

RECEIVED

Apr 27 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JERMAINE CULVER,

APPELLANT

APPELLATE CASE NO 2025-000568

RECORD ON APPEAL

WANDA H. CARTER
Chief Appellate Defender

ALAN WILSON
Attorney General

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

MARK R. FARTHING
Senior Assistant Deputy Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED MARCH 10-13	1
JURY QUALIFICATIONS	5
JURY VOIR DIRE	44
JURY SELECTION.....	63
OPENING REMARKS BY THE COURT	77
OPENING STATEMENT BY SOLICITOR.....	84
OPENING STATEMENT BY DEFENSE COUNSEL.....	89
TRIAL TESTIMONY	
JUSTIN MARTIN	
Direct Examination by Solicitor	91
DANIEL REED	
Direct Examination by Solicitor	94
Cross-Examination by Defense Counsel	96
Re-Direct Examination by Solicitor.....	97
ROBERT CAMARA	
Direct Examination by Solicitor	98
Cross-Examination by Defense Counsel	101
Re-Direct Examination by Solicitor.....	102
CIERRA HAWKINS	
Direct Examination by Solicitor	103
KENNETH ERWIN	
Direct Examination by Solicitor	106
Cross-Examination by Defense Counsel	119
Re-Direct Examination by Solicitor.....	123
TYRONNE CARTER	
Direct Examination by Solicitor	125
Cross-Examination by Defense Counsel	130

ASHONDA NESBITT	
Direct Examination by Solicitor	133
Cross-Examination by Defense Counsel	135
HERSCHAL LEE PHILLIPS	
Direct Examination by Solicitor	137
EDUARDO CHAVEZ	
Direct Examination by Solicitor	139
Cross-Examination by Defense Counsel	142
STEVEN PHILLIPS	
Direct Examination by Solicitor	145
Cross-Examination by Defense Counsel	147
MICHAEL SEAN NIX	
Direct Examination by Solicitor	149
OBJECTION (DNA/ACCOMPLICE LIABILITY).....	158
COURT’S RULING	161
TRIAL TESTIMONY	
MICHAEL SEAN NIX	
Direct Examination by Solicitor	162
Cross-Examination by Defense Counsel	166
Re-Direct Examination by Solicitor.....	168
AKILAH JEFFERSON	
Direct Examination by Solicitor	169
Cross-Examination by Defense Counsel	173
MARILYN ROMAN	
Direct Examination by Solicitor	176
PAUL NORRIS	
Direct Examination by Solicitor	178
Cross-Examination by Defense Counsel	180
Re-Direct Examination by Solicitor.....	182
CLAIRE ROSE	
Direct Examination by Solicitor	184
Cross-Examination by Defense Counsel	192

BRITTANY POOLE	
Direct Examination by Solicitor	194
Cross-Examination by Defense Counsel	196
KENNETH HAMMITT	
Direct Examination by Solicitor	206
Voir Dire Examination by Defense Counsel	211
Direct Examination by Solicitor	213
COLLOQUY REGARDING CELL PHONE TESTIMONY	218
COURT'S RULING	220
TRIAL TESTIMONY	
JASON KRAMER	
Direct Examination by Solicitor	222
Cross-Examination by Defense Counsel	224
JAMES BRITT	
Direct Examination by Solicitor	227
Cross-Examination by Defense Counsel	228
Re-Direct Examination by Solicitor.....	229
BRANDON LETTERMAN	
Direct Examination by Solicitor	230
Voir Dire Examination by Defense Counsel	236
Direct Examination by Solicitor	237
Cross-Examination by Defense Counsel	251
Re-Direct Examination by Solicitor.....	255
NIKKI CREAL	
Direct Examination by Solicitor	257
Cross-Examination by Defense Counsel	258
Re-Direct Examination by Solicitor.....	259
COLLOQUY REGARDING VIDEO EVIDENCE.....	260
TRIAL TESTIMONY	
KENNETH HAMMITT (RECALLED)	
Direct Examination by Solicitor	264
Cross-Examination by Defense Counsel	269
Re-Direct Examination by Solicitor.....	271
RENEWED OBJECTION TO VIDEO EVIDENCE	272

COURT’S RULING	272
TRIAL TESTIMONY	
KARA BENNICK	
Direct Examination by Solicitor	274
Cross-Examination by Defense Counsel	277
HANNAH BURBAGE	
Direct Examination by Solicitor	278
Cross-Examination by Defense Counsel	288
TIMOTHY NAFZIGER, JR.	
Direct Examination by Solicitor	290
Cross-Examination by Defense Counsel	303
Re-Direct Examination by Solicitor.....	307
KENNETH HAMMITT	
Direct Examination by Solicitor	308
Cross-Examination by Defense Counsel	327
Re-Direct Examination by Solicitor.....	331
COLLOQUY (DNA EVIDENCE)	332
STATE RESTS	333
MOTIONS FOR DIRECTED VERDICT	334
COURT’S RULING	337
ADVICE OF RIGHTS	339
OBJECTION TO CHARGE (ACCOMPLICE LIABILITY).....	345
COURT’S RULING	346
DEFENSE RESTS	347
CLOSING ARGUMENT BY SOLICITOR	347
CLOSING ARGUMENT BY DEFENSE COUNSEL	361
CHARGE ON THE LAW	370
RENEWAL OF OBJECTION (ACCOMPLICE LIABILITY).....	383

COURT’S RULING	383
JURY NOTE	384
JURY NOTE	388
JURY NOTE	392
RE-CHARGE ON THE LAW	393
JURY NOTE	398
VERDICT	398
SENTENCING	407
COURT’S EXHIBIT NO. 1 (JURY QUESTION)	410
COURT’S EXHIBIT NO. 2 (JURY QUESTION)	411
COURT’S EXHIBIT NO. 3 (JURY QUESTION)	412
COURT’S EXHIBIT NO. 4 (JURY QUESTION)	413
INDICTMENT	414
SENTENCE SHEET	416

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 4-A, (USB DRIVE, REDACTED)
STATE’S EXHIBIT NO. 27 (CD-ROM)

1 STATE OF SOUTH CAROLINA IN GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA, VOLUME I
4

5 Plaintiff,

6 vs.

CASE NO. 2024-GS-42-04171
2024-GS-42-04172

7 JERMAINE CULVER,

8 Defendant.

9

10 HEARING BEFORE: HONORABLE J. MARK HAYES, JR.

11 DATE: March 10, 2025

12 TIME: 9:45 AM

13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. MCDANIEL,
17 Registered Professional Reporter

18

19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 WILLIAM G. RHODEN, ASSISTANT SOLICITOR

22 ATTORNEYS FOR THE DEFENDANT
23 ZACHARY FARR, ESQ.

24

25

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: Good morning, ladies and gentlemen. It
2 is a pleasure to welcome you to the courthouse. I am a circuit
3 court judge. What we're here to do this morning is to
4 determine your qualifications to serve as jurors. Now to start
5 this process, I'm going to ask you to humor me for a moment.
6 Do you see the American flag way over there in the back. I am
7 going to ask you to please stand and join with me in saying the
8 pledge of allegiance. Please stand.

9 (The jury panel complied.)

10 THE COURT: Thank you very much. You may be
11 seated.

12 Thank you for joining me in saying the pledge.
13 Part of the reason I have you do that tradition of saying the
14 pledge of allegiance is because I want you to focus as to why
15 we have summoned you here today, why we make you come here
16 today, why you're sacrificing from your family, from your job,
17 to give you some focus as to what it means.

18 The pledge of allegiance ended with what words?
19 And justice for all. And that is to keep your focus of the
20 reason that you're here today. We have in this country a
21 system of courts and justice that depends on people like you
22 participating.

23 The Constitution -- when I was younger in seventh or
24 eighth grade, we took a class called government. I don't think
25 they do that much anymore. In that government class we were

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 told that we had to memorize the preamble to the Constitution
2 of the United States. We, the people, in order to form a more
3 perfect union, establish justice. We establish justice.

4 One of the foundational principals of this country is
5 our system of justice that we have. Today and this week, you
6 are participating in that system of justice that we have.

7 Now your job this week is not to do justice; your
8 job is to participate in the justice system. This is a
9 criminal court where your job, if you're selected to be on the
10 jury this week, would be to decide whether or not the State has
11 met its burden of proof beyond a reasonable doubt in
12 establishing the guilt of a person accused of a crime. That
13 will be your job as a juror if you are selected.

14 Now, I wanted to take a moment for you to have some
15 appreciation of why you're here. It's more than just: Gosh, I
16 got a piece of paper in the mail, I have to come down here, I
17 have to take a day off work, I have to tell my wife, my husband
18 where I'm going, I don't want to do this. It's more than that.

19 You are performing a civic duty that is often
20 described, outside of active military service for your country,
21 what you're doing is probably the hardest thing that a citizen
22 can do for your fellow citizens to support their country and
23 our democracy.

24 I am honored to stand here as your trial judge. In
25 just a few moments, I am going to walk up there and stand

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 beside that lady that's sitting down there with a smile at us
2 right now. She's court a reporter. She's taking down
3 everything that's said in this courtroom today.

4 I'm going to stand beside her and speak into that
5 microphone. I'm going to ask you a series of questions. These
6 questions that I ask you, they're required by law that I ask
7 you these questions. Some of these questions you may find to
8 be very personal in nature and you may not want to stand and
9 respond to the questions openly in the presence of your fellow
10 jurors.

11 If you feel that way, if you don't want to stand in
12 the open, that's fine. What I'm going to do, I'm going to give
13 you an opportunity to come up and speak privately with me and
14 the clerk of court in responding to these questions. I need
15 you to listen to the questions.

16 You have taken an oath. Is that right, madam
17 clerk?

18 THE CLERK: Yes.

19 THE COURT: You have taken an oath to tell us the
20 truth. I need you to listen to these questions. We need
21 honest answers to these questions. Listen to the questions.
22 If you need to respond to the questions, I'll ask that you
23 please stand. Don't blurt out an answer. Please stand and
24 we'll use the process to get the information from you.

25 Again, if ever you can't hear me asking these

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 questions, wave your hand at me. And I'll try to speak up.
2 Again, thank you for coming in today. It's a pleasure and
3 honor to have you here in your Spartanburg County courthouse.

4 How many of you ever went to the old courthouse?
5 Did you notice a little bit of improvement. Thank you for
6 allowing us to have this building. This is your building. I
7 hope while you're here as jurors, if you don't participate in
8 the trial of the case, maybe walk around and get a feeling what
9 a statement that this building does for the system of justice
10 and the county. Thank you very much.

11 I'm now going to walk up there. Listen to the
12 questions I ask and respond whenever I ask you to do so.
13 Thanks very much.

14 Also, ladies and gentlemen, I failed to point out
15 the ladies and gentlemen that you see in the red jackets, these
16 people are the bailiffs. If ever during this week you have a
17 question or you have a problem develop, or an emergency occurs
18 at home or work, you need some type of communication with The
19 Court, reach out to one of the bailiffs. They're here to
20 assist you as jurors in your service this week.

21 Ladies and gentlemen, these are the questions that
22 I need to ask you to determine your qualifications to serve as
23 jurors.

24 Is any member of the jury panel not a citizen of
25 the United States? If so, please stand at this time.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Is any member of the jury panel not presently a
2 resident and citizen of Spartanburg County? If so, please
3 stand at this time.

4 Your juror number?

5 JUROR 103: 103.

6 THE COURT: You want to come forward.

7 (The following proceedings were had outside the
8 hearing of the jury panel.)

9 THE COURT: You're Mr. Lawson?

10 JUROR 103: Yes, sir.

11 THE COURT: Where do you live?

12 JUROR 103: I live in Greer. I just recently moved
13 there.

14 THE COURT: Do you still live in Lyman?

15 JUROR 103: Yes.

16 THE COURT: And the Greer part that you live in, it
17 is in Spartanburg or Greenville?

18 JUROR 103: Greenville County.

19 THE COURT: You are not going to qualify for being
20 a juror. Please see the clerk.

21 (The following proceedings were had within the
22 hearing of the jury panel.)

23 THE COURT: Is there any member of the jury panel
24 who is unable to read, write, speak, or understand the English
25 language? If so, please stand at this time. Juror number?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 135: 135.

2 THE COURT: Come up.

3 (The following proceedings were had outside the
4 hearing of the jury panel.)

5 MR. PATEL: I'm her husband. That's why I come
6 over here.

7 THE COURT: You're Ms. Patel?

8 JUROR 135: Yes.

9 THE COURT: You have problems with the English
10 language.

11 JUROR 135: Yes.

12 MR. PATEL: She can speak but she has broken
13 English.

14 THE COURT: I think that I will probably excuse you
15 from jury service this week. Thank you very much. You may be
16 excused.

17 (The following proceedings were had within the
18 hearing of the jury panel.)

19 THE COURT: Ladies and gentlemen, I need for you to
20 please listen to the next three questions.

21 If any of these three questions apply to you, then
22 I will ask that you please stand after the third question is
23 announced. Please listen to all three of these questions.

24 Does any member of the jury panel have less than a
25 sixth grade education or its equivalent?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Is any member of the jury panel unable, because of
2 a mental or physical infirmity, to render efficient jury
3 service?

4 And has any member of the jury panel been convicted
5 by guilty plea or trial in a state or federal court of record
6 of a crime punishable by imprisonment for more than one year
7 and your civil rights have not been restored by pardon or
8 amnesty?

9 Punishable by more than one year means that you
10 could have received a sentence of more than one year regardless
11 of what sentence you may actually have received.

12 If any of those three questions apply to you,
13 please stand at this time. Come right here, form a line. I'll
14 bring you up one at a time.

15 THE BAILIFF: 25.

16 (The following proceedings were had outside the
17 hearing of the jury panel.)

18 THE COURT: You are Ms. Comer?

19 JUROR 25: I'm on probation. I'm facing five years
20 of grand larceny enhanced.

21 THE COURT: Thank you very much for letting us know
22 that. I can excuse you from jury service.

23 MR. RHODEN: What number?

24 THE COURT: 25.

25 THE BAILIFF: 119.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: Yes, sir. Tell me about it.

2 JUROR 119: Physical disabilities, diabetes.
3 Mental disabilities, bipolar and autism, schizo-affected.

4 THE COURT: Thank you for sharing that with me. I
5 think your physical would be fine. Do you have a job outside
6 of the home?

7 JUROR 119: Yes, sir.

8 THE COURT: What do you do?

9 JUROR 119: Parks associate for the county.

10 THE COURT: Thank you for sharing with us. I don't
11 think that's going to interfere with your ability to serve as a
12 juror.

13 JUROR 119: Okay.

14 THE COURT: Thank you for letting us know.

15 JUROR 119: Yes, sir.

16 THE BAILIFF: 198.

17 THE COURT: You're Ms. Woods -- Worthy?

18 JUROR 198: Yes, sir.

19 THE COURT: Tell me about it.

20 JUROR 198: 2004 I had a CDV. I don't know if it
21 falls under that.

22 THE COURT: Thank you for that. It does not fall
23 under that.

24 THE BAILIFF: 107.

25 THE COURT: Come on up, sir.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 107: I'm here to let you know --

2 THE COURT: Hang on one second.

3 Yes, sir, Mr. Lewis. Tell me about it.

4 JUROR 107: I had a bad neck injury about 20 years
5 ago. Scaffold fell on my head, smashed three of my vertebrae,
6 two or three disks. Two, three and four. I've always had
7 problems and a lot of chronic pain. I used to take medication
8 last two years. Our insurance got too high, we couldn't pay
9 for it, couldn't afford it anymore. I don't have a doctor for
10 a doctor's note. I can't get any medication. I'm kind of
11 stuck.

12 I stay at home. I home school my daughter. I'm a
13 stay-at-home dad.

14 THE COURT: If you're serving on a jury, there is
15 not any physical --

16 JUROR 107: When I sit there, I get stiffer and
17 stiffer. It hurts more and more. I have to move around a lot.
18 I try to take herbs. I go to the bathroom all the time. I
19 have anxiety, depression. I can't sleep at night because of
20 the pain as well. Got an hour sleep last night.

21 THE COURT: You feel like, based upon your physical
22 conditions due to the result of that injury, that you could not
23 physically serve as a juror?

24 JUROR 107: Exactly, yes. It gives me anxiety,
25 depression. I have to go to the bathroom.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: I'm going to excuse you from jury
2 service for this week. See the bailiff. Good luck to you.

3 JUROR 107: I appreciate that.

4 THE BAILIFF: Number 99.

5 THE COURT: Ms. Kuhne. Yes, ma'am.

6 JUROR 99: About a week ago I had a serious cycling
7 accident, thrown from a bike, went to emergency room. I have
8 TBI or concussion. Focus, I'm still suffering the effects of
9 that. Not quite sure I can focus. I have the accident report
10 and the emergency room.

11 THE COURT: Thank you for sharing that with me.
12 Very sorry to hear about your accident. Let me ask you this.
13 It sounds like this is an acute issue for you, not long-term,
14 at least I hope not. Why don't I just transfer you out several
15 months and see how it goes?

16 JUROR 99: That would be great.

17 THE COURT: Good luck to you.

18 JUROR 99: Thank you very much.

19 THE COURT: Transfer juror 99.

20 THE BAILIFF: Number 43.

21 THE COURT: You're Mr. Edge.

22 JUROR 43: I have real bad PTSD and anxiety in
23 large group of people. I'm freaking out. I go to a therapist
24 in the VA.

25 THE COURT: You go to the VA?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 43: Yes, sir. Go through mental health.
2 And when I start to get anxious, I just shutdown. And I can't
3 focus or concentrate on anything.

4 THE COURT: You didn't bring a note from the
5 doctor?

6 JUROR 43: No, sir. I just had my therapy
7 appointment last week. She had vision issues, told me to call
8 or somebody else I'll try.

9 THE COURT: Can you get her, being a nurse or the
10 doctor or whoever, send a note down?

11 JUROR 43: I can, yes, sir.

12 THE COURT: If you can do that, I'll be more than
13 happy to excuse you for this week. Go ahead and get that note
14 faxed down to the clerk's office. Can you give her a fax
15 number.

16 THE CLERK: We just do e-mails.

17 THE COURT: Get them to do that. I'll excuse you,
18 sir. Good luck to you.

19 THE BAILIFF: 106.

20 THE COURT: You are Lester?

21 JUROR 106: I'm hard of hearing. I'm finding it
22 really hard to hear and pay attention. I do have hearing
23 aides. It's really hard for me.

24 THE COURT: You do have the hearing aides?

25 JUROR 106: Yes, sir.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: Thank you for letting us know that. Do
2 you have a job outside the home?

3 JUROR 106: I do.

4 THE COURT: What kind of work?

5 JUROR 106: Retail manager. I have accommodations.
6 I have the ear piece and a special vest.

7 THE COURT: Do you have those -- we can make
8 reasonable accommodations for your hearing challenges if you
9 are selected to be on a jury. You are very important to the
10 jury system. Just let us know if you are selected to be on a
11 jury, we'll try to do those accommodations.

12 THE BAILIFF: 141.

13 THE COURT: Mr. Piper. Tell me about it.

14 JUROR 141: Not sure if it applies, late in 2019 I
15 made dumb decisions, got arrested, got a couple charges. I did
16 go through SIP to get them expunged. I haven't paid the fee to
17 get them expunged.

18 THE COURT: Thank you for letting us know that.
19 You get to stay with us.

20 THE BAILIFF: 178.

21 THE COURT: Let me find your name. Mr. Thomas.

22 JUROR 178: Yes.

23 THE COURT: Yes, sir, tell me about it.

24 JUROR 178: I think I've been twice for plea
25 charge. First charge was breach of peace and second one I

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 think it was like no tag light. Expired.

2 THE COURT: No license?

3 JUROR 178: I had a license. Expired registration.

4 THE COURT: Thanks for letting us know. You still
5 get to stay with us; okay?

6 JUROR 178: Yes, sir.

7 THE BAILIFF: 95.

8 THE COURT: Let me find your name. You're
9 Mr. Keith?

10 JUROR 95: Yes, sir.

11 THE COURT: Yes, sir. Tell me about it.

12 JUROR 95: First I'd like to apologize dressed like
13 this. I came straight from work. I have severe anxiety,
14 depression, stomach problems. I take medicine. I work third
15 shift. That plays into it. When I was 18, I got in trouble
16 for failure to stop.

17 THE COURT: Thank you for letting us know all that,
18 Mr. Keith. Failure to stop for blue light, trespassing and you
19 also have a pending charge in Charleston. You have something
20 pending?

21 JUROR 95: I did not know that. I've been working
22 on paying everything off. If I do have anything, it would've
23 been my biggest fine. I have all of the other ones paying,
24 trying to get my life back on track.

25 THE COURT: Thank you for letting us know that.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Thank you for getting your life back on track. Let me talk to
2 you about that other stuff. Where do you work?

3 JUROR 95: I work at 7-Eleven. I'm third shift.
4 I'm by myself at night.

5 THE COURT: Tell me about this stomach.

6 JUROR 95: It comes and goes. I take my
7 medication. It keeps me normal. As long as nothing, like,
8 happens that I can't control. Keeps me inspired.

9 THE COURT: You're 95; is that correct?

10 JUROR 95: Yes, sir.

11 THE COURT: Mr. Keith, would it be better for you
12 if I transfer you out several weeks, a month maybe, see if you
13 can get more stabilized?

14 JUROR 95: Yes, sir.

15 THE COURT: You can deal with this. On my list,
16 you got a pending charge in general sessions. This is not a
17 time to discuss that. It's on my list. Go check that out and
18 find out about that.

19 JUROR 95: Thank you for letting me know.

20 THE COURT: Would that be okay with you?

21 JUROR 95: Yes.

22 THE COURT: Let me move you out several months down
23 the road and let you see about getting everything handled.

24 JUROR 95: Thank you.

25 THE COURT: Is that okay?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 95: Yes, sir.

2 THE COURT: Mr. Keith, thank you for coming in.

3 JUROR 95: Yes, sir.

4 THE COURT: Good luck to you.

5 THE BAILIFF: Juror 174.

6 THE COURT: Let me find your name real fast.

7 You're Mr. Talsky. Yes, sir. Tell me about it.

8 JUROR 174: Cancer. I got prostate cancer. I got
9 to go to the bathroom all the time.

10 THE COURT: Usually -- thank you for letting us
11 know. Good luck with that. If you get selected to be on a
12 jury, what we do during a trial, we take frequent bathroom
13 breaks. It'll usually be about an hour, hour-and-a-half and
14 take breaks.

15 JUROR 174: That's about as long as I can hold it.

16 THE COURT: Would you be able to do an hour,
17 hour-and-a-half?

18 JUROR 174: About that. It's your call. I just
19 have to be honest.

20 THE COURT: I appreciate your honesty. I
21 appreciate you letting us know. We don't want to torture
22 anybody. We appreciate your candor with us.

23 People like you are very important to the success
24 of the jury system. I don't want to force you to stay. Tell
25 you what we'll do. Why don't you stay with us. If you are

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 selected to be on a jury, just stay in communication with the
2 bailiffs. How about that?

3 JUROR 174: Fine.

4 THE COURT: Good luck to you.

5 THE BAILIFF: Juror 85.

6 JUROR 85: Hello, sir.

7 THE COURT: Give me just a second to find your
8 name. Ms. John?

9 JUROR 85: Yes.

10 THE COURT: Yes, ma'am. Tell me about it.

11 JUROR 85: Over 30 years ago there was a little
12 neighbor girl that's still neighbors. I went over there to --
13 her brother hit her. I went over there to take his part and
14 stand up for him. And I spit, aiming for the ground. I spit,
15 landed on her knee. Because I had irritated the police
16 officers, they were trying to send me home, I got simple
17 assault. That was 31 years ago.

18 THE COURT: Thank you for letting us know that. I
19 hope you forgive yourself for that.

20 JUROR 85: Well, I don't blame myself. My husband
21 said don't have that kid around. She came to my door.

22 THE COURT: Thank you for letting us know that.
23 That does not disqualify you from jury service. You get to
24 stay with us.

25 JUROR 85: Yes, sir.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: Thank you, ma'am.

2 THE BAILIFF: Number 7.

3 THE COURT: You're Ms. Baxter.

4 JUROR 7: Yes.

5 THE COURT: Tell me about it.

6 JUROR 7: Sir, I have narcolepsy and insurance paid
7 for it. I go to the doctor to get my diagnosis. My mom has
8 paid for the diagnosis. She's in Columbia. I'm more than
9 happy to have that mailed up here. I'm just afraid I'll just
10 fall asleep in sedentary situations and become a disruption.

11 THE COURT: Do you have a job outside of the home?

12 JUROR 7: I do. I'm a hair stylist. I have to
13 stand up. Otherwise I'll get too tired and fall asleep.

14 THE COURT: Thank you for letting us know all that.
15 Let's do this. I think you're going to be okay. Once you get
16 in touch with your mom, if you want to get her to send that to
17 you, more than happy to look at it.

18 JUROR 7: So I'm not going to be disruption if I
19 fall asleep, passing out? That's what I'm more afraid of,
20 snoring out loud. Not something I can stop.

21 THE COURT: We'll keep you awake.

22 JUROR 7: Okay.

23 THE COURT: Thank you very much.

24 JUROR 7: Not going to get in trouble?

25 THE COURT: It will not get you in trouble. Thank

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 you for letting us know that.

2 THE BAILIFF: Juror 156.

3 JUROR 156: Good morning. I figure --

4 THE COURT: Let me find your name. You're

5 Mr. San --

6 JUROR 156: Santanach.

7 THE COURT: Tell me about it.

8 JUROR 156: I'm just here because I don't want to
9 go to jail for perjury. I have four charges. I'm pretty sure
10 they were dismissed. They were, I'm almost positive,
11 misdemeanors. I got a lawyer. I didn't know if I should come
12 up here.

13 THE COURT: That was a smart thing to get a lawyer.
14 I highly recommend it. Thank you for letting us know that.

15 You get to stay with us.

16 JUROR 156: Awesome.

17 THE COURT: You're not on the list.

18 JUROR 156: Thank you so much.

19 THE BAILIFF: Number 97.

20 THE COURT: You are Mr. Kostenyuk.

21 JUROR 97: My English level, I understand about 85
22 percent. I can hear 80. My writing and spelling is not good.
23 I can't say I can't speak. Not perfect.

24 THE COURT: Thank you for letting us know that.
25 There's a lot of lawyers that can't write. Serving on the

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 jury, there's not really any writing. There's not really much
2 reading involved. If there is something to read, the lawyers
3 usually focus you on a sentence or two. Not any lengthy
4 documents. Do you have a job outside the home?

5 JUROR 97: Do I have what?

6 THE COURT: A job outside the home. Do you work
7 somewhere?

8 JUROR 97: Yeah.

9 THE COURT: What do you do?

10 JUROR 97: HVAC.

11 THE COURT: How long have you been doing that?

12 JUROR 97: Long. About 20 years. I move from
13 Washington. I worked for a company. They give me a job.
14 Fabrication shop.

15 THE COURT: I think you're going to be fine serving
16 on a jury. There's not writing or reading that's involved.
17 Thank you for letting us know.

18 (The following proceedings were had within the
19 hearing of the jury.)

20 THE COURT: Is any member of the jury panel a clerk
21 or deputy clerk of court, constable, Sheriff or other
22 commissioned law enforcement officer, probate judge, county
23 commissioner, magistrate or other county officer or employed
24 within the walls of any courthouse? If so, please stand at
25 this time.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE BAILIFF: 128.

2 (The following proceedings were had outside the
3 hearing of the jury panel.)

4 THE COURT: Let me get your number.

5 JUROR 128: 128.

6 THE COURT: You are Mr. Motte. Tell me about it.

7 JUROR 128: I work for the Department of Homeland
8 Security, U.S. Customs. I'm a federal law enforcement officer
9 past 23 years. At one point in time I worked in Spartanburg
10 County quite some time ago.

11 THE COURT: You are a commissioned law enforcement
12 officer?

13 JUROR 128: Yes, sir.

14 THE COURT: 128. I will excuse you from service.
15 Thank you for coming in.

16 THE BAILIFF: 67.

17 THE COURT: You're Mr. Hamm?

18 JUROR 67: Harris. Just to be clear, I'm divorced
19 but my ex-wife is the clerk of court for Union County.

20 THE COURT: Thank you. You get to stay with us.

21 (The following proceedings were had within the
22 hearing of the jury panel.)

23 THE COURT: Is there any member of the jury panel
24 who has previously served on a jury duty in circuit court?
25 That's not a magistrate court. It's not a city court. It's

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 not a federal court during this calendar year. If that applies
2 to you, please stand at this time.

3 Has any member of the jury panel served as a member
4 of the Spartanburg County Grand Jury during the past several
5 years? If so, please stand at this time.

6 Ladies and gentlemen, we now move to what are known
7 as jury exemptions. State law provides for several exemptions
8 to jury service. An exemption does not mean you're not
9 qualified to serve; it simply means that you have the right to
10 say I choose not to serve.

11 Those of you who are 65 years of age or older may
12 be exempted from jury service. Those of you who are 65 years
13 of age or older represent a pool of tremendous talent for jury
14 service. We urge you to serve this week if you are inclined to
15 do so. If you wish to be exempted, you may certainly do so.

16 Is there any member of the jury panel who is 65
17 years of age or older and you wish to be exempted from jury
18 service this week? If so, please stand at this time.

19 Another exemption concerns prior jury service. No
20 person is required to serve as a juror more often than once
21 every three calendar years. Therefore, if any member of the
22 jury panel has served on jury duty during the last two calendar
23 years, you may be exempted from service this week if you choose
24 to be exempted.

25 Please note this exemption does not apply if your

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 prior jury service was in a magistrate court, a city court or a
2 federal court. If this exemption applies to you, please stand
3 at this time.

4 Persons who have served as Grand Jurors during the
5 last five calendar years may also be exempted from jury
6 service. If any member of the jury panel has served on a Grand
7 Jury during the last five calendar years, you may be exempted
8 from service this week if you choose to be exempted. If this
9 exemption applies to you and you wish to be exempted, please
10 stand at this time.

11 The next exemption deals with those of you who have
12 legal custody of young children. Please listen very carefully
13 to this exemption. It has several parts, all of which must
14 apply for you to be exempted on this basis.

15 You may be exempted from jury service if you have a
16 child under the age of seven years.

17 You have legal custody of your child or children.

18 You have the principal care, custody, and control
19 of your child or children, and you're unable to make
20 arrangements for the adequate care of your child or children
21 while performing jury duty.

22 If all of those requirements apply to you, then you
23 may be exempted on this basis. If this exemption applies to
24 you and you wish to be exempted, please stand at this time.

25 Ma'am, your juror number?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 74: 74.

2 THE COURT: Come forward.

3 (The following proceedings were had outside the
4 hearing of the jury panel.)

5 THE COURT: You are Ms. Hobbs?

6 JUROR 74: My daughter started 4K. And my sons,
7 they're in first grade. They're five and seven. I have to be
8 in Woodruff. I only have one car. I'm in the process of
9 finding a new one. I have no way of getting back and forth,
10 back and forth. So I don't know what to do. I would love to
11 do it. I just don't have a way of getting back and forth to do
12 it.

13 THE COURT: Thank you for letting us know that. We
14 would love to have you on jury duty.

15 JUROR 74: I would love to.

16 THE COURT: People like you are very important for
17 jury service. Why don't I move you out several months. Maybe
18 you can make other arrangements.

19 JUROR 74: Okay.

20 THE COURT: You would be very important to serve.
21 I'll excuse you. We'll move you out several months. Good
22 luck.

23 JUROR 74: Thank you. I drive a 2024 car. I feel
24 so fancy it starts. I don't know what I'm doing.

25 THE BAILIFF: 159.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: You're Ms. Scott?

2 JUROR 159: Yes, sir. I do have the youngest is
3 seven. They get home at 2:30 p.m. every day. I'm the only one
4 able to be there for them. I don't know what time court ends.

5 THE COURT: Sometimes we try to be sure court is
6 over by 5:00. And court usually doesn't start until 9:30. Do
7 you have a job outside of the home?

8 JUROR 159: Yes.

9 THE COURT: What do you do?

10 JUROR 159: I'm asset protection. I only work on
11 the weekends.

12 THE COURT: Let me ask you if we can do this. I'd
13 like to excuse you this week. I'd like to move you out several
14 months.

15 JUROR 159: I just don't have anyone.

16 THE COURT: I would like to move you out several
17 months to see if possibly other arrangements could be made.
18 Then we can revisit it at that time.

19 JUROR 159: I don't have anyone to watch the kids.

20 THE COURT: That's why I say we'll move this out
21 several months. I'm going to excuse you this week. I'll
22 reschedule you when we can get back together and discuss it in
23 the future.

24 JUROR 159: Okay. Usually a week.

25 THE COURT: We can discuss that in the future.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 159: Okie dokie.

2 THE COURT: Give him your badge.

3 We'll move her out several months.

4 (The following proceedings were had within the
5 hearing of the jury panel.)

6 THE COURT: If you are the primary caretaker of a
7 person 65 years of age or older and you're unable to provide
8 for the adequate care for that person while performing jury
9 service, you may be exempted from jury duty on that basis.

10 Similarly, if you're a primary caretaker of a
11 severely disabled person who is unable to care for himself or
12 herself and cannot be left unattended, and you're unable to
13 provide for adequate care for that person while performing jury
14 service, you may be exempted from jury duty on that basis. If
15 either of these exemptions apply to you and you wish to be
16 exempted on either of those basis, please stand at this time.

17 The next exemption involves those of you who may be
18 attending school at this time or working in some capacity with
19 a school. If this exemption applies to you and you wish to be
20 exempted, we will transfer your service to another term of
21 court at a time which will not conflict with your school
22 responsibilities.

23 Is there any member of the jury panel who is a
24 full-time student, school teacher, school crossing guard,
25 school bus driver or who serves in any other school-related

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 function who is unable to serve on jury duty this week as a
2 result of that school involvement? If so, please stand at this
3 time.

4 THE BAILIFF: Juror 149.

5 (The following proceedings were had outside the
6 hearing of the jury.)

7 THE COURT: You are Ms. Read?

8 JUROR 149: Yes, sir.

9 THE COURT: Yes, ma'am. Tell me about it.

10 JUROR 149: I went to Spartanburg Community, have
11 13 enrolled hours. I'm missing class. I wouldn't be able to
12 attend those. While we're up here, another concern. I don't
13 know if this is appropriate time.

14 THE COURT: Before you share anything that you
15 shouldn't share, let's just stick with the questions.

16 JUROR 149: Okay.

17 THE COURT: Good luck with your school.

18 What I can do, I can excuse you this week and
19 transfer you out into the future.

20 JUROR 149: That sounds good.

21 THE COURT: Do you have time in the future? Summer
22 might be better?

23 JUROR 149: I'm taking general ed summer, two-year
24 program. I'll be enrolled year round for next two years.

25 THE COURT: That's all I can do is transfer you

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 out.

2 JUROR 149: That's fine.

3 THE COURT: We'll transfer you out several months
4 and then revisit.

5 JUROR 149: That sounds good.

6 THE COURT: Listen, good luck with your schooling.

7 JUROR 149: Thank you.

8 THE BAILIFF: Juror 35.

9 THE COURT: You are Ms. Dawkins? Tell me about it.

10 JUROR 35: I'm a principal of elementary school.

11 THE COURT: Which one?

12 JUROR 35: West View.

13 THE COURT: Excellent. Congratulations. What we
14 can do is transfer you out to a time might not conflict with
15 your school responsibilities. Do you know when that might be?

16 JUROR 35: Like, honestly, like July. Is that
17 better?

18 THE COURT: We'll excuse you this week. Good luck.

19 JUROR 35: Thank you.

20 (The following proceedings were had within the
21 hearing of the jury panel).

22 THE COURT: Is there any member with the jury panel
23 who is employed with the department of corrections at a
24 penitentiary? If so, and you would like to be exempted on that
25 basis, please stand at this time.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Is there any person -- is there any juror who
2 performs services for a business, commercial, agriculture, or
3 enterprise which is so essential to the operation of the
4 enterprise, that if you were required to perform jury duty, the
5 enterprise would have to close or stop functioning. If so, and
6 you wish to be exempted on that basis, please stand at this
7 time.

8 Ladies and gentlemen, that concludes the statutory
9 list.

10 THE BAILIFF: Your Honor.

11 THE COURT: Yes, sir.

12 THE BAILIFF: 98.

13 (The following proceedings were had outside the
14 hearing of the jury.)

15 THE COURT: Give me one second. Let me find your
16 name. You are Mr. Krebs?

17 JUROR 98: Correct.

18 THE COURT: Tell me.

19 JUROR 98: I'm the head of a department and one or
20 two people in the department, if I'm not there, it will stop
21 functioning.

22 THE COURT: Where do you work?

23 JUROR 98: Modular millworks in Greer.

24 THE COURT: You wish to be excused from jury
25 service on that basis?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 98: I would.

2 THE COURT: People like you are very important to
3 the successful function of our jury system.

4 JUROR 98: I understand.

5 THE COURT: You still wish to be excused?

6 JUROR 98: I do.

7 THE COURT: I'll excuse you.

8 JUROR 98: I appreciate it. Thank you.

9 THE BAILIFF: 150.

10 THE COURT: Give me one second to find your name.
11 You're Mr. Reno?

12 JUROR 150: That's correct. So I am part of a
13 business that sells industrial equipment coast-to-coast and
14 everything that I do pretty much has to be done in my office on
15 the computer. My boss travels and goes to different job sites,
16 which he will be at four or five different job sites this week.
17 So while I'm here, our office is pretty much closed.

18 Now, at lunch time, I can go and I can do some of
19 my work on the phone. But I have a feeling it's going to be
20 more work than I'm going to be able to keep up with on my phone
21 during lunch and after hours. I don't know if that's going to
22 apply to this or not.

23 THE COURT: Yes and no. It does and doesn't.
24 Thank you for sharing that with us.

25 If you are not selected to be on a jury, we'll

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 select one this morning, and you'll probably be finished, most
2 likely finished for the week. Can't guarantee. Looks like
3 we'll be able to select one jury.

4 With that being said, if I transfer you out,
5 continue you on, put you on another week, you can come back, go
6 back through the same process. What you might consider or
7 think about doing, moving you out, allowing more time to get
8 your schedule straightened out so you could serve on a jury.
9 So it would minimize leaving your present job because it
10 doesn't look like I will be able to permanently excuse you.

11 JUROR 150: Okay. It would be difficult for us to
12 change our schedule because it's very similar all the time. I
13 would say the best thing is for me to just stay on.

14 THE COURT: When we take breaks, usually jurors
15 have substantial breaks. At lunch time you have substantial
16 breaks.

17 JUROR 150: I appreciate that.

18 THE COURT: Good luck to you.

19 THE BAILIFF: 61.

20 THE COURT: You are Gingrich?

21 Yes, ma'am. Tell me about it.

22 JUROR 61: I work in a small post office. The
23 Campobello Post Master is currently on family emergency. She's
24 going to be gone next three weeks. We have new clerk coming in
25 on 22nd. I have coverage for the day, not the rest of the

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 week.

2 THE COURT: Thank you for sharing with us. Good
3 luck with all that.

4 JUROR 61: Thank you.

5 THE COURT: Why don't I do this. Transfer you out
6 several months.

7 JUROR 61: Just not October.

8 THE COURT: We'll pick October. We will watch out
9 for October. Good luck to you.

10 JUROR 61: Thank you so much.

11 THE BAILIFF: 23.

12 THE COURT: You are Ms. Chhim?

13 JUROR 23: Yes.

14 THE COURT: Yes, ma'am. Tell me about it.

15 JUROR 23: I'm currently self-employed right now.
16 Pretty much if I'm not there, the business does not run.

17 THE COURT: You're the only one in the business?

18 JUROR 23: Right now, yes, sir. I am full-time
19 actually.

20 THE COURT: People like you are very important to
21 the successful function of our jury system. Would it be
22 helpful if I transfer you out several months?

23 JUROR 23: That's fine, yes, sir.

24 THE COURT: That will be great if we can do that.
25 I'll excuse you. Good luck.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 23: Thank you so much.

2 THE BAILIFF: 137.

3 THE COURT: Give me one second to find your name.

4 You're Mr. Perera?

5 JUROR 137: Yes, sir.

6 THE COURT: Tell me about it.

7 JUROR 137: I remodel houses. It's my own
8 business. I get all the materials and I have all my crews. I
9 give them everything to do. I can't put everything on hold
10 while I'm over here, it's kind of the issue. I get all the
11 materials and I put everything together.

12 THE COURT: You wish to be excused from jury
13 service on that basis?

14 JUROR 137: Yes, sir.

15 THE COURT: The reason I ask is that -- first,
16 thank you for sharing that with us. The reason I ask, people
17 like you are very important to the successful function of our
18 jury system. We understand the inconvenience jury service can
19 do. Would this be any help if I transfer you out several
20 months into the future so you can make better plans and serve
21 on the jury?

22 JUROR 137: Yes, sir, that would be best.

23 THE COURT: Let's do that. Sounds like you got
24 your hands full. Thank you for coming in. I'll excuse you for
25 this week.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 137: Yes, sir.

2 THE BAILIFF: 167.

3 THE COURT: You are Mr. Spartas?

4 JUROR 167: That's me.

5 THE COURT: Tell me about it.

6 JUROR 167: It really is just poor timing. I'm
7 second in command over a crew of 40 guys in the workhouse. My
8 usual boss, he is off the entire week. Is there any way I can
9 get this pushed back?

10 THE COURT: Didn't he know you were going to do
11 jury duty?

12 JUROR 167: He took off. Working 28 years, does
13 this every year.

14 THE COURT: That guy, I swear.

15 JUROR 167: Any week is better than this one.

16 THE COURT: What we'll do is excuse you this week,
17 send you out a notice when to come back. Good luck to you.

18 JUROR 167: Thank you.

19 THE BAILIFF: 64.

20 THE COURT: You are Mr. Goodlett?

21 JUROR 64: Yes.

22 THE COURT: Yes, sir. Tell me about it.

23 JUROR 64: Tomorrow morning I have an appointment
24 with a doctor to have a kidney looked at. And my wife, two
25 people that actually live here in Spartanburg. I want to make

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 sure you guys know this.

2 THE COURT: Besides tomorrow morning, everything --

3 JUROR 64: Everything is fine.

4 THE COURT: Everyone on schedule?

5 JUROR 64: Everything is fine.

6 THE COURT: Thank you for letting us know that.

7 (The following proceedings were had within the
8 hearing of the jury panel.)

9 THE COURT: Ladies and gentlemen, that concludes
10 the statutory list of qualifications and exemptions for jury
11 service. It may be that you are qualified and no exemption
12 applies to you. Jury service this week would constitute an
13 extreme hardship on you for a particular reason. I cannot
14 permanently excuse a qualified juror from jury service.

15 Under extreme and compelling circumstances I may
16 excuse a juror from this term of court and transfer the juror
17 to another term of court, particularly jurors who have not
18 previously been transferred.

19 Please understand that general inconvenience is not
20 a sufficient reason to transfer you to another term of court.
21 To justify a transfer to another term of court, service this
22 week must constitute an extreme hardship to you.

23 Ladies and gentlemen, this is now the chance for
24 those of who you who did not respond earlier to any questions
25 that I asked and those of you who have a compelling reason to

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 request a transfer of your jury service to another week to come
2 forward.

3 If you believe that you are disqualified or exempt
4 from jury service or if you have any questions about whether
5 you are disqualified or exempt or if you wish to discuss with
6 me a compelling reason to request a transfer to another term, I
7 would ask that you please stand at this time.

8 THE BAILIFF: 119.

9 (The following proceedings were had outside the
10 hearing of the jury panel.)

11 THE COURT: Mr. McGaha.

12 JUROR 119: We meet again. I am currently living
13 off paycheck-to-paycheck and my previous job is withholding my
14 paycheck. If I miss work, I cannot afford medical supplies and
15 rent.

16 THE COURT: Thank you for sharing that. And that
17 is a common occurrence with people who are called upon to serve
18 on jury duty. That in and of itself is not a basis that I can
19 excuse you from service.

20 But if you are selected -- if you are not selected,
21 chances are that you will be finished with the jury.
22 Mathematically there is not -- that you will not be a juror.
23 Maybe I can transfer you out, that would only be a couple
24 weeks. You've already been here for a day. Your chance of
25 being selected being a burden to you increases, if you are

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 selected.

2 JUROR 119: I understand.

3 THE COURT: Can I keep you for this week, see what
4 happens?

5 JUROR 119: Would it be possible to transfer me? I
6 can work overtime if necessary. Look forward to taking time.
7 If not, I understand. I do not mean to be that guy.

8 THE COURT: You're not that guy.

9 THE CLERK: He works for the county. You talk to
10 HR. That is a law --

11 THE COURT: Do you know how to do that?

12 JUROR 119: If it's all right.

13 THE COURT: What do you do?

14 JUROR 119: Parks associate.

15 THE COURT: Thank you for doing that.

16 JUROR 119: Love it.

17 THE CLERK: Full-time or part-time?

18 JUROR 119: Part-time.

19 THE CLERK: I'd definitely get in contact with HR.

20 THE COURT: Stay with us.

21 JUROR 119: All right.

22 THE COURT: Thank you.

23 JUROR 119: Yes, sir.

24 THE BAILIFF: Number 7.

25 THE COURT: Yes, ma'am, Ms. Baxter.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 7: I get paid daily, and I have car payments
2 and stuff have to be done at the end of the month. I have \$100
3 in my bank account, if that would help. If not, I understand.
4 Possibly time to get all my papers for narcolepsy, if that's
5 for consideration.

6 THE COURT: Thank you for letting us know that.

7 JUROR 7: I'll get my mom to mail those papers. I
8 can get you everything you need.

9 THE COURT: Ms. Baxter, sincerely, people like you
10 are very important to serve on the jury.

11 JUROR 7: I understand.

12 THE COURT: Hair stylist, I probably could transfer
13 you to another week. If you are not on the jury this week, if
14 you are not selected to be part of that jury, your chances of
15 having to come back are very slim for this week. Your jury
16 service --

17 JUROR 7: It will be concluded if I didn't?

18 THE COURT: I can transfer you. If I transfer you,
19 go back through this process all over again that we had today.
20 As well as possibility be on a multi-trial week. Well,
21 multiple trials.

22 JUROR 7: I guess I'll try to stay in.

23 THE COURT: I think that's probably wise.

24 THE BAILIFF: 29.

25 THE COURT: You're Ms. Camply.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 29: No. Ms. Cordeal.

2 THE COURT: Good morning.

3 JUROR 29: In April 27, '23, I had brain surgery.
4 They removed a tumor. And then I had seizures in January of
5 '24. And they went in April 12, '24, and removed the other
6 brain tumor that was causing me seizures.

7 All that was taken care of. Nothing cancer.
8 Menopause hit. If you can handle me fanning myself the whole
9 time I'm on jury duty, I can handle staying here.

10 THE COURT: Thank you for letting us know. Good
11 luck with all those challenges. Sounds like you are doing
12 a great job. We can take care of that.

13 JUROR 29: Okay.

14 THE BAILIFF: 165.

15 THE COURT: Give me just a second. Let me find
16 your name. You're Mr. Smith

17 JUROR 165: My mom, 79 years old. She got carotid
18 artery disease. She's having trips about that at Regional
19 Spartan.

20 THE COURT: Can I transfer you to another week?

21 JUROR 165: Absolutely.

22 THE COURT: Couple months, two, three months out?

23 JUROR 165: Yeah, that's fine.

24 THE COURT: Good luck with your mother tomorrow.

25 JUROR 165: Thank you.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: I'll excuse you this week.

2 THE BAILIFF: 189.

3 THE COURT: You're Ms. Weaver?

4 JUROR 189: Yes. I'm eight months pregnant. I'm
5 still getting pretty sick. I don't know if I can sit through
6 this. I'm also a teacher.

7 THE COURT: Have you ever served on a jury before?

8 JUROR 189: (Witness moves head from side to side.)

9 THE COURT: If you are selected to be on a jury,
10 you will come in here, sit in a trial in those chairs for an
11 hour, hour-and-a-half at a time. Start around 9:30. Finish
12 before 5:00. You'll have substantial amount of time for lunch
13 breaks. That's physically what will be happening.

14 We're about to select the first trial of the week.
15 If you're not selected to be in this first trial, I would say
16 your jury service is probably concluded.

17 I mention that, if we transfer you to another week,
18 you have to go through the whole process like we've done now
19 and you might be on that week with multiple trials. What would
20 you like to do?

21 JUROR 189: I guess I'll stay.

22 THE COURT: If you want me to issue --

23 JUROR 189: If I get sick or anything.

24 THE COURT: You let us know in advance.

25 (The following proceedings were had within the

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 hearing of the jury panel.)

2 THE COURT: Thank you ladies and gentlemen, the
3 jury panel is now qualified.

4 Like I mentioned to you, the ladies and gentlemen
5 in the red jackets, those are the bailiffs. If issues develop
6 or you need to have some type of communication with The Court
7 or with some official, reach out to the bailiffs, they'll make
8 sure that communication takes place.

9 It's very important, ladies and gentlemen, this
10 week if you are selected to be on a jury that you have no
11 contact with any of the parties that may come before you,
12 either lawyers or court officials. They have been instructed
13 they can't have contact with you. By chance, you're coming and
14 going from the building, you see one of these people, they do
15 not say hello to you, they're not being rude to you; they're
16 simply following The Court's instructions not to have contact
17 with you.

18 If you are selected to be part of the jury, be sure
19 that you're prompt, on time. If we ask you to be here at a
20 certain time, it's not fair to the remaining jurors if you're
21 late and running an errand during lunch or late in the morning
22 to come in late. We need to run the jury process efficiently.

23 Ladies and gentlemen, it's been a pleasure to go
24 through the qualification process. We are now going to move
25 into the first selection -- to the selection of the first jury

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 for the week.

2 Prior to this, I have to meet with the lawyers
3 outside of your presence. I'm going to let you take a break.
4 There's rest rooms and things around the building. I will ask
5 you to take a look at that clock on the wall. I'm going to
6 ask, if you would, to be back in your seats by about 11:30.
7 We'll take a short 15-minute break. Thank you very much.

8 (The jury panel exited the courtroom at 11:15 a.m.)

9 THE COURT: Did you see anybody else?

10 MR. RHODEN: 24. Did we deal with that? That was
11 the wired one.

12 MR. FARR: 24 didn't show up.

13 (A recess transpired from 11:15 a.m. until 11:39
14 a.m.)

15 THE COURT: Thank you for coming back from the
16 break. We are now going to start with the selection of the
17 first jury for the week.

18 One second, I'll be right with you.

19 (A pause transpired.)

20 THE COURT: Ladies and gentlemen, we're now going
21 to start with the jury selection for the first trial. We're
22 going to begin with the jury selection of the trial of the case
23 State of South Carolina versus Jermaine Culver.

24 Mr. Culver, will you please stand and face the
25 ladies and gentlemen of the jury. This is Mr. Jermaine Culver.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Mr. Culver has been charged by way of indictments with two
2 offenses.

3 The indictment -- the first indictment is that of
4 murder. Mr. Culver is charged by way of indictment that he
5 did, in Spartanburg County, on or about March 12, 2022
6 feloniously, willfully, and maliciously -- with malicious
7 aforethought kill one Jarqueze Williams by shooting the victim
8 with a firearm.

9 He's also charged by way of indictment with the
10 offense of armed robbery. That indictment provides that Mr.
11 Jermaine Culver did, in Spartanburg County, on or about March
12 12, 2022, while armed with a deadly weapon, being a firearm, or
13 while allegedly either by actions or words that he was armed
14 while using a representation of a deadly weapon or any object
15 which a person present at the time reasonably believed to be a
16 deadly weapon, did feloniously take from the person Jarqueze
17 Williams by means of force, violence, or intimidation goods or
18 items, or property. Such goods, items, or property being a
19 automobile. Thank you, Mr. Culver.

20 To these indictments, Mr. Culver has plead not
21 guilty. Therefore, that is the purpose of this trial. It's
22 for you to determine whether or not the State has met its
23 burden of proof beyond a reasonable doubt of the allegations
24 contained in the indictment.

25 Now, ladies and gentlemen, I have a series of

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 questions to ask you as part of this jury selection. I need to
2 remind you that the clerk of court has already administered an
3 oath to you. You are obligated to provide us with truthful and
4 honest information to these questions.

5 I would ask that you please listen to these
6 questions. And if you need to respond to the questions, I
7 would ask that you please stand and let me call on you one at a
8 time. Again, ladies and gentlemen, if ever during this
9 questioning process you cannot hear me, just raise your hand,
10 let me know and I will speak up.

11 Ladies and gentlemen, is there any member of the
12 jury panel who's related by blood or marriage to Mr. Jermaine
13 Culver or if you have a close personal or social relationship
14 with Mr. Culver or if you've ever been in any type of
15 employment relationship with Mr. Culver? If so, please stand
16 at this time.

17 Ladies and gentlemen, as I announced, the alleged
18 victim in the case is Jarqueze Williams. Is any member of the
19 jury panel related by blood or marriage to Mr. Williams or have
20 you ever had a close personal or social relationship with
21 Mr. Williams or have you ever been in any type of employment
22 relationship with Mr. Williams? If so, please stand at this
23 time.

24 Ladies and gentlemen, I'm now going to read to you
25 a list of potential witnesses who may be called during the

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 trial of this case.

2 I need you to please listen to these names. After
3 all of these names have been announced to you, I'm going to ask
4 that you please stand if you're related by blood or marriage to
5 any of these potential witnesses or if you ever had a close
6 personal or social relationship with any of these witnesses or
7 if you've ever been in any type of employment relationship with
8 any of these witnesses. I would ask that you please stand.
9 Again, stand after I've called all these names.

10 If any of these witnesses are presently in the
11 courtroom, I would ask that witness, when your name is called,
12 to please stand and face the ladies and gentlemen of the jury.

13 Again, do not stand until I've read all of the
14 names, ladies and gentlemen. We have Justin Martin with 911.

15 Daniel Reed with Verizon records.

16 Robert Camara of Charter Spectrum.

17 Cierra Nicole Hawkins, manager, Valero.

18 Kenneth Wayne Erwin, Valero store clerk.

19 Jordan Hensley, store clerk.

20 Tyronne Demetrick Carter.

21 Ashonda Lakeisha Nesbitt.

22 Herschal Lee Phillips, Spartanburg County Sheriff's
23 Office.

24 Eduardo Eddie Chavez, Spartanburg County Sheriff's
25 Office.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 S. Peters, Spartanburg County Sheriff's Office.
2 Michael Sean Nix, Spartanburg County Sheriff's
3 Office.
4 Paul Norris, Spartanburg County Sheriff's Office.
5 Marilyn Roman, Spartanburg County Sheriff's Office.
6 Akilah Jefferson, Spartanburg County Sheriff's
7 Office.
8 Clair E. Rose. Dr. Clair E. Rose.
9 Brittany K. Williams Poole, Spartanburg County
10 Sheriff's Office.
11 Courtney Burgess with Spartanburg County Sheriff's
12 Office.
13 Sarah McNeeley.
14 Kenneth Hammitt, Spartanburg County Sheriff's
15 Office.
16 Andrea Nikki Creal.
17 James Britt, Spartanburg County Sheriff's Office.
18 Brandon Letterman, Spartanburg County Sheriff's
19 Office.
20 Kara Bennick, Greenville County Department of
21 Public Safety.
22 Hannah Burbage, Greenville Public -- Greenville
23 County Department of Public Safety, DNA lab.
24 Timothy D. Nafziger, Greenville County Department
25 of Public Safety, DNA lab.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Antoin Micah Bobo.

2 Jonathan Nodine, Spartanburg County Coroner's
3 Office.

4 Isaiah Parham, Spartanburg County Sheriff's Office.

5 Kamren M. Harrill, Spartanburg County Sheriff's
6 Office.

7 Megan Bible, Spartanburg County Sheriff's Office.

8 Roslyn Crosby.

9 Jason Kramer, Spartanburg County Sheriff's Office.

10 Nathan Cole, Spartanburg County Sheriff's Office.

11 Randy Spake, Spartanburg County shop.

12 Jerry Daugherty, Spartanburg County shop.

13 Carla Williams, Spartanburg Regional Hospital.

14 Lisa Ellisor.

15 Ladies and gentlemen, again, if you're related by
16 blood or marriage to any of those individuals or if you have a
17 close personal or social relationship with any of those
18 individuals or if you've ever been in any type of employment
19 relationship with any of those individuals, I would ask that
20 you please stand at this time.

21 Ladies and gentlemen, I'm now going to ask the
22 lawyers who will be participating in the trial of this case to
23 please stand and introduce themselves to you. Please listen to
24 them.

25 MR. RHODEN: Good morning. I'm Bill Rhoden with

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 the Circuit Solicitor's Office.

2 MR. HENDERSON: Matthew Henderson, also with the
3 State.

4 MR. FARR: Zack Farr with Victoria Law Firm off
5 Reidville Road, right beside Zaxby's and Arby's.

6 THE COURT: Ladies and gentlemen, if you are
7 related by blood or marriage to any of the lawyers who will be
8 trying this case or if you have a close personal or social
9 relationship with any of the lawyers in the trial of this case,
10 I would ask that you please stand at this time.

11 Ladies and gentlemen, I would also ask that you
12 please stand at this time if you have ever been represented as
13 a victim or a member of your immediate family ever been
14 represented as a victim by the Spartanburg County Solicitor's
15 Office. If you would, please stand at this time.

16 Yes, ma'am, your juror number?

17 JUROR 78: 78.

18 THE COURT: Come forward.

19 (The following proceedings were heard outside the
20 hearing of the jury panel.)

21 THE COURT: You're Ms. Howell? Yes, ma'am.

22 JUROR 78: My daughter was a victim and was
23 represented by the State in a child molestation case.

24 THE COURT: Thank you for letting us know. The
25 fact that has occurred, would that in any way affect your

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 ability to give both the State and defense a fair and impartial
2 trial if you're selected as a member of the jury?

3 JUROR 78: No. Just wanted to come forward.

4 THE COURT: Thank you.

5 THE BAILIFF: Juror 191.

6 THE COURT: You are Ms. Wellman?

7 JUROR 191: My son was murdered in 2010.

8 THE COURT: Sorry to hear that. Was the case
9 prosecuted by the Solicitor's Office?

10 JUROR 191: I'm not sure.

11 THE COURT: The fact that has occurred, would that
12 in any way affect your ability --

13 JUROR 191: Yes.

14 THE COURT: -- to give both the State and the
15 defense a fair trial?

16 JUROR 191: Uh-huh.

17 THE COURT: Thank you, ma'am.

18 THE BAILIFF: Juror 121.

19 THE COURT: You are Mr. Messmer. Tell me about it.

20 JUROR 121: In 2020 my wife called and had me
21 arrested for domestic violence. Last year in the intervention
22 program. Had it expunged off my record.

23 THE COURT: Thank you for letting us know that. In
24 the event -- the fact that has occurred to you, would that
25 affect your ability to give the State and defense an impartial

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 trial if you're selected as a juror?

2 JUROR 121: Probably.

3 THE COURT: Thank you, sir.

4 Sir, sit down. Listen to the rest of the
5 questions.

6 (The following proceedings were had within the
7 hearing of the jury panel.)

8 THE COURT: If you or a member of your immediate
9 family has ever been prosecuted in a case as a defendant by the
10 Circuit Solicitor's Office, by the Spartanburg County
11 Solicitor's Office, I would ask that you please stand at this
12 time.

13 If you or a member of your immediate family has
14 ever been represented by Mr. Farr in a case, I would ask that
15 you please stand at this time.

16 If you or a member of your immediate family has
17 ever been a party opposite Mr. Farr in a case, I would ask that
18 you please stand at this time.

19 Have you or a member of your immediate family now
20 or in the past ever been a member of a law enforcement agency,
21 that would either be federal, state or municipal or a military
22 agency, please stand at this time. Come forward.

23 THE BAILIFF: Juror 54.

24 (The following proceedings were had outside the
25 hearing of the jury panel.)

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: You're Mr. Fowler?

2 JUROR 54: Yes, sir.

3 THE COURT: Yes, sir.

4 JUROR 54: My uncle is Highway Patrol and
5 father-in-law is retired Highway Patrol and federal marshal in
6 Charleston.

7 THE COURT: The fact that has occurred, would that
8 in any way affect your ability to give both the State and
9 defense a fair and impartial trial in the event you're selected
10 as a member of the jury?

11 JUROR 54: No.

12 THE COURT: Thank you, sir.

13 THE BAILIFF: Juror 116.

14 THE COURT: You are Ms. --

15 JUROR 116: McAnall.

16 THE COURT: Tell me about it.

17 JUROR 116: I was transportation security officer.
18 I wouldn't consider that law enforcement. I was a federal
19 officer.

20 THE COURT: Thank you for letting us know that.
21 The fact that has occurred, would that affect your ability to
22 give the State and defense a fair and impartial trial if you're
23 selected?

24 JUROR 116: No.

25 THE COURT: Thank you.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE BAILIFF: Juror 113.

2 THE COURT: You're Mr. Martin?

3 JUROR 113: Yes.

4 THE COURT: Tell me about it.

5 JUROR 113: I was reserve officer for Union County,
6 two years.

7 THE COURT: Thank you for letting us know that.
8 The fact that has occurred, would that affect your ability to
9 give both the State and defense a fair and impartial trial if
10 you were selected?

11 JUROR 113: No, it would not.

12 THE BAILIFF: Juror 96.

13 THE COURT: You are Mr. Killough. Tell me about
14 it.

15 JUROR 113: Brother-in-law and sister were in the
16 Army. Father-in-law was a constable.

17 THE COURT: Thank you for letting us know that.
18 The fact that has occurred, would that in any way affect your
19 ability to give the State and defense a fair and impartial
20 trial if you're selected?

21 JUROR 113: No.

22 THE COURT: Thank you, sir.

23 THE BAILIFF: Juror 67.

24 THE COURT: Mr. Harris.

25 JUROR 67: Just to be honest, family members in law

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 enforcement, cousins. Uncles are retired.

2 THE COURT: The fact that has occurred, would that
3 in any way affect your ability to give the State and defense a
4 fair trial?

5 JUROR 67: No, sir.

6 (The following proceedings were had within the
7 hearing of the jury panel.)

8 THE COURT: Has any member of the jury panel or
9 member of your immediate family ever been accused of or
10 suffered or been a victim in a criminal matter that involved
11 murder, domestic violence, assault and battery, robbery,
12 burglary or breaking into motor vehicle? If so, please stand
13 at this time.

14 THE BAILIFF: 198.

15 (The following proceedings were had outside the
16 hearing of the jury panel.)

17 THE COURT: Let me get your name. Ms. Worthy.
18 Yes, ma'am, tell me about it.

19 JUROR 198: CDV charge. I was convicted in 2004.

20 THE COURT: The fact that has occurred, would that
21 in any way affect your ability to give both the State and
22 defense a fair and impartial trial?

23 JUROR 198: No.

24 THE BAILIFF: Juror 117.

25 THE COURT: Yes, sir, Mr. McBeth. Tell me about

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 it.

2 JUROR 117: I got carjacked back in 1981, '82.

3 THE COURT: The fact that has occurred, would that
4 in any way affect your ability to give both the State and
5 defense a fair and impartial trial?

6 JUROR 117: No.

7 THE COURT: Thank you.

8 THE BAILIFF: Juror 96.

9 THE COURT: You are Mr. Killough. Tell me about
10 it.

11 JUROR 96: Victim of robbery on two separate
12 occasions.

13 THE COURT: The fact that has occurred, would that
14 in any way affect your ability to give both the State and
15 defense a fair and impartial trial if you are selected?

16 JUROR 96: Uh-uh.

17 THE COURT: Thank you, sir.

18 THE BAILIFF: Juror 145.

19 THE COURT: Ms. Quinn, tell me about it.

20 JUROR 145: It was my father before I was born. He
21 was arrested for assisting armed robbery, driving the get-away
22 car.

23 THE COURT: Thank you for letting us know that.
24 The fact that has occurred, would that in any way affect your
25 ability to give both the State and defense a fair and impartial

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 trial?

2 JUROR 145: Uh-uh.

3 THE COURT: Thank you.

4 THE BAILIFF: Juror 129.

5 THE COURT: You're Mr. Murphy?

6 JUROR 129: Yes, sir.

7 THE COURT: Tell me about it.

8 JUROR 129: I got sister still in jail for life for
9 murder.

10 THE COURT: The fact that has occurred, would that
11 in any way affect your ability to give the State and the
12 defense a fair and impartial trial?

13 JUROR 129: No.

14 THE COURT: Thank you, sir.

15 THE BAILIFF: Juror 141.

16 THE COURT: Mr. Piper.

17 JUROR 141: I never really knew my father. Got
18 convicted of murder. He's been locked up since.

19 THE COURT: The fact that has occurred, would that
20 in any way affect your ability to give the State and defense a
21 fair and impartial trial?

22 JUROR 141: No.

23 THE COURT: Thank you.

24 THE BAILIFF: Juror 7.

25 THE COURT: Ms. Baxter.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 7: In 2010, my adopted sister was murdered
2 by her boyfriend, Robert Mulliken. My mom had to get custody
3 with her and another family member.

4 THE COURT: The fact that has occurred, would that
5 in any way affect your ability to give the State and defense a
6 fair and impartial trial?

7 JUROR 7: I don't think so.

8 THE COURT: Thank you, ma'am.

9 THE BAILIFF: Juror 97.

10 THE COURT: Yes, sir. Tell me about it.

11 JUROR 97: My brother-in-law was shot five years
12 ago in Spokane, Washington.

13 THE COURT: Would that affect your ability to give
14 the State and defense a fair and impartial trial as a member of
15 this jury?

16 JUROR 97: I didn't catch much. The guy who
17 killed, it was -- he said it was protection, drug dealer.

18 THE COURT: The fact that has happened to you,
19 would that in any way affect your ability to give both the
20 State and defense a fair and impartial trial if you are
21 selected as a member of the jury?

22 JUROR 97: I don't know. It depends.

23 THE COURT: Thank you, sir.

24 THE BAILIFF: Juror 29.

25 THE COURT: Yes, sir.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JUROR 29: My dad killed my step-mother and
2 committed suicide.

3 THE COURT: Thank you for letting us know that.
4 The fact that has occurred, would that in any way affect you to
5 give both the State and defense a fair and impartial trial if
6 you're selected as a member of the jury?

7 JUROR 29: No.

8 THE COURT: Thank you.

9 THE BAILIFF: Juror 8.

10 THE COURT: You are Mr. Bennett?

11 JUROR 8: Yes, sir.

12 THE COURT: Tell me about it.

13 JUROR 8: I was a victim of robbery and my father.
14 Not to me, to someone else was a victim.

15 THE COURT: Thank you for letting us know that.
16 The fact that has occurred, would that in any way affect your
17 ability to give both the State and defense a fair and impartial
18 trial if you're selected on the jury?

19 JUROR 8: No, sir. I made my past.

20 THE COURT: Thank you.

21 THE BAILIFF: Juror 78.

22 THE COURT: Yes, ma'am.

23 JUROR 78: Judge, just the same thing with my
24 daughters and she said domestic violence. No, it wouldn't
25 affect me.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: Yes, ma'am.

2 THE BAILIFF: Juror 39.

3 THE COURT: You're Mr. Doyle.

4 JUROR 39: In the mid 1990s, my wife's car was
5 stolen from her carport by joy riders. It was recovered in
6 Greenville County and returned to us, broken window and
7 ignition.

8 THE COURT: Thank you for letting us know that.
9 The fact that has occurred, would that in any way affect your
10 ability to give both the State and defense a fair and impartial
11 trial if you're selected on the jury?

12 JUROR 39: I don't think so. I had to think about
13 it before I even remembered it happened.

14 THE COURT: Thank you.

15 THE BAILIFF: Juror 162.

16 THE COURT: Ms. Sikma?

17 JUROR 162: Sikma. In 2008, I was a victim of
18 domestic violence, resulting in restraining order and ex parte
19 order.

20 THE COURT: Thank you for letting us know that.
21 Got a question for you. The fact that has occurred, would that
22 in any way affect your ability to give the State and defense a
23 fair and impartial trial if you are selected?

24 JUROR 162: I don't think so. No.

25 THE COURT: No. Thank you, ma'am.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE BAILIFF: Juror 50.

2 THE COURT: You're Ms. Filip. Tell me about it.

3 JUROR 50: I think my parents' car was robbed last
4 year, and my brother's in 2010.

5 THE COURT: Thank you for letting us know that.
6 The fact that has occurred, would that in any way affect your
7 ability to give both the State and the defense a fair and
8 impartial trial if you're selected?

9 JUROR 50: No.

10 (The following proceedings were had within the
11 hearing of the jury panel.)

12 THE COURT: Has any member of the jury panel formed
13 or expressed an opinion about any issue or matter that's
14 involved in this case? If so, please stand at this time.

15 Is there any member of the jury panel aware of any
16 bias or prejudice towards either the State or the Defendant in
17 this case? If so, please stand at this time.

18 Is there any member of the jury panel that was a
19 member of the Grand Jury that issued the indictment in this
20 case? If so, please stand at this time.

21 Is there any member of the jury panel who is a
22 member of or contributor to any group which has as its primary
23 concern the promotion of law enforcement or victim's rights?
24 These groups would include, certainly not limited to, such
25 groups as MADD, SADD or CAV, Citizens Against Violent Crime.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 If so, please stand at this time.

2 Does any member of the jury panel know of any
3 reason whatsoever why he or she should not serve as a juror in
4 this case with particular emphasis being placed on your ability
5 to be fair and impartial to both the State and the Defendant?

6 If so, please stand at this time.

7 Does the State have any additional questions?

8 MR. RHODEN: Nothing, Your Honor.

9 THE COURT: Does the defense have any additional
10 questions?

11 MR. FARR: No, Your Honor.

12 THE COURT: Let me see the lawyers for a moment.

13 (The following proceedings were had outside the
14 hearing of the jury panel.)

15 THE COURT: In addition to the ones we have talked
16 about, I have 97, 191 and 171 to come out.

17 MR. FARR: He was arrested for DUI. He was
18 expunged.

19 MR. RHODEN: I wrote down 121.

20 Maybe that was 199.

21 MR. FARR: His sister was found guilty.

22 THE COURT: I am talking about the firm answer, can
23 be fair and impartial. I'm not concerned what the reasons
24 were.

25 MR. FARR: 39. He was from Tennessee.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: You can strike him.

2 MR. FARR: Yes, sir.

3 THE COURT: Y'all want me to keep 191 or 171?

4 MR. FARR: No, sir.

5 MR. RHODEN: That's the one I was thinking of.

6 Needs to come off.

7 THE COURT: And 171 I'm taking off, too.

8 MR. RHODEN: I got nothing.

9 THE CLERK: 117.

10 THE COURT: I'm going to take off 97 and 191 for
11 cause. They gave me good answers. Y'all can strike anybody
12 you want.

13 (The following proceedings were had within the
14 hearing of the jury panel.)

15 THE COURT: Ladies and gentlemen, what we're doing
16 now is that the clerk of court has a magical -- it's called a
17 computer, a machine back here. That is now putting your
18 numbers into circulation. They're now going to form a list
19 that randomly lists your names. It will take only a few
20 minutes, so I ask that you be patient with us.

21 I only mention this to you because back when I was
22 a young lawyer, we actually during jury selection, we reached
23 this point, we would put everybody's name in a capsule, put
24 that capsule into a wooden barrel, spin the barrel.
25 Spartanburg School of Deaf and Blind, we would bring someone

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 that was visually challenged from the school's deaf and blind
2 and they would sit here and they would draw your name out one
3 at a time. Jury selection would sometimes take the entire day.

4 Now with technology, we can do it a lot faster.
5 She is now generating that list. I'm going to exit the
6 courtroom and I'm going to come back up in here. We're going
7 to engage in the striking process. The bailiff will come up
8 and, as your number is called, the bailiff will ask that you
9 please come and stand in this general area right here. And we
10 will allow them, the State or defense, to engage in a striking
11 and selecting process for the first jury.

12 I would ask when your name is called that you bring
13 any of your personal property items that you have with you,
14 pocketbooks, books, coats, anything that you have with you.
15 And I would ask that you bring them with you.

16 And in the event they tell you that you're to be
17 seated, then you will sit in this jury box. If they ask that
18 you be excused, don't leave the building. Don't leave the
19 courtroom. Just have a seat back in your seat. Don't take it
20 personal. Any number of reasons why they might not want you to
21 serve on a jury.

22 I'll be back with you in two seconds. We will do
23 the striking of the jury.

24 You agree it's five and 10?

25 MR. RHODEN: Yes, sir.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 MR. FARR: Yes.

2 THE COURT: Yes, ma'am.

3 THE CLERK: Juror number 113. What says the State?

4 MR. RHODEN: Please present the juror.

5 THE COURT: What says defense?

6 MR. FARR: Please excuse this juror.

7 THE CLERK: Number 39. What says the State?

8 MR. RHODEN: Please present the juror.

9 THE CLERK: What says defense?

10 MR. FARR: Please excuse this juror.

11 THE CLERK: Number 70. What says the State?

12 MR. RHODEN: Please excuse the juror for this case.

13 THE CLERK: Number 122. What says the State?

14 MR. RHODEN: Please present the juror.

15 THE COURT: What says defense?

16 MR. FARR: Please present this juror.

17 THE CLERK: Number 48. What says the State?

18 MR. RHODEN: Please present the juror.

19 THE CLERK: What says defense?

20 MR. FARR: Please seat this juror.

21 THE CLERK: Number 117. What says the State?

22 MR. RHODEN: Please present the juror.

23 THE CLERK: What says defense?

24 MR. FARR: Please excuse the juror.

25 THE CLERK: Number 29. What says the State?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 MR. RHODEN: Please excuse the juror for this case.
2 THE CLERK: Number 150. What says the State?
3 MR. RHODEN: Please present the juror.
4 THE CLERK: What says defense?
5 MR. FARR: Please seat the juror.
6 THE CLERK: Number 152.
7 MR. RHODEN: I'm sorry, what number?
8 THE CLERK: 152. What says the State?
9 MR. RHODEN: Please present the juror.
10 THE COURT: What says defense?
11 MR. FARR: Please excuse the juror.
12 THE CLERK: Number 156. What says the State?
13 MR. RHODEN: Please present the juror.
14 THE CLERK: What says defense?
15 MR. FARR: Please seat this juror.
16 THE CLERK: Number 106. What says the State?
17 MR. RHODEN: Please present the juror.
18 THE CLERK: What says defense?
19 MR. FARR: Please seat the juror.
20 THE CLERK: Number 73. What says the State?
21 MR. RHODEN: Please present the juror.
22 THE CLERK: What says defense?
23 MR. FARR: Please seat the juror.
24 THE CLERK: Number 96. What says the State?
25 MR. RHODEN: Please present the juror.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE CLERK: What says defense?
2 MR. FARR: Please excuse the juror.
3 THE CLERK: Number 86. What says the State?
4 MR. RHODEN: Please present the juror.
5 THE CLERK: What says defense?
6 MR. FARR: Please seat the juror.
7 THE CLERK: Number 67. What says the State?
8 MR. RHODEN: Please present the juror.
9 THE CLERK: What says defense?
10 MR. FARR: Please excuse this juror.
11 THE CLERK: Number 54. What says the State?
12 MR. RHODEN: Please present the juror.
13 THE CLERK: What says defense?
14 MR. FARR: Please excuse this juror.
15 THE CLERK: Number 61. What says the State?
16 MR. RHODEN: Please present the juror.
17 THE CLERK: What says defense?
18 MR. FARR: Please seat this juror.
19 THE CLERK: Number 10. What says the State?
20 MR. RHODEN: Please present the juror.
21 THE CLERK: What says defense?
22 MR. FARR: Please seat this juror.
23 THE CLERK: Number 141. 141, Dawson Piper. What
24 says the State?
25 MR. RHODEN: Please excuse the juror for this case.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE CLERK: Number 119. What says the State?
2 MR. RHODEN: Please present the juror.
3 THE CLERK: What says defense?
4 MR. FARR: Please seat this juror.
5 THE CLERK: Number 178. What says the State?
6 MR. RHODEN: Please excuse the juror for this case.
7 THE CLERK: 162. What says the State?
8 MR. RHODEN: Please present the juror.
9 THE CLERK: What says defense?
10 MR. FARR: Please excuse the juror.
11 THE CLERK: Juror 8. What says the State?
12 MR. RHODEN: Please present the juror.
13 THE CLERK: What says defense?
14 MR. FARR: Please excuse this juror.
15 THE CLERK: Number 153. What says the State?
16 MR. RHODEN: Please present the juror.
17 THE CLERK: What says defense?
18 MR. FARR: Please seat the juror.
19 THE CLERK: Number 116. What says the State?
20 MR. RHODEN: Please present the juror.
21 THE CLERK: What says defense?
22 MR. FARR: Please seat this juror.
23 THE COURT: We're going to go with two alternates.
24 THE CLERK: Number 175. What says the State?
25 MR. RHODEN: Please present the juror.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE CLERK: What says defense?

2 MR. FARR: Please seat the juror.

3 THE CLERK: Number 198. What says the State?

4 MR. RHODEN: Please excuse the juror from this
5 case.

6 THE CLERK: Number 57. What says the State?

7 MR. RHODEN: Please present the juror.

8 THE CLERK: What says defense?

9 MR. FARR: Please excuse this juror.

10 THE CLERK: Number 127. What says the State?

11 MR. RHODEN: Please present the juror.

12 THE CLERK: What says defense?

13 MR. FARR: Please seat the juror.

14 THE COURT: Anything concerning the manner and
15 method of selection of the jury from the State?

16 MR. RHODEN: No, Your Honor.

17 THE COURT: Anything from the defense?

18 MR. FARR: No, Your Honor.

19 THE COURT: Ladies and gentlemen who have been
20 selected to be our first jury, thank you very much. Give me
21 one moment. I've got to speak to those unfortunate individuals
22 that did not get to be part of our first jury.

23 Ladies and gentlemen, thank you for your time and
24 patience while we went through the jury qualification process
25 as well as the jury selection process for our first case. The

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 best I can tell you right now, there is a telephone number that
2 you can call back after 6:00 and receive further instructions
3 as to what we need for you to do for tomorrow. I'm going to
4 ask you to please call that number.

5 I'm going to ask, if you would, please go over to
6 the courtroom next door. The clerk of court is going to come
7 speak with you. If you would, you may leave the courtroom.
8 Please do it quietly. I'm going to continue to work with these
9 jurors.

10 (The jury panel exited the courtroom at 12:30 p.m.)

11 THE COURT: Ladies and gentlemen, you are selected
12 to be our first jury. I want to thank you for your time and
13 patience while we went through the selection process.

14 I'm going to give you two instructions that you
15 will follow through the course of this trial. So remember
16 these two instructions. First instruction is that you cannot
17 have -- part of this trial, I don't know if you've ever been
18 part of a jury before. What you'll be asked to do in the
19 course of your service, you will participate in the trial of
20 this case by watching the witnesses who testify and taking in
21 the evidence as presented by the lawyers.

22 You'll also at some point, I will instruct you on
23 the law that you will apply to the evidence and facts as
24 presented to you. After that has been accomplished, that comes
25 at the end of the trial, then you will go back into the jury

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 deliberation room and you will then talk about the case. You
2 will begin your deliberation.

3 You will talk about what is going to happen in this
4 case so that you can reach a verdict.

5 First instruction, until I instruct you to begin
6 your deliberations, you are not to discuss this case with
7 anyone. That means at lunch break, go home or go to work,
8 friends or family might say you got selected to be on a jury,
9 what kind of case is it, who are the lawyers in the case, who's
10 the judge in the case. Just tell them very respectfully: The
11 judge has instructed me I cannot talk to anyone about anything
12 involving this case until it is over. That includes, ladies
13 and gentlemen, among yourselves.

14 Do not talk about this case with anyone including
15 among yourselves until the end of the case when you begin your
16 deliberation. I will tell you when to begin your deliberation.
17 At that point you can talk as much or as little as you want to
18 about the case.

19 At that point you talk about the case. You have to
20 do that as part of your deliberations to come to a decision in
21 this case. Until you begin your deliberations, don't talk to
22 anyone about the case including among yourselves. That's one.

23 Number two, throughout the course of this trial and
24 probably even this morning you probably seen lawyers have been
25 introduced to you, I've been introduced to you. You've heard

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 about the case a little bit through the reading of the
2 indictments. You cannot do any type of independent research or
3 investigation into anything involved in the case. Because the
4 decisions that you will make in your deliberations has to be
5 based on the evidence that is received in the course of this
6 trial and the law, on the instruction on the law that I'll give
7 you at the end of this case.

8 Do not do any type of independent research or
9 investigation into anything that involves the case. That
10 includes if I or one of the lawyers or somebody uses a word,
11 gosh, I don't think I understand what that word means, you
12 cannot pull Webster's Dictionary off the shelf to look up that
13 word. Do not do anything that constitutes investigating
14 anything that involves this case.

15 With those two instructions to you, no discussion
16 with anyone including among yourselves, and no investigation
17 into anything that involves this case, that includes don't go
18 on the Internet and Google my name or one of the lawyer's name
19 or anything about the case. Don't do anything.

20 With those two instructions, I am going to let you
21 go for the day because we're going to resume the presentation
22 of this case in the morning at 9:30.

23 The reason that is, there are matters that I have
24 to take up with the lawyers that have to be done outside of
25 your presence. Because you are, as I will tell you and

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 instruct you, you are the judge of the facts of the case. I am
2 the judge of law. And deciding what matters or what law is
3 going to apply, what evidence is going to be admitted, there
4 are times when I have to have a discussion with the lawyers
5 about the facts of the case. I have to do that outside of your
6 presence.

7 We have had discussions with the lawyers already.
8 We feel that it is more efficient not to keep you held hostage
9 in the back the way that we've already held you hostage, to let
10 you go home today and do whatever you need to do. We will
11 resume with the presentation of the evidence at 9:30 in the
12 morning.

13 With that instruction to you, I will let you go
14 with the bailiff and they will show you how to come in and out
15 of the courthouse and tell you where to go. We will see you
16 back on the sixth floor tomorrow.

17 THE BAILIFF: Report to 2-B.

18 THE COURT: Let them tell you what to do. I will
19 be on the sixth floor. At some point, I will see you in the
20 morning. We will see you 9:30 in the morning. Be here
21 whenever they tell you. Thank you very much. You may go with
22 the bailiff.

23 (The jury exited the courtroom at 11:35 a.m.)

24 THE COURT: We're going to reconvene at 9:30 in the
25 morning. Y'all are going to have discussions between

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 yourselves about those things. We will take up any matters we
2 need to take up at 9:30 in the morning.

3 At this time we will stand at ease. Thank you very
4 much.

5 (The hearing adjourned at 11:35 a.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF SOUTH CAROLINA IN GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA, VOLUME II

4 Plaintiff,

5 vs.

CASE NO. 2024-GS-42-04171
2024-GS-42-04172

6
7 JERMAINE CULVER,

8 Defendant.

9
10 HEARING BEFORE: HONORABLE J. MARK HAYES, JR.

11 DATE: March 11, 2025

12 TIME: 9:40 AM

13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 WILLIAM G. RHODEN, ASSISTANT SOLICITOR

22 ATTORNEYS FOR THE DEFENDANT
23 ZACHARY FARR, ESQ.

1	I N D E X				
2	DIRECT CROSS REDIRECT RECROSS				
3	WITNESS/EXAMINATION				
4	<u>DAVID JUSTICE MARTIN</u>				
5	BY MR. RHODEN	91	--	--	--
6	BY MR. FARR	--	--	--	--
7	<u>DANIEL REED</u>				
8	BY MR. RHODEN	94	--	97	--
9	BY MR. FARR	--	96	--	--
10	<u>ROBERT CAMARA</u>				
11	BY MR. RHODEN	99	--	102	--
12	BY MR. FARR	--	100	--	--
13	<u>CIERA HAWKINS</u>				
14	BY MR. RHODEN	103	--	--	--
15	BY MR. FARR	--	--	--	--
16	<u>KENNETH WAYNE ERWIN</u>				
17	BY MR. RHODEN	106	--	122	--
18	BY MR. FARR	--	119	--	--
19	<u>TYRONNE CARTER</u>				
20	BY MR. RHODEN	125	--	--	--
21	BY MR. FARR	--	130	--	--
22	<u>ASHONDA NESBITT</u>				
23	BY MR. RHODEN	133	--	--	--
24	BY MR. FARR	--	135	--	--
25	<u>DEP. HERSCHAL PHILLIPS</u>				

1	BY MR. RHODEN	136	--	--	--
2	BY MR. FARR	--	--	--	--
3	<u>DEP. EDUARDO CHAVEZ</u>				
4	BY MR. RHODEN	139	--	--	--
5	BY MR. FARR	--	142	--	--
6	<u>DEP. STEVEN PHILLIPS</u>				
7	BY MR. RHODEN	144	--	--	--
8	BY MR. FARR	--	147	--	--
9	<u>SGT. SEAN NIX</u>				
10	BY MR. RHODEN	149	--	168	--
11	BY MR. FARR	--	166	--	--
12	<u>DEP. AKILAH JEFFERSON</u>				
13	BY MR. RHODEN	169	--	--	--
14	BY MR. FARR	--	173	--	--
15	<u>SGT. MARILYN ROMAN</u>				
16	BY MR. RHODEN	176	--	--	--
17	BY MR. FARR	--	--	--	--
18	<u>LT. PAUL NORRIS</u>				
19	BY MR. RHODEN	178	--	182	--
20	BY MR. FARR	--	180	--	--
21	<u>CLAIRE ROSE, M.D.</u>				
22	BY MR. RHODEN	183	--	--	--
23	BY MR. FARR	--	192	--	--
24	<u>BRITTANY POOLE</u>				
25	BY MR. RHODEN	194	--	--	--

1	BY MR. FARR	--	196	--	--
2					
3	E X H I B I T S				
4			FOR I.D.	IN EVD.	
5	STATE EXH. 1, CD-ROM		93	93	
6	STATE EXH. 2, CD-ROM		95	--	
7	STATE EXH. 2-A, CD-ROM, redacted		103	103	
8	STATE EXH. 3, Subscriber records		100	100	
9	STATE EXH. 4-A, USB drive redacted		105	105	
10	STATE EXH. 4-A, USB drive		105	--	
11	STATE EXH. 5, Photographs (3)		146	146	
12	STATE EXH. 6, Photographs (9)		151	151	
13	STATE EXH. 7, List of evidence		157	157	
14	STATE EXH. 8, List of evidence page 2		157	157	
15	STATE EXH. 9, List of objects		165	165	
16	STATE EXH. 10, Photographs (2)		171	171	
17	STATE EXH. 11, Photographs (11)		172	172	
18	STATE EXH. 12, Property sheet for hoodie		173	173	
19	STATE EXH. 13, Autopsy report		186	186	
20	STATE EXH. 14, Chain of custody		192	192	
21	STATE EXH. 15, Property sheet (blood)		195	195	
22	STATE EXH. 16, Chain of custody		197	197	
23	STATE EXH. 17, Property Sheet buccal swab	197		197	
24					
25					

1 THE COURT: I'm told that all of the jurors are now
2 present, and we will go ahead and bring them in.

3 (The jury entered the courtroom at 9:42 a.m.)

4 THE COURT: Good morning, ladies and gentlemen. We
5 are now going to begin the trial of the State versus Jermaine
6 Culver. Before we do, the clerk of court, she needs to
7 administer an oath to you. And so if you would please stand
8 and respond out loud when she asks you to do so.

9 THE CLERK: Please raise your right hand.

10 THE JURY

11 being first duly sworn.

12 THE COURT: Thank you, ladies and gentlemen.
13 Ladies and gentlemen, before we begin this trial, I want to
14 tell you that this trial probably will be different from what
15 you might expect. Many people do not have the opportunity or
16 the chance to attend an actual court session as you're doing
17 now and may think from watching television or movies or reading
18 books that trials are always full of high drama, intense action
19 and riveting circumstances.

20 While all of these things may be true at times,
21 ladies and gentlemen, this trial is not for entertainment. It
22 is a fundamental part of our democracy. A trial is often slow,
23 deliberate, and repetitive, just the opposite of what you may
24 have seen on television or in movies or read about in books.

25 This courtroom is a place of honor, dedicated to

1 the protection and preservation of citizen's rights through
2 what many have called the greatest justice system ever created.

3 The attorneys appearing before you, they are
4 advocates for their parties that they represent. First and
5 foremost, they are officers of The Court, sworn to uphold the
6 integrity and fairness of our judicial system.

7 And you should expect them to be professional,
8 competent, and ethical in the representation of their client's
9 interest but remember that you have taken an oath to try this
10 case and reach a proper verdict. And you are also expected to
11 be professional, reasonable, and ethical.

12 But I thank you for accepting the important
13 responsibility of jury service and for your contribution today
14 to our justice system.

15 Ladies and gentlemen, what I will now say is
16 intended to serve as an introduction to the trial of this case.
17 These remarks are not a charge on the law in this case. I will
18 instruct you on the law applicable to this case at the end of
19 the trial before you retire to consider your verdict.

20 This is merely an explanation of the procedures
21 that we will follow in the trial of this case so that you may
22 better understand what is happening.

23 The Defendant in this case is charged by way of
24 these indictments with the crimes of armed robbery and of
25 murder. The elements of which will be explained to you later.

1 Now, these indictments are simply the charge by
2 which the case is brought to The Court. And it is not in any
3 sense evidence of any of the allegations contained in the
4 indictment.

5 The Defendant has pled not guilty to these
6 indictments. The State, therefore, has the burden of proving
7 each of the elements of the indictment beyond a reasonable
8 doubt. It will be your duty, ladies and gentlemen, to decide
9 whether the State has met that burden.

10 Your purpose as jurors is to find and determine the
11 facts of this case. You are the sole judge of the facts. If
12 at any time I make any comment regarding the facts, you must
13 disregard my comments. You are to determine the facts from the
14 testimony you hear and any other evidence introduced in this
15 court.

16 It is for you to determine the inferences which you
17 may feel properly be drawn from the evidence that is presented.
18 It is especially important that you perform your duty of
19 determining the facts diligently and conscientiously because
20 ordinarily there is no way to correct an erroneous
21 determination of fact that is made by a jury.

22 On the other hand and with equal emphasis, the same
23 law that makes you the judge of the facts, makes me the judge
24 of the law. The law as given by The Court is the only law that
25 you may consider. You must accept it even -- you must accept

1 it and follow it even though you may disagree with what I say
2 the law is. I cannot tell you what the facts are. You cannot
3 disagree with me about what the law is or what the law should
4 be.

5 Your job is to take the law as I give it to you and
6 apply it to the facts as you find them from the testimony of
7 the witnesses and other evidence that is introduced. After
8 doing that, you will render your verdict, a true and just
9 verdict under the solemn oath that you just took as jurors.

10 As I've already explained to you until I advise you
11 to begin your deliberations, you must not discuss the case with
12 anyone, including your fellow jurors, friends, family members
13 and anyone else that is involved with this case. And also
14 includes discussions that take place by face-to-face, by
15 telephone, e-mail, text, blogs or any other type of
16 communication devices.

17 You are not to have those communication devices
18 active while you serve on this jury. You may use them at night
19 or on break. Do not bring them into the jury deliberations
20 room or into this courtroom and have them in active mode.

21 Ladies and gentlemen, during the trial, do not -- I
22 don't anticipate there will be any media coverage. If there
23 is, do not read, listen to, or watch any type of reports about
24 this case, including anything that might be in the newspaper or
25 on the internet, radio, or the television. You must not

1 consider anything that you might have read or heard about the
2 case outside of this courtroom whether before or during the
3 trial of this case.

4 After submitting the case to you, you must discuss
5 it only in the jury room with your fellow jurors.

6 As I've already instructed you or told you the
7 attorneys and the parties in this case have been advised that
8 they are not to talk to you at all. Again, if you see anyone
9 involved in the case where you're coming and going from the
10 courthouse and they do not even say hello to you, they are not
11 being unfriendly or rude to you. They are just following my
12 instructions.

13 It is important that you keep an open mind and not
14 decide any issue in this case until all of the evidence has
15 been presented, the parties have made their closing arguments
16 to you, and I have instructed you on the law that you will
17 apply in this case.

18 It is your solemn responsibility to assure that
19 your verdict is based solely and only on the evidence that is
20 presented during the course of this trial and the law as I will
21 instruct you at the close of this trial.

22 In just a moment, ladies and gentlemen, the
23 Solicitor will make what is called an opening statement in
24 which the Solicitor will explain to you the issues in this case
25 or at least what the Solicitor thinks the issues are in this

1 case. The attorney for the Defendant may also make what is
2 known as an opening statement although he is not required to do
3 so.

4 Ladies and gentlemen, I instruct you that what the
5 attorneys tell you during their opening statement is not
6 evidence in this case. It is only their contention as to what
7 the issues are in this case. The evidence in this case will be
8 presented to you by testimony of sworn witnesses from this
9 witness stand and any exhibits that may be introduced during
10 the course of this trial.

11 Now, from time to time during this trial you may
12 hear one of the lawyers say something like, Your Honor, I
13 believe we have a question of law or a matter of law to discuss
14 with you or they may say, Your Honor, may we approach the bench
15 or sometimes I myself may find it necessary to excuse you from
16 the courtroom for a short while so that the attorneys and I can
17 discuss what is known as matters of law.

18 The reason for this is because you are the judge of
19 the facts of this case. And sometimes when I'm discussing
20 matters of law with the attorneys, it may be necessary for me
21 to make some comment about the facts of the case in connection
22 with ruling on whether or not a particular law may apply or
23 not.

24 I'm not supposed to tell you what I think the facts
25 are. So I will excuse you from the courtroom while these

1 discussions take place so that you will not in any way be
2 influenced by anything that I say in ruling on matters of law.

3 In determining what the true facts are in this
4 case, you must decide whether or not the testimony of a witness
5 is believable. It will be my responsibility to rule as a
6 matter of law whether certain testimony is admissible at all or
7 not.

8 Once the testimony is admitted, whether or not you
9 believe it is solely for you to determine. Deciding whether to
10 believe a witness, you have the right to consider the interest
11 of any witness, the bias of any witness, the prejudice of any
12 witness, the opportunity for the witness to have seen the
13 matters and things about which the witness may testify and the
14 way the witness acts on the witness stand.

15 You have the right to consider anything that is in
16 the record that will help you evaluate the testimony of the
17 witnesses. That means, ladies and gentlemen, it is your duty
18 to pay close attention to the witnesses, to observe the
19 witnesses, to listen to the witnesses and to pay close
20 attention to the attorneys and to The Court.

21 Do not let your thoughts wander but give strict
22 attention to the testimony in this case so that, at the end of
23 all the testimony, after the arguments of counsel, and the
24 charge on the law by The Court, you will then be in a position
25 to determine what the true facts are and apply the law to those

1 facts and thus render a proper verdict.

2 It is your added duty, Mr. Foreman, to be the
3 spokesperson for the jury here in this courtroom. It will also
4 be your duty to write the verdict in this case. I will give
5 you further instruction on that at the end of this case.

6 In order to preserve everyone's rights, I will give
7 the parties an opportunity to object to anything that I have
8 said. Any objections or exceptions from the State?

9 MR. RHODEN: None, Your Honor.

10 THE COURT: Any from the defense?

11 MR. FARR: No, Your Honor.

12 THE COURT: At this time, ladies and gentlemen, we
13 will receive the opening statements from the attorneys.

14 MR. RHODEN: May it please The Court.

15 THE COURT: Yes, sir.

16 MR. RHODEN: Good morning, ladies and gentlemen.
17 My name is Bill Rhoden. I'm with the Solicitor's Office. I'm
18 one of the senior prosecutors in the office. Sitting next to
19 me or almost next to me is a colleague of mine, Mr. Matt
20 Henderson. He's also with the Solicitor's Office as he is a
21 prosecutor in the office.

22 In between we have Ken Hammitt, who is the chief
23 investigator in this particular case. I wanted to let y'all
24 know who is sitting here at this counsel table with me.

25 It is my job to represent the State of South

1 Carolina. I am a Solicitor. I don't know why we call them
2 Solicitors in South Carolina. I've been doing this a long
3 time. I've never been able to figure that out. Most places
4 call them district attorneys. That's what I am.

5 When you see it on TV, district attorney most
6 places. I don't think I've ever seen a show other than in
7 England, some of the Brit Box stuff, where they have
8 Solicitors.

9 The Solicitor in South Carolina is the same as a
10 district attorney as you see on TV. It is my job to represent
11 the State. It is my job to present evidence in this case
12 whereby we intend to prove to you beyond a reasonable doubt
13 that Mr. Jermaine Culver, who is sitting over there, committed
14 the crimes of murder and armed robbery.

15 So this is my opportunity to give you a little bit
16 of preview of the case. As His Honor has told you, anything I
17 say this morning and anything my colleague sitting on the other
18 side of the aisle there, Mr. Farr, anything we say is not
19 evidence. We are just giving you a preview of what we think is
20 important in this case at the very beginning, giving you an
21 overview.

22 The evidence will come from right there, that
23 witness stand. We'll have witnesses that will take the witness
24 stand. Some of those witnesses may identify evidence that will
25 be put into evidence. And in this case we're going to have

1 some things like a video that will be shown.

2 Let me just give you a little bit of preview. This
3 happened March 12th of 2022. I'm going to have to take you
4 back in time a little bit.

5 On March 12, 2022, Mr. Jarqueze Williams, was going
6 to his cousin's house. His cousin, Tyronne Carter, lived in an
7 apartment complex very, very close to a Valero convenience
8 store on Bryant Road here in Spartanburg County. As he was
9 going to his cousin's house, they were going to have some
10 pizza. His cousin's girlfriend was going to be there, too.
11 This was just a little get together between them.

12 As he was going there, he decided unfortunately to
13 stop at the Valero convenience store. Now it's late at night.
14 It's a little bit after midnight on March 12th. It was a
15 Friday/Saturday. So we're into the early morning hours of
16 Saturday.

17 Mr. Williams was just going to make a quick trip to
18 the convenience store on his way to his cousin's house. He
19 pulls into the parking lot. And he gets out of his car. It's
20 a black car. It's a black Kia.

21 He gets out of the car. He goes into the
22 convenience store. He's looking for an energy drink. So he
23 has a brief discussion with the cashier there about energy
24 drinks and then he proceeds to go about the store.

25 We're going to be able in this case to show you a

1 video of that because the Valero had several cameras on the
2 inside and the outside. So we're going to show you some things
3 that happened that night.

4 He's in the convenience store with a clerk talking
5 about things. They're having a nice little conversation.
6 You'll be able to see that. It's like they were having a
7 pleasant conversation.

8 Then all of a sudden, Mr. Williams runs out of the
9 store. He runs out of the store because he sees his car
10 leaving the parking lot. He's not in his car. He had left his
11 keys in the car. He has left it running and he notices it
12 pulling out.

13 So he basically drops everything he's doing and he
14 dashes out of the door of the convenience store. He runs to
15 the car. And the car is backing out. We'll have that on
16 video.

17 He gets to the passenger side front door. He opens
18 it. And almost immediately he turns around and goes back to
19 the convenience store. He's been shot. And you'll see him on
20 the video going back to the convenience store. He got shot in
21 the stomach/abdomen area on the left side.

22 The clerk calls 911. We'll have that call. And
23 Mr. Williams decides to call his cousin who lives right there
24 next to the convenience store and his cousin comes. His cousin
25 actually takes him to the hospital. Unfortunately,

1 Mr. Williams stays 13 days in the hospital before he dies.

2 The case is about who shot Mr. Williams. Who stole
3 Mr. Williams' car. That is what this case is about. It is the
4 State's theory in this case and the State intends to prove to
5 you, ladies and gentlemen, that on this particular evening,
6 there were two individuals that took it upon themselves to act
7 together, to steal Mr. Williams' car and to shoot and kill
8 Mr. Williams. Those two individuals were Antoin Bobo and
9 Jermaine Culver.

10 We are here today only on the case of Mr. Culver.
11 Not on Mr. Bobo. But there will be a lot of evidence in this
12 case because they were acting together, so there will be a lot
13 of evidence about Mr. Bobo also.

14 As I mentioned, you will see a video of the inside
15 of the store. You'll see a video of the outside of the store.
16 You'll see a video of Mr. Williams' car leaving, him turning
17 around after he's been shot.

18 We will also have other evidence in this case to
19 link both Mr. Bobo and Mr. Culver to these crimes. You will
20 hear testimony from some expert witnesses in this case. You'll
21 hear testimony about DNA evidence in this case. This case
22 should not be a very lengthy case. I'll probably take today
23 and tomorrow.

24 But the State has the burden of proof. We gladly
25 accept that burden of proof. At the end of the day the State

1 will prove to you that these two individuals, Mr. Bobo and
2 Mr. Culver, are guilty of both killing Mr. Williams and
3 stealing his car.

4 I want to thank you for being here. That sounds a
5 little silly because you didn't have a choice, I know. Without
6 your presence, we could not try this case. Thank you for
7 participating and being our jury today. It really is a
8 privilege for you.

9 I'm going to be quiet and sit down. I'll get
10 another opportunity to come back up here and talk to you again
11 at the end of the case. I want to reiterate I'm just giving
12 you a preview. I've not told you-all the evidence. That will
13 come from the witness stand.

14 I just wanted to give you a general idea of what
15 the State intends to prove to you today. I thank you for your
16 attention, and I just ask that you carefully listen to all the
17 evidence and review all -- listen to all the witnesses and
18 review all of the evidence in the case. Thank you.

19 THE COURT: Yes, sir.

20 MR. FARR: Your Honor, may it please The Court.
21 Solicitor.

22 Murder. Armed robbery. Usually I don't write
23 notes. I come up here, 'cause usually the Solicitor will just
24 give you facts, not what they're going to prove. I had to
25 write some things down for y'all. Black Kia, remember that.

1 DNA, remember that. Acting together, remember that. And link,
2 remember that.

3 At the beginning of this before we picked a jury,
4 the judge read a bunch of names. He goes through them and you
5 starting looking, as the defense side, who's important to the
6 State. In this case their most important witness is Mr. Bobo.
7 What's going to be proven in this case --

8 MR. RHODEN: Objection, Your Honor.

9 THE COURT: Ladies and gentlemen, as I've already
10 announced to you, the evidence -- the lawyers' arguments are
11 not evidence in the case. And so you may proceed, sir.

12 MR. FARR: Yes, sir.

13 What's going to come out when we talk about this,
14 is that their job -- the Solicitor is correct. It's their job
15 to prove beyond a reasonable doubt in this case.

16 What's going to happen when they get the evidence,
17 some witnesses may not be credible, some may be credible.
18 Okay. It's going to tend to show that their case is not very
19 strong. It's going to tend to show that my client is innocent
20 of this entire case. I'm going to ask you at the very end
21 again to find my client not guilty of murder and armed robbery.
22 Thank you.

23 THE COURT: State ready to call their first
24 witness?

25 MR. RHODEN: We are. We call Justin Martin.

JUSTIN MARTIN DIR BY MR. RHODEN

1 THE COURT: Come right up here. Let the clerk
2 swear you in.

3 JUSTIN MARTIN
4 being first duly sworn, testified as follows:

5 THE COURT: Just have a seat in the chair. Pull
6 the chair up to the microphone.

7 MR. RHODEN: May it please The Court.

8 THE COURT: Yes, sir.

9 DIRECT EXAMINATION

10 BY MR. RHODEN:

11 Q. Give us your full name, please.

12 A. David Justin Martin.

13 Q. Mr. Martin, by whom are you employed?

14 A. Spartanburg 911.

15 Q. What are your job responsibilities at 911?

16 A. I'm the records coordinator for Spartanburg 911.

17 Q. Do you have access to 911 calls?

18 A. Yes, sir.

19 Q. And do you have access to what we commonly refer to
20 as the CAD sheet that has the kind of printout when the calls
21 come in and that sort of thing?

22 A. Yes, sir.

23 Q. Are you one of the custodians of those records?

24 A. Yes, sir.

25 Q. Are those records kept in the normal course of

JUSTIN MARTIN DIR BY MR. RHODEN

1 business?

2 A. Yes, sir.

3 Q. Are the records maintained in such a way that, when
4 they're generated, they're generated simultaneously with the
5 events that occurred?

6 A. Yes, sir.

7 Q. Let me show you what I have here which is a DVD
8 disc. Do you recognize that?

9 A. Yes, sir.

10 Q. Does it have your identifying mark on that disc?

11 A. Yes, sir.

12 Q. What is contained in that disc?

13 A. The calls that are made in this case.

14 Q. Let me show you this document. Are you familiar
15 with that?

16 A. Yes, sir.

17 Q. Is that what we commonly call the CAD sheet?

18 A. Yes, sir.

19 Q. On the disc is that an audio recording of the 911
20 call?

21 A. Yes, sir.

22 Q. And what was the date of that 911 call? Does it
23 show on the CAD sheet there?

24 A. 3-12-22.

25 Q. March 12th of 2022?

JUSTIN MARTIN DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. Does that show approximately -- not approximately.
3 Does that show when the call came in?

4 A. Yes, sir.

5 Q. When did the call come in to 911?

6 A. Looks like 0024.

7 Q. So that would be 24 minutes after midnight?

8 A. Yes, sir.

9 MR. RHODEN: Thank you.

10 Your Honor, at this time the State would introduce
11 the 911 call.

12 MR. FARR: No objection.

13 THE COURT: Without objection.

14 (STATE EXH. 1, CD-ROM, was marked for
15 identification and entered into evidence.)

16 MR. RHODEN: That's all from this witness. State
17 reserves the right to publish at a later time, Your Honor.

18 MR. FARR: No objection. I have no questions, Your
19 Honor.

20 THE COURT: Thank you, sir. You may step down.

21 (The witness exited the stand.)

22 THE COURT: State ready to call their next witness.

23 MR. RHODEN: Yes, sir. State calls Daniel Reed.

24 THE COURT: Come up here, sir. Let the clerk of
25 court swear you in.

DANIEL REED DIR BY MR. RHODEN

1 DANIEL REED

2 being first duly sworn, testified as follows:

3 THE COURT: Just have a seat in the chair. Pull
4 the chair up to the microphone.

5 MR. RHODEN: May it please The Court.

6 THE COURT: Yes, sir.

7 DIRECT EXAMINATION

8 BY MR. RHODEN:

9 Q. Give us your full name, please.

10 A. Daniel Reed.

11 Q. By whom are you employed?

12 A. Verizon.

13 Q. That's like the Verizon cell phone folks that we
14 know about?

15 A. Yes, that's correct.

16 Q. What is your job with Verizon?

17 A. I'm a senior analyst.

18 Q. And do your job responsibilities also encompass
19 being a custodian of the records of Verizon?

20 A. Yes.

21 Q. The records of Verizon, are they kept in the normal
22 course of business?

23 A. Yes.

24 Q. Are the entries made in those records made
25 simultaneously with the events as they occur?

DANIEL REED DIR BY MR. RHODEN

1 A. Yes.

2 Q. Were you -- did Verizon produce certain records
3 concerning cell phone activity in this case?

4 A. Yes.

5 Q. And that is in regard to a particular phone number;
6 is that correct?

7 A. Yes.

8 Q. Let me show you this DVD disc. Does that disc
9 contain the records that were sent to law enforcement from
10 Verizon in this particular case?

11 A. Yes.

12 Q. And have you reviewed the records on that disc?

13 A. Yes.

14 Q. And is that disc a true and correct copy of the
15 cell phone records for that cell phone number which would be
16 [REDACTED] [REDACTED]? Is that a true and correct copy of those
17 records?

18 A. Yes.

19 MR. RHODEN: At this time the State would like to
20 introduce these records.

21 MR. FARR: No objection, Your Honor.

22 THE COURT: Without objection. State's Number 2.

23 (STATE EXH. 2, CD-ROM, was marked for
24 identification only.)

25 MR. RHODEN: And at this time, Your Honor, that's

DANIEL REED CROSS BY MR. FARR

1 all I have from this witness. I reserve the right to use this
2 data at a later time.

3 MR. FARR: No objection to that.

4 THE COURT: Do you have any questions?

5 MR. FARR: I do.

6 THE COURT: Yes, sir.

7 MR. FARR: May it please The Court, Solicitor.

8 CROSS-EXAMINATION

9 BY MR. FARR:

10 Q. Were you the one that completed the search warrant
11 in this case for those documents?

12 A. No.

13 Q. Do you know who did?

14 A. So our Verizon security assistance team or VSAT
15 handles production of records.

16 Q. You said you reviewed that CD, correct, earlier?

17 A. Yes.

18 Q. Does it have cell towers in that document?

19 A. I can't recall all the specifics of what were on
20 it. There's quite a few records.

21 Q. Are you familiar with this area in Spartanburg
22 County?

23 A. No.

24 Q. How many cell towers does Verizon have in
25 Spartanburg County?

DANIEL REED REDIR BY MR. RHODEN

1 A. I wouldn't have access to that information.

2 Q. If that was in the subpoena, that would be in the
3 documents that you just got into evidence; correct?

4 A. The search warrant, we would provide what we have
5 available.

6 Q. When you reviewed it, do you know how many cell
7 towers were around the incident location?

8 A. I don't know that information.

9 Q. Would somebody else from Verizon have to testify to
10 those cell towers?

11 A. We wouldn't testify to the cell tower information
12 you're asking about.

13 Q. Do y'all have cell towers in Spartanburg, South
14 Carolina?

15 A. I can't say for certain. I don't have access to
16 that information.

17 MR. FARR: Thank you.

18 THE COURT: Any redirect limited to what he went
19 into?

20 MR. RHODEN: Just a few follow-up.

21 REDIRECT EXAMINATION

22 BY MR. RHODEN:

23 Q. The information that Verizon produced on that disc
24 pursuant to the search warrant, does that contain cell tower
25 information that Verizon maintains in its normal course of

DANIEL REED REDIR BY MR. RHODEN

1 business?

2 A. Yes.

3 Q. You don't analyze that data or anything with it.
4 You just produce the data; is that right?

5 A. Yes.

6 MR. RHODEN: Your Honor, can we approach the bench
7 real quick?

8 (Off-the-record discussion transpired.)

9 THE COURT: Anything else for this witness?

10 MR. RHODEN: No, sir. We ask the witness be
11 excused.

12 THE COURT: Sir, thank you very much. You may be
13 excused.

14 THE WITNESS: Thank you very much.

15 (The witness exited the stand.)

16 THE COURT: State ready to call their next witness?

17 MR. RHODEN: Yes, Your Honor. We call Robert
18 Camara.

19 THE COURT: Mr. Camara, come right up here. Let
20 the clerk of court swear you in.

21 ROBERT CAMARA

22 being first duly sworn, testified as follows:

23 THE COURT: Just have a seat in the chair and pull
24 the chair up to the microphone, if you would.

25 MR. RHODEN: May it please The Court.

ROBERT CAMARA DIR BY MR. RHODEN

1 THE COURT: Yes, sir.

2 DIRECT EXAMINATION

3 BY MR. RHODEN:

4 Q. Give us your full name, please.

5 A. Robert Camara.

6 Q. Mr. Camara, by whom are you employed?

7 A. Charter Communications.

8 Q. And what's your position with Charter?

9 A. Field operations manager.

10 Q. In your position, are you also designated as one of
11 the custodians of records for Charter Communications?

12 A. Yes, sir.

13 Q. And are the records, are the business records kept
14 in the normal course of business?

15 A. Yes, sir.

16 Q. And does Charter maintain those records in such a
17 way that entries made to the Charter records are made
18 simultaneous with the events that occurred?

19 A. Yes, sir.

20 Q. And in this particular case, let me -- have you
21 been provided certain records from Charter Communications?

22 A. Yes, sir.

23 Q. Let me show you this document and ask if you can
24 identify it.

25 A. Yes, sir.

ROBERT CAMARA DIR BY MR. RHODEN

1 Q. Is that a subscriber record?

2 A. It is.

3 Q. Is that part of the business records of Charter
4 Communications?

5 A. Yes, sir.

6 Q. And is that a true and accurate copy of the
7 business records?

8 A. Yes, sir, it is.

9 MR. RHODEN: At this time State moves to introduce
10 this document as an exhibit.

11 THE COURT: Without objection.

12 (STATE EXH. 3, Subscriber records, was marked for
13 identification and entered into evidence.)

14 BY MR. RHODEN:

15 Q. Let me show you what's now been marked as State's
16 Exhibit Number 3. This record is for the time period of what?

17 A. March 1, 2022 to March 31, 2022.

18 Q. Who is the actual person who is the subscriber?

19 A. Jermaine Culver.

20 MR. RHODEN: Thank you. That's all I have for this
21 witness, Your Honor.

22 MR. FARR: May it please The Court, Solicitor.

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. FARR:

ROBERT CAMARA CROSS BY MR. FARR

1 Q. Are you located in Spartanburg?

2 A. I am, yes, sir.

3 Q. Do y'all actually have cell phone service or do
4 y'all use somebody else?

5 A. We do have cell phone service.

6 Q. When I say cell phone service, y'all have your own
7 cell towers and everything else where people can connect and
8 have cell phone usage?

9 A. We don't have our own towers. Our towers we use
10 are Verizon towers.

11 Q. Is that the only company y'all use?

12 A. As far as I know, yes, sir.

13 Q. How many towers do y'all use in Spartanburg County
14 off Verizon?

15 A. I don't know that answer.

16 Q. Would that not be in y'all's business records?

17 A. I'm sure it is, but I wouldn't know that answer.
18 I'm not privy to that.

19 Q. When your office got the search warrant, did y'all
20 give that information over or just the exhibit number 3?

21 A. I don't know that answer.

22 Q. Did you give everything over that was in the search
23 warrant that the State requested?

24 A. I assume so. I don't know that answer.

25 Q. The State asked you on exhibit number 3 who was the

ROBERT CAMARA REDIR BY MR. RHODEN

1 customer in this. And that's just the name as a customer;
2 correct?

3 A. That's the name on the account, correct.

4 Q. And can anybody use that cell phone besides a
5 customer?

6 A. Can anybody use their cell phone?

7 Q. Yes, sir.

8 A. The customer can let anybody use their cell phone
9 if they want. Sure.

10 MR. FARR: That's all the questions I have, Your
11 Honor.

12 THE COURT: Any redirect limited to what he went
13 into?

14 MR. RHODEN: Just follow-up.

15 REDIRECT EXAMINATION

16 BY MR. RHODEN:

17 Q. Mr. Farr asked you about Verizon. If you subscribe
18 to Charter cell service, Charter is using Verizon towers; is
19 that correct?

20 A. That's correct.

21 MR. RHODEN: Thank you. That's all I have.

22 THE COURT: Any reason why the witness cannot be
23 excused?

24 MR. FARR: No reason, Your Honor.

25 THE COURT: Thank you. You may be excused. Thank

CIERRA HAWKINS DIR BY MR. RHODEN

1 you for coming.

2 (The witness exited the stand.)

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

4 MR. RHODEN: Yes, we call Cierra Hawkins.

5 THE COURT: Ms. Hawkins, come right up here. Let
6 the clerk of court swear you in.

7 CIERRA HAWKINS

8 being first duly sworn, testified as follows:

9 (STATE EXH. 2-A, CD-ROM redacted, was marked for
10 identification and entered into evidence.)

11 THE COURT: Ma'am, just have a seat in the chair
12 and pull the chair up to the microphone.

13 MR. RHODEN: May it please The Court.

14 THE COURT: Yes, sir.

15 DIRECT EXAMINATION

16 BY MR. RHODEN:

17 Q. Give us your full name, please.

18 A. Cierra Hawkins.

19 Q. Ms. Hawkins, who are you employed by?

20 A. GPM Investments.

21 Q. Is that part of like the Valero convenience store?

22 A. Scotch and Little Cricket and we sell Valero gas.
23 It is a Valero gas station.

24 Q. Is part of your job to go to the various stores in
25 Spartanburg County?

CIERRA HAWKINS DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. In regard to this case, does Valero have a
3 convenience store located at 370 Bryant Road?

4 A. Yes, sir.

5 Q. And is that in Spartanburg County?

6 A. Yes, sir.

7 Q. On the evening or early morning hours of March 12th
8 of 2022, were you called to the convenience store at 370 Bryant
9 Road here in Spartanburg County?

10 A. Yes, sir.

11 Q. And what were you asked to do when you were called
12 to that scene?

13 A. Provide video surveillance for Spartanburg County.

14 Q. Spartanburg County Sheriff's asked you to download
15 some video?

16 A. Yes, sir.

17 Q. And did you do that?

18 A. Yes, sir.

19 Q. And is that one of your job functions with the
20 Valero convenience stores when law enforcement asks for videos?

21 A. Yes, sir. I have ten locations I do it for.

22 Q. At that particular location, on Bryant Road, does
23 that location have various cameras located inside and outside?

24 A. Yes, sir. That location has 16.

25 Q. When you downloaded that information, did you

CIERRA HAWKINS DIR BY MR. RHODEN

1 download all of that information to, I believe, a flash drive?

2 A. Yes, sir.

3 Q. Let me show you a flash drive. Does that flash
4 drive have your initials on them?

5 A. Yes, sir.

6 Q. Have you reviewed that flash drive?

7 A. I have.

8 Q. Does that contain the downloaded video at that
9 location of 370 Bryant Road?

10 A. Yes, sir.

11 MR. RHODEN: At this time the State would move to
12 introduce this.

13 MR. FARR: No objection, Your Honor.

14 THE COURT: Without objection. State's Number 4.

15 (STATE EXH. 4-A, USB drive, was marked for
16 identification.)

17 MR. RHODEN: Also in conjunction with that video,
18 the State would tender a redacted version that cuts down the
19 time that was on the --

20 MR. FARR: No objection, Your Honor.

21 THE COURT: Without objection. Can we call it 4-A?

22 (STATE EXH. 4-A, USB drive redacted, was marked for
23 identification and entered into evidence.)

24 MR. RHODEN: Thank you. That's all I have from
25 this witness.

KENNETH ERWIN DIR BY MR. RHODEN

1 MR. FARR: No questions, Your Honor.

2 THE COURT: Thank you, ma'am. You may step down.
3 Thank you for coming.

4 THE WITNESS: Thank you.

5 THE COURT: Any reason why the witness cannot be
6 excused?

7 MR. RHODEN: No, sir.

8 THE COURT: Thank you, ma'am. You may be excused
9 as well.

10 (The witness exited the stand).

11 THE COURT: State ready to call their next witness?

12 MR. RHODEN: State would call Kenneth Erwin.

13 THE COURT: Come on up here, sir. Let the clerk of
14 court swear you in, sir.

15 KENNETH ERWIN

16 being first duly sworn, testified as follows:

17 THE COURT: Come right around here. Have a seat in
18 the chair. Pull the chair up to the microphone.

19 MR. RHODEN: May it please The Court.

20 THE COURT: Yes, sir.

21 DIRECT EXAMINATION

22 BY MR. RHODEN:

23 Q. Give us your full name, please.

24 A. Kenneth Wayne Erwin.

25 Q. Mr. Erwin, back in March, specifically March 12,

KENNETH ERWIN DIR BY MR. RHODEN

1 2022, were you working at the Valero convenience store located
2 at 370 Bryant Road?

3 A. Yes, sir.

4 Q. And is that here in Spartanburg County?

5 A. Yes, sir.

6 Q. Were you working there shortly after midnight on
7 March 12, 2022?

8 A. Yes, sir, I was.

9 Q. Did an incident occur at that location shortly
10 after midnight?

11 A. Yes, sir.

12 Q. Was that a shooting?

13 A. Yes, sir.

14 Q. Were you or did you call 911 in regard to that
15 incident?

16 A. Yes, sir, I did.

17 MR. RHODEN: At this time, Your Honor, the State
18 would like to play the 911 call.

19 THE COURT: All right.

20 (Audio recording played. Not transcribed.)

21 (End of recording.)

22 BY MR. RHODEN:

23 Q. Mr. Erwin, when you were making that call, you
24 referenced Scotchman and Little Cricket. Is it also the
25 Valero?

KENNETH ERWIN DIR BY MR. RHODEN

1 A. Yes, sir. Valero is just kind of gas. It's
2 actually a Scotchman. I just call it Little Cricket. That's
3 what it was years ago.

4 Q. That's the one located at 370 Bryant Road here in
5 Spartanburg County?

6 A. Yes, sir.

7 Q. When you were making that call to 911, were you
8 inside the store?

9 A. Yes, sir.

10 Q. Of course, you're aware the store has video
11 cameras?

12 A. Yes, sir.

13 Q. And was Mr. Williams there with you in the store at
14 times and he goes out at times?

15 A. Yes, he kept coming in and walk out. I tried to
16 get him to stay in. He wouldn't listen to me half the time.

17 MR. RHODEN: At this time the State would ask to
18 play the video from the inside of the store during this time
19 frame.

20 THE COURT: Okay.

21 (Video recording played. Not transcribed.)

22 BY MR. RHODEN:

23 Q. Mr. Erwin, can you see that video all right?

24 A. Yes, sir.

25 Q. Is that Mr. Williams coming in the store?

KENNETH ERWIN DIR BY MR. RHODEN

1 A. Yes, sir.

2 (Video recording playing. Not transcribed.)

3 BY MR. RHODEN:

4 Q. Is that you behind the counter?

5 A. Yes, sir, that's me.

6 Q. Was he discussing why he came in, or was he looking
7 for any particular thing?

8 A. He wanted to know what the best energy drink was.
9 I told him I didn't know which one was, but I preferred Bang.

10 Q. Y'all are having a pleasant conversation at the
11 cash register?

12 A. Yes, sir. I have a tendency to talk to people when
13 they come in the store.

14 Q. Right there is he moving to the direction of where
15 the door is?

16 A. Yes, sir. He's looking right at the door.

17 Q. Thank you.

18 (Video recording playing. Not transcribed.)

19 MR. RHODEN: Let's stop it right there.

20 (Video recording stopped.)

21 BY MR. RHODEN:

22 Q. At that point in time nothing unusual has happened.
23 Y'all were just having a nice little conversation between
24 yourselves?

25 A. Yes, sir.

KENNETH ERWIN DIR BY MR. RHODEN

1 Q. All right.

2 (Video recording playing. Not transcribed.)

3 BY MR. RHODEN:

4 Q. Right there. Is that Mr. Williams running out of
5 the store?

6 A. Yes, sir. It don't show it but he did drop his
7 drink right there as soon as he went out the door.

8 Q. Now that's you. Were you looking outside to see
9 what's going on?

10 A. Yes, sir.

11 Q. Is that Mr. Williams coming back in?

12 A. Yes, sir.

13 MR. RHODEN: Let's stop it right there.

14 (Video recording stopped.)

15 BY MR. RHODEN:

16 Q. Mr. Williams ran out of the store. Did you hear or
17 see anything shortly after he ran out of the store?

18 A. I seen the flash in the car. I'm not positive if I
19 heard it, but I did see the flash. I am positive on that.

20 Q. When you say a flash, what do you mean by a flash?

21 A. It's like -- I don't know how to describe it. It
22 looks like, say, when flash on a camera.

23 Q. Did you actually see anybody shoot Mr. Williams?

24 A. No, sir.

25 Q. You were still inside the store?

KENNETH ERWIN DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. Do you have cameras in the store that cover the
3 outside also?

4 A. Yes, sir, they do.

5 MR. RHODEN: Let's continue on with the video.

6 (Video recording played. Not transcribed.)

7 BY MR. RHODEN:

8 Q. When he came back into the store, did he indicate
9 he had been shot?

10 A. Yeah.

11 Q. Is that when you called 911?

12 A. Yeah. He's going right back out before I even got
13 in touch with them.

14 (Video recording playing. Not transcribed).

15 BY MR. RHODEN:

16 Q. And looks like that you're on a cell phone?

17 A. That was me texting my supervisor to let her know
18 she needed to get there so I could leave. They would make me
19 stay there all night anyway.

20 Q. Is Mr. Williams looking at his self, trying to find
21 his injury?

22 A. I think that's what he's doing.

23 Q. Did you see his injury?

24 A. All I seen, it looked like he had some kind of
25 tissue paper or something there. There was no blood coming out

KENNETH ERWIN DIR BY MR. RHODEN

1 of the tissue paper. No blood was seen at all.

2 (Video recording playing. Not transcribed).

3 BY MR. RHODEN:

4 Q. The phone that you're on at this point, are you
5 calling 911?

6 A. I'm on the phone with 911, yes, sir.

7 (Video recording playing. Not transcribed).

8 BY MR. RHODEN:

9 Q. Did you know that person who came in the door?

10 A. Just a regular customer.

11 I didn't know half. You see how nervous I am.

12 (End of video recording.)

13 BY MR. RHODEN:

14 Q. When the cameras are recording at the store, this
15 is the inside view?

16 A. Yes, sir.

17 Q. Are the outside cameras also capturing that same
18 time frame?

19 A. All the cameras should be running at the same time.
20 The outside runs. There's another one captures from another
21 view inside. Three or four inside, few outside. They all run
22 at the same time.

23 MR. RHODEN: Let's play the outside view.

24 (Video recording playing. Not transcribed.)

25 BY MR. RHODEN:

KENNETH ERWIN DIR BY MR. RHODEN

1 Q. The view that we're looking at now would be one of
2 the outside cameras of the store?

3 A. Yes, sir. It's almost from the view from where I'm
4 inside almost.

5 Q. I'm sorry?

6 A. Where I'm at inside behind the register, that's
7 about the view I have. I couldn't see his driver's side light.
8 I seen from about middle over.

9 Q. The car with the lights on, is that Mr. Williams'
10 car?

11 A. Yes, sir.

12 (Video recording playing. Not transcribed).

13 BY MR. RHODEN:

14 Q. Is that Mr. Williams entering the store?

15 A. Yes, that's him entering the store.

16 (Video recording playing. Not transcribed).

17 BY MR. RHODEN:

18 Q. Right there. That's capturing -- does that appear
19 to be two people that are walking across the parking lot?

20 A. Appears to be two people, yes.

21 MR. RHODEN: Continue on.

22 (Video recording playing. Not transcribed).

23 MR. RHODEN: Stop it right there.

24 BY MR. RHODEN:

25 Q. Is that the sidewalk in front of the store?

KENNETH ERWIN DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. Where those two people are?

3 A. Yes, sir.

4 Q. And the car with the lights on, that's

5 Mr. Williams' car?

6 A. Yes, sir.

7 (Video recording playing. Not transcribed).

8 MR. RHODEN: Let's stop right there.

9 BY MR. RHODEN:

10 Q. At this point in time, we've not seen Mr. Williams
11 come back outside; is that correct?

12 A. Correct.

13 MR. RHODEN: Continue on.

14 (Video recording playing. Not transcribed).

15 MR. RHODEN: Stop it there.

16 BY MR. RHODEN:

17 Q. That was Mr. Williams' car that just pulled off?

18 A. Yes.

19 Q. Mr. Williams still has not come out the door?

20 A. No, sir.

21 Q. Was that Mr. Williams running out of the store?

22 A. Yes, sir.

23 (Video recording playing. Not transcribed).

24 BY MR. RHODEN:

25 Q. Is that him coming back in?

KENNETH ERWIN DIR BY MR. RHODEN

1 A. Yes, sir.

2 (Video recording playing. Not transcribed).

3 BY MR. RHODEN:

4 Q. Now, all during this time we're seeing here, this
5 is overlapping the time that you were on the phone with 911?

6 A. Yes, sir.

7 (Video recording playing. Not transcribed).

8 BY MR. RHODEN:

9 Q. Is that Mr. Williams again?

10 A. Yes, sir.

11 (Video recording playing. Not transcribed).

12 BY MR. RHODEN:

13 Q. Is that Mr. Williams coming back out of the store?

14 A. Yes, sir, that's him.

15 (Video recording playing. Not transcribed).

16 BY MR. RHODEN:

17 Q. That's him leaving in that vehicle?

18 A. Yes, sir.

19 (Video recording ends).

20 MR. RHODEN: If we could move to the other sidewalk
21 shot.

22 BY MR. RHODEN:

23 Q. This is another camera angle from the same time
24 period; is that right?

25 A. Yes, sir.

KENNETH ERWIN DIR BY MR. RHODEN

1 (Video recording playing. Not transcribed).

2 BY MR. RHODEN:

3 Q. Does that appear to be Mr. Williams walking in the
4 store?

5 A. Yes, sir. It ain't real clear but appears to be
6 him.

7 (Video recording playing. Not transcribed).

8 BY MR. RHODEN:

9 Q. All right. We watched the video a few minutes ago,
10 two people walking across the parking lot. Is this a different
11 angle of these two people?

12 A. I believe so.

13 (Video recording playing. Not transcribed).

14 BY MR. RHODEN:

15 Q. Those two people that walked off the camera, do you
16 know what's on that side of the store over there?

17 A. Trash dump is on that side of the store. Past
18 those woods it's the old Arrow General building. I'm not sure
19 if anything was in it at the time. Arrow General closed down
20 about that time.

21 Q. There's dumpsters over there?

22 A. Yeah, dumpsters.

23 (Video recording playing. Not transcribed).

24 MR. RHODEN: Stop right there.

25 (Video recording stopped.)

KENNETH ERWIN DIR BY MR. RHODEN

1 BY MR. RHODEN:

2 Q. Does that appear to be two people walking towards
3 Mr. Williams' car or actually running toward his car?

4 A. Yes, sir.

5 (Video recording playing. Not transcribed).

6 BY MR. RHODEN:

7 MR. RHODEN: Stop right there.

8 (Video recording stopped.)

9 BY MR. RHODEN:

10 Q. That is Mr. Williams' car; is that correct?

11 A. Yes, sir.

12 Q. Mr. Williams had not come out of the store?

13 A. No, sir.

14 (Video recording playing. Not transcribed).

15 MR. RHODEN: Stop right there.

16 (Video recording stopped.)

17 BY MR. RHODEN:

18 Q. Was that Mr. Williams running out the door?

19 A. Yes, sir, it sure was.

20 (Video recording playing. Not transcribed).

21 BY MR. RHODEN:

22 Q. Is that him running back in?

23 A. Yes, sir.

24 Q. He goes to the car, looks like he opens the door
25 and then turns around and comes back in?

KENNETH ERWIN DIR BY MR. RHODEN

1 A. He opened the door, yes, sir.

2 (Video recording playing. Not transcribed).

3 BY MR. RHODEN:

4 Q. When he comes in, he complained immediately to you
5 or said to you he had been shot?

6 A. As soon as he walked in the door, I asked him if he
7 had been shot, yes, sir.

8 (Video recording playing. Not transcribed).

9 BY MR. RHODEN:

10 Q. You asked him that question because -- did you
11 think something had happened out in the parking lot?

12 A. Yes, sir.

13 MR. RHODEN: I'm going to stop that video right
14 there.

15 (Video recording stopped.)

16 BY MR. RHODEN:

17 Q. All of these cameras are recording during the same
18 time period?

19 A. Yes, sir.

20 Q. We just saw multiple angles of the same basic thing
21 that's going on during that time period?

22 A. Yes, sir.

23 Q. After Mr. Williams leaves, the police came and you
24 got your manager to download this video; correct?

25 A. Yes, sir.

KENNETH ERWIN CROSS BY MR. FARR

1 MR. RHODEN: Thank you. I believe that's all the
2 questions I have.

3 MR. FARR: Your Honor, may it please The Court and
4 Solicitor.

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. FARR:

8 Q. Mr. Erwin, that night did you give a statement?

9 A. Yes, sir.

10 Q. And you wrote a statement?

11 A. I don't know if I wrote one. I might've just
12 talked to them. I'm not positive I wrote one or not. I might
13 have, but I don't remember.

14 MR. FARR: If I can approach real quick.

15 THE COURT: Yes, sir.

16 THE WITNESS: It's been a while.

17 BY MR. FARR:

18 Q. Mine has been highlighted. Does that look like
19 your handwriting beside your name?

20 A. Yes, sir.

21 Q. Just to be clear, real quick, you testified to some
22 of the Solicitor's questions that you didn't see anything. You
23 just saw a red flash; is that correct?

24 A. Not a red flash. It was more of a, I'd say, orange
25 looking.

KENNETH ERWIN CROSS BY MR. FARR

1 Q. Before you came in today, did you get to re-read
2 your statement that you wrote?

3 A. No, sir.

4 Q. You haven't seen what your actual statement was
5 from the Solicitor?

6 A. No.

7 Q. And now you're saying you saw orange flash, not
8 red?

9 A. I did hear the video, though.

10 Q. Hear the video?

11 A. Yeah.

12 Q. You mean watched it?

13 A. No, I heard the recording from the video when I was
14 on the phone with 911.

15 Q. Your video has audio?

16 A. The 911 call, I heard it. I don't know about the
17 store video, if it has video or not.

18 Q. You said -- just so I'm clear -- where his vehicle
19 was, you can see from the middle over to the left; correct?

20 A. Yeah, the passenger.

21 MR. FARR: Give me one second, Your Honor.

22 (A pause transpired.)

23 MR. FARR: Your Honor, if I can approach.

24 THE COURT: All right.

25 BY MR. FARR:

KENNETH ERWIN CROSS BY MR. FARR

1 Q. Mr. Erwin, I'm going to give you a clean copy. Let
2 you look at your statement real quick.

3 (A pause transpired.)

4 THE WITNESS: Okay.

5 BY MR. FARR:

6 Q. Did that refresh your memory a little bit?

7 A. A little bit.

8 Q. And you watched the video from the store. That was
9 the very first video that was played with you and Mr. Williams
10 in the store; correct?

11 A. Yes, sir.

12 Q. And you remember Mr. Williams walking to the back
13 of the store?

14 A. Yes, sir.

15 Q. At what point when he walked to the back of the
16 store that he told you that he said a kid is in his car?

17 A. He said that before he walked back. He said: I
18 got a kid in the car. I don't want to knock your ear out.
19 There never was a kid in there. I thought there was until the
20 captain told me they talked to the family. The kid was not in
21 the car.

22 Q. In your statement you said there was a kid already
23 in the car?

24 A. That's what he told me.

25 Q. You also said you saw a red flash, not a orange

KENNETH ERWIN CROSS BY MR. FARR

1 flash; correct?

2 A. Yes, sir.

3 Q. Did those two individuals ever come into the store?

4 A. No, sir.

5 Q. Did you hear --

6 A. Not to my knowledge. That I seen.

7 Q. Could you see in the car?

8 A. No, sir.

9 Q. When it was driving off, could you see in the car?

10 A. No, sir.

11 Q. When Mr. Williams opened the door, could you see in
12 the car?

13 A. No, sir.

14 Q. The only thing that you remember, he came in, he
15 had some white stuff on his side and that he was shot or you
16 asked him if he was shot?

17 A. Yes, sir.

18 Q. That's it?

19 A. There is nothing else.

20 MR. FARR: I got you.

21 That's all the questions I have, Your Honor.

22 THE COURT: Any redirect limited to what he went
23 into?

24 MR. RHODEN: Just a couple.

25 REDIRECT EXAMINATION

KENNETH ERWIN REDIR BY MR. RHODEN

1 BY MR. RHODEN:

2 Q. Mr. Erwin, Mr. Farr asked you about being able to
3 see inside the car when Mr. Williams opened the door and you
4 said you couldn't see. You weren't looking; is that correct?

5 A. I looked out that way, but I wasn't paying much
6 attention. Once he started coming back towards the door,
7 that's when I went to get the phone. I seen him run out there.
8 I didn't know what he run out for at first.

9 Q. As he's running out the door, you're not -- you
10 don't know what's happening at that point?

11 A. Yeah, I was just wondering. I looked and wondering
12 why he's running out the door.

13 Q. In your statement you also heard a loud bang?

14 A. I don't recall hearing that. That's what I'm
15 saying. I'm not positive about that. I do know I seen a
16 flash, 100 percent.

17 Q. Flash as in a gunshot-type flash?

18 A. I have no idea. I mean, I shot a bunch of guns. I
19 ain't never paid attention if they flash.

20 MR. RHODEN: Thank you. That's all I have.

21 THE COURT: Thank you, sir. You may step down.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Any reason why the witness cannot be
24 excused?

25 MR. RHODEN: No, sir.

KENNETH ERWIN REDIR BY MR. RHODEN

1 MR. FARR: No, sir.

2 THE COURT: You may be excused as well.

3 (The witness exited the stand.)

4 THE COURT: Ladies and gentlemen, we're going to
5 take a short recess. I need to remind you of my ongoing
6 instructions to you. Do not have any discussion among
7 yourselves about anything involved in the case. Do not do any
8 type of independent research or investigation.

9 With those two instructions I'm going to let you go
10 with the bailiff. They'll take you back to jury deliberation
11 room. Get you back just shortly.

12 (The jury exited the courtroom at 11:10 a.m.)

13 THE COURT: We are going to step down for a few
14 minutes.

15 (A recess transpired from 11:10 a.m. until 11:31
16 a.m.)

17 THE COURT: Bring the jury in.

18 (The jury entered the courtroom).

19 THE COURT: Is State ready to call their next
20 witness?

21 MR. RHODEN: Yes, we are. The State would call
22 Tyronne Carter.

23 THE COURT: Mr. Carter, come right up here. Let
24 the clerk of court swear you in.

25 TYRONNE CARTER

TYRONNE CARTER DIR BY MR. RHODEN

1 being first duly sworn, testified as follows:

2 THE COURT: Sir, come right around here. Have a
3 seat in the chair and pull the chair up to the microphone, sir.

4 MR. RHODEN: May it please The Court.

5 THE COURT: Yes, sir.

6 DIRECT EXAMINATION

7 BY MR. RHODEN:

8 Q. You are Tyronne Carter; is that correct?

9 A. Yes, sir.

10 Q. Jarqueze Williams is the victim in this case. How
11 do you know him?

12 A. He is my first cousin, more like a brother.

13 Q. And Mr. Carter, we're going to go back in time to
14 March 12th of 2022 when Mr. Williams was shot. I need to ask
15 you a few questions about that evening; okay?

16 A. Okay.

17 Q. Mr. Carter, at that time where were you living?

18 A. I was 221 -- what's the place called? It's off
19 221.

20 Q. Did you live close to the Valero gas station where
21 Jarqueze got shot?

22 A. Yes, sir.

23 Q. How close did you live?

24 A. Like, I'd say, about 50 feet. Something like that.

25 Q. Very close?

TYRONNE CARTER DIR BY MR. RHODEN

- 1 A. Yes.
- 2 Q. Was anybody else also staying at that location?
- 3 A. Yes, sir.
- 4 Q. Who would that be?
- 5 A. My fiancée.
- 6 Q. Her name?
- 7 A. Ashonda Nesbitt.
- 8 Q. That would've been a Friday night, early Saturday
- 9 morning?
- 10 A. Yes, around midnight. Something like that.
- 11 Q. Were you expecting your cousin Jarqueze to be
- 12 coming over to your apartment?
- 13 A. Yes, sir.
- 14 Q. Was that something y'all had already planned to do?
- 15 A. I mean, yes. We always do that.
- 16 Q. So you were expecting him?
- 17 A. Yes, sir.
- 18 Q. Did he ever make it to your apartment?
- 19 A. No, sir.
- 20 Q. So that evening in preparation of him coming over
- 21 or just hanging out there, had you and your girlfriend left and
- 22 come back from doing something?
- 23 A. We went and got food and came back.
- 24 Q. What type of vehicle did y'all drive at that time?
- 25 A. Silver Nissan Murano.

TYRONNE CARTER DIR BY MR. RHODEN

1 Q. When y'all were coming back with the food, did
2 anything happen that caught your attention?

3 A. Once we got home and start going up the steps then,
4 you know, we heard a gunshot. That was about it.

5 Q. Do you know what direction that gunshot came from?

6 A. It came from the store.

7 Q. And when you heard the gunshot, did you see
8 anything?

9 A. No, sir. At that time I went in the house and came
10 back out. I didn't see nothing.

11 Q. Shortly after hearing the gunshot, did you hear
12 from Mr. Williams?

13 A. Yes, sir.

14 Q. How did you hear from him?

15 A. He called me.

16 Q. And did he indicate -- did he indicate to you that
17 he needed help?

18 A. Yes, sir.

19 Q. What did you do?

20 A. Soon we left out the house, me and my fiancée went
21 up to the store.

22 Q. Your intent in going to the store was to do what?

23 A. To pick him up. He said he had been robbed or
24 something like that.

25 Q. Did you pick him up?

TYRONNE CARTER DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. Where did you take him?

3 A. To the ER.

4 Q. Was that at Spartanburg Regional?

5 A. Yes, sir.

6 Q. What type of vehicle -- what type of car did
7 Jarqueze normally drive?

8 A. A white, I think, Lexus.

9 Q. The vehicle that was stolen on this evening was a
10 black Kia Optima. Was that -- do you know who owned that
11 vehicle?

12 A. No, sir. Not a black one.

13 Q. You don't know who owned the car that Jarqueze was
14 driving that night?

15 A. I know whose car he was driving, but it wasn't
16 black.

17 Q. What color was it?

18 A. His mom's car is gray.

19 Q. Dark gray?

20 A. Yes.

21 Q. It's a Kia?

22 A. Yes.

23 Q. Was that the car that he was driving that night?

24 A. I think so. I'm not for sure.

25 Q. Did you see his white car anywhere that night?

TYRONNE CARTER DIR BY MR. RHODEN

1 A. No, sir.

2 Q. When you got the call from Mr. Williams, did both
3 you and your girlfriend go to the convenience store?

4 A. Yes, sir.

5 MR. RHODEN: Let's go ahead and play the video, the
6 outside video.

7 BY MR. RHODEN:

8 Q. If you'll look at the video in front of you there,
9 Mr. Carter, just watch it for a minute.

10 (Video recording playing. Not transcribed).

11 MR. RHODEN: Let's stop it there.

12 (Video recording stopped.)

13 BY MR. RHODEN:

14 Q. Is that you and your girlfriend?

15 A. Yes, sir.

16 Q. That's the silver-ish color?

17 A. Nissan Murano.

18 MR. RHODEN: Continue on.

19 (Video recording played. Not transcribed).

20 BY MR. RHODEN:

21 Q. Is that Mr. Williams coming out?

22 A. Yes. That's when I was helping him to the car.

23 Q. He got in the back seat?

24 A. Yes, sir.

25 Q. Is that you getting in?

TYRONNE CARTER CROSS BY MR. FARR

1 A. Yes, sir.

2 Q. I guess your girlfriend was driving?

3 A. Yes, sir.

4 Q. When you left, did you go straight to the hospital?

5 A. Straight to the ER.

6 Q. Did you see any injuries to Mr. Williams?

7 A. No, sir, not at the time.

8 Q. Did you see later after y'all got to the hospital?

9 A. Yes, sir.

10 Q. Did he have some injuries?

11 A. Yes, sir.

12 Q. And describe that, what you saw.

13 A. I seen a gunshot wound to the left side.

14 Q. Did you stick around at the hospital to see how he
15 was doing?

16 A. Yes. I stuck around for two hours. They wouldn't
17 let us leave until two hours.

18 MR. RHODEN: Mr. Carter, that's all the questions I
19 have for you. Answer any questions defense counsel may have.

20 MR. FARR: May it please The Court, Your Honor,
21 Solicitor.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. FARR:

25 Q. You were at the hospital; correct?

TYRONNE CARTER CROSS BY MR. FARR

1 A. Yes, sir.

2 Q. Do you remember talking to a Deputy Chavez that
3 night?

4 A. I don't remember his name but, yes, I remember
5 talking to him.

6 Q. Did you tell him what happened that night with you
7 and your girlfriend, what y'all were doing that night?

8 A. Yes, sir.

9 Q. And this is around midnight?

10 A. Yes, sir.

11 Q. What pizza restaurant were y'all eating at?

12 A. Domino's in Boiling Springs.

13 Q. In that place you're allowed to order and eat
14 inside that restaurant?

15 A. Sir?

16 Q. Are you allowed to eat in that restaurant?

17 A. No, sir.

18 Q. Did y'all pick it up and bring it back home?

19 A. Yes, sir.

20 Q. Did you also tell him by the time you got to the
21 apartment you saw a car speed off?

22 A. That's after we heard the gunshot.

23 Q. You said you live 50 feet away from the gas
24 station?

25 A. Yes.

TYRONNE CARTER CROSS BY MR. FARR

1 Q. Mr. Williams called you to come pick him up?

2 A. Yes, sir.

3 Q. How long does that take you to get there from your
4 apartment to the gas station?

5 A. Probably two minutes probably. A minute.
6 Something.

7 Q. Have you scene the entire video?

8 A. No, sir.

9 Q. Would there be a reason it took you more than five
10 minutes to get there?

11 A. No, I don't think so.

12 MR. FARR: That's all the questions I have, Your
13 Honor.

14 THE COURT: Any redirect limited to what he went
15 into?

16 MR. RHODEN: No, sir.

17 THE COURT: Thank you, sir. You may step down.
18 Any reason why the witness cannot be excused?

19 MR. RHODEN: No, sir.

20 MR. FARR: No, sir.

21 THE COURT: Thank you, sir. You may be excused as
22 well.

23 (The witness exited the stand).

24 MR. RHODEN: Call Ashonda Nesbitt.

25 THE COURT: Ms. Nesbitt, come right up here. Let

ASHONDA NESBITT DIR BY MR. RHODEN

1 the clerk of court swear you in, ma'am.

2 ASHONDA NESBITT

3 being first duly sworn, testified as follows:

4 THE COURT: Ma'am, just come right around here and
5 have a seat in the chair. Pull the chair up to the microphone,
6 if you would.

7 Yes, sir.

8 MR. RHODEN: May it please The Court.

9 DIRECT EXAMINATION

10 BY MR. RHODEN:

11 Q. You're Ashonda Nesbitt?

12 A. Yes.

13 Q. Did you know Jarqueze Williams?

14 A. Yes.

15 Q. How did you know Jarqueze?

16 A. I been in the family eight years.

17 Q. We're going to go back in time to March 12th of
18 2022 when Mr. Williams got shot. Do you remember that evening?

19 A. Yes.

20 Q. Do you remember what your plans were for the
21 evening?

22 A. Yes.

23 Q. What were y'all planning to do?

24 A. Go get something to eat and meet up with Jarqueze
25 at our house.

ASHONDA NESBITT DIR BY MR. RHODEN

1 Q. Had y'all gone to any particular restaurant to get
2 some food?

3 A. Yes, we went to get pizza.

4 Q. And when you were bringing the pizza back to your
5 apartment, did anything happen that caught your attention?

6 A. I was going up the stairs. We heard a gunshot.

7 Q. And after hearing the gunshot, what did you do
8 after that?

9 A. We went in the house.

10 Q. After you went into the house, did you get a phone
11 call from Jarqueze?

12 A. Yes.

13 Q. And as a result of that phone call, what did you
14 and Mr. Carter do?

15 A. We went to the store where he was at.

16 Q. And what type of vehicle did you drive?

17 A. Nissan Murano at the time.

18 Q. What was the reason you went to the convenience
19 store?

20 A. Because Jarqueze called my fiance and told him that
21 he was shot.

22 Q. Did you actually pick him up from the convenience
23 store?

24 A. Yes.

25 Q. I believe you drove?

ASHONDA NESBITT CROSS BY MR. FARR

1 A. I did.

2 Q. Where did you go?

3 A. To the hospital. Spartanburg Regional.

4 Q. Spartanburg Regional.

5 MR. RHODEN: Thank you. That's all the questions I
6 have.

7 THE COURT: Yes, sir.

8 MR. FARR: Your Honor, may it please The Court.
9 Solicitor.

10 CROSS-EXAMINATION

11 BY MR. FARR:

12 Q. How far is the apartment complex to the store?

13 A. It's right beside it.

14 Q. Right beside it?

15 A. Yes, sir.

16 Q. How long would it take you to get to the store from
17 the apartment complex?

18 A. Not even five minutes. Just right beside it.

19 Q. You could walk there?

20 A. Yes.

21 Q. What apartment complex is that?

22 A. Southern Pines.

23 Q. If you walked downstairs, get in your car, it would
24 take less than five?

25 A. Yes, sir.

ASHONDA NESBITT CROSS BY MR. FARR

1 Q. Two minutes?

2 A. Yes.

3 Q. Where did y'all go eat pizza at?

4 A. I don't remember.

5 Q. Mr. Williams called you or Mr. Carter?

6 A. Mr. Carter.

7 MR. FARR: That's all the questions I have, Your

8 Honor.

9 THE COURT: Any redirect?

10 MR. RHODEN: Nothing.

11 THE COURT: Thank you, ma'am. You may step down.

12 Thank you for coming.

13 Any reason why the witness may not be excused?

14 MR. RHODEN: No, sir.

15 THE COURT: You may be excused as well. Thank you.

16 (The witness exited the stand).

17 MR. RHODEN: Deputy Phillips.

18 THE COURT: Sir, come right up here.

19 DEPUTY HERSCHAL LEE PHILLIPS

20 being first duly sworn, testified as follows:

21 THE COURT: Pull the chair up to the microphone.

22 MR. RHODEN: May it please The Court.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION

25 BY MR. RHODEN:

DEP. PHILLIPS DIR BY MR. RHODEN

1 Q. Give us your full name.

2 A. Herschal Lee Phillips.

3 Q. Officer Phillips, you're with the Highway Patrol
4 now?

5 A. Yes, sir.

6 Q. Back in March of 2022, who were you working for?

7 A. Spartanburg County Sheriff's Office.

8 Q. On that evening, early morning of March 12, 2022,
9 did you respond to a call at 370 Bryant Road, the Valero gas
10 station?

11 A. Yes, sir.

12 Q. That's in Spartanburg County?

13 A. Yes, sir.

14 Q. What did you do in regards to this investigation?

15 A. I talked with the complainant, who worked at the
16 Valero, searched the scene for any evidence, got a witness or a
17 statement from the complainant. Got vehicle information for
18 the car that was taken from the Valero.

19 Q. When you say the complainant, you're talking about
20 Mr. Erwin who worked as the cashier at the convenience store?

21 A. Yes, sir.

22 Q. And the vehicle information, what did you do with
23 that?

24 A. I notified the front desk at the Spartanburg County
25 Sheriff's Office for the deputy working it to enter it into the

DEP. PHILLIPS DIR BY MR. RHODEN

1 NCIC as stolen.

2 Q. Did that include tag number?

3 A. Yes, sir.

4 Q. And did you go to Spartanburg Regional that night?

5 A. No, sir.

6 Q. Later on during your shift, did anything else come
7 up in regard to this stolen vehicle?

8 A. I believe it was recovered later that night, if I'm
9 not mistaken, by a different deputy.

10 Q. So your involvement basically in this case was
11 collecting information and putting out the specific information
12 about the vehicle that was stolen?

13 A. Yes, sir.

14 Q. Including his tag number?

15 A. Yes, sir.

16 MR. RHODEN: That's all I have.

17 THE COURT: Yes, sir.

18 MR. FARR: No questions, Your Honor.

19 THE COURT: Thank you, sir. You may step down.

20 Any reason why the witness cannot be excused?

21 MR. RHODEN: No, sir.

22 MR. FARR: No, sir.

23 THE COURT: Thank you, sir. You may be excused.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Yes, sir.

DEP. CHAVEZ DIR BY MR. RHODEN

1 (The witness exited the stand).

2 MR. RHODEN: Call Deputy Chavez.

3 DEPUTY EDUARDO CHAVEZ

4 being first duly sworn, testified as follows:

5 THE COURT: Just have a seat in the chair and pull
6 the chair up to the microphone.

7 MR. RHODEN: May it please The Court.

8 THE COURT: Yes, sir.

9 DIRECT EXAMINATION

10 BY MR. RHODEN:

11 Q. Give us your full name.

12 A. Eduardo Chavez.

13 Q. You go by Eddie?

14 A. Yes, sir.

15 Q. Eddie, you're working for whom now?

16 A. I work for Greenville County.

17 Q. Back on March 12, 2022, who did you work for?

18 A. I was a patrol deputy for Spartanburg County
19 Sheriff's Office.

20 Q. Were you involved in responding to or investigating
21 a shooting at the Valero gas station at 370 Bryant Road in
22 Spartanburg?

23 A. Yes, sir.

24 Q. What did you do in regard to responding to that
25 call?

DEP. CHAVEZ DIR BY MR. RHODEN

1 A. I responded to the hospital, Spartanburg Regional.

2 Q. Had you been alerted at that time that the victim
3 may be on his way to the hospital?

4 A. We were told that he had been transported by POV.
5 So I went to the hospital. As I was pulling into the hospital,
6 I was flagged down by the victim's family. And they asked if I
7 was there for the shooting victim. I told them I was. They
8 said they had transported him. So I had them come back up to
9 the ER where I spoke to them both, a cousin of the victim and
10 his girlfriend. And they told me what they had seen, what they
11 did. And at that point I just had them stand by until violent
12 crimes investigators arrived on scene.

13 Q. That was all done at the hospital?

14 A. Yes, sir.

15 Q. Did you actually see the victim, or was he already
16 inside?

17 A. He was already inside.

18 Q. Then were you on duty continuing on later that day?

19 A. I got off at 7:00 in the morning. Then I came back
20 at 7:00 in the evening that same day.

21 Q. Did you respond to any other calls that were
22 related to this shooting?

23 A. Yes, sir. Dispatch got a call about a suspicious
24 auto at [REDACTED] California Avenue where the homeowner said there
25 was a vehicle in her driveway. She didn't recognize it, didn't

DEP. CHAVEZ DIR BY MR. RHODEN

1 know who it belonged to. She had the tag.

2 And when dispatch sent me to that call, I
3 recognized the license plate was the same as the vehicle that
4 had been stolen that night. And when I got there, I observed
5 the vehicle in question. I checked the license plate. It did
6 come back as stolen, belonging to the victim, his mother.

7 Q. Do you have any idea how long that vehicle had been
8 there?

9 A. According to the homeowner, she is unsure of the
10 time frame. She believed it happened sometime either late
11 night or early morning. But she was asleep, so she didn't hear
12 or see anything at the time.

13 Q. You actually got there around what time?

14 A. I think it was a little after 7:00 p.m.

15 Q. Once you recognized that vehicle as being the
16 stolen vehicle from earlier, I guess earlier that same day,
17 what did you do?

18 A. I let dispatch know that I was out with the
19 vehicle. And then I called forensics out to photograph the
20 vehicle in its entirety while it was in its original location
21 and also requested Spartanburg County wrecker to come pick it
22 up pending a search warrant by the violent crime investigators.

23 Q. That location was [REDACTED] California Avenue?

24 A. Yes, sir.

25 Q. Was that the end of your involvement in regards to

DEP. CHAVEZ CROSS BY MR. FARR

1 this matter?

2 A. Yes, sir.

3 MR. RHODEN: Thank you. That's all I have.

4 MR. FARR: May it please The Court real quick.

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. FARR:

8 Q. You went to [REDACTED] California Avenue at 7:00 p.m. on
9 March 12, 2022?

10 A. Yes.

11 Q. What were your hours for shift? Is it 7:00 to
12 7:00?

13 A. 7:00 P to 7:00 A. I don't remember what rotation I
14 was on at that time. I was on night shift.

15 Q. That would be 7:00 p.m. at night all the way to the
16 next night?

17 A. Next morning.

18 Q. 7:00 a.m.?

19 A. Yeah.

20 Q. So when you got off at 7:00 a.m., you got another
21 call that same day to go out to this location?

22 A. Yes.

23 Q. And the lady didn't have any cameras or anything?

24 A. No, I looked around, all over.

25 Q. When you got the vehicle, did y'all secure the

DEP. CHAVEZ CROSS BY MR. FARR

1 vehicle?

2 A. I called forensics. I can't speak for what he did.

3 Q. At that time did y'all search the vehicle?

4 A. No.

5 Q. Y'all took it back to Spartanburg County or
6 Sheriff's Department?

7 A. To wherever the location where they conduct the
8 search of the vehicles.

9 Q. If it's county roll back, where does that go?

10 A. It goes to the maintenance shop for all county
11 vehicles over on -- I don't remember the name of the road.

12 Q. At that point it would be searched thoroughly?

13 A. I know the investigators would've obtained a search
14 warrant and they would search it with forensics to collect any
15 evidence.

16 Q. Do you know when the vehicle was searched by a
17 search warrant?

18 A. No, sir.

19 MR. FARR: That's all the questions I have, Your
20 Honor.

21 THE COURT: Any redirect?

22 MR. RHODEN: No, sir, Your Honor.

23 THE COURT: Thank you, sir. You may step down.
24 Any reason why the witness cannot be excused?

25 MR. FARR: No, sir.

DEP. CHAVEZ CROSS BY MR. FARR

1 THE COURT: You may be excused as well.

2 THE WITNESS: Yes, Your Honor.

3 THE COURT: Yes, sir.

4 (The witness exited the stand).

5 THE COURT: Last name is Peters?

6 MR. RHODEN: Yes.

7 Your Honor, apparently I thought he was here. He
8 was on his way. Give me a second.

9 THE COURT: Okay.

10 (A pause transpired).

11 THE COURT: Lawyers want to approach a moment?

12 (Off-the-record discussion transpired.)

13 THE COURT: Ladies and gentlemen, why don't you
14 stand up and stretch your legs just for a second.

15 (Jury complied).

16 THE COURT: Sir, just come right up here. Let the
17 clerk of court swear you in.

18 DEPUTY STEVEN PHILLIPS

19 being first duly sworn, testified as follows:

20 THE COURT: Take the chair and pull the chair up to
21 the microphone.

22 MR. RHODEN: May it please The Court.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION

25 BY MR. RHODEN:

DEP. S. PHILLIPS DIR BY MR. RHODEN

1 Q. State your full name, please.

2 A. Steven Tyler Peters.

3 Q. Mr. Peters, back March 12, 2022, who did you work
4 for?

5 A. Worked for Spartanburg County Sheriff's Office.

6 Q. What was your position?

7 A. Forensic investigator.

8 Q. Part of your duties as a forensic investigator,
9 basically, what did they entail? What were your duties?

10 A. Depending on the case, on this one in particular, I
11 was sealing the vehicle and taking pictures of it sealed.

12 Q. Let me show you some pictures of a vehicle that was
13 located at [REDACTED] California Avenue on the 12th of March, 2022.
14 Do you recognize those pictures?

15 A. Yes, sir.

16 Q. And did you take those pictures?

17 A. Yes, sir.

18 Q. And is that the vehicle that was located at [REDACTED]
19 California Avenue?

20 A. Yes, sir.

21 MR. RHODEN: State would move to introduce these
22 three.

23 MR. FARR: No objection.

24 THE COURT: Without objection. That will be
25 State's 5.

DEP. S. PHILLIPS DIR BY MR. RHODEN

1 (STATE EXH. 5, Photographs (3) was marked for
2 identification and entered into evidence.)

3 BY MR. RHODEN:

4 Q. Mr. Peters, I'm going to show you these three
5 photographs again. The one on top -- let's do it this way.
6 All right. This is State's Exhibit Number 5. Is that the
7 vehicle in question?

8 A. Yes, sir.

9 Q. What's all this white stuff that's on the vehicle?

10 A. Evidence tape.

11 Q. And what's the purpose of the evidence tape?

12 A. To keep it sealed so it could be searched at a
13 later time.

14 Q. Did you do both sides that way?

15 A. Yes, sir.

16 Q. Once you arrived at the scene, you secured the
17 vehicle. Was the vehicle taken anywhere?

18 A. Yes.

19 Q. Taken to the county shop?

20 A. 290 Broadcast Road.

21 Q. It wasn't driven?

22 A. It was towed.

23 Q. By roll back or something?

24 A. Yes, sir.

25 Q. Was that your involvement in this case?

DEP. S. PHILLIPS CROSS BY MR. FARR

1 A. Yes, sir, that was it.

2 MR. RHODEN: Thank you. That's all the questions I
3 have.

4 MR. FARR: Real quick, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. FARR:

7 Q. You didn't take any pictures of inside the vehicle?

8 A. No, sir.

9 Q. You just came out there when you were called just
10 to seal the vehicle. That's it?

11 A. Yes, sir.

12 MR. FARR: That's all the questions I have.

13 THE COURT: Any redirect?

14 MR. RHODEN: No, sir.

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

16 Is there any reason why the witness may not be
17 excused?

18 MR. RHODEN: No, sir.

19 THE COURT: Thank you, sir. You may excused.

20 (The witness exited the stand.)

21 MR. RHODEN: At this particular time that's all the
22 witnesses I have for this morning.

23 THE COURT: Ladies and gentlemen, we're now going
24 to take a break for lunch. Remind you of those two ongoing
25 instructions I preached to you. Do not do any type of

DEP. S. PHILLIPS CROSS BY MR. FARR

1 independent research or investigation. Don't go out of your
2 way to say, I'm going to ride by there at lunch.

3 Do not do any type of Googling or search of any of
4 the information that's been presented to you. And do not have
5 any type of discussions among yourselves or with anyone else
6 about anything involving the case.

7 With those two instructions, I'm going to let you
8 take a lunch break. Take a look at the clock behind you, which
9 you can't see. It is an hour off. It's actually six minutes
10 after 12:00. Let's be back in the jury deliberation room by
11 about 1:35. That would be about an hour and a half. That will
12 give us time and for staff to go to a lunch break.

13 If you would, you may go with the bailiff, and
14 we'll see you back shortly.

15 (The jury exited the courtroom at 12:06).

16 THE COURT: We will stand at ease until about 1:30.

17 (A luncheon recess transpired from 12:07 until 1:35
18 p.m.)

19 THE COURT: Anything before we bring the jury in?

20 MR. RHODEN: One second.

21 (A pause transpired.)

22 MR. RHODEN: We're good.

23 THE COURT: Are you sure?

24 MR. FARR: Yes, sir.

25 THE COURT: Let's bring the jury in.

SGT NIX DIR BY MR. RHODEN

1 (The jury entered the courtroom at 1:37 p.m.)

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

4 MR. RHODEN: State would call Michael Sean Nix.

5 THE COURT: Sir, come right up here and let the
6 clerk of court swear you in.

7 SGT. MICHAEL SEAN NIX
8 being first duly sworn, testified as follows:

9 THE COURT: Come around and have a seat in the
10 chair and pull the chair up to the microphone.

11 THE WITNESS: Good afternoon, Your Honor.

12 THE COURT: Good afternoon.

13 Yes, sir.

14 MR. RHODEN: May it please The Court.

15 DIRECT EXAMINATION

16 BY MR. RHODEN:

17 Q. Give us your full name, please.

18 A. Michael Sean Nix, Spartanburg County Sheriff's
19 Office.

20 Q. What's your position at the Sheriff's Office?

21 A. Currently sergeant of the forensics unit.

22 Q. As a sergeant or member of the forensics unit, can
23 you tell the jury briefly what your responsibilities are in
24 regard to a crime scene.

25 A. My responsibilities are to collect --

SGT NIX DIR BY MR. RHODEN

1 Q. Say that again.

2 A. My responsibilities are to document and collect
3 evidence at crime scenes.

4 Q. We're here in regards to the case against
5 Mr. Culver, which was a shooting that took place back on March
6 12, 2022 at the Valero at 370 Bryant Road. Did you get
7 involved in that case?

8 A. Yes, sir.

9 Q. What was your involvement?

10 A. First involvement was -- took place on March 15th
11 when I was asked to process the vehicle that was involved in
12 this case.

13 Q. We're going to stick to that particular involvement
14 right there.

15 When you say a vehicle, where did you encounter
16 this vehicle?

17 A. The vehicle was located at the county shop, 290
18 Broadcast Drive in Spartanburg County.

19 Q. In regard to that vehicle when you first
20 encountered the vehicle, did it have -- was it sealed so it
21 could not be -- you couldn't get inside?

22 A. Yes, sir.

23 Q. Let me show you some pictures and just ask if you
24 can identify those pictures for me.

25 A. Yes, sir.

SGT NIX DIR BY MR. RHODEN

1 Q. Did you take all these pictures?

2 A. Yes, sir.

3 Q. Were they taken at the county shop when you
4 processed the vehicle?

5 A. Yes, sir.

6 Q. When you first encountered the vehicle, was it
7 sealed with this evidence tape?

8 A. Yes, sir, it was.

9 MR. RHODEN: State would move to introduce all of
10 these pictures, Your Honor.

11 MR. FARR: No objection, Your Honor.

12 THE COURT: As a group or individually?

13 MR. RHODEN: As a group would be fine.

14 THE COURT: State's 6.

15 (STATE EXH. 6, Photographs (9), was marked for
16 identification and entered into evidence.)

17 BY MR. RHODEN:

18 Q. Officer Nix, I'll put these on this little machine
19 here. Is that the vehicle in question?

20 A. Yes, sir.

21 Q. And that's the evidence tape sealing the vehicle?

22 A. Yes, sir.

23 Q. And that's what it looked like when you first
24 encountered it?

25 A. It is.

SGT NIX DIR BY MR. RHODEN

1 Q. And the next picture of the other side of the
2 vehicle, is it also sealed with evidence tape?

3 A. Yes, sir.

4 Q. And is that a picture of the front of the vehicle?

5 A. Yes, sir.

6 Q. Was this the vehicle that was recovered at
7 California Avenue?

8 A. I don't recall, sir, because I came in on this a
9 couple days after the incident.

10 Q. Let me show you the pictures of the inside or just
11 ask you, is that a picture of the inside of the vehicle?

12 A. Picture of the driver's seat of the vehicle, front
13 driver's seat.

14 Q. Does that show the steering wheel and gear shift
15 knob?

16 A. From what I can see it shows the steering wheel and
17 the gear shift.

18 Q. Is that another picture of the, kind of closer
19 picture of the gear shift knob?

20 A. Yes, sir.

21 Q. Let me show you this picture. What's that a
22 picture of?

23 A. That's a picture of the rear seat area from the
24 passenger side of the vehicle.

25 Q. That's the passenger rear seat?

SGT NIX DIR BY MR. RHODEN

1 A. Passenger rear seat, yes, sir.

2 Q. All of these pictures that you took have time
3 stamps and date stamps on them?

4 A. Yes, sir.

5 Q. Is that picture taken on March 15, 2022?

6 A. Yes, sir.

7 Q. Can you describe what we see in that picture as far
8 as the contents of the car.

9 A. What I can see, what I can identify right now is a
10 large flat screen TV. There appears to be a gray sweater or
11 jacket in front of it, as well as looks like a bottle of
12 sanitizer, empty bottle in the back. I'm not sure what that
13 blue is. I don't remember right off the top of my head.

14 Q. This black thing here, that's a TV?

15 A. Yes, sir, that's a large flat screen TV.

16 Q. That was on the passenger rear side?

17 A. It looks to be mostly on the passenger rear side,
18 yes, sir.

19 Q. That's where it was when you encountered it?

20 A. Correct.

21 Q. This would be a picture of what side of the car?

22 A. This would be from the driver's side, looking into
23 the rear seat of the driver's side.

24 Q. This would be rear on the driver's side?

25 A. Yes, sir.

SGT NIX DIR BY MR. RHODEN

1 Q. Down here looks like some water bottles?

2 A. Yes, sir. Packet of water bottles.

3 Q. In this picture, got a glare, is that a view of
4 what we just saw on the other side, looks like gray clothing?

5 A. Yes, sir. Gray sweater or jacket.

6 Q. Can you tell us what that's a picture of.

7 A. It's also a picture of the rear seat area from the
8 driver's side; in particular, showing a picture of the fired
9 cartridge case in the rear seat.

10 Q. Is that a closeup of the casing?

11 A. Yes, sir.

12 Q. In regards to your involvement, did you collect
13 certain evidence from the car?

14 A. Yes, sir.

15 Q. Did you do what we call DNA swabs?

16 A. Yes, sir.

17 Q. Did you do several of those?

18 A. Yes, sir.

19 Q. Let me show you those documents and ask if you can
20 identify those documents.

21 A. Yes, sir.

22 Q. What are those?

23 A. Those are property sheets of evidence that we
24 collect.

25 Q. And does that show that you are the one who

SGT NIX DIR BY MR. RHODEN

1 deposited those into evidence?

2 A. Yes, sir.

3 Q. On both of those?

4 A. Yes, sir.

5 Q. So we have swabs from the front door handle, the
6 steering wheel, the gear shift, the front passenger door
7 handle. Those are all the swabs on the first sheet, and you
8 also did swabs from the soda bottle?

9 A. Correct.

10 Q. When we say swabs, can you tell the jury sort of
11 what that means.

12 A. Are you referring to the process or just generally
13 speaking?

14 Q. How you collect it and why you're collecting it.

15 A. In this case, we're looking for what can be
16 referred to sometimes as trace or touch DNA. How we collect,
17 we take cotton swabs that are in a sterile package. We open up
18 those packages, we take them out. They usually come with two
19 swabs in. We take one out and then use a little ampule of
20 sterile distilled water on one swab. You take it, swab the
21 area in question that you potentially want to collect the DNA
22 evidence from.

23 You take the other swab and it's dry. You go over
24 same area. The purpose of that is to pick up any moisture left
25 over by the first one. After that you put both swabs into a

SGT NIX DIR BY MR. RHODEN

1 carton box, fill it out and then put that carton box into an
2 evidence bag, fill that out and seal it up.

3 Q. In regard to the swabs, once you do the swabs, the
4 box or the container that you put the swabs back in, is that
5 sealed?

6 A. No. We don't seal the boxes because they go to the
7 labs, whoever analyzes them. The evidence package we put them
8 in is sealed.

9 Q. That's what I'm getting at. Is it some
10 tamper-resistant seal that you put them in?

11 A. Evidence bags, yes, sir.

12 Q. Once you're finished doing that, you turn it into
13 the evidence department at the Sheriff's Office?

14 A. Yes, sir.

15 Q. Do you do any DNA analysis of any of this?

16 A. No, sir.

17 Q. That's done by another agency?

18 A. Yes, sir.

19 Q. This is the beginning of the process. If you want
20 to check if there was any DNA like on the steering wheel or the
21 gear shift, this is like the first step in that process?

22 A. Yes, sir.

23 Q. Did you use standard procedures, standard protocols
24 to make sure that you're getting accurate information when you
25 do the swabs?

SGT NIX DIR BY MR. RHODEN

1 A. Can you elaborate.

2 Q. Is there a standard procedure for doing this?

3 A. We do it basically the same. Just try not to cross
4 contaminate what you're trying to collect.

5 Q. In that regard, I assume you put on gloves?

6 A. Yes.

7 Q. Things of that nature?

8 A. Yes.

9 Q. So other DNA cannot contaminate the area that
10 you're looking for?

11 A. Yes, sir.

12 Q. You followed all those procedures?

13 A. Yes, sir.

14 MR. RHODEN: We move these property sheets into
15 evidence.

16 MR. FARR: No objection, Your Honor.

17 THE COURT: Two of them. Mark them as two separate
18 ones?

19 MR. RHODEN: Yes, let's do that.

20 THE COURT: State's Exhibit 7 and 8.

21 (STATE EXH. 7, List of evidence, was marked for
22 identification and entered into evidence.)

23 (STATE EXH. 8, List of evidence page 2, was marked
24 for identification and entered into evidence.)

25 MR. RHODEN: Can we approach, Your Honor?

SGT NIX DIR BY MR. RHODEN

1 (Off-the-record discussion.).

2 THE COURT: Ladies and gentlemen, this is one of
3 those times where I have to address an issue of admissibility.
4 That has to be done outside of your presence. I remind you do
5 not have any discussions about anything involving the case.
6 You may retire back to the jury deliberation room.

7 (The jury exited the courtroom at 1:53 p.m.)

8 THE COURT: We sent the jury out because The Court
9 was advised that there will be an objection to upcoming
10 evidence or questions.

11 Let the State first say what it is they're going to
12 do, then I'll hear from Mr. Farr as to what he's going to
13 object.

14 MR. RHODEN: May it please The Court, while we have
15 this witness on the stand also, Officer Nix is the one who
16 actually collected DNA from the coDefendant, which is Mr. Bobo.
17 So I was going to go into the fact that he collected the buccal
18 swab from Mr. Bobo and placed it into evidence because he's
19 part of the chain.

20 THE COURT: And your objection was going to be?

21 MR. FARR: I'm objecting, Judge. My client is on
22 trial and not Mr. Bobo. And because of this, he's getting in
23 evidence that Mr. Bobo is not on trial. And because of that, I
24 believe they haven't laid a foundation down to say why they
25 needed Bobo's DNA or anything to that nature as well. Again,

SGT NIX DIR BY MR. RHODEN

1 my client's on trial, not Mr. Bobo, Judge. That's my
2 objections for it.

3 THE COURT: You intend to lay a foundation?

4 MR. RHODEN: I was just at this point in time --
5 he's the collector of the evidence to swab. And it will all
6 tie together but it's sort of like pieces of the puzzle, you
7 know. Since we have no jury here, basically, what happens,
8 they get the buccal swab from Mr. Bobo and they collect -- and
9 we haven't gotten to that point yet.

10 They collect a sweatshirt or hoodie from the car.
11 It is the same hoodie that you see in the video. And they do
12 DNA on that and it comes back to Mr. Bobo. Now, the link here
13 with Officer Nix is he did the buccal swab of Bobo. And
14 somebody else will have to testify in regard to the collection
15 of the hoodie from the car and the analysis of the hoodie for
16 DNA.

17 THE COURT: Thank you for sharing that with me.
18 Let me ask you this. Are you going to link up then that to
19 this Defendant?

20 MR. RHODEN: Yes, because Mr. Bobo is wearing the
21 very distinctive hoodie that we see in the video and walking in
22 front of the convenience store. And also those two get in the
23 car when Mr. Williams is shot. They are together. And it
24 comes out of the car. I can elaborate on some more evidence.

25 THE COURT: I hope the defense knows what that

SGT NIX DIR BY MR. RHODEN

1 evidence is already. I do not.

2 MR. RHODEN: They do. I'm just sharing it with
3 you. It is pertinent, is that when the swabs that Officer Nix
4 has testified collecting are sent to the DNA lab and we'll have
5 people from there later, they determined that the swabs from
6 the steering wheel of the car and the gear shift lever of the
7 car were Mr. Culver's DNA.

8 THE COURT: Why do you need -- why do you need to
9 get from him then the fact that a third person, Bobo, all this
10 stuff was gathered from him? Why don't you just go straight to
11 the steering wheel?

12 MR. RHODEN: Because the theory of the case is
13 accomplice liability. They were acting together and, in
14 theory, he was shot. Nobody actually saw the shot. They were
15 acting together as accomplice liability, hand of one, hand of
16 all. That's why it's important to get this information out
17 there in regard to Bobo.

18 THE COURT: He says as part of his theory of
19 culpability is going to be the accomplice liability. If I hear
20 him correctly, he needs to establish the culpability or the
21 responsibility of the third person not on trial.

22 MR. FARR: That's why I'm making an objection,
23 Judge. He searched the vehicle, never found the hoodie when he
24 was doing everything. He has to get somebody else in to lay a
25 foundation for that hoodie.

SGT NIX DIR BY MR. RHODEN

1 MR. RHODEN: That's my next witness.

2 THE COURT: Tell you what we're going to do. Right
3 now I'm going to allow it in for right now. State's going to
4 have to lay a foundation for it. Right now I believe that,
5 based upon the theory that the State has told me they're going
6 to pursue, that the probative value outweighs the prejudicial
7 effect right now. And they're going to lay a foundation of
8 relevancy with subsequent testimony.

9 With that being said, the door is open. That being
10 said, there is no restraint on you on how you cross-examine the
11 witness. You can go into anything that you want to or not.

12 MR. FARR: Yes, sir.

13 THE COURT: I'm going to allow it for now.

14 MR. FARR: When the jury comes out, do you mind if
15 I make the objection just so it's on the record.

16 THE COURT: It's on the record now. I'm not into
17 arguing in front of the jury. If you want to make an objection
18 and have me sustain it for some reason or overrule it.

19 MR. FARR: Yes, sir, thank you.

20 THE COURT: I'll let you do that.

21 MR. RHODEN: If we can do it that way, I will ask
22 the question about: Did you collect DNA buccal swab from Mr.
23 Bobo?

24 THE COURT: He can object. Based on what I've
25 heard now, overrule the objection and allow the question.

SGT NIX DIR BY MR. RHODEN

1 (The jury entered the courtroom at 2:01 p.m.)

2 THE COURT: Yes, sir. Mr. Rhoden.

3 MR. RHODEN: If it please The Court.

4 BY MR. RHODEN:

5 Q. Officer Nix, what is a buccal swab?

6 THE DEPUTY: Your Honor, we're missing a juror.

7 THE BAILIFF: Your Honor, we're not ready yet. We
8 have issues.

9 THE COURT: Ladies and gentlemen, if you will
10 retire back to the jury deliberation room just for one moment.
11 We'll get you back out shortly.

12 (Off-the-record discussion.)

13 (The jury exited at 2:02 p.m. and entered the
14 courtroom at 2:05 p.m.)

15 THE COURT: Yes, sir, Mr. Rhoden.

16 MR. RHODEN: May it please The Court.

17 BY MR. RHODEN:

18 Q. Officer Nix, what is a buccal swab?

19 A. Buccal swab is a collection of a person's DNA
20 usually through their saliva.

21 Q. Is there a certain procedure for doing that?

22 A. Yes, sir.

23 Q. Are you the one at the Sheriff's Department or one
24 of the people at the Sheriff's Department that collects that
25 sort of material?

SGT NIX DIR BY MR. RHODEN

1 A. Anyone in the forensics unit can collect that, yes,
2 sir.

3 Q. Is there a certain way you do it so that the
4 evidence is preserved?

5 A. Yes, sir.

6 Q. Can you describe to the jury how it's done.

7 A. In a case of the buccal swabs, depending on what
8 the person's involvement is, in this particular case we make up
9 a package. That package, upon opening it up, has several swabs
10 in it as well as some documentation has to be filled out,
11 usually name, Social Security number, some form of
12 identification and roll the person's thumbprints on the
13 documentation.

14 Getting to the swabs itself, it's kind of like how
15 you see on television shows, when they ask a person to open
16 their mouth, you take a little cotton swab and roll it on their
17 cheeks. And once that's done, you place it in an envelope that
18 comes with that package.

19 That envelope is then, once it's properly filled
20 out beforehand, that envelope is then placed into a plastic bag
21 that has a little ampule that sucks up moisture. I don't
22 remember what it's called off the top of my head. That is
23 placed in a tube. That envelope is sealed. Then it's placed
24 into a plastic bag that's placed into another package. That is
25 sealed as well. It's like several layers of seal on it.

SGT NIX DIR BY MR. RHODEN

1 Q. The several layers of sealed bags, is that to
2 protect the integrity of the sample that was taken?

3 A. Yes, sir.

4 Q. To also prevent any tampering of the evidence?

5 A. Yes, sir.

6 Q. In regard to this particular case, did you take a
7 buccal swab from Antoin Bobo?

8 MR. FARR: Your Honor, I would renew my objection
9 to this.

10 THE COURT: I'll overrule the objection. You may
11 proceed.

12 THE WITNESS: Yes, sir, I did.

13 BY MR. RHODEN:

14 Q. Did you do it in the way and manner that you just
15 described to the jury?

16 A. Yes, sir, while wearing gloves as well.

17 Q. Once you collected that evidence, was that placed
18 into evidence at the Sheriff's Department?

19 A. Yes, sir, it was.

20 Q. Let me show you this evidence sheet. Do you
21 recognize that to be your signature on that sheet?

22 A. Yes, sir.

23 Q. Does that indicate you're the one that collected
24 that evidence?

25 A. Yes, sir.

SGT NIX DIR BY MR. RHODEN

1 MR. RHODEN: And the State would move to introduce
2 the property sheet.

3 MR. FARR: Same objection, Your Honor.

4 THE COURT: Overruled. State's 9.

5 (STATE EXH. 9, List of objects, was marked for
6 identification and entered into evidence.)

7 BY MR. RHODEN:

8 Q. Officer Nix, just a few more questions in regard to
9 the vehicle itself. When you processed the car, in addition to
10 looking for DNA, do you look for anything else such as
11 fingerprints or anything of that nature?

12 A. Yes, sir. The car was processed for fingerprints.

13 Q. And did you actually -- did you collect some
14 fingerprints from this car?

15 A. Yes, sir.

16 Q. Once you actually collect the fingerprints, are
17 they preserved in some way for further analysis?

18 A. Fingerprints, place lift tape on them. That tape
19 is then applied to backing cards, which are then filled out and
20 submitted to the AFIS officer for identification purposes.

21 Q. You don't do any identification of fingerprints?

22 A. No, sir.

23 Q. Fingerprints were lifted from areas of this car?

24 A. Correct, sir.

25 MR. RHODEN: Thank you, Officer. That's all the

SGT. NIX CROSS BY MR. FARR

1 questions I have.

2 MR. FARR: May it please The Court.

3 THE COURT: Yes, sir.

4 MR. FARR: Solicitor.

5 CROSS-EXAMINATION

6 BY MR. FARR:

7 Q. Your role is to process the vehicle; correct?

8 A. Correct.

9 Q. And processing means what?

10 A. Just whatever is needed for the investigators in
11 their investigation. It could be -- most basic part of it is
12 photographing. Then trying to locate any evidence, if there is
13 evidence. And in this case, toward the end, processing and
14 fingerprints.

15 Q. You went out there as you stated on March 15th of
16 2022; correct?

17 A. Correct, sir.

18 Q. Per the photos, it was like 11:00 in the morning or
19 afternoon?

20 A. That's what's on the time stamp, yes, sir.

21 Q. When you did your report you swabbed the -- what
22 did you swab for DNA?

23 A. Per the report, if I remember correctly, it's front
24 driver's door -- excuse me. Front driver's door handle,
25 steering wheel, gear shift, front passenger, interior door

SGT. NIX CROSS BY MR. FARR

1 handles on both of those.

2 Q. You got the inside of all four-door handles?

3 A. No, just the two front ones.

4 Q. Not the back ones?

5 A. No, sir, not back.

6 Q. Then fingerprint-wise, what did you fingerprint
7 inside the vehicle?

8 A. Are you talking about the entire vehicle or just
9 inside the vehicle?

10 Q. Inside the vehicle.

11 A. Inside the vehicle probably would've been, if I can
12 remember correctly, the interior part of the front door, rear
13 view mirror, probably several items in the front seat areas,
14 things like that. I believe there's like a piece of box or as
15 well or something like that.

16 Q. I have in here, looks like you swabbed a water
17 bottle; is that correct?

18 A. Was it a water bottle or soda can? Soda bottle.

19 Q. Did you also fingerprint or get DNA on a pizza box?

20 A. DNA on a pizza box?

21 Q. Fingerprints?

22 A. Fingerprints on pizza box.

23 Q. I have items 13, 14, 15, 16, and 17. Is that all
24 the items that you tried to get DNA or fingerprints off of?

25 A. With the exception of that soda bottle, that would

SGT NIX REDIR BY MR. RHODEN

1 be 18. That was done at the lab later. That's why I sent the
2 property sheet.

3 Q. Inside the vehicle you didn't take anything else
4 out of the vehicle; correct?

5 A. Nothing that's not listed in that report, no, sir.

6 Q. And the gun shell casing, did you send that off or
7 did somebody else in your office send that off?

8 A. Somebody else sent that off.

9 Q. You didn't find any other clothing item or anything
10 else you personally found?

11 A. That I found, no, sir.

12 MR. FARR: That's all the questions I have, Your
13 Honor.

14 THE COURT: Any redirect limited to what he went
15 into?

16 MR. RHODEN: Yes, briefly.

17 REDIRECT EXAMINATION

18 BY MR. RHODEN:

19 Q. When you go to the scene to collect stuff, do you
20 necessarily know the details of the case?

21 A. No, sir, not always.

22 Q. You did not collect a hoodie from this car?

23 A. No, sir.

24 MR. RHODEN: Thank you.

25 THE COURT: Thank you, sir. Sir, you may step

DEP. JEFFERSON DIR BY MR. RHODEN

1 down.

2 Any reason why the witness cannot be excused?

3 MR. FARR: No, sir.

4 THE COURT: Thank you, sir. You may be excused as
5 well.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Yes, sir.

8 (The witness exited the stand).

9 THE COURT: State ready to call their next witness?

10 MR. RHODEN: Yes. State calls Akilah Jefferson.

11 THE COURT: Come up here, ma'am. Let the clerk of
12 court swear you in.

13 DEPUTY AKILAH JEFFERSON

14 being first duly sworn, testified as follows:

15 THE COURT: Come right around here and have a seat
16 in the chair and pull the chair up to the microphone. Thank
17 you.

18 MR. RHODEN: May it please The Court.

19 THE COURT: Yes, sir.

20 DIRECT EXAMINATION

21 BY MR. RHODEN:

22 Q. Give us your full name, please.

23 A. Akilah Jefferson.

24 Q. By whom are you employed?

25 A. Can you say that again, sir.

DEP. JEFFERSON DIR BY MR. RHODEN

1 Q. By whom are you employed?

2 A. Spartanburg County Sheriff's Office.

3 Q. What is your position?

4 A. I'm a forensic investigator.

5 Q. In that regard, what are your duties?

6 A. My duties include responding to crime scenes,
7 photographing and documenting and collecting evidence.

8 Q. We're here in regard to a case that occurred March
9 of 2022 in regard to a shooting at the Valero. A Kia Optima
10 was found later on and processed. Did you do some processing
11 of that Kia Optima?

12 A. Yes.

13 Q. And when did you do that?

14 A. On April 25th.

15 Q. And let me show you some pictures. When you
16 process the vehicle, did you also take pictures?

17 A. Yes.

18 Q. Let me show you these two to start with. Can you
19 identify those pictures?

20 A. Yes. That's in the back of the car.

21 Q. What are those pictures of?

22 A. That is pictures of a gray hoodie.

23 Q. Was that found in the Kia Optima automobile when
24 you processed this in April of 2022?

25 A. Yes.

DEP. JEFFERSON DIR BY MR. RHODEN

1 Q. Did you also collect that item and put it into
2 evidence?

3 A. Yes.

4 Q. Do you know where that was found in the car?

5 A. It was on the back seat. Rear passenger back seat.

6 MR. RHODEN: State would move these two pictures
7 into evidence.

8 MR. FARR: No objection.

9 THE COURT: Without objection. You want them as a
10 group?

11 MR. RHODEN: These two, yes.

12 (STATE EXH. 10, Photographs (2), was marked for
13 identification and entered into evidence.)

14 BY MR. RHODEN:

15 Q. Officer Jefferson, let me show you some more
16 pictures. Do you recognize those?

17 A. Yes.

18 Q. What are those pictures of?

19 A. Those are pictures of the hoodie that I collected
20 from the scene and brought back to the office to photograph.

21 Q. The same hoodie that's seen in State's Exhibit
22 Number 10?

23 A. Yes.

24 Q. That's just additional pictures of the same hoodie?

25 A. Correct.

DEP. JEFFERSON DIR BY MR. RHODEN

1 MR. RHODEN: State would move these pictures into
2 evidence.

3 MR. FARR: No objection.

4 THE COURT: Without objection. State's 11.

5 (STATE EXH. 11, Photographs (11), was marked for
6 identification and entered into evidence.)

7 BY MR. RHODEN:

8 Q. Let me show you State's Exhibit Number 10. That is
9 a hoodie in the car?

10 A. Yes, sir.

11 Q. And that is a hoodie that you collected?

12 A. Yes.

13 Q. And State's Exhibit Number 11, is that the same
14 hoodie?

15 A. Yes.

16 Q. And you have several pictures here. Is that all of
17 the same hoodie?

18 A. Yes, sir.

19 Q. All the same hoodie?

20 A. Yes.

21 Q. Once you collected the hoodie and made all these
22 photographs, did you then place that hoodie into evidence?

23 A. Yes.

24 Q. And did that hoodie go into evidence at the
25 Sheriff's Department?

DEP. JEFFERSON CROSS BY MR. FARR

1 A. Correct.

2 Q. And let me show you this document. Is that an
3 evidence sheet showing that you collected and deposited that
4 hoodie into evidence?

5 A. Yes.

6 Q. Is that your signature?

7 A. Yes, that's my signature.

8 MR. RHODEN: State would move that property sheet
9 into evidence.

10 MR. FARR: No objection.

11 THE COURT: Without objection. State's 12.

12 (STATE EXH. 12, Property sheet for hoodie, was
13 marked for identification and entered into evidence.)

14 BY MR. RHODEN:

15 Q. I believe that was your only involvement in this
16 case; is that correct?

17 A. That's correct.

18 MR. RHODEN: Thank you. That's all I have.

19 MR. FARR: May it please The Court, Solicitor.

20 CROSS-EXAMINATION

21 BY MR. FARR:

22 Q. Is it Deputy Jefferson?

23 A. You can call me that, yes, sir.

24 Q. You got your report with you?

25 A. I do.

DEP. JEFFERSON CROSS BY MR. FARR

1 Q. And you stated that you did this report on April
2 25, 2022; is that correct?

3 A. Yes, sir.

4 Q. And when you did, did you actually go to the
5 vehicle?

6 A. I went to the vehicle, yes.

7 Q. Was it still sealed?

8 A. I do not believe so. I would have to look at those
9 pictures.

10 Q. How many people have actually been out to the
11 vehicle prior to you getting out there?

12 A. I do not know, sir.

13 Q. You understand this incident happened March 12,
14 2022?

15 A. Correct.

16 Q. And that would be about a month-and-a-half before
17 you went out there --

18 A. Yes.

19 Q. -- to process your part in this case?

20 A. Correct.

21 Q. Just to make sure, I don't want to misstate what
22 you said, once you collected the sweatshirt, you put it in
23 evidence and sealed it?

24 A. Yes.

25 Q. That would've been April 25, 2022?

DEP. JEFFERSON CROSS BY MR. FARR

1 A. Yes.

2 Q. What's the date stamp on that?

3 A. That is the 26th.

4 MR. FARR: Thank you. That's all the questions I
5 have, Your Honor.

6 THE COURT: Any redirect limited to what he went
7 into?

8 MR. RHODEN: No, sir.

9 THE COURT: Thank you, ma'am. You may step down.
10 Any reason why the witness cannot be excused?

11 MR. RHODEN: No, sir.

12 MR. FARR: No, sir.

13 THE COURT: You may be excused as well.

14 (The witness exited the stand.)

15 THE COURT: State ready to call their next witness?

16 MR. RHODEN: Give me just a second, Your Honor.

17 (A pause transpired).

18 MR. RHODEN: State would call Marilyn Roman, Your
19 Honor.

20 THE COURT: Ms. Roman, come right up here. Let the
21 clerk of court swear you in.

22 SGT. MARILYN ROMAN

23 being first duly sworn, testified as follows:

24 THE COURT: Just have a seat in the chair and pull
25 the chair up to the microphone. Thank you.

SGT ROMAN DIR BY MR. RHODEN

1 MR. RHODEN: May it please The Court.

2 THE COURT: Yes, sir.

3 DIRECT EXAMINATION

4 BY MR. RHODEN:

5 Q. Give us your name, please.

6 A. Marilyn Roman.

7 Q. By whom are you employed?

8 A. Spartanburg County Sheriff's Office.

9 Q. What's your responsibilities?

10 A. I am now the sergeant over the supplies. Before
11 that, when this happened, I was a latent print examiner.

12 Q. We're going to go back to March 12, 2022. Did you
13 look at some prints that were lifted from a Kia Optima
14 automobile that's connected with this case that occurred at the
15 Valero gas station back in March of 2022?

16 A. That's correct.

17 Q. And your purpose of looking at those prints is to
18 determine whose prints they were and whether or not -- and also
19 whether or not the prints were good enough to be used for
20 identification?

21 A. Yes, sir.

22 Q. We had several that were lifted. Some were lifted
23 from -- a print was lifted from the soda bottle?

24 A. Correct.

25 Q. Who did you determine that belonged to?

SGT ROMAN DIR BY MR. RHODEN

1 A. The one from the soda bottle was William, last
2 name, first name Jarqueze Rashad.

3 Q. Jarqueze Williams?

4 A. Correct.

5 Q. Also from the front driver's door, whose
6 fingerprint was that?

7 A. It was Mr. Jarqueze Rashad Williams.

8 Q. And the front passenger door?

9 A. These are the only ones that were identified. We
10 didn't have --

11 Q. I'm sorry. I read that twice. We have the soda
12 bottle and the door were the victim's, Mr. Williams?

13 A. Correct.

14 Q. And did we have one that was not identified?

15 A. That's correct.

16 Q. And was that on like a pizza box?

17 A. Yes, sir.

18 Q. We don't know who that belongs to?

19 A. No, sir.

20 Q. Did not belong to anybody connected with this case
21 that we know of?

22 A. No, sir.

23 Q. Including Mr. Culver. Wasn't his?

24 A. That's correct.

25 Q. Wasn't Mr. Bobo?

LT. NORRIS DIR BY MR. RHODEN

1 A. That's correct.

2 Q. And did we have several lifts that just did not --
3 weren't good enough to use for identification?

4 A. Correct.

5 Q. So the only identifiable fingerprints that you
6 found on this car that we can connect to anybody was the
7 victim, Mr. Williams?

8 A. That's correct.

9 MR. RHODEN: Thank you. That's all.

10 MR. FARR: No questions, Your Honor.

11 THE COURT: Thank you, ma'am. You may step down.
12 Any reason why the witness cannot be excused?

13 MR. FARR: No, sir.

14 THE COURT: You may be excused.

15 (The witness exited the stand).

16 MR. RHODEN: Next witness would be Paul Norris.

17 THE COURT: Mr. Norris, come right up here. Let
18 the clerk of court swear you in.

19 LT. PAUL NORRIS

20 being first duly sworn, testified as follows:

21 THE COURT: Sir, have a seat in the chair and pull
22 the chair up to the microphone.

23 DIRECT EXAMINATION

24 BY MR. RHODEN:

25 Q. Officer Norris, did you have some involvement in

LT. NORRIS DIR BY MR. RHODEN

1 this case dealing with the murder and robbery at the Valero
2 back in March of 2022?

3 A. Yes, sir, I did.

4 Q. And did you actually go to the vehicle, the Kia
5 Optima vehicle at the county shop once it was taken there?

6 A. Yes, sir, I did along with Sergeant Nix.

7 Q. Did you help search into the vehicle?

8 A. Yes, sir.

9 Q. Look into the vehicle?

10 A. Yes, sir, I did.

11 Q. Let me show you what's already been marked as
12 State's Exhibit Number 6. On that seat, is that a shell
13 casing?

14 A. Yes, sir, it is a spent shell casing.

15 Q. Do you know what caliber that is?

16 A. I believe in my notes nine millimeter.

17 Q. And is this also a picture, closeup picture of that
18 shell casing?

19 A. Yes, sir, it is.

20 Q. Where was that found in the car?

21 A. In the back seat of the vehicle.

22 Q. You're the one that found that shell casing?

23 A. Yes, sir, I am.

24 Q. Once that shell casing was found, was that shell
25 casing placed into evidence?

SGT ROMAN CROSS BY MR. FARR

1 A. It was. It was photographed and collected by
2 Sergeant Nix.

3 Q. Also, did you assist in some of the investigation
4 in this case?

5 A. Yes, sir, I did.

6 Q. And was it part of your job trying to find out
7 whether or not there was any videos anywhere between the crime
8 scene and the location where the car was eventually found on
9 California Avenue?

10 A. Yes, sir.

11 Q. Were you successful in obtaining or finding any
12 videos that might be helpful in the investigation?

13 A. Based on my report, I didn't think I collected
14 anything.

15 Q. But you tried?

16 A. Yes, sir.

17 Q. You didn't find anything?

18 A. No, sir.

19 MR. RHODEN: That's all the questions I have.

20 MR. FARR: Your Honor, may it please The Court.

21 THE COURT: Yes, sir.

22 MR. FARR: Solicitor.

23 CROSS-EXAMINATION

24 BY MR. FARR:

25 Q. Incident happened on March 12, 2022; correct?

SGT ROMAN CROSS BY MR. FARR

1 A. Yes.

2 Q. And then you got involved with Sergeant Nix on
3 March 15, 2022; correct?

4 A. Correct.

5 Q. Basically three days later you went to search the
6 vehicle?

7 A. Yes, sir.

8 Q. At that time -- I know you weren't in here. When
9 y'all were looking into the vehicle, y'all found the shell
10 casing, pizza box, and bottle. Y'all took DNA and
11 fingerprints; correct?

12 A. Correct.

13 Q. It wasn't until April 25th or 26th y'all found a
14 hoodie in the car, about a month-and-a-half later?

15 A. Yes, that's my understanding, yes, sir.

16 Q. Then y'all took the shell casing and put it in
17 evidence and did you actually send it to SLED?

18 A. It went to AFIS.

19 Q. Is that part of SLED?

20 A. It is, yes, sir.

21 Q. And then you went on March 28th to look for videos;
22 correct?

23 A. Correct, yes, sir.

24 Q. What happened between March 12th to March 28th
25 about looking for videos?

SGT ROMAN REDIR BY MR. RHODEN

1 A. Well, at the same time this occurred, we had
2 another homicide that occurred on the 13th, I believe it was.
3 And so I was sort of in between helping them with this and that
4 other case at the same time.

5 Q. I know one of these the video already ran over;
6 correct?

7 A. Correct.

8 Q. I think by two days?

9 A. Yes, sir.

10 MR. FARR: That's all the questions I have, Your
11 Honor.

12 THE COURT: Any redirect limited to what he went
13 into?

14 MR. RHODEN: Just a couple.

15 REDIRECT EXAMINATION

16 BY MR. RHODEN:

17 Q. This homicide took place on, like, early Saturday
18 morning, wee hours of the morning. You didn't get to the shop
19 until Monday?

20 A. I believe that's correct. I believe the car was
21 recovered on a Sunday.

22 MR. RHODEN: Thank you.

23 THE COURT: Thank you, sir. You may step down.

24 Any reason why the witness cannot be excused?

25 MR. RHODEN: No, sir.

SGT ROMAN REDIR BY MR. RHODEN

1 MR. FARR: No, sir.

2 THE COURT: You may be excused as well.

3 (The witness exited the stand).

4 MR. RHODEN: May we approach, Your Honor?

5 (Off-the-record discussion.)

6 THE COURT: Ladies and gentlemen, we're going to
7 take a short recess at this time. Need to remind you do not
8 have any discussions among yourselves about anything involving
9 the case. We'll get you back just shortly. You may retire.

10 (The jury exited the courtroom at 2:34 p.m.)

11 (Off-the-record discussion.)

12 THE COURT: Let's bring the jury in.

13 (The jury entered the courtroom at 2:49 p.m.)

14 THE COURT: State ready to call their next witness?

15 MR. RHODEN: State would call Dr. Claire Rose.

16 THE COURT: Just come right up here, if you would.
17 Let the clerk of court swear you in.

18 CLAIRE ROSE, M.D.

19 being first duly sworn, testified as follows:

20 THE COURT: Just have a seat in the chair and pull
21 the chair up to the microphone.

22 Yes, sir.

23 MR. RHODEN: May it please The Court.

24 DIRECT EXAMINATION

25 BY MR. RHODEN:

DR. ROSE DIR BY MR. RHODEN

1 Q. Give us your full name, please.

2 A. Claire Rose.

3 Q. What is your profession?

4 A. I am a medical examiner.

5 Q. By whom are you employed?

6 A. I'm employed by the Greenville County Medical
7 Examiner's Office.

8 Q. Can you give us a brief benefit or benefit of your
9 educational background, very briefly.

10 A. Briefly. Sure. So I did my undergrad at George
11 Washington University in Washington, D.C. where I received a
12 degree in biological sciences.

13 Following that, I did four years of medical school
14 in Nevis, St. Kitts at the University of the Americas.

15 Following medical school I did a residency in
16 anatomical and clinical pathology at the University of
17 Tennessee in Knoxville, Tennessee.

18 While in residency I did a fellowship in forensic
19 pathology at the Milwaukee County Medical Examiner's Office in
20 Milwaukee, Wisconsin.

21 Q. Your duties in your current position, what are your
22 duties?

23 A. My main duties as a medical examiner is to perform
24 autopsies to determine the cause and manner of death.

25 MR. RHODEN: We would ask that The Court qualify

DR. ROSE DIR BY MR. RHODEN

1 this witness as an expert in forensic pathology and clinical
2 pathology.

3 MR. FARR: No objection, Your Honor.

4 THE COURT: Give me one second.

5 Ladies and gentlemen, normally a person cannot give
6 opinion testimony. Normally a person -- when a person
7 testifies, they must testify as to what either they saw, heard,
8 or sensed by smell or something of that nature. However, there
9 is an exception when someone is qualified because of education
10 or experience, they are permitted to give their opinions in
11 certain areas, if The Court qualifies them that way.

12 This witness will be qualified in the area of
13 forensic pathology and clinical pathology to give opinion
14 testimony in those areas. That does not mean that you must
15 accept the opinion, but it is evidence for you to use in any
16 way that you see fit.

17 Yes, sir.

18 MR. RHODEN: May it please The Court.

19 BY MR. RHODEN:

20 Q. Dr. Rose, did you perform an autopsy on Jarqueze
21 Rashad Williams?

22 A. I did.

23 Q. Let me show you this document and ask if you can
24 identify it.

25 A. I do.

DR. ROSE DIR BY MR. RHODEN

1 Q. Is that your autopsy report?

2 A. Yes, this is a copy of the autopsy report I
3 performed on Mr. Williams.

4 MR. RHODEN: State would move that into evidence.

5 MR. FARR: No objection.

6 THE COURT: Without objection. State's 13.

7 (STATE EXH. 13, Autopsy report, was marked for
8 identification and entered into evidence.)

9 BY MR. RHODEN:

10 Q. You can refer to your report, if you need.

11 A. I have a copy.

12 Q. Dr. Rose, just backup again. When did you perform
13 this autopsy?

14 A. I performed the autopsy on March 26, 2022.

15 Q. And were you performing this autopsy in conjunction
16 or the request of the Spartanburg County Coroner's Office?

17 A. Yes.

18 Q. And can you just briefly, extremely briefly, tell
19 the jury what an autopsy is.

20 A. So an autopsy is a specialized procedure performed
21 on deceased individuals to determine the cause and manner of
22 death. This entails performing an external examination and an
23 internal examination where we look at all of the internal
24 organs of the body, ultimately to determine the cause and
25 manner of death.

DR. ROSE DIR BY MR. RHODEN

1 Q. When you performed this autopsy, are you trying to
2 determine how somebody died?

3 A. Yes.

4 Q. Can you tell the jury, in your autopsy of
5 Mr. Williams, what did you find when you did the autopsy in
6 regard to Mr. Williams?

7 A. During the autopsy, I found injuries to
8 Mr. Williams. One specific injury was injury to his liver. He
9 had a laceration to his liver.

10 In addition, I also found evidence of infection,
11 including peritonitis, which is infection of the peritoneum,
12 which is a lining that lines your inner abdomen; as well as
13 infection to his pancreas.

14 Q. Did you see evidence of a gunshot wound?

15 A. Yes.

16 Q. Where on the body was the gunshot wound?

17 A. Mr. Williams had an entrance gunshot wound to the
18 left side of his abdomen.

19 Q. And did you find -- did you make any determination
20 of how close or far the gunshot came from?

21 A. Yes, I did. I called it indeterminate range.

22 Q. What does that mean?

23 A. So the range of fire is the distance between the
24 firearm and the body. So when you fire a firearm or a gun, in
25 addition to the bullet that exits the firearm, you also have

DR. ROSE DIR BY MR. RHODEN

1 other elements like soot and gunpowder that exits the firearm
2 along with the bullet.

3 And depending on how far away the firearm is to the
4 body, we can see certain characteristics on the skin to help us
5 determine the range of fire. We have close range of fire, near
6 range of fire, intermediate and indeterminate range of fire.

7 Close or contact range is when the firearm is
8 directly in contact with the skin. In this scenario you will
9 see a muzzle imprint on the skin. The muzzle is just the end
10 of the barrel of the gun.

11 So then in near contact range of fire where the
12 firearm is not in direct contact with the skin, but is slightly
13 away, you may see soot position or gunpowder particles on the
14 skin around the entrance gunshot wound. That is typically
15 around one foot.

16 Intermediate range of fire is when the firearm is
17 further away from the body, typically we say between two and
18 three feet. In addition to the gunpowder particles, you also
19 may see gunpowder stippling, which are just tiny punctuated
20 abrasions on the skin due to the gun powder particles striking
21 the skin as it's exiting the firearm.

22 In the intermediate, that's typically more than two
23 to three feet away from the body, then you won't see any of
24 those features that I just mentioned in the previous ranges of
25 fire. You won't see any of those features on the skin.

DR. ROSE DIR BY MR. RHODEN

1 Q. In your autopsy of Mr. Williams, you made a
2 determination that this was an intermediate range?

3 A. Indeterminate range.

4 Q. Excuse me, indeterminate?

5 A. Correct.

6 Q. Mr. Williams was in the hospital for, I think, 13
7 days before he died.

8 A. Correct.

9 Q. And determining the manner of death, did you also
10 look at pertinent medical records from the hospital in
11 formulating your opinion as to how he died?

12 A. Yes, I did.

13 Q. Based upon your autopsy review of the medical
14 records and, of course, your skill and expertise, did you make
15 a determination of a cause of death for Mr. Williams?

16 A. Yes, I did.

17 Q. What would that be?

18 A. Complications of gunshot wound to the abdomen.

19 Q. Do you have an opinion, to a reasonable degree of
20 medical certainty, as to whether the gunshot was the
21 approximate cause of the death of Mr. Williams?

22 A. Yes.

23 Q. Was it?

24 A. Yes.

25 Q. I note in your records here, you note in your

DR. ROSE DIR BY MR. RHODEN

1 findings under 1-A, you note blast injuries to the colon. What
2 does that mean?

3 A. So blast injuries are just indirect injuries to
4 organs or soft tissue that were caused along the bullet's path.
5 Not direct injuries but indirect injuries to those organs.

6 Q. Did you make a determination as to the trajectory
7 of the bullet that entered Mr. Williams?

8 A. Yes, I did.

9 Q. What would the trajectory be?

10 A. The trajectory with the decedent in standard
11 anatomic position, meaning they're standing straight up with
12 their palms facing outward, was front to back and left to
13 right.

14 Q. Which side was the injury on?

15 A. The left side of Mr. Williams' abdomen.

16 Q. Left side, front to back, left to right?

17 A. Correct.

18 Q. Under number 7 of your complications per the
19 medical records, does that indicate some of the problems he had
20 in the hospital during the course of his stay?

21 A. Yes.

22 Q. What all was done to Mr. Williams in the hospital?

23 A. Can you repeat the question.

24 Q. What was all done by medical personnel in the
25 hospital that you noted on your report?

DR. ROSE DIR BY MR. RHODEN

1 A. After reviewing Mr. Williams' medical records, I
2 did see that he had injuries to his colon, his small intestine,
3 his liver, his pancreas and also the fatty tissue that supports
4 all of those organs in his abdomen.

5 I also saw that they removed a majority of those
6 organs that were injured to include the small intestine, the
7 colon, and the gallbladder.

8 Q. The wound that he received and the area that he
9 received it, was that in the area of the intestines or colon?

10 A. Yes.

11 Q. Also in conjunction with your autopsy, did you
12 obtain a blood spot card for Mr. Williams?

13 A. Yes, I did.

14 Q. What's the purpose of a blood spot card?

15 A. So a blood spot card is where we take a sample of
16 the decedent's blood and put it on a card. That card is sealed
17 and then transported over to law enforcement in case they need
18 to make a DNA comparison.

19 Q. Let me show you this document and ask if you can
20 identify that.

21 A. This is a receipt of the chain of custody for the
22 blood spot card.

23 Q. Does that indicate that you turned that card over
24 to law enforcement?

25 A. Yes, it does.

DR. ROSE CROSS BY MR. FARR

1 Q. Who is B. Williams?

2 A. Brittany Williams of the Spartanburg County
3 Sheriff's Office.

4 Q. Does that also have your signature on it?

5 A. Yes, it does.

6 MR. RHODEN: State would move the chain into
7 evidence.

8 MR. FARR: No objection.

9 THE COURT: Without objection, State's 14.

10 (STATE EXH. 14, Chain of custody, was marked for
11 identification and entered into evidence.)

12 BY MR. RHODEN:

13 Q. Just to reiterate, Dr. Rose, you determined that
14 Mr. Williams died as a result of this gunshot wound?

15 A. Yes.

16 MR. RHODEN: Thank you. That's all I have.

17 MR. FARR: Your Honor, may it please The Court,
18 Solicitor.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. FARR:

22 Q. Dr. Rose, when you put in your report per medical
23 record, are you just pasting a copy of what they're saying?

24 A. No, I reviewed the pertinent medical records that I
25 felt were necessary to determine the cause and manner of death.

DR. ROSE CROSS BY MR. FARR

1 No, I did not just paste it in.

2 Q. You read about two thousand pages?

3 A. No. Like I said, I read all the pertinent medical
4 records that I thought were necessary to me.

5 Q. When you talk about firearm, are you saying there
6 was a muzzle on the end of the firearm?

7 A. Muzzle is just the opening at the end of the
8 firearm.

9 Q. Nothing special to the firearm?

10 A. No.

11 MR. FARR: That's all the questions I have, Your
12 Honor.

13 THE COURT: Any redirect?

14 MR. RHODEN: Nothing.

15 THE COURT: Thank you, ma'am, you may step down.
16 Any reason why the witness cannot be excused?

17 MR. RHODEN: No.

18 MR. FARR: No.

19 THE COURT: You may be excused as well.

20 (The witness exited the stand).

21 THE COURT: Lawyers approach.

22 (Off-the-record discussion.)

23 THE COURT: State ready to call their next witness?

24 MR. RHODEN: Call Brittany Poole, Your Honor.

25 THE COURT: Come right up here and let the clerk of

BRITTANY POOLE DIR BY MR. RHODEN

1 court swear you in.

2 BRITTANY POOLE

3 being first duly sworn, testified as follows:

4 THE COURT: Come around and have a seat in the
5 chair and pull the chair up to the microphone.

6 THE COURT: Yes, sir.

7 MR. RHODEN: May it please The Court.

8 DIRECT EXAMINATION

9 BY MR. RHODEN:

10 Q. You're Brittany Williams?

11 A. Yes.

12 Q. By whom are you employed?

13 A. Spartanburg County Sheriff's Office.

14 Q. What is your position?

15 A. I work in evidence.

16 Q. And when you say you work in evidence, what exactly
17 does that mean?

18 A. I maintain control over all evidence that may come
19 in.

20 Q. Do you have like a room or something where evidence
21 goes and it's under lock and key?

22 A. Yes.

23 Q. It's a secured area where you deposit the evidence
24 from this crime or any other crime?

25 A. Yes, sir.

BRITTANY POOLE DIR BY MR. RHODEN

1 Q. In this particular case, I believe that a blood
2 spot card was placed into evidence. Is the blood spot card of
3 Jarqueze Williams and it's already introduced as State's
4 Exhibit 14, a chain of custody for that blood spot card.

5 A. Yes.

6 Q. Does that have your signature on it?

7 A. It does.

8 Q. You obtained that physical item at the autopsy?

9 A. I did.

10 Q. Once you obtained that, what did you do with it?

11 A. I then returned to the Sheriff's Office and turned
12 it into evidence.

13 Q. Let me ask you if you can identify that document.

14 A. Yes, it's the property sheet that I filled out.

15 Q. Does that indicate that you put that blood spot
16 card into evidence?

17 A. Yes.

18 MR. RHODEN: We would move the chain into evidence.

19 MR. FARR: No objection, Your Honor.

20 THE COURT: Without objection, State's 15.

21 (STATE EXH. 15, Property sheet (blood), was marked
22 for identification and entered into evidence.)

23 MR. RHODEN: Can you give me one second.

24 (A pause transpired.)

25 MR. RHODEN: Thank you. That's all I have.

BRITTANY POOLE CROSS BY MR. FARR

1 MR. FARR: May it please The Court, Solicitor.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. FARR:

5 Q. If you put something into evidence and you sign it
6 out, do you have to sign it out every single time?

7 A. Yes.

8 Q. That would be documented?

9 A. It will.

10 Q. Even if you take it out just to take pictures, it
11 would still have to be documented?

12 A. If it's leaving evidence. If we open an envelope,
13 then it's documented.

14 Q. If you put something into evidence on a certain
15 day, and the next day you take pictures of it, do you have to
16 reseal it and put it back that you took it out, that you took
17 pictures of it?

18 A. Yes.

19 MR. FARR: Thank you. That's all the questions I
20 have.

21 THE COURT: Any redirect limited to what he went
22 into?

23 MR. RHODEN: One second.

24 THE COURT: Yes, sir.

25 (A pause transpired).

BRITTANY POOLE CROSS BY MR. FARR

1 MR. RHODEN: Your Honor, at this time I would like
2 to move two more items of chain.

3 MR. FARR: No objection, Your Honor.

4 MR. RHODEN: One is a buccal swab on Rosalyn Crosby
5 and the other is on the Defendant.

6 THE COURT: Buccal swab on who?

7 MR. RHODEN: Rosalyn Crosby.

8 THE COURT: Second one on who?

9 MR. RHODEN: The Defendant.

10 THE COURT: And the second one is State's 17.

11 (STATE EXH. 16, Chain of custody, was marked for
12 identification and entered into evidence.)

13 (STATE EXH. 17, Property Sheet, buccal swab, was
14 marked for identification and entered into evidence.)

15 MR. RHODEN: Thank you. That's all I have.

16 THE COURT: Thank you, ma'am. You may step down.
17 Any reason why the witness cannot be excused?

18 MR. FARR: No, sir.

19 MR. RHODEN: No.

20 THE COURT: Thank you, ma'am. You may be excused
21 as well.

22 Lawyers approach.

23 (Off-the-record discussion.)

24 (The witness exited the stand).

25 THE COURT: Ladies and gentlemen, what we are going

BRITTANY POOLE CROSS BY MR. FARR

1 to do, we have work to do that has to be done outside of your
2 presence. As far as you are concerned, this will end your day
3 today for purposes of this trial. I will ask that you remember
4 the two ongoing instructions. Don't do any type of independent
5 research or investigation. Don't have any discussions with
6 anyone including yourself about anything involved in the case.

7 With those two ongoing instructions, I will ask you
8 to please return and be back by 9:30. We'll resume the taking
9 of the testimony. You may go with the bailiff.

10 Thank you very much.

11 (The jury exited the courtroom at 3:11 p.m.)

12 THE COURT: How many more?

13 MR. RHODEN: Tomorrow?

14 THE COURT: Yes, sir.

15 MR. RHODEN: I think I have seven.

16 THE COURT: Do you anticipate that we'll finish
17 before lunch or after lunch?

18 MR. RHODEN: I know Officer Hammitt is going to be
19 lengthy. We have issues in regards to the statement the
20 Defendant gave. That's going to take a while.

21 And my thought process is to call Officer Hammitt
22 probably the first witness tomorrow. And we'll need to
23 probably go into all of those issues in regard to the
24 statement. I think we'll spill over into the afternoon.

25 THE COURT: Hammitt. You're going to wait to make

BRITTANY POOLE CROSS BY MR. FARR

1 your objections until he asks the questions or is that
2 something we can do prior to bringing the jury in?

3 MR. FARR: We can do prior to bringing the jury. I
4 would like to do that before the jury comes in.

5 THE COURT: I would like to do that as well.
6 You need him here to testify?

7 MR. RHODEN: Officer Hammitt?

8 THE COURT: Before we can address it?

9 MR. RHODEN: He's right here.

10 DEP. HAMMITT: I've been here.

11 THE COURT: You're here already.

12 DEP. HAMMITT: Yes, sir.

13 MR. RHODEN: We probably might get into some
14 proffer of testimony in regards to that, Your Honor.

15 THE COURT: Can we do so now?

16 MR. RHODEN: Uh-uh.

17 THE COURT: I was just asking. We'll try to do it
18 first thing in the morning.

19 You've got the proposed jury charges. Take a look
20 at those over the evening as well. And let me know if any
21 additions or whatever.

22 If we get into the afternoon and we're still taking
23 testimony, I don't like charging the jury late in the day. I
24 don't want the time to be an element of what their decision is.
25 Even if we ended and got through with the defense, if they do

BRITTANY POOLE CROSS BY MR. FARR

1 present a defense, we'll probably do a charge Thursday morning.

2 MR. RHODEN: We do have a wild card and that is
3 that I haven't totally at this point ruled out calling the
4 coDefendant. If we get into that, obviously, that's going to
5 take a little bit.

6 THE COURT: That will be fine. We have Thursday.
7 If we go into Friday, we could. I'll make someone really
8 disappointed, if I go into Friday.

9 MR. RHODEN: We're not going that far.

10 THE COURT: Let me know about the jury charges. I
11 will try to get ready for Officer Hammitt, and we will step
12 down.

13 (The hearing was adjourned at 3:15 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF SOUTH CAROLINA IN GENERAL SESSIONS
2 COUNTY OF SPARTANBURG 7th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA, VOLUME III

4 Plaintiff,

5 vs.

CASE NO. 2024-GS-42-04171
2024-GS-42-04172

6 JERMAINE CULVER,

7 Defendant.

8
9
10 HEARING BEFORE: HONORABLE J. MARK HAYES, JR.

11 DATE: March 12, 2025

12 TIME: 10:17 AM

13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
 Spartanburg, SC 29306

15 REPORTED BY: LORA L. McDANIEL,
16 Registered Professional Reporter

17
18 APPEARANCES:

19 ATTORNEYS FOR THE PLAINTIFF
20 WILLIAM G. RHODEN, ASSISTANT SOLICITOR

21 ATTORNEYS FOR THE DEFENDANT
22 ZACHARY FARR, ESQ.

1		I N D E X			
2			DIRECT	CROSS	REDIRECT
3	WITNESS/EXAMINATION		RECROSS		
4	DEP. KENNETH HAMMITT				
5	BY MR. RHODEN	205,213	--	--	--
6	VOIR DIRE BY MR. FARR	--	211	--	--
7	<u>SGT. JASON KRAMER</u>				
8	BY MR. RHODEN	222	--	--	--
9	BY MR. FARR	--	224	--	--
10	<u>JAMES R. BRITT</u>				
11	BY MR. RHODEN	227	--	229	--
12	BY MR. FARR	--	228	--	--
13	<u>SGT. BRANDON LETTERMAN</u>				
14	BY MR. RHODEN	230,237	--	255	--
15	VOIR DIRE BY MR. FARR	--	236	--	--
16	BY MR. FARR	--	251	--	--
17	<u>NIKKI CREAL</u>				
18	BY MR. RHODEN	257	--	259	--
19	BY MR. FARR	--	258	--	--
20	<u>DEP. KENNETH HAMMITT</u>				
21	BY MR. RHODEN	264	--	271	--
22	BY MR. FARR	--	269	--	--
23	<u>KARA BENNICK</u>				
24	BY MR. RHODEN	274	--	--	--
25	BY MR. FARR	--	277	--	--

1	<u>HANNAH BURBAGE</u>				
2	BY MR. RHODEN	278	--	--	--
3	BY MR. FARR	--	288	--	--
4	<u>TIMOTHY NAFZIGER, JR.</u>				
5	BY MR. RHODEN	290	--	306	--
6	BY MR. FARR	--	303	--	--
7	<u>DEP. KENNETH HAMMITT</u>				
8	BY MR. RHODEN	308	--	331	--
9	BY MR. FARR	--	327	--	--
10					
11	E X H I B I T S				
12			FOR I.D.	IN EVD.	
13	STATE EXH. 18, Permission to Search RC	208		208	
14	STATE EXH. 19, Permission to Search JC	209		209	
15	STATE EXH. 20, Consent form for AB	223		223	
16	STATE EXH. 21, Property report, iPhone	224		224	
17	STATE EXH. 22, USB drive for Bobo	228		228	
18	STATE EXH. 22, USB drive for Bobo	233		233	
19	STATE EXH. 24, CD-ROM	239		239	
20	STATE EXH. 25, Waiver	265		265	
21	STATE EXH. 25, Waiver	267		267	
22	STATE EXH. 27, CD-ROM	273		273	
23	STATE EXH. 28, Chain of custody report	275		275	
24	STATE EXH. 29, Serology notes	282		282	
25	STATE EXH. 30, Photographs (2)	283		283	

1	STATE EXH. 31, DNA report	285	285
2	STATE EXH. 32, DNA lab report	293	293
3	STATE EXH. 32, DNA lab report	311	311
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 THE COURT: Bring in the jury.

2 (The jury entered the courtroom at 10:18 a.m.)

3 THE COURT: Ladies and gentlemen, good morning.

4 Before you come to the conclusion that I'm bad at my job, we
5 have actually been working even before you got here, okay. I
6 thought we would get it done and have you in here on time. I
7 apologize for keeping you in the back.

8 I think we've made some progress with what we've
9 done this morning to try to make it run more efficiently. I
10 did want to acknowledge that we understand the inconvenience
11 we're causing to you. We're doing the best we can to minimize
12 that. Thank you-all very much.

13 At this time, is the State ready to call their next
14 witness?

15 MR. RHODEN: Yes, sir, Your Honor. The State would
16 call Kenneth Hammitt.

17 THE COURT: Sir, come right up here and let the
18 clerk of court swear you in.

19 DEPUTY KENNETH HAMMITT
20 being first duly sworn, testified as follows:

21 THE COURT: Just have a seat in the chair and pull
22 the chair up to the microphone.

23 MR. RHODEN: May it please The Court.

24 THE COURT: Yes, sir.

25 DIRECT EXAMINATION

DEP. HAMMIT DIR BY MR. RHODEN

1 BY MR. RHODEN:

2 Q. Give us your full name, please.

3 A. Kenneth Hammitt.

4 Q. By whom are you employed?

5 A. Spartanburg County Sheriff's Office.

6 Q. What's your position?

7 A. I work as a violent crime investigator.

8 Q. We're here about this incident that took place on
9 March 12, 2022 at the Valero gas station that the Defendant was
10 involved in. Are you familiar with that case?

11 A. Yes, sir.

12 Q. Are you the lead investigator in that?

13 A. I am, yes, sir.

14 Q. Did your involvement in that case, did you do many
15 things associated with that?

16 A. Yes, sir.

17 Q. Was part of it collecting some DNA buccal swabs
18 from a couple of individuals?

19 A. Yes, sir.

20 Q. And once again, we had Officer Nix up there
21 yesterday. Can you just briefly, once again, tell the jury
22 what a buccal swab is.

23 A. It is basically like a Qtip swab that it's on a
24 wooden stick. You take it and swab it on each side of the
25 cheeks. On the left and the right.

DEP. HAMMIT DIR BY MR. RHODEN

1 Q. Is there a particular kit or protocol that you use
2 when taking the buccal swab from an individual?

3 A. I think Sergeant Nix in ID does it entirely
4 different than what we typically do as investigators. When we
5 get the buccal swab, we will get two packets of the Qtips, two
6 boxes. Prior to me taking the buccal swabs I put rubber gloves
7 on so there's no cross contamination.

8 I label each box the date and time and who the
9 person's sample it is. And then I will take two swabs out of
10 the left side, then I'll put it in the box, seal the box up.
11 And I'll take the other and I'll do the other side and close
12 the box up. Then it's placed in evidence envelope where it's
13 sealed and turned into evidence.

14 Q. Did you take a buccal swab from Roslyn Crosby?

15 A. I did, yes, sir.

16 Q. And who is Rosalyn Crosby?

17 A. She is the mother of the victim in this case,
18 Jarqueze Williams.

19 Q. And the car that was involved in this case that was
20 taken from the Valero and dumped at [REDACTED] California Avenue, who
21 actually owned that car?

22 A. Ms. Crosby is the actual owner of the car.

23 Q. So you needed to take her buccal swab for purposes
24 of DNA comparison to the lab?

25 A. Elimination or comparison swab.

DEP. HAMMIT DIR BY MR. RHODEN

1 Q. Did Ms. Crosby consent --

2 A. She did.

3 Q. -- to that? Do you recognize that document?

4 A. Yes, sir. That is the permission to search person
5 document for Ms. Crosby.

6 MR. RHODEN: State would move to introduce this
7 document.

8 MR. FARR: No objection.

9 (STATE EXH. 18, Permission to Search for RC, was
10 marked for identification and entered into evidence.)

11 BY MR. RHODEN:

12 Q. Did you also have -- I apologize for turning my
13 back on you.

14 Did you do a buccal swab from another individual,
15 that being Mr. Culver over here?

16 A. I did, yes, sir.

17 Q. Once again, did you go through and use the kit and
18 go through the proper protocol in regard to the buccal swab?

19 A. Yes, sir.

20 Q. Did he consent to you taking that buccal swab?

21 A. He did via his mother because he was under age at
22 the time.

23 Q. Let me show you this document and ask if you can
24 identify that as being the consent to the buccal swab?

25 A. It is, yes, sir.

DEP. HAMMIT DIR BY MR. RHODEN

1 MR. RHODEN: State would move to introduce this
2 document.

3 MR. FARR: No objection.

4 THE COURT: Without objection, State 19.

5 (STATE EXH. 19, Permission to search for JC, was
6 marked for identification and entered into evidence.)

7 BY MR. RHODEN:

8 Q. Officer Hammitt, once you complete the buccal swabs
9 on these individuals, are they packaged up and sealed with
10 tamper-resistant evidence tape and things of that nature?

11 A. Yes. We have a standard eight-and-a-half-by-11
12 envelope, evidence envelope that we use.

13 Q. Were they placed into evidence?

14 A. Yes, sir.

15 Q. Let me kind of circle back around, specifically for
16 these two buccal swabs. Show you property sheets marked as
17 exhibit 16 for Ms. Crosby and 17 for Mr. Culver. Are these the
18 property sheets that show that those were taken by you and put
19 into evidence at the Sheriff's Department?

20 A. Yes, sir.

21 Q. Let me ask you about the items that were taken, the
22 things that were taken from the vehicle, specifically the swabs
23 that Officer Nix has already testified to about taking the
24 swabs from the car itself and steering wheel and gear shift and
25 other places in the car.

DEP. HAMMIT DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. He put those into evidence.

3 Also swabs from a soda bottle.

4 We have these property sheets and a blood spot card
5 that Officer Williams testified that she collected and put into
6 evidence.

7 We have the hoodie that Officer Jefferson testified
8 to, that she collected and put into evidence.

9 We have the buccal swab from Mr. Bobo that was
10 collected and put into evidence by Officer Nix.

11 And we have the two buccal swabs that you testified
12 to that were put into evidence. Where did all of that evidence
13 go to? The next step, where did that go?

14 A. We take it from our evidence department and I drove
15 it to 4 McGee Street in Greenville County, which is the
16 property evidence section for Greenville County Public Safety.

17 Q. All of those that I just mentioned that are shown
18 on these various property sheets, State's Exhibits 7, 8, 9,
19 number 12, number 15, 16, 17, and also 19 is associated with
20 that, with the blood spot card, did you physically take all of
21 those items out of evidence and take them to the Greenville
22 lab?

23 A. I took them to Greenville's property and evidence.
24 Who received it is Greenville lab.

25 Q. And the purpose for doing that was what?

DEP. HAMMITT VOIR DIR BY MR. FARR

1 A. For having a DNA analysis on all the items that had
2 been collected.

3 Q. When we say you did that, you physically went to
4 the evidence room at the Sheriff's Office and transported all
5 those items over to Greenville and you did that personally?

6 A. Did that personally, yes, sir.

7 Q. That's all the items that were done in this case
8 for purposes of DNA analysis?

9 A. Yes, sir.

10 MR. RHODEN: One second.

11 THE COURT: Yes, sir.

12 (A pause transpired.)

13 MR. RHODEN: Can we approach?

14 (Off-the-record discussion.)

15 THE COURT: Mr. Farr, you wish to cross-examine the
16 witness on these issues?

17 MR. FARR: I do, Your Honor. If it may please The
18 Court, Solicitor.

19 THE COURT: Yes, sir.

20 VOIR DIRE EXAMINATION

21 BY MR. FARR:

22 Q. Investigator Hammitt, when did you get -- let me
23 rephrase it. When you're in the Sheriff's Office, I'm assuming
24 they hand you a case file, tell you: You're going to take over
25 the case; is that correct?

DEP. HAMMITT VOIR DIR BY MR. FARR

1 A. Yes, sir.

2 Q. In this case, when did you actually get this case
3 on your desk for you to start investigating?

4 A. I believe it was March 25th or 26th.

5 Q. March 25th. And then did you review the file?
6 When I say that, since other officers have testified, did you
7 review what they searched in that car?

8 A. I started the process, yes, sir.

9 Q. And at that time when you were reviewing that, did
10 you see what they took for DNA purposes inside that car and
11 fingerprints?

12 A. I didn't physically see it, but I saw the list,
13 yes, sir.

14 Q. You went back out there April 25th; is that
15 correct, of 2022?

16 A. Around that date, yes, sir.

17 Q. That's where Ms. Jefferson went out there with you
18 to collect a sweatshirt?

19 A. Yes, sir.

20 Q. And something about that sweatshirt, did y'all have
21 it tested for any type of lead particles on the sweatshirt?

22 A. Did not, no, sir.

23 Q. Y'all didn't do any of that on that sweatshirt;
24 just for DNA purposes only?

25 A. That is correct.

DEP. HAMMITT DIR BY MR. RHODEN

1 Q. And then the Solicitor was asking you about you're
2 the one who put the evidence inside Spartanburg County and
3 sealed it with all the evidence?

4 A. The evidence I collected, yes, sir.

5 Q. And then from there, do you take pictures to show
6 that it was sealed before you give it to Greenville County?

7 A. I do not, no, sir.

8 Q. Do you know if Greenville County takes pictures to
9 make sure it was sealed when you handed it off to them?

10 A. I do not know that, no, sir.

11 MR. FARR: That's all the questions I have on the
12 DNA, Your Honor.

13 THE COURT: Any redirect on the DNA issue?

14 MR. RHODEN: Just follow-up on a couple questions
15 Mr. Farr asked you.

16 DIRECT EXAMINATION CONTINUED

17 BY MR. RHODEN:

18 Q. You did not get involved in this case until April
19 25th, I think is what you told him?

20 A. That's when I went and got the shirt from the car.
21 March 25th, 26th, somewhere around there is the actual date the
22 case was turned over to me.

23 Q. That was back in March?

24 A. Yes.

25 Q. But you went out to the car in April?

DEP. HAMMITT DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. And is that the time that the hoodie was found in
3 the car?

4 A. Yes, sir.

5 Q. So was that the first time you had been out to the
6 car?

7 A. Yes.

8 Q. So when you went out to the car in April you
9 noticed this hoodie. And where was it?

10 A. It was in the back seat, up under the television,
11 the big screen TV.

12 Q. And did you -- when you went out there on April
13 25th, did you recognize that might have some evidentiary value
14 in this case?

15 A. Yes, sir.

16 Q. And did you call detective or Officer Jefferson,
17 who's an evidence or forensics person --

18 A. Yes.

19 Q. -- to come and actually collect that?

20 A. That's correct.

21 Q. Let me show you Exhibit Number 12, which is in
22 regards to the hoodie. Is that the evidence sheet in regard to
23 the hoodie?

24 A. Yes, sir.

25 Q. You took that to Greenville?

DEP. HAMMITT DIR BY MR. RHODEN

1 A. I took it to Greenville, yes, sir.

2 Q. Let me back up. On the top part there where it
3 says date it's impounded --

4 A. Yes, sir.

5 Q. -- what is that date?

6 A. April 25th at 1346 or 1:46 p.m.

7 Q. Would that have been the date that you went out to
8 the car?

9 A. Yes.

10 Q. And she came out and did things with the hoodie?

11 A. Yes, sir.

12 Q. Did Officer Jefferson -- and we have various
13 pictures here already in evidence. Did she take pictures of
14 the hoodie?

15 A. Yes, sir.

16 Q. So did that take some time to do all that?

17 A. Yes, sir.

18 Q. To collect it?

19 A. Yes.

20 Q. And take pictures. Do you know, did she seal the
21 hoodie in something before she put it back into evidence or put
22 it into evidence?

23 A. I do not know that.

24 Q. When did she actually put it into evidence?

25 A. Evidence shows receiving it on 4/26 at 1:10 p.m.

DEP. HAMMITT DIR BY MR. RHODEN

1 Q. She collected it on the 25th, had to do her thing
2 and actually put it in the evidence room on the 26th?

3 A. Yes.

4 Q. Typically, when you put something into the evidence
5 room, do you do that after you're finished with whatever you're
6 going to do with it?

7 A. That's typically how I would do it. I would make
8 sure all my paperwork is done before I take it down to
9 evidence.

10 Q. In regards to the items that you took from the
11 evidence to Greenville, Mr. Farr asked some questions about
12 pictures. Did any of the items appeared to be tampered with in
13 any way when you collected them from evidence and took them to
14 Greenville?

15 A. No, sir.

16 Q. Did everything appear to be sealed and regular
17 shaped?

18 A. Yes.

19 Q. Nothing strange about anything before you took it
20 to Greenville?

21 A. Nothing that I noticed, no, sir.

22 MR. RHODEN: Thank you.

23 THE COURT: Any recross on this issue?

24 MR. FARR: No, sir.

25 THE COURT: Lawyers approach a second.

DEP. HAMMITT DIR BY MR. RHODEN

1 (Off-the-record discussion.)

2 THE COURT: Ladies and gentlemen, we are waiting on
3 the delivery of an item. I am going to let you take a short
4 recess. They're going to go check on it. Remind you not to
5 have any discussions among yourselves about anything involving
6 the case. We'll get you right back. Thank you very much.

7 (The jury exited the courtroom at 10:37 a.m.)

8 THE COURT: We'll step down.

9 THE WITNESS: Can I stretch my legs?

10 THE COURT: Don't have any discussions with anyone.

11 (A recess transpired.)

12 THE COURT: We'll go on the record with Attorney
13 Farr and Rhoden updates.

14 MR. RHODEN: May it please The Court. I apologize
15 for the delay. Rather than going into statements that the
16 Defendant made at this time, we're going to go into, with
17 permission of The Court, go into cell phone data which will
18 take --

19 THE COURT: We need your client.

20 (Mr. Culver entered the courtroom.)

21 MR. RHODEN: May it please The Court. Rather than
22 continue on with this witness, Your Honor, because he was going
23 to go into statements made by the Defendant, we're needing that
24 video and we're not quite finished with it. Rather than waste
25 The Court's time, I can segway into cell phone testimony and

DEP. HAMMITT DIR BY MR. RHODEN

1 then come back to the interview testimony.

2 THE COURT: And the cell phone testimony witness is
3 here?

4 MR. RHODEN: They are.

5 THE COURT: Is that an agreeable approach?

6 MR. FARR: Yes, sir, that is.

7 THE COURT: I'm going to ask Officer Hammit, he can
8 step down. Remind you of the ongoing instruction, don't have
9 any discussions with anyone about the substance of your
10 testimony. You can talk to people, just don't talk about your
11 testimony.

12 Do you want to put an objection on the record about
13 the cell phone testimony before we bring the jury in?

14 MR. FARR: I do, Your Honor, at this time. The
15 State, as we talked and discussed, Investigator Kramer
16 approached coDefendant Antoin Bobo. I'm objecting for a few
17 reasons. The first one is that it's not relevant to this case.
18 Again, my client is on trial, Judge.

19 It would be prejudicial to put that in as well
20 because the information they want off the cell phone is hearsay
21 in nature, truth of the matter asserted.

22 Judge, it also misleads the jury and confuses the
23 jury.

24 And also I believe there would be a Crawford issue
25 in this as well. Nobody is going to -- the coDefendant is not

DEP. HAMMITT DIR BY MR. RHODEN

1 here to testify that this is the exact iPhone he handed over.
2 They put the lawful owner as Ms. Knuckles. She's not here to
3 testify this is the cell phone they turned in and they're using
4 today. She got it back. Those would be my issues, Judge.
5 It's a Crawford issue. Mr. Bobo is not here to testify yet in
6 this case. Those are my issues at this time.

7 MR. RHODEN: I don't see this as being a Crawford
8 issue. The State is not going to use any, like, messages, text
9 messages, or anything of that nature off of that cell phone.
10 We're simply going to use the data that was stored in that cell
11 phone that represents locations.

12 Once again, it's the State's theory of this case
13 that these parties, Mr. Bobo and Mr. Culver, were together.
14 They're shown in that video that we played, showing both of
15 them walking on the sidewalk, eyeing the car, showing both of
16 them later moving to an area off camera and both of them
17 running and jumping into the car. And Mr. Williams was shot
18 shortly thereafter when he tried to intercede in the theft of
19 this car.

20 It's our theory, the hand of one, hand of all.
21 This is Mr. Bobo's phone. The officer will testify that he
22 collected the phone from Mr. Bobo. And Mr. Bobo actually
23 signed the property sheet.

24 Then the phone was dumped, which means that the
25 data was collected off of the phone and then held within the

DEP. HAMMITT DIR BY MR. RHODEN

1 electronic evidence vault, so to speak, that's me paraphrasing.
2 Then it was analyzed later.

3 We're using the locations off of the phone. We're
4 not using any type of anything that would be some sort of
5 statement that, you know, like text messages or anything of
6 that. I don't see -- this is a sort of information that's been
7 used over and over and over in numerous cases. And experts
8 have been qualified in regard to cell phone information. I
9 don't see the sort of confrontation clause issue.

10 THE COURT: Any reply?

11 MR. FARR: Just real quick. There's nobody
12 testifying from whatever service he had or what type of phone
13 this was from the company to say any of this information was
14 reliable or has been edited or altered in any way. They don't
15 have anybody to testify to that.

16 MR. RHODEN: That's simply not necessary because
17 they have the physical phone in this case of Mr. Bobo. So all
18 they do is go in and download all of the electronic information
19 directly from the phone. They do not have to do anything other
20 than that to physically get their data that they then use to
21 show where that phone was.

22 THE COURT: Thank y'all for that. I'm not going to
23 exclude it. I think the State, they can present the witness.
24 The witness can identify it, say where it came from. The
25 witness is subject to cross-examination. All of the issues

DEP. HAMMITT DIR BY MR. RHODEN

1 that you raised may be valid cross-examination.

2 I'm not saying don't do it or you can't do it. I
3 think that better goes to the value or the weight of the
4 evidence. I think it's still going to be admissible.

5 He's here?

6 MR. RHODEN: Yes. I would like to continue on with
7 the cell phone. I have my mind on that now. Getting old, hard
8 to shift gears.

9 THE COURT: We won't talk about getting old, okay.
10 We'll be challenging each other. And your cell phone witness
11 is outside?

12 MR. RHODEN: They are.

13 THE COURT: Let's bring the jury in.

14 (The jury entered the courtroom at 10:57 a.m.)

15 THE COURT: State's ready to call their next
16 witness?

17 MR. RHODEN: Officer Kramer.

18 THE COURT: Just come right up here and let the
19 clerk of court swear you in.

20 SGT. JASON KRAMER

21 being first duly sworn, testified as follows:

22 THE COURT: Just come right around and have a seat
23 in the chair and pull the chair up to the microphone.

24 Thank you, sir.

25 MR. RHODEN: May it please The Court.

SGT. KRAMER DIR BY MR. RHODEN

1 THE COURT: Yes, sir.

2 DIRECT EXAMINATION

3 BY MR. RHODEN:

4 Q. Give us your full name.

5 A. Jason Kramer.

6 Q. By whom are you employed?

7 A. Spartanburg County Sheriff's Office.

8 Q. What do you do at the Sheriff's Office?

9 A. I'm a sergeant over property crimes.

10 Q. Officer Kramer, back in April of 2022, did you have
11 occasion to come into contact with Antoin Bobo?

12 A. Yes, I did.

13 Q. And in regard to that contact with Mr. Bobo, did
14 you collect a cell phone from Mr. Bobo?

15 A. Yes, he voluntarily gave me his cell phone.

16 Q. Did Mr. Bobo sign a consent to search his cell
17 phone?

18 A. Yes, he did.

19 Q. Can you identify that, please.

20 A. Yeah, this is a consent to search electric media
21 form that Mr. Bobo signed.

22 MR. RHODEN: Your Honor, we move to introduce this
23 form.

24 THE COURT: Without objection.

25 MR. FARR: Renew my objection, Judge, for the

SGT. KRAMER DIR BY MR. RHODEN

1 entering of that.

2 THE COURT: To the form?

3 MR. FARR: Yes, sir.

4 THE COURT: Subject to your objection.

5 (STATE EXH. 20, Consent form for AB, was marked for
6 identification and entered into evidence.)

7 BY MR. RHODEN:

8 Q. Officer Kramer, after you collected that cell phone
9 from Mr. Bobo, what did you do with it?

10 A. I took it into the Sheriff's Office and gave it to
11 Sergeant Letterman.

12 Q. Sergeant Letterman?

13 A. Yes, sir.

14 Q. Did you also create a property sheet showing that
15 cell phone was collected by you?

16 A. Yes, I did.

17 Q. Is that a copy of that property sheet?

18 A. Yes, sir, it is.

19 Q. And it was showing that it was collected on April
20 1, 2022?

21 A. Yes, sir.

22 Q. And did Mr. Bobo sign that sheet?

23 A. Yes, he signed this as well. That's his signature
24 right there on top.

25 Q. It was returned to Ms. Knuckles. Do you know who

SGT. KRAMER CROSS BY MR. FARR

1 she is?

2 A. Yes, I drove -- once the cell phone was downloaded,
3 I drove back to his residence. Ms. Knuckles, his mother, she
4 signed for it. I gave it back to him.

5 MR. RHODEN: Your Honor, we move to introduce the
6 property sheet.

7 MR. FARR: Renew same objection.

8 THE COURT: Subject to your objection, State's 21.

9 (STATE EXH. 21, Property report, iPhone, was marked
10 for identification.)

11 BY MR. RHODEN:

12 Q. Officer, was that basically essentially your
13 involvement with the cell phone?

14 A. Yes, sir.

15 Q. You didn't download any information or anything?
16 That's not part of your job?

17 A. That's not part of my job to analyze it, no.

18 MR. RHODEN: Thank you. That's all I have.

19 MR. FARR: May it please The Court.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. FARR:

23 Q. Mr. Kramer, when you did the form for Mr. Bobo to
24 sign, did you sign his name, or did you have him sign it?

25 A. That's his signature on the form.

SGT. KRAMER CROSS BY MR. FARR

1 Q. Was that recorded on him signing it?

2 A. Yes, it was -- on the property sheet?

3 Q. Yes, sir.

4 A. No, the consent to search form was signed in the
5 interview room where he had to go down to the parking lot to
6 get his phone out and bring it back up.

7 Q. Did you sign it out there?

8 A. He signed it outside.

9 Q. He wasn't on any video recording or anything?

10 A. No.

11 Q. Was it an iPhone 6?

12 A. iPhone 8.

13 Q. That's where you got the information from the
14 iPhone 8?

15 A. Yes.

16 Q. And not 6?

17 A. No, it's 8.

18 Q. When you take it to the property, does he go with
19 you to the property area to have him sign the property sheet?

20 A. No. It was signed in the parking lot where I took
21 the phone. I immediately took it upstairs.

22 Q. It says he signed -- did you have to do both at the
23 same time?

24 A. Sign the form inside?

25 Q. If you look at the property sheet, number 14 has

SGT. KRAMER CROSS BY MR. FARR

1 his signature.

2 A. Yes.

3 Q. You had him at the property area to sign it?

4 A. No, it was in the parking lot.

5 Q. Was that video recorded?

6 A. No.

7 Q. And you said you gave the phone directly to
8 Investigator Letterman?

9 A. Sergeant Letterman.

10 Q. When you did that on the property sheet, did you
11 have that phone actually given to Mr. Letterman on the property
12 sheet?

13 A. No.

14 MR. FARR: That's all the questions I have, Your
15 Honor.

16 THE COURT: Any redirect limited to what he went
17 into?

18 MR. RHODEN: No.

19 THE COURT: Thank you, sir. You may step down.
20 Any reason why the witness cannot be excused?

21 MR. RHODEN: No, sir.

22 MR. FARR: No.

23 (The witness exited the stand).

24 THE COURT: State ready to call the next witness?

25 MR. RHODEN: Yes, we would call James Britt.

OFF. BRITT DIR BY MR. RHODEN

1 May we approach?

2 (Off-the-record discussion.)

3 THE COURT: Come on up, Officer. Come over here
4 and let the clerk of court swear you in.

5 OFFICER JAMES BRITT
6 being first duly sworn, testified as follows:

7 THE COURT: Sir, just come around and have a seat
8 in the black chair. Pull the chair up to the microphone.

9 DIRECT EXAMINATION

10 BY MR. RHODEN:

11 Q. Give us your full name, please.

12 A. James R. Britt.

13 Q. Mr. Britt, back in March, April 2022, by whom were
14 you employed?

15 A. Spartanburg County Sheriff's Office.

16 Q. What was your position?

17 A. I was a property crimes investigator.

18 Q. And in regard to -- we're talking about a cell
19 phone that belonged to a Mr. Bobo. Did you have any
20 involvement with the data on that cell phone?

21 A. So then Sergeant Letterman, he was running the
22 forensics unit at that time. I was in the process of cross
23 training to take over his position. From my understanding,
24 Sergeant Letterman had done a forensic dump through Gray Key on
25 that device. As part of my cross training, I employed that

OFF. BRITT CROSS BY MR. FARR

1 data from Gray Key to Cellebrite to create a readable format.
2 And I saved the data.

3 Q. I have a disk that had the data on it. And then
4 this disk also has a Cellebrite report?

5 A. Yes, sir.

6 Q. Would that be what you did in regard to this
7 particular cell phone?

8 A. Yes, sir.

9 MR. RHODEN: Your Honor, we would move to introduce
10 this flash drive from the data with the Cellebrite report.

11 MR. FARR: Renew my same objection, Your Honor, to
12 the Cellebrite data.

13 THE COURT: Subject to your objection, I will admit
14 it.

15 (STATE EXH. 22, USB drive for Bobo, was marked for
16 identification and entered into evidence.)

17 MR. RHODEN: That's all I have for this witness,
18 Your Honor.

19 MR. FARR: May it please The Court, Solicitor.

20 CROSS-EXAMINATION

21 BY MR. FARR:

22 Q. What's Gray Key?

23 A. Gray Key is a device that is able to extract the
24 data from a device such as an iPhone.

25 Q. Does that have a report as well?

OFF BRITT REDIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. And when you have that report, is that a separate
3 report from the other one that Sergeant Letterman did or
4 Investigator Letterman did?

5 A. So the one that I was involved with was Cellebrite.
6 The one for Gray Key Sergeant Letterman would have done.

7 Q. That was given over to the Solicitor's Office so
8 you could compare the two together?

9 A. It would be the same data, yes, sir.

10 MR. FARR: That's all the questions I have, Your
11 Honor.

12 REDIRECT EXAMINATION

13 BY MR. RHODEN:

14 Q. To clarify, the Gray Key is some software that
15 deals with when you actually do the data dump; is that correct?

16 A. Yes, sir.

17 Q. And the Cellebrite is the software that you use to
18 create the report that you did?

19 A. Yes, sir. It takes the lines of code from Gray Key
20 and translates into actual readable report.

21 Q. It's kind of two or three-step process. You got to
22 get the raw data, as I call it, with the Gray Key. And then
23 you have to do the Cellebrite report, step number two. You
24 really weren't involved with step number one; you just did step
25 number two?

SGT. LETTERMAN DIR BY MR. RHODEN

1 A. Correct, sir.

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

3 Any reason why the witness cannot be excused?

4 MR. RHODEN: No.

5 THE COURT: You may be excused as well, sir.

6 THE WITNESS: Thank you.

7 (The witness exited the stand).

8 MR. RHODEN: Letterman.

9 THE COURT: Sir, just come right up here and let
10 the clerk of court swear you in.

11 SGT. BRANDON LETTERMAN

12 being first duly sworn, testified as follows:

13 THE COURT: Have a seat in the chair, pull the
14 chair up to the microphone.

15 DIRECT EXAMINATION

16 BY MR. RHODEN:

17 Q. Give us your full name, please.

18 A. Brandon Letterman.

19 Q. Officer Letterman, by whom are you employed?

20 A. Spartanburg County Sheriff's Office.

21 Q. What is your position?

22 A. Investigator.

23 Q. Back in March, April of 2022, what was your
24 responsibilities at the Sheriff's Office?

25 A. I was the sergeant over digital forensics unit.

SGT. LETTERMAN DIR BY MR. RHODEN

1 Q. And did you have some involvement in dealing with a
2 couple of different cell phone information?

3 A. Yes.

4 Q. Was one of them regarding a cell phone that was
5 collected into the Sheriff's Office property that was owned by
6 a Mr. Bobo?

7 A. Yes, that's correct.

8 Q. Let's talk about the Bobo cell phone for a minute.

9 Did you actually have the physical cell phone in
10 your possession at the time that you dealt with the data on the
11 cell phone?

12 A. The data dump.

13 Q. How do you get the data off the cell phone, I guess
14 is a better question.

15 A. You would connect it to a device, Gray Key or
16 Cellebrite, which is a device that sets off connection with the
17 computer, connected to that device, extracts the data off the
18 cell phone.

19 Q. My understanding, you did the raw data dump on this
20 cell phone?

21 A. Correct.

22 Q. That's when you would have to use the cell phone to
23 get the data off of it?

24 A. I'm sorry. Ask that again.

25 Q. You have to use the cell phone to get the data off

SGT. LETTERMAN DIR BY MR. RHODEN

1 of the cell phone?

2 A. Yes.

3 Q. Let me show you a flash drive. Just open that up
4 and see if you can identify that flash drive.

5 A. Yes.

6 Q. Is that the Bobo cell phone raw data?

7 A. Yes.

8 Q. Would you have been the one that -- we call it a
9 data dump. Would you have been the one to do that?

10 A. Yes.

11 Q. And does that use the Gray Key software to do that?

12 A. Yes. If my recollection is correct, it was iPhone.
13 We would've had to use the Gray Key, yes.

14 Q. When you're trying to get information off of a cell
15 phone, is that the first step to get the raw data off of it?

16 A. Yes.

17 Q. Let me show you what's already been marked as
18 State's Exhibit 22. You have your initials on that, that we
19 just talked about; correct?

20 A. Yes.

21 MR. RHODEN: State would move to introduce that
22 data, flash drive, Your Honor.

23 MR. FARR: Renew my objection, Your Honor.

24 THE COURT: Subject to your objection, admit that
25 flash drive. That will be State's 23.

SGT. LETTERMAN DIR BY MR. RHODEN

1 (STATE EXH. 23, USB drive, was marked for
2 identification and entered into evidence.)

3 BY MR. RHODEN:

4 Q. I apologize. We did it a little bit backwards. 23
5 that we just talked about, is the raw data?

6 A. Correct.

7 Q. I'm going to show you what's already been marked as
8 State's Exhibit Number 22. Does that also have your
9 identifying mark on it?

10 A. It does.

11 Q. Is that the Cellebrite report from that same cell
12 phone?

13 A. Yes.

14 Q. Is that a step that you have to take in order to
15 make the data useable and seeable and be able to do whatever
16 you need to do with the data?

17 A. Correct.

18 Q. I'm going to now show you a couple of other discs
19 that have already been admitted -- I'm going to show you one.
20 That's already been admitted into evidence as State's Exhibit 2
21 and 2-A that were introduced by Verizon for a phone number of

22 [REDACTED].

23 A. Okay.

24 Q. Which was a cell phone belonging to Mr. Culver?

25 A. Correct.

SGT. LETTERMAN DIR BY MR. RHODEN

1 Q. We also have into evidence as State's Exhibit
2 Number 3, the subscriber information associated with that data,
3 and that shows who as the subscriber?

4 A. Jermaine Culver.

5 Q. In regard to that Verizon data, did you also
6 utilize that Verizon data in order to create some report?

7 A. I did.

8 Q. Let's back up now a little bit and talk about you.
9 Back in March, April of 2022, once again, your responsibilities
10 were what?

11 A. Digital forensics.

12 Q. And did that require some specialized training to
13 be able to do the things that you do with cell phone
14 information?

15 A. Yes.

16 Q. And can you give us a little bit of your background
17 and your training in regard to cell phone analysis.

18 A. Yes. Bear with me. 2017, I took a Cellebrite
19 certified operator course, 40-hour course to be a certified
20 Cellebrite operator.

21 Also took a 40-hour course in April 2017 to be a
22 certified Cellebrite physical analyst. The operator is to
23 teach you how to use the equipment and the analyst is to teach
24 you how to dig down and find the evidence that you're looking
25 for in the device and parse extraction.

SGT. LETTERMAN DIR BY MR. RHODEN

1 I was a member of the United States Secret Service
2 Electronic Ground task force, 2017 to 2022. As being part of
3 that, I was allowed to attend the Secret Service National
4 Academy in Alabama where I attended 40, 80, 232 hours' worth of
5 training on three different courses for cell phone technology.

6 Also attended 40-hour class through ZetX, which is
7 the company and program that we use to map call utility
8 records.

9 2019 I was recognized as the top forensic examiner
10 in the state by the United States Secret Service. And I've
11 done over 1,200 at last count; 1,248 cell phone extractions
12 during the time that I was a cell phone examiner.

13 Q. Using the data, about how many times have you
14 mapped out data using cell phone information?

15 A. Two hundred plus times. Cell phone detailed
16 records.

17 Q. Have you testified in court before as an expert
18 witness concerning cell phone data and cell phone location
19 analysis?

20 A. Yes, qualified three times as an expert witness.

21 MR. RHODEN: At this time I would offer Sergeant
22 Letterman as an expert in regard to cell phone data and cell
23 phone location analysis.

24 MR. FARR: I would object to that under Rule 702,
25 Your Honor.

SGT. LETTERMAN VOIR DIRE BY MR. FARR

1 THE COURT: Do you wish to question the witness on
2 his credentials?

3 MR. FARR: I do, real quick, Your Honor.

4 THE COURT: Yes, sir.

5 VOIR DIRE EXAMINATION

6 BY MR. FARR:

7 Q. How reliable is this science or what you're calling
8 the data?

9 A. Are you talking about cell phone data --

10 Q. Yes, sir.

11 A. -- or are you talking about data from the actual
12 physical phone?

13 Q. The cell phone data from the cell.

14 A. Pretty accurate. Pretty reliable.

15 Q. I'm asking if it's reliable, not pretty reliable.
16 It's either reliable or not.

17 A. It's reliable in my opinion, yes.

18 Q. You've never had any issues of it not being
19 reliable?

20 A. No.

21 MR. FARR: That's all the questions I have, Your
22 Honor.

23 THE COURT: Any redirect on issue of credentials?

24 MR. RHODEN: No, sir.

25 THE COURT: I will allow the witness to be

SGT. LETTERMAN DIR BY MR. RHODEN

1 qualified as an expert in the area of cell phone data and cell
2 phone location and analysis.

3 Ladies and gentlemen, as I previously instructed
4 you as to the other expert witness, normally a person cannot
5 give opinion testimony. Normally when a witness testifies,
6 they must testify as to what they either saw, heard, or sensed
7 by smell or something of that nature. However, there is an
8 exception when someone is qualified because of education or
9 experience, they are permitted to give their opinion in certain
10 areas, if The Court qualifies them that way.

11 This witness will be qualified in the area of cell
12 phone data and cell phone location and analysis to give opinion
13 testimony in that area. That does not mean that you must
14 accept the opinion. It is evidence for you to use in any way
15 that you see fit.

16 Yes, sir.

17 MR. RHODEN: May it please The Court.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. RHODEN:

20 Q. Officer Letterman, we have two components here. We
21 have the data that came off of Mr. Bobo's cell phone; correct?

22 A. Correct.

23 Q. And then we have his -- came in through Verizon.
24 We have data associated with Mr. Culver's Verizon cell phone
25 account; correct?

SGT. LETTERMAN DIR BY MR. RHODEN

1 A. That's correct.

2 Q. And did you utilize the data from both Mr. Bobo's
3 cell phone and the data from Verizon connected with
4 Mr. Culver's cell phone to create a report, analysis of that
5 data?

6 A. I did.

7 Q. What was the purpose of looking at that data and
8 creating your report?

9 A. In looking at the data, two part. We were trying
10 to determine the location of the phones during the time of the
11 crime.

12 Q. Let's make a distinction here a little bit. The
13 data that comes from Mr. Bobo's cell phone, what type of data
14 are you seeing off of that?

15 A. So Mr. Bobo's phone was an actual physical
16 extraction of his device. He had his location turned on, on
17 that device. So that device would capture in 30-second
18 increments here and there, the actual location of the physical
19 phone based off of the fact he had his location turned on.
20 Bobo's phone, the data was taken physically off his phone on a
21 phone dump.

22 Culver's phone, the data taken off that was his use
23 of the phone utilizing cell towers.

24 With Bobo's we have a location of physical phone.
25 And then in Culver's we have cell towers utilizing that time.

SGT. LETTERMAN DIR BY MR. RHODEN

1 Q. And utilizing all of that data, you create a report
2 that kind of makes sense of all that?

3 A. Correct, yes.

4 Q. Let me show you this DVD disc and see if you
5 recognize that.

6 A. Yes.

7 Q. Does that have your initials on it?

8 A. It does.

9 Q. Is that the report that you generated using the
10 data that we've already introduced into evidence from both
11 Verizon and from Mr. Bobo's cell phone.

12 A. That is correct, yes, it is.

13 MR. RHODEN: Your Honor, at this time the State
14 would move to introduce this disc.

15 MR. FARR: I'm just renewing my objection due to
16 the other objection.

17 THE COURT: Subject to your objection, will be
18 admitted State's 24.

19 (STATE EXH. 24, CD-ROM, was marked for
20 identification and entered into evidence.)

21 BY MR. RHODEN:

22 Q. Officer Letterman, this obviously is a CD. It has
23 to be played on a computer --

24 A. Correct.

25 Q. -- to make some sense of this?

SGT. LETTERMAN DIR BY MR. RHODEN

1 A. Correct.

2 MR. RHODEN: With The Court's permission, I would
3 ask that the witness be allowed to come to counsel table where
4 we have a computer so he can play the disk.

5 THE COURT: Sir, if you would, you can go over
6 there. I remind you we are still making a recording of
7 everything that happens here. I've asked that they have the
8 microphone on. If you see that green light go off, turn it
9 back on. The lady in front of me as well as those 14 people
10 need to be able to hear you.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Yes, sir, you may step down.

13 BY MR. RHODEN:

14 Q. Officer Letterman, can you just explain to the jury
15 what we're seeing now.

16 A. What you're seeing here, this is Google Earth.
17 What you're seeing is the device's location. These are color
18 coded. Over on the left you will see the different types of
19 data. What we have is the red dots. That is data that was
20 physically removed from the physical phone of Mr. Bobo.

21 What you're seeing in green is the data that was
22 given to us from Verizon on the usage of Mr. Culver's phone
23 when he was making phone calls.

24 Q. Using the report that you made on that disc, can
25 you manipulate the time on that so we can see what's showing up

SGT. LETTERMAN DIR BY MR. RHODEN

1 at different times?

2 A. Yes. At the top, Google Earth has a tool bar where
3 you can narrow down your time frame for the data to be shown.

4 Q. This incident occurred back on March 12th of 2022.
5 Shortly after midnight, I think the 911 call came in about
6 12:24. Can you go back in time there and maybe start about
7 12:15 that evening.

8 A. Yes, sir.

9 Q. Early morning.

10 A. I have the 12:15 mark. What you'll see on here
11 is -- what I've done, I've placed a thumbnail with my pen up
12 here of the incident location. Down here you will see a car
13 icon where the car was physically found.

14 Q. Once again, I'm having a hard time seeing that. I
15 see the car dump location. That is where the car was found?

16 A. Correct.

17 Q. And the other?

18 A. Incident location is a yellow push pin icon at the
19 top of the screen.

20 Q. I see it now. That's what you put in to indicate
21 the two things we are dealing with, the incident location and
22 the place where the car was found?

23 A. Yep. Show you on the map where the two places
24 were.

25 Q. Let's go ahead and go forward in time to see what

SGT. LETTERMAN DIR BY MR. RHODEN

1 you can tell us about where Mr. Bobo's phone was and where
2 Mr. Culver's phone was making calls.

3 A. This was on the 12th; correct?

4 Q. Yes, early morning.

5 A. My apologies. I had to change the setting on the
6 computer. It was set on time zone; the computer needs to be
7 set on UTC.

8 Q. Let me address that. When you get the raw data
9 it's using a standardized time protocol; is that correct?

10 A. Yes. Verizon, all of their data in UTC time. You
11 have to calculate based off of daylight saving time, whether
12 it's negative four hours or negative five hours. That just
13 changes it in the system.

14 Q. What time would we be actually looking at now on
15 your screen?

16 A. Now we're looking at the correct time. Before I
17 changed it, we were looking at four hours before. We were
18 looking at around 8:00 the night before. Now that it's been
19 corrected the setting, now we're looking at the proper time
20 frame.

21 Q. Now we're at about 12:15?

22 A. We are right now at 12:15.

23 Q. Once again, let's move ahead a little bit. This
24 incident took place about 12:20 or thereabouts?

25 A. Advancing past 12:15, the first time we see a

SGT. LETTERMAN DIR BY MR. RHODEN

1 device, you'll see a red dot right here. At 12:18, the phone
2 of Mr. Bobo is at the edge of the parking lot of the incident
3 location.

4 Q. Does that show anything in regards to Mr. Culver's
5 phone?

6 A. Currently, no.

7 Q. In regards to Mr. Culver's phone, do you get any --
8 using the data we got from Verizon, would anything be showing
9 up if that phone was not being used?

10 A. No. In this situation the phone had to be used for
11 the data to be searched.

12 Q. Just to make a distinction, with Mr. Bobo's phone,
13 you're getting information that updates itself every few
14 seconds.

15 A. Correct, because he had the location turned on, on
16 his physical phone.

17 Q. With Mr. Culver's phone, you only get information
18 when it's actually being used?

19 A. That's correct.

20 Q. At this time I think you said that was --

21 A. 12:18, I believe. 12:18, yes.

22 Q. And this incident happened about 12:24 thereabouts.
23 You're showing Mr. Bobo's phone being at the edge of the
24 parking lot of the Valero.

25 A. Yes, sir, they're on Bryant Road.

SGT. LETTERMAN DIR BY MR. RHODEN

1 Q. Can you just go forward in one minute increments?

2 A. Sure. That was 12:18. So 12:19. 12:20 the
3 device, Mr. Bobo's device again hits in the parking lot. This
4 time it has now moved towards the parking lot right here.

5 12:19.

6 Q. 12:19 it moved a little bit closer to the
7 convenience store?

8 A. Yes, sir.

9 Q. Let's move ahead a little bit.

10 A. Again, we have it at 12:20 time of the same
11 location right there near the pumps in the parking lot. In the
12 parking lot.

13 Q. So we got Mr. Bobo's phone definitely in the area
14 located around the convenience store?

15 A. That's correct, yes, sir.

16 Q. And if you would just move ahead a little bit
17 further.

18 A. The phone now has moved at 12:22, two minutes after
19 it was last seen in the parking lot. It has now moved down
20 here to Highway 221. In my opinion, the phone traveled down
21 Bryant Road and took a right on 221, heading towards the city.
22 You can see it right here at 12:22.

23 Q. The call that actually came in to 911 I think was
24 12:24, I believe. By 12:22, the car -- excuse me. The cell
25 phone had left the parking lot and got to the road?

SGT. LETTERMAN DIR BY MR. RHODEN

1 A. Correct. Between 12:20 and 12:22, yes.

2 Q. At first we have short distances --

3 A. Correct.

4 Q. -- between the dots. And then when we skip ahead,
5 we have a long distance?

6 A. Correct.

7 Q. The phone was travelling slowly at first?

8 A. Correct, yes. When you have the device locations
9 close to each other, that means the phone is moving at slow
10 pace. Whenever they're expanded, that means the device is
11 moving at a faster pace.

12 Q. Given that distance, would that indicate the phone
13 was traveling via some vehicle or whatever at that point in
14 time?

15 A. In my opinion, yes.

16 Q. Sometime after 12:20 or thereabouts, the phone is
17 now in the car?

18 A. Correct. That's my opinion, yes.

19 Q. Let's move forward and let's just go another minute
20 since it's in a car. See where it winds up.

21 A. Down here you got it up at 12:22. You have it
22 there on 221 coming in towards the city.

23 At 12:23 it is now near, in the Whitney area,
24 coming up on the Pine Street area near 221.

25 It's there again at 10:23 and then -- I'm sorry

SGT. LETTERMAN DIR BY MR. RHODEN

1 12:23. 12:24. From 12:23, 12:24, that minute span, the device
2 provided three locations. If you zoom in and look you can see
3 that this is on Highway 221. Coming up to, this is Pine
4 Street, this is kind of Wade's over here. You can see where
5 it's at. It's right here, Pine Street, 221 at 12:24 in the
6 morning.

7 Q. At this point in time it seems to be travelling?

8 A. Correct.

9 Q. Just move ahead another minute.

10 A. At 12:25 it appears the device -- at 12:24, at
11 12:24. Still 12:24-25, the device is now proceeding what
12 appears to be up Pine Street north towards Highway 9.

13 Q. Once again let's move forward another minute.

14 A. 12:26 we have numerous more locations. You have
15 the device, at 12:25, now on Highway 9 north. It appears to
16 take a right on California Avenue. You have seven locations
17 that have been reported on that device within a minute time
18 frame.

19 Last one at 12:26 in very close proximity. You
20 will see here to the car dump location.

21 Q. That's at 12:26?

22 A. So that is at 12:26, yes.

23 Q. At 12:26 the Bobo phone is extremely close to where
24 the car was eventually found?

25 A. That's correct, yes, sir.

SGT. LETTERMAN DIR BY MR. RHODEN

1 Q. Let's just move forward another minute.

2 A. 12:27, you have the device again, 12:26. And
3 12:27, the device is still within the close proximity of the
4 vehicle location.

5 Q. So that's all Bobo?

6 A. Correct.

7 Q. How about Mr. Culver's phone. Are you getting any
8 activity from Mr. Culver's phone?

9 A. At 12:27 we're now going to advance forward just a
10 few more minutes to see.

11 The first activity we are having from Culver's
12 phone right there. You saw the green pop up on the screen. At
13 12:34 he makes an outgoing phone call to [REDACTED] [REDACTED]. That
14 call lasted a total of 21 seconds. The cell tower he is
15 utilizing, if you look at the very center of where this dot is,
16 that's going to be based off the cell tower.

17 What you're seeing in green is the estimated range
18 and sector of that cell tower that he was utilizing. When
19 Verizon sent the results back, they will tell you he's
20 utilizing this tower and this sector. Most cell phone towers
21 have three sectors. Looks like a Mercedes symbol, right. The
22 phone will be utilizing one of those sectors. Verizon is
23 telling us that phone is utilizing this cell phone tower and
24 utilizing this sector in green at the time the phone call was
25 made.

SGT. LETTERMAN DIR BY MR. RHODEN

1 Q. That was at 12:34?

2 A. That was at 12:34.

3 Q. 12:34?

4 A. Yes.

5 Q. I believe a little bit forward in time, little
6 less, can you tell me when the next activity was for Mr. Bobo's
7 cell phone?

8 A. Yes, it appears to be at 12:41. 12:41 there is
9 another outgoing phone call made to that same phone number
10 [REDACTED] [REDACTED]. That phone call lasted 22 seconds. He was
11 still utilizing the same tower and the same sector.

12 Q. Can you tell when the next phone call was made?

13 A. At 12:46 he was utilizing the same tower, same
14 sector again, making an outgoing phone call to that same number
15 [REDACTED] [REDACTED]. That phone call lasted 22 seconds.

16 Q. Once again that's from Mr. Culver's cell phone?

17 A. That's Mr. Culver's cell phone.

18 Q. Is there another call made around that time?

19 A. Yes. At 12:50 and 45 seconds, he makes another
20 outgoing phone call using same sector, same tower, to that same
21 number [REDACTED] [REDACTED]. This one lasted 11 seconds.

22 Q. Finally, is there another phone call?

23 A. Yes. That phone call was at 12:51. This was the
24 incoming phone call. He's made four outgoing phone calls to
25 this one particular number. This is an incoming phone call

SGT. LETTERMAN DIR BY MR. RHODEN

1 from that same number that he was trying to call [REDACTED]
2 [REDACTED]. This number is now calling him back. That phone
3 call lasted 9 seconds.

4 Q. During all of these, I believe there is five phone
5 calls -- four outgoing, one incoming -- that was all from
6 Mr. Culver's cell phone?

7 A. That's correct, yes. These phone calls were from
8 his phone.

9 Q. At the same time are you receiving location
10 activity for Mr. Bobo's cell phone?

11 A. Yes.

12 Q. Mr. Bobo is in that same area where the car was
13 located?

14 A. Yes. If you look here, during that same time
15 frame, a cluster. Red cluster right here, that's all of
16 Mr. Bobo's phone locations. So Mr. Culver, on utilizing these
17 phone calls and this tower and sector, utilizing the sector for
18 recovering where the phone was reporting, where the car was
19 recovered in the same area that Mr. Bobo's phone was being
20 mapped from the physical location of his phone.

21 Q. Of course, all of this is occurring shortly after
22 the incident at the Valero?

23 A. That's correct.

24 Q. Within just a few minutes after this happened?

25 A. That's correct, yes.

SGT. LETTERMAN DIR BY MR. RHODEN

1 Q. Does it go out any further for what we're talking
2 about?

3 A. Yes. We can continue to look and see if there is
4 any movement on the devices. I will take this into hour-long
5 increments. Within an hour, you can see Mr. Bobo's phone moves
6 up towards, eventually making his way up towards -- it appears
7 right off of John Dodd Road and -- off of John Dodd Road and
8 I-26 is where Mr. Bobo's phone comes to kind of stay after this
9 incident.

10 The next time that we see Mr. Culver's phone
11 activity is going to be at 9:29. Nine hours later when we see
12 activity on Culver's phone.

13 Q. Once again Mr. Culver's phone, you're not getting
14 anything unless a call is coming in or going out?

15 A. That's correct.

16 Q. All within 30, 45 minutes or thereabouts of the
17 incident, Culver and Bobo's phones are pretty much close
18 together?

19 A. Correct, yes.

20 Q. And very close to where the car was found?

21 A. Yes.

22 Q. They started out at the incident location?

23 A. Correct. Bobo's phone started at the incident
24 location, correct.

25 MR. RHODEN: Thank you. I believe that's all the

SGT LETTERMAN CROSS BY MR. FARR

1 questions I have. Answer any questions of Mr. Farr.

2 THE WITNESS: You want me to return?

3 MR. FARR: You're fine right there. Take that
4 down, not the screen.

5 CROSS-EXAMINATION

6 BY MR. FARR:

7 Q. You first testified that Bobo's phone will pick up
8 every 30 seconds?

9 A. Roughly, it's picking up at a rough -- it's picking
10 up at, sometimes it could be 30-minute increments, sometimes it
11 could be minute increments, sometimes it could be 15-second
12 increments. It's picking up based off how the phone is
13 recording the location, based off whatever apps he may be using
14 or anything in the background to capture depiction.

15 Q. 30 seconds you said?

16 A. 30 seconds is just one of the examples of the
17 amount of time it's coming through. It's coming through at a
18 higher rate than Mr. Culver's.

19 Q. Again, you took the search warrant that Mr. Hammitt
20 did of Verizon, just use that information and plug it into
21 Google Earth?

22 A. Yes. It was uploaded into ZetX, which is a program
23 that we utilize and the results of that. Their computer
24 software matched it. We plugged it into Google Earth.

25 Q. That software, do you have to punch stuff into that

SGT LETTERMAN CROSS BY MR. FARR

1 software?

2 A. No, all you have to do is put in your case number,
3 the phone number, the target phone number. And you upload the
4 data that's provided by Verizon. Their computer generates a
5 Google map program, Google map file that we load in Google
6 maps.

7 Q. Go back to 12:35, if you don't mind. You're saying
8 that is the cell tower that Verizon is using, which is number
9 27?

10 A. 27. The number 27 is just the line item on the
11 Verizon records. Line 27 Excel spreadsheet. That's all that
12 27 is. If you map it, yes.

13 Q. What cell tower is that? What's the address for
14 that?

15 A. The address. If you zoom in, you can actually see
16 the cell tower right there.

17 Q. What's the address?

18 A. I'm not sure of the exact address of the tower.

19 Q. You said that would be near the dump of the
20 vehicle; correct?

21 A. The tower -- the tower, yes. The sector he's using
22 on the tower, yes. If you look directly west on the map,
23 you'll see the car dump location.

24 Q. That would be California?

25 A. I'm not exactly sure where the car was located.

SGT LETTERMAN CROSS BY MR. FARR

1 Q. The reason I asked, you marked it. You would know
2 the address.

3 A. Yes. That would be off California Avenue.

4 Q. When you went to Verizon and looked where it was
5 pinging and then you review, how many addresses did you have at
6 California Avenue?

7 A. As far as?

8 Q. At a certain point.

9 A. I'm not exact sure. I would have to look at the
10 search warrant, return on the search warrant.

11 Q. Are you aware that was printed off Verizon cell
12 towers and sectors during an area where the phone call was made
13 and an address?

14 A. These are just addresses on this one.

15 What this is providing -- you're asking if there's
16 a tower on California Avenue?

17 Q. You used an area to the tower.

18 A. What you're seeing is the physical address to the
19 physical tower location. They're not estimating where the
20 tower is or the coverage is. What you're seeing on that is the
21 physical address of the location of the physical tower.

22 Q. When you run phones up there, I'm just making sure
23 where it says March 10, 2022 to March 13, 2022, and you go left
24 and right; you separate the two?

25 A. Correct.

SGT LETTERMAN CROSS BY MR. FARR

1 Q. One of them is Bobo and one of them is Culver?

2 A. No. If you look here on the left, when you map
3 these, I map them over here on the left, I show the color I
4 mapped them so there is no confusion. When I upload these I
5 chose green for Culver, red for Mr. Bobo.

6 Q. When you do these cell towers and you ran them, did
7 you ever see a cell tower above this and the whole area as
8 well?

9 A. There could possibly be. There could be cell tower
10 coverage lapping over.

11 Q. When you do this, you don't know which side that
12 tower is picking up. It could be hypothetically at his house
13 and still pick up that tower?

14 A. Not necessarily.

15 Q. There is times that it did do that when you run
16 your map?

17 A. I would have to go back and look.

18 Q. I'm going to hand you a screen shot. I can put it
19 up here.

20 MR. RHODEN: Are you going to introduce that?

21 MR. FARR: No.

22 BY MR. FARR:

23 Q. I'll let you review the screen shot at 7:00 p.m.
24 Does that cover the area of the incident and the vehicle that
25 you mapped out on yours?

SGT LETTERMAN REDIR BY MR. RHODEN

1 A. Yes, it would.

2 Q. It's not necessarily saying that the cell phone is
3 in that area. It's just that's the tower that picked up?

4 A. That's correct, yes.

5 MR. FARR: That's all the questions I have, Your
6 Honor.

7 THE COURT: Any redirect limited to what he went
8 into?

9 MR. RHODEN: Just briefly.

10 REDIRECT EXAMINATION

11 BY MR. RHODEN:

12 Q. When a cell phone is used such as Mr. Culver's cell
13 phone, based on your experience and expertise, does that cell
14 phone typically seek out the best signal?

15 A. Yes. When your cell phone is sitting in your
16 pocket or wherever, it is constantly communicating with the
17 network whether T-Mobile, Sprint, or Verizon. It's sending a
18 signal to the towers within the sector. It could be sending
19 signals to six towers at one time. When you hit send on a
20 phone call, it automatically knows which one of the towers has
21 the strongest signal. That's the tower that's connected with
22 it.

23 Q. Typically, as you're traveling from one spot to the
24 the next, your phone is basically looking at towers so that,
25 when you make a call, you're going to have the best signal

SGT LETTERMAN REDIR BY MR. RHODEN

1 that's available?

2 A. Correct. And the cell tower company provides
3 overlap so you don't have dead spots. So whenever you're
4 traveling, it's going to keep you connected to a cell tower.

5 Q. In regards to Mr. Culver's phone that we see at
6 this particular time frame, is that tower that you've
7 identified in the green area be the closest tower to the
8 location?

9 A. Yes. This is the closest tower to the location,
10 yes. To make a point, this tower, when he's utilizing this
11 phone during this time, this tower does not cover his
12 residence; only where the call was located. The phone could
13 not have been at his residence at the time this phone call was
14 made.

15 Q. And I believe at this time he's living in Southern
16 Pines apartments, kind of close on the other side?

17 A. Adjacent to the gas station, correct.

18 Q. When we are looking at phones at the dump site,
19 that tower is not even coming into play at all?

20 A. The tower near his house?

21 Q. Right.

22 A. No, it's not. The tower closest to the car
23 location.

24 MR. RHODEN: Thank you. That's all I have.

25 THE COURT: Thank you, sir. You may step down.

NIKKI CREAL DIR BY MR. RHODEN

1 Any reason why the witness cannot be excused?

2 MR. FARR: No, sir.

3 MR. RHODEN: No, sir.

4 THE COURT: Thank you. You may be excused as well.

5 MR. RHODEN: Give me a second to make sure my
6 witness is out there.

7 THE COURT: Okay.

8 (A pause transpired).

9 THE COURT: And your next witness?

10 MR. RHODEN: Nikki Creal.

11 THE COURT: Come right up here. Let the clerk of
12 court swear you in.

13 NIKKI CREAL

14 being first duly sworn, testified as follows:

15 THE COURT: Come right around and have a seat in
16 the chair and pull the chair up to the microphone.

17 MR. RHODEN: May it please The Court.

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION

20 BY MR. RHODEN:

21 Q. Give us your full name, please.

22 A. Nikki Creal.

23 Q. By whom are you employed?

24 A. Spartanburg County Sheriff's Office.

25 Q. What's your position?

NIKKI CREAL CROSS BY MR. FARR

1 A. I am investigator in the violent crimes division.

2 Q. Officer Letterman just testified a few minutes ago
3 about cell phone information. And off of Mr. Culver's cell
4 phone a number, a particular phone number was called four times
5 and actually five times; one being incoming and four being
6 outgoing to [REDACTED].

7 Do you know whose number that is?

8 A. Yes, that would be Ms. Juanita Knuckles.

9 Q. Do you know who she is and what connection she may
10 have with Mr. Bobo?

11 A. That is Mr. Bobo's mother.

12 Q. So those five calls made are from Mr. Culver's cell
13 phone was going to Ms. Knuckles, Mr. Bobo's mom for that
14 number?

15 A. For that number, yes, sir.

16 MR. RHODEN: Thank you. That's all I have.

17 MR. FARR: May it please The Court, Solicitor.

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. FARR:

21 Q. Ms. Creal, did you interview Ms. Knuckles in this
22 case?

23 A. In this particular case, I made contact with her.
24 I actually spoke with her in regards to some property crime
25 cases that our office was dealing with in regards to Mr. Bobo.

NIKKI CREAL REDIR BY MR. RHODEN

1 I had somewhat a report with her and Investigator Hammitt was
2 made aware of that and asked that I call her and make contact
3 with her about this case.

4 MR. FARR: That's it. Thank you.

5 MR. RHODEN: Just to follow up.

6 REDIRECT EXAMINATION

7 BY MR. RHODEN:

8 Q. So you did contact Ms. Knuckles in regards to this
9 case that we're here on today --

10 A. Yes, sir.

11 Q. -- in association with her son, Mr. Bobo?

12 A. Absolutely.

13 Q. And as a result -- that's okay. That's all I have.

14 THE COURT: Thank you, sir.

15 Ma'am, you may step down. Thank you very much.

16 Any reason why the witness cannot be excused?

17 MR. RHODEN: Yes, sir. We might be utilizing this
18 witness in regards to the next issue we have.

19 THE COURT: Wait out in the hallway.

20 THE WITNESS: Yes, sir.

21 THE COURT: Don't leave. Thank you.

22 THE WITNESS: Yes, sir.

23 (The witness exited the stand).

24 MR. RHODEN: Might be a good time to take a short
25 break. We're about to segway into another area.

NIKKI CREAL REDIR BY MR. RHODEN

1 THE COURT: Ladies and gentlemen, we're going to
2 take a short recess. Remember, don't have any discussions
3 among yourselves about anything involving the case. We'll get
4 you back just shortly. You may go with the bailiff.

5 (The jury exited the courtroom at 11:57 a.m.)

6 THE COURT: Yes, sir.

7 MR. RHODEN: My intent is to get into the statement
8 next. There might be some issues that I thought we might need
9 to do outside the presence of the jury.

10 THE COURT: Do you want to do it now or take a
11 short break?

12 MR. RHODEN: It doesn't matter.

13 MR. FARR: It's up to you.

14 THE COURT: Let's do it now.

15 MR. RHODEN: At this point in time, Your Honor, the
16 State intends to call --

17 THE BAILIFF: They said that monitor wasn't
18 working. I'll have to check it.

19 THE COURT: Go ahead.

20 MR. RHODEN: The State intends to call Officer
21 Hammitt back to the stand to go into a statement that was given
22 by Mr. Culver. And this also includes a video recording of the
23 interview of Mr. Culver. We had an in-camera conference with
24 Your Honor concerning this issue.

25 The State intends to introduce a redacted video of

NIKKI CREAL REDIR BY MR. RHODEN

1 this interview. And I think I've redacted everything that we
2 talked about. I'll be happy -- and Mr. Henderson, my
3 colleague, has been working on that disc. I'll be happy to let
4 Counsel review it before we play it. I think we have what we
5 talked about in chambers concerning that video.

6 MR. FARR: Before I review that, Judge, the
7 Solicitor is correct on the rendition of us having an in-camera
8 hearing on the issues. One of the issues we did resolve, so
9 it's on the record, is a statement from my client he was told
10 by the investigators that he said the coDefendant and himself.

11 My understanding that has been redacted from the
12 redactions already been made. I had two other objections to
13 the video. It's just a statement from Investigator Hammitt
14 that he repeats over and over and officer Investigator Creal.

15 The one for Hammitt is just, I believe the
16 statements that he uses about truthfulness, tell the truth,
17 honesty, this is going to decide whether you're guilty or
18 innocent, I think that is prejudicial. That goes to guilt and
19 innocence. I don't think law enforcement should be able to
20 decide that. That's why we have 12 people in the jury box to
21 be able to determine that.

22 Officer Creal is just taking a statement from the
23 coDefendant's confession and it's just one statement, Your
24 Honor that I did read to The Court, basically, about
25 Mr. Culver: When is the last time you seen Kie from this

NIKKI CREAL REDIR BY MR. RHODEN

1 incident. That's just from a statement from the coDefendant.
2 I just believe that is prejudicial as well. And I believe that
3 could be a confrontational issue, Judge.

4 It is also a statement that they can take it, as
5 I'm assuming, somebody would use that as well as my client did
6 not deny that. That's why I'm asking to object to those things
7 and the recording, Judge.

8 MR. RHODEN: In response, first of all, we have
9 removed the statement that Mr. Farr's client made in the
10 interview room concerning the shooting. I understand The
11 Court's ruling. Our position was that should come in. I'm not
12 arguing with The Court's ruling in regard to that portion of
13 the video.

14 The other portion, this is an interview. It's not
15 a custodial interrogation. This is an interview of Mr. Culver.
16 He came in voluntarily. He waived his Miranda rights, even
17 though he was not in custody, and he wasn't in custody. And
18 these are just typical questions and Officer Hammitt at one
19 point said, tell the truth and, hopefully, you know, that's
20 okay to do in an interview.

21 Officer Creal, all she did was ask a question after
22 this incident: Have you had any contact with Mr. Bobo? And he
23 goes into, yeah, we're buddies or whatnot. I certainly don't
24 see anything objectionable about that.

25 THE COURT: Thank y'all for that. We did have the

NIKKI CREAL REDIR BY MR. RHODEN

1 in-camera, rather lengthy discussions. And I did express my
2 agreement with Mr. Farr on the issue related to that statement
3 that this -- I'm paraphrasing. They said he said I said that I
4 was a shooter. Yeah, that I agreed with Mr. Farr on that
5 should be excluded.

6 I agreed with the State on the other statements.
7 And I agreed with the State on the other statements for any
8 number of reasons that Mr. Rhoden has articulated. With that
9 being said, I felt like Mr. Farr still had full confrontational
10 rights to cross-examine the witnesses on all those topics that
11 he had brought up.

12 Mr. Farr raised one other issue. I don't think
13 Mr. Rhoden -- I know he wouldn't do it, would go as far as
14 closing arguments referencing any statement that would violate
15 the Defendant's 5th Amendment right of privilege to remain
16 silent. I don't think Mr. Rhoden would do that. It would be
17 premature for me to even rule on any type of closing argument
18 that Mr. Rhoden would make.

19 MR. FARR: I do apologize. I wasn't
20 insinuating that, Your Honor.

21 THE COURT: He didn't take it personal. I saw it.
22 Anything else before we step down?

23 MR. RHODEN: No, sir.

24 THE COURT: We will step down. It looks like it's
25 already keyed up. We'll come back in just a few moments.

DEP HAMMIT DIR BY MR. RHODEN

1 (A recess transpired from 12:04 p.m. until 12:12
2 p.m.)

3 THE COURT: Let's bring in the jury.

4 (The jury entered the courtroom at 12:12 p.m.)

5 THE COURT: State ready to call their next witness?

6 MR. RHODEN: Yes, sir, Your Honor. At this point
7 we recall Kenneth Hammitt.

8 THE COURT: Sir, just come right back up here. You
9 can have a seat in the chair. Need to remind you, you remain
10 under oath. Do you understand that?

11 THE WITNESS: Yes, sir.

12 THE COURT: Thank you, sir.

13 MR. RHODEN: May it please The Court.

14 THE COURT: Yes, sir.

15 DEP. KENNETH HAMMITT

16 being previously duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. RHODEN:

19 Q. Once again, you're Detective Hammitt with the
20 Spartanburg County Sheriff's Office?

21 A. Yes, sir.

22 Q. You're basically the lead detective on this
23 particular case we're trying today?

24 A. Yes, sir.

25 Q. In conjunction with your investigation in the case,

DEP HAMMIT DIR BY MR. RHODEN

1 did you interview the Defendant Mr. Culver?

2 A. I did, yes, sir.

3 Q. And was that interview captured on audio and video?

4 A. Yes, it was.

5 Q. Was it conducted at the Spartanburg County
6 Sheriff's Office --

7 A. Yes, sir.

8 Q. -- in one of their interview rooms?

9 A. Yes, sir.

10 Q. Prior to discussing this matter with Mr. Culver,
11 did you inform him of his rights?

12 A. I did, yes, sir.

13 Q. And did he waive those rights?

14 A. Yes, sir.

15 Q. Let me show you a waiver form. Is that the form
16 signed by Mr. Culver?

17 A. Yes, sir, it is.

18 MR. RHODEN: State would move to introduce this.

19 MR. FARR: No objection, Your Honor.

20 THE COURT: Without objection.

21 (STATE EXH. 25, Waiver, was marked for
22 identification and entered into evidence.)

23 BY MR. RHODEN:

24 Q. Once again, Officer Hammitt, all of this was
25 recorded, captured on video. We have the video keyed up ready

DEP HAMMIT DIR BY MR. RHODEN

1 to go. I want to introduce it into evidence. We can mark it
2 after we're finished, if that's okay.

3 THE COURT: Okay.

4 MR. FARR: For court purposes, I'm renewing my
5 objection towards the video just so it's protected.

6 THE COURT: Sure. Subject to your objection, you
7 may go ahead and publish the video. And we'll mark it after
8 you've done your presentation.

9 BY MR. RHODEN:

10 Q. Officer Hammitt, we're going to play the video at
11 this time. You've seen it. Is this a video of that interview
12 of Mr. Culver?

13 A. Yes, sir.

14 (Video recording played. Not transcribed.)

15 (Video recording ended).

16 BY MR. RHODEN:

17 Q. Officer Hammitt, during that interview, you showed
18 Mr. Culver a picture. Is this the picture that you showed him?

19 A. Yes, sir, that is.

20 Q. Is that a picture that came off of the store video?

21 A. That is from -- I think it would be the left
22 sidewalk video that you had showed yesterday. I paused it and
23 took a still shot.

24 Q. Just a still shot off the video?

25 A. Yes, sir.

DEP HAMMIT DIR BY MR. RHODEN

1 Q. That's the one that you showed Mr. Culver during
2 the interview?

3 A. Yes.

4 Q. A copy of one, not the exact one?

5 A. Yes, a copy.

6 MR. RHODEN: State would move to introduce this.

7 (STATE EXH. 26, Photograph, was marked for
8 identification and entered into evidence.)

9 BY MR. RHODEN:

10 Q. When you were asking Mr. Culver -- I always have a
11 hard time with this thing.

12 When you were asking Mr. Culver about which one,
13 you said is that you, which image were you pointing to? This
14 one or this one?

15 A. The one to the right, the second one that you
16 pointed out, without the rose-colored video.

17 Q. You're asking Mr. Culver if that is him?

18 A. Yes, sir.

19 Q. Also in the interview, you mentioned the name Kie
20 many times. Who is Kie?

21 A. Antoin Bobo, the coDefendant in this case.

22 Q. That's Mr. Bobo?

23 A. Yes.

24 Q. And you wanted Mr. Culver's cell phone?

25 A. Yes, sir.

DEP HAMMIT DIR BY MR. RHODEN

1 Q. We have in evidence, if I can find it, as State's
2 Exhibit Number 3, we have in evidence the subscriber
3 information for the phone number [REDACTED] [REDACTED]. And the
4 subscriber for that number is Mr. Culver; is that correct?

5 A. Yes, Jermaine Culver.

6 Q. We know that from the Charter records?

7 A. Yes, sir, from the search warrant of Charter.

8 Q. When Officer Letterman did his phone analysis that
9 he showed us, he was using that number for Mr. Culver?

10 A. Yes, that's correct.

11 Q. My question to you is this: In this interview, you
12 asked for Mr. Culver's cell phone?

13 A. Yes.

14 Q. And you were supposed to get it?

15 A. That's correct.

16 Q. Did you ever get a cell phone from Mr. Culver that
17 was associated with this telephone number?

18 A. I did not. No, sir.

19 Q. Did you get a different phone?

20 A. I was given a different phone, yes, sir.

21 Q. And that was not this one?

22 A. No, sir.

23 MR. RHODEN: I believe that's all the questions I
24 have.

25 MR. FARR: May it please The Court, Solicitor.

DEP. HAMMITT CROSS BY MR. FARR

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. FARR:

4 Q. Investigator Hammitt, I know the Solicitor asked
5 you about a phone. You did get a cell phone that day?

6 A. I did get a cell phone, yes, sir.

7 Q. It was a Samsung that was recorded on that audio
8 recording; correct?

9 A. No, sir. It was not the same phone.

10 Q. What do you mean not the same phone? Was it an
11 android?

12 A. It was an android phone. It was not the same
13 phone.

14 Q. What I'm asking, you heard him on the audio. What
15 did he say -- what kind of phone did he say he had?

16 A. I knew he said an android. I can't remember if he
17 said Samsung. I know he said an android, I know.

18 Q. That's what y'all got when you went over there?

19 A. I was given an android phone, yes.

20 Q. You also referenced Crocs?

21 A. Yes, sir.

22 Q. When you went to the house, did you take pictures
23 of the Crocs that were sitting by the door?

24 A. Did not, no, sir.

25 Q. And in your investigation you told them the story

DEP. HAMMITT CROSS BY MR. FARR

1 about a vehicle. Is there GPS in that vehicle?

2 A. I have no idea.

3 Q. What about OnStar?

4 A. It's a Kia. It wouldn't have OnStar.

5 Q. Did they have any type of services that you know
6 when you looked into the vehicle -- did you know they had any
7 other type of service if the vehicle got stolen, that somebody
8 else could check it like Chevy does?

9 A. I did not. No.

10 Q. Did you talk to a Timothy Nafziger,
11 N-A-F-Z-I-G-E-R, around June 16, 2022?

12 A. I don't recall the name, no, sir.

13 Q. Let me see if I can refresh your memory real quick.
14 I'm just telling you to look at the name.

15 A. Okay. Yes.

16 Q. Do you remember that? Do you remember having a
17 conversation with him?

18 A. Yes, but not about the cell phone.

19 Q. I wasn't asking about the cell phone. I was asking
20 if you had a conversation with this individual?

21 A. Okay.

22 Q. Did you?

23 A. I did.

24 Q. What does that individual do?

25 A. He works for the DNA lab with Greenville forensics.

DEP. HAMMITT REDIR BY MR. RHODEN

1 Q. Why would he reach out to you?

2 A. I believe I made a phone call to him and it was in
3 reference to everything that he would need for our submission
4 to them, what they would be needing as far as items to be
5 submitted to their lab.

6 Q. The interview you had with my client was June 22nd?

7 A. Yes.

8 Q. And this is in reference to a suspect that's a
9 female? Again, I'll let you refresh your memory.

10 A. Yes, it does.

11 Q. Y'all were talking about a girlfriend of Kie. Did
12 y'all interview her?

13 A. I did not, no, sir.

14 MR. FARR: That's all the questions I have, Your
15 Honor.

16 THE COURT: Any redirect into what he went into?

17 MR. RHODEN: Just a little bit.

18 THE COURT: Yes, sir.

19 MR. RHODEN: Give me one second.

20 (A pause transpired).

21 REDIRECT EXAMINATION

22 BY MR. RHODEN:

23 Q. Officer Hammitt, just a few questions. You did not
24 interview Mr. Culver until late June, I believe. June 22nd; is
25 that correct?

DEP. HAMMITT REDIR BY MR. RHODEN

1 A. That is correct, yes.

2 Q. When this incident occurred back in March, did it
3 take some time to develop suspects in the case?

4 A. It did, yes, sir.

5 Q. So you didn't -- y'all didn't solve this case right
6 away?

7 A. No, sir.

8 Q. It took some doing?

9 A. Yes, sir.

10 Q. And the e-mail that Mr. Farr asked you about, was
11 that before you got any DNA testing done, the results or stuff
12 like that?

13 A. Yes, sir.

14 Q. Y'all were still trying to figure out who done it?

15 A. Yes, sir.

16 MR. RHODEN: I believe that's all the questions I
17 have. I would now introduce the video that we had.

18 MR. FARR: I already renewed that objection. Same
19 thing.

20 THE COURT: Thank you, sir. You're noted with your
21 renewed objection.

22 MR. RHODEN: I would reserve the right -- and I've
23 talked to Mr. Farr about this -- to recall this witness on
24 other issues.

25 THE COURT: Thank you, sir. You may step down.

DEP. HAMMITT REDIR BY MR. RHODEN

1 Lawyers approach a second.

2 (STATE EXH. 27, CD-ROM, was marked for
3 identification and entered into evidence.)

4 (The witness exited the stand.)

5 (Off-the-record discussion.)

6 THE COURT: Ladies and gentlemen, at this time
7 we're going to take a lunch break.

8 Thank you for your attention this morning as we
9 dealt with all the technical issues this morning. As a
10 reminder, don't have any discussions among yourselves about
11 anything involving the case with anyone else. Do not do any
12 independent type of research or investigation.

13 I'm going to ask you to be back in the jury room,
14 wherever they tell you in the courthouse. Be back here at
15 about 20 minutes after 2:00. We'll resume taking the
16 testimony.

17 You may go with the bailiff.

18 (The jury exited the courtroom at 12:50 p.m.)

19 THE COURT: Let's step down.

20 (A luncheon recess transpired from 12:50 p.m. until
21 2:20 p.m.)

22 (The jury entered the courtroom at 2:21 p.m.)

23 THE COURT: State ready for their next witness?

24 MR. RHODEN: Yes, sir. Call Kara Bennick.

25 THE COURT: Come right up here. Let the clerk of

KARA BENNICK DIR BY MR. RHODEN

1 court swear you in.

2 KARA BENNICK

3 being first duly sworn, testified as follows:

4 THE COURT: Come around and have a seat in the
5 chair. And pull the chair up to the microphone.

6 MR. RHODEN: May it please The Court.

7 DIRECT EXAMINATION

8 BY MR. RHODEN:

9 Q. Give us your full name, please.

10 A. Kara Bennick.

11 Q. By whom are you employed?

12 A. Greenville County, Department of Public Safety,
13 Forensics Division.

14 Q. What do you do as your job duties?

15 A. I'm the manager of the evidence section.

16 Q. Does that include receipt of evidence that may be
17 submitted for DNA testing?

18 A. Yes, sir.

19 Q. Let me show you a series of documents and ask if
20 you're familiar with those.

21 A. Yes, sir.

22 Q. And those are the chain of custody documents?

23 A. They are.

24 Q. And are these kept in the regular course of
25 business?

KARA BENNICK DIR BY MR. RHODEN

1 A. They are.

2 Q. And are entries made simultaneously like, when you
3 receive the item, an entry is made basically contemporaneous?

4 A. Yes. All from the time it's received until it's
5 released.

6 Q. Is that a true and correct copy of those chain of
7 custody documents?

8 A. Yes, sir, it appears to be.

9 MR. RHODEN: State would move these into evidence,
10 Your Honor.

11 MR. FARR: No objection.

12 THE COURT: Without objection. State 28.

13 (STATE EXH. 28, Chain of custody report, was marked
14 for identification and entered into evidence.)

15 BY MR. RHODEN:

16 Q. I'll hand those back to you. Just want to go over
17 these real briefly. If you look at the very first page, it's
18 got a case number. Is that your case number?

19 A. It is.

20 Q. So you would assign a unique case number for all
21 the evidence that's received in that particular investigation?

22 A. Yes. Agencies outside of our county are not
23 compatible with our system, the case numbers. So we put it
24 into our own format, so we cut a case number.

25 Q. Then you kind of have a header that's in a blocked

KARA BENNICK DIR BY MR. RHODEN

1 off area, that's just got date impounded. Is that standard
2 information that you'll find?

3 A. That's just standard information related to the
4 case.

5 Q. When you drop down, does that show when things are
6 actually received?

7 A. Yes, that is the true chain of custody is below.

8 Q. If you would, flip to -- it's the seventh page, I
9 believe. Starting with item 22, 23, and 24.

10 A. Okay.

11 Q. Just note. In that little top block on all of
12 those --

13 A. Yes, sir.

14 Q. -- we have a date and time of impounded of May 23,
15 of '22. It doesn't look like that item was actually received
16 at that date?

17 A. Yes.

18 Q. Is that correct?

19 A. Yes.

20 Q. Is that date at the top just a mistake?

21 A. Yes.

22 Q. When you actually get down to the body of items 22,
23 23, and 24, do those entries accurately reflect the time that
24 you actually received the items?

25 A. Yes.

KARA BENNICK CROSS BY MR. FARR

1 MR. RHODEN: That's all the questions I have.

2 Answer any questions defense counsel may have.

3 CROSS-EXAMINATION

4 BY MR. FARR:

5 Q. With what the Solicitor just asked you, if you
6 notice something that's incorrect, would y'all notate it to the
7 side to fix it?

8 A. We would have. It's not that it's incorrect
9 information. It's that it was cloned out as information
10 related to the case. It is editable information. We cannot
11 edit the actual chain of custody.

12 Q. You can't go in there -- when you go in there
13 originally, you put in the date that you receive it?

14 A. Right. We put in information that comes in off of
15 the request, okay, or somebody creates an item and they put in
16 the information. Whoever pre-logged this information just
17 cloned the base information from the case.

18 Q. They clone it. That means they would already have
19 it?

20 A. Right. We already had other stuff in this case.

21 MR. FARR: That's all the questions I have.

22 THE COURT: Any redirect?

23 MR. RHODEN: No, sir.

24 THE COURT: Thank you, ma'am. You may step down.

25 Any reason why the witness cannot be excused?

HANNAH BURBAGE DIR BY MR. RHODEN

1 MR. RHODEN: No, sir.

2 MR. FARR: No, sir.

3 THE COURT: You may be excused as well.

4 (The witness exited the stand.)

5 THE COURT: State ready to call the next witness?

6 MR. RHODEN: Yes. Hannah Burbage.

7 THE COURT: Ma'am, come right up here. Let the
8 clerk of court swear you in.

9 HANNAH BURBAGE

10 being first duly sworn, testified as follows:

11 THE COURT: Come around and have a seat in the
12 chair. Pull the chair up to the microphone.

13 MR. RHODEN: May it please The Court.

14 THE COURT: Yes, sir.

15 DIRECT EXAMINATION

16 BY MR. RHODEN:

17 Q. Give us your full name.

18 A. Hannah Burbage.

19 Q. By whom are you employed?

20 A. Greenville County Department of Public Safety and
21 the forensic DNA lab.

22 Q. What are your duties in the DNA lab?

23 A. I'm a DNA analyst as well as their serologist.

24 Q. Do you have to have any type of particular
25 qualifications to work in your position?

HANNAH BURBAGE DIR BY MR. RHODEN

1 A. Yes.

2 Q. Could you just give us a brief run-down of your
3 educational and work history; educational background and work
4 history.

5 A. I have a bachelor's of forensic science from
6 Western Carolina University.

7 I've been employed at the Greenville lab for
8 approximately four-and-a-half years. When I started I was
9 hired as their serologist. And I began by observing their
10 serologist at the time to kind of get an understanding of the
11 work flow and what the job entailed.

12 I read all of the documentation. I was given
13 training samples and practice samples and then mock scenarios
14 that were similar to real-life scenarios as far as processing
15 evidence and using the tests and procedures.

16 And then I was given a competency, which
17 encompassed all areas of serology. Once I passed that I was
18 deemed competent in the area of serology. So I've been doing
19 serology four years now.

20 Then in 2023 I did a similar process as far as
21 learning how to do DNA analysis in the lab and did mock
22 scenarios as well as competency and was signed off in DNA a
23 year-and-a-half ago.

24 Q. When you worked on this particular case, you worked
25 as a serologist; is that correct?

HANNAH BURBAGE DIR BY MR. RHODEN

1 A. Yes.

2 Q. You did not actually do any of the DNA analysis?

3 A. For this case, no.

4 Q. You're qualified to do that now?

5 A. Yes.

6 MR. RHODEN: Your Honor, we would offer this
7 witness as an expert in field of serology.

8 MR. FARR: No objection, Your Honor.

9 THE COURT: Ladies and gentlemen, as I've
10 instructed you before, normally a lay person cannot give
11 opinion testimony. Normally when a person testifies, they must
12 testify as to what either they saw, heard, or sensed by smell
13 or something of that nature. However, there is an exception
14 when someone is qualified. Because of education or experience,
15 they are permitted to give their opinion in certain areas if
16 The Court qualifies them that way.

17 This witness will be qualified to offer opinion
18 testimony in the area of serology and to give opinion in that
19 area. That does not mean that you must accept the opinion. It
20 is evidence for you to use any way that you see fit.

21 MR. RHODEN: May it please The Court.

22 THE COURT: Yes, sir.

23 BY MR. RHODEN:

24 Q. In this particular case were you -- did you examine
25 certain items that were submitted to your lab from the

HANNAH BURBAGE DIR BY MR. RHODEN

1 Spartanburg County Sheriff's Office?

2 A. Yes.

3 Q. As part of your job duty -- they first come in to
4 the evidence portion; is that correct?

5 A. Yes. It's stored in our property in evidence.

6 Q. And the chain of custody forms, they would be
7 generated initially by the evidence people?

8 A. Yes.

9 Q. Then when you go -- you actually have to go and
10 pick up an item if you're going to do your part of the
11 processing of that item?

12 A. Yes. I travel to the property and evidence
13 location, pick up the evidence and then return to the DNA lab.

14 Q. When you pick up an item out of evidence, do you
15 give it an inspection to make sure it appears to be properly
16 sealed and those sort of things?

17 A. Yes.

18 Q. If you received an item that appeared not to be
19 properly sealed, would you make a notation of that?

20 A. Yes.

21 Q. Here in this particular case, did you find any
22 irregularities in the items that were submitted to your lab for
23 processing?

24 A. No.

25 Q. Let me just show you this document, two pages. Are

HANNAH BURBAGE DIR BY MR. RHODEN

1 those your notes?

2 A. It appears to be a copy of my notes, yes.

3 Q. If something appeared to be irregular or whatever,
4 would that be where you would note it?

5 A. Yes.

6 Q. In this particular case, everything appeared to be
7 fine?

8 A. Yes. We have all items properly sealed upon
9 receipt, and it's checked off.

10 MR. RHODEN: Thank you. We move to introduce this
11 as an exhibit.

12 MR. FARR: No objection.

13 THE COURT: Without objection.

14 (STATE EXH. 29, Serology notes, was marked for
15 identification and entered into evidence.)

16 BY MR. RHODEN:

17 Q. I turn your attention particularly to the item that
18 is the hoodie, which is from our case, our case number item
19 number 21. Did you take pictures of that hoodie?

20 A. Yes.

21 Q. When you received that hoodie, was it sealed?

22 A. Yes.

23 Q. So it was in like a sealed evidence bag?

24 A. Yes.

25 Q. Did you have to unseal it and do your processing?

HANNAH BURBAGE DIR BY MR. RHODEN

1 A. Yes.

2 Q. Let me show you pictures of the hoodie. Are those
3 your pictures or copy of your pictures?

4 A. Yes, they're copies.

5 Q. Does it have a case number on it?

6 A. Yes, the case number, the item number, my initials,
7 the date I would've processed it.

8 MR. RHODEN: Move to introduce these, Your Honor.

9 MR. FARR: No objection together.

10 THE COURT: Together or one?

11 MR. RHODEN: Together is fine.

12 (STATE EXH. 30, Photographs (2), was marked for
13 identification.)

14 BY MR. RHODEN:

15 Q. Let's talk about these pictures. This is the first
16 picture that I showed you. Is this a picture of the hoodie
17 that you received?

18 A. Yes.

19 Q. Is that picture made before you do any type of work
20 on the hoodie?

21 A. Generally, yes.

22 Q. And in regard to this particular item, did you have
23 to do some things to get DNA off of this item?

24 A. Yes.

25 Q. Can you just tell us how you approach that.

HANNAH BURBAGE DIR BY MR. RHODEN

1 A. So before I process any items for evidence, I am
2 able to read all the documentation provided for that case.
3 Usually includes incident reports, any crime scene reports, any
4 notes from investigators to kind of get an idea of what the
5 scenario is.

6 And then for processing items for serology,
7 typically I'm looking for suspected body fluids and testing for
8 that. I can also process items to either figure out if someone
9 handled it which would be touch or trace DNA or figure out if
10 someone had wore an item.

11 For this particular case I was processing the
12 hoodie to figure out who might've wore it. For that I use --
13 it's a scaper. It looks like a little sword. You strain the
14 interior of the neckline as well as interior cuffs and swab
15 those areas. That swab is sent for DNA analysis. That is to
16 help loosen up any skin cells from those particular areas and
17 provide as much DNA as possible for that sample.

18 Q. Let me show you this next picture.

19 It has circle lines drawn around two areas and some
20 numbers associated. What does that indicate?

21 A. For this, the swab of scraping from the interior
22 neck and both wrist areas was forwarded for DNA analysis as
23 item 6-A. In the photo, I am just circling the area where I
24 processed for that swab. So the anterior neckline and interior
25 wrists.

HANNAH BURBAGE DIR BY MR. RHODEN

1 Q. Would these areas be the areas that would most
2 likely show the DNA of the person who wore the hoodie?

3 A. Typically when I am processing for ownership, I am
4 processing the areas that are coming in contact with your skin
5 the most; that's usually the interior neck line. With long
6 sleeves I do the wrists. If it's a T-shirt, I'll do the
7 underarm area because that's coming in contact with your skin.

8 Q. In regard to the work that you did in this case,
9 did you generate a report?

10 A. Yes.

11 Q. Let me show you a copy here. Is that a copy of
12 your report?

13 A. Yes.

14 MR. RHODEN: Move to introduce the report, Your
15 Honor.

16 THE COURT: Any objection?

17 MR. FARR: No objection.

18 (STATE EXH. 31, DNA report, was marked for
19 identification and entered into evidence.)

20 BY MR. RHODEN:

21 Q. Do you have a copy of your report in front of you?

22 A. Yes.

23 Q. The question items, are those the items that you
24 received?

25 A. The question and the reference items, yes.

HANNAH BURBAGE DIR BY MR. RHODEN

1 Q. Item number one was swabbed from the interior front
2 driver's door handle; is that correct?

3 A. Yes.

4 Q. When you put item numbers there, will those same
5 item numbers show up when the analysis is finally done to
6 reference which item it is?

7 A. So typically I am labeling the items with our own
8 unique item number; item one, two, et cetera.

9 If I take samples that are sent for DNA analysis,
10 that would become 1-A or 2-A. That's typically what's carried
11 through to the DNA analyst. They would have the sub items that
12 I created.

13 Q. You list all the items and make a little
14 description like the first one, as I said, interior front
15 driver's door handle. Two is steering wheel. Three is gear
16 shift. Four is anterior front passenger door handle. Five is
17 lip of soda bottle. And six is the hoodie?

18 A. Yes.

19 Q. And then we have seven, which is a blood spot from
20 the victim who is Jarqueze Williams; is that correct?

21 A. Yes.

22 Q. And the blood spot is what and how is that needed
23 in your analysis?

24 A. So typically we require standards from specific
25 people for comparison to the evidence items. So that usually

HANNAH BURBAGE DIR BY MR. RHODEN

1 will be a buccal swab; swab from the inside of your mouth. Or
2 in the event that the person is deceased, sometimes we will
3 have blood spots taken from that person. And that's just a
4 known, their known DNA from that person to then be compared to
5 the evidence.

6 Q. So in regard to this particular case, your job as a
7 serologist is, basically -- what are you doing with these items
8 in regard to and the significance of your work in regard to
9 analyzing the items for DNA?

10 A. So in our lab, we have dedicated serologists and
11 they're the ones processing all the evidence. So they do the
12 upfront work and taking those samples and preparing those
13 samples for the DNA analyst. It just kind of streamlines our
14 process. I'm the one handling the items first and taking those
15 samples.

16 Q. Your job in this particular case was not to
17 actually analyze any of these items for DNA. That's somebody
18 else does that?

19 A. Yes.

20 Q. And basically does that conclude your particular
21 involvement in this case?

22 A. Yes.

23 Q. I note from the DNA report that we'll get into in a
24 minute, that there were three other items that were buccal
25 swabs that apparently were received later. You did not have

HANNAH BURBAGE CROSS BY MR. FARR

1 any involvement with those; is that correct?

2 A. As far as sampling them or processing, no, I did
3 not.

4 MR. RHODEN: Thank you. That's all the questions I
5 have.

6 MR. FARR: Your Honor, may it please The Court.

7 THE COURT: Yes, sir.

8 MR. FARR: Solicitor.

9 CROSS-EXAMINATION

10 BY MR. FARR:

11 Q. I got some of your e-mails in discovery. When
12 they, in this case Investigator Hammitt, does he have to fill
13 out a form to your office about what he's wanting to have done
14 to those items?

15 A. Yes. Typically the investigator case officer will
16 fill out a DNA request with basic information about the case
17 and what items they would like processed for DNA analysis.

18 Q. In this case it was just a letter that was
19 submitted just to take DNA; is that correct?

20 A. I believe so.

21 Q. Was there anything else that you can remember that
22 was on there? We're looking for lead particles or gun residue
23 on the hoodie.

24 A. I do not have any training with lead or gun
25 particles. If it was requested for DNA, I'm only processing it

HANNAH BURBAGE CROSS BY MR. FARR

1 to take samples for DNA analysis.

2 Q. There was nothing submitted to you that you can
3 remember asking for lead particles or gun residue?

4 A. I don't recall. I would have to look at the DNA
5 request to confirm.

6 Q. I got you.

7 When you do DNA, does it give you a time frame when
8 that DNA was on something?

9 A. No, we're not able to determine when DNA was put
10 somewhere.

11 Q. When you do these tests for DNA, can you see if
12 there's been chemicals used to -- if there is like bleach or
13 hand sanitizer?

14 A. We don't have a test for bleach or hand sanitizer.

15 MR. FARR: That's all the questions I have, Your
16 Honor.

17 THE COURT: Any redirect?

18 MR. RHODEN: No, Your Honor.

19 THE COURT: You may step down.

20 Any reason why the witness cannot be excused?

21 MR. FARR: No, sir.

22 MR. RHODEN: No, sir.

23 THE COURT: Ma'am, you may be excused as well.

24 State ready to call their next witness?

25 (The witness exited the stand.)

TIM NAFZIGER DIR BY MR. RHODEN

1 MR. RHODEN: Next witness is Timothy Nafziger.

2 THE COURT: Come up here. Let the clerk of court
3 swear you in.

4 TIMOTHY NAFZIGER, JR.
5 being first duly sworn, testified as follows:

6 THE COURT: Sir, come around, have a seat in the
7 chair and pull the chair up to the microphone.

8 MR. RHODEN: May it please The Court.

9 DIRECT EXAMINATION

10 BY MR. RHODEN:

11 Q. Give us your full name.

12 A. Timothy David Nafziger, Jr.

13 Q. By who you are you employed?

14 A. I am employed by the Greenville County Department
15 of Public Safety, in the forensic DNA lab.

16 Q. What are your duties in that lab?

17 A. I'm the DNA technical leader, which basically means
18 I oversee the lab. I am over our policies and procedures,
19 training, case work. And I also perform DNA analysis on case
20 work as well.

21 Q. Do you have to receive specialized training in
22 order to do what you do?

23 A. Yes, I do.

24 Q. Can you give us the benefit of your educational
25 background and training in regard to DNA.

TIM NAFZIGER DIR BY MR. RHODEN

1 A. Yes. I have a bachelor's degree in biological
2 sciences from Clemson University. Master's degree in
3 entomology from Harvard University.

4 When I was hired at the lab I was trained in DNA
5 analysis. For that I did read our policies and procedures,
6 some anticoagulant literature. I was given mock samples to do
7 and mock case work. And then I had a competency exam that had
8 a practical written component and also performed a mock test,
9 mock court case.

10 Twice a year we have -- I still have continuing
11 education every year. Twice a year we have proficiency
12 testing, which is where an outside company provides us with DNA
13 samples, mock case basically. We test it and report back to
14 the results. They tell us if we're correct.

15 Q. Have you ever testified in court before?

16 A. I have.

17 Q. Have you ever been qualified as an expert witness?

18 A. I have.

19 Q. How many times?

20 A. Approximately 28.

21 MR. RHODEN: Your Honor, we would offer this
22 witness as an expert in the area of DNA testing and analysis.

23 MR. FARR: No objection, Your Honor.

24 THE COURT: Thank you. Ladies and gentlemen,
25 again, normally when a person testifies they cannot give

TIM NAFZIGER DIR BY MR. RHODEN

1 opinion testimony. Normally when a person testifies they must
2 do so as to either what they saw, heard, or sensed by smell or
3 something of that nature.

4 However, there is an exception. When someone is
5 qualified because of education or experience, they are
6 permitted to give their opinion in certain areas. The Court
7 qualifies them that way. This witness will be qualified in the
8 area of DNA testing and analysis to give opinion in the area.

9 That does not mean that you must accept the
10 opinion. But it is evidence for you to consider in any way
11 that you see fit.

12 MR. RHODEN: Thank you, Your Honor.

13 BY MR. RHODEN:

14 Q. Now, in regard to this particular case, did you
15 test various items that were submitted to your lab by the
16 Spartanburg County Sheriff's Department?

17 A. Yes, I did.

18 Q. We just heard from Sara (sic), your serologist.
19 How is your work different than hers?

20 A. Her work is the upfront processing of evidence,
21 collecting samples. And any samples she collects, they would
22 get forwarded onto a DNA analyst. From there I performed the
23 DNA analysis processes that are needed to generate a DNA
24 profile.

25 Q. Now, in regard to this particular case, did you

TIM NAFZIGER DIR BY MR. RHODEN

1 actually analyze the items that were presented by the
2 Spartanburg County Sheriff's Department?

3 A. Yes, I analyzed samples that Hannah collected.

4 Q. Did you generate a report after your analysis?

5 A. Yes, I did.

6 Q. Is this a copy of your report?

7 A. Yes, it is.

8 MR. RHODEN: At this time we offer the report into
9 evidence.

10 MR. FARR: No objection.

11 THE COURT: Without objection. State's 32.

12 (STATE EXH. 32, DNA lab report, was marked for
13 identification and entered into evidence.)

14 BY MR. RHODEN:

15 Q. I'll just hand that back to you. I want to go
16 through this a little at a time.

17 A. On the front page of your report, we have items
18 listed one through six, 1-A through 6-A. What's the
19 significance of those designations?

20 A. Those are our internal lab numbering system that we
21 use.

22 Q. It has a description off to the right side of it as
23 to what the item was?

24 A. Yes, it does.

25 Q. When we get down to items eight, nine and ten, were

TIM NAFZIGER DIR BY MR. RHODEN

1 those all buccal swabs?

2 A. Yes, they were.

3 Q. One from Ms. Crosby, Rosalyn Crosby, one from Mr.
4 Bobo, Antoin Bobo, and one from Mr. Jermaine Culver; is that
5 correct?

6 A. That's correct.

7 Q. What's the purpose of the buccal swabs?

8 A. DNA is a comparison science. Finding DNA on an
9 item of evidence is not useful unless you have a known sample
10 to compare to. The only way to make an evaluation of where
11 this DNA might've come from is if we have a known sample from
12 someone to compare to it.

13 Q. In regard to your analysis, you're taking the DNA
14 that was found on the various items and comparing it with known
15 DNA from particular people?

16 A. That's correct.

17 Q. In regard to this particular case, let's go through
18 each item one at a time. After you performed your analysis you
19 got some results. Are those results reflected in your report?

20 A. Yes, they are.

21 Q. Let's start with item 1-A, which was the swab from
22 the interior front driver's door handle.

23 A. Yes.

24 Q. What did you find after you did your analysis in
25 regard to that item?

TIM NAFZIGER DIR BY MR. RHODEN

1 A. Item 1-A is a sample swab from interior front
2 driver's door handle. The DNA obtained from item 1-A is a
3 degraded mixture of at least three individuals. The DNA of
4 Jarqueze Rashad Williams cannot be excluded as a contributory
5 to this mixture.

6 A match between the DNA result of item 1-A, and the
7 DNA of Jarqueze Rashad Williams is approximately 7.04
8 quadrillion times more likely than a coincidental match to a
9 random unrelated individual.

10 Assuming Jarqueze Rashad Williams is a contributor
11 to the mixture from item 1-A based on the match, the DNA of
12 Rosalyn Crosby cannot be excluded as a contributor to this
13 mixture. A match between the DNA result of item 1-A and the
14 DNA of Rosalyn Crosby is approximately 108 octillion times more
15 likely than a coincidental match to a random unrelated
16 individual.

17 Antoin Micah Bobo is excluded as a contributor to
18 the DNA obtained from item 1-A. Due to the complexity of the
19 mixture for item 1-A, there is no statistical support for a
20 match between item 1-A and Jermaine Shakeen Culver, Jr.
21 Therefore, no conclusive determination can be made for this
22 individual.

23 Q. In layman's terms, in regard to Jarqueze Williams,
24 the victim in this case, is it pretty much as close as you can
25 get that the DNA, at least some of the DNA on that door handle

TIM NAFZIGER DIR BY MR. RHODEN

1 was his?

2 A. Yes. So our stat is called likelihood ratio. What
3 we're doing with a likelihood ratio, we're comparing two
4 hypotheses that are possible explanations for what we find on
5 the evidence.

6 Whenever we do a comparison, we're comparing it to
7 the known sample that is most likely the explanation for that
8 or we're comparing it to somebody else in the random
9 population.

10 When you have a high match score like this, which
11 was 7.04 quadrillion times more likely, it's kind of like a
12 see-saw effect; whichever side gives it more weight. This is
13 putting a lot more weight that Mr. Williams' DNA would be a
14 better explanation for the evidence than someone else.

15 Q. You DNA guys never say 100 percent sure it's
16 somebody's DNA; correct?

17 A. That's right. That is a very strong statistical
18 support for a match.

19 Q. When we get to, once again, item 1-A which was that
20 door handle in regard to Rosalyn Crosby, it's a very high match
21 to her, too; is that correct?

22 A. That's correct.

23 Q. 108 octillion times?

24 A. That's right.

25 Q. It's almost definitely her DNA?

TIM NAFZIGER DIR BY MR. RHODEN

1 A. It's a very strong support that her DNA is present.

2 Q. You get down to Mr. Bobo and you say he's excluded.
3 What does that mean?

4 A. Like I say, we're looking at two hypotheses. That
5 simply means that the hypotheses that someone else contributed
6 much higher than him contributing. It's the see-saw is tilting
7 the other way; it's an exclusion.

8 Q. Pretty much not his?

9 A. That's right.

10 Q. Then we get down to this Defendant, Jermaine
11 Culver. What do you mean no conclusive determination can be
12 made?

13 A. That means that there's about equal weight to both
14 hypotheses. If it were a see-saw, again, it would basically be
15 balanced.

16 Q. Might be his, might not be his?

17 A. I can't make any determination for inclusion or
18 exclusion.

19 Q. Let's continue on. And let's talk about item 2-A.
20 That is the steering wheel from the vehicle. Tell me what you
21 found about that.

22 A. So the DNA obtained from item 2-A is a degraded
23 mixture of at least four individuals. The DNA of Jarqueze
24 Rashad Williams cannot be excluded as a contributor to its
25 mixture.

TIM NAFZIGER DIR BY MR. RHODEN

1 A match between the DNA result of item 2-A and the
2 DNA of Jarqueze Rashad Williams is approximately 751 trillion
3 times more likely than a coincidental match to a random
4 unrelated individual.

5 Assuming Jarqueze Rashad Williams is a contributor
6 to the mixture from item 2-A based on matched statistics, the
7 DNA of Jermaine Shakeen Culver, Jr. cannot be excluded as a
8 contributor to its mixture.

9 A match between the DNA result of item 2-A and the
10 DNA of Jermaine Shakeen Culver, Jr. is approximately 67.9
11 octillion times more likely than a coincidental match to a
12 random unrelated individual.

13 Assuming Jarqueze Rashad Williams and Jermaine
14 Shakeen Culver, Jr. contributed to the mixture from item 2-A
15 based on the match statistics, Antoin Micah Bobo is excluded as
16 a contributor to the DNA from item 2-A.

17 Due to the complexity of the mixture for item 2-A,
18 there is no statistical support for a match between item 2-A
19 and Rosalyn Crosby; therefore, no conclusive determination can
20 be made from this individual.

21 Q. This is, once again, the steering wheel from the
22 vehicle?

23 A. That's right.

24 Q. So the statistical analysis you have here in regard
25 to this Defendant, Jermaine Culver, is that it's 67.9 octillion

TIM NAFZIGER DIR BY MR. RHODEN

1 times more likely it's his than a random individual in the
2 population?

3 A. That's right.

4 Q. That is a very high probability that it is this
5 Defendant's DNA on the steering wheel?

6 A. It is very strong support for the hypothesis that
7 his DNA is the explanation for that.

8 Q. Let's drop down to the gear shift which would be
9 item 3-A. What was your results in regard to the gear shift?

10 A. The DNA obtained from item 3-A is a degraded
11 mixture of at least four individuals. The DNA of Jarqueze
12 Rashad Williams cannot be excluded as a contributor to its
13 mixture. A match between the DNA result of item 3-A and the
14 DNA of Jarqueze Rashad Williams is approximately 118 septillion
15 times more likely than a coincidental match to a random
16 unrelated individual.

17 Assuming Jarqueze Rashad Williams is a contributor
18 to the mixture from item 3-A based on the match statistics, the
19 DNA of Jermaine Shakeen Culver, Jr. cannot be excluded as a
20 contributor to this mixture.

21 A match between the DNA result of item 3-A and the
22 DNA of Jermaine Shakeen Culver, Jr. is approximately 386
23 trillion times more likely than a coincidental match to a
24 random unrelated individual.

25 Assuming Jarqueze Rashad Williams and Jermaine

TIM NAFZIGER DIR BY MR. RHODEN

1 Shakeen Culver, Jr. are contributors of the mixture from item
2 3-A based on the matched statistics, the DNA of Rosalyn Crosby
3 cannot be excluded as a contributor to this mixture.

4 A match between the DNA result of item 3-A and the
5 DNA of Rosalyn Crosby is approximately 1.31 million times more
6 likely than a coincidental match to a random unrelated
7 individual.

8 Antoin Micah Bobo is excluded as a contributor to
9 the DNA obtained from item 3-A.

10 Q. In regard to the gear shift, once again, there's a
11 very high probability that DNA came from this Defendant,
12 Mr. Culver?

13 A. Yes.

14 Q. And I believe, in that regard, item 3-A is
15 Mr. Culver, that's 386 trillion times more likely than a random
16 person in the population?

17 A. Yes. A match between the DNA result of item 3-A
18 and the DNA of Jermaine Shakeen Culver, Jr. is approximately
19 386 trillion times more likely than a coincidental match to a
20 random unrelated individual.

21 Q. Highly likely that his DNA was on the steering
22 wheel and the gear shift?

23 A. Yes. Strong support for the hypothesis that his
24 DNA contributed.

25 Q. Item Four -- that was 3-A.

TIM NAFZIGER DIR BY MR. RHODEN

1 Item 4-A is the front passenger door handle. What
2 was the results there?

3 A. The DNA obtained from item 4-A is a degraded
4 mixture of at least four individuals. The DNA of Rosalyn
5 Crosby cannot be excluded as a contributor to this mixture of a
6 match between the DNA result of item 4-A and the DNA of Rosalyn
7 is approximately 256 trillion times more likely than the
8 coincidental match of a random unrelated individual.

9 Assuming Rosalyn Crosby is a contributor to the
10 mixture from item 4-A based on the matched statistics, Jermaine
11 Shakeen Culver, Jr. is excluded as a contributor to the DNA
12 obtained from item 4-A.

13 Due to the complexity of the mixture from item 4-A,
14 there is no statistical support for a match between item 4-A
15 and Jarqueze Rashad Williams or Antoin Micah Bobo. Therefore,
16 no conclusive determination can be made for these individuals.

17 Q. Mr. Culver's DNA was excluded on that. And Mr.
18 Bobo and Mr. Williams, there's no conclusive determination; is
19 that correct?

20 A. That's correct.

21 Q. Let's move on to the lip of the soda bottle, item
22 5-A. What was the results there?

23 A. The DNA obtained from item 5-A matches the DNA of
24 Jarqueze Rashad Williams. A match between the DNA result of
25 item 5-A and the DNA Jarqueze Rashad Williams is approximately

TIM NAFZIGER DIR BY MR. RHODEN

1 16.34 octillion times more likely than a coincidental match to
2 a random unrelated individual.

3 Q. It appears, once again, high probability that was
4 Mr. Williams, the victim's soda bottle?

5 A. That's right.

6 Q. Finally, let's move on to item 6-A, which is the
7 hoodie. What was the results there?

8 A. The DNA obtained from item 6-A is a degraded
9 mixture of at least four individuals. The DNA of Antoin Micah
10 Bobo cannot be excluded as a contributor to this mixture. A
11 match between the DNA result of item 6-A and the DNA of Antoin
12 Micah Bobo is approximately 3.49 octillion times more likely
13 than a coincidental match to a random unrelated individual.

14 Jarqueze Rashad Williams is excluded as a
15 contributor to the DNA obtained from item 6-A.

16 Due to the complexity of the mixture for item 6-A,
17 there's no statistical support match between item 6-A and
18 Rosalyn Crosby or Jermaine Shakeen Culver, Jr. Therefore, no
19 conclusive determination can be made for these individuals.

20 Q. To recap on that item, the hoodie is very strong
21 likelihood that DNA came from Mr. Antoin Bobo; is that correct?

22 A. That's correct.

23 Q. To recap in regard to the steering wheel, it's most
24 likely DNA from Mr. Culver; is that correct?

25 A. That's correct.

TIM NAFZIGER CROSS BY MR. FARR

1 Q. In regard to the gear shift, likewise, it's most
2 likely that's Mr. Culver's DNA on the gear shift?

3 A. That's correct.

4 Q. And in regard to the hoodie, it's most likely to be
5 Mr. Bobo's DNA on that hoodie?

6 A. That's correct.

7 MR. RHODEN: Thank you. That's all the questions I
8 have.

9 MR. FARR: May it please The Court.

10 THE COURT: Yes, sir.

11 MR. FARR: Solicitor.

12 CROSS-EXAMINATION

13 BY MR. FARR:

14 Q. How do you say your last name?

15 A. Nafziger.

16 Q. Doctor, right?

17 A. No, I don't have a doctorate.

18 Q. When these things are submitted, when I say DNA,
19 the law enforcement has to submit a sheet of paper of what
20 they're seeking; correct?

21 A. That's correct.

22 Q. And in this case when the items are sent to you and
23 especially this hoodie, it was only requested to take DNA off
24 the hoodie; is that correct?

25 A. I don't remember precisely what they put on the

TIM NAFZIGER CROSS BY MR. FARR

1 request form. When we get a request, we also have to review
2 the incident report to determine how we are going to approach
3 testing each item because that can determine what we do.

4 Q. Basically you're getting something submitted.
5 You're also reading the incident report to match up?

6 A. That's right.

7 Q. To make sure that everything aligns up with what
8 the incident report says?

9 A. That's right.

10 Q. Before this is started, you do your own lab report
11 file; correct?

12 A. The report is after we do our analysis.

13 Q. You're given that information from law enforcement?

14 A. Yes, we have to base our decisions based on what we
15 receive from the agency.

16 Q. I was going to ask you about 1-A which is the
17 inside door handle of the driver's side; is that correct?

18 A. Yes. It says swab from interior front driver's
19 door handle.

20 Q. When you're doing that, you're only testing the
21 four DNAs that you received?

22 A. I'm not sure I understand the question.

23 Q. You take the DNA that they scraped off the door
24 handle and then you're testing it against the four DNAs that
25 they submitted to your office?

TIM NAFZIGER CROSS BY MR. FARR

1 A. That's right. Whatever DNA was collected on the
2 swab by whoever swabbed the door handle is what we have. And
3 we have to compare it to the known samples that are provided by
4 law enforcement.

5 Q. When they swab a door handle, do you know how much
6 door handle they're swabbing?

7 A. I don't know.

8 Q. When you do DNA, do you need a lot of the door
9 handle to make sure you're matching up to the right people?

10 A. It just depends. You can't tell upfront how much
11 DNA there is. I don't know what their method was for swabbing
12 it.

13 Q. Just so I get this right, 4-A, which was the
14 passenger side front door; is that correct?

15 A. The swabs from interior front passenger door
16 handle.

17 Q. And 4-A could not exclude Mr. Bobo?

18 A. That's right.

19 Q. Do you take notes and put them in there?

20 A. I do.

21 Q. I'm going to show you something to refresh your
22 memory. Do you remember getting a call from Investigator
23 Hammitt?

24 A. I don't specifically remember it. That's why I
25 take notes.

TIM NAFZIGER CROSS BY MR. FARR

1 Q. On your lab report, did you get a female subject
2 DNA?

3 A. We did not have -- the only references we had were
4 the blood spot from Jarqueze Rashad Williams, buccal swab from
5 Rosalyn Crosby, buccal swabs from Mr. Antoin Micah Bobo and
6 buccal swabs from Jermaine Shakeen Culver, Jr.

7 Q. In your notes that I handed you, they told you
8 there was a subject of a female?

9 A. Yes, that's what I wrote down.

10 Q. Did you get a submission for lead particles on the
11 hoodie to test?

12 A. I'm sorry. Can you repeat the question.

13 Q. Did you get a submission to test lead particles on
14 the hoodie?

15 A. Lead particles?

16 Q. Yes, sir.

17 A. No.

18 Q. What about gun residue?

19 A. No.

20 MR. FARR: That's all the questions I have, Your
21 Honor.

22 THE COURT: Any redirect limited to what he went
23 into?

24 REDIRECT EXAMINATION

25 BY MR. RHODEN:

TIM NAFZIGER REDIR BY MR. RHODEN

1 Q. Defense counsel showed you a document which was
2 your notes. When was that?

3 A. This conversation was on June 16, 2022.

4 Q. June 16th?

5 A. That's correct.

6 MR. RHODEN: That's all I have. Thank you.

7 THE COURT: Thank you, sir. You may step down.

8 Any reason why the witness cannot be excused?

9 MR. RHODEN: No, sir.

10 MR. FARR: No, sir.

11 THE COURT: You may be excused as well. Thank you.

12 (The witness exited the stand).

13 THE COURT: State ready to call their next witness?

14 MR. RHODEN: Next witness is probably going to be
15 somewhat lengthy.

16 THE COURT: Ladies and gentlemen, we're going to
17 take a short recess. Remind you don't have any discussions
18 among yourselves about anything involving the case. We'll get
19 you back just shortly. You may go with the bailiff.

20 (The jury exited the courtroom at 3:10 p.m.)

21 THE COURT: Lawyers approach.

22 (Off-the-record discussion.)

23 (A recess transpired.)

24 THE COURT: Let's bring in the jury.

25 (The jury entered the courtroom at 3:20 p.m.)

DEP HAMMITT DIR BY MR. RHODEN

1 THE COURT: State ready to call their next witness?

2 MR. RHODEN: Yes, Your Honor. We would recall
3 Kenneth Hammitt to the stand.

4 THE COURT: Sir, come back up to the stand, if you
5 would. Have a seat in the witness chair and pull the chair up
6 to the microphone.

7 Sir, just need to remind you that you remain under
8 oath. Do you understand that?

9 THE WITNESS: Yes, sir.

10 THE COURT: Thank you. Have a seat.

11 DEP. KENNETH HAMMITT

12 being previously duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. RHODEN:

15 Q. Detective Hammitt, once again, you're the lead
16 detective on this case?

17 A. Yes, sir.

18 Q. You're familiar with all the evidence that was
19 collected in the case?

20 A. Yes, sir.

21 Q. Have you reviewed the surveillance, the store
22 videos that we've submitted into evidence previously?

23 A. Yes, sir, numerous times.

24 Q. You looked at them a bunch?

25 A. Yes, sir.

DEP HAMMITT DIR BY MR. RHODEN

1 Q. I want to play some of that for you, starting with
2 the part -- the camera that's outside camera, which is the
3 sidewalk left view.

4 (Video recording played. Not transcribed.)

5 BY MR. RHODEN:

6 Q. You're seeing that video on your screen?

7 A. Yes, sir.

8 Q. The vehicle -- go ahead and stop.

9 (Video stopped.)

10 BY MR. RHODEN:

11 Q. The vehicle that's down at the lower right-hand
12 corner, whose vehicle is that?

13 A. That is Ms. Crosby's. That was the vehicle
14 Mr. Williams was driving that evening.

15 Q. That is Mr. Williams' vehicle?

16 A. Yes.

17 MR. RHODEN: Let's back that up a little bit. See
18 if we can get him getting out of that car.

19 (Video recording played. Not transcribed.)

20 MR. RHODEN: Stop it there.

21 (Video recording stopped.)

22 BY MR. RHODEN:

23 Q. That is Mr. Williams' coming into the store?

24 A. Yes, sir.

25 Q. And he gets out of that vehicle?

DEF HAMMITT DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. That is the Kia Optima?

3 A. Yes, sir.

4 Q. Was that the same vehicle that was later found at
5 ████ California Avenue?

6 A. Yes, sir.

7 Q. That is actually, as you mentioned, that's actually
8 owned by Mr. Williams' mother?

9 A. Yes, sir.

10 MR. RHODEN: Go ahead and stop it there.

11 (Video recording stopped.)

12 BY MR. RHODEN:

13 Q. We see two individuals who are starting to walk
14 across the parking lot; is that correct?

15 A. Yes, sir.

16 (Video recording playing).

17 MR. RHODEN: Here. Stop right there.

18 (Video recording stopped.)

19 BY MR. RHODEN:

20 Q. I want to show you a series of photographs. If you
21 can tell me if you recognize these photographs.

22 A. These are photo stills from that camera view in the
23 Valero.

24 Q. Those are pictures that are made off of the video
25 that we're watching?

DEP HAMMITT DIR BY MR. RHODEN

1 A. From the video, yes, sir.

2 MR. RHODEN: State would like to introduce these
3 pictures as one exhibit.

4 MR. FARR: No objection, Your Honor.

5 THE COURT: Without objection.

6 (STATE EXH. 33, Photographs, (12) was marked for
7 identification and entered into evidence.)

8 BY MR. RHODEN:

9 Q. I'm going to show you a series of these pictures
10 that we just introduced as State's Exhibit Number 33. Are
11 those the same two individuals that we saw earlier walking
12 across the parking lot?

13 A. Yes, sir.

14 Q. They continuously walk all the way?

15 A. Yes, sir.

16 Q. Next picture, they're a little bit closer to the
17 car?

18 A. Yes.

19 Q. And the next picture they're even closer to the
20 car?

21 A. Yes, sir.

22 Q. I'm going to ask you about that. The person on the
23 left in the hoodie with the flower thing on the hoodie, is that
24 the same hoodie that was found in the car?

25 A. Yes, sir.

DEP HAMMITT DIR BY MR. RHODEN

1 Q. The hoodie that was processed for DNA that showed
2 that was Mr. Antoine Bobo's DNA --

3 A. Yes, sir.

4 Q. -- on that hoodie? We believe that to be Antoine
5 Bobo?

6 A. Yes, sir.

7 Q. The other individual walking beside him, who do we
8 believe that to be?

9 A. That is Jermaine Culver.

10 Q. Little bit closer. Little bit closer.

11 So the one we believe to be Jermaine Culver is the
12 one that has the little beanie cap?

13 A. Yes, sir.

14 Q. And that would be the same person who's now looking
15 at Mr. Williams' car or appears to be looking in that
16 direction?

17 A. Appears to be looking in that direction, yes, sir.

18 Q. And once again, even more directly in that
19 direction?

20 A. Yes, sir.

21 Q. And again?

22 A. Yes, sir.

23 Q. And again. And again. We can go back to the
24 video.

25 Where we are here on the video, that's the same

DEP HAMMITT DIR BY MR. RHODEN

1 thing that we see in the still shots of the picture; correct?

2 A. Yes, sir.

3 MR. RHODEN: Continue on.

4 (Video recording played. Not transcribed).

5 BY MR. RHODEN:

6 Q. Now they go out of view of that camera.

7 A. Yes, sir.

8 Q. But we have some more cameras, at least one more
9 camera that we haven't seen yet; correct?

10 A. That is correct.

11 Q. One of the dumpster?

12 A. Yes, sir.

13 Q. Let's look at that.

14 We call that the dumpster. I think Mr. Erwin, the
15 cashier, said there were dumpsters to the side of the building;
16 is that correct?

17 A. Yes.

18 (Video recording playing. Not transcribed.)

19 BY MR. RHODEN:

20 Q. Is that a view of those same two individuals that
21 we saw earlier?

22 A. Yes, sir.

23 Q. And the one on the right side, who do we believe
24 that to be?

25 A. The latter figure would be Mr. Bobo.

DEP HAMMITT DIR BY MR. RHODEN

1 Q. And that one appears to have some stripes on his
2 pants. And once again that beanie. Who do we believe that to
3 be?

4 A. Mr. Culver.

5 Q. As you're looking at the surveillance video of the
6 store, the color video we just saw, they're walking by the
7 front of the store. And then they go here. So are they
8 walking towards the side area?

9 A. There's a grassy area, kind of like a wooded line
10 that separates the store parking lot from the next property.
11 Yes, that's where they're walking to.

12 MR. RHODEN: Continue on.

13 (Video recording played. Not transcribed.)

14 MR. RHODEN: Stop right there.

15 BY MR. RHODEN:

16 Q. I know it's hard to see, but does it appear that
17 they're still in the very upper right side, a very faint view
18 still?

19 A. The lighter clothing, you can see the little rain
20 dot in the top right-hand corner.

21 Q. They still appear to be in the vicinity of the
22 Valero?

23 A. Yes, sir.

24 MR. RHODEN: Continue on.

25 (The video recording was played. Not transcribed.)

DEP HAMMITT DIR BY MR. RHODEN

1 BY MR. RHODEN:

2 Q. At this point in time looking --

3 MR. RHODEN: Let's go back to the color, to the
4 other screen. Opposite angle.

5 Another video.

6 BY MR. RHODEN:

7 Q. This is just a different angle. Stripe pants guy,
8 Mr. Culver, and the other one is Mr. Bobo; correct?

9 A. Yes, sir.

10 Q. That would be about where -- thereabouts where the
11 dumpster camera picks them up?

12 A. Yes, sir.

13 (Video recording played. Not transcribed).

14 BY MR. RHODEN:

15 Q. I know it's hard to see. You can see them for a
16 good while as they walk over there?

17 A. Yes, sir. Right at the edge of the corner you can
18 see the light clothing, Mr. Bobo, for a good while.

19 MR. RHODEN: Let's keep that same angle. Try to
20 get to the point where the car is taken. Okay.

21 BY MR. RHODEN:

22 Q. I'm going to start it right there. I draw your
23 attention to that same area where Mr. Culver and Mr. Bobo
24 disappeared off camera. We'll start the video again.

25 (Video recording played.)

DEP HAMMITT DIR BY MR. RHODEN

1 MR. RHODEN: Stop it right there.

2 BY MR. RHODEN:

3 Q. Those two individuals appear to be the same
4 individuals that we saw earlier?

5 A. Yes, sir.

6 Q. They're now running towards the car?

7 A. Yeah, Mr. Williams' car.

8 Q. I know you've looked at this many times. We're
9 trying to do this very shortly here. Can you tell which
10 individual gets in the front and which individual gets in the
11 back?

12 A. Mr. Culver gets in the driver's side of the vehicle
13 and the front driver's door, and Mr. Bobo gets in the back
14 passenger door on the driver's side.

15 Q. Both of them enter the car from the driver's side?

16 A. Yes.

17 Q. And Mr. Culver is in the front and Mr. Bobo is in
18 the back?

19 A. Mr. Culver would be in the driver's seat at that
20 point and Mr. Bobo behind him. That's based on the clothing
21 that they're wearing.

22 MR. RHODEN: Now stop it.

23 BY MR. RHODEN:

24 Q. That is, once again, the Kia Optima that
25 Mr. Williams was driving that night. That is the vehicle

DEP HAMMITT DIR BY MR. RHODEN

1 backing away?

2 A. Yes, sir.

3 Q. At this time Mr. Williams certainly was not driving
4 the vehicle?

5 A. He was not. He was still in the store.

6 Q. Appears that Mr. Culver was the driver?

7 A. Yes, sir.

8 (Video recording playing. Not transcribed.)

9 MR. RHODEN: Stop it.

10 (Video recording stopped.)

11 BY MR. RHODEN:

12 Q. Was that Mr. Williams who ran out of the store?

13 A. Yes, sir.

14 Q. That's our victim?

15 A. Yes, sir.

16 Q. And does he appear to be trying to get into the
17 car?

18 A. It appears he's trying to get in the front
19 passenger door, into the seat area.

20 Q. Front passenger door?

21 A. Front passenger seat, yes, sir.

22 Q. Does it appear that he actually opens that door?

23 A. He does, yes, sir.

24 MR. RHODEN: Stop it there.

25 (Video recording stopped.)

DEP HAMMITT DIR BY MR. RHODEN

1 BY MR. RHODEN:

2 Q. At this point in time after he opens the door, you
3 know we can't see anything. We don't have a close enough view
4 of the car. Does that appear to be right after he opens the
5 door in all probability when he gets shot?

6 A. I think if you back it up just a hair, where you
7 put air in a tire, that door is open. Right there you can see
8 the door is open.

9 Q. So it was still open as it was driving away?

10 A. Yes, sir.

11 Q. Of course, that's when he turns and goes into the
12 store and says he's been shot?

13 A. Yes, sir.

14 Q. Now, it appears that vehicle then leaves the
15 parking lot?

16 A. Yes, sir.

17 (Video recording played. Not transcribed).

18 BY MR. RHODEN:

19 Q. And sometime after Mr. Williams goes into the
20 store, 911 is called?

21 A. Yes, sir.

22 Q. Is that when Spartanburg County basically gets
23 involved to try to figure out what happened?

24 A. Yes, sir.

25 Q. The vehicle that we just saw, the Kia Optima, was

DEP HAMMITT DIR BY MR. RHODEN

1 it eventually recovered?

2 A. Yes, sir.

3 Q. And how did that come about?

4 A. There was a lady that lived at [REDACTED] California
5 Avenue. She had told the officers earlier that she had seen
6 the car in her driveway. She has two driveways; one is
7 basically used, the other one is not ever used anymore. It's
8 grass and grown over. She says it's typical for cars to be
9 parked there, people would park there.

10 But later in the evening she noticed it was still
11 there, so she called 911 to report a strange car in her yard.

12 Q. At this point in time Spartanburg County Sheriff's
13 Department has a description and a tag number and you place the
14 vehicle in whatever?

15 A. Into NCIC. It's stolen.

16 Q. Everybody has been alerted about this vehicle?

17 A. Yes, sir.

18 Q. Approximately what time did you finally find the
19 vehicle?

20 A. It was around, I think 6:30 or 7:30 on the night of
21 the 12th.

22 Q. The shooting occurred shortly after midnight?

23 A. Yes, sir.

24 Q. And the vehicle was actually found later the same
25 day?

DEP HAMMITT DIR BY MR. RHODEN

1 A. Yes, sir.

2 Q. Once it is found, and officers connected with the
3 case, is that when the vehicle was secured by evidence tape and
4 taken to the shop?

5 A. Yes, sir.

6 Q. Was the vehicle after it was secured and taken to
7 the shop processed for DNA and any other evidence?

8 A. Yes, sir.

9 Q. Of course, we've heard from Sean Nix in regard to
10 the swabs from the steering wheel and the gear shift and those
11 items. That was done a couple days after the incident
12 happened?

13 A. Yes, sir.

14 Q. Once again, why was the hoodie a little bit
15 delayed?

16 A. At the time, that was early on in the
17 investigation. And at the time Lieutenant Norris and Sergeant
18 Nix were processing the vehicle, they did not know that hoodie
19 was in play. We did not find that out until later when we
20 reviewed the video. The video was not reviewed immediately.

21 We actually had another shooting homicide that come
22 in over the weekend. We were a small unit, number of us doing
23 a number of different things at the time.

24 Q. The initial time the car was processed, that item
25 simply was not recognized as being potential evidence?

DEP HAMMITT DIR BY MR. RHODEN

1 A. That is correct.

2 Q. When eventually was that determined?

3 A. Ms. Crosby had called me on about April 24th, I
4 think. And she was needing her handicap tag out of the car.
5 There was also a set of keys that were missing. I went on the
6 25th to look for those items for her to return them to her.
7 And I found her hanging tag right off.

8 I was looking for the keys. I moved the television
9 in the back and noticed this gray hoodie. As I picked it up,
10 the hoodie kind of opened up. I could see part of that flower
11 on that hoodie. That's when I knew it needed to be taken care
12 of.

13 Q. Did you call your crime scene people back to the
14 car at that time?

15 A. Yes, sir, I did.

16 Q. During that time, where was the car located?

17 A. 290 Broadcast Drive. That's the county maintenance
18 facility. That's our storage facility.

19 Q. Even though the car was processed initially two or
20 three days after the event, did the Sheriff's Office continue
21 to maintain custody and control of the vehicle?

22 A. Yes. It was in a locked, gated area.

23 Q. That was going to be my next question. Is access
24 restricted to that area?

25 A. Yes, sir.

DEP HAMMITT DIR BY MR. RHODEN

1 Q. It's essentially, although it might not be in the
2 building, it's essentially under lock and key?

3 A. Yes, sir.

4 Q. Let me show you two pictures. They've been marked
5 as State's Exhibit Number 10. I'm going to show you -- I know
6 it doesn't show up great.

7 That is the hoodie in question when you found it in
8 April?

9 A. Yes, sir.

10 Q. Once again, I know it doesn't show up great on this
11 picture. What is this big black thing back here?

12 A. That is the big screen TV that it was under.

13 Q. Where was that big screen TV located in the car?

14 A. In the back seat.

15 Q. It was in the back seat?

16 A. Yes, sir.

17 Q. Was the hoodie kind of underneath that?

18 A. Yes, sir.

19 Q. Was that flat screen TV primarily on the driver's
20 side or the passenger side of the back seat?

21 A. Passenger side.

22 Q. So the big screen TV is obstructing a great deal of
23 the passenger side --

24 A. Yes, sir.

25 Q. -- of the vehicle.

DEP HAMMITT DIR BY MR. RHODEN

1 I'm going to show you this picture, which is part
2 of State's Exhibit Number 6. These pictures are taken by Sean
3 Nix, who testified earlier. And that's when they were put into
4 evidence. Is this the TV that we just saw?

5 A. Yes, sir.

6 Q. And this right here, what is that?

7 A. That is the gray hoodie Mr. Bobo was wearing.

8 Q. That's not when it was collected?

9 A. No, sir.

10 Q. But it was there?

11 A. It was there, yes.

12 Q. Two or three days after the event?

13 A. On the 15th, three days after the event.

14 Q. If you look at this picture carefully, is that the
15 hoodie?

16 A. Yes, sir.

17 Q. And you can barely make out --

18 A. Some of the pink from the rose, yes, sir.

19 Q. When the car was initially processed just shortly
20 after the incident, the hoodie certainly was there?

21 A. Yes.

22 Q. Just not recognized as being evidentiary value?

23 A. That's correct.

24 Q. Once again, I'm going to show you another picture
25 from State's Exhibit Number 6. We heard a little bit earlier

DEP HAMMITT DIR BY MR. RHODEN

1 about the gear shift. Is that a picture of the gear shift in
2 the car?

3 A. Yes, sir.

4 Q. In this picture, what is this item right here that
5 I'm pointing at?

6 A. That is a shell casing. Spent shell casing.

7 Q. And is that a close-up of the shell casing?

8 A. Yes, sir.

9 Q. That was in the car?

10 A. That was in the car, yes, sir.

11 Q. Was that collected as evidence?

12 A. I'm pretty sure Sergeant Nix collected that as
13 evidence, yes, sir.

14 Q. From just a shell casing, Sergeant Nix testified it
15 was a nine millimeter --

16 A. Yes, sir.

17 Q. -- shell casing?

18 A. Yes, sir.

19 Q. In this particular case, did we ever, did you ever
20 recover a gun?

21 A. No, sir.

22 Q. Pardon?

23 A. No, sir.

24 Q. No gun was left in the car?

25 A. No, sir.

DEP HAMMITT DIR BY MR. RHODEN

1 Q. And you didn't develop suspects until -- you didn't
2 develop these suspects until when?

3 A. It would've been the middle of June. I don't have
4 the exact date. It was the middle of June.

5 Q. Several months went by before you developed the
6 suspects in the case?

7 A. Yes, sir.

8 Q. When you find a shell casing such as this, and you
9 have no weapon, can you do anything to figure out what gun it
10 came from?

11 A. There are things that SLED can do and it will give
12 you a variety of nine millimeters it comes from.

13 Q. But I'm talking about a particular gun?

14 A. No, sir.

15 Q. If you don't have a weapon to compare the shell
16 casing to --

17 A. Right, it's like my service gun. You couldn't just
18 say it belonged to that gun without having that gun to compare
19 it to.

20 Q. In this particular case, there was no testing that
21 could be done to that casing to match it with a gun?

22 A. No, sir.

23 Q. Once again, we talked about a nine millimeter shell
24 casing such as this. What type of weapon typically fires a
25 nine millimeter?

DEP HAMMITT DIR BY MR. RHODEN

1 A. Semi-automatic handguns.

2 Q. It's not a revolver type --

3 A. No, sir.

4 Q. -- ammunition?

5 A. No, sir.

6 Q. You would find that in a semi-automatic?

7 A. Yes, sir.

8 Q. And what's the difference between the way a
9 revolver operates and a semi-automatic?

10 A. Revolver, when it fires, all the spent casings are
11 contained in the cylinder and it stays in the cylinder until
12 it's manually ejected. In a semi-automatic, once it's fired,
13 the recoil ejects that cartridge and loads another one into it.

14 Q. Typically, which side of the pistol is a shell
15 discharged from?

16 A. In handguns, most of the time it's going to be from
17 about 12 o'clock to 2 o'clock.

18 Q. Which side of the gun?

19 A. To the right.

20 Q. If you're holding the gun out, it's going to eject
21 to the right?

22 A. Yes, sir.

23 Q. We don't know in this particular case other than we
24 find the shell casing in the back seat?

25 A. Yes, that's correct.

DEP HAMMIT CROSS BY MR. FARR

1 Q. Officer Hammitt, looking back at these pictures
2 that were taken off of the surveillance video, the car,
3 Mr. Williams' car, the headlights appear to be on?

4 A. Yes, sir.

5 Q. When it was recovered, were the keys still in the
6 car?

7 A. They were still in the ignition, yes, sir.

8 Q. Assuming the vehicle was running at the time the
9 Defendant got into the car, he wouldn't have to manipulate the
10 keys?

11 A. No, sir.

12 Q. And the location of the Valero, I think, is 370
13 Bryant Road; is that correct?

14 A. Yes, sir, 370 Bryant Road.

15 Q. That is in Spartanburg County?

16 A. Yes, sir.

17 MR. RHODEN: Thank you. Answer any questions that
18 Mr. Farr may have.

19 MR. FARR: May it please The Court, Solicitor.

20 CROSS-EXAMINATION

21 BY MR. FARR:

22 Q. Mr. Hammitt, this is your third time being on the
23 stand today?

24 A. Today, yes, sir.

25 Q. You've been in here for all the testimony?

DEP HAMMIT CROSS BY MR. FARR

1 A. Yes, sir.

2 Q. I just want to make sure -- I'm not going to put
3 words in your mouth. The Solicitor asked you about the reason
4 for the delay in this case because you said you didn't have
5 surveillance video; is that correct?

6 A. I said I had not seen the surveillance video. They
7 actually got video that day, Investigator Burgess did. I did
8 not start reviewing it until later when I got the case.

9 Q. Did you look at the report -- I asked you again
10 this morning if you reviewed the report before you started
11 investigating. Did you?

12 A. Yes.

13 Q. Did you read the supplements of each individual
14 officer about the description they gave of the two individuals
15 and what they were wearing?

16 A. I did not read everyone's, no, sir.

17 Q. And then you read where Ms. Bible got the clothing
18 and what they were wearing?

19 A. Ms. Bible?

20 Q. You said you waited until April 24th to go back and
21 search the vehicle. What I'm asking, did you read the
22 supplements of each individual officer?

23 A. I did not, no, sir.

24 Q. And you realize they already had the surveillance
25 and the description of the individuals?

DEP HAMMIT CROSS BY MR. FARR

1 A. I knew they had the surveillance, yes.

2 Q. You didn't read the description?

3 A. I did not. I watched the surveillance video. I
4 didn't read their descriptions of the stuff.

5 Q. A month-and-a-half later, that's when you first
6 watched the video?

7 A. No, I watched the video March 28th when I received
8 the case.

9 Q. That's what I was going to ask you. You actually
10 went back to the car around that time, didn't you?

11 A. No, sir.

12 Q. You never went out to the car after you watched the
13 video?

14 A. No, sir, did not.

15 Q. Then you waited a month to go back?

16 A. Yes, sir.

17 Q. And did you do a search warrant on my client's
18 house when you went over there?

19 A. No, sir, we did not search his house.

20 Q. Again, you didn't take those Crocs that you had.
21 They are distinct in the pictures?

22 A. No, did not take them, no, sir.

23 Q. You didn't take a picture off your cell phone or
24 anything?

25 A. No, sir.

DEP HAMMIT CROSS BY MR. FARR

1 Q. You say that you believe that the individual with
2 the toboggan on to the left is my client? That's what you
3 believe?

4 A. Yes, sir.

5 Q. Do you understand he has a puffy black jacket on?

6 A. Yes, sir.

7 Q. You didn't even try to go look at his house when
8 you went over there; they voluntarily let you in to search the
9 house?

10 A. No, sir.

11 Q. Then the Solicitor asked you that it is mid-summer
12 when you had suspects; correct?

13 A. Yes, sir.

14 Q. And also, per your report as you note everything
15 else, you had a female suspect as well?

16 A. No, sir. I told Mr. Nafziger that we believe one
17 of the suspects was a female.

18 Q. At the same time, mid-June; correct?

19 A. I don't think that was June, mid-June.

20 Q. It says June 16th.

21 A. June 16th, yes, sir.

22 Q. And the vehicle took a left out of the gas station;
23 correct?

24 A. That is correct.

25 Q. What's the apartment complex to the left?

DEP HAMMITT REDIR BY MR. RHODEN

1 A. It's a new name. It used to be Southern Pines.

2 Q. Southern Pines, when you looked at the
3 surveillance, you looked at the cell phones. And I asked you
4 about GPS and the vehicle. Did that vehicle ever slow down
5 right there by Southern Pines?

6 A. No, sir, it did not. You can actually see it go up
7 the hill. If you play the video further, you can see it.

8 Q. There's a hill in front of the apartment complex to
9 the left?

10 A. Makes a dip and goes up.

11 Q. You're the one that submitted the DNA and what
12 you're requesting you wanted off the hoodie; correct?

13 A. That's correct.

14 MR. FARR: That's all the questions I have, Your
15 Honor.

16 THE COURT: Any redirect limited to what he went
17 into?

18 MR. RHODEN: Little bit.

19 REDIRECT EXAMINATION

20 BY MR. RHODEN:

21 Q. Mr. Farr made a big deal about this e-mail that you
22 sent to the DNA lab person on June 16th. Was that prior to the
23 time that you conducted some interviews?

24 A. Yes, sir.

25 Q. And once you conducted an interview, did you then

DEP HAMMITT REDIR BY MR. RHODEN

1 focus your attention on the suspects that we have now?

2 A. Yes, sir.

3 MR. RHODEN: Thank you. That's all.

4 THE COURT: Is that it?

5 MR. RHODEN: Yes, sir.

6 THE COURT: I'm sorry, I didn't hear you.

7 Thank you, sir. You may step down.

8 (The witness exited the stand.)

9 THE COURT: Lawyers approach a second.

10 (Off-the-record discussion.)

11 THE COURT: Ladies and gentlemen, we're going to
12 take a short recess. Do not have any discussions among
13 yourselves involving the case. We'll get you back just
14 shortly. You may go with the bailiff.

15 (The jury exited the courtroom at 4:01 p.m.)

16 THE COURT: Yes, sir.

17 MR. RHODEN: Just wanted to clarify. I mean, I
18 know Mr. Farr has objected to certain things in regard to the
19 DNA and -- maybe not the DNA. Definitely the cell phone. If
20 Your Honor is not going to exclude any of that evidence, then I
21 will not have any other witnesses. If Your Honor is going to
22 exclude any of that, then I may have one more.

23 THE COURT: I'm sorry I was so unclear. I think I
24 had already ruled it so it comes in.

25 MR. RHODEN: Right. I think you said you could

DEP HAMMITT REDIR BY MR. RHODEN

1 strike it. I just want to make sure that was not in any
2 contemplation.

3 THE COURT: That was said back in chambers if you
4 didn't connect the dots sufficiently for admissibility
5 purposes. The dots have been connected.

6 MR. RHODEN: All of that is in evidence?

7 THE COURT: Correct. I know you wish it weren't.
8 And you have taken the position you don't want it in. I have
9 allowed it into evidence.

10 MR. FARR: That's how I understood it.

11 MR. RHODEN: That being the case, then the State
12 rests.

13 THE COURT: Let's do this. I would suggest, let's
14 bring them back in. Let's let the State rest. Let me dismiss
15 them and see what we can do as far as anything that needs to be
16 done outside of their presence now.

17 (The jury entered the courtroom at 4:05 p.m.)

18 THE COURT: Yes, sir, Mr. Rhoden.

19 MR. RHODEN: At this time the State rests, Your
20 Honor.

21 THE COURT: Thank you, Mr. Rhoden. Ladies and
22 gentlemen, the State has now rested its case. And at this
23 juncture there are many matters of law that I have to take up
24 with the lawyers. We've discussed, given the time of the day,
25 I'm going to go ahead and let you go home for the day.

DEP HAMMITT REDIR BY MR. RHODEN

1 I want to ask that you be back in the jury room,
2 wherever they have you come in this building, be back there at
3 9:30 in the morning. We'll resume the presentation of this
4 case. It has reached critical stage that you remember these
5 two instructions that I give you consistently. Do not have any
6 discussions with anyone about anything involved in the case
7 even tonight at supper what kind of case it is. Remind them
8 the judge instructed you: I cannot discuss the case.

9 After it's over you can discuss the case until
10 you're blue in the face. Until the case is done, do not have
11 any discussions among yourselves or with anyone else and do not
12 do any type of independent research or investigation. A lot of
13 information was thrown at you, including addresses. Do not on
14 the way home accidentally go by an address to check it out or
15 something.

16 Allow us, the lawyers and me, to give you the
17 information you need when you do your deliberations. Again,
18 thank you very much for your service. You may go with the
19 bailiff. They'll show you out.

20 (The jury exited the courtroom at 4:07 p.m.)

21 MR. FARR: May it please The Court, Solicitor.
22 Since the State is rested, I am requesting a directed verdict
23 in this case. Understanding that The Court looks most
24 favorable to the State from the standpoint my client is charged
25 with murder.

DEP HAMMITT REDIR BY MR. RHODEN

1 My client is charged with armed robbery, Judge.
2 The State has failed to produce circumstantial evidence that
3 there's a plan or scheme to assault the victim or otherwise
4 intended any unlawful action foreseeably resulting in homicide,
5 which is murder, or armed robbery in this case, Judge.

6 The State has failed to prove, one, identification
7 to my client in this case. Nobody has ID and said this is the
8 person in the video, this is Mr. Culver, or anything like that.

9 Police are not enough to say my client did this as
10 part of the thing. It is required that the State must prove
11 that it was my client, Judge.

12 When you're looking at directed verdict, the
13 evidence submitted may raise mere suspicion that the accused is
14 guilty. If a directed verdict should be granted because of
15 suspicion implies belief of guilt based on facts or
16 circumstances which does not amount to proof.

17 And, Judge, again in this case, there has been no
18 discussion of a plan, or that one of the individuals knew that
19 somebody had a firearm in this case, Judge. Because they're
20 saying this is accomplice liability. That's why I'm harping on
21 this for directed verdict.

22 They don't have what they need to prove that my
23 client -- or this could be submitted to a jury in this case,
24 Judge. I'm asking at this time for a directed verdict in this
25 case. Thank you, Your Honor.

DEP HAMMITT REDIR BY MR. RHODEN

1 MR. RHODEN: May it please The Court. I have a
2 totally opposite view. Obviously, I think we have a plethora
3 of evidence against Mr. Culver. His DNA was found on the
4 steering wheel. His DNA was found on the gear shift.

5 Obviously, two individuals were walking to the car.
6 Mr. Bobo's DNA was found on the hoodie that was recovered in
7 the car. It's inescapable that the two of them were acting
8 hand in hand, acting together. They were casing the car as
9 they were walking by the car, looking at the car, realizing it
10 was running with no person in it.

11 They walked into the shadows as they formulated
12 their plan. They're lying in wait and then they both run to
13 the car simultaneously together.

14 The car then leaves. We have the cell phone
15 evidence that shows they were together. They continued to be
16 together when the car was dumped at [REDACTED] California Avenue.

17 Calls were made from Mr. Culver's phone to, oddly
18 enough, Mr. Bobo's mom, which is, once again, also
19 circumstantial evidence that either Mr. Culver was talking to
20 Mr. Bobo's mother or Mr. Bobo using Culver's phone to call his
21 mom. Obviously, still together.

22 I think there's a plethora of evidence in favor of
23 the State that Mr. Culver is one of those individuals.

24 A gun was involved. That's obvious. I mean, the
25 victim was shot. There's a shell casing in the car.

DEP HAMMITT REDIR BY MR. RHODEN

1 Obviously, one of the two parties had to have shot the victim,
2 Mr. Williams.

3 It is an accomplice liability case, hand of one,
4 hand of all. The case law is clear that if you go to commit a
5 crime such as a robbery, you're responsible for all the natural
6 consequences that may occur. And in this case, unfortunately,
7 it was murder.

8 And as soon as -- I think this is significant. As
9 soon as the victim opens the door, he is shot. So certainly
10 the persons in the car and the angle -- Mr. Culver was,
11 apparently, the driver, and the victim opened the front
12 passenger side door. The front passenger side door, that's a
13 clear line of shot from -- clear line to shoot Mr. Williams
14 from the passenger. The back seat had a TV in it on the
15 passenger side. So certainly Mr. Bobo was probably way over on
16 that other side.

17 I think there's certainly a great deal of evidence
18 that you could determine that Mr. Culver was, in fact, the
19 shooter. And under accomplice liability, I think the hand of
20 one is the hand of all. I don't think I necessarily have to
21 prove specifically who pulled the trigger.

22 THE COURT: Any reply?

23 MR. FARR: No, Your Honor.

24 THE COURT: Thank y'all for your arguments. I am
25 going to have to deny the motions. Couple reasons. The

DEP HAMMITT REDIR BY MR. RHODEN

1 standard that This Court has to apply in determining a directed
2 verdict motion requires This Court to view the evidence in the
3 light that's most favorable, not to the Defendant but to the
4 State.

5 I am not charged -- I am not able to examine that
6 evidence in the light most favorable to the Defendant by
7 judging the credibility or the weight of that evidence. I have
8 to look for the existence of the evidence. I have done so.

9 I've paid attention during this trial. I've
10 reviewed my notes. I've also reviewed the elements of the
11 offenses that the State has to prove or tends to argue to the
12 jury. I would have to deny the motion at this time.

13 MR. FARR: Thank you, Your Honor.

14 THE COURT: Any other motions at this time?

15 MR. FARR: No, sir.

16 THE COURT: Lawyers approach.

17 (Off-the-record discussion.)

18 THE COURT: Mr. Culver, I now have got to ask you
19 some questions and we have to have a conversation. I need to
20 remind you to please speak up because the lady in front of you
21 and in front of me is a court reporter. She's got to be able
22 to hear both of us.

23 If ever during this process you and I having this
24 discussion, if you cannot hear me, just let me know, and I'll
25 speak up.

DEP HAMMITT REDIR BY MR. RHODEN

1 We have to start this conversation with the clerk
2 of court administering an oath to you. Please raise your right
3 hand.

4 JERMAINE CULVER
5 being first duly sworn, testified as follows:

6 THE COURT: Mr. Culver, at this time, I am going to
7 explain to you certain of your rights. And if you do not
8 understand anything that I say, please let me know. If you
9 want me to explain anything in more detail, please let me know
10 that as well. Do you understand that?

11 MR. CULVER: Yes, sir.

12 THE COURT: Sir, we have now reached the stage of
13 the trial where you may present your defense. You have the
14 right to claim the protections given to you by the 5th
15 Amendment to the Constitution of the United States. This
16 amendment states in part: No person shall be compelled in any
17 criminal case to be a witness against himself. This means that
18 you cannot be required to testify in this case.

19 You have the right to testify on your own behalf.
20 However, no one can make you testify. This is a personal right
21 and no one can waive this right except you. If you decide to
22 testify, you will be subject to the same Rules that govern
23 other witnesses and you may be examined and cross-examined on
24 any relevant issue in this case.

25 In addition, if you have any convictions involving

DEP HAMMITT REDIR BY MR. RHODEN

1 dishonesty or false statement or for crimes punishable by
2 imprisonment for more than one year, and This Court determines
3 that the probative value of admitting that evidence outweighs
4 its prejudicial effect to you, then the Solicitor will be able
5 to introduce your record to attack your credibility.

6 If you decide to testify, this decision on your
7 part must be freely, voluntarily, and intellectually made with
8 the knowledge of the protections given to you by the 5th
9 Amendment and the consequences of your decision to testify.

10 If you decide not to testify, I will instruct the
11 jurors that they cannot give the fact that you did not testify
12 any consideration whatsoever and that there is to be absolutely
13 no prejudice to you because you did not testify.

14 It is left entirely up to you whether or not you
15 testify. You may talk to your lawyer, your family, your
16 friends, or anyone else. But the final decision will be
17 entirely left up to you.

18 Now, Mr. Culver, do you understand what I've just
19 explained to you?

20 MR. CULVER: Yes, sir.

21 THE COURT: Do you have any questions about what
22 I've just explained to you?

23 MR. CULVER: No, sir.

24 THE COURT: Have you discussed with your lawyer
25 whether you should or should not testify?

DEP HAMMITT REDIR BY MR. RHODEN

1 MR. CULVER: Yes, sir.

2 THE COURT: And do you wish to talk to your lawyer
3 any more about this decision to testify or not?

4 MR. CULVER: No, sir.

5 THE COURT: Have you made a decision whether you
6 will testify or not?

7 MR. CULVER: Yes, sir.

8 THE COURT: And what is that decision?

9 MR. CULVER: No, sir.

10 THE COURT: No, sir? Am I correct in receiving
11 your answer that your decision is that you will not testify; is
12 that correct?

13 MR. CULVER: Yes, sir.

14 THE COURT: Mr. Culver, has anybody threatened you
15 in any way or promised you anything in order to get you to make
16 this decision not to testify?

17 MR. CULVER: No, sir.

18 THE COURT: Am I correct to conclude that your
19 decision not to testify, that it is a free and voluntary
20 decision on your part?

21 MR. CULVER: Yes, sir.

22 THE COURT: At this juncture are you satisfied with
23 the work that your lawyer has done for you?

24 MR. CULVER: Yes, sir.

25 THE COURT: Thank you, Mr. Culver. I will find

DEP HAMMITT REDIR BY MR. RHODEN

1 that his decision not to testify is a free, voluntary, and
2 knowing and intellectual decision by him. Thank you, sir.

3 The trial is not over. If you need to talk to your
4 lawyer throughout this process, you continue to do so; okay?

5 MR. CULVER: Yes, sir.

6 THE COURT: You may be seated.

7 My recommendation, game plan would be that tomorrow
8 morning when we bring the jury back in, the defense can stand
9 and rest, if the defense wishes to. Then we will proceed with
10 the arguments and charges. While y'all have been working, I've
11 been polishing up what I gave you. It's nothing dramatic.
12 I've added a couple charges.

13 Did the State have anything they want to talk about
14 the charges?

15 MR. RHODEN: Yes, I do. On the stuff that you gave
16 us earlier, I do have some concerns about some of the language
17 in the charges that I'd like to discuss with The Court.

18 THE COURT: Let me offer a suggestion. In order to
19 not torture the court reporter with the charge conference, why
20 don't we go back in the back, have the charge conference. We
21 can come back out here and put anything on the record that we
22 need to put on about the charges.

23 MR. RHODEN: That will be fine, Your Honor.

24 (The hearing was adjourned at 4:30 p.m.)

25

1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

IN GENERAL SESSIONS
7th JUDICIAL CIRCUIT

3
4 STATE OF SOUTH CAROLINA,
5 Plaintiff,

VOLUME IV

6 vs.

CASE NO. 2024-GS-42-04171
2024-GS-42-04172

7 JERMAINE CULVER,
8 Defendant.

9
10 HEARING BEFORE: HONORABLE J. MARK HAYES, JR.

11 DATE: March 13, 2025

12 TIME: 10:00 AM

13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 WILLIAM G. RHODEN, ASSISTANT SOLICITOR

22 ATTORNEYS FOR THE DEFENDANT
23 ZACHARY FARR, ESQ.
24
25

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1

E X H I B I T S

2

FOR I.D. IN EVD.

3

COURT EXH. 1, Jury Question

387

387

4

COURT EXH. 2, Jury Question

387

387

5

COURT EXH. 3, Jury Question

393

393

6

COURT EXH. 4, Jury Question

398

398

7

COURT EXH. 5, Waiver Evaluation

405

405

8

9

Certificate of Reporter Page 409

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: We did have an opportunity to meet with
2 the lawyers on the preparation of the charges, and I appreciate
3 the input from the lawyers. Mr. Farr, you have a motion, I
4 believe.

5 MR. FARR: I do, Your Honor. May it please The
6 Court, Mr. Solicitor.

7 Your Honor, I'm objecting to the jury charge of
8 hand of one, hand of all. I know I was denied my directed
9 verdict. I still don't think the State has proved enough in
10 this case to say my client, two or more people in this case,
11 and he was acting in this case.

12 I don't think the jury charge is correct, Your
13 Honor, since my client is the only one being charged. The
14 other Defendant hasn't testified. I'm just reiterating my
15 objection and everything else to those charges, Judge, at this
16 time. Thank you.

17 MR. RHODEN: May it please The Court.

18 This is classic hand of one, hand of all case. We
19 can show the agreement of the parties through circumstance as
20 they entered the parking lot together. They're both dressed
21 for mischief in that they have their faces covered. They
22 walked by the car together. They walked off camera to the
23 dumpster area together. They stayed there for a period of
24 time. That's when they're formulating their final plan.

25 They run back to the car together. It's obvious at

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 that point in time they knew which one was going to get in the
2 front seat, which one was going to get in the back seat.
3 There's no confusion as they're running back to the car. They
4 steal the car. Then they run off together.

5 If they were not participating together, it was
6 unexpected. Nobody stopped the car. Mr. Culver could've
7 stopped the car and said: I didn't know this was going to
8 happen. He didn't do any of that. It's a classic hand of one,
9 hand of all case. And I think the charge is appropriate, Your
10 Honor.

11 THE COURT: Any reply?

12 MR. FARR: No, Your Honor.

13 THE COURT: Thank y'all for that. Again, I have to
14 view your motion through a lens that views the evidence in the
15 light that is favorable to the State. I'm not saying that the
16 State will be successful on the merits of that argument. I
17 believe the State has presented sufficient evidence in this
18 case to warrant an instruction on hand of one, hand of all.

19 MR. FARR: Yes, sir. Thank you, Your Honor.

20 THE COURT: Yes, sir.

21 I am told now that the jury has finally made their
22 lunch selections. I think they're now ready to be brought in.
23 Give me two seconds. I requested something from my chambers.

24 (A pause transpired.)

25 THE COURT: Let's bring the jury in.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 We'll address the issue of the alternates when we
2 get finished with this part.

3 MR. RHODEN: I think he needs to rest in front of
4 the jury.

5 MR. FARR: Yes.

6 (The jury entered the courtroom at 10:02 a.m.)

7 THE COURT: Yes, sir, Mr. Farr.

8 MR. FARR: Your Honor, may it please The Court,
9 Solicitor. Your Honor, at this time the defense rests.

10 THE COURT: Thank you, sir.

11 Ladies and gentlemen, the parties have now
12 presented all of their evidence as part of this case. And it
13 is now time for the attorneys to make what is known as their
14 closing arguments to you.

15 The arguments of the attorneys are not evidence in
16 this case. Their statements and their arguments are meant to
17 help you understand the evidence and apply the law to the
18 evidence. You should disregard any remark, statement, or
19 argument which is not supported by the evidence presented to
20 you during this trial or the law that I will explain to you
21 after the arguments.

22 At this time we will receive the closing arguments
23 from the attorneys.

24 MR. RHODEN: May it please The Court. Good
25 morning, ladies and gentlemen.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 JURORS: Morning.

2 MR. RHODEN: This will be my last opportunity to
3 talk to you. Once I'm finished with my closing statement, Mr.
4 Farr will do his and then we're done. I don't get the chance
5 to come back again. Sometimes I have to kind of anticipate a
6 little bit about what the defense attorney may say.

7 Ladies and gentlemen, it dawned on me just a few
8 minutes ago with a little bit of assistance, yesterday was
9 actually the third year anniversary of the shooting. It's been
10 three years, March 12, 2022.

11 That day, Jarqueze Williams was heading to his
12 cousin's apartment to eat pizza. They ordered pizza. He was
13 heading over there. They lived right next door to the Valero
14 gas station. And as fate would have it, he decided to get an
15 energy drink. That was a fateful day for him.

16 He parked his car, goes into the convenience store.
17 Goes into the convenience store to get an energy drink. Had no
18 idea that's basically going to be the last day of his normal
19 life. He was shot. Fatally shot. Unfortunately, he lingered
20 in the hospital 13 days before he passed away.

21 Mr. Williams was not doing anything wrong that
22 evening. All he was doing is going to a convenience store. He
23 did not know at that point in time where you see him talking to
24 the clerk, having a pleasant conversation, that outside of that
25 store, evil lurked. Evil in the persona of Mr. Jermaine Culver

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 and Antoin Bobo.

2 We're here just on the case of Jermaine Culver.

3 But Antoin Bobo was also a participant in this crime. And it's
4 important because there is a doctrine of law that applies in
5 this case.

6 And that is a doctrine we commonly refer to as hand
7 of one, hand of all. And that legal doctrine says that, if you
8 participate in a crime, if you agree to do a crime with another
9 person, and you commit that crime, each person is equally
10 responsible for their own actions plus the actions of the other
11 person.

12 When two people commit a crime in concert, they are
13 equally guilty for everything that reasonably flows from the
14 commission of that crime, even if they initially didn't plan to
15 commit the crime that they committed; if it naturally flowed
16 from the original plan.

17 What I mean by that is this. I don't think that
18 Antoin Bobo and Jermaine Culver were planning to kill Jarqueze
19 Williams when they were walking down that sidewalk. Otherwise
20 they would've just gone in the store where he was. Their plan
21 was to steal his car. Their plan included a nine millimeter
22 handgun. A deadly weapon.

23 And just because their plan at that point did not
24 include the killing of Jarqueze Williams, that does not
25 insulate them from what ultimately happened. Because once you

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 decide to commit a robbery with a deadly weapon, it is natural,
2 a natural consequence or a foreseeable consequence is that
3 somebody might get hurt, somebody might get killed.

4 They are responsible for the death of Mr. Williams,
5 equally responsible for the death of Mr. Williams even though
6 that was not, in all probability, was not their plan. Parties
7 can be both criminally liable -- can be criminally liable for
8 the unplanned crime if it is the natural and probable
9 consequence of their common plan to commit the initial crime.
10 That is the law. That's what I'm reading. That is the law.

11 And why is it important in this case? I'll come to
12 that.

13 Let's talk about this mutual plan for a minute.
14 The State has to prove to you that these two parties,
15 Mr. Culver and Mr. Bobo, had a plan to act together. Now,
16 criminals don't just sign a document and hand it to you and
17 say: This is our plan. Obviously, we have to prove that to
18 you by the evidence in the case and the circumstantial evidence
19 in the case.

20 Let's talk about what we have and what you have
21 seen, what has come from this witness stand. We see two
22 individuals walking through the parking lot. They are
23 together.

24 Now what do we know about Antoin Bobo and Jermaine
25 Culver? We know from Mr. Culver's statement that you saw play,

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 he knows Mr. Bobo. They know each other. He told you that in
2 his statement. They know each other. They're not strangers.
3 They didn't just come upon each other randomly that night.
4 They come to the parking lot together. They know each other.

5 Why did they come to the Valero store that night?

6 Well, ladies and gentlemen, it is pretty obvious
7 why they came there that night. This is the picture. I'm not
8 going to put it on that thing. I don't use it too well. I'm
9 old school.

10 This is the picture of Mr. Bobo and Mr. Culver
11 walking down the sidewalk. Look at them. Look how they're
12 dressed. They have their faces covered. Why do they have
13 their faces covered? It's not a blizzard outside. It is May
14 12, 2022, almost three years to the day. They are dressed this
15 way because they're looking for a car to steal. And
16 Mr. Williams' car has caught their eye.

17 Unfortunately, he left his car running. So they
18 walk by. You saw the video where they walk by. I think we
19 need the other angle where they walk by the car.

20 We showed you the pictures. They're eyeing that
21 car. They want to steal that car. What do they do? The first
22 element that I submit to you is proof of this agreement is the
23 fact that they know each other.

24 Next is they're walking together.

25 Next is they're both dressed for mischief. They're

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 both dressed in such a way to conceal their identity.

2 Next is they're eyeing the car together. They're
3 both looking there at that car. Look at them. Here they come,
4 walking down the sidewalk, looking at that car. All right.
5 That's what we're going to do. We're going to steal that car.

6 What do they do next? They go off over to the
7 dumpsters. And they stayed there for a little while. What
8 they're doing over there, I submit to you ladies and gentlemen,
9 is they're finalizing their plan. They're finalizing how
10 they're going to steal this car.

11 And what evidence do we have of that? Here's the
12 evidence we have of that. When they start running to the car,
13 they run together. And Mr. Culver gets in the driver's side.
14 He gets behind the wheel. And Mr. Bobo gets in the back seat.

15 They don't stand out there and discuss that while
16 they're running to the car. They've already decided that.
17 They run immediately to the car and get in the car with
18 Mr. Culver driving. That was their plan they came up with
19 while they were lying in wait over by the dumpsters.

20 Then what happens? More proof of this acting
21 together, more proof of this plan is the gun.

22 And what do I mean by that? I mean this:
23 Obviously they had a gun. Mr. Williams, when he runs to the
24 car, immediately when he opens the door, he is shot.
25 Immediately. They had it planned. They had a gun with them.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 They didn't have time to -- it happened so quickly,
2 they didn't have time while they're in the car to fiddle with
3 who's got a gun, get it out of their pocket. It had to be
4 readily available right then and there for that shot to have
5 occurred immediately when Mr. Williams opens the door.

6 They were planning for that just in case. Why did
7 they bring a gun with them if they weren't going to use it to
8 kill someone while trying to get to their car?

9 Now as I said, I don't think they came there that
10 night planning to kill Mr. Williams. They certainly came there
11 that night planning to kill someone, if need be, because they
12 have the deadly weapon with them.

13 What other evidence do we have that they were
14 acting together? Well, they drive off together. Especially
15 Mr. Culver. He is behind the wheel of the car. If he's not
16 part of this plan, if he didn't know this was going to happen
17 or possibly could've happened, he could've just stopped the car
18 right then and there and got out and said: Whoa, whoa, that's
19 not my plan. But no. They just leave together. Neither one
20 of them stopped and get out. And they go off together.

21 Remember the cell phone evidence we played or
22 showed to you. They go. The cell phones are tracking to where
23 that car is left.

24 They are together. Mr. Culver's phone is there.
25 Mr. Bobo's phone is there. They go off together. More

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 evidence that these two parties have this plan together and
2 participate in the crime together. Hand of one, hand of all.

3 Now, how does that all apply to the charges that we
4 have here? We have two charges. We have armed robbery. Let's
5 talk about that. Armed robbery.

6 Armed robbery is basically taking away property
7 from another person. That is a robbery. And what makes it a
8 robbery is you take it away while the person is present. And
9 when I say present, I mean within the observation or control.
10 It doesn't have to be right there. In this particular case,
11 the vehicle is initially taken while Mr. Williams is in the
12 store. It's within his observation area.

13 Then he runs out to the car. And the car is still
14 taken from him, directly from his presence. Robbery is taking
15 property from another person while they are present. Clearly
16 that's what happened here.

17 What makes it armed robbery is the fact that a
18 weapon was used. That is armed robbery. I submit to you that
19 the evidence is clear that an armed robbery was committed.

20 Now a murder. Murder is defined as the unlawful
21 killing of another person with malice aforethought. Malice
22 means -- what does that mean? Unlawful killing of another
23 person with malice aforethought. You have to have an unlawful
24 killing, which clearly we have here. With malice.

25 Malice basically means it's an intentional doing of

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 a wrongful act without just cause or excuse with an intent to
2 inflict an injury or other circumstances that the law will
3 infer an evil intent.

4 Malice is an evil intent. That's why I say these
5 are evil doers. It means that they had wickedness in their
6 heart when they did the act.

7 Malice can be inferred from the conduct showing
8 total disregard for human life. What do we have here? We have
9 total disregard for human life. They took the car and shot
10 Mr. Williams in the stomach.

11 Malice aforethought. What does aforethought mean?
12 That means it just had to occur at some time prior to the act.
13 It could've occurred while they're planning it. I think that's
14 evidence of malice. They're lying in wait. They're lying in
15 wait to spring their evil deed upon Mr. Williams by taking his
16 car and then shooting him when he tries to retrieve it.

17 Malice could've happened immediately right before
18 the shot was fired. It doesn't have to be any particular
19 amount of time for malice to occur. Just has to be malice
20 aforethought.

21 It's just basically the doing of an unlawful act
22 with a total disregard for human life. That is murder. Clear
23 and simple.

24 Now, let's look at the evidence that we have in the
25 case. Because most of it, the large majority of this case is

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 absolute certainty. Absolute certainty. What is absolute
2 certainty? What we know, that Mr. Williams went to the
3 convenience store. Absolutely. No question of it.

4 We know he was driving the Kia Optima. No question
5 about it. Was his car, he drove it there and parked it in the
6 parking lot. Absolute certainty.

7 We know that he was shot. Absolute certainty. He
8 was shot. Taken to the hospital. We know that he died from
9 that gunshot. Absolute certainty.

10 All of that we know from the evidence in this case
11 absolutely happened.

12 Now, the only thing that could possibly be in
13 dispute is who did it. So we have presented evidence to you as
14 to who did it. We know absolutely that these two people did
15 it. They're on the video. We know the two people in this
16 picture committed this crime. With absolute certainty.

17 The only question is who are they? We know they
18 did it. But who are they?

19 Well, we know by the evidence in this case that the
20 one who's wearing the flower hoodie is Mr. Antoin Bobo. Now,
21 we might know to absolute certainty, but we know it to almost
22 absolute certainty.

23 We know by the DNA. We know the DNA on the hoodie
24 belonged to Antoin Bobo. And we know that, that DNA is Antoin
25 Bobo's DNA. It is 3.49 quadrillion times more likely that,

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 that is Antoin Bobo's DNA than just a random person in the
2 population. That is about as close to absolute certainty as
3 you can get that, that person in the picture with the hoodie is
4 Antoin Bobo.

5 Who's the other guy? Well, we know by the evidence
6 to almost an absolute certainty that the other guy is Jermaine
7 Culver. How do we know that? Well, we know by the DNA from
8 the steering wheel that, that is Mr. Culver's DNA.

9 And in regard to the steering wheel, it is 67.9
10 quadrillion times more likely that, that's Mr. Culver's DNA
11 than some random person in the population.

12 I submit to you, ladies and gentlemen, the evidence
13 in this case proves to you that this person with the skull cap,
14 with the black jacket here is Jermaine Culver.

15 On top of that, we have the DNA from the gear shift
16 that comes back to Mr. Culver. That is 386 trillion times more
17 likely that it's Mr. Culver than a random person in the
18 population. Almost to a certainty that, that is Mr. Culver.

19 We know by the evidence in this case that these two
20 people who we know jumped in that car and stole it was Jermaine
21 Culver and Antoin Bobo.

22 Now, the only other thing that could possibly be in
23 dispute is who fired the shot that killed Mr. Williams? We
24 don't have a video of who fired the shot, unfortunately. The
25 cameras were not that good. I submit to you -- I'll submit to

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 you two things.

2 Because this case is a hand of one, hand of all
3 case, the State is not required to prove to you who fired the
4 shot as long as we've proven to you that one or the other
5 persons in that car fired the shot. We don't have to prove
6 which one did it. As long as one of the two of them did it,
7 they're equally responsible for their actions. Whether it was
8 Mr. Bobo or Mr. Culver, simply under the law does not matter.

9 However, I submit to you that we have submitted
10 evidence to you that shows that it was Mr. Culver who fired
11 that shot.

12 How do we know that? Well, we know that Mr. Culver
13 was the driver. DNA on the steering wheel. DNA on the gear
14 shift. He was the driver of that car.

15 We know by the video that Mr. Williams opened the
16 front passenger side door. We got Mr. Culver in the driver's
17 seat. We got Mr. Williams opening the front passenger side
18 door. We know by the hoodie that was found in the back seat
19 and also by the video of when Mr. Bobo got in the car, we know
20 he got in the back seat.

21 What was right next to him on the -- so he's on the
22 driver's side back seat. What's right next to him on the
23 passenger side back seat? That big screen TV.

24 The only person in the car who had a clear shot
25 when Mr. Williams opened the front passenger side door is

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Mr. Culver. He had the line of fire. I submit to you the
2 evidence shows that he is the shooter.

3 It's a nine millimeter weapon. The officer on the
4 witness stand yesterday testified that a nine millimeter round
5 was found in the car. A nine millimeter shell casing comes
6 from a semi-automatic handgun. We don't have the handgun. But
7 a nine millimeter cartridge or shell or casing is typically
8 used in a semi-automatic handgun.

9 Why is that important? Because a semi-automatic
10 handgun ejects the casing when it is fired. And that casing
11 was found in the back of the car. The back seat of the car.

12 If Mr. Culver is the shooter, and Mr. Williams is
13 coming in the door on the front passenger side, then when the
14 gun is pointed that way and fires, as the officer said, that
15 shell casing will eject to the right. It will eject towards
16 the back seat of the car. It matches what happened.

17 Once again, ladies and gentlemen, I'm going through
18 this. I think the evidence shows that it was Mr. Culver who
19 pulled the weapon and shot and fired and killed the person.
20 Under the law it doesn't matter. Under the law, if one did it,
21 the other one is equally responsible. The hand of one is the
22 hand of all.

23 Although we presented evidence I think that tends
24 to show it was Mr. Culver, they are equally responsible for
25 their actions.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Ladies and gentlemen, 90 percent of the case is
2 just absolute certainty. Probably 95 percent of this case is
3 absolute certainty. We know Mr. Williams was killed. We know
4 these two people in the pictures got in the car. We know the
5 shot was fired by one of these two people. And we know who the
6 people are by DNA.

7 I submit to you, ladies and gentlemen, that the
8 State has proven its case beyond a reasonable doubt. That's
9 our burden of proof. Beyond a reasonable doubt.

10 What does that mean? A reasonable doubt is a doubt
11 that you can give a reason to. It's not any and all doubt. We
12 don't have to prove the case to an absolute certainty. We
13 don't have to prove the case beyond any possible doubt.

14 I submit to you, ladies and gentlemen, the evidence
15 in this case is so strong, so strong, that we just simply know
16 who did it. And there is no doubt who did it.

17 We know for a fact those two people did it. And we
18 know almost to dead certainty who they are by the DNA that was
19 found in the car.

20 I submit to you, ladies and gentlemen, the State
21 has proven its case against Mr. Culver. I submit to you, when
22 you go back and deliberate and think about all of the evidence,
23 I submit to you that the State has proven its case. And I ask
24 that you find Mr. Culver guilty of both armed robbery and
25 guilty of murder.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Once again, thank you for your attention. Thank
2 you for listening to me. And next Mr. Farr will get his
3 opportunity to talk to you. I will remind you before I sit
4 down, as the judge has told you, anything I've said to you
5 today is argument. It is not evidence. And if I misstated
6 something, I certainly didn't mean to. You go by what you
7 heard from the witness stand.

8 And the judge is the judge of the law. He's going
9 to read the law to you in a few minutes. If I said something
10 that's different from what the judge says, you go with what the
11 judge says. He's the judge of the law. I would not
12 intentionally misrepresent something. I think I've accurately
13 given you the law as I see it on these two crimes.

14 Once again, thank you. I appreciate your
15 attention.

16 MR. FARR: Your Honor, may it please The Court,
17 Solicitor.

18 THE COURT: Yes, sir.

19 MR. FARR: Solicitor.

20 Y'all heard at the beginning of this case that it
21 was the State versus Jermaine Culver. The State made it very
22 clear that this was not going to be about Antoin Bobo. Most of
23 the talking has been about Mr. Bobo, not much about Mr. Culver.
24 They want to use that theory of accomplice liability, which is
25 the hand of one, hand of all.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 I also talked and they talked at the beginning
2 they're going to present witnesses, evidence, videos and
3 whatever other evidence they had to prove their case beyond a
4 reasonable doubt.

5 I told y'all that my client is charged with murder
6 and armed robbery. I also told you that they would struggle
7 even when he's talking up here -- granted, it's not evidence.
8 He would struggle trying to make a solid case in this case with
9 Mr. Culver. That's why he's talking about Mr. Bobo the entire
10 time.

11 I also talked about witnesses and lack of
12 witnesses. Again, the State has to prove beyond a reasonable
13 doubt that my client, Mr. Culver, committed murder and armed
14 robbery. How they're going to do that? They want to say hand
15 of one, hand of all.

16 Okay. That's how they presented their argument.
17 That's how they want to present their argument. Hand of one,
18 hand of all. Two or more people acting together to commit the
19 crime. Okay. Armed robbery. Murder.

20 They came to a plan to do those two things. They
21 have to have prior knowledge of what they're going to commit.
22 It's not significant to find one person guilty if they didn't
23 come up with that plan together.

24 Again, the Judge is going to give you the law, and
25 he's going to correct you on the law and everything else.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 The Solicitor stated they didn't believe they
2 committed burglary or theft. Auto theft. Investigator
3 Hammitt, that's all he ever talked about was auto theft. Where
4 did they ever talk about a plan to commit murder?

5 A plan that they were going to use a gun on video,
6 strong arm Mr. Williams out of his vehicle. There wasn't any
7 of that. The mere knowledge that one other person is going to
8 commit a crime, even if the Defendant is present when the crime
9 is committed, is not significant to convict the Defendant as a
10 principal. That's what he just told you-all from the
11 Solicitor's Office about the law.

12 Again, Investigator Hammitt and everybody else
13 talked about auto theft. Never said armed robbery or anything
14 like that about a plan or to commit murder.

15 They also must prove that a prior arrangement, plan
16 or common scheme is necessary to find Mr. Culver guilty as the
17 principal. That's what they want you to do in this case.

18 Again, everybody else testified auto theft. Not
19 one person said armed robbery or murder, that's what they
20 planned. Again, they must prove beyond a reasonable doubt the
21 hand of one, hand of all.

22 What's going to be read is intent is still a
23 necessary element in this case. They must've had a common plan
24 to do these things. What also is key, they have to prove that,
25 in this case he's being tried, Mr. Culver, that he was aware in

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 this case that somebody had a firearm.

2 Not one person -- up to 20 witnesses that they
3 had -- ever said that anybody knew that there was a firearm.

4 When I say lack of witness, they preach about
5 Mr. Bobo. He wasn't on there. There is also Bobo's mother,
6 Ms. Knuckles. She wasn't up there.

7 That's how you get -- and, again, it's the State's
8 job, as they said at the very beginning of this, how they
9 present their evidence, how they present their case, who they
10 put up there. And, again, I'm telling you from the very
11 beginning the lack of witnesses. Again, they want to say we're
12 trying Mr. Culver. Let's talk about Mr. Bobo the entire time.

13 Okay. Armed robbery. Judge is going to read you
14 the law. I'm just giving you the short version. A person must
15 take property from another person, carry that away and be doing
16 it with violence. He used his facts that he read to you.
17 Again, the facts are over there that people testified that it
18 has to be in the presence of the individual.

19 The way his version, they committed the crime of
20 auto theft and never used violence, never used a gun or
21 anything. If you use the way his theory -- when I say he, the
22 State's theory, armed robbery can't be met. If you follow the
23 facts and the law the way they're supposed to be interpreted,
24 auto theft, never used armed robbery.

25 Investigator Hammitt must've said about five times

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 even on the video auto theft. They can't prove that, at that
2 time, that violence was ever used when they took the vehicle.
3 They never threatened Mr. Williams with a firearm.

4 Murder, they got to prove the Defendant killed
5 another person with malice aforethought. Intent means
6 intending the result which occurred. The Judge is going to
7 read that exact thing to y'all. Occurred means that's what
8 their intent was to do.

9 Armed robbery and murder. Again, the only thing
10 that was ever testified is that these two individuals that were
11 on that video, auto theft. Not murder.

12 The State's theories on this case is March 12,
13 2022, is that Bobo and another person went to the store to do
14 an auto theft. Not murder, not armed robbery. That's the
15 quote from Investigator Hammitt. That's on audio and on the
16 stand.

17 The State's theory is that Mr. Culver was the
18 driver due to his DNA on the steering wheel and gear shift.
19 State's theory, Mr. Culver's tower from a cell phone happened
20 at 12:35. That's what they have. That's their three theories
21 in this case to try to link Mr. Culver to this case.

22 Based on those State's theories, they believed they
23 proved their case beyond a reasonable doubt. However, the
24 State failed to do the following. Again, it's their
25 responsibility to present the evidence, to prove their theories

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 of the case.

2 Bobo wasn't on the stand. Ms. Knuckles, where was
3 she at? When the State presented Investigator Creal, they
4 asked one question to her: Did you actually investigate the
5 mother because they used the cell phone towers for phone calls,
6 there was five or so calls to Bobo's mother. She said, I
7 didn't investigate her on that case. I investigated her on
8 prior cases with her son. They investigate this case to try to
9 prove the elements of each and every crime. They let a witness
10 go and that's the State's job. Okay.

11 The second one, State wants to present the photo of
12 two individuals walking. And they keep talking about on audio
13 and everything else about Crocs. I'm not sure if y'all
14 understand. There's Crocs that are distinct, okay. They have
15 white things on these Crocs. Okay.

16 The Solicitor wants you to believe that is
17 Mr. Culver. The best evidence they could've got is when
18 Investigator Hammitt went to the house, saw Crocs on the floor,
19 and he could've grabbed them. Taken a picture of them. He
20 didn't.

21 He wants to get on the stand and talk about his
22 investigation with Mr. Culver and talk about comparing DNA and
23 phone stuff. Take a picture of the Crocs, sitting there in
24 that audio. Take a picture of the Crocs found at Mr. Culver's
25 house. They didn't do that. They let it go. They could've

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 got a search warrant for the house as well. Didn't do that
2 either.

3 They said hoodie in the audio. If you look at the
4 picture, it's a big black puffy jacket. Could've got a search
5 warrant. Could've searched the entire house. Could've gotten
6 the jacket if it was there.

7 Gun. Gun residue. Lead particles. No, we don't
8 need to do that, we're good.

9 Culver's cell. This is what the State's really
10 relying on. They had a cell tower at 12:35. When I asked
11 specifically about the cell towers, okay, because they're going
12 to give you these thumb drives with the cell towers on there.

13 There's evidence on there that you can look at and
14 tell you where the cell towers are and where they're located.
15 I asked Mr. Letterman the address. He said first page they're
16 all Bryant Road. Where was the incident that happened? Bryant
17 Road.

18 When I asked him on the second page where those
19 other addresses are, not even close to California where this
20 car was dumped. They're relying on that because they're trying
21 to say the cell tower is where they put that location. If you
22 look at the address where that address with the phone to ping
23 off that, Bryant Road, which is where the incident happened,
24 okay, you got that on there. When y'all go back there, you can
25 pop that in. They'll give you a computer, whatever, to look at

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 where the address is actually for the ping.

2 Now, the Solicitor wants to talk about the hoodie,
3 saying that it's Mr. Bobo. Yeah, his DNA is on there.
4 Investigator Hammitt, the lead investigator in this case,
5 decides what he wants to submit to the DNA witnesses. He only
6 submitted for DNA.

7 When I asked him for lead particles, gun residue --
8 they want to talk about shooting, everything else about a
9 firearm. They want to eliminate people. They're saying 100
10 percent certain he's close range to Mr. Culver. Okay.

11 Didn't have them to eliminate Mr. Bobo to say he's
12 the shooter or not. They didn't ask for lead particles. They
13 didn't ask for gun residue. The State wants to present the
14 shell casing was the one that was used in the case.
15 Investigator Norris testified he sent it off to SLED. They
16 didn't put no medical people up there to say he was shot with a
17 nine millimeter. They're assuming that because it's in the
18 back seat. They don't know. Okay. They're guessing. It's
19 all speculation.

20 Then they want to say not 100 percent certainty
21 because Mr. Culver's DNA is on the steering wheel and gear
22 shift. Okay. They put two witnesses up there that are
23 familiar with Mr. Williams. They also live in Southern Pines.
24 You'll hear the audio. Mr. Culver lives in Southern Pines.
25 Okay.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 They didn't -- State didn't ask them any question
2 whether or not Mr. Culver's DNA could've been in there prior to
3 this alleged incident and eliminate that. Mr. Hammitt took the
4 stand three times. They could call back those two individuals.
5 They could've called family members. They don't know who
6 Mr. Culver is. They all live in the same apartment complex.
7 Nobody eliminated that. Zero.

8 The State wants you to believe that, because it's
9 in there, it's Mr. Culver. I asked the DNA lady or witness, is
10 there a date stamp like the pictures and stuff like that, that
11 have date stamp. There is no date stamp. They don't know how
12 much they scraped off or anything else.

13 What also is key in this, when they took DNA inside
14 the vehicle, why didn't they do the outside handles? They only
15 took fingerprints. Why not do the DNA outside the vehicle?
16 Okay. They really want to make their case 100 percent certain,
17 all they did was take fingerprints. There's no fingerprints of
18 Mr. Culver on the outside of the door. They didn't take DNA.

19 Also they didn't talk about Mr. Bobo's fingerprints
20 on the inside passenger front door. He's talking about close
21 range, if y'all believe Mr. Culver is the driver. They don't
22 want to talk about Mr. Bobo. Again, that's the State's theory
23 that he is the principal in all this.

24 The State produced over 20 witnesses. Okay. Not
25 one person testified that Mr. Culver was in that video. It's

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 an assumption, speculation. They wanted to do that. Again,
2 the lack of witnesses they called. They could've called
3 Mr. Bobo.

4 MR. RHODEN: Objection. I've been lenient with
5 this. He keeps --

6 THE COURT: I've instructed you these are the
7 arguments that are presented by the attorneys. They're not to
8 be considered as evidence in the case. Go ahead, sir.

9 MR. FARR: Yes, sir.

10 Remember these questions. If you have questions or
11 you think what if, that's doubt. Okay. If you have those in
12 your head, must find my client not guilty of armed robbery and
13 murder. Thank you, ladies and gentlemen.

14 THE COURT: Ladies and gentlemen, if you would take
15 about five seconds, stand up and stretch your legs. I'm going
16 to charge you on the law applicable to the case.

17 (The jury complied.)

18 THE COURT: Thank you, ladies and gentlemen. The
19 indictments in this case allege several different offenses
20 against the Defendant. The charges are for murder and also the
21 charge for armed robbery.

22 Each of the charges are a separate and distinct
23 offense. You must decide each indictment separately on the
24 evidence and the law applicable to it, uninfluenced by your
25 decision as to the other indictment.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 The Defendant may be convicted or acquitted on any
2 or all of the offenses that are charged.

3 You will be asked to write a separate verdict of
4 guilt or not guilty on each of the charges. The Defendant has
5 plead not guilty to these indictments. And that places -- and
6 that plea puts the burden on the State to prove the Defendant
7 guilty.

8 A person charged with committing a criminal offense
9 in South Carolina is never required to prove himself innocent.
10 I charge you that it is an important rule of law that the
11 Defendant, in a criminal case, no matter what the seriousness
12 of the charge may be, will always be presumed to be innocent of
13 the crime for which the indictment was issued unless guilt has
14 been proven by evidence satisfying you of that guilt beyond a
15 reasonable doubt.

16 This presumption of innocence does not end when you
17 begin your deliberation. It accompanies the Defendant
18 throughout the trial until you reach a verdict of guilt based
19 on evidence satisfying you of that guilt beyond a reasonable
20 doubt.

21 The presumption of innocence is like a robe of
22 righteousness placed about the shoulders of the Defendant,
23 which remains with the Defendant until it has been stripped
24 from the Defendant by evidence satisfying you of the
25 Defendant's guilt beyond a reasonable doubt.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 The presumption of innocence is not mere legal
2 theory; it is not just a legal phrase. It is a substantial
3 right to which every Defendant is entitled unless you, the
4 jury, are satisfied from the evidence of the Defendant's guilt
5 beyond a reasonable doubt.

6 What is reasonable doubt under the law? Reasonable
7 doubt is the kind of doubt that would cause a reasonable person
8 to hesitate to act. The State has the burden -- do not let
9 people walk around when I am charging the jury.

10 The State has the burden of proving the Defendant
11 guilty beyond a reasonable doubt. Some of you may have served
12 as jurors in civil cases where you were told that it is only
13 necessary to prove that a fact is more likely true than not
14 true, such as by the greater weight or the preponderance of the
15 evidence.

16 In criminal cases, the State's proof must be more
17 powerful than that. It must be beyond a reasonable doubt.
18 Proof beyond a reasonable doubt is proof that leaves you firmly
19 convinced of the Defendant's guilt.

20 There are very few things in this world that we
21 know with absolute certainty. In criminal cases, the law does
22 not require proof that overcomes every possible doubt. If,
23 based on your consideration of the evidence, you are firmly
24 convinced that the Defendant is guilty of the crime charged,
25 you must find the Defendant guilty.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 If, on the other hand, you think there is a real
2 possibility that the Defendant is not guilty, you must give the
3 Defendant the benefit of the doubt and find him not guilty.

4 I remind you that, during this trial, you and I
5 have certain duties to perform. As the trial judge it may --
6 it is my responsibility to preside over the trial of this case.
7 And I also have the duty to rule on the admissibility of
8 evidence that was offered during the course of this trial. You
9 are to consider only the competent evidence that is before you.

10 You are to consider only the testimony which has
11 been presented from the witness stand and any exhibits which
12 have been made part of the record of this case. I have the
13 additional duty to charge you the law applicable to this case.
14 As the presiding judge, I am the sole judge of the law of this
15 case. And it is your duty as jurors to accept and apply the
16 law as I now state it to you.

17 If you already have any idea as to what the law is,
18 or what the law ought to be and it does not agree with what I
19 now tell you the law is, you must abandon this idea because you
20 are sworn to accept the law and apply the law exactly as I
21 state it to you.

22 In every case tried in this court before a jury,
23 the jury becomes the sole and exclusive judge of the facts in
24 the case. A trial judge cannot intimate, state, comment on or
25 make any statement to a trial jury about the facts in the case.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Since you, the jury, are the sole judge of the
2 facts in this case, you are not to infer from what I have said
3 during the progress of this trial in ruling on the
4 admissibility of evidence or otherwise or anything that I say
5 now during the course of this instruction to you that I have
6 any opinion about the facts in this case. The law does not
7 allow me to have an opinion about the facts in the case.

8 This is a matter solely for you, the jury, to
9 determine. As jurors, it is your duty to determine the effect,
10 the value, the weight, and truth of the evidence that has been
11 presented during the course of this trial.

12 Ladies and gentlemen, there are two types of
13 evidence, which are generally presented during a trial; direct
14 evidence and circumstantial evidence.

15 Direct evidence directly proves the existence of a
16 fact and does not require deduction. Direct evidence is the
17 testimony of a person who claims to have actual knowledge of a
18 fact, such as an eyewitness.

19 Circumstantial evidence is proof of a chain of
20 facts and circumstances indicating the existence of a fact.
21 Crimes may be proven by circumstantial evidence. The law makes
22 no distinction between the weight or value to be given either
23 direct or circumstantial evidence nor is a greater degree of
24 certainty required of circumstantial evidence than of direct
25 evidence.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 However, to the extent the State relies on
2 circumstantial evidence, all of the circumstances must be
3 consistent with each other and, when taken together, point
4 conclusively to the guilt of the accused beyond a reasonable
5 doubt. If these circumstances merely portray the Defendant's
6 behavior as suspicious, the proof has failed.

7 The State has the burden of proving the Defendant
8 guilty beyond a reasonable doubt. This burden rests with the
9 State regardless of whether the State relies on direct evidence
10 or circumstantial evidence or some combination of the two.

11 Necessarily, ladies and gentlemen, you must
12 determine the credibility of witnesses who will testify in this
13 case. Credibility simply means believability. It becomes your
14 duty as jurors to analyze and to evaluate the evidence and
15 determine which evidence convinces you of its truth.

16 In determining the believability of witnesses who
17 have testified in this case, you may believe one witness over
18 several witnesses or several witnesses over one. You may
19 believe a part of the testimony of a witness and reject the
20 remaining parts of the testimony of that same witness.

21 You may believe the testimony of a witness in its
22 entirety or reject the testimony of that witness. You may
23 consider whether a witness has exhibited to you any interest,
24 bias, prejudice, or other motive in this case. You may also
25 consider the appearance and the manner of the witness while on

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 the witness stand.

2 Ladies and gentlemen, I instruct you and emphasize
3 the fact that the Defendant did not testify is not a factor to
4 be considered by you in any way in your deliberation and in
5 your consideration on the question of the guilt or innocence of
6 the Defendant. It must not be considered by you in any manner
7 whatsoever. A Defendant has the Constitutional right to remain
8 silent, and the assertion of this right must not be considered
9 by you in your deliberations.

10 I repeat, under your oath, you are to draw no
11 conclusion whatsoever from the fact that the Defendant in this
12 case did not testify. The fact that this Defendant did not
13 testify should not even be discussed in the jury room. The
14 burden of proof as I have stated to you is on the State. The
15 Defendant is not required to prove his innocence. The burden
16 of proof remains on the State to prove guilt beyond a
17 reasonable doubt.

18 Ladies and gentlemen, the Rules of Evidence
19 ordinarily does not permit witnesses to testify as to opinions
20 or conclusions. An exception to this Rule exists for witnesses
21 that we call expert witnesses. A witness who by education or
22 experience has become expert in some art, science, profession
23 or calling may state an opinion as to relevant and material
24 matters in which the witness claims to be an expert and may
25 also state the reason for that opinion.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 You should consider any expert opinions received in
2 evidence in this case and, like any other evidence, give it the
3 weight that you think it deserves. If you decide that the
4 opinion of an expert is not based on sufficient education and
5 experience, or if you conclude that the reasons given in
6 support of the opinion are not sound or that the opinion is
7 outweighed by other evidence, you may disregard the opinion in
8 its entirety.

9 An expert witness' testimony is to be given no
10 greater weight than that of other witnesses simply because the
11 witness is an expert. Further, you are not required to accept
12 the expert's opinion even though it is not contradicted.

13 Ladies and gentlemen, if a crime is committed by
14 two or more people who are acting together in committing a
15 crime, the act of one is the act of all. A person who joins
16 with another to commit an unlawful act is criminally
17 responsible for everything done by the other person which
18 happens as a probable or natural consequence of the acts done
19 in carrying out the common plan and purpose.

20 If two or more people are together, acting
21 together, assisting each other in committing the offense, the
22 act of one is the act of all or, as sometimes said, the hand of
23 one is the hand of all.

24 Prior knowledge that a crime is going to be
25 committed, without more, is not sufficient to make a person

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 guilty of the crime. Mere knowledge that another person is
2 going to commit a crime, even if the Defendant is present when
3 the crime is committed, it's not sufficient to convict the
4 Defendant as a principal. Guilt as a principal is shown by
5 actual or constructive presence at the scene as a result of
6 prior arrangement.

7 Therefore, a finding of a prior arranged plan or
8 common scheme is necessary for a finding of guilt as a
9 principal. The State must prove beyond a reasonable doubt by
10 competent evidence the theory of the hand of one is the hand of
11 all.

12 A principal in a crime is one who either actually
13 commits the crime or who is present, abetting, aiding, or
14 assisting in committing the crime. When a person does an act
15 in the presence of and with the assistance of another, the act
16 is done by both.

17 Where two or more are acting with a common plan or
18 intent or present at the commission of a crime, it does not
19 matter who actually commits the crime. All are guilty. The
20 hand of one is the hand of all.

21 Present at the commission of a crime means to be
22 sufficiently near to aid and abet and assist in the commission
23 of the crime. However, mere presence at the scene of a crime
24 is not sufficient to convict one as a principal on the theory
25 of aiding and abetting.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Intent is also a necessary element. For there must
2 have been a common design or intent to commit the crime and the
3 crime must have been committed pursuant thereto with the person
4 aiding and abetting by some overt act.

5 Intent means intending the result which actually
6 occurs, not accidentally or involuntary. Intent may be shown
7 by acts and conduct of the Defendant and other circumstances
8 from which you may naturally and reasonably infer intent. The
9 State must prove these elements beyond a reasonable doubt.

10 The Defendant is charged with armed robbery. In
11 order to prove this offense, the State must first prove beyond
12 a reasonable doubt that the Defendant took personal property
13 from the person or presence of another person.

14 Property in the presence of a person -- property is
15 in the presence of a person if it is within the person's reach,
16 inspection, observation, or control so that the person could,
17 if not overcome with violence or prevented by fear, keep
18 possession of the property.

19 The State must also prove beyond a reasonable doubt
20 the Defendant carried the property away, intending to
21 permanently deprive the person of the property and to keep the
22 property for the Defendant's own use.

23 The slightest removal of the property or the
24 complete possession of the property even for an instant by the
25 Defendant is sufficient to show a taking or carrying away of

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 the property.

2 Taking and carrying away of the property must have
3 been done with violence or by putting the person of the
4 property in fear of violence. Finally, the State must prove
5 beyond a reasonable doubt that the Defendant was armed with a
6 deadly weapon during the robbery.

7 A deadly weapon is any article, instrument or
8 substance which is likely to cause death or great bodily harm.
9 Whether instrument has been used as a deadly weapon depends on
10 the facts and circumstances of each case.

11 The Defendant is also charged with murder. The
12 State must prove beyond a reasonable doubt that the Defendant
13 killed another person with malice aforethought. Malice is
14 hatred, ill will, or hostility towards another person.

15 It is the intentional doing of a wrongful act
16 without just cause or excuse and with an intent to inflict an
17 injury or under circumstances that the law will infer an evil
18 intent.

19 Malice aforethought does not require that malice
20 exist for any particular time before the act is committed. But
21 malice must exist in the mind of the Defendant just before and
22 at the time the act is committed. Therefore, there must be a
23 combination of the previous evil intent and the act.

24 Malice aforethought may be expressed or inferred.
25 These terms expressed and inferred do not mean different kinds

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 of malice but merely the manner in which the malice may be
2 shown to exist. That is either by direct or by inference from
3 the facts and circumstances which are proved.

4 Expressed malice is shown when a person speaks
5 words which express hatred or ill will for another or when the
6 person prepared beforehand to do the act which was later
7 accomplished.

8 Malice may be inferred from conduct showing a total
9 disregard for a human life. If facts are proved beyond a
10 reasonable doubt sufficient to raise an inference of malice to
11 your satisfaction, this inference would simply be an
12 evidentiary fact to be considered by you along with the other
13 evidence in the case and you may give it the weight you decide
14 it should receive.

15 Murder requires a general intent to commit an act
16 with malice. Intent means intending the result which actually
17 occurs, not accidentally or involuntarily. Intent may be shown
18 by acts and conduct of the Defendant and other circumstances
19 from which you may naturally and reasonably infer intent.

20 Evidence of the character of the act, the character
21 of the instrument used, the manner in which it was used, the
22 purpose to be accomplished and resulting wounds or injuries may
23 be considered in determining the intent with which the act was
24 committed.

25 Intent may also be inferred when it is demonstrated

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 that the Defendant voluntarily and willfully commits an act,
2 the natural tendency of which is to destroy another's life.

3 Mr. Foreman, ladies and gentlemen, there are two
4 verdict forms that we have prepared for your use in the jury
5 room; one is for the charge of armed robbery and the other is
6 for the charge of murder. There are two possible outcomes on
7 both of these verdict forms. There is no rhyme or reason why I
8 put one before the other; it's just that I had to put one
9 before the other. So don't read anything into that.

10 Ladies and gentlemen, I need to stress to you when
11 you begin your deliberations and you decide this case, your
12 decision cannot be based on any type of prejudice or bias or
13 passion. It has to be based solely on the evidence that has
14 been presented during the course of this trial and the law that
15 I have just now stated to you.

16 Mr. Foreman, ladies and gentlemen, your verdict has
17 to be unanimous. All 12 of you must agree.

18 Mr. Foreman, once you have considered both of the
19 verdicts and the jury has reached its decision, you need to
20 knock on the door and let us know. One time I forgot to tell
21 the jury that, they were back there for an extra long time. We
22 were wondering what's going on. We had to ask did you reach a
23 verdict.

24 They said, yeah, you didn't tell us what to do when
25 we did. Remember to knock on that door. Let us know once you

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 have concluded your deliberations.

2 Mr. Foreman, ladies and gentlemen, we have ordered
3 lunch for you. It should be here. If it's not already, it
4 should be here shortly.

5 I am going to let you go to the jury deliberation
6 room. Do not begin your deliberations yet. Begin your
7 deliberations when I send the bailiff to tell you to begin and
8 they will also bring you all of the evidence. At this time you
9 may retire back to the jury deliberation room.

10 (The jury exited at 11:10 a.m.)

11 THE COURT: Any exceptions to the charges from the
12 State or the defense?

13 MR. RHODEN: None from the State.

14 MR. FARR: Just renewing my objection to hand of
15 one, hand of all.

16 THE COURT: You are noted on that. Take a look at
17 the exhibits. Be sure we have them all. Be sure we don't send
18 anything back that's not part of it.

19 What do you want me to do with the two alternates?

20 (Off-the-record.)

21 (The two alternates entered the courtroom at 11:17
22 a.m.)

23 THE COURT: Ms. McAnall, and Mr. Taylor, I want to
24 thank you for your service. We did not have any juror to have
25 an emergency or become disabled. Your service as alternates in

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 this case is finished.

2 We did order your lunch. It should be here
3 shortly, maybe about 12:15 if you would like to wait. It's
4 yours to have.

5 I did want to express my and the State and the
6 defense's appreciation for your service.

7 I repeatedly said you can't talk to anybody about
8 this case. Now you can talk as much as you want to about the
9 case. If by chance somebody approaches you and you feel like
10 you're being harassed or bothered by it, reach out to the
11 Sheriff's or to the clerk of court and we'll see to it that
12 type of contact or communication with you ceases. Again, thank
13 you very much for your service. If you want to wait, do we
14 have a place?

15 THE BAILIFF: I'll ask Ms. Jones where to take
16 them.

17 THE COURT: We'll put you in a location, if you
18 want to wait. Thank y'all very much.

19 (A recess transpired from 11:18 a.m. until 12:33
20 p.m.)

21 THE COURT: We'll go back on the record. I've
22 received a note from the foreperson that the jury needs help
23 viewing Bobo's GPS phone data, signed Jackie Mincey, 6-13-25.
24 I've discussed with the lawyers and what we're going to do is
25 to bring the foreperson -- you can bring them on in. Bring the

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 foreperson in and ask them if there is a -- if he knows of a
2 specific part they wish to view.

3 We've also contacted what I would call the
4 technology person that could assist the jury in viewing
5 whatever they wanted to see; if we can get more clarity as to
6 what they want. We will now -- y'all want to bring the
7 foreperson in. Just the foreperson.

8 (The foreperson entered the courtroom at 12:34
9 p.m.)

10 THE COURT: Mr. Mincey, I've received your note.
11 Thank you for giving us the note. We have summoned and
12 contacted the individual who could do technology assistance to
13 the jury in locating it.

14 Do you know, is there a particular part that the
15 jury wishes to view or to hear? I'm not asking what it is. Is
16 there a particular part?

17 JUROR FOREPERSON: Yes, sir.

18 THE COURT: Is that part that the jury wants to
19 hear or view, are you going to be able to identify it once the
20 person gets here so he can locate it?

21 JUROR FOREPERSON: Yes.

22 THE COURT: One part or multiple parts?

23 JUROR FOREPERSON: Should be multiple.

24 THE COURT: Multiple.

25 Thank you for that. I might get you back. We

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 can't play it right now. We don't have the person here. We're
2 working on it. If you want to talk to the jury about the
3 questions that I've asked you, you're free to do that. We
4 might have some more questions for you.

5 JUROR FOREPERSON: Thank you.

6 THE COURT: Thank you.

7 (The juror exited the courtroom at 12:36 p.m.)

8 THE COURT: Any suggestions at this point? I'm
9 thinking if they know specifically what they want to see, they
10 could maybe let us know in advance, then we can tell the
11 technician when he got here.

12 MR. RHODEN: That would be the easiest thing. The
13 only other option that I would see would be to go back into the
14 transcript and see what questions were asked and go back to
15 those points on the map.

16 THE COURT: We don't -- my understanding, the
17 visual, the demonstrative presentation that was made by the
18 witness, we can't recreate. That was not recorded at the time.
19 So we could recreate his testimony. We couldn't recreate the
20 demonstrative.

21 MR. RHODEN: What we could do, I hope we don't have
22 to do it this way, it would be somewhat difficult. What we
23 could do, we could have our guy sitting at the computer and
24 play back the testimony. And when I ask him a question about
25 something, he could recreate the screen that was associated

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 with that question.

2 MR. FARR: I'm more inclined to do that. If we
3 send the IT person back there, what may be said or don't say.
4 That's the only thing I would be concerned with, to be honest.

5 THE COURT: And I share your concern as well.

6 We will -- maybe we can find out what it is they
7 want to see and determine if that's better to bring them out
8 here, to let him do it out here.

9 MR. RHODEN: Suggestion. Could we possibly ask
10 them to write down what they want to see?

11 THE COURT: I'm hoping they do that.

12 MR. RHODEN: Then we can see what kind of response
13 we get.

14 THE COURT: That's what I'm hoping. That's why I'm
15 probably going to bring them back out here, give him a few
16 minutes to talk to them, let the guy get here.

17 We will step down. I have both the written request
18 for the computer where they asked for the computer as well as
19 this note about Bobo's GPS that I'll make a part of court
20 record of this proceeding.

21 (A recess transpired from 12:50 p.m.)

22 (COURT EXH. 1, Jury question, was marked for
23 identification and entered into evidence.)

24 (COURT EXH. 2, Jury question, was marked for
25 identification and entered into evidence.)

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: We're going to bring the foreperson
2 back out.

3 We had some discussions with the attorneys about
4 some clarity they feel like we need to get in order to be able
5 to provide the jury with the information they want. The
6 witness who I call the technical assistant is here. Come up
7 and sit beside Mr. Rhoden. Hopefully, this will not take long.
8 During this question that I ask the juror, you think something
9 needs to be asked, tell Mr. Rhoden. And if it's something he
10 thinks it benefits y'all, come talk to me.

11 THE WITNESS: Yes, sir.

12 THE COURT: We have to be careful. We cannot
13 intrude into what they're doing in the back. Bring the
14 foreperson in.

15 THE BAILIFF: Your Honor, may I approach. They
16 have another question.

17 THE COURT: The question that they gave me doesn't
18 apply to what we're talking about now. We can address that,
19 too.

20 (The juror foreperson entered the courtroom.)

21 THE COURT: Mr. Mincey, were you able to talk to
22 the jury and identify specific points that y'all are looking
23 for?

24 JUROR FOREPERSON: Yes.

25 THE COURT: Can you tell us what device it is that

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 the jury is looking at and wants to find this information?

2 JUROR FOREPERSON: A software file we're unable to
3 open.

4 THE COURT: Software file unable to open. Is that
5 in a disc or computer?

6 JUROR FOREPERSON: Flash drive.

7 THE COURT: Do you know what number that was?

8 JUROR FOREPERSON: Not off the top of my head.

9 THE COURT: Will you go look real fast and tell us
10 what number that is.

11 (A pause transpired).

12 JUROR FOREPERSON: Evidence number 22 and 23.

13 THE COURT: What we're trying to determine, how we
14 can assist you in obtaining the information that the jury is
15 asking for. And there are certain things that were submitted
16 into evidence we want to be sure that we're on the same page as
17 the jury. Give us just a moment. We'll be right back with
18 you.

19 (The juror exited the courtroom at 12:54 p.m.)

20 MR. RHODEN: Those are going to be -- one is going
21 to be the raw data dump. And one is going to be the raw data
22 dump with the Cellebrite software. And we did not -- we didn't
23 play any of that. The only reason I introduced those was to be
24 able to lay a foundation for the DVD disc that we did play.

25 The raw data dump, that flash drive, if you pull it

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 up, it's going to be gibberish. It has meaning to the phone
2 guy. It does not have meaning to anybody else.

3 The second disc, data plus Cellebrite, that's the
4 program that makes sense of the data that's on the first flash
5 drive. Once again, that is just a massive report that contains
6 all sorts of stuff. And the witness only used bits and pieces
7 of that to create his disc.

8 It is a massive file. It takes -- on a computer
9 that can run it, it's going to take about ten minutes just to
10 load.

11 MR. FARR: They're asking for those specific
12 things. I don't know what else to say.

13 MR. RHODEN: What I think they're trying to do, I
14 think they're -- I don't know what they're trying to do.

15 THE COURT: What I would suggest, contents of 22
16 and 23 were never presented to them as evidence in the case.
17 It was presented to them merely to demonstrate the State's
18 understanding, correct, the State's efforts on how they got the
19 information that their witness testified to.

20 I am not inclined to let them go and open something
21 that was not actually presented to them in the course of the
22 trial.

23 MR. RHODEN: Just tell them those two discs were
24 only used to create the one that was played in the courtroom.

25 THE COURT: If I do that, what do you suggest?

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 MR. FARR: I'm trying to think.

2 THE COURT: You think about whether that's correct.
3 And then what I was going to get to with the foreman is that,
4 if they're looking at a particular piece of information they
5 want to rehear, then we can replay the witness's testimony as
6 to what that was.

7 MR. RHODEN: That's fine.

8 THE COURT: Are you okay with me telling them what
9 Mr. Rhoden just suggested, 22 and 23 was just to show -- was
10 the information that was used to develop this testimony? That
11 the information contained in those items actually were never
12 presented in evidence.

13 MR. FARR: Yes, sir, that's fine.

14 (The juror foreperson entered the courtroom at
15 12:58 p.m.)

16 THE COURT: Thank you for your patience with us.
17 The two devices, 22 and 23, that I heard from you, that the
18 jury wishes to access to take a look at the information, the
19 information that was contained, actual information that was
20 contained in number 22 and 23 was never actually presented in
21 this trial. It was the fact that 22 and 23 were used to obtain
22 information that led to testimony.

23 With that being said, I'm not inclined to let the
24 jury dig into 22 and 23. If the jury has the desire to want to
25 receive testimony from someone that has testified in the course

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 of this trial that might be beneficial in answering the
2 questions the jury has, I can arrange for the recreation of
3 that testimony as best I can.

4 I don't need an answer from you standing right
5 here. I'd like for you to talk to the jury if, in fact, that's
6 what they want to do. Okay. Thank you, sir.

7 (The juror foreperson exited at 12:59 p.m.)

8 THE COURT: The other question that he brought out
9 is, I'll read it to you: Printout or clarification of hand of
10 one, hand of all law, clarification on robbery versus armed
11 robbery. Can robbery escalate to armed robbery if a weapon is
12 found during the crime?

13 To me, what they're asking is they're asking me
14 just to recharge them on that law. And that's, in my opinion,
15 is the limit of what I can do. I don't feel comfortable
16 assuming things that they're looking for. I can just offer to
17 the foreperson that I can bring the jury back out as a whole
18 and recharge them on the hand of one, hand of all. And
19 recharge them on the armed robbery charge. And that would be
20 all that I can do. Do y'all think I can do anything other or
21 less?

22 MR. RHODEN: I think I agree with The Court.

23 MR. FARR: Same as I do.

24 THE COURT: We will try to answer this question
25 before we get to this question.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 (COURT EXH. 3, Jury question, was marked for
2 identification and entered into evidence.)

3 (A recess from 1:00 until 1:30 p.m. transpired and
4 the juror foreperson entered the courtroom.)

5 THE COURT: The jury had another question about the
6 hand of one, hand of all, robbery versus strong armed robbery.
7 In response to that question, what I can offer to the jury is
8 that I can bring them, all of you back out and I can recharge
9 you on those two areas of the law, the hand of one, hand of all
10 charge and then the armed robbery charge. I can offer that to
11 the jury. I can't delve into specific questions. I can
12 re-charge them if that would suffice.

13 JUROR FOREPERSON: I think that would be helpful.

14 THE COURT: Talk to them and let us know anything
15 else you want us to do. Just knock on the door when you're
16 ready and we'll bring you back out here.

17 JUROR FOREPERSON: Thank you.

18 (The jury entered the courtroom at 1:36 p.m.)

19 THE COURT: Mr. Foreman, ladies and gentlemen, I'm
20 now going to read -- re-instruct you on the two areas, one
21 being the hand of one and the other being armed robbery.

22 If a crime is committed by two or more people who
23 are acting together in committing a crime, the act of one is
24 the act of all. A person who joins with another to commit an
25 unlawful act is criminally responsible for everything done by

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 the other person which happens as a probable or natural
2 consequence of the acts done in carrying out the common plan
3 and purpose.

4 If two people or more are together, acting
5 together, assisting each other in committing the offense, the
6 act of one is the act of all or, as it is sometimes said, the
7 hand of one is the hand of all.

8 Prior knowledge that a crime is going to be
9 committed without more is not sufficient to make a person
10 guilty of that crime. Mere knowledge that another person is
11 going to commit a crime, even if the Defendant is present when
12 the crime is committed, is not sufficient to convict the
13 Defendant as a principal. Guilt as a principal is shown by
14 actual or constructive presence at the scene as a result of
15 prior arrangement.

16 Therefore, a finding of a prior arranged plan or
17 common scheme is necessary for a finding of guilt as a
18 principal. The State must prove beyond a reasonable doubt by
19 competent evidence the theory of hand of one is the hand of
20 all.

21 A principal in a crime is one who either actually
22 commits the crime or who is present, aiding, abetting or
23 assisting in committing the crime. When a person does an act
24 in the presence of and with the assistance of another, the act
25 is done by both. Where two or more acting with a common plan

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 or intent or present at the commission of a crime, it does not
2 matter who actually commits the crime. All are guilty. The
3 hand of one is the hand of all. Present at the commission of a
4 crime means to be sufficiently near to aid, and abet and assist
5 in the commission of the crime.

6 However, mere presence at the scene of a crime is
7 not sufficient to convict one as a principal on the theory of
8 aiding and abetting.

9 Intent is also a necessary element. For there must
10 have been a common design or intent to commit the crime and the
11 crime must have been committed pursuant thereto with the person
12 aiding and abetting by some overt act. Intent means intending
13 the result which actually occurs, not accidentally or
14 involuntary.

15 Intent may be shown by acts and conduct of the
16 Defendant and other circumstances from which you may naturally
17 and reasonably infer intent. The State must prove these
18 elements beyond a reasonable doubt.

19 The Defendant is charged with armed robbery. In
20 order to prove this offense, the State must first prove beyond
21 a reasonable doubt that the Defendant took personal property
22 from the person or presence of another person. The property is
23 in the presence of a person if it is within the person's reach,
24 inspection, observation or control or so that the person could,
25 if not overcome with violence or prevented by fear, keep

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 possession of the property.

2 The State must also prove beyond a reasonable doubt
3 that the Defendant carried the property away, intending to
4 permanently deprive the person of the property and to keep the
5 property from the Defendant, and to keep the property for the
6 Defendant's own use.

7 The slightest removal of the property or the
8 complete possession of the property even for an instant by the
9 Defendant is sufficient to show a taking and carrying away of
10 the property.

11 The taking and carrying away of the property must
12 have been done with violence or by putting the person or owner
13 of the property in fear of violence.

14 Finally, the State must prove beyond a reasonable
15 doubt the Defendant was armed with a deadly weapon during the
16 robbery. A deadly weapon is any article, instrument, or
17 substance which is likely to cause death or great bodily harm.
18 Whether an instrument has been used as a deadly weapon depends
19 on the facts and circumstances of each case.

20 Ladies and gentlemen, you may retire back to the
21 jury deliberation room.

22 (The jury exited 1:41 p.m.)

23 THE COURT: I will step down.

24 (A recess transpired from 1:41 p.m. until 3:42
25 p.m.)

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 (Off-the-record discussion transpired.)

2 THE COURT: After discussing the matters with the
3 lawyers, we're clear on the issue of the cell phone and then
4 offer to see if there's anything else The Court can do at this
5 juncture.

6 Just bring the foreperson out.

7 (The juror foreperson entered the courtroom at 3:42
8 p.m.)

9 THE COURT: Mr. Mincey, I just wanted to be clear,
10 we weren't sure if you were unclear, the jury is not expecting
11 us to do anything as far as the cell phone records are
12 concerned; is that correct?

13 JUROR FOREPERSON: No, sir.

14 THE COURT: Be sure to let us know if we can do
15 anything else for you.

16 JUROR FOREPERSON: Thank you.

17 (The juror foreperson exited the courtroom at 3:43
18 p.m.)

19 THE COURT: You can let your cell phone person go.

20 Thank you for coming over. Thank you for being
21 patient with us. Be sure Mr. Rhoden has your number in case we
22 need you again.

23 THE WITNESS: He has it.

24 THE COURT: We'll step down.

25 (A recess transpired from 3:44 p.m. until 4:15

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 p.m.)

2 THE COURT: Let's bring the jury in.

3 (COURT EXH. 4, Jury question, was marked for
4 identification and received into evidence.)

5 THE COURT: Bring the two alternates in. They
6 wished to be present. We're going to bring the two alternates
7 in. We'll have them sit in the gallery.

8 (The jury entered the courtroom at 4:16 p.m.)

9 THE COURT: Mr. Foreman, I understand that the jury
10 has reached a verdict on one charge and unable to reach on the
11 other charge; is that correct?

12 THE FOREPERSON: That's correct.

13 THE COURT: Hand the bailiff the verdict form.

14 Madam clerk, I will let you publish the verdict
15 that has been able to be reached by the jury.

16 THE CLERK: In the State of South Carolina in the
17 court of General Sessions for indictment number
18 2024-GS-42-04171, indictment for the charge of armed robbery,
19 we, the jury, find the Defendant guilty. Signed by the
20 foreperson this 13th day of March, 2025. Signed by the
21 foreperson as well.

22 Ladies and gentlemen of the jury, is this your
23 verdict and still your verdict? If so, please raise your right
24 hand.

25 (The jury complied.)

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE CLERK: So say you-all.

2 THE COURT: Thank you very much.

3 Anything from the State or the defense before I
4 dismiss the jury?

5 MR. RHODEN: Nothing from the State.

6 MR. FARR: Nothing from the defense, Your Honor.

7 THE COURT: Mr. Foreman, ladies and gentlemen of
8 the jury, I want to extend our appreciation for your service
9 this week. As you may recall, when we did the jury
10 qualification back on Monday, I started with explaining that
11 the justice system that we have in the United States has
12 frequently been called the greatest justice system ever
13 created.

14 I've now been doing this job for 23, 24 years. And
15 I am more firmly convinced today that statement is truer today
16 than it ever has been, at least in my opinion.

17 I also told you that one of the most difficult
18 things a citizen can do for the democracy that we live in
19 outside of active military service is service on the jury, the
20 way you have done this week.

21 I am firmly convinced of that, that you-all have
22 sacrificed greatly to help the democracy that we have. And the
23 citizens of this community thank you for your service.

24 I told you throughout this trial you cannot have
25 any discussions among yourselves or with anybody else involved

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 in this case. You can now talk to anybody as much as you want
2 to. I will let you know, if by chance someone approaches you
3 and you feel like you're being bothered or harassed by that
4 conversation or by that contact, just reach out to the clerk's
5 office, to the Sheriff's office and we will be sure that
6 contact with you ceases.

7 Again, ladies and gentlemen, I want to thank you
8 for your service. Your service is now concluded as part of
9 this trial. You may go with the bailiff. They will be more
10 than happy to show you how to exit the building. Ask them any
11 questions that you may have as well. Thank you very much.

12 Mr. Foreperson, wait one minute. The clerk needs
13 to get you to sign something.

14 (The jury exited the courtroom at 4:21 p.m.)

15 THE COURT: Is there anything before we proceed
16 with the sentencing?

17 MR. RHODEN: Can we approach?

18 (Off-the-record discussion transpired.)

19 THE COURT: I'm going to step down for about five
20 minutes.

21 (A recess transpired from 4:22 p.m. until 4:30
22 p.m.)

23 THE COURT: Y'all ready to proceed with the
24 sentencing?

25 MR. RHODEN: Yes, sir. I gave a sentencing sheet

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 to the clerk. I do have the family here, Your Honor. They do
2 not want to speak. I have a statement that the mother would
3 like for me to read.

4 THE COURT: Give me one second. Do you have any
5 prior record?

6 MR. RHODEN: Juvenile record, Your Honor.

7 THE COURT: I'll be more than happy to hear the
8 statements from the victim or on behalf of the victim.

9 MR. RHODEN: May it please The Court, Your Honor.
10 As I stated, the family is here on the front row. This is
11 Rosalyn Crosby here, the mother of Mr. Williams. She is just
12 not able to speak. She is emotional. I'm going to read her
13 statement, Your Honor.

14 My name is Rosalyn Crosby and the mother of
15 Jarqueze Rashad Williams. Today I stand before The Court with
16 a heart shattered of the senseless loss of my son. A pain that
17 no words can truly capture. Jarqueze was more than just my
18 child. He was a son, a father, and a light to our family. A
19 light that was extinguished far too soon.

20 Jarqueze was my first born, my only son, my best
21 friend.

22 I'm extremely hurt that I will never get to witness
23 him getting married and having that mother and son dance at his
24 wedding. Jarqueze was a father, son, brother, and overall an
25 amazing person that was loved by many.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 On birthdays and holidays I have to go to his grave
2 and keep reliving the pain of not being able to hold, touch,
3 smell, and speak to him ever again.

4 Jarqueze had a passion to become an auto mechanic
5 in his own shop. When anyone had a problem with their car, he
6 would be the person to call. Jarqueze and his son always
7 talked about building a car from the ground up, and it broke
8 his son's heart to know that he would never get the chance to
9 do that with his father.

10 That cold day of March of 2022 when Jarqueze was
11 taken from us, my entire world was turned upside down. As a
12 mother, you never imagine burying your child. It is an
13 unnatural heart-breaking reality that I live with every single
14 day.

15 Jarqueze was a loving, caring person, who brought
16 joy to everyone he encountered. His laughter was infectious
17 and his love for his son, my grandson, was valued. He was more
18 than ecstatic. He was a vibrant, young man with dreams, hopes
19 and a future that was cruelly stolen.

20 The grief I carry is immeasurable. It is a
21 constant relentless ache that greets me every morning, and
22 accompanies me to bed each night. Every milestone that my
23 grandson reaches serves as a bittersweet reminder of what
24 Jarqueze will never get to experience.

25 He will never see his son grow up. Never celebrate

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 birthdays, holidays, or achievements with him. His son, an
2 innocent child, has been robbed of a father's love and
3 guidance. This pain ripples through generations and is a
4 burden we will bear for the rest of our lives.

5 To those responsible for my son's death, you have
6 no idea how deeply your actions have wounded our family. Your
7 choices have inflicted a wound that time cannot heal.

8 You made a decision, a selfish, cruel decision that
9 has forever changed the course of our lives. My son was
10 innocent. He did not deserve this. He did not deserve this.
11 The void left by his absence is profound and unrelenting.

12 It is unbearable to face you in this courtroom
13 right now. I look at the faces of those who caused my son's
14 death, fills me with emotions that are almost too overwhelming
15 to bare. I am here because justice demands it. Jarqueze
16 deserves justice. His son deserves justice. Our family
17 deserves justice.

18 It is necessary to ensure that those responsible
19 for this senseless crime are held accountable for their
20 actions. We must see it -- we must see to it that this
21 courtroom and this society stands firm against the taking of
22 innocent lives.

23 I want you to know that your actions did not just
24 end one life. They devastated an entire family. We will never
25 stop missing Jarqueze. His absence is felt in every moment,

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 every family gathering, and every silent tear shed when we
2 remember the beautiful soul we lost.

3 Our lives will never be the same without him. We
4 are left with only memories. Memories of a young man who was
5 full of life and love. Memories that we cling too as we
6 navigate a world without him.

7 Your Honor, I am asking for This Court to deliver
8 justice for my own son. While no punishment can ever bring
9 Jarqueze back to us, holding those responsible, accountable for
10 their actions is a step toward healing. It is a step toward
11 ensuring that no other family has to endure the same heartbreak
12 that we've experienced.

13 My son's life mattered and it is my hope that This
14 Court's decision reflects the gravity of what has been taken
15 from us. Thank you for allowing me to share my story and the
16 impact that this tragedy has had on our family. My hope is
17 that my words serve as a testament to the love that we will
18 always have for Jarqueze and the pain we will forever carry in
19 his absence.

20 Justice may not erase the pain but it can provide
21 the accountability and closure we so desperately need. Thank
22 you for your time and attention. Signed Ms. Rosalyn Crosby.

23 THE COURT: Thank you, sir. Anything else from the
24 the State before I hear from the defense?

25 MR. RHODEN: No, sir, Your Honor.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 THE COURT: Did y'all agree on the amount of
2 credit?

3 MR. FARR: I ran what's on the juvenile file, 862.

4 THE COURT: 862?

5 MR. FARR: Yes, sir.

6 THE COURT: Yes, sir, Mr. Farr. More than happy to
7 hear from you.

8 MR. FARR: Your Honor, may it please The Court,
9 Zach Farr here representing Mr. Culver, Judge. Unfortunate
10 incident. Truly unfortunate.

11 My client, when they arrested him, was at the age
12 of 16 during this incident. He was a juvenile. I would like
13 to introduce or hand up to The Court -- I have the juvenile
14 waiver evaluation, Judge. What that is, they evaluated my
15 client's competency, knowledge, school, history, family
16 history, stuff like that, Judge.

17 They do have sentencing ranges on there when he was
18 still a juvenile. That was important during our waiver. If he
19 pled guilty to the charges in juvenile court, his range was 36
20 to 54 months. Now they've aged him out basically close to 22
21 years old.

22 Judge, if I can -- just so The Court can see,
23 Solicitor's Office was handed a copy as well.

24 (A pause transpired.)

25 (COURT EXH. 5, Waiver evaluation, was marked for

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 identification and received into evidence.)

2 THE COURT: I've reviewed the report that has been
3 provided by the defense. They call it the waiver report.

4 MR. FARR: Yes, sir. It talks about
5 sophistication, maturity of my client, protection to society,
6 stuff like that. At the end, it tells you relative factors The
7 Court would need to see. A lot of that, when it comes down to
8 maturity and sophistication, when they did this report he was
9 almost 18 years old. About two years had passed.

10 And at that time they talked about future violence
11 to see if he could be rehabilitated through the juvenile
12 system, the family court. They said moderate. They did it at
13 the time of this incident, they said it would be a lot lower
14 because of the age and everything else.

15 The reason I say that is because their main goal in
16 doing these evaluations is to see if an individual can be
17 rehabilitated. What they were looking at, I know it's not
18 going to happen here, this is ten to 30-year charge, Judge.

19 What they wanted for Mr. Culver to be able to do is
20 some non-secure facility, get a GED, and develop him in and
21 rehabilitate him, Judge, is the key to all of this. That's why
22 I wanted The Court to have his waiver.

23 It is also in the waiver so The Court can know,
24 when my client was nine years old, he was randomly stabbed on
25 the street going to school. It was all over the news in New

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 Jersey and everything else, Judge. Before this incident as
2 well, he was shot as well. Just so The Court is aware, that's
3 in the report.

4 Judge, my client has a tenth-grade education. He
5 does have his mother. His mother is here.

6 Judge, I am asking for mercy. I'm asking for mercy
7 in this case. The reason is due to the evaluation, what they
8 said about my client's maturity and sophistication, I would ask
9 This Court, Judge, on the charge of armed robbery, seeking a
10 ten-year offense in this case, give him the full credit of 862
11 days, Judge. That's what I'm asking in this case. Thank you,
12 Your Honor.

13 THE COURT: Thank you, sir. Mr. Culver, do you
14 agree with the statements that were made by your lawyer?

15 MR. CULVER: Yes, sir.

16 THE COURT: Mr. Culver, is there anything that you
17 would like to say or want me to know or consider?

18 MR. CULVER: No, sir.

19 THE COURT: Thank you, Mr. Culver.

20 (A pause transpired.)

21 THE COURT: It is a verdict that has been rendered
22 by a jury. As a result of it being a jury verdict, it is -- I
23 cannot and do not in this case mitigate or disagree with the
24 factual findings that have been made by the jury in this case.

25 There have been 12 people that have found the State

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

1 has met their burden of proof beyond a reasonable doubt that
2 the acts and the allegations complained in the indictment were
3 met.

4 As well as The Court has sat through and I believe,
5 if you'll take a look at the case State versus Corey, that goes
6 into some analysis of, when you're sentencing a juvenile and
7 the things that you can't consider and should consider that, in
8 a case of this nature, given the violent nature of what has
9 occurred, that I believe that the sentence The Court is going
10 to impose is proper.

11 I have considered -- I did review the Department of
12 Juvenile Justice's transfer waiver evaluation. In this
13 sentence The Court will impose a sentence of 30 years. Give
14 him credit of 862 days.

15 Sir, if you have any questions about anything we've
16 done, please speak with your lawyer. I will let you know that
17 you do have ten days in which to file an appeal. You can talk
18 to your lawyer about that. I wish you the best of luck.

19 MR. FARR: Thank you, Your Honor.

20 THE COURT: We will step down.

21 MR. RHODEN: I don't know if it's necessary. The
22 verdict they could not reach, I assume is declared -- it's a
23 mistrial.

24 THE COURT: Yes, that one will be declared a
25 mistrial. Yes, sir.

STATE OF SOUTH CAROLINA vs. JERMAINE CULVER

(The hearing was concluded at 4:50 p.m.)

CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

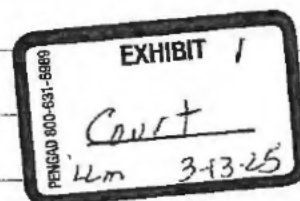
Witness my hand, I have hereunto affixed my official seal this 15th day of July, 2025 at Spartanburg, Spartanburg County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

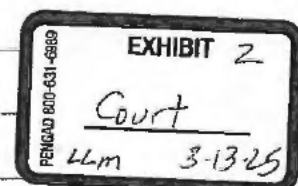
Request a computer.

Jackie Minney 6/13/25



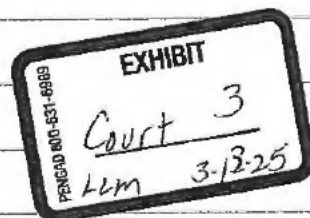
Need help viewing Bobo GPS phone data

Jackie Minney 6/13/25



- Print out or clarification of "hand of one, hand of all" law
- Clarification on robbery vs. armed robbery
 - Can robbery escalate to armed robbery if a weapon is found during the crime

Jackie Minney A 3/13/25



We have reached a verdict on armed robbery
but are hung on the murder charge.

After discussion, we have decided more deliberation
will not result in a unanimous decision on the murder charge.

Jackie Minney 6/13/25



WITNESSES

Spartanburg County Sheriff's Office

James W. Seaver

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

SEP 06 2024

Di...
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. **24-GS-42-4171**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 06 2024

TERM

THE STATE

vs.

Jermaine Culver

Indictment for

ARMED ROBBERY

SC Code: 16-11-330 (A)

CDR Code: 139

Class FEL/A

RECEIVED

MAR 24 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

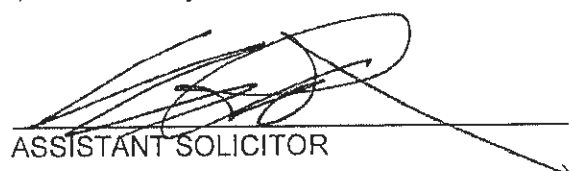
INDICTMENT

At a Court of General Sessions, convened on SEP 06 2024 the Grand
 Jurors of Spartanburg County present upon their oath:

ARMED ROBBERY

That Jermaine Culver, did in Spartanburg County, on or about March 12, 2022, while armed with a deadly weapon, being a firearm, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present at the time reasonably believed to be a deadly weapon did feloniously take from the person or presence of Jarqueze Williams, by means of force, violence, and/or intimidation, goods, items or property, such goods, items or property being described as follows: a Kia Optima automobile and the contents therein belonging to and/or possessed by Jarqueze Williams, with intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 ASSISTANT SOLICITOR

County of Spartanburg

State

VS.

Jermaine Culver

AKA: SSN:

RACE: Black SEX: Male

DOB:

RECEIVED

MAR 24 2025

SC Court of Appeals

) INDICTMENT/CASE#: 2024GS4204171) AW#: 2024GS4204171) Date of Offense: 03/12/2022) S.C. Code §: 16-11-330(A)) CDR Code #: 0139) Range of Offense: NMT 10-30 yrs.In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Robbery - Armed or Alleging Armed With Deadly WeaponRange of Offense Pled: NMT 10-30 yrs.In violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)
The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ w/o Rec/Negotiations ☐ Negotiated ☐ RecommendationSolicitor William G. RhodenSC Bar #
4697Attorney for Defendant James
Zachary FarrLoc 9
SC Ba
100921The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 30 days/months/years/Time Served ☐ YOA NTE years and/or shall pay a fineof \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.☐ The sentence shall run 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 SCDC862 days/month☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other:

☐ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b) and (c), and 34-11-90(c) and (d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundT. Camp
Clerk of Court/Deputy ClerkLora McDaniel
Court Reporter2132
Judge Code3/13/25
Sentence Date[Signature]
Presiding Judge

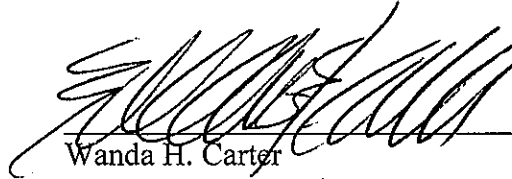
Restitution	\$
FINE:	\$
	\$
	\$
\$100	\$
\$100	\$
\$12	\$
\$25	\$
\$25	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$ <u>128.15</u>

SCCA217B
01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 27th day of April, 2026.

RECEIVED
Apr 27 2026
SC Court of Appeals