibit
22 23. And could you show the jury what that depicts
23 please?
24 A. Okay. This is a chest x-ray of the child. The
25 bullet enters right here [indicates], it goes through the

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1 the soft tissues on the posterior right arm.
2 Q. Now I understand a little of what you're telling me
3 could I get you to come down off the stand. I need you
4 to keep your voice up so she can hear you.
5 A. Absolutely.
6 [Whereupon, the witness steps down from the stand]
7 Q. Obviously I am taller than that but tell me exactly
8 -- you were saying various things. Show me on my body
9 where the bullet entered and where it ended up. First of
10 all was the bullet still in the child when you did the
11 autopsy?
12 A. Yes, the bullet was still there.
13 Q. Okay. Where did the bullet enter on the child if
14 you were using me as the child?
15 A. Okay. The seventh rib is located on the
16 midaxillary line right here [indicates] and the bullet
17 entered about mid chest.
18 It went in an upwards trajectory through the left
19 lung through the apex of the heart through the right lung
20 and it travelled on the armpit soft tissues and it was
21 recovered right here [indicates] on the posterior right
22 arm.
23 Q. Now I'm going to hand you this pointer. Show the
24 jury the trajectory of that bullet. I'm not sure where I
25 was. This angle I guess, yes ma'am.

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1 intercostal space and it actually goes through the
2 muscles that hold the ribs together. It scrapes the
3 seventh rib and fractures it a little bit but it doesn't
4 fracture it all the way.
5 So it goes in, it goes in an upward trajectory; it
6 perforates the left lung hilum, which is the attachment
7 where all the blood vessels and the main bronchi are. It
8 perforates the atrium of the right heart. So it just
9 scrapes the top of the heart so it's not immediately
10 fatal.
11 It also gets the hilum of the right lung so again it
12 is perforating the area where all the blood vessels are
13 and where the main bronchi are; the airways. And then it
14 travels in an upward trajectory. It actually exits --
15 see this [indicates] is the third rib. It exits right
16 here [indicates], it exits the chest.
17 But this is [indicates] the armpit soft tissues and
18 as you can see it is higher than the armpit so it just
19 travels through the soft tissues of the armpit and it's
20 recovered this is actually behind the arm.
21 It's just that when you do an x-ray it takes 3-D and
22 put it into a two dimensional picture. But this is
23 actually the soft tissue behind the right arm.
24 Q. Now I know trajectory is from the standpoint of into
25 the body the trajectory you showed earlier I guess was

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1 like that [indicates]?
2 A. Like that [indicates].
3 Q. If that appears from that can you tell us where the
4 shot came from? In other words was the shot coming from
5 below the child or above the child?
6 A. Well the ---
7 Q. --- and explain that if you can.
8 A. Absolutely. When we explain trajectories we explain
9 trajectories in the anatomic position like this
10 [indicates]. This is the normal anatomic position. When
11 people are being shot they are not standing like this
12 [indicates]. The torso does move forward, backwards.
13 People tend to duck when they hear gunshots so
14 likely the person is not standing like this [indicates].
15 So I can say that the child was standing or upright and
16 the shot came from the left side of his body. Now which
17 way his body was facing I don't know.
18 What I can tell you is that the upwards trajectory
19 may be easily explained by the child leaning. So it may
20 be a horizontal shot at or above the height where the
21 child is and the child is leaning somewhat and that
22 explains the upwards trajectory.
23 Q. So the shot could have come from horizontal to the
24 child or below the child. Could the shot have come from
25 above the child?

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1 muscles so it did not cause an arrhythmia to make the
2 heart stop. So while -- so he did have some survival
3 time to explain why he bled into the chest cavity and
4 also while he developed cerebral edema. Cerebral edema
5 does take a minute to happen and it is due to the
6 possible relative hypoxia that he is experiencing as he
7 is bleeding into his airways.
8 So his airways are perforated, his blood vessels
9 near his airways are perforated and as he is bleeding he
10 is bleeding into his airways and he is essentially
11 drowning in his own blood. And that creates a brain
12 edema that we also saw at autopsy.
13 Q. So when he is actually shot he doesn't die
14 immediately. There is going to be some time there.
15 A. Yes.
16 Q. Any way to estimate how much that time is?
17 A. No. People respond in different ways. There is no
18 way to estimate the survival time but it could easily be
19 a minute to two minutes.
20 Q. Thank you, doctor. Go ahead and take the stand
21 back.
22 [Whereupon, the witness returns to the stand]
23 Q. Doctor Tormos, do you have a manner of death and a
24 cause of death that you found as well is that correct?
25 A. The cause of death was determined to be a gunshot

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1 A. If the child was pretty much upside down.
2 Q. Other than that assuming that the child is upright.
3 A. Upright then it would have to be pretty much near
4 the level of the child and the child is four feet tall so
5 the child is this [indicates] high.
6 So I'm thinking that it is a shot that is relatively
7 horizontal to the ground and the child is leaning a
8 little bit when the bullet enters the body. But I don't
9 think it can easily come from ---
10 Q. --- another way ---
11 A. --- higher up it cannot unless the child is pretty
12 much bent over at the waist and nearly upside down doing
13 a cartwheel.
14 Q. Okay. You said that it nicked various organs and
15 that it did not cause immediate death. What did you mean
16 by that?
17 A. Okay. The structures that are perforated by the
18 bullet are structures that are going to bleed in to the
19 chest cavity. And that's exactly what happened. He bled
20 into the right chest cavity from the perforations to the
21 vessels to the left lung and he bled into the right chest
22 cavity from perforations to the right lung.
23 And he also bled from that nicking off the top of
24 the heart as well. Now it's a venous bleed so it's a
25 slow bleed. It did not significantly hit the heart

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1 wound to the left lateral chest and the manner of death
2 is homicide.
3 Q. Thank you doctor. I don't have any further
4 questions.
5 THE COURT: Thank you. Mr. Bax, cross-examine?
6 MR. BAX: Thank you, Your Honor. A moment's
7 indulgence to ask Mr. Stone a question.
8 THE COURT: Go ahead.
9 [Whereupon, Mr. Bax confers with Mr. Stone]
10 MR. BAX: I'm going to wait a minute while
11 Solicitor Stone grabs something for me.
12 [Whereupon, Mr. Stone and Mr. Bax set up the
13 mannequin]
14 MR. BAX: Thank you. Excuse the delay, Your Honor.
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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Doctor Tormos I'm going to ask you to come down
4 again since we have the mannequin rather than use myself
5 if you would step down from the stand please with Your
6 Honor's permission.
7 THE COURT: That's right. Doctor, if you will
8 stand on the other side of the mannequin and face
9 generally in the direction of the court reporter she will
10 be able to hear you better that if your back is to her.
11 Thank you.
12 [Whereupon, the witness steps down from the stand]
13 Q. [Mr. Bax] Obviously Doctor Tormos we've been talking
14 about an injury that was to the left side of the chest
15 correct?
16 A. Yes.
17 Q. So I guess if we rotate this mannequin around that
18 is going to face the left side at you correct?
19 A. That is correct.
20 Q. Okay. A couple of things real quickly Doctor
21 Tormos while I have you down here. You've indicated, and
22 then you showed the jury this on Solicitor Stone that the
23 entry wound was on mid chest left side correct?
24 A. Yes.
25 Q. Can you indicate where that is on the mannequin?

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1 could that be a possible explanation for that trajectory
2 and the fact the left arm was not wounded?
3 A. Yes.
4 Q. Okay. Thank you very much. You can have a seat if
5 you'd like.
6 [Whereupon, the witness returns to the stand]
7 Q. Doctor Tormos, a couple of things. First of all you
8 removed the projectile from Mr. Singleton is that
9 correct?
10 A. Yes.
11 Q. Okay.
12 MR. BAX: Approach, Your Honor?
13 THE COURT: Yes, sir.
14 MR. BAX: Thank you very much. Actually first I'd
15 like to have a couple of things premarked.
16 [Whereupon, defendant's exhibit numbers 9, 10, and
17 11 are marked by the court reporter]
18 Q. [Mr. Bax] Doctor, I'm going to hand you what has
19 been premarked for I.D. as defendant's exhibit 9, 10, and
20 11. Would you look at those and see if you can identify
21 what is pictured there?
22 [Whereupon, the witness is shown photographs]
23 A. These are pictures of the bullet that was removed
24 from Khalil Singleton.
25 Q. Okay. And those are just of different angles of

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1 A. It's about right here [indicates].
2 Q. Okay. And obviously we have a left arm in this
3 situation. Mr. Singleton had a left arm. Was the left
4 arm wounded at all?
5 A. It was not.
6 Q. It was not? Obviously you've stated there was a
7 slightly upward trajectory and the projectile ended up
8 over in this arm [indicates] kind of towards the
9 shoulder?
10 A. Yes, that's correct.
11 Q. Okay. You talked about the fact that the
12 trajectory as far as its angle can sometimes be explained
13 by the fact that the body moves leaning to one side or
14 the other. Forward also is a way that we can lean as
15 well correct?
16 A. Absolutely.
17 Q. Okay. And Doctor in your experience a lot of times
18 people tend to lean somewhat forward when they run is
19 that correct?
20 A. That is correct.
21 Q. Okay. And when they run they also move their arms
22 like this [indicates] sometimes is that correct?
23 A. That is correct.
24 Q. Okay. So in a leaning forward posture with the
25 arms pumping like that [indicates] would that explain or

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1 that bullet or projectile ---
2 A. --- of the same bullet, yes.
3 Q. Okay. Thank you very much. And were those
4 photographs taken there at the autopsy?
5 A. At the autopsy suite, yes.
6 Q. Okay. And they appear to be in the same condition
7 as -- they appear to be accurate representations of what
8 was taken a picture of at that time?
9 A. Absolutely.
10 Q. All right. Thank you very much.
11 MR. BAX: Your Honor, we'd move to introduce
12 defendant's exhibits 9, 10, and 11 at this time.
13 MR. STONE: No objection.
14 THE COURT: Thank you. 9, 10, and 11 in evidence.
15 [Whereupon, defendant's exhibit numbers 9, 10, and
16 11 are entered into evidence by the court]
17 MR. BAX: Permission to publish to the jury, Your
18 Honor?
19 THE COURT: Yes, sir.
20 [Whereupon, defendant's exhibits 9, 10, and 11 are
21 shown on screen]
22 Q. [Mr. Bax] And Doctor, you had testified earlier that
23 the projectile appeared to have scraped one of the ribs
24 partially cracking it.
25 A. Uh Huh.

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1 Q. Is that also possible that that slightly changed the
2 trajectory of the bullet once it impacted that rib?
3 A. Not significantly. Children do have very soft ribs;
4 they are mostly cartilage at that point. So those
5 bullets tend to have so much energy that the chance of
6 deflection by a child's rib is minimal.
7 Q. Okay. So any deflection would have been minimal
8 correct?
9 A. Absolutely.
10 Q. Now I see on that projectile that there is a slight
11 scraping on the bottom of that projectile. From your
12 experience could that -- the hitting of the rib could
13 explain that slight scraping on the bottom of that
14 projectile?
15 A. Yes.
16 Q. Okay. You've also testified that the both -- that
17 the path of the trajectory basically passed through
18 really three of the most vital organs that we have in our
19 bodies; both lungs and it scraped the heart correct?
20 A. Yes, it did.
21 Q. Okay. So -- I mean this was a deadly wound is that
22 correct?
23 A. It was a deadly wound, yes.
24 Q. Okay. And you've testified that it scraped the
25 heart, which would not have immediately caused -- would

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1 you would be -- your heart would be pumping faster?
2 A. Your heart will be pumping faster, yes.
3 Q. Okay. Doctor Tormos, also we have glands in our
4 body correct?
5 A. Yes.
6 Q. Including a gland that secretes adrenalin correct?
7 A. Yes.
8 Q. Tell us a little bit about what adrenalin does.
9 Q. Adrenalin activates your fight or flight system,
10 which basically explains a lot of super things that the
11 body is able to do in an emergency situation.
12 You may have heard of parents lifting cars off of
13 their children in a fight or flight situation or people
14 running where they have a debilitating injury and they
15 would not be able to run. But because their life is in
16 danger they are able to perform tasks that otherwise
17 would not be able to perform under normal circumstances.
18 Q. And Doctor that is not universally -- it doesn't
19 always happen for each person; every person is different
20 correct?
21 A. There are some people that just like deer do they
22 freeze when the headlights are coming and their fight or
23 flight they just freeze so it doesn't happen for
24 everyone. Some people do react and they run or they get
25 out of the way and some people just freeze.

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1 not have caused immediate death is that correct?
2 A. That is correct.
3 Q. However death would have been fairly quick because
4 of the bleeding that happened in the heart and lungs is
5 that correct?
6 A. That is true.
7 Q. Okay. You testified that it can be different for
8 different people correct?
9 A. That is true, yes.
10 Q. Doctor Tormos, doesn't also the level of physical
11 activity that someone has been involved in immediately
12 prior to suffering such a wound also impact how quickly
13 they will die from a wound like this based on the amount
14 of bleeding that is going to happen?
15 A. I do not know the answer to that question.
16 Q. Let me ask you this. If someone is physically
17 exercising or having physical activity such as jumping on
18 a trampoline or running does this often times up the
19 heart rate?
20 A. Yes it does.
21 Q. Okay. And when the heart rate is up its going to
22 pump blood faster is that correct?
23 A. Yes, it will.
24 Q. Okay. So it is possible that if you are in the
25 middle of physical exertion as well as excitement that

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1 Q. From a chemical aspect, Doctor regardless of the
2 person adrenaline has been known to cause the heart rate
3 also to rise as well as breathing rate to rise is that
4 correct?
5 A. The heart rate and the breathing rate will rise with
6 an adrenaline rush.
7 Q. And so regardless of relative or flight or fight
8 instinct the harder the heart is pumping the harder it's
9 going to bleed out correct?
10 A. Yes.
11 Q. So based on that testimony if the heart was beating
12 faster based on adrenaline, based on physical exercise
13 would that have sped up -- could that possibly have sped
14 up the death in this case?
15 A. I still stand that even with the fight or flight and
16 the adrenaline rush it is likely that he would have
17 survived a minute or two just because the vessels are
18 mostly veins in that area and as such it is a slow bleed
19 whereas the arteries are the ones that are a quick bleed
20 when the heart is pumping fast.
21 Q. Okay. But you have testified that if the heart is
22 beating faster it's going to be pumping blood harder
23 correct?
24 A. Yes.
25 Q. Okay. And this -- the individual in this case Mr.

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1 Singleton as you've stated before was an eight year boy
2 correct?
3 A. Yes.
4 Q. You've already testified that his bones would have
5 been slightly softer than an adult correct?
6 A. Yes, I have.
7 Q. Obviously his lungs would be smaller than adults
8 correct?
9 A. Absolutely.
10 Q. Okay.
11 MR. BAX: Moment's indulgence, Your Honor.
12 THE COURT: All right.
13 [Whereupon, Mr. Bax confers with Ms. Saxon]
14 Q. [Mr. Bax] A couple of follow up questions, Doctor
15 Tormos. Thank you for your patience. First of all we
16 didn't really get into this in testimony when you're
17 doing an autopsy involving a gunshot victim is there
18 anything that you look for to determine whether the
19 firearm itself was close to the victim or further away
20 from the victim?
21 A. Yes. We look at the characteristics of the entrance
22 wound. The entrance wound will show an abrasion when the
23 bullet perforates the skin. But sometimes it will show
24 soot in the position if the gun is really close to the
25 body surface. And it can show stippling. Stippling is

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1 little tiny burns on the skin surrounding the entrance
2 gunshot wound that happens when the gunpowder that is
3 also expelled along with the bullet hits the skin. There
4 were neither in his case.
5 Now I did not get the shirt and if the child was
6 wearing a shirt maybe some of the soot or some of the
7 stippling would have been on the shirt. But I did not
8 get to examine the shirt.
9 Now on the skin there was no soot or no stippling
10 therefore these are classically characterized as distant
11 or undetermined distance gunshot wounds.
12 Q. So from everything that you had in this case there
13 was no way to indicate that it was a wound that was close
14 when the gun was fired?
15 A. There was no evidence that the weapon was close to
16 the skin at all.
17 Q. Secondly, you've also testified that a bullet like
18 this can have a lot of energy.
19 A. Yes.
20 Q. You testified that obviously any deviation from
21 hitting the rib would be very minimal because it has a
22 lot of energy going forward correct?
23 A. Yes.
24 Q. And as we have testified to before Khalil was eight
25 years old, correct, so he was not a full grown human

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1 being is that correct?
2 A. That's true.
3 Q. How much did he weigh?
4 A. Fifty-five pounds.
5 Q. Fifty-five pounds, okay. In your experience the
6 energy transmuted from this bullet when it struck it can
7 be great. It can be enough to knock someone down is that
8 correct?
9 A. I don't know about knocking someone down, no.
10 Q. But clearly Khalil in this case is smaller than an
11 adult correct?
12 A. Yes.
13 Q. He weighs only 55 pounds.
14 A. Yes.
15 Q. So the energy imparted from that bullet to a smaller
16 human being just from a physics standpoint would be more
17 than it would be to a larger human being.
18 A. The energy displacement is the same in tissue
19 regardless of the size of the body.
20 MR. BAX: No further questions, Your Honor.
21 THE COURT: Thank you. Mr. Stone, redirect?
22 MR. STONE: Just briefly.
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1 REDIRECT EXAMINATION
2 BY MR. STONE:
3 Q. First of all I know we talked about a distance shot.
4 Assuming that the shirt is not a factor in this one way
5 or the other when you talk about distance how far? I
6 know there is a contact when you have the stippling and
7 things against the skin is that correct ---
8 A. --- Uh Huh.
9 Q. At what point does a gun no longer leave that type
10 of stippling?
11 A. Generally around three feet.
12 Q. Okay. So anything beyond three feet is going to be
13 considered by you a distance shot is that right?
14 A. That is correct.
15 Q. Okay, And I should have done this on this. Could
16 I get you to come down one more; and I apologize.
17 [Whereupon, the witness steps down from the stand]
18 Q. Obviously this [indicates] is much taller than four
19 feet tall but just assuming from the standpoint of the
20 ribs you showed me or you showed the jury that somewhere
21 in here [indicates] is where the bullet went in. I'll
22 let you just point it.
23 A. Yes. The bullet went in at the mid axillary line so
24 right in the middle of the torso [indicates].
25 Q. Okay. And it ended up here [indicates] is that

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1 correct?
2 A. Okay. And it ended here [indicates] on the
3 posterior right arm.
4 Q. Okay. Right here [indicates]?
5 A. Uh Huh.
6 Q. So that's just about the angle right there
7 [indicates] is that correct?
8 A. Yes, maybe a little bit more.
9 Q. A little bit more?
10 A. Not much.
11 Q. Put it where you think it is and you can bend that
12 wire if you need to.
13 A. [witness indicates]
14 Q. Is that better?
15 A. Yes, it is.
16 Q. Thank you Doctor Tormos.
17 [Whereupon, the witness returns to the stand]
18 MR. BAX: Briefly, Your Honor?
19 THE COURT: Okay.
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1 MR. STONE: Illa Simmons.
2 THE COURT: Ms. Simmons, come forward please ma'am
3 and be sworn.
4 [Whereupon, Ms. Simmons comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7
8 ILLA SIMMONS,
9 Having been first duly sworn,
10 Was examined and testified as follows:
11 DIRECT EXAMINATION
12 BY MR. STONE:
13 Q. Ms. Simmons, what do you currently do?
14 A. I am retired from the South Carolina Law Enforcement
15 Division.
16 Q. And when you were with the South Carolina Law
17 Enforcement Division -- and everybody refers to that as
18 SLED is that correct?
19 A. Yes, sir.
20 Q. How long were you with SLED?
21 A. Fourteen years.
22 Q. And in September of 2012 what was your position with
23 SLED?
24 A. I worked in the forensics services laboratory, trace
25 evidence department. I analyzed gunshot residue,

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1 RECCROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Just to make sure that we are clear as we talked
4 about before and I think this model will do that. A
5 slight lean forward and the arm here [indicates] is
6 certainly possible for the position of the body?
7 A. Absolutely.
8 Q. Thank you.
9 MR. BAX: No further questions. Thank you, Your
10 Honor.
11 THE COURT: Mr. Stone, you've got the last word.
12 MR. STONE: Nothing else. Thank you Doctor Tormos.
13 THE COURT: Thank you Doctor. You can step down
14 and be excused without objection. Thank you so much.
15 THE WITNESS: Thank you.
16 [Whereupon, the witness is excused and exits the
17 witness stand]
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1 gunpowder residue, we analyzed arsons as well as
2 performing comparisons of glass, paints, and explosives.
3 Q. And what type of background and what type of
4 experience did you have in order to do that? And let's
5 specifically talk about gunshot residue.
6 A. I have a Bachelor of Science degree in Chemistry.
7 After completing that I came to work at where my first
8 three years were spent working with a SLED certified
9 court qualified trace evidence examiner. During that
10 time I had to take written and practical examinations and
11 pass them with 100 percent efficiency.
12 I was also a member of the F-B-I's gunshot residue
13 symposium where gunshot residue analysts from around the
14 world were invited to Quantico to discuss and set up the
15 A-S-T-M standards that would be used for everyone around
16 the world in the analysis of gunshot residue.
17 Q. What does A-S-T-M stand for?
18 A. American Standard Testing Methods.
19 Q. Okay. Now gunshot residue; exactly how do you --
20 tell me where gunshot residue comes from or how do you --
21 what is the purpose of testing for gunshot residue I
22 guess?
23 A. Gunshot residue is a mixture of microscopic
24 chemicals that come out of the gun when it is discharged.
25 It comes from the primer of the cartridge that is placed

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1 into the gun to be fired and it comes out in a cone
2 shaped cloud. It can get on anything in close proximity
3 to the weapon when the weapon discharges including the
4 hands and clothing of someone who is shooting a gun.
5 Q. Now if it gets on the hands for instance is there a
6 certain time that it can stay on the hands before --
7 while you can test or does it stay on the hands forever?
8 A. If it is a living individual we have never found
9 gunshot residue to last more than six hours and it starts
10 to come off immediately. It has a consistency of flour
11 so it is every easily removed if someone were to wash
12 their hands, clean their hands with hand sanitizer or
13 wipe them on a towel it can remove the gunshot residue.
14 Q. And the sweating of the hands as well does that
15 affect it as well?
16 A. Yes, sir.
17 Q. Now have you ever been qualified as an expert in
18 gunshot residue in order to testify in court?
19 A. Yes sir, over 300 times in State, Federal, and
20 General Sessions courts in South Carolina.
21 MR. STONE: At this time, Your Honor we would offer
22 her as an expert in trace evidence; in particular gunshot
23 residue.
24 THE COURT: All right. Mr. Bax?
25 MR. BAX: Voir Dire, Your Honor.

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1 DIRECT EXAMINATION (RESUMES)
2 BY MR. STONE:
3 Q. Now did you do gunshot residue testing and
4 specifically I'm going to hand you up a kit, which has
5 been marked as State's exhibit 24, a gunshot residue test
6 taken from the hands of Tyrone Lorenzo Robinson.
7 [Whereupon, the witness is shown exhibit]
8 Q. Did you analyze that test kit?
9 A. Yes sir, it is marked with our laboratory
10 identification number, the evidence item number as well
11 as my initials and the date that I opened it to begin
12 analysis.
13 Q. And when -- you opened it so I'm assuming it was
14 sealed when you received it is that correct?
15 A. Yes sir, it was
16 Q. And it was sealed with the I guess the initials of
17 the person from the Beaufort County Sheriff's office that
18 took it to begin with is that correct?
19 A. Yes, sir.
20 MR. STONE: First of all, Your Honor, I would offer
21 that into evidence. We have testimony it was sealed on
22 the front end as well as the back before Ms. Simmons
23 opened it.
24 THE COURT: Any objection?
25 MR. BAX: No, Your Honor.

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1 VOIR DIRE
2 BY MS. SIMMONS:
3 Q. Ms. Simmons, real quickly. You testified that at
4 one point during your training or one of the things that
5 you listed in your credentials was working with the F-B-I
6 on gunshot residue, correct?
7 A. Yes sir, I went for their symposium.
8 Q. Now you're aware that the F-B-I no longer does G-S-R
9 testing.
10 A. Yes sir, I am.
11 Q. Okay.
12 MR. BAX: No further questions, Your Honor. No
13 objection.
14 Thank you. All right, thank you. Mr. Stone?
15 MR. STONE: We offer her as an expert, Your Honor.
16 THE COURT: She's qualified.
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1 THE COURT: Thank you. Without objection.
2 [Whereupon, State's exhibit number 24 is entered
3 into evidence by the court]
4 MR. STONE: This is State's exhibit 24 into
5 evidence.
6 Q. [Mr. Stone] State's exhibit 24 was the kit taken
7 from the hands of the defendant, Mr. Robinson. What were
8 your results of that test result?
9 A. Gunshot residue was found on the palm and back of
10 the right hand and round lead particles were found on the
11 palm and back of the left hand. Round lead particles are
12 one component of gunshot residue.
13 Q. And then powder itself, what did that consist of?
14 A. The gunshot residue is a mixture of lead, barium,
15 and antimony. When those three elements are found in
16 conjunction with one another in a round form it is
17 consistent to gunshot residue only; specifically to a
18 discharge of a firearm. It hasn't been found anywhere
19 else to be related to any other manmade or naturally made
20 occurrence.
21 Q. What can you tell us from that test result?
22 A. That this person was firing a gun or in close
23 proximity to a gun when it was fired.
24 Q. Thank you. I don't have any further questions.
25 MR. BAX: Briefly, Your Honor.

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CROSS-EXAMINATION

2 BY MR. BAX:
3 Q. Ms. Simmons, you've testified that G-S-R can be
4 present on someone who has either fired a weapon or been
5 in close proximity to a weapon.
6 Are you familiar with transference of G-S-R as well?
7 Can G-S-R be transferred from one object to another or
8 one person to another through physical contact?
9 A. It can.
10 Q. Okay. So if someone fires a gun and then shakes
11 your hand it is possible for you to have gunshot residue
12 on your hand at that point?
13 A. Only on the area of the hand that made contact with
14 the other person.
15 Q. Certainly. And you also testified that G-S-R is a
16 combination of barium, antimony, and rounded lead
17 particles correct?
18 A. Yes, sir.
19 Q. The barium and antimony the science indicates they
20 need to be of elevated levels; in other words they need
21 to be over a certain amount of barium or antimony in
22 order to be considered G-S-R is that correct?
23 A. Actually the analysis that we do we use a microscope
24 and these particles were found together; the lead, the
25 barium, and the antimony were all contained within one

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1 Q. In your experience it's certainly possible for
2 gunshot residue to remain on someone's hands for a day or
3 two days or even longer if they don't wash is that
4 correct?
5 A. No, sir. If someone shoots a gun at lunchtime at
6 noon by 6 o'clock there will be no gunshot residue left
7 on their hands.
8 Q. Excuse me?
9 A. A living person, yes sir.
10 Q. Ms. Simmons, so you're not aware of any experts that
11 would tell you that gunshot residue goes not go away
12 unless there is something that actively takes it off?
13 A. Not on a living person, no sir.
14 Q. What happens to the G-S-R on a living person in that
15 six hours, the body absorbs it?
16 A. The body can absorb it, yes sir.
17 MR. BAX: Moment's indulgence, Your Honor. A
18 sidebar please?
19 THE COURT: Sure.
20 [Whereupon, an off the record bench conference is
21 held]
22 MR. BAX: Your Honor, I have no further questions
23 for this witness.
24 THE COURT: Thank you. Mr. Stone, redirect?
25 MR. STONE: Just a couple.

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1 particle and it was a round particle so that's specific
2 to gunshot residue. It has nothing to do with the levels
3 of each element that is present.
4 Q. But you just testified that is something that you
5 did. Is that the way all labs do it?
6 A. Yes, sir. If gunshot residue is found if a round
7 particle with lead, barium, and antimony are found then
8 gunshot residue is found.
9 Q. So Ms. Simmons it's your testimony that other labs
10 do not also look at the amount of barium and antimony?
11 A. They can look at that but that is generally a
12 screening test and then they go forward to the
13 microscopic tests like we do to confirm that the elements
14 that were found actually were gunshot residue.
15 Q. Because barium and antimony in themselves can be
16 found in other materials correct, in household cleaning
17 products correct?
18 A. Yes sir, they can.
19 Q. Okay. Now moving on Ms. Simmons you've also
20 indicated that gunshot residue these elements that we've
21 talked about they don't necessarily go away unless
22 something actively takes them off such as washing the
23 hands or brushing against something enough to get it off
24 correct?
25 A. Just over time yes, they will come off of the hands.

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REDIRECT EXAMINATION

2 BY MR. STONE:
3 Q. The hard round particles how are those formed?
4 A. If you were to take water and throw it in the air
5 and freeze it in mid air you are going to end up with
6 round droplets. It's because the water is molten and
7 it's under pressure; it's being thrown up.
8 If a gun is fired the materials that are coming out
9 of this gun are also molten and they're under pressure
10 and that's why they form the round droplets because when
11 they hit the skin they immediately begin to cool and they
12 solidify into round particles.
13 That's why it is consistent then from a discharge or
14 a small explosion like what comes out of a gun and not
15 just every day contact.
16 Q. And so when we talk about the elements involved
17 that's actually elements that have been molded for lack
18 of a better term into that ball is that correct?
19 A. Yes, sir.
20 Q. So other items that may have barium in them or other
21 things like this are not going to be molded into
22 something unless they've been under that type of pressure
23 and heat is that correct?
24 A. That's correct.
25 Q. Okay. And that's the reason for the microscopic

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1 testing aside from just doing the screen is that right?
2 A. Yes, sir.
3 Q. The other thing I think the defense brought up the
4 area of the hands if they shake hands it can be
5 transferred off that kind of stuff. What areas of the
6 hands did you find gunshot residue on Tyrone Robinson?
7 A. I found it on the palm and back of the right hand
8 and I also found round lead on the palm and back of the
9 left hand.
10 Q. All right. Thank you.
11 MR. STONE: No further questions of this witness,
12 Your Honor.
13 THE COURT: Any follow up with this witness Mr.
14 Bax?
15 MR. BAX: Nothing, Your Honor.
16 THE COURT: Thank you. You can step down.
17 [Whereupon, the witness is excused and exits the
18 witness stand]
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1 restaurants I hope. Please be back in the jury room at
2 1:15. Don't talk about this case with anybody else or
3 among yourselves while you are out of the courtroom.
4 Thank you.
5 [Whereupon, the jury exits at 12:00 p.m.]
6 THE COURT: Ladies and gentlemen please note we're
7 still in session. I appreciate that but we've got
8 something to put on the record before we recess. Madame
9 Reporter, the record should reflect a sidebar conference
10 during the testimony -- during the cross-examination of
11 former agent Simmons regarding the length of time that
12 gunshot residue remains on the hands of a living person.
13 Mr. Bax indicated that her testimony was contrary to his
14 experience and the science that he is aware of insofar as
15 the duration is concerned.
16 He asked to strike her testimony, which I denied
17 because I have no evidence to the contrary at this point
18 in time. He also indicated that he may have to have a
19 continuance to try to get another expert on the other
20 side of that issue. I've asked him to present some
21 evidence which is clearly to the contrary of what she
22 said as the accepted science in this matter before I
23 could continue that. But I did want to make a notation
24 that he made a timely request in that regard. Mr. Bax,
25 does that adequately reflect the sidebar from your

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1 MR. STONE: Your Honor, we have one final witness.
2 He is testifying, while this has never happened to me in
3 29 years it's now happened twice in the same trial, he is
4 testifying on the stand in courtroom 2 right now as we
5 are speaking. So it may be best if we take a lunch break
6 or however you would like to handle it. We're prepared
7 to go forward whenever he gets through.
8 THE COURT: I understand. He's your final witness?
9 MR. STONE: Yes, sir.
10 THE COURT: And he will obviously take some time.
11 Unlike the witness yesterday his testimony as an expert
12 will probably take some more time?
13 Yes, sir. MR. STONE:
14 THE COURT: All right folks. We once again have
15 been preempted by another trial. We've got some popular
16 witnesses apparently or at least in this courtroom in
17 this courthouse. The good thing about it is they've only
18 had to make one trip. One of them was already here but
19 this one has only had to make one trip for both
20 courtrooms so that's been efficient. But the upshot of it
21 is obviously the State is not in a position to offer that
22 testimony right this minute because of the witness's
23 unavailability. But after lunch the witness will be
24 available and so we will start back at 1:15. Now it's an
25 early lunch so you'll get to beat the crowd to

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1 perspective?
2 MR. BAX: It does, Your Honor. I can put on the
3 record that I can specifically cite what case I was
4 referring to, State v Tremaine Wray that was tried in
5 front of Judge Michelle Childs. Myself and Jack Swerling
6 tried that case. Gunshot residue was a primary issue in
7 that case. The State had an expert who testified. I had
8 a consulting expert at the time. I will do my best to
9 contact that expert. I don't recall his name off the top
10 of my head. I'll have to try and see if Jack recalls who
11 that was.
12 THE COURT: That was a State court case?
13 MR. BAX: It was a State court case, that's correct
14 Your Honor.
15 THE COURT: And the defendant's name was?
16 MR. BAX: Tremaine Wray. First name is spelled
17 T-R-E-M-A-I-N-E; last name is Wray W-R-A-Y I believe. In
18 fact he's got a pending P-C-R that Judge Manning can't
19 seem to get scheduled based on Jack's and my schedules.
20 THE COURT: Okay. Was that a reported case? Did
21 it go up on appeal?
22 MR. BAX: I know that Mr. Ray reported it -- or
23 appealed it, which is why the P-C-R took so many years to
24 come back. It's been almost five years ago. I don't
25 recall ever seeing it in the advance sheets though.

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1 THE COURT: Okay. Thank you. Anything further
2 Mr. Stone from the State before we break for lunch?
3 MR. STONE: No, sir.
4 THE COURT: All right, 1:15 folks.
5 MR. STONE: Yes, sir.
6 MR. BAX: Thank you.
7 [Whereupon, court is in recess from 12:02 p.m. until
8 1:15 p.m.]
9 THE COURT: Thank you ladies and gentlemen. All
10 right folks, are both sides ready for the jury?
11 MR. STONE: The State is ready, Your Honor.
12 THE COURT: Mr. Bax?
13 MR. BAX: The defense is ready, Your Honor. Just
14 to put on the record about the issue concerning the last
15 witness of the State. I have consulted with my expert
16 and I believe that Mr. Fife [phonetic] can offer some
17 testimony that that particular part of her testimony is
18 not backed by the science. However, there is also
19 another expert Mr. Robinson that is working on my wife's
20 cases as a defense consultant and I would also like to
21 consult with him just to see if there are some additional
22 elements that Mr. Robinson can add. And I will present
23 that if anything tomorrow with Your Honor's permission.
24 THE COURT: All right. I'll be glad to deal with
25 that after you have a chance to look into it. I have

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1 evidence that has been introduced by the State including
2 my client's statements to Sergeant Thomas on the dash cam
3 he says I shot earlier at Wild Horse Road. He's said
4 that so the jury has that evidence that Mr. Robinson has
5 claimed to have shot over at Wild Horse Road, which would
6 certainly -- and my understanding of all the evidence
7 concerning the timeline that's well within six hours
8 anyway.
9 THE COURT: It is.
10 MR. BAX: So from that standpoint it doesn't
11 matter. I just -- I feel that I would be remiss if I let
12 what I felt was scientifically unfounded evidence come in
13 from an expert without trying to challenge it.
14 Ultimately I don't necessarily know that it's going to be
15 relevant to the factual examination by the jury.
16 THE COURT: Right. And of course there are two
17 burdens here; one that it is actually factually
18 inaccurate and of course I understand because I was
19 asking a separate said expert testifying in your wife's
20 case a few minutes or sometime ago that it normally goes
21 away in the six hours too. So apparently that is the
22 protocol that they operate under or at least that other
23 one does too. Is that person whoever he or she is I'm
24 not sure who the expert was.
25 MR. BAX: I'm not sure who that was in that case.

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1 done just some minimal research in the length of time
2 that we had and I have found at least one of these sites
3 dealing with forensic science that indicates that gunshot
4 residue depending upon activity and things of that nature
5 normally goes away in five hours thereabouts. I'll show
6 you the site if you would like to see it. But I'm sure
7 that probably is not -- she stated it with definitive --
8 the website doesn't come out with that same degree of
9 certainty.
10 But I'm wondering about the relevance in this
11 particular issue because I don't recall whether Mr.
12 Robinson in his statement has referred to shooting. He
13 said he was involved in a shootout but whether his
14 statement referred to him actually firing shots at that
15 point in time or not or whether there is any evidence
16 along those lines that would make this real relevant.
17 Can you help me with that?
18 MR. BAX: Well frankly, Your Honor, it really
19 doesn't matter. I'll be honest with you and that's
20 exactly what I'm going to tell the jury. I just get a
21 little irritated when I have a forensic scientist tell me
22 something that I believe based on my information and
23 studies to be inaccurate.
24 THE COURT: Right.
25 MR. BAX: But based on the information, the

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1 THE COURT: I was just actually talking to the
2 Judge Early about it. So assuming without deciding that
3 it is inaccurate and perhaps not as certain a fact as the
4 expert testified then it becomes an issue of whether your
5 client is prejudiced by that information. And those are
6 the two things that I take into account. But in any
7 event if you have a chance to talk to that other expert
8 and of course your case will go into tomorrow I
9 understand at any event, which we can deal with it if it
10 comes up, okay?
11 MR. BAX: Thank you, Your Honor. There was one
12 other matter I wanted to make sure I addressed real
13 quickly because I know the day is moving on and while my
14 mind is on it. The matter that we discussed yesterday on
15 the record was the testimony of Ebony Campbell involved
16 her testifying that she saw a second gun or something
17 that appeared to be a second gun in Mr. Robinson's car.
18 THE COURT: Right.
19 MR. BAX: As I testified -- not as I testified but
20 as I stated to the court yesterday I have not been able
21 to find anything in my discovery as far as an incident
22 report, a witness statement or otherwise that indicated
23 that portion of her testimony. And I know that Solicitor
24 Stone indicated he hadn't found anything yet but he would
25 continue to look I wanted to go ahead and address and

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1 find out if there has been any movement on that because
2 it would affect how I plan for the defense presentation.
3 THE COURT: All right. Mr. Solicitor, have you
4 gotten any more information to share on that particular
5 issue?
6 MR. THORNTON: Judge, if I could? I did some
7 research into it. I have not been able to locate any
8 reference to it. There was a reference frankly in the
9 Solicitor's outline that he and I operate under that said
10 that indicated it was in a previous interview.
11 Based on all the -- I talked to Ms. Hunter Swanson
12 who works with our office who was actually assisting the
13 Solicitor on this case prior to me what we believe
14 happened based on all the people I've talked to and
15 certainly there isn't any other reference in a report;
16 Mr. Bax is correct about that, or any of the interviews
17 or audio in this case that we've listened to.
18 What I think happened was in interviewing with --
19 we've done like one -- I think two interviews with Ebony
20 Campbell the second of which I sat in on. That's what
21 that notation referred to. In other words when we talked
22 to her, we being the Solicitor's office and Hunter
23 Swanson, she indicated that at our previous interview.
24 So it did not appear in any report. She did not write
25 that in any statement as Mr. Bax I think pointed out

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1 that after she testifies if she gave a statement.
2 MR. THORNTON: Yes, sir. But I just want to make
3 clear I don't believe he is entitled to any notes of the
4 Solicitor or myself but she didn't provide anything in
5 writing to us. That was all just notes taken by us. I
6 do not believe he is inclined to get any written
7 materials we made in the preparation of the case.
8 THE COURT: Only her written statement ---
9 MR. THORNTON: --- yes, sir which was not done ---
10 THE COURT: --- that's right under the rules.
11 Okay. Now ready for the jury?
12 MR. STONE: The State is ready, Your Honor.
13 THE COURT: Bring us the jury please.
14 MR. THORNTON: Judge, as they are coming in I also
15 just want to mention for Mr. Bax is this issue is still
16 outstanding. We've informed Ms. Campbell and I didn't
17 know if he had her under subpoena or not she is still
18 under subpoena and she's on telephone standby in case Mr.
19 Bax wants her we'll make sure to get in contact with her.
20 THE COURT: Thank you.
21 MR. BAX: And Your Honor, if there is no written
22 materials the only thing I would ask and I don't see why
23 I wouldn't be able to get this information is just the
24 date of the interview. I don't see that that falls under
25 any privileged information.

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1 yesterday. So the interview that the notation in our
2 outline referred to was a previous interview done with
3 our office.
4 THE COURT: Thank you Mr. Thornton. Also, Mr. Bax I
5 told you that if that issue, the creditability on that
6 issue; of course she is going to say what she is going to
7 say. But if you wanted to call her I was going to let
8 you recall her in the State's case but since you can put
9 up evidence and you can call her on your own if you want
10 her to be cross-examined on that issue -- that's just a
11 strategic decision you'll have to make.
12 MR. BAX: And I would be able to let you know on
13 that decision before the State rests, Your Honor as far
14 as how that goes. And then the only other additional
15 thing I would put on the record is as Your Honor and I
16 discussed at sidebar under the section we discussed in
17 pretrial of Rule 5 if there are any notes that they have
18 from that interview with the Solicitor's office now that
19 she has testified on direct and especially the date at
20 which that occurred because I think it's relevant to know
21 how long after the incident and how many interviews she's
22 already been through before she finally remembered this
23 additional piece of information I would want to have
24 access to that information.
25 THE COURT: Well under the Rule you're entitled to

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1 THE COURT: It probably wouldn't.
2 MR. THORNTON: If I can find out Judge when it was
3 or we've got it notated somewhere I am happy to let him
4 know.
5 MR. BAX: Thank you.
6 THE BAILIFF: The jury is entering the courtroom,
7 Your Honor.
8 THE COURT: Thank you.
9 [Whereupon, the jury enters at 1:27 p.m.]
10 THE COURT: Thank you folks for promptly coming
11 back from lunch. We had a few housekeeping matters that
12 we had to take care of before we were able to get you out
13 here. I apologize for that brief delay. I won't delay
14 you any longer. We will continue now as the State
15 continues to offer evidence and testimony in this case.
16 MR. STONE: Thank you, Your Honor.
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MR. STONE: Dan DeFreese.

THE COURT: Mr. DeFreese, come forward please to be sworn.

[Whereupon, Mr. DeFreese comes forward]

[Whereupon, the witness is duly sworn by the Clerk of Court]

DAN DEFREESSE,

Having been first duly sworn,

Was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STONE:

Q. Mr. DeFreese first of all what is your rank? I want to make sure I get that right?

A. My rank?

Q. Yes, sir?

A. It's a senior agent right now.

Q. And you work with the State Law Enforcement Division?

A. I do.

Q. And that's what everybody refers to as SLED is that correct?

A. Yes.

Q. How long have you been with SLED?

A. For 47 years.

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but for the most part most of our requests are to identify fired ammunition components to determine whether a given bullet or cartridge case or what have you was fired from a specific firearm or if two fired components are fired by the same firearm when no gun is recovered.

Q. Okay. Now the concept here of tool mark identification and firearm identification you do that in your lab is that correct; in the SLED lab?

A. I do

Q. And you've been doing that for how many years?

A. With the exception of about five years I've been doing it for the entire time.

Q. Okay. So roughly 42 years?

A. About 42 years.

Q. Have you ever been qualified as an expert in firearms identification and toolmarks in a courtroom before?

A. I have.

Q. Multiple times I'm assuming?

A. I really don't know how many times. I estimate between 600 and 700.

Q. What type of training have you received in order for you to testify as to toolmarks and firearms identification?

A. Well, my principle training occurred at SLED. After

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Q. And in what capacity are you currently working with SLED?

A. I work I the Firearm and Toolmark Department. I analyze firearm and toolmark evidence in the SLED laboratory in Columbia.

Q. And toolmarks what are we talking about as far as that is concerned?

A. Most of the toolmark requests we get have to do with compromised physical security devices like locks and safes; things that people attack to get into a building or to get into an area they shouldn't be in to. And they deal with the macroscopic analysis of marks left by tools on various different surfaces.

And firearms identification is really a subset of that kind of analysis wherein the bullet or cartridge case is the object being marked and the firearm is the tool that marks it and so essentially the same kind of techniques are used in both.

Q. I've heard the term ballistics before. Is that the same thing or is that something else?

A. People frequently refer to firearms identification as ballistics especially in the northeastern United States. They call it like the ballistics unit. But ballistics is really the study of objects in flight. And ballistics does touch upon what we do to a limited extent

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my employment I was assigned to the firearms laboratory and I undertook a course of instruction that lasted for about two and a half years I studied under Lieutenant Miller Cate who established the SLED laboratory when SLED itself was established in 1947 and with Lieutenant Carl Stokes.

And after a period of studying the techniques under their supervision and working cases with them I began accepting case work on my own and have been doing it essentially every since. I've been testifying since 1969.

MR. STONE: At this time, Your Honor I would offer senior agent DeFreese as an expert in the field of toolmark identification as well as firearms identification.

THE COURT: All right. Mr. Bax, any voir dire?

MR. BAX: No voir dire, no objection, Your Honor.

THE COURT: Thank you. Without objection agent DeFreese is so qualified.

MR. STONE: Thank you.

Q. [Mr. Stone] Now agent DeFreese we'll go directly to the piece of evidence that we have in this case. Let me just start by handing you State's exhibit 34 and State's exhibit 30. State's exhibit 30 is what appears to be a bullet pulled from Old Wild Horse Road.

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1 [Whereupon, the witness is shown exhibit]
2 Q. I'll ask you sir that has some evidence tape on it.
3 When you received that -- first of all did you receive
4 that item at SLED?
5 A. Yes sir, I did.
6 Q. And how do you know that?
7 A. By the marks that I left on it and by the marks
8 which I left on the outside and inside packaging.
9 Q. And when you received it it was sealed in that
10 container; you actually were the one that unsealed it?
11 A. I was. This top tape seal was intact at the time I
12 received it.
13 Q. All right. I'll ask you the same question
14 concerning State's exhibit 34, which is a lead projectile
15 retrieved at Khalil Singleton's autopsy
16 [Whereupon, the witness is shown exhibit]
17 A. Yes, sir I likewise received this specimen and it
18 was sealed in the paper bag at the time I received it.
19 MR. STONE: At this time we'd move State's exhibit
20 30 and State's exhibit 34 into evidence.
21 THE COURT: All right. Without objection?
22 MR. BAX: None, Your Honor.
23 THE COURT: Thank you.
24 [Whereupon, State's exhibit numbers 30 and 34 are
25 entered into evidence by the court]

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1 the same tool. In cases where the bullets are too badly
2 damaged or where the firearm itself is so inconsistent,
3 so non repeatable in its markings that we just can't --
4 we can't match the test bullets with each other in those
5 sorts of situations our results might be inconclusive if
6 the class characteristics; that is the number of lands
7 and grooves present on the bullet or certain other class
8 characteristics about cartridge cases are present.
9 Where the class characteristics are different we can
10 conclude almost immediately that the two given bullets or
11 the two given cartridge cases were not fired by the same
12 gun.
13 Q. And the characteristics you're talking about and I
14 think you also mentioned lands and grooves. This is
15 marks made on the bullet itself?
16 A. I should back up and explain that within the barrel
17 of a rifled firearm, which includes rifles, pistols, and
18 revolvers, not usually shotguns even though now there are
19 rifle shotguns.
20 But there are a series of spiraling grooves and the
21 grooves are in there to grip the bullet that the raised
22 section between the grooves are known as the land. The
23 depressed area is called a groove. The bullet is a very,
24 very tight fit within the bore of a firearm so much so
25 that the barrel actually engraves the bullet as it passes

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1 Q. [Mr. Stone] Let me first show you the items from
2 State's exhibit 34, the autopsy bullet and I'll ask you
3 if you made any comparison with that bullet and the
4 bullet retrieved at 17 Old Wild Horse Road, which is
5 State's exhibit 30?
6 A. Yes sir, I did.
7 Q. Now first of all before we go into that defining can
8 you tell me something about as far as how you determine
9 bullet toolmark so to speak?
10 A. To effect an identification or an elimination of a
11 bullet we do a side by side microscopic comparison. We
12 have a microscope, an optical device that permits us to
13 view parts of two different objects at the same time and
14 to move the images we see so that we can attempt to find
15 a match if one exists.
16 In the case where we don't have a firearm we would
17 simply compare two fired bullet specimens with each other
18 or two fired cartridge case specimens with each other.
19 Where we have a firearm we would compare a test
20 bullet or test cartridge case with a recovered bullet or
21 cartridge case to see if the same class characteristics
22 were present and beyond that if the same individual
23 characteristics were present.
24 And if they were we would make a conclusion that
25 both objects were fired by the same firearm or made by

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1 down the bore and out of the gun. The number of lands
2 and grooves and the dimensions of the lands and grooves
3 vary by manufacturer of firearm and even among models of
4 firearms; different numbers of lands and grooves are
5 present within a gun barrel.
6 That is one of the general rifling characteristics
7 of a gun. It's caliber, the number of lands and grooves
8 and beyond that the direction of twists because the lands
9 and grooves will twist either to the right or to the left
10 in order to impart a spin on the bullet; much in the same
11 way that a quarterback puts a spin on a football to keep
12 it from tumbling end over end in flight.
13 The rifling is put there in the gun barrel to make
14 the bullet spin so the bullet will not turn end over end;
15 in essence to make the whole system more accurate.
16 Q. Okay. So you've got two things you are looking for
17 then, the lands and the grooves as well as the spin or
18 the direction of the spin is that correct?
19 A. The direction of twists ---
20 Q. --- excuse me; the direction of twists. You've got
21 a left twist or a right twist and then you have certain
22 number of lands and grooves is that correct?
23 A. Correct.
24 Q. And so that is going to vary on everything from the
25 length of the barrel to how many times they actually bore

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1 it out inside making the gun?

2 A. Well it varies according to the manufacturer's
3 tooling. The tooling they buy is such that for a given
4 manufacturer he is going to make a great many objects, a
5 great many guns that have essentially the same number of
6 lands and grooves and the same direction of twists.

7 Q. Okay. In the bullet taken from the autopsy, and I
8 think that's State's exhibit 30 but I may have that
9 number mistaken; let me make sure.

10 THE COURT: State's 34.

11 Q. [Mr. Stone] 34 okay. From State's exhibit 34 the
12 bullet that was taken from the autopsy how many lands and
13 grooves were in that bullet?

14 A. State's exhibit 34 is a plain lead .38 caliber
15 bullet, which could be fired in a .38 special or a .357
16 magnum caliber firearm. And its rifling is eight grooves
17 with right twists.

18 Q. Eight grooves with a right twist?

19 A. Correct.

20 Q. And item number 30, which was taken from the house
21 at Old Wild Horse how many lands and grooves and twists
22 were on that?

23 A. It's also a .38 special caliber bullet, which can be
24 fired from either a .38 special or a .357 magnum caliber
25 firearm and it has eight grooves with right twist.

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1 the cylinder into the back of the barrel frequently you
2 will see an area where the rifling will extend up the
3 nose or up towards the nose of the bullet and it will
4 leave marks that are consistent with it having been fired
5 by a revolver.

6 Q. Okay. And in both of these situations item 30 and
7 34 both of them have some type of characteristics that
8 indicate the revolver was used?

9 A. They do. They both have indications they were fired
10 by a revolver as opposed to like a rifle or a
11 semiautomatic pistol where the chamber and the barrel are
12 all integral, they are all one piece and there is no
13 disconnection between the chamber and the bore of the
14 gun.

15 Q. Okay. And I want to make sure -- you also have two
16 different types of metal in those two bullets is that
17 correct?

18 A. Well item 34 is a plain lead bullet.

19 Q. Okay.

20 A. It's not plated, it's not jacketed; it's just lead.
21 It has some grooves in it that would have contained a
22 lubricant to keep the lead from smearing in the bore.
23 Item 30 is a full metal jacketed bullet but it's actually
24 made in two pieces. It has an outer skin that is made of
25 a copper alloy and the outer drawn jacket has a core that

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1 Q. Can you tell from either one of those bullets

2 whether or not they were fired by a revolver versus an
3 automatic?

4 A. Both of them have indications that they were fired
5 by a revolver.

6 Q. And I think I understand the difference but the
7 difference between a revolver and an automatic what is
8 that?

9 A. A revolver is a type of handgun that has a revolving
10 cylinder as its central member. Inside the receiver of a
11 revolver there is a rotating cylinder that has a number
12 of individual chambers. And as the gun is fired the
13 cylinder rotates; it revolves to bring a fresh unfired
14 cartridge into alignment with the barrel.

15 There is one barrel and for instance five or six or
16 however many chambers the gun has so each time the
17 cylinder has to rotate to bring that alignment into
18 effect at which time the firing mechanism initiates the
19 cartridge and the bullet jumps from the cylinder into the
20 back of the barrel and out the gun; the rifling being
21 inside the barrel.

22 Frequently revolvers get a little bit out of time.
23 That is that the cylinder doesn't just perfectly line up
24 the chamber within the cylinder doesn't line up exactly
25 with the bore. And when the bullet jumps that gap from

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1 is placed in the middle of it and then the two parts are
2 crimped together to create what's known as a full metal
3 case or a full metal jacketed bullet.

4 Q. Now in your experience testing various bullets from
5 crime scenes and things throughout your 47 year history
6 is it unusual to find two bullets that could in fact have
7 been fired from the same gun that would be different
8 materials?

9 A. It's not unusual. Sometimes they are the same and
10 sometimes they are different.

11 Q. And is there enough of those bullets to determine
12 whether or not the bullets are matched or were actually
13 fired from the same gun? Could you make a definitive
14 match on that?

15 A. It is possible sometimes to match like a lead bullet
16 with a jacketed bullet. It is possible to do. It's
17 somewhat more difficult because the lead bullet is
18 softer; the outside of the lead bullet surface is softer
19 than the outside of a jacketed bullet.

20 So sometimes there are minor differences in both
21 engagement and in the rifling signature that the gun will
22 leave on them. But when they are in sufficiently good
23 condition it is possible to match them. And when they
24 are not the fact that they are different becomes one more
25 factor that works against you.

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1 Q. Okay. And in these bullets were they in good
2 enough condition to make that type of match?
3 A. Both of them were damaged. Both of them were
4 appreciably damaged; item 34 probably more so than item
5 30. Item 30 looks worse than item 34 in terms of its
6 gross damage.
7 But by being a jacketed bullet a lot of the very
8 fine individual striated marks that represent the
9 signature of a particular gun barrel a lot of those
10 survived better because the jacket surface was somewhat
11 harder.
12 Q. Okay. So in that case though you can't make a full
13 match of those. Can you tell us whether or not those are
14 two consistent bullets? In other words are the twists
15 and the lands and the grooves -- the left twist as I
16 think you described it.
17 A. No, right twist.
18 Q. Right twist; excuse me. Are they consistent with
19 being fired from the same gun?
20 A. They are. Both of these bullets have the same
21 general rifling characteristics and beyond that there are
22 a few individual similarities noted on them, a few
23 individual striated marks that are similar on them. It's
24 just that there is not enough remaining undamaged area to
25 conclude that both of these bullets were fired by the

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1 MR. BAX: Same.
2 THE COURT: Both admitted without objection.
3 [Whereupon, State's exhibit numbers 29 and 33 are
4 entered into evidence by the court]
5 Q. [Mr. Stone] Now State's exhibit 29 are the shells
6 that were taken from the bed of the Ford F-150. What
7 type of shells are those? And specifically what caliber
8 are those shells?
9 A. These are .9mm Luger caliber cartridge cases; they
10 are fired.
11 Q. And the items here that were in State's exhibit 33,
12 which were taken from Tyrone Robinson's car; these are
13 the spent bullets. Could you tell us what type of
14 caliber bullets those are?
15 A. They were .9mm Luger caliber bullets.
16 Q. I'll show you part -- well, I'll actually show you
17 State's exhibit 26 and ask if you could identify that.
18 That's already in evidence.
19 [Whereupon, the witness is shown exhibit]
20 A. Yes, I can.
21 Q. And what is that item?
22 A. This is a Masterpiece Arms. It's a I think a model
23 MPA-30 .9mm Luger. It's actually a semiautomatic pistol.
24 Q. What do you mean by semiautomatic pistol?
25 A. I mean it fires once for every pull of the trigger

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1 same gun barrel.
2 Q. And both of them are a .38 is that correct?
3 A. They are.
4 Q. Okay. Now specifically I want to go to item from
5 the autopsy that would be item 34.
6 A. Right.
7 Q. Now speaking strictly in the context of -- well, let
8 me back up and start over. State's exhibit 29 and
9 State's exhibit 33 these items also were delivered to
10 SLED.
11 Did you receive them and were they in -- were they
12 sealed as they are at this time? Well, not at this time
13 but were they sealed when you received them.
14 [Whereupon, the witness is shown exhibits]
15 A. I previously inspected these today so without going
16 through taking every single one of them out the answer is
17 yes, they were sealed when I received them and this is
18 the evidence that I received.
19 Q. And then you opened them up to view them?
20 A. Correct.
21 MR. STONE: Your Honor, at this time we'd move
22 State's exhibit 33 into evidence.
23 MR. BAX: Without objection, Your Honor.
24 THE COURT: Thank you.
25 MR. STONE: And State's exhibit 29 into evidence.

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1 and it has no shoulder stock and it has a short barrel.
2 Q. And also I think these items as well were submitted.
3 What is this item here? I'm handing you State's exhibit
4 27.
5 [Whereupon, the witness is shown exhibit]
6 A. State's exhibit 27 is what the Masterpiece Arms
7 Company refers to as a safety extension. It's actually a
8 piece of aluminum that has a hole drilled in it. I
9 rather looks like a silencer but it has no baffles; it
10 has nothing in it that would effectively silence the
11 firearm.
12 They call it a safety extension because it keeps you
13 from getting your hand where you could shoot your own
14 hand with it. Or some people may choose to hold it to
15 make the gun steadier.
16 Q. But that item on that gun doesn't make it quieter?
17 A. No.
18 Q. And you fired this gun as well did you not?
19 A. I did.
20 Q. Still pretty loud ---
21 A. --- yes ---
22 Q. --- even with ---
23 A. --- it just moves the sound about that much
24 [indicates] farther than it would have been.
25 Q. All right. And this item here, which is State's

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1 exhibit 28 I'll hand that to you first and that is in
2 this bag here [indicates].
3 [Whereupon, the witness is shown exhibit]
4 Q. What is that?
5 A. This is a magazine assembly that is adapted for that
6 pistol.
7 Q. How many does that hold?
8 A. Normally it holds 32. I was actually able to get 33
9 cartridges in it. So with a fully loaded magazine and
10 one in the chamber the pistol would be capable of firing
11 as many as 34 times between re-loadings.
12 Q. And again the bullets are going to go as quickly as
13 you can pull the trigger is that correct?
14 A. Correct.
15 Q. And you shot it yourself?
16 A. I did.
17 Q. Did it shoot pretty fast?
18 A. As fast as you can let up on the trigger and pull it
19 again.
20 Q. Okay. And this part [indicates] I think goes into
21 here in [indicates] is that correct?
22 A. It does. If it didn't have a wire tie it would fit
23 right in.
24 Q. All right. These items pulled from this bag which
25 is State's exhibit 31 these bullets that were found in

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1 A. It's an actual steel jacketed bullet and not a
2 copper alloy jacketed bullet.
3 Q. And when you said these just to make sure we're
4 clear that is item State's 29 which are the shells that
5 were taken from the pickup truck?
6 A. Correct.
7 Q. And that is the same type bullets as the shells that
8 were taken out of the bag ---
9 A. --- the same caliber, the same brand, and the same
10 type.
11 Q. But interestingly enough different than the other
12 boxes of bullets right?
13 A. Right. The others are the same caliber but not the
14 same brand and not the same type.
15 Q. Which is what I guess you said earlier it's not
16 unusual for you to see different types of bullets in the
17 same gun?
18 A. Correct.
19 Q. Okay. I want to make sure I'm clear then. This
20 gun [indicates], which is item 26, this gun [indicates]
21 did you do any testing as far as any of these bullets to
22 determine if this gun fired any of these -- could fire
23 any of those bullets?
24 A. I did.
25 Q. And the bullets specifically taken out of Tyrone

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1 State's exhibit number 25, which is a black bag, what
2 kind of caliber bullet are those?
3 [Whereupon, the witness is shown exhibit]
4 A. One is a 50-Round box of Federal brand cartridges
5 that actually contains 29 cartridges. These are .9mm
6 Luger caliber. They are the correct caliber to use in
7 the Masterpiece Arms pistol or in other .9mm Luger
8 caliber firearms.
9 And the others are RWS brand .9mm Luger caliber
10 cartridges. They are the same caliber but they are made
11 by a different manufacturer and they are loaded with a
12 different weight bullet and a bullet that is constructed
13 differently than the Federals.
14 Q. Is that the same type -- would those bullets also
15 work in this type gun?
16 A. Yes. All of these cartridges can be fired in that
17 gun.
18 Q. Pretty much all of the cartridges that I've handed
19 you up with this gun can be fired in that gun?
20 A. Correct, except these [indicates] cartridges, the
21 RWS brand cartridges, are the same brand of cartridge as
22 these [indicates] fired cartridge cases and they are the
23 same type -- the same type bullet is loaded into these
24 [indicates] cartridges as the remaining fired bullets.
25 Q. Okay.

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1 Robinson's car could you tell us anything about those?
2 A. I can tell you for sure it was not fired by that
3 gun.
4 Q. Let me back up on that ---
5 A. --- the one -- excuse me; the item 34 bullet, the
6 .38 special caliber bullet this bullet [indicates] was
7 not fired by that gun.
8 Q. And that's the bullet from autopsy?
9 A. That's correct. That's what I meant to say.
10 Q. I'm sorry. And the bullets from Tyrone Robinson's
11 car here [indicates] that were taken out of his car that
12 would be State's exhibit 33 and this gun [indicates]?
13 A. There are five bullets in State's exhibit 33. All
14 five of those bullets were fired by that gun.
15 Q. Okay. Just to make sure I'm clear now because we
16 had a little bit of confusion there. This gun
17 [indicates] fired the bullets that were taken out of
18 Tyrone Robinson's car is that correct?
19 A. Correct.
20 Q. This gun could not have fired the bullet that was in
21 Khalil Singleton?
22 A. Correct. It also fired the three fired cartridges.
23 This gun [indicates] also fired the three fired
24 cartridges.
25 Q. And those cartridges that were found in the pickup

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1 truck?
2 A. Yes.
3 Q. And I also want to make sure too the bullet that
4 came out of Wild Horse Road, the bullet I showed you
5 earlier, this [indicates] is also a .38?
6 A. Yes.
7 Q. Is it possible that this bullet was fired by that
8 gun?
9 A. No.
10 MR. STONE: No further questions, Your Honor.
11 THE COURT: Thank you. Mr. Bax, cross-examine?
12 MR. BAX: Your Honor, as previously stated I'd ask
13 for a very, very brief recess.
14 THE COURT: Oh, I'm sorry, yes.
15 MR. BAX: Between direct and cross.
16 THE COURT: All right. Folks, step to your jury
17 room for just a moment. Counsel needs to confer before
18 he cross-examines this witness. Don't talk about this
19 case. We'll get you out in just a few moments and
20 continue.
21 [Whereupon, the jury exits at 1:55 p.m.]
22 [Whereupon, an off the record bench conference is
23 held]
24 THE COURT: Let's see if the jury is ready to come
25 back.

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1 CROSS-EXAMINATION
2 BY MR. BAX:
3 Q. Good afternoon Mr. DeFreese. How are you doing?
4 A. I'm doing fine, thank you.
5 Q. I want to ask you some questions. I know that we've
6 gone through a lot of this in front of the jury already
7 but you've testified that you were comparing -- let's
8 talk about State's 30 and State's 34. Those were the two
9 .38 caliber projectiles that you testified to earlier.
10 Are you familiar with what I'm referring to?
11 A. I am.
12 Q. And if you need me to hand anything to you please
13 let me know; I'm happy to do it. Those were two
14 different .38 caliber projectiles correct?
15 A. They were different in construction, yes sir.
16 Q. Well, just on a basic level they are two different
17 bullets.
18 A. Two different bullets and different composition.
19 Q. Correct. And I do want to ask you about that.
20 Obviously, and I think there are also some photographs
21 that I am going to pass up to you in just a second.
22 But when you say construction in other words what
23 you testified to the jury before they are the same
24 caliber but they actually have a physically different
25 look to them correct?

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1 THE BAILIFF: The jury is entering the courtroom,
2 Your Honor.
3 THE COURT: Thank you, ma'am.
4 [Whereupon, the jury enters at 2:07 p.m.]
5 THE COURT: Thank you folks for your patience with
6 us as we worked through that process. Mr. Bax?
7 MR. BAX: Thank you very much, Your Honor.
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1 A. Indeed they do.
2 Q. Okay. And that being because of the fact that one
3 of them has a copper alloy, basically a coat over it or a
4 jacket over it correct?
5 A. Yes. One of them is jacketed and one of them is
6 plain lead.
7 Q. Okay. And that construction has a lot to do with
8 what you've testified to here today that they have these
9 two projectiles appear to have the same general rifling
10 characteristics but you can't firmly conclude that they
11 were fired from the exact same gun correct?
12 A. That's correct.
13 Q. Okay.
14 MR. BAX: Approach the witness, Your Honor?
15 THE COURT: Yes, sir.
16 Q. [Mr. Bax] For the record, Your Honor, I'm handing
17 Mr. DeFreese defendant's exhibit 9 and defendant's
18 exhibit 6.
19 [Whereupon, the witness is shown photographs]
20 Q. Do those appear to be pictures of the projectiles
21 that we are talking about Mr. DeFreese?
22 A. They do.
23 Q. Okay. And in those pictures you can kind of see
24 that physical difference; you see copper on one
25 projectile and nothing but lead on the other projectile

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1 correct?
2 A. Correct. Well, you can see the lead core plainly
3 exposed in the middle of the jacketed bullet as well.
4 Q. Correct.
5 A. But yes the external they are different colors
6 obviously.
7 Q. And some of that core that is exposed on the copper
8 round is based on the damage that it suffered upon impact
9 with whatever it hit is that correct?
10 A. I would say so. It appears to be missing at least
11 part of the bullet.
12 Q. Okay. And there is some damage to, basically the
13 nose area and off to the side of that bullet where that
14 jacket seems to be somewhat missing, correct?
15 A. Correct.
16 Q. Okay.
17 A. And I believe there is some damage to the other side
18 of the bullet as well.
19 Q. Okay. In fact I think -- I'm going to hand you what
20 has been marked as defendant's -- actually introduced as
21 defendant's exhibit 7.
22 [Whereupon, the witness is shown photograph]
23 Q. Does that appear to be the opposite side of that
24 same projectile, Mr. DeFreese?
25 A. Yes sir, it does.

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1 it with both jacketed test ammunition and with plain lead
2 test ammunition where we might have an increased chance
3 of achieving a match.
4 Q. But it's not guaranteed that you would get a match
5 even with the firearm present?
6 A. Absolutely.
7 Q. Okay. Now in this case Mr. DeFreese after you did
8 your comparisons you issued a report is that correct?
9 A. I did.
10 Q. And in that report you list a number of possible
11 manufacturers whose rifling characteristics would
12 potentially produce what you see on these two bullets is
13 that correct?
14 A. That is.
15 Q. Okay. And in fact you initially only had the soft
16 lead projectile to look at is that correct?
17 A. I believe that's correct.
18 Q. And you later looked at the jacketed round when it
19 was sent to you at a later time?
20 A. Correct.
21 Q. Okay. When you first looked at the first
22 projectile, the lead only projectile, it indicates -- and
23 I'm just going to ask you if this is what you recall from
24 your report that there was approximately I'm seeing about
25 19 or 20 different manufacturers that you listed if I am

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1 Q. Okay. And that shows some damage as well, correct?
2 A. It does. It's rather badly abraded on that side.
3 Q. Okay.
4 MR. BAX: Your Honor, permission to publish
5 defendant's 6 and 9 to the jury?
6 THE COURT: Yes, sir.
7 MR. BAX: Thank you.
8 [Whereupon, the photographs are shown on screen]
9 Q. [Mr. Bax] Mr. DeFreese, I'm going to continue to
10 question you while they look at the pictures some. If
11 anybody needs me to stop I'll be happy to stop.
12 There is a combination of things here that I want to
13 talk about. Obviously as you've said there is different
14 construction on these two bullets. One has the jacket
15 and one is plain lead and that affects how the outside
16 surface is affected by the barrel is that correct?
17 A. It does. One is harder than the other.
18 Q. Okay. But in the end those differences and the
19 damage were part of the reason why you can't conclusively
20 say they were fired from the same gun, correct?
21 A. That's correct.
22 Q. Another reason obviously you don't have a gun to
23 compare to correct?
24 A. It would be somewhat easier if we had the correct
25 gun in that if we had the correct gun we could test fire

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1 counting that correct. Do you have a copy of your report
2 with you Mr. DeFreese?
3 A. I do.
4 Q. In fact actually if you could, could you read out to
5 us the different manufacturers you found that could have
6 possibly manufactured a gun with those same rifling
7 characteristics?
8 [Whereupon, the witness reviews document]
9 A. State's exhibit 34 was my item 1 in the laboratory
10 number L12-10744. And among the brands of firearms that
11 I list, which have general rifling characteristics
12 approximately the same are Arminius, Charter Arms, COP,
13 Rohm, Ruger, Weihrauch, which is also sold under the EAA
14 name, the Bellmore/Crescent, BJT, Burgo, Cheyenne,
15 Dickson, EIG, Gecado, Herbert Schmidt, Liberty Arms,
16 Omega, PIC, which is Precise Imports, and RG Industries.
17 Q. Okay. If I've counted correctly that is 18
18 manufacturers.
19 A. I didn't count them; I read them. But I wouldn't
20 disagree with you.
21 Q. Okay. And so that's based on your training.
22 You're familiar with the manufacturing techniques of all
23 these manufacturers correct?
24 A. That's really based on a database of both bullets
25 and firearms that we know or have measured or others have

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1 measured that have specifications within the range that I
2 saw on this bullet. Bear in mind that our bullet in
3 question, State's exhibit 34, is a lead bullet. It is
4 softer. There is a degree of slippage involved when the
5 bullet jumps out of the cylinder, goes down the barrel
6 and engages the rifling.

7 There is also a great deal of damage to that bullet.
8 And the dimensions that I used for purposes of generating
9 this list of possible makes was very generous because if
10 this list is provided for the investigators as an
11 investigative tool.

12 It's not really provided for the proof of the
13 matter. It's just to say guys when you are out there
14 looking for guns these are some of the brands that you
15 want to be looking for. And I gave it as wide a swath as
16 it looked like it would be beneficial. I could literally
17 have given them everything with eight lands and grooves
18 and right hand twists in .38 special and it wouldn't have
19 been very much bigger than this.

20 When it came down to measuring the other bullet the
21 other bullet was a jacketed bullet and its rifling
22 engagement was a good deal tighter than the engagement
23 that I saw on State's exhibit 34. And it's not uncommon
24 to end up having measured two different bullets and come
25 up with two different dimensions; one of them that you

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1 characteristics eight lands and grooves a right twist but
2 you cannot say for certain they were fired from the same
3 gun. And it is possible that they could have been fired
4 from two different .38 caliber revolvers made by any of
5 these manufacturers isn't that true?

6 A. Yes sir that is true.

7 Q. Okay. Now I want to move on to something else that
8 I think is very important. The item number 34, which is
9 the plain lead projectile that you first received and is
10 pictured in defendant's exhibit 9 you indicated there was
11 damage to that.

12 But in your testimony on direct you were specific
13 that it was a different kind of damage because obviously
14 to the naked eye the jacketed round looks a lot more
15 messed up than the plain lead round.

16 A. It does.

17 Q. Okay. So when you're talking about damage you're
18 talking about more microscopic damage along the sides of
19 that lead projectile is that correct; am I saying that
20 right?

21 A. I think that's a fair thing to say. If you look at
22 the bullet closely you can see deformation to it but it's
23 not the degree of deformation that you see with the
24 jacketed bullet. The jacketed bullet has its nose rather
25 completely knocked off and it's torn. This one looks

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1 has a higher degree of confidence in than you do the
2 other, and that's the case here.

3 Q. So you wanted to make sure you gave law enforcement
4 every possibility or at least every reasonable
5 possibility when they are searching for a potential
6 firearm to match what you have examined in your lab
7 correct?

8 A. Correct.

9 Q. And when examining the second bullet you were able
10 to determine that that bullet had tighter grip in
11 whatever barrel that it got fired through necessarily
12 than what the lead projectile had correct?

13 A. It had a range that I had more confidence in then I
14 did on the first bullet.

15 Q. Okay. Now ---

16 A. --- there is a good deal of overlap as well.

17 Q. Okay. And the .38 caliber jacketed round as you've
18 said these are the same calibers and so its ostensibly
19 supposed to be manufactured to have the same diameter as
20 all other .38 caliber ammunition correct?

21 A. They should.

22 Q. They should?

23 A. They should. They don't always but they should.

24 Q. Okay. Now as a result of that, and like I said
25 before they have basically the same rifling

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1 kind of like a whole bullet but when you look at it
2 microscopically there is a lot of damage to it even
3 though there is not a tremendous amount of deformation.
4 Q. And you when you received this I think the evidence
5 package indicated that the jacketed round was taken from
6 a residence on 17 Old Wild Horse Road or something to
7 that effect.

8 A. I think it's what I recall.

9 Q. Were you in possession of knowledge that the
10 jacketed round was actually recovered after having hit a
11 house; that it was in a wall?

12 A. I don't know whether I knew that at the time of the
13 examination or not.

14 Q. Okay. But obviously you were in possession of the
15 knowledge that item number 34, the plain lead, was taken
16 from the young boy?

17 A. I was.

18 Q. Okay. So obviously we're talking about surfaces
19 that these bullets have struck, correct? One is a house
20 ostensibly and one is a human target correct?

21 A. Correct.

22 Q. Okay. Now obviously a jacketed round -- well, let
23 me ask you this. Is typically a jacketed round
24 associated with higher penetration of hard objects that
25 it stays together through some objects better than a soft

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1 lead projectile?
2 A. All of the things being equal yes, sir.
3 Q. Okay. And so from the appearance of this bullet
4 and the fact that it was taken from a house it certainly
5 corroborates the idea it hit something hard correct?
6 A. Yes. It is perfectly consistent with having hit
7 something substantial.
8 Q. Okay. Now in your experience in the years you've
9 been doing this have you ever looked at bullets that had
10 hit some hard surface and ricocheted; changed their
11 trajectory?
12 A. I have.
13 Q. The bullet that is in State's exhibit 34, the plain
14 lead projectile ---
15 A. --- yes.
16 Q. It's got some damage to it but like you said those
17 are basically damage on the sides, microscopic damage to
18 the surfaces.
19 Is there any major deformation that would indicate
20 that it impacted a hard object such as a rock or a tree
21 or the ground before hitting Mr. Singleton?
22 A. There is no clear cut indication that it hit some
23 other object before ultimately striking the boy.
24 Q. Okay. And in your experience a plain lead
25 projectile doesn't have that jacket over it. It can

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1 A. It is.
2 Q. However Mr. DeFreese is that weapon -- it appears to
3 me that that weapon is designed to look like something
4 that would be fully automatic. It seems to be styled
5 after another kind of weapon. Can you give me any...
6 A. There was a fully automatic firearm that looks just
7 like that that is made by another company.
8 Q. What was that firearm called?
9 A. It's called the MAC-11. It was made by Military
10 Armament Corporation. They made a series of guns that
11 all looked similar to MAC 10, 11, and 12. And they were
12 selective fire and they had shoulder stocks or extendible
13 stocks that could be attached to them.
14 Q. And so those weapons that this one is styled after
15 those would have been considered submachine guns is that
16 correct?
17 A. Yes.
18 Q. Okay. And they were able to fire fully
19 automatically correct?
20 A. Fully or semi; either way.
21 Q. And obviously there is an extension on this weapon
22 that makes it the actual physical length of the weapon
23 longer correct?
24 A. Correct.
25 Q. Now you've testified that is not in fact an actual

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1 suffer pretty large amount of deformation if it strikes a
2 hard object is that correct?
3 A. Its considerably softer and it's usually easier to
4 deform than for instance a full metal jacketed bullet.
5 Q. Okay. And I know on the plain lead projectile
6 there appears to be some visible scuffing on the base of
7 that projectile.
8 The pathologist who has testified in this case said
9 it could have been consistent with hitting a rib. Is
10 there anything from your experience that would contradict
11 her opinion?
12 A. No.
13 Q. Okay. Now I want to talk to you a little bit about
14 the .9mm if you don't mind. You've been able to testify
15 about -- let me see if I can find it -- this firearm here
16 [indicates].
17 There is actually three different pieces to it and
18 they have been marked separately. But as you testified
19 it is a Masterpiece Arms or a weapon that is manufactured
20 by Masterpiece Arms is that correct?
21 A. Yes, sir.
22 Q. And you've testified that that is a semiautomatic
23 .9mm pistol correct?
24 A. Yes, sir.
25 Q. So from that standpoint it's a legal weapon correct?

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1 silencer or suppressor; it is just an extension of the
2 barrel and can be used to steady it if you hold it
3 correct?
4 A. Correct.
5 Q. So in other words this extension does it get hot
6 when fired repeatedly?
7 A. If you were to shoot enough I'm sure it would
8 although you would really have to shoot a lot. It's a
9 fairly heavy piece of aluminum.
10 Q. And that like you said is it a solid piece of
11 aluminum with the bore drilled through it?
12 A. Yes.
13 Q. And is that coated in any way on the inside?
14 A. It appears to be anodized across its whole surface.
15 It's got a black anodized finish.
16 Q. So obviously this weapon appears to be manufactured
17 in order to kind of represent or at least look like those
18 submachine guns iconically the MAC series correct?
19 A. I don't know whether it was exactly made for the
20 purpose of looking like a submachine gun or if it was
21 just something that the company that produced it not
22 having much of a market for fully automatic firearms made
23 it into a semiautomatic firearm so it could be sold
24 easily. I don't know that there is necessarily any
25 emulation of submachine gun but there is a certain

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1 badness factor to it that appeals to some people.
2 Q. And you'd certainly -- that is also -- as you said
3 before by this clip as you said it is ostensibly made to
4 hold 32 rounds but you were able to fit 33 rounds into it
5 is that correct?
6 A. That particular one will hold 33.
7 Q. And not all -- are you aware of whether or not all
8 clips or magazines that are manufactured for this
9 particular firearm are they all 32 round or is there some
10 that is smaller?
11 A. They may make magazines of lesser capacity. I'm not
12 sure what Masterpiece Arms is currently offering. That
13 magazine is actually the magazine that was made for a
14 Sten submachine gun, for a British submachine gun of
15 World War II vintage.
16 And when they designed that series of gun there was
17 a time that Sten gun magazines were really pretty cheap
18 so they more or less built the gun where it would use a
19 Sten gun magazine and that's what that magazine is.
20 Q. And that was something that was manufactured for war
21 time quite a long time ago, correct?
22 A. It was.
23 Q. Okay. Now and finally Mr. DeFreese you testified
24 about the ammunition or the unspent cartridges .9mm in
25 caliber that were also found and shown to you. And there

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1 correct?
2 A. Maybe or maybe not. It could be that the steel is
3 slightly harder than the copper. I don't know what
4 difference it would have to do with penetration. It may
5 have some greater ability than the copper would.
6 Q. Okay. Now Mr. DeFreese obviously you've testified
7 -- we've talked about this Masterpiece Arms and it's clip
8 size. The boxes of ammunition, the .9mm boxes of
9 ammunition how many come in each one of those boxes?
10 A. Well, it this particular box it's a 50-round box
11 with 29 rounds remaining in that box.
12 Q. And obviously ammunition comes in different size
13 boxes I would assume. I'm sure you can probably buy it
14 in even bigger bulk boxes if you wanted to.
15 A. It does. It comes in bulk boxes of 250 and 500 and
16 it comes in boxes as small as 20 rounds. It depends on
17 what the load is.
18 Q. Okay. Obviously with a 50-round box and you're
19 talking about a firearm that holds up to 34 in it you're
20 going to take out more than half that box with one fully
21 loaded weapon if you expend all the shells in it is that
22 correct?
23 A. It would take more than half the box to fill it up
24 obviously.
25 Q. We've had some discussion about revolvers earlier

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1 was actually two different manufacturers, two different
2 makers of that; I think you said RWS and Federal?
3 A. That's correct.
4 Q. And those are both jacketed .9mm rounds is that
5 correct?
6 A. Yes. The Federals -- and I did not pull a Federal
7 for purposes of determining. The Federal could be either
8 a full metal jacket or it could be what they call a total
9 metal jacket. In any event it's a copper alloy jacketed
10 bullet.
11 This is a series of ammunition that carries a
12 catalog number that starts with W-M. This was a
13 promotional round that is made for the Walmart stores and
14 was actually sold more by people other than Walmart than
15 by Walmart.
16 So it is considerably different in its bullet
17 construction than the fired bullets in this case and the
18 unfired ammunition received with the gun. The RWS people
19 make their bullet jackets out of a different material.
20 Q. And what is the RWS jackets made out of?
21 A. They are made out of steel. Now the steel is
22 coated ---
23 Q. --- now the steel certainly gives that idea that
24 they might have even more penetration power than some
25 softer metal such as copper is that correct or not

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1 and you said that the cylinder can have a number of
2 chambers in it. But let me ask you this. Is it very
3 typical for the cylinder in a revolver to have either
4 five or six chambers in it?
5 A. That's the most popular number that we see. Some of
6 them have depending on the caliber like as many as nine.
7 But five and six is probably the most popular numbers for
8 revolvers.
9 Q. And so in a gun that takes ---
10 A. --- at least center fires; excuse me ---
11 Q. --- oh, excuse me.
12 A. For rim fires may have more; I'm sorry.
13 Q. So the -- so a revolver whether it's five or six and
14 those common numbers obviously you're going to be able to
15 reload that out of a 50-round box quite a few times.
16 A. Yes.
17 Q. Okay. And finally Mr. DeFreese we talked about
18 this a little bit before but I want to make sure I've
19 covered it. You named quite a few manufacturers of .38
20 caliber revolvers or .38 caliber weapons that could have
21 fired these two. Is it safe to say that a .38 caliber
22 weapon is a fairly common weapon?
23 A. It's a very popular caliber. And of course it's
24 both .38 special caliber and .357 magnum caliber firearms
25 are potential firers of this since .38 special ammunition

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1 can be used in .357 magnum caliber firearms.

2 Q. And just to make sure we're clear and I want to make
3 sure that I cover this you can fire a .38 special out of
4 a .357 but you can't fire a .357 out of a .38 is that
5 correct?

6 A. It's supposed to be a one-way interchangeability for
7 safety and your assumption is correct.

8 Q. Thank you very much. No further questions at this
9 time. Thank you, Mr. DeFreese.

10 THE COURT: Thank you. Redirect?

11 MR. STONE: Yes, sir.

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1 REDIRECT EXAMINATION

2 BY MR. STONE:

3 Q. Just briefly to make sure with this [indicates]
4 magazine in this [indicates] gun and the only gun we have
5 up here is item 26 would that magazine even accept the
6 same type of caliber that was found in Khalil Singleton?

7 A. No.

8 Q. So it is not possible that this gun [indicates]
9 fired the bullet that killed Khalil Singleton?

10 A. It is not possible.

11 MR. STONE: No further questions, Your Honor.

12 THE COURT: Thank you.

13 MR. BAX: A brief follow-on, Your Honor?

14 THE COURT: On that yes, sir.

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1 RECROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Mr. DeFreese just quickly, when you talked about
4 that weapon could not have fired the .38 that is well
5 established, correct?

6 A. Correct. It is the wrong caliber and it has the
7 wrong number of grooves in its barrel.

8 Q. Certainly. One quick question in follow up though.
9 The .38 caliber round, just any round, when a bullet is
10 fired in your experience without hitting something do
11 they turn or change their direction or do they travel a
12 straight path?

13 A. A bullet starts to drop from the time that it leaves
14 the barrel of the gun. It is attracted by gravity toward
15 the earth and ultimately gravity is going to overcome all
16 the energy the bullet has and it is going to pull it back
17 to the earth.

18 And if it is shot in a straight line it will go out
19 for a distance and arch down and eventually hit the
20 earth. If it is shot up in the air the same thing will
21 happen but the arch will be different.

22 Q. So -- and I believe I saw this on Myth Busters; I
23 always love it when that helps me out. If you drop a
24 bullet the same time you shoot it they are both going to
25 hit the ground at the same time; it's just that one is

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1 going to travel forward quite a bit further.

2 A. That's my understanding of the physics involved.

3 Q. However, a bullet straight forward pathway not
4 withstanding gravity itself is not going to change unless
5 it's been acted on by some other actor. In other words
6 something hard enough for it to hit and bounce or change
7 trajectory is that correct?

8 A. True. Something has got to interfere with its
9 movement to change its direction; of course gravity being
10 one of the factors. And its trajectory over a short
11 distance is a relatively straight line.

12 Gravity is eventually going to pull it down. But
13 like from you to me you wouldn't detect any -- gravity
14 wouldn't have a chance to act on it to any noticeable
15 extent.

16 Q. And gravity is not going to pull it from side to
17 side from right to left.

18 A. No, wind would do that but not gravity.

19 Q. Thank you.

20 MR. BAX: No further questions, Your Honor.

21 THE COURT: Mr. Stone, you have the last word.

22 MR. STONE: No sir, nothing else. Thank you, Your
23 Honor.

24 THE COURT: Thank you Mr. DeFreese, you can step
25 down.

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1 [Whereupon, the witness is excused and exits the
2 witness stand]
3 MR. BAX: Your Honor, if we could sidebar for a
4 second?
5 THE COURT: Yes, sir.
6 [Whereupon, an off the record bench conference is
7 held]
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1 want to make sure we put on the record what we discussed
2 earlier. We discussed the recall of Ms. Ebony Campbell
3 and at the conclusion of that I believe Your Honor's
4 ruling was that I can call her during the defense is that
5 correct, sir?
6 THE COURT: That's right. I had told you when the
7 issue came up about the second gun during her testimony
8 and during the State's case of course I told you that if
9 there was not some other evidence of a second gun present
10 in the State's file somewhere I would allow you to call
11 her back during the State's case for the obvious purpose
12 of not requiring you to lose your right to close and the
13 rights of you not putting up any evidence to deal with
14 that issue.
15 Since you've introduced evidence the prejudice of
16 course in that regard is now no longer a factor so I'll
17 be glad to let you call her during your case for the
18 purpose of cross-examining on that issue.
19 MR. BAX: Thank you, Your Honor.
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1 MR. STONE: Thank you, Your Honor. The State
2 rests.
3 THE COURT: Thank you. Ladies and gentlemen, the
4 State has now rested its case in chief. That means that
5 you have now heard all of the evidence and testimony that
6 you will hear from the State in the presentation of this
7 case.
8 Necessarily at this juncture of every trial of this
9 nature we have to deal with some matters of law outside
10 of your presence. So I'm going to have send you back
11 into the jury room and we will just let this be the
12 afternoon recess at the same time even though you've been
13 back briefly before.
14 We'll get you out after the afternoon recess and let
15 you know what the balance of the work will be for the
16 afternoon. Please do not discuss this case among
17 yourselves while you are in the jury room. We'll get you
18 out, it will probably take a little longer than a normal
19 recess because we've got some things to do but it won't
20 be forever and we'll get you back out here before too
21 much longer. Thank you.
22 [Whereupon, the jury exits at 2:36 p.m.]
23 THE COURT: All right, Mr. Bax I'll be glad now to
24 hear motions.
25 MR. BAX: Thank you very much. Obviously I just

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1 MR. BAX: Now that the State has rested, Your
2 Honor, obviously we would first and foremost make a
3 motion for a directed verdict in favor of Mr. Robinson.
4 As Your Honor has seen the evidence produced in this case
5 I think it is undisputed that while there has been
6 certainly plenty of evidence that there was some kind of
7 altercation at 17 Old Wild Horse Road, Your Honor, there
8 is also unrefuted evidence that Mr. Robinson withdrew
9 from that.
10 The law does not require that he communicate that
11 withdrawal through words as long as his communication of
12 that withdrawal either through words or actions is clear.
13 And I don't think you can get any clearer than peeling
14 off and leaving the scene as Your Honor is well aware.
15 As a result of the fact that he left the scene he was
16 fleeing.
17 And Your Honor I would argue that it is uncontested
18 that he then -- any felony that he could have been seen
19 as committing at that time whether it was a belief that
20 there was some kind of dispute over some kind of
21 narcotics deal I mean my understanding from the evidence
22 is that that happened some many months before this and
23 that the two individuals were still upset at each other
24 over it. That's what we've had entered into evidence.
25 But regardless even if you were to see it as some kind of

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1 either pointing or presenting or assault or even
2 attempted murder there at Wild Horse Road from a factual
3 standpoint we have to isolate when a felony occurs and
4 when it stops. Him fleeing even if you could say that
5 that at that time was some kind of felony, which it may
6 be his fleeing broke and stopped that action.
7 His intent to leave the scene, his intent to
8 disengage from combat, his intent not to further have any
9 combat at that time was clearly communicated to the
10 Youngs in this case. I would argue that as a result of
11 that Your Honor when, and this is also evidence that has
12 been introduced during the State's case in chief that is
13 undisputed the Youngs decided in agreement with each
14 other and brought Mr. Singleton, Sr. with him they were
15 of the intent to hunt him down and finish this whole
16 thing.
17 Obviously there has been testimony that that
18 occurred throughout that area and then culminated in this
19 situation that we've heard a lot of testimony about on
20 Allen Road and Marshland Road on Hilton Head Island.
21 There has been testimony obviously that has been
22 presented that Mr. Robinson was in possession of a weapon
23 at that time. There has been no direct testimony other
24 than what has been introduced from Mr. Singleton, Jr. who
25 said he shot my friend, Khalil. Now he doesn't say I saw

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1 And the indictment as we argued at the beginning of this
2 case alleges felony murder; alleges that he was in the
3 commission of an inherently dangerous felony that they
4 labeled an ongoing gun battle.
5 As I argued to the jury and I argue to you now there
6 is no ongoing gun battle. Additionally, Your Honor, gun
7 battle I don't think, no one has ever intended for a gun
8 battle to be applied to someone who is legally asserting
9 self-defense. He's fleeing; he's continuing to flee.
10 He's trying to get away. The evidence that has been
11 presented by the State was that he was trying to get away
12 not only by getting in his car and driving away but by
13 going and trying to find people with Charlese -- she was
14 Jackson when I did all the discovery reading, she's
15 Mitchell now -- borrowing that phone trying to find
16 anybody that can help him get out of town.
17 He was fleeing and he did not, and I would cite this
18 Your Honor, there is absolutely no evidence that has been
19 introduced that he expressed at that time an intent to go
20 find the Youngs, that he was going to get in his car and
21 go back to Old Wild Horse Road. None of that has ever
22 been presented in this case. And I think without that he
23 is entitled to a directed verdict. Not only -- basically
24 on two theories of law, one that they have failed to at
25 all disprove or offer any contradictory evidence to the

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1 a gun. He doesn't say -- give a description of exactly
2 what he saw he just says he shot my friend Khalil.
3 Outside of that piece of evidence we have no evidence
4 that he fired a weapon. But even if Your Honor you took
5 his -- the State's evidence in a light most favorable to
6 the State he had broken off from the felony. He was
7 clearly being shot at. He would be entitled to self-
8 defense. Those elements have been shown through the
9 State's case.
10 As Your Honor is well aware the defense of self-
11 defense must be disproven by the State beyond a
12 reasonable doubt. It's an affirmative defense to that
13 effect. We are here in front of the jury, we presented
14 that evidence. There has been not only no disproven
15 beyond a reasonable doubt there has been no disproving at
16 all. There has been no clearly defined felony that began
17 and occurred that Mr. Robinson was involved in after he
18 left 17 Old Wild Horse Road.
19 The only clearly definable felony that occurred
20 after Wild Horse Road was the conspiracy to commit murder
21 by Aaron Young, Jr. and Aaron Young, Sr. and possible
22 complicity by Jontu Singleton, Sr., possibly accomplish
23 liability on the part of Ms. Campbell. Other than that
24 there is no felony that has been shown proven or any
25 evidence whatsoever of a felony that he was a part of.

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1 idea that he was if he fired a weapon it was in self-
2 defense and he was entitled to self-defense and they have
3 not disproven it and b) because under their indictment
4 they have not met their burden to meet the language of
5 the indictment that they have gone forward on. They have
6 not been able to prove an inherently dangerous felony of
7 any kind that was occurring at the time the child died
8 that Mr. Robinson was involved in; excuse me.
9 THE COURT: All right. Thank you. Give me just a
10 few moments.
11 [Whereupon, the court reviews documents]
12 THE COURT: All right, thank you. The insertion of
13 the words in the indictment an inherently dangerous
14 felony perhaps were put there initially when all of these
15 folks were indicted to deal with the fact that if there
16 was any question as to who actually fired the fatal shot
17 the Solicitor wanted to have the right to claim that this
18 was a dangerous activity that all of them were being
19 involved in.
20 An inherently dangerous felony whatever that
21 happened to have been that all of them were involved it
22 so that in the course of that particular trial had it
23 occurred that way that the jury could have found any or
24 all of them guilty of the crime. Those words are not so
25 relevant in a trial of a case where the evidence that has

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1 been introduced thus far is that Mr. Robinson himself
2 committed the crime. Now the inherently dangerous felony
3 may have been there to try to show evidence of malice, it
4 may have been there for some other purpose; I really
5 can't speak to that.

6 But if those words were not there, if those words
7 were not there and the gun battle stuff and all that was
8 not there and if it just said that on or about September
9 the 1st Tyrone Robinson did willfully and with malice
10 cause him to be shot and killed and he died then those
11 issues of course would be plain and appropriate and the
12 charge would be at least simply made under those
13 circumstances. And if there was evidence to support
14 those charges then it would go forward.

15 The issues that you have raised about the ongoing
16 gun battle may very well give rise to a self-defense
17 charge. I will deal with that of course at the
18 appropriate time. I don't have to deal with it right at
19 this minute. But the validity or the invalidity of a
20 self-defense charge in and of itself of course does not
21 give rise to a directed verdict on a murder case in
22 chief. The testimony in this case in the most favorable
23 light to the State of course if we take nothing other
24 than Jontu Singleton, Jr. saying he shot my friend; alone
25 that could send a case to the jury. We have Ms. Brinson

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1 argument concerning the felony murder inference or felony
2 murder rule language that is in the indictment Your Honor
3 basically ruling that without that language you have a
4 straight murder indictment and they could go forward on a
5 straight murder indictment.

6 THE COURT: What I am saying is that an ongoing gun
7 battle and an inherently dangerous felony are not
8 elements of the crime of murder and are necessary to
9 support the crime of murder.

10 MR. BAX: And as a result Your Honor I understand
11 your ruling but I would argue that in light of Your
12 Honor's ruling I would move that the State not be allowed
13 to argue that -- in light of Your Honor's ruling I would
14 request and argue that would limit the Solicitor both in
15 the charge that goes to the jury as well as his argument
16 that he cannot argue felony murder.

17 The problem I have is that I believe that what I'm
18 dealing with is there is some argument to be made by the
19 prosecution or some intent to make the argument that they
20 don't necessarily have to prove beyond a reasonable doubt
21 exactly how the gun was fired and by who but he was
22 killed because of the actions of all these individuals
23 involved. I think what we've seen here and what Your
24 Honor has ruled on is that they have produced enough
25 evidence to argue that the shot was actually fired by Mr.

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1 screaming at the scene. I'm not exactly sure where she
2 got her information that he is the one who did it we have
3 the circumstantial evidence of the three sets of shots
4 being fired, two in rapid succession separated by some
5 minutes, which according to the evidence before this jury
6 would most certainly have to have fired by the weapon
7 that is over here on the rail; I think it's State's
8 exhibit 27.

9 There was a third set by all the testimony fired by
10 a separate weapon at a separate rate and from perhaps a
11 slightly different direction. In any event
12 circumstantially of course the State intends to try to
13 tie those three shots to the defendant in this case. And
14 likewise the evidence is that the weapon that killed Mr.
15 Singleton could not have been -- Khalil, he's too young
16 to be called Mr.; he never lived long enough to be called
17 Mr., could not have been fired from that gun right there.

18 And so for that reason I find that there is
19 sufficient evidence that if this jury chose to believe it
20 they could convict Mr. Robinson for the crime of murder.
21 So the motion for directed verdict under Rule 19 will
22 respectfully be denied.

23 MR. BAX: If I may be heard briefly Your Honor? In
24 light of the court's ruling the way I understood it, and
25 if I misunderstood it I apologize Your Honor, on the

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1 Robinson and that that's what they would have to prove.
2 And I feel like in light of Your Honor's ruling that is
3 what we are standing here dealing with; that now I am
4 dealing with a murder indictment and that what they must
5 argue to the jury is that they must prove and have
6 proven, that's what I'm sure they will argue, that Tyrone
7 is the one who fired the bullet that killed Khalil.

8 THE COURT: Right. And I really don't know what
9 they intend to argue or what the strategy will be from
10 this point on. My point was that from the standpoint of
11 a motion for directed verdict that the inclusion of the
12 words while engaged in an ongoing gun battle, an
13 inherently dangerous felony, which I thought were put
14 there more appropriately when they were dealing with
15 three defendants in this particular case that those words
16 could be taken out of this could be taken out of this
17 particular charge as I indicated and there would be no
18 question about whether or not they would have a right to
19 go to a jury on the charge of murder against Mr.
20 Robinson.

21 Now, I also indicated that they have included those
22 words for reason of implication of malice or evidence of
23 malice I should say, which quite frankly in my view and
24 I've always held that view that the felony murder rule
25 goes more to malice than it does to a separate type of

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1 crime. I realize and I think McInnish says that in
2 several parts of his analysis. I haven't read it
3 recently but I seem to recall that. And I do know that
4 South Carolina has never been famous for a separate
5 felony murder rule but it's treated more as I've said as
6 evidence of malice if you commit the crime of murder
7 while in the course of another event, the commission of a
8 felony.

9 Even though you didn't intend to murder in the one
10 instance the fact that you committed that crime would be
11 evidence of malice sufficient to rise to the level
12 necessary to prove murder on the underlying killing.
13 I've always thought that was a basic premise upon which
14 our courts treated the felony murder rule. And I think
15 frankly that, unless I'm shown otherwise, is going to be
16 the way I'm going to approach this charge to the jury in
17 this case as well.

18 So I'm not granting a directed verdict that the
19 State can't argue one thing or another. I'm simply
20 trying to show and I hope I have showed sufficiently that
21 in this particular case it is not necessary for the
22 indictment to have contained those words. They are not
23 elements of the offense. If they have some probative
24 value on some other issue which might be relevant to the
25 charge that's fine. But they are not necessarily

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1 that puts me in. I certainly understand the ruling and
2 respect that, Your Honor. Thank you, sir.

3 THE COURT: All right.

4 MR. BAX: And I'm sorry my co-counsel reminded me
5 just out of an abundance of caution I renew all previous
6 objections in this case.

7 THE COURT: Okay. And I'll review earlier rulings
8 in that regard without requiring you to restate your
9 motions on the previous rulings unless they are different
10 grounds or additional motions of course we'll simply
11 renew all those other rulings.

12 MR. BAX: I'll think real hard and see if I can
13 come up with some.

14 THE COURT: All right. I know that there is a
15 motion to quash your subpoenas to at least one of the
16 Youngs, which I'll be glad to hear momentarily if
17 everybody is ready to be heard on that. At some point in
18 time Mr. Bax I take it you want me to discuss with Mr.
19 Robinson his right to testify or not to testify is that
20 fair to say?

21 MR. BAX: That is correct, Your Honor. I would
22 submit to the court that I don't feel we're arrived to
23 that point yet.

24 THE COURT: Okay.

25 MR. BAX: I do know that we are going to be calling

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1 elements -- they are not at all elements of the offense.
2 If they are evidentiary that's another matter but
3 certainly they are not required in order to prove Mr.
4 Singleton [sic] guilty. And if the evidence is before
5 the court that he shot and killed him and if there is no
6 self-defense issue in this then it is a pretty clean cut
7 issue. Without mudding it up I think trying to equate or
8 educate this jury as to what felony murder really means
9 in this particular case I'm really not that sure in my
10 own mind that it is a necessary part of the elements of
11 this charge that we need to tell this jury about.

12 In any event I think I've indicated I'm not going to
13 hamstring the State in that regard. I don't know what
14 they plan to do. Obviously I will deal with that at the
15 appropriate time at the conclusion of the case when we
16 talk about requested charge and things of that nature.
17 MR. BAX: Thank you, Your Honor. And as always I
18 appreciate you allowing me to note my objection for the
19 record.

20 THE COURT: Certainly.

21 MR. BAX: And I just note that just for a matter of
22 course for future review I just feel that as a defense
23 attorney it is not a proper situation where the defense
24 feels like it has to juggle between alternative theories
25 of prosecution. And I feel strongly that's that what

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1 some additional witnesses and then if Mr. Robinson
2 chooses to testify it would most likely be the last
3 evidence that I would call barring any other decisions to
4 the contrary. But at the appropriate time I certainly
5 would ask that.

6 THE COURT: You just let me know when.

7 MR. BAX: Thank you, sir.

8 THE COURT: All right. Any further motions then
9 from the defense, Mr. Bax?

10 MR. BAX: Not at this time, Your Honor.

11 THE COURT: Is there anything from the State?

12 MR. STONE: No, sir.

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1 THE COURT: We have Mr. Vaux's motion to quash a
2 subpoena as to Aaron Young, Jr.
3 MR. VAUX: Yes, sir.
4 THE COURT: And Mr. Ferguson you have one likewise?
5 MR. FERGUSON: I do, Your Honor.
6 THE COURT: All right. Gentlemen, is everyone
7 ready for me to hear those motions? Are there are
8 objections to going forward with those?
9 MR. STONE: The State is ready, Your Honor.
10 THE COURT: Okay.
11 MR. BAX: I'm ready, Your Honor
12 THE COURT: All right. Gentlemen, who wants to go
13 first.
14 THE COURT REPORTER: Judge, could we get them to
15 state their names for the record.
16 THE COURT: I'm sorry, Ms. Rueger. This is Roberts
17 Vaux, V-A-U-X and Robert Ferguson. They represent Aaron
18 Young, Jr. and Sr.
19 MR. VAUX Vaux, Jr.
20 MR. FERGUSON: Ferguson, Sr.
21 THE COURT: Do you need those indictment numbers?
22 THE COURT REPORTER: Yes, sir.
23 THE COURT: Can we have them?
24 MR. STONE: I think I do, Your Honor.
25 [Whereupon, Mr. Stone reviews documents]

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1 THE COURT: Okay. I might need to look at that in
2 a minute but I'll come back to that. Mr. Ferguson?
3 MR. FERGUSON: Thank you, Your Honor. And the
4 same holds true for Aaron Young, Sr. He has been
5 subpoenaed upon information believed the sole purpose of
6 him being called to the stand would be so that he
7 exercise his rights under the Fifth Amendment in front of
8 the jury. And the case that has been referred to is
9 State v Hughes and I'll read just a portion of that.
10 It states that neither the State nor the defendant
11 shall be allowed to call witnesses who either side knows
12 will invoke the Fifth Amendment in front of the jury and
13 then be subject to inferences and informed not subject to
14 cross-examination.
15 And upon information we believe this is the exact
16 scenario that we are faced with today, Your Honor and
17 we're asking -- or I ask that Aaron Young, Sr.'s
18 indictment [sic] be quashed for those reasons.
19 MR. VAUX. And on Jr. on the same grounds. I'll
20 pass up that case, Your Honor.
21 [Whereupon, Mr. Vaux provides documents to the
22 court]
23 MR. FERGUSON: And that is the highlighted case I
24 apologize, Your Honor.
25 THE COURT: All right. Mr. Bax?

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1 MR. STONE: I do not have them with me, Your Honor.
2 I apologize; I could have them relatively quickly.
3 [Whereupon, Mr. Stone reviews documents]
4 THE COURT REPORTER: Is the caption ---
5 MR. STONE: --- yes ma'am, the State versus Aaron
6 Young, Jr. A-A-R-O-N I believe and then the State versus
7 Aaron Young, Sr. I have 2012-GS-07-2173 charging Aaron
8 Young, Sr. with the offense of murder, 2012-GS-07-1932
9 charging Aaron Young, Jr. with the offense of murder.
10 THE COURT: All right, Mr. Vaux?
11 MR. VAUX: Your Honor, we would move under the
12 applicable State law to quash the subpoena. We have
13 communicated both to the State and to the defense that
14 Aaron Young, Jr. intends to plead the Fifth Amendment,
15 his constitutional rights not to answer any and all
16 questions other than his name and address.
17 I believe the case law is such that neither the
18 State nor the defense can call a witness knowing that the
19 witness intends to stand on his constitutional rights and
20 thereby simply publish to the jury that fact. They can't
21 elicit any information ahead of time that they are going
22 to refuse to answer the question. I can hand you up --
23 actually Mr. Ferguson can hand you up a State site of the
24 most recent case which I think is some 17 or 18 years
25 old.

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1 MR. BAX. Your Honor, I have actually a two part
2 argument because I think that to some degree there is a
3 little bit of a different standing or could be considered
4 different standing but I want to address them in order.
5 Firstly, I have looked up State v Hughes. And State
6 v Hughes does say that you are not required to call a
7 witness solely for the sake of invoking his or her Fifth
8 Amendment privilege. I'm arguing, and I think Your Honor
9 has seen this throughout the course of the trial, that
10 the Youngs statements to law enforcement, obviously
11 statements they've already made not statements that they
12 haven't made aware the prosecuting authorities these are
13 statements that they have given are crucial to my
14 client's right to assert self-defense. They are crucial
15 to his right to a fair trial.
16 This is not the jury that is going to be determining
17 Mr. Young's guilt or Mr. Young's guilt, Sr. or Jr., based
18 on the fact that the trials have been severed. As a
19 result obviously many of the statements of my client that
20 would not have come in in the prior trial have come in in
21 this trial. It violates the idea of fundamental fairness
22 that the severance would prejudice my client especially
23 when my client was the only one who was against the
24 severance. Your Honor, he was representing himself at
25 the time. It may not necessarily have been what I would

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1 have done as an attorney but it is what it is he opposed
2 the severance. He was ready to go forward even that day
3 in front of that jury that we had in April. There are
4 many of us who wished that would have happened at that
5 time.
6 THE COURT: Right.
7 MR. BAX: But either way he was bereft, he was
8 denied at that point based on what's happening now his
9 ability to assert what the Youngs have stated to law
10 enforcement about what their direct intent was, which was
11 to kill him, in his trial. It is crucial to his defense.
12 The intent of the Youngs which they have stated to law
13 enforcement is crucial to his defense.
14 So whether they testify now or not there is a
15 purpose beyond invoking the Fifth Amendment and that is
16 enable to establish that they refuse to testify so that
17 we can -- I can make an attempt to introduce their
18 statements. So there is another purpose behind it and I
19 think that goes crucially to both Aaron Young, Jr. as
20 well as Aaron Young, Sr.
21 THE COURT: Let's suppose for example that we play
22 this thing out as they say it will be played out and we
23 call them and get up here tomorrow and they say I refuse
24 to answer on the grounds that it may incriminate me; or
25 whatever they would say. Of course, at that point in

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1 matter that would include a summary by the law
2 enforcement officers of what they would have said.
3 MR. VAUX: Your Honor, may I be heard one additional
4 moment? There is an additional wrinkle in this; their
5 motions on behalf of both Youngs to suppress those
6 statements for having been obtained by coercion.
7 THE COURT: Right.
8 MR. VAUX: And so if are going to travel down this
9 path then we've got to bring the expert witnesses in.
10 Your Honor is going to have to make a determination and
11 the jury is going to have to make a determination whether
12 they were freely and voluntarily given.
13 THE COURT: Right.
14 MR. VAUX: It will turn into a circus.
15 THE COURT: And certainly that would be the --
16 that's the truly critical part of the trial when they are
17 on trial themselves.
18 MR. VAUX: Exactly.
19 THE COURT: It's a somewhat lesser moment in this
20 particular case except for the advanced publicity. Of
21 course everybody in three counties knows what those
22 things are. Everybody watched the tape on them when it
23 happened. So I don't think we would be able to keep that
24 a secret any longer. And certainly they are not in
25 jeopardy in this particular case but you are exactly

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1 time what do you intend to do insofar as they are
2 concerned?
3 MR. BAX: Well Your Honor I intend to either ask
4 that I be allowed to ask them about whether they made the
5 statements. They can then say Fifth Amendment if they
6 want or I would ask to be able to call the officers who
7 took those statements after their invoking of the Fifth
8 Amendment in order to get their statements in at that
9 time.
10 THE COURT: All right. Mr. Stone, what says the
11 State on this issue? You might have a dog in this fight
12 after all so you tell me.
13 MR. STONE: I can't decide if I do or not quite
14 frankly, Your Honor. I think the Hughes case is directly
15 on point. I don't think it is proper for the jury to
16 hear that one way or the other. We certainly would not
17 have been in a position nor do we think we should to call
18 either of the Youngs as witnesses knowing that they were
19 going to take the Fifth Amendment.
20 The second part of that is I don't believe the
21 Youngs statements come in. I don't think they come in
22 unless the Youngs are going to testify to do that. I
23 don't think that in this scenario there is any exception
24 that will allow that in. I cannot think of a rule that
25 would permit those statements from coming in and for that

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1 right as to whether those statements ever get before a
2 jury is another issue entirely that we will have to deal
3 with sometime down the road. What Mr. Bax is getting at
4 of course is an attempt to -- and I understand this -- if
5 he can't wrest this out of them by examining them himself
6 is being able to declare them as unavailable witnesses
7 under the rule and therefore entitled to introduce
8 somehow under other rules perhaps statements they had
9 previously made is that fair to say?
10 MR. BAX: That's correct Your Honor. And before we
11 get too much further just to make sure I get it on the
12 record if there is no objection from you.
13 THE COURT: Go ahead.
14 MR. BAX: My secondary argument, which actually
15 goes more to Aaron Young, Sr., is that Aaron Young, Sr.
16 has waived his right to assert the Fifth. He has
17 testified in open court in front of you already. I have
18 a transcript of what he said. Now it wasn't in front of
19 a jury but he's not going to be in front of his jury.
20 THE COURT: Right.
21 MR. BAX: So he has been on record. And in fact
22 things that he testified to in that hearing before Your
23 Honor in April, which is in front of the prosecution, in
24 front of everybody here, in front of Your Honor, the
25 courtroom was not closed to the public or to the press at

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1 that time, included testimony that he had made up certain
2 parts of his statement to make Tyrone Robinson look more
3 guilty.

4 THE COURT: Right.

5 MR. BAX: And that he lied initially about my
6 client shooting back at him and that he did not in fact
7 shoot back at him. That's crucial to my defense.

8 THE COURT: And frankly as to that the rule may
9 entitle you to get that before a jury. The salient rule
10 is 804. It's exception to the hearsay rule when a
11 declarant is unavailable. 804(a) defines unavailability
12 of a witness including situations in which the declarant,
13 that would be the witness, is exempted by ruling of the
14 court on the ground of privilege from testifying
15 concerning the subject matter of his statement.

16 Now that's clearly what we're talking about here.
17 We're talking about the Fifth Amendment rule -- Amendment
18 which prevents him from testifying and allows him to then
19 be declared unavailable. And if he is unavailable then
20 the following are not excluded by the hearsay rule if the
21 declarant is unavailable as a witness. And the first
22 part of that rule is former testimony; testimony given as
23 a witness at another hearing of the same or a different
24 proceeding or in a deposition etcetera. If the party
25 against whom the testimony is being now offered had the

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1 of the prior trial?

2 MR. BAX: Yes, Your Honor. I reviewed it yesterday
3 evening in order to try to be able to flip through it
4 quicker. I believe that -- and I certainly -- I have a
5 copy that I ordered; Your Honor signed a funding order
6 for me to be able to pay the court reporter. Mona
7 Manley I believe was the court reporter at that time and
8 this is where Mr. Aaron Young, Sr. begins his testimony,
9 that he be allowed to pay for the expedited transcript
10 and you took care of that at that time. Even with that
11 unfortunately Your Honor Ms. Manley was so busy that we
12 were only able to get the transcript about three or four
13 days before the beginning of this trial, but we do have
14 it.

15 MR. VAUX: There is no question Mr. Robinson asked
16 him questions.

17 THE COURT: Mr. Aaron Young, Sr. is not here today
18 is he?

19 MR. FERGUSON: He was, Your Honor, and he is on
20 call because he is still under the defendant's subpoena.

21 THE COURT: Right. I would like to get him here
22 just to put him on the stand out of the presence of the
23 jury and establish that he is going to take the Fifth
24 Amendment so that I can say in compliance with the rule
25 that he will be unavailable to testify.

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1 opportunity to develop the testimony by direct, cross, or
2 redirect examination. And insofar as Sr.'s testimony and
3 the transcript is concerned it appears to me to fit
4 squarely within the exception. And so if we can get an
5 agreement that he is going to take the Fifth and will not
6 testify so that we won't have to bring him in here and
7 make him testify in light of Hughes then I can declare
8 him unavailable because he is. Just like the rule says
9 he is and that would appear to me to make his former
10 testimony admissible. I'll be glad to hear from anybody
11 else on those particular rules.

12 MR. VAUX: Would you read that one section of the
13 rule again, Your Honor, because as I read it, it would
14 require that Mr. Bax had...

15 MR. BAX: Tyrone had an opportunity to cross-
16 examine and he did.

17 MR. VAUX: Could I see the transcript that you say
18 you have?

19 MR. BAX: Yes.

20 [Whereupon, Mr. Vaux and Mr. Bax review document]

21 THE COURT: We're not talking about the pretrial
22 statement in this case ---

23 MR. BAX: --- I'm just flipping through the
24 transcript of the prior trial ---

25 THE COURT: ---you're talking about the testimony

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1 MR. FERGUSON: I can represent to the court today,
2 Your Honor that is going to plead the Fifth if he is
3 called to the stand.

4 THE COURT: That satisfies me. Now having said
5 that I'll be glad to hear argument. Here we are not
6 talking about the contested statements whose
7 admissibility in any proceeding is still very much a
8 question. We're talking about a statement that was made
9 in court under oath subject to examination and cross-
10 examination which brings it under the Rule that I'm
11 talking about here. Go ahead.

12 MR. BAX: In looking at the Rule Your Honor my eye
13 is drawn to number 3 under -- Your Honor pointed out
14 number 1, which is former testimony; that's under
15 804(b)(1). But my eye is drawn to 804(b)(3) which says
16 statement against interest.

17 THE COURT: Right.

18 MR. BAX: And that clearly goes to the statements
19 that Aaron Young, Jr. made and the ones that I intend to
20 elicit because the statements I'm talking about is him
21 confessing to an intent to kill to which he was actually
22 served a warrant for conspiracy to commit murder against
23 Tyrone Robinson. Now they ended up changing and going
24 forward on a felony murder indictment as Your Honor is
25 well aware but he was actually charged with that crime.

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1 And in that definition of statement against interest
2 which follows what has been defined in the earlier rules
3 and in the criminal rules I believe his statements
4 because he would be unavailable under the Fifth would
5 come in.
6 THE COURT: I'm not sure quite frankly that the
7 voluntariness of that particular statement is not an
8 issue here and the rule doesn't talk about that. I guess
9 for purposes of this particular rule assume that it is a
10 statement which is admissible in court, which means that
11 it has been voluntarily made and therefore -- and that's
12 insofar as Aaron Young, Jr. is what you're talking about.
13 MR. BAX: That's correct, Your Honor. And I would
14 point out obviously we've been through a hearing already
15 where Mr. Vaux and Mr. Ferguson moved on behalf of their
16 clients to suppress the statements and they've asserted
17 those grounds.
18 But in my remembrance of the substance of that
19 hearing a lot of it went to Aaron Young, Sr. more than it
20 did Jr. anyway because it was Aaron Young, Sr. who took
21 the stand to testify that he had been promised that he
22 would be exonerated and made a star witness against
23 Tyrone Robinson if he only gave the gun to law
24 enforcement. And in fact it wasn't until after he had
25 gone off to do that that Aaron Young, Jr. made a lot of

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1 been determined. But as I say as far as Senior is
2 concerned I think there is a clear exception here that
3 allows that to come in. I am going to reserve until I
4 look a little bit further this question because frankly I
5 never have been confronted with this before. That's the
6 wonderful thing about practicing. As we all know when
7 trying cases there is something new that raises its head
8 almost every day. And I'm not sure that that statement
9 against interest applies in a statement if the
10 voluntariness of the statement itself has not been
11 determined.
12 MR. FERGUSON: So Your Honor are we talking about
13 just the statements made during Aaron Young, Sr.'s
14 proffer that a witness could be called to testify as to
15 what he said during his proffer or that that somehow is
16 taking the stand for the limited purpose of voluntariness
17 somehow opens all of his statements for the use by Mr.
18 Bax. I'm confused as to what he is asking to use
19 THE COURT: Are you talking about Junior or Senior?
20 MR. FERGUSON: Senior, Your Honor.
21 THE COURT: Senior testified on the stand?
22 MR. FERGUSON: He did proffer during the Denno
23 hearing, Your Honor.
24 THE COURT: All right. Whatever he said on the
25 stand is fair game.

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1 the statements that he made. However, Your Honor I would
2 point out the fact exactly as the State argued and would
3 argue again that Aaron Young, Jr. was properly Mirandized
4 prior to any of these statements. He was in a well lit
5 recorded room. It's all right there to see. They are
6 going to argue to get those statements in as voluntary in
7 their trial and then to be honest with you I have no
8 doubt that they will. I mean that would be what I would
9 bet.
10 THE COURT: Right.
11 MR. VAUX: Junior's motion was never heard, Your
12 Honor. Only Senior's motion was heard and testimony was
13 put up.
14 MR. FERGUSON: And Your Honor we broke before
15 arguments and so I think the proper witnesses to that
16 extent we were going to restart with the arguments in the
17 morning.
18 MR. VAUX: After we had seen and heard the tapes.
19 THE COURT: That's right; I remember that part.
20 MR. VAUX: So there is no res judicata or no ruling
21 of the court on that.
22 THE COURT: I'm not prepared at this juncture Mr.
23 Vaux to say that Junior's statements as being statements
24 against interest are allowed under the rule if there is a
25 question of their voluntariness, if that matter has not

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1 MR. FERGUSON: Okay, thank you.
2 MR. BAX: And I would note Your Honor obviously the
3 issue about whether or not Aaron Young, Jr.'s statements
4 have been determined to be voluntary obviously brings up
5 the idea that Mr. Robinson is dealing with this because
6 he is the first to be tried. Obviously if Aaron Young,
7 Jr. for whatever reason had been tried first we would
8 have a ruling by Your Honor or some court to refer to on
9 that issue.
10 THE COURT: Right.
11 MR. BAX: So obviously I would argue that timing
12 should not be the preclusion of my client to assert his
13 defense.
14 THE COURT: And it may not. It may not be an issue
15 at all. But I can't tell you that right this minute.
16 MR. BAX: Certainly, Your Honor. Thank you.
17 THE COURT: If anybody else has done any research
18 on that point you can share it with me right now and I'll
19 be glad to take a minute...
20 MR. STONE: I think -- if I might offer to you Your
21 Honor, this is a first for me as well. I will tell you
22 this. What is a little bit concerning about the rule
23 when it comes to Aaron Young, Sr. I don't think -- I
24 still can't find anything that Aaron Young, Jr. would
25 necessarily apply under 804. Under 804(b) subsection I

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1 don't think there is any question he is unavailable. I
2 don't have any issue with part 1 of that. The second
3 part of that, the hearsay exception, with Aaron Young,
4 Sr.'s former testimony -- and this quite frankly number 1
5 Judge I don't know that I remember it very well and
6 number 2 is I may not have an objection anyway.

7 But what is important I think to that rule is that
8 former testimony has to be not only former testimony but
9 the parties would need to be in the same position
10 basically that they are now, which I don't think is an
11 issue. But it also says and have the same -- have
12 similar motive to develop the testimony by direct, cross,
13 or redirect examination. That I find a little bit
14 problematic because I believe when he testified he
15 testified exclusively to the issue of whether or not he
16 was promised or coerced in order to give a statement; not
17 all of the facts that were underlying.

18 And if this were a former testimony for the purpose
19 of all that coming out that would have been developed and
20 my motivation would have certainly been different as I
21 think everybody's would have been. So that throws me a
22 little bit. Now having said that if I had a better idea
23 of exactly what it is the defense wants to put in I may
24 not have any objection under that. But I do think that
25 causes me some concern as far as us having similar -- and

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1 by tomorrow.

2 MR. VAUX: If I may add one thing?

3 THE COURT: Right.

4 MR. VAUX: The statement given by Aaron Young, Jr.
5 was not under oath.

6 THE COURT: It was not?

7 MR. VAUX: No, sir.

8 THE COURT: Okay. Well, the statement against
9 interest doesn't necessarily talk about that but number 1
10 does I think. But the statement of interest isn't
11 required to be under the rule, which is another reason
12 that the fact that it's a statement in this case criminal
13 -- in one's criminal interest where subjection to
14 criminal liability is a major factor.

15 In other words the trustworthiness of that
16 particular statement comes not from the fact that it's
17 under oath but from the fact that it's against his own
18 interest which lends some creditability to it. I will
19 look that up overnight and I trust that I am not going to
20 be the only person in this room who is going to be
21 researching.

22 MR. BAX: That's correct, Your Honor. And I can't
23 say -- obviously I have reviewed the transcript. If Your
24 Honor would like a copy I'm more than happy to try to get
25 that for you. Additionally I can say that in the

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1 I say us, I mean all of the lawyers involved would have
2 had to have some type of similar motivation and that
3 would not have been the case necessarily.

4 THE COURT: Right. I don't recall anything we said
5 either. I've got notes on it but I really don't remember
6 what it was all about at the time certainly the substance
7 of it other than going to the issue of whatever promises
8 were made. But that's a clearer issue in any event than
9 I think the statement of interest under 803, which I need
10 to look into quite frankly.

11 Obviously both of them made statements and the
12 statements may have been contrary to their interests and
13 to submit them to criminal liability. I've forgotten
14 what the statements have said quite frankly. The whole
15 issue behind the rule and the reason that it is worded
16 the way it is quite frankly is to try to assure that it's
17 trustworthy. That if somebody says these things under
18 these circumstances there is at least some reason to
19 believe them because nobody is going to testify against
20 his own criminal interest unless it's the truth; and
21 that's the purpose behind the rule.

22 So you know as to whether the voluntariness or the
23 determination of the voluntariness or not is fatal to
24 having that introduced I honestly don't know. I'll have
25 a date tonight with Mr. Westlaw and try to figure it out

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1 transcript which I'll be happy to provide to Mr. Stone
2 right now his cross-examination was pretty pointed. He
3 specifically asked Aaron Young, Sr. regardless of what
4 you are saying you told us that your intent was to go and
5 kill Tyrone Robinson and he said yes. And he said that's
6 still what -- and that part was truthful and he says yes,
7 that part was truthful. So he had the opportunity and
8 did take the opportunity to cross-examine Aaron Young in
9 that in-camera hearing about his intent to kill my
10 client.

11 MR. STONE: And I guess the question I would have
12 is that what the defense intends to offer or is it the
13 entire statement. That's the only -- because again I may
14 not have an objection to that even if I have one. I just
15 need to know what we're talking about really.

16 THE COURT: Well, maybe Mr. Bax would share that
17 with you.

18 MR. BAX: Or maybe not.

19 THE COURT: Okay.

20 MR. STONE: Then I'll decide tomorrow if I have an
21 objection or not.

22 THE COURT: All right. Okay. I think at least --
23 gentlemen, I appreciate the fact we have determined for
24 the purposes of the rule that both Aaron Young, Sr. and
25 Aaron Young, Jr. are unavailable within the definition of

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1 804(a)(1) and whatever falls from that will be decided
2 after the future argument. I wish I could tell you
3 something more definitively today. All I can tell you is
4 we don't need your clients.

5 MR. VAUX: Thank you, Your Honor.

6 THE COURT: All right. Thank you. Any additional

7 -- Mr. Ferguson I can give you back...

8 MR. FERGUSON: Thank you, Your Honor.

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1 THE COURT: All right. Obviously we haven't had a
2 break in here and now it's time to change horses. You
3 need a few minutes Mr. Bax?

4 MR. BAX: I would ask for a brief recess, Your
5 Honor. And I would also say just for scheduling purposes
6 I have two witnesses and they are fairly short that I can
7 start my case with so we could at least knock that out.

8 THE COURT: Okay.

9 MR. BAX: But based on giving law enforcement and
10 other people notice I would ask that the other witnesses
11 that we could start with the remainder of the defense's
12 witnesses in the morning, Your Honor.

13 THE COURT: Okay. Who will you be in a position
14 to call this afternoon?

15 MR. BAX: The first would be -- I can't remember
16 her last name -- her name is Kim and she is a very nice
17 lady and she is with 911 dispatch and she is waiting in
18 the hall.

19 THE COURT: Okay.

20 MR. BAX: Hill; I'm sorry, Kimberly Hill. And
21 that's obviously to establish that Mr. Robinson called
22 911 and then Mr. Cedric Campbell who is here in the
23 courtroom and he is going to be a brief witness.

24 THE COURT: Okay, good. We'll do those this
25 afternoon and then gentlemen it's my intention to start

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1 back with the jury at 10 o'clock in the morning so that
2 we can take the time before that to deal with these
3 issues that we raised today, okay?

4 MR. BAX: Thank you very much, Your Honor.

5 THE COURT: Let's take about ten minutes. Well,
6 let's start back quarter of the hour --

7 MR. BAX: Thank you very much, Your Honor.

8 [Whereupon, court is in recess from 3:28 p.m. to
9 3:45 p.m.]

10 THE COURT: All right folks, are we ready for the
11 jury?

12 MR. BAX: Your Honor, I think there is a matter
13 that we need to bring up briefly before we get in front
14 of the jury.

15 THE COURT: Okay.

16 MR. BAX: Unfortunately I need to let the court
17 know that I made a mistake. I just didn't even think
18 about it. Mr. Cedric Campbell is one of the individuals
19 that I named as the two witnesses that I was going to
20 call this afternoon, Your Honor.

21 THE COURT: Right.

22 MR. BAX: And Mr. Campbell has been in the
23 courtroom the whole time. We were the ones obviously
24 that asked for sequestration of witnesses. And that's
25 just purely my mistake. Cedric is Tyrone's uncle. He's

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1 just come in initially when we were doing jury and I just
2 didn't think to tell him to leave so it's certainly my
3 fault. I've explained to Solicitor Stone that I take
4 responsibility for that. I've explained to Solicitor
5 Stone what I intend to ask Mr. Campbell about and I put
6 it in your hands at this time.

7 THE COURT: Okay.

8 MR. BAX: I can't say that I'm not responsible; it
9 did happen. I'm thinking about a lot of things and
10 didn't think about it.

11 THE COURT: Mr. Stone, what says the State?

12 MR. STONE: We had received information that he has
13 been here the whole time too against the order of
14 sequestration. So what I was going to do was bring that
15 to your attention and then after I talked to defense
16 counsel I believe his testimony is going to be that the
17 defendant called him to say people were shooting at me.
18 I don't believe that would be admissible anyway so really
19 from a two-prong objection not just the sequestration but
20 I'm not sure -- I don't believe that that would be
21 admissible testimony regardless. So I would object to
22 his testimony.

23 THE COURT: Is that the essence of what you'll try
24 to elicit from him?

25 MR. BAX: Your Honor, his testimony was and intends

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1 to be that on the date in question during the time in
2 question that Tyrone did call him and said that there was
3 individuals shooting at him and actually asked if Cedric
4 would either pick him up or if he could come to where he
5 lives; in other words supporting the idea that he was
6 trying to flee.

7 And I certainly had it not been for the
8 sequestration issue I believe it is completely
9 admissible. For one thing it is the defendant's
10 statement. It's Tyrone Robinson's statement. He's the
11 defendant in this case. All his other statements have
12 come in.

13 THE COURT: But it's a self-serving statement and
14 unless he is subject to cross-examination self-serving
15 statements are looked at a little bit different than
16 other statements.

17 MR. BAX: Well, and the other thing Your Honor it's
18 not hearsay because I'm not asserting it -- you know the
19 thing is that -- let me backtrack. I guess what I would
20 argue is the statements the State has already introduced,
21 his interview at the Beaufort County Sheriff's office
22 branch in Hilton Head. Those were all self-serving
23 statements if you want to define them that way.

24 THE COURT: Right.

25 MR. BAX: He never says that he did anything. He

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1 pointed out also under (b) (2) excuse me (b) (2) --

2 804(b) (2); excuse me 804(b) (2).

3 [Whereupon, Mr. Bax and Ms. Saxon confer]

4 MR. BAX: Never mind. Sorry, Your Honor.

5 THE COURT: Thank you.

6 [Whereupon, the court reviews documents]

7 THE COURT: There are a couple of ways to go about
8 this analysis. One is State v Golson, G-O-I-S-O-N, 349
9 S.C. 421. This is a case in which the trial court had
10 been asked to admit a defendant's statement to a witness
11 that he and the victim had been fighting over a gun and
12 the gun went off. And the court said I'm not going to
13 let that come in but the defendant subsequently testified
14 in his own defense, was not unavailable as a witness
15 therefore and it was held error for keeping the statement
16 out.

17 But implication in the reverse of that would be that
18 had the defendant not testified and had exercised his
19 constitutional rights under the Fifth Amendment then the
20 statement would have been properly excluded; that is a
21 statement that he gave to a witness, in this case Mr.
22 Campbell about what was going on at the time of the
23 crime. The case of State v Chesbrough stands for the
24 same proposition but it's a slightly different context.
25 It was a statement that a murder defendant, Felix

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1 says that he was on the receiving end. And this
2 testimony would not be inconsistent with that whatsoever.
3 So in that vein it's just as admissible as his statements
4 that have been introduced by the State.

5 THE COURT: But the statements that were made by
6 the State those statements of course were made by the
7 defendant himself and what you're introducing here is
8 hearsay unless it comes under some exception to the
9 hearsay rule.

10 MR. BAX: I would point out Your Honor because we've
11 had some discussion about this, this week already. He
12 was in the midst of these individuals coming after him
13 and shooting at him. He's very animated according to Mr.
14 Campbell. I would argue it's an excited utterance in the
15 same vein as what we have heard before.

16 There was an ongoing situation. I believe he was
17 being hunted. I don't believe it was an ongoing gun
18 battle but I think he was being shot at by the Youngs and
19 he was fleeing. So I think it would certainly qualify as
20 an excited utterance for that exception to the hearsay
21 rule.

22 THE COURT: Give me just a second.

23 [Whereupon, the court reviews documents]

24 MR. BAX: Your Honor, if I may? I know you're
25 reading; I'm sorry, and it's late. My co-counsel has

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1 Chesbrough -- this is a case at 346 S.C. 526. He had
2 been accused of an earlier murder and he had written a
3 letter saying that he was not involved in that. The
4 trial court excluded that as self-serving hearsay. It
5 was offered for proof of the matter asserted and it
6 didn't come under any exceptions of hearsay and he was
7 awaiting trial of course and I did not allow it in in
8 that particular case because it was self-serving
9 exculpatory information; which if the defendant chooses
10 not to testify has a right to do that then the rules of
11 unavailability don't exactly look the same way. He can't
12 introduce those sorts of statements in those instances.

13 So that's not to say that Mr. Campbell can't testify
14 about other matters but he's not going to be able to
15 testify about what Mr. Robinson may have told him about
16 people trying to kill him and trying to run him down.
17 First of all I think there is other evidence in the
18 record that you will be able to get before a jury so I
19 don't think it's critical on that point.

20 And Mr. Robinson has already said the same thing on
21 the tape so it's not it is going to be new -- in other
22 words it's already been introduced properly through Mr.
23 Robinson's statement and I take it there will be some
24 other folks you can get the testimony of either of the
25 Youngs in to say the same thing. But Mr. Campbell can't

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1 say that

2 MR. BAX: Well, and just for the record Your Honor
3 if he doesn't testify that would obviously then bring it
4 under as you said in that case they declared that would
5 have made him unavailable. Under unavailable declarant
6 then 804 does come into play.

7 And it says statements made when one is in fear of
8 imminent death or under the impression that they may be
9 about to suffer imminent death are admissible for
10 unavailable declarants. And so we would assert that if
11 he testifies obviously excited utterance may apply. If
12 he doesn't testify 804(b)(4) would apply -- or (b)(2)
13 excuse me; would apply.

14 THE COURT: That would be true except for the case
15 of State v Terry found at 339 S.C. at 352. Mr. Terry
16 chose not to testify; he exercised his rights not to
17 testify and then sought to introduce a confession as a
18 statement against his penal interest. The statement in
19 effect tried to exculpate himself with that confession,
20 which the tendency of it was to reduce the crime for
21 murder to manslaughter. He made a confession but it
22 wasn't murder it was manslaughter. And he chose not to
23 testify and so he sought to introduce that confession
24 under the rule that you are talking. Terry said when a
25 defendant tries to do that he is not unavailable under

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1 THE COURT: Sir?

2 MR. STONE: Out of Lexington?

3 THE COURT: I think it was.

4 MR. STONE: It was. I'm quite familiar with that.

5 THE COURT: And I should know about it too. I
6 didn't try it but...

7 MR. STONE: I did.

8 THE COURT: Oh, you did? Then I hope I cited the
9 law right, Solicitor.

10 MR. STONE: Oh, you got it quite right, Your Honor.

11 MR. BAX: Your Honor, may we approach briefly?

12 THE COURT: Okay.

13 [Whereupon, an off the record bench conference is
14 held]

15 THE BAILIFF: The jury is entering the courtroom,
16 Your Honor.

17 [Whereupon, the jury enters at 4:02 p.m.]

18 THE COURT: Folks I'm sorry for the delay. I told
19 you a half hour ago it was going to be 15 minutes and it
20 wasn't. I suppose you all have been sitting back there
21 taking up a collection to buy me a new watch. But when I
22 came back out here and thought it -- something else came
23 up that we had to deal with and I didn't know about it
24 when I got that word to you. I apologize for that delay.
25 We are conscious of your time and we try not to waste it.

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1 the rules therefore you can't introduce the information.

2 So a defendant seeking to make an exculpatory statement
3 on the State's cross-examination was the holding in
4 Terry.

5 MR. BAX: Judge, I would ask if Mr. Campbell would
6 be allowed to testify that my client called him but not
7 say what he said, no substance of the statement, that he
8 did call him. I'm just running through my mind that
9 scenario. So I would ask the court would it permissible
10 for me to call Mr. Campbell to say that his nephew, Mr.
11 Robinson called him during the time in question without
12 going into the substance of his statement.

13 THE COURT: He can say that. The existence of the
14 call itself is not hearsay; it's the substance of the
15 call that is hearsay, not the content of it. So that --
16 he can say that. All right. Are we ready for the jury?

17 MR. STONE: The State is ready, Your Honor.

18 MR. BAX: Yes, sir.

19 THE COURT: Thank you. Bring us the jury please.

20 MR. STONE: You cited State v Gary Terry is that
21 right?

22 THE COURT: Excuse me?

23 MR. STONE: You cited State v Gary Terry?

24 THE COURT: Terry.

25 MR. STONE: Out of Lexington?

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1 And we aren't wasting it really; we're not doing anything
2 unnecessary in this process but I apologize for not being
3 able to anticipate that any better. Before we broke a
4 few moments ago ladies and gentlemen or however long ago
5 it has been now you recall that the State has rested its
6 case in chief. As I told you on yesterday before we
7 started the trial in this case the defendant now has the
8 opportunity to present evidence and testimony but the
9 defendant is under no obligation to do that if chooses
10 not to. Mr. Bax?

11 MR. BAX: Yes, Your Honor. Thank you very much.

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1 MR. BAX: The defense would now call Kimberly Hill
2 to the stand please.
3 THE COURT: Ms. Hill, come forward please ma'am and
4 be sworn.
5 [Whereupon, Ms. Hill comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8
9 KIMBERLY HILL,
10 Having been first duly sworn,
11 Was examined and testified as follows:
12 DIRECT EXAMINATION
13 BY MR. BAX:
14 Q. Good afternoon Ms. Hill, how are you doing?
15 A. I'm all right.
16 Q. Can you tell the jury who you work for currently?
17 A. I work for the Beaufort County Sheriff's Office.
18 Q. Okay. In what capacity, ma'am?
19 A. I'm an emergency services dispatcher.
20 Q. Okay. So is part of your role receiving 911 calls?
21 A. It is.
22 Q. Were you in that same job September 1st of 2012?
23 A. I was.
24 Q. Okay. Do you recall receiving some 911 calls as a
25 result of a shooting incident on Hilton Head Island that

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1 day?
2 A. I do.
3 Q. Did you receive a call from a gentleman I think he
4 was saying his name was T and I think you thought it was
5 Keith that day?
6 A. I do.
7 Q. And that gentleman was saying that he was the one
8 who had been shot at is that correct?
9 A. Yes.
10 Q. And do you recall telling him he needed to go back
11 to Allen Road and go talk to the police that were there?
12 A. Yes.
13 Q. And at the end of the call he said yes, he'll do
14 that
15 A. He did.
16 Q. Okay. No further questions. Thank you, Ms. Hill.
17 MR. STONE: Just briefly.
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1 CROSS-EXAMINATION
2 BY MR. STONE:
3 Q. And during that call Mr. Robinson basically gave the
4 story about what he said happened is that right?
5 A. Yes.
6 Q. Let me ask you a question. The call itself came
7 from I believe 31 Bryant Road or something like or did
8 you actually know that?
9 A. I don't recall where it was really.
10 Q. Before a 911 call is answered -- in other words if
11 I'm calling 911 your recording device actually picks up
12 prior to me hearing you answer the phone, is that
13 correct?
14 A. It does.
15 Q. And there is a few seconds there before so basically
16 I'm calling and you can hear what I am saying things like
17 that is that correct?
18 A. As soon as you dial, yes.
19 Q. On the particular call from Tyrone Robinson could
20 you hear anything prior to you answering the phone?
21 A. Not then.
22 Q. Okay. But then once you -- you've reviewed the tap
23 of that call.
24 A. Right.
25 Q. So now you can hear what ---

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1 A. --- yes.
2 Q. Did you hear the caller Tyrone Robinson when he
3 called what he said prior to you answering the phone?
4 A. I did.
5 Q. What was that?
6 A. He said that he also had gunpowder on his hands.
7 Q. Thank you. I don't have any further questions.
8 THE COURT: Redirect?
9 MR. BAX: Nothing further, Your Honor. Thank you.
10 THE COURT: Ms. Hill you can step down. Thank you
11 for coming.
12 [Whereupon, the witness is excused and exits the
13 witness stand]
14 THE COURT. Mr. Bax?
15 MR. BAX: Thank you, Your Honor.
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1 MR. BAX: The defense would now call Cedric Campbell
2 to the stand.
3 THE COURT: Mr. Campbell, come forward please and
4 be sworn.
5 [Whereupon, Mr. Campbell comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8
9 CEDRIC CAMPBELL
10 Having been first duly sworn,
11 Was examined and testified as follows:
12 DIRECT EXAMINATION
13 BY MR. BAX:
14 Q. Good afternoon Mr. Campbell. How are you doing?
15 A. Good. How are you sir?
16 Q. And once again give us your name for the record?
17 A. Cedric Monte [phonetic] Campbell.
18 Q. Okay. And Cedric what is your relationship to
19 Tyrone?
20 A. First cousins.
21 Q. First cousins? Okay. Cedric, do you recall
22 September 1st of 2012 about two years ago?
23 A. Yes.
24 Q. Okay. Do you recall receiving, and without going
25 into what Tyrone said, do you remember receiving a phone

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1 CROSS-EXAMINATION
2 BY MR. STONE:
3 Q. Do you know what time that call was?
4 A. I don't recall.
5 Q. Okay. But sometime during that day he called you?
6 A. It was shortly after I heard the news of the tragedy
7 that had happened. It was not long after that or before
8 that.
9 MR. STONE: I don't have any other questions, Your
10 Honor.
11 THE COURT: Thank you. Mr. Bax, redirect?
12 MR. BAX: No, Your Honor.
13 THE COURT: Thank you.
14 THE WITNESS: Your Honor, can I say something to
15 the family?
16 THE COURT: No sir I'm sorry, not in this setting.
17 There might be a time but not here while you are being
18 examined. So nothing keeps you from saying anything you
19 want to outside this courtroom.
20 THE WITNESS: Thank you.
21 THE COURT: Thank you.
22 [Whereupon, the witness is excused and exits the
23 witness stand]
24
25

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1 call from Tyrone on that day in the afternoon?
2 A. Yes, I do.
3 Q. Okay. And in response to what he said did you tell
4 him anything?
5 A. I told him I was busy right then and I couldn't come
6 and get him.
7 Q. Okay. And do you live on Hilton Head Island?
8 A. At that time I lived at Ocean Walk off of South
9 Forrest beach on the south end of Hilton Head Island.
10 Q. You lived on the South end of Hilton Head?
11 A. At that time I did.
12 Q. Okay. Is that a gated community or a community that
13 has some kind of gate system around it?
14 A. Actually it's a five story building and I lived on
15 the fifth floor. It's a building that has 24 hour
16 surveillance and you need a swab to get in the building.
17 It's not gated but it's pretty private.
18 Q. Okay. Thank you, Cedric. No further questions.
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1 MR. BAX: Your Honor, at this time this is all the
2 witnesses the defense has for this afternoon. I have a
3 number of witnesses but I was not able to really give
4 them an exact timeframe and for notice purposes they will
5 be available tomorrow.
6 THE COURT: All right. Ladies and gentlemen, that
7 means you've heard all the evidence and testimony that
8 you're going to hear today. There is more to hear
9 tomorrow and we will start tomorrow. Since I'm letting
10 you go early this afternoon you know the way government
11 workers do I'm going let you come back late tomorrow.
12 You know you get off early today so you come back late
13 tomorrow. We're trying to make good use of time.
14 Seriously we do have some matters to take up in the
15 morning that are going to be quite lengthy. And rather
16 than get you here at 9:30 and then keep you back there
17 like I did a while ago inadvertently I know better right
18 now so I'm not going to take a chance on that tomorrow.
19 I'm going to get you back here later so that we can be
20 able to not make you wait back there unnecessarily and
21 not have you break your necks to get up here and then sit
22 back there. You can come early if you want to; the place
23 will be open but we're not going to need you until 10
24 o'clock. So just make sure you are in the jury room
25 tomorrow at 10 o'clock and we will get you out thereafter

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1 to resume the trial of this case. As always I remind you
2 not to talk about this case and don't let anybody else
3 talk to you about it. I know you must think that I must
4 think you are the craziest people in the world; I tell
5 you that every time before you leave but I tell you that
6 because it's important.

7 And I tell you that because when it comes to this
8 particular case the State v Tyrone Robinson of all the
9 people on the face of this globe nobody else other than
10 you folks are going to be asked to make a decision about
11 that case. And that's the reason I have to ask you to
12 continue to keep yourself separate and apart from
13 everybody else on the face of this globe when it comes to
14 dealing with issues about this case, okay. Thank you
15 folks, I'll see you tomorrow at 10:00.

16 [Whereupon, the jury exits at 4:11 p.m.]

17 THE COURT: Folks, I'll be here in the morning as
18 usual a little bit before 9:00 and will be available
19 anytime thereafter. I would suggest that we start no
20 later than 9:30 in the morning to deal with those issues
21 involving the testimony of the Youngs and any other
22 pretrial issues that might come up at that time. But I
23 will be here earlier so if something comes up overnight
24 that impacts anything I'll be here so we can talk about
25 it in chambers and then we'll come back and get on the

1 record about it just as soon as we can. Mr. Bax, that
2 ball is in your court now is there anything further from
3 the defense before we break for the afternoon?

4 MR. BAX: No, Your Honor. And we will be here
5 prior to 9:30 in the morning.

6 THE COURT: Good, thank you. Mr. Stone?

7 MR. STONE: No, sir. Thank you, Your Honor.

8 THE COURT: Okay. 9:30 tomorrow folks. Thank
9 you.

10 [Whereupon, court adjourns at 4:15 p.m.]
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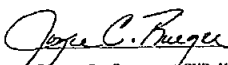
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1 C E R T I F I C A T E

2 I, the undersigned, Joyce C. Rueger, Official
3 Circuit Court Reporter for the Ninth Judicial Circuit of
4 the State of South Carolina, do hereby certify that the
5 foregoing is a true, accurate, and complete Transcript of
6 Record of the proceedings had and evidence introduced in
7 the trial of the captioned case, relative to appeal, in
8 the Court of General Sessions for Beaufort County, South
9 Carolina on the 17th day of September, 2014

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.
12
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January 23, 2015


Joyce C. Rueger, CVR-M
Court Reporter

 COPY

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS
DOCKET NO. 2012-GS-07-1935

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STATE OF SOUTH CAROLINA

vs.

TYRONE ROBINSON

Defendant

TRANSCRIPT OF RECORD

September 18, 2014
Beaufort, South Carolina

VOLUME 4 (OF 5)

B E F O R E:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

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

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Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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State v Tyrone Robinson
Proceedings
September 18, 2014

1 PROCEEDINGS
2 THE COURT: Thank you ladies and gentlemen. Folks
3 I had asked you all yesterday to help me with some
4 research on the issue of admissibility of primarily Aaron
5 Young, Sr.'s statement, which was preserved by way of
6 videotape and whether that would be admissible in Mr.
7 Robinson's case in chief. Who has found some bolt of
8 light that would bring that issue into our focus? Mr.
9 Stone?
10 MR. STONE: Well, I don't know that I would say I
11 have a legal bolt of lightning but I do have something
12 that would probably affect it.
13 THE COURT: Okay.
14 MR. STONE: I don't have any objection to either
15 Aaron Young, Jr. or Aaron Young, Sr.'s testimony coming
16 in. However having said that I think Rule 106 allows me
17 to make sure there is just not what the defense wants in
18 of that statement but also what I want in. So from that
19 standpoint we don't have any objection to them putting in
20 the statements from Junior and Senior. And that would be
21 as far as my legal research extended to Rule 106.
22 THE COURT: Okay. The Rule of completeness?
23 MR. STONE: Yes, sir.
24 THE COURT: That's right. Mr. Bax?
25 MR. BAX: Thank you, Your Honor. Obviously I had

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1 looked at this issue even before the beginning of the
2 trial and I did look again. And State v Hughes seems to
3 be the most on point when it comes to the issue of Fifth
4 Amendment if you're looking from that standpoint. Any
5 cases that I found that mentioned 804 seemed to be
6 desperate situations from what we're dealing with here
7 today. So I wasn't able to find anything that references
8 804 other than to confirm just repeats of the language in
9 the rule itself, which we all have in front of us and
10 we've all read.

11 I think the arguments that I mentioned yesterday
12 still stand and I think that as Your Honor has pointed
13 out certainly Aaron Young, Sr.'s testimony fits the
14 definition under (b)(1) for former testimony. And since
15 Mr. Robinson was representing himself at that time he
16 exercised his right to cross-examination for what that's
17 worth. And as the defense we're happy to be satisfied
18 with what he did at that time, obviously.

19 My assumption is and what I have planned on is that
20 as far as his testimony is concerned the way that would
21 get into the record I suppose would be some form of a
22 reading. And I don't know whether there is any objection
23 or whether we should put the actual written transcript
24 into evidence or not. Frankly, I'm actually kind of on
25 the fence about that myself. But I don't know that it

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1 But I know that in the video of his interview on
2 September 1st it's extremely lengthy and there is a large
3 portion of it where Aaron Young is actually just in the
4 room by himself, kind of talking to himself. And I don't
5 know if that is what -- I doubt that is what Solicitor
6 Stone is specifically referring to. I assume that he is
7 referring to the things that Aaron Young, Jr. said about
8 Tyrone Robinson. But if that's not part of what
9 Solicitor Stone seeks I would ask whether we can cut that
10 out just for time purposes because that's like a five
11 hour video.

12 THE COURT: Each of you all --

13 MR. STONE: I can help I think on both of these
14 scenarios Your Honor. My questions would be pointed and
15 very brief. I don't intend to put the entire videos in
16 of any of these people. I think we have transcripts and
17 the defense has transcripts of both of the videos on
18 Senior and Junior.

19 Now Senior in particular -- and I'm withdrawing my
20 objection on either one of those. From Senior's
21 standpoint what would have made it admissible under the
22 hearsay rule being former testimony would have been a
23 situation in which we had the same motive to develop the
24 conversation. Now I still to this day will tell you that
25 my motivation was to ensure that we were getting past the

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1 would matter either way.

2 THE COURT: I think the appropriate way to do it
3 would be to have it published, have someone read the
4 questions and the answers. My recollection is it was not
5 real lengthy from Mr. Young, Sr.; I can't recall that.

6 MR. BAX: It wasn't terribly lengthy, Your Honor.
7 I believe there is quite a bit of wide spacing in my
8 transcript so what is covered per page is actually fairly
9 short. And my understanding is that on this transcript
10 it starts on page 146 Your Honor and it concludes I
11 believe on page 156 because at that point Aaron Young,
12 Sr.'s father, Bennie Young takes the stand. And
13 certainly that's not what we're seeking to introduce at
14 all.

15 THE COURT: All right. That deals with Senior.
16 You've heard Mr. Stone's position that they don't object
17 to all of Junior's statements coming in, in its
18 completeness of course; not just parts of it.

19 MR. BAX: And I understand that and I expect that.
20 When you ask for something you have to be prepared to
21 take it the good and the bad of it and we certainly
22 understand that. I will say depending on the form of
23 Aaron Young, Jr.'s statements whether it's the video or
24 transcript of the video or any written statements; I
25 don't recall if he signed any written statements or not.

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1 Jackson Denno hearing; not to develop everything that
2 happened out there. Therefore, whatever testimony we
3 elicit concerning Senior, Aaron Young, Sr., I intend to
4 put information in from any of his statements that are
5 all the same thing instead of just that one limited thing
6 about a Jackson Denno hearing. And I think that solves
7 well, first of all I'm withdrawing my objection so I
8 don't know that we'd have that anyway.

9 But even if we did I think that solves the issue
10 that would normally come with former testimony, which is
11 you should have asked this question when you had the
12 opportunity but that wasn't my motive, so I just wanted
13 to clear. But my questions are pointed. I do not plan
14 on putting in video. I've got the transcripts and quite
15 frankly whichever officer we're going to put up I will
16 just hand them the transcript, let them see it, and make
17 my pointed questions off of that and it will be very
18 brief.

19 THE COURT: All right. Mr. Bax, as you heard Mr.
20 Stone say treat Junior and Senior's statements both
21 alike; video of all of one and all of the other comes in.

22 MR. BAX: I understand, Your Honor. And my
23 understanding of what Solicitor Stone has said is that
24 his intent is or his intent would not be to even use the
25 video but to just elicit the statements from it from

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officers.

THE COURT: Right.

MR. BAX: I don't have an objection to that because I would just do the same basically. And I know we're both going at different portions of their statement and that's fine; I understand that.

THE COURT: That's right. But the essence of it is each of you will get in what you feel you need to from your perspective and not the extraneous stuff

MR. BAX: That's correct, Your Honor.

THE COURT: All right. Let me hear now from counsel for Aaron Young, Sr. and Aaron Young, Jr.; Mr. Vaux and Mr. Ferguson.

MR. VAUX: Your Honor, on behalf of Junior I simply want to make sure that at some point in the future that we don't end up with somebody trying to say that this testimony or these recording or these questions in this court then creates an exception to the hearsay rule in a subsequent proceeding. Otherwise my Fifth Amendment rights are worth about as much as my Enron stock.

THE COURT: Right. You're right about that. The fact that these statements might be admissible in this proceeding and not against your client or Mr. Ferguson's client does not make that in a separate setting per se inadmissible in that particular case. It's an entirely

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different standard obviously. For example in those cases we have to get first of all by the -- past the issue of voluntariness. That's not an issue here. We have to get past several other evidentiary and constitutional issues in order for those statements to come in the trials of Aaron Young, Jr. and Aaron Young, Sr. None of those are issues here.

This is -- really when you boil it right down to it it's really just a clear analysis of Rule 804 and does not implicate Fifth Amendment rights or anything else as far as these are concerned. Aaron Young, Sr. and Aaron Young, Jr.'s rights are not prejudiced in any way by what goes on in this proceeding. They are not part of it and they are not bound by it.

So to the extent that that relieves your mind -- now of course we've already talked about the fact that publicity generated from this is another matter. But all of these things have been made a part of the public domain a long time before now. So there is nothing we can do about that. Those rights have already gone by.

MR. VAUX: That bell has been rung.

THE COURT: That's right. That's exactly right. And I understand as fate may have it I will be trying the case of Aaron Young, Jr. and Senior and I can tell you that this will not be -- a ruling in this case will not

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be indicative of a ruling in that case.

MR. VAUX: Thank you, Your Honor.

THE COURT: Mr. Ferguson?

MR. FERGUSON: Nothing to add, Your Honor. Thank you.

THE COURT: Thank you gentlemen. All right well, we're early. Is there anything else of a pretrial matter before the jury comes in? We've still got about 15 minutes.

MR. STONE: I don't believe so.

THE COURT: Mr. Bax?

MR. BAX: No, Your Honor. I will state for the court that one of my witnesses is Ms. Mary Beth Hefner who interviewed Jontu Singleton, Jr. at Hope Haven [phonetic]. She is actually reviewing the video now. I see her in the back room there so I'm just trying to give her a few minutes to refresh her memory as to the video so she can be able to answer those questions.

THE COURT: She's got about 15 minutes. If that's not enough you'll let me know.

MR. BAX: Certainly Your Honor, I appreciate it. Thank you.

THE COURT: All right.

MR. THORNTON: Your Honor, obviously we would object to her testifying. Under State v Kromah and State v

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Portillo a forensic interviewer cannot testify if the child doesn't testify. And she certainly can't testify as to what anything the child says. And I can give you the sites for that. I apologize; I don't have the cases right in front of me.

THE COURT: I'm familiar with that. Is that what Ms. Hefner did?

MR. BAX: Ms. Hefner interviewed Jontu Singleton, Jr., Your Honor.

THE COURT: All right.

MR. BAX: And I would just remind the court the discussion that was had in the previous trial concerned the issue of the fact that Jontu Singleton, Jr.'s testimony or basically his statements on the dash cam to Sergeant Martin Thomas are in. The jury has seen those. We've had argument about those. But the same position as when Mr. Robinson represented himself is they want those statements in without calling Jontu Singleton, Jr., which they didn't call him. Jontu later recants to Ms. Hefner and it's on video.

And I feel and the position of Mr. Robinson and my position is, and as Your Honor had discussed with him in the last trial if they are going to get to get his statements on video that it happened without him testifying the defense is entitled to get his recantation

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1 in under the same auspices. Now I have Jontu Singleton,
2 Jr. subpoenaed. The subpoena has actually been served on
3 his step-father, Mr. Dominique Griffin. And my
4 investigator Mr. Chapman had gotten what was portrayed to
5 be a good phone number for Dominique earlier this week.
6 And Mr. Chapman called Dominique last night to say we
7 need you to have young Mr. Singleton here available.

8 So I do have him available, however it is the
9 position of the defense that as stated before the
10 prosecution has entered his statement that it happened
11 without calling him. And the defense is entitled to
12 enter his statement that it didn't happen.

13 THE COURT: Okay.

14 MR. BAX: If there is any way we can avoid putting
15 the young boy on the stand and that's really what I'm
16 trying to do; the same reason as the prosecution didn't
17 want to put him on the stand.

18 THE COURT: All right. Let me look at those cases
19 because that's a different nuance. Mr. Thornton, do you
20 have copies of those I can look at in the back?

21 MR. THORNTON: I'll get them for you Judge,
22 immediately.

23 THE COURT: I could call them up on my computer but
24 if you've got them ---

25 MR. THORNTON: --- I don't have a paper copy Your

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1 that takes place I think two days or three days later.
2 And there are two cases directly on point in my opinion.
3 That's all I would add, Judge. And if you cannot pull
4 those up I'll go right now and get you copies.

5 THE COURT: I think I can get them. Thank you.
6 [Off the record momentarily while the court reviews
7 documents]

8 THE COURT: All right folks, if we could go back on
9 the record.

10 MR. BAX: Your Honor, my apologies. Just to make
11 the court aware Mr. Singleton, Jr. we served a subpoena
12 on his step-father Mr. Griffin as I stated to the court
13 earlier. And both Mr. Griffin as well as Jontu
14 Singleton, Jr.'s mother have the subpoena and have spoken
15 with my investigator. But at this point what I have been
16 informed by my investigator is that Jontu Singleton,
17 Jr.'s mother is refusing to bring him. She has indicated
18 that he can't testify. He doesn't have anything to say.

19 And she's asked to try and speak with me. I just
20 found out just now but obviously I've got to come up here
21 and be before the court to do my job. I have asked my
22 investigator, Your Honor, to call the mother back and
23 inform her that he still has to be here. If he doesn't
24 know anything he can say he doesn't know anything.
25 That's his prerogative but he still has to come. And

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1 Honor but I do have the site I can give you.

2 THE COURT: Okay.

3 MR. THORNTON: State v Kromah is 401 S.C. 340. It's
4 a 2013 -- that one I think is a Supreme Court case.
5 Portillo is 408 S.C. 66 is a Court of Appeals 2014 case.

6 THE COURT: Kromah with a C?

7 MR. THORNTON: No sir, with a K. K-R-O-M-A-H.

8 THE COURT: Okay.

9 MR. THORNTON: Also in play in both of those Judge
10 when you're dealing with video tapes or anything like
11 that onto this is 17-23-175(a) but that's only if they
12 wanted to play the videotape, which also would not be
13 admissible. And the only thing, Judge if I might be
14 heard just very briefly?

15 THE COURT: Okay.

16 MR. THORNTON: The other thing I would point out
17 Your Honor is this. The State was allowed to put in as
18 the statements of Jontu Singleton on the video because it
19 fell into a hearsay exception. Just because that is true
20 does not mean every other bit of hearsay that doesn't
21 fall into an exception gets to come in. That's not how
22 it works. Your Honor ruled that both of those statements
23 came in; one under an excited utterance and I believe the
24 other was present sense impression and also excited
25 utterance. There is no such exception for an interview

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1 that may result in them coming; I'm not sure. So I'm
2 just putting that before the court at this time. And I
3 do apologize; I know that we want to move this trial
4 forward.

5 THE COURT: What was the import of Ms. Hefner's
6 testimony going to be?

7 MR. BAX: Well, Your Honor, I wanted to establish
8 that an interview was done. Ms. Heffner can also
9 establish that the interview was done at the request of
10 the State. There was a law enforcement officer present.
11 My understanding was it was Meredith Florencio. Meredith
12 -- I already have Andres Florencio under subpoena.
13 That's actually Meredith's husband. They both work for
14 the Sheriff's Department, Your Honor.

15 THE COURT: Right.

16 MR. BAX: And I have talked to Andres and he has
17 indicated that Meredith is in training on Hilton Head but
18 can be here if we give her enough notice. But she was
19 present for the interview on behalf of the State as law
20 enforcement. And the purpose of the interview was
21 investigatory. The purpose of the interview was for the
22 purpose of prosecution. And she can establish those
23 facts as well as authenticate the video. And as I've
24 stated before Your Honor there are two areas here.
25 Number one, obviously the young boy has been -- Jontu

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1 Singleton, Jr. obviously has been through quite a bit.
2 And if there is a way for me to be able to introduce what
3 his recantation without putting him on the stand I would
4 like to do that to reduce the stress to him. However, I
5 have put him under subpoena in anticipation that there
6 was a ruling contrary to that.
7 However, if he makes himself unavailable it would
8 necessarily change my argument on the issue. Because one
9 way or the other I think that Mr. Robinson in order to
10 have a fair trial and for the jury to have all the
11 information has to hear that at a later time Jontu
12 Singleton, Jr. recanted that he had seen Tyrone Robinson
13 shoot his friend.
14 THE COURT: So the scope of the interview of his
15 testimony would not be a comment upon whether or not she
16 felt that he was telling the truth in the interview or?
17 MR. BAX: That's correct. And I have -- I am very
18 familiar with Kromah. I'm not as familiar with the other
19 case cited by the State. And my understanding of Kromah
20 which I've read a couple of times in anticipation of
21 other cases, C-S-C cases and the like that involved this
22 a lot is that the Supreme Court was commenting on the
23 fact that the prior practice of forensic interviewers
24 being made experts and then offering their opinion on the
25 voracity or truthfulness or compelling nature of the

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1 long. At this point in time Your Honor though actually
2 as I look at my list it would be one to two witnesses
3 only that I could get to before we would run into the
4 issue of Mr. Singleton, Jr.
5 THE COURT: All right. Could you set some wheels
6 in motion then to -- do you have time to talk with his
7 mother? Do you have a phone number where you can reach
8 her?
9 MR. BAX: I do actually. My investigator Mr.
10 Chapman was just actually saying do you want to talk to
11 her when Your Honor started back on the record and I
12 needed to come into court. So I can certainly do that
13 and like I said I don't want the jury waiting any more
14 than you do. But I can make that call and it probably
15 shouldn't take more than a couple of minutes if you would
16 like.
17 THE COURT: Let's do that first.
18 MR. BAX: Yes, sir.
19 THE COURT: Okay.
20 MR. THORNTON: Just so I'm clear so the intent is
21 to put Mary Beth up to verify the tape and just play the
22 tape?
23 MR. BAX: That's correct.
24 MR. THORNTON: Because I have an objection to that
25 also under the code section I referenced 17-23-175. It's

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1 disclosure was what the Supreme Court has decided was
2 improper and should no longer be done. She is not making
3 any comment as to the truthfulness of his statements at
4 all. It is merely establishing the interview happened
5 and then trying to get in what happened as far as the
6 recantation. And that's it.
7 THE COURT: Kromah gave, of course, a laundry list
8 of things you can and can't say was not exhausted but it
9 did at least set some clear parameters and Portillo
10 really just cited Kromah in many respects. I would
11 prefer to have, as difficult as it might be for the young
12 man, to have him here simply to eliminate an appealable
13 issue upon either side at this point.
14 MR. BAX: I understand completely, Your Honor, and
15 I agree.
16 THE COURT: Let's deal with that. If he's there
17 then -- if he is able to come and refuses to testify then
18 we would have another issue regarding Ms. Hofner's
19 testimony at that point I take it. But in any event
20 let's deal with having him here if we can to begin with.
21 MR. BAX: And I understand, Your Honor. I can say
22 that I do have a couple of witnesses that are present.
23 And they are not lengthy and I know that it has gotten to
24 the point now where I expect that we have a jury back
25 there waiting and none of us want them to be waiting too

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1 not permissible to play one of those tapes unless the
2 child testifies.
3 THE COURT: Right.
4 MR. BAX: Well, and that's what I'm discussing
5 obviously.
6 MR. THORNTON: Anyway I just wanted to make sure I
7 was clear as to what...
8 THE COURT: Okay. Go ahead and make the call and
9 see what we've got.
10 MR. BAX: Thank you, Your Honor. Your Honor, while
11 we still have everybody here if I may Mr. Chapman has
12 just informed me that in his conversation with Jontu's
13 mother he informed her if he doesn't know anything he
14 doesn't know anything but you've still got to bring him.
15 She has said she will do that but it will not be until
16 around the noon time that that will occur because she
17 sent him off to school.
18 She says she needs to get up, get dressed, go get
19 him from school to bring him here. And obviously Your
20 Honor I do apologize because we did I think give enough
21 notice because we talked to them last night about this.
22 So I do apologize.
23 THE COURT: Well, you know it might be lunch time
24 before we get to him. We'll just have to see about that.
25 MR. BAX: Thank you, Your Honor.

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1 THE COURT: Go ahead and make -- have you made the
2 call or ---
3 MR. BAX: --- that's what Mr. Chapman just informed
4 me is that she is going to bring him and that that's the
5 schedule that she said. She says she is going to bring
6 him but she can't get here any earlier than that and
7 those were the factors that she cited.
8 THE COURT: Okay. Let's work with what we've got
9 then. If he testifies then the tape won't be an issue.
10 We'll have to see what he says and whether Ms. Hefner
11 then becomes a witness that you can call depending upon
12 whether Jontu shows up and what he says.
13 MR. BAX: That's correct.
14 THE COURT: Okay. Anybody else got any law review
15 questions or bar exam questions this morning?
16 MR. STONE: I think we're good Judge.
17 THE COURT: All right, good enough. Bring us the
18 jury please.
19 THE BAILIFF: The jury is entering the courtroom,
20 Your Honor.
21 [Whereupon, the jury enters at 10:17 a.m.]
22 THE COURT: Good morning folks. Your concerns have
23 been expressed to me and we have made arrangements to
24 take care of those concerns. You will have escorts
25 during the lunch break and in and out as you are coming

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1 try not to waste your time in any event while you are
2 waiting. Thank you. Ladies and gentlemen, I'll ask you
3 once again as I have before and I ask you this time in
4 mass because I think you have understood the importance
5 of this but nonetheless I want to be sure that overnight
6 none of you have seen anything, heard anything, or have
7 exposed yourself to any publicity. I know you would not
8 have done it on purpose; I realize that.
9 But inadvertently accidentally has anything been
10 thrust before you about this case from any source at all?
11 If so would you please let me know? I'll be glad to talk
12 with you privately about that. I'm not making any
13 accusations; I just want to be sure you've been protected
14 against outside influences. Has anybody been exposed to
15 any publicity otherwise had any contact about this case
16 outside this courtroom.
17 [Whereupon, the jury collectively answers
18 negatively]
19 THE COURT: Thank you very much. I appreciate that
20 and I appreciate your continued adherence to those rules
21 for reasons that you are all aware of the importance of.
22 Mr. Bax, you can call your next witness.
23 MR. BAX: Thank you very much, Your Honor. The
24 defense calls Ebony Campbell to the stand please.
25 [Off the record momentarily]

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1 and going during the day and if that does not alleviate
2 those concerns if you will let me know we'll deal with
3 them in a more particularized fashion. The defense is
4 offering evidence and testimony in the case as you know.
5 I've been made aware of the fact that there might be some
6 fits and starts today because one of the witnesses early
7 on who will testify is a student at school and
8 arrangements are being made to get that student out of
9 school to come here and testify. It will be the middle
10 of the day before those things can be done.
11 I don't know how long we will go before we hit that
12 point. I just ask your cooperation as we work in the
13 fits and starts. These things don't always work like a
14 well oiled machine. As you can tell we're depend upon in
15 some cases not the convenience of witnesses so much just
16 the ability to get them here. These folks are under
17 subpoena; they are required to be here. But that doesn't
18 mean they are sitting around here all the time waiting to
19 testify. Some of them have other things that they have
20 to be doing.
21 So I apologize for that. It may cause an
22 interruption but we will not keep you here waiting back
23 there endlessly. We'll take an early lunch break or do
24 whatever we have to do so that -- our schedule might not
25 be exactly what we would normally operate under but we'll

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1 MR. BAX: My apologies, Your Honor. I know that
2 Ms. Campbell was sitting in the jury assembly room right
3 across the hall with the other witnesses. Apparently
4 there was some confusion about who was going to go get
5 her.
6 THE COURT: I can arrange for somebody to go get
7 her.
8 MR. BAX: And that would be fine, Your Honor.
9 THE COURT: Do I have ---
10 MR. BAX: --- excuse me, Your Honor. She was in
11 there literally I would say about ten minutes ago when I
12 was in there. And I'm being informed that she is not in
13 there. So that is the confusion, my apologies. That's
14 the confusion. Thank you. So I did have eyes on about
15 ten or fifteen minutes ago.
16 THE COURT: Ladies and gentlemen, let me send you to
17 your jury room while I deal with this issue. The witness
18 who is under subpoena is not here. We have to take steps
19 to make sure that that witness is here. It's going to
20 take us a few moments and you don't need to be a part of
21 that. Thank you.
22 [Whereupon, the jury exits at 10:24 a.m.]
23 THE COURT: All right. I want somebody who knows
24 what Ms. Campbell looks like to go to the officer at the
25 back. If she's in the courtroom if you need to take her

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1 into custody you can bring her here otherwise -- and if
2 you need to be here if you can get somebody else to make
3 sure that she is here.
4 MR. BAX: Thank you, Your Honor.
5 MR. STONE: I'll send my victim advocate, Your
6 Honor. She knows what she looks like.
7 THE COURT: Okay. Thank you.
8 [Off the record momentarily]
9 MR. BAX: Your Honor, I can just only relay the
10 information we have so far. Ms. Saxon checked the ladies
11 bathroom and she is not there. There were other officers
12 Officer Seifert and Officer I think it was Albertin as
13 well as Florencio. They've said they saw -- it was
14 actually Aaron Young, Sr. and her sitting on the bench.
15 VICTIM'S ADVOCATE: She's on her way up.
16 THE COURT: Thank you so much. Good job.
17 [Whereupon, Mr. Bax and Mr. Stone confer]
18 MR. STONE: May we approach, Judge?
19 THE COURT: Certainly.
20 [Whereupon, an off the record bench conference is
21 held]
22 [Whereupon, Ms. Campbell enters the courtroom]
23 THE COURT: See if the jury is ready to come in.
24 THE BAILIFF: The jury is entering the courtroom,
25 Your Honor.

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1 MR. BAX: Once again the defense calls Ebony
2 Campbell to the stand please.
3 THE COURT: Ms. Campbell, come forward please.
4 You've already been sworn; you're still under oath.
5 [Whereupon, Ms. Campbell comes forward]
6 -----
7 EBONY CAMPBELL,
8 Having been previously duly sworn,
9 Was examined and testified as follows:
10 DIRECT EXAMINATION
11 BY MR. BAX:
12 Q. Ms. Campbell, you testified earlier in this trial
13 correct?
14 A. I did.
15 Q. Okay. Ms. Campbell, just a couple of questions for
16 you in follow up all right. In your direct testimony and
17 earlier this week you testified that you saw what
18 appeared to be another gun in the car that Tyrone
19 Robinson was driving, correct?
20 A. I did.
21 Q. Okay. Now Ms. Campbell you talked with law
22 enforcement at the time this happened correct?
23 A. I did.
24 Q. Okay. And do you recall actually giving a written
25 statement on September 1st of 2012?

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1 THE COURT: Thank you, ma'am.
2 [Whereupon, the jury enters at 10:31 a.m.]
3 THE COURT: Thank you folks. I apologize for this
4 delay. We're ready now to start. Mr. Bax, you can call
5 your witness.
6 MR. BAX: Thank you very much, Your Honor.

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1 A. I do. It was rather short but I did.
2 Q. Okay. And do you recall in that written statement
3 you make no mention of another gun in Tyrone Robinson's
4 car?
5 A. No. I had been interrogated or interviewed rather
6 for about an hour maybe an hour and a half before then.
7 And I kind of just was tired of talking about it so I
8 wrote that really quickly and it is possible that I left
9 it out.
10 Q. All right, Ms. Campbell fair enough. Do you recall
11 also speaking with an officer with law enforcement by the
12 name of Brandon Cooler on September 5th of 2012; that
13 would have been roughly four days later?
14 A. Four days later I don't recall. I ---
15 Q. --- oh excuse me; I'm sorry. He actually makes the
16 report four days later. But he spoke with you on
17 September 1st and notes that down. Was Officer Cooler
18 the one that was present with you when you made the
19 written statement?
20 A. He was.
21 Q. Okay. But you did end up speaking with Corporal or
22 Investigator Seifert on September 12th of 2012 which
23 would have been roughly 11 days later. Do you recall
24 that?
25 A. Possibly.

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1 Q. Do you recall that?
2 A. I don't remember who I spoke with but I do remember
3 speaking with someone.
4 Q. Okay. Now do you remember when you spoke with
5 Officer Seifert whether you informed him or told him
6 about seeing another gun in Tyrone Robinson's car?
7 A. Did I speak to him about it? I don't know at which
8 point I told who but I told someone early in the
9 investigation as soon as my mind flashed back to it.
10 That day I was really traumatized; I was.
11 My whole life was turned upside down in one day. So
12 everything in my mind wasn't working correctly like
13 probably maybe the rational thinker that you are. I'm
14 not that rational of a thinker.
15 Q. All right Ms. Campbell. Can you say with any
16 certainty that it wasn't until on or about February 6th
17 of 2014 when you had an interview at the Solicitor's
18 office that that was the first time you ever said
19 anything about the gun in Tyrone Robinson's car?
20 A. That was not the first time I spoke about the gun.
21 Q. Okay. So can you tell us if that is not the first
22 time that you ever talked about this second gun why it
23 does not appear in any incident report from any
24 investigator involved with this case?
25 A. I don't remember whom I talked to or whom I told but

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1 or Aaron Young, Jr. in possession of this bag?
2 A. I'm certain, very certain.
3 Q. You're certain that on that day you didn't see them
4 carrying this bag?
5 A. Very certain.
6 Q. Okay.
7 MR. BAX: No further questions for Ms. Campbell,
8 Your Honor.
9 THE COURT: Thank you. Mr. Solicitor?
10 MR. STONE: Just briefly.
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1 I did. I told someone early on in the case way earlier
2 than February, way earlier than before I met with the
3 Solicitor.
4 Q. Okay. Do you recall whether the person you told
5 was even with law enforcement or whether it was some
6 friend or family?
7 A. I do recall that they were law enforcement. I don't
8 have any friends or family ---
9 Q. --- so it's your testimony that you told law
10 enforcement in this case and they just didn't bother to
11 put that fact into any of their reports?
12 A. I would have to say so but I know that I'm certain
13 that I did.
14 Q. Okay, Ms. Campbell ---
15 A. --- that's not something that I would have
16 forgotten.
17 Q. All right. And just to make sure that we're clear
18 you also testified that on that day after Mr. Robinson
19 left the residence that you never saw --
20 MR. BAX: Let me approach the witness, Your Honor?
21 THE COURT: Yes, sir.
22 MR. BAX: For the record, Your Honor this is
23 State's exhibit number 25.
24 [Whereupon, the witness is shown exhibit]
25 Q. [Mr. Bax] But you never saw either Aaron Young, Sr.

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1 CROSS-EXAMINATION
2 BY MR. STONE:
3 Q. Ms. Campbell as per your statement that you made to
4 law enforcement right after the event I'm not concerned
5 about that second gun. The gun that you talk of you did
6 talk to the officers the first time about Tyrone Robinson
7 having a revolver in his hand is that correct?
8 A. I did.
9 Q. And in fact you put that revolver in your statement
10 did you not?
11 A. I'm sure I did. I don't remember what's on the
12 statement. I honestly don't.
13 Q. I've circled that part of your statement.
14 [Whereupon, the witness is shown document]
15 A. Yes.
16 Q. So from the standpoint of the second revolver that
17 first time you mentioned that was later on. But as far
18 as the revolver in Tyrone Robinson's hand the day of you
19 mentioned that to law enforcement when they first talked
20 to you, you put that in your statement and every time
21 since is that correct?
22 A. Yes.
23 MR. STONE: I don't have any questions, Your Honor.
24 MR. BAX: Brief follow, Your Honor
25

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REDIRECT EXAMINATION

1
2 BY MR. BAX:
3 Q. Just to make sure we're clear. Ms. Campbell, the
4 only time you saw a gun in Mr. Robinson's hand was on
5 Wild Horse Road correct?
6 A. That's the only time I saw him that day.
7 Q. Correct. And you were not on Marshland Road or
8 Allen Road on that day is that correct?
9 A. I absolutely was not.
10 Q. Okay.
11 MR. BAX: No further questions, Your Honor.
12 THE COURT: Thank you. You can step down Ms.
13 Campbell. Thank you.
14 [Whereupon, the witness is excused and exits the
15 witness stand]
16 THE COURT: Mr. Bax?
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1 A. Yes, I do.
2 Q. And do you recall whether or not that room was
3 equipped with audio video recording equipment?
4 A. I believe it was, yes.
5 Q. Okay. And in fact the video has been shown to the
6 jury. That video shows an individual wearing what looks
7 like some kind of flax jacket or Sheriff's Department
8 jacket on it. And I believe Ms. Conant has testified she
9 believed that was you. Does that sound right to you?
10 A. That interview was two years ago. I have not seen
11 the interview. I can't say 100 percent that was me but I
12 do remember being there.
13 Q. Okay. I understand. And I do want to make sure
14 that that is clear. You haven't had a chance to review
15 that video and it has been quite a while correct?
16 A. Correct. The only thing I did was review my
17 incident report, which I prepared. And the only thing
18 that it mentions about the interview because I was not
19 the primary interviewer is that I sat in on the
20 interview.
21 Q. Okay. And that's understandable. Let me ask you
22 this and I know like you said it's been two years. Do
23 you recall anything about asking Mr. Robinson to see his
24 shoes?
25 A. I do not. I'd have to review the video tape to do

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1 MR. BAX: Your Honor, the defense at this time
2 calls Officer Andres Florencio.
3 THE COURT: Come forward please sir Officer
4 Florencio and be sworn.
5 [Whereupon, Officer Florencio comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8 CLERK OF COURT: Would you state and spell your
9 name for the record please?
10 THE WITNESS: Its Andres Florencio, A-N-D-R-E-S
11 F-L-O-R-E-N-C-I-O.
12
13 ANDRES FLORENCIO,
14 Having been first duly sworn,
15 Was examined and testified as follows:
16 DIRECT EXAMINATION
17 BY MR. BAX:
18 Q. Good morning Officer Florencio. Thank you for
19 coming here today.
20 A. Good morning.
21 Q. And I apologize I did not try to spell your name for
22 the court reporter; I left that to you, okay. Real
23 briefly; do you recall being a part of an interview of
24 Mr. Tyrone Robinson on September 1st of 2012 about two
25 years ago?

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1 that.
2 Q. Okay. If the video seems to show something like
3 that would you dispute what is on the video?
4 A. Like I said I'd have to see the video or take your
5 word for it.
6 Q. Okay. And as far as what's on the video if it
7 shows what appears to be you looking at the shoe or
8 taking a picture of the shoe would you have any reason to
9 dispute that at this time outside of being able to look
10 at the video?
11 A. No. I don't remember doing that but...
12 THE COURT: I believe the transcript of that is
13 available if you can get a copy.
14 MR. BAX: I certainly can, Your Honor.
15 [Whereupon, Mr. Bax reviews documents]
16 MR. STONE: Your Honor, we put the video in. I
17 think that's in the video that we put in and if it is we
18 agree that that took place. I think we've already put it
19 into evidence.
20 THE COURT: It is.
21 MR. BAX: It is; it's in evidence.
22 THE COURT: It's in evidence. Instead of looking
23 at the videotape I said ---
24 MR. BAX: --- and Your Honor ---
25 THE COURT: --- and the addressing of that might

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1 ease his mind.
2 MR. BAX: And that's correct. With permission of
3 Solicitor Stone I'm just going to pass this up just for
4 purely refreshment of memory purposes.
5 THE COURT: Sure.
6 Q. [Mr. Bax] That's a transcript of what occurred. I'm
7 just going to hand you that and see if it refreshes your
8 memory about that portion of the video.
9 [Whereupon, the witness reviews document]
10 A. It says male officer. Like I said I don't remember
11 exactly. I'd have to watch the video and see if that's
12 even my voice. Like I said it's been two years and I
13 can't remember the exact details of what I said or didn't
14 say.
15 Q. Okay.
16 A. And all that says is male officer so I can't tell
17 you that that is me.
18 Q. So that's not really enough to refresh your memory
19 but basically you're saying you don't remember so it
20 could have happened or it could not have happened.
21 A. Correct. I can tell you in detail the specifics of
22 what I remember if that's what you would like me to do
23 now.
24 Q. Okay. I just wanted to stay specific to that. I
25 appreciate your time coming in. And since the video is

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1 MR. BAX: Thank you, Your Honor. May it please
2 the court? The defense at this time would call Officer
3 Laurel Albertin to the stand.
4 THE COURT: Folks the witnesses in this case as you
5 all have well concluded by this time have been
6 sequestered. That means they have been kept out of the
7 courtroom and they only appear when they are testifying
8 so necessarily there is a delay while we go down and get
9 them. Officer Albertin if you will resume the stand
10 please ma'am you are still under oath.
11 [Whereupon, Officer Albertin comes forward]
12 -----
13 LAUREL ALBERTIN,
14 Having been previously duly sworn,
15 Was examined and testified as follows:
16 DIRECT EXAMINATION
17 BY MR. BAX:
18 Q. Good morning Officer Albertin how are you doing?
19 A. Good morning, fine thank you.
20 Q. I always just like Solicitor Stone I don't like to
21 get rank wrong. Is it Sergeant?
22 A. Yes, sir.
23 Q. Okay. Sergeant Albertin, I know you've already
24 been on the stand but let me ask this question I believe
25 again. You were part of the Sheriff's Office

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1 in I'm going to leave it at that. Thank you, officer.
2 No further questions.
3 THE COURT: Mr. Stone?
4 MR. STONE: No questions, Judge. Thank you.
5 THE COURT: Officer Florencio you can step down.
6 Thank you.
7 [Whereupon, the witness is excused and exits the
8 witness stand]
9 MR. BAX: Your Honor, approach at this time if I
10 may?
11 THE COURT: All right.
12 [Whereupon, an off the record bench conference is
13 held]
14 THE COURT: We're talking about scheduling matters,
15 folks. That's all it is; no secrets other than that.
16 We're trying to decide the order of things from this
17 point on. Mr. Bax?
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1 investigation of the shooting of Khalil Singleton on
2 September 1st of 2012 correct?
3 A. Yes, sir.
4 Q. Okay. And as a part of that investigation did you
5 have the opportunity to attempt to interview Aaron Young,
6 Jr.?
7 A. Yes, I did.
8 Q. Okay. And where did that interview occur at on
9 that day?
10 A. On that date the interview occurred at the Sheriff's
11 Office, the Hilton Head office located at 70 Shelter Cove
12 Lane.
13 Q. Okay. And to your knowledge was that interview
14 room that was recorded video and audio?
15 A. Yes, it was.
16 Q. Okay. Now Mr. Aaron Young, Jr. was in that room
17 for some period of time. Eventually he started making
18 statements about his side of the story, is that correct?
19 A. That's correct.
20 Q. Now in this case there has been a transcription of
21 what happened so I am going to ask you based on that if
22 that's all right.
23 Do you recall during that interview that Aaron
24 Young, Jr. told you that they went looking for Tyrone
25 Robinson? Let me back up just to make sure for

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1 completeness. He told you about an incident at 17 Old
2 Wild Horse Road first, correct?
3 A. Yes, he did.
4 Q. Okay. And he said that's where he and his father
5 lived is that correct?
6 A. That's correct.
7 Q. Okay. And then he told you that Tyrone Robinson
8 had fired a weapon over at that residence.
9 A. Yes.
10 Q. Okay. But Aaron Young, Jr. did tell you that
11 Tyrone left, correct; that he drove off?
12 A. That's correct.
13 Q. Okay. And that -- did Aaron Young, Jr. tell you
14 what they did after that after Tyrone Robinson left?
15 A. Yes, he did.
16 Q. Okay. Did he indicate to you that he and his
17 father tried to find Tyrone Robinson?
18 A. Yes.
19 Q. Can you tell us -- I mean without me just leading
20 you through everything here I'm trying not to do that.
21 Tell us what you recall of what he told you they were
22 doing that afternoon, please.
23 A. At which point?
24 Q. After Tyrone Robinson left and he and his father got
25 in their vehicle what did he tell you they did?

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1 A. He stated that they drove down to the Oak View area;
2 they drove down Marshland Road and into the Allen Road
3 area.
4 Q. What did Aaron Young, Jr. tell you their intent was?
5 What was their purpose in doing that?
6 A. He didn't really state what the purpose was. They
7 were very upset at the time over the incident that
8 occurred at Old Wild Horse.
9 Q. Well, did he indicate that they were upset about the
10 shooting that Tyrone Robinson had committed at their
11 house?
12 A. That's correct.
13 Q. Okay. And did he state that he understood that
14 going to follow him with a gun was not the correct thing
15 to do; that that wasn't right?
16 A. Yes.
17 Q. Okay. Now he also did confirm that they had a gun
18 with them correct?
19 A. That's correct.
20 Q. And he confirmed that they were looking for Tyrone?
21 A. Yes.
22 Q. Okay. And did Aaron Young, Jr. tell you what he
23 did with the gun when they found the car that they
24 believed was Tyrone Robinson's?
25 A. He stated that they did shoot the car but there was

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1 nobody around the car.
2 Q. Okay. So he testified there was nobody around the
3 car, correct?
4 A. That's correct; there was nobody in the car or
5 around the car.
6 Q. Okay. And he indicated that he did see that there
7 were children in that area correct?
8 A. Yes. He said the children were a good distance
9 away. They were not in the area of the car. They were
10 down across the street.
11 Q. Okay. And did he indicate to you that after they
12 had shot the car that as they were pulling away they
13 passed by where the children were?
14 A. That's correct.
15 Q. And Aaron Young, Jr. he also told you that he
16 understood or he believed that if they hadn't have gone
17 down there that the boy wouldn't be dead now. He made
18 that statement correct?
19 A. He made that statement, correct.
20 Q. Now obviously you've testified that Aaron Young, Jr.
21 was upset just like his father about what happened with
22 Tyrone correct?
23 A. Yes.
24 Q. Okay. And did Aaron Young, Jr. did he make it
25 clear that he does not like Tyrone Robinson?

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1 A. He made statements indicating that he did not like
2 what he was doing to the community.
3 Q. Okay. So did you get the impression from what
4 Aaron Young, Jr. was saying to you that he believed
5 Tyrone Robinson not to be a good guy?
6 A. That's correct.
7 Q. Okay. And he had not very nice things to say about
8 Tyrone Robinson, correct?
9 A. Correct.
10 Q. Okay. I believe at one point he said that Tyrone
11 Robinson was retarded, correct?
12 A. That's correct.
13 Q. Okay. And I believe he said that it was his firm
14 belief that Tyrone was dangerous.
15 A. I believe in the statement where he said he was
16 retarded he said that they wouldn't kill him because he
17 was retarded and he just did things like that; dumb
18 things like that.
19 Q. That Tyrone Robinson would do things like that
20 because he was retarded is that correct?
21 A. That's correct.
22 Q. Did he also call him crazy at one point?
23 A. I don't recall exactly but he might have called him
24 that.
25 Q. Okay. And like you said before he said that he

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1 believed that he was bad for the community is that
2 correct; to paraphrase what Aaron Young, Jr. ---
3 A. --- he was dangerous to the community, yes.
4 Q. Okay.
5 MR. BAX: A moment's indulgence, Your Honor.
6 THE COURT: All right.
7 [Whereupon, Mr. Bax confers with Ms. Saxon and his
8 client]
9 Q. [Mr. Bax] Sergeant briefly just to make sure I've
10 gone through everything. Aaron Young, Jr. told you that
11 they actually encountered Tyrone again before Allen Road
12 correct? That they encountered him on Oak View Road is
13 that right?
14 A. Yes, sir.
15 Q. Okay. And do you recall that Aaron Young, Jr. told
16 you at that time that they attempted to shoot at Tyrone
17 in his car but that the gun jammed?
18 A. Yes, sir.
19 Q. Okay. And you recall that Aaron Young, Jr. made
20 the statement that if the gun hadn't jammed it would have
21 been all over right then?
22 A. I don't recall that statement in particular.
23 Q. Do you recall that he said the gun jammed?
24 A. Yes, sir.
25 Q. Okay. And do you recall that it jammed when there

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1 appears to be accurate to what was happening on that day
2 on September 1st, is that correct?
3 A. Yes, sir.
4 Q. Okay. And that he stated that they encountered him
5 on Oak View Road and that the gun jammed at that time
6 correct?
7 A. Correct.
8 Q. Okay. And that after than they actually went home
9 correct, back to Wild Horse Road.
10 A. That's what he said in that statement.
11 Q. Yes. And he says that the gun jammed so we didn't
12 do it at that time.
13 A. Correct.
14 Q. Okay. Thank you very much.
15 MR. BAX: Moment's indulgence, Your Honor.
16 THE COURT: All right, sir.
17 Q. [Mr. Bax] And briefly one follow up. I think this
18 is out there but just to make sure that we are clear.
19 This incident at Oak View Road happened before what
20 happened on Allen Road is that correct?
21 A. That's correct.
22 Q. So the timeline that basically he is saying at that
23 point in his interview is that this happened on Oak View.
24 They went back to their house and then at some point they
25 leave again to go to Allen and Marshland Road.

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1 was an attempt to shoot at Tyrone while he was driving
2 his car at that time?
3 A. Yes, sir.
4 Q. Okay. And do you recall that Aaron Young, Jr. also
5 told you that after this incident on Oak View Road that
6 actually he and his father returned back to Wild Horse
7 Road?
8 A. No sir, I don't remember that.
9 MR. BAX: Moment's indulgence, Your Honor.
10 THE COURT: Okay.
11 [Whereupon, Mr. Bax confers with his client]
12 [Whereupon, Mr. Bax reviews documents]
13 Q. [Mr. Bax] Sorry Sergeant, it's a very large
14 transcript it took me a minute to find it. I apologize.
15 MR. BAX: Your Honor, approach the witness?
16 THE COURT: Yes, sir.
17 Q. [Mr. Bax] Just out of making it easier I'm just
18 pulling these pages out. Can you take a look at those
19 and see if those refresh your memory about that portion
20 of the conversation?
21 [Whereupon, the witness reviews document]
22 A. He did state that at one point, yes. But he made a
23 few different statements so.
24 Q. Certainly. But that portion of this interview --
25 and this is -- this refreshes your memory that that

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1 A. That's correct.
2 Q. Okay. Thank you.
3 THE COURT: Thank you. Mr. Stone?
4 MR. BAX: Your Honor, prior to Solicitor Stone I
5 just have one matter at the bench that I'd ask to
6 approach.
7 [Whereupon, an off the record bench conference is
8 held]
9 THE COURT: Mr. Stone, you can cross-examine.
10 MR. STONE: Thank you, Your Honor.
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CROSS-EXAMINATION

2 BY MR. STONE:
3 Q. Investigator Albertin let me see if I can make sure
4 that we are -- see if I can help out here. You
5 interviewed or you were involved in a number of
6 interviews with both Aaron Young, Sr. and Aaron Young,
7 Jr. were you not?
8 A. Yes, sir.
9 Q. And you were at the Sheriff's Office in fact even
10 later on you interviewed both of them at the Beaufort
11 County Detention Center and you were involved in those as
12 well.
13 A. Yes, I was.
14 Q. Let's specifically talk and when you were talking
15 when you were down at the Sheriff's Office you've got
16 both Aaron Young, Jr. and Aaron Young, Sr. both of them
17 in two different rooms, is that correct?
18 A. That's correct.
19 Q. I know at one point they were put together but most
20 of the statement -- everything that we are going to talk
21 about happened before they were put together?
22 A. Yes, sir.
23 Q. So they are in two separate rooms and you're
24 involved in both the interview of Senior as well as
25 Junior?

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1 A. That's correct.
2 Q. All right. Let me first start talking about
3 Junior. And I want to make sure that we are clearing up
4 a little bit about what the defense asked you as well.
5 But Junior tells you, in fact I think a number of
6 times, that at his house over on Wild Horse Road and I'll
7 use this [indicates] map to make sure that we're all
8 clear on what we're talking about. Could I get you to
9 come down please, ma'am?
10 [Whereupon, the witness steps down from the stand]
11 THE COURT: Sergeant Albertin, just to remind you if
12 you can kind of face in the general direction of the
13 court reporter in some way -- you can stand wherever you
14 want to just so that your back is not completely to her,
15 okay.
16 THE WITNESS: Yes, sir.
17 Q. [Mr Stone] And the three points on this map point
18 number one is the White Horse Road -- old Wild Horse
19 Road; excuse me. I think they kept referring to it a
20 good bit as the Squire Pope area but all that up in point
21 one, right?
22 A. Yes, sir.
23 Q. Let me get you to back up because I want to make
24 sure the Foreman can see. Point two is the Oak View area
25 which is the Spanish Wells area on this map, is that

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1 right?
2 A. That's correct.
3 Q. And then number three is the Allen Road area, is
4 that correct?
5 A. Yes.
6 Q. You're talking to Aaron Young, Jr. in the interviews
7 in three or four times it seems that Aaron Young, Jr.
8 told you that here in point one over here at Old Wild
9 Horse Road where they were at their home Tyrone Robinson
10 came to them and got in a fight and shot at them,
11 correct?
12 A. That's correct.
13 Q. He then told you that they went in their house, they
14 got their gun and they chased him right?
15 A. Yes.
16 Q. And they chased him all the way down to the Oak View
17 area, is that right?
18 A. That's correct.
19 Q. And in fact Aaron Young, Jr. said if we could have
20 shot him at Oak Wood [sic] we would have done it then
21 right?
22 A. Yes.
23 Q. And that is pretty much when I guess the gun
24 wouldn't work or they couldn't get the gun to work is
25 that right?

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1 A. He said the gun jammed, yes.
2 Q. Okay. They at some point in time continued on to
3 the Allen Road area, is that correct?
4 A. That's correct.
5 Q. Still chasing after Tyrone Robinson?
6 A. Yes.
7 Q. And I think there was some testimony that Robinson
8 either maybe pointed the gun at him in the Oak View area
9 or what not but when they got to the Allen Road area the
10 car was there but he wasn't, is that correct?
11 A. Yes.
12 Q. When they get to the Allen Road area they find the
13 car, they don't see Tyrone Robinson and Aaron Young, Jr.
14 tells you he shot up the car, right?
15 A. Yes.
16 Q. And in fact I think he also tells you that he used a
17 .9mm gun to do it.
18 A. Yes.
19 Q. And that was the rapid fire gun I think that
20 probably is in evidence but that is the gun that he used
21 when he shot up the car, is that correct?
22 A. He said he swiss cheesed the car.
23 Q. Swiss cheesed the car I think was the term.
24 A. Yes.
25 Q. He tells you and I believe four or maybe five times

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1 in various parts of his statement that as they are
2 leaving the Allen Road area he hears three shots as they
3 are driving by, which is I guess on this model would be
4 Charlese's house is that correct?
5 A. That's correct.
6 Q. And he tells you that once, twice, probably three or
7 four times, is that correct?
8 A. Yes.
9 Q. Aaron Young, Sr. who is in a separate room at this
10 point tells you the same thing does he not?
11 A. Yes, he does.
12 Q. Okay. Go ahead and take the stand for me.
13 [Whereupon, the witness returns to the stand]
14 Q. So Aaron Young, Jr. admitted to going after Tyrone
15 Robinson. He admitted to wanting to shoot him. He
16 admitted to wanting to kill and in fact he pretty much
17 described them chasing him to Allen Road and they also
18 describe Robinson shooting back at them, is that correct?
19 A. Yes. They stated as they drove past away from where
20 the car was shot up they drove down the street and they
21 saw the children playing and they heard the shots being
22 fired from that area.
23 Q. And in fact Junior actually said that he thought
24 that Robinson had put the car in one location and went to
25 another so he could get a shot at them.

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1 REDIRECT EXAMINATION
2 BY MR. BAX:
3 Q. Sergeant, now Aaron Young, Jr. told you that he
4 heard those shots but I don't believe that Aaron Young,
5 Jr. ever told you that he saw Tyrone Robinson. He
6 claimed they were driving away and heard three more
7 shots, is that correct?
8 A. That's correct. They drove past where the children
9 were playing and they heard the shots being fired in that
10 area.
11 Q. Okay. And he was in this -- let me show you this.
12 I'm kind of building up a lot of exhibits at this point.
13 MR. BAX: Moment's indulgence, Your Honor.
14 THE COURT: Okay.
15 Q. [Mr. Bax] Sergeant, I'm going to show you State's
16 exhibit 10 and State's exhibit 9.
17 [Whereupon, the witness is shown photographs]
18 Q. Aaron Young, Jr. confirmed to you that was their car
19 and that was the car they were driving on that day, is
20 that right?
21 A. That's correct.
22 Q. And it was described as a grey F-150 is that right?
23 A. Yes.
24 Q. And in fact State's number 10 is how it was when it
25 was pulled over on 278 and Gum Tree I believe?

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1 A. That's correct.
2 MR. STONE: Nothing else, Your Honor.
3 THE COURT: Thank you. Mr. Bax, redirect?
4 MR. BAX: Yes, Your Honor. Thank you very much.
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1 A. Yes, sir. I wasn't at that location.
2 Q. That's what was described to you by other officers
3 as the location of the vehicle when it was pulled over?
4 A. Yes, sir.
5 Q. Okay.
6 MR. BAX: No further questions, Your Honor. Thank
7 you.
8 THE COURT: Thank you.
9 MR. STONE: Nothing else; Your Honor.
10 THE COURT: Thank you. Sergeant Albertin you can
11 step down. Thank you, ma'am.
12 [Whereupon, the witness is excused and exits the
13 witness stand]
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1 THE COURT: Do we have any way of contacting the
2 next witness to see how far and where they are...
3 MR. BAX: We certainly can. I'm not sure if the
4 phone number we have is a mobile number or not, but it
5 may be. So I can certainly myself or my investigator
6 attempt once again to get a progress report, Your Honor.
7 THE COURT: Let's do that before we decide to take
8 an early break okay.
9 MR. BAX: Certainly.
10 THE COURT: Folks, the next witness is the student.
11 who is on his way here from school. We realized earlier
12 that it was going to take a while to get here. They are
13 in transit now. If they are real close we'll just take a
14 break and wait. If they're still 45 minutes away then we
15 might just have to take an early lunch break and we won't
16 waste your time in that regard. It's probably going to
17 take them a minute or two to make that call. If you'll
18 step to your jury room while we're checking on that and
19 we'll let you know what the plans are. Thank you.
20 [Whereupon, the jury exits at 11:15 a.m.]
21 THE COURT: Folks it occurred to me that we're the
22 only ones who haven't had a morning recess yet so we'll
23 take it at this point in time. Let's start back at
24 11:30. Let me know as soon as you hear. If it's going
25 to be a while we might just take an early lunch break.

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1 the answer. So whatever you feel more comfortable doing.
2 THE COURT: We'll do it that way. All right. Is
3 Jontu here?
4 MR. BAX: Yes, he's here. Ms. Saxon is going to
5 ask him to come in, sir.
6 THE COURT: All right.
7 [Whereupon, Jontu Singleton enters the courtroom]
8 THE COURT: Jontu, how are you doing? Can I get
9 you to come sit in this big chair right here?
10 [Whereupon, Jontu Singleton, Jr. takes the witness
11 stand]
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1 MR. BAX: I will check on that right now, Your
2 Honor.
3 THE COURT: Thank you.
4 [Whereupon, court is in recess from 11:16 a.m. until
5 12:45 p.m.]
6 THE COURT: Folks, are we all ready for the jury?
7 MR. STONE: The State is ready -- well, not for the
8 jury. I think -- don't you have to do the qualification?
9 Were you going to do the qualification in front of the
10 jury?
11 THE COURT: I'll be glad to do it out of presence
12 of the jury.
13 MR. STONE: It doesn't make any difference to me.
14 I just didn't know; I apologize. Yes sir, we're ready.
15 THE COURT: No, as a matter of fact I can do out of
16 the presence of the jury and will be glad to do it out of
17 the presence of the jury if that's okay with everybody.
18 MR. BAX: That's all right with us, Your Honor.
19 THE COURT: That's fine. I didn't know whether
20 that issue of creditability was important for y'all for
21 the jury to see. It suits me to do it out of the
22 presence of the jury. It's easier to do out of the
23 presence of the jury.
24 MR. STONE: Is it? I have no idea, Your Honor.
25 It's been so long since we used that process I don't know

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1 IN-CAMERA EXAMINATION
2 BY THE COURT:
3 Q. Jontu, I'm going to ask you a few questions before
4 we get the jury in here and start to ask you some
5 questions in your presence. So if you don't understand
6 any of these things you let me know and I'll be glad to
7 put it in another way.
8 A. Okay.
9 Q. What grade are you in Jontu?
10 A. Fourth.
11 Q. Fourth? And how old are you?
12 A. Nine.
13 Q. Nine years old? Do you play baseball?
14 A. No, I don't.
15 Q. You don't play baseball? Do you plan any sports?
16 A. Yes.
17 Q. What kind of sports do you play?
18 A. Football.
19 Q. Football? What position do you play in football?
20 A. Um...
21 Q. Do you run with the ball, do you throw the ball, do
22 you kick the ball or do you do all those things?
23 A. All of them.
24 Q. Do you do that in class or do you do that in the
25 playground after school?

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1 A. In the playground after school.
2 Q. Okay. How many teachers do you have? Do you have
3 one teacher in the fourth grade or do you go to separate
4 teachers?
5 A. Two different teachers.
6 Q. Two different teachers? I've got a grandson and
7 he's about your age too and so he goes to two different
8 teachers this year as well. What's the name of the
9 school you go to?
10 A. I.B.
11 Q. What's that?
12 A. In Hilton Head.
13 Q. You have rules in that school don't you?
14 A. Yes.
15 Q. Does the teacher let you run up and down the hall?
16 A. No.
17 Q. It's against the rules to run down the hall is that
18 right?
19 A. Yes.
20 Q. Does the teacher let you talk out in class when
21 anybody else is talking?
22 A. No.
23 Q. That would be breaking the rule if you did that?
24 A. Yes.
25 Q. What happens if you break the rules?

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1 the answer?
2 A. Yes.
3 Q. And that will be the truth too?
4 A. Yes.
5 Q. Okay. So do you promise you will tell the truth in
6 this courtroom?
7 A. Yes.
8 Q. And you understand what it means when you make a
9 promise don't you?
10 A. Yes.
11 Q. That's all we ask you to do. Thank you, Jontu.
12 A. You're welcome.
13 Q. We'll get the jury in right now and let them come to
14 meet you and answer some questions when they are here,
15 okay?
16 A. All right.
17 MR. BAX: Thank you, Your Honor. May we, Mr. Stone
18 and I approach real quick?
19 THE COURT: Sure.
20 [Whereupon, an off the record bench conference is
21 held]
22 THE COURT: I was reminded folks with the media
23 please with a young person on the stand you are not to
24 depict him or talk about his name -- reveal his name,
25 okay? Thank you very much.

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1 A. We either have recess detention or we get suspended.
2 Q. So you realize it's not a good thing to break the
3 rules is it?
4 A. No.
5 Q. It's a bad thing to break the rules. Well, in this
6 place where we are, and we call this a courtroom, we've
7 got rules too. Do you understand that?
8 A. Uh Huh.
9 Q. And one of the rules that we have that is a real
10 important rule is that you have to tell the truth. Do
11 you understand that?
12 A. Yes.
13 Q. And you know the difference between what is the
14 truth and what is not the truth don't you?
15 A. Yes.
16 Q. And what's it best to do; to tell the truth or not
17 to tell the truth?
18 A. To tell the truth.
19 Q. Okay. If you are asked some questions do you think
20 you can tell the truth?
21 A. Yes.
22 Q. Okay. And if you know the answer you will give the
23 answer truthfully?
24 A. Yes.
25 Q. And if you don't the answer you'll say I don't know

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1 THE COURT: We're ready for the jury. Jontu,
2 you've met some of these people in here. This
3 [indicates] is Mr. Bax; he is going to be asking you some
4 questions. Mr. Stone [indicates] who you have met might
5 be asking you some questions too, okay?
6 JONTU SINGLETON: Okay.
7 THE COURT: You might miss the rest of school
8 today. Is that a bad thing or a good thing?
9 JONTU SINGLETON: I don't know.
10 THE BAILIFF: The jury is entering the courtroom,
11 Your Honor.
12 [Whereupon, the jury enters at 1:06 p.m.]
13 THE COURT: Jontu, this [indicates] is the jury.
14 They don't have anything to do with you. You don't have
15 to worry about that. They are not judging you. This is
16 Jontu Singleton, Jr. He has gotten out of school and he
17 is going to offer some testimony here today. He's trying
18 to decide whether getting out of school is all that bad a
19 thing or not. I think he's going to be able to bear up
20 under it well. Jontu, this is the jury. You've met the
21 people who are going to be asking you questions. You
22 speak right into that microphone so that they can hear
23 you okay? Thank you. Mr. Bax?
24 MR. BAX: Thank you, Your Honor.
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1 JONTU SINGLETON,
2 Was examined and testified as follows:
3 DIRECT EXAMINATION
4 BY MR. BAX:
5 Q. Good afternoon Jontu.
6 A. Good afternoon.
7 Q. Thanks for coming over.
8 A. You're welcome.
9 Q. Jontu, I just need to ask you some questions. If
10 you don't understand what I'm asking you let me know.
11 And if you need some time you let me know, okay?
12 A. Okay.
13 Q. Jontu, do you remember a couple of years ago --
14 well, let me ask you this. Where do you live at?
15 A. Bridgetown.
16 Q. Bridgetown?
17 A. Uh Huh.
18 Q. And where is Bridgetown? Is that on Hilton Head
19 Island?
20 A. Uh Huh.
21 Q. It is?
22 A. Marshland Road.
23 Q. On Marshland Road, okay. Before you lived there did
24 you live near a place called Allen Road?
25 A. Yes.

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1 anybody else beside Khalil that day?
2 A. Yes.
3 Q. Who do you remember seeing?
4 A. My friend Jose and my friends and the person who
5 shot my cousin.
6 Q. Okay. Can you tell us what you saw of that person?
7 What did you see that person do?
8 A. He was shooting at another car -- I mean shooting at
9 somewhere else. And then I think he was running middle
10 of the way. And I don't know. I don't think he did it
11 on purpose.
12 No, he didn't do it on purpose. And he was running
13 and he must have didn't realize it but -- or I didn't
14 realize it but the bullet hit him.
15 Q. Okay. Thank you, Jontu. Do you remember that
16 police came after that happened is that right?
17 A. Yes.
18 Q. Okay. And do you remember a couple of days after
19 all this happened do you remember going to talk to a lady
20 named Mary Beth?
21 A. Yes.
22 Q. You do? Okay. And do you remember having a
23 conversation with her in a room talking about what
24 happened to Khalil?
25 A. Yes.

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1 Q. Yes? Now it's 2014 right now, that's the year, is
2 that right?
3 A. Yes, sir.
4 Q. Okay. Do you remember whether or not you were
5 living on Allen Road back in 2012; that would have been
6 about two years ago?
7 A. Yes.
8 Q. Okay. Jontu, what grade are you in right now?
9 A. Fourth.
10 Q. Fourth grade. So about two years ago would you have
11 been in second grade? Would that be right?
12 A. Yes.
13 Q. Okay. Were you still going to the same school then
14 as you are now?
15 A. Yes.
16 Q. Jontu, back in 2012 do you remember on September 1st
17 something happened to your friend, Khalil?
18 A. Yes.
19 Q. Okay. Jontu, can you tell us what you remember
20 happened that day, please?
21 A. Me and Khalil were jumping on the trampoline and we
22 heard gunshots so we ran. And after we ran Khalil just
23 fell down to the ground and I didn't realize what
24 happened. And that's all I remember.
25 Q. Okay. Thank you, Jontu. Do you remember seeing

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1 Q. And do you remember telling her -- well, you told
2 her that you were running and Khalil was running a little
3 bit behind you do you remember that?
4 A. Uh Huh.
5 Q. Do you remember telling her that you didn't see any
6 adults around?
7 A. Uh Huh.
8 Q. So you did tell her that? Can you answer yes or no
9 for me Jontu?
10 A. Yes.
11 Q. Okay. Thank you. Why did you tell Ms. Hefner
12 that you didn't see anybody, didn't see any adults?
13 A. Because we really couldn't see any because we were
14 running.
15 Q. Okay. And you didn't tell Ms. Hefner that you saw
16 the person that was shooting is that right?
17 A. [Nods affirmatively]
18 Q. Can you say ---
19 A. --- yes.
20 Q. Yes, okay. Why didn't you tell Mary Beth that you
21 didn't see anything because you were running? I'm sorry;
22 why didn't you tell Mary Beth that you saw the person
23 shooting?
24 A. Because he was right next to the house and I
25 couldn't really see anything because my face was turned.

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1 But all I saw Khalil just fall to the ground.
2 Q. Okay. Well, I want to thank you for coming in and
3 talking to all us okay.
4 A. Uh Huh.
5 Q. Thank you.
6 A. You're welcome.
7 THE COURT: Thank you. Now, Jontu Mr. Stone is
8 going to have some questions he is going to ask of you
9 okay.
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1 MR. BAX: No further questions.
2 THE COURT: Jontu, thank you so much for coming.
3 You can go back to school now if your folks are going to
4 make you. I think you ought to get them to take you by
5 and get you something, a milkshake or something so you
6 don't have to go back to school. Thank you for coming.
7 JONTU SINGLETON: You're welcome.
8 [Whereupon, the witness is excused and exits the
9 witness stand]
10 THE COURT: All right Mr. Bax, you can call your
11 next witness.
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1 CROSS-EXAMINATION
2 BY MR. STONE:
3 Q. Jontu, I just have a few questions. You're in
4 school at Hilton Head, is that right?
5 A. Yes.
6 Q. You're in what they call the I.B. Program is that
7 right?
8 A. Yes.
9 Q. And thank you for coming today and telling us what
10 happened. Can I ask you one thing though? When you saw
11 the guy, and I know you said you didn't think he meant to
12 shoot him he was shooting at somebody else, is that
13 right?
14 A. Yes.
15 Q. Do you remember if he was standing up or crouching
16 down? In other words was he standing up or was he
17 crouching down [indicates] when he shot him? Do you
18 remember that?
19 A. Standing up.
20 Q. Okay. And he was -- okay. And you saw --
21 basically you saw him after your friend fell?
22 A. Yes.
23 Q. Okay. Thank you, Jontu, I appreciate it.
24 A. You're welcome.
25 THE COURT: Mr. Bax?

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1 MR. BAX: Thank you, Your Honor. At this time I
2 would -- I think I would want to get into the testimony
3 that we would need to publish previously discussed. And
4 I know we didn't decide on who would read that out so if
5 I may approach so we can discuss that briefly and then we
6 can move on from there.
7 THE COURT: If you want co-counsel to read it that
8 would be fine.
9 MR. BAX: Okay.
10 THE COURT: Any problem with that Mr. Solicitor?
11 MR. STONE: I don't think so.
12 THE COURT: Normally my law clerk would do that but
13 I don't have a law clerk.
14 [Whereupon, an off the record bench conference is
15 held]
16 THE COURT: Mr. Bax?
17 MR. BAX: Thank you, Your Honor. At this time
18 after conference I would call Captain Bromage to the
19 stand.
20 THE COURT: Thank you. Captain, if you will
21 resume the stand please sir? You're still under oath.
22 MR. STONE: I was just going to explain to him real
23 quick ---
24 THE COURT: --- oh, yes do that. Ladies and
25 gentlemen, what we've been talking about is the mechanics

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1 of trying to get this next bit of testimony before you.
2 The next bit of testimony that is going to be offered is
3 sworn testimony of Aaron Young, Sr. who was also charged
4 in this event. Obviously he is not on trial in this
5 particular event but he made certain statements. He
6 testified under oath as to some of those statements in a
7 prior proceeding. He is not here obviously, the
8 testimony is preserved.
9 Captain Bromage was there and was also present on
10 some interviews so that's the purpose of recalling the
11 Captain; to get the testimony of that other person, not
12 here, in the record. This is not necessarily Captain
13 Bromage's testimony per se; it is testimony of what
14 somebody else said and what Captain Bromage heard him
15 say. Thank you. Captain, you can resume the stand
16 please. You're still under oath.
17 [Whereupon, Captain Bromage comes forward and
18 resumes the witness stand]
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1 A. He did.
2 Q. Okay. And he did tell you that he said Tyrone
3 Robinson had fired some rounds at his house or in that
4 location?
5 A. In that location, yes sir.
6 Q. Okay. Did Aaron Young, Sr. tell you he was upset
7 about that; that that made him mad?
8 A. They were upset, yes sir.
9 Q. Okay. And did Aaron Young, Sr. tell you that he
10 indicated they were going to go get their guns when he --
11 after this shooting happened they went in the house?
12 A. I don't recall where he said he got the gun. I
13 don't know.
14 Q. Okay. And then I'll look for that and see if I can
15 find that. Now did he testify, not testify, but did he
16 tell you in this interview or did he made statements that
17 he was aware that Tyrone Robinson left 17 Old Wild Horse
18 Road, that he drove off?
19 A. Yes.
20 Q. Okay. And he told y'all at that time that he and
21 his son Aaron Young, Jr., we've already testified about
22 that familial relationship, correct?
23 A. Yes, we have.
24 Q. Okay. That he and his son, Aaron Young, Jr.
25 decided to get in their truck and go try to find Tyrone.

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1 MR. BAX: May it please the court?
2 THE COURT: Yes, sir.
3 MR. BAX: Thank you very much.
4
5 ROBERT BROMAGE,
6 Having been previously duly sworn,
7 Was examined and testified as follows:
8 DIRECT EXAMINATION
9 BY MR. BAX:
10 Q. All right, Captain, good to see you again.
11 A. Good afternoon.
12 Q. Captain Bromage I want to ask you some questions
13 about statements that were made by Aaron Young, Sr. okay?
14 A. Yes, sir.
15 Q. Okay. And you were present during the time when --
16 you were present there at the Hilton Head branch office
17 when Aaron Young, Sr. was being interviewed, is that
18 correct?
19 A. I was.
20 Q. Okay. And you had a chance to talk to him during
21 this interview, is that correct?
22 A. I did.
23 Q. Okay. During that interview Aaron Young, Sr. he
24 described this event, this altercation that happened at
25 17 Old Wild Horse Road, correct?

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1 A. He did.
2 Q. Okay. And he did confess to you that they had a
3 gun with them when they went and did that.
4 A. He did. He said a .9mm.
5 Q. A .9mm okay. And ultimately Aaron Young, Sr. was
6 the one who told you where that gun was, correct?
7 A. He actually brought me to the gun in the company of
8 another officer.
9 Q. Okay. And Captain you've been present for the
10 testimony in the trial thus far, is that correct?
11 A. I have, sir.
12 Q. Is that the same gun that the State has entered that
13 is labeled number 26?
14 A. It's that Masterpiece Arms.
15 Q. The Masterpiece Arms?
16 A. The .9mm submachine gun.
17 Q. This right here [indicates] correct?
18 A. Yes, sir.
19 Q. Along with the other various attachments that we've
20 all talked about, correct?
21 A. Yes, sir.
22 Q. And in fact just like your prior testimony he's the
23 one that led you to the shed where the bag was found?
24 A. He did.
25 Q. Okay. Now prior to that Aaron Young, Sr. did tell

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1 you that he was upset and he wanted to go do harm to
2 Tyrone Robinson, correct?
3 A. Yes, he did.
4 Q. Okay. And he confessed that they wanted to go kill
5 Tyrone Robinson?
6 A. Numerous times I believe.
7 Q. Numerous times. And he made statements similar to
8 what his son made that they went out multiple times and
9 had to come back and went back out correct?
10 A. I don't recall that they said they went back out but
11 they were out there looking for Tyrone.
12 Q. Okay. And do you recall if Aaron Young, Sr. said
13 that they had some contact with Tyrone on Oak View Road?
14 A. Yes, I do recall that.
15 Q. Did he also say that the gun jammed that they had
16 and that something happened with the gun?
17 A. I don't recall but that was part of the
18 investigation that something happened with the gun to
19 where they couldn't shoot Tyrone.
20 Q. Okay. And he didn't say anything to refute that?
21 A. No.
22 Q. He was consistent with that?
23 A. Yes.
24 Q. And he testified that at some point later they went
25 out to Allen Road, which is off Marshland Road?

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1 Tyrone Robinson was a good guy.
2 A. Not at all. That is an understatement I'd say.
3 Q. Okay. But Aaron Young, Sr. also said he now
4 understood that he should not have gone after him,
5 followed him up, gone down there with a gun.
6 A. He was clear that they should not have gone back out
7 for Tyrone by what happened to the small child, yes he
8 was.
9 Q. Okay. And in fact he said that he was regretting
10 that decision that he made to go out and chase him down
11 that he should have let it go.
12 A. Of all of them he showed the remorse, yes he did.
13 Q. Okay. And in his statements to you at that time on
14 September 1st Aaron Young, Sr. eventually was very clear
15 that if had had the chance to kill Tyrone that day he
16 would have done it is that right?
17 A. That is correct.
18 Q. Thank you, Captain.
19 MR. BAX: A moment's indulgence, Your Honor.
20 THE COURT: Yes, sir.
21 [Whereupon, Mr. Bax confers with Ms. Saxon]
22 MR. BAX. No further questions at this time, Your
23 Honor, but I would ask I think my understanding was we
24 will get into the testimony with a reading by Ms. Saxon
25 after Mr. Bromage is done on the stand. Is that

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1 A. He did.
2 Q. And did Aaron Young, Sr. tell you that his son using
3 that gun shot up Tyrone's car?
4 A. Eventually he said that the car got shot up by his
5 son.
6 Q. Okay. Did -- from your recollection Captain did he
7 at first deny that and then kind of shifted back?
8 A. It was a process -- an interview process, an
9 interrogation process with Aaron Young, Sr., yes it was.
10 Q. Okay. His initial statements to you were not
11 really to that effect.
12 A. No, it's like a building block. You get a little
13 and a little bit more and then to a point.
14 Q. And did Aaron Young, Sr. indicate to you that based
15 on what happened that day on Old Wild Horse Road he was
16 very upset with Tyrone Robinson to say the least?
17 A. To say the least he was upset with Tyrone and that
18 continued.
19 Q. Continued?
20 A. Yes.
21 Q. Okay. And did Aaron Young, Sr. say, did he express
22 his opinion that Tyrone Robinson was dangerous and that
23 he was concerned about him?
24 A. Multiple times.
25 Q. Okay. And Aaron Young, Sr. did not think that

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1 accurate?
2 THE COURT: However you want to get it.
3 MR. STONE: I have no objection if he wants to go
4 ahead and put that in through Captain Bromage. I think
5 that's perfectly fine, it's testimonial so.
6 MR. BAX: I think if it pleases Your Honor I'm just
7 going to make that separation so that there is that
8 difference.
9 THE COURT: All right. -- Mr. Stone?
10 MR. STONE: Thank you, Your Honor.
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CROSS-EXAMINATION

2 BY MR. STONE:
3 Q. Captain Bromage, you also -- so you were involved in
4 the investigation from the very beginning, is that
5 correct?
6 A. Yes, sir.
7 Q. You had Aaron Young, Sr. in one room of the Beaufort
8 County Sheriff's Office and Aaron Young, Jr. in another,
9 is that correct?
10 A. That is correct.
11 Q. And they were being questioned. They were separated
12 when they were making the statements that we are talking
13 about is that correct?
14 A. We kept all three separate, yes sir.
15 Q. And all three being the third one being Tyrone
16 Robinson ---
17 A. --- third being Tyrone Robinson, yes sir.
18 Q. And I know you were present for the testimony but
19 you actually were viewing it in a part of the
20 investigation and as far as the statements from both
21 Aaron Young, Jr. and Aaron Young, Sr., is that correct?
22 A. That's correct.
23 Q. Aaron Young, Sr. in a separate room from Aaron
24 Young, Jr. told you did he not that they went out looking
25 for Tyrone Robinson, they found his car, they shot up his

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1 A. A submachine gun look alike I guess.
2 Q. They found his car, they couldn't find him, they
3 found his car and as they left they heard three more
4 shots, is that correct?
5 A. Yes, sir.
6 Q. Thank you, Captain.
7 THE COURT: Mr. Bax?
8 MR. BAX: Nothing further from the Captain, Your
9 Honor.
10 THE COURT: Thank you Captain, you can step down.
11 [Whereupon, the witness is excused and exits the
12 witness stand]
13 THE COURT: Now are you calling Ms. Saxon to
14 publish the transcript?
15 MR. BAX: I do wish to call Ms. Saxon to publish
16 the transcript. And as she is making her way to the
17 stand, Your Honor I would ask you to take judicial notice
18 that this is sworn testimony that was offered before the
19 court so the individual was under oath during this time.
20 THE COURT: That's right. This was the testimony
21 from a prior proceeding involving Aaron Young, Sr.?
22 MR. BAX: That's correct, Your Honor.
23 THE COURT: And Ms. Saxon is simply going to read
24 the answers given by Mr. Young. Mr. Bax will read the
25 questions of whoever was asking the questions.

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1 car, and as they were leaving he heard three shots, is
2 that correct?
3 A. That's correct.
4 Q. And that -- and Aaron Young, Jr. also told you the
5 same thing basically, did he not?
6 A. Yes, he did.
7 Q. Okay. And so Aaron Young, Sr. while I recognize he
8 actually asked about the child, how the child was doing,
9 is that correct?
10 A. He did.
11 Q. And basically said he should not have gone back out
12 after Tyrone is that right?
13 A. Yes, sir.
14 Q. But he did go back after Tyrone as well as Junior
15 through both of their testimonies Aaron Young, Sr. is
16 driving the truck, is that correct?
17 A. That's correct.
18 Q. Aaron Young, Jr. is in the passenger seat?
19 A. That's correct.
20 Q. They both told you independently that Aaron Young,
21 Jr. had the .9mm, which is that machine gun that I think
22 they eventually led you to, is that correct?
23 A. Yes, sir.
24 Q. I say it's a machine gun but it's this gun
25 [indicates] for whatever that's worth.

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1 [Whereupon, the witness is duly sworn by the Clerk
2 of Court]
3 MR. BAX: I don't have another copy, Your Honor ---
4 THE COURT: --- so you want to read the questions
5 and the answers?
6 MS. SAXON: Sure.
7 THE COURT: That will be fine.
8 MR. BAX: She is just going to read the whole thing
9 and that will be it, Judge. Thank you.
10 - - - - -
11 **PRIOR TESTIMONY OF AARON YOUNG, SR. READ INTO RECORD BY
12 MS. SAXON**
13 MS. SAXON: Aaron Young, Sr. was called as a witness
14 having been first duly sworn, was examined and testified
15 as follows:
16 THE COURT: You are Aaron Young, Sr.?
17 THE WITNESS: Yes, sir.
18 THE COURT: Thank you. Mr. Ferguson?
19 SO BEGINS THE DIRECT EXAMINATION BY MR. FERGUSON:
20 QUESTION: Thank you, Your Honor. Mr. Young, when
21 you first spoke with Deputy Seifert on the side of the
22 road after being pulled over by Corporal Evans.
23 ANSWER: Yes, sir.
24 QUESTION: Were you ever promised or threatened in
25 any way?

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1 ANSWER: Yes, sir.
2 QUESTION: In what way?
3 ANSWER: With some lengthy jail time. And if I
4 were to help them out in the investigation.
5 QUESTION: That was by Detective Seifert directly?
6 ANSWER: Yes, sir.
7 QUESTION: And so would you have given those
8 statements in the absence of those threats or promises?
9 ANSWER: No, sir.
10 QUESTION: Now when you were at the Hilton Head
11 substation did you experience threats or promises or
12 hopes of reward or anything of that nature when they
13 spoke to you at the Hilton Head Law Enforcement Center?
14 ANSWER: Yes, sir.
15 QUESTION: What were they?
16 ANSWER: Bribes, promises, also threats as well as
17 not cooperating lengthy jail time.
18 QUESTION: What was your understanding if you gave
19 them what you wanted or what they wanted?
20 ANSWER: We would be exonerated and made star
21 witnesses against Tyrone Robinson.
22 QUESTION: Who told you that?
23 ANSWER: Bob Bromage.
24 QUESTION: Now is that something that you are
25 hoping for or something that was said to you?

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1 ANSWER: That is something that was said to me.
2 QUESTION: Okay. Now did you ever talk to Captain
3 Bromage outside of what is seen on the audio and
4 videotapes?
5 ANSWER: Yes sir, I did.
6 QUESTION: Were there any promises exchanged during
7 that portion of your conversation with Captain Bromage?
8 ANSWER: Yes, sir. We talked about as far as going
9 to get the weapon, retrieving the weapon, exoneration, us
10 being made star witnesses against Tyrone. I asked him if
11 I gave up the weapon if I could talk to my son and he
12 also said that he would give me the chance to talk to my
13 father once we got to Bryant Road.
14 QUESTION: And did you in fact get an opportunity
15 to talk to your son?
16 ANSWER: Yes sir I did after I gave him the weapon.
17 QUESTION: Okay.
18 ANSWER: He also gave me a chance to talk to my
19 father at Bryant Road.
20 QUESTION: Now about the statements of what
21 occurred on Allen Road was the events as you relayed them
22 was that the way that you remembered it happening or what
23 they wanted to hear you say?
24 ANSWER: That is pretty much a story that I came up
25 with to go along with the exoneration because that was

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1 the only way to get me and my son out of the trouble that
2 we were in.
3 QUESTION: Did anyone suggest that story to you?
4 ANSWER: No, sir.
5 MR. FERGUSON: No further questions, Your Honor.
6 THE COURT: Thank you.
7 CROSS-EXAMINATION BY MR. DUFFIE STONE:
8 QUESTION: You made up the stories in hopes of
9 getting you and your son out of it?
10 ANSWER: Yes, sir.
11 QUESTION: Okay this star witness thing. I have
12 looked at the transcripts and I couldn't find any of
13 that. Is that your phrase or did somebody actually say
14 star witness?
15 ANSWER: When I was being interrogated they came
16 in. At first I was being interrogated by Officer
17 Amundson, [phonetic] and Officer Seifert. I gave in the
18 interrogation Bob Bromage came in and said he moved them
19 out and told them hey, I want to talk to you
20 specifically. This is what I have got on you. If you
21 can tell me that you were shooting out there and give me
22 your gun I'll exonerate you and your son and make you a
23 star witness against Tyrone, Tyrone Robinson.
24 QUESTION: Okay. So your testimony is that he
25 said I'll exonerate you and your son and I'll make you a

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1 star witness?
2 ANSWER: Yes.
3 QUESTION: Okay.
4 ANSWER: From that point on I just began to make up
5 a story just to please them. I pretty much knew that the
6 story wasn't going to make any sense. I knew that we
7 didn't kill anybody. We didn't hurt anybody. We simply
8 shot up a car and left. So at that point I don't think
9 that the story would come back to hurt me. I didn't kill
10 anybody but I figured that they would go out and do their
11 own investigation and see that the story did not make any
12 sense at all. So I was comfortable in giving them what
13 they wanted to hear.
14 QUESTION: So you told them stuff that you knew
15 wasn't true and basically to help yourself?
16 ANSWER: Basically to get exonerated to help me and
17 my son.
18 QUESTION: Got you. Got you. But you said that
19 you did the same thing to Seifert when he stopped you or
20 when he ---
21 ANSWER: --- Seifert asked me the same questions.
22 Officer Seifert asked me if I could give me a gun. He
23 knew that he could help me. He also stated that he was
24 aware of all the crimes and terroristic things that Mr.
25 Robinson was doing on the Island. He said that he was

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1 aware of Mr. Robinson hitting Mr. Snake -- that is his
2 nickname for him, I don't know his real name; I know that
3 he lives off Bryant Road. He also told me about a Joe
4 Miller that Mr. Robinson burned down his house or
5 something somewhere along that. He said if I could come
6 up with a gun and tell him that we were shooting out
7 there then he could help me. At that point he said if I
8 didn't help him he promised me that me and my son would
9 never see the light of day.
10 QUESTION: Seifert told you that?
11 ANSWER: Yes, sir.
12 QUESTION: He told you -- he told that to you on
13 the side of the road?
14 ANSWER: Yes, sir.
15 QUESTION: You have been through the system before
16 have you not?
17 ANSWER: Yes, sir.
18 QUESTION: A couple of times?
19 ANSWER: Just once in my life. I have been
20 arrested in 2000 for possession of crack cocaine.
21 QUESTION: Okay.
22 ANSWER: I did my debt paid my debt to society and
23 I came home. I am an honest working man line cook at
24 Charter House on the Island.
25 QUESTION: At some time during the statement you

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1 QUESTION: Okay.
2 MR. STONE: Nothing else, Your Honor.
3 THE COURT: All right Mr. Bax?
4 MR. BAX: Yes, sir.
5 THE COURT: All right.
6 SO BEGINS CROSS-EXAMINATION BY ROBERT BAX:
7 QUESTION: Aaron, why did you say that there was a
8 running gun battle?
9 ANSWER: I don't recall saying it was a running gun
10 battle.
11 QUESTION: Or some sort of shoot-out, something
12 like a running gun battle, you don't remember?
13 ANSWER: I didn't make any remarks as far as a
14 running gun battle. I gave them a story of a shoot-out
15 or something called a shoot-out on Allen Road but no
16 running gun battle.
17 QUESTION: How about the shoot-out on Allen Road
18 why that statement?
19 ANSWER: Because I was promised if I could come up
20 with a story about a shoot-out and return to my gun I
21 would be exonerated and be made a start witness against
22 Tyrone.
23 QUESTION: On the search for the gun why did you
24 take Mr. Bromage to your father's house or to the shed
25 behind your father's house?

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1 actually said that you felt sorry about the child dying.
2 ANSWER: Yes, sir.
3 QUESTION: But you also said at the same time if
4 you had a chance to kill Tyrone Robinson you would do it?
5 ANSWER: Yes, I did say that.
6 QUESTION: All right. And when you got in your
7 car leaving your house, which is Wild Horse Road that was
8 your house right?
9 ANSWER: Yes, sir.
10 QUESTION: If you had a chance to kill Tyrone
11 Robinson you would have done it.
12 ANSWER: Yes, sir.
13 QUESTION: You saw him on Bryant Road and you guys
14 is that when your son's gun wouldn't work? Is that when
15 his gun jammed?
16 ANSWER: Yes, sir.
17 QUESTION: Okay. And I think that you also said
18 later on when you got to Allen Road that he shot at you
19 guys?
20 ANSWER: No, sir.
21 QUESTION: You didn't say that?
22 ANSWER: I said that as part of my whole story.
23 QUESTION: But that was a lie that wasn't the real
24 story?
25 ANSWER: Yes, that was a lie.

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1 ANSWER: At that time after me and him being at the
2 police office and being interrogated he offered me
3 exoneration and said if I could take him to the gun and
4 gave that story he would exonerate me.
5 QUESTION: Okay. And then so you took him to your
6 father's house.
7 ANSWER: Yes, sir.
8 QUESTION: Okay. On Red Tip Road?
9 ANSWER: Yes, sir.
10 QUESTION: Did you show him where the gun was
11 before or after you talked to you father?
12 ANSWER: He gave me an opportunity to talk to my
13 father and my girlfriend as well. I asked my father I
14 was I told him that I was in a specific, a specific how
15 do I say this incident with Tyrone and he asked me well,
16 what all did he say. And I say Officer Bromage told me
17 if I could give him the gun and give him the story then
18 he could exonerate me. And my father told me well, if
19 that's what he wants you to do then give him the gun.
20 MR. BAX: I have nothing further.
21 THE COURT: Mr. Robinson, do you have any questions
22 that you want to ask him about statements that he has
23 made today?
24 CROSS-EXAMINATION BY MR. TYRONE ROBINSON:
25 QUESTION: When you testified to I guess in the

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1 last statement that you made you made a statement at
2 Beaufort County Detention Center correct, you explained
3 to them in a statement that you never saw me on Allen
4 Road?
5 ANSWER: Yes.
6 QUESTION: And that we never had -- and we never
7 had a shoot-out on Allen Road.
8 ANSWER: Exactly.
9 MR. ROBINSON: Thank you.
10 THE COURT: Mr. Young, are you saying that the .9mm
11 gun which was found in your father's shed was not
12 involved in any shooting as far as what we are talking
13 about here?
14 THE WITNESS: No, sir.
15 THE COURT: Are you not saying that?
16 THE WITNESS: No, I'm not saying that.
17 THE COURT: So are you saying that gun that was
18 found in your father's shed was involved in the shoot-
19 out, was involved in some of the shooting going on?
20 THE WITNESS: In the shooting of the car, not a
21 shoot-out actual indication of an ongoing gun battle.
22 THE COURT: Thank you. I misunderstood that
23 earlier. I think I have it straight now. Mr. Ferguson,
24 any redirect?
25 MR. FERGUSON: No, sir.

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1 THE COURT: Mr. Bax?
2 MR. BAX: Your Honor, at this time we would have
3 some matters outside the presence of the jury that we
4 would ask to be addressed briefly before we finish up our
5 case.
6 THE COURT: All right. Ladies and gentlemen, I do
7 have a matter of law that does not involve y'all
8 directly. We'll get you out shortly to continue the
9 afternoon's work. Don't talk about this case while you
10 are in the jury room please. Thank you.
11 [Whereupon, the jury exits at 1:40 p.m.]
12 THE COURT: Mr. Bax?
13 MR. BAX: Thank you, Your Honor. As I've indicated
14 and as comes up in all cases Your Honor I have
15 extensively discussed my client's right to testify with
16 him. Obviously as Your Honor knows Tyrone has had a very
17 active role in his own defense. He represented himself
18 in the last attempted trial and I think he was doing
19 rather well. We all know how that unfortunately did not
20 result in a resolution to the case.
21 At this time we are still in discussions about his
22 right to testify. It is right now my belief that he is
23 leaning towards testifying so I think it is appropriate
24 at this time to ask the court to make sure on the record
25 that Tyrone is aware of his right to testify and what

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1 THE COURT: Thank you. You may step down.
2 **CONCLUSION OF TESTIMONY READ INTO RECORD BY MS. SAXON**
3 THE COURT: Thank you, ma'am.
4 [Whereupon, the witness is excused and exits the
5 witness stand]
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1 that means as well as for discussion of what of his prior
2 record would be admissible, Your Honor.
3 THE COURT: All right. Why don't we deal with
4 prior record first of all and see what that entails so he
5 would be able to have a better idea...
6 MR. STONE: I think according to the rules, Your
7 Honor, he has a June of 1996 Grand Larceny, Hit and Run,
8 Burglary that I do not believe would be proper for us to
9 go in. He does however have a 2002 conviction for two
10 counts of Failure to Stop for a Blue Light as well as
11 Possession of Stolen Motor Vehicle. He was convicted at
12 trial for that and actually received maximum penalties on
13 all of that, which is a 13 year sentence. That sentence
14 he maxed out on April the 30th of 2010 therefore I think
15 that is proper for us to go into.
16 MR. BAX: And Your Honor I know we were handed a
17 packet of rap sheets at the beginning of the case. I
18 have not looked through all of them but if Mr. Robinson's
19 was in there we've misplaced it. If we could ask to just
20 take a look at the rap sheet very quickly I would
21 appreciate it.
22 THE COURT: Okay.
23 MR. BAX: Thank you.
24 [Whereupon, Mr. Bax, Ms. Saxon, and the defendant
25 review documents]

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1 THE COURT: 2002 convictions as I understand it are
2 the only ones the State would intend to offer?
3 MR. STONE: That's correct.
4 MR. BAX: And for clarity purpose Your Honor I am
5 looking at it and it was a number of charges. I assume
6 that these had to have been run consecutive in order for
7 that sentence to have occurred. And Mr. Robinson has
8 confirmed that the actual period of time that he did was
9 about seven and half years. It looks like it is
10 indicating a court date of May of 2003. And I see here
11 written down that he was released somewhere in 2010,
12 which he confirms. So if that's it then we are clear on
13 that, Your Honor.
14 THE COURT: Okay. Two counts of Failure to Stop
15 for a Blue Light and Possession of a Stolen Vehicle?
16 MR. STONE: Yes, sir.
17 THE COURT: All right. Thank you.
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1 case and decide what verdict they will reach. On the
2 other hand if you give up your right not to testify and
3 choose to testify then you will be subject to the same
4 rules that you have seen every other witness here; you
5 will be asked questions not only by Mr. Bax but also by
6 Mr. Stone or by Mr. Thornton.
7 You can be cross-examined and impeached on any issue
8 that is relevant in this case. Your criminal record can
9 be brought up simply for the purpose of impeaching your
10 testimony and the truthfulness of the testimony that you
11 give. So you will give up your right to remain silent in
12 that regard if you take the stand. Do you understand
13 that?
14 THE DEFENDANT: Yes, sir.
15 THE COURT: Do you have any questions you want to
16 ask me about your right to testify or not to testify?
17 THE DEFENDANT: No, sir.
18 THE COURT: You understand those rights fully?
19 THE DEFENDANT: Yes, sir.
20 THE COURT: And so your decision as to whether you
21 decide to testify or not to testify will be done with a
22 full understanding of your rights is that fair to say?
23 THE DEFENDANT: Yes, sir.
24 THE COURT: Okay. Thank you.
25

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1 THE COURT: Okay. Mr. Robinson, if you would
2 stand and raise your right hand and let me put you under
3 oath?
4 [Whereupon, the witness is duly sworn by the Court]
5 THE COURT: Mr. Robinson, obviously you have as Mr.
6 Bax has indicated been involved in the trial of this case
7 since this case was made a couple of years ago. Now we
8 get to the stage of the trial where it is a decision for
9 you and Mr. Bax and Ms. Saxon to make as to whether or
10 not you wish to testify.
11 That decision ultimately must be yours because under
12 our Constitution, the Fifth Amendment of United States
13 Constitution and a similar counterpart of our State
14 Constitution it is provided that no person in a criminal
15 proceeding can be forced to testify against himself.
16 That means that you cannot be made to testify in this
17 case. You have a right to remain silent in other words.
18 No one can be forced to testify or admit that you are
19 guilty so you have a right not to testify.
20 And if you choose to exercise that right and not
21 testify I will instruct the jury that they cannot take
22 that into account in their considerations and in their
23 deliberation on the question of your guilt or your
24 innocence. They will be told that they cannot even talk
25 about that in the jury room as they begin to discuss this

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1 MR. BAX: And Your Honor, we would just ask for a
2 brief five minutes. I think my client needs to make a
3 restroom break and then we will let you know what his
4 decision is.
5 THE COURT: The jury is out for recess. Let's go
6 ahead and take a brief one ourselves at this point in
7 time. In fact we'll start back at 2 o'clock on the hour
8 that's 12 more minutes okay.
9 MR. THORNTON: Thank you, Your Honor.
10 [Whereupon, court is in recess from 1:48 p.m. to
11 2:00 p.m.]
12 THE COURT: Mr. Bax, is the defense ready to
13 proceed?
14 MR. BAX: The defendant is ready to proceed, Your
15 Honor. He has chosen to testify so when you bring the
16 jury out, Your Honor, our intention is to call Mr.
17 Robinson to the stand. Thank you very much.
18 THE COURT: All right. Thank you. Is the State
19 ready?
20 MR. STONE: The State is ready, Your Honor.
21 THE COURT: Bring us the jury please.
22 THE BAILIFF: The jury is entering the courtroom,
23 Your Honor.
24 [Whereupon, the jury enters at 2:04 p.m.]
25 THE COURT: Folks, the defense is continuing to

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1 offer evidence and testimony in the case. Thank you.
2 Mr. Bax?
3 MR. BAX: Thank you, Your Honor.

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1 Singleton?
2 A. I met him I think I know it was at a trailer; I'm
3 not sure of the road because I get them mixed up
4 sometimes, it might have been Old Wild Horse Road at a
5 trailer at Darryl's house I think.
6 Q. Okay. Make sure you pull that microphone right up
7 to you and speak up so the court reporter can hear you.
8 A. It was at a trailer at Darryl's house.
9 Q. Okay. And that's over closer to the Squire Pope
10 area of Hilton Head Island?
11 A. It's around that area.
12 Q. Okay. And Tyrone what were you -- the day before,
13 was the day before your birthday?
14 A. It was the day after my birthday.
15 Q. So September 1st was the day after your birthday?
16 A. Yes. I was celebrating my birthday actually on that
17 day.
18 Q. Okay. Why were you celebrating the day after your
19 birthday?
20 A. Because on my birthday I was getting ready I was
21 going to the club to party but a woman her car had broke
22 down, she was from Florida, and she was stranded.
23 She didn't have any place to go or anything; she
24 didn't even have any money. So she begged me to give her
25 a ride back to Florida back to her house. And I gave her

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1 MR. BAX: The defense calls Tyrone Lorenzo Robinson
2 to the stand.
3 THE COURT: Mr. Robinson, come around please sir
4 and be sworn.
5 [Whereupon, Mr. Robinson comes forward]
6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]
8 CLERK OF COURT: Please spell your name and state
9 your name for the record.
10 THE WITNESS: Tyrone Robinson, T-Y-R-O-N-E,
11 R-O-B-I-N-S-O-N.
12
13 TYRONE ROBINSON,
14 Having been first duly sworn,
15 Was examined and testified as follows:
16 DIRECT EXAMINATION
17 BY MR. BAX:
18 Q. Thank you, Tyrone. Tyrone let's just start out you
19 remember the events that happened on September 1st of
20 2012?
21 A. Yes, sir.
22 Q. Okay. Tyrone, at some point during that day did
23 you meet or come across Mr. Singleton, Sr.?
24 A. Yes, sir.
25 Q. Okay. Tell me when and where did you see Mr.

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1 and another girl a ride back to Jacksonville, Florida and
2 I didn't get back until like 4:00 or 5:00 that morning.
3 So I had to put my birthday aside and I said I was going
4 to celebrate it the next day.
5 Q. Okay. So when you saw Jontu Singleton, Sr. that
6 day he has testified that y'all had drank some beers is
7 that right?
8 A. Yes, I gave him some beer. I gave him a beer when I
9 saw him
10 Q. --- tell me about what happened then.
11 A. Well, I gave him a beer and then I asked him if he
12 wanted to ride with me and he said yes. He got in the
13 car with me and we drove off.
14 Q. Where were y'all riding to? Where were you guys
15 going?
16 A. After I gave him a beer because he drinks a lot and
17 I was celebrating my birthday so I told him we are going
18 to get a bunch of beer. I told him I was going to go to
19 the gas station and get some more beer because he
20 actually asked me for some more beers so I was going to
21 the gas station.
22 Then he was asking me before we go to the gas
23 station to take him Aaron Young, Sr. and Aaron Young,
24 Jr.'s house. But I told him I didn't want to go around
25 there because we had problems and they were some

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1 knuckleheads and they didn't like me. But he kept
2 begging me and begging me to take him there. And I told
3 him like on five different occasions I didn't want to go
4 there.
5 So finally in giving in to kindness I told him okay,
6 I'll take him there because he promised me that if I took
7 him there that they wouldn't do nothing to me because
8 those are his homeboys and they grew up together and he
9 got this. So I basically took him there.
10 Q. And when he was there did you hear him asking Aaron
11 Young, Sr. or Junior for some money?
12 A. He did. He got out and he asked him for some money.
13 Q. Okay. Tyrone and I know I've said this to you but
14 I want to make sure you make sure you speak slowly and
15 loudly and clearly for the court reporter okay.
16 A. Yes, sir.
17 Q. And make sure that the jury can hear what you are
18 saying all right? After you got to Aaron Young, Sr.'s
19 house and Jontu got out tell us what happened then
20 please?
21 A. Well Jontu got out the car. Aaron Young, Sr. is
22 standing in the yard and Aaron Young, Jr. was standing by
23 his truck, the grey truck. It was an older model F-150.
24 It's probably like a 1995 model; it was an older model
25 squared off box shape. Now Aaron Young, Jr. is standing

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1 they're talking. And I'm just sitting in the car
2 oblivious to all this because I'm just waiting on him
3 because he's my passenger, I'm waiting on him to come
4 back to the car.
5 Then I hear a bunch of commotion. It's a bunch of
6 excuse my language but what the fuck, man? What the
7 fuck. That motherfucker what is he doing around here?
8 Get that motherfucker out my yard. Man get that
9 motherfucker out my yard.
10 So I look up and I see Aaron Young, Sr. walking
11 towards my car. Now I got all the windows down in my car
12 so I hear this clear. So he was like man, get the fuck
13 out my yard. Man, get your ass out my yard; get your ass
14 out my yard.
15 So he's walking up to the car and I was like man,
16 what you talking about man? I thought you said the last
17 time we talked that we were Gucci. And if you want me to
18 go into detail why he said that I can go into detail.
19 Q. Well, let's stop right there. When you say Gucci
20 what do you mean? Can you explain that to us?
21 A. Gucci is a slang term meaning that like if two
22 people got a problem and y'all negotiate a problem out or
23 whatever and y'all okay we all right now. That means
24 that that problem is settled. We're good now; we're back
25 friends or whatever. We good; we don't have any

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1 by the truck. There is two more men standing by the
2 truck. They got dreads like hair style. Jontu, Sr. gets
3 out the car, walks up to Aaron Young, Jr. and they
4 started talking and he asked him for money and all this.
5 Now during this time somebody named Muffie
6 [phonetic] pulls up in another F-150 but he has a newer
7 model F-150 and it's a money green F-150. Muffie pulls
8 up by Aaron, Sr.'s truck, the grey F-150 and he gets out
9 and he's standing by the rest of the fellows.
10 Q. Let me stop you right there Tyrone. By your
11 remembrance how many -- when Muffie joins in how many
12 people were there in the yard besides yourself at that
13 point?
14 A. Including Jontu?
15 Q. Yes, including Jontu?
16 A. It was six people in the yard.
17 Q. Okay. And that included Ebony as well, Ebony
18 Campbell?
19 A. I never saw Ebony there ---
20 Q. --- you never saw Ebony?
21 A. Ebony I think she was by the house but she wasn't in
22 the yard.
23 Q. Okay. Now after Muffie got there what happened
24 then Tyrone?
25 A. Well Jontu, Sr. he's standing by Aaron, Sr. and

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1 animosity or anything. That's what Gucci means.
2 Q. And from a prior encounter with Aaron Young, Sr. you
3 thought that you guys were good?
4 A. We were Gucci.
5 Q. But you were still a little worried about being over
6 there in the first place, right?
7 A. Yes, sir.
8 Q. Why were you -- if you were Gucci why were you still
9 worried about Aaron Young, Sr. and his group?
10 A. I know they didn't like me. And Aaron is the type
11 of person he is a compulsive liar. Not to slander him or
12 nothing but I'm just saying he tells a bunch of lies.
13 So he'll tell you something but he won't mean it you know
14 what I'm saying?
15 Like he'll say okay we Gucci and all that but when
16 he gets around a bunch of friends or something then he'll
17 flip on you and try to show off in front of you. So I
18 can no longer trust him like that.
19 Q. Okay. So getting back to what happened Aaron
20 Young, Sr. is coming up to your car and telling you to
21 get out of your yard and you said to him you thought you
22 were Gucci what did he do then?
23 A. He kept man; get the fuck out of my yard. Get your
24 ass out of my yard. Man, get the fuck out my yard. And
25 I told him I said all right man, I'm going to leave, let

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1 me get my passenger. And I started yelling out the
2 window, the passenger window to Jontu, Sr. man, come on
3 man. Get in the car, man come on let's go because I
4 didn't never want to come up there anyway.
5 But he started man, get out my yard. Get out my
6 yard. So he started walking up to my car. So I told him
7 man, I'm going to leave. And I remember him specifically
8 saying man; you're not leaving fast enough you know what
9 I mean.
10 So when he said that he kept walking up to the car.
11 And he got to a point to my car so close I got all the
12 windows down in my car. I got the ignition off; the car
13 is not even running. I'm just sitting there.
14 So he is about to snatch my door open and at that
15 point I know that he is about to snatch my door and I am
16 at a disadvantage inside the car because I am sitting
17 down. There is nothing I can do.
18 If he jump on me in the car he is going to have me
19 pinned down in the car and all the rest of those guys are
20 going to come over there and they are going to lynch me
21 stomp me down I already know this because I'm not ---
22 Q. --- so you were scared about that at that time is
23 that right?
24 A. Of course because I'm not from around there.
25 Q. Well, when you saw that he was coming up on the door

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1 A. Well, I had the gun behind my back in my hand like
2 this right here [indicates] because Aaron was inching
3 towards the car.
4 Q. Okay. And tell us what happened then Tyrone.
5 A. Aaron is inching towards the car. He don't know I
6 have the gun. He's inching towards the car because he is
7 really trying to get around the door to snatch me or
8 something because he knows the rest of those boys will
9 help him once he starts fighting me or beating me up or
10 whatever.
11 And I say beat me up because once he starts the rest
12 of them are coming and I can't beat up all those people.
13 So after I pushed the door open and put some distance
14 between us Aaron starts like inching making like midget
15 steps toward me.
16 He is still taking but now is skeptical because he's
17 asking me what I got my hand behind my back for. So he
18 wanted to know what actually do I have behind my back so
19 he is skeptical. But he is still inching towards me so
20 he's getting to the point now where he is going to grab
21 me.
22 So instead of me shooting him because I didn't want
23 to shoot; I didn't come up there on somebody else
24 property to shoot them you know what I mean. I ain't
25 looking to shoot nobody. I just fired a shot in the air;

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1 and he might have been grabbing for the door what did you
2 do then?
3 A. I pushed the door open because that would have
4 pushed him back and gave us some distance between each
5 other.
6 Q. Okay. Did you eventually step out of the car?
7 A. I didn't step out of the car because I didn't want
8 to get too far away from the car because that was my safe
9 haven at the time because I was in his yard and all those
10 people were out there. So what I did -- can I stand up?
11 Q. Well, just describe for us right now. Did you stand
12 up?
13 A. Yes, I pushed the car door open wide as I could and
14 I stood up like in the car, not on the car foot panel but
15 just in that little V off right here.
16 Q. In the space between the door and the seat?
17 A. In the car, yes.
18 Q. All right. And this is important Tyrone. Did you
19 have a gun at that time?
20 A. Yes, I did.
21 Q. Okay. And where was the gun at that time?
22 A. I had it wrapped up in a shirt.
23 Q. In a shirt, okay. And when you stood up there where
24 Aaron, Sr. was did you eventually grab that gun? Did you
25 put that gun in your hand at some point?

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1 it was a warning shot And that warning shot stopped him
2 from pursuing towards me. He stopped in his tracks. But
3 he is still talking crazy.
4 What he started talking then is okay you want to
5 play with guns. You want to play with guns I got
6 something for you. I'm going to kill your ass. Stay
7 right here. Be right here when I get back. Be right
8 here when I get back, you know what I'm saying.
9 So he's still right there talking then he started
10 inching back so I fire a shot in the ground. And Aaron
11 walks off to his house and he said he is going to go get
12 his gun and come back and kill me. And be right here
13 when he gets back.
14 Q. Okay. Let me stop you right there Tyrone. Do you
15 recall or were you able to see what Aaron Young, Jr. was
16 doing during this time. Where was he at do you remember?
17 A. He was behind the truck like he had a gun behind the
18 truck like trying to get some leverage on me to shoot me
19 or something. He was over there.
20 Now the other two guys I looked over there and I
21 just saw him; them two they was just standing there like
22 man, what is going on. And Muffie he was just standing
23 out there.
24 Q. What about Jontu Singleton, Sr., what was he doing?
25 A. He is still in the same place that he was out when

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1 he walked up to Aaron, Sr. but he is looking at me. All
2 attention is on me now. Everybody is just looking trying
3 to figure out what's going on.
4 Q. Okay. And so Aaron Young, Sr. after that second
5 shot into the ground he walks into the house is that
6 correct?
7 A. He did.
8 Q. Okay. Now Tyrone what did you do at that point?
9 A. At that point I knew I had to -- I already told him
10 I was going to leave but now I had to get out there even
11 faster. But Jontu came with me so I didn't want to leave
12 him up there because I'm still thinking that he was
13 riding with me.
14 So I'm calling out to him Jontu, hurry up man get in
15 the car. Get in the car. But Jontu he doesn't get in.
16 He's looking at him like I'm crazy like man, these are my
17 home boys. So I noticed then that Jontu had actually
18 flipped on me and he was siding up with Aaron; those are
19 his home boys. So I said bump you, I'm going to leave
20 you right here.
21 So I got in my car, I slammed the door and backed
22 up. And as I backed up I hit some kind of -- it was
23 something there they got now a big rock or something down
24 there so I had to go back forward and that's what took me
25 so long to get out the yard. I went back forward again.

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1 A. Did I see the gun? No, I didn't see the gun.
2 Q. Okay. So ---
3 A. --- it could have been from any one of them.
4 Q. Okay. Let me ask you this. So you heard what
5 sounded like a gun go off and something hit your car?
6 A. I heard the ping but I didn't see that.
7 Q. Tyrone, where did you go then? You said you started
8 driving correct?
9 A. I fled down Old Wild Horse Road towards the club
10 Bennie's. Y'all heard about Bennie's in this case.
11 There is a club called Bennie's and I fled toward that
12 toward 278. I was trying to get on Spanish Wells Road.
13 But the road was funny because when you go through
14 the intersection of 278 in order to get to the left where
15 Spanish Wells Road was at I had to take a right turn, go
16 down 278, make a U-turn then come back past Wild Horse on
17 the other lane of 278 and that's what I did.
18 Q. Okay. And ultimately at that point in time did you
19 go somewhere?
20 A. Yes, I went to my cousin Melvin's house.
21 Q. Where is Melvin's house?
22 A. Melvin's house is located on Oak --
23 Q. Okay.
24 THE COURT REPORTER: What's the name of the road
25 again?

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1 I had to maneuver the car, backed up got to the road, the
2 Wild Horse Road. Let me see I backed out the yard and I
3 backed up like this [indicates]. And as I was riding off
4 Aaron comes out the house and Aaron has got something in
5 his shirt like this [indicates] that is sticking up.
6 Q. Does he have his hand inside his shirt?
7 A. Yes. He comes out like this [indicates]. This is
8 his hand [indicates]. He doesn't really have his hand in
9 the shirt like -- I can't remember like I know he had you
10 could tell he had the gun that he was talking about
11 because his shirt was sticking up.
12 Q. Did it appear to you like he had something like a
13 gun in his shirt?
14 A. It was a gun. He told me he was going to get a gun.
15 Q. Okay. And what happened then Tyrone?
16 A. Well, as I rode off he shot towards my car and the
17 bullet hit in the back by the taillight on the right side
18 where he shot it as I rode off. Now ---
19 Q. --- did you -- let me stop you right there. Did you
20 see him fire the weapon either in your rear view mirror
21 somehow or did you just hear the shot?
22 A. No you could hear the shot ping like in the back of
23 the car toward the right.
24 Q. Did you see at that time what -- did you actually
25 see a gun in Aaron, Sr.'s hand?

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1 A. Oak View Road.
2 Q. [Mr. Bax] Tyrone, about how long did it take you to
3 get from there on Wild Horse where all this stuff
4 happened over to Melvin's house on Oak View Road?
5 A. I can't recall. I was going so fast because I was
6 in flight and I wasn't really paying attention to the
7 time. It didn't took long at all. I mean my car is
8 pretty fast so I got there pretty quick.
9 Q. And just from your own memory of being -- let me ask
10 you this. You've spent a lot of time on Hilton Head
11 Island in your life right?
12 A. Yes.
13 Q. Okay. About how far is those two places from each
14 other? Let me stop you.
15 MR. BAX: I'm just going to refer to, Your Honor,
16 State's number 8.
17 Q. [Mr. Bax] This is an aerial map or an aerial shot of
18 the areas we're talking about. From your looking at it
19 it's been described this way by the Solicitor already is
20 this [indicates] the Squire Pope Wild Horse Road area?
21 A. Yes.
22 Q. And I want to make sure I'm showing it to where the
23 jury can see it. This road right here [indicates] isn't
24 that Spanish Wells Road right down through here
25 [indicates]?

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1 A. Yes, it looks funny on the map but...
2 Q. Is that right?
3 A. Yes.
4 Q. And down here [indicates] right before you get to
5 that big yellow number 2 there is kind of a split off
6 where it goes straight here [indicates] where Spanish
7 Wells keeps going. Is that [indicates] Oak View Road?
8 A. Yes.
9 Q. Okay. And about how -- down that road, obviously
10 that road goes down and then there is a left that you can
11 make at the end of that road, correct?
12 A. Yes.
13 Q. About how far down that road does Melvin live?
14 A. I think like here [indicates] coming down here
15 [indicates]. It's up in here [indicates].
16 Q. Okay. So would you say about half to three
17 quarters of the way down that road?
18 A. Probably so.
19 Q. Okay.
20 A. It's down by the curve almost just before you get to
21 the curve it's off to the right.
22 Q. All right. So Tyrone would it be safe to say it
23 only took you four or five minutes to get down there?
24 Would that be correct or incorrect?
25 A. Yes because I was in flight so I wasn't even driving

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1 or whatever or stay at his house or whatever. So he told
2 me that he wasn't home so I was like man, where you at.
3 He told me he was at his father's house who is Saul
4 [phonetic] down the road. So he told me to come to him.
5 So I hung out to Melvin's house for awhile to waste
6 time because I know Aaron Young, Sr. and Aaron, Jr. and
7 whoever else they are looking for me; you know what I'm
8 saying. So I'm trying really to hide out to pass time
9 until they come looking for me and go back so it would be
10 safe for me to leave.
11 Q. Okay. Tyrone, let me stop you. Eventually do you
12 leave Melvin's house?
13 A. Yes, I do.
14 Q. Can you tell me, and I know you were in an excited
15 state, but do you have any recollection of exactly how
16 long you were at Melvin's house?
17 A. I would say about 15 or 20 minutes to try and wait
18 it out.
19 Q. Okay, 15 or 20 minutes. So after that period of
20 time do you get in the same car? It's the green Acura
21 that we have seen in the photographs in this case,
22 correct?
23 A. Yes.
24 Q. Okay. That's the car that you were driving, right?
25 A. Yes, that's the car.

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1 the speed limit; I was kind of in a rush.
2 Q. Okay.
3 A. I got there kind of quick.
4 Q. Now Tyrone, tell me and tell the jury what happened
5 when you got to Melvin's house please?
6 A. When I got to Melvin's house I parked the car. I
7 knocked on the door and he answered and I told him I said
8 man, I need to come in the house. I said man, somebody
9 is trying to kill me. And he was like man, what's going
10 on.
11 And I explained to him what had happened and after I
12 explained to him the situation because he is my first
13 cousin. He's my older and my bigger cousin and he
14 started giving me that older cousin lecture. And he
15 started lecturing me saying Tyrone you got to be careful
16 because people will kill you; there is danger out there.
17 So I asked him to use the phone. And I got on the
18 phone and I call Cedric. And I told Cedric I said man,
19 Cedric man I'm really coming -- I'm excited and angry at
20 the same time because of what happened.
21 But I told Cedric the MF'ers I said man, they're
22 trying to kill me. And I said I need to get out of here.
23 I need to come to you house, man. Where you at? He
24 sells shrimp and I was going to park my car and get in
25 his car and kind of hide out while he was selling shrimp

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1 Q. Okay. And when you got back in your car what did
2 you do?
3 A. I got in my car and I'm not driving fast I'm driving
4 real slow through these neighbors and the area where I'm
5 at is not paved; it's a dirt road because I'm in the
6 neighborhood area I'm off of Oak View in the neighborhood
7 so I'm driving slow out.
8 Then I make a right turn where Oak View Road is at
9 on the pavement I make a right turn and that's where that
10 curve is at around there. And so I turn I go around the
11 curve and you know when you're just riding down the road
12 and cars come and you figure that's just another car.
13 So I'm riding down the road and a car is coming.
14 But then I look up and I be like oh shit and I noticed it
15 was not just another car. That was the grey F-150 that
16 Aaron, Sr. and Aaron, Jr. was riding in but they had two
17 people in the back of the truck also.
18 Q. Describe what you saw and what happened then Tyrone.
19 A. Well, as I rode past Aaron, Sr. was in the driver's
20 seat. Aaron, Jr. he was in the passenger seat. And two
21 people are sitting in the back of the cab area and they
22 had like dreads.
23 But at the time Aaron, Sr. he had like braids but
24 the rest of them had dreads. I'm riding past the truck.
25 The truck -- you can tell there is a lot of commotion

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1 going on so whatever they are doing they are trying to
2 hurry up and do it before I get to them. But they
3 couldn't do it in time so as I get to the truck where my
4 body was at in my driver's seat I had the window down I
5 passed the driver's side of the truck.
6 And as soon as I did Aaron, Jr. leans out the truck
7 with that gun right there [indicates] but it was bigger
8 than that because he had put the silencer on and the
9 clip. The gun looked like it was like this long
10 [indicates] and the clip was hanging out like this long
11 [indicates].
12 Q. Let me stop you right there Tyrone, okay.
13 MR. BAX: Moment's indulgence, Your Honor. Your
14 Honor, with the court's permission I'm putting the three
15 different exhibits together as we've had before, Your
16 Honor.
17 THE COURT: Okay.
18 MR. BAX: Thank you.
19 [Whereupon, Mr. Bax assembles the gun]
20 Q. [Mr. Bax] Tyrone, does this appear to be the gun
21 that you saw hanging out the window that Aaron Young, Jr.
22 had when he was hanging out the window?
23 A. That's exactly what I seen him hanging out the
24 window with.
25 Q. So this thing [indicates] that is extending down

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1 the side of the car of the back window. And the bullet
2 is coming down hitting from the back of the windshield
3 because his truck is sitting high and as I pass them by
4 he's is shooting down into the car.
5 Q. Let me stop you right there, Tyrone.
6 MR. BAX: Referring to State's exhibit 14, Your
7 Honor.
8 A. I can explain it better with this.
9 Q. [Mr. Bax] I'm going to pass this to you. You see
10 where there is some wooden pieces sticking out of the
11 car?
12 A. Yes.
13 Q. That's not -- you didn't have wooden pieces sticking
14 out of your car did you Tyrone?
15 A. No, no, no.
16 Q. So those wooden pieces those are just what the
17 police put in there. Is that your understanding?
18 A. Right.
19 Q. Okay. In looking at that picture are some of those
20 bullet holes that are depicted by those sticks of wood
21 going into your car ---
22 A. --- yes ---
23 Q. --- did those occur on Oak View Road?
24 A. Yes. This one here [indicates] when I passed the
25 car by when he was leaning out to pass the truck he shot

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1 past my arm that's what you understood to be the clip?
2 A. Yes --
3 Q. Okay. And this block here [indicates] that is
4 black that is sticking out the front that is what you
5 thought were a silencer or you described as a silencer?
6 A. It had all that on it, yes.
7 Q. Okay.
8 A. That's why I was thinking it was an AR-15 or
9 something because it was so big with all that on there.
10 Q. And so this [indicates] is what you saw that you
11 later described to law enforcement was an AR-15?
12 A. Yes that was the gun I was talking about; that gun
13 right there.
14 Q. Okay. So when Aaron Young hangs out the window
15 with this weapon what happens then?
16 A. As I pass them like I said my body part that he
17 wanted to shoot got past the driver's part before he
18 could lean out through the window and actually start
19 shooting.
20 But as I passed the truck he leans out the window
21 with that gun and the back of my car starts to pass as he
22 leans out and he starts shooting into the back of my car
23 at me. And that's why the back of the car is shot up.
24 It started off like on the windshield right here
25 [indicates]. It's the windshield and that metal part on

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1 down. That's why the stick is angled because the truck
2 sits higher than my car.
3 Q. Let me see if we can get a better angle for the jury
4 okay. And you make sure you speak up for the court
5 reporter all right. Which one of these do you say
6 happened there?
7 A. This one [indicates] right here this happened on Oak
8 View Road. This [indicates] happened on Oak View Road as
9 I'm going down. This one happened on Oak View as I
10 passed pow, pow, pow. And this one [indicates] was right
11 behind my head at the driver's seat.
12 Q. Okay. And Tyrone you believe that that's the case
13 because these are angled downward is that correct?
14 A. Right.
15 Q. Okay. Now let me ask you this Tyrone.
16 A. And it ricocheted on the side and that happened when
17 I got a distance he tried to shoot at me but it skipped a
18 little.
19 Q. Now was that on Oak View Road?
20 A. That's Oak View Road.
21 Q. Okay. And was that approximately the last one you
22 remember on Oak View Road when you're further away?
23 A. Yes, that's when I turned and I fled.
24 Q. Okay. Let me ask you this Tyrone. This car
25 [indicates] is an Acura it looks like a sedan is that

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1 right?
2 A. Yes, it's an Acura 3.5RL.
3 Q. Okay. To your remembrance does this car sit lower
4 than that grey F-150?
5 A. Yes, this sits a lot lower than the grey F-150.
6 Q. Okay. All right Tyrone, after this encounter on
7 Oak View Road where you rode past the F-150 and these
8 shots happened where did you go then?
9 A. I fled to Allen Road.
10 Q. Take us through it. Which route did you take do you
11 remember?
12 A. I came to Oak View Road, I took a left. I drove --
13 the place I was trying to go was also on the left at the
14 fruit stand where Cedric was at his daddy's house. But I
15 couldn't do that then because after the F-150 it was
16 trying to shoot me.
17 But let me just say this. When I passed the F-150
18 and I looked back and I saw the two people sitting in the
19 cab area of the truck. I saw Aaron, Jr. hanging out, he
20 was shooting at the car and Aaron, Sr. was holding Aaron,
21 Jr. legs because he had more than half his body out.
22 So he is holding his legs to stop him from falling
23 out the truck. And I could tell he wasn't driving the
24 truck anymore because the truck was at a roll and it ran
25 off into the lane that I was in so that let me know that

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1 traffic on that road is pretty busy because people try to
2 use that expressway so I rode up on a car but I -- like I
3 said I was trying to get past that car because that car
4 was holding me up. And if I didn't get past that car
5 that truck would have probably caught me and I know what
6 they going to do if they caught me.
7 But it was another car coming. So I had -- it was a
8 life or death decision. Either I try to jump in front of
9 that car and risk getting in front of this car but like
10 you ever seen a movie playing chicken with another car
11 but another car was coming so I took that chance, jumped
12 in the other lane, shot past and I made it just in time
13 back in the other lane so that car wouldn't hit me.
14 But I had to do it to get away from them so that's
15 what happened. So I went around the curve, drove around
16 the curve and that's when --
17 THE COURT REPORTER: --- that's when you what; I'm
18 sorry?
19 A. I drove to Allen Road.
20 Q. [Mr. Bax] And after you get around that curve that
21 means that you basically ended up on what is Marshland
22 Road is that right?
23 A. It's Marshland Road.
24 Q. Okay. And so Allen Road is off of Marshland Road
25 correct?

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1 he wasn't even steering the truck anymore. He was
2 holding his son's legs.
3 Q. Okay. And Tyrone you're seeing this in the
4 rearview mirror or in a side mirror or a combination of
5 both?
6 A. I looked back. I ducked and I looked in the mirror
7 so I'm seeing this out my own eyes.
8 Q. About how far back was the truck by the time you saw
9 this slowing down and veering?
10 A. When I got to the end of Oak View Road the truck was
11 almost like by the curve.
12 Q. About how many yards -- would that have been like
13 about a football field back or less than that?
14 A. I'm not good with yards like that.
15 Q. Okay. So take us again to after you saw the truck
16 start slowing down and veering to the side of the road
17 where did you go?
18 A. I made a left turn at Oak View Road, that's Spanish
19 Wells Road. I made a left turn and I rode a little ways
20 down; not too far just a little because that new enter
21 expressway it's to the right.
22 And I drove and I made that right on the expressway
23 and the road is kind of curvy so I was speeding because I
24 didn't want them to catch up with me because I knew they
25 were going to kill me. And when I got on that road

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1 A. Yes. Allen Road is -- from the direction I was
2 traveling Allen Road was off to the right.
3 Q. Okay. So you would have gone down Marshland Road
4 and Allen Road would have been on your right. When you
5 got to Allen Road what did you do?
6 A. Well, I went to -- Allen Road is right here
7 [indicates]. But Charlese's house is on Allen Road like
8 also of Marshland Road because her house is the first
9 house on Marshland Road. And I drove up ---
10 Q. --- Tyrone, let me stop you real quick if you don't
11 mind.
12 MR. BAX: Your Honor, at this time I would like to
13 be able to make use of the model that has been used in
14 the trial if there is no objection.
15 MR. STONE: Not at all.
16 [Whereupon, the model is set up]
17 MR. BAX: Your Honor, may I ask that the witness
18 step down from the witness stand, please.
19 THE COURT: All right. Mr. Robinson, you can step
20 down but please make sure you're facing the court
21 reporter so she can hear what you are saying okay?
22 [Whereupon, the witness steps down from the stand]
23 Q. [Mr. Bax] All right Tyrone, I'm going to -- we don't
24 want to block the view of the jury so you can stand at
25 either side -- actually you stand right over here

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1 [indicates].
2 THE COURT. That's good. That's a good spot to
3 hear it. Stand so that she can hear you.
4 Q. [Mr. Bax] And make sure you keep your voice up so
5 the court reporter can hear you. So this is a model of
6 Marshland Road and Allen Road, correct?
7 A. Yes, sir.
8 Q. Okay. Now is Allen Road paved or is it dirt?
9 A. I think it's kind of paved now depending on what
10 part you're on.
11 Q. Okay. So some parts are dirt as well, is that
12 right?
13 A. Uh Huh.
14 Q. Okay. There is a number of houses depicted on this
15 model. Did you drive to one of these houses on this
16 model [indicates]?
17 A. I drove to this house right here [indicates], this
18 house right here [indicates].
19 Q. Okay. Can everybody see? This house right here
20 [indicates]. Now who do you know that lives in this
21 house or do you know who lives in that house?
22 A. Well, I think there is a girl named Savoya
23 [phonetic].
24 THE COURT REPORTER: It's what ---
25 A. --- its Jontu Singleton, Jr.'s mother and Dominique

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1 Singleton, Sr. was with you is that right?
2 A. Actually one of the beers was Jontu, Sr. beer that I
3 gave to him and he left it in the car because when he got
4 out he left the beer in the car.
5 Q. Okay.
6 A. So I just kept that beer and I got out with his
7 beer.
8 Q. Okay.
9 A. I was going to drink his beer too.
10 Q. Now Tyrone, you testified earlier that you had a gun
11 over on Wild Horse Road. Did you still have that gun
12 with you, Tyrone?
13 A. I had it in my pocket.
14 Q. You had it in your pocket. And we've seen the video
15 of your interview over at the Hilton Head office of the
16 Sheriff's Department you had on red shorts, kind of
17 longer shorts, and no shirt on. Is that what you were
18 wearing at that time?
19 A. I had on red shorts, gym shorts, I had on a pair of
20 black, orange, and grey 1995 Air Max's with a pair of
21 white and black mismatched socks.
22 Q. Okay.
23 A. And two beer bottles.
24 Q. Okay. So you get out of the car and you've got two
25 beer bottles and you've got this gun in your pocket. Let

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1 Griffin.
2 Q. [Mr. Bax] Now you said her name is Savoya is that
3 correct?
4 A. I think that's her name.
5 Q. Okay. Now there is a little car here on this
6 model. Is that [indicates] where you parked the car when
7 you were first there?
8 A. Yes.
9 Q. Is that right?
10 A. Yes.
11 Q. Okay. So tell us what you did. You parked the car
12 there, correct? What did you do when you parked the car
13 Tyrone?
14 A. I parked the car and I had two 40 ounce bottles of
15 beer. Now people in the house are oblivious to me
16 parking the car there because the car is so quiet. They
17 didn't even hear me roll up in the yard.
18 I didn't knock on the door or get anybody up or
19 anything. I was just parking the car there to hide the
20 car from the F-150. So I parked the car right here
21 [indicates] but not thinking that they would come to
22 Allen Road so they could see the car so I'm thinking I'm
23 hiding the car.
24 Q. All right Tyrone, now you said you had two bottles
25 of beer. Those were beers that you had before when Jontu

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1 me ask you this million dollar question. What kind of
2 gun did you have?
3 A. It was a revolver.
4 Q. It was a revolver. Was it a .38 caliber revolver?
5 A. A .38 caliber.
6 Q. Okay. When you get out of the car you've got two
7 bottles of beer and you've got this gun in your pocket.
8 Where do you go sir?
9 A. I walk from over here [indicates] and I walked to I
10 walked through this road -- let me make sure -- I think
11 this is Marguerite's house.
12 Q. I believe the testimony -- did you know whether
13 Marguerite and Brittany live in this house here
14 [indicates]?
15 A. Yes, this is Marguerite and that's 10 Allen Road --
16 So I walked through here [indicates] and I walked through
17 here [indicates] right. And I walked over here
18 [indicates] because there used to be a path somewhere
19 over here [indicates] or something. And I walked back
20 here [indicates]. I went to Charlese's house.
21 Q. Okay. This house right here [indicates]?
22 A. Yes, that's my cousin Charlese.
23 Q. Okay. And that's Charlese who testified earlier
24 this week is that right?
25 A. Yes.

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1 Q. Okay. Tell us what happened then Tyrone.
2 A. I went to Charlese's house because I was looking for
3 my other cousin Patrick. So I -- actually to be honest
4 with you when I walked here [indicates] there was some
5 kids out here [indicates].
6 Q. Okay. So you saw kids out there.
7 A. And the kids they all knew me. They knew me from
8 the neighborhood. So one of the kids asked me who was I
9 looking for. And I asked him if Patrick was home. And
10 he said he don't know does he want me to go check and I
11 said yes, go check for me.
12 So he went and asked Charlese -- he told me Patrick
13 wasn't home as a matter of fact and told me that his
14 Momma was home so it had to be her son must be. So from
15 there I just went to Charlese's house.
16 Q. Okay. When you went into Charlese's house was
17 Charlese in there?
18 A. Yes, she was home. She was cooking.
19 Q. Okay. And what did you do when you get into the
20 room with Charlese?
21 A. Well, when I got in the house -- I mean she's my
22 cousin and every time we see each other we can
23 communicate. So at first we were just talking. And she
24 was like Cuz what's going on and all that you know what
25 I'm saying. And I was just talking to her. As a matter

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1 But they chasing me, man. Somebody is trying to kill me
2 man. And he was like -- I said where you at man? And he
3 was like man, I ain't nowhere around at the time. As a
4 matter of fact he told me he was in Savannah, Georgia at
5 the time.
6 Q. Okay. Now at some point do you see Tyrone Delaney
7 I think it was Charlese's boyfriend; she was in a
8 relationship with him at the time is that right?
9 A. Yes, but I called somebody else after that.
10 Q. Oh okay, you called somebody else. Who did you call
11 Tyrone?
12 A. I called my cousin Ernest Bryant.
13 Q. Okay. And why were you calling Ernest Bryant?
14 A. I was calling him also asking him where he was out.
15 I was trying to find someplace to go hide to be honest
16 with you because these boys were trying to kill me. So I
17 called him and I was asking him where he at and I told
18 him somebody was after me trying to kill and all this.
19 And everybody I called they keep wanting me to
20 explain and go into details and all this of what is going
21 on and what's happening. So after I was explaining to
22 them about how Aaron was trying to kill me and all this
23 he also told me that he was in Savannah, Georgia.
24 Q. Okay. And so neither one of these gentlemen were
25 available to help you based on what you understood?

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1 of fact she had two potato chips and she asked me if I
2 wanted something to eat. But she didn't know at the time
3 what was going on and I didn't have any appetite for
4 anything so I told her I didn't want anything at the
5 time.
6 After I was talking to her I asked her for Patrick's
7 phone number and she told me she said hold on she had to
8 get it or something. Once she got the phone number I
9 asked her if I could use the phone and she -- either she
10 called or I called Patrick and I talked to Patrick on the
11 phone.
12 Q. Okay. And how long was that conversation with
13 Patrick? Was it very long?
14 A. It wasn't too long It could have been five minutes
15 probably so; about five or ten minutes.
16 Q. And Patrick is his last name Young?
17 A. Yes.
18 Q. Okay. But he wasn't there in this area?
19 A. No, he wasn't there at the time. And I asked him I
20 said I asked him I said where you at? And he was like
21 Cuz what's going on; what do you want?
22 And that's when I said somebody is chasing me man.
23 Somebody is trying to kill me man. I said man I need
24 your help. He said man Cuz if somebody is trying to kill
25 you man, what is going on. I said man, I ain't know.

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1 A. As a matter of fact, this is the honest to God
2 truth, he told me to come meet him in Savannah, Georgia
3 and I was going to meet him.
4 Q. Okay Now what happens after those phone calls
5 Tyrone?
6 A. I'm outside. I walk outside. I'm outside on the
7 phone, as a matter of fact when I was talking to Ernest I
8 was outside actually on the phone talking to Ernest.
9 Charlese boyfriend he pulls up in the yard. And he was
10 telling how -- what was going on and all that ---
11 Q. --- speak up.
12 A. Tyrone Delaney pulls up in the yard. I think he was
13 driving a truck at the time. And he tell me what's up,
14 how I doing and I tell him what's up and we start to
15 talking you know.
16 We talking and I get to the point I ask him if he
17 has seen a grey F-150 and he said yes, he seen that grey
18 F-150. His exact words were that truck was hauling ass
19 and he said it was on Spanish Oak Road
20 Q. Did he tell you anything about it almost hitting him
21 or anything like that?
22 A. Yes, he said he had -- the truck almost hit him
23 coming off of Spanish Oak Road. But he didn't tell me
24 what direction the truck was going. He said it was on
25 Spanish Oak Road.

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1 Q. All right. Now let me ask you this Tyrone up
2 until this point when you'd been on Allen Road and you
3 parked your car and you come over and you talk to
4 Charlese and then you talked to Tyrone Delaney after
5 making those phone calls had you heard any shots in this
6 area [indicates] yet?
7 A. Had I heard any shots?
8 Q. Had you heard any shots?
9 A. Not yet.
10 Q. Okay. Now did you at any point take the gun out in
11 your hand and wave it around or anything like that?
12 A. No.
13 Q. Did your cousin or Tyrone Delaney did they know you
14 have the gun? Did they see it or would they have been
15 able to see it?
16 A. No, they never told me anything about a gun.
17 Q. They didn't tell you anything about the gun but
18 could they have seen it sticking out of your pocket?
19 A. No, it was in my pocket. No one could see that.
20 Q. All right. Now Tyrone, at some point does either
21 Tyrone Delaney or your cousin ask you to leave?
22 A. Charlese might have. I don't really recall nobody
23 asking like that. I remember me and Charlese I did --
24 sometime during that part she might have asked me to
25 leave or what not.

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1 because I was about to leave and in that time the F-150
2 pulls up, and as soon as I seen that truck I ran back
3 here [indicates]. And I just heard a gunshot pow, pow,
4 pow, pow.
5 Q. Tyrone, when you were here [indicates] and you saw
6 the grey truck did anybody in the grey truck see you or
7 could you tell?
8 A. They had to have seen me. I was standing in the
9 yard with big red short pants on.
10 Q. Okay. And where exactly using this model did you
11 run to?
12 A. I ran right in back of here [indicates]. That's why
13 my footprints or the bushes and stuff were torn down
14 right here [indicates]. I ran back here [indicates].
15 Q. Now you said you heard shots right then. Was the
16 truck still in front of this house?
17 A. No, I heard the shots, pow, pow, pow, pow. Then I
18 went right here [indicates]. And I'm ducking down with
19 two 40 ounce bottles of beer in my hand.
20 And I look up and then I see the truck over here
21 [indicates]. So the truck done shot down here
22 [indicates] that quick and shooting is going on. And I
23 remember ---
24 Q. --- let's have you stand over to this side so the
25 jury can see where you are pointing okay.

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1 Q. Okay. Now Tyrone at some point do you leave
2 Charlese and Tyrone's?
3 A. Well, I'm about to go to Savannah to meet Ernest.
4 He told me to meet him in Savannah. That was how I was
5 going to get off the island away from Aaron, Sr. and
6 Aaron, Jr. But I don't know man.
7 I'm going to be honest with you man, y'all can say
8 it's religion or whatever but something -- God --
9 something just told me I got that feeling in my mind
10 Tyrone stay right here. Don't move; because I was going
11 right here [indicates].
12 Q. So you were talking to Tyrone Delaney?
13 A. No, I wasn't talking ---
14 Q. --- you were talking to yourself?
15 A. No, listen. When -- Tyrone and me -- Tyrone Delaney
16 and me hadn't talked after he told me that. He went in.
17 Q. Okay.
18 A. I was standing in the yard and I was about to go to
19 here [indicates]. But I just got that instinct that
20 feeling like something just said -- that feeling like
21 Tyrone don't go yet. Don't go. I just got that feeling.
22 And I stayed right there and I was just looking like
23 in a daze staring at Marshland Road because the woods are
24 right here [indicates] and Marshland Road is right here
25 [indicates]. I'm staring at Marshland Road. And just --

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1 A. This [indicates] is Allen Road.
2 Q. And that's where you saw the truck after that.
3 A. But if you stand behind Charlese's house you can
4 look directly across and you could see Allen Road. And
5 the truck now is directly across from where I was hiding
6 at and they right here [indicates] at Allen Road shooting
7 towards me.
8 So much gun smoke is coming out of the truck it
9 looked like a cloud falling out of the sky and sat on top
10 of the truck. That's how much gun smoke -- and I
11 listened -- I specifically sat there and listened to the
12 gun fire because I wanted to know how many guns were
13 being fired. And I heard that gun [indicates] firing
14 because I already heard that and I heard another pistol
15 being fired on Allen Road.
16 Q. Now Tyrone let me ask you this. You said you can
17 see through there but could you see -- could you actually
18 see ---
19 A. --- I could see from right here [indicates] I looked
20 dead exactly at this truck sitting on Allen Road shooting
21 up from Allen Road from right here [indicates].
22 Q. Could you see where the guns were being aimed at?
23 A. They were across from me. They were shooting at me.
24 Q. They were shooting in that direction?
25 A. And after they -- then I looked back down again and

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1 when I looked up again the truck was backing up from here
2 [indicates] and shooting for my car right here
3 [indicates].
4 Q. Now during this period of time could you tell how
5 much time was passing between each of these incidents?
6 A. I wasn't looking at -- I didn't have a watch and I
7 wasn't paying attention to the time.
8 Q. Okay. Well, let's talk about where you were
9 Tyrone. You were back in this area [indicates]. Where
10 did you go from this area [indicates] as this was
11 happening?
12 A. I ran from back here [indicates] and it used to be
13 when I was coming up when I was younger this woods used
14 to be thinned out and we used to play inside this wooded
15 area from Avena's [phonetic] house to Marguerite's house.
16 As a matter of fact we had a path from Avena's [phonetic]
17 house coming over here [indicates]. And me being naïve
18 I'm still thinking that path is over here.
19 So I walk back here [indicates] and I try to get in
20 this woods over here [indicates] to run from the
21 shooting. But it's a briar patch area over here
22 [indicates] and I can't get through the woods. I get
23 stuck up in the briar patch. It was sticking me and I
24 don't have a shirt on or nothing. So I come through here
25 [indicates].

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1 Q. Okay. And did you have -- did you have a gun --
2 did you have that gun that you had in your pocket or was
3 it still in your pocket?
4 A. No absolutely not. It was in my pocket.
5 Q. It was in your pocket. Okay. Did you see -- you
6 had mentioned that you saw the children earlier. At this
7 point do you see any children?
8 A. No. I seen Brittany. I seen Brittany Brinson as I
9 come through here [indicates]. I never see anyone
10 fitting the description of Khalil Singleton or none of
11 that.
12 Q. Okay. What did you do then, Tyrone?
13 A. I walked through here [indicates]. I'm walking
14 slow. I'm looking at Brittany and -- that truck was
15 running around shooting so I'm walking slow. And I got
16 right here [indicates] over here [indicates] and when I
17 did I kind of stopped like this right here [indicates].
18 I stopped and I'm looking at this boy named
19 Dominique Griffin. He is holding a chrome gun in his
20 hand. So I got that feeling in my gut and I stopped you
21 know what I'm saying.
22 I don't know what part he played in this so I
23 stopped just to make sure that he wasn't out there just
24 to shoot me. But after I see he didn't aim the gun at me
25 or fire shots at me or anything I started inching towards

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1 Q. You come through here [indicates]. Now this is a
2 storage building of some kind?
3 A. This [indicates] is 10 Allen Road and this
4 [indicates] is a utilities building.
5 Q. Okay. And you come through there. Now at some
6 point did you see Brittany Brinson?
7 A. I walked through here [indicates] ---
8 MR. STONE: --- he can't see.
9 MR. BAX: I'm sorry. I apologize.
10 Q. [Mr. Bax] Let's go through that again. I want you
11 to point out ---
12 A. --- this [indicates] is 10 Allen Road and this
13 [indicates] is the utility house. And I tried to get
14 through these woods over here [indicates] these bushes.
15 I walked through here [indicates], I couldn't get through
16 here [indicates]. So I came back through here
17 [indicates].
18 And when I came through here [indicates] I looked
19 over here [indicates] and I did see Brittany Brinson.
20 She was standing on the porch looking around trying to
21 see what was going on.
22 Q. Okay. At that point in time what did you have in
23 your hands Tyrone?
24 A. I had two 40 ounce bottles of beer. One of them was
25 a Old -- and one of them was Steel Reserve called a 211.

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1 him. He was just standing in the road holding the gun.
2 So when I got up to him he said Tyrone man, what you got
3 going on man? Them boys just come and shoot up your car.
4 I said man, they shot up my car, man. And that's when I
5 walked over there with him and looked at my car.
6 Q. And what did your car look like when you got over
7 there?
8 A. Well, you could tell that they came and this time
9 they shot the car-up from the-side-right-here ---
10 [indicates].
11 Q. Tyrone, I'm going to stop you right there and lets
12 use the photographs, okay.
13 MR. BAX: Your Honor, I'm showing the witness what
14 is marked as State's exhibit 16.
15 Q. [Mr. Bax] Is this to demonstrate those shots that
16 you saw at this time?
17 A. This shot right here [indicates], this shot right
18 here [indicates], this shot right here [indicates]
19 because this came in from Oak View and those are the
20 shots I showed the police officer.
21 Q. Okay. Now there was also you stated not all the
22 shots in the back of the car were originally there but
23 some of them were. Were there additional shots in the
24 back of the car?
25 A. These [indicates] came from Oak View Road. This

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1 [indicates] came from Wild Horse Road, these shots
2 [indicates] came from Allen Road.
3 Q. Okay. Now Tyrone if you would when you got over
4 there to your car and saw that it was shot up did you
5 leave Allen Road at that time?
6 A. Yes, I jumped in my car and I got out of there.
7 Q. Okay.
8 A. But before I left I did -- that little boy ran over
9 there and he said somebody got shot. I heard somebody
10 got shot I jumped in my car and I got out of there. I
11 drove from Allen Road.
12 I drove to Muddy Creek Road, then I turned on Bryant
13 Road. Bryant Road is off of Muddy Creek Road so you have
14 to go down Muddy Creek Road and then go down Bryant Road
15 to get to Bryant Road and that's where Snake's house is
16 at.
17 Q. Okay. Let me ask you to go ahead and take the
18 stand again for me okay since we're kind of done with the
19 model.
20 [Whereupon, the witness retakes the stand]
21 Q. Do you need any water or anything?
22 A. No I'm good.
23 Q. Make sure you speak into the microphone for me okay,
24 Tyrone. Thank you. I know this is -- we're getting
25 through it. Tyrone you've testified that after you left

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1 A. Yes.
2 Q. Did you tell him what was going on?
3 A. I told him that I needed his help with something.
4 Q. And what did you -- what did you ask Bennie to help
5 you with?
6 A. Well first he said -- well, I asked him to help me
7 with this situation because I said some boys was shooting
8 at me and they just shot a little boy.
9 Q. Okay. And that's what you heard as you were
10 leaving this area is that right?
11 A. Yes. I heard somebody got shot.
12 Q. Okay. Did you hear that it was a little boy that
13 had been shot?
14 A. It was another little boy who said that so I figured
15 it was a little boy because they were over there by that
16 trampoline. It was Jontu, Jr. was the one that said it.
17 Q. All right. At some point do you ask for either
18 something to wash your hands with from Bennie?
19 A. I asked him if he had anything in there to wash my
20 hands.
21 Q. Why did you do ---
22 A. --- first I asked him for dishwashing detergent.
23 And then he said he ain't had none of that and I asked
24 him if he had any bleach or whatever.
25 Q. And did he have any of that?

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1 this scene as depicted in the model you went over to
2 Bryant Road via Muddy Creek Road to Snake's house. Who
3 is that?
4 A. Snake is Joseph Bryant and he is my cousin.
5 Q. Okay. And when you went over there was there
6 anybody else over at -- let me ask you this. Was Joseph
7 Bryant over there at his house?
8 A. He was but he was in the room because he was in an
9 accident and his leg was messed up.
10 Q. Okay.
11 A. So he couldn't really do much walking around.
12 Q. All right. Was anybody else over at Mr. Bryant's
13 house besides Mr. Bryant?
14 A. It was a boy named Bennie Hamilton.
15 Q. And that's the same Bennie Hamilton that has
16 testified in the trial is that right?
17 A. He testified earlier. I think he had braids or
18 something in his hair; light skinned fellow.
19 Q. Okay. Tyrone when you got over to Bryant Road did
20 you still have the gun in your pocket?
21 A. Yes.
22 Q. Okay. What did you do with the gun at that time?
23 A. I threw it behind the house.
24 Q. Threw it behind the house, okay. Did you talk with
25 Bennie Hamilton?

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1 A. No, he didn't have any.
2 Q. Did you wash your hands while you were over there?
3 A. I did wash my hands.
4 Q. What did you wash your hands with?
5 A. I washed my hands with that bottle [indicates] of
6 vinegar.
7 Q. Okay. And why did you do that Tyrone?
8 A. Because I had gunpowder on my hands and I knew that
9 whatever happened this situation was going to be crucial.
10 And I was going to -- my plan was to go to the police
11 station. I was going directly to the police station.
12 I was going to report what happened and call the
13 ambulance for the little boy whoever got shot out there
14 and I was going to the police station. And I didn't want
15 to go to the police station with all that.
16 Q. Let me ask you this. You said you had gunpowder on
17 your hands. You have testified that you shot a weapon
18 over at 17 Old Wild Horse Road correct?
19 A. I did.
20 Q. Okay. After Old Wild Horse Road did you ever shoot
21 a gun again that day?
22 A. No.
23 Q. Okay. You're under oath you understand?
24 A. Yes.
25 Q. Did you ever shoot a gun again after Wild Horse Road

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1 that day?
2 A. I shot a gun in Aaron's yard on Old Wild Horse Road.
3 Q. And that was the last time you fired a gun that day,
4 is that correct?
5 A. Yes.
6 Q. Okay. Now Tyrone before we move on I think we need
7 to cover this ---
8 A. --- let me make this straight first off. The gun
9 that I fired this is the honest to God truth. Y'all can
10 believe or not but I'm telling y'all the honest to God
11 truth. I had five full metal jacket rounds for that gun.
12 They were all copper coated. Those were the last five
13 rounds of bullets that I had.
14 And I'm going to tell you how I got that five
15 rounds. I had a Remington box of bullets for this gun.
16 The box of bullets is green and it has tan on it and the
17 writing on it is in white cursive and it says Remington.
18 The bullets are in a black tray.
19 When you pull the tray out they look like a bunch of
20 gold nuggets, gold just like the color of my teeth;
21 that's exactly how they look when they are brand new in
22 the box and they're sitting up right inside it.
23 And I had five more rounds left and they were in a
24 black pouch. And it took me a while to find that black
25 pouch because one night I was riding in my white

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1 bullets that were in that box of bullets were copper
2 coated full metal jacket bullets. They don't sell
3 assorted bullets.
4 Q. Okay.
5 A. For obvious reasons.
6 Q. All right Tyrone. Also we need to get this covered.
7 You have been convicted in 2003 of some Failure to Stop
8 for some Blue Lights and Possession of a Stolen Car in
9 which you were sentenced to about 13 years, is that
10 correct?
11 A. I was.
12 Q. Okay. And as ---
13 A. --- actually 18 years and the Judge reduced it to
14 13.
15 Q. Okay. And out of that you served about seven is
16 that right?
17 A. I did about seven and half years.
18 Q. Okay. So Tyrone you were aware of the fact that as
19 a convicted felon you're not supposed to have a gun is
20 that right?
21 A. Exactly.
22 Q. Now Tyrone is that why you were worried about having
23 a gun and having gunpowder on your hands when you went to
24 the police station?
25 A. It was because if I would have -- they would have --

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1 Mercedes. The police stopped me and they found the
2 bullets in the black pouch and the police said that they
3 were going to take the bullets from me and I told them to
4 keep it. So I thought that they had took the bullets.
5 But what happened the police never took the bullets.
6 He put the bullets underneath the back seat of my
7 Mercedes because on a Mercedes the battery is not
8 underneath the hood; the battery is in the back
9 underneath the back seat.
10 So one day I was cleaning my Mercedes and I lifted
11 up the back seat and I saw the bullets sitting on back of
12 the battery and that's when I knew the police never took
13 the bullets. They left the bullets and it was five full
14 metal jacket copper coated round of bullets left inside
15 that bag
16 And those are the five rounds that I had inside that
17 revolver. And I swear to God that's the honest truth.
18 And you can believe it or not but that's the honest
19 truth.
20 Q. And so Tyrone is your testimony that you ever had
21 any plain lead bullets; any that didn't have that jacket
22 on?
23 A. I never had plain lead bullets for that gun. When
24 you buy bullets for a gun they still sell the bullets and
25 they only sell that kind of bullets. And the kind of

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1 if I would have went to the police station with that gun
2 they would have gave me a Federal charge and I was facing
3 like 10 years for that gun.
4 Q. Okay. And you were afraid of that, is that right?
5 A. Yes, I was.
6 Q. Okay. Now Tyrone while you were over at Bryant
7 Road did you call 911?
8 A. I did call 911 as soon as I got there and I asked
9 Bennie for help. At first I-really I asked him to take
10 me personally to the police station. He said he's not
11 going over to the police station. For some reason a lot
12 of people are scared to go to the police station; they
13 don't want to be around the police.
14 So I asked him for a phone or something and he said
15 he didn't have a phone but he said Snake got a phone. So
16 I asked him to go get Snake's phone. And he went and got
17 Snake's phone for me. It's a cell phone, a flip cell
18 phone.
19 And I walked outside and that's when I called 911
20 and I told them that for them to send a medical team or
21 whatever to Allen Road because I think a boy had got
22 shot.
23 Q. Now Tyrone in that call what do you call yourself
24 when you were saying what your name was what did you say
25 your name was?

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1 A. I think I said T.
2 Q. T? Now do you go by T?
3 A. Yes, some people call me T; some people call me Big
4 T.
5 Q. Okay. So Big T, T, or Tyrone?
6 A. Yes. The kids in the neighborhood call me Big T.
7 Q. All right. I want you to hold on just a second.
8 MR. BAX: Moment's indulgence, Your Honor.
9 THE COURT: Yes, sir.
10 MR. BAX: Thank you very much.
11 [Whereupon, Mr. Bax confers with Ms. Saxon]
12 Q. [Mr. Bax] All right. Thank you, Mr. Robinson. Just
13 finally okay and I'm going to be done and this is very
14 important. Tyrone, did you shoot that boy?
15 A. Absolutely not I did not shoot Khalil. I know I did
16 not shoot Khalil because when the police affirmed that
17 this boy was shot and killed they specifically told me
18 they said we going back to Wild Horse Road and we're
19 going to get them bullets out of that ground.
20 And he said if those bullets match the bullet we
21 retrieved out of that boy I got your ass for murder. And
22 I knew for a fact that those bullets were not going to
23 match. They couldn't have matched because I knew I
24 didn't shoot Khalil Singleton at all. Aaron, Sr. and
25 Aaron, Jr. honest to God truth I swear to God on my

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1 CROSS-EXAMINATION
2 BY MR. STONE:
3 Q. Mr. Robinson, I don't where to start Mr. Robinson.
4 You've been sitting here the whole time listening to
5 everybody's testimony right?
6 A. Yes, sir.
7 Q. Okay. Let me start at the first story you told.
8 When you went back to the scene you talked to Martin
9 Thomas and you told him this was a drug deal gone bad and
10 you had a shoot-out over there That's not the story
11 we're using tonight right; this is going to be a
12 different story?
13 A. This situation ---
14 Q. --- speak up, sir. I can't hear you.
15 A. This situation is a whole bunch is a different story
16 because its different situations does not mean -- the
17 situation that occurred in here the people are not
18 talking about.
19 Like Aaron, Jr. and Aaron, Sr. we had a falling out
20 like months before and that was over a quarter ounce of
21 powder; months before all this began. And from that date
22 a situation occurred and it was like back and forth drama
23 every since.
24 Q. Okay. Let me go back to my original question.
25 When you went out to the scene that day and you saw

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1 granddaddy's grave I sat there and watched. I watched
2 Aaron, Sr. and Aaron, Jr. sitting on Allen Road and they
3 been shooting more than one gun. I don't know who killed
4 him; my conscience is clear. But I ain't killed that
5 boy.
6 Q. Thank you.
7 THE COURT: Mr. Stone, cross-examine?
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1 Martin Thomas, you remember Martin Thomas the police
2 officer right?
3 A. Yes, sir.
4 Q. You remember Officer Thomas is the guy that put you
5 in the patrol car.
6 A. Yes.
7 Q. And you walked up to him and you said let me tell
8 you what this all about. This is about a drug deal. Do
9 you remember telling him that?
10 A. Yes, sir.
11 Q. And do you remember telling him that you had a shoot
12 out over on Squire Pope Road is that right?
13 A. I told him we had a shoot out on Squire Pope Road
14 but I wasn't referring to no Smith and Wesson Billy the
15 Kid type shoot out. Y'all took it like that and
16 manipulated that.
17 Q. And when you told him you had a shoot out over at
18 Squire Pope Road you said you went there to buy cocaine
19 is that right?
20 A. Jontu -- I took Jontu there ---
21 Q. --- I'm sorry, sir. Did you tell Martin Thomas ---
22 MR. BAX: --- Your Honor, I object ---
23 Q. [Mr. Stone] --- that you went there to buy cocaine?
24 THE COURT: Mr. Stone, just a second. He can
25 answer it. You have a right to finish your answer Mr.

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1 Robinson.
2 A. I told him we went there for cocaine but Jontu got
3 out the car and asked for money and Jontu was the one who
4 wanted to get cocaine. I gave Jontu a ride. He asked me
5 to take him there. I told him I did not want to go
6 there.
7 Q. [Mr. Stone] I'm sorry because I didn't hear anything
8 about the cocaine today. So that's different that what
9 you said before?
10 A. Because this thing is not about no cocaine. First
11 of all it's about Khalil and Khalil is my cousin. Y'all
12 need to tell them that. It's not about cocaine.
13 Q. By the way you now remember your cousin's name
14 Khalil?
15 A. All the people sitting over there are my cousins.
16 Q. Right. But when you were asked about your cousin at
17 the police station you couldn't even remember his name
18 could you?
19 A. I knew his name from the newspaper.
20 Q. Let me get back to Martin Thomas. You went up to
21 Martin Thomas you went up to him and you told him let me
22 tell you what this is about. This is about a coke deal
23 gone bad, is that correct?
24 A. I told him something like that.
25 Q. You told him that there was a shoot out on Squire

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1 the scene that night then?
2 A. You're manipulating what I said.
3 Q. No sir, I don't believe I am. I'm just asking you a
4 question.
5 A. I told them this was over a drug deal gone bad. But
6 if the drug deal that would have occurred two or three
7 months before all this occurred you're trying to put
8 something from months and this situation weeks apart all
9 together in one situation and it's not.
10 And when I talked to Martin Lawrence [sic] I was
11 giving him a quick description of what was going on so
12 they could find the person Aaron, Sr. who are responsible
13 for all this right here and I was just giving him a quick
14 description. It was not like we sat down in an
15 interrogation room and I gave him every detail and
16 explained to him exactly everything I mean.
17 When I talked to him I told him we had a shoot out
18 on Squire Pope Road. I told him Squire Pope Road because
19 I got Squire Pope Road confused with Wild Horse Road. If
20 he would have sat down and we had a detailed conversation
21 I could have explained to him exactly what I meant.
22 And when we did have a detailed conversation I
23 explained to him Bennie. Bennie is not on Squire Pope
24 Road and you know that so obviously I was just giving him
25 a quick detail. Bennie is on Wild Horse Road.

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1 Pope is that correct?
2 A. It told him a shoot out on Squire Pope.
3 Q. You told him that you went over there to buy cocaine
4 but Aaron Young, Sr. wouldn't sell you any cocaine, is
5 that correct?
6 A. Jontu supposed to get out and was talking about
7 something like that. He got out and started talking
8 about money. It was never anything about cocaine.
9 Q. And I'm asking you once again. When you told Martin
10 Thomas you told Martin Thomas you went over there to buy
11 cocaine and he wouldn't sell you cocaine right?
12 A. Right he wouldn't ---
13 Q. --- because y'all had a beef?
14 A. Since that beef that day he wouldn't sell -- he
15 don't sell me nothing. He wouldn't do nothing.
16 Q. So he does normally sell you cocaine and he wouldn't
17 sell you cocaine that day?
18 A. I told you this started over like two months ago
19 that was all over.
20 Q. Right. But that's not what you're telling us today.
21 Today you just were sitting in the car and had no idea
22 and all of a sudden Aaron Young comes over and starts
23 getting mad at you.
24 A. Today I'm telling you the truth.
25 Q. Okay. As opposed to what you told Martin Thomas at

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1 Q. Well I'm glad you brought that up. Since you went
2 and you had a detailed conversation at the Sheriff's
3 Office didn't you?
4 A. Yes
5 Q. And in fact it last about an hour or hour and a half
6 something like that maybe; maybe even longer?
7 A. It was a while.
8 Q. Yes. And in those detailed conversations at that
9 point at the Sheriff's Office you didn't even have a
10 shoot out at all on Squire Pope Road did you?
11 A. A shoot out at all? It never was a shoot out.
12 Q. So when you told the police when you went to the
13 Sheriff's Office and you told the police at that point
14 you said you didn't even shoot a gun.
15 In fact at that time you said we had a fist fight;
16 see my hands they are swollen because the officer
17 specifically asked you did he not? So you're saying you
18 didn't even shoot at Squire Pope Road ---
19 A. --- I never said ---
20 Q. --- you said no, I used my fist is that right?
21 A. I said I'd rather use my fist when dealing with
22 people. I never said me and Aaron had a fight. Me and
23 Aaron never had any physical contact at all. And I
24 explained it to him. And Aaron came up with that lie. I
25 never had any physical contact with Aaron, Sr., Aaron,

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1 ~~Jr., with Ebony; no one.~~
2 Q. Okay. So your story today is that you do admit now
3 -- I mean I just want to get this straight. You did
4 shoot at the Squire Pope Road area at Wild Horse Road?
5 A. I shot yes, on Wild Horse Road in the yard. I shot
6 in the air and I shot in the ground.
7 Q. Okay. So the testimony earlier about you shooting
8 it that is true now? You did do that?
9 A. Yes, I did.
10 Q. And you fled and as you were fleeing I think you
11 said just a few minutes ago that you were angry. Is that
12 right you said you were mad? You were excited and you
13 were mad and all that kind of stuff?
14 A. No, I said when I was at Melvin's house.
15 Q. Right.
16 A. When I was at Melvin's house and I was trying to
17 explain what I was talking to Cedric or something. I was
18 cursing also because I was upset. I never said anything
19 about I was fleeing that I was angry. I was fleeing.
20 When I left the yard I did exactly what I was supposed to
21 do.
22 Let me tell you I fled from Aaron, Sr. and Aaron,
23 Jr. on Wild Horse Road. I fled from them again on Oak
24 View Road and I fled from them again in front of
25 Charlese's yard. If they would have put enough effort

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1 on all black. They had like dreads hair and they were
2 staring at me.
3 Q. The truck is going that way [indicates]?
4 A. And two people Aaron, Sr. and his son in the truck.
5 Q. So I'm assuming are you on the right side of the
6 road and the truck is on the left side of the road?
7 A. I'm in the right lane, the truck in the left lane,
8 the truck passing me by and I'm passing the truck by.
9 Q. I'm just wondering if there was all these other
10 people shooting why somebody else didn't shoot at you on
11 Oak View? Nobody else shot at you on Oak View did they?
12 A. I told you ---
13 Q. --- did anybody else shoot at you on Oak View other
14 than Aaron Young, Jr.?
15 A. I wasn't sitting there watching. They might have
16 did, they might have not. I just glanced at them and I
17 seen what I seen and I ducked down and I drove off.
18 I almost had ran off the road because I was ducking
19 down and couldn't look up because I was scared to put my
20 head up for somebody to shoot me in the head.
21 Q. Got you. Charlese is your cousin correct?
22 A. Yes, she is.
23 Q. It seems like she was pretty nice to you. She
24 actually offered to feed you right?
25 A. Yes.

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1 into fleeing from me and avoiding me as I put effort into
2 fleeing from them and avoiding them Khalil would have
3 been in school today, his Momma would have been smiling
4 and laughing and he would be alive today and we would
5 never have been in a courtroom.
6 Q. Right. By the way when you passed them at Oak View
7 I think you said that they were actually having to hold
8 Aaron, Jr. by the legs so he could hang out of the car
9 with this weapon right here [indicates] is that right?
10 A. That gun right there ---
11 Q. --- yes, I know I understand that.
12 A. He ---
13 Q. --- when you passed them at Oak View ---
14 A. --- Aaron, Jr. been out the car like this
15 [indicates]. This leg [indicates] part of this was
16 hanging out and there ain't no way this heavy part going
17 hang out without somebody holding your legs.
18 So his father was holding his legs and the truck was
19 going at a slow because nobody was mashing the gas or
20 anything. It was rolling veering off because his father
21 was holding his legs while he was shooting into the car.
22 Q. And there were two other people in the cab of the
23 truck according to you, is that right?
24 A. It was two people. One sitting on the right, one
25 sitting on the left in the back of the cab and they had

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1 Q. Tyrone Delaney he's a pretty good guy too. Y'all
2 didn't have any problems did you?
3 A. No, I don't have any problems with him.
4 Q. And you have any problems with let's see Brittany
5 Brinson over here [indicates]?
6 A. No.
7 Q. Okay. How about little Jontu Singleton, Jr. you
8 got any problems with him? He doesn't like you and you
9 don't like him or anything like that?
10 A. Let me tell you ---
11 Q. --- I'm just asking y'all got any problems?
12 A. No, we don't have any problems.
13 Q. Okay. And then over here [indicates] in this house
14 over here [indicates] Mr Griffin, the man you said you
15 saw later that day you do admit seeing him that day
16 right; Dominique Griffin?
17 A. He was just standing in Allen Road with a chrome gun
18 in his hand.
19 Q. Got you. And do y'all have any beef?
20 A. No.
21 Q. So when Charlese says she sees the gun does she have
22 any reason to make that up?
23 A. Would she have any reason to make that up? Man, I
24 had the gun in my pocket. I don't know how she could...
25 Q. When Tyrone Delaney says you said, and I quote,

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1 those motherfuckers don't know who they are dealing with.
2 I'll fire at them. Is he making that up?
3 A. You know what? I told him that those motherfuckers
4 were shooting at me and all that but I never say nothing
5 about firing at them or none of that. I told him that
6 they were shooting at me trying to kill me.
7 Q. But you didn't tell him you'd fire back at them?
8 A. I never told him I fired back at them.
9 Q. How about at the Sheriff's Office? Is it possible
10 at the Sheriff's Office you made the statement they shoot
11 at me I'm going to shoot at them?
12 A. At the Sheriff's Office I found out that my cousin
13 had got hit with a bullet and he was in the hospital. I
14 was pissed off. If they would have let me out the
15 Sheriff's Office then I would probably go around looking
16 for them.
17 And I told them if they let me go I would go looking,
18 and find out who all those people were in that truck and
19 relay that information to them because I was pissed off
20 at the situation that they came around -- they shooting
21 at me.
22 They trying to kill me and then in the process
23 somebody innocent like Khalil gets shot and killed. And
24 that boy is my cousin and now my whole family is pissed
25 off at me. You don't think I'm going to be mad with

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1 that big gun [indicates] what match I have. I'm one man
2 with four people chasing me, what can I do? I'm supposed
3 to sit there and let them shoot me up? Man, I'm running.
4 Q. I don't expect you to let them shoot you. You had
5 what five or six shots in that revolver?
6 A. I said five.
7 Q. Five shots in that revolver ---
8 A. --- five full metal jackets ---
9 Q. --- and you had already shot a couple of over at
10 that other house ---
11 A. --- five full metal jacket copper coated bullets
12 were inside the gun.
13 Q. You'd already shot two or three.
14 A. Man, I'm ---
15 Q. --- you didn't have any shots left did you ---
16 A. --- I didn't know how much I fired because they
17 fired a bullet inside the house and they said that that
18 bullet matched one of the bullets from another case I
19 don't want to get into.
20 But y'all found -- y'all retrieved like four bullets
21 that y'all claim came from my gun and all four of those
22 bullets were full metal jacket copper coated bullets and
23 all four of those bullets matched. None of those bullets
24 matched the bullet that came out of Khalil. So y'all
25 know that the bullets in my gun were full metal jacket

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1 that?
2 Q. You should be mad. I understand they were shooting
3 at you. You were mad weren't you? You were mad weren't
4 you?
5 A. After I find out that ---
6 Q. --- to the point of you saying ---
7 A. --- I was mad after ---
8 MR. BAX: --- objection, Your Honor ---
9 A. --- I find out that Khalil was shot yes, I was mad.
10 But while they were shooting at me I was scared for my
11 life; that's the reason that I ran.
12 Q. [Mr. Stone] Okay. Except that when you got over to
13 your cousin's house you were mad then.
14 A. I was scared for my life the whole time. You can
15 put it how you want but if somebody come at you with that
16 gun you would do -- you would shit in your drawers, piss
17 in your pants and run the same way I did.
18 Q. All right. And then you kept the gun and -- I'm
19 sorry; let me go back. So you didn't tell Tyrone Delaney
20 that you were going to shoot at them because they didn't
21 know who they were dealing with?
22 A. I never said nothing about I was going to shoot at
23 them. I was running for that weapon sitting there
24 [indicates] and shooting at me. If I was -- why I shoot
25 at them? I was running from these people. They got

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1 bullets. Y'all just coming in here trying to frame me
2 for that boy because y'all want T, me; y'all want to
3 frame me. But y'all know all the bullets in my gun that
4 y'all found did not match that bullet in that boy. So
5 how could I have shot him? But I'm the damn donkey and
6 y'all trying to pin the tail on me.
7 Q. Well it doesn't matter because you didn't shoot over
8 at Allen Road did you?
9 A. I didn't shoot that boy at all. ---
10 Q. I didn't ask you if you shot the boy ---
11 A. --- I ain't shoot on Allen Road ---
12 Q. --- I asked you if you shot at Allen Road.
13 A. I ain't shoot on Allen Road. If you would have
14 found a bullet inside Khalil what that would mean; then
15 you could probably say I would have shot him. You found
16 a plain lead grey bullet in that boy.
17 You need to go find the person who was shooting a
18 plain lead -- or a gun with plain lead grey bullets in it
19 because my gun had full metal jackets in it and you got
20 four full metal jacket bullets that match each other that
21 prove that.
22 Q. That's the gun you threw away?
23 A. That's the gun ---
24 Q. --- that's the gun ---
25 A. --- I threw away because I was scared ---

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1 Q. --- you hid behind Snake Bryant's house ---
2 A. --- to go to the police station because if I did you
3 know just as well as I know I would have had a Federal
4 indictment for unlawful convicted felon and unlawful
5 possession of a pistol.
6 MR. STONE: Excuse me just a moment, Your Honor.
7 THE COURT: Yes, sir.
8 [Whereupon, Mr. Stone confers with Mr. Thornton]
9 Q. [Mr. Stone] When you were down at the Sheriff's
10 Office giving your story at the Sheriff's Office you were
11 saying that you were at Allen Road, they shot at you and
12 you got mad and you got in your car and you went to chase
13 them. And as you were chasing them you went wait a
14 minute; I can't chase them I don't have a gun. Do you
15 remember that?
16 A. I remember saying I don't have a -- what is a pistol
17 compared to that gun [indicates]? That gun holds 34
18 rounds. Anybody would be a fool to sit there with a
19 little revolver.
20 That's like taking a water gun to fight against a
21 gun battle or taking a knife to a gun battle. Who is
22 going to sit there with five little bullets when I done
23 let off some over there on Wild Horse Road and they got
24 all that in there. Those people going to gun me down.
25 Q. Unless you lay and wait for them so you could take a

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~~couple of shots at them as they were leaving.~~
2 A. Lay in wait for them? Man, you need to go find who
3 was firing that gun [indicates] and no pistol and all the
4 people in that truck that day that boy was shot and
5 killed because I didn't shoot that boy.
6 And the bullets that you got don't match the bullets
7 that came out of the body of that boy that proves I did
8 not shoot him. You can say what you want but God knows
9 the truth and you ain't going to judge me but God will
10 judge you.
11 Q. Which is I guess why you took and threw the .38 away
12 before you called the police, the reason you washed the
13 gunshot residue off your hands before you called the
14 police, and in fact you called the police because
15 everybody in the whole neighborhood had already seen you
16 out there ---
17 MR. BAX: --- objection ---
18 Q. [Mr. Stone] --- is that not true ---
19 MR. BAX: --- this is testimony.
20 A. Mr. Duffie Stone the honest to God truth I did
21 everything in my power to avoid this situation today. I
22 fled from them boys I don't know how many times. Them
23 boys keep coming; they keep trying to kill me and I kept
24 running and I kept running, I kept running. And they
25 didn't stop because they wanted blood and they wanted

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1 death and they did not stop until they got blood and they
2 got death.
3 Q. What are you crying for?
4 A. Because ---
5 Q. --- Sir, what are you crying for? Are you crying
6 for Khalil or you crying for yourself ---
7 MR. BAX: --- objection ---
8 THE COURT: --- I'll sustain that objection ---
9 A. --- I'm crying for Khalil, I'm crying for my family,
10 I'm crying for all this. Man, I cry for you because you
11 so lost in this.
12 MR. STONE: I don't have anything else, Your Honor.
13 THE COURT: Thank you.
14 MR. BAX: Nothing further, Your Honor.
15 THE COURT: Thank you. Mr. Robinson, you can step
16 down.
17 [Whereupon, the witness is excused and exits the
18 witness stand]
19 THE COURT: Mr. Bax?
20 MR. BAX: Thank you, Your Honor. At this time the
21 defense rests.
22 THE COURT: Thank you.
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1 THE COURT: Ladies and gentlemen, that means that
2 you have now heard all the evidence and testimony that
3 you will hear from the defense in the presentation of its
4 case. The State now has the opportunity to offer reply
5 testimony or rebuttal testimony if it chooses to do so.
6 Mr. Stone?
7 MR. STONE: No sir, we don't have anything else.
8 Thank you.
9 THE COURT: Thank you. Now that means you have
10 now heard all the evidence and testimony that you will
11 hear in the trial of this case. There is yet to be heard
12 the final arguments that the lawyers will present to you
13 and the charge on the law that I will give you after that
14 has done and then you will have this case in your hands
15 to deliberate and to reach a verdict.
16 Obviously the hour is 3:25. The charge on the law
17 and the arguments will together last well past 5 o'clock
18 if we were to start them right this very minute, which we
19 could not do. Clearly we're not going to put a case of
20 this importance or any importance in your hands so that
21 you start deliberating when you're supposed to be on your
22 way home. So we're going to let you go now and ask that
23 you be back in the jury room tomorrow morning at 9:30.
24 At 9:30 we will bring you out for the arguments and the
25 charge on the law. I remind you once again that it is

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1 most important now that you continue to abide by those
2 instructions that I've been giving you about not yet
3 talking about this case among yourselves or with anybody
4 else. You've heard all of the evidence. You're not
5 going to hear any more evidence but you have not yet
6 heard the law. And the verdict must be based on the law
7 and the evidence together. So you're not at liberty yet
8 to start talking about this case among yourselves.
9 You'll have plenty of time tomorrow to talk about it as
10 long as you want to but not until then.
11 And for the same reason folks please once again this
12 will be the lead story tonight on the T.V. the defendant
13 testifying. That's the sort of thing that gets the lead
14 story. It will be there but you've already seen it; you
15 don't need to see it again. So please remember as always
16 not to discuss this case among yourselves and don't
17 expose yourself to any information about this case from
18 any other source at all. I'll see you at 9:30 tomorrow
19 morning. Thank you.
20 [Whereupon, the jury exits at 3:27 p.m.]
21 THE COURT: Folks, I'll note the renewal of all the
22 motions that you made during the course of the trial and
23 the renewal of my rulings as to each of those motions.
24 If there however are additional grounds or additional
25 motions I'll be glad to hear them at this time. Mr. Bax?

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1 that I'd like to do it. At least let me suggest to you
2 the charges which appear to me to apply in this case.
3 And of course I'll be glad to hear from you on that when
4 we have that discussion. Let's take about 15 minutes and
5 let me get those things together. I think I've got them
6 mostly together, okay.
7 MR. BAX. Thank you very much, Your Honor.
8 THE COURT: We'll start back at quarter of the
9 hour.
10 [Whereupon, court is in recess from 3:30 p.m. to
11 3:45 p.m.]
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1 MR. BAX: Thank you, Your Honor. Your Honor, the
2 arguments I think remain the same as has been stated
3 before. The only thing I would note is that obviously
4 the defense has added evidence to the case since the last
5 time I've argued. I would state that that evidence has
6 done nothing but support and add to the arguments. We
7 have heard from Tyrone Robinson, we have heard from the
8 other witnesses the defense has called; we've had the
9 statements of the Youngs introduced in one form or
10 another, Your Honor.
11 And I think it is clear and undisputed from the
12 facts that Mr. Robinson was running from these
13 individuals. And that even if you were to take the
14 allegations of the State as true he would have been
15 entitled to self-defense but you've also heard from him
16 that he didn't. So we have the evidence as it stands.
17 So I would renew all my motions and leave that to Your
18 Honor's discretion.
19 THE COURT: Thank you, sir. I'll note that and I
20 do stand by and reaffirm the earlier rulings that I've
21 made as to each of those matters. Folks, why don't we
22 take a few minutes right this minute and sort of get our
23 thoughts together and then come back and let's deal with
24 the charge conference and discussion of verdict forms and
25 things of that nature if y'all are in a position to do

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1 THE COURT: Folks, let me suggest to you some
2 charges that occurred to me from my view of the
3 proceedings thus far and I'll be glad to hear objections
4 or exceptions to any of these proposed charges. And of
5 course I'll be glad to entertain additional charges if
6 you all think they might apply.
7 My standard felony charge deals of course with proof
8 beyond a reasonable doubt. The definition that I use is
9 from Victor v Nebraska or State v Darby. --It's a --
10 definition that I referred to in my opening remarks to
11 the jury that proof beyond a reasonable doubt is proof
12 that leaves you firmly convinced of the defendant's guilt
13 and so forth. You are free to argue any reasonable doubt
14 charge which has been adopted and approved by our Supreme
15 Court. That's fine as long as it is one that has passed
16 muster in the past.
17 I just didn't want you to fall in the trap with
18 saying when the Judge talks with you about reasonable
19 doubt he is going to talk about reasonable doubt is the
20 type of doubt that causes a reasonable person to hesitate
21 to act because that's not what I'm going to talk to them
22 about. I charge the normal creditability of the
23 witnesses charge. I charge expert witness testimony. I
24 will charge that the evidence of the prior record of the
25 defendant in this case has been introduced only for

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1 purposes of creditability and so forth. I charge the
2 standard charge on murder and malice. Of course I will
3 not fall into the Belcher trap in this regard about
4 talking about the inference of malice from the use of a
5 deadly weapon. I will stand on more traditional
6 definitions for the malice without regard to that.
7 I will also charge voluntary manslaughter because of
8 the prior difficulties that these folks have had.
9 Unless both sides agree that I should not that would
10 appear to me to be an appropriate charge under the
11 circumstances. I will be glad to hear further from you
12 in that regard.
13 I will charge transferred intent. I will also
14 charge criminal intent, general and specific. I will
15 charge direct and circumstantial evidence. I'll charge
16 self-defense included in that will be a charge on mutual
17 combat and withdrawing in good faith and so forth. I'll
18 charge a statement by a defendant that is as to
19 creditability and voluntariness and so forth.
20 I'll give the jury the same charge on transcripts
21 that I gave to you all earlier and that I gave to them
22 because I'll imagine they'll probably send back either
23 the transcripts themselves or certainly the transcripts
24 that showed up in here as well. There are probably
25 others folks, but I just threw that together during the

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1 particular case, which it has a right to do, would the
2 law otherwise then support a charge on self-defense.
3 That's I won't say it's a quandary but that's what I took
4 into account. I'll be glad for you to research that
5 overnight and let me know.
6 MR. STONE: I may not actually have an objection to
7 it. That was the part I was having a difficult time as
8 far as wrapping my head around that particular concept.
9 THE COURT: There is inconsistency in that.
10 MR. STONE: Yes, sir.
11 THE COURT: And between part of Mr. Robinson's
12 testimony and that charge but as I say a Judge is not
13 bound to accept all the testimony of the witnesses being
14 credible in my view if the facts of the case overall
15 support a charge. I think that was my rationale. If you
16 will point me to something that says that's not right
17 I'll be glad to look at it.
18 MR. STONE: And I'm assuming that the transferred
19 intent doctrine is what carries the self-defense to
20 Khalil Singleton as opposed to -- obviously Khalil
21 Singleton caused no fear in the heart of the ---
22 THE COURT: --- exactly.
23 MR. STONE: Okay.
24 THE COURT: And I'll give you overnight to think
25 about those things.

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1 day today. It appears right now that the possible
2 verdict forms will be guilty of murder, guilty of
3 voluntary manslaughter or not guilty. Now having said
4 that I'll be glad for any of you to try to convince me
5 that I am wrong; I've been convinced before. So Mr.
6 Stone, any exceptions of those charges or requests for
7 additional charges?
8 MR. STONE: My only request was going to be
9 transferred intent and you're going to cover that so I
10 don't have any problem with that. I am a little -- Your
11 Honor and I haven't researched this well enough perhaps
12 to make this argument but the concern I have on the self-
13 defense claim is that the defendant took the stand and
14 said he didn't shoot.
15 THE COURT: Right.
16 MR. STONE: If he didn't shoot how did he shoot in
17 self-defense? And I haven't -- like I said perhaps I
18 need to do a little bit of research in that area but I'm
19 having a difficult time making that work with the facts
20 as the defendant has laid them out.
21 THE COURT: And you're right and I had considered
22 that. There is somewhere within the law a principal that
23 says that the Judge must charge the law as he or she
24 thinks the facts support. That is to say suppose this
25 jury chooses not to believe the defendant in that

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1 MR. STONE: Yes sir, thank you. Other than that
2 again, my only request was going to be transferred intent
3 and if you're covering that that would have been all
4 we're requesting.
5 THE COURT: All right. Mr. Bax, I'll be glad to
6 hear from you on any exceptions to those charges or
7 requests for additional charges.
8 MR. BAX: Thank you, Your Honor. I'll start with
9 what you have listed as your intents to charge at this
10 time. I'm -- Ms. Saxon is looking at the firmly
11 convinced reasonable doubt definition. I guess in my
12 experience I've never had it where not to my remembrance
13 where firmly convinced is not tied to hesitate to act
14 because it's kind of -- I've always seen it charged as
15 one and then the other. And the reason for that is
16 because obviously firmly convinced is talking about what
17 it would be described as if you find that it has been
18 proved; that you would be firmly convinced.
19 THE COURT: Right.
20 MR. BAX: But my understanding is there has to be
21 some definition to the opposite of that. In other words
22 the jury has two options; they can either be firmly
23 convinced or they can have some doubt and there has to be
24 some definition to that.
25 THE COURT: There is ---

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1 MR. BAX: --- and the way it's always been
2 described is hesitate to act is a way to define when you
3 find reasonable doubt.
4 THE COURT: The other side of that coin that I
5 should have given you but I did not ladies and gentlemen
6 of the jury after considering all the evidence and
7 testimony in this case you are firmly convinced the
8 defendant is guilty of the crime charged you must find
9 him guilty. On the other hand if after considering all
10 the evidence and testimony in this case you believe there
11 is a real possibility he is not guilty then you must find
12 him not guilty.
13 I commend to you the Supreme Court case, United
14 States Supreme Court case of Victor v Nebraska and the
15 state case of State v Darby, Judge Cottingham's case that
16 he tried in which he thought of Victor v Nebraska and
17 which has been cited with support from that point on.
18 MR. BAX: And Your Honor that is South Carolina
19 case of State v Dougherty?
20 THE COURT: Darby, D-A-R-B-Y.
21 MR. BAX: Oh, Darby; I'm sorry.
22 THE COURT: Let me see if I've got the site.
23 MR. BAX: That's all right, Your Honor, we can find
24 it. There's no need...
25 THE COURT: It's -- well it's a 1996 Supreme Court

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1 statement of the court.
2 THE COURT: All right. I'll certainly consider
3 that. Obviously I thought you might want it but -- and
4 I'll have to see how that plays out in the whole business
5 of transferred intent if transferred intent has a play in
6 that particular as to provocation as well because
7 obviously transferred intent in this particular case is
8 an essential part of what we're all about.
9 That's always the issue when you have an innocent
10 victim like this; when nobody intended for that victim to
11 get hurt. It's a part of the charge of murder in this
12 regard. And so I'm trying to see why it would also be a
13 part of the charge of voluntary manslaughter but I'll
14 look at that.
15 MR. BAX: Thank you, Your Honor. We do agree and
16 would request a charge on self-defense. And in response
17 to some of the concerns expressed by Solicitor Stone I
18 would state that in my reading of the case law concerning
19 charges Your Honor is correct it is what the facts
20 support.
21 And it's not just the facts from one witness; it has
22 to be the facts in totality. And the facts in totality
23 in this case include testimony from Jontu Singleton that
24 it was Tyrone Robinson that fired the shot. And I know
25 that's the argument that the State is going to make at

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1 being my notes are so old that I don't have a site. It
2 was opinion number 2408, Anthony Darby.
3 MR. BAX: That's all right, Your Honor. I'm sure
4 that's more than enough for us to find the case. Moving
5 on Your Honor we would object to voluntary manslaughter
6 being charged. What I have is -- it seems to be that I
7 believe it is State v Harris if I'm citing that
8 correctly. What I have is 581 -- well the quote that is
9 cited I actually have the case of State v Wharton, that's
10 W-H-A-R-T-O-N citing the Harris case.
11 It cites it at 581 S.E.2d at page 156. It's
12 specifically talking about sufficient provocation for a
13 manslaughter charge to justify -- excuse me; to justify a
14 voluntary manslaughter charge must come from the victim
15 and not transferred from a third party. Any provocation
16 in this case has been from the Youngs. There has been
17 testimony and it's not be refuted that there was no
18 problem between Mr. Robinson and young Khalil Singleton.
19 THE COURT: Right.
20 MR. BAX: So based on that we would argue it seems
21 clear and a pretty black and white statement that that
22 provocation has to come from the person that is killed in
23 order to -- the person who is deceased in order to
24 justify a voluntary manslaughter charge. So we would
25 object to a voluntary manslaughter charge based on that

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1 least in part is that he fired a shot and killed the boy.
2 And so the issue of whether he was at all legally using
3 lethal force is also at play. Additionally you have the
4 testimony here today that was put forth by the defense
5 from Jontu Singleton, Jr. that I don't think he meant to
6 shoot him. He was shooting at the car. That was what
7 the boy testified to without direct questioning of myself
8 in fact.
9 --- So there is evidence in the record before this jury
10 to which they could infer or decide that from a factual
11 standpoint that he did use force, however that force was
12 in self-defense. To that point and I just want to make
13 sure that I'm clear I have noted down that I heard you
14 say during the charge mutual combat and you were also
15 going to charge withdrawal. Did I hear that correctly,
16 Your Honor?
17 THE COURT: That's right.
18 MR. BAX: Okay.
19 THE COURT: There are -- the mutual combat cases of
20 course are as we know somewhat -- there are certain
21 elements that have to be there and one of them is prior
22 difficulty of the parties and the other is being armed
23 with deadly weapons come into it. But the mutual combat
24 plays into what you have argued as a withdrawal from the
25 event and not being -- thereby being excused from being

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1 the initial aggressor in this case. And the charge reads
2 if the defendant voluntarily participated in a mutual
3 combat for purposes other than protection because
4 normally mutual combat that's no help to anybody. No
5 matter what happens if you're in mutual combat then
6 neither party -- you can't claim self-defense for
7 example.
8 MR. BAX: I understand, Your Honor, and that's why
9 I wanted to make sure I clarified.
10 THE COURT: So if the defendant voluntarily
11 participated in a mutual combat for purposes other than
12 protection the killing of the victim would not be self-
13 defense. This is true even if during the combat the
14 defendant feared death or serious bodily injury.
15 However, if before the killing is committed the defendant
16 withdraws and tries in good faith to avoid further
17 conflict and either by word or by act makes that fact
18 known to the victim he would be without fault in bringing
19 on the difficulty.
20 For mutual combat it has to be a mutual intent and
21 willingness to fight and so forth and so on. So in other
22 words the purpose of it being there is to show that even
23 the aggressor who tries to withdraw is entitled to
24 reassert the defense of self-defense.
25 MR. BAX: Thank you, Your Honor. I think under

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1 just a suggestion. The reason I would argue that
2 accident can be charged I do have a case here that says
3 that accident and self-defense are not mutually
4 exclusive; that you can charge them in the same case. I
5 think that was State v Smith.
6 [Whereupon, Mr. Bax reviews documents]
7 MR. BAX: Yes, the case I have here Your Honor is
8 State v David Dwight Smith. It's a Supreme Court case
9 2011. I've got an opinion number. I don't know if I
10 have a site on this case; I can certainly give that to
11 you if you'd like. And it has under what is labeled as
12 section C of the opinion it defines accident and the
13 elements I believe that it defines an accident are
14 present here. It says for a homicide to be excusable on
15 the ground of accident it must be shown that the killing
16 was unintentional and the defendant was acting lawfully
17 and due care was exercised in the handling of the weapon.
18 Now obviously the reason I'm arguing that is that in
19 this particular situation accident would flow from self-
20 defense. Obviously the jury would have to find that the
21 defendant was acting in self-defense and that self-
22 defense would make that force lawful. And they would
23 have to find that the -- obviously the victim in this
24 case was the unintentional target. I don't think that is
25 really disputed by anybody. So that element of it is

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1 those auspices I know that one of the tricky parts of the
2 language of mutual combat to me is the language in the
3 cases about an agreement to be armed. And I guess the
4 problem is that since the honorable dueling that we
5 discussed earlier in this case really has gone by the
6 wayside.
7 THE COURT: That's right.
8 MR. BAX: It does kind of give the idea of two
9 gentlemen with their pistols in a field.
10 THE COURT: That's right.
11 MR. BAX: And we know that that's not really what
12 we're dealing with. But I understand and in light of the
13 withdrawal charge Your Honor I wouldn't have a problem
14 with that.
15 THE COURT: But you're exactly right. That is
16 still an element. As a matter of fact now Chief Justice
17 Toal wrote that into even an opinion that she wrote some
18 time ago that that had to be a part of it.
19 MR. BAX: Your Honor, additionally the defense
20 would request a charge on accident. And the charge found
21 -- I generally use Judge Anderson's black charge book.
22 It's always worked fairly well for me. His charge on
23 accident is very short and can be found at page 453 if
24 Your Honor chooses to use that. I wouldn't have an
25 objection if you wanted to use a different charge; it's

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1 fulfilled. And then the jury would have to find that due
2 care was exercised in the handling of a weapon. There
3 really hasn't been any specific testimony about that but
4 I think the jury could make an inference from they could
5 either infer that the fact that the unintentional target
6 was hit, they could infer that due care wasn't used with
7 the weapon, or they could decide that it was. But the
8 evidence is there. Once again referring to what Jontu
9 Singleton, Jr. testified to that it was accidental; he
10 was firing at the car. So we would ask for the accident
11 charge.
12 And then finally Your Honor we would ask for an
13 involuntary manslaughter charge and we would base that
14 request on State v Light, that's L-I-G-H-T. It talks
15 about the fact that self-defense charge and an
16 involuntary manslaughter charge are not mutually
17 exclusive as long as there is any evidence to support
18 both charges. And it refers to Crosby v State and it
19 does give a site for that at 584 S.E.2d 110; it's a 2003
20 case.
21 THE COURT: How do you argue for involuntary
22 manslaughter in the face of the unintended victim when
23 you argue against voluntary manslaughter?
24 MR. BAX: Well because my understanding, and
25 hopefully I'm interpreting this correctly, but

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1 involuntary manslaughter requires that there be a showing
2 of some neglectful action on the part of the defendant.
3 It's an unintentional killing but as a result of some
4 negligence on the part of the defendant; some reckless
5 disregard or negligence is how he was acting.
6 THE COURT: Right.
7 MR. BAX: And Your Honor as I argued before the
8 jury could either find that he was being -- using due
9 care in the use of his weapon in responding or they could
10 find that he wasn't.
11 THE COURT: Right.
12 MR. BAX: But under involuntary manslaughter if
13 they find that he was acting in self-defense and that it
14 was an unintentional killing but that he was being
15 negligent in the use of his weapon it would lead then to
16 a decision about whether involuntary manslaughter would
17 apply because they could find that he is still criminally
18 liable for the fact that he didn't exercise due care and
19 there was criminal negligence involved.
20 THE COURT: I'm not sure they could do that if they
21 found self-defense.
22 MR. BAX: Well, it would thereby depend on whether
23 or not does self-defense obviate the requirement to use
24 due care in exercising that self-defense. And the reason
25 I bring that up, Your Honor not to interrupt you but to

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1 would be a question of whether you used due care.
2 THE COURT: It would seem like that would indeed
3 put another requirement, an element into self-defense.
4 Of course the charge is that self-defense is a good
5 defense. It's a complete defense and if it is
6 established entitles the defendant to a verdict of not
7 guilty notwithstanding these other things that you used.
8 I hadn't thought about that. You've obviously given some
9 thought to it Mr. Bax. But it would appear to me that
10 the -- and I can understand the rationale behind it. It
11 would appear to me that in doing that I could be
12 inserting an additional element into the defense of self-
13 defense.
14 But I will think about that. Let me hear from Mr.
15 Thornton excuse me; are you through? Do you have any
16 other additional requests other than accident and
17 involuntary manslaughter and the objection to voluntary
18 manslaughter? I think they are the only ones that I
19 think I need to spend some time on.
20 MR. BAX: Okay, Your Honor. The only thing I was
21 going to add was just to also give you some guidance as
22 to why I even had that thought in my head about
23 involuntary manslaughter was the fact that in the State's
24 original memorandum in opposition to the castle doctrine
25 that was provided to Tyrone when he was representing

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1 make sure I give you the reasoning why this is.
2 THE COURT: Right.
3 MR. BAX: This is a tragedy. We all know that.
4 This is a victim that all of us are kind of torn up
5 about. It's a child. It's someone who had nothing to do
6 with this. And I believe that any reasonable person that
7 is placed on this jury including the ones that we have
8 are going to say how is it that we can condone even the
9 use of self-defense if it results in the death of someone
10 who had nothing to do with it; in this fact a boy.
11 THE COURT: Right.
12 MR. BAX: And think to some degree that is a
13 question that that jury is going to have in their mind.
14 And I think under the facts it fits. They could find
15 that Tyrone was running. They could find that he was
16 trying to get away; that he withdrew. They could believe
17 that portion. But they could believe that he is not
18 telling the truth when he says he fired back.
19 But they could also believe that he was only firing
20 at the Youngs in self-defense because he was scared. And
21 so all of that is there and that's why I think it flows
22 from it. I think the idea is unless we decide or unless
23 it's the court's ruling that self-defense thereby
24 obviates your duty to use due care in the use of your
25 weapon when exercising self-defense then otherwise there

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1 himself there was an argument in that memo that even if
2 you're entitled to self-defense it doesn't transfer to an
3 unintentional party.
4 THE COURT: Right.
5 MR. BAX: And so to some degree that really goes to
6 the heart of that.
7 THE COURT: Right.
8 MR. BAX: And I have to somewhat in representing my
9 client I have to try and anticipate what the arguments of
10 the State would be either to Your Honor or to the jury.
11 And that's part of where that came from. So there is
12 precedent in this case as far as that position goes.
13 The final thing Your Honor is I know that you
14 mentioned malice and I believe you mentioned the felony
15 murder malice inference as well. I was just going to ask
16 what language you were going to use on that charge. My
17 position is that if Your Honor charges that they can
18 infer malice from this felony murder concept I wanted to
19 kind of get some clarification as to the language because
20 I believe that in my reading of the statutes and what we
21 have that the jury has to be instructed that they have to
22 find that Mr. Robinson was in the course of an inherently
23 dangerous felony, a clearly definable inherently
24 dangerous felony at the time that Mr. Singleton was
25 killed in order to be able to infer malice.

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1 THE COURT: Okay. I have spent a good bit of time
2 last night reading what you all have read before last
3 night and that is McInnish on that very issue. McInnish
4 has a section that says what felony will suffice. I need
5 not repeat that. I'm reading from the bottom of page 105
6 on the Fifth edition. There might have been another one
7 since that time; I haven't gotten it yet if there is the
8 inherent dangerousness of a felony of course and felonies
9 which are *malum in se*; that is those which are inherently
10 and foreseeably dangerous.
11 I'll be glad to look at that again. And frankly I
12 have not made up my mind to charge the commission of a
13 felony because the only commission of a felony that would
14 fit these circumstances is a shoot out. And that is
15 specifically the type of thing that is prohibited by
16 Belcher. You can't talk about an inference of malice
17 from the use of a deadly weapon in a case where there is
18 evidence that would reduce the charge of murder. So
19 frankly I had not intended to talk about felony murder.
20 MR. BAX: And Your Honor I have no objection if you
21 don't talk about it.
22 THE COURT: I'll hear from the State on that. But
23 here's the definition; it's a standard definition y'all
24 have heard hundreds of times. The State is not required
25 to prove any motive for the killing but is required to

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1 MR. THORNTON: Your Honor, I would ask that we be
2 allowed to do a little more research. I want to look at
3 the case cited by Mr. Bax before we answer that question
4 in the morning if that's okay with you.
5 THE COURT: That will be fine.
6 MR. THORNTON: And we will be ready to answer it
7 first thing. It's just something I frankly want to look
8 at the cases he cited before I made that argument if
9 that's okay.
10 THE COURT: Okay.
11 MR. THORNTON: I'll move into accident. Judge, I
12 think you hit it right on the head with involuntary but I
13 think that covers this accident request as well. What
14 the evidence was, and again you have to take into account
15 all of the evidence, which I understand but the defendant
16 gets up and says I didn't do it. Well, if he didn't do
17 it then he's not guilty.
18 THE COURT: Right.
19 MR. THORNTON: If the jury disbelieves that then
20 they have to deal with mutual combat and self-defense.
21 Now if it's self-defense then he's not guilty. If it's
22 not self-defense then he intentionally aimed his gun and
23 fired it at the Youngs. And under the doctrine of
24 transferred intent if he kills Khalil Singleton as a
25 result then he's guilty of -- well, under all those

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1 ~~prove malice. It is the intentional doing of a wrongful~~
2 ~~act without just cause or excuse and with an intent to~~
3 ~~inflict injury. Malice aforethought is a deliberate~~
4 ~~well- formed purpose, etcetera; they're talking about~~
5 ~~aforethought. Malice is a word that suggests a~~
6 ~~wickedness or a hatred or a determination to do what one~~
7 ~~knows to be wrong without just cause or excuse or legal~~
8 ~~provocation. It need not be in the mind, etcetera. And~~
9 ~~we talk about express and inferred.~~
10 Malice may be inferred where no excuse or legal
11 provocation for the killing appears and when
12 circumstances attending the killing show an abandoned
13 heart or malignant heart fatally bent on mischief. And
14 then there is another sentence somewhere that adds to
15 that -- by showing a total disregard for the rights or
16 the safety of others I think might be the language or
17 something to that effect. That's what I intend to give.
18 MR. BAX: Nothing further, Your Honor.
19 THE COURT: Now Mr. Thornton I'll be glad to hear
20 objections. Tell me first of all let me ask if the State
21 objects to the voluntary manslaughter or thinks it should
22 be murder or nothing. Of course if neither side wants me
23 to charge it I'm not going to charge it. Who is going to
24 argue for me at the Supreme Court if we have to --
25 neither one of you will want it.

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1 circumstances he would be guilty of murder. There is no
2 way that could end up being an accident.
3 THE COURT: Right.
4 MR. THORNTON: So it's either one of those
5 scenarios based on the evidence we've heard. There is
6 nothing in here that says he dropped the gun and it went
7 off. There has been no evidence that he pulled the gun
8 but didn't intend to shoot but accidentally fired the
9 gun. There has been no evidence that he negligently
10 handled the gun and it went off. There has been nothing
11 that would qualify of any type, direct or circumstantial,
12 that would do either accident or involuntary.
13 That would be the State's position on that. Your
14 Honor, frankly unless Mr. Stone tells me otherwise we are
15 not going to ask you to charge an inference of malice
16 from felony murder. Based on the way this has played out
17 it looks like a straight up or down charge.
18 THE COURT: I think that's right. Mr. Thornton, I
19 don't disagree with you on the accident or I could be
20 convinced on that but most of the time accident does not
21 mean I killed the wrong person.
22 MR. THORNTON: Yes, sir.
23 THE COURT: It means the gun went off and I didn't
24 mean for it to go off or something of that nature.
25 MR. THORNTON: Yes, sir.

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1 THE COURT: Because killing the wrong person if all
2 of the other elements are there the mistaken identity or
3 the wrong victim does not normally give rise to accident
4 itself. I'll look at some of those cases again but I
5 think most of the cases cited -- I'm looking at one now I
6 think it is State v Vincent and State v McCaskill which
7 talks about the fact that the -- here is what McCaskill
8 says. A homicide is excused when caused by the discharge
9 of a gun where the accused is lawfully acting in self-
10 defense and the victim meets death by accident through
11 the unintentional discharge of a gun or the like.

12 On the other hand a homicide is not excusable on the
13 grounds of accident. So normally -- that's State v
14 McCaskill 300 S.C. 256. It's cited in State v Goodson
15 312 S.C. 278 which did stand -- Goodson stands for the
16 proposition that you just mentioned Mr. Bax that just
17 because you unlawfully possess a firearm doesn't mean
18 that you can't raise the defense of accident in a self-
19 defense case. But it normally -- I think McCaskill puts
20 a finer point on that. I'll let you all look at those
21 cases and we'll discuss this again tomorrow.

22 MR. BAX: Your Honor, I'm sorry. That was -- on
23 the McCaskill site for South Carolina that was 3-0?

24 THE COURT: 300 S.C. 256.

25 MR. BAX: Thank you.

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1 approval rating as it were I usually am not going to go
2 longer than 30 minutes. Typically if it weren't a case
3 of this complexity it would be even shorter than that.
4 Obviously there are a number of pieces of evidence that
5 need to be covered. I don't anticipate my argument going
6 longer than 30 but I will tell you I can guarantee you it
7 won't go past 45.

8 THE COURT: Okay. That's fine.

9 MR. STONE: I assure you mine is not going past 30
10 minutes.

11 THE COURT: Okay. Well, gentlemen I think I've
12 had the pleasure of trying cases with you all before and
13 you know I don't ring a bell or blow a whistle when you
14 get to whatever you told me you would take. But I do
15 tell lawyers that if as your argument continues it
16 appears to me you have completely forgotten how long you
17 told me you were going to take I'll try some discrete way
18 to get your attention but that would be it. And the
19 timeframe that each of you have mentioned are more than
20 reasonable. And as I say the only reason I ask is really
21 so I can tell Ms. Roseaneau how much time she's got to
22 make the sandwiches for lunch. Okay. All right,
23 anything else before we break for the evening?

24 MR. STONE: No sir, not from the State. Thank you.

25 THE COURT: Thank you all folks. I'll see you

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1 THE COURT: All right. Anything further as to
2 matters of law before we break for the evening?

3 MR. THORNTON: None from the State, Your Honor.

4 THE COURT: Thank you. Mr. Bax?

5 MR. BAX: No, Your Honor. Thank you.

6 THE COURT: I'll be here around 9 o'clock tomorrow
7 morning and so if there is -- if you've got any
8 additional information we can have a chambers conference
9 back there and we'll put it on the record eventually of
10 course just to try from keeping the jury back there any
11 longer than necessary before we go immediately to
12 arguments.

13 Mr. Bax, you will make the first of the final
14 arguments and Mr. Stone you'll make the last of the
15 arguments and I'll instruct -- I'll leave it up in the
16 air tomorrow until I hear from you all whether the forms
17 of the verdict will be as I have suggested already or
18 whether it will be guilty of murder or not guilty. We'll
19 talk about that tomorrow. Just to give me some idea
20 about how to plan for lunch and things like that for
21 these jurors and plan breaks I can appreciate the fact
22 that neither of you can rush through these arguments.
23 Does anybody have any idea about how long you think you
24 might take? Mr. Bax, do you have any idea?

25 MR. BAX: Your Honor, even at my, I guess best

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1 tomorrow morning. I'll be here at 9:00 and we'll start
2 back with the jury at 9:30.

3 MR. BAX: Thank you, Your Honor.

4 THE COURT: Have a good evening.

5 [Whereupon, court adjourns at 4:20 p.m.]

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C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Beaufort County, South
Carolina on the 18th day of September, 2014

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

January 23, 2015



Joyce C. Rueger, CWR-M

Court Reporter

 COPY

STATE OF SOUTH CAROLINA

vs.

TYRONE ROBINSON

Defendant

TRANSCRIPT OF RECORD

September 19, 2014
Beaufort, South Carolina

VOLUME 5 (OF 5)

BEFORE:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

APPEARANCES:

DUFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

ARIE BAX, ESQ.
JESSICA SAXON, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

State v Tyrone Robinson
Proceedings
September 19, 2014

PROCEEDINGS

THE COURT: Good morning. I was looking at my notes overnight. I think you all were to do some studying and deal with whether or not accident would apply in this particular case and involuntary manslaughter. You were also to indicate to me today whether or not on behalf of the State you objected to Mr. Bax's request that I not charge on voluntary manslaughter. Let's start since Mr. Bax has made the motion to get these in let me hear what the response is from the State in regard to those various matters, Mr. Thornton?

MR. THORNTON: Yes sir, Your Honor. We would object to as I did yesterday I think on the record we would object to those involuntary manslaughter and accident on the same grounds. Basically there is no evidence before this jury that would support either charge. As I understand the evidence, and Judge forgive me for plowing the same ground that I did yesterday but they can find that the defendant in this case did not shoot, which is what he said; I did not shoot. And in that case then he's not guilty because he didn't do anything wrong. They could find that he did shoot according to a lot of the circumstantial as well as eyewitness testimony but that he acted in self-defense,

PROCEEDINGS

CLOSING ARGUMENTS

Remarks by Mr. Bax

Remarks by Mr. Stone

CHARGE

VERDICT

POLLING OF THE JURY

MOTION FOR NEW TRIAL

Remarks by Mr. Bax

SENTENCING

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which is a complete defense as Your Honor would charge the jury. Or he could be found to not have the benefit of self-defense in which case he would be guilty of murder or and I will address voluntary manslaughter in a second but certainly there is no evidence of any negligent or criminal negligence that resulted in a death in an unintentional killing. Under the doctrine of transferred intent it's pretty clear based on that if he did shoot he certainly was shooting a loaded weapon at the folks in the vehicle, which is an intentional act.

THE COURT: Right.

MR. THORNTON: And I think that it is certainly proper for a jury to determine that that would be an intentional killing if someone dies as a result. Of course you have the doctrine of transferred intent in there as well since an unintended victim would have been the person killed in this case, Khalil Singleton. But there is no evidence that it is an unintentional killing which would be required for both involuntary manslaughter and I think accident; I just don't think there is anything to deal with accident.

With regard to voluntary manslaughter, and Judge I apologize I did not write these down and I didn't have a chance to ask Mr. Bax about this this morning the cases he cited. I pulled up or someone in my office who is a

1 lot better researcher than I am pulled up two cases. One
2 is State v Childers which was a 2007. It was a plurality
3 opinion which discussed this issue. But I think more on
4 point for us is a later case State v Danny Orlando
5 Wharton, excuse me Judge, which is 381 S.C. 209. And if
6 the court will allow me the holding in that case was in
7 this case the Court of Appeals -- obviously the Wharton
8 court is talking about the other case Childers.

9 In this case the Court of Appeals held that the
10 trial court erred on charging the jury on voluntary
11 manslaughter because there was no evidence of sufficient
12 legal provocation and because transferred intent does not
13 apply to voluntary manslaughter. We find however that
14 Childers was not a majority opinion and the applicability
15 of the doctrine of transferred intent voluntary
16 manslaughter cases where the defendant kills an
17 unintended victim upon sufficient legal provocation
18 committed by a third party remains an unsettled question
19 in South Carolina.

20 Then they go on to say that they didn't find
21 sufficient legal provocation in this case so they
22 declined to answer that question. And I was not able to
23 find anything after that Your Honor. So the State's
24 position -- I say all that to say this Judge, we're going
25 to leave that to your discretion. I think it is

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1 that as to involuntary manslaughter involuntary
2 manslaughter does not require direct intent. In fact it
3 does not have an intent element. What it does have is a
4 requirement that there be reckless disregard and that
5 reckless disregard be defined as part of the charge on
6 involuntary manslaughter.

7 Your Honor, there is evidence in this case that has
8 been presented to the jury during the State's case as
9 well as the defense case that it was the day after my
10 client's birthday, that he had been drinking alcohol.
11 And based on what has been presented about that I think
12 that a jury could find that regardless of whether or not
13 -- we basically say they could find that he was entitled
14 to self-defense. But based on the fact that he had been
15 drinking that day and already made some bad decisions
16 going over to where he thought these guys were they could
17 find that he acted in reckless disregard potentially if
18 they find that he actually fired back.

19 So I think it's supported under the facts because
20 the jury could make that finding based on all the actions
21 involved. We talked about this a little bit yesterday on
22 the record, Your Honor and I pointed out to the court
23 that obviously regardless of the facts concerning this
24 confrontation and this conflict between Aaron Young, Jr.
25 and Sr. and my client even if they see clearly and they

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1 incumbent upon Your Honor to make the final call on this
2 anyway. But we don't take a position. If Your Honor
3 feels like there is evidence of sufficient legal
4 provocation then I think you should charge voluntary
5 manslaughter. If you don't then the State is fine with
6 not charging it.

7 I just wanted to make sure in my own research that
8 we wouldn't be flipped on appeal if it was included based
9 on what Mr. Bax said yesterday and I just don't think
10 that is the case. I think that if you find that the
11 elements could be met by the evidence raised in this case
12 then I think that it would be proper to charge voluntary
13 manslaughter. But the State is fine either way, Your
14 Honor.

15 THE COURT: All right thank you. All right Mr.
16 Bax; let's deal with them in that order if you would
17 please.

18 MR. BAX: Certainly, Your Honor. In thinking about
19 it the evening hours in looking at it and Ms. Saxon has
20 done some research for us on these issues I do believe
21 that accident and involuntary could be confusing to the
22 jury. I have no objection to either or rather than both
23 because I know that they have some overlap and it could
24 be confusing to the jury to charge both of them if Your
25 Honor entertains to charge either. But I would argue

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1 find that self-defense is applicable the fact that an
2 innocent third party, a boy in this case, has died is
3 something that I could see this jury having a lot of
4 heartache when it comes to deciding this case.

5 And I think if they look at it and they say we think
6 he was entitled to self-defense but we still think he
7 bears some responsibility for what happened to this boy
8 they will be looking at it from the standpoint of was he
9 acting recklessly. I don't even think I would have to
10 give them that word for somebody to probably come up with
11 that in the jury room. So I do believe that under those
12 pieces of evidence and that concept that it could fit.

13 So, Your Honor I would ask that you consider
14 charging involuntary manslaughter. If you decide that
15 you agree with the defense and do charge it I have no
16 objection to not charging accident. I think the two of
17 them together could be too confusing and might stand in
18 contradiction to each other. And finally Your Honor
19 moving ---

20 THE COURT: --- before we move can we deal with
21 that?

22 MR. BAX: Yes, sir.

23 THE COURT: All right, thank you. Let's deal with
24 the accident involuntary manslaughter that I kind of need
25 to begin with. First of all the cases that I have read

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1 on accident all seem to flow around truly an accident.
2 It's not an accidental victim; it's an accident of firing
3 the gun.
4 MR. BAX: That's correct, yes sir.
5 THE COURT: And this does not seem to fit that,
6 does not fit that; there is no evidence that it fits that
7 particular category. So I think accident is out in this
8 case as a matter of law.
9 Involuntary manslaughter according to McInnish whose
10 book has been worn out this week by all three of us in
11 this case defines involuntary manslaughter as the
12 unintentional killing of another without malice. That's
13 the premise, unintentional killing of another without
14 malice and while either engaged in an unlawful activity
15 that is not a felony and does not naturally tend to cause
16 death or great bodily harm or is engaged in a lawful
17 activity with a reckless disregard for the safety of
18 others.
19 Now the activity he was engaged in if it's unlawful
20 in this particular case the firing of the weapon we've
21 danced around with what sort of felony could you attach
22 to this because the indictment has the words dangerous
23 felony or words to that effect, I don't have it in front
24 of me right this minute. But nonetheless it talks about
25 that in the terms of a shoot-out. Well, when you shoot a

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1 discussions that juries don't have to believe everything
2 for example as you client indicated and that was in
3 response I think to some statements and argument by the
4 State. They don't have to believe everything that the
5 witnesses say but they are required by law to believe
6 everything I tell them about the law. And so I presume
7 that they are going to do that.
8 And for that reason they cannot follow the law in my
9 opinion and find that he was engaged in the lawful
10 activity of defending himself, which would entitle him to
11 a verdict of not guilty, and at the same time disregard
12 that and say well he's guilty of something but it's the
13 reckless disregard for the safety of others and therefore
14 involuntary manslaughter. It just doesn't seem to fit
15 either one so I have to deny your request to charge on
16 both of those grounds.
17 MR. BAX: Thank you, Your Honor. And I understand.
18 Let me be clear we would much prefer a verdict of not
19 guilty.
20 THE COURT: I understand.
21 MR. BAX: So I understand. Your Honor, then I
22 believe that leaves us with the remaining issue of
23 voluntary manslaughter is that correct?
24 THE COURT: That's right, yes sir.
25 MR. BAX: Well in the research that we have done

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1 gun at somebody else with the intent to do them harm
2 unlawfully it is either assault with intent to kill or
3 attempted murder.
4 MR. BAX: Yes, Your Honor.
5 THE COURT: Both of which are felonies. So it
6 doesn't come under that first category of engaged in an
7 unlawful activity that is not a felony and does not
8 naturally tend to cause death to another because that's
9 of course what shooting firearms can do. And so we deal
10 with the second part engaged in a lawful activity with a
11 reckless disregard for the safety of others. And I think
12 that's where your argument really has its focus and I can
13 appreciate that.
14 If he is engaged in a lawful activity; that is the
15 defense of himself, then that is a complete defense. And
16 the jury will be told that that is a complete defense.
17 You've indicated that let's suppose they believe that he
18 is entitled to self-defense but acted with reckless
19 disregard to the others. And I can appreciate that. I
20 can appreciate the strategy of trying to give this jury
21 some way to deal with that concern.
22 But if the jury were to find that he was entitled to
23 self-defense but decided to apply some other area of law
24 they would be disregarding the instructions which I am
25 going to give them. Now we mentioned yesterday in our

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1 and the case in fact the Wharton case that Mr. Thornton
2 cited was actually the case we also cited yesterday and
3 it refers to State v Harris. And in our research State v
4 Harris is the controlling case on this. It is still --
5 it is good law and has not been overturned in any way
6 that we can find. It is the controlling law and it makes
7 a clear definitive statement in State v Harris that
8 voluntary manslaughter's legal provocation cannot be
9 transferred to a third party. It is clear on that
10 element. It is unequivocal as far as the way that the
11 statement is made in the case law and then State v Harris
12 is controlling.
13 And it is also cited in the Wharton case as well.
14 And while in Wharton they later determined that he wasn't
15 entitled to it for other reasons because of a lack of
16 provocation anyway Harris still stands and it is still
17 cited in Wharton for that reason. I think that at least
18 as to the transference of provocation it is so unless
19 they decide to overrule Harris. And so it is our
20 position that the law is clear that voluntary
21 manslaughter cannot apply in this case. Thank you.
22 THE COURT: All right. Thank you. I'll look at
23 that. I think Wharton at least indicated at one point
24 that that issue had not been finally settled because of
25 the virality or nature of the opinion. But because this

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1 is a case of transferred intent and because there is
2 authority in the case law whether literality or otherwise
3 that means I'm not necessarily bound by it but I can give
4 it persuasive weight in this regard. I will decline to
5 charge as to involuntary manslaughter.
6 MR. BAX: Thank you, Your Honor.
7 THE COURT: I'll note the exceptions in that
8 regard.
9 MR. BAX: Your Honor, if I may?
10 THE COURT: Yes, sir?
11 MR. BAX: Your last statement was you declined to
12 charge I thought I heard you say involuntary but I think
13 you meant voluntary is that correct?
14 THE COURT: You're right. I'm sorry; you are
15 exactly right. Those little two letter syllables can
16 make a right big difference.
17 MR. BAX: I just wanted to make certain. So my
18 understanding Your Honor is that based on those rulings
19 we are looking at as far as charge wise, a charge on
20 murder, self-defense, and the other things that Your
21 Honor discussed; mutual combat but with withdrawals
22 you'll charge.
23 THE COURT: Right.
24 MR. BAX: But not a charge on any lesser such as
25 manslaughter or involuntary manslaughter?

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1 jury wanted to physically look at them. Is there any
2 objection?
3 THE COURT: That's fair game.
4 MR. BAX: Okay. Thank you.
5 [Whereupon, Mr. Bax and Ms. Saxon review exhibits]
6 MR. BAX: Your Honor, I think I have everything in
7 order so at your...
8 THE COURT: Okay. Now folks, are both sides ready
9 for the jury?
10 MR. STONE: The State is ready, Your Honor.
11 THE COURT: Thank you.
12 MR. BAX: Yes, Your Honor.
13 THE COURT: Bring us the jury please.
14 MR. BAX: Your Honor, if I may?
15 THE COURT: Yes, sir.
16 MR. BAX: I just wanted to inquire is Your Honor
17 going to voir dire the jury about media exposure again
18 today.
19 THE COURT: Since you reminded me I'll do it.
20 MR. BAX: Thank you.
21 THE BAILIFF: The jury is entering the courtroom,
22 Your Honor.
23 [Whereupon, the jury enters at 9:42 a.m.]
24 THE COURT: Good morning. Thank you once again for
25 your prompt return. I must ask you once again for the

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1 THE COURT: That's exactly right.
2 MR. BAX: Thank you, Your Honor.
3 THE COURT: I'll be glad to hear further from the
4 State in that regard, however Mr. Thornton if you wish to
5 be heard on any of those matters as far as the charge is
6 concerned.
7 MR. THORNTON: No sir, Judge. Nothing else from
8 the State, thank you.
9 THE COURT: Thank you. Gentlemen, are we now ready
10 for the jury?
11 MR. BAX: Your Honor, when I first came into the
12 courtroom we didn't have the exhibits out so if I could
13 just have about five minutes to make sure that I can grab
14 the things that I need to grab and then I'll be ready to
15 go, Your Honor.
16 THE COURT: Okay. That's fine.
17 [Whereupon, Mr. Bax reviews exhibits]
18 THE COURT: Folks, of course as a matter of
19 housekeeping the bullets will not go to the jury room.
20 MR. BAX: Absolutely, Your Honor.
21 THE COURT: At least the unfired bullets.
22 MR. BAX: Right. I know that there are some --
23 just to make sure that I ask permission, there are some
24 spent bullets that are in brown paper bags that are in
25 evidence I did intend to put those on the railing if the

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1 last time whether or not any of you have been exposed
2 overnight inadvertently or otherwise to any publicity or
3 any information about this case from any source at all.
4 I realize it would have been inadvertent, it would have
5 been accidental; it would not have been intentional on
6 your part. And if so I'll be glad to talk with you
7 privately so we can inquire about those things. If that
8 applies to anyone if any of you have been exposed to any
9 information about the case from any source at all would
10 you let me know now? Then can I assume the answer to
11 that is no on behalf of all of you?
12 THE JURY: That's correct, Your Honor.
13 THE COURT: Thank you very much. You were asked a
14 few moments ago as word got out to me whether or not you
15 could take your notes into the jury room during
16 deliberations. The answer to that is yes, you can. And
17 that's the reason that you were taking them so that you
18 would have those if you needed them at the conclusion of
19 the trial.
20 I will tell you once again however that you cannot
21 take notes during the final arguments because as you
22 might recall the arguments are not evidence and your
23 verdict has to be based on the evidence. And so rely
24 upon your collective memory and on the notes that you
25 have taken. I remind you again that if in your

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1 discussions back there that a person's notes say
2 something different from the collective memory of the
3 jury then try to resolve that among yourselves as to what
4 is right. The notes don't carry any more weight than
5 your collective memory. They are an aid to your memory.
6 They do not replace your memory. And if you can't
7 resolve it on that basis let us know and we will try to
8 help you get through that issue.
9 Now ladies and gentlemen, the final phase of this
10 case will consist of the arguments which the lawyers will
11 present to you. Mr. Bax on behalf of the defendant Mr.
12 Robinson will present the first of these arguments to
13 you. And when he has concluded the argument on behalf of
14 Mr. Robinson then Mr. Stone on behalf of the State has
15 the right to make the final argument. The State has the
16 right to make the final argument because the State has
17 the burden of proof as I will instruct you shortly. And
18 after that has been done as I've said I'll instruct you
19 as to the law.
20 You all have been a good jury. You have been
21 attentive and you have been punctual. And those are the
22 two things that we expect of juries. And we also expect
23 thoughtful deliberation and I'm sure you will have a
24 chance to do that and you will do that indeed when you
25 get a chance finally to begin your deliberations in this

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1 case. The attention that you have given throughout the
2 trial of this case to the witnesses has been important.
3 And it is equally important that you give that same
4 attention now to the attorneys as they make their final
5 arguments and to the court as I instruct you as to the
6 law. Thank you, folks. Mr. Bax?
7 MR. BAX: May it please the court, Your Honor?
8 THE COURT: Yes, sir.
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1 CLOSING ARGUMENT
2 BY MR. BAX:
3 Good morning ladies and gentlemen. First of all
4 thank you once again. As the Judge said this is not an
5 easy thing to come in, take time out of your lives and
6 sit on a jury. I think you have seen throughout the
7 course of this trial how important your job is to make
8 these determinations.
9 As I spoke to you at the beginning of the trial it
10 is the part of this system that makes it the pride of our
11 government to have the judicial system we do is this jury
12 system. The jury system that is something other
13 countries have always aspired to have and do have as a
14 result of what we do. The reason being you are not the
15 government. You are not a bureaucracy. You are not a
16 computer. You are not a machine; you are people
17 You have seen what you have seen and you are going
18 to use your common sense to evaluate everything. And as
19 the Judge has said my final arguments and Mr. Stone's
20 final arguments they are not evidence in the case but it
21 is our take on the evidence and we hope that it aids you
22 in making your decision. So once again we thank you.
23 Tyrone Robinson was fleeing from Aaron Young, Jr.
24 and Aaron Young, Sr. Tyrone Robinson was running from
25 Aaron Young, Jr. and Aaron Young, Sr. Tyrone Robinson

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1 was hiding from Aaron Young, Jr. and Aaron Young, Sr.
2 But ladies and gentlemen he is not hiding from you. He
3 is not running from you. He's not running from this day
4 in court. And I think that's important and I hope you
5 see that it's important because Mr. Robinson has come
6 before you and he has put his faith in this system, in
7 this jury because he has said I am not guilty. I did not
8 do this.
9 Now Tyrone has come before you, we have come before
10 you on behalf of Tyrone and we have not claimed nor has
11 Tyrone claimed to be a perfect man. He has not come
12 before you as a man without sin in his past. He has not
13 come before you as a man who has not made mistakes and
14 done bad things. You have not heard denial from him
15 about that. He has told you about it even more than he
16 had to under the rules. He has not denied it.
17 But he has put his faith in this system just as I
18 have because he knows as I know and as you will be
19 instructed by the Judge and hopefully you know that in
20 this country we judge you based on what you are accused
21 of now today. It's called due process.
22 If there is a crime many years ago and you faced it
23 and you dealt with it and you did your time on it then
24 that is not to be a factor in anything other than your
25 establishment of creditability. It is not a factor to be

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1 considered when it comes to whether or not he did this.
2 Here you must look at the facts. Tyrone Robinson stands
3 bared to you. Now I talked to you at the beginning of
4 this case and I want to bring this back up again.

5 In the State's opening argument Mr. Stone mentioned
6 that it does not matter who started it; I believe was the
7 statement. And I responded that it does and ladies and
8 gentlemen I stand by that. Not only does it matter who
9 started it, it matters who finished it, it matters who
10 did what throughout the entire process. That is the job
11 of the jury. You must look at it, you must decide based
12 on what you have before you has the State proven who did
13 what and when.

14 And I submit to you the State has not proven that
15 Tyrone Robinson was doing anything more than fleeing from
16 Aaron Young, Jr. and Aaron Young, Sr. In fact the State
17 has put in evidence that Aaron Young, Jr. and Aaron
18 Young, Sr. were trying to kill Tyrone Robinson. And they
19 kept doing it as many times as they could until someone
20 fell.

21 Now I'm going to go through what I have and what I
22 remember. As I said before it's your job to evaluate
23 what you've seen. If I don't touch on something that you
24 found to be important please don't hold that against Mr.
25 Robinson. It's been a long case, it's been a complicated

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1 in the house. Yes, he shot a gun on 17 Old Wild Horse
2 Road. And regardless of my opinion about the science of
3 what the G-S-R expert from SLED testified to about it
4 absorbing into your body after six hours it doesn't
5 matter because all of this happened no matter which
6 timeline you look at didn't take more than two hours at
7 the most. So it had only been at most two hours since
8 he'd fired the gun on Old Wild Horse Road. He admitted
9 to that to Sergeant Thomas, the first police officer he
10 came into contact with.

11 But I think this is important and it goes to the
12 law. The Judge is going to charge you on the law. And
13 one of the things he is going to charge you is regardless
14 of whether or not you're involved in some kind of
15 altercation where you may have been at fault, you may
16 have bore some criminal liability. If you leave before
17 anybody is hurt or killed and that leaving is obvious to
18 everybody that means you've communicated to those
19 individuals that you were in an altercation with I'm out,
20 I'm done; I'm leaving. It's called withdrawal.

21 You don't have to say it in words. You don't have
22 to tell the individual you are in a fight with sir I'm
23 withdrawing. But if they know you're withdrawing and
24 you've communicated it through your actions such as
25 getting in a car and leaving that means the individuals

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1 case and you have a tough job ahead of you. I don't envy
2 you that but I know that you will do it. We have a
3 fairly long story line here. We have a situation that is
4 basically irrefutable what happened down on 17 Old Wild
5 Horse Road. Mr. Robinson was there. Whether it was a
6 mistake or not he was there. You've heard testimony from
7 him that he wasn't really wanting to go but he did.

8 You've heard testimony from Mr. Robinson he
9 certainly regrets that now. You've heard testimony as to
10 why. You've heard testimony from Mr. Jontu Singleton,
11 Sr. who was called by the State that was in line with
12 what Mr. Robinson said. I wanted to go down there
13 because those are my boys and I wanted to get some money
14 so that I could buy whatever; beer, cigarettes, or
15 whatever.

16 You've heard what happened there. You have heard
17 that there was an altercation. Regardless of who started
18 what or who screamed what there was an altercation.
19 Obviously Aaron Young, Sr. did not like that Tyrone was
20 there. And obviously Tyrone fired a gun.

21 Mr. Robinson has testified that he was scared
22 because there was a number of individuals he fired in the
23 air and he fired in the ground. There has been testimony
24 that Aaron Young, Sr. and him tussled over the gun and
25 the gun was fired into the house. They found the bullet

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1 you were in an altercation with they have a legal
2 responsibility. It means they do not have the ability to
3 chase you down and hunt you down like an animal and shoot
4 at you until you are dead. That can't do it. That's
5 what the Judge is going to charge you on. They had a
6 responsibility to stop at that point and call the police.
7 You heard from the witness stand from the officers that
8 interviewed the Youngs that they admit that. They
9 admitted we were wrong to go after him. We should have
10 left it alone. We should have never gone out there
11 hunting Tyrone. You heard it.

12 You heard it from the people, the two men who took
13 this weapon [indicates] and put it together possibly
14 ineptly and went and hunted him down. You have heard
15 testimony that not only did they go after him, they did
16 it multiple times. You've heard testimony that they
17 encountered him on Oak View Road. You have heard
18 testimony that they went home at least once maybe twice
19 because you heard testimony from Jontu Singleton, Jr.
20 [sic] that they took him home and they had never found
21 Tyrone.

22 And then they went back out And you've heard
23 testimony that they eventually find him on Oak View Road
24 after he had been hiding out at his cousin's house for 15
25 or 20 minutes and there is some contact there. Tyrone

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1 has testified they fired at him. They told the police
2 their gun jammed. It's certainly conceivable that the
3 reason they are saying their gun jammed because when they
4 were close enough the gun wouldn't fire. It wasn't until
5 after they were past him that they finally got it
6 working. And that's when they fired that direction. But
7 clearly they knew that he had not been hit because he
8 drove off. And clearly there was a decision because
9 there is testimony in the record that they told the
10 police that they went back to Wild Horse Road again.
11 Each and every time they had the opportunity to cool
12 down and say I'm calling the cops or even the opportunity
13 to say I'm going to go to work. Maybe they will come and
14 arrest me and maybe they won't but I'm done with it.
15 Each and every time the Youngs chose to get back in the
16 truck and go back hunting for Tyrone Robinson; each and
17 every time they did that.
18 And you've heard from Mr. Robinson and you've heard
19 from the witnesses in this case from the State and the
20 defense that each and every time Tyrone tried to flee; he
21 tried to run. Now you've seen on here [indicates] these
22 are the places where these encounters have happened. But
23 you've also heard and the State will argue to you that
24 this is a running gun battle. I submit to you it's not a
25 running gun battle if one person is chasing another. If

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1 hadn't been that last set of shots. They both testified
2 that Xavier went to the house and Khalil and Jontu
3 Singleton, Jr. went home. They went the opposite
4 direction. You've had testimony that Jontu Singleton,
5 Jr. lives here [indicates]. You've had testimony that
6 Khalil lived up in this direction [indicates]; that's
7 where his grandmother was. Now your common sense will
8 tell you as a young boy if there is something going on
9 adults have yelled at you to go home you're going to go
10 home. That's where you're going to go. And you're going
11 to run most likely. Your friend is running.
12 You've heard testimony from Jontu, Jr. who took the
13 stand, you saw him, saying we were running home. They
14 were running in this direction [indicates] this way
15 [indicates] through here [indicates]. Part of this scene
16 as you can see there is Allen Road but there is also a
17 track here [indicates]. It doesn't have a name or any
18 that I am aware of but it's a little road, it's a little
19 dirt road that cars can go on. You've got testimony that
20 they left the trampoline and they headed this way to get
21 to their houses.
22 You also had testimony from Brittany Brinson.
23 Brittany Brinson took the stand for the State. Brittany
24 Brinson was also the one that you've heard on 911. She
25 is a registered nurse. She is related to Khalil

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1 one person has fled and is no longer trying to look for
2 them he is running away. That is undisputed. It is not
3 a running gun battle. And in fact you've heard testimony
4 from the stand that Aaron Young, Sr. said under sworn
5 testimony it was not a running gun battle. In fact when
6 I told you that Tyrone Robinson shot back at me on Allen
7 Road I was lying to see if I could get me and my son off
8 and become star witnesses for the State.
9 Now let's talk about Allen Road off of Marshland
10 Road, number three. What you have here [indicates] shows
11 you the scene. You have testimony from Tyrone Delaney
12 that the Youngs were around there and almost hit him, was
13 in his lane. Why would a truck be in the opposite lane?
14 Maybe because it's doing a U-turn to come back around;
15 it's for you to decide.
16 You have had testimony from the State's witnesses
17 about this scene. You've had testimony from Tyrone
18 Robinson about what he has told you happened out there.
19 I submit to you Your Honor; excuse me, the jury -- in a
20 way you are Your Honor because you're the judges of the
21 facts -- there is a couple of things I want to point out.
22 Charlese and Tyrone both said that when they called those
23 boys off that trampoline that they were unharmed at that
24 time. There was no indication there was anything. They
25 both testified that when they called the boys there

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1 Singleton. She has no reason to lie that I can discern.
2 She places Tyrone Robinson right up here [indicates]
3 between these two buildings right up here [indicates].
4 And she places him with two bottles of beer in his hand
5 seconds after the shots were fired; those last shots.
6 Seconds; that was her testimony. She puts him up here
7 [indicates] with two bottles of beer in his hand seconds
8 after the shots.
9 I would submit to you she is a very credible
10 witness. She does not see a gun in his hand. What's the
11 common sense if he had shot literally seconds before that
12 he would have already put the gun back away and picked up
13 his beers in seconds? It doesn't seem to make a lot of
14 sense that that could be the case. She also testifies
15 that she sees Khalil fall while he is running in this
16 direction.
17 And that brings me to something that I think is
18 crucial in this case. You've heard the testimony of the
19 pathologist in the case that performed the autopsy. She
20 has testified to you unequivocally that young Khalil was
21 shot in his left side. His left side. His left side.
22 She's also testified his left arm was uninjured. She's
23 testified that the angle of the bullet could indicate
24 that the individual was leaning. She's testified it
25 would be consistent with someone who is leaning forward

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1 to run. She's testified to the fact that his arm was out
2 of the way is consistent with having your arm raised
3 running. She has testified that it was a basically level
4 shot and it entered the left chest. She's testified that
5 it was a lethal wound. She's testified to the damage
6 that it did to that poor boy.

7 She's testified at most it would have been one to
8 two minutes for young Khalil to die. But she's also
9 testified that physical exertion such as a trampoline and
10 running makes the heart beat faster. Your breathing rate
11 is higher; it's going to speed that process up
12 unfortunately. She's also testified this is an eight
13 year old boy who only weighs 55 pounds. She's testified
14 that that was a strong bullet.

15 Ladies and gentlemen, you have also not heard any
16 testimony whatsoever that any blood was found on this
17 [indicates] trampoline. You've not heard any testimony
18 from Jontu Singleton, Jr. or anyone else that Khalil
19 seemed in any way harmed anywhere over here [indicates]
20 at this trampoline.

21 The evidence all points to the fact that when Khalil
22 was struck he was running home. What does that mean?
23 Ladies and gentlemen I submit to you that it means
24 absolutely Tyrone Robinson did not shoot Khalil because
25 his left side would have been facing the road. If he is

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1 it possible? Sure. Is it probable? No. Now you may
2 say well, the Youngs had a couple of different kinds of
3 bullets. But you've heard the testimony from Mr.
4 DeFreese. When you've got a gun that you can put 32 or
5 34 rounds in and you're buying the boxes at 50 you're
6 going to go through the boxes pretty quick. It's going
7 to take more than a box just to do two full loads.

8 You're going to take out more than half that box if you
9 fill that thing up and you Swiss cheese people's cars and
10 you drive around shooting at people on the roads of
11 Hilton Head Island. You'll go through a lot of bullets.

12 You also heard from Mr. DeFreese, and this is very
13 important, bullets don't turn corners ladies and
14 gentlemen. They don't bend. They even made a silly
15 movie about people bending bullets. And I can promise
16 you we talked about Myth Busters at one point during this
17 case bullets don't bend. They tried. We don't have
18 bullets that bend in midair yet, thank goodness. The
19 only thing that they do is drop with gravity over
20 distance. That's what you heard Mr. DeFreese testify to.

21 So the only thing that this bullet would have done
22 once it was fired from whatever gun it was fired from is
23 go straight and down. Period. You heard testimony both
24 from the pathologist as well as Mr. DeFreese that plain
25 lead projectile was not deformed in any way to indicate

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1 running in this direction his left side would have been
2 facing the road. And every witness that has been put up
3 puts Tyrone Robinson on the right side of where he was
4 running. You've heard testimony from SLED agent Dan
5 DeFreese who has been doing firearms identification,
6 bullet identification for 47 years if I'm getting that
7 number right. And he testified to you that the bullet
8 recovered from Khalil was a plain lead projectile.

9 He has testified that it does not match the jacketed
10 bullet found on Wild Horse Road. He has testified that
11 there are some similar markings that they both have eight
12 grooves with a right twist but he's also testified that
13 there are over 18 manufacturers that make a gun that
14 makes those markings on a .38. He has testified that .38
15 caliber revolvers are very common. He's testified that
16 .38 caliber ammunition is very common.

17 He also testified that these are two differently
18 constructed bullets. They are not sold together. This
19 is a five to six shot revolver that they have put in
20 Tyrone's hands and Tyrone has confirmed to you yes I had
21 that gun. It was a five shot small .38 caliber revolver.
22 Yes I did, but I did not have any plain lead bullets. I
23 did not shoot that boy. Does it make sense that someone
24 would mix up bullets. Does it make sense that someone
25 would have just a whole bunch of different bullets? Is

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1 that it ricocheted off of anything. Ladies and gentlemen
2 these [indicates] are the bullets; these right here
3 [indicates]. You're going to have them; Wild Horse Road
4 and the one found in Khalil Singleton. Look at them and
5 make your own judgment.

6 And I submit to you you can see just from the fact
7 that that bullet taken at Wild Horse Road that hit a
8 house is busted up. That bullet that was unfortunately
9 removed from Mr. Singleton is not. It did not ricochet
10 off of anything. That means it didn't hit something and
11 bounce back into him. It did not hit a rock. It did not
12 hit a piece of metal, a car, a house and bounce into
13 Khalil Singleton. It flew from his left side, his left
14 side, this [indicates] area.

15 Charlese Jackson even testified that those last set
16 of shots she heard came from around here [indicates].
17 You heard her testify. I pointed to it and made sure and
18 gave her two or three times to say it and she confirmed.
19 This area here [indicates]. That's where she heard it
20 from; right where the truck was going through. Right
21 where the truck was coming through. Right where the
22 truck was coming through.

23 Now you have some things that you have to look at
24 and you have to ask yourself does that make sense. One
25 thing I would ask you you've heard the testimony of what

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1 the youngs were up to and what they admitted to the
2 police that day; that they were out to kill. You've
3 heard it. So ladies and gentlemen does it make sense
4 that they would have just taken one gun when there was
5 two of them at least. You've heard testimony that Aaron
6 Young, Sr. said I'm going back to get my guns plural when
7 he went back to his house on Wild Horse Road. Does it
8 make sense that maybe they gave up the gun they know
9 didn't shoot the boy and threw the one away that did.
10 There is an exhibit that I have actually misplaced;
11 I apologize, where they have the pickup truck that Aaron
12 Young, Jr. and Aaron Young, Sr. were arrested in and that
13 was the vehicle they were driving when they went down to
14 Allen Road. They confirmed that. Every witness confirms
15 that this grey F-150 is what they were driving.
16 Now Charlese says these windows [indicates] on the
17 passenger side and drivers side were closed. But what is
18 that [indicates] on the back of that truck? That's a
19 sliding open window right there, still open when they
20 were arrested. Charlese couldn't have seen if that back
21 window was open. She couldn't have seen if there was
22 anybody sitting in the back of that truck where they
23 found shell casings. Thirty-eight caliber revolvers are
24 very common. And you know what else .38 caliber
25 revolvers do? They don't drop their shell casings. So

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1 side is facing the road too. And who is the first adult
2 that he sees after he sees his friend drop to the ground?
3 Tyrone Robinson; Tyrone Robinson who is also traumatized
4 and thinking that somebody is going to come out anywhere
5 any minute and shoot more bullets at him.
6 Now I'm going to try to wrap up here. I want to
7 talk to you a little bit about the law. Before I do I
8 want to put these [indicates] before you as well. These
9 are exhibits that were introduced by the defense. That's
10 [indicates] a picture of that [indicates]. And that's
11 [indicates] a picture of that [indicates].
12 I want to talk to you a little bit about the law.
13 The Judge is going to charge you on the law of self-
14 defense. He is going to charge you on the law concerning
15 withdrawal that I've already talked to you about. He is
16 going to charge you on the law of mutual combat. He's
17 going to say mutual combat says two people have agreed in
18 some way to be armed and have a fight.
19 But then he is going to tell you if one of those
20 people makes it clear I'm leaving then that ends it and
21 that person then becomes entitled to self-defense. That
22 person has left, broken that situation off and said I'm
23 leaving. I'm done with this. Whatever you want to say I
24 did wrong then it's over now. I'm gone; I'm leaving.
25 And then continue to communicate their desire to not have

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1 what if the Youngs had another .38? What if the Youngs
2 had another .38? What if they dried up that big old gun
3 over there [indicates] and they wanted to take a few more
4 shots as they were leaving; last chance maybe. That's
5 going to be the one they toss in the marsh. That's why
6 they give the cops that one.
7 Now you've also as I said before you heard from
8 Jontu Singleton, Jr. You heard his testimony. There has
9 been a lot of statements of his that have been introduced
10 where he said he shot my friend Khalil. He's made those
11 statements; I understand. But think about what he was
12 going through at that time. And think about what he came
13 and testified to here in the court. That's a brave boy.
14 He's nine years old. It's been two years and
15 whether he realizes it or not he's been living with this
16 for those two years. He came in here and testified
17 before you with a good attitude. I was very impressed
18 with him. And he told you yes, I said he shot him. I
19 think he did. And when I asked him well, did you see it?
20 Well, I didn't see it. My face was turned away but I saw
21 him after. I saw him after I heard the shots.
22 That's what he testified to and I respect that. He
23 told you his face was turned away when the shots were
24 heard. He was also turned away from the road as well.
25 If he is running in the same direction Khalil is his left

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1 the fight, to leave, to withdraw that individual then
2 becomes entitled to self-defense. Now I believe that the
3 facts show that Tyrone Robinson did not shoot Khalil
4 Singleton. If you as jurors believe other evidence, and
5 you can disagree with me if you like that is your choice.
6 You've got to look at it under your oath and honestly to
7 yourself and only to yourself you think that he did fire
8 you have to look at whether or not he was acting in self-
9 defense at the time that he fired.
10 I submit to you there is absolutely no question that
11 he would've been entitled to defend himself. He met
12 absolutely every element of self-defense. You'll hear it
13 from the Judge. He had withdrawn which gave him clean
14 hands at that point; I'm leaving. They kept after him
15 and he kept fleeing.
16 He even fulfilled the element of retreat. He tried
17 to retreat. The law says if you can retreat safely we'd
18 like you to retreat because we abhor violence. And if we
19 can avoid people killing each other that's what we want.
20 But if you are able to find or if you are able to
21 reasonably see that fleeing is dangerous in and of itself
22 then you no longer have to flee. If anyone established
23 fleeing it was Tyrone Robinson. As he testified to you
24 the other day he fled and he fled and he fled and it
25 wasn't working. I submit to you if you find as a jury

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1 that you believe beyond a reasonable doubt that Tyrone
2 fired the weapon back at the Youngs you heard from Jontu
3 Singleton, Jr. even though he didn't see the rounds fired
4 he just heard the shots. Even though he is completely
5 unaware of the fact that Khalil was shot in his left side
6 which was facing the road he also said I don't believe he
7 meant to do it. He was aiming at the car. That's self-
8 defense. That's a complete defense. That is a
9 requirement under the law of not guilty.

10 Does it make it any less a tragedy? Absolutely not;
11 but it is a defense under the law. Now I believe and I
12 don't know because I can't tell the future but I believe
13 that you may hear from the State that this was a running
14 gun battle. And I've already talked about the fact that
15 Aaron Young, Sr. himself denies that it was a running gun
16 battle.

17 You're going to hear from the State I believe that
18 these individuals were in the commission of bad things;
19 that these people including Tyrone Robinson are bad
20 people and they do bad things and they ran around making
21 bad decisions. And as a result of their bad things and
22 their bad decisions Khalil Singleton is dead and you
23 should find him guilty because he was a part of that bad
24 act. That's that broad brush that I talked to you about
25 at the beginning of this case. The law is anything but a

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1 promise you if any of us in this room could bring him
2 back we would. But we can't. I ask you now to think
3 about this. Ignoring the law, acting on passion, acting
4 on sadness, acting on rage and convicting an innocent man
5 by ignoring that law creates another tragedy and it does
6 not honor Khalil.

7 THE COURT: Thank you Mr. Bax. Mr. Stone?

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1 broad brush. And anything that is too broad our courts
2 have struck down; absolutely justified to do so because
3 the law is supposed to be a scalpel not a shotgun. It is
4 supposed to be exact. That's why we have self-defense,
5 that's why we have specific charges with elements murder,
6 specific elements that's what the charge is here. We
7 have other crimes and they have specific elements; they
8 are not on trial here today.

9 But if we just wanted to say well, you've been bad
10 and that's what we are going to try you on then why would
11 we have volumes and volumes of books full of the
12 different crimes and their elements specifically
13 enumerated in case after case defining each and every
14 word in those elements because the law is a scalpel, not
15 a shotgun. It's precise. It looks only for who is at
16 fault and no one else.

17 Finally ladies and gentlemen and I'm going to sit
18 down. And this may be difficult for me to say. Khalil's
19 death absolutely was a tragedy. Many of you may have
20 children, grown children or young children. I have
21 children. Many of the people in this courtroom have
22 children or have grown children. We are a society like
23 all societies that value our children. No one wants to
24 see an innocent life wasted; no one. Not me, not Tyrone
25 Robinson, not the State; no one. It's a tragedy. And I

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1 CLOSING ARGUMENT

2 BY MR. STONE:

3 I told you when I walked up here Tuesday morning
4 that I was going to ask you for one thing and one thing
5 only; I was going to ask for the truth. And I told you
6 that that was all I would ever ask for is the truth.
7 Your verdict is supposed to do just that; say the truth,
8 what really happened.

9 You know what's interesting about the truth? It's
10 consistent. Consistent. The truth doesn't change when
11 some fact might not suit it. The truth doesn't alter
12 itself. The truth doesn't say if you don't like this how
13 about this. The truth is consistent. We put up 21
14 witnesses, 21. And although every one of them saw from
15 different angles because of course they are different
16 people and they all had different positions they were all
17 consistent. It all makes sense and what happened out
18 there makes sense. That's the truth and that's what I am
19 going to ask you today and that's what I told you I would
20 ask you for.

21 The first witness that you heard, you heard a lot of
22 witnesses with 911 but one of the first witnesses you
23 heard was the lady who lives in this house right here
24 [indicates], Charlese Mitchell. Charlese Mitchell is
25 Tyrone Robinson's cousin. She offered to feed him. She

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1 has nothing to gain or lose by this. And if she were
2 going to be biased she would be biased for him. She
3 testified and she came in here and she showed you where
4 she was and here's what she said. I heard a set of shots
5 and Tyrone Robinson came to my house. He wanted to use
6 the phone. Did he call the police and say oh my God
7 there are people chasing him? No, he was calling his
8 cousin for backup.
9 And then Tyrone Delaney comes home. And when she
10 finds out he's got a gun she says you got to go. You got
11 to go. And Tyrone Robinson leaves her house. And this
12 is what she says that is so important; he leaves and
13 minutes later I hear rapid gunfire and then I see this
14 truck. I see it so well that I actually recognize the
15 driver. It's Aaron Young, Sr.
16 I couldn't see who was in the passenger seat but
17 they were inside the truck and as they were approaching
18 my house as they were leaving the area I heard not rapid
19 fire like I heard before but boom, boom, boom; three
20 shots, the same three shells that Tyrone Robinson had
21 left in his revolver. Did it come from the truck Ms.
22 Mitchell? No sir, the truck was passing. I could see
23 the truck. Two people were inside the truck. They were
24 leaving and then the three shots. Tyrone Delaney says he
25 sees Tyrone Robinson with the same gun that Charlese says

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1 Tyrone Robinson do? Does he say wait a minute no, it
2 wasn't me, I didn't do that. Was it I don't have a gun.
3 Was it no, it was somebody else; let's call an ambulance.
4 What did he do? Nothing. He just kept walking. What
5 about when Jontu Singleton walks with him over here
6 [indicates] to Dominique Griffin with tears in his eyes
7 because that's his step-father and his step-father says
8 what happened? He said a man shot my friend.
9 What did Tyrone Delaney [sic] do then; second
10 opportunity? Did he say no, I didn't? Did he say I
11 don't have a gun? Did he say let's call the police?
12 Let's call the ambulance? No. What did he do? He kept
13 walking with as Dominique said with that look of I gotta
14 go. I gotta go. Why did he have to go? He had to go to
15 get rid of that gun and to get his hands cleaned;
16 something that Bennie Lee Hamilton told you also that he
17 used the vinegar to try to clean his hands. And he had
18 to get rid of that gun.
19 Why did he have to get rid of the gun? Where is
20 that gun by the way? It's the gun that exonerates him
21 the one that he hid, the one that he threw away. The .38
22 caliber, where is it; the one that is going to free him?
23 If it wasn't the gun that killed the child do you think
24 in the two years that he's been sitting here waiting on
25 this trial he couldn't have gotten the gun. He couldn't

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1 she sees. He's outside waving it around. And I
2 apologize for the language but this is Tyrone Robinson's
3 language, those motherfuckers don't know who they are
4 dealing with. And then I'll fire back at those
5 motherfuckers with the revolver that he had in his hand.
6 Why would Tyrone Delaney lie about that? What's his
7 motivation? Is that consistent?
8 And then you hear Jontu Singleton, Jr., the child
9 who is standing out there and says he shot my friend. I
10 saw him. And he did it with tears in his eyes. And he
11 didn't do it just once; he did it three times out there.
12 He did it to Brittany Brinson. He said that man shot my
13 friend Khalil. He did it to Dominique Griffin who lives
14 here [indicates] in a totally separate setting. And then
15 he did it to Martin Thomas and you heard that on the
16 video.
17 And I'm sorry he had to come to court. You had
18 already heard his voice and I guess the defense was
19 assuming he was going to walk in here and he was going to
20 be so intimidated that he just couldn't say anything.
21 But he did; he said it again. And you know what's
22 interesting not only about what Jontu Singleton said and
23 not only the fact that this child said he shot my friend
24 what did he also -- what also happened when he did it.
25 He's standing in front of Brittany Brinson. What does

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1 have said hey, go get the gun, let's go test it. He
2 could have but he's not going to because he knows he
3 can't. The same reason he took that gun and he hid it
4 that day. The same reason he couldn't wait on the police
5 to get there he had to go just like he told Dominique
6 Griffin. The defense says because he was afraid he was a
7 convicted felon. He didn't want to be charged with a gun
8 charge. If that's the truth then why did he tell Martin
9 Thomas one of the first things out of his mouth was I was
10 involved in a shootout. I had a gun earlier.
11 If he was so afraid of being nailed for a gun charge
12 why did he tell the police officer he had a gun? He had
13 to go. He had to go because he had to clean his hands
14 just like the other witness said, Bennie Lee Hamilton.
15 He came into my house -- or into Snake Bryant's house and
16 he needed some help.
17 He needed to clean his hands. He didn't know he had
18 already thrown the gun in the back. Again, another
19 witness consistent and he didn't want to come testify. I
20 think you could probably tell that. But it does beg the
21 question why did he come back? I mean if he shot this
22 kid why did he come back? Let's take a look at what he
23 said about that.
24 [Whereupon, the C.D. plays]
25 MR. STONE: I called y'all. I called 911. What he

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1 didn't know of course about calling 911 is that it starts
2 recording before he knew the operator picked up. So what
3 he didn't know was on that tape of the 911 call where he
4 called 911 the operator could hear him say because I got
5 gunpowder on my hands too.

6 But what else? I already know I was going to jail.
7 Why? Because his cousin saw him with the gun. Tyrone
8 Delaney sees it and hears him say I'll fire back. The
9 child identifies him in front of not one but two people.
10 Everybody in the neighborhood sees him. He already knows
11 he's going to jail so he better get back and he better
12 blame this on somebody else. But first he needs to clean
13 up. He needs to clean his hands. He needs to clean the
14 gun.

15 Well, he did one of those. He got rid of the gun.
16 He got rid of the gun. But he didn't do such a good job
17 on the hands because not only did we put eyewitnesses up
18 we also put up science. And the science ladies and
19 gentlemen is consistent with everything else you've heard
20 starting with the gunshot residue.

21 The defense said well that stuff is there forever.
22 No, it's not. The expert said he starts coming off
23 immediately. Well, it can be transferred if you shake
24 hands. That's true except that he had it on this palm
25 [indicates], this palm [indicates], and the back of his

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1 science. Dan DeFreese is a scientist and that's
2 consistent. Then Doctor Tormos; Doctor Tormos offered a
3 couple of things. The first thing she offered was the
4 child did not die immediately. When the bullet hit the
5 child the child did not die immediately. It nicked all
6 the major arteries and he literally drowned in his own
7 blood. It took probably a minute maybe longer; somewhere
8 between one and two minutes.

9 And the defense asked her wait a minute now what
10 about metabolism, what about size? She goes that's fine.
11 It still took between one to two minutes for him to die.
12 He drowned in his own blood. He did not get hit and then
13 drop. Why is that important? Number one because it's
14 consistent with what Brittany Brinson said. She sees him
15 still coming and then he drops. And also enough time for
16 Tyrone Robinson, which I don't know how long you think
17 this [indicates] takes; let me sit my beer down and put
18 my gun in my pocket. How long did that take? Tyrone
19 Robinson said I had the gun in my pocket.

20 He pulls it out -- well, he's got these beers. And
21 by the way a guy that is running for his life, a guy that
22 is really afraid, he had to stop off and get a couple of
23 cold beers before. He's out in the neighborhood running
24 afraid and he's got to get away. Never mind that he
25 doesn't call the police or ask for help when he is over

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1 hand and the back of his hand over here [indicates]. And
2 you also heard him talk about it on the 911 call and he
3 washed his hands. Gunshot residue is consistent with
4 everything else. And then the ballistics expert Dan
5 DeFreese, an expert who has been doing this for 47 years
6 and who has seen many, many, many cases.

7 And I got to be honest with you maybe the defense
8 heard a different testimony than I did but this is what I
9 heard Dan DeFreese say. First of all the .38's are
10 consistent. They are shot out of the same type of gun.
11 They have the same number of grooves and they have the
12 same twists. They are consistent. They are two types of
13 bullets but they are both .38 calibers. They were made
14 by a different manufacturer. Is that unusual? No.
15 Sometimes we get a case in which all the bullets are the
16 same. Sometimes we get some out of one box and some out
17 of another. How do you know that's true? That's even
18 the case in the .9mm. The .9mm that came out of the
19 Youngs house were not all made out of the same company.
20 They were different.

21 And as Dan DeFreese said that is not unusual at all.
22 We see them all the time. The .38's though are
23 consistent. But what else did he say? This [indicates]
24 isn't. This [indicates] did not kill the child. This
25 [indicates] could not have killed the child. That's

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1 at his cousin's house he's got a couple of beers he's
2 walking around the neighborhood with. But he's got to
3 set them down. He's got to set them down. He sees the
4 truck, he sees them shoot his car, and he's lying in wait
5 because he doesn't have enough bullets to go man to man
6 with them just like he said on the witness stand. I had
7 the equivalent of a water pistol compared to what they
8 had. They had many more bullets than I did. He only had
9 three; the same three, the same three that Charlese said
10 she heard at the very end.

11 And he has his beer, and he sees the truck, and he
12 sets it down and he pulls his gun out. Now I don't know
13 how he was holding the gun and neither does anybody else
14 whether -- he was hiding so we're assuming he's not
15 standing like this [indicates]. So assume that he is
16 hiding or assume that he is standing there or whatever
17 he's shooting relatively low. He just set his beers down
18 when she shoots across back at that truck.

19 Now that brings up two points. Khalil was shot in
20 his left side. That's absolutely true; no question about
21 it. If Tyrone Robinson set his beer down and he is
22 shooting its either level or he's below him. But he is
23 shot in his left side; that's true And the highway,
24 Marshland Road, this road here [indicates] is to his
25 left, that's correct; assuming that an eight year old

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1 goes one direction and one direction only. And I don't
2 know how many eight year olds you've been around but
3 generally they don't. And even if they did, even if they
4 did he forgot his four-wheeler. He was on the trampoline
5 when Charlese said go home, get out, go. He runs this
6 way [indicates]. He left his four-wheeler. Adults may
7 not stop to turn around and go back and get it but a
8 child would. It's consistent.

9 That means the second thing that is consistent about
10 this. The downward angle she said over and over again
11 either level or lower. A man who had set his beer down
12 and was taking aim at somebody in a pickup truck? A
13 pickup truck? Anybody climbed in a pickup truck lately?
14 This [indicates] pickup truck below the child. Tell me
15 exactly how somebody in a pickup truck with a gun up here
16 [indicates] is going to make that [indicates] angle.
17 It's not possible. It's not possible.

18 And it's consistent and it's consistent with
19 everything that every witness said. Go back to Charlese.
20 They were leaving, they were driving, they were
21 approaching my car I could see them. There was no shots
22 coming out of the truck and then I heard it boom, boom,
23 boom. The science, the witnesses, even some of the
24 testimony elicited by the defense is all consistent; all
25 consistent. What's not consistent? What is not

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1 behind Snake's house. He had a gun, he didn't have a
2 gun, he shot the gun, he didn't shoot the gun. It's the
3 ever evolving story from Tyrone. It's not the truth.
4 It's just one of his stories or two of his stories or
5 three of his stories. And then what happened at Wild
6 Horse Road? Mr. Robinson, what caused all this? First
7 of all why does it matter? Why does it matter?

8 It certainly doesn't matter to Khalil Singleton why
9 this started but I'll let the defense have this argument.
10 It matters because under their theory he was acting in
11 self-defense. So the problem with self-defense is you
12 can't start the problem and then when the problem gets
13 the better of you, you say whoa, self-defense.

14 So it matters if he shot first. It matters if he
15 started the fight. It matters what he was doing there,
16 which is why when he comes into court he tells you this
17 wasn't a drug deal. No, I wasn't there and a drug deal
18 didn't go bad. I don't even know what you're talking
19 about. But you told that to Martin Thomas. No. You
20 told that to the Sheriff's Office. No, there was no drug
21 deal; I don't know what you're talking about. I bought
22 drugs from them a long time ago not that day. Beaufort
23 County Sheriff's Office:

[Whereupon, the C.D. plays]

MR. STONE: Down there to get some coke.

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1 consistent? What doesn't make sense? What changes with
2 whatever Tyrone Robinson hears? Tyrone Robinson's
3 stories; this man who has seen the Angel of Death. The
4 Angel of Death who told him you need to quit prophesying
5 or I'm going to kill all your family members.

6 Now I don't know what he was on when he saw the
7 Angel of Death. I don't know how he can say that but I
8 would submit to you it is pretty hard to believe somebody
9 that tells you that I'd also submit to you it's hard to
10 believe that Tyrone Robinson is a prophet not with what
11 he does and what he says.

12 What did he tell out there? What did he tell the
13 Sheriff's Office? What did he tell to Martin Thomas and
14 then what did he tell when he came into the courtroom?
15 To Martin Thomas; I had a gun earlier Bro but I didn't
16 have one out here. What does he tell to the Beaufort
17 County Sheriff's Office when he gets there for his much
18 longer interrogation and his much longer conversation? I
19 didn't even have a gun out there. They shot at me. I
20 didn't even have a gun. I didn't have a gun at Allen
21 Road. I didn't have a gun over at White Horse Road
22 either -- Wild Horse Road either.

23 And then he comes into court and says okay, I had a
24 gun. I had a gun and I shot it and I even had a gun at
25 Allen road but I didn't shoot it there and I threw it

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[Whereupon, the C.D. plays]

MR. STONE: 9 o'clock this morning? Yes.

[Whereupon, the C.D. plays]

MR. STONE: What did he tell Martin Thomas at the
scene?

[Whereupon, the C.D. plays]

MR. STONE: He came in here and told you there was
no coke deal. Why is that important? Because he's had
an opportunity to sit here for a whole week and he knows
now what everybody is going to say and what everybody
said. And he knows what he's got to do; he's got to
recreate that story one more time. I had a gun, I didn't
have a gun. It was a coke deal, it wasn't a coke deal.
He can't even get it straight on his own story. It keeps
changing. The truth doesn't work that way. Your stories
work that way.

And then some more inconsistencies other than those
stories he puts up the Youngs or he puts up testimony
about the Youngs. To prove what? Self-defense; that he
is running for his life. You know what he proved? The
same thing that I told you Tuesday morning; this was a
shootout just like he described it between the Youngs and
between Tyrone Robinson. And before anybody sits here
and thinks I'm justifying what the Youngs did I'll tell
you the same thing I told you Tuesday; their day will

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1 come. This is the first but their day will come. But
2 you know it's even interesting with their testimony they
3 put in just a little bit to show you hey, really he was
4 running for his life. He was afraid the Youngs were
5 going to try to kill him. They were. There is no
6 question about that, absolutely; unless he got a shot at
7 them. He tried to kill them. Shootout. I didn't say
8 that, he did. So they put in just a little bit to say
9 Tyrone is afraid.

10 But the problem is the Youngs were separated at the
11 Sheriff's Office in two different rooms and they both
12 said the same thing. When we were leaving we heard three
13 shots. Would I put the Youngs up for my case to say
14 believe that because the Youngs told you? No, I don't
15 want you to believe it because the Youngs told you. I
16 want you to believe it because Charlese told you. That's
17 consistent with exactly what Charlese said, exactly;
18 three shots as we were leaving. And they said it in two
19 different rooms.

20 And then they put up testimony to say well, that was
21 really a lie. We were just making that up. You know
22 why? Because they're not fighting me. Why are they
23 fighting me? Because I'm going to prosecute them too.
24 They are not my star witnesses. I didn't even call them
25 as a witness, much less a star witness. They [indicates]

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1 that's how children get killed. And that's him; that's
2 the Youngs and that's him. And just because the Youngs
3 aren't here he doesn't get a pass. He shoots at those
4 who shoot at him. And you know what else that is
5 consistent with? Tyrone Delaney. What did Tyrone
6 Delaney say that Tyrone Robinson said when he was
7 standing out in the yard waving the pistol? I'm going to
8 fire back at those motherfuckers; excuse me. He says the
9 same thing Tyrone Delaney said he said in two different
10 locations. More self-defense? Let's hear what else he
11 has to say.

12 [Whereupon, the C.D. plays]

13 MR. STONE: He didn't have a gun then but he had a
14 gun later because he told you later on he had a gun.
15 He's mad. I'm not afraid I'm mad. Why? Because they
16 shot his car so he's going to go after them, he's going
17 to get a gun, and he's going to kill them. What else?

18 [Whereupon, the C.D. plays]

19 MR. STONE: Does this guy sound like he is fleeing
20 in self-defense or just trying to get a better angle to
21 get them? He said one other thing.

22 [Whereupon, the C.D. plays]

23 MR. STONE: This man who is claiming self-defense
24 shoots at those who shoot at him and he's already said
25 they shot at him. This man who claims self-defense who

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1 did and that didn't help them much either. That was
2 their attempt at self-defense. And then -- you got
3 another thing about self-defense. And sometimes when you
4 think about what people tell you I would submit to you
5 its very hard to believe much of anything that Tyrone
6 Robinson tells you.

7 But listen to what they tell you and listen to how
8 they tell you. How do they say it? How do they describe
9 the events? What do they say? You know something about
10 police interrogation sometimes it's a lot of hard
11 questions and sometimes it's just letting them talk. And
12 Tyrone had no problem just talking. Self-defense; lets
13 listen to this.

14 [Whereupon, the C.D. plays]

15 MR. STONE: What's that? I'm going to shoot who
16 shoot at me. By everybody's testimony including his they
17 were shooting at him. So what's his reaction? I'm going
18 to shoot at those who shoot at me; never mind that he
19 shot first and then they shot at him and they shot at him
20 as he left Wild Horse according to him. And then of
21 course they were shooting back at him. So even by his
22 own statement he is going to shoot at those who shoot at
23 him. That's what this is all about. That's what this
24 always is about. This is the mentality I shoot at you;
25 you shoot at me; that's how we solve our problems. And

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1 says in the courtroom that he is afraid said at the
2 Sheriff's Office he was mad. What was he mad about?
3 They shot my car. Perhaps the most inconsistent thing
4 about Tyrone Robinson's stories is him coming into this
5 courtroom and getting on that witness stand and crying
6 for Khalil Singleton and Khalil Singleton's family.

7 He cried. Why are you crying Mr. Robinson? For
8 Khalil and for his family. His cousin; the cousin that
9 he didn't even know his name. Well, let me ask you a
10 question. When he went and found Martin Thomas how many
11 times did he ask how the boy was doing? When he went out
12 on that scene did he say call the ambulance please and
13 get somebody to help him? How is he doing? Uh Uh, what
14 did he say? Come let me show you how they shot my car.
15 They shot my car man, over and over and over again. It
16 was about his car.

17 You just saw him on the video. Did he seem
18 distraught to you? He was laughing and he was mad. Why
19 was he mad? Because they shot his car. In this hour or
20 so that he was down or two hours or so he was down at the
21 Sheriff's Office how many times did you hear him say how
22 is the child doing? And how many times did you hear him
23 say they shot up my car. I got to get insurance. I got
24 insurance but it's not going to cover this. I got to get
25 a new car. And yet he comes into the courtroom and he

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1 cries for Khalil. It's just yet another inconsistency
2 from Tyrone Robinson. And the final inconsistency is
3 this whole self-defense concept in itself because you got
4 to ask yourself a question. If he didn't shoot the gun
5 how did he shoot in self-defense? Which is it? Funny
6 thing about the truth it doesn't come with options. You
7 don't believe this how about this? You don't buy this
8 how about this? I didn't shoot but if I shot it was in
9 self-defense. Which is it? Which is it? Put it all
10 together what does he say? I mean to put all of his
11 stories together and try to make sense here's how it
12 comes out.
13 I didn't have a gun but if I had it I didn't shoot
14 it. If I shot it I shot it at Wild Horse Road but I
15 didn't shoot it at Allen Road. But at Allen Road I
16 didn't have a gun. But if I had a gun I didn't shoot it.
17 And if I had a gun and I shot it I did so in self-
18 defense.
19 The truth doesn't work like that folks. The truth
20 just doesn't work like that. Tyrone Robinson's stories
21 work like that. And after sitting here for five days
22 listening to everybody he just simply crafts another one.
23 I asked you about the truth. This courtroom is about the
24 truth. It's not about coming up with new and different
25 stories or new and different theories about what

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1 return a verdict that speaks the truth. Not one with
2 options, not either or's, one that speaks the truth.
3 Thank you.
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1 happened. But going back to police interrogation even
2 Tyrone Robinson messes up. In all of his effort to tell
3 all of his stories every once in a while he just -- he
4 got confused. Every once in a while he gets frustrated.
5 And when he gets frustrated you might actually get a
6 pretty decent picture of what happens.
7 He was being hit over and over and over again with
8 all of these people are saying you were there. All these
9 people were saying you had a gun. All of these people
10 are saying you shot. Over and over and over again and he
11 gets frustrated. And what does he say when he gets
12 frustrated?
13 [Whereupon, the C.D. plays]
14 MR. STONE: Me, the shooter singular, and the kids
15 on the trampoline. Me is Tyrone Robinson. The shooter,
16 singular, is Aaron Young. Aaron Young we know was firing
17 this [indicates] and we know that this [indicates] didn't
18 kill the child. And there were two kids. There were
19 three kids; Xavier who goes back in the house, Khalil who
20 doesn't make it, and Jontu Singleton.
21 The point is to even by a frustrated Tyrone Robinson
22 he is the last guy out there. Me, the shooter, and the
23 kids. Me and the singular shooter. And we know the
24 singular shooter didn't kill the child. I ask you the
25 same thing that I told you I was going to ask you to

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1 THE COURT: Thank you, Mr. Stone. Ladies and
2 gentlemen, we're going to take a brief recess at this
3 point in time before I begin my instructions on the law
4 for a couple of reasons. You've been out here about an
5 hour and a half and that's about as much time as we want
6 to keep you because I'm going to have to instruct you on
7 the law and that's going to last about 30 to 45 minutes
8 roughly. No point in telling you 30 minutes; it's going
9 to be closer to 45. And we have to move some stuff
10 around in the courtroom so we will be in a position to
11 present the charge on the law to you.
12 So I'm going to send you to the jury room. There
13 will be a brief bathroom break. When you tell us you are
14 ready to come back we'll be ready to come back. Please
15 remember not to discuss this case amount yourselves.
16 When you are finished and ready knock on the door and let
17 the bailiff know and we'll bring you out and conclude the
18 trial. Thank you.
19 [Whereupon, the jury exits at 10:55 a.m.]
20 THE COURT: Folks, it will probably be 10 or 15
21 minutes. We'll be at ease until then.
22 MR. BAX: Thank you, Your Honor.
23 [Whereupon, court is in recess from 10:56 a.m. to
24 11:15 a.m.]
25 THE COURT: Thank you folks. Are both sides ready

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1 for the jury?
2 MR. STONE: The State is ready, Your Honor.
3 MR. BAX: Yes, sir.
4 THE COURT: Thank you. You can bring us the jury.
5 MR. BAX: Your Honor, may I?
6 THE COURT: Yes, sir.
7 MR. BAX: Your Honor, real briefly I know one thing
8 that I -- I'm trying to make sure that I cover my bases.
9 In my memory we haven't discussed the form of the verdict
10 or the verdict form itself.
11 THE COURT: You're right. Here it is right here.
12 This came out when you were in argument and I didn't want
13 to interrupt
14 [Whereupon, the court provides documents to counsel
15 for review]
16 MR. BAX: Your Honor, no objection other than we
17 just request that you make the standard charge that the
18 order in which they are listed has no significance.
19 THE COURT: I always do that. Thank you. Okay,
20 bring us the jury.
21 THE BAILIFF: The jury is entering the courtroom,
22 Your Honor.
23 [Whereupon, the jury enters at 11:17 a.m.]
24 THE COURT: Thank you folks. I think we are all in
25 agreement whether we've served on a jury in this or any

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1 CHARGE
2 THE COURT: It is my responsibility as a trial
3 Judge under our Constitution to instruct you or charge
4 you as to what the law is in this case. And it is your
5 responsibility as jurors to accept and apply the law as I
6 state it to you to be the correct law. So as jurors then
7 it is your exclusive duty to decide all issues of fact in
8 the case.
9 And for that purpose you have to determine the
10 effect and the value and the weight and force of the
11 truth of the evidence that you have seen and heard. Both
12 the State and this defendant have the right to expect
13 that you will conscientiously consider and evaluate the
14 evidence and that you will apply the law of the case to
15 that evidence so that both the State and the defendant
16 receive a fair and impartial trial at your hands.
17 Throughout the course of this charge ladies and
18 gentlemen when I use the word defendant I'm referring to
19 Mr. Tyrone Robinson. Mr. Robinson has been indicted by
20 the Grand Jury of Beaufort County and he is charged in
21 the indictment with the crime of murder. The indictment
22 as I have read it to you earlier says that in Beaufort
23 County on or about September the 1st of 2012 while
24 engaged in an ongoing gun battle, an inherently dangerous
25 felony, Tyrone Robinson did willfully, unlawfully, and

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1 court or just observed court from where we are here
2 insofar as this beautiful courthouse is concerned it is
3 obviously clear that the architects who put one bathroom
4 in each jury room have never served on a jury in their
5 lives. We understand and we apologize for the
6 inconvenience at creates for you all.
7 Folks you all have been very attentive throughout
8 the trial of this case. You have listened very
9 attentively to the arguments made by Mr. Bax on behalf of
10 Mr. Robinson and by Mr. Stone on behalf of the State and
11 I now ask that you give that same attention to me as I
12 instruct you as to what the law is in this case.
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1 with malice aforethought cause the victim Khalil
2 Singleton to be shot and killed in the area of Marshland
3 Drive and Allen Road on Hilton Head Island and that
4 Khalil Singleton did die in Beaufort County as a
5 proximate result thereof on September the 1st of 2012 in
6 violation of the law.
7 I remind you again as I told you before you were
8 selected as jurors in the trial of this case that this
9 indictment is not evidence nor is it proof of the charges
10 that it contains. It's a legal document. It's a
11 charging document that tells you and me and anybody else
12 who reads it what this case is all about. And as you
13 know to the charges contained in this indictment Mr.
14 Robinson has entered a plea of not guilty and has asked
15 and has received a jury trial at your hands which we're
16 in the midst of still delivering.
17 As you know ladies and gentlemen, the effect of the
18 plea of not guilty which Mr. Robinson has rendered to
19 these charges places the burden of proof on the State to
20 prove by evidence the guilt of the accused beyond a
21 reasonable doubt before you as a jury can convict him and
22 find him guilty. Mr. Robinson is presumed under the law
23 to be innocent of the charges contained in this
24 indictment. It is a fundamental rule of our law of
25 evidence that a defendant regardless of the nature of the

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1 charges or the seriousness of the charges against him
2 will always be presumed innocent for the crime for which
3 he has been indicted unless and until you as a jury reach
4 the conclusion that his guilt has been proven by
5 evidence; evidence that satisfies you of his guilt beyond
6 a reasonable doubt.
7 The presumption of innocence is not a mere legal
8 theory. It is not an empty legal phrase. The
9 presumption of innocence is a substantial right to which
10 every defendant including this one is entitled to
11 receive. The presumption of innocence has been compared
12 to a robe of righteousness which is placed about the
13 shoulders of the defendant and it assigns to that
14 defendant the class known as the innocent.
15 And that presumptive robe of righteousness continues
16 to exist about the shoulders of a defendant unless and
17 until that robe of righteousness, that presumption of
18 innocence has been stripped from his person by evidence
19 that satisfies you of his guilt beyond a reasonable
20 doubt.
21 The presumption of innocence accompanies the
22 defendant from the time of his arrest; it follows him
23 throughout this trial. It even continues to exist to his
24 benefit as you go into the jury room to deliberate and to
25 reach your verdict in this case. The presumption of

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1 is guilty of the crime charged you must find him guilty.
2 If on the other hand after considering all of the
3 evidence you think that there is a real possibility he is
4 not guilty then you must give him the benefit of that
5 doubt and find him not guilty.
6 Now reasonable doubt might arise from evidence in
7 the case or it might arise from the lack of evidence in
8 the case. But you ladies and gentlemen have to decide
9 whether or not reasonable doubt exists as to the guilt of
10 this defendant. I tell you that Mr. Robinson is entitled
11 to every reasonable doubt which arises in the whole case
12 or arises in any defenses which have been asserted in
13 this case.
14 So if on any issue of fact which is necessary to a
15 conviction and a verdict of guilty you have a reasonable
16 doubt as to how that issue can be resolved it is your
17 duty to resolve that reasonable doubt in favor of the
18 defendant because the defendant ladies and gentlemen is
19 never required to prove his innocence. But the State is
20 required in the law to prove every essential element of
21 the offense charged against him before you as a jury can
22 convict him beyond a reasonable doubt and that burden is
23 proof beyond a reasonable doubt. And so if then upon the
24 whole case you have a reasonable doubt as to the guilt or
25 the innocence of the defendant he is entitled to that

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1 innocence continues to exist unless and until you as a
2 jury reach the conclusion that his guilt has been proven
3 to your satisfaction beyond a reasonable doubt. So the
4 State has that burden then of proving the guilt of the
5 defendant beyond a reasonable doubt.
6 Some of you may have served as jurors in other types
7 of cases before. You may have served as jurors in civil
8 cases for example. And if you did in the civil case the
9 Judge told you that the party who has the burden of proof
10 in that particular charge only has to convince you that
11 the evidence on that party's side of the case is more
12 convincing than the evidence is on the other side of the
13 case.
14 We sometimes call that the preponderance of the
15 evidence or the greater weight of the evidence. But in
16 criminal cases the State's burden of proof is more heavy
17 than that, it is different from that. Here in criminal
18 cases the State's burden of proof is more powerful than
19 that. It is proof beyond a reasonable doubt.
20 So what then do we mean by proof beyond a reasonable
21 doubt. Now there are very few things in this world that
22 you and I know with absolute certainty. And in criminal
23 cases the law does not require proof that overcomes every
24 possible doubt. And so if based on your consideration of
25 the evidence you are firmly convinced that the defendant

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1 reasonable doubt and would be entitled to an acquittal
2 and a verdict of not guilty at your hands. But on the
3 other hand if upon the whole case you find that the State
4 has proven by evidence that satisfies you of his guilt
5 beyond a reasonable doubt then in such circumstances it
6 is equally your duty to convict the defendant and to find
7 him guilty.
8 Now during this trial ladies and gentlemen you and I
9 each have our separate duties to perform. As a trial
10 Judge it is my job to preside over the trial of this case
11 and I also have the responsibility of ruling upon or
12 passing upon the admissibility of the evidence which you
13 have seen and heard. And you are to consider only the
14 competent evidence that has been offered; that is the
15 testimony from this witness stand, the items or documents
16 that have been introduced in the course of this trial.
17 I have the additional duty as the trial Judge to
18 charge you as to the applicable law of the case. As the
19 presiding Judge I am the sole Judge of the law in the
20 case and it is your duty to accept the law and to apply
21 it as I now state it to you. You may have brought with
22 you into your service this week as jurors some
23 preconceived idea about what you think the law is. Or
24 you might have some preferences about what you would like
25 the law to be. But I tell you if your preconceived ideas

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1 about the law or if your preferences about the law
2 disagree with what I'm telling you now the law actually
3 is you're obligated under your oath to forget what you
4 think the law is or what you would like the law to be
5 because under your oath you are bound to accept the law
6 precisely as I now state it to you.
7 Now with every case tried in this court before a
8 jury you are the sole and exclusive judge of the facts
9 and I am the Judge of the law as I have said. Our
10 Constitution has said that as a trial Judge I can't
11 comment upon the facts of the case. I can't hint to you
12 or intimate to you or suggest to you what decision you
13 should make in this case and I do not do so.
14 And since you're the sole judges of the facts of
15 this case you are not to gather from anything that I have
16 said during this trial or anything that I am saying to
17 you now as I instruct you on the law that I have an
18 opinion about the facts of this case. I do not. I'm not
19 allowed to have an opinion. That is solely a matter for
20 you as a jury to determine.
21 And so then as jurors it becomes your duty as I have
22 told you to decide the effect and the value and the
23 weight of the truth of the evidence that you have seen
24 and heard. Now in determining what the facts of the case
25 are you must necessarily pass upon the creditability that

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1 Under our law normally a lay person cannot offer his or
2 her testimony about the conclusions that that witness may
3 have drawn. A witness can tell you what he or she saw or
4 heard but cannot tell you what opinions they have or what
5 conclusions they drew from the evidence.
6 But expert witnesses are a little different. Expert
7 witnesses are witnesses who have particular knowledge or
8 training or experience in certain fields. And if they
9 are qualified in those fields they are allowed to give
10 you their opinions on those things about which they have
11 been qualified as experts.
12 But I tell you, you judge expert opinion testimony
13 just like you judge any other testimony. That means you
14 give it the weight that you think it is entitled to
15 receive considering the witness's education and the
16 experience and the reasons they have given you for the
17 opinions that they have reached.
18 In this case you have heard testimony of a prior
19 criminal record of the defendant in this particular case.
20 I tell you that you must not consider that evidence as
21 evidence of anything except for the purpose for which it
22 was offered and that is it was admitted and it may be
23 considered by you only for the purpose of evaluating the
24 creditability or the believability of the testimony
25 offered by the defendant himself. You cannot and you

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1 means believability of the witnesses who have testified.
2 And you must decide the weight and the value that you
3 would give to the testimony that you have seen and heard.
4 You alone must decide the force and the effect and the
5 truth of the testimony that has been offered in this
6 case.
7 Now there are a lot of things that you can take into
8 account when you decide where the truth of this case
9 lies. You can take into account the appearance the
10 manner of the witnesses as he or she testified from the
11 witness stand. We sometimes call that the demeanor of
12 the witness.
13 You have a right to ask yourself whether that
14 witness was forthright or was the witness hesitant. You
15 can ask yourself whether the testimony of the witness was
16 consistent or did it contain discrepancies. You have a
17 right to ask yourself whether the testimony of that
18 witness was affected by bias or prejudice. In other
19 words did that witness have an interest to be served by
20 his or her testimony.
21 You have a right to consider whether the evidence
22 and testimony offered by a witness was made stronger by
23 other evidence or was it made weaker by other evidence in
24 the case. You have heard in this case testimony of
25 witnesses who have been qualified as expert witnesses.

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1 must not consider the prior record of the defendant as
2 evidence on the issue of the charges for which he is on
3 trial in this particular case. You can give it such
4 weight and such value that you think it should receive on
5 the sole issue of his creditability and believability;
6 not as any evidence of guilt of the crime for which he is
7 being tried.
8 Now ladies and gentlemen as jurors you've got the
9 right then to believe a smaller portion of the testimony
10 of a single witness or the larger portion of the
11 testimony of that same witness or the other way around.
12 You can just reverse that and believe the larger and
13 disbelieve the smaller. Or you can believe everything
14 that a witness tells you or you can believe none of what
15 a witness tells you.
16 Now what we ask you to do as jurors in determining
17 this matter of finding the truth is to exercise your
18 mental process and as you decide what you consider to be
19 truth we simply require that you use your good common
20 sense, your sense of logic, your sense of reason, your
21 experiences in life.
22 And that's what qualifies you to be jurors in this
23 case and in any case. And once you've done those things
24 you will be able to discover where the truth of this case
25 is. And once you have found the truth of this case you

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1 will wrap the truth that you have found in the mantle of
2 the law I am now giving you. And those two things will
3 come together to result in a verdict of truth in this
4 particular case. I now instruct you as to what the law
5 is on the charge in this particular case. As you know
6 the defendant is charged with the crime of murder.
7 Murder is defined in the law as the killing of any person
8 with malice aforethought either expressed or implied.

9 And so in order for the State to prove the defendant
10 guilty of murder it must be proven beyond a reasonable
11 doubt that the defendant killed the victim and that the
12 killing was done with malice aforethought. Now the State
13 is not required to prove any motive for the killing but
14 it is required to prove malice and to prove that beyond a
15 reasonable doubt.

16 So what then is malice; that essential element for
17 the crime of murder? Malice is the intentional doing of
18 a wrongful act without just cause or excuse and with an
19 intent to inflict an injury. Malice aforethought is the
20 deliberate and well-formed purpose to do the unlawful
21 act.

22 Now aforethought means that the intention to do the
23 unlawful act was conceived and planned sometime before
24 the actual commission of the act. But the malice need
25 not exist for any particular length of time prior to the

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1 malice then this inference would simply be an evidentiary
2 fact and you would take that into consideration along
3 with any other evidence on the case bearing on the issue
4 of malice and you would give it the weight that you
5 determine it should receive. I tell you again the
6 defendant is not required to prove the absence of malice
7 but the State is required in law to prove the presence of
8 malice and to prove that beyond a reasonable doubt.

9 Now ladies and gentlemen in this particular case we
10 are dealing with the law of transferred intent. Under
11 the facts of this case everyone agrees that the victim
12 was an unintended victim in this particular case. And so
13 the law of transferred intent then applies to the crime
14 of murder. And what that says is if the defendant with
15 malice aforethought attempts to kill another person but
16 by mistake injures or kills a different person the
17 defendant still has the intent to kill.

18 The intent to kill is merely transferred from the
19 original person that the defendant attempted to kill to
20 the actual person who was killed. The defendant would be
21 guilty of murder in that particular case just as if the
22 attempt had resulted in the death of the person that he
23 attempted to kill. Criminal intent then is a necessary
24 element of the crime in this and in every instance and it
25 has to be proven by the State beyond a reasonable doubt.

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1 act if it is present in the mind of the act or at the
2 time of the crime that is sufficient as malice
3 aforethought. Now malice is a word that suggests a
4 wickedness or a hatred or a determination to do what one
5 knows to be wrong without just cause or legal
6 provocation. As I have said malice need not be in the
7 mind of the one doing the act for any particular length
8 of time before the act of killing in order to render it
9 murder. If it is present any length of time before the
10 act in its presence would be sufficient to render the
11 killing a murder.

12 Malice might be expressed malice or it could be
13 inferred malice. That's not two different types of
14 malice it's just malice that is shown in two different
15 ways. Malice is said to be expressed malice where there
16 is manifested or expressed a violent, deliberate
17 intention to unlawfully take away the life of another
18 human being.

19 Malice can be inferred where no excuse or legal
20 provocation for the killing appears and when
21 circumstances attending the killing show an abandoned
22 heart or a malignant heart fatally bent upon mischief.
23 Malice may be inferred from conduct showing a total
24 disregard for human life. If facts are proven beyond a
25 reasonable doubt sufficient to raise an inference of

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1 Criminal intent is always a matter that has to be
2 determined by the jury from circumstances which surround
3 this particular situation. There is no way to prove
4 intent to a mathematical certainty. There is no way that
5 medical science will let us cut off a person's skull and
6 look down into his or her brain to decide what he or she
7 had in mind at the time.

8 And so the law says that criminal intent can be
9 inferred from the circumstances which were shown to have
10 existed at the time of the crime. And that's how you
11 make a determination as to whether or not the element
12 requiring intent was present. Criminal intent then is a
13 state of mind and it operates jointly with an act in the
14 commission of a crime.

15 Criminal intent is a mental state. It is a
16 conscious wrongdoing. And so it's up to you to determine
17 what the defendant intended to do based on the
18 circumstances shown to have existed. I'll tell you the
19 State has to prove criminal intent beyond a reasonable
20 doubt just like it has to prove every other element
21 beyond a reasonable doubt.

22 Now the State seeks to meet its burden of proof in
23 this case by both direct and circumstantial evidence.
24 Direct evidence is normally referred to as eyewitness
25 evidence. Its testimony of a witness who came in and

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1 tells you this is what I heard, this is what I saw;
2 eyewitness testimony. It is direct evidence and it
3 proves the existence of a fact through the eyes of a
4 person who saw what they are telling you about or heard
5 what they are telling you about. In other words it
6 doesn't require any conclusions or deductions on your
7 part.

8 Circumstantial evidence on the other hand is proof
9 of a chain of facts which leads to the conclusion of
10 another fact. An example of the difference between
11 circumstantial evidence and direct evidence that I have
12 given through the years it doesn't have much application
13 down in the south because we never get snow down here
14 very much.

15 But if you can imagine some of you might have come
16 here from a northern climate where you did get it. If
17 you can remember or recall or even imagine in your mind a
18 winter night and before you go to sleep for the night you
19 look out across your front lawn and all you see is the
20 brown dead grass of summer, now grass of winter, and you
21 go to sleep. And the next morning when you get up you
22 look out across your front lawn and you see that it has
23 been covered with snow. And in that snow you see
24 footprints that lead up to your front door. Now what can
25 you conclude from all of that? Well, obviously you can

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1 a complete defense and if it is established it entitles
2 the defendant to a verdict of not guilty. The defendant
3 has no burden to prove the defense of self-defense. The
4 burden on the other hand is on the State to prove the
5 absence of self-defense beyond a reasonable doubt; in
6 other words to disprove self-defense beyond a reasonable
7 doubt.

8 And so if you have a reasonable doubt of the
9 defendant's guilt after considering all of the evidence
10 including the evidence of self-defense then you must find
11 the defendant not guilty. If on the other hand you have
12 no reasonable doubt of the defendant's guilt after
13 considering all of the evidence including the evidence of
14 self-defense then you must find the defendant guilty.

15 The following elements are required by law to
16 establish self-defense. First of all the defendant must
17 be without fault in the bringing on the difficulty. If
18 the defendant's conduct was the type which was reasonably
19 calculated to and did in fact provoke a deadly assault
20 then the defendant would be at fault in bringing on the
21 difficulty and would not be entitled to an acquittal
22 based on self-defense. However, if the defendant
23 voluntarily participated in mutual combat for purposes
24 other than protection then the killing of the victim
25 would not be self-defense and this is true even if during

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1 conclude that after you went to bed last night it snowed.
2 You didn't see a flake fall but you know it has snowed.
3 And you also know that sometimes after it snowed somebody
4 came across your front lawn up to your front door. You
5 didn't see them, you don't know who they were but you
6 know when they came; they came after it snowed. And you
7 reach those conclusions by circumstantial evidence.
8 That's what circumstantial evidence is.

9 The law doesn't make any distinction between direct
10 evidence or circumstantial evidence. It requires no
11 greater weight to be given to one than it does the other.
12 Both are good evidence so long as they meet the test of
13 strict proof. However, to the extent that the State
14 relies on circumstantial evidence all of the
15 circumstances have to be consistent with each other and
16 when taken together they have to point conclusively to
17 the guilt of the accused beyond a reasonable doubt.

18 If these circumstances merely portray the
19 defendant's behavior as suspicious then the proof has
20 failed. The State has the burden of proving the
21 defendant guilty beyond a reasonable doubt and this
22 burden rests upon the State regardless of whether it
23 relies on direct or circumstantial evidence or some
24 combination of the two. Now the defendant in this case
25 has raised the defense of self-defense. Self-defense is

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1 the combat the defendant feared death or serious bodily
2 injury. But on the other hand if before the killing is
3 committed the defendant withdraws and tries in good faith
4 to avoid further conflict and either by word or by act
5 makes that fact known to the victim he would be without
6 fault in bringing on the difficulty and would be restored
7 to the right of self-defense if such withdrawal was
8 communicated either by word or by act to the other side
9 and he would be entitled to the defense of self-defense
10 if all of the other elements of that defense are present.

11 The second element of self-defense is the defendant
12 was actually in imminent danger of death or serious
13 bodily harm or that the defendant actually believed that
14 he was in imminent danger of death or serious bodily
15 harm. Now if he was actually in imminent danger of death
16 or serious bodily harm it must be shown that the
17 circumstances which existed would have justified a person
18 of ordinary firmness and courage to strike the fatal blow
19 in order to avoid or prevent his death or serious bodily
20 injury.

21 If the defendant believed that he was in imminent
22 danger of death or serious bodily harm then it has to be
23 shown in that case that a reasonable person of ordinary
24 prudence and belief would entertain the same belief. And
25 in deciding whether the defendant actually was or

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1 believed that he was in imminent danger of death or
2 serious bodily harm you should consider all of the facts
3 and circumstances surrounding the crime. You have the
4 right to consider evidence of prior difficulties between
5 the defendant and the parties on the other side. You
6 have the right to consider whether a threat existed and
7 whether the defendant had a reason to believe that a
8 threat existed and how serious the threat was.
9 Another element that has to be established in this
10 case is that the defendant had no other probable way to
11 avoid the danger of death or serious bodily injury than
12 to act as he did in this particular instance. The
13 defendant has no duty to retreat from a situation in
14 which death or serious bodily harm may be present if by
15 doing so the retreat would increase his danger of being
16 killed or suffering serious bodily harm.
17 So those are the elements that have to be
18 established in order to establish the defense of self-
19 defense. The defendant must have been without fault in
20 bringing on the difficulty or if he was with fault in
21 bringing upon and creating the difficulty then the
22 evidence must establish that he had withdrawn and
23 indicated that withdrawal by word or by act to the other
24 side. It must be established that he was in imminent
25 danger of serious death or bodily harm -- or death or

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1 made and were they voluntarily made and then you have to
2 decide the weight that you will give them because you
3 have to make the ultimate determination of whether or not
4 the statement was made and whether or not it was made
5 voluntarily and then the weight that you will give to it.
6 You have to decide whether the statement was the product
7 of an essentially free and unconstrained choice by the
8 maker of it.
9 The State has to prove the voluntariness of the
10 statement beyond a reasonable doubt. And if you
11 determine beyond a reasonable doubt that the statement
12 was freely and voluntarily given then you can give it the
13 weight and consideration that you think it should
14 receive. If you determine that the statement was not the
15 free and voluntarily willed statement of the defendant
16 then you should not consider it as evidence for any
17 purpose at all.
18 And in determining whether or not the statement was
19 freely and voluntarily made or whether the defendant's
20 will was overcome by something else the law requires you
21 to consider the totality of the circumstances; that is
22 all of the circumstances surrounding the interrogation at
23 the time. The law says that you can take into account
24 the age of the defendant, his background, his mental
25 ability; all of the facts and circumstances which are

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1 serious bodily harm or that he believed that he was in
2 such imminent danger. And those types of beliefs must be
3 the same type of belief that a reasonable person would
4 have entertained under the same facts and circumstances
5 and that there was no other way to avoid the danger
6 except in acting as he did.
7 Now I told you a few minutes ago about the law of
8 transferred intent on murder. That is to say that if a
9 person with malice aforethought intends to kill one
10 person but actually kills another then that intent to
11 kill is transferred from one person to another and the
12 defendant is equally guilty of the charge of murder.
13 Well, in a somewhat reverse way transferred intent
14 also works when self-defense is being raised because if a
15 defendant is entitled to self-defense against an
16 assailant or an attacker he is not deprived of that right
17 if an unintended victim was harmed by his acts.
18 Now ladies and gentlemen you have heard the
19 testimony of the defendant in this particular case by
20 statements that were given prior to the trial. This
21 court determines whether or not those statements are
22 admissible and I have determined that you could hear them
23 obviously because you have. But you must determine
24 whether or not the defendant made those statements
25 voluntarily. In other words were the statements actually

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1 shown to have existed before the statement was made. And
2 in determining the voluntariness of the statement you
3 should consider whether he was advised of or whether he
4 understood his constitutional rights because the law
5 requires that when a person is in custody before any
6 questions can be asked that person must be informed and
7 advised of his constitutional rights.
8 That means that he has to be advised by the
9 authorities that he has the right to remain silent and if
10 he makes a statement that statement can be used against
11 him in a court of law, that he has the right to have a
12 lawyer present, and that if he cannot afford a lawyer
13 then one will be appointed to represent him free of
14 charge and that he can stop making his statement at any
15 time he wants to.
16 You must carefully scrutinize all of the surrounding
17 circumstances before you give any weight to the
18 statement. You have to be satisfied beyond a reasonable
19 doubt that the defendant made the statement, that he was
20 uninfluenced by any promise of reward or any threat of
21 harm. You must decide that the statement was voluntarily
22 given and then you decide what weight you will give to
23 the statement if those matters have been proven beyond a
24 reasonable doubt. You have looked at transcripts during
25 the course of this trial and you will have in the jury

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1 room with you the compact disks of the testimony of all
2 the witnesses that you saw here in court. If you want to
3 view those things again let us know and we will make some
4 arrangements either to take the mechanism in there to
5 show it to you or more likely to bring you back out here
6 and play it for you again. But all of those statements
7 or at least most of them were accompanied by transcripts
8 as an aid for your understanding of what the statements
9 actually said.
10 I remind you again that those transcripts were
11 guides. Those were aids or things to assist you in what
12 the witness or the defendant was actually saying. Your
13 ear is just as good and so if your ear tells you that the
14 statement says one thing and the transcript tells you
15 that it something else then go with what you heard and
16 not with what you read.
17 Now ladies and gentlemen let me tell you finally,
18 that's a word you've been hanging on for a while here
19 right finally, let me tell you finally that you don't
20 serve as jurors in this or in any case as partisans or
21 advocates for the State of South Carolina or for this
22 defendant. You've been selected by both the defendant
23 and the State to serve as fair and partial jurors. It is
24 your duty then by your joint deliberations to determine
25 the truth in this case giving to the defendant every

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1 unanimously find the defendant, Tyrone Robinson and the
2 first possible verdict form is guilty of murder. That's
3 the verdict that you will arrive at if you feel that the
4 State has met its burden of proof as to the crime of
5 murder and that the defense of self-defense has not been
6 established. And if that is the verdict form that you
7 arrive at Mr. Foreman you will indicate that by putting
8 an X or a check mark in the blank that you see we have
9 provided for you.
10 The second possible verdict form is that we the jury
11 by unanimous consent find the defendant, Tyrone Robinson
12 not guilty. That's the verdict that you will arrive at
13 if you find that the State has failed to meet its burden
14 of proof as to the charge of murder or if the defense of
15 self-defense has been made out to your satisfaction in
16 this particular case. If that is a verdict that you
17 arrive at you will indicate that by putting an X or a
18 check mark in the space that you see we have provided for
19 you. I have given the verdict form to the Foreman ladies
20 and gentlemen because he's the one who has to fill it out
21 but it is not going to be his verdict alone. The verdict
22 has to be unanimous. All 12 of you have to agree. And
23 Mr. Foreman you not authorized to fill out that verdict
24 form nor to sign it until all 12 of you agree as to what
25 the verdict shall be. I am going to send you to your

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1 reasonable doubt on each and every issue. And then as I
2 have told you to the facts which you determine to be true
3 apply the law which I have just given you and thus arrive
4 at a verdict which will speak the truth of this case.
5 And that's what the word verdict means. It comes from a
6 Latin phrase and it means a truthful saying.
7 And once you have done that you will have
8 accomplished the responsibilities which we have imposed
9 upon you and you will have fulfilled the obligation that
10 you took under your oath before you began the trial of
11 this case to well and truly try this case and to render a
12 true verdict according to the law and the evidence so
13 help you God. We are confident that you will do nothing
14 less than that and that you will do just that.
15 Now ladies and gentlemen, I want to instruct you as
16 to the forms of the verdict in this particular case. I
17 have written them down on this [indicates] sheet. There
18 are two possible verdict forms. The order in which I
19 have written them has no significance whatsoever and you
20 are not to reach any conclusion or draw any inference
21 from the order in which I have written them.
22 I am giving this form to the Foreperson because he
23 is the one who has to fill it out. There are only two
24 possible verdict forms. The verdict form reads as to the
25 indictment number here on the charge of murder we

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1 jury room now but I ask you to wait one final moment
2 before you begin your discussions in this case. I have
3 to talk to the lawyers to see if I have left out anything
4 or if I have misstated something to you. And if I have
5 I'll have to bring you back out to correct that. But if
6 I do not have to bring you back out we will send in these
7 items of evidence. Once the items of evidence have been
8 delivered to you that will be your signal to begin your
9 deliberations; not until then please. Once you have done
10 your deliberations you will deliberate until you have
11 reached a verdict. You will fill out the verdict form at
12 that time; you will knock on the door and advise the
13 bailiff and we will bring you out to receive your
14 verdict. Your lunch will be here momentarily, well
15 around 12:30. You can deliberate while you eat, you can
16 stop deliberating and eat that's up to you. You have
17 been on our clock all week. Once that evidence is
18 brought in we're going to be on your clock from that
19 point on we will be at your behest and will wait to hear
20 from you. Mr. Foreman and ladies and gentlemen please
21 retire to your jury room and please wait just for a
22 moment before you begin your discussions. Ms. Boston and
23 Ms. Nauriocoourt, if you'll stay right where you are
24 please.
25 [Whereupon, the jury exits at 11:52 a.m.]

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1 THE COURT: Ms. Boston and Ms. Maurioccourt, ladies
2 as alternate jurors I think you have realized your role
3 in the trial of this case. I am not right this minute at
4 liberty to let you go. There is a separate jury room
5 that we will put you in momentarily just to make sure
6 that we don't need you any further in this trial.
7 Obviously your role as alternate jurors would have
8 been to take the place of any of these original 12 if
9 they had not been able to complete their service; if they
10 had an emergency or some illness that kept them from
11 showing up every day. And if that had happened if one of
12 them had not been able to be here and if you all had not
13 been we would have had to start this whole trial over
14 from scratch. Everything up to that point would have
15 been wasted.
16 So you have given us the peace of mind, you have
17 given me the peace of mind knowing that because you were
18 here we were going to be able to complete this trial this
19 week and you were just as capable as any of those 12 in
20 that jury room to deliberate and to reach a verdict in
21 this case. But right this minute it does not look like
22 we're going to need you. I'm going to ask you to stay
23 for a while longer. First of all stay at least long
24 enough to get the pizza. It will be here in about 30
25 minutes; goodness knows you've earned that. And at some

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1 together and once it is all in order it should be taken
2 in and tell the jury they can begin their deliberations.
3 MR. STONE: Yes, sir.
4 THE COURT: Folks, we will be at ease. They have
5 other work for us to do but we're not going to do it
6 right this minute. We'll stand aside for a while at
7 least until the pizza gets here. And after that we'll
8 come out and take some pleas. Thank you.
9 [Whereupon, counsel review exhibits with the court
10 reporter]
11 [Whereupon, evidence out to the jury at 12:02 p.m.]
12 [Whereupon, court is in recess from 12:02 p.m. until
13 1:40 p.m.]
14 [Whereupon, court's exhibit number 2 is marked by
15 the court reporter.
16 THE COURT: Thank you ladies and gentlemen, you may
17 be seated. Ladies and gentlemen we're advised that the
18 jury has reached a verdict. Are both the State and the
19 defense ready to receive the verdict?
20 MR. STONE: The State is ready, Your Honor.
21 MR. BAX. The defense is ready, Your Honor.
22 THE COURT: Thank you. Ladies and gentlemen
23 indeed we are ready now to bring the jury out to receive
24 the verdict. You all have been here on both sides of the
25 aisle all week and have been following this case with a

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1 point there about or after that time release you I will
2 certainly do that. So if you don't get a chance to
3 deliberate, if you don't get a chance to decide this
4 case, and I trust that you will not. I hope that the 12
5 who are in there will be able to survive through until a
6 verdict has been reached.
7 But if you don't get a chance to take part in this
8 case please understand that your service has been just as
9 valuable as anybody else's and we thank you for the time
10 that you have contributed to us during this week. And I
11 hope you have gained a greater appreciation even in your
12 somewhat one step removed from the jury room of the
13 importance of jurors like yourselves in this process.
14 Thank you, folks.
15 [Whereupon, the alternate jurors exits at 11:55
16 a.m.]
17 THE COURT: Mr. Stone, any exceptions to those
18 charges or requests for additional charge from the State?
19 MR. STONE: No, sir.
20 THE COURT: Thank you. Mr. Bax other than
21 previously noted any exceptions or requests for
22 additional charge from the defense?
23 MR. BAX: No, Your Honor.
24 THE COURT. Thank you. All right folks, if you
25 will look at the evidence and make sure it is all

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1 great deal of interest and I appreciate the interest that
2 you have in the case and the emotion that is necessarily
3 tied up in it and that will be necessarily tied to the
4 response of any verdict that has been reached in this
5 case. We don't know what the verdict is. I imagine on
6 one side there might be relief, on the other side there
7 might be remorse; we don't know which side those emotions
8 will be on. But I tell you that regardless of which side
9 of your aisle those emotions fall on I must ask you to
10 continue to use the same restraint and the same respect
11 to these proceedings that you have shown throughout this
12 trial. That is to say please refrain from any outward
13 display of emotion that would disrupt these proceedings
14 in any way whatsoever. And if you feel that you might be
15 unable to restrain your emotions if this verdict turns
16 out different than what you would hope then I'll give you
17 this chance to leave the courtroom rather than stay in
18 here and subject yourself to those emotions and any
19 adverse outcome that might impact you as a result of your
20 display. So if you stay then I am confident that you
21 will abide by my instructions. Thank you very much.
22 Bring us the jury.
23 THE BAILIFF: The jury is entering the courtroom,
24 Your Honor.
25 [Whereupon, the jury enters at 1:50 p.m.]

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1 VERDICT
2 THE COURT: Mr. Foreman, has the jury reached a
3 verdict?
4 MR. FOREMAN: Yes, Your Honor.
5 THE COURT: Is it a unanimous verdict?
6 MR. FOREMAN: Yes, Your Honor.
7 THE COURT: Will you please hand the verdict form
8 to the bailiff please sir? Thank you.
9 [Whereupon, the verdict form is provided to the
10 court and then to the Clerk of Court]
11 THE COURT: Madame Clerk, you may publish the
12 verdict.
13 CLERK OF COURT: The State of South Carolina County
14 of Beaufort in the Court of General Sessions Fourteenth
15 Judicial Circuit indictment number 2012-GS-07-1935 the
16 State of South Carolina versus Tyrone Robinson. As to
17 that indictment the charge of murder we, the jury,
18 unanimously find the defendant Tyrone Robinson guilty of
19 murder. I certify that this is the unanimous decision of
20 the jury. The Foreperson has signed it.
21 Mr. Foreman, ladies and gentlemen of the jury if
22 this is the decision of each and every one of you please
23 indicate so by raising your right hand.
24 [Whereupon, all jurors raise their right hands]
25 THE COURT: Thank you. The record will reflect

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1 POLLING OF THE JURY
2 CLERK OF COURT: Juror 95 David Crocker. Is this
3 your verdict?
4 MR. CROCKER: Yes.
5 CLERK OF COURT: Is this still your verdict??
6 MR. CROCKER: Yes, it is.
7 CLERK OF COURT: Juror 151 Warren Gaither. Is this
8 your verdict? Is this still your verdict?
9 MR. GAITHER: Yes, it is.
10 CLERK OF COURT: Juror number 121, James Dresher.
11 Is this your verdict?
12 MR. GAITHER: Yes.
13 CLERK OF COURT: Is this still your verdict??
14 MR. DRESHER: Yes.
15 CLERK OF COURT: Juror 286, Tyianna McKoy. Is this
16 your verdict? Is this still your verdict?
17 MS. MCKOY: Yes.
18 CLERK OF COURT: Juror 262 James Lorenz. Is this
19 your verdict? Is this still your verdict?
20 MR. LORENZ: Yes, it is.
21 CLERK OF COURT: Thank you. Juror 245 David
22 Lancaster. Is this your verdict? Is this still your
23 verdict?
24 MR. LANCASTER: Yes, it is.
25 CLERK OF COURT Thank you. Juror 406 Edward

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1 that all 12 jurors affirmed the verdict. Mr. Bax, does
2 the defendant desire a polling of the jury?
3 MR. BAX: Yes, Your Honor.
4 THE COURT: Thank you. Ladies and gentlemen you
5 are now going to be polled individually. That means your
6 names are going to be called individually. As your names
7 are called will you please stand in place and you will be
8 asked two questions is this your verdict or was this your
9 verdict and is it still your verdict and if you will give
10 the appropriate answer to that question whatever it
11 happens to be. All right, Madame Clerk?
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1 Uniejewski. Is this your verdict? Is this still your
2 verdict?
3 MR. UNIEJEWSKI: Yes.
4 CLERK OF COURT: Thank you. Juror 209 Mary
5 Hughes. Is this your verdict? Is this still your
6 verdict?
7 MS. HUGHES: Yes.
8 CLERK OF COURT: Thank you. Juror 59 Samuel
9 Burke. Is this your verdict? Is this still your
10 verdict?
11 MR. BURKE: Yes, it is.
12 CLERK OF COURT: Thank you. Juror 125 Benjamin
13 Dunning. Is this your verdict? Is this still your
14 verdict?
15 MR. DUNNING: Yes, it is.
16 CLERK OF COURT: Thank you. Juror 438 Steven
17 Womack. Is this your verdict? Is this still your
18 verdict?
19 MR. WOMACK: Yes, it is.
20 CLERK OF COURT: Thank you.
21 THE COURT: If you will go back to juror 365.
22 CLERK OF COURT: I'm sorry. Juror 365 Evelyn
23 Seabrook. Is this your verdict? Is this still your
24 verdict?
25 MS. SEABROOK: Yes.

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1 CLERK OF COURT: Thank you.
2 THE COURT: All right. Thank you. Anything
3 further before the jury is dismissed Mr. Bax from the
4 defense?
5 MR. BAX: No, Your Honor.
6 THE COURT: Thank you. From the State?
7 MR. STONE: No, sir.
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1 yourself in this courtroom on that side of the rail. But
2 I can tell you, you don't have to volunteer to get caught
3 up in this system. You can get caught up in it whether
4 your want to or not. As a matter of fact nobody in this
5 courtroom is here on that side [indicates] of the rail
6 because they want to be here today; they are here because
7 of circumstances in the system have brought them here. I
8 hope that never happens to you.
9 But if it ever does happen to you and if you find
10 yourselves in a courtroom like this on a Monday morning
11 when the whole venire of jurors like you all are brought
12 into this courtroom seated in those chairs back there
13 [indicates] and you're seated inside this rail
14 [indicates] when you turn around to look into the faces
15 of the people that we have brought into this court to try
16 to decide your case, a case that you have a deep and
17 abiding personal interest in you're going to hope that
18 you are looking into the faces of people just like
19 yourself. People who have things to do, better things to
20 do than what we are going to be asking you to do you
21 think, plans that you have made and things that you have
22 to set aside to come with us. The last thing in the
23 world that you want us to do to get a jury to try your
24 case, your case, is to scrap around the streets of
25 Beaufort and see if we can't find 12 people who don't

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1 THE COURT: Thank you. Now, ladies and gentlemen
2 I want to thank you for your service this week as jurors.
3 You have been an excellent jury, a wonderful jury. I
4 never condemn a jury for the verdict that it reaches nor
5 do I commend a jury for the verdict that it reaches. I
6 am delighted that the difficult questions of guilt and
7 not guilty and things of that nature are in your capable
8 hands.
9 What I do comment upon is your quality of service.
10 You've been here promptly. Even when we were not ready
11 you were ready. You have followed this case throughout.
12 We have exposed to you unfortunately to a side of life
13 that you are not familiar with and some of these things
14 have been difficult emotionally. We appreciate the fact
15 that you have born up under those things so well.
16 I hope you have gained a better appreciation by
17 virtue of your service this week of how important folks
18 like you are to our system and how we cannot take care of
19 the difficult matters that we've taken care of without
20 your help. I hope that you never find yourself caught up
21 in this system. I hope you never find yourself seated on
22 this side [indicates] of the aisle where the victim's
23 family is, the victims sometimes are seated or on this
24 side [indicates] of the aisle where the defendant and the
25 defendant's family are seated. I hope you never find

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1 have a better thing in the world to do than to come into
2 this court and decide your case. You don't want that
3 kind of jury. Nobody wants that kind of jury. People
4 want a jury just like you; folks who do have better
5 things to do but are willing to set those things aside to
6 help us do the things that we have to do. You've given
7 us that type of jury and we appreciate your contribution
8 and I hope you understand how important you are and how
9 much we appreciate your efforts in this regard.
10 I still have matters out here to attend to, motions
11 and sentencing that do not require your presence and so
12 you are free to go now. Leave your tags with the folks.
13 You will get a check in the mail sometime in the next few
14 days. It's not going to begin to pay you for the full
15 time you have invested in us this week. If you will add
16 the appreciation of everybody who makes up this system to
17 the small amount of that check I hope you will be
18 compensated in some way for what you've done for us this
19 week. Thank you folks, you're excused now.
20 (Whereupon, the jury is excused and exits at 1:58
21 p.m.)
22 THE COURT: Mr. Bax, I'll be glad to hear any
23 motions
24 MR. BAX: Thank you, Your Honor
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MOTION

MR. BAX: At this time first I would like to move for judgment notwithstanding the verdict. I would argue in support of that very similar to what I have already argued on directed verdict after the State's case and the resubmittal of directed verdict after the defense's case.

I would put special emphasis on the fact that based on all the testimony that was entered into the record in evidence that withdrawal was undisputed and the disproving or submitting evidence beyond a reasonable doubt to dissolve self-defense was not done at all. I believe that the jury in this case made their decision based on emotion despite the pleas of the defense not to do so.

I would also cite for Your Honor that this was a complicated case and that there were arguments about the forensics. There were multiple different forensic items and science that was testified to. There was also the issue of self-defense and this jury reached its verdict in roughly an hour and a half which included eating their lunch after a five day trial roughly, Your Honor; four and a half days. As a result I believe we are entitled to a judgment notwithstanding the verdict because I think it's clear that the jury did exactly the opposite of what I believe that they are required to do, which is to make

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most critical area that they had to focus on and the facts around which they necessarily at the end based their verdict that was a narrow scope of time and space. And they had more than enough time in my view to discuss this case and discuss the issues surrounding all that within the timeframe that they took.

They have been an attentive jury throughout as I've indicated to them. They have understood they have been punctual; they have been interested in this process.

There is nothing in my observation of them to lead me to believe that they went outside of my instructions or outside of the facts of this case to decide this. So I am going to respectfully deny the motion for JNOV.

MR. BAX: Thank you, Your Honor. And then for the record in light of the ruling I would also move for a new trial under the same arguments.

THE COURT: Thank you. And I renew my ruling for the same reasons. Thank you.

MR. BAX: Thank you, Your Honor.

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a decision on the facts and not on the fact that the victim was a boy. So that would be the motion under JNOV, Your Honor.

THE COURT: Thank you. Once again taking the evidence in this case in the light most favorable to the State I find that the verdict which was reached was well within the province of this jury. It was quintessentially a jury question to decide the issues of guilty of murder or not guilty by reason of self-defense or perhaps not guilty because they believed that Mr. Robinson didn't fire the shot in the first place. And while those issues were entirely separate issues they were all quite frankly combined into a relatively small period of time and into a small space once we got here to the things shown on the model.

The things that occurred before that were really not in dispute. What had happened in the house where he first went to the Youngs house. The only dispute was whether there was a tussle over the gun when it went off accidentally, whether there was a slapping of the gun. But from that point on most of the dynamics of it were pretty much the same. Now who said what and when those matters change as they bound to change with this many witnesses involved. But when the jury was able to focus on the model here and what happened in that point, which is the

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SENTENCING

THE COURT: Is the State now ready to proceed to the matter of sentencing?

MR. STONE: We are, Your Honor.

THE COURT: Is the defense ready?

MR. BAX: Yes, Your Honor.

THE COURT: All right.

MR. STONE: We have a matter first of his criminal record. We also have -- I believe we have members of the family that would like to address Your Honor if you would hear from them.

THE COURT: I'll be glad to.

MR. STONE: Would you rather hear the family first or the record?

THE COURT: Let's do the record first.

MR. STONE: Yes, sir. Tyrone Robinson has literally been in and out of prison his entire adult life. He starts in 1995 with a simple assault and battery, a public disorderly conduct, and a malicious injury to property, domestic violence two counts. And then in 1996 an assault and battery, a discharging a firearm, grand larceny, hit and run death or personal injury; it was personal injury, burglary third degree, simple larceny, petty larceny, grand larceny two counts of that. At that point he was placed in Lieber

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1 Correctional Institute, that was in June of 1996. He was
2 paroled three times. He violated his parole each time
3 and ended up maxing out that sentence in July of 2002.
4 That's important, Your Honor because in November of 2002
5 he went back to prison on a separate set of charges.
6 This two counts of failure to stop for a blue light,
7 possession of a stolen motor vehicle.
8 This was the offense that Your Honor was aware of
9 that he received maximum penalties on all of that which
10 totaled 13 years. He maxed out his sentence April the
11 30th of 2010 within two years of this incident -- or a
12 little after two years of this incident. That's his
13 criminal history. Family members at this time, Your
14 Honor, would you hear from them please?
15 THE COURT: I'll be glad to.
16 [Whereupon, individuals come forward]
17 THE COURT: Give me your name please, sir?
18 MR. SINGLETON: Kareem Singleton.
19 THE COURT: Mr. Singleton?
20 MR. SINGLETON: I just want to say thank you to the
21 State and to the jury for this bittersweet day for me.
22 And I say bitter because I'll never get my son back.
23 When God gave the little boy to us I prayed and I asked
24 God to give us this child. The Lord gave us this child.
25 I raised that child, we raised that child from a young

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1 THE COURT: Thank you Mr. Singleton.
2 MS. SINGLETON: Katrina Singleton.
3 THE COURT: Ms. Singleton?
4 MS. SINGLETON: Your Honor, we stand here today this
5 is not a day that I would have wanted to stand here in
6 front of you or to anyone. My son, eight year old he
7 lived a life that any child would want to live. He lived
8 a life that a child is supposed to live. From the day he
9 was born to the day he left he had that smile on his
10 face. He was a loving, caring boy.
11 He loved baseball and he loved outside; that was his
12 dream to play. He was playing since he was four up until
13 he left here. God gave him to us. That was a gift.
14 That was a gift that God gave us. That gift will never
15 leave me here in my heart. Even though his presence is
16 not here he will always be a part of my life spiritually
17 because the memories that I have of my son no one can
18 never take it from me.
19 He's gone now; I understand that for somebody's
20 senseless -- because they choose to make a bad decision.
21 We all make decisions but one thing we have is a choice
22 and that choice is to try to do the right thing
23 especially when young eight year old our son Khalil did
24 not know what was going on. He didn't know nothing about
25 a gun. I raised my child into an environment of safety.

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1 man -- from a little boy I say young man because I know
2 him from the time he came here and from the time he left.
3 And that little boy had more heart and was more a man
4 than many of men in here today. My son, God knows how
5 much I love him and how much I miss him. I say it's a
6 little sweet because I feel a little vindication today
7 for all the tears that was shed up here on the witness
8 stand. I feel no remorse for that.
9 I am a Christian and I know you are supposed to
10 forgive and I do forgive but I have a big problem
11 forgiving with you right now because you took something
12 from me that nobody can give back to me. Nobody. And
13 that was my heart, my heart.
14 I sacrificed and I worked endless days and nights to
15 make sure that boy had every and anything that he wanted.
16 Anybody that know me anybody can tell you how hard I
17 worked and how I worked to do what I was supposed to do
18 to give that boy the best life I could and he did that
19 and he had that.
20 And I want to thank all of my family members because
21 he had a strong family from my parents to her parents
22 everybody played a part and a role in his life. And I
23 thank you all. And most importantly I thank God for
24 giving him to me for those eight years that he was there.
25 And I thank you.

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1 That's what we raised our kids. And I'm just sorry this
2 had to happen. I am a Christian. I'm not -- God will
3 handle everyone in their own way. I'm not that judge. I
4 can't judge no one for what happened. The only thing I
5 can say is he did it and that is something that God has
6 to punish him for. He will have to show an accounting
7 for what he has done today -- done in 2012 when we lost
8 our son.
9 And Your Honor I know you are fair and I want you to
10 do what is right in the sentence today because this is a
11 loss, a big loss that we have for two years. This is
12 something that we had -- I can't even say -- it's very
13 hard. This is the hardest thing I have ever had to do in
14 my own life. And the only thing that got me going is the
15 strength because God gave me the strength to hold on and
16 He said it is going to be okay and I believe that. And I
17 know you as a Judge will do the right thing. And I thank
18 you.
19 THE COURT: Thank you Ms. Singleton.
20 MR. STONE: Your Honor, if I may? You've heard
21 everything, you know his record and I don't always give
22 my opinion and quite frankly you probably don't need it.
23 But there is nothing redeeming about Tyrone Robinson. He
24 has been in and out of prison his entire adult career.
25 This isn't a tragic accident. This was absolutely

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1 preventable and I'd ask you to consider the maximum
2 sentence. Thank you, Your Honor.
3 THE COURT: Thank you, Mr. Stone. Mr. Bax?
4 MR. BAX: Thank you, Your Honor. First of all I
5 would like to point out that my client has indicated some
6 of the early convictions that were read on the record I
7 think he disputes some of the earlier ones. He does not
8 believe all those charges were actually brought forward
9 to the sentence in 1996. One was the burglary and one
10 other charge that actually was associated with that.
11 Second of all Your Honor obviously when this comes
12 up after a trial Your Honor is in a much larger and
13 better and more expansive control of the facts than you
14 are when we're up here for a plea. You have been present
15 during the entire trial. I would like to point out that
16 Tyrone's family has been here. His mother is here.
17 In fact his father was here earlier this week, Mr.
18 Samuel Campbell who I have gotten to know and Mr. Chapman
19 has gotten to know. Unfortunately he has a heart
20 condition and midway through the trial it was too much
21 for him and he is actually in the hospital in Charleston,
22 in the VA hospital in Charleston right now. So I'm
23 hoping that he is all right. But as Tyrone said he does
24 have some familial relationship to a lot of people out on
25 that area on Allen Road. That is he is related to the

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1 light of the efforts he made at some point to go away
2 that a 30 year sentence day for day is going to put him
3 in his 70's if he even lives that long is enough to
4 satisfy the ends of justice and to satisfy the ends of
5 our purpose. Obviously there are two roles. There is
6 the role of punishment and justice but there is also the
7 role of rehabilitation.
8 I'm sorry Your Honor, at 70 I just don't see him
9 being the same man if he is with us then, which I would
10 hope he would be but he's not going to be the same
11 person. So I think it serves all the ends of society and
12 justice to impose a 30 year sentence. Thank you.
13 THE COURT: Thank you. Anything further from the
14 defense?
15 MR. BAX: No, Your Honor.
16 THE COURT: Thank you. Does Mr. Robinson wish to
17 be heard?
18 [Whereupon, Mr. Bax confers with his client]
19 THE COURT: You can stay right there Mr. Robinson.
20 You can stand in place right there.
21 MR. ROBINSON: I really don't want to talk but I
22 feel that I owe y'all that.
23 THE COURT REPORTER: Judge, can he speak up?
24 MR. ROBINSON: When you give -- between us me and
25 you -- Katrina me and you go way back. You know me since

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1 family that has been on that land for God knows how long.
2 So I do honestly believe that Tyrone has been tortured at
3 heart about all this as well. And that's not offered as
4 an excuse; it's just the truth. Your Honor, has also
5 seen the facts concerning the situation. And obviously
6 the jury has rendered their verdict and obviously they
7 have decided to not condone what they believed his role
8 to be, whatever that is, and they believed it to be
9 something that rose to the level of criminal liability.
10 But I would point out as Your Honor is well aware
11 that there are still undisputed facts that regardless of
12 what started Tyrone tried to get away. Now maybe he
13 didn't make all the right choices about how to get away
14 but he was trying to get away. We are left with what
15 we're left with and Your Honor is left with the decision
16 of sentencing. You've heard about Tyrone's past but
17 you've also heard from Tyrone as well on the stand.
18 I believe there is enough mitigation in this case to
19 warrant a 30 year sentence. And as the court knows this
20 as well as I do but I want to make sure everybody knows
21 it that's 30 years day for day. And Your Honor my
22 understanding is my client is over the age of 40 if I'm
23 not mistaken, 30 years day for day Your Honor is going to
24 put him at 70. I believe that in light of the facts in
25 light of the roles other people played in this case, in

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1 a little boy. I know you since a little girl. I always
2 had -- and every time we see each other we enjoy our
3 conversation. Kareem, I never got a chance to meet you
4 but I always heard about you. Kareem, I've got a son
5 man, so I know you love your son dearly. You got every
6 right to get up here and talk about every man charged in
7 or you think took the child that day.
8 And I did not do nothing bad -- Aaron, Sr. and
9 Aaron, Jr. they chased me so hard that day I tried and I
10 tried to get away. They chased me -- I tried -- I fled
11 three times. I just want you to know that. I tried
12 three times to keep your son alive. But Aaron Sr. and
13 Aaron Jr. kept coming back all three times.
14 If they had just stopped coming one time this
15 wouldn't have happened. I'm sorry, man. I swear to God
16 I love your kids that you got -- I didn't want Khalil to
17 die -- I loved him to death. I don't care if the Judge
18 gives me life I am going to keep loving y'all --
19 THE COURT: Thank you. Do you have the sentencing
20 sheet?
21 [Whereupon, Mr. Stone provides documents to the
22 court]
23 THE COURT: The possible sentence for the crime of
24 murder is from 30 years to life imprisonment. The
25 sentence is a day for day sentence. Every crime of

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1 murder has the elements of the unlawful killing of
2 someone else with malice aforethought. Our General
3 Assembly has decided that there are some times when the
4 unlawful killing of another with malice aforethought
5 justifies a 30 year sentence, sometimes when it justifies
6 a life sentence and sometimes when it justifies something
7 in between.
8 The fact that the General Assembly provided for that
9 wide range of sentencing and the fact that sometimes
10 Judges sentence within that wide range is not a comment
11 upon the life of the one who has been killed. It is not
12 a comment upon the life of the victim or the worth of the
13 victim or the victim's status or standing.
14 Every life is priceless. No life that has been
15 taken has the right to have a value assigned by the
16 General Assembly or by a court as to its worth. And so
17 for that reason the sentence that is imposed then is not
18 a comment upon or an attempt to place a value on that
19 priceless life. And surely Khalil Singleton's life was
20 one of those priceless lives.
21 As his parents have said he had everything that a
22 young man could be given. He had everything; except the
23 gift of years and that was taken from him. Throughout
24 this case several things have been obvious. It has been
25 obvious from the evidence that this was a senseless,

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1 shooting came his way and before he responded as the jury
2 has found makes one responsible as this jury has found
3 just as if he had aimed the pistol at Khalil himself.
4 That was not his intention but that was the result.
5 And it was the inevitable result of a gunfight in a
6 residential area under these circumstances when if you
7 believe the facts as they were submitted and apparently
8 as a jury believed the Youngs were -- all that they had
9 done up until this point and for all the efforts that
10 they had made at this particular point for leaving the
11 area and apparently were no longer of any immediate
12 threat to Mr. Robinson.
13 I'm confident that based on their past history there
14 might have been a future threat. And maybe that's what
15 Mr. Robinson was trying to address, but that does not
16 justify firing the shots that he fired under these
17 circumstances. Mr. Robinson, the sentence of the court
18 is that you be committed to the Department of Corrections
19 for the balance of your natural life.
20 All right folks, is there anything further from the
21 Solicitor's office in connection with this trial?
22 MR. STONE: No, sir. Thank you, Your Honor.
23 THE COURT: We stand adjourned. Thank you.
24 [Whereupon, the jury trial concludes at 2:25 p.m.]
25

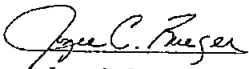
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1 senseless set of events from the time that it started
2 until the time it was over. I appreciate the fact as Mr.
3 Robinson has testified that he tried to get away from
4 this once it had begun. Now whether Mr. Robinson was
5 trying to get away from it simply to escape and wait to
6 fight another day or whether he had intended to separate
7 himself from the Youngs forever I don't know. And the
8 jury has obviously found that the defense of self-defense
9 did not apply in this case for whatever reason and for
10 many reasons that were evidenced in this record.
11 As Mr. Bax has said sometimes a sentence addresses
12 the rehabilitation of somebody. Well rehabilitation from
13 30 years to life obviously when 30 years are passed there
14 is no rehabilitation. I would like to think that
15 sentences like this constitute a deterrent but I'm aware
16 of the fact that people who commit these sorts of acts
17 give no thought whatsoever to the consequences and the
18 difficulty of having to serve 30 years or more.
19 But the tragic thing is neither do they give any
20 thought to the consequences on innocent victims like
21 Khalil. And that is the tragedy of this particular case.
22 Mr. Robinson says he did not intend for Khalil to die.
23 No one intended for Khalil to die that day. But the risk
24 of getting involved in a gunfight in a residential area,
25 one in which he had seen the children playing before the

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1 CERTIFICATE
2 I, the undersigned, Joyce C. Rueger, Official
3 Circuit Court Reporter for the Ninth Judicial Circuit of
4 the State of South Carolina, do hereby certify that the
5 foregoing is a true, accurate, and complete Transcript of
6 Record of the proceedings had and evidence introduced in
7 the trial of the captioned case, relative to appeal, in
8 the Court of General Sessions for Beaufort County, South
9 Carolina on the 19th day of September, 2014.
10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

January 23, 2015


Joyce C. Rueger, CVR-M
Court Reporter

☐ COPY

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STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NO'S. 2012-GS-07-01935
2012-GS-07-01932 & 2012-GS-07-02173

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

FEBRUARY 27, 2014

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

TYRONE ROBINSON
AARON YOUNG, JR.
AARON YOUNG, SR.

DEFENDANTS

B E F O R E:

HON. THOMAS W. COOPER, JR, JUDGE

WANDA H. ROWE, CVR-CM
OFFICIAL COURT REPORTER

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EXHIBITS

No exhibits were admitted.

1 BEGINNING 9:24 A.M.

2 BY THE COURT:

3 BAILIFF: All rise, please, for The Honorable
4 Thomas W. Cooper, Jr. Court is now in session.

5 THE COURT: Thank you. Thank you, ladies and
6 gentlemen. Please be seated. Good morning. Wanda, do
7 you have the caption?

8 COURT REPORTER: I do, yes. Thank you.

9 THE COURT: Solicitor, what do we have this
10 morning?

11 MR. STONE: Your Honor, we have a couple of motions
12 made by -- first of all, to let you know who is in the
13 courtroom and what the situation is as far as
14 representation is concerned, the first individual is Mr.
15 Tyrone Robinson over here. He is actually a pro se
16 defendant. Mr. Ari Bax has been appointed as stand-by
17 counsel. I believe that is correct.

18 Mr. Roberts Vaux is representing Aaron Young, Jr.

19 THE COURT: All right.

20 MR. STONE: And then, beside Mr. Young, Jr., is Mr.
21 Young, Sr., and he is represented by Robbie Ferguson.

22 THE COURT: All right.

23 MR. STONE: The Youngs have a motion that concerns
24 severance of this trial. Mr. Robinson has a number of

1 motions, but the one that is particularly -- that needs
2 to be heard, obviously, before trial is a motion for the
3 use of the *Castle Doctrine*.

4 We are prepared to go forward on either one of
5 those at this time. Whichever you think is best to go
6 first, we're ready to move on.

7 THE COURT: All right.

8 MR. STONE: Concept in this, we have three co-
9 defendants. Each one of them made statements, and our
10 intention is to try them all together. Thus, the reason
11 for the severance motion. With the proper redactions in
12 accordance with *Bruton*, Mr. Robinson's -- I believe is
13 the only defendant that has made the *Castle* motion
14 *Doctrine*, so that obviously needs to be heard before, as
15 that is a defendant to trial and not at trial.

16 THE COURT: All right. We will deal with the
17 motions to sever first. And Mr. Vaux, Mr. Ferguson, the
18 gentleman is -- are your motions, motions to sever for
19 Mr. Robinson, and/or motions to sever from each other?

20 MR. VAUX: From Mr. Robinson, your Honor.

21 MR. FERGUSON: That's correct on that. Mr. Young,
22 Sr.'s.

23 THE COURT: All right. Who's going to argue that
24 motion for the Youngs?

1 MR. VAUX: We'd both like to speak as to the
2 motion.

3 THE COURT: All right. Mr. Vaux, I'll be glad to
4 hear from you.

5 MR. VAUX: Thank you, your Honor. The facts of the
6 case as charged by the State are that the Youngs were
7 involved in a running gun battle, so to speak, with the
8 defendant, Robinson. It started in the yard adjacent to
9 their house; and then, moved first to Oakview Road; and
10 then, to Allen Road, continuing over some period of time
11 and at different locations.

12 The Youngs each face one count of murder. Mr.
13 Robinson has multiple indictments, including murder.

14 It's alleged that Mr. Robinson was discharging a
15 gun at the Youngs when he fired a shot by killing an
16 eight-year-old child.

17 All the defendants have given a statement, some in
18 writing, some oral. In normal instances, defense would
19 move for a severance on the grounds that each would
20 present antagonistic defenses, and the State would
21 present one or more statements into evidence. And
22 that's sort of the situation here. But in addition to
23 that, it's complicated by the fact that we have two
24 unique situations.

1 One defendant is pro se. And in addition to
2 antagonistic defenses, the defenses are completely
3 different in legal theory. For example, the litany of
4 motions filed by Robinson include a *Castle Doctrine*
5 defense. It would certainly appear that the State
6 relies in part on a transferred intent for the Robinson,
7 and felony murders for the Youngs.

8 In this case, with both antagonistic defenses and a
9 pro se defendant, the jury's going to be easily
10 confused, and with coupled with the defenses that are
11 based on completely different theories, we would
12 respectfully submit to you that the jury will become
13 hopelessly constricted.

14 Finally, add to the mix of the pro se defendant,
15 who innocently or intentionally makes some inappropriate
16 comment, and the odds are just overwhelming that these
17 two defendants would be prejudiced as a matter of law.
18 And I'm not sure that such an instruction, a curable
19 instruction, would, in fact, overcome any kind of
20 prejudice.

21 The statements made by these two defendants would
22 have to be redacted as to each other and as to Mr.
23 Robinson to such an extent it would be confusing at
24 best. We've asked for to see a copy of the proposed

1 redacted statements that they wish to use, and we have
2 not seen those yet. But given the most recent case of
3 *State versus Henson*, filed January 22, 2014, in which
4 the Court cited *State versus Holder*, a 2009, stands for
5 the proposition that a redacted statement violated the
6 confrontation clause, because it was apparent the
7 statement was referring to the appellant, without even
8 considering any other evidence introduced at trial. And
9 arguing somewhat in the dark, your Honor, it's hard to
10 say with specificity how the redacted statement would be
11 prejudicial. But with three statements, you could say,
12 for example, -- and three defendants sitting here, how
13 you're going to play one without inferring something to
14 the other is past my ability to imagine.

15 If a statement comes in from Robinson, then, the
16 jury has to believe that it refers to the two Youngs.
17 There's nobody else that's involved there. If a
18 statement -- and while the confrontation clause is
19 subject to harmless error analysis here, because the
20 defendants are not co-conspirators, and that's huge.
21 That they -- and they were not acting in concert. As a
22 matter of fact, they were acting the opposite of in
23 concert and the opposite of co-conspirators. And the
24 ability -- or the odds of their being prejudiced here is

1 just simply overwhelming.

2 Mr. Ferguson is going to argue some of the more
3 detailed parts of the law.

4 THE COURT: All right. Let me pull up *Henson*. I'm
5 familiar with that. I read it. I realize that I seem
6 to --

7 MR. STONE: I'll hand them up, your Honor. I have
8 some here.

9 THE COURT: All right. Thank you. All right. Mr.
10 Ferguson.

11 MR. FERGUSON: Thank you, your Honor. Now, this
12 motion is in your own sound discretion, as you've been,
13 I guess, been appointed the trial judge of this case.
14 And essentially, your Honor, our motion is to severe,
15 and that is to protect specific trial rights of my
16 client and Mr. Vaux's client, and prevent the jury from
17 making -- or allow the jury to make a reliable judgment
18 as to each individuals guilt, as opposed to the guilt of
19 three as a whole.

20 You know, it does require us to point to a very
21 specific trial right that would be violated if the joint
22 trial would go forward, and not just the confrontation
23 clause and the issues that Mr. Vaux raised. There are
24 also some very specific instances where we would be, I

1 think, prejudiced, or at least our clients would be
2 prejudiced if we were forced to go forward with a three-
3 defendant trial.

4 You know, every defendant in this case has a due
5 process right to a fair trial. You know, we're
6 concerned about imputed responsibility. If the jury
7 finds one of three guilty, then, they'll say, well, more
8 than likely than not, or somehow change the standards to
9 include all three into that calculation.

10 We want the jury to be able to focus on each
11 individual's personal culpability or guilt, and just
12 feel that, that would be extremely difficult if all
13 three were tried together.

14 You know, the judicial economy argument that
15 there's going to be innerconnected evidence; that there
16 -- it doesn't warrant the cost of multiple trials,
17 doesn't really apply here. This is a very high-profile
18 case with serious consequences for everyone involved,
19 and I do think it warrants the extra time and expense to
20 have the separate trials in order to protect these
21 defendants' rights.

22 Logistical minefield, that's kind of what comes to
23 mind when I try to prepare for this case, even starting
24 with jury selection. As a three-defendant case, you

1 know, our clients would not have the ten strikes that
2 they would ordinarily have, but rather, a pro rata
3 share, if tried together.

4 I would have no control over whether another
5 defendant introduced evidence or not. And therefore,
6 could stand to lose my right to last argument without
7 any real ability to change that or to have that be part
8 of my strategy.

9 Certain statements -- and I think this is
10 particularly important -- would become -- would be
11 inadmissible at separate trials, but would be admissible
12 during joint trials, as statements by a defendant. Even
13 if they're redacted to remove any mention of my
14 particular client, they're still going to paint the
15 State's theory, which is that all three individuals
16 should be liable.

17 A co-defendant -- another scenario, your Honor,
18 would be that a co-defendant may object to certain
19 evidence that's beneficial to my client, and may,
20 effectively, suppress, limit, or impeach certain
21 evidence that I personally would not on behalf of my
22 client.

23 The likelihood of a pro se defendant testifying,
24 hard to say, your Honor. I know that we have voluminous

1 pretrial motions that are narrative in nature. You
2 know, we're concerned about the possibility of a
3 mistrial, particularly if we get a fair way into this
4 case, and then, the mistrial's declared, we've already
5 tipped our hand to certain objections and certain trial
6 strategies that, then, the State can adapt to on a
7 subsequent trial. And so, I think we would be
8 prejudiced in that regard.

9 Your Honor, our only goal with this motion is not
10 to frustrate the State's, you know, attempt to move
11 these cases, but to avoid jury confusion, animosity,
12 frustration through repetition or contradiction. I
13 think that these issues raised, your Honor, could be
14 cured by instruction. And your Honor, I'm sure, has
15 faced this situation many times before. And once or
16 twice, I think that's okay, but in the anticipated
17 number of curative instructions that could result in
18 this case, I think makes this atypical.

19 And your Honor, just to finish, you know, it is a
20 transferred intent versus a felony murder. Completely
21 different defenses to different theories of liability
22 that are complex enough on their own for a jury to
23 grasp. I'm not the smartest man in this room, but it
24 took me a while to really, you know, understand the

1 theory of the Youngs' guilt versus Defendant Robinson.
2 And I can only imagine the difficulties the jury's going
3 to have trying to separate those two out in the course
4 of just a week, you know, when I've had months.

5 And so, your Honor, we are asking that the two
6 Youngs be separated or severed from the Defendant
7 Robinson for those reasons, your Honor. Thank you.

8 THE COURT: Is there any question as to who the
9 allegations are against in so far as the fatal shot is
10 concerned?

11 MR. FERGUSON: No, sir, your Honor.

12 THE COURT: And that's Mr. Robinson?

13 MR. FERGUSON: Yes, sir, your Honor.

14 THE COURT: All right.

15 MR. STONE: I don't know that I would go that far,
16 your Honor.

17 THE COURT: Okay.

18 MR. STONE: Here -- I'm sorry.

19 THE COURT: Okay. Tell me what evidence you rely
20 upon in that to make that statement, Mr. Ferguson.

21 MR. FERGUSON: Well, your Honor, the theory of the
22 State's case all along has been that Mr. Robinson fired
23 the fatal shot. That has been backed up by scientific
24 testing. If there is contradictory evidence, I would

1 certainly like to be made aware of that, your Honor.

2 MR. VAUX: And your Honor, if I may add, if you
3 look at the State's memorandum in opposition to the
4 Defendant Robinson's request for immunity, it may not
5 come out and say Mr. Robinson is allegedly the person
6 who shot it, but it certainly implies that he is.

7 THE COURT: Okay. I haven't seen any of those
8 memos yet. I'll be glad to consider them in time.
9 Thank you. All right. Thank you.

10 Now, Mr. Solicitor, I'll be glad to hear from you,
11 sir.

12 MR. STONE: Yes, sir, your Honor. Let me make sure
13 we're clear as far as what the State wishes to do in
14 this matter. You have a -- basically a shootout among
15 three people. An eight-year-old child was caught in the
16 crossfire in the middle of this shootout. We know --
17 what we know is at least one of the Youngs was carrying
18 a .9 millimeter handgun, and that .9 millimeter did not
19 kill the child. We know that.

20 There is, we believe, a revolver in Mr. Robinson's
21 hand. We believe that was the revolver that killed the
22 child. However, we never -- the police never located
23 that firearm. Mr. Robinson previously had alleged that
24 one of the Youngs had a .38. We did not find that. So,

1 basically, the situation -- this is the situation the
2 State's in. Our theory is the felony murder rule, that
3 you have three people committing inherently dangerous
4 felonies, and as a result of those inherently dangerous
5 felonies, a child dies. The actual shooter, so to
6 speak, the one that discharged the fatal bullet, under
7 that scenario, is, while relevant, not controlling. So,
8 that is the position that the State's going under.
9 That's the theory that the State goes under, and that is
10 a consistent theory among all the defendants. That's
11 the -- that is the theory.

12 We're not switching up our theories, depending on
13 which defendant we're talking about. We feel like all
14 three of these people were involved in an inherently
15 dangerous felony, which is a shootout that basically
16 went from the right as you get to Hilton Head, all the
17 way down into Marshland Road, along the Cross Island
18 Expressway. And I don't know if you're familiar with
19 this area, but it involves three neighborhoods in Hilton
20 Head. And this was a shootout that took place first at
21 White Horse Road; and then, at another neighborhood in
22 between; and then, a third at Allen Road area, which is
23 where the child was playing on the trampoline and
24 killed. Our theory is all three of them are culpable

1 under that scenario, and that's the theory we're
2 proceeding for trial. So, I wanted to clarify that as
3 far as who the gunman was and things like that.

4 THE COURT: All right.

5 MR. STONE: The issues as far as whether or not
6 there's some problems with jury selection and things
7 like that, that's inherent in every joint trial. There
8 was nothing that was really offered that is different
9 from any joint trial. The issue before your Honor is
10 whether or not the State can adequately redact those
11 statements --

12 THE COURT: Right.

13 MR. STONE: -- so that you do not get into the
14 problem that they got into in the *Henson* case. I will
15 tell you that I was -- I really wasn't surprised at the
16 outcome of the *Henson* case, because they do two things I
17 think that are wrong. One is, you've got a -- the use
18 of the words guy, him, his is very specific. The other
19 thing is, they tried -- they actually referred to four
20 people involved in the case; three were named; and the
21 other one wasn't. So, it was a little -- that's
22 obvious.

23 I think what is more in line with what I'm talking
24 about, your Honor, is a Court of Appeals case for 2012,

1 *State versus McDonald.* And I'll hand that up to you,
2 and I -- this was a case in which three people were
3 tried as co-defendants. The reference -- all three
4 statements were redacted to use the term *another person*.
5 So, it did two things. Number 1 is, there was no him-
6 or her-type pronoun usage. The second thing is, there
7 wasn't even a limitation as to who else was involved in
8 the case. It simply was this person's statement, and
9 referred to another -- other people. Plus a limiting
10 instruction. And the Court of Appeals said that was --
11 that, that satisfied *Bruton*. They also referred to a
12 Fourth Circuit Court of Appeals case, which actually
13 suggested that way of redaction.

14 I will tell you, my intention, your Honor, is to go
15 further than that. I am going to -- and I apologize for
16 not having all these statements with me. We're still
17 waiting on a court reporter to transcribe, so that I
18 make sure that I'm accurate when I'm doing this. My
19 intention is to redact not even using another person,
20 but to redact from any -- even any reference to another
21 human. In other words, the statements that I intend to
22 introduce refer only to that person that makes the
23 statement, which I think is not only consistent with
24 *Bruton*, but I think it is a more careful approach than

1 the Supreme Court even requires in that matter. That is
2 my intention, and that's how I wish to try the case. I
3 think, in fact, it's very confusing were we to try to
4 try that case under that theory with only one defendant.
5 So, that is the State's position, and I'll be glad to
6 answer any questions you have.

7 THE COURT: Thank you. The concern of the Court,
8 quite frankly, Mr. Vaux and Mr. Ferguson, gentlemen, is
9 it does go to the statements. The other concerns which
10 have been raised, the concern specifically, Mr.
11 Ferguson, about the limitation on jury selection and
12 things of that nature, they have all been addressed
13 adverse to your position, of course, in various
14 appellate and supreme court decisions.

15 The difference in trial strategy, likewise, has
16 been addressed in supreme court decisions and has been
17 held not to be a sufficient basis for severing cases.

18 The main concern for a trial judge is how we deal
19 with the statements. Of course, at this point in time,
20 I've not seen either the unredacted statements or the
21 redacted statements. So, it's somewhere difficult for
22 me to be specific in that regard, other than to say that
23 there are ways to redact. Now, clearly, the redaction
24 takes some of the meaning away, and that's what it's

1 supposed to do, really. It's supposed to take away any
2 reference to anyone else who might be on trial so as to
3 avoid the confrontation problems, but there are ways to
4 get it done.

5 The way to eliminate any reference to anyone else,
6 if the Solicitor's willing to do that, that's a good way
7 to do it. It's the cleanest way to do it. Sometimes
8 solicitors aren't willing to do that, because it seems
9 to fly in the face of, in this case, the felony murder
10 rule, for example, which implies that there are a group
11 of people involved in some ongoing criminal activity
12 leading to the death of another person. But
13 nonetheless, if that's going to be done, it certainly
14 can be done, that would seem to address those concerns
15 that the Court would have.

16 The fact of the -- Mr. Vaux, as you mentioned, the
17 transfer of intent on one hand, as opposed to the felony
18 murder rule on the other. The felony murder rule and
19 transfer of intent are sort of, in this case, sort of
20 handmaidens. They go together. The theory is certainly
21 not going to be that the eight-year-old child was killed
22 intentionally by, or was meant to be killed in this
23 case, but was killed as a result of illegal, reckless,
24 willful, malicious activity on the part of someone else

1 who didn't fired the gun himself, or herself, perhaps.

2 So, I think that those are things that can be dealt
3 with by way of instructions. When we deal with the
4 jury, we don't call things like this is the theory of
5 transfer and intent, ladies and gentlemen, or this is
6 the theory of felony murder. We simply go to the
7 elements that are inherent in these things, if they can
8 be explained.

9 My only -- well, it's not a concern for this
10 moment, in any event. But I will address that with you
11 all at side bar. It has to do with scheduling, quite
12 frankly, more than anything else.

13 So, based on what you have indicated here today, I
14 can't find anything applying the arguments that you have
15 made to the case law as it exists and the facts, limited
16 though I have about this particular case, that would
17 give grounds for a severance. The inconsistent or
18 antagonistic defenses have been addressed in *Hughes*
19 *versus State* case, *State versus Smith*. There are a
20 dozen of those. I can give you the cite if you need it.
21 The difference in culpability, the seating of jurors,
22 the difference in strategy, the relevant, admissible
23 evidence for one on behalf of the other, all of these
24 things have been addressed by the appellate courts as

1 being, in and of themselves, insufficient grounds for a
2 severance.

3 The whole object, obviously, is to present the case
4 to a jury that is understandable and that is fair under
5 the rules to all of the individuals involved. In my
6 view, this can be done.

7 The fact of the judicial economy, Mr. Ferguson, you
8 mentioned that as a reason to oppose those. I agree
9 with you. I don't think that, that, in and of itself,
10 should weigh up against all of the other considerations
11 that they were juggling, but certainly, it is a
12 consideration. Frankly, from the trial judge's
13 perspective, the easiest thing to do, the easiest thing
14 in the world to do is to grant three separate trials.
15 The easiest thing for a trial judge is try three cases,
16 one defendant in each case. Simplify things. It means
17 they're only dealing with one set of lawyers on each
18 side; a single witness is subject to examination by four
19 different people; the length of the trial. When you
20 talk about judicial economy, the length of a trial for a
21 four- -- we've got three -- defendants and the State.
22 When it comes to examination of witnesses, it's the same
23 thing as we've got three different trials. The only
24 questions that are going to be limited, the Solicitor's

1 only going to have them once, but the cross-examination
2 is going to take just as long as it would if we were
3 having three different trials. And so, you know,
4 judicial economy in a single trial is somewhat
5 overblown, quite frankly, which is something of a
6 concern of mine, given my schedule. But nonetheless,
7 that's not the reason. I'm overruling for the reasons
8 that I've mentioned. The motions to sever are
9 respectfully denied.

10 MR. FERGUSON: Thank you, your Honor.

11 MR. VAUX: Thank you, your Honor.

12 THE COURT: Thank you. Now, Mr. Vaux, Mr.
13 Ferguson, gentlemen, are there any additional motions at
14 this time on behalf of Mr. Young, Senior or Junior?

15 MR. VAUX: No, sir.

16 MR. FERGUSON: No, sir.

17 THE COURT: All right. Thank you.

18 THE COURT: Now, I turn to Mr. Robinson's motion
19 under the *Castle Doctrine*. And Mr. Robinson, I'll be
20 glad to hear from you now on your motion for immunity
21 under the *Castle Doctrine*.

22 BEGIN MOTIONS BY DEFENDANT ROBINSON:

23 DEFENDANT ROBINSON: I'm arguing this motion under
24 the immune from criminal prosecution as civil action to

1 *South Carolina Protection of Person and Property Act,*
2 *South Carolina Court of Law, 16-11-440(c) and 16-11-*
3 *420(b)(e), and 16-11-440(b)(a). And I just want to cite*
4 *the laws right quick.*

5 Under South Carolina statute 16-11-440(c) it
6 states, and I quote:

7 *A person is not engaged in the unlawful*
8 *activity and who is attacked in another*
9 *place where he has a right to be, including,*
10 *but not limited to his place of business,*
11 *has no duty to retreat, and has the right*
12 *to stand his ground and use force -- with*
13 *force, including deadly force, if he*
14 *reasonably believes it is necessary to*
15 *prevent the commission of a violent crime,*
16 *as defined in Section 16-1-60.*

17 And that's what I'm cited for, with that statute.

18 Under South Carolina Court of Law, Statute 16-1-10:

19 *Per violent crimes for purposes of*
20 *definition under South Carolina law, a*
21 *violent crime includes the offense of murder.*
22 16 through 10.

23 Under South Carolina Statute 16-11-420(e), it
24 states, and I quote:

1 The General Assembly finds that it is
2 proper for law-abiding citizens to protect
3 themselves, their families, and others from
4 intruders and attackers without fear of
5 prosecution or civil action for acting in
6 defense of themselves and others.
7 And that's for 16-11-420, Section (e).

8 The General Assembly finds that no
9 person or victim of crime should be required
10 to surrender his personal safety to a criminal;
11 nor should a person or victim be required
12 to needlessly retreat in the face of
13 intrusion or attack.
14 And for this statute, 16-11-450(b)(a), it states:

15 A person who uses deadly force as
16 permitted by the provision of this article,
17 or another applicable provision of law, is
18 justified in using deadly force and immune
19 from criminal prosecution in civil action
20 or the use of deadly force.

21 And Section (a) states:

22 But the agency may not arrest a
23 person for using deadly force unless
24 probable cause is that the deadly force

1 used was unlawful.

2 And for the case of South Carolina Supreme Court
3 case, the *State versus Demerits Burris*, 513,
4 *Southeastern 2nd*, 104, states that:

5 A motion for immunity from criminal
6 prosecution and civil action must be
7 decided before trial on the charge
8 before trial on the charge. Before the
9 trial begins, a motion for immunity from
10 criminal prosecution and civil action
11 must be determined by a preponderance of
12 the evidence standard.

13 And that's what I'm going to be arguing, based on
14 the preponderance of evidence standard.

15 For the elements of use of deadly force to prevent
16 the commission of a violent crime as defined in *Section*
17 *16-1-60*, for that element to satisfy this element, the
18 State of South Carolina, the investigators, Laurel
19 Albertin in this case, in her investigation, at the
20 conclusion of her investigation, she determined, based
21 on a preponderance of the evidence in this case, Aaron
22 Scott Young, Sr. and Aaron Scott Young, Jr., they were -
23 - they got together. They ride together. Came to
24 agreement. After they told me they were going to kill

1 me three times inside the yard, they came together with
2 they guns.

3 One of the guns was a semi-automatic Mac 11 machine
4 gun. Holds 32 rounds in the clip. With a suppressor to
5 silence it so nobody can't hear no shooting it when they
6 go to kill somebody.

7 They -- she -- she -- they convinced her that they
8 were in possession of this gun. And so, at least one of
9 the guns they were in possession of. They -- they
10 confessed that they came to an agreement; came together;
11 went looking for me; conspired to murder me. Came to my
12 neighborhood where I live at; shot up in front of in the
13 presence of small kids up there, in the process of
14 trying to kill me, because Kahalil Singleton was shot
15 and killed.

16 Now, I'm going to go through -- through these
17 events, because the State of South Carolina, some things
18 we do agree with, some things we don't agree with.
19 Because it's a lot more to this right here than they
20 know I'm saying, so.

21 Now, I did go to they neighborhood the date the
22 Kahalil Singleton was shot and killed. I had Jontu
23 Singleton with me and he --

24 THE COURT: You had who with you?

1 DEFENDANT ROBINSON: I had Jontu Singleton along
2 with me.

3 THE COURT: Okay.

4 DEFENDANT ROBINSON: And he asked me to take him to
5 their neighborhood. So, first, I took him to the store.
6 We bought -- we bought some 40 ounces of beer. I was
7 celebrating my birthday. This was the day after my
8 birthday. I went to their neighborhood because he asked
9 me to take him there.

10 Now, he did ask me to take him there for reasons
11 that he acted he wanted to buy some drugs or whatnot.
12 But when he got there, he switched it up, and he never
13 asked them for drugs. What he asked them for -- what he
14 asked them for money to go buy some more beer. So, he
15 -- so -- so, drugs were never involved in this.

16 He -- he -- he -- he has a DVD recorder that I
17 wanted to play his DVD recorder that I wanted to play
18 this DVD recorder for you. I asked my sister to have
19 the technology with the adapter and the video screen to
20 play these video recorders for you of these witnesses'
21 interviews, so that you could see for yourself exactly
22 what was said, instead of just taking my word, cause, I,
23 you know.

24 THE COURT: Mr. Robinson, let me ask you a couple

1 of questions to see whether those statements would be
2 relevant or not. Now, you say these folks came to your
3 neighborhood and started this gun fight. Is that what
4 you're saying?

5 DEFENDANT ROBINSON: I'm about to explain the whole
6 thing now to you now.

7 THE COURT: Okay. If you'll explain it to me in
8 the order in which it happened, it will make it a lot
9 easier for me to understand.

10 DEFENDANT ROBINSON: That's what I was trying -- I
11 was getting to.

12 THE COURT: Okay.

13 DEFENDANT ROBINSON: All right. Well, I went --
14 went to their neighborhood. Jontu gets out the car. He
15 goes talk to Aaron, Sr. Now, Aaron, Sr., prior to this,
16 I saw him at the gas station. Me and him shook hands,
17 because he -- we did have some more -- some little
18 arguments, little drama going on. We shook hands at the
19 gas station, laughed with each other, and he said that,
20 that situation was Gucci. Now, that's a slang term.
21 When somebody says Gucci, that means that -- that --
22 that's over with, and we back friends now, we cool, we
23 don't have any problems.

24 Okay. Now, about a week later or so, I went -- I

1 went back to his house. Took Jontu to his house, Jontu
2 gets out of the car; goes to talk to Aaron, Sr.; Aaron,
3 Sr. sees me in the car; starts yelling, cursing up,
4 acting crazy for no reason at all, because his
5 girlfriend is out there, and I guess he trying to play
6 big -- big -- big in the front of his girlfriend or his
7 son or whatever. He starts acting all crazy, telling me
8 to get out of his yard. I tell him I'm leaving, please
9 just let me get out of his yard; just hold up.

10 I'm yelling for Jontu to get back in the car.
11 Jontu sitting there acting like he just went out to
12 space somewhere and he don't know what going on. But
13 Jontu grew up with Aaron, Sr. and Aaron, Jr., so they
14 are home boys. So, I realize the situation done flipped
15 on me. I'm the only person from another neighborhood in
16 they neighborhood, so they all against me now.

17 So, I decide to leave out of they neighborhood.
18 Aaron, Sr. approached my car, tried to snatch me out of
19 my car that I'm riding in to -- to -- and I guess he was
20 figuring if he snatch me out of the car, his son will or
21 whoever, it was another dude with dreads or whatever, he
22 was out there. They were going to blitz me. There was
23 no doubt about that.

24 So, we -- we -- that little confrontation takes --

1 takes off. Aaron, Sr. telling me:

2 I'm going to kill you; I'm going to
3 kill you; I'm going to kill you; I got
4 something for your ass.

5 He goes in the house; comes out of the house; a gun
6 so big, he look like he pregnant. Comes out of the
7 house and gets in my car. I back out of -- out of his
8 yard. I start backing out of his yard. This is the gun
9 right here. One of the guns that he goes and get for
10 me.

11 THE COURT: All right.

12 DEFENDANT ROBINSON: Now, I'm by myself against 32
13 rounds of Mac 11 machine gun and a yard full of people.
14 He gets that gun right there. As I'm riding down the
15 road, he shoots at me in my car to try to shoot and
16 murder me. Shoot his own grandmama house as I'm riding
17 down the road. This is a picture of her -- the bullet
18 hole from Old Wild Horse Road.

19 COURT REPORTER: From what road?

20 DEFENDANT ROBINSON: 17 Old Wild Horse Road, where
21 I'm riding down going towards 270 -- 278. Those bullet
22 holes in that, I'm in the car, running, fleeing from
23 him, trying not to be shot and killed. He's shooting at
24 me. Trying to shoot, kill, and murder me, while I'm

1 riding.

2 I flee to Oakview Road to hide from him, to hide
3 from this obligation of what's taking place and what's
4 going on. Aaron, Sr. and his son, they get together;
5 they go get they guns; they decide that they going to
6 come look for me; they going human hunting. And I'm a
7 human they hunting.

8 So, they come hunting for me to shoot, kill, and
9 murder me. I'm hiding from them on Oakview Road. They
10 -- they -- they go to my uncle house. One of them got
11 that gun right there. Aaron, Jr. confessed to having
12 that gun right there. Asked my uncle where I'm at. Got
13 my uncle scared to death. Pulled that gun out; showed
14 that gun to my uncle. My uncle ain't got no -- he don't
15 know what's going on. He just at his house, and they
16 asking him where I'm at with that gun right there. He
17 tell them he don't know where I'm at. He don't know
18 where I'm at.

19 So, they -- they left -- they leave my uncle house;
20 they go down Oakview Road. Now, I'm -- I'm -- now, I
21 know they looking for me, hunting for to try to shoot,
22 kill, and murder me. I'm trying to avoid the
23 obligation. At the same time, I'm trying to -- I'm
24 trying to get off Hilton Head Island, because I know, if

1 they catch me, I -- I -- I'm going to the morgue.

2 They come. I -- I'm leaving off of Oakview Road.

3 They come on Oakview Road. I see the truck. The truck
4 in the left lane. I'm in the right lane. As they
5 coming past -- coming past me, Aaron, Jr. -- Aaron, Sr.,
6 driving -- Aaron, Jr. lean out the window, half of his
7 body lean out the window like this. His father holding
8 his leg while his leg on his left leg this right here so
9 he can't fall out the truck. So, when he shoot the gun,
10 the gun powder go over here, and -- and -- and one get
11 on the truck so they won't get caught for this murder
12 they try to commit.

13 He shoot up my car while I'm in the car. Shoot at
14 my head. Head level shots in the car. Hit the back
15 driver with the headrest. Shoot in the trunk. These
16 are pictures of the bullet holes from the car and the
17 headrest that they shoot in the car while I'm -- while
18 I'm in the car.

19 I take off and free out of the road of them,
20 because I see that they ain't going to quit. They keep
21 -- they just ride around hunting for me. This is --
22 this is a expedition of hunting, and they hunting for
23 me. I'm the human they hunting for.

24 After they -- they shoot at my car. They don't

1 know if they hit me or not, I guess, so they go back to
2 Wild Horse, 17 Wild Horse Road. I guess they scared
3 now, but they don't have nothing. So, they unsatisfied,
4 so while they go back, they must be drinking beer or
5 smoking spam or whatever, go take a shower, whatever.
6 They get back in they truck again for the second time.
7 They confessed to the investigator were out there. I
8 got the DVD right here if you want to -- if you want to
9 review it, the DVDs. He confessed to Sergeant Albertin
10 that he pulled the gun out, tried to shoot me and --

11 THE COURT: When you say he, which one are you
12 talking about?

13 DEFENDANT ROBINSON: Aaron, Jr.

14 THE COURT: Okay.

15 DEFENDANT ROBINSON: He told them -- he told them,
16 said, if -- if the gun wouldn't a jammed, it was
17 supposed to go down on Oakview Road. If the -- if the
18 -- if the gun wouldn't a jammed, it would have went
19 down, nobody would a known nothing. It would have been
20 a clean get-a-way. And he ain't talking about giving me
21 no Christmas present, no birthday present, or nothing.
22 He talking about killing me. He would have killed me,
23 shoot and kill me. Nobody was on Oakview Road when they
24 would have did it, and nobody would a seen anything. It

1 just be me dead, and they would a got away with it. He
2 confessed to that.

3 So, he goes back home. He confessed that they went
4 -- both of them confessed that, after they saw me on
5 Oakview Road, they went back to they house on 17 Old
6 Wild Horse Road. Both of them confessed to that.

7 After they leave, after they decide and they
8 weren't satisfied, they come left they residence. I'm
9 hiding in my neighborhood. I hide my car behind my
10 family house on -- on Old Allen Road. I walk over to my
11 other cousin Charlese' house. I go call my other cousin
12 Patrick, and let them know somebody trying to -- trying
13 to chase me down. I think I said about AR-15 or some
14 kind of big gun, because when I look out the window and
15 seen him with the gun shooting in my car, the clip on
16 the gun this long right here, when I seen the clip like
17 that, I knew it was some kind of machine gun, you know.

18 So, I go to Charlese' house. I'm talk -- I talked
19 to Patrick; I talked to Charlese. I told -- I tell them
20 they somebody's trying to kill me; that I -- I'm hiding
21 from somebody; somebody trying to kill me. Charlese'
22 boyfriend were up in the yard. I asked him if he seen
23 the truck. He said he seen the truck speeding and all
24 this right here. I'm standing in the yard. These two

1 here come back, in my neighborhood I'm at.

2 THE COURT: Okay. If you'll stay back over there.

3 DEFENDANT ROBINSON: They come back in the
4 neighborhood shooting again, and start shooting up.
5 They start shooting up in the neighborhood. They got a
6 cloud of smoke so big over the truck, it look like a
7 cloud come down from heaven and sitting over the truck.
8 So, my -- and that's gun smoke coming from they -- from
9 they truck. That's how much gun -- gun -- gun smoke
10 they got going on inside -- inside the neighborhood.

11 Then they come shooting up trying to shoot, kill,
12 and murder me in my neighborhood again, I hide behind
13 the house. I got two, forty-ounce bottle of beer. They
14 try to shoot, kill, and murder me. They done shoot up
15 my car. I go behind this trailer. I walk in the woods,
16 because I'm trying -- I'm trying not to get shot by --
17 by these right here. I walk in the woods over here
18 behind about -- by 818 Allen Road where they say this --
19 where they say Kahalil -- well, it's across from where
20 Kahalil got shot. He didn't get shoot at 818 Allen
21 Road. It's another road over by Marshland Road. But I
22 walk behind there with two, forty-ounce bottles of beer
23 in my hand, and -- and I'm hiding, trying to hide to be
24 avoid -- avoid from getting shot and killed.

1 Now, at the time, I'm walking behind there, Britney
2 seen me walking. She said she looked to see if I was
3 shooting a gun. At the time, she see Kahalil sitting
4 there fallen, he was shot to shot and killed. She say
5 the only thing she saw me doing was toting two, forty-
6 ounce bottles of beer in my hand. I was walking.

7 Aaron, Sr., you know, they -- they shot up -- they
8 shot up around there like crazy, man, and all that. And
9 they ride up.

10 Now, they confess that they came to my neighborhood
11 to try to shoot, kill, and murder me. After they came
12 to my neighborhood shot -- try to shoot, kill, and
13 murder me, after they confessed to this, they also
14 confessed that, when they left out, they told Sergeant
15 Albertin that Aaron, Jr. said he told his father to go
16 back and shoot some more. So, they -- the conspiracy to
17 murder me wasn't even over after Kahalil Singleton was
18 dead. After they left out, they still was tried to
19 murder me, still had intentions to shoot, kill, and
20 murder me. After he say and he wanted to come back and
21 they went home, I went and called the police; because I
22 heard somebody say somebody got shot. But I had to
23 leave the neighborhood, because everywhere I go,
24 everywhere I go, these two were popping up shooting at

1 me the whole day on the Island. They ain't got one -- I
2 ain't be shooting at them no time. I been running from
3 them trying to get off the Island.

4 They behind me now, shooting at me. My car full of
5 bullet holes. Every time they see me, they be shooting
6 at me. I got bullet holes from the side; they shoot on
7 Allen Road. Bullet holes from the back. They shoot on
8 Allen Road. And bullet holes from the right-hand side
9 that he shoot in my -- in the right side when I be
10 leaving his house. So, that's just three incidents
11 already they tried to shoot, kill, and murder me. I
12 ain't shoot at them none.

13 I got him confessing that he lied to the police.
14 Both of them lied to the police that I came to his
15 house, point a -- a .38 at them, shoot at them. Try to
16 shoot, kill, and murder them. They own video camera at
17 the police station saying to each other, but he ain't
18 tried to shoot you. Oh, I know he -- he -- he ain't
19 shoot at me; he tried to hit me and shoot at the ground
20 or something like that he said. So, they lied about me
21 so I would a false charge, because of they lie, and I'm
22 charged with pointing and presenting a firearm, because
23 the investigators know I'm saying I'm going to they
24 house pointing a gun at both of them to try to shoot,

1 kill, and murder them. And they both confessed that I
2 ain't never did it, after they lied to the police and
3 say they did it. So, they done committed perjury.

4 THE COURT: Mr. Robinson, what I'm trying to figure
5 out, and I can appreciate the fact that you and the
6 Youngs obviously had a lot going on against each other,
7 and you say the evidence here is that somebody was
8 shooting at your car everywhere you went. I'm trying to
9 figure out how the facts that you just laid out to me
10 fit within the *Castle Doctrine*, because as you've cited
11 parts of the *Castle Doctrine*, but you have to take the
12 whole meaning of the *Castle Doctrine* in and of itself.

13 It starts out with saying:

14 *It is the intent of the General Assembly*
15 *to codify the common law that recognizes*
16 *that a person's home is his castle. And so,*
17 *it then is proper for law-abiding citizens*
18 *to protect themselves and their families*
19 *and others from intruders --*

20 That means people that try to break in on them.

21 *-- and attackers without fear of*
22 *prosecution when they act in defense of*
23 *themselves and others.*

24 So, it goes on to say that:

1 A person is entitled to immunity
2 if the person who is actually harmed
3 is entering or attempting to enter your
4 home or your dwelling or your occupied
5 vehicle.

6 That means to enter your home with the intent to
7 commit a crime, as defined in the law.

8 Now, I'm not sure, in this instance, whether that
9 means, frankly, whether it means just shooting at
10 somebody in your car or not. And it might well. But
11 I'm not sure that, that was the intent of it. You raise
12 an interesting question about that.

13 Had the shooting in question occurred while you
14 were in your automobile, riding down the road, they were
15 shooting at you, and you maybe shoot back at them, and
16 somebody was injured, that would be a slightly different
17 question and slightly different factual scenario than
18 what we have now.

19 My understanding is, and I'm going to ask the
20 Solicitor to confirm the facts of this in a minute when
21 I hear from him, is that the fatal shot occurred
22 somewhere in your neighborhood. And you say you didn't
23 even know that anybody had been shot until after it
24 happened. But apparently, that exchange of gunfire

1 occurred as you were running, in your words, into the
2 woods back there to try to get away. Is that about
3 right? Is that your understanding of when the actual
4 -- when the child was actually shot?

5 DEFENDANT ROBINSON: I don't know where he was
6 shot, to be honest with you.

7 THE COURT: All right. Okay. But you understand
8 that the *Castle Doctrine* is designed to protect people
9 in their homes or in their vehicles from somebody trying
10 to break in.

11 DEFENDANT ROBINSON: Well, my understanding was it was
12 also designed to protect people in a place where they
13 had a right to be.

14 THE COURT: Well, that's self-defense. That's a
15 part of it. But it does not -- when you read the law in
16 its entirety, it is designed to give protection to those
17 folks who are protecting themselves in their home or in
18 their vehicle. And I'm not sure whether that applies
19 to you or not, but. And you're not either, because you
20 said you don't know when that child was actually killed,
21 so.

22 Let me ask the Solicitor to tell me some more about
23 the facts of this case and hear his side. I'm going to
24 come back to you, and you get the last word, because

1 it's your motion. Okay?

2 DEFENDANT ROBINSON: argue

3 THE COURT: All right. Thank you. You can have a
4 seat. Mr. Stone.

5 MR. STONE: Yes, sir. Thank you, your Honor.

6 Trying to analyze this with not only what Mr. Robinson
7 just told you, but also, his affidavit, which is a part
8 of his motion, I do not know of any case that talks
9 about the *Castle Doctrine* that would give that
10 protection to someone who did not use deadly force. And
11 the concern we have from the very beginning is that Mr.
12 Robinson never has said that he used deadly force.

13 So, when you talk about the *Castle Doctrine*,
14 initially, you have to say that someone has a right to
15 the defense of the *Castle Doctrine*, if, as the statute
16 says, a person uses deadly force.

17 THE COURT: Right.

18 MR. STONE: Mr. Robinson, in his affidavit and to
19 you just a few moments ago, denied ever using deadly
20 force. So, I don't know how we even get to the *Castle*
21 *Doctrine* to begin with.

22 The next concern I would have after that is what
23 your Honor was discussing; is this in this dwelling; is
24 it even in the curtilage of his dwelling? It is his

1 neighborhood. And I just take that for him putting it
2 in the record. I will accept that, as it is his
3 neighborhood. However, the residence is of a man named
4 Garcia. The child was killed at 30 -- let me get that
5 exact address. I'm not sure how I lost that, the
6 address. It's 207 Marshland Road. That is the address
7 of Mr. Garcia. It's not Mr. -- it's not Mr. Robinson's
8 address. So, the shooting, the place, did not happen in
9 his dwelling, in his car, or even in the curtilage of
10 his residence.

11 The next point, then, if you even get past that, is
12 going to be whether or not the stand-your-ground would
13 actually apply as a separate argument. And the problem
14 with stand-your-ground is, you have two issues with
15 that. One is, that has to be something that -- and I
16 think the *Curry* case outlines this, a relatively recent
17 South Carolina Supreme Court case outlines that, that
18 has to be without you bringing on the fault. We already
19 have what he tells police officers at the scene, and we
20 have that as a recording: *I was in a shootout earlier.*

21 So, I don't believe that he could claim that.

22 But then, at the ultimate of all of this, the
23 person that was killed was an eight-year-old, unarmed
24 child. For the *Castle Doctrine* to apply, Mr. Robinson

1 has to be afraid for his life from an eight-year-old,
2 unarmed child. And I do not believe that there's
3 anything in his motion, nor has he told you today, that
4 he was in somehow fear of his life from Kahalil
5 Singleton. And that would be the final argument that I
6 think he would have to make in order for the *Castle*
7 *Doctrine* to apply.

8 THE COURT: All right. Thank you. All right. Mr.
9 Robinson, now I come back to you. I told you I'd give
10 you the last word. It's your motion.

11 DEFENDANT ROBINSON: My understanding of the *Castle*
12 *Doctrine* is, if a person is in the process and
13 commission of committing a violent crime against a
14 person, a reasonable person in that present position
15 would have the right to use deadly force to prevent the
16 commission of a violent crime from being committed
17 against him. As -- as defined and stated in -- by the
18 *Castle Doctrine*. Then that person would be immune to
19 criminal prosecution and civil prosecution from any use
20 of deadly force they would had the right to use.

21 Now, the State of South Carolina alleges that I
22 shot and killed the Kahalil Singleton. What they said
23 was, they said that Aaron, Sr., Aaron, Jr. left from
24 Allen Road. They said I shot towards the truck and

1 towards the Kahalil -- that's what the police reports
2 say. I have the police report if you want to review it.
3 The police report charging me with shooting to kill the
4 Kahalil Singleton by shooting towards the truck and
5 shooting towards killing Kahalil Singleton. And they
6 say a bullet killed Kahalil Singleton while I was
7 shooting towards Aaron, Sr. and Aaron, Jr.

8 Now, I don't know how they came up with that
9 scenario, because I did not shoot and kill Kahalil
10 Singleton. The forensic evidence they say they had,
11 that proves that I did not shoot kill Kahalil Singleton
12 or whatever. The bullet, in no way possible I could
13 have even possibly killed Kahalil Singleton.

14 However, at the time --

15 THE COURT: Let me just address that point before
16 we leave it, because that's an important point, and I'm
17 going to talk about that before you leave and get to
18 another point.

19 If, in fact, they have no evidence that says that
20 you fired the fatal shot, then that's a different
21 matter. That raises a different defense. That doesn't
22 raise the *Castle Doctrine*, because the *Castle Doctrine*,
23 is available when a person uses deadly force to prevent
24 somebody else, in certain circumstances, from harming

1 them. And it applies if a person against whom the
2 deadly force was used.

3 In this case, the deadly force was used against the
4 eight-year-old victim. That's what we're talking about
5 in this particular case. And so, the *Castle Doctrine*
6 would not apply in that particular case, because you did
7 not -- even if they can prove that you were involved in
8 the shooting or some theory would make you liable under
9 the shooting, whether you did it or not, or whether it
10 was just a felony murder, you all out just shooting at
11 each other and the stray bullet hits this person over
12 here, and everybody's equally responsible for it, under
13 any theory.

14 The *Castle Doctrine* does not apply unless you're
15 using it to protect yourself by using deadly force
16 against someone who's bringing deadly force to bear
17 against you, either in your home or your car or
18 wherever, or under the stand-your-ground defense,
19 perhaps, in another situation.

20 That's not what I understand we have here, because
21 what we have here is something different from somebody
22 trying to break into your car or into your home or into
23 your porch or whatever it happens to be, and causing you
24 harm and you shoot them or hurt them or kill them, as

1 the case might be. That gives you immunity from
2 prosecution.

3 Now, just because you don't get the *Castle Doctrine*
4 immunity, doesn't mean that you can't raise defenses in
5 the trial of this case. But it means that you still
6 have to answer for those charges before a jury. You're
7 not protected from going to trial. You've got the same
8 rights that everybody else does in a trial to tell a
9 jury that everything that you've told me here today, and
10 see if the jury, then, will believe that you're without
11 fault and then they start bringing around, coming
12 around, and that you did everything that you did to
13 protect yourself from a prolonged attack by this father
14 and son, who, as you say, were following you all over
15 Hilton Head, trying to kill you in different places on
16 the Island.

17 That scenario that you've laid out here today is
18 different from the *Castle Doctrine*. You understand the
19 distinction between the *Castle Doctrine*, which says you
20 cannot be tried in these cases, and other defenses which
21 say you can be tried or must be tried, but you have the
22 right to raise these issues as defenses. That's where
23 you find yourself with what you've explained to me
24 today.

1 I find that you're not entitled to the *Castle*
2 *Doctrine*. You've made a good record for this. And if
3 you lose at trial, you can appeal on that particular
4 issue, among others, if you have to do it. But for
5 today, I find that the *Castle Doctrine* does not apply to
6 you for those reasons I've just mentioned. Thank you.

7 I'm going to give you this stuff back. You need to
8 keep -- hang onto this.

9 All right. Are there any other motions that we
10 need to deal with today?

11 MR. STONE: I do not believe so, your Honor.

12 DEFENDANT ROBINSON: I do have some motions.

13 THE COURT: Okay. Tell me what it is, Mr.
14 Robinson, and I'll decide whether we have to hear it
15 today or whether it can wait.

16 DEFENDANT ROBINSON: Well, I had some motions to
17 dismiss for insufficient evidence.

18 THE COURT: Okay. The time to do that is after the
19 State has placed its case as evidence before yours. I
20 don't know what the evidence is yet, so I'm not in a
21 position to rule on that. That would come at a directed
22 verdict stage, after the State has put in its evidence,
23 and then I would rule as to whether or not they've got
24 enough evidence against you to send that case forward.

1 DEFENDANT ROBINSON: Okay. I had another motion
2 dealing with *South Carolina Statute 17-23-90* for dealing
3 a speedy trial motion.

4 THE COURT: Have you made a speedy trial motion?

5 DEFENDANT ROBINSON: I submitted a writ of habeas
6 corpus to you, but I don't know if you ever got it or
7 received it or not.

8 THE COURT: I haven't received any motions. They
9 might be in the court file somewhere, but I don't have
10 anything. It might be very well in the court file, but,
11 no, I haven't received those or acted on those. But and
12 I'm not sure whether the State's prepared to go today
13 forward on arguing that motion. I'll be glad to hear
14 it.

15 MR. STONE: We're not, but I think we solved the
16 problem, your Honor, by, once we determine the
17 schedules, I think everyone recognizes that we are
18 prepared to go forward at the next available court term
19 that your Honor would be available.

20 THE COURT: Okay. That's true. This case is set
21 for the next available court term, Mr. Robinson, and
22 that would address your habeas and your speedy trial
23 motions.

24 DEFENDANT ROBINSON: Well, I -- okay. I, just for

1 the record, I just want it on record that I do request
2 for a speedy trial under *South Carolina Statute 17-23-90*
3 by the second term of court and as -- as -- as it is
4 written in that statute, because this case, I was -- I
5 requested like -- I filed like five or six motions for a
6 speedy trial so far, and it been going on over a year,
7 and they just was ignoring my motions, violating my
8 speedy trial, so I just want that on court record that I
9 was -- I request for that.

10 THE COURT: I'll note that.

11 DEFENDANT ROBINSON: Okay.

12 THE COURT: The record will reflect that.

13 DEFENDANT ROBINSON: Thank you.

14 THE COURT: Thank you, Mr. Robinson. All right.

15 Gentlemen, -- and I'm going to let Mr. Robinson go
16 on.

17 I'm concerned that you know my schedule. In
18 retirement, I work one week a month. I work the whole
19 week. I even work on Fridays. I consider that a work
20 day. When you only work one week a month, you can work
21 five days a week. And I just want to be sure that, when
22 I get back in April, that we can finish that in one
23 week. Because the following week, the following Monday,
24 I am scheduled to be in Greenville to hear a week-long

1 arbitration that's been scheduled now for about nine
2 months, involving people from in and out of the country.
3 And I'm going to have to be available to be there. I
4 can't, you know. So, but I'm here. I'll come early.
5 I'll work late. You know, whatever you all need to do.
6 I just want to make sure that everybody understands that
7 I'm here for a week.

8 MR. STONE: Yes, sir.

9 THE COURT: Okay? All right. Thank you. Anything
10 further, then, in this matter before we go for the day?

11 MR. VAUX: No, sir.

12 MR. STONE: Not from the State, your Honor.

13 THE COURT: Thank you.

14 END PROCEEDING 10:15 A.M.

CERTIFICATE OF REPORTER

FEBRUARY 27, 2014 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

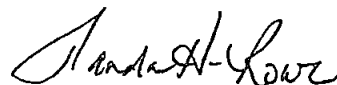
COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-CM, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing February 27, 2014 Transcript of Hearing is a true, accurate, and complete record of the proceedings had on said date in the case of State of South Carolina versus Tyrone Robinson, et al, Beaufort County, South Carolina, Court of General Sessions, Case Numbers 2012-GS-07-01935, 2012-GS-07-01932, and 2012-GS-07-02173; that no exhibits were admitted.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

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Witness my signature July 9, 2016.



Wanda H. Rowe, CVR-CM
Official Court Reporter