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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRAMPAS PRATER,

APPELLANT

APPELLATE CASE NO. 2024-002102

RECORD ON APPEAL

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[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

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STATE OF SOUTH CAROLINA	)	
	)	GENERAL SESSIONS COURT
COUNTY OF HAMPTON	)	2022-GS-25-00246
	)	2022-GS-25-00247
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
TRAMPAS PRATER,	)	
DEFENDANT.	)	
_____	)	

December 2-4, 2024
Hampton, South Carolina

B E F O R E:

THE HONORABLE CARMEN T. MULLEN, JUDGE.

A P P E A R A N C E S:

REED EVANS, ESQ.
Attorney for the Plaintiff

CHAD SHELTON, ESQ.
Attorney for the Defendant

KYMBERLEE WILLIAMS, Court Reporter
Transcribed by Penny M. Johnson

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(PW) - Denotes Plaintiff's Witness

(DW) - Denotes Defense Witness

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P R O C E E D I N G S

1
2 THE COURT: Good morning, ladies and gentlemen, it is a
3 pleasure to see you all. My name is Carmen Mullen. I am
4 the presiding judge here this week, holding a term of
5 criminal court here in Hampton County. Ladies and
6 gentlemen, Hampton County is a part of the 14th Judicial
7 Circuit that includes, not only Hampton, but also Jasper,
8 Allendale, Colleton and Beaufort Counties.

9 You have been summoned, ladies and gentlemen, again,
10 for a term of criminal court here in Hampton and I am
11 required to ask you a number of questions. Earlier your
12 clerk of court had you swear or affirm that you would answer
13 truthfully to these questions and, respectfully, ladies and
14 gentlemen, I expect you to honor that pledge.

15 So ladies and gentlemen, the other thing I need to tell
16 you is when I start a trial roster, I usually have five,
17 six, seven, eight cases. At this point, I am down to only
18 two cases left for trial this week. We may or may not try
19 both cases. It's important to you to know, ladies and
20 gentlemen, because your jury service will not extend past
21 Friday. So I want to make sure everyone knows that if they
22 have some kind of weekend plans or anything going on that
23 you will not be here on -- or I'm sorry, you will not be
24 here past Friday.

25 However, ladies and gentlemen, I do want to tell you

1 that it is important that you do everything you can to stay
2 with me this week because I do have, at least, one trial
3 right now that I need to go ahead and pull the jury for and
4 we're going to begin that trial today after lunch. I expect
5 that trial to end on Wednesday. And then if we are able, we
6 will pull a second jury on Wednesday or Wednesday afternoon.
7 Again, we may or may not get to that. So the point is,
8 ladies and gentlemen, that your service won't extend past
9 the weekend, so I don't want anyone worried about it.

10 So with that said, ladies and gentlemen, is there any
11 member of the jury panel who is not a citizen of the United
12 States? If so, please stand.

13 (There was no response.)

14 THE COURT: Is there any member of the jury panel who
15 is not a resident and citizen of Hampton County, South
16 Carolina? If so, please stand.

17 (There was no response.)

18 THE COURT: Is there any member of the jury panel who
19 is unable to speak, read, write or understand the English
20 language? If so, please stand. If you can't understand the
21 English language, I have no idea how you're going to respond
22 to my question, but I'm required to ask it.

23 (There was no response.)

24 THE COURT: Ladies and gentlemen, does anyone here have
25 less than a sixth grade education or its equivalent? Now,

1 if you have held a job, raised a family, paid your bills,
2 you have more than a sixth grade education. But I want to
3 make sure you feel comfortable accepting the evidence in the
4 trial of these two cases. If anyone has any concern about
5 this question, at the very end, if you would like to
6 approach me and speak with me, I can determine in a very
7 quick amount of time whether or not you'd be able to go
8 ahead and sit as a juror.

9 (There was no response.)

10 THE COURT: Is there any member of the jury panel who
11 is unable because of mental or physical infirmities to
12 render efficient jury service and you brought a doctor's or
13 a nurse's note? If so, please stand.

14 (There was no response.)

15 THE COURT: Has any member of the jury panel been
16 convicted by guilty plea or trial in a state or federal
17 court of record of a crime punishable by imprisonment for
18 more than one year and your civil rights have not been
19 restored by pardon or amnesty? If so, please stand.

20 (There was no response.)

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

1 stand.

2 (There was no response.)

3 THE COURT: Is there any member of the jury panel who
4 has previously served on jury duty in circuit court, which
5 would be here in this big courtroom, not city court or
6 magistrate's court or federal court during the last calendar
7 year? If so, please stand.

8 (There was no response.)

9 THE COURT: Has any member of the jury panel served as
10 a member of the Hampton County Grand Jury during the past
11 several years? If so, please stand.

12 (There was no response.)

13 THE COURT: We now move to jury exemptions. State law
14 provides for several exemptions to jury service. An
15 exemption does not mean you are not qualified to serve. It
16 simply means that you may choose not to serve. However, if
17 you're willing to stay with us, ladies and gentlemen, we
18 would love to have you.

19 Therefore, do I have anyone here who is 65 years of age
20 or older who does not wish to serve with me this week? If
21 so, please stand.

22 (There was no response.)

23 THE COURT: Another exemption concerns prior jury
24 service. No person is required to serve as a juror more
25 often than once every three calendar years.

1 Therefore, if any member of the jury panel has served
2 on jury duty during the last two calendar years and you'd
3 like to be exempted from service this week, you may choose
4 to.

5 Do I have anyone in that situation? If so, please
6 stand.

7 (There was no response.)

8 THE COURT: Those of you that have served as grand
9 jurors in the last five calendar years may, also, be
10 exempted. Do I have anyone who has served on the Hampton
11 County Grand Jury during the last five calendar years that
12 would like to be exempt this week?

13 (There was no response.)

14 THE COURT: The next exemption deals with those of you
15 that have legal custody of young children. And I
16 respectfully ask that you listen carefully to this
17 exemption. It has several parts, all of which must apply
18 for you to be able to be exempted on this basis.

19 You may be exempted from jury service if you have a
20 child under the age of seven, you have the legal custody of
21 that child or children, you have the principle care, custody
22 and control of your child or children, and you are unable to
23 make arrangements for the adequate care of your child or
24 children while performing jury duty. If all of those
25 requirements apply to you, then you may be exempted on this

1 basis.

2 Do I have anyone that needs to claim this exemption?

3 If so, please stand.

4 Sir, give me your number, if you would.

5 PROSPECTIVE JUROR: Number 149.

6 THE COURT: Sir, how old are your children?

7 PROSPECTIVE JUROR: Eight, nine and 13. I, also, pick
8 up two more that's 12 and 16.

9 THE COURT: Sir, do you pick them up from school at the
10 end of the day?

11 PROSPECTIVE JUROR: I take one in the morning and then
12 I take my three to school, two in Brunson and one in the
13 north district. And then I pick them all up in the
14 afternoon.

15 THE COURT: And this is Juror Number 149; is that
16 correct, sir?

17 PROSPECTIVE JUROR: Yes, ma'am.

18 THE COURT: And you have no one else to pick them up in
19 the afternoon?

20 PROSPECTIVE JUROR: No, ma'am. I have no family
21 members here.

22 THE COURT: What I can do, sir, I can transfer you to
23 another term of court. But what I'm going to have to do is
24 transfer you to, hopefully, a summer term if your children
25 aren't in year round school.

1 PROSPECTIVE JUROR: Yeah, if you can do that, that
2 would be great.

3 THE COURT: We'll go ahead and do that, sir. We're
4 going to put you in the summer months. And, hopefully, that
5 won't be an issue, okay?

6 PROSPECTIVE JUROR: That would be great.

7 THE COURT: Number 149 is transferred to June or July.
8 Thank you, sir.

9 Yes, ma'am.

10 You may be excused, sir.

11 Yes, ma'am, give me your number, if you would.

12 PROSPECTIVE JUROR: 153.

13 THE COURT: How old are your children?

14 PROSPECTIVE JUROR: Five, seven, nine and ten.

15 THE COURT: All right, ma'am. And do you stay home
16 with your children?

17 PROSPECTIVE JUROR: Ma'am?

18 THE COURT: Do you stay home with your children?

19 PROSPECTIVE JUROR: Yeah.

20 THE COURT: All right. Are your children in school
21 now?

22 PROSPECTIVE JUROR: Well, my daughter is not in school,
23 my five-year-old [indiscernible].

24 THE COURT: They're sick?

25 PROSPECTIVE JUROR: Uh-huh.

1 THE COURT: That's a yes for the record?

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: All right, ma'am. I'm going to go ahead
4 and excuse you.

5 This is Juror Number 153.

6 Ma'am, I'm going to go ahead and transfer your service
7 to a summer month, okay?

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: Thank you, ma'am. You're excused.
10 Yes, ma'am, your number, please?

11 PROSPECTIVE JUROR: 98.

12 THE COURT: And how old are your children?

13 PROSPECTIVE JUROR: I have an eight-year-old
14 granddaughter in my care.

15 THE COURT: Okay. And do you have custody of her?

16 PROSPECTIVE JUROR: I'm sorry?

17 THE COURT: Do you have custody of that granddaughter?

18 PROSPECTIVE JUROR: Yes, ma'am. I take her to school
19 and I pick her up everyday.

20 THE COURT: Is there anyone else that can pick her up?
21 I'm not worried about being able to -- so my question is, if
22 you did serve, you would be able to take her in the morning
23 and get back in time. My question is, can you find someone
24 to potentially cover you Monday, Tuesday, and Wednesday?

25 PROSPECTIVE JUROR: Not today, but possibly Tuesday and

1 Wednesday.

2 THE COURT: Okay. What I'm gonna do is this, ma'am,
3 then I'm gonna to transfer you, and the next time you get
4 notified for court, you need to make sure you make
5 arrangements for someone to pick up that child.

6 PROSPECTIVE JUROR: I'll try.

7 THE COURT: All right, I appreciate that. Ma'am,
8 you're excused.

9 Number 98 is excused.

10 If you are a primary caretaker of a person that is 65
11 years of age or older, or a special needs person, such that
12 getting coverage is very difficult, and you would like to be
13 exempted from jury service, you may be exempted. And if you
14 would, stand.

15 Sir, give me your number, if you would.

16 PROSPECTIVE JUROR: 81.

17 THE COURT: Sir, who do you take care of?

18 PROSPECTIVE JUROR: My uncle, he's 79 years old.

19 THE COURT: And do you stay with him all day?

20 PROSPECTIVE JUROR: I don't stay with him all day. I
21 stay with him at the center for four hours. I take him to a
22 doctor's appointment.

23 THE COURT: Does he have a doctor's appointment this
24 week?

25 PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: And do you go pick him up from the center
2 and take him?

3 PROSPECTIVE JUROR: I bring him back to the house and
4 take him.

5 THE COURT: What time will he come back to the house
6 over the next three days?

7 PROSPECTIVE JUROR: He'll be there at 12:45. His
8 appointment is two o'clock.

9 THE COURT: And you're taking him to that appointment
10 today?

11 PROSPECTIVE JUROR: Yes, ma'am.

12 THE COURT: All right, sir, I'm going to go ahead and
13 excuse you and you will get another notice. Thank you.

14 That was Juror Number 81.

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

21 Therefore, is there any member of the jury panel who is
22 a full-time student, school teacher, school crossing guard,
23 school bus driver, or who serves in any other school-related
24 function who is unable to serve on jury duty this week as a
25 result of that school involvement? If so, please stand.

1 (There was no response.)

2 THE COURT: Is there any member of the jury panel who
3 is employed with the Department of Corrections at a
4 penitentiary and you would like to be exempted? If so,
5 please stand.

6 (There was no response.)

7 THE COURT: Is there any juror who performs services
8 for a business, commercial, or agricultural enterprise which
9 are so essential to the operation of that business or
10 enterprise that if you were required to perform jury duty,
11 the enterprise would have to close or stop functioning? If
12 so, please stand.

13 Sir, give me your number.

14 PROSPECTIVE JUROR: 128.

15 THE COURT: Sir, what do you do?

16 PROSPECTIVE JUROR: I'm an optometrist.

17 THE COURT: You're an optometrist?

18 PROSPECTIVE JUROR: Yes, ma'am.

19 THE COURT: Where at, sir?

20 PROSPECTIVE JUROR: Estill.

21 THE COURT: All right, sir, do you have anyone to cover
22 you for the next three days?

23 PROSPECTIVE JUROR: I do not.

24 THE COURT: So, sir, what we're going to do is this, I
25 can transfer you. The next time, you're going to have to

1 clear your calendar. And these are for week-long slots, so
2 unfortunately, you would have to clear your calendar for
3 five days the next time you get a notice. Is there a better
4 month for you than others?

5 PROSPECTIVE JUROR: Not really. I'm the only --

6 THE COURT: Well, I'm happy to choose. I'll choose a
7 month if you want me to. I'm just offering that. But
8 there's no slower time for you?

9 PROSPECTIVE JUROR: Not really.

10 THE COURT: Okay, we're just going to put you in the
11 springtime. And I'll excuse you, and we look forward to
12 seeing you back then. Thank you.

13 Yes, sir, in the back, your number?

14 PROSPECTIVE JUROR: 64.

15 THE COURT: Yes, sir.

16 PROSPECTIVE JUROR: I'm the owner and operator of a
17 trucking company. I'm a one-man show.

18 THE COURT: You're a one-man show? Do you do short
19 hauls, long hauls? What do you do?

20 PROSPECTIVE JUROR: A little mixture, but mostly around
21 here. But just do whatever comes up.

22 THE COURT: Are you booked solid for the next three
23 days?

24 PROSPECTIVE JUROR: Ma'am?

25 THE COURT: Are you booked for the next three days?

1 PROSPECTIVE JUROR: Yes, ma'am.

2 THE COURT: So, sir, just like I told the last
3 gentleman, I can transfer you this week. I can only
4 transfer you once. And the next time, you're going to have
5 to book your week that you're going to be here. Do you want
6 me to do that?

7 PROSPECTIVE JUROR: Yes, ma'am.

8 THE COURT: All right. Number 64, you're excused.
9 Thank you.

10 All right, ladies and gentlemen, it may be that you are
11 qualified to serve and no exemption applies to you.
12 However, this is the absolute worst week in all of the year
13 that you were summoned for jury duty. Ladies and gentlemen,
14 general inconvenience is not enough. We need people to try
15 cases. And without you here, no one in this courtroom can
16 do their job. And as citizens, ladies and gentlemen, it is
17 important that you sit and listen to these cases to help us
18 resolve them. However, if this week is the absolute worst,
19 I can entertain transferring your service to a term of court
20 that would be easier for you.

21 Anyone that's in that situation? If so, please stand.

22 (There was no response.)

23 THE COURT: Very good. Ladies and gentlemen, I would
24 now like to ask you questions directly involving the case
25 that we're going to try here, the very first case today.

1 So Solicitor, if you would please call your case, sir,
2 and, also, introduce who's at counsel table with you.

3 MR. EVANS: Thank you, Your Honor. The State is ready
4 in the State of South Carolina vs. Trampas Prater,
5 indictments 2022-GS-25-00246 and 247 for murder and
6 possession of a weapon during the commission of a violent
7 crime. I believe the original indictments are in the
8 clerk's file.

9 Good morning, ladies and gentlemen, my name is Reed
10 Evans. I work for the solicitor's office here in Hampton.
11 This circuit covers Colleton, Jasper and Beaufort Counties
12 as well. Sitting with me to my left, your right is Marty
13 Clapp, formerly of the Hampton County Sheriff's Office. He
14 worked on this case when he worked with them. Now, he works
15 with us as an in-house investigator, so he'll be sitting
16 with me throughout the trial and most likely testifying in
17 the trial. You, also, see Katie Sharp, a lawyer with our
18 office, and Marshal [indiscernible], a law clerk with our
19 office. They'll be in and out of the courtroom helping me
20 with various things.

21 THE COURT: Sir, will you go ahead and introduce
22 yourself as well as who's at counsel table with you?

23 MR. SHELTON: Yes, ma'am.

24 Chad Shelton, I'm part of a criminal defense firm, and
25 this is my client, Trampas Prater. I, also, have an

1 investigator who will be here.

2 THE COURT: Thank you.

3 Ladies and gentlemen, if you would give me your
4 attention, we are about to begin the trial of the case
5 entitled the State of South Carolina v. Trampas Prater, who
6 is charged by the bill of indictments with the offenses of
7 murder and possession of a weapon during a violent crime.

8 Ladies and gentlemen, the allegations in this case are
9 that in Hampton County on May 26th of 2022, at X71 Belle
10 Lane in Varnville, South Carolina, it is alleged that Mr.
11 Prater shot and killed Stuart Miller.

12 Ladies and gentlemen, those are the allegations in the
13 case. I am going to ask you a number of questions again in
14 relation to this case. As I stated earlier, under the oath
15 you took, you need to disclose any information you may have.

16 To begin with, ladies and gentlemen, is anyone here
17 related by blood or connected by marriage with the Defendant
18 in this case, Mr. Trampas Prater? If so, please stand.

19 (There was no response.)

20 THE COURT: Is there anyone here a close personal
21 friend, share a special relationship, have a professional
22 relationship, or are an acquaintance or a social media
23 friend with the Defendant in this case, Mr. Prater? If so,
24 please stand.

25 (There was no response.)

1 THE COURT: Ladies and gentlemen, the alleged victim in
2 this case is a Stuart Miller. Is there anyone here related
3 by blood or connected by marriage with Mr. Miller? If so,
4 please stand.

5 (There was no response.)

6 THE COURT: Is there anyone here who is a close
7 personal friend, have a special relationship, a professional
8 relationship or an acquaintance or a social media friend of
9 Mr. Stuart Miller? If so, please stand.

10 (There was no response.)

11 THE COURT: The following is a list of potential
12 witnesses in this case.

13 And if you are in the courtroom, I'm going to ask that
14 you stand and face the jury panel.

15 Ladies and gentlemen, my questions are going to be
16 similar. They are going to be are you related by blood or
17 connected by marriage, have a close personal friendship,
18 special relationship, professional friendship, or you are a
19 social media friend or an acquaintance of any of these
20 potential witnesses?

21 Ladies and gentlemen, just because you are potentially
22 an acquaintance or a very casual friend does not mean you
23 are not qualified to serve, but we do need to know whether
24 or not you have any connection to any of these people.

25 The first is Dr. Nicholas Batalis of MUSC. I'm going

1 to wait a moment. Daniel Boone of Varnville, South
2 Carolina; Johnny Breadon of Ridgeland, South Carolina; Marty
3 Clapp with the 14th Circuit Solicitor's Office, formerly the
4 Hampton County Sheriff's Office.

5 Thank you, Mr. Clapp.

6 Kaisee Gibson of Varnville, South Carolina; Jesse
7 Hadwin of Brunson, South Carolina; Christina Hernandez with
8 the Hampton County Sheriff's Office; Dean Jarrell of Hampton
9 County, South Carolina; Alexis Mixson of Hampton County,
10 South Carolina; Hunter Plummer, formerly of Hampton County,
11 now Walterboro, South Carolina; Josh Plummer of Hampton
12 County, South Carolina; Teddy Scott of the Hampton County
13 Sheriff's Office; Bailey Morgan Stepp of SLED.

14 Ladies and gentlemen, again, those are the list of
15 potential witnesses in this case. And my question to you
16 is, are you related by blood or connected by marriage with
17 any of these potential witnesses? If so, please stand.

18 Additionally, are you a close personal friend, have a
19 special friendship and acquaintance, or are you a social
20 media friend of any of these potential witnesses in this
21 case? If so, please stand.

22 Thank you. Give me one moment, if you would.

23 Sir, I'm going to start with you. Would you give me
24 your number, sir, right here in the front?

25 PROSPECTIVE JUROR: Number 54.

1 THE COURT: Number 4?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Who do you know, sir?

4 PROSPECTIVE JUROR: I know Daniel Boone. I went to
5 school with Daniel Boone.

6 THE COURT: Okay. Um, sir, when you went to school
7 with him, does that mean you went to high school and grade
8 school?

9 PROSPECTIVE JUROR: Elementary, all the way.

10 THE COURT: All right, sir. How long ago did you
11 graduate?

12 PROSPECTIVE JUROR: That was in '92.

13 THE COURT: Sir, do you pick up the phone and call him
14 on occasion?

15 PROSPECTIVE JUROR: No.

16 THE COURT: No?

17 PROSPECTIVE JUROR: And I know Kaisee Gibson, too.

18 THE COURT: Hold on a second. How do you know Kaisee
19 Gibson?

20 PROSPECTIVE JUROR: Is it Gibson or Gibbons?

21 THE COURT: Gibson, G-I-B-S-O-N.

22 PROSPECTIVE JUROR: I know Teddy, too, Officer Teddy.

23 THE COURT: How do you know Officer Teddy Scott?

24 PROSPECTIVE JUROR: Teddy Scott is married to one of my
25 cousins.

1 THE COURT: Okay. Can I see the attorneys?

2 Just a moment, sir.

3 (WHEREUPON, a bench conference was held in the presence
4 of the jury panel, but outside the hearing of the jury
5 panel.)

6 THE COURT: Sir, Number 4. Where'd he go? The
7 gentleman that just spoke.

8 PROSPECTIVE JUROR: 54.

9 THE COURT: Fifty-four. I'm sorry, 54. Sir, I
10 apologize. Sir, I'm going to excuse you from the trial of
11 the case, but I'm going to ask you to remain with us.
12 You don't need to respond to any more questions in regards
13 to this case, but I will give you instructions about later
14 on in the week, okay? But just sit tight with us.

15 PROSPECTIVE JUROR: I have one more thing. My mom is
16 having surgery tomorrow.

17 THE COURT: Okay. All right, sir. You can go ahead
18 and be seated. Just sit tight with me.

19 Yes, ma'am.

20 PROSPECTIVE JUROR: 144.

21 THE COURT: Who do you know, ma'am?

22 PROSPECTIVE JUROR: Christina Hernandez. She was my
23 neighbor for several years. Daniel Boone is my
24 father-in-law's neighbor.

25 THE COURT: Okay. Do you speak with him?

1 PROSPECTIVE JUROR: I do not.

2 THE COURT: Okay. Okay. And Ms. Hernandez, how well
3 do you know her?

4 PROSPECTIVE JUROR: Well, we were neighbors for several
5 years. But I don't pick up the phone and call her or
6 anything like that.

7 THE COURT: Ma'am, my question is this, were she to
8 testify in this case, just based on the nature of your past
9 relationship, would you give her testimony undue influence
10 because you know her?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Are you sure?

13 PROSPECTIVE JUROR: I'm sure.

14 THE COURT: Okay. Thank you, ma'am. You may be
15 seated.

16 Yes, ma'am. Your number?

17 PROSPECTIVE JUROR: 125, Teddy Scott.

18 THE COURT: How do you know Teddy Scott?

19 PROSPECTIVE JUROR: Through family.

20 THE COURT: When you say through family, are they a
21 family member?

22 PROSPECTIVE JUROR: Yes. My husband's first cousin.

23 THE COURT: Your husband's first cousin is Teddy Scott.
24 Okay.

25 Can I see the attorneys?

1 (WHEREUPON, a bench conference was held in front of the
2 jury panel, but outside the hearing of the jury panel.)

3 THE COURT: Ma'am, Number 125, I'm going to go ahead
4 and excuse you from the trial of this case, but I'm going to
5 ask you, also, to sit down because I'm going to have a
6 general instruction at the very end, ladies and gentlemen,
7 and anyone that's not chosen will need to follow that
8 instruction. So thank you.

9 Number 125 is excused.

10 Sir, give me your number.

11 PROSPECTIVE JUROR: I'm not sure of the number. But
12 Teddy Scott, we went to school together.

13 THE COURT: How long ago has it been since you
14 graduated?

15 PROSPECTIVE JUROR: 20 years now.

16 THE COURT: Sir, is that someone you actually pick up
17 the phone and speak to?

18 PROSPECTIVE JUROR: Usually, through social media.

19 THE COURT: My question is this, can you be fair and
20 impartial in the trial of this case, understanding that you
21 can't give his testimony any undue influence just based on
22 having gone to school with him?

23 PROSPECTIVE JUROR: Yes, ma'am.

24 THE COURT: Are you comfortable with that?

25 PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: And when you say you're on social -- or
2 you're social media friends with him, specifically, what
3 kind of social media are you friends with?

4 PROSPECTIVE JUROR: Facebook.

5 THE COURT: On Facebook. Does it involve any type of
6 law enforcement information?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Thank you. I appreciate it.
9 You may be seated, sir.

10 THE CLERK: And his number is 168.

11 THE COURT: And his number was 168 for the lawyers,
12 okay?

13 Ladies and gentlemen, I just want to remind you that
14 the alleged victim in this case is a Mr. Stuart Miller. I
15 want to make sure no one has any connection with Mr. Miller
16 or his family. And that would be through maybe mothers,
17 brothers, fathers, you know, sisters, anyone that is a
18 family member of Mr. Miller's. If so, please stand.

19 (There was no response.)

20 THE COURT: Is there any member of the jury panel, a
21 family member, or a close personal friend ever been the
22 victim of a violent crime? If so, please stand.

23 (There was no response.)

24 THE COURT: Has any member of the jury panel, a family
25 member, or a close personal friend ever been accused of a

1 violent crime? If so, please stand.

2 Yes.

3 PROSPECTIVE JUROR: What you call a violent crime?

4 THE COURT: Well, why don't you stand up, sir? Give me
5 your number.

6 PROSPECTIVE JUROR: 27.

7 THE COURT: All right, tell me who it is that's been
8 accused. It could be any crime.

9 PROSPECTIVE JUROR: I was accused of a violent crime.

10 THE COURT: You were?

11 PROSPECTIVE JUROR: When I was younger, yes.

12 THE COURT: When you were a younger gentleman? And
13 what happened with that accusation?

14 PROSPECTIVE JUROR: Got found not guilty.

15 THE COURT: You were in a trial, sir?

16 PROSPECTIVE JUROR: No -- well, I went to court and
17 they dismissed it.

18 THE COURT: They just dismissed the case?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Sir, are you comfortable telling me what
21 the charge was, or do you know?

22 PROSPECTIVE JUROR: Assault and battery of a high and
23 aggravated nature.

24 THE COURT: I'm sorry, I couldn't hear.

25 PROSPECTIVE JUROR: Assault and battery of a high and

1 aggravated nature.

2 THE COURT: Oh, assault and battery of a high and
3 aggravated nature. All right, sir. Thank you. You may be
4 seated.

5 Mr. Evans, do I have any DQs as well?

6 MR. EVANS: No, ma'am.

7 THE COURT: Okay, thank you.

8 Yes, ma'am. Give me your number if you would.

9 PROSPECTIVE JUROR: 161.

10 THE COURT: Number 161. Yes, ma'am.

11 PROSPECTIVE JUROR: On the last question you just
12 asked, my brother's son was murdered.

13 THE COURT: Your brother's son was murdered. How long
14 ago was that?

15 PROSPECTIVE JUROR: Seven or eight years.

16 THE COURT: Was it here in Hampton County?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Do you know where it was?

19 PROSPECTIVE JUROR: Savannah.

20 THE COURT: In Savannah. Ma'am, my question to you is
21 this, understanding that your brother's son, which would be
22 your nephew, was murdered, I need to know that you can be
23 fair and impartial in the trial of this case before us,
24 understanding that one has absolutely nothing to do with the
25 other. Do you understand that?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: And can you be fair and impartial to both
3 the State and the Defendant in this case?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Thank you, ma'am. You may be seated.
6 Ladies and gentlemen --

7 I'm sorry. Yes, ma'am. Give me your number.

8 PROSPECTIVE JUROR: Juror Number 8.

9 THE COURT: Yes.

10 PROSPECTIVE JUROR: I have two nephews that were
11 killed, murdered.

12 THE COURT: Where was that?

13 PROSPECTIVE JUROR: Here in town.

14 THE COURT: And how long ago was it?

15 PROSPECTIVE JUROR: One was about eight years ago and
16 the other one might have been about -- I'm not exactly sure.
17 But it hasn't been over 15 years.

18 THE COURT: All right.

19 PROSPECTIVE JUROR: And the smallest one was five years
20 old.

21 THE COURT: Okay. So the nephew, okay, was five years
22 old. Ma'am, can you tell me that nephew's name?

23 PROSPECTIVE JUROR: Todd.

24 THE COURT: All right. Ma'am, I need to know that you
25 can be fair and impartial in the trial of the case in front

1 of us, understanding that this trial has absolutely nothing
2 to do with the cases involving your two nephews. Do you
3 understand that?

4 PROSPECTIVE JUROR: Yes, I think I can.

5 THE COURT: All right, I need to make --

6 PROSPECTIVE JUROR: Also, I need to add, I have a
7 nephew that's serving life in prison.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: And I don't know how strong I can
10 be.

11 THE COURT: You don't know how strong you can be?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: Okay, okay. All right, ma'am, do you want
14 me to go ahead and excuse you? Do you want me to excuse you
15 from the trial of this case?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: All right, ma'am, I'm going to excuse
18 Number 8, all right?

19 You need to sit down in your seat, though. Sit down
20 and stay, okay?

21 Ladies and gentlemen, is there any person in this
22 courtroom who has never spoken to or had contact with a
23 police officer about a crime? If so, please stand.

24 (There was no response.)

25 THE COURT: Has anyone here on this panel ever

1 commented on a news article on the internet or on social
2 media, such as Facebook or Twitter, that related to a
3 person's arrest, directly involved the police, or involved a
4 criminal trial? If so, please stand.

5 And I'm going to say that question again. Is there
6 anyone here who has ever commented on a news article on the
7 internet or on social media that related to a person's
8 arrest, directly involved law enforcement or the police, or
9 was a comment about a criminal trial?

10 (There was no response.)

11 THE COURT: Has anyone here ever commented on or liked
12 a law enforcement agency's social media site? For example,
13 the sheriff's department Facebook page and/or the Twitter
14 account or X account?

15 Yes ma'am, give me your number one more time.

16 PROSPECTIVE JUROR: 144.

17 THE COURT: All right, ma'am, I have already excused
18 you -- I'm sorry, I have not. You are still with us, I
19 apologize. Whose accounts have you either liked or
20 commented on?

21 PROSPECTIVE JUROR: Hampton County Sheriff's
22 Department, Jasper County Sheriff's Department.

23 THE COURT: Do you just follow them, like, on their
24 normal threads?

25 PROSPECTIVE JUROR: Yes, because I have a son who's an

1 officer.

2 THE COURT: That helps. All right, so tell me, who
3 does your son work for?

4 PROSPECTIVE JUROR: He's currently with Jasper County
5 Sheriff's Department. He was formerly with Hampton County
6 Sheriff's Department.

7 THE COURT: All right, ma'am, give me your son's name.

8 PROSPECTIVE JUROR: Cameron Preston.

9 THE COURT: Ma'am, I just want to make sure that you
10 can be fair and impartial in the trial of this case. Can
11 you?

12 PROSPECTIVE JUROR: No.

13 THE COURT: I appreciate your honesty. I understand.
14 Ma'am, I'm going to go ahead and excuse you from the trial
15 of this case.

16 It's Number 144.

17 However, I'm going to ask you to stay with us just so I
18 can give you instructions at the end.

19 PROSPECTIVE JUROR: Okay.

20 THE COURT: Thank you, ma'am.

21 Has any member of the jury panel, any member of their
22 immediate family, or a close personal friend ever been an
23 employee of a federal, state, county, or municipal law
24 enforcement agency or police department? Some examples
25 would be SLED, the South Carolina Highway Patrol, the

1 Department of Probation, Pardon, and Parole and the Hampton
2 County Sheriff's Office Department. If so, please stand.
3 And this would include you or a family member.

4 And I'm going to go ahead and, also, open it up. If
5 anyone here themselves personally has been military police
6 in the past or presently, I'd like to know that as well.

7 Sir, give me your number, please.

8 PROSPECTIVE JUROR: 111.

9 THE COURT: Yes, sir.

10 PROSPECTIVE JUROR: My uncle is the sheriff in
11 Allendale.

12 THE COURT: Your uncle used to be the sheriff or is the
13 sheriff?

14 PROSPECTIVE JUROR: He is the sheriff.

15 THE COURT: He currently is the sheriff in Allendale?

16 PROSPECTIVE JUROR: Yes, ma'am.

17 THE COURT: And who else?

18 PROSPECTIVE JUROR: My mother is 911 in Allendale.

19 THE COURT: 911 here in Hampton?

20 PROSPECTIVE JUROR: In Allendale.

21 THE COURT: In Allendale. All right. Anyone else?

22 PROSPECTIVE JUROR: (Shakes head.)

23 THE COURT: No? You're shaking your head no, which I
24 can't take down on the record. So, sir, my question to you
25 is, can you be fair and impartial in the trial of a criminal

1 case?

2 PROSPECTIVE JUROR: Yes, ma'am.

3 THE COURT: Thank you, sir. You may be seated and stay
4 with us.

5 Sir, your number.

6 PROSPECTIVE JUROR: 184.

7 THE COURT: Yes, sir.

8 PROSPECTIVE JUROR: My ex-wife was at the Hampton
9 County Jail and my son was the security at the correctional
10 institute.

11 THE COURT: And you said your wife was at the
12 Hampton -- or ex-wife, is in the Hampton County, you said
13 the jail?

14 PROSPECTIVE JUROR: Yes, ma'am.

15 THE COURT: All right. And then your son, I apologize
16 again?

17 PROSPECTIVE JUROR: He's security at the correctional
18 institute.

19 THE COURT: Okay. All right. Sir, can you be fair and
20 personal in the trial of this case?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Thank you, sir. You may be seated.
23 Yes, ma'am, in the back.

24 PROSPECTIVE JUROR: My juror number is 24.

25 THE COURT: Yes.

1 PROSPECTIVE JUROR: Cameron Preston is my nephew. He
2 used to work at the Hampton County Sheriff's Office. And
3 then, also, my former boss, her husband currently works for
4 the Hampton County Police or Sheriff's Department, his name
5 is Troy.

6 THE COURT: Okay. I'm sorry. Tell me how you are
7 related to Troy.

8 PROSPECTIVE JUROR: I'm not related. I used to work
9 for them at their restaurant.

10 THE COURT: Okay. Ma'am, can you be fair and impartial
11 in the trial of a criminal case?

12 PROSPECTIVE JUROR: Yes, ma'am.

13 THE COURT: Thank you. You may be seated.
14 Sir, give me your number.

15 PROSPECTIVE JUROR: 1.

16 THE COURT: Yes, sir. Who do you know?

17 PROSPECTIVE JUROR: It's my mother.

18 THE COURT: Who does she work for?

19 PROSPECTIVE JUROR: Allendale chief. She's the chief
20 of Allendale.

21 THE COURT: She's the chief of Allendale? Your mother
22 is?

23 PROSPECTIVE JUROR: Allendale County Sheriff's
24 Department.

25 THE COURT: She works for who?

1 PROSPECTIVE JUROR: Allendale Sheriff's Office.

2 THE COURT: She works for the Allendale Sheriff's
3 Office.

4 Sir, can you be fair and impartial in the trial of this
5 case?

6 PROSPECTIVE JUROR: Yes, ma'am.

7 THE COURT: Thank you, sir. You may be seated.

8 Has any member of the jury panel, a member of your
9 immediate family, or a close personal friend ever been an
10 employee of a prosecutor's office? For example, the 14th
11 Circuit Solicitor's Office in Beaufort, Hampton, Jasper, or
12 Colleton, or the South Carolina Attorney General's Office,
13 or the U.S. Attorney's Office?

14 Again, is there anyone here who is, or a family member,
15 or a close personal friend, worked for any prosecuting
16 office?

17 (There was no response.)

18 THE COURT: Has any member of this jury panel ever
19 applied for a job in law enforcement, a prison, a jail, a
20 detention center, a courthouse, or the Solicitor's Office?
21 If so, please stand.

22 Sir, give me your number.

23 PROSPECTIVE JUROR: 27.

24 THE COURT: Sir, where did you apply to work?

25 PROSPECTIVE JUROR: Well, I worked at Ridgeland

1 Correctional Institute.

2 THE COURT: Currently?

3 PROSPECTIVE JUROR: Long time ago. My wife works there
4 currently, but I worked there a long time ago.

5 THE COURT: You worked there a long time ago? All
6 right, sir. Can you be fair and impartial in the trial of
7 this case?

8 PROSPECTIVE JUROR: Yes, ma'am.

9 THE COURT: Thank you, sir. I appreciate it.
10 Has any member of this jury panel ever volunteered your
11 services to any law enforcement agency? If so, please
12 stand.

13 (There was no response.)

14 THE COURT: Is there anyone on this jury panel or any
15 member of your immediate family or a close personal friend
16 ever worked as a social worker, welfare worker,
17 psychologist, parapsychologist, psychiatrist, counselor, or
18 similar occupation? If so, please stand.

19 Sir, give me your number.

20 PROSPECTIVE JUROR: 182.

21 THE COURT: Yes, sir.

22 PROSPECTIVE JUROR: My daughter is a social worker with
23 the Dorm VA in Columbia, South Carolina.

24 THE COURT: Thank you, sir.

25 Does any member of this jury panel have any education,

1 training, professional or volunteer employment in the
2 following fields, criminal justice, forensic sciences,
3 pathology, and/or religion, philosophy, and ethics?

4 (There was no response.)

5 THE COURT: Is any member of this jury panel or any
6 member of your immediate family associated in any way with
7 any group or organization supporting the accused or victims
8 of violent crimes? If so, please stand.

9 (There was no response.)

10 THE COURT: Has any member of the jury panel or any
11 member of your immediate family ever been a member of or
12 contributor to or supporter of any organization that opposes
13 criminal activity? That would include things like Mothers
14 Against Drunk Driving or CAV, Citizens Against Violent
15 Crime.

16 (There was no response.)

17 THE COURT: Has any member of this jury panel ever been
18 a member of or supporter of a law enforcement booster
19 organization? Such would be the South Carolina Troopers
20 Association or the Sheriff's Association. If so, please
21 stand.

22 (There was no response.)

23 THE COURT: Is any member of the jury panel a member of
24 or supporter of any group whose primary purpose is the
25 promotion of victims' rights?

1 (There was no response.)

2 THE COURT: Has any member of the jury panel or any
3 member of your immediate family ever filed a grievance
4 against a lawyer? If so, please stand.

5 (There was no response.)

6 THE COURT: Has any member of this jury panel ever
7 served on a jury in a criminal case? If so, please stand.

8 (There was no response.)

9 THE COURT: Has any member of this jury panel ever
10 appeared as a witness in a criminal trial? If so, please
11 stand.

12 (There was no response.)

13 THE COURT: Is any member of the jury panel or any
14 member of your immediate family currently being prosecuted
15 for any criminal offense by the 14th Circuit Solicitor's
16 Office?

17 (There was no response.)

18 THE COURT: Ladies and gentlemen, does any member of
19 the jury panel know a family member or close personal friend
20 of theirs, even remotely, that has been identified as a
21 potential witness in this case, or is a friend or family
22 member who was friends with the alleged victim in this case,
23 Stuart Miller? If so, please stand.

24 (There was no response.)

25 THE COURT: Ladies and gentlemen, I gave you a very

1 general description of the incident in this case. The
2 allegation is that on May 26th of 2022, it is alleged that
3 Trampas Prater shot and killed Stuart Miller at X71 Belle
4 Lane in Varnville, South Carolina.

5 Does anyone have any independent information or
6 knowledge about this case? If so, please stand.

7 (There was no response.)

8 THE COURT: Also, ladies and gentlemen, I don't know if
9 it was on the news or in the newspaper back then, but does
10 anyone recall seeing or reading or hearing anything about
11 this case in the newspaper or the news or the radio or
12 social media? If so, please stand.

13 (There was no response.)

14 THE COURT: Does anyone know of any reason whatsoever
15 that you cannot be fair and impartial to both the State of
16 South Carolina and the Defendant, Mr. Prater, in this case?
17 If so, please stand.

18 (There was no response.)

19 THE COURT: Does anyone know of any reason why you
20 cannot be fair and impartial as a juror and follow the law
21 as I instruct you in this case? If so, please stand.

22 (There was no response.)

23 THE COURT: Are there any further questions requested
24 of this panel from the State?

25 MR. EVANS: Nothing from the State, Your Honor.

1 THE COURT: From the Defense?

2 MR. SHELTON: Just the one witness.

3 THE COURT: What?

4 MR. SHELTON: The one witness.

5 THE COURT: Oh, I apologize. Thank you very much.

6 Ladies and gentlemen, there was one witness that I -- a
7 potential witness that I left off the sheet. Another
8 potential witness in this case is Maddy Lou Blanche Morris
9 of Hampton County.

10 Ladies and gentlemen, is anyone here related by blood
11 or connected by marriage with Ms. Maddy Lou Blanche
12 Morris --

13 And it's Blanche, not Black, correct?

14 MR. SHELTON: Yes.

15 THE COURT: Blanche Morris of Hampton County?

16 Yes, sir.

17 PROSPECTIVE JUROR: I know a Maddy Lou Morris, who's my
18 daughter's boyfriend's mother.

19 THE COURT: Daughter's boyfriend's mother. Have you
20 met her in person?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: All right. She may be a potential witness
23 in this case, sir. Can you be fair and impartial in this
24 case if she is a witness?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Are you sure that you will not give her
2 testimony any undue influence just based on you knowing her?

3 PROSPECTIVE JUROR: (Nodded head.)

4 THE COURT: Is that a yes? I'm sorry.

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: You're comfortable?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Sir, give me your number one more time.

9 PROSPECTIVE JUROR: 184.

10 THE COURT: Thank you, sir.

11 Also, ladies and gentlemen, I'm going to make that
12 question a bit broader. Is there anyone here who is a
13 personal friend, social friend, has a professional
14 relationship, or even is a social media friend or an
15 acquaintance of Maddy Lou Morris? If so, please stand.

16 (There was no response.)

17 THE COURT: All right, any further questions from
18 Defense?

19 MR. SHELTON: No, ma'am.

20 THE COURT: Ladies and gentlemen, what is going to
21 happen is that your names, those of you that have been
22 qualified, is being placed into the computer. It is going
23 to randomly draft me a list. When your number is called,
24 I'm going to ask that you stand in place. You do not do or
25 say anything. Each side has an opportunity to accept you or

1 excuse you as a potential juror in this case. If both sides
2 accept you, I'm going to say welcome and you're going to
3 bring all your belongings with you down here and Coach is
4 going to direct you where to sit.

5 Ladies and gentlemen, this process is going to take
6 about five minutes for it to get into the computer. Does
7 anyone need a break?

8 (There was no response.)

9 THE COURT: All right, ladies and gentlemen, what about
10 anyone back here? Anyone need a restroom break? Yes.

11 What I'm going to do is this. You are welcome to go
12 take a quick restroom break. I'm just going to ask, ladies
13 and gentlemen, that you come right back. And if you do not
14 need to leave, I'm going to ask that you remain here in your
15 seat. All right. I appreciate it. But if you do need to
16 refresh yourself, you're welcome to. Just don't go outside
17 of the courthouse.

18 Hold on a sec, ma'am. You need to talk to a bailiff
19 first.

20 Coach.

21 (WHEREUPON, a short break was taken.)

22 THE COURT: All right, ladies and gentlemen, let's get
23 going. Again, your number is going to be called. Simply
24 stand and you don't have to do or say anything. As I told
25 you, if both sides accept you as a juror, you'll come take a

1 seat.

2 THE CLERK: Juror #10.

3 (Juror #10, a white male, stood.)

4 THE CLERK: What says the State?

5 MR. EVANS: Please present the juror.

6 THE CLERK: What says the Defense?

7 MR. SHELTON: Please excuse the juror.

8 THE COURT: You may be seated in place, sir.

9 THE CLERK: Juror #182.

10 (Juror #182, a white male, stood.)

11 THE CLERK: What says the State?

12 MR. EVANS: Please present the juror.

13 THE CLERK: What says the Defense?

14 MR. SHELTON: Please excuse the juror.

15 THE CLERK: Juror #124.

16 (Juror #124, a white male, stood.)

17 THE CLERK: What says the State?

18 MR. EVANS: Please present the juror.

19 THE CLERK: What says the Defense?

20 MR. SHELTON: Please present the juror.

21 THE COURT: I'm sorry, you said please present?

22 MR. SHELTON: Yes.

23 THE COURT: Come forward, sir.

24 THE CLERK: Juror #27.

25 (Juror #27, a black male, stood.)

1 THE CLERK: What says the State?

2 MR. EVANS: Please excuse the juror from the trial of
3 the case.

4 THE COURT: Sit down in place, sir.

5 THE CLERK: Juror #76.

6 (Juror #76, a black female, stood.)

7 THE CLERK: What says the State?

8 MR. EVANS: Please present the juror.

9 THE CLERK: What says the Defense?

10 MR. SHELTON: Please present the juror.

11 THE COURT: Come forward, ma'am.

12 THE CLERK: Juror #178.

13 (Juror #178, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. EVANS: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. SHELTON: Please excuse the juror.

18 THE CLERK: Juror #116.

19 (Juror #116, a black male, stood.)

20 THE CLERK: What says the State?

21 MR. EVANS: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. SHELTON: Please present the juror.

24 THE CLERK: Juror #101.

25 (Juror #101, a black female, stood.)

1 THE CLERK: What says the State?

2 MR. EVANS: Please present the juror.

3 THE CLERK: What says the Defense?

4 MR. SHELTON: Please excuse the juror.

5 THE CLERK: Juror #7.

6 (Juror #7, a white female, stood.)

7 THE CLERK: What says the State?

8 MR. EVANS: Please present the juror.

9 THE CLERK: What says the Defense?

10 MR. SHELTON: Please present the juror.

11 THE CLERK: Juror #34.

12 (Juror #34, a black female, stood.)

13 THE CLERK: What says the State?

14 MR. EVANS: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. SHELTON: Please present the juror.

17 THE CLERK: Juror #84.

18 (Juror #84, a black male, stood.)

19 THE CLERK: What says the State?

20 MR. EVANS: Please excuse the juror from the trial of
21 the case.

22 THE CLERK: Juror #59.

23 (Juror #59, a white male, stood.)

24 THE CLERK: What says the State?

25 MR. EVANS: Please present the juror.

1 THE CLERK: What says the Defense?

2 MR. SHELTON: Please present the juror.

3 THE CLERK: Juror #166.

4 (Juror #166, a black male, stood.)

5 THE CLERK: What says the State?

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

8 THE CLERK: Juror #179.

9 (Juror #179, a white male, stood.)

10 THE CLERK: What says the State?

11 MR. EVANS: Please present the juror.

12 THE CLERK: What says the Defense?

13 MR. SHELTON: Please present the juror.

14 THE CLERK: Juror #184.

15 (Juror #184, a white male, stood.)

16 THE CLERK: What says the State?

17 MR. EVANS: Please excuse the juror from the trial of
18 this case.

19 THE CLERK: Juror #111.

20 (Juror #111, a white male, stood.)

21 THE CLERK: What says the State?

22 MR. EVANS: Please present the juror.

23 THE CLERK: What says the Defense?

24 MR. SHELTON: Please present the juror.

25 THE CLERK: Juror #187.

1 (JUROR #187, a black female, stood.)

2 THE CLERK: What says the State?

3 MR. EVANS: Please present the juror.

4 THE CLERK: What says the Defense?

5 MR. SHELTON: Please excuse the juror.

6 THE CLERK: Juror #105.

7 (Juror #105, a black female, stood.)

8 THE CLERK: What says the State?

9 MR. EVANS: Please present the juror.

10 THE CLERK: What says the Defense?

11 MR. SHELTON: Please present the juror.

12 THE CLERK: Juror #40.

13 (Juror #40, a white female, stood.)

14 THE CLERK: What says the State?

15 MR. EVANS: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. SHELTON: Please excuse the juror.

18 THE CLERK: Juror #9.

19 (Juror #9, a black female, stood.)

20 THE CLERK: What says the State?

21 MR. EVANS: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. SHELTON: Please excuse the juror.

24 THE CLERK: Juror #185.

25 (Juror #185, a black male, stood.)

1 THE CLERK: What says the State?

2 MR. EVANS: Please present the juror.

3 THE CLERK: What says the Defense?

4 MR. SHELTON: Please present the juror.

5 THE CLERK: Juror #71.

6 (Juror #71, a white male, stood.)

7 THE CLERK: What says the State?

8 MR. EVANS: Please present the juror.

9 THE CLERK: What says the Defense?

10 MR. SHELTON: Please present the juror.

11 THE CLERK: Juror #37.

12 (Juror #37, a black female, stood.)

13 THE CLERK: What says the State?

14 MR. EVANS: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. SHELTON: Please excuse the juror.

17 THE CLERK: Juror #158.

18 (Juror #158, a white male, stood.)

19 THE CLERK: What says the State?

20 MR. EVANS: Please present the juror.

21 THE CLERK: What says the Defense?

22 MR. SHELTON: Please excuse the juror.

23 THE CLERK: Juror #82.

24 (Juror #82, a black female, stood.)

25 THE CLERK: What says the State?

1 MR. EVANS: Please present the juror.

2 THE CLERK: What says the Defense?

3 MR. SHELTON: Please present the juror.

4 THE COURT: We're going to go with two alternates. The
5 strikes are one and two.

6 THE CLERK: Juror #127.

7 (Juror #127, a black female, stood.)

8 THE CLERK: What says the State?

9 MR. EVANS: Please present the juror.

10 THE CLERK: What says the Defense?

11 MR. SHELTON: Please present the juror.

12 THE CLERK: Juror #112.

13 (Juror #112, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. EVANS: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. SHELTON: Please excuse the juror.

18 THE CLERK: Juror #154.

19 (Juror #154, a black female, stood.)

20 THE CLERK: What says the State?

21 MR. EVANS: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. SHELTON: Please present the juror.

24 THE COURT: Are there any matters of law we need to
25 take up regarding the jury selection process from the State?

1 MR. EVANS: Not from the State, Your Honor.

2 THE COURT: From the Defense?

3 MR. SHELTON: No, Your Honor.

4 THE COURT: All right, ladies and gentlemen, welcome.

5 As you know, you're my jury for the trial of this case.

6 Keep your seat for just a quick moment.

7 Ladies and gentlemen, those of you that are back still
8 in the gallery, I need you to call into the juror line
9 Tuesday night after 6:00 p.m. It will either tell you to
10 come in on Wednesday and it will say a time, or it will say
11 thank you for your service and it will excuse you. All
12 right, whatever it says to do, you just must be here, okay?
13 If it says that you need to come in, we look forward to
14 seeing you then.

15 Until then, ladies and gentlemen, go about your
16 business and you are excused.

17 (WHEREUPON, the remaining jury panel was excused.)

18 THE COURT: Welcome, ladies and gentlemen. We are
19 going to go ahead and break for lunch now. There are some
20 pre-trial matters I have to take up with the attorneys.
21 Rather than have you sit and wait in your jury room while we
22 do that, I'm just going to give you a little longer lunch
23 today. We are going to begin the trial today.

24 Ladies and gentlemen, just a couple of ground rules
25 before we start. To begin with, you are permitted to bring

1 cell phones into the courthouse nowadays, but while you're
2 sitting on jury duty, you're going to be leaving them back
3 in a box back in the courtroom. And the reason is I don't
4 want anyone on their phone while they're listening to the
5 evidence in this case.

6 Additionally, ladies and gentlemen, you are not to
7 discuss this case with anyone, and that includes each other
8 until you've heard all the evidence, I've charged you on the
9 law that's applicable to this case, and I send it to you as
10 a jury. So you cannot speak anything about the case among
11 each other until the very end. And over the lunch hour or
12 the evening, and you're going to hear me say this every time
13 we part, that you are not to discuss this case with anyone.

14 When you go home, the only thing you're permitted to
15 say is that I've been chosen as a juror in the trial of a
16 criminal case, and that is it. You can't say the charges,
17 the people involved, any of the potential witnesses.

18 And the reason is, ladies and gentlemen, someone's
19 going to try to tell you something about something when they
20 know nothing about this case. It would be highly
21 inappropriate for you to be influenced by any outside
22 source. Therefore, I tell you to be quiet and not speak of
23 it.

24 Additionally, you are not to do any independent
25 research on the computer or any other way.

1 Additionally, if you are someone who is on social
2 media, you are not to post that you are sitting as a juror
3 in a trial. It invites comments and I don't want anyone
4 reaching out to you. If for any reason, ladies and
5 gentlemen, anyone were to reach out to you about being a
6 juror, I need you to immediately report it to me.

7 Also, in addition to independent research, I don't want
8 you to read anything or watch anything or listen to anything
9 that may be on the TV, the news or the radio about this
10 trial. You're going to have everything you need to decide
11 this case right here in this courtroom. Again, it would be
12 highly inappropriate for anyone to influence you in that.

13 Additionally, in coming and going from the courthouse,
14 you are not to speak to any of the witnesses, the lawyers,
15 anyone involved in this case or myself. If you have a
16 question or need something addressed, simply ask the
17 bailiffs in the maroon coats. They will bring your question
18 to me and we will address it. All right? So again, you are
19 not to speak to anyone.

20 I also ask you, ladies and gentlemen, if you could all
21 be on time each time we part and come back. I can't start
22 until all 14 of you are here. Therefore, if you run into
23 car trouble over the lunch hour, you have an issue, call to
24 the clerk of court's office. Tell us what your issue is.
25 If we can help and we can take care of it, we will come get

1 you or do whatever we can to get you back up here. All
2 right?

3 Ladies and gentlemen, I want to tell you how much we
4 appreciate you being here to resolve this case. Just your
5 presence today has made us resolve other cases as well.

6 I will tell you that I don't anticipate us moving past
7 Wednesday. I think we're going to finish this trial by
8 Wednesday, and I think it's very likely that we're not even
9 going to get to the next trial. So with that said, ladies
10 and gentlemen, thank you. Thank you for being here and
11 helping us resolve this case.

12 By the clock in the back of the courtroom, is it one
13 o'clock?

14 THE CLERK: It's 12 o'clock.

15 THE COURT: That's what I thought.

16 Ladies and gentlemen, I'm going to ask you to be back
17 in your jury room at 1:45. That is a longer than normal
18 lunch break. But I know that I'm going to be taking up
19 pre-trial matters with these lawyers. I don't want you
20 waiting on us. So just make sure, ladies and gentlemen, you
21 get back by 1:45 into your jury room. Coach is going to
22 tell you how you're going to get into the room. So go out,
23 get a bite to eat, ladies and gentlemen.

24 I, also, want you to do something for me. I need you
25 to elect a foreperson in this case. A foreperson doesn't

1 have any more say than anyone else. They're simply the
2 person that I communicate with regards to scheduling. And,
3 also, when the case is sent to you for your deliberations,
4 they're the person that's going to make sure that everyone
5 is contributing to the deliberations. I need that
6 foreperson to sit in this front seat when we come back.

7 Additionally, my alternates, you stay in the back where
8 I know where you are, but I, also, want to remind you that
9 during the advent of COVID and everything else, we have lost
10 jurors. So it's very likely that you could end up being an
11 actual juror deliberating in this case. So I ask that you
12 pay attention.

13 Additionally, the order that you were pulled as an
14 alternate has zero significance. If I lose someone in the
15 main jury, I'm gonna put both your numbers in a hat and just
16 pull it out, okay?

17 So ladies and gentlemen, again, thank you for being
18 here. Don't discuss this case with anyone. Grab a bite to
19 eat, and we will all see you back at 1:45.

20 Also, whoever is elected foreperson, I need you to send
21 me a note that tells me what time you all are able to work
22 to today. I'm able to work as long or as short as you want
23 me to, although I know you all didn't realize that you'd be
24 sitting on a jury and you may have obligations. So you need
25 to let me know if you've got a problem or an obligation

1 today and what time you need to leave here to be able to go
2 and make whatever obligation you have.

3 For scheduling purposes, I'm gonna to tell you that
4 tomorrow, I anticipate starting at roughly 9:00 or 9:30, and
5 then we are going to break for the day at 1:00 p.m. I have
6 another engagement that I have to go to back on Hilton Head,
7 and I have to be there by 3:00. So I will tell you that
8 tomorrow, we will be done by one o'clock. So we won't take
9 a lunch break tomorrow. That will be just presumed at 1:00
10 o'clock when we break, that will be your lunch break.
11 And then we'll come back Wednesday morning and, hopefully,
12 finish up.

13 So, again, just make sure that you all collectively
14 talk about how late you are willing to run today or able to
15 run today, and just let us know. Okay?

16 You're excused, ladies and gentlemen. Thank you.
17 You're going to follow Coach right back here, and he's going
18 to show you where your jury room is.

19 (WHEREUPON, the jury was excused for lunch.)

20 THE COURT: All right. My understanding is we have a
21 Neil V. Biggers to do, and --

22 MR. EVANS: Yes, Judge. Would you like to take lunch
23 now and watch the videos, or would you like to do testimony
24 now?

25 THE COURT: I started the first video of Mr. Jarrell?

1 MR. EVANS: Jarrell, yes.

2 THE COURT: Yeah. Is there anything that hasn't been
3 disclosed, or what is the motion in regards to the
4 interview? It's not of the Defendant?

5 MR. EVANS: No, Judge, just want to make sure that
6 they'll -- when they testify, both Mr. Jarrell and Mr.
7 Breadon will be permitted -- since they did identify him in
8 part through a lineup and in part by name, I just want to
9 make sure that we don't have any legal issues coming where
10 they won't be allowed to identify the person.

11 THE COURT: Is there any objection from the Defense?

12 MR. SHELTON: There isn't, Your Honor.

13 THE COURT: There isn't? Okay.

14 Let's go ahead and do the Neal V. Biggers then and any
15 other pre-trial motions. If you're asking for sequestration
16 or resolving the record of any of these people, you tell me.
17 Let's go ahead and take care of that. Okay?

18 MR. EVANS: For Neal V. Biggers, we'll go ahead and
19 call Investigator Clapp.

20 THE COURT: Come on forward.

21 Ladies, will one of you swear in Investigator Clapp,
22 please?

23 THE CLERK: Oh, sorry.

24 THE COURT: You're fine.

25 MARTY CLAPP,

1 after being duly sworn, testified as follows:

2 THE COURT: Come on around.

3 MR. EVANS: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. EVANS:

6 Q Mr. Clapp, the Judge obviously knows who you are, but
7 for the record, can you tell us a little bit about who you
8 are, where you used to be employed, and where you're
9 employed now?

10 A My name is Marty Clapp. I used to be employed with
11 Hampton County Sheriff's Office.

12 Q And are you now an investigator in the 14th Circuit
13 Solicitor's Office?

14 A I am.

15 Q Were you involved in the case that we're about to try
16 here this morning?

17 A I was.

18 Q Were you lead, or, at least, one of the primary
19 investigators?

20 A I wasn't the primary, but I was one of the -- I was the
21 supervisor of the primary investigator.

22 Q And did you have the occasion to interview both Mr.
23 Dean Jarrell and Mr. Johnney Breadon as a part of the
24 investigation?

25 A I did.

1 Q Did they -- we don't need to get into details of what
2 they said, but did they identify to you who the person you
3 were looking for was?

4 A Yes, they did.

5 Q Did they do so by name, or did they have to use a photo
6 lineup?

7 A There was a photo lineup as well as names given.

8 Q All right. So they gave you a sort of a partial or a
9 guess at a name?

10 A Yes.

11 Q And then why then did the sheriff's office decide to
12 present them with a lineup, if they had been able to give,
13 at least, some kind of name?

14 A The two that were provided, the photo lineup was based
15 on they were older individuals, the subjects involved were
16 young, younger, they knew of or either had met a couple
17 times, but we wanted to make sure that they were identifying
18 the correct person.

19 Q I see. So there were other individuals that you spoke
20 to that gave more of a clear by name identification?

21 A Yes, they had more of an intimate type of
22 relationships, closer relationships with Mr. Prater.

23 Q Mr. Prater, the Defendant, who's in the courtroom
24 today?

25 A That's correct.

1 Q And how -- when you present a photo lineup to somebody,
2 tell us about your personal process for doing that.

3 A What we would do is I would request from, it was then
4 Captain Russell, who is currently Sheriff Russell now, I
5 would request through him the photo lineup, which he would
6 obtain a six-pack, six different individuals. One was the
7 individual suspect in question. He would have it printed
8 off and I showed it to the individuals, who, at least, one
9 of which, he was present during the identification.

10 Q All right. And when you say a six-pack, we're all
11 familiar with it, but, again, for the record, that's a piece
12 of paper with six photographs on it?

13 A Six photographs of similar-looking individuals.

14 Q And then what do you do? When you say presented, what
15 does that mean?

16 A We show it to the witness and have them circle and
17 initial the person that they selected.

18 Q Do you tell them that the person is going to be on the
19 piece of paper or indicate to them which is the correct
20 answer or anything like that?

21 A No, we do not.

22 Q All right. You just hand them a piece of paper and say
23 what, in other words?

24 A Can you identify the person that you saw on this piece
25 of paper.

1 Q And do you tell them the means by which you'd like them
2 to record that identification?

3 A Once they typically point at it, point at the
4 individual, we'll ask them to circle and initial.

5 Q Did you use the same set of six photographs to put on
6 one piece of paper? Not the same printout, but were each a
7 copy of the same, the one you presented Mr. Jarrell and the
8 one you presented Mr. Breadon?

9 A Yes, the six-pack that was presented to both was the
10 same photographs. And they were presented at different
11 times for both individuals.

12 Q And do you record this procedure? I mean, every time,
13 or, at least, in this case?

14 A We try to every time, but in this case, we did record
15 it in our interview room at the sheriff's office.

16 Q Was that during the occasion when they both gave a
17 detailed statement, or was one of them on the way?

18 A One of them -- Mr. Breadon came back at a later time
19 and performed an identification.

20 Q Why the two dates?

21 A Mr. Breadon was an initial person that stepped forward
22 and we did not have one prepared at that time. We did not
23 have the information on the suspect at that time.

24 Q So his information contributed to coming up with a name
25 because you have to have a name; is that right?

1 A That's correct.

2 Q And so you asked him to come back after you had the
3 actual printout of the photographs?

4 A Yes, that's correct.

5 Q Did either Mr. Breadon or Mr. Jarrell have any issue
6 telling you who the person that they believed was Mr.
7 Prater, which photograph was his?

8 A No, they did not.

9 Q And do you recall -- the Judge has the Court's
10 Exhibits, but do you recall before I showed them to you
11 which one that was?

12 A I'm sorry, could you repeat that?

13 Q Do you recall which photograph it was?

14 A Yes.

15 Q Which one?

16 A It was top right, I believe number three.

17 Q And did you have them indicate that by circling it and
18 initialing it?

19 A Yes.

20 MR. EVANS: May I approach the witness, Your Honor?

21 THE COURT: You may.

22 BY MR. EVANS:

23 Q I'm going to hand you these two printouts and ask if
24 you can identify those.

25 A Yes, I can identify them. These are the six-pack photo

1 lineups that were shown to Mr. Jarrell and Mr. Breadon.

2 Q All right. And Mr. Breadon has the initials J B; is
3 that correct?

4 A That's correct.

5 Q And Mr. Jarrell has the initials DJ?

6 A Correct.

7 MR. EVANS: Can we mark Mr. Breadon as Court's 1 and
8 Mr. Jarrell as Court's 2?

9 (WHEREUPON, Court's Exhibit Nos. 1 and 2 were marked
10 for identification.)

11 BY MR. EVANS:

12 Q Passing Court's 1 and 2 back to you, Mr. Clapp. Is the
13 photograph marked No. 3, that's the one that they
14 identified?

15 A Yes, it is.

16 Q And that is Mr. Prater?

17 A Yes, it is.

18 Q I realize that now Sheriff Russell is the person who
19 requested those, but are you familiar vaguely with the
20 process through which those come back?

21 A Yes. Usually the process involves a SLED fusion
22 center. When you give them the information on the suspect
23 that you want, if you're including it in the lineup, and
24 it's passed on through them. And then they send us back
25 similar individuals, look-alike individuals, from their

1 records.

2 Q It could be from anywhere throughout the state?

3 A Anywhere throughout the state.

4 Q All right. Again, just to be clear, did you indicate
5 in any way to Mr. Jarrell or Mr. Breadon the number that you
6 believed was Mr. Prater?

7 A No.

8 MR. EVANS: Those are all the questions I have. Please
9 answer any questions the Defense has.

10 CROSS-EXAMINATION

11 BY MR. SHELTON:

12 Q Mr. Clapp, you indicated that Mr. Breadon was the first
13 one to give you Trampas's name?

14 A He gave us -- yes, he pointed us in the direction of
15 Mr. Prater from the beginning.

16 Q Do you remember what day that was that you talked to
17 Mr. Breadon?

18 A It was -- I'm not sure the date, which day of the week,
19 the 26th, or -- with Mr. Breadon, it would show as 6/22 --
20 or 6/2 of '22 on the date indicated on the identification.

21 Q When you first talked with Mr. Breadon, you gave him
22 Miranda rights, correct?

23 A I don't recall if he was given Miranda or not.

24 Q I'll show you what's being marked as a Court's Exhibit.

25 A Yes, this is a Miranda warning form with my signature

1 given to Mr. Breadon on 6-1-22.

2 (WHEREUPON, Court's Exhibit No. 3 was marked for
3 identification.)

4 BY MR. SHELTON:

5 Q And it's your understanding with this investigation
6 that y'all met with Kaisee Gibson on May 22nd, correct?

7 A Without having a file in front of me, I'd have to look
8 to see exactly when we met with Ms. Gibson.

9 Q Would it be helpful to see her statement? Her
10 three-page statement, would it be helpful to see for that
11 date?

12 A Absolutely.

13 MR. SHELTON: Mark this as Court's Exhibit 4.

14 (WHEREUPON, Court's Exhibit No. 4 was marked for
15 identification.)

16 BY MR. EVANS:

17 Q What's the date on that statement from Ms. Gibson?

18 A It is May 27th, 2022.

19 Q And Trampas was a suspect at that point in time,
20 correct?

21 A Yes, I do see his name listed. I wasn't present for
22 the statement.

23 Q Are you, also, aware through your investigation as
24 supervising investigator in this case that Jesse Hadwin was,
25 also, interviewed on May 27th?

1 A Without looking at the actual statements and statement
2 dates, but I could see, yes, that he may have been on that
3 date.

4 Q You can see that it was that date?

5 A Well, I mean, I have no reason to doubt that he wasn't
6 interviewed on that date.

7 Q Would you like to see Miranda on this Court's Exhibit?

8 A Sure.

9 MR. SHELTON: Court's Exhibit 5.

10 (WHEREUPON, Court's Exhibit No. 5 was marked for
11 identification.)

12 THE WITNESS: Yes, that's correct. He was given a
13 Miranda form on 5-27-22.

14 BY MR. SHELTON:

15 Q And he, also, gave the name of Trampas, correct?

16 A Without seeing the actual statement form, I don't
17 recall. I wasn't -- apparently, was not present on this --
18 at this interview or, at least, I was not on this Miranda
19 form.

20 Q Have you reviewed this case in preparing for trial?

21 A Yes, I have reviewed this case.

22 Q And so are you -- do you remember -- are you familiar
23 that on May 27th Jesse Hadwin gave Trampas's name as a
24 suspect?

25 A Without sitting down with notes, I don't have any of

1 that stuff in front of me. I don't want to make an
2 incorrect statement.

3 Q So the Hampton County Sheriff's Office, though, they
4 had the information that Trampas was a suspect on May 27th,
5 correct?

6 A Yes.

7 Q And so on June 1st when you met with Johney, Trampas's
8 name was already a suspect, correct?

9 A Yes.

10 Q In your interview with Johney Breadon, do you recall
11 showing him a video or a picture from your phone of Trampas?

12 A I do not recall.

13 MR. SHELTON: And, Your Honor, that's provided to the
14 Court as evidence to review.

15 BY MR. SHELTON:

16 Q But you don't remember showing a picture of Trampas on
17 your phone?

18 A I don't recall if I showed him the picture, I do not
19 recall.

20 Q On January 1st -- or June 1st of 2022, you don't recall
21 that?

22 A I don't recall.

23 Q But then you gave this six-pack lineup on June 2nd of
24 2022, correct?

25 A That's the date this mark on here is.

1 Q Okay. On June 1st, when talking with Mr. Breadon, do
2 you recall that he was very questionable about the name?

3 A Yes, I do.

4 Q A Trevis or Treevis?

5 A Yes, I do remember that.

6 Q And so he was given different names, correct?

7 A He gave us -- he was unsure of the name of the person,
8 which is why I said that there was people who weren't as
9 familiar with Mr. Prater were shown the lineups, but other
10 people who had more knowledge or known him longer were not.

11 Q And you -- do you -- you don't recall showing anybody
12 pictures of Trampas on your phone?

13 A I don't recall.

14 Q Do you recall how long Mr. Breadon said he was on
15 scene?

16 A I don't recall exactly how long. He said he came up
17 later than the other individuals who were there.

18 Q What about Mr. Jarrell?

19 A I don't recall what Mr. Jarrell says how long he had
20 been there.

21 Q Mr. Jarrell or Mr. Breadon, do they have intimate
22 knowledge of Trampas?

23 A To my knowledge, they know of him, but they didn't grow
24 up with him or anything like that. Known him for -- to my
25 knowledge, they didn't know him as well as the others.

1 Q And you don't recall how long both of those individuals
2 said they were on scene?

3 A No, I don't recall exactly how long they were on scene.
4 I know that Mr. Breadon had shown up after the fact, and he
5 hadn't been there, as I can recall, that long before the
6 incident took place.

7 Q There's a neighbor that provided a security camera in
8 this case, correct?

9 A There was an attempt to obtain a security camera video.

10 Q And in your investigation as lead investigator, or
11 supervisor in investigations, did you review that video?

12 A I did not review that video. That was a video that was
13 reviewed by the other investigators, not me, not myself.

14 Q Okay. So you, in preparing this, investigator for the
15 solicitor's office in this trial, you never reviewed that
16 video?

17 A I knew that the video was trying to obtain footage for,
18 one, anything you could see on the video, but two, was
19 trying to locate the victim of what time he arrived.
20 Initially, we weren't sure what time the incident had taken
21 place.

22 Q Okay. And you don't know if the video was ever used to
23 verify times and vehicles that these alleged witnesses were
24 driving?

25 A To my knowledge, it wasn't anything useful to the

1 sheriff's office in that investigation at the time of any
2 vehicles or anything that could be seen and identifiable
3 from the video.

4 Q So you haven't --

5 A I didn't watch the video, but that's what I was
6 informed.

7 MR. SHELTON: Your Honor, I'll defer to the Court as
8 far as questioning concerning the interview, or if Your
9 Honor wants to review the interview to see if there's a
10 showing the video.

11 THE COURT: So can you represent to me that he did on
12 June 1st show a picture?

13 MR. EVANS: Judge, that's not one of the videos that we
14 provided to you, so I'll be happy to get a copy to your law
15 clerk. That's not something that is coming to my memory
16 readily, but I'm certain Mr. Shelton is correct.

17 THE COURT: So it's just him showing a picture of Mr.
18 Prater to Mr. Breadon the day before he actually takes a
19 statement from him and the day before he circles it on the
20 six-pack, is that what you're saying?

21 MR. EVANS: His statement was on two days in that he
22 gave a detailed interview on the first, returned on the
23 second for the actual six-pack.

24 MR. SHELTON: It was during that June 1st interview
25 with Mr. Breadon that he showed a picture on his phone of

1 Mr. Prater.

2 THE COURT: Okay. How long is that video, roughly?

3 MR. SHELTON: 40-minute range.

4 THE COURT: Okay. Well, is it possible for you to
5 fast-forward it to that portion of it and show it to me?
6 Can we do that?

7 MR. EVANS: I'm certain that I can within a few
8 minutes.

9 THE COURT: After lunch? Okay.
10 Anything else?

11 MR. SHELTON: No further questions.

12 THE COURT: Okay.

13 MR. EVANS: We call the sheriff. Okay. Judge, we'll
14 track him down, but, perhaps, in the meantime, we can take
15 up the issue of the records of the lay witnesses.

16 THE COURT: Okay. Let's go ahead and do that.

17 MR. EVANS: Forgive the chicken scratch, Judge.

18 THE COURT: It's okay. So is there anything for Hunter
19 Plummer?

20 MR. EVANS: Well, I think he's the most -- I think he's
21 probably the one that is the clearest issue. I don't
22 believe he has any convictions that can be used, but he does
23 have many pending cases, Judge. And neither he nor anybody
24 else with a pending case, which would include Mr. Harrell --
25 excuse me, Mr. Hadwin, I apologize, and Mr. Jarrell.

1 Neither of those pending cases have anything to do with this
2 case. So it's not the normal circumstance where we have
3 multiple defendants, one co-defendant is testifying in the
4 other co-defendant's trial, and, of course, that's ripe for
5 a cross-examination, did you get a deal on your charge in
6 this case in order to testify, etc.?

7 Mr. Hunter Plummer is currently charged with -- his
8 only convictions are '21 petty larceny and '23 operating
9 vehicle which is not registered. I'm going to argue that
10 those are not crimes of dishonesty. They are certainly not
11 crimes punishable by more than one year.

12 THE COURT: Any objection to that?

13 MR. SHELTON: Your Honor, I would say that petty
14 larceny would be a crime that he's been convicted of that
15 can be used.

16 MR. EVANS: He's certainly be convicted of it. I just
17 don't think it's a crime of dishonesty. I mean, stealing an
18 item as opposed to larceny by trick or embezzlement or
19 something like that. I think it's just plain stealing, and
20 I don't think that's a crime of dishonesty in the normal
21 sense, but we would certainly abide by Your Honor's ruling.

22 THE COURT: Mr. Shelton?

23 MR. SHELTON: I would argue that a petty larceny is
24 stealing. Larceny, those are crimes that are of -- or go to
25 credibility and --

1 THE COURT: I'm just going to have to look that one up.
2 It's been a while. I'm just going to make sure.

3 MR. EVANS: I don't expect him to testify today. He
4 will most likely be the first witness tomorrow.

5 THE COURT: Okay.

6 MR. EVANS: But the greater issue, I think, is what
7 they have pending, which is a long list. November of 2020,
8 possession of burglary tools.

9 THE COURT: Hold on. Okay, possession of burglary
10 tools. Okay.

11 MR. EVANS: June of '22, property damage to obtain
12 non-ferrous metals resulting in death. I think that's the
13 Colleton County one. But it's been -- he was arrested
14 initially for property damage resulting in death. I believe
15 that's been reduced, so it's now just regular property
16 damage to obtain non-ferrous metals. September of '22,
17 burglary, second degree, non-violent, as well as, I think,
18 separate incidents, but arrested the same day, HTO and
19 failure to stop for a blue light. In June of 2023,
20 attempted murder and PWDVC. And later in June of '23,
21 malicious injury to a courthouse or jail. And most
22 recently, possession of a handgun with obliterated serial
23 number. That was just about five weeks ago, Judge, in
24 October of this year.

25 THE COURT: Okay. All right. Mr. Shelton, how do you

1 want to use those?

2 MR. SHELTON: Well, definitely on the charges and how
3 much time they're facing, the bias and the reasoning for
4 wanting to testify for the State, hopeful in getting that
5 prosecution deal. They're all 14th Circuit, all the same
6 solicitor's office, so I would want it for that specific
7 reason, those actual charges.

8 Judge, as to -- and this may be putting the cart before
9 the horse, but it depends, I guess, on how he answers the
10 questions, but I would ask. In his failure to stop for a
11 blue light, there is a 9-millimeter handgun that was found.
12 There's an obliterated serial number handgun that's found.
13 The attempted murder, there's an SKS that he allegedly shot
14 at somebody. This includes a shooting at someone on his
15 property. There's no firearm that's been found as to the
16 shooting. And so, Judge, I think it just kind of goes to
17 how he answers the questions that I may pose in
18 cross-examination.

19 THE COURT: Okay.

20 MR. EVANS: Your Honor, I am very happy for Mr. Shelton
21 to ask whether he has pending cases and whether he has
22 received any kind of promises from our office. I think
23 that's appropriate under the circumstances.

24 As to the attempted murder charge, we did check the gun
25 which was recovered in his attempted murder case against the

1 cartridge casing, which was found in this case. I thought
2 that that was certainly discoverable by Mr. Shelton, and it
3 was negative. So the gun which was recovered, actually,
4 that was Marty's case when he was arrested for attempted
5 murder, that is not the murder weapon in this case, or, at
6 least, that is not the weapon which fired the cartridge
7 casing which was recovered. So I do think it's appropriate.

8 I've advised him -- I've let Mr. Plummer and all the
9 witnesses know that their record is potentially going to
10 come up. And I've let him know that there is no promise as
11 to any of his cases, but that's a question that may come
12 about. And I don't believe that he's going to testify
13 dishonestly, or I wouldn't call him. But certainly, Your
14 Honor, for him or for anybody else, there's a potential of
15 opening the door and saying something which could make their
16 pending cases a little bit more relevant.

17 I guess I'm just seeking an instruction that the actual
18 charges, since they are not convictions, and they are not a
19 part of this case, the facts of this case, I don't think the
20 actual charges are appropriate. But certainly, when it
21 comes to Mr. Hadwin, who's going to be coming over from the
22 jail, as I let you know in chambers, we can't hide that. So
23 I'm not going to present to the Court that the jury should
24 not know that anybody has any pending charges. That would
25 be going too far from my side. But I'm seeking a ruling

1 where the actual nature, the actual titles of those charges
2 are not relevant, not admissible unless and until they open
3 the door.

4 MR. SHELTON: And there's a further link I forgot to
5 mention, Your Honor. The victim in this was a co-defendant
6 of Mr. Plummer in a charge, in a case, in a drug charge.
7 And now he ends up dead. There's a co-defendant in the
8 non-ferrous metals case that ends up dead. So I just think
9 that there is a link, Judge, that should be allowed to be
10 explored.

11 MR. EVANS: If I may, just on the non-ferrous metals
12 case, that's out of Colleton County. And it's actually the
13 victim, the homeowner, who fired the fatal shot on Mr.
14 Plummer's -- on Mr. Plummer's would-be co-defendant. They
15 were trying to steal some catalytic converters. And the
16 homeowner came outside and fired upon them.

17 So that's why he was initially charged by the Colleton
18 Sheriff's Office as non-ferrous metals with death. But our
19 office believes that it's -- a victim firing a gunshot is
20 not the way that that charge gets enhanced. So there's no
21 allegation in that case that Mr. Plummer had a firearm.
22 I'll double check on had, but certainly not firing.

23 MR. SHELTON: And, Your Honor, there was a shell casing
24 that was found, the 40 millimeter. However, we don't know
25 that that was the fatal bullet. There was no bullet that

1 was found. There was no bullet to be able to tell what was
2 the fatal bullet. So we don't know if it was from that 40
3 or --

4 MR. EVANS: And that's true. I can't disagree with
5 that. Whether they had found a bullet or not, it would be a
6 -- they can't compare the bullet against the cartridge
7 casing. So in any case, without finding a gun, there was
8 nothing to compare.

9 THE COURT: So can someone direct me to a specific rule
10 as far as pending charges, non-convictions that may be
11 similar to this case?

12 MR. EVANS: I would just -- I mean, I think it's just
13 your basic 403 because 609 refers only to convictions.
14 Maybe 608 because it refers to specific instances of
15 conduct.

16 MR. SHELTON: Your Honor, depending on the specific
17 instances of conduct, it can be shown to -- for an existence
18 of a common scheme or plan of the absence of a state or
19 accident, and a co-defendant being killed two different
20 times within a couple months of each other.

21 Additionally, Judge, I have an incident report through
22 FOIA of the -- Mr. Plummer allegedly threatening Kaisee
23 Gibson and other witness in this case, a couple months later
24 from the incident, August of 2022.

25 THE COURT: So I'm looking at Rule 608 and -- and

1 looking at 10 -- well, 608 applies only when evidence is
2 being offered to prove a witness's character for
3 truthfulness so that the jury may infer that the witness is
4 more or less likely to be testifying truthfully and the
5 evidence is relevant to a material issue in the case, to
6 prove a witness's bias towards one of the litigants.

7 I think it's admissible because if you've got a guy
8 who's, also, charged with murder or attempted murder for the
9 same, roughly, type of act, I think you can get into his
10 pending charges.

11 As far as the petty larceny is concerned, I'm just
12 trying to find a specific example where they've allowed, the
13 Court has allowed a petty larceny. I mean, I would say that
14 larceny is stealing, and I would say it's a crime of moral
15 turpitude. But I'm looking --

16 MR. SHELTON: Shoplifting is.

17 THE COURT: Well, theft is. So, if theft is, then
18 petty larceny would be as well.

19 MR. EVANS: We'll abide by your ruling.

20 THE COURT: Yep, yep. So I think that does come in.

21 MR. EVANS: I think some of the others -- almost
22 everybody has some form of a record, as you can see from all
23 the sheets I have, but I think the others might be a little
24 bit easier to move through.

25 Mr. Daniel Boone has a 2003 burglary third degree, so I

1 think that's outside the 10 years. More recently, he has
2 operating vehicle which is not registered, receiving stolen
3 goods 2,000 or less, breach of trust less than 2,000. All
4 those in 2021. And then petty larceny 2022.

5 Based on your ruling from Mr. Plummer, I imagine you're
6 going to allow -- all those are convictions. So I imagine
7 you're going to allow all of those.

8 THE COURT: I'm just looking at Rule 609. And just
9 looking at the balancing factors is -- so U.S. V. Smith, a
10 Seventh Circuit case in 1997, citing American Home Assurance
11 Company versus American President Line, LTD of the Ninth
12 Circuit. I mean, the quote is that the need for a full
13 exploration of credibility is greatest when the case boils
14 down to a swearing match between witnesses.

15 This is what we have in this case, am I correct on
16 that? We don't have any ballistics. We don't have a gun.
17 We don't have the bullets. If the case is based solely on
18 witness statements, I think credibility is the issue in this
19 case. So I would be inclined to let it all in and let them
20 ask.

21 Obviously, if they admit to it, that's one thing and we
22 can move past it. But if they don't, obviously, you can ask
23 questions and impeach them as you always can. But I think
24 just on a prohibitive value outweighing any prejudice on a
25 403 basis, I would say you're entitled to it.

1 MR. SHELTON: Yes, Your Honor.

2 MR. EVANS: For all the witnesses?

3 THE COURT: I think for the most part, yeah. I mean,
4 we can go through and parse each one of them if we need to
5 you. Other than that, I mean, if you need me to go through
6 each one of them, we can.

7 MR. EVANS: Well, Judge, the only ones I'm really
8 concerned about are Mr. Plummer, who you've already ruled
9 on. Patrick represents him, and he'll be here tomorrow when
10 he testifies. Mr. Hadwin is represented by Mr. Plexico,
11 who's already here. Certainly, I think, Judge, that
12 anything they've said about their cases would be admissible
13 against them in the future. So I imagine that the Fifth
14 Amendment is going to come up at some point, in either or
15 both of their cases. But I'll certainly be asking them
16 whether they are charged. I don't think that the answer to
17 that reflects on their Fifth Amendment rights, but they may
18 not wish to give details of the actual facts of the case.

19 THE COURT: I don't even think the details are
20 relevant. The idea is just that it's a charge.

21 MR. EVANS: I don't either, but I understand your
22 ruling.

23 THE COURT: It's a charge, and it's a motivation that
24 they would be testifying on behalf of the State and to do
25 whatever they can to help themselves.

1 MR. EVANS: Yes, Your Honor. And just, I think for Mr.
2 Jarrell, Mr. Dean Jarrell, also, he has a pending DV third
3 and a stalking, but he is not represented.

4 So we might want to appoint the public defender's office
5 this afternoon before he testifies. I had actually thought
6 Mr. Plexico represented him, but Mr. Plexico tells me no.

7 THE COURT: Is Ms. Fudge still here?

8 MR. PLEXICO: I'm not sure, Judge. I think we all have
9 one of that group that we've been talking about. Let me go
10 see if Ms. Fudge is here.

11 THE COURT: Okay. All right. Anything further?

12 MR. EVANS: No, Your Honor.

13 (WHEREUPON, a short break was taken.)

14 MR. EVANS: Your Honor, Mr. Clapp has found the part of
15 the first Breadon interview where he was showing --

16 THE COURT: Okay. And is it very clear that that is a
17 photograph of Mr. --

18 MR. EVANS: I would say no. It's -- as you'll see --
19 may I approach?

20 THE COURT: Sure.

21 (WHEREUPON, a video was played for the Court.)

22 THE COURT: Is there any more?

23 MR. SHELTON: No, Your Honor.

24 THE COURT: Okay. So what I'm getting from this is
25 that Investigator Clapp is showing him what was the video

1 possibly from the neighbors; is that correct? Or was that
2 something else?

3 MR. EVANS: It's a video in a different case. And he
4 started asking Mr. Breadon questions about an ongoing
5 investigation into a burglary that wound up never being
6 solved.

7 THE COURT: I'm sorry, I heard Mr. Clapp say this was
8 from a different case, nothing involving this.

9 MR. EVANS: Yes, Your Honor. I heard that.

10 THE COURT: And he still didn't identify him.

11 MR. EVANS: He identified nobody in that case, and I
12 just checked with him -- he's not on the stand, obviously,
13 but I checked with him, and that case remained unsolved. So
14 that portion of the interview did not have anything to do
15 with the investigation of this case.

16 THE COURT: The question, though, Mr. Shelton is
17 whether or not he was showing the photograph of Mr. Prater,
18 was suggested for the next day when he circled and said,
19 this is the person that was there; is that correct?

20 MR. EVANS: It's our understanding, my understanding,
21 that what you just watched is not him showing a picture of
22 Trampas Prater. It's him showing a security camera video in
23 an unrelated case.

24 THE COURT: Okay, and it wasn't Mr. Prater?

25 MR. EVANS: It was not Mr. Prater. It was a security

1 camera video in a burglary case that had nothing to do with
2 this case.

3 THE COURT: So it wasn't a picture of Mr. Prater?

4 MR. EVANS: If I may?

5 THE COURT: Okay.

6 (Pause.)

7 THE COURT: Okay. Let me ask you, Mr. Shelton, in
8 discovering your Rule 5 Brady, did you ask for a copy of
9 what Investigator Clapp showed Mr. Plummer in his video?

10 MR. SHELTON: Specifically that question, no, Your
11 Honor.

12 THE COURT: Okay.

13 MR. SHELTON: I didn't have in mind asking for
14 investigative notes. And there's another video -- what I'm
15 speaking to there's another video with Kaisee Gibson that
16 Investigator Clapp shows the -- actually, Varnville comes
17 in, it is a charge that Trampas is charged with a grand
18 larceny from a gas station in which the car was ended up
19 being burned. And they showed Kaisee pictures on his phone
20 of Trampas and Hunter together in that incident. And so
21 that is what I'm saying that they're showing based off that
22 previous --

23 THE COURT: That's what you think they were showing?

24 MR. SHELTON: Yes.

25 THE COURT: Okay.

1 MR. EVANS: I think we've tracked that part down,
2 Judge, and I'll pass that up to you.

3 THE COURT: Okay. So tell me what it's going to show
4 me.

5 MR. EVANS: It's going to show Mr. Clapp presenting,
6 again, his phone to Mr. Breadon.

7 THE COURT: Do we know what he's showing to him?

8 MR. EVANS: I have no reason to doubt Mr. Shelton.

9 THE COURT: I just need to know what I'm looking for.
10 So why don't you just -- let's do this. Let's go ahead and
11 take --

12 MR. EVANS: Let's just do it over lunch?

13 THE COURT: Yeah. Why don't you figure out exactly
14 what it says. Why don't all three of you watch it together
15 to see if you can agree on whether or not.

16 Correct me if I'm wrong, is your objection, at least,
17 as far as Hunter is concerned on the six-pack lineup is that
18 you are alleging that Mr. Clapp showed him a photo of Mr.
19 Prater the day before?

20 MR. SHELTON: For Mr. Breadon, yes, Your Honor.

21 THE COURT: That's what you're asking?

22 MR. SHELTON: Yes, Your Honor.

23 THE COURT: I'm sorry. Yes, for Mr. Breadon. I
24 apologize. Okay, that's the first one. And then who else
25 do you believe was, also, shown pictures of Mr. Prater?

1 Anyone else?

2 MR. SHELTON: He showed Kaisee Gibson. Okay. But
3 there's a long-standing relationship, or, at least, they
4 know each other.

5 MR. EVANS: She is one of the ones that was not
6 presented with a lineup because she knew him.

7 THE COURT: So the only concern we have is whether or
8 not Breadon can identify --

9 MR. EVANS: Yes, Your Honor.

10 THE COURT: Okay. So why don't you all figure out what
11 you believe was either shown or not shown, if you can, the
12 three of you sit together and see if you can resolve that.
13 And then, obviously, if you can't, then I'll listen to it.

14 MR. EVANS: Okay.

15 THE COURT: So let's -- do y'all mind, I know we don't
16 have a lot of time, but maybe let's -- I want you all to
17 watch it together, but then let's just be back at about, I
18 don't know, I hate to say this, I'm going to say, like,
19 1:30. What other pre-trials do we have besides that?

20 MR. EVANS: None for us.

21 THE COURT: Anything else you can think of?

22 Do you want witnesses sequestered, Mr. Shelton, or no?

23 MR. SHELTON: Yes, Your Honor.

24 MR. EVANS: I've already told him to expect that.

25 THE COURT: That's done. Okay. Anything else that you

1 can think of?

2 MR. EVANS: No.

3 THE COURT: Okay, like I said, we're just going to take
4 a few minutes, and you all figure it out. I'm going to stay
5 here. So once you have figured it out, if you want to just
6 let me know, just holler, and we'll come back on the record.

7 Kymberlee, I apologize, I don't mean to be keeping you
8 just here. Do you need to go somewhere for lunch?

9 THE COURT REPORTER: No.

10 THE COURT: Are you sure?

11 THE COURT REPORTER: Yes.

12 THE COURT: So even if she's not here, we can wait and
13 just put it on the record when lunch is over with, so I just
14 don't want to hold her hostage.

15 Thank you. All right.

16 (WHEREUPON, a lunch break was taken.)

17 THE COURT: All right, so what did you figure out on
18 that first video?

19 MR. EVANS: Thank you, Your Honor. So a few days after
20 this murder incident, there was a separate incident at the
21 Exxon in Varnville. I'm sure you know the one, it would be
22 on your left as you come in, the big Exxon gas station.

23 THE COURT: Yeah.

24 MR. EVANS: And Mr. Prater ended up being charged in
25 this incident, but it postdated the murder date allegation.

1 So the video at the gas station shows a gentleman leave his
2 car, open and running, totally susceptible to theft, and
3 somebody else comes in and just gets in and drives off. So
4 Varnville is working on this case as they find out, because
5 they see Kaisee Gibson, Varnville does, in that video, or
6 who they believe to be Kaisee Gibson.

7 So when they find out that the Sheriff's Office is
8 interviewing her about another case, they want to go talk to
9 her. They show her this video. She says, yes, that's
10 Trampas Prater. But again, her ID, Mr. Shelton doesn't have
11 any issues with because of their seven-year-long personal
12 relationship. So she said yes, I believe that's Hunter
13 Plummer -- excuse me, I believe that's Trampas Prater. And
14 they use that as part of their PC to eventually arrest him
15 on that grand larceny. Again, that's Varnville PD separate
16 from this.

17 So when Mr. Clapp is interviewing Mr. Breadon, yes, he
18 does show him on his phone to the best visibility a
19 zoomed-in screen shot of the video which we can now show
20 you.

21 THE COURT: And that's of Trampas; is that correct?

22 MR. EVANS: Well, that's of the person that Kaisee
23 Gibson said yes, I believe that to be Trampas.

24 THE COURT: Okay.

25 MR. EVANS: We can show you the video right here from

1 the gas station.

2 THE COURT: What are you looking for? Do you want to
3 suppress the ID? What do you want?

4 MR. SHELTON: Yes, Your Honor, suppress the idea as far
5 as Johney Breadon as far as anything suggested. Officer
6 Clapp showed it to Johney prior to any identification
7 lineup, and it was suggested that it was Trampas, and,
8 therefore, the identification is suggestive, and that it
9 should be suppressed as far as Johney Breadon.

10 THE COURT: Okay, can I see it then?

11 MR. EVANS: Yes, Your Honor. We're pulling it now.

12 And Your Honor, as he's pulling it up, this will not
13 depict it precisely as it appeared on Investigator Clapp's
14 phone because this is the actual original video file, as
15 opposed to the screen shot, which he then, you know, with
16 your fingers zoomed in on.

17 THE COURT: Right. And point to me who -- when -- you
18 said there was two people, one jumped in the car and, I
19 guess, drove away.

20 MR. EVANS: Yes, Your Honor.

21 THE COURT: Who are we thinking is Mr. Prater?

22 MR. EVANS: The theory in the grand larceny case that
23 he's the one who's going to get into this other truck. It's
24 going on four times speed right now. This is the victim
25 truck right here. Well, obviously, we'll slow it down when

1 it gets close to the business end.

2 (WHEREUPON, video was played for the Court.)

3 MR. EVANS: You should see one of them get in the
4 truck, this truck, and drive off.

5 (WHEREUPON, video is continued.)

6 MR. EVANS: At some second, we don't know the time
7 stamp which they paused it, took a screen shot and showed
8 that to Ms. Gibson and then later, to Mr. Breadon. But
9 that's the video from which a screen shot was pulled.

10 THE COURT: Was it blown up?

11 MR. EVANS: Just, you know, like that.

12 THE COURT: And we don't have that so we don't know?

13 MR. EVANS: We don't have -- we can see, roughly, the
14 shape of a truck on Mr. Clapp's phone when he's interviewing
15 Mr. Breadon.

16 THE COURT: Okay. The question is whether or not this
17 prior video was suggestive to the witness in the following
18 day's identification?

19 MR. EVANS: Yes, ma'am.

20 THE COURT: And his testimony during that interview on
21 the first day when Mr. Clapp shows him this is that he
22 really can't see anything, he can't tell who it is and come
23 to that effect. That's what I heard him say. Do you hear
24 anything more specific?

25 MR. EVANS: I heard it as it may be Trampas. I'll let

1 Mr. Shelton correct me if I'm wrong. But the more
2 fundamental part of my argument is that by the time --
3 that's an hour into the interview with Mr. Breadon. He's
4 identified -- as Investigator Clapp testified, he's
5 identified Mr. Prater by name a number of times throughout
6 the conversation. The lineup is not because they have no
7 idea who they're looking for where they're trying to make
8 sure -- okay, he gave up -- he struggled a little bit with
9 the name. He called it a few different ways, but he
10 eventually -- I don't think there's any dispute he says many
11 times throughout the interview, Trampas Prater. That's all
12 before he sees this as HCSO is assisting Varnville PD in
13 their separate investigation, which, of course, they believe
14 to, also, be Trampas Prater, and did eventually charge him.

15 THE COURT: Okay.

16 MR. EVANS: So to me, showing him this in a parallel,
17 but technically unrelated investigation, because no evidence
18 of this is actually useful in our case, I don't believe that
19 that's unduly significant. I think that that's them trying
20 to assist another agency.

21 Is it my preference? No, my preference would have been
22 that they showed him, but if we're trying this case on that
23 video, well, that's going to be a very difficult case for
24 the State to prove that that's Mr. Prater driving off in the
25 vehicle. To me, they look like, essentially, ants. And I

1 think if you take a screen shot of that and put it on the
2 phone and try to zoom in on it, it's going to be even
3 blurrier and less suggestive than it is here in court for
4 Your Honor.

5 THE COURT: All right. Mr. Shelton, let me hear from
6 you.

7 MR. SHELTON: Just, Your Honor, the -- I mean, Officer
8 Clapp suggested that it was Trampas. He showed him a
9 picture that may be blurry that he believes was Trampas,
10 could be Trampas, and then the next day shows a lineup. So
11 he individually shows him a picture of Trampas and then
12 suggest it to be Trampas, then shows him a lineup. So I
13 just think in that regard that was suggestive.

14 THE COURT: I think we need to do a proffer of -- it's
15 Mr. Bearden?

16 MR. EVANS: Bredon.

17 THE COURT: I think we need to do a proffer of Mr.
18 Bredon to ask him if one thing influenced the other. The
19 only slight concern I would have, just from looking at that
20 video, the previous video, I don't think you can tell who it
21 is. And like you heard him, he said, I guess that could be,
22 but he wasn't going to identify him on the video. But my
23 question becomes is, did he identify him the next day on the
24 six-pack lineup? Was he more likely to identify him because
25 he thought, well, here he is committing another crime type

1 of thing. I don't know.

2 MR. EVANS: I'm going to preliminarily argue no,
3 because the subject of the first hour of the conversation is
4 the murder, not this Varnville -- I mean, obviously,
5 Varnville/Hampton, but they're different agencies. Mr.
6 Clapp's not working on this case.

7 THE COURT: I understand that.

8 MR. EVANS: He's talking about the murder --

9 THE COURT: My biggest concern is whether or not
10 Investigator Clapp showing him this video suggested in any
11 way the next day's six-pack lineup for Mr. Breadon to
12 identify the Defendant in our case like he did.

13 MR. EVANS: Certainly. And we will be happy to have
14 him here first thing tomorrow to proffer him at whatever
15 time Your Honor decides.

16 THE COURT: Okay. All right. So I'm just going to
17 take it under advisement. We'll do a proffer, and then I'll
18 be able to figure it out.

19 MR. EVANS: Yes, Your Honor.

20 THE COURT: Okay. What else before we begin?

21 MR. EVANS: I have passed up to the bench copies of all
22 the photos which we plan to put in. The first is,
23 obviously, a scene diagram, not a photo. And as my usual
24 practice, Judge, I've talked to Mr. Shelton, we will enter
25 hard copies. Those are your copies to keep throughout the

1 trial. We'll enter hard copies as the actual exhibits, but
2 publish them on the big screen in a PowerPoint. I've
3 already showed him the PowerPoint. I think he'll agree they
4 are the same photos.

5 I think the only issue, Judge, there is a single
6 autopsy photo in the back. I've provided you a color and a
7 black and white copy. I don't think that it is unduly
8 gruesome.

9 THE COURT: Is it number 10, is that it?

10 MR. EVANS: I think Mr. Shelton does have some concerns
11 with the photos of the bodies on the scene, which I'll let
12 him make his argument, but just as to the autopsy photos all
13 the way in the back, I think it State's 24, giving you color
14 and black and white, I'll ask for color because it's truer
15 to nature and I don't think in this case it's unduly
16 gruesome. But, of course, I'll abide by your ruling on
17 that.

18 THE COURT: So I'm looking at No. 24, I'm seeing the
19 one in color, and then I'm, also, seeing the one in black
20 and white. It almost appears that the black and white shows
21 more stippling. Is that what that is?

22 MR. EVANS: I don't believe so, Judge.

23 THE COURT: You don't think so?

24 MR. EVANS: We don't have evidence of stippling.

25 THE COURT: So what are all the little marks, like

1 around the bullet?

2 MR. EVANS: I'll double check that with Dr. Batalis
3 this evening. If you want to hold up -- he's not testifying
4 today.

5 THE COURT: Okay.

6 MR. EVANS: But if you want to hold your ruling until
7 you know what he'll testify as to those, I'll be happy to
8 wait on that. But I think the photos that Mr. Shelton may
9 have an issue with from the scene are --

10 THE COURT: Mr. Shelton, which ones do you object to as
11 far as the scene?

12 MR. EVANS: 10 and 12 are the only ones that show Mr.
13 Miller's image.

14 THE COURT: 10 and 12, okay.

15 MR. SHELTON: Yes, Your Honor.

16 THE COURT: So what's your objection to 10 and 12?

17 MR. SHELTON: Just my objection, I don't know if
18 there's a way to blur out the body. I don't know if there's
19 a way to -- I just think that it invites a decision based
20 off sympathy, and it's highly prejudicial, more than
21 probative. I would agree to some type of alteration as far
22 as the body is concerned, and seeing the body on the ground
23 in such a manner. So that would be the basis of my
24 objection to number 10.

25 THE COURT: Why do you need 12, Mr. Evans? It just

1 seems like a different angle of the same thing.

2 MR. EVANS: Judge, I picked up 12 because if you can
3 see in 11, it's a close-up of the same blood depicted on the
4 ground in the foreground of 12, just to show the position of
5 his final resting place relative to where that suspected
6 blood is located, because it will corroborate some of the
7 witnesses who did say he took a few steps forward before he
8 collapsed.

9 And I think I left out four -- not to make his argument
10 for him, but four, also, does show a little bit of Mr.
11 Miller.

12 THE COURT: Why do you need four?

13 MR. EVANS: Because that's showing the perspective of
14 Kaisee Gibson as she was parked in her driveway at
15 approximately that position -- in the driveway at roughly
16 that position, sitting in her car.

17 THE COURT: So Kaisee Gibson is the one who's going to
18 identify number four?

19 MR. EVANS: Well, they're all going to come in through
20 the SLED Crime Scene Agent Bailey Morgan Stepp, who took
21 that, but they'll be utilized through various witnesses,
22 eyewitnesses.

23 MR. SHELTON: Your Honor, just the same objection. I
24 don't know if there's a way to alter the photos. I wouldn't
25 have any objection to altering the photos to blur out more

1 in some way the body. I understand the crime scene is
2 important, so I don't have an objection as far as that's
3 concerned.

4 THE COURT: I don't think any of them are unduly
5 suggestive. None of them actually show the deceased face,
6 which is always a concern. And they aren't -- you know,
7 really, they're not bloody either, so I really don't think
8 they're unduly suggestive. I do you think they're
9 probative, certainly, particularly when you're looking at
10 number four, if you're trying to show where Kaisee Gibson,
11 how far back she was.

12 MR. EVANS: And it's approximate --

13 THE COURT: Photographs identify it. But I think
14 that's fair to show where she -- what level, you know, may
15 or may not have seen it. I don't know if that helps you or
16 hurts you, Mr. Evans, though, it's a ways away.

17 MR. EVANS: I don't want to suggest to the Court that
18 that photo was taken in order to capture her point of view.
19 It's just the closest one that we found in which we showed
20 her because photos were taken before any law enforcement
21 spoke to any eyewitnesses. So they just took everything
22 they could. That's the purpose for which we're entering it,
23 but I don't want the record to reflect that I'm saying
24 that's exactly where she was. I'll ask her to position
25 herself sort of within that photograph.

1 THE COURT: Okay. Again, I don't think any of these
2 are prejudicial or would cause a jury to determine this case
3 based on some type of emotion or inappropriate grounds. I'm
4 going to let them in, other than I'm going to keep under
5 advisement No. 24 in both color and black. Just don't let
6 those go in until I've heard from Dr. Batalis.

7 MR. EVANS: No, certainly, Your Honor. But as we've
8 been standing here, I did double check the autopsy report.
9 It is, in fact, stippling.

10 THE COURT: It is?

11 MR. EVANS: According to the report, yes, ma'am.

12 THE COURT: That's what it looks like. I mean,
13 obviously -- I think you can see the stippling better in the
14 black and white than you can in the color.

15 MR. EVANS: Then we'll go with black and white.

16 THE COURT: Do you have a preference on the black and
17 white or color?

18 MR. SHELTON: Your Honor, if I had to -- well, I object
19 to both, but, Your Honor, obviously, I would rather have the
20 black and white. I do think that Dr. Batalis did, also, do
21 a diagram that he could, also, introduce as evidence.

22 THE COURT: I mean, I think the stippling's appropriate
23 because it does -- I know while no one can give an exact
24 distance, it certainly helps suggest a specific distance
25 that whoever the shooter was to the victim.

1 So you're just showing -- so I just see, you're just
2 showing the entrance wound, not the exit wound, correct?

3 MR. EVANS: Correct, ma'am.

4 THE COURT: All right. Well, then, let's go ahead and
5 just allow the black and white in.

6 MR. EVANS: Yes, Your Honor.

7 THE COURT: So on 24, just the black and white, so it
8 comes in.

9 All right, anything else?

10 MR. SHELTON: I don't believe so, Your Honor.

11 THE COURT: All right, if y'all are ready, let's bring
12 the jury in.

13 MR. EVANS: And I know our first three witnesses are
14 here, Your Honor. After that, maybe we can break.

15 THE COURT: Okay. Well, let's bring them in.

16 And I'll let you swear them in, okay?

17 Let's bring that jury in, please.

18 (WHEREUPON, the jury entered the courtroom.)

19 THE COURT: Welcome back, ladies and gentlemen. I
20 trust everyone got a bite to eat.

21 At this time, Madam Foreperson, do you know what time
22 everyone can work until today?

23 THE FOREPERSON: Yes. The majority of us want to stay
24 and work until, you know, whenever. We do have one juror
25 that needs to leave at four o'clock. We're wondering if we

1 can exchange an alternate?

2 THE COURT: We cannot. We cannot. We're going to have
3 to break, but that's okay. We'll go ahead and break.
4 Obviously, the first day, we don't know, you know, ever how
5 long it's going to take. But we'll go ahead and we'll work
6 until 4:00.

7 And then I'm going to ask you, because I'm sure we'll
8 take a break in between these witnesses, what time you all
9 would like to begin in the morning. We can begin as early
10 as nine o'clock, 9:00, 9:30, 10:00. It's up to you all. I
11 would suggest early tomorrow if possible, because we have to
12 break at 1:00 for the day, okay? So we'll go from there.

13 All right, so ladies and gentlemen, what we are now
14 going to do is have you sworn in as the trial for this case
15 -- or the jury for this case. So if you would all please
16 stand, raise your right hand, and if you accept the oath,
17 you're going to sit down and say -- say I do, and sit down
18 and take your seat, okay?

19 (WHEREUPON, the jury was sworn.)

20 THE COURT: Ladies and gentlemen, what I'm now going to
21 say to you is intended to serve as an introduction to the
22 trial of this case. These remarks are not a charge on the
23 law. I'm going to charge you on the law that's applicable
24 to this case at the very end of the trial before you retire
25 to consider your verdict. This is merely an explanation of

1 the procedure that we're going to follow so you can better
2 understand what is happening during the trial.

3 Now, the Defendant in this case, Mr. Trampas Prater,
4 has been charged by bills of indictment filed in this court
5 with the offenses of murder and possession of a weapon
6 during the commission of a violent crime, the elements of
7 which I'll explain to you at the end of the trial.

8 Ladies and gentlemen, indictment is simply the charge
9 by which a case is brought into the courtroom, and it is not
10 in any sense evidence of any of the allegations it contains.

11 Now, in this case, the Defendant has pled not guilty to
12 these indictments. The State, therefore, has the burden of
13 proving each of the elements of each of the indictments
14 beyond a reasonable doubt, and it's your duty as jurors to
15 decide whether the State has met that burden.

16 Your purpose as jurors is to find and determine the
17 facts. You, the jury, are the sole judge of all facts in
18 this case. If at any time I make a comment regarding the
19 facts of this case, you must disregard it. You are to
20 determine the facts from the testimony that you're going to
21 hear right from the witness stand, as well as any other
22 evidence that's introduced in court. It is up to you to
23 determine the inferences which you feel may be properly
24 drawn from the evidence. It is especially important that
25 you perform your duty of determining the facts diligently

1 and conscientiously, because ordinarily there is no way to
2 correct an erroneous determination of the facts by a jury.

3 On the other hand, and with equal emphasis, the same
4 law that makes you the judge of the facts makes me the judge
5 of the law. The law as given by the Court is the only law
6 you may consider. You must accept and follow it, even
7 though you may disagree with it. I cannot tell you what the
8 facts of this case are, and you cannot disagree with me
9 about what the law is or should be. Your job is to take the
10 law as I give it to you and apply it to the facts as you
11 find them, and from there, render a true and just verdict
12 under your solemn oath.

13 Until I tell you to begin your deliberations, you must
14 not discuss this case with anyone, and that includes your
15 fellow jurors, friends, family members, or anyone that's
16 involved in this case.

17 The attorneys in this case and the parties and the
18 witnesses have been advised that they are not to talk to you
19 at all. So if you see anyone involved in this case and they
20 don't even say hello when passing them in the courthouse,
21 please understand that they're not being unfriendly, they're
22 simply following my orders.

23 During the trial, you are not to read, listen to, or
24 watch any news reports about this case. That includes
25 anything that may be in newspapers or on the internet,

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

4 It is important that you keep an open mind and not
5 decide any issue in this case until all of the evidence has
6 been presented, the parties have made their closing
7 arguments, and I've instructed you on the law that's
8 applicable to this case. Your verdict must be based solely
9 on the evidence as it is presented to you in this trial and
10 on the law as I instruct you during and at the close of the
11 trial.

12 Now, in just a moment, the solicitor is going to make
13 what's called an opening statement in which the solicitor
14 will explain to you the issues in the case or, at least,
15 what the solicitor thinks the issues are in this case. The
16 attorney for the Defendant will, also, make an opening
17 statement, although he is not required to do so.

18 What these attorneys tell you in their opening
19 statements is not evidence in this case. It is only their
20 contention as to what the issues are. The evidence in this
21 case is presented to you by the testimony of sworn witnesses
22 from the witness stand and/or any exhibits that may be
23 introduced into evidence.

24 Now, from time to time during the trial, you may hear
25 one of the lawyers say something like, Your Honor, I believe

1 there's a matter of law we need to take up, or may we
2 approach the bench, or I, myself, may motion them to come
3 talk to me. I want you to understand something, we're not
4 hiding anything from you. Often when I have to rule as a
5 matter of law whether or not certain testimony is admitted,
6 I may make a comment on the facts of the case because I
7 would never want anything I do to influence you in your
8 decision of the facts. And out of an abundance of caution,
9 we just do it outside your presence.

10 Now, in determining what the true facts are in this
11 case, you must decide whether or not the testimony of the
12 witnesses is believable. It's my responsibility to rule as
13 a matter of law whether or not certain testimony is
14 admitted, but once the testimony has been admitted, whether
15 or not you believe it is solely for you to determine.

16 In deciding whether to believe a witness, you have the
17 right to consider the interest of any witness, the bias of
18 any witness, the prejudice of any witness, and you can look
19 at the opportunity for the witness to have seen the matters
20 and things about which the witness may testify. You can,
21 also, look at the way the witness acts on the witness stand.

22 You have a right to consider anything that is in the
23 record that will help you evaluate the testimony of the
24 witnesses. That means it's your duty to pay close attention
25 to the witnesses, to observe them, to listen to them so at

1 the very end of the trial you can accurately remember the
2 testimony has been given.

3 Now, in order to preserve everyone's rights, I'm going
4 to give the parties an opportunity to object to anything
5 I've said.

6 Any exceptions to anything that I've said to the jury
7 by the State?

8 MR. EVANS: Not from the State, Your Honor.

9 THE COURT: By the Defense?

10 MR. SHELTON: No, Your Honor.

11 THE COURT: Ladies and gentlemen, at this time, we will
12 now begin the trial of this case. If you'll give Mr. Evans
13 your attention.

14 MR. EVANS: Thank you, Your Honor. May it please the
15 Court?

16 THE COURT: Yes, sir.

17 OPENING STATEMENT BY THE STATE

18 MR. EVANS: Mr. Shelton.

19 Ladies and gentlemen of the jury, on May 26th, 2022, a
20 young man named Stuart Miller was at X71 Belle Lane in
21 Varnville, and he never left. He was murdered in the yard
22 of that address, the home of a Mr. Josh Plummer, where,
23 also, Josh Plummer's son, Hunter, stayed most of the time.
24 Hunter was a good, very good friend of Stuart. Stuart went
25 over there to his friend's house, he was shot in the chest,

1 and he died right there. And that's why we're here.

2 You'll hear Mr. Shelton and I disagree about a lot of
3 things over the course of this trial. But there's no
4 question Mr. Miller was murdered. The question is by whom?

5 You're going to hear in this case from a number of
6 witnesses because there were actually seven people at this
7 property, X71 Belle Lane, the home of Josh Plummer. Now,
8 Josh Plummer, he'll testify. You'll hear from him, but he
9 wasn't there at the time. He was working. You can hear
10 from, we expect, as many as five people who were, in fact,
11 there. Hunter Plummer, Josh Plummer's son, Dean Jarrell, a
12 friend and cousin of Hunter and Josh's, Kaisee Gibson, who
13 was Hunter's girlfriend and mother of his child at the time,
14 Jesse Hadwin, another friend of Hunter and Stuart. And they
15 were friends, also, by the way.

16 All these folks that I've talked to you about, knew,
17 had met, had seen Trampas Prater. You'll hear from all them
18 about their perspective from the date, May 26th, 2022,
19 somewhere between 11:00 and 4:00. Now, why would we not
20 know the exact time? Because, unfortunately, law
21 enforcement didn't come to the scene precisely when it
22 happened.

23 So in just a few moments, you're going to hear from the
24 first person to see and report about Stuart Miller, or a
25 person, she didn't know his name. That's gonna be Ms. Lexi

1 Mixson. She's going to tell you about seeing Stuart on the
2 ground. You're going to hear from an officer or several
3 officers, perhaps, from Hampton County Sheriff's Office who
4 worked on the case. You're going to hear from an agent from
5 the South Carolina Law Enforcement Division who came to the
6 crime scene and processed it. He took a lot of photographs.
7 You'll see many of those photographs showing you, putting
8 you in the bird's eye view, if you will, of what these
9 witnesses saw -- you won't be able to see the people who
10 were there -- who were there standing in their positions.
11 Each witness is going to use those photos and tell you to
12 the best of their memory where they were, what they saw,
13 what they heard. And that's what this case is about, ladies
14 and gentlemen.

15 Because in a lot of cases, we come to a jury and we
16 say, well, no one saw or heard anything, but we have this
17 physical evidence to show you. That's what we call
18 circumstantial evidence case. This is a direct evidence
19 case. These people are going to come up, they're going to
20 sit on this witness stand, and they're going to tell you,
21 some will say that they saw Trampas Prater shoot and kill
22 Stuart Miller. Some will say that they heard a gunshot,
23 looked up, and saw Trampas Prater holding a gun at Stuart
24 Miller, bleeding from his chest, from his mouth, falling to
25 the ground. They're going to tell you about how long that

1 they have known each gentleman. And they're going to do it
2 all right here right in front of you.

3 The Judge is going to tell you later on in her charge
4 on the law that it's part of your job as jurors to evaluate
5 their credibility. And I'm going to ask you now to do just
6 that. Listen to the words of everyone who testifies, but
7 especially people who were actually on scene. You'll hear
8 from several who weren't, but this case is going to come
9 down to those folks who were there. What they saw, what
10 they heard, how they match each other, and what they can
11 bring to you to help you as the triers of the fact. Because
12 at the end of all this, ladies and gentlemen, you are going
13 to tell us what the truth is. That's your job, that's why
14 you're here.

15 I'm putting this before you because this is the most
16 important week to Trampas Prater. And Mr. Sheldon is going
17 to tell you in a moment, I expect, that he deserves a fair
18 trial and impartial jury of his peers, that's you. And this
19 is one other thing that I'll agree with him on throughout
20 the week. He's exactly right, Trampas Prater deserves you
21 to be fair, to be impartial, to wait until you've heard all
22 the evidence before you make a decision. That is the law
23 and it is right. But the State of South Carolina is, also,
24 entitled to a fair trial and for you to wait and listen
25 carefully, closely to all the evidence that comes before

1 you.

2 As I said, there's not going to be a lot of physical
3 evidence for you to deal with. There's going to be some
4 photographs and some diagrams. You're going to hear from
5 the doctor who examined Stuart's remains and he's going to
6 tell you about how specifically the bullet ended his life.
7 The real question, the ultimate question, who fired the
8 single fatal gunshot. That is going to come from witnesses.
9 That's direct evidence. That's them telling you what they
10 saw, what they heard, what they remember. And it's your job
11 to wait, to be patient, to listen to everything.

12 And then at the end of all this, I'll have a chance to
13 speak with you again, Mr. Shelton will have a chance to
14 speak with you again if he wishes. And the Judge is going
15 to charge you on the law. You'll retire to that jury room
16 where you just came out of, you'll have copies of all the
17 photographs. We're going to show them to you on this big
18 screen so you don't have to flip through the hard copies,
19 okay? But you're going to have copies of all those
20 photographs, the diagrams back there in the jury room.

21 Your attention is the most important thing in this
22 trial. Listening to those witnesses, paying close
23 attention, comparing and contrasting them, deciding at the
24 end what the truth is.

25 At the end of this trial, probably on Wednesday, I'm

1 going to tell you that you should find Trampas Prater guilty
2 of murder, guilty of possession of a weapon or a gun. I
3 thank you in advance for your attention.

4 THE COURT: Mr. Shelton.

5 OPENING STATEMENT BY THE DEFENSE

6 MR. SHELTON: Trampas Prater, he didn't shoot Stuart.
7 Trampas Prater, he didn't shoot or kill Stuart. We have an
8 alibi witness that he wasn't even there that we would
9 present to you. He wasn't there that day. He was somewhere
10 else. Trampas Prater is a scapegoat.

11 I like those true crime documentaries. I watch every
12 single one that's on Netflix, on Hulu, podcasts. I love
13 those things. I just finished one last night. Those cases
14 on TV, on the radio, that's all slanted towards trying to
15 get somebody to believe something. This case isn't going to
16 be like that. This isn't like a documentary. There are
17 things that can't be brought in that documentaries can do to
18 slant them. There's rules.

19 They're about trying to solve crimes. That's not your
20 job. Your job is not to solve this crime. That's not my
21 job. My job is not to solve this crime. I don't know who
22 did this. I'm not going to be able to tell you who did it.
23 But what we're going to show is that the State hasn't proven
24 their case.

25 They can't prove beyond all reasonable doubt that

1 Trampas committed this crime. There's too many holes.
2 There's too many questions, too many things law enforcement
3 never did, too many things law enforcement ignored and
4 things that were right in front of their face. I intend to
5 show you that. Things right in front of their face that
6 they didn't do. Nothing.

7 Now, the Judge is going to tell you the law at the end
8 of this case. The big one is reasonable doubt. A lot of
9 times the State likes to say, you can't prove anything
10 beyond all doubt. That's true. But y'all are reasonable
11 people. If you have a doubt, that's reasonable doubt.

12 See, right now, Trampas, he's not guilty. He's cloaked
13 with a robe of innocence. He's not guilty. During the
14 State's presentation of the case, he's not guilty.
15 When all those witnesses get up there and testify, he's not
16 guilty. When I give my closing, he's not guilty. When the
17 State gives their closing, he's not guilty. When the Judge
18 gives the law of the case, he's not guilty. He's protected
19 by it.

20 Yeah, there's going to be some witnesses that are
21 coming in here, and they're going to tell you that Trampas
22 shot Stuart. The Judge just told you about credibility. I
23 intend to show you that they're not credible. This incident
24 occurred May 26th, 2022. I intend to show you, and the
25 witnesses are going to admit, Stuart Miller's body was

1 laying on the ground for hours. We don't really know, at
2 least, hours. No one reported this, and they never saw it.

3 Those seven, six people, whoever they're going to
4 parade up here, they never reported it. A day later, one
5 person, one person. And what they have to say, I intend to
6 show you, doesn't make sense. Every single one of these
7 people that came up here and testified -- that will come up
8 here and testify that Trampas did the shooting, they went
9 back to their normal lives. It doesn't make sense.

10 There's a lot that does not make sense. It wasn't
11 until seven days later, the other ones came to say. I
12 intend to show you. Plenty of opportunities to talk in
13 these Trampas of escape. They're trying to protect
14 somebody. Who are they trying to protect I intend to show
15 you they're trying to protect somebody. Who? I don't know.
16 It's not my job to solve it. I have speculation. I have
17 ideas. But that's not my job. If you all have ideas and
18 speculation, it's not your job. That just means they
19 haven't proven their case beyond a reasonable doubt.

20 And that's why we're here today, whether Trampas did
21 the shooting. No forensics, nothing, DNA, fingerprints,
22 nothing, no forensics. People saying what they needed to
23 say. They didn't question it. They didn't look at the
24 evidence compared to what they said, they had what they
25 needed, that's all they wanted, checkmark to solve the case,

1 because they have all these people without credibility.

2 I'm proud to represent Trampas in this case. I trust
3 when you hear this evidence, when you get to see the
4 credibility, you will agree, the State has not proven their
5 case beyond all reasonable doubt, and you will find Trampas
6 not guilty.

7 THE COURT: Call your first witness.

8 MR. EVANS: The State calls Alexis Mixson.

9 THE CLERK: Place your left hand on the Bible and raise
10 your right hand.

11 WHEREUPON;

12 ALEXIS MIXSON,

13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. EVANS:

16 Q Good afternoon. Would you please introduce yourself
17 and spell your last name for our court reporter?

18 A Alexis Mixson, M-I-X --

19 THE COURT: Ma'am, I'm going to tell you right now, you
20 need to get a little closer and speak up as loud as you can,
21 okay?

22 THE WITNESS: Alexis Mixson, M-I-X-S-O-N.

23 BY MR. EVANS:

24 Q All right. And Ms. Mixson, what do you do for a
25 living?

1 A I work at a preschool.

2 Q Okay. How long have you been doing that?

3 A Since I was 18.

4 Q Okay. Well, I won't ask how many years, but a number
5 of years?

6 A Yes.

7 Q Where do you live?

8 A Varnville.

9 Q What's your address?

10 A **X51** Belle Lane.

11 Q Is that the same address that you had on May 26th,
12 2022?

13 A Yes.

14 Q **X51** Belle Lane?

15 A Yes.

16 Q All right. What's the address next door? Do you know
17 that one?

18 A I'm not sure.

19 Q Okay. But do you remember the events of May 26th,
20 2022?

21 A Yes.

22 Q What can you tell us that you remember from that day?

23 A I woke up that morning to a clanging noise.

24 Q All right. How was -- about what time was that?

25 A It was late in the morning. I'm not sure what time.

1 Q Do you remember why you woke up late? Was that just
2 because?

3 A I was pregnant at the time, so I was sleeping in late.
4 And I just woke up hearing a noise.

5 Q And you said it was a clanging noise?

6 A Yes, like something metal banging on something. Metal
7 noises.

8 Q Metal noises?

9 A Yes.

10 Q Okay. On a scale of 1 to 10, how loud was it?

11 A It was loud enough that I got up because I thought
12 people were breaking into my house.

13 Q I see. And could you tell where the noise was coming
14 from?

15 A When I looked out of the back door, I seen a guy
16 standing on the top of a truck. And then I went back to my
17 business.

18 Q And as you're facing your house, X51 Belle Lane, which
19 neighbor -- well, I shouldn't put words in your mouth, where
20 was the person standing on the top of the truck?

21 A To the right from my back door.

22 Q So not on y'all's lot?

23 A No, sir.

24 Q Who else lives with you at X51 Belle Lane?

25 A Just my husband.

1 Q Just you and your husband?

2 A Uh-huh.

3 Q And you have a dog out there that I think I saw the
4 other day; is that right?

5 A Uh-huh.

6 Q Was your dog barking or did you have the dog at the
7 time?

8 A I didn't have the dog at the time.

9 Q Was your husband home at the time?

10 A No.

11 Q And you saw a person on top of a truck and that was on
12 the property next door?

13 A Yes.

14 Q Tell us more.

15 A After I seen the guy on the truck, I went back to my --

16 Q I'm going to ask you to keep on speaking up. I know
17 the Judge told you.

18 A A little while later, around -- later in the afternoon,
19 my sister came. We went and got lunch. When we came back,
20 I went to the pump house to turn on the water. And I seen a
21 guy face down on the dirt.

22 Q And is that in your backyard?

23 A No, sir.

24 Q Where is the pump house?

25 A It's closer to kind of where the dog is, probably

1 almost --

2 Q The line in between these two properties?

3 A Yes, right before the dirt road.

4 Q As you're facing the front door of your house, standing
5 on Belle Lane, is this other property to your left or your
6 right?

7 A The right.

8 Q It's to your right as you're facing your house?

9 A Yes.

10 Q Okay. And you were looking out the back, a back
11 window, did you say?

12 A The back door.

13 Q The back door, okay. So this was on your right or your
14 left then as you're looking outside?

15 A The right.

16 Q Okay. And from the pump house, how close were you to
17 what you eventually saw?

18 A Not very far. I'm not sure.

19 Q What did you see from the pump house as specifically as
20 you can?

21 A Just a guy laying face down.

22 Q Okay. Was he near any kind of inanimate object? What
23 else was in the yard?

24 A That's all I saw. I'm not sure.

25 Q What did you think when you saw a body laying face

1 down?

2 A To be honest, I wasn't sure. I didn't know if they
3 were passed out or what was going on.

4 Q All right. Did you go and check on them?

5 A No, sir.

6 Q What did you do?

7 A I called a neighbor, and then we called the cops.

8 Q Why did you call a neighbor?

9 A Just to get her opinion on what I should do.

10 Q Okay. You ever experienced anything like this before?

11 A No, sir.

12 Q Any kind of trouble in that neighborhood?

13 A Some, yeah.

14 Q Okay. But you never had to call the police up there?

15 A No.

16 Q Never anything that made you afraid of being at X51
17 Belle Lane?

18 A I have seen a guy trying to get in my car. That's why
19 I thought people were breaking in. But other than that,
20 nobody's been in there ever since I moved aside from that.

21 Q All right. So you said you spoke to a neighbor. Who
22 was that neighbor?

23 A Nancy Draughty (ph).

24 Q And after talking to her, y'all eventually called the
25 police?

1 A Yes.

2 Q Did the police ever come out there?

3 A They did.

4 Q Do you recall about what time or how much later after
5 you called?

6 A So I called her, and she works in town, so she was
7 there within five minutes. And then she called the cops,
8 also. And they were there within 20 minutes.

9 Q When you say in town, you mean Hampton or Varnville?

10 A Hampton.

11 Q Hampton. All right. And I know, of course, they are
12 right next to each other. So Nancy came out and then the
13 police came out?

14 A Yes.

15 Q Did you ever go up to the person on the ground and
16 check on them?

17 A No, sir.

18 Q You just waited for the police to do their thing?

19 A Yes.

20 Q Did you see what he was wearing?

21 A I didn't.

22 Q Do you recall which phone was used when y'all called
23 911?

24 A It was my phone.

25 Q Your phone?

1 A Uh-huh.

2 Q Okay. But it was Nancy that called using your phone?

3 A My sister used my phone.

4 Q Your sister is the one who actually got it?

5 A Yes.

6 Q Okay. But you're the one who saw the person and
7 alerted your sister and Nancy Draughty that there was
8 something on the ground?

9 A Right.

10 MR. EVANS: Those are all the questions I have. Please
11 answer any questions Mr. Shelton may have.

12 CROSS-EXAMINATION

13 BY MR. SHELTON:

14 Q I may have missed it, did you say what time it was that
15 you called Nancy? Do you remember?

16 A I don't recall.

17 Q Do you remember giving a statement to the police?

18 A Yes.

19 Q Would it be helpful to review that statement to refresh
20 your memory?

21 A Yes.

22 Q Just read it to yourself to help refresh your memory.

23 A (Witness reviews statement.)

24 Q Did that help refresh your memory?

25 A Yes.

1 Q So about what time do you remember calling Nancy?

2 A So along here, it says 3:55, so in the afternoon.

3 Q 3:55 p.m.?

4 A Uh-huh.

5 Q And then it was around, I think it was 3:59, that you
6 all called the police; is that correct?

7 A Right, yes.

8 Q Okay. So about what time do you think you heard the
9 banging noises?

10 A It was later in the morning.

11 Q So late in the morning can mean different things for
12 different people. So could you give an idea of when that
13 would be?

14 A 11:00ish, maybe.

15 Q 11:00. Did you see a whole bunch of cars going in and
16 out?

17 A I had been in bed, and I didn't move.

18 Q Okay. Have you seen cars go in and out of that
19 property?

20 A Before, yes. Lots of traffic.

21 Q Lots of traffic. Okay. Have you ever been to that
22 property?

23 A No.

24 MR. SHELTON: No further questions.

25 MR. EVANS: Just briefly.

REDIRECT EXAMINATION

BY MR. EVANS:

Q Ms. Mixson, you said you saw the body, then left and came back, and then called Nancy? Is that the sequence?

A I saw the body, went and found my sister, and then we called Nancy.

Q Okay. Did you actually leave the home at any point after you had seen the body, but before the police came?

A No.

Q No, you didn't. You initially saw him based on the statement Mr. Shelton showed you around 3:00, you estimate?

A Yes.

Q Okay. And then, but no police until 3:55, more or less?

A Yes.

MR. EVANS: That's all the questions I have.

Thank you, Your Honor.

THE COURT: Anything further?

MR. SHELTON: No.

THE COURT: You're excused, ma'am. Thank you.

Call your next witness?

MR. EVANS: The State calls Teddy Scott.

THE CLERK: Thank you. Raise your hand.

WHEREUPON;

TEDDY SCOTT,

1 after being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. EVANS:

4 Q Would you, please, identify yourself and spell your
5 last name for our court reporter?

6 A My name is Teddy Scott. I'm a sergeant with the
7 Hampton County Sheriff's Department. My last name is Scott,
8 S-C-O-T-T.

9 Q And you've got your rank and your name right on your
10 shirt, so I appreciate that. Sergeant, how long have you
11 been with the Sheriff's Office?

12 A Since '08.

13 Q Since 2008. Did you work in law enforcement anywhere
14 else before that?

15 A Yes, I'm still with the County, but it was more
16 detention work.

17 Q You started at the Hampton County Detention Center?

18 A Yes, sir.

19 Q And then went to the Academy after that, or were you an
20 officer?

21 A I went to the Academy after that.

22 Q Okay. And how about before the detention center, was
23 that sort of the way you broke into law enforcement?

24 A Right.

25 Q Are you a Hampton County native?

1 A Yes, sir.

2 Q All your life?

3 A All my life.

4 Q Sergeant, were you a sergeant or an investigator in May
5 of 2022?

6 A I can't remember if I was a sergeant back then, but I
7 was on patrol.

8 Q You were on patrol. You were not doing investigations,
9 murders, burglaries, those sorts of things?

10 A No, sir.

11 Q Okay. And as a patrol officer, can you tell us a
12 little bit, what are the duties that you have?

13 A Mainly to enforce the laws, answer calls, service
14 calls, patrol areas in a patrol car.

15 Q You go where you're needed?

16 A Everywhere I'm needed.

17 Q Okay. And were you working in that capacity as a
18 patrol officer on May the 26th, 2022?

19 A Yes, sir.

20 Q Do you recall where you went and what led us to this
21 case today?

22 A Yes, sir.

23 Q What can you tell us? When did you receive a call?

24 A It was around 4:00, little after 4:00, around four
25 o'clock. We responded to **X51** Belle Lane, that's in the

1 Varnville area of Hampton County. A call came in from a
2 dispatch said there was a male laying on the ground --

3 MR. SHELTON: Objection, hearsay.

4 BY MR. EVANS:

5 Q Did you receive a call that led you to go to Belle
6 Lane?

7 A Yes, sir.

8 Q And is that in Hampton County, South Carolina?

9 A Yes, sir, it's in the Varnville area of Hampton County.

10 Q Is it or is it not in the Varnville city limits?

11 A It's out of the city limits.

12 Q Okay, but we call it Varnville because it's closer to
13 Varnville than Hampton?

14 A Yes, sir.

15 Q But it's certainly in Hampton County?

16 A Yes, sir.

17 Q And that's one -- what was the address again?

18 A X51.

19 Q Okay. Did you actually go to X51 or was that just
20 where the call came from?

21 A We -- the houses are right close to each other, so I
22 think they shared a common driveway and we pulled in the
23 center. And that's when we made contact with one of the
24 complainants.

25 Q All right, did you take -- did you write a report in

1 this case?

2 A Yes, sir.

3 Q Would it refresh your -- do you actually have it with
4 you?

5 A Yes, sir.

6 Q Could you double-check the address for me, sir?

7 A It's X51 Belle.

8 Q What is the address at the top where it says it was?

9 A At the top, that's the actual location where the
10 subject was at. Right, we responded to, it was X71 Belle.

11 Q There we go, thank you. So you got a call from X51
12 that led you to X71?

13 A Yes, sir.

14 Q All right. And who did you talk to -- without saying
15 things that they told you specifically, but when you were
16 dispatched, who did you speak to?

17 A The person that contacted us was Ms. Nancy Draughty.

18 Q All right. Was she the person who had called 9-1-1
19 according to dispatch?

20 A I don't think she's the one -- yeah, she did make a
21 9-1-1 call.

22 Q Okay. And did you talk to Alexis or Lexi Mixson?

23 A I can't recall right now if I really spoke to her. I
24 know I spoke to Ms. Nancy Draughty.

25 Q What did you find when you actually got on X71 Belle

1 Lane and took a look with your own eyes?

2 A There was a white male laying on the ground beside a
3 vehicle. He had on a blue shirt, blue jeans, and some
4 camouflage boots. He had a ball cap that was laying beside
5 him. His t-shirt had some blood on the back of it. He
6 appeared not to be breathing to me. I didn't touch him or
7 anything like that.

8 Q And why didn't you touch him?

9 A I really didn't want to disturb any evidence. If there
10 was any evidence there, I didn't want to disturb it.
11 Basically, I started just looking around, and I noticed the
12 back door to the residence was open. So I walked over and
13 just yelled inside to see if anybody was inside.

14 Q And was anybody inside?

15 A Nobody was inside that I could tell at the moment.

16 Q Was anybody on the property as far as you could tell?

17 A No, nobody but the gentleman that was there.

18 Q And was it evident that he was deceased?

19 A If I had to guess, yes, because it wasn't -- there was
20 no movement, up and down movement from the chest or eyes or
21 mouth or anything, there was no movement, so.

22 Q All right. Now, did you or another officer call for a
23 paramedic?

24 A With that type of call, 9-1-1, they usually dispatch
25 those people already. They're on -- say somebody's laying

1 on the ground, so we all arrived there. They were on scene
2 about the time when I got there.

3 Q They arrived shortly, around the same time?

4 A Around the same time, just around the outside.

5 Q Now, what do you do when you get to a scene like this
6 and you find something unusual like this male?

7 A The first thing we want to do is we want to establish a
8 crime scene. We put up crime scene tape and we start a
9 crime scene log of who was in and out of the area.

10 Q And what is the purpose of doing that?

11 A Just trying to keep a log of who was all there, present
12 at the scene.

13 Q How about the tape? What's the purpose of putting up
14 that tape?

15 A Just kind of rope off the area, trying to contain
16 whatever evidence that is inside of there. So just kind of
17 a general work area, just to establish.

18 Q And do you make sure -- do you or another officer make
19 sure that nobody unauthorized comes on there?

20 A Correct.

21 Q All right. Who in the sheriff's office did you call
22 and let know what you encountered?

23 A At the time, Captain Russell, he's the sheriff now, I
24 called him and told him what I thought I had, what was going
25 on. And he called me back, finished labeling his cell

1 phone, basically, just told him the same thing that I
2 already said. And he showed up.

3 Q Okay. Did any agents or officers from any other
4 agencies ever arrive?

5 A Lieutenant Michael Smith with Varnville Police
6 Department, he arrived with me.

7 Q How about from any further agencies?

8 A I think SLED, I think some officers came from SLED.

9 Q Did you find any physical evidence or anything on scene
10 that you collected or told SLED about or told any other
11 officers about?

12 A No, sir.

13 Q Was it just your duty, essentially, to get there first
14 and make sure that there was a secure crime scene?

15 A Yes, sir.

16 Q After your arrival, did anybody unauthorized get onto
17 that crime scene?

18 A No, sir.

19 Q Did any people arrive and sort of linger outside the
20 crime scene?

21 A Mr. Josh Plummer, I remember him coming. Actually, I
22 don't know if he was renting that property or what, but I
23 think that was his residence at the time.

24 Q You came to understand that that was the place where he
25 lived?

1 A Yes.

2 Q All right. And without saying the specific things he
3 said, did you talk to him?

4 A Yes, sir.

5 Q And did he give you some information that was helpful
6 in the case?

7 A Yes, sir.

8 (WHEREUPON, State's Exhibit No. 4 was marked for
9 identification.)

10 MR. EVANS: May I approach the witness, Your Honor?

11 THE COURT: You may.

12 BY MR. EVANS:

13 Q Sergeant, I'm going to show you what's been previously
14 marked, but not entered yet, so don't show the jury just
15 yet. What's been previously marked as State's Exhibit 4, do
16 you recognize that, sir?

17 A Yes, sir.

18 Q What is that?

19 A That's actually the backyard of that residence of X71.
20 The blue dots pick up something where the male --

21 Q That's the same address?

22 A Where I arrived at, and that's where he's pointing.

23 Q Okay. Has this photo been changed or altered in any
24 way, as far as you can tell?

25 A No, sir.

1 Q All right. You took some photos in this case; is that
2 right?

3 A Yes, sir.

4 Q Is this one of those photos?

5 A Could be, yes, sir.

6 Q Could it have been a photo taken by SLED later?

7 A It could have been.

8 Q Okay. Does it fairly and accurately depict the way
9 that X71 Belle Lane looked when you arrived there on May
10 26th, 2022?

11 A Yes, sir.

12 MR. EVANS: Your Honor, the State would move this
13 photograph in evidence as State's Exhibit 4.

14 THE COURT: Without objection?

15 MR. SHELTON: Previous objection.

16 THE COURT: Thank you, subject to previous objection.

17 (WHEREUPON, State's Exhibit No. 4 was admitted into
18 evidence.)

19 BY MR. EVANS:

20 Q Sergeant, you were a road deputy at the time?

21 A Yes, sir.

22 Q Did you let investigators know the information that Mr.
23 Josh Plummer had provided to you?

24 A Yes, sir.

25 Q Or passed that up to the chain of command, if you will?

1 A Yes.

2 Q All right. Once investigators got there and started
3 working on it, was that, basically, the end of your
4 involvement in this case?

5 A Absolutely.

6 Q And so we called you last week and said you're
7 testifying?

8 A Yes, sir.

9 MR. EVANS: Those are all the questions that I have.
10 Please answer any questions Mr. Shelton may have.

11 CROSS-EXAMINATION

12 BY MR. SHELTON:

13 Q Were you aware that this was Josh and Hunter's
14 Plummer's residence prior to Josh Plummer coming?

15 A Can you repeat that?

16 Q Prior to Josh Plummer coming to the residence, were you
17 aware that this was Josh and Hunter Plummer's residence?

18 A Yes, sir.

19 Q Did you talk to Hunter Plummer that night?

20 A No, sir.

21 Q So you just interacted with Josh Plummer?

22 A Yes, sir.

23 Q I think there's some photographs that are at night and
24 then there's some that are in the day? Were you taking your
25 photographs at night?

1 A No, sir. It was around a little bit after four o'clock
2 p.m., so it was still daylight.

3 Q Okay. That's when you arrived?

4 A Yes, sir.

5 Q So you just started taking photos right away when you
6 arrived?

7 A No, sir, not right away. No, sir.

8 Q Okay. To be fair, this is May 26th of 2022 that this
9 incident occurred, correct?

10 A Yes, sir.

11 Q And we're now two and a half years later, correct?

12 A Yes, sir.

13 Q And you've had a lot of cases in between that time,
14 correct?

15 A Yes, sir.

16 Q You've had a lot of calls, correct?

17 A Yes, sir.

18 Q And so you've made reports and that helps with memory,
19 correct?

20 A Yes, sir.

21 Q Okay. Did you do any of the forensics or any
22 collecting of evidence, anything like that?

23 A No, sir.

24 Q Were you a part of any part of the investigation
25 whatsoever?

1 A I just remember just passing on the information.

2 Q Okay. So you weren't going out interviewing witnesses
3 or anything like that?

4 A Right.

5 Q Okay. Do you know if there was like a -- were you ever
6 told to stop as far as going onto scene, or to wait for
7 SLED, anything like that? Was there any type of command
8 that came down?

9 A No. Normally, we just -- when we get there, we'll
10 arrive and try to secure the scene and stuff like that. And
11 when investigators come, we just turn it over to them.

12 Q Okay. And so there's an alleged dead body on the
13 ground, and an open door to the trailer. Did you go and try
14 to secure that scene?

15 A What we did, I waited on some more units to come. And
16 we did go inside and clear the residence, make sure nobody
17 else was inside the residence or any other threat for law
18 enforcement inside of the residence. After that, that was
19 it.

20 Q Okay. There was, I think, a rake. Do you remember a
21 rake being on scene?

22 A I don't recall.

23 Q You didn't rake the crime scene or anything like that,
24 right?

25 A No, sir.

1 Q Did you walk inside the crime scene?

2 A Yes, sir. I had to get close enough to see the guy.
3 That's all I did.

4 Q You didn't disturb any of the evidence. Did you search
5 the cars on scene?

6 A No.

7 Q Because there were a lot of broken down cars, right,
8 there on scene.

9 A Several cars in the backyard, yes, sir. But I didn't
10 search the cars or anything like that, no sir.

11 Q There was a -- you remember a Mustang?

12 A I can't remember what all cars was in the backyard, no
13 sir.

14 Q Okay, but you remember a lot of cars?

15 A Yeah, I remember there was several cars in the
16 backyard.

17 Q Okay. And you don't know where they were positioned or
18 anything like that from memory?

19 A Not from my memory, no sir.

20 MR. SHELTON: No further questions.

21 THE COURT: Any redirect?

22 MR. EVANS: No redirect.

23 THE COURT: Any objection to this witness being
24 excused?

25 MR. EVANS: No, Your Honor.

1 THE COURT: You're excused, Sergeant. Thank you.

2 Ladies and gentlemen of the jury, we're going to take a
3 very short recess. I need to remind you -- you're going to
4 go back to your jury room, refresh yourselves, grab a cup of
5 coffee or whatever you need. Do not discuss this case with
6 each other. It's not appropriate to do so at this time.

7 We'll bring you right back out here and then I expect
8 to work till 4:00, okay? Thank you.

9 (WHEREUPON, the jury exits the courtroom.)

10 THE COURT: All right, we're going to take a break.
11 Five minutes.

12 (WHEREUPON, a short break was taken.)

13 THE COURT: Anything you need to put on the record from
14 the State?

15 MR. EVANS: I don't believe so. I know that our next
16 two witnesses are in the building.

17 THE COURT: Will that take us to 4:00?

18 MR. EVANS: Probably.

19 THE COURT: Okay.

20 MR. EVANS: I'll look. And no more than three.
21 There's another one we told to be here around this time
22 today.

23 THE COURT: Okay.

24 MR. EVANS: Who is a lay witness. I'm sure he could
25 come back tomorrow if he need be.

1 THE COURT: Okay. So if we're able to, you'd like to
2 get that third person up as well.

3 MR. EVANS: Ideally, but.

4 THE COURT: Okay. Thank you. We'll be at ease. Just
5 five minutes.

6 (WHEREUPON, a short break was taken.)

7 THE COURT: All right. We ready to go? State ready?

8 MR. EVANS: Yes, Your Honor. And we do have all three
9 witnesses in the building, so we'll do our best to get
10 through all of them.

11 THE COURT: As far as we can until four o'clock?

12 MR. EVANS: Yes, Your Honor.

13 THE COURT: Okay. Sounds good.

14 Okay. Let's bring the jury in.

15 (WHEREUPON, the jury enters the courtroom.)

16 THE COURT: Mr. Evans, did we call your next witness,
17 sir?

18 MR. EVANS: The State would call Bailey Stepp.

19 WHEREUPON;

20 BAILEY STEPP,

21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. EVANS:

24 Q Good afternoon, would you please first speak up and
25 then please identify yourself and spell your last name for

1 our court reporter?

2 A My name is Bailey Stepp, S-T-E-P-P.

3 Q And Ms. Stepp, did you used to be Bailey Morgan?

4 A I did.

5 Q All right, congratulations. That was back in 2022 when
6 you worked on this case?

7 A Correct.

8 Q Where do you work?

9 A I work at the South Carolina Law Enforcement Division,
10 commonly referred to as SLED.

11 Q And what is your title there? Is it special agent?

12 A Yes.

13 Q What do you do at SLED?

14 A I'm assigned to the Crime Scene Investigations Unit.

15 Q All right. And what does that mean? Tell us what
16 y'all do.

17 A So our job is to assist local law enforcement with
18 crime scene investigations. So that would be documenting,
19 collecting and preserving evidence for analysis in our
20 laboratory. We, also, prepare written reports, just
21 documenting everything that we do on scene.

22 Q And do y'all do this all over the state?

23 A Yes.

24 Q How does that work? Where are you based out of?

25 A We're based out of Columbia.

1 Q And you get a call and you go to Hampton or to York or
2 to Horry or wherever?

3 A Yeah, so we work on call. So you're on call for seven
4 days 24/7. We have a dispatch center, which is called our
5 SLED operations desk. And they are the ones that would take
6 the request from law enforcement and then call us and then
7 we go.

8 Q And what sort of training did you have to go through in
9 order to be a crime scene agent for SLED?

10 A I attended the South Carolina Law Enforcement Criminal
11 Justice Academy and got my law enforcement certification. I
12 then completed SLED's in-house training program. That's
13 about a year to a year and a half long. You are paired up
14 with a field training officer. And while you are doing
15 that, you are, also, completing written and practical
16 examinations in different areas of crime scene.

17 Q All right. And when do you actually start going out
18 and going to crime scenes?

19 A Day one. You work under the direct supervision of your
20 field training officer.

21 Q I see. So while you're doing the in-house training,
22 part of that is actually doing the job?

23 A Yes.

24 Q Okay. And when y'all work as crime scene agents, do
25 you have a supervisor at all times, or do you eventually

1 become the supervisor? How does that work?

2 A We have lieutenants, but pretty much on the scene is
3 you and your partner. Lieutenants can come out.

4 Q Okay, but you always have a partner at every scene?

5 A Yes.

6 Q Why is that?

7 A Two people makes the job go easier. We both work, one
8 person will usually document the scene with photographs, the
9 other person will be documenting it with notes.

10 Q And do you each, you know, sort of keep an eye on what
11 the other person is doing so that you can each be familiar
12 with the work?

13 A It's all done in the, like, presence of the primary
14 case agent, which is the person who will be writing.

15 Q On this particular case from May of 2022 in Hampton,
16 were you the primary case agent?

17 A Yes.

18 Q Was that the first time or an early time for you?

19 A It was earlier after I got signed off, but it was not
20 the first time.

21 Q You'd been to other crime scenes?

22 A Yes.

23 Q Approximately how many ballpark?

24 A 37, somewhere in there.

25 Q Okay. Were any of those murder scenes?

1 A Yes.

2 Q So it was not unusual for you?

3 A No.

4 Q All right. Tell us about when you came down here in
5 May of 2022?

6 A So I was notified by the SLED operations that the
7 Hampton County Sheriff's Office had requested crime scene
8 assistance with a homicide investigation. I made contact
9 with the point of contact at the time, which was Captain
10 Russell. During that me and my partner responded down here.

11 Q All right. So Captain Russell, now Sheriff Russell,
12 asked you to come down here?

13 A Yes.

14 Q Have you been to Hampton County before?

15 A I have.

16 Q Okay. What did you find when you got here? Well,
17 actually, what specific part of Hampton County did you go
18 to?

19 A I went to Varnville.

20 Q All right. Did you go straight to the crime scene
21 then?

22 A Yes.

23 Q Didn't have to stop at the sheriff's office?

24 A No.

25 Q Okay. So what did you find when you got to Varnville?

1 What's that specific address?

2 A X71 Belle Lane, Varnville, South Carolina.

3 Q And that's in Hampton County?

4 A Yes.

5 Q What did you find when you got to X71 Belle Lane?

6 A I arrived on scene and immediately walking up the
7 driveway, I saw a male lying facedown outside of the
8 residence. There were multiple cars in the backyard.

9 Q Okay, did you -- what did you do to document what you
10 saw?

11 A So we start with overall photographs, which is just
12 going to document the scene as it is.

13 (WHEREUPON, State's Exhibit Nos. 3, 5 through 21 were
14 marked for identification.)

15 BY MR. EVANS:

16 Q Let's go ahead and start putting some of those in.

17 MR. EVANS: May I approach, Your Honor?

18 THE COURT: You may.

19 BY MR. EVANS:

20 Q Agent Stepp, I'm going to pass you what has been
21 previously marked as State's Exhibits 3 through 21, and ask
22 if you're familiar with those.

23 A (Witness reviewed exhibits.)

24 Q All right. Does State's Exhibit 3 through 21 look
25 familiar to you?

1 A Yes.

2 Q What are those?

3 A Crime scene photos that we took on the crime scene.

4 Q Those are some of the photographs which you and/or your
5 partner took back in May of 2022?

6 A Yes.

7 Q Do you remember if you took them or if your partner
8 took them?

9 A I took some of them and she took some of them.

10 Q You go back and forth?

11 A Yep.

12 Q Okay. But do all the photos fairly and accurately
13 depict the scene at X71 Belle Lane as you observed it in May
14 of 2022?

15 A Yes, it does.

16 Q Have they been changed or altered in any way?

17 A No.

18 MR. EVANS: Your Honor, the State would move these
19 photographs into evidence. State's Exhibit No. 4 already
20 is, but State's Exhibit No. 3 and then 5 through 21.

21 THE COURT: Subject to your prior objection, sir?

22 MR. SHELTON: Yes, ma'am.

23 THE COURT: Thank you.

24 (WHEREUPON, State's Exhibit Nos. 3 and 5 through 21
25 were admitted into evidence.)

1 BY MR. EVANS:

2 Q All right. And I'm going to ask you to step down.
3 We're going to put these actually on the big screen. So
4 starting here with State's Exhibit No. 3, I just want you to
5 tell me what we see in these photographs as we go through
6 them, okay?

7 A So this is going to be -- 3 is the silver truck. The
8 driveway goes up to the back door.

9 Q This is part of the actual home here?

10 A I wouldn't say that it was an actual house, but it's
11 like a wall, almost like a fence in the backyard.

12 Q State's Exhibit No. 4?

13 A This is just another picture where you see a truck --

14 Q Where I'm pointing here?

15 A Yes.

16 Q Anything else in State's Exhibit 4?

17 A No.

18 Q How about State's Exhibit No. 5?

19 A So we've just moved a little bit further along. This
20 is still that same vehicle that's parked right here closest
21 to us. And then you just see other items in the backyard.

22 Q Just walking into the scene and moving to the left of
23 that same truck that we saw in State's Exhibit No. 4?

24 A Yes.

25 Q How about State's Exhibit No. 6?

1 A This is just the bed of that truck that we saw walking
2 in and then you can see the victim.

3 Q What sort of things, if you can tell -- you didn't
4 collect all these items and take them back to SLED, did you?

5 A No, we did not. We did not collect any of those items.
6 It looked a lot like car parts, various items and tools.

7 Q How about State's Exhibit 7?

8 A This is another angle of that truck.

9 Q So moving to the left, we're seeing the same thing,
10 okay. State's Exhibit 8?

11 A You're looking at the truck. Now, you can see the back
12 of the residence better.

13 Q Did you document -- we'll get into it. You don't have
14 to go from memory. But did you document the make and model
15 of all these?

16 A Yes, every vehicle was documented.

17 Q What was this one, if you recall?

18 A Dodge Ram.

19 Q State's Exhibit 9, what do we have here?

20 A This is closer to, like, the front door -- or the back
21 door of the residence where we entered from. This is just
22 other various items.

23 Q Can you see that same green Dodge Ram in this photo?

24 A It's right in this corner right here.

25 Q This one here?

1 A Yes.

2 Q What do we have here?

3 A Like, a motorcycle of some sort.

4 Q Small motorcycle?

5 A Uh-huh.

6 Q How about State's Exhibit 10?

7 A So this is back to that vehicle where the victim was
8 laying.

9 Q This is just the opposite side of that same green Dodge
10 truck?

11 A Correct.

12 Q State's Exhibit 11?

13 A This was a red to brownish in color stain that was near
14 the front of that vehicle with wires cut around it.

15 Q Were you able to ascertain what that stain was or what
16 you suspected it to be?

17 A We were not. We processed this in the backyard of the
18 residence with Leuco Crystal Violet, commonly known as LCV.
19 But it will react with human blood and animal blood, so it
20 will turn a purple color. The stain did not turn.

21 Q I see. And how about State's Exhibit 12?

22 A This is showing the relation of that stain before it
23 was processed to the victim and the vehicle.

24 Q What do we have -- what is the truck on?

25 A It looks like a trailer.

1 Q Okay, so it's not sitting all on its own four wheels?

2 A No.

3 Q How about State's Exhibit 13?

4 A This is marker one that we placed on the scene.

5 Q You placed it, not the sheriff's office, who had been
6 there before you?

7 A Correct. We placed the markers.

8 Q Okay. Now, why do you place markers, and what does
9 this marker signify?

10 A So this marker is placed next to a cartridge case. We
11 place markers to anything that has evidentiary value and
12 that helps us establish where it is.

13 Q And where was this particular -- I mean, tell us what
14 we can see?

15 A So you can see the front of that trailer that the truck
16 is on.

17 Q How about State's Exhibit 14?

18 A This is that same cartridge case. This is just a
19 close-up of the top of it.

20 Q How did y'all find that cartridge case?

21 A We did a visual search.

22 Q You didn't need a metal detector or anything? You just
23 saw it laying on the ground?

24 A Correct.

25 (WHEREUPON, State's Exhibit No. 1 was marked for

1 identification only.)

2 BY MR. EVANS:

3 Q I'm passing you now what's been marked as State's

4 Exhibit 1. Can you tell me what that is?

5 A This is the same cartridge case.

6 Q It's in a protective packaging?

7 A Yes.

8 Q How can you tell it's the same one?

9 A Well, my initials are on the outside of the package.

10 Q You picked it up off the ground after taking the photo?

11 A Yes.

12 Q And put it into the packaging and took it with you back
13 up to Columbia?

14 A Correct.

15 Q And it's sealed up, as you can see?

16 A Yes.

17 Q And is your name anywhere else on the outer packaging?

18 A Yes, my name is on the outside of the package.

19 MR. EVANS: Your Honor, the State would move the
20 cartridge casing into evidence as State's Exhibit 1.

21 THE COURT: Any objection?

22 MR. SHELTON: No objection.

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit No. 1 was admitted into
25 evidence.)

1 BY MR. EVANS:

2 Q So moving inside to State's Exhibit 15.

3 A Yes. This is in the living room --

4 Q Where's the living room relative to the front door?

5 A So the door -- so this is actually should be right in
6 here. There's actually a door on this other side where we
7 entered through, which was a bedroom, kitchen and
8 [indiscernible].

9 Q What do we see in this photo? There's a lot in here,
10 but what, if anything, jumps out to you?

11 A There's a nightstand and a wallet and some keys.

12 Q So how about State's Exhibit 16?

13 A This is that wallet. We're just moving to take another
14 photo of it as we go through.

15 Q So you're just trying to show this is the same one that
16 you already have a photo of?

17 A Correct.

18 Q And it's opened up to see what's inside?

19 A Uh-huh.

20 Q What's in State's Exhibit 17?

21 A So this is contents from the wallet, an identification
22 card, a debit card and [indiscernible].

23 Q State's Exhibit 18?

24 A This is just a close-up of the identification --

25 Q Closer view of State's 17?

1 A Yes.

2 Q Did you collect any of these items?

3 A No.

4 Q And take them with you?

5 A We did not.

6 Q Why not?

7 A The forensic value of it for us would be that it had
8 identification, name on it. We took a photograph.

9 Q You've gotten very close in this photograph. We can
10 read it, right?

11 A Yes.

12 Q Now, at this point, had you talked to the Hampton
13 County Sheriff's Office? Did you have any idea who they
14 were looking for?

15 A No.

16 Q Or what had happened?

17 A No.

18 Q But sometimes does that happen where you have some
19 information about what the witnesses are saying by the time
20 you arrived?

21 A Sometimes, yes.

22 Q But not always and not in this case?

23 A Correct.

24 Q State's Exhibit 19?

25 A This is just more contents from that wallet, a pay stub

1 and some other documents.

2 Q And again, none of these were collected?

3 A No.

4 Q The same reason as with the ID card?

5 A Correct.

6 Q Because you can see what they say?

7 A Correct.

8 Q State's Exhibit 20? Is that just moving slightly to
9 the right?

10 A It's just moving over. It's the same contents. Just
11 getting a better view of some of the contents.

12 Q State's 21 is our last one. Was that, also, found in
13 the wallet?

14 A It was.

15 Q None of these were collected, just documented with
16 photographs?

17 A Correct.

18 (WHEREUPON, State's Exhibit No. 2 was marked for
19 identification only.)

20 BY MR. EVANS:

21 Q And I'm going to show you what's been marked as State's
22 Exhibit 2. What is State's Exhibit 2?

23 A This is a diagram I prepared for our case that shows
24 the items that were marked.

25 Q Now, how do you create a diagram like this?

1 A So on the scene, while we're there, we'll do a rough
2 sketch with pen and paper and take any measurements that are
3 needed. Then we'll come back to the lab and use a program
4 called Vizio, which just allows us to enter items.

5 Q So it's just sort of like Kid Pics from when I was
6 little, you do the little drawing with a computer program?

7 A Yes.

8 Q And it's not to scale?

9 A It's not to scale.

10 Q It's not a photograph?

11 A No.

12 Q What sort of item --

13 A Not every item is shown.

14 Q Not every item, okay. Tell us what is shown very
15 quickly, then I'm going to enter it.

16 A So all three markers, one through three, on marker A
17 and [indiscernible].

18 Q Did you create this with the computer program or did
19 your partner?

20 A I created it.

21 Q You actually recall doing this yourself.

22 A Yes.

23 Q And this is a copy of, obviously, because it's
24 originally a computer file?

25 A Correct.

1 MR. EVANS: Your Honor, the State would move the
2 diagram in as State's Exhibit 2 at this time.

3 MR. SHELTON: No objection.

4 (WHEREUPON, State's Exhibit No. 2 was admitted into
5 evidence.)

6 MR. EVANS: I've shown Mr. Shelton a demonstrative, a
7 blow-up version.

8 BY MR. EVANS:

9 Q Is this today just a larger version of the same thing
10 that I just showed you?

11 A Yes.

12 Q Just as you did with the pictures, Agent Stepp, I just
13 want you to walk up to where this diagram is and tell us
14 what it shows.

15 A So this is just the back side of that residence with
16 this being the backyard. It's got all three markers that
17 were placed within the scene as well as the vehicles, the
18 location of the victim and an overlay of how the evidence
19 was laid out.

20 Q You've got your name up here and your initials?

21 A Yes.

22 Q So is this then the same that we saw in those early
23 photographs, that green Dodge?

24 A Yes, it is.

25 Q It doesn't signify the trailer it was resting on,

1 though, does it?

2 A No.

3 Q How about the other vehicles, tell us -- I mean, the
4 jury can read and they'll have a chance to look at it all
5 they like, but tell us what this is.

6 A You have a GMC 1500, there's a Ford truck, a Ford
7 Mustang, then we have a Chevrolet S10.

8 Q As you said, it doesn't depict everything; is that
9 correct?

10 A Correct.

11 Q So let's take State's Exhibit 9, showing that bike.
12 Can you just with your finger point out roughly where that
13 bike would have been on the diagram if you had noted it?

14 A It would have been placed somewhere in here.

15 Q Somewhere on the right side of that legend?

16 A Yeah.

17 Q Okay. But again, you didn't have anything from any
18 witnesses when you took -- documented the scene or when you
19 created this diagram; is that correct?

20 A Correct.

21 Q All right. So you mentioned some markers, and again,
22 they're noted in the legend, but just tell us anyway, what
23 are those markers signify?

24 A So marker one is that cartridge case we looked at
25 CCIR40S&W. Marker two and marker three are both suspected

1 drug evidence. And marker A on here was suspected tire
2 impressions.

3 Q Okay. One is the same -- you actually used the same
4 marker number as we saw in the photograph, which turned out
5 to be State's Exhibit 1?

6 A Yes.

7 Q Okay. One on the diagram, one in the exhibit numbers,
8 and one in the photographs?

9 A Yes.

10 Q Okay. And this figure here, I think it's fairly
11 explanatory, but, again, for the record?

12 A That would be the victim.

13 Q Is that precisely the position he was in? I mean, how
14 does this program allow you to --

15 A The program allows us to move and size the torso, the
16 head, the arms and the legs and they all connect on the
17 program. So you can kind of move them to replicate how the
18 victim was laying.

19 Q You're not trying to make it scientific, but you're
20 trying to make it close?

21 A You're trying to make it as close as it was.

22 Q How about up here? Again, it's written clearly, but
23 tell us what that says.

24 A So we have the couches, the nightstands, end table and
25 the approximate location of the wallet that we documented

1 and the approximate location of some suspected drug evidence
2 and the cell phone that was documented.

3 Q How about here and here?

4 A This would be the doors. They're just closed in this.

5 Q This is the door that you referenced earlier, talking
6 about the wallet?

7 A Correct.

8 Q This is the one that you said you actually made entry
9 through?

10 A Yes.

11 Q Why not go through this one? That's just how it
12 happened?

13 A That's just how it happened. It was easier.

14 Q Okay. Agent Stepp, you talked about documenting the
15 scene and trying to collect physical evidence. What other
16 evidence, if any, did you find and attempt to document at
17 this particular scene?

18 A We documented some suspected tire impressions with
19 examination followed with photographs. And then we
20 documented two items of suspected drug evidence.

21 Q So did it appear that there had been other vehicles
22 there? That's why you took pictures of the tire
23 impressions?

24 A Correct.

25 Q But these are all the -- all the ones, at least, in

1 this area, all the cars are depicted here on this diagram?

2 A Yes.

3 Q Did the Sheriff's Office direct you to take any -- you
4 often take GSR samples, gunshot residue samples?

5 A Sometimes.

6 Q Sometimes. Were you asked to in this case?

7 A No.

8 Q How about taking swabs for DNA or anything like that,
9 fingerprints?

10 A No.

11 Q There's nothing that pointed you in the direction of
12 any other physical evidence?

13 A No.

14 Q I mean, why not take anything else?

15 A A lot of times when you have a lot of people in and out
16 of a residence -- in this case, they did tell us there were
17 people in and out and there were no names.

18 Q And you're not going to take something -- I mean,
19 you're not just going to sample the entire town of
20 Varnville, right?

21 A Correct.

22 Q So was there anything else that this jury needs to know
23 about other than what you've taken photographs of, including
24 the wallet and all that?

25 A No, sir.

1 Q Marker number one, which is now Exhibit No. 1?

2 A Yes.

3 Q And this diagram, which is going to be the smaller
4 version, Exhibit 2.

5 A Yes.

6 MR. EVANS: Court's indulgence.

7 (Pause.)

8 MR. EVANS: I'm going to ask you to return to the
9 stand. I'll leave this here if Mr. Shelton wants it, but
10 please answer any questions that he may have.

11 CROSS-EXAMINATION

12 BY MR. SHELTON:

13 Q You took numerous photographs, correct?

14 A Yes.

15 Q And then there's some -- I guess, some photographs that
16 have daylight hours and then there's some that have night?

17 A Yes.

18 Q Is that correct?

19 A Yes.

20 Q Okay. But all of those are ones that you took?

21 A Correct.

22 (WHEREUPON, Defendant's Exhibit Nos. 3 through 10 were
23 marked for identification only.)

24 BY MR. SHELTON:

25 Q Okay. I'm going to ask you to look at Defendant's 3

1 through 10. Tell me if those are photographs that you took.

2 A (Witness reviews photographs.)

3 Q Do you recognize those photos?

4 A Yes.

5 Q Are those photos that you took that night?

6 A Yes.

7 Q And that's a fair and accurate depiction of those
8 photos?

9 A Yes.

10 MR. SHELTON: Your Honor, at this time, Defense moves
11 to introduce 3 through 10.

12 THE COURT: Any objection?

13 MR. EVANS: No objection.

14 THE COURT: Without objection.

15 (WHEREUPON, Defendant's Exhibit Nos. 3 through 10 were
16 admitted into evidence.)

17 BY MR. SHELTON:

18 Q Can you tell me what is depicted in Defendant's 3 and
19 4?

20 A Defendant's Exhibit No. 3 is another picture close-up
21 of marker 1 showing a cartridge case. And -- this is 2.

22 Q Oh, I'm sorry, 2.

23 A And 2 is, again, just another photograph of that
24 cartridge case.

25 Q And at this time, you don't know anything about the

1 case, correct?

2 A Correct.

3 Q You don't have witnesses or anybody on scene, correct?

4 A Correct.

5 Q And you didn't do any interviewing of anybody?

6 A No.

7 Q And that casing, could you tell -- is there another
8 picture that you took with the casing standing straight up?

9 A Yes, there should be a picture of the head stamp of the
10 casing.

11 Q And that was done by you? You lifted it up and took a
12 picture of it?

13 A Correct.

14 Q To see what type of casing it was?

15 A Correct, to document the head stamp.

16 Q Showing you Defendant's Exhibit No. 5.

17 A This is a picture of marker two and the item -- the
18 suspected drug evidence that is at marker two as well as
19 suspected blood and a hat.

20 Q The top of that photo, the very top of the photo,
21 there's some markings up here. Were you able to ever tell
22 what type of markings those were?

23 A No. I mean, in this picture, it looks like it could be
24 a rake or something.

25 Q And in State's 10, is there a rake on scene?

1 A Yes.

2 Q And so it looked like that area has been raked. Did
3 you do that?

4 A No.

5 Q And that's right around where the body was found,
6 correct?

7 A Correct.

8 Q There's some raking marks?

9 A Yes.

10 Q I'll show you 7 and 8. When you're looking on scene,
11 you're just looking for anything of evidentiary value,
12 correct?

13 A Correct.

14 Q And 7 and 8 show -- it's almost like a pen, like some
15 type of pen right here on the side? Like a rooster pen or
16 chicken coop right there?

17 A Correct.

18 Q So that's right here, correct?

19 A Yeah.

20 Q Kind of near the Mustang and this Ford truck?

21 A Correct.

22 Q Are you familiar with deer cameras?

23 A A little bit.

24 Q Do you see a deer camera? Did you see a deer camera
25 that night, that day?

1 A I don't recall.

2 Q Do you see a -- there's a no trespassing sign. Do you
3 see that no trespassing sign? Do you see a deer camera next
4 to that?

5 A There's an object next to the no trespassing sign, but
6 I can't tell you exactly what that is from this picture.

7 Q And from that corner of that chicken coop to over the
8 Mustang, that would be looking -- that would be about
9 Defendant's 6?

10 A Approximately. I couldn't give a --

11 Q So in Defendant's 6, though, you can see over the
12 Mustang, and you could see the body lying on the ground,
13 correct?

14 A You can see, like, the location of where the body is,
15 yes. I can see where there's -- like, in this picture, it
16 looks like the coroner's office was photographed, so I can
17 tell you that's where he was lying, yes.

18 Q So this object, if it was a deer camera, would be
19 pointing right at the incident location?

20 A It's possible.

21 Q Okay. I want to add one other thing while you're down
22 here. This diagram, there's a fence line that goes down
23 this way, correct?

24 A I believe that's a little over here, but yes, it came
25 down this way. And that's what we saw in those first

1 photographs.

2 Q There's no way for a car to come from the driveway to
3 right here in front? There's cars blocking that area,
4 correct?

5 A Correct.

6 Q So there couldn't be a car right here in front of this
7 S10?

8 A Correct.

9 Q Okay. You went inside the residence. There was, also,
10 another ID that was found, correct?

11 A I believe so, yes.

12 Q Do you remember who that was?

13 A I can't recall the name.

14 (WHEREUPON, Defendant's Exhibit No. 11 was marked for
15 identification and admitted into evidence.)

16 BY MR. SHELTON:

17 Q Special Agent Stepp, look at Defendant's No. 11. Is
18 that a fair and accurate picture that you took?

19 A Yes.

20 Q And the name of that identification?

21 A It is Hunter Lawton Plummer.

22 Q And the address on that?

23 A X71 Belle Lane, Varnville, South Carolina.

24 Q And that's the incident location you were at, correct?

25 A Yes.

1 Q And let's look at Defendant's 9 and 10.

2 A 9 is a picture of, looks like it could be some sort of
3 pouch with boxes of possible ammo.

4 Q And there's ammunition found in the residence that was
5 not taken, correct?

6 A Correct.

7 Q There was not a bullet -- I guess it was a casing
8 found, but there was not a bullet that was found, the
9 projectile?

10 A Not, correct.

11 Q Okay. And go to 10.

12 A 10 is a picture, it's, like, the corner of the room
13 with like a heater. You can see a rifle standing up in the
14 corner.

15 Q And that rifle was not taken into evidence, correct?

16 A Correct.

17 Q And that would be in that bedroom in that trailer?

18 A Yes, this was that first room that we entered into.

19 Q Okay. Now, this -- we can go back and look at some
20 more pictures, but this was two and a half years ago,
21 correct?

22 A Correct.

23 Q So have you reviewed your pictures prior to coming here
24 today?

25 A Yes, I did.

1 Q Do you recall seeing a whole bunch of water bottles,
2 soda bottles, soda cans throughout on the different
3 vehicles?

4 A Yes.

5 Q And none of those were taken to check for DNA?

6 A Correct.

7 Q And at this point in time, when you're leaving, you
8 don't know who the suspect is and you don't know who anyone
9 is?

10 A Correct.

11 Q And so you don't know what happened?

12 A Correct.

13 Q But we know that supposed splatter is not blood,
14 correct?

15 A Correct.

16 Q And this is a lot of cars cut up and taken apart, that
17 could be anything, correct?

18 A Correct.

19 Q No sample was taken, correct?

20 A Correct.

21 Q No fingerprints done on the shell casing, correct?

22 A It was submitted to the laboratory. I submitted it for
23 analysis for DNA.

24 Q And no DNA, correct?

25 A Once I submit it, I don't know. They end up -- like,

1 if they find anything, they process it.

2 Q They could get DNA, correct?

3 A It would be possible.

4 Q The knives were not taken into evidence, correct?

5 A Correct.

6 Q Is there any blood found in the trailer?

7 A No.

8 Q There's a washing machine in there, correct?

9 A I would have to review the pictures.

10 (WHEREUPON, Defendant's Exhibit No. 12 was marked for
11 identification only.)

12 BY MR. SHELTON:

13 Q Okay. Defendant's Exhibit No. 12?

14 A Yeah.

15 Q And that's a picture that you took?

16 A Yes.

17 Q All right.

18 MR. SHELTON: I ask that Defendant's Exhibit No. 12 be
19 introduced into evidence.

20 THE COURT: Any objection?

21 MR. EVANS: No objection.

22 THE COURT: Without objection, in evidence.

23 (WHEREUPON, Defendant's Exhibit No. 12 was admitted
24 into evidence.)

25 BY MR. SHELTON:

1 Q And that's a washing machine, correct?

2 A Yes.

3 Q Is there any analysis done on the washing machine as
4 far as spraying it to see if there's blood in the washing
5 machine?

6 A No.

7 Q And you were instructed not to do GSR on the victim?

8 A It is, actually, our policy that, typically, a victim
9 who has been shot that we do not perform GSR.

10 Q Okay. And this was a gunshot, correct?

11 A Correct.

12 Q And how many phones were taken in evidence?

13 A I know that the Hampton County Sheriff's Office
14 collected the phones.

15 Q Okay. So the Sheriff's Office collected the cell
16 phones?

17 A Correct.

18 Q And you don't have any control over what happens after
19 that?

20 A Correct.

21 Q Okay. Do you know how many cell phones that you
22 documented in the pictures?

23 A I can't remember the official count, but I know it was,
24 at least, two.

25 Q Well, there's two that were found in a white Tahoe,

1 correct?

2 A I believe so.

3 Q And so then there was one found inside the trailer,
4 correct?

5 A Yes.

6 Q And there was one found on the victim, correct?

7 A Correct.

8 Q Did you see any other cell phones?

9 A Not that I can recall.

10 Q And these cars, they had -- two of them had their VIN
11 numbers removed, correct?

12 A Correct.

13 Q You didn't do any follow-up investigation or anything
14 concerning any of these vehicles, correct?

15 A Correct.

16 Q So you don't know who that Ford Mustang belongs to or
17 whose car that is?

18 A I do not.

19 Q You don't know who any of the vehicles are?

20 A Correct.

21 MR. SHELTON: Beg the Court's indulgence.

22 (Pause.)

23 BY MR. SHELTON:

24 Q Do you remember what time it was that you arrived on
25 scene?

1 A It was 6:51 p.m. approximately.

2 Q And about what time do you leave?

3 A 10:36 p.m.

4 Q So you were there until 10:36?

5 A Yes.

6 Q And did you notice anybody that came to the residence
7 outside of law enforcement?

8 A No.

9 Q The body left around 8:48; is that correct?

10 A Correct.

11 Q Did you take any impressions of boots or footwear?

12 A No.

13 Q Did you take any impressions of -- if somebody was
14 barefoot, you would have seen no shoes, like a footprint,
15 right? Did you see any of those to take pictures of?

16 A I did not.

17 Q And if you would have saw a footprint, would you have
18 taken a picture of it?

19 A We would have documented it.

20 Q There was a bunch of towels and all that in the
21 backyard with some red-colored stains, but they were, also,
22 negative for blood, correct?

23 A Correct.

24 MR. SHELTON: No further questions.

25 THE COURT: Any redirect?

1 MR. EVANS: Very briefly, Judge.

2 REDIRECT EXAMINATION

3 BY MR. EVANS:

4 Q You said that you did not take a GSR sample from
5 victims remains?

6 A Correct.

7 Q And you said there's a policy behind that?

8 A Yes.

9 Q Could you very briefly tell us what that policy is and
10 why?

11 A So if somebody has been shot, they're expected to have
12 gunshot residue on them. So if we take that sample and
13 submit it, it's expected to have it.

14 Q And you're not an expert in GSR?

15 A Correct.

16 Q But you have a working understanding of what it is?

17 A Correct.

18 Q It's the stuff that comes out of a gun once it's fired
19 in addition to the actual bullet?

20 A Correct.

21 Q And so they don't allow y'all to submit those anymore;
22 is that right?

23 A We can submit it, but --

24 Q They won't test it?

25 A -- they won't test it.

1 Q So there's no point knowing the policy and taking the
2 sample knowing that they will not test it?

3 A Correct.

4 MR. EVANS: Court's indulgence.

5 (Pause.)

6 MR. EVANS: That's all I have.

7 THE COURT: All right. Anything?

8 MR. SHELTON: No, ma'am.

9 THE COURT: Any objection to this witness being
10 excused?

11 MR. EVANS: No, Your Honor.

12 THE COURT: You're excused, Special Agent. Thank you.

13 Ladies and gentlemen, it is four o'clock, so we're
14 going to go ahead and break for the evening.

15 Madam Foreperson, what time would you like to start in
16 the morning?

17 THE FOREPERSON: 9:00 a.m.

18 THE COURT: 9:00 a.m. Is that acceptable to everybody?

19 (All indicated in the affirmative.)

20 THE COURT: Very good.

21 Ladies and gentlemen, I have to remind you, do not
22 discuss this case when you go home. The only thing you are
23 permitted to say to a family member, a loved one, a neighbor
24 is you've been chosen as a juror in the trial of a criminal
25 case. You cannot say the parties. You cannot say the

1 lawyers. You cannot say the charges. Again, it would be
2 inappropriate, and it would invite comment.

3 Additionally, don't publish anything on social media.
4 Also, at this point, I do not think there's going to be
5 anything in the news or the newspaper, but out of an
6 abundance of caution, I need to instruct you, if you happen
7 to see something when you turn on the TV or open a newspaper
8 in the morning, you are not to read or watch anything.
9 Ladies and gentlemen, it's not factual. Your job here is to
10 determine the facts as the evidence is presented here in
11 this courtroom. That is your job.

12 Ladies and gentlemen, I just suggest you have a good
13 bite to eat in the morning before you get here at nine
14 o'clock. We will take some recesses during the morning, but
15 I plan on running right up until one o'clock and then you
16 will break for the day to be able to go about your business,
17 grab your lunch.

18 And then, Madam Foreperson, after we do that, you let
19 me know what time you are able to come back on Wednesday. I
20 will tell you --

21 Did I schedule anything for Wednesday morning or not?

22 THE CLERK: That was Thursday.

23 THE COURT: Thursday. All right.

24 So we are going to let you determine on Wednesday
25 morning what time you would like to begin, so talk amongst

1 yourselves tomorrow about that.

2 Ladies and gentlemen, thank you for your attention. We
3 look forward to seeing you all tomorrow. If anyone falls
4 ill over the evening or has any trouble getting here in the
5 morning, call the Clerk of Court's office because we will be
6 waiting for you and looking for you.

7 Thank you. You're excused.

8 (WHEREUPON, the jury was excused.)

9 THE COURT: So tomorrow morning, we're starting at
10 9:00.

11 MR. EVANS: What time would you like Mr. Breadon here
12 for the proffer before 9:00 or?

13 THE COURT: When do you plan on putting him up?

14 MR. EVANS: He was going to be my fifth lay witness,
15 but I can put him up whenever. Would you like me to proffer
16 after a mid-morning break?

17 THE COURT: That's what I was thinking. That might be
18 easier just to get a morning break. Is that okay?

19 MR. EVANS: Yes, ma'am.

20 THE COURT: So other than the identification by
21 Breadon, first, of the video that Investigator Clapp showed
22 him and then, secondly, the lineup. We'll, obviously, do
23 the proffer tomorrow morning. I don't think I had anything
24 else that was under advisement.

25 Just so I'm clear as far as the evidence is concerned,

1 there was Hunter Plummer's ID found, which was Defense's
2 Exhibit No. 11.

3 MR. SHELTON: There's a -- it's on the -- oh, Hunter's.

4 THE COURT: I'm asking for Hunter's. I see where the
5 Defendant's was, allegedly in the trailer, correct?

6 MR. SHELTON: Yes.

7 THE COURT: Okay. Here, you want to go show me your
8 picture for Defendant's. It looks like it's sitting on
9 something that looks like it has a pattern, so I just wanted
10 to know what that is.

11 MR. SHELTON: A couch.

12 THE COURT: Does that mean it was found somewhere in
13 the home?

14 MR. EVANS: Oh, certainly inside.

15 THE COURT: Okay. All right. Anything else from
16 anyone?

17 MR. EVANS: Nothing.

18 THE COURT: Anything from the Defense?

19 MR. SHELTON: No.

20 THE COURT: Okay. And I will see everyone back
21 tomorrow morning. If the attorneys want to be here by about
22 quarter to 9:00 tomorrow, so be prepared to go, okay? I
23 appreciate it.

24 Okay, anything else for the record?

25 MR. EVANS: No, Your Honor.

1 THE COURT: Thank you.

2 TUESDAY, DECEMBER 3, 2024

3 THE COURT: Good morning, ladies and gentlemen. I know
4 you all are properly awake. I saw them having you stand
5 outside yesterday -- or this morning, it was cold. So I
6 hope everyone is okay.

7 Ladies and gentlemen, we're going to go ahead and
8 continue with the trial of this case.

9 If the State will call their first witness for this
10 morning, please.

11 MR. EVANS: Your Honor, the State calls Daniel Boone.

12 THE CLERK: Good morning. Please place your left hand
13 on the Bible and raise your right hand.

14 DANIEL BOONE,

15 after being duly sworn, testified as follows:

16 THE CLERK: Thank you. If you will start by stating
17 your name and spelling your last name.

18 THE WITNESS: My name is Daniel Boone, B-O-O-N-E.

19 DIRECT EXAMINATION

20 BY MR. EVANS:

21 Q Good morning, Mr. Boone. Do you hear how loud I'm
22 speaking?

23 A Yes, sir.

24 Q I'm going to ask you to approach the volume of my
25 voice, okay? Can you try to do that for me? Because I know

1 there's a microphone there, but it doesn't work as well as
2 we'd like it to.

3 A Yes, sir.

4 Q All right. Mr. Boone, where do you live, sir?

5 A Varnville, [REDACTED] Pepper Street.

6 Q Pepper Street. Is that what you said?

7 A Uh-huh.

8 Q [REDACTED]. Okay. In Varnville and Hampton County. Have you
9 lived here all your life or most of your life?

10 A All my life.

11 Q All your life. What do you do for a living?

12 A I farm.

13 Q You're a farmer?

14 A Uh-huh.

15 Q Okay. What sort of stuff do you farm?

16 A Cotton, peanuts, you know, corn, soybean, all of it.

17 Q And do you know Mr. Trampas Prater, sir?

18 A Yes, sir, I do.

19 Q How long have you known him?

20 A All my life.

21 Q All your life? Were you around the same age?

22 A No, he's a little bit younger. He was friends with my
23 nephew.

24 Q Okay, friend. And what's your nephew's name?

25 A Joey Nix.

1 Q Joey Nix. How old are you, sir?

2 A 42.

3 Q And you say you've known Trampas all your life, or
4 would it be all his life?

5 A All his life.

6 Q Okay, because he's a bit younger than you; is that
7 right?

8 A Yes, sir.

9 Q And do you know Mr. Stuart Miller?

10 A No, no, sir. I didn't know him. I met him a couple
11 times. That was it.

12 Q You weren't a close personal friend, but you had met
13 him?

14 A Yeah, I had met him.

15 Q And you were not at the scene of his death?

16 A No, sir.

17 Q But you learned a little bit about him?

18 A No, not really.

19 Q I should rephrase. You heard that he died?

20 A Yeah, I heard he passed, yeah.

21 Q Back in May of 2022?

22 A Yes, sir.

23 MR. SHELTON: Objection, leading.

24 THE COURT: Sustained. Don't lead him.

25 MR. EVANS: Thank you, Your Honor.

1 BY MR. EVANS:

2 Q Mr. Boone, what's happened between Mr. Prater -- well,
3 first of all, is Mr. Prater in the courtroom today?

4 A Yes, sir.

5 Q Can you point him out and say something he's wearing?

6 A Yes, sir. He's wearing a blue plaid shirt.

7 MR. EVANS: Your Honor, may the record reflect that
8 he's identified the Defendant?

9 THE COURT: Yes.

10 BY MR. EVANS:

11 Q Mr. Boone, did you see Mr. Prater in the days prior to
12 learning about Mr. Miller's passing?

13 A I've seen him, but, I mean, it wasn't nothing to talk
14 about it.

15 Q I understand that. Where did you see Mr. Prater? And
16 also, did you see Mr. Miller in the days before his passing?

17 A They were both at my house helping me work on a car
18 with my sisters, and then they got into a little argument,
19 but nothing serious, you know. I mean, they was fine after
20 that.

21 Q Well, let's slow down. Let's take it piece by piece.
22 When you say they, you mean who?

23 A Trampas and Miller.

24 Q The Defendant, Trampas Prater, and Stuart Miller, were
25 at your home?

1 A Yes, sir.

2 Q [REDACTED] Pepper Street?

3 A Yes, sir.

4 Q What day was that, to the best of your memory?

5 A I can't remember.

6 Q And maybe not the date, but relative to what happened
7 later. Do you know that?

8 A No, sir.

9 Q When they were at your home, [REDACTED] Pepper Street, around
10 the time of Mr. Miller's passing, what did you personally
11 see or hear?

12 A I mean, they just got into a small, you know, argument,
13 but they were fine after that. I mean, they shook hands
14 and --

15 Q Again, when you say they, can you please give us the
16 names every time?

17 A Travis and Miller.

18 Q Okay. Mr. Miller and Mr. Prater got into an argument?

19 A It wasn't really even an argument. It was just a
20 misunderstanding. And after that, you know, everything was
21 fine.

22 Q What was the misunderstanding about?

23 A I can't really remember. I wasn't really paying any
24 attention.

25 Q Where were you when you saw them -- well, let me back

1 up a little bit --

2 A I was under the hood of the car, working on the car,
3 and they were right there with me.

4 Q I assume that's outside your home?

5 A Yes, sir.

6 Q In the backyard or in the front yard or in the
7 driveway?

8 A Right there in my shed.

9 Q And again, this is [REDACTED] Pepper Street? This is not [REDACTED] X71
10 Belle Lane?

11 A No, sir. It's [REDACTED] Pepper Street.

12 Q All right. And you were working on a car?

13 A All three of us was.

14 Q Was there anybody else there?

15 A Not at the time, no.

16 Q Whose car was it that you --

17 A My sister's.

18 Q Your sister's car. And what was being done to the car?

19 A We were just changing the head gaskets on the car.

20 Q Changing the head gaskets. Were all three of you
21 working together on the car?

22 A Yes, sir.

23 Q Did you see them get into a fist fight or an argument?

24 A No, sir. No, it wasn't a fist fight. It was just a
25 misunderstanding.

1 Q Do you recall speaking to us last week and saying that
2 it was a fist fight?

3 A I never would say it was a fist fight.

4 Q Did you settle the argument?

5 A I just told them, you know, cut it out. But, I mean,
6 it wasn't nothing serious.

7 Q What, if anything, do you recall Mr. Prater saying on
8 that day?

9 A Nothing really. I mean, it's been a while, though. I
10 mean, I really can't remember. Like I said, it wasn't
11 nothing serious. I wasn't paying much attention.

12 Q What happened after you told them to cut it out?

13 A They shook hands and everything was okay.

14 Q Did you continue working on the vehicle?

15 A Yes, sir.

16 Q Did you see -- how long did they stay -- Mr. Prater and
17 Mr. Miller, how long did they stay at your property on
18 Pepper Street?

19 A They stayed there a good while after that.

20 Q How long is a good while?

21 A Probably another hour or so.

22 Q All right. And about what time of day was that that
23 they left?

24 A It was around dark. I don't know exactly what time.

25 Q Dark in late May is pretty late.

1 A It was around 8:30, nine o'clock, somewhere along in
2 there.

3 Q And what did you do the rest of the evening?

4 A I went in and got in the shower and watched some TV and
5 went to sleep.

6 Q Did anybody else stay at your home with you that night?

7 A No, sir.

8 Q Did you see Mr. Miller the next day?

9 A The next morning, yes, sir.

10 Q The next morning. How did you come to see Mr. Miller
11 the next morning?

12 A Mr. Miller stayed at my house that night. He slept on
13 my --

14 Q Okay, so when you said a moment ago that nobody stayed
15 at your house with you, Mr. Miller actually did?

16 A Well, I mean, yeah, Mr. Miller did.

17 Q Why did you say a moment ago that nobody stayed?

18 A I don't know.

19 Q Which is the truth?

20 A He stayed at my house.

21 Q Mr. Miller stayed at your house overnight?

22 A Yeah, overnight.

23 Q All right. Was that something that he would do often?

24 A Well, my sister asked if he would help finish the car
25 up the next morning, and he told her yes.

- 1 Q Because the work wasn't complete?
- 2 A Yeah.
- 3 Q Did anybody else stay at your house?
- 4 A No, sir.
- 5 Q Let me ask you, do you know a Hunter Plummer?
- 6 A Yes, sir, I know one.
- 7 Q How do you know him?
- 8 A I met him through Brian Cruz.
- 9 Q Okay. About how long ago?
- 10 A A couple years back.
- 11 Q Before this series of events?
- 12 A Yes.
- 13 Q Had he ever worked on your sister's vehicle or ever
- 14 come over to your home?
- 15 A He came over, you know, but not often.
- 16 Q Not often. Did he come over on this occasion? Do you
- 17 remember?
- 18 A I think he did come by that night, but he didn't stay
- 19 long.
- 20 Q I see. He did come by your home?
- 21 A Yeah.
- 22 Q Did he work on your sister's car?
- 23 A No.
- 24 Q All right. What did he do when he was there, if you
- 25 remember?

1 A He came by and --

2 Q And when I say he, I mean Hunter Plummer.

3 A He came by and spoke to my sister for a second and
4 spoke to me and then that was about it.

5 Q And Mr. Miller was at your home all night?

6 A Yes, sir.

7 Q When did he leave and how did he leave the next day?

8 A He left home on a mini bike probably around 11 o'clock
9 that morning.

10 Q All right. I'm going to show you what's been
11 previously entered into evidence as State's Exhibit 9. Do
12 you recognize it?

13 A The mini bike?

14 Q Is that in this photo here?

15 A Yeah, that's it.

16 Q That's the mini bike that Mr. Miller drove?

17 A Yeah.

18 Q From your home?

19 A Yeah, from my home.

20 Q All right, and did this belong to you?

21 A It belonged to my friend, Griner Edwards.

22 Q Belonged to Griner Edwards. Did Mr. Edwards ever get
23 it back?

24 A Yes, sir.

25 Q All right. About how much later after all this

1 happened?

2 A A couple weeks.

3 Q A couple weeks later. And Mr. Miller left from your
4 home on that minibike that's in State's Exhibit 9?

5 A Yes, sir.

6 Q Did you see Trampas Prater the following day after the
7 day where they had the disagreement?

8 A He left about 11 o'clock with Brian Cruz and they went
9 somewhere.

10 Q When you say he left, what do you mean by that?

11 A Trampas Prater. Trampas Prater left my home.

12 Q Well, I know, I know, I appreciate that, but he --

13 A He came back the next morning to help us finish up the
14 car.

15 Q Thank you. Do you recall what time Mr. Prater returned
16 to your home?

17 A It was earlier that morning, probably around 8:00,
18 8:30, something along there.

19 Q So 8:00, 8:30 in the morning the day after they had the
20 disagreement, argument, whatever you want to call it, Mr.
21 Prater returned to your home?

22 A Yes, sir.

23 Q Driven by Brian Cruz?

24 A I don't know how he got there.

25 Q Oh, I apologize. You're not sure how he got there?

1 A He left at 11 o'clock. He had to go help Brian Cruz do
2 some work or something at 11:00. He left to go help him.

3 Q All right. And this is the same day that Mr. Miller
4 left on the mini bike?

5 A Yes, sir.

6 Q Did they see each other?

7 A Yes, sir. They seen each other, caught up and talked
8 and everything.

9 Q They didn't -- well, it sounds like they talked, but
10 did they have any arguments, any bad words?

11 A No, no, sir.

12 Q Any kind of fist fight?

13 A No, sir. They were fine.

14 Q And they both left at approximately what time? Sounds
15 similar, but I want to hear it from you.

16 A Travis -- Brian Cruz left about 11:00 and Travis left
17 with him to go do the job they had to do. And a little
18 while after that is when Stuart left on the mini bike.

19 Q By a little while, could that be an hour --

20 A About an hour.

21 Q Approximately an hour later?

22 A Uh-huh.

23 Q When did you learn of Mr. Miller's passing?

24 A My sister was going over to check on Mr. Josh or
25 something and she pulled up and all the police and

1 everything was over there.

2 Q And by Mr. Josh, is that Josh Plummer?

3 A Yes, sir.

4 Q When was that?

5 A I can't remember. I don't know exactly. I didn't --

6 Q Was it the same day that Mr. Miller left on the mini
7 bike?

8 A Yes, sir, same day.

9 Q And without quoting her, from your sister, did you
10 learn that Mr. Miller had passed?

11 A Yes, sir. My sister called me.

12 Q Did you ever speak to the police in this matter?

13 A No, sir.

14 Q Why?

15 A I have no idea. I mean, I guess because I wasn't
16 there.

17 Q Do you know who killed Stuart Miller?

18 A No, sir, I don't.

19 Q Is that why you didn't come forward and tell the
20 police --

21 A Yes, sir.

22 Q -- what you know about the days prior?

23 A I didn't know anything about it. I mean, it wasn't --
24 it was fine when they left my house. I don't know.

25 MR. EVANS: Thank you, Mr. Boone. Those are all the

1 questions that I have for you. Please answer any question
2 that Mr. Shelton might have.

3 CROSS-EXAMINATION

4 BY MR. SHELTON:

5 Q So the police, they never came and talked to you right
6 after this incident?

7 A No, sir.

8 Q In fact, you were -- you didn't talk to anybody with
9 state or law enforcement until last week?

10 A Yes, sir.

11 Q And that's two and a half years later?

12 A Yes, sir.

13 Q So dates and times --

14 A Dates and times, I really don't know.

15 Q You don't remember as much; is that safe to say?

16 A Yes sir.

17 Q I see you work hard. You got it on your hands?

18 A Yes, sir.

19 Q You're a hard worker, right?

20 A Yes, sir.

21 Q You get in and you fix those vehicles, also?

22 A Yes, sir, I try to, try my best anyway.

23 Q And that's what Trampas and Stuart were doing?

24 A Yes, sir, they was helping me with my sister's car. It
25 was a Nissan Altima 2005.

1 Q And you said they shook hands?

2 A Yeah, they were fine.

3 Q Do you know what type of vehicle Brian Cruz was
4 driving?

5 A I'm wanting to say it was a Chevrolet Equinox. I don't
6 know what year it was.

7 Q What color?

8 A It was white.

9 Q Do you know about how far you lived from Varnville Road
10 and Josh's place?

11 A Probably three miles.

12 Q Was Stuart known to drive that little mini bike?

13 A He asked me if he could just ride it down the road and
14 everything. I told him, yeah, it's fine. I didn't know he
15 was going that far.

16 Q Was it licensed?

17 A No, sir.

18 Q So Griner, he let you have that mini bike?

19 A Yeah, we worked on it.

20 Q So you were working on it?

21 A Yes, sir, I was working on it.

22 Q And Stuart just asked you to use that?

23 A No, he just asked if he could ride it, you know, down
24 the road. And I said, yeah, that's fine.

25 Q Was Brian Cruz there when Stuart left?

1 A No, he was done gone.

2 Q But Trampas was there?

3 A No, Trampas, he left with Brian Cruz. They went to go
4 do a job.

5 Q They left earlier?

6 A Yeah, and Stuart.

7 Q And to your understanding, they weren't going to the
8 same place? Brian Cruz and Stewart, they weren't going to
9 the same place?

10 A No, no, sir.

11 Q Did Stuart tell you where he was going?

12 A No, he did not.

13 Q Were Trampas and Brian going to work on a car, a
14 vehicle?

15 A I don't know exactly, but I know they just said they
16 had a job they had to go do. I don't know exactly what they
17 were going to work on. I didn't ask them.

18 Q Was Jesse Hadwin at your home?

19 A No, no, sir, not that I recall.

20 Q Are you for sure that Hunter was at your home the night
21 before?

22 A Yes, sir, I'm pretty sure he came by.

23 Q For how long?

24 A Maybe 15 minutes or so. It wasn't that long.

25 Q So he was in and out?

1 A Yes, sir.

2 MR. SHELTON: No further questions.

3 THE COURT: Anything more from the State?

4 MR. EVANS: No redirect, Your Honor.

5 THE COURT: Any objection to this witness being excused
6 from anyone?

7 MR. SHELTON: No, ma'am.

8 MR. EVANS: No, Your Honor.

9 THE COURT: All right. You're excused, sir, thank you.
10 Call your next witness.

11 MR. EVANS: Josh Plummer.

12 THE CLERK: Place your left hand on the Bible and raise
13 your right hand.

14 JOSH PLUMMER,

15 after being duly sworn, testified as follows:

16 THE COURT: Mr. Plummer, will you say your name for the
17 jury and spell your last name for my court reporter, please?

18 THE WITNESS: Josh Plummer, P-L-U-M-M-E-R.

19 THE COURT: Thank you, sir.

20 DIRECT EXAMINATION

21 BY MR. EVANS:

22 Q Good morning, Mr. Plummer.

23 A Morning.

24 Q What do you do for a living, sir?

25 A Right now, I'm non-employed.

1 Q Okay, what have you done for a living?

2 A Well, drilled wells, construction.

3 Q All right. And where do you live?

4 A Nixville.

5 Q Nixville in Hampton County?

6 A Hampton County, yes, sir.

7 Q Where did you live in May of 2022?

8 A I guess at Varnville.

9 Q Okay. Do you recall the street address?

10 A X71 Belle Lane.

11 Q Did you own that property?

12 A No, sir. My brother-in-law owned it.

13 Q You rented it from him?

14 A Yes, sir.

15 Q Could you describe that property briefly for us?

16 A It's a lot, probably three acres, and it's got three
17 trailers, mobile homes on it.

18 Q And you were staying in one of those?

19 A Yes, sir.

20 Q Was anybody else staying with you at that time?

21 A My son.

22 Q And what's your son's name?

23 A Hunter Plummer.

24 Q I'm going to give you several other names and ask you
25 to briefly describe who they are, relative to you, if you

1 know them.

2 A Yes, sir.

3 Q Trampas Prater?

4 A I know him, yes, sir.

5 Q Okay. Is he in the courtroom today?

6 A Yes, sir.

7 Q Can you point him out by something he's wearing?

8 A In a blue plaid shirt.

9 MR. EVANS: Your Honor, can the record reflect he's
10 identified the Defendant?

11 THE COURT: Yes.

12 BY MR. EVANS:

13 Q How long have you known Mr. Prater, and how?

14 A Probably three or four years, I guess, and just seeing
15 him around mostly. I don't really know him well, but I've
16 seen him.

17 Q You're quite a bit older than he is?

18 A Sir?

19 Q You're quite a bit older than he is?

20 A Yes, sir.

21 Q Was he a friend of your son?

22 A Yes, sir.

23 Q Did you know any other friends of your son's around
24 that time?

25 A Oh, yeah.

- 1 Q Did you know Mr. Stuart Miller?
- 2 A Yes, sir.
- 3 Q How well had you known him?
- 4 A Not well, just by seeing him around pretty much.
- 5 Q Knew his face, knew his name?
- 6 A Yes, sir.
- 7 Q Was he, also, a friend of your son's?
- 8 A Yes, sir.
- 9 Q Was Jesse Hadwin a friend of your son's?
- 10 A Yes, sir.
- 11 Q How long had you known Jesse Hadwin?
- 12 A About the same time on that.
- 13 Q Number of years?
- 14 A When I first moved over to Varnville.
- 15 Q Where did you live before Varnville?
- 16 A Walterboro.
- 17 Q All right. So have you been in Colleton or Hampton
- 18 County most of your life?
- 19 A Hampton mostly.
- 20 Q Hampton mostly.
- 21 A And Georgia.
- 22 Q Oh, and Georgia. Where in Georgia?
- 23 A Pembroke.
- 24 Q But mostly all around just the low country here?
- 25 A That's right.

1 Q So we were talking about friends of your son. You know
2 Jesse Hadwin?

3 A Yes, sir.

4 Q Do you know Kaisee Gibson?

5 A Yes, sir.

6 Q Who is she to you?

7 A She's my son's baby's mother.

8 Q She's the mother of your grandson?

9 A That's right.

10 Q Or is it a granddaughter? I'm sorry.

11 A Grandson.

12 Q And how long have you known Ms. Kaisee Gibson?

13 A Approximately three, four years or something like that.

14 Q Obviously, through your son, correct?

15 A Yes.

16 Q How about -- we're almost done with the names, Johnney
17 Breadon?

18 A Yes, sir.

19 Q How do you know Mr. Breadon?

20 A I met him when I was living in Varnville and I just met
21 him through friends.

22 Q Does he have a nickname?

23 A Hot Rod.

24 Q They call him Hot Rod. All right. And you've known
25 him for a number of years?

1 A Three or four.

2 Q And I think the last one, Daniel Boone?

3 A Yes, sir.

4 Q All right. How do you know Mr. Boone?

5 A Same, pretty much. Right there when we lived in
6 Varnville.

7 Q Actually, can I do one more? Dean Jarrell.

8 A My cousin.

9 Q Your cousin? Like cousin how?

10 A His dad is my mom's brother.

11 Q So directly, he's your first cousin?

12 A Yes, sir.

13 Q Okay. And all these folks live or lived in the
14 Varnville area?

15 A Yes, sir.

16 Q Back and around 2022?

17 A Yes, sir.

18 Q Do you remember the events of May 26th, 2022?

19 A Vaguely, I mean.

20 Q Sure. And I can only ask you about what you remember
21 and you know. So I don't want you to say things that you've
22 heard from other people. Is that okay?

23 A Yes, sir.

24 Q What do you first remember from waking up that morning?

25 A That there were a few people in the yard.

1 Q Can you tell me who those people were, all that you
2 remember?

3 A That I can remember, my son, Jesse.

4 Q Jesse Hadwin?

5 A Yes, sir. Stuart.

6 Q Stuart Miller?

7 A Yes, sir. Cleveland Maxwell and a fellow they call
8 Rico.

9 Q And about what time did you wake up on that day again?

10 A I would say --

11 Q The best you can remember.

12 A Between 8:00 and 9:00 sometime.

13 Q Okay. What did you have on your plate for that day?

14 A I had to go to my sister's daughter's and remodel a
15 trailer, mobile home for her.

16 Q So that wasn't your profession?

17 A Well, I mean, I grew up doing plumbing work and well
18 drilling, but my father, we built spec houses and stuff like
19 that on the side in the off times.

20 Q So you're pretty handy?

21 A I guess.

22 Q Okay. Were you doing this as a favor or as a contract
23 or what?

24 A No, as a favor mostly for my sister and my niece --

25 Q It's your -- I'm sorry, I cut you off.

1 A For my sister and my niece, yes, sir.

2 Q I'll do my best not to cut you off.

3 A I'm sorry.

4 Q No, it's okay. It happens. Remember when I told you
5 last week that testifying is not like ordinary conversation?

6 A Yes, sir.

7 Q Okay. So we're just going to try our best. And I'm
8 just as guilty as you of talking over each other. Is that
9 okay?

10 A Yes, sir.

11 Q All right. So you got up and were you getting ready to
12 go to your niece's to --

13 MR. SHELTON: Objection, leading.

14 THE WITNESS: Yes, sir.

15 THE COURT: Don't lead.

16 MR. EVANS: Yes, Your Honor.

17 BY MR. EVANS:

18 Q Tell us what you were doing from before I started
19 cutting you off.

20 A I was just getting tools together and stuff and
21 preparing to go to work.

22 Q Okay. And what did you do next?

23 A I left.

24 Q Did you see Mr. Prater at your home at that time?

25 A Not that I can remember.

1 Q Approximately what time did you leave?

2 A 9:30, something like that. 9:00, 9:30, something like
3 that. I was pretty much on my own hours.

4 Q Sure. And you went to Nixville?

5 A Yes, sir.

6 Q About how far it is?

7 A Two miles, something like that.

8 Q Did the rest of the day go smoothly, ordinary?

9 A Well, up until the time I got told something was going
10 on at my house.

11 Q Oh, you received some news?

12 A Yes, sir.

13 Q Without quoting people -- well, who did you receive the
14 news from?

15 A My sister and my mother.

16 Q And what did you come to learn as a result of hearing
17 from them?

18 A Well, I was informed that my son was dead.

19 Q Your son, Hunter?

20 A Yes, sir.

21 Q You were told that he was dead?

22 A Yes, sir.

23 Q How did that make you feel?

24 A Not good.

25 Q Can you elaborate a little bit more on it quickly?

1 A I jumped out the truck when it was still rolling and
2 ran around to see who it was laying there.

3 Q So you raced back to your own home?

4 A Well, yes, sir. I took my motorcycle and went wide
5 open until I run out of gas. And then my sister stopped to
6 pick me up, and we come on over there.

7 Q And did you make it eventually back to X71 Belle Lane?

8 A Oh, yeah.

9 Q What did you see when you got there?

10 A A yard full of emergency vehicles and police officers
11 and people everywhere and somebody laying in the backyard.

12 Q Could you tell who that somebody was?

13 A Not at first.

14 Q Could you tell if it was Hunter?

15 A Not until I ran around the corner.

16 Q Well, tell us about that, please.

17 A I took off running and ran around the corner and then
18 when I saw the body, I pretty much realized it wasn't him.
19 He had shoes on. Hunter didn't wear shoes at the time too
20 much unless he had to.

21 Q I'm going to show you some photographs, Mr. Plummer.
22 Beginning with what's been previously entered in evidence as
23 State's Exhibit 3. Do you recognize that, sir?

24 A Yes.

25 Q What is that?

1 A That's my backyard.

2 Q Okay. Is this more or less the view you had when you
3 arrived there after getting that news?

4 A Yes, sir.

5 Q **X71** Belle Lane?

6 A Yes.

7 Q And how about State's Exhibit 10? Do you recognize
8 that?

9 A Yes.

10 Q What is this?

11 A Where the body was at.

12 Q You actually ran around to get a close-up look?

13 A I didn't get quite that close, but pretty close.

14 Q Okay. This is the same person that you saw on May
15 26th, 2022 on your property?

16 A Yes, sir.

17 Q Were you able to determine -- I know you said you
18 figured out that it wasn't Hunter based on the shoes. Were
19 you able to determine who it was?

20 A No, not at the time.

21 Q You learned later from --

22 A Yes, sir.

23 Q Did you speak to the police that day?

24 A I think I did. I took off running. And when I ran out
25 of breath, I squatted down for a minute to catch my breath

1 and a couple of officers came up by me. And then I took off
2 running again when I got my breath. Same thing happened
3 till I got around the corner.

4 Q That's before you saw that it was not Hunter?

5 A Yes, sir.

6 Q Okay. After you realized that it wasn't Hunter, your
7 son was not dead, what did you do? Did you speak to any
8 police officers?

9 A I got back in the truck with my sister and left. Went
10 back to the job.

11 Q Have you -- how has your health been since this
12 incident?

13 A Not good.

14 Q Can you tell me a little more.

15 A I got chronic kidney disease, high blood pressure. I
16 think that's pretty much the gist of it.

17 Q Have you had a stroke?

18 A Yes, sir.

19 Q How has that affected your memory, if at all?

20 A Oh, yeah, it's affected it. I can't remember things
21 worse than I used to be.

22 Q Do you remember speaking to myself and Mr. Clapp?

23 A Yes, sir.

24 Q Last week?

25 A Yes, sir.

1 Q Do you remember talking to a police officer of any
2 kind?

3 A Well, just when I was squatting down trying to catch my
4 breath.

5 Q Did you tell them anything about --

6 A I didn't. At first, I didn't remember, but yesterday
7 they asked me who all was in the yard when I left. And I
8 told them what I could remember.

9 Q And are those the same people that you discussed with
10 this jury today?

11 A Yes, sir.

12 Q So you gave them your son's name as a person who had
13 been there?

14 A I think I did, yes, sir.

15 Q And you do not recall telling them that Trampas Prater
16 was there?

17 A No, sir, I don't.

18 MR. EVANS: May I approach the witness, Your Honor?

19 THE COURT: You may.

20 BY MR. EVANS:

21 Q I'm going to pass you something and ask you to just
22 read that to yourself silently, sir?

23 A (Witness complied.)

24 Q Does that refresh your recollection at all, sir?

25 A I mean, it's kind of vague, but, yeah, what I can read.

1 Like I said, I told everybody everybody I could remember
2 being there.

3 Q All right. But you don't recall telling anybody that
4 Trampas Prater was on this property?

5 A No, sir.

6 Q You've had a chance to review that?

7 A Yes.

8 Q And you did speak to -- you remember speaking to the
9 police?

10 A I do.

11 Q Or just not that specific part?

12 A I don't remember saying Trampas was there, no, sir.

13 MR. EVANS: Mr. Plummer, those are all the questions I
14 have for you. Please answer any questions Mr. Shelton may
15 have.

16 CROSS-EXAMINATION

17 BY MR. SHELTON:

18 Q Mr. Plummer, you enjoy guns?

19 A I do. Used to.

20 Q And you, like, would manufacture guns?

21 A No.

22 Q Do you make guns?

23 A No, sir.

24 Q No, okay.

25 A Made stocks.

1 Q Stocks, yes. So that's what -- you actually talked
2 with Trampas about that at some point?

3 A I think so, maybe. I don't know. I don't recall that,
4 but I could have.

5 Q And you mentioned when you left, it was a Rico. Is
6 that Jonathan Rivera?

7 A Yes, sir, I think so. I never really knew his real
8 full name, just Rico.

9 Q What does he drive?

10 A I think he drives a Tahoe or something.

11 Q Like a Burgundy or a green Tahoe?

12 A Yes, sir.

13 Q Was he picking up a vehicle?

14 A I think he had one behind his car. I think he did,
15 seems like he did.

16 Q And then a Maxwell, who's Maxwell?

17 A Cleveland Maxwell. We worked together.

18 Q Your cousin, Dean, he wasn't there?

19 A I don't remember him being there at the time. Could
20 have been.

21 Q Does he sometimes spend the night?

22 A Yes, sir. He works night shift and before he bought
23 his house, he would come over every now and then and sleep
24 in the yard for a while.

25 Q Okay. So he would park his -- he was driving an

1 Explorer?

2 A Yeah. Yeah.

3 Q It's a darked out Explorer, everything's darked out?

4 A Black, black Explorer.

5 Q And he would just kind of park it in the driveway there
6 and sleep?

7 A Yes, sir, till I got up.

8 Q And you don't remember seeing him there that morning?

9 A I don't remember him being there that morning. He
10 could have been.

11 Q You were driving a motorcycle, correct?

12 A Yes, sir.

13 (WHEREUPON, Defendant's Exhibit No. 13 was marked for
14 identification only.)

15 BY MR. SHELTON:

16 Q I'll show you what's marked for identification as
17 Defendant's 13. Can you see that?

18 A Yeah.

19 Q I know it's small.

20 A I think that's the motorcycle.

21 Q Yeah, does that look like you on that motorcycle?

22 A I can't tell. To be honest with you, all I can see
23 is -- I can't even tell the motorcycle's, really, but I see
24 the tires.

25 Q It's small, I know, and I apologize.

1 A I couldn't tell you. It doesn't look like anybody's on
2 it to me. But my eyes are bad.

3 Q Fair enough. So what time was it that you left?

4 A I'm thinking sometime around 9:30, 9:00 or 9:30.

5 Q And you're saying Stuart was there?

6 A Yes, sir, he spoke to me.

7 Q Okay. So he would have been there about 9:30?

8 A Somewhere around there, yes, sir.

9 Q You mentioned Hunter didn't wear shoes.

10 A He didn't wear them a lot most of the time. Unless he
11 had to go inside somewhere, he didn't wear them.

12 Q And then, what about a shirt?

13 A Well, he wore a shirt. I mean, if he was outside
14 working, sometimes he'd take it off.

15 Q Did you see him cutting up a car that was --

16 A They was putting a car on a dolly or trailer to take it
17 to the scrap yard.

18 Q Who was that that was putting that on there?

19 A I think him and John, Hot Rod.

20 Q Hot Rod.

21 A And maybe -- I don't know if Jesse was helping them or
22 not. But I know Hunter and John was around.

23 Q So you said that your son, Jesse, Stu, Cleveland
24 Maxwell, and Rico were there. So now, John was there?

25 A You know, I don't think John was there. I don't know,

1 to be honest. My memory's not that good, but I don't think
2 he was there then. But he was going to help him. He was
3 going to haul the truck. He was going to pull the trailer
4 as far as I know.

5 Q And what was John driving?

6 A I think then he was driving an F-150, extended cab.

7 Q I'll show you Defendant's 15 for identification.

8 A That looks like his truck.

9 Q Looks like John's truck?

10 A Looks like it. Can't be positive, but it looks like
11 it.

12 (WHEREUPON, Defendant's Exhibit No. 14 was marked for
13 identification only.)

14 BY MR. SHELTON:

15 Q Okay. And then going back to some earlier questions,
16 Defendant's 14 for identification.

17 A I don't know whose car that is. It looks like an
18 Explorer with a car parked behind it, but I don't know.

19 Q It's hard to see the small --

20 A Yes, sir.

21 Q Fair enough?

22 A Yes.

23 MR. SHELTON: No further questions.

24 MR. EVANS: No redirect, Your Honor.

25 THE COURT: All right. Any objections to Mr. Plummer

1 being excused.

2 MR. SHELTON: None, Your Honor.

3 THE COURT: You're excused. Thank you.

4 Call your next witness.

5 MR. EVANS: Hunter Plummer.

6 THE CLERK: Place your left hand on the Bible and raise
7 your right hand.

8 HUNTER PLUMMER,

9 after being duly sworn, testified as follows:

10 THE COURT: Mr. Plummer, please, say your name for the
11 record and spell your last name.

12 THE WITNESS: Hunter Plummer, P-L-U-M-M-E-R.

13 THE COURT: Thank you, sir.

14 DIRECT EXAMINATION

15 BY MR. EVANS:

16 Q Good morning, Mr. Plummer.

17 A Good morning.

18 Q Where do you live and what do you do, sir?

19 A I've live in Walterboro.

20 Q I'm going to ask you to speak a lot louder than that,
21 okay?

22 A I live in Walterboro and I put in septic tanks.

23 Q Have you lived in Hampton County before?

24 A Yes, sir.

25 Q What part of Hampton County?

1 A Varnville.

2 Q Always in Varnville or other areas?

3 A Other areas, all over Hampton County.

4 Q How old are you, sir?

5 A 24.

6 Q Mr. Plummer, let's talk about something uncomfortable
7 that I know we said that we're going to have to talk about,
8 okay?

9 A Yes.

10 Q And that's your record. Were you convicted of petty
11 larceny in 2020 -- excuse me, 2021?

12 A Yes, sir.

13 Q Were you convicted of operating a vehicle which is not
14 registered in 2023?

15 A Yes, sir.

16 Q Do you have a number of pending charges, Mr. Plummer?

17 A Yes, sir.

18 Q All right. I'm going to ask you not about the facts of
19 those cases, because they're pending, correct?

20 A Yes, sir.

21 Q They're still going on?

22 A Yes, sir.

23 Q I'm just going to ask you about the titles of the
24 charges and, roughly, when you were arrested on those.

25 A Yes, sir.

1 Q Possession of burglary tools in November of 2020?

2 A Yes, sir.

3 Q Property damage to obtain non-ferrous metals in June of
4 2022?

5 A Yes, sir.

6 Q That's June of 2022? After this incident?

7 A Yes, sir.

8 Q Burglary second non-violent in September of 2022?

9 A Yes, sir.

10 Q Habitual traffic offender and failure to stop for a
11 blue light in September of 2022?

12 A Yes, sir.

13 Q Attempted murder and possession of a weapon during a
14 violent crime in June of 2023?

15 A Yes, sir.

16 Q Malicious injury to a courthouse or jail in June of
17 2023?

18 A Yes, sir.

19 Q And possession of a handgun with an obliterated serial
20 number last month or October of this year?

21 A Yes, sir.

22 Q And those are all pending?

23 A Yes, sir.

24 Q You have a lawyer?

25 A Yes, sir.

1 Q He's actually here in the courtroom today; is that
2 right?

3 A Yes, sir.

4 Q Did I or did any other assistant solicitor, law
5 enforcement officer, anybody make you a promise on your
6 pending cases to get you to testify today?

7 A No, sir.

8 Q Did I tell you that when we met last week, that there
9 was no promise, no deal or anything?

10 A Yes, sir.

11 Q That's your understanding?

12 A Yes, sir.

13 Q You understand that you're under oath now and if you
14 were to lie under oath that would be another crime?

15 A Yes, sir.

16 Q Are you going to tell this jury the truth, the whole
17 truth and nothing but the truth?

18 A Yes, sir.

19 Q Mr. Plummer, do you know Stuart miller, or did you?

20 A Yes, sir.

21 Q How did you meet him?

22 A At a party.

23 Q When was that?

24 A 2017.

25 Q I'm going to ask you to speak up, please.

1 A Around 2017.

2 Q So you'd known him for several years before his death?

3 A Yes, sir.

4 Q Do you know Trampas Prater?

5 A Yes, sir.

6 Q Is he in the courtroom today?

7 A Yes, sir.

8 Q Can you point him out by something he's wearing?

9 A A blue shirt.

10 MR. EVANS: Your honor, may the record reflect he's
11 identified the Defendant?

12 THE COURT: Yes.

13 BY MR. EVANS:

14 Q How long have you known Mr. Prater?

15 A Four years, four or five years.

16 Q Four years today?

17 A I don't know about that.

18 Q Well, I didn't mean precisely today, but, roughly, four
19 years dating back?

20 A Yeah, four or five years, something like that.

21 Q So still a couple of years before May of 2022?

22 A Yes, sir.

23 Q Can you tell us about your relationship, your
24 friendships with both of these men, beginning with Mr.
25 Miller?

1 A We was good friends. He lived with me for a while.
2 Then he moved back to Ravenel.

3 Q I see, and about when was that, that he moved to
4 Ravenel?

5 A I don't know to be honest with you.

6 Q Okay. Did he ever return to Hampton County after that?

7 A Yeah, he moved in with Brian Cruz.

8 Q He moved in with Brian Cruz?

9 A Uh-huh.

10 Q Did he ever stay with you?

11 A Yeah.

12 Q And where were you living at that time, May of '22?

13 A At that time?

14 Q Yes, sir.

15 A Varnville.

16 Q What address, do you recall?

17 A Belle Lane.

18 Q X71 Belle Lane?

19 A Yes, sir.

20 Q And whose home is that?

21 A It was my dad's.

22 Q And you stayed there all the time around then?

23 A Yes, sir.

24 Q How close were you to Mr. Miller?

25 A We were good friends, but we hadn't been around each

1 other in a while. Been about a year.

2 Q Leading up to this event?

3 A Well, we had seen each other a couple nights or
4 whatever, we had hung out. We were all chilling at Peppers
5 Creek.

6 Q You're chilling at Peppers Creek. Who's home is that?

7 A Dan.

8 Q Dan?

9 A Dan Boone.

10 Q Okay. I'm sorry. I'm going to ask you to speak up as
11 much as you can.

12 A Okay.

13 Q Do you hear how loud I'm speaking?

14 A Yes, sir.

15 Q I'm going to ask you to, at least, try to get there,
16 okay?

17 A Yes, sir.

18 Q Let's talk about a few other names of people that you
19 know. Do you know Kaisee Gibson?

20 A Yes, sir.

21 Q Who is she to you?

22 A The mother of my child.

23 Q All right. And when did y'all first get together?

24 A 2020, October of 2020.

25 Q Had you had a child with her before May of '22?

1 A Yes, sir.

2 Q Were y'all living together?

3 A No, sir.

4 Q Were you a couple at that time?

5 A We were a couple.

6 Q I see. But not committed in a long-term relationship?

7 A We were together, but we just weren't living together.

8 Q Okay. And planning to raise a child?

9 A Yes, sir.

10 Q Was that a boy or a girl?

11 A Boy.

12 Q And what's his name?

13 A Kevin.

14 Q How about Dean Jarrell? Do you know him?

15 A Yes, sir.

16 Q Who is he to you?

17 A My cousin.

18 Q Your second cousin, first cousin?

19 A My second cousin.

20 Q Johney Breadon, do you know him?

21 A Yes, sir.

22 Q What's his nickname?

23 A Hot Rod.

24 Q And how long have you known Hot Rod? Who is he to you?

25 A Friend of my dad's.

1 Q How about Jesse Hadwin?

2 A Yes, sir, I know him.

3 Q How long have you known Mr. Hadwin?

4 A 2019.

5 Q Tell us a little bit more -- going back to your
6 relationship with Mr. Prater. You'd known him for a years
7 before all this happened?

8 A Yes, sir.

9 Q Tell us, were you very close friends with him like you
10 were with Mr. Miller?

11 A We wasn't close until the end.

12 Q You weren't close until the end. What does that mean?

13 A We hung out around each other a couple times, but we
14 had never really hung out for a long period of time, like,
15 days or nothing like that.

16 Q And how about the week or days leading up to this
17 incident?

18 A We been together for a good bit, working on his car and
19 working on my truck and stuff like that.

20 Q And working on, what do you mean by that, working on
21 cars and trucks?

22 A Trying to get them running and putting parts on them.

23 Q Would you sometimes take vehicles apart?

24 A Yeah.

25 Q Okay, tell us about that.

1 A We would take the alternator off and parts off the cars
2 and take to scrap yards and stuff.

3 Q Is that what was going on on May 26th, 2022?

4 A Yeah.

5 Q Did Mr. Prater ever participate with you in taking
6 parts to the scrap yard?

7 A Yeah.

8 Q And we'll get back to the actual day, but I want to
9 know a little bit more about the days leading up to it. And
10 you say -- had you seen Mr. Miller and Mr. Prater in the
11 days leading up to May 26th?

12 A Yeah.

13 Q When and how did you see them and where?

14 A We were all at Dan's working on his sister's car.

15 Q What was his sister's car?

16 A Nissan Altima.

17 Q And what was the project? What were you doing on his
18 sister's car?

19 A The head gasket --

20 Q Please keep trying to speak up. I know I've said it a
21 few times and it's hard, but it's important, okay? And who
22 was we?

23 A Me, Dan, Trampas and Stuart.

24 Q What happened at Daniel Boone's house that you saw and
25 heard with your own eyes and ears?

1 A They got into an altercation.

2 Q And who do you mean by they and what do you mean by
3 altercation?

4 A Trampas and Stuart.

5 Q Okay, so what was the altercation?

6 A Fist fight.

7 Q They actually fist fought each other?

8 A Yeah, kind of.

9 Q Did anybody win the fight? Did anybody get hurt
10 seriously?

11 A No.

12 Q How did the fight end?

13 A My dad broke it up and told them to quit.

14 Q And did they?

15 A They didn't want to fight no more, so we broke it.

16 Q All right. Did it seem like everything was okay
17 between Mr. Miller and Mr. Prater after that?

18 A Yes, sir.

19 Q Do you know why they -- what the fight was about, how
20 it started?

21 A Because we thought Stu took the catalytic converter off
22 Trampas's truck.

23 Q And when you say we, you mean?

24 A Everybody.

25 Q Everybody thought that?

1 A Uh-huh.

2 Q Yourself?

3 A Yeah.

4 Q Mr. Prater?

5 A Yeah.

6 Q And that's what led to the fight as far as you know?

7 A Yes, sir.

8 Q But it seemed like the fight was over. Tell me -- try
9 to describe it for me. What did they do?

10 A They got into an argument first and it evolved into a
11 fight and we broke it up and that was it.

12 Q Did they shake hands?

13 A They talked.

14 Q What, if anything, did you hear Mr. Prater say?

15 A Nothing. It was good after that pretty much.

16 Q And when did you see them last on that day at -- well,
17 anywhere for that matter?

18 A On that day?

19 Q Yes, sir.

20 A I left late that night. I don't know. Probably at
21 4:00 or something, I went home. My dad invited me over
22 there and then everybody showed up there.

23 MR. EVANS: Beg the Court's indulgence.

24 (Pause.)

25 BY MR. EVANS:

1 Q Mr. Plummer, you said you were up until 4:00 in the
2 morning?

3 A Somewhere around there.

4 Q Now, how were you able to be up that late?

5 A Because I was getting high.

6 Q All right. What were you using?

7 A Meth.

8 Q Methamphetamine?

9 A Yeah.

10 Q How long had you been using it around that time?

11 A Couple years.

12 Q And about how long, you know, in terms of days? Had
13 you been using it steadily?

14 A Every day.

15 Q Every day?

16 A Uh-huh.

17 Q How long have you been awake for?

18 A Four or five days probably.

19 Q And that's what meth does for you in part?

20 A Yeah.

21 Q Does it make it hard to sleep or does it make it just
22 you're filled with energy?

23 A Just keep going, I don't know.

24 Q Who else was using meth that you observed, you actually
25 saw it with your own eyes?

1 MR. SHELTON: Objection.

2 THE COURT: Basis?

3 MR. SHELTON: May we approach?

4 THE COURT: You may.

5 (WHEREUPON, a bench conference was held.)

6 BY MR. EVANS:

7 Q Mr. Plummer, I think you were starting to answer before
8 we approached the Judge.

9 A I didn't sit there and watch nobody do it.

10 Q I think you were starting to -- before we got on that
11 subject, you were starting to say what you did beginning at
12 4:00 in the morning the next day. Can you tell us more
13 about the next day?

14 A We was at the house and going to haul off that car to
15 the scrap yard. We had strapped it down and getting ready
16 to haul it off.

17 Q And when you say the house and that car, can you tell
18 us specifically --

19 A My house on Belle Lane.

20 Q You returned to your father's home?

21 A Yes, sir.

22 Q And which vehicle are you talking about?

23 A The Dodge.

24 MR. EVANS: May I approach the witness, Your Honor?

25 THE COURT: You may.

1 BY MR. EVANS:

2 Q I'm going to pass you a number of photographs, Mr.
3 Plummer. These have been entered already as State's
4 Exhibits 4, 7, 5, 3, 10, 8, and 6. This is State's Exhibit
5 4. Do you recognize that?

6 A Yes, sir.

7 Q What is that?

8 A That's the Dodge truck.

9 Q This is yours? Please speak up as loud as you can.

10 A That's the Dodge truck that was in my backyard.

11 Q This is your backyard at X71 Belle Lane?

12 A Yes, sir.

13 Q And this is the Dodge truck?

14 A Yes, sir.

15 Q That you were going to work on that day?

16 A Yes.

17 Q How about State's Exhibit 7?

18 A Yes, sir.

19 Q Is this the same truck?

20 A Yes, sir.

21 Q The Dodge. What do we have right here? I'm going to
22 show that to you on the big screen. This is State's Exhibit
23 5. What do we see in State's Exhibit 5?

24 A The backyard.

25 Q What are these? Can you point out these various trucks

1 and vehicles? What are they?

2 A Ford F150, Chevrolet S10, Mustang, Yukon, and a Dodge.

3 Q On the morning of May 26th, were there any other
4 vehicles that are not depicted in these photographs at the
5 house?

6 A A Ford Explorer, Honda.

7 Q State's Exhibit 6, do you recognize that?

8 A Yes, sir.

9 Q What's in State's Exhibit 6?

10 A Bed of a truck.

11 Q What's in the back of the truck?

12 A Motor.

13 Q So was the truck, the Dodge, was it operable?

14 A No.

15 Q How about State's Exhibit 10?

16 A There's an air compressor and Stuart in the truck.

17 Q This is Stuart Miller?

18 A Uh-huh.

19 THE COURT: Is that a yes for the record?

20 THE WITNESS: Yes, ma'am.

21 BY MR. EVANS:

22 Q Mr. Plummer, please, try to use yes or no, okay? I'm
23 going to put a couple of those actually up on the big screen
24 so you can see them a little bit better. While Marty, Mr.
25 Clapp is getting the photos ready to look at on the big

1 screen. Let's talk a little bit about what you were going
2 to do with that Dodge, green Dodge pickup truck. Can you
3 tell us a little bit about that?

4 A We were going to take it to the scrap yard.

5 Q All right. Now, what do you have to do before you take
6 a vehicle like that to the scrap yard?

7 A Well, if you can't find the title, then you cut the
8 roof up, cut it up, cut the roof off of it or something like
9 that and haul it off.

10 Q All right. And did you have any idea who possessed the
11 title of that vehicle?

12 A Trampas.

13 Q Mr. Prater said that he did?

14 A Yes, sir.

15 Q All right. So was he part of the plan to take the
16 vehicle to the scrap yard?

17 A Yes, sir.

18 Q Was he going to help you actually take the roof off of
19 it?

20 A Yes, sir.

21 Q How were you going to tow it there?

22 A With Hot Rod's truck.

23 Q And that's Mr. Breadon?

24 A Yes, sir.

25 Q Before all this happened -- and we're going to get to

1 the heart of the matter, but before all that, where was Mr.
2 Breadon's truck?

3 A Hooked up to the car dolly.

4 Q It was attached to the Dodge that we're going to see in
5 a moment?

6 A Yes, sir.

7 Q But his truck is not in those pictures?

8 A No, sir.

9 Q How long had Mr. Breadon and his truck been there,
10 roughly, that day?

11 A Couple hours, two hours.

12 Q And how long did it take? Well, had you done something
13 like this before, where you sawed the roof off of a vehicle?

14 A Yeah.

15 Q What kind of tools does it take? Tell us about that
16 because I think most of us haven't learned.

17 A Sawzall or side grinder or anything like that.

18 Q Okay, so that's a power tool. I mean, it's not like a
19 regular saw, right?

20 A Yes, sir.

21 Q Does it make a lot of noise?

22 A Yeah.

23 Q Does it require safety goggles, safety equipment to
24 operate?

25 A You supposed to wear them. I don't.

1 Q I see. Do you wear shoes?

2 A I used to not, but I do now.

3 Q Were you wearing shoes that day?

4 A No.

5 Q Was that a very safe thing to do when you're operating
6 a powerful saw?

7 A No, sir.

8 Q Let's talk about leading up. Who else was on your
9 father's property that day?

10 A When I first got there?

11 Q When you first got there and who arrived later? Who
12 was there when you first got there? Let's start with that.

13 A When I first got there, I'm pretty sure it was just my
14 daddy and Dean and Jesse. Jesse was sleeping in his truck
15 and Dean was inside the house. My dad was in the bed.

16 Q And that's Dean?

17 A Jarrell.

18 Q Jarrell, who is your cousin?

19 A Yes, sir.

20 Q Was it unusual for him to be there?

21 A No, that's normal. Sometimes he just come there
22 whenever it was real late after he get off work. He works
23 the night shift. Sometimes he didn't want to go home and
24 wake up his mom.

25 Q Okay. So it was customary for him to come to your

1 father's house after a night shift?

2 A Yeah.

3 Q How about Jesse Hadwin? He's a friend of yours, right?

4 A Yeah, he stayed there sometimes.

5 Q Was he employed at that time?

6 A No, sir.

7 Q How about you? Did you have a steady job at that time?

8 A No, sir.

9 Q Was it unusual for Mr. Hadwin to be there?

10 A No, sir.

11 Q What was he doing? Was he just sleeping?

12 A He was working on his truck and fell asleep.

13 Q And his truck is in these photos that we're going to go
14 through?

15 A Yes, sir.

16 Q That was when you arrived in the morning?

17 A Yeah.

18 Q He was already -- Mr. Hadwin was already up and
19 working?

20 A No, he was asleep.

21 Q I see. Mr. Hadwin was asleep?

22 A He fell asleep in the truck working on the truck.

23 Q Inside the actual cabin?

24 A I think so.

25 Q Who arrived later?

- 1 A A guy named Rico pulled up right before my daddy left.
- 2 Q Do you know his full name?
- 3 A No.
- 4 Q How long did he stay?
- 5 A 45 minutes.
- 6 Q So not there the whole day until the events that we're
- 7 going to talk about?
- 8 A Yeah.
- 9 Q He was or was not?
- 10 A He wasn't.
- 11 Q Fair enough. Mr. Breadon, was he there when you
- 12 arrived or did he arrive later?
- 13 A He arrived later.
- 14 Q And how about Mr. Miller, did he ever arrive? You've
- 15 already shown him in the photo. When did he get there?
- 16 A He showed up right before that Rico guy showed up.
- 17 Q So about how long after you had gotten there was that?
- 18 A I got there, like, 4:30. I believe it was daylight,
- 19 like, eight o'clock in the morning.
- 20 Q Mr. Miller did not arrive until daylight?
- 21 A Yeah, about 8:00.
- 22 Q And what did he arrive on?
- 23 A A little mini bike.
- 24 Q Did you know whose that was?
- 25 A I know it was over there at Daniel's. I don't know

1 exactly whose it was.

2 Q You had seen it at Mr. Boone's before?

3 A Yeah.

4 Q We're going to start looking at some of these
5 photographs, Mr. Plummer. And I'm actually going to ask
6 you, do you mind stepping down and getting up close so you
7 can actually point to things? And I'll hold it a little
8 closer.

9 A Yes, sir.

10 Q Okay. Let's start with State's Exhibit 5. Since
11 you're not near the microphone, I'm going to have you really
12 shout, okay? What do you see?

13 A [Indiscernible].

14 Q Okay, this is your home at X71 Belle Lane?

15 A Yes, sir.

16 Q Tell me what this is.

17 A [Indiscernible].

18 Q This is the Dodge that we're working on?

19 A Yes, sir.

20 Q State's Exhibit 5?

21 A [Indiscernible].

22 THE COURT: You need to speak up, sir.

23 BY MR. EVANS:

24 Q Please, as loud as you can, Mr. Plummer, like this.

25 A That's the S10, the F150, the Dodge --

- 1 Q Can you use your finger and point to them, please?
- 2 A S10, F150, Yukon, Mustang.
- 3 Q And who owned each of these vehicles?
- 4 A That was Trampas's, that was mine, that's Trampas's,
5 that's was my cousin's, that's Jesse's.
- 6 Q And you say this is Trampas Prater's, this Mustang?
- 7 A Yes, sir.
- 8 Q And this is Green Dodge. And this is whose?
- 9 A Jesse's.
- 10 Q Mr. Hadwin's?
- 11 A Yes, sir.
- 12 Q Were either of these operable?
- 13 A That truck ran, that one didn't.
- 14 Q All right. The gray one in the background ran?
- 15 A Yes, sir.
- 16 Q Let's go to No. 6. These are the tools that you looked
17 at before -- or the engine, rather?
- 18 A Yes, sir.
- 19 Q Any of this -- was this all going to go to the scrap
20 yard as well?
- 21 A Yes.
- 22 Q You could actually get paid for these parts?
- 23 A You get paid for the weight of the actual vehicle.
- 24 Q The entire weight?
- 25 A Yes, sir.

1 Q Let's go to No. 7. I'm going to call your attention,
2 what is this, first of all?

3 A The side of the truck.

4 Q What do we see here?

5 A That's me.

6 Q That's where you're actually sawing the roof off?

7 A Yes, sir.

8 Q Have you completed sawing it? Do we see that it's
9 still sitting on there? What do you see?

10 A Yeah, it's sitting on there.

11 Q So is it sawed off on all the anchor points?

12 A Yes, sir.

13 Q So if we were to come along and just pick that up with
14 a crane, it would come right off?

15 A Yes.

16 Q Tell me, where were you standing when you were working
17 on it?

18 A (Witness indicated.)

19 Q Right there, that's the part of the truck you were
20 cutting?

21 A Yes, sir.

22 Q How about Mr. Breadon, where was he standing?

23 A By the driver's door.

24 Q Can you point to it, please, sir?

25 A Right there.

1 Q When you were sawing right before the end when things
2 happened, tell us about everybody else that you can point
3 out on this photograph. Where were they positioned?

4 A Jesse was at the truck. David was on the other side of
5 the truck. Trampas was inside, but then he came outside, I
6 think. Kaisee was sitting right here --

7 Q Please speak up, Mr. Plummer.

8 A Kaisee was sitting right here --

9 Q Louder still.

10 A Kaisee was sitting right here and Dean was sitting over
11 here.

12 Q Let's go to No. 7. How about this, does this help you
13 point out any of those other positions better?

14 A Kaisee's car was --

15 THE COURT: I can't hear you, I'm sorry.

16 BY MR. EVANS:

17 Q Please be as loud as you can.

18 A Kaisee's car was sitting right there. Everybody else
19 was over here in this area.

20 Q And by Kaisee, you mean Kaisee Gibson?

21 A Yes, sir.

22 Q Is it approximately where this truck was or closer?

23 A It's closer than that.

24 Q It's closer than that?

25 A Yes, sir. Johney was standing right here, or Mr.

1 Breadon, and Dean was, like, right here.

2 Q And was he standing on his own?

3 A By his truck.

4 Q What kind of truck does he have?

5 A Ford Explorer.

6 Q So an SUV rather than a pickup truck?

7 A Yes, sir.

8 Q And Mr. Breadon, was his truck -- would it have been in
9 this photo?

10 A Yeah.

11 Q Okay, where was --

12 A Hooked up to that trailer hitch right there.

13 Q Is this the trailer hitch?

14 A Yes, sir.

15 Q So Mr. Breadon's truck was attached there?

16 A Yes, sir.

17 Q Let's go to No. 9. What do you see, if anything?

18 A The mini bike.

19 Q Right here? Who arrived on that mini bike?

20 A Stuart.

21 Q Mr. Miller. Had that been there before? Was it --

22 A I don't know if it was parked right there, but it had
23 been in the yard, yeah.

24 Q Let's go to No. 10. Again, where people were
25 positioned since we're now on the -- you agree we're on the

1 other side of the Dodge?

2 A Yes, sir.

3 Q In No. 10, so point out again where people were
4 standing.

5 A Jesse was over here, Dean, I think --

6 Q Would that be sort of from the direction that this
7 photo was facing?

8 A Yeah. Trampas would have been towards the porch, I
9 guess.

10 Q And is that to the left or the right of this?

11 A Left. And I was at the back side of the cab over
12 there.

13 Q Okay. The opposite side of the view we have?

14 A Yeah. And John was right there and Dean was right
15 there.

16 Q Is Mr. Miller in this photo?

17 A Yes, sir.

18 Q Is he laying where he was standing?

19 A I guess. I thought he was further away from the truck,
20 but.

21 Q I guess now is a good time as any to look at a few
22 more. So face the jury so they can hear you. Did you see
23 with your eyes who shot Stuart Miller?

24 A No, sir.

25 Q Okay. And why is that?

1 A Because I was working on the truck.

2 Q And you were using a power tool?

3 A Yes, sir.

4 Q So did you hear a gunshot?

5 A I heard something that sounded like a gunshot, but at
6 the time, I thought it was the roof falling.

7 Q When you let the roof clear?

8 A Yes, sir.

9 Q What did you do after you heard something?

10 A I laid the sawzall on the back of the truck and Johney
11 was like, he shot him --

12 MR. SHELTON: Objection to hearsay.

13 MR. EVANS: I think that's an excited utterance, but
14 I'll rephrase.

15 THE COURT: Okay.

16 BY MR. EVANS:

17 Q Let's try to avoid specific things that people said as
18 much as possible, okay, Mr. Plummer. Did you come to be
19 aware that somebody had been shot?

20 A Yeah, when I walked around the truck after I grabbed my
21 money.

22 Q Okay, so tell us about where you grabbed your money
23 from.

24 A From Kaisee.

25 Q Why did you have to get money from Kaisee?

1 A [Indiscernible].

2 Q What form was that money? Was that cash, a card?

3 A A card and cash.

4 Q And did you ask her to come to deliver those to you?

5 A Yeah.

6 Q Well, I mean, do you ask her to come over to the house
7 generally?

8 A Yes, sir.

9 Q You called her up that day?

10 A Yes, sir.

11 Q And she had arrived by this time?

12 A Yes, sir.

13 Q Had you noticed her or did you only notice her after
14 the fact?

15 A I noticed her after the fact. Somebody said she had
16 pulled up.

17 Q So did you proceed to Ms. Gibson's vehicle?

18 A Yeah, I walked over there.

19 Q And then did you get the cash from her?

20 MR. SHELTON: Objection, leading.

21 BY MR. EVANS:

22 Q What did you do at Ms. Gibson's vehicle?

23 A Leaned down and grabbed the cash.

24 Q And what did you do next?

25 A Turned around and went to walk around the side of the

1 truck.

2 Q This side of the truck that we see in State's Exhibit
3 10?

4 A Yes, sir.

5 Q All right. What did you see?

6 A Stuart laying on the ground.

7 Q Did you touch him?

8 A No, I didn't touch him.

9 Q Why not?

10 A Because I wasn't going to touch him.

11 Q Please speak up. The court reporter can't see your
12 face at the moment, so I really need you to speak as loud as
13 you can. Practically shout.

14 A I wasn't going to touch him. I walked over there to
15 see if he was breathing and he wasn't.

16 Q You could tell he was gone?

17 A Yes, sir.

18 Q What did you do after that?

19 A I went around the other side of the truck and I
20 realized Dean's truck was gone. I asked John where Dean
21 went and he said he went around the house. So I went up
22 there and he told me to get in and I got in the truck and
23 left.

24 Q Where did you go with Dean?

25 A I went to the end of the road and got in the car with

1 the mother of my child, Kaisee.

2 Q You started with Dean and then left again with Kaisee?

3 A Yes.

4 Q I'm going to ask you to stand down here for just a
5 little bit longer.

6 THE COURT: Mr. Clapp, will you pull the screen back.

7 BY MR. EVANS:

8 Q Have you seen this before?

9 A I don't know about this particular thing.

10 Q Well, on a smaller scale.

11 A Yes.

12 Q Okay, you've seen it in the smaller version. Do you
13 recognize what it is?

14 A Yes.

15 Q What is it?

16 A Shows where everything is in the yard.

17 Q All right. Now, I'm going to ask you, Mr. Plummer, do
18 you see these stickers I've got here? Can you tell what
19 these initials are?

20 A Everybody's initials.

21 Q Okay. So I'm going to ask you to use these stickers.
22 Don't put them on too hard. Just sort of one little tiny
23 edge, and show us and talk as you go where everybody was
24 standing when you heard the sound.

25 A Okay. I was standing right here.

1 Q And that says HP?

2 A Yes.

3 Q All right.

4 A Jesse was right --

5 Q Just to the best of your memory. This is Jesse's
6 truck? Is this Jesse's truck?

7 A Yes, sir.

8 Q Who's the next set of initials?

9 A Trampas.

10 Q And that is TP?

11 A Yes, sir.

12 Q And that's the last time you saw Mr. Prater?

13 A Yes, sir.

14 Q And if you need to put it away on the side. Whatever
15 you need to do. I think we've got one or two more there.
16 Which initials are those?

17 A Dean.

18 Q Mr. Jarrell?

19 A Yes, sir.

20 Q And who's the last one?

21 A JB.

22 Q Mr. Breadon?

23 A Yes, sir.

24 Q Those are roughly where everybody was standing when you
25 heard that sound as you were sawing?

1 A Yes, sir.

2 Q And with your finger, can you point out the path that
3 you took to go see Ms. Gibson and where you went after that?

4 A I went straight behind the truck to her car, straight
5 behind the truck. Like, I walked straight behind the truck
6 to her car and then I walked around like that. I walked
7 back around and talked to John and then I went around the
8 house to the front yard.

9 Q You went around this side which the map doesn't cover?

10 A Yes, sir.

11 Q And you testified a moment ago, who did you leave with
12 initially?

13 A Dean.

14 Q And that's Mr. Jarrell at first?

15 A Yes, sir.

16 Q And then later on after this chart, you got to tell us
17 what you did after that?

18 A I got in the car with my baby's momma, Kaisee.

19 Q I think that should cover it. You can return to the
20 witness stand.

21 A (Witness complies.)

22 Q Mr. Plummer, had you seen Mr. Prater -- you'd seen him
23 on the property that morning?

24 A Yes, sir.

25 Q When approximately did he arrive?

1 A A couple hours before that.

2 Q A couple hours before the incident?

3 A Yeah.

4 Q And he was -- it was his vehicle? Is that what you
5 told us?

6 A Oh, that we were sawing off?

7 Q Yes, the one you were cutting up?

8 A Yeah.

9 Q Okay. Was he helping with that, participating in any
10 way?

11 A Yes, sir.

12 Q How was he helping? What did he do?

13 A We went and got it the day before and brought it to my
14 house and pumped up the tires -- or we were getting the
15 tires and everything pumped up ready to go with cutting the
16 roof off of it.

17 Q Why do you need the tires pumped up if it's going to go
18 to the scrap yard?

19 A The back tires have to be pumped up because they're on
20 the highway.

21 Q They're on the actual road, okay.

22 A Yes, sir.

23 Q Okay. But how about the actual day of as you were
24 doing the sawing, was Mr. Prater helping with that? Or was
25 he just hanging out?

1 A Yeah, at first, they were just talking very much.
2 Everybody was talking and walking around the yard.

3 Q Did anybody that you observed have a gun on them?

4 A No.

5 Q Had you seen a gun on Mr. Prater at any point?

6 A No, not that day.

7 Q Not that day?

8 A No.

9 Q How about a prior day?

10 A Yeah, he had a shotgun.

11 Q How about any handguns?

12 A No.

13 Q Mr. Plummer, do you recall speaking to the police on
14 June the 2nd of '22?

15 A Yeah.

16 Q Do you recall what you told them?

17 A No, I was high.

18 Q You were high?

19 A Yes, sir, probably.

20 Q Probably or definitely?

21 A Definitely.

22 MR. EVANS: May I approach the witness, Your Honor.

23 THE COURT: You may.

24 BY MR. EVANS:

25 Q I'm going to pass you something and ask you to just

1 take a look at it quietly, please.

2 A (Witness complied.)

3 Q Does that refresh your memory at all, Mr. Plummer?

4 A I still don't remember seeing him with a gun.

5 Q You still don't remember seeing him with a gun?

6 A Not a handgun.

7 Q Did you tell the police that you had seen him with a
8 gun?

9 A I might have. I guess I did. I had to.

10 Q You did tell them at that time?

11 A I had to have told them that. That's what they said.

12 Q But you're saying you don't remember it now?

13 A No, sir.

14 Q Did you see Mr. Prater on the day of, after you heard
15 that sound?

16 A Yeah.

17 Q What did you see him do?

18 A He went inside the house.

19 Q Did you see him holding a gun at that time?

20 A No, sir.

21 Q And did you see him after he went into -- he, being
22 Trampas Prater, did you see Mr. Prater after he went inside
23 your home?

24 A No, sir.

25 Q Because why?

- 1 A Because I left.
- 2 Q Because you were leaving. Why did you leave?
- 3 A Because I didn't know what was going on.
- 4 Q What were you feeling? Tell us your emotions. What
- 5 was going through your head?
- 6 A I don't know. It was scattered. I didn't know what to
- 7 do. I just left. I didn't know what was going on.
- 8 Q Were you afraid?
- 9 A Yeah. Yeah, I guess so. I guess that's what you could
- 10 say.
- 11 Q What did you do after you left with Ms. Gibson?
- 12 A I went and dropped Jesse off.
- 13 Q Do you remember where?
- 14 A At his house in Brunson.
- 15 Q What was he looking like, if you remember?
- 16 A He wasn't talking. He didn't talk or nothing on the
- 17 ride.
- 18 Q After you dropped him off in Brunson, what did you and
- 19 Ms. Gibson do?
- 20 A I went to Nixville.
- 21 Q Why Nixville? Anything important there?
- 22 A A friend of mine lived there.
- 23 Q Okay. What did you do in Nixville?
- 24 A I helped him work on his truck.
- 25 Q So you just went right back to everyday life?

1 A Tried not to think.

2 Q Why is that?

3 A Because I've been through a lot of stuff and I've seen
4 a lot of stuff. So I tried to keep my mind occupied.

5 Q Had you ever seen anybody killed before that day?

6 A Yeah.

7 Q When was that?

8 A A year ago.

9 Q How did that make you feel?

10 A I don't know. I don't like it, but.

11 Q Now, after you got to Nixville, what did you do there?
12 You said you were working on a car?

13 A I got a gas tank going on on his truck. He helped me
14 put a fuel pump in it.

15 Q And how late did you stay up? What were you doing?

16 A That was in the afternoon. It was like 12 o'clock.

17 Q Okay. So what did you do the rest of the day?

18 A I don't remember to be honest with you.

19 Q Did you use any drugs after that?

20 A Yeah.

21 Q More meth or something different?

22 A Weed, meth.

23 Q Mr. Plummer, why didn't you call 911?

24 A Because I didn't know what was going on.

25 Q You didn't know that you call 911 when somebody dies?

1 A Yeah.

2 Q Why did you choose not to call 911?

3 A Because I panicked. I don't know, to be honest with
4 you.

5 Q Do you regret that decision?

6 A Yeah.

7 Q Why do you regret it?

8 A Because he was my friend.

9 Q He who?

10 A Stuart.

11 Q Was Mr. Prater, also, your friend?

12 A Yeah.

13 Q Did that have anything to do with your decision not to
14 call 911?

15 A I'm not going to say it did. I don't know, I guess, I
16 just figured if somebody would call 911, it was somebody
17 else. I don't know.

18 Q When did you eventually speak to the police?

19 A When they called looking for me.

20 Q They sought you out?

21 A Yeah.

22 Q And did you come in and talk to them voluntarily?

23 A Well, when they first called me, they were just calling
24 to ask me who all had been at the house when I left.

25 Q Okay. You talked to them over the phone or did you

1 come in?

2 A Yeah, talked to them over the phone.

3 Q And then did you eventually speak with them
4 face-to-face?

5 A Yeah, about a week later, something like that. I don't
6 remember, to be honest with you.

7 Q Again, why did you wait?

8 A I don't know.

9 Q Did you see Mr. Prater at any point between May 26th
10 and when he was arrested?

11 A Yeah.

12 Q Tell us about that.

13 A We've been together a couple of times, been around each
14 other. Pretty much the same thing, working on cars.

15 Q Did you ever go back with him to Belle Lane?

16 A I don't remember going back over there, no, sir.

17 Q Did he say anything to you during those days?

18 A Not about that situation, no.

19 Q Did you ever ask him about it?

20 A No.

21 Q Were you worried about being with him?

22 A No.

23 Q Why not?

24 A I don't know.

25 Q Mr. Plummer, I'm going to ask you a pointed question.

1 Did you kill Stuart?

2 A No.

3 Q Do you know who killed Stuart, based on what you saw
4 and heard?

5 A I know what I heard.

6 Q Okay. You heard a sound?

7 A And I know what everybody in the yard said.

8 Q Well, let's not go into that.

9 A I didn't see nobody do anything.

10 Q And that's fair. Did you engage in any kind of a
11 cover-up?

12 A No.

13 Q Did you tell Kaisee or Jesse or Hot Rod or Dean,
14 anybody what to say?

15 A No.

16 Q Did y'all ever get together and talk about what had
17 happened?

18 A No.

19 Q How about even in the car as you left, you, Kaisee, and
20 Jesse?

21 A No. I didn't even know she had seen anything. I
22 thought she pulled up after it happened.

23 Q Mr. Plummer, have you spent any time since this
24 incident in jail on the current charges?

25 A Yeah.

1 Q Did you see Mr. Prater in jail?

2 MR. SHELTON: Objection.

3 THE COURT: Sustained.

4 BY MR. EVANS:

5 Q Did you ever hear Mr. Prater say anything?

6 THE COURT: Okay, come here.

7 (WHEREUPON, a bench conference was held.)

8 THE COURT: All right, you may continue.

9 MR. EVANS: Thank you, Your Honor.

10 BY MR. EVANS:

11 Q Mr. Plummer, did you at any point after the series of
12 events see Mr. Prater again?

13 A Yeah.

14 Q And did you hear him say anything about these events on
15 that occasion?

16 A No, I ain't heard nothing with my own two ears.

17 Q You didn't hear anything with your own ears?

18 A I ain't heard him say anything with my ears.

19 Q That's what I'm asking. You heard him, being Mr.
20 Prater?

21 A Yeah. I ain't hear him say anything.

22 Q Oh, you've heard about -- you've heard through other
23 people?

24 A Yeah.

25 Q Do you know Ms. Madeline Morris?

1 A Yeah, I know of her.

2 Q You know of her?

3 A Yeah, I know her.

4 Q Okay.

5 A I've never been around her, like, once or twice.

6 Q You've been around her before?

7 A Yeah.

8 Q Who is she to Mr. Prater, do you know?

9 A A friend, I guess. I think.

10 Q You think? You're not sure?

11 A As far as I know. I hadn't never seen them hang out or
12 anything.

13 Q Earlier we talked about some names that I didn't ask
14 you to put up on the board. Mr. Rico, I think. Do you know
15 his full name?

16 A No.

17 Q And Cleveland Maxwell?

18 A I don't know him personally, but my dad knew him.

19 Q Okay. Was he... had you ever seen him before,
20 Cleveland Maxwell?

21 A No, not that I remember.

22 Q Were either of them on the property when Stu died?

23 A No.

24 Q Had they been there -- to your knowledge, I understand
25 what you just said about Mr. Maxwell, but do you know if

1 they had been there earlier that day?

2 A Yeah.

3 Q Both, or Rico and somebody --

4 A I've seen him that day, but before that I haven't never
5 seen him.

6 Q I'm referring to Mr. Maxwell?

7 A Yeah.

8 Q So do you recall approximately what time the two of
9 them left?

10 A No. About an hour before John and them showed up.

11 Q Before even Mr. Breadon arrived?

12 A Uh-huh.

13 Q And did Mr. Breadon bring that trailer, the hitch, or
14 was that already there?

15 A It was there from the day before.

16 Q Okay. And he was just going to hook up to the back of
17 it?

18 A Yes, sir.

19 MR. EVANS: Those are all the questions I have.

20 THE COURT: All right, ladies and gentlemen, we're
21 going to take a brief recess at this time. I need to remind
22 you, do not discuss this case. It would be inappropriate to
23 do so. Grab a cup of coffee and we'll bring you right back
24 out. And as I told you before, I expect to run --

25 Sir, don't move. Stay right here.

1 We'll be right back out with you in the next five to
2 ten minutes or so and, again, I expect to run till about
3 1:00 today. So you are excused. Thank you.

4 Sit down.

5 (WHEREUPON, the jury was excused.)

6 THE COURT: Where are you keeping your witnesses? I
7 want to make sure he's not with any other witnesses and I
8 want to make sure he's separated. And I don't want him
9 going out that way. So where could I put him?

10 MR. EVANS: Your Honor, the bailiffs usually take care
11 of that, but, I mean, there's plenty of spaces across by the
12 Family Court.

13 THE COURT: Okay, so let's go put him -- let's just go
14 find somewhere to put him. I don't want him back here near
15 the jury. And I just need you to keep Mr. Plummer away from
16 anyone. He's still on the stand.

17 Do you understand that?

18 THE WITNESS: Yes.

19 THE COURT: So either take him somewhere that way, get
20 him a room. If he needs to use the restroom, get him a
21 restroom that the jury isn't using, nor anyone else out
22 here, okay?

23 All right, sir, also, since you're still on the stand
24 and the Defense now is going to have the opportunity when we
25 come back to ask you questions, you cannot discuss your

1 testimony with anyone. Do you understand that? Look at me
2 and say, yes, you understand that.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: And that includes on the phone or any other
5 way, okay?

6 THE WITNESS: Yes, ma'am.

7 THE COURT: All right. Thank you, sir. I'm going to
8 excuse you to go back with Coach, and he'll take you where
9 you can wait. It'll just be a few minutes.

10 (WHEREUPON, the witness left the courtroom.)

11 THE COURT: All right. Is there anything else we need
12 to put on the record?

13 MR. EVANS: Not at this time unless you want to do Mr.
14 Breadon's proffer?

15 THE COURT: Is that who you expect to call next?

16 MR. EVANS: No, Your Honor.

17 THE COURT: My question to you then is, is that do we
18 need to get him in today if he is going to testify before
19 1:00 or not?

20 MR. EVANS: Because of the pace we're setting, I'd like
21 to take care of Steve's client since he's here from the
22 jail.

23 THE COURT: Right.

24 MR. EVANS: And then, obviously, we're probably going
25 to run into Dr. Batalis, so I did actually promise to get

1 them today.

2 THE COURT: So it sounds to me like we're not reaching
3 Breadon today.

4 MR. EVANS: It's entirely possible, Judge.

5 THE COURT: So let's do this then, let's take care of
6 --

7 MR. EVANS: We only have two hours left.

8 THE COURT: Right. We're going to finish, obviously,
9 Mr. Plummer. Then we're going to do Mr. Plexico's client,
10 and then, hopefully, Dr. Batalis will be here. We'll get
11 all that up. And if we still have time before one o'clock,
12 then we can take another break, do a quick proffer, but it
13 looks like we're going to be really bumping up on one
14 o'clock.

15 MR. EVANS: Yes, Your Honor. I'll just go ahead and
16 excuse the rest of the lay witnesses.

17 THE COURT: Okay. All right. We're going to be at
18 ease for just a quick five minutes, okay? Thank you.

19 (WHEREUPON, a short break was taken.)

20 THE COURT: Mr. Plummer, I'm just going to remind you
21 that you are still under oath. Now, is the opportunity when
22 the jury comes back in that Mr. Shelton, the Defendant's
23 counsel, is going to ask you questions, okay?

24 THE WITNESS: Yes, ma'am.

25 THE COURT: And I need to remind you, sir, you need to

1 say yes or no and not uh-huh or huh-uh or nod or head shake.
2 If you say anything like that, you'll watch her head snap
3 up. She'll look at you and say come on.

4 Thank you.

5 Let's bring them in.

6 (WHEREUPON, the jury entered the courtroom.)

7 THE COURT: All right. Mr. Shelton, whenever you're
8 ready, sir, cross-examination.

9 MR. SHELTON: Thank you, Your Honor.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. SHELTON:

13 Q Hunter, you said you left Dan's at about 4:00 a.m.?

14 A Yes, sir, I did, somewhere around there.

15 Q Who gave you a ride? Do you remember?

16 A [Indiscernible].

17 Q Right, yeah, so you don't have a license, though,
18 correct?

19 A That's right.

20 Q How far away is Dan's from yours?

21 A A couple of miles?

22 Q A couple miles? Speak up, please. I'm getting older,
23 so?

24 A A couple of miles. And Dan lives behind the funeral
25 home in Varnville, and I live where the welcome to Varnville

1 sign is, probably like five, six miles, seven miles.

2 Q Okay. And when did Trampas arrive?

3 A 9:00, 10:00, somewhere around there, I'm guessing.

4 Q Did he come with John?

5 A Yes, sir.

6 Q So he arrived with John?

7 A Yes, sir.

8 Q Hot Rod?

9 A Yes, sir.

10 Q And I'm showing you what's marked as Defendant's
11 Exhibit No. 13. Can you tell what that is?

12 A Yeah, that's my dad riding a motorcycle.

13 Q That's your dad riding a motorcycle?

14 A Yeah.

15 (WHEREUPON, Defendant's Exhibit No. 15 was marked for
16 identification only.)

17 BY MR. SHELTON:

18 Q I'll show you what's marked as Defendant's 15.

19 A That's John's truck.

20 Q John, Hot Rod's truck?

21 A Yeah.

22 Q What about Defendant's 14?

23 A That's Rico truck?

24 Q That's Rico?

25 A Yeah.

1 Q Do you know Rico as John Rivera?

2 A Rico, that's the only way I've heard his name.

3 Q Talk to me about Belle Lane, X71 Belle Lane. What road
4 do you come off of?

5 A Brookwood.

6 Q What was it?

7 A Brookwood.

8 Q Is there a -- when you come off Brookwood, turn right
9 or left onto Belle Lane, is there a back way out?

10 A No.

11 Q So there's only one way in and out?

12 A Yes, sir.

13 Q So if you're coming to Belle Lane and you're going back
14 by, you're passing the same places, correct?

15 A Yes, sir.

16 Q You mentioned that you thought Kaisee showed up after
17 Stuart had been shot?

18 A Yes.

19 Q Did she have her windows up or down -- was she sitting
20 in her car?

21 A Yeah.

22 Q Did she have her windows up or down?

23 A The driver's window was down, but the rest of them were
24 up.

25 Q And so when she's sitting here on the side, she's in

1 the driveway, correct?

2 A Yeah.

3 Q And so her driver's side window was down, but not her
4 passenger side?

5 A Yes.

6 Q And we've got the Dodge truck right here, but Breadon's
7 truck, Hot Rod, was attached, correct?

8 A Yes, sir.

9 Q And so John Breadon, he was standing right here next to
10 that marker number one, correct?

11 A Yes, sir.

12 Q See that marker? So that's where Breadon was standing?

13 A Right there, yes, sir.

14 Q And you said Trampas was standing here at the porch?

15 A Yes, sir, right over here by the porch.

16 Q Okay.

17 A Last time I saw him.

18 Q And Jesse was right here standing in the yard?

19 A Over in that area, yes, sir.

20 Q Now, Dean, he was -- you're saying he was up here.
21 There's like a wood line?

22 A Yeah, he pulled up to the wood line. His truck was up
23 by the wood line.

24 Q And he was standing --

25 A He was sitting in the driver's seat of his truck.

1 Q Sitting in the driver's seat of his truck?

2 A Yes, sir.

3 Q Showing you State's 4. So that's -- there's a fence
4 kind of up there, right?

5 A Yes, sir.

6 Q Where was Kaisee in this picture?

7 A She was behind the truck.

8 Q So she was behind the truck?

9 A Yes, sir.

10 Q That's the Mustang that belonged to Trampas?

11 A Correct.

12 Q Were you fixing that Mustang up with Trampas and Hot
13 Rod?

14 A Me and Trampas was, not Hot Rod.

15 Q Not Hot Rod?

16 A No, sir.

17 Q Did Hot Rod ask about that, the Mustang?

18 A Not that I remember. He might have. A lot of people
19 asked about it.

20 Q A lot of people were asking about the Mustang?

21 A Yeah, a lot of people.

22 Q And fixing it up to race?

23 A Yeah.

24 Q So a lot of people liked that car?

25 A Yes, sir.

1 Q And just so we're correct, you got in the car with --
2 after the shooting, you got in the car with Dean first?

3 A Yes, sir.

4 Q So is there another way around the back end of your
5 driveway?

6 THE COURT: Mr. Plummer, I think if you take your hand
7 down, it will be -- thank you, sir.

8 THE WITNESS: Yes, sir.

9 BY MR. SHELTON:

10 Q So that's the way that Dean went, was right around the
11 front of your house, that trailer?

12 A Yes, sir.

13 Q And that trailer -- that bedroom that's pointed on
14 here, that bedroom, that's your bedroom?

15 A No, that's my dad's bedroom.

16 Q That's your dad's bedroom. Okay. And so, did you stay
17 on the couch?

18 A Yes, sir.

19 Q Did you have a cell phone at that time?

20 A I don't remember if I did at that time to be honest
21 with you.

22 Q Do you use Kaisee's cell phone a lot?

23 A Yeah, I had one then because I had to call her and tell
24 her to come to the house.

25 Q Did you use your cell phone or did you use John's, Hot

1 Rod's?

2 A I used mine because I wasn't with John that night.

3 Q So you told Kaisee the night before to come to your
4 house that day?

5 A I'm pretty sure. I can't remember exactly. I was on
6 drugs.

7 Q Okay.

8 A So I'm not going to tell you yes or no and it be a lie.

9 Q Okay. Did you see John leave?

10 A No. He was still there when I left.

11 Q John was still there?

12 A Yes, sir.

13 Q And he had to unhook his car, his truck, everything,
14 correct?

15 A Yes, sir.

16 Q So you didn't actually see any shooting?

17 A No, sir.

18 Q You didn't see Trampas with a gun, correct?

19 A Correct.

20 MR. SHELTON: No further questions.

21 REDIRECT EXAMINATION

22 BY MR. EVANS:

23 Q You said on cross-examination a moment ago, Mr.

24 Plummer, that you thought that Kaisee had shown up after the
25 shooting happened?

1 A Uh-huh.

2 Q But do you know when she showed up?

3 A No, sir, I don't know exactly when she showed up.

4 Q And why is that?

5 A Because I was sitting there messing with that truck and
6 they told me that she pulled up.

7 Q And you were using a saw to do that?

8 A Yes, sir.

9 Q The saw was loud?

10 A Yes, sir.

11 Q And you were on the driver's side of the truck?

12 A Yes, sir.

13 Q Where was Mr. Stuart Miller?

14 A On the passenger side.

15 Q Where was Trampas Prater?

16 A On the other side of the truck as well.

17 Q Was anybody else on the driver's side?

18 A Just me, John, and Dean.

19 Q You, John, and Dean Jarrell?

20 A Yes, sir.

21 Q Okay, but he was sitting in his SUV?

22 A Dean was sitting in his SUV and John was standing right
23 beside him.

24 Q And you said that, at least, one window of Ms. Gibson's
25 car was down when you approached her?

1 A Yes, sir.

2 Q And Mr. Breadon was still there when you left?

3 A Yes, sir.

4 MR. EVANS: Those are all the questions I have. Thank
5 you.

6 THE COURT: Any recross?

7 MR. SHELTON: No, ma'am.

8 THE COURT: Any objection to this witness being
9 excused?

10 MR. EVANS: Not from the State.

11 THE COURT: Any objection, Mr. Shelton, to him being
12 excused?

13 MR. SHELTON: No objection.

14 THE COURT: All right, you're excused, sir. Thank you.
15 Call your next witness.

16 MR. EVANS: May we approach?

17 THE COURT: You may.

18 (WHEREUPON, a bench conference was held.)

19 THE COURT: Ladies and gentlemen, I have to send you
20 back to your jury room for just a moment. Please don't
21 discuss this case. It wouldn't be appropriate to do so, and
22 we'll be right back with you, okay? Thank you.

23 (WHEREUPON, the jury exits the courtroom.)

24 THE COURT: Mr. Plexico, I understand the next witness
25 the State was going to call was who?

1 MR. EVANS: Jesse Hadwin.

2 THE COURT: And my understanding is Mr. Hadwin says he
3 is not going to testify; is that correct?

4 MR. PLEXICO: Yes, Your Honor. If you put him on the
5 witness stand, he will not testify about this matter. That
6 is what my client has told me. You may be question him
7 yourself if you wish.

8 THE COURT: I would like to. So is he in lockup?

9 MR. PLEXICO: Yes, he is in lockup.

10 THE COURT: All right, let's bring him out.

11 (WHEREUPON, Jesse Hadwin entered the courtroom.)

12 THE COURT: Come on up here, sir, right up here. All
13 right, let's just go ahead and have you sit down, sir.

14 So, first off, we need him sworn in, so can someone
15 swear him in for me? Will you just go ahead and swear him
16 in.

17 JESSE HADWIN,

18 after being duly sworn, testified as follows:

19 THE COURT: All right, sir, can you give me your name
20 for the record and spell your last name?

21 THE WITNESS: Jesse Hadwin, H-A-D-W-I-N.

22 THE COURT: Thank you, Mr. Hadwin. And I understand
23 you are currently in the Hampton County Jail; is that
24 correct?

25 MR. HADWIN: Yes, ma'am.

1 THE COURT: Do you have pending charges against you?

2 MR. HADWIN: Yes, ma'am.

3 THE COURT: Do you know what they're for?

4 MR. HADWIN: Yes, ma'am.

5 THE COURT: What are they for?

6 MR. HADWIN: Drug trafficking and burglary.

7 THE COURT: And how long have you been in the jail?

8 MR. HADWIN: Going on two months.

9 THE COURT: Two months now?

10 MR. HADWIN: Yes, ma'am.

11 THE COURT: All right. Was that when you were
12 originally picked up? Were you picked up at the same time
13 for both these charges, or did you have one charge and then
14 you picked up another one? What happened?

15 MR. HADWIN: I had one charge and picked up another
16 one.

17 THE COURT: Okay. And is Mr. Plexico your attorney on
18 both those charges?

19 MR. HADWIN: Yes, ma'am.

20 THE COURT: All right. And has he had an opportunity
21 to talk to you about why you were brought here by the State
22 to testify in this case?

23 MR. HADWIN: Yes, ma'am.

24 THE COURT: Sir, you have the right to testify -- not
25 testify only if it would incriminate you. In other words,

1 if you were to testify and it could lead to further charges
2 against you, you can claim your Fifth Amendment right.
3 However, if it doesn't incriminate you and you've been
4 called as a witness, you need to testify. Do you understand
5 that?

6 MR. HADWIN: Yes, ma'am.

7 THE COURT: All right. Mr. Plexico, what have you
8 instructed him?

9 MR. PLEXICO: Your Honor, I've told him that he has a
10 civic duty to testify and that he has a right to remain
11 silent on anything that, you know, could incriminate him.

12 THE COURT: Okay.

13 MR. PLEXICO: We've had a discussion with the
14 solicitor -- my client, the solicitor and myself, of course.
15 And he wishes not to testify in regards to this matter.

16 THE COURT: Well -- go ahead.

17 MR. EVANS: That was -- when we met, which was before
18 Thanksgiving, it was not my understanding he did not wish to
19 testify at all. He was actually quite cooperative. It was
20 a very productive meeting and I was impressed by the degree
21 to which he was willing to participate. I told him, of
22 course, that I was not going to offer him anything on his
23 cases, but that I wouldn't be asking him about his cases.

24 Since your ruling yesterday, I've asked Mr. Plexico to
25 let him know that the titles -- just as with Mr. Plummer,

1 the titles and dates of his charges would come up, but I
2 think that was -- we knew that that was going to occur
3 anyway because of the fact that he was going to have to come
4 over from the jail.

5 So I think we covered that in our meeting, but I
6 certainly will say on the record, just what I've told Mr.
7 Plexico, just what I've told Patrick about his client, I
8 would not ask about the facts of those cases. I don't want
9 to put him in a position in which he might incriminate
10 himself or admit to anything in those cases.

11 He was -- he actually -- unfortunately, the burglary
12 case is very new. He actually accepted an offer -- or, at
13 least, through Mr. Plexico, indicated that he would accept
14 an offer for the drug charge. But then this occurred and,
15 unfortunately, got a bench warrant for that.

16 MR. PLEXICO: He actually came to the second appearance
17 and agreed to take a minimum sentence of three years on drug
18 trafficking.

19 THE COURT: Okay.

20 MR. EVANS: And now, just for the record, I know Mr.
21 Plexico, that was conveyed by a different assistant
22 solicitor and had nothing to do with this case. That's more
23 or less it. Through Your Honor, I was conveying to Mr.
24 Hadwin, I would not bring him up asking him to incriminate
25 himself. I just want to know and let the jury know what

1 he -- what he saw that day.

2 I provided Mr. Shelton with the full notes of that
3 conversation because Mr. Hadwin's meeting with us was by far
4 the most different from his original statement. He really
5 didn't tell the police too much about what had happened. I
6 think he said that he was asleep in his truck and now he's
7 telling us that he actually observed the shooting. So,
8 obviously, he'll be crossed as to his prior inconsistent
9 statement, which I'm sure Mr. Shelton knew about that, but
10 that's different from being incriminated.

11 THE COURT: I know it's really cold in here, isn't it?
12 You okay? Okay.

13 So, Mr. Hadwin, again, the State and no one can ask you
14 anything that would get yourself in trouble, all right, that
15 would incriminate you in any way. I understand sometimes
16 people are hesitant to testify, but it's my understanding
17 you've spoken with the solicitor's office, you've spoken
18 with the investigator, and you need to testify in this case.

19 MR. HADWIN: What happens if I don't?

20 THE COURT: What happens if you don't? Well, I can
21 find you in contempt of court, which just means you add new
22 time.

23 MR. HADWIN: So be it.

24 THE COURT: Sir, is anyone putting pressure on you that
25 you feel like you can't speak?

1 MR. HADWIN: I put pressure on myself. I don't like
2 being in front of people.

3 THE COURT: Okay.

4 MR. HADWIN: I'm good. I don't want to talk.

5 MR. EVANS: Mr. Hadwin, if I call you as a witness,
6 will you answer questions?

7 MR. HADWIN: No.

8 MR. EVANS: About anything at all?

9 MR. HADWIN: No.

10 MR. EVANS: If the Judge instructs you to answer my
11 questions, will you answer?

12 MR. HADWIN: I'd rather be held in contempt.

13 MR. EVANS: Judge, I think that's all we can take up in
14 this proffer. Perhaps, as long as the jury's out, we could
15 move along to Mr. Breadon's proffer.

16 THE COURT: Okay. All right. You have the right to
17 call him and just have him refuse in front of the jury if
18 you choose to. Do you wish to do that or not?

19 MR. EVANS: I would like to think about that if the
20 Court will allow me.

21 THE COURT: Okay.

22 Mr. Plexico, maybe you want to go talk to your client.

23 MR. PLEXICO: I already have, Judge.

24 THE COURT: You can talk to him again. You're here.

25 MR. PLEXICO: Sure.

1 THE COURT: Thank you.

2 Swear him in, please.

3 JOHNEY BREADON,

4 after being duly sworn, testified as follows:

5 THE COURT: Mr. Breadon, can you give us your name and
6 spell your last name for the record for me?

7 THE WITNESS: Johney Breadon, last name, B-R-E-A-D-O-N.

8 THE COURT: Okay. And your Johney spelling is a little
9 bit different, too. It's J-O-H-N-E-Y; is that correct, sir?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: I see it on your shirt. Okay.

12 All right, sir.

13 MR. EVANS: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. EVANS:

16 Q Mr. Breadon, did you speak with Mr. Clapp about this
17 matter way back in 2022?

18 A Yes, I did.

19 Q On multiple occasions?

20 A Yes, sir.

21 Q Do you recall being asked to look at some photographs?

22 A Yes, I did.

23 Q All right. And I'm going to show you what's been
24 previously -- it's Court's Exhibit No. 1. Do you recognize
25 that, sir?

1 A Yes, I do, that's my initials on top.

2 Q This is your handwriting here where it says JB?

3 A Yes, sir.

4 Q And you circled the number three?

5 A Yes, I did.

6 Q Now, I'm going to ask you a few questions about the day
7 before that. Do you recall how you spoke to --

8 A Certainly.

9 Q Did you speak to Mr. Clapp on multiple occasions?

10 A Yes, I did.

11 Q When was the first one, relatively? The number of days
12 after the incident?

13 A I don't recall how many days before, I don't remember.
14 I remember talking to him on several occasions.

15 Q And you came back the following day? Or soon after?

16 A Yes, the following day.

17 Q And that's when you actually signed this document here?

18 A Yes, sir.

19 Q And it's dated, I believe. Did you put a date on
20 there?

21 A Yes.

22 Q What's that date?

23 A December of '22.

24 Q Okay. When you first talked to Mr. Clapp, what did you
25 tell him quickly, just basically?

1 A What I was there doing.

2 Q Who you saw?

3 A Who I saw, who was there, what I was doing prior to.

4 Q And did you tell him -- who else did you tell him you
5 saw there?

6 A I told him it was me and Hunter and Jesse and Trampas.

7 Q Do you now know who he is? Do you know his full name?

8 A I just know him as Trampas.

9 Q But did you tell Mr. Clapp the name Trampas, you sort
10 of struggled with it?

11 A I struggled with it. I kept calling it Travis. I
12 couldn't ever say it right.

13 Q Did you ever arrive on Trampas?

14 A Sir?

15 Q Did you ever say the word Trampas?

16 A That day, I can't recall if I specifically said it. I
17 know I was struggling saying it.

18 Q But did you describe who he was and how you met him?

19 A Yes, I did.

20 Q And just very quickly, did you see him shoot anybody?

21 A Physically, I did not.

22 Q Did you hear a gunshot?

23 A I did hear a gunshot, and the only person I seen with a
24 gun was him.

25 Q And is he in the courtroom today?

1 A Yes, he is.

2 Q Again, just for purposes of proper identification, can
3 you point it out?

4 A Right there.

5 Q The Defendant in this case?

6 A Yes.

7 Q That's the same person that you were talking about with
8 Mr. Clapp in June of 2022?

9 A Yes, sir.

10 THE COURT: Sir, did you know Trampas Prater before the
11 day of this incident?

12 THE WITNESS: I don't personally really know him at
13 all. I know him in passing. I know his name. He's been a
14 few places I have been.

15 THE COURT: So you've seen him out and about in the
16 community, is that what you're saying, before this incident?

17 THE WITNESS: Yes, ma'am. We never were friends. We
18 never hung out.

19 THE COURT: But you knew of him?

20 THE WITNESS: I knew of him, correct.

21 THE COURT: Okay.

22 BY MR. EVANS:

23 Q We're not asking if you were very close friends, but
24 you had met him, seen his face, and heard his name?

25 A Correct.

1 Q Okay. And you told Mr. Clapp all that in the first
2 interview?

3 A Yes, I did.

4 Q Do you recall Mr. Clapp showing you something on his
5 phone?

6 A I don't recall.

7 Q Is it possible that he did?

8 A Yeah.

9 Q Did that have any influence on when you came back the
10 following day and took a look at that document, the original
11 of that document?

12 A No, it did not.

13 Q Okay. Did you answer and pick the person on the photo
14 lineup honestly?

15 A Honestly.

16 Q Based on your own memory, your own knowledge?

17 A Yes.

18 Q Not what you had seen or heard from Mr. Clapp?

19 A No.

20 MR. EVANS: Thank you. Those are all the questions I
21 have heard this morning.

22 MR. SHELTON: No questions, Your Honor.

23 THE COURT: No questions?

24 MR. SHELTON: No questions.

25 THE COURT: All right. Are we going to call Mr.

1 Breadon next? Is that who you plan on calling?

2 MR. EVANS: Certainly, under the circumstances, since I
3 don't know what he's going to tell us.

4 THE COURT: Okay.

5 MR. EVANS: He'll be coming back, but yes, that would
6 be my plan, Your Honor.

7 THE COURT: Okay. So I'm going to excuse you back to
8 wherever he was sitting, and we want to get you up before
9 lunchtime is what we're hoping to do, because lunch, we have
10 to break at 1:00 today, so that's what we're going to try to
11 do. Okay, sir?

12 THE WITNESS: All right.

13 THE COURT: You can step back.

14 I just need to hear from the attorneys for a minute,
15 okay.

16 All right. Mr. Shelton, I think I need to hear your
17 argument.

18 MR. SHELTON: Well, I think he answered that it
19 wasn't -- I can say that picture that was shown before was
20 unduly suggestive line-up.

21 THE COURT: Well, I can tell you that I obviously
22 reviewed what Mr. Clapp showed him in his interview the day
23 before, and he showed him a video of a truck or a couple of
24 trucks coming to a gas pump. From my understanding from
25 Investigator Clapp is that it was a completely separate

1 incident. And Mr. Breadon said, I have no idea what that is
2 or who that is when he looked at it. I don't think it was
3 anything suggesting that maybe it was a different criminal
4 act or anything along those lines. I don't think it
5 influenced his identification of Mr. Trampas Prater.
6 Because he had seen him and known him before and can
7 identify him from the day of the incident as well.

8 So what else do you want to put on the record, Mr.
9 Evans?

10 MR. EVANS: Just to say, Judge, that I assume you'd
11 like us -- we're not putting either of those videos in as
12 evidence, but I assume you'd like us to make them Court's
13 Exhibit.

14 THE COURT: You certainly may.

15 MR. EVANS: We'll be happy to put them on the disc when
16 we have a break this afternoon. I do know that Dr. Batalis,
17 he just e-mailed me back and said he just pulled up. So I
18 think if we tackle Mr. Breadon now -- I'm saying probably,
19 but I don't think Mr. Breadon's testimony will take as long
20 as Mr. Plummer's, and I'm certain that Dr. Batalis's
21 testimony will not take as long as a typical autopsy.

22 THE COURT: All right. That sounds good.

23 All right. Just for the record, as far as Mr. Breadon
24 is concerned, even if there was any type of suggestive video
25 that was shown of the Defendant in our case the day before,

1 having the testimony of Mr. Breadon at the time of that
2 interview stating he can't tell what that is, who that is.

3 Secondly, what he's testified today, I think under the
4 totality of the circumstances the identification of Mr.
5 Breadon of Mr. Trampas Prater the following when he picked
6 him out of the six-pack was reliable. And I think it's
7 proper for the jury to hear it.

8 Okay. Are we ready to go?

9 MR. EVANS: Yes, ma'am.

10 THE COURT: Let's get going.

11 Okay. Yes, please, bring the jury in.

12 (WHEREUPON, the jury enters the courtroom.)

13 THE COURT: Solicitor, if you'll call your next
14 witness.

15 MR. EVANS: The State calls Johney Breadon.

16 THE CLERK: Place your left hand on the Bible and raise
17 your right hand.

18 JOHNEY BREADON,

19 after being duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. EVANS:

22 Q Good morning.

23 A Good morning.

24 Q Would you please introduce yourself and spell your last
25 name for our court reporter?

1 A My name is Johney Breadon. Last name is spelled
2 B-R-E-A-D-O-N.

3 Q And Mr. Breadon, what do you do for a living, sir?

4 A Heavy equipment.

5 Q All right. How long have you been doing that?

6 A 30 years.

7 Q And where do you live?

8 A Right now, in Yemassee.

9 Q Oh, Yemassee. I think we called you out as Ridgeland
10 the other day. I apologize. Have you lived in Hampton
11 County -- you're living in Yemassee, which side? Hampton or
12 Beaufort side?

13 A It would be toward the Waterboro side.

14 Q Oh, okay.

15 A It's actually Colleton County.

16 Q It's Colleton County, the Yemassee area?

17 A Yeah.

18 Q Have you ever lived in Hampton County before?

19 A Not Hampton. Varnville, yes, sir.

20 Q All right. And do you know Trampas Prater?

21 A I know of him.

22 Q You know of him. Have you met him?

23 A I've met him.

24 Q Been introduced to him?

25 A Yes, sir.

1 Q Learned his name and seen his face?

2 A Yep.

3 Q Is he in the courtroom today?

4 A Yes, he is.

5 Q Would you identify him by something he's wearing?

6 A He's wearing a blue striped flannel shirt, it looks
7 like.

8 MR. EVANS: Your Honor, may the record reflect he's
9 identified the Defendant?

10 THE COURT: Yes, sir.

11 BY MR. EVANS:

12 Q I'm going to ask you about a few more people and see if
13 you know them. Stuart Miller, did you ever know -- and when
14 I say know, I mean did you ever meet?

15 A Yes.

16 Q How many times have you met this fellow?

17 A Handful.

18 Q Hunter Plummer?

19 A Yes, I know him.

20 Q Know him as opposed to know of him?

21 A I know him more than him.

22 Q Okay. Do you know his dad, Josh?

23 A I do.

24 Q Are you friends with Josh?

25 A I am.

1 Q All right. You're older than -- are you older than
2 Hunter?

3 A Yes, I am.

4 Q All right. About how much older?

5 A I'm not sure how old he is.

6 Q Just roughly, ball park? 15 years?

7 A Probably, I'd have to guess, 15 or so.

8 Q Closer to his dad?

9 A Yeah.

10 Q You're closer to his dad's age?

11 A Yes, I am.

12 Q How about Dean Jarrell? Do you know him or ever met
13 him?

14 A Know of him, yeah.

15 Q Jesse Hadwin?

16 A Yes, I know of him, too.

17 Q Kaisee Gibson?

18 A I know of her, too.

19 Q You've met all these people?

20 A Yes, I have.

21 Q Are they all close personal friends of yours, or more
22 like acquaintances?

23 A They're more of acquaintances to me.

24 Q Did you understand their relationship with each other
25 and everybody else?

1 A A couple of them, yes.

2 Q Do you remember the events of May 26th, 2022?

3 A Yes, I do.

4 Q Can you tell us about that day?

5 A I was asked to come over to pull a truck to a junkyard
6 for him.

7 Q Asked by who?

8 A Hunter, Hunter Plummer.

9 Q Hunter Plummer asked you to come over where?

10 A To his house to pull a truck to the junkyard for him.

11 Q Do you know that address, or roughly his location?

12 A I don't.

13 Q In the Varnville area?

14 A I know it's in Varnville.

15 Q And is it his home, and who else's home?

16 A It was Josh Plummer's home.

17 Q All right. But Hunter's the one who asked you to come
18 over?

19 A Correct.

20 Q He asked you to do what again?

21 A Asked me to pull a truck to the scrap yard for him.

22 Q That's something you had done before for him or anybody
23 else?

24 A I help myself all the time.

25 Q Take the metal to the scrap yard?

1 A Yes, sir.

2 Q Ever taken a whole truck before?

3 A Yes, I have.

4 Q Really? I mean, how much do you get out of that,
5 roughly?

6 A It depends on whether scrap is up or down.

7 Q Fair. It just changes with the market?

8 A It changes with the market.

9 Q Okay. I mean, is it like a get-rich-quick type of
10 thing?

11 A No, no. I mean, you might get a couple hundred bucks.

12 Q Now, did you do this for payment or just as a favor or
13 what?

14 A No, I did it to help them out. He paid for gas. I
15 hailed it for him.

16 Q Did you have anything else going on that day?

17 A Not that I can recall.

18 Q What sort of truck were you going to use to haul this
19 other truck?

20 A An F150.

21 Q Okay, pretty hefty? I mean, pretty strong and capable
22 of towing?

23 A Yes, sir.

24 Q Did you have the hitch or, you know, the trailer?

25 A I had the hitch.

1 Q Okay. So you were just coming over there, basically,
2 with your own vehicle that has a hitch on it?

3 A Correct.

4 Q Tell me how the setup was going to work?

5 A When we got there, we had to wind up cutting the cab
6 off the truck because they couldn't find the title for it.
7 As long as it's damaged or you crushed the top end, they'll
8 take it without a title.

9 Q So that was something that happened before in your
10 experience?

11 A Yes.

12 Q Taking a truck in that didn't have a title?

13 A Oh, you know, if you buy a piece of property and
14 there's an abandoned truck there and you go to take it, they
15 won't take it without a title unless you smash the top in or
16 --

17 Q I see. And so that's what y'all were going to do
18 before you took it over?

19 A Correct.

20 Q Were you helping physically with that act?

21 A Yes, I was.

22 Q Tell us how you were helping.

23 A We were taking the sawzall and cutting the cab off of
24 the truck.

25 Q And when you say -- that's a word that I know I'm not

1 super familiar with. Saw what?

2 A Sawzall.

3 Q How do you spell that?

4 A I don't know.

5 Q That's fair. But it's like a special kind of saw?

6 A Yeah.

7 Q Can you describe for us how it works?

8 A It has a metal blade on it. It's made for cutting
9 metal. You can use it for cutting wood. There's all kind
10 of blades you have.

11 Q Okay. And you got to be hooked up to power?

12 A Correct. Unless you -- nowadays, they got
13 battery-powered ones.

14 Q Oh, you can charge it up?

15 A Yeah.

16 Q How about this one that y'all were using?

17 A Electric and had to have an extension cord.

18 Q No gas.

19 A Right.

20 Q Now, is it loud?

21 A Yeah. The sawzall itself is usually not loud, but it's
22 kind of loud when you cutting metal.

23 Q Now, how long were you at Josh's house? I say house,
24 but his property?

25 A A couple hours, maybe.

1 Q Do you remember approximately when you arrived?

2 A I do not.

3 Q Was it in the morning?

4 A Probably mid-morning maybe, if I had to guess. It
5 wasn't too early.

6 Q Wasn't crazy early, but wasn't lunch?

7 A Correct, in the back, yeah.

8 Q And you stayed there for a few hours?

9 A I'd say a couple of hours.

10 Q You think you were there past lunchtime?

11 A If I had to guess, yeah. I really don't recall.

12 Q That's okay. But you're comfortable saying a few
13 hours?

14 A Correct.

15 Q And what were you doing? I know you said you were
16 helping with sawing, but did that process take all that
17 time?

18 A Yeah. Well, getting it set up, and cutting off all
19 four sides.

20 Q Was your vehicle already hooked up, ready to tow it?

21 A Yes, it was.

22 Q Is that what you did first then, when you arrived?

23 A I believe.

24 Q These folks that I've named earlier, were they all
25 there?

- 1 A Yes, we were.
- 2 Q Kaisee Gibson was there?
- 3 A Correct.
- 4 Q Dean Jarrell was there?
- 5 A Correct.
- 6 Q Was Trampas Prater there?
- 7 A Yes.
- 8 Q And was Stuart Miller there?
- 9 A Yes, he was.
- 10 Q And was Hunter Plummer there?
- 11 A Yes, he was.
- 12 Q How about Jesse Hadwin?
- 13 A He was there, also.
- 14 Q So all those folks?
- 15 A They all were there.
- 16 Q Do you recall the order in which they arrived, or do
- 17 you recall who was already there when you arrived?
- 18 A No, I don't recall.
- 19 Q Was Hunter there when you got there?
- 20 A Yeah.
- 21 Q It was his father's home?
- 22 A I didn't hear you.
- 23 Q Was it his father's home?
- 24 A Was his father home?
- 25 Q No, the property, was it Josh's?

1 A Oh, yes.

2 Q Okay, so when you got there, you saw Hunter at his
3 father's house?

4 A Correct.

5 Q You don't remember who else was there at the moment of
6 your arrival?

7 A I don't recall.

8 Q But you know you saw all these people at some point?

9 A I did.

10 Q Do you remember -- we'll get into this in detail, but
11 do you remember approximately where they all were at the
12 end?

13 A Scattered out all through the yard.

14 Q What did you observe with your own eyes and ears as you
15 were helping Hunter with the truck?

16 A Everybody was around. Hunter was -- matter of fact, I
17 was arguing with him trying to take the sawzall from him and
18 give him a break, because he wanted to do all the work and I
19 wanted to help.

20 Q Okay. Is it tiring? I mean, hard?

21 A It can be, holding it and the vibration, you know,
22 going back and forth from the metal. We was cutting the top
23 off the truck, me and Hunter. I was helping with the cord.
24 That's why I saw we, I was helping with the cord so it
25 didn't get tangled up.

1 Q So he wouldn't trip or something?

2 A So, yeah, he wouldn't trip and it wouldn't come
3 unplugged while he was cutting.

4 Q So do you have to be near him then for that to work?

5 A Yeah.

6 Q Where were you standing relative to the truck?

7 A I was on the driver's side.

8 Q Was Hunter there as well?

9 A Yes, he was.

10 Q Was anybody else on the driver's side?

11 A Not that I can recall, just me and Hunter at the time.

12 Q Do you recall where Mr. Miller was?

13 A Everybody else was pretty much gathered in the yard on
14 the opposite side of the truck.

15 Q Certainly, but not on the driver's side, is that what
16 you're saying?

17 A Correct.

18 Q Did you hear anybody talking, complaining, anything
19 like that?

20 A I heard them talking.

21 Q When you say them?

22 A Trampas was talking.

23 Q The Defendant, Mr. Prater?

24 A Yes.

25 Q Was this immediately before the events that we're going

1 to get to, or was it just sort of generally throughout the
2 morning?

3 A It was a little bit before.

4 Q A few minutes maybe?

5 A I'd say about a minute.

6 Q What did you hear Mr. Prater say?

7 A That he was going to shoot Stu.

8 Q You heard him say that?

9 A Yeah.

10 Q And he was referring specifically to Mr. Miller, or did
11 he say him?

12 A He said Stu. We called him Stu.

13 Q Did you take that seriously?

14 A Not at first, no, I didn't.

15 Q Why not?

16 A Like I said, I didn't know him that well. I didn't
17 know if he was joking or if he was serious. I didn't know
18 how to take it, to be honest.

19 Q Did it cause you any concern?

20 A When I seen the look in his eyes, it did.

21 Q And you mean by his eyes, you mean Mr. Prater's?

22 A Yeah, that's right.

23 Q Could you describe that look?

24 A I don't know. It was just a crazy look.

25 Q And so that --

1 A And when I seen the look, it just started to make me
2 feel uneasy, especially when I noticed the gun in his hand.

3 Q You saw a gun in Mr. --

4 A I saw a gun in his hand.

5 Q In Mr. Prater's hand?

6 A Yes, I did.

7 Q Could you describe that gun?

8 A I know it was black and it had a clip.

9 Q Was it a rifle, shotgun?

10 A No, it was a pistol.

11 Q Handgun?

12 A Handgun.

13 Q And you said it looked like --

14 A If I had to guess, a nine or a 40 or a 45.

15 Q Are you very familiar with guns?

16 A A little bit.

17 Q But if you had to guess, it was either a nine
18 millimeter or a 40 caliber?

19 A That's correct.

20 Q Did he point it at anybody?

21 A Not at the time. It started making me feel uneasy
22 because I didn't know him. I don't like somebody walking
23 around holding a gun. I'm afraid to look at him.

24 Q Did you see anybody else with a gun that day?

25 A No, I did not.

1 Q Did you have a gun that day?

2 A No, I did not. I don't own a gun.

3 Q Oh, you don't own a gun?

4 A No. I lost them all through a divorce.

5 Q I'm sorry. Or maybe congratulations. I don't know.

6 A It's kind of both.

7 Q Okay. But you don't own any now. Did you own any in
8 2022?

9 A No, I did not. I haven't owned any since I've been in
10 South Carolina?

11 Q I see. Oh, so your divorce was --

12 A It was over.

13 Q You came here after that?

14 A Yes, sir.

15 Q What year did you come to South Carolina?

16 A It's been about five or six years ago.

17 Q So getting back to the actual -- the day of 2022. You
18 didn't see anybody else with a gun?

19 A Did not.

20 Q Did you see who shot Stuart Miller?

21 A No, I did not.

22 Q Did you hear a gunshot?

23 A I did.

24 Q And when was that, roughly, and where were you?

25 A When I heard it, me and Hunter Plummer was on the

1 driver's side of the truck with the sawzall.

2 Q Still on the driver's side like you described?

3 A Still on the driver's side with the sawzall. When I
4 heard the gunshot, it was on the passenger side, the
5 opposite side of the truck we was on.

6 Q So could you see through the truck?

7 A No, I could not.

8 Q But you could tell the direction it came from?

9 A Yes.

10 Q How many gunshots were there?

11 A I heard one.

12 Q What did you do after you heard the gunshot? And how
13 did it make you feel?

14 A Scared, uneasy, worried of what was going on. Didn't
15 realize what was going on.

16 Q Confused?

17 A Everybody was running. I didn't know what had
18 happened? I was worried would I get shot.

19 Q You were concerned for your own safety?

20 A Yes, I was.

21 Q What did you do?

22 A I unhooked from the trailer and left.

23 Q Could you tell where the gunshot had gone?

24 A No.

25 Q Did you see anybody suffering?

1 A It looked to me like Stu.

2 Q You saw him? Can you tell us what you saw?

3 A After I heard the shot and everybody was running, it
4 looked like he was holding the chest and everybody was
5 running. All I thought about was I needed to get out of
6 there. I was worried. I didn't know if I was going to be
7 next or why it happened.

8 Q Did you see Mr. Prater after that, after you heard that
9 sound?

10 A Yes, I did.

11 Q Where did you see him and what did he do?

12 A Talking about Trampas?

13 Q Yes, please, sir.

14 A Oh, that's the only way I know him is Trampas.

15 Q Mr. Trampas Prater, I'll just call him Trampas, too.
16 Did you see Trampas after you heard the gunshot?

17 A Yes, I did.

18 Q What did you see him do?

19 A Everybody was running and he was heading back toward
20 the house.

21 Q Was he running or was he walking?

22 A I don't know if you want to call it running, but I
23 wouldn't call it walking, sort of in between.

24 Q Okay. Could you see the gun? You said that -- when
25 you're talking about seeing him with a gun, that was

1 earlier?

2 A I know when he was -- when he said he was going to do
3 it, he had the gun in his hand. We was on the driver's side
4 and he walked around the truck and then we heard the shot.
5 After that, I didn't see it.

6 Q Approximately how long in between that statement and
7 hearing the gunshot?

8 A It couldn't have been more than, if I had to guess, 20,
9 30 minutes.

10 Q Okay. So a good little, I mean, not seconds?

11 A Right.

12 Q Not seconds, but not hours?

13 A Yeah.

14 Q Half an hour maybe?

15 A At the most.

16 Q And did you see -- when he was walking towards the
17 house, he, Trampas, did you see the gun on him at that point
18 or only earlier?

19 A I wasn't really paying attention. I was just trying to
20 get out of there and get unhooked.

21 Q Tell us about getting unhooked.

22 A I had to unhook the trailer from my truck.

23 Q And how long does that usually take?

24 A Not long.

25 Q Did it take longer or shorter this time?

1 A It probably was a little quicker than most.

2 Q Oh, okay. Did you talk to anybody else who had been
3 there about what had happened?

4 A No.

5 Q Did you see them? I think you said they were running?

6 A Yeah, everybody was running, scattering, some in
7 vehicles.

8 Q Do you know where any of them went?

9 A No, I don't.

10 Q Where did you go?

11 A I went home.

12 Q Now, did you tell the police what happened?

13 A Yes, I did.

14 Q How long after it happened did you talk to the police?

15 A A couple of days.

16 Q Why? Why not talk to them that day?

17 A Scared, I guess.

18 Q Scared of what?

19 A It happening to me.

20 Q Scared of Mr. Trampas?

21 A No, the people he knows.

22 Q So why did you come forward a few days ago?

23 A Because I have a son. And if I was in that situation
24 or any parent, I'd want somebody to come forward and tell
25 the truth, also.

1 Q That's why you talked to the police?

2 A That's why.

3 Q Is that why you're here today?

4 A Yes, I am.

5 Q I mean, I made you come, right?

6 A No, you did not.

7 Q Oh, okay. We served you with a subpoena, but --

8 A You did serve me, but --

9 Q Okay, that's all I meant. Okay. You're here because
10 why?

11 A Because if that was my son, I'd want justice.

12 Q Did Hunter Plummer shoot Stuart Miller?

13 A No, he did not.

14 Q Did you or anybody else talk about covering up for
15 somebody who did this?

16 A No, sir.

17 Q Have you ever talked to any of these folks, Kaisee,
18 Hunter, Jesse, Dean?

19 A Yes, I mean, I've talked to them, but we didn't
20 really -- never really was brung up.

21 Q Until we started reaching out to you to get ready?

22 A Correct.

23 Q I'm about to turn you over to Mr. Shelton, but I'm
24 going to ask you to come down here. Have we shown you a
25 smaller version of this before?

1 A Yes.

2 Q What we're going to do, Mr. Breadon, is I've got these
3 stickers here, and I've put initials of everybody on them.
4 And I'm going to put them on there, but I'm going to ask you
5 to direct me where these people were standing based on your
6 memory, starting with TP for Trampas. And I'm going to ask
7 you to speak up nice and loud for our court reporter.

8 A It would be over here where that number two is,
9 somewhere in that location.

10 Q And that's when you saw him after the shooting or
11 leading up to the shooting?

12 A After.

13 Q And where -- let's start -- actually, let's get you on
14 there, okay? So JB, where do you want me to put JB?

15 A I would probably be over here. Other side of the
16 truck.

17 Q Okay. And you understand this, you know, everything
18 along the diagram and what it's supposed to be?

19 A Pretty much. I would have been parked here.

20 Q That's another good question. So that's you?

21 A Yeah.

22 Q You tell me where to put it?

23 A Okay, right there. I was by that truck.

24 Q Driver's side?

25 A Could be the truck we was cutting the top off of.

1 Q And then point with your finger where your truck was.

2 A My truck would have been hooked to the trailer in front
3 of it.

4 Q Okay. But it's obviously not here, correct?

5 A Correct.

6 Q Let's do Jesse Hadwin, JH, can you tell me, if you
7 know, where he was?

8 A Approximately, he would be on this side of the truck.

9 Q Anywhere?

10 A Over here somewhere.

11 Q All right. Kaisee Gibson, KG?

12 A She had pulled up, so it would be back here somewhere.

13 Q Sort of off the map?

14 A Yeah.

15 Q Maybe just put it right on the edge. All right.
16 Hunter Plummer?

17 A He was beside me.

18 Q Right there?

19 A Yeah.

20 Q Dean Jarrell?

21 A He would be --

22 Q If you know. If you don't know, that's okay.

23 A I'm not really sure.

24 Q That's fine. If you're not comfortable. But again,
25 your truck was?

1 A In front of this one.

2 Q Thank you. You may return to your seat.

3 A (Witness complied.)

4 MR. EVANS: May I approach the witness?

5 THE COURT: You may.

6 BY MR. EVANS:

7 Q I'm going to show you what's been marked and entered as
8 State's Exhibit 7. Do you recognize that?

9 A That was the truck.

10 Q This is the truck?

11 A Yes, sir.

12 Q And then tell us about what this particular picture
13 shows relative to you.

14 A Still on the trailer, the truck. Cutting the top off.

15 Q And where were you standing? Does this picture show
16 that?

17 A Driver's side of the truck.

18 Q Can you see this, the larger one. I should have shown
19 you this. Exhibit 8.

20 A Yeah, I see it.

21 Q Tell us what this picture shows.

22 A That was the picture of the truck that we was working
23 on.

24 Q Can you tell me approximately where you were standing,
25 as close as possible?

1 A Between where the window is on the driver.

2 Q This window?

3 A Yeah.

4 Q Between that and what?

5 A The door, the mirror of the door.

6 Q Oh, so literally right here?

7 A Right in that area, yeah.

8 Q And where was Hunter?

9 A To the right of me.

10 Q To your right. So he would have been --

11 A By where the cab comes down.

12 Q And everything else that happened was on the other
13 side?

14 A Correct. Towards the house.

15 Q Towards the house, which is in the background?

16 A Correct.

17 MR. EVANS: Those are all the questions I have for Mr.
18 Breadon. Please answer any questions Mr. Shelton may have.

19 THE COURT: Mr. Shelton.

20 CROSS-EXAMINATION

21 BY MR. SHELTON:

22 Q Johney, so you were on the front end of that open door?

23 A Correct.

24 Q So you were on the front end of that truck, that Dodge
25 truck?

1 A Not toward the motor. The front end of the truck is
2 the motor. I wasn't -- I was behind where you see the car
3 dolly.

4 Q Right here?

5 A Behind it, toward the --

6 Q This side?

7 A Where the cab comes down.

8 Q And on this diagram, you were the one closest to this
9 number one?

10 A Well, if you want to look at the thing, yeah, but it's
11 actually a little further back. But regardless, I was still
12 on the driver's side of the truck.

13 Q But this number one is right here. You were the
14 closest person to this number one that's on this diagram?

15 A I was not worried about the number one. I was by the
16 driver's side of the door of the truck.

17 Q I understand. I am worried about the number one. So,
18 are you the closest one to this number one?

19 A Yes, that's my -- JB is the closest one to it, yeah.

20 Q Okay. And where Kaisee is, there's a fence right here,
21 correct?

22 A A what?

23 Q There's a fence that kind of goes out here by this
24 Chevy S10? I can show you State's 4?

25 A Yeah.

1 Q So there's a fence that covers that whole Chevy S10,
2 correct?

3 A Yeah.

4 Q And your testimony was Kaisee just pulled up?

5 A Yeah.

6 Q Was that after the shooting?

7 A Right before. Right where she pulled up, that fence
8 wasn't blocking her view.

9 Q The fence was blocking her view?

10 A The fence would not have been blocking her view.

11 Q Would not have been. Okay. And you know that because
12 you --

13 A Because I was there and I seen where she pulled up.

14 Q So you were watching her pull up, you weren't watching
15 Hunter doing the sawzall?

16 A She pulled up before the incident happened.

17 Q So was Hunter doing the -- Hunter was doing the
18 sawzall, correct?

19 A Hunter had the sawzall in his hand, yes, correct.

20 Q And so she was pulled up how much longer before he was
21 working on the sawzall?

22 A I'm not sure.

23 Q So had he stopped working on the sawzall when she
24 pulled up?

25 A No.

1 Q Was he cutting?

2 A He never stopped.

3 Q Does it make a lot of noise?

4 A Like I said before, it does make a little bit of noise.

5 Q Just a little bit, okay. You remember talking with the
6 police. They gave you a Miranda rights, do you remember
7 that?

8 A Yes, I do.

9 Q Do you remember what day that was?

10 A No, I do not.

11 Q Would it help to see that Miranda rights? That would
12 be the day that you talked to the police, correct?

13 A Yeah.

14 Q If you saw that, your signature on the Miranda rights?
15 Can you just read through that, see if that helps refresh
16 your memory on the date?

17 A 6/1/22.

18 Q So June 1st?

19 A Yeah.

20 Q So there's 31 days in May? Or is it 30?

21 A I'm not sure.

22 Q 30 days in May?

23 A I'm not sure.

24 Q 31. So five, that's six days later, approximately?

25 A (No response.)

1 Q Is that correct?

2 A I'm not sure what you're getting at, sir.

3 Q No, is that six days later?

4 A Six days later what?

5 Q That you talked to the police?

6 A I talked to them on June 1st?

7 Q Yes.

8 A Yeah.

9 Q This occurred May 26th, correct?

10 A All I know is when I talked to the police, sir.

11 Q So you don't know when this incident occurred?

12 A I know it was a few days before I talked to them.

13 Q Six days? Did this happen on May 28th?

14 A I'm not sure of the exact date the incident occurred.

15 I know it was a few days before I talked to the police.

16 Q On May -- on June 1st of 2022, do you remember telling
17 the police that you've never felt comfortable over there?

18 Talking about Josh and Hunter's place?

19 A Yes, sir.

20 Q That you always had to look over your shoulder?

21 A Yeah.

22 Q That you said that you didn't feel safe there?

23 A That day, no, I did not.

24 Q Well, in general, you didn't feel safe at Josh's house?

25 A I don't recall.

1 Q You don't recall saying that?

2 A Not in any specific words.

3 Q You recall saying, depending on what kind of mood his
4 boy would be in? You recall saying that?

5 A It had nothing to do with this incident.

6 Q Okay, I'm asking, though. You recall saying that?

7 A Yes, I do.

8 Q That he'd go on a rampage with his daddy and take it
9 out on your stuff?

10 A He was mad at his dad because his dad was riding with
11 me.

12 Q You felt kinship to Josh, correct?

13 A Yeah, because we were going through the same stuff.

14 Q You had your son or grandson that was having issues?

15 A Yeah, my grandson.

16 Q Your grandson was having some issues. So you took it
17 upon yourself, I think your words were, you wanted to be a
18 mentor?

19 A If I could help change somebody's life, yes. I
20 struggled in my younger days.

21 Q And that's a mentor for Hunter, correct?

22 A Yeah.

23 Q And you're really clear that you and Hunter were --

24 A One hundred percent positive where me and Hunter was
25 located.

1 Q Right, a hundred percent positive where you and Hunter
2 were?

3 A Correct.

4 Q On that driver's side?

5 A Correct.

6 Q So you heard a shot, you saw Stu grab his chest, and
7 you unhooked your truck, correct?

8 A That's correct.

9 Q You were the last one to leave, correct?

10 A I can't recall if I was the last one. I know I wasn't
11 the first one.

12 Q Did you bring Trampas there?

13 A Not that I can't recall.

14 Q Explain this to me. Did you bring Trampas to Josh and
15 Hunter's house that morning?

16 A I just said not that I can recall.

17 Q I'll show you what's been marked as Defendant's 15 for
18 identification. Can you identify that? It's small, I know.

19 A It's a picture of my truck.

20 Q It has some stuff in the back?

21 A Yeah. It looks like my stuff.

22 Q You were scared to keep your stuff at Josh's house,
23 correct?

24 A I had no other place to put it, but it was there.

25 Q You talked to the detectives about how you really

1 didn't want it there?

2 A I didn't because I knew it was going to be gone through
3 and some of it was going to be stolen.

4 Q What about that Mustang? Whose Mustang was that?

5 A I don't recall. I was told it was Trampas's.

6 Q Okay. Were you, also, told it was Hunter's?

7 A No.

8 Q You don't remember telling the detectives that?

9 A It was Trampas's.

10 Q You guys fixing it up?

11 A Excuse me?

12 Q Were you helping Trampas fix it up?

13 A No, I was not.

14 Q Talked about racing it?

15 A No, I was not.

16 Q Do you remember when they asked you what Trampas was
17 wearing?

18 A I don't recall.

19 Q Do you recall what he's wearing now?

20 A I do not recall. What he's wearing now?

21 Q No, what he was wearing at the time of the shooting?

22 A I don't recall.

23 Q Do you recall telling the detective that Trampas had no
24 shoes on?

25 A He had what?

1 Q No shoes on.

2 A No shoes on?

3 Q You recall saying that?

4 A I don't recall.

5 Q And you didn't hear Trampas say anything after the
6 shooting, correct?

7 A No, I did not.

8 Q When you talked to the police on June 2nd, you knew
9 that Josh had shown his ass to the police that night. You
10 remember that?

11 A Yeah.

12 Q Right. But you didn't talk to anybody about this?

13 A Say that again.

14 Q In between the shooting and June 1st, you didn't talk
15 to anybody about this incident, did you?

16 A No, I did not.

17 Q No, but you knew Josh showed his ass; isn't that
18 correct?

19 A Yeah.

20 Q So you didn't talk to anybody in between?

21 A No, I did not.

22 Q You know what Hunter was wearing?

23 A No, I don't. Do I know what I was wearing? No, I
24 don't.

25 Q Not wearing shoes, that's pretty big fact, do you

1 agree?

2 A You talking about something happened two years ago.

3 Q You got somebody working on a sawzall grinder, it's
4 going to be metal everywhere. So was Hunter wearing shoes?

5 A I don't recall.

6 Q Remember telling the police on June 2nd -- June 1st
7 that somebody later told you Stu got shot by a phone call?

8 A I heard about it, yeah.

9 Q So you did talk about it between May 26th and June when
10 you gave your statement to the police?

11 A They just said Stuart got shot, that's all that was
12 said.

13 Q That's all the phone call was?

14 A No.

15 Q You remember telling the police that you were trying to
16 help Josh's son with his issues, correct?

17 A Correct.

18 Q Now, you're trying to be a mentor towards his son,
19 trying to have him choose another path?

20 A Yeah.

21 Q You remember saying I've never crossed lines to the
22 extreme like they do. You never stole or never hurt
23 somebody. Remember telling the police that?

24 A I do.

25 MR. SHELTON: No further questions.

1 MR. EVANS: Very briefly.

2 REDIRECT EXAMINATION

3 BY MR. EVANS:

4 Q Mr. Breadon, you felt uneasy at Josh's house? Was
5 that -- can you answer?

6 A Yeah.

7 Q Was that generally or just that day?

8 A Just that day.

9 Q That day you felt uneasy. And why did you feel uneasy?

10 A Because of him walking around with a gun.

11 Q Because of Trampas?

12 A Because of Trampas.

13 Q I asked you earlier if Hunter killed Stuart, and you
14 said no, do you recall that?

15 A I do.

16 Q Is that still your answer?

17 A Yes, it is.

18 Q Did you kill Stu?

19 A No, I did not.

20 Q Do you know who did?

21 A Never killed anybody in my life.

22 Q Did you see who did?

23 A I didn't see exactly who pulled the trigger. My heart
24 says who I seen with a gun prior to the shooting.

25 Q And that was Trampas Prater?

1 A That was Trampas Prater.

2 MR. EVANS: No further questions.

3 MR. SHELTON: Briefly.

4 THE COURT: Certainly.

5 RECROSS-EXAMINATION

6 BY MR. SHELTON:

7 Q So you weren't just uneasy that day, you were worried
8 about your stuff?

9 A There's a difference in worrying about your stuff and
10 feeling uneasy, sir.

11 Q But you didn't like to stay there. You didn't want to
12 stay there because -- you were going through a separation,
13 correct?

14 A I was getting kicked out. There's a difference.

15 Q I agree. And you didn't want to stay at that house,
16 correct?

17 A I couldn't stay there.

18 Q You were always looking over your shoulder, correct?

19 A (No response.)

20 Q Is that correct?

21 A No, it's not.

22 Q No, it's different than your testimony earlier?

23 A No, it's not.

24 Q It's different than your testimony, or what you told
25 the police on June 1st?

1 A No, it's not.

2 MR. SHELTON: No further questions.

3 THE COURT: All right. Any objection to this witness
4 being excused from anyone?

5 MR. EVANS: No, Your Honor.

6 THE COURT: You're excused, sir. Thank you.

7 THE WITNESS: Thank you.

8 THE COURT: Can I see the attorney's for a minute.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: State call your next witness.

11 MR. EVANS: Nicholas Batalis.

12 And, Judge, while he's coming in, we do have a
13 stipulation that might be appropriate to publish now.

14 THE COURT: Okay. Go ahead.

15 MR. EVANS: Your Honor, the State of South Carolina and
16 the Defendant, Trampas Prater, by and through their
17 undersigned attorneys agree that --

18 THE COURT: Slow down.

19 MR. EVANS: Yes, Your Honor. Agree to the following
20 stipulation of fact, the remains examined by Dr. Batalis
21 were those of Stuart Miller.

22 THE COURT: Okay.

23 MR. EVANS: Signed by myself and Mr. Shelton.

24 THE COURT: Thank you.

25 (WHEREUPON, Court's Exhibit No. 6 were marked for

1 identification only.)

2 THE COURT: Ladies and gentlemen, a stipulation is just
3 an agreement of a fact between both parties, and it just
4 provides and shortens the time of the trial, so it's not
5 something that has to be proven to you, okay.

6 THE CLERK: Place your left hand on the Bible and raise
7 your right.

8 NICHOLAS BATALIS,

9 after being duly sworn, testified as follows:

10 THE COURT: Dr. Batalis, if you'll just give us your
11 name for the record and spell your last name for the court
12 reporter.

13 THE WITNESS: My name is Dr. Nicholas Ike Batalis,
14 B-A-T-A-L-I-S.

15 DIRECT EXAMINATION

16 BY MR. EVANS:

17 Q And, Doctor, what are you a doctor of?

18 A I am a doctor of medicine.

19 Q Are you a forensic pathologist?

20 A Yes. My specialty of practice is forensic pathology.

21 Q Very quickly, what is that?

22 A So pathology is a medical specialty that deals with the
23 study and diagnosis of disease. So a general pathologist
24 would be the one who would look at a biopsy or a tumor to
25 determine what type of cancer or inflammation might be

1 there. Forensic pathology is a subspecialty that deals with
2 more of the medical legal aspects of medicine, in particular
3 performing autopsies to determine a cause and matter of
4 death.

5 Q All right. And that's what you do at the lab, you
6 perform autopsies?

7 A Yes.

8 Q And approximately how many have you performed in your
9 career?

10 A At this point, probably over 4,000.

11 Q You went to medical school and did residency just like
12 any other doctor in any other specialty?

13 A Yes, I did.

14 Q Where and when did you do that?

15 A After graduating college, I went on to the Indiana
16 University School of Medicine, where I graduated in 2003.
17 At that point, I then moved to Charleston to the Medical
18 University of South Carolina for a four-year general
19 residency training program in general pathology. At the end
20 of those four years, I passed an examination and became
21 nationally board-certified in general pathology. That was
22 2007.

23 At that point, I then moved to Dallas, Texas for a
24 one-year fellowship or specialty training program
25 specifically with forensic pathology. Again, at the end of

1 that one year, I passed an examination to become board
2 certified in forensic pathology in 2008. At that point, I
3 then returned to Charleston and took my current position.

4 Q And you've been at MUSC doing autopsies ever since?

5 A Yes.

6 Q And does that on occasion bring you to court such as
7 this one?

8 A Yes, it does.

9 Q Have you been qualified as an expert in forensic
10 pathology on those occasions?

11 A Yes, I believe over a hundred times in South Carolina,
12 twice in North Carolina, and twice in Texas.

13 MR. EVANS: Your Honor, the State would tender Dr.
14 Batalis as an expert in forensic pathology?

15 THE COURT: Any voir dire?

16 MR. SHELTON: No objection, Your Honor.

17 THE COURT: Ladies and gentlemen, in this case Dr.
18 Batalis is being qualified as an expert in the area of
19 forensic pathology. That allows him to give his opinion and
20 the reason for his opinion and that's for you to use as you
21 see appropriate and as compared to other evidence in this
22 case.

23 MR. EVANS: Thank you.

24 BY MR. EVANS:

25 Q Doctor, did you have the occasion in May of 2022 to

1 perform an autopsy on Mr. Stuart Miller?

2 A Yes, I did. It was May 29th, 2022.

3 Q Tell us about your findings.

4 A So the major finding in the autopsy of Mr. Miller was a
5 single perforating gunshot wound that entered the upper
6 right side of his chest and then exited the left side of his
7 back.

8 Q I see. And did he have any other indication of any
9 kind of health problems? Was it simply that he was shot?

10 A Yeah, there was no other findings that would explain
11 his death. He was 26 years old at the time he died and, you
12 know, otherwise appeared to be healthy. There was no, you
13 know, major medical diseases, anything like that that would
14 have been an immediate threat.

15 Q And how was he received? How did he appear when you
16 came upon his remains at your -- is it called an OR or
17 examination --

18 A We call it our autopsy suite. So at MUSC, we perform
19 autopsies for numerous counties around the state. So the
20 officers would inform us they'd like us to perform an
21 examination, transport the body to us. We'd then bring him
22 into the autopsy suite and take photographs as we received
23 the body before we've done any manipulation.

24 So at that point, he was wearing some clothing. Is
25 that what you're getting at?

1 Q Sure. Yeah, he was clothed, not nude?

2 A Correct. Yeah, when we received him, he was fully
3 clothed. So we then took photographs of the body at that
4 point and then would have removed the clothing, secured that
5 as evidence, cleaned the body, and then took another set of
6 photographs of the body before we performed our examination.

7 Q And did you take those photographs, or did somebody
8 help you take them?

9 A I would have taken them.

10 Q You always do that personally yourself?

11 A Yes. Occasionally, we have trainees working with us,
12 but I did not have a trainee at this time.

13 (WHEREUPON, State's Exhibit No. 24 was marked for
14 identification only.)

15 BY MR. EVANS:

16 Q I'm going to pass you what's been previously marked,
17 but not entered as State's Exhibit 24. Do you recognize
18 that photograph, sir?

19 A Yes, I do.

20 Q What is that photograph, sir?

21 A This is a photograph of the decedent's upper chest
22 depicting the gunshot entrance wound.

23 Q And you took that?

24 A Yes, I did.

25 Q How can you tell it's from this autopsy as opposed to

1 one of your other 4,000?

2 A Sure. So just beneath and to our right of the entrance
3 wound, there's a tag that has a small ruler along with a
4 case identifier. So this case, FA22594, that means in the
5 year 2022, this was the 594th forensic autopsy our office
6 performed that year. So that number would only be used just
7 for this single case.

8 Q Okay. For all of MUSC, and that comes from various
9 facilities, that not your 594th?

10 A No, that would have been for our office of seven
11 pathologists.

12 Q All right. And does this photograph fairly and
13 accurate depict, other than being black and white, Mr.
14 Miller's remains on the day that he came to you?

15 A Yes.

16 MR. EVANS: Your Honor, the State would move this
17 photograph into evidence as State's 24.

18 THE COURT: Subject to your prior objection?

19 MR. SHELTON: Yes, ma'am.

20 THE COURT: Okay. It's in evidence.

21 (WHEREUPON, State's Exhibit No. 24 was admitted into
22 evidence.)

23 MR. EVANS: May I publish, Your Honor?

24 THE COURT: You may.

25 BY MR. EVANS:

1 Q Doctor, can you see this screen over there?

2 A Yes.

3 Q Would you like to testify from there or come down and
4 point that to show the jury?

5 A It might be a little easier if I came down there.

6 Q Come on down. Just tell us what we see.

7 A So we see his leg here with the head to our right side.
8 His feet would be to the left. We see his neck here. And
9 then here's the tag I spoke of with our unique identifier.
10 And then right adjacent to that is our gunshot entrance
11 wound. So the nice circular wound is the bullet's traveling
12 out of the gun. It's traveling on a spiral like a football,
13 so it kind of drills into the skin, giving that nice
14 circular appearance.

15 The other thing we couldn't see on this is there are
16 lots of small little dots around this. With color, you can
17 see that there are little scrapes that we call stippling.

18 Q What is stippling?

19 A Sure. So when a gun is fired, obviously, the bullet
20 comes out. But there are other things that come out, too.
21 So one thing that comes out is called soot. So when the
22 explosion happens with the bullet being fired, there's a
23 cloud of smoke, basically, that'll travel up to six inches
24 to a foot from the gun before it just kind of dissipates
25 into the air.

1 The other thing that flies out are little pieces of
2 gunpowder that are still burning from that explosion or are
3 unburned. And they can travel a bit further, up to two to
4 four feet, and strike the skin and cause small little
5 abrasions or scrapes that we call stippling. So that's what
6 we're seeing here is this stippling.

7 So that would tell us that at a minimum, the gun would
8 have been two to four feet from the body when it was fired,
9 and certainly could have been closer. If you notice here,
10 the stippling is pretty tightly concentrated. The closer it
11 gets, that stippling is going to get tighter and tighter.
12 The further away the gun gets, it's going to be looser. So
13 the individual marks will be further apart from one another
14 and they would be further away from the wound.

15 Q I see. Can you ever, you know, go backwards and make
16 an exact measurement based on soot or stippling?

17 A The only way to do that would not be my role as a
18 forensic pathologist. But forensic scientists, more of the
19 lab workers, if they had the weapon, they had the type of
20 ammunition, they could test fire the weapon and kind of
21 sequentially pull it back a couple inches at a time until
22 you get that spread.

23 Q Doctor, I mean, after we see -- that's an outer
24 examination. Did you conduct an internal examination?
25 Did you open him up?

1 A Yes, we did. So as part of the external exam, we,
2 obviously, looked for injuries, but any other evidence of
3 natural disease or trauma. We then moved onto our internal
4 exam, where we used surgical-type incisions to examine the
5 individual organs. Again, tracking for any evidence of
6 natural disease or trauma. In this case, we could track
7 through, see what the bullet struck on its way through the
8 body.

9 Q And what did you find?

10 A So after entering the upper right side of the chest, as
11 we saw, it then went through the chest wall. It went
12 through the right lung. It went across what we call the
13 mediastinum, so, basically, the middle part of the chest,
14 and through the aorta. So our aorta is the big blood vessel
15 that takes blood from your heart to the rest of your body.
16 So through the lung, through the aorta, then it went through
17 the lung on the left side, before then exiting through a rib
18 and exiting the left side of the back.

19 As a result of going through both of his lungs and the
20 aorta, there was abundant bleeding. So around each lung, we
21 had about a liter of blood. And just for reference, for
22 somebody of his size, he would have only had four or five
23 liters of blood in his body. So, roughly, half his blood
24 had left his circulation and was surrounding those lungs.

25 Q Still in his body, but not in the right place?

1 A Correct.

2 Q You mentioned the words cause and manner a little bit
3 earlier. Could you define those terms for us and then tell
4 us what they mean for this case?

5 A Sure. So cause of death is going to be, kind of simply
6 put, how the person died. Was it a gunshot? Was it a heart
7 attack? Was it a stroke? A blood clot? Something like
8 that. Manner of death is how that would come about.

9 So for example, a cause of death could be a gunshot.
10 If I were to shoot somebody else, that could be considered
11 homicide. If I was to shoot myself, it would be suicide.
12 If we're out maybe hunting in the woods and I just kind of
13 fire at an animal or something and it happened to be
14 somebody behind a tree that we don't see, that could be an
15 accident.

16 So the manner of death would typically have five
17 manners. One is going to be homicide, so it's death at the
18 hands of another, the actions of another individual.
19 Suicide, when you intentionally would take your own life.
20 Accident, which I think is fairly self-explanatory.
21 Natural, which would be the aging process or natural
22 disease. Or if we can't fit it into there, we could call it
23 undetermined.

24 So taking it back to this case, the cause of death was
25 a gunshot wound at the trunk, with the mechanism really

1 being bleeding out from the wounds to the lungs and the
2 aorta. And the manner of death in this case would be
3 homicide, as the gunshot was as a result of another
4 individual's actions.

5 Q Weighing out, is exsanguination the fancy term for
6 that?

7 A Yes.

8 Q So the cause was exsanguination and the manner was
9 homicide?

10 A Sure. Yeah, the cause of death, I stepped it back. So
11 the gunshot wound to the trunk, you could say exsanguination
12 due to gunshot wound to the trunk. I just want to emphasize
13 the gunshot wound. Yes, the manner would be homicide.

14 Q And that's your conclusion after examining him to a
15 fair degree of scientific certainty?

16 A Yes.

17 MR. EVANS: Those are all the questions I have.

18 CROSS-EXAMINATION

19 BY MR. SHELTON:

20 Q Dr. Batalis, just a couple. So you said this was
21 almost like a downward angle?

22 A It's a little bit downward. So we had it entering
23 about 13 inches below the top of the head, and the exit
24 wound on the back was 16 inches below the top of the head.
25 So if we were to do an angle, it was definitely coming from

1 his right to his left across his body, obviously, from front
2 to back, and then enters the chest, enters the back. And it
3 drops about three inches. So the pathway would,
4 essentially, be -- the barrel of the gun would have been
5 pointing somewhere in this angle.

6 Q And so maybe somebody's holding it in their left hand?

7 A I can't tell based on the pathway which hand the gun
8 could have been in. Again, position-wise, I'm sitting here
9 in this chair, that doesn't mean the decedent was in this
10 position when he was shot. He could have been laying,
11 standing. I don't know exactly what position he was in, I
12 just know that the gun would have been kind of fixed in this
13 particular angle.

14 Q And Mr. Miller, he was 72 inches, if I read your report
15 correctly?

16 A Yeah, so he was approximately 72 inches or six feet.

17 Q Six feet. And there was a toxicology done. There was
18 meth found in his system?

19 A Yes, during all of our -- essentially, all of our
20 autopsy exams, unless they've been in the hospital for a
21 while, we run toxicology testing. In this case, he was
22 positive for three substances. One is cotinine, which is
23 just a breakdown product of nicotine, and then he had
24 methamphetamine, and then a breakdown product of the
25 methamphetamine.

1 Q And there was no bullet that was recovered or any other
2 type of evidence as far as that was concerned, correct?

3 A Correct. There was an entrance wound on the chest with
4 an exit wound on the back, so we did not have the bullet to
5 recover.

6 MR. SHELTON: No further questions.

7 THE COURT: Any redirect?

8 MR. EVANS: Very quickly.

9 REDIRECT EXAMINATION

10 BY MR. EVANS:

11 Q To be clear, you don't do that drug examination
12 in-house at MUSC?

13 A No, we don't have that testing. We have a couple
14 different options that the coroners can choose from. In
15 this case, it was sent to Axis Forensic Toxicology Lab, so a
16 nationally accredited lab, I think, based out of Indiana,
17 where we sent the testing.

18 Q And you rely upon that when it comes back?

19 A Yes, we take their findings and incorporate it into our
20 report to determine the significance.

21 MR. EVANS: That's all.

22 THE COURT: Anything further?

23 MR. SHELTON: No.

24 THE COURT: All right. Any objection to Dr. Batalis
25 being excused?

1 MR. EVANS: No.

2 THE COURT: You're excused, sir. Thank you.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: All right. It is very close to one
5 o'clock. Is it now time to go ahead and break?

6 MR. EVANS: Yes.

7 THE COURT: Ladies and gentlemen of the jury, would you
8 prefer to start at 9:30 or 10:00 tomorrow? We cannot do
9 nine o'clock, so either 9:30 or 10:00.

10 THE FOREMAN: 9:30.

11 THE COURT: All right. Ladies and gentlemen, I, also,
12 want to tell you that there may be a chance that this case
13 may be argued and charged on Thursday morning. That would
14 be the closing arguments from the lawyers and my charge on
15 the law. I need to make sure everyone, as far as their
16 scheduling is concerned, is okay with that.

17 So, Madam Foreperson, when I excuse you today, will you
18 please talk to the jury to make sure no one has an
19 unavoidable conflict? And if they do, I need to know that
20 juror's number, okay? And I need to know what the conflict
21 is, okay?

22 So, ladies and gentlemen, you have heard testimony,
23 obviously, in this case. I have to remind you, though, you
24 are not to discuss this case with anyone. You're not to do
25 any individual research in this case, ladies and gentlemen.

1 Go home, get a good night's sleep. We'll see you back
2 tomorrow morning at 9:30. All right. Thank you. You are
3 excused back to your jury room.

4 (WHEREUPON, the jury exits the courtroom.)

5 THE COURT: All right. We need to talk about Jesse
6 Hadwin and his refusal to testify.

7 Yes.

8 MR. EVANS: Thank you, Your Honor. I'm going to try to
9 take advantage of our unusual schedule to go and talk with
10 Mr. Plexico and see if he's had a change of heart. We'll
11 have a decision for you, certainly, in the morning as to
12 whether we call him.

13 THE COURT: All right. And obviously, if you're
14 calling him, we need to -- Mr. Plexico needs to be back
15 then. And then you, also, have to decide whether or not,
16 you know --

17 I could formally, you know, order him to testify in
18 front of the jury. He can still refuse, obviously. But I
19 don't think we're going to get to the point in this case
20 where, you know, as far as his prior statement is concerned,
21 I just don't see it coming in. Just to let you know.

22 MR. EVANS: His prior statement to the police?

23 THE COURT: Right. Right. Because there's no
24 opportunity to cross-examine it. It was just Mr. Clapp
25 talking to him, correct?

1 MR. EVANS: Well, his prior statement doesn't actually
2 help us. I think Mr. Shelton would actually like his prior
3 statement to come in.

4 THE COURT: Oh.

5 MR. SHELTON: Correct.

6 MR. EVANS: But --

7 MR. SHELTON: It's actually very beneficial for me.

8 THE COURT: For you?

9 MR. SHELTON: Yes.

10 MR. EVANS: His more recent statement is what we're
11 interested in. But, no, I don't -- on the law, I agree.

12 THE COURT: You better find me some case law that says
13 -- I mean, I guess the problem is it is law enforcement
14 that's questioning him. Typically, it's just the opposite.
15 It's the State trying to get it in. But you need to forward
16 to either myself or my law clerk today or this evening
17 something that states that you can use his prior statement,
18 if you're trying to get in as a hearsay exception. I mean,
19 he's clearly unavailable. However, usually the statement
20 has to have had the ability to be cross-examined.

21 MR. SHELTON: Yeah, I think I would only try to bring
22 in his prior statement if he testifies to what he told the
23 State.

24 THE COURT: And if he doesn't, then you wouldn't do
25 anything?

1 MR. SHELTON: No.

2 THE COURT: Got it. I don't know what he said in his
3 prior statement.

4 MR. EVANS: Essentially, I think he saw nothing.

5 THE COURT: Saw nothing, but he doesn't want to talk
6 about it.

7 Okay. All right. Tomorrow morning, 9:30. If y'all
8 will be here about 9:15 or so. You're thinking that as far
9 as your testimony, you think it's going to take the day or
10 do you think we're going to be arguing and charging
11 potentially tomorrow?

12 MR. EVANS: Well, I have remaining, potentially, Mr.
13 Hadwin, Kaisee Gibson, Mr. Clapp and, potentially, Mr.
14 Hernandez. So that would -- that's it.

15 THE COURT: It will take you to lunch. Okay.

16 MR. EVANS: I would think. And Mr. Shelton is going to
17 have his alibi witness.

18 THE COURT: So Mr. Shelton, I suggest you have the
19 alibi witness here tomorrow by 11:00.

20 MR. EVANS: Right. And if we don't call Mr. Hadwin, we
21 could move a lot faster.

22 THE COURT: Right.

23 MR. EVANS: It's certainly possible.

24 MR. SHELTON: Is there a place -- I can have her here
25 in the morning?

1 THE COURT: Yeah, just talk to whomever so there's
2 somewhere we can sequester her. Yeah, absolutely. Okay.

3 So counsel, it sounds to me that you do need to be
4 prepared to go forward with your closing statements
5 potentially, correct?

6 MR. EVANS: Okay.

7 MR. SHELTON: That's what I was planning on doing.

8 THE COURT: Okay. If you can think of anything
9 specific, I've just been going through as far as the jury
10 charge is concerned. Obviously, we'll have a charge
11 conference in the morning, but I haven't done this in a long
12 time. So I pretty much know, I think, what you're going to
13 ask for. My question is, are you going to probably want a
14 mere presence charge, potentially?

15 MR. SHELTON: Yes, ma'am.

16 THE COURT: Also, I was thinking that the ID by
17 witnesses of the Defendant as the perpetrator would be
18 another one specifically. I'm trying to think of anything
19 else. Probably one where a previous statement by a witness
20 wasn't the same as a testimony they gave, and they can judge
21 whichever one.

22 Can you think of anything else? And the rest of it is
23 really my standard stuff. You know, like the very standard
24 bench book, which is the Charleston bench book is what we
25 all use. I'm trying to think of anything else.

1 MR. EVANS: Well, I think he's going to want alibi.

2 THE COURT: Oh, yeah, I'm sorry. You're right.

3 Absolutely. Alibi witness. Thank you. So alibi witness.
4 And you're going to talk overnight with your client to
5 determine whether or not he wishes to testify. Obviously,
6 I'm going to go through his rights with him tomorrow and
7 just instruct him that I am going to put him under oath and
8 ask him questions as to whether or not he wishes to testify.
9 Okay? I'm sure you've done it, but I just wanted to make
10 sure we have time. Okay.

11 Okay. So Juror No. 34 has a non-refundable trip to
12 Tennessee on Thursday. It, also, says that all jurors are
13 willing to work late on Wednesday. So I think we just need
14 to plan to go ahead and argue and charge unless something
15 really different happens. Is that fine with you?
16 Everyone's okay?

17 MR. SHELTON: That's fine.

18 THE COURT: Okay, so I want you just to let Ms. Busby
19 know not to be worried that she will make her trip on
20 Thursday, but I will see her tomorrow, okay?

21 THE BAILIFF: So we just tell them they're going to
22 stay late?

23 THE COURT: Well, I don't know if I'm going to do that.
24 But just tell Ms. Busby she will make her trip, not to be
25 concerned about it. And I will see all of them tomorrow

1 morning at 9:30.

2 MR. EVANS: Okay. During a break, I was made aware by
3 Hunter Plummer's mother that there's been some communication
4 between Mr. Prater and Hunter on Thanksgiving Day. I told
5 her that I would bring it to your attention and ask you to
6 reconsider the issue of his bond. It's entirely their
7 discretion.

8 THE COURT: How was the communication extended?

9 MR. EVANS: There was a text message sent about him
10 being in the same neighborhood as he believed Hunter to be
11 in. And it was felt by the family that that was a threat.
12 That's as much as I've got, Judge.

13 THE COURT: And do we know that it came from the
14 Defendant's phone to Mr. Plummer?

15 MR. EVANS: Obviously, I don't have anything concrete
16 to prove that, just that's what was told to me, Judge, that
17 it was a message from the number known by Mr. Plummer to be
18 Mr. Prater's. That was communicated to me by Hunter's
19 mother.

20 MR. SHELTON: I would love to see that text. I know
21 there's been numerous numbers that I've had for Trampas.

22 THE COURT: So this is what we're going to do just over
23 the evening. You know, he's been showing up and he's been
24 here, so I'm not going to take him into custody.

25 MR. EVANS: And I previewed what I thought your

1 decision would be.

2 THE COURT: However, I can tell you this, Mr. Prater,
3 if in any way anyone, including you or your family members,
4 contacts any witness in this case or any person that has
5 already testified or may testify, I'm going to take you into
6 custody. So do you understand it's an order of the Court.
7 And again, that includes your entire extended family as
8 well. I can tell you, if it's a number that we don't
9 recognize, they're just going to do a reverse check and
10 figure out who it's charged to.

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: All right. Stay away from it. Stay away
13 from all of it. Don't talk. Talk to your lawyer.

14 (WHEREUPON, Court was adjourned to be reconvened on
15 Wednesday, December 4, 2024.)

16 WEDNESDAY, DECEMBER 4, 2024

17 THE COURT: Good morning.

18 MR. EVANS: Good morning, Your Honor. We do have two,
19 I think, small issues before the jury comes in. The first
20 is that one of the next witnesses for the State is going to
21 be Mr. Dean Jarrell. And we had started talking on Monday
22 about all the, you know, witness records.

23 THE COURT: Yeah.

24 MR. EVANS: And we sort of cut off the conversation as
25 we dealt with Hunter Plummer. But I did want to reopen it

1 if you will allow me, because I think with Dean Jarrell is
2 slightly different.

3 THE COURT: Okay. I'm looking at him. I've got it.

4 MR. EVANS: He has no convictions. He has a pending DV
5 third and stalking, which post-dates this case. And so
6 while I understand Mr. Shelton's argument as it pertains to
7 Hunter Plummer, since many of his charges are similar in
8 nature to this incident, I don't feel that that applies to
9 Mr. Jarrell, especially since he has nothing from before the
10 incident.

11 THE COURT: And Mr. Jarrell is one of the older
12 gentlemen, correct?

13 MR. EVANS: I don't know his exact age.

14 THE COURT: His birthday is in 1969, so I'm going to
15 fairly just call him older.

16 MR. EVANS: Older.

17 THE COURT: He's still younger than me, but, okay.
18 Okay.

19 Can I get an argument from you?

20 Because I tend to agree with you, sir. I don't see how
21 stalking or DV has anything to do with anything close of
22 truthfulness as far as testimony is concerned.

23 Mr. Shelton.

24 MR. SHELTON: Yes, Your Honor. I do think that it's
25 pending. And so it's pending, but it's still in the 14th

1 Circuit.

2 MR. EVANS: It is, Your Honor.

3 MR. SHELTON: And so his continued cooperation with the
4 State is --

5 THE COURT: Well, what you can ask him is, is you can
6 ask him, you know, if he does have pending charges for, you
7 know, whatever. You're gonna have to, obviously, do it and
8 open it up and just say no one's promised you anything,
9 right, as a result of that, those are just pending charges.
10 You know, I think that's the only thing. We're not going to
11 get into them in any way, matter, or form.

12 Thank you for reminding me of that.

13 MR. EVANS: The second question is -- and, obviously,
14 this is Court's discretion, I would seek to recall Mr. Scott
15 to impeach in part Mr. Joshua Plummer. And I've asked
16 Kymberlee to open up the part of his testimony. But it did
17 not seem to me when I asked him about whether he had told
18 the police that Trampas Prater was on site, on the scene, at
19 Mr. Plummer's home when he was leaving that morning, whether
20 or not he had told the police that. That is in a supplement
21 written by Mr. Scott.

22 Of course, Mr. Plummer can't read aloud a supplement
23 which he did not write, or -- it's a transcript, if you
24 will, of his statement, but it's not in his hand. I asked
25 Mr. Scott on his direct, knowing that, of course, it would

1 be hearsay at that point, without saying what Mr. Plummer
2 told you, did you get some information, like, names from
3 him? Yes.

4 THE COURT: Was this the day of the incident?

5 MR. EVANS: Yes, Your Honor.

6 THE COURT: I mean, I've got in my notes here that,
7 Josh Plummer -- this is in Scott's testimony, that Josh
8 Plummer arrived at the house and he gave information to
9 Scott. That's what I've written down in my notes. So
10 that's what was told.

11 MR. EVANS: Yes, Your Honor. But I didn't feel that I
12 could ask him at that point, well, who did he tell you had
13 been there? Because that would, of course, be hearsay.
14 Now, Mr. Plummer has testified, acknowledged giving the
15 information that his son was there, acknowledged giving the
16 information that Jesse Hadwin, Jonathan Rivera and others
17 were there, but says he does not remember saying -- he does
18 not remember seeing Trampas Prater, and he does not remember
19 saying that Trampas Prater was on scene when he left in the
20 morning.

21 THE COURT: This is just when he left, right?

22 MR. EVANS: Just when he left.

23 THE COURT: Between 9:00 and 9:30. Okay.

24 MR. EVANS: Yes, Your Honor. And so we have a -- we
25 have a -- I can pass it up. This is what I was showing Mr.

1 Plummer in an effort to refresh him first and give him an
2 opportunity to explain or deny the statement.

3 THE COURT: Okay.

4 MR. EVANS: And, Your Honor, since their case is going
5 to include an alibi witness who will -- we expect to say
6 that Mr. Prater was with her at her home from before
7 daylight to after sunset, that's, obviously, significant to
8 our case that Mr. Plummer said that at the time. And so
9 that would be the purpose for which we would recall Mr.
10 Scott is simply to impeach him and say, did Mr. Plummer tell
11 you that? It's, obviously, a partial impeachment since he
12 did acknowledge some of the other things.

13 THE COURT: Okay.

14 MR. SHELTON: I guess it would be a prior inconsistent
15 statement, potentially, you could use other evidence for
16 that. Your Honor, I do think that there's, also, evidence
17 that Mr. Scott in the incident report that he talked to
18 Hunter Plummer. And so I just ask that if we get into that
19 that I be able to get into the incident report, talk to
20 Hunter Plummer and refresh him and show him that
21 information.

22 MR. EVANS: He had the chance to do it on cross, but we
23 will abide by your ruling regardless, Judge.

24 THE COURT: What are you specifically wanting to find
25 out that Hunter told him?

1 MR. SHELTON: That he talked to Hunter Plummer and that
2 Hunter told him who was there.

3 THE COURT: And who did Hunter say? Did Hunter not say
4 that Trampas was there?

5 MR. SHELTON: No, he does. He says Jesse, Trampas, but
6 then he, also, indicates John Bremer, John, Rico, Stuart and
7 leaves out a bunch of others, obviously.

8 THE COURT: I guess the question is when he's asking
9 specifically what time people were there, because it sounded
10 to me like people were coming and going. So I guess you
11 could be more specific with Scott and say the time of
12 allegedly the shooting, or it just sounds like people were
13 coming and going on the property.

14 Okay. Well, we'll pull Scott up and we'll see. As
15 long as it isn't too broad, you know, as long as we're not,
16 you know, retreading old ground.

17 MR. EVANS: Of course.

18 THE COURT: Okay. What did you all figure out with Mr.
19 Hadwin?

20 MR. EVANS: I've sent him back to the jail. They
21 brought him back here again this morning.

22 THE COURT: You're not going to call him?

23 MR. EVANS: No.

24 THE COURT: So you're not calling him.

25 Okay. Anything else before we start this morning?

1 MR. EVANS: Not from the State.

2 THE COURT: All right. Let's bring the jury in.

3 (WHEREUPON, the jury enters the courtroom.)

4 THE COURT: Good morning. Thank you all for being so
5 timely. I'm sorry. A couple of us were running a little
6 bit late this morning in construction traffic, but we are
7 ready to go now.

8 If the State would call their next witness for this
9 morning.

10 MR. EVANS: The State calls Teddy Scott.

11 TEDDY SCOTT,

12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. EVANS:

15 Q Good morning, Sergeant.

16 A Good morning.

17 Q You already introduced yourself earlier in this case,
18 so I won't ask you to do that like we usually do. I want to
19 refer you, Sergeant, back to the day that you arrived on the
20 scene. You recall testifying about that with both me and
21 with Mr. Shelton, I believe it was Monday?

22 A Yes.

23 Q And do you recall when I asked you some questions about
24 speaking with Mr. Josh Plummer?

25 A Yes.

1 Q What did you tell the jury at that time?

2 A I remember him showing up to the residence. His
3 daughter was crying. I asked him what happened to his
4 child. We didn't know exactly what was going on at the
5 time, but that's what he was saying.

6 Q And on Monday, did we discuss him giving you some
7 information which you were then able to pass along to others
8 in the sheriff's office?

9 A Yes.

10 Q Did I ask you the specific names that he told you on
11 Monday?

12 A No, sir.

13 Q Do you recall the names that he told you were on his
14 property when he left?

15 A Yes.

16 Q What were those names?

17 MR. EVANS: May I approach the witness, Your Honor?

18 THE COURT: You may.

19 BY MR. EVANS:

20 Q Is this the supplement that covers that conversation?

21 A Yes, sir.

22 Q Go ahead and refresh yourself.

23 A He gave the names of Hunter Lawton Plummer, Jesse
24 William Hadwin, Trampas Adam Prater, Jonathan Rivera, John
25 Bremer, and there was an unknown black male that was with

1 Jonathan Rivera.

2 Q So he told you that he saw Trampas Prater?

3 A Yes, sir.

4 Q When he left?

5 A Yes, sir.

6 Q Had you ever heard the name Trampas Prater before that?

7 A No, sir.

8 Q Now, what did you do with that information again?

9 A Passed it on to investigators.

10 Q All right. Do you recall which investigators you
11 passed it on to?

12 A It seemed like the -- I don't know if it was the
13 sheriff, but he was the captain then.

14 Q Could you have passed it to Christine Hernandez as
15 well?

16 A Could have.

17 Q Who did you tell her that you talked to?

18 A I told her that I spoke with Josh when he arrived home
19 -- I don't even know how he even found out about it because
20 this is right after -- we arrived probably minutes later, he
21 showed up and was crying and stuff.

22 Q Did you see Hunter Plummer on site that day?

23 A No.

24 Q Are you familiar with Mr. Hunter Plummer?

25 A Yes.

1 Q Were you at the time?

2 A At the time, seems like I had an encounter with Hunter
3 on a previous incident, but no, it wasn't that day.

4 Q Did you tell anybody that Hunter Plummer was there when
5 you arrived?

6 A No, sir.

7 MR. EVANS: Those are all the questions I have. Please
8 answer any questions Mr. Shelton may have.

9 THE COURT: Mr. Shelton.

10 CROSS-EXAMINATION

11 BY MR. SHELTON:

12 Q Sergeant Scott, you were not given the name Jonathan
13 Breadon, Johney Breadon?

14 A It was a -- it said a John -- I could have wrote it
15 wrong, but it was Bremer, that's what it sounded like. I
16 wasn't familiar with who these individuals was. He was just
17 hysterical, and got him a little bit calm, and he just
18 stopped spitting out these names of the people who were
19 there.

20 Q Are you familiar with Jesse Hadwin?

21 A Yes.

22 Q Is he black male, white male?

23 A He's a white male.

24 Q So when he mentions Jesse, Trampas, Jonathan Rivera,
25 John Bremer and an unknown black male, that unknown black

1 male is not Jesse Hadwin?

2 A No, sir.

3 Q So Jonathan Rivera, do you know -- are you familiar
4 with Jonathan Rivera?

5 A Yes.

6 Q Is he Rico? Is that a nickname?

7 A I'm not sure what street name or whatever he go by.

8 Q What about Dean Jarrell?

9 A No.

10 Q So he did not give you the name Dean Jarrell?

11 A No.

12 Q Kaisee Gibson, he didn't give you that name?

13 A No.

14 Q And you never talked to Hunter Plummer that day?

15 A No.

16 Q Can you read the last paragraph of this to yourself?

17 A (Witness complied.)

18 Q Does that refresh your memory? Did you talk to Hunter
19 Plummer that day?

20 A According to the report, I did. I just didn't remember
21 speaking with him on that day.

22 Q And there were some other names, I guess, that were
23 given; is that correct?

24 A I guess, by what Hunter, but not by what Josh said.

25 Q Right.

1 MR. SHELTON: Nothing further.

2 REDIRECT EXAMINATION

3 BY MR. EVANS:

4 Q And whose supplement is that that Mr. Shelton just
5 showed you?

6 A I'm not sure.

7 Q Not yours?

8 A Not mine.

9 MR. EVANS: Thank you.

10 THE COURT: Anything further?

11 MR. SHELTON: No, ma'am.

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

13 All right. Next witness?

14 MR. EVANS: The State calls Dean Jarrell.

15 THE CLERK: Place your left hand on the Bible and raise
16 your right.

17 DEAN JARRELL,

18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. EVANS:

21 Q Good morning, sir.

22 A Good morning.

23 Q Would you please introduce yourself and spell your last
24 name for our court reporter?

25 A Dean Jarrell, J-A-R-R-E-L-L. Did you hear me?

1 Q Well, let's find out. Can you speak as loud as you
2 can?

3 A Dean Jarrell, J-A-R-R-E-L-L.

4 Q I think that's lovely, but just don't get too close to
5 the mic. It gives a little feedback, okay? Just use your
6 loudest indoor voice. Did that work?

7 A That worked.

8 Q All right. Mr. Jarrell, what do you do for a living,
9 sir?

10 A Millwright.

11 Q What is that? Tell us a little more about it.

12 A Mechanic.

13 Q And where do you do that?

14 A Cullums in Allendale.

15 Q And do you reside in Allendale County as well?

16 A No.

17 Q When is your shift?

18 A Five o'clock in the afternoon to whenever.

19 Q All right. Did you work last night?

20 A Yeah.

21 Q All right. So are you tired?

22 A A little bit.

23 Q We'll try to get you out of here as soon as we can.
24 How long have you had that shift?

25 A Fourteen years.

1 Q You've been staying up all night for 14 years and
2 sleeping during the day?

3 A Yeah.

4 Q Do you get any days off with that? I mean, that
5 sounds --

6 A Yeah, I get days off.

7 Q Okay. Mr. Jarrell, I'm going to ask you about several
8 people and I'd like you to tell me if you know them and how,
9 beginning with Josh Plummer. How do you know him?

10 A That's my cousin.

11 Q Your first cousin?

12 A First cousin.

13 Q How about his son, Hunter?

14 A Second cousin.

15 Q Makes sense. Do you know Trampas Prater? Have you met
16 him or seen him?

17 A I've met Trampas, like, twice.

18 Q Okay. Is he in the courtroom today?

19 A Right there.

20 MR. EVANS: Your Honor, may the record reflect he's
21 identified the Defendant?

22 THE COURT: Yes.

23 BY MR. EVANS:

24 Q Did you know or had you met Stuart Miller? Or seen
25 him?

1 A No, never met him.

2 Q How about -- we talked about Hunter, we talked about
3 Josh. How about Jesse Hadwin?

4 A I know Jesse when I see him because he looks just like
5 his dad.

6 Q You know his dad pretty well?

7 A Yeah.

8 Q And Kaisee Gibson, do you know or had you met her?

9 A I met her through Hunter. They used to date.

10 Q Do you remember the events of May 26th, 2022, Mr.
11 Jarrell?

12 A Yeah, I remember.

13 Q What can you tell us about that day?

14 A It was messed up.

15 Q Let's talk about your day, your experience, rather
16 than --

17 A I went over there to get some tools that I lent Josh.

18 Q When you say over there, where do you mean?

19 A Brookwood.

20 Q Belle Lane?

21 A Yep.

22 Q Josh's home?

23 A Yep.

24 Q And what sort of tools were you -- you were picking up
25 the tools?

1 A I let him borrow some tools, Battery pack, sawzall,
2 drill, charger. And he called me and told me he was done
3 with it.

4 Q He, meaning Josh?

5 A Yeah. And I needed to come get him. I said, Well,
6 I'll go by there on my way to work this afternoon. And he
7 said, No, all these young bucks is over here, and you know
8 how they are, you need to come get them.

9 Q Well, when you say young bucks, who do you mean, if you
10 know?

11 A I didn't know who he was talking about at first, you
12 know, until I got here.

13 Q How about the next day, who was there?

14 A The same day I went and got my tools, that's when I --
15 it was Stuart and Trampas and Hunter.

16 Q And we'll get back into that. I want you to keep going
17 with your story. But you said young bucks, so I'm going to
18 ask a question, which is --

19 A The young crowd, that's what I call them, the young
20 bucks.

21 Q Okay. Can you tell me how old you are, sir?

22 A I'm 55.

23 Q And I know you probably don't know all their birthdays
24 or anything, but ballpark, how much older were you than all
25 of them?

1 A Thirty years.

2 Q So getting back to trying to pick up the tools.

3 A Yeah, I went in the house, got my stuff, and --

4 Q Well, let's slow down. So you were trying to go the
5 day before on your way to work?

6 A I went that morning.

7 Q Right. The call that you had with Josh was the day
8 before, is that what you just said?

9 A No, it was the same day. It was earlier that morning.

10 Q Okay, so were you leaving working at the --

11 A I was staying with my mom then, this was before I got
12 my house.

13 Q Okay. And where's your mom staying now?

14 A Lentil Road.

15 Q Is that in Hampton?

16 A Hampton County.

17 Q So at that time, you were living in Hampton County?

18 A Yeah.

19 Q But still working in Allendale?

20 A Yeah.

21 Q And the call was the morning that all this that we're
22 going to talk about happened.

23 A Yeah.

24 Q So why did you -- again, why did you have to go that
25 morning?

- 1 A Because I didn't want my stuff missing.
- 2 Q What did you do then after you spoke with Josh?
- 3 A Left my mom's and went and got my stuff.
- 4 Q How long did that take? What kind of drive is that?
- 5 A Fifteen minutes.
- 6 Q Do you know what time of day, approximately, you
- 7 arrived?
- 8 A I'm not sure what time it was.
- 9 Q Was it --
- 10 A I would say before lunch.
- 11 Q And you had just come off a shift?
- 12 A No, I'd been off a little while.
- 13 Q Okay, but you were going to go on in the evening?
- 14 A I was going to go by there when I was going to work
- 15 that afternoon, but he told me, you know, you might need to
- 16 come get it now.
- 17 Q That was my question, you were going to work?
- 18 A Yep.
- 19 Q All right. So you arrived at Belle Lane?
- 20 A Yep.
- 21 Q Before lunch?
- 22 A Before lunch.
- 23 Q And what did you find when you got there? What did you
- 24 see?
- 25 A The young crowd was hanging out. You know, they were

1 working on a truck or something. I went in, got my tools,
2 and loaded them up, and I wasn't there 10 minutes.

3 Q I understand. So when you -- we talked about some
4 names earlier, you said the young crowd was there?

5 A Yeah.

6 Q Who did that include? Did that include Trampas Prater?

7 A Yep.

8 Q Did it include Hunter Plummer?

9 A Yeah.

10 Q Did it include Stuart Miller?

11 A Yep.

12 MR. SHELTON: Objection, leading.

13 THE COURT: Sustained.

14 BY MR. EVANS:

15 Q Who did it include? Tell us all the names you saw.

16 A It was Jesse Hadwin, Hunter, Stuart, Trampas, the big
17 guy, John, the older guy.

18 Q Hot Rod, do you know who he is?

19 A I don't know.

20 Q How about Kaisee Gibson, was she there when you
21 arrived?

22 A Not at first, she wasn't.

23 Q Okay. But you saw her later?

24 A Yeah, when I -- right before I went to leave, she
25 pulled up.

1 Q And you said you went inside. What do you mean by
2 that?

3 A Inside their residence, their house to get my tools.

4 Q Okay, it's a house?

5 A Well, it's a mobile home.

6 Q And what sort of tools were these again?

7 A D-Walk, sawzall, drill, battery charger.

8 Q Was anybody using a sawzall?

9 A Not at the time. Josh had used it the day before.

10 Q That particular one?

11 A Yeah.

12 Q When you say you loaded them up, what were you driving?

13 A Ford Explorer.

14 Q So that's not an open -- it's an SUV?

15 A Yeah.

16 Q Tell us why -- how did it come to be that you were
17 still there?

18 A I wasn't here long, I mean, like, 10 minutes, if that.
19 I mean, long enough to go in there and get my tools and load
20 them up.

21 Q Were these the sort of tools that you could carry all
22 in one trip?

23 A Oh, yeah.

24 Q So I guess I'm asking how did it take 10 minutes?

25 A Long enough -- you know, I spoke to Hunter, I spoke to

1 the guys. I don't know them, but I spoke.

2 Q Did you say hello to some of them?

3 A Oh, yeah.

4 Q Do you recall which of them you spoke to?

5 A I probably spoke to all of them.

6 Q All right. And when you had loaded up, what were you
7 doing?

8 A I was getting ready to leave and then a shot rang out.

9 Q Did anything happen before that as you were sitting in
10 your vehicle?

11 A You know, there was no tension in the air between them
12 or nothing. I mean, I couldn't tell, you know.

13 Q Did anybody approach you at your vehicle?

14 A Yeah, before I left.

15 Q Tell me about that.

16 A Trampas came, and he wanted a cigarette, so I gave him
17 a cigarette. And he was going -- he had some quarters. He
18 was going to give me a few quarters for the cigarette. I
19 said, Don't worry about it. He said, You sure? I said,
20 Yeah. He walked off.

21 Q You said something happened shortly after that. Tell
22 me about that.

23 A I heard the shot.

24 Q The shot, what does that mean?

25 A I heard a gun go off.

1 Q More than one time?

2 A No, just once.

3 Q Did you see anybody fire a gun?

4 A I did not see anybody firing a gun.

5 Q Were you looking around, or tell us, why didn't you
6 see?

7 A I was in my truck about to crank it up. I hadn't shut
8 the door yet. And the shot -- I heard a shot. First, I
9 thought somebody was just shooting around in the area, you
10 know. Then I seen Stuart backing up from behind another
11 vehicle. And I was like, you know, holy crap, you know,
12 somebody shot him, you know.

13 Q You could tell that he was injured?

14 A Yeah, I could tell.

15 Q How could you tell?

16 A He was spitting up blood. And I freaked out, though,
17 and I jumped in my truck and left.

18 Q Did you take anybody with you?

19 A Well, when I went to leave, Jesse come running across
20 the yard. So I stopped. And he was about the color of that
21 paper towel there. And then I went to leave again, and then
22 Hunter come running, and he got in the back. I got out of
23 there.

24 Q How did you -- what route did you take to get out of
25 there?

1 A Went out the driveway, took a right, went to Brookwood
2 and took a left. Went to that stop sign where the welding
3 shop is.

4 Q Did you say --

5 A When I got to the stop sign, they got out. I told them
6 to get out.

7 Q Why did you do that?

8 A I had to do some thinking, you know. I mean, I was
9 freaking out. You know, I ain't never experienced nothing
10 like that.

11 Q Did you see where Hunter and Jesse went after that?

12 A Kaisee, she was parked on the side of the road. They
13 got with her, I guess.

14 Q And you said you had seen her on the property before
15 all of that?

16 A She had pulled up right before the shot went off.

17 Q And they went off with her?

18 A I'm assuming. I put them out at the stop sign and I
19 left.

20 Q Where did you go after that?

21 A I went to a friend of mine's in Allendale.

22 Q Do you mind telling me who that was?

23 A Her name's Lisa. I talked to her about it, you know.
24 Like I say, I never experienced nothing like that.

25 Q Did you see anybody with a gun?

1 A I seen Trampas with a gun.

2 Q Tell me about that.

3 A When I went to leave the drive, the yard, he was going
4 in the house with a pistol in his hand.

5 Q You didn't see him with a gun before you heard the
6 gunshot?

7 A I didn't see him with a gun before.

8 Q Just after?

9 A Just after.

10 Q Did you see or hear him say anything? He didn't talk
11 to Hunter or anybody else?

12 A (No audible response.)

13 Q Did you see anybody else's reaction to the gunshot
14 sound that you heard?

15 A They were freaking out.

16 Q Can you tell us what Hunter did? What you saw?

17 A Hunter was on the same side I was. He had a sawzall
18 cutting the top off the truck. Why, I don't know.

19 Q That's why I asked you about the sawzall earlier.

20 A He had his own sawzall.

21 Q I see. Not the one you came to pick up?

22 A No.

23 Q And he was working on another vehicle?

24 A Cutting something on top of the truck.

25 Q Was he doing that before the gunshot, during the

1 gunshot, or after?

2 A He was doing that the whole time I was there,
3 basically.

4 Q Did he stop when the gunshot went off as far as you
5 could tell?

6 A No. Actually, I don't think he heard it, to be honest.

7 Q Could you see how anybody else reacted? I mean, you
8 told us that Jesse and Hunter got in the vehicle. Anybody
9 else that you actually observed?

10 A No.

11 Q So why did you leave? Tell us what was going through
12 your head, what you were feeling.

13 A I was worried about getting shot.

14 Q Had you ever seen anything like that happen before?

15 A No.

16 Q You were scared?

17 A Yeah.

18 Q Any other emotions that we should know about?

19 A (No audible response.)

20 Q Again, the court reporter is reminding you and
21 reminding me to make sure you give a verbal answer to every
22 question. Okay?

23 A All right.

24 Q After that, you went to Allendale?

25 A Yeah.

1 Q Why -- well, did you ever call the police?

2 A No.

3 Q Why not?

4 A I didn't wanna get involved. I mean, I told myself if
5 nobody had said nothing by Friday, I think this was, like, a
6 Tuesday when this happened, that I was going to go to the
7 law.

8 Q And did you eventually?

9 A No, they came to me.

10 Q They came to you?

11 A Yeah.

12 Q Did you talk to them honestly?

13 A Oh, yeah.

14 Q You told them what happened?

15 A Yeah.

16 Q I'm going to show you some photographs, okay?

17 A All right.

18 Q Is there anything else the jury needs to know before we
19 get into that as far as what you saw, what you did in
20 between telling the police, before talking to the police?

21 A No.

22 Q Okay. So we're going to go over just sort of the same
23 information, but using some photographs, okay?

24 A Okay.

25 Q I think all the jury members can see. Can you see

1 okay, or do you want to come down?

2 A I can see it.

3 Q All right. Bear with us for a second.

4 (Pause.)

5 BY MR. EVANS:

6 Q Can you see that okay?

7 A Yeah.

8 Q What do we see in State's Exhibit 3?

9 A The end of the mobile home.

10 Q Is this the way that you came in when you arrived?

11 A I pulled straight in.

12 Q Okay. Let's go to State's No. 4. It's just continuing
13 down the same road?

14 A Yeah.

15 Q Can you tell us in this picture -- we'll show more, but
16 can you tell us where your vehicle, your Explorer was?

17 A On the left-hand side of the truck. Straight up, right
18 there.

19 Q Right where I'm pointing here?

20 A Yeah.

21 Q We're going to do that again with some just different
22 angles. Let's go to No. 5. Tell me, would this show where
23 your vehicle is?

24 A No, my truck was further up.

25 Q How about this, does State's Exhibit No. 7 show? Or

1 would we need to move a little bit?

2 A If my truck was there, you probably could see the back
3 end of it.

4 Q Okay. Sort of right on the edge?

5 A Yeah.

6 Q How about this, does this show anything relevant to
7 you, sir?

8 A That was the truck they were working on.

9 Q Okay. Was this your perspective?

10 A No.

11 Q Your truck was parked this direction after your
12 Explorer as you were looking at the truck?

13 A I was straight ahead.

14 Q And this is the same driveway?

15 A Same driveway.

16 Q All right. So the people that you saw, can you tell me
17 where they were in this photograph, if any of them?

18 A They were on the other side of that green truck.

19 Q And when you say they, you mean who?

20 A Everybody but me and Hunter.

21 Q Okay. Where was Hunter?

22 A Right by the driver's door.

23 Q By the driver's door. And you were in the foreground?
24 You were looking in this direction; is that right?

25 A Yeah.

1 Q Okay. Everybody else, Stuart, Trampas --

2 A There was another truck backed up to that truck with a
3 car dolly.

4 Q Okay. And that -- by the car dolly, you mean this
5 white thing here?

6 A Yep.

7 Q Was it connected to the other truck?

8 A I think they were connected.

9 Q If this was taken at the time, it would include the
10 truck here?

11 A Yep.

12 Q You couldn't see anything on this angle, could you?

13 A No.

14 Q Did you see that angle from where you were?

15 A Not until when I left.

16 Q When you left, did you look back and see roughly this
17 view?

18 A I looked kind of to my side.

19 Q To your right?

20 A To my right.

21 Q So the path that you took to leave, you didn't --

22 A I didn't back all the way up. I backed up enough to
23 clear the Merkel bushes or whatever, and I put it in drive,
24 and I took off.

25 (WHEREUPON, State's Exhibit No. 22 was marked for

1 identification only.)

2 BY MR. EVANS:

3 Q I'm going to pass you something, Mr. Jarrell, and I'm
4 going to ask if you recognize that?

5 A Oh, yeah.

6 Q What is that, sir?

7 A That's the drawing I did at the Sheriff's Department.

8 Q Okay. Did you do the whole thing, or did you have
9 help?

10 A No, I did the whole thing.

11 Q Okay. Do you recognize this gentleman?

12 A Oh, yeah.

13 Q Okay. Did he help you with it?

14 A Yeah.

15 Q You signed off on it?

16 A Signed off on it.

17 Q What does that drawing show, sir?

18 A Where all the cars were, the house, where I was parked,
19 pretty much where all the vehicles were.

20 Q And is it your memory from when you drew it?
21 Obviously, you didn't do it yesterday?

22 A Yeah.

23 Q Did it show a date when you did it?

24 A A date?

25 Q Yeah, anywhere on there.

1 A 6-2-22.

2 Q Is that when you spoke to the police?

3 A As far as I'm aware. I'm assuming, yeah.

4 Q And it's your signature?

5 A Oh, yeah.

6 MR. EVANS: Your Honor, the State would move this
7 diagram into evidence as State's Exhibit 24 [sic].

8 MR. SHELTON: No objection.

9 THE COURT: Without objection, it's in evidence.

10 (WHEREUPON, State's Exhibit No. 22 was admitted into
11 evidence.)

12 BY MR. EVANS:

13 Q Same thing, Mr. Jarrell, we're going to put it on the
14 big screen. And for now, I'm actually going to ask you to
15 step down because this is a little bit smaller so that you
16 can point to things. Is that okay?

17 A Okay. You want me down there?

18 Q Yes, please, sir, if you don't mind.

19 MR. EVANS: I misspoke on the number, Judge. It would
20 actually be 22.

21 THE COURT: Thank you.

22 BY MR. EVANS:

23 Q Can you just walk us through what you saw and what is
24 on this drawing here.

25 A The driveway is --

1 Q I'm going to ask you to use your right hand so that the
2 jury can see you.

3 A The driveway is right here. I pulled straight in and
4 that's my vehicle right here.

5 THE COURT: Mr. Jarrell, can you take one step back?
6 Can you take just one step back for me? Very good.

7 BY MR. EVANS:

8 Q So that the Judge can see you, okay?

9 A Yeah.

10 Q Let's just go through the whole thing. So your truck
11 is up there?

12 A Yeah.

13 Q And what does it say there?

14 A Green truck.

15 Q Can you read those words below?

16 A Hunter and --

17 Q How about this one?

18 A Green Ford pickup.

19 Q How about this?

20 A That's the Dodge pickup in that other picture.

21 Q The one that we've already seen? Isn't that the one
22 they were working on?

23 A Yeah.

24 Q How all this stuff here?

25 A There's an old junk truck right there.

1 Q Can you read any of these words?

2 A No.

3 Q Where do all these signify based on your memory when
4 you created this?

5 A That's where all the cars were at.

6 Q Where you say Trampas? You can see that word?

7 A Yeah.

8 Q What does that say?

9 A I think that's where he was at.

10 Q Where you heard the gunshot?

11 A Yeah.

12 Q That's Ms. Kaisee Gibson?

13 A Yeah.

14 Q How about on here? Is that your name?

15 A That's where I came out the other driveway.

16 Q There's another driveway there?

17 A Uh-huh.

18 Q Where was Mr. Stuart Miller?

19 A Right over here by the green truck.

20 Q And that's where he appeared to be struggling?

21 A When I first saw him, he had backed up on me. When I
22 looked this way, I seen him.

23 Q I'm going to ask you to stay here one more. When you
24 saw -- you had testified this morning that you saw Trampas
25 with a gun?

- 1 A I saw him with a gun.
- 2 Q This was after the gunshot?
- 3 A This was after the gunshot.
- 4 Q And he was going where?
- 5 A In the house.
- 6 Q Into the trailer?
- 7 A The mobile home.
- 8 Q Is this as you're putting the car in drive, as you're
- 9 literally driving?
- 10 A As I was making that loop, he was going up the steps.
- 11 Q You're in motion?
- 12 A Yep.
- 13 Q But you could see that?
- 14 A I could see it.
- 15 Q You could see a gun in his hand. Which hand was it?
- 16 Do you remember that?
- 17 A I'm pretty sure it was his right hand.
- 18 Q Pretty sure? Do you remember what kind of gun, what it
- 19 looked like? Was it a shotgun?
- 20 A No, it was a pistol.
- 21 Q Handgun?
- 22 A Yep.
- 23 Q Did you kill Stuart Miller?
- 24 A No, I did not.
- 25 Q Did Hunter Plummer kill Stuart Miller?

1 A No, he didn't.

2 Q Did John kill Stuart Miller?

3 A I don't know.

4 Q Sure. Do you know who did?

5 A I was told that Trampas did.

6 Q Well, I'm asking about your --

7 A So as far as seeing him aim and pull the trigger, I did
8 not see that.

9 Q That's fair. You heard a gunshot?

10 A I heard a gunshot.

11 Q And you saw Stuart struggling?

12 A I saw him step back behind the view of that truck. But
13 then he stepped back forward.

14 Q And you saw Trampas with a gun?

15 A When I went to leave, Trampas was going in the house.

16 Q And you said that you weren't there for long?

17 A I was right there for a few minutes.

18 Q But in those few minutes, did you see anybody else with
19 a gun?

20 A No.

21 Q You're a second cousin of Hunter's?

22 A Yeah.

23 Q Did you talk to anybody about this and come up with a
24 story?

25 A Yeah, people's assuming that Hunter did it. Hunter

1 didn't do it. And if he did, even though he's my cousin,
2 wrong is wrong, you know. I would say so, you know.

3 Q Have you been honest with the police back then when you
4 talk to them?

5 A One hundred percent.

6 Q Have you been honest with this jury here today?

7 A One hundred percent.

8 MR. EVANS: Those are all the questions I have. Please
9 answer any questions Mr. Shelton may have.

10 CROSS-EXAMINATION

11 BY MR. SHELTON:

12 Q You are a hundred percent sure that Hunter was on that
13 driver's side --

14 A I'm 100 percent sure he was on the same side that I
15 was.

16 Q And John, Mr. Breadon, Hot Rod, he was on the passenger
17 side?

18 A Everybody else was on the other side.

19 Q You remember telling the police on June 2nd, 2022 that
20 John was on the passenger side of that Dodge?

21 A He was on the passenger side of that Dodge truck.

22 Q Did you sell John that F150?

23 A Yes, I did.

24 Q Okay. So you know a little bit more than --

25 A I know -- I probably known John three or four months

1 probably.

2 Q Okay. And that F150, he was driving that was hooked up
3 to the Dodge, that was yours that you were selling him?

4 A I sold it to him, yeah.

5 Q Was he still making payments on that to you?

6 A Well, to be honest with you, he still owes me money.

7 Q Kaisee's car in this diagram, No. 22, there's a fence
8 line and you have Kaisee's car behind the fence, correct?

9 A The fence is here, she was right here. There's a big
10 oak tree right there. She pulled it right beside that big
11 oak tree.

12 Q Let's look closer. So your 22, there's two -- there's
13 a fence line. So her car is behind that fence?

14 A No, her car was on this side of the fence. The
15 driveway is right here.

16 Q What is this right here? That line?

17 A That's the fence. They had like a -- I don't know what
18 it was supposed to be.

19 Q Is this the S10 that was at the house?

20 A Yep.

21 Q And so the fence went all the way up?

22 A Just about to the back of that S10.

23 Q Right. And so you had Kaisee's car right here behind
24 that fence, correct?

25 A Yeah, to the left of the fence.

1 Q Okay. And then there's a -- do you know what this is
2 right here? Is this a chicken coop?

3 A I think that's Jesse's SUV.

4 Q Right here might be Jesse's SUV?

5 A I don't know. I can't recall what the other one is.
6 It might have been a boat or something. I don't know. An
7 old van or something.

8 Q Is there a chicken coop right there, too?

9 A Yeah, I think it was a chicken coop and a dog pen. It
10 might have been a dog pen.

11 Q A dog pen? Okay. I'll show you Defense's 7. So
12 that's the dog pen right here?

13 A Yes.

14 Q And so then there's a Mustang right there in front of
15 it?

16 A Yep.

17 Q And then right behind that, it looks like that's
18 another broken down Ford, maybe? Chevy?

19 A I'm not sure what that was. I can't remember.

20 Q Another broken down Ford. And then Jesse's car was
21 next to that, correct?

22 A Yeah.

23 Q So we've got another vehicle about right here, a
24 Mustang right here, correct?

25 A Yeah. Mustang and the F150 and then Jesse's.

1 Q So you went around all this?

2 A Yeah, the driveway looped around.

3 Q And so when did you turn back and look?

4 A As I was making that turn, that loop, I just happened
5 to glance to the right.

6 Q So you saw it through this F150, this Mustang, Jesse's,
7 you saw all that?

8 A Yeah, there was a little gap, yeah, you could see
9 through there.

10 Q Okay. So you were going really slow?

11 A I wasn't going slow, but I wasn't going fast.

12 Q Where were you when you heard the gunshot?

13 A I was sitting in my truck, just about to shut the door,
14 get cranked up and leave.

15 Q And so you heard a gunshot, and you got out of your
16 truck?

17 A I stepped out of the truck, walked to the back of my
18 truck, and looked straight ahead, and that's when Stuart
19 backed up from around, I guess, John's truck, that green
20 F150.

21 Q So he was up here?

22 A Yeah, he backed up from behind it where I could see,
23 but then he stepped back forward.

24 Q So he backed up, like, in between here, or he was back
25 here?

1 A No, he's at the front.

2 Q He's at the front?

3 A He backed up from around the front of the truck where I
4 could see.

5 Q And so John, he was on this passenger side of this
6 Dodge right here?

7 A Yeah.

8 Q And Trampas was somewhere over here?

9 A Everybody was on that side except me and Hunter.

10 Q Jesse was?

11 A Jesse was, too.

12 Q But Hunter, you're sure Hunter was right there?

13 A I'm positive. Hunter's on the same side I was.

14 Q Was he wearing shoes?

15 A He didn't hardly wear shoes anytime. I can't recall if
16 he had shoes on or not.

17 Q But he was cutting up that vehicle without shoes on?

18 A I guess so, I mean.

19 Q Do you remember going back out to the house that night?

20 A Yeah.

21 Q Do you know what time that was?

22 A It was probably maybe, like, 2:00 in the morning after
23 I got off work.

24 Q So you went back after no police were there or nothing,
25 you went back to the house?

1 A There wasn't nobody on social media or Facebook. There
2 wasn't nobody saying nothing about it. There wasn't no
3 police report or nothing like that. And I thought -- you
4 know, when everybody left, there wasn't nobody there, but
5 Trampas and Stuart.

6 Q So John left before you?

7 A I left before John.

8 Q So how do you know who was left?

9 A He was coming down the road. I seen him in the truck.

10 Q So you saw John?

11 A I saw John in the truck.

12 Q And John was after you?

13 A What's that?

14 Q Was Kaisee before you?

15 A Kaisee left before anybody. She had just pulled off.

16 (WHEREUPON, Defendant's Exhibit No. 16 was marked for
17 identification only.)

18 BY MR. SHELTON:

19 Q I'll show you what's been marked as Defendant's 16 for
20 identification. Can you look at that?

21 A I don't recall this.

22 Q Does that look like your Ford Explorer, all blacked
23 out?

24 A Somewhat, yeah.

25 Q Does that refresh your memory about maybe what time you

1 got there?

2 A I'd say it was right before lunch, I guess.

3 Q Around 11 o'clock, you got there?

4 A I'm not sure what time it was. I know it was before
5 lunch.

6 Q Is Kaisee's vehicle pretty distinct?

7 A It's silver. It was. I guess he's got the same one.

8 Q Is it missing a front bumper?

9 A I think it was missing a front bumper cover or
10 something like that.

11 (WHEREUPON, Defendant's Exhibit No. 17 was marked for
12 identification only.)

13 BY MR. SHELTON:

14 Q I'll show you what's marked as Defendant's 17 right
15 there.

16 A Yeah, that looks like her car.

17 Q Is that a time stamp of an hour and a half later?
18 12:28, is that what that says?

19 A Yeah. I'm pretty sure she left before I did, I'm
20 pretty sure.

21 Q So would this refresh your memory as to how long you
22 were actually at Josh and Hunter's house?

23 A I don't think I was there no hour and a half.

24 Q More than ten minutes?

25 A Ten or maybe a few more than ten minutes, it wasn't

1 long.

2 Q Do you remember talking to the police and telling them
3 that you try not to hang out there, at Josh's house?

4 A If Josh was there, I would hang out. But Josh wasn't
5 there that day.

6 Q Right. And so you try not to hang out there when it's
7 Hunter there?

8 A I don't hang out with the young crowd.

9 Q Did you say there's -- you specifically mentioned that
10 they're a Motley Crue MF-ers?

11 A Yeah, they can be.

12 Q Remember saying that?

13 A I don't recall. Yeah, I might have said it.

14 Q And you were worried about those tools being there
15 because if they were there too long, they would get stolen?

16 A They wouldn't have been there. Somebody would have got
17 them.

18 Q And you're sure Hunter was on that driver's side?

19 A Hunter was on the same side I was.

20 Q A hundred percent?

21 A A hundred percent.

22 Q It was you and Hunter on one side?

23 A One side.

24 Q And Hunter was up by the front driver's side of that
25 Dodge Ram?

1 A Yeah, the Dodge Ram.

2 Q This is for demonstrative purposes. This is a blown
3 up -- this -- see it marked out in red?

4 A Yep.

5 Q There's the S10. Can you orient based off this?

6 A Yeah.

7 Q So you're back here?

8 A Yep.

9 Q So next to this number one right here, Hunter would be
10 the closest one to that number one?

11 A Hunter was, like, driver's side door.

12 Q So that would be that driver's side door, that Dodge
13 right there?

14 A Driver's side door right there.

15 Q So closest to that number one, that would be Hunter?

16 A No, not really. He was on -- he was up by the door
17 cutting the top off the truck.

18 Q Okay. But he would be closest to where that number one
19 is?

20 A Yeah. Everybody else was on the other side of the
21 truck.

22 Q Okay. When you came back at 2:00 a.m., did you go back
23 into the house?

24 A Yeah, but the door -- every light in the house was on
25 and the door was half open. I hollered, hey, nobody didn't

1 answer me, so I said well, I'm going to walk through the
2 house and make sure ain't nobody did nothing crazy. I left.
3 After that, I left.

4 Q Did you ever try to get ahold of Josh?

5 A I tried to call Josh like two days afterwards, and I
6 couldn't get ahold of him. I'm pretty sure after the
7 shooting, he didn't stay in the house no more.

8 Q You went to work that day?

9 A That afternoon, yeah.

10 Q Didn't call 911?

11 A No, I didn't.

12 Q Didn't call the police?

13 A No.

14 Q And Hunter is your second cousin, correct?

15 A Correct.

16 Q Josh is your cousin, correct?

17 A Josh, first cousin.

18 MR. SHELTON: No further questions.

19 REDIRECT EXAMINATION

20 BY MR. EVANS:

21 Q Mr. Jarrell, you said you went out back to the scene at
22 2:00 in the morning?

23 A Yeah.

24 Q Why did you do that?

25 A Like I said, there wasn't nobody talking about it. I

1 didn't know whether he drove Stuart's body off in the woods
2 or something, but I couldn't let the guy go out like that.

3 Q Did you see anything? Did you actually go on the lot?

4 A I pulled up in the lot.

5 Q Did you see Stuart's body?

6 A No.

7 Q You did not talk to the police until they came to you
8 many days later?

9 A Like, two days later.

10 Q You said you remember May 26th, is that when it
11 happened?

12 A Yeah, I'm pretty sure.

13 Q And the document that you drew was dated June 2nd?

14 A I can't remember.

15 Q Do you want to pull it up and see?

16 A Yeah.

17 Q So it was June 2nd that you talked to them?

18 A Talked to?

19 Q The police, to the sheriff's office?

20 A Yeah, whenever Marty came to the house.

21 Q So it was more than two days, wasn't it?

22 A Two or three, three at the most.

23 Q What's May 26th to June 2nd?

24 A Same week.

25 Q And you said you didn't want to get involved?

1 A I didn't want to get involved.

2 Q Why?

3 A I didn't want to get involved in it. I didn't have
4 nothing to do with it. I just wanted to get my tools and I
5 was going to leave.

6 Q You didn't feel like you had important information for
7 them?

8 A Not at the time, I didn't.

9 Q Do you understand now?

10 A Oh, yeah.

11 Q Do you regret not coming forward for a week?

12 A Yeah, I do.

13 MR. EVANS: Nothing further.

14 THE COURT: Anything further?

15 MR. SHELTON: Nothing further.

16 THE COURT: Any objection to this witness being
17 excused?

18 MR. EVANS: None, Your Honor.

19 THE COURT: No?

20 You're excused, sir.

21 Do you want to call your next witness?

22 MR. EVANS: Okay. The State calls Kaisee Gibson.

23 THE CLERK: Place your left hand on the Bible and raise
24 your right.

25 KAISEE GIBSON,

1 after being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. EVANS:

4 Q Good morning.

5 A Good morning.

6 Q Can you please identify yourself and spell your last
7 name for the court reporter?

8 A Kaisee Gibson, G-I-B-S-O-N.

9 THE COURT: Can you, also, spell your first name as
10 well, please?

11 THE WITNESS: K-A-I-S-E-E.

12 THE COURT: Thank you.

13 BY MR. EVANS:

14 Q Ms. Gibson, we've talked a couple of times before
15 today?

16 A Yes.

17 Q And have I told you that you're going to need to speak
18 way up?

19 A Yes, sir.

20 Q Okay. Can you try to do that for me?

21 A Yes, sir.

22 Q Because she's writing down everything you say and these
23 folks need to hear it.

24 A Yes, sir.

25 Q Okay. Kaisee, how do you know Hunter Plummer?

1 A He is my child's father.

2 Q When did you and he get together at first?

3 A Back in 2020, October of 2020.

4 Q And how long before y'all had a child?

5 A It was about a year that we were together.

6 Q And are you still together?

7 A No, sir.

8 Q Why is that?

9 A Well, he broke up with me two weeks before he got out
10 of rehab. He said he needed some time to himself.

11 Q Approximately when was that?

12 A That was August 30th of this year.

13 Q So relatively recent?

14 A Yes, sir.

15 Q Are you still raising the child together?

16 A Yes, sir. He gives me money for the child.

17 Q Do you know Trampas Prater?

18 A Yes.

19 Q Is he in the courtroom today?

20 A Yes.

21 Q Can you point him out by something he's wearing,
22 please?

23 A A blue striped shirt.

24 MR. EVANS: Your Honor, may the record reflect she's
25 identified the Defendant?

1 THE COURT: Yes.

2 BY MR. EVANS:

3 Q How long have you known Mr. Prater?

4 A Over 10 years.

5 Q How did you meet him, growing up in school?

6 A I don't even remember how we met honestly.

7 Q You said over 10 years. May I ask, I know it's rude,
8 but how old you are now?

9 A I'm 26.

10 Q And you've known Trampas longer than you knew Hunter?

11 A Yes.

12 Q Than you have known Hunter. I apologize. I'm going to
13 ask you some other names and see if you know them. Do you
14 know Dean Jarrell?

15 A Yes.

16 Q Who is he to you?

17 A I mean, nothing to me.

18 Q He's a person you know?

19 A Yeah.

20 Q Is he related to Hunter?

21 A Yeah, as far as I'm aware.

22 Q And do you know Jesse Hadwin?

23 A Yes.

24 Q Who is he to you? Just a friend?

25 A Just a friend.

1 Q How about Stuart Miller? Did you know him?

2 A Yes.

3 Q How well did you know him?

4 A I've known him for four years.

5 Q Before it happened, or total?

6 A Well, four years now.

7 Q Four years now. One more, do you know Johny Bredon
8 or Hot Rod?

9 A Yes.

10 Q How long have you known him, roughly?

11 A Been about the same amount of time, maybe three years.

12 Q And he's older than you?

13 A Hot Rod? Yes.

14 Q The other fellows that we talked about, are they
15 approximately your age?

16 A They're around my age.

17 Q Kaisee, you were convicted earlier this year of a drug
18 offense?

19 A Yes, sir.

20 Q How's that going?

21 A It's going good.

22 Q Well, when I say it, I guess I didn't ask you to
23 explain what your sentence was. Can you tell us about that?

24 A Well --

25 Q What were you charged with?

1 A Distribution of methamphetamine.

2 Q Were you distributing it or using it?

3 A Both.

4 Q And what have you been doing since you pled guilty?
5 What did you plead guilty to, to distribution or to
6 possession?

7 A To distribution.

8 Q And what was your sentence, do you remember?

9 A Three years.

10 Q And what are you doing now in regards to that sentence?

11 A I'm in a drug court program.

12 Q Were you using methamphetamine?

13 A I was.

14 Q When did you stop?

15 A When I had my son in 2021, September.

16 Q I know this is really personal and hard to talk about,
17 but I'm going to keep asking you to speak up, okay?

18 A Okay.

19 Q Do you hear the volume I'm using?

20 A Yes, sir.

21 Q I know you're probably not going to hit it, but try to
22 get close, okay?

23 A Yes, sir.

24 Q The last thing you said was what again?

25 A That I stopped using in September of 2021 when I had my

1 son.

2 Q When you had your son. Is he suffering -- were you
3 using while you were pregnant with him?

4 A No, sir.

5 Q Is he doing okay? How old is he now?

6 A Yes, sir, he's doing fine. He's three years old.

7 Q You're taking good care of him?

8 A Yes, sir.

9 Q You're getting help from Hunter?

10 A Yes, sir.

11 Q Help from your mom?

12 A Yes, sir.

13 Q And you said you're in a drug treatment program. Is
14 that through us?

15 A Yes, sir.

16 Q Did we talk to you about this case before you entered
17 that plea and started drug court?

18 A Previous.

19 Q But was it part of your plea deal?

20 A No, sir.

21 Q How does that work, the drug court program for folks
22 who might not know about it? Just your understanding.

23 A I have to go and attend court once a month now, drug
24 court, and report to my counselor at drug court.

25 Q And have you been doing that?

1 A Yes, sir.

2 Q Are you going to finish?

3 A Yes, sir.

4 Q When is that? When do you expect that to be?

5 A I have 15 more days.

6 Q 15 more days from right now?

7 A Yes, sir.

8 Q Can we talk about May 2022?

9 A Yes, sir.

10 Q What do you remember from May 26th, 2022?

11 A Starting with what I first did?

12 Q Let's hear about your whole day, yeah.

13 A So that morning, my mother and I came to Hampton. I
14 had court around ten o'clock that morning.

15 Q In this courtroom?

16 A Actually, it was at the jail.

17 Q Oh, I see.

18 A When we finished there, we went to McDonald's, me and
19 her got something to eat. And then after that, we went
20 home.

21 Q And where's home? You don't have to give, you know,
22 the exact address, but just ball park it?

23 A It's outside of Varnville.

24 Q Was it very, very close to Belle Lane?

25 A It's not too far, about ten minutes.

1 Q And everything here is relatively close, so McDonald's
2 is pretty close. Tell us, going home, pick it up there.

3 A So I got in my car. I was going to Hunter's dad's
4 house to take Hunter my cash app card.

5 Q And what is Hunter's father's name?

6 A Josh Plummer.

7 Q Do you remember the specific street address, or do you
8 just know how to get there?

9 A I know it's Belle Lane.

10 Q It's on Bell Lane, okay. Can you describe the property
11 and what's on it, what's on the lot?

12 A The house, the trailer, some vehicles.

13 Q Were there always vehicles there?

14 A Yes.

15 Q Was it messy?

16 A Yes.

17 Q Did you like going over there?

18 A I went over there so my son could see his father.

19 Q Was Hunter staying there regularly?

20 A Yeah.

21 Q Did he ever stay with you during this time?

22 A Yeah, he stayed with me every once in a while.

23 Q Would that be -- did you have your own home, or was
24 that with your parents?

25 A My mom's home.

1 Q So he'd stay there with you and your mom on some
2 occasions?

3 A Yeah. It wasn't all the time.

4 Q Okay. How about the night before this day, was he with
5 you? He, Hunter.

6 A No.

7 Q And do you remember approximately what time you arrived
8 at Josh's house?

9 A It was, I think, around 12:00.

10 Q Are you certain, or is that just based on your memory?

11 A Based on my memory.

12 Q You had lunch at McDonald's? Was it lunch or
13 breakfast? I mean, you tell me.

14 A I don't remember if they were serving lunch or
15 breakfast.

16 Q You just know that that's where you went?

17 A That's where we went.

18 Q All right. How long were you at home, roughly, before
19 you left to go to Josh's?

20 A About 30 minutes.

21 Q What were you driving?

22 A I was driving my Honda Accord.

23 Q A Honda Accord. What color was it?

24 A It was silver.

25 Q And when you arrived, where did you park the car? What

1 did you do?

2 A I parked the car in the driveway.

3 Q How far up the driveway did you go?

4 A Pretty close to the green Dodge.

5 Q Now, did you go all the way in the backyard?

6 A No.

7 Q Why is that?

8 A The truck was sitting in the way.

9 Q You say the truck. Can you describe it?

10 A It was a Dodge.

11 Q And that's why you didn't pull up further than you did?

12 A Yes.

13 Q Could you see the backyard from where you were?

14 A Yes.

15 Q How much of it? All of it or some of it?

16 A A good bit of it, but not all of it.

17 Q When you would come on previous occasions, would you
18 park in the driveway? How would you normally go in to see
19 Hunter or Josh?

20 A I would pull up pretty much to the back door.

21 Q All the way around?

22 A Yeah.

23 Q Are you saying you couldn't do that this time?

24 A Yes, sir.

25 Q What did you see with your own eyes when you pulled

1 into that driveway?

2 A I saw Hunter and Hot Rod on the driver's side of the
3 truck. They were cutting off the roof of the truck.

4 Q And how were they doing that?

5 A With a sawzall.

6 Q Okay. Were you familiar with that tool?

7 A A little bit.

8 Q A little. It's a word I've never heard before this
9 case. What does it look like or sound like?

10 A Loud.

11 Q Is it very, very heavy as far as you can tell?

12 A Yeah.

13 Q Is it connected to a cord or anything like that?

14 A Yeah, some are.

15 Q And Hot Rod was with Hunter, you said?

16 A Yes.

17 Q What side of the truck were they on?

18 A The driver's side.

19 Q And where was the truck oriented relative to you? Were
20 you looking at the hood or were you looking at the back?

21 A I was looking from the back of the truck.

22 Q So the front of your car is facing the back of the
23 truck?

24 A Yes, sir.

25 Q So relative to you, then, where were -- your left or

1 right, where were Hunter and --

2 A They were on the left.

3 Q Your left? Driver's side? Did you see anybody else
4 that you talked about?

5 A Yes.

6 Q Who else did you see?

7 A Dean and Jesse, they were standing at Dean's truck.

8 Q And when you say Dean's truck, can you describe that
9 vehicle?

10 A It was a Ford Explorer, black.

11 Q Is it an open bed, like sort of an SUV trucks, or is it
12 a fully enclosed?

13 A Fully enclosed.

14 Q That's why you call it a truck?

15 A Yeah.

16 Q And you know Dean, and you know Jesse?

17 A Yes.

18 Q They were standing by the truck or sitting in the
19 truck? What do you describe that?

20 A Dean's was waxing his truck. And Jesse was right there
21 with him.

22 Q And where was that truck relative to you and to the
23 other vehicles, if you remember?

24 A It was ahead of the Dodge pickup truck.

25 Q Further down your line of sight?

1 A Yes, on the left.

2 Q You could actually see it? It wasn't directly behind?

3 A No.

4 Q Did you see anybody else? You've covered Hot Rod,
5 Hunter, Dean, and Jesse. Was there anybody there?

6 A Stu and Trampas.

7 Q Mr. Miller and Mr. Prater?

8 A Yes, sir.

9 Q And you knew both of them?

10 A Yes, sir.

11 Q Where were they?

12 A Stu was standing -- or he was walking at the front end
13 of the truck. And Trampas was standing on the passenger
14 side of the truck.

15 Q When you say the truck, you mean?

16 A The Dodge pickup truck.

17 Q Were there any other trucks that we haven't discussed?
18 We've talked about the Dodge. We've talked about Dean's.
19 Was there any other vehicle there?

20 A There was Hot Rod's truck.

21 Q And where was that?

22 A I can't remember. There was a white SUV truck.

23 Q Was that to the left? To your left, your right?

24 A It was on the right. There was a green S10 that nobody
25 drives.

1 Q Nobody drives because it's not nice or it's inoperable?

2 A It don't run.

3 Q Had it been there for a while?

4 A Yes, sir.

5 Q So getting back to those last two folks you saw, that
6 was Trampas Prater and Stuart Miller?

7 A Yes, sir.

8 Q Did you see them clearly?

9 A Yes, sir.

10 Q And which side -- tell me a little bit more about where
11 they were, because you said the truck, I just want to make
12 sure we understood which truck?

13 A Okay, yeah. The Dodge truck, the green Dodge truck,
14 Trampas was standing on the passenger side and Stu was in
15 front of it walking towards --

16 Q In your direction?

17 A Yes.

18 Q Okay, towards you. Both on the passenger side, or one
19 here, one there?

20 A Yes.

21 Q Which one?

22 A One was over here at the time, and then Trampas is
23 standing there.

24 Q Were they both on the passenger side?

25 A Yes.

1 Q What did you see next? Or hear? It's up to you. You
2 tell me.

3 A After I pulled up --

4 Q Well, remind us, before you get into it, what was the
5 purpose of you coming and making the trip to Josh's that
6 day? I think you touched on it, but I'm not sure we really
7 covered it.

8 A To bring Hunter my cash app card.

9 Q And what is that? Tell us -- I mean, I use like a
10 debit card, so I don't know about cash app. Can you
11 describe it?

12 A It's an app that you can download on your phone and
13 send money to people.

14 Q But there's actually a physical card as well?

15 A Yes.

16 Q How does it -- tell us more about how that works?

17 A You just use it like a regular debit card.

18 Q But it connects to the app on your phone?

19 A Yes, sir.

20 Q And why were you bringing that to Hunter?

21 A Because he had money sent to it and he needed it to get
22 gas.

23 Q Did he ask you to come or did you volunteer to come?

24 A He asked me to bring it to him.

25 Q By the time, you know, with the things we're going to

1 talk about, had you given it to Hunter yet?

2 A Not yet.

3 Q Not yet. Okay. Are you ready to talk about what
4 happened?

5 A Yes, sir.

6 Q Tell me what happened in your own words.

7 A When I pulled up to Hunter's dad's house, I seen
8 everybody, where they were. Hunter and Hot Rod were on the
9 driver's side of the truck and Dean and Jesse were by Dean's
10 truck. Stuart was walking around and Trampas was on the
11 passenger side of the Dodge truck.

12 Q Who was closer to you between those two, Trampas or
13 Stu?

14 A Trampas.

15 Q Trampas was between you and Stu?

16 A Yes.

17 Q Keep going.

18 A Trampas turned and he looked at me as I was pulling up.
19 And I saw him turn and face towards Hunter and say
20 something. I saw him looking in the truck's door.

21 Q When you say him, you mean?

22 A Trampas.

23 Q And the truck door, which door?

24 A The Dodge truck.

25 Q There's four doors, can you tell us --

1 A The passenger side.

2 Q Front or rear?

3 A I thought it only had front doors.

4 Q Oh, okay.

5 A I'm not sure. I saw him open the passenger side door.
6 And I remember looking down and I heard the gunshot.

7 Q Why did you look down? Is there any reason?

8 A I can't remember what I was doing, why I was looking
9 down. When I looked up and saw Stu.

10 Q What did he look like?

11 A He had blood on his face. I'm sorry.

12 THE COURT: Can you keep going or do you need to take a
13 break?

14 THE WITNESS: I'm okay.

15 THE COURT: Okay.

16 THE WITNESS: We saw Stuart with --

17 THE COURT: Okay, I'm sorry. She's having a hard time
18 hearing you, the court reporter. If you can just speak up a
19 little more for me.

20 THE WITNESS: He took, like, one or two steps and he
21 fell. I saw Trampas standing there with his arm out --

22 BY MR. EVANS:

23 Q Say that one more time.

24 A I saw Trampas standing there with his arm out holding a
25 gun.

1 Q Did you see the shot get fired?

2 A No.

3 Q Could you tell what had happened?

4 A Yes.

5 Q You said Stu took some steps. Which direction did he
6 go?

7 A He was coming further towards me.

8 Q I think you said about how many did he take?

9 A One or two.

10 Q What happened to him next?

11 A He fell.

12 Q Did you see what Trampas did?

13 A I'm not sure.

14 Q How did you feel when you saw this?

15 A It was horrible.

16 Q Did you see what other people were doing?

17 A No.

18 Q What is the next thing you remember?

19 A I remember Jesse and Hunter got in the car with me.
20 Jesse sat by my baby's car seat. I remember I took Jesse
21 home.

22 Q And where was that?

23 A At his dad's house in Brunson.

24 Q What did you and Hunter do after you dropped off Jesse
25 at his dad's house in Brunson?

- 1 A We went to Griner Edwards's house.
- 2 Q And where's that?
- 3 A [Indiscernible].
- 4 Q Did you talk about this when you were in the car with
- 5 these men?
- 6 A I just asked if they were okay.
- 7 Q How did they look?
- 8 A They were quiet. Jesse was white. He was very, very
- 9 white.
- 10 Q After you got to Griner Edwards's house, what happened
- 11 next?
- 12 A I don't remember what we did there.
- 13 Q Did you stay there all night?
- 14 A No. I stayed at my mama's house.
- 15 Q You stayed at your mother's house in Varnville that
- 16 night?
- 17 A Yes, sir.
- 18 Q What happened the next day?
- 19 A I got my mama to take me to the sheriff's office.
- 20 Q And why did you go there?
- 21 A To let them know what I saw.
- 22 Q Did you tell them what you saw?
- 23 A Yes, sir.
- 24 Q Kaisee, why didn't you call 911?
- 25 A Because I was scared.

1 Q Were you scared the next day, too?

2 A Yes.

3 Q Are you scared now?

4 A Yes, sir.

5 Q Did you cooperate with the police, with the sheriff's
6 office, once you went there?

7 A Yes.

8 Q That was the next day?

9 A Yes.

10 Q Did they come looking for you?

11 A No, sir.

12 Q How did you decide to go?

13 A Because I know I needed to.

14 Q Kaisee, did Hunter shoot Stuart?

15 A No.

16 Q Did Hot Rod?

17 A No.

18 Q Did Dean?

19 A No.

20 Q Did Jesse?

21 A No.

22 Q Did Stuart shoot himself?

23 A No.

24 Q Did you shoot him?

25 A No.

1 Q Have you and Hunter had any problems since this
2 incident?

3 A Yes.

4 Q Can you tell us briefly about that and when it was?

5 A I'm not sure exactly what...

6 MR. SHELTON: Your Honor, can we approach?

7 THE COURT: Yeah, before you answer that, come on.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: You can ask it again.

10 BY MR. EVANS:

11 Q Kaisee, have you and Hunter had any problems since this
12 incident?

13 A Yes.

14 Q Can you tell us about that?

15 A He wanted to know what happened. He hit me.

16 Q Hunter did?

17 A Yes.

18 Q After this?

19 A Yes.

20 Q Was it a day a week?

21 A I don't remember how long it was after.

22 Q But it was definitely after this?

23 A Yes, sir.

24 Q And you reported Hunter to the police?

25 A Yes, sir.

1 Q How long -- turning back to the day, do you know
2 approximately how long you were there?

3 A I don't know for sure.

4 Q Was it --

5 A It wasn't long.

6 Q In that time, did you see anybody else with a gun?

7 A No, sir.

8 MR. EVANS: Kaisee, those are all the questions I have
9 for you. Please answer any questions of Mr. Shelton.

10 CROSS-EXAMINATION

11 BY MR. SHELTON:

12 Q Kaisee, that incident where Hunter hit you, there was,
13 also, a gun; isn't that correct?

14 A Yes, sir.

15 Q Did Hunter threaten you with a gun?

16 A He hit me with the gun.

17 Q He hit you with the gun?

18 A Yes, sir.

19 Q It was a .45?

20 A I can't remember.

21 Q You talked to the police twice, correct?

22 A Yes, sir.

23 Q And you remember telling the police that Hunter was
24 shirtless, wearing basketball shorts and no shoes?

25 A I don't remember.

1 Q Do you remember what Hunter was wearing?

2 A I think he was wearing his shoes, but I'm not sure what
3 he was wearing.

4 Q When you pulled up, was he cutting up the car at the
5 time?

6 A He was cutting the roof off the truck.

7 Q So in your first interview on May 27th, you indicated
8 to the police that Hunter and Hot Rod were strapping down
9 the truck? You remember that?

10 A I don't remember.

11 Q So you didn't see him strapping down the truck?

12 A I don't remember that.

13 Q When you pulled up, everybody was calm and collected,
14 right?

15 A Yes, sir.

16 Q There was no fighting, no arguing?

17 A No, sir.

18 Q And you've known Trampas for over ten years now?

19 A Yes, sir.

20 Q You've never known him to be violent towards anybody;
21 isn't that correct?

22 A Not that I've ever seen.

23 Q And that's what you told the police on May 27th?

24 A Any time that I've ever been around him, I've never him
25 violent.

1 Q He's always mellow?

2 A Yes.

3 Q You remember saying that?

4 A Yes.

5 Q You remember later telling the police that you've never
6 seen -- other than this incident, you've never seen Trampas
7 with a gun, a pistol?

8 A No, I've never seen him with a pistol before this
9 incident.

10 Q I'm sorry, you've never seen him with a pistol?

11 A This incident, I seen him with a pistol, but any other
12 time, I have not.

13 Q You've only seen him with, like, a shotgun or something
14 like that. You've never seen him have a pistol before,
15 correct?

16 A Not that I can remember, except for this incident.

17 Q And it's your testimony that Hunter and Jesse got in
18 your car from the scene after the shooting? Right after the
19 shooting, they got in your car and you left Hunter's house
20 with them in your car?

21 A That's what I remember.

22 Q You don't remember them getting in Dean's car?

23 A I do not remember.

24 Q And it's your testimony that Dean and Jesse were up at
25 Dean's car?

- 1 A Yes, sir.
- 2 Q And Dean was waxing his car?
- 3 A Yes, sir.
- 4 Q So he was washing it, I mean, an assumption or what?
- 5 A One of those waxers, it's a hand-held one.
- 6 Q So at the time of the shooting, he was outside of his
- 7 car?
- 8 A Yes, sir.
- 9 Q Who called you that morning?
- 10 A I don't remember anybody calling me.
- 11 Q So how did you know to come out there?
- 12 A Hunter called me to bring the Cash App card.
- 13 Q Hunter doesn't have a phone, does he?
- 14 A I don't remember.
- 15 Q Hunter usually uses your phone; isn't that correct?
- 16 A Yes.
- 17 Q So he didn't have a phone, correct?
- 18 A I don't think he did.
- 19 Q So whose phone did he call you off of?
- 20 A I can't remember whose phone he called me off of.
- 21 Q What time did he call you?
- 22 A I can't remember what time he called.
- 23 Q After this incident, you and Hunter went to Griner's
- 24 house, Griner Edwards, correct?
- 25 A Yes, sir.

1 Q And Hunter just fixed his car?

2 A Yes, sir.

3 Q So went back to normal, just fixing a car, correct?

4 A Yes, sir.

5 Q Your son, you'd do anything to protect him; is that
6 correct?

7 A Yes, sir.

8 Q You told the police that?

9 A Yes, sir.

10 Q You'd do anything to protect your son?

11 A Yes, sir.

12 Q Hunter supports you, correct?

13 A Yes, sir.

14 Q You sold drugs?

15 A Yes, sir, I did.

16 Q You used drugs?

17 A Yes, sir, I did.

18 Q You remember telling the police that Hunter was
19 starting to talk to himself?

20 A No, sir, I don't remember that.

21 Q Do you remember Hunter talking to himself?

22 A No, sir, I do not remember that.

23 Q Was Hunter talking to himself?

24 A Not that I remember.

25 (WHEREUPON, audio was played in open court.)

1 BY MR. SHELTON:

2 Q Did you hear that?

3 A I couldn't hear what it said.

4 Q It's your --

5 (WHEREUPON, audio was continued to be played.)

6 BY MR. SHELTON:

7 Q Do you hear you say that, that he talks to himself?

8 A I can't hear it. I'm sorry.

9 Q I'll try one more time.

10 MR. EVANS: Objection.

11 THE COURT: Okay, approach.

12 (WHEREUPON, a bench conference was held.)

13 BY MR. SHELTON:

14 Q Do you remember Hot Rod's truck, was it F150?

15 A I don't remember.

16 Q Was it -- do you remember if it was hooked up to the
17 Dodge, the trailer?

18 A Do I remember if it was hooked up to a trailer or to
19 the Dodge?

20 Q To a trailer.

21 A Yes.

22 Q And so was the Dodge on the trailer?

23 A No, sir. It was on the dolly.

24 Q And so was the F150 hooked up to the dolly?

25 A No, sir.

1 Q So it was not hooked up to that Dodge?

2 A Not to the Dodge, no, sir.

3 Q Do you remember another broken down Ford truck in that
4 yard?

5 A Yes, sir.

6 Q Over there by the dog pen?

7 A Yes, sir.

8 Q And there was a Mustang over there, too; isn't that
9 correct?

10 A I don't remember the Mustang.

11 Q You couldn't see the Mustang?

12 A I don't know if there was a Mustang. I can't remember.

13 Q Extending out from the house on the driveway, there's a
14 fence; isn't that correct?

15 A Yes, sir.

16 Q And your testimony is you weren't behind that fence?

17 A I was beside the fence in the driveway.

18 Q You were beside the fence?

19 A In the driveway.

20 Q Past the fence?

21 A The fence was beside the driveway.

22 Q Right. Okay. You heard from somebody that day when
23 you were at Griner Edwards's about the shooting; isn't that
24 correct?

25 A Yes, sir.

1 Q So you heard from family members?

2 A I did.

3 Q So there was some word out there that someone was dead,
4 correct?

5 A Yes, sir.

6 Q They thought it was Hunter?

7 A Yes, sir.

8 Q And then Hunter got on the phone to verify it wasn't
9 him?

10 A Yes, sir.

11 Q That was while you were at Griner Edwards's?

12 A We were at Griner's.

13 Q When you got the call?

14 A Yes, we were there when we got the call.

15 Q And you stayed at Griner Edwards's after that?

16 A Yes, sir.

17 Q Continued to work on the car?

18 A Yes, sir.

19 Q Did you stay at Hunter's house? Would you stay at
20 Hunter's house sometimes?

21 A Occasionally.

22 Q And that's why there's a baby crib that was there?

23 A Yes.

24 Q Dean, would he stay at Josh and Hunter's house?

25 A I don't remember.

1 Q You don't remember seeing him sometimes?

2 A Seeing him, but I don't remember if he stayed.

3 Q Would he come and sleep sometimes after his night
4 shift?

5 A Not that I can remember.

6 Q You don't know when Dean got there?

7 A No, sir.

8 Q You don't know when Trampas got there?

9 A No, sir.

10 Q You don't know how Trampas got there?

11 A No, sir.

12 Q You don't know when Stuart got there?

13 A No, sir.

14 Q You don't know how long they'd all been there?

15 A No, sir.

16 Q They could have been there hours, correct?

17 A Yes, sir.

18 Q They're there for hours and it just so happens right
19 when you pull up that the shooting takes place?

20 A Yes, sir.

21 Q How long have you known Jesse?

22 A I've known Jesse approximately five years.

23 Q So from today? So, like, from 2019?

24 A Yes, sir.

25 Q And you've known Hunter for how long? Since when?

1 Since 2020?

2 A Yes.

3 Q You remember telling the police that Hot Rod was the
4 last one to leave?

5 A I don't remember.

6 Q Do you know if Hot Rod was the last one to leave?

7 A I don't remember.

8 (WHEREUPON, audio was played in open court.)

9 BY MR. SHELTON:

10 Q You hear that, Hot Rod was the last one to leave?

11 A I could hear that.

12 Q You were already gone by then?

13 A I was leaving, yes, sir.

14 Q So it's your testimony that Hunter, Jesse, Dean, and
15 John were all on the driver's side of that Dodge?

16 A Yes, sir.

17 Q Who was closest to this number one right here? Here's
18 the Dodge. Who was the closest to that number one?

19 A It would have been Hunter and Hot Rod.

20 Q Hunter and Hot Rod. Do you know which one was closer
21 to that number one?

22 A I don't remember.

23 Q And you don't remember Hot Rod's truck being hooked up
24 to that Dodge?

25 A I don't remember.

1 MR. SHELTON: I have no further questions.

2 REDIRECT EXAMINATION

3 BY MR. EVANS:

4 Q Kaisee, I'm going to show you the same poster that Mr.
5 Shelton just did. You've seen this before?

6 A Yes, sir.

7 Q It's a smaller version. Can you come down and take a
8 look at it. You see these stickers I've got?

9 A (No audible response.)

10 Q What are -- let's remember to keep getting verbal
11 answer. You do see them?

12 A Yes, sir.

13 Q Do you see what I've written on them?

14 A Yes, sir.

15 Q Can you tell what that is?

16 A Initials.

17 Q To the best of your memory, I'm going to hand you one
18 marked JH, who's that for?

19 A Jesse Hadwin.

20 Q Where was Jesse standing based on what you saw and you
21 remember? Make sure to speak up because now there's no
22 microphone.

23 A Dean's car was over here.

24 Q Dean's vehicle was in that area?

25 A Yes, sir.

1 Q It's not shown on this diagram?

2 A No, sir.

3 Q Who's that, KG?

4 A That's me.

5 Q Okay. Where was your vehicle if it's shown on this
6 map?

7 A My vehicle is not shown on here. It was in the
8 driveway.

9 Q How about HP, who's that?

10 A It would be Hunter.

11 Q Where was he?

12 A On the driver's side of the truck.

13 Q DJ?

14 A Dean. He was at his truck.

15 Q Hot Rod?

16 A Hot Rod was on the side of the truck.

17 Q Where was Stuart before he fell?

18 A Before he was shot?

19 Q Yes.

20 A Right here.

21 Q Last one, who's TP?

22 A Trampas.

23 Q Now, what do we have here? It's upside down.

24 A It's the truck.

25 Q And which truck is this?

1 A That is the Dodge truck.

2 Q We've talked about Dean's vehicle. Were there any
3 others that this picture, this diagram does not show? Maybe
4 I'll ask it more directly, where was Hot Rod's vehicle?

5 A Right here.

6 Q He was going to tow one? It was hooked up to a dolly,
7 you said, or near a dolly?

8 A The trailer. It was over in this area.

9 Q I'm, also, going to pull up a couple of photos. I'm
10 going to ask you to come up to the screen and point out a
11 few more things. Kaisee, have I shown you this before?

12 A Yes.

13 Q This is State's Exhibit 4, it's in evidence. What does
14 this show you based on your memory?

15 A [Indiscernible].

16 Q Can you point to where you were parked relative to this
17 truck, relative to the fence, relative to this vehicle here?
18 Just for the record, this doesn't show you car, correct?

19 A No, it doesn't.

20 Q Okay. So tell us approximately where your car was if
21 it had been in this picture?

22 A Probably parked right here in front of the car.

23 Q In front of this one that's in the corner?

24 A Yeah.

25 Q What's State's Exhibit 5?

- 1 A All the vehicles in the yard.
- 2 Q Can you see all of these from where you were?
- 3 A I didn't see the Mustang, just those.
- 4 Q These other ones here?
- 5 A Yes.
- 6 Q What's this on the right?
- 7 A The fence.
- 8 Q Where was your car relative to the fence if you were on
- 9 the side as opposed to being in your car? Can you point
- 10 that out, please?
- 11 A It would be over here.
- 12 Q About how far into the picture?
- 13 A Probably right here.
- 14 Q So a little bit closer up that I showed you in State's
- 15 Exhibit 4?
- 16 A Yes.
- 17 Q Does this show you where Mr. Prater was?
- 18 A I was here.
- 19 Q You were there? And where was he?
- 20 A He was inside.
- 21 Q Inside the fence from you, I guess.
- 22 A Right here.
- 23 Q Please repeat the last thing you said.
- 24 A He was right here.
- 25 Q And do you see Mr. Miller in this picture?

1 THE COURT: I need you both to speak up. I didn't even
2 hear your full question. And I didn't hear your answer.

3 MR. EVANS: I'll repeat the full question.

4 THE COURT: Thank you.

5 BY MR. EVANS:

6 Q Kaisee, do you see Mr. Miller in this photo?

7 A Yes.

8 Q Is that where he fell or was that where he was
9 standing?

10 A That's where he fell.

11 Q Kaisee, have you been telling the truth since you came
12 to Court on May the 27th?

13 A Yes, sir.

14 Q He asked you about some things and you said you don't
15 remember?

16 A Yes, sir.

17 Q Was that an honest response?

18 A Yes, sir.

19 Q Are you telling this story the truth?

20 A Yes.

21 MR. EVANS: Thank you, Your Honor.

22 THE COURT: All right. Any objections to this witness
23 being excused?

24 MR. EVANS: None, Your Honor.

25 THE COURT: All right. You are excused. Thank you.

1 Can I see the attorneys?

2 (WHEREUPON, a bench conference was held.)

3 MR. EVANS: The State rest, Your Honor.

4 THE COURT: Ladies and gentlemen, at this time, the
5 State has rested their case. There is a matter of law I
6 need to take up with the attorneys. I'm going to send you
7 back to your jury room. I remind you, do not discuss this
8 case. It would be inappropriate to do so. And we'll bring
9 you back out here in just a moment, okay? Thank you.

10 (WHEREUPON, the jury exits the courtroom.)

11 THE COURT: The witness that just left, she's asking if
12 she can sit out here with her mother. I presume she's not
13 going to be called back to the stand, is that correct, by
14 the State?

15 MR. EVANS: It's certainly in our case, yes, Your
16 Honor.

17 THE COURT: Okay. Is there potential that you're going
18 to call her or not?

19 MR. SHELTON: No, I would just with my witness rather
20 her be sequestered while my witness is on the stand. I
21 don't know why, but just out of an abundance of caution.

22 THE COURT: Okay. So I guess the answer is then no.

23 Tell her she can come back during closing arguments,
24 but I don't know when that's going to be. It'll probably be
25 after lunch, okay?

1 Any motions at this time?

2 MR. SHELTON: Yes, Your Honor. We'd move for a
3 directed verdict. Judge, obviously, it comes down to
4 credibility. This last witness is the only one that says
5 that Mr. Trampas is the one that actually shot and killed
6 Stuart. It comes down to credibility. All of her testimony
7 is completely different than everybody else's as to where
8 everything is. So we're moving for a directed verdict.

9 MR. EVANS: Judge, I'm not saying that I endorse what
10 he just said about her testimony being completely different
11 from everybody else's, in fact, I reject that utterly. But
12 even if it were true, her testimony will be all you need to
13 get past this. So I'm not going to belabor the point.
14 Please deny it.

15 THE COURT: Well, taking the evidence most favorable to
16 the State, we have Hot Rod testify that he saw the Defendant
17 holding the gun and say, I'm going to shoot Stu and heard a
18 gunshot. We have Dean Jarrell saying that he saw Trampas
19 with a gun going in the trailer just after he heard a
20 gunshot. And then Ms. Gibson, also, testified that she saw
21 Stu with blood on his face, that he took two steps forward
22 and fell and saw Trampas with his arm out holding a gun.

23 So based on that evidence, I think there is evidence
24 from which this jury could determine the Defendant shot Mr.
25 Miller. So I'm going to send it to the jury at this point.

1 But, obviously, I need to hear the next witness.

2 So you're just going to call one witness or two
3 witnesses?

4 MR. SHELTON: I believe it's just one. Do you want to
5 --

6 THE COURT: Okay. I'd like to go through his rights
7 right now with him if we can.

8 Mr. Prater, if you would just stand and raise your
9 right hand.

10 TRAMPAS PRATER,

11 after being duly sworn, testified as follows:

12 THE COURT: Mr. Prater, we've come to that time in the
13 trial where you are permitted to bring forward your defense.
14 I need to explain to you that the Fifth Amendment to the
15 Constitution states in part that no person is required to
16 testify in their own trial against themselves. That means
17 you're not required to testify. No one can make you.
18 However, sir, I want to make sure you understand that you do
19 have the right to testify on your own behalf if you choose
20 to.

21 And I, also, want to instruct you that while I expect
22 you to talk to your lawyer about whether or not you should
23 testify based on how the trial has unfolded, I want to make
24 sure you understand to testify or not testify is a personal
25 decision that you and only you can make. Do you understand

1 that, sir?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Sir, at this time, do you want to testify
4 in this case?

5 THE DEFENDANT: Can I speak to my lawyer?

6 THE COURT: Sure. You want some time first?

7 MR. SHELTON: Yes.

8 THE COURT: Let's do this, let's just take about five
9 or ten minutes. You two can talk.

10 How long do you think your witness is going to be?

11 MR. SHELTON: My witness should not take very long at
12 all.

13 THE COURT: Okay. So we'll take ten minutes right now,
14 let's go ahead and you speak with your client.

15 And then when we come back, Mr. Prater, I'm just going
16 to ask you whether or not you want to testify, okay?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: All right. Thank you, sir.

19 (WHEREUPON, a short break was taken.)

20 THE COURT: All right. So, Mr. Prater, if you'll just
21 stand up, sir. Have you had an opportunity to talk with
22 your lawyer, sir?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And have you decided whether or not you
25 wish to testify in your trial?

1 THE DEFENDANT: I do not wish to testify.

2 THE COURT: All right. And is that your decision, sir?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Thank you, sir. You may be seated.

5 MR. SHELTON: And, Your Honor, I did inform him that
6 you would instruct the jury that they cannot use that
7 against him.

8 THE COURT: Absolutely. There is a portion of my jury
9 charge that says that they cannot even consider that you did
10 not testify in their deliberations.

11 MR. SHELTON: And, Your Honor, I've decided not to call
12 my witness. So we would rest.

13 THE COURT: Okay. Well, then, what I would like to do
14 then is bring the jury out, rest for them. Let's go ahead
15 and break for lunch. We'll have a charge conference. And
16 then have them come back and we'll, you know, argue and
17 charge and send it to them. Okay?

18 MR. SHELTON: Yes, ma'am.

19 THE COURT: All right. So let's bring the jury back.

20 (WHEREUPON, the jury enters the courtroom.)

21 THE COURT: All right. Mr. Shelton.

22 MR. SHELTON: Your Honor, at this time, the Defense
23 rest.

24 THE COURT: Ladies and gentlemen, at this time, the
25 Defense has, also, rested their case. There is a matter of

1 law that I need to take up with the attorneys at this time,
2 and it is, also, lunchtime. So what I am going to ask you
3 all to do is go grab a bite to eat. The clock in the back
4 is 12:20ish. I am going to ask that you be back in your
5 jury room at 1:45. And you're going to hear the closing
6 arguments and I'm going to charge you the law applicable to
7 this case and we're going to send it to you for your
8 deliberations. All right.

9 So ladies and gentlemen, even though you have heard all
10 the evidence in this case, you haven't heard the arguments
11 of the attorneys, you haven't heard my charge on the law.
12 And it would be inappropriate for you to discuss this case
13 with anyone, including each other. So just go get a good
14 bite to eat. Come back, ladies and gentlemen, and we'll see
15 you back in your jury room at 1:45. All right. Thank you.

16 (WHEREUPON, the jury exits the courtroom.)

17 THE COURT: All right. Let's go through and talk about
18 the jury charge in this case. I think it's pretty
19 straightforward. I know both of you have heard my standard
20 charges. I start with the -- you know, they're charged by
21 the Bill of Indictments, that a charge, arrest, and
22 indictment are not evidence. I charge the presumption of
23 innocence, reasonable doubt. The duties of the jury are to
24 find the facts and the duty of the trial judge is to give
25 them the law. I'm charging direct and circumstantial

1 evidence.

2 Also, I'm charging credibility of witnesses. I'm,
3 also, doing a charge on prior inconsistent statements. I'm
4 going to charge expert witnesses. I'm going to charge the
5 fact that the Defendant did not testify cannot be discussed
6 in the jury room. I'm going to just charge them that,
7 obviously, there are two charges in this case. The first is
8 murder and the second is possession of a weapon during the
9 commission of a violent crime. Of course, I tell them that
10 they cannot find the Defendant guilty of possession of a
11 weapon during the commission of a violent crime unless they
12 first find him guilty of a violent crime.

13 So then I'm going to charge actually murder, obviously.
14 The Defendant killed another person with malice
15 aforethought. I describe malice. Then charging just
16 possession of a weapon during the commission of a violent
17 crime. I then am going to charge criminal intent. I'm,
18 also, going to charge identification of the witness as the
19 perpetrator of the crime. I'm going to charge mere
20 presence.

21 And, also, my question to you all is do you want me to
22 charge third-party guilt? And when I say I'm going to
23 charge, you need to object if any of these you don't want.
24 This is just what I see as far as the evidence in this case.

25 MR. EVANS: I object to third-party guilt, Judge. I

1 don't have the law in front of me, but I certainly think
2 there needs to be more brought out than Mr. Shelton's
3 questions to say who is that third party that he's accusing
4 of doing this?

5 THE COURT: I'm going to ask you this, Mr. Shelton, do
6 you want third-party guilt?

7 MR. SHELTON: I'm sorry, Your Honor, can I get a copy
8 of what that would be?

9 THE COURT: Do you have it right there?

10 MR. EVANS: I do.

11 THE COURT: Can you read it to him? Can you just read
12 it out loud to him?

13 MR. EVANS: The third-party guilt in this case, there
14 may or may not be evidence of what is termed third-party
15 guilt. Third-party guilt means that based upon the
16 testimony you've heard, there may or may not be evidence
17 that someone else may be guilty of this crime. That
18 determination is solely and exclusively within your province
19 as a jury. However, if you find that this evidence is
20 inconsistent with the guilt of the Defendant or establishes
21 a reasonable doubt as to the identity of the perpetrator,
22 then you must give the benefit of that doubt to the
23 Defendant and you must find him not guilty.

24 MR. SHELTON: I would request that, Your Honor. I
25 think there's testimony that would support that as far as

1 other than one person, everybody else doesn't even know who
2 shot or where everybody was on the day of the incident.

3 THE COURT: Well, I will tell you, so the law states
4 that general third-party guilt is not enough. That's not
5 appropriate. It has to be specific. But I can tell you as
6 of yesterday afternoon when we finished, I wasn't going to
7 put third party guilt in just because I didn't think it was
8 specific enough. But I can tell you based on today's
9 testimony, I think there is a strong question that you have
10 put potentially in the jury's head that Hunter was the
11 shooter. And I think that was enough to put you over to get
12 a charge on third-party guilt.

13 So I can tell you that my law clerk originally put it
14 in. I took it out. But I can tell you based on today's
15 testimony, I think there is a question as to whether or not
16 Hunter, I guess others could as well, but really it would be
17 Hunter Plummer and whether or not he was the shooter. And
18 particularly given the testimony of Dean Jarrell and John
19 Breadon, Hot Rod, with Dean Jarrell saying that he and
20 Hunter Plummer were the only ones on the one side, and,
21 obviously, we had just the opposite when the other older
22 gentleman was testifying as well, that it was him and Hunter
23 on the other side. I think it calls a question.

24 MR. SHELTON: Yes, Your Honor.

25 THE COURT: So I am going to charge it.

1 Anything else? I'm not charging alibi. Obviously, you
2 did not put up an alibi witness, so that's not in.

3 Anything else you can think of?

4 MR. SHELTON: No, Your Honor.

5 THE COURT: Once it's cleaned up, I'm going to have
6 Jake e-mail you both so you can look at it over the lunch
7 hour right now.

8 So we need to go ahead, and you need to renew your
9 motions for the record.

10 MR. SHELTON: Yes, ma'am.

11 THE COURT: Okay. And you're renewing them, is that
12 correct, for the record?

13 MR. SHELTON: Yes, ma'am.

14 THE COURT: Based on your previous argument?

15 MR. SHELTON: Yes, Your Honor. I'm renewing my
16 objections and my jury charge issues.

17 THE COURT: Thank you, sir.

18 MR. EVANS: And I would renew mine.

19 THE COURT: Again, taking the evidence in the light
20 most favorable to the State, I do find there is adequate
21 evidence from which this jury could determine the Defendant
22 guilty of the charges of murder and possession of a weapon
23 during the commission of a violent crime. And we're going
24 to send it to the jury.

25 MR. EVANS: And just to clarify the order of closing,

1 Judge, since he didn't call a witness, but did put in
2 photographs. So just letting the Court and Mr. Shelton know
3 I do intend to rebut.

4 THE COURT: All right. Anything else from anyone
5 before we break for lunch?

6 MR. EVANS: Not from the State.

7 THE COURT: All right. So the jury is coming back at
8 1:45, so if y'all would be here just a little bit before
9 that. Thank you.

10 (WHEREUPON, a lunch break was taken.)

11 THE COURT: As to the jury charge, is there any
12 objection from the State?

13 MR. EVANS: No objection, Your Honor.

14 THE COURT: Any objection from the Defense?

15 MR. SHELTON: No objection.

16 THE COURT: And, also, he showed you the verdict form,
17 is there any objection from the State to the verdict form?

18 MR. EVANS: No objection.

19 THE COURT: From the Defense?

20 MR. SHELTON: No, Your Honor.

21 THE COURT: All right. We are ready to go.

22 Bring the jury in.

23 (WHEREUPON, the jury enters the courtroom.)

24 THE COURT: Welcome back, ladies and gentlemen. I
25 trust you had a good lunch. At this time, what you are

1 going to do is hear the closing arguments from the
2 attorneys. I'm then going to charge you on the law that's
3 applicable to this case, and I'm going to send it to you for
4 your deliberations. So if you'll give your attention to Mr.
5 Evans, please.

6 MR. EVANS: Thank you, Your Honor. May it please the
7 Court?

8 THE COURT: Yes, sir.

9 MR. EVANS: Mr. Shelton.

10 Ladies and gentlemen of the jury, we've reached the
11 stage of the trial where it's almost time for you to tell us
12 what your verdict is. That's your role in this process.
13 That's what a verdict means. It comes from the Latin
14 veredicto. As Your Honor is the Judge of the law, she's
15 going to tell you what the law is. But only you can tell us
16 what the truth is in this matter.

17 I told you on Monday I would appear before you one more
18 time. I want to talk to you a little bit about the
19 evidence, about what it shows about why Trampas Prater is
20 guilty.

21 So before I do that, I'd like to tell you a little bit
22 about what I think the Judge is going to tell you the law
23 is. Mr. Prater is charged with two crimes, murder and the
24 possession of a weapon during the commission of a violent
25 crime. The Judge is going to tell you that murder is the

1 unlawful killing of another with malice aforethought. She's
2 going to tell you that malice is wickedness, hatred or ill
3 will. It's the knowing and purposeful doing of a wrongful
4 act without just cause or excuse. That's what murder is.
5 The most important, the greatest crime on our law books,
6 with a simple definition.

7 And this case is a murder. I don't think Mr. Shelton
8 would dispute that. Some cases we have, oh, is it murder,
9 is it something else? Not this one. You get shot in the
10 chest close enough to leave stippling and a bullet goes
11 through your aorta and fills your lungs with most of the
12 blood in your body, unprovoked, out of the blue, no reason,
13 that's murder. The question, the truth that you have to
14 tell us is who did it. Now, that's going to be a difficult
15 process. It's going to require deliberation. It's going to
16 require careful thought back in that jury room as you go
17 over the evidence.

18 I have some good news for you, the second question is
19 easy. Possession of a weapon during the commission of a
20 violent crime. The Judge is going to tell you that you must
21 not find him guilty of that if you find him not guilty of
22 murder. But here's the thing, this couldn't have been
23 committed without a weapon. A weapon means a handgun. He
24 didn't throw a bullet at Stu, he shot him. So if he's
25 guilty of murder, he's guilty of that, too. Possession of a

1 weapon during the commission of a violent crime, it's just
2 what it says.

3 Those are the charges that are brought before you.

4 The Judge is going to tell you about our burden. The
5 State of South Carolina's burden in this matter. And I
6 copied and pasted this right from her charge. She's going
7 to tell you that proof beyond a reasonable doubt is proof
8 that leaves you firmly convinced of the Defendant's guilt.
9 There are very few things in this world that we can know
10 with absolute certainty. In criminal cases, the law does
11 not require proof that overcomes every possible doubt. If,
12 based on your consideration of the evidence, you are firmly
13 convinced that the Defendant, Trampas Prater, is guilty of
14 murder, you must find him guilty. If based on your
15 consideration of the evidence, you are firmly convinced he's
16 guilty, you must find him guilty.

17 If, on the other hand, this is Mr. Shelton's point that
18 he's going to raise, you think there's a real possibility
19 that the Defendant is not guilty, you must find him not
20 guilty. Of course, that's why we have you here, you
21 fair-minded people of Hampton County. But as you go through
22 the evidence, you will be firmly convinced.

23 Let's talk a little bit about the kinds of evidence. I
24 sort of touched on this. It's important to understand the
25 definitions. What is direct evidence versus circumstantial

1 evidence? Direct evidence is that which directly proves the
2 existence of a fact and does not require deduction.

3 Circumstantial evidence is proof of a chain of facts and
4 circumstances indicating the existence of a fact. Direct
5 evidence usually comes in the form of what we've heard this
6 week. Testimony. I saw Trampas Prater at X71 Belle Lane.
7 That's direct evidence. What is circumstantial evidence?
8 Proof of a chain of facts and circumstances indicating the
9 existence of a fact.

10 Now, it's been pretty cold the last few years when
11 we've come here to this courthouse. A lot colder than this
12 time of year. Even though we're getting close to Christmas,
13 it's usually not quite this cold. We haven't had any snow,
14 that's pretty rare around here. But let's just say the
15 night before, it was cold, it was dark, there was no snow on
16 the ground. You went to bed. You wake up, you look out
17 your window, there's snow on the ground.

18 Did you see it snow? Did you see the actual flakes
19 falling? No. So there's no direct evidence that it snowed,
20 but there's snow on the ground. That's circumstantial
21 evidence that the snow fell to the ground and settled on
22 your lawn. That's the way I usually like to explain what is
23 circumstantial evidence. The Judge is going to tell you
24 there is no distinction in the level of importance in the
25 law between direct and circumstantial evidence.

1 Why is that important in this case? Because while
2 witnesses spoke to you from the stand and told you what they
3 saw, what they heard, what they observed, none of the
4 witnesses could say that they saw Trampas pull the trigger.
5 So you might be saying to yourself, why is the prosecutor
6 telling me this? Because direct versus circumstantial.

7 What did we hear this morning? I saw Trampas near Stu,
8 passenger side of the GMC -- excuse me, Dodge. I heard a
9 gunshot. I looked up. I saw Trampas with his arm extended
10 holding a gun. I saw blood all over Stuart. Nobody can see
11 a bullet. They move faster than the speed of sound. So is
12 that circumstantial evidence of who shot Stuart? It
13 absolutely is, without a doubt. And the law makes no
14 distinction between direct and circumstantial evidence. So
15 when the other witnesses say I heard a gunshot. I saw no
16 one else with a gun but Trampas and I saw Stuart suffering
17 from an obvious gunshot wound. More and more and more
18 circumstantial evidence.

19 It's not part of the Judge's charge, but I want to talk
20 to you about corroboration. I put a football up there. I
21 think it helps explain a little bit about what we're looking
22 at here. Now, we're reaching the end of the football
23 season. I know that half the state is really upset about
24 last weekend and the other half is pretty happy about it.

25 Let's just think about what happens when somebody like

1 Sellers runs in for that touchdown. Does the lineman see
2 everything in the play? Can he see behind him? Can he see
3 what everybody else is doing? Or does he see the man in
4 front of him who's throwing a block? Everybody on the field
5 has a different role. Everybody has a different
6 perspective. But what do they know at the end? They know
7 he scored. Just because they didn't all see the same thing
8 from the same direction, doesn't mean they don't know what
9 happened.

10 These witnesses corroborated each other. The Judge is
11 going to tell you that you are supposed to evaluate each of
12 the witnesses, supposed to assess their credibility. That
13 means believability. And what that means is you're allowed
14 to look at just about anything that's in front of you. The
15 way they talk, the way they dress even, the things they said
16 to determine are they telling the truth and how much. She's
17 going to tell you that you can believe all or none of a
18 witness's testimony, or you can believe some, but not all,
19 or you can mix and match it.

20 Mr. Shelton said on Monday that it's not your job to
21 solve the crime. Okay, but it is your job to look at the
22 testimony and replay it in your mind and draw a conclusion
23 and tell us what the truth is. These individuals, these
24 people who came in here took an oath, swore to tell you the
25 truth, the whole truth, and nothing but the truth.

1 Consider how similar their stories were. Did they get
2 everything exactly right, the time -- I don't even want to
3 say right, the same as each other, every little, tiny little
4 thing? I think that's what Mr. Shelton is going to make a
5 lot of his argument to you about. Perhaps, not. They
6 arrived at different times. They had different reasons to
7 be there. They have different ages, experiences. They,
8 obviously, reacted to this in different ways. What did they
9 all say? What did each and every person who was there say?
10 They were afraid. Breadon, Hot Rod, Hunter, Dean, Kaisee,
11 they were all afraid. Even Josh, although he wasn't there
12 when it happened, he was afraid. He was afraid his son had
13 died. What did he tell you? He told you Trampas Prater was
14 there.

15 Although he didn't do it from the stand, you've heard
16 what Teddy Scott said. He said on the day of when Josh came
17 back to the home thinking that Hunter was dead, he named all
18 the people he could think of who had been there when he
19 left. That's how the case got started. That's why we had
20 Teddy Scott testify to you. And had Mr. Plummer, Josh
21 Plummer, testify to you. So you can understand how did the
22 ball get rolled. He said at that time that Mr. Prater was
23 there when he left.

24 What did Hunter Plummer say? Now, is Hunter our
25 favorite witness in the world? You heard all the things

1 he's charged with. He's got a lot on his plate. He's got a
2 lot in his past. He's by no means a perfect person. If
3 this case rose and fell only on him, I would say we would
4 have much more of a problem. But he was there. He's
5 cutting up the Dodge Ram with a sawzall. What did every
6 person say? The same thing, he was cutting up the truck.
7 He was standing on the driver's side. He's slicing it up to
8 take it to the scrap yard. Who owns the truck? Who brought
9 the truck to Hunter? Trampas Prater.

10 I think Mr. Shelton will try to convince you in a few
11 moments that this is all a setup. You heard him asking
12 questions. Did you make this story up to cover for someone
13 else? To cover for Hunter? It's his house after all, dead
14 body on his property, or his father's property. If Hunter
15 and Kaisee and Johney, Hot Rod, and Dean are making this all
16 up covering for another person, one of them or somebody else
17 entire, they would all give you direct evidence. They would
18 all say I saw Trampas shoot Stuart.

19 So folks, sometimes credibility comes from the lack of
20 evidence. Hunter can only tell you what he observed, what
21 he remembered. He's got a power tool right by his head.
22 He's sawing a car, the roof off of it. And he's on the
23 opposite side from where -- this is beyond all doubt --
24 where the body fell. There's not a whole lot that we can
25 say in any case is beyond all doubt. But we know where the

1 body was because you've seen the photos. Hunter said that
2 he heard something. Stopped sawing, walked around to
3 Kaisee, turned around and his friend's on the ground.

4 Was his behavior after that cowardly, childish, cold?
5 Yes. Should they all have called 9-1-1? Yes, they should
6 have. But we don't live in a world of would have, could
7 have, should have. We present to you the evidence of which
8 there is. And all of them were terrified. Who wouldn't be
9 after seeing a man shot right in the chest, a specter in the
10 vomiting of blood from his mouth and collapsing on the
11 ground? Out of the blue, no warning, no explanation. Who
12 wouldn't be terrified? Should they have called 911?
13 Absolutely. Did they talk to the police? Did they
14 cooperate eventually? Absolutely again. You can only deal
15 with the facts as they come.

16 You've seen me put this board up with just about every
17 witness. We didn't do it with Dean. We had this one. Did
18 you see where they put the sticks? Did you see how
19 incredibly similar they were? Now, none of this is exact.
20 This is not a scale diagram. This is not a field trip out
21 to the scene. This is based on memory two and a half years
22 later. But again, corroboration. None of them watched each
23 other put the stickers on. They were all sequestered as is
24 appropriate. They each came in and showed you remarkably
25 similarly Hot Rod's truck, Hunter, Hot Rod, Stu, Trampas.

1 Kaisee, Dodge, Jesse, Dean, Trampas, Stu.

2 Mr. Shelton is going to make a big point about when
3 everybody arrived, what time, sidetrack for you. I think it
4 might explain why some things matter and some things don't.

5 Worst day of Stuart's family's life was May 26th, 2022.
6 The best day of my life was August 6th, 2016, the day I got
7 married. I remember so much from that day. I remember
8 playing golf with my buddies in the morning and having lunch
9 with them. I remember rushing to get showered and changed
10 in time. I remember the way my wife looked when she started
11 walking down the aisle. I don't remember what times. I
12 don't remember what I had for lunch. I don't even remember
13 which of my buddies I sat with. But I remember the
14 important things.

15 That's what these folks remember, too. They were all
16 there. There's no way to dispute that every single one of
17 them was actually at this property based on what they've
18 told you. They all told you that Trampas was there. They
19 all told you they heard that gunshot. They all told you
20 that they saw Stuart bleeding, collapsing to the ground.
21 Some of them remember certain interesting things that others
22 don't. Hot Rod remembers what, what did you hear yesterday
23 from Mr. Breadon, that Trampas was saying that he was going
24 to shoot him. And that made Mr. Breadon anxious, ready to
25 get out of there. He heard the Defendant saying he was

1 going to shoot the victim before he did it.

2 What did Mr. Jarrell say? He didn't say exactly what
3 Mr. Breadon said or Hunter said. He said he saw Hunter, put
4 everybody in the same positions, heard the gunshot, looked
5 and saw Stuart dying. Saw Trampas going into -- or, at
6 least, towards the house.

7 What did Kaisee Gibson tell you this morning? That she
8 pulled up a little bit ahead of here. It's the best picture
9 we've got, so we had to approximate. Saw this man and that
10 man. Saw him put a bullet in his chest. At least, the
11 immediate after effects right after he had gone to this
12 door. Mere moments. Door of the truck that everybody said
13 he brought. He brought to Hunter to take to the scrap yard.
14 Got a permit in his wallet. Permit to transport non-ferrous
15 metals to Trampas Prater. Issued 7/6/21, expires 1/11/23.
16 You can see in the pictures, Mr. Prater, his wallet, his ID,
17 his debit card and a copy of the check from 13 days earlier.

18 Now, does a check dated is 5-13-22 prove he was there
19 on 5/26/22? No. That's not direct evidence. Since this
20 was collected, taken, snapshot taken with 5/26/22, it's
21 circumstantial evidence. Who walks around for 13 days
22 without their wallet? Even if they don't have a driver's
23 license, without their debit card. All these documents are
24 important for the purpose of cutting up a truck and taking
25 it in for scrap. Exactly what the witnesses told you they

1 were doing. He was a part of it? He was participating. He
2 was there. He was there. And he left Stuart in the dirt
3 bleeding out of his chest and his mouth, dying a horrific,
4 awful death.

5 You heard Dr. Batalis's testimony yesterday. It went
6 pretty quick because there was only a single gunshot. That
7 doesn't mean that what happened specifically should be
8 ignored. This is all about Stuart and how he suffered and
9 how he died for no reason, out of the blue, shocking,
10 appalling, with all these people in fear of their own lives
11 because if he can do it to him. They had an argument the
12 day before. It seemed to be settled. Apparently not. The
13 unlawful killing of another with malice aforethought.
14 That's what this is. Mr. Prater took a gun, pointed it at
15 Stuart, shot him in the chest. That's murder and it's
16 possession of a weapon during the commission of a violent
17 crime.

18 You've heard from these people who saw what happened.
19 They told you everything they can about what happened. Mr.
20 Shelton thinks you don't have to solve the crime. You have
21 to tell us the truth. Tell us the truth. I'm going to be
22 back before you in a few more minutes after Mr. Shelton has
23 had a chance to talk to you. I'm going to ask you now, as I
24 did on Monday and going to ask you in a few more minutes, to
25 find him guilty.

1 THE COURT: Mr. Evans, can you move the easel as well?

2 MR. EVANS: Yes, of course.

3 THE COURT: If it's possible, if Mr. Shelton isn't
4 using the screen, let's back it up as well.

5 MR. EVANS: I believe he is.

6 THE COURT: Okay, thank you. Okay.

7 MR. SHELTON: Everybody is related to Josh and Hunter
8 Plummer, except for Trampas. Hot Rod, that's Hunter's
9 mentor. He's trying to help him out. He got along with
10 Josh, saw Hunter as his grandson. He was going to take care
11 of him. Dean, it's his cousin, first cousin, second cousin.
12 Kaisee, she would do anything to protect that child,
13 including protecting that child's father. Trampas has got
14 no connections. Scapegoat.

15 Hot Rod, what did he tell us? Trying to be a mentor
16 towards Hunter. Had a grandson going through the same thing
17 Hunter was going through. Bonded. Good job. Puts himself
18 the closest to that shell casing. They didn't know what
19 number one was. All of them came in and said that Hunter
20 was right next to this shell casing. The one shell casing
21 found. Hunter right next to it. The last one to leave.

22 If you want to believe that -- the timeframe. He had
23 to look at Stuart struggling on the ground. He had to
24 unhook his truck while he's looking at Stuart struggling on
25 the ground. He had to get in his truck while Stuart is

1 struggling on the ground. That's the guy we want to
2 believe?

3 Six days later talks to the police. Six days. And he
4 says to the police that he didn't talk to anyone in those
5 six days, but he got a phone call about Stuart dying. So he
6 just listened to it? He didn't talk? He didn't hear? He
7 didn't talk about anything else? He knew about Stuart dying
8 because he heard about Josh thinking it was Hunter. He
9 heard about that. How did he hear about that? He couldn't
10 tell us who it was. He just listened on the other end. He
11 didn't talk. They didn't talk about it. It's not
12 believable.

13 Never felt comfortable. Always had to look over his
14 shoulder. Didn't feel safe there. Depended on the mood of
15 Hunter. He would rampage with his dad and take it out on
16 us. Hunter. Thinks his things would get stolen if left
17 there. You heard the neighbor about her car getting broken
18 into. All the cars going back and forth. She'd never been
19 to her neighbor's house. He didn't say he didn't say see
20 who shot Stuart. I submit they say that because that's
21 their way of trying to not really put blame on Trampas
22 because they know he didn't do it, but not put blame on
23 themselves.

24 Just remember who brought Trampas there. Just
25 remember. That's what Hunter said. How did Trampas get

1 there? The only person that said how Trampas got there was
2 Hunter, saying that Hot Rod brought him. And I'll add, John
3 I have on here, Hot Rod admitted that he takes cars to the
4 scrap yard. He's able to take the ferrous metals. So just
5 the fact that Trampas's wallet was on scene with the ferrous
6 medals permit, Hot Rod does that, Hunter does that. There
7 were plenty of people. They didn't need Trampas to take
8 that car to the scrap yard. In fact, they were cutting off
9 the top, so it didn't matter who owned it. So if Trampas
10 brought it, they were cutting off that top. The equipment
11 Hunter was running was too loud for everyone else, but not
12 for Hot Rod, he was able to hear all those things that
13 supposedly Trampas said. Equipment's too loud for Dean, too
14 loud for Kaisee, too loud for Hunter running it. Hot Rod's
15 right there.

16 Let me point out -- you're going to have all these
17 pictures in evidence, and you guys can go through this.
18 Point out because Hot Rod says that he was manning the
19 cords. I don't see any cords. I don't see anything that's
20 hooked up to this. Because supposedly they just threw
21 everything down. Where's the sawzall? Threw everything
22 down and left, right? Where's the cords? Where's the cord
23 that he was manning when he was holding it? Believability.
24 Nothing there.

25 Josh says he didn't see Trampas there. That's what he

1 said. Police officer, he came up there, and he said, oh,
2 well, that's what I had down in my report, that that's what
3 Josh told me was Trampas was there. Then Josh doesn't say
4 it, and he has to get reminded. Did he write everything
5 down? Did he write it the right way? Did he have all the
6 information? Because there's another person's report that
7 has something different than we heard it from Hunter. And
8 that's the only police officer we heard from. Only police
9 officer we heard from.

10 The State has the burden of proof, a very serious
11 charge that they want you to find Trampas guilty of. The
12 only police officer we heard from, no lead investigator.
13 Hunter, he's on meth. He was on meth the day of. He was on
14 meth after. He was on meth. He admits it. Puts Trampas on
15 the porch. Way far away. Coroner said it had to be four to
16 six -- four feet, two feet, something like that with all the
17 stippling. Hunter's hearing voices. That's what his
18 child's mother said. Hearing voices. That's how much he's
19 on meth. Hearing voices. He's paranoid. Hearing voices.
20 He's never seen him Trampas with a gun. That's what he
21 testified to. Just a shotgun, as anybody growing up in the
22 country does, hunting.

23 Fight with Stuart, but they talked. Misunderstanding.
24 That fight, that's what you do. You get in a fight with
25 your friend, punch, fight, all good. We're done. We're

1 good. Misunderstanding. That's what Dan said happened.
2 They're all good. They're still working on the car the next
3 day. That's what Dan said. That's what friends do. That's
4 what people do. It's all good. That's what happened.

5 Hot Rod, next to the shell casing. He was right next
6 to Hot Rod. They don't know what this number one was. This
7 number one is that shell casing. Only evidence of a gunshot
8 on scene is that shell casing. Everybody puts Hunter there.
9 Hot Rod puts himself there. Only evidence because SLED did
10 not collect any of those bullets that were found in the
11 scene, in the house. SLED didn't collect any of that. Not
12 of evidentiary value.

13 Hot Rod supposedly brought Trampas. Hot Rod doesn't
14 remember it. So what time, what timeframe are we talking
15 about? Dan says Trampas left with Brian Cruz at 11 o'clock.
16 When did Hot Rod get there? Josh Plummer did not see Hot
17 Rod. He didn't say John -- he didn't say Breadon was there.
18 So if Breadon brought Trampas there, Josh would have seen
19 him, right? So how did Trampas get there?

20 Dan says Trampas left with Brian Cruz to do another
21 job. He works on cars. That's what he's doing, helping Dan
22 work on his car. They're fixing up that Mustang. They're
23 working on cars. Going for a job. Hunter says he was with
24 Trampas after. If you see somebody shoot somebody, you're
25 going to then hang out with them after? Come on. It

1 doesn't make sense. Because he's not scared of Trampas.
2 Because Trampas didn't do this and they know that. They
3 know it. He didn't do it.

4 He's charged with attempted murder and numerous other
5 charges, including some drug activities. Hunter said
6 everybody was there. He thought Kaisee arrived after the
7 shooting. I submit to you Kaisee arrived after the
8 shooting. He doesn't get in Kaisee's car, he goes around
9 and gets into Dean's car. He just happens to see a dead
10 body right here. His baby mama right there. He doesn't get
11 in her car. No, he walks by the dead body, through his
12 house, around his house, to get in Dean's car that's driving
13 around the other side. It doesn't make sense. He says he
14 got into Dean's car. Dean says that Hunter got in his car.
15 It was the mother of Hunter's child.

16 Kaisee's known Trampas the longest. Never known
17 Trampas to be violent with anybody. He's always mellow.
18 Never before this incident ever seen Trampas with a gun
19 before. Didn't say that about Hunter. Hunter pulled a gun
20 on her, hit her in the head with a gun, a 45. She's still
21 with him. Up until he supposedly just got out of rehab and
22 broke up with her.

23 They went back to their normal day. Really emotional
24 in here. She got really emotional. She went right back to
25 her normal day. Right back to her normal day. Did she get

1 that emotional that day and call the police? No. Why? Who
2 are they covering up for? Who are they covering up for?
3 They went back to their normal day. Do you want to believe
4 that?

5 Her describing the scene. Jesse, Dean says, got in his
6 car after the shooting, was by Dean's car. Hot Rod, Hunter,
7 Dean -- not Dean -- Dean said Jesse was in that little area
8 where Stuart was. All of them say that Jesse was in that
9 little area where Stuart was, except for Kaisee. Why?
10 Because Kaisee came up after. And Jesse was going to get
11 into Dean's car. That's how she sees Jesse at Dean's car,
12 because she showed up after.

13 She said the shooting took place at the back of the
14 Dodge on the passenger side. How does the bullet casing get
15 on the driver's side in front of the Dodge? It doesn't make
16 sense. She's a drug dealer, user. She admits it. She said
17 she stopped. That's a hard drug. Hard drug.

18 You'll have Dean's picture. And Dean has Kaisee's car
19 on that side of the fence. No way she saw it. No way. She
20 was emotional. I'll give her that. Was she emotional
21 because of what she did? Is that what she's upset about?
22 Dean was in his truck at the time. Not waxing his car,
23 because he's only there 10 minutes, is what he said, right,
24 around 11 o'clock. We've been there for minutes when the
25 shooting happened. Kaisee, around 12:00, 12:30, Dean's

1 still there. Puts Kaisee's car in the driveway. Puts
2 himself and Hunter on the driver's side next to the truck.
3 He puts Hot Rod right next to Stuart. Hot Rod right next to
4 Stuart. Hot Rod still owes him money for that truck.

5 He wanted to act like he's only met Hot Rod a couple
6 times to y'all? On direct, he's like, oh, only a couple
7 times. Hot Rod bought his truck and still paying him? He
8 wanted to make it seem like he didn't know him. That's how
9 he wanted to portray it to you guys on direct. He saw
10 Stuart, right, as he's driving across, slowly driving across
11 to be able to see him through all those cars. You'll have
12 all these pictures, you can look through and see how the
13 yard looked. He came back to the house that night.

14 You heard Kaisee testify that there was word on the
15 street about somebody being dead. His cousin, Josh Plummer,
16 thought his son was dead. And Dean doesn't know that? The
17 person that stays at his house, that goes to his house, he
18 doesn't know that? He hadn't heard anything? That's why he
19 goes back to the house that night. That doesn't make any
20 sense. He goes back to the house that night. No one else
21 testified about going back to the house. Why did he go back
22 to the house?

23 Dan testified, I wanted to work with Stuart and Trampas
24 on the car. You saw his hands. He's a worker. He works.
25 Trampas left with Brian Cruz at 11:00 a.m. Dean arrived at

1 Hunter's house around 11:00. No police officer, anybody
2 that came up there and said Brian Cruz was at Hunter's
3 house. Brian picked Trampas up, that's what Dean said.
4 Hard-working Dan. You'll get these pictures back there, and
5 you guys can look for yourselves. They asked about a deer
6 camera. Right there. There's a deer camera facing where
7 Stuart was shot and killed. Who was it? Josh? Hunter?
8 Why didn't they present any? Is there something on there
9 they didn't want anybody else to see? There's a deer camera
10 facing where Stuart got shot. They missed it.

11 Bullets found in the house. Why weren't those
12 collected? Why? Something comes up later on. I mean,
13 collect these. Gun. No gun. There was a gun. There was a
14 shotgun. No gun. No gun found. Nothing. No DNA on the
15 casing. They got it right here in evidence. You could say
16 that they swabbed it or looked for DNA. Just look for it.
17 How hard is that test? A serious crime that the State wants
18 you to find Trampas guilty on they can't do it. Soda, water
19 bottles, tell us all who's on scene. Who's there? Who's
20 been there?

21 You know about Rico, Jonathan Rivera? Anybody come
22 testify about him? Did everybody go see him? Jonathan
23 Bremer, Cleveland Maxwell? Did anybody come testify about
24 talking to anybody? Brake, there's a break right there.
25 There's brake lines right there. The SLED agent said that.

1 Oh yeah, it looks like brake lines right next to where the
2 bullet is. Stuart's hat.

3 Breadon was the last one to leave. There was drugs.
4 Stuart tested positive for drugs. Hunter admitted to using
5 drugs. Kaisee. At least, four cell phones taken. No
6 forensics supposedly taken. We don't have anybody to come
7 testify that they took them. SLED agent thought maybe
8 Hampton County did. We don't know. Where's anything,
9 anything to corroborate? Just give us something. Tell us
10 where they were the night before. Jonathan Rivera, Rico,
11 Cleveland Maxwell.

12 The State, they didn't want to give you these pictures.
13 They didn't want to. They didn't want you to even have
14 Hunter's ID. I had to introduce that. They only wanted to
15 show you Trampas's. They didn't want you to see Hunter's
16 ID. They didn't want you to see everything. They only want
17 you to see what they want you to see.

18 The Judge is the judge of the law. You follow what the
19 Judge says. Mere presence, a defendant's presence at a
20 crime scene or mere association with a person who commits a
21 crime does not make a defendant an accomplice, an aider,
22 abetter of the person committing the crime. Even if Trampas
23 was there, just there, that doesn't mean that he's guilty.
24 His wallet being there, that doesn't mean that he's guilty.
25 Check stubs from 13 days earlier doesn't mean he's guilty.

1 A non-driver's license, ID, doesn't mean he's guilty. His
2 Mustang was there. He was working on it. Hunter testified
3 to that. Proof at the scene of the crime is not sufficient
4 to find someone guilty. Being there is not sufficient to
5 find somebody guilty. Being associated with somebody is not
6 enough to find somebody guilty.

7 The burden of proof on the State is proving every
8 element of the crime charged. The burden is proving beyond
9 a reasonable doubt that the Defendant is the person that
10 committed the crime. Beyond a reasonable doubt. Y'all are
11 reasonable people, reasonable people. If you have a doubt,
12 not guilty. After examining the testimony, if you have a
13 reasonable doubt, not guilty.

14 Trampas did not testify. The Judge is going to talk to
15 you about that. Not testifying cannot be used, cannot be
16 considered in any way on guilt or innocence. It can't even
17 be discussed between you.

18 I remember drinking milk and having cereal when I was
19 in college or law school. I just pulled the milk out, and I
20 didn't care, I would just pour a glass and drink it. I
21 didn't look at the expiration date or anything like that.
22 But when you have kids, that changes.

23 I remember specifically when that happened with my son.
24 He's 15 now. He's taller than I am, has way more hair than
25 I do. When he was two and a half, three years old, he was

1 watching some cartoon. And he saw that this cartoon
2 character had milk in his cereal. He's like, man, I don't
3 know. Why is there milk in that cereal? I want milk. God,
4 it's okay. You don't need it. You just eat it dry like you
5 always do like you take to church. No, he wanted milk. I
6 said okay.

7 I go in there and I grab the milk, and I look, and it's
8 two days old on the expiration date. When I was in college,
9 I didn't care. I would just drink it, just pour it on my
10 cereal. I'm looking at my son, two and a half years old,
11 and I just couldn't do it. Couldn't do it. I smelled it
12 and I just couldn't do it. I poured that out. He was mad.
13 And that two, three-year-old temper tantrum. He was mad. I
14 was protecting him. I had reasonable doubt. If you've got
15 reasonable doubt, protect Trampas.

16 The State has the burden of establishing every fact
17 necessary to prove the Defendant guilty beyond a reasonable
18 doubt. The law presumes every person charged with a crime
19 to be innocent. The burden of establishment is on the
20 State. We don't have to prove that he's not guilty. He
21 doesn't have to prove a thing. Trampas doesn't have to
22 prove he's innocent. Give the Defendant the benefit of all
23 reasonable doubt and find him not guilty.

24 So what is the reasonable doubt? Meth, Stuart, Hunter,
25 Kaisee. Credibility. You saw them. How credible are they?

1 They want to protect somebody. Who are they protecting?
2 Hunter? Hot Rod? Rico? Why? Drugs? Timeline. I told
3 you we were going to have an alibi. The timeline is messed
4 up. It's more messed up than I thought it was going to be.
5 Dan provides that. The hard-working Dan, at 11 o'clock
6 leaves with Brian Cruz.

7 We don't know when Stuart was shot. The medical
8 examiner couldn't get up here and say he had been lying
9 there for a day. We don't know. We have no clue. If
10 you're going to take their word for it, it just happened to
11 happen when Kaisee drives up. Been there for hours cutting
12 up in the yard, just happens to happen right when Kaisee
13 drives up. Come on, that doesn't make sense. It doesn't
14 make sense.

15 The timeline is messed up because no one reported it.
16 They wanted that timeline messed up. That's what they
17 wanted. They covered it up. They didn't report it. You
18 can consider evidence the State didn't present. They have
19 the burden. I don't have the burden. I don't have to prove
20 anything. I don't have to bring anything to y'all. The
21 State, they're the ones that have to bring you the evidence.

22 What didn't they present to you? Why, why no lead
23 investigator testified? You heard about Clapp. You heard
24 about Hernandez. Why did they not testify? You can
25 consider that. Why did they not testify? Where's the

1 camera? Where's the evidence? Why did they not bring that
2 in? You can use that against the State. You're required
3 to. Evidence is right in front of me. Let's look at some
4 of this stuff. Let's look into it. They got the
5 statements. They don't even look into evidence. Is that
6 why the lead investigator didn't testify? To bring my
7 questioning about them not following up with evidence right
8 in front of them? Is that why they didn't have a lead
9 investigator testify in a murder case? Serious charge?

10 Most serious charge with the least credible evidence.
11 Most serious charge, least credible evidence. The State
12 wants you to find Trampas guilty of a very serious charge
13 brought by the least credible people on that. No
14 investment. They want you to find somebody guilty of the
15 most serious charge with the least credible evidence.
16 Statements that don't match what's found on scene. Least
17 credible evidence. Other potential witnesses, potential
18 suspects, least credible evidence. I ask that you find
19 Trampas not guilty.

20 THE COURT: Ladies and gentlemen, we're going to take a
21 very brief recess before Mr. Evans does his brief response.
22 I'm going to send you back to your jury room for a quick
23 moment. Do not discuss this case. It wouldn't be
24 appropriate to do. When we come back out, Mr. Evans will
25 respond, and then I'm going to charge you on the law, and

1 we'll send it to you. Don't discuss this case yet, ladies
2 and gentlemen. Just go refresh yourself and come on back,
3 okay?

4 (WHEREUPON, the jury exits the courtroom.)

5 THE COURT: We're just going to take a five-minute
6 break. That's it.

7 (WHEREUPON, a short break was taken.)

8 THE COURT: All right. Let's bring the jury back.
9 State ready, Defense ready?

10 MR. EVANS: Yes, ma'am.

11 MR. SHELTON: Yes, ma'am.

12 THE COURT: Thank you.

13 (WHEREUPON, the jury enters the courtroom.)

14 THE COURT: Mr. Evans.

15 MR. EVANS: Thank you, Your Honor. May it please the
16 Court.

17 THE COURT: Yes, sir.

18 MR. EVANS:

19 I want to begin by responding to Mr. Shelton because I
20 want Stuart's family to be able to see. They've been here
21 all three days. And they just had to listen to Mr. Shelton.
22 He's an excellent attorney. But he brought up their son's
23 drug problem when he was murdered just to make you feel bad
24 about who Stuart was? I don't know. It doesn't make any
25 sense.

1 Mr. Shelton did a lot of what defense attorneys like to
2 do, nip around the edges. I remember a story. I don't
3 remember where I saw it. It was a book a little boy in the
4 library and he met a talking worm, a book worm. The boy
5 says to the worm, well, you eat paper, don't you? You
6 shouldn't be in the library. The worm says -- yeah, it's a
7 kid's story, it's obviously absurd, but, I want to read the
8 books, so I just nibble around the edges so I can still see
9 the story.

10 You've heard the story, the truth from this stand when
11 these people put their hand on this Bible, a solemn act, a
12 swore to tell the truth. He just wants to nibble around the
13 edges about little things that don't matter. He wants you
14 to believe that these people all got together and came up
15 with this scheme because they saw Hunter or somebody shoot
16 Stuart, somebody other than Trampas, shoot Stuart, somebody
17 other than Trampas.

18 If this scheme is to protect Hunter, why not say Hunter
19 wasn't there? If you're going to lie, lie big. Because
20 they're not lying. If the scheme is to blame Trampas,
21 scapegoat Trampas, then why not say I saw Trampas shoot
22 Hunter -- shoot Stuart? That's not what they did because
23 they're testifying to the best of their memory. They didn't
24 expect to see anybody get shot, so they weren't keeping an
25 eye on every single other person who was on the property at

1 that time. They hear something, you can't avoid that, and
2 then they react. Then they observe. They observe the
3 things that are important, like who was there, who had a
4 gun, who was bleeding from the chest, who was positioned
5 where, and where did they go.

6 He wants to make a big deal out of this shell and where
7 it was positioned. You can take -- you will -- in fact, you
8 can take every single piece of evidence to the jury room.
9 You can touch this. You can pick it up. You can even open
10 the bag if you want to. It's a shell casing, it's been
11 fired from a gun. And usually, this is what the defense
12 tries to bring out, but in this case, no, we don't actually
13 know that this is the shell casing. Did we bring it before
14 you? Yes, because we don't want to hide anything. It was
15 collected by SLED. It may very well be the shell casing.
16 But it's light. It can get tossed around. Where it falls
17 when it's ejected from a gun has nothing to do with where it
18 was fired from. And where it ends up when the police find
19 it doesn't even have anything to do with where it landed.
20 Because it can be kicked around by feet, by cars and trucks.
21 It can be moved anywhere. It means nothing about where a
22 person was shot. You know what can't be moved very easily?
23 A human body, an adult male. That tells you an awful lot
24 more about where Stuart was shot as far as what part of the
25 property.

1 He, also, wants you to think, oh, got to test for DNA.
2 Got to test for all kinds of things. When a gun is fired, a
3 shell casing is exposed to an explosion. And DNA is
4 biological material that burns and it's been exposed to the
5 elements, too. SLED -- neither SLED nor the Hampton County
6 Sheriff's Department can do anything about the condition of
7 the scene until they arrive and it's reported. Was that too
8 long in this case? Absolutely. Is that the fault of the
9 witnesses? Yes. It was wrong. I asked them. Did they
10 eventually come around and do right? Yes. Beginning with
11 her. And I want to talk more about her. That's Kaisee
12 Gibson.

13 She just sat here and listened to Mr. Shelton attack
14 her character. She's here after her testimony. He talked
15 about all the witnesses, of course. You've got Dean
16 Jarrell, Jhoney Breadon, hard-working, older men. Why on
17 earth would men like that get mixed up with a bunch of kids
18 and cover up for a murder. You heard Dean Jarrell under
19 oath this morning say, if Hunter had done it, he'd testify
20 against his own nephew. Under oath, that matters. That is
21 serious business. He made a big point about Hot Rod, and he
22 couldn't possibly have heard the things that he testified.
23 And he heard about what Trampas said, which was, I'm going
24 to shoot Stuart. Couldn't possibly have heard that because
25 he was standing next to the sawzall. Remember Hot Rod,

1 Johney's testimony, that was about half an hour ago. He
2 didn't take it seriously. I wish he had. Mr. Shelton is
3 trying to confuse you and make you think it happened
4 immediately, right when he was standing next to the sawzall.

5 You're allowed to consider all the testimony,
6 everything that anybody said from the witness stand. The
7 Judge is going to tell you if you want to hear any of it
8 back, you've got to hear the whole witness. That's your
9 right if you want to. I want to point out something, none
10 of -- and the Judge will say this, too. My questions, my
11 arguments, Mr. Shelton's questions, and his arguments, none
12 of that is evidence. It is not evidence. The evidence
13 comes from the witness stand and photographs.

14 Mr. Shelton wants you to believe there definitely was a
15 deer camera. Definitely was, there's a deer camera. That's
16 what he said to you. That's not evidence. What did Bailey
17 Stepp say when he showed her that same photograph. I don't
18 know if that's a deer camera. So there is no evidence that
19 there is a deer camera. If there was a deer camera, they're
20 all over this county. The police are very accustomed to
21 finding them. If they find one, that doesn't mean it's
22 operational.

23 Your job is to consider the evidence before you. Your
24 job is not to deliver a verdict about the Hampton County
25 Sheriff's Office. If you're concerned about what they did,

1 come talk to us later after you've delivered a verdict in
2 this case, and we're happy to talk to you about it. But
3 your job is to decide whether Trampas Prater is guilty. Is
4 that one of the things you can consider? Of course. I'm
5 not suggesting you can't, but that's not the purpose for
6 bringing a jury of 12 in to show you all the evidence. Your
7 job is to consider the evidence.

8 He talked about Teddy Scott, did he hear from Josh
9 Plummer, did he hear from Hunter Plummer. He showed Mr.
10 Scott this morning when I called him back, I asked him did
11 you hear from Josh Plummer? Because the other day, I
12 couldn't ask him the names. He told you that Josh Plummer
13 told him when he's there right after hearing that his son
14 died, he told you Trampas Prater -- he told Teddy, rather,
15 Trampas Prater was at the home when he left that morning.

16 And then Mr. Shelton wants to make a big deal about the
17 fact that a supplement written by another officer says that
18 Teddy heard it from Hunter Plummer. We've heard plenty
19 about Hunter. You think maybe that might be the first
20 Plummer that an officer comes to mind when they're hearing
21 about hearing from a Plummer from another officer. Mr.
22 Scott testified to you from the stand he heard it from Josh
23 Plummer and that was the first time he ever heard the name
24 Trampas Prater. That is not exactly Johnson. It's a very
25 interesting name. I don't know where it comes from. It

1 might be his family heritage, I don't know, but it certainly
2 is unique. And for him to have heard that from Mr. Plummer
3 makes that extremely credible that Mr. Plummer, Josh, saw
4 him there when he left.

5 Mr. Shelton made a big point about police officers not
6 hearing from them. Here's two words that the Judge will not
7 tell you, that she will not mention in her jury charge,
8 police officers. She will not tell you that we must produce
9 police officers to testify. Police officers are very rarely
10 at the scene of a murder when it happens. And this case, as
11 I told you from the beginning on Monday, is about assessing
12 the credibility of the people who were there. Are they
13 perfect? Absolutely not. Who among us is? Those who live
14 in glass houses should not throw stones, right?

15 But they match each other in important, significant
16 ways. They came before you and they took an oath as was
17 their civic duty. Kaisee Casey Gibson came to the police on
18 her own the morning after. Why? Because she knew it was
19 right. She came here and told you the truth just a few
20 hours ago because it's right. She's still here waiting for
21 your decision because it's right, because you're going to
22 make the right decision. Kaisee, he wants you to believe
23 that she, I guess above all others, has a reason to cover up
24 for Hunter because they have a child in common.

25 You've heard the story that she told about the incident

1 between the two of them. After this incident, she's turned
2 Hunter over to the police for a serious crime. Why on earth
3 would a person do that if they were in cahoots with him on
4 accessory to murder and a giant cover-up? Why on earth
5 would she still be here watching? You cannot possibly
6 believe after watching her this morning that she was making
7 any of that up. He wants you to believe she arrived after
8 the shooting and testified to you like that? I couldn't
9 believe that was his argument. He wanted to say she maybe
10 couldn't see as well as she says or something like that, the
11 position of her car, okay, but an outright lie? After she
12 broke down in front of you? She saw Stuart die.

13 He wants to make a big deal out of timelines, when
14 people with arrived and with whom, et cetera. These people
15 are not checking their watches. Most people don't even wear
16 watches anymore. I do, and I'm not checking it every minute
17 to check the time. They're remembering emotions,
18 remembering feelings, remembering images. That's what you
19 remember.

20 He wants to make a big deal out of how there were some
21 live rounds discovered in photographs inside of the car.
22 Live bullets are nothing. They're no more significant to a
23 scientific test than a paper clip is. They're just things
24 sitting in a box. They don't mean anything. He just wants
25 you to believe that there's a magical world, universe of

1 incredible scientific evidence that everybody is just
2 ignoring. And that it's everywhere all around us. And if
3 we get it, you don't have to worry about the witnesses.
4 That's never been what this has been about. It's not
5 anywhere close to the truth. Police, solicitors, jurors can
6 only go where the evidence takes them. And the evidence is
7 these people.

8 People have been testifying in courts like this for
9 hundreds of years the same basic way. And because we have
10 some new science out there, it doesn't mean you should just
11 throw up your hands and ignore what they're telling you.
12 That's what he wants. He wants you to think that they
13 should have collected a shotgun from inside the trailer. He
14 wasn't shot with a shotgun, why would you collect a gun that
15 couldn't have been used in this murder?

16 He wants you to punish the State, punish Stuart's
17 family for the fact that some water bottles weren't
18 collected. Oh, there could have been DNA. My hand is now
19 on that table, but guess what, if they come along and take a
20 sample at some point, it will not say when it was left
21 there. And neither would any DNA on any water bottle left
22 at the scene. It could have been there for years. It could
23 have been there for months, weeks. It doesn't mean
24 anything. The only thing left at the scene that has any
25 kind of a timestamp is Trampas Prater's wallet. I know it's

1 not the day of, I told you that already today. But that's
2 literally the only thing that can tell you anything about
3 when as opposed to where. He wants to make a big deal
4 about, oh, I only showed you Trampas's ID and not Hunter's.
5 Hunter testified it's his house. Why on earth would I put
6 in a photograph to prove that somebody's ID is in their own
7 house.

8 THE COURT: Yes, you may approach?

9 (WHEREUPON, a bench conference was held.)

10 MR. EVANS: Everything you've heard all this week from
11 that witness stand, everything you've seen only points in
12 one direction. Trampas Prater shot and killed Stuart
13 Miller. Find him guilty. Tell us the truth.

14 THE COURT: All right. Ladies and gentlemen that are
15 in the gallery, when I read my jury charge, no one is able
16 to leave the courtroom, so I just wanted to let you know
17 that, okay?

18 Madam Foreperson, members of the jury, you have
19 followed very patiently and listened very attentively to the
20 presentation of the evidence in this case, and I want to
21 thank you for that. It now becomes the duty of the trial
22 judge to charge and instruct you on the law that's
23 applicable to this case. And it's your duty as jurors to
24 accept and apply the law as the Court will now state it to
25 you.

1 As jurors, it is your exclusive duty to decide all the
2 issues of fact in this case. You must determine the effect,
3 the value, the weight, and truth of the evidence. Both the
4 State and the Defendant have a right to expect that you will
5 carefully consider and evaluate the evidence and apply the
6 law of the case to the evidence. And by doing that, both
7 the State and the Defendant will receive a fair and
8 impartial trial on this matter.

9 The State of South Carolina by the bill of indictment
10 in this case charges the Defendant, Trampas Prater, with the
11 offenses of murder and possession of a weapon during a
12 violent crime. Now, I remind you that the fact that the
13 Defendant was arrested, charged, and indicted in this case
14 is not evidence in this case and cannot be considered by you
15 as evidence of guilt in this case, nor does it create any
16 presumption or inference of guilt. An indictment is simply
17 the formal written instrument which contains the charge
18 that's made against a defendant. It's the formal document
19 by which the case is brought into this court.

20 The Defendant has pled not guilty to these indictments.
21 And that plea puts the burden on the State to prove the
22 Defendant guilty beyond a reasonable doubt. A person
23 charged with committing a criminal offense in South Carolina
24 is never required to prove themselves innocent. I charge
25 you that it's an important rule of law that a defendant in a

1 criminal trial, no matter what the seriousness of the charge
2 may be will always be presumed innocent of the crime for
3 which an indictment is issued unless guilt has been proven
4 by evidence satisfying you, the jury, of that guilt beyond a
5 reasonable doubt. This presumption of innocence does not
6 end when you begin your deliberations, but it accompanies
7 the Defendant throughout the trial until you reach a verdict
8 of guilt based on evidence satisfying you of that guilt
9 beyond a reasonable doubt.

10 The presumption of innocence is like a robe of
11 righteousness that's placed about the shoulders of a
12 defendant, and it remains with the defendant until it's been
13 stripped from the Defendant by evidence satisfying you of
14 the Defendant's guilt beyond a reasonable doubt.

15 Presumption of innocence is not a mere legal theory. It's
16 not just a legal phrase we use. It is a substantial right
17 to which every defendant is entitled unless you, the jury,
18 are satisfied from the evidence of the Defendant's guilt
19 beyond a reasonable doubt.

20 So what is a reasonable doubt in the law? A reasonable
21 doubt is the kind of doubt that would cause a reasonable
22 person to hesitate to act in their most important decisions.
23 The State has the burden of proving the Defendant guilty
24 beyond a reasonable doubt. The term reasonable doubt must
25 be given its plain and ordinary meaning. However, to the

1 extent that I may define it for you, a reasonable doubt is
2 the kind of doubt that would cause a reasonable person to
3 hesitate to act in the most important of their personal
4 decisions.

5 The Defendant is entitled to every reasonable doubt
6 arising in this case. If upon any issue of fact essential
7 to a conviction, you have a reasonable doubt as to how that
8 issue should be resolved, you must resolve that reasonable
9 doubt in favor of the Defendant.

10 Now, some of you may have served as jurors in civil
11 cases where you were told that it was only necessary to
12 prove that a fact is more likely true than not true, such as
13 by the greater weight or what we call a preponderance of the
14 evidence. In criminal cases, the State's proof must be more
15 powerful than that. It must be beyond a reasonable doubt.
16 Suspicion, no matter how strong, is insufficient to convict
17 a person charged with a crime. The facts and circumstances
18 presented may seem suspicious and the Defendant's guilt may
19 seem probable, that is not sufficient in the law to convict.
20 Proof beyond a reasonable doubt is proof that leaves you
21 firmly convinced of the Defendant's guilt.

22 Now, there are very few things in this world that we
23 know with absolute certainty. In criminal cases, the law
24 does not require proof that overcomes every possible doubt.
25 If based on your consideration of the evidence you are

1 firmly convinced that the Defendant is guilty of the crime
2 charged, you must find the Defendant guilty. If on the
3 other hand, you think there is a real possibility the
4 Defendant is not guilty, you must give the Defendant the
5 benefit of the doubt and find him not guilty.

6 I remind you that during this trial you and I have
7 certain duties to perform. As a trial judge, it is my
8 responsibility to preside over the trial of this case and I,
9 also, have the duty to rule on the admissibility of the
10 evidence offered during this trial. You are to consider
11 only the competent evidence before you. You are to consider
12 only the testimony which has been presented from the witness
13 stand, and any exhibits which have been made a part of the
14 record in this case.

15 I have the additional duty to charge you the law that
16 is applicable for this case. As a presiding judge, I am the
17 sole judge of the law of this case, and it is your duty as
18 jurors to accept and apply the law as I now state it to you.
19 If you already have any idea as to what the law is or what
20 the law ought to be, and it does not agree with what I now
21 tell you the law is, you must abandon this idea, because you
22 are sworn to accept the law and apply the law exactly as I
23 state it to you.

24 In every case tried in this court before a jury, the
25 jury becomes the sole and exclusive judge of the facts in a

1 case. A trial judge cannot intimate, comment on, or make
2 any statement to a trial jury about the facts in a case.
3 And since you, the jury, are the sole judge of the facts in
4 this case, you are not to infer from what I have said during
5 the progress of this trial in ruling upon the admissibility
6 of evidence or otherwise, or anything that I say now during
7 the course of this instruction to you that I have any
8 opinion about the facts in this case. The law does not
9 allow me to have an opinion about the facts in this case.
10 This is a matter solely for you, the jury, to determine.

11 There are two types of evidence which are generally
12 presented during a trial, direct evidence and circumstantial
13 evidence. Direct evidence directly proves the existence of
14 a fact and does not require deduction. Circumstantial
15 evidence is proof of a chain of facts and circumstances
16 indicating the existence of a fact. Crimes may be proven by
17 circumstantial evidence. The law makes no distinction
18 between the weight or value to be given to either direct or
19 circumstantial evidence.

20 However, to the extent the State relies on
21 circumstantial evidence, all of the circumstances must be
22 consistent with each other and when taken together, point
23 conclusively to the guilt of the accused beyond a reasonable
24 doubt. If these circumstances merely portray the
25 Defendant's behavior as suspicious, the proof has failed.

1 The State has the burden of proving the Defendant guilty
2 beyond a reasonable doubt. And this burden rests with the
3 State regardless of whether the State relies on direct
4 evidence, circumstantial evidence, or some combination of
5 the two.

6 Necessarily, you must determine the credibility of
7 witnesses who have testified in this case, and credibility
8 simply means believability. It becomes your duty as jurors
9 to analyze and to evaluate the evidence and determine which
10 evidence convinces you of its truth. In determining the
11 believability of witnesses who have testified in this case,
12 you may believe one witness over several witnesses or
13 several witnesses over one witness. You may believe a part
14 of the testimony of a witness and reject the remaining part
15 of the testimony of that same witness. You may believe the
16 testimony of a witness in its entirety or reject the
17 testimony of a witness in its entirety. And you may
18 consider whether any witness has exhibited to you any
19 interest, bias, prejudice, or other motive in this case.
20 And you may, also, consider the appearance and manner of a
21 witness while on the witness stand.

22 Now, there has been evidence presented that witnesses
23 made prior statements which may not be consistent with the
24 witness's present testimony. You may use this evidence to
25 decide whether to believe the witness. You may, also, use

1 evidence of the earlier contradictory statements to
2 determine the truth of those statements. It is up to you to
3 decide whether to believe the earlier statements or the
4 testimony given at trial. If a witness is shown to have
5 knowingly testified untruthfully concerning any material
6 matter, you may consider this in determining whether to
7 trust the witness's testimony as to other matters. You may
8 reject all testimony of that witness, or give all or part of
9 the testimony the weight you think it deserves.

10 The rules of evidence ordinarily do not permit
11 witnesses to testify to opinions or conclusions. An
12 exception to this rule exists for witnesses we call expert
13 witnesses. A witness who by education and experience has
14 become an expert in some art, science, profession, or
15 calling may state an opinion as to relevant and material
16 matter in which the witness claims to be an expert and may,
17 also, state the reasons for the opinion. You should
18 consider any expert opinion received in evidence in this
19 case and like any other evidence give it the weight you
20 think it deserves.

21 If you decide that the opinion of an expert witness is
22 not based on sufficient education and experience or if you
23 conclude that the reasons given in support of the opinion
24 are not sound or that the opinion is outweighed by other
25 evidence, you may disregard the opinion entirely. An expert

1 witness's testimony is to be given no greater weight than
2 that of other witnesses simply because the witness is an
3 expert. Further, you are not required to accept an expert's
4 opinion, even though it is not contradicted.

5 I instruct and emphasize that the fact that the
6 Defendant in this case did not testify is not a factor to be
7 considered by you in any way in your deliberation and in
8 your consideration on the question of the guilt or the
9 innocence of the Defendant. It must not be considered by
10 you in any manner whatsoever. A defendant has the
11 Constitutional right to remain silent, and the assertion of
12 this right must not be considered by you in your
13 deliberations.

14 I repeat, under your oath, you are to draw no
15 conclusion whatsoever from the fact that the Defendant in
16 this case did not testify. The fact that this Defendant did
17 not testify should not even be discussed in a jury room.
18 The burden of proof is on the State. The Defendant is not
19 required to prove his innocence. The burden of proof
20 remains on the State to prove guilt beyond a reasonable
21 doubt.

22 Now, in this case, there are two separate indictments.
23 Each indictment charges a separate and distinct offense.
24 You must decide each indictment separately on the evidence
25 and the law applicable to it. And you'll be asked to write

1 a separate verdict of guilty or not guilty for each
2 indictment. However, in order for you to find the Defendant
3 guilty of possession of a weapon during the commission of a
4 violent crime, you must first find the Defendant guilty of
5 committing a violent crime. In other words, you cannot find
6 the Defendant not guilty of murder and then find the
7 Defendant guilty of possession of a weapon during the
8 commission of a violent crime.

9 Now, the first charge in this case is that the
10 Defendant is charged with the murder of Stuart Miller. To
11 prove the offense of murder, the State must prove beyond a
12 reasonable doubt that the Defendant killed another person
13 with malice aforethought.

14 Malice is hatred, ill will, or hostility towards
15 another person. It is the intentional doing of a wrongful
16 act without just cause or excuse and with an intent to
17 inflict an injury or under circumstances the law will infer
18 an evil intent. Malice aforethought does not require that
19 malice exists for any particular time before the act is
20 committed, but malice must exist in the mind of the
21 Defendant just before and at the time the act is committed.
22 Therefore, there must be a combination of the previous evil
23 intent and the act.

24 Malice aforethought may be expressed or inferred.
25 These terms expressed and inferred do not mean different

1 kinds of malice, merely the manner in which malice may be
2 shown to exist. That is either by direct evidence or by
3 inference from the facts and circumstances which are proved.

4 The Defendant is, also, charged with possession of a
5 weapon during the commission of a violent crime. To prove
6 this charge, the State must prove beyond a reasonable doubt
7 that the Defendant was in possession of a firearm or visibly
8 displayed what appeared to be a firearm during the
9 commission of a violent crime. A firearm means any machine
10 gun, automatic rifle, revolver, pistol, or any weapon which
11 will, is designed to or may be readily converted to expel a
12 projectile.

13 In order to find the Defendant guilty of possession of
14 a weapon during the commission of a violent crime, you must
15 first find the Defendant guilty of committing a violent
16 crime. And I charge you that under the laws of the state of
17 South Carolina, murder is a violent crime.

18 Also, the State must prove beyond a reasonable doubt
19 that the weapon further advanced or helped in the commission
20 of the crime.

21 To prove a defendant guilty of a crime, criminal intent
22 must be proven by the State beyond a reasonable doubt.
23 Criminal intent is a state of mind which operates jointly
24 with an act in the commission of a crime. Criminal intent
25 is a mental state of conscious wrongdoing. Criminal intent

1 includes those consequences which represent the very purpose
2 for which the act is done or are known to be substantially
3 certain to result regardless of one's desire. Intent may be
4 shown by acts and conduct of a defendant and other
5 circumstances from which you may naturally and reasonably
6 infer intent. Criminal intent must be proven by the State
7 beyond a reasonable doubt.

8 An issue in this case is the identification of the
9 Defendant as the perpetrator of the crime charged. The
10 State has the burden of proving identity beyond a reasonable
11 doubt. Identification testimony is an expression of belief
12 or impression by a witness. You may consider the
13 opportunity a witness had to observe the alleged offender at
14 the time of the offense and to thereafter make an
15 identification. It is for the jury to determine the
16 accuracy of the identification of the Defendant.

17 You must consider the credibility of each
18 identification witness in the same way as any other witness.
19 You can consider their truthfulness as well as the capacity,
20 opportunity, and circumstances of the observation of the
21 matters about which they testify.

22 Mere presence at the scene of a crime is not sufficient
23 to prove someone guilty of a crime. A person's presence
24 where a crime is being committed or mere association with a
25 person who commits a crime does not make a person an

1 accomplice or an aider or abetter of the person committing
2 the crime. The burden is on the State to prove every
3 element of the crime charged. If you find after reviewing
4 all the evidence that the State has proved that the
5 Defendant was only present at the scene of a crime and that
6 they have not proved beyond a reasonable doubt any other
7 participation in the crime, then you must find the Defendant
8 not guilty. The law is that proof of merely being at the
9 scene of the crime is not sufficient to find someone guilty.

10 In this case, there may or may not be evidence of what
11 is termed third-party guilt. Third-party guilt means that
12 based on the testimony you have heard there may or may not
13 be evidence that someone else may be guilty of this crime.
14 That determination is solely and exclusively within your
15 province as the jury. However, if you find that this
16 evidence is inconsistent with the guilt of the Defendant, or
17 establishes a reasonable doubt as to the identity of the
18 perpetrator, you must give the benefit of the doubt to the
19 Defendant and you must find him not guilty.

20 Madam Foreperson and members of the jury, as you retire
21 to begin your deliberations in this case, I wish to express
22 the hope that each of you are mindful of the importance of
23 your responsibility here today. You're not called upon very
24 often to serve as jurors, and the proper performance of that
25 duty requires each of you to reach the height of freeing

1 your mind of all improper influences. So please don't get
2 the idea that I'm trying to intimate to you how I think you
3 should find this case.

4 As I've already told you, under the laws of the State
5 of South Carolina, you, the jury, are the sole judge of all
6 facts, and it would be highly improper for me to influence
7 you in the performance of that duty. So I am not trying to
8 tell you what verdict you should find. That, ladies and
9 gentlemen, as the presiding officer of this court, I am
10 vitally concerned that whatever verdict you reach will be
11 the result of you going into your jury room and confining
12 your consideration to the evidence and the law that you've
13 heard here in this courtroom, weighing it fairly and
14 impartially, as I have every confidence you will.

15 I remind you, Madam Foreperson, the verdict must be
16 unanimous. It must be the verdict of all 12 jurors. And to
17 that end, my law clerk has prepared a verdict form for you.
18 The verdict form simply has the case caption on it and the
19 indictment numbers. It's the State of South Carolina versus
20 Trampas Adam Prater, and there are two questions on it. The
21 first question is, as to the charge of the murder of Stuart
22 Miller, we find the Defendant, Trampas Adam Prater, and
23 there is two lines. One for guilty and one for not guilty.
24 You're going to check one or the other.

25 If you find the Defendant guilty of murder, then you

1 would move on to question number two, Madam Foreperson.
2 However, if you found Mr. Prater not guilty, you will end
3 your deliberations because you have finished the case. All
4 right. If you do find him guilty, you will go on to
5 question number two, which says as to the charge of
6 possession of a weapon during a violent crime, we find the
7 Defendant, Trampas Adam Prater, and again, guilty and not
8 guilty. And then there is a line, Madam Foreperson, for you
9 to sign the bottom of the verdict form and date it.

10 Ladies and gentlemen, I just want to give you a few
11 housekeeping details. First, the order that I put guilty
12 and not guilty on a verdict form has no significance. Every
13 trial, we just reverse them.

14 Additionally, as you know, my court report has been
15 taking down everything everyone has said here in this
16 courtroom. However, I want you to know that she does not
17 have a printed transcript of the testimony that's been heard
18 here over the last three days. If there is testimony you
19 want heard back of a witness, what I can do is bring you
20 back into the courtroom and I can play back from an
21 audiotape of that witness. I just need to inform you that
22 if you ask me for a particular witness's testimony, I am
23 required to play that witness's entire testimony. So any
24 direct examination, cross-examination, redirect, recross,
25 all right?

1 Lastly, ladies and gentlemen, you are going to have not
2 only the verdict form back in the jury room for you to fill
3 out, Madam Foreperson, you're going to have a verbatim copy
4 of the jury charges that I read to you. And they are
5 sequenced as to what you need to look at, what you need to
6 go to. So you will have that back with you.

7 Additionally, you are going to have all the evidence
8 that was entered into this case. Ladies and gentlemen, if
9 you do not have the evidence back in your jury room, you're
10 not entitled to it. I know we did use, at least, one
11 demonstrative exhibit in this case, but that is not
12 evidence. It's just a demonstrative to help a jury
13 understand what they're trying to tell you. But again, that
14 is not properly before you in a jury room. The evidence is
15 the hard evidence that has been entered into the case, all
16 right?

17 Ladies and gentlemen, for the very last time, I'm gonna
18 send you back to your jury room and I'm gonna tell you not
19 to discuss this case. If there's something further on the
20 law the lawyers want me to charge you, I'm going to bring
21 you back out here and I'm going to charge you further. If
22 not, again, you are going to get the verdict form, the jury
23 charge and the evidence that's entered into the case.

24 Madam Foreperson, when the jury receives all of that,
25 that is your signal to begin your deliberations. When the

1 jury has reached a unanimous verdict, I need you to knock on
2 the jury room door and we will accept you back into the
3 courtroom to take your verdict, all right?

4 Ladies and gentlemen, thank you for your attention and
5 your patience. We will be back with you very shortly.
6 Thank you.

7 (WHEREUPON, the jury exits the courtroom.)

8 THE COURT: Any exceptions or additions from the State?

9 MR. EVANS: None from the State, Your Honor.

10 THE COURT: Any exceptions from the Defense?

11 MR. SHELTON: No, Your Honor.

12 THE COURT: All right. You all need to go through the
13 evidence to make sure it's all there and properly before
14 them. When we send back the evidence to them, I will bring
15 out the alternates and I will excuse them.

16 (Pause.)

17 THE COURT: And for the rest of you back there, you're
18 welcome to go about your business, do whatever you need to
19 do now. They'll let you out the door if you need to use the
20 restroom or go.

21 (Pause.)

22 THE COURT: Coach, when you put that in there, will you
23 bring out for me the two alternates?

24 COACH: Okay, you got it.

25 (WHEREUPON, the jury began deliberations.)

1 THE COURT: Ladies, I want to thank you for being here.
2 I did not lose any jurors, so at this time, I'm going to go
3 ahead and excuse you from the trial of this case. If you're
4 interested to know what the jury's verdict is, you're
5 welcome to call the clerk of court's office either later
6 today or tomorrow and they will inform you. Say that you
7 sat as an alternate on the trial and you're just interested
8 in knowing your verdict.

9 Additionally, it is permissible for you to talk about
10 the case when you go home. At this point, you're no longer
11 on the jury, so that's not a problem and there's nothing
12 wrong with that. And sometimes people will ask you,
13 lawyers, investigators, they'll want to know what your
14 opinion is. You can talk to them if you want to, but you're
15 not required to in any way, all right? The only thing I do
16 ask is that if you've made friends with other members of the
17 jury, I do not want you speaking to them until they actually
18 have reached a verdict. I don't know that they would go
19 overnight, but if for any reason they did, I just don't want
20 you contacting them or talking to them until they've reached
21 a verdict, all right?

22 (WHEREUPON, the alternate jurors were excused.)

23 THE COURT: We'll just be at ease until we hear back
24 from the jury.

25 (WHEREUPON, Court was in recess awaiting a verdict.)

1 THE COURT: All right. It's my understanding the jury
2 has a verdict. I just want to caution those of you that are
3 in the gallery, please contain yourself. Of course, none of
4 us know what the verdict is, but I don't want to have any
5 outbursts, okay? I appreciate it.

6 (WHEREUPON, the jury enters the courtroom.)

7 THE COURT: Madam Foreperson, I understand the jury's
8 reached a verdict?

9 THE FOREPERSON: Yes.

10 THE COURT: Will you please hand it to the bailiff?
11 Will you please stand?

12 Do you want to read it?

13 THE CLERK: The State of South Carolina versus Trampas
14 Adam Prater, as to the charge of murder, we find the
15 Defendant, Trampas Adam Prater, guilty. As to the charge of
16 possession of weapon during a violent crime, we find the
17 Defendant, Trampas Adam Prater, guilty.

18 THE COURT: Thank you. You may be seated.

19 Ladies and gentlemen, what I'm going to do is say your
20 number, and I'm going to ask you two questions. The first
21 is going to be, was this your verdict, yes or no? Is this
22 still your verdict? And because I'm saying your number, I
23 would appreciate it if you would just kind of wave to me so
24 I know exactly who I'm addressing. All right?

25 So, Juror #124, sir, is this your verdict?

1 JUROR #124: It's my verdict.

2 THE COURT: Is this still your verdict?

3 JUROR #124: Still my verdict.

4 THE COURT: Thank you, sir.

5 Juror #76. Ma'am, is this your verdict?

6 JUROR #76: Yes.

7 THE COURT: Is this still your verdict?

8 JUROR #76: Yes.

9 THE COURT: Thank you.

10 Juror #116, sir, is this your verdict?

11 JUROR #116: Yes ma'am.

12 THE COURT: Is this still your verdict?

13 JUROR #116: Yes ma'am.

14 THE COURT: Thank you, sir.

15 Juror #7, ma'am, is this your verdict?

16 JUROR #7: Yes.

17 THE COURT: Is this still your verdict?

18 JUROR #7: Yes.

19 THE COURT: Thank you.

20 Juror #34, ma'am, is this your verdict?

21 JUROR #34: Yes ma'am.

22 THE COURT: Is this still your verdict?

23 JUROR #34: Yes ma'am.

24 THE COURT: Juror #59, sir, is this your verdict?

25 JUROR #59: Yes.

1 THE COURT: Is this still your verdict?
2 JUROR #59: Yes ma'am.
3 THE COURT: Thank you.
4 Juror #179, sir, is this your verdict?
5 JUROR #179: Yes.
6 THE COURT: Is this still your verdict?
7 JUROR #179: Yes.
8 THE COURT: Thank you.
9 Juror #111, sir, is this your verdict?
10 JUROR #111: Yes.
11 THE COURT: Is this still your verdict?
12 JUROR #111: Yes.
13 THE COURT: Juror #105, ma'am, is this your verdict?
14 JUROR #105: Yes, ma'am.
15 THE COURT: Is this still your verdict?
16 JUROR #105: Yes, ma'am.
17 THE COURT: Juror #185, sir, is this your verdict?
18 JUROR #185: Yes ma'am.
19 THE COURT: Is this still your verdict?
20 JUROR #185: Yes, ma'am.
21 THE COURT: Thank you.
22 Juror #71, sir, is this your verdict?
23 JUROR #71: Yes.
24 THE COURT: Is this still your verdict?
25 JUROR #71: Yes.

1 THE COURT: Thank you.

2 And Juror #82, ma'am, is this your verdict?

3 JUROR #82: Yes.

4 THE COURT: Is this still your verdict?

5 JUROR #82: Yes.

6 THE COURT: Thank you, ma'am.

7 Is there anything further required of this panel from
8 the State?

9 MR. EVANS: Not from the State, Your Honor.

10 THE COURT: From the Defense?

11 MR. SHELTON: No, ma'am.

12 THE COURT: Ladies and gentlemen, I want to thank you
13 for your service. You have resolved this case for us now,
14 and we much appreciate that. I will tell you that at this
15 time, I am going to excuse you for the remainder of the
16 week. You have earned your three-year exemption, and we
17 appreciate it, ladies and gentlemen.

18 I will tell you that tomorrow, what I'll be doing is
19 hearing guilty pleas, motions, bond motions, other things.
20 We're not going to have any more trials this week. And this
21 is a very busy time for criminal court during the holidays
22 between Thanksgiving and Christmas break. We've got a lot
23 going on in criminal court, so we're going to be working
24 hard to make sure that as many people as we can, we can get
25 out of jail or on to SCDC or just resolve their cases in

1 some other manner.

2 So, also, at this time, ladies and gentlemen, you are
3 permitted to discuss the case. When you go home, you can
4 tell your family members or friends what you're doing.
5 Also, sometimes the attorneys or an investigator may want to
6 ask you about your thoughts. You are permitted to talk
7 about the case if you'd like to, but you're not required to.
8 For any reason, you say no, thank you and someone persists,
9 you simply tell them, you know, no, thank you, call up to
10 the clerk of court's office and tell them who it is and your
11 name and number, and I will take care of them. All right?

12 So, again, ladies and gentlemen, thank you so much. I
13 will tell you that now what I have to do is go ahead and
14 sentence. And I'm not sure if we are going to do that
15 tonight or tomorrow morning because I'm going to be here all
16 day tomorrow as well. Typically, it takes a little while to
17 print the sentencing form. And I invite jurors, if they
18 want to wait and stay, you're welcome to. Or if you want to
19 leave, you're welcome to as well. You know, we want to make
20 sure you get back to you cars.

21 Do we want to go ahead and sentence tonight?

22 MR. SHELTON: Yes, Your Honor.

23 THE COURT: Okay, so I am going to go ahead and
24 sentence the Defendant tonight. So you are welcome to stay
25 and watch that if you would like. If so, keep your seats

1 right here and just stay there. If not, I'm going to ask
2 you to go ahead and excuse yourself right now and just make
3 sure you get back to your cars.

4 Additionally, if you need a letter for your work
5 telling them where you've been and your work excuse, I need
6 you to go down to the clerk of court's office when you leave
7 and they will go ahead and give you a form.

8 Ladies and gentlemen, again, thank you. We truly
9 appreciate it. You are excused. Thank you.

10 (WHEREUPON, the jury was excused.)

11 THE COURT: Mr. Evans, how long do you think it'll take
12 you?

13 MR. EVANS: 30 seconds, Judge.

14 THE COURT: Okay.

15 MR. SHELTON: Your Honor, for the purpose of the
16 record, I just renew all of motions made during the trial.

17 THE COURT: Thank you, Mr. Shelton. Noted for the
18 record.

19 (Pause.)

20 THE COURT: I want to hear from the State and let me
21 know who would like to speak.

22 MR. EVANS: They have indicated this morning that they
23 do not wish to speak.

24 THE COURT: Will you indicate to me who they are that
25 have been here during the entire trial and their

1 relationship to Mr. Miller. They don't have to personally
2 say it if they don't want to, you can introduce them. It's
3 whatever you feel comfortable with.

4 Sir, if you would just give me your name?

5 VICTIM'S FATHER: My name is Charlton Miller. Stuart
6 is my boy.

7 THE COURT: Thank you, sir.

8 VICTIM'S FATHER: This is my wife, Ann, the mother of
9 Stuart. This is his youngest brother, Jesse.

10 THE COURT: Thank you. How many children do you have,
11 sir?

12 VICTIM'S FATHER: I have three. We couldn't get ahold
13 of Stuart [sic] to bring him up here.

14 THE COURT: Sir, is there anything you would like to
15 tell me? Now's your opportunity if you'd like to speak.

16 VICTIM'S FATHER: No, ma'am. Because if I start
17 talking, I'm going to go to jail.

18 THE COURT: Solicitor, I'm, also, going to need to know
19 any prior convictions the Defendant has. And I
20 understand -- just any prior convictions.

21 MR. EVANS: Yes, Your Honor. His only prior conviction
22 came in 2021 in Colleton County. That was for unlawful
23 carrying.

24 THE COURT: Can you, also, tell me what the State's
25 position is on sentencing?

1 MR. EVANS: Normally, I would just defer to the Court
2 and defer to the victim's family. It is a tragic case.
3 It's a tragic case for Stuart's family. It's a tragic case
4 for Trampas and his family. Although they don't wish to
5 speak today, I am confident that they would wish for me to
6 request for a life sentence in this matter. I don't know
7 whether Your Honor is inclined to do that based on his
8 record. But I do think that a sentence -- given the nature
9 of the incident, I don't think a minimum sentence is
10 appropriate. I would ask Your Honor for, at least, a
11 sentence of 30 years.

12 THE COURT: Mr. Shelton, I will wait until whenever
13 you're ready, sir.

14 And additionally, I'm happy to hear from Mr. Prater's
15 family, who I know have been here.

16 MR. SHELTON: Your Honor, he had served prior to
17 bonding out 510 days based on my calculations from June 2nd
18 of 2022. He was able to bond out October 25th of 2023. He
19 was released on house arrest and ankle monitor. He had no
20 violations from the ankle monitor. I'd ask that you
21 consider the rest of that time while he's been out to
22 calculate towards any time.

23 Judge, obviously, Mr. Prater, indicates that he's
24 innocent of the charges. For that reason, I would warn him
25 not to express or talk. He was, also, a close friend of

1 Stuart. So it's a tragedy all around. It doesn't really
2 make any sense. There's no motive, nothing as to indicate
3 any of this. It's just a tragedy, Judge.

4 The unlawful carrying, I think, is now expungable. So
5 I would just ask Your Honor not to consider that in your
6 decisionmaking as far as the charge. His mother has been
7 here, a friend and his brother. His brother has been at
8 every court hearing. They obviously support Trampas. He
9 has an uncle that's in really bad health in West Virginia,
10 that if this came out the other way, he was planning on
11 moving up there and staying on some land out there of his
12 uncle's. His father's in some poor health right now. It's
13 a tragedy all around. I just ask Your Honor for a very
14 minimal sentence.

15 THE COURT: Can you tell me how old he is now?

16 MR. SHELTON: 25.

17 THE COURT: What type of work does he do?

18 MR. SHELTON: It's mechanic work. Does a little bit of
19 everything. He's cutting wood. He's trying to make extra
20 money.

21 THE DEFENDANT: [Indiscernible].

22 THE COURT: I'm sorry, I didn't understand what he
23 said, Mr. Shelton.

24 MR. SHELTON: I think he said y'all have the right --
25 they had the right plan.

1 He does have one child. Three? I'm sorry, I have some
2 pictures of two kids.

3 THE COURT: How old?

4 THE DEFENDANT: About eight and five and the youngest
5 one on the way.

6 THE COURT: On the charge of 2022-GS-25-247, it's for
7 possession of a weapon during a commission of a violent
8 crime, the sentence of this Court is to be committed to the
9 Department of Corrections for a period of life.

10 On indictment 2022-GS-25-247, possession of a weapon
11 during the commission of a violent crime. The sentence of
12 this Court is you be committed to the Department of
13 Corrections for a period of five years.

14 Good luck to you, sir.

15 We'll be at ease until tomorrow morning at nine
16 o'clock.

17 Did I read that off incorrectly?

18 MR. EVANS: I believe so. You said PWDC twice and you
19 did not indicate whether the sentences were concurrent or
20 not.

21 THE COURT: I apologize. Obviously, we all know that
22 there's a mandatory minimum on murder, so I apologize. As
23 far as -- I'm sorry.

24 MR. EVANS: Did I attach them wrong, Judge?

25 THE COURT: Yes, you did.

1 MR. EVANS: I apologize.

2 THE COURT: One doesn't say murder on it.

3 MR. EVANS: I apologize. Are they the same indictment?

4 THE COURT: Sir, which one is the murder indictment?

5 Is it 246 or 247?

6 MR. SHELTON: Six, Your Honor.

7 THE COURT: I'm sorry. Just so we are clear, the
8 indictment 2022-GS-25-246 for murder is a life sentence.
9 And the charge ending in 247 for possession of a weapon
10 during the commission of a violent crime is five years.

11 (WHEREUPON, the proceedings were concluded.)

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CERTIFICATE OF TRANSCRIBER

I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

July 7, 2024

Penny M. Johnson
Penny M. Johnson
Transcriber

WITNESSES

Det. D. Badger H.C.S.O.

DOCKET NO. 2022GS2500246

The State of South Carolina
County of Hampton

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2023

I _____
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2022A2510100093

THE STATE

vs.

Trampas Adam Prater

ACTION OF GRAND JURY

TRUE BILL

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

M. Taylor

Foreperson of Grand Jury

Date: 11-30-2023

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2022GS2500246

At a Court of General Sessions, convened on November 30, 2023, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about May 26, 2022, the Defendant, Trampas Adam Prater, did, with malice aforethought, kill Stuart Miller and Stuart Miller did die as a proximate result of Trampas Adam Prater's actions, to wit: The Defendant, Trampas Adam Prater, shot the victim, Stuart Miller, in the chest, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

TRUE BILL

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



Solicitor

WITNESSES

Det. D. Badger H.C.S.O.

DOCKET NO. 2022GS2500247

The State of South Carolina
County of Hampton

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2023

I _____
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2022A2510100094

THE STATE

vs.

Trampas Adam Prater

ACTION OF GRAND JURY

TRUE BILL

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

Defendant

Witness:

VERDICT

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:
INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2022GS2500247

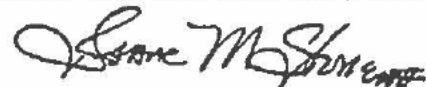
At a Court of General Sessions, convened on November 30, 2023, the Grand Jurors of Hampton County present upon their oath:

Possession of Weapon During Violent Crime

That in Hampton County, South Carolina, on or about May 26, 2022, the Defendant, Trampas Adam Prater, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime and Trampas Adam Prater was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

11A 301AT

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



Solicitor

STATE OF SOUTH CAROLINA

FILED

AM/RM

IN THE COURT OF GENERAL SESSIONS

COUNTY OF HAMPTON

DEC - 4 2024

STATE

VS.

MYLUNDA D NETTLES INDICTMENT/CASE#: 2022GS2500247
CLERK OF COURT
HAMPTON COUNTY, SC

TRAMPAS ADAM PRATER

AKA:

Race: White Sex: Male Age: 23

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED] SID# [REDACTED]

A/W#: 2022A2510100094

Date of Offense: 05/26/2022

S.C. Code §: 16-3-10

CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: ~~Possession of a Weapon During Commission of a Violent Crime~~ Murder

In violation of § 16-3-10 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. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

<u>Raele E. Em</u>	79925		
Solicitor	SC Bar #	Defendant	Attorney for Defendant
			SC Bar #

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

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

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.510 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.

STATE

TRAMPAS ADAM PRATER

INDICTMENT/CASE#:

246
2022GS2500247

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ 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: _____

☐ 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
§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
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§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
☐ 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: _____
Court Reporter: _____*Melinda D. Neff*
*Kyberlee Williams*Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

TRAMPAS ADAM PRATER

AKA:

Race: White Sex: Male Age: 23DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]FILED
AM/PM

DEC - 4 2024

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022GS2500247A/W#: 2022A2510100094Date of Offense: 05/26/2022S.C. Code §: 16-23-490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Possession of a Weapon During Commission of a Violent CrimeIn violation of § 16-23-490 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. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

<u>[Signature]</u>	79925			
Solicitor	SC Bar #	Defendant	Attorney for Defendant	SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years. Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to 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.
510 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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STATE

TRAMPAS ADAM PRATER

INDICTMENT/CASE#: 2022GS2500247

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ 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: _____

☐ 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 _____		\$
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3% to County (if paid in installments)	TBD	\$ 3.75
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☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

 Clerk of Court/Deputy Clerk: Myrinda D. Nettles
 Court Reporter: Kymberlee Williams

 Presiding Judge: _____
 Judge Code: 2192
 Sentence Date: 12/4/24

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED**Jul 02 2026****SC Court of Appeals**

Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of July, 2026.