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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TREVOR ANTHONY IRVIN,

APPELLANT

APPELLATE CASE NO. 2023-001075

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBITS #65-67 (SURVEILLANCE VIDEOS)**

STATE OF SOUTH CAROLINA) SOUTH CAROLINA CIRCUIT COURT
11
COUNTY OF LEXINGTON) DOCKET NO. 2023-GS-32-02749

STATE OF SOUTH CAROLINA,)
Plaintiff,)
versus)
TREVOR ANTHONY IRVIN,)
Defendant.)

H E A R I N G
BEFORE THE HONORABLE DEBRA R. MCCASLIN

DATE: June 19-23
TIME: ***
LOCATION: South Carolina Circuit Court 11

TRANSCRIBED BY: Natasha Barrientos

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4 Exhibit 6

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24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 THE COURT: Okay. State ready?

2 MS. FULLER: The State's ready, Your Honor.

3 THE COURT: Defense ready?

4 MR. MOBLEY: Yes, Your Honor. However, I would move
5 that the State's witness be sequestered during this hearing.

6 THE COURT: Okay. I'm glad to hear from you.

7 MS. FULLER: Yes, Your Honor. In terms of who's in the
8 courtroom, we have our legal investigator Chris Morris (ph),
9 we have family members and I guess we'll take law enforcement
10 out for the dental hearing. That's the request. And just
11 for the hearing or for the trial?

12 MR. MOBLEY: Well, at this point we're just having the
13 hearing, but that would be for the entire trial, we'll, Your
14 Honor, but I'll only address it for the hearing that we're in
15 right now.

16 THE COURT: Okay.

17 MS. FULLER: Okay.

18 THE COURT: All right. Anybody who's going to testify
19 in this case needs to step outside in the hall.

20 MS. FULLER: And I guess if the Defense can confirm
21 their witness list. I'm not sure if anybody's in the
22 courtroom.

23 MR. MOBLEY: No. Not to my knowledge, at least.

24 THE COURT: Okay. Except for my lead investigator, he
25 gets to stay. Do I have evidence custodian that's staying?

1 MS. FULLER: That's correct. Evidence custodian will
2 request that she stays, but she's not even here right -- here
3 today.

4 THE COURT: Okay.

5 MS. FULLER: She's not going to be here today, but
6 she'll be here tomorrow.

7 THE COURT: All right. Any objection to leading
8 investigator and the evidence custodian?

9 MR. MOBLEY: No, Your Honor.

10 THE COURT: Okay. All right. The motion's granted.
11 All right. Any other motions, Mr. Mobley?

12 MR. MOBLEY: Not regarding the nature of this hearing,
13 but of course I am moving or requested a -- a hearing by
14 which the court can determine the voluntariness of any
15 statements my client made that the State tends to introduce.

16 THE COURT: (Inaudible), State ready?

17 MS. FULLER: Yes, Your Honor. Your Honor, just for the
18 record first we sent you an email outlining the statements --
19 acoustics in here. Sorry I haven't been here in a while. An
20 email outlining what we have first is the 911 call. We don't
21 have an actual test -- witness here to testify to that, but I
22 just wanted to bring the court's attention. I don't believe
23 it's a deno issue or a Miranda issue because he called 911.
24 I emailed it to Your Honor. I'm just going to make it a
25 court's exhibit. I don't know if the Defense is objecting to

1 their client's 911 call.

2 THE COURT: Eddie, are you objecting to the 911 call?

3 MR. MOBLEY: No, Your Honor.

4 THE COURT: As long as they lay a proper foundation.

5 MR. MOBLEY: Correct.

6 THE COURT: All right, so that's fine. What is the
7 next?

8 MS. FULLER: It'll be Court's 1, Your Honor, just for
9 the record, just for this hearing.

10 THE COURT: Court's 1 going to be the ninth -- I now --
11 you all, I'm going to tell you all this is Madison (ph).
12 She's new so I'm having to explain some stuff. She's a -- a
13 Joe person that's helping me out this week. Okay. Court's
14 Exhibit number 1. All right, go ahead.

15 MS. FULLER: Thank you, Your Honor. The next series
16 the next three witnesses will deal with the defendant's
17 initial arrest and his statements or detainment and his --
18 his statements made at the scene. I dropped -- I emailed
19 Your Honor that I would drop off a copy of one of the body
20 cams that encompasses it and I also have a copy here and I'll
21 make that Court's 2.

22 THE COURT: Okay. That's the body cam. That's Court's
23 2.

24 MS. FULLER: And we'll call Tony Taylor to the stand.

25 THE COURT: Okay. You can come on up and be sworn.

1 MS. FULLER: Are you swearing him in or?

2 THE CLERK: I usually do but I don't -- I mean ---

3 THE COURT: You got the Bible somewhere?

4 MS. FULLER: I don't see it.

5 THE CLERK: I do not have one up.

6 MS. FULLER: Well, it might be in the next -- in 3B.

7 THE CLERK: Oh, wait. It's right there. Sorry. It's
8 behind Anthony's thing. Oh, sorry. Please raise your right
9 hand and place your left on the Bible.

10 TONY ALFONSO TAYLOR,
11 being first duly sworn, testifies as follows:

12 THE CLERK: Thank you. Please have a seat. State your
13 full name and spell your last for the record please.

14 THE WITNESS: Full name is Tony Alfonso Taylor. It
15 spelled T-A-Y-L-O-R.

16 DIRECT EXAMINATION

17 BY MS. FULLER:

18 Q. And we're going ahead and introduce yourself to
19 the jury. Where do you work?

20 A. I work for West Columbia ---

21 Q. The jury. The Judge, sorry.

22 A. I work for West Columbia Police Department.

23 Q. Okay. And how long have you worked there?

24 A. Going on four years this September.

25 Q. Okay. And back in June of 2021, were you employed

1 there as well?

2 A. Yes.

3 Q. And do you recall responding to the shooting as it
4 relates to this case?

5 A. I do.

6 Q. And go ahead and describe to the jury the scene --
7 the scene when you arrived.

8 A. When I arrived on the scene ---

9 Q. The jury, the Judge.

10 A. When I arrived on scene it was the people
11 scattered throughout the parking lot. I seen the victim's
12 girlfriend. She was on the ground. She was crying. She
13 seemed to be in distress and kind of like out of it. She was
14 like really traumatized. I was talking to her getting
15 details and stuff like that. She was like real frantic, but
16 she was like relaying the information, but she was like real
17 panicky. She was the main one I was with until I got out
18 with Mr. Irvin.

19 Q. And let's talk about that. Where -- where were
20 you when Ms. -- when you said you got out with Mr. Irvin?

21 A. I was at the victim's. Her car or the car she was
22 in on scene and I was talking to her and Mr. Irvin, he
23 approached me from my rear and he was trying to speak to me
24 and it -- it caught my attention once he told me he he shot
25 Mr. Jones that's when I gave him my full attention and I

1 talked to him and Mary, she confirmed that it was him.

2 Q. Okay. Now, when he approached you -- I just want
3 to make it clear, he approached you, you didn't go out to
4 him, correct?

5 A. Yes.

6 Q. And how were you dressed that day?

7 A. Just I -- how I am now.

8 Q. And were you wearing a body cam as well?

9 A. Yes.

10 MS. FULLER: And Your Honor, that's the -- his body cam
11 is the one we gave you, which is going to be marked as
12 Court's 2 for this hearing.

13 THE COURT: Okay.

14 BY MS. FULLER:

15 Q. And the full nature of your interaction with him,
16 was it essentially captured on the body cam?

17 A. It was.

18 Q. And you had an opportunity to review your body cam
19 a couple times prior to court today?

20 A. Yes.

21 Q. Now, when he approached you, did he appear to be
22 under the influence of alcohol or drugs in any way?

23 A. No. He seemed to be nonchalant and in his right
24 state of mind.

25 Q. Okay. And this seems like a dumb question: was he

1 in custody when he approached you?

2 A. No.

3 Q. Okay. And did he appear to have any physical or
4 mental inabilities, I guess, or disabilities that would
5 prevent him from understanding that you were the police?

6 A. No, not all.

7 Q. Okay. And so when he approached you, he indicated
8 that he shot or he was involved in the shooting?

9 A. Yes.

10 Q. And at that point was he taken into custody?

11 A. We detained him at that time. Once he -- he said
12 he did it. And he still said -- we asked, "Where's the
13 firearm?" And he said it's still on and at that time he was
14 detained.

15 Q. And what was the purpose of asking him for the
16 firearm?

17 A. Make sure the scene was secure. We -- we didn't
18 want to have a firearm after he shot somebody and he still
19 had it on him, so.

20 Q. Okay. And would that be the only question that
21 you asked him was about the firearm?

22 A. That's the only question I asked. Yes.

23 Q. And I know the Judge had opportunity to listen to
24 the recording, but all the statements that he made to you
25 were just statements he made or conversations he was having

1 with I guess Mary on scene unprompted by you, correct?

2 A. I didn't say anything. Yes, that's correct.

3 Q. Okay. Were there any threats or promises in
4 exchange for him making any of those statements he made?

5 A No.

6 Q Did you ever provide him with his Miranda
7 warnings?

8 A. I can't recall. I cannot recall that.

9 Q. Do -- do you know -- do you recall -- what do you
10 mean, on -- at the scene or did you give him Miranda? Did
11 you interview him?

12 A. I didn't interview him, no.

13 Q. Okay. Or when you say you don't recall, what
14 don't you recall? Do you recall if you gave him Miranda or
15 if you were in on the interview? Just want to make sure it's
16 clear for the record.

17 A. I don't recall if I gave him a Miranda and I -- I
18 know I wasn't in on the interview.

19 Q. But the full extent of your interaction at the
20 scene was on your body cam, correct?

21 A. Yes. Yes.

22 Q. Okay. And if the body cam does not show you
23 giving Miranda, you did not give Miranda, correct?

24 A. Correct.

25 Q. Did you also have an opportunity to transport him?

1 A. I did.

2 Q. And did you ask him any questions during
3 transport?

4 A. I did not.

5 Q. Did he make any statements to you during
6 transport?

7 A. He did.

8 Q. And what statements did he make?

9 A. On the way back to headquarters, he pretty much
10 was telling me that he shot Mr. Jones. He said he did in a
11 self-defense. He said that Mr. Jones was -- they was having
12 some kind of like altercations at work and Mr. Jones shot and
13 scooped him up in the parking lot. At that time he said he
14 drew his firearm at him and he shot him and he said he did it
15 in self defense.

16 Q. Okay.

17 A. That's what he told me.

18 Q. Did he indicate if he -- anything about his
19 brother?

20 A. He told me -- he said he left the scene. He said
21 he left because he was -- he was -- he was -- he was in a
22 state of fear. He said he called his brother, his brother
23 said if you have a CWP, you have nothing to worry about. You
24 need to call the police and return back to the scene.

25 Q. Okay. And was that essentially the extent of your

1 interaction with him?

2 A. Yes.

3 Q. And where did you take him once you left the
4 scene?

5 A. To our headquarters.

6 Q. And did you -- where did you place him at at the
7 headquarters?

8 A. He went into our interview room, that's in our
9 squad room.

10 Q. Okay. And did you question him at that point?

11 A. No, I just stood up by and told him then he was
12 relieved.

13 Q. Okay. And just so it's clear, to the best of your
14 knowledge, were the statements he made to you freely and
15 voluntarily made?

16 A. Yes.

17 Q. No further questions of this witness at this time.

18 THE COURT: Mr. Mobley?

19 MR. MOBLEY: Thank you, Your Honor. May it please the
20 court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. MOBLEY:

24 Q. Officer Taylor. Good afternoon, sir.

25 A. How are you doing, sir?

1 Q. I just want to ask you a few questions and I know
2 it's been a long time and I just -- and by the way, if I ask
3 you a question that's not correct, just let me know. Okay?
4 I'm not trying to ---

5 A. Yeah.

6 Q. --- to misstate anything. So you were on the
7 scene, Mr. Irvin showed up and -- and made a statement
8 regarding being involved in the shooting?

9 A. Yes.

10 Q. Okay. And you detained him at that point?

11 A. Yes.

12 Q. Okay. And you did not Mirandize him at that
13 point?

14 A. No.

15 Q. Okay. But he -- when you detained him, what do
16 you mean you detained him?

17 A. We placed him into handcuffs.

18 Q. Okay. And I believe you indicated at that point
19 you asked him where his gun was?

20 A. Yes.

21 Q. Okay. So ---

22 A. We asked him where the gun was before he was
23 placed in handcuffs.

24 Q. Okay. So you -- you asked him where his gun was
25 and where was the gun?

1 A. In his waistline.

2 Q. Okay. And once you get the gun, what'd you do?

3 A. He got placed in -- well, he was being placed in
4 cuffs. As soon as he told us where the handgun was, that's
5 when we started placing him in the handcuffs.

6 Q. Okay. Now, once he was placed in handcuffs and in
7 custody, he was put in the back of your patrol car, correct?

8 A. Yes.

9 Q. In custody, correct?

10 A. By in custody, what ---

11 Q. I mean he was in your control at that point,
12 right?

13 A. Yeah. He wasn't leaving. Yeah, yeah, yeah.

14 Q. Okay. Okay.

15 A. If he wanted a coke or something like that, he
16 wasn't getting one. Yeah.

17 Q. Okay. So he's in cuffs in the backseat of your
18 car and you, at this point, you still not Mirandized him,
19 correct?

20 A. Uh-huh.

21 Q. And was there a -- you mentioned the statement he
22 made in the back seat. Was there any type of in vehicle
23 camera that was capable of -- of -- of recording the -- the -
24 -- in the conversation in the vehicle?

25 A. Yeah.

1 Q. Okay. Was it on or not on?

2 A. I cut it on every time I transport somebody else.

3 Q. Okay. So the statement he made to you, would that
4 have been recorded with that?

5 A. Yes.

6 Q. Okay. Did you give that to the -- to the
7 prosecutor?

8 A. No.

9 Q. Okay. Did you tell them that you had a -- a -- a
10 -- a audio recording of a statement my client made?

11 A. It is -- that's standard practice. We -- we cut
12 out the body cam -- well, our handcar on whenever we
13 transport someone.

14 Q Okay. And -- and just so we're clear and I -- I
15 just want to make sure I understand something, okay? And --
16 and I'm well aware of the body-worn camera.

17 A. Yeah.

18 Q. Okay? And unless I've missed something, I'm not -
19 - I've not been made aware of any type of in-car recording of
20 a statement my client made. So what you're saying today is
21 that there was an in-car or camera that was -- or -- or
22 device, right? These were cameras.

23 A. Yeah.

24 Q. So -- because I -- I don't -- I don't know what
25 equipment you had, but a device inside the car that -- that

1 would've recorded that conversation?

2 A. Yeah.

3 Q. Okay. And -- and you had possession of that
4 device?

5 A. Yes.

6 Q. Okay. And at this point you have not disclosed
7 that device or turned it over to anybody?

8 A. We have somebody upload the cameras and everything
9 like that for us. It's automatically uploaded to our server
10 and we have investigators that automatically download all
11 operators for us.

12 Q. Okay. And -- and just so we're clear ---

13 A. Yeah.

14 Q. --- I'm talking about two separate recordings.

15 A. Yeah.

16 Q. I know there's a body worn cam, you know, that's
17 been in evidence, but you're saying there's a separate
18 recording of that conversation inside the vehicle?

19 A. Yes.

20 Q. Okay. Now, the statement that my client allegedly
21 made in the back seat, when you made a -- and you made some
22 reports during this case, correct? Early on about your
23 involvement?

24 A. Yeah.

25 Q. Okay. Written notes or typed up, I'm, you know,

1 and again, when I say written, I don't mean necessarily
2 handwritten, but it might've been typed, you might've put it
3 in the computer and printed it out. But you made some type
4 of written memorandum of -- of your involvement in the case
5 that day, correct?

6 A. Yes.

7 Q. Okay. Now, the statement my client made allegedly
8 in the back to that car, did you make a written memoranda
9 regarding that statement?

10 A. I did.

11 Q. When?

12 A. It wasn't initially that morning, but within like,
13 the past, what, two weeks ago?

14 Q. Okay. So the first time you made that written
15 statement was two weeks ago?

16 A. Yeah, but I recalled it. I remember that.

17 Q. Okay. But -- but the incident -- the incident --
18 the -- the statement was allegedly made two years ago?

19 A. Uh-huh.

20 Q. Right?

21 A. Yeah.

22 Q. Okay. So you didn't make a -- when you made a
23 report or a written report two years ago, but you didn't put
24 that alleged statement in your report two years ago?

25 A. No.

1 Q. Okay. The report you made of that statement, you
2 said that happened two years ago you generated two weeks ago?

3 A. Yeah.

4 Q. Okay. And you say there's an audio recording of
5 that in-car conversation, correct?

6 A. It was, I don't know where it's now.

7 Q. And -- and how did you come to recall the
8 statement that was made in the backseat of that car? Because
9 this happened two years ago. I'm sure, you know, you're a
10 busy man. I know that you work a lot of cases, you know,
11 you're on the scene, you're talking to a lot of witnesses, a
12 lot of victims, a lot of defendants, and taking people in
13 custody, which is why they -- they have you make reports of
14 course. And -- and I and I can certainly understand
15 reviewing a body worn cam to refresh your memory about
16 details because that speaks for itself. But this statement
17 this defendant made was never, ever produced anywhere and two
18 weeks before the trial, you recall this statement and
19 generate a report. How did you happen to recall this
20 statement and generate that report two weeks before trial?

21 A. I mean, I recall the incident, but I was getting
22 off that morning and we -- I wrote a statement and I've been
23 up for quite some time, so I didn't write a full detailed
24 report at that time.

25 Q. Okay. Well, when -- when did -- when were you --

1 I mean, under what circumstances did you write this new
2 report?

3 A. Say that again.

4 Q. What caused you to write the new report?

5 A. Because I recalled it. So I was adding into a
6 report. It's a supplemental.

7 Q. Okay. You recall the two years later?

8 A. Yes.

9 Q. Okay. Did somebody ask you to write that report?

10 A. They just -- after I watched it, body-worn camera,
11 they said anything that you can recall?

12 Q. They who, sir?

13 A. The solicitor office.

14 Q. Okay.

15 A. Yeah.

16 Q. So they met with you?

17 A. They may have on the case, yes.

18 Q. Okay. And you reviewed the body-worn camera and
19 that's when you revealed the statement?

20 A. On my own accord, yes.

21 Q. Yes.

22 A. I remember the statement.

23 Q. Okay. And I -- and I'm not, you know, I'm not
24 challenging your integrity, okay?

25 A. I got you.

1 Q. I'm trying to understand. You can understand what
2 I'm -- I'm going with the lack of that.

3 MR. MOBLEY: All right, Your Honor, I don't have any
4 additional questions from this witness, but I -- I would like
5 to make a motion regarding this statement at the appropriate
6 time.

7 THE COURT: Okay. Ms. Fuller?

8 REDIRECT EXAMINATION

9 BY MS. FULLER:

10 Q. Officer Taylor, did I tell you what to write in
11 your report?

12 A. You did not.

13 Q. Okay. And is it every day you pull up to a murder
14 scene in West Columbia, like the one you were arrived on in
15 this case?

16 A. No.

17 Q. So when you encountered the defendant, you
18 remember that independently, correct?

19 A. Yes. I remember that.

20 Q. And during your meetings with us, and we can say
21 that for the record, you met with Sutania Fuller and Rhonda
22 Patterson and Roy Metford (ph) here at Solicitor's office.
23 Is that correct?

24 A. That's correct.

25 Q. And you volunteered his statements that he made in

1 the car, correct?

2 A. I did.

3 Q. And then we told you to put in the report?

4 A. Yeah.

5 Q. Essentially? As it relates to the purpose of this
6 hearing, when he was state -- making those statements to you,
7 did he make them freely and voluntarily?

8 A. Yes, he did.

9 Q. Okay.

10 A. I did not ask him anything about the shooting.

11 Q. You did not question him, you did not interrogate
12 him, correct?

13 A. And I told him to stop before we got in the car
14 because I didn't read no around him and he could did it on
15 his own accord. And he told me that was on.

16 Q. And the body cam is a court exhibit. I know that
17 the judge has listened to it. And at the end I want to say,
18 I think Officer Miller said, "Well, you haven't been advised
19 of your rights, I -- it's best you stopped talking." Do you
20 remember something along those lines at the end of it?

21 A. Yes, that's right. Before he was -- he entered
22 the back of my car.

23 Q. And that was right before he got in your car?

24 A. Yes.

25 Q. And he still continued talking?

1 A. Yes.

2 MS. FULLER: No further questions.

3 MR. MOBLEY: Your Honor, I would move to -- to -- to
4 suppress this statement. This witness is indicated that for
5 two years there's an audio recording of a statement my client
6 made for while we're in custody that has not been disclosed
7 to the Defense on the morning of trial. He makes this
8 written statement two weeks before trial, which we hear about
9 for the first time a couple weeks ago by his own account.
10 But the failure to disclose an audio statement of a
11 conversation statement by my client that is allegedly
12 incriminating, the failure to disclose that Your Honor is --
13 is a violation of Rule 5. It is unfair for the Defense when
14 they have the opportunity to disclose this statement and I
15 would ask it to be suppressed through the failure of the
16 State to disclose that information at this time.

17 THE COURT: Under Rule 5?

18 MR. MOBLEY: Correct, Your Honor.

19 THE COURT: Let me hear from you, Ms. Fuller.

20 MS. FULLER: Thank you, Your Honor. We do not have the
21 in-car camera. And so the State's position is that we have
22 not violated Rule 5, Your Honor. I understand that we're
23 responsible for what law enforcement has, but there's only so
24 much that we can know in our peer review that there was a
25 recording. We didn't know that there was a conversation in

1 the car until during trial preparation. And sometimes this
2 stuff happens. Once we were made aware, we had him write a
3 report and we turned it over. And so I don't know if
4 suppression or exclusion is the -- if the statement is to be
5 suppressed, I don't believe Rule 5 is the vehicle. I think
6 for the purposes of this hearing, we're dealing with separate
7 issue here of whether or not the statements were voluntarily
8 made. If he's attacking the credibility and the weight,
9 should Your Honor rule that the statements inadmissible --
10 admissible, he can surely argue that to the jury.

11 But what we're arguing here right now is whether or not
12 his client's constitutional rights were violated. And so I
13 don't want the issues to be confused. If there's a --
14 there's a volunteering this issue and if he's a motion to
15 suppress based on a breaking a Rule 5 violation is a separate
16 issue. And so I just want the record to be clear on that.
17 If he doesn't want his client's statement in the car, I don't
18 care. We don't have to put it in. So, but I'm not conceding
19 that there's a Rule 5 issue.

20 THE COURT: Let me ask, is the statement on -- on the
21 body cam also? Because he was wearing a body cam?

22 MS. FULLER: Well at the end of the body cam, once he
23 did his mileage, he cut off the -- the body cam. And so the
24 statements in the car are not on the body cam. And so that's
25 why once we met with him, I'm like, okay, well you need to

1 put that in writing. Like that's not something we can just
2 summarize. It needs to be part of a report. And I think
3 ethically and the rules require me to do that. And that's
4 what we did. As soon as we were made aware of it, we asked
5 him to do a report on it and we turned it over. That is the
6 best that I could have accomplished knowing this information
7 as close to trial as I found out about it.

8 (Crosstalk)

9 THE COURT: She's got a point on Rule 5 and -- and
10 whether the statement's voluntary, what -- what are you going
11 forward on here?

12 MR. MOBLEY: And just so we're clear, Your Honor, I
13 don't think it's fair that the court can make the proper
14 determination whether or not the State was voluntary because
15 the best evidence regarding the nature of that conversation
16 was recorded and that evidence no longer exists. So now the
17 court is in the position and the Defense is in position -- in
18 the position of having to have the only consideration being
19 the memory of an undocumented statement two years ago when
20 there was the ability to capture the full extent of the
21 statements so the court can make a proper determination as to
22 whether or not it was voluntary or whether or not it was
23 spontaneous. We don't know the answer to that and it'd be
24 very, very simple if there was a recording. But we have
25 lost, the Defense and the Court, the best evidence of the

1 nature of that conversation and to have to rely on a two year
2 old memory on a statement that was made two weeks ago when
3 there was an actual audio recording that apparently has been
4 destroyed by the State. I believe at this point the -- the
5 State cannot --

6 THE COURT: The State's already testified. Now I think
7 that's unfair, Mr. Mobley, they've already testified they've
8 never even had the recording. I would agree with you if that
9 the recording hadn't turned it over, but that's not the case
10 here. They didn't have the recording is what I heard. Isn't
11 that correct?

12 MS. FULLER: That's correct, Your Honor.

13 THE COURT: So let me ask you, is everything that's in
14 the backseat on this that was said in the backseat, the
15 statement on this record? This here?

16 MS. FULLER: No, Your Honor.

17 THE COURT: Okay. Where is it? Where is the
18 supplemental report? Can I look at it?

19 MS. FULLER: Yes, Your Honor.

20 THE COURT: And I have it here in my book. I just ---

21 MS. FULLER: No, you shouldn't have -- you're talking
22 about the officer's report?

23 THE COURT: What -- what is the statement you're trying
24 to get in that he said in the back seat? Where is that?

25 MS. FULLER: It's what he testified to so you wouldn't

1 have that. But what he testified to was essentially that he
2 talked to his brother, his brother said "If you have the CWP
3 you're good, go back to the scene." And he said that the --
4 something happened at work, the victim tried to scoop him and
5 that's when he drew his firearm in self-defense. So that's
6 essentially what he just testified to. And Your Honor, if I
7 can respond to his last comment that the best evidence and
8 all of that, and I don't think he's arguing the best evidence
9 rule because that's not the situation here or doesn't
10 necessarily apply, but I understand what he's trying to say.
11 Your Honor is I've been before you number of times and you
12 are definitely capable of judging the credibility and the
13 believability of this witness on the stand. It's either you
14 find him credible that he remembers this conversation or you
15 don't. I don't -- there's situations that we don't have the
16 recording and that's just is what it is.

17 There's interviews that are just not recorded. And so
18 to suggest to this court that you're not in a -- I think he
19 used the word fair, that's -- that's not the appropriate
20 standard here. I think Your Honor is well learned and well
21 seasoned to determine if this officer on the stand is telling
22 you the truth or not. Whether or not the defendant was under
23 the influence of anything to impair his ability to make a
24 statement, whether or not this officer was -- is truthful in
25 saying that the defendant understood what he was doing,

1 whether or not this what you see on the body cam, that was
2 just before the statements in the car where he said, stop
3 talking and jumping ahead here. I don't know what the big
4 deal is about these statements because they're in his written
5 statement that we're going to get to. So to me, when he just
6 volunteered this while we were meeting, I'm like, well that
7 lines up with the next two officers. Well the third and
8 fourth -- third and -- the fourth and fifth officer, they're
9 going to testify this today and what they said. So it's not
10 anything new. So I don't know what the -- why this is being
11 challenged because the other officers are going to say the
12 same thing.

13 THE COURT: I got it. I got it. All right, well let's
14 move on to the next statement. I want to see if it is
15 repeated that's there's a written statement, right?

16 MS. FULLER: Yes, Your Honor. Your Honor, in terms of
17 the officers that are on this body cam interacting with him,
18 we do have them here, which is Miller and Shumpert for the
19 same interaction. Do you need testimony from them?

20 THE COURT: Yeah, let's go ahead and put it on the
21 record.

22 MS. FULLER: Okay. All right. I -- can he be excused?

23 THE COURT: Yeah, unless Mr. Mobley got any objection
24 that he be excused.

25 MR. MOBLEY: No objection, Your Honor.

1 THE COURT: Okay. You can step down. Thank you.

2 THE CLERK: Please raise your right hand and place your
3 left on the Bible.

4 BRANDON MILLER,
5 being first duly sworn, testifies as follows:

6 THE CLERK: Thank you. Would you please state your
7 full name and spell your last for the record?

8 THE WITNESS: Brandon Miller. M-I-L-L-E-R.

9 DIRECT EXAMINATION

10 BY MS. FULLER:

11 Q. And where are you employed?

12 A. West Columbia Police Department.

13 Q. And how long have you been employed there?

14 A. Approximately four years.

15 Q. And in June of '21, do you recall responding to
16 the House of Raeford's Columbia Farms Capital Square parking
17 lot as it relates to this case?

18 A. I do.

19 Q. And kind of jumping to the purpose of this hearing
20 for the Judge, in terms of the defendant's detainment, do you
21 recall interacting with him at that point?

22 A. Slight interaction just to detain him and put him
23 in cuffs.

24 Q. Okay. And who was present? Do you recall Officer
25 Taylor?

1 A. I recall Officer Taylor. He was there.

2 Q. And can you walk the -- the Judge through what you
3 recall in terms of identifying the defendant and detaining
4 him.

5 A. Coming up to the Jacob plant, the defendant
6 arrived back on scene. I know this because multiple people
7 on scene said that's him. He got it on his knees, put his
8 hands in the air, myself and Officer Taylor detained him, put
9 him in cuffs.

10 Q. Do you recall any statements he made in your
11 presence?

12 A. He made an -- like an utterance of saying, "I had
13 to do what I had to do," and something other on the line. It
14 was a bunch of people around, but he said something like
15 that.

16 Q. And in terms of the firearm, do you -- were you
17 present when he was asked if he had the firearm?

18 A. I was.

19 Q. And on the body cam, which is going to be Officers
20 Taylor's body cam that we have as a court exhibit that the
21 Judge has watched, are you also on there assisting with the
22 detainment?

23 A. Yes.

24 Q. And the extent of your interaction, would that be
25 kept with the defendant? Would that be essentially from the

1 detainment to walking him to Taylor's car?

2 A. Yes.

3 Q. Do you recall prior to him entering Taylor's
4 police patrol vehicle telling him something about his rights
5 and being quiet?

6 A. I do not recall telling him that walking towards
7 Taylor's vehicle.

8 Q. Before going in the car saying that you didn't
9 advise him of his rights yet?

10 A. No, I didn't advise him of his rights yet.

11 Q. Okay, but you did not correct?

12 A. No.

13 Q. And prior to putting him in his car, did you ever
14 advise him of his rights?

15 A. No.

16 Q. Anything that you heard him, any statement that
17 you heard the defendant make while in your presence, to the
18 best of your knowledge, did they appear to be freely and
19 voluntarily made?

20 A. Yes.

21 Q. Did you ask him any questions?

22 A. I didn't ask him any questions.

23 Q. Were you present for any questioning outside of
24 where's the firearm?

25 A. No.

1 Q. Did he appear to be under the influence of any
2 drugs, alcohol, any mental or physical impurity that would
3 impact his ability to know that he was encountering law
4 enforcement that afternoon -- that morning?

5 A. No, he seemed pretty calm.

6 Q. Okay. You said he seemed calm?

7 A. He seemed calm.

8 Q. Okay.

9 A. But not under the narcotics or influence.

10 Q. Okay. Thank you.

11 MS. FULLER: No further questions at this time.

12 THE COURT: Mr. Mobley?

13 MR. MOBLEY: No questions, Your Honor.

14 THE COURT: Okay. Now let Officer Miller step down
15 ma'am.

16 MS. FULLER: Thank you. And we'll call Shumpert.

17 THE CLERK: Please raise your right hand and place your
18 left on the Bible.

19 JUSTIN ERIC SHUMPERT,
20 being first duly sworn, testifies as follows:

21 THE CLERK: Thank you. Would you please have a seat in
22 the witness box. State your full name and spell your last
23 for the record.

24 THE WITNESS: Justin Eric Shumpert. Last name
25 S-H-U-M-P-E-R-T.

1 DIRECT EXAMINATION

2 BY MS. FULLER:

3 Q. And where are you employed?

4 A. City of West Columbia Police Department.

5 Q. And how long have you been employed there?

6 A. 10 years

7 Q. Back in June of 2021, do you recall responding to
8 the House of Raeford's Capital Square parking lot as it
9 relates to this case?

10 A. Yes, I do.

11 Q. And were you one of the first officers on scene?

12 A. Yes, I was.

13 Q. Can you describe the scene to the jury -- I mean,
14 to Judge?

15 A. We responded in reference to a shooting that
16 happened at the chicken plant parking lot. When I first got
17 on the scene, I observed a group of individuals huddled
18 around individually on the ground. As I was exiting my
19 patrol car, somebody said that there was an individual that
20 had been shot. I made my way over to that individual and
21 observed several people crying, upset, some people yelling.
22 And then I observed the individual laying on his back with
23 what appeared to be gunshot wound to his bullet abdomen area.
24 I abs -- assessed him to see where he had been shot. I
25 looked at his shirt and then at one point rolled him on the

1 side to see if he had any exit wounds. And then I had -- at
2 that time I checked for a pulse, which he did have a low
3 pulse and some agonal breathing. Went back to my vehicle
4 because I could not see the -- see if there was any wounds
5 around the chest area due to couldn't get his shirt up. Went
6 back to get trauma sheers to cut away the shirt to see if I
7 could see anything. When I got back is when I found that he
8 did no longer have pulse.

9 Q. And while you were on scene, did you have an
10 opportunity to interact with the defendant?

11 A. The only time I had an interaction with the
12 defendant was when I retrieved that firearm out of his
13 waistband.

14 Q. And so the Judge has had the opportunity to see
15 Taylor's body cam and there's an individual putting on gloves
16 and retrieving that firearm. Would that be you?

17 A. Yes.

18 Q. And did you hear the defendant make any statements
19 at that time?

20 A. As I was walking up, I remember hearing the
21 defendant say that the gun was in his waistband.

22 Q. And did you ask him any questions?

23 A. I did not ask him any questions.

24 Q. And the extent of your interaction with him
25 would've been from retrieving the gun and then him walking

1 off to the car, correct?

2 A. Yes.

3 Q. While you interacted with him, did he appear to be
4 under the influence of any drugs, alcohol, any physical or
5 mental imperity that would impact his ability to know that he
6 was engaging with law enforcement?

7 A. No.

8 Q. Any -- any of those factors into whether any
9 statements he made that you heard about the gun? Did he
10 appear to be under the influence of anything ---

11 A. No.

12 Q. --- when he made that statement?

13 A. No.

14 Q. And to the best of your knowledge, was that
15 statement made freely and voluntarily?

16 A. Yes.

17 MS. FULLER: I believe that is it with you. Thank you.

18 THE COURT: Okay. Mr. Mobley?

19 MR. MOBLEY: No questions, Your Honor.

20 THE COURT: Okay. Now usher Mr. Shumpert down then.

21 MS. FULLER: Yes, Your Honor. Thank you.

22 THE COURT: Thank you.

23 THE WITNESS: Thank you, Your Honor.

24 MS. FULLER: Your Honor, and that's the extent of the
25 witnesses on the -- the -- as it relates to the detainment at

1 the scene. Do you want to go on to his interview now? We'll
2 call Thompson.

3 THE CLERK: Please raise your right hand, place your
4 left on the Bible.

5 DAVID TYLER THOMPSON,
6 being first duly sworn, testifies as follows:

7 THE CLERK: Thank you. Would you please have a seat in
8 the witness box. State your full name and spell your last
9 for the record.

10 THE WITNESS: David Tyler Thompson. T-H-O-M-P-S-O-N.

11 DIRECT EXAMINATION

12 BY MS. FULLER:

13 Q. Can you intro introduce yourself to the Judge?
14 Where are you employed?

15 A. Hey, Judge, I'm -- I'm currently serving as a
16 street crimes investigator at the West Columbia Police
17 Department.

18 Q. And how long have you been employed at the West
19 Columbia Police Department?

20 A. For approximately five years.

21 Q. Back in June of 2021, do you recall being involved
22 in this case?

23 A. I do.

24 Q. And did you initially respond to the actual scene?

25 A. I did.

1 Q. Now I want to talk about when your -- your
2 interaction with the defendant. Did you later also interview
3 the defendant?

4 A. I did.

5 Q. Talking about that, where did that interview take
6 place?

7 A. The interview took place at the West Columbia
8 Police Department in our front interview room.

9 Q. Okay. And who was present for -- for that
10 interview?

11 A. Myself and Detective Mark Jones.

12 Q. And during that interview was Miranda provided to
13 the defendant?

14 A. Yes, it was.

15 Q. Was he in handcuffs at that time?

16 A. He was not.

17 Q. Was he detained at that time, like in custody or
18 under arrest on the murder charge yet?

19 A. No, there were no charges on him at that time.

20 Q. Okay. But he was based -- prior to your
21 interaction with him, he was detained at the scene, you had
22 knowledge of that, correct?

23 A. Correct.

24 Q. And he was transported in a patrol vehicle
25 handcuffs to the headquarters, correct?

1 A. Correct.

2 Q. But when you interacted with him, he was not in
3 handcuffs, correct?

4 A. No, he was not.

5 Q. And in terms of Miranda, did you guys follow a
6 form when covering Miranda with him?

7 A. Yes, we have a standard Miranda rights form that
8 we use.

9 Q. Okay. I'm going to show you State's 3 the Miranda
10 Rights warning.

11 MS. FULLER: And Your Honor, this is what was emailed
12 to you as well.

13 BY MS. FULLER:

14 Q. I'm asking, do you recognize this?

15 A. I do.

16 Q. And it's not State's 3, I apologize. Court's 3.
17 And on here, do you recognize this to be the Miranda Rights
18 warning form as it relates to Trevor Urban?

19 A. I do.

20 Q. And on here it has his name, correct?

21 A. Correct.

22 Q. And who would've filled out that information?

23 A. He would've filled that out.

24 Q. And -- and -- and his address as well?

25 A. Yes, ma'am.

1 Q. And his date of birth?

2 A. Correct.

3 Q. Phone number?

4 A. All him.

5 Q. Social security number?

6 A. Correct.

7 Q. Level of education?

8 A. He would've filled that out.

9 Q. And that I can read.

10 A. He's -- he circled that initial next to the
11 circle.

12 Q. Okay. Now if you can hold onto this and publish
13 for the record, what are the rights that were provided to
14 him?

15 A. You have the right to remain silent. Anything you
16 say can and will be used in court as evidence against you.
17 You're entitled to talk to a lawyer now and have him or her
18 present now, or at any time while being questioned. If you
19 cannot afford a lawyer, one will be appointed for you without
20 costs. And then the last question says, do you understand
21 these rights? And we request that they circle yes or no.

22 Q. Okay. And for each line of those rights, did he
23 acknowledge that he understood each right?

24 A. He did. He initialed next to each line. We go
25 line by line with him and we have him initial as we go

1 through it.

2 Q. Okay. And in terms of being present in the -- or
3 being present or the one actually reading the -- the Miranda
4 rights, who actually read them out loud to him?

5 A. I don't remember if it was me or Mark Jones.
6 Either one of us would've read those out loud to him.

7 Q. Okay. But are is your name also on that form
8 anywhere?

9 A. It is. I've signed as a witness.

10 Q. Okay. So you and Mark Jones witnessed to him
11 understanding his Miranda rights?

12 A. Yes, ma'am.

13 Q. And did he waive his Miranda Rights and speak with
14 you guys?

15 A. He did waive his rights.

16 Q. And was this interview recorded?

17 A. It was not.

18 Q. And at the time, why wasn't it recorded?

19 A. It's our department policy. We don't record our
20 interviews.

21 Q. Okay. Did you take notes as it relates to your
22 interview?

23 A. I did.

24 Q. And can you -- we'll just walk through them with
25 the judge. How did the interview start?

1 A. Typically, I'll start my notes with the date and
2 time. So on this, I have my notes dated as June 24th, 2021.
3 And starting that we begin to talk to him at 8:36 a.m. or
4 0836. I put who was in the room. So my name and
5 Investigator Mark Jones' name is in there. And I put who
6 we're interviewing, which was Trevor Irvin at the West
7 Columbia Police Department. I notated a couple lines down
8 that we had issued the Miranda rights for him and that he
9 waived the rights. There are a few notes prior to that where
10 he was speaking to us, I guess he had began to talk and we
11 told him like, "Hey, let's get through the Miranda and then
12 we will -- we'll keep talking after that."

13 Q. And so he kept wanting to talk prior to Miranda
14 being fully issued, correct?

15 A. Correct. That's correct.

16 Q. But you were able to stop him and complete the
17 form and then continue the interview, correct?

18 A. Correct.

19 Q. Here at 0836, do you know if that's approximately
20 an hour and a half after the shooting occurred?

21 A. I believe it was approximately an hour and a half
22 after. I have some notes from where I first responded. But
23 I don't have those with me right now.

24 Q. Okay. Now going through the interview, what
25 exactly did he tell you?

1 A. We asked -- him just line by line.

2 Q. Sure. Why not?

3 A. First we asked him, "What do you know about Daniel
4 Jones?" Mr. Irvin stated, "He's one of those workers you
5 have to stay behind to keep working. He came in late last
6 night, three hours late. I told him, you can't be coming in
7 like that. That's where that tension came from." And then I
8 wrote a direct quote. So it says, "You are coming in here
9 and being late. We need you to get here and make sure you're
10 doing your job." And then Mr. Irvin said, "He got upset
11 about me confronting him." And Daniel stated as a direct
12 quote, "Per Mr. Irvin, you're the only one saying anything
13 about it." And then Mr. Irvin told us that "We get paid by
14 the chicken."

15 Q. And that's something he said that, "We get paid by
16 the chicken"?

17 A. That is something he said.

18 Q. Okay. And then what did he say next?

19 A. He informed us that he addressed the situation
20 about the victim coming in around three o'clock in the
21 morning. He says, "We went on lunch break and he was still
22 in his feelings. He was saying my name and complaining about
23 it. I told him he's got a job to do. We got off early
24 tonight, which would've been on the day of the incident."
25 And he said, "We got off at around 0730 hours."

1 Q. Okay. I'm going to stop you there and just make
2 sure it's clear for the -- for the Judge. Chicken plant
3 scheduling was new to me, so I'm not going to take it for
4 granted that the Judge doesn't know the scheduling. Are you
5 familiar with how shifts work at the chicken plant?

6 A. Slightly. I know there's three -- three different
7 shifts.

8 Q. Okay. So when we're talking about morning and
9 last night, we're talking about third shift here, correct?

10 A. Correct.

11 Q. So it starts in the late night and then goes into
12 the early morning?

13 A. Correct.

14 Q. So when we talk about this interview, when he says
15 he got off around 07:30, we're talking about a.m., correct?

16 A. Correct.

17 Q. The last shift. Okay. Just want to make sure
18 it's clear because it was new to me. Okay. So he goes on
19 to, what did he tell you next?

20 A. He said, "I'm a lead, so I've got to stay back. I
21 don't leave when everybody else does." He says, "I left out
22 of the plant way after 7:00." He left first referring to the
23 victim, "And was waiting for me to come outside." We asked
24 Mr. Irvin, "Who -- who were you with when you got off?" He
25 told us Sober (ph) -- it's Sober Dave. I have notated Sober

1 Dave, I just heard it wrong when I was writing it. So Sober
2 Dave and Say. He says, "I got on a scooter and went to the
3 gas station over by the job. That would be the Valero gas
4 station. I was talking to two girls and Daniel pulled up.
5 He hopped out of the car and was saying, yo, what's up? And
6 he came trying to fight. I said, I ain't wanting nothing.
7 Daniel tried to grab me and I jumped off the scooter. He
8 took the scooter to the back of the car. I grabbed the
9 scooter and went back to the parking lot, rode off on the
10 scooter, and the scooter owner is Sober Dave."

11 Q. So I'm going to stop you there. In terms of what
12 took place at the gas station, that's all he told you took
13 place, correct?

14 A. That's all he said took place.

15 Q. All he said was that Daniel tried to grab the
16 scooter, he got it back and he went back to the parking lot,
17 correct?

18 A. Correct.

19 Q. Okay. Then what happened? What did -- what'd he
20 say happened next?

21 A. He said once he got back to the Capital Square
22 parking lot, which is located by the chicken plant, he told
23 Dave about the incident. Daniel came back over to the
24 parking lot. We asked who was at the parking lot? And his
25 response was, "Everybody was still out there." He says,

1 "Daniel came back to me and tried to scoop me up. He grabbed
2 my legs and I moved him off. After he grabbed me, I was
3 scared, so I defended myself."

4 We asked him, "Did you try to walk away after he
5 grabbed you?" And his response was, "I defended myself." We
6 asked was there anybody else there from his car? And his
7 response was, "He's got a girlfriend that works in the plant.
8 They call her Mary. We asked what happened during the
9 shooting? His response was, "He tried to attack me. I felt
10 scared and I defended my life."

11 We informed him we have a gun in evidence to which he
12 replied, "That's mine. A Ruger P85. I bought gun from a gun
13 show, got CWP from Shooter's Choice." And then he tells us,
14 "There were two females at the gas station Tenira (ph), and
15 another girl who he didn't know the name of when he came back
16 from the gas station, "Did you have your gun on you then?"
17 His response was, "Yeah, I had it at the gas station too. I
18 thought about using it at the gas station. I pulled the gun
19 out there and told him to leave me alone. Daniel said, I
20 don't care about that."

21 How much time had passed from when you left the gas
22 station to when Daniel got back to the parking lot is the
23 question that we asked. His response was, "Not much." He
24 stated that he pulled into the parking lot and came straight
25 to me. Was anybody encouraging him to fight you, was the

1 question that we asked him. His response was, "I don't
2 know." We asked how many times did he shoot? His response
3 was, "I don't know how many -- I don't know how many was in
4 the magazine." And then we asked, "Did you empty it?" He
5 said, "Yeah." We asked, "What kind of bullets did you have
6 in the gun?" He said, "I'm not sure." We asked him, did he
7 have a gun for -- did the victim have a gun? His response
8 was, "I'm not sure." And we asked, "Did you see him with a
9 gun?" He said he did come up at one point and reach to his
10 waist. We asked what happened after you shot him? And he
11 said, "Everybody was telling me to go, go, go."

12 He informed us, "I left in my car and then stopped and
13 turned around. I called 911. I gave you all my gun. I
14 stood my ground," is what he told us while we were speaking
15 with him. We asked him, "When you shot him, did he fall or
16 keep trying to fight?" His response was, "I felt my feet
17 lift and I got scared." We asked, "Where do you think you
18 shot him first when he tried to scoop you?" And he stated
19 the chest area. We asked, "Did you continue to shoot him
20 when he hit the ground?" His response was, "I'm not clear, I
21 just blacked out. I didn't stop until he -- I didn't stop
22 until it went empty." He -- he also stated, "He forced my
23 hand, followed me trying to put his hands on me." We asked,
24 "Have you ever killed anybody in the past?" He said, "No."
25 We asked, "Where are you from?" We detected the accent while

1 we were speaking with him. He stated, "The Virgin Islands."
2 We asked him, "Did you talk to any of your family members?"
3 He stated, "I called my brother and he told me to turn back
4 around."

5 We asked him, "Would you say you're a gun guy?" And he
6 says, "My family helped me with guns. I know some stuff
7 about guns." We had a gun lineup that was sitting on the
8 table. While we were speaking, he was able to identify the
9 1911 handgun and the gun lineup.

10 Q. But that's unrelated to this case. It's just
11 forms that are in the room, correct?

12 A. Yeah, it's just forms -- we keep a stack of, you
13 know, Miranda forms are in there, the voluntary statement,
14 page 1, 2s, gun lineups, all those kinds of things.

15 Q. Got you. Okay.

16 A. We asked, "Did your gun have hollow points or full
17 metal jackets?" He said, "I don't really know. It could
18 have been -- it could have had different bullets in it." We
19 asked, "Could you have left before this happened?" And his
20 response was, "I didn't want him to follow me back to my
21 house. He followed me to the gas station. I didn't want him
22 to follow me home." We asked, "Did you chamber around at the
23 gas station?" He stated, "No, I keep a round in the chamber.
24 I didn't know where Daniel was until I saw him at the gas
25 station." He stated, "Sometimes I pawn it being the gun at

1 quick cash for a little money." We asked, "Where do you
2 normally keep your gun?" He said, "In the car, on the
3 floorboard, under the floor mat, in the glove box." We
4 asked, "When did you get your gun?" And his response was,
5 "Whenever I came out of the job, I -- I stopped by my car,
6 get my pistol when I go to my car. And then he reiterated
7 that he called his brother and then 911.

8 Q. Okay. And so when he -- when you asked him when
9 he got the gun, he told you that he went to his car to get
10 the gun?

11 A. Correct.

12 Q. Okay. Now, after that, did he then write a
13 written statement?

14 A. He did.

15 Q. I'm going to show you what's been marked as Court
16 Exhibit 4 and ask if you recognize it.

17 A. I do.

18 Q. And is this the written statement I was just
19 asking you about?

20 A. It is.

21 Q. And do you also recognize Trevor's handwriting and
22 name similar to the Miranda Rights?

23 A. I do, yeah. It's the -- the same. And you can
24 see there's spots on there where he may have messed up in his
25 writing. So we always have them initial by where they

1 correct it.

2 Q. And do you also see, did you sign that document as
3 well?

4 A. I did.

5 Q. As a witness?

6 A. Correct.

7 Q. As well as Mark Jones?

8 A. Correct.

9 Q. And just a couple questions. That's eight pages,
10 correct?

11 A. Eight pages total, yes.

12 Q. And when he was writing that statement, did you
13 ask him any questions?

14 A. No.

15 Q. Okay.

16 A. Not that I recall.

17 Q. Now in the statement, jumping towards the end, so
18 just so it's clear pages 1, 2, 3 of 8, there's, it looks what
19 I would call like a narrative portion. Is that what he wrote
20 on his own without any questions?

21 A. Correct.

22 Q. And then looking at pages 3 through 8, there's a Q
23 and there's an A. Can you explain that to the judge?

24 A. Those are the question answer portions of the
25 statement. Beside the Q, I wrote investigator D. Thompson,

1 so that's me asking the question and then I write -- write
2 the question out, and I'll typically read the question to
3 them to make sure they understand it. Then I write an A,
4 their name, and then they -- they write their response in the
5 statement.

6 Q. Okay. And so the question, just so it's clear, Q
7 is your handwriting and the answer is the defendant's
8 handwriting, correct?

9 A. Correct.

10 Q. Now, as it relates to the interview in its
11 entirety, both the portion that was the dialogue between you
12 and Investigator Jones and defendant, as well as his written
13 statement, did he appear under the influence of any alcohol
14 or drugs that would impact his ability to understand what he
15 was saying?

16 A. No.

17 Q. Any negative -- any appearance of being under the
18 influence of drugs or alcohol to understand or make -- that
19 would impact his ability to understand that he was talking to
20 the police?

21 A. No.

22 Q. That he was at the police station?

23 A. No.

24 Q. Were there any threats or promises made to him to
25 speak with you following Miranda or before Miranda?

1 A. No.

2 Q. While he was writing a statement, did you make any
3 threats or promises?

4 A. No.

5 Q. Did he have any physical or mental anything
6 apparent, I guess physically or mentally that would impact
7 his ability to know that he was communicating with you at the
8 police station knowing what he was saying?

9 A. Nothing apparent.

10 Q. To the best of your knowledge, was statements that
11 he made verbally as well as the eight pages in the written
12 statement made to you freely and voluntarily?

13 A. Yes.

14 MS. FULLER: No further questions at this time.

15 THE COURT: Mr. Mobley?

16 MR. MOBLEY: Thank you, Your Honor. May it please the
17 Court.

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. MOBLEY:

21 Q. Detective Thompson, good afternoon, sir.

22 A. Good afternoon.

23 Q. Few questions for you.

24 A. Okay.

25 Q. Not to keep you there very long. Now, the Miranda

1 form write the time at 8:37, would that be correct?

2 A. Correct.

3 Q. And who completed the Miranda form? You or
4 someone else?

5 A. That -- that's done in his handwriting.

6 Q. Okay. But who would've put the -- the -- the date
7 and the time?

8 A. That appears to be his handwriting.

9 Q. Okay. And they're your handwritten notes that
10 were taken first, correct?

11 A. Yes, sir.

12 Q. Okay. And you -- you have it at 8:36. And
13 approximately how long -- how much time it lapsed or how long
14 did it take you to generate your first handwritten statement
15 that summarized the conversation?

16 A. Are you -- you're saying in regards to his written
17 statement?

18 Q. No, your -- your notes.

19 A. You -- what I do when we first enter into the
20 room, I go ahead and fill out that heading part with the date
21 and time and who's in the room and who we're talking to,
22 where we're -- where we're at.

23 Q. Okay. But I want to be clear, your -- your
24 handwritten notes, okay? Were they taken before his written
25 statement or simultaneously with his written statement?

1 A. Prior to his written statement.

2 Q. Okay. So you talked to him first before he
3 produced a statement to writing?

4 A. Yes, sir.

5 Q. Okay. So when you were talking to him, you were
6 writing down as he spoke or did you talk to him and then go
7 back and write it down?

8 A. No, that's why we interviewed with two
9 investigators. So one investigator speaks while the other
10 kind of writes and takes notes.

11 Q. Okay. And approximately how long did this portion
12 take when you were handwriting the notes?

13 A. I'm not -- I'm not sure how long it took.

14 Q. Okay.

15 A. It's seven pages.

16 Q. Okay. I'm -- I'm trying to get a gauge for how
17 long that -- that part of the interview took place. That's
18 all. You think an hour or two hours?

19 A. I'm unable to give you an exact time.

20 Q. Okay, thank you. Well, can you tell me what time
21 it concluded? Because you started at 8:00 -- you have 08:36,
22 08:37. Can you tell me what time it concluded?

23 A. I didn't notate it in my notes.

24 Q. Okay. So you didn't -- you documented what time
25 it started, but you didn't document how long it took place,

1 basically?

2 A. Correct.

3 Q. Okay. So whether it was one hour or two hour or
4 three hours or four hours, you did not document that?

5 A. Correct.

6 Q. Okay. Do you independently recall the approximate
7 amount of time that took place?

8 A. Approximately, I would say maybe an hour to two
9 hours.

10 Q. Okay. And -- but that's not documented?

11 A. Correct.

12 Q. Okay. Now, regarding the written statement that
13 he wrote, the first portion, as I understand it from your
14 testimony, is his narrative where he just was -- he just
15 asked to write down what happened?

16 A. Yes, sir.

17 Q. Okay. And the set -- the next portion, which
18 would start on page 3 was when you began the -- the question
19 answer for Detective Thompson. But when I say you, I mean
20 collectively you and the detective start documenting the
21 question answer.

22 A. Correct.

23 Q. Okay. And did you ask him any questions that are
24 not in this statement?

25 A. No. If we had a question it would've been

1 documented in the statement.

2 Q. Okay. So anything you asked him would've been
3 documented either in your handwritten notes or the written
4 statement; is that correct?

5 A. Correct.

6 Q. Okay. And did you ask him or inquire what time
7 you went to work that day?

8 A. I don't see that in my written notes and I do not
9 see that listed as a question.

10 Q. Okay. Did you inquire as to how long he'd been
11 awake?

12 A. I did not.

13 Q. Okay.

14 A. I have a general understanding, I guess, of their
15 -- their shifts. I know that, you know, that he worked third
16 shift, so he had went in sometime late, I guess Saturday
17 night and then worked in, or the night of the 23rd and then
18 worked into the morning of the 24th.

19 Q. Okay. About how many hours would that have been,
20 sir?

21 A. I'm unsure.

22 Q. All right.

23 A. I think they typically worked 10 to 12 hour
24 shifts.

25 Q. Okay.

1 MR. MOBLEY: That's all I have.

2 THE COURT: Okay.

3 MR. MOBLEY: Well, I'm sorry, I just want to one follow
4 up.

5 BY MR. MOBLEY:

6 Q. There -- there is a statement in here about him
7 calling his brother. But is the extent of what he said in
8 your statement that he just called his brother and that was
9 it?

10 A. I recall him telling us that he called his brother
11 and kind of told him what happened and his brother's the one
12 that told him he needed to go back to the scene.

13 Q. Okay.

14 MR. MOBLEY: Thank you.

15 MS. FULLER: Just a brief ---

16 THE COURT: Any follow-up?

17 MS. FULLER: Yeah, just briefly so it's clear.

18 REDIRECT EXAMINATION

19 BY MS. FULLER:

20 Q. During the interview, did you deprive him of
21 access to bathroom, food, water, or anything like that?

22 A. No. I believe we offered him a drink and
23 everything at the beginning of the interview and made sure
24 that he was taken care of before we began.

25 Q. Okay. And he was not in handcuffs when you were

1 talking to him, correct?

2 A. Correct.

3 Q. He didn't appear to not understand what he was
4 saying, correct?

5 A. Correct.

6 Q. And he still took the time to write out a
7 statement, correct?

8 A. Correct.

9 Q. And just so it's clear, and that was after the Q
10 and A going -- the questioning prior to writing the
11 statement, including the actual rec statement that followed
12 up, correct?

13 A. Correct.

14 Q. And to the best of your knowledge, his statements
15 were made freely and voluntarily?

16 A. That's correct.

17 Q. Okay.

18 MS. FULLER: No further questions.

19 THE COURT: Can I see --

20 MR. MOBLEY: Yeah, nothing else, Your Honor. Thank
21 you.

22 THE COURT: Okay. Mr. Thompson, thank you.

23 MS. FULLER: I'm going to call Mark Jones.

24 THE CLERK: Would you please raise your right hand and
25 put your left hand on the Bible.

1 MARK JONES,

2 being first duly sworn, testifies as follows:

3 THE CLERK: Thank you. Would you please have a seat in
4 the witness box. State your full name and spell the last for
5 the record.

6 THE WITNESS: Mark Jones. Last name J-O-N-E-S.

7 DIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. And go ahead and introduce yourself to the Judge.
10 How long -- where do you -- where are you employed?

11 A. West Columbia Police Department.

12 Q. And how long have you been employed there?

13 A. 27 years.

14 Q. Okay. We're going to jump right into the
15 interview with Trevor Irvin, the defendant in this case. Do
16 you recall that interview?

17 A. Yes, ma'am.

18 Q. I'm going to show you what's been marked as
19 Court's 3 and 4 and ask if you recognize them.

20 A. Yes, ma'am. I do.

21 Q. Okay. And am I showing you the Miranda rights
22 warning as well as the voluntary statement form as it relates
23 to the defendant in this case?

24 A. That's correct.

25 Q. And back on that day, do you recall observing the

1 defendant that day and noting whether or not he had -- was
2 under the influence of drugs or alcohol that would impact his
3 ability to talk with you guys that day?

4 A. I do recall speaking with him and he did not
5 appear to be under drugs or alcohol.

6 Q. And what about physical or mental impurities, any
7 of that noted that would impact his ability to understand
8 that he was communicating with law enforcement and making the
9 statements he made?

10 A. Nothing to hamper his abilities. He appeared to
11 be a pretty intelligent person.

12 Q. Okay. And to the best of your knowledge, between
13 the Miranda warning then you guys spoke to him, correct?

14 A. Yes, ma'am.

15 Q. You and Thompson, and then he gave a written
16 statement and answered some Q and A in that written
17 statement. Do -- that sounds accurate?

18 A. That's correct.

19 Q. And throughout that entire time, did it appear
20 that he was freely and voluntarily speaking with you guys?

21 A. That's correct. He spoke freely.

22 Q. To the best of your knowledge, did he freely and
23 voluntarily write the words in that written statement?

24 A. That's correct, ma'am.

25 Q. And verbally, when he spoke with you guys, did he

1 freely and voluntarily make that, make those statements
2 verbally?

3 A. Yes.

4 Q. During the interview, did you threaten him or
5 promise him anything in exchange for his statements?

6 A. No, ma'am.

7 Q. Did you deprive him of access to bathroom and
8 water, food or anything of that nature?

9 A. No, ma'am.

10 Q. Did he complain of not -- did he say he didn't
11 want to talk to you guys?

12 A. No, ma'am.

13 Q. In fact he wanted to speak, correct?

14 A. That's correct.

15 Q. And he waived his rights, correct?

16 A. That's correct, ma'am.

17 Q. Now, as it relates to the Miranda rights form, do
18 you recall if you were the one that went through it line by
19 line?

20 A. That's correct. I was the one.

21 Q. You were the one, okay. And is your signature
22 also on that form?

23 A. That's correct, ma'am.

24 Q. As well as the statements -- the written
25 statement, is your signature on the written statement as

1 well?

2 A. Yes, ma'am.

3 Q. Okay.

4 MS. FULLER: And Your Honor, I just streamlined it
5 since we heard all the testimony from Thompson, but I believe
6 that's the extent of my questions for this witness.

7 THE COURT: Okay. Mr. Mobley?

8 MR. MOBLEY: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. MOBLEY:

11 Q. Detective Jones, good afternoon, sir.

12 A. Good afternoon, sir.

13 Q. Regarding your conversation with my client, did
14 you take any independently written notes of what took place
15 in that meeting?

16 A. Based on the notation Investigator Thompson was
17 taking notes.

18 Q. Okay, so you didn't take any?

19 A. No, sir.

20 Q. Okay. Do you recall approximately how long that
21 meeting lasted? Two hours, three hours, four hours?

22 A. At best two hours.

23 Q. Okay. So during the question and answer period,
24 who was asking the questions? You or Detective Thompson?

25 A. During the two man interview, both investigators

1 asked questions and that -- that -- during that day we both
2 were asking questions.

3 Q. Okay.

4 A. Asking questions. Excuse me.

5 Q. So the questions that were asked, did you document
6 who asked which question?

7 A. In the notation obtained by Investigator Thompson,
8 he identified who asked which question.

9 Q. But actually on the -- one second.

10 MR. MOBLEY: No further questions. Thank you.

11 THE COURT: Thank you. May I let Officer Jones down?

12 MS. FULLER: Yes, Your Honor.

13 THE COURT: Officer Jones, thank you.

14 THE WITNESS: Thank you, Your Honor.

15 MS. FULLER: Can you give the Judge those exhibits?

16 They -- your copy of the exhibits. Yes. Thank you.

17 THE WITNESS: Thank, You Honor.

18 THE COURT: Anything else?

19 MS. FULLER: No further witnesses, Your Honor.

20 THE COURT: Anything from the Defense?

21 MR. MOBLEY: Your Honor, I would renew my -- my prior
22 motion regarding the first statement. And I'll move that all
23 of the statements made by my client's law enforcement on the
24 body-worn cam manual interview be suppressed on the grounds
25 of they're not voluntary.

1 THE COURT: Got it. Okay. I'm going to tell you, Mr.
2 Mobley, I'm going to deny your motion. You know the
3 standard, it's just the preponderance of the evidence and
4 looking at the totality of the circumstances with the
5 statement made at the Sheriff's Department, clearly he was
6 given his Miranda rights and initial indited. Also his
7 written statement appears to be signed and it's a couple of
8 pages long, seven pages long.

9 Also there's testimony that he certainly wasn't
10 threatened. There was no promises made, no leniency. He was
11 not in handcuffs, his testimony that he was not under the
12 influence. I think it was Investigator, might have been
13 Miller stated that he -- the defendant was calm and Sergeant
14 Jones just testified that he was intelligent, found he would
15 be very intelligent. The length of custody, if I give the
16 defendant the benefit of the doubt, the longest testimony was
17 an hour to two hours. Even considering a two-hour
18 interrogation at the police department, I still find that to
19 be reasonable.

20 There was testimony that he was offered something to
21 drink. I'm going to allow the statement in from the police
22 department. As far as the statement in the backseat of the
23 car and on the scene, I guess where they took the gun. I'm
24 going to allow that. I haven't heard any testimony again
25 that he was threatened, that he was placed in custody. I

1 know they detained him. They said they asked him about this
2 gun. He walked on scene with his hands up and fell to his
3 knees, was the testimony. They were concerned about the gun.
4 They asked him about the gun, he said, "It's in my
5 waistband." That's the testimony, I find it be credible.

6 But, you know, the ultimate decision maker on that will
7 be the jury and I'll certainly charge him on that. But
8 again, it seems like he initiated, and -- and I'll watch the
9 body cam, but he initiated these conversation --
10 conversations with law enforcement. I'm going to find that
11 is voluntary. I'm letting it in and we'll let the jury
12 decide on the voluntariness of those statements. Okay.
13 Anything else from the State?

14 MS. FULLER: Yes, Your Honor. Just our motion to
15 exclude -- as it relates to the statements? Nothing, Your
16 Honor.

17 THE COURT: Yes. Anything else, Mr. Mobley?

18 MR. MOBLEY: Nothing regarding the statement, Your
19 Honor.

20 THE COURT: Okay. All right. Now go to your motion to
21 exclude. I did not get a copy of any motion to exclude.

22 MS. FULLER: That's correct, Your Honor. I'm going to
23 make it right now, verbally. The State moves to exclude the
24 Defenses' what they submitted in discovery. Typically I
25 haven't had a case with Mr. Mobley, so I'll just be candid

1 with that. But typically when a -- a defense attorney turns
2 over Brady or Rule 5 material, is that they intend to use it
3 in their case in chief, what we received late on Friday was
4 five social media photos of our victim in this case. And
5 Your Honor, I would make a motion now to exclude that. I
6 would make a motion to exclude any reference of that. I'm
7 not asking Your Honor to rule on that right now because
8 obviously you haven't heard any of the testimony. But I
9 would respectfully request that prior to any mention of it
10 come up or introduction of it, that we take that up outside
11 the presence of the jury.

12 I do believe 403 would keep those photographs out. One
13 of the photographs, the defendant, the -- the victim is not
14 even in the photographs. My -- the State's position is that
15 the Defense is attempting to attack the victim's character by
16 how he may appear in these photographs. While we were
17 upstairs, when we approached, they indicated that he was
18 throwing up gang signs. This is not a gang activity case. I
19 don't believe that there are gang signs and we're not
20 introducing any gang activity in this case.

21 I know Your Honor's rule. I don't want to hear gang,
22 gang, gang, and I don't understand how the Defense can offer
23 this. I sent one of the photographs to our gang -- the
24 leader of our crew, who studies gang signs and he says
25 they're not gang signs. And so I don't know if they have an

1 expert coming in, but either way, I don't know how it's
2 relevant. He -- Defense attempted to rely on this case while
3 we were upstairs and that case didn't allow it in.

4 I don't know how the defendant can get up here and say
5 what he was in fear of life because the victim was in a gang.
6 This shooting happened on video. Your Honor's going to see
7 it. The Court's going to see it. This is -- this isn't a
8 gang case. This was, he's a blue hat at the chicken plant.
9 My victim was late to work. There was some other bad blood
10 first on the witnesses that it was spewing. He threatened to
11 kill him two hours before he killed him. This whole thing
12 about gang is not relevant. It does -- it shouldn't come in
13 even. If the defendant was in the gang, I wouldn't even
14 argue it comes in because it's not relevant. It does not fit
15 the facts that we have here. And so I'm not asking for Your
16 Honor to rule on this now, but if it would be 403, it'll be
17 highly prejudicial. I don't know who would put it into
18 context. And surely a victim -- I mean, pictures of people
19 attending the victim's funeral surely does not come in court.
20 I've never seen that done. I've never seen that submitted.
21 But that's one of the photographs, a group of people who
22 attended his funeral that had t-shirts with his name on it.
23 That's one of the things he turned over.

24 The other thing as the South Carolina Criminal Justice
25 Academy legals as well as all their booklets, it's a lot.

1 And that was turned over. I would highly object to that
2 coming in. This is not an officer involved shooting case.
3 This is not looking at law enforcement use of force. Use of
4 force does not work in this case. And that kind of jumps
5 into -- and I'll jump back to this, but jumps into the OODA
6 loop that they supplied also, that they -- I guess they
7 intend an expert to talk about, this is not an officer
8 involved shooting. If the jury needs to know whether or not
9 what the law is as it relates to self-defense in this state
10 and whether or not he was justified using deadly force, there
11 is only one person that can tell the jury that. And that's
12 the Judge.

13 I don't know -- know how we talk about use of force.
14 The -- what the case law when the case law when there's cases
15 and trials on use of force is because an officer has
16 discharged their firearm or the -- the officer has gone hand
17 to hand and something's happened. We're talking about civil
18 cases. Maybe we're talking about some criminal liability as
19 well. Just depends. And then we have to decipher use of
20 force because the case law says law enforcement, we
21 acknowledge the courts have said, Supreme Courts have said
22 that we acknowledge law enforcement has to use some force and
23 look how much am I talking about use of force as it relates
24 to law enforcement. So I would say this is not a law
25 enforcement case. That is -- 403 should keep that out. 702

1 and 704 because even if you put a use of force expert on
2 here, they're going to -- how are they going to talk about
3 self-defense?

4 THE COURT: Well, it's hard for me to rule on an
5 expert, but I don't even know what the expert's going to say.

6 MS. FULLER: Very true. But I did -- I just want to
7 put it out there because I don't want jump up in openings and
8 object to any reference of use of force when it's justified
9 and all of that because we're going on 702 and they're
10 commenting on ultimate issue. But again, he is not a law
11 enforcement officer. So I think it's misleading. It
12 confuses the jury. I don't think it comes in. And surely
13 manuals don't come in. Also on here, and I'll make it a
14 Court you all, is West Columbia Police Department policies on
15 deadly force as well as their proficiency shoot test on
16 shooting, whether or not going from holster out in two
17 seconds and all of that, that has nothing to do with the
18 defendant at all. At all. I don't know how the jury gets to
19 read this. I don't know how they get to see it. I don't see
20 how anybody gets to talk about it. Because an officer is not
21 on trial here. This is not a civil liability.

22 THE COURT: I got it.

23 MS. FULLER: Okay. I know I'm going to say that a
24 thousand times.

25 MR. MOBLEY: 1,001.

1 MS. FULLER: Okay.

2 THE COURT: I'll hear from Mr. -- Mr. Mobley.

3 MS. FULLER: So I'll make this as Court's, I think
4 we're at 5.

5 THE CLERK: Yes.

6 MS. FULLER: Okay.

7 THE COURT: The social media pictures, is that
8 something that I need to rule on before your opening?

9 MR. MOBLEY: No, Your Honor. And just so we're clear,
10 I mean I -- I've got no problem making it clear that I won't
11 make any kind of reference to that during opening statement.
12 I -- I know the Court needs to -- to take certain facts to
13 account. However, I -- I will state with regard to a
14 self-defense case. And regarding -- regarding the
15 admissibility of evidence that the defendant was in a gang.
16 And I disagree strongly with Ms. Fuller on this case. There
17 are a number of different rules that make this admissible.
18 And I also want to talk about the -- the -- the case that I
19 referenced earlier, you know, under rule 404 A2, character of
20 the victim offered by the accused is admissible. The rule is
21 clear on that. It is relevant under 402 regarding whether
22 the defendant had a reasonable belief of death, of serious
23 bodily injury. If he believed the person that was attacking
24 him was a violent gang member. That makes it relevant. 404
25 A2 makes it admissible, specifically character of the victim

1 offered by the accused.

2 Additionally, and there are -- there are other witnesses that
3 would testify regarding the deceased involvement in a gang.

4 And under 405 A, reputation, evidence of character is
5 admissible proof by testimony or opinion. So it is relevant
6 under the rules and it is admissible.

7 Now with regard to the case that I -- that I -- I
8 referenced and I -- and it is State v. Sobers, I think I was
9 saying something else that was going on. Can I approach,
10 Your Honor?

11 THE COURT: Yes, I'd like a copy of it.

12 MR. MOBLEY: Certainly. And -- and I want to concede,
13 just so we're clear, Sober --in Sober, the court did not
14 allow the gang testimony. In Sober's, it was excluded. And
15 Sober, the defendant was charged with murder and he was
16 approached by a mob and he fired shots. And at some point in
17 the trial, there was some attempt to introduce evidence that
18 he thought it was a gang initiation or something along those
19 lines. And -- and -- and the -- and the basis on which the
20 court excluded the -- the -- the -- the portion of the
21 defendant's testimony regarding the gang affiliation is
22 because the court indicated the defendant, the fact that it
23 was gang re -- related had nothing to do with the defendant's
24 belief. He just said he was afraid of the mob and the gang
25 stuff came out later. But although it was not admitted in

1 that case, as the court said in -- in Sobers, according to
2 Sobers, the mob action caused him, and I'm looking at, I'm
3 sorry, Your Honor, the next to the last page when the --
4 there's an analysis, I'm on the right side on -- on the right
5 column, and it talks about how the -- the trial court left
6 open the possibility of Sobers offering the gang evidence if
7 he could establish the requisite relevancy.

8 But in Sobers, he testified the marks around this --
9 his car as part of a gang. But he did indicate that he was
10 more fearful because the mob was part of a gang. So because
11 he didn't relate his fearfulness to -- to the gang
12 affiliation, the court deemed was not relevant. Okay.
13 However, if the defendant relates part of his fearfulness to
14 the gang activity, the gang affiliation of the deceased, that
15 makes it relevant because that goes to the reasonableness of
16 his apprehension of serious bodily harm. And we don't know
17 whether the photos are used or not. And there will be
18 corroborating witnesses that will indicate that the defendant
19 was either in a gang ---

20 THE COURT: Deceased.

21 MR. MOBLEY: I'm sorry, excuse me, the deceased rather,
22 was either in a gang or affiliated with the gang members.
23 And just to be clear, when we start talking about the -- the
24 materials that I provided with -- the solicitor with, there's
25 -- there's a section on gang identification in those

1 materials. In the Criminal Justice Academy material, there's
2 a section regarding identification of gang affiliation. And
3 there are factors that have to be looked at whether or not
4 there are colors, whether or not people throw hand signs,
5 affiliation.

6 THE COURT: Well, I guess I'm going to have to hear
7 some testimony about that.

8 MR. MOBLEY: And I -- I'm -- I'm sorry, Judge. I have
9 bad habit of talking. I'm all ears.

10 THE COURT: No, no, no. I mean, I -- you've got to
11 present something. I -- I -- you know, I think it's just too
12 early for me to rule on it unless you've got some evidence,
13 testimony that you're going to put up. I -- I'm -- I'd like
14 to see the relevance to it too. I mean, I just -- I don't
15 know without hearing it, which you all don't understand.
16 Because I don't know anything about this case. I haven't
17 even heard of it before I came up here this morning. All I
18 know is that you all want five photos in, Mr. Mobley and I
19 don't know what the relevancy is.

20 MR. MOBLEY: And -- and I think just so we're clear,
21 you know, the -- the -- the photos and the -- and the
22 testimony regarding the deceased gang affiliation are two
23 separate issues. Okay? So I want to make to kind of make
24 that clear, the Court can determine that the photos don't
25 come in for any number of reasons, but the testimony

1 regarding the deceased gang affiliation and the defendants
2 and -- and his gang affiliation being a -- a basis ---

3 THE COURT: For a self-defense claim.

4 MR. MOBLEY: Correct.

5 THE COURT: I'll leave that in. Ms. Fuller?

6 MS. FULLER: Thank you, Your Honor. Your Honor, just
7 so it's also clear we're on the same page, looking at 404,
8 A2, character of the victim. Evidence of a pertinent trait
9 of the character of the victim of a crime offered by the
10 accused. And then we talk about in a homicide case as the
11 victim was the aggressor, right, by the prosecution character
12 for peacefulness. He referenced 404. So I just wanted to --
13 to address that first.

14 Your Honor, we just sat through a deno hearing. Part
15 of his questioning was trying to talk about how long his
16 client was in custody, how long he was awake and all that
17 stuff. You have a 8-page statement you heard from the
18 officers and not one point did he say he was in fear of the
19 victim because he was in a gang. So if we're going to
20 fabricate that now, and Your Honor said ---

21 MR. MOBLEY: Objection to fabrication.

22 MS. FULLER: I'm not talking to you.

23 MR. MOBLEY: Objection to fabrication, Your Honor.

24 MS. FULLER: Okay. If we're going to say that now, and
25 Your Honor says we need to hear testimony, the only person

1 that can make that relevant right now in camera is the
2 defendant, because it's not coming in State's case in chief,
3 we're not going to offer anything about the victim being in a
4 gang. We're not going to offer anything about, oh, the
5 defendant was in fear of the victim because he was in a gang.
6 So by the time the State ends their case, the jury's not
7 going to hear a gang. And so part of my motion would be to
8 exclude those photos as well as any gang reference. I don't
9 believe the defendant can get up and -- the Defense attorney
10 can get up and open an argument and say that this happened in
11 self-defense because he was in fear of his life because the
12 victim was in a gang, because people who showed up at his
13 funeral were black and red. I've never heard that argument
14 in my life. So that's one thing.

15 And the only way to proffer that is the defendant
16 getting up now changing his statement and adding on that.
17 But I'll tell you this, and this is just a little preview of
18 where we're going here, what the State's case is going to
19 show if he was that much in fear that he was in a gang, he
20 had plenty of opportunity to go home. Plenty. So I don't
21 even know how you make it relevant, even with the State's
22 case. And I know the courts look at it and says if there's
23 any evidence or anything like that, it's not going to be
24 there in our case.

25 THE COURT: I -- I -- I was just curious.

1 MR. MOBLEY: Well, Your Honor, as I've indicated with
2 all effect of the Court, I understand the Court's going to
3 try to make the decision the Court needs appropriate and I
4 indicated that I would not make that statement in opening.
5 And I think that ---

6 THE COURT: About gang-related.

7 MR. MOBLEY: That's correct.

8 THE COURT: I -- you know, I usually don't -- you got
9 to have a pretty good reason to have gang-related stuff.
10 Admit it in front me. I'll tell you what, I'll do a little
11 research on it tonight, but if we're -- you're not going to
12 use it in your opening, I'm probably going to tell you, Mr.
13 Mobley, I'm going to wait and see where the testimony takes
14 me. See where it leads, because at this point I don't -- I
15 haven't even seen the social media pictures of the Criminal
16 Justice Academy. And as far as the expert on the use of
17 force, I think I told both of you all I'd like to proffer
18 that testimony, if that's what you want to do, Mr. Mobley.
19 There's going to be an expert on that. I think we need to
20 proffer that testimony before I let the jury hear it.

21 MR. MOBLEY: Yeah. You'll see it.

22 THE COURT: And then I'll determine.

23 MR. MOBLEY: Yeah, and that's fine, Your Honor. And
24 again, you know, I've got no problem. I will -- I'm going to
25 represent the Court. That's not something I plan to mention

1 in opening statement.

2 THE COURT: Okay.

3 MR. MOBLEY: There is something I want to mention in
4 opening statement regarding the -- the -- the deceased having
5 a combination of alcohol and marijuana in his system based on
6 the State's own toxicologist. That is certain relevant with
7 regard to my client's self-defense claim. So I do plan to
8 address that in opening statement.

9 THE COURT: Okay.

10 MS. FULLER: I would object to that, Your Honor. It is
11 not relevant until the defendant makes it relevant. And that
12 is clear on self-defense. If he want to talk -- he keeps
13 citing case law, that is very clear. It is not going to be
14 relevant and it's probably not going to be relevant.

15 He -- he gave a whole statement. He never said
16 anything about that. I'm not saying the courts haven't let
17 it in, but for him to reference it and open it and attack the
18 victim's character before it's even an issue, I think it's
19 highly inappropriate. I do want to jump back if I can, to
20 the gang thing. I said opening statements. I also want to
21 make sure that my motion includes prior to even asking a
22 question. And so, for example, if we call a lay witness to
23 the stand, I would object to a question, "Are you familiar
24 with the victim being in a gang?" And I want that to be
25 crystal clear.

1 THE COURT: It's probably not appropriate unless you
2 open the door.

3 MS. FULLER: Thank you, Your Honor.

4 MR. MOBLEY: But I want to be -- I want to be -- make
5 sure I'm clear regarding my ability to address the fact that
6 the defeat -- deceased had a combination of -- of alcohol and
7 marijuana in his system that certainly indicates evidence of
8 impairment. And I should be allowed to mention that in
9 opening statement.

10 MS. FULLER: Your Honor, that's misleading because he
11 needs a toxicologist to say that it was 0.04. You have that
12 when you die. No disrespect. You would need someone to ---

13 MR. MOBLEY: She's not a toxicologist.

14 MS. FULLER: Well, I asked them, I asked the
15 toxicologist, and there's no way to know. His was drawn the
16 next day. And we all know that when you -- when you pass,
17 your body generates a certain level of ethanol. So to make
18 that argument is something for later.

19 THE COURT: We have a case law that keeps it out and
20 puts it in.

21 MR. MOBLEY: Thank you, Your Honor.

22 THE COURT: And I'll rule on -- on it in the morning.

23 MS. FULLER: And Your Honor jumping back to his earlier
24 motion about witnesses, he apparently has our office
25 investigator on his witness list. And we need him in the

1 courtroom. I just want make sure that he's also an exception
2 to that sequestration order.

3 MR. MOBLEY: Their office investigator?

4 MS. FULLER: Yes.

5 THE COURT: Their office ---

6 MR. MOBLEY: Okay.

7 THE COURT: --- investigator.

8 MR. MOBLEY: On our witness list?

9 MS. FULLER: You put him on your witness list.

10 MR. MOBLEY: No, what I -- what I -- what I submitted
11 to the Court was a list of potential witnesses by the State
12 and the defendant. Okay. Which is all inclusive. I mean,
13 all persons involved in this case are potential witnesses.
14 Okay. So there's no -- from my perspective, our witness
15 list, their witness list, what I want -- the Court asked for
16 potential witnesses for the case, he was one of the potential
17 witnesses. His name was included. Okay. Along with
18 significant -- a substantial number of other ---

19 THE COURT: He testifies -- did he go -- let him stay
20 in the courtroom?

21 MR. MOBLEY: No. I mean, I listed a significant of law
22 enforcement witnesses and investigators and officers on that
23 list. I didn't submit a list of four or five names. It was
24 not as many -- not the 79 that she put, you know, because of
25 -- but, so, no, I mean, but -- so that's -- I'm -- I'm not

1 saying -- but -- but all the -- but all -- all the parties in
2 this case are subject to being called by the State or the
3 defendant. He's not been served with a subpoena, but he's
4 certainly a potential witness.

5 THE COURT: Okay.

6 MS. FULLER: Your Honor, same request. He is not on my
7 witness list, however he wants to phrase the -- his response
8 to your question. The Defense submitted a witness list to
9 the Court with my office investigator's name on it. I'm
10 respectfully requesting of this Court that he not be subject
11 to the order sequestering him from this case. We need him in
12 the courtroom.

13 MR. MOBLEY: I oppose, Your Honor.

14 THE COURT: You are opposing to it?

15 MR. MOBLEY: Correct.

16 THE COURT: I'm going to keep him out then.

17 MR. MOBLEY: Thank you, Your Honor.

18 THE COURT: I'm going to sequester it. I'm going to --
19 you can have your main investigator in this case and your
20 evidence custodian. Everybody else is sequestered.

21 MS. FULLER: And Your honor, just so I'm clear, he's a
22 member of -- he's an employee of the solicitor's office on
23 our trial team.

24 THE COURT: I understand that.

25 MS. FULLER: I've never had our investigator

1 sequestered from trial before as an employee of the
2 solicitor's office.

3 MR. MOBLEY: Okay. And he's also been involved in --
4 in interviewing a number of the witnesses and some -- some
5 supplemental reports that are provided to us, Your Honor.

6 THE COURT: I -- I understand. But you know, he's
7 still a -- a witness. You've got your lead investigator, you
8 got your evidence custodian. If he's on the list, and it
9 doesn't matter whose list he's on.

10 MS. FULLER: I understand. Just that has never
11 happened in Lexington County.

12 THE COURT: I -- I understand.

13 MS. FULLER: Ever.

14 THE COURT: Well, it just did.

15 MS. FULLER: I see that.

16 THE COURT: He's sequestered.

17 MR. MOBLEY: Thank you, Your Honor.

18 THE COURT: He's sequestered. All right, let's pick up
19 at 9.30 in the morning. How about the lawyers showing up
20 about 9.15? I'd like -- or if you all find some case law on
21 yours, Mr. Mobley, send it to me.

22 MR. MOBLEY: Thank you, Your Honor.

23 THE COURT: I'd be happy to look at it. I am without a
24 law clerk. I'm -- I'm running solos.

25 MS. FULLER: Research on what issue, Your Honor? I'm

1 sorry?

2 THE COURT: The issue of ---

3 MS. FULLER: Oh, okay. The toxicology, you said?

4 THE COURT: Yes, the toxicology. Thank you.

5 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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I, NATASHA BARRIENTOS, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 11 of Lexington County, South Carolina, on the 19th Day of June, 2023.

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

November 8, 2023

Natasha Barrientos

Transcriber

1 CONTINUATION OF PROCEEDINGS - JUNE 20, 2023

2 THE BAILIFF: All rise. Honorable Debra R. McCaslin
3 presiding.

4 THE COURT: Please be seated. You all (inaudible)?
5 All right, let me see the lawyers just for a second.

6 MR. MOBLEY: Which side you for, Your Honor, would we
7 (inaudible)?

8 THE COURT: I'm not used to this court.

9 MS. FULLER: Not me either, ma'am.

10 THE COURT: How about out in the hall?

11 THE BAILIFF: The court's again in session. Come to
12 order and be seated.

13 THE COURT: Oh, I'm going to go back to yesterday when
14 we talked about the defense's motion to sequester the
15 witnesses, which I granted and I'm still granting. However,
16 after reading a memo from the state last night and speaking
17 with both the lawyers, the state's investigator, which is --
18 this is very odd because I've never had this happen before.
19 Happens to be on the defense's witness list, however, the
20 state claims and under rule 612B, there's an exception for
21 someone who works at the solicitor's office and is essential
22 to the trying of their case.

23 I believe the lawyers have agreed we're going to allow
24 him in, but under a limited circumstance. There were four
25 witnesses that we received a report on. I think the defense,

1 correct me if I'm wrong, received it on June the 5th of this
2 year where he was I guess interviewing four witnesses and
3 they have asked that the investigator not be present during
4 those four, which would be, tell me if I'm wrong Mr. Mobley,
5 a Tyreek Peterson (ph), a David Crumpton (ph), also known as
6 Super Dave Sabrina Butler (ph).

7 MS. FULLER: The first one.

8 MR. MOBLEY: And also Mary Geiger (ph), I believe, Your
9 Honor.

10 THE COURT: Mary Geiger. Okay. During just those four
11 witnesses, if they're called I'm going to ask that the
12 investigators step out. Other than that he's allowed in.
13 However, he's not allowed to talk to anybody about any
14 testimony and when I say anybody, I mean witnesses about any
15 testimony that happens in this courtroom that he is not
16 allowed to do that.

17 MS. FULLER: Thank you, Your Honor. And we just spoke
18 in the hallway so we're all on the same page.

19 THE COURT: Now, make sure that he knows.

20 MR. MOBLEY: Thank you, Your Honor.

21 THE COURT: You are welcome Mr. Mobley. I'm glad we
22 got that strike. Now let me talk about the toxicology
23 report. I looked at the report, I looked at the case law. I
24 will have to say, I read the Washington case myself last
25 night along with the Williams case, which was a court of

1 appeals case along with several other cases. And it appears
2 that the consensus is under rule 403, any probative value was
3 substantially outweighed by the danger of unfair prejudice.
4 So I'm not going to allow it.

5 MR. MOBLEY: And -- and just so we're clear, I'll
6 respect the court's decision, Your Honor. I just want to
7 make sure I address the court. And of course I understand
8 the court's ruling is -- is preliminary at this time. And --
9 and (crosstalk).

10 THE COURT: Unless there's -- I let you renew it at any
11 time, Mr. Mobley, if the testimony allows it. I mean, we've
12 heard no testimony in this case.

13 MR. MOBLEY: Thank you, Your Honor. And but yeah --
14 there will be some cases, I mean, that I will address to the
15 court at a later time. And just at this point, I think it's
16 better for me just to agree to not mention it during an
17 opening statement and at the appropriate time I will
18 readdress the issue with the court.

19 THE COURT: I would agree, Mr. Mobley, because like I
20 said, we haven't taken any testimony in this court and also
21 on the gang affiliation. I'm going to ask you not to mention
22 that in opening.

23 MR. MOBLEY: Correct, Your Honor.

24 THE COURT: Right now I don't see any relevance.
25 Somebody needs to show me what the relevance is. And again,

1 we've had no testimony. So at the appropriate time you can
2 bring that issue back up, but I'm not going to allow it in
3 openings as of right now.

4 MR. MOBLEY: That's fine, Your Honor. And I want to
5 make to the court -- and that was my position yesterday that
6 I understood the court just didn't have, there was not an
7 adequate factual basis for the court --

8 THE COURT: (Crosstalk) was not.

9 MR. MOBLEY: -- to make an informed decision. And it
10 would be easier for me just not to mention those things in
11 opening statement. And I've got no problem with that, Your
12 Honor.

13 THE COURT: Okay.

14 MR. MOBLEY: Thank you.

15 THE COURT: Any objection, Ms. Fuller?

16 MS. FULLER: Oh, no objections, Your Honor.

17 THE COURT: Okay. All right, so then let me ask, are
18 we ready to -- to get started?

19 MS. FULLER: Just two things, Your Honor.

20 THE COURT: Okay.

21 MS. FULLER: One, we served a notice of evidence as it
22 relates to video on the defense. And I emailed Your Honor a
23 copy about 11 days ago. We haven't received any objections
24 and anything of that nature, so I'm just putting that on the
25 record. And then also we went back and forth via email about

1 the Nest body cam not body cam, the nest doorbell camera, the
2 sound of the gunshots. And I think by stipulation that's
3 coming in at the appropriate time.

4 THE COURT: All right. The doorbell's stipulated to,
5 is that correct, Mr. Mobley?

6 MR. MOBLEY: And Your Honor, just so we clear, I mean,
7 and I appreciate counsel trying to make sure she complies
8 with the rules, but there's -- there's no objection regarding
9 the authenticity of these videos and -- and the -- and the
10 door cam. So I don't have any issue with that.

11 THE COURT: Okay. And the other video that she was
12 talking about?

13 MR. MOBLEY: Sorry, Richard.

14 MS. FULLER: The -- I -- I -- the notice of evidence
15 regarding the Valerio gas station. I believe the defense is
16 using it, so I just want to put it on the record, the parking
17 lot as well as water plant.

18 THE COURT: Any objection to those?

19 MR. MOBLEY: No, Your Honor.

20 THE COURT: Okay, perfect.

21 MS. FULLER: And then I think the last thing that we
22 need to put on the record, just so we're all on the same page
23 and covered here during trial preparation, it -- we became
24 aware last week, the week before, about potential video
25 obtained from the House of Raeford itself, which is the

1 plant.

2 And so just so Your Honor has a -- a landscape here.
3 You have the chicken plant, the Columbia Farms, and then
4 across the street is the parking lot. Capital Square
5 employees aren't supposed to be parking there, just
6 supervisors, but that's where everyone parks and that's
7 across the street, but owned by Baker and Baker, just so you
8 understand that.

9 So the parking lot had surveillance footage.

10 MR. MOBLEY: Okay.

11 MS. FULLER: Across the street at the plant. There was
12 a camera across there when we were out there. I think that
13 the conversation sparked about camera and then they indicated
14 that they believed that there was camera, that it was
15 provided to long footage of the shooting and was provided to
16 law enforcement.

17 I sent defense counsel an email about that the last I
18 heard that they couldn't access the hard drive again to
19 actually retrieve that footage, but defense counsel relayed
20 to me that he actually obtained the footage himself and
21 provided us with the copy.

22 We don't know what happened with the copy law
23 enforcement's supposed to have. And so I just want that in
24 terms of discovery to be placed on the record and that we're
25 on the same page and there's not going to be any accusations

1 against say.

2 THE COURT: All right. Just so I've got it right, you
3 didn't have the video. Defense counsel has the video.

4 MS. FULLER: That's correct.

5 THE COURT: And you have a copy of it; right?

6 MS. FULLER: Provided from them. Correct. We couldn't
7 obtain our own.

8 MR. MOBLEY: Yeah. And honestly, truth be told, Judge,
9 there's been so much discovery going back and forth, videos
10 and things like that, that over the last couple of years that
11 I didn't even, I assumed everything I had had come from her
12 office when she indicated there was a video they didn't have.

13 And talking to my -- to my digital evidence
14 coordinator, my associate attorney, Jillian, who knows more
15 about the stuff than I do, that's when I realized that the
16 video that she was referencing that she may have access to is
17 when we already had and we did not get it from her. At which
18 point I made a copy of it. I don't -- I don't have any issue
19 with the -- with the authenticity of that as well, you know,
20 so but yeah, that's, that's exactly what transpired, so.

21 THE COURT: Okay.

22 MR. MOBLEY: She has it.

23 THE COURT: There's no issue with you on authenticity,
24 is it?

25 MS. FULLER: No, Your Honor. I mean it's -- it is at

1 this point, I can't say one thing or another. I don't plan
2 to introduce it because it didn't come from us. I -- all I
3 know is the plant made a copy, they put it up front and I
4 think simultaneously his investigator served a subpoena. So
5 I don't know --I don't know what happened to the original
6 copy. And the plant doesn't remember if they gave it to law
7 enforcement or to their investigator.

8 THE COURT: Okay.

9 MS. FULLER: So --

10 THE COURT: Okay. All right. Can I bring the jury in?

11 MR. MOBLEY: Yes.

12 MS. FULLER: Yes.

13 THE COURT: And let me ask, are you all both the state
14 and defense, you all ready to do your openings?

15 MS. FULLER: Yes, Your Honor. State's ready.

16 MR. MOBLEY: Ready I'm going to be judge.

17 THE COURT: I plan to do a short outline of the trial
18 to the jury. Get them sworn in and then we'll go straight
19 into openings. Okay?

20 MS. FULLER: I apologize Your Honor.

21 THE COURT: Wait, hang on.

22 MS. FULLER: Just also to be clear, we serve notice of
23 the HR employment records as well and we received an
24 objection. Just want to be, we serve that under business
25 records as well and it'll confirm that is.

1 THE COURT: Any objection?

2 MR. MOBLEY: Well, the -- the objection wouldn't be
3 based on the lack of notice. Of course if she tries to
4 introduce him, there may be another objection based on any
5 other -- any number of evidentiary issues. But from the
6 standpoint of she gave us notice, I don't have any issue with
7 that.

8 MS. FULLER: They're authentic. Okay. Thank you.

9 THE COURT: Well, we'll reach that point when we get
10 there. All right, let's bring the jury in.

11 All right, before the jury comes in, I want to make
12 sure there are no cell phones allowed in my courtroom. They
13 need to be turned off. If I hear a cell phone, it is mine.
14 I'll keep it and donated to Sistercare. No cell phones are
15 allowed in this courtroom unless you're a court official.

16 (Jury entering courtroom.)

17 THE COURT: Please be seated. All right, I hope
18 everyone had a good evening and let me tell you, I always
19 begin the day with the same question. Has anyone tried to
20 talk to you about this case or have you talked to anyone
21 about this case? Have you done any research, heard anything
22 on the news, social media? If so, please raise your hand.
23 That will be my morning question every morning.

24 All right, before we begin the actual trial of this
25 case, I thought it might be helpful if I explained to you how

1 a trial proceeds.

2 First, the state will make what we call an opening
3 statement. An opening statement is not evidence. It is
4 simply an outline to help you understand what that party
5 expects the evidence will show. The defendant may, if he
6 wishes, present an opening statement, but he does not have to
7 for reasons that I will explain to you later.

8 Following the opening statements, you will hear
9 testimony and evidence in the case. This will consist of
10 testimony from state's witnesses as well as any physical
11 exhibits which will be introduced into evidence.

12 Following the completion of the testimony, the
13 attorneys will again have an opportunity to make what we call
14 a closing statement, is their summarization of the case from
15 their respective points of view. Again, these arguments are
16 not evidence.

17 Following the closing statements by the attorneys, I
18 will instruct you on the law of South Carolina as it pertains
19 to the issues that have arisen in this case. When I have
20 completed my instructions to you, you will then be permitted
21 to begin your deliberations in order to reach a verdict.

22 I want to take a few minutes to tell you something
23 about your duty as jurors and to give you some instructions.
24 At the end of the trial, I will give you more detailed
25 instructions and those instructions will control your

1 deliberations.

2 It will be your duty to decide from the evidence what
3 the facts are. You and you alone are the judges of the
4 facts. You will hear the evidence, decide what the facts
5 are, and then apply those facts to the law, which I will give
6 to you. That is how you will reach your verdict. In doing
7 so, you must follow the law whether you agree with it or not.

8 The evidence will consist of the testimony of
9 witnesses, documents, and other things received into
10 evidence. And any facts on which the lawyers agree or which
11 I instruct you to accept, you should not take anything I may
12 say or do during the trial as indicating what I think of the
13 evidence or what the verdict should be.

14 This is a criminal case. You have the indictment, I'm
15 sorry, brought by the state of South Carolina. The state
16 charges the defendant, Mr. Irvin with murder. The charge
17 against the defendant is contained in the indictment. This
18 is an indictment. The indictment is not evidence of
19 anything. It is simply the description of the charge made by
20 the state against the defendant.

21 The defendant has pled not guilty and is presumed
22 innocent unless and until proven guilty beyond a reasonable
23 doubt. Proven beyond a reasonable doubt is proof that leaves
24 you firmly convinced of the defendant's guilt. A defendant
25 has a right not to testify and never has to prove his

1 innocence or present any evidence. The burden of proof is
2 always upon the State of South Carolina.

3 The following things are not evidence and you must not
4 consider them as evidence in deciding the facts of this case.
5 Statements and arguments of the attorneys, questions and
6 objections made by the attorneys and testimony that I
7 instruct you to disregard.

8 Evidence may be direct or circumstantial. Direct
9 evidence is testimony by a witness about what that witness
10 personally saw, heard or did. Circumstantial evidence is
11 indirect evidence that is proof of one or more facts from
12 which one can find another fact. You are to consider both
13 direct and circumstantial evidence. The law permits you to
14 give equal weight to both, but it is for you to decide how
15 much weight to give any evidence.

16 There are rules of evidence which control what can be
17 received into evidence. So when a lawyer ask a question or
18 offers an exhibit into evidence and the lawyer on the other
19 side thinks that it's not permitted by the rules, that lawyer
20 may object. If I overrule the objection, the questions may
21 be answered or the exhibit may be received. If I sustain the
22 objection, the questions cannot be answered and the exhibit
23 cannot be received. Whenever I sustain an objection to a
24 question or deny a motion to admit an exhibit into evidence,
25 you must ignore the question or the existence of the exhibit

1 and you must not guess what the answer would have been or
2 what the exhibit would have shown.

3 Sometimes it is going to be necessary that I ask you to
4 leave the courtroom while I discuss with the lawyers legal
5 questions that come up during the trial. If this occurs and
6 it will, you should not speculate about our discussions or
7 the reason that you were asked to leave the courtroom. This
8 is simply a procedure that the law requires when certain
9 legal issues arise.

10 There may also be occasions where I ask the attorneys
11 to approach the bench so that we can discuss a legal issue in
12 private. I will do this as often as possible so you will not
13 be required to leave the courtroom more than is absolutely
14 necessary. Again, if I ask the attorneys to step up to the
15 bench or I ask you to leave the courtroom, please do not
16 think that anybody is trying to hide anything from you or
17 keep any evidence from you. This is simply a procedure used
18 by all lawyers and by all courts to determine and decide
19 legal questions.

20 In deciding the facts of this case, you may have to
21 decide which witness to believe and which witness not to
22 believe. You may believe everything a witness says, only
23 part of it or none of it. In deciding what to believe, you
24 may consider a number of factors including the following.
25 The witness's ability to see, hear, or know the things

1 testified to, the quality of the witness's memory, the
2 witness's manner while testifying, whether the witness has an
3 interest in the outcome of the case or any motive, bias or
4 prejudice. Whether the witness was contradicted by anything
5 the witness said or wrote before the trial or by other
6 evidence. How reasonable was the witness's testimony when
7 considered in the life of other evidence which you believe
8 Until I advise you to begin your deliberations, you must not
9 discuss this case with anyone including your fellow jurors,
10 friends, family members, and anyone involved in this case.
11 This includes discussions, face-to-face, by telephone, email,
12 text, blogs, Twitter, Facebook, Google, or any other method
13 of communication. You may not use a computer, cell phone or
14 other electronic device with communication capabilities at
15 any time while in this courtroom or during your
16 deliberations.

17 During your breaks you may use these devices however
18 you may not at any time use these devices to get or send
19 information about the case. This includes information about
20 a party, a witness, an attorney, or a court officer. News
21 accounts about the case research on any topics raised or any
22 topics you think may be helpful in deciding the case or any
23 testimony presented by any witness.

24 During the trial, do not read, listen to or watch any
25 news reports about the case. This includes anything that may

1 be in the newspapers, the internet, radio or television. You
2 must not consider anything you may have read or heard about
3 the case outside the courtroom whether before or during the
4 trial.

5 After the case is submitted to you, you must discuss it
6 only in the jury room with your fellow jurors. I told you
7 yesterday the attorneys and the parties in this case have
8 been advised they are not to talk to you at all. In fact, if
9 you see them, they'll probably run. They are just following
10 my instructions. Please do not think they're rude.

11 It is important that you keep an open mind and not
12 decide any issue in this case until all of the evidence has
13 been presented, the parties have made their closing arguments
14 and I have instructed you on the law in this case. It is
15 your sole responsibility to determine the guilt or innocence
16 of the defendant. And your verdict must be based solely on
17 the evidence as it is presented to you in this trial and on
18 the law as I instruct you during and at the close of the
19 trial.

20 Mr. Foreman, it is your added duty to preside in the
21 jury room and be the jury spokesperson here in court. It
22 will also be your duty to write the verdict, but I will give
23 you more detailed instructions about that at the conclusion
24 of the case.

25 All right, in order to preserve everyone's rights, I

1 will give the parties an opportunity to object to anything I
2 have said. Any exceptions to anything I've said by the
3 state?

4 MS. FULLER: Nothing, Your Honor.

5 THE COURT: By the defendant?

6 MR. MOBLEY: None on behalf of Mr. Irving, Your Honor.

7 THE COURT: Thank you. All right, we will now begin
8 the trial of this case. Oh, before we do, I want ask the
9 jury to stand. I need to swear you in.

10 THE CLERK: Please raise your right hand -- hands. You
11 shall well and truly try in a true deliverance made between
12 the state and the defendant at the bar whom you shall have in
13 charge and a true verdict rendered according to the laws and
14 evidence. So help you God, please respond by saying I do.

15 MULTIPLE SPEAKERS: I do.

16 THE CLERK: Is there anyone that's unable to take this
17 oath? Please be seated.

18 THE COURT: Now we're going to begin today's trial. All
19 right, Ms. Fuller? Ms. Patterson. I'm sorry.

20 MS. PATTERSON: Yes, ma'am. May it please the court.

21 THE COURT: Yes, ma'am.

22 MS. PATTERSON: Morning?

23 MULTIPLE SPEAKERS: Morning.

24 MS. PATTERSON: On June 24th of 2021, Daniel Demetrius
25 Jones, he did what most people on a Thursday would do. He

1 went to work. He went to work at the House of Raeford off
2 Sunset Boulevard to West Columbia. He went to work expecting
3 again, like most people to do his job and to go home.

4 He didn't expect to be harassed. He did expect to be
5 taunted. He did expect to be threatened. He didn't expect
6 for a gun to be drawn on him several times or shown to him
7 several times. He didn't expect to be baited into a fight
8 and he surely -- surely didn't expect to be brutally shot 15
9 times by his coworker Trevor Irvin.

10 This was done about 7:07 in the morning in front of
11 Daniel and Trevor's coworkers and in front of Daniel's
12 girlfriend Mary Geiger, who also works at the House of
13 Raeford.

14 Now, as Judge McCaslin has already instructed you,
15 Trevor Irvin is on trial for murder and she'll instruct you
16 later about the laws and about the elements that we have to
17 prove as the state. But just right now, keep in mind in
18 South Carolina is unlawful to kill another with malice of
19 forethought.

20 Malice is defined as ill will hatred and hostility. A
21 forethought doesn't mean any of these things have to occur or
22 exist for a specific amount of time before the act is done
23 that causes the killing. It just needs to exist right before
24 and at the time of that.

25 Judge McCaslin will also instruct you that as the state

1 of South Carolina or the Solicitor's office, we have the
2 burden of proving this case beyond a reasonable doubt. Now
3 it's the burden that we not only accept, but we welcome
4 because we know at the end of this trial we would have met
5 our burden.

6 And in proving a case beyond a reasonable doubt, it
7 doesn't mean proving the case beyond all doubt. Because
8 there are little things we know beyond all doubt. We must
9 leave you firmly convinced of the defendant's guilt.

10 Now, Judge McCaslin will also instruct you on the law
11 of self-defense. And let me just say, I'll go on the record
12 of saying this. I for one, I'm glad there's self-defense.
13 Self-defense is necessary. A person should have the right to
14 defend themselves when appropriate. But just because a
15 person says it's self-defense doesn't mean it's so. There
16 are four requirements of self-defense and all four must be
17 present before the law facts.

18 The first, the defendant must be without the fault in
19 bringing over difficulty. Second, the defendant actually
20 must believe he was in imminent danger of losing life or
21 sustaining serious bodily entry. Thirdly, a reasonable
22 (inaudible) person of ordinary firmness and courage would
23 have entertained the same belief. And fourth, the defendant
24 had no other probable means of avoiding the danger. And I
25 know a lot of that is a lot of legal talk and you don't

1 understand, but it's simple.

2 Ladies and gentlemen, I submit to you, we don't even
3 get past the first requirement. You will hear from different
4 witnesses how on the morning of June 24, 2021, two hours
5 before Trevor Irvin murdered Daniel Jones, he left his work
6 line in the House of Raeford and confronted Daniel Jones on
7 his work line and threatened to kill him. Trevor Irvin
8 actually told Daniel Jones, I'll kill you. And he did. He
9 threatened to get a free body because he had a CWP. That's
10 bringing on the difficulty. That's not self-defense.

11 You are also not only here, but thanks to surveillance
12 footage, you will see how the defendant showed his gun
13 several times to Daniel Jones during a verbal altercation
14 before the shooting, while they were at the Valero
15 Convenience store. And another thing you'll also hear is
16 Daniel Jones was unarmed. He was unarmed. And then you'll
17 see how Trevor Irvin continued calling Daniel Jones names,
18 bathing him by shadow boxing, smacking his face, bathing him
19 to fight. You will hear so much more and then you decide if
20 the defendant was without bringing on the difficulty. We
21 don't even get past the first requirement.

22 You'll also hear about the ongoing difficulties between
23 the defendant Trevor Irvin and Daniel Jones, and how Daniel
24 Jones and his girlfriend Mary Geiger, had even requested to
25 be moved offline to get away from all of this harassment.

1 They wanted to avoid trouble. But you'll hear how this
2 didn't help the situation because Trevor Irvin, because he
3 was, what you'll learn, was a blue hat. He didn't think the
4 rules applied to him. He think he had all this power, all
5 this authority that he didn't have, and that he could boss
6 Daniel Jones around and threaten him just for being late.
7 Because he was a blue hat.

8 Even after he shot Daniel Jones 15 times, he tells Mary
9 Geiger, it was my job to tell you all wrong from right, and
10 you all were doing wrong. I know I keep informing you what
11 the evidence would show through various witnesses, but what
12 you'll also see is actual shooting.

13 And yes, it's hard to watch, but it is necessary for
14 you to see not only what happened leading up to the shooting,
15 but what happened during the shooting, what happened after
16 the shooting, and how Trevor Irvin instigated all of this.
17 And thanks to a local Nest camera, you also hear the
18 gunshots. Each and every one of the 15 gunshots. And you'll
19 hear from law enforcement, from SLED agents, from a
20 pathologist, and from some of the few brave House of Raeford
21 employees who are willing to come here and testify about what
22 they knew about this situation.

23 Ladies and gentlemen, this won't be a hard trial. This
24 won't -- won't be one of those trials where we call a who
25 done it trial. Because we know who did it. We know Trevor

1 Irving pulled that gun 15 times and killed Daniel Jones. We
2 know who instigated this entire senseless murder. We just
3 asked you for your patience to pay -- pay close attention to
4 the evidence that's going to be presented. And we're
5 confident that you'll find this is not self-defense. This is
6 ill will. This is hostility. This is hatred. This is
7 malice. This is murder. Thank you.

8 THE COURT: Thank you, Ms. Patterson. Mr. Mobley.

9 MR. MOBLEY: Thank you, Your Honor. May it please the
10 court.

11 THE COURT: Yes, sir.

12 MR. MOBLEY: Good morning.

13 MULTIPLE SPEAKER: Good morning.

14 MR. MOBLEY: And as you all may remember from the
15 lengthy opening process, my name's John Mobley. I'm Mr.
16 Irvin's attorney. I got to say that I've been cracking law
17 for 30 years and I -- I still get butterflies when I get in
18 front of the jury. So -- so I apologize for that. Also want
19 to make sure I thank all of you for taking time out of your
20 -- your lives to -- to serve in this jury. You know, we --
21 you have lives, you have families, you have careers, you have
22 hobbies, you have very little free time nowadays, and we know
23 it's a sacrifice for you to come here, and we do appreciate
24 that.

25 I also want to make sure that I send my condolences to

1 Mr. Jones' family and want them to know, and I want you as
2 the jury to know that nothing that I say during the course of
3 this trial is intended to indicate that I'm insensitive to
4 the fact that they suffered a loss of a loved one. Because
5 they did. And it is a tragedy.

6 However, during the course of this trial, I believe you
7 will hear evidence that Daniel Jones, who's also known as
8 Fresh, on the day he died, on the day he was killed, he made
9 a series of bad choices. And that constant series of bad
10 choices contributed to him being shot to death.

11 Now, I'm a gun owner. I -- I own several handguns.
12 And I think you know, when a person owns a firearm, there's
13 certain things that person thinks about. You know, you
14 obviously, even though you -- when you buy a handgun or
15 purchase a firearm, you purchase for the -- for -- for
16 self-defense. Protect yourself. But I think everyone always
17 hopes they never are in situation where they have to use it.
18 I think we'd all agree with that. I think everyone would
19 agree that if you have a handgun and you are in a situation
20 where you have to use it, you hope you have the courage to
21 use it, because that's not always so easy.

22 Another thing, if you own a firearm and you're in this
23 situation, or you believe you need to use it, there's an
24 altercation for another person you hope against hope, against
25 hope that that other person does not take their gun from you

1 and use it against you. That is the nightmare scenario for
2 any gun owner. That someone takes your gun from you to your
3 gun and uses it against you. And any person that owns a
4 firearm would agree, that cannot happen. You cannot let that
5 happen. Because even if someone is unarmed, if they take
6 possession of your firearm, they become armed. And once they
7 have your firearm, there's a pretty good chance you're going
8 to end up shot. You cannot let that happen. Trevor Irvin
9 could not let that happen.

10 I want talk about Trevor a little bit. He and his
11 family from the Virgin Islands at work, because he's from the
12 Virgin Islands, they called him Island boy. It was something
13 they called him at work. His friends didn't call him that,
14 his family didn't call him that. That's just something
15 coworkers said at some point, it -- it -- he kind of got
16 confused to Island boy. So people call him Island boy, and
17 someone would go, yeah, that's Island boy. So but that was
18 the name they called him at work. And he liked his job and
19 he was a good employee. And he actually in a very short time
20 period, got into a so much supervisory position. A line lead
21 got a little bit of an issue between him and Daniel because
22 Daniel Fresh had been there longer and didn't have that
23 authority.

24 And -- and Trevor liked his job. He was a liable
25 employee, of course. Although you would think it stops in

1 high school, it does when you get to work, every workplace
2 has drama. It is what it is. There was workplace drama at
3 the House of Raeford. Trevor was involved in some of it,
4 Fresh was involved in some of it. Fresh's girlfriend, Mary
5 was involved in some of it. And I think you're going to --
6 you're going to hear from Mary testify in this trial and I
7 think you're going to probably find that she was an
8 instigator. She's involved in a lot of the drama. She kind
9 of likes to stir the pot. There's always somebody like that.
10 She's going to testify and tell you some things.

11 But over the course of the trial, you're going to hear
12 from other witnesses. You're going to see video footage and
13 I will ask that you make your own judgment regarding what you
14 believe and what she says in the context of all the other
15 evidence.

16 Now, on this particular day, as my good friend, Ms.
17 Patterson indicated in her opening statement, Fresh was late
18 to work, doesn't make him a bad person, but he was late to
19 work. His line leader Trevor Irvin, my client, talked to him
20 about it and it wasn't a good conversation. Fresh didn't
21 like being called out again, the workplace drama. He didn't
22 like being called out about it. He and my client, Trevor,
23 they had some words, some pretty -- some pretty heated words.
24 There's no doubt about it. Ultimately, that -- that argument
25 ended. After that argument, Fresh was in possession of a

1 knife (inaudible) chicken plant. And that was part of the
2 job. And he confronted Trevor again this time, vanishing the
3 knife.

4 That didn't go anywhere and the workday went on. The
5 workday continued. For whatever reason, Fresh couldn't let
6 go. Trevor gets off work, he borrows a scooter of a friend,
7 goes across the street to the gas station, and all this is on
8 video. Everything I'm telling, you're going see on video,
9 you're going to see Trevor at the gas station, not talking to
10 somebody. Everything's fine. You're going see Fresh pull up
11 in a car right next to Trevor, like a bat out of hell.
12 Immediately gets out of the car and starts confronting Trevor
13 trying to provoke and instigate physical confrontation. He
14 spits on Trevor, spits on him. He just does crazy stuff.
15 And tried to take the scooter from him and I don't know what
16 he's trying to do with it. I don't know if he's going to run
17 -- run over it or put it in the trunk, but he just, you know,
18 they -- they talk about him being baited into a fight. But
19 you're going to see Fresh's conduct in two separate videos
20 and you decide who's the bullet, who's the aggressor.

21 Don't make a decision based on what I'm saying. You
22 decide based on your own two eyes, who's the bullet, who's
23 the aggressor? Because you're going to see at the gas
24 station, Trevor did lose his temper a little bit after he
25 spit on him, he did punch Daniel. I'm pretty sure. He did

1 punch him. And Trevor, like many Americans who would like to
2 lawfully exercise the Second Amendment right, he obtained and
3 had a ballot concealed weapon permit. And during that
4 confrontation, he was lawfully carrying his firearm.

5 And -- and in the video, hey, he pulled the gun out.
6 Probably not a good idea to bring a gun into a situation, but
7 he pulled the gun out and showed it to Fresh. Tried to get
8 him to back off, he showed him the gun. Well, you would
9 think that he would be somewhat deterred by the fact that
10 he's trying to take a fight with somebody that has a firearm.

11 What you're going to see, not Fresh, he's that type,
12 he's that one. There's that person that you can show them
13 the gun and they're going to make it clear to you, they don't
14 care that you have a gun. They don't care that you're armed.

15 He was not deterred; he was not deterred that it was
16 broad daylight. There were coworkers and witnesses. He was
17 determined to evoke physical confrontation of physical
18 assault on my client Trevor Irvin. And you're going to see
19 in that video, who's the aggressor. You're going to see
20 everybody trying to hold Fresh back. You're going to see one
21 person trying to take Daniel over I'm sorry, Trevor, away.
22 And then it gets so bad that person leaves Trevor and goes
23 the whole Fresh (inaudible). That's what you're going to
24 see. That's not a person who's being baited to a fight.
25 That's a man on a mission who determined to carry out an

1 assault.

2 Well, on behalf of my client, Trevor, (inaudible) heads
3 zip the bail. He realized it was a bad situation. And
4 although he was there first minding his own business, he
5 retreated -- he retreated from that location and got on his
6 scooter, rode away. Went back, returned the scooter, went to
7 the parking lot where everybody parks and hangs out.

8 And you're going to see a second video. And what
9 you're going to see is Fresh pursuing Trevor. He chose to do
10 that. He chose to follow him to the gas station. He chose
11 to start that altercation. He chose to spit on him. You can
12 see him trying to -- people are holding Fresh. You see him
13 trying to kick a trigger while he's being held by people.
14 These are choices he's made.

15 Now my client, Trevor retreats. Fresh chose to pursue
16 him. And this is broad daylight. There are a number of
17 witnesses. Everybody sees this. And he walks up to Trevor.
18 And Fresh's girlfriend, she's back there. She's not in the
19 video, but she's back there staring there -- stirring
20 everything up, get a punch, beat his ass. You are not going
21 to take that. She stirred everything up and Fresh continues.

22 And at one point you're going to see the video. I --
23 I'm glad. And just so we are clear, my good friend Ms.
24 Patterson indicated that the shooting's on the video and I'm
25 not glad you're going to see that. Just so we're clear.

1 However, I'm glad that a lot of this conduct is on the video.
2 Because oftentimes when you sit here, you're going to hear
3 different people say different things. There'll be people
4 that are -- that are pro Fresh, people that are pro Trevor.
5 You're trying to figure out what's accurate. Okay?

6 But the video, take that out of the equation. If I'm
7 telling you something that's not true, you can call me out
8 on, if you say the video says something different, I have no
9 problem with that. Trust your own eyes. But in that video,
10 you're going to see that while in the parking lot before the
11 shooting, Fresh (inaudible) with my client, Trevor, and
12 either takes his fingers or his cell phone, it's really not
13 clear. Hold it up to Trevor's head and he says something to
14 Trevor. Now that video doesn't have audio, but he says
15 something to Trevor. You'll hear more -- more about that
16 than the trial. You can construe that gesture in the manner
17 you deem appropriate.

18 Next, what you'll see on this video is Fresh lunge for
19 Trevor's gun. And at that point, nothing good was going to
20 happen. Trevor Irvin was not going to let the man who
21 threatened him, who pulled a knife on him, who was determined
22 to assault him despite his attempts to retreat. And I want
23 to be clear, something I want to make sure you're going to
24 see in these videos, you're going to see the attempts Trevor
25 made to avoid this altercation. You're going to see in the

1 video, Trevor holding up his hands to Daniel. You're going
2 to see him turn his back to Daniel. Countless times you're
3 going to hear witnesses say, Trevor was saying he didn't want
4 to fight you. In contrast to this, he was being baited into
5 a fight. Again, you may hear that from Fresh's girlfriend,
6 possibly, I don't know what she's going to say. You believe
7 your own eyes.

8 You see Trevor Irvin hold his hands up and turn his
9 back on Fresh. Is that a man that wants to fight? Is that
10 a man that's looking for an altercation? Is that the man
11 trying to avoid a bad situation, who's retreated once he's
12 pursued and he's still trying to avoid the altercation. And
13 he's got a right to be where he's just so we're clear. I'm
14 making Ms. Patterson wants you to think he needs to hop on
15 the scoot and ride all over town and let Daniel Jones Fresh
16 chase him. But he's minding his own business. He's
17 retreating.

18 He's between two cars and Fresh lunges for his gun.
19 Trevor was not going to let Fresh get his gun and shoot him
20 with his own gun. So Fresh goes with a gun. Trevor at this
21 point is afraid for his very life because although he was not
22 armed, he was -- Fresh was trying to arm himself with
23 Trevor's gun. And you will see Trevor pulls his gun rear
24 back and pulled his gun.

25 Well, there are only couple choices at this stage. I

1 guess you could stand there and hold the gun. Hope the
2 person decides they don't want any more of the conflict and
3 -- and go away. You can do like they do on TV, fire shot in
4 the air, the warning shot, hoping this attacker decides he
5 doesn't want to continue to attack. Or maybe they believe
6 Trevor can do or a person can do like you do in the movies
7 and you shoot the person in the leg.

8 Well, I think anyone that owns a firearm knows none of
9 those scenarios are realistic. Because once a decision is or
10 circumstance is made, you feel is necessary to defend
11 yourself and discharge your firearm, there's one thing you're
12 supposed to do. And that is aim at center mass. You pull
13 the trigger until the threat is ceased, period. And that is
14 what Trevor Irvin did. And it is graphic to see it on video.
15 I apologize for the graphic nature of it. You will see that.

16 And as my good friend Ms. Patterson indicated a -- a
17 there's a -- a ring cam doorbell in the vicinity that didn't
18 capture the video of the shooting, but it captured the audio.
19 And you're going to hear all the gunshots. Graphic. You'll
20 hear all the gun downs.

21 However, funny thing is, despite all these different
22 videos we're talking about all this different footage,
23 they're going to want you to focus on that -- that few
24 sentence where Fresh run for my client's gun and my client
25 shot him. And I -- and I say that a few seconds because

1 that's how long it really took because the ring cam actually
2 has a little timer at the bottom. And once you get on it,
3 and it's going to be tough, you got to digest the graphic
4 nature hearing these gunshots. But once you get past that,
5 you look at that time, you'll see that all those shots were
6 fired in four to more than five seconds.

7 That's how long four or five seconds tops was when he
8 fired all the rounds. This is not a situation where he shot
9 him, took some time to think about it, shot him some more and
10 shot him some more. Every round was fired, he pulled the
11 trigger and every round was fired within four, five seconds.
12 That short window. But what they're going to do, despite all
13 the other footage, despite all the footage of a fresh being,
14 the primary aggressor, attacking Trevor, pursuing Trevor,
15 what they can want to do, they want you to focus on that --
16 on that -- that short window of time. And they're going to
17 take that video footage, they're going to large it, that five
18 seconds, they're going to large it for you. They're going to
19 slow it down. So that five seconds, it seems like an
20 eternity.

21 And I can guarantee you, as you sit in the safe
22 confines, this safe, sterile environment of the courthouse in
23 the jury box, watching that video in this environment, I'm
24 certain it will seem like an eternity. It will seem like my
25 client had all the time in the world. But we all know and I

1 would hope you keep in mind that is not reality. When a
2 person is attacked and in fear for their life and they're
3 making a decision, they do not have the benefit of sitting
4 back in their chair and watching in the slow motion and
5 freeze framing it and pausing it and thinking about all the
6 different possibilities. In the real world, a person has to
7 react and make the best decision in order to save their life
8 before he save himself and himself in serious (inaudible),
9 which is what would've occurred had Fresh gotten Trevor's gun
10 (inaudible).

11 Now I'll be asking for a verdict. I'm not guilty. You
12 know, we hear the verdict, word verdict a lot and I'm sorry,
13 I want to say one more thing. After my client shot, Trevor
14 Irvin shot Fresh, you can imagine he freaked out. He
15 actually got in his car and left for a little bit and came
16 right back, turned himself in, surrendered peacefully,
17 surrendered his firearm. When asked about the incident
18 without me he talked about the incident. He made it clear.
19 He says it over and over, I was attacked. I had to defend
20 myself. I shot him for defense. He has maintained that
21 consistently. You'll never hear anyone testify that my
22 client said he was mad at Fresh and that's why he shot him.

23 You'll hear they haven't recorded him on body cams
24 saying he attacked me. He came to me first. I shot him in
25 self-defense and obviously he's under some stress. So he's

1 not being articulate. He's not -- he will not be able to
2 articulate and will not articulate on these on-stream on
3 screen videos the way he would later. But that's what he
4 says consistently he's maintained that from the beginning.
5 And on that basis, I'm asking you to find my client not
6 guilty and enter a verdict to not guilty. And I do want to
7 say to you, I guess the law nerd to me coming out. You'll be
8 hearing the word verdict all the time and I'm not sure if you
9 guys know what that means, but verdict methodically comes
10 from the Latin word, veredicto, which means to speak the
11 truth. And I will ask that you let your verdict speak the
12 truth and find my client not guilty. Thank you so much.

13 THE COURT: Thank you Mr. Mobley. Mr. Foreman is the
14 jury ready to proceed and call a witness. Anybody need a
15 break? When one goes, we all go. All right, let's take a
16 15-minute break and we'll come back and hear testimony.
17 Thank you.

18 (Jury exiting courtroom.)

19 THE COURT: All right, Mr. Mobley and Ms. Fuller and
20 Ms. Patterson, can you tell -- tell me what the schedule is?
21 How far can we. All right, we ready to bring the jury back
22 in?

23 MS. FULLER: One second. Do you want me to
24 (inaudible)?

25 MR. MOBLEY: (Inaudible).

1 MS. FULLER: I'm going to put them over here if you
2 want.

3 THE COURT: We're going over the rules of court.

4 MR. MOBLEY: Refreshing.

5 THE COURT: Wondering if it's a pop quiz or?

6 MR. MOBLEY: I would fail. Even before you start
7 getting into more law, then you know.

8 THE COURT: I better not know.

9 MS. FULLER: Thank you judge. Thank you. This small
10 courtroom is just not; I know you're in the corner over
11 there.

12 THE COURT: I am not used to trying the case down here.

13 MS. FULLER: It's been years.

14 THE COURT: And I remember when I was practicing law.
15 I know mildly remember it because we've been practicing 30
16 years.

17 MR. MOBLEY: Yep.

18 THE COURT: This was a place to do it a long time ago.
19 It was here or across the street in the big courthouse where
20 I tried my very first case in the whole courthouse. So, but
21 I've been in this courtroom on that side a bunch -- a bunch.
22 All right, we ready to bring the jury in

23 MS. PATTERSON: The state's ready?

24 MR. MOBLEY: Defense is ready, Your Honor.

25 THE COURT: Let's bring them in.

1 (Jury entering courtroom.)

2 THE COURT: Mr. Foreman, jury ready? All right, please
3 be seated. Call your first witness.

4 MS. PATTERSON: Thank Your Honor, the state calls David
5 Rush.

6 THE CLERK: Can you please raise your right hand and
7 place your left on the Bible?

8 DAVID RUSH,
9 being first duly sworn, testifies as follows:

10 THE CLERK: Thank you. Would you please have a seat in
11 the witness box. State your full name and spell your last
12 for the record.

13 THE WITNESS: John David Rush III, R-U-S-H.

14 DIRECT EXAMINATION

15 BY MS. PATTERSON:

16 Q. Good morning Mr. Rush. How are you?

17 A. Good morning. I'm good.

18 Q. Thank you for being here this morning. Mr. Rush,
19 can you tell the jury where are you employed?

20 A. For House of Raeford. Presently working in the
21 West Columbia operation.

22 Q. Okay. And what is your title at the House of
23 Raeford?

24 A. Assistant Complex Manager.

25 Q. And as the assistant complex manager, would you

1 explain some of your duties and responsibilities?

2 A. Responsible for plan operations, environmental,
3 human resources, wastewater and utilities.

4 Q. And how long have you been employed at the House
5 of Raeford?

6 A. Since the fall of 1984.

7 Q. 1984. And can you explain specifically where is
8 the House of Raeford in West Columbia?

9 A. 410 Sunset Boulevard.

10 MS. PATTERSON: Okay. And just so we can familiarize
11 ourself with that location, I'm going to ask you to take a
12 look at State's -- and I'm going to show you what's been
13 marked as State's Exhibit number 1 and ask you to take a look
14 at this. I think this will be admitted without objection,
15 Your Honor.

16 THE COURT: Okay.

17 BY MS. PATTERSON:

18 Q. It's a aerial map.

19 A. Right.

20 Q. Are you familiar with that -- those locations in
21 that map?

22 A. Yes, ma'am.

23 THE COURT: You moving it in?

24 MS. PATTERSON: Yes, ma'am. We move State's Exhibit
25 number 1 into evidence.

1 THE COURT: All right. It submitted without objection?

2 MR. MOBLEY: No objection for Mr. Irving, Your Honor.

3 THE COURT: Okay. It's admitted.

4 (State's Exhibit 1 was admitted into evidence.)

5 BY MS. PATTERSON:

6 Q. And Mr. Rush, can you just take a moment and
7 explain to the jury and show the jury using a pointer I left
8 up there where the House of Raeford plant is?

9 A. It's in the bottom right corner right there.

10 Q. And can you tell us what type of business is the
11 House of Raeford?

12 A. We turn chickens into food.

13 Q. Okay. So would it be safe to say it's a chicken
14 processing plant?

15 A. Yes, ma'am.

16 Q. And do you know about how many employees you have?

17 A. It's close to 500 with management and everything.
18 Everyone.

19 Q. And is it -- and can -- where are -- is the
20 administrative offices located for the House of Raeford?

21 A. They're located in the capital square shopping
22 center.

23 Q. Right across from the plant.

24 A. Right across from the plant. Yes.

25 Q. And in that parking lot who is allowed to park in

1 that parking lot?

2 A. Technically?

3 Q. Yes.

4 A. The administrative staff and any storefront owners
5 in that shopping center.

6 Q. And realistically who actually parks in that
7 parking lot?

8 A. Our employees.

9 Q. Okay. And can you point to the jury where the
10 water plant is?

11 A. Okay, this is West Columbia's water treatment
12 plant.

13 Q. And are you also familiar with the FLOW Townhouse?

14 A. The FLOW Townhomes are up the street.

15 Q. And so is all that in close proximity to each
16 other?

17 A. Yes, within a few hundred feet.

18 Q. And also that picture, are you familiar with the
19 Valero gas station?

20 A. Yes.

21 Q. Okay. And it's behind the Capital Square?

22 A. It's located behind the shopping center.

23 Q. And as the assistant plant manager, excuse me,
24 assistant complex manager, are you also familiar with the
25 layout of the plant?

1 A I am.

2 MR. MOBLEY: Okay. Start (inaudible). You're okay
3 with it. All right, thank you. No objection.

4 MS. PATTERSON: Your Honor, at this time we move
5 State's Exhibit number 2, which is a blueprint of the House
6 of Bradford three, four, and five, which are pictures of the
7 line into evidence. I don't think the defense has an
8 objection.

9 MR. MOBLEY: No objection behalf of Mr. Irving, Your
10 Honor.

11 THE COURT: Okay. Lay a foundation in it's end.

12 BY MS. PATTERSON:

13 Q. Okay, Mr. Rush, I'm going to show you State's
14 Exhibit number 2. Are you familiar with -- with what's
15 depicted in that photograph?

16 A. Yes, ma'am.

17 Q. And what is it?

18 A. It's the deboning area of the plant.

19 Q. Okay. And did you provide that to the state?

20 A. Yes, ma'am.

21 Q. And are you familiar with that the deboning area
22 of the plant of the House of Raeford?

23 A. Yes, ma'am.

24 Q. And does it fairly accurately represent the way
25 the layout of the plant is?

1 A. It does.

2 MS. PATTERSON: Your Honor, would move State Exhibit
3 number 2 into evidence.

4 THE COURT: Admitted.

5 (State's Exhibit 2 was admitted into evidence.)

6 BY MS. PATTERSON:

7 Q. And three, four, and five. Will you just take a
8 look at those photographs?

9 A. Okay.

10 Q. And are you familiar with those photographs?
11 What's depicted in those photographs?

12 A. Yes, ma'am.

13 Q. And what do they show?

14 A. It's actual photographs of the deboning area,
15 which is depicted in this layout.

16 Q. Okay. And do they fairly and accurately represent
17 the way the layout of the deboning division in the House of
18 Raeford plant?

19 A. Yes, ma'am.

20 MS. PATTERSON: Your Honor, we move State's Exhibit 3,
21 4 and 5 into evidence.

22 THE COURT: Assume without objection.

23 (State's Exhibit 3, 4 and 5 were admitted into
24 evidence.)

25 BY MS. PATTERSON:

1 Q. Now, Mr. Rush, we talked about the deboning area
2 of the House of Raeford. What -- what in layman's term
3 occurs in the deboning department?

4 A. We take the meat off the bone.

5 Q. Okay. Simple as that.

6 A. It's that simple.

7 Q. Okay. And can you point out in this blueprint how
8 the lines are laid out within the plant?

9 A. Okay, so these are the cone lines which we have
10 the front half of the bird goes to this table. It's loaded
11 on the cone lines with the neck up. And they load them on
12 the combs. The first four people make an initial cut, we
13 called it, we call it shoulder cutting, where they'll
14 actually cut the tendons in the shoulder free from the
15 carcass. Then that was -- so you got one loader, you got
16 four shoulder cutters. The next two employees are going to
17 remove the wing from the breast meat with a knife and hang it
18 on a separate line. And then the next two employees, which
19 are right beside this conveyor, are removing the breast meat
20 from the -- from the carcass. You just pull it off and drop
21 it on that conveyor. And then there's two people scoring
22 tenders and two people pulling tenders off, or one, sometimes
23 we use one person to remove the -- the tender on and they
24 drop it on a belt, and then the lines just go around and come
25 back and do it all again.

1 Q. And just to be clear, how many lines are there in
2 the deboning department?

3 A. There are four.

4 Q. And can you show us where the different lines are
5 in this blueprint?

6 A. Okay, so you see one, two, three, four. So one
7 and two employees face each other. Two and three employees
8 are back to back. And then three and four, they're facing
9 each other.

10 Q. Okay. And you said they're shown the cutters,
11 wind cutters, breast cutters, tender cutters. So is
12 everybody on the line has different job duties and
13 responsibilities?

14 A. That is correct.

15 Q. And what are these images, what do they depict?

16 A. They're just a AutoCAD person.

17 Q. Okay.

18 A. Showing how they would fit on the lines.

19 Q. Okay. And so this would --

20 A. Which this drawing was done before all this was
21 installed, so you know, it -- it gives us an idea of the
22 space.

23 Q. So this would depict the individual workers?

24 A. Right.

25 Q. And how closely they worked together?

1 A. Correct.

2 Q. And some of them were facing each other and some
3 of them were back to back.

4 A. Correct.

5 Q. And State's Exhibit 3, what is shown in this
6 photograph?

7 A. Well, I think that's an older photograph that's
8 showing actually five cone lines.

9 Q. Okay.

10 A. In that -- in that photograph. But from my right
11 to left is column line one, two, three, four, and then five
12 over here by itself.

13 Q. Okay. Can you use the corner and show us the line
14 specifically?

15 A. Okay. One, two, three, four, five in this
16 photograph. And this is a shoulder cutting area.

17 Q. And this image number -- State's Exhibit number 4.
18 Is that just another angle of the line?

19 A. That is basically the same angle -- angle, just a
20 little closer up. It's further down. That's where the wings
21 are removed.

22 Q. Okay. And can you explain to the jury how would a
23 person get from one line to the next line?

24 A. They have to walk down the green catwalk and
25 there's a set of steps at the end that goes off of it. So

1 they start from the far end in this picture and walk this way
2 to get on it and to get off, they go in reverse.

3 Q. Okay. And does State's 5 show anything
4 differently?

5 A. It's the -- it's the same area from the other end
6 though.

7 Q. From the other end. Okay. So about how long is
8 each line? Do you know?

9 A. Long?

10 Q. Yes.

11 A. Roughly 55 feet.

12 Q. And could you explain the different position on
13 each line besides the cutters are there -- what are the other
14 positions that a person could have on each line?

15 A. Okay, I'll just go down the line. You got a
16 loader.

17 Q. Right.

18 A. Who's going to load the front half of the bird
19 onto the cone. You got four shoulder cutters, two wing
20 rounders for removing the wings. Two breast pullers, two
21 people scoring tenders, and then one removing tenders,
22 possibly two removing tenders.

23 Q. And do you have a position called the blue hat?

24 A. Well, it's called a lead position, but they --
25 they do wear blue hats. Yes.

1 Q. And all the workers that you previously described,
2 are they hourly workers?

3 A. Yes.

4 Q. Do anybody get paid by the -- the number of
5 chickens that's processed?

6 A. No.

7 Q. And let's go back to this line lead, or as some
8 people call it the blue hat position. Is this also an hourly
9 position?

10 A. Yes.

11 Q. And could you explain to the jury some of the
12 duties and responsibilities of a blue hat?

13 A. Setting -- setting the lines up prior to the start
14 of the shift. Training new employees, relieving employees
15 from the line for bathroom breaks and cleaning up at the end
16 of the shift.

17 Q. And do they have -- are they responsible for
18 discipline, the other hourly employees?

19 A. No.

20 Q. Do they have -- are they allowed to write people
21 up?

22 A. No.

23 Q. And what should happen if a blue hat has a problem
24 with another hourly employee?

25 A. They report it to their supervisor.

1 Q. Now, does the House of Raeford allow concealed
2 weapons on the property?

3 A. No, ma'am.

4 MR. MOBLEY: Objection, Your Honor.

5 THE COURT: The question?

6 MR. MOBLEY: This photograph.

7 THE COURT: Oh, to the photo. Okay.

8 MR. MOBLEY: And I guess to the line of questioning.

9 THE COURT: Well, she just asked if you had a
10 concealed. Well, what's the basis for the objection?

11 MR. MOBLEY: Relevance is the first question that --
12 the first basis is, Your Honor.

13 THE COURT: I'm going to allow it and see where it
14 goes.

15 MR. MOBLEY: Okay. And the -- and the second case
16 would be rule 403.

17 THE COURT: Got it. I'm going to allow it. And let's
18 see where it goes.

19 BY MS. PATTERSON:

20 Q. Mr. Rush, I'm going to show you what's been marked
21 as State's Exhibit number 6 and ask you, do you recognize
22 what's depicted in that photograph?

23 A. That's the gate that most employees enter through
24 and all visitors enter through and with the signs banning
25 video and concealed weapons.

1 Q. Okay. And on the other side of that gate, is that
2 where the timecard is located?

3 A. Yes. Just to the left.

4 Q. And as you stated, that's where most employees
5 enter for work?

6 A. Yes.

7 Q. And so that sign would be displayed visibly for
8 the employees to see?

9 A. Yes.

10 Q. And does this accurately, fairly represent the
11 entrance of the House of Raeford?

12 A. Yes.

13 MS. PATTERSON: And, Your Honor, at this time we miss
14 State's Exhibit 6 into evidence.

15 THE COURT: Any objection?

16 MR. MOBLEY: Subject to my previous -- previous
17 objection, Your Honor.

18 THE COURT: Okay. I'm -- I'm going to all allow it.

19 MS. PATTERSON: Thank you. Mr. Rush --

20 THE COURT: It's admitted.

21 (State's Exhibit 6 was admitted into evidence.)

22 BY MS. PATTERSON:

23 Q. I'm going to show you State's Exhibit number 6.

24 And I know we just talked about what this is, but now for the
25 jury's edification, can you point out again what's shown in

1 this picture?

2 A. The -- the gate that the boys enter into work.
3 There's also an outdoor break area just behind it, but has a
4 -- you can't -- I can't read it from here, but there's one
5 sign banning concealed weapons. There's another sign banning
6 unauthorized video.

7 Q. Let me sit back and make it. (Inaudible). Might
8 need some help. Makes it clear. I could just it. So you
9 said?

10 A. So conceal weapon sign video.

11 Q. So no concealed weapon sign? And again, that's at
12 the front entrance of where the employee's entrance. Now Mr.
13 Rush on June 24, 2021, do you remember if the employees --
14 first of all, can you explain the different shifts that the
15 employees can work at the House of Raeford?

16 A. Okay. We typically start our week with third
17 shift on Sunday night.

18 Q. And what time do the shift -- third shift
19 employees come in?

20 A. The processing start at 9:30. The deboning start
21 at 12 midnight and they will work until just round number
22 6:00 a.m. and 8:00 a.m.

23 Q. 6:00 to 8:00 a.m.?

24 A. Typically yes. And then day shift, the next
25 shift, day shift comes in, takes over, works till roughly

1 3:00 and 5:00. And then there is a sanitation shift from
2 those times until 9:30 and midnight that clean the facility.

3 Q. Okay. And do you remember on June 24th of 2021 if
4 -- what time third shift got off?

5 A. Not exactly because unusual day.

6 Q. Okay. And what do you mean by it was an unusual
7 day?

8 A. Well, the plant manager was on vacation, not
9 there. I got a call in the middle of the night the plant had
10 -- was broke down. A gear box had gone out on piece of
11 equipment plant could not run. So, and at that time we did
12 not have a spare for that gearbox. So night shift would've
13 gotten off early that day. The exact time, I don't remember.
14 I do know we broke down somewhere around 1:30 to 1:45 that
15 morning and we -- we kept them -- we kept the employees there
16 for a while until it was determined we were not going to go
17 get it running in a reasonable timeframe. So we did let them
18 go early that morning.

19 Q. Okay. So it was safe to say the employee -- the
20 -- all the employees were let go earlier because of the gear
21 box ---

22 A. Right.

23 Q. --- breaking down?

24 A. Because of the breakdown. Yes.

25 Q. Now, I know you said that some of your job

1 responsibilities also include human resources. Are you
2 familiar with the paperwork that an employee would go over
3 and sign before becoming an employee at the House of Raeford?

4 A. For the most part. I mean, I do not deal with it
5 day to day, but at some point I have seen all of it.

6 Q. You have seen all of the paperwork?

7 A. Yes.

8 Q. And you know, there is in fact rules and
9 regulations that are reviewed with each employee --

10 A. Yes.

11 Q. -- that's employed of the House of Raeford. I
12 will show you State's Exhibit 7 and 8, ask you to take a look
13 at these documents. Just take a moment to review them.

14 A. Okay.

15 Q. And starting at State's Exhibit number 7, is this
16 a form that's normally used in the ordinary course of
17 business at the House of Raeford to go over lead job duties
18 on the night shift?

19 A. Yes.

20 Q. And this is reviewed with each person that takes a
21 lead shift job?

22 A. That would be correct.

23 Q. And this is used -- in ordinary course of business
24 with all employees that take that position?

25 A. Yes.

1 Q. And with respect to number eight, is this a rules,
2 regulations and policy violation form for the House of
3 Raeford that's reviewed with every employee?

4 A. Every employee.

5 Q. Every employee?

6 A. That is correct.

7 Q. And do the -- are the employees required to sign
8 and date acknowledging that this form is reviewed with them?

9 A. Yes.

10 Q. And it has it in fact been signed and dated indeed
11 in State 7 and 8?

12 A. Yes.

13 Q. By Trevor Irvin?

14 A. Yes.

15 MS. PATTERSON: Your Honor, at this time we move
16 State's Exhibit 7 and 8 into evidence.

17 THE COURT: Any objection.

18 MR. MOBLEY: No objection.

19 THE COURT: It's admitted, (inaudible) 7 and 8.

20 (State's Exhibit 7 and 8 were admitted into evidence.)

21 BY MS. PATTERSON:

22 Q. Again, State's Exhibits number 7 and I'm going to
23 give you a copy because I know it's kind of hard to read.
24 Now as a -- the form that's reviewed with everyone who takes
25 the position as a lead, what are the ones that are actually

1 highlighted?

2 A. Well, I'm speculating a little bit because I think
3 the supervisor did that. He went over it with the employee
4 showing the ones that they felt were the most important that
5 he -- the employee do upfront and every day.

6 Q. And what is the first one that's highlighted?

7 A. That the leads will check all the GMPs or Good
8 Manufacturing Practices at start up, break and lunch.

9 Q. Okay. And what is the next one?

10 A. Held accountable for running their designated
11 area.

12 Q. And again, does spent -- although they're held
13 accountable for running their assigned area, are they tasked
14 with discipline any employees?

15 A. They are not.

16 Q. Okay. And what's the next one?

17 A. Control the volume level and any horseplay in the
18 area.

19 Q. And what is the next one?

20 A. Adhered to the 15 minute break and the 36 minute
21 lunch break.

22 Q. And what is the last one that's reviewed by the
23 manager with the employee?

24 A. Leads will act in a professional manner at all
25 times.

1 Q. And what date did Mr. Irvin sign and acknowledge
2 this form?

3 A. I think it's May 25, 2020.

4 Q. So it would've been in 2020. State's Exhibit
5 number 8. I think you said this is a form that all
6 employees, whether or not they're line leads or hourly
7 employees?

8 A. Right.

9 Q. This is something that's reviewed with them upon
10 their employment with the House of Raeford?

11 A. Yes.

12 Q. Okay. And it's 27 items on this document.

13 A. Correct.

14 Q. And can I bring your attention to number 21
15 specifically and could you read to the jury what that says?

16 A. Assaults on any employee such as threats, abusive
17 language, or physical violence at any time.

18 Q. So that is something that's highly --

19 MR. MOBLEY: Objection, Your Honor. It seems -- it
20 seems like the -- the prosecution's trying to make some issue
21 about the defendant's work conduct and work policies. I
22 mean, that's certainly not relevant and I think that's
23 certainly contravenes the purpose of rule 403 regarding
24 prejudice, Your Honor, whether he violated some work policy
25 at some point.

1 THE COURT: Let me hear from you Ms. Patterson.

2 MS. PATTERSON: Well, I could just make a general
3 comment about it being a violation.

4 MR. MOBLEY: And I think that will be the objection.
5 That's improper character evidence as well, Your Honor?

6 MS. PATTERSON: Well, this is a form that he's
7 acknowledged and signed. I mean, that's what it says.

8 MR. MOBLEY: And that's improper character evidence in
9 the manner they're trying to use it.

10 THE COURT: All right. Let me talk to the lawyers. In
11 this case, instead of approaching the bench and making or
12 letting the jury go back to the jury room. We're going to go
13 out into the hall so I can keep you all here. All right, Mr.
14 Mobley, due to our discussions, I'm going to allow it. Go
15 ahead Ms. Patterson.

16 MS. PATTERSON: Thank you, Your Honor.

17 BY MS. PATTERSON:

18 Q. And Mr. Rush, what does number 21 -- what rules
19 and regulations did number -- does number 21 state?

20 A. Assaults on any employee such as threats, abusive
21 language or physical violence at any time.

22 Q. And what about number 22?

23 A. Deliberately disobeying management instructions.

24 Q. And what about 25?

25 A. Conduct outside of work that is detrimental to the

1 employee or the company's public or employee relations.

2 Q. And lastly, 26?

3 A. Other misconduct. Not specifically stated, but
4 the nature of which, or violations or disregard of standards
5 of behavior which the company has the right to expect of its
6 employees.

7 Q. And again, was this acknowledged assigned by the
8 defendant Trevor Irvin?

9 A. It was.

10 Q. And what is the date on this form?

11 A. April the 27, 2020.

12 Q. And I just want to be clear that I understood on
13 the night of June 24th about the line breaking down earlier.
14 Again, do you -- you don't know specifically what time the
15 employees got on?

16 A. I don't know exactly, but I know it was before
17 eight o'clock, I think it was. This is an old man, trying to
18 remember two years, but probably 6:00, 6:30, somewhere in
19 that range.

20 MS. PATTERSON: Court's indulgence, Your Honor?

21 THE COURT: Take your time.

22 BY MS. PATTERSON:

23 Q. Who are the supervisors for the line leads?

24 A. Who are they?

25 Q. Yes.

1 A. By name?

2 Q. Or what -- what are their -- what's their title?

3 A. Well, their title is line supervisor.

4 Q. Line Supervisors. And every line lead has a line
5 supervisor?

6 A. Every employee has a line supervisor. But yes,
7 line leads also.

8 MS. PATTERSON: Line lead supervisor. Thank you Mr.
9 Rush. Please answer any questions the defense may have.

10 THE COURT: Mr. Mobley.

11 CROSS-EXAMINATION

12 BY MR. MOBLEY:

13 Q. Thank you. Good morning Mr. Rush.

14 A. Good morning.

15 Q. All right, a few questions for you, sir. Let's
16 see how well I use this fancy stuff they got. All right. I
17 am showing you State's Exhibit number 1, which appears to be
18 the aerial map overlay of the -- the plant and the Capital
19 Square parking center.

20 A. Correct.

21 Q. All right. And I don't have a fancy point or so
22 I'm going to use my -- my cheap pen here. And I'm going to
23 ask you in State's Exhibit number 6, there's a picture of
24 this fence; correct? With the sign on it?

25 A. Yes.

1 Q. All right. So I'm moving that picture. And where
2 on this overlay would that fence be? This FLOW Townhomes,
3 water and filtering plant, House of Raeford Capital Square.
4 Where would that fence we just --

5 A. That fence is going to be, I don't know, well
6 along the -- the front of the House of Raeford.

7 Q. Okay, so that fence would be along the front of
8 the House of Raeford?

9 A. Yes.

10 Q. Okay.

11 A. And the fence turns and goes between House of
12 Raeford and the water filtering plant.

13 Q. Okay. So this fence that has the sign that says
14 no conceivable weapons allowed, that's on the fence when you
15 are entering the plant?

16 A. Yes.

17 Q. Okay. That's not over here in the parking lot.

18 A. That's not in the parking.

19 Q. Okay. And in that same scope, you guys got a lot
20 of rules. I'm glad I don't work for you. Okay. One of your
21 -- one of your rules number 23, possession or storing weapons
22 on company property and it indicates there's an exception.
23 What's that exception?

24 A. Well, it says legally stored in compliance with
25 local and state laws.

1 Q. Okay. The local, not in the fenced area on the
2 plant?

3 A. Which leads to the plant.

4 Q. Yes, sir.

5 A. Right.

6 Q. Okay. Just making sure. I want to talk about
7 lead job duties because they got a lot of job duties. So as
8 I understand it, a -- a lead, a line lead is not a
9 supervisor.

10 A. Correct.

11 Q. Okay. But the line lead has a lot of
12 responsibilities pertaining to the line, correct?

13 A. That's correct.

14 Q. Okay. And when I say the line or when you say the
15 line, and just to be clear, if there's something I don't
16 understand, please feel free to correct me. Okay?

17 A. Okay.

18 Q. So when we say line, are there other employees on
19 that line?

20 A. Yes.

21 Q. Okay, about how many employees?

22 A. 14 or 15.

23 Q. Okay.

24 A. On each line.

25 Q. Okay. So a line lead, although a line lead is not

1 a, technically a supervisor and cannot discipline anyone, a
2 line lead has some responsibility regarding the conduct of
3 those 14 line individuals. Does that be correct?

4 A. Yeah, his responsibility would be if their conduct
5 is not appropriate to report it to the supervisor.

6 Q. Okay. Well there's some other things on here. It
7 says here that the leads, and that's the line lead, right?

8 A. Yes.

9 Q. I'm pointing to the first asterisk. I'm sorry,
10 that says the lead will be held accountable for running their
11 assigned area. Is that what that says?

12 A. Yes.

13 Q. Okay. How do -- how do they -- I'm sorry?

14 A. The second asterisk, right?

15 Q. I'm sorry, the second asterisk.

16 A. Yeah.

17 Q. So how -- how do they run their assigned area?
18 How are they responsible for that -- for 14 people?

19 A. If you go back up, they're going to have it ready
20 before start.

21 Q. Okay.

22 A. Okay. The area, which means the tools and
23 employees need or in place ready to go.

24 Q. Okay.

25 A. Replaced at break time or lunchtime or if an

1 employee drops their scissors or knife, you know, they need
2 to get it one form.

3 Q. Okay. Do they got that responsibility?

4 A. They have that responsibility.

5 Q. Okay.

6 A. Making sure their people in each position that's
7 needed.

8 Q. Okay. So what do they do --

9 A. Or filling in for them if they're not.

10 Q. Okay, so someone's not in a position, a line is
11 not in a position, what's the line leader supposed to do?

12 A. Get in -- get on the line so the line can continue
13 to --

14 Q. Okay.

15 A. -- operate.

16 Q. He can't try to ask to put someone else in the
17 position?

18 A. Immediately he's going to get on the line.

19 Q. Yes, sir.

20 A. And then there's actually the managers of the
21 area, or they're moving people around to first get
22 supervisors off the line and then to get to leave the line.

23 Q. Okay. And you also indicate on this third from
24 the bottom asterisk, the leads will control the volume level
25 and horseplay in work area and you'll be held accountable for

1 these actions. Is that what that says?

2 A. That's what it says.

3 Q. Okay. So let's talk about the first prong. The
4 lead will control the volume level. Now, when you said the
5 volume level, do you mean the equipment is equipment really
6 loud and they need to turn the volume down?

7 A. I -- I think this refer -- is referring to talking
8 or hollering.

9 Q. Okay. And again, so although they're not in a
10 supervisory position, technically they're not supervisors,
11 they are responsible for some of that conduct when it comes
12 to the volume and behavior of people on the -- on the line,
13 correct?

14 A. Yes. And, and some of this is directed at that
15 lead also.

16 Q. Correct. Okay. So --

17 A. So they don't lead in a bad way.

18 Q. Of course. I understand that. So again, they're
19 not supervisors and they cannot discipline, but they have 14
20 people on the line that they have -- that they are
21 accountable to some of their conduct?

22 A. Accountable to the supervisor that, you know, if
23 the conduct is not appropriate, they report it to that
24 supervisor.

25 Q. Okay. But what it states -- states is, the leads,

1 and I want to make sure I'm not misreading this. The leads
2 will be held accountable for running their assigned area. Is
3 that what it says?

4 A. That's what it says.

5 Q. And it also says the leads will -- will control
6 the volume level in the work area, correct?

7 A. Yes.

8 Q. And also it gives another responsibility. So
9 there are 14 people on this line. The leads not a
10 supervisor. They have --

11 A. There -- there is one other thing. Typically,
12 there is more than one lead per line.

13 Q. Okay. But they're all still responsible.

14 A. They are.

15 Q. Okay. All good. So?

16 A. But it may not be 14 people.

17 Q. Okay. As many as -- and I that's the number you
18 use. I don't know how many.

19 A. Well, that is per line, but there are, I mean, on
20 four or five lines, there's like 10 leads.

21 Q. Okay.

22 A. Half of the people.

23 Q. Okay.

24 A. Per line basically.

25 Q. Okay. But the -- but the lead, all the leads are

1 responsible?

2 A. Yes.

3 Q. Okay. So these leads, again, they're not
4 technically supervisors?

5 A. Right.

6 Q. They can't discipline this as many as 14 people.

7 A. Right.

8 Q. But they still have -- are held accountable to
9 some of their conduct and also horseplay.

10 A. Accountable to help the supervisor keep it under
11 control.

12 Q. Okay. Correct. And one of those things to help
13 control the horseplay in the work area?

14 A. Yes.

15 Q. Correct?

16 A. Or participate in it.

17 Q. Well the -- it says control. I'm -- I'm just
18 trying to make sure I stick with the rule.

19 A. Well, if you're participating it, you certainly
20 can't control it.

21 Q. That's right. So part of the job is to control
22 the horseplay.

23 A. Correct.

24 Q. And it states very clearly you will be held
25 accountable for these actions.

1 A. Yes.

2 Q. If the volume level's not appropriate, if there's
3 horseplay in your work area, if you're a line lead, although
4 you have no, you're not a supervisor, although you cannot
5 discipline the employees, you are held accountable for their
6 actions. That be correct?

7 A. That is true.

8 Q. All right. Also, this is a -- a very, I'm looking
9 at these documents. One was signed in April, is that
10 correct? That appear to be April?

11 A. Yes.

12 Q. All right, a second was signed in May, would that
13 be correct?

14 A. Yes.

15 Q. Okay. And --

16 A. I -- I think just for clarification on that, the
17 first one was signed at orientation when every employee is
18 hired.

19 Q. Got you.

20 A. Not every employee or no employee is really hired
21 as a lead. So it would be some period of time from start
22 date until you become a lead.

23 Q. Okay. And there are about 27 regulations for the
24 employee to sign on this list, right?

25 A. Yes.

1 Q. And thereabout, I don't know, it looks like
2 another 20 -- 25 on the -- on the duties list, right?

3 A. Correct.

4 Q. You have them sign, so you got about 50 different
5 for the guy at the chicken plant. He got like, these two
6 documents contain about 50 different sets of rules and
7 regulations, particularly if you're going to be a lead,
8 right?

9 A. Yes.

10 Q. All right. So you have a person sign these --
11 these 50 different regulations and rules, which based on what
12 you're saying are, it seems like the subject to
13 interpretation a lot of times. And they sign these documents
14 and do they -- you go over these every shift with the person?

15 A. Do we go over them every shift?

16 Q. Yeah.

17 A. No.

18 Q. How often?

19 A. Well I know it's done at orientation. Other than
20 that, typically they have safety meetings or address
21 individual issues.

22 Q. Okay. So my point is there is no for an employee
23 that works at House of Raeford, do you prefer Columbia Farms
24 or House of Raeford? What do you prefer?

25 A. House of Raeford.

1 Q. All right. House of Raeford. It is.

2 A. That's a name on my paycheck.

3 Q. Yes, sir. So at the House of Raeford, if an
4 employee works there, starts work goes through orientation,
5 get the list of these 27 rules, regulations, and policy
6 violations, and then at some point gets, would it -- would it
7 be fair to say lead is a promotion?

8 A. Yeah.

9 Q. Okay.

10 A. That's fair.

11 Q. Okay. And then get the promotion, then they get
12 advised of another 25 or so duties and responsibilities,
13 right?

14 A. Yes.

15 Q. But that employee, they don't -- they don't have
16 regular meetings where you sit down and say, okay, let's kind
17 of go over all the rules again. Let's -- let's go over
18 number 25, let's go over number 27. You don't do that on a
19 regular basis of employees, correct?

20 A. Well, the leads have regular meetings. But to go
21 over each individual rule? No, sir.

22 Q. All right.

23 A. And -- and you know, a lot of these rules, if you
24 look in depth, I mean really we shouldn't even have to, it
25 should be a personal habit, not something a company should be

1 enforcing on their employees.

2 Q. I agree 100 percent.

3 A. But we are federally regulated, so if it's not in
4 writing, even though it doesn't exist, so.

5 Q. And -- and what position are you in? What's your
6 position?

7 A. The Assistant Complex Manager.

8 Q. Can you independently recall all these rules
9 without looking at the list?

10 A. I -- I think I do.

11 Q. Oh, really?

12 A. Uh-huh.

13 Q. You can list them all?

14 A. Well, I -- I you didn't ask me if I could name
15 them. You asked me if I could follow them.

16 Q. Okay. No, not follow. I said could -- could you
17 -- could you name them?

18 A. No, I couldn't name them all.

19 Q. And how long have you --

20 A. But if I saw someone violating them, I would
21 recall that.

22 Q. Okay. But you cannot name. And how long you been
23 working the House of Raeford sir?

24 A. '84. Since 1984.

25 Q. And you've been there for? How long is that?

1 A. 38, 39 years.

2 Q. Yes. And you can't recall all of these rules
3 independently?

4 A. Off the top of my mind?

5 Q. Yes, sir.

6 A. I had no.

7 Q. Okay. And what about the lead duties? Can you
8 recall all those independently?

9 A. No.

10 Q. Okay. Now --

11 A. But if I say it violated, if kicks in.

12 Q. Yes, sir. And I -- I'm not questioning that,
13 that's all. Just we're clear. All right. Now you also
14 indicated there all these different cutting areas. And then
15 I want to be -- be clear, I'm not up on my chicken
16 processing, so bear with me. You mentioned a shoulder
17 cutting area, that correct?

18 A. Correct.

19 Q. A wing cutting area. Is that correct?

20 A. Yes.

21 Q. A deboning area?

22 A. Well, it -- it's all de boning.

23 Q. Okay.

24 A. Shoulder cutting is part of it.

25 Q. Yes, sir.

1 A. Wing removal, wing cutting is part of it. Breast
2 removal is part of it. And tender removal is part of the
3 other.

4 Q. Okay. Are those all separate areas?

5 A. No, they were all on those lines we looked at.

6 Q. Okay. And this process by deboning, what
7 instruments are used to do that?

8 A. Knives.

9 Q. Okay.

10 A. Scissors.

11 Q. How about the wing cutting?

12 A. Knife.

13 Q. Shoulder cutting?

14 A. Different knife, but a knife.

15 Q. Okay. And you mentioned another section I think
16 that did do with --

17 A. Tender scoring?

18 Q. Yeah. Is there a -- a cutting instrument in that?

19 A. Yes.

20 Q. Okay. So on any given -- so how many different
21 cutting instruments are on the floor typically? How many
22 different -- how many different types?

23 A. Shoulder cutting knife, wing rounding knife,
24 tender scoring knife, scissors.

25 Q. Okay, so four cutting instrument, three different

1 types of knives?

2 A. Yes.

3 Q. Now any given shift, and just so be clear, House
4 of Raeford provides those cutting tools, correct?

5 A. Correct.

6 Q. They're -- are they just on the tables or where
7 are they?

8 A. Well, they're -- they're stored in boxes. We
9 actually have a contractor that cleans and sharpens them
10 every shift.

11 Q. Okay.

12 A. And they're in knife storage boxes and we take
13 them out or the leads take them out and put them on the line.

14 Q. Okay.

15 A. For the employee.

16 Q. And can people --

17 A. We have little knife holders on all those lines
18 that you saw a picture of.

19 Q. Okay. And the people in the line, they just --
20 they just take a knife when they need one?

21 A. Well, they pick one up and they use it.

22 Q. Okay. And when someone takes a knife, is there a
23 process where the employee signs a knife out and -- and then
24 when, then the shift they sign the knife back in? So you --
25 and you keep track of how many knives are used every day and

1 -- and signed in and signed out. Do you keep track of that?

2 A. To some degree.

3 Q. Okay. To what degree?

4 A. Sometimes if you drop one on the floor, it kind
5 of, you know, you lose track of it temporarily.

6 Q. Okay.

7 A. But if -- if they drop it, then boy drops it, they
8 do fill the lead guy. You know.

9 Q. But when you say, just so we're clear, does House
10 of Raeford keep track of that? So on any given day, can
11 House of Raeford say --

12 A. We know how many knives are in use and how many
13 are returned. Yes.

14 Q. At the end of the day, does someone do count?

15 A. Yes.

16 Q. Okay. And on any given shift, when you consider
17 the three different knives and the scissors, the -- the, so
18 there are four different cutting instruments, correct?

19 A. Correct.

20 Q. And any given shift about how many are actively in
21 use on the floor, but the line people roughly. I know it's
22 going to vary depending on how many people are working, but
23 roughly on any given shift, how many different cutting
24 instruments knives are going to be in use on the floor?

25 A. In the de-bone area?

1 Q. Yeah. Or in any area. I don't know how the -- I
2 don't know if the other areas they might be used.

3 A. Well, let's just do some quick math. So there's
4 four core lines.

5 Q. Uh-huh.

6 A. With -- and let's round it to 15. That makes the
7 math real easy.

8 Q. Okay.

9 A. That's 60 people.

10 Q. Okay.

11 A. Everyone except the tender puller is going to have
12 some type cutting. The tender puller in the loader would not
13 have cutting instruments, so.

14 Q. Okay.

15 A. 50 to 55 people would've cutting instruments on
16 the core lines at every -- every minute that's operated.

17 Q. Okay. So generally at least about 50 different
18 knives or cutting instruments on the floor and on every
19 shift.

20 A. Yes.

21 Q. All right.

22 A. That's in use.

23 Q. Yes.

24 A. They could have some extras in places.

25 Q. Okay. Why have extras?

1 A. Why?

2 Q. Yeah.

3 A. In case somebody drops one in case one breaks.

4 Q. Okay.

5 A. In case one gets done.

6 Q. And they're like in a box you said?

7 A. Yes.

8 Q. Okay. And does the employee go get the knife
9 himself or does the -- the lead get the knife?

10 A. The lead.

11 Q. Supervisor?

12 A. Lead or supervisor.

13 MR. MOBLEY: May I beg for court's indulgence, Your
14 Honor.

15 THE COURT: Take your time.

16 MR. MOBLEY: Thank you Mr. Rush. I don't have any
17 further questions.

18 THE COURT: Any redirect?

19 MS. PATTERSON: No, ma'am.

20 THE COURT: May I excuse Mr. Rush from the trial of
21 this case?

22 MS. PATTERSON: The state has no objection.

23 MR. MOBLEY: No objection by Mr. Irving, Your Honor.

24 THE COURT: Mr. Rush, Thank you.

25 THE WITNESS: Thank you.

1 THE COURT: I'm going to tell the Jury, we're going to
2 try to go to one o'clock and then break for lunch.

3 MS. PATTERSON: The state could call Stacy Jamison.

4 THE CLERK: Please raise your right hand and place your
5 left on the Bible.

6 STACY JAMISON,
7 being first duly sworn, testifies as follows:

8 THE CLERK: Thank you. Would you please have a seat in
9 the witness box. State your full name and spell your last
10 for the record.

11 THE WITNESS: Stacy Ricardo Jamison, J-A-M-I-S-O-N.

12 DIRECT EXAMINATION

13 BY MS. PATTERSON:

14 Q. Good afternoon, Mr. Jamison.

15 A. Good afternoon.

16 Q. Thank you for being here this afternoon. Can you
17 tell the jury where you -- where are you currently employed?

18 A. The house of Raeford.

19 Q. And how long have you been employed at the House
20 of Raeford?

21 A. Fourteen years.

22 Q. And what is your current position at the House of
23 Raeford?

24 A. Supervisor.

25 Q. And how long have you been a supervisor?

1 A. Nine months.

2 Q. And what was your position there prior to becoming
3 a supervisor?

4 A. I was a lead man.

5 Q. And is that also known as a blue hat?

6 A. A blue hat.

7 Q. And did you work a particular line at the House of
8 Rayford when you were a blue hat back in June of 2021?

9 A. Yes, ma'am. Line three.

10 Q. And what shift did you work?

11 A. Night shift.

12 Q. And do you know back in June of 2021, did you know
13 an employee named Daniel Jones?

14 A. Yes, ma'am.

15 Q. And did you also know the defendant Trevor Irvin?

16 A. Yes, ma'am.

17 Q. And how did you know Mr. Jones?

18 A. Mr. Jones, he was a -- an employee of mine.

19 Q. But he worked on line three?

20 A. Yes, ma'am.

21 Q. And what about Trevor Irvin?

22 A. Trevor Irvin was a -- was a lead person as well on
23 lines four, five.

24 Q. And Trevor worked on line four and five?

25 A. Yes, ma'am.

1 Q. Now were you aware of any issues between Daniel
2 Jones and Trevor Irvin?

3 A. They was beefing. I mean they had -- they were
4 squabbling at each other, nothing like, no going back and
5 forth at each other and stuff. But other than like -- like
6 following problems, they -- they really didn't have that many
7 problems.

8 Q. So specifically what did you see going on between
9 the two?

10 A. The day of the incident?

11 Q. Well let me ask you this. Did you see or did you
12 know of any issues going on between the two prior to the day
13 of the incident?

14 A. They were just like, just beef play with one
15 another and stuff like that. Like day -- I mean, it might be
16 days that they don't say anything, but on certain days they
17 might have issues with each other.

18 Q. And about how long had that been going on prior to
19 the incident date?

20 A. A couple of months maybe.

21 Q. And let's go back to the incident date, which was
22 June 24th of 2021. Again, which line was Daniel Jones
23 working?

24 A. Line three.

25 Q. And you said Trevor was on line four?

1 A. Yes, ma'am.

2 Q. Now do you remember what time you all got back?
3 You all usually have breaks within the shift?

4 A. Yes, ma'am.

5 Q. And do you remember on this particular day what
6 time you got back on break?

7 A. 5:10 -- 5:15.

8 Q. And let me show you what's been already entered as
9 evidence and maybe this will help. Did this picture show
10 line three the line that you testified that you were working?

11 A. Yes, ma'am.

12 Q. And can you point that out using the pointer. And
13 does this picture shows line four and five that you say
14 Trevor was working?

15 A. Yes, ma'am.

16 Q. And where is that?

17 A. That's four. This is five.

18 Q. And does those pictures show those same lines
19 first line three and line four and five, which Trevor was
20 working?

21 A. Lines four. Line five.

22 Q. And let's just use this picture. So when you guys
23 got back from break, do you recall again, what time did you
24 get back from break?

25 A. Between 5:10 and 5:15. Because we knew what was

1 going on early.

2 Q. And do you remember why you were going home early?

3 A. They had a breakdown earlier during the day shift
4 that it didn't, couldn't get fixed, something about a
5 gearbox. So they didn't -- couldn't process the -- the
6 amount of chicken. So that's why we got off early.

7 Q. And once you got back on break, do you remember
8 anything happening between Daniel and Trevor?

9 A. Not prior to getting off break.

10 Q. But what about when you got back on break?

11 A. They -- once we got back on break and we started
12 working and stuff like that, they was just jawing at each
13 other. I don't know about what, but like I say Daniel would
14 be right here and Trevor would be like him down this catwalk
15 right here.

16 Q. Were they facing each other going back and forth?

17 A. Yes, ma'am.

18 Q. Okay. And could you hear what either of them was
19 saying?

20 A. Yes, ma'am. Daniel was saying something about he
21 don't fuck with faggots and stuff like that, so. And -- and
22 Mr. Irvin's said like, you know, whatever you let a bitch run
23 your life, yada, yada, yada. Then they just kept going back
24 and forth for maybe five, six minutes maybe.

25 Q. Okay. And during this time when these words --

1 words changed and they were drawn back and forth, which was
2 each of -- did each of them remain on their lines?

3 A. Yes, ma'am.

4 Q. And at any point did either one of them leave
5 their lines?

6 A. Yes, ma'am.

7 Q. And who did you see leave their line?

8 A. Mr. Irvin.

9 Q. And where did he go?

10 A. He walked down this catwalk here, goes down to the
11 end of the catwalk. It's about three or four steps, then he
12 comes back up another step of steps and comes back this way.

13 Q. And does he go on line three? Is that what you're
14 pointing out?

15 A. Yes, ma'am. He --

16 Q. Again, and that's Mr. Jones' line, right?

17 A. Yes, ma'am.

18 Q. And what, if anything, does he -- first of all,
19 can you tell us approximately, I know it's hard to tell in
20 these pictures, but approximately what's the length of each
21 line?

22 A. 47 feet.

23 Q. And how did you know that specifically?

24 A. I talked to a maintenance guy. They -- they
25 installed the -- the catwalks and stuff like that. They

1 maintained all the machinery.

2 Q. So it took some time for Mr. Irvin to go down his
3 line and go back up Mr. Jones?

4 A. Yes, ma'am.

5 Q. And what, if anything did you do when you saw the
6 defendant Trevor Irvin, approaching Mr. Jones on his line?

7 A. He was coming up the catwalk, so I still -- I
8 stood between the two of them and stuff like that. They were
9 still jaw jacking, so I was pushing Mr. Irvin back up lines
10 three right here where the pointer is. So we got like, say
11 you can't see it from this picture, but from -- that's a
12 platform right there. So it'll be another platform right
13 here between these two machines right here, one and two,
14 these two machines right together. This a -- a stairs right
15 there. You can see it on four and five though.

16 Q. Okay. And so you actually laid hands on Mr. Irvin
17 and pushed him back up the line?

18 A. Yes, ma'am. Put my hands like up under his upper
19 torso on him, help him up with, try to help him up the line
20 and stuff.

21 Q. And why did you do this?

22 A. Trying to deescalate the situation.

23 Q. And was he saying anything as you were pushing him
24 back up the line?

25 A. He -- he was saying I'll fuck you up in the

1 parking lot, yada yada. I'll kill you.

2 Q. And who was he making those comments to?

3 A. Daniel Jones.

4 Q. And during the time when he was making these
5 comments to Mr. Jones, did Mr. Jones remain on his line?

6 A. He stood where he was.

7 Q. And did he move from that position?

8 A. No, ma'am.

9 Q. At any time did you see Mr. Jones threaten Trevor
10 Irvin with the -- a knife or cutter or whatever he may be?

11 A. No, ma'am. Because my back was turned to Mr.
12 Jones. My -- I was facing Mr. Irvin pushing him up to mine.

13 Q. Okay. But you didn't see this?

14 A. No, ma'am. My back was turned to Mr. Jones.

15 Q. Okay. So you were facing?

16 A. Mr. Irvin.

17 Q. Mr. Irvin. So you clearly heard the statements
18 that you indicated Mr. Irvin was saying to Mr. Jones?

19 A. Yes, ma'am.

20 Q. And as you're pushing Mr. Irvin back up the line,
21 is he still upset?

22 A. Yes, ma'am.

23 Q. Is he still yelling at Mr. Jones?

24 A. Yes.

25 Q. Is he still making these threats to Mr. Jones?

1 A. Yes, ma'am.

2 Q. And what did you do once you were able to remove
3 Mr. Irvin from Mr. Jones' line?

4 A. I walked back down three four, we, you know, get
5 -- get the lines started back up before we can get off.

6 Q. Okay. And did Mr. Jones remain there and
7 continued his job?

8 A. Yes, ma'am.

9 Q. Okay. Was he let go that night, Mr. Jones?

10 A. No, he wasn't let go.

11 Q. And do you remember about what time did you all
12 got off?

13 A. When the employees got off? About 6:00 -- 6:26 --
14 25.

15 Q. And do the leads get off when the regular hourly
16 employees get off?

17 A. No, ma'am. We have to stay back to clean -- help
18 clean up the plant because it was getting off (inaudible).

19 Q. And so, do you know about how much longer you guys
20 stayed behind after the other employees left?

21 A. 15, 20 minutes. It is normally like about 15, 20
22 minutes because we have to remove all trash and all product
23 off the floor goes back into the -- the cooling and stuff
24 like that. So, but it was probably right about anywhere from
25 six to 10 of us. So -- so that way we can get done climbing

1 quick because it was on a Saturday morning.

2 Q. So do -- how did -- when you left out of the
3 plant, did you leave out by yourself or did you walk out with
4 someone?

5 A. I probably walked out with a couple of them.

6 Q. Okay. Do you remember if you walked out with Mr.
7 Irvin or not?

8 A. No, ma'am. Mr. Irvin had left before we did.

9 Q. So Mr. Irvin left before you did?

10 A. Yes, ma'am.

11 Q. Okay. And where had you parked? Do you remember
12 where you parked?

13 A. Facing the plant? I mean, it's 3:21, then it's --
14 we -- we in the shopping center.

15 Q. Okay. So you park over in that shopping center as
16 well?

17 A. Yes, ma'am.

18 Q. And so do a lot of the employees hang out at that
19 shopping center after work?

20 A. Yes, ma'am.

21 Q. Do you hang out at the parking lot?

22 A. No, ma'am.

23 Q. Okay, so it's a lead you go home?

24 A. Yes, ma'am. I got grandkids I need to attend to.

25 Q. Okay. And so when you got off on June 24th of

1 2021, can you point out to the jury approximately where your
2 car would've been parked?

3 A. That's a bad picture, but it would've probably
4 been about, around, about right here. Right in this front
5 row right here.

6 Q. And what, if anything, did you see -- did anything
7 grab your attention when you got out to the parking lot?

8 A. Just the norm. Everybody's hanging out in the
9 parking lot like in this area here where this -- this cluster
10 of cars at right here. They just -- just pop their trunks in
11 train, do whatever -- whatever they want to do.

12 Q. And so when you got to your car, did you leave?

13 A. Yes, ma'am.

14 Q. And so when did you find out about the shooting?

15 A. About 7:00, about a little bit after 7:00, when I
16 got home. Facebook Live was blowing up. I think I'm
17 Facebook friends with a guy named Harry, but I -- I think I
18 seen it on his page.

19 Q. So you went home, you wasn't there?

20 A. No, ma'am.

21 Q. And again, for the jury, what, if anything, did
22 you hear the defendant Trevor Irvin tell Daniel Jones he
23 would do to him?

24 A. When I was pushing him back up the line?

25 Q. Yes, sir.

1 A. I'll fuck you up in the parking lot. I'm -- I'm
2 going to fuck you up in the parking lot. I'll kill you man
3 -- I'll kill you man.

4 MS. PATTERSON: Thank you, Mr. Jamison, please ask any
5 questions to defense have.

6 THE COURT: Mr. Mobley.

7 CROSS-EXAMINATION

8 BY MR. MOBLEY:

9 Q. Good morning, Mr. Jamison, sir.

10 A. Good morning, sir.

11 Q. Just want to ask you a few questions, okay?

12 A. Yes, sir.

13 Q. And you talked about the parking lot area where
14 people kind of congregate after work.

15 A. Yes, sir.

16 Q. And I think you said they hang out, they drink in
17 the parking lot, things like that?

18 A. Yes, sir.

19 Q. Okay. That's fairly common for when people get
20 off work to go off steam, have a drink?

21 A. Most of them.

22 Q. Okay. And Daniel Jones, were you aware that he --
23 he -- of a nickname he had at work?

24 A. Yes, sir.

25 Q. What was it?

1 A. Fresh.

2 Q. Okay. And in one of the altercations, one of the
3 arguments that Trevor had with Fresh, you mentioned he said
4 something to Fresh about letting that bitch run your life.

5 A. Yes, sir.

6 Q. And who was he talking about?

7 A. Dan's girlfriend.

8 Q. What's her name?

9 A. Mary Geiger.

10 Q. Okay. And when Trevor and Fresh had issues or
11 conflicts, was ever a person that was often a somehow
12 involved in that conflict or instigating that conflict?

13 A. Not that I'm -- I know about.

14 Q. Okay. On the day this happened, I mean, are you
15 familiar of or at any time are you familiar with Mary Geiger
16 being involved in some of their conflicts?

17 A. Yes, sir.

18 Q. Okay, tell us about that.

19 A. She was on line too, so they would never be far, I
20 mean, be away from each other that far. So, you know,
21 because they kind of work together sometimes because they
22 kind of like, you know, Daniel was on like a, what they call
23 the score style or the first cut. Then Mary be like on the
24 second -- on the second cut, but we'll try to like separate
25 each other. Separate them because they always had beef.

1 Q. They who?

2 A. Mary and Fresh because they would have little
3 squabbles and stuff like that.

4 Q. Mary and Fresh?

5 A. Yes.

6 Q. Okay. Mary and Fresh had squabbles?

7 A. Yes. Because they was -- they was together.

8 Q. Okay. And did Mary have issues with Trevor?

9 MS. PATTERSON: Objection, speculation.

10 MR. MOBLEY: He got -- he can -- he's worked there. He
11 knows. I mean, if he doesn't know, he doesn't know.

12 THE WITNESS: Not really. Because --

13 THE COURT: Right now I got an objection.

14 THE WITNESS: Oh, I'm sorry.

15 THE COURT: What was the question that you asked?

16 MR. MOBLEY: If -- if Mary had issues with Trevor?

17 THE COURT: I'm going to let him answer. Go ahead.

18 MR. MOBLEY: If he knows.

19 THE WITNESS: I don't know. Because I stay with --
20 it's like, say right here there's a fence that surrounds the
21 -- the plant right here. So I would never leave out there.
22 So whatever they went on in the -- had gone on that parking
23 lot, I would know nothing about it.

24 BY MR. MOBLEY:

25 Q. Okay. Do you recall speaking with an individual

1 by the name of Ted Kennedy about this case? An investigator?

2 A. West Columbia?

3 Q. Not a law enforcement investigator, a private
4 investigator?

5 A. No, sir.

6 Q. You don't recall speaking to him?

7 A. No, sir. I -- I never spoke with anybody from a
8 private investigator. I spoke with an investigator from West
9 Columbia Police Department and that was it.

10 Q. Okay. And when did you do that?

11 A. It was the day of -- it was like later on they
12 tried to make contact with me, but I went there Monday.
13 Yeah. After work.

14 Q. Yes, sir. So, do you recall ever indicating to
15 any investigator that Mary was instigating or pushing up
16 conflict between Fresh and Trevor?

17 A. No, sir.

18 MR. MOBLEY: Okay. May I request court's indulgence,
19 Your Honor?

20 THE COURT: Take your time.

21 BY MR. MOBLEY:

22 Q. Regarding the conflict that you were involved in
23 between -- the physical conflict altercation that was about
24 to get physical was pretty heated between Trevor and Fresh,
25 the one you talked about. Okay. I think you indicated that

1 you were removing Trevor escorting him away from the
2 situation, correct?

3 A. Yes, sir.

4 Q. And during that time you had your -- your back to
5 Daniel?

6 A. Yes, sir.

7 Q. Okay. So if Daniel was brandishing a knife or --
8 or holding something like that, you would not --

9 A. I wouldn't seen it.

10 MR. MOBLEY: Okay. Thank you, sir.

11 THE COURT: Ms. Patterson, any redirect? Hello?
12 Anything?

13 MS. PATTERSON: No further questions, Your Honor. I
14 apologize.

15 THE COURT: That's okay. Can I excuse Mr. Jamison?

16 MS. PATTERSON: Yes, ma'am.

17 THE COURT: Ms. Mobley?

18 MR. MOBLEY: Oh, no further questions, Your Honor.
19 Thank you.

20 THE COURT: Can I excuse him?

21 MR. MOBLEY: Yes -- yes.

22 THE COURT: Mr. Jamison, thank you for coming. You are
23 excused.

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: Let me ask the jury, you need a break?

1 Anybody need a break?

2 MS. PATTERSON: Your Honor --

3 THE COURT: Next witness.

4 MS. PATTERSON: -- can I approach?

5 THE COURT: Yes. Did you all need a break?

6 MULTIPLE SPEAKERS: Yes -- yes.

7 THE COURT: All right, I'm going to let you all go to
8 your jury. Let's take like a 10, 15-minute break. We'll
9 come back. I'm going to let you all know I'm planning on
10 going to about one o'clock. Is that going to --

11 MS. PATTERSON: Yes, ma'am. We're still on track.

12 THE COURT: We're still on track. And then I'm going
13 to let you all go to lunch. We'll come back at probably
14 about 2:15, 2:30 and start again. Okay? It's going to give
15 you an idea. Remember no talking about this case just yet.

16 (Jury exiting courtroom.)

17 THE BAILIFF: Stay seated. Court's back in session.

18 THE COURT: All right, can I bring the jury in?

19 MS. PATTERSON: Yes, ma'am.

20 MR. MOBLEY: Yes, Your Honor.

21 THE COURT: All right. Do you want to bring the jury
22 in?

23 (Jury entering courtroom.)

24 THE COURT: Mr. Foreman the jury ready?

25 MR. FOREMAN: Yes, ma'am.

1 THE COURT: Please be seated. Ms. Patterson, call the
2 next witness.

3 MS. PATTERSON: The state calls Mary Geiger.

4 THE CLERK: Can you raise your right hand and place
5 your left on the Bible?

6 MARY GEIGER,
7 being first duly sworn, testifies as follows:

8 THE CLERK: Thank you. Would you please have a seat in
9 the witness box. State your full name and spell your last
10 for the record.

11 THE WITNESS: My name is Mary Geiger, G-E-I-G-E-R.

12 DIRECT EXAMINATION

13 BY MS. PATTERSON:

14 Q. Good afternoon Ms. -- good afternoon Mary. Can I
15 call you Mary?

16 A. Yes.

17 Q. Mary, can you tell the jury where -- where do you
18 live?

19 A. I stay in Columbia.

20 Q. Columbia. And how old are you, Mary?

21 A. 24.

22 Q. And Mary, did you know David Jones?

23 A. Yes.

24 Q. And how did you know David Jones?

25 A. We dated for about a year.

1 Q. And did you live together?

2 A. Yes.

3 Q. Did you work together?

4 A. Yes.

5 Q. And where did you guys work?

6 A. At Columbia Farm, the House of Raeford.

7 Q. And how long had you known Daniel even before you
8 all started dating?

9 A. About a couple of months. I just met him at that
10 job.

11 Q. So you met him at the job. And did you guys work
12 the same shift?

13 A. Yes.

14 Q. Did you often ride to work together?

15 A. Yes.

16 Q. And we've already learned from other witnesses
17 what type of work is done at the House of Raeford. But can
18 you tell us what division or what section of the House of
19 Raeford did you and Daniel work?

20 A. We worked in deboning.

21 Q. The deboning section?

22 A. Uh-huh.

23 Q. And what line did you and Daniel work?

24 A. We originally worked on four, but we were moved
25 the two due to me asking to be moved.

1 Q. And why did you ask to be moved?

2 A. I felt like Daniel was being harassed by Island
3 boy.

4 Q. And is Island boy, do you know him? Is his name
5 Trevor Jones? Are they Trevor Irvin?

6 A. Yes.

7 Q. But you call him Island boy.

8 A. Well that's what the people at the job call him.

9 Q. And how did you feel that Daniel was being
10 harassed by Island boy?

11 A. Well when we needed to go to the bathroom, you
12 know, he was our line lead. So when we like called for
13 bathroom, it was hard getting off the line, going to the
14 bathroom, which cost him like abandoned his spot. And that
15 caused the commotion on the -- on the deboning line. So if
16 one person's not doing their job, then the next person can't
17 do their job.

18 Q. And did you personally have any problems with
19 Island boy or Trevor Irvin?

20 A. No.

21 Q. So let's go back to the incident date. Do you
22 remember June 24, 2024?

23 A. Yes.

24 Q. Well before then, let's go back. You said you
25 asked for you all to be moved. Who did you make this request

1 to?

2 A. From Jarrell Johnson. He was our supervisor at
3 the time.

4 Q. So Jarrell Johnson were your -- was your
5 supervisor?

6 A. Uh-huh.

7 Q. And he moved you and Daniel?

8 A. Uh-huh.

9 Q. Now going back to the job, was Trevor Irvin your
10 line lead?

11 A. I mean, yes. Because we were on line four.

12 Q. Okay. And when you removed, was he your line lead
13 at that point?

14 A. No.

15 Q. And what was your idea of what a line lead was
16 supposed to do for the other hourly workers?

17 A. Like training, if we wanted to learn another spot
18 or if we wanted to be relieved, go to the bathroom if we hurt
19 our self, it was just like a standing for someone working on
20 the line who was in a permanent spot.

21 Q. And if you had an issue with anybody else or your
22 job, did you go to a line lead, a supervisor or someone else?

23 A. Supervisor.

24 Q. Now, before June 24th you said you felt like --
25 were there any -- any other issues between Daniel Jones and

1 Trevor Irving besides the bathroom issue?

2 A. Not that I know of.

3 Q. And on this date did you and Daniel go to work
4 that day?

5 A. Yes.

6 Q. Did you all -- were you all late?

7 A. Yes we were.

8 Q. And so when you got there, did anyone address you
9 guys being late or anything?

10 A. No, ma'am.

11 Q. And so were you able just to go on your line and
12 perform your job?

13 A. Yes, ma'am.

14 Q. And at some point you took a break and do you
15 remember what time you got back from break or approximately
16 what time you got back from break?

17 A. Like 4:30, 4:35. We go on break at 4:00. So it's
18 only 30 minutes.

19 Q. And after break, what, if anything do you remember
20 going on between Trevor Irvin and Daniel Jones?

21 A. There wasn't really nothing. We had a pretty good
22 break and we don't hang with each other so we're not friends.
23 But after we came from break, instead of him returning to his
24 line, he returned to the line where we were, which was two at
25 the time.

1 Q. And when he came to your line, what, if anything
2 did he do or say?

3 A. He came to the line and he was talking and
4 laughing and with his friends and like more so of like
5 looking at Fresh direction. So I -- I don't think Fresh
6 thought that Irvin was coming over to -- well I know that
7 Fresh thought that Irvin was coming to the line to like, you
8 know, argue with him or taunt him because we asked to get
9 move off your line but now you are on our line. So it was a
10 problem. So I guess they started arguing and when they
11 started arguing it caused commotion between everybody on the
12 line. Everybody started to watch. I reported him to
13 harassing us to KJ who was like on that line and he removed
14 him from the line with the help of Stacy and Fresh continued
15 to stay on the line until the end of the work day and he --
16 we got off of work early.

17 Q. Okay. Well let me stop you and slow you down
18 because you just gave us a lot of information so I'm going to
19 try to break it up. So after work, you all go on your line
20 Now are you and Daniel on the same line? Are you back to
21 back, face to face? Can you kind of explain to the jury.

22 A. Like back to back. Two and three is like if
23 you're very close to each other. So it's like if you are on
24 two, we facing this way and if you are on three face in this
25 way.

1 Q. So you're on line two and Daniel's on line three.

2 A. Uh-huh.

3 Q. Let me see if I have a picture. And this is
4 already evidence and I think it's a corner up there. Let me
5 see corner.

6 A. This will be like two and this will be like three.
7 I'm not sure which lines are these.

8 Q. Okay. You're not sure which lines they're?

9 A. I'm pretty sure this is two and this is three
10 because that's four and five.

11 Q. Let me just show you another picture. Is that a
12 better picture for you or did I make it worse?

13 A. Yeah, that's worse.

14 Q. That's worse. Okay.

15 A. I can't tell which line it is, but the -- the one
16 you had first, that's a -- that's a good picture. This is
17 two and this is three.

18 Q. Okay, so your memory is this is two?

19 A. Yes.

20 Q. Okay. Now how are the lines lined up? Are they
21 one, two, three and four?

22 A. And five.

23 Q. And five. So are the lines going -- so do the
24 lines go this way or this way?

25 A. They go long ways. I'm not understanding what

1 you're saying.

2 Q. Okay. I don't want to confuse you. So you were
3 on line two?

4 A. Right.

5 Q. Daniel was on line three?

6 A. Right.

7 Q. And you all were back to back.

8 A. Right.

9 Q. And Trevor was on what line?

10 A. He came to two where most of his friends were.

11 Q. Okay. And could you hear what they actually was
12 saying? You said they both were saying things to each other?

13 A. Yes, ma'am. They were arguing.

14 Q. They were arguing. And could you hear what Island
15 boy was saying to Daniel?

16 A. Yes, I remember the last one. He was getting
17 escorted off the line. I remember the last thing he said.

18 Q. Well what were some of the things you heard him
19 say prior to the last thing you heard him say?

20 A. They were arguing about or calling each other out.
21 Their names, the P word and -- and the B word and everybody's
22 gay or stuff like that. But I remember him telling Fresh
23 that if you do anything or you try anything, then I want to
24 catch a free body.

25 Q. You heard Island boy tell Daniel he would catch a

1 free body?

2 A. Yes.

3 Q. And what did you take that to mean?

4 A. I mean, I'm going to, you know, kill you or -- or
5 gunplay and something like that. That's what I took that as.

6 Q. And had you heard Trevor Irvin say anything about
7 it make any other kind of threats to Daniel prior to that
8 statement?

9 A. Yes, because they used to argue before but I
10 wasn't at the job but they always arguing and threatened to
11 beat each other up.

12 Q. Just beat each other up.

13 A. Uh-huh.

14 Q. But you actually heard Trevor say he would catch a
15 free body.

16 A. Correct.

17 Q. Now you guys work with scissors and things like
18 that?

19 A. Yeah, and knives.

20 Q. And knives. And when you saw Trevor Irving coming
21 up the line, did you ever see Daniel threaten him with his --
22 the work knife?

23 A. No, ma'am.

24 Q. Because you were looking the whole time?

25 A. Yes, ma'am.

1 Q. And as he's getting -- you said you asked KJ to
2 step in?

3 A. Yes.

4 Q. And you also remember Stacy being there?

5 A. Yes.

6 Q. And they escorted him off the line.

7 A. Correct?

8 Q. I think you testified about that. And as he's
9 been escorted off the line, is he still talking junk to
10 Daniel?

11 A. Yes.

12 Q. Is he still calling him names?

13 A. Yes.

14 Q. Is he still threatening him?

15 A. Yes.

16 Q. And does Daniel at any time go after him go
17 towards the direction that they're leaving?

18 A. No, ma'am -- no, ma'am.

19 Q. He stays in his line?

20 A. Yes, ma'am.

21 Q. Okay. And then about what time did you all get
22 off.

23 A. Around 6:00. That was early.

24 Q. Okay. And how did you guys get to work that day?

25 A. My car.

1 Q. Your car. And do you remember where you parked
2 at?

3 A. I kind of parked across from the crosswalk,
4 horizontal from the security guard check.

5 Q. Does this picture show where your car would've
6 been parked?

7 A. Yes, it does.

8 Q. Can you point it out?

9 A. This one in this parking lot.

10 Q. And did you leave out of the plant with Daniel?

11 A. No, ma'am.

12 Q. Who left first?

13 A. He did.

14 Q. And so when you got to the parking lot, did you
15 see him?

16 A. No, I -- I had trouble finding him.

17 Q. Okay. And did you eventually see him?

18 A. Yes.

19 Q. And where was he?

20 A. He was in the parking lot. Closer to where Island
21 boy parks his car.

22 Q. Okay. And where does Island boy usually park his
23 car?

24 A. By the bank.

25 Q. Do you see the bank on this picture?

1 A. No.

2 Q. Would it help if I bought it a ticket but you --
3 let me just let you take a look at it because I know it's
4 hard to see.

5 A. I guess this area right here would be the bank
6 area. Yeah -- yeah, that is like the bank area right here.
7 Right.

8 Q. And that's where Island boy usually parked his
9 car?

10 A. Yes, ma'am.

11 Q. And when you came out you saw Daniel over there?

12 A. Yes, ma'am.

13 Q. And so what -- what did you think when you saw him
14 over there?

15 A. I thought they were going to like, take their
16 altercation further. So I asked him, can you please come
17 back from over there?

18 Q. Okay.

19 A. He did before the defendant came, you know, out
20 the plant. So he never saw him around his car.

21 Q. And so when Daniel came from over there by his
22 car, where did he go?

23 A. We were in like a little -- a little group. Our
24 friends, we were in one of my -- I was in one of my friend's
25 car and she parked like probably two parking spots away from

1 my car. So we were in a group around my car. We were
2 hanging out (inaudible) after work any other day. And I
3 asked him to go to the store to like, you know, get his mind
4 off of what happened inside the plant since he didn't want to
5 go home.

6 Q. So you guys normally would hang out in the parking
7 lot with your friends after work?

8 A. Yes, ma'am.

9 Q. Did you ever see Island boy out there hanging out?

10 A. Not so much. Not as much as we did.

11 Q. And so did you see Island boy in the parking lot?

12 A. That, yes.

13 Q. And what did you see him in the parking lot doing?

14 A. I he was riding a scooter around this time.

15 Q. Do you know who Scooter that was?

16 A. I don't know. Probably Super Davis.

17 Q. Okay. Super Davis. He rode a scooter?

18 A. He didn't ride a scooter. I don't -- I'm not sure
19 why it was the scooter there.

20 Q. But you saw Island boy riding around the parking
21 lot in the scooter?

22 A. Uh-huh.

23 Q. Now was that before you asked Daniel to go to the
24 store for you?

25 A. No, I didn't see him on the scooter then, but I

1 asked -- that was after -- after.

2 Q. I'm -- I'm sorry, that was after?

3 A. I saw him riding the scooter after I had already
4 asked Daniel to go to the store.

5 Q. Okay. So you asked Daniel to go to the store and
6 then you saw Island riding around the parking lot?

7 A. Correct.

8 Q. And how did he get to the store?

9 A. He drove my car.

10 Q. And did you go with him to the store?

11 A. No, ma'am.

12 Q. And prior to Daniel going to the store, was there
13 any issues in the parking lot between him and Island boy?

14 A. No. He -- I don't think he ever made it out
15 because at the end the line leaves stay back in and they
16 clean up the lines for the next shift. I don't think he ever
17 made it out the plant while I thought, because I wasn't work
18 worried about him.

19 Q. And so prior to Daniel coming back from the store,
20 did you hear, not saying what somebody may have told you, but
21 did you hear about anything taking place at the store?

22 A. Yeah a girl named Tamera(ph) came back and she
23 told me what happened at the store.

24 Q. Okay. And so about how long was it after Tamera
25 came back that Daniel came back from the store?

1 A. Probably about three minutes.

2 Q. And did Daniel go to the store and get what you
3 asked him to buy?

4 A. Yes, he did.

5 Q. Okay. And so when he got back from the store, did
6 you ask him about --

7 A. What happened at the store.

8 Q. Okay.

9 A. I did because his lip was a little -- he had a cut
10 on his lip.

11 Q. So he had a cut on his lip. And did he tell you
12 who ---

13 A. Yes, he did.

14 Q. --- caused that injury to his lip?

15 A. Yes, he did.

16 Q. And how was Daniel's demeanor while he was telling
17 you about what happened at the store?

18 A. He wasn't mad. He was very calm. I asked him did
19 he want to go home, he said no.

20 Q. So you two were going to continue just to hang out
21 in the parking lot?

22 A. Correct.

23 Q. And after Daniel got back to the store, did you --
24 did you even know Island boy had went to the store?

25 A. No, ma'am.

1 Q. And so when Daniel got back from the store, did
2 you see Island boy in the parking lot?

3 A. Not -- not yet, no.

4 Q. And at some point did you see him in the parking
5 lot?

6 A. Yes.

7 Q. And what drew your attention to him in the parking
8 lot?

9 A. He drove his car over to the area where his
10 friends were.

11 Q. And prior to him driving his car over there, did
12 you notice him or did you hear him or?

13 A. Oh, he was over there with their friends. They
14 were talking and laughing, which was I guess normal. But he
15 was like motioning I guess, what happened at the store. And
16 he was standing on top of people's cars, you know, just
17 making himself be noticed, causing the scene.

18 Q. Okay. So again, let's slow down. So after Daniel
19 and Island boy came from the store, he was over there with
20 his friends. Now when you say over there, show us again on
21 this map where you were parked or on this area where you were
22 parked.

23 A. So once you get across the street, I used like
24 park my car right here in this area. If -- if we're in this
25 lane across he, they're probably right here, so probably

1 about 20 feet away.

2 Q. And that was the group that Island boy was hanging
3 out with?

4 A. Right.

5 Q. And what exactly was he doing over there with that
6 group?

7 A. I guess showing them what happened at the store to
8 me looked like he was motioning fist fighting. Saying like
9 what he did. Like it was talks about, you know, people
10 spitting on each other, you know, just I guess explaining to
11 his friends what happened at the store. I think he was
12 trying to get Fresh's attention again.

13 Q. And so even though you were 20 feet away, could
14 you hear him saying anything?

15 A. Yelling the P word, you know, calling him a pussy,
16 you know, that pussy don't want to do nothing or stuff like
17 that.

18 Q. And so who -- who did you think he was making
19 these comments towards?

20 A. Daniel.

21 Q. And at any point did Daniel leave where you all
22 were and go towards Trevor's or Island boys group?

23 A. Yes, he did.

24 Q. And what, if anything took place when he would go
25 across there?

1 A. I'm not understanding what you're asking.

2 Q. Did you see what happened when he went over there?

3 A. Oh yes, I did.

4 Q. And what'd you see?

5 A. They were talking to me. It looked like talking,
6 you know, they were talking with their hands. They were, I
7 guess explaining each other. I mean explaining each other's,
8 you know, defense to each other.

9 Q. And at that point, did either of them get physical
10 with each other?

11 A. No.

12 Q. Okay. And did Daniel come back over there with
13 you and your group?

14 A. For a little bit, yes.

15 Q. Okay. And when he got back over there, did you
16 hear or -- or see Island boy saying or doing anything while
17 he was up there?

18 A. It was still a lot of taunting. Like he was like
19 motioning fighting, you know, telling him to come hit him and
20 smacking his face and stuff. He posted onto his trunk. He
21 sat on top of his trunk facing us. You know, we were all the
22 person car we were -- were at -- we were already at their
23 trunk. So we were facing them and they were facing us. It
24 was like, we were kind of looking at each other.

25 Q. Okay. And you said at some point he was standing

1 on top of people's cars. What, if anything do you remember
2 about that?

3 A. Nothing. I -- I just guess he was trying to draw
4 a scene to their self or get people to know, notice what was
5 going on or that he was in an argument or it was about to be
6 a problem. Because why would you draw that much attention to
7 yourself? He was on top of the car.

8 Q. And when he was on top of the car, did you hear
9 him say anything?

10 A. I wasn't really paying him no attention, but I'm
11 pretty sure he was shouting stuff. I think that's why Daniel
12 went back over there.

13 Q. And then I think you said at some point you saw
14 Island boy actually go over there and move his car?

15 A. Right. He brought his car to -- to the area where
16 they were chilling at.

17 Q. And when -- did you actually see him go move his
18 car?

19 A. No. I didn't see him go move. I just seen him
20 pull up with it.

21 Q. You saw him pull up with it. And so when he
22 pulled up with it, where again on this picture did he park
23 his car?

24 A. And so he moved it from the bank. I guess this is
25 this area over here to the parking lot, you know, where we

1 all were.

2 Q. Okay. And you said he sat on the back of his
3 trunk facing you all?

4 A. Yes.

5 Q. And what, if anything, was he doing towards Daniel
6 then?

7 A. Just face motioning like, you know, hit me right
8 here, (inaudible), you know, just looking at him trying to
9 get a reaction out him.

10 Q. And did Daniel go over there to Island boy?

11 A. Yes, he did.

12 Q. Okay. And when he went over there, what did you
13 think he was going to do?

14 A. I mean, confront him or, you know, talk it out
15 some more because they already talked. I don't think the
16 beef was not that serious for them to be physical towards
17 each other. It was just work to me. That's what I thought.
18 But I'm not sure what Daniel thought of getting out of him by
19 going over there or I guess he was just looking to fight.
20 That's what I thought.

21 Q. And at any point when Danny would go over there
22 with Island boy, did he have a gun?

23 A. No.

24 Q. Did he have a knife or anything?

25 A. No.

1 Q. So he was just going over there unarmed.

2 A. Right.

3 Q. And what, if anything did you see happen the last
4 time the day went over there to Island boy? Were you looking
5 in that direction?

6 A. Yeah. When he got over there they did a little
7 talking. He jumped off his trunk, they got a little too
8 close together and like Daniel kind of like swooped down for
9 his legs, I guess to like, you know flip them over or
10 something. And the altar boy dig directly in his pants,
11 pulled out his gun. Daniel turned away and like he was
12 trying to get away. He ran away a couple feet and he started
13 shooting.

14 Q. Let me slow him down again. So you went over
15 there and you saw, I mean, Daniel went over there and you
16 actually saw Daniel going towards his feet.

17 A. Correct.

18 Q. Did you see him go towards Island boy's waist or
19 anything?

20 A. No -- no. His -- his waist was free. He went
21 directly in his pants. Like his -- his arms were free. He
22 went to his pants.

23 Q. And when he went to his pants, he pulled out a
24 gun?

25 A. Yes.

1 Q. And at this point, where were -- where was
2 Daniel's standing?

3 A. He was turning to give way, like there was no --
4 no hitting, no, you know, he didn't try to hit him or knock
5 anything. He was like running away.

6 Q. And which direction was he running towards?

7 A. Back toward, you know, where we were.

8 Q. And so as Daniel was trying to turn it and run
9 away, what did you see happen?

10 A. He started shooting and he shot probably like
11 three times before he hit the ground and he continued to
12 shoot.

13 Q. So after about three shots, Daniel was on the
14 ground?

15 A. Yeah.

16 Q. And what did Island boy continue to do?

17 A. He continued to shoot until he couldn't walk.

18 Q. And how close did Daniel, was he with --

19 A. Very close to him. Very close. Less than like
20 two feet.

21 Q. And after you saw Daniel get shot, what did you
22 do?

23 A. I ran towards his body and I motioned to somebody
24 to call the police. Like I was yelling to call the police
25 someone. They were taking too long, so I tried to call the

1 police myself, but I couldn't talk, like I couldn't get my
2 words out. I tried to do a CPR but that didn't work, so I
3 just sat with him. And then when the paramedics actually got
4 there they told me to get off of him while they, you know,
5 tried to help him out. And they just moved me away and one
6 of my friends put me in the back of her car and she drove me
7 to my mom house.

8 Q. Do you remember who that friend was?

9 A. Shameika (ph).

10 Q. And after you were in Shameika's car, did you see
11 Island boy again?

12 A. Yes.

13 Q. And when did you see, or where did you see him?

14 A. He -- when the police officer, I guess he came,
15 was trying to figure out, you know, asking questions. What
16 happened? He came and turned himself in.

17 Q. And do you remember if you said anything to him?

18 A. I can't remember.

19 Q. Do you remember --

20 A. I probably did.

21 Q. -- do you remember if he said anything to you?

22 A. No, I wasn't listening.

23 Q. Because at this point, how were you feeling, Mary?

24 A. I was -- I was hurt. I was surprised. I was
25 shocked. I didn't think that the little job beef would turn

1 into a murder if you didn't want to fight, all you had to say
2 was that you didn't want to fight. Why taunt him? Why keep
3 egging on him? Why would you -- harassing him all this time
4 on his line? I had to ask to get moved to another line.

5 Q. And at any point, Mary, did you encourage Daniel,
6 tell Daniel to fight Island boy?

7 A. Yes, because all, a lot of times when I tell him,
8 leave it alone, leave it alone, we'll get into arguments.
9 Because he'll try to tell me why am I defending somebody
10 else. But I just didn't want him, you know, to get out of
11 character. I didn't know what he was capable of. Now I
12 didn't know that he was going to turn into a full-fledged
13 murder.

14 Q. Because what did you think was going to happen
15 between the two?

16 A. Just the little petty fight. And if he didn't
17 want to fight, you know, Daniel wasn't just going to go
18 assault him just because of some job, you know, they -- they
19 kept hands to they self.

20 Q. Mary, before I get to -- do you see who you refer
21 to as Island boy in the courtroom?

22 A. Yes, I do.

23 Q. And where is he?

24 A. He's sitting right there.

25 Q. And what does he have?

1 A. A suit?

2 MS. PATTERSON: Your Honor, I'd let the record
3 reflects, she's identified the defendant, Trevor Irvin.

4 THE COURT: The record so reflects.

5 BY MS. PATTERSON:

6 Q. Mary, I'm going to show you a series of pictures,
7 nine, 10, and 11. Just ask you to take a look at these
8 photographs. You can just flip. Do you recognize what's in
9 those photographs?

10 A. My car.

11 Q. That's the car that you owned and that you and
12 Daniel Jones drove to work on?

13 A. Yes, ma'am.

14 MS. PATTERSON: On June 24, 2023. Your Honor, at this
15 time State's move to admit 9, 10, and 11 into evidence.

16 THE COURT: Any objection?

17 MR. MOBLEY: Let's take a look at those again. None to
18 9, 10 and 11, Your Honor.

19 THE COURT: They're admitted.

20 (State's Exhibits 9, 10 and 11 were admitted into
21 evidence.)

22 BY MS. PATTERSON:

23 Q. Just -- Mary, just this is again, this is a
24 picture of your vehicle?

25 A. Yes.

1 Q. Gold Honda Accord?

2 A. Yes.

3 Q. And this is the way it was parked?

4 A. Yes, ma'am.

5 Q. And you said you was in a friend's vehicle. Do
6 you remember where her vehicle was parked?

7 A. It was a parking spot and then the second one.

8 Q. Okay.

9 A. It was a park between us.

10 Q. It was a -- a parking spot between your car. And
11 I think Mary, you also said that someone named Tamera told
12 you about what happened at the convenience store.

13 A. Correct.

14 Q. Do you know where Tamera is?

15 A. I think they said that she moved out of state.

16 Q. She moved out of state. Let me show you State's
17 12 and 13. First I'm going to show you State's 12.

18 MR. MOBLEY: Your Honor, I -- I objected to the
19 witness, using this exhibit I don't have a general objection
20 to the exhibit itself. But this exhibit, this photograph was
21 taken or from a video that this witness did not perceive or
22 view herself. She was not present in that area. She could
23 not have any firsthand knowledge of what took place. So I
24 don't have a general objection to it, but through this
25 witness, I objected her using that -- that photograph.

1 MS. PATTERSON: These are still sort of videos that was
2 previously provided in discovery. We are just using these
3 for identification purposes, not to --

4 THE COURT: So you're not trying to introduce some, she
5 can lay a foundation through another witness. She's just
6 going to use these as a court ID. Any objection to that?

7 MR. MOBLEY: And I guess --

8 THE COURT: They're not going to be admitted into
9 evidence, is what I'm telling you.

10 MR. MOBLEY: All right, that's fine.

11 THE COURT: Until she has a proper witness on the
12 stand, she's only using this as a court ID.

13 MR. MOBLEY: Okay. And I just subject to what comes
14 out the testimony. That's fine.

15 THE COURT: Thank you.

16 BY MS. PATTERSON:

17 Q. Let me show you State's Exhibit number 12. Do you
18 recognize what's in this picture?

19 A. Yes, I do.

20 Q. Or who was in this picture?

21 A. Yes, ma'am.

22 Q. And who is this person in the red shirt?

23 A. That's Daniel.

24 Q. And who is this?

25 A. I guess that's Trevor -- that's Trevor.

1 Q. And this was at the convenience store?

2 A. The Valero.

3 Q. You're familiar with that store?

4 A. Yes, I am.

5 Q. And State's 13. Do you recognize what's in this
6 photograph?

7 A. It looks like the parking lot.

8 Q. Okay. And do you recognize this area?

9 A. Yes.

10 Q. And who was --

11 A. This is the area that he was standing in with his
12 friends.

13 Q. Okay. And where were you all parked?

14 A. Over here.

15 MS. PATTERSON: May I ask for court's indulgence?

16 THE COURT: Take your time.

17 MS. PATTERSON: Thank you, Mary. Please answer any
18 questions the defense may have.

19 THE COURT: Mr. Mobley.

20 MR. MOBLEY: Thank you. Court's indulgence, Your
21 Honor?

22 CROSS-EXAMINATION

23 BY MR. MOBLEY:

24 Q. Afternoon, Ms. Geiger.

25 A. Afternoon.

1 Q. I want to ask you about some of your testimony.
2 So you talked to Fresh when you came back from the gas
3 station, correct?

4 A. Yes.

5 Q. And I think you said he wasn't mad?

6 A. No.

7 Q. And did you say he was calm as well?

8 A. Very calm.

9 Q. Okay. So he goes to the gas station, he comes
10 back to the busted lip, but he's not mad. He's still calm.
11 And at some point when Trevor was in the parking lot, Fresh
12 went to Trevor's location, correct?

13 A. Yes.

14 Q. Okay. And I think you indicated, and just so we
15 are clear, I -- I'm not trying to misstate you. Okay. So if
16 I say something that's not correct, you let me know. All
17 right?

18 A. I will.

19 Q. I'm sure you will. All right. So, and I think
20 you indicated when he, the first time Fresh, went over and
21 talked to Trevor. They were just talking, not arguing.

22 A. To me. It looked like talking. I was so far
23 away.

24 Q. Okay. So you couldn't hear what they were saying?

25 A. Correct.

1 Q. Okay. And then Fresh left Trevor, he walked away
2 from the conversation, correct?

3 A. Yeah.

4 Q. Okay. And then he walked back --

5 A. Correct.

6 Q. -- toward Trevor. And at some point Fresh became
7 upset, correct?

8 A. He's been upset.

9 Q. What do you mean he's been upset?

10 A. That's the whole point of walking over there the
11 first time.

12 Q. Okay. So he was upset when he walked over the
13 first time and he was upset when he walked over the second
14 time; is that correct?

15 A. Correct.

16 Q. And you were shouting and you were -- you were
17 shouting things Fresh, weren't you?

18 A. Yes -- yes, I was.

19 Q. And you were encouraging him to assault Trevor,
20 correct?

21 A. Yes -- yes, I was.

22 Q. You were saying, and I'm paraphrasing just based
23 on what I'm seeing, things like punch him.

24 A. No.

25 Q. Did you say beat his?

1 A. Yes, I did.

2 Q. Okay. Did you say anything else?

3 A. No.

4 Q. Okay. But you were encouraging him to assault
5 Trevor?

6 A. Yes.

7 Q. And you indicated, and I believe these are your
8 words, you were trying to talk to Fresh at some point?

9 A. No.

10 Q. I'm -- I'm sorry.

11 A. No.

12 Q. No. You weren't trying, I think, did you not say
13 he would, you didn't want him to -- to get out of character?
14 You did not say that?

15 A. I didn't want Fresh to get out of character.

16 Q. Yeah.

17 A. Correct.

18 Q. Okay. And -- and what do you mean by that?

19 A. I didn't want him to confront Island boy at the
20 job because there was no point of it.

21 Q. Okay. And that -- because that's out of character
22 for Fresh?

23 A. Yes.

24 Q. Okay.

25 A. So once he did, that's out of character. He was

1 mad. I was not going to stop him.

2 Q. Okay.

3 MR. MOBLEY: I beg the court's indulgence, Your Honor.

4 THE COURT: Uh-huh.

5 MR. MOBLEY: No further questions.

6 THE COURT: Any redirect?

7 RE-DIRECT EXAMINATION

8 BY MS. PATTERSON:

9 Q. Mary, why were you encouraging Fresh to fight?

10 A. Because he was asking for it. He was slapping his
11 face, hit me, hit me. He was saying that to him. I mean,
12 and if to me why I would Fresh go over, I wouldn't go over
13 nowhere if I wasn't going to do something or wanting to do
14 something. But when he got over there, he didn't do
15 anything. So that led to them talking.

16 MS. PATTERSON: Thank you, Mary. No further question.

17 THE COURT: Anything else, Mr. Mobley?

18 MR. MOBLEY: No, Your Honor.

19 THE COURT: May I excuse Ms. Geiger?

20 MS. PATTERSON: Yes, ma'am.

21 THE COURT: Ms. Geiger, thank you for coming. You are
22 excused.

23 All right, ladies and gentlemen of the jury, I'm going
24 to let you go to lunch. Remember, there's no talking about
25 this case, even amongst yourselves. We will wait a little

1 bit longer than I wanted to, but we will, if you could be
2 back in the jury room at 2:25, we'll start back at 2:30.
3 Okay? Thank you so much and enjoy your lunch.

4 (Jury exiting courtroom.)

5 THE COURT: Ms. Patterson, anything from the state?

6 MS. PATTERSON: Not at this time.

7 THE COURT: Anything from the defense?

8 MR. MOBLEY: Nothing from the defense, Your Honor.

9 Thank you.

10 THE COURT: All right, we're for lunch. Start back at
11 2:30.

12 (Off the record.)

13 THE COURT: Please be seated. Sorry I'm late. You all
14 ready?

15 MS. PATTERSON: Yes, ma'am. Your Honor. Mr. Mobley's
16 is probably going to be here any second.

17 THE COURT: Okay. All right, well, while we're waiting
18 and I got a lawyer on there on the other side, how about,
19 tell me the schedule for the afternoon.

20 MS. PATTERSON: Your Honor, our goal is to get through
21 five witnesses this afternoon if we can.

22 THE COURT: Oh.

23 MS. PATTERSON: No?

24 THE COURT: Not loving it. They must be short
25 witnesses

1 MS. PATTERSON: For the state. A couple of them. It
2 shouldn't take the --

3 THE COURT: (Inaudible). Ms. Patterson. Ms.
4 Patterson?

5 MS. PATTERSON: Two of them short.

6 THE COURT: Well, we tried to stay on schedule. We did
7 what, three this morning?

8 MS. PATTERSON: Yes, ma'am.

9 THE COURT: Mr. Mobley, we ready?

10 MR. MOBLEY: Yes, Your Honor.

11 THE COURT: Thank you.

12 MS. PATTERSON: We're ready. We can start that.

13 THE COURT: All right, let's bring the jury in. I
14 guess Ms. Fuller will be here in just a second.

15 MS. PATTERSON: Yes -- yes, ma'am.

16 THE COURT: You doing any five this afternoon?

17 MS. PATTERSON: Am I personally? Three more. I'll try
18 to keep it short.

19 THE COURT: You can take as long as you want. We got
20 all week.

21 MS. PATTERSON: (Inaudible).

22 (Jury entering courtroom.)

23 THE COURT: All right, Mr. Foreman. Jury ready?

24 MR. FOREMAN: Yes, ma'am.

25 THE COURT: Please be seated. All right, call your

1 next witness.

2 MS. PATTERSON: Next witness state calls Justin
3 Shumpert.

4 THE CLERK: Please raise your right hand and place your
5 left on the Bible.

6 JUSTIN SHUMPERT,
7 being first duly sworn, testifies as follows:

8 THE CLERK: Thank you. Would you please have a seat in
9 the witness box. State your full name and spell your last
10 for the record.

11 THE WITNESS: My name is Justin Eric Shumpert,
12 S-H-U-M-P-E-R-T.

13 DIRECT EXAMINATION

14 BY MS. PATTERSON:

15 Q. Justin, what's your title?

16 A. Currently I'm an investigator for the West
17 Columbia Police Department.

18 Q. And I was -- that was the two questions I was
19 going to ask you. So you're employed with the West Columbia
20 Police Department?

21 A. Yes, ma'am.

22 Q. As an investigator?

23 A. Yes.

24 Q. And how long have you been an investigator with
25 West Columbia Police Department?

1 A. About eight months.

2 Q. And how long have you been working at the West
3 Columbia Police Department altogether?

4 A. Ten years.

5 Q. And prior to you becoming an investigator, what
6 was your position?

7 A. A sergeant over the road, I was a road supervisor.

8 Q. And were you on duty or on call the morning of
9 June 24th of 2021?

10 A. I was. I went on duty at 6:30 that morning.

11 Q. And did you get a call for service at 475 Sunset
12 Boulevard in West Columbia?

13 A. I did, yes.

14 Q. And is that in Lexington County?

15 A. Yes, ma'am.

16 Q. And what was the nature of the call?

17 A. It was in reference to shots being fired.

18 Q. And do you know what time that 911 call came
19 across?

20 A. 7:07 a.m.

21 Q. And what time were you dispatched?

22 A. 7:09 a.m.

23 Q. And what time did you arrive at the scene?

24 A. 7:10 a.m.

25 Q. And where were you coming from to arrive so

1 quickly?

2 A. The West Columbia Police Department, which is less
3 than a mile from where the incident took place.

4 Q. And when you got to the scene, will you describe
5 to the jury what you first saw?

6 A. When I first got on the scene, I observed a group
7 of individuals huddled around an individual who was laying on
8 his back in the parking lot when I exited my patrol vehicle.
9 Had an individual come up to me saying that somebody had been
10 shot and that the shooter had fled the scene. I initially
11 went over and assessed what was going on and observed an
12 individual laying on his back. He had had what appeared to
13 be gunshot wounds to his lower abdomen area. I then assessed
14 him to see where the injuries were at. I rolled his shirt
15 up, couldn't get it up around his chest area. So I rolled
16 him over to see if he had any exit wounds. Due to him having
17 agonal breathing, having difficulty to breathe. I then
18 checked for a pulse, which was a low pulse at the time.

19 And during that time I had individuals that were trying
20 to walk up, but I had them step back, which that everyone
21 complied very -- very well. I then, due to the fact of not
22 being able to see the chest area I went to my patrol vehicle
23 received some trauma shears and cut away the shirt to further
24 assess. And during that time I felt for a pulse again, I did
25 not have one.

1 Q. And were you the first officer on the scene?

2 A. I was, yes.

3 Q. And so all of your attention was geared towards
4 the injured victim?

5 A. Yes, ma'am.

6 Q. And after you went to your patrol car for the
7 shears and got back to the victim, what, if anything, did you
8 notice?

9 A. He no longer had a agonal breathing. The
10 breathing had stopped which I then again, seeing that the
11 breathing had stopped, I reached out to check for a pulse and
12 that's when I did not have one at that point.

13 Q. And at this point had EMS and fire arrived at the
14 scene as well.

15 A. The West Columbia Fire Department had arrived by
16 the time I had made it back over to the victim. And then I
17 let them assess from there. I stepped away from that at that
18 point.

19 THE COURT: Investigator, can I get you to pull that
20 mic up a little bit closer to you?

21 THE WITNESS: Yes, ma'am.

22 THE COURT: Thank you.

23 BY MS. PATTERSON:

24 Q. Thank you. And so after EMS and fire arrived to
25 assess the victim, what was your focus at that point?

1 A. Maintaining the crime scene, having the individual
2 shift either block the entrances, set up crime scene tape and
3 just ensure that nobody that -- that wasn't supposed to be in
4 the crime scene came into the crime scene.

5 Q. Okay. And I think you said this earlier, but just
6 to be clear, everyone that was still at the crime scene, were
7 they pretty much cooperative with you?

8 A. Yes, ma'am. Absolutely.

9 Q. And did you participate in setting up that
10 parameter of that crime scene tape?

11 A. At one point. Yes, I did. I do believe I -- I
12 helped set up some of the tape area.

13 Q. And while you were setting up that tape, did
14 anyone bring anything to your attention?

15 A. There was an individual after I had let fire and
16 EMS start doing what they were doing I had an individual come
17 up to me that appeared to be working for the chicken plant,
18 flagged me down, a younger white male who was pointing in the
19 direction of an individual who stated that that was the
20 shooter.

21 Q. And were you wearing body cam on this day?

22 A. Yes, ma'am, I was.

23 Q. And after that person identified someone who was a
24 shooter, what, if anything did you do?

25 A. I then went directly into that direction over to

1 where I had two other officers at the time. Officer Miller
2 and Officer Taylor were with that individual. When I got
3 there I heard him say something along the lines of it -- the
4 gun was in his waistband.

5 Q. And after hearing that information, what, if
6 anything did you do?

7 A. I did put gloves on my hands. Had the individual,
8 he was on his knees at the time I got over there. I had --
9 they -- they had stood him up detained him. And I retrieved
10 the firearm from his front waistband area.

11 Q. Investigator Shumpert, I'm going to show you
12 State's Exhibit 14 and 15 and ask you to take a look at those
13 photographs. Do you recognize what's depicted in those
14 photographs?

15 A. Yes, ma'am. That's me lifting up his shirt to see
16 the firearm (inaudible) on his knees.

17 Q. And are those still photos from the body cam that
18 you were wearing -- wearing on June 24th of 2021?

19 A. Yes, ma'am. It is.

20 Q. And do they fairly and accurately represent your
21 gun retrieval from the suspect --

22 A. Absolutely.

23 Q. -- at the scene?

24 A. Absolutely.

25 MS. PATTERSON: Your Honor, at this time we move

1 State's Exhibit 14 and 15 into evidence.

2 THE COURT: Any objection?

3 MR. MOBLEY: Without Objection, Your Honor.

4 THE COURT: It's admitted.

5 (State's Exhibits 14 and 15 were admitted into
6 evidence.)

7 BY MS. PATTERSON:

8 Q. And can you describe to the jury where I think
9 it's a corner up there. I'm not sure how clear it is. I
10 think the battery may be running low, but can you point out
11 where you retrieved the suspect's gun and where is that
12 located on his body?

13 A. His belt buckle is right there. It's in the very
14 front of his pants in the waistband belt buckle's here and
15 the firearm is right there

16 Q. And States 15, what is that showing?

17 A. That is my right hand gloved up holding the
18 firearm that I retrieved from his waistband.

19 Q. And was the firearm in that position when you
20 retrieved it from his waistband?

21 A. It was, the slab was locked to the rear.

22 Q. Okay. And what did that indicate to you?

23 A. That the weapon either was jammed or that it had
24 no other ammunition, which it appeared to not have any other
25 ammunition in the firearm.

1 Q. Okay. And once you received -- retrieved that
2 firearm, what did you do with it?

3 A. I secured it in a evidence bag and secured it in
4 my trunk.

5 Q. Let me show you State's 16 and 17. Do you
6 recognize what's depicted in those photographs?

7 A. Yes, ma'am.

8 Q. And what's in State's 16?

9 A. In Exhibit 16 is the firearm that I retrieved out
10 of the individual's waistband, which is a Ruger handgun.

11 Q. Handgun. And again, is that the position you
12 found the handgun?

13 A. Yes, it is.

14 Q. And what's depicted at State's 17?

15 A. The evidence bag that was filled out.

16 Q. Does it contain your initials?

17 A. It does.

18 Q. And --

19 A. And my actual printed name.

20 Q. And who obtained the firearm after you turned it
21 into evidence?

22 A. Custody was exchanged over to Investigator Morris
23 at the time.

24 Q. Okay, and what's the -- what date is on that?

25 A. 6/24 of 2021.

1 Q. And so again, it's State 16. Just because we have
2 a clear picture,

3 THE COURT: Is there any objection to these?

4 MS. PATTERSON: Oh, I'm sorry.

5 MR. MOBLEY: Oh, no -- no.

6 MS. PATTERSON: Move state 16 to 17 into evidence.

7 MR. MOBLEY: Oh, no objection, Your Honor.

8 THE COURT: They're admitted without objection. Go
9 ahead.

10 (State's Exhibits 16 and 17 were admitted into
11 evidence.)

12 MS. PATTERSON: Apologize. Jumping ahead.

13 BY MS. PATTERSON:

14 Q. And is that the position you saw -- you retrieved
15 the firearm in?

16 A. Yes, ma'am. It is.

17 Q. And then 17, it's just the bag that you secured it
18 in?

19 A. Yes, ma'am.

20 MS. PATTERSON: Right here.

21 MR. MOBLEY: I'm just trying to (inaudible) whatever
22 you want to do is fine. If you got a, leave me look at real
23 quick. I don't mind. I'm not objecting to stuff like this.
24 So if you have a few of them on show right now?

25 MS. PATTERSON: No, this (inaudible).

1 MR. MOBLEY: Okay. (Inaudible).

2 MS. PATTERSON: Okay.

3 MR. MOBLEY: Thank you.

4 BY MS. PATTERSON:

5 Q. Investigators Shumpert, I'm going to show you
6 what's been marked as State's Exhibit 73 as you could take a
7 look at the contents of that box.

8 A. Yes.

9 Q. Okay. And what's contained in that box?

10 A. The evidence bag that the firearm was placed in
11 originally to include the firearm and the firearm magazine.

12 Q. And again, your initials is -- your initials are
13 on the bag?

14 A. Yes, ma'am. It's -- my name is here, right here.

15 Q. And this is the way it was secured in evidence?

16 A. Yes.

17 MS. PATTERSON: Your Honor, at this time I'll move to
18 admit State's exhibit 73 in the evidence.

19 THE COURT: Any objection?

20 MR. MOBLEY: No. And this is going to be what?
21 State's 18?

22 THE COURT: (Crosstalk) 73.

23 MR. MOBLEY: She said 73, but how many are in evidence?

24 THE COURT: I've got 70 being the last one. This is --

25 MR. MOBLEY: That's what I was thinking.

1 THE COURT: -- 73.

2 MR. MOBLEY: Okay. But she says 73, so I think this
3 would be 18 in evidence. It might be Exhibit number 73 on
4 their marking, but in evidence there're only 17 items.

5 THE COURT: Right. But she's marked it as Exhibit 73.
6 She's just skipping a bunch of them.

7 MS. PATTERSON: I'm skipping a bunch of them.

8 MR. MOBLEY: That's fine. I was just trying -- I get
9 confused easily. So I'm trying to keep these simple, but.

10 THE COURT: Yeah, I wish it all went that way, but it
11 doesn't sometimes.

12 MR. MOBLEY: I've got no objection to her whether it's
13 73 or 75 or --

14 THE COURT: Any objection to --

15 MR. MOBLEY: No objection, Your Honor.

16 THE COURT: All right, then it's admitted.

17 (State's Exhibits 73 was admitted into evidence.)

18 MS. PATTERSON: Thank you.

19 BY MS. PATTERSON:

20 Q. And Shumpert I think you said you were wearing a
21 body cam on that day?

22 A. Yes, ma'am. I was.

23 Q. Did you have the opportunity to review your body
24 cam?

25 A. Yes, ma'am, I did.

1 Q. And during one interaction on the body cam, I
2 think you described when you went to assess the victim,
3 Daniel Jones and you turned his body over and you observed
4 the projectile?

5 A. I did.

6 Q. And you described that projectile as being
7 mushroomed underneath his body. What did you mean by that
8 description?

9 A. Being smashed down into the concrete.

10 Q. And again, that was underneath his body?

11 A. Directly underneath his body, yes, ma'am.

12 Q. When you rolled him over?

13 A. Yes.

14 MS. PATTERSON: Okay. I beg court's indulgence.

15 THE COURT: Take your time.

16 MS. PATTERSON: Thank you.

17 BY MS. PATTERSON:

18 Q. And you were able to identify the victim by name?

19 A. Yes, ma'am.

20 Q. And how were you able to do so?

21 A. While assessing, I observed his phone in his
22 pocket area, which was a phone slash wallet together. I
23 could see the cards sticking out. I removed his phone,
24 removed the ID and put everything directly back into that
25 same pocket.

1 Q. Okay. So you were able to obtain the
2 identification?

3 A. Yes, ma'am.

4 Q. And identified the victim as Daniel Jones?

5 A. Yes, ma'am.

6 Q. And at that point again, other officers had
7 arrived at the scene to assist you at this point?

8 A. Yes, ma'am.

9 MS. PATTERSON: I beg for court's indulgence.

10 THE COURT: Take your time.

11 BY MS. PATTERSON:

12 Q. When you went to assess the victim, did you notice
13 any firearms laying around him?

14 A. No weapons of any kind (crosstalk).

15 Q. No weapons. And also who -- did any other
16 agencies come to assist West Columbia with the investigation
17 in this case?

18 A. The South Carolina Law Enforcement Division.

19 Q. And what was their role in the investigation of
20 this case?

21 A. I believe it was to process the crime scene
22 itself.

23 Q. Okay. And I think you stated that you -- you were
24 involved in securing the crime scene, so was it still secured
25 when SLED came to process it?

1 A. Absolutely.

2 Q. And do you know if any of your officers were
3 responsible for marking any of the crime scenes about any of
4 the projectiles at the crime scene?

5 A. Initially yes. The sergeant that was on duty that
6 day, I was the corporal, the sergeant on duty that day to
7 preserve what we had and where they were at -- at the time,
8 placed placard out to mark where the shell casings that we
9 could see at that time was that.

10 Q. So that would be the shell casings and I may say
11 projectiles?

12 A. Yes, ma'am.

13 Q. So officers from West Columbia were identifying
14 the shell casings that you were observing?

15 A. Yes, ma'am.

16 MS. PATTERSON: Thank you. Investigator Shumpert,
17 please answer any questions the defense may have.

18 THE COURT: Mr. Mobley.

19 CROSS-EXAMINATION

20 BY MR. MOBLEY:

21 Q. May it please the court, Your Honor. Is it
22 Detective Shumpert?

23 A. Detective now, yes, sir.

24 Q. I have to make sure I always get the -- the -- you
25 earn those titles, so I want make sure I -- I use them

1 properly.

2 Q. Just a few questions for you, sir. And at the
3 time you arrived on the scene, my client, Mr. Irvin, was
4 being taken into custody, correct?

5 A. No, he was not on scene when I first got there.

6 Q. Okay. But he -- he actually later returned to the
7 scene?

8 A. Later.

9 Q. Okay. And he returned to the scene and approached
10 the officers on the scene, correct?

11 A. When I first observed where he was at, he was with
12 the other two officers.

13 Q. Okay. So when you first saw him, he was basically
14 in custody or being taken into custody.

15 A. No.

16 Q. Okay. What was he doing?

17 A. He was being detained.

18 Q. Okay. And -- and again, and that's fine. I'm not
19 trying to play legalese, I'm just trying to make sure I
20 understand when you first saw him and what he was doing.
21 Okay.

22 A. When I first saw him, he had his hands raised.

23 Q. Okay. So, and he -- he had his hands raised
24 toward the officers, is that correct?

25 A. He sat with his hands raised in general.

1 Q. Okay. And he was talking to the officers?

2 A. Yes.

3 Q. Okay. But his hands are up in the air. Wasn't
4 acting in -- in an aggressive or threatening manner?

5 A. No. Okay.

6 Q. And did you observe him actually, and you used the
7 word detained and I'm not -- I'm not trying to split hair
8 with, but you said detained and you distinct between the
9 detained and custody. Did you observe the officers take him
10 into custody or what you --

11 A. I observed -- I observed them detained him. At no
12 point was he told he was under arrest.

13 Q. Okay. Did you see him being placed in handcuffs?

14 A. Yes.

15 Q. Okay. And when he was being placed in handcuffs,
16 we can call it detained. And just -- just to be clear, for
17 the purpose of these line of questioning, whatever words you
18 want to use to fine, detained, arrested, handcuffed, custody.
19 But he was under the officer's control at that stage?

20 A. Yes.

21 Q. Okay. And he wasn't resisting, correct?

22 A. No.

23 Q. He was surrendering, for lack of a better word.
24 He was surrendering, he was turning himself in, he was
25 submitting, he was --

1 A. He was compliant.

2 Q. He was complying.

3 A. Yeah.

4 Q. Okay. And hold on a second.

5 MS. PATTERSON: I mean, I have a cable, but she's
6 saying we can't use it that way, so I'm confused.

7 (Inaudible).

8 THE COURT: Do I need to get it in here?

9 MS. PATTERSON: It's -- it's not that do -- how are you
10 looking to -- what are you doing? (Inaudible). Okay. So we
11 can just use the disc displayer. That's fine.

12 BY MR. MOBLEY:

13 Q. And Mr. Shumpert, you were wearing a body-worn cam
14 that day, correct?

15 A. Yes, sir.

16 Q. And -- and I want to ask you some questions about
17 your observations that day. And I know you have a -- a
18 general recollection, but would -- would it assist you if I'm
19 going to ask you more specific questions, would it assist you
20 to actually see the footage from your body cam?

21 A. That's fine.

22 Q. Okay. Thank you.

23 MS. PATTERSON: Your Honor. I object. It's not a
24 proper foundation that's been laid. I mean, he can't.

25 MR. MOBLEY: It's his body cam. He can look at it and

1 say, this is my body cam. (Crosstalk). This is what
2 happened.

3 MS. PATTERSON: But it can't be published in front of
4 the jury until it's submitted into evidence upon a proper
5 foundation.

6 THE COURT: Mr. Foreman, ladies and gentleman and the
7 jury do not talk about this case. I'm going to ask you to
8 return to your jury room for just a few moments, please.
9 Thank you.

10 (Jury exiting courtroom.)

11 MS. PATTERSON: And Your Honor, I -- he was the first
12 officer at the scene and of course he's testified that his
13 initial response was to assess the victim. I just want to
14 make sure we don't see the victim in a gory state.

15 THE COURT: I'm on that evidently. I don't know. Has
16 he seen your --

17 MR. MOBLEY: It's his -- it's just -- it's the
18 body-worn cam is, I mean, I'm not -- I'm not sure what the
19 big issue. I want to ask him about something. It's his
20 body-worn cam. He just said it would assist in his memory if
21 I'm going to ask him details and I want --

22 THE COURT: I know, but if you're going to make that in
23 the evidence, he needs to say, hey, that's --

24 MR. MOBLEY: And it's -- and it, okay.

25 THE COURT: So I'm going to let you play it for him and

1 so he can tell you it's the video and then we can try to move
2 it into evidence when the jury's here.

3 MR. MOBLEY: Okay. Thank you, Your Honor.

4 MS. PATTERSON: We need -- we need to go to a specific
5 time point. Otherwise --

6 MR. MOBLEY: Yeah, I mean, I'm only going to --

7 MS. FULLER: Your Honor, I don't -- I apologize, I
8 don't mean to jump in on this, but there's a lot of things in
9 play. His body cam is really long. So usually in trial you
10 prepare a clip of what you intend to introduce. We have
11 victim's family here and we are planning -- we promise to
12 give him a heads up if we're about to publish their loved one
13 on a TV.

14 MR. MOBLEY: I don't -- I don't know why she would say
15 that. (Crosstalk).

16 UNKNOWN FEMALE: I can only take one person talking at
17 a time.

18 THE COURT: Hang on.

19 MR. MOBLEY: Thank you, Your Honor. May it please the
20 court, and despite where, I don't know where this is coming
21 from, I don't know why she would think I'd want to show gory
22 photos the body. I want to ask him about a four or five
23 second clip. You hear me asking him about the -- his
24 observations with my client turning himself in. There'll be
25 a -- a few second clip that I'll ask him about. That's it.

1 THE COURT: Okay. Now let me tell you all, he just
2 wants to play a second clip. However, Mr. Mobley, because
3 all this stuff gets put into evidence and sitting back to the
4 jury room, I'm going to have to have that four second clip on
5 a different disc.

6 MR. MOBLEY: Okay.

7 THE COURT: To be moved into evidence. So I don't have
8 to worry about the jury going back there and playing that
9 whole thing if that's not what we're getting into. So let's
10 do this. Why don't you and the solicitor look at that four
11 seconds and then let's see if we can put it on a disc and go
12 that way for what you need.

13 MR. MOBLEY: Okay. And I'll -- and I'll, and I mean,
14 and it's not a big thing. I mean, he's on the ground, he's
15 in custody and he says he came at me after the job and he --
16 outside of the job and attacked me.

17 THE COURT: You wouldn't have to have that all.

18 MS. PATTERSON: I -- I'm moving in with our next
19 witness. All three angles of the body cam's already
20 prepared.

21 THE COURT: But this is his cross.

22 MS. PATTERSON: That is true, but we already have it
23 prepared. If they want to -- I don't (inaudible).

24 MR. MOBLEY: And just so --

25 MS. PATTERSON: They don't have it prepared.

1 MR. MOBLEY: -- and just -- just so we clear, judge, I
2 mean, I don't mind and I -- I mean I've got no problem
3 playing the clip, asking him about the clip to refresh his
4 memory and let him answer the question. And -- and if they
5 have it in another clip, I don't have to put it into
6 evidence. I mean, I -- it's not that complicated. It's --

7 THE COURT: I mean, are you using it for what? ID
8 only, or?

9 MR. MOBLEY: I mean, I -- I'm using it to -- to refresh
10 his memory.

11 THE COURT: (Crosstalk) to refresh his memory?

12 MR. MOBLEY: Yes.

13 THE COURT: Let's see what he was going to apply.

14 MS. PATTERSON: But it can't be published until
15 admitted. And I don't know if he testified about anything
16 that he can't recall.

17 THE COURT: Recall. I'm not sure I remember any
18 testimony about what he couldn't recall. This is what I say
19 do, if you get with the solicitor, play the part that you
20 want so we know that you want the jury to see, and then we
21 need to put it on a disc. That one part if you want it into
22 evidence for the jury, or if you don't want it into evidence,
23 you don't -- you don't have to put it into evidence. But --

24 MR. MOBLEY: I mean, I can just ask him about it,
25 Judge. I mean, and I mean, I'm -- I'm really not trying to

1 make it more complicated than it is. I mean, he may recall
2 it.

3 THE COURT: Yeah, I mean it's not complicated at all.

4 MR. MOBLEY: You know, I mean, he -- he may recall it,
5 but I'm going to ask him details and like he indicated he has
6 a strong general knowledge, but I may ask him details that he
7 can't specifically recall. And that's why I wanted to make
8 sure it feels necessary.

9 THE COURT: He said it might would help him if he
10 watched it, but all this is -- is just one little clip is
11 what he wants.

12 MR. MOBLEY: Yeah.

13 THE COURT: So can we make this happen?

14 THE CLERK: Doing it now, Your Honor.

15 THE COURT: She's going to make it happen. And then
16 I'll let Ms. Fuller and Ms. Patterson look at it.

17 MR. MOBLEY: Okay.

18 MS. PATTERSON: Your Honor, may I step out? Because I
19 need to play the video to hear it, to be able to figure it.

20 THE COURT: Sure. Why don't we take a quick recess?

21 MR. MOBLEY: Thanks, Judge.

22 THE COURT: Now I'm going to tell you Detective, I
23 can't let you talk to anybody about this case. You're still
24 under oath, but you need restroom walk around. Just can't
25 talk to anybody about this case. Okay?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Let's take a quick 10-minute break. Let
3 them get this together.

4 (Off the record).

5 MR. MOBLEY: Okay. (Inaudible) to cooperate. I was
6 asking the question.

7 THE COURT: You sure?

8 MR. MOBLEY: Yeah.

9 THE COURT: Okay.

10 MS. PATTERSON: I just -- just to be clear as well,
11 when he was asking or making statements, he was asking him
12 about what his client said is that -- he was -- I just
13 wanted, I missed that because a lot was going back in court.

14 THE COURT: No, he asked him if the -- if he played his
15 body cam, would it help him refresh his memory? And he said
16 yes.

17 MR. MOBLEY: Okay. But I won't be doing that now, but
18 I'm going to ask him about any statements he heard my client
19 make on the scene.

20 THE COURT: Okay.

21 MR. MOBLEY: If he recalls.

22 THE COURT: Can we bring the jury in?

23 (Jury entering courtroom.)

24 THE COURT: Are you all playing a vid -- are you all
25 introducing a video with all this on it is my understanding.

1 MS. PATTERSON: With all of this on it? No, Your
2 Honor. Like you're talking about the entire body cam?

3 THE COURT: Not with entire, but the portion that he's
4 talking about.

5 MS. PATTERSON: With this witness. No, Your Honor.

6 THE COURT: This is not the witness.

7 MS. PATTERSON: Sure, Your Honor.

8 THE COURT: Mr. Foreman, jury ready?

9 MR. FOREMAN: Yes, ma'am.

10 THE COURT: All right. Please be seat. You may
11 continue.

12 MR. MOBLEY: Thank you, Your Honor. Just briefly.

13 BY MR. MOBLEY:

14 Q. Detective Shumpert?

15 A. Yes, sir.

16 Q. So, and again you were -- you were observing my
17 client while he was being, and I -- we -- we went back and
18 forth on placing custody, arrested, detained. But you were
19 observing when he was being put in handcuffs by the other
20 officers, correct?

21 A. Yes.

22 Q. Okay. And you recall that he was making some
23 statements while he was being in this process?

24 A. The only thing I heard at that time was called the
25 back end of it's in my waistband.

1 Q. Okay. You didn't hear any statements he made
2 about the shooting itself?

3 A. No.

4 MR. MOBLEY: Okay. That's all I have. Thank you, Your
5 Honor.

6 THE COURT: Thank you. Anything else Ms. Patterson?

7 MS. PATTERSON: Not from the state.

8 THE COURT: May I excuse the detective?

9 MS. PATTERSON: No objection from the state?

10 MR. MOBLEY: No, none from the defense, Your Honor.

11 THE COURT: Thank you detective. You are excused.

12 THE WITNESS: Thank you, your Honor.

13 THE COURT: You can call your next witness.

14 MS. FULLER: Thank you, Your Honor. The state calls
15 Tommy Taylor.

16 THE CLERK: Please raise your right hand and place your
17 left on the Bible.

18 TOMMY TAYLOR,
19 being first duly sworn, testifies as follows:

20 THE CLERK: Thank you. Would you please have a seat in
21 the witness box. State your full name and spell your last
22 for the record.

23 THE WITNESS: All right. My name is Tommy Aso Taylor.
24 Last name T-A-Y-L-O-R.

25 DIRECT EXAMINATION

1 BY MS. FULLER:

2 Q. Let's go ahead and introduce yourself to the jury.
3 Where are you employed?

4 A. West Columbia Police Department.

5 Q. And in what capacity?

6 A. I'm a patrol officer. I'm a sergeant.

7 Q. And how long have you worked at the West Columbia
8 Police Department?

9 A. Going on four years now.

10 Q. And back in June of -- let me ask you this, is
11 that encompassing all of your law enforcement experience?

12 A. No, I was previously employed at mental health for
13 four years. So going on eight years total.

14 Q. So eight years total law enforcement experience,
15 correct?

16 A. Yes.

17 Q. Now, back in June of 2021, you were employed at
18 the West Columbia Police Department?

19 A. Yes.

20 Q. And do you recall responding to the scene as it
21 relates to this case?

22 A. Yes.

23 Q. And that's at the Capital Square parking lot
24 across from House of Raeford?

25 A. It is.

1 Q. And in Lexington County, correct?

2 A. Yes.

3 Q. And when you arrived on scene, can you describe to
4 the jury what you observed?

5 A. When I arrived on scene, I noticed people in the
6 parking lot. I noticed the victim's girlfriend. She was in
7 the parking lot as well. She was and being distance of the
8 victim, she was on the ground, she was crying. She seemed to
9 be in a panic state. So I went over there and I started
10 speaking with her when I was speaking with her. She was
11 pretty traumatized from what just occurred.

12 Q. Okay. And is her name Mary?

13 A. Yes.

14 Q. Okay. You recall interacting with her?

15 A. I do.

16 Q. And can you fully describe her demeanor when you
17 were talking to her?

18 A. She, like I said, she was in the state of panic.
19 Like when I was speaking with her. She was constantly
20 shaking like a -- she was like reliving a nightmare or
21 something like that. But she -- she seemed to be in the
22 state of shock, like extreme shock.

23 Q. And I want to completely accept the scene in that
24 context as well. The victim is case Daniel Jones. Do you
25 recall seeing him on scene, the deceased?

1 A. Yes, he was.

2 Q. And in terms of when you interacted with Mary and
3 where he was, how far apart were they?

4 A. It appeared to be about 30 feet.

5 Q. Do you recall if his body was covered or uncovered
6 during that interaction?

7 A. It wasn't -- it wasn't covered.

8 Q. Okay. And in terms of first responder presence
9 were several first responders on scene?

10 A. Yeah, I recall. Shumpert and fire department.
11 Yes.

12 Q. Okay. And did other patrol vehicles pull up as
13 well?

14 A. Yes.

15 Q. And so did you guys have lights on or sirens?

16 A. We have our lights still going. Sirens off.

17 Q. Okay. So at the time of interacting with her, you
18 had Daniel Jones still on the ground and lights on emergency
19 vehicle lights going on, correct?

20 A. Yes.

21 Q. And you described her as in a state of shock?

22 A. Yes.

23 Q. And were you wearing a body cam at that time?

24 A. Yes.

25 Q. And did your interaction, did -- did your body cam

1 capture your interaction with her?

2 A. It did.

3 Q. I'm going to show you what's been pre-marked as
4 State's Exhibit 71 and ask if you recognize it.

5 A. Yes, I recognize that.

6 Q. And what do you recognize this to be?

7 A. Me and Ms. Mary interactions.

8 Q. Okay. And this is a clip from your body cam that
9 just in includes your interaction with Mary on scene?

10 A. Yes.

11 Q. And the statement she made to you?

12 A. Yes.

13 MS. FULLER: At this time, Your Honor, the state seek
14 to introduce into evidence State's Exhibit 71.

15 THE COURT: Any objection?

16 MR. MOBLEY: Yes.

17 THE COURT: Okay. You all need to approach in the hall
18 if the jury will excuse us. All right. Back again on the
19 record. We went out in the hall because this -- we are in a
20 very small courtroom and I wasn't going to make the jury go
21 back out to the jury room again. So I'm allowing the clip
22 under the excited utterance exception. Go ahead, Ms. Fuller.

23 MS. FULLER: Thank you, Your Honor.

24 THE COURT: Let me ask him before you do, Mr. Mobley,
25 do you want me to preserve your objection?

1 MR. MOBLEY: Yes, Your Honor.

2 THE COURT: Okay. (Inaudible) noted for the record.

3 MS. FULLER: Court begs for indulgence.

4 THE COURT: Take your time.

5 MS. FULLER: Thank you, Your Honor. And publishing
6 State 71 now for the record.

7 (Video played.)

8 BY MS. FULLER:

9 Q. At the time that you were talking with her, did
10 you know whether or not Daniel Jones was still alive?

11 A. I assumed he was deceased.

12 Q. But when you told her he would be transported,
13 were you just giving her, what was the purpose of telling her
14 that?

15 A. Comfort. I -- I knew he was going to be
16 transported to the hospital, but, so it was a truth but
17 comfort.

18 Q. Okay. Shortly after that, did you have an
19 opportunity to interact with the defendant?

20 A. Yes.

21 Q. Trevor Irvin?

22 A. Yes, I did.

23 Q. Can you go ahead and describe to the jury what
24 happened?

25 A. While I was in the back I was talking to Ms. Mary

1 in the back of her vehicle. I was approached by the
2 defendant and I recall he -- he was saying something along
3 the lines like I shot him. And so I turned around and I
4 spoke with him and I said, you the shooter? And he was like,
5 yes. And I looked back at Mary and I was like, is this the
6 guy? And she was pretty frantic. Yes -- yes. That's him.
7 And at that time we asked him did he have a firearm on him
8 still? And he said, yes, he does.

9 Q. I'm going to show you what's the pre-marked as
10 States 56. And ask you if you recognize this?

11 A. Yes.

12 Q. And what do you recognize this to be?

13 A. This is my interaction with Mr. -- the defendant
14 on scene.

15 Q. And on this disc, would that just be a clip from
16 your body cam again?

17 A. Yes.

18 Q. And the interaction of his approach, correct?

19 A. Yes.

20 Q. And then also on this clip, are there different,
21 other are body cam angles on here as well?

22 A. And my other?

23 Q. Officers?

24 A. Yes -- yes.

25 Q. And before I get that, let me talk about that.

1 When you were arresting him, who else was present? Detaining
2 him, who else was present?

3 A. It was myself, Officer Miller and Sean.

4 Q. And Shumpert walked up?

5 A. Yes.

6 Q. During that time?

7 A. Yes.

8 Q. Okay. And are in all clips on here. Are you --
9 it's either your body cam or you're captured on that footage,
10 correct?

11 A. Correct.

12 Q. From their body cams?

13 A. Correct.

14 MS. FULLER: At this time, Your Honor, the state seeks
15 to introduce into evidence State's 56.

16 MR. MOBLEY: No objection.

17 THE COURT: Admitted.

18 (State's Exhibit 56 was admitted into evidence.)

19 MS. FULLER: Publishing 56.

20 (Video played.)

21 BY MS. FULLER:

22 Q. Can you -- is there a laser pointer still up
23 there?

24 A. It's right here.

25 Q. And can you point out to the jury -- do you see

1 the defendant on this footage?

2 A. Yes. I see.

3 Q. And where is he?

4 A. Right here.

5 Q. Okay. And you testified prior to us playing this,
6 that he walked up. Did you see where he walked up from?

7 A. It was from behind me.

8 Q. And when you say behind you, so we're looking at
9 the car based out that way, I'll ask you this question with
10 another little still shot. I'll go ahead and play. All
11 right. Withdraw that question.

12 (Video played.)

13 MS. FULLER: I apologize for (inaudible). I'm sorry.

14 (Video played.)

15 BY MS. FULLER:

16 Q. Now, when he first walked up to you again, how --
17 how did you describe his demeanor when the defendant first
18 walked up to you?

19 A. He seemed like nonchalant. He seemed to be like
20 normal, like at ease. He didn't seem like he did anything
21 wrong.

22 Q. Yeah. And I'm asking that because initially at
23 the -- on the body cam, it's like you kind of turned your
24 back, you were moving around. When he walked up is when you
25 describe him as being at ease in nonchalant, is that what

1 you're talking about? Is that why you were kind of just

2 A. Yeah.

3 Q. You were almost at ease in your interaction
4 initially?

5 A. Uh-huh.

6 Q. Is that the reason?

7 A. Yeah, I, yeah, that's why I -- that's why I didn't
8 understand what he was trying to tell me.

9 Q. Okay. Did he appear to be just another bystander?

10 A. Yeah, we had a lot of people out there walking.

11 Q. I have a couple still shots for you to look at.
12 I'm going to show you what's been pre-marked as State's
13 Exhibit 18. And ask if you look at it and ask if you
14 recognize it.

15 A. Yes.

16 Q. And then also I'm going to compare that with
17 State's 19 and ask if you'll look at that.

18 A. Yes. I --

19 Q. And you recognize those?

20 A. Uh-huh.

21 Q. Okay. And are these two shots, one from
22 surveillance footage at the parking lot, looking at State 18.
23 And then on State 19, is that a still shot from your body
24 cam?

25 A. Yes.

1 Q. And did these appear to be altered in any way?

2 A. Yes.

3 MS. FULLER: At this time, Your Honor, the state seeks
4 to introduce State's 18 and 19 into evidence.

5 THE COURT: Any objection?

6 MR. MOBLEY: No objection.

7 THE COURT: Admitted.

8 (State's Exhibits 18 and 19 were admitted into
9 evidence.)

10 BY MS. FULLER:

11 Q. Publishing 18 and it's kind of hard to see here.
12 I'll try this button. Okay. Looking over here, can you
13 identify to the jury -- let me ask you this. Do you see your
14 vehicle in this photo?

15 A. Yes.

16 Q. And where do you see that?

17 A. I'm trying to get this next to that little white
18 pole.

19 Q. Okay.

20 A. Can you see me moving that a little bit. Right
21 here.

22 Q. And the car door's open?

23 A. Yes.

24 Q. And now looking at State's 19, do you also see the
25 car door open and you getting out the car?

1 A. Yes.

2 Q. And looking at 19, do you see the time and date
3 here?

4 A. Yes.

5 Q. And can you publish that for the record?

6 A. Yeah, that's June 24, 2021 at 7:13 a.m.

7 Q. Okay. And comparing that to the same event being
8 captured on the surveillance footage, do you see that time
9 there?

10 A. That's a little the background is, but yeah.

11 Q. And can you publish that into the record?

12 A. That's June 24, 2021 at 0717 hours. That's a.m.

13 Q. So the -- the camera at the parking lot is a few
14 minutes fast, is that correct?

15 A. Uh-huh.

16 Q. Because you notice yourself here on the camera
17 footage as well as the same activity on your body cam,
18 correct?

19 A. Correct.

20 Q. Looking at similarly, I'll show you what's been
21 pre-marked as State's 20 and 21 and ask you if you recognize
22 these activities and can line them up as well on surveillance
23 footage. And you recognize the activity as well. Can locate
24 it on the other image?

25 A. Yes.

1 Q. Now looking at State's 21, is this a still --
2 another still shot from your body cam?

3 A. Yes.

4 Q. And this is the defendant in custody from the body
5 cam that we just watched?

6 A. Yes.

7 Q. And looking at State's 20, do you recognize where
8 this is?

9 A. Yes.

10 Q. And where is this?

11 A. That's Capital Square parking lot. That's from
12 the chicken plant, so.

13 Q. From the -- from the water plant, do you recognize
14 this to be the water plant?

15 A. Yeah.

16 Q. Okay. And the chicken plant over here?

17 A. Yes.

18 Q. And it's looking at the parking lot from the other
19 direction?

20 A. It is.

21 MS. FULLER: At this time, Your Honor the state seek to
22 introduce State's 20 and 21 into evidence.

23 THE COURT: Any objection?

24 MR. MOBLEY: No objection.

25 THE COURT: Submitted.

1 (State's Exhibits 20 and 21 were admitted into
2 evidence.)

3 BY MS. FULLER:

4 Q. Similarly, looking at State's 20, do you see the
5 time in this top corner here?

6 A. Yes.

7 Q. Can you publish that for the record?

8 A. Yeah. The time is 7:00 -- like 7:06.

9 Q. Okay. And can you identify the activity I was
10 talking about in this image?

11 A. Yeah, right -- right here is where we were walking
12 up to my patrol vehicle.

13 Q. And now looking at your body cam footage in 21, do
14 you see that same activity you just identified in 20?

15 A. Yes.

16 Q. And do you see the time on here?

17 A. That time is 7:22 a.m.

18 Q. And so comparing these two times, there's a
19 discrepancy there as well?

20 A. Yes.

21 Q. And the footage from the water plant across the
22 street is slower than real time, correct?

23 A. It is, correct.

24 Q. Now when -- when defendant was taken into custody,
25 did he have a cell phone in his pocket?

1 A. He did.

2 Q. I'm going to show you what's been pre-marked as
3 102 and 103. I don't have extra copies of this. Do you
4 recognize this?

5 A. Yeah.

6 Q. I'll have extras.

7 THE COURT: 102, 103?

8 MS. FULLER: Yes.

9 THE COURT: Thank you. Any objections?

10 MR. MOBLEY: No objection.

11 THE COURT: Submitted.

12 (State's Exhibits 102 and 103 were admitted into
13 evidence.)

14 BY MS. FULLER:

15 Q. And these -- thank you, Your Honor. And these
16 fairly and accurately represent what took place on your body
17 cam, correct?

18 A. Correct.

19 Q. And looking at 102, 103, what are you taking out
20 of his pocket?

21 A. That's his cell phone.

22 Q. And looking at 102, I know it's hard to see here,
23 what's in your hand?

24 A. His cell phone.

25 Q. I'm going to just show it to the jury since the

1 color's a little distorted. And you said in your hand you're
2 taking out his cell phone and his cell phone's in his pocket,
3 correct?

4 A. That's correct.

5 Q. Hopefully it looks better tomorrow. I'm going to
6 show you what's the pre-marked as State 72. And ask if you
7 recognize it for identification purposes only.

8 THE COURT: And what was that number again?

9 MS. FULLER: I'm sorry, 72.

10 THE COURT: Sorry. Thank you.

11 BY MS. FULLER:

12 Q. You recognize it?

13 A. Yes.

14 Q. And for identification purposes, is this the same
15 cell phone you recovered -- you recovered out of his pockets
16 that we see depicted in states 102 and 103?

17 A. Yes.

18 MS. FULLER: Just for, ID only right now.

19 THE COURT: Okay, go ahead. Any objection to that?

20 MR. MOBLEY: No objection, Your Honor.

21 (State's Exhibit 72 was marked for identification.)

22 MS. FULLER: Beg the court's indulgence. No further
23 questions at this time.

24 THE COURT: Thank you. Mr. Mobley?

25 MR. MOBLEY: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. MOBLEY:

3 Q. Mr. Taylor, hey, just a few questions for you,
4 sir.

5 A. Yes, sir.

6 Q. And when Mr. Irvin turned himself into you, he was
7 cooperative, correct?

8 A. He was.

9 Q. Okay. And did he comply with your commands?

10 A. He did.

11 Q. Okay. And the statement he made about shooting
12 Mr. Jones in self-defense, you didn't ask him any questions,
13 correct? You didn't ask him? He just volunteered that
14 information?

15 A. Yeah.

16 MR. MOBLEY: Thank you. Nothing else, sir.

17 MS. FULLER: Nothing further, Your Honor.

18 THE COURT: All right. May I excuse Sergeant Tyler?

19 MS. FULLER: Yes, Your Honor.

20 MR. MOBLEY: Yes, Your Honor.

21 THE COURT: Thank you.

22 MS. FULLER: The state calls Melinda Worley.

23 THE CLERK: Please raise your right hand please and
24 place your left on the Bible.

25 MELINDA WORLEY-BLACKMON,

1 being first duly sworn, testifies as follows:

2 THE CLERK: Thank you. Would you please have a seat in
3 the witness box. State your full name and spell your last
4 for the record.

5 THE WITNESS: Melinda Worley. W-O-R-L-E-Y -- Melinda
6 Worley Blackmon. Worley, W-O-R-L-E-Y-B-L-A-C-K-M-O-N.

7 DIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. And I apologize, I didn't call it say your full
10 name, I apologize. Go ahead and introduce yourself to the
11 jury. Where are you currently employed?

12 A. I'm employed at the South Carolina Law Enforcement
13 Division, commonly referred to as SLED.

14 Q. And in what capacity currently?

15 A. I'm currently a senior criminalist Footwear Tire
16 Examiner in the late print unit of the Forensic Services lab.

17 Q. And how long have you worked in this capacity?

18 A. Coming up on a year.

19 Q. And prior to this, in what capacity did you work?

20 A. I was a senior special agent in the crime scene
21 unit.

22 Q. And how long have you been employed at SLED?

23 A. Coming up on 12 years.

24 Q. And how long were you employed in the crime scene
25 unit?

1 A. Exactly 11 years.

2 Q. So your entire career?

3 A. Yes.

4 Q. And prior to that, do you have any other law
5 enforcement experience?

6 A. No.

7 Q. In terms of this case, this is a West Columbia
8 Police Department case. Can you explain to the jury how you
9 became involved?

10 A. I received a phone call from our basically our
11 dispatch at SLED telling you that the West Columbia Police
12 Department had requested SLED crime scene to process a crime
13 scene.

14 Q. Okay. And is this something that typically
15 happens?

16 A. Yes.

17 Q. And does SLED assist multiple agencies or are all
18 agencies across the state of South Carolina?

19 A. That's right.

20 Q. And that's upon request?

21 A. Upon request. Yes.

22 Q. Free of charge

23 A. As far as I know.

24 Q. Okay. As it relates to this case on June 24,
25 2021, do you recall responding and assisting?

1 A. I do.

2 Q. Can you describe to the jury the scene upon your
3 arrival?

4 A. They was surrounded by yellow barrier tape. There
5 were several West Columbia Police Department vehicles parked
6 in sort of a center circle around what was considered the
7 scene which inside the -- the crime scene tape and vehicles
8 that -- that area were several evidence markers scattered
9 around the pavement that the West Columbia Police Department
10 had placed on evidence that they observed before we arrived.
11 And the victim was laying on the ground covered by a pink
12 sheet.

13 Q. And do you remember approximately what time you
14 arrived on the scene?

15 A. I believe I arrived about 8:50 a.m.

16 Q. Okay. And you indicate that the deceased was
17 still on the scene?

18 A. He was, yes.

19 Q. Was the coroner there?

20 A. Yes, he was.

21 Q. And why was he still on the scene? The deceased?

22 A. We -- we typically take photographs of the scene
23 and if -- if EMS hasn't transported the body when we arrive,
24 we will document the whole scene with the photographs and
25 take measurements including of -- of the body.

1 Q. Okay. And was Daniel Jones eventually removed
2 from the scene?

3 A. Yes, he was.

4 Q. And that would've been at the end of the whole
5 processing of the crime scene, correct?

6 A. That's right.

7 Q. I'm going to show you what's been pre marked as
8 state's Exhibit 22 and 23 and ask you if you recognize them.

9 A. I do.

10 Q. And what do you recognize those items to be?

11 A. This is my final crime scene diagram and a Google
12 map image Google Earth image of the area.

13 Q. And explain to the jury what's the purpose of
14 doing a crime scene diagram?

15 A. The crime scene diagram basically gives a visual
16 representation of the scene, the body and the scene, the
17 evidence markers and their approximate position placement,
18 where they were in the scene in relation to specific areas of
19 the scene. Like this one was near the Family Dollar. So
20 it's just to orient anybody to what the scene looked like.

21 Q. Okay. And do both those items, they're fairly and
22 accurately represent or copies of your work product?

23 A. Yes, ma'am.

24 MS. FULLER: At this time, Your Honor, the state seek
25 to introduce into evidence State's Exhibit 22 and 23.

1 THE COURT: Any objection?

2 MR. MOBLEY: No objection.

3 THE COURT: They're admitted.

4 (State's Exhibits 22 and 23 were admitted into
5 evidence.)

6 BY MS. FULLER:

7 Q. Just wanted to catch the jury's bearings and if
8 you can go ahead and describe to them what they're looking at
9 just how you explained it before they got a chance to look at
10 it.

11 A. The -- the large parking lot area is --

12 Q. I apologize, there should be a laser corner still
13 up there too, if you can use that. Thank you.

14 THE COURT: We need a new laser.

15 MS. FULLER:

16 Q. Will you tell me where to point -- now point?

17 A. Sure.

18 Q. Okay. You said large parking lot area. Is this
19 where you're referring to?

20 A. Yes.

21 Q. Okay. And go ahead and continue your testimony.

22 A. The blue --

23 Q. Okay. I pointed once, go ahead. Sorry.

24 A. The -- the blue pin in the picture is where Family
25 Dollar was located. The one blue pin toward, on the left

1 side of the picture is where the suspect's car was parked at
2 the drive through of the -- an old bank. And then the, you
3 can sort of see it at toward the -- the bottom is a blue pen.
4 That was where Columbia Farms was.

5 Q. Okay. Stepping up to point here is where you said
6 the vehicle was parked.

7 A. That's right.

8 Q. And then over here the -- the chicken plant House
9 of Raeford.

10 A. That's right.

11 Q. And publishing up front to the jury. And so is it
12 safe to say that here, the big area of the parking lot
13 generally was what was considered the crime scene?

14 A. Yes.

15 Q. Okay. I'm going to show you State's 23 and if you
16 can describe this to the jury,

17 A. That's my final crime scene diagram.

18 Q. And what's depicted here?

19 A. The victim and then the -- all the evidence
20 markers and approximately where they were in the scene.

21 Q. Now, did you place those markers?

22 A. No.

23 Q. And when you arrived, was the scene still secure?

24 A. Yes, it was.

25 Q. And so it's your understanding that West Columbia

1 Police Department officers placed those markers down prior to
2 your arrival?

3 A. That's right.

4 Q. Did you replace them or you just -- did you verify
5 them I guess?

6 A. I mean we -- we searched the area for any
7 additional evidence before we started taking pictures. And
8 then we -- we didn't replace their markers with ours.

9 Q. Okay. And if you can walk me through, what do
10 those markers indicate? It looks like AB and then D through
11 P. What do they indicate?

12 A. Those are all cartridge cases.

13 Q. And then C is indicated as what?

14 A. That was suspected blood on a paper.

15 Q. Okay. Did you photograph, take photographs as
16 well of all of the cartridge casing?

17 A. Yes, we did.

18 Q. I'm going to show you what's been pre-marked --
19 it's going to show you what's been pre-marked as State's 25
20 to 28 and ask you if you recognize them.

21 A. Yes, I do.

22 Q. And how do you recognize those photos?

23 A. These were the photographs that we took.

24 Q. And do they fairly and accurately represent the
25 scene prior to the collection of evidence?

1 A. Yes, they do.

2 Q. Have they -- do they appear to be altered in any
3 way?

4 A. No.

5 MS. FULLER: At this time, Your Honor, the state seeks
6 to introduce into evidence State's Exhibit 24 through 28.

7 THE COURT: I got -- is it 24? I have 25.

8 MS. FULLER: Oh, sorry, I skipped 25 through 28.

9 THE COURT: Okay.

10 MS. FULLER: I just want to make sure.

11 THE COURT: Any objection?

12 MR. MOBLEY: No objection, Your Honor.

13 THE COURT: They're admitted.

14 (State's Exhibits 25 through 29 were admitted into
15 evidence.)

16 BY MS. FULLER:

17 Q. Looking at State's 25, can you go ahead and
18 describe to the jury what they're looking at here?

19 A. The victim is still lying there with pink sheet
20 covering him and all the evidence markers working in the car
21 cases and the suspected blood.

22 Q. And then do you also see crime scene tape in this
23 photograph?

24 A. Yes.

25 Q. And looking at State's 26, if you can describe to

1 the jury this angle.

2 A. You still see the crime scene tape and several of
3 the cartridge cases marked.

4 Q. And looking at State's 27, if you can describe to
5 the jury this angle.

6 A. You can -- the victim is lying there, the
7 cartridge cases marked and see the semicircle that the police
8 vehicles formed to shield his -- the view of onlookers.

9 Q. And then looking at State's 28 is this another
10 angle.

11 A. Yes, it is.

12 Q. Now these four -- these four photographs are just
13 one 100th of the amount of photographs you actually exposed
14 that date, correct?

15 A. That's right.

16 Q. And these are selected -- do these capture all of
17 the markers that are described in your crime scene diagram?

18 A. Yes, I believe so.

19 Q. And prior to trial you were able to verify that,
20 correct?

21 A. That's correct.

22 Q. Did you ultimately end up collecting all of those
23 cartridge cases?

24 A. Yes, we did.

25 Q. I'm going to show you what's been collectively

1 bagged and marked as State's 99. And ask if you can take
2 your time and tell me if you recognize them.

3 A. I do.

4 Q. And are those the items that you collected that
5 are depicted in State's 23 in your crime scene diagram?

6 A. Yes, they're.

7 Q. And I'm going to show you what's been pre-marked
8 as State's 29 and 30 and asks if you recognize them.

9 A. Yes, I do.

10 Q. And what are these two photographs of?

11 A. Those are pictures of all of these items.

12 MS. FULLER: Okay. At this time, Your Honor, the state
13 seeks to introduce into evidence State's Exhibit 99 that
14 contains State's Exhibit 74 through 88 as well as State's
15 Exhibit 29 and 30 that are published one time seamlessly for
16 the record, you'll bear with me

17 THE COURT: Any objection?

18 MR. MOBLEY: No objection, Your Honor.

19 THE COURT: They're admitted.

20 (State's Exhibits 99, 74 through 88, 29 and 30 were
21 admitted into evidence.)

22 BY MS. FULLER:

23 Q. And then for the record, State's exhibit 74 is
24 described as -- I'll publish. So State's 29, it's the
25 easiest way to go through 15 casings. Looking at 29, these

1 are the same, these are pictures of the bags that you just
2 verified are in evidence, correct?

3 A. That's right.

4 Q. And then looking at 30, those are the bag with the
5 -- the casing on the outside of it, correct?

6 A. Correct.

7 MS. FULLER: Okay. So now for the record, State's
8 Exhibit 74 in SLED item two one part the page head stamped
9 WMA18 from marker A. State's exhibit 75, SLED item three,
10 head stamped A-G-I-L-A, Agila, nine millimeter marker B.
11 State's exhibit 76, SLED item four, marker D, head stamped
12 WMA19, 77 --

13 THE COURT: 77's next.

14 MS. FULLER: I just read through.

15 UNKNOWN FEMALE: And slower please.

16 MS. FULLER: 77 SLED item five, one cartridge case
17 heads stamped WMA19, marker E. 78, SLED item six marked
18 Agila, nine millimeter and I apologize if I'm pronouncing it
19 wrong, marker F. SLED item 79 -- State's Exhibit 79 is SLED
20 item seven, WMA is the head stamp marker G. SLED item --
21 State's Exhibit 80 is SLED item eight from marker H. State's
22 Exhibit 81 is SLED item nine, marker I. State's Exhibit 82.
23 All right, 82 SLED item 10, marker J. State's Exhibit 83,
24 SLED item 11, marker K. State's exhibit 84, SLED item 12,
25 marker L. State's Exhibit 85 is SLED item 13, marker M.

1 State's Exhibit 86 is SLED item 14, marker N. State's
2 Exhibit 87 is SLED item 15, marker O. State's Exhibit 88 is
3 SLED item 16, marker P. State's Exhibit 89 is SLED item 17,
4 we're not there yet. And those are all in evidence if the
5 record is clear.

6 THE COURT: 74 through 88.

7 MS. FULLER: Thank you, Your Honor.

8 THE COURT: And any objection on that?

9 MR. MOBLEY: No objection, Your Honor.

10 THE COURT: All right. All of those are admitted
11 without objection.

12 MS. FULLER: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 BY MS. FULLER:

15 Q. And now looking, it's kind of hard to read on
16 there, but just so the jury can actually I'll point it out,
17 but if you could look at the bag on here you do see your --
18 you do recognize that they mapped, correct?

19 A. Yes.

20 Q. And then the SLED item number, what is it? How do
21 you recognize the item number on the bag?

22 A. I wrote it.

23 Q. Okay. And where is it on the bag? Looking at the
24 first one here.

25 A. At the bottom.

1 Q. Okay. And is it indicated by, for example, the
2 first one's I14?

3 A. That's right.

4 Q. Okay. I'll just point it out here. And all of
5 the bags are written similarly and the, I would indicate the
6 item number for verification purposes, correct?

7 A. Yes.

8 Q. And all of these were what we see in State's
9 Exhibit 25, 26, 27, 28 from the scene, correct?

10 A. That's correct.

11 Q. Now, did you eventually take -- did you eventually
12 take full photographs of Daniel Jones while at the scene?

13 A. Yes, we did.

14 Q. And did you also participate and or move his body?
15 Correct?

16 A. I -- I observed.

17 Q. Okay. And underneath his body, did you -- what,
18 if anything, did you collect?

19 A. There were two projectiles and in a few three
20 metal fragments.

21 Q. I'm going to show you what's been collectively
22 pre-marked as State's 100, well in a bag 100 with contents.
23 Can you go ahead and verify those contents? Do you recognize
24 them?

25 A. Yes, I do.

1 Q. I'm going to show you also State's 31. And do you
2 recognize that photograph or recognize the contents of that
3 photograph?

4 A. Yes, I do.

5 Q. And how do you recognize them?

6 A. They're these items,

7 Q. The same items you just verified, that's in 100?

8 A. Yes, that's right.

9 MS. FULLER: At this time, Your Honor, the State seeks
10 introduce into evidence State's Exhibit 100 that collectively
11 contains Ms. Worley's photographs.

12 THE COURT: 31, State's 31.

13 MS. FULLER: I beg the court's indulgence. All right.
14 That was 31 photo, it's 31 into evidence and that contains
15 the items that she testified she collected from underneath
16 the deceased. And for the record, those are SLED items, I
17 mean State's Exhibit number 93 -- 89 through 93.

18 THE COURT: All right, let me ask you, Mr. Mobley,
19 she's introducing 100 a photograph, which is State's Exhibit
20 31, and then State's Exhibit 89 to 93. Is there any
21 objection?

22 MR. MOBLEY: No objection.

23 THE COURT: They're admitted.

24 (State's Exhibits 100 and 89 through 93 were admitted
25 into evidence.)

1 MS. FULLER: Thank you, Your Honor.

2 BY MS. FULLER:

3 Q. And looking at the contents of -- of 100 and the
4 photograph in 31, did you verify that the packaging that's
5 contained in here is also what's in these photographs,
6 correct?

7 A. Yes, that's right.

8 Q. And similar to the casings the handwriting on the
9 outside and the SLED item number is written on them.

10 A. That's right.

11 MS. FULLER: And then we'll publish that for the
12 record. I'll use your list again. Okay, so for the record,
13 this would be item number -- State's Exhibit 89 through 92.

14 THE COURT: I have 93.

15 BY MS. FULLER:

16 Q. To 93. 89 is SLED item 17, and that's conducted
17 from underneath his body. State's Exhibit 90, which is SLED
18 Item 18. And that's a projectile you described underneath
19 his back. State's Exhibit 91 is SLED Item 19, underneath his
20 back as well. 92, State's Exhibit 92 is SLED item 20 and
21 State's Exhibit 93 is SLED item 21. Now we're going to use
22 our words in terms of where the projectiles and fragments
23 were collected. Can you describe to the jury where exactly
24 they were located underneath his body?

25 A. It was area when -- when we rolled him over to

1 check his back. They were directly where his back had been.

2 Q. And just so it's also clear for the jury and for
3 the record, and we're talking about on the actual ground,
4 correct?

5 A. That's right.

6 Q. And looking at State's 25, that would be
7 underneath where his body is in this photograph, correct?

8 A. That's correct.

9 Q. And you said underneath his back?

10 A. Yes.

11 MS. FULLER: I beg for court's indulgence.

12 THE COURT: Take your time.

13 BY MS. FULLER:

14 Q. In terms of the -- where the casings were
15 recovered, what, if anything did that indicate to you about
16 one where the shooting took place?

17 A. That it took place right there?

18 Q. Great. Second question. What did it indicate
19 about the shooter?

20 A. It indicated to me that there was likely movement
21 and the shooters moving possibly the -- the victim's moving
22 also.

23 Q. And what, based on the placement of the casings
24 gives you that indication?

25 A. They were -- they were so spread out in that -- in

1 that area which they're going to go where -- where they go
2 when they fall, that they're going to hit and they're going
3 to roll and they just -- they're -- they're too spread out
4 for me to think that someone was standing in place, I guess.

5 Q. Okay. And so based on the crime scene, it
6 indicates that the shooter while actually firing the firearm
7 was moving while shooting, correct?

8 A. That's -- that's what I think, yes.

9 Q. Okay. And in terms of the projectiles, which
10 include the bullet -- the fire bullets or, and or the
11 fragments that were recovered underneath his back, what if
12 anything, does that suggest about the deceased when he was
13 shot?

14 A. It indicates he was lying on the ground when he
15 was shot.

16 Q. Just a couple more photographs that I need to move
17 in. Looking at -- I'm going to show you State's 24. I'll
18 ask you to (inaudible) the jury. As well as State's 42, 43
19 and I believe 44. I'm going to give you 24 first and then 42
20 through. And do you recognize those?

21 A. I do.

22 Q. And do they fairly and accurately represent the
23 images that -- are these photographs that you took or were
24 present while they were taken?

25 A. Yes.

1 Q. And do they appear to be altered in any way?

2 A. No.

3 MS. FULLER: And at this time, Your Honor, the state
4 cease to introduce State's 24 as well as 42 through 44 into
5 evidence.

6 THE COURT: Any objection?

7 MR. MOBLEY: No objection.

8 THE COURT: They're admitted.

9 (State's Exhibits 24 and 42 through 44 were admitted
10 into evidence.)

11 MS. FULLER: Thank you.

12 BY MS. FULLER:

13 Q. I'm going to use your crime scene diagram. Put
14 this back up here to catch everyone's bearings on where we
15 are, which is States 22, and I'm going to publish State's 24.
16 Can you describe to the jury what they're looking at here?

17 A. That's from the parking lot and the general area
18 where the shooting occurred. Looking across Sunset Boulevard
19 to Columbia Farms.

20 Q. Okay. And do we also see a crosswalk there?

21 A. Yes.

22 Q. And now going back to your crime scene diagram,
23 can you orient the jury generally. I know it's kind of hard,
24 the location of this photograph.

25 A. In the -- the parking lot area facing Sunset

1 Boulevard.

2 Q. Okay. Now looking at a series here 42, what is
3 depicted in this photograph?

4 A. That was the defendant's blue Mercedes.

5 Q. And looking at 43, is that just another angle?

6 A. Yes.

7 Q. And what direction is it pointed?

8 A. That's pointed toward where the shooting occurred.

9 Q. And looking at 44. Another angle?

10 A. Yes.

11 Q. And that's pointing towards the shooting, correct?

12 A. Correct.

13 Q. And what would you describe this structure that
14 he's parked under as?

15 A. My understanding it was a -- a bank that's no
16 longer operating.

17 Q. And looking at State's 22. Can you point that out
18 again for the jury on where that is?

19 A. The blue pin sort on the left side.

20 Q. Right there?

21 A. Yes, ma'am.

22 Q. I know they can't see it from on the screen, but
23 it's titled suspect's vehicle?

24 A. Yes.

25 Q. And that's where you found his vehicle, correct?

1 A. Correct.

2 Q. I'm going to show you what's already in evidence.
3 And just for identification, the Honda photos. The State's
4 Exhibit number -- you found those. Okay. I'm going to show
5 you published nine. Is this a photograph you recognize?

6 A. I do.

7 Q. And whose vehicle did you understand that to be?

8 A. The victim's girlfriend.

9 Q. And that's same position in 10?

10 A. Yes, ma'am.

11 Q. And 11?

12 A. Yes, ma'am.

13 Q. And in relation to where Daniel Jones was found
14 where was this vehicle?

15 A. I believe it was he -- he was sort of toward the
16 -- the back of the vehicle and maybe more the passenger side
17 in that area of the parking lot.

18 Q. So going to the, I guess if we're looking here,
19 the crime scene, the first -- the main crime scene would've
20 been to the left of the vehicle?

21 A. Yes.

22 Q. Or is it to the right? Just trying to orient the
23 jury.

24 A. This -- this side of the -- that vehicle.

25 MS. FULLER: Okay. I beg the court's indulgence.

1 THE COURT: Take your time.

2 MS. FULLER: All right. I believe that is it. No
3 further questions at this time.

4 THE COURT: Thank you, Ms. Fuller. Mr. Mobley?

5 MR. MOBLEY: No questions, Your Honor.

6 THE COURT: Anything else Ms. Fuller?

7 MS. FULLER: Of this witness, no, Your Honor. There
8 are no questions.

9 THE COURT: May I let Ms. Worley-Blackmon or Agent
10 Worley-Blackmon down?

11 MS. FULLER: Yes, Your Honor.

12 THE COURT: You may be excused.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Thank you. All right, let me see the
15 lawyers just for a second.

16 MR. MOBLEY: Okay.

17 MS. FULLER: In the hall?

18 THE COURT: Yeah. You all (inaudible).

19 MR. MOBLEY: Sure.

20 THE COURT: All right. Ladies and gentlemen of the
21 jury, I'm not inclined to keep you past five o'clock. You've
22 got terrible traffic at five o'clock. We have two very short
23 witnesses. They tell me that I can have you out here by
24 five. So we're going to try it. Okay. Anybody need a break
25 before we go? All right, you call your next witness.

1 MS. PATTERSON: State calls investigator Mike Phipts.

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

4 MICHAEL PHIPTS,
5 being first duly sworn, testifies as follows:

6 THE CLERK: Thank you. Would you please have a seat in
7 the witness box. State your full name and spell your last
8 for the record. I'm Michael Phipts, P-H-I-P-T-S.

9 DIRECT EXAMINATION

10 BY MS. PATTERSON:

11 Q. Investigator Phipts, where are you employed?

12 A. With the Lexington County Sheriff's Department.

13 Q. And what -- what is your job title?

14 A. I'm a forensic technology investigator.

15 Q. And have you been declared an expert in the field
16 of digital forensics before?

17 A. Yes, ma'am.

18 Q. And what is your law enforcement background?

19 A. Like most people, I started off with the Sheriff's
20 department on the road. I have 25 years of experience with
21 the Sheriff's department. I started doing digital forensics
22 in 2005 as far as training and then actually doing cell phone
23 exams starting in 2007.

24 Q. Okay. And have you testified in court before as
25 an expert in the field of digital forensics?

1 A. Yes, ma'am.

2 Q. You've been qualified as an expert in such?

3 A. I've been qualified as an expert over 25 times in
4 the various areas of digital forensics.

5 MS. PATTERSON: Your Honor, at this time we must
6 investigator Phipps as an expert in the field of digital
7 forensics.

8 THE COURT: Any objection?

9 MR. MOBLEY: No objection to this witness's
10 qualifications.

11 THE COURT: All right, let me tell the jury. Normally
12 a witness can only testify in what they seen, they heard or
13 they did. But we have an exception in the law due the
14 education and experience. They're not as experts and they're
15 allowed to give their opinion. That doesn't mean. You have
16 to accept it, you give it the weight that you feel that it's
17 worth and treat it different than any other witness's
18 testimony. Go ahead, Ms. Patterson.

19 BY MS. PATTERSON:

20 Q. Investigator Phipps, although you were with the
21 Lexington County Sheriff's Department, do you typically
22 assist other agencies upon requests?

23 A. Yes, ma'am, I do.

24 Q. And did you have the occasion to assist the West
25 Columbia Police Department in the investigation in this case?

1 A. Yes. I received, I think it was two cell phones
2 in reference to this case.

3 Q. And I'm going to show you what's been just for, ID
4 only States number 72 and ask if you recognize what I just
5 passed you up.

6 A. I do, yes, ma'am.

7 Q. What do you recognize that to be?

8 A. It's a cell phone that I examined and I recognize
9 my seal and initials on the envelope.

10 Q. And I'm going to show you what's been marked as
11 State -- for ID only State's 57 and asks if you recognize
12 that.

13 A. Yes, ma'am. This is an extraction of the data
14 that I recovered from that cell phone and this just has my
15 initials and date on it where I confirmed that.

16 Q. And can you just briefly describe to the jury, how
17 do you go about extracting a cell phone?

18 A. We use forensic tools. In this case it was a
19 product by a company called Cellebrite, and they have
20 hardware and software that allows us to hook the phone to it
21 and in a forensically sound manner, pull that data off and
22 then analyze it in -- in tools outside of the phone itself.

23 So in this instance, if I remember correctly, we did
24 get a physical, so a physical is akin to the raw data that
25 you would get off of a computer. So that raw ones and zeros,

1 and then it's reconstructed using the software tool.

2 Q. Okay. And when you perform a extraction on the
3 cell phone is a report generated?

4 A. It is, yes, ma'am.

5 Q. And I'm going to show you what's been marked as
6 State's Exhibit 45, ask you to take a look at that. And do
7 you recognize state's 45?

8 A. Yes, ma'am, I do.

9 Q. And what do you recognize that to be?

10 A. This is the -- a portion of the data. It's again,
11 a report that we generate within Cellebrite's tool, physical
12 analyzer, and it -- the front cover, this has all the
13 physical characteristics of the phone and the type of
14 attraction we made.

15 Q. And does that report barely and accurately
16 represent the report that you got from the phone, the phone,
17 the cell phone extraction that you performed in this case?

18 A. Yes, ma'am.

19 MS. PATTERSON: Your Honor, at this time, we'll move
20 State's Exhibit 45 into the evidence.

21 THE COURT: Any objection?

22 MR. MOBLEY: No objection.

23 THE COURT: It's admitted.

24 (State's Exhibit 45 was admitted into evidence.)

25 BY MS. PATTERSON:

1 Q. Investigator Phipps, were you able to obtain a
2 user account of a name or email address associated with this
3 phone?

4 A. Yes, ma'am. It's part of the way the software
5 gathers the information. It -- it congregates like items
6 together, photos together. In this case it searches the
7 phone and lets you know all the accounts it finds if you've
8 got a Facebook account or an email account and it shows it to
9 us all in one -- one location.

10 Q. And what was the name of the account generated in
11 this report?

12 A. The account -- majority of the accounts were in
13 variations of Trevor Irvin.

14 Q. And I'm going to show you what's been marked as
15 State's Exhibit 46 and ask if you can recognize this.

16 A. Yes, I do.

17 Q. And what is that in State's, I'm sorry 46.

18 A. It's a portion of the timeline. So again, the --
19 the software takes everything in a chronological order and
20 displays it to us. So if you have a email, a text message,
21 and then it puts that in a timeline format. So this is a
22 portion of the timeline showing what occurred in that period
23 of time.

24 Q. And did this fairly accurately represent the
25 portion of that timeline that was generated from the phone

1 cell phone extraction?

2 A. It does.

3 MS. PATTERSON: Your Honor, at this time it moves
4 states exhibit 46 into evidence.

5 THE COURT: Is it? I want to make sure. Okay. 46.

6 MR. MOBLEY: No objection.

7 THE COURT: Any objection? Thank you. It's admitted.

8 (State's Exhibits 46 was admitted into evidence.)

9 BY MS. PATTERSON:

10 Q. And Investigator Phipps, what was the timeframe?
11 In the timeline is State's Exhibit 46.

12 A. This covers June 24th and it covers a time period
13 from 7:11 and 23 seconds in the morning through 7:21 in two
14 seconds.

15 Q. And can -- can you tell the jury what kind of if
16 you were able to tell what's phone call or what activity was
17 done around 7:11 on June 24, 2021?

18 A. Yes, there was an outgoing phone call recorded at
19 7:11 and 23 seconds to 340 area code phone number.

20 Q. Okay. Were you able to obtain a name associated
21 with that contact?

22 A. The contact was identified as Chris in this
23 address book.

24 Q. And it again, what was the time that that call
25 went out?

1 A. It was 7:11 and 23 seconds in the morning.

2 Q. And how long was that phone call?

3 A. The call lasted for two minutes and 59 seconds.

4 Q. And was there another phone call after that phone
5 call to Chris?

6 A. Yes. The next event in the timeline is another
7 outgoing phone call. That phone call was made to 911.

8 Q. And what time was that 911 call placed from that
9 phone?

10 A. 7:15 and 48 seconds in the morning.

11 Q. 7:15 and 48 seconds. And how long was that call
12 to 911?

13 A. Three minutes and 36 seconds.

14 Q. Okay. And was there any other phone calls after
15 that phone call 911 coming, outgoing calls from that phone?

16 A. There were no outgoing calls. No.

17 MS. PATTERSON: Thank you, investigator Phipts. No
18 further questions?

19 THE COURT: Mr. Mobley?

20 MR. MOBLEY: No questions.

21 THE COURT: Okay. May I excuse investigator Phipts
22 please?

23 MS. PATTERSON: Yes, ma'am. No objection from the
24 state?

25 MR. MOBLEY: No objection, Your Honor.

1 THE COURT: You're excused.

2 THE WITNESS: Thank you.

3 MS. PATTERSON: The state calls Christopher Heron.

4 THE CLERK: Please raise your right hand and place your
5 left on the Bible.

6 CHRISTOPHER HERON,
7 being first duly sworn, testifies as follows:

8 THE CLERK: Thank you. Would you please have a seat in
9 the witness box. State your full name and spell your last
10 for the record.

11 THE WITNESS: Christopher Heron, H-E-R-O-N.

12 DIRECT EXAMINATION

13 BY MS. PATTERSON:

14 Q. Good afternoon, Mr. Heron.

15 A. Good afternoon.

16 Q. And Mr. Heron, it's obvious you're in custody of
17 the Department of Corrections, correct?

18 A. Correct.

19 Q. And how long have you been in custody of the
20 Department of Corrections?

21 A. Seven months.

22 Q. Seven months. And what are you in The Department
23 of Corrections for?

24 A. Me and wife got a altercation.

25 Q. So is it a domestic violence charge?

1 A. It is.

2 Q. And when are you projected to (crosstalk)?

3 A. I get out August of '24.

4 Q. August of '24. And let's just talk about in June
5 of 2021, where were you employed?

6 A. House of Raeford. Known as Columbia Farms.

7 Q. And how long had you been employed at the House of
8 Raeford? Back in 2021.

9 A. About a year.

10 Q. And what shift did you work

11 A. Day shift.

12 Q. And what time did you usually arrive to work on
13 the day shift?

14 A. Well, depends night shift. Sometimes I come in
15 early and help when the eve, but night shifts usually about
16 nine o'clock, 8:45.

17 Q. And do you remember a shooting that occurred in
18 the parking lot across from the House of Raeford?

19 A. I do.

20 Q. And that would've been June 24th, 2021?

21 A. Right.

22 Q. Do you remember what time you arrived to work?

23 A. It was early. I want to say it was probably
24 around 7:00, 6:30 some around there.

25 Q. And what was the purpose of you arriving early to

1 work that day?

2 A. Yeah, to go in early and get some overtime.

3 Q. And where did you -- did you drive to the House of
4 Raeford?

5 A. I did.

6 Q. And where did you park?

7 A. Across the street. From the plant.

8 Q. From the plant. And is that the parking lot
9 normally where you would park your car?

10 A. That day, it was.

11 Q. Okay. And why was it any special reason you
12 parked your car over there that day?

13 A. I was going to go in and see if I could get, was
14 going to get in overtime or had to park my car. What do they
15 call it? The parking for the employees.

16 Q. Okay. And so would that be safe to say you parked
17 somewhere over here parked?

18 A. Right, my pins headed towards the front.

19 Q. Okay. And so after you spoke to your supervisor,
20 whoever you spoke to about getting extra work were you able
21 to get that extra work?

22 A. No, because the plant broke down.

23 Q. Okay. And so where did -- where did you go after
24 you spoke to that person about getting extra shift work?

25 A. I went out to the store, I got a pack of crackers.

1 Q. And where did you go and eat your crackers?

2 A. At the bench right here where it says House of
3 Raeford at the fence.

4 Q. And it might be a pointer up there. I'm -- I'm
5 not sure if it's going to work or not, but we'll try it.
6 Let's see if you can, are you able? Let me see if I can show
7 you this. And can you point where you would get your --
8 went?

9 A. Right there.

10 Q. So you went back across the street to where the
11 plant was?

12 A. Uh-huh.

13 Q. And you began to eat your pack of crackers.

14 A. Right.

15 Q. And what, if anything, caught your attention when
16 you went back across there?

17 A. When I heard the gunshots.

18 MS. PATTERSON: Your Honor, may I approach for a
19 minute? THE COURT: You may? Okay. All right. I'm going
20 to meet lawyers out in the hall.

21 MR. MOBLEY: Okay.

22 THE COURT: All right, you may continue, Ms. Patterson.

23 MS. PATTERSON: Thank you, Your Honor.

24 BY MS. PATTERSON:

25 Q. And Mr. Heron, you went back across the street to

1 the plant to eat your crackers, correct?

2 A. Yes, ma'am.

3 Q. And while you're sitting there, where in
4 particular did you sit when you got there?

5 A. Ma'am?

6 Q. Where in particular did you go? Were you still
7 outside?

8 A. Yeah, I was still outside. They got picnic
9 tables, like we would sit there and eat.

10 Q. Uh-huh.

11 A. Right beside the road, but road here. And the
12 plants got about that much, you know what I'm saying? Before
13 you get to the cars, whatever. But they got picnic, new
14 tables out there for you.

15 Q. And did anything in particular draw your attention
16 to across the street from where you was sitting?

17 A. Not until I heard shots.

18 Q. So you heard some shots?

19 A. Yeah.

20 Q. And can you describe to the jury what you heard?

21 A. Pop, pop, pop, pop, pop.

22 Q. And when you heard the first shot, did you look
23 across the street?

24 A. Everybody did.

25 Q. And what did you see?

1 A. I seen all the shots got done, seen him put the
2 gun back down in his waistband.

3 Q. So you saw the shooter put the gun back down in
4 his waistband?

5 A. Yeah.

6 Q. And did you see the victim?

7 A. No. After the shots when me and the nurse went
8 across the street, I went across the street with her and
9 that's when the victim's laying around taking his last
10 breath.

11 Q. Okay. So you went and you actually saw the victim
12 on the ground?

13 A. Yes.

14 Q. And did you see where the shooter went?

15 A. No. Everybody left him.

16 Q. And again, describe where you saw the shooter --
17 what you saw the shooter do with the gun after the shots.

18 A. Put -- he put the gun back in his waistbands.

19 Q. And then did law enforcement arrive?

20 A. Yes, ma'am.

21 Q. And did you have any interaction with law
22 enforcement?

23 A. Yes, I'm the one that when he was over there, he
24 come up and told me that, I guess it must have been the
25 girlfriend of the victim. He -- that he was sorry. And I

1 got the officer's attention and be able tell him that was the
2 one that shot him.

3 Q. And when you say who, you mean the shooter?

4 A. Correct.

5 Q. And you shot -- saw the shooter go up to the
6 victim's girlfriend?

7 A. I think it's his girlfriend. I didn't know any of
8 them.

9 Q. You didn't know him? So you wasn't -- you didn't
10 know Daniel Jones?

11 A. I didn't know any of them.

12 Q. Did you know the shooter?

13 A. No.

14 Q. You didn't know him? Did you know what he looked
15 like?

16 A. I picked him up the windup.

17 Q. Okay. And what did you remember how he looked?

18 A. Back then he had like, I guess braids in his hair.
19 That's -- I don't know, he looks different now.

20 Q. Okay. And you said you saw him come back to the
21 scene?

22 A. Correct.

23 Q. And when you saw him did you notify law
24 enforcement of his presence?

25 A. Yes, I did. My family works out there.

1 Q. I'm sorry.

2 A. My family works out there.

3 Q. Works out where?

4 A. At the House of Raeford.

5 Q. Okay.

6 A. I hate for one of the stray bullets, you know.

7 Could he gotten one of them coming into work?

8 Q. And did you hear the defendant say anything in
9 particular when he walked back up?

10 A. That he was sorry?

11 Q. He was sorry. Did you hear him say anything else?

12 A. No.

13 Q. Did he say anything to the victim's girlfriend
14 about what they were doing?

15 A. No.

16 Q. Did you give a statement to law enforcement?

17 A. Yes, ma'am, I did.

18 Q. And when did you give them that statement?

19 A. The same day.

20 Q. And although you did know the shooter, did you
21 know him by a name or a nickname?

22 A. Island boy.

23 Q. Island boy?

24 A. Yeah.

25 MS. PATTERSON: I beg for court's indulgence.

1 BY MS. PATTERSON:

2 Q. Chris, I'm going to show your statement that you
3 gave to law enforcement on the same day, June 24, 2023. It
4 is five pages. See if this refresh your memory. Do you
5 recognize this to be your statement?

6 A. Yes, ma'am.

7 Q. Okay. This you and you filled out this
8 information?

9 A. Correct.

10 Q. And you wrote this statement yourself?

11 A. Correct. That's my initials.

12 Q. Okay. And I would like to ask you just to look at
13 the end of page three and refresh your memory starting with
14 the second to the last line.

15 A. Yeah, that's what -- that's what the argument
16 started plan about.

17 Q. Okay.

18 A. They was just doing his job. I guess they must
19 have told me they were doing something wrong, but let see
20 what they happened was --

21 Q. And what we -- I just want you to testify about
22 what you know. So let me stop you. So when I asked you if
23 you remember hearing the defendant say anything to the
24 victim's girlfriend, does that refresh your memory?

25 A. Yeah.

1 Q. Did you hear him say that?

2 A. Yeah.

3 Q. And could you tell the jury what you heard him
4 say?

5 A. That he was just doing his job.

6 Q. And also what else?

7 A. Let him know when he was doing wrong.

8 Q. Okay. And that was the statement he made when he
9 came back to the scene after the shooting?

10 A. Correct.

11 MS. PATTERSON: Okay. Beg the court's indulgence.

12 BY MS. PATTERSON:

13 Q. And where did you talk to law enforcement? Did
14 you go?

15 A. I went -- I went down to the police department.

16 MS. PATTERSON: Beg the court's indulgence.

17 THE COURT: Take your time.

18 MS. PATTERSON: Thank you, Mr. Heron. Please answer
19 any questions the defense may have.

20 THE COURT: Mr. Mobley?

21 CROSS-EXAMINATION

22 BY MR. MOBLEY:

23 Q. Good afternoon, Mr. Heron, sir.

24 A. (Inaudible)

25 Q. I believe you indicated that the individual that

1 fired the shots, he -- he also made a statement I indicating
2 that he was sorry.

3 A. Yeah.

4 MR. MOBLEY: Okay. That's all I have. Thank you.

5 MS. PATTERSON: No further questions, Your Honor.

6 Okay.

7 THE COURT: Can I excuse Mr. Heron?

8 MS. PATTERSON: Yes, ma'am.

9 THE COURT: Okay. Thank you, Mr. Heron.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: Okay, ladies and gentlemen and Mr. Foreman,
12 we're going to call it a today. So thank you for being so
13 attentive and paying attention and we're going to start back
14 at 9:30 in the morning. Please remember, do not talk about
15 this case. Do not watch any news about this case or read
16 anything in the newspapers. I'll ask you again in the
17 morning. Hope you all have a great evening. And again,
18 thank you for your service.

19 (Jury exiting courtroom.)

20 THE COURT: Anything from the state.

21 MS. FULLER: Your Honor, before we end today?

22 THE COURT: Yes.

23 MS. FULLER: Oh yes, Your Honor, just for briefly for
24 scheduling purposes, I know I sent the email, but I just
25 wanted to confirm.

1 THE COURT: You sent an email. I hadn't seen it.

2 MS. FULLER: Oh no. 10 days ago about the scheduling
3 with the state that we intend to arrest tomorrow and we're
4 still on schedule for that. So just allowing the defense if
5 they're going to put the case, if they're prepared to go.
6 Probably about lunchtime tomorrow.

7 THE COURT: Okay. Well this is what I'm going to do if
8 I know that you're planning on resting tomorrow.

9 MS. FULLER: And sorry Your Honor, I know everybody's
10 trying to go, I just want to keep us on track for the week.

11 THE COURT: No -- no. If you we're scheduled -- you're
12 scheduled to rest tomorrow, right?

13 MS. FULLER: Yes, Your Honor.

14 THE COURT: Okay. And what I would like to do, well,
15 we've got just a little bit of time because I'm going to tell
16 you, I think it's a very important, right? I'm going to ask
17 Mr. Irvin to stand and I want to read ins. I think it's just
18 so he can think about it overnight. If he needs to talk with
19 some family members, I'll make that arrangement. But if
20 you'd stand Mr. Irvin, the state tells me that they plan to
21 rest their case tomorrow.

22 MR. IRVIN: Yes, ma'am.

23 THE COURT: Okay. So at this time I'm going to explain
24 to you certain of your rights. If you do not understand
25 anything I say, please let me know. If you want me to

1 explain anything in more detail, please let me know. Do you
2 understand?

3 MR. IRVIN: Yes.

4 THE COURT: All right. We will reach the stage of the
5 trial tomorrow where you may present your defense. You have
6 the right to claim the protections given to you by the Fifth
7 Amendment to the Constitution of the United States, which
8 states in part, "No person shall be compelled in any criminal
9 case to be a witness against himself." This means that you
10 cannot be required to testify in this case. You have the
11 right to testify on your own behalf.

12 However, no one can make you testify. This is a
13 personal right. And no one can waive this right except for
14 you. If you decide to testify, you will be subject to the
15 same rules that govern other witnesses and you may be
16 examined and cross-examined on any relevant issue in the
17 case.

18 In addition, if you have any convictions involving
19 dishonesty or false statements or for crimes punishable by
20 imprisonment for more than one year, and this court
21 determines that the probative value of admitting this
22 evidence outweighs its prejudicial effect to you, the
23 solicitor will be able to introduce your record to attack
24 your credibility at this time. Let me ask to stay. Does the
25 defendant have a record?

1 MS. FULLER: No, Your Honor.

2 THE COURT: All right, then I'm going to tell you they
3 can attack you for a record because you don't have one Mr.
4 Irvin. If you decide to testify, this decision on your part
5 must be freely, voluntarily, and intelligently made with
6 knowledge of the protections given to you by the Fifth
7 Amendment and the consequences of your decision to testify.

8 If you decide not to testify, I will instruct the
9 jurors that they cannot give the fact that you did not
10 testify any consideration whatsoever. And that there is to
11 be absolutely no prejudice to you because you did not
12 testify. It is left entirely up to you whether or not to
13 testify. You may talk to your attorney, your family, your
14 friends, or anyone else, but the final decision will be left
15 entirely up to you.

16 Now, I'll go back over this with you tomorrow, but it's
17 a very important right. So I -- I like to read it when I
18 know that the state is going to rest. I like to read it the
19 day before. We give you the night to think about it. I'll
20 also make arrangements. I see your family members.

21 MR. MOBLEY: Yes, Your Honor.

22 THE COURT: I will give him some time to speak with his
23 family members if he -- if he wishes.

24 MR. MOBLEY: Yes, that'd be -- that'd be appreciated,
25 Your Honor.

1 THE COURT: And all the time that you need with your
2 attorney. Again, it's a very important right. And an
3 important decision.

4 MR. IRVIN: Yes, Your Honor.

5 THE COURT: Okay. And then you can tell me tomorrow,
6 we'll talk about it again when the state rests, whether you
7 wish to testify or not. Okay?

8 MR. IRVIN: Yes, ma'am.

9 THE COURT: Now it's getting late on the hour. Let me
10 ask, I know they'll probably want to transport you back, but
11 can you have him here at 8:30 in the morning?

12 UNKNOWN MALE: I'm not the transporter. I can ask him.

13 THE COURT: I'd like him to be here at 8:30 in the
14 morning. Can I ask the family members to be here at 8:30 in
15 the morning and I'll give you time to speak with Mr. Irvin?
16 Does that suit you, Mr. Mobley? I'm going to make you come
17 in at 8:30 too.

18 MR. MOBLEY: That's fine, Your Honor.

19 THE COURT: We'll start at 9:30, but that should give
20 Mr. Irvin plenty of time to speak with his family. Okay?

21 MR. MOBLEY: Thank you, Your Honor.

22 MS. FULLER: And Your Honor, just for scheduling
23 purposes, once the state rests tomorrow, should the defense
24 decide not to put up a case, is your intent to go into
25 closing your charge or can we close in on Thursday morning?

1 What's kind of just jump?

2 THE COURT: Well, it all depends on how long. I mean,
3 where do you think you are for tomorrow hen resting?

4 MS. FULLER: We'll rest before lunch.

5 THE COURT: Before lunch?

6 MS. FULLER: Or at by lunch. I mean, if we -- if we're
7 taking lunch between 12:30 and 1:00, the state anticipates
8 being done.

9 THE COURT: I always hate to give a case to the jury in
10 the late afternoon. I don't like rushing anybody.

11 MS. FULLER: Okay. Thank you, Your Honor,

12 THE COURT: So my preference would be, unless there's
13 an objection from the lawyers that we close and charge on
14 Thursday morning.

15 MS. FULLER: There will be no --

16 THE COURT: Then the jury's got, they -- they're not
17 going to feel rushed. I could bring them lunch if I need to.
18 They can take their time to make this decision. I mean, it's
19 an important decision. This is an important case. Any
20 objections?

21 MR. MOBLEY: No objections, Your Honor.

22 MS. FULLER: No objections, Your Honor.

23 THE COURT: Okay. But that would kind of be my
24 schedule.

25 MS. FULLER: Okay. Thank you, Your Honor.

1 THE COURT: What I would like to do.

2 MR. MOBLEY: Thank you.

3 THE COURT: All right. Mr. Mobley, I -- I'm not going
4 to make the state be here at 9:30. That way you all can have
5 the courtroom to yourselves. We'll start court at 9:30.

6 MS. FULLER: Yes, ma'am.

7 THE COURT: Okay. All right. Thank you. Court's
8 adjourned.

9 MS. FULLER: Thank you.

10 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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CERTIFICATE OF TRANSCRIBER

I, NATASHA BARRIENTOS, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 11 of Lexington County, South Carolina, on the 20th Day of June, 2023.

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

November 8, 2023

Natasha Barrientos

Transcriber

1 CONTINUATION OF PROCEEDINGS - JUNE 21, 2023

2 THE COURT: Good morning.

3 MS. FULLER: Good morning.

4 MR. MOBLEY: Good morning.

5 THE COURT: State's ready?

6 MS. FULLER: Yes, Your Honor. State is ready.

7 THE COURT: Defense ready?

8 MR. MOBLEY: Yes, Your Honor.

9 THE COURT: Bring jury in so I can ask my morning
10 question. Good morning, Ms. Bethany.

11 THE CLERK: Good morning, Judge.

12 THE COURT: All right, Mr. Foreman, the jury ready?

13 THE BAILIFF: Yes ma'am.

14 THE COURT: Please be seated. All right, ladies and
15 gentlemen, let me ask you my morning question. Have you
16 talked to anyone about this case? Has anyone tried to talk
17 to you about this case or have you read, done any research or
18 watched any news reports about this case? If so, please
19 raise your hand. Perfect. All right. The State can call
20 their next witness.

21 MS. FULLER: Thank you, Your Honor. The State calls
22 Vianne Brantley.

23 THE CLERK: Could you please raise your right hand and
24 place your left on the Bible.

25 VIANNE BRANTLEY,

1 having been fully sworn in, testified as follows:

2 THE CLERK: Thank you. Would you please have a seat in
3 the witness box. State your full name and spell your last
4 for the record.

5 THE WITNESS: My -- my name is Vianne Brantley and my
6 last name is Brantley, B-R-A-N-T-L-E-Y.

7 DIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. Good morning. Can you tell the jury where are you
10 employed?

11 A. I work for the South Carolina Law Enforcement
12 Division, also known as SLED.

13 Q. And in what capacity?

14 A. I'm a digital -- computer digital forensic where I
15 own process evidence, which is electronic devices we receive
16 them in and we do extractions or images, and then we create
17 reports and present them to the submitting agency.

18 Q. And how long have you worked in this capacity?

19 A. I've been there since 2014.

20 Q. Okay. And what is your -- in the area of digital
21 forensics as well as video enhancements, can you share what
22 your expertise is and your training -- and training and
23 experience and education?

24 A. Okay. I've got -- I'm certified in video
25 forensics since September, 2021. And I've been doing

1 Cellebrite, which does extraction of cell phones. And I've
2 been doing, Magnum Axiom, which is a tool that does forensic
3 images, computers.

4 Q. And what is some of your education and training?

5 A. I've been to NCFI in Hoover, which is presented by
6 the Secret Service. We go there for training and I've done
7 online training as well as going to SANS training, which is
8 another agency that presents training for forensic training.

9 Q. And in the area of video enhancement. What is
10 your training?

11 A. I got input Act -- it used to be input ACE
12 National Acts on investigations. So what I do there is, we
13 receive video in and I can either enhancement, which makes it
14 lighten it up or darken it up so you can see, make it more
15 clear for you to view it.

16 Q. And in part of your training, are you -- do you --
17 how do you determine whether or not a video can be enhanced?

18 A. By looking at it, if it's too dark, there's really
19 not too much we can do with it. If it's too light, same
20 thing. You can try to darken up with the tools that we get.

21 Q. And does any of the tools actually alter the
22 content of the video?

23 A. It doesn't -- the tools do not alter the content.

24 Q. Okay.

25 A. Of the video.

1 Q. And --

2 A. It does not.

3 Q. Have you been qualified as an expert before in the
4 field of digital forensics?

5 A. No, I have not.

6 Q. This will be your first time?

7 A. This is my first time, yes.

8 Q. And as it relates to this case, did you enhance a
9 video in this case?

10 A. I did.

11 Q. And have -- have you enhanced videos before?

12 A. I have. I've been enhanced them since 2021.

13 Q. And -- but in terms of coming to court, this will
14 be your first time ever?

15 A. This is my first time.

16 MS. FULLER: Your Honor, at this time I would offer Ms.
17 Vianne Brantley as an expert in the area of digital forensics
18 with a concentration of video enhancements.

19 THE COURT: Okay. And I'll rule on that and -- and get
20 to you Mr. Mobley. But the one juror needs a break right
21 quick. So I'm going to let them take a quick break. How
22 about knock on the door and let the bailiff know when you're
23 ready to come in. When one goes, you all have to go. And
24 remember no talking about this case.

25 (Off the record.)

1 THE COURT: Let me speak to the lawyers just for a
2 second. I received a transport order at 9:30 last night.

3 MS. FULLER: Yes, Your Honor.

4 THE COURT: I signed it. I have given it to Danny
5 (ph). They have sent it to SCDC, so I'm hoping they will
6 make it here on time. No guarantees. We're just going to
7 have to see.

8 MR. MOBLEY: Thank you.

9 THE COURT: I've ordered it. If that doesn't mean
10 anything, we'll see.

11 MS. FULLER: Thank you, Your Honor.

12 THE COURT: Okay. All right, Mr. Foreman. Jury ready
13 to proceed?

14 THE BAILIFF: Yes ma'am.

15 THE COURT: All right. Please be seated.

16 Hi Agent Brantley, you're still under oath?

17 THE WITNESS: Yes ma'am.

18 THE COURT: And at this time the State has moved to
19 have you qualified as an expert in computer digital forensics
20 with the enhancement of video?

21 MS. FULLER: Yes -- yes, that's right, Your Honor.

22 THE COURT: All right, Mr. Mobley?

23 MR. MOBLEY: No objection.

24 THE COURT: Okay. Then let me tell the jury, like I
25 told you yesterday. Normally a witness can only testify to

1 what they saw, they heard or they did. The exception to that
2 rule is the expert witness who can offer an opinion. You
3 treat that testimony as you see fit, give it the weight you
4 think it deserves. Okay. All right, go ahead Ms. Fuller.

5 BY MS. FULLER:

6 Q. Thank you, Your Honor. Agent Brentley testified
7 you received video from us and as it relates to this case; is
8 that correct?

9 A. That's correct.

10 Q. And were you able to determine that it was able to
11 be enhanced?

12 A. Yes.

13 Q. And was it?

14 A. Yes.

15 Q. I'm going to show you what's been marked --
16 pre-marked as states Exhibit 65 and 66 and ask you if you
17 recognize them.

18 A. Yes.

19 Q. Okay. Looking first at State 65, is this the
20 original clips two camera, angles three and four that you
21 received as it relates to this case?

22 A. Yes.

23 Q. And looking at State 66, is this the enhanced
24 video that you generated?

25 A. Yes.

1 MS. FULLER: At this time, Your Honor, pursuant to also
2 state statute 195520 moving in the original clip and at State
3 65 and at State 66 as her work product into evidence.

4 THE COURT: All right. That's 65 and 66, right?

5 MS. FULLER: That's correct, Your Honor.

6 THE COURT: You have any objections, Mr. Mobley?

7 MR. MOBLEY: No, Your Honor,

8 THE COURT: They're admitted.

9 (State's Exhibit 65 and 66 were admitted into evidence.)

10 MS. FULLER: Thank you, Your Honor.

11 BY MS. FULLER:

12 Q. I'm going to show you now -- as it relates to this
13 case, did you generate a report?

14 A. Yes, I did.

15 Q. And that just essentially highlighted what the
16 work that you actually did.

17 A. Correct.

18 Q. I'm going to show you now what's been pre-marked
19 for identification as States 47. And ask if you recognize
20 it.

21 A. Yes.

22 Q. And how do you recognize it?

23 A. I recognize because it's my report and it has the
24 case number on it.

25 Q. Okay. And it also contains, essentially it's

1 still shot of a portion of the video that you advanced?

2 A. Yes.

3 MS. FULLER: At this time, Your Honor, the State seeks
4 to introduce into evidence State's Exhibit 47.

5 THE COURT: Was that marked as ID earlier?

6 MS. FULLER: No, Your Honor.

7 THE COURT: Okay. All right. Any objection?

8 MR. MOBLEY: No objection.

9 THE COURT: It's admitted.

10 (State's Exhibit 47 was admitted into evidence.)

11 MS. FULLER: Thank you, Your Honor. And Publishing.

12 And Your Honor, for the record, we come up with a new method
13 of publishing and hopefully it works better.

14 THE COURT: A new method.

15 MS. FULLER: Yes. Special person in our office figured
16 this out, so let's see.

17 THE COURT: All right. Well it worked.

18 BY MS. FULLER:

19 Q. Okay. Looking at Exhibit 47. Is this what you
20 generated?

21 A. Yes, that's the report.

22 Q. And let's see if the laser pointer works today.
23 It's up there. Can you go ahead and point out the original
24 video still shot for the jury?

25 THE BAILIFF: Okay. Is it working?

1 THE COURT: I'm telling you that thing's hard done.

2 MS. FULLER: Well one person in our office succeeded
3 today.

4 BY MS. FULLER:

5 Q. Okay. Up here. Is that the original image?

6 A. That's the original, yes, that's the original.

7 Q. Okay. And down here, what you circled here, can
8 you explain that to the jury?

9 A. It's where I cropped it out, the section that was
10 -- that were relevant so I can use the tool -- the tool to
11 crop it out.

12 Q. And is that essentially the cropped out version
13 (crosstalk)?

14 A. That's the cropped out version.

15 Q. Okay. And now going to the second page of your
16 exhibit. Okay. Similarly this was the other camera angle;
17 is that correct?

18 A. That's correct.

19 Q. And what you have circled is what you cropped out
20 and enhanced?

21 A. Yes, correct.

22 Q. Thank you. And just to confirm what you were able
23 to do did not alter the content of the video in any way.

24 A. It did not alter it.

25 Q. All you did was enhance the color here?

1 A. By darkening or lightening.

2 MS. FULLER: Okay. All right. No further questions at
3 this time.

4 THE COURT: Mr. Mobley?

5 MR. MOBLEY: No, Your Honor.

6 THE COURT: Okay, then may I excuse Agent Brantley?

7 MS. FULLER: Yes, Your Honor. No objection from the
8 State.

9 THE COURT: Any objection from the defense?

10 MR. MOBLEY: No, Your Honor.

11 MS. FULLER: Thank you. Your Honor, the State calls
12 investigator Chris Morris.

13 THE CLERK: Please raise your right hand and place your
14 left on the Bible.

15 CHRISTOPHER JOHN MORRIS,
16 having been fully sworn in, testified as follows:

17 THE CLERK: Thank you. Would you please have a seat in
18 the witness box. State your full name and spell your last
19 for the record.

20 THE WITNESS: My name is Christopher John Morris,
21 M-O-R-R-I-S.

22 DIRECT EXAMINATION

23 BY MS. FULLER:

24 Q. And let's go ahead and introduce yourself to the
25 jury. Where are you currently employed?

1 A. Currently I'm employed at the South Carolina Law
2 Enforcement Division, also known as SLED.

3 Q. And how long have you been employed there

4 A. For approximately two months.

5 Q. How long?

6 A. Two months.

7 Q. Okay. And where were you employed prior to that?

8 A. Prior to that I was employed at the West Columbia
9 Police Department for approximately 11 years.

10 Q. Okay. And prior to that, do you have any other
11 law enforcement experience?

12 A. I don't believe so.

13 Q. Okay. And back at the -- when you were employed
14 at the West Columbia Police Department, what was your
15 position?

16 A. I've worked patrol division and for about the last
17 portion of my career or at West Columbia for about nine, 10
18 years, I worked in the investigations division. I was the
19 supervisor of lieutenant over investigations at the time.

20 Q. Okay. Now, as it relates to this case, what was
21 your involvement?

22 A. I was a investigator for major crimes. I worked
23 homicides, armed robberies, anything, any type of felonies.
24 But I've worked all type of cases throughout my career.

25 Q. And in terms of the West Columbia Police

1 Department how they investigate most of their cases. Do you
2 guys work as a team?

3 A. Yeah, we're a smaller department or medium sized
4 department. We have approximately 10 to 12 investigators at
5 a given time and we always on bigger cases split up all the
6 duties. You get a lead investigator who kind of orchestrates
7 everything and then your teammates, your other employees I
8 may direct them to go do certain things.

9 Q. So as a team did you guys speak to witnesses in
10 this case?

11 A. We did. I -- I spoke with witnesses along with
12 all my other colleagues.

13 Q. And in this case, were you guys able to obtain
14 different videos?

15 A. We were, we were able to obtain a few videos.

16 Q. Okay. Did you also attend the autopsy?

17 A. I did.

18 Q. And that's the autopsy of Daniel Jones?

19 A. That's correct.

20 Q. At autopsy, can you tell the jury whether or not
21 any physical evidence was recovered?

22 A. There was physical evidence recovered by the
23 pathologist that was given to me.

24 Q. Okay. And you said given to you; is that correct?

25 A. That's correct.

1 Q. I'm going to show you what's been pre-marked
2 collectively as State's -- in an exterior bag State's 101
3 which contains States 94 through 98. And ask if you
4 recognize it.

5 A. Yes, I recognize them.

6 Q. And are these the items that you took custody of
7 from the autopsy that the -- was removed -- that were removed
8 from Daniel Jones at autopsy?

9 A. Yes, they were.

10 MS. FULLER: Okay. At this time the State seeks to
11 introduce into evidence State's 101, which contains State's
12 94 through 98.

13 THE COURT: Any objection?

14 MR. MOBLEY: No objection.

15 THE COURT: It's admitted.

16 (State's Exhibit 101 was admitted into evidence.)

17 MS. FULLER: Thank you, Your Honor.

18 BY MS. FULLER:

19 Q. Now let's talk about video. As part of the
20 investigation did you obtain and also review video in this
21 case?

22 A. I did.

23 Q. And did you obtain video from the Capitol Square
24 parking lot?

25 A. I did.

1 Q. As well as the water filtering plant?

2 A. That's correct. I did.

3 Q. And the Valerio gas station?

4 A. I did.

5 Q. And a Nest doorbell camera video.

6 A. I did. Yes ma'am.

7 Q. Were you able to obtain video from the actual
8 plant itself?

9 A. I was not able to obtain any video from the plant.

10 Q. Okay. At the time was your understanding -- did
11 you -- what -- did you know whether or not there was video?

12 A. At the time I did not believe there was any video. I
13 was -- I asked and they said they did not have any from the
14 car check just outside the gate of the actual plant.

15 Q. Okay. And but in preparing for trial, did you
16 find out that they did have video?

17 A. I did that I was made aware there was video. I'm
18 not sure where it came from.

19 Q. Okay. I'm going to show you what's been marked
20 for identification as State's 58, 59, 60, 61 and ask if you
21 recognize them.

22 A. Yes ma'am. I recognize all these.

23 Q. And how do you recognize them?

24 A. My initials where I have viewed it and dates --
25 and my date -- dated it as well.

1 Q. And that's on all of the discs?

2 A. That's correct.

3 Q. Looking at State's 58, what is this footage of?

4 A. State's 58 is video surveillance from Capitol
5 Square parking Lot. There would be cameras overlooking that
6 parking lot where the incident took place.

7 Q. And does that this contain all of the footage that
8 you were able to retrieve for the timeframe?

9 A. It says 259 items, so I believe that's all the
10 clips from that timeframe.

11 Q. Okay. And it's on a Blu-ray, correct?

12 A. That's correct.

13 Q. Looking at State's 59, what is that?

14 A. State's 59 is from the water -- the West Columbia
15 Water Plant, which is directly across the street from the
16 parking lot also had another angle. I recognize that with my
17 initials and I -- I'm the one who personally got that video.

18 Q. Okay. And on -- you were able to verify the
19 contents of the disc, is the entire footage that you were
20 able to retrieve?

21 A. That's correct.

22 Q. And looking at State's 60, what is that?

23 A. This is the Valero Gas Station video. There are
24 four videos on this which was obtained by investigator given
25 to me during the investigation and I reviewed it at the time.

1 Q. Okay. And you were able to look at this disc and
2 confirm by your signature and initialing it -- this disc
3 contains all the video that was retrieved?

4 A. That's correct.

5 Q. And now looking at State 61, what is this?

6 A. This is Nest Doorbell video camera. It didn't
7 have video of the incidents, mainly audio from the Flow
8 apartments, which is also next to the water plant across the
9 street from the incident location.

10 Q. Okay. And were you able to look at this desk and
11 verify that that's the full extent of the video clip that was
12 obtained by law enforcement during the investigation?

13 A. I was.

14 MS. FULLER: Okay. Thank you. At this time, Your
15 Honor, the State seeks to introducing the evidence State's 58
16 59 and 60 pursuant to 195520 as well as State 61 -- as well
17 as State 61 pursuant to stipulation.

18 THE COURT: Okay. Any objection?

19 MR. MOBLEY: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (State's Exhibit 58, 59, 60 and 61 were admitted into
22 evidence.)

23 MS. FULLER: Thank you, Your Honor.

24 BY MS. FULLER:

25 Q. Just to complete the record, I'm going to show you

1 what's already in evidence as State's 73. Do you recognize
2 this as the firearm that you took possession of from
3 Shepherd?

4 A. Yes, that's the firearm.

5 Q. Okay. And then you turned it over to SLED?

6 A. That's correct. Gave it to Special Agent Melinda
7 Worley (ph) who process crime scene.

8 Q. Okay. And this is already in evidence. Now, upon
9 reviewing the videos, were you able to -- did you notice any
10 time discrepancies on the videos?

11 A. Yes. There were on all the videos except for the
12 ring video, there were time discrepancies.

13 Q. And I know you're saying ring, we're talking about
14 talking about the Nest

15 A. Nest, I'm sorry. Yes.

16 Q. But the doorbell footage, correct?

17 A. Yes, correct.

18 Q. Okay. And were you able to review footage and
19 mirror up images compared to a body cam as well to get the
20 true time of the videos?

21 A. Yes, I was able to look at a body worn camera from
22 one of the officers and make that a benchmark for the times
23 for the other videos to make sure it all line.

24 Q. All right. Test number two. Okay, so what's
25 already in evidence is still shots from Taylor's body cam.

1 Is that still shots you previously were able to review?

2 A. Yes.

3 Q. And you were able to verify the time there as
4 well?

5 A. I was.

6 Q. I found them through the last one too. Okay. I'm
7 going to show you what's already in evidence States 20 and
8 21. Are those still shots you reviewed?

9 A. Yes.

10 Q. And then showing you 19 -- 18 and 19, are those
11 still shots you also reviewed?

12 A. Yes.

13 Q. And then showing you 102 and 104, are those also
14 shots you did review? Okay, I am going to show you what's
15 been marked as State's Exhibit 48 and 49. And ask if you
16 recognize them.

17 A. Yes.

18 Q. And are these -- what are these images of?

19 A. State Exhibit 48 is the side parking lot camera
20 view of the Capitol Square parking lot. It's looking back
21 toward Meeting Street in West Columbia back towards the
22 Valero in that area. State's 49 is a outside camera angle of
23 the Valero gas station.

24 Q. And what was the point of reference to determine
25 that time discrepancy?

1 A. There was a gold vehicle which I believe belonged
2 to the victim that the -- or the victim's girlfriend the
3 victim was driving that vehicle to Valero. I was able to get
4 the timestamp off of that video and compare it to the video
5 from the Valero gas station.

6 MS. FULLER: Okay. At this time, Your Honor, the State
7 seeks to introduce into evidence State's Exhibit 48 and 49.

8 THE COURT: Any objection?

9 MR. MOBLEY: No objection, Your Honor.

10 THE COURT: It is admitted.

11 (State's Exhibit 48 and 49 were admitted into
12 evidence.)

13 Q. Then here. Can you point out for me, where have
14 you see the vehicle?

15 A. It's very small right here in the right upper hand
16 corner.

17 Q. Okay. So pointing out for the jury where you just
18 pointed and you were able to capture it on the Valero video,
19 correct?

20 A. That's correct. You can see it making that turn
21 and kept picking up on that video.

22 Q. And then picking up on the actual gas station?

23 A. That's correct.

24 Q. I'm going to show the aerial map to you and if you
25 can just point out for the jury. They seen this already, but

1 where the Valero is as in relation to the parking lot.

2 A. The Valero gas station is behind Capitol Square on
3 Meeting Street. It's in the top kind of right hand corner of
4 the pinpoint up there.

5 Q. And so to get there from the parking lot, you're
6 essentially going behind the parking lot behind the Capitol
7 Square Plaza?

8 A. Correct. You'll travel through the parking lot on
9 the -- if you're looking at the building on the left side and
10 then you would make a right onto Meeting Street and a right
11 back into the parking lot.

12 Q. Okay. This is essentially 48 what we were just
13 looking at, correct?

14 A. That's correct.

15 Q. And that's the vehicle that we were pointing out
16 for the -- the jury?

17 A. That's correct.

18 Q. And then looking at 49, can you point out -- since
19 I -- can you point out for the jury exactly where on this
20 image you see -- you saw the vehicle coming around to the gas
21 station.

22 A. If you look at the top of the image kind of toward
23 the left side, you can barely see the top of the vehicle
24 right there as it makes that turn.

25 Q. And obviously these are still shots, but you were

1 able to actually watch this on the video actually taking
2 place, correct?

3 A. That's correct.

4 Q. And from doing so, you were able to confirm the
5 time discrepancies or calculate the time discrepancies?

6 A. Yes, that's correct.

7 Q. Now as it relates to the gas station time since we
8 don't have body cam there, how were you able to calculate
9 that time discrepancy?

10 A. So I was able to take the body worn camera from
11 the officer that was on scene, create a benchmark with the
12 Capitol Square parking lot video. So it gave me an accurate
13 time because the body cams are the most accurate. From there
14 you take that time difference from Capitol Square and apply
15 it to the Valero. So there's a few minute discrepancy
16 between the body camera and Capitol Square, Capitol Square
17 and Valero and you were able to do the math and figure out
18 that slight difference.

19 Q. I'm going to show you what's been --

20 MR. MOBLEY: Your Honor, I think I'm going to -- at
21 this point I'm going to object to any kind of testimony
22 regarding his calculation of time discrepancies. It's one
23 thing for him to look at the video, but he really has not
24 indicated any proper foundation education or training that
25 allows him to do something that technical, Your Honor,

1 MS. FULLER: He's a human being. It's not technical,
2 it's not something that expert --

3 MR. MOBLEY: He's -- he's calculating --

4 MS. FULLER: Time?

5 MR. MOBLEY: -- time difference from different devices.

6 THE COURT: Well, it's my understanding you are
7 referencing several videos together.

8 MS. FULLER: That's correct, Your Honor.

9 THE COURT: I'm going to -- I'm going to allow it.

10 MR. MOBLEY: Thank you, Your Honor.

11 MS. FULLER: Hey, Your Honor -- not Your Honor. Sorry,
12 let me get some water. I need a break. One second.

13 BY MS. FULLER:

14 Q. I'm going to show you what's now been marked as
15 State's 50, 51 and 52 and ask if you recognize it --
16 recognize them.

17 A. I do.

18 Q. And how do you recognize these exhibits?

19 A. This is a website that you can input time -- date
20 and time specific to what you're looking at and make a
21 calculation between the two time differences.

22 Q. Okay. So not only were you able to manually do
23 it, but then we also verified it via an online calculation
24 tool, correct?

25 A. That -- that's right to verify.

1 Q. And did you take essentially the times stamped on
2 each of the images we just went through and input it in the
3 calculator?

4 A. Yes, that's correct.

5 Q. And the calculator generated the time difference
6 as well?

7 A. That's correct.

8 MS. FULLER: At this time, Your Honor, the State seeks
9 to introduce into evidence State's Exhibit 50 through 52.

10 MR. MOBLEY: Subject to my prior objection, Your Honor

11 THE COURT: And as stated for the record, I'm going to
12 allow it in.

13 (State's Exhibit 50 through 52 were admitted into
14 evidence.)

15 BY MS. FULLER:

16 Q. Thank you. Looking at the first one, what's the
17 title of that first exhibit?

18 A. State Exhibit 50 is Capitol Square parking lot
19 camera time to real time.

20 Q. Okay. And that's on the -- what the jury see now
21 this is like on the top?

22 A. Yes, ma'am.

23 Q. And you inputted the two times that you used as
24 your benchmark and the exhibit -- and what was the time
25 difference between real time and the camera time?

1 A. The real or the difference is three minutes and 28
2 seconds. It's indicated by the result at the bottom.

3 Q. Okay. And so as it relates to the parking lot
4 video, it's three minutes and 28 seconds faster than real
5 time, correct?

6 A. That's correct.

7 Q. Looking at the next exhibit, what's the title of
8 that one?

9 A. Exhibit 51. This is water filtering plant, camera
10 time to real time.

11 Q. And you -- the exhibits we just went through, you
12 inputted those benchmark times into the calculator as well?

13 A. That's correct.

14 Q. And what is the time difference there?

15 A. The time difference there is 16 minutes and four
16 seconds.

17 Q. And so the wall -- the water plant time is 16
18 minutes and four seconds slower than real time?

19 A. That's correct.

20 Q. And now looking at the third exhibit State's 52
21 --50 -- yeah, 52.

22 A. State's Exhibit 52 is the Valero gas station camera to
23 real time.

24 Q. And what was the time discrepancy there?

25 A. 27 seconds.

1 Q. And so was the -- the Valero gas station 27
2 seconds faster or slower than real time?

3 A. Yes, that's correct.

4 Q. I am going to show you State's Exhibit 53 and ask
5 if you recognize it.

6 A. Yes -- yes.

7 Q. And what is 53 an image of?

8 A. Exhibit 53 is a still shot from the Nest camera on
9 the date of the incident in the approximate time?

10 MS. FULLER: Your Honor, at this time the State seeks
11 to introduce into evidence State's 53.

12 THE COURT: Any objection?

13 MR. MOBLEY: No objection.

14 THE COURT: It's admitted.

15 (State's Exhibit 53 was admitted into evidence.)

16 BY MS. FULLER:

17 Q. And on State's 53, what's the time on that still
18 shot?

19 A. 7:07:06 a.m.

20 Q. And were you able to determine that that time
21 lined up with real time?

22 A. I was.

23 Q. I am going to show you a series -- now we're going
24 to go through a series of video clips in this case. Were you
25 able to look at video of the defendant as well as the victim

1 going to the gas station and back?

2 A. Yes, I was able to follow them.

3 Q. And you're able to follow them on multiple camera
4 angles?

5 A. That's correct.

6 Q. Showing you State's 62, what do you recognize this
7 to be?

8 A. This is a disc containing video of the defendant
9 going to and from the gas station and it's got my initials
10 and date that viewed it.

11 Q. And on this disc, is it multiple camera angles
12 merged together?

13 A. Yes.

14 Q. And also showing activity at the gas station?

15 A. Yes.

16 MS. FULLER: Your Honor, at this time the state cease
17 to introduce into evidence State's 62.

18 THE COURT: Any objection?

19 MR. MOBLEY: No objection, Your Honor.

20 THE COURT: Submitted.

21 (State's Exhibit 62 was admitted into evidence.)

22 MS. FULLER: Thank you, Your Honor.

23 BY MS. FULLER:

24 Q. And then publishing for the record. Now here, can
25 you orient the jury? What are they looking at?

1 A. This is a camera angle overlooking the parking --
2 parking lots from the Capitol Square where the incident
3 occurred.

4 Q. And there's no audio, correct?

5 A. That's correct. No audio.

6 Q. And in watching this video, were you able to
7 identify the defendant on here?

8 A. I was.

9 Q. And when you see him, please point him out for the
10 jury.

11 A. Okay. That's him on the scooter. Same again from
12 a different angle. And again from a different angle going
13 toward the Valero and this is the side of Capitol Square
14 parking lot going toward the Valero Meeting Street. And this
15 is at the Valero gas station. The defendant's riding in the
16 scooter around the parking lot. This is the victim arriving
17 in his girlfriend's vehicle to the gas station. Right.

18 Q. And what do you observe the defendant doing?

19 A. He just removed a handgun from his waistline
20 confronting the victim.

21 MR. MOBLEY: I object to that characterization, Your
22 Honor. In confronting the victim.

23 THE COURT: Well, I think the jury can decide, so I'm
24 just going to ask the jury to disregard that. It's on video
25 and you can decide what he's doing.

1 MR. MOBLEY: Thank you, Your Honor.

2 BY MS. FULLER:

3 Q. And for the record, what color shirt is the victim
4 wearing?

5 A. Victim is wearing a red shirt. Red T-shirt.

6 Q. And for the record, what color shirt is the
7 defendant wearing?

8 A. A blue shirt.

9 Q. And where's the entrance of the store?

10 A. Right behind where the victim was standing in
11 front of the third car from the -- third car in the middle.

12 Q. Does the defendant ever go inside the store on the
13 video?

14 A. The defendant never goes inside the store.

15 Q. And what's happening here?

16 A. That's the defendant leaving the Valero and that's
17 the side camera to Capitol Square heading back into the
18 parking lot. Same thing, another angle.

19 Q. And while at the gas station, were you able to see
20 a firearm on the video?

21 A. Yes. We were able to see it clearly.

22 Q. Okay. And where was the firearm?

23 A. In his waistband.

24 Q. And you say his, who's waistband?

25 A. The defendant's waistband.

1 Q. And approximately how many times did he present or
2 pull out the firearm?

3 A. I counted approximately seven times. Either he
4 pulled it out and brandished it or put his hand on it.

5 Q. Okay. Did you also observe the defendant swinging
6 or hitting the victim?

7 A. Yes, there was an altercation where the victim was
8 hit.

9 Q. Okay. Did you -- did you observe the victim
10 swinging or punching the defendant in the face?

11 A. I don't believe he thought back. It was just the
12 defendant punching the victim in the face.

13 Q. And did you -- oh, so did you -- in watching the
14 video, do you know if the victim actually went into the
15 store?

16 A. The victim did go into the store to conduct
17 business.

18 Q. I'm going to show you now, was complete marked as
19 State's Exhibit 63 and ask if you recognize it.

20 A. Thank you. Yes.

21 Q. And what do you recognize this to be?

22 A. It's a video of the defendant going to and from
23 the gas station and it's got my initials and date where I
24 viewed it

25 MS. FULLER: At this time, Your Honor, the State seeks

1 to introduce the evidence State 63.

2 THE COURT: Any objection?

3 MR. MOBLEY: No objection.

4 THE COURT: It's admitted.

5 (State's Exhibit 63 was admitted into evidence.)

6 BY MS. FULLER:

7 Q. Can you orient the jury again?

8 A. Yeah, this is a -- a camera angle of the Capitol
9 Square parking lot. On the corner -- well this is the corner
10 view that was kind of in the middle. That's the victim
11 leaving in the vehicle going toward the gas station. This is
12 the side view again.

13 Q. And this is all real time speed, correct?

14 A. That's correct.

15 Q. And the still shot, that's where you got it from?

16 A. That's correct. That's right. That is leaving
17 the gas station after and coming back to the parking lot.

18 Q. And this is after he actually went in the store,
19 correct?

20 A. That's correct.

21 Q. And the full video footage is what was previously
22 put into evidence, correct?

23 A. That's correct.

24 Q. I am going to show you what's been identified
25 earlier as State's 12 and 13 identifying the defendant by

1 another witness. Do you recognize this a still shot from the
2 video surveillance?

3 A. Yes. This a still shot from the Valera.

4 MS. FULLER: At this time, Your Honor, the State seeks to
5 introduce State 12 into evidence.

6 THE COURT: And 13?

7 MS. FULLER: He hadn't get it yet, but yes I'm going to
8 -- yes. And then 13 was a still shot of?

9 THE WITNESS: 13 is a camera angle overlooking the
10 Capitol Square parking lot at a group of individuals.

11 MS. FULLER: Okay. Yes, Your Honor. So collectively.

12 THE COURT: Any objection?

13 MR. MOBLEY: No objection, Your Honor.

14 THE COURT: All right. We need to change that because I had
15 it as ID only that we're keeping the same numbers.

16 MS. FULLER: Yes, the same numbers. Just she
17 identified the individuals and the images.

18 THE COURT: All right. It is submitted.

19 (State's Exhibit 12 and 13 were admitted into
20 evidence.)

21 MS. FULLER: Thank you Your Honor.

22 BY MS. FULLER:

23 Q. Now based on -- I'll show you this, looking at
24 State 64, what is this a copy of?

25 A. State 64 is a disc containing Capitol Square video from

1 6:43 to 7:07 a.m. This is before the shooting occurred.

2 Q. Okay. And at 6:43, is that the time based on your
3 calculations, the victim returned to the parking lot?

4 A. That's correct.

5 Q. And so the length of this video, approximately how
6 -- how long?

7 A. So --

8 Q. (Inaudible).

9 A. A little over 15 minutes.

10 MS. FULLER: At this time, Your Honor, the State seeks
11 to introduce State 64 into evidence.

12 THE COURT: Any objection?

13 MR. MOBLEY: No objection.

14 THE COURT: It's admitted.

15 (State's Exhibit 64 was admitted into evidence.)

16 BY MS. FULLER:

17 Q. Publishing State 64. And on -- investigator
18 Morris on State 64. Would that be the full length of time
19 prior to the shooting that's contained on that disc from one
20 camera angle?

21 A. Yes.

22 Q. And you said that's from 6:43 a.m. to 7:07 a.m.
23 correct?

24 A. That is correct.

25 Q. And approximately 22 minutes?

1 A. That's correct.

2 Q. And there's no audio correct?

3 A. No audio

4 Q. Publishing now for the record. And do you see the
5 defendant and the victim on this video footage?

6 A. It's hard to see. I believe the defendant's still
7 riding on the scooter.

8 Q. Well, I guess it's more so the victim on this one.
9 Do you -- can you orient the jury on where the gold Honda
10 ended up parking?

11 A. If you look the tree in the middle of the screen
12 to the right he -- you can kind of see the front end next to
13 the car in the middle to the right.

14 Q. And then jumping ahead and exactly or orient the
15 jury on where the shooting took place.

16 A. Where the group of individuals are standing near
17 that white car, the SUV.

18 Q. And whenever you see the defendant and the victim,
19 please point them out to the jury.

20 A. Okay. And that's not the defendant on the
21 scooter. That is a different individual. Okay. Right there
22 you can barely see as the defendant is on top of that vehicle

23 Q. And someone walking on top of the burgundy SUV?

24 A. That's correct. It's the red or burgundy SUV,
25 he's on top of it.

1 Q. And do you see the victim?

2 A. The victim's standing down below that in the red
3 shirt. So they had been there talking. If you keep your
4 eyes on the back of the white vehicle, that's approximately
5 where their location is, where they're talking.

6 Q. And then just so it's clear, this is all after the
7 incident at the gas station?

8 A. That's correct.

9 Q. Do you see the defendant walking across the
10 parking lot?

11 A. I believe that's him to the right corner, upper
12 hand corner walking.

13 Q. And based on your calculations, this is
14 approximately 6:50 a.m.?

15 A. That's correct. The time difference between the
16 body camera and that. You can see the victim walking back
17 across the parking lot toward the gold vehicle.

18 Q. And from this angle, do you see the defendant's
19 car?

20 A. You can't see it. The -- the bank to the upper
21 right hand corner is parked under the awning. It's hard to
22 see, but it -- it's parked over there. That's the vehicle he
23 was standing on going back over there to another group of
24 people.

25 Q. And -- and that's the area where the defendant

1 walked off a few minutes ago?

2 A. That's correct.

3 Q. Okay. And that vehicle that he was standing on
4 leaves the parking lot?

5 A. That's correct. It departs the parking lot. I
6 don't think it ever returns.

7 Q. And is essentially nothing going on here?

8 A. No -- no. Nothing's going on right at this point.
9 You can see a vehicle leaving from under the awning over
10 there and coming through the parking lot.

11 Q. And is that the defendant's car?

12 A. Yes.

13 Q. And what direction is he heading?

14 A. Heading toward the direction of the victim and
15 passing by the victim right now and heading back to the
16 original spot that it was in the parking lot.

17 Q. And did he appear to slow down?

18 A. It appears it is hard to see with the tree. He --
19 I'm not sure.

20 Q. And then what's his car doing now?

21 A. He is parking.

22 Q. And so is his car essentially to the right of that
23 white car?

24 A. That's correct.

25 Q. Is now this almost 7:00 a.m.?

1 A. Yes. Right about time. That's the victim walking
2 back toward that location where the defendant was. The
3 defendant just got on the trunk of his vehicle, the victim's
4 standing out toward the right.

5 Q. And that's just prior to the shooting, correct?

6 A. That's correct.

7 Q. And that was approximately 22 minutes?

8 A. That's correct.

9 Q. I'll show you State's 104 and ask if you recognize
10 it.

11 A. Yes. It's a video of the defendant on the car.

12 Q. This is from a different camera angle?

13 A. Yes.

14 MS. FULLER: At this time, Your Honor, the State seeks
15 to introduce State's 104 into evidence.

16 THE COURT: Any objection?

17 MR. MOBLEY: No objection.

18 THE COURT: Admitted.

19 (State's Exhibit 104 was admitted into evidence.)

20 MS. FULLER: Thank you, Your Honor.

21 THE COURT: Can I see the lawyers just for a second?

22 MS. FULLER: Publishing 104.

23 THE COURT: Okay.

24 BY MS. FULLER:

25 Q. Is this just a different camera angle?

1 A. It is. Is -- if you're facing the building to the
2 far right, looking back at the opposite way.

3 Q. And where are we looking here?

4 A. If you're looking at the SUV that's highlighted,
5 he is on top. If you pay attention to the shadow on the
6 ground, you can see him throwing his hands up.

7 Q. And that's the defendant walking on the car?

8 A. That's correct. After the gas station. And he
9 just jumped in.

10 Q. And then just so it's clear too, while he's here,
11 there is someone else also wearing a red shirt, but that's
12 not the victim, correct. And we'll just make sure it's clear
13 for the record, the jury. There are two individuals in a
14 parking lot wearing a red shirt, correct?

15 A. Yeah.

16 Q. Okay. And the direction that he was facing is
17 where the victim was parked, correct?

18 A. Yes. The gold Honda would've been on the backside
19 of it.

20 Q. All right, I'm going to show you what has been
21 identified as State 65, 66 and I'm also going to show you
22 State's 67. So looking at State 65, do you recognize this?

23 A. This is the original shooting clip. Camera angles
24 three and four. Yes. There are my initials and date when I
25 viewed.

1 Q. And this is the full clip on enhanced, correct?

2 A. That's correct.

3 Q. And then looking at State 66?

4 A. That is the enhanced video of cameras three and
5 four from that video? My initially and date when I looked at
6 it.

7 Q. And this is the enhanced version, correct?

8 A. That's correct.

9 MS. FULLER: At this time, Your Honor, the State seeks
10 to introduce into evidence State's 65 and 66.

11 THE COURT: Okay. I already have them into evidence.

12 MS. FULLER: The previous one is just identified them,
13 but that's fine as well. But just for official looking into
14 --

15 THE COURT: Do you have them in Bethany?

16 THE CLERK: Yes.

17 THE COURT: We have them in. If for some reason your
18 ID Mr. Mobley, I already have these in the evidence. I don't
19 know what your notes showed.

20 MR. MOBLEY: That's fine, Your Honor.

21 THE COURT: But --

22 MS. FULLER: That's right.

23 THE COURT: -- just for the record. Any objection?

24 MR. MOBLEY: No objection, Your Honor.

25 THE COURT: Okay.

1 MS. FULLER: You --

2 THE COURT: I'm going to admit them again.

3 (State's Exhibit 65 and 66 were admitted into
4 evidence.)

5 MS. FULLER: You're right. I did move them in. I
6 wasn't supposed to. Yes, thank you.

7 BY MS. FULLER:

8 Q. Start -- State 67. Do you recognize that

9 A. This is a slowed down version with my date or my
10 initial on the date I viewed this as well.

11 Q. And this is the slowed down version of the actual
12 shooting, correct?

13 A. Of the actual shooting.

14 MS. FULLER: At this time, Your Honor, the State seeks
15 to introduce the evidence State 67.

16 THE COURT: All right. Any objection to 67?

17 MR. MOBLEY: No, Your Honor.

18 THE COURT: Submitted.

19 (State's Exhibit 67 was admitted into evidence.)

20 MS. FULLER: Thank you.

21 BY MS. FULLER:

22 Q. I'm going to show you now what's been collectively
23 pre marked as State's 54. And take your time and tell me if
24 you recognize it. And do you recognize the exhibit?

25 A. Give one -- one moment please.

1 THE CLERK: Did you say 54?

2 MS. FULLER: 54?

3 THE CLERK: I'm asking.

4 MS. FULLER: Yes -- yes.

5 THE CLERK: 54. Okay, thank you.

6 BY MS. FULLER:

7 A. Yes. This is a printed -- printed version of
8 (inaudible), I believe.

9 Q. And it contains still shots from the various
10 videos that we just went through and that are in evidence.

11 A. That's correct. With time conversions already
12 completed.

13 Q. Okay. And those are the time conversions that you
14 testified to earlier, correct?

15 A. That's correct.

16 Q. And looking at State 68, do you recognize it?

17 A. Yes. This is the video after the shooting and I
18 viewed my initials and date on that as well.

19 Q. And is this video footage of angles -- different
20 camera angles of the defendant returning after the shooting?

21 A. That's correct.

22 Q. And looking at State 69, do you recognize it?

23 A. Yeah, this is the digital copy of this PowerPoint.
24 With still shots and time version, I viewed my initials and
25 date.

1 Q. Okay. And when you say this, you're referring to
2 State 54?

3 A. 54. That's correct.

4 MS. FULLER: Thank you. At this time, Your Honor, the
5 State seeks to introduce into evidence States 54, 68 and 69.

6 THE COURT: Any objection?

7 MS. FULLER: No objection, Your Honor.

8 THE COURT: Submitted.

9 (State's Exhibit 54, 68 and 69 were admitted into
10 evidence.)

11 MS. FULLER: Thank you, Your Honor.

12 BY MS. FULLER:

13 Q. Publishing first State 68. Can you just go ahead
14 and describe to the jury.

15 A. This is from the West Columbia Water plant is
16 overlooking the parking lot of Capitol Square.

17 Q. I'm going to back it up. And then did you see the
18 vehicles turn it in and identify the defendant's vehicle?

19 A. Yeah, the vehicle turning in right there behind
20 the white truck is the defendant's vehicle

21 Q. Where I'm pointing with the mouse?

22 A. That's correct.

23 Q. Okay.

24 A. And he pulls back up under the awning and you'll
25 see from this angle in the right back right there. And

1 that's where we located the vehicle after law enforcement
2 came to the scene. Defendant's walking back across the
3 parking lot to law enforcement and first responders.

4 Q. And while the car was there, could you tell
5 approximately how long he sat in the car before he started
6 walking?

7 A. It appeared maybe just a few, I don't know,
8 seconds. Maybe less than a minute.

9 Q. Okay. And that was him returning to the scene,
10 correct?

11 A. That's correct.

12 MS. FULLER: Now publishing states 69. I apologize,
13 Your Honor.

14 THE COURT: No, you're fine.

15 MS. FULLER: Again, not my fault.

16 THE COURT: We've learned to live with technology.

17 MS. FULLER: Right.

18 BY MS. FULLER:

19 Q. All right. Looking at what's on this State's 104,
20 is it 54? 54. That's in my hand. Is that essentially
21 what's displayed on the scene -- on the screen and State's --
22 oh -- oh four, right. The disc 69 -- 69, is that correct?

23 A. That's correct.

24 Q. Okay. And this is just a printed version of that?

25 A. Yep, that's correct.

1 MS. FULLER: I beg the Court's indulgence.

2 THE COURT: So State 69 is a video of the State's 54?

3 MS. FULLER: If it's a digital version.

4 THE COURT: Okay.

5 MS. FULLER: I beg the Court's indulgence.

6 THE COURT: Do you need a break?

7 MS. FULLER: It -- hopefully he doesn't.

8 THE COURT: Okay. The jury need a break?

9 JUROR: Yeah.

10 THE COURT: The jury would like a break.

11 MS. FULLER: Okay.

12 THE COURT: I -- I think I'll be too.

13 MS. FULLER: Okay.

14 THE COURT: Let's take a 15 minute break. That way
15 they can get this technology --

16 MS. FULLER: I apologize.

17 THE COURT: -- going again (inaudible). This is 54
18 printed still.

19 (Off the record.)

20 THE COURT: Okay. All right. We ready to bring the
21 jury in? I probably got some that I don't have. Yes, please
22 do. The witness needs to be excused. Just for a moment.

23 MS. FULLER: Beth, you can see it to the left?

24 THE CLERK: No, now I can't.

25 THE COURT: I can't see anything.

1 THE CLERK: I could when he was way back here he was
2 pointing --

3 MS. FULLER: But I can see it right here in the center.
4 But you all can't see it, right?

5 THE CLERK: No.

6 MS. FULLER: Just one other illusion. Like the blue
7 and dress thing where we can all see different.

8 THE CLERK: Can you see that one? See this one? Oh,
9 tiny bit? Yeah. Oh well. Yeah, I can see it but it's
10 really small. Yeah.

11 MS. FULLER: Okay.

12 THE COURT: All right. Can I bring the jury in?

13 MS. FULLER: Yes, Your Honor.

14 THE COURT: Mr. Mobley?

15 THE COURT: Yes, Your Honor.

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

17 MS. FULLER: Were we waiting on the witness?

18 THE COURT: Oh yeah, the witness is coming back. When
19 he comes back you take the stand.

20 MS. FULLER: He just ran to the restroom.

21 THE COURT: All right, we got all technology working.

22 THE CLERK: Let us pray.

23 MS. FULLER: Okay, can you see past this?

24 THE COURT: There comes the investigator. All right,
25 just for scheduling. We have another witness after this.

1 MS. FULLER: Yes, we have two. The Dr. Dean
2 Charleston. He's very happy to still be here. So can we do
3 him before lunch please?

4 THE COURT: Yes. Can we do him next?

5 MS. FULLER: No, I need the one -- but the one before,
6 it shouldn't be long. And then --

7 THE COURT: All right, Mr. Foreman, we ready?

8 THE BAILIFF: Yes, ma'am.

9 THE COURT: Okay. Please be seated. All right.
10 Investigator Morris, I'm going to remind you that you're
11 still under oath.

12 THE WITNESS: Yes ma'am.

13 THE COURT: Okay, you may proceed.

14 BY MS. FULLER:

15 Q. Thank you. Now going through this document just
16 to refresh the jury's memory, this is essentially still shot
17 from different videos.

18 A. That's correct.

19 Q. But the time is corrected, correct?

20 A. Yes.

21 Q. Or adjusted for --

22 A. Yeah, adjusted for each video.

23 Q. So looking here first at this slide, can you
24 explain to the jury what they're looking at here?

25 A. So this is officer Tony Taylor's body worn camera

1 on the top and below it is the Capitol Square parking lot DVR
2 system timestamp. And I used that time to calculate the real
3 time. So 7:13:37 is 17 or 7:13:37 real time. And it's three
4 minutes and 28 seconds faster on the bottom.

5 Q. And this encompasses the exhibits that we already
6 went over, correct?

7 A. That's correct.

8 Q. And similarly, is this the one with the -- okay.
9 Similarly, this is the gas station and the parking lot and
10 the victim's car circled here for the jury to see?

11 A. That's correct. The top is the DVR system from
12 Capitol Square and then the Valero time adjusted 6:38:07.

13 Q. And here lastly the water plant compared to the
14 parking -- the body cam of Officer Taylor, correct?

15 A. That's -- that's correct.

16 Q. Now going through here, we're looking at defendant
17 leaving the gas station -- leaving before the gas station.
18 What time is real time on this?

19 A. On there, 6:36:16.

20 Q. And that's in the morning, correct?

21 A. That's correct, a.m.

22 Q. And I know the laser pointer's difficult here. So
23 just so the jury can see right here is where we're looking
24 for the defendant on the scooter, correct?

25 A. That is correct.

1 Q. And then here, what's the real time here?

2 A. 6:36:25.

3 Q. And that's the -- that's the defendant here on the
4 scooter, correct?

5 A. That is correct.

6 Q. And then here, what's the real time?

7 A. 6:36:41.

8 Q. And again, we see him there?

9 A. That's correct.

10 Q. And these are still shots from the video we just
11 watched, correct?

12 A. Yes, that is correct.

13 Q. And again here, and that's 6:36:44 seconds; is
14 that correct?

15 A. That's correct.

16 Q. And now where are we here?

17 A. You're at the -- or he is at the Valero gas
18 station and the time is 6:37:18.

19 Q. And I apologize, I did ask the question poorly. I
20 said, where are we? And we're not there. Thank you for
21 correcting. And you said this is 6:37?

22 A. That is correct.

23 Q. And now looking at the victim's movements do you
24 see -- is that over here, the car?

25 A. That is the gold Honda. Yes.

1 Q. And this is at 6:37:37, correct?

2 A. That is correct. Again, that's the gold Honda.
3 And the time is 6:37:47 going towards Valero.

4 Q. And here, this next slide?

5 A. Still shot again from Capitol Square video system
6 6:37:52 Gold Honda heading toward the Valero.

7 Q. And then now we see the gold Honda there by the
8 pumps; is that correct?

9 A. That's correct. He's arriving about to park at
10 6:38:14.

11 Q. And then now we're looking at, what time is this?

12 A. 6:38:27 at the Valero.

13 Q. And who do we see in this image

14 A. That is the defendant and the victim? The victim
15 is in the red shirt. Defendant is in a blue shirt.

16 Q. And can you tell what the defendant is doing?

17 A. Appears he is grabbing for his firearm at his
18 waistband.

19 Q. And then just clicking through here, this is all
20 in the 6:38 minute and a few seconds?

21 A. Yep. 6:38:40, the defendant has his hand on his
22 gun on his waistband

23 Q. And it was just another still shot from the same
24 video?

25 A. That's correct. That -- they're interacting

1 there. You see the defendant at 6:38:56 lifting his shirt
2 up, grabbing his firearm from his waistline,

3 Q. And here's where you can actually see the skin.
4 And so his shirt is up?

5 A. That's correct. At this still shot at 6:39:04,
6 you can see the defendant has a gun in his right hand

7 Q. And just pointing here, that's where we're
8 looking.

9 A. That's correct.

10 Q. I apologize. Okay. And another still shot from
11 the same video, correct?

12 A. That's correct.

13 Q. And 6:39:07?

14 A. 6:39:07. That's correct.

15 Q. And then now we're at 17, 10 seconds later?

16 A. Correct.

17 Q. And they're still interacting?

18 A. That's correct.

19 Q. Does the defendant still have a firearm here at
20 6:39:25?

21 A. Yes. It appears he's about to put it back into
22 his pants. There again at 6:39:37 he's gripping towards his
23 waistline again.

24 Q. And then here, if you just describe for the jury.

25 A. 6:39:44, appears they're interacting. It's hard to

1 tell if he has the firearm out again.

2 Q. And then here, this is towards the end of the
3 altercation on the video, correct?

4 A. That's correct. 6:40:37, they are being separated
5 by multiple people

6 Q. Now leaving the gas station. This is 6:40:58, is
7 that correct? The defendant has -- has left now?

8 A. Yes. 6:40:58 the defendant's picking up the
9 scooter to leave

10 Q. And then 6:41:01?

11 A. 6:41:01, the defendant owned the scooter departing
12 the Valero. 6:41:36, he's coming back around to the parking
13 lot. This is the side angle of Capitol Square. 6:41:38,
14 that is another camera angle him in the parking lot of
15 Capitol Square.

16 Q. And is that him there where it says left corner?

17 A. That's correct. At the bottom left corner of the
18 photograph?

19 Q. And then do you see him here on 6:41:53?

20 A. Yes, that's correct. He is. If you look just to
21 the right of the tree that's on the left hand side of the
22 screen, you can see him riding away.

23 Q. Is that where I'm pointing?

24 A. That is correct.

25 Q. And now what time are we at?

1 A. 6:43:02, the victim is leaving in the vehicle he
2 arrived in.

3 Q. Okay. And he's again, wearing that red shirt,
4 correct?

5 A. That's correct.

6 Q. And now we're back at the side of the plaza?

7 A. Correct. Capitol Square on the left side at
8 6:43:25. He's entering back into the parking lot.

9 Q. And where are we now?

10 A. 6:43:26, he's entered the parking lot again in, in the
11 vehicle, gold Honda. And that's at the bottom of the screen?
12 6:43:32, you can see the rear end of the gold Honda entering
13 back into the parking lot. 6:43:38 is a different camera
14 angle. And defendant is, I mean, I'm sorry, the victim is
15 driving the gold Honda through the parking lot about to park
16 the vehicle.

17 Q. Okay. And now right here, I want to clarify
18 something from the video that when you -- you were testifying
19 this here is the victim's car, correct?

20 A. That's correct.

21 Q. That he was driving?

22 A. That's correct.

23 Q. And over here when we're watching video of the
24 defendant on the burgundy SUV, you see the burgundy SUV at
25 the top?

1 A. Yes.

2 Q. And there's another individual there in the red
3 shirt, correct?

4 A. That is correct.

5 Q. But the victim is still in the car, correct?

6 A. That's correct.

7 Q. And when we were watching the -- the video of him
8 on top of the car underneath the car.

9 A. Right.

10 Q. That was the other individual on the red shirt,
11 correct?

12 A. That's correct. That was not the victim. That
13 was another individual in a red shirt that they were back and
14 forth, that it's hard to keep track of one or the other, but
15 the victim is actually in the vehicle driving

16 Q. And later on, a few minutes -- a couple minutes
17 after this, when the defendant is on the car looking towards
18 the victim's direction, he's over here by his car, correct?

19 A. That's correct. The victim is on the other side
20 of the parking lot.

21 Q. And so the person in red that was underneath him
22 is another individual associated with the red car, correct?

23 A. That's correct.

24 Q. Okay. And now this is -- what time are we at now?

25 A. 6:58:47.

1 Q. And the car is not there, correct? At the bank?

2 A. I cannot see it at --

3 Q. Over here?

4 A. Okay. I do see it right there moving through the
5 parking lot toward the victim's location.

6 Q. Okay. And now this is -- we saw the victim coming
7 back at 6:43 and we watched the video and now we're at 6:58
8 where he is returning to that part of the parking lot.

9 A. Correct.

10 Q. Now going through the actual footage of the -- the
11 shooting, were you -- what's coming next are the actual still
12 shots from the actual footage; is that correct?

13 A. That's correct.

14 Q. While we were at the gas station did you ever --
15 when watching all the video, which all the video's in, we
16 didn't publish every single angle, correct?

17 A. That's correct.

18 Q. But all of the video footage -- all the angle that
19 you obtained is in evidence, correct?

20 A. That's correct.

21 Q. But the -- what we saw and what you watched, did
22 you ever see the victim present a firearm on any of the
23 footages?

24 A. No, I never saw him with any type of weapon.

25 Q. No -- no weapon, no knife,

1 A. No -- no knife, no firearm, no baseball bat,
2 nothing that could be construed as a weapon.

3 Q. Okay. And even at the gas station, same
4 testimony?

5 A. That's correct.

6 Q. Never had a weapon in his hand, correct?

7 A. No, that's correct.

8 Q. Now what we're about to, what we're about to click
9 through is essentially the moments leaving up to the
10 shooting. The shooting, correct?

11 A. That's correct.

12 Q. And it's right after where we stopped when we
13 watched a 22 minute clip, correct?

14 A. That's right. Immediately after that.

15 Q. Approximately. Okay. Here, what's the real time
16 here?

17 A. 7:07:05.

18 Q. And can you identify the individuals in this shot?

19 A. The victim is in the red shirt in the -- behind
20 the trunk of the white car, I guess is the best way to
21 explain it. And face -- they're face to face. The defendant
22 is on the left side of him

23 Q. And pointing and just confirm if that's what you
24 just testified to, the victim right here?

25 A. That is the victim.

1 Q. And then this is the defendant?

2 A. And that is the defendant. Yes.

3 Q. Okay. And this is at 7:07, correct?

4 A. 7:07:05 a.m.

5 Q. And what's happening here?

6 A. Appears the defendant has his arm up and he has
7 the firearm at this point either aiming or in process of
8 shooting.

9 Q. And then I'll just click through and you can just
10 tell the jury what's picked up.

11 A. That it's the victim trying to duck away from the
12 shots being fired. That is the victim retreating trying to
13 get away and he is not -- is moving across the parking lot
14 back to where he was. He -- we believe at this point he's
15 already been shot. He's to the ground and the defendant was
16 still shooting. This clip here you can see the defendant
17 moving toward the victim still shooting. And he's still
18 moving towards the victim after he's already down on the
19 ground and he just -- he continues to advance toward the
20 victim shooting into the victim on the ground.

21 Q. In some of these still shots, there appears to be
22 what I described. It looks like some type of cloud or smoke.
23 What do you describe that as?

24 A. More than likely it's gunpowder residue from the
25 discharging of the bullets. And you can also see where the

1 actual projectile is hitting the ground, causing the asphalt
2 to chunk up and create dust from the asphalt from hitting the
3 ground.

4 Q. And what's happening here?

5 A. He's still advancing toward the victim and
6 shooting into him on the ground. Now he's standing almost
7 over the victim, shooting him on the ground, and he gets
8 closer and continues to shoot into the ground -- into the
9 victim on the ground. Same thing here. Is now over the
10 victim still shooting at while he's on the ground.

11 Q. Is the shooting over here?

12 A. At this point, the -- I believe the shooting is
13 over. He -- the gun ran dry. There was no more ammunition
14 to fire

15 Q. An hour after the shooting. Is this the video we
16 watch of him returning to the scene?

17 A. That's correct. After he -- he left the scene
18 initially and returned back to turn himself in or speak to
19 law enforcement.

20 Q. And what time is this?

21 A. Actual time is 7:19:39. This is the water plant
22 video showing county returning in his vehicle.

23 Q. And this is -- and the shooting was at 7:07,
24 correct?

25 A. That -- that's correct.

1 Q. And then the -- he followed behind a -- a white
2 van. Do you see that in the trees there? A right -- white
3 truck?

4 A. Yes. He -- he followed a white truck into there
5 and parked back where he originally was up underneath the
6 awning at the old bank.

7 Q. And what time is this now?

8 A. 7:20:39. He is walking across the parking lot.

9 Q. And where are we now?

10 A. 7:20:48. He was walking toward law enforcement.

11 MS. FULLER: Begging the Court's indulgence.

12 THE COURT: Take your time.

13 BY MS. FULLER:

14 Q. I am going to show you now what's been marked as
15 State's 70, and ask if you recognize it?

16 A. Yes.

17 Q. Okay. And what do you recognize this to be?

18 A. It's an enhanced video and audio of camera three
19 and four. I viewed it initial, you know, initial being
20 dated.

21 Q. Okay. And this video -- this disc contains the
22 enhanced video as well as the audio from where?

23 A. From the Nest camera. I believe they're overlaid
24 on each other. That way you can get a perspective of the
25 shooting on video and the audio together.

1 MS. FULLER: At this time, Your Honor, the State seeks
2 to introduce into evidence State 70.

3 MR. MOBLEY: Objection, Your Honor.

4 THE COURT: Objection?

5 MR. MOBLEY: Complete objection. Those -- those
6 recordings were taken from two separate sources as he's
7 indicated in his previous testimony. A lot of the timestamps
8 when even the videos don't even line up. So what he wants to
9 do at this point, or what they want to do is try to pick and
10 choose when the shooting starts from one source and -- and
11 kind of control basically where it starts and where it ends
12 when the two sources cannot accurately do that, Your Honor.
13 They're recorded in different formats and different sources.
14 They cannot lie --

15 THE COURT: All right. Step back into the hall. So I
16 make the jury go back (inaudible). Mr. Foreman, ladies and
17 gentlemen, the jury I'm going to ask you to go to your jury
18 room for a few minutes where I take up a matter of law with
19 the lawyers and please do not discuss this case. All right,
20 let's -- let me put this on the record. It appears that
21 there's two pieces of evidence you could tell me which ones
22 they are. One of the actual shooting, I would imagine that
23 State 69 that has been placed into evidence.

24 MS. FULLER: This is State 66.

25 THE COURT: State 66, which is the enhanced video.

1 MS. FULLER: Yes. 69 was the PowerPoint, just to make
2 sure we're on the same page.

3 THE COURT: Okay.

4 MS. FULLER: So 66 is in evidence, which is the
5 enhanced video that the SLED agent testified to enhancing
6 zooming cropping. And then 61 is the next -- the Nest
7 Doorbell video that has the audio of the gunshots. And then
8 what the State was seeking to introduce with this witness is
9 State's 70. And that essentially before I get there,
10 building up to this, was converting the real time and camera
11 time that this officer just testified to. And then taking
12 the Nest body cam time, which we already have a still shot in
13 evidence of, which is State's 53 that has the time on the
14 bottom mirrored up with the camera time that he converted to
15 real time overlaid on the same disc. And that's what's in
16 here ready to publish since, Your Honor, in hallway based on
17 defense counsel's objection. Wanted to see --

18 THE COURT: I want to make sure that I understand.

19 MS. FULLER: -- the video

20 THE COURT: Because the -- some of these videos when
21 you're talking about time were different.

22 MS. FULLER: That's correct.

23 THE COURT: It seemed like all three of them, the one
24 from the parking lot was different. The one from Valero was
25 different. And you've explained that and you've introduced

1 that into evidence. Now I've got two pieces of evidence
2 that's already been admitted and you converted it into one.

3 MS. FULLER: That's correct.

4 THE COURT: Which is going -- what you want to admit as
5 State's 70.

6 MS. FULLER: That's correct.

7 THE COURT: I've got an objection from Mr. Mobley.
8 Number one, he is never seen it.

9 MR. MOBLEY: So that would be correct. A Rule five
10 violation, which requires the State to disclose all exhibits
11 they plan to use at trial evidence they plan to use at trial,
12 which they have not because they are -- they have basically
13 tried to create a new exhibit. And I'm still not even clear
14 on how that exhibit got created. And I'm -- I -- I don't
15 want to misstate the prosecutor saying she did it herself,
16 but I mean, what we've seen before is we've seen a digital
17 forensic expert discuss the process of editing videos and
18 then not being -- videos not being altered and -- and to some
19 degree of detail and someone with the foundation and
20 expertise to do that. I've not heard anything regarding how
21 this exhibit even got created and how it tried -- how they
22 tried to merge it to indicate that it's authentic and
23 accurate. Because I can -- I will tell you, Your Honor, that
24 and do -- do my own research. I talked to two different
25 experts in two different states and said these books said it

1 couldn't be done because the files were compressed
2 differently because they were caught from two different
3 sources. So, you know, so my first objection is, of course,
4 the unfair surprise. She knew she was going to use this
5 exhibit and deliberately not, does know about it, withheld
6 it. Number two, Your Honor, the, the lack of -- of -- of
7 foundation that is even accurate, Your Honor.

8 MS. FULLER: In response to that, Your Honor, I
9 strongly disagree that this is a rule five violation. Rule
10 five does not require court exhibits to be turned over in
11 advance. Anything in discovery is fair --

12 THE COURT: This isn't a court exhibit. You're asking
13 it to be introduced as evidence in this case.

14 MS. FULLER: I -- I -- we might be using the same terms
15 or differently. So when I refer to even, for example, this
16 document I refer to as a court exhibit, I refer to it as
17 evidence in this case, I refer to that everything that I've
18 every exhibit here outside of the physical evidence has been
19 created by myself or the office. And I refer to them as
20 court exhibits. They're not discovery individually because
21 the actual original discovery files were provided in
22 discovery and rule five, rule five does not say everything,
23 every court exhibit that the state intends to introduce,
24 meets to be generated and turned over. I will acknowledge
25 that he has not received a copy of this, but I will also

1 acknowledge he has not received a copy of several of these
2 court exhibits because he has the original file, like the
3 clips. I generated a clip. I didn't turn over the simple
4 clips because he has the original file, the body cam clips,
5 they're clips. I did not turn over if I had to turn over 100
6 --

7 THE COURT: He hadn't objected to any of that.

8 MS. FULLER: I'm -- I'm just --

9 THE COURT: I'm not with you.

10 MS. FULLER: I'm just pointing that out because if --
11 if we have to go through, and I'm not -- this is not a trial
12 by ambush.

13 THE COURT: How -- how was all this created? He
14 doesn't know how it was created.

15 MS. FULLER: Okay. It was -- what I was referring to
16 in the hallway. I did not personally create this. Our
17 office created it. And what I was saying was his comment
18 about not knowing how to do this like this overlaying audio
19 is something that I say I do in my personal life on a regular
20 basis. I put songs on movies, I put songs on stuff. It
21 takes two seconds while I'm laying in bed. You just mirror
22 it up and move the dial. This was something when I requested
23 the court exhibit be created. Our office between our team
24 creates the court exhibit and that's what's done. And it was
25 overlaid once the -- once we were able to line up the time,

1 and that's what he's testified to, I spent all this time
2 narrowing down the time even to the millisecond and then
3 dropped it on here and it was lined up. And so I don't
4 believe you need an expert to do this. I'm sorry that
5 whoever he consulted with said that you needed to --

6 THE COURT: It takes (inaudible) days.

7 MR. MOBLEY: On my notes, my record indicate that the
8 Nest Doorbell audio video is 15.62 frames per second. The
9 frame rate from the video of the House of Rayford is 30
10 frames per second. And the Capitol Square shopping center is
11 15.152 frame per second. So there is some degree of
12 expertise necessary in trying to do what she's trying to do.
13 I mean, what somebody does on their telephone at home is not
14 evidence in a murder trial, Your Honor. So I -- I believe
15 the standard needs to be so much stricter under these
16 circumstances. In addition, Your Honor, by not being advised
17 that there was going to be an attempt to introduce this
18 exhibit, I've been deprived the opportunity to even have what
19 they're, what they're trying to produce examined by an expert
20 so I can, you know, make a technical challenge. So I mean,
21 that's an additional prejudice I have as a result of the
22 manner which is being handled, Your Honor.

23 THE COURT: I'm not going to allow it.

24 MR. MOBLEY: Thank you, Your Honor.

25 THE COURT: And -- and this is why I, I think there's

1 got to be some kind of foundation as to how it was created,
2 who created it. It wasn't turned over, the defense wasn't
3 given an opportunity to challenge it. And on top of that,
4 I'll tell both of you, both of these pieces of evidence that
5 were merged are in evidence. I think the jury can determine
6 from the two pieces of evidence what occurred.

7 MR. MOBLEY: Thank you, Your Honor.

8 THE COURT: So I'm not going to allow it.

9 MS. FULLER: And, Your Honor, just so I'm clear too on
10 the ruling is this something that I can't play the two pieces
11 of evidence at the same time? Because they're both in
12 evidence? My understanding of the rules is if once
13 something's up, I can publish it whenever I want to.

14 THE COURT: You can publish it any way you want to.

15 MS. FULLER: Okay.

16 THE COURT: You're just not playing State's Exhibit
17 number 70.

18 MS. FULLER: Okay.

19 THE COURT: If you've got technology that wants to play
20 both at time, then I want both of that technology submit back
21 to the jury. I -- I want two laptops the jury can do with
22 and decide what they want to, you want to play the two pieces
23 of evidence together that's already been admitted. That's
24 fine.

25 MS. FULLER: Okay. And then also should I -- I don't

1 know if I want to yet, but based on this ruling, if I want to
2 play both pieces of evidence together in closing, I can do
3 that too from, I normally do a PowerPoint closing.

4 MR. MOBLEY: Well, Your Honor, you know --

5 THE COURT: The jury can decide how they want to about
6 it.

7 MS. FULLER: Okay. Thank you, Your Honor.

8 MR. MOBLEY: I respect the court's ruling, Your Honor,
9 I would object to them being played together for the same
10 reason. Because ultimately what that allows the prosecutor
11 to do is to look at the video and decide when they want the
12 first shot to fire, to start and when they want the -- the
13 last shot to end so they can control the narrative
14 irrespective of whether or not there's any real evidence that
15 -- what they're trying to do with the audio and the video
16 consistent. That's what they're trying to do. They're
17 trying to show, they're trying to suggest that this is when
18 the defendant started shooting and this is when he finished
19 shooting. And they want the jury to think that, but they
20 don't have any evidence. They can't prove any degree of
21 certainty with -- with the audio exactly when he started
22 shooting and when he stopped. They can't determine that.

23 THE COURT: I think that -- I think that's your
24 argument on cross.

25 MR. MOBLEY: Yeah. Well, okay. Thank you, Your Honor.

1 I just think that something like that is very pious to the --

2 THE COURT: I mean, the two pieces of evidence have
3 already been admitted into court.

4 MR. MOBLEY: Yeah.

5 THE COURT: Into this case.

6 MR. MOBLEY: Okay. And my only -- my only objection --

7 THE COURT: She wants to publish them both together. I
8 -- I don't see any reason why she can't.

9 MR. MOBLEY: All right.

10 THE COURT: Unless he can tell me there's a reason why
11 she can't.

12 MR. MOBLEY: And that was my objection, Your Honor,
13 because it can be misleading to the jury.

14 THE COURT: And I think that you can cross on that.

15 MR. MOBLEY: Thank you. And I just want to make sure
16 honor I respect the court's ruling. I just want to make sure
17 I check the record, Your Honor.

18 THE COURT: Right.

19 MR. MOBLEY: And -- and make my objection. I think
20 that to, I object to the exhibits being played simultaneously
21 on the ground, that they're misleading result of which is
22 under Rule 43 of substantial risk of unfair prejudice, which
23 is outweighs any appropriate value, Your Honor. And the lack
24 of -- and the lack of foundation for the -- any authenticity
25 in planning together. That's my objection, your Honor.

1 THE COURT: Well, I don't think it's the foundation and
2 they've already been placed into evidence. I understand what
3 you're saying Mr. Mobley. And I think it's something to
4 cross.

5 MR. MOBLEY: Thank you. I just wanted to clear the
6 record, Your Honor.

7 THE COURT: What she chooses to do, I'm going to let
8 her do it.

9 MR. MOBLEY: All right. Thank you, Your Honor.

10 MS. FULLER: Thank you, Your Honor. I beg Court
11 indulgence. And, Your Honor, just to be clear, I'm taking
12 State's 70 out. You said you wanted to watch it, but it
13 doesn't appear you want to anymore.

14 THE COURT: For me to watch it.

15 MS. FULLER: Okay. It will be marked for ID.

16 THE COURT: I want to talk -- I want to talk to the
17 lawyers right quick.

18 MR. MOBLEY: Switch that, Judge.

19 (Off the record.)

20 THE COURT: All right, Bethany, I'm going to go back
21 out -- back on the record.

22 THE CLERK: Okay.

23 THE COURT: I had a discussion with the lawyers out in
24 the hall. The only reason we're using the hall is because
25 this courtroom is so small there's no way to approach the

1 bench. But anyway, the lawyers have agreed not to play the
2 two pieces of evidence being 66 and 61 together or even
3 separately together. However, for closings, they can present
4 their own theory of the case.

5 MS. FULLER: Thank you, Your Honor.

6 THE COURT: Am I correct in that, Ms. Fuller?

7 MS. FULLER: Yes, Your Honor.

8 THE COURT: How about you, Mr. Mobley?

9 MR. MOBLEY: Yes, Your Honor. Thank you.

10 THE COURT: Okay. All right. So --

11 MS. FULLER: The State is ready, whatever Your Honor
12 is.

13 THE COURT: Okay. Let's bring the jury in. All right.
14 Mr. Foreman, jury ready?

15 THE BAILIFF: Yes, ma'am.

16 THE COURT: Okay. I think we are, so please be seated.
17 Go ahead, Ms. Fuller.

18 MS. FULLER: Thank you. And now publishing for the
19 record, State 61. Oh, Your Honor, your rulings officially on
20 the record?

21 THE COURT: Yes.

22 MS. FULLER: Okay.

23 THE COURT: Bethany, I'll put it on the record right?

24 THE CLERK: It's on the record.

25 MS. FULLER: Please.

1 BY MS. FULLER:

2 Q. And just -- just for the record, to warn the jury
3 that this is actual gunshots about to be played and that's
4 what you recovered from the Nest body -- the Nest Doorbell
5 camera?

6 A. That's correct. Across the street from Nest
7 location.

8 Q. And approximately how many shots did you hear?

9 A. I believe there's approximately 15.

10 Q. And now publishing State 66. Do you see the
11 defendant and the victim here?

12 A. I do. They're in the middle screen, red shirt and
13 a blue shirt.

14 Q. Do you still see the defendant here?

15 A. I do. He's walking over the victim. Now he's
16 walking away toward his vehicle. He is entering his vehicle
17 and departing.

18 Q. Right here. Just so it's clear, that's the victim
19 just beyond the tree branches there?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes, ma'am. In the red shirt.

23 Q. And just prior there when he's walking up, what,
24 if anything, is the defendant doing?

25 A. The defendant has his arms raised and looks like

1 his back turned toward the victim.

2 Q. And where are they now?

3 A. They're -- they're in between the cars. Looks
4 like they're talking to each other face to face.

5 Q. And is this is where we are, where the mouse is?

6 A. That's correct. Just above the roof of the white
7 car.

8 Q. And this is all real time, correct?

9 A. That is real time, yes.

10 Q. And what I mean by that, it's not slowed down.
11 This is --

12 A. That's -- that's correct. And I slowed down.
13 Yes.

14 Q. And what does the defendant do again?

15 A. I believe.

16 Q. Did you see that?

17 A. I did not. He throws his hands up in the air
18 again.

19 Q. And he's facing the victim, is that correct?

20 A. That's correct.

21 Q. And did you see what he did with his hands
22 there?

23 A. He had appeared that he acted like he was throwing
24 like a punch.

25 MR. MOBLEY: I object to that characterization, Your

1 Honor. Move the strike. I think let the jury interpret the
2 action for themselves.

3 THE COURT: All right, I'll let the jury determine.
4 Please disregard that last statement. You have the video to
5 look at.

6 MS. FULLER: And -- and Your Honor, just so I'm clear
7 prior to that I asked him to describe the defendant putting
8 his hands up and that was okay. And now I'm asking to
9 describe what he's doing next. So just want to -- I plan to
10 continue to do that. I don't want to run a file of your
11 ruling, I just want to ensure that that's appropriate.

12 THE COURT: Well, I don't know that you can interpret
13 that as being a punch. I don't know. Hands up is pretty
14 self-explanatory, but I don't know. I'm looking at it. I'll
15 let the -- it is the jury duty --

16 MS. FULLER: (Crosstalk) Your Honor.

17 THE COURT: -- to decide.

18 BY MS. FULLER:

19 Q. And -- and sorry, ask to it this way. Do you see
20 hands moving at that shot that we just paused on?

21 A. Yes, I do.

22 Q. And is at this point the defendant facing the
23 victim?

24 A. Yes, they're face to face.

25 Q. Okay. And -- and right there where do you see the

1 victim?

2 A. He's down near the defendant's legs.

3 Q. And then where do you see him?

4 A. He is up in the upright position with probably a
5 couple feet between.

6 Q. And in between them you're talking about the
7 defendant?

8 A. Yeah, between the defendant and the victim. There
9 is spacing between them at this point

10 Q. To preserve my needs I'm just going to go ahead
11 and play State's Exhibit 67. And now this version is slowed
12 down, correct?

13 A. That's correct.

14 Q. And finally, again, did you ever see Daniel with a
15 firearm in any of the camera angles, including this footage?

16 A. No, he did not have a weapon.

17 MS. FULLER: Okay. No further questions at this time.

18 THE COURT: Thank you, Ms. Fuller. Mr. Mobley.

19 MR. MOBLEY: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. MOBLEY:

22 Q. Good afternoon, Mr. Morris. I'm sorry. Is it
23 Agent Morris now?

24 A. It is.

25 Q. Okay. Former detective, now agent, I just have a

1 few questions for you, okay, sir?

2 A. Yes, sir.

3 Q. And I want to start by asking you about the -- the
4 video footage that you obtained.

5 A. Yes.

6 Q. And you obtained video footage from the gas
7 station, correct?

8 A. That's correct.

9 Q. And there's no audio recording on that video,
10 correct?

11 A. No, no audio.

12 Q. So there's no recording of what Fresh was saying
13 to my client, Mr. Irvin?

14 A. No sir.

15 Q. And there's no recording regarding what my client
16 was saying to Fresh?

17 A. That's correct.

18 Q. Okay. And the -- the parking lot shooting video
19 again, there's no audio in that, correct?

20 A. That's correct.

21 Q. Okay. So you don't have any recording of what my
22 client was saying to -- to Fresh?

23 A. No, sir.

24 Q. And no recording of what Fresh was saying to my
25 client?

1 A. No, sir.

2 Q. And I want to just also ask you about number 66,
3 excuse me, I am sorry. 61. I'll ask you about 61 if I'm
4 doing this right. You sticking in over here? Got it. And
5 61, that's the -- the recording from the Nest camera,
6 correct? That has the audio of the shots. I think it's 61.
7 That's what I picked up.

8 A. Right.

9 Q. I'm not -- I'm not trying to (crosstalk) okay.
10 I'm not trying to trick you with the number.

11 A. No -- no, you're fine. I just want to make sure.

12 Q. All right. Now it was just played by -- by the
13 prosecutor and, and she played it. You see it? What's that
14 at the bottom underneath the -- the -- the -- the orange
15 cone? What do we have down here? The -- the -- the play
16 indicator. You see this?

17 A. Yes.

18 Q. Okay. And -- and what's in this box normally?

19 A. That's showing the progression of the video or
20 audio, whatever in the player.

21 Q. Okay. And when it was played by the prosecutor,
22 this part wasn't visible doing the playback of the -- of the
23 audio, correct?

24 A. I wasn't listening. I didn't see that.

25 Q. Got you. All right, so I want to play it again

1 and I'm glad I had this smarter training with me because I
2 would be lost, but I want to play it with the bottom bar.
3 The time-lapse indicator. I know why they're bringing out
4 their own stuff to court now I know why.

5 THE COURT: Well, this isn't the best courtroom for
6 technology it's upstairs.

7 MR. MOBLEY: It's different in every courtroom.

8 THE COURT: This courtroom here is not really equipped.

9 THE CLERK: Okay, push it closer.

10 MR. MOBLEY: Push what?

11 THE CLERK: Closer.

12 (VIDEO PLAYED.)

13 BY MR. MOBLEY:

14 Q. Okay. All right. Well, did -- I want to make
15 sure you have a good -- can you see the -- the timer at the
16 bottom? I can't see it from back there myself. I have a
17 hard time seeing it. So I I'll ask you to step down because
18 I want to make sure you have a good -- can you see the time
19 lapse?

20 A. I -- I can't see from there.

21 Q. Okay. Do you mind coming down?

22 A. Yes sir. I couldn't -- I could be able to see it
23 even trace up to.

24 Q. All right, so you -- you see --

25 A. Uh-huh.

1 Q. -- the time lapse indicator?

2 A. Correct.

3 Q. All right, so what I'm going to do, but I -- I'd
4 like to court replay it. State I'd like what you -- what you
5 played and I'd like you to listen to the shots fired. Are
6 you stay -- where you look at the time lapse. And tell me if
7 you can give me your -- your perspective as to from zero to
8 how long the all shots were fired. All right.

9 (VIDEO PLAYED.)

10 THE WITNESS: This shows five seconds.

11 BY MR. MOBLEY:

12 Q. Okay. So all the shots. And I think -- and I
13 think I -- you can get back to the stand. And thank you for
14 coming down.

15 A. No problem.

16 Q. I couldn't see -- I could barely see it myself.
17 Okay. So, but that -- that was an accurate recording of all
18 the shots. And I think you said it was -- it was -- I'm
19 sorry

20 THE CLERK: The jury couldn't see, they were saying
21 they couldn't see it.

22 THE COURT: The jury did not see it.

23 MR. MOBLEY: Yeah. Well, okay.

24 THE COURT: Can you tell them what is happening?

25 MR. MOBLEY: That's what we're trying to do now.

1 THE COURT: Okay.

2 BY MR. MOBLEY:

3 Q. I was trying to get -- let him get back from the
4 witness stand and and I wanted to make sure the jury heard
5 from -- from the -- from the agent. I almost say detective.
6 So I caught myself. So now just so we're clear, the total
7 number of shots fired were 15; is that correct?

8 A. I believe that's what we counted.

9 Q. Okay. 14, 15. I mean if it's -- I don't think
10 for our purpose of significance there. For this case, but,
11 okay. So based on review of -- of the time lapse bar on the
12 Nest cam, which recorded the audio of the shots fired, the
13 only audio you have?

14 A. Uh-huh.

15 Q. How long did it take for all of those shots to be
16 fired?

17 A. According to that five seconds.

18 Q. Okay, so there was no break. It was all -- and it
19 was all continuous, correct?

20 A. Slight break in the first one and then continuous
21 after that.

22 Q. But all was within five seconds?

23 A. Correct.

24 Q. 1001, 1002, 1003, 1004, 1005.

25 A. That's correct.

1 MR. MOBLEY: Okay. That's all I have. Thank you very
2 much, agent.

3 THE COURT: Any redirect?

4 REDIRECT EXAMINATION

5 BY MS. FULLER:

6 Q. Just briefly one thing. Sorry that was five
7 seconds. Can you do it -- can you count to five. Out loud?

8 A. 1001, 1002 --

9 Q. Just without the 1000 out loud. Just say one and
10 then say it out loud.

11 A. One out loud. All of it?

12 Q. Yeah. Count to five.

13 A. 1, 2, 3, 4, 5.

14 MS. FULLER: No further questions.

15 THE COURT: May I excuse the investigator?

16 MR. MOBLEY: The agent may be excused.

17 THE COURT: The agent. Sorry.

18 THE WITNESS: Thank you.

19 THE COURT: I hope I didn't demote you.

20 THE WITNESS: I don't know.

21 THE COURT: You can be excused. Thank you for coming.

22 MS. FULLER: Thank you, Your Honor. The State calls
23 Michelle Eichenmiller.

24 THE COURT: Let me tell the jury we have one witness
25 that we are trying to get done, which is after this witness I

1 took the liberty of ordering lunch today.

2 JURORS: Thank you.

3 THE COURT: So we're going to try to get through it.
4 I'm trying to stay on schedule. So we'll hear this witness
5 and (inaudible).

6 THE CLERK: Please raise your right hand and place your
7 left on the Bible.

8 MICHELLE EICHENMILLER,
9 having been fully sworn in, testified as follows:

10 THE CLERK: Thank you. Would you please have a seat in
11 the witness box. State your full name and spell your last
12 for the record.

13 THE WITNESS: My name is Michelle Eichenmiller.
14 E-I-C-H-E-N-M-I-L-L-E-R.

15 DIRECT EXAMINATION

16 BY MS. FULLER:

17 Q. Good morning -- good afternoon, Michelle. Where
18 are you currently employed?

19 A. I work for the South Carolina Law Enforcement
20 Division, otherwise known as SLED. I work in the forensic
21 laboratory in the firearms department.

22 Q. And how long have you been employed at SLED?

23 A. Approximately 17 years.

24 Q. And how long have you been in the firearms
25 division?

1 A. The entire time at SLED.

2 Q. And can you explain to the jury your training
3 education and experience as it relates to firearm
4 identification?

5 A. I have a Bachelor's Degree in Biology. I also
6 have a master of science in Forensic Science. In order to be
7 a firearms examiner though, there's no college you can
8 attend. So once I was hired at SLED, I went through their
9 in-house training program, which was a lot of studying and
10 learning on my own and then watching the court qualified
11 examiners that were there learning how they did the job. I
12 did a lot of practicals and practice with them. And once I
13 completed a competency test, which was a test on everything I
14 had learned and then they said I could do case work on my
15 own.

16 Q. And have you been qualified as an expert before in
17 the field of forensic firearm identification?

18 A. I have.

19 Q. Approximately how many times?

20 A. Approximately 125 times

21 Q. More than the last time.

22 MS. FULLER: Okay. At this time, Your Honor, the State
23 seeks to introduce and to -- seeks to offer Michelle
24 Eichenmiller as an expert in the field of fire
25 identification.

1 THE COURT: Any objection?

2 MR. MOBLEY: No objection to agent Eikenberry?

3 THE WITNESS: Eichenmiller.

4 MR. MOBLEY: Eichenmiller qualifications.

5 THE COURT: All right, let me tell the jury again we
6 have another expert in firearm identity. You can give her
7 testimony the right that you think it deserves.

8 BY MS. FULLER:

9 Q. Thank you, Your Honor. As it relates to this
10 case, did you process evidence associated with SLED lab
11 number L2110372?

12 A. I did.

13 Q. I'm going to show you what's entered into
14 evidence, which is your item one State's Exhibit 73. And ask
15 if you recognize it. Do you need gloves?

16 A. This is the firearm I examined in this case

17 Q. And I don't know if the jury can see, but I know
18 you were actually looking at the physical firearm. What were
19 you looking for?

20 A. I was just verifying the serial number and the
21 make and model. Also in the box I wrote my initials, the
22 case number and the lab number.

23 Q. Okay. This is the actual firearm that you were
24 able to examine?

25 A. Yes.

1 Q. For the record, what type of firearm is that?

2 A. It's a Ruger model, P85 and 9mm Lugar caliber.

3 Q. And were you able to actually fire that firearm?

4 A. Yes.

5 Q. In what circumstances?

6 A. When we receive a firearm at SLED, we'll test fire
7 it, so we get specimens we know came from that firearm. I
8 tested in our water tank at our laboratory to retrieve those
9 specimens.

10 Q. And were you able to determine the trigger pull on
11 that firearm?

12 A. I did.

13 Q. And what is a trigger pull?

14 A. The trigger pull is the amount of pressure or
15 pounds it takes to pull the trigger.

16 Q. And in this case, how many -- what was the trigger
17 pull for this firearm?

18 A. If I could refer to my notes? The trigger pull
19 for this firearm was approximately six and a half pounds for
20 single action and 10 and a half pounds for double action.

21 Q. And so this just so it's clear for the jury what
22 is a double action?

23 A. Double action is when the hammer is not cocked.
24 And so when you pull the trigger, the hammer and then it
25 releases. So that's the double action.

1 Q. Did this firearm have a safety mechanism?

2 A. Yes. It had a thumb safety, which also worked as
3 a decocker and it had a firing pin block.

4 Q. So is that somewhat of almost a double safety?

5 A. Yes, an internal and an external safety.

6 Q. Okay. And to fire this firearm while the safety
7 is engaged as well as the -- the trigger pull there, what
8 would be the trigger pull of that firearm?

9 A. With the safety engaged? It wouldn't -- you
10 wouldn't be able to fire it.

11 Q. Okay. So the safety has to be disengaged and then
12 be able to fire the firearm?

13 A. Yes.

14 Q. Was this firearm in operating and good condition?

15 A. Yes.

16 Q. Did you find any mechanical defects with the
17 firearms?

18 A. I did not.

19 Q. And once the safety is disengaged what takes it
20 from double action to single action?

21 A. The -- usually when the slide is pulled to the
22 rear and the -- the firearm is ready to be fired that's
23 single action. Once that is -- the trigger's pulled, that'll
24 keep going single action. But if you started with the
25 firearm, with the slide forward and the hammer up that you

1 could still pull it and it would still fire after that.

2 Q. So in terms of fire and this firearm at least 15
3 times, does the trigger pull the actual weight measured
4 change on each pole?

5 A. No.

6 Q. And so the same amount of weight would have to be
7 placed on that trigger to engage that firearm, correct?

8 A. Yes.

9 Q. For the whole fire mechanism to take place?

10 A. Yes.

11 Q. Also at that time, how does a bullet load into the
12 chamber for firearms actually fired?

13 A. In this case we have a semi-automatic pistol. So
14 we put a magazine in the magazine well, which has cartridges
15 in it. Once it's in the well, then you pull the slide back
16 and the first cartridge will get loaded into the chamber.
17 It'll -- when you pull the trigger, that cartridge will be
18 fired. The bullet will come out the muzzle and the cartridge
19 case will get ejected out the side of the firearm.

20 Q. And on this firearm, what direction though does
21 the cartridge case eject from the firearm?

22 A. Typically to the right.

23 Q. And were you able to determine on this case, did
24 you said typically, but for this firearm, did it eject to the
25 right?

1 A. Yes.

2 Q. And in terms of actually firing the firearm, so
3 for each shot, the whole cycling mechanism would have to take
4 place, correct?

5 A. Correct.

6 Q. And -- and you talked about a magazine and I don't
7 know who knows about guns and who doesn't, I'm asking all
8 these basic questions. What is actually a magazine?

9 A. A magazine is a -- a container for cartridge cases
10 basically. You can load any number of cartridge cases in
11 there depending on the size of the magazine. And it -- it
12 just keeps them in place.

13 Q. And what is the capacity of this magazine -- of
14 this firearm as a whole, I guess?

15 A. The magazine capacity was 16, but in
16 semi-automatic pistols, you can actually have one in the
17 chamber and a full magazine. So it would actually be 17 for
18 the pistol itself.

19 Q. So if this considered fully loaded SLED item one,
20 State's Exhibit 73 would have to -- it was fully loaded,
21 would have 17 bullets in it, correct?

22 A. Correct. Cartridges.

23 Q. And just so it's clear for the record, when it's
24 single action, what is the trigger pull?

25 A. Approximately six and a half pounds.

1 Q. And in your everyday life, what does that equate
2 to? Six and a half pounds. If you're at the grocery store,
3 what would you pick up at six and a half pounds?

4 A. A little bit more than a five pound bag of
5 potatoes or sugar or a gallon of milk.

6 Q. And just so it's also clear for the jury, not
7 misleading, you are picking it up with your -- it's already
8 at a -- your -- what I'm demonstrating is holding my finger
9 out as if it's on the trigger and the weight is here when
10 you're pulling the weight, not doing dumbbell curl, correct?

11 A. Right. It -- it's the weight, it takes your
12 finger to pull that trigger. So that's how much weight it
13 is.

14 Q. I'm going to show you what's already in evidence.
15 I'm going to show you a couple more photos as well handing
16 you copies of State's -- handing you quite a bit several
17 items for you to take your -- a minute or two to verify,
18 showing you what's marker ID as State's 32 to 41. And
19 handing you what's already in evidence. State's 31, 30, the
20 bag that contains all the exhibits as State's 100, as well as
21 the bag for State's 99 and the bag for State's 101 with all
22 those contents adopted from my previous publishing of all of
23 these contents, that's okay for the Court. And if you take
24 your time to verify all this items of evidence.

25 A. Whenever I receive evidence in a case, I'll mark

1 it. And on grave on it, it the item number, my initials and
2 the case number. In addition, I'll mark the packaging and
3 when I seal it, it has my initials and the date on the seal.
4 These are the items I examined in this case.

5 Q. Okay. And just to confirm for the record those
6 items are State's Exhibit 99 that contains Exhibit 74 through
7 88, which are your SLED items two through 16 as well as
8 State's Exhibit 100 that contains your SLED items 17 through
9 21, which is our State's Exhibit number 89 through 93, as
10 well as State's Exhibit 101 that contains State's Exhibit 94
11 through 99. Which are your SLED items, numbers 31 to 38.
12 Does that sound accurate?

13 A. Yes.

14 Q. Looking at the photographs that were not in
15 evidence, do you recognize those, which is State's Exhibit 32
16 through 41, I believe.

17 A. Yes, I do.

18 Q. And how do you recognize those items?

19 A. These are the photographs I took when I received
20 the evidence to document the condition that I received it in.

21 MS. FULLER: Okay. At this time, Your Honor, the State
22 seeks to introduce into evidence State's 32 through 41.

23 THE COURT: Any objection, Mr. Mobley?

24 MR. MOBLEY: No objection, Your Honor.

25 THE COURT: Admitted.

1 (State's Exhibit 32 through 41 were admitted into
2 evidence.)

3 MS. FULLER: Thank you Your Honor.

4 BY MS. FULLER:

5 Q. Now, as it relates to this case, were you able to
6 generate a report?

7 A. I did.

8 Q. And now going through your report, did you report
9 your findings on your analysis?

10 A. I did.

11 Q. Generally speaking, can you tell the jury how you
12 actually go about performing firearm identification in this
13 case through your analysis?

14 A. In this case we received fired cartridge cases and
15 fired bullets. I had to document their condition as I
16 receive them. If they're contaminated at all, I would clean
17 them because I'm going to be putting them on my microscope so
18 we know and I need cross-contamination. I also test fire a
19 firearm after I document its safety and the condition I
20 received it in. Also, if it had any evidence on it that
21 would be important trace evidence or anything. Once I
22 receive the -- once I test fire the firearm to ensure it's
23 operability, I'll take those test specimens and compare them
24 to any fired evidence I received in the case.

25 Q. And now walking through your item -- your report

1 going through SLED items two through 16, which are State's
2 Exhibit numbers 74 through 88 what were those described as?

3 A. They were all fired 9mm Luger caliber cartridge
4 cases. I believe there were 15 altogether.

5 Q. And those 15, they did have different head stamps,
6 is that correct?

7 A. Yes.

8 Q. Don't believe that scan my (inaudible). But
9 looking at State's 30, are those the cartridge casings?

10 A. I'm pretty sure they are.

11 Q. Okay. The jury saw this photograph and when I
12 talk about the head stamp that's on top of the casing,
13 correct?

14 A. Yes.

15 Q. But they were all 9mm, correct?

16 A. Yes.

17 Q. And what were your results?

18 A. Items two through 16 were physically examined and
19 microscopically compared with each other. And with cartridge
20 cases test fired by the pistol. They had insufficient or
21 inconsistent corresponding marks. So there wasn't enough for
22 me to say if they were fired by that firearm, it would -- my
23 answer was inconclusive. We have four answers in firearms
24 identification. One is it was fired by that gun, one was, it
25 was not. One is, I couldn't tell. And then one is there too

1 damage to tell. So in this case the answer is inconclusive.
2 There weren't enough marks for me to say it was fired by that
3 firearm.

4 Q. And to summarize that, would that just essentially
5 indicate when the fire and pin struck the casing, it hit it
6 differently each time?

7 A. They would --

8 Q. The simplified version.

9 A. It just didn't leave any enough marks from the
10 firing pin hitting the primer for me to say it was fired by
11 that firearm.

12 Q. Okay. So to -- it's safe to say you could not
13 include or exclude, correct?

14 A. Correct.

15 Q. As it relates to the SLED items 18, which is
16 described as a projectile collected under the victim's heart
17 SLED item 32, 36 and 38, in those three from autopsy, what
18 were your results?

19 A. Items 18, 32, 36 and 38 were most consistent with
20 bullets loaded into 9mm Lugar caliber cartridges

21 Q. As it relates to your SLED item 19 -- 17, 19, 20,
22 21, 31 and 37. And those are described as 17 is projectile
23 from the victim's back. 19 metal fragment under his back.
24 20 copper jacket from under his back, and 21 metal fragment
25 from under his back. And 31 is a jacket called an autopsy

1 from his right hand, and 37 is the bullet from his head.
2 Were you able to determine the caliber from -- for those
3 items of evidence?

4 A. No, I wasn't due to damage. I couldn't tell what
5 caliber those items were.

6 Q. Now as it relates to your results for items of
7 evidence that did match the firearm. What items did actually
8 -- were you able to -- jump ahead. Were you able to
9 determine that any of the items of evidence matched the
10 firearm?

11 A. I was.

12 Q. And what items of evidence actually matched the
13 firearm?

14 A. It was item 32, which was a fired bullet listed as
15 from victim's chest item 36, a fired bullet listed as from
16 victim's neck and item 38, which was a fired bullet listed as
17 victim's right abdomen. They had matching individual
18 identifying characteristics and they were -- and it was
19 concluded that they were fired by item one.

20 Q. Now turning to the screen here, I have displayed
21 State's Exhibit 32. Can you describe to the jury what
22 they're looking at here?

23 A. This is SLED item 17. It's described as a fired
24 bullet. It is damaged. There are two photos of it, so you
25 can see both sides, but it's got some damage to it.

1 Q. I'll put to the second side. Oh, I jumped too
2 far. Is that the other side of it? And it states -- wait.
3 Hold on. I'm looking for 33. I guess 33 was not scanned. I
4 apologize. Explain 33 is -- to the jury that you were able
5 to look at that's the other side of the projectile that was
6 recovered.

7 A. Yes.

8 Q. And what, if anything, could you -- was found on
9 this item, which is your item that (inaudible) underneath the
10 victim's back?

11 A. When I opened it up and documented what was on it,
12 there's some black debris on it. It was melted black
13 material. It could be rubber or plastic. I wasn't sure what
14 it was, but I did note that it was on there.

15 Q. Okay. And based on what you found on there, was
16 that consistent with -- in this case testimony is the
17 deceased was found in the parking lot pavement. Is what you
18 found on there consistent with the projectile striking an
19 object to include the -- the pavement?

20 A. In my experience, that's what it could be.

21 Q. And that was your item 17, correct?

22 A. Yes.

23 Q. Looking at 18 -- State's 34, what does this
24 describe as?

25 A. It's one fired bullet

1 Q. And for this one it -- it appears to be the naked
2 eye intact, however, you were not able to match this one to
3 the actual gun, correct?

4 A. Correct.

5 Q. But you were able to determine that it was some
6 9mm?

7 A. Yes.

8 Q. And for the sake of finishing, this is the other
9 side of it, correct?

10 A. Yes.

11 Q. And these are just your intake photos in terms of
12 19, and just to kind of give the -- the jury an idea in terms
13 of the size of 19, which was found also under the deceased in
14 this case, how -- what part of the bullet would that be?

15 A. That would be jacket material. Possibly it has
16 some of the core, which is lead on it as well.

17 Q. And for this one, you couldn't make an
18 identification, couldn't determine, correct?

19 A. Correct.

20 Q. What was the weight of this what I guess I would
21 consider fragment

22 A. It was 3.6 grains. To put that in perspective, a
23 full bullet would weigh like 115 grains. So this is a very
24 small part of a bullet.

25 Q. Okay. And this that -- also adds to the fact that

1 this couldn't be identified because it's literally a -- a
2 portion of the bullet, correct?

3 A. Yes.

4 Q. And these are also contained in the evidence bags,
5 but your photo, I guess we can pull it out so the jury can
6 have an idea why we're displaying it this way. Essentially
7 essentially it would be tiny to see right here. This is
8 exposed in the lab, correct?

9 A. Yes.

10 Q. So on the screen, it looks much bigger than it
11 actually looks in the evidence side, correct?

12 A. Correct.

13 Q. And then similarly that's the back of 19, correct?

14 A. Correct.

15 Q. And then 20, what's the weight of this?

16 A. 20 weighed 0.4 grains. So it is very small.

17 Q. And couldn't make a definition because of how
18 small it was, correct?

19 A. Correct.

20 Q. And then similarly.

21 A. 21 is a lead fragment. It was 12.2 grains.

22 Q. And that's just the other photo. I believe that
23 is the sent Just to confirm the items were covered at
24 autopsy, you were able to make a positive identification for
25 three of those items to the gun, correct?

1 A. Correct.

2 MS. FULLER: I think that's it. No further questions
3 at this time.

4 THE COURT: Thank you Ms. Fuller. Mr. Mobley.

5 MR. MOBLEY: No questions. Thank you.

6 THE COURT: May I let agent Eichenmiller be excused?

7 MS. FULLER: Yes, thank you.

8 THE WITNESS: Thank you.

9 MS. FULLER: The -- the State calls Dr. Nicholas
10 Batalis.

11 THE CLERK: Can you repeat that name please? I
12 couldn't.

13 MS. FULLER: B-A-T-A --

14 THE CLERK: Can you just repeat the name?

15 MS. FULLER: Oh, Batalis. Sorry.

16 THE CLERK: Thank you.

17 THE CLERK: Nicholas?

18 MS. FULLER: Correct.

19 THE COURT: This will be our last witness before lunch
20 and I ordered pizza. I apologize it's getting late.

21 MS. FULLER: May we approach?

22 THE CLERK: Can you please raise your right hand and
23 place your left on the Bible?

24 NICHOLAS BATALIS,
25 having been fully sworn in, testified as follows:

1 THE CLERK: Thank you. Would you please have a seat in
2 the witness box. State your full name and spell your last
3 for the record.

4 THE WITNESS: My name is Nicholas Ike Batalis,
5 B-A-T-A-L-I-S.

6 DIRECT EXAMINATION

7 BY MS. FULLER:

8 Q. Dr. Batalis, can you go ahead and introduce
9 yourself to the jury? Where are you employed?

10 A. I'm employed at the Medical University of South
11 Carolina down in Charleston.

12 Q. And so you traveled up here this morning from
13 Charleston. Thank you for doing that.

14 A. You're welcome.

15 Q. Can you describe to the jury your area of
16 expertise, your training, education and experience?

17 A. Sure. I'm employed at the Medical University of
18 South Carolina as a forensic pathologist. My education, I
19 completed undergraduate at Belt University in Indianapolis,
20 Indiana. After obtaining a degree in biology there, I went
21 on to the Indiana University School of Medicine, where I
22 attended medical school for four years. After graduating
23 medical school, I then came down to Charleston to MUSC for a
24 residency training program in general pathology. It's a four
25 year program where you kind of learn the -- the medical

1 specialty of pathology specifically. Then after those four
2 years of passed examination, become board certified in
3 anatomic and clinical pathology, so general pathology.
4 Following that, I went to the Dallas County Medical
5 Examiner's office for a year of a forensic pathology
6 fellowship. So one year of intensive training specifically
7 in forensic pathology. Again, at the end of that year passed
8 another examination, become board certified. And at that
9 point I then came back to -- to Charleston and -- and took my
10 current probation.

11 Q. And what is forensic pathology?

12 A. Sure. So kind of taking a step back, as you
13 mentioned, it kind of start with pathology. So pathology is
14 the study of disease, so the general pathologist we'd be the
15 ones that would look at if you had a -- a tumor taken out or
16 a biopsy, we would look at under the microscope and -- and
17 tell the surgeon what we're dealing with. Pathologist also
18 oversees the clinical laboratory. So if you have any blood
19 work done, we wouldn't actually be performing the work, but
20 we'd be overseeing the laboratory and answering any
21 questions. Forensic pathology is in a -- a -- a subspecialty
22 within this field that predominantly deals with the legal
23 aspects of medicine and predominantly performing autopsies to
24 determine a cause and manner of death.

25 Q. Thank you so much, doctor. And have you testified

1 in court before as an expert?

2 A. Yes. I have somewhere over 100 times here in
3 South Carolina, and I believe twice in Texas and North
4 Carolina.

5 Q. And approximately how many autopsies have you
6 performed over your career?

7 A. I don't have an exact number, but at this point
8 it's probably three to 4,000, somewhere in that range.

9 MS. FULLER: At this time, Your Honor, the State seeks
10 to introduce Dr. Nicholas Batalis as an expert in the field
11 of forensic pathology.

12 THE COURT: Any objection?

13 MR. MOBLEY: No, Your Honor.

14 THE COURT: Again, I'm going to tell the jury this is
15 going to be an expert witness in forensic pathology. You can
16 give this testimony the weight you think it deserves. Thank
17 you.

18 BY MS. FULLER:

19 Q. Thank you. As it relates to this case, did you
20 perform an autopsy on Daniel Jones?

21 A. Yes, I did. On June 26, 2021.

22 Q. And where did you perform this autopsy?

23 A. I performed it in our autopsy suite at the Meadow
24 University of South Carolina down in Charleston.

25 Q. And were you able to determine a cause of death in

1 this case?

2 A. Yes, I was.

3 Q. And what was the cause of death?

4 A. The cause of death in this case was gunshot wounds
5 at the head and trunk.

6 Q. And essentially what does that mean?

7 A. Sure. So in this case, there were as we'll talk
8 about multiple gunshot injuries involving the head, the
9 trunk, and the extremities. This case, a couple of them were
10 more severe than the others. One went through the brain
11 which would cause severe dysfunction in the brain and
12 bleeding other gunshots to the abdomen and -- and chest went
13 through other organs and major blood vessels that led to
14 significant bleeding. So the combination of the bleeding out
15 from those internal injuries and the trauma to the brain from
16 the gunshot to the head

17 Q. As it relates to this case (inaudible) autopsy,
18 did you generate a body diagram?

19 A. I did.

20 Q. And for purposes of court here, did you also
21 generate a body diagram for court?

22 A. Yeah, so during the course of performing an
23 autopsy, we have a diagram that has all sorts of notes,
24 height, weight, all sorts of details. Then for court, what I
25 did is it prepared a -- a cleaned up diagram that just

1 includes the -- the injuries in the case to make it a little
2 bit more legible.

3 Q. Okay. I'm going to show you State's 55 and ask if
4 you recognize it.

5 A. Yes, I do.

6 Q. And is this what you've generated for court here?

7 A. Yes. This is the kind of cleaned up, if you will,
8 diagram that just illustrates the injuries in this case

9 MS. FULLER: At this time, Your Honor, the State seeks
10 to introduce State's exhibit 55 into evidence.

11 THE COURT: Any objection?

12 MR. MOBLEY: No objection, Your Honor.

13 THE COURT: It's admitted.

14 (State's Exhibit 55 was admitted into evidence.)

15 MS. FULLER: Thank you, Your Honor.

16 BY MS. FULLER:

17 Q. And here it's displayed on here and I'll -- I'll
18 just work off zooming in. Can you take it from the top and
19 do you see the deceased name on here as well?

20 A. Yes, I do.

21 Q. And publish that for me for the record of State's
22 55.

23 A. I'm sorry.

24 Q. You publish the name that's on the diagram.

25 Daniel Jones?

1 A. Yes, the -- I wrote the decedent's name Daniel
2 Jones on the diagram along with the unique case identifier,
3 the F821712. That's our unique identifier for this case.

4 Q. Thank you so much. Now taking it from the top,
5 you have the word gunshot wounds and you have what I would
6 describe as a -- a chart or table. Can you explain that to
7 the jury?

8 A. Yeah. So the -- where -- entering gunshot wounds
9 is sort of legend to the diagram below. In this case there
10 were so many gunshot wounds just to -- to -- to essentially
11 abbreviate where entrance wounds, exit wounds, and this case
12 some -- some of the injuries were through and through where
13 they entered and exited. Some of the wounds entered and we
14 have a recovered bullet. Other ones entered, exited,
15 reentered the body. And so this is just kind of a key or
16 legend to explain the markings that are on the body diagram
17 below.

18 Q. Okay. So publishing for the record as well, the
19 legend. What did you use to -- to indicate the entrance
20 wound?

21 A. So an entrance wound is a small circle.

22 Q. And the exit wound?

23 A. Exit wound is an X.

24 Q. And reentry?

25 A. A reentry is a combination, so a circle with an X

1 through it.

2 Q. And recovered bullet?

3 A. Recovered bullets are denoted by the letter B

4 Q. Recovered jacket?

5 A. A recovered jacket is denoted by the letter J.

6 Q. Grays wound?

7 A. The grays wounds in this case are denoted by the
8 letter G

9 Q. And a pseudo exit?

10 A. And a pseudo exit wound is designated by the
11 letter P.

12 Q. Why are you performing an autopsy? How do you
13 determine what is an exit versus an entrance wound?

14 A. So that's where we'd use the -- the training
15 expertise that we've accumulated through our, you know,
16 fellowship and -- and through over the years working on
17 numerous other cases. Entrance wounds, exit wounds, pseudo
18 exits, all of these have unique features to them. Looking at
19 the individual wounds, it's just kind of identifying
20 individual features about them that would classify as an
21 entrance or an exit wound.

22 Q. Now I'm just going to walk through this. You have
23 this labeled here as GSW number one. What does GSW stand
24 for?

25 A. So GSW stands for gunshot wound.

1 Q. And -- and for the record, that's where I'm
2 pointing with the -- the pointer on the mouse and the
3 numbering. Can you explain to the jury how you number or
4 your numbering method for this diagram?

5 A. Yeah, so the -- the -- the gunshot wounds are
6 numbered one through 13. It's essentially just a way so I
7 can describe them in the report, putting them on a diagram so
8 I know what I'm talking about to keep track of them. It does
9 not indicate the order that the gunshots occurred. It does
10 not indicate the severity of the injuries. It's simply just
11 a -- a system to organize them.

12 Q. And then just to be clear on -- at the completion
13 of this autopsy generating this diagram, prepping for the
14 case discussing, you're not able to say which gunshot wound
15 struck the body first based on autopsy; is that correct?

16 A. Correct.

17 Q. Okay. Now looking at -- we'll just go through
18 them and identify for the record, for the jury gunshot wound
19 of the head, where is that located?

20 A. Sure. The gunshot wound, that's indicated number
21 one, the gunshot wound of the head. It's at the vertex of
22 the scalp, so the top of the head, just a little bit right at
23 midline.

24 Q. And did that result in an exit wound?

25 A. It did not.

1 Q. And were you able to recover anything as it -- it
2 relates to gunshot wound that you identified as number one?

3 A. Yes, we were.

4 Q. And what were you able to recover?

5 A. We recovered a bullet from within. After the
6 bullet entered the scalp, it went through, the skull went
7 into the brain where the bullet stopped within the brain and
8 skull. And so we recovered it during that portion of the
9 examination.

10 Q. At autopsy, are you able to determine the
11 potential range in terms -- and pathway of the gunshot wound?

12 A. Certainly we can always determine the pathway.
13 And so when we talk about pathway, that would be the
14 relationship of the gun to the body when the gun was fired.
15 And again, knowing -- looking at where the entrance wound is
16 located, seeing where we either have an exit wound or the
17 recovery bullet that kind of gives us our pathway, whether
18 it's forward, backward, upward downward, or -- or what it may
19 be. As far as range of fire, that's something we can
20 determine sometimes. When a -- a gun is fired in addition to
21 the bullet coming out, there's a couple other items that come
22 out. One is essentially soot, which is a cloud of smoke that
23 will come out from the explosion of the bullet being fired.
24 This will travel up to six inches to a foot. So if that's
25 present we can say it's within that, you know, it's within

1 six inches to a foot.

2 The other thing that comes out are pieces of gunpowder
3 that are burning or -- or unburned. They can fly through the
4 air, strike the skin and cause small scrapes or what we call
5 stippling. And again, depending on the ammunition weapon
6 that can extend out to two to four feet from the gun to the
7 body. So again, if we have the sitter stippling, we can
8 narrow it down to within a few feet. If we don't have it --
9 it means -- it could mean that the gun was further than three
10 or four feet away from the body or there was something in
11 between. So if I was to shoot through this wall, all the
12 gunshot residue would be deposited on this wall. It would
13 not continue through that.

14 Q. Okay. In this case, as it relates to all
15 identified gunshot wounds, were you able to locate any slit
16 or stippling?

17 A. I did not identify any slit or stippling with any
18 of the gunshot wounds.

19 Q. And what would that indicate about the range of
20 any of these? What, if anything, does that indicate about
21 the range of any of these gunshot wounds?

22 A. So that would indicate the gun was either at least
23 two to four feet from the body when it was fired, or again,
24 there was some intermediary object between the gun and the
25 body.

1 Q. Okay. And just so it's also clear what is a
2 contact wound?

3 A. Sure. A contact wound would be where the gun is
4 pressed up against the body. And when we see that sometimes
5 you can actually see an impression of the barrel of the gun
6 against the skin. In those cases also that soot we talked
7 about, instead of forming a cloud of smoke and depositing on
8 the skin, if the gun is pressed up against the body, that
9 soot and all that gunshot residue will extend into the body.
10 So we can see that internally.

11 Q. And what is an intermediate gunshot wound?

12 A. Intermediate gunshot wound is -- so we'd start
13 with contact close would be where we just have soot and no
14 stippling, so that would be within six inches to a foot.
15 Intermediate is going to be larger. Where we don't have
16 soot, so it's not within six to 12 inches but we know it's
17 within that two to four feet. So that would intermediate
18 would be roughly a foot to three to four feet.

19 Q. And so this case since there wasn't any slit or
20 stifling that would be categorized as what type of gunshot?

21 A. It -- again, this would not classify it as one.

22 Q. Okay.

23 A. So because I don't know, again, the gun could have
24 been six inches away from the body, but had some sort of
25 barrier between. So in -- in our world, distant would be

1 greater than four feet. So it's either a distant wound or
2 there was something between the gun and the body.

3 Q. And so if there is nothing in between the gun and
4 the body based on your training expertise, it indicates that
5 the actual part where the actual bullet that jets from the
6 gun is actually four feet or approximately four feet away
7 from the body.

8 A. Right. It would depend on the -- they've got
9 weapon ammunition, but at least two to four feet from the
10 body.

11 Q. Two to four feet. Okay. Now we're going to go
12 through all of these gunshot wounds and we'll develop a
13 rhythm eventually. My questions are going to be asking you
14 to locate the entry exit, identify if you recovered anything,
15 as well as explain to the jury the pathway. And I know it's
16 a lot, so we'll just try to just go through it as seamlessly
17 as possible. Looking back at what you identified as gunshot
18 wound number two, a gunshot wound, number one, where's that
19 located?

20 A. So gunshot number one, the entrance was on the top
21 of the head, just right of center.

22 Q. And the pathway?

23 A. The pathway was downward a little bit from back to
24 front. So when we talk about always as the -- as the
25 decedent from his back to his front and very slightly from

1 his right to his left. So essentially kind of mostly
2 straight down, but a little bit forward and a little bit down
3 to the left.

4 Q. And now looking at gunshot wound number two, which
5 I'll use the mouse to make sure the jury's looking at the
6 same spot here. Can you publish for the record exactly where
7 that is located?

8 A. So gunshot wound number two is centered on the
9 right side of the face. Let's see here, kind of just below
10 the right here. So kind of the angle of the jaw there.

11 Q. And this gunshot wound is identified also. Do you
12 identify the exit wound for this gunshot wound?

13 A. Yeah, so this -- this wound again, it entered the
14 right side of the face here on the jaw and then traveled
15 through kind of the tissues of the face and the -- and the
16 neck and kind of jaw area. And then exited kind of the mid
17 neck and then reentered. So there's an X and then right
18 beneath that there's an X with a circle through it. So it
19 exited, it reentered, and then exited again. So three wounds
20 very close together. So again, the -- the pathway was
21 traveling downward, exits through the -- through the kind of
22 jaw and the neck, and then again, kind of slips through the
23 kind of superficial parts of the skin and the neck before
24 ultimately exiting.

25 Q. Now we typically hear that bullets travel

1 straight. Is that an accurate statement?

2 A. Yes.

3 Q. In this case you have an exit reentry -- entry,
4 exit reentry and looks like an exit. And for the -- for the
5 jury, I'm circling around the neck areas where you identified
6 the exit entry and reentry.

7 A. Correct.

8 Q. Exit and I say wrong entrance, exit reentry exit.

9 A. So entrance, exit, reentry, exit.

10 Q. Got you. And what, if anything, does that tell
11 you about Daniel Jones when he sustained that injury?

12 A. Again, it just tells us the pathway. So again, we
13 know that this one is the predominant way it's traveling is
14 mostly downward, and again, a little bit from right to left.
15 So very similar to what we talked about to the one at the top
16 of the head downward and a little bit from his right to left.

17 Q. Okay. And what would a -- the -- in terms of the
18 top of his head at tall autopsy, were you able to determine
19 his height?

20 A. Yes. He was 70 inches in length, so approximately
21 5'10 inches.

22 Q. Okay. So at 5'10 inches to account for GSW,
23 number one and number two. If -- if assuming he was standing
24 straight up where would the gun have to be to result in GS1
25 and GS2?

1 A. If he's standing straight up, just as, as you
2 stand, the gun would have to be coming essentially down from
3 above where the ceiling is essentially.

4 Q. Okay. And at -- I think with these heels, I'm
5 approximately 5'10, maybe just under. So you're saying the
6 gun would have to be at least two to four feet above since
7 your testimony is that it's no -- no sitter stippling,
8 correct.

9 A. Correct. Again, assuming there was nothing in
10 between the gun and the body.

11 Q. And so assuming there is nothing in between the
12 gun and the body, the gun and the person holding the gun
13 would have to be approximately over what, 6'16? The gun
14 would have to be over six feet in the air, correct. If
15 assuming Daniel's standing straight up and I didn't pass
16 math, I don't think.

17 A. So I mean the gun would have to be even higher.

18 Q. Okay.

19 A. So again, if we're saying that it's, it could go
20 out to, you know, two to four feet, he's 5'10, the barrel of
21 the gun would've had to be at least seven foot 10 inches from
22 the ground. Is that what you're asking?

23 Q. And I apologize, I lied for the record, I did pass
24 math actually was an AP. I was just trying to say I didn't
25 do the math right now, I apologize. So the gun -- so based

1 on this tell me whether or not this would be consistent with
2 Daniel Jones being down somewhat on the ground with the gun
3 over him at that downward angle.

4 A. Yeah, so the relationship to the body would apply
5 whether standing, sitting, laying down. So from the squatted
6 position again, it would still be coming essentially, you
7 know, straight down from above.

8 Q. Can you tell me whether or not it's consistent?
9 If Daniel Jones was laying on the ground where would the gun
10 have to be if he was laying on the ground to sustain gunshot
11 wound number one and two?

12 A. So if he was laying down on the ground to get this
13 downward trajectory, the gun would essentially have to be on
14 the ground with him pointing straight towards the top of his
15 throat.

16 Q. And I went through three scenarios with you.
17 Between the first and the third scenario, are they likely
18 consistent with all of your other results in autopsy in terms
19 of the position of Daniel, whether he was standing straight
20 up vertically or laying straight out horizontally?

21 A. I'm -- I'm sorry, could you ask that again?

22 Q. Is the -- the scenarios that I just went through
23 scenario one vertical completely or vertical three scenario
24 scenario three laying horizontally on the ground is that the
25 likely position he was in based on totality of your autopsy

1 results when he sustained gunshot wound number one and two?

2 A. So nothing about the autopsy results is going to
3 tell me exactly his position that he was when -- when he was
4 shot.

5 Q. Okay.

6 A. There's nothing that I can -- I can't put him in a
7 position based on the pathway to the bullet.

8 Q. Okay. Is it likely that the gun was over his head
9 seven feet in the air or you can't say that?

10 A. I -- I'd say it's unlikely just having done
11 hundreds of gunshot wound cases, I have not seen that
12 particular situation, but I -- I can't rule it out.

13 Q. Okay. Now looking at what you identified as three
14 and four, we see it identified here in the center of the
15 diagram. Can you describe to the jury where that is and we
16 see points going from the front and the back of the body?

17 A. Sure. So the -- the group, this will happen a
18 couple times. We have grouped some gunshot wounds together.
19 It tends to be where we have entrance wounds that are
20 relatively close to one another, exit wounds that are
21 relatively close to one another. But we can't really
22 determine which goes to which. So we know here these two
23 entrance wounds lead to these two exit wounds. I just can't
24 say this one leads to this one and this one leads to this
25 one. In this case, gunshot wounds three and four are going

1 to be located kind of on the side of the neck here and then
2 the upper part of the back shoulder. So I myself, you know,
3 a couple inches away on the top of the left shoulder, left
4 side of the neck. After striking the body again, those
5 bullets also traveled downward similar to the ones we've just
6 talked about. And then a little bit from front to back. So
7 kind of again mostly straight down, a little bit towards the
8 back.

9 Q. So the gun would essentially be over Daniel,
10 correct? This is a downward angle.

11 A. If he was in a vertical position, the gun would
12 have to be over him. But again, if the gun's up here, I can
13 move any sort of position and you can get a different look
14 relationship of where the gun would be. But it -- it shares
15 gunshot wounds three and four share that downward pathway
16 went in this standard position.

17 Q. Can you tell me whether or not they appeared to
18 have actually crossed paths? Is that an accurate statement?

19 A. Yes. After they went through the -- entered the
20 the skin and soft tissue? Yeah, the bullets kind of cross
21 paths there. It's kind of blood trails through the interior
22 tissues, but that's where it makes it difficult to say which
23 of those two exit wounds specifically goes with which of the
24 two entrance wounds. But it's undoubtedly those two exit
25 wounds are linked to those two entrance wounds.

1 Q. Okay. And then just to be clear, the pathway is
2 in your report is downward and slightly front to back,
3 correct?

4 A. Correct.

5 Q. Now going down to what you identified as gunshot
6 wound number five is that what we have zoomed in here?

7 A. Yes.

8 Q. And you go ahead and describe that to the jury.

9 A. So gunshot wound number five as we show there,
10 it's on the left side of the chest in the kind of in the back
11 part of where your -- the armpit would be. So kind of the --
12 the back -- left side of the chest that bullet after it
13 entered the body there it went through fractured at least one
14 of the ribs caused some bruising to the lung and created what
15 we call a pseudo exit wound. So on the -- where the P is, so
16 on the left side of the back, not too far from where the
17 entrance would be, there was a large lesion where the skin
18 was disrupted. That looks like an exit wound. In this case
19 we know it wasn't because the bullet was still in that same
20 area. So likely what happened was the rib fractures
21 something from the -- the -- the bullet damage on its way
22 through penetrated the skin, making it look like an exit
23 wound. In fact it wasn't. And then we did recover the
24 bullet in this case from the left side of the chest, not too
25 far from where the entrance room was. So everything's pretty

1 tightly together there.

2 Q. And now looking at State's -- State's -- I'm sure
3 we identified as six. Let me find it, I won't zoom in. But
4 it's then the center identified down here where I have the
5 mouse.

6 A. Yep. So gunshot number six is going to be the
7 lower right side of the back. So just kind of above the
8 right buttock there. This bullet after entering the body
9 essentially just goes through the skin subcutaneous tissues
10 and -- and soft tissues. Mostly traveling from back to front
11 again entering to the back. And then the bullet was then
12 recovered on the right side of the abdomen. So again,
13 traveling predominantly from back to front. Did not go
14 through any major -- major organs. And then we did recover a
15 bullet from this one.

16 Q. Okay. So gunshot wound number six, the previous
17 one when you talked about -- we talked about downward angle,
18 we talked about some slightly back to front, but this one you
19 have completely back to front, is that correct?

20 A. Yes. That -- that's the predominance back to
21 front. It went a little bit up and a little bit from his
22 left to right, but as opposed to the other ones that were
23 predominantly traveling downward, this one is, yeah, it's
24 going from back to front, so a different pathway altogether.

25 Q. And -- and in terms of it going upward what

1 position would Daniel body have to have been in if you can
2 say to have sustained a back front injury going slightly
3 upward, Daniel and or the shooter I guess.

4 A. Again, I can only say the relationship of the gun
5 to the body. He -- he could have been in any number of
6 positions, but the gun predominantly is going to be pointing
7 again straight at him. The fact that it traveled a little
8 bit upward again, it would've a little tilt to it. So but I
9 can't say the exact, I know the relationship of the gun to
10 the body, but I can't go and place the body just based on the
11 spine.

12 Q. And looking now at seven and eight, which is in
13 the center of the screen right here that you have identified
14 the seven and eight, can you describe those to the jury?

15 A. Yep. So gunshot wounds seven and eight and so
16 similar to what we talked about with three and four, two
17 entrance wounds that are very close to one another, two exit
18 wounds that are very close to one another. So these two were
19 grouped. Again, these are going to enter kind of the mid to
20 left side of the abdomen there. You can see just above where
21 the -- the belly button would be. These two bullets. Then
22 after going through the abdominal wall went through and did
23 hit several internal organs including the stomach, the
24 intestines, the kidney, and the adrenal gland. And was
25 associated with a large amount of blood or what we call

1 hemperitoneum that is that accumulated within the abdomen.
2 After injuring all those organs again, both of them then
3 exited the lower left side of the back. So these are
4 traveling -- they have a new pathway. So this one's going
5 more front to back a little bit downward and then traveling
6 from his right to left.

7 Q. Now looking at nine just above that, that you've
8 identified, can you describe that one to the jury?

9 A. Yeah, so the gunshot number nine, so the entrance
10 of this is just -- is located just above where the two exits
11 were that we just talked about for seven or eight. So nine
12 is going to be going again, get another pathway. So this one
13 is more traveling from back to front and then left to right
14 because this one gun show number nine, again coming in the
15 lower left side of the back, it's going to exit on the right
16 side of the abdomen. So essentially traversing the -- the --
17 the abdomen and again, as that one went through the body it
18 did strike the intestines, it struck the liver and then the
19 aorta, which is the major blood vessel that delivers blood to
20 the body. And so again, as a result of this, there was
21 massive bleeding that -- that as we saw with the -- the
22 previous wounds.

23 Q. Looking now at -- at gunshot wound number 10 that
24 you've identified up here.

25 A. Sure. Gunshot wound number 10 is on the lateral

1 aspect of the left shoulder. So somewhere around here. That
2 bullet again enters the skin of the left shoulder, goes
3 through the muscle deep soft tissue and then exits the top of
4 the shoulder. So it kind of comes in the lateral part of the
5 shoulder exits the top part. So again, this pathway is more
6 traveling upward, a little bit from his left to right and a
7 little bit back to front, but predominantly this one was
8 traveling upward.

9 Q. And now looking at 11, which is over here on the
10 left of the screen, describe that to jury.

11 A. Yep. Gunshot wound number 11 is going to be near
12 the, kind of the inner part of the right elbow. So in the
13 inner part of the front of the arm again, this bullet enters
14 the -- the skin of the arm here near the elbow again travels
15 through skin and soft tissues and then exits in a wound kind
16 of on the front part of the forearm. So again, this one for
17 the most part is -- is traveling from left to right, but also
18 traveling downward as it's starting up near the elbow and
19 ends up in the forearm area.

20 Q. Now looking at gunshot wound that you identified
21 as 12, which is marked down here can you describe that to the
22 jury?

23 A. Yep. So gunshot wound number 12 is going to enter
24 the back part of the hand. I'm going straight in the middle
25 here, and then it's going to exit essentially straight on the

1 other side to the major pathway. Here going from, again, we
2 described the hand as being the back part, going from back to
3 front. Again, understanding the hand could be flipped around
4 pretty easily, but entering the back of the hand, going
5 towards the front. Again, very slightly upward, very
6 slightly right to left predominantly this is going from the
7 back to the front. The bullet did exit but there was a
8 fragment of a jacket that remained within the wound that we
9 (inaudible).

10 Q. And now looking at gunshot wound 13, which is
11 identified here.

12 A. Yep.

13 Q. Can you describe that to the jury.

14 A. So gunshot wound number 13 is somewhat similar to
15 gunshot wound number two, and that it -- it's going to exit
16 and then reenter the body as compared to gunshot number two
17 that then exited again. This bullet was another that we
18 retained. So this enters the upper right side of the back.
19 The entrance in is, and you can see it's traveling towards
20 his head, so it's traveling upward. And also from his right
21 to his left you can see just above it the bullet exits. And
22 then again, just past that there's the circle of the X, so it
23 goes back into the skin and essentially kind of buried itself
24 in the musculature of the side of the left side of the neck.
25 So if it enters upper right side of the back, recover the

1 bullet from the left side of the neck.

2 Q. You also indicated on here on the legend graze
3 wound. Can you describe those to the jury?

4 A. Yeah, so in this -- in this case there were two
5 separate graze wounds. One of them is near our gunshot wound
6 number 11 there on the left side of the screen we have the G
7 there. And so again gray moon, there's, you know, it's just
8 kind of a -- a tangential shot and so there's no true
9 entrance or exit. And generally we can't even tell which
10 direction they're -- they're -- they're traveling, but we
11 could tell that it's most likely a razed wound from a -- a
12 bullet. And then we also had a similar wound razed wound on
13 the back part of the left hand. So we had gunshot wound
14 number 12 went through the right hand. Graze wound that
15 we're talking about now is on the back part of the left hand
16 kind of behind the left thumb.

17 Q. Over here in the center?

18 A. Correct.

19 Q. Now for those two graze wounds, did you just to be
20 clear, you identified that as two separate wounds not caused
21 by any of the other number 13 gunshot wounds. Is that
22 correct or incorrect?

23 A. I -- I don't know that.

24 Q. Okay.

25 A. So it could have, you know, for the hand if for

1 example, it could have grazed by his hand and then struck and
2 resulted in one of the other wounds. For that matter, you
3 know, gunshot wound number 12, it is on the hand. So same
4 thing, gun wound number 12 could have gone through the hand
5 and then resulted in one of those other injuries.

6 Q. In summary, how many gunshot wounds would you let
7 say Daniel Jones sustained as a result of the shooting?

8 A. He had 15 gunshot wounds. Two of those being
9 grazed wounds. Nine what we would call perforating. So
10 through and through wounds, and then four that were
11 penetrating where we have an entrance and recovery bullet.

12 Q. I'm going to show you State's 101 that's already
13 in evidence and tell me if you recognize these as the items
14 that you testified to collectively on autopsy.

15 A. Yes, I do.

16 Q. Thank you. Looking -- did you have an opportunity
17 to watch the video in this case during prepare -- while
18 preparing for trial?

19 A. I did.

20 Q. And were you able to say that what you determined
21 at autopsy was consistent or inconsistent with how Daniel
22 Jones was shot on that video?

23 A. Certainly the injuries that we identified at
24 autopsy would be consistent with the -- the video that I
25 watched.

1 Q. On its own, looking at what you identified as
2 gunshot wound number one, on its own with these headshot,
3 gunshot wound number one is headshot have been fatal.

4 A. It certainly could have been fatal in and out by
5 itself.

6 Q. Were you able to determine if any other gunshot
7 wounds by themselves would've been fatal?

8 A. Yes. So there were four gunshot wounds that that
9 could have been fatal by themselves, first being the gunshot
10 of the head. Also the gunshot wound seven and eight on the
11 abdomen. Again, they struck some major organs and caused
12 significant bleeding in the abdomen. So those could have
13 been fatal by themselves. And then also gunshot wound number
14 nine to the left side of the back again, as that damage some
15 organs and major your blood vessels, so one, seven, eight,
16 and nine could all be fatal by themselves.

17 Q. If Daniel Jones sustained all of these injuries
18 while on the operating table, what would've been his chances
19 of survival?

20 MR. MOBLEY: Objection, Your Honor.

21 THE COURT: The base is?

22 MR. MOBLEY: Relevance. He wasn't an operating table.

23 MS. FULLER: He's an expert.

24 MR. MOBLEY: Again, the deceased was not on an
25 operating table.

1 MS. FULLER: He's an expert. I can ask him any
2 opinion, Your Honor.

3 MR. MOBLEY: If it's relevant.

4 THE COURT: That's true. I don't know what your point
5 is, Ms. Fuller, but let's move on. I'm not going to allow
6 it, go on.

7 BY MS. FULLER:

8 Q. Based on the injuries to the abdomen nine and 10,
9 I mean nine that you've identified, is that the one
10 identified as fatal?

11 A. It was one of the four fatal bones. Correct.

12 Q. And again, what -- what were the injuries on nine?

13 A. Gunshot wound number nine, after perforating the
14 skin, it went through the aorta. So again, our largest blood
15 vessel in the body, it went through the intestines and then
16 then through the liver it's going to get a very important
17 organ on your abdomen.

18 Q. Based on these injuries, what were his chances of
19 survival?

20 A. I -- I don't feel like I could put a specific
21 percentage but of survival based on these injuries. I mean,
22 they were certainly extremely severe can and did cause death.
23 But I -- I don't think I can put it in a survival rate.

24 Q. Okay. And looking at gunshot wound number one you
25 indicated to the head that on its own could have been fatal.

1 It did. If, based on the video, if it's determined that he
2 did sustain that gunshot wound first, I'm not saying he did.
3 I'm saying if he did. If he's still able to move and run
4 what would account for that if that was considered a fatal
5 shot, potentially fatal shot?

6 A. Yeah, so it again, definitely a -- a fatal wound.
7 There's very few fatal wounds that are going to immediately
8 incapacitate you. So this one again, went through the skull
9 and brain, so obviously horribly traumatic injuries. But
10 your brain's somewhat resilient. You know, if you -- some
11 people and the suicide attempt shoot themselves through the
12 front of the brain and they could actually survive that. The
13 brain stem, the lower part of the brain is an area that a
14 bullet goes through, that essentially the lights are going to
15 go out and it would be a -- a sudden, you know, sudden
16 collapse. So in this case, there's significant trauma of the
17 brain that occurred from the gunshot. But nothing that
18 would've caused him to immediately drop out. Again, you
19 would not expect him to run a mile or anything like that, but
20 having some activity would not be surprising.

21 Q. Okay. And from watching the video, when he
22 sustained whichever frame he sustained, he sustained it early
23 on before he fell on the ground, his movement would be
24 inconsistent with, you described that he's able to still move
25 a few feet, correct?

1 A. Correct. Yeah, he -- from the -- what I recall
2 from the video, he -- he did not move very far at all. It's
3 a matter of feet kind of falling to the ground. So he could
4 have made those movements if that gunshot was received first.

5 Q. Okay. And even if it was received second, but if
6 it was received before he fell to the ground him sustaining
7 that gunshot wound, I guess, well -- let me rephrase this.
8 Because what I'm getting at is while he's -- if he sustained
9 that gunshot wound while he's standing, correct. But he's --
10 just because he continued to move does not mean he could not
11 have sustained that gunshot wound while standing. Does that
12 make sense? Are you following me? Trying to account for all
13 possibilities?

14 A. Correct. He -- he still could have exhibited the
15 movements on the video after having the gunshot wound to him.

16 MS. FULLER: Okay. I believe that's it. I beg the
17 Court's indulgence. No further questions at this time.

18 THE COURT: Mr. Mobley.

19 CROSS-EXAMINATION

20 BY MR. MOBLEY:

21 Q. Thank you. Dr. Batalis, good afternoon, sir.

22 A. Good afternoon.

23 Q. Did I pronounce it right?

24 A. No, it's Batalis.

25 Q. Okay. Batalis. All right. I'm going to ask you

1 some questions and I -- and I always, whenever I -- I -- I
2 have the opportunity to ask a, an expert question. I always
3 say if I may misstate something, it's not intentional. Okay.
4 So please forgive me and I don't have any problem with you
5 correcting something I -- if it's a misstatement. Okay?

6 A. Sure.

7 Q. And I -- I want to kind of just talk about
8 the last series of questions that the prosecutor asked you
9 about. And ultimately the -- the line of questioning
10 involved a -- a -- a person receiving fatal gunshot wounds or
11 -- or a gunshot wound that is ultimately fatal but not being
12 immediately following the ground, correct?

13 A. Sure.

14 Q. So what can happen is if a person is firing a
15 weapon at someone else and the person they're shooting are
16 receiving fatal wounds that are ultimately fatal, that person
17 could still be standing.

18 A. Yes.

19 Q. Okay. So the person who's inflicting these fatal
20 wounds, but still see a person somewhat on their feet, still
21 moving.

22 A. Yes, it's possible for somebody with these
23 injuries to still be standing. Again, it wouldn't be for an
24 incredibly long amount of time, but for the -- the short
25 period that we had, you could still stand with the injuries.

1 Q. Few -- a few seconds.

2 A. Sure.

3 Q. Okay. Like four or five seconds maybe.

4 A. Yeah. I hate to get too specific with it, but
5 yeah, that -- that would be within that range.

6 Q. So what could conceivably happen? So for the
7 person firing the weapon, they would fire, they could fire
8 one shot, two shot three shots, and the person that's on the
9 receiving end is actually not on the ground. They're still
10 somewhat up.

11 A. It could happen that way, yes.

12 Q. Okay. And I think you'd agree with me. And
13 you've unfortunately done a -- a number of autopsies that
14 involved multiple gunshot wounds, correct?

15 A. Yes.

16 Q. Okay. And it's -- it's a tragedy every case. But
17 would you agree with me that -- are you comfortable saying
18 that a person receiving gunfire -- a situation where one
19 person's firing a handgun or a weapon at another person, that
20 deadly force situation is a dynamic encounter. And when I
21 say that, it's not like shooting a mannequin where, you know,
22 the target is going to stay in one spot the entire time.
23 Like at a gun range, a person is being shot, typically
24 they're going to be moving around a lot.

25 A. Correct. And -- and these situations, and that's

1 why one of the -- on the question earlier, the solicitor, I
2 can't say exactly the position again, I can say, here's the
3 relationship of the barrel of the gun to the body when it's
4 fired. But in addition to the victim moving around and, you
5 know, especially being shot, nobody's going to stand still.
6 Also the shooter, if they're -- they can move their body,
7 they can move their arms. So yes, but 13 to 15 shots, it
8 would be extremely uncharacteristic for them all to be, you
9 know.

10 Q. Okay. And -- and -- and it's a dynamic encounter
11 with, but both people would probably -- probably moving,
12 correct?

13 A. I can't say that part.

14 Q. Okay. Well, one person probably moving the person
15 being shot.

16 A. Based on the variety of pathways we had, one or
17 both parties would move.

18 Q. And I think you indicated you can determine angle
19 of entry, but you can't necessarily take the angle of entry
20 and determine the position of the shooter or the person being
21 shot, correct?

22 A. Correct. And so again, the example I'd say there
23 again from the -- we keep talking about gunshot wound number
24 one and two traveling downward. It doesn't mean that the gun
25 was over the head. So right now this would work, but if we

1 kind of keep that position, if I lean forward, you know, now
2 this would technically be, you know, the shooter, if you were
3 to shoot me kind of straight out from there, that would still
4 result in a downward pathway.

5 Q. Exactly. So if I'm facing you and you fire at me,
6 the bullet's going to have, and you could be in the same
7 position and I'm standing straight, the bullet's going to
8 have one angle of entry. If I lean forward at some point,
9 both going to have a different angle of entry, correct?

10 A. The next wound would've a different --

11 Q. Yeah.

12 A. -- pathway. Yes.

13 Q. And if I'm in the, you know, and if I lean
14 backwards again, even if you're in the same spot, the
15 bullet's going to have a different angle of injury.

16 A. Correct.

17 Q. And that -- and you can't -- and that doesn't mean
18 that you're shooting up on me or -- or shooting down on me.
19 That just means my body position is -- is dynamic. And
20 that's affecting the angle of injury of all the bullets.

21 A. Correct.

22 Q. Okay. And just so we clear, sir, you cannot say
23 to a reasonable degree of medical certainty the position of
24 the shooter with respect to any of the shots.

25 A. Correct. I can only testify to the relationship

1 of the barrel of the gun to the body when the gun was fired.

2 Q. And then by the same token, sir, you cannot
3 testify to any reasonable degree of medical certainty
4 regarding the position of the -- of the deceased. From the
5 angle of the same thing, you can't -- you can't tell the
6 position of the -- of the deceased to any reasonable degree
7 of medical certainty, correct?

8 A. Correct. Again, I'll restate that. I can
9 identify the relationship of the gun to the body and the gun
10 was fired. There are multiple different positions the
11 decedent could have been in when he received the gunshot
12 wound injuries.

13 MR. MOBLEY: All right, thank you.

14 REDIRECT EXAMINATION

15 BY MS. FULLER:

16 Q. Just briefly, you can set based on movements, just
17 so it's clear too on this side. The injuries that Daniel
18 Jones sustained, you tell me whether or not they are
19 consistent. Assuming -- let's assume the shooter did not
20 move. So opinion question here that shooter is stationary.
21 Are -- were Daniel Jones injuries at this time of autopsy
22 consistent with, I'm going to move now. Daniel Jones, the
23 victim ducking down, turning and running away, assuming a
24 stationary shooter?

25 A. It -- it's certainly possible.

1 Q. Okay. Now in this case, you able -- you were able
2 to actually watch a video of the shooting, correct?

3 A. Yes.

4 Q. And I asked you on direct if your findings did
5 autopsy, which included various pathways, correct?

6 A. Correct.

7 Q. We had downward, we had upwards slightly upward.
8 We had front to back, back to front, all different pathways
9 that Daniel Jones sustained on June 24th, correct?

10 A. Correct.

11 Q. And based on you watching the video and based on
12 doing the autopsy, were you able to say on direct that his
13 injuries at autopsy were consistent with the movements you
14 observed on the video?

15 A. Correct.

16 MS. FULLER: No further questions.

17 THE COURT: Okay. Thank you. Mr. Mobley.

18 MR. MOBLEY: Nothing further, Your Honor.

19 THE COURT: Okay. May I let Dr. Batalis be excused?

20 MS. FULLER: Yes. Dr. Batalis can be excused.

21 THE COURT: Batalis.

22 THE WITNESS: You better get this.

23 THE COURT: Thank you Dr. Batalis. Does State have any
24 more witnesses?

25 MS. FULLER: No, Your Honor, at this time, the State

1 rest this case.

2 THE COURT: Okay. All right, Mr. Foreman, ladies and
3 gentlemen, the jury, your pizza is here. It just arrived.
4 I'm going to let you have lunch. Please do not discuss this
5 case even amongst yourselves. Okay. We're going to come
6 back at three o'clock. All right. Thank you. Enjoy lunch.

7 JURORS: Thank you.

8 THE COURT: Okay. I'm going to come back and put
9 motions on and go up over everything else. Three o'clock.

10 MR. MOBLEY: Thank you, Your Honor.

11 THE COURT: Okay.

12 (Off the record.)

13 THE BAILIFF: (Inaudible) presiding.

14 THE COURT: Please be seated. If I can get up here
15 without tripping. All right. Mr. Mobley, where we left off
16 the State rests, did you have any motions?

17 MR. MOBLEY: Yes, Your Honor. May I please the Court?
18 The defendant respectfully request for a directed verdict of
19 not guilty on both charges of murder and possession of weapon
20 during a violent crime.

21 THE COURT: Okay. The only -- this trial here is only
22 murder; is that right, Ms. Patterson?

23 MS. PATTERSON: Yes, ma'am.

24 MR. MOBLEY: Sorry.

25 THE COURT: The other charge they did not bring up in

1 front of me is just the murder charge.

2 MR. MOBLEY: Oh, okay. I guess I must have missed
3 that.

4 THE COURT: Okay.

5 MR. MOBLEY: That's fine.

6 THE COURT: But a directed verdict on the murder
7 charge.

8 MR. MOBLEY: That is correct, Your Honor.

9 THE COURT: Okay. I'll be glad to hear from you, Ms.
10 Fuller.

11 MS. FULLER: Your Honor, at this time, I believe the
12 State has presented sufficient evidence to submit it to the
13 jury.

14 THE COURT: I believe that the State has presented
15 sufficient evidence and the jury can determine. So I'm going
16 to deny your motion. Mr. Mobley. Anything else?

17 MR. MOBLEY: Not on that, Your Honor.

18 THE COURT: Okay. Well, let me talk to you, Mr. Irvin.
19 Because yesterday I read you all of your rights about
20 testifying. And now we have reached the stage where you may
21 present your defense. I went over all of your rights to
22 claim the protections given to you by the Fifth Amendment. I
23 went over those with you. I told you that you cannot be
24 required to testify in this case and that no one can make you
25 testify that this is a personal right. And no one can waive

1 this right but you. I also told you that you would be
2 subject to the same rules of any other witness. And we went
3 over your criminal history. You had no criminal history and
4 we went over that. If you decide to testify, this decision
5 must be really voluntarily and intelligently made with the
6 knowledge of all the protections given to you by the Fifth
7 Amendment. And I also told you that if you decided not to
8 testify, that I would instruct the jurors that they cannot
9 give the fact that you did not testify any consideration
10 whatsoever. And there is to be absolutely no prejudice to
11 you because you did not testify. I gave you time to speak
12 with your family.

13 MR. IRVIN: Yes, Your Honor.

14 THE COURT: And friends, and time to speak with your
15 attorney. Because I wanted you to have enough time. It's an
16 important decision. Let me ask you again, do you understand
17 everything that I explained to you yesterday and today?

18 MR. IRVIN: Yes, Your Honor.

19 THE COURT: Have you discussed with your lawyer whether
20 or not you should testify?

21 MR. IRVIN: Yes, Your Honor.

22 THE COURT: And did you have enough time with your
23 family and relatives to discuss your rights?

24 MR. IRVIN: No -- yes, Your Honor.

25 THE COURT: All right. At this time, do you wish to

1 speak with your lawyer anymore?

2 MR. IRVIN: Just one second.

3 THE COURT: Absolutely. Okay. Had enough time with
4 your lawyer?

5 MR. IRVIN: Yes, Your Honor.

6 THE COURT: Need any more time?

7 MR. IRVIN: No, Your Honor.

8 THE COURT: Okay. And then let me ask you, do you wish
9 to testify?

10 MR. IRVIN: Yes, Your Honor.

11 THE COURT: Okay, perfect. All right, now you can have
12 a seat, Mr. Irvin. With all that said the transport order
13 that I signed this morning, they're telling me that that
14 defendant -- not defendant, but that witness, I guess he's
15 from Kirkland will not be here till nine o'clock in the
16 morning. Is that you all's understanding?

17 MS. FULLER: Yes, Your Honor.

18 THE COURT: Are you ready to proceed Mr. Mobley?

19 MR. MOBLEY: Yes, Your Honor. But I do think we need
20 to take up a matter of law prior to moving forward with the
21 Mr. Irvin testifying.

22 THE COURT: Okay.

23 MR. MOBLEY: And you -- you may recall this came up in
24 the beginning regarding the -- the Court's ruling on the
25 admissibility of evidence that the -- the -- that Daniel

1 Jones was a member of a gang. And the Court indicated that,
2 you know, it was -- it was preliminary to even entertain that
3 it based on the -- the lack of any evidence and testimony at
4 this point. I -- I'm -- I'm well aware there has not been
5 any -- any testimony thus far.

6 THE COURT: No testimony. I'm waiting on the
7 relevance.

8 MR. MOBLEY: However, I'm -- and we can -- and I'm
9 going to proffer it and we can proceed. However, the court's
10 wants to have an appropriate inquiry. But the defendant is
11 prepared to testify that he was aware of the Daniel Jones
12 Fresh's membership in a gang. That there were a -- a
13 significant number of gang related issues at the workforce
14 at the workplace that Fresh was in a gang. And that -- and
15 in addition to that, I think that the -- the critical part is
16 that as a result of him knowing that Fresh was in a gang and
17 statements he made regarding his membership in the gang, he
18 was more fearful of his life with that knowledge. I would
19 also submit proper for the Court that there are two
20 additional defense witnesses that one formerly employed, I
21 think both actually, I think both are formerly employed at
22 the House of Rayford. At the time that Mr. Irvin and Mr.
23 Jones were employed there. They were both corroborate, one
24 being a supervisor, one being a regular employee on whatever
25 you call them, that Daniel Jones was affiliated with a gang.

1 And the basis for which of that belief.

2 And -- and also, Your Honor, so -- so that's the -- the
3 -- the preliminary, the first basis that it is a basis of the
4 defendant's reasonable belief of -- of -- of his fear the
5 defendant that the deceased would harm his life. It is
6 corroborated by two additional coworkers. And additionally,
7 Your Honor, the -- one of the state's witnesses Mary Giger
8 (ph), when she testified, she -- she specifically used the
9 word character, Daniel's character. She -- she did not want
10 Daniel to fight Trevor because she did not want to act for
11 him to act out of character. And she -- and the way she
12 portrayed it, she portrayed this as the work environment.
13 Was it her and -- and Daniel just these great employees. And
14 -- and the State wants to the jury to think that, you know,
15 my client was just harassing these two people. He was
16 harassing Mary Giger, he was harassing Daniel Jones and all
17 this culminating him, this being this big mean bully and you
18 know, and -- and -- and shooting Daniel Jones. However,
19 these -- these additional witnesses will also completely
20 contradict that version of the nature of the work
21 relationship because they had firsthand knowledge of the
22 relationship and the conduct of my client, Daniel Jones and
23 Mary Giger. So what I'm asking the Court to allow is all
24 that testimony through my client and the corroborating
25 witnesses, Your Honor.

1 THE COURT: Let me hear from you, Ms. Fuller. Ms.
2 Patterson.

3 MS. FULLER: Your Honor, again, I'm not hearing how
4 this is relevant. I think at this stage, and I was just
5 taking the time to review back over the defendant's initial
6 eight page statement here, and I am -- I think my word choice
7 yesterday or -- what day is it? Wednesday, Monday, sorry. I
8 used the word fabricated and I know that was objected to, but
9 I think at some point there has to be some gatekeeping
10 function that you come up here and ingest enough. This is
11 I'm saying that this is a blatant attempt to assassinate the
12 character of the victim. I truly do believe that if he was
13 in fear because he made some threat because he was in a gang,
14 I'm looking to where that's written in his eight page
15 statement back in 2021. And it's not in there. And I'm not
16 saying that, oh, you know, more things can't come to
17 someone's mind. But he sat through an interview and defense
18 counsel made a big deal on how long this interview was. He
19 came back the scene and said, I got self-defense. He
20 attacked me first. You heard his words. He didn't say, oh,
21 he threatened to kill me because he was in a gang. Oh, he
22 was throwing gang signs. We didn't hear any of that.

23 This is -- this was supposed to be what I called back
24 in the day, a fair fight. This is what back in the school
25 yard, we say, shooting you a straight faith. We handle it,

1 we settle it and we move on. And that's what this was. And
2 what the jury got to see was a video. Daniel was trying to
3 shoot a straight fade and sorry for the colloquialism, but
4 that's what it was. And he was circling around. And I've
5 seen those fights way too many times.

6 I -- I grew up in the suburbs, but I've seen those and
7 that's what that was supposed to be. And he pulled the gun
8 out. And I think, Your Honor can take into account his
9 prints statements. You've had an opportunity to review, I
10 believe. Listen to the testimony of the officers and what he
11 said. And now today, in an effort to assassinate the
12 victim's character wants to say, oh, because he was in a
13 gang, I was in fear. And what does that mean? I've heard
14 the Court say, what does being a gang mean? What's he going
15 to say? He -- he's done a crime of violence before. Are
16 they going to bring up a gang expert to say, what does a gang
17 do? I don't see how we turn a fight at the chicken plant
18 into a gang case when there's no indication that gang
19 involvement had anything to do with this.

20 And I know the case law, we got to be careful in
21 limiting the defendant and what he can say. But I think 403
22 is the vehicle to keep this out. At this point in this
23 gesture, there is no relevance to Daniel being in the gang.
24 And we watched 22 minutes of silence of interaction, 22
25 minutes. And he -- he says he wasn't fearful for the game,

1 but he goes back over there. Your -- Your Honor, I -- I
2 think you can use all that to make a decision here and saying
3 403, we keep it out. It's not relevant, has not proven to be
4 relevant. His own words back then don't say it. And -- and
5 that's just where I -- that's just my opinion. If we want to
6 proffer it and see where it goes, just so they have a
7 complete record I think that would also be inappropriate.
8 But at this time at the State's -- the State has rested and
9 there has been no mention of a gang, it would be too
10 prejudicial.

11 THE COURT: Let's go ahead and prop the testimony and
12 let me see what they say. Are you prepared to go forward
13 now?

14 MR. MOBLEY: Yeah, I mean, I guess, I mean, would you
15 like Mr. Irvin to testify on that -- on that one issue? I
16 mean, if that's what you want to do, I mean, that's fine.
17 You want to testify on that.

18 THE COURT: Is he the only person testifying to this
19 issue

20 MR. MOBLEY: Today. I mean, the other two people
21 aren't here right now.

22 THE COURT: Okay. So we'll pick it back up tomorrow.

23 MR. MOBLEY: We can do that.

24 THE COURT: Okay, well then

25 MR. MOBLEY: I'm, I'm sorry, my --

1 THE COURT: I'm just wondering how many people you have
2 to testify about this gang.

3 MR. MOBLEY: Okay.

4 THE COURT: Fearfulness

5 MR. MOBLEY: My client. Okay. Just so we're clear.
6 You know, with respect to the fact that my client was, one of
7 the reasons he was fearful of Daniel Jones was based on his
8 statements, his express statements regarding his gang
9 involvement, gang activities, and how that was part of the
10 basis that he was fearful. My client will testify to that.
11 There are two additional individuals that used to work there.
12 One being a supervisor that would also testify regarding
13 Daniel Jones gang affiliation and addition to that, and my
14 client has knowledge as well as -- as the gang issues at the
15 job. And we also have one other witness who is -- she's
16 still not there still who's still a supervisor there that has
17 some knowledge of the issue with gang activity at the
18 workforce -- at that -- at that workplace. So --

19 THE COURT: Now let me ask you.

20 MR. MOBLEY: Yeah.

21 THE COURT: Even, I'm just curious, they might know
22 that somebody's a gang member, but what did they done that
23 would -- in this incident? Do they know of anything about
24 what happened here in this case?

25 MR. MOBLEY: Two of the individuals know about the

1 history, have -- have knowledge of the relationship between
2 my client and Daniel Jones as it relates to the interaction
3 at the house of Rayford.

4 THE COURT: And gang activity.

5 MR. MOBLEY: And just, so my client was never in a
6 gang. Okay. My client was never in a gang. But they have
7 knowledge that -- they have knowledge of Daniel Jones, number
8 one, gang affiliation. Number two, aggressive behavior,
9 reputation for being aggressive and violent. And they have
10 knowledge of that, Your Honor.

11 THE COURT: All right, well let's hear from -- I'll be
12 glad to hear from you Ms. Fuller.

13 MS. FULLER: Now taking on their second issue, if their
14 testimony is going to go to aggression and all of that, I
15 don't know how the case law allows you to go that far. I --
16 I believe if there are prior difficulties between the
17 defendant and the victim, sure we can discuss that. But if
18 they're going to try to get into his general aggression, that
19 is character 404 keeps that out.

20 THE COURT: What I'm interested in Mr. Mobley, is any
21 prior difficulties that are gang related. If you're trying
22 to get in gang stuff, show me something that's relevant to
23 this incident that built up to it all.

24 MR. MOBLEY: Okay. And just to we clear, I'm not going
25 to suggest that I've got information that the prior

1 difficulties are -- are gang related. I'm not -- I'm not
2 suggesting that at all. I'm saying they're -- they're --
3 they're two separate things. I mean, just to be clear, I
4 mean the -- the defendant, I'm sorry, the -- the deceased
5 gang affiliation and my client's knowledge of it, his
6 reputation, his -- his well known reputation and how that
7 related to his fear being fearful is one issue. The other
8 issues regarding the behavior and interaction, I mean, you
9 know, all that is relevant self-defense if -- if the -- the
10 the deceased or the victim had a reputation for being
11 aggressive and violent, all that is relevant to whether or
12 not the defendant's apprehension of a bodily injury was
13 reasonable. And they have firsthand knowledge of that,
14 particularly when you can -- in light of the lengths the
15 prosecution went to -- to try to portray my client as this
16 workplace bully with Mary Giger and how they're just angels.
17 That he's just workplace bully that goes around trying to
18 ball people around and hurt people.

19 And so -- and so they've kind of made that relevant,
20 that interaction, that dynamic because it's not fair for the
21 defendant for the State to portray him in that manner with
22 regard to those specific individuals and have witnesses that
23 completely contradict that. I mean they -- they're the ones
24 that all this workplace drama, all of workplace issues, they
25 put that in evidence to try to somehow, you know, insinuate

1 that my client is just as, you know, and the whole him
2 portray in a negative light. They put that in evidence.
3 We've got witnesses that directly contradict what they're
4 trying to portray and what they have tried to portray with
5 one witness. And it's unfair to my client to let them put
6 put up witnesses that will portray that. And we have
7 witnesses in the same workplace that know them all, that will
8 say something completely different and not allow them to
9 testify to rebut that when they put that in evidence and made
10 that an issue.

11 MS. FULLER: Your Honor, let's be clear we were all
12 sitting here, the question to Mary was what took place on
13 June 24th while on shift, the testimony of Stacey was what
14 took place on June 24th while on shift? If I wanted to put
15 in all of his activity, I could have, but I didn't. He has
16 HR write-ups, he has in -- there's documents and discovery of
17 him not being a great employee. I didn't go there. We focus
18 on June 25th and if you tell me that I did not, I will ask
19 Bethany to go back to her testimony and play it for us.

20 THE COURT: But the Court would agree with you, Ms.
21 Fuller.

22 MS. FULLER: Okay. We were very careful on that to not
23 tether on 404 and to go into prior bad acts. There was no
24 objection to going to -- going into that two hour timeframe,
25 which the -- the State was prepared to argue is for just that

1 it explains how we got here and that was the sole purpose,
2 but there was no objection to it. So we just rolled with it.
3 But the case law's on our side to talk about the difficulty
4 that took place at 5:15 when they came back from lunch. We
5 were very focused on that. We didn't call the other
6 supervisors for prior instances. We turned over summaries of
7 a prior disagreement that took place weeks before this. We
8 didn't put that in. We focused on that day, that behavior.
9 We did not paint the defendant in this bad workplace bully,
10 light -- light for two years or a year or however long he
11 lived there. And I disagree with that summary. but we have
12 the Court Reporter who complaint back, we were very careful
13 of that.

14 Now I stand by what I stated before, prior difficulties
15 or aggression where if he's saying he witnessed Daniel Jones
16 shoot someone else in the name of a gang, please show me
17 proof of that. If he says and he was a witness to it or, and
18 or part of it. Because I'm sure the rule lays that out very
19 clearly in the case law for self-defense, if he's getting up
20 to -- I'm not going to move because I'm going to get
21 aggressive. If he lays that out and says that he witnessed
22 that and that was part of his fear, sure he can get up and
23 say, but he has to say that first. If it -- if he's going to
24 say, I'm not conceding the victim was in a gang, I have no
25 proof that he was, I don't have any gang validation report

1 and we know that the burden is high just cut up here. Even
2 as the State to say that a defendant was in a criminal gang,
3 I don't see how you can get up and say that because he was in
4 a cri criminal gang, he committed violent crimes and
5 therefore I was in fear for my life when he never said that.

6 And we sat through video footage, I don't see how it's
7 relevant. There was nothing in this case, any of those
8 videos where they're a part in the -- in the parking lot
9 where you see gangs coming up, throwing up gang signs,
10 flashing whatever color they wear or doing anything of that.
11 That's not part of this case. It's not, and I don't see how
12 we can just backdoor in victim assassination character
13 assassination here because now all of a sudden he's going to
14 say, because a group of people wore black and red with made
15 the T-shirts that color at his funeral that, okay, well he's
16 in a gang or put up anybody to say prior activities has
17 anything to do with this shooting this case on June 24, 2021.
18 So I would strongly object to it, Your Honor.

19 MR. MOBLEY: And I would proper, my client is prepared
20 to testify that Daniel Jones made direct and express
21 statements regarding his involvement in gang activity, being
22 a member of a gang and committing acts of violence that were
23 gang related.

24 MS. FULLER: The case law specifically prohibits that.

25 MR. MOBLEY: To my --

1 MS. FULLER: You cannot talk about specific instances
2 of violence against a -- with -- involving a victim. And we
3 have not given any -- been provided any proof of that. I
4 know no knowledge about what -- what witnesses are about to
5 call and I don't, I get it. But if there's a report or
6 anything generated or statements that they're about to
7 publish from a witness, I -- I have not been provided that
8 and that they're seeking interest in their case in chief. I
9 have no opportunity to investigate any of these claims that
10 they're alleging. I have not been provided any proof that
11 any of this even happened with these other witnesses that
12 he's claiming. But again, the case law does not allow you to
13 go into specific instances of violence that's well settled.
14 Since before I was born.

15 MR. MOBLEY: 500 years ago.

16 THE COURT: We could do without the comments now.

17 MS. FULLER: Sorry, Judge.

18 MR. MOBLEY: Well that's what I have, Your Honor, and
19 once again, only to the extent that it goes to a basis for
20 which he was fearful for his life and so --

21 THE COURT: All right, well let's do this. Let me hear
22 what he has to say.

23 MR. MOBLEY: Okay.

24 THE COURT: We (inaudible).

25 MR. MOBLEY: Thank you.

1 THE COURT: And then I'll make my decision.

2 MR. MOBLEY: Okay. So just to be clear --

3 THE COURT: I have no clue what he's going to say.

4 MR. MOBLEY: So what I'd like -- I'm thinking what
5 we're going to do is have my client testify for the limited
6 information regarding his knowledge of the deceased gang
7 affiliation and the extent that it affected his -- him being
8 fearful for his life. Would that be correct?

9 THE COURT: That would be correct.

10 MR. MOBLEY: Okay.

11 THE COURT: Come forward and be sworn Mr. Irvin.

12 THE CLERK: Please raise your right hand and place your
13 left on the Bible.

14 TREVOR IRVIN,
15 having been fully sworn in, testified as follows:

16 THE CLERK: Thank you. Would you please have a seat in
17 the witness box. State your full name and spell your last
18 for the record.

19 THE WITNESS: My name is Trevor Irvin, I-R-V-I-N.

20 DIRECT EXAMINATION

21 BY MR. MOBLEY:

22 Q. Good morning, Trevor. How are you?

23 A. I'm doing all right.

24 Q. All right. Just want to make sure you understand
25 what you're doing right now. Okay. And the jury's not here,

1 but the Court wants to hear you talk about any knowledge you
2 have about Daniel Jones being in a gang and to what extent,
3 if any, it relate to you being fearful -- fearful of him on
4 the day that you shot him.

5 A. Okay. Yes, sir.

6 Q. Okay. So why don't you just start by telling the
7 Judge what you, why you believe Daniel in a gang?

8 A. Judge Daniel would boast about being in the gang
9 saying stuff like, you know -- you know, a member of, you
10 know, one of the most notorious gangs in South Carolina and
11 responsible for a lot of violent crimes. Crimes like
12 robberies and even shootings and stuff. And he would express
13 openly about that he was came from that background where, you
14 know, he would get to a -- a aggressive nature, which you
15 would need to be, or you could have people, you know, do --
16 do things to you as far as members of his gang. And also --
17 also they would wear we had issues at work with them wearing
18 bandanas, red bandanas and stuff where we -- and we had to,
19 you know, stop them from wearing stuff like that.

20 Q. Now would just --

21 A. At the workplace.

22 Q. Now, would you see him throwing up -- and now let
23 me ask you this, just to be clear, I'm going to back you up.
24 You mentioned issues at work. Was there an issue at the --
25 at the -- at the House of Rayford regarding employees being

1 in gangs?

2 A. Yes. You know, they wearing red bandanas and the
3 way how they would, you know, throw singles up with their
4 fingers you know, from -- from across the lines and stuff
5 like that. My superior was very irated with it because you
6 know, she doesn't want that type of activity at the
7 workplace.

8 Q. And did Daniel ever talk about being a gang in the
9 context of -- of harming you or anybody else?

10 A. He told me basically that he could have me gone,
11 like, I don't know exactly how in references to me being gone
12 from the job or having like, stuff done to me through his
13 game or he would do it himself.

14 Q. And as a result of what you knew about Daniel
15 Jones also known as Fresh being involved in a gang, how did
16 that make you feel on the day you believed he was going for
17 your gun?

18 A. It just -- it made everything more of a -- more of
19 a -- a -- a terrorizing situation or a fearful situation.
20 Knowing that, you know, the stuff he said to me, you know,
21 prior to it and acting upon it. And the fact that I know
22 okay that he's in affiliated with the other gang, that they
23 would harm me if need to even he kill me if -- if -- if they
24 have to.

25 MR. MOBLEY: That's all I have on that issue, Your

1 Honor.

2 THE COURT: Ms. Fuller.

3 MS. FULLER: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. FULLER:

6 Q. And when did you report this to the police?

7 A. I didn't, I -- it was not in my statement.

8 Q. When did you report the threats to kill you to the
9 police?

10 A. It was not in my police statement.

11 Q. Before you killed Daniel Jones, when did you
12 report to the police that he had threatened to kill you or
13 have his gang kill you?

14 A. I didn't necessarily report it to the police.

15 Q. So someone threatened to kill you and you didn't
16 report it?

17 A. No. I did mention to my supervisor about the
18 issues that we was having.

19 Q. You told a supervisor that Daniel threatened to
20 kill you?

21 A. I told him that, you know, issues was getting out
22 of hand.

23 Q. Did you tell a supervisor that Daniel threatened
24 to kill you?

25 A. No, ma'am.

1 Q. Okay. Did you tell a supervisor that Daniel
2 threatened to have his gang kill you?

3 A. No, ma'am.

4 Q. And when the day that you killed Daniel, when you
5 confronted him on the job and threatened to kill him, was he
6 threatening to have his gang kill you then too?

7 A. He -- he was --

8 Q. It's a yes or no, sorry.

9 A. No -- no -- no, ma'am.

10 Q. No.

11 MR. MOBLEY: Objection. He's allowed to complete his
12 answer.

13 MS. FULLER: After he answers my question.

14 THE COURT: And he answered, no.

15 MS. FULLER: Thank you.

16 THE COURT: He needs to explain it he can. But repeat
17 the question.

18 BY MS. FULLER:

19 Q. On the day that you confronted Daniel in the line,
20 the day that this happened?

21 A. Yes, ma'am.

22 Q. And you threatened to kill him. Did he threaten
23 to have his gang kill you? Yes or no?

24 A. Yes. On that day he threatened to kill me and
25 have things done to me by members of his gang.

1 Q. So now your answer is yes, it happened.

2 A. Yes, he did himself and also suggesting that you
3 would've memories.

4 Q. So when Stacey and KJ were pushing you back down
5 the line, you're saying that in that moment Daniel said, I'm
6 going to have my gang kill you.

7 A. Not at that exact moment, but he would -- he
8 would, you know, say he said it.

9 Q. When?

10 A. That -- that day.

11 Q. In relation to when they're pushing you down the
12 line, when did you -- you -- you're claiming Daniel said it.
13 When did he say it?

14 A. He said it when he was at the -- the gas station.

15 Q. Okay. So let's -- let's forget the gas station
16 for a minute. My question was, while KJ and Stacey were
17 pushing you down the line, did Daniel threaten to have his
18 gang kill you? You said no once and yes, once. Which one is
19 it?

20 A. No -- no.

21 Q. Okay. So in that moment you threatened to kill
22 him, but he didn't say anything about having a gang kill you;
23 is that correct?

24 A. I didn't threaten to kill him, no.

25 Q. Okay. In that moment when KJ Stacey, you're

1 pushing you down the line. Daniel did not say, I'm going to
2 have the gang kill you, correct?

3 A. At that moment he didn't threaten to kill me.

4 Q. Okay. He did not threaten to kill you.

5 A. And then at that moment.

6 Q. Okay. And while Stacey and KJ are pushing you
7 down the line, Daniel did not threaten to kill you with the
8 knife in his hand, correct?

9 A. His actions suggested that he would harm me -- me
10 because he was approaching me with the knife in a very
11 aggressive manner.

12 Q. So he -- you were on line four, correct? You --
13 yes or no?

14 A. Yes.

15 Q. And then you went over to line three where Daniel
16 was, correct?

17 MR. MOBLEY: Objection, Your Honor. She's going well
18 beyond the scope of his hearing.

19 THE COURT: Well, I mean now I'm going to allow it
20 because I think she's trying to get to the threatening part.
21 Go ahead, Ms. Fuller.

22 BY MS. FULLER:

23 Q. Thank you, Your Honor. And you came over to line
24 three, correct? Where Daniel was?

25 A. Correct.

1 Q. And so just to be clear, you walked the entire
2 platform down four because the shoulder cut is there at the
3 end; is that right?

4 A. Yeah.

5 Q. And you're a shoulder cutter?

6 A. Yeah.

7 Q. And Daniel's a shoulder cutter, correct?

8 A. Yeah.

9 Q. So he was at the other end, correct?

10 A. Yeah.

11 Q. And so you walked down and you walked up and
12 Stacey and KJ had to push you down the line to get you off of
13 that line, correct?

14 A. Correct.

15 Q. Okay. And while that is happening, I just wanted
16 to be 100 percent clear, since you're giving two -- two
17 different answers. In that moment, there was no mention by
18 Daniel that gang is going to kill you?

19 A. Not at that moment, no.

20 Q. Okay. So now you talk about at the gas station.

21 A. Yes ma'am.

22 Q. Your testimony is that at the gas station is when
23 Daniel said, I'm going to have my gang kill you?

24 A. He did say that he was going to do it or he would
25 have members of his gang do it for him.

1 Q. At the gas station?

2 A. Yes ma'am.

3 Q. And who was there to hear that?

4 A. I think Tenara (ph) was there and it was two other
5 employees.

6 Q. So you're saying Tenara heard Daniel say the gang
7 is going to kill you. Is that your testimony?

8 MR. MOBLEY: Objection. He can't know what Tenara
9 heard, Your Honor.

10 THE COURT: Well, hang on, repeat that question.

11 BY MS. FULLER:

12 Q. Just to be clear, I asked you who heard and who
13 was there.

14 A. Yeah.

15 Q. And you're saying Tenara and two other employees?

16 A. Yes, ma'am.

17 Q. So my question is, you're saying that Tenara heard
18 Daniel say those words.

19 MR. MOBLEY: And that's what I'm saying he was -- he
20 can
21 say she's there, but he can't say what she heard, Your Honor.
22 He has no foundation.

23 THE COURT: Well, no, he's saying that she's a witness
24 to all this is what I -- I'm gathering.

25 MS. FULLER: That's what I understood -- that's what I

1 understood him say.

2 MR. MOBLEY: But whether she actually, I mean, she can
3 be a witness and be present, but whether she heard that
4 specific statement or something, you would've no way of
5 knowing.

6 THE COURT: And I agree. Mr. Mobley.

7 MS. FULLER: Okay, I can move on.

8 THE COURT: Go ahead.

9 BY MS. FULLER:

10 Q. Now how long have you been working at the chicken
11 plant?

12 A. A couple years.

13 Q. Okay. And how long had you known Daniel?

14 A. Since I was at the job.

15 Q. Okay. And has the gang attacked you in those two
16 years?

17 A. No, we never had no issues like that. Like on
18 that day.

19 Q. I'm talking about in those two years, did the gang
20 ever attack you?

21 A. No.

22 Q. Did he ever violently do anything to you, a loved
23 one or anything in the name of a gang during those two years?

24 A. To my -- to my family.

25 Q. To you or family or loved one that you witnessed

1 or to you in the name of a gang in those two years that
2 you've known him?

3 A. I would hear him talk, you know, and say things,
4 but I never seen him hurt anybody.

5 Q. So the answer to my question is no?

6 A. No, ma'am.

7 Q. Okay. And in that timeframe, have you encountered
8 any members of his so-called Gang?

9 A. Definitely. He helped plenty of gang members at
10 the job.

11 Q. You're saying Daniel's gang members work at the
12 job?

13 A. Yeah -- yeah, definitely gang members at the job.

14 Q. Okay -- okay. So the other employees, have they
15 done anything to you in the name of this gang that Daniel's a
16 part of?

17 A. No.

18 Q. Okay. Now what act of violence did you witness by
19 Daniel and or his so-called Gang?

20 A. I never witnessed them, but I would hear them talk
21 about stuff that they do.

22 Q. So you never witnessed anything?

23 A. No, ma'am.

24 MS. FULLER: Beg the Court's indulgence.

25 BY MS. FULLER:

1 Q. Now, in the video you were in trial in the parking
2 lot, you were standing by a red or Burgundy, SUV, you recall
3 that?

4 A. I recall that on video.

5 Q. And whose video -- and whose car is that?

6 A. A coworker. I'm not sure. I can't remember his
7 name.

8 Q. Okay. And there -- and he was there in a red
9 shirt, correct?

10 A. It appeared so.

11 Q. Okay. Was he part of this so-called Gang?

12 A. I don't know if he was in -- in the gang.

13 Q. Okay. Who -- was anybody in the parking lot part
14 of the, so-called gang belonging to Daniel?

15 A. It could have a possibility.

16 Q. It's a yes or a no.

17 A. Not that I seen, but I, you know, gang members
18 work at the job. So after -- after the job they come in the
19 parking lot, so.

20 Q. Right.

21 A. They would be there.

22 Q. Right. Thank you. Same question.

23 A. Excuse me.

24 Q. Same question. I just need an answer.

25 A. Can you repeat the question?

1 Q. In the parking lot, the video footage we watched
2 prior to you killing Daniel, were there any gang members
3 standing around you? so-called gang members of Daniel's in
4 the parking lot?

5 A. Not around me, no.

6 Q. Okay. And in those 22 minutes prior to you
7 shooting, were there any gang members around there
8 threatening you?

9 A. I don't -- no.

10 Q. And in prior to even going to the gas station,
11 when you walked out, were there any gang members shooting
12 threatening you?

13 A. No ma'am.

14 MS. FULLER: I -- I think this is all I need for right
15 now, Your Honor. No (inaudible).

16 BY MS. FULLER:

17 Q. Okay. And just so it's clear, after you shot
18 Daniel, you recall walking around by his body, correct?

19 A. No, I don't recall.

20 Q. Did you watch the video while watch the video?

21 MR. MOBLEY: Your Honor, objection.

22 MS. FULLER: Okay.

23 MR. MOBLEY: She continue to cut the witness off. I
24 knew that --

25 MS. FULLER: I apologize. I was just trying to get to

1 (crosstalk).

2 THE COURT: Go ahead, (inaudible).

3 BY MS. FULLER:

4 Q. Do you recall watching the video and seeing you
5 standing around his body?

6 A. I seen the video, yes, ma'am.

7 Q. Did any of the gang members shoot you after you
8 shot Daniel?

9 A. No -- no.

10 Q. Okay. Did any of them come and attack you after
11 you shot Daniel?

12 A. No.

13 Q. In the 13 minutes after the shooting, prior to you
14 coming back, did any of them chase you down and attack you?

15 A. No.

16 MS. FULLER: No further questions, Your Honor.

17 MR. MOBLEY: I don't have anything further, Your Honor.

18 On that issue. But I do think, Your Honor, that without --
19 please the Court, Your Honor, I -- I would request that as
20 the defendant has -- has testified that that was a basis for
21 him being fearful of the deceased. At the time of the
22 shooting he filled out to testify. Any questions regarding
23 legitimacy of that belief that the prosecutor wants to ask.
24 She's certainly entitled on cross-examination, but what she
25 perceives that she can ask and try to suggest on

1 cross-examination to certainly not bar the defendant from
2 testifying to facts and circumstances that were a reasonable
3 basis for him to believe his life was in danger and be
4 fearful of the deceased.

5 MS. FULLER: Your Honor, respectfully, I think we are
6 in a -- a unique situation where we have video footage of
7 this day. The basis of my questions was to get at how
8 irrelevant this is. His conduct that day, his fear obviously
9 is for the jury to determine whether it's reasonable. But
10 what I stand here to say is what we see in the video coupled
11 with what he gave in his original statement, there is no
12 suggestion here that gang influence played any part of this
13 shooting.

14 He hasn't articulated or testified to any specific act
15 of violence perpetrated by the gang on him or in front of
16 him. Something that he witnessed that day. He -- I even
17 asked him if the victim threatened to have the gang do
18 anything to him during that encounter where the testimony has
19 said he threatened to kill the victim and his testimony was
20 no.

21 After the shooting, he testified no one has come after
22 him in the name of this so-called gang. I don't see how it
23 is relevant that he can just come here and say that the
24 victim was in a gang. I understand he's trying to say
25 because of his knowledge, so-called knowledge, that that

1 increased his fear. But I don't believe he should be allowed
2 to say that the victim was in a gang. I think 403, we keep
3 that out. I think the case law would support it. Even when
4 it comes to the generalization of specific instances of
5 violence that he -- on direct, I guess was trying to get at,
6 just generally talking about it, what I'm hearing is hearsay.
7 So I don't know who's going to come in and say that or who's
8 going to validate this -- the victim as a gang member.

9 I know State v. Boy Hawkins allows you to talk about
10 the reputation of a victim for violence and if he had
11 knowledge, but I didn't hear him testify about as his general
12 reputation for violence. He said is because he's in a gang,
13 therefore drawing that conclusion that the gang is violent.

14 THE COURT: Well, defendant did this property testimony
15 to the gang violence.

16 MR. MOBLEY: Yeah. I mean, what -- what -- what the
17 defendant testified was that he did not witness it, but the
18 deceased made specific references to violent acts he
19 committed in the course of, in the purpose of the gang
20 activity. That's what he testified to. He says he didn't
21 see it, but he says the deceased is.

22 THE COURT: But he said he was responsible. I wrote it
23 down for some robberies and some shootings.

24 MR. MOBLEY: Thank you, Your Honor.

25 THE COURT: Okay. Can I --

1 MR. MOBLEY: One more thing I'd like to just respond
2 to. You know, she -- she made this argument about the lack
3 of veracity of that allegation because after he, you know,
4 shot the deceased, there was no gang coming after him. One
5 of the witnesses that we have who was a supervisor at the
6 House of Rayford at the time this occurred, would be
7 testifying that the very next day or the -- within a day or
8 so afterwards a number of gang members actually came to the
9 job site after Daniel Jones was killed and was harassing
10 employees and preventing them from getting to work and
11 leaving work, questioning them about what happened.

12 THE COURT: She's -- let me get this right, she's going
13 to testify --

14 MR. MOBLEY: It's a he.

15 THE COURT: -- that some gang -- he is going to testify
16 that some gang members came to the chicken plant and wanted
17 to question some of the employees about what happened.

18 MR. MOBLEY: That is exactly correct, Your Honor. If
19 he was here now, I'd put him on the witness stand. He's just
20 not here right now.

21 THE COURT: Okay. Maybe we'll hear from him in the
22 morning.

23 MR. MOBLEY: That's fine. I just want to make sure I
24 give the Court all the information we have, Your Honor.

25 MS. FULLER: Your Honor, just to be clear on that, I

1 don't know -- I don't know how -- what happens after the fact
2 is relevant to his state of mind at the time of the shooting.

3 THE COURT: I understand.

4 MS. FULLER: Okay.

5 MR. MOBLEY: Well she asked a question.

6 THE COURT: I got it.

7 MS. FULLER: Okay.

8 MR. MOBLEY: Well she asked him, she said after the
9 shooting they weren't swarmed and attacked by a bunch of gang
10 members

11 MS. FULLER: Within the 13 minutes.

12 MR. MOBLEY: Correct. So they came the next day they
13 were late.

14 MS. FULLER: I see it. I'm sorry.

15 THE COURT: All right, may I'll let Mr. Irvin step
16 down.

17 MR. MOBLEY: Okay. And I just want to be clear

18 THE COURT: I've got the testimony.

19 MR. MOBLEY: I'm sorry, Your Honor.

20 THE COURT: I've got the testimony.

21 MR. MOBLEY: Okay. But just with all respect, I'm not,
22 I just want to be --

23 THE COURT: Go head,

24 MR. MOBLEY: -- clear here. Because I want to make
25 sure that none of his testimony runs a file of anything. So

1 there's the -- the gang activity and of course the specific
2 threats and prior difficulties and specific threats that the
3 deceased made to my client directly. That he should be
4 allowed to testify to those.

5 THE COURT: Well, then now, I have to ask him. Mr.
6 Irvin, how many times did he threaten you and when?

7 THE WITNESS: Your Honor, it's hard to say exact
8 number, but on the day of crime, he did threaten to kill me,
9 come back with a firearm, even take my firearm on -- on that
10 day.

11 THE COURT: You telling me that the victim in this case
12 came back with a firearm?

13 THE WITNESS: No, he tried saying that he was going to
14 go for -- get his firearm and come back for me. And then he
15 even tried to say that he would get -- take my firearm from
16 me. And then he even made a gesture with put an object
17 behind my head, say when I catch you this is how it will look
18 like.

19 THE COURT: And he told you that this day?

20 THE WITNESS: Yes -- yes.

21 THE COURT: The day of this accident?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: Why didn't you tell Ms. Fuller that when
24 she questioned you?

25 THE WITNESS: I told her not at the job, but outside

1 when we was in the having --

2 THE COURT: At the gas station.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: I heard your testimony. She asked you
5 about the gas station.

6 THE WITNESS: Yes, ma'am. And at --

7 MR. MOBLEY: And -- and Your Honor, I think I tried to
8 I would limit his testimony to -- to gang specific gang
9 statements. Not all threats. That's what I wanted to,
10 because I know they're separate issues. I would distinguish
11 between gang related activity and threats that were not gang
12 related because they're two different issues. So that's why
13 when he finished discussing and testifying regarding gang
14 knowledge, I wanted to make sure the Court was aware there
15 was another set that was not gang related. That would just
16 be --

17 THE COURT: All right, well let's go ahead and hear
18 this other set of threatening and then let's get that done
19 too. So I can rule on both. So you want me to rule on
20 whether they can mention gang related and then you want me to
21 rule on prior threats?

22 MR. MOBLEY: Correct, Your Honor.

23 THE COURT: Okay.

24 RE-DIRECT EXAMINATION

25 BY MR. MOBLEY:

1 Q. All right. And -- and Mr. Irvin, I want to be
2 clear, when you -- when you just testified, I'd ask you to
3 limit it to knowledge of any statements or information you
4 had regarding Daniel Jones or Fresh being in the gang as it
5 relates to your being more fearful. At this point, what I'm
6 asking you to describe for the Court is every instance on
7 this day, on the day you shot Fresh or previous days that he
8 threatened to harm you or threatened to kill you. Okay. So
9 why don't we -- why don't we start with the day of the
10 shooting? Okay. So did he make any threats to you at the
11 gas station?

12 A. Yes sir.

13 Q. Okay. What threats did he make you at the gas
14 station?

15 A. He threatening that he would get a firearm to come
16 back and shoot me with. He threatening that he would
17 possibly take my firearm away from me. And basically saying
18 that he would -- he would kill me if he had to.

19 Q. Now, in the parking lot where the shooting took
20 place?

21 A. Yeah.

22 Q. What, if any, threats did he make to you at that
23 time, either verbally or through actions or gestures.

24 A. In the parking lot. He came to me and he put
25 object behind my head. I couldn't tell what it was his

1 wallet or phone behind my head, like it was a gun and said,
2 this is how -- this is how you -- you going catch you like
3 like you broke your brains out. That was right before --
4 right before the shooting.

5 Q. Prior to that day that Daniel Jones ever
6 threatened you?

7 A. He always would say stuff like, he would want to
8 fight and, you know, beat -- beat me up and stuff like that.
9 But we never got into any altercation. I'm not a fighter,
10 no, sir.

11 Q. The -- the -- now the day he lunged you with a
12 knife, that was the same day you shot him.

13 A. Oh yes -- yes sir.

14 Q. Did he make any verbal threats when he had the
15 knife?

16 MS. FULLER: Objection, Your Honor. I know this is the
17 -- this hearing, but there's a lot of bleeding that was
18 allowing it, but for this, it's -- it's too important for him
19 to be feeding his testimony.

20 THE COURT: Okay. Let's not lead, Mr. Mobley.

21 BY MR. MOBLEY:

22 Q. Okay. Prior to the shooting, prior to the gas
23 station, was there an altercation with you and Daniel Jones
24 at work?

25 A. Yes.

1 Q. Were you threatened during that altercation?

2 A. He came in -- he came at me with a knife as he
3 approached me in an aggressive manner.

4 Q. Did he make any statements regarding harmony?

5 MS. FULLER: Your Honor, respectfully, this is still
6 leading.

7 BY MR. MOBLEY:

8 Q. Did he -- what did he say what, if anything, did
9 he say to you when he had the knife?

10 A. He was telling me, you know, just, you know, get
11 away from around him, you know.

12 THE COURT: You got to speak out because I can't hear
13 you.

14 THE WITNESS: He was telling me to get away from him --
15 get away from him.

16 BY MR. MOBLEY:

17 Q. Okay. Prior to that day, what, if any, threats to
18 harm you or did Daniel Jones or Fresh ever made to you? Make
19 sure the Judge knows every instance, if any?

20 A. It wasn't -- it wasn't much after that. After
21 that stuff, I just knew.

22 THE COURT: All right. Other than the, the gas station
23 in the parking lot and then the day of at work where he
24 lunged at you with a knife, I think is your testimony

25 THE WITNESS: And he came he was walking towards me

1 aggressively with it and he was being shot.

2 THE COURT: And he was telling you to get away from
3 him.

4 THE WITNESS: Yeah. Telling me get away from him.

5 THE COURT: Okay. Those are all the prior instances
6 with you at work that he's threatened you?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Okay. All right. Ms. Fuller.

9 RE-CROSS EXAMINATION

10 BY MS. FULLER:

11 Q. So just to be clear what your testimony is, the
12 prior instances are all on June 24th?

13 A. Yeah.

14 Q. Okay. And that day, when exactly I'm not clear,
15 did he come at you with a knife?

16 A. On the line.

17 Q. When?

18 A. I can't -- I don't know exact the time.

19 Q. Well, how long -- how far into the shift?

20 A. I can't -- I can't recall the time, but it was
21 right when, you know, we was having an argument. He was
22 approaching me with the knife gun.

23 Q. This is the same argument that we're talking about
24 that Stacey and KJ had to push you off the line.

25 A. KJ wasn't I -- I -- KJ didn't push me off the

1 line, but Stacey -- Stacey -- Stacey was present. Yes,
2 ma'am.

3 Q. So the -- in the same incident that Stacey pushed
4 you off the line?

5 A. No -- yes ma'am.

6 Q. Okay. So this is not a separate -- this is not a
7 new altercation you're talking about. You're still talking
8 about the same altercation, correct?

9 A. Yes, ma'am.

10 Q. Okay. So you're saying in that altercation that
11 he lunged at you with a knife?

12 A. He -- he was very aggressive and coming towards me
13 with knife.

14 Q. And you're shoulder coach, correct?

15 A. Yes, ma'am.

16 Q. And where was your knife?

17 A. I wasn't on the line working at the (inaudible).
18 I didn't have no knife.

19 Q. Okay. So you came up to his line while he's
20 working and you're saying he came, he lunged at you with a
21 knife?

22 A. I didn't say he lunged at me, ma'am. He came at
23 me aggressively permitted in an aggressive manner.

24 Q. Okay. And that's -- I'm glad you said that. So
25 your defense attorney asked you in his question and he was

1 leading, you said the victim lunged at you, your testimony at
2 your words is that he did not lunge at you.

3 A. He came at me aggressively.

4 Q. Your testimony in your words --

5 A. Yes, ma'am.

6 Q. -- is that he did not lunge at you, correct?

7 A. Yes ma'am.

8 Q. Okay. Thanks for clearing that up. Other than
9 that, you're saying there was no other threats?

10 A. No, ma'am.

11 MS. FULLER: I don't -- I don't know, I don't have
12 anything else there. Thank you.

13 THE COURT: Okay. Anything else Mr. Mobley?

14 MR. MOBLEY: No, Your Honor. Thank you.

15 THE COURT: Okay. Now may I let Mr. Irvin step down?

16 MR. MOBLEY: Yes.

17 THE COURT: Okay. Step down. All right. I'd really
18 like to send the jury home if you all don't mind, and then
19 I'll discuss some things with you. Let's bring the jury in
20 right quick. I don't want to keep them back there. If I can
21 let them go. It's four o'clock.

22 MS. FULLER: Oh, Your Honor, just briefly, is there
23 anyone in this jury pool that said they could be without
24 (inaudible)?

25 THE COURT: I don't know, but I'll ask.

1 MS. FULLER: I can't remember.

2 THE COURT: Yeah, there was one that had an appointment
3 but he said he already moved it.

4 MS. FULLER: Okay. Yeah, there was one that on
5 vacation Friday, I think with his parents.

6 THE COURT: And I've got two alternates. Right. Mr.
7 Foreman, ladies and gentlemen, please be seated. I'm trying
8 to keep you all informed. Let me ask there's a couple of
9 issues that have come up that I've had with the lawyers
10 concerning the law and it's taken us a little bit longer. So
11 I'm going to let you go today. I don't want you sitting back
12 there in your jury room. However, I think this case will go
13 to Friday. I thought maybe there might be somebody on the
14 jury. I know somebody had an appointment and they moved it.
15 Is -- do I have anybody going on vacation on Friday?

16 JUROR: Saturday. Will it be over Friday? For sure?

17 THE COURT: Yes.

18 JUROR: My daughter graduates Saturday at States.

19 THE COURT: Okay. Yes.

20 JUROR: If it's over on Friday, I'm fine. On Friday
21 I'm good.

22 THE COURT: Okay. Now, you know, I never know how long
23 deliberations are going to last. I mean it could be late
24 Friday, could be early Friday, I don't know. But are you
25 good for all day Friday? Anybody else? If you cannot be

1 here on Friday, I need to know. Okay. All right. With that
2 said, remember no TV no talking about this case, no research.
3 Don't let anybody approach you about this case. Don't read
4 anything about this case. And I hope you all have a great
5 evening and I will see you in the morning at 9:30. Thank
6 you.

7 All right, I'm going take these two matters under
8 advisement. But I would like to see lawyers in my chambers,
9 please.

10 MR. MOBLEY: Certainly.

11 MS. FULLER: Your Honor, I guess it's still the other
12 issue. The toxicology. I don't think we ever got -- I don't
13 know if they --

14 MR. MOBLEY: We haven't got there yet. I was trying to
15 deal with one issue at a time.

16 MS. FULLER: Well, just wanted to be able to streamline
17 tomorrow since we're going into Friday. And I know the
18 jury's coming in the -- what time are they coming?

19 THE COURT: 9:30.

20 MS. FULLER: It's 9:30. If there's anything else we
21 need to streamline or work out today, so we know where we're
22 starting tomorrow.

23 THE COURT: I've done the research on the toxicology.
24 I'd like to see you all in the chamber, please.

25 MR. MOBLEY: Thank you, Your Honor.

1 THE CLERK: Okay, judge. Judge, are you done?

2 THE COURT: I'm done with you, yes ma'am. You can go.

3 I'm sorry.

4 MS. FULLER: No, that's okay.

5 THE COURT: Courts adjourned for the day.

6 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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I, NATASHA BARRIENTOS, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 11 of Lexington County, South Carolina, on the 21st Day of June, 2023.

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

November 8, 2023

Natasha Barrientos

Transcriber

1 CONTINUATION OF PROCEEDINGS - JUNE 22, 2023

2 THE COURT: Get started.

3 MS. FULLER: State's ready, Your Honor.

4 MR. MOBLEY: Defense ready, Your Honor.

5 THE COURT: Okay. All right. Let me ask you, Mr.

6 Mobley, anything else on this gang-related testimony that you
7 want in?

8 MR. MOBLEY: No, Your Honor. I mean I understand the
9 Court's ruling. I just want my objection note for the
10 record, but there's nothing else.

11 THE COURT: Well, I took it under advisement, so that I
12 put it on the record this morning.

13 MR. MOBLEY: Thank you, Your Honor.

14 THE COURT: So I'm going to -- anything else from you,
15 Ms. Fuller?

16 MS. FULLER: No, Your Honor.

17 THE COURT: All right. I'm denying the Defendant's
18 motion to admit evidence of gang membership. I find it's an
19 admissible. The Defendant was proffered yesterday on the
20 stand. He testified that the victim belonged to a gang, that
21 there were employees at the chicken plant that were also gang
22 members, that some of them wore red bandanas. And maybe this
23 victim bragged about committing robberies and shootings.

24 However, he also testified that in the two years that
25 he worked with him, he really had no problems with him. That

1 it was the day of the incident that he felt that the victim
2 threatened him. I find the defendant has failed to show the
3 relevance of any possible gang association with this
4 shooting. I'm relying on State v Robinson, which is a 2023
5 case. State v Perry. There's got to be some kind of
6 logically relevant to -- material factor to get this in the
7 prior gang activity. Also, there's a Johnson case. And in
8 that case, they were trying to (inaudible) and it was a
9 critical connection between gang activity and the incident
10 itself.

11 Therefore, for the reasons I've stated, I'm not letting
12 in the gang activity. However, the instances of the victim's
13 behavior on the incident date that was proffered by the
14 Defendant, I do find irrelevant and go to the Defendant's
15 state of mind or his apprehension of great bodily harm. He
16 testified that the victim aggressively approached him with a
17 knife. This is the day of the incident. He threatened him
18 on the morning of the incident. He also testified that the
19 victim stated he would go and get a gun or take his and kill
20 him.

21 I find the specific instances were directed against the
22 Defendant and were closely related in time with the homicide.
23 So he will be allowed to testify to that.

24 As far as the toxicology report, the case -- the case
25 of Washington that the State sent up was a slip opinion. But

1 it stated, and I'm not relying on it because I've looked at a
2 bunch of other cases also, you know, you could have
3 questioned on cross about the toxicology report. I'm not
4 going to let you put it in if you're planning on showing to
5 make the victim the aggressor. I'm just not going to do
6 that. You got some other reason and how you're going to get
7 it in, I'll be more than happy to entertain it.

8 Now, as far as the expert witness, do you have your expert
9 here?

10 MR. MOBLEY: He's not here yet, Your Honor. I have to
11 plan to put him up last, so I'd like to try to get through
12 testimony and kind of do that at the end.

13 THE COURT: Okay. I will share with you all, I did some
14 research on -- on this because I've really never had it come
15 up. I couldn't find any case law in South Carolina.
16 However, there is a case, I'll cite it for you. 51 F. Supp
17 3d, United States District, United States of America versus
18 Paul Slough, S-L-O-U-G-H. And it is kind of right on point.
19 You might want to take a look at that. But when the expert
20 gets here, we will proffer the expert and then I'll make my
21 ruling.

22 MS. FULLER: Your Honor, what's that site, again?

23 THE COURT: It is 51 F. Supp 3d, it's a 2014 case.
24 United States versus Slough, I guess, or Slough, S-L-O-U-G-H.
25 It's the only case I could find. But anyway, like I said,

1 we'll proffer his testimony, see what he has to say and then
2 I'll make my ruling. All right, so Mr. Mobley, can we go
3 forward with other witnesses?

4 MR. MOBLEY: Yes, Your Honor. Excuse, I beg the
5 Court's indulgence.

6 THE COURT: Uh-huh.

7 MR. MOBLEY: All right. Excuse me. All right. Your
8 Honor, at this time the Defense calls Mr. Trevor -- Trevor
9 Irvin to the witness stand, when the jury brought in.

10 THE COURT: Okay. Now, I'm going to tell you, Mr.
11 Mobley, your subpoenaed client from the Department of
12 Corrections is here.

13 MR. MOBLEY: Ah, okay. I could have a minute?

14 THE COURT: You can.

15 MR. MOBLEY: That'd be great.

16 THE COURT: I meant to tell you that when you walked
17 in. They told me this morning he made it over.

18 MS. FULLER: Thank you, Your Honor.

19 THE CLERK: Judge, do you have a page number for that
20 case? I'm not finding it.

21 THE COURT: Well, you know what, I'll give you this
22 copy right here.

23 (Off the record.)

24 THE COURT: All right, Mr. Mobley, court reporter is
25 back. We're on the record. Go ahead.

1 MR. MOBLEY: Thank you, Your Honor. May I please the
2 Court. And I just wanted to -- to recap. Yesterday there
3 was some discussion where I -- I talked about the testimony
4 of some -- some witnesses that -- that are current and former
5 employees of the House of Raeford. And I inquired about the
6 ability to, for the witness to testify regarding prior
7 interactions with my client and Mary and Daniel. And -- and
8 I -- I -- and the Court initially, preliminary, indicated
9 that they couldn't get into that, on the events of the day.
10 But I -- I believe I recall Ms. Geiger talking about a
11 bathroom incident involving my client when she testified.
12 And if that's the case, I'd like to -- witness be able to
13 discuss any knowledge of that incident.

14 THE COURT: Of which incident?

15 MR. MOBLEY: I believe my memory indicated in my notes
16 that Ms. Geiger talked about an incident where she wanted to
17 go to the bathroom and my client wouldn't let her go to the
18 bathroom or something like that. And -- and that was kind of
19 part of the harassment, and that is the fact the case. I
20 like to have the -- a witness who has the firsthand knowledge
21 of that incident address that incident solely.

22 THE COURT: Okay. I'll be glad to hear from you, Ms.
23 Fuller.

24 MS. FULLER: Your Honor, I'm not sure where we go with
25 that because we're talking about something a witness said in

1 terms of her reasons for wanting to be moved, I think is the
2 basis of that. But I don't know how this is -- what he's
3 going to expound on or attack. Because I don't remember him
4 impeaching her or anything of that nature. She's testified,
5 I believe -- it's been a long, short week -- but I believe
6 she was explaining why she wanted to be moved, and described
7 that one incident. But there was nothing -- there was no
8 attack on character in that she just said she wanted to be
9 moved and they moved. So I'm not sure where we're going with
10 this testimony.

11 MR. MOBLEY: Your Honor, I believe the witness
12 categorized it and described it as harassing behavior on
13 behalf of my client. That's why I wanted to make sure it got
14 addressed.

15 MS. FULLER: And my memory of the harassing behavior
16 was on June 24th. And it's tough to separate what her
17 statement, written statement was versus what she testified
18 to. But I don't know how much she went into harassment
19 behavior on the stand.

20 MR. MOBLEY: Yeah, I -- I just believe those are her
21 words, Your Honor.

22 MS. FULLER: Other than that day.

23 MR. MOBLEY: I believe she described it as an
24 harassment.

25 THE COURT: All right. I'm going to get the court

1 reporter to go back. Let's see what she said, because if so
2 then, you might have opened the door.

3 MR. MOBLEY: Thank you, Your Honor.

4 THE CLERK: Was that on Monday?

5 THE COURT: That was ---

6 THE CLERK: The day though?

7 MS. FULLER: Tuesday.

8 THE COURT: She was the third witness ---

9 MS. FULLER: On the 20th. So Tuesday.

10 THE COURT: --- on the 20th. We had Mr. Rush, we had
11 Mr. Jameson and then came Ms. Geiger. And I do have, in my
12 notes, the victim was being harassed by Defendant, so she
13 asked to be moved. And that the bathroom issue was the issue
14 with the victim.

15 THE CLERK: I found the spot, Judge. Do you want me to
16 read it, judge?

17 THE COURT: Yes, please.

18 THE CLERK: Okay. I'll start a little ahead.

19 Question; but you called him Island Boy? Answer; that's what
20 the people at the job called him.

21 Question; and how did you feel that Daniel was being
22 harassed by Island Boy? Answer; well, when he -- when we
23 needed to go to the bathroom, he was our line lead. So when
24 we called for bathroom, it was hard getting off the line,
25 going to the bathroom, which caused him to abandon the spot.

1 And that's what caused the commotion on the deboning line
2 because if one person isn't doing their job, the next -- next
3 person can't do their job.

4 Question; did you personally have problems with Island
5 Boy or Trevor? Answer; no.

6 Question; so let's go back to the incident date. Do
7 you remember June 24th of 2021? Answer; yes.

8 Do you want me to keep going?

9 MR. MOBLEY: Okay. Well, again, I have a witness that
10 has a knowledge of that incident, and I would like to make
11 sure that witness has an opportunity to address that incident
12 with the Court. When she testifies.

13 MS. FULLER: I - I mean, Your Honor, I guess that's
14 fine. I don't know where we're going. Like I don't know how
15 that's relevant. She wasn't attacked, she wasn't impeached,
16 so I don't know -- I don't know what rule we're -- where
17 we're going with -- for him to testify to a collateral issue
18 in this case. We're here on the murder of Daniel Jones, but
19 for the sake of the record, that it -- it is what it is. But
20 I don't know, depending on where he goes, the State might be
21 objecting. Just want to give foresight, because I don't know
22 how this is relevant, what his perception is when she
23 testified to her reality.

24 THE COURT: Well, I guess I'm kind of unclear. Did
25 this incident happen on the incident date?

1 MR. MOBLEY: Well ---

2 THE COURT: That's why we're --

3 MR. MOBLEY: Well, no, but the -- the concern, Your
4 Honor, with all respect to the Court, is that the way it was
5 characterized, as if my client was engaging in harassing
6 behavior, and that's a negative connotation. The jury got to
7 hear about my client with respect to that witness and the
8 Defendant. And I -- and based on that, I should be allowed
9 to clarify that, so the jury doesn't have that negative
10 connotation attached to my client. That's what the witness
11 says. She -- that was -- those are her words.

12 THE COURT: But on that day, was it the -- I -- I heard
13 the bathroom break. Are we talking about ---

14 MR. MOBLEY: No, the bathroom break is a separate
15 incident. Now, that -- that's a ---

16 THE COURT: Because she said she had no problem with
17 it.

18 MR. MOBLEY: But she -- she described the bathroom
19 incident as harassing behavior on behalf of my client. And I
20 want to make sure that a witness with knowledge has the
21 opportunity to address what she described as harassment
22 behavior, so the jury can have an accurate context of -- of
23 my client's behavior.

24 MS. FULLER: Your Honor, just so I'm clear as well, the
25 -- and Bethany just read back the actual question, and it was

1 ---

2 THE COURT: Yeah, and I'm -- I'm thinking -- I thought
3 she was talking of ----

4 MS. FULLER: --- why they moved and then they separate
5 into that day. And I think that was -- it's relevant to
6 understand, like something had been going on. We didn't go
7 into detail. We didn't go into the specific act of it, which
8 I don't think the rule would've allowed us to. We didn't try
9 to backdoor it in or anything like that because we're not
10 allowed to go into like the specific instance. It wasn't
11 anything that would be relevant here. It was just a, general
12 what happened? This happened, generally, whenever we want to
13 go to the bathroom was problem, it would cause commotion. We
14 asked to be moved, we moved over. Did you have problems with
15 Trevor? No.

16 He didn't cross-examine her on that, nor go into it.
17 If he did, it would've opened the door to his prior conduct
18 and we didn't go there. So he's now putting up a witness to
19 open the door. Just want to be sure if this is his strategy,
20 that's fine. But if he puts up a witness now to go into an
21 incident that we didn't even talk about, to, I guess, to
22 paint his client and in a good light, and he's opening the
23 door to character evidence of his client directly.

24 He already put his client in character in opening.
25 Open -- opening arguments can open the door. He said he was

1 a good employee. I could have walked straight through that
2 door. I'm keeping it clean. I didn't go there. And so as
3 long as he's saying that this is his trial strategy and he's
4 opening the door, because I do not believe the State opened
5 the door. We didn't go into details about the incident
6 because I don't think the law allows us to. But if he's
7 choosing to do that, I just want to make sure we're all on
8 the same page here. So I have no objection, but ---

9 THE COURT: Well, I think if he has any knowledge of the bad
10 blood between your client and the Defendant on that day and
11 through work, I think he can testify to that.

12 MR. MOBLEY: Yeah. And just, you know, and again, Your
13 Honor, I'm not --- what I -- what I -- it's not my intent to
14 litigate all the different issues they had, you know, in the
15 -- in the workplace drama. The only concern I have is, I
16 would have no issue if she just indicated that, you know, she
17 got moved; she has to be moved. But the point is, she
18 specifically described my client as engaging in harassing
19 behavior. That's not a question, you know, I asked her. And
20 that -- and that's the word, that -- that's my problem with
21 that, because what I want to do is address that one incident
22 that she described as harassing. But -- but that's not me
23 opening the door to the entire history of -- of back and
24 forth pertain to it.

25 THE COURT: Well, be careful not to open the door to

1 his character, but I'm going to tell you Mr. Mobley. All
2 right, can I bring the jury in?

3 MR. MOBLEY: Certainly, Your Honor.

4 THE COURT: All right, Mr. Foreman, jury ready?

5 MR. FOREMAN: Yes, ma'am.

6 THE COURT: Thank you. Please be seated. Let me ask
7 my morning question. Anybody approach you about this case?
8 Have you talked to anybody about this case? Have you done
9 any research? Have you read anything? Watch TV about this
10 case? If so, please raise your hand. Thank you. All right,
11 Mr. Mobley, you don't have to, but if you'd like, this would
12 be the time that the Defendant wanted to present a defense.

13 MR. MOBLEY: Thank you, Your Honor. May it please the
14 Court. At this time, the Defense calls Mr. Rasheed Jones as
15 a witness in this case.

16 THE COURT: Okay.

17 THE CLERK: Please raise your right hand and place your
18 left on the Bible.

19 RASHEED JONES,
20 being first duly sworn, testifies as follows:

21 THE CLERK: Thank you.

22 THE COURT: All right. Now, I'll tell you Mr. Jones,
23 you might have to pull that microphone up so the jury can
24 hear you. Okay?

25 THE WITNESS: Yes, ma'am.

1 THE COURT: Thank you. All right, Mr. Mobley.

2 MR. MOBLEY: Thank you, Your Honor. May I please the
3 Court.

4 DIRECT EXAMINATION

5 BY MR. MOBLEY:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. All right. Please state your name for the record.

9 A. Rasheed Jones.

10 Q. Okay, Mr. Jones. And how are you this morning?

11 A. I'm doing All right.

12 Q. Okay. And you are currently incarcerated, sir?

13 A. Yes, sir.

14 Q. Okay. And what are you incarcerated for?

15 A. Manslaughter.

16 Q. Okay. And in June of -- of 2021, where were you
17 working, sir?

18 A. House of Raeford.

19 Q. Okay. And -- and what'd you do there?

20 A. I was a line lead.

21 Q. You were a line lead. Okay. And when you worked
22 there, were you familiar with some individuals, some
23 coworkers by the name of Trevor Irvin?

24 A. Yes, sir.

25 Q. Okay. You see him in the courtroom?

1 A. Yes, sir.

2 Q. Okay. Did you know Daniel Jones?

3 A. Yes, sir.

4 Q. Okay. Do you have a nickname?

5 A. Do I have a nickname?

6 Q. No. Did Daniel have a nickname?

7 A. No, not that I know of.

8 Q. Okay. And you never heard him called Fresh?

9 A. Oh, yeah. Fresh, Fresh, yes, sir.

10 Q. Okay. Did you know Ms. -- his girlfriend?

11 A. Yes.

12 Q. What was her name?

13 A. Mary.

14 Q. Mary -- Mary what?

15 A. I don't know her last name.

16 Q. Okay. How would you describe your relationship
17 with -- with Mr. Jones and -- and Mr. -- Mr. Irvin? You get
18 along with them both okay?

19 A. Both of them All right.

20 Q. Okay. And were you working -- I'm going to recall
21 -- ask you to recall the -- the day that Daniel was shot.
22 Were you working that day?

23 A. Yes, sir.

24 Q. Okay. And just so we're clear, you didn't -- and
25 I want to make sure that you understand -- you -- you didn't

1 see the shooting, correct?

2 A. No, sir.

3 Q. Okay. But were you present in the parking lot of
4 what happened before it happened?

5 A. Yes, sir.

6 Q. Okay. So what time did you guys get off work?

7 A. Around like 7:50, 8:00.

8 Q. Okay. In the morning?

9 A. (No audible response.)

10 Q. And were you hanging out in the parking lot?

11 A. Yes.

12 Q. Okay. Is that something people do after work?
13 They kind of hang out, blow off some steam?

14 A. Every day.

15 Q. All right. And who -- who are some of the people
16 that were hanging out with you guys?

17 A. Just everybody from the job we stayed over that
18 day.

19 Q. Okay. Was Trevor there?

20 A. Yes, sir.

21 Q. Was Jarrell there?

22 A. I'm not sure if he was out there in the parking
23 lot.

24 Q. And were you talking to Trevor at all?

25 A. Yes, sir.

1 Q. Okay. And was he in a decent mood?

2 A. Yes.

3 Q. Okay. So did you see Trevor ever leave the
4 parking lot?

5 A. He had went to the store.

6 Q. Okay. Did you see how he got there?

7 A. He had used a scooter.

8 Q. Okay. Do you know who the scooter belonged to?

9 A. Yes, sir.

10 Q. Who?

11 A. David.

12 Q. Okay. And did you ever have a chance to see Fresh
13 around that same time period?

14 A. Yes, sir.

15 Q. And what was Fresh doing?

16 A. He was arguing with Mr. Irvin.

17 Q. Okay. So -- so when -- when Mr. Irvin went the
18 parking -- when he left the parking lot in the scooter, where
19 was Fresh?

20 A. He was in the parking lot.

21 Q. Okay. So once Mr. Irvin went to the -- to the --
22 across the street on the scooter, what did Mr. -- what did
23 Fresh do?

24 A. Followed him to the store.

25 Q. Okay. And did you see at all what happened at the

1 store?

2 A. No, sir.

3 Q. Okay. So while you were hanging out in the
4 parking lot, did you ever see Trevor come back?

5 A. Yes, sir.

6 Q. Okay. How'd he come back?

7 A. He was talking to Fresh (inaudible).

8 Q. Okay.

9 A. Took the scooter from him and stuff.

10 Q. Okay. Did he rode the scooter back?

11 A. Yes.

12 Q. And so you're talking to -- to Trevor, while
13 you're talking to Trevor, did you ever see Fresh again?

14 A. Yes, sir.

15 Q. Okay. Well, tell us about that.

16 A. Mr. Jones, he was very aggressive and, you know,
17 talking -- talking directly towards Mr. Irvin.

18 Q. Okay. And I want to be clear, you and Mr. Irvin
19 were in the parking lot without Fresh, right?

20 A. Yes.

21 Q. Okay. And did -- did Fresh come to you or did you
22 guys go to Fresh?

23 A. I don't -- Mr. Jones came over to -- to us.

24 Q. Okay. And when he came over to you, did you see
25 what, if anything, he said to -- to Mr. Irvin?

1 A. Yeah, he was trying to get him to fight him.

2 Q. Okay. And what kind of words was he -- was he
3 using? What was he saying?

4 A. He was just being provocative like *** and all
5 type of stuff.

6 Q. What was Mr. Irvin -- Mr. Irvin saying? How was
7 he responding?

8 A. He was like telling him to go ahead on. Like, he
9 didn't want no problems with it.

10 Q. Now, was Ms. Geiger in the vicinity?

11 A. Geiger?

12 Q. Mary.

13 A. Fresh's girlfriend?

14 A. Yeah, she was -- she was in the parking lot.

15 Q. Okay. And -- and what was she saying? Was she
16 doing anything or saying anything?

17 MS. FULLER: Objection; hearsay.

18 THE COURT: Okay. Can you rephrase it? I think he was
19 asking what he saw or doing, but ---

20 MR. MOBLEY: I mean, I -- yeah, if she was doing it,
21 but, I mean, anything she stated would not be hearsay, is not
22 being offered to the -- for the truth of the matter asserted.

23 MS. FULLER: Of course that's what is being offered
24 for, Your Honor.

25 THE COURT: Rephrase the question, Mr. Mobley.

1 BY MR. MOBLEY:

2 Q. What was Ms. Geiger doing?

3 A. She was trying to tell Mr. Jones to go ---

4 MS. FULLER: Objection; hearsay.

5 THE COURT: Okay. You can't say what somebody else
6 told you. Okay?

7 THE WITNESS: She was being very loud, telling ---

8 MS. FULLER: Objection; hearsay

9 MR. MOBLEY: Your Honor, can we approach?

10 THE COURT: Sure. Just move on.

11 MR. MOBLEY: Thank you, Your Honor.

12 THE COURT: All right. Rephrase the question, Mr.
13 Mobley. Anything that Ms. Geiger said, he -- he can't ---

14 MR. MOBLEY: Thank you, Your Honor.

15 THE COURT: --- he can't ---

16 MR. MOBLEY: I'll rephrase the question.

17 THE COURT: Thank you.

18 BY MR. MOBLEY:

19 Q. All right, just so we're clear, without using the
20 exact language that Fresh's girlfriend was using, how would
21 you describe her demeanor?

22 A. She was trying to direct me on what to do.

23 Q. Would you describe it as boisterous, calm ---

24 MS. FULLER: Objection; leading.

25 THE WITNESS: She was trying to prompt me to go over to

1 Mr. Irvin.

2 BY MR. MOBLEY:

3 Q. Okay, so Fresh came up to you and Mr. Irvin,
4 correct?

5 A. Yes.

6 Q. Okay. Did he stay or did he -- did he leave?
7 What happened after he came up that first time?

8 A. He had went back to the little group that they had
9 over in the parking lot.

10 Q. Okay. And what happened then?

11 A. It just -- Mr. Jones kept just talking back to
12 Fresh through -- through over the parking lot. Yelling.

13 Q. Okay. I'm sorry. You -- you said Mr. Jones was
14 talking to Fresh, I think you got confused.

15 A. I mean, yeah. Mr. Jones was talking to Irvin
16 through the parking lot, yelling.

17 Q. What was he yelling?

18 A. Just -- was kind of cursing words back to Irvin.

19 Q. And was Mr. Irvin saying anything?

20 A. No, he wasn't really saying anything back him.

21 Q. And did you see anything else before you left?

22 A. No, sir.

23 Q. With respect to Mr. Irvin and Daniel Fresh?

24 A. No, they ain't really get no altercation from hand
25 to hand or anything like that. I had them pull off.

1 MR. MOBLEY: Thank you. Please answer any questions
2 the prosecutors have for you.

3 CROSS-EXAMINATION

4 BY MS. PATTERSON:

5 Q. Good morning Mr. Jones. How are you?

6 A. I'm doing all right.

7 Q. So you're currently incarcerated on manslaughter,
8 correct?

9 A. Yes, ma'am.

10 Q. So that means you killed somebody, right?

11 A. Manslaughter.

12 Q. So you killed someone, correct?

13 MR. MOBLEY: Objection, Your Honor. She can ask him
14 about the charge, about the underlying facts.

15 MS. PATTERSON: I'm not asking about the facts though.
16 That's what manslaughter means, right?

17 THE COURT: (Crosstalk).

18 BY MS. PATTERSON:

19 Q. And you're friends with Trevor Irvin, correct?

20 A. Yes.

21 Q. And you all were together as line leaders at House
22 of Raeford, correct?

23 A. Yes.

24 Q. And what line did you work on?

25 A. I worked on all of them.

1 Q. You worked on all the lines. And back in June of
2 2021, you all got off work, I think you said you remember
3 getting off work 2750 at 8:00, correct?

4 A. Yes, ma'am.

5 Q. And you went and hung out in the parking lot and
6 that would've been across the street from the House of
7 Raeford, correct?

8 A. Yes, ma'am.

9 Q. And that's something that most employee -- your
10 employees normally would do, correct?

11 A. Yes, ma'am.

12 Q. And just hang out after work, talk, relax a little
13 bit before going home, right?

14 A. Yes, ma'am.

15 Q. And on this particular day, you remember Trevor
16 Irvin or Island Boy being in the parking lot, correct?

17 A. Yes, ma'am.

18 Q. You remember him riding around on a scooter?

19 A. Yes, ma'am.

20 Q. And that scooter belonged to someone named Super
21 Dave, didn't it?

22 A. Yes, ma'am.

23 Q. And I think you testified earlier that Island or
24 Trevor went to the store and that Daniel followed him?

25 A. Yes, ma'am.

1 Q. Did you go to the store with Island Boy?

2 A. No, I seen him through the parking lot following,
3 Mr. Jones.

4 Q. And how did you know Mr. Jones followed Trevor to
5 the gas station?

6 A. He went around the corner towards -- towards the
7 store.

8 Q. Well, isn't it possible he was just going to the
9 store because you all would go to that store frequently,
10 wouldn't you?

11 A. Possibly.

12 Q. So it was possible he was just going to that store
13 to make a purchase, correct?

14 A. Correct.

15 Q. And then when Island Boy came back, he was still
16 on the scooter, correct?

17 A. Yes, ma'am.

18 Q. And isn't it true he came back and he was bragging
19 about what he did to Mr. Jones at the convenience store?

20 A. No, ma'am.

21 Q. You didn't hear him say how he punched Mr. Jones
22 in the mouth at the convenience store?

23 A. No, ma'am.

24 Q. He wasn't air punching or demonstrating what he
25 did to Mr. Jones at the convenience store?

1 A. No, ma'am.

2 Q. So you didn't hear any of that from Trevor Irvin?

3 A. Nope. Daniel Jones said he spit into Mr. Irvin
4 face.

5 Q. And during that time you were driving a red SUV,
6 correct?

7 A. Yes, ma'am.

8 Q. And it was parked out there in the parking lot,
9 right?

10 A. Yes, ma'am.

11 Q. And I think -- well, isn't it correct that Super
12 Dave or the person who owned the scooter, did he rode with
13 you, didn't he leave work with you?

14 A. I believe so.

15 Q. You gave him a ride home, didn't you?

16 A. Yes, ma'am.

17 Q. And --- and do you remember where you parked your
18 car out there in the parking lot?

19 A. Directly across the street from the building,
20 House of Raeford.

21 Q. And let me show you what's been marked as State's
22 Exhibit 105. Do you see this red car in the picture? Red
23 SUV? And would this have been -- this would have been your
24 red SUV parked out in the parking lot, correct?

25 A. Possibility.

1 Q. And that's where you all were hanging out at,
2 right?

3 A. Yes, ma'am.

4 Q. And this would've been on June 24th of 2021,
5 correct?

6 A. Yes, ma'am.

7 MS. PATTERSON: Your Honor, at this time I move State's
8 Exhibit 105 into evidence.

9 THE COURT: Any objection?

10 MR. MOBLEY: No objection, Your Honor.

11 THE COURT: It's admitted.

12 (State's Exhibit 105 was admitted into evidence.)

13 MS. PATTERSON: Beg the Court's indulgence, Your Honor.

14 BY MS. PATTERSON:

15 Q. And you said during this time, Daniel Jones was
16 the only one out there being loud, correct?

17 A. Yes, ma'am.

18 Q. Cursing at Mr. Irvin, correct?

19 A. Yes, ma'am.

20 Q. And I think you said he was being aggressive with
21 Mr. Irvin, correct?

22 A. Yes, ma'am.

23 Q. And Mr. Irvin wasn't doing anything that you
24 witnessed; is that your testimony?

25 A. Yes, ma'am.

1 Q. Matter of fact, you said he was telling Fresh to
2 go -- go on. Is that what you heard?

3 A. Yes, ma'am.

4 Q. And you also stated you heard Mary being loud and
5 aggressive, correct?

6 A. Yes, ma'am.

7 Q. And again, this was towards Mr. Irvin, right?

8 A. Yes, ma'am.

9 Q. And again, you didn't hear Mr. Irvin responding or
10 doing any actions towards Mary or Daniel Jones?

11 A. No, ma'am.

12 Q. And you were hanging out with Mr. Irvin all this
13 time, correct?

14 A. Yes.

15 Q. And this would have been your vehicle, correct?

16 A. Yes, ma'am.

17 Q. And do you remember at some point Mr. Irvin
18 climbing on top of your vehicle?

19 A. Yes, he was sitting out there.

20 Q. Do you remember him standing up on top of your
21 vehicle?

22 A. Yes.

23 Q. And this is him climbing on top, standing on your
24 vehicle and turning towards Mary and Mr. Jones, who was going
25 to be over here, right? You remember that encounter?

1 A. Yes, ma'am.

2 Q. So did that not strike you as odd, him being
3 aggressive towards them standing on your vehicle?

4 A. That's not the first time he got on top of the
5 vehicle.

6 Q. Now, that's something he would normally do, stand
7 on top of your vehicle and be -- be loud in the parking lot?

8 A. Yeah, we was sitting on top of the vehicle and on
9 the back of the -- back of the tailgate.

10 Q. But he wasn't sitting, was he? He was standing,
11 correct?

12 A. Yes, ma'am.

13 Q. And he was turned towards Mr. Jones and Mary,
14 right?

15 A. I'm not sure if he was directing his -- his body
16 posture towards them -- towards them.

17 Q. Okay. And he was, in fact, being aggressive
18 towards them, wasn't he?

19 A. Them?

20 Q. Mr. Irvin was being aggressive -- aggressive and
21 loud towards Mary and Mr. Jones, wasn't he?

22 A. No, ma'am.

23 Q. In fact, that's why you and Super Dave got out of
24 there, wasn't it?

25 A. No, ma'am.