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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ISRAEL ROBINSON,

APPELLANT

APPELLATE CASE NO. 2024-002140

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT 162—(DVD SURVEILLANCE FROM CONVENIENCE STORE);
STATE’S EXHIBITS 201, 202, 203, 204, 205, 206, 207, 208—(DVD—PINECREST
SURVEILLANCE); STATE’S EXHIBITS 169, 170, 171, 172, 173, 174, 175, 176—
(PHOTOS—CLOTHING).]**

State of South Carolina	)	Court of General Sessions
County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Numbers:
	)	2024-GS-10-03096
Plaintiff,	)	2024-GS-10-03097
	)	2024-GS-10-03098
vs.	)	
	)	
ISRAEL M. ROBINSON,	)	JURY TRIAL
	)	
Defendant.	)	TRANSCRIPT OF RECORD
	)	

December 9-12, 2024
Charleston, South Carolina

B E F O R E:

The Honorable Patrick C. Fant III

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Jamie Bickett
Official Court Reporter

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1 (Court called to order at 12:27 p.m., Monday,
2 December 9, 2024, outside the presence of the potential
3 jurors and the defendant.)

4 THE COURT: All right. Do we have -- are there any
5 witnesses for the defense?

6 MS. MARTINEZ: We did submit a list of witnesses
7 actually this weekend, your Honor, having added Mr. Russ.
8 And that all depends on, you know, the State's case. We do
9 have -- I put in there a standby for Wednesday and if we go
10 as far as Thursday.

11 THE COURT: All right. And then I understand that you
12 wanted -- as far as the voir dire, you needed to talk a
13 little bit about that.

14 MS. MARTINEZ: Yes, your Honor. There's the questions
15 there at the -- towards the end. We wanted to be able to
16 inquire of the jury pool if they had read that news article
17 by *The Post and Courier*.

18 THE COURT: Well, if I just ask them if they've seen any
19 publicity, I feel like -- my concern is if I get into the
20 specifics of that particular article, I think that's going to
21 be more problematic than if we just do, "Have you heard any
22 publicity concerning this?" And I'll hear from you on this.
23 Okay?

24 MS. MARTINEZ: And I guess that's the intention to ask
25 them. And if anybody says, "Yes, I've heard some

1 publicity" --

2 THE COURT: Okay. I may have misunderstood you. I
3 thought you were talking about that particular article.

4 MS. MARTINEZ: No, no. Just have you heard or read --

5 THE COURT: Okay. Okay. I'm sorry. I misunderstood
6 you. I just -- okay. I know you had sent the article, and I
7 understand that, but I feel like we would -- you know, we
8 would just be asking for trouble.

9 MS. MARTINEZ: Yes, your Honor. We don't need to ask
10 them --

11 THE COURT: Okay. And just so y'all know -- I mean, I'm
12 sure y'all have see it -- I've got the general questions that
13 I give, and some of these overlap with y'all's. I was going
14 to let you know --

15 It's Detective Anthony Russ, North Charleston Police
16 Department, correct?

17 MS. MARTINEZ: Yes, your Honor.

18 THE COURT: Okay. And then I've got y'all's 28 from the
19 State. The last are, like, 19 through 28.

20 MR. ZEIGLER: Yes, your Honor.

21 THE COURT: Okay. And then on the State's voir dire, I
22 was going to ask 1, 2, 3, 4, and 5. I was not going to
23 ask 6.

24 As far as Number 7, what's the thought process? I guess
25 it's the exact opposite of if you're affiliated with some

1 kind of pro-law-enforcement organization?

2 MR. ZEIGLER: Yes, your Honor.

3 THE COURT: Okay. I'll ask Number 7.

4 As far as the defense's proposed voir dire, I'll ask
5 Number 3, Number 7, Number 8, and then I'll ask Number 9.

6 And then I'm assuming Question Number 10 is if your answer is
7 yes to Number 9, right?

8 MS. MARTINEZ: Right. And then just have them come to
9 -- yeah, over to the bench and then discuss that.

10 THE COURT: Yeah. That is one thing I was going to tell
11 you is I did want them to come over --

12 MS. MARTINEZ: Yes.

13 THE COURT: -- yeah, as far as just the publicity.

14 MS. MARTINEZ: As to the remainder of the questions,
15 yes.

16 THE COURT: Okay. I was trying to see if there was
17 anything else.

18 All right. Y'all are going forward with attempted
19 murder, possession of a weapon during the commission of a
20 violent crime, and murder. Correct?

21 MR. ZEIGLER: Yes, your Honor.

22 THE COURT: Anything else?

23 MR. ZEIGLER: No, your Honor.

24 THE COURT: All right. So what we're going to do is
25 we're going to get -- we're going to pick a jury, and then we

1 will take a break for lunch and then we'll be rocking and
2 rolling. Sound good?

3 MR. ZEIGLER: Yes, sir.

4 (Pause in proceedings.)

5 THE COURT: And I'm sure this is, you know, obvious but
6 strikes will be five and ten. And I'm going to get two
7 alternates -- okay? -- just for safety's sake.

8 MR. ZEIGLER: Yes, sir.

9 THE COURT: Sound good?

10 MS. MARTINEZ: Yes, your Honor.

11 THE COURT: And y'all are going to have remind me
12 because normally I've got my mic that I can cut on and off.
13 So y'all let me know. Because, I mean, normally,
14 particularly in, like, Greenville, I just hit my mic whenever
15 I bring y'all up. I just -- I'm just in a habit. So I'm not
16 going to have a -- my button to push. And then if we need to
17 have it on the record, we'll just -- we'll talk over next to
18 the court reporter. Okay? We just need make sure all the
19 mics are off.

20 (Pause in proceedings.)

21 (Defendant entered the courtroom.)

22 THE COURT: Counsel, are you requesting a formal
23 arraignment?

24 MS. MARTINEZ: No, your Honor.

25 THE COURT: Thank you.

1 motions first.

2 THE COURT: Okay.

3 MR. ZEIGLER: And then if we do have time, we can do
4 *Denno*, I think, as well. Or potentially after the jury hears
5 from the first few witnesses, we can address the *Denno* at
6 that point.

7 THE COURT: Okay. That sounds great.

8 Okay. The first one -- and I did not see anything from
9 defense. And I was -- I wanted to know if it was a safe
10 assumption that it is not an issue, but there was a -- I
11 guess a chain witness?

12 MS. MARTINEZ: Right, your Honor. We don't have an
13 issue as long as the State can prove --

14 THE COURT: The person?

15 MS. MARTINEZ: -- the chain -- right -- according to
16 state law.

17 THE COURT: Okay. All right. So I assume that that
18 would be the case. If for some reason that is an issue,
19 Ms. Martinez, you certainly have the right to object at that
20 time. But otherwise, it seems like that's not going to be an
21 issue.

22 MR. ZEIGLER: Yes, your Honor.

23 THE COURT: All right. That's progress.

24 All right. 911 calls we're going to talk about
25 tomorrow.

1 MR. ZEIGLER: Yes, your Honor.

2 THE COURT: Is that correct?

3 MS. MARTINEZ: That's correct.

4 THE COURT: The coroner as a witness.

5 And I'm just kind of going in order. Is this good?

6 MR. ZEIGLER: Yes, sir.

7 THE COURT: All right. I'll hear from the State and
8 then from the defense.

9 MR. COOPER: Thank you, Judge. May it please the Court.
10 Daniel Cooper on behalf of the State.

11 Your Honor, in this case the State would intend to call
12 Coroner Bobbi Jo O'Neal as a witness in this case instead of
13 the pathologist, Dr. J.C. Upshaw Downs. Candidly, Dr. Downs
14 has been somewhat difficult in the preparations and, in all
15 candor, seeks payment for his testimony. That's certainly
16 not something the State does for fact witnesses. And there
17 have been some concerns with him in that regard. So the
18 State is electing to call the coroner as a witness instead to
19 testify to the results of the autopsy report.

20 Judge, I have some case law. But before I get to that,
21 I think it's important to note that this case law makes this
22 distinction: that the cause of death is not in dispute in
23 this case. The victim was shot 16 times. The majority of
24 them were from the back. There is no dispute about that.
25 The conclusions drawn that the victim was shot that many

1 times and in that way does not in any way point to
2 Mr. Robinson more than anybody else. It's just the facts of
3 how he died.

4 Your Honor, the reason the coroner wants to call -- we
5 want to call the coroner is the autopsy report candidly is
6 part of her death investigation. And she is the head of her
7 office, serves as the de facto custodian of records, and can
8 authenticate that document and can describe its findings for
9 the jury. The State does not intend to call her as an
10 expert.

11 The only, quote/unquote, "opinion testimony" that we may
12 elicit is some of the words are very medical terms --
13 "posterior," "anterior," things like that -- that we would
14 just ask her in her experience to define. She would be
15 merely stating the findings of the report and in no way
16 offering any expert opinion one way or the other on the
17 validity of them.

18 In our brief we mentioned -- and I have copies if the
19 Court would need them -- *State v. Cutro*, I think is how it's
20 pronounced, C-U-T-R-O --

21 THE COURT: I've got a copy of it. Thank you.

22 MR. COOPER: Okay.

23 -- 365 S.C. 366, a 2005 Supreme Court case from our
24 South Carolina Supreme Court. And in that case, the State
25 sought to publish the contents of a variety of autopsy

1 reports. Our Supreme Court held that an autopsy report is
2 not hearsay. It falls under two exceptions from the rule
3 against hearsay: Rule 803(8), which is the public records
4 exception, and then Rule 803(9), which is the record of vital
5 statistics.

6 Given that, it is a public document and then it is also
7 certainly a component of the death investigation and it's the
8 records of death made by a public office and pursuant to
9 requirement of law.

10 Section 17-5-530(B), South Carolina Code of Laws,
11 mandates that if a person dies of violence, that an autopsy
12 be conducted and a death investigation be conducted.
13 17-5-280 indicates that autopsy reports are required to be
14 kept by the medical examiner; in this case it's the coroner.
15 But these reports are mandated by law, which fits them into
16 that 803(9) exception. And so they are not hearsay.

17 The second part of *Cutro* which is important is its
18 discussion of how not having the pathologist conflicts with
19 the confrontation clause. Our Supreme Court looked to the
20 United States Supreme Court in *Crawford v. Washington*, where
21 the Supreme Court of the United States noted that business
22 records that are hearsay are not testimonial. And our court
23 -- our Supreme Court likened public records in the same way.
24 And they are not testimonial on nature. So I believe that
25 our calling the coroner as a witness does not violate the

1 confrontation clause.

2 I know your Honor mentioned --

3 THE COURT: Yeah, how would you distinguish that from
4 the -- was it a DMS report in *Brewer*?

5 MR. COOPER: Yes, sir. So that's *State v. Brewer*.

6 In that case, the -- it was the death of a child. It
7 was homicide by child abuse. The pathologist was, prior to
8 those findings, unable to draw a conclusion about the cause
9 of death, was unable to determine the cause of death. He
10 sent off the toxicology, I believe it was, to a private lab
11 for analysis. They found higher levels of oxycodone than was
12 expected.

13 That came back and helped indicate to the pathologist
14 that the cause of death was acute oxycodone toxicity, and
15 that helped them point directly to the defendant. And what
16 the Court looked at there was that information, 1, was
17 certainly important to the determination of the death and
18 certainly pointed very clearly -- even though the forensic
19 toxicologist did not know it at the time -- to the defendant.

20 And what our Supreme Court indicated in that case is
21 that it was testimonial because it certainly -- it would go
22 to the answer of a fact at issue, which was how did that
23 individual die. And the toxicology report pointed directly
24 back to oxycodone, which directly pointed to the defendant as
25 part of the investigation. That changed the nature of the

1 investigation, and what our courts said was that it was
2 testimonial as a result.

3 Contrasting that with *Cutro* and in this case is there is
4 no material fact at issue. The defense does not contest the
5 findings that the victim was shot the number of times that he
6 was and that he died from those wounds. And there is nothing
7 in how he was shot, how many times he was shot, in which
8 direction he was shot, that implicates Mr. Robinson more than
9 any other person.

10 And so I think this squarely falls under the blueprint
11 laid in *Cutro*. The autopsy report by Dr. Upshaw Downs is not
12 hearsay. We have the custodian of record and the person who
13 mandated the report, as required by law, here to testify and
14 to describe the findings. Again, she in no way will give any
15 kind of support or medical expertise other than maybe
16 defining some terms. But I think it is certainly contrasted
17 from *Brewer* because it is not testimonial in nature, it does
18 not more implicate the defendant than anybody else, and it's
19 simply is not a fact that's being contested in this case.

20 And so for those reasons, I would ask that you allow
21 Coroner O'Neal to testify and to testify to the contents
22 before we seek to admit the report, but its contents. And I
23 think the case law supports that.

24 THE COURT: Thanks, Counsel.

25 Ms. Martinez or Mr. King?

1 MS. MARTINEZ: Thank you, your Honor. May it please the
2 Court.

3 We do ask that you exclude Dr. O'Neal's testimony and to
4 require the State to produce Dr. Upshaw Downs to testify
5 about the findings in his autopsy report. *Crawford* requires
6 that where an out-of-court statement is testimonial, the
7 Courts apply the primary purpose test. And in this situation
8 of the report, your Honor, the primary purpose for the report
9 -- the autopsy report was to serve -- I'm sorry, your Honor.

10 So your Honor, because the state law requires that the
11 coroner conduct the autopsy, we believe that the statements
12 in the autopsy report are testimonial in nature and that the
13 State should call Mr. Upshaw Downs to testify at this trial.

14 The State mentioned -- cited to *Cutro*, which came out in
15 2004, which also cited to *Crawford*. That came out around the
16 same time. And then there are the other cases. There's
17 *State v. Brewer* that came out in 2022.

18 We just think that *Cutro* was decided when this law was
19 being developed, and so we think that the statements in the
20 autopsy report are testimonial, your Honor.

21 THE COURT: Okay. Anything else, Counsel?

22 MS. MARTINEZ: Your Honor, the cases that I was
23 referencing earlier that came after *Crawford* was decided were
24 *Melendez-Diaz*, *Bullcoming*, *State v. Brewer*, after the law in
25 *Crawford* was developed.

1 THE COURT: Okay. Thank you, Counsel.

2 Anything else in response?

3 MR. COOPER: I think just briefly, if Ms. Martinez is
4 trying to make the assertion that *Brewer* somehow overruled
5 *Cutro*, it didn't. And the Supreme Court had the occasion if
6 they wanted to. They left *Cutro* as the law of our state, and
7 we think we certainly fit in the exception carved out by our
8 Supreme Court in *Cutro*. And I think we're distinguished --
9 completely distinguished from *Brewer*. And the admissibility
10 of that testimony is supported by case law in our state.

11 THE COURT: Ms. Martinez, did you have anything else?

12 MS. MARTINEZ: No, your Honor.

13 THE COURT: Okay. You were still standing. I just
14 wanted to be sure.

15 Okay. I am going to -- I guess -- well, defense, y'all
16 have filed a motion in opposition, so I will -- I'm going to
17 deny that motion. I am going to allow Bobbi Jo O'Neal to
18 testify as the county coroner as to the findings
19 specifically. And I do find under 803(8) and 803(9) that it
20 is allowed in. Also, it will -- I find that it is relevant
21 under 404. Also, I find that it is not testimonial and does
22 not implicate in the confrontation clause.

23 Is there anything else --

24 MS. MARTINEZ: No, your Honor.

25 THE COURT: -- that you need on the record on that?

1 MS. MARTINEZ: No, your Honor.

2 THE COURT: Okay. All right. So I will take y'all's
3 lead on what we need to go to next, whatever motion.

4 MR. ZEIGLER: I think the State's motion to exclude the
5 evidence of the victim's alleged plan to rob Cal Lockwood
6 would be next, your Honor.

7 THE COURT: Okay. You can proceed.

8 MR. ZEIGLER: Thank you, your Honor. May it please the
9 Court.

10 Two witnesses in this case, Saguni Dotson and E.J.
11 Morgan, told police detectives in their respective interviews
12 that Jaquez Butler had told them he planned to "lick the
13 punk." "Lick" is a slang term for "rob," and "the punk" is
14 the victim of the robbery -- or the planned robbery, which
15 was Cal Lockwood.

16 First, the State's first argument is that it's just not
17 relevant to the case. And if Mr. Robinson were aware of that
18 robbery and was shooting the victims to prevent that robbery,
19 then it might be relevant or it would be relevant. However,
20 that's not the case in our case. Mr. Robinson and
21 Mr. Frasier, the codefendant, neither of them knew Cal
22 Lockwood. Cal Lockwood would testify to that. Neither of
23 them knew Jaquez Butler or Eugene Morgan, the two victims in
24 this case. The surviving victim would testify to that.

25 Additionally, we did a widespread social media search

1 and cell phone searches, and there was no contact
2 information, no Facebook friends, no contact between Robinson
3 or Frasier and the victims Eugene Morgan and Jaquez Butler,
4 nor was there any contact between the defendants and Cal
5 Lockwood, who was the suspected victim of the robbery.

6 So I just don't think it's relevant, first of all, to
7 the shooting.

8 Second of all, it's certainly hearsay that that's going
9 to be elicited from something that Jaquez Butler allegedly
10 told two people in a car. That would need to fall under one
11 of the hearsay exceptions, and it doesn't. There are 21
12 exceptions, and none of them are applicable here.

13 Under Rule 804, the exception for unavailability as a
14 witness includes when the declarant is unavailable to testify
15 because of death, but it also still must fall under 804(b),
16 which would be former testimony, a statement under the belief
17 of impending death, a statement against interest, or a
18 statement of personal or family history. In our case, there
19 are no circumstances suggesting that it falls under those
20 exceptions.

21 Under Rule 404(b), evidence -- 404(b)(1), evidence of a
22 person's other crimes, wrongs, or acts are not admissible to
23 prove that person's character in order to show that they
24 acted in accordance with that character on a particular
25 occasion.

1 And 404(b)(2) says that it is admissible for motive,
2 opportunity, intent, preparation, plan, knowledge, absence of
3 mistake, or lack of accident. So the State would argue that
4 if that were to be elicited by the defense for the reason --
5 er, to show that he killed -- that they killed Jaquez Butler
6 to protect Cal Lockwood or to protect himself, then that
7 would make sense. But he was never suspected to be the
8 victim of the robbery by Jaquez Butler.

9 And furthermore, like I said earlier, they had no --
10 there is no connection between any of these parties. The
11 only connection between these parties is that Jaquez Butler
12 and Eugene Morgan were planning to meet up with Cal Lockwood
13 at the pool. And Israel Robinson would have had no knowledge
14 of that prior to reviewing the discovery, honestly, with his
15 attorney.

16 So it doesn't make much sense to allow testimony of a
17 suspected -- not even carried out -- prior bad act because
18 the defendant had no knowledge of it. He wouldn't have known
19 before shooting the victims that that's what they were going
20 to do. He wasn't -- he certainly wasn't acting as a
21 bodyguard or a hitman for Cal Lockwood. And if he was, then
22 I think that would benefit us.

23 Additionally, I can count -- I can't count how many
24 times when I was a 16-year-old kid I said I was going to do
25 something and never ended up doing it. I was just talking a

1 big game and saying that I was going to do something that I
2 thought was cool.

3 So I just don't think it's relevant. I don't think it's
4 an exception under hearsay.

5 And as far as res gestae goes, the evidence would be
6 admissible under res gestae if it furnishes part of the
7 context of the crime or is necessary for a full presentation
8 of the crime.

9 THE COURT: That it was related?

10 MR. ZEIGLER: Yeah, right. It would have to be related.
11 And it's not related. The alleged plan to rob a third party
12 is not related to -- if that person who planned that robbery
13 was to be killed by somebody who is completely unrelated. It
14 doesn't bring anything factually to the case that would be
15 necessary to present the case fully.

16 Furthermore, the -- that rule specifies that the crime
17 -- er, the charges against the defendant are so intimately
18 connected with this thing that they're trying to present that
19 is being brought up, and it's really not. It's not connected
20 at all.

21 And additionally, the victim was shot and -- shot 16
22 times, and his body was just laying there in the playground
23 when police and EMS responded. There was no evidence that he
24 even had a gun, your Honor. I mean, to be frank, Eugene
25 Morgan claims that Jaquez Butler had a gun, but Saguni Dotson

1 says that Eugene is the one who had a gun. Eugene denies
2 that.

3 Additionally, there was no cartridge cases other than
4 the two sets of .22-caliber long rifle cartridge cases that
5 are alleged to have come from the defendants. There were no
6 cartridge cases near the victim's body. All of the shots
7 went in through the back or his right side, his hip and his
8 biceps. That would indicate he wasn't shooting at anybody;
9 he was running away or facing the other direction. There's
10 no evidence that the victim even had a gun.

11 I just don't think it's relevant. I don't think it
12 falls under the res gestae exception because it doesn't --
13 it's not necessary to present a full presentation of the
14 case. It doesn't fall under 404(b). And it's hearsay.

15 Additionally, I was not provided notice by the defense
16 within ten days of the trial that they intended to use this
17 evidence.

18 So that's all from the State, your Honor.

19 THE COURT: Ms. Martinez?

20 MS. MARTINEZ: Yes, your Honor.

21 I don't believe that the defense is required to provide
22 notice.

23 THE COURT: I'm not going to make a finding. I'm going
24 to allow -- I mean, I need to make a ruling on it, but that's
25 not going to factor into my decision on this. Okay?

1 MS. MARTINEZ: Thank you, your Honor.

2 So we are attempting to question the two witnesses.
3 Mainly what we want to get to is what they were doing and
4 what their plans were with Mr. Jaquez. I don't think we've
5 ever -- well, in the motion there is an indication exactly
6 about what statements the State would like to be excluded
7 that were potentially made by Mr. Jaquez.

8 What we want to get into with the witnesses is about
9 what they were doing, and that goes to the bias and the
10 motive to misrepresent. I think the prosecutor just told you
11 that Ms. Saguni Dotson said Eugene had a gun. Eugene said
12 that Jaquez had a gun. Eugene is lying initially to
13 detectives about what they were all -- the three of them were
14 doing in the community. So he wasn't honest from the
15 beginning.

16 And we think that we need to -- we do have the ability
17 to be able to ask them or ask them about what they were doing
18 so that the jury can then determine whether or not they're
19 believable witnesses and if they have a motive to
20 misrepresent their testimony at trial.

21 The next thing is regarding any statements that
22 Mr. Jaquez Butler might have made to Eugene Morgan and Saguni
23 Dotson while they were in the car on the way to Pinecrest
24 while they were planing the robbery. I believe those are
25 admissible under South Carolina Rules of Evidence 404(b) (4)

1 because those are statements that Mr. Jaquez was making
2 against his own interest. They were all planing the robbery,
3 and had the robbery occurred, they would have all been held
4 liable or responsible, including Mr. Jaquez Butler.

5 So to the extent that any of the witnesses -- or that we
6 ask any questions that would get into any statements that
7 Mr. Jaquez made, I do think that we get to ask those
8 questions and that those statements would be admissible under
9 the rules.

10 Regarding the res gestae theory, I understand the
11 State's argument, your Honor, but I think that the jury needs
12 to hear what was happening at that time. They need to know
13 what the three individuals were doing in Pinecrest regarding
14 their plan to rob Cal Lockwood so that they can understand --
15 have a better understanding of the context in which the crime
16 was committed.

17 And I haven't gotten that far into the research, but I
18 don't know or I don't believe that there is any case that
19 says that the res gestae theory would apply only in the
20 situation where the State is presenting evidence of earlier
21 prior crimes by the defendant in the prosecution of the
22 defendant.

23 THE COURT: Counsel, how about, like, under res gestae
24 -- or however you correctly pronounce it -- that it's not
25 related in any way to the crime?

1 MS. MARTINEZ: Can you ask that again?

2 THE COURT: Well, I mean, it's not related to the crime
3 that took place.

4 MS. MARTINEZ: Well --

5 THE COURT: Even tenuously. I mean --

6 MS. MARTINEZ: Well, in a way it is, your Honor, because
7 had the three individuals not been at the community at that
8 particular place and time, maybe none of this would have
9 happened. And so I think it's related. I think that without
10 that -- you know, what the State wants the jury to hear is
11 that the three individuals just happened to be in the
12 community -- which they weren't; they were planning a robbery
13 -- and that they were just randomly attacked.

14 And again, we do believe -- I mean, there's evidence
15 that Mr. Jaquez and Eugene were armed.

16 THE COURT: That what now?

17 MS. MARTINEZ: Jaquez and Eugene were carrying weapons.
18 When they were walking around the complex, they were carrying
19 the weapons in their hands or in their pockets.

20 THE COURT: Anything else?

21 MS. MARTINEZ: No, your Honor.

22 THE COURT: Okay. Anything in response from the State?

23 MR. ZEIGLER: Yes, your Honor.

24 Regarding res gestae, it really isn't related to the
25 crime that's on trial today or this week.

1 As far as the defense's response to that, they did have
2 another purpose for being there. Jaquez, who was 16 years
3 old, he was on summer vacation. His grandmother lived in
4 Pinecrest, and he was staying with her for a very short time
5 in between living full time with his mother and being picked
6 up by his father for a couple of weeks during the summer.

7 So he was there for a short time. He didn't belong
8 there usually, but he belonged there at that time. He was
9 literally living there for a couple of days. So there are
10 other reasons for his presence there. And I believe that's
11 what the witnesses would elicit.

12 Now, if the defense wants to ask Eugene Morgan or Saguni
13 Dotson, "Did the" -- you know, "Did the victim" -- er, "Did
14 Jaquez Butler have a gun?" I don't have a problem with that.
15 Maybe that's relevant. I really -- I mean, unless they're
16 asserting self-defense, I don't think even that's relevant.

17 But I do want to note that that's not what we're mostly
18 concerned with here. Mostly the fact that the defendant did
19 not know what they were allegedly planning to do is our main
20 thing. I mean, if he -- had he known that and he was
21 protecting that person from that robbery, that might be a
22 different story.

23 And under Rule 403, this would just confuse the jurors.
24 I mean, that just makes it almost impossible for them to
25 understand what is actually being charged. And they might

1 even begin to believe that Mr. Robinson was, in fact, a
2 hitman for Cal Lockwood. It really is just a character
3 attack on the victim, who isn't even here to defend himself.
4 So we think it's not admissible.

5 I would -- what I would request is that the jury be sent
6 out before the testimony of Saguni Dotson and Jaquez Butler
7 -- er, Saguni Dotson and Eugene Morgan and just those
8 witnesses be instructed that they don't mention anything
9 about a plan to rob Cal Lockwood. I think that would be the
10 best way to prevent any form of bias or improper irrelevant
11 hearsay.

12 Thank you, Judge.

13 THE COURT: Okay. Anything else in response,
14 Ms. Martinez?

15 MS. MARTINEZ: The only thing is -- I think you saw it
16 in our motion, Judge -- while Jaquez was visiting his
17 grandmother in the area, Saguni and Eugene had no other
18 reason to be there other than they picked him up earlier in
19 the afternoon and then they were bringing him back to
20 Charleston and then they all decided that they were going to
21 rob Cal Lockwood. That's how Saguni Dotson and Eugene ended
22 up back at Pinecrest and parking between the entrance and
23 between the pool, which was -- basically, Saguni Dotson was
24 parked near the exit as the getaway driver, so she was
25 involved in the robbery.

1 We don't think that that's going to confuse the jury. I
2 think it's going to give the jury a clearer picture of what
3 was happening, of what each individual was doing at Pinecrest
4 at that particular time.

5 THE COURT: Thank you, Ms. Martinez. Anything else?

6 MS. MARTINEZ: No.

7 THE COURT: Okay. Okay. I'm going to step down for a
8 second. I just want to think about this. And then I'll make
9 a ruling on it.

10 Is there any other motion? Or would the next one be
11 *Jackson v. Denno*?

12 MR. ZEIGLER: Yeah, the next one is *Jackson v. Denno*,
13 your Honor.

14 THE COURT: Okay.

15 MR. ZEIGLER: And that would include the defense's
16 motion to suppress the defendant's own statement at the
17 1-hour-11 mark and the 29-minute mark. The State is going to
18 stipulate that the statement be cut at 29 minutes when the
19 defendant says, "I plead the Fifth." We think that's fair
20 and appropriate. There's no point in us arguing something
21 like that at this time.

22 THE COURT: We still need to have that hearing. But
23 from the time standpoint, is that something that you want to
24 go ahead and do, or would you rather wait until the morning?

25 MR. ZEIGLER: We can start and see if we're done with

1 the witnesses by like 4:00 or 4:15.

2 THE COURT: Okay. But we don't need to do that before
3 we start with openings.

4 MR. ZEIGLER: No. I don't plan on mentioning anything
5 from out of the defendant's mouth to the jury.

6 THE COURT: Okay. All right. Well, I'm going to step
7 down for a second. I just want to think this through, and
8 then I'll get back to y'all. Okay?

9 MR. ZEIGLER: Okay.

10 THE COURT: So I need like five minutes.

11 MR. ZEIGLER: Okay. Thank you, Judge.

12 THE COURT: Maybe a little bit longer.

13 And I do want, you know, the parties to know both of you
14 did a great job briefing the issues. I promise you I've read
15 them. And so I just want to thank y'all for doing that.
16 That's helpful to me.

17 MR. ZEIGLER: Thank you, Judge.

18 (Court recessed.)

19 (Court resumed outside the presence of the jury.)

20 THE COURT: I just -- I wanted to take a little more
21 time to look at the briefs again after hearing arguments.
22 And again, just doing my very best to try to get things
23 right. I don't always get them right.

24 But just after looking at this and really considering
25 Rule 401 and 402, just relevance, it is a low threshold, but

1 still in the context of this case and after listening to all
2 the facts, I just -- I don't think it crosses the threshold.
3 So I don't see how this is relevant to this case.

4 I also don't find that there is an appropriate exception
5 for the hearsay. I don't follow that -- er, I am also making
6 a finding that it does not fall under the res gestae. The
7 other bad acts, they're not an integral part or really even
8 related to the crime with which Mr. Robinson is charged.

9 So that's my finding there.

10 And then even if you were able to make an argument -- or
11 that I were to find it relevant, which I'm not, I just don't
12 think it gets by under Rule 403 where, you know, although
13 evidence may be relevant, it still can be excluded if its
14 probative value is substantially outweighed. In this case, I
15 think it would be confusion of the issues and misleading the
16 jury.

17 So that's my decision. Y'all are protected on the
18 record. Okay?

19 Is there anything else we need to add?

20 MS. MARTINEZ: Your Honor, may we proffer the witnesses'
21 testimony at some point --

22 THE COURT: You absolutely, absolutely can proffer that
23 testimony at the appropriate time. They're going to be
24 calling these witnesses, right?

25 MR. ZEIGLER: Yes, your Honor.

1 THE COURT: Okay.

2 MR. ZEIGLER: Both of those two will be called.

3 THE COURT: Okay. And then we will instruct them at the
4 appropriate time that they're not to make any kind of mention
5 of the robbery. As Counsel's already stated, though, you --
6 you know, it's open for you to ask whether or not he had a
7 gun. I think that was what --

8 MS. MARTINEZ: Your Honor, may --

9 MR. ZEIGLER: Your Honor, that's correct.

10 MS. MARTINEZ: Yeah. And may we ask that of both
11 witnesses? Because one said Jaquez had --

12 THE COURT: You can ask both of the witnesses whether or
13 not there was a gun. So what we'll do is we will -- yeah,
14 well, I mean, I guess that will be sometime tomorrow, we'll
15 just proffer that testimony. Okay? And that way y'all will
16 be adequately protected.

17 MS. MARTINEZ: Thank you.

18 THE COURT: Okay. Anything else before we bring the
19 jury in now?

20 MR. ZEIGLER: Nothing from the State, Judge.

21 MS. MARTINEZ: Nothing from the defense, your Honor.

22 THE COURT: Okay. All right.

23 MR. ZEIGLER: Oh, Judge, motion to sequester witnesses.
24 All the State's witnesses I think should be prevented from
25 coming into courtroom before their testimony except for the

1 case agent Michel Sanchez.

2 THE COURT: Okay.

3 MR. ZEIGLER: He's outside right now.

4 THE COURT: Are you making that motion on behalf of
5 defense?

6 MR. ZEIGLER: I just wanted to know if I could bring him
7 in since --

8 THE COURT: The one -- the what? The lead investigator?

9 MR. ZEIGLER: Yes, your Honor.

10 THE COURT: Certainly. But I would imagine that y'all
11 would --

12 MS. MARTINEZ: Yes, your Honor.

13 THE COURT: -- agree with the motion to sequester all
14 witnesses.

15 MS. MARTINEZ: Yes, your Honor.

16 THE COURT: Okay. And also, please -- I had this come
17 up with a recent case that I had. Tell them not to talk to
18 each other at all. I had a lady that was, like, taking notes
19 and talking to the person in the last trial that I had. It
20 was just crazy. So please tell them to not discuss this
21 among themselves. Thank you.

22 Let's get our jury back in here.

23 THE BAILIFF: Yes, your Honor.

24 (The jury entered the courtroom at 3:56 p.m.)

25 THE BAILIFF: All jurors are present, your Honor.

1 THE COURT: All right. Thank you.

2 (Name redacted by order of the Court)?

3 You know what? Do you mind moving this podium? Are
4 y'all going to need the podium?

5 MR. ZEIGLER: Yes, your Honor.

6 THE COURT: You want to put it in front of the jury.

7 MR. ZEIGLER: Yes, your Honor.

8 THE COURT: Okay. Okay. Good.

9 (Name redacted by order of the Court)?

10 JURY FOREPERSON: Yes, sir.

11 THE COURT: Okay. You're going to be serving as our
12 foreperson.

13 JURY FOREPERSON: Yes, your Honor.

14 THE COURT: Thank you.

15 Madam Clerk?

16 CLERK OF THE COURT: Will the defendant please stand.

17 Ladies and gentlemen of the jury, if you'd please stand
18 and raise your right hand to be sworn.

19 (The jury was sworn to try the issues.)

20 CLERK OF THE COURT: If you have accepted this oath,
21 please be seated. If you have not accepted this oath, please
22 remain standing.

23 Let the record reflect all jurors have been seated.

24 THE COURT: Thank you.

25 Ladies and gentlemen, you are now the jury in this case,

1 reasonable doubt. The defendant does not have to prove his
2 innocence.

3 After you have heard all the evidence on both sides, the
4 State and the defense will each be given time for their final
5 arguments. I just told you that the opening statements by
6 the lawyers are not evidence, and the same applies to the
7 closing arguments. They are not in evidence. In their
8 closing arguments, the lawyers for each side will attempt to
9 summarize and help you understand the evidence that was
10 presented.

11 The final part of the trial occurs when I instruct you
12 about the rules of the law that you are to use in reaching
13 your verdict. After hearing my instructions, you will leave
14 the courtroom together to make your decision, and I will
15 inform you when you can begin deliberating.

16 It's your added duty, Mr. Foreperson, to preside in the
17 jury room and be the jury spokesperson here in court. It
18 will also be your duty to write the verdict, but I will give
19 you further instructions about that at the conclusion of the
20 case.

21 We will now begin the trial.

22 State?

23 MR. ZEIGLER: Thank you, your Honor.

24 Sixteen-year-old Jaquez Butler was gunned down in a
25 playground from someone else's fight. The fight was between

1 Israel Robinson and some of his former associates in the
2 Liberty Hill neighborhood of North Charleston. Those people
3 and Mr. Robinson had a disagreement over some money. They
4 beat up his little brother to show him that they meant
5 business.

6 Well, Jaquez Butler had nothing to do with that fight,
7 and neither did his cousin Eugene Morgan. Butler didn't even
8 know Israel Robinson. He lived in Moncks Corner with his
9 mother. He was 16 years old. But it was summer vacation,
10 and he was spending a little bit of time with his grandmother
11 in a neighborhood called Pinecrest. He was just there for a
12 short period of time, so he would have looked like he didn't
13 really belong there.

14 On June 22, 2021, he was going to meet up with someone
15 named Cal Lockwood at the pool area. Mr. Robinson lived at
16 Pinecrest full time. It's a tight-knit apartment complex.
17 And like I said, Mr. Butler looked like he didn't belong
18 there.

19 On June 22, 2021, Israel Robinson and his friend Framon
20 Frasier, Jr., who you'll actually hear from, were at
21 Robinson's apartment. They went to a corner store called
22 Max's Quick Stop right outside of the gate. It's less than
23 -- it's literally right outside of the gate. You make a
24 right into the complex.

25 Frasier, Robinson's codefendant, went inside that store.

1 While Frasier was inside, Mr. Robinson got a phone call from
2 somebody back at Pinecrest saying that "The people that are
3 hunting you, the people that beat up your little brother,
4 they're here." So he speeds back to find those hunters. He
5 spots them, speeds around the block, parks his car on the
6 opposite side of the playground. The pool area is beyond
7 where Mr. Robinson parked his vehicle.

8 Robinson and Frasier got out carrying two AR-style --
9 AR-15-style rifles and ran towards the unsuspecting Butler
10 and Eugene Morgan, who were walking through the playground to
11 get to the pool. Robinson opened fire first, followed by
12 Frasier, who ran towards Mr. Butler as he tried to run away
13 from the gunfire.

14 Sixteen-year-old Jaquez Butler was shot 16 times.
15 Eugene Morgan escaped. Mr. Butler didn't. Twenty-eight
16 cartridge cases were found on scene in two separate and
17 distinct areas, like I said. They were tested at SLED, and
18 an expert confirmed that 12 of them were fired by one rifle
19 and 16 of them were fired by another rifle.

20 A search warrant was done on Mr. Robinson's vehicle.
21 The same brand and caliber of ammunition from the scene was
22 found in Robinson's backpack in the trunk of his vehicle, and
23 his fingerprint came back on a flap on one of those boxes.
24 There was also a receipt for that ammunition that was
25 purchased just three and a half hours prior to the shooting,

1 along with a 35-round magazine for the same caliber that was
2 used in the shooting.

3 There's no evidence that shows that Mr. Butler or Eugene
4 Morgan actually shot at the defendants -- at Mr. Robinson or
5 Mr. Frasier. No cartridge cases were found near Mr. Butler's
6 dead body. He wasn't found with a gun. Instead, he was
7 found with 16 bullet holes in his body. The entry wounds, 14
8 out of 16 of them were in his back. The other two were in
9 his side, in the hip and the biceps. He wasn't hunting
10 Mr. Robinson. He was turning and running for his life.

11 So like I said, you will hear from Mr. Frasier in this
12 case. He played a large part in the murder itself,
13 obviously, but he's also going to play a big part in this
14 case. He's already pled guilty, and he's awaiting
15 sentencing. And you'll hear from him, hopefully, on Tuesday
16 or Wednesday.

17 I just want to touch on the law very briefly. Judge
18 Fant will instruct you on the law at the end of this trial,
19 but there are some intricacies with these charges that I need
20 to address. He's charged with murder, attempted murder, and
21 possession of a weapon during a violent crime.

22 Regarding the weapon charge, both murder and attempted
23 murder are violent crimes under South Carolina law. So if
24 you find him guilty of either -- of the murder, then the
25 possession of a weapon -- it attaches to that charge is what

1 I'm trying to say.

2 As far as murder goes, the elements are killing another
3 with malice aforethought. "Killing another" is obvious.
4 It's anything that causes somebody's death.

5 "Malice aforethought" is a mental state that goes along
6 with that killing. So malice aforethought can be shown by
7 having the intent to kill or inflict grievous bodily harm, or
8 extreme recklessness and indifference to human life, such as
9 shooting somebody with another person without provocation a
10 total of 28 times at two different people walking through the
11 playground.

12 Malice aforethought can also be shown by somebody
13 preparing to commit the crime, or "lying in wait" is what
14 they call it. An example of that would be driving around
15 with rifles and buying ammo and extended magazines just hours
16 prior to shooting people, ambushing them and not even
17 confronting them to see if they were actually hunting him or
18 recognizing somebody to see if they were actually the ones
19 that he recognized to be hunting them.

20 "Attempted murder" is the same as murder except specific
21 intent is required. And obviously, the victim in that
22 situation would not have passed away. So this could be shown
23 by the defendant's actions like shooting a gun at two people
24 and successfully killing one of them.

25 The last thing I want to touch on is something in South

1 Carolina that we have called "The hand of one is the hand of
2 all." It simply means that if a crime is committed by two or
3 more people who were acting in concert in committing that
4 crime, the act of one is the act of all. So for example, two
5 people could be guilty of killing another person when only
6 one person of the two people had the gun, even if there was
7 only one bullet and even if only one of the two people fired
8 the shots.

9 So I don't want you to reward Israel Robinson by finding
10 him not guilty for being a bad shot. The law tells you you
11 can't do that under "The hand of one is the hand of all."
12 And remember that none of this would have happened if not for
13 Israel Robinson's plan to kill the hunters. But don't forget
14 that Jaquez Butler wasn't a hunter. Jaquez Butler was simply
15 meeting up with a person named Cal Lockwood at the
16 neighborhood pool where he was staying with his grandmother.

17 So at the end of this trial, I trust that you will have
18 seen enough evidence and heard enough testimony to find
19 Israel Robinson guilty of all three charges.

20 Thank you.

21 THE COURT: Ms. Martinez?

22 MS. MARTINEZ: Thank you, your Honor.

23 So when the North Charleston Police Department began
24 their investigation into this homicide, they convinced
25 themselves that Israel Robinson was involved. They started

1 their investigation looking at some video, the surveillance,
2 getting some leads. Some leads they decide to follow and
3 others they don't.

4 They eventually interview the codefendant, Mr. Framon
5 De'Angelo Frasier, in this case. And Framon told detectives
6 what they wanted to hear. He told them, "Yes, I was
7 involved, but Israel Robinson had more to do with this than I
8 did." And they ran with it. And so did the State, and
9 that's why we're here today.

10 But Israel didn't do anything wrong on June 22, 2021.
11 He didn't shoot anyone. He wasn't attempting to shoot
12 anyone. He didn't shoot at anyone. The only thing he might
13 have done wrong at that time was possibly making poor choices
14 as to who his friends were.

15 Now, let me tell you a little bit about Mr. Framon
16 De'Angelo Frasier. He is the codefendant on this case
17 because he too was charged with murder, attempted murder, and
18 possession of a weapon during the commission of a crime. If
19 you throw away attempted murder and possession of a weapon
20 during a violent crime, he was facing a minimum of 30 years,
21 maximum of life.

22 Now, a few months ago, in 2024, Mr. Framon Frasier pled
23 guilty to voluntary manslaughter. He negotiated a deal with
24 the State that in exchange for his testimony he would get a
25 minimum of 15 to 20 years. Does he have an incentive to

1 continue this here today? Of course he does.

2 Now, you are going to see him, of course, walking
3 through one of those doors. He's going to sit on the witness
4 stand, and he's going to point the finger at my client.

5 Mr. Framon, even though he's been convicted of voluntary
6 manslaughter, is still on bond. And he doesn't have to go to
7 court -- he doesn't get to go to court for a sentence until
8 after he testifies against Israel Robinson in this trial.

9 Now, I don't think you're going to hear from any other
10 witnesses that are going to say that Israel Robinson shot at
11 Jaquez Butler or Eugene Morgan. You're not going to hear any
12 witnesses who are going to describe anybody that looked like
13 Israel Robinson other than Framon. You're going to hear from
14 Framon Frasier, and of course he's going to say that my
15 client was involved.

16 I do believe you're going to hear from witnesses who are
17 going to testify and say that the person who shot at Jaquez
18 and Eugene fit the description of Framon Frasier. You're
19 going to hear that from witnesses, and no one is going to
20 tell you -- other than Framon -- that my client shot at
21 Jaquez and Eugene.

22 Now, I think it seems kind of odd, you know, that
23 sometimes when somebody is cornered, they tend to deflect
24 responsibility onto somebody else. Like, "Yes, I did it, but
25 look that way. Look over there. Look at that person." But

1 I think that it's time for this narrative to end. Framon has
2 been convicted. If anybody else was involved in the
3 shooting, then it certainly wasn't Israel Robinson.

4 So what I trust that you're going to hear at the end of
5 this trial -- let me back that up. What I know you're going
6 to do at the end of this trial is go to the jury room to
7 deliberate. I know that you're going to consider all the
8 evidence critically. And I know that once you have had an
9 opportunity to consider everything that is before you, that
10 you are going to find Israel Robinson not guilty for the
11 murder of Jaquez, and you're going to find him not guilty for
12 the attempted murder of Eugene Morgan and not guilty of
13 possession of a weapon during the commission of a crime.

14 Thank you.

15 THE COURT: Thank you.

16 All right. State?

17 MR. ZEIGLER: The State calls Lorenzo Johnson.

18 CLERK OF THE COURT: Would you please raise your right
19 hand and place your left on the Bible.

20 (Witness sworn.)

21 CLERK OF THE COURT: Please be seated.

22 Please state your full name, spelling your last name
23 loudly and clearly into the microphone.

24 THE WITNESS: Lorenzo Johnson. First name
25 L-O-R-E-N-Z-O. Last name Johnson, J-O-H-N-S-O-N.

1 LORENZO JOHNSON,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. ZEIGLER:

6 Q. Thank you, Mr. Johnson.

7 Where are you from?

8 A. North Charleston, South Carolina.

9 Q. And it's fair to say you don't really want to be here
10 today?

11 A. I had no choice.

12 Q. And that's because we served you with a subpoena, right?

13 A. A subpoena.

14 Q. Where do you currently work?

15 A. I currently work with Johnson Investigation and Security
16 Agency.

17 Q. Is that your own business?

18 A. Yeah, it's my business.

19 Q. Okay. Did you previously work at a store called Max's
20 Quick Stop near the Pinecrest Apartments?

21 A. I was a part owner there.

22 Q. Part owner?

23 A. Yes.

24 Q. Okay. And that's right next to the Pinecrest --
25 formerly known as Pinecrest?

1 A. Pinecrest is behind it, yes.

2 Q. Okay. Did you have the occasion back on June 22, 2021,
3 of seeing the defendant and Mr. Framon Frasier, his
4 codefendant, in the parking lot of Max's Quick Stop?

5 A. No.

6 Q. Did you speak to a detective telling her that you did, a
7 detective named Charity Steinbrunner, on June 25, 2021, at
8 8:00 p.m.?

9 A. No.

10 Q. Okay. Do you remember telling me on the phone that if
11 you did, it would be recorded or written in a statement?

12 A. Yes. If she had a recorder on or a statement, but --

13 Q. Right.

14 A. -- I never speak to her.

15 Q. Okay.

16 MR. ZEIGLER: Your Honor, I'd like to impeach the
17 witness under Rule 613(b) by confronting him with a statement
18 he provided to Detective Charity Steinbrunner on June 25,
19 2021.

20 THE COURT: You've identified the statement time and
21 place that it was taken?

22 MR. ZEIGLER: Yes, your Honor.

23 THE COURT: All right.

24 MR. ZEIGLER: And he denied making that statement.

25 THE COURT: Okay.

1 BY MR. ZEIGLER:

2 Q. Did you tell Detective Steinbrunner that the occupant of
3 the car that you saw in the parking lot that day recently had
4 an issue with his younger brother being robbed in Liberty
5 Hill and that he was concerned about people hunting him, and
6 that the occupants of the vehicle showed you an AR-15 rifle
7 that they were going to use for protection.

8 A. No. I can't -- I can't recall.

9 Q. Okay. Did you tell Detective Steinbrunner that you were
10 working that night and asked her if she saw you on the video
11 speaking to the occupants of the gold Nissan from your own
12 vehicle?

13 A. I can't recall.

14 Q. Did you ask Detective Steinbrunner if there were rifle
15 round on the scene of the crime, to which she stated she
16 could not tell you either way?

17 A. I can't recall.

18 Q. Did you tell her that the occupants of the gold Nissan
19 had an assault rifle in the vehicle?

20 A. I can't recall.

21 Q. Did you tell her that there was an incident in Liberty
22 Hill between two groups and one of the groups attacked the
23 other group's -- a member of the other group's little
24 brother?

25 A. I definitely can't recall. Never been there that I saw.

1 MR. ZEIGLER: I have nothing further for this witness,
2 Judge.

3 THE COURT: Cross-examination?

4 MR. KING: Not from defense, your Honor.

5 THE COURT: Okay. You may step down, sir.

6 MR. ZEIGLER: Your Honor, I'd like to keep Mr. Johnson
7 under subpoena subject to recall.

8 THE COURT: That's fine.

9 MR. ZEIGLER: Thank you, Judge.

10 (Witness excused.)

11 THE COURT: Next witness.

12 MR. COOPER: The State calls Detective Danielle Cockrum.

13 CLERK OF THE COURT: Please raise your right hand and
14 place your left on the Bible.

15 (Witness sworn.)

16 CLERK OF THE COURT: Please be seated.

17 Please state your full name, spelling your last name
18 loudly and clearly into the microphone.

19 THE WITNESS: Danielle Cockrum. Cockrum is
20 C-O-C-K-R-U-M.

21

22

23

24

25

1 DANIELLE COCKRUM,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. COOPER:

6 Q. Good afternoon, detective.

7 A. Good afternoon.

8 Q. Will you tell the jury where you are currently employed.

9 A. North Charleston Police Department.

10 Q. And how long have you been with North Charleston?

11 A. Since March of 2015.

12 Q. And what is your current role there?

13 A. I am currently working in investigations in the persons
14 unit.

15 Q. And what was your role in June of 2021?

16 A. I was -- at that time I was working in investigations in
17 the property unit.

18 Q. Describe for the jury about your role as a detective.

19 A. My role as a detective is to follow up on all incident
20 reports that are assigned to me.

21 Q. And will you tell the jury how you became involved in
22 this case.

23 A. I collected video footage.

24 Q. Can you describe for the jury the role of the detective
25 bay when a homicide comes in. Is it all hands on deck?

1 A. Normally anytime we have a homicide, it is all hands on
2 deck. All units -- SVU, white collar, property, persons --
3 we come together and we just hit the case really hard.

4 Q. And how did you know to go collect this video?

5 A. If memory serves me correctly, anytime we have to
6 collect video footage, we place it on the board. And on the
7 board there is a to-do list. And that location was on the
8 to-do list.

9 Q. Okay. And where did you respond to collect video?

10 A. On McMillan at the beauty supply store.

11 Q. And where was that beauty supply store located?

12 A. I don't know the exact address, but it's right there on
13 McMillan Avenue just past the hotel and that shopping center
14 where the Money Man Pawn is at.

15 Q. Is it a part of the strip mall?

16 A. Yes.

17 Q. Would you recognize a map of the area if I were to show
18 it to you?

19 A. Yes.

20 MR. COOPER: May I approach the witness?

21 THE COURT: Yes, you may.

22 BY MR. COOPER:

23 Q. Detective Cockrum, I'm going to show you what's been
24 marked for ID purposes only as State's 3. Do you recognize
25 that?

1 A. Yes.

2 Q. What does it appear to be?

3 A. It is the shopping plaza that I responded to.

4 Q. Okay.

5 MR. COOPER: Your Honor, at this time the State would
6 offer what's been marked for ID purposes only as State's 3
7 into evidence.

8 THE COURT: It's marked?

9 MR. COOPER: Yes, your Honor.

10 THE COURT: Okay.

11 MR. COOPER: So do you --

12 THE COURT: You've not moved it into evidence.

13 MR. COOPER: That's what I was asking, your Honor. At
14 this time the State would offer --

15 THE COURT: Okay. I thought you said you had just
16 marked it. I'm sorry.

17 MR. COOPER: Oh, no, your Honor. We'd like to offer it
18 for evidence at this point.

19 THE COURT: Any objection?

20 MS. MARTINEZ: No objection from the defense, your
21 Honor.

22 THE COURT: With no objection from defense, Number 3
23 comes into evidence.

24 (State's Exhibit Number 3 admitted into evidence.)

25 MR. COOPER: Thank you, Judge. May I publish?

1 THE COURT: Yes, you may.

2 BY MR. COOPER:

3 Q. State's 3 should come up right in front of you.

4 (Exhibit displayed on screen in open court.)

5 BY MR. COOPER:

6 Q. Now, will you orient the jury. Where are we -- well,
7 where are we in this picture?

8 A. So we are at the shopping plaza on McMillan Avenue.

9 Q. Okay. And will you identify for us where the beauty
10 supply store was where you collected the video.

11 A. In this area right here.

12 Q. Okay. And are you aware of what that area behind the
13 shop -- the strip mall is?

14 A. At that time it was called Pinecrest Apartments.

15 Q. Okay. Would you recognize a CD with the video that you
16 collected on it?

17 A. Yes.

18 Q. Detective, I'm showing you what's been marked as --
19 marked for ID purposes only already as State's 162. Do you
20 recognize that item?

21 A. Yes.

22 Q. And what is it?

23 A. It is video footage collected from the beauty supply
24 store.

25 Q. And how do you recognize it?

1 A. It was collected by me.

2 Q. And are your initials on that disk?

3 A. Yes.

4 Q. When you viewed it?

5 A. Yes.

6 MR. COOPER: Your Honor, at this time the State would
7 offer what's already been marked as State's 162 for ID
8 purposes only into evidence.

9 THE COURT: Counsel?

10 MS. MARTINEZ: We object, your Honor, on the grounds of
11 authentication.

12 THE COURT: On authentication?

13 MR. COOPER: I think the witness testified that she went
14 to that location and collected the video from that location.

15 THE COURT: Overruled.

16 MR. COOPER: Thank you.

17 (State's Exhibit Number 162 admitted into evidence.)

18 BY MR. COOPER:

19 Q. Finally, Detective, when you were collecting that video
20 footage, did you do anything to check the timestamp to see if
21 it was accurate?

22 A. Yes, I did.

23 Q. What did you do?

24 A. I had the manager pull up the camera system, and I then
25 used my cell phone to take a picture of a live view of the

1 camera system just to verify the times.

2 Q. Okay. And would you recognize that picture you took if
3 you saw it?

4 A. Yes.

5 Q. I'm showing you what's already been marked for ID
6 purposes only as State's 198. Do you recognize this picture?

7 A. Yes.

8 Q. And what does it appear to be?

9 A. It is a picture of the business camera system, like
10 their video recording system.

11 Q. And how do you know what that is?

12 A. Because I took that picture.

13 MR. COOPER: Your Honor, at this time the State would
14 offer into evidence what's already been marked for ID
15 purposes only as State's 198.

16 THE COURT: Defense?

17 MS. MARTINEZ: No objection, your Honor.

18 THE COURT: Thank you, Counsel.

19 Without objection, State's Number 198 comes into
20 evidence.

21 MR. COOPER: 198. Yes, your Honor. Thank you.

22 (State's Exhibit Number 198 admitted into evidence.)

23 MR. COOPER: And if you'll show us State's 198, please,
24 Shameka.

25 (Exhibit displayed on screen in open court.)

1 BY MR. COOPER:

2 Q. And describe for us what we're looking at in this
3 picture, please, Detective.

4 A. So you see the computer screen, and basically that
5 screen is from the beauty supply store and it's just all of
6 the cameras that they have. And then at the top you see
7 "10:33," and that was the time that -- actually -- yeah, that
8 was the time that I took the photo.

9 MR. COOPER: And then, Shameka, if you'll zoom in.

10 Q. [By Mr. Cooper] What is the timestamp contained on the
11 computer?

12 A. I'm looking for it.

13 Q. Above the logo in the center.

14 A. Oh. 10:34.

15 Q. So within a minute?

16 A. Yes.

17 Q. Okay. And you didn't actually view the video, did you?

18 A. I did not.

19 Q. What did you do with it?

20 A. As soon as I got the video footage, I took it back to
21 City Hall, downloaded it on the computer, and let the case
22 agent know that it was in the file.

23 Q. And who was the case agent?

24 A. Detective Sanchez.

25 MR. COOPER: Beg the Court's indulgence.

1 (Pause in proceedings.)

2 MR. COOPER: Detective, I have no further questions for
3 you. If you'll answer anything the defense may have for you.
4 Thank you.

5 THE COURT: Anything, Counsel?

6 MS. MARTINEZ: Nothing from the defense, your Honor.

7 THE COURT: Okay. Thank you.

8 You may step down.

9 (Witness excused.)

10 THE COURT: Anything else?

11 MR. ZEIGLER: Your Honor, the State doesn't have any
12 more witnesses for today.

13 THE COURT: Okay. Can y'all approach, please.

14 MR. ZEIGLER: Yes, your Honor.

15 (An off-the-record discussion was had at the bench.)

16 THE COURT: Okay. Ladies and gentlemen, we are going to
17 break for the day. Again, I want to thank you on behalf of
18 Charleston County and the State of South Carolina for your
19 service. It is so important.

20 When we take a break, like I told you, I'm going to
21 sound like a broken record. But I want y'all to return at
22 10:00 in the morning. I do not want you discussing this case
23 among yourselves, as I've said. Do not research anything.
24 Do not go by the scene. Do not pay attention to any type of
25 media or social, television coverage, newspaper coverage. If

1 you're contacted by anyone, please let the bailiff know.

2 And again, I've already told you this in the preliminary
3 charge but, you know, your family, your significant other is
4 going to want to know all about the case. Do not discuss it
5 yet. And I know that's difficult, but please do not discuss
6 it with anyone. Okay?

7 I will see you all at 10:00 in the morning. And again,
8 thank you for your service.

9 (The jury was released for the day and exited the
10 courtroom at 4:37 p.m.)

11 (The following proceedings were had outside the presence
12 of the jury.)

13 THE COURT: Okay. Let me know when y'all ready.

14 MR. COOPER: Judge, we're ready when you are.

15 THE COURT: Proceed.

16 MR. COOPER: The State calls Officer Sean Bernard.

17 CLERK OF THE COURT: Will you please raise your right
18 hand and place your left on the Bible.

19 (Witness sworn.)

20 CLERK OF THE COURT: Please be seated.

21 Please state your full name, spelling your last name
22 loudly and clearly into the microphone.

23 THE WITNESS: Sean Bernard, B-E-R-N-A-R-D.
24
25

1 SEAN BERNARD,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined outside the presence of the jury
4 regarding a pretrial motion and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. COOPER:

7 Q. Officer Bernard, will you tell the judge where you
8 currently work.

9 A. I currently work for the City of North Charleston Police
10 Department.

11 Q. You may have to lean up just a little bit.

12 And what is your role at the North Charleston Police
13 Department?

14 A. I am currently a patrol officer.

15 Q. How long have you been there?

16 A. Twelve years.

17 Q. What was your role back in June of 2021?

18 A. Detective sergeant over the special victims unit.

19 Q. Okay. Through the investigation in this case, were you
20 aware that North Charleston was actively looking for a
21 specific vehicle?

22 A. Yes, sir.

23 Q. And when we're talking about "this case," we're
24 referring to the shooting at Pinecrest in June of 2021?

25 A. Yes, sir.

1 Q. What kind of car were they looking for?

2 A. It was a gold Nissan with some bumper damage with a
3 state tag.

4 Q. Okay. Are you aware of if North Charleston ultimately
5 located that vehicle?

6 A. Yes, sir.

7 Q. Where did they locate it?

8 A. They located it in the Pinecrest apartment complex.

9 Q. And do you remember what -- when that was?

10 A. About eight days after the homicide.

11 Q. Okay. And what did you do with that information?

12 A. We were notified by patrol, so myself and another
13 detective responded to Pinecrest to ensure that the vehicle
14 would be towed to the warehouse for a search warrant.

15 Q. Okay. Describe for the judge what interactions you had
16 as the vehicle was being loaded onto the tow truck.

17 A. Yes, sir.

18 As soon as the tow truck was placed up on the flat rack,
19 we were met by an individual named Israel, who was the owner
20 of the vehicle. He met us at the car, kind of being
21 inquisitory as to why we were towing it.

22 Q. And you mentioned he was the owner of the car. Did he
23 indicate that to you?

24 A. He did say that, that it was his car and why were we
25 towing it.

1 Q. And when you say "Israel," do you mean the defendant
2 Israel Robinson?

3 A. Yes, sir.

4 Q. Okay. What did you ask of the defendant when you spoke
5 with him?

6 A. We said that the vehicle was of interest due to a
7 homicide and we were actually interested in speaking with him
8 as well.

9 Q. Did you ask him to come back to the police station?

10 A. Yes, sir.

11 Q. Did he agree to go?

12 A. Yes.

13 Q. How did he get to the police station?

14 A. He was taken by a patrol officer.

15 Q. If he had declined your invitation, what would you have
16 done at that point?

17 A. We would have left him, honestly.

18 Q. Why?

19 A. We didn't have enough at that time to confirm him being
20 the shooter and we didn't have the warrants.

21 Q. Okay. Were you involved in his interview when he got to
22 North Charleston?

23 A. Yes, sir.

24 Q. At the beginning of that interview, did you advise him
25 of his Miranda warnings?

1 A. Yes, sir.

2 Q. How did you do that?

3 A. We have a written form with the Miranda rights written
4 on it. I read line by line, ensuring that he understands
5 each line. And afterwards we sign each line together.

6 MR. COOPER: Your Honor, would you like the advisement
7 of rights form to be marked with a Court's exhibit sticker?
8 Do you have a preference? I had it marked with a State's,
9 but I can mark it with a Court's exhibit.

10 THE COURT: Well, it doesn't need to be marked twice. I
11 mean, y'all are going to be putting it into evidence.

12 MR. COOPER: So you're fine using State -- I can use
13 this?

14 THE COURT: Yeah. Just that --

15 MR. COOPER: Okay.

16 THE COURT: That will be fine. I mean, that will just
17 be noted on the record.

18 MR. COOPER: All right. Thank you, Judge.

19 THE COURT: And it will help our court reporter.

20 MR. COOPER: May I approach the witness?

21 THE COURT: Yes, you may.

22 BY MR. COOPER:

23 Q. Officer, I'm going to show you what's been marked as
24 State's 164. Will you indicate whether or not you recognize
25 that form.

1 A. I do.

2 Q. And what is it?

3 A. It's the Miranda rights form, the constitutional rights
4 that I read to Israel Robinson on 9/15.

5 Q. Okay. Does it have down there that you read it to him?

6 A. I'm sorry. No. I'm sorry. That was a different. I
7 apologize.

8 Q. And describe for the judge the paragraphs in the middle.
9 What are they?

10 A. Those are his Miranda rights line by line with his
11 initials next to them.

12 Q. And why are his initials next to those lines?

13 A. It's our indication that he acknowledges those rights as
14 I've read them to him and gave him an opportunity to put it
15 in front of him as well before he initialed each.

16 Q. Okay. And after you went through the rights, did he
17 agree to waive them?

18 A. Yes, sir.

19 Q. Did he appear confused or uncertain in doing so?

20 A. No, sir.

21 Q. Did he appear at any point in time confused as to what
22 you were telling him about his rights?

23 A. No, sir.

24 Q. Did he appear to understand?

25 A. Yes, sir.

1 Q. Did you deny him food, drink, water, bathroom, any of
2 that?

3 A. No, sir. We offered it to him up front. He declined it
4 at first, and I think later on he asked for something and we
5 gave it to him.

6 Q. Did you promise him anything to have him waive his
7 rights?

8 A. No, sir.

9 Q. Did you threaten him to have him waive his rights?

10 A. No, sir.

11 Q. Were you loud or intimidating in an effort to get him to
12 waive his rights?

13 A. No, sir.

14 Q. Was there anything about the interaction with him that
15 gave you pause about whether he knew what he was doing?

16 A. No, sir.

17 Q. That he understood what was going on?

18 A. Yes, sir.

19 Q. Or that he voluntary waived his rights? Did you have
20 any concern about that?

21 A. No, sir.

22 Q. Was that interview video recorded and audio recorded?

23 A. Yes, sir.

24 Q. And I think as you mentioned the advisement of rights,
25 is that at the beginning of the video?

1 A. Yes, sir.

2 Q. I'm showing you what's been marked already as
3 State's 189. Do you recognize this disk?

4 A. Yes, sir.

5 Q. What does it appear to be?

6 A. It's a video -- er, a disk recording of our interview.

7 Q. And how do you know what it is?

8 A. My initials are on it.

9 Q. And it's just a small clip from the beginning where you
10 advise him of his Miranda warnings?

11 A. Yes, sir.

12 MR. ZEIGLER: Your Honor, at this time I'd like to play
13 State's 189 for the Court.

14 THE COURT: That's fine.

15 MR. COOPER: For the record, it should be about four
16 minutes.

17 (Video played in open court.)

18 (Video paused.)

19 BY MR. COOPER:

20 Q. And just to pause it real quick, what were you talking
21 with him about prior to starting to go through the form?

22 A. That we had heard his name about wrestling in the past.
23 I kept a pretty good heartbeat of wrestlers in the community,
24 and that I heard his name pop up before in passing.

25 Q. Okay.

1 (Video resumed.)

2 BY MR. COOPER:

3 Q. Is that where you then turned and started the
4 substantive part of the interview?

5 A. Yes, sir.

6 Q. And does that video fairly and accurately depict your
7 interactions with him as you advised him of his rights?

8 A. Yes, sir.

9 MR. COOPER: Your Honor, that is a four-minute clip of
10 the beginning of the video. They are -- during this over an
11 hour-long video, there were two points indicated by the
12 defense where there were questions about whether the
13 defendant invoked his right to remain silent. One occurred
14 at the 29:11 minute mark, and one occurred almost an hour
15 later. The State and defense have agreed to stop the
16 recording at the 29:11 minute mark. So if we were to play
17 any of this for the jury, it would be the first 29 minutes,
18 and then we would stop the recording.

19 THE COURT: For the remainder, it would just stop?

20 MR. COOPER: Exactly. We wouldn't bring up or talk
21 about or introduce the remainder.

22 THE COURT: You will not?

23 MR. COOPER: Past the 29:11 minute -- er, 29 and 11
24 seconds.

25 THE COURT: Yeah, and after that, it is -- it's

1 excluded.

2 MR. ZEIGLER: Yes, your Honor.

3 MR. COOPER: Yes, your Honor.

4 MS. MARTINEZ: That's our understanding. Yes, your
5 Honor.

6 THE COURT: Okay.

7 MR. COOPER: With that in mind, Judge, I have no further
8 questions of Officer Bernard.

9 Please answer any the defense may have for you.

10 THE WITNESS: Yes, sir.

11 THE COURT: Ms. Martinez?

12 MS. MARTINEZ: I don't have any questions for the
13 witness, your Honor.

14 (Witness excused.)

15 THE COURT: Any arguments to be made briefly by the
16 parties concerning that?

17 MR. COOPER: Your Honor, I believe the State's testimony
18 with Officer Bernard made it clear that defendant's waiver of
19 his rights were knowingly, freely, and voluntarily made. He
20 understood what he was doing when he was advised of them.
21 And he was well advised by then-Sergeant Bernard. As I
22 mentioned before, the State and defense agree to stop the
23 interview at 29 minutes and 11 seconds and exclude the rest
24 of it. But we think that we have shown he voluntarily,
25 knowingly, and intelligently waived his rights.

1 THE COURT: Ms. Martinez?

2 MS. MARTINEZ: Your Honor, the defense would argue that
3 the waiver of his rights were not knowingly, voluntarily, and
4 freely given. I think that's shown by the totality of the
5 circumstances. Mr. Robinson did not drive himself over to
6 the police department. Police actually showed up to his home
7 to tow his car. And I believe that another person in similar
8 circumstances would have thought that, you know, they had no
9 choice in the matter.

10 THE COURT: Further arguments?

11 MR. COOPER: Your Honor, as Officer Bernard testified,
12 if the defendant had not been inclined to go with law
13 enforcement, then they would have left him there. There was
14 nothing in the record -- and there is no evidence because it
15 doesn't exist -- that they forced him to go and they somehow
16 prevented his leaving. They asked him to go and he went.

17 And at the very beginning, other than talking about
18 wrestling, Sergeant Bernard -- then-Sergeant Bernard advised
19 the defendant of his warnings. That was clear on the video.
20 There's no question that was done properly and the defendant
21 understood.

22 And the defendant did have -- I didn't elicit this, but
23 I can if I need to, but it will come out in the trial. But
24 the defendant had his cell phone with him. Certainly if they
25 had placed him under arrest they would have taken that cell

1 phone. They did not.

2 He rode in a patrol car because they were towing his
3 vehicle. But again, as the officer testified, he was free to
4 leave. He didn't have to come. They didn't force him. And
5 then once there, they extended him every courtesy and
6 properly followed the warnings before any substantive
7 questioning began. He could have chosen to stop talking or
8 leave at any point and did not.

9 So we think this was done properly and his statement,
10 pursuant to the agreement we've made, should be admitted.

11 THE COURT: All right. As y'all are fully aware, under
12 *Jackson v. Denno*, a defendant is entitled to a reliable
13 determination as to the voluntariness of his confession by a
14 tribunal other than the jury charged with deciding his guilt
15 or innocence. So I am charged as the trial judge to look at
16 the totality of the circumstances in determining the
17 voluntariness of the statement. And so I have to look and
18 see if the defendant's confession was given freely,
19 voluntarily, and knowingly, or if somehow the defendant's
20 will was overborne by the totality of the circumstances
21 surrounding his confession.

22 After listening to the testimony and reviewing the
23 evidence and looking at the totality of the circumstances, I
24 do find that this confession and statement was freely,
25 knowingly, and voluntarily made. Okay?

1 MS. MARTINEZ: Yes, sir.

2 THE COURT: It will come in under *Jackson v. Denno*.

3 I don't know -- I guess y'all will reintroduce it at the
4 time, but --

5 MR. COOPER: Yes, your Honor. We would do it through
6 Sergeant Bernard.

7 THE COURT: Okay. Anything else from the State or
8 defense today?

9 MR. ZEIGLER: No, your Honor. Not from the State.

10 MS. MARTINEZ: Not from the defense, your Honor.

11 THE COURT: Okay. So we have decided that we will
12 return at 9:30?

13 MR. ZEIGLER: Yes, your Honor, to address the 911 call
14 admissibility.

15 Oh, yeah. Would you like a link or a --

16 THE COURT: Yeah, I thought there was going to be some
17 kind of drop, but I did not see --

18 MR. ZEIGLER: We intended to drop the entire interview
19 of Mr. Robinson, but since we've come to this agreement, we
20 decided that -- since we agreed to suppress it at 29, as the
21 defense wanted, we didn't think that was necessary because
22 what they were asking for was --

23 THE COURT: Okay. But I'm talking about the 911. So it
24 was basically his statement that y'all were going to do in
25 the Dropbox?

1 MR. ZEIGLER: Yes, your Honor.

2 THE COURT: Not the 911 calls?

3 MR. ZEIGLER: Yes, your Honor. But we can do the --

4 THE COURT: We'll listen to the 911 calls in the
5 morning.

6 MR. ZEIGLER: Okay. Yeah, we can send them to you if
7 you'd like them tonight. But we can also -- we'll bring
8 copies of them, obviously.

9 THE COURT: Okay. All right. Sounds great.
10 Y'all have a great evening. Thank you.

11 MR. ZEIGLER: Thank you, Judge.

12 MS. MARTINEZ: Thank you.

13 (Court recessed at 4:57 p.m., to resume at 9:30 a.m.
14 Tuesday, December 10, 2024.)
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1 (Court resumed at 9:37 a.m., Tuesday, December 10, 2024,
2 outside the presence of the jury.)

3 THE COURT: Okay. Is the State ready to proceed?

4 MR. ZEIGLER: Yes, your Honor.

5 THE COURT: Defense?

6 MS. MARTINEZ: Yes, your Honor.

7 THE COURT: Thank you.

8 Okay. We're going to be hearing a motion pertaining to
9 the three 911 calls. Is that correct?

10 MR. COOPER: Your Honor, before we do that, can we
11 address one matter?

12 Cal Lockwood, who was the witness that came down from
13 Columbia that went back to Columbia last night, we are going
14 to be requesting a bench warrant. We had -- we communicated
15 with Cal Lockwood last night. Our investigator agreed and
16 talked with her about meeting her at her residence in her
17 Columbia and picking her up and bringing her here because her
18 car was broken down. She wanted to ride a Greyhound bus, and
19 we'd rather have her ride with our office. Our investigator
20 went to her house this morning, got there about an hour ago,
21 has tried every which way on the phone and at the residence
22 to get ahold of her. No luck. And I think at this point we
23 determined she's probably not sleeping inside. When this
24 case was originally scheduled for the October 7 trial docket,
25 we had the Richland County Solicitor's Office serve her a

1 physical subpoena. Then she got in touch with us. She
2 accepted the subpoena for this docket via text and email and
3 was cooperative and in contact with us up until last night.
4 And I don't know what happened between now and then, but our
5 investigator is at that complex, has been there, sees her
6 vehicle, sees mail pertaining to her, but just can't -- no
7 contact, no calls, no nothing. And we would ask for a bench
8 warrant to try to ascertain her.

9 THE COURT: Okay. I don't know that y'all -- I mean, do
10 you want to be heard on that?

11 MS. MARTINEZ: No, your Honor.

12 THE COURT: Okay. Yeah, I'll sign a bench warrant.
13 Will y'all just get that to me? Or you have one now?

14 MR. COOPER: I think we're going to have one created.

15 THE COURT: Okay.

16 MR. COOPER: Sorry about that, Judge. We were --

17 MR. ZEIGLER: She was our first witness today.

18 THE COURT: Okay. I mean, certain things are out of
19 your control.

20 Okay. Next, 911 calls.

21 MR. ZEIGLER: Yes, your Honor.

22 THE COURT: I guess y'all are -- I mean, it's your
23 motion.

24 MS. MARTINEZ: Yes. Yeah. We are objecting to the
25 admissions of both of the 911 calls, your Honor.

1 The first one, Mr. Miller's call, in their State -- in
2 the State's pretrial motion, they mentioned that they wanted
3 to utilize the call to show motive. But Mr. Miller made the
4 call about three hours after the event had happened, so
5 there's no emergency in progress.

6 He also was not a witness. He was not a witness so he
7 had no personal knowledge to the events that happened at
8 Pinecrest. He didn't live in the area. We don't know how he
9 came about that information that there had been a shooting.
10 He didn't even mention that Israel might have been shot. He
11 only mentioned that he might have been the target.

12 And regarding his other son's part as well, they would
13 be a similar thing. He wasn't there when that other incident
14 happened, so that information about his youngest son had been
15 given to him at some point.

16 And so they're hearsay, and there's no exception. Like,
17 the business records exception doesn't apply because the
18 statements that he made in the 911 call are his objective
19 opinions about what he thought had happened, about why he
20 thought or how he thought that these two events might have
21 been related.

22 And your Honor, we also have the additional hurdle of
23 the confrontation clause. We have not had a chance to
24 question Mr. Miller about what he knew, didn't know what
25 happened or didn't happen and, you know, what made him think

1 that the two events were related.

2 THE COURT: So you'd argue that it's testimonial.

3 MS. MARTINEZ: It is testimonial hearsay, your Honor.

4 And there's no hearsay exception for this.

5 THE COURT: And I'm sorry. I thought that you -- were
6 you finished?

7 MS. MARTINEZ: Yes.

8 THE COURT: Okay. And I didn't see Mr. Miller, I don't
9 think, listed as a witness.

10 Is that correct?

11 MR. ZEIGLER: That's correct, your Honor.

12 THE COURT: Okay.

13 MR. ZEIGLER: Mr. Miller is Mr. Robinson's stepfather,
14 and we weren't able to locate him.

15 THE COURT: Ms. Martinez, do you have anything else
16 pertaining to the James Miller 911 call?

17 MS. MARTINEZ: I don't have anything else, your Honor.

18 THE COURT: Okay. State, do y'all want to play it?

19 MR. ZEIGLER: Yeah, we can. I think that might give you
20 an idea --

21 THE COURT: Yeah, I want to listen to all three of them.
22 But we'll listen to the James Miller first.

23 (Audio played in open court.)

24 THE COURT: Okay. I'll hear from the State.

25 How's that not testimony?

1 MR. ZEIGLER: We don't think it's testimonial because
2 he's -- there is an ongoing emergency. The shooters are at
3 large. It's an ongoing issue that he's been trying to get
4 his son to go talk to police about, but Mr. Robinson refused
5 to go talk to police about who jumped his brother. And so
6 it's multiple ongoing emergencies at the same time that this
7 phone call is trying to assist with, and so we don't think
8 it's testimonial for that reason.

9 The crime is still ongoing. It doesn't just end when it
10 happens. I mean, there's -- if the shooters are at large or
11 the person who is alleged to have committed the crime is at
12 large, then that's still an ongoing emergency in the State's
13 eyes.

14 I don't think that it was intentionally gathered or
15 intentionally provided by Mr. Miller for use at trial. I
16 think it was truly used to stop the ongoing emergency and try
17 and help the police find out who, I guess, he thought was
18 coming after his son, rather than specifically for use in the
19 prosecution of this case. I don't think he would have called
20 had he known that it was going to end up potentially being
21 used.

22 MS. MARTINEZ: So --

23 THE COURT: Are you finished?

24 MR. ZEIGLER: Yes, your Honor. Thank you.

25 THE COURT: Okay.

1 MS. MARTINEZ: So your Honor, Mr. Miller was -- when he
2 found out about his other son's assault, he reported it to
3 the police. Police never identified who the assailants were.
4 Right? And what he was doing in this situation, from the
5 call and everything we know about the case, is he was trying
6 to assist the police in capturing those -- you know, the
7 assailants. Right? But he was assuming that they were the
8 same people when he refers to who they are. But he wasn't
9 there. You know, he doesn't know what happened.

10 And, you know, the assault with his first son, that was
11 one emergency. This one, of course, was a separate
12 emergency. The incident happened around 8:02 p.m. Police
13 responded -- were called and then responded about 15 minutes
14 later. That is, you know, the initial 911 call that was made
15 for the purpose of emergency services. But this one, it was
16 not. It is testimonial for that reason because he wasn't
17 making the call for the purposes of solving this emergency.

18 It seemed like he didn't even know there had been a
19 murder. Right? He just thought it was people shooting
20 looking for Israel. So it doesn't seem like he was even
21 aware of the murder. So he wasn't calling so the police
22 could respond to the scene to provide service s to the person
23 who had been shot.

24 So that's why we think, your Honor, this is testimonial
25 hearsay and should be excluded unless the State can provide

1 Mr. Miller as a witness so that we can have a opportunity to
2 cross-examine him.

3 THE COURT: As it pertains to James Miller, the 911
4 call, I am going to exclude it. I'm going to find that it is
5 testimonial in nature.

6 MR. ZEIGLER: Okay.

7 THE COURT: All right. The other two?

8 And just for the record, I mean, as far as the Sixth
9 Amendment confrontation clause, you know, prohibits the
10 admission of testimonial hearsay against a defendant if the
11 declarant is not available to testify at trial. So that's my
12 ruling on that.

13 Now we'll hear the -- there's two other 911 calls?

14 MS. MARTINEZ: There are. And we are objecting to a
15 call. We do not know the caller's name. She didn't provide
16 a name. She makes that call around -- it's 2326 hours, so
17 that would have been around over two hours after the incident
18 had happened. We're objecting to it as testimonial hearsay.

19 So this is very similar to Mr. Miller's call. She was
20 calling about a past event. Right? She was calling to
21 provide information about the shooting, but she was also at a
22 third location and she was relating information to the
23 dispatcher that had been given to her by her 87-year-old
24 father-in-law.

25 So we're objecting to the entire call, your Honor, also

1 because we need to be able to cross-examine that caller. She
2 clearly has no knowledge about what happened. All the
3 information she's providing there is information that was
4 relayed to her by somebody else.

5 And as I said, any statements she made are -- you know,
6 it would be in violation of the Sixth Amendment confrontation
7 clause to allow the 911 call without us having an opportunity
8 to cross-examine her or the 87-year-old father-in-law who
9 allegedly saw the two people running with what looked like
10 rifles.

11 And regarding that caller -- not that caller, but the
12 87-year-old, you know, in her call it makes it -- she makes
13 it seem like he can't or couldn't see anything, that he's not
14 capable of talking to dispatch, "so that's the reason I'm
15 calling you." We would like to be able to also have an
16 opportunity to cross-examine him about his ability to see
17 clearly. Right? And so if the State can't provide any of
18 those two witnesses, we think that this call should also be
19 excluded because it's testimonial hearsay.

20 THE COURT: Okay. State?

21 MR. ZEIGLER: Thank you, your Honor.

22 First of all, the caller is dead. He was 87 at the time
23 of the call, and he died in 2022. We did not know,
24 obviously, that that was going to happen.

25 So we've got two issues here. Right? There's two

1 layers of hearsay, obviously. There is the 87-year-old
2 father-in-law who is calling his daughter-in-law, who is then
3 calling the dispatch center in order to assist with an
4 ongoing emergency.

5 The first layer, from the father-in-law to the daughter,
6 is definitely -- I mean, it definitely falls under the
7 excited utterance exception or the present sense impression
8 exception to hearsay. He was perceiving the events or he had
9 just perceived the events. She says in the phone call that
10 "he pulled down his blinds and saw two guys get into the car
11 with rifles." He's obviously perceived that very recently.

12 Additionally, for present sense impression, he called
13 her right after he observed it. And again, for excited
14 utterance, he's still clearly under the excitement of the
15 events. I mean, otherwise, why are you calling her and
16 trying to get her to report this because you can't do it
17 yourself? I think it's one of those situations where family
18 members can communicate with him, but he's so old and, I
19 mean, obviously died right after this that he may have had a
20 hard time communicating with -- some people might not have
21 been able to understand him, is what I'm trying to say,
22 Judge.

23 So the intrinsic reliability of an excited utterance
24 derives from the statement's spontaneity. So I think that
25 that covers the first layer of the hearsay from the old man

1 to the daughter-in-law.

2 THE COURT: Okay.

3 MR. ZEIGLER: When you get to the second layer of
4 hearsay, this is a business records exception from the caller
5 to the dispatch center. Obviously we'd be calling the 911
6 consolidated dispatch records custodian in order to introduce
7 this evidence.

8 Additionally, there are -- there is case law that says
9 in *State versus Blackburn*, 271 S.C. 324, a time interval of
10 over one hour and up to 11 hours does not necessarily
11 eliminate a statement as part of res gestae in a case. So I
12 believe that also applies to the hearsay exceptions.

13 But say we get past that and we get to the confrontation
14 clause. *Davis versus Washington* says that 911 calls are
15 nontestimonial, first of all. Statements are nontestimonial
16 under circumstances objectively indicating the primary
17 purpose is to help police meet an ongoing emergency, since
18 the person is not testifying; they're simply calling 911.

19 This call is obviously made for the purpose of emergency
20 services. It's an ongoing emergency. She made the call
21 because her father-in-law was unable to speak to other
22 people. And there was an ongoing emergency. He lived at
23 Pinecrest. He was probably concerned he witnessed two guys
24 running by his window with rifles and then probably saw a
25 dead kid in the playground and wanted to help with the

1 ongoing emergency of investigating and capturing the people
2 that did this.

3 So I don't think that -- you know, it's not like she
4 called 911 after these guys were arrested and said, "Here,
5 use this to prosecute them." She did it in order to assist
6 with the ongoing emergency.

7 And additionally -- I can play this one for you too.
8 It's only two minutes long.

9 THE COURT: Yeah.

10 MR. ZEIGLER: You can hear it in her voice. She has a
11 very obvious sense of urgency in this 911 call. She is very
12 adamant that -- she even says -- I'll have to read it. She
13 says that she called 911 and the news media to help whoever
14 to do whatever because the emergency and investigation were
15 still ongoing. So if she's calling the news media, she's
16 trying to help get any information out that she can in order
17 to prevent, like, further emergencies and to help with the
18 ongoing emergency. If it had been settled, she wouldn't have
19 had to call news media and 911.

20 And she said it herself. I don't think you would --
21 would you like to hear it.

22 THE COURT: Sure.

23 MR. ZEIGLER: Okay.

24 THE COURT: Thank you.

25 (Audio played in open court.)

1 THE COURT: Okay. Are y'all going to be able to
2 properly authenticate it?

3 MR. ZEIGLER: Yes, your Honor, through the consolidated
4 dispatch.

5 THE COURT: Anything in response, Ms. Martinez?

6 MS. MARTINEZ: Yes, your Honor.

7 The standard in *Davis*, Judge, is that statements are not
8 testimonial when made in the course of police interrogation
9 under circumstances objectively indicated as the primary
10 purpose of the interrogation is to enable the police to
11 assist to meet an ongoing emergency. And the Court in *Davis*
12 noted that this didn't apply to statements made in the
13 absence of interrogation are necessarily nontestimonial.

14 This caller made the call over two hours after the
15 emergency. It's implied in the call. The police were
16 already aware of the emergency. Police had already
17 responded. Police were already investigating.

18 And in her call, she even said that she's providing this
19 information specifically about the description so if that can
20 help whoever do whatever. Right? So that shows that she was
21 providing the information to dispatch to provide a
22 description -- right? -- for the purposes of criminal
23 prosecution -- right? -- that was to come in the future of
24 whoever might have been arrested. So I think that's also
25 implied in the call.

1 And I think that if they can't provide her as a witness,
2 your Honor, I think that entire call should be excluded as
3 well. She wasn't calling for an emergency. She was
4 describing a past event, providing facts about a past event
5 in this situation.

6 Because we're not able to cross-examine her, we don't
7 know when she spoke to her father-in-law. Was it immediately
8 after the incident? Or if he decided to call her two hours
9 after the incident, after the police had arrived, after
10 they'd been investigating, maybe he was thinking, "Okay. I'm
11 going to call someone to let them know what I saw so that
12 maybe they can catch, you know, these two people, you know,
13 during the investigation." So we're not able to
14 cross-examine her about that either.

15 So -- yeah, that's all I have, your Honor.

16 THE COURT: Okay. I'm going to overrule your objection.
17 You're noted on the record, and I'm going to allow that 911
18 call in. I find that it is reliable and that it is
19 statements that are not testimonial, with the primary purpose
20 of being, I guess, to help the police in an ongoing
21 emergency. I think it's appropriate to enter. All right?

22 So the next one here, I guess there's a third 911 call?

23 MR. ZEIGLER: Yes, your Honor. I believe that one is
24 without -- there's no objection to that one as far as a
25 pretrial suppression motion goes.

1 MS. MARTINEZ: That's correct, your Honor.

2 THE COURT: Okay. I thought there were three. So all
3 right.

4 The only other, I guess, motion we have will really just
5 be when we deal with the expert. And you'll have voir dire
6 at that time.

7 MS. MARTINEZ: Yes, your Honor. Thank you.

8 THE COURT: The SLED expert.

9 Anything else?

10 MR. ZEIGLER: No, your Honor. I believe that's all. He
11 will be here on Wednesday, so we can address it at that time.

12 THE COURT: Okay. All right. Bring my jury back.

13 THE BAILIFF: Yes, your Honor.

14 THE COURT: Y'all ready to proceed?

15 MR. ZEIGLER: The State's ready, your Honor.

16 THE COURT: Defense?

17 MS. MARTINEZ: Defense is ready, your Honor.

18 THE COURT: Okay.

19 MR. COOPER: And your Honor, before the jury comes in,
20 just to let you know, Cal Lockwood did wake up. I guess she
21 was asleep. So we're going to try to get her en route now.

22 THE COURT: Okay. So we may hear from --

23 MR. COOPER: And hopefully we'll get her here without
24 problem.

25 THE COURT: -- from her this afternoon?

1 MR. ZEIGLER: Yes, your Honor. I believe this
2 afternoon, unless she's here by probably 11:30.

3 THE COURT: Okay.

4 MR. ZEIGLER: We do have three other witnesses -- 911
5 and then three other witnesses for this morning. We should
6 be able to get through them pretty quickly.

7 THE COURT: Okay. Y'all, again, just tell me logistics.
8 Y'all know your cases and the amount of time you need, and we
9 got enough time for whatever you need, but when will be a
10 good time to break for lunch and, you know, all of that.

11 (The jury entered the courtroom at 10:09 a.m.)

12 THE BAILIFF: All jurors are present, your Honor.

13 THE COURT: Thank you, sir.

14 Good morning. Y'all please take a seat. I hope you had
15 a good night's rest.

16 All right. We're going to proceed with the State's
17 case-in-chief.

18 MR. ZEIGLER: The State calls Amanda Jernigan.

19 CLERK OF THE COURT: Please raise your right hand and
20 place your left on the Bible.

21 (Witness sworn.)

22 CLERK OF THE COURT: Please be seated.

23 Please state your full name, spelling your last name
24 loudly and clearly into the microphone.

25 THE WITNESS: Amanda Jernigan, J-E-R-N-I-G-A-N.

1 AMANDA JERNIGAN,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. ZEIGLER:

6 Q. Thanks for being here.

7 Where are you employed?

8 A. Charleston County 911.

9 Q. And how long have you been there?

10 A. Thirteen years.

11 Q. What's your current position?

12 A. QA supervisor.

13 Q. And what are some of your duties in that role?

14 A. I supervise both the QA department and the analyst
15 division over the FOIAs.

16 Q. Okay. Do you sometimes receive subpoenas from our
17 office requesting certain information from your office?

18 A. I do.

19 Q. And when a person calls 911, are those calls recorded?

20 A. Yes.

21 Q. Okay. And is a written record also recorded?

22 A. Yes.

23 Q. What is that called?

24 A. A CAD report.

25 Q. Okay. And those are -- those recordings take place at

1 the time of the call, correct?

2 A. Yes.

3 Q. And it's a regularly conducted activity of your office
4 to record and collect those phone calls and store them until
5 potentially needed in something like a trial?

6 A. Yes.

7 Q. Okay. And how are those calls stored? Are they in,
8 like, a server or a --

9 A. Yeah, digitally.

10 Q. Okay.

11 A. Mm-hmm.

12 Q. When you receive a subpoena from our office or a request
13 for some of those records, how do you retrieve the calls?

14 A. So we pull up the CAD report so that we can see the
15 incident and look up the call in our recording system. Then
16 we listen to it to verify, and then we save that recording.

17 Q. And were you able to listen to the calls in this case?

18 A. I was.

19 MR. ZEIGLER: Your Honor, may I approach the witness?

20 THE COURT: Yes, sir.

21 BY MR. ZEIGLER:

22 Q. Can you please identify that item.

23 A. Yes.

24 Q. Is it a disk containing the 911 calls?

25 A. It is.

1 Q. Okay. And how do you know that?

2 A. It has my initials on it and the date.

3 Q. Okay. So to the best of your knowledge, the audio on
4 that disk fairly and accurately represents the 911 -- one of
5 the 911 calls from this case?

6 A. Yes.

7 Q. Okay.

8 MR. ZEIGLER: Your Honor, at this time the State moves
9 to admit State's 212 into evidence and publish it for the
10 jury.

11 MS. MARTINEZ: Subject to prior objections, your Honor.

12 THE COURT: Okay. And I overrule your objection. It
13 will come in --

14 State's 212?

15 MR. ZEIGLER: Yes, your Honor.

16 THE COURT: Thank you.

17 (State's Exhibit Number 212 admitted into evidence.)

18 (Audio played in open court.)

19 BY MR. ZEIGLER:

20 Q. And that's not you on the other side of the phone?

21 A. No.

22 Q. Okay.

23 MR. ZEIGLER: I have nothing further from this witness,
24 your Honor.

25 THE COURT: Okay. Anything from defense on cross?

1 MS. MARTINEZ: Nothing from the defense, your Honor.

2 THE COURT: Okay. Thank you.

3 You may step down. Thank you, ma'am.

4 (Witness excused.)

5 MR. COOPER: The State calls Officer David Pritchard.

6 THE COURT: Would counsel approach just real quick.

7 (An off-the-record discussion was had at the bench.)

8 CLERK OF THE COURT: Please raise your right hand and
9 place your left on the Bible.

10 (Witness sworn.)

11 CLERK OF THE COURT: Please be seated.

12 Please state your full name loudly and clearly into the
13 microphone.

14 THE WITNESS: David Pritchard, P-R-I-T-C-H-A-R-D.

15 DAVID PRITCHARD,

16 called as a witness on behalf of the State, being first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. COOPER:

20 Q. Officer Pritchard, will you tell the jury where you're
21 currently employed.

22 A. The North Charleston Police Department.

23 Q. And what is your role there?

24 A. Currently I'm assigned to patrol on the day shift.

25 Q. How long have you been on patrol?

1 A. I went back to patrol in May of this year.

2 Q. And prior to that, what was your role at North
3 Charleston?

4 A. I was a detective assigned to the persons crimes
5 division.

6 Q. Was that your role back in June of 2021?

7 A. Yes, sir, it was.

8 Q. Would you describe for the jury some of the duties and
9 responsibilities of being a detective in the persons unit.

10 A. It's a nice way of saying we're a violent crime unit.
11 We do anything from low-level assault all the way up to
12 homicides. We work suspicious deaths, suicides, armed
13 robberies -- any crimes against persons in the community.

14 Q. Okay. Will you tell the jury how you became involved in
15 this case.

16 A. I was the call-out persons crimes detective. So it was
17 in the evening hours; our team wasn't working. So once a
18 murder happens, they'll call a persons crimes detective to
19 come out and kind of lead the case.

20 Q. And where were you called out to?

21 A. Pinecrest Apartments.

22 Q. And in regards to what?

23 A. It was patrol responded in reference to calls for shots
24 fired. And whenever they got there, they found a deceased
25 male in the playground area of the complex.

1 Q. And would that have been June 22 of 2021?

2 A. It was.

3 Q. And is that location in Charleston County?

4 A. Yes, it is.

5 Q. Describe for the jury what you and others detectives do
6 at a scene like this when you first arrive.

7 A. The first thing and the most important part is
8 maintaining the scene, preserving evidence, stuff like that.
9 If there are any witnesses, making sure they're separated so
10 we can interview them. And then also we'll canvass. So when
11 we're doing canvasses, we're looking for any video or
12 witnesses.

13 Q. When you arrived on scene in this case, were you briefed
14 about what had previously gone on on scene?

15 A. Yeah. Correct. So the units that were working that
16 night was the white collar division and also our special
17 victims unit. So I met with both detectives. They briefed
18 me on kind of what they had up to that point. And then from
19 there we did a canvass after that.

20 Q. Was the victim still on scene when you arrived?

21 A. He was.

22 Q. How did y'all identify the victim?

23 A. He had a cell phone laying next to him, and inside the
24 case of the cell phone was his ID cards. We were able just
25 compare the picture of the ID card to his face and confirm it

1 was him.

2 Q. And what was his name?

3 A. Jaquez Butler.

4 Q. And you observed his body while on scene?

5 A. I did.

6 Q. Describe for the jury your observations of the victim.

7 A. He was laying face up initially when I got there.

8 Whenever the coroner got there, he started examining his

9 body. He noticed several gunshots but we kind of were

10 limited on just what we could find without removing all his

11 clothes. And all the gunshots appeared to be into the back.

12 Q. Okay. And after you got on the scene and observed the
13 victim and were briefed, what did you do after that?

14 A. Well, after that is when we started canvassing for any
15 video and any potential witnesses that patrol may have
16 missed.

17 Q. And when you talk about canvassing for video witnesses,
18 what are you looking for?

19 A. Well, witnesses, which is very important. If we had an
20 eyewitness who saw what happened and could tell us who the
21 bad guy is, that's important for us. If we can't get to
22 that, any video that may have captured the incident. If not
23 the incident, maybe somebody running around the corner or
24 anything that would be out of the ordinary for that area.
25 Video is important and witnesses are very important.

1 Q. Were you successful in locating any witnesses?

2 A. No.

3 Q. Is that uncommon in your experience for that area?

4 A. No. The Pinecrest Apartments is a very, very high crime
5 area. We have several murders there every year, and people
6 do not want to assist us for the most part. So it's not
7 uncommon for that area, no.

8 Q. After your attempts to canvass, what did you then do
9 next?

10 A. Well, that's when I met with the coroner and that's when
11 we examined the body. Once the body was done with, that's
12 when me and the coroner went and met with the victim's
13 mother.

14 Q. And who was that?

15 A. That's Ms. Jessica Ancrum, I believe her name is.

16 Q. Was she aware that her son had been to Pinecrest.

17 A. Yeah. So the victim's grandmother lives at Pinecrest,
18 and he'd been staying there for about two weeks prior to
19 this.

20 Q. Did you learn anything else of importance from her?

21 A. Yeah. Learned through her and the family that the
22 victim would have been with a cousin by the name of E.J.,
23 which is Eugene Morgan.

24 Q. Did you make any attempts to contact him?

25 A. I did. I called him on the -- on his cell phone, and he

1 agreed to come meet with me the following day at our police
2 department.

3 Q. Did he ultimately come meet with you?

4 A. He did.

5 Q. How would you describe his involvement throughout this
6 case?

7 A. Not very cooperative at all. The information that we
8 were able to get from him, it was pulling teeth. It was
9 hard.

10 Q. Okay. And then going back to your efforts to locate
11 video footage, did Pinecrest, the apartments, have any video
12 surveillance?

13 A. Yeah. They have several cameras now, but back then they
14 only had a few.

15 Q. Are you familiar with those cameras?

16 A. Very.

17 Q. How?

18 A. Like, we go there a lot. I work -- I was assigned a
19 murder there four months prior to this, not to mention all
20 the other crime scenes and persons that I've had to deal with
21 in that complex.

22 Q. At some point in time, did North Charleston actually
23 have access to the video surveillance from Pinecrest?

24 A. Yeah. So we had to go there so often to download
25 footage that they actually give us a website where we can

1 access their footage remotely. So we'd go to -- be in our
2 office. We can log into their camera systems and play back
3 or watch live from their video system.

4 Q. And you were able to view the video footage from this
5 case?

6 A. Yeah.

7 Q. And how do you know that it was the video footage for
8 this case?

9 A. I know their system. I could look back over their video
10 and I could tell you exactly what location that video's from.
11 I know the complex. We spent a lot of time out there.

12 Q. Okay.

13 MR. COOPER: Your Honor, may I approach the witness?

14 THE COURT: Sure.

15 BY MR. COOPER:

16 Q. Officer Pritchard, I'm going to hand you two items. One
17 is a CD marked for ID purposes only as State's 201, and one
18 is a CD that contains State's 202 to 208.

19 A. Okay.

20 Q. Will you tell us if you recognize those items.

21 A. Yeah. These are disks containing clips of important
22 parts of the video that we recovered.

23 Q. How do you know?

24 A. I reviewed them prior to and also leading up to this
25 case. And also, my initials and the dates is on it when I

1 reviewed them.

2 MR. COOPER: Your Honor, at this time the State would
3 offer the CD that's marked as 201 and the CD containing
4 State's 202 through 208 into evidence.

5 THE COURT: Any objection from the defense?

6 MS. MARTINEZ: Your Honor, we object for authentication
7 and confrontation clause.

8 THE COURT: Okay. Can you authenticate it?

9 MR. COOPER: Your Honor, the witness has testified that
10 he's very familiar with the system. He's had access to it.
11 He viewed it that night and knows it's the video footage in
12 this case and is very familiar with the Pinecrest video
13 surveillance and the video from that night.

14 THE COURT: Is it fair and accurate?

15 MR. COOPER: Yes, sir.

16 Q. [By Mr. Cooper] Officer Pritchard, the video files that
17 you viewed on that disk, would you say it's a fair and
18 accurate depiction of what you saw that night?

19 A. Very. It is the footage.

20 Q. Other than being clips of the full-length footage that
21 you viewed, is there any other change to those items?

22 A. Absolutely not. No, sir.

23 Q. And it contains what you saw when you were investigating
24 this case?

25 A. That's correct.

1 Q. Again, other than being clips, not altered or
2 manipulated in any way?

3 A. No.

4 THE COURT: Okay. Thank you.

5 I'm going to overrule the objection on authentication
6 and on confrontation. I feel like he's adequately -- and
7 you're protected on the record. Thank you.

8 State's 201 and 202 through 208 are admitted into
9 evidence.

10 (State's Exhibit Numbers 201, 202, 203, 204, 205, 206,
11 207, and 208 admitted into evidence.)

12 BY MR. COOPER:

13 Q. I'm going to show you those in one second, Officer
14 Pritchard. But I want to show you what's been marked as
15 State's 2.

16 Do you recognize what's been marked as State's 2?

17 A. I do. This is an overhead Google maps image of
18 Pinecrest.

19 Q. And again, you're very familiar with that area?

20 A. Very familiar.

21 MR. COOPER: Your Honor, at this time the State would
22 offer what's been marked as State's Exhibit 2 into evidence.

23 THE COURT: Any objection from the defense?

24 MS. MARTINEZ: No objections from the defense, your
25 Honor.

1 THE COURT: No objection. Number 2 for the State comes
2 in.

3 (State's Exhibit Number 2 admitted into evidence.)

4 MR. COOPER: Thank you. May I publish?

5 THE COURT: Yes, sir.

6 MR. COOPER: If you'll show us State's 2, Ms. Smith.

7 Q. [By Mr. Cooper] Officer Pritchard, that's going to come
8 up in front of you.

9 (Exhibit displayed on screen in open court.)

10 BY MR. COOPER:

11 Q. Will you describe the important areas that we see on the
12 video surveillance?

13 A. Yes, sir. So the two places that we have video at is of
14 -- this is kind of like their maintenance shed right here.
15 There's two cameras on this shed. One's going to point this.
16 One's going to point this way. That's going to come into
17 importance.

18 And then about right here is a -- it's a guard shack.
19 The two cameras there are of importance. One's going to
20 point into the complex, and one's going to point back out of
21 the complex towards McMillan Avenue.

22 Q. And that half-moon, half-circle shape, that's the
23 Pinecrest Apartments?

24 A. Correct. Yeah, all the way from Rivers Avenue to
25 McMillan all the way to Spruill. It cuts off about right up

1 here.

2 Q. Okay.

3 A. That's all Pinecrest.

4 Q. All right. Focusing your attention to State's 201.

5 MR. COOPER: The one timestamped as 7:54:48, please,
6 Shameka.

7 Q. [By Mr. Cooper] So the first video's going to pop up,
8 Officer Pritchard. As we're watching it, if you'll indicate
9 for the jury what you saw that was important in this video.

10 (Video played in open court.)

11 MR. COOPER: And if you'll pause it for us real quick,
12 Shameka.

13 (Video paused.)

14 BY MR. COOPER:

15 Q. Orient us as to where we're looking in this video.

16 A. So this is the guard shack video. This is pointing out
17 towards McMillan Avenue. If you leave here and take a left,
18 it goes to Spruill. If you leave here and take a right, it
19 goes to Rivers Avenue.

20 Q. And what are we looking for in this video?

21 A. That car that's just now turning in -- not the first
22 one, but the second one -- is going to be our defendant's
23 car. Whenever it comes in, the first thing that caught our
24 eye is just how it was driving.

25 MR. COOPER: Okay. If you'll hit play for me, please.

1 (Video resumed.)

2 BY MR. COOPER:

3 Q. And what do you notice?

4 A. That it was coming in very fast.

5 Q. And then showing you the second item, State's 201 with
6 the timestamp 7:54:54 p.m.

7 MR. COOPER: And if you'll pause that when this one
8 starts as well, Shameka.

9 (Exhibit displayed on screen in open court.)

10 BY MR. COOPER:

11 Q. Orient us as to what we're looking at in this video,
12 Officer Pritchard.

13 A. Same guard shack. We're just looking back into the
14 complex. So behind us is McMillan Avenue.

15 Q. So we're just turned around from where we were
16 previously looking?

17 A. Exactly. Yes, sir.

18 Q. Okay. And what are we looking for in this video?

19 A. Whenever the car comes in, you'll see it's going to
20 actually pass a car coming into the complex. This was just
21 two lanes. There's no four lanes where you can pass a car
22 coming in.

23 MR. COOPER: If you'll hit play for me, please.

24 THE WITNESS: And you can see it's speeding as well.

25 (Video played in open court.)

1 BY MR. COOPER:

2 Q. And that was the pass that you were talking about?

3 A. That's correct. Yes, sir.

4 MR. COOPER: Shameka, if you'll show us what's been
5 marked as State's 202. And if you'll likewise pause it when
6 you go to it, please.

7 (Exhibit displayed on screen in open court.)

8 BY MR. COOPER:

9 Q. So orient us as to what we're looking at now.

10 A. So this is the maintenance shed. Remember there was the
11 two angles, the one that was pointed to the right and one
12 pointed to the left. This is the left view going back
13 towards, like, the front of the complex.

14 Q. And what are we looking for in this video?

15 A. So that's the defendant's car. Once it starts playing,
16 you'll see it move. And it's just -- well, look at the tape.
17 You'll see it just taking a circle of the area.

18 MR. COOPER: Would you hit play for me, please.

19 (Video played in open court.)

20 BY MR. COOPER:

21 Q. If you'll circle or indicate where we see --

22 MR. COOPER: If you'll play that one more time for me,
23 Shameka, please.

24 (Video played in open court.)

25 MR. COOPER: Perfect.

1 THE WITNESS: This is the defendant's car. It's a
2 Nissan Altima.

3 BY MR. COOPER:

4 Q. And so in collecting these videos, you're trying to
5 track the movements as best you can of the vehicle?

6 A. Yeah. We want -- from all the video we collected, we
7 could see just this vehicle is a vehicle of interest. So
8 obviously, we want any chance we can get it on video with
9 regard to what it's doing. We want to see everything that
10 it's doing, but obviously there's only so many cameras. So
11 we're just trying to piece everything together.

12 Q. And what was the timestamp at the top of this one?

13 A. 19:56:08, which is 7:56:08 p.m.

14 MR. COOPER: Now if you could show us State's 203,
15 please.

16 (Exhibit displayed on screen in open court.)

17 BY MR. COOPER:

18 Q. And where are we looking in this video?

19 A. Same maintenance shed but it's just pointing the other
20 way of the way we were just looking.

21 Q. And what are we looking for in this one?

22 A. So where we just left off in the last video and moving
23 to -- the suspect vehicle is going to come up and take a left
24 and you'll see it drive off.

25 MR. COOPER: Okay. If you'll play it for me, please.

1 (Video played in open court.)

2 THE WITNESS: That's the suspect vehicle.

3 Something to note: We did identify the person who was
4 driving that car when it was coming in and when it was
5 leaving as well.

6 BY MR. COOPER:

7 Q. And the timestamp on this video?

8 A. 19:56:21, which is 7:56:21 p.m.

9 Q. And so as we're going through these videos, what did
10 y'all notice about that gold vehicle as it was driving
11 around?

12 A. It was circling the area. It looked like it was looking
13 for somebody, and in a rush.

14 MR. COOPER: If you'll show us State's 204, please.

15 (Exhibit displayed on screen in open court.)

16 BY MR. COOPER:

17 Q. And is this the same vantage point we just had in the
18 previous video?

19 A. That's correct.

20 Q. And what are we looking at -- looking for in this video?

21 A. You're going to see that Nissan -- the suspect vehicle
22 pass that car that I was just referencing. Again, this isn't
23 four lanes. It's just two lanes. It had to drive around
24 cars.

25 Q. And the timestamp on this video?

1 A. 19:56:25, so 7:56:25.

2 Q. Just a few seconds after the last video?

3 A. That's correct.

4 MR. COOPER: If you'll hit play for us, please.

5 (Video played in open court.)

6 MR. COOPER: And then if you'll show us State's 205,
7 please.

8 (Exhibit displayed on screen in open court.)

9 BY MR. COOPER:

10 Q. And is this that same vantage point?

11 A. That's correct.

12 Q. And what's the timestamp on this video?

13 A. It's 2800 hours even, so it's 8:00 p.m.

14 Q. It's about three and a half minutes from the last video?

15 A. That's correct.

16 Q. Okay. And what are we looking for in this video?

17 A. I believe you're going to see the suspect vehicle come
18 around again and take another lap. It's still circling the
19 area.

20 MR. COOPER: If you'll play that for us, please,
21 Shameka.

22 (Video played in open court.)

23 THE WITNESS: So that's still the suspect vehicle
24 continuously circling the area.

25

1 BY MR. COOPER:

2 Q. And at this point it's continued for several minutes?

3 A. Yeah. I mean, it's been four or five minutes at this
4 point.

5 MR. COOPER: So showing us State's 206, please.

6 (Exhibit displayed on screen in open court.)

7 BY MR. COOPER:

8 Q. And again, the same vantage point?

9 A. Correct.

10 Q. And what is the timestamp in this video?

11 A. It was 20:02 and 45 seconds, so 8:02:45 p.m.

12 Q. Just about almost three minutes from the last video?

13 A. Correct.

14 Q. And what are we going to see in this video?

15 A. I believe if I'm correct with the time, this is going to
16 be the -- on this video you're going to hear gunshots. And
17 then followed by the gunshots you're going to see a little --
18 you're going to see a figure run towards where the -- the
19 suspect vehicle is actually parked at this point. But we'll
20 watch it.

21 Q. And can you show us on here where that vehicle and that
22 running will take place.

23 A. So right in there.

24 Q. Okay.

25 A. It's going to be very faint. We'll have to zoom in.

1 MR. COOPER: If you'll play that for us, Shameka,
2 please.

3 (Video played in open court.)

4 THE WITNESS: Shortly after the gunshots, you can see a
5 figure run off to where we believe the suspect vehicle was
6 at.

7 BY MR. COOPER:

8 Q. We heard several of the shots, but were there others
9 before that almost sounded like a car driving on gravel
10 initially?

11 A. Yes.

12 MR. COOPER: If you'll play that again for us, Shameka,
13 please.

14 Q. [By Mr. Cooper] Is it when that vehicle starts to move
15 that you start to hear them? That blue -- the vehicle
16 that --

17 A. Yeah. They're obvious gunshots, yeah.

18 (Video played in open court.)

19 THE WITNESS: It's hard to hear other than the loud
20 obvious four or five gunshots. It almost sounds, like he
21 said, like going over gravel. It's -- those are gunshots.
22 They're .22-caliber bullets that are getting fired. The gun
23 was firing .22-caliber, but without wearing any ear
24 protection, they're not very loud.

25 MR. COOPER: And then showing you State's 207.

1 (Exhibit displayed on screen in open court.)

2 BY MR. COOPER:

3 Q. And then the same vantage point?

4 A. Correct.

5 Q. And the timestamp in this video?

6 A. 20:03:15, which is 8:03:15 p.m.

7 Q. So about half a minute from the last one?

8 A. Correct.

9 Q. And what are we looking for in this video?

10 A. So if you pay attention to this area where the other
11 person is seen running into, you'll see another person
12 appear.

13 Q. Okay.

14 MR. COOPER: If you'll play that for us, Shameka,
15 please.

16 (Video played in open court.)

17 THE WITNESS: Right there.

18 And then you're going to see the suspect vehicle back
19 out and drive off. And it's driving towards the front of the
20 complex at that point.

21 MR. COOPER: And if you'll full-screen that again for us
22 and pause it, please.

23 (Exhibit displayed on screen in open court.)

24 BY MR. COOPER:

25 Q. And while she does that, Officer Pritchard, the jury's

1 going to have the ability to view these back in their
2 deliberation room when they deliberate.

3 Will you show them again where they should look in this
4 video.

5 A. It's going to be right there. The suspect vehicle --
6 you're talking about the suspect vehicle? It's just to the
7 right of the dot.

8 Q. Okay.

9 MR. COOPER: If you'll play that for us, please.

10 (Video played in open court.)

11 THE WITNESS: There's the suspect vehicle driving away.

12 BY MR. COOPER:

13 Q. The one we saw backing out?

14 A. That's correct.

15 MR. COOPER: And then switching back to State's 201, the
16 timestamp of 8:03:44 p.m., please.

17 (Exhibit displayed on screen in open court.)

18 BY MR. COOPER:

19 Q. And where are we in this video?

20 A. So we're back at the guard shack. We're just looking
21 into the complex.

22 Q. Okay. And what are we looking for in this video?

23 A. The road that we just seen it drive off of is kind of
24 right here. You're going to see it come up and take a right
25 on McMillan.

1 Q. Okay.

2 A. It's Pine Forest Drive is what that street's called.

3 MR. COOPER: Play that for us, please.

4 (Video played in open court.)

5 BY MR. COOPER:

6 Q. And is that the suspect vehicle we saw pass the other
7 car?

8 A. Correct. Yes.

9 Q. And with that timestamp being 8:03:44, that's 20 or 25
10 seconds after we heard the shots?

11 A. That's correct.

12 Q. Okay.

13 MR. COOPER: And then, Shameka, the final one, State's
14 201 at 8:03:52 p.m.

15 (Exhibit displayed on screen in open court.)

16 BY MR. COOPER:

17 Q. And where are we now?

18 A. We're at the guard shack looking back out towards
19 McMillan Avenue.

20 Q. Say again?

21 A. At the guard shack looking back out towards McMillan
22 Avenue.

23 Q. And so we're just turned around from the last position?

24 A. Correct. You'll see the suspect vehicle come up right
25 here.

1 MR. COOPER: If you'll play that for us, Shameka,
2 please.

3 (Video played in open court.)

4 MR. COOPER: Okay. And then finally, going back to
5 State's 208, please.

6 (Exhibit displayed on screen in open court.)

7 BY MR. COOPER:

8 Q. And we're back at the maintenance shed?

9 A. Correct.

10 Q. And what is the timestamp?

11 A. 20:05:15.

12 Q. Okay. And what are we looking for in this video?

13 A. You're going to see the person that was with the victim,
14 E.J., run out and get into his girlfriend's car.

15 Q. Okay. And where should we be looking in the video for
16 that?

17 A. I believe he's going to come out either somewhere over
18 here or over here and he's going to run towards the -- over
19 here. And they will leave back out that way.

20 Q. Okay.

21 MR. COOPER: If you'll play that for us, Shameka,
22 please.

23 (Video played in open court.)

24 THE WITNESS: That's the person that was with the victim
25 running back this way.

1 BY MR. COOPER:

2 Q. He was almost running towards the camera?

3 A. Mm-hmm.

4 Q. And was the video footage that we viewed this morning,
5 was that helpful in developing a suspect car?

6 A. Yeah, it was very helpful.

7 Q. And it was that gold Nissan?

8 A. Correct.

9 MR. COOPER: Beg the Court's indulgence.

10 (Pause in proceedings.)

11 BY MR. COOPER:

12 Q. Just a couple more questions.

13 A. Yes, sir.

14 Q. I'm going to show you what's been marked for ID purposes
15 only as State's 4 and 6.

16 A. Okay.

17 Q. Do you recognize these?

18 A. I do.

19 Q. And what are they?

20 A. They're just overhead images of portions of Pinecrest.

21 Q. And again, you're familiar with the area?

22 A. That's correct?

23 MR. COOPER: Your Honor, at this time the State would
24 offer what's been marked as State's 4 and 6 into evidence.

25 THE COURT: Number 4 and Number 6?

1 MS. MARTINEZ: No objections from the defense.

2 THE COURT: No objects from defense. Number 4 and
3 Number 6 are accepted into evidence.

4 MR. COOPER: Thank you, Judge.

5 (State's Exhibit Numbers 4 and 6 admitted into
6 evidence.)

7 MR. COOPER: If you'll show us State's 4, please.

8 (Exhibit displayed on screen in open court.)

9 BY MR. COOPER:

10 Q. Now, will you orient us again where we saw the video
11 footage and then where the vehicles that we saw in the video
12 were parked.

13 A. All right. So this is the guard shack. The -- I'm
14 sorry. That's the maintenance shed. The guard shack is kind
15 of over here down this way just out of view. The suspect car
16 after the gunshots would have been parked right around here
17 in this area, I believe.

18 Q. Okay. And then showing a different angle in State's 6.

19 A. This is the playground where the victim was killed.

20 Q. I'm going to show you -- that was the map you identified
21 as State's 6?

22 A. Correct.

23 Q. I'm going to show you --

24 MR. COOPER: Madam Clerk, if I could have the ELMO,
25 please.

1 (Exhibit displayed on screen in open court.)

2 BY MR. COOPER:

3 Q. If you'll show us and orient us on this picture where
4 the guard shack was.

5 A. The guard shack is about right there.

6 Q. And the maintenance shed, is that out of view in this
7 picture?

8 A. It's out of view but it's back this way. You just go
9 down that street and it dead-ends at the maintenance shed.

10 Q. Okay. And where would the spot where the cars were
11 parked?

12 A. I want to say somewhere around in this area right here.

13 Q. All right. And then if you'll circle the playground
14 where the victim's body was located.

15 A. That's the playground. The victim's body was, if I
16 remember correctly, it was right there. Maybe a little
17 closer to the mulch area.

18 Q. Okay. And then the structure on the top right side, is
19 that where Max's Quick Stop was located?

20 A. Yeah. That's the store right here.

21 Q. Okay. And is the pool in this video -- er, in this
22 picture? The location of the pool in Pinecrest.

23 A. Yeah. It's right here.

24 Q. Perfect.

25 MR. COOPER: Detective Pritchard, thank you for walking

1 us through that. I have no further questions for you. If
2 you'll answer anything the defense may have.

3 THE WITNESS: Yes, sir.

4 THE COURT: Cross-examination?

5 MS. MARTINEZ: Beg the Court's indulgence, your Honor.

6 THE COURT: Yes, ma'am.

7 MS. MARTINEZ: No questions from the defense, your
8 Honor.

9 THE COURT: Okay. You may step down, sir.

10 THE WITNESS: Thank you, your Honor.

11 (Witness excused.)

12 MR. COOPER: Can we approach, your Honor?

13 THE COURT: Sure.

14 (An off-the-record discussion was had at the bench.)

15 THE COURT: All right. Ladies and gentlemen, we're
16 going to take a quick break, and we'll come back in about ten
17 minutes. Okay?

18 Thank you.

19 (The jury exited the courtroom at 10:47 a.m.)

20 (Court recessed.)

21 (Court resumed outside the presence of the jury.)

22 THE COURT: Y'all ready?

23 MR. COOPER: Yes, your Honor. Thank you.

24 THE COURT: Defense?

25 MS. MARTINEZ: Yes, your Honor.

1 THE COURT: Okay.

2 Bring in the jury.

3 THE BAILIFF: Yes, your Honor.

4 THE COURT: Thank you.

5 (The jury entered the courtroom at 11:02 a.m.)

6 THE BAILIFF: All jurors are present, your Honor.

7 THE COURT: Okay. Please take a seat.

8 Please proceed.

9 MR. COOPER: Thank you, Judge.

10 The State calls Agent Kendra Moseley.

11 CLERK OF THE COURT: Can you please raise your right
12 hand and place your left on the Bible.

13 (Witness sworn.)

14 CLERK OF THE COURT: Please be seated.

15 Please state your full name, spelling your last name
16 loudly and clearly into the microphone.

17 THE WITNESS: Kendra Moseley, M-O-S-E-L-E-Y.

18 KENDRA MOSELEY,

19 called as a witness on behalf of the State, being first duly
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. COOPER:

23 Q. Agent Moseley, will you tell the jury where you're
24 currently employed.

25 A. The South Carolina Law Enforcement Division, SLED.

1 Q. And what is your role at SLED?

2 A. I am assigned to the counterterrorism unit as an arson
3 investigator.

4 Q. And how long have you been at SLED?

5 A. About a year and a half.

6 Q. Prior to SLED, where were you employed?

7 A. The North Charleston Police Department.

8 Q. And what was your role?

9 A. I was a certified police officer in the crime scene
10 unit.

11 Q. And was that your role in June of 2021?

12 A. Yes, it was.

13 Q. Describe for the jury, if you would, what the role of a
14 crime-scene investigator is.

15 A. We would respond to scenes, document them with
16 photographs, video, collect evidence, process any evidence,
17 assist with execution of search warrants, and anything else
18 we could do to assist detectives with different varieties of
19 cases.

20 Q. Okay. How did you become involved in this case?

21 A. We were on duty working. We heard a shooting call come
22 out in Pinecrest with one subject struck. Patrol requested
23 crime scene, and we responded as a result of that.

24 Q. And is Pinecrest, the apartments, in Charleston County?

25 A. It is, yes.

1 Q. What day and what time were you dispatched?

2 A. It was on June 22 of 2021 at probably around 8:00, 8:20
3 at night.

4 Q. Okay. What was the weather like that night?

5 A. About 75 degrees. No rain. Mostly cloudy. Typical
6 North Charleston weather.

7 Q. And you mentioned about one person being struck. Were
8 you aware of that person's condition?

9 A. Yes. When I arrived on scene I was advised that they
10 had succumbed to their injuries on scene.

11 Q. Okay. Can you describe for the jury what your general
12 process is when you arrive at a crime scene.

13 A. Once I arrive I meet with the officers on scene,
14 especially the first-responding officer, to get a briefing of
15 any information they've obtained upon their arrival up until
16 my arrival. And then they sometimes will assist us, but
17 we'll walk through the crime scene and they'll give us a
18 rundown of everything then as well.

19 Q. Why is that briefing or synopsis of what's going on when
20 you arrive, why is that important in your line of work?

21 A. It helps us determine the course of action we'll take in
22 investigating the scene, what techniques we made need to use,
23 what materials we may need, anything else that may need to be
24 done.

25 Q. Describe for the jury, if you would, the scene when you

1 arrived that night.

2 A. It had been cordoned off with crime-scene tape and
3 officers stationed around the perimeter to ensure that no
4 unauthorized individuals entered. There was evidence in the
5 area that was marked off, along with the decedent.

6 Q. And where was the victim located?

7 A. Just outside of the playground on the grassy area.

8 Q. And can you describe that area for the jury.

9 A. The playground area?

10 Q. That and inside the Pinecrest Apartments. Yes, ma'am.

11 A. The playground is kind of centrally located, kind of
12 sort of in the center of the complex. It has the mulch with
13 the plastic little border going around it. The playground
14 apparatus is within it. And he was just outside of that
15 little area where that playground apparatus was.

16 Q. Okay. I'm showing you State's Exhibit 4, please. And
17 that should pop up on the screen in front of you.

18 (Exhibit displayed on screen in open court.)

19 BY MR. COOPER:

20 Q. Is this the Pine- -- er, what was the Pinecrest
21 Apartments?

22 A. Yes.

23 Q. Do you see that playground area in this picture?

24 A. Yes.

25 Q. Will you circle that for the jury.

1 A. It's going to be this right here.

2 Q. And the victim was located right outside that?

3 A. Yes. He should have been right around here. Well,
4 right around there.

5 Q. Okay. What is the first thing you did after getting up
6 to speed once you arrived on scene?

7 A. I walked through the scene, collected photographs of the
8 entire area. Once photographs were collected of the scene as
9 it was when I arrived, I did another walk-through to canvass
10 for any potential evidence, anything that could be related.
11 And that was then marked with numbered evidence placards.

12 Q. And what do you use to mark the items of evidence as you
13 find them?

14 A. It's the plastic yellow tents with numbers on them, 1
15 through 100 or however far we need to go.

16 Q. Okay. How do you know what to mark and collect?

17 A. Based off the information that I'm given at the scene,
18 anything that I think could potentially be related gets
19 marked, anything that could provide any type of evidence such
20 as DNA evidence, fingerprint evidence, ballistic evidence,
21 anything of that nature. We don't necessarily always know if
22 it is or isn't related. It's just one of those things that
23 you err on the side of caution, because if it possibly could
24 be related, you mark it and document it and go from there.

25 Q. Did you locate any shell casings during your canvassing

1 on scene?

2 A. Yes, I did.

3 Q. How many did you locate?

4 A. I think it was around 28.

5 Q. And were they of the same brand and caliber?

6 A. Yes, they were.

7 Q. What was that brand and caliber?

8 A. Well, if I'm pronouncing it correctly, it was Aguila and
9 .22 caliber.

10 Q. And can you describe for the jury what a shell casing
11 is.

12 A. Basically, it's the portion of the bullet that holds the
13 gunpowder. On the back end of it is where the firing pin
14 will strike. It's called a primer. It ignites the
15 gunpowder, which in turn fires the bullet from the gun. And
16 then once the bullet it fired, it ejects. And that's what's
17 left.

18 Q. Are those also sometimes referred to as "cartridge
19 cases"?

20 A. They are.

21 Q. What's the difference between a shell casing or a
22 cartridge case and a projectile?

23 A. The projectile is the actual object that is fired that
24 strikes the person or another object. The casing is the
25 portion that holds the gunpowder that causes the projectile

1 to fire.

2 Q. In your experience as a crime-scene investigator, where
3 would you generally expect to find shell casings?

4 A. Depending on the environment in which the gun is fired,
5 they could be on the ground, they could be anywhere on top of
6 items, just depending on where the person was when the
7 firearm was fired and what's around when they eject. So when
8 they eject, they can -- most guns eject to the right. It can
9 go up and to the right. But if there's anything around, it
10 can change the path of travel, just depending on what's
11 around.

12 Q. Okay. And if someone happens to be standing so they're
13 not moving much while they're firing, would you expect to
14 find the casings in the same general area?

15 A. Yes. That generally helps us to kind of give us a
16 starting point of where to start looking. If we have an idea
17 where someone is standing, then we know which direction to go
18 to start looking for casings.

19 Q. In this case you mentioned locating 28 shell casings.
20 Were you able to determine how many groupings of those shell
21 casings?

22 A. Yes. There were two groupings.

23 Q. And how were you able to determine that?

24 A. There was one grouping that was outside of the mulch
25 playground area, near one of the apartments. And then the

1 second grouping was actually in the mulch area where the
2 playground apparatus is inside the playground.

3 Q. Okay. And you mentioned that you took pictures on the
4 scene; is that right?

5 A. I did.

6 Q. Would you recognize them if I showed them to you?

7 A. Yes.

8 MR. COOPER: May I approach the witness, Judge?

9 THE COURT: Yes, you may.

10 BY MR. COOPER:

11 Q. I'm going to try to get these numbers right.

12 I'm going to show you what's been marked for ID purposes
13 only as State's 7, 8, and 9, 11, 12, 15, and 17?

14 See if you recognize those photos.

15 A. Yes.

16 Q. And how do you recognize them?

17 A. These are ones I took that night on the scene.

18 Q. Fair to say you take a lot of pictures?

19 A. Yes.

20 Q. Why is that important?

21 A. You can never have too many pictures. That's the one
22 thing you rely on to document the scene as you got there
23 before anything changes.

24 Q. Okay.

25 MR. COOPER: Your Honor, at this time the State would

1 offer what's been marked for ID purposes only as 7, 8, 9, 11,
2 12, 15, and 17 into evidence.

3 MS. MARTINEZ: No objection from the defense, your
4 Honor.

5 THE COURT: Okay. 7, 8, 9, 11, and 12, 15, and 17
6 State's exhibits come into evidence.

7 MR. COOPER: Thank you, Judge.

8 (State's Exhibit Numbers 7, 8, 9, 11, 12, 15, and 17
9 admitted into evidence.)

10 (Exhibit displayed on screen in open court.)

11 BY MR. COOPER:

12 Q. I'm showing you State's Exhibit 7. Will you orient us
13 as to where are we looking and where are we in this picture.

14 A. So this is the playground apparatus. The decedent is
15 the yellow sheet that is here. One grouping of casings --

16 You want me to keep circling?

17 Q. Mm-hmm.

18 A. One grouping of casings is around this area. You can
19 see the little tents. And then the other grouping is off
20 screen to your left.

21 Q. Okay. And then showing you State's Exhibit 8.

22 (Exhibit displayed on screen in open court.)

23 BY MR. COOPER:

24 Q. What are we looking at in this picture?

25 A. So this is a shot that's a little to the left of where

1 we were originally. And the second group of casings will be
2 just on the other side of this building right here.

3 Q. Okay. And then the victim's body is off the screen to
4 the right?

5 A. Yes.

6 (Exhibit displayed on screen in open court.)

7 BY MR. COOPER:

8 Q. Showing you State's Exhibit 9.

9 A. So it's a more close-up picture of the one prior. So
10 it's just a little -- just showing me move into that area.

11 Q. And we just have been stepping left in these three
12 pictures; is that right?

13 A. Left and up, yes.

14 Q. Showing you State's 11.

15 (Exhibit displayed on screen in open court.)

16 BY MR. COOPER:

17 Q. We just pivoted a little bit right?

18 A. We did.

19 Q. And then the victim's body is located by the yellow
20 sheet?

21 A. Yes.

22 Q. And if you'll circle again that group of shell casings
23 in the mulch.

24 A. Right here.

25 Q. And those yellow -- what look like dots to me on the

1 screen, are those the evidence markers you talked about?

2 A. They are, yes.

3 Q. Okay. Showing you State's 12.

4 (Exhibit displayed on screen in open court.)

5 BY MR. COOPER:

6 Q. And we just kept turning a little bit right?

7 A. Yes.

8 Q. And in this picture, where would the second grouping of
9 casings have been?

10 A. They're back behind us over our left shoulder.

11 Q. Okay. Showing you State's 15.

12 (Exhibit displayed on screen in open court.)

13 BY MR. COOPER:

14 Q. Where have we moved now?

15 A. So we've moved further around to the left, to the other
16 side of the playground area. The one grouping of casings, as
17 you can see where the yellow tents are, are right there in
18 front of the playground apparatus. And the second grouping
19 is going to be back to our right.

20 Q. Okay. Showing you State's 17.

21 (Exhibit displayed on screen in open court.)

22 BY MR. COOPER:

23 Q. Orient us in this picture, please.

24 A. So we just walked forward to the opposite end of where
25 we were just standing. The grouping of casings in the

1 playground are just on the other side of the apparatus in
2 front of us. And then this building right here to our left,
3 the other grouping of casings is right there. And of course,
4 the decedent is to the right.

5 Q. Okay. I'm going to show you another set. I'm showing
6 you what's been marked for ID purposes only as State's 20,
7 21, 22, 23, 25, and 27. Do you recognize these pictures?

8 A. Yes.

9 Q. And how do you recognize them?

10 A. These are ones that I took the night of the incident at
11 the crime scene.

12 MR. COOPER: Your Honor, at this time the State would
13 offer into evidence what's been marked as State's 20, 21, 22,
14 23, 25, and 27.

15 THE COURT: Defense counsel?

16 MS. MARTINEZ: Without objection from defense, your
17 Honor.

18 THE COURT: Okay. Without objection, 20, 21, 22, 23,
19 25, and 27, State's exhibits.

20 MR. COOPER: Thank you, Judge.

21 (State's Exhibit Number 20, 21, 22, 23, 25, and 27
22 admitted into evidence.)

23 BY MR. COOPER:

24 Q. And before we leave this picture, will you indicate
25 again the building where you located the second grouping of

1 casings.

2 A. Right here.

3 Q. Okay. Now showing you State's 20.

4 (Exhibit displayed on screen in open court.)

5 BY MR. COOPER:

6 Q. Is this that second group of casings?

7 A. Yes, it is.

8 Q. And the playground is in which direction?

9 A. It's going to be -- from where we're standing, it's
10 going to be to our left in front of us.

11 Q. I'm showing you State's 21.

12 (Exhibit displayed on screen in open court.)

13 BY MR. COOPER:

14 Q. Is this just a closer view of that grouping?

15 A. It is.

16 Q. How many did you locate in this grouping?

17 A. Twelve.

18 Q. Okay. How many did you locate in the other grouping?

19 A. Sixteen.

20 Q. Showing you State's 22.

21 (Exhibit displayed on screen in open court.)

22 BY MR. COOPER:

23 Q. Did we just pivot a little to the right?

24 A. Yes, to show the area in which they're located.

25 Q. Okay. Showing you State's 23.

1 (Exhibit displayed on screen in open court.)

2 BY MR. COOPER:

3 Q. Orient us in this picture, please.

4 A. The -- so the other group of casings is here. The
5 playground apparatus is over here along with the second
6 grouping of casings. And then the decedent is over in this
7 direction.

8 Q. Showing you State's 25.

9 (Exhibit displayed on screen in open court.)

10 BY MR. COOPER:

11 Q. Is this just more stepped back?

12 A. Yes.

13 Q. And do we see the grouping of 12 in this picture?

14 A. Yes, we do.

15 Q. Can you circle that for us.

16 A. (Indicated.)

17 Q. Thank you.

18 And then State's 27.

19 (Exhibit displayed on screen in open court.)

20 BY MR. COOPER:

21 Q. Will you show us where the group of 16 in the mulch is,
22 please.

23 A. (Indicated.)

24 Q. And then the group of 12.

25 A. They're over here.

1 Q. And then obviously, again, the victim is under the
2 yellow sheet?

3 A. Yes.

4 Q. I'm going to show you what's been marked for ID purposes
5 only as State's 29, 30, 31, 32, 33, 36, and 39. Tell us if
6 you recognize those pictures, please.

7 A. Yes.

8 Q. And you recognize them how?

9 A. These are ones that I took on scene that night.

10 MR. COOPER: Your Honor, at this time the State would
11 offer State's 29, 30, 31, 32, 33, 36, and 39 into evidence.

12 MS. MARTINEZ: Without objection from the defense, your
13 Honor.

14 THE COURT: Without objection, State's Exhibits 29, 30,
15 31, 32, 33, 36, and 39 come into evidence.

16 MR. COOPER: Thank you, Judge.

17 (State's Exhibit Numbers 29, 30, 31, 32, 33, 36, and 39
18 admitted into evidence.)

19 (Exhibit displayed on screen in open court.)

20 BY MR. COOPER:

21 Q. Showing you State's 29. Have we just stepped forward
22 from the last picture?

23 A. Yes.

24 Q. Okay. Showing you State's 30.

25 (Exhibit displayed on screen in open court.)

1 BY MR. COOPER:

2 Q. Why is the picture of the trash can important?

3 A. We did locate a defect in the lid of the -- we did
4 locate a defect in the lid of the trash can, which would have
5 been right about here.

6 Q. And when you say "defect," what do you mean?

7 A. Basically where a projectile or a bullet struck an
8 object and left its mark, essentially.

9 Q. And showing you State's 31.

10 (Exhibit displayed on screen in open court.)

11 BY MR. COOPER:

12 Q. Is this that defect?

13 A. Yes.

14 Q. Okay. And then showing you State's 32.

15 (Exhibit displayed on screen in open court.)

16 BY MR. COOPER:

17 Q. What do we see in this picture?

18 A. This is stepping just inside the mulched area by the
19 playground apparatus, and this is the evidence and shell
20 casings that were marked within it.

21 Q. Okay. Showing you State's 33.

22 (Exhibit displayed on screen in open court.)

23 BY MR. COOPER:

24 Q. Just a different angle?

25 A. It is, just moving around to the right.

1 Q. Was it somewhat difficult trying to locate items in the
2 mulch?

3 A. Yes.

4 Q. Showing you State's 36.

5 (Exhibit displayed on screen in open court.)

6 BY MR. COOPER:

7 Q. Just a different angle?

8 A. Yes.

9 Q. And where is the victim in this picture?

10 A. He is right here.

11 Q. Showing you State's 39.

12 (Exhibit displayed on screen in open court.)

13 BY MR. COOPER:

14 Q. Where have we gone in this picture?

15 A. So we are back closer to the building where the second
16 grouping of casings were located, shooting back toward the
17 playground.

18 Q. Okay. The next grouping, Ms. Moseley, I'm showing you
19 what's been marked for ID purposes only as State's 42, 46,
20 49, 50, 51, and 52. Tell us if you recognize those, please.

21 A. Yes. Those are the ones I took the night of the
22 incident.

23 Q. Okay.

24 MR. COOPER: Your Honor, at this time the State would
25 offer what's been marked for ID purposes only as State's 42,

1 46, 49, 50, 51, and 52 into evidence.

2 THE COURT: Any objection from defense?

3 MS. MARTINEZ: Without objection from the defense.

4 THE COURT: Okay. State's Exhibits 42, 46, 49, 50, 51,
5 and 52 come into evidence.

6 MR. COOPER: Thank you, Judge.

7 (State's Exhibit Numbers 42, 46, 49, 50, 51, and 52
8 admitted into evidence.)

9 (Exhibit displayed on screen in open court.)

10 BY MR. COOPER:

11 Q. I'm showing you State's 42. Describe what we're looking
12 at in this picture for us.

13 A. So this is -- what I'm trying to collect in the
14 photograph is a disturbed area in the mulch right around
15 here. And I put the scale here just to kind of help show
16 relation of size.

17 Q. Why was that important to you?

18 A. Because where the disturbed areas are here where I've
19 circled, it is -- I'm trying to think of a word; sorry -- it
20 is plausible that this could be where a suspect was
21 potentially was standing or had walked just because of the
22 relation or the location of where the shell casings were
23 located, or that at least someone traveled through here.

24 Q. Okay. Showing you State's 46.

25 (Exhibit displayed on screen in open court.)

1 BY MR. COOPER:

2 Q. Is this a different angle of that same area?

3 A. It is, just trying to get a better picture to -- so that
4 you could see it in the picture, the disturbance in the
5 ground. Just trying to do some -- a different view on it.

6 Q. And in this case, the victim would be beyond the
7 apparatus; is that right?

8 A. Yes. He is right over in here somewhere. Yes.

9 Q. Okay. Now I want to show you -- well, once you marked
10 the items and took pictures again, did you collect the shell
11 casings in this case?

12 A. Yes, I did.

13 Q. Showing you State's 49.

14 (Exhibit displayed on screen in open court.)

15 BY MR. COOPER:

16 Q. Is this one of those shell casings?

17 A. It is.

18 Q. What is written on the headstamp?

19 A. It's the letter A.

20 Q. And you mentioned they were all the same brand?

21 A. They were.

22 Q. And the same caliber?

23 A. Yes.

24 Q. Showing you State's 50.

25 (Exhibit displayed on screen in open court.)

1 BY MR. COOPER:

2 Q. Just another picture of the shell casings?

3 A. Yes.

4 Q. And then State's 51.

5 (Exhibit displayed on screen in open court.)

6 BY MR. COOPER:

7 Q. What do we see here?

8 A. This is a close-up of one of the shell casings. And we
9 take one here just to show the evidence marker and the scale
10 just to show the relation of size.

11 Q. Okay. And then State's 52.

12 (Exhibit displayed on screen in open court.)

13 BY MR. COOPER:

14 Q. Just another one of the headstamps of the casings?

15 A. It is, yes.

16 Q. Showing you now what's been marked for ID purposes only
17 as State's 53, 54, 55, 56, 57, and 58. Do you recognize
18 these?

19 A. Yes. These are more of the photographs I took the night
20 of the incident of the scene.

21 MR. COOPER: Your Honor, at this time the State would
22 offer what's been marked for ID purposes only as State's 53
23 through 58 into evidence.

24 THE COURT: Counsel?

25 MS. MARTINEZ: Yes, your Honor. Without objections from

1 the defense.

2 THE COURT: Okay. 53, 54, 55, 56, 57, and 58 State's
3 exhibits come into evidence.

4 MR. COOPER: Thank you, Judge.

5 (State's Exhibit Numbers 53, 54, 55, 56, 57, and 58
6 admitted into evidence.)

7 (Exhibit displayed on screen in open court.)

8 BY MR. COOPER:

9 Q. I'm showing you State's 53. Back on the mulch?

10 A. Yes.

11 Q. Showing you State's 54.

12 (Exhibit displayed on screen in open court.)

13 BY MR. COOPER:

14 Q. We're just turned slightly left?

15 A. Yes.

16 Q. State's 55.

17 (Exhibit displayed on screen in open court.)

18 BY MR. COOPER:

19 Q. What do we see marked by Evidence Marker 15?

20 A. This is a close-up photograph of one of those casings in
21 the mulch playground area, with scale and evidence marker.

22 Q. Showing you State's 56.

23 (Exhibit displayed on screen in open court.)

24 BY MR. COOPER:

25 Q. Is this the headstamp of that same casing?

1 A. It is.

2 Q. Showing you State's 57.

3 (Exhibit displayed on screen in open court.)

4 BY MR. COOPER:

5 Q. What is this?

6 A. It's what I believe they call a Jibbitz, which is an
7 accessory that goes onto the Crocs shoes that goes into the
8 little holes. And it was found in the grouping of the shell
9 casings and the other evidence.

10 Q. So following the vein of document and collect everything
11 that you can because you don't know what's going to be
12 important later?

13 A. Yes, because we wasn't sure if it was the suspect's or
14 if it was there before, but it could possess DNA or other
15 things.

16 Q. Showing you State's 58.

17 (Exhibit displayed on screen in open court.)

18 BY MR. COOPER:

19 Q. What did you locate in this picture?

20 A. It's a quarter that was found in the same area, mixed in
21 with the evidence and the shell casings.

22 Q. So trying to be as thorough as possible as you're going
23 through the mulch and the scene?

24 A. Yes.

25 Q. I think this is the last group.

1 Showing you what's been marked for ID purposes only as,
2 I believe, State's 59 through 63.

3 A. Yes. More photos I took that night.

4 MR. COOPER: Your Honor, at this time the State would
5 offer what's been marked for ID purposes only as State's 59
6 to 63 into evidence.

7 MS. MARTINEZ: Without objection, your Honor.

8 THE COURT: Okay. State's 59 through 63 come in.

9 MR. COOPER: Thank you, Judge.

10 (State's Exhibit Numbers 59, 60, 61, 62, and 63 admitted
11 into evidence.)

12 (Evidence displayed on screen in open court.)

13 BY MR. COOPER:

14 Q. I'm showing you State's 59. What was marked by Evidence
15 Marker 29?

16 A. It's a deformed projectile or a piece of a bullet.

17 Q. Okay. Showing you State's 60.

18 (Exhibit displayed on screen in open court.)

19 BY MR. COOPER:

20 Q. Is this that same item?

21 A. Yes, it is.

22 Q. Showing you State's 61.

23 (Exhibit displayed on screen in open court.)

24 BY MR. COOPER:

25 Q. What's marked by Evidence Marker 33?

1 A. It's another deformed projectile.

2 Q. Showing you State's 62.

3 (Exhibit displayed on screen in open court.)

4 BY MR. COOPER:

5 Q. Is this that same projectile?

6 A. It is.

7 Q. And then State's 63.

8 (Exhibit displayed on screen in open court.)

9 BY MR. COOPER:

10 Q. What does this show us?

11 A. This is a cell phone that was located in the mulch area
12 of the playground with the other evidence that possessed a
13 South Carolina ID card and a debit or credit card of some
14 sort.

15 Q. What's the name can you make out on the ID?

16 A. Jaquez Deonte Butler.

17 Q. Was that the victim?

18 A. Yes.

19 Q. Once you collect the shell casings and the projectiles
20 in this case, is there anything that can be done as far as
21 analysis later on?

22 A. Yes, there is.

23 Q. What is that?

24 A. The casings are triaged and prepped for IBIS entry,
25 which is the Integrated Ballistics Identification System.

1 Essentially, it's a program that those shell casings can be
2 put into and it can tell us whether or not the gun that fired
3 those casings had been used in any other instances or
4 incidents at any other time. So that's what was done once we
5 got back to the office. They were triaged and prepped for
6 IBIS entry.

7 Q. And to your knowledge, the firearms were never recovered
8 in this case?

9 A. Correct.

10 Q. And then the -- to your knowledge, the shell casings and
11 the projectiles were ultimately sent to SLED for analysis?

12 A. Yes.

13 Q. I'm going to now show you the physical shell casings
14 that you collected.

15 Showing you one grouping of the physical shell casings,
16 what's been marked for ID purposes only as State's 104 to
17 115. Tell us if you recognize those, please.

18 A. Yes.

19 Q. Okay. And these were collected from the grouping of 12
20 by the building?

21 A. Yes.

22 Q. And then showing you the second set, which has been
23 marked for ID purposes only as State's 116 to 131. If you'll
24 see if that's all those shell casings.

25 A. Yes.

1 Q. And all 28, were they individually bagged and marked?

2 A. Yes.

3 Q. What do you do with the shell casings and items of
4 evidence once you collect them on the scene?

5 A. They're placed in individual envelopes and labeled
6 evidence marker, where they're collected from, and they're
7 taken back to the office. And then once analysis is
8 complete, they're sealed and submitted with the chain of
9 custody.

10 Q. And how do you document or do you document items of
11 evidence once they've entered the evidence department?

12 A. Through the chain of custody.

13 Q. And what is "chain of custody"? If you'll explain that
14 for the jury, please.

15 A. It's basically a paper trail that keeps up with the
16 tracking of movements of the evidence -- you know, who takes
17 it in and anybody that comes in contact with it thereafter.
18 Whether it's sent out for analysis or for court or anything
19 else, it's just the way to show where that evidence has been,
20 who had it, and why.

21 Q. And that was properly done in this case?

22 A. Yes.

23 Q. And then I want to show you the two projectiles you
24 collected from the scene, what's been marked for ID purposes
25 only as State's 132 and 133.

1 Do those appear to be the projectiles?

2 A. Yes, they are.

3 Q. Okay. And other than being in a different bag because
4 they've been to SLED, do they appear to be the items you
5 collected that night, the projectiles and the casings?

6 A. Yes.

7 Q. Focusing back to the victim for a second, did you have a
8 chance to examine his body on scene?

9 A. I did.

10 Q. What, if anything, did you observe while examining the
11 victim?

12 A. We noticed what we call "spalling effect," which is
13 basically where there was something that had terminated just
14 under the skin and created a little lump. And it
15 corresponded later on with what we found to be gunshot wounds
16 that was located on the back of the body.

17 Q. And how many of those protruding points did you locate?

18 A. One second.

19 I broke them up into -- just to keep it simple, one
20 grouping was numbered, which was -- the entrance wounds are
21 labeled A through K and the other ones are marked 1
22 through 6. So there were six protruding, or the spalling
23 defects, and then there were 11 entrance wounds that we could
24 see from what we were doing without drastically changing
25 anything on the victim.

1 Q. The protruding points, what side of the body -- the
2 victim's body was that on?

3 A. It was on the front side.

4 Q. And the 11 entrance wounds that you noted, where did you
5 observe those?

6 A. They were on the back side of the body.

7 Q. And when you talk about disturbing -- er, not disturbing
8 the body, who was responsible for the body on the crime
9 scene?

10 A. Ultimately the coroner. It's the coroner's body, so we
11 typically work in conjunction with them when we're processing
12 and examining it.

13 Q. Okay. Did you happen to swab the victim's hands for
14 GSR?

15 A. I did.

16 Q. What is "GSR"?

17 A. It's gunshot residue. Anytime a firearm is fired, the
18 powder is transient, very light, so it will get all over you.
19 And typically, if someone's fired a firearm, there will be a
20 substantial amount on their hands.

21 Q. Okay.

22 MR. COOPER: Beg the Court's indulgence for one second.

23 (State's Exhibit Number 199 marked for identification.)

24 BY MR. COOPER:

25 Q. Would you recognize the North Charleston

1 chain-of-custody document if I were to show it to you?

2 A. Yes.

3 Q. I'm showing you what's been marked for ID purposes only
4 as State's 199, these three pages dealing with the shell
5 casings. Do you recognize that document?

6 A. You said three?

7 Q. Mm-hmm.

8 A. Yes.

9 Q. And contained in the chain of custody, I think that you
10 mentioned, does it contain the names of the people that moved
11 the items?

12 A. Yes, it does.

13 Q. Can you tell us for the shell casings, who handled it
14 after you?

15 A. So after me it would have been Cathy Holbird in
16 evidence.

17 Q. And who is she?

18 A. She was one of the evidence technicians, so she would
19 handle some of the intake and storing of evidence.

20 Q. So you would drop it off and she would check it in?

21 A. Yes.

22 Q. And who had it after her?

23 A. Looks like it would have been Sergeant Morgan, who's the
24 supervisor in evidence.

25 Q. And what did it appear that he did with those items?

1 A. He transported those items to SLED for further testing.

2 Q. Okay. Thank you.

3 And is that Sergeant Michael Morgan?

4 A. It is, yes.

5 Q. Okay. And then regarding -- wait one second. I'm
6 getting ahead of myself.

7 Did you also have the occasion to collect items of
8 evidence from MUSC's autopsy?

9 A. From the coroner's office, yes.

10 Q. From the coroner's office. Sorry.

11 What items did you collect from the coroner's office?

12 A. Anything that was on the body when we located it and it
13 was transported by the coroner. So clothing, projectiles
14 found in the body, the blood spot, hair pull -- anything that
15 they would have collected during the autopsy.

16 Q. And then specifically focusing your attention to a
17 number -- did you collect a number of projectiles from the
18 coroner's office?

19 A. Yes, I did.

20 Q. I'm going to show you what's been marked for ID purposes
21 only as State's 134 through 149.

22 Do those appear to be the items that you collected from
23 the coroner's office?

24 A. Yes, they are.

25 Q. And we've taken them out for court, but they were in one

1 big bag?

2 A. Yes.

3 Q. And when you collected those items, what did you do with
4 those items you collected from the coroner's office?

5 A. They were transported back to the office. Chain of
6 custodies were completed, and they were packaged for our
7 procedures and submitted to evidence.

8 Q. Okay. I'm showing you pages from 199 again, the chain
9 of custody, this page and the next page. Do you recognize
10 those?

11 A. Yes. These are the chain of custodies I completed after
12 picking up the items from autopsy.

13 Q. Okay. So who does it appear had custody of the
14 projectiles after you?

15 A. Cathy Holbird, in evidence -- who is an evidence
16 technician, took custody of them after I submitted them.

17 Q. Okay. And then after her?

18 A. Shante Middleton.

19 Q. Is she another evidence tech at North Charleston?

20 A. She is.

21 Q. Who had it after her?

22 A. At the time, Detective Butler.

23 Q. And does it indicate the purpose?

24 A. It says, "Solicitor's office for trial."

25 Q. Okay. And then after Investigator Butler?

1 A. It would have been Natalia Wilder, who is also another
2 evidence tech.

3 Q. And then the last name?

4 A. Here?

5 Q. Yes, ma'am.

6 A. Erin Meyer with the solicitor's office for trial.

7 Q. Okay. Are you aware that these projectiles were also
8 sent to SLED later than the casings?

9 A. Yes.

10 Q. And again, the document State's 199 that's been marked
11 for ID purposes, that's how y'all document who touches what
12 items and where they go?

13 A. Correct.

14 Q. And just to recap, you collected how many projectiles
15 from the coroner's office autopsy?

16 A. Sixteen.

17 Q. And how many shell casings did you locate on scene?

18 A. Twenty-eight.

19 Q. And how many projectiles did you locate on scene?

20 A. Three.

21 Q. So you've got three or two projectiles on scene?

22 A. Well, I collected two. There was a third one that was
23 located and someone called in. I apologize.

24 Q. So is that a total of, if my math is right, 20 -- 18
25 projectiles and 28 shell casings? Is that right?

1 A. Yes.

2 MR. COOPER: Beg the Court's indulgence.

3 (Pause in proceedings.)

4 MR. COOPER: Agent Moseley, thank you for walking
5 through that with us. I don't have any further questions for
6 you. If you'll answer anything the defense may have.

7 THE COURT: Would counsel approach.

8 (An off-the-record discussion was had at the bench.)

9 THE COURT: Cross-examination?

10 MS. MARTINEZ: Just a moment, your Honor.

11 THE COURT: Yes, ma'am. Take your time.

12 CROSS-EXAMINATION

13 BY MS. MARTINEZ:

14 Q. Good morning.

15 A. Good morning.

16 Q. So you conducted gunshot residue tests on Mr. Jaquez
17 Butler; is that right?

18 A. Yes.

19 Q. Okay. And that test is used to determine if somebody
20 has fired a gun?

21 A. It's used to detect the presence of gunshot residue or
22 powder.

23 Q. Okay. And you testified earlier about the defect in the
24 trash can. You can't tell when the defect was placed on the
25 trash can, right?

1 A. No, I cannot.

2 Q. Or what it comes from exactly? What caused it?

3 A. Well, in my training, it was consistent with coming from
4 a fired bullet, just based off of my training. That's why it
5 was documented.

6 Q. Did you find -- you didn't find any projectiles inside
7 of it, right?

8 A. We did not.

9 Q. Okay. And regarding the mulch area, you don't know what
10 the mulch looked like earlier that day, did you?

11 A. No, ma'am.

12 Q. Before you got there, you don't know what it looked like
13 the day before?

14 A. No, ma'am.

15 Q. Okay. And you're not sure as to whether or not somebody
16 was actually standing there?

17 A. Correct.

18 MS. MARTINEZ: Thank you.

19 No further questions, your Honor.

20 THE COURT: Okay. Thank you.

21 Any redirect?

22 MR. COOPER: No, your Honor.

23 THE COURT: Okay. You may step down. Thank you.

24 (Witness excused.)

25 MR. ZEIGLER: The State calls Michael Morgan.

1 CLERK OF THE COURT: Will you please raise your right
2 hand and place your left on the Bible.

3 (Witness sworn.)

4 CLERK OF THE COURT: Please be seated.

5 Please state your full name, spelling your last name
6 loudly and clearly into the microphone.

7 THE WITNESS: My name is Michael Todd Morgan. My last
8 name is spelled M-O-R-G-A-N.

9 MICHAEL MORGAN,
10 called as a witness on behalf of the State, being first duly
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ZEIGLER:

14 Q. Lieutenant Morgan, where are you currently employed?

15 A. North Charleston Police Department.

16 Q. And how long have you been there?

17 A. Approximately 27 years.

18 Q. What's your current position there?

19 A. I'm the evidence custodian supervisor.

20 Q. And what's your rank?

21 A. Lieutenant.

22 Q. Okay. What was your position in June of 2021?

23 A. Evidence. The same position.

24 Q. Okay. And what are some of your primary duties in that
25 role?

1 A. I oversee the daily operations of the evidence unit. I
2 also function as an evidence technician when needed.

3 Q. Okay. Does that include driving evidence to SLED if
4 needed?

5 A. Correct.

6 Q. Okay. And what is your involvement in the case that
7 we're here for today?

8 A. I transported a number of items from our evidence --
9 property evidence room to SLED for analysis.

10 Q. Okay. And did that include cartridge cases from the
11 scene of the crime?

12 A. I believe so, yes.

13 MR. ZEIGLER: May I approach the witness, your Honor?

14 THE COURT: Yes, sir.

15 BY MR. ZEIGLER:

16 Q. I'm handing you items 1- -- State's Exhibits 116, -17,
17 -18, all the way through -31 -- 131, and State's 104 through
18 115, for ID purposes only.

19 Will you just identify those items once you've had a
20 chance to look at them.

21 A. Yeah, these are envelopes that contain casings and with
22 our evidence label on the outside of the envelope.

23 Q. Okay. And are those -- that evidence labeled is how you
24 mark them to know that those are the same ones that were from
25 --

1 A. Correct. The submitting --

2 Q. -- when you handled them?

3 A. -- officer or crime-scene person would print the label
4 and apply it to the packaging, seal it, and then provide it
5 to our evidence unit for us to do anything on.

6 Q. Okay. So how do you get those items from the evidence
7 room at North Charleston Police Department up to SLED?

8 A. We will receive the intake request from the officer or
9 crime scene, and we would retrieve it from within the
10 evidence room, put them in a bin, and you put them in a
11 vehicle and drive them up to SLED.

12 Q. Okay.

13 (State's Exhibit Number 166 marked for identification.)

14 MR. ZEIGLER: May I approach the witness?

15 THE COURT: Yes, sir.

16 BY MR. ZEIGLER:

17 Q. I'm handing you State's 166. Can you just identify that
18 item, please.

19 A. This is a SLED chain of custody for evidence that we
20 drop off.

21 Q. Okay. And can you identify just what the evidence says
22 in the gray box at the top of that -- er, what it says in the
23 gray box at the top of that item.

24 A. "Item 1, sealed envelope containing cartridge cases
25 described as EM," which is evidence marker, "Number 1,

1 Aguilera," who's the officer -- or the crime-scene
2 technician, ".22-caliber spent casing at 921 hours."

3 Q. Okay. And then whose name is at the top of that list of
4 names?

5 A. That would be my name.

6 Q. Okay. And then who -- so what would you have done with
7 the items once you brought them up to SLED?

8 A. Normally we would meet with one of the SLED evidence
9 technicians and do intake, processing it in. However, this
10 was during COVID and they had changed their process. We
11 would take the evidence up and then we'd put it into one of
12 their evidence submission lockers. Then they would retrieve
13 them later.

14 Q. Okay. And then in this case on that chain of custody,
15 who retrieved it later?

16 A. Um -- I --

17 Q. Is it Madison Willis?

18 A. Yeah, it is Madison Willis.

19 Q. And then who handled it after her? Would it have been
20 Olivia Cartwright?

21 A. It would.

22 Q. Okay.

23 MR. ZEIGLER: I've got nothing further for this witness.

24 THE COURT: Okay. Any cross-examination?

25 MS. MARTINEZ: No cross from the defense, your Honor.

1 THE COURT: Okay. You may step down, sir.

2 (Witness excused.)

3 MR. ZEIGLER: The State calls Cal Lockwood.

4 THE COURT: Can I see counsel real quick.

5 (An off-the-record discussion was had at the bench.)

6 THE COURT: All right. Ladies and gentlemen, I'm going
7 to -- well, come up here.

8 (An off-the-record discussion was had at the bench.)

9 THE COURT: Okay. Ladies and gentlemen, we're going to
10 take just a quick break. We've still got a little bit of
11 testimony before we break for lunch. Okay? So I'm going to
12 send y'all back to the jury room for just a brief moment.
13 Okay?

14 Again, do not discuss this case amongst yourselves.
15 Thank you.

16 (The jury exited the courtroom at 12:00 p.m.)

17 (Court recessed.)

18 (Court resumed outside the presence of the jury.)

19 THE COURT: Please take a seat. Thank you.

20 Are we ready?

21 MR. ZEIGLER: Yes, your Honor.

22 THE COURT: All right.

23 Thank you, sir.

24 (The jury entered the courtroom at 12:11 p.m.)

25 THE BAILIFF: All jurors are present, your Honor.

1 THE COURT: Thank you.

2 Please proceed.

3 MR. ZEIGLER: The State calls Cal Lockwood.

4 CLERK OF THE COURT: Will you please raise your right
5 hand and place your left on the Bible.

6 (Witness sworn.)

7 CLERK OF THE COURT: Please be seated.

8 Please state your full name, spelling your last name
9 loudly and clearly into the microphone.

10 THE WITNESS: Cal Lockwood.

11 CAL LOCKWOOD,
12 called as a witness on behalf of the State, being first duly
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. ZEIGLER:

16 Q. And that's L-O-C-K-W-O-O-D, correct?

17 A. Correct.

18 Q. Okay.

19 A. Correct.

20 Q. All right, Cal. Where are you from originally?

21 A. Charleston, South Carolina.

22 Q. And where were you were living in June 2021?

23 A. Palmetto Apartments, West Ashley.

24 Q. West Ashley?

25 A. Yeah.

1 Q. You spent some time in North Charleston?

2 A. I mean, I'm from here.

3 Q. Okay.

4 A. Yeah. Yeah.

5 Q. But you're out of town -- you live out of town now?

6 Like, you live in a different part of the country or the
7 state and not in -- not locally in Charleston anymore,
8 correct?

9 A. Yeah. I stay actually somewhere else, yeah.

10 Q. Okay. I just want to take you back to June 22, 2021. I
11 know you were interviewed by police after the events that
12 occurred that day, so you probably remember a little bit
13 about that day.

14 What were planning on doing or what did you plan to do
15 that day?

16 A. I was planning on smoking with somebody, and it didn't
17 play out like that.

18 Q. Okay. Did you meet -- were you planning on meeting up
19 with that person at the Pinecrest pool?

20 A. Yes. Correct.

21 Q. Okay. And you were just going to smoke some weed and
22 party back at your place?

23 A. Yes. Correct.

24 Q. Okay. Do you recognize anybody sitting at the defense
25 table? That's the table on your right side.

1 A. No, not at all.

2 Q. Okay.

3 A. Like, if -- no.

4 Q. None of those three people standing right there?

5 A. I don't know anybody.

6 Q. Okay. And you've never spoken to the man sitting on the
7 far right side of that table before, have you?

8 A. I might -- I mean, I went to school with him. So I
9 might. But, like, I don't speak to him now. I mean, I
10 haven't spoken to him in -- it's been six, seven years.

11 Q. Since, like, high school?

12 A. Yeah.

13 Q. Okay. Okay.

14 MR. ZEIGLER: I don't have any further questions for
15 this witness, your Honor.

16 THE COURT: Okay. Any cross-examination?

17 CROSS-EXAMINATION

18 BY MR. KING:

19 Q. Cal -- can I call you Cal? Is that okay?

20 A. Mm-hmm. You can.

21 Q. Cal, are you -- were you familiar with Pinecrest
22 Apartments?

23 A. No. I'm from -- I was raised in Summerville. I never
24 went over there.

25 Q. Had you ever heard anything about it being a high-crime

1 area or anything?

2 A. Not at all. I never went there.

3 Q. Okay. When you got there, it's kind of like one big
4 circle or one big U shape; is that right?

5 A. I really don't know. I don't go over there.

6 Q. When you were there back then on the 22nd, you were just
7 sort of driving around. And at some point you were
8 driving --

9 A. No. I didn't be driving around. We just went inside
10 the neighborhood, made a left. That's it. Went out. That's
11 it. Like, I don't -- I never went in that neighborhood ever.
12 Never played around in that neighborhood. Never saw anybody
13 in that neighborhood before.

14 Q. Do you remember all the apartments kind of looked alike?

15 A. Yeah. Yeah. They all look alike.

16 Q. And you were texting with the person who ended up
17 getting shot and killed, right?

18 A. Right.

19 Q. You said you were going to pick him up?

20 A. Yeah. We just wanted to smoke.

21 Q. And go back to your house. Was this like a date or
22 something?

23 A. No. We was just going to smoke.

24 Q. Okay. But was he, like, changing locations or
25 something? Did something happen that you ended up just

1 leaving?

2 A. Can you say that again?

3 Q. At some point you got just frustrated and left, right?

4 A. Oh, yeah, because he was taking too long. So I was
5 like, "I gotta go."

6 Q. And you didn't see the shooting or hear it, right?

7 A. No, I didn't. Like, I just know -- I just felt like my
8 time was being wasted, so I left. Like, I came there to
9 smoke. He never came, and I left. And then, yeah, that's
10 it.

11 Q. Okay. Do you remember when you were interviewed by
12 Detective Sanchez maybe a couple days later?

13 A. Yeah. They came to pick me up at my apartment.

14 Q. Do you remember seeing -- when you were driving around,
15 do you remember seeing old ladies out there sitting on a
16 porch?

17 A. No. I didn't pay attention.

18 But actually, I do remember that actually. Like,
19 looking -- thinking back, I do remember old ladies sitting on
20 the porch, like, not vividly, not really paying attention.

21 Q. Do you remember telling Detective Sanchez that like
22 three separate times about the five old ladies?

23 A. Not really, no. It was 2021. You know, it was a while
24 ago.

25 Q. Does this sound familiar? Do you remember telling

1 Detective Sanchez, "There was old ladies out there. I know
2 exactly where they live at"?

3 A. Oh, yeah.

4 Q. "There were like five of them just sitting there. I
5 could point you in the direction they were sitting outside."

6 A. Yeah, I remember saying that.

7 Q. And a little bit later, you mentioned them again. And
8 you said, "I will tell you where the ladies live at. It was
9 like five of them on the porch sitting there." You remember
10 that?

11 A. Mm-hmm.

12 Q. And a third time you mentioned to Detective Sanchez,
13 "The first house that you came to on the left, it's like two
14 houses down, and there's like five ladies sitting on the
15 porch." You remember that? So three separate times you
16 mentioned it to Detective Sanchez?

17 A. Honestly, I remember mentioning it, but I just don't
18 recall all that other stuff. I mean, I remember saying,
19 yeah, that I could tell you where -- where the old ladies
20 were sitting at.

21 Q. And you told all that to Detective Sanchez?

22 A. Yeah.

23 Q. Do you remember seeing a Dodge Charger with yellow
24 strips at the bottom driving around?

25 A. Well, I say this to myself and myself only. I don't

1 remember nothing, none of that. Like, I seen the old ladies.
2 That's it. I backed up. I waited for somebody. I waited
3 for him. He never came out. And I left.

4 MR. KING: Beg the Court's indulgence one moment.

5 THE COURT: Yes, sir.

6 MR. KING: No other questions, your Honor.

7 THE COURT: Okay. Any redirect?

8 MR. ZEIGLER: Very briefly.

9 REDIRECT EXAMINATION

10 BY MR. ZEIGLER:

11 Q. Was the person you were going to meet up with, his name
12 was Jaquez Butler. Did he go by "Little J"? Or was there a
13 nickname that you knew him by or you were interacting with
14 him as?

15 A. I -- the first day I met -- the first day I talked to
16 him on Messenger, I never -- that was first day I, like,
17 encountered him. Like, literally --

18 Q. Okay.

19 A. -- that was the first conversation, the first anything.
20 We was going to smoke. That was it.

21 Q. Okay.

22 A. I don't remember no nicknames. I don't even remember --
23 I don't remember his name. Like, I don't remember his name.

24 Q. Jaquez Butler sound familiar?

25 A. No. It's also been three years. Like, we was literally

1 just going to smoke.

2 Q. Okay.

3 A. The only thing. The only plan was to smoke. I don't --
4 I think he had, like, a fake Facebook name or something.

5 Q. Okay.

6 A. Yeah.

7 MR. ZEIGLER: Okay. No further questions.

8 THE COURT: Any recross?

9 MR. KING: No, your Honor.

10 THE COURT: Okay. You may step down, ma'am.

11 THE WITNESS: Thank you, your Honor.

12 (Witness excused.)

13 THE COURT: Y'all have any more witnesses before we
14 break for lunch?

15 MR. ZEIGLER: No, your Honor.

16 THE COURT: Okay. Ladies and gentlemen of the jury, we
17 are going to break for lunch. Let's see. It's 12:30. If
18 y'all will be back at 2:00. Okay?

19 And again, please do not discuss this case among
20 yourselves, do any kind of investigation, look at any type of
21 social. Okay?

22 We'll see y'all back at 2:00. Thank you.

23 (The jury was released for lunch and exited the
24 courtroom at 12:21 p.m.)

25 (The following proceedings were had outside the presence

1 of the jury.)

2 THE COURT: Okay. Anything that y'all need to take up
3 with me before we break?

4 MR. ZEIGLER: I don't think so, your Honor.

5 Maybe we should maybe just address who's going to be
6 testifying this afternoon.

7 THE COURT: Yeah, that would be great.

8 MR. ZEIGLER: Okay. We have -- I believe we are going
9 to start off with Erin Meyer. She should be about three
10 minutes. She drove the bullets up to SLED.

11 We've got Jennifer Nates. She would have been the
12 person who oversees gunshot residue. She's simply going to
13 testify that had gunshot residue on the gunshot victim been
14 sent to her, that it would not have been tested per SLED
15 policy.

16 Defense may have some cross for her. I don't anticipate
17 any defense cross on Erin Meyer.

18 However, we've also got Jodi Stoilova, who may be on the
19 witness list as Jodi Hunt. She might take like 45 minutes or
20 so, 30 minutes from the State.

21 THE COURT: Who's she?

22 MR. ZEIGLER: She did the search warrant on the vehicle
23 and the fingerprint analysis on the evidence.

24 THE COURT: Okay.

25 MR. ZEIGLER: And then the last two that we have are

1 both probably going to be fairly quick since we suppressed
2 most of that -- er, defense suppressed most of that
3 defendant's statement yesterday. Detective Bernard and
4 Detective Steinbrunner should be at, I would say -- what? --
5 20 minutes each, probably.

6 THE COURT: All right. Well, we will see y'all back at
7 2:00.

8 Is there anything from defense?

9 MS. MARTINEZ: No, your Honor. Thank you.

10 (Court recessed.)

11 (Court resumed outside the presence of the jury.)

12 THE COURT: Please take a seat.

13 Is everybody ready?

14 MS. MARTINEZ: Yes, your Honor. We do have a matter
15 before we begin.

16 THE COURT: Okay.

17 MS. MARTINEZ: The State plans to introduce into
18 evidence photos of a document -- it's a receipt from a store
19 called ATP Guns and Range -- into evidence. And I wanted to
20 make the objection before we call the jury --

21 THE COURT: Okay.

22 MS. MARTINEZ: -- instead of objecting while the witness
23 is testifying.

24 THE COURT: Okay. And what's the photo again? I'm
25 sorry.

1 MS. MARTINEZ: So there's -- actually, there's four
2 photos. May I approach?

3 THE COURT: Sure. Absolutely.

4 MS. MARTINEZ: So there's actually four photographs of a
5 receipt that was found in my client's vehicle during the
6 search warrant. All of those are --

7 THE COURT: The receipt?

8 MS. MARTINEZ: Yeah, the receipt.

9 THE COURT: Okay.

10 MS. MARTINEZ: And, well, one of the objections is
11 authentication. And the other one is that the document
12 contains hearsay.

13 So we believe that they are going to try to introduce it
14 to show that that ammunition in the receipt was purchased on
15 that particular date, which would be June 22 of 2021, at that
16 particular time and that the purchase was made. And we don't
17 think that Jodi -- well, it's not Hunt anymore. But we don't
18 believe that she can authenticate the document, your Honor.
19 I think we need a business owner or somebody that produced
20 the receipt to be able to come in and testify about that.

21 THE COURT: All right. State?

22 MR. ZEIGLER: Yes, your Honor.

23 That is just a picture of something that was found in
24 the car. The receipt was found in the vehicle during the
25 execution of the search warrant. It's very relevant to this

1 case as it corroborates what was found in the car, a Plinker
2 35-round tactical magazine, as well as a box of the same
3 brand and caliber ammunition that were found on scene and
4 additionally found in the car. It shows that they were
5 purchased.

6 The big thing is that it was just there in the vehicle.
7 It's not like -- there is no authentication needed for
8 something like that. She took the pictures herself. She, I
9 guess, retrieved the receipt out of the backpack herself and
10 then took a picture of it. So --

11 All right. Yeah. There's also nothing to suggest it's
12 not authentic. So I think it's good evidence.

13 THE COURT: Anything in response?

14 MS. MARTINEZ: No, your Honor. Whether it's a -- your
15 Honor, the State didn't address the fact that it contains
16 hearsay and that they're trying to admit it for the purpose
17 to prove what it states in the receipt, which is the date,
18 the time of purchase, and the items. And although it's the
19 photo of a receipt, the receipt itself is the document. So
20 whether they were trying to admit the receipt itself or the
21 photos of the receipt, you know, we think you should not
22 admit that into evidence.

23 MR. ZEIGLER: Your Honor, the evidence isn't necessarily
24 -- Jodi Hunt is not going to testify that just because the
25 receipt was in the car automatically means that Israel

1 Robinson is the one that purchased those items. She is
2 simply testifying that that receipt was in the vehicle that
3 Israel Robinson owns. So we're not saying that that, you
4 know, is some sort of direct evidence of Israel Robinson
5 making the purchase. We're just showing that it was in
6 there.

7 THE COURT: Is there an 82? I've got 80, 81, 83. And
8 84 and 85 are missing. Are those just -- those are not --

9 MR. ZEIGLER: Yes, your Honor. 85 is just a picture of
10 the trunk generally, the backpack. And then 86 shows the
11 boxes I mentioned in the backpack. I think 82 that you
12 mentioned is skipped over. That one, I believe, is just --
13 has been removed for efficiency purchase purposes. It's just
14 another picture of the same thing, so we took that out.
15 We're not using it a Number 82 then.

16 THE COURT: And it is -- okay. So it's 84. 80, 81, and
17 then 82 is out, and then 83 and 84.

18 MR. ZEIGLER: Yes, your Honor.

19 THE COURT: Or is that 86? Can you see it? It looks
20 like a -- you can come up here.

21 MR. ZEIGLER: Oh, it's a 4.

22 THE COURT: Okay.

23 MR. ZEIGLER: Sorry about that.

24 THE COURT: All right. I'm going to step down for a
25 second, and then I will be back.

1 Otherwise, anything else?

2 Ms. Martinez, is that the only thing that you needed to
3 raise to the Court right now?

4 MS. MARTINEZ: Yes, that's the only thing I needed to
5 raise right now.

6 THE COURT: Okay. Who -- which witness would these be
7 coming in through?

8 MR. ZEIGLER: So it would be Jodi Stoilova or Jodi Hunt
9 on the witness list. She got married in between the time of
10 the --

11 THE COURT: Okay. Yeah, I think she's listed as Hunt on
12 the witness list.

13 MR. ZEIGLER: So she is our third witness this afternoon
14 after two chain witnesses -- or a chain witness and a GSR
15 witness.

16 MR. COOPER: Your Honor, if I could add one thing on the
17 argument about the receipt.

18 I'm also in the process of trying to find some case law
19 in the matter, but it seems somewhat identical to the
20 driver's license that we showed the picture of. We certainly
21 didn't need someone from the Department of Motor Vehicles to
22 come and authenticate that. It's not being offered for the
23 truth of the matter. It's being offered as a part of what
24 was in the possession of the defendant, or allegedly, and in
25 the defendant's vehicle. It relates to ammunition in a box

1 that his fingerprint was found on.

2 And I'm going to get case law, but we -- in the --
3 having to authenticate everything in every picture, if that
4 makes sense. We don't have to have someone from the
5 ammunition company authenticate the box. It is not being
6 offered for the truth of the matter. It's being offered to
7 show what is in the defendant's possession and what's in the
8 vehicle that connects to him and his fingerprint.

9 But again, I would liken it to the Department of Motor
10 Vehicles and the license of the victim. We didn't have to
11 have someone from the DMV come and authenticate it. And I
12 will search for case law in the meantime, but I wanted to
13 make that distinction.

14 MS. MARTINEZ: Your Honor --

15 THE COURT: Well --

16 MS. MARTINEZ: I apologize.

17 THE COURT: Go ahead. Do not apologize. You need to
18 put whatever you need to put on the record.

19 MS. MARTINEZ: I wanted to comment on that.

20 The prosecutor made the statement that the receipt
21 pertains to ammunition in a box that his fingerprint is
22 contained on. I don't know if that receipt actually matches
23 one of the boxes -- right? -- that were found in the
24 vehicle -- in my client's vehicle.

25 THE COURT: Well, it was purchased -- I mean, it's clear

1 the time that it was purchased.

2 MS. MARTINEZ: Right. But --

3 THE COURT: And the same day. And it's -- what is it?
4 Aguilar.

5 MR. ZEIGLER: Aguila. I think it's Aguila, yeah.

6 THE COURT: Okay.

7 MS. MARTINEZ: Right. But it could have been from
8 different bullets in different boxes. That's the point I'm
9 trying to make.

10 THE COURT: Okay. And that's a different issue. And I
11 mean, what counsel says, I mean, if it's not being offered
12 for the truth of the matter asserted, then obviously it's --
13 it does not fall under the hearsay.

14 So let me just -- I want to step down for a second. I
15 want to see if I can find something on it real quick. Okay?

16 Any other things that we need to take up?

17 MS. MARTINEZ: Well, Judge, if it's not being offered
18 for the truth of the matter asserted, then why is it being
19 offered at all? There are boxes of ammunition in the car,
20 right? So I think the State is trying to get around the
21 hearsay rule in trying to admit that receipt to show that
22 those items were purchased -- the ammunition was purchased on
23 that particular date and time.

24 THE COURT: State?

25 MR. COOPER: Your Honor, it's not being offered for the

1 truth of the matter. It's being offered to show what was in,
2 like I said, the defendant's vehicle at the time. I think it
3 certainly also goes towards confirming the motive, that he
4 was arming himself in advance of a potential conflict.

5 But I -- it's not being offered to show and we can't
6 make -- we can't prove that it was that defendant. We
7 actually reached out to the store to see if they could
8 provide any details of the transaction and they couldn't. We
9 can't prove who purchased it. But certainly, the fact that
10 it was found contemporaneous with the box of ammunition in
11 the backpack, with stuff with the defendant's name on it, in
12 the defendant's car certainly shows also not just that it was
13 purchased and not being offered for the truth of the matter,
14 but what was in the possession of the defendant when this
15 incident likely occurred.

16 I think that shows a full picture, and I think denying
17 the State the ability to introduce that would take away a key
18 fact for the jury to consider. And I don't think it would be
19 proper. And if your Honor is inclined to do that, I would
20 ask that we be able to try to get somebody from the store.

21 But I don't think it's being offered for the truth of
22 the matter, and I believe it -- it's not being offered for
23 the truth of the matter.

24 THE COURT: All right. Anything else?

25 MR. ZEIGLER: None from the State, your Honor.

1 MS. MARTINEZ: Nothing from defense. Thank you.

2 THE COURT: All right. I just didn't know if there were
3 any other evidentiary issues we need to take up right now.

4 MS. MARTINEZ: Not at the moment.

5 THE COURT: Okay. All right. I'll see y'all in just a
6 second.

7 (Court recessed.)

8 (Court resumed outside the presence of the jury.)

9 THE COURT: Okay. Thank you. Take a seat.

10 Okay. I do think it's a proper objection, but I think
11 that it can be remedied. I wanted to -- like I told y'all, I
12 wanted to spend some time and do my best to get it right.

13 I do think it's relevant, the receipt. And I did look
14 at, Number 1, allowing the State to get what they need to
15 authenticate it. And I think that that's proper and that's
16 allowable. And it would come in under a business records
17 exception under 803(6) or it would come in under the statute.
18 It's 19-5-520(A). And that could be done by two ways:
19 Either you have somebody come that can authenticate it or you
20 can get it by affidavit. I think it will probably be easier
21 if you call somebody from the store to authenticate it.

22 And if not, then it will not come in.

23 MR. ZEIGLER: Okay.

24 THE COURT: Okay?

25 MR. COOPER: We have our office trying to contact the

1 store right now.

2 THE COURT: Okay. Well, we're not going to need to wait
3 for that, right?

4 MR. ZEIGLER: I mean, I can have her identify the
5 pictures of it and identify that she took those picture and
6 then leave them for ID purposes only and then take them out
7 of the stack of the other photos and then either get --

8 THE COURT: I mean, there's not question it comes in
9 under business records under 803(6) and then 19-5-520(A).

10 MR. COOPER: Your Honor, when you talk about 19-5-520 --
11 and I may have missed it when you said it --

12 THE COURT: It could be --

13 MR. COOPER: -- that allows us to do the --

14 THE COURT: -- certification. It could be done by
15 affidavit. But, you know, it seems to me it would be easier
16 -- and all -- I'm just addressing -- y'all objected. Okay?
17 So it's -- and so I think it's okay -- I looked at, Is it
18 okay for them to be allowed to bring somebody? And I do
19 think that it is -- it's proper for them to bring somebody
20 just to authenticate from the gun store or -- you know, I
21 mean, I think that's the proper way to authenticate it.

22 MS. MARTINEZ: We think that's proper too, your Honor.

23 THE COURT: Okay. So yeah, I mean, if y'all just want
24 to have it identified and then you bring it in through a
25 subsequent witness. What were those? 80, 81, 83, and 84?

1 MR. ZEIGLER: Yes, your Honor. And I'll separate them
2 right now.

3 THE COURT: Okay. Y'all ready?

4 MR. ZEIGLER: Yes, your Honor.

5 THE COURT: All right. I'm going to bring the jury back
6 in.

7 Y'all ready? Anything else that y'all need to bring up?

8 MS. MARTINEZ: Nothing from the defense, your Honor.

9 THE COURT: Okay. Thank you.

10 And I appreciate y'all's patience. Like I said, I
11 just --

12 MR. ZEIGLER: It's best to get it right.

13 THE BAILIFF: You ready for them?

14 THE COURT: I'm sorry.

15 Are we ready to bring the jury back in?

16 MR. ZEIGLER: Yes, your Honor.

17 THE COURT: Okay. Yes. Thank you.

18 MR. COOPER: Your Honor, just to let you know, we've
19 made contact with the store. We're going to -- I've get a
20 template of that that I've used for other things, and we're
21 going to send it to them tonight and then we should have it
22 for tomorrow.

23 THE COURT: Okay. Thank you.

24 (The jury entered the courtroom at 2:42 p.m.)

25 THE BAILIFF: All jurors are present, your Honor.

1 THE COURT: Thank you. Please take a seat.

2 Thank you. I appreciate your patience. There was some
3 legal issues that I had to take up with the attorneys, and
4 I'm sorry that I had to keep y'all waiting a little bit.
5 Okay? Thank you.

6 State?

7 MR. ZEIGLER: The State calls Erin Meyer.

8 CLERK OF THE COURT: Please raise your right hand and
9 place your left on the Bible.

10 (Witness sworn.)

11 CLERK OF THE COURT: Please be seated.

12 Please state your full name, spelling your last name
13 loudly and clearly into the microphone.

14 THE WITNESS: Erin Meyer. Last name is spelled
15 M-E-Y-E-R.

16 ERIN MEYER,
17 called as a witness on behalf of the State, being first duly
18 sworn, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ZEIGLER:

21 Q. Hi, Erin. Thanks for being here today.

22 Where do you currently work?

23 A. I'm an independent contractor for the Department of
24 Defense.

25 Q. Okay. And where did you work before that?

1 A. In the solicitor's office in Charleston County.

2 Q. And what were some of your duties in that role at the
3 solicitor's office?

4 A. I was an investigator. We locate witnesses, serve
5 subpoenas, review case files, review evidence, transport
6 evidence to SLED for analysis, listen to jail calls, do
7 search warrants, assist on proffers, interview witnesses.
8 Whatever the attorneys need, basically.

9 Q. And in this case, did you have the occasion to drive
10 anything up to SLED?

11 A. Yes, sir.

12 Q. And what did you drive up?

13 A. I believe it was 18 projectiles -- fired projectiles.

14 Q. Okay.

15 MR. ZEIGLER: May I approach the witness, your Honor?

16 THE COURT: Yes, sir.

17 BY MR. ZEIGLER:

18 Q. Can you just identify what that document is.

19 A. This is SLED's internal chain of custody.

20 Q. Okay. And do you see your name on that document?

21 A. Yes, sir.

22 Q. What -- you said you drove the bullets up in this case
23 to SLED for testing. What did you do with them when you got
24 there?

25 A. What we -- traditionally, we prelog them and then

1 package them, sealing them in, and drive them up there,
2 transport them. And in this particular instance, I dropped
3 them off in the evidence lockers.

4 Q. Okay. And is that Items 29 through 46, the last pages?
5 It will indicate the item number on the last of them?

6 A. Yes.

7 Q. Okay. You didn't mess with the items or tamper with
8 them in any way on your way up there, did you?

9 A. No, sir.

10 Q. Okay.

11 MR. ZEIGLER: I'm sorry. For the record, that was
12 State's 214 for ID only.

13 (State's Exhibit Number 214 marked for identification.)

14 BY MR. ZEIGLER:

15 Q. All right. I'm now handing you -- one second on the
16 item numbers.

17 I don't have the item numbers written down, but what are
18 those items?

19 A. These are the projectiles that I transported to SLED.

20 Q. Okay. How do you know that?

21 A. Because I packaged them before I left, and my initials
22 are on here.

23 Q. Okay. I'm going to hand you Number 214 back. And if
24 you could just tell me what -- I guess, who touched the items
25 after you?

1 A. Looks like Christine --

2 Q. Dadabo?

3 A. Dadabo.

4 Q. D-A-D-A-B-O?

5 A. Yes, sir. She picked them up from the evidence locker
6 and stored them in Room 133, Shelf V, as in Victor, 34 at
7 SLED.

8 Q. Okay. And then who handled them next?

9 A. It looks like Susan Smith picked them up from evidence
10 and took them to Jamie Green, the analyst.

11 Q. Okay.

12 MR. ZEIGLER: Beg the Court's indulgence.

13 (Pause in proceedings.)

14 BY MR. ZEIGLER:

15 Q. Okay. And just for the record's purposes, the item
16 numbers that I gave you earlier -- sorry about this -- would
17 be 132 through 149 -- State's Exhibits 132 through 149. Just
18 review them and confirm, please.

19 A. Okay. So you want me to confirm that you have State's
20 exhibit numbers on here?

21 Q. Right. And there are no missing numbers between 132 and
22 149.

23 A. There's duplicates, but there's no missing.

24 Q. Duplicates?

25 A. Looks like 132, 134 --

1 Q. Oh, that's 7. That's my handwriting. I apologize.

2 A. Yep.

3 Q. Okay. Thank you.

4 MR. ZEIGLER: Nothing further for this witness, your
5 Honor.

6 THE COURT: Okay. Any cross-examination, Ms. Martinez?

7 MS. MARTINEZ: Nothing from the defense, your Honor.

8 THE COURT: Okay. You may step down. Thank you.

9 THE WITNESS: Thank you, sir.

10 (Witness excused.)

11 THE COURT: Next witness?

12 MR. ZEIGLER: The State calls Jennifer Nates.

13 (Witness sworn.)

14 CLERK OF THE COURT: Please be seated.

15 Please state your full name, spelling your last name
16 loudly and clearly into the microphone.

17 THE WITNESS: Jennifer Nates, N-A-T-E-S.

18 JENNIFER NATES,

19 called as a witness on behalf of the State, being first duly
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. ZEIGLER:

23 Q. Hi, Jennifer.

24 A. Hello.

25 Q. Where are you from?

1 A. Where I grew up, or where I live now?

2 Q. Where you live now.

3 A. I live in Kershaw County now.

4 Q. Okay. And where do you work?

5 A. I work for the South Carolina Law Enforcement Division
6 in the trace evidence laboratory of the forensic division.

7 Q. What is your educational background?

8 A. I have a Bachelor of Science degree in chemistry from
9 California University of Pennsylvania. It is a small state
10 school in Pennsylvania. Upon receiving that degree, I then
11 was hired at SLED and began the training program there, where
12 my education did not continue in college but just through
13 many courses and classes in the training program.

14 Q. And how long have you been at SLED?

15 A. For 27 years.

16 Q. And what is your current position and some of your main
17 duties?

18 A. Currently I am lieutenant over the trace evidence
19 section. My main duties are for the day-to-day operations of
20 the department: ordering supplies, managing the people, time
21 approval, leave approval. I also work cases, perform
22 training, testify in court, and provide training to outside
23 agencies when requested.

24 Q. Okay. Can you please explain what gunshot residue, or
25 GSR, analysis includes.

1 A. Explain GSR or the analysis?

2 Q. You can explain GSR and then get into the analysis
3 after.

4 A. So gunshot residue is a term that's mostly used by the
5 forensic community to include any and all residue that's
6 produced when a firearm is discharged. Specifically in
7 forensics, laboratories usually look for something called
8 primer gunshot residue or gunshot residue that is specific to
9 the primer composition and the cartridge.

10 So when a firearm is discharged, it's a small mini
11 explosion taking place. This explosion, the point of it is
12 to light your smokeless powder -- to light it so that it
13 produces heat and pressure and then propels the bullet out of
14 the gun. So during this process, everything is vaporized.
15 It's a high-heat, high-pressure environment.

16 So the elements that are present in the primer --
17 specifically barium, antimony, and lead -- are vaporized.
18 They then cool and condense and deposit on anything in that
19 vicinity. And this is what encompasses primer gunshot
20 residue. It is a molten particle, a microscopic particle
21 that contains three elements: barium, antimony, and lead.

22 To analyze for gunshot residue, we use what's called a
23 scanning electron microscope. It magnifies the gunshot
24 residue up to 20- to 30,000 times. Normally, a particle of
25 gunshot residue, you could fit a hundred of them across the

1 width of a human hair. So they're very tiny. You can't see
2 them with the naked eye. So we use a microscope to search
3 for these particles on a sample. And then the microscope has
4 an attachment to it that takes an x-ray and tells the analyst
5 what elements are present in that particle.

6 Q. Okay. And so it makes sense in a case involving guns to
7 do GSR tests on victims and defendants if it's available.

8 Is GSR analysis done on every victim in every gunshot
9 case?

10 A. It is not. Normally the purpose of a gunshot residue
11 collection kit is to try to link or associate a person or
12 object with the discharge of a firearm. In the case of, say,
13 a person who has sustained a gunshot wound, you already have
14 that link established. That person has a bullet hole in
15 them. We know they were near a gunshot.

16 Usually if someone carries a gun on them, if you're
17 apprehended with a gun on your body, you already have a
18 source for that gunshot residue. The analysis of any samples
19 collected from your hands can't tell whether you fired a gun
20 or you have gunshot residue on you from carrying that gun.

21 So we do not analyze gunshot residue kits in every case.
22 Usually the cases where they're most probative is when you
23 have a suspect or a person who states they were not near the
24 discharge of a firearm, they weren't near a gun, they didn't
25 touch a gun. And then if the collection shows gunshot

1 residue, then you may have to question them additionally.

2 But with victims, we expect to find gunshot residue. If
3 I analyze a victim kit, I am not able to tell you if that
4 victim fired a gun from that evidence because I expect to
5 find GSR on them from being shot. There's no differentiation
6 between gunshot residue that you would sustain from being
7 shot or from discharging a firearm. It's mostly the same for
8 what the labs analyze for.

9 We also do not do kits on a person if the GSR kit was
10 collected beyond six hours after the incident. There's no
11 reasonable expectation to find GSR on a person six hours
12 after they've discharged a firearm.

13 So we do use it in shooting instances, but GSR kits are
14 not analyzed in all cases.

15 Q. And is it SLED's policy to send back GSR kits to the
16 arresting agency if they -- if it comes to testing for a
17 victim? So a victim's GSR kit, it would be sent back if
18 they're the victim of a gunshot?

19 A. As of January 21, 2022, we put into place customer
20 notice that we no longer accept GSR kits from a person who
21 has sustained a gunshot wound or from persons who are known
22 to be in possession of a firearm. We do send these kits back
23 if they are submitted to us. There are some exceptions, but
24 usually these exceptions deal with a great distance between
25 the victim and the suspect at the time of the incident.

1 Q. Okay.

2 MR. ZEIGLER: I've got nothing further for this witness,
3 your Honor.

4 THE COURT: Any cross-examination, Ms. Martinez or
5 Mr. King?

6 CROSS-EXAMINATION

7 BY MS. MARTINEZ:

8 Q. Good afternoon, Ms. Nates.

9 A. Hello.

10 Q. So the policy that you testified about at SLED, it
11 wasn't effective in June of 2021, was it?

12 A. It was not, but we were telling agencies that they
13 should cease collecting from victims at that time because we
14 were putting the policy in place and we were no longer going
15 to be analyzing them.

16 Q. But the policy wasn't in place at the time; is that
17 right?

18 A. It was not.

19 Q. Yeah. Thank you.

20 MS. MARTINEZ: The Court's indulgence.

21 (Pause in proceedings.)

22 MS. MARTINEZ: No further questions for the witness,
23 your Honor.

24 THE COURT: Okay. Any redirect?

25 MR. ZEIGLER: No, your Honor.

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

2 THE WITNESS: Thank you.

3 (Witness excused.)

4 THE COURT: The State's next witness?

5 MR. ZEIGLER: The State calls Jodi Hunt.

6 (Witness sworn.)

7 CLERK OF THE COURT: Please be seated.

8 Please state your full name, spelling your last name
9 loudly and clearly into the microphone.

10 THE WITNESS: Jodi Stoilova, S-T-O-I-L-O-V-A.

11 JODI STOILOVA,

12 called as a witness on behalf of the State, being first duly
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. ZEIGLER:

16 Q. Hi, Jodi.

17 A. Hello.

18 Q. You just got married, didn't you?

19 A. Yes.

Q. And so you were previously known as Jodi Hunt?

A. Yes.

Q. Okay. Where do you currently work?

A. At the North Charleston Police Department.

Q. And how long have you been there?

A. Seven years.

Q. What is your current position?

A. I'm a friction ridge examiner and a crime-scene investigator.

Q. Okay. So explain some of your duties in that role.

A. So as a crime-scene investigator, I'll execute search warrants, collect, document, and process evidence from crime scenes and search warrants. And as a friction ridge examiner, I will analyze examine fingerprints and be an AFIS operator. And I also am IBIS certified where I triage and enter fired cases into IBIS.

Q. Okay. What training do you have in friction ridge analysis?

A. So I hold a bachelor's degree in criminal justice through Seton Hall University. I've attended multiple workshops through the International Association for Identification, and I've attended numerous training classes in the field of friction ridge examinations through the IAI. Some of these workshops and classes include complex latent print examinations, analysis of distortion in latent prints, advanced palm print comparisons, skin creases and thermal detail, bias awareness and mitigation in friction ridge examinations, and so on and so forth.

Q. So approximately how many latent print examinations have you done?

A. Tens of thousands, but this will also include training

sets of comparisons from workshops, including casework, and then proficiency tests that I'm given every year.

Q. And it's one of your primary duties right now?

A. Yes.

Q. Okay. Are you a member of any professional organizations related to fingerprints or friction ridge analysis?

A. Yes. I'm a member of the International Association for Identification and also a member of the South Carolina Division of the IAI. I'm also a past president of the South Carolina division of the IAI.

Q. Okay. And you stay up to date on those -- on developments in the field?

A. Yes. So the International Association for Identification, they quarterly put out a journal of forensic science, which I'll be -- I attend classes and workshops and conferences when I'm able to. And I'll keep up with the latest changes and news in the field through newsletters and consultation with my peers.

Q. Okay. What is a "known" fingerprint?

A. So on the palm side of your feet and then the -- the plantar side the feet and palmar side of your hand, there's this raised skin which is called friction ridge skin. You can think of the ridges as hills and then the furrows as valleys. And if you place a small layer of ink on your hand,

it will adhere to the ridges since they are raised. They will come up as black on paper, and the furrows will remain as a voided white area. And then we will intentionally put these on note template cards, and they will remain a permanent record.

Q. And then what is a "latent" fingerprint?

A. So a latent fingerprint -- "latent" means invisible, so not visible. So a latent fingerprint is whenever a person touches a surface and they have, you know, body oils or sweat or some other residue on their hand, it will leave a latent print. It won't be visible to the naked eye, but with certain processing, it will be able to be recorded.

Q. In the area of friction ridge analysis, how are fingerprints analyzed and compared?

A. So we have a methodology called ACE-V, which stands for Analysis, Compare, Evaluate, and Verification. The first step is the analysis, which is where I'm looking at the print and determining if it is of a quality and quantity to be compared.

For the quality, I'm looking to see first if I can determine if it's a finger, a joint, or a part of the palm. I'll do this by looking at the ridge flow patterns, if there's creases or wrinkles. And this will help me determine the correct orientation.

Next, I'm trying to see if there's enough quantity,

which is enough minutiae, which are tiny points of interest. Depending on whether or not they're very common or rare depends on -- will determine if I have -- if I need a lot of points or lesser points.

And then I'll finally look and see if there's any distortion in the print, which could be movement or pressure which will flatten out the ridges.

Once I determine that there is enough quality and quantity, I will begin to compare. In the comparison stage is where I will put the known print and the latent print together, side by side. I'll look for a target group of minutiae that can I tell what the location that is, and then I'll compare that to the known and continue to compare different areas to determine whether or not it's an ID.

After that, we go to the evaluation, which I -- will be my conclusion. There's three types of conclusion. There can be identification, inconclusive, or exclusion. Once I make that determination of one of those three, it will be verified, which is the V. And that will be verified by another trained and competent examiner who will go through the ACE process again.

Q. Okay. And so what are the basic factors -- in addition to what you just mentioned, are there any additional basic fractures in friction ridge analysis?

A. Yeah. So the basic factors is that fingerprints are

unique and persistent. And by that what I mean is that persistent -- the friction ridge skin is regenerated and stable. So throughout the very many layers of your skin, they regenerate.

Uniqueness is the fact that they are established actually in the womb. So between, like, ten and a half weeks and 16 weeks in the womb is when fingerprints are developed. And there's this thing called developmental noise, which is a combination of factors such as slight fluctuations in the cell signaling, environmental factors in the womb, and womb stressors. This noise is random and unpredictable. That is why even identical twins won't have the same fingerprints due to their cells are growing slightly different, slightly different stressors.

And so that's how we use friction ridge skin.

MR. ZEIGLER: Your Honor, at this time the State would like to offer Jodi Hunt as an expert in the field of latent print examination and friction ridge analysis.

THE COURT: Fingerprint exam and friction ridge analysis?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Okay. Any voir dire from defense?

MS. MARTINEZ: Not from the defense, your Honor.

THE COURT: So no objection to this witness being qualified as an expert from the defense, correct?

MS. MARTINEZ: No objections from the defense, correct.

THE COURT: Okay. Ladies and gentlemen, normally a person cannot give opinion testimony. And I am finding that this is an expert and will be allowed to give opinion testimony. And so normally when a person testifies, they must testify either to what they saw, they heard, or sensed by smell. However, there is an exception when someone is qualified because of education or experience. They are permitted to give their opinion in certain areas if the Court qualifies them that way.

This witness will be qualified in the area of fingerprint examination and friction ridge analysis to give opinion testimony in this area. However, that does not mean that you must accept the opinion, but it is evidence for you to use in any way you see fit and give the weight and credibility that you believe is appropriate.

Please proceed.

MR. ZEIGLER: Thank you, your Honor.

Q. [By Mr. Zeigler] Okay. So what was your involvement in the case that we're here for today?

A. I executed a search warrant on Israel Robinson's vehicle, a Nissan Altima.

Q. Okay. And you collected evidence, processed evidence, and fingerprinted some of that evidence, right?

A. Yes.

Q. Okay. Let's start with some pictures from that search warrant.

I'm handing you State's 64, 65, 66, 67, 68, 76, 77, 79, 85 through 87, 88, 89, 90, 91, 92, 93, 94, 95, and 96 through 103, for ID only.

If you'd just review those briefly and just tell me what those are.

A. These are pictures that I took of the exterior and interior of the vehicle.

Q. Okay. What is the purpose of photographing a suspect's vehicle?

A. It's to show how everything was when we worked there.

Q. Okay. And you testified that you took those pictures?

A. Yes, sir.

Q. Do they fairly and accurately represent and depict the vehicle as it was when you received it?

A. Yes.

Q. Okay. And none of those pictures look modified or altered in any way, correct?

A. No.

MR. ZEIGLER: Your Honor, at this time the State would like to offer the previously mentioned items into evidence and publish them for the jury.

THE COURT: Defense, any objection?

MS. MARTINEZ: Judge, subject to the prior objections.

THE COURT: I don't think -- I don't think that included --

MS. MARTINEZ: Right. No objection, your Honor.

THE COURT: Okay. So no objection to 64, 65, 66, 67, 68, 76, 77, 79, 85 through 87, 88, 89, 90, 91, 92, 93, 94, and 96 through 103.

Is that accurate?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Okay. Those will come into evidence, State's exhibits.

(State's Exhibit Numbers 64 through 68, 76, 77, 79, and 85 through 103 admitted into evidence.)

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. All right. Let's start with State's 64.

What is that?

A. That's a picture of the vehicle that I helped execute a search warrant on.

Q. Okay. And then State's 68.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What's that?

A. That's the right front fender -- bumper.

Q. Why did you think it was pertinent to photograph that?

A. The damage to it.

Q. Okay. State's 76, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What is that?

A. That's a South Carolina driver's license to Israel Robinson.

Q. That was found in the vehicle?

A. Yes.

Q. Okay. And then States's 77, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What is this?

A. That's the inside of the trunk of that vehicle.

Q. Okay. And then State's 79.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What is this?

A. That is a Plinker Tactical magazine packaging that was found in a black bag in the trunk of the vehicle.

Q. Okay. State's 85, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Is that the black bag -- er, is it the plastic bag that it was found in?

A. It was found in the plastic bag.

Q. Okay. State's 86, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. And what is that showing?

A. That's a black bookbag that was in the trunk.

Q. And 87, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What is that?

A. That is a box of .22 ammunition.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. State's 88?

A. That's another picture of that ammunition.

Q. What brand and caliber is that?

A. It's .22 Aguila long rifle.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. And then State's 89, please?

A. And that's a picture of another box that was found in the backpack.

Q. Okay. So there were two boxes?

A. Yes.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. State's 91, please?

A. And that is a magazine that contains .22-round ammunition.

Q. And State's 92, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Is that just the top of --

A. Yeah. It shows it's loaded.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. State's 93, please?

A. And that's another box of .22 ammunition, Aguila, that was found in the center console.

Q. Okay. So for these items, you're photographing them generally where you see them?

A. Yes.

Q. Okay. States 95, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What is this showing us?

A. That's a fired cartridge casing that was found. And I believe that was --

Q. I think you're able to mark on the screen with your --

A. Oh, sorry. Yeah.

Q. Is that a touch screen?

Yeah. Okay. Thanks. I appreciate it.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. And State's 96?

A. And then that's a close-up of it.

Q. Okay. So your method is to take a picture of it as it lies and then take a close-up so there's more detail?

A. Yes.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. And then State's 97, please?

A. And then that's the headstamp of that same cartridge casing, which is "REM," which is a Remington.

Q. Okay. So it's not an Aguila?

A. No.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. State's 98 -- er, 99, please?

A. And that is a live round.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. 100, please?

A. And again, that's just a closer up.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. State's 101, please?

A. And then this is -- there's two: one live round and -- with that picture I'm not sure if that's live or a fired casing.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. 102, please?

A. Okay. And then right there.

Q. Okay. I'm showing you for ID purposes only four additional pictures. Just identify that these are, in fact, photographs that you took.

A. Yes, they are.

Q. Okay. Do they fairly and accurately -- just like the previous photos, do they fairly and accurately depict an item from the vehicle in Israel Robinson's car at the time that you received it?

A. Yes.

Q. Okay. And the pictures were not altered or amended in any way?

A. No.

Q. Okay.

All right. Let's move on to these physical items.

I'm handing you State's 153. Please take a look at the item inside that bag and tell me what it is.

A. Inside the bag?

Q. Yeah, inside the bag.

A. So it's the Plinker Tactical packaging that I processed.

Q. Okay. How do you know that?

A. Because I processed it.

Q. Okay. Where within -- you said it was recovered in the trunk?

A. Yes.

Q. In the black plastic bag?

A. Yes.

Q. And what did you do with it once you photographed it and moved forward?

A. Once I was -- after I was done processing it?

Q. Yeah.

A. It's logged in with the NCPD evidence and stored with all the other evidence from the case.

Q. And it's in substantially the same condition as it was when you last saw it?

A. Yes.

Q. Okay.

All right. I will hand you State's 158 for ID purposes only.

Open that and identify what that item is.

A. So that is the .22-caliber magazine and the ten live rounds that were in the vehicle.

Q. Okay. What did you do with that evidence after you photographed it?

A. Once I initially inspected it for prints, then it was -- along with that, it was stored with the evidence unit with all the other evidence.

Q. Okay. And it's in substantially the same condition?

A. Yes.

Q. Okay.

I'm now handing you 151. Please identify that -- or those items.

A. Those are two of the boxes of the .22-caliber Aguila ammunition.

Q. Okay. And they were the ones that were found together in the backpack. Would you --

A. Yes.

Q. -- have packaged them in that bag together?

A. Yes.

Q. Okay. And those are in substantially the same

condition --

A. Yes.

Q. -- as when you had them last?

And then what would you have done with those items after you photographed them?

A. They would be brought back to the NCPD evidence unit to be stored with and logged in with the other evidence in the case.

Q. Okay. I'm going to move to the interior of the vehicle. Please examine those items.

A. Okay.

Q. What are those items?

A. These are the items that I recovered from the inside of the interior of the vehicle, the casings and the live rounds and the box of ammunition.

Q. Okay. And all of those items are in substantially the same condition as they were when you retrieved them at first?

A. Yes.

Q. And what would you have done with those items after you photographed them?

A. Returned them to the -- er, give them to the NCPD evidence unit to be logged and stored with all the other evidence from the case.

Q. Okay. And some of those items were under different areas of the vehicle. Do you recall where?

A. Yes. So there were five live rounds between the driver's seat and the center console. And then there were three live rounds under the back seat cushion.

Q. Okay. And then there were some spent cartridge cases from under the back seat cushion as well?

A. Yes.

Q. Okay.

COURT REPORTER: What were those item numbers, please?

MR. ZEIGLER: I'm sorry. 152, 155, 154, 156, and 157.

COURT REPORTER: Thank you.

MR. ZEIGLER: All right. Your Honor, at this time I'd like to publish all of the items through this witness -- er, offer them into evidence and publish them for the jury. It would be 152, 151, 153, -4, -5, -6, -7, and -8.

THE COURT: Counsel?

MS. MARTINEZ: No objection, your Honor.

THE COURT: All right. Without objection, 151 through --

158?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Come in -- State's exhibits come into evidence.

Or did that include 150? I just want to make sure that I got it.

MR. ZEIGLER: No, your Honor.

THE COURT: Okay.

(State's Exhibit Numbers 151, 152, 153, 154, 155, 156, 157, and 158 admitted into evidence.)

BY MR. ZEIGLER:

Q. Starting with 153 --

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. -- is that the magazine packaging?

A. Yes.

Q. What's all that black stuff on the plastic part?

A. It's fingerprint powder.

Q. Okay.

And 151.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What are those items?

A. Those are two of the boxes of the .22-caliber Aguila --

Q. Okay.

A. -- ammunition.

Q. Were those printed as well?

A. Yes.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. And State's 152?

A. That's the third box.

Q. Okay. And that's the one from the center console?

A. Yes.

Q. Okay.

And then State's 154.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. What are those items?

A. Those are three live rounds of .22 ammunition that were from under the back seat.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. And then this is -- what is this item?

A. That's a .22-caliber magazine.

Q. Okay. And that's the one that you said was loaded when you examined it at first, right?

A. Yes.

Q. Okay. And you collected the bullets that were inside of it?

A. Yes.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Please read -- er, tell me what -- it's hard to see.

A. I can see it.

Q. Is that an A?

A. There is an A on it, which stands for "Aguila."

Q. Okay. And that's the same brand that was the boxes?

A. Yes.

Q. Okay.

MR. ZEIGLER: Beg the Court's indulgence.

THE COURT: Take your time.

BY MR. ZEIGLER:

Q. What is -- I'm sorry. This is State's 155. And that -- I'm sorry.

MR. ZEIGLER: If I can approach?

May I approach the witness, your Honor?

THE COURT: Sure.

BY MR. ZEIGLER:

Q. Are you able to tell me what's on the top of that?

A. I think it's -- I believe it's the Remington one, "REM."

Q. Okay. Thank you.

A. Yep.

Q. Okay.

MR. ZEIGLER: All right. Judge, I think I need to address a matter of law outside the presence of the jury. If we could just send them out for, like, one minute.

THE COURT: Okay. Y'all can go back to your jury room for just a moment.

(The jury exited the courtroom at 3:31 p.m.)

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. Counsel?

MR. ZEIGLER: Judge --

THE COURT: Does this need to be --

MR. ZEIGLER: I don't think it needs to be on the record yet. I just want to -- Mr. Robinson's fingerprints were in the AFIS system from two prior arrests, and so I just wanted to be able to instruct the witness to not mention that that was what he was in the system for and --

THE COURT: And that's fine.

MR. ZEIGLER: Like, his prints would have been recovered -- er, taken based off his arrest for this charge.

MR. COOPER: I think you can just say they were compared to prints from the defendant.

MR. ZEIGLER: Okay.

MR. COOPER: That's the easiest thing.

THE COURT: Yeah.

MR. ZEIGLER: We just want to make sure the witness knew that without asking in front of the jury.

THE COURT: And not get anywhere near --

MR. ZEIGLER: Right. That's all I wanted, just in case that came up.

THE COURT: Thank you.

Counsel, y'all have any comment on that? You're in full

agreement?

MS. MARTINEZ: Yes. We would not want her to mention his fingerprints being in the system.

MR. ZEIGLER: So just mention that --

THE COURT: That she was able to compare it.

MR. ZEIGLER: You were able to compare it with prints from the defendant, Israel Robinson?

THE WITNESS: Absolutely.

MR. ZEIGLER: Okay.

THE COURT: Okay. Yeah. And, I mean, that protects the defendant and I think it's appropriate. Okay?

Thank you, Counsel, for bringing that up so we didn't have a --

MS. MARTINEZ: Thank you.

MR. ZEIGLER: Mistrial.

THE COURT: Anything else?

MS. MARTINEZ: No, your Honor.

THE COURT: Okay. I appreciate that.

All right. Bring the jury back in.

(The jury entered the courtroom at 3:34 p.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Okay. Thank you.

You may continue.

MR. ZEIGLER: Thank you, Judge.

Q. [By Mr. Zeigler] The photographs that I handed you

earlier for identification purposes only, can you please just read those exhibit numbers into the record, please.

A. 80, 81, 83, and 84 (verbatim).

Q. Thank you.

(State's Exhibit Numbers 80, 81, 83, and 86 marked for identification.)

BY MR. ZEIGLER:

Q. Okay. And so you have indicated that you fingerprinted some items in this case?

A. Yes.

Q. Why are fingerprints important to criminal investigations?

A. Fingerprints are important because they are a way to identify people. As I said, they are unique and persistent to each individual.

Q. Okay. Are they left on every single surface that we touch?

A. No, not necessarily.

Q. Okay. Why -- what are some of the reasons why they might not be left on surfaces?

A. There's multiple factors. One, there actually has to be oil and sweat or other types of residue on your fingers. If your hands are very dry, you may not leave fingerprints. Second, temperature and humidity are a factor. And finally, like, the substrate -- the surface that you're leaving your

fingerprint on and the pressure that you're using are all factors.

Q. And you visually examine these items to determine initially whether you think you may or may not be able to --

A. Yes.

Q. Okay. In regards to the items we've discussed, the items that you processed for fingerprints were three separate boxes of ammunition and the Plinker Tactical magazine, correct?

A. Yes. Among some other items, but yes.

Q. Okay. Can you explain your process for testing those items for fingerprints.

A. So the boxes of ammunition, I used ninhydrin. Ninhydrin is a chemical that is very -- works very well on porous items such as cardboard or paper. With that, I use a dipping method where I'll have a glass dish that I will pour the chemical in and then I will dip the cardboard into it. When it's thoroughly soaked, I will leave it out to dry overnight, and then the prints will come up purple, if there are any prints.

I used a different chemical for the Plinker Tactical packaging. I used RAM, which is a fluorescent dye. It combines three different chemicals: rhodamine, ardrex, and MBD. That's sprayed on the packaging. It's good for plastic. It's sprayed on it, then it's spritzed with

distilled water, and then again it's left to dry. Then that's viewed under fluorescent light, and then if there's a print, it will show up.

Q. Okay. And then you photograph the items --

A. Yes.

Q. -- with a special lens?

A. Yes.

Q. What else do you do with those?

A. And then there's also super fuming, which is cyanoacrylate. That's used -- it's a super glue that's a chemical that when it's heated it releases a gas in the air. That gas is attracted to the sweats and oils of the fingerprint, and then it will crystallize and they'll appear like a white chalky color.

Q. Okay. And what did you do with the items after all of the, I guess, testing?

A. Processing?

Q. Processing.

A. So like I said, there was a print that was developed on the .22 ammunition box. That was cut off, and then those prints were compared to known standards.

Q. Did you compare that to Framon Frasier, Jr.?

A. Yes.

Q. And were there -- was there a hit on Framon Frasier, Jr.

A. His prints were excluded.

Q. Okay.

A. I didn't get a hit.

Q. Okay. What about Israel Robinson?

A. I was able to ID his print.

Q. What items or item was his print on?

A. His fingerprint -- I got a positive identification to his left finger -- index finger on the .22 ammunition box flap.

Q. Okay. And then were there any hits on the 35-round magazine?

A. No.

Q. The packaging, I mean.

A. No.

Q. Okay. But you checked for both Israel and Framon Frasier?

A. Yes. Twice.

Q. Okay.

A. And then they each were verified as well. Even exclusions are verified.

Q. Okay.

A. So they were both verified no matter what.

Q. It's the handwriting issue again. I had you read the exhibit numbers from the pictures that I showed you earlier. Is it fair to say that looks like an 84 and not an 86?

A. Oh, yes. I'm sorry.

Q. Okay.

MR. ZEIGLER: I've got nothing further for this witness, your Honor.

CROSS-EXAMINATION

BY MS. MARTINEZ:

Q. Good afternoon.

A. Hello.

Q. So you testified that fingerprints are not left on every surface, right?

A. Correct.

Q. Every time you touch --

A. Yeah, not necessarily.

Q. Okay. And scientifically speaking, you cannot age a fingerprint, can you?

A. No, I cannot.

Q. Okay. Okay. So let's talk about the processing of the Nissan Altima.

You swabbed the steering wheel of the car for DNA; is that correct?

A. Yes.

Q. And you swabbed for DNA on the shifter?

A. Yes.

Q. And also from the driver's side seat?

A. Yes.

Q. And you did the same thing -- well, you also swabbed --

you did DNA swabs for the driver inside handle?

A. Yes.

Q. And you did the same thing for the passenger side?

A. Yes, ma'am.

Q. Is that correct?

A. Yes.

MS. MARTINEZ: The Court's indulgence.

(Pause in proceedings.)

BY MS. MARTINEZ:

Q. One last question.

And you swab for DNA because when you touch something you can also leave DNA; is that right?

A. Yes, ma'am.

Q. Thank you.

MS. MARTINEZ: No further questions, your Honor.

THE COURT: Okay. Any redirect?

MR. ZEIGLER: Yes, your Honor. Briefly.

(State's Exhibit Number 168 marked for identification.)

MR. ZEIGLER: May I approach the witness, your Honor?

THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. ZEIGLER:

Q. I'm handing you what's marked as State's 168 for ID purposes. Could you just please read L-5 and L-5.3?

A. Okay. L-5, which means Latent Number 5: "Latent right

back hard labeled inside driver window, 2010 Nissan Altima, search warrant vehicle."

And then L-5.3, which is the third fingerprint on that card: "Positive identification to the right thumb, Number 1 finger, of Robinson, Israel, black male."

Q. Okay. So that fingerprint was collected and compared to Mr. Robinson, and it was collected from the inside driver window?

A. Yes.

Q. Okay.

MR. ZEIGLER: Nothing further, Judge.

THE COURT: Anything in recross?

MS. MARTINEZ: Nothing further from the defense, your Honor.

THE COURT: Okay. You may step down.

THE WITNESS: Thank you.

THE COURT: Thank you.

(Witness excused.)

THE COURT: Who's the State's next witness?

MR. COOPER: The State calls Sean Bernard.

THE COURT: Okay. Counsel approach real quick.

(An off-the record discussion was had at the bench.)

(Witness sworn.)

CLERK OF THE COURT: Please be seated.

Please state your full name, spelling your last name

loudly and clearly into the microphone.

THE WITNESS: Sean Bernard, B-E-R-N-A-R-D.

SEAN BERNARD,

called as a witness on behalf of the State, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Officer Bernard, will you tell the jury where you're currently employed.

A. I'm with the North Charleston Police Department.

Q. What's your role with the North Charleston Police Department?

A. I'm currently a master patrol officer with patrol.

Q. And how long have you been with North Charleston Police Department?

A. Twelve years.

Q. Focusing your attention to June of 2021, what was your role?

A. I was a detective sergeant over the SVU unit.

Q. Would you describe for the jury what being a detective sergeant entails.

A. So all detective sergeants are kind of a team effort for major crimes that come through, like murders for call-out. But I was specifically assigned to rapes, child crimes, things like that.

Q. Okay. Focusing your attention to this case, will you tell the jury how you became involved.

A. So anytime a murder happens, it's kind of all hands on deck. So I started receiving information about the case, details of it, and some of the needs we had as far as the investigation goes. So I was made aware of a vehicle of interest, and that's how I became involved.

Q. Okay. And what vehicle was that that became of interest?

A. It was a gold Nissan. It was a Maxima with a state tag and some front bumper damage.

Q. At some point during the investigation did North Charleston ultimately locate it?

A. Yes, sir.

Q. Approximately when was that?

A. Eight days after the murder.

Q. Okay. What happened once it was located?

A. I arrived to the scene. It was located in Pinecrest, the same location as the homicide. I showed up to ensure that we got it towed to the warehouse for a search warrant based off some video evidence and other things that we had. And so I was there to ensure that it got towed without issue.

Q. So at that time you had a search warrant for the vehicle?

A. We were obtaining one. Yes, sir.

Q. And were having it towed for that purpose?

A. Yes, sir.

Q. As you were on scene while it was being towed, tell the jury who came out.

A. Mr. Robinson.

Q. And describe his demeanor when he came out.

A. He was inquisitive, asking -- he said, "That's my vehicle. What's going on?" Kind of, "Why are you towing my car?"

Q. How did you respond?

A. I responded, "This vehicle is of interest for a homicide," and that "We're also interested in talking to you in reference to that homicide as well."

Q. Did you ask him to come down to the detective bureau for an interview?

A. I did.

Q. What was his response?

A. He came. He said, "I'm good with that."

Q. And if he had decided not to, what would you have done?

A. Let him go.

Q. How did he get to the police department?

A. In a patrol vehicle.

Q. Because his vehicle was being towed?

A. Yes, sir.

Q. Were you involved in his interview?

A. I was.

Q. At the beginning, do you advise him of his Miranda warnings?

A. I do.

Q. How do you do that?

A. We have an advisement of rights form and a waiver of rights form all in the same, where it's line by line the Miranda rights that he's afforded constitutionally. We read line by line all the way down. And then there's also an "I fully understand these rights" section, and at the very end is a paragraph about waiving said rights. And we have him sign line by line to make sure that he understands each line as we go.

Q. If I were to show you that form, would you recognize it?

A. Yes, sir.

MR. COOPER: May I approach the witness?

THE COURT: Yes, sir.

BY MR. COOPER:

Q. Officer, showing you what's been marked for ID purposes only as State's 164. Do you recognize that document?

A. I do.

Q. And what is it?

A. It is the advisement of constitutional rights that I did with Mr. Robinson.

Q. It has your signature and his signature on there?

A. Yes, sir.

Q. Other than being a photocopy, does it appear to be in the same condition as it was when you saw it in 2021?

A. Yes, sir.

MR. COOPER: Your Honor, at this time the State would offer what's been marked for ID purposes only as State's 164 into evidence.

THE COURT: Any objection?

MR. KING: No objection, your Honor.

THE COURT: Okay. Number 164 comes in evidence.

MR. COOPER: Thank you.

(State's Exhibit Number 164 admitted into evidence.)

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. Officer, will you tell us what information you collected at the beginning of the form.

A. So we start with basic information: his name, date of birth, age, how many years of school he completed, ask if he did anything beyond high school education, fill in his name, and then my name.

Q. And what are the next -- those five paragraphs of initials after, what are those?

A. Those are his Miranda warnings, constitutional rights.

Q. How do you advise him of those?

A. I read them line by line, after which I ask if he

understood those rights, and we have him physically sign if -- if he says, "I understand those rights," he will physically sign then.

Q. And he did initial after each?

A. Yes, sir.

Q. Will you tell us what part of the form is after those individual rights.

A. The "I fully understand each of these rights explained to me." And then it usually is turned around and ask if he agrees, slide it to him, and have him sign, and I'll sign right next to him there.

Q. And did he ultimately sign, indicating he understood them?

A. Yes, sir.

Q. During your advisement of rights with him, at any time did he appear confused or not to understand what was going on?

A. No, sir.

Q. Did you have any concerns about his ability to understand his rights as you were explaining them to him?

A. No, sir.

Q. And then the bottom paragraph, what is that?

A. "Having these rights in mind, I wish to waive these rights and answer questions. No threats, forces, or promises of any kind have been made to me by anyone to cause me to

waive these rights and/or answer questions."

It's essentially, "Understanding these rights that you have, are you willing to speak to us at this time?"

Q. So understanding them is one component, and waiving them is another?

A. Yes, sir.

Q. And did he sign, indicating he wanted to waive his rights and speak with you?

A. Yes, sir.

Q. And again, at this point did you have any concern about him being confused or not knowing what he was doing or not knowingly waiving his rights?

A. No, sir.

Q. And after going through these rights with him, did you speak with him about the incident?

A. I did.

Q. Characterize for us whether he was candid and honest or not.

A. He was not.

Q. Will you describe -- did you ask him about that gold Nissan that you talked about?

A. Yes, sir, I did.

Q. Did he admit to owning it?

MR. KING: Your Honor, just renew our objection made pretrial regarding this at this point.

Just renewing our objection made pretrial.

THE COURT: Absolutely. You have a standing objection.
It's noted and overruled. Thank you.

Continue.

MR. COOPER: Thank you, Judge.

Q. [By Mr. Cooper] Sorry. Did he indicate whether he owned that gold Nissan?

A. Yes, sir, he did.

Q. Where did he initially indicate it had been all night during the incident?

A. He said he had it parked initially.

Q. Was that statement true?

A. It was not.

Q. Why?

A. We have him on video at the Max's Quick Stop, pulled up a few minutes before the homicide. Max's Quick Stop is next door to the Pinecrest entrance.

Q. Did you confront him with that information?

A. I did.

Q. How did he respond?

A. He changed his story, admitted to being in front of Max's Quick Stop.

Q. Admitted to driving the gold Nissan to Max's Quick Stop?

A. Yes, sir.

Q. Did he say anything about whether he went back to

Pinecrest after that?

A. He initially said he never went back to Pinecrest and then changed his story to "Yes, I went back to Pinecrest."

Q. Did he also admit to driving the gold Nissan back out of Pinecrest after the shooting?

A. He did not.

Q. What did he say?

A. He said that he bailed out of the car with some friends and never went back to the car.

Q. Did he have any explanation for his car being on video leaving Pinecrest after the shooting?

A. He did not.

Q. Did he say anything about who he was with?

A. He said he was with a friend name D.J. and Soso.

Q. Was one of those trying to be the codefendant?

A. Yes, sir.

Q. Who was that?

A. D.J.

Q. And the codefendant is Framon Frasier?

A. Yes, sir.

Q. Did he mention anything or did you ask him about whether the codefendant Mr. Frasier was with him at Max's Quick Stop prior to the shooting?

A. I did.

Q. What did he say?

A. He said that D.J. was with him, went in the store and bought some small items, and then came back to the car.

Q. That Mr. Frasier went in the store and came back?

A. Yes, sir.

Q. Did you ask him anything about his brother?

A. I did.

Q. What did you ask him?

A. I asked him if his brother was beat up a few days prior. He said yes, but he didn't know who did it.

Q. When he was transported to the police department for the interview, did he have a cell phone with him?

A. He did.

Q. Did y'all collect it from him prior to him being transported?

A. No.

Q. Did you have the chance to examine the cell phone once he and his cell phone arrived at the police department?

A. Yes, sir. When we go into the interview rooms, we have all electronics devices put in the basket outside the door. And when he put it in the door, it said, "Hello."

Q. And what did that indicate to you?

A. That he had -- he wiped the phone in transport.

Q. The "Hello," is that the welcome screen when you get a new phone?

A. It's when you either factory reset it or it's brand new,

it will put it back to a "Hello" screen, which means the phone's been completely erased.

Q. And what's the difference between restarting the phone, for example, and a factory reset?

A. When you reset the phone, it will require a PIN code to be entered to get back into it for all your data, phone calls, messages, everything. But a factory reset, it's all gone.

Q. And so y'all lost the opportunity to get any of that information?

A. Yes, sir.

MR. COOPER: Beg the Court's indulgence.

(Pause in proceedings.)

BY MR. COOPER:

Q. I do have one more question.

At some point in the initial investigation, did you receive word that one of your detectives had spoken with Lorenzo Johnson?

A. Yes, sir.

Q. Do you remember which detective that was?

A. I believe it might have been Steinbrunner, but I can't recall.

Q. But you would have been made aware of that conversation right after that conversation?

A. Yes, sir.

MR. COOPER: I have no further questions for you. If you will answer anything that the defense may have for you.

THE WITNESS: Yes, sir.

MR. COOPER: Thank you.

THE COURT: Cross-examination, Mr. King?

CROSS-EXAMINATION

BY MR. KING:

Q. Hello, Officer Bernard.

A. How you doing, sir?

Q. Good.

Were you familiar with Pinecrest back at this time?

A. Yes, sir.

Q. You agree that's a high-crime area?

A. Yes, sir.

Q. There's lots of shootings there?

A. Yes, sir.

Q. So back at that time, you were a detective sergeant, right?

A. Yes, sir.

Q. And one of the things you did was interrogate people, right?

A. Yes, sir.

Q. Is that something you were trained to do?

A. Yes, sir.

Q. So at the time that you were questioning Mr. Robinson,

you had been trained as an interrogator?

A. Yes, sir.

Q. You had experience as an interrogator?

A. Yes, sir.

Q. Your job was basically to gather evidence, right?

A. Yes, sir.

Q. And being arrested is a serious thing, right?

A. Yes, sir.

Q. And as part of your job as detective sergeant back then, you were gathering evidence. But it's also important to look for evidence that proves someone not guilty, right?

A. Yes, sir.

Q. That's being fair to the people that you question and that you -- the suspects that you question, right?

A. Yes, sir.

Q. And you are fair to them? You want to find evidence that they're guilty if they are guilty, but you also want to find evidence that they're not guilty if they're not guilty. Right?

A. Yes, sir.

Q. At the time that you went and collected the car -- right? You found information. You found the Nissan that you were looking for, right?

A. Yes, sir.

Q. And this was from the video evidence you had at

Pinecrest specifically and not from Max's Quick Stop?

A. Yes, sir.

Q. So you said you went there to get the vehicle.

Mr. Robinson, he wasn't arrested?

A. Right.

Q. He voluntarily -- he went down there with you on his own accord, right?

A. Yes, sir.

Q. And at the time you were questioning him, I just want to talk about the video evidence you had.

So you had the video at the Max's Quick Stop?

A. Yes, sir.

Q. And this video, it had a pretty good video of Framon Frasier getting out of the car, right?

A. Yes, sir.

Q. Did it show what clothes he was wearing?

A. Yes, sir.

Q. And that was important because he was wearing like some blue Crocs or something, right?

A. Yes, sir.

Q. But you couldn't see inside the vehicle because of the tinted windows, right?

A. The -- there was a moment in the video where the window rolled down because he spoke with the clerk from the store.

Q. Okay.

A. And you can see in the vehicle at that time because a lot of light came in through the windshield.

Q. So you believe you could identify Mr. Robinson as the driver of the vehicle just from the Max's Quick Stop video?

A. No, sir.

Q. Okay. Right. Just from the video itself, you couldn't tell who was driving, right?

A. No, sir.

Q. And that's why you were asking Mr. Robinson if he was driving; you wanted him to admit that. Right?

A. Yes, sir.

Q. So you had video of cars at Pinecrest, right?

A. Yes.

Q. And those are similar, right? You had video of the car, but there's no point in any of those videos where you could see Mr. Robinson's face or identify anybody actually driving the car, right?

A. Correct.

Q. That would include the -- there were videos coming into -- driving into Pinecrest?

A. Yes, sir.

Q. Videos driving out?

A. Yes, sir.

Q. Videos from the maintenance garage driveway exterior that were kind of pointed toward where the playground area

was?

A. Yes, sir.

Q. Okay. And in those videos -- which they've been admitted into evidence. There's no point in any of those videos where you could say -- identify Israel Robinson as getting out of the car or getting back in the car, right?

A. No, sir.

Q. There were, like, some tiny figures that you could see at one point, right?

A. Yes, sir.

Q. I don't even think they were visible in the television from in here and sitting back here, but they were very tiny figures?

A. Yes, sir.

Q. And again, that's why you're interrogating him because you're trying to get him to make admissions to fill in the gaps of the evidence that you have, right?

A. Yes, sir.

Q. The shooting was not on video, right?

A. I don't believe so.

Q. So when you're questioning him, you actually lied to him, right? You said things to him that weren't true. And what I'm talking about is at one point you're talking to him about 15 minutes into the interview and you said, "Right when the shots happened, we got video of you and somebody else

running back into your car and fleeing out of the neighborhood." Right?

A. Yes, sir.

Q. You were -- and you didn't show him any videos, right?

A. Right.

Q. You were trying to imply to him that you had him on the video, right?

A. Yeah. We were implying that there was two people running back to his car. Two people ran out of his car, which was him by his own admission. And then he ran -- two people ran back to his car. He declined saying it was him running back to the car, but admitted to running out of the car.

Q. So when you're saying, "We got video of you and somebody else running back into your car," you didn't explain to him that the video was a very tiny figure and you can't even really identify who it was, right?

A. No, sir.

Q. You were implying that you had his face on video.

A. No. That I had two individuals matching the same description that jumped out of the car running back to the same car. And by his own admission, nobody else was driving his car. That's why I said that.

Q. That's not what you -- you said, "We got video of you." Right? That's what you said back then in your interview?

A. Yes, sir.

Q. At another point about 24 minutes in the video, you said, "So you're right there on the video. You're right there when this dude gets shot."

Again, you're trying to imply to Mr. Robinson that his face is on video at Pinecrest walking towards where a guy was shot. Right?

A. May I ask a question?

Did I ever say that I saw his face in the interview?

Q. You said on video, "You're right there when this dude gets shot."

A. Yes.

Q. I'm not saying you said -- right. You did --

A. Correct.

Q. You were implying it?

A. Yes, sir.

Q. You wanted him to think it. And that's a technique that you use, right?

A. Correct.

Q. You have a lot of information when you're interrogating somebody?

A. Yes, sir.

Q. And the person you're interrogating doesn't know everything that you have, right?

A. Right.

Q. And you can use that because if they think you got something that you really don't, they might make an admission. Does that sound correct?

A. Yes, sir.

Q. That's a technique that you're taught that you've used in your experience, right?

A. Yes, sir.

Q. And you did it again later on. About 26 minutes in, you said, "So you're just going to keep that lie and say that you never ran and jumped back in your car, which is on the video proof." Right?

A. Yes, sir.

Q. Again, you're implying to him again that he's identifiable on the video running back to that car?

A. Yes.

Q. That's what you're implying to him, right?

A. Yes, sir.

Q. Hoping that he's going to think that, "Well, you got that on video. I might as well admit it." Right?

A. Yes, sir.

Q. But he didn't admit that?

A. Correct.

Q. He said he left in a black car, an Impala, right?

A. Yes, sir.

MR. KING: That's all the questions I've got.

THE COURT: Okay. Any redirect?

MR. COOPER: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. COOPER:

Q. Remind us, Officer, when you first asked the defendant about whether he was driving his car the night of the shooting, what was his response?

A. His initial?

Q. His initial.

A. No.

Q. Was that before you showed -- er, indicated to him that there was video surveillance of the shooting?

A. Yes, sir.

Q. Once you confronted him with the fact there was video surveillance, did he change his story?

A. Yes, sir.

Q. Did he ultimately admit to driving that car that night?

A. Yes, sir.

Q. Prior to the shooting?

A. Yes, sir.

Q. Did he ultimately admit to going to Max's Quick Stop minutes before the shooting?

A. Yes, sir.

Q. Did he ultimately admit to going there with Framon Frasier, who got out of the car and bought something minutes

before the shooting?

A. Yes, sir.

Q. And what was his response when you asked him if -- when his car is leaving the scene on video, if he was driving?

A. He said he wasn't.

Q. Was he able to provide you any explanation for why his car was leaving if he wasn't driving it?

A. No, sir. He was not.

MR. COOPER: I don't have any other questions, your Honor.

THE COURT: All right. Any recross?

MR. KING: No, your Honor.

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

THE WITNESS: Thank you, sir.

(Witness excused.)

THE COURT: The State's next witness?

MR. COOPER: Your Honor, may we approach briefly?

THE COURT: Sure.

(An off-the-record discussion was had at the bench.)

MR. COOPER: The State calls Charity Steinbrunner.

CLERK OF THE COURT: Would you please raise your right hand and place your left on the Bible.

(Witness sworn.)

CLERK OF THE COURT: Please be seated.

Please state your full name, spelling your last name loudly and clearly into the microphone.

THE WITNESS: Charity Steinbrunner,
S-T-E-I-N-B-R-U-N-N-E-R.

CHARITY STEINBRUNNER,
called as a witness on behalf of the State, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Detective Steinbrunner, will you tell the jury where you're currently employed.

A. The North Charleston Police Department.

Q. And how long have you been with North Charleston?

A. Nineteen years.

Q. What is your current role?

A. I'm in the person unit as a detective.

Q. And how long have you been in that role?

A. I've been in persons for one year and detectives for four.

Q. So back in June of 2021 you were still a detective?

A. I was. I was in the special victims unit.

Q. How did you become involved in this case?

A. I was working that night, second shift, and we were dispatched to that location.

Q. The Pinecrest Apartments?

A. Yes, sir.

Q. How was the scene when you arrived?

A. When I arrived on scene, patrol officers were already on scene and they had the area secured.

Q. And what was the first thing you tried to do when you arrived on scene?

A. Locate potential witnesses. I was advised that there were some witnesses that had left the area.

Q. Did you have any luck in that regard?

A. One witness declined to meet with me. The other had already left the area and did not want to meet with me at that location, but agreed to meet with me at another location.

Q. That hesitation or skittishness, if you will, is that common in that area?

A. It's very common. People are nervous to speak to police in that area.

Q. So even if there are people that may have seen the incident, you may not learn of that?

A. Yes, sir.

Q. Were you able to meet with that second witness off site?

A. I was.

Q. Did that meeting have any effect on the investigation going forward?

A. It led us to looking for a Charger and a gold Nissan.

MS. MARTINEZ: Objection, your Honor. Hearsay.

THE COURT: I'm going to overrule that.

BY MR. COOPER:

Q. What did you do after that?

A. I went to try to obtain some video footage from the apartment complex, Pinecrest Apartments, and other areas.

Q. In the initial stages of an investigation, are you -- you and your team -- trying to cast as wide a net as possible?

A. Yes, sir. We try to obtain video surveillance and evidence and try to talk to as many witnesses as we possibly can.

Q. Were your efforts in trying to talk to witnesses and gather video the extent of your involvement on the scene that night?

A. I also -- there was an apartment that we believed was struck by gunfire, so I attempted to locate the round inside that apartment. But unfortunately, I was not able to locate that round.

Q. Okay. A few days later, did you respond to a strip mall outside of Pinecrest?

A. I did.

Q. Why?

A. To obtain video surveillance from Max's Quick Stop.

Q. I'm showing you State's Exhibit 2. So a map's going to

pop right in front of you on the screen.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. Will you describe what we're looking at in this picture.

A. This is McMillan Avenue. The area with the teal color, that is going to be the shopping center where Max's Quick Stop is. Behind that, the horseshoe kind of shape is Pinecrest Apartments, which is directly behind that shopping center.

Q. What, if anything, did you learn from Max's Quick Stop?

A. From Max's Quick Stop I observed, via the surveillance video, a gold Nissan pulling up to Max's Quick Stop and a passenger exiting that vehicle and going inside of Max's Quick Stop.

Q. Okay. Are you aware video footage was also collected from the neighboring store -- beauty supply store?

A. Yes, sir.

Q. I'm showing you what's already in evidence as State's 162A.

MR. COOPER: And Shameka, if you'll skip to I think it's 1:40 in that video, please.

(Video played in open court.)

MR. COOPER: If you'll pause that for us, Shameka.

(Video paused.)

MR. COOPER: And then if you could move the cursor so we

can see the timestamp on that, please.

Q. [By Mr. Cooper] Will you indicate the timestamp for us, please.

A. 7:51.

Q. And the shooting happened around 8:00?

A. Yes, sir.

Q. Is this the view from the beauty supply store next door to the Quick Stop?

A. Yes.

Q. Do you recognize that car?

A. That is the gold Nissan.

Q. And then the subject walking into Max's Quick Stop, is that the same person you saw on the video at Max's Quick Stop?

A. Yes, sir.

Q. What did that individual do inside Max's Quick Stop?

A. He purchased a black crewneck T-shirt and then used an Apple Pay contact.

Q. Were you able to get any identifying details about that person from the transaction information?

A. I could see he was wearing a black T-shirt, black shorts, blue slide shoes. There was the words -- you could actually read it -- "Chicago Bulls" I believe down the side of his shorts.

Q. The transaction itself, was it contactless?

A. It was. He used his phone. And I believe that was through Apple Pay, which does not give a name for the transaction.

Q. And you mentioned it; what did he buy from the store?

A. A black crewneck T-shirt.

MR. COOPER: Could you play the video for us.

(Video resume.)

BY MR. COOPER:

Q. And where he's going inside, that's Max's Quick Stop?

A. That's Max's Quick Stop. Yes, sir.

Q. And does he stay in there for a minute or two?

A. I believe it's, like, two minutes.

Q. Do you recognize the other car in the video frame?

A. That I believe belongs to Lorenzo Johnson, who is a store employee.

Q. Okay.

MR. COOPER: If you will pause that and we'll go to State's 162B.

Q. [By Mr. Cooper] We're going to skip the part where he comes out of the store.

A. Okay.

MR. COOPER: And for the record, showing -- the State's going to be showing State's Exhibit 162B, the second video from the beauty supply store.

(Exhibit displayed on screen in open court.)

MS. MARTINEZ: Your Honor, may we approach?

THE COURT: Sure.

(An off-the-record discussion was had at the bench.)

MR. COOPER: Beg the Court's indulgence.

(Pause in proceedings.)

BY MR. COOPER:

Q. Can you indicate the timestamp for us in this video frame.

A. 7:53.

Q. And that individual with the blue slides is back out of the store?

A. Yes, sir.

MR. COOPER: If you'll play it for us, Shameka, please.

(Video played in open court.)

Q. And what time is it that that car appears to be leaving?

A. 7:54.

Q. And the direction the car is going, is that toward the entrance to Pinecrest?

A. Yes, sir.

Q. And it was before 8:00 p.m. when we see that video -- that car coming in the gates; is that right?

A. Yes, sir.

Q. Did you have an occasion while you were at Max's Quick Stop -- I think it was three days after the incident -- to speak with Lorenzo Johnson?

A. I did.

Q. How did you come to have a conversation with him?

A. When we initially got video from Max's Quick Stop, it had just been the exterior video. So when I went back to review it, I learned that we needed the interior to see who actually came in. So I met back there with the owner, and Lorenzo Johnson was on the scene at that time.

Q. Did he indicate to you whether he had information about the shooting?

A. He asked me if I observed him speaking with the gold Nissan.

Q. And what was your response?

A. I said yes. And then he asked me if there were rifle rounds involved in the incident. And I said, you know, "I can't tell you that, but maybe." And he said that he had been shown by a person in that gold Nissan a rifle.

Q. And again, that was Mr. Johnson's vehicle?

A. Yes. Mm-hmm. That was him that exited.

Q. Did he have any information on possible conflict that could have led to the incident?

A. He said he wasn't sure who the people were inside the vehicle, but he knew that there had been some type of altercation between people in the Liberty Hill community and Pinecrest community.

Q. So the Liberty Hill community, would that have been

Israel Robinson's community?

A. Yes, sir.

Q. And how many people did he indicate he saw in the gold Nissan?

A. Two.

Q. And describe for us again, what did he indicate being shown from the Nissan?

A. A rifle.

Q. Once you spoke with Mr. Johnson, did you relay that information to Sergeant Bernard?

A. I did.

Q. Were you wearing a body cam at that time?

A. I was not wearing a body camera.

Q. Why not?

A. I was just getting video, so I didn't -- looking back, maybe I should have had it on, but I was just obtaining video. I wasn't expecting to speak to anybody and gather information.

Q. Do detectives generally wear a body cam in the normal course of their duties?

A. Sometimes. It just depends on if -- you know, what we're doing. If we're going to a scene or if you're going to interview somebody, yes. But to just go to a store to obtain video, normally I do not have a body-worn on.

MR. COOPER: Beg the Court's indulgence.

(Pause in proceedings.)

BY MR. COOPER:

Q. When Mr. Johnson indicated to you about the conflict at Liberty Hill, was he more specific about someone's younger brother being attacked or robbed?

A. Yes. That there was an altercation involving the two separate groups, and that a brother was actually assaulted and he had nothing to do with the initial dispute.

Q. And was there concern about the witness in the Gold Nissan possibly being hunted?

A. Yes.

MR. COOPER: Beg the Court's indulgence.

(Pause in proceedings.)

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. So I'm showing you State's Exhibit 162A. I believe it's starting at the 3 or 5 mark. Will you give us that time stamp.

A. That's 7:53.

Q. Okay.

MR. COOPER: Will you play it for us, Shameka, please.

(Video played in open court.)

BY MR. COOPER:

Q. Is that the individual you saw purchasing the shirt?

A. Yes, sir.

Q. Does he appear to be conversating or looking towards Mr. Johnson's car?

A. Yes, sir.

MR. COOPER: Beg the Court's indulgence one more time.

(Pause in proceedings.)

BY MR. COOPER:

Q. I do have one last question for you.

You were on scene that night. Are you aware if the victim was found with a firearm?

A. I don't believe a fire- -- er, excuse me. I do not believe the victim had a firearm on his person when he was found.

MR. COOPER: All right. Thank you. I have no further questions for you. If you'll answer anything that defense may have. Thank you.

THE WITNESS: Yes, sir.

THE COURT: Cross-examination?

MS. MARTINEZ: The Court's indulgence.

THE COURT: Yes, ma'am.

(Pause in proceedings.)

MS. MARTINEZ: Nothing from the defense, your Honor.

THE COURT: Okay. You may step down.

THE WITNESS: Thank you, sir.

THE COURT: Thank you.

(Witness excused.)

THE COURT: Okay. Ladies and gentlemen of the jury, we are going to stop for the day. I am going to ask that you return at 9:30 in the morning. Again, I want to thank you on behalf of Charleston County and the State of South Carolina for your service, your attentiveness. We could not do what we do here without you. And I'm grateful for that.

Again, do not begin deliberating amongst yourselves. Like I told you yesterday, I know either your spouse or your significant other or friends want to know all about what you're involved in. There will be an appropriate time after the trial is over that you can discuss all you want to your heart's content. Do not do any research about this case. Do not investigate on your own, any kind of social media or newspaper. And again, if contacted by anyone, please let me know. Okay?

I hope y'all have a restful evening. And again, thank you. Take care.

(The jury was released for the day and exited the courtroom at 4:29 p.m.)

THE COURT: Okay. Witnesses tomorrow?

MR. ZEIGLER: We will start out with Saguni Dotson. She's a lay witness. I don't anticipate her taking very long.

THE COURT: Morgan?

MR. ZEIGLER: Eugene Morgan, lay witness and victim, he

would be next.

Framon Frasier, Jr., he is the codefendant. He would be next.

Jamie Green, the firearms expert from SLED, would be next. We've got his pretrial motion to exclude his testimony --

THE COURT: That's right.

MR. ZEIGLER: -- from the defense.

Then Coroner O'Neal.

Neither of those last two should take very long. And I don't anticipate --

THE COURT: Just, what, Jamie Green, you don't think --

MR. ZEIGLER: I don't think he'll take too long. He only analyzed the bullets and the cartridge cases, so that will kind of depend on defense's cross-examination.

THE COURT: Okay.

MR. ZEIGLER: Saguni Dotson and E.J. Morgan I probably would say I've got less than five minutes of direct for Saguni Dotson, and for E.J. probably six minutes of direct examination for him.

As far as Frasier goes, I anticipate 15 minutes from the State, maybe 20 minutes from the State.

So I think we could get them all done in the morning. And then --

THE COURT: Well, it's no rush. I mean, you need to put

up your case-in-chief. Take as much time as you need.

Defense, I know that y'all will probably make decisions on things tomorrow. You'll have adequate time to discuss it with Mr. Robinson whether he will or will not testify tomorrow.

And sir, we'll go over that, your Fifth Amendment rights tomorrow. Okay?

THE DEFENDANT: Yes, sir.

THE COURT: Anything, Ms. Martinez or Mr. King?

MS. MARTINEZ: Nothing. No, your Honor.

THE COURT: Okay. Well, I'll see y'all tomorrow. Thank you for your excellence. Y'all did good.

MR. ZEIGLER: Thank you, Judge.

MR. COOPER: Thank you, Judge. Have a good night.

(Court recessed at 4:31 p.m., to resume at 9:30 a.m., Wednesday, December 11, 2024.)

(Court resumed at 9:39 a.m., Wednesday, December 11, 2024, outside the presence of the jury.)

THE COURT: Take a seat.

MR. COOPER: Your Honor, may I approach?

THE COURT: Yes, sir.

MR. COOPER: I gave defense a copy of this --

THE COURT: Defense Counsel?

MR. COOPER: -- but I just have -- this is the one --

MS. MARTINEZ: Good morning, your Honor.

MR. COOPER: -- that I intend to mark. That is the affidavit from Bill Hayes.

THE COURT: Okay. So you've seen this?

MS. MARTINEZ: I have the copy of it right here.

THE COURT: Okay.

MS. MARTINEZ: I haven't had a chance to read it yet.

THE COURT: Okay.

MR. COOPER: So when they -- when it was scanned back in, the picture's appearing dark, so I intend just to use the three exhibits. But just so your Honor -- and I showed this also to defense counsel -- the pictures I sent them were the color copies, the exhibits that we plan to admit.

THE COURT: Okay. And you've shown that to them?

MR. COOPER: I will now.

That's the -- I know it comes back in poor quality. But those are the three I sent him and that I plan to use.

MS. MARTINEZ: I thought there were four. So did you not send one of them?

MR. COOPER: Yeah, there were four.

MS. MARTINEZ: Yeah.

MR. COOPER: We just took one of them out.

THE COURT: There were four. And I think you accidentally yesterday -- and I believe you clarified it -- but you said 86 but it was 84.

MR. ZEIGLER: Because of my handwriting.

THE COURT: 80, 81, 83, and 84.

MR. ZEIGLER: Yeah.

MR. COOPER: And so I sent him 83, 84, and 81.

MR. ZEIGLER: Okay. So this one is the one left out.

MR. COOPER: So your Honor, I didn't send him -- and it was my mistake, but I will still seek to admit it not because -- we want it just to show where in the car it was found. I don't think that goes to the authentication of --

THE COURT: That's fine. Yes.

MR. COOPER: Thank you. So that was my mistake. Sorry. Okay. And we'll mark this.

THE COURT: Anything -- y'all can be heard. I mean, I think you've already argued that. But whatever you need to do to protect your record. Okay?

MS. MARTINEZ: Thank you, your Honor.

MR. COOPER: And your Honor, if it's fine with the

Court, I would just seek, when we bring the jury back, to call my investigator briefly just to get that affidavit and the pictures in.

THE COURT: That's fine.

Tell me this. As far as the SLED expert --

MR. ZEIGLER: Yes, your Honor.

THE COURT: -- if that expert is found qualified, what specifically is this individual going to qualifying as?

These things always get tricky. I always want to make sure that I've got it clear on the record.

MR. ZEIGLER: Let me just read it exactly as I have it so I don't trip you up.

Firearm identification and ballistic and cartridge cases. So you can just do firearm identification --

THE COURT: And what?

MR. ZEIGLER: Bullets and cartridge cases.

THE COURT: Any other area? Or is that it?

MR. ZEIGLER: That should be all, your Honor.

THE COURT: Okay. And I mean, that --

MR. ZEIGLER: And he'll explain what that means, obviously.

THE COURT: Okay. All right. Anything else? Do y'all want to be heard any further on the photos of the receipt?

MS. MARTINEZ: No, your Honor.

THE COURT: Okay. And I know that y'all noted your

objection, and I think you probably covered it. Okay?

MR. COOPER: And your Honor, I do have one more quick thing. And this was a mistake of mine from yesterday.

So by way of background, we had every exhibit to a hard that we'd end up playing once we admit it, just so that it makes easier than having to put the CD in and the CD might not load. In making State's 202 to 208, the CD that Detective Pritchard testified about yesterday, I inadvertently had two of the same files on the CD. The videos I played in front of the jury actually are the authentic exhibits. I have remade the CD with those on there, and I would just like to substitute this for that. As an officer of the Court, they are the correct videos of what Officer Pritchard testified to yesterday, but when I made it initially, I didn't realize that I had two of the same videos on there.

THE COURT: Okay. And Counsel, do y'all understand what he's talking about?

MS. MARTINEZ: Yes, your Honor.

THE COURT: Y'all are okay with that?

MS. MARTINEZ: Mm-hmm. Yes, your Honor.

THE COURT: Okay. I'll allow that.

MR. COOPER: Thank you, Judge. Sorry about that.

THE COURT: All right. Y'all ready to bring the jury in?

Are y'all ready?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Defense?

MS. MARTINEZ: Yes, your Honor.

THE COURT: Okay. Let's bring the jury in. Thank you.

(The jury entered the courtroom at in 9:45 a.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you, sir.

Good morning. Please take a seat.

I hope y'all had a good and restful evening. We will continue with the State's case-in-chief.

MR. COOPER: Thank you, Judge. The State calls Investigator Jennifer Butler.

(Witness sworn.)

CLERK OF THE COURT: Please be seated.

Please state your full name, spelling your last name loudly and clearly into the microphone.

THE WITNESS: Investigator Jennifer Butler, B-U-T-L-E-R.

JENNIFER BUTLER,

called as a witness on behalf of the State, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Investigator Butler, will you tell the jury where you are currently employed.

A. Yes, sir. I'm currently employed as an investigator for the Ninth Circuit Solicitor's Office.

Q. And are you my and Mr. Zeigler's investigator?

A. Yes, sir, I am.

Q. Can you describe what your role entails to the jury.

A. Yes, sir. So as -- I'm assigned to attorneys. As my attorneys get cases, they reach out to me to get whatever we need from the police departments; to ensure whatever we need is sent to SLED; to reach out to victims, witnesses, and speak with them and prep cases for trial or any type of other court appearances that we have.

Q. Yesterday did you have the occasion to interact with the owner of a gun and ammo store in Summerville?

A. Yes, I did. I spoke with Mr. Bill -- it used to be ATP and it's now under new management.

Q. Tell the jury why.

A. They -- basically, they sold ATP to a new owner. A lot of the employees still stayed there. They were kept as employees because they'd been with ATP for so long. But literally, just a new owner got it and he wanted to change the name.

Q. And were you looking to ascertain the authenticity of a document?

A. Yes, sir, I was.

Q. All right. What was that document? Or what was the --

A. There was a receipt located in the trunk of a vehicle in regards to this case, and we were authenticating that with the employee of the gun shop.

Q. And when you say "vehicle," you mean the gold Nissan that belonged to Mr. Robinson?

A. Yes, sir.

MR. COOPER: May I approach the witness?

THE COURT: Yes. Just identify the numbers once you do.

MR. COOPER: Yes, sir. I'm showing this witness, for the record, what's already been marked for ID purposes only as State's 80, 81, 83, and 84, and then 215.

THE WITNESS: Yes, sir.

BY MR. COOPER:

Q. And State's -- and how do you recognize State's 80, 81, 83, and 84?

A. These are photos from the search warrant of the gold Nissan, the vehicle that belonged to Mr. Robinson, starting from the most outward picture of where the receipt was found in the black trash bag in the vehicle. Then these are the up-close photos of the actual receipt, which is common practice for us to do so that you can see the details on the receipt because sometimes receipts aren't of great quality and they will fade in the time it takes from the time you collect it to the time it goes to trial.

Q. And these were pictures taken by Jodi Hunt or Jodi her

new name is Stoilova?

A. Yes, sir.

Q. And then do you recognize 215?

A. Yes, sir. This is the affidavit from Mr. Bill -- William Hayes from the gun store whom I spoke with yesterday.

MR. COOPER: Your Honor, at this time the State would offer into evidence what's been marked for ID purposes only as State's 80, 81, 83, 84, and 215.

THE COURT: Okay. Subject to your --

MS. MARTINEZ: Subject to our prior objections, your Honor.

THE COURT: Okay. All right. I will allow those to come in. State's Number 80, 81, 83, 84, and number 215.

MR. COOPER: Thank you, Judge.

(State's Exhibit Numbers 80, 81, 83, 84, and 215 admitted into evidence.)

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. I'm showing you State's 80. What does this picture show?

A. That is where -- kind of like I said before, that is a far-away picture of where the receipt was found. And you can see there's the black trash bag in the trunk of the car. You kind of see it's the trunk of the car there. And that's the first picture of where the receipt was found in the vehicle.

Q. Okay. Showing you State's 81.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. Is this that receipt?

A. Yes, sir. That's just the close-up picture, like I said, so you can read the details on the receipt.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. Showing you State's 84.

A. So that's kind of she just, like, made it flat, I guess for lack of a better term, so you can clearly read it because the top half was kind of folded down.

Q. And the name at the top, what is the current name of that store?

A. It's Bill's something Guns.

Q. Would it be, under Number 1, I think it's Bullseye Bill's Gun and Ammo?

A. Yes, sir. Bullseye Bill's Guns and Ammo.

Q. And it's at that same address listed at the top of the receipt?

A. Yes, sir. It's at the exact same address of the ATP Gun Range.

Q. Okay. And we'll keep this picture up with State's 215.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. And that's the document authenticating the validity and accuracy of that receipt?

A. Yes, sir.

Q. Okay. Will you tell the jury what those three items are that were purchased.

A. Yes, sir. The first two items that you see here is the Aguila .22-round bullets that he purchased. It kind of has the price here as well.

And then this is the Plinker magazine that was purchased.

Q. Showing you what's already in evidence as State's 153. Does this appear to be consistent with the magazine that was purchased on that receipt?

A. Yes, sir. It has the Plinker Tactical name up here and the .22-round magazine that you can see here as well.

Q. Okay. And that item was found in the defendant's vehicle?

A. Yes, sir.

Q. Showing you State's 152. Does that box appear to be consistent with the ammo that was purchased from that receipt?

A. Yes, sir. You can see here that it just says ".22 Aguila," and it coincides with what's on the receipt there.

Q. Okay. And there were two on that receipt that were purchased?

A. Yes, sir.

Q. And are you aware if there are two of these in evidence?

A. Yes, sir.

Q. And then moving to State's 83.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. Do you see a date and timestamp at the bottom of the receipt?

A. Yes, sir. So this is just the second half of the receipt to get the full photos of the receipt. And down here it says it was purchased on Tuesday, June 22, 2021, at 4:02 p.m. at Register 3.

Q. And was that approximately four hours before the shooting?

A. Yes, sir.

Q. And the store was not able to provide the identity of the purchaser; is that right?

A. Correct. Just to authenticate this receipt.

Q. But this receipt -- the casing for the magazine and the ammunition boxes that we just talked about that are listed in that receipt all was found in the defendant's vehicle?

A. Yes, sir. All found in Mr. Robinson's vehicle.

MR. COOPER: Thank you, Investigator Butler. I have no

further questions for you. Answer anything the defense may have.

THE COURT: Any cross-examination?

CROSS-EXAMINATION

BY MS. MARTINEZ:

Q. Good morning, Ms. Butler.

A. Good morning.

Q. So during your investigation, did you have any opportunity to call the ATP store and ask for surveillance?

A. No. So I spoke with Mr. Bill yesterday. He --

Q. Okay. So at the time that you were investigating this incident, did you call to obtain surveillance --

A. I --

Q. -- to see who purchased these items?

MR. COOPER: Objection, your Honor.

THE COURT: Overruled.

THE WITNESS: So I called Mr. Bill yesterday at the ATP Range, and they don't keep -- surveillance is not kept. Typically, the average of what I've seen during investigations is 30 days.

And to kind of caveat on that, a little bit prior to starting here in May of this year, I was a homicide detective with the City of North Charleston for ten years and I was a police officer for almost 15. So the standard that I've seen in the history of my job is 30 days of average keep.

BY MS. MARTINEZ:

Q. Okay. So I apologize.

So you're not aware of any video surveillance that was obtained, right?

A. No, ma'am. I was authenticating the receipt.

Q. Okay. Got it.

And so you're not aware of anyone calling the ATP store at the time that the receipt was found in the trunk of the car to verify who purchased those items?

A. Again, I just spoke with Mr. Bill yesterday to authenticate this receipt was items sold from ATP.

Q. Okay. And you're not aware of any information regarding the accuracy of the time and the date stamped on the receipt?

A. Again, I spoke with Mr. Bill, and he authenticated that that is a receipt of items sold from ATP.

Q. Okay. And again, you're not aware of whether or not these particular items listed here match the boxes of ammunition?

A. They are the -- they are consistent with what's listed on the receipt, and the ammunition is the same brand and the same caliber.

Q. Okay. But you're not aware of whether or not any serial numbers, right, would match this receipt?

A. No. Bullets don't have serial numbers. So no, ma'am. I'm not aware of that.

Q. Okay.

MS. MARTINEZ: The Court's indulgence.

THE COURT: Yes, ma'am.

(Pause in proceedings.)

MS. MARTINEZ: No further questions, your Honor.

THE COURT: Okay. Any redirect?

MR. COOPER: Briefly, Judge.

REDIRECT EXAMINATION

BY MR. COOPER:

Q. Investigator Butler, when did you start working for our office?

A. May of this year.

Q. So you wouldn't be aware of any efforts by prior investigators to locate the information Ms. Martinez asked you about?

A. No, sir.

MR. COOPER: I have no further questions.

THE COURT: Okay. Any recross?

MS. MARTINEZ: None from the defense, your Honor.

THE COURT: All right. Ms. Butler, you can step down.

Thank you, ma'am.

THE WITNESS: Thank you, your Honor.

(Witness excused.)

THE COURT: The State's next witness?

MR. COOPER: The State calls Saguni Dotson.

CLERK OF THE COURT: Please raise your right hand and place your left on the Bible.

(Witness sworn.)

CLERK OF THE COURT: Please be seated.

Please state your full name, spelling your last name loudly and clearly into the microphone.

THE WITNESS: Saguni Dotson. S-A-G-U-N-I. Dotson, D-O-T-S-O-N.

SAGUNI DOTSON,
called as a witness on behalf of the State, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Good morning, Ms. Dotson.

A. Good morning.

Q. Tell the jury how old you are.

A. Twenty-two.

Q. And do you live in Charleston?

A. Yes, sir.

Q. Focusing your attention to June 22, 2021, the day of this incident, who were you with earlier in the day?

A. My boyfriend -- my ex-boyfriend E.J. and his cousin Jaquez.

Q. Is "E.J." Eugene Morgan?

A. Yes, sir.

Q. And "Jaquez," Jaquez Butler?

A. Yes, sir.

Q. What did you call him?

A. Quez.

Q. Okay. And what were y'all doing earlier in the day?

A. Quez asked E.J. for a ride to go somewhere to pick something up, and he offered us gas money. We picked him up, took him where we needed to go. We took him -- after that, we took him up onto Dorchester Road to go see a girl. After that, we took him back to where he lives at in Pinecrest.

Q. The Pinecrest Apartments?

A. Yes, sir.

Q. Okay. And when you got back to Pinecrest, did Jaquez and E.J. get out of the car?

A. Yes, sir.

Q. Tell the jury what happened next.

A. When they got out the car, all I know is a couple minutes later I saw somebody tall, skinny, with dreads run around from the building, get into a car, and then E.J. came back to the car, running, and he sounded like he was out of breath.

Q. And what did E.J. say when he got back in the car?

A. All he said was someone was standing over Quez.

Somebody was shooting at them. Somebody was standing over Quez.

Q. Did he tell you that there were two people shooting?

A. Yes, sir.

Q. You mentioned -- how many people did you see with weapons?

A. I only saw one.

Q. Do you remember -- did you give an interview with police shortly after the incident?

A. Yes, sir.

Q. Do you remember telling them that you saw two?

A. I mean, if I did tell them, I probably did. I can't remember.

Q. Because it's been almost three and a half years; is that right?

A. Yes, sir.

Q. Would you agree that your memory right after the incident may have been more accurate?

A. Yes, sir.

Q. And did you see E.J. or Quez with a weapon prior to this incident?

A. Yes, sir.

Q. Both of them had a weapon?

A. Yes, sir.

Q. Where did Quez have his?

A. When he got in the car, he had it in his jacket pocket. And he took it out and put it in his pocket, like on the side

of his pants.

Q. When you say "jacket pocket," you mean a hoodie?

A. Yes, sir.

Q. So was there a pocket -- it was this pocket on his chest?

A. Yes, sir.

Q. And where did he move it to?

A. On the side of his pants.

Q. So inside the pants pocket?

A. Yeah, on the right side.

Q. And you mentioned -- describe E.J.'s appearance when he came back to the car afterwards.

A. I mean, he looked fine, but he just was out of breath.

Q. And where did you see the shooters go?

A. They got in a car. There was a car, like -- where I was parked at, I was parked like facing toward the apartment building. And there was a car, like, in the road like a little behind me, and it was parked right there. They got in the car and they left.

Q. Do you remember the kind of car or a description of the car?

A. I mean, I think it was a silver Nissan maybe. I can't remember.

Q. Okay. And do you remember what they were wearing -- the shooters?

A. What they were wearing?

Q. Do you remember telling detectives that one was in all black?

A. Yeah.

Q. Okay. And do you also remember telling detectives the other one had a black shirt, blue shoes, and black slacks?

A. I probably did tell them that, but I can't remember.

Q. Okay. Because it's been three and a half years?

A. Yes, sir.

Q. And the people you saw with weapons, they were assault-style rifles?

A. Yes, sir.

MR. COOPER: Beg the Court's indulgence.

(Pause in proceedings.)

BY MR. COOPER:

Q. And I think the last question I have, are you aware that no weapon was found on the victim?

A. No, sir.

Q. Okay.

MR. COOPER: I have no further questions for you. Thank you for your time. Answer anything the defense may have for you.

THE COURT: Ms. Martinez?

MS. MARTINEZ: Just a moment, your Honor. Thank you.

THE COURT: Yes, ma'am.

(Pause in proceedings.)

CROSS-EXAMINATION

BY MS. MARTINEZ:

Q. Good morning, Ms. Dotson.

A. Good morning.

Q. Okay. So you weren't living at Pinecrest at the time that the incident happened; is that right?

A. No, ma'am.

Q. Okay. You were staying with Eugene; is that right?

A. Yes, ma'am.

Q. Okay. So you guys went up to -- or down to Ravenel? Is that where you went?

A. Yes, ma'am.

Q. Okay. And so Jaquez wanted a ride and you guys drove him there?

A. Yes, ma'am.

Q. And he paid E.J. \$30; is that right?

A. Yes, ma'am.

Q. Okay. And he got out of the car when you guys got to Ravenel?

A. Yes, ma'am.

Q. He went to go get something?

A. Yes, ma'am.

Q. You don't know what that was?

A. No, ma'am.

Q. So when you guys got to Pinecrest, Jaquez was going to meet with Cal; is that right?

A. Yes, ma'am.

Q. Okay. And you were driving your ex-boyfriend's gray Dodge Avenger?

A. Yes, ma'am.

Q. And you parked right in front of building -- is that 1900 or 1927?

A. I can't remember which number building it was, but I know I parked in front of a building.

Q. Can you repeat that again?

A. I can't remember which building it was, but I know I parked in front of a building.

Q. Okay. Do you remember doing an interview the morning after with the detectives? With Detective Sanchez?

A. Yes, ma'am.

Q. And telling him that you parked right in front of or around 1900 or 1927?

A. Yes, ma'am.

Q. Okay. So then Jaquez and Eugene get out of the car, right? And you stay in the car?

A. Yes, ma'am.

Q. And they went on the other side?

A. I guess where they was at, like, in the middle of Pinecrest, I guess, because I know they stopped the car and

walked around. But I don't know exactly where Jaquez lived at.

Q. But do you remember in the interview with Detective Sanchez you told him you went -- they went down on the other side?

A. Yes, ma'am.

Q. But you don't know exactly where they went?

A. Yes, ma'am.

Q. Okay. So you're waiting for them, right?

A. (Indicated.)

Q. And then you hear shots?

A. (Indicated.)

Q. And the first thing you did was you backed out of your spot?

A. I didn't back out, ma'am.

Q. You didn't?

A. No, ma'am.

Q. Okay. Do you remember when you interviewed with Detective Sanchez -- I think it was the morning after when you gave him the statement about what you saw -- well, about you being there. Remember you told him that you backed out of the parking spot?

A. I mean, if I told him that, then I did. But I probably don't remember. I don't remember.

Q. Okay. Fair enough.

Okay. So you heard the shooting?

Did you hear the shooting?

A. Yes, ma'am.

Q. Okay. And you didn't see it?

A. No, ma'am.

Q. And you weren't facing the park?

A. No, ma'am.

Q. All right. So the car behind you, do you remember telling Detective Sanchez that it was a gray Acura?

A. I mean, I guess so. I can't remember. But I remember seeing something. I thought it was silver. I can't remember what kind of car it is, but --

Q. Okay.

A. -- I know there was a car parked behind me that they got in.

Q. Okay. But would it be fair to say, you know, when you spoke to him you told them, you know, that the incident had just happened, you'd seen the car, it was fresh in your mind?

A. Yeah, I probably did say that, but I don't remember.

Q. Okay. And do you remember telling him that the two boys -- there were two boys running on the left side -- on your left? Like, you're sitting in your car and they're running on the left side?

A. Yeah, because I saw them.

Q. Okay. So you said one of them was tall?

A. And skinny with dreads, yeah.

Q. Okay. Dreads. Had a mask?

A. Yes, ma'am.

Q. Basketball shorts? Okay? Black slides?

A. I mean, I don't remember seeing all that, but if I said it, then -- I just don't remember. I can't remember a lot that happened that day.

Q. Okay. So when you interviewed with Detective Sanchez, do you remember stating "and black slides" when you were describing what that person was wearing?

A. If I said it, then I probably did. But I don't remember. All I remember seeing is he was tall, skinny, with dreads.

Q. Okay. And you -- and he was carrying a big gun?

A. Yes, ma'am.

Q. You didn't see anybody else with a gun?

A. No, ma'am.

Q. Okay. And you know, these two boys that were running to the car not directly behind you, but kind of on the side, you don't know who they are?

A. I mean, I know them, like, from school, like, years ago.

Q. Mm-hmm.

A. But -- well, I know him, but I don't know who the other person is.

Q. But you don't know who the people --

A. Well, the people who did it, no.

Q. Yeah.

A. I don't know who that was.

Q. You don't know who you saw at Pinecrest?

A. No, ma'am.

Q. What you were describing just now?

A. (Indicated.)

Q. Okay. And Eugene was carrying a firearm?

A. Yes, ma'am.

Q. Okay. And you were also aware that Jaquez was carrying a firearm?

A. Yes, ma'am.

Q. Okay.

MS. MARTINEZ: The Court's indulgence.

THE COURT: Yes, ma'am.

(Pause in proceedings.)

MS. MARTINEZ: I've got no further questions for the witness, your Honor.

THE COURT: Okay. Can counsel approach?

(An off-the-record discussion was had at the bench.)

THE COURT: Okay. Ladies and gentlemen, I've got to take up a matter of law with the attorneys, so I'm going to ask y'all to step back into the jury room just briefly.

Okay?

Thank you.

(The jury exited the courtroom at 10:10 a.m.)

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. Counsel, I had previously excluded certain testimony I know that you wanted to at least ask about. But you also asked if you could do a proffer, so I'm allowing you to do a proffer to protect your record.

MS. MARTINEZ: Thank you.

THE COURT: Or protect the record.

MS. MARTINEZ: Okay. I'm ready, your Honor.

THE COURT: Okay.

MS. MARTINEZ: Just trying to narrow it down.

PROFFER EXAMINATION

BY MS. MARTINEZ:

Q. Okay. So Ms. Dotson, Eugene, Jaquez, and -- well, Eugene and Jaquez were going to rob Cal at Pinecrest?

A. I mean, I don't remember.

Q. You don't remember? Okay.

So do you remember that when you interviewed with Detective Sanchez on June 23, the next day after this incident, that you told him that they were there to rob Cal Lockwood?

A. I mean, if that's what I told him, I probably did. But I really can't remember too much.

Q. I mean, that's the reason you guys were -- went back

there?

A. I mean, that's not the reason. We went back there because -- like I said, if I told him that, that probably was what I told him. But I really don't remember too much.

Q. Okay.

A. But I know we went over there because that's where he lives at why we had to drop him off over there.

Q. Okay. So you told Detective Sanchez, "Okay. So he was talking about licking him and all that kind of stuff." Does that sound like something you said?

A. I mean, if they got it on there, then I probably did say those words.

Q. Okay. So Eugene and Jaquez got Cal to come to Pinecrest.

A. Are you asking me?

Q. Is that right?

A. You're asking me that?

Q. Yes.

A. Yes, ma'am.

Q. And we talked about this already, but you drove the car, right?

A. Yes, ma'am.

Q. And so when you parked, Eugene and Jaquez got out of the car to the left; is that right?

A. I mean, I don't know. I know Jaquez lives down there,

so I was expecting him to get out the car and go in his house because I know he said he was going to see his aunt. He just said he was going to see his aunt real quick. So I don't know if their intentions was to go and rob someone, but I know Quez lived down there.

Q. Okay. So do you remember when you interviewed with Detective Sanchez you told Detective Sanchez, "but they was talking about licking him over there"?

A. You just asked me that too. I really don't remember too much --

Q. Okay.

A. -- what I said.

Q. Okay. So I'm going to ask you again.

Do you remember also telling Detective Sanchez, "So he said he, Quez, was at Pinecrest, so he went over there"?

A. Say that one more time for me.

Q. "So he said he, Quez, was at Pinecrest, so he went over there"?

A. I don't understand what you're trying to say.

Q. So this relates -- so did Eugene and Jaquez -- Eugene and Quez get Cal to go to Pinecrest?

A. I mean, I don't recall. But if that's what's on there, then I probably did say that. But I don't remember.

Q. And Saguni, you stayed in the car when they got out of the car?

A. Yes, ma'am.

Q. Okay. You were the getaway driver?

A. I was not no getaway driver because Quez, like I said, that's his residence. So I'm thinking --

Q. Okay.

A. -- we're dropping him off.

Q. Thank you.

MR. COOPER: Your Honor, I'd ask that they let the witness answer the question.

MS. MARTINEZ: It's a yes or no.

THE COURT: You can follow up. You can follow up to her questions.

Thank you, Ms. Martinez.

MS. MARTINEZ: One moment, your Honor.

(Pause in proceedings.)

MS. MARTINEZ: No further questions, your Honor.

THE COURT: Okay. For purposes of the proffer, you can ask followup questions to her. And then we'll call the jury back in and do any redirect that you have.

MR. COOPER: Your Honor, I don't think I have any questions during the proffer. But certainly I think that, as your Honor discussed before, it remains fundamentally inappropriate to be admitted and it's not relevant in any way, shape, or form. And even this witness isn't even sure that was the plan.

THE COURT: Yeah. And you're protected on the record from previously. And again, that's fine. Whatever you want to state on the record.

MR. COOPER: So that's not going to be allowed in?

THE COURT: No. This was --

MR. COOPER: Okay. I'm sorry.

THE COURT: No. This was all a proffer. I just, you know --

MR. COOPER: I'm sorry, Judge. I just -- okay. So I misunderstood.

THE COURT: That's okay.

So I'm going to call the jury back in, and then you can have redirect if y'all have a redirect. Okay?

MR. COOPER: Thank you, Judge.

THE COURT: All right. Let's get the jury back in.
Thank you, sir.

(The jury entered the courtroom at 10:18 a.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you.

Please take a seat.

All right. State, any redirect?

MR. COOPER: Thank you, Judge.

REDIRECT EXAMINATION

BY MR. COOPER:

Q. Ms. Dotson, I just have some followup questions for you.

You went back to Pinecrest with Quez and E.J. because Quez was staying there; is that right?

A. Yes, sir.

Q. Ms. Martinez asked you about knowing Mr. Robinson?

A. Yes, sir.

Q. And you do know who he is?

A. I mean, I went to school with him in high school.

Q. Okay. Then she asked you about two shooters. You couldn't -- could you see their faces?

MS. MARTINEZ: Objection, your Honor. I didn't ask -- that's not facts in evidence.

THE COURT: Overruled.

BY MR. COOPER:

Q. Could you see the shooters' faces?

A. No, sir.

Q. So you're not saying it wasn't Mr. Robinson; you're saying you can't see -- er, couldn't see their faces?

A. Yeah, I couldn't see their faces.

Q. And why was that?

A. Because one of them had a mask on. The other one I can't remember what I seen. I saw two people, but I remember the one I saw, tall, skinny, with dreads, looked like he had something covering his face.

Q. And when you say "mask," you're not talking about like what you have; you're talking --

A. No, not like mine.

Q. -- just something covering the face?

A. Like a ski mask, basically.

Q. Okay. And when you told Detective Sanchez about -- you said dreads, did you tell him "one tall subject wearing a black, hooded sweatshirt with a mask and something hanging out from under the hood like dreads"?

A. Yes, sir.

Q. They were using a T-shirt to wrap their face. Could it have possibly been, like, the tail of a T-shirt?

A. I -- it probably could have, but I would say it was dreads. But it probably could have just been a shirt too.

Q. Okay.

MR. COOPER: Beg the Court's indulgence.

(Pause in proceedings.)

MR. COOPER: Ms. Dotson, I have no further questions for you. Thank you for your time.

THE WITNESS: You're welcome.

THE COURT: All right. Any recross?

MS. MARTINEZ: Yes, your Honor. Just briefly.

RE CROSS-EXAMINATION

BY MS. MARTINEZ:

Q. Okay. I just want to get this right.

You saw two people running to the car, right?

A. I mean, I know when it happened I remember I saw a tall

person with dreads.

Q. Mm-hmm.

A. I can't remember saying I saw --

Q. But you only saw --

A. I can't remember saying I saw two people, but if I did say it, I probably did.

Q. Okay.

A. But I remember seeing a tall person, skinny, with dreads.

Q. Okay. But you didn't see the shooting?

A. No, ma'am.

Q. Okay.

MS. MARTINEZ: Just a second, your Honor.

(Pause in proceedings.)

MS. MARTINEZ: Nothing further, your Honor.

THE COURT: Okay. Any re-redirect?

MR. COOPER: No, your Honor. Thank you.

THE COURT: Okay. Ms. Dotson, you can step down. Thank you.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: The State's next witness?

MR. ZEIGLER: Framon Frasier, Jr.

CLERK OF THE COURT: Would you please raise your right hand and place your left on the Bible.

(Witness sworn.)

CLERK OF THE COURT: Please be seated.

Please state your full name, spelling your last name loudly and clearly into the microphone.

THE WITNESS: Framon De'Angelo Frasier, Jr. My last name is spelled F-R-A-S-I-E-R.

FRAMON FRASIER, JR.,

called as a witness on behalf of the State, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ZEIGLER:

Q. All right, Framon. You go by E.J. sometimes? Or used to?

A. Yes, sir.

Q. Okay. Where were you working back in June of 2021?

A. At IBS.

Q. What did you guys do there?

A. Work on commercial vehicles.

Q. Did a person named Israel Robinson work with you?

A. Yes.

Q. He's in the courtroom today?

A. Yes, sir.

Q. Can you just tell me what he's wearing, what kind of -- what color jacket he's wearing?

A. A gray jacket.

Q. Gray jacket. Okay.

And what did you guys wear to work?

A. Huh?

Q. What did you wear at IBS for work?

A. Steel-toed boots.

Q. Black T-shirt?

A. We didn't have a uniform.

Q. Okay. So you could wear whatever you wanted?

A. Yeah.

Q. Okay.

A. Just cargo pants, steel-toed boots.

Q. How long have you known Israel Robinson?

A. Since I was a little child.

Q. How did you meet him?

A. First day of kindergarten.

Q. Okay. And what was his nickname? Did he ever go by Izzy?

A. Yes.

Q. Okay. And what was going on back in June of 2021 with Israel and his little brother?

A. Somebody went after his brother, and he went back for -- okay. Somebody went after his brother, and they came to his place and a shooting happened.

Q. Okay. Sticking on the topic of his brother, do you remember if the hunters that were hunting his brother were

actually looking for Mr. Robinson or were they looking for his brother? Did they stumble upon the brother in search of Mr. Robinson?

A. Yeah.

Q. Okay. Can you just walk me through your day on June 22, 2021. Obviously you remember that day because you're here to talk about that day?

A. Yeah.

Q. A shooting happened that day. Can you just walk me through kind of your -- what did you do earlier in the day? What were you planning on doing when you left work? Just kind of everything that you did that day before this incident.

A. Yeah. I went to work that day, got off. I went home and showered up and got outside, went to chill with Izzy and smoke a little bit. And then the shooting happened.

Q. Okay. So where did you guys go -- if you know exactly the time -- I'm going to show you State's Exhibit Number 2, which is in evidence.

Well, is there a place called Max's Quick Stop that is right outside of Pinecrest?

A. Yes, sir.

Q. Okay. And did Israel Robinson live at Pinecrest?

A. Yes.

Q. Okay. And where did you live?

A. I lived down the street.

Q. Like up with your father somewhere?

A. Yeah.

Q. Okay. Why did you guys go to Max's Quick Stop?

A. For cigars.

Q. Okay. Did you buy something else when you were there?

A. I bought a shirt. I needed a shirt.

Q. Okay. Was it for work?

A. Yeah.

Q. Okay. And it was a black T-shirt, correct?

A. Yeah.

Q. Who drove you to Max's Quick Stop?

A. Izzy.

Q. Okay. Israel?

A. Yeah.

Q. And was there anybody else at the store that you had interacted with, maybe somebody who worked there, standing outside or in their car?

A. Yes.

Q. So Lorenzo -- you maybe called him "Smily"?

A. I don't know his name.

Q. Okay. What did you have in the car with you for protection?

A. I had a weapon.

Q. What kind of weapon?

A. I had an AR.

Q. Okay. What did Mr. Robinson have, if anything?

A. AR.

Q. Okay. Where was yours when you were riding in the vehicle?

A. In my possession in my lap.

Q. Okay. What about his?

A. On his side of the vehicle.

Q. Okay. And he was driving?

A. Yeah.

Q. You don't happen to know where he got his weapon?

A. No.

Q. You didn't buy them together at the same time?

A. No.

Q. Do you remember what caliber your weapon was?

A. Mine was .22.

Q. Do you remember what his was?

A. No.

Q. Okay. So what happened -- you get a phone -- did Israel get a phone call from somebody? Or did you guys receive notice that somebody -- that the hunters that you were talking about earlier, that they were back in Pinecrest?

A. Yeah.

Q. So how did that transpire? Did Izzy get a phone call?

A. Mm-hmm.

Q. And what did those people tell him?

A. That they were outside his --

MS. MARTINEZ: Objection. Hearsay, your Honor.

THE WITNESS: -- house.

THE COURT: Sustained.

MR. ZEIGLER: Your Honor, it's --

THE COURT: Well, actually, can the jury -- can you take the jury out real quick.

(The jury exited the courtroom at 10:29 a.m.)

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. I'm going to hear from both sides. So I'm going to hold off. I know I've already ruled, but I'm going to hold off on my ruling until I hear from both sides on this.

Your objection is hearsay?

MS. MARTINEZ: It is, because he's asking about a phone call that Mr. Robinson got.

THE COURT: And State?

MR. ZEIGLER: Your Honor, it's a -- well, it's another one of those situations where it's maybe I guess double hearsay. But I'm not asking about what was said on the phone call specifically. I'm asking -- er, I guess I could phrase it this way to make it not hearsay: Not what was said directly on the phone call, but what Mr. Robinson told him

was going on back at Pinecrest and just avoid the fact that a phone call was made, I guess. Because obviously Robinson tells him --

THE COURT: I'm allow that, but do not say what they said.

MR. ZEIGLER: I'll just say what he told -- what Israel told -- er, I'll ask what Israel told him was going on back at Pinecrest.

THE COURT: That is fine.

MR. ZEIGLER: Okay.

THE COURT: Anything else?

MS. MARTINEZ: No, your Honor.

THE COURT: Okay.

All right. Bring the jury back in. Thank you.

(The jury entered the courtroom at 10:31 a.m.)

THE BAILIFF: All jurors are present.

THE COURT: Okay. Thank you.

Y'all may be seated.

Continue, State.

BY MR. ZEIGLER:

Q. Okay, Framon. When you were in the vehicle -- in Israel's vehicle, what did Israel tell you was going on back at Pinecrest -- er, what had transpired since y'all went to Max's Quick Stop?

A. Just people was looking for him.

Q. And were they at Pinecrest?

A. Yes, sir.

Q. Okay.

MR. ZEIGLER: All right. If you could pull up State's 2 again.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. All right. On this map, do you recognize this area?

A. Yes, sir.

Q. Is that Pinecrest?

A. Yes, sir.

Q. Can you just circle on the TV screen -- it's a touch screen. If you could circle where Max's Quick Stop is.

It's on the screen in front of you. Sorry.

A. (Indicated.)

Q. Okay. And then the front gate, please.

A. (Indicated.)

Q. Okay. And then how many times did you guys circle Pinecrest before you -- before Israel eventually parked?

A. I'm not sure.

Q. Was it multiple times?

A. Yeah.

Q. Okay. And was that because -- what was the reason for that?

A. The reason for what?

Q. For circling around multiple times. Were you looking for somebody?

A. Yeah. He was looking for the guys who was supposedly running around his house.

Q. Okay. And where did he ultimately end up parking? Can you put just like a bigger dot next to where his vehicle would have been parked when y'all eventually got to where you were going.

A. I think it was somewhere over there. Somewhere over here, I think.

Q. Okay. And then what happened after you guys parked the vehicle?

A. After we parked the vehicle, I stayed in the vehicle and he hopped out of the vehicle and shots went off.

Q. Did you eventually go up there too?

A. Yes, sir.

Q. Okay. So who shot first?

A. They did.

Q. "They"?

A. The guys -- no. The -- well, it was around the 4th of July time so, don't know if it was shots or fireworks. You know what I'm saying? But it was loud, a couple of loud shots -- supposedly sounded like shots.

Q. Do you remember Israel Robinson shooting his firearm at any time?

A. Yes, sir.

Q. Did he shoot first before you?

A. Before me, yes.

Q. Okay. About how many times did he shoot?

A. I don't know.

Q. Okay. So if you can walk me through -- just point which direction he went and which direction you went?

A. I was -- I probably was right here. You see that?

Q. Yeah. Yeah. And you just went straight down that path?

A. Yeah. I stayed right there in that area.

Q. Okay. So why did you guys shoot at these two -- how many people were walking through the playground?

A. There was three of them.

Q. Three of them? How -- why did you guys shoot at them?

A. You say why did we shoot at them?

Q. Yes. Because you thought they were the hunters possibly?

MS. MARTINEZ: Objection, your Honor. That's leading.

MR. ZEIGLER: Sorry.

THE COURT: Sustained.

Please don't lead.

THE WITNESS: Yes.

BY MR. ZEIGLER:

Q. Okay. So why did you shoot at them?

Sorry. I got -- the objection was sustained, so I have

to ask it in a different way.

A. I just -- I just shot back to protect myself.

Q. Okay. Did -- but you're positive Israel Robinson shot?

A. Yes, sir.

Q. Okay. Did you know these people before you shot at them?

A. No, sir.

Q. Okay. Had you ever seen either of them on social media or in person?

A. No, sir.

Q. Okay. What happened after the shooting? Did -- who got into Mr. Robinson's car after the shooting?

A. Me. I went home.

Q. Anybody else?

A. No.

Q. Mr. Robinson didn't get into his own car?

A. Oh, yeah.

Q. Okay. That's what I'm asking.

A. Yeah.

Q. So you and Mr. Robinson got into his vehicle, and then what did he -- where did he bring you?

A. I went home.

Q. Okay. And he drove you out of Pinecrest?

A. Yeah.

Q. Okay. What happened to the guns after the shooting?

Did he maintain those, or did you take them?

A. Um --

Q. You don't know?

A. I kept mine.

Q. You kept yours?

A. (Indicated.)

Q. Okay. Did you go to an ATP gun store and purchase two boxes of ammunition and a 35-round magazine after work that day in Summerville?

A. I don't know if it was that day.

Q. Okay. But you've been to that gun store before?

A. Yeah.

Q. But not that day?

A. Yeah. Probably the day before or two?

Q. Okay. Okay. How was Mr. Robinson acting when he got back into his vehicle? Was he hyped up? Was he -- was there just kind of a mood that was going on between you guys? What was the vibe like?

A. I mean, um -- what's the word. Yeah, hyped up, but, like, a lot of adrenaline was pumping.

Q. Yeah. Okay that makes sense.

All right. I want to talk about your initial statement to detectives with the North Charleston Police Department.

You were arrested after Israel Robinson, correct?

A. Yes, sir.

Q. Okay. When you met with detectives, did you tell them -- you were pretty nervous, right? Kind of knew what was going on?

A. Yes, sir.

Q. Okay. Did you tell them, you know, sort of the same thing you told me?

MS. MARTINEZ: Objection. Leading.

MR. ZEIGLER: Okay. Sorry.

THE COURT: Sustained.

BY MR. ZEIGLER:

Q. What did you tell detectives initially?

A. I began -- I told them that I stayed in the vehicle. I lied. I got out of the vehicle.

Q. Yeah. So you eventually told them that you got out of the vehicle?

A. Yeah.

Q. But you always maintained that Mr. Robinson drove his car to Max's Quick Stop and then drove out of the complex with you, right?

A. Mm-hmm.

Q. And you've always maintained that he was being targeted by some people from Liberty Hill?

A. Yes, sir.

Q. Do you recall what that dispute was about?

A. No, I don't remember.

Q. Okay. And you told -- ultimately you told Detective Russ that the hunters shot at you guys first?

A. (Indicated.)

Q. But do you remember meeting with me in -- I think was it June or July of 2024 and telling me that Izzy shot first and that they might have shot back, but you weren't sure because it was dark out?

A. Yeah.

Q. That's what you told me?

A. Yes, sir.

Q. Is that not the case?

A. It is.

Q. Okay. So that's the truth?

A. (Indicated.)

Q. Verbally, please.

A. Yes, sir.

Q. Thanks.

So they might have shot back at you, but Izzy shot first and then you shot and then they might have shot back?

A. Yes, sir.

Q. Okay. Were you -- where -- it's hard to explain.

MR. ZEIGLER: Can you bring up the close-up of the playground area. I think it's 6.

Beg the Court's indulgence, your Honor.

(Pause in proceedings.)

BY MR. ZEIGLER:

Q. I'm just going to show you a different angle of the map.
State's Exhibit 6.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Is that where the incident took place?

A. Yes, sir.

Q. Where was -- where were you standing when you shot?

A. Under -- by the trees.

Q. By the trees behind the wall -- er, next to that
building?

A. Yes, sir.

Q. Can you mark which building.

A. (Indicated.)

Q. So you weren't standing in the mulch of the playground,
correct?

A. No. I'm not sure what building. They all look alike.
I just know it was dark.

Q. Yeah. They do all look alike?

A. And I was by some trees.

Q. Yeah. And I'm going to show you State's 11.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Is this about the angle that you were shooting from?

A. No.

Q. Were you up in the mulch right there by those yellow markers?

A. No.

Q. Okay. State's 20.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. You say you were standing by the trees and there was a building next to the trees. What does this bring to your mind? Potentially cartridge cases that you shot?

A. I wasn't standing by those. I don't --

Q. Okay. I want to talk about our arrangement that you and I have made to bring you here today in exchange for a reduction in your charge.

What did I offer to do for you? You were charged with murder, attempted murder, and possession of a weapon during a violent crime, just like Mr. Robinson, correct?

A. (Indicated.)

Q. What did I offer to provide you instead of murder?

A. A reduction of time and dropped charges.

Q. Right. So I dismissed the weapons charge and the attempted murder, correct?

A. And drop the murder charge to voluntary.

Q. Okay. And what is your sentence that you have agreed to and already pled guilty to?

A. Fifteen to 20.

Q. Okay. And all I've ever asked you for in exchange for that is the truth, correct?

A. Yes, sir.

Q. Okay. I've never told you to tell me something that didn't happen or told you to tell you -- told you how to answer the questions I'm asking you, right?

A. No, sir.

Q. Okay. And I've never asked you to tell me something that never happened? I've never made something up and forced you to tell me that that's what happened? This is all your version of events?

A. Yes, sir.

Q. Even though you did initially tell something different to Detective Russ, ultimately this is what you came to me with?

A. Yes, sir.

Q. Okay. What happens if you don't tell us the truth?

A. Everything goes out the window.

Q. And you've been totally truthful today?

A. Yes, sir.

MR. ZEIGLER: Beg the Court's indulgence.

(Pause in proceedings.)

BY MR. ZEIGLER:

Q. I'd like to show you another exhibit, State's 162A. It's a -- 162A. It's a video from Max's Quick Stop.

(Exhibit displayed on screen in open court.)

Q. So it's 162A at 3:07 on the Windows Media Player time ticker.

Who's that up there on the -- next to the door of Max's Quick Stop? Is that you?

A. That's me.

MR. ZEIGLER: Okay. Can you play the video.

(Video played in open court.)

MR. ZEIGLER: Can you pause it.

(Video paused.)

BY MR. ZEIGLER:

Q. Does it look like you were watching a conversation happening between the occupant of that Chevy Traverse and the -- or Equinox and the driver of that Nissan?

A. Yes, sir.

Q. Okay. And is the driver of that Nissan Israel Robinson?

A. Yes, sir.

Q. Okay. And he drove the entire time? He drove you out of Pinecrest?

MS. MARTINEZ: Objection, your Honor. Leading.

MR. ZEIGLER: Who drove the vehicle --

THE COURT: Sustained.

MR. ZEIGLER: I agree, your Honor.

Q. [By Mr. Zeigler] Who drove the vehicle out of Pinecrest to go Max's Quick Stop?

A. Israel.

Q. And who drove it back to Pinecrest after Max's Quick Stop?

A. Israel.

Q. And who drove it out of Pinecrest after the shooting took place?

A. Israel.

Q. Okay. Nobody else got in the car ever?

A. No, sir.

Q. Okay. And did you -- I just want to run this through one more time.

Did you ever actually see the hunters shooting at you? Or did you just hear shots and think that they might have shot back?

A. I saw them shooting.

Q. You saw them shooting?

A. Yeah.

Q. Okay.

MR. ZEIGLER: Nothing further, Judge.

THE COURT: Okay. Any cross-examination?

MS. MARTINEZ: Yes, your Honor. Just a moment.

(Pause in proceedings.)

THE COURT: Ms. Martinez?

MS. MARTINEZ: Thank you, Judge.

CROSS-EXAMINATION

BY MS. MARTINEZ:

Q. Good morning, Mr. Frasier.

A. Good morning.

Q. Okay. So you entered an agreement with the State in May of this year; is that right?

A. I'm not sure what month.

Q. Okay. So you agreed to plead guilty to voluntary manslaughter?

A. Yes, ma'am.

Q. Okay. And as far as that agreement, you would be agreeing to a negotiated sentence of 15 to 20 years?

A. Yes.

Q. And do you remember in that agreement, the State is dismissing your charge of attempted murder?

A. Yes, ma'am.

Q. Your charge of possession of a weapon during the commission of a crime?

A. Yes, ma'am.

Q. And you also had another charge after that in 2022 with possession of stolen vehicle; is that right?

A. Yes, ma'am.

Q. And the State agreed to dismiss that charge?

A. No. I don't know. That hasn't been --

Q. That's part of your agreement?

A. I'm not sure.

Q. Okay. Do you remember entering that agreement on May 14 -- well, would it help refresh your memory if I showed you a copy of that agreement you signed with the State?

A. I mean, I just don't know what month it -- I'm not sure what month it is. I know that I did it.

Q. Okay. Fair enough.

A. I'm just not sure what month it was. It was a couple months ago.

Q. Okay.

So you were facing a maximum of life if you had been convicted of murder; is that right?

A. Yes, ma'am.

Q. Okay. So you were interviewed by Detective Russ, right, back in July of '21? Do you remember that?

A. Yes, ma'am.

Q. Okay. And when you interviewed with him, were you hoping for some kind of reduction in sentence?

A. No.

Q. No? Okay.

Okay. So when you interviewed with Detective Russ, you went to the police department; is that right?

A. Yes, ma'am.

Q. And you're aware the interview was recorded?

A. Yes, ma'am.

Q. So everything you told Detective Russ would have been on video?

A. Yes, ma'am.

Q. Okay. So he was interviewing you about the incident at Pinecrest; is that right?

A. Yes, ma'am.

Q. And he interviewed you about your involvement?

A. Mm-hmm.

Q. And that was July 9 of 2021; is that right?

A. I think it was.

Q. Okay. Now, do you remember telling Detective Russ when he was talking to you about this case, saying, "I ain't" -- "If it ain't reducing time or what they do"? Do you remember saying that?

A. Mm-hmm.

Q. Okay.

So when you were first interviewing with Detective Russ, you told him that Israel was driving a silver or blue car.

Do you remember that?

A. No.

Q. Okay.

A. A silver or blue car?

Q. Yes.

A. No, I don't remember that.

Q. No? Okay. I'll move on from that.

So do you remember telling him that when you went to Max's Quick Stop you got a cigar?

A. Mm-hmm.

Q. Okay.

THE COURT: Sir, you need to say yes or no. Okay?

THE WITNESS: Yes, sir.

THE COURT: Just so it's clear on the record. Thank you.

THE WITNESS: Yes, sir.

MS. MARTINEZ: Thank you, your Honor.

Q. [By Ms. Martinez] And you remember you also told him you might have gotten something to drink?

A. I'm not sure.

Q. Okay. But you bought a black shirt; is that right?

A. Yes, ma'am.

Q. Okay. And you told Detective Russ that you didn't do anything with it?

A. Yes, ma'am.

Q. Okay. So when -- you told Detective Russ also that when you drove back to Pinecrest --

A. I didn't drive.

Q. You and Israel -- right? -- drove back to Pinecrest, you stayed in the car the whole time?

A. Mm-hmm.

Q. And you remember --

THE COURT: Sir --

THE WITNESS: Yes, ma'am.

I'm sorry.

THE COURT: Okay. Thank you.

MS. MARTINEZ: Thank you.

THE COURT: It just needs to be clear on the record, sir.

BY MS. MARTINEZ:

Q. And do you remember telling him that he hopped out the car?

A. Yes, ma'am.

Q. And then you heard shots?

A. Yes, ma'am.

Q. That Israel came running back into the car?

A. Yes, ma'am.

Q. And that he sped out?

A. Yes, ma'am.

Q. And do you remember telling him that one of the other guys had a rifle?

A. Did I tell the detective?

Q. That one of the other guys had a rifle.

A. Uh --

Q. Do you remember telling Detective Russ that?

A. I'm not sure. I'm not sure.

Q. Okay. Do you remember telling Detective Russ that they

all had masks?

A. Yes.

Q. Okay. And you said you didn't have a firearm in your hands?

A. I did.

Q. You did have a firearm in your hands?

A. I did.

Q. Okay. But you initially told Detective --

A. I told him I didn't, yes.

Q. Okay. Thank you.

And you were holding a rifle?

A. Yes.

Q. And then initially you said you didn't pull the trigger?

A. Yes, ma'am.

Q. Okay. But later you're admitting to shooting?

A. Yes, ma'am.

Q. Okay. And you said that Israel had a small gun. Do you remember saying that in your interview?

A. Yes, ma'am.

Q. Not a rifle?

A. Yes, ma'am.

Q. Okay. So later during that interview -- okay? -- you told Detective Russ that they were shooting you first?

A. Yes, ma'am.

Q. Okay. Do you remember telling him, "They were trying to

come get us"?

A. Yes, ma'am. But all of this happened three and a half years ago.

Q. Okay. I understand.

And then you also told him, "They were hunting us"?

A. Yes, ma'am.

Q. Okay. And you even said that Jaquez was the one that shot at you?

A. Yes, ma'am.

Q. Okay. Now, you met with the representatives of the State on June 12 of this year?

A. I'm pretty sure.

Q. Yeah. You met -- yeah. But you met with them this year after you pled guilty to voluntary manslaughter?

A. Mm-hmm. Yes, ma'am.

Q. And you provided another statement in their office?

A. Yes, ma'am.

Q. And in the office was your attorney, right?

A. Yes, ma'am.

Q. It was the two prosecutors, Mr. Zeigler and Mr. Cooper, right? And their investigator?

A. Yes, ma'am.

Q. Okay. And they got further information. Well, they interviewed you about this case in preparation for trial?

A. Yes, ma'am.

Q. Right. Okay.

So when you spoke to the State at that interview, you told the State that when you got off work, you went to Israel's house. Do you remember that?

A. Yes, ma'am.

Q. Remember telling them you took a shower at his place?

A. Yes, ma'am.

Q. Okay. And this wasn't the first time you've been at his home; is that right?

A. It is not the first time. Yes, ma'am.

Q. Okay. It's not the first time you've been in his car?

A. (Indicated.)

Q. Okay.

A. Yes, ma'am.

Q. And you've driven the car before too; is that right?

A. No, ma'am.

Q. Okay. You've left things in the car before?

A. Yes, ma'am.

Q. Okay.

MS. MARTINEZ: Can we -- I want to mark this exhibit for ID purposes, your Honor.

THE COURT: Have you shown the State a copy of that? I don't think they already have it.

MR. ZEIGLER: We do not, Judge.

(Pause in proceedings.)

MR. ZEIGLER: Your Honor, may we approach?

THE COURT: Sure.

(An off-the-record discussion was had at the bench.)

BY MS. MARTINEZ:

Q. So we were talking about that meeting between you and the State -- okay? -- during the summer.

You remember telling the prosecutors that you don't know where Israel was while you were shooting?

A. No, I don't remember that.

Q. You don't remember that? Okay.

A. Like I said, it was dark outside. I was standing under a couple trees.

Q. Well, just a second. Just a second.

Okay. So at that interview in the summer with the prosecutors in their office, you are aware that that interview was recorded; is that right?

A. Yes, ma'am.

Q. Okay. So do you recall telling the State regarding where Israel was, "He wasn't next to me, but I don't know where he was at"?

A. Yeah, he wasn't next to me, but I don't know where he was at. Like I said --

Q. Okay.

A. -- it was dark outside.

Q. Okay. So during that interview, do you remember --

well, you told the State that you used the black shirt to cover your face?

A. Yes, ma'am.

Q. Okay. And --

MS. MARTINEZ: Just a moment, your Honor.

(Pause in proceedings.)

MS. MARTINEZ: I have no further questions for the witness.

THE COURT: Okay. Any redirect?

MR. ZEIGLER: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. ZEIGLER:

Q. All you're saying is you don't know exactly where Israel Robinson was standing when he was shooting, right?

A. Yes, sir.

Q. Okay. But you know he was shooting?

A. Yes, sir.

Q. Okay. And in the interview she's referencing with me in my office, I asked you if you just heard the shots and you said "Yeah," correct?

A. I'm not sure.

Q. And you said -- and you agreed that Izzy shot first, correct?

A. I think so.

Q. Okay.

MR. ZEIGLER: Nothing further, Judge.

THE COURT: Okay. Any recross?

MS. MARTINEZ: Nothing further from the defense, your Honor.

THE COURT: Okay. This witness may step down.

You may step down, sir.

(Witness excused.)

THE COURT: Is this a good time to take a short break?

MR. ZEIGLER: We can take a short break, your Honor.

THE COURT: Okay.

All right, ladies and gentlemen of the jury, we're going to take a short break and then we'll get back. Thank you.

Remember not to discuss. Okay?

(The jury exited the courtroom at 11:06 a.m.)

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. How we looking just logistically?

MR. ZEIGLER: Your Honor, we've got Jamie Green here from SLED. He's the firearms analyst. He is prepared to testify. We have that motion from the defense before he testifies. I don't anticipate that that will take long. I'm not even planning on asking him any questions about his qualifications other than, "Please explain to me why you're qualified and why you don't believe" -- why he doesn't believe the motion is appropriate. He will explain to you

in-depth all of that information. I believe he will be rightly qualified as an expert.

After him, we have Bobbi Jo O'Neal. She'll take 15 to 30 minutes total, unless they decide to dispute the cause of death. I think we all know at this point there's evidence that he was shot 16 times or so.

THE COURT: I don't know that -- I don't know that I ever asked y'all. I know it's just been kind of spoken and y'all did not dispute it. But, I mean, you didn't say anything.

But, I mean, do you dispute the cause of death?

MS. MARTINEZ: No. But we're not going to be able to cross-examine O'Neal about any findings in the report. Like, for example, your Honor, if I wanted to ask her any questions about the direction of shooting, you know, the examiner could tell the direction of shooting or how many people were shooting, soot and stippling. I don't think she can testify to that because she didn't conduct the autopsy examination. That is something that we would cross-examine the medical examiner and --

THE COURT: Well, I believe when we heard this motion earlier that the State indicated that they're not going to be eliciting any type of opinions from her. Basically, she's testifying -- er, she will testify as to the conclusions in the autopsy report. That's my understanding.

MR. ZEIGLER: Just and the location of the entrance wounds.

THE COURT: The location -- I mean --

MR. ZEIGLER: And that's all. It's all in the report. Additionally, we have the pictures from the clothing of the victim that we're intending on using, not any pictures from the body, which I think is -- personally, I would like to use the pictures of his body, but I understand the case law. So we're just opting to use the clothing. I don't think there's anything --

Yeah, I think that's it.

MS. MARTINEZ: And is the State planing to submit the entire report into evidence?

MR. ZEIGLER: No. We were planning on using --

MS. MARTINEZ: Because --

THE COURT: They're saying they were not --

MR. ZEIGLER: -- her oral testimony as evidence.

THE COURT: So they were not going to admit it.

MR. ZEIGLER: It's just going to be her testimony and pictures of the clothing.

THE COURT: Okay. And let's see. Mr. Morgan?

MR. ZEIGLER: He is supposed to be on the way. I don't believe he is. We've tried to make contact with him this morning. We've been unable to. We were in contact with him most recently, your Honor. Unfortunately, he actually pled

guilty the week before Thanksgiving. He was in jail and received one-year sentence. He was sent up. And we served him with a subpoena at that time.

THE COURT: Okay.

MR. ZEIGLER: He met with me, agreed to cooperate throughout the rest of this case and said he would be released from prison before his birthday in April. He was sent up to Kirkland to be processed and was immediately released just a few days after Thanksgiving. We haven't been able to get in touch with him since then.

I've tried on multiple occasions to reach him by phone. We've sent our investigators out to his house, honestly, multiple times since July, the initial trial date, and he's never there. We were able to effectuate service for the October trial date by use of sheriff's deputy. However, this time he was served by our office. He went to prison. We had good contact with him, and now we've lost contact.

So he will not be, I don't believe -- unless he shows up or calls my investigator back --

THE COURT: Okay.

MR. ZEIGLER: -- he probably won't be testifying.

THE COURT: All right. So we'll be able to get all this in before we break for lunch. And then we will -- I will go over Mr. Robinson's Fifth Amendment rights, and then y'all -- we'll break for lunch, and then y'all can let me know.

MS. MARTINEZ: And before we go over his -- I'm sorry to interrupt.

THE COURT: Well, we'll do that before lunch. But yes, ma'am? What now?

MS. MARTINEZ: Before you advise -- well, talk to him about his Fifth Amendment rights, will you give us five minutes to chat with him?

THE COURT: Absolutely. Yeah. I'll give you all the time you need. Okay?

All right. We'll take a quick break.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Okay. Is the State ready to proceed?

MR. ZEIGLER: Yes, your Honor.

I believe the first issue to address is Ms. Martinez's motion for Jamie Green to be excluded as a witness -- or not qualified as an expert.

THE COURT: But I thought you were going to call -- you were going to go through and then you were going to do voir dire?

MS. MARTINEZ: We can do that.

THE COURT: Do you -- do we need -- or do you want to call him, put him up, and then --

MS. MARTINEZ: I think I can do voir dire and then we can do our arguments.

THE COURT: Well, you will need to do the voir dire in front of the jury. So I just didn't want to double up.

Unless I'm missing something here. Do y'all --

MR. ZEIGLER: Yeah, I think she wanted to exclude his testimony entirely.

THE COURT: Okay.

MR. ZEIGLER: And so that's why I was --

THE COURT: Okay. Well, then --

MS. MARTINEZ: If --

THE COURT: Then we'll call him, and then there'll just not be any voir dire. Okay? If I rule that way.

MR. ZEIGLER: Right.

THE COURT: All right. So call him in. Thanks.

Jamie Green?

MR. ZEIGLER: Yes, sir.

CLERK OF THE COURT: Would you please raise your right hand and place your left on the Bible.

(Witness sworn.)

CLERK OF THE COURT: Please be seated.

Please state your full name, spelling your last name loudly and clearly into the microphone.

THE WITNESS: James Green, G-R-E-E-N.

MR. ZEIGLER: Your Honor, it's the defense's motion.

THE COURT: Ms. Martinez?

MS. MARTINEZ: Yes, your Honor. Just one moment.

THE COURT: Huh?

MS. MARTINEZ: Yes, your Honor?

THE COURT: Proceed.

MS. MARTINEZ: Oh, just a moment.

(Pause in proceedings.)

JAMES GREEN,

called as a witness on behalf of the State, being first duly sworn, was examined outside the presence of the jury and testified as follows:

PROFFER DIRECT EXAMINATION

BY MS. MARTINEZ:

Q. Good morning again, Mr. Green.

A. Good morning.

Q. So you work at SLED?

A. Yes, ma'am.

Q. Okay. What does SLED stand for?

A. The South Carolina Law Enforcement Division.

Q. And how long have you been employed with the department?

A. Since June of 2005.

Q. Okay. And describe to me what you do at SLED.

A. I examine firearms and firearm-related evidence and tools and toolmark-related evidence to determine common origin, or "Was this cartridge case fired by this gun?"

Q. Okay. And what type of training and experience do you have in this area?

A. Well, I have a bachelor's and a master's. And then once I was hired at SLED, I started the forensic firearm and toolmark course of instruction, which is approximately a three- to three-and-a-half-year course of instruction studying under court-qualified firearms examiners learning to do what I do now.

Q. And so has that -- has this been your position with SLED the entire time you worked with them?

A. Yes, ma'am.

Q. Now, tell me about the type of training that you have.

A. I'm sorry?

Q. Tell me about your training experience.

A. In addition to the course of instruction?

Q. Yes.

A. Well, during the course of instruction, first of all, it was a lot of reading, studying on the history of firearms, the production of firearms, the history of ammunition components. And then I really learned in an apprentice-type program, watching the court-qualified firearm examiners work cases, see how they work cases, see how they wrote up the worksheets, how they documented certain things, and what kind of patterns they were looking for when they were either making identifications or eliminations on the microscope.

And then as I progressed in that training, I started getting on the microscope myself doing microscopic

comparisons of what's called "known matches," to where you fire two bullets out of the same gun so you know they match. So I had to prove to the examiner that they matched. And then I would look for known nonmatches. And those are literally bullets that you know came from two separate firearms to see if there are any similarities between the two.

There was also written tests, oral tests, practical problems, practical exercises, and a comprehensive final at the end that encompassed everything I learned plus ten fake cases that I had to work on my own without the benefit of my verification process, which we do once we're out of training.

And we also have on-the-job training -- or, you know, current training -- where we tour firearms companies to see how they produce the firearms. And by looking how the firearms are produced, we can then be able to gauge or determine whether or not the marks that we see on the microscope are representative of that firearm. Are they trustworthy?

Q. Okay. Do you have any publications have you published? Have you published any -- have you made any publications yourself?

A. I have not personally published anything. I have edited some crime-scene textbooks -- the firearms portions of textbooks before, but I have not published any papers, no.

Q. And have you been qualified as an expert before?

A. Yes, ma'am.

Q. Do you know how many times?

A. It's actually 121 in both state and federal courts.

Q. And you've been qualified as an expert in what?

A. In firearms identification.

Q. Now, I want to talk specifically about the methodology you used --

A. Yes, ma'am.

Q. -- in this case in examining the shell casings that were sent to you.

A. Mm-hmm.

Q. So your methodology consists of comparing the cartridge cases?

A. Yes, ma'am. However, before I actually sit down and microscopically compare them, everything is inventoried to make sure I have everything I'm supposed to have. And then I evaluate them for class characteristics.

Q. What does "class characteristics" mean?

A. A class characteristic is a characteristic that the firearm manufacturer intends to be on that firearm. A class characteristic would be an example of a caliber; the number of lands and grooves in the barrel; the direction of twist of the rifling; the width of the rifling, both the lands and the grooves; the firing pin shape; type of trigger; how many

barrels. All those are class characteristics.

So what I would do in terms of cartridge cases is examine for class characteristics, or the shape of the firing pin, the shape of the firing pin aperture, those types of things.

Q. Okay. And so what do you do after that?

A. After I evaluate for class and subclass, then I move on to the microscopic comparisons. And a microscopic comparison is conducted on a comparison microscope. It's two microscopes connected by a single optical bridge. It lets us look at two objects simultaneously under different angles of lighting.

Q. Okay. And so what are you looking for under the microscope when you're looking at the two separate items?

A. When we're looking at cartridge cases, there are five areas that we can look at. We can look at firing-pin impressions, breach-face markings, extractor markings, ejector markings, and chamber markings.

Q. So when you're looking at cartridge cases, what criteria do you use to determine an agreement or a disagreement?

A. We talked about the sufficient agreement earlier with the known matches and the known nonmatches. When the quality and the quantity of the markings that I see in the pattern agree with each other, that is determined to be a match.

How- --

Q. So when --

A. I'm sorry.

However, a match is not reported until a second qualified firearms examiner sits down and relooks at the evidence -- every single piece of evidence -- and arrives at their own conclusion, and then they'll read my results.

Q. And so going back to what you said before that, when you were talking about the quality and the quantity --

A. Yes, ma'am.

Q. -- those are used to determine a match; is that right?

A. Yes.

Q. Okay. Is that just another way of saying that you compare -- is it the grooves on the shell casing?

A. We're looking for patterns --

Q. Patterns. I'm sorry.

A. -- inside the impressions.

Q. So is that impressions and patterns --

A. Correct.

Q. -- in the shell casings?

And so you're looking for the number and the similarity?

A. Well, the similarities, yes. Not so much a number.

There is a -- we do what's called "pattern matching."

There is something called "CMS," which are consecutively matching striae. So there's two different ways to do firearms identification. Consecutively matching striae, some

people call them line counters because they count lines, and if it reaches a certain threshold, they consider that to be a match based on their algorithm. We do pattern matching at SLED.

Q. So at what point do you determine you have a match or you consider it a match?

A. When the agreement is of the quality and quantity of what we see with a known match, and it's better than that of a known nonmatch. What that means is if I've seen cartridge cases fired by the same firearm, and if I look at cartridge cases fired by a different firearm, you can see some similarities in them if they're consecutively made, because they were made by the same tool in the same state of wear.

So when you're looking at the quality and the quantity of the markings, it's better than your best known nonmatch; that's when the threshold is reached to become a match.

Does that make sense?

Q. It does.

And so does that mean there's a subjective component to the method you use?

A. Yes. There's subjective and objective. There's subjective because the subjective is how much is enough. But it's objective because it's based on what we're seeing and our training and experience, in my case, in my hundreds of thousands of comparisons.

Q. And is this method you use recognized by courts of law?

A. Yes, ma'am. Firearms identification is recognized in courts worldwide, and it's used in every country -- every developed country.

Q. Okay. Has it been -- the procedure -- the methodology or the technique you use, has it been demonstrated to be repeatable?

A. Yes, ma'am. In the last, I believe, 30 years there have been 50 different studies that all show that firearms identification is repeatable and viable.

Q. Okay. So what quality techniques do you use during this process?

A. At SLED we have a bunch of different quality control. You're asking about quality control, correct?

Q. (Indicated.)

A. SLED is accredited by the American National Standards Institute -- or ANSI -- National Accreditation Board, so ANSI ANAB. That's done every year where they come in and do a document review to make sure that we're doing what we say we're doing. And every four years they come in and do an in-depth assessment.

We also have SLED-wide policies and procedures that we must follow. In addition to the SLED policies and procedures that we must follow, the laboratory has their own policies and procedures we must follow. In addition to those policies

and procedures, the firearms department also has their own policies and procedures that we must follow. SLED also has -- the lab has their own quality department that sets forth the guidelines.

And another one that we put on top of is a hundred percent microverification. And what I mean by that is before any results are given out to any investigative agency, attorney's or solicitor's office, whoever, another qualified firearms examiner sits down and looks at the evidence before any conclusion is given out to someone outside of SLED -- er, outside of my department, rather.

If I'm just saying, "These cartridges are the correct caliber for use in this firearm," that is an observation. That's not a conclusion. So it does not need to be verified. However, if I use my typewriter wrong, someone will say it's wrong on the report.

But when I'm saying -- if someone is verifying that I'm saying, "This is fired by this firearm," or "These are fired by one firearm," "These are fired by two firearms," those are to be verified a hundred percent of the time before they're given out.

Q. Okay. They're verified, you said, by another analyst in your department?

A. Yes, ma'am.

Q. Okay. So for the methodology you utilized, is there a

way that you can determine the error of rate?

A. When part -- I'm sorry. Part of our quality control also is we do proficiency testing every year in the disciplines in which we are deemed competent. Error rates can be calculated based on those proficiency tests because the makers of the proficiency test know the answer. So once all the answers are submitted and they get all their answers from the world combined, they will publish an error rate.

Q. And do you have an idea of how many times -- well, do you know how many times your conclusions have been wrong?

A. The only way I can know if my conclusions are wrong are if I get a wrong answer on a proficiency test. And in 20 years of doing that, I've never received an incorrect answer.

Q. And what about after review from someone in your department?

A. No, I have not.

Took me a second there. I apologize. I was trying to figure out what you were saying. I'm losing my hearing, so sometimes I can't hear.

Q. So has this methodology been applied to the evidence involved in this case before?

A. You mean -- well, so the methodology I used --

Q. Is it commonly used?

A. The methodology I used in this case is the same methodology that's been used for the last hundred years.

Q. Okay.

A. The only difference is the technology changes. So my microscope's better now than it was -- than what a microscope hundred years ago would have been.

MS. MARTINEZ: Just a moment, your Honor.

THE COURT: Yes, ma'am.

(Pause in proceedings.)

MS. MARTINEZ: No further questions from the defense.

THE COURT: Okay. Solicitor?

PROFFER CROSS-EXAMINATION

BY MR. ZEIGLER:

Q. Mr. Green, have you ever not been qualified as an expert?

A. No, sir.

Q. You said 121 times in South Carolina you have been qualified as an expert?

A. Yes, sir.

Q. In firearms examination every time?

A. Firearms identification. Yes, sir.

Q. Identification. I'm sorry.

A. Yes, sir.

Q. What's included in that umbrella? Does that include cartridge case analysis and examination?

A. Yes, sir. Firearms identification includes bullets, cartridge cases, and examination of firearms if any are

submitted.

Q. Okay. And how many, approximately, examinations have you conducted in your career on cartridge cases and under the umbrella of firearms identification?

A. It's in the tens of thousands if not the hundreds of thousands.

Q. Okay. And you've never been not qualified?

A. Correct. I've always been qualified.

Q. A court has never said you were not qualified to testify as an expert?

A. No. That has never happened.

Q. Okay. Is there anything you'd like to add to what you answered from Ms. Martinez's questions that you think would be pertinent to the judge?

MR. ZEIGLER: And, your Honor, I would like to pass up -- it could be a Court's exhibit. It's just his statement of qualifications for your Honor.

THE COURT: Okay. Thank you.

BY MR. ZEIGLER:

Q. Anything that you feel is necessary to add to your answers to Ms. Martinez's questions?

A. No, sir. Firearms identification has been the same -- we look at the same areas of interest on cartridge cases or bullets since it started in the 1920s. The technology has changed, but the methodology is still the same and it's been

proven time and time again reliable in courts.

Q. Okay.

MR. ZEIGLER: I haven't got any other questions, your Honor.

THE COURT: Okay. Anything additional, from defense?

MS. MARTINEZ: No, your Honor.

But our motion is to exclude Mr. Green's testimony. We don't believe that the methodology is reliable because mainly what we're talking about here, even though the science has existed, as he's mentioned, for over a hundred years, what it entails is taking the shell casings and comparing them under a microscope for patterns and grooves. And, you know, Mr. Green just testified that that -- there's a subjective component to that and that, you know, he can only tell his error rate if he is conducting exams. And he couldn't tell us the error rate for comparisons that he's actually performed.

THE COURT: Okay. Thank you, Ms. Martinez.

So the State, you will be offering him as an expert in firearms identification and bullets and cartridge casings. Is that what I understand?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Okay. So you are asking the Court at this time to find him qualified as an expert in that area?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Okay.

Your objections are noted on the record.

As the gatekeeper, the trial judge in this matter, I have duties under Rule 702 and the case -- the *Council* case. I do find that this will assist the trier of fact.

I find that Mr. Green is an expert, that he has acquired the requisite skill, knowledge, training, and education. As he testified, he's been qualified to testify at least, I think, 121 times -- was it 121? -- and he's made, I believe he said, hundreds of thousands of comparisons. He has -- I've also had an opportunity to review his statement of qualifications, and I find that he has certainly acquired everything that he needs to be able to testify on this.

The third element is basically the information which he would base his opinion on is reliable. We -- Ms. Martinez asked exhaustively and appropriately covered areas, but concerning the quality-control procedures to ensure reliability, prior application of the method to the type of evidence involved in this particular case, that this has been -- the testimony was that this has also been recognized in courts in this country and worldwide, that I believe there were 50 studies to show reliability of firearm identification, if I heard it correctly.

THE WITNESS: Over 50 was in the last 30 years.

THE COURT: Over 50? Okay.

SLED's accredited. Also, the microverification. And then another qualifying examiner evaluates and reaches conclusions.

So I will find him qualified to testify as an expert in firearm identification and bullets and cartridge casings.

Y'all are protected on the record. When he comes in, I don't know what -- or when the jury comes back in, I don't know the extent -- obviously, this would be your voir dire, so you don't need to go through it again. You can note your objection on the record, and then we'll proceed with his testimony. Okay?

Anything else from the defense?

MR. KING: May I have just one moment to confer with Ms. Martinez before we bring the jury back for just, like --

THE COURT: Sure. No, absolutely.

MR. KING: Just checking.

THE COURT: State?

MR. ZEIGLER: Thank you, Judge.

THE COURT: Unless it's a copy.

MR. ZEIGLER: I'll identify it with him.

THE COURT: And I do think you need to go over some of the qualifications.

MR. ZEIGLER: Yes, your Honor.

THE COURT: Just so the jury will be aware.

(Pause in proceedings.)

(State's Exhibit Number 216 marked for identification.)

MR. KING: Thank you, your Honor.

THE COURT: All right. Let's get the jury in.

I guess you will call him as a witness even though he's going to already have been in the chair. We'll note that he's already sworn in.

(The jury entered the courtroom at 11:59 a.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you, sir.

Please take a seat.

If the State would call their next witness.

MR. ZEIGLER: The State calls Jamie Green -- James Green from SLED.

THE COURT: Mr. Green, we'll just note for the jury that you have been sworn in and you remain sworn.

JAMES GREEN,

called as a witness on behalf of the State, being previously sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ZEIGLER:

Q. Hi, Mr. Green.

Where do you work?

A. I'm employed by the South Carolina Law Enforcement Division, commonly referred to as SLED.

Q. Do you prefer to go by Agent Green or Mr. Green?

A. Whichever you prefer.

Q. All right, Mr. Green. How long have you been at SLED?

A. Since June of 2005.

Q. And what is your current title and job?

A. I'm a senior forensic scientist in the firearms department.

Q. How long have you been doing that?

A. Since I started at SLED in 2005.

Q. Okay. So almost 20 years?

A. Not quite, but close.

Q. Okay. What are your primary duties in that capacity?

A. I examine firearms and firearm-related evidence and tool and toolmark-related evidence, exam them, issue reports to the agencies, and then testify in court as needed.

Q. You're from the Charleston area originally?

A. Yes, sir.

Q. Where did you go to college?

A. Charleston Southern.

Q. Do you have any other educational background? A master's or anything else?

A. I have a bachelor's and a master's from Charleston Southern. And then when I was hired at SLED, I started the SLED firearm and toolmark course of instruction, which is about a three-, three-and-a-half-year course of instruction in an apprentice-type fashion studying under court-qualified

firearms examiners learning to do what I do now.

Q. Approximately how many cases have you completed cartridge case analysis in?

A. I average working about a 110 to 112 cases a year. Not all of those include cartridge cases. But if I look at not how many cases I've completed but how many comparisons I've done, it's in the tens of thousands.

Q. Have you ever been qualified in court in South Carolina, federally, or otherwise as an expert witness in the field of firearms identification?

A. Yes, sir.

Q. Approximately how many times?

A. It is exactly 121 times.

Q. When was the last time you were qualified?

A. Last Wednesday.

Q. Okay. I'm handing you what has been marked as State's Exhibit 216 for identification purposes only. Would you just tell me what that is.

A. State's Exhibit 216 is my official SLED Forensic Services Laboratory statement of qualification, or SOQ.

Q. And approximately how many other trainings have you completed based on that exhibit in the area of firearm identification?

A. In addition to the SLED course of instruction?

Q. Yes.

A. And we're including touring firearm manufacturers as training. Because if we go to a firearm manufacturer -- like the last one we did was American Tactical in Summerville last year. If we can see how the firearms are produced -- we actually saw barrels being made. We saw breach faces being reamed. If we can see how they're produced, then we can see whether or not the marks that we're looking at on the microscope can be trusted.

So if I count those, without taking too much time to count, it's between 30 to 40 --

Q. Okay?

A. -- just of those.

MR. ZEIGLER: Your Honor, at this time the State moves to -- would like to offer Jamie Green as an expert in firearm identification, including cartridge case analysis and bullet analysis.

THE COURT: Defense?

MS. MARTINEZ: Subject to prior objection, your Honor.

THE COURT: Okay. Your prior objection is noted.

I will find Mr. Green to be qualified as an expert to testify in firearm identification, including cartridge and bullet casings.

Ladies and gentlemen of the jury, normally a person cannot give opinion testimony. And when a person testifies, they must testify -- as I indicated to you with the other

expert -- as to what they either saw, they heard, or they sensed by smell. However, there is an exception when someone is qualified because of education or experience. And they are permitted to give their opinion in certain areas if the Court qualifies them that way.

This witness will be qualified in the area of firearm identification, including cartridge and bullets casings -- I'm sorry, bullets and cartridge casings to give an opinion testimony in this area. However, that does not mean that you must accept the opinion. But it is evidence for you to use in any way you see fit and give it the weight and credibility that you believe is appropriate.

You may proceed.

MR. ZEIGLER: Thank you, your Honor.

Q. [By Mr. Zeigler] Have you ever not been qualified by a court?

A. No, sir.

Q. Okay.

I'm handing you State's 166 and 214 for identification purposes only. Just tell me what those documents are, please.

A. State's 166 and State's 214 are the chain of custodies for the evidence that was submitted in this case.

Q. Okay. And on that chain of custody, what does the chain of custody tell you?

A. The chain of custody tells us, 1, the lab number. Whenever any case comes into the SLED lab, it's given its own unique SLED laboratory case number. And each individual item in that case gets its own individual item number. So when the investigating agency gets it back and I say, for instance, "Item 1 was fired by the Item 2 pistol. Item 1 was found at Marker A," they can start piecing things back together where it was based on the item numbers.

But a chain of custody goes through and electronically tracks the location of that piece of evidence from the minute it's logged into the SLED laboratory 'til it's sent back to the submitting agency. So it shows the item number, the date it was logged in, who logged it in, where it was put -- like if it was put on a storage shelf until somebody could get to it -- and then whoever took it off and gave it to an examiner, and then where the examiner had it at that time 'til the examiner took it back at that time and date, and to who it was transferred back to.

It literally follows the chain of custody for each step of the movement of that piece of evidence through the SLED laboratory from the minute it comes in to the minute it leaves.

Q. And who in this case did you retrieve the items listed as cartridge cases from?

A. Olivia Cartwright --

Q. Okay.

A. -- who is a forensic technician in our evidence control department.

Q. Okay. What about for the bullets?

A. Actually, Olivia as well.

Q. Okay. May I direct your attention to the next page of that document that you just referenced to 214, I believe.

A. Yes. And that's the bullets. Correct?

Q. Does that page indicate that maybe it was somebody different, not Olivia Cartwright? I believe the first line --

A. I'm sorry. Item --

Q. -- on that page is actually pertaining --

A. SLED Item 28 was Olivia Cartwright. 29, which was Container B -- I'm sorry -- was Susan Smith, who is a technician in our evidence control department.

Q. Yeah. I apologize for that.

All right. I would like to hand you Items 10- -- er, State's Exhibit 104 through 131 for identification purposes only. If you'd just take a look at these.

A. Okay. So Exhibits 104 through 105 (verbatim) are the fired cartridge cases I examined as SLED Items 1 through 12.

And State's Exhibits 116 through 131 are the fired cartridge cases I examined as SLED Items 13 through 28.

Q. Okay. How do you know that for those items?

A. I wrote on each one in marker --

Q. Okay.

A. -- the item number. And they're also inside the -- what was the original inner packaging that has the lab number, the item number, and my initials written on each one.

Q. The items were sealed when you received them, right?

A. Yes, sir.

Q. What would you have done if they were unsealed?

A. If anything comes to anybody in the lab and it's unsealed from an outside agency, we are to stop what we're doing right then and figure out why it was unsealed and that it could be tampered with. So all that would be noted in our laboratory information center, or our LIMS. That would be documented. There would be phone calls made between me and the investigator officer, the investigating agency, or whoever was working the case to figure out why the evidence was unsealed when it came to SLED.

None of that happened in this case. All of the evidence that I examined was sealed when I took custody of it.

Q. Okay. Is it in substantially the same condition that it was when you -- are they in substantially the same condition that they were when you received them?

A. Yes, sir.

MR. ZEIGLER: Your Honor, at this time I'd like to enter 104 through 131 into evidence.

THE COURT: Any objection?

MS. MARTINEZ: Without objection, your Honor.

THE COURT: Okay. Without objection, State's Exhibits Number 104 through 131 come into evidence.

MR. ZEIGLER: Thank you, Judge.

(State's Exhibit Numbers 104 through 131 admitted into evidence.)

BY MR. ZEIGLER:

Q. All right. What did we request you to do with the cartridge cases?

A. The cartridge case request was to determine how many firearms were present. That's a very common request we get at the lab. If we don't have a firearm submitted to examine, they want to know how many firearms are represented.

So what we are able to do is microscopically compare the cartridge cases using the comparison microscope, which is two microscopes connected by a single optical bridge that lets us look at two objects simultaneously under different angles. Because what we're really looking at are impressions. And inside those impressions are little tiny microscopic scratches. So if you get the light just wrong, sometimes you won't see them. So that's why we're able to change the angles we're looking at.

So the request was, even with these tiny cartridge cases, was to determine how many firearms were present.

Q. And you're not able to determine who had a gun, who had what gun, what gun specifically shot those cartridge cases; you're just able to differentiate the fact that they were two firearms shooting the two different groups of cartridge cases?

A. Correct. What we cannot say is who fired, why they fired. Without a gun we can't tell you what type of gun fired. We can't tell you the direction of fire. We can't tell you anything other than how many guns are present in those cartridge cases. And there were two.

MR. ZEIGLER: Your Honor, may I approach the witness?

THE COURT: Yes, sir.

BY MR. ZEIGLER:

Q. I am now handing you State's 192 through 195 for identification purposes only. Can you please tell me what those pictures depict.

A. State's Exhibit 193 through 195 are pictures of the cartridge cases as I was conducting an inventory of them. And State's Exhibit 192 is a photo micrograph that I took via the camera system on that microscope.

Q. And you took these pictures yourself?

A. Yes, sir.

Q. Okay.

MR. ZEIGLER: Your Honor, at this time I'd like to --

Q. [By Mr. Zeigler] Er, the pictures haven't been altered

or amended in any way since you took them, right?

A. They do not appear to be, no.

Q. Those are directly from your firearms agent case file?

A. Yes, sir.

Q. Okay.

MR. ZEIGLER: Your Honor, at this time the State moves to offer -- would like to offer Items 192 through 195 into evidence for publishing to the jury.

MS. MARTINEZ: Without objection from the defense, your Honor.

THE COURT: Without objection, State's Exhibits Number 192 through 195 into evidence.

(State's Exhibit Numbers 192, 193, 194, and 195 admitted into evidence.)

THE COURT: And yes, you may publish.

BY MR. ZEIGLER:

Q. Let's start with 192, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Okay. What does this show us?

A. This image shows you two fired cartridge cases. If you can see, one almost looks like a half balloon where it's cut off. That's the hairline of the microscope letting you know that on the right side is one cartridge case and on the left side is another cartridge case.

And I took this picture to show the difference in class characteristics present that were between the two. All of them were the same caliber. All of them were the same brand. They were all the same composition. But they had distinctly different class characteristics. They were both rimfire, or .22 long -- or long-rifle-caliber rimfire. But one had a rather skinny, narrow, rectangular-shape firing pin aperture. That was one group. And the second group had like a short, stubby, square-shaped aperture.

The easiest way to think about that is if we all go to the local Carmax and we all want to buy a truck. And you want to look at a Ford, because you like Ford; they're built Ford tough. And you're -- okay. You decide you want a pickup truck, but you don't really know what kind you want. And you look over here and here's an old beat-up 1981 F-150. And over here is a brand new 2025 F-250 Super Duty. They're both Fords, but you know what you're looking for if they're completely different.

And that's what we have here. We have two groups of cartridge cases that are the same brand, the same caliber, but they're very distinctively different in class characteristics if you know what you're looking for.

Q. Okay.

193, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Okay. And what is this?

A. This is an image I took while conducting an inventory of the evidence showing SLED Items 1 through 10.

Q. And we'll do 194, please.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Sort of the same thing going on here?

A. Yes, sir. This is the same thing, but it has SLED Items 11 through 20. I like to do groups of ten when I take pictures of the evidence doing inventory simply because I can get closer, I can get more detail and read more. If I start taking 40 to 50 to 60 cartridge cases at one time, everything is washed out and you can't really see a clear picture like you can here. So I do groups of ten, yeah, and then the next ten.

Q. Okay. And so the top two left, what is different about the -- well, I see left because that's how we're facing.

A. Well --

Q. On your screen it's on the top left as well?

A. Right. Those --

Q. What's different about those than the rest of the items on that?

A. Those would be SLED Items 11 and 12. And those are the last two that had that long, skinny, rectangular-shaped

aperture. The second group started with SLED Item 13, and you can see -- if you look at the top left, it's got the long, skinny rectangle. The next one's got the long, skinny rectangle. Then you go to the one in the middle on the top, and that's where you start getting into the short square.

Q. Okay. And then 195.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Just tell me what that is.

A. This is the last picture I took of the cartridge cases of just the initial inventory showing SLED Items 21 through 28. And they all exhibited the short, square firing pin.

(State's Exhibit Number 167 marked for identification.)

BY MR. ZEIGLER:

Q. I'm handing you -- I'm handing you State's 167 for identification only. Just tell me what that is.

A. SLED Item 167 -- or excuse me. State's Exhibit 167 is the firearms report I issued on the cartridge cases SLED Items 1 through 28. And the date of the report is April 25, 2022.

Q. Okay. And what does the -- what does your report tell you about the evidence markers and item numbers -- evidence markers from the scene and item numbers from your office about the cartridge cases that were found on scene?

A. Okay. You've got to rephrase that one because you lost

me.

Q. Okay. Sorry.

Anything on your report specifically or from your examination that could tell you if the items that were -- the cartridge cases that had the long, skinny imprint versus the short, fat one were in specific areas on scene?

A. Yes, sir. The report -- for any of us in the firearms department or any of us in the lab other than crime scene, we don't go to crime scenes. We don't actually go collect the evidence. So in State's Exhibit 167, for instance, I'll say, "Item 1, one fired .22 long/long rifle caliber cartridge case listed as" and in parentheses "EM" hashtag 1, Evidence Marker 1. I don't know where that came from specifically, but that's where it was listed from the submitting agency.

So they can go back and rebuild where everything was, we put that in there so they know, "Okay. Well, SLED Item 1 came from Evidence Marker 1. Sled Item 2 came from our Evidence Marker 2." They can start rebuilding where everything was based on that.

So I have no direct knowledge of it. It's in quotation because that's simply what it was logged in as.

Q. Okay. Thank you.

We're now going to turn to the bullets in this case.

Can you just please identify what's in that bag.

A. This bag contains the projectiles that I examined in

this case.

Q. Okay.

A. I believe it's State's Exhibits 132 through 149.

Q. Okay. So what is the difference between a cartridge and a cartridge case?

A. A cartridge is a single piece of unfired ammunition. My dad when he was alive used to say he was going to Wally World -- which is what he called Walmart -- to buy bullets. He was actually going to go buy cartridges, which is, like I said, a single piece of unfired ammunition.

When the cartridge is fired, you're left with a fired bullet which goes down the barrel, and the cartridge case, if you're shooting a semiautomatic pistol or rifle or shotgun, will be ejected and discharged from the firearm.

Q. And the items in front of you, State's 132 through 149, those are the bullets from this case?

A. Yes, sir. Those are the projectiles I examined. Some are bullets; some are fragments.

(State's Exhibit Number 197 marked for identification.)

BY MR. ZEIGLER:

Q. Okay. Handing you State's -- you may -- State's 197 for ID purposes only. What is that?

A. State's Exhibit 197 is the supplemental report issued in this case with a date of August 5 of 2024.

Q. Okay. How do you know that's your report?

A. It has everything on it. It has the lab number, the SLED logo, the SLED letterhead, the information I contained on it, with my signature at the end.

Q. Okay. And what did we request from you regarding the bullets in this case?

A. It was requested that I look and examine and compare the bullets to determine how many firearms were present, if possible, based on those bullets. Sometimes it's not possible. Sometimes they're too damaged to determine how many firearms may be present. So I was asked to try.

Q. Okay. And regarding the bullets, did you alter or amend them in any way other than anything that would have been necessary for testing? Or did you tamper with them or change them?

A. The only thing I did was decontaminate them when they came in.

Q. Okay. And just like the cartridge cases, if it was unsealed, you would have sent it back or tried to figure out why it was unsealed before doing any sort of examination, right?

A. Correct. They were sealed when they came in. And had they been unsealed, I would have stopped what I was doing until I found out why.

Q. Okay.

MR. ZEIGLER: Your Honor, at this time the State would

like to offer 132 -- State's 132 through 149 into evidence. These are the bullets.

MS. MARTINEZ: Without objection from the defense, your Honor.

THE COURT: Okay. 132 through 149?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Okay. Will come into evidence.

(State's Exhibit Numbers 132 through 149 admitted into evidence.)

BY MR. ZEIGLER:

Q. Okay. So can you walk us through your analysis as it relates to the bullets in the case, specifically regarding their caliber?

A. Yes, sir. We deal with -- when it comes to cartridge cases, it's very easy to determine what caliber they are because -- unless -- well, most of the time they tell you what caliber they are. With .22 rimfire, you can look and tell what caliber they are.

Bullets are a little different. We deal with what we call the "OPCs," the observable physical characteristics. SAAMI, the Sporting Arms and Ammunitions Manufacturers' Institute, sets specs for each caliber, saying that, you know, they'll weigh this much, they'll have a diameter of this much. So when we look at the specs -- you know, if you've done this long enough, you know what a 9-millimeter

bullet looks like. You know what a .40-caliber bullet looks like. You know what they should weigh. The same with .22 long rifle.

So I looked at those, I weighed them, and I measured them. And based on how they appeared, SLED Items 29 through 32, 35, 37 through 44, and 46 were all most consistent with bullets loaded into some .22 long rifle caliber cartridges.

Q. Okay. So that isn't all of the items that were sent to you. There were additional items that you were unable to determine the caliber of because of different reasons?

A. Correct. Item 33, due to damage and the size, I was unable to determine the caliber. Due to damage and their sizes, I could not even tell you what Item 34 and the Item 36 pieces of lead were. Item 36 bullet fragments were too damaged and too small to determine what caliber they were. Item 45 was a bullet fragment, but even the fragment was still consistent with being a .22 rimfire caliber, which includes .22 short, .22 long, and .22 long rifle.

Q. Okay. What else were you able to determine regarding the bullets in this case?

A. SLED Items 29 through 32, 35, 37 through 41, 43, 44, and 46 were all fired by one firearm.

Q. Okay. And the remaining items you were unable to determine -- er, explain what you were able to determine regarding the remaining items.

A. Those remaining items had markings on them, but I did not say it was unsuitable, which would be the SLED Item 36 bullet fragments and Item 42. I microscopically compared those with each other and with the bullets that I matched, and those results were inconclusive. It's a fancy word for "I don't know."

But there's four results we have: positive -- fired by; negative -- not fired by; inconclusive -- I don't know; and unsuitable, which there are no marks for identification purposes. An inclusive answer means that those SLED Item 36 bullet fragments and Item 42 could have very well been fired by the firearm that fired the ones that I matched to each other. There was enough markings for me to say, "Yes, it could have been." There were not enough markings for me to say, "It was."

It could have been fired by another firearm. That's what inconclusive means. I can't tell you if they were fired by that gun or another gun or another -- there could have been three guns, based on this.

Q. Okay. Were there any other items you were inconclusive on?

A. No, sir. Just the Item 36 bullet fragments and Item 42.

Q. Okay. Approximately how many brands make .22-caliber long rifle ammunition, that you're aware of?

A. That make ammunition? All the major American ammunition

companies make .22 long rifle caliber. Most of the European companies make .22 long rifle caliber. So ball park from the top of my head, I'd say 30 to 40.

Q. Okay.

A. It may be more.

Q. I'd like to show you -- well, you might remember off the top of your head in this case.

Do you remember what the brand of the cartridge cases found in this case were?

A. They were Aguila.

Q. Okay.

A. A-G-U-I-L-A.

Q. Okay. I'm showing you State's 152, which has already been entered into evidence.

Just tell me, what does the box say?

A. It says "Aguila."

Q. Okay. And does it say what type of Aguila .22 long rifle bullets those are? Hollow point?

A. It just says "copper-plated bullet."

Q. Okay.

A. Oh, I'm sorry. It says "hollow point" right there.

Q. Okay.

MR. ZEIGLER: Let's publish State's 152 on the overhead.

(Exhibit displayed on screen in open court.)

BY MR. ZEIGLER:

Q. Is the marking on the inside of this box the same or similar to the ones that you examined -- from the cartridge cases you examined in this case?

A. They have the same headstamp, yes.

Q. And that's the Aguila -- er, Aguila headstamp?

A. Correct.

Q. So those are hollow-point rounds, you said?

A. That's what the box said.

Q. What's the purpose of a hollow-point round?

A. A hollow point is designed to what's called "mushroom," or expand on impact to create more damage to whatever it hits. So it literally takes -- the diameter of a .22-caliber bullet -- .22 rimfire is 0.221 inches. Theoretically, the hollow point would expand in diameter at the nose of the bullet greater than that of what it was before it was fired.

Q. What's the purpose of that?

A. To create more trauma.

Q. You can't match cartridge cases and bullets specifically, right?

A. Um --

Q. In this case, I guess.

A. Well, we don't -- we can match cartridge cases with cartridge cases. We can match bullets with bullets. If we have a gun, we can match that gun with a bullet or that gun

with a cartridge case. But we do not match bullets to cartridge cases themselves.

Some people think that you can take -- well, actually it happens. When you take a bullet and you seat it into a cartridge case, the mouth of the cartridge case is slightly smaller than the bullet. So it's forced in there, and there are markings left on the bearing surface of that bullet by the cartridge case. That's a proven fact.

However, at SLED we don't determine it to be reliable to match them together because when you fire a bullet, the bullet goes down the barrel and all those marks that are put on the bearing surface of the bullet by being seated into the cartridge case are basically overwritten by the rifling of the barrel. So we don't determine that to be valid at SLED.

Q. Okay.

A. So it's not a thing we do. We don't have a policy or procedure for it, so we do not do it.

Q. Okay. I'm going to pass you back number -- State's 167.

If you could just match the evidence marker numbers from the North Charleston Police Department with your item numbers.

A. Okay. SLED Item 1 is EM 1 -- er EM hyphen 1 or hashtag 1 through 12, so 1 through 12. 1 is 1, 2 is 2, all the way through 12.

Q. Okay.

A. SLED 13 is EM 15. 14 is 16. 15 is 18. 16 is 19. 17 is 20. 18 is 21. 19 is 22. 20 is 23. SLED Item 21 is 24. 22 is 25. 23 is 26. 24 is 28. 25 is 30. 26 is 31. SLED Item 27 is North Charleston 32. And SLED Item 28 is North Charleston 34.

Q. Okay. And I'm handing you again -- I don't remember the numbers -- the cartridge cases in this case, which are Items 104 through 131.

Are they bagged just in the groupings that you just mentioned? Like, is the bag on -- the group of bags in the rubber band on -- that's in your hands right now?

A. Yes, sir. This group is State's Exhibit 104 through 115. This is SLED Items 1 through 12.

Q. Okay. And the other bags that are rubber banded together?

A. Would be SLED Items 13 through 28, or State's Exhibits 116 through whatever that last one was -- 135.

Q. So in this case, how many firearms were used?

A. Based on the cartridge cases, two.

Q. Okay. And how many were fired from -- I guess, for example, Firearm A?

A. Twelve.

Q. Okay. And how many from the other?

A. Sixteen.

Q. Okay.

MR. ZEIGLER: No further questions.

THE COURT: Ms. Martinez, cross-examination?

CROSS-EXAMINATION

BY MS. MARTINEZ:

Q. Okay. So you received 28 cartridge cases for analysis?

A. Yes, ma'am.

Q. And your conclusion is that you have .22 long rifle cartridge cases?

A. There were twenty-eight .22 long or long rifle caliber cartridges cases. .22 rimfire is kind of a weird caliber. But you've got three main calibers in there. You've got .22 short, which has a short cartridge case and a relatively short, light bullet. .22 long has a longer cartridge case and uses the same bullet as .22 short. .22 long rifle has a different bullet than the other two, but uses the same cartridge case as .22 long.

So when we get them, we don't know if they're -- when we get them fired, we don't know if they're .22 long or .22 long rifle. So my report says, "Item 1, one .22 long/long rifle caliber cartridge case."

It's a long way to say, "Yes, I got twenty-eight .22 long or long rifle caliber cartridge cases."

Q. Okay. Thank you for that.

And that's in your report, which is --

MS. MARTINEZ: May I approach, your Honor?

THE COURT: Yes, ma'am.

BY MS. MARTINEZ:

Q. I'm going to show you State's Exhibit Number 167. And that's indicated in your report as .22 long rifle or long rifle (verbatim)? Is that what you're referring to?

A. It's one fired .22 long/long rifle caliber.

Q. Slash.

A. It could have said "and/or" or just slash is easier.

Q. Okay. Thank you.

So that doesn't tell you the type of firearm was involved, does it?

A. No, ma'am. .22 long rifle is simply a name. .22 long rifle can be shot in pistols, revolvers, or rifles.

Q. And you didn't receive a gun for ballistics in this case?

A. Correct. The only thing I received were fired bullets or fragments thereof and fired cartridge cases. No firearms were submitted.

Q. Okay. So you can't -- so there are many types of firearms chambered for .22; is that correct?

A. Yes, ma'am.

Q. Okay. So is it usually a rifle or a semiautomatic pistol?

A. I see both equally, if that makes any sense. I see just as many .22 pistols as I do .22 rifles.

Q. Okay. So if you have a -- is there a way to increase the round capacity in a weapon? For example, a semiautomatic pistol?

A. Yes, ma'am.

Q. And the way to do that is an extended magazine?

A. Correct.

Q. Is that correct?

Okay. So typically you can go up from -- is it ten rounds?

A. Some pistols will have a capacity of six. I have one that has a capacity of ten. But there are some that have capacities of 17 standard. But you can do aftermarket magazines, and I think the biggest one I've seen aftermarket was a 50-round magazine for a .22. I'm sure there are larger ones. I just haven't seen one.

Q. So based on your professional experience, can you tell the number of shooters in this case?

A. No, ma'am. I can't tell how many people shot. I can only say based on the cartridge cases, there were two firearms.

Q. And I think you testified earlier that you couldn't tell the direction of fire?

A. Correct. That's one of the things we can't tell you. When it was fired, who it was fired by, why they fired it, direction of fire, how long ago it was fired -- we can't tell

you any of those things. We can just say based on the cartridge cases, there were two guns.

Q. Okay. And did I -- if I understood correctly earlier, so the projectiles you received for analysis, you can't match those projectiles to shell casings; is that correct?

A. Correct. That's not an examination we perform.

Q. Okay.

MS. MARTINEZ: Your Honor, may I approach?

THE COURT: Yes, ma'am.

BY MS. MARTINEZ:

Q. So I'm showing you what's been marked as -- or what's admitted as State's Exhibit Number 197. This is your report of the analysis of the projectiles. And I want you to look at page number 4 for me. And I think you listed it --

Yeah. Is it page 3?

A. Yes, ma'am.

Q. Oh. My apologies.

Okay. I think you list it there at the top -- well, you didn't list it. There's a list of -- there's some names down there right at the bottom. What are those names?

A. Can I explain?

Q. Sure.

A. Okay. What I did was I provided what we call a "GRC list," or general rifling characteristics list. Firearms produced in the United States or those imported into the

United States are not required to give their rifling specifications to the federal government. Some do. And based on the searchable database provided to us by the FBI and that is currently maintained by the Association of Firearm and Toolmark Examiners, or AFTE, we compiled a searchable database.

So what I did once I matched the projectiles -- and even the ones I could not match still had similar general rifling characteristics. That means they all have the same number of lands and grooves, same direction of twist, and the lands and grooves were the same width.

So I took that information, along with the caliber, the widths of those lands and grooves, and I put them into this searchable database. And it spits out a list of possible firearm makes or manufacturers or sometimes origins -- like countries -- that could have fired those firearms -- excuse me, that could have fired those bullets. Then we provide that to the investigating agency as an investigative lead. If they have no leads, sometimes they can look and say, "Okay. Well, maybe they have this type of gun," and they can start trying to dig and see.

It's just simply an investigative lead. Since those makes and origins, it's not required that they be turned over, we have a little tagline at the bottom that says basically this list is not all-inclusive because not

everybody turns their information in. So if you contact somebody, any one examiner who saw the report will tell you to go look at it.

Q. Okay. So in your report, you mean to say that these projectiles that you analyzed could have potentially come from any number of this list of firearm makes?

A. Correct. There's -- it's quite a large list. .22 long rifle, there's only a few rifling specifications used in that caliber. So you're going to fall into a really small list or a really large list. This happens to be the really large list. Because every -- it's basically all manufacturers I would expect to see and a few that I've never seen before but they have the same specifications so they're included on the list.

Q. Okay. Thank you.

So the prosecutor showed you a box of ammunition over there at the projector and asked you to look at the headstamp?

A. Mm-hmm.

Q. Right? Do you need to see it again?

A. No. I'm good.

Q. Okay. So the headstamp was "A"; is that right?

A. Yes, ma'am. It had the "A" -- Aguila -- headstamp.

Q. Okay.

A. The ones that I could see.

Q. So do you -- you don't know if the cartridge cases -- if the ones that you analyzed come from this box -- er, from that box?

A. No. There's no way for us tell based on the cartridge case -- well, I don't know if y'all remember, but when he opened it up, there was printing on the flap, like "D" something and "E" on the inside flap. That's a lot number. There's no way for us to tell with what testing we do what ammunition comes from what box. Because honestly, where they put ammunition together, it's all in an assembly line. So even though they may say it's the same lot, it's not. It's just the lot of the box. So you may have ammunition from one lot end up in South Carolina and you may have one ammunition from that same lot end up in Australia. So they're all over the place, so we don't -- we won't do that. I can't tell you if it came from that or not.

MS. MARTINEZ: May I have a moment, your Honor?

THE COURT: Yes, ma'am.

(Pause in proceedings.)

MS. MARTINEZ: Nothing further from the defense.

THE COURT: Okay. Any redirect?

MR. ZEIGLER: Just brief questions, Judge.

REDIRECT EXAMINATION

BY MR. ZEIGLER:

Q. How many cartridge cases were fired out of each weapon?

A. I'm sorry. One more time.

Q. How many cartridge cases were fired out of each weapon?

A. One fired 12 and one fired 16.

Q. Okay. And I will show you again what's been marked for ID only as State's 167, the cartridge case report?

A. Yes, sir.

Q. Were you able to determine which SLED items correlated to each firearm?

A. I think I know what you're asking.

SLED Items 1 through 12 were what I call one firearm.
And SLED Items 13 through 28 were what I call a second
firearm in my report.

Is that what you were asking?

Q. Yes.

And SLED 1 through 12 are the same as Evidence Markers 1
through 12?

A. Correct.

Q. Okay. And the evidence markers are from North
Charleston Police Department?

A. Correct.

Q. Okay.

MR. ZEIGLER: Nothing further.

MS. MARTINEZ: Nothing from the defense, your Honor.

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

(Witness excused.)

THE COURT: Can counsel approach.

MR. ZEIGLER: Yes, sir.

(An off-the-record discussion was had at the bench.)

THE COURT: All right. Ladies and gentlemen, we are going to break for lunch. I think it's an appropriate time to break for lunch. I will ask that y'all come back at 2:30.

Again, just all the admonitions that I've given you. Please do not begin deliberation of this. Don't talk about it amongst yourselves. Do not do any research. If somebody approaches you, please let me know. Okay?

Y'all enjoy your lunch.

(The jury was released for lunch and exited the courtroom at 12:51 p.m.)

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. So at 2:30 we will have the coroner --

MR. ZEIGLER: Yes, sir.

THE COURT: -- testify, and then potentially one other witness. Right?

MR. ZEIGLER: I think the coroner is probably the last one. We're not going to call Detective Sanchez at this time.

THE COURT: You're not?

MR. ZEIGLER: No.

THE COURT: Okay. Anything else before I speak with

Mr. Robinson?

MS. MARTINEZ: No, your Honor.

MR. ZEIGLER: No, your Honor.

THE COURT: Okay. Have you instructed Mr. Robinson, your client, about what I'm getting ready to do?

MS. MARTINEZ: Yes, your Honor.

THE COURT: Madam Clerk, if you will swear the defendant in.

(Defendant sworn.)

THE COURT: Okay. Israel Malachi Robinson, at this time I'm going to explain to you certain rights that you have. If you do not understand anything that I say to you, please let me know. If you want me to explain anything in more detail, please let me know.

Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: We have now reached the stage of the trial where you may present your defense. It's going to be after this last witness. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States. This amendment states, in part, no person shall be compelled in any criminal case to be a witness against himself. This means that you cannot be required to testify in this case.

You have the right to testify on your own behalf.

However, no one can make you testify. This is a personal right, and no one can waive this right except you. If you decide to testify, you will be subject to the same rules that govern other witnesses, and you may be examined and cross-examined on relevant issues in this case. And in addition, if you have any convictions involving dishonesty or false statements or for crimes punishable by imprisonment for more than one year and this Court determines that the probative value of admitting such evidence outweighs its prejudicial effect to you, the solicitor will be able to introduce your record to attack your credibility.

Have y'all produced to them any prior crimes? I know there was reference to prior fingerprints, but I mean --

MR. ZEIGLER: Yes, your Honor. He has been arrested before, but he has no adult criminal record so he has no criminal convictions.

THE COURT: Okay.

MR. ZEIGLER: I wouldn't intend to elicit any --

THE COURT: You're not going to bring anything --

MR. ZEIGLER: -- bad acts or --

THE COURT: -- out on that?

MR. ZEIGLER: Correct.

THE COURT: Okay.

MR. ZEIGLER: Unless he goes up there and says, "I've never been arrested before in my life."

THE COURT: I gotcha. I just wanted to make sure that he understood that.

And sir, if you decide to testify, this decision on your part must be freely, voluntarily, and intelligently made, with knowledge of the protections that I've given to you by the Fifth Amendment and the consequences of your decision to testify. If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify.

It is left entirely up to you whether or not you testify. You may talk with your attorney, your family and friends, or anyone else, but the final decision will be left entirely up to you.

Do you understand what I've explained to you?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about what I've explained to you?

THE DEFENDANT: No, sir.

THE COURT: Okay. You will have an opportunity over the lunch break to discuss this with your lawyer, whether you should or should not testify. Okay?

THE DEFENDANT: Yes, sir.

THE COURT: All right, sir.

We will break for lunch. We'll be back at 2:30 for the

last witness.

MR. ZEIGLER: Thank you, Judge.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Okay. Are y'all ready? Or are y'all still working through something, Counsel?

MS. MARTINEZ: We're ready, your Honor.

THE COURT: Okay. All right. Let's call the next -- well, let's get the jury out, and then we'll call the next witness.

(The jury entered the courtroom at 2:34 p.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you. Please be seated.

All right. State?

MR. COOPER: Thank you, Judge.

The State calls Coroner Bobbi Jo O'Neal.

(Witness sworn.)

CLERK OF THE COURT: If you'll please take a seat.

If you would please state your full name for the record, spelling your first and last name.

THE WITNESS: Bobbi Jo O'Neal, B-O-B-B-I, J-O,
O-N-E-A-L.

BOBBI JO O'NEAL,
called as a witness on behalf of the State, being first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Good afternoon, Coroner O'Neal.

A. Good afternoon.

Q. Will you tell the jury where you're currently employed.

A. I'm the Charleston County coroner.

Q. How long have you been the coroner?

A. I was elected in 2020, so I've been in my first term and
then I've just been re-elected for a second term.

Q. Okay. Were you employed in the coroner's office prior
to assuming the role of the elected coroner?

A. I was. I started in 1998 as a deputy coroner with the
coroner's office through Charleston. And then I was promoted
in 2011 to chief deputy coroner. And then I've obviously
been coroner since 2020.

Q. What kind of work did you do before you joined the
coroner's office?

A. I was actually a registered nurse, so I have my
bachelor's degree in nursing and worked in the emergency room
in Charleston Memorial Hospital.

Q. Okay. And what certifications or licenses do you
currently hold?

A. So I have my nursing license, and then I'm also board certified by the American Board of Medical and Death Investigators.

Q. Okay. Describe for the jury, if you would, the role of the coroner.

A. The role of the coroner is to speak for decedents and determine their cause and manner of death. So we are the ones who identify who decedents are. We notify families. But by statute, we're the ones who determine how they die and what manner of death they died by. So whether that's a suicide, a homicide, an accident, a natural death, only we can determine the death by statute.

Q. What role do autopsies play in your death investigations?

A. So it's part of our investigations. It's a really important part. So we have full investigative power, so not just the autopsy, but actually investigation to get -- to determine cause and manner. But an autopsy is a part of that. And I contract or hire pathologists or specialists in forensic pathology to do those autopsies for the coroner.

Q. And what's the difference between the role of the pathologist and the role of the coroner?

A. So the pathologist is a physician who actually does the autopsy. As coroner, I am the main investigator and administrator and manager over the coroner's office. So they

determine cause of death, but the coroner's ruling on manner of death is paramount and can override the pathologist. So the pathologists determine how they died; the coroner determines the manner of that death. So again, whether it's homicide, suicide, accident, or natural I determine.

Q. And how do pathologists document their findings from autopsies?

A. So a number of things are done in autopsy room, everything from photographing injuries to documenting them on diagrams. They also do full autopsy reports that document all of their findings that they found at autopsy. And then it could be a variety of things, depending on the type of case.

Q. And does your office maintain those records or autopsy reports and pictures from autopsies and things of that nature?

A. We do. They're actually the property of the coroner's office. Yes.

Q. Okay. Focusing your attention to this case, which is 20212127, was an autopsy conducted?

A. It was.

Q. And who was it conducted by?

A. Dr. James Downs.

Q. And Dr. Downs document his findings in a report?

A. He did.

Q. Okay. Was the autopsy conducted at MUSC or at the coroner's office?

A. So this once was conducted at the Charleston County Coroner's Office. So we have a couple of different locations we use: sometimes at the Medical University of South Carolina and sometimes within the Charleston County Coroner's Office. This one was done at the coroner's office.

Q. Okay. And who was the decedent in this case?

A. Jaquez Deonte Butler.

Q. And when was the autopsy conducted?

A. It was conducted on June 23, 2021.

Q. Okay. And how old was the decedent when he died?

A. Sixteen.

Q. What was his height and weight?

A. He was 64 inches, which I believe is about 5-4. And his weight was 120 pounds.

Q. Okay. And what was Dr. Downs's ultimate determination as to the cause of death of Mr. Butler?

A. He has it listed as multiple gunshot wounds.

Q. Okay. How many gunshot wounds did Dr. Downs ultimately locate?

A. There were a total of 19 defects or wounds, if you will.

Q. Okay.

A. But I would say that there are 15 different wound paths, but we have 19 different types of injuries.

Q. Okay. If you could kind of describe for the jury the difference to the jury from "defects" to "wound path."

A. So in -- for an injury that's due to a gunshot wound, you might have just an entrance wound, where it just goes into the body and stays there, so there's one wound. But you could have an entrance and an exit, so therefore you have two wounds. So we count those as two different defects although it's from one bullet. So you could -- as an example, you can have one bullet that has gone through this arm, out, through the chest, out, through the arm, and this way, so six defects but one bullet.

Q. Were the majority of defects, and I guess would paths as well, inflicted from a certain direction?

A. They were all from the -- predominantly from the back.

Q. Okay.

A. From the back to the front.

Q. Okay. I want to walk through each of those wound paths Dr. Downs located, and if you could help explain that for the jury.

A. Sure.

Q. Regarding the first wound path that I think encompasses -- as he has in his report -- wounds A, B, and C, will you tell us where that entry wound is located.

A. So wounds A, B, and C are going to the right arm.

MS. MARTINEZ: Objection. Hearsay and confrontation.

THE COURT: Overruled. I'm going to allow her to testify as to the findings of the report, as has previously been ruled on. But your objection is noted for the record.

MR. COOPER: Thank you, Judge.

Q. [By Mr. Cooper] Sorry, Coroner. If you'll start that description again for us, please.

A. So the first one is wounds A, B, and C, and that comes into the upper right arm, comes out of the arm, and then goes into the chest.

Q. Okay.

A. So that's one pathway but three defects.

Q. Okay. And then was there a projectile recovered from this wound path?

A. Yes. This one was recovered in the chest.

Q. Okay. Regarding wounds D and E, was that considered one wound by Dr. Downs?

A. Yes. So we have two defects, D and E, going into the left arm and then it exits. So we have one pathway but two defects.

Q. And was there a projectile recovered from this wound path?

A. No. That one we had an entrance wound and an exit wound.

Q. Okay. So a through-and-through?

A. Through-and-through.

Q. Regarding defect or wound F, where did that one strike the victim?

A. That one is also a defect to the left forearm.

Q. Okay.

A. And there's a projectile that's recovered from that inside the arm.

Q. And so that one was one wound path with one defect?

A. Correct.

Q. Okay. Regarding wound or defect G, where did that strike the victim?

A. So that one struck the right foot, on the bottom of the foot, and was -- there's an entry, no exit, so it's one defect, one wound.

Q. Okay. And was a projectile recovered from the foot?

A. Yes. It was recovered from the right foot.

Q. And when you say "bottom of the right foot," you're talking about coming in this direction?

A. Right. From the bottom of the sole of the foot.

Q. Okay. Regarding wound or defect H, will you describe for the jury where that defect was located.

A. That one was in the middle upper back, like near the scapula, sort of between the scapula, so in the middle.

Q. Okay.

A. And then the projectile was recovered in the right side of the neck, so inside the body. So we have one defect going

in, there's no exit wound, and the projectile is inside the neck area.

Q. Okay. Regarding wound or defect I, where did that strike the victim?

A. That one is hitting sort of the midback, again below the area of the scapula, sort of midback way. That one also is just an entry. It does not exit. And it's found in the right side of the chest.

Q. Okay. Regarding wound or defect J, where did that strike the victim?

A. That one is the lumbar region of the right back, so back here, your lumbar area. And also that is one entry, no exit, and it was recovered in the liver.

Q. Okay. Regarding the next one, wound or defect K, where was that located?

A. That one is to the left lumbar back again area. And that projectile was also found inside the left torso, sort of the abdomen area.

Q. Okay. Regarding defect or wound L, where did that strike the victim?

A. That one struck the left flank area -- left flank side of the body. And that one also has a projectile that was found inside the left side.

Q. Okay. And regarding wound or defect M, where did that strike the victim?

A. M is the lower left back area. There's also no exit wound for that one that was found. So it's got an entry but no exit, but the projectile is not found there.

Q. Okay. Where was it found?

A. It was found inside the clothing of the boxer briefs that the teen was wearing.

Q. In your experience, is it uncommon for that to happen, for a projectile to sometimes come out of the wound?

A. No. It can be common, especially if it didn't go very deep for whatever reason. And then just through manipulation and transporting of the body and so forth, that through movement it can fall out.

Q. Okay. Regarding wounds or defects O and N, if you'll describe that location path to the jury.

A. So that entered the left buttocks and comes out through the low back. So it's an entry and an exit and no recovery of a projectile.

Q. Okay. And then was there a direction of the path of the wound described by Dr. Downs?

A. Give me just a moment.

Well, it was -- I'm sorry. I don't see where that's written. But they are all from sort of the back area --

Q. Okay.

A. -- moving forward.

Q. Okay.

A. So -- I'm sorry. So upward, rightward, minimally front to back.

Q. Okay. And that direction or path, would that be consistent with someone who maybe was running or falling when they're shot?

A. It could be consistent. It's possible, yeah.

Q. Regarding wound or defect P, where did that strike the victim?

A. So that struck the right flank area. And then it is an entrance with no exit, and the projectile was found next to the spine.

Q. Okay. And you mentioned both left and right side. What's a "flank"?

A. It's really your side back area here, so the right flank or the left flank.

Q. Okay. Regarding wound or defect Q, where did that strike the victim?

A. That struck the right thigh, sort of hip area.

Q. Okay.

A. And then it exited through the left thigh. So again, we have an entrance, exit, and -- er, I'm sorry. It has "no projectile found" on that one. Excuse me.

Q. Okay. And then wound or defect R, where did that strike the victim?

A. That one struck the right calf area on the body. And

then it -- again, an entrance with no exit, and it's found near the right knee.

Q. Okay. Regarding wound or defect S, which I think is the last one, where did that strike the victim?

A. That struck sort of the lower lateral chest area. And again, it's not an entrance -- it's an entrance with no exit, and the bullet is found in the chest area near the lung.

Q. Okay. And then regarding the -- I think it's -- let me make sure my math is right.

Regarding the 15 separate wound paths I think we've discussed, how many struck the victim from the back?

A. I believe it's 12, so 12 that are going from back to front.

Q. Okay. And then where did the other three projectiles strike the decedent?

A. So that would have been A, B, and C, which is the one that sort of comes through the arm into the chest. The second one would have been number G, which is the sole of the foot -- underneath the foot. And then the third one would be Q, which is the one through the thigh that has the right hip that's coming over to the thigh.

Q. Okay. So 12 are coming from the back?

A. Correct.

Q. Two are coming from the right side, and then the other one was the one that strikes the sole of the foot?

A. Correct.

Q. But certainly the foot would at least have to be up for that to happen, because it couldn't be flat on the ground?

A. Correct. They'd either have to be laying down so there sole is available or they'd have to have their foot turned in such a way that the sole can get hit. Correct.

Q. Okay. And then I think you mentioned at the very beginning, are photos or pictures taken as part of the autopsy?

A. They are.

Q. And did Dr. Downs take photos of some clothing in this case?

A. He did.

Q. Would you recognize those if I showed them to you?

A. I would.

MR. COOPER: May I approach the witness, Judge?

THE COURT: Sure.

BY MR. COOPER:

Q. Coroner O'Neal, I'm going to show you what's been marked for ID purposes only as State's 169 through 176.

See if you recognize those photos for me.

A. 169 is the front of the decedent's shirt, and there's an arrow pointing to the right sleeve, which is where we would see a bullet wound in the --

Q. Okay.

A. -- of the shirt.

And then --

Q. I'm going to show them once we get them in. I'll put them on the screen for you --

A. Okay.

Q. -- so you can describe them for the jury.

A. Oh, okay.

Q. Would you recognize those as part of your case file?

A. Yes.

MR. COOPER: Your Honor, at this time the State would offer what's been marked for ID purposes only as State's 169 to 176 into evidence.

THE COURT: Defense?

MS. MARTINEZ: Without objection, your Honor.

THE COURT: All right. Without objection, 169 through 176 State's exhibits come into evidence.

MR. COOPER: Thank you, Judge.

(State's Exhibit Numbers 169, 170, 171, 172, 173, 174, 175, and 176 admitted into evidence.)

BY MR. COOPER:

Q. Coroner O'Neal, we're going to start with 169, and it should show up on the screen in front of you. And if it becomes important during your testimony, you can draw on that screen.

So showing you State's 169.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. What do we see in this picture?

A. So that's the front of the T-shirt that the decedent was wearing. And when we mark clothing, we mark with that arrow that you see there where we would have a hole within the clothing that they then match to the injury on the person.

Q. Okay. And that's on the right sleeve?

A. On the right sleeve, correct.

Q. Okay. Showing you State's 170.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. What do we see in this picture?

A. So this is the back of the shirt, and you can see it's been cut because it was cut off at some point. But all of the arrows, again, show us where there are holes in the clothing that match to the wounds to the body.

Q. Okay. And I think if my math is right, that's ten indicators on that picture?

A. Yes. There are ten.

Q. Showing you State's 171.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. What is this picture of?

A. This is the back of a jacket that the decedent was

wearing. And again, each of the arrow marks is showing where there is a hole in the clothing that again corresponds with the wound to the decedent.

Q. And again, if my math is right, that looks like 15?

A. I believe that's correct.

Q. Okay. And those include some on the arm and up at the top of the head, as we mentioned previously?

A. Correct.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. Showing you State's 172.

A. That's the front of the decedent's jeans. And they --

Q. We don't --

A. -- don't have any markings on that one, but it's the front of his jeans.

Q. Okay. There were no -- as Dr. Downs indicated, no shots that struck the victim from the front in any way?

A. Correct.

Q. Showing you State's 173.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. What do we see here?

A. That's the back of the decedent's jeans. And you have two markings where we have the holes in the clothing that

again match injuries to the decedent.

Q. Okay. Regarding 174.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. What's this picture show us?

A. This is the socks that the decedent was wearing. And this is the right sock that shows, obviously, where the hole would have been when the -- when it hit on the sole of the right foot.

Q. Okay. Regarding 175.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. What is this a picture of?

A. That's the shoe the decedent was wearing. That is the right shoe, and again, showing the hole in the shoe where he was shot on the sole of the foot.

Q. Okay.

(Exhibit displayed on screen in open court.)

BY MR. COOPER:

Q. And then showing you finally State's 176.

A. And again, that's just the bottom of that right shoe, again showing where the hole is on the bottom of the -- the sole of the shoe.

Q. Okay.

MR. COOPER: Beg the Court's indulgence.

(Pause in proceedings.)

MR. COOPER: Coroner O'Neal, thank you for taking your time and walking through that with us.

THE WITNESS: Mm-hmm.

MR. COOPER: I have no more questions for you. If you'll answer anything the defense may have.

THE WITNESS: Okay.

MS. MARTINEZ: May I have a moment, your Honor?

THE COURT: Yes, ma'am.

(Pause in proceedings.)

CROSS-EXAMINATION

BY MS. MARTINEZ:

Q. Hello again.

A. Mm-hmm.

Q. Ms. O'Neal, you're not a medical doctor, are you?

A. I am not.

Q. You didn't create this report?

A. I did not. It was written by Dr. Downs.

Q. Okay. And you didn't conduct the autopsy?

A. I personally did not conduct the autopsy.

MS. MARTINEZ: One moment, your Honor.

(Pause in proceedings.)

MS. MARTINEZ: No further questions.

THE COURT: Okay. Any redirect?

MR. COOPER: No, your Honor.

THE COURT: Okay. You may step down. Thank you, ma'am.

(Witness excused.)

THE COURT: Okay. Any other witnesses from the State?

MR. ZEIGLER: No further witnesses, your Honor. The State rests.

THE COURT: The State rests.

All right. Ladies and gentlemen of the jury, I'm going to send you back to the jury room. I have to take up a few legal issues, and then I will speak with you, hopefully, a short time after that. Okay?

Thanks.

(The jury exited the courtroom at 2:56 p.m.)

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. Any motions from the defense?

MS. MARTINEZ: Your Honor, our motion is a directed verdict on the attempted murder. There isn't -- the State hasn't provided sufficient evidence to prove the charge.

THE COURT: What about the --

MS. MARTINEZ: I think -- I'm sorry?

THE COURT: Go ahead.

MS. MARTINEZ: Yeah.

THE COURT: I thought you were finished.

MS. MARTINEZ: Right.

To prove the charge of attempted murder, we haven't

heard from Eugene Morgan or any of the other evidence that would tend to prove that charge.

THE COURT: What about the other charges?

MS. MARTINEZ: And for the murder charge, you've heard only from one witness, Mr. Framon Frasier, who testified that he was -- he shot at the victim but he didn't know where Mr. Israel Robinson was at the time that the shooting happened, and that there could be evidence -- I mean, he said that he saw my client shoot at the victim.

And Ms. Saguni Dotson hasn't identified -- well, no other witnesses have identified my client as the shooter. She didn't identify him as the shooter. Mr. Eugene Morgan also did not identify him as the shooter. There isn't other evidence that's been provided by the State that would tend to prove the charge of murder as to my client.

THE COURT: Okay. Anything else?

MS. MARTINEZ: No, your Honor.

THE COURT: Okay. I'll hear from the State on the first motion which she made pertaining to the attempted murder.

MR. COOPER: Just as to the murder or you want me to go through all three charges, your Honor?

THE COURT: Huh?

MR. COOPER: You said just the attempted murder, or do you want me to go through all three?

THE COURT: Well, let's take the attempted murder first.

MR. COOPER: Yes, sir.

So when the Court is looking at a motion for directed verdict, the Court is only interested in the existence of the evidence, not its weight. And certainly taking everything in the light most favorable to the nonmoving party, which is the State -- certainly first off, the law does not require that the victim has to be present for a charge to prosecute and go forward.

You heard evidence from Saguni Dotson, who took E.J. and the victim, Mr. Butler, to Pinecrest. They both got out. E.J. returned, out of breath, and indicated two people had shot at him. She saw one of those people herself.

You also heard testimony about the two individuals firing from Mr. Frasier.

But the main part of the evidence, Judge, is you heard from Detective Pritchard that the victim was with E.J. when this happened. Saguni Dotson confirmed that. And she got in the excited utterance from Mr. Morgan that two people shot at him. And he was the only one that made it back to the vehicle.

So certainly, Judge, there is evidence in the record that supports that charge. Even though we were not able to ascertain Mr. Morgan and bring him here, certainly that evidence is in the record and that charge should go forward to the jury.

THE COURT: Okay. And as far as the murder charge?

MR. COOPER: Certainly.

So, Judge, there is a variety of evidence, both circumstantial and direct, that certainly supports the murder.

We know from Mr. Green's testimony that two weapons were fired. That is not in question. One fired 16 times. One fired 12. We know that Mr. Robinson's car brought those people -- Mr. Robinson and Mr. Frasier -- to the crime scene armed with weapons.

There is ammunition that matched the brand and the caliber in the defendant's car. The defendant's fingerprint is on that ammo box. The receipt from four hours before supports the purchase of two of those boxes of ammunition that's in evidence and the empty magazine -- er, the empty plastic container for the magazine.

We got in evidence of Mr. Robinson's own words, after initially lying, indicating that he did drive his vehicle to Max's Quick Stop minutes before murder, that he was with Mr. Frasier.

You have evidence and testimony from Mr. Frasier that puts Mr. Robinson in that car, that puts him -- puts a rifle in his hands, as well as Mr. Frasier's, and then indicated to the jury that Mr. Robinson did shoot his gun. And we know again from the facts that both fired and they both fired

several times. One fired 16. One fired 12.

We have his car on video coming in, circling. It's not lying in wait, but almost, Judge, it's like a shark circling in the water looking for their prey. And that's what the evidence supports in this case. That is certainly malice, certainly malice aforethought, both express and implied.

The ill will and the hatred, you heard there was testimony from several witnesses of the attack on his brother that was the motive in this case. You heard from Mr. Frasier that Mr. Robinson got a call, and after that, Mr. Robinson indicated, "I'm going to Pinecrest because the guys that are looking for me are there." And they circle the apartments, get out, open fire on Mr. Butler and Mr. Morgan.

And you heard from Coroner O'Neal that the victim was struck -- had 15 separate wound paths, the vast majority from the back. One probably struck him as he was running away, and one probably struck him while he was on the ground.

There is no justification or excuse. It is murder. It is malice. And that is in the record. So, Judge, I think the identity of Mr. Robinson, his role, his involvement, and, candidly, his role in being the instigator in this has been explained by the State through several witnesses. There's a variety of evidence on the record that supports that charge also going forward to the jury.

And then possession of a weapon, Mr. Frasier puts a

weapon in his hand when this happened. And again, we know two guns were fired. So that is also supported and I'd ask you to send those charges to the jury.

THE COURT: Okay. Ms. Martinez, anything in response?

MS. MARTINEZ: Your Honor, we think that according to the evidence, there's just cause or justification for the -- er, there's justification, according to Mr. Framon Frasier's testimony.

He did waffle a lot. He did waffle back and forth during his direct as to who was the first shooter and then on cross. So he waffled around a lot. It wasn't clear as to whether, you know, he was being shot at or whether the other parties shot first. So I think that there's sufficient justification. He himself testified that he shot for protection, and so we think there's sufficient just cause here, your Honor.

THE COURT: Okay. All right. Your motions pertaining to a directed verdict on the attempted murder is documented in the record. I'm going to deny your motion.

And as far as your motion for directed verdict on the murder charge, I am going to deny your motion on that. You are protected on that.

Okay. Have y'all had an opportunity to discuss with Mr. Robinson whether he wishes to testify?

MS. MARTINEZ: Yes, we have, your Honor.

THE COURT: Okay.

All right. Mr. Robinson, you're still under oath, sir.
You don't have to stand. But thank you, sir.

Okay. Do you understand what I explained to you earlier
before lunch?

THE DEFENDANT: Yes, sir.

THE COURT: Okay, sir. Do you have any questions about
what I've explained to you?

THE DEFENDANT: No, sir.

THE COURT: Okay. Have you discussed with your lawyer
whether you should or should not testify in this case?

THE DEFENDANT: Yes, sir.

THE COURT: Or with anyone else?

THE DEFENDANT: Yes, sir.

THE COURT: Do you feel like you've had adequate
opportunity to make a decision concerning this?

THE DEFENDANT: Yes, sir.

THE COURT: Do you need any more time to talk with your
attorney about this?

THE DEFENDANT: No, sir.

THE COURT: Do you wish to testify?

THE DEFENDANT: No, sir.

THE COURT: Okay.

All right. Anything else from the defense? Are y'all
going to have any witnesses?

MS. MARTINEZ: No, your Honor.

THE COURT: Okay.

All right. Well, let's take a ten-minute break.

Have y'all had an opportunity to look at -- well, I tell you what. Let's bring the jury back in, and I'm going to let y'all rest.

And then have you had an opportunity to look at the charges? Do y'all need a little while?

Okay. All right.

MS. MARTINEZ: Yeah.

THE COURT: And about how long -- and again, you're not -- I mean, you take as much time as you need. But I mean, do you have an estimate on what you think as far as closing? My charge will take probably 20 minutes -- 19, 20 minutes. Well, right now it's 18 pages, so probably 23 minutes.

MR. ZEIGLER: Your Honor, I think the State would be -- I don't want to underestimate it like I did with Mr. Green's testimony. About 30 minutes would be safe, I would think.

THE COURT: All right. So we'll put you down for 45 minutes.

All right. Defense?

MS. MARTINEZ: The defense, I think I estimate about 20 minutes for the closing, your Honor.

THE COURT: Okay.

MS. MARTINEZ: And before we move on, on the charge, I

wanted -- you know, I'd like to propose a voluntary manslaughter. I think the evidence supports that in this case, your Honor.

THE COURT: Okay. What we'll do is once you all rest and then I'll hear -- I'll just, to protect the record, I'll hear a renewed motion. But I'm going to let the jury go. I'm just thinking -- I told y'all I do not -- I really don't like to give the case to a jury after 4:00. I just don't think it's -- you know, it won't really do any harm. But I mean, I just think it's more prudent to bring them back. And I think everybody's in agreement with that.

MR. ZEIGLER: Yes, your Honor.

THE COURT: You okay with that?

MS. MARTINEZ: Yes, your Honor.

THE COURT: Okay. And then we'll -- I'll listen to y'all on any discussion we have after I've let the jury go.

I'll tell the jury they can come back at 9:30 in the morning. Is that good?

MR. ZEIGLER: Yes, your Honor. That's good with the State.

MS. MARTINEZ: Yes, your Honor.

THE COURT: Okay. All right. So when I bring them back in, y'all can rest, and then I'll excuse them.

Please bring the jury back in. Thank you.

(The jury entered the courtroom at 3:10 p.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you. Please take a seat.

Okay. Defense?

MS. MARTINEZ: The defense rests.

THE COURT: Okay. Thank you.

All right. Ladies and gentlemen of the jury, I am going to send y'all home for the day. And I want y'all to come back at 9:30 in the morning.

And just a reminder, as I've said, please do not begin deliberating. Do not discuss this with anyone. Do not do any research on the internet. Do not pay any attention to any kind of news media concerning this case. I don't know that there's going to be or, you know, not, but please do not. And also, if anyone approaches you or contacts you in any way, you just need to let me know. Okay?

I hope y'all have a great rest of your afternoon. And I'll see y'all at 9:30 in the morning. And again, thank you for your service.

(The jury was released for the day and exited the courtroom at 3:11 p.m.)

(The following proceedings were had outside the presence of the jury.)

THE COURT: Okay. Any motions from the State?

MR. ZEIGLER: No, your Honor.

THE COURT: Okay. Any motions from the defense?

MS. MARTINEZ: Renew all my prior motions, your Honor.

THE COURT: Okay. And your motions are denied, but you are protected on the record.

Okay. We will take a quick break. And y'all will have an opportunity to -- just whatever you need to discuss about the charges. I know you've already indicated that you want to -- you said voluntary manslaughter you're requesting?

MS. MARTINEZ: Yes, your Honor.

THE COURT: Okay. I'll hear from the State on that.

Otherwise, are y'all okay with the charges? I mean, do you feel like you've had enough time? Do you need some time?

MS. MARTINEZ: I do need some time.

THE COURT: Okay. All right. Fifteen minutes? Is that good?

MR. COOPER: Yes, your Honor. Thank you.

THE COURT: Okay. Y'all send Shelby back to get me. And we'll still need to put some stuff on the record, Madam Court Reporter. Okay?

COURT REPORTER: Yes, your Honor.

THE COURT: All right.

MR. COOPER: Thank you, Judge.

THE COURT: You bet.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Okay. Have y'all had an appropriate amount

of time to discuss the charges and review them?

MS. MARTINEZ: Yes, Judge.

THE COURT: Okay.

All right. So first, I know that, defense, you have requested a charge on voluntary manslaughter.

Does the State have a response to that?

MR. COOPER: Yes, Judge.

I don't think voluntary is appropriate.

Voluntary requires a sudden heat of passion along with sufficient legal provocation. And the record is void of any evidence that supports either one of those requirements. Their -- sudden heat of passion, part of the definition is "unable to coolly reflect," or sufficient legal provocation. "Lose control" and "enraged" are words used to define those. And none of that exists in this case. The evidence that exists in this case shows a defendant who was purposeful in his actions, who was -- knew what he was doing, went looking for people and brought the fight to them.

And so, Judge, I don't see any way and I don't see any evidence that has come in during this case at all that supports voluntary manslaughter. So I'd ask that you not charge it.

THE COURT: Okay. Does the defense want to be heard on that any further?

MS. MARTINEZ: Well, your Honor, we think the evidence

supports sudden heat of passion under legal provocation.

You heard from one of the witnesses who testified that he shot at because they were being shot at. I think that was indicating -- which kind of goes into self-defense, really, that they were shooting while they were defending themselves.

So I do think that there's sufficient legal provocation to negate the element of malice, your Honor. So I do ask for that charge in this case.

THE COURT: Okay. Does the State want to respond?

MR. COOPER: Judge, I think Mr. Zeigler cleared up the testimony that Mr. Frasier more accurately said he heard shots but didn't see them shooting.

But I also think, Judge, that -- and I guess it is a cross of voluntary and self-defense. They arrived at the event with weapons and bring out weapons. So I don't think that supports self-defense or manslaughter. And with the hesitation of Mr. Frasier being the only thing that the defense can rely on, I know that also our law says that words alone are not enough. And that's really all the evidence supports, that there were words that somebody was looking for Mr. Robinson and that's what precipitated this whole thing.

And so, Judge, I don't see any way that sudden heat of passion or sufficient legal provocation existed in this case.

THE COURT: Okay.

All right. Now, I'm going to take a break and just look

at that. I wanted to hear what y'all's arguments were on that.

Okay. How about the rest of the charges that I sent y'all?

MS. MARTINEZ: Your Honor, I do have other requests.

I also want to ask that you charge assault and battery first regarding the attempted murder. Judge, our argument is that there's sufficient legal provocation that would vacate the malice element, which is also a part of attempted murder. And so being that there is no injury -- there's no evidence of an injury to Mr. Eugene Morgan, we ask that you charge assault and battery in the first degree for that particular offense.

THE COURT: Would it be ABHAN --

MS. MARTINEZ: Well --

THE COURT: -- rather than AB first? I know there's been some recent case law on that. So wouldn't it be ABHAN as opposed to A and B first?

MS. MARTINEZ: Well, ABHAN would require --

THE COURT: If we were to even charge on that.

MS. MARTINEZ: It would require an injury, and there's no evidence of an injury to Mr. Morgan. There's no medical records, nothing other than the hearsay statement from Ms. Saguni Dotson.

THE COURT: Okay. Anything else on that?

MS. MARTINEZ: Not on attempted murder, your Honor.

THE COURT: All right. State?

MR. COOPER: And Judge, I'll pull up the definition of A and B first because I agree with the Court; I think ABHAN would be appropriate. I think A and B first is not appropriate because what A and B first requires is "offers or attempts to injure another person" -- well, beg the Court's indulgence one second.

Actually, Judge, I -- I actually do, upon reflection, think that A and B first may be appropriate because -- and I had this come up a month ago in a different trial -- ABHAN requires some injury.

THE COURT: Just like she said.

MR. COOPER: Yes.

THE COURT: Yeah.

MR. COOPER: And so I think I would agree with A and B first.

THE COURT: I just -- I immediately thought about that because there has been some case law on the issue getting into attempted murder and transferred intents.

MR. COOPER: Yes. No doubt about that. That is --

THE COURT: You know, where somebody does get injured, like you said, but they were not the intended victim. And I think in most circumstances, the Court said an ABHAN is the appropriate charge.

Okay. So as far as on attempted murder, we will do a lesser included of A and B first. Okay?

MS. MARTINEZ: Yes. And, you know, the same argument, your Honor, goes for voluntary manslaughter.

THE COURT: Well, I think that's, like, a totally different animal.

I mean, I haven't made a decision about it. I want to go and look at a couple of things. But I mean, I think you're kind of comparing apples and oranges there.

MS. MARTINEZ: Okay.

I do have an objection to "hand of one, hand of all," and then a final request for a charge to self-defense.

Again, Mr. Framon Frasier testified that they were shot at first. And he said it on direct. When Mr. Zeigler inquired why he shot, he said that he was defending himself.

THE COURT: Okay. So what is this going to? A "hand of one"?

MS. MARTINEZ: To self-defense -- a charge of self-defense.

THE COURT: Okay. Yeah. I'm --

MS. MARTINEZ: I'm sorry. I --

THE COURT: I'm not going to charge self-defense. I can go ahead and just tell you. I mean, you're protected on the record, but, I mean, they came there with guns. There had been a phone call. And I don't see any way where

self-defense is appropriate.

MS. MARTINEZ: Well, the evidence showed that Mr. Robinson was living in the community, so he had a reason to be in the community.

COURT REPORTER: Could you speak up, please.

MS. MARTINEZ: Oh.

That Mr. Robinson lived at the apartment complex, so he had a reason to be there.

THE COURT: Does the State want to be heard on what she's raised about self-defense?

MR. COOPER: Your Honor, I agree with the Court on that.

I think Ms. Martinez's reason -- the having a reason to be there, that could be the case, but that's not the problem. The problem is he brought on the difficulty in showing up with weapons. There's no way you can show up to a fight and bring weapons, point or chase people with those and then those people fire back, and you claim self-defense.

So I don't think there's any evidence in the record to support that, just like voluntary manslaughter. I don't think either are appropriate. I don't think there's any evidence in the record that supports either one of those charges.

THE COURT: And I mean, I -- there could have been a call to the police rather than, you know, showing up with guns.

MS. MARTINEZ: So I'll move on then to my objection to the charge of "hand of one, hand of all."

THE COURT: Okay.

MS. MARTINEZ: Okay? So --

THE COURT: I'll hear you on that.

MS. MARTINEZ: The evidence doesn't support that there was an arrangement, a plan, or a scheme present between Mr. Framon Frasier and between my client. So we're objecting to that charge for that reason under *State versus Johnson*.

THE COURT: Okay. Well, like I said before I walked out of here, there have been three cases on this. There's the *Sellers* case. There is the -- let's see -- *Johnson* and *Campbell*. But I will hear from the State on this, and then I will -- basically, when I say I'm going to take this under advisement, I'm going to take the voluntary manslaughter and the "hand of one is the hand of all" accomplice liability, I'm going to take that under advisement for a few moments. I'll let you know my decision this afternoon. I mean, I won't keep you long. Okay? I just want to make --

But I'll hear from the State on the accomplice liability.

MR. COOPER: Thank you, Judge.

I believe there is testimony -- a variety of testimony that supports "hand of one."

Certainly, Mr. Frasier's testimony that he was in the

car after Mr. Robinson got the call about the people that were looking for him, and then they go to Pinecrest. They circle the apartment complex several times. Mr. Robinson is the driver, and Mr. Frasier is in the vehicle armed with his weapon as well. Both get out. Both open fire on the same people. I think that clearly suggests a plan of both defendants because Mr. Frasier had no motive other than his allegiance and his friendship with Mr. Robinson and being with Mr. Robinson.

But I think, Judge, I think this case -- and I can go back and read the other cases, but I think this is distinguishable a little bit in that both people fired. There is ample evidence in the record that supports this, including Mr. Green's testimony that there were two guns. There's no question about it. The defense had a chance to object to it, but the science is beyond reproach. There were two guns fired. There were two sets of casings. Both defendants fired. They fired several times. And once you fire a weapon that many times, there's only one purpose.

And so I think, Judge, that the plan was Mr. Robinson's and became Mr. Frasier's. They're in the vehicle. They're driving together. Mr. Frasier didn't have to get out and get involved. They both did and they both tried to kill those individuals.

So I think that "hand of one" squarely applies in this

case.

THE COURT: Well, and Ms. Martinez did --

For the record, and I want to make sure it's clear; you did object. I mean, you're protected on the record as far as the testimony.

I just want to make sure it's clear, you know, what you just said. You said she had the opportunity --

MR. COOPER: Oh, yes. Yes.

THE COURT: -- to object. I just wanted to make sure it's clear on the record. The inference is --

MR. COOPER: I meant that she had the ability. Sorry.

THE COURT: -- that she didn't object, but she did object. So I just wanted to make sure that everybody knows.

MR. COOPER: When I said that, I meant to say that she had the opportunity to do so. I misspoke, and she did.

THE COURT: Yes, she did. And she, in fact, did.

But just in looking at *State v. Campbell* -- and again, I want to go back and just review these. But it looks like the State does not have to prove like a formal type of arrangement, that they can establish a plan through circumstantial evidence such as conduct of the parties. And so it could be proven that way. And just as counsel has indicated, I mean, I think those are indicators of how it would be an appropriate charge.

But I'm going to go -- I just want to go and look at the

voluntary manslaughter and the "hand of one is the hand of all" accomplice liability. I just want to look at those two real quickly. And then I will not keep y'all long. Okay?

MR. ZEIGLER: Your Honor, one more issue to address.

The indictment for possession of a weapon during the commission of a violent crime only addresses the murder charge. It does not include attempted murder. So if the defendant were to be found guilty of attempted murder, the possession of a weapon during the commission of a violent crime could not attach to the attempted murder.

THE COURT: Okay. So it will only be as to the murder.

MR. COOPER: Judge, I think -- and I can get you the statute of this before. Can we move to amend the indictment to add the attempted murder? I don't believe it changes the substantive -- it's purely a notice document. It doesn't change the substantive proof because he is charged with that attempted murder. It's not a new charge he's unaware of. It was just obviously a scrivener's error to leave that charge out because attempted murder is certainly violent.

And I can get the case law but I don't have it in front of me. But I would move, under the statute, to amend the indictment.

THE COURT: Defense?

MS. MARTINEZ: Your Honor, I'm in agreement with Mr. Zeigler.

THE COURT: To amending you're not --

MS. MARTINEZ: No. That way that I see it, I think Mr. Cooper is arguing against what --

COURT REPORTER: I'm sorry. I really need you to speak up.

MS. MARTINEZ: Mr. Cooper is arguing against what Mr. Zeigler just stated. But yeah, we would object to the amendment.

My apologies to the court reporter.

THE COURT: That's fine.

Okay. I will be back shortly. Thank you.

Okay. And as far as the charges as they are?

MR. ZEIGLER: The only thing would be that if you do decide that the weapons charge only applies to the murder, then that --

THE COURT: That needs to be deleted.

MR. ZEIGLER: Right.

THE COURT: But as far as the language in the charge that I've got?

MR. ZEIGLER: No objections from the State.

THE COURT: Defense?

MS. MARTINEZ: No objections, your Honor.

THE COURT: Okay.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Okay. Like I said, I wanted to go and look again particularly at case law concerning accomplice liability.

Is everybody here?

There he is.

Mr. King, I almost didn't see you.

MR. KING: Sorry.

THE COURT: No, no, no. Did you get what you needed?

MR. KING: I did, sir. Thank you.

THE COURT: Okay.

State versus Johnson, State versus Campbell, State versus Sellers. I've already commented earlier about how, you know, as far as a plan, the State does not have to prove any type of formal plan. It could be a formal arrangement and it can be established through circumstantial evidence and conduct of the parties. And I feel like as far as three -- it kind of breaks it into three elements in *State versus Sellers*. But I am -- I think it's appropriate to charge that. And I will be charging that.

Actually, it's *State versus Johnson* that breaks it down. Okay?

So that's my ruling on accomplice liability.

I want to hear further argument because I printed off assault and battery. And I had healthy conversation with my law clerk about this because I'm -- I've already made the

decision -- well, I guess I took it under advisement. But I don't feel voluntary manslaughter is appropriate to charge, and so I'm going to deny that.

Ms. Martinez, I think you were hitting on -- when we started to get into the conversation of A and B first and all that, you started hitting on, "Well, that would not be consistent to give a charge on that and then not one on voluntary manslaughter." Because I think -- I don't think -- I don't think you can do one without the other.

So I would like to hear from y'all on whether or not -- particularly from the State. I mean, how can you charge on the A and B first -- unless I'm missing something -- without charging the voluntary manslaughter? And I do not think voluntary manslaughter is appropriate here.

MR. COOPER: Beg the Court's indulgence one second.

(Pause in proceedings.)

THE COURT: Just when you start looking at malice --

MR. COOPER: I see what you're saying.

I think, Judge, the way I would differentiate from voluntary manslaughter would be that A and B first I think just encompasses -- or doesn't encompass the very specific intent that I think the murder requires.

And I -- there was testimony that they shot at the people. Just in case the jury did not believe that we -- maybe they knew two people were there. I don't know. And I

just -- that's the only thing that gives me pause and that's why I was coming from the simple point of view for A and B first was just in case the jury struggles with the specific intent, the higher level that's required for attempted murder of E.J. And that's where I would have had ABHAN if there was an injury. I went with A and B first in this situation because it takes that away, whereas murder, they shot toward people and killed them. There's no question of that.

And so I don't see it as somehow a mitigating or a "in response to something" as I think voluntary manslaughter contemplates. I think it's more of "if the jury somehow doesn't get past having specific intent to shoot and kill both people" would be how I would attack or how I would present A and B first, why I think it's appropriate.

THE COURT: Okay. Well, I just wanted to hear what y'all, you know, had to say on that because I just -- you know, like I said, I mean, I want to make sure that we're not -- that we're doing everything we can to have a clean record.

So all right. Then I will charge A and B first. I'm not going to charge voluntary manslaughter. I am going to charge accomplice liability. I've already denied the motion on self-defense. I will get back to you all on whether or not I will allow an amendment to the indictment. Okay?

And I'll send y'all the charge.

MR. COOPER: Your Honor, actually we -- Mr. Zeigler and

I spoke beforehand, and I've done the amended indictment before. I've never done it during a trial or once a jury's been sworn and don't want to give rise to an issue on appeal if that could become one. So we are fine just leaving the indictment as is.

I have done it -- I've done it before trial. I haven't done it during and just don't want to create a problem when it otherwise may not be necessary.

THE COURT: Okay. Well, that resolves that issue.

MS. MARTINEZ: That would be --

THE COURT: Ms. Martinez, did you want --

MS. MARTINEZ: Yeah. That would be my position, your Honor.

THE COURT: Okay. All right. We will send you copies of the charges. And we'll see y'all back at 9:30 in the morning.

MR. ZEIGLER: Thank you, Judge.

MR. COOPER: Thank you, Judge.

(Court recessed at 4:34 p.m., to resume at 9:30 a.m., Thursday, December 12, 2024.)

(Court resumed at 9:36 a.m., Thursday, December 12, 2024, outside the presence of the jury.)

THE COURT: Good morning. Please take a seat. Thank you for being here.

Did you all get copies of the charges?

MS. MARTINEZ: We did, Judge.

THE COURT: Okay. Did you feel like you had adequate time to look at them?

MS. MARTINEZ: Yes, your Honor. Yes.

THE COURT: Okay. Is the State ready to proceed with closing?

MR. COOPER: If we could just put one thing on the record. I mentioned this to your law clerk. With our objection to there being an assault and battery charge and the Court's ruling, we did some research last night. I just wanted to put one case on the record that I think supports that and supports our argument.

So, Judge, I think a similar case, *State v. Muller*, which is 282 S.C. 10 from 1984, indicates if there's any evidence in the record that recently inferred that it was an act of self-defense, the charge is given.

But, Judge, the case I want to bring to the Court's attention on the record is *State v. Slater*. That is a 2007 case, 373 S.C. 66, also from our Supreme Court. And in that case, Judge, the defendant armed himself and made his way to

an altercation that was already ongoing. And what the Supreme Court said was the fact that the defendant armed himself and went into an altercation, there was no reasonable way that he could satisfy the first requirement in that he did not bring on the difficulty. And so even though there was testimony in that case that the defendant could have acted in self-defense, the court found that it -- the defendant did not meet the first element and, therefore, self-defense did not need to be charged.

I think that is analogous to the case. And I just wanted to put that case on the record in support of our argument and the Court's ruling for not charging self-defense in this case.

THE COURT: Okay. Did y'all need to weigh in on this?

MS. MARTINEZ: Your Honor, you ruled yesterday.

THE COURT: Okay.

MS. MARTINEZ: Thank you.

THE COURT: All right. Let's get our jury.

It will be State, defense, State.

MR. ZEIGLER: I think it's just State and then defense because they didn't put any evidence in.

MS. MARTINEZ: Yeah.

THE COURT: That's right. No evidence. I'm sorry.

MR. ZEIGLER: If not, we've got to take a 15-minute recess so I can prepare a rebuttal.

THE COURT: No, that was my last case.

(The jury entered the courtroom at 9:52 a.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you, sir.

Good morning, ladies and gentlemen. Please take a seat.

Can I see counsel up here just real quick.

(An off-the-record discussion was had at the bench.)

THE COURT: Okay. We will proceed with closing.

MR. ZEIGLER: Your Honor, may it please the Court.

Ms. Martinez.

So I told you at the end of this trial I thought you would have enough evidence to convict Mr. Robinson of these crimes: murder, possession of a weapon during the commission of a violent crime, and attempted murder. And the defense told you that Robinson did not shoot at anyone and all he did wrong was make some poor choices. I certainly agree that he made some poor choices.

I'm going to cover the law first at this time so that you can, you know, apply that to what I'm telling you and what you've seen throughout the week. And so if anything that I say on the law contradicts what he says, go with what he says. He's the judge. He's the expert on that.

(PowerPoint presentation played on screen in open court.)

MR. ZEIGLER: Mr. Robinson's presumed to be innocent in

this case until he's found guilty by you. And if you believe he's guilty beyond a reasonable doubt, you must find him guilty.

Reasonable doubt is, simply put, evidence that makes you firmly convinced of the defendant's guilt.

In this case, there has been direct and circumstantial evidence presented to you. This is the difference between the two. Direct is proof that requires no deduction, like eyewitness testimony. Circumstantial evidence is a chain of facts that leads you to be able to deduce the existence of a fact.

And then credibility of witnesses. You can determine the credibility of witnesses in this case as you so choose. There's no specific formula that you have to follow. A witness's credibility can be bolstered by corroborating evidence or additional supporting evidence. And in this case, some witnesses have given inconsistent statements. You can judge their credibility and believe what you think is true and what you don't think is true, whether all of it is true or that none of it's true. It's really up to you as to what you think -- you want to believe.

Regarding the charges, we went over this in the beginning.

Murder is the killing of another with malice aforethought. And malice aforethought is having the intent

to kill, intent to inflict grievous bodily harm, or extreme recklessness indifference to human life.

I compared that in opening to somebody shooting with his friend at two people in a playground 28 times in the back -- er, striking them in the back 15, 16 times. It can also be shown by preparing to kill or lying in wait. And in opening I likened that to driving around with rifles, spotting the victims, ambushing them, circling them like sharks circling blood in the water, purchasing ammunition and a magazine just hours prior to the shooting.

Attempted murder is the same as murder but obviously the killing didn't end up taking place. And you need the specific intent to kill that person that survived. So in this case, that would be Eugene Morgan. You would have to find that Mr. Robinson had the specific intent to kill Eugene Morgan. An example of showing specific intent would be shooting at two people and just not happening to hit the second person but killing the other.

If you don't think that Robinson had that specific intent, then he will also -- he can also be convicted of assault and battery in the first degree for the attempted murder charge. And that just -- it's basically attempted murder but without the specific intent to kill.

And lastly, the weapons charge. This one is straightforward. It only attaches to the murder charge. If

you find him guilty of the murder charge, if you find that he furthered the killing by using a weapon or a firearm, then you must find him guilty of possession of a weapon during the commission of a violent crime. It does not attach to the attempted murder or assault and battery first degree.

So what I told you at the beginning of this trial was 16-year-old Jaquez Butler was gunned down over somebody else's fight in a playground. Butler was staying with his grandmother at Pinecrest. You heard this from Detective Pritchard.

This was corroborated by Saguni Dotson. Saguni Dotson said that she dropped -- she picked him up from there earlier that day and she dropped him off with his cousin E.J. She just -- he was staying there with I think she thought his auntie, but it was his grandmother. He was only staying there for a short time, so he wouldn't have been recognized as somebody who belonged there.

We established in this trial that he was actually not at all involved with Mr. Robinson. In fact, he was meeting up with Cal Lockwood to smoke some weed. That came in through Cal Lockwood and Saguni Dotson both. Cal Lockwood herself admitted that it's all she had planned on doing that day.

Saguni also told us that she dropped Butler off with Morgan, and that when Morgan got back to the car, he was out of breath and he said that two guys shot at them.

So we got Butler and Morgan walking towards the pool area to go smoke weed with Cal Lockwood. We've got 28 cartridge cases in the playground area along with Jaquez Butler's dead body. I think it's pretty obvious he was killed in the playground.

You can also hear in one of the surveillance videos that faint sound that Detective Pritchard mentioned. He said before those four shots that are loud, you hear successive gunfire and it's definitely from a .22 because it's faint and it sounds like it's in the distance, which would be the playground area.

I encourage you to go back and watch that if you're interested in hearing those shots. I think it's pretty obvious that there are 28 shots. There were 28 cartridge cases. But if you insist on listening to it, it's -- the vehicle that's driving by stops moving. And so if you think that's the tires making that noise, it's not because the vehicle stops moving and you can still hear the gunshots in the background before the car begins to pick back up and drive.

So let's talk about the two groups of cartridge cases.

There was one set, Item Markers 1 through 12, under a tree next to a wall. Right there. The playground would be, I guess, where you guys are sitting and a little bit that way.

And this is the other view. There is no tree over top of the mulch in that playground. Right? There's a tree there. There's no tree there. Frasier admitted to you that he was shooting from under a tree. He didn't recognize the wall, but he said that all the buildings look the same. He didn't know exactly where he was shooting from, but he was definitely under a tree.

And you'll have these pictures back there with you. You can go back through them just to make sure. In fact, you'll have over 150 exhibits total that you can go through if you'd like to. A lot of them are just pictures, but they play an important role in this case.

So we've got the dead body in the playground. We've got the shooting taking place in the playground. So how do we know that there are two shooters?

Remember the 911 call. It was the first witness on Tuesday. The old man pulls his blinds down after he hears shots. There were two guys. As they're running past his door, he said it looked like rifles and they jumped in the car. You'll have the 911 call back there with you. You can listen to that again too.

How else do we know that there were two shooters?

Well, there's two sets of cartridge cases, like I've already mentioned. And not only were they in separate areas of the playground, but they were analyzed by Jamie Green, the

expert from SLED. And what he tells you is that Item Markers 1 through 12 and SLED Evidence Markers 1 through 12 were all fired by the same gun.

But when you look on the bottom of those cartridge cases, you might not be able to tell from the ones that he analyzed. But we have the picture of that right here, as well as the pictures that look like this. You can clearly see the difference between each of these two cartridge cases after they've been fired. And that's what he testified to and he's an expert. He said that 1 through 12 were fired from one gun, and those 12 were under the tree. He said that the remaining ones were all fired from a separate gun, and those ones were the ones from the mulch -- the 16 from the mulch.

So if that's not enough to tell you that there were two shooters, then we've got more.

Saguni Dotson, she said she saw two boys running to the car. At least one had a rifle. I'm not disputing that the one with dreadlocks -- the tall, skinny one with dreadlocks that definitely had a rifle -- a big gun in his hand or a rifle in his hand is Framon Frasier. I think that's pretty obvious. But I will tell you that I believe the other one is Israel Robinson, the one wearing all black.

She said she couldn't remember if it was two boys, but if she told police right after this happened that it was two,

then that was probably right. She also told you that E.J. said it was two shooters -- E.J. Morgan said it was two shooters. And she said that Eugene said that it was assault rifles.

And lastly, Framon Frasier, Jr., he also told you that both he and Robinson shot, so that would put two shooters on the scene. We'll get into his testimony a little bit later.

So if you know that there are two shooters, how do you know that Robinson was the second shooter?

Remember Lorenzo Johnson, the first witness. Remember he denied everything. He didn't recall anything. He first denied seeing Robinson in the parking lot at Max's Quick Stop. He denied speaking to Detective Steinbrunner three days later. He was impeached. He told you that he did not recall some things. And the statements that he did not recall were corroborated by Detective Steinbrunner's testimony. Additionally, each of those statements that he made are corroborated by other evidence.

So Lorenzo asked Detective Steinbrunner if she saw him speaking to the occupants of the Nissan that night and asked if there were rifle rounds. She said she couldn't confirm or deny that information to him. We know there were rifle rounds on the scene. Those were the 28 cartridge cases and the 13 bullets that were found in the decedent's body.

Lorenzo told Steinbrunner that the occupants showed him

an assault rifle. We can't see it on video, but what we do have is a timeline of them being at Max's Quick Stop. And this is on video. You can go back and watch it.

But Robinson's vehicle pulls up to Max's Quick Stop, Robinson being the driver when it goes to Max's Quick Stop. Frasier gets out of the car. Frasier goes into the store for a little over a minute and a half, maybe two minutes, buys a black T-shirt, and returns.

While he's in the store, he's the only one in that car, and he's talking to Lorenzo.

Frasier comes back out. You see him on video looking back and forth between the driver's side of Robinson's car and Lorenzo Johnson's vehicle, looking back and forth as if a conversation was taking place between those two people. That had been going on for the two minutes while Frasier was in the store.

Frasier then gets into the car. Another minute goes by before Lorenzo gets out of his vehicle or before Robinson pulls out from Max's Quick Stop. So it's another full minute when they could have shown him these rifles and had that conversation with Lorenzo.

I don't think Lorenzo was truthful with you. I think he is scared, quite frankly.

And lastly, he told Detective Steinbrunner that there was an incident in Liberty Hill between two groups -- two

rival groups. One of those groups attacked an uninvolved younger brother of the other group in Liberty Hill. And remember how he emphasized this: He said he definitely did not recall that. I think that kind of tells you he definitely recalls saying that.

We also know that that's true because of Robinson's own statement to Detective Bernard. When he was on the stand, he told you that Robinson told him about this fight. We also have that from Framon Frasier, Jr., as well. And that dispute right there, that fight, that's the motive in this case. That fight is well documented in this case. Like I said, Bernard told you. Lorenzo told Steinbrunner, so Steinbrunner told you. And Frasier told you.

But if that's not enough for you to believe that Robinson was the second shooter, we've got more.

Let's talk about Robinson's statement.

Robinson lied to Sergeant Bernard about where he was that night. He initially said he was in West Ashley or somewhere else. When he was confronted about his car being at Max's Quick Stop, he quickly changed his story and admitted to driving out of Pinecrest to Max's Quick Stop, from Max's Quick Stop back into Pinecrest, parking his car, and running out of the vehicle.

And that's where his involvement ends, according to Sergeant Bernard's version of Israel Robinson's statement.

He denies driving the vehicle out of the shooting and, in opening, denied shooting a gun. But we know he drove out of Pinecrest. This goes back to the two people running to the car with rifles. And Saguni Dotson and the 911 call and Framon Frasier, Jr., are all telling you that there were two people, and Frasier specifically saying he was driving his own car out of the apartment complex at the time of the shooting.

How else do we know Robinson is the second shooter?

He deleted everything off of his phone when he was being transported to the police station. What in the world did he have to hide?

So if that's not enough, what about all the evidence from his vehicle?

We've got three boxes -- three boxes of .22 long rifle Aguila brand ammunition with that same headstamp that was found in the 28 cartridge cases that were found on scene. The exact same. And you heard Jamie Green testify that there are over 40 manufacturers of .22 long rifle ammunition. And it just so happens that the same exact brand is found in Israel Robinson's vehicle as is found on the scene.

We have the loaded ten-round magazine with more Aguila rounds in them -- in it. We have the packaging for a 35-round magazine that was purchased along with two boxes of ammunition. And we don't know if those two boxes were all

loaded into the rifles or if those are two of the boxes that you have in front of you today. It just happens to be the same brand that was purchased that same day about three and half to four hours prior to the shooting from a gun store in Summerville near where Mr. Robinson and Mr. Frasier worked.

If that's not enough to convince you, then what about the testimony of Israel Robinson's childhood friend, D.J., Framon Frasier, Jr.?

I don't think you have to believe him to convict Israel Robinson. I think we have enough without him, based on everything that we've covered. But I think most of what he says is corroborated by other evidence, so I think he's being, for the most part, truthful. And I would encourage you to weigh his credibility based on what you think corroborates, matching up with his testimony.

Framon Frasier, Jr., had no motive in this case. He wasn't the one whose younger brother got beat up in Liberty Hill. In fact, he wasn't being hunted. He was being hunted. He told you he was being hunted in his statement to Sergeant Bernard. But Frasier was best friends with Israel Robinson. They were childhood friends. They grew up together. He had his back, no matter what, even it that meant killing somebody to protect him. Frasier had his back.

The only thing from Framon Frasier's statement that has changed from when he initially met with detectives -- the

only major thing that changed from when he initially met with detectives to when he met with people in my office is that he further implicated himself. He took more responsibility for this crime when he met with us in my office. He could have remained adamant that what he told Detective Russ was the truth and that he stayed in the car, or that he got out of the car and stood by the wall holding his rifle in fear, or that he didn't shoot but he shot back. But he wasn't.

He went back and forth a little bit on this, and I think he got confused about the order of my questioning. So I want to talk about what he said specifically.

Frasier testified that he and Robinson were going to smoke and chill after work. He said that Robinson drove them to Max's Quick Stop. He said he ended up buying a black T-shirt. He told you that nobody else was in the car except for him and Robinson. He said that Robinson told him that the hunters were back at Pinecrest and that Robinson rushed back into Pinecrest looking for the hunters.

He said his rifle was on his side of the car in the passenger seat, and Robinson's rifle was on Robinson's side of the car in the driver's seat. He said they were both .22 caliber.

He told you they drove around in a circle at that point in time. As you watch the video, it's a total of like seven minutes that they drive around, circling their prey.

And when we got to the shooting, he told you that he first told detectives that only Israel got out of the car; he stayed in the car. He's distancing himself from this crime. It's not his motive. He had no reason to commit this crime. He's scared. He's being interviewed by the police. His friend's been arrested. He doesn't know what to do, so he tells a lie. He told you, "I lied."

Eventually, detectives get out of him that he also got out of the vehicle but he was standing next to the wall and he didn't shoot. And then eventually, he says, "I was out of the car. I also shot. We were shooting back. They shot first."

And then I asked him if he told me something different at my meeting in our office in June or July, and he said that he did. He agreed that he had told me that Israel shot first and that he shot second and that he thought the victims had shot back at them but he wasn't sure because it was dark out. He agreed on the stand that that's what he told me. And when I asked him if that was the truth, he said yes.

But did Frasier get a reduced deal out of this? Yes. It's 15 to 20 years in prison. Sounds like a great deal to me. Yeah, it was reduced and the remaining charges were dismissed. He had three charges dismissed. We're not hiding any of that. You've heard it.

But again, the only thing that's changed from his

initial statement and what he testified about is that Robinson shot first, then he shot, and then he thought the victims shot back. So he basically removed himself from being able to say that "I was defending myself" or that "I wasn't there," and now says that Robinson shot first, then he shot, and that they shot back at them, maybe. So what he did does not negate his own guilt.

And it's not easy to get into a courtroom and implicate yourself in a murder, much less get on the stand in front of a bunch of people who he has no idea who they are, except for one person in this courtroom, and tell the people in this courtroom that he's the one who did it. "My best friend from my childhood is the one who did this." That's not easy. So of course he's nervous. Of course he's confused. Of course he's scared.

And since they've already mentioned in opening that he was out on bond, yeah, we did give him a bond in exchange for his testimony against Mr. Robinson. He received a bond through a normal proceeding in front of the judge where his lawyer argued for a bond and he was given a bond by the judge. That was never a part of the deal. In fact, that makes it more hard, more difficult to go back to prison for 15 to 20 years, you know, when you're out and about living your life. And he didn't agree to cooperate for three years while out on bond.

So there's a couple more things I need to touch on.

Saguni Dotson told you that E.J. and Jaquez both had guns. She said that Jaquez had a little gun and he tucked it in his waistband when he got out of the car.

Guys, Pinecrest is a dangerous neighborhood. They have elicited that of, like, every witness that we've called. In fact, Detective Pritchard told you that he worked a murder there just a few months prior to this one. So it's a dangerous neighborhood. Jaquez is staying there with his grandmother. He can carry a handgun on him if he wants to. But they were ambushed in a playground with rifles.

Regardless, no gun was ever found on Jaquez's body. You heard that from Detective Steinbrunner. And furthermore, there was no evidence that he shot. There were no cartridge cases by Jaquez's body. There were only -- according to Kendra Moseley, who did the crime-scene investigation, the only cartridge cases found on scene or evidence of any guns were the two sets of cartridge cases from the rifles.

If you do care about where people were standing and if you believe that Framon Frasier was under that tree -- like he said, under a tree -- I have a theory that I'll propose to you: The other shooter would be in the playground mulch. Twelve cartridge cases were fired from right there under the tree, Evidence Markers 1 through 12. The remaining ones, which is the 16 total cartridge cases, were fired from over

there by the slide.

What else was found in the mulch was Jaquez Butler's ID and cell phone. So 16 cartridge cases and --

Let me back up.

Jamie Green from SLED told you that 13 bullets that were found in Jaquez's body were fired from the same weapon. How could somebody who fired 12 shots from under a tree or 16 shots from the mulch -- it doesn't add up to me. So if you shot 12 times and every single projectile that was found from the dead person's body amounted to 13 and they all came from the same rifle, that rifle could not have been the person who was standing under that tree.

The rifle that was used to kill Jaquez Butler, that fired the fatal shots, that was the one from right there. And so if you believe that Frasier was under a tree -- and you can see the tree up in the top right quarter, again here.

I'm sorry. The same tree that's right there. It's the right corner of that building. If you believe that Frasier was under the tree, then you have to believe Robinson was the one who fired the fatal shot from the mulch in that playground where Kendra Moseley showed you the disturbances in the mulch and where Mr. Butler's phone and ID were found.

And one of the last few things here -- I promise I'm wrapping it up -- Bobbi Jo O'Neal's testimony. Twelve of those 15 wounds entered Jaquez Butler's body from the back.

That doesn't mean the other three entered in the front. The other three, from the side of his right arm and into his chest, she said. One went through his right hip and was found in his left hip, she said.

She also said that the last remaining one that didn't go in through his back went in through the bottom of his right foot, and she said that it could have been as if he were running away or laying on the ground. I think that means he was probably running away when he got shot in the foot. I would hope that nobody would stand over somebody after they were already down and shoot them anymore.

I would submit to you that that also lines up with the shot that went in through his right calf and ended up in his right knee.

So if Jaquez Butler was shooting at Frasier and Robinson and not running away, then how did he get shot in the back 12 times and not at all in the front? And how are his phone and ID just lying in the mulch about 30 feet away from his dead body? It's in the direction that he was walking, meaning he turned and ran, that stuff fell out of his pockets, and he ended up dying right there.

And even if you don't believe that theory and even if you don't believe that Robinson's the one in the mulch, it doesn't matter. We have "The hand of one is the hand of all." The defense said in opening that Israel did not shoot

and did not shoot at anybody, but at the end of the day, that doesn't matter under the accomplice liability theory. A person who joins another in committing a crime is responsible for everything done by that other person that happens as a probable result of the acts done in carrying out the common plan or purpose.

I want you to ask yourself who has the motive here. Framon Frasier didn't have the motive here. It wasn't his plan. It wasn't his common scheme. He's not the one who notified -- who was notified that the hunters were back in the complex and drove back to the complex to commit this killing. He's not the one who drove around, circling and hunting for these people.

Don't forget Jaquez Butler wasn't a hunter. Jaquez Butler was going to smoke weed at the pool with Cal Lockwood.

But Robinson was seeking out the hunters. He could have just left. He could have just called 911 and said, "The people that are hunting me are here. I need protection. I need help. They're the ones who beat up my brother three weeks ago" or "three days ago." Instead he took it upon himself to go and kill the hunters.

So this was Robinson's plan. This was Robinson's scheme. And you don't have to have a written contract. There's no requirement for this to be written down and agreed upon in writing, you know, like a blood oath or anything.

It's just something that can be verbally agreed upon as the circumstances are going along.

Frasier accepted responsibility in this case and implicated himself further in this case when talking in my office. And Israel Robinson wanted his day in court, and now he's gotten it. I'm asking you to find him guilty on all three charges: murder, attempted murder, possession of a weapon during the commission of a violent crime.

The fight was between Israel Robinson and some rivals from Liberty Hill. Jaquez and Eugene were going to just smoke some weed. Jaquez didn't deserve to die. Robinson was being hunted, but he became the hunter. The only reason you shoot 12 or 16 times, whichever he did, is to kill them. There's no other reason you're shooting at people that many times.

As the judge said this afternoon, this process isn't easy for you guys and we totally appreciate you being here. Your sacrifice for Charleston County is much appreciated. I can't thank you enough for paying attention throughout the entire process this week.

Thanks.

THE COURT: Ms. Martinez.

MS. MARTINEZ: Thank you, your Honor.

Ladies and gentlemen, Israel is innocent of all these charges. And the only thing that he is guilty of is picking

a bad friend, Framon Frasier. And now you've seen all the evidence in this case. All the roads lead to Framon De'Angelo Frasier, Jr.

He's on video at the Max's Quick Stop. You saw what he was wearing. He went in there. He bought a black shirt. He admitted to putting and tying the black shirt around his face. Saguni Dotson saw him, the guy with the long dreads, the shorts, the slides. He was out there. He told you he was at the ATP store just recently prior to the incident. He even bought his AR-style rifle at the ATP store. He even told you that he leaves things at Israel's car. He admitted to that.

Now, you heard from Bernard. He interviewed my client at the police station. My client went there voluntarily. And he didn't have to make a statement. He waived his Miranda rights, didn't ask for an attorney. He sat down and he talked to Bernard.

And yes, he wasn't honest at first. He said, "No, I didn't go to Max's Quick Stop." Then he said, "No, I didn't go back to Pinecrest." They showed him the video, and he said, "Yeah," you know, "I was driving." All right. So later on, despite the efforts from Sergeant Bernard to try to get him to cave -- right? He told him, you know, "I have this evidence against you. You're on video running away from the shooting. You're at the shooting." Israel said, "No, it

wasn't me. I didn't shoot. I wasn't there. I left in a black Impala with my friend."

He told Sergeant Bernard about the assault involving his brother a few days earlier. He said he didn't know who did it. Why would he know that anyone is hunting for him? He didn't know this guy.

Now, let's talk about Jodi Stoilova, the fingerprint comparison expert.

So, you know, she told you that we don't leave a fingerprint on every surface we touch. Right? And that would explain why eight days later, when the search warrant was conducted in Israel's car, there probably wouldn't be a fingerprint left for Framon Frasier. He admits he was in his car, at his house, showered at his house, that same day -- right? -- before they went out to hang out. But that would explain that.

She also told you that you cannot age a print. So if I leave a print here today and, you know, tomorrow if she were to collect it, she wouldn't know when I left this print on the surface. You can't tell when a print is left on a surface.

She also testified that she took some DNA swabs -- right? -- from Israel's car. You know, the driver's side, the shifter, the steering wheel, and the door handle on the driver's side. And she did the same on the passenger side.

Right?

So where are the results for the DNA analysis? How are we to know if there was another set in Israel's car days prior, when his car -- er, before the police conducted the search warrant in his car and collected DNA? How do we know that it wasn't somebody else that drove his car away from Pinecrest? That's not our responsibility to provide. That's the State's responsibility to get you those DNA results.

And you know about the police, detectives finding things in the car eight days later. You remember Bernard told you that they went to his house to tow his car and he was then presented the search warrant. Israel was home. Everything was in his car. Don't you think he would have cleaned it up if he had anything to hide? He had eight days to get rid of the stuff in his car, and he didn't because he had nothing to hide.

Now, where is Eugene Morgan? He's a crucial witness in this case. He didn't testify. Do you know why he's not here? He's not here because he knows he did something wrong. He got his cousin Jaquez killed. That's why he's not here. Did you hear him saying that he didn't show up for his ride?

And, you know, no one knows where Jaquez and Eugene Morgan were when all of this was happening. Nobody knows what they were doing. We know they both had guns. We know Eugene had a gun.

And now this 911 call, I think you're going to be able to see that the call was made a little bit over two hours after the incident happened. This woman calls and she says her father-in-law, who couldn't really see -- right? -- or couldn't really speak, he can't really call. He can't really talk to y'all. Right? Well, we don't really know if all of that is reliable. We don't know if he could really see or what he could actually see out there.

And the woman who made the 911 call, she clearly was calling from somewhere else. She wasn't there. She didn't have the information other than information that she got through her 87-year-old father-in-law. And she wasn't really sure -- right? -- about what was going on, but she wanted to make the phone call to 911.

Now, the State attempted to present motive through Jaquez. It wasn't -- not Jaquez. I'm sorry. Through Framon and through Detective Steinbrunner. And if you remember their testimonies, it wasn't really clear what this was about, like what the motive is about. I think at one point Framon testified that these people went to this place and the shooting happened. And then Steinbrunner testified about there being some conflict between two groups in Liberty Hill and Israel's brother getting assaulted. But Israel didn't know the people who were walking.

And Lorenzo Johnson wasn't at the shooting. Okay? You

saw his car parked in front of the Max's Quick Stop. He doesn't know what happened out there.

So it's not really clear what this is about, this motive. The State is trying to convince you that it has to do with somebody hunting Israel that Israel doesn't even know about.

So what I think this is really about, what this really is, is Framon being shot at, shooting back, possibly at two guys, could have been Jaquez, Eugene. We don't know where Eugene was at. Remember Framon said that Jaquez wasn't the only person shooting.

So you know who has the motive. You heard the State and you saw him get on the stand, Framon Frasier. He spared himself a lifetime in exchange for his testimony in this trial. And that's a lot. I don't think you can even measure life. So he knew from the beginning that he wanted a reduction in sentence. He was hoping for a deal, and he told you that on the stand. He told it to Detective Russ when he was interviewed.

So he got what he wanted. Right? He got what he wanted and pled with a deal to accomplish that. And he even told you on the stand that, you know, he knew that if he didn't testify according to his agreement, the deal would be gone.

But Framon is lying. So remember he said that they shot first. That's the first thing he said. Then the State came

back, you know, and corrected him, redirected him, and then he changed his testimony and said Israel shot first.

Who do you think is driving the narrative in this Court? The State. The State is driving the narrative because they wanted to fit his statement to their case. And that is what I told you in our opening. So you even saw that the prosecutor showed him pictures on the stand here. He couldn't really say was under a tree. But he really wasn't clear about where he was standing.

And, you know, this whole thing about not really being able to see if the other guys had shot first because it was dark, I think you remember seeing the surveillance from the Max's Quick Stop and then about ten minutes later at Pinecrest Apartments. It was not dark out there. You'll have those videos that you can take -- that you're going to take and you can take a look. It was not dark. He knows what he did. He knows what he saw.

You know, when Framon actually said the truth is he didn't know where Israel was during the shooting. Because he wasn't there. Right? That's why he doesn't know what Israel was doing. He didn't know where he was, because Israel wasn't with him when he did it. Israel was gone.

So Saguni Dotson testified that her boyfriend saw a shooter shooting at Jaquez. And then she described the person she saw with the big gun with the big dreads, slides,

shorts. Framon De'Angelo Frasier.

And, you know, after she said, you know, there was one person she saw out there getting back into the car, the State came back and corrected her to say two people. Even then, after the State came back and tried to correct her to say there was two people even though she said it was only one, she made it clear that she didn't see Israel out there. Because he wasn't out there. Saguni didn't see the shooting. She wasn't there.

And, you know, she also testified that there was nobody there with her, Eugene, and Jaquez. It was just the three of them. She didn't even know where Eugene and Jaquez went. She doesn't know what they were doing. The only thing she knew is they went -- had gone to the other side. But she didn't know what they were doing. She knows they both had firearms, they both had guns.

You know, none of this I think is Jaquez's fault. But Jaquez was 16 years old. He shouldn't have been carrying a firearm, even it was for protection.

So all roads lead to Framon Frasier. You saw him on the stand. Remember the State tried to redirect him to keep the narrative that fit the State's theory in this case that Israel Frasier -- er, Israel Robinson is somehow the person more responsible in all of this and that Israel Robinson was involved in this case. But he had nothing to do with this.

He had nothing to do with Framon's (verbatim) death or did not shoot at Eugene or try to harm him in any way.

So same thing with Saguni. The State tried really hard to redirect her to kind of get her to stay on track with the narrative that fits their theory of events. But she told you Israel wasn't there. She said she knew him from high school. So if she had known Israel was there, wouldn't she have said something?

Now, today is the most important day in Israel's life. He's waited for over three years to clear his name because he's always maintained he's innocent. He didn't do any of this because he wasn't involved with Framon Frasier in trying to kill any hunters. He wasn't around Jaquez. He wasn't around with Eugene. He wasn't a part of any of that.

And it is possibly, too, one of the more important decisions that you'll make -- right? -- after you get the instructions from the judge and you go into your jury deliberation room and you have an opportunity to sit down and consider all of the evidence. If you convict Israel based on all this evidence that doesn't really match up, you would be convicting an innocent man. You'd be convicting an innocent man of murder.

Thank you.

THE COURT: Members of the jury, it is now my duty as the trial judge to instruct you on the law applicable to this

case. And in that regard, it is your duty as jurors to accept and apply the law as I now state it to you.

Furthermore, it is your exclusive duty to decide all the issues of fact in this case and determine the effect, the value, the weight, and the truth of the evidence. All the parties have the right to expect that you will carefully consider and evaluate the evidence and apply the law of the case to it so that, in the end, all parties will receive a fair and impartial trial.

I remind you that during this trial you and I have certain duties to perform. As the trial judge, it is my duty to preside over the trial of this case. And I also have the duty to rule on the admissibility of the evidence offered during this trial. You are to consider only the competent evidence before you. If there was any testimony ordered stricken from the record during this trial, you must disregard that testimony. You are to consider only the testimony which has been presented from this witness stand, any exhibits which have been made a part of the record in this case, and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law of this case, and it is your duty as jurors to accept and apply the law as I now state it to you. If you already have any idea as to what the law is or what

the law ought to be and it does not agree with what I now tell you the law is, you must abandon this idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts in a case. A trial judge cannot intimate, state, comment on, or make any statement to a trial jury about the facts in a case. Since you, the jury, are the sole judge of the facts of this case, you are not to infer from what I have said during the progress of this trial, in ruling upon the admissibility of evidence or otherwise, or anything that I say now during the course of this instruction to you that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts in this case. This is a matter solely for you, the jury, to determine. As jurors, it is your duty to determine the effect, the value, the weight, and the truth of the evidence presented during this trial.

The defendant is charged with the following: murder, attempted murder, possession of a weapon during the commission of a violent crime.

I remind you the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of

guilt. These documents are simply the formal written instruments which contain the charges made against the defendant. It is the formal documents by which this case is brought into this court.

The indictments in this case allege several different offenses against the defendant. Each indictment charges a separate and distinct offense, and you must decide each indictment separately on the evidence and the law applicable to it, uninfluenced by your decision as to any other indictment. The defendant may be convicted or acquitted on any or all of the offenses charged, and you'll be asked to write a separate verdict of guilty or not guilty for each indictment.

The defendant has pled not guilty to this indictment, and that plea puts the burden on the State to prove the defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.

I charge you that it is an important rule of the law that the defendant in a criminal trial, no matter what the seriousness of the charge may be, will always be presumed to be innocent of the crime for which the indictment is issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt. This presumption of innocence does not end when you begin your deliberations, but

it accompanies the defendant throughout the trial until you reach a verdict of guilt base on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is not mere legal theory. It is not just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or preponderance of the evidence. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If, on the

other hand, you think there's a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find him not guilty. Facts and circumstances that merely place upon the defendant a grave suspicion of the crime charged or that merely raise a speculation or conjecture of the defendant's guilt are not sufficient to authorize a conviction of the accused.

Facts in issue may be proved either by direct evidence or indirect evidence or circumstantial evidence. It is direct evidence if it proves a fact without an inference and which in itself, if true, conclusively establishes that fact. Direct evidence is basically evidence you can see, observe, or hear with your senses.

"Circumstantial evidence" means the proof of a chain of facts and circumstances indicating the existence of a fact. In other words, you may infer that a particular event occurred based on proof of circumstances warranting such an inference. It is not something that one observes but from facts one can draw a conclusion.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other and, when taken together, point conclusively to the guilt of

the accused beyond a reasonable doubt. If the circumstances merely portray the defendant's behavior as suspicious, the proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. The burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

The following things are not evidence and you must not consider them as evidence in deciding the facts of the case: 1, statements and arguments of the attorneys; 2, questions and objections of the attorneys; and, 3, testimony that I instruct you to disregard. While argument of counsel is a beneficial part of every trial, you should remember that the statements made by counsel are not evidence.

In presenting arguments, counsel often refer to evidence. However, you should base your verdict on the evidence as you remember it. Therefore, if there are any conflicts between the recollection of counsel about the evidence and your own recollection, you should rely upon your own understanding of the evidence.

Necessarily, you must determine the credibility of witnesses who have testified in this case. "Credibility" simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand.

The rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule exists for witnesses we call "expert witnesses." A witness who by education and experience has become an expert in some art, science, profession, or calling may state an opinion as to relevant and material matter in which the witness claims to be an expert and may also state the reasons for the opinion.

You should consider any expert opinion received in evidence in this case and, like any other evidence, give it the weight you think it deserves. If you decide that the opinion of an expert witness is not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion are not sound or that the

opinion is outweighed by other evidence, you may disregard the opinion entirely. An expert witness's testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion even though it is not contradicted.

There has been evidence presented that witnesses have made prior statements which are not consistent with the witness's present testimony. You may use this evidence to decide whether to believe the witness. You may also use evidence of the earlier contradictory statements to determine the truth of those statements. It is up to you to decide whether to believe the earlier statements or the testimony given at trial.

If a witness is shown to have knowingly testified untruthfully concerning any material matter, you may consider this in determining whether to trust the witness's testimony as to other matters. You may reject all the testimony of that witness or give all or part of the testimony the weight you think it deserves.

I instruct you and emphasize that the fact that the defendant did not testify is not a factor to be considered by you in any way in your deliberation and in your consideration on the question of the guilt or the innocence of the defendant. It must not be considered by you in any manner

whatsoever. A defendant has the constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations.

I repeat, under your oath, you are to draw no conclusion whatsoever from the fact that the defendant in this case did not testify. The fact that this defendant did not testify should not even be discussed in the jury room. The burden of proof, as I have stated to you, is on the State, and the defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Intent. In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness, or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There's no way to prove intent to a mathematical certainty. There's no way medical science can dissect a person's brain and determine what the person had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed, and this is how you make a determination of whether or not the element requiring

intent was present. It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact, by taking into consideration the acts of the parties and all the facts and the circumstances of the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the defendant intended to do based on the circumstances shown to have existed. Criminal intent can arise from action or a failure to act. It may arise from negligence, recklessness, or an indifference to duty or to consequences that is considered by the law to be the equivalent of criminal intent.

The defendant is charged with murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought.

"Malice" is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent. Malice aforethought does not require that malice exist for any particular length of time before the act is committed, but malice must exist in the mind of the defendant just before and at the time that the act is committed. Therefore, there must be a combination of previous evil intent and the act.

Malice aforethought may be either express or inferred. These terms "express" and "inferred" do not mean different kinds of malice but merely the manner in which malice may be shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person or any other acts of preparation going to show that the deed was within the defendant's mind would be express malice.

The defendant is charged with possession of a weapon during the commission of a violent crime. The State must prove beyond a reasonable doubt that the defendant was in possession of a firearm during the commission of a violent crime. A "firearm" means any machine gun, automatic rifle, revolver, pistol, or any weapon which will, is designed to, or may be readily converted to expel a projectile.

In order to find the defendant guilty of possession of a weapon during the commission of a violent crime, you must find the defendant guilty of committing a violent crime. Murder is a violent crime. The State must prove beyond a reasonable doubt that the weapon further advanced or helped in the commission of the crime.

Attempted murder. The defendant is charged with

attempted murder. In order to prove this crime, the State must prove the defendant attempted to kill another person with malice aforethought, either express or implied. The State must prove beyond a reasonable doubt that the defendant has the specific intent to kill a person. A specific intent to kill is necessary to convict the defendant for attempted murder. In other words, you cannot convict the defendant of attempted murder unless you find that the defendant had the specific intent to kill the victim.

"Intent" means intending the results which actually occurs, not accidentally or involuntarily. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent. The intent may be inferred when it is demonstrated that the defendant voluntarily and willfully commits an act the natural tendency of which is to destroy another's life.

"Malice" is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent. Malice aforethought does not require that malice exist for any particular time before the act is committed, but malice must exist in the mind of the defendant just before and at the time of the act being committed.

Therefore, there must be a combination of previous evil intent and the act.

Malice aforethought may be express or inferred. These terms "express" and "inferred" do not mean different kinds of malice but merely the manner in which malice may be shown to exist. And that is either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person or any other acts of preparation going to show that the deed was within the defendant's mind would be express malice.

Malice may be inferred from conduct showing a total disregard for human life. If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be considered by you, the jury, along with the other evidence in the case. And you may give it the weight you decide it should receive.

A person commits the offense of assault and battery in the first degree if the person unlawfully offers or attempts to injure another person with the present ability to do so and the act either is accomplished by means likely to produce death or great bodily injury. "Great bodily injury" means

bodily injury which causes a substantial risk of death or causes serious permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

Assault and battery in the first degree is a lesser-included offense of attempted murder. A lesser-included offense is a crime that excludes one or more element of a greater crime. If you find the defendant did not have a specific intent to kill when he fired his rifle, then you may decide whether to find the defendant guilty of the lesser-included offense of assault and battery in the first degree.

A person who was present at the scene of the crime and intentionally or through a common plan aided and abetted or assisted in the commission of that crime through some overt act is guilty as an accomplice. To be liable as an accomplice, the defendant must have knowledge of the principal's criminal conduct. Mere presence at the scene of the crime is not sufficient to establish guilt as an accomplice. "Intentionally" means willfully intending the result which actually occurs, and not accidentally or involuntarily.

If a crime is committed by two or more people who are acting together in committing a crime, the act of one is the act of all. A person who joins with another to commit an unlawful act is criminally responsible for everything done by

the other person which happened as a probable or natural consequence of the acts done in carrying out the common plan or purpose. For example, two people can be guilty of killing another person when only one of the two had a gun, there was only one bullet, and only one of the two fired the shot that caused the death.

If two or more people are together acting together, assisting each other in committing the offense, the act of one is the act of all, or as it is sometimes said, "The hand of one is the hand of all." Prior knowledge that a crime is going to be committed, without more, is not sufficient to make a person guilty of that crime. Mere knowledge that another person is going to commit a crime, even if the defendant is present when the crime is committed, is not sufficient to convict the defendant as a principal.

Guilt as a principal is shown by actual or constructive presence at the scene as a result of prior arrangement. Therefore, a finding of a prior arranged plan or common scheme is necessary for finding of guilt as a principal. The State must prove beyond a reasonable doubt by competent evidence the theory of "The hand of one is the hand of all."

A principal in a crime is one who actually commits the crime or who is present aiding, abetting, or assisting in committing the crime. When a person does an act in the presence of and with the assistance of another, the act is

done by both. Where two or more acting with a common plan or intent are present at the commission of the crime, it does not matter who actually commits the crime; all are guilty. The hand of one is the hand of all.

"Present at the commission of a crime" means to be sufficiently near to aid and abet and assist in the commission of the crime. However, mere presence at the scene of the crime is not sufficient to convict one as a principal on the theory of aiding and abetting. Intent is also a necessary element, for there must have been a common design or intent to commit the crime and the crime must have been committed pursuant thereto with the person aiding and abetting by some overt act.

"Intent" means intending the result which actually occurs, not accidentally or involuntarily. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent.

The State must prove these elements beyond a reasonable doubt.

In determining the guilt or innocence of the defendant, you cannot consider any possible penalty for any particular crime. The punishment for the crime is a matter for me to determine and should never be considered by you in any way whatsoever in arriving at an impartial verdict as to the

guilt or the innocence of the defendant.

Mr. Foreperson and ladies and gentlemen of the jury, I wish to express the hope that each of you will be mindful of the importance of your responsibility. You are not called upon to serve as jurors very often, and the proper performance of the duty requires each of you to reach the height of freeing your minds of all improper influences.

As the presiding officer of this court, I am vitally concerned that whatever verdict you find will be the result of your going into the jury room and confining your consideration to the evidence and the law that you have heard in this courtroom, weighing it fairly and impartially, as I have every confidence you will do. Your verdict in this case cannot be based on sympathy, compassion, prejudice, or emotion, or some other consideration not found in the evidence.

Remember, your verdict must be unanimous. And I will now explain the verdict form and possible verdicts.

And the verdict form which will go back into the jury room, Mr. Foreperson, has numbers 1, 2, 3, and 4.

And there are two possible verdicts for each charge which you may find in this case. There's no significance whatsoever in the order in which I state the possible verdicts. It is simply that one must be stated first.

Ladies and gentlemen, your verdict must be a unanimous

one.

Mr. Foreperson, when the jury agrees on the verdict, you will write the verdict on the verdict form and then sign your name as foreperson, then knock on the jury room door and inform the bailiff that you have reached a verdict.

At that time, we will receive you back into the courtroom.

Mr. Foreperson, if the jury has any questions, please write the questions on a piece of paper -- not on the verdict form -- and give it to the bailiff.

Everyone needs to be present when deliberating. If one of you takes a restroom break, then the rest of you should pause deliberations until said person returns.

And I ask that you now return to your jury room, except for my alternates, but do not begin deliberations until you are told by the clerk or the bailiff to do so. There's some matters which must be discussed with the attorneys before you begin your deliberations.

(The jury exited the courtroom at 11:10 a.m.)

(The following proceedings were had outside the presence of the jury but in the presence of the alternate jurors.)

THE COURT: Thank you for sitting through this week. And I again just want to tell you how grateful on behalf of Charleston County and the State of South Carolina for your participation as jurors. I do hope that this was

educational. I know that it has taken a lot of your time out of this week. Again, we could not do what we do without you serving. And if somebody were to get sick or -- and it happens more often than you can ever even imagine that we have to use our alternates. So I want to tell you how important your being here is.

You do not have to talk to anybody about this. If somebody approaches you, you know, and they persist and you do not want to talk to them, then you just let me know. But you are free to talk to people. Okay?

I know that they --

Is there lunch here?

CLERK OF THE COURT: Yes, your Honor.

THE COURT: So y'all can get your lunch.

And I just -- I wish y'all a Merry Christmas. Okay?

ALTERNATE JUROR: Thank you. Merry Christmas to you.

THE COURT: All right. Thank you.

(The alternate jurors were released from service and exited the courtroom at 11:12 a.m.)

THE COURT: Okay. Anything from the State concerning the charge?

MR. ZEIGLER: No, your Honor.

THE COURT: Anything from the defense concerning the charge?

MS. MARTINEZ: No, your Honor.

THE COURT: Okay. All right. We'll send the evidence and the verdict forms back.

(The jury was instructed to begin their deliberations on the verdict at 11:21 a.m.)

(Court recessed.)

(Court resumed outside the presence of the jury and the defendant.)

THE COURT: Please take a seat. Thank you.

Madam Court Reporter, will you please mark this. What will this be? Court's Exhibit Number 2?

COURT REPORTER: 2.

THE COURT: All right. We got a question from the jury. It's not really a questions as much as --

I'm sorry. I am breaking the rules. First lesson: Do not talk while the court reporter is putting a sticker on the exhibit. Forgive me.

(Court's Exhibit Number 2 marked for the record.)

THE COURT: All right. So this is marked as Court's Exhibit Number 2. It's not a question as much as it's a request.

"Can we get the transcript of Officer Pritchard's testimony?"

I think normally I just would just let them hear the testimony. I don't think we can, you know, necessarily print it out. So I know, like, in Greenville, we will just play it

-- we'll have everybody removed from the courtroom.

Do we need the defendant here?

COURT DEPUTY: He's on his way up.

MR. KING: He's on his way up, Judge.

THE COURT: I'm sorry. Okay.

MS. MARTINEZ: If we are, will we sit --

THE COURT: I'll need you to not start talking.

MS. MARTINEZ: Sorry.

Do we all just usually sit here while we listen to it
or --

MR. COOPER: I think we can send it back.

MS. MARTINEZ: No. I think --

COURT REPORTER: Judge?

MS. MARTINEZ: -- it's hear with the court reporter.

MR. COOPER: Do they just send the court reporter back
to the jury room to play it for them there?

COURT REPORTER: Yes. The way we usually do it is I
take my speaker and my stuff and I go into the jury room.

THE COURT: Okay.

All right. I want to let the defendant know. I'm
sorry. I should've been more observant.

(The defendant entered the courtroom.)

THE COURT: Okay. As I indicated, Mr. Robinson, we got
a note. And as customary, I marked it as Court's Exhibit
Number 2. And basically, the jury foreman has asked, "Can we

get the transcript of Officer Pritchard's testimony?" And so normally, what I would do is I would clear out the courtroom and then I would allow this testimony to be played just for the jury without anybody else in here.

But it's my understanding based on the technology in this courtroom that the preferred choice is for the court reporter to go back into the jury room with her microphone and she will play the entirety of the testimony from Officer -- Pritchard? Is that right? Yeah, Officer Pritchard.

Any objection from the State?

MR. ZEIGLER: No, your Honor.

THE COURT: Defense?

MS. MARTINEZ: None from the defense.

THE COURT: Okay. With everybody in agreement with that, we will do that.

And you'll just go in there?

COURT REPORTER: Yes, sir.

THE COURT: Okay. We will do that.

And it has been marked as Number 2 -- Court's Exhibit Number 2.

(Court recessed.)

(The court reporter went into the jury deliberation room, along with the clerk of court and a bailiff, to play the requested testimony for the jury.)

(Court resumed outside the presence of the jury.)

THE COURT: All right. Got another question. I'm going to mark this Number 3 -- Court's Exhibit Number 3.

(Court's Exhibit Number 3 marked for the record.)

THE COURT: Okay. So the court reporter got back in there, started playing, and apparently they said, "This is not the testimony we needed." And I believe they started asking the court reporter questions, and they said, "We can't talk. We've got to come back in here. Please write a question."

So, "We need the testimony of the officer who conducted the interview of Mr. Robinson and processed the pickup of the car."

I went back through my notes. I believe that's Bernard?

MR. ZEIGLER: That's correct, your Honor.

THE COURT: So we are going to allow the court reporter to go back in, or at least that's my proposal.

Do we need Mr. King in here? I'm sorry.

MS. MARTINEZ: He's in the restroom. I can text him.

Well, if we want to wait for him.

THE COURT: Yeah, we'll wait. I just want to make sure.

(Mr. King entered the courtroom.)

THE COURT: Welcome back, Mr. King.

We've got another question from the jury. It's been marked as Court's Exhibit Number 3.

Basically, they've asked -- they started listening to

the testimony and they realized that's not what they wanted to hear. And they've sent a question saying, "We need the testimony of the officer who conducted the interview of Mr. Robinson and processed the pickup of the car." I told them that I believe that was Bernard.

And y'all confirmed?

MR. ZEIGLER: Yes, your Honor.

THE COURT: So it was Bernard.

Also, so we will send the court reporter back in to play the testimony from -- I guess it's Sean Bernard?

MR. ZEIGLER: Yes, sir.

THE COURT: All right.

The other thing they asked is, "Can we also get a list of the witnesses and the order they testified?"

MS. MARTINEZ: I know the order yesterday.

MR. ZEIGLER: I can't remember the order. I'm not opposed to that, but --

MS. MARTINEZ: Yeah.

MR. ZEIGLER: -- that's something that you've never -- you guys didn't write them down?

I mean, the court reporter can do that. I mean, if it's something that you can even do.

MS. MARTINEZ: Yeah.

COURT REPORTER: I have it.

THE COURT: I mean, I've got it written down but, I

mean, it's -- I don't know if we --

MS. MARTINEZ: So Lorenzo, Danielle --

THE COURT: Do you have it?

COURT REPORTER: Mm-hmm.

THE COURT: Okay. The court reporter has it. She just has, I guess, the list.

I've never asked the court reporter questions that have to be on the record.

So is it just a list that we can copy and provide to them. No?

MR. ZEIGLER: We can probably put --

THE COURT: Do y'all want to put what --

MS. MARTINEZ: Yeah, I have --

THE COURT: The court reporter can give you the names on the list. If y'all make a list, we'll make a copy of it and give it to them.

Is the State in agreement with providing them a list in the order?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Defense?

MS. MARTINEZ: Yes, your Honor. I'm sorry.

THE COURT: That's okay. I mean, I just want to make sure that we're clear on the record and nobody's got an objection. I mean, I don't see really, you know, any reason not to let them have it.

MR. COOPER: And, your Honor, I don't know if you want to bring the foreperson in before you send the court reporter back. Because I wonder if they may then with the -- er, the court reporter being in there, say, "Oh, we want this testimony now."

Or just instruct the court reporter that if they want something, they just need to indicate it on a note so we can deal with it and they're not in the position of asking her, "Play this. Play that." If that makes sense. Because I wonder if that may be where it's headed.

COURT REPORTER: If they did do that, I would tell them they -- "You have to put it in a note to request it."

THE COURT: Yeah.

MR. COOPER: Okay.

THE COURT: It's got to come through me.

MR. COOPER: Okay.

THE COURT: And of course, she's just going to have to come out here because everything's got to --

MR. COOPER: Well, just so that they know, so that they didn't --

THE COURT: And I understand. But everything's got to come through me.

Okay. I've got Lorenzo Johnson, Danielle Cockrum, Amanda Jernigan, David Pritchard, Kendra Moseley, Michael Morgan, Cal Lockwood, Erin Meyer, Jennifer Nates, Jodi Hunt.

And y'all -- I mean, y'all double check. I'm just going through. And I always just go through the alphabet and put them.

Sean Bernard, Charity Steinbrunner, Jennifer Butler, Saguni Dotson, Framon Frasier, Jamie Green, Bobbi Jo O'Neal, and then the State rested and there were no more witnesses.

MR. ZEIGLER: Yes, your Honor.

MS. MARTINEZ: Your Honor, that sound rights.

THE COURT: Okay.

Well, I tell you what, Shelby --

I was just asked about allowing them to continue deliberation while they eat lunch. I don't have any problem with that.

MR. ZEIGLER: No objection from me, your Honor.

MS. MARTINEZ: No objection.

THE COURT: And they'll be listening to the testimony. So okay.

MR. ZEIGLER: We're working on a legible copy unless you've already got one. Because my handwriting has been an issue in about four instances so far.

THE COURT: So y'all just double check that. And what we'll do is we'll mark it as a Court's exhibit and then just send it back there.

(Court recessed.)

(Court's Exhibit Number 4 marked for the record.)

(The court reporter went into the jury deliberation room, along with the clerk of court and a bailiff, to play the requested testimony for the jury.)

(Court resumed outside the presence of the jury and the defendant.)

THE COURT: Everybody's here. Please take a seat.

All right. We've got another request. We're going to mark this Number --

MS. MARTINEZ: Your Honor, we need Mr. Robinson.

THE COURT: Thank you.

COURT REPORTER: It will be Number 5.

(Court's Exhibit Number 5 marked for the record.)

THE COURT: Can y'all approach. I just want to give this to you and y'all can look at it together.

MS. MARTINEZ: This looks right.

THE COURT: Okay.

MR. ZEIGLER: Same.

MS. MARTINEZ: Is this the one from this morning?

MR. ZEIGLER: Yeah.

MS. MARTINEZ: Oh. I think we're good.

(The defendant entered the courtroom.)

THE COURT: Okay. I've received another request from the jury. It's marked as Court's Exhibit Number 5. It says, "We need a copy of the judge's instructions."

I have one. I did provide copies of those to y'all

earlier. I just wanted you to look at the one that I'm going to give to the jury. I can't give -- you know, I think you had even asked do I give my instructions. I normally don't, but, I mean, a lot of judges do. So --

I mean, I'll hear from the State. Do y'all have any objections?

MR. ZEIGLER: No. No objection, Judge.

THE COURT: Any objection from the defense?

MS. MARTINEZ: Just a second, your Honor.

THE COURT: Okay.

(Pause in proceedings.)

MS. MARTINEZ: No objection from the defense, your Honor.

THE COURT: And I do -- I have to send the whole thing back. I've had them come out. Maybe when you said something, Mr. King, I told you I've had them come back out and I've read it to them before. And then I think -- yeah, I was with another judge, and they were asking for a definition. And we gave them, like, the -- I think it was the charge on the law. But after that I found out that I was, you know, supposed to give an entire copy.

But this is 1 through 21. I'll mark this as Court's Exhibit Number -- I just wanted to see if -- y'all can look through it to make sure you put your eyes on it.

But I'll mark that as Court's Exhibit Number 6, and

we'll send it back to the jury.

(An off-the-record discussion was had.)

(Court's Exhibit Number 6 marked for the record.)

THE COURT: All right. We'll see y'all in a little bit.

MR. ZEIGLER: Thank you, Judge.

MR. COOPER: Thanks, Judge.

(Court recessed.)

(Court resumed outside the presence of the jury.)

(Court's Exhibit Number 7 marked for the record.)

THE COURT: Okay. We've got everybody here.

All right. At first I was like, "Okay. How can this be?" But their question is, "Who is the victim in the attempted murder charge?"

And, you know, the jury, they heard the indictment read at the beginning. And then, of course, they hear, you know, bits and pieces as they're digesting, I guess, as the testimony comes in. I've never had this question. And I don't know if -- you know, obviously, indictments are not in evidence, so we're not going to send that back in there. I don't know if I just -- you know, if we just need to tell them the name of the victim.

But I'll hear from the State and the defense.

MR. COOPER: Funny enough, Judge, we had this exact issue in murder trial last week with Judge Jefferson. And what Judge Jefferson did was brought the jury back in and

just said, "Per indictment," read the number, murder, the victim is such; indictment number, attempted murder, the victim is such; and read that and sent them back. And that cleared the issue up.

THE COURT: Okay.

MR. COOPER: So I would suggest that in this case.

THE COURT: From the defense?

MS. MARTINEZ: If I could have one second, your Honor.

THE COURT: Okay.

(Pause in proceedings.)

MS. MARTINEZ: Judge, the jury's already heard the entire evidence on the case, and we ask that you instruct them that they have done so, that all the evidence has been presented to them on the case.

THE COURT: So you would object to --

MS. MARTINEZ: Yes.

THE COURT: -- identifying the name of the victim?

MS. MARTINEZ: Yes. Or to reading the indictment again.

THE COURT: Okay. I'm going to step down for a second, and then I'll let y'all know what we're going to do.

MS. MARTINEZ: Thank you.

MR. ZEIGLER: Thank you, Judge.

THE COURT: I guess I understand. I mean, like, we know everything about the case -- you know? -- and they're just hearing things.

So I'll step down, and I will be back in just a little bit.

(Court recessed.)

(Court resumed outside the presence of the jury.)

THE COURT: Okay. My first reaction, like I said when I came in here, was just, "Okay. They've heard the indictment." And I was thinking -- you know, of course then you said, well, we just had this come up, Solicitor, last week.

But the more I thought about it, you know, the jury is the finder of the fact and they've heard all the evidence in the record. And so I am -- I mean, ultimately, I think what they can do is they may ask for a bunch more testimony because, clearly, the victim was named at some point. It was read in on the indictment.

I'm not going to send the indictment back. I do know that some judges send an indictment back. The indictment is not evidence. I say that in the charge.

But I am essentially going to agree with defense on this because they really are the finders of the fact. And there are parts in my charge where I talk about, you know, that's solely their determination and that they are to recall the facts as they recall them. Something -- I'm not quoting exactly from my charge, but something to that effect.

So what I'm going to do is I'm going to write a note

that says, "You are the finders of the fact. This is a fact which you must determine from the evidence presented at trial."

I anticipate that they're probably going to want to hear some more testimony, and we may just -- you know, they may have to go through five replays of testimony before they hear the name of the victim. But, you know, that's -- so be it.

So I think -- I don't think either way would be necessarily wrong, but I would rather err on the side of the defense on this.

MS. MARTINEZ: Thank you, Judge.

THE COURT: So any issues about the phrasing -- the structure or the phrasing of the sentence that I'm going to send back. I'm going to write it on this question.

MS. MARTINEZ: None from the defense, your Honor.

MR. ZEIGLER: No, your Honor. My only concern would be that they interpret the attempted murder charge to mean that Jaquez Butler is the victim in that case as well. I guess they wouldn't tell you that when they -- if they render a verdict. But I just -- that's my only concern, that they would think that both are Jaquez Butler is the victim versus Eugene Morgan.

Nothing -- I think the sentence is fine.

MR. COOPER: I was just going to say that I do think that instead it's not so much them finding the fact as

deciding whether the State proved its charge. And if they're unsure who the victim is, that makes it impossible to determine if the State met its burden to prove the charge. And so I would ultimately give the name of the victim. I think that's not a fact-finding issue as much as it is understanding what the State has alleged in their charges.

But if you are inclined not to do it, as far as the structure of the sentence is fine.

MS. MARTINEZ: Your Honor, if the State wasn't clear when they presented the evidence to the State (verbatim) on the case, then that's their problem.

THE COURT: Well, I also -- I'm hearing what the State's saying now is that if they think it's the same victim for everything, that could be confusing as well --

MR. COOPER: Yes.

THE COURT: -- and that could present an issue. So but right now, we'll just -- we'll see how they respond to this.

MR. ZEIGLER: Okay. Thank you, Judge.

THE COURT: Y'all are protected on the record.

(Pause in proceedings.)

Okay. So I have written on here, "You're the finders of the fact. This is a fact which you must determine from the evidence presented at trial. Judge Fant, 3:40, 12/12/24."

If you'll take that back to the jury. Thank you.

MR. ZEIGLER: Thank you, Judge.

(Court recessed.)

(Court resumed outside the presence of the jury.)

(Court's Exhibit Number 8 marked for the record.)

THE COURT: Okay. As expected, they need to hear the testimony of Saguni Dotson.

MR. ZEIGLER: Okay. Saguni Dotson.

THE COURT: Who -- you know, she was driving the car?

MR. ZEIGLER: Yes, your Honor.

THE COURT: When the victim of the attempted murder came back.

So they're just going to -- at least they got the correct witness, I guess, so we weren't getting to this witness five -- after listening to five different witnesses' testimony.

So I will send the court reporter back like we've done with the previous testimony, and they will play that for them.

Any objection to them hearing the testimony?

MR. ZEIGLER: None from the State, Judge.

MS. MARTINEZ: None from the defense.

THE COURT: All right.

(Court recessed.)

(The court reporter went into the jury deliberation room, along with the clerk of court and a bailiff, to play the requested testimony for the jury.)

(Court resumed outside the presence of the jury.)

THE COURT: All right. This is just more logistics.

I'm going to ask, I guess, the clerk just to ask if they want to order dinner or not. And I'm going to let them do that like around 5:15 just because I think it's going to take --

Shelby, what's it going to take? Like two hours to get done?

CLERK OF THE COURT: Approximately.

THE COURT: Okay. So because if they're going to deliver it. Because we're going to continue deliberating. I'm not going to let a criminal jury out.

MR. ZEIGLER: Okay.

THE COURT: I mean, I don't want to send them home and bring them back.

All right? Just wanted to make y'all aware that I was doing that. I know I probably don't have to.

MR. ZEIGLER: Thank you, Judge. But we really appreciate it.

MS. MARTINEZ: Thank you, Judge.

THE COURT: I like to protect the record --

MR. ZEIGLER: Yes.

THE COURT: -- if y'all haven't noticed.

(Court recessed.)

(The jury knocked and indicated they had reached a

verdict at 5:13 p.m.)

(Court resumed outside the presence of the jury.)

THE COURT: I've got a note from the jury, and it says, "We have a verdict on all charges." So I'm going to ask them to come in with the verdict form.

Mr. Bailiff?

THE BAILIFF: Mm-hmm.

THE COURT: If you -- once -- I will ask them if they've reached a verdict and then --

I'll mark this.

(Court's Exhibit Number 9 marked for the record.)

THE COURT: -- and then you'll bring it to me and --

Well, I'll just give it to you, Madam Clerk, to publish.

And I know that we don't have a lot of people in the gallery, but I always just say before a verdict is read that if -- sometimes this stuff can be very extremely emotional. And if you cannot control your emotions, you can step outside or remain in the courtroom.

(The jury entered the courtroom at 5:17 p.m.)

THE BAILIFF: All jurors are present, your Honor.

THE COURT: Thank you. Y'all may be seated.

Mr. Foreperson, I understand the jury has reached a verdict.

JURY FOREPERSON: We have, your Honor.

THE COURT: Okay. If you could fold it and then just

hand it to the bailiff. Thank you.

Okay. Madam Clerk, I'm going to ask that you publish the verdict.

CLERK OF THE COURT: Yes, your Honor.

If the defendant will please stand.

Case Number 2024-GS-10-03096, the State of South Carolina versus Israel Malachi Robinson, indictment for murder, we, the jury, find the defendant guilty. Signed by the foreperson of the jury, dated December 12, 2024.

Case Number 2024-GS-10-03097, the State of South Carolina versus Israel Malachi Robinson, indictment for attempted murder, we, the jury, find the defendant guilty. Signed by the foreperson of the jury, dated December 12, 2024.

Case Number 20-24-GS-10-03098, the State versus Israel Malachi Robinson, indictment for possession of a weapon during the commission of a violent crime, we, the jury, find the defendant guilty. Signed by the foreperson of the jury, dated December 12, 2024.

Mr. Foreperson, ladies and gentlemen of the jury, if this is your verdict, please raise your right hand.

(Jurors indicated.)

CLERK OF THE COURT: Thank you.

THE COURT: All right. Ladies and gentlemen, I'm going to ask you to go back to the jury room, and I'll be back

there in just a second. Okay?

Thank you.

(The jury exited the courtroom at 5:20 p.m.)

MS. MARTINEZ: Your Honor, we request to poll the jury.

THE COURT: Okay. Can y'all -- yeah, just get them to come back.

Absolutely. I was going to ask if there were any requests or motions, but --

(The jury entered the courtroom at 5:21 p.m.)

THE COURT: Madam Clerk?

CLERK OF THE COURT: Yes, your Honor.

THE COURT: Defense has asked to poll the jury, please.

CLERK OF THE COURT: Ladies and gentlemen of the jury, I will call out your number, and when I do, please raise your right hand. I will then ask you each two questions. Please answer yes or no.

Juror Number 21, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 47, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 64, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 73, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 97, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 112, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 123, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 129, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 134, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 165, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 191, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: Juror Number 295, (name redacted by order of the Court), is this your verdict?

JUROR: Yes.

CLERK OF THE COURT: Is this still your verdict?

JUROR: Yes.

CLERK OF THE COURT: The jury has been polled.

THE COURT: Thank you.

You may go back to the jury room. Thank you.

(Having completed their service in this case, the jury exited the courtroom at 5:23 p.m.)

THE COURT: Okay. I'm going to take a 10-minute break, and then that will allow y'all to get the sentencing sheets prepared. Then we will have sentencing. I'll hear from the State and I'll hear from the defense. Okay?

MR. ZEIGLER: Thank you, your Honor.

THE COURT: And then after that, y'all can have motions. I know you'll have ten days to file your appeal once sentencing. Okay?

MR. ZEIGLER: Thank you, Judge.

(Court recessed.)

(Court resumed.)

THE COURT: All right. Is the State ready to proceed?

MR. ZEIGLER: Yes, your Honor.

THE COURT: Defense?

MS. MARTINEZ: Yes, your Honor.

THE COURT: I am going to -- I had this request from the State and defense. I'm going to ask that saying that names be stricken. Just juror numbers as far as transcript purposes.

Any issue from the State?

MR. ZEIGLER: No, your Honor.

THE COURT: Defense?

MS. MARTINEZ: None from the defense.

THE COURT: I'm ordering all names to be stricken from the record -- from the transcript pertaining to the jurors. So just their numbers.

COURT REPORTER: Okay.

THE COURT: Okay. Y'all can be seated.

Okay. The State -- I don't know. Do y'all normally come up to the podium, or do you stay at your table?

MR. ZEIGLER: We can do it from here, Judge.

THE COURT: Okay. I'll hear from the State.

MR. ZEIGLER: Thank you, your Honor. May it please the Court. Lem Zeigler on behalf of the State and Ms. Ancrum.

Judge, you heard the facts in the case. Twelve people found Mr. Robinson guilty of the allegations, so I'm not going to cover those.

I have a letter that I would like to read from Ms. Ancrum. This was initially written to Judge Price for a bond hearing.

"My name is Ms. Ancrum, and I'm the mother of Jaquez Butler, the 16-year-old kid that was shot 14 times by Israel Robinson and Framon Frasier, Jr., two people who my son had never met.

"I am writing you because I want you to know who my son was and how he touched everyone's life that he came in contact with.

"Jaquez was full of energy. He was someone who loved helping anyone in need. He had a beautiful smile that would light up an entire room. He was friendly, ambitious, bold, intelligent, and very well-mannered. He loved helping around the house and especially playing hide-and-seek with his 9-year-old sister.

"He was so young yet so full of life. He had big dreams and planned to join the military as soon as he finished high school. A few months before his 16th birthday he applied at many jobs because he was so eager to work. He got his first job at Hardee's in Goose Creek one week after his 16th birthday. He was the kid that would stop someone from bullying another kid at school. He was the kid that would always try to encourage somebody to be better.

"A few days after his life was taken, there was a candlelit vigil in honor of Jaquez. I was amazed at how many people came out to my son's vigil and spoke about him. Many kids came and spoke about how Jaquez encouraged them to be better, how he encouraged them to not give up on their dreams and how education was important. They spoke about how he encouraged them to finish high school and get their diploma.

"There was one story that stood out to me the most, and

it was from his middle school teacher Mr. Dent (phonetic). He spoke about how he was in a dark place for a long time, how his life didn't matter. He talked about how he was contemplating suicide. And one day, he walked into class, but Jaquez and a few of his friends surprised him by making him a card and telling him all the things that they appreciated about him and why they loved him. The card changed Mr. Dent's life.

"I was proud to know that I raised a young man that tried to inspire others. I was proud to know all the conversations I had with Jaquez about manners and making the right decisions and how education was important didn't go in vain. I was proud to hear that he was able to change lives and make a difference. Unfortunately, his life was taken at such a young age that now the only thing I'm left with are these memories."

Your Honor, Jaquez's birthday is a week from today. He would be 20 years old. I don't have a number to put on this. Obviously, this is a senseless killing. I personally would ask for life because I believe an eye for an eye, a life for a life. It's in no way the position of my office or the State. Ms. Ancrum is asking for a 60-year sentence on the murder charge.

Additionally, Mr. Robinson had a pending domestic violence in the second degree from a -- prior to this

incident. And he had an assault on police officers while resisting arrest.

May I approach the clerk?

I'm handing the status change forms to the clerk of court right now for dismissal as a result of this verdict. Those cases will be nol prossed.

You know, the defendant's conduct clearly escalated here. This assault on police while resisting arrest stems from another domestic incident at this -- with the same person in the first incident. It started as domestic violence and turned into assaulting police and it ended up where he ended up killing an innocent 16-year-old kid who he had no idea -- he really just jumped to conclusions and brutally shot and killed a 16-year-old kid on a playground.

As far as E.J. Morgan goes and the attempted murder, I really have no position on that whatsoever. E.J. Morgan has been completely uncooperative with the State. At one time he was in prison, we served him with a subpoena, and he failed to appear this week as a witness for his own cousin. He was never asked to appear as a witness and identify anybody in the crime. He was only asked to be here in support for his cousin. And so I have no position on the attempted murder.

I believe that's everything the State has as far as sentencing goes. But I'm going to just ask you to remember the brutality of the circumstances in this case and

acknowledge that 5-foot-4, 120-pound 16-year-old kid was killed in a playground by somebody that really had no reason to do it.

Thanks.

THE COURT: Ms. Martinez.

MS. MARTINEZ: One second, your Honor. Thank you.

THE COURT: Yes, ma'am. Take your time.

(Pause in proceedings.)

MS. MARTINEZ: Your Honor, Mr. Robinson has been in jail for 1,261 days.

THE COURT: 1,261?

MS. MARTINEZ: Yes. That's what I have.

So he's been advised, of course, not to speak today, you know, for purposes of appeal. And as your Honor is aware, anything he says here could be used against him later.

Israel is from Charleston. He spent a few years of his childhood in Florida. But, you know, his family came here. He has a four-year-old daughter that he has not been able to see for the last four years because of the circumstances that he's in.

He did graduate high school. He's really -- in 2020. He was really into sports and, you know, kind of started growing up pretty early. He started living on his own, you know, from the time that he graduated high school. He was working full time.

He told me that, you know, at the time when he was 19 -- because I was asking him, you know, just recently, "What would you have wanted to do? What would you want to do?" You know, he said to me, you know, he's still trying to figure things out in his life. He wanted to do something to give him some stability, like military or considering college.

Since he's been at the Charleston Detention Center, he has taken the opportunity to utilize the programs there. He did enroll in the PIER program back in November 2022. It wasn't so much because it was related to drug abuse or alcohol, but it is a program that allowed him to keep his mind occupied. And they also provide other types of life -- you know, life skills for persons when they get released. So that is something that he told me that he really enjoyed being there. He learned a lot from being there.

And in speaking to his counselor -- I have been in touch with them, you know, over the last year or so. But I, you know, emailed with them most recently this week. And his counselor told me they moved him from the program in April of 2024. Since his enrollment in November of '22, she told me that he was an -- he made exemplary progress, that he was one of the youngest persons in the program, and that she really appreciated having him there because he contributed a lot to -- you know, in the program and with his years and that

she really advocated for him to stay in the program because she thought that he would gain a lot from it.

But, you know, the jail made an executive decision to remove him, and so now he doesn't have those resources there.

You know, the counselor described him as always displaying a respectful demeanor. And I think he displayed that in the courtroom. And, you know, I've known him for three years, and, you know, he's been a pleasure to work with. I can't really complain about Mr. Robinson. He's been really great. And I think that he displayed that behavior in court to you, to the jury, to the witnesses, despite how difficult, you know, it was for him to sit here as well.

And, you know, it is not lost on anyone -- right? -- that this event was tragic for the family of Mr. Jaquez Butler.

Your Honor, we're going to ask you for a 30-year sentence. I understand that, you know, the circumstances are not the same as the codefendant who decided to plead guilty. But he received that -- he's going to receive a 15- to 20-year sentence. I ask that you give him 30 because I think that he is redeemable, you know, that he can have an opportunity to change, turn things around for the better, you know, and contribute to society in the future.

THE COURT: Anything else?

MS. MARTINEZ: No, your Honor.

THE COURT: Okay. Thank you, Ms. Martinez.

You said 1,261 days. Is that confirmed?

MR. ZEIGLER: Sounds accurate, your Honor. He's been in since he was arrested in North Charleston that day -- er, a week after the incident.

THE COURT: Israel Malachi Robinson, Indictment 2024-GS-10-03096 for murder, the sentence of the Court is for you to be committed to the state department of corrections for 55 years. You have credit of 1,261 days.

For possession of a weapon during the commission of a violent crime, the sentence of the Court for indictment ending in 10-03098 is for you to be committed to the state department of corrections for five years. This is to run concurrent.

Indictment ending in 10-03097 for attempted murder, the sentence of the Court is for you to be committed to the state department of corrections for 30 years. This is also to run concurrent with the sentences that I just gave you.

Any motions?

MR. ZEIGLER: None from the State, Judge.

MS. MARTINEZ: We're renewing all prior motions.

THE COURT: Those motions are denied. And you have ten days to appeal.

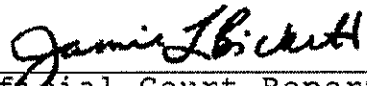
(End of proceedings.)

CERTIFICATE OF REPORTER

State of South Carolina

County of Charleston

I, Jamie L. Bickett, an Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case in the Ninth Judicial Circuit, the Court of General Sessions for Charleston County, South Carolina.


Official Court Reporter

Dated this 27th day
of June, 2025.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	Indictment No(s): 2024-GS-10-03096, 2024-
	)	GS-10-03097, 2024-GS-10-03098
	)	Warrant No(s): 2021A1010203498,
STATE OF SOUTH CAROLINA	)	2021A1010203499, 2021A1010203514
	)	
	)	
vs.	)	DEFENSE MOTION OPPOSITION TO
	)	CORONER'S TESTIOMY AT TRIAL
ISRAEL MALACHI ROBINSON,	)	
	)	
Defendant.	)	

Introduction

The defense objects to the testimony of Charleston County Coroner, Bobbi Jo On'Neal, in place of Dr. J.C. Upsaw-Downs who conducted 16-year-old Jaquez Butler's autopsy. The State's reasoning for having her testify is that "[Dr. Upshaw-Downs] has been difficult to work with," but this reasoning does not sufficiently satisfy the requirements of the Confrontation Clause. The information contained in the autopsy report is testimonial in nature, and thus subject to the requirements of the Confrontation Clause.

Argument

The Sixth Amendment's Confrontation Clause prohibits the admission of testimonial hearsay against a defendant if the declarant is unavailable to testify at trial and the accused has had no prior opportunity to cross-examine the witness against him. *Crawford v. Washington*, 542 U.S. 36, 53-54 (2004). In determining whether an out-of-court statement is testimonial, courts apply the primary purpose test: "where the primary purpose of an out-of-court statement is to serve as evidence or an out-of-court substitute for trial testimony," the statement is considered testimonial. *Bullcoming v. New Mexico*, 564 U.S. 647, 671-72 (2011) (Sotomayor, J., concurring). The Confrontation Clause may render otherwise admissible hearsay inadmissible if testimonial in

FILED 12/05/2024 Julie J. Armstrong Clerk of Court

nature. *State v. Brockmeyer*, 406 S.C. 324, 342 (2013); *State v. Garner*, 389 S.C. 61, 66-67 (Ct. App. 2010). Using the primary purpose test, other state appellate courts have also reasoned that if an autopsy is legally required in order to investigate a death, then the primary purpose is for a criminal investigation and, thus testimonial. *State v. Brewer*, 438 S.C. 37, 53-54 (2022) (citing *State v. Frazier*, 229 W. Va. 724, 735 S.E.2d 727, 731 (W. Va. 2012); *Cuesta-Rodriguez v. State*, 2010 OK CR 23, 241 P.3d 214, 228 (Okla. 2010). South Carolina specifically requires that an autopsy be done by a pathologist with forensic training whenever a child dies as a result of violence, in a suspicious manner, or in an unexplained way, S.C. Code Ann. Sec. 17-5-520; 17-5-540.

The Confrontation Clause would render statements contained in Dr. Upshaw-Downs' autopsy report testimonial in nature because they were prepared for the purpose of a criminal investigation, and our state statutes required that Jaquez's autopsy be conducted for the same purpose. For these reasons, the Court should require that the State produce Dr. Upshaw-Downs, so that the defense may have a proper opportunity to cross examine him about the findings in his report. The public records exception alone, does not render statements in the autopsy report admissible.

CONCLUSION

The Court should deny the State's request to have Coroner Bobbi Jo On'Neal in place of Dr. Upshaw-Downs.

Respectfully Submitted,

/s/ Karla Martinez

Karla C. Martinez
Assistant Public Defender
Attorney for Defendant

Charleston, South Carolina

Dated: 12/05/2024

FILED 12/05/2024 Julie J. Armstrong Clerk of Court

LCZ/0380566
WITNESSES

North Charleston Police Department

C. Ross

AGENCY CASE NUMBER

2021-017467

ARREST WARRANT NUMBER

2021A1010203498

DATE OF ARREST

07/01/2021

ACTION OF GRAND JURY

TRUE BILL

Marion Doyle JUN 04 2024
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date.

DOCKET NO. 2024-GS-10-03096

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2024

THE STATE

VS.

ISRAEL MALACHI ROBINSON

B/M DOB: [REDACTED]-2001

Indictment for

MURDER

SC Code. § 16-03-0010

CDR Code: 0116

FILED

6/11/2024 9:20:09 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

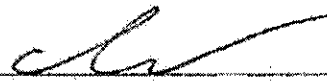
INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

Murder

That in Charleston County, South Carolina on or about June 22, 2021, the defendant, Israel Malachi Robinson, while acting alone or while acting in concert with others, with malice aforethought did kill and murder Jaquez Butler by means of firearm, and Jaquez Butler did die in Charleston County as a proximate result thereof on or about June 22, 2021 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



LEMUEL C. ZEIGLER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/ 2024-GS-16-03096
CASE#:

VS.

ISRAEL MALACHI ROBINSONAKA: Israel Robinson, Israel Malachi RobinsonA/W#: 2021A1010203498Date of 06/22/2021Offense: 16-03-0010S.C. Code §: 16-03-0010CDR Code #: 0116Race: Black Sex: M Age: 23DOB: 2001 SS#: [REDACTED]Address: 683 Pine Circle 223

City, State:

Zip: North Charleston, SC 29405DL# [REDACTED]SID [REDACTED]

#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐☐ Defendant Pro Se

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who

☒ WAS CONVICTED OF or ☐ PLEADSTO: Murder (30 years-Life)

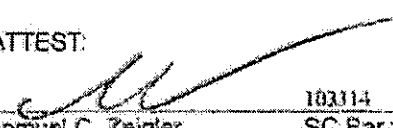
In violation of

§. 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives
Presentment to Grand Jury.

The State's Position is:

☐ None☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months☐ Negotiated and Agreed as to Charges Only☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months

ATTEST:


Lemuel C. Zeigler,
Assistant Solicitor

103314

SC Bar #

Defendant

Attorney for Defendant

102987

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 55 Hours/Days/Months/Years ☐ Time Served☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other _____☐ Judicial Review _____ Days/ Months☐ Youthful Offender Act not to exceed _____ Days/ Months/ Years

STATE ISRAEL MALACHI INDICTMENT/CASE#: 2024-GS-11-03096
 VS. ROBINSON

And /Or to pay a fine of \$_____:

☐ Time Served

provided that upon the service of _____ Hours/Days/Months/Years

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Suspended To Batterer's Treatment
☐ Other: _____

And/ Or a payment of \$_____ ; plus costs and assessments as applicable*

the balance is suspended with probation for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
☐ Other: _____

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

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

1261 days/months

- ☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

- ☐ PTUP after _____ Months/Years ☐ Home Detention Program (HIP).
And Other Terms Listed Below:

- ☐ Conditional Discharge
☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

STATE ISRAEL MALACHI INDICTMENT/CASE#: 2024-GS-10-03096
 VS. ROBINSON

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$
 Fine may be pd. in equal consecutive weekly/monthly pmts. of \$_____ Beginning _____
 §14-1-206 (Assessments 107.5%) \$
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00
 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$
 §56-5-2995 (DUI Assessment) \$12 \$
 §56-1-286 (DUI Breath Test) \$25 \$
 §14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 §14-1-213 (Drug Court Surcharge) \$150 \$
 §50-21-114 (BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) TBD \$ 3.91
 Other Costs (As Authorized by Cost Code)*
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500 \$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$
TOTAL \$ 128.71

Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: [Signature]

Presiding Judge: [Signature]
 Judge Code: 2999
 Sentence Date: 12/12/24

Specify Other Costs*

Cost Code	Cost Description	Amount
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

LCZ/0380566
WITNESSES

North Charleston Police Department

C. Ross

AGENCY CASE NUMBER

2021-017467

ARREST WARRANT NUMBER

2021A1010203499

DATE OF ARREST

07/01/2021

ACTION OF GRAND JURY

TRUE BILL

Marion Royal JUN 04 2024
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-10-03097

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2024

THE STATE

VS.

ISRAEL MALACHI ROBINSON

B/M DOB: [REDACTED]-2001

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR Code: 3410

FILED

6/11/2024 9:20:09 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

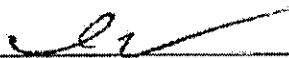
INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

Attempted Murder

That in Charleston County, South Carolina, on or about June 22, 2021, the Defendant, Israel Malachi Robinson, did, with intent to kill and malice aforethought, attempt to kill Eugene Jaborie Morgan Jr. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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



LEMUEL C. ZEIGLER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/ 2024-CIS-10-03097
CASE#:

VS.

ISRAEL MALACHI ROBINSONAKA: Israel Robinson, Israel Malachi RobinsonA/W#: 2021A1010203499Date of 06/22/2021

Offense:

S.C. Code §: 16-03-0029CDR Code #: 3410Race: Black Sex: M Age: 23DOB: 2001 SS#: [REDACTED]Address: Old Pine Circle 223

City, State,

Zip: North Charleston, SC 29405

DL#

SID

#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
☐ Defendant Pro Se

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who ☒ WAS CONVICTED OF or ☐ PLEADSTO: Attempted Murder (0-30 years)

In violation of

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

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)
 The charge is: ☒ As Indicted, ☐ Lesser Included Offense. ☐ Defendant Waives
 Presentment to Grand Jury.

The State's Position is:

☐ None
☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months
☐ Negotiated and Agreed as to Charges Only
☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months

ATTEST.

103314 102987
 Lemuel C. Zeigler, SC Bar # Defendant Attorney for Defendant SC Bar #
 Assistant Solicitor

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 30 Hours/Days/Months/Years ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Other: _____
☐ Judicial Review _____ Days/ Months
☐ Youthful Offender Act not to exceed _____ Days/ Months/ Years

STATE ISRAEL MALACHI INDICTMENT/CASE#: 2024-GS-10-03097
 VS. ROBINSON

And /Or to pay a fine of \$_____:

provided that upon the service of _____ Hours/Days/Months/Years

☐ Time Served

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Suspended To Batterer's Treatment
☐ Other: _____

And/ Or a payment of \$_____ : plus costs and assessments as applicable*

the balance is suspended with probation for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
☐ Other: _____

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

- ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
1,261 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 18-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

- ☐ PTUP after _____ Months/Years ☐ Home Detention Program (HIP)
And Other Terms Listed Below:
- ☐ Conditional Discharge
- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

STATE ISRAEL MALACHI INDICTMENT/CASE# 2024-GS-10-03097
 VS. ROBINSON

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ <u>3.75</u>

Other Costs (As Authorized by Cost Code)*

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

\$500	\$ _____
TBD	\$ _____
TOTAL	\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

Presiding Judge: _____
 Judge Code: 2997
 Sentence Date: 12/12/24

Specify Other Costs*

Cost Code	Cost Description	Amount
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

LCZ/0380566
WITNESSES

North Charleston Police Department

C. Ross

AGENCY CASE NUMBER

2021-017467

ARREST WARRANT NUMBER

2021A1010203514

DATE OF ARREST

07/01/2021

ACTION OF GRAND JURY

TRUE BILL

Marion Ryl JUN 04 2024
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-10-03098

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2024

THE STATE

VS.

ISRAEL MALACHI ROBINSON

B/M DOB: [REDACTED]-2001

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490

CDR Code: 0549

FILED

6/11/2024 9:20:09 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

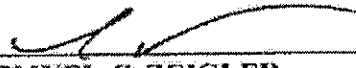
INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

Possession Of A Weapon During The Commission Of A Violent Crime

That in Charleston County, South Carolina, on or about June 22, 2021, the Defendant, Israel Malachi Robinson, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



LEMUEL C. ZEIGLER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

VS.

ISRAEL MALACHI ROBINSONAKA: Israel Robinson, Isreal Malachi RobinsonRace: Black Sex: M Age: 23DOB: 2001 SS#: [REDACTED]Address: Old Pine Circle 223

City, State,

Zip: North Charleston, SC 29405

DL#

SID

#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
☐ Defendant Pro Se

INDICTMENT/ 2024-GS-10-03098
CASE#:A/W#: 2021A1010203514Date of 06/22/2021

Offense:

S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who ☒ WAS CONVICTED OF or ☐ PLEADSTO: Possession Of A Weapon During The Commission Of A Violent Crime (5 years)

In violation of

§ 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

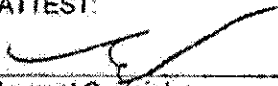
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives
 Presentment to Grand Jury.

The State's Position is:

☐ None☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months☐ Negotiated and Agreed as to Charges Only☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months

ATTEST:


 Lemuel C. Zeigler,
 Assistant Solicitor

103314

SC Bar #

Defendant

Attorney for Defendant

102987

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of _____ ~~Hours/Days/Months~~ Years ☐ Time Served☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other: _____☐ Judicial Review _____ Days/ Months☐ Youthful Offender Act not to exceed _____ Days/ Months/ Years

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And /Or to pay a fine of \$ _____:

☐ Time Served

provided that upon the service of _____ Hours/Days/Months/Years

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Suspended To Batterer's Treatment
☐ Other: _____

And/ Or a payment of \$ _____; plus costs and assessments as applicable*

the balance is suspended with probation for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
☐ Other: _____

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

1/26 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

- ☐ PTUP after _____ Months/Years ☐ Home Detention Program (HIP)
 And Other Terms Listed Below:
- ☐ Conditional Discharge
- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____
 Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____
 §14-1-206 (Assessments 107.5%) \$ _____
 §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 180.00
 §14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
 §56-5-2995 (DUI Assessment) \$12 \$ _____
 §56-1-286 (DUI Breath Test) \$25 \$ _____
 §14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 §14-1-213 (Drug Court Surcharge) \$150 \$ _____
 §50-21-114 (BUI Breath Test Fee) \$50 \$ _____
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 3% to County (if paid in installments) TBD \$ 3.75
 Other Costs (As Authorized by Cost Code)*
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500 \$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____
TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: Garrett Beckwith

Presiding Judge: [Signature]

Judge Code: 2777

Sentence Date: 12/12/24

Specify Other Costs*

Cost Code	Cost Description	Amount
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

Jun 15 2026

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins

Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 15th day of June, 2026.