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SC Court of Appeals

Exhibit B

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF PICKENS) IN THE CIRCUIT COURT 13
3 THE STATE,)
4) TRANSCRIPT OF RECORD
5 versus) 2023-GS-39-00560
6 RENNE LAVONNE SIMON,) 2023-GS-39-00561
7)
8) Defendant.)
9) February 23-26, 2026
10) Pickens

11 B E F O R E:

12 HONORABLE R. Lawton McIntosh, JUDGE; and a jury

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

Proceedings

1 THE COURT: For our meeting in chambers we can kind
2 of put that on the outline of the record if you like. If
3 not ---

4 MR. LAMPKE: Judge, just to --- to summarize our ---
5 our brief meeting in chambers here a moment ago. We
6 talked generally about logistics, the timing of motions,
7 you know, whether we'd be able to start the State's
8 case-in-chief today.

9 THE COURT: Right. And we decided we're going to
10 hear the --- the gender related motion now, because that
11 has an implication for jury selection and voir dire.

12 MS. NEWTON: That's correct, Your Honor. It's been
13 marked --- marked as Court's Exhibit 1 ---

14 THE COURT: Okay.

15 MS. NEWTON: --- on behalf of the defense. And then
16 I have Court's Exhibit 2, a attachment to supplement what
17 was previously filed with the Court ---

18 THE COURT: Okay.

19 MS. NEWTON: --- regarding our argument.

20 THE COURT: Let me ask the State --- and certainly
21 attempted murder or possession of weapon in the
22 commission of a violent crime, no element has to do with
23 gender. What could be relevant to this gender status of
24 this defendant?

25 MR. LAMPKE: Absolutely, Judge. So when you look at

Proceedings

1 State v Dickey, which is one of the cases that the State
2 cites in ---

3 THE COURT: You're talking about a sizing
4 differential?

5 MR. LAMPKE: Precisely, Judge.

6 THE COURT: That doesn't have to do with this case,
7 does it?

8 MR. LAMPKE: Judge, any time that we're talking
9 about self-defense ---

10 THE COURT: Trans --- what does transgender have to
11 do with weights, and size, or height, or anything of that
12 nature?

13 MR. LAMPKE: Judge, it talks about gender
14 differences. That being the physiological differences
15 between men and woman ---

16 THE COURT: That's not sufficient I can just tell
17 you. So I'm not going to allow it on that..

18 MR. LAMPKE: Absolutely, Judge. So just referring
19 to the defendant as a female, correct? Throughout the
20 entirety of the trial?

21 THE COURT: Right. Now, if you got a question,
22 I --- I had and I think I raised it in this counsel is in
23 Jackson-Denno when I looked at this morning before I came
24 here in the flash drive was that the defendant
25 voluntarily the -- that --- that status ---

Proceedings

1 MR. LAMPKE: Uh-huh.

2 THE COURT: --- to law enforcement. What effect
3 does that have on admissibility ---

4 MS. NEWTON: And Judge, I think we have --- and we
5 did not address this in chambers conference, but we
6 have --- depending on your ruling to our motions, which
7 we've been very good about communications regarding that.
8 And so if you --- for this one, but also for the others,
9 if you exclude the fact that the State's case-in-chief
10 cannot bring up her transgender status, then we have
11 agreed on the appropriate redactions for all of the ---

12 THE COURT: Okay.

13 MS. NEWTON: --- motions. And then we would intend
14 to ---

15 THE COURT: But my --- my question, though, I guess
16 I wasn't clear. If the defendant herself interjected
17 that into the discussion, does that somehow change the
18 admissibility of that issue in the record in this case?

19 MS. NEWTON: Well, Judge, I think in the event that
20 your ruling is that it's not relevant should be excluded,
21 that's a different type of communication. The State's
22 introducing the video for a different purpose. And she's
23 communicating with law enforcement about who she is in
24 general. I think that's very different than the State's
25 argument ---

Proceedings

1 THE COURT: What you --- how would you analyze it
2 then?

3 MS. NEWTON: I believe that her --- in a colloquial
4 sense, of just describing background, there's other
5 inadmissible evidence ---

6 THE COURT: I --- I'm totally not being clear. But
7 assuming that it were interjected by her, do you still
8 looking at it 403 or so or something like that? Is it,
9 you know, probe --- more prejudicial than probative?
10 Or ---

11 MS. NEWTON: Yes, Your Honor. I mean, our position
12 is that even though she does talk about herself and who
13 she is. I think where she'd come in her process, the
14 fact that she was housed as female, fully female name
15 change, all of that makes it more --- certainly more
16 prejudicial under 403, given our current populace.

17 She is just one-on-one with an officer, but for the
18 State to make an issue of that at the trial is going
19 directly to the biases of our juries and our population
20 particularly here in Pickens County. And so the
21 exclusion of that, I believe, is appropriate.

22 Now, certainly at the appropriate time when she ---
23 if she decides to testify, should she open the door, I
24 think then the State in --- at that point could bring it
25 up, but exclusion of it for their case-in-chief.

Proceedings

1 THE COURT: What's your position?

2 MR. LAMPKE: Judge, Your Honor's ruling was that
3 there was no relevance to the gender identity of the
4 defendant. Because of that, you know, when you're doing
5 403 analysis, if it's not relevant at all, then any
6 prejudicial value would necessarily substantially
7 outweigh it.

8 So if it's not being able to come in because of the
9 differences between the victim and the defendant, then we
10 don't argue that if you come in from any sort of back
11 door channel ---

12 (Simultaneous speaking)

13 THE COURT: I --- I'm going --- I'm going to exclude
14 it unless she opens the door. And (inaudible).

15 MR. LAMPKE: Absolutely, Judge. And has Ms. Newton
16 discussed, we talked about redactions on the
17 interrogation. I think that we'll be able to come to
18 Your Honor with a stipulation regarding the particular
19 redactions.

20 (Simultaneous speaking)

21 THE COURT: --- that will be helpful. All right.
22 We also discussed the strikes and I --- I --- I think
23 attempted murder is not in the statute, I'm going to give
24 you five okay. I know you want ten. I know you object
25 to it. So noted on the record. Okay.

Proceedings

1 MS. NEWTON: Thank you, Your Honor.

2 THE COURT: Everybody want to get two alternates?
3 Three alternates? How many we want to have? I --- I
4 prefer three. With my luck lately --- is that okay with
5 everybody?

6 MS. NEWTON: Yes, sir.

7 MR. LAMPKE: Yes, Your Honor.

8 THE COURT: Now, obviously, two and one of those.
9 Anything else before we bring the jury in?

10 MS. NEWTON: And Judge, what we didn't do ---

11 THE COURT: Okay.

12 MS. NEWTON: --- was communicate with courtroom one
13 and find out about where our jurors are.

14 THE COURT: They can bring them ---

15 MS. NEWTON: So.

16 THE COURT: --- up here.

17 MS. NEWTON: --- we assumed they were, maybe someone
18 down --- knows what's happening downstairs. Because they
19 were supposed to be picking a jury down there and then
20 going to send a panel up. We were --- oh, they haven't
21 even started. Okay.

22 THE COURT: Okay. So ---

23 MS. NEWTON: So ---

24 THE COURT: --- basically y'all let me know when
25 jury's up here. Let's go ahead and argue these other

Proceedings

1 motions.

2 MS. NEWTON: I was going to say, do you want us to
3 add while we've got time ---

4 THE COURT: Yeah, let's do ---

5 MS. NEWTON: --- on the record?

6 (Simultaneous speaking)

7 THE COURT: That makes sense.

8 MS. NEWTON: Okay.

9 THE COURT: Could we go get my State versus Ron
10 Benson. (Unintelligible) it's that first one.

11 This Court's Exhibit 1 and 2, what is the Trump
12 thing? I (unintelligible).

13 MS. NEWTON: It's --- it's his posts about trans ---

14 THE COURT: Oh.

15 MS. NEWTON: --- his reference to that. And then
16 it's there all of it is the remaining political posts in
17 the last two weeks that actively promote a certain
18 gender.

19 THE COURT: I'll make those Court's Exhibit 1 and 2.

20 (COURT'S EXHIBITS 1 AND 2 MARKED)

21 So we have motion to exclude victim's criminal
22 record.

23 I want to skip down since we --- I've got him to go
24 get --- pick up something for me. I want a motion to
25 release the victim's NCIC. Always bothers me that we

Proceedings

1 wait to this part of the trial and all of a sudden they
2 give you this stuff and is there any reason why you can't
3 (unintelligible).

4 MR. LAMPKE: Your Honor, based on our ---

5 THE COURT: I know you got to do a summary of it.
6 Can't you give it out under the Federal ---

7 (Simultaneous speaking)

8 MR. LAMPKE: Yes, Your Honor. And --- and I've
9 provided the defense with a summary of --- of the
10 victim's criminal record. I believe that I did that.

11 THE COURT: I think she thought your summary was
12 lacking.

13 MS. NEWTON: Judge, Mr. Huey's going to argue it,
14 but they are premarked as Court's 8 and 9. The summation
15 is 9.

16 THE COURT: We'll try and deal with fundamental
17 fairness and due process, right?

18 MR. LAMPKE: Yes, Your Honor.

19 THE COURT: Ms. Huey, go ahead and tell me why it's
20 not good.

21 MS. NEWTON: Well, Judge, I would argue that we be
22 allowed to get the NCIC, a copy of it. We're obviously
23 officers of the Court. They could certainly redacted FBI
24 numbers, dates of birth ---

25 THE COURT: I don't think the Federal --- somebody

Proceedings

1 told me the other day, and I don't know if it was here or
2 some --- they cannot make it --- they can't let you ---
3 you can look at it, they can't give you a copy of it.
4 That --- that's my understanding.

5 MS. NEWTON: And --- and I've heard that argument as
6 well. I can say --- now don't --- previously I --- as a
7 prosecutor I always gave the NCIC. I thought it was a
8 matter of fairness so that we can see the exact warrant
9 numbers, the indictment numbers, the dates, what's --- if
10 a charge has been reduced. I think the problem with the
11 summary is it's not necessarily we're finding ---

12 THE COURT: No, I --- I don't disagree with you
13 summary. I'm saying pop it up, let you look at it ---

14 MS. NEWTON: And --- and that's fine, Judge, if
15 that's the way you want to handle it. We're certainly
16 fine with that. We would just ---

17 THE COURT: Do you have a problem doing that?

18 MR. LAMPKE: No, Your Honor. We actually offered
19 that to defense earlier. I have a --- a copy here that
20 we can --- we can go over together whenever we have a
21 moment.

22 THE COURT: Okay. That --- that would make life ---
23 just I wasn't aware the Federal statute to just have the
24 dates. Somebody said something to me about it. That
25 just doesn't seem right, but it is what it is. Okay. So

Proceedings

1 we don't have to --- we --- everybody's okay with
2 NCIC ---

3 (Simultaneous speaking)

4 MS. NEWTON: --- we'll have a few minutes to look at
5 it Judge.

6 THE COURT: Absolutely. Absolutely. All right.
7 Criminal records. The first one I have with the State's
8 motion to exclude the victim's criminal record. What is
9 the criminal record of the victim?

10 MR. LAMPKE: Your Honor, the --- the victim's
11 criminal record --- I think the only thing that has some
12 argument for admissibility, are his domestic violence
13 convictions from essentially the early 2020s.

14 Judge, if you'd like I can go into the basis of the
15 State's argument.

16 THE COURT: Well, we --- under 609 ---

17 MR. LAMPKE: Uh-huh.

18 THE COURT: --- I'm looking at State versus Robinson
19 which I use and under 609(a)(1), the charge that
20 defendant had with a (unintelligible) incarceration for a
21 year or more ---

22 MR. LAMPKE: Uh-huh.

23 THE COURT: --- did it have that?

24 MR. LAMPKE: Yes, Your Honor. But I believe that
25 there's 403 balancing that's built into that ---

Proceedings

1 (Simultaneous speaking)

2 THE COURT: --- according --- according to State
3 versus Robinson --- I keep interrupting ---

4 MR. LAMPKE: You're fine, Judge, absolutely.

5 THE COURT: Here's --- here's --- if it's --- it's
6 admissible if the State establishes the probative value
7 outweighs the prejudicial impact ---

8 MR. LAMPKE: Uh-huh.

9 THE COURT: --- you have the burden of showing it's
10 admissibility and you go through the --- I call it the
11 coll C-O-L-L factors ---

12 MR. LAMPKE: Uh-huh.

13 THE COURT: --- could show that it is admissible,
14 and that's the standard.

15 MR. LAMPKE: Absolutely, Judge. I --- I think that
16 we're mixed up between the defendant's criminal record
17 and the victim's criminal record. Judge, the --- the
18 defendant's criminal record --- the defendant has a
19 pointing and presenting conviction. The State does not
20 intend to get into that in the State's case-in-chief. We
21 would only get into that ---

22 THE COURT: I thought your motion was the victim?

23 MR. LAMPKE: Precisely, Judge.

24 THE COURT: That's what I said.

25 MR. LAMPKE: Judge, the --- the victim's criminal

Proceedings

1 record is --- is not admissible and we think that it's
2 far more ---

3 (Simultaneous speaking)

4 THE COURT: --- you're right. I'm sorry. Sorry.

5 MR. LAMPKE: My --- my fault. It's just there are a
6 lot of motions going on. Regarding the --- the victim's
7 criminal record, we don't believe that it passes through
8 609. We don't think that's a --- a route of
9 admissibility for the victim's prior criminal record
10 because it's incredibly prejudicial. Judge ---

11 THE COURT: All right. Let me ask: Are you asking
12 that the victim's record come?

13 MS. NEWTON: Yes, sir, Your Honor. We would like to
14 be able to at least ---

15 THE COURT: You have the burden establishing that
16 it's admissible ---

17 MS. NEWTON: Yes, sir.

18 THE COURT: --- Robinson case.

19 MS. NEWTON: Yes, sir.

20 THE COURT: Let me --- and the way I --- I'm looking
21 at my notes, but under 609(a)(1) is a witness --- the
22 victim I think follows that --- may be excluded if
23 probative value substantially outweighed by the danger of
24 unfair prejudice, confusion, misleading delay, wasting
25 time, cumulative evidence, and again, the

1 (unintelligible) factors we got the ---

2 MS. NEWTON: Well, Your Honor, we think that it's
3 extremely probative in this case. The victim is the sole
4 witness to this incident. Just last week we were
5 provided with a new statement that added additional
6 statements --- or additional details to his statement.
7 So therefore credibility is absolutely going to be an
8 issue in this case.

9 Additionally, this case also may hinge on a
10 self-defense argument. And for that reason, we think his
11 domestic violence convictions should come in. We
12 understand that the victim --- or excuse me --- the
13 defendant in this case is not the victim of those
14 domestic violence charges. However, the entire time he
15 was incarcerated in SCDC, she was in communication with
16 him. She sent him money. She was well aware why he was
17 there.

18 Additionally, he literally got out of SCDC for the
19 domestic violence conviction a week before this incident
20 happened. So we think it's extremely probative in this
21 matter that ---

22 THE COURT: So how is it probative?

23 MS. NEWTON: Because ---

24 THE COURT: Basically, you're trying to show the
25 good he did before he did it again?

1 MS. NEWTON: Just that shows that he has --- no,
2 sir, not necessarily. But that he potentially has
3 violence tendencies, Your Honor. These were domestic
4 violence convictions involving two different women
5 within --- and a two different --- two-year time period.
6 So --- so we think it goes to his violent tendencies,
7 Your Honor, but also for impeachment purposes as to his
8 credibility.

9 Again, you've got differing versions of his
10 statement. And so we think we should be allowed to get
11 into that, Judge.

12 THE COURT: What's your responses?

13 MR. LAMPKE: Your Honor, 609 regards the
14 admissibility of a witness's prior conviction for the
15 purpose of speaking about the witness's character for
16 truthfulness. That's what the rule regards, not their
17 propensity for violence, which is what the defense is
18 attempting to use this prior criminal conviction for.

19 Judge, the --- the defense we think is trying to use
20 609 in order to talk about the victim's propensity for
21 violence. That being that because the --- the victim has
22 been convicted in the past of domestic violence, then he
23 must have acted violently in this incident and therefore
24 give credence to the defendant's possible self-defense
25 claim.

Proceedings

1 Judge, they're just trying to further back up
2 their --- their client's story regarding the victim being
3 the first aggressor, and to get into the victim's prior
4 convictions. It's --- it's pure propensity ---

5 THE COURT: I agree with you. I --- yeah, he may
6 open the door, (unintelligible) under 609(a)(1) first I
7 hadn't heard anything --- does anything but cause
8 (inaudible). Seemed to be excluded to me under the rules
9 and under Robinson case. I hadn't heard anything change
10 my mind about that. Now, it may be something happens in
11 the case that it does, but right now, initially, it's
12 not.

13 MS. NEWTON: Yes, sir. And if I may add one more
14 thing for the record.

15 THE COURT: You may, please.

16 MS. NEWTON: The only other thing I would add is
17 that if the issue of self-defense comes up, it would go
18 back to her reasonable fear in this situation. So we
19 would ask that possibly after the witness is proffered
20 that we could get into it then, Judge.

21 THE COURT: Okay. Yeah. And then I think you need
22 to get into it, let me know, we'll send the jury out, put
23 it on the record, and then we can make a call at that
24 time.

25 MS. NEWTON: Yes, sir. Thank you.

Proceedings

1 THE COURT: Fair enough.

2 MR. LAMPKE: Yes ---

3 THE COURT: Anything else from the State?

4 MR. LAMPKE: Nothing from the State in that regard,
5 Your Honor.

6 THE COURT: Okay. The defendant's prior record,
7 anything about that?

8 MR. LAMPKE: Judge, as --- as I noted in my pretrial
9 brief, we don't intend to get into the defendant's prior
10 record in State's case-in-chief. We just may get into it
11 either if the defendant testifies and they talk about
12 their character for peacefulness, or if the --- the
13 defense otherwise opens the door during
14 cross-examination ---

15 (Simultaneous speaking)

16 THE COURT: --- you're saying it's not admissible
17 unless somehow ---

18 MR. LAMPKE: Precisely, Judge.

19 THE COURT: All right.

20 MR. LAMPKE: And we would approach the Court before
21 we go anywhere near close to getting into any of that.

22 THE COURT: Okay. So basically, this leaves us to
23 this surveillance footage. And I told you earlier in
24 chambers that I was not going to let law enforcement
25 testify as to what they saw on the surveillance footage.

Proceedings

1 I thought it was a matter of fairness and due process.
2 And it's not available to the State has --- I mean the
3 defense hasn't been made available. He can't testify as
4 to what he saw. Now, maybe other thing she said that
5 it's also in the record. Okay. I don't see that being
6 something they can get into.

7 MR. LAMPKE: Your Honor, may I make my argument ---

8 THE COURT: You certainly may.

9 MR. LAMPKE: Thank you, Judge. So rule thousand ---
10 Rule 1004, says that evidence the contents of recordings
11 are admissible lost --- when the original has been lost
12 or destroyed and it didn't happen in bad faith. Judge,
13 State v Henley which was again cited in my brief ---
14 trial brief, says that we not --- cannot just assume bad
15 faith because evidence was lost. And State v Holcomb,
16 that Court stated that a trial court erred in a similar
17 situation by excluding evidence under the best evidence
18 rule where there was no evidence of bad faith.

19 Judge, one of those cases involved a letter which
20 supposedly gave a --- a motive to commit the crime that
21 the witness destroyed. Judge --- the trial judge in that
22 court, the Court ruled that the trial judge should have
23 allowed testimony regarding the contents of the
24 latter --- of the letter despite the fact that it had
25 been destroyed.

1 The key thing that I've looked at Judge, is that ---
2 that bad faith cannot be assumed just because evidence
3 was lost. Rule 1004 has a clear route of admissibility
4 for the testimony of the contents of an item, which will
5 be testimony of the officers as to their recollection of
6 the video.

7 So I would say that Rule 1004 applies to the
8 circumstance, and that we should be allowed to get into
9 testimony of the officers in --- in that regard. And the
10 defense obviously has the ability to --- to cross-examine
11 them at length regarding why they didn't keep the video,
12 the inconsistencies in their recollection, things of that
13 nature. But generally, because of State v Henley State v
14 Holcomb and 1004, we believe that it's generally
15 admissible.

16 THE COURT: I tell you what --- go ahead.

17 MS. NEWTON: And Judge, just for the record, we
18 marked this one as Court's 7, this motion. And the ---
19 our argument back to that is that the --- we do not have
20 the ability to, you know, cross-examine the actual video
21 itself. The cop's recollection and testimony of the
22 contents is also confrontation clause. We haven't seen
23 this angle. They infer and imply there's specific times
24 that are mentioned that are very important to this case.
25 And we think because of the press --- or the lack of

1 preservation of that angle that is referenced by multiple
2 police officers throughout, that it is certainly
3 prejudicial in the fact that we can't --- we don't have
4 that. And it's --- it should be kept up pursuant to 403.

5 We don't have --- I mean, the best evidence rule
6 allowing the recollection is not enough as to the
7 specifics from this angle that we cannot see and do not
8 see. The specifics as to what we do have and they have,
9 I think is appropriate, but --- and like this mention,
10 we --- of course we do intend to cross-examine the
11 officers about their lack of preservation of this, but
12 the specifics of it should be excluded.

13 THE COURT: Well, you're not --- now hang on. I'm
14 not going to let you get into it. You can't cross them
15 up on not (background noise).

16 MS. NEWTON: Okay.

17 THE COURT: Now, I --- let's do this: I want
18 you --- before you --- if you get to that point, let me
19 know. I want you to put it on the record. Let me hear
20 it outside the presence of the jury. I'll make a call at
21 that point. My --- my thought is I told you before, no.
22 And I think that's probably a better course is go ahead
23 and let me hear it and make a call at that point.

24 MR. LAMPKE: Absolutely, Judge. We'll bring it to
25 the Court's attention before we get into --- into that

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1 testimony.

2 THE COURT: Just ---

3 MS. NEWTON: And of course there's no intention
4 that --- or no even consideration that any of that would
5 have brought --- been brought up before or during
6 openings or any --- no concern that way. So we
7 appreciate that.

8 THE COURT: Any other matters that I need to
9 consider?

10 MS. NEWTON: No, I was just going to say how far
11 through Court's exhibits did we go? I think all the way
12 through ten covers our record.

13 THE COURT: Okay. I've got up here, eight, nine,
14 and I think one and two. So (background noise).

15 MS. NEWTON: Seven and two.

16 THE COURT: --- rest of them.

17 MS. NEWTON: Okay.

18 MR. LAMPKE: Judge, similar to the defense, we've
19 marked our prefile ---

20 THE COURT: Absolutely. Please ---

21 (Simultaneous speaking)

22 MR. LAMPKE: Absolutely.

23 THE COURT: --- make sure get it done.

24 MR. LAMPKE: Just for the purpose of the record, the
25 motion to exclude evidence relating to the victim's prior

Proceedings

1 criminal conviction is Court's 3. The State's response
2 to defendant's motion regarding defendant's prior
3 convictions is four. State's response to defendant's
4 motion regarding missing surveillance footage is five.
5 And state's response to defendant's motion regarding
6 gender status is six.

7 THE COURT: And for the --- for the record, if y'all
8 can stipulate to any exhibits that would be great. Have
9 y'all been able to? Or do you think you can?

10 MR. LAMPKE: Judge, we'll have a --- a conversation
11 here after jury selection. I believe that there is a lot
12 of photo evidence specifically, as well as probably the
13 other surveillance cameras as well as the defendant's
14 interrogation that we can --- we can have a conversation
15 about. I want to have to get the defendant --- the
16 defense ---

17 THE COURT: All right.

18 (Simultaneous speaking)

19 MR. LAMPKE: --- anything.

20 THE COURT: And just for the record, if it's not in
21 evidence don't bring it up in your --- don't show it in
22 your ---

23 MR. LAMPKE: Okay.

24 THE COURT: --- opening.

25 MR. LAMPKE: Absolutely, Judge. We don't intend to

Proceedings

1 publish any exhibits on opening statement.

2 THE COURT: Any other matters before we --- do you
3 know where we are as far as selection goes?

4 UNIDENTIFIED SPEAKER: We're having somebody check
5 right now, Judge.

6 THE COURT: Tell you what. I'm going to head back,
7 y'all just come in back when you are all ready.

8 MR. LAMPKE: Absolutely, Judge. Thank you.

9 THE COURT: Thank you.

10 (JUDGE EXITS COURTROOM)

11 (OFF THE RECORD)

12 THE COURT: Let me thank you for your patience. I
13 hear that you've been waiting around patiently. I want
14 to thank you for that. We actually have been working,
15 and we're about to begin jury selection in the first case
16 we have up here this morning. I'm going to ask the State
17 to call its case out.

18 MR. LAMPKE: Judge, typically we have the clerk of
19 court call the case. I --- I'd be happy to if you'd
20 like, though.

21 THE COURT: However you want to do it, buddy.

22 THE CLERK: This is docket number 2023-GS-39-560.
23 The State versus Renee Lavonne Simon, indicted for
24 attempted murder. Docket number 2023-GS-39-561 is
25 indictment for possession of a weapon during a commission

Proceedings

1 of a violent crime. You need these indictments, Your
2 Honor?

3 THE COURT: If you don't mind, Mr. Clerk. Thank
4 you. I tell you, your clerk of court is one of the best
5 in South Carolina. Counsel has the coolest callers in
6 South Carolina.

7 All right. Ladies and gentlemen, we're about to
8 begin jury selection. The case is state of South
9 Carolina versus Renee Lavonne --- is it Simon? Simon?

10 UNIDENTIFIED SPEAKER: Yes, sir.

11 THE COURT: Has it been --- has the jury been sworn
12 in, Mr. Clerk?

13 CLERK: The jury panel was sworn as a whole, Your
14 Honor.

15 THE COURT: Okay. Then you're still under oath.
16 Ladies and gentlemen, I have several questions to ask you
17 this morning. These are not as personal as Judge
18 Morgan's questions were, but if you don't want to stand
19 up and give the information in open court just make a
20 note to come up and talk to me at the end of this
21 process. Otherwise, stand up, give us your name, your
22 jury number, and answer the questions being asked, if you
23 don't mind.

24 First question is: Has anyone ever been related by
25 blood or marriage to Renee Lavonne Simon? Ms. Simon,

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1 would you mind standing for us, please? Thank you. All
2 right. Any member of the jury panel ever been related by
3 blood or marriage to Renee Lavonne Simon, please stand.

4 Has any member of the jury panel ever had a close
5 personal or social relationship with Renee Lavonne Simon?
6 If so, would you please stand.

7 Has any member of the jury panel ever been related
8 by blood or marriage to Sedric Holland? If so, would you
9 please stand.

10 Has any member the jury panel ever had a close
11 personal or social relationship with Sedric Holland? If
12 so, would you please stand.

13 All right. Ladies and gentlemen, I'm going to give
14 you a list of potential witnesses who may appear in this
15 matter. It's going to be roughly 21 names. So I'm going
16 to go over all them first then ask you some follow-up
17 questions. The potential witnesses are Nathan Galloway.
18 Chet Anthony, Chuck James, Brandon Pirie, Joshua
19 Genthner, Brian Langston, Scott Ticknor, Michael Land,
20 Kurt Sittmann, Dr. Derek Watson, from Prisma Health, Jen
21 Houts, Theresa Lantion, is it Lantion or Lan --- or
22 how --- how do you pronounce that?

23 MR. LAMPKE: I believe it's Lantion, Judge.

24 THE COURT: Lantion.

25 MR. LAMPKE: Lantion.

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1 THE COURT: I am so sorry. Kenneth Worthen, Jeffery
2 Dietrich, Anthony Gentile, Marcus Laraymond or Laraymond,
3 James Pickens. Earl Bryant, Kimberly Clark.

4 First, ladies and gentlemen, has any member of the
5 jury panel who did not get all of those names? If you
6 did not get all of the names, raise your hand.

7 Has any member of the jury panel ever been related
8 by blood or marriage to any of the potential witnesses
9 I've just given to you? If so, would you please stand.

10 Has any member of the jury panel ever had a close
11 personal or social relationship with any of the potential
12 witnesses I've just given to you? If so, would you
13 please stand.

14 Yes, sir, what is your jury number?

15 JUROR: 68. Plotkin Ferria (phonetic).

16 THE COURT: Okay. Mr. Ferria, which witness or
17 witnesses of those potential witnesses are those?

18 JUROR: Michael Land.

19 THE COURT: And how do you know Mr. Land.

20 JUROR: I'm not sure if it's the same Michael Land,
21 but it would be through work.

22 THE COURT: Mr. Land would be Greenville County
23 Sheriff's Office.

24 JUROR: No.

25 THE COURT: Okay. Anyone else?

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1 And formerly with the Greenville County Sheriff's
2 Office I should say; that change your answer?

3 JUROR: No.

4 THE COURT: Okay. All right. I'm going to ask
5 defense counsel to stand up and introduce yourselves for
6 us, please.

7 MS. NEWTON: Good morning, my name is Caroline
8 Newton and I along with Catherine Huey have the pleasure
9 of representing Ms. Simon.

10 THE COURT: State, please.

11 MR. LAMPKE: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 MR. LAMPKE: Good afternoon, everyone. My name is
14 Jake Lampke. I'm joined by my co-counsel Hunter Dunn.
15 Together, we're both representing the State in this
16 matter. We're both assistant solicitors here in the 13th
17 Circuit.

18 THE COURT: Has any member of the jury panel ever
19 been represented by any of these attorneys here in the
20 courtroom or any attorney that's employed by the 13th
21 Solicitor's --- Solicitor's Office or the 13th Circuit
22 Public Defender's Office? If so, would you please stand.

23 Has any member of the jury panel ever been related
24 by blood or marriage, or have you ever had a close
25 personal relationship with any of these attorneys here in

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1 the courtroom? Any attorney employed by the Solicitor's
2 Office, here in the 13th circuit? Or the Public
3 Defender's Office here in the 13th circuit? If so, would
4 you please stand.

5 JUROR: For purposes of the record, I've worked for
6 and against Jake Lampke, Hunter Dunn, and Caroline
7 Newton. In Laurens, Pickens, and Oconee County. And I
8 would consider them all friends.

9 THE COURT: Okay. And what is your jury number for
10 as far as the record?

11 JUROR: It's 8 and it will not bias my opinion.

12 THE COURT: All right. Ms. Baldwin, thank you.

13 Anyone else?

14 Ladies and gentlemen, as you heard this is an
15 indictment for attempted murder and possession of a
16 weapon during the commission of a violent crime, for
17 actions that allegedly occurred on or around
18 December 9th, of 2022 here in Greenville County.

19 Has any member of the jury panel read, heard, or
20 seen anything about the State of South Carolina versus
21 Renee Lavonne Simon prior to today? If so, would you
22 please stand.

23 MS. NEWTON: Judge, just for ---

24 THE COURT: Am --- I'm --- wrong dates?

25 MS. NEWTON: No. You mentioned --- you said,

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1 "Greenville County." We all are here in Pickens County.
2 We know that ---

3 THE COURT: That's right. I'm so used to ---

4 MS. NEWTON: --- I just wanted to clarify.

5 THE COURT: --- Pickens County. Thank you. I'm
6 from Anderson County. Pickens County. If so, would you
7 please stand.

8 As a follow-up to that, has any member of the jury
9 panel formed or expressed an opinion about any issue or
10 matter involved in the case the State of South Carolina
11 versus Renee Lavonne Simon, indicted on the charge of
12 attempted murder and possession of a weapon in the
13 commission of a violent crime? If so, would you please
14 stand.

15 Ladies and gentlemen, is any member of the jury
16 panel aware of any bias or prejudice that they may harbor
17 for or against the State of South Carolina and its
18 attorneys, or Renee Lavonne Simon and her attorneys? If
19 so, would you please stand.

20 Ladies and gentlemen, is there any member of the
21 jury panel that was a member of the Pickens County grand
22 jury that issued the indictments that are part of this
23 case? If so, would you please stand.

24 Ladies and gentlemen, is there any member of the
25 jury panel who is a member of or a contributor to any

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1 group which has its primary concern the promotion of law
2 enforcement or victim's rights? Example, but certainly
3 not an exhaustive list would be Madd, SADD, or CAVE. If
4 you are a member of or a contributor to any group which
5 has as a primary concern the promotion of law enforcement
6 or victim's rights, would you please stand.

7 Ladies and gentlemen, does any member of the jury
8 panel know of any reason whatsoever why he or she should
9 not be selected to serve in the trial of this matter with
10 particular emphasis being placed upon your ability to be
11 fair and impartial to the State and fair and impartial to
12 the defendant in this matter? If you know of any reason
13 why you should not serve, would you please stand. Yes,
14 sir. What's your jury number again?

15 JUROR: 68.

16 THE COURT: Okay. What's the reason?

17 JUROR: I'm unable to be unbiased against police.

18 THE COURT: Against the police?

19 JUROR: Yes, sir.

20 THE COURT: All right. Tell you what, I'm going to
21 excuse you from this trial. I'm going to have you sit in
22 the front row throughout the course of this trial if you
23 don't mind.

24 JUROR: Sure.

25 THE COURT: And each time we're in session, I'm

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1 going to ask you to be here for us. Okay?

2 JUROR: Okay.

3 THE COURT: All right. Thank you. Anyone else?

4 Has any member of the jury panel, or any members of
5 your immediate family, or close personal friends ever
6 been subjected to criminal charges filed by the 13th
7 Circuit Solicitor's Office or the Solicitor's Office of
8 any county in the State of South Carolina? If so, would
9 you please stand.

10 Ladies and gentlemen, have you, or any member of
11 your immediate family, or close personal friends, ever
12 had an interaction with the Pickens County Sheriff's
13 Office, Greenville Police Department, the Greenville
14 County Sheriff's Office, which would make it difficult
15 for you to serve on the jury in this matter and be fair
16 and impartial to both sides of this case? If so, would
17 you please stand. You've already (unintelligible).

18 And Mr. Clerk I'm going to ask you to remove that
19 juror from the jury selection process.

20 Ladies and gentlemen, is any member of the jury
21 panel a member of, or have you made a financial
22 contribution to any group that promotes criminal justice
23 reform, such as the legalization of drugs, or the
24 defunding of police? If so, would you please stand.

25 Does any member of the jury panel have a family

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1 member or a close personal friend who is currently
2 incarcerated in the Pickens County Detention Center or
3 the South Carolina Department of Corrections? If so,
4 would you please stand.

5 Ladies and gentlemen, does any member of the jury
6 panel have a --- a immediate family member or a close
7 personal friend who's been charged with and/or convicted
8 of a violent crime? If so, would you please stand.

9 As a follow-up to that, has any member of the jury
10 panel, or any member of their immediate family, or close
11 personal friends, ever been the victim of a violent
12 crime?

13 Ladies and gentlemen, has any member of the jury
14 panel, or their immediate families, or close personal
15 friends ever been employed by law enforcement in any
16 capacity?

17 JUROR: Your Honor.

18 THE COURT: Sir.

19 JUROR: I think you have one (unintelligible) back
20 here.

21 THE COURT: Okay. I'm sorry.

22 JUROR: (Unintelligible) victim of a violent crime.

23 THE COURT: Say that again? What is your jury
24 number?

25 JUROR: 1926.

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1 THE COURT: 26?

2 JUROR: 1926.

3 THE COURT: 196. You are Ms. Ruden.

4 JUROR: That's correct.

5 THE COURT: And you are the victim yourself?

6 JUROR: Many times. Yes.

7 THE COURT: Okay. And you don't have to tell me
8 what it was, but would that experience or those
9 experiences cause you to be unable to give both sides of
10 this case a fair and impartial trial?

11 JUROR: (Inaudible).

12 THE COURT: Are you sure?

13 JUROR: I'm sure.

14 THE COURT: Okay. Thank you, ma'am. If you want
15 any additional voir dire from the State or defense,
16 please let me know. Otherwise, I'm assuming you don't
17 have anything. Okay.

18 If you have one stand and don't raise your hand,
19 please.

20 JUROR: I just have a question.

21 THE COURT: What is your juror number?

22 JUROR: 181.

23 THE COURT: 181. Okay. You're Ms. Pfeifer?

24 JUROR: Yes.

25 THE COURT: Okay. Ms. Pfeifer.

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1 JUROR: You said if anybody was employed by law
2 enforcement?

3 THE COURT: Yes, ma'am.

4 JUROR: Yes, I was. But not in this state.

5 THE COURT: Okay. Well, when and where?

6 JUROR: State of Connecticut.

7 THE COURT: What were you --- what was your job
8 title?

9 JUROR: Corrections officer.

10 THE COURT: And --- and how long ago has that been?

11 JUROR: It's been eight years since I did that.

12 THE COURT: Eight years?

13 JUROR: Yes.

14 THE COURT: And would that cause you to be unable to
15 give both sides of this case a fair and impartial trial?

16 JUROR: No.

17 THE COURT: Thank you, ma'am.

18 Yes, sir. Your jury number.

19 JUROR: 21, sir.

20 THE COURT: 21. You're Mr. Bowser.

21 JUROR: Yes, sir.

22 THE COURT: Okay. Mr. Bowser.

23 JUROR: I --- I have prior law enforcement.

24 THE COURT: And what did you --- where did you work?

25 JUROR: North Charleston, (unintelligible) and I

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1 taught law enforcement for 18 years.

2 THE COURT: Okay. And --- and where did you ---
3 where did you teach that?

4 JUROR: Greenville County Schools.

5 THE COURT: Okay.

6 JUROR: Yes, sir.

7 THE COURT: Would that cause you to be unable to
8 give both sides of this case a fair and impartial trial?

9 JUROR: No, sir.

10 THE COURT: If law enforcement comes and testifies
11 in this case would it cause you to believe their
12 testimony over anybody else just because you're law
13 enforcement in your experience?

14 JUROR: Not at all.

15 THE COURT: Okay. Thank you, sir.

16 Yes, ma'am, your jury number.

17 JUROR: 116.

18 THE COURT: 116. You are Ms. Hudson?

19 JUROR: Yes.

20 THE COURT: Okay.

21 JUROR: My --- my brother was arrested by Pickens
22 County Sheriff's Office and served time for drugs.

23 THE COURT: Your brother was?

24 JUROR: Uh-huh.

25 THE COURT: And how long ago was that?

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1 JUROR: He's been out several years.

2 THE COURT: Several years. Do you mind telling me
3 the general nature of the charge?

4 JUROR: (Inaudible).

5 THE COURT: You don't know? Do you know how long he
6 served?

7 JUROR: (Inaudible).

8 THE COURT: You don't?

9 JUROR: Don't know. Not very long.

10 THE COURT: Okay. Well, would that experience from
11 your family member cause you to be unable to give both
12 sides of this case a fair and impartial trial?

13 JUROR: No.

14 THE COURT: You sure?

15 JUROR: I'm sure.

16 THE COURT: Thank you, ma'am.

17 Anyone else? Yes, sir.

18 JUROR: 228, Your Honor.

19 THE COURT: Okay. You Mr. Turco?

20 JUROR: Yes, sir. Former law enforcement officer in
21 Winston-Salem, North Carolina.

22 THE COURT: How long ago?

23 JUROR: '97 and '98. And then I returned to my home
24 State of New York to work in corrections for 20 years.

25 THE COURT: And how long ago was that?

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1 JUROR: I retired in 2019, Your Honor.

2 THE COURT: Okay. And would that cause you to be
3 unable to give both sides of this case a fair and
4 impartial trial?

5 JUROR: No, Your Honor.

6 THE COURT: Anyone else? Okay. Thank you.

7 Has any member of the jury panel, or any member of
8 their immediate family, or close personal friends, ever
9 worked for the Solicitor's Office in any capacity? If
10 so, would you please stand.

11 Yes, ma'am. Your jury number?

12 JUROR: 203.

13 THE COURT: 203?

14 JUROR: Uh-huh.

15 THE COURT: You're Ms. Sharpe?

16 JUROR: That's correct.

17 THE COURT: And what --- what capacity did you work
18 in?

19 JUROR: I didn't, but my roommate when I lived in
20 Charleston was working for the Solicitor's Office
21 (unintelligible).

22 THE COURT: Okay. And would that cause you to be
23 unable to give both sides of this case a fair and
24 impartial trial?

25 JUROR: No, sir.

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1 THE COURT: Thank you, ma'am. Anyone else?

2 Has any member of the jury panel, or any member of
3 their immediate family, or close personal friends ever
4 been represented by the Solicitor's Office or been a
5 victim in a criminal case? If so, would you please
6 stand.

7 Has any member of the jury panel or any member of
8 their immediate family ever worked on a political
9 campaign for the solicitor or Pickens County sheriff, or
10 donated money to either one of their campaigns? If so,
11 would you please stand.

12 JUROR: I put a big old Chuck James sign in my
13 parking lot.

14 THE COURT: What's your jury number?

15 JUROR: 184.

16 THE COURT: 184? Mr. Pressly?

17 JUROR: Uh-huh.

18 THE COURT: And whose sign was it.

19 JUROR: Chuck.

20 THE COURT: Okay. Okay.

21 JUROR: Yeah.

22 THE COURT: All right. And would that cause you to
23 be unable to be give both sides of this case is fair and
24 impartial trial?

25 JUROR: No.

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1 THE COURT: Thank you, sir. Anyone else?

2 Has any member of the jury panel ever posted or
3 commented on social media regarding their opinions about
4 the Solicitor's Office, defense attorneys, the judiciary,
5 or the court system? If so, would you please stand.

6 Let me tell you, I've read some of the things they
7 say about me on --- online and I tell you what it can
8 make you biassed. But --- all right.

9 Has any member of the jury panel ever posted or
10 commented on social media regarding their opinions about
11 guns or gun violence? If so, would you please stand.

12 Does any member of the jury panel feel that if law
13 enforcement arrests someone, that person is necessarily
14 guilty? If so, would you please stand.

15 Ladies and gentlemen, does any member of the jury
16 panel believe that if a person is shot, then that person
17 is necessarily to blame --- excuse me. Let me read that
18 again. Does any member of the jury panel believe that if
19 a person is shot, then someone else is necessarily to
20 blame? If so, would you please stand.

21 Ladies and gentlemen, does any member of the jury
22 panel believe that if a grand jury returns an indictment
23 against someone that he or she is necessarily guilty? If
24 so, would you please stand.

25 Does any member of the jury panel believe that a

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1 person charged with a crime should have to prove himself
2 or herself innocent of the charge for which they've been
3 arrested? If so, would you please stand.

4 Finally, has any member of the jury panel ever
5 served in a criminal trial prior to today? If so, would
6 you please stand.

7 All right. Other than questioned any additional
8 voir dire from the State?

9 MR. LAMPKE: Nothing additional from the State,
10 Judge.

11 THE COURT: From --- from the defense?

12 MS. NEWTON: No, Your Honor. We are
13 (unintelligible).

14 THE COURT: Very good. Thank you. All right.
15 Ladies and gentlemen, what we're getting ready to do ---
16 back in the day when I was trying cases, we would have
17 somebody stand up with a little spindle and they would
18 draw your names out. Then you would come forward and
19 they make sure that the process was done freely and done
20 in a unbiased manner. Now we're going to have a computer
21 that does that. In just a minute the clerk's going to
22 call out your name. If your name is called out, I'm
23 going to ask you to come forward and stand right here in
24 front of the clerk and let the State or the defense
25 decide whether or not you'll be selected to serve.

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1 Madam --- Mr. Clerk we're going to have three
2 alternates (unintelligible) please sir.

3 CLERK: Okay.

4 THE COURT: And try to go five and five and two on
5 one on alternates. Thank you. Yes, sir.

6 CLERK: Juror number 164. Gary Nicholson 164. What
7 says the State?

8 MR. LAMPKE: Please excuse this juror from the trial
9 of this case.

10 CLERK: Return to your seat, sir.

11 Juror number 106, Steven Hester. What says the
12 State?

13 MR. LAMPKE: Please present this juror.

14 CLERK: And the defense.

15 MS. NEWTON: Please excuse Mr. Hester.

16 CLERK: Please return to your seat, sir.

17 Juror number 227, Alice Tucker. What says the
18 State.

19 MR. LAMPKE: Please present this juror.

20 CLERK: And the defense.

21 MS. NEWTON: Please seat Ms. Tucker.

22 CLERK: Please have a seat in the jury box.

23 Juror number 209, Wanda Smith. What says the State?

24 MR. LAMPKE: Please seat this juror.

25 CLERK: And the defense?

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1 MS. NEWTON: Please seat Ms. Smith.

2 CLERK: Please have a seat in the jury box.

3 Juror number 241, Kitty Whitten. What says the
4 State?

5 MR. LAMPKE: Please present this juror.

6 CLERK: And the defense.

7 MS. NEWTON: Please seat Ms. Whitten.

8 CLERK: Please have a seat in the jury box.

9 Juror number 181, Vicki Pfeifer. What says the
10 State.

11 MR. LAMPKE: Please present this juror.

12 CLERK: And the defense.

13 MS. NEWTON: Please seat Ms. Pfeifer.

14 CLERK: Please have a seat in the jury box.

15 Juror number 242, Santia Wiley. What says the
16 State?

17 MR. LAMPKE: Please excuse this juror from the trial
18 in this case.

19 CLERK: Return to your seat, ma'am.

20 Juror number 38, Erika Counts. What says the State.

21 MR. LAMPKE: Please present this juror.

22 CLERK: And the defense.

23 MS. NEWTON: Please excuse Ms. Counts.

24 CLERK: Please return to your seat.

25 Juror number 105, Brian Herbst. What says the

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1 State.

2 MR. LAMPKE: Please present this juror.

3 CLERK: And the defense.

4 MS. NEWTON: Please seat Mr. Herbst.

5 CLERK: Please have a seat in the jury box.

6 Juror number 67, Janet Evatt. What says the State.

7 MR. LAMPKE: Please present this juror.

8 CLERK: And the defense.

9 MS. NEWTON: Please seat Ms. Evatt.

10 CLERK: Please have a seat in the jury box.

11 Juror number 234, Alyssa Watson. What says the

12 State.

13 MR. LAMPKE: Please present the juror.

14 CLERK: And the defense.

15 MS. NEWTON: Please seat Ms. Watson.

16 CLERK: Please have a seat in the jury box.

17 Juror number 230, Nicholas Vazsonyi. What says the

18 State.

19 MR. LAMPKE: Please excuse this juror from the trial
20 in this case.

21 CLERK: Please return to your seat, sir.

22 Juror number 187, Scott Ragsdale. What says the
23 State.

24 MR. LAMPKE: Please present this juror.

25 CLERK: And the defense.

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1 MS. NEWTON: Please seat Mr. Ragsdale.

2 CLERK: Please have a seat in the jury box.

3 Juror number 99, Anastasia Harris. What says the
4 State.

5 MR. LAMPKE: Please present this juror.

6 CLERK: And the defense.

7 MS. NEWTON: Please seat Ms. Harris.

8 CLERK: Please have a seat in the jury box.

9 Juror number 184, William Pressley. What says the
10 State.

11 MR. LAMPKE: Please present this juror.

12 CLERK: And the defense.

13 MS. NEWTON: Please excuse Mr. Pressley.

14 CLERK: Please return to your seat.

15 Juror number 192, Boots Roberts. What says the
16 State.

17 MR. LAMPKE: Please excuse this juror from the trial
18 in this case.

19 CLERK: Please return to your seat.

20 Juror number 145, Diana Martin. What says the
21 State.

22 MR. LAMPKE: Please present this juror.

23 CLERK: And the defense.

24 MS. NEWTON: Sorry. Please seat Ms. Martin.

25 CLERK: Please have a seat.

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1 MS. NEWTON: I just want to make sure her last name.

2 CLERK: Please have a seat in the jury box.

3 Juror number 27, Sonya Caldwell. What says the
4 State.

5 MR. LAMPKE: Please present this juror.

6 CLERK: And the defense.

7 MS. NEWTON: Please excuse Ms. Caldwell.

8 CLERK: Please return to your seat.

9 Juror number 144, Evan Marsh. What says the State.

10 MR. LAMPKE: Please present this juror.

11 CLERK: And the defense.

12 MS. NEWTON: Please seat Mr. Marsh.

13 CLERK: Please have a seat in the jury box.

14 Juror number 40, Ross Cronin. What says the State.

15 MR. LAMPKE: Please present this juror.

16 CLERK: And the defense.

17 MS. NEWTON: Please seat Mr. Cronin.

18 CLERK: Please have a seat in the jury box.

19 This will be for the first alternate. Juror number
20 165, Christine Nix. What says the State.

21 MR. LAMPKE: Please present this juror.

22 CLERK: And the defense.

23 MS. NEWTON: Please seat Ms. Nix.

24 CLERK: Please have a seat in the jury box.

25 Juror number 180, Cameron Perfater. What says the

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1 State.

2 MR. LAMPKE: Please present this juror.

3 CLERK: And the defense.

4 MS. NEWTON: Please excuse Mr. Perfater.

5 CLERK: Return to your seat, sir.

6 Juror number 64, Samuel Ellenburg. What says the
7 State.

8 MR. LAMPKE: Please present this juror.

9 CLERK: And the defense.

10 MS. NEWTON: Please seat Mr. Ellenburg.

11 CLERK: Please have a seat in the jury box.

12 Juror number 228, Andre Turco. What says the State.

13 MR. LAMPKE: Please present this juror.

14 CLERK: And the defense.

15 MS. NEWTON: Please seat Mr. Turco.

16 CLERK: Please have a seat in the jury box.

17 THE COURT: Mr. Clerk. Any motions directed to the
18 jury selection process for the State?

19 MR. LAMPKE: Nothing from the State, Judge.

20 THE COURT: From the defense.

21 MS. NEWTON: No, Your Honor.

22 THE COURT: Very good. All right. Ladies and
23 gentlemen, those of you who are selected, I'm going ask
24 that you --- let me see the attorneys up here right quick
25 (inaudible). Let them go.

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1 Be back in Courtroom 1 tomorrow morning at 9:30.
2 Tomorrow morning at 9:30. Those of you who are out there
3 in the gallery, if you'd return to Courtroom Number 1
4 tomorrow morning at 9:30. Judge Morgan will have jury
5 selection at that point.

6 I'm going to excuse you for the rest of the
7 afternoon. Thank you very much.

8 UNIDENTIFIED SPEAKER: Judge, briefly, I have to
9 work in the morning (unintelligible).

10 THE COURT: (Unintelligible). Go ahead and excuse
11 you for your lunch break. Be back in the jury room at
12 2:30. We'll begin the trial at that time.
13 (Unintelligible) bailiff.

14 (JURY EXITS COURTROOM)

15 THE COURT: We had some earlier matters on the
16 record. There was a Jackson-Denno; is that correct?

17 MS. NEWTON: Yes, Your Honor. We were just ---
18 defense was just wanting a ruling as to the voluntariness
19 of the defendant's statement which we believe and the
20 State has indicated they do intend to introduce.

21 THE COURT: And that was based on the --- what I got
22 on the flash drive is correct?

23 MS. NEWTON: Yes, Your Honor.

24 THE COURT: On the flash drive, there's no question
25 that Ms. Simon's in custody. The questions she's being

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1 interrogated, but she received Miranda. It was explained
2 to her. She signed off on it. And so I --- I think
3 there's no problem with it at this juncture. So it's
4 admissible --- with to the extent of the redactions
5 (unintelligible). And y'all --- have y'all been able to
6 get those numbers figured out?

7 MR. LAMPKE: Judge, we'll discuss those during our
8 lunch break. I also have both a copy of the Miranda form
9 as well as the interrogation if I can make that a Court's
10 exhibit just so the record's ---

11 THE COURT: Sure.

12 MR. LAMPKE: Thank you, Your Honor.

13 THE COURT: Any objection to that?

14 MS. NEWTON: No, Your Honor.

15 THE COURT: Okay. All right. So you going to ---

16 MS. NEWTON: Judge, just for --- and I think --- I
17 don't even think that that the --- actually based on our
18 conversations even needs to present the witness. I just
19 want the Court to know on that Miranda form the time that
20 the interview took place, which was somewhere around
21 starting after 11:30 at night and went until 1:00 in the
22 morning.

23 THE COURT: Okay. Very good. Ms. Simon's out on
24 bond, she's going to continue on GPS monitoring; is that
25 correct?

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1 MS. NEWTON: Yes, Your Honor.

2 THE COURT: Just --- and I have to tell this to
3 everybody, so take no offense, but if you don't appear, a
4 bench warrant will be issued. And second, the trial will
5 continue in your absence; okay?

6 MS. SIMON: Yes, Your Honor.

7 THE COURT: (Inaudible) my watch (unintelligible).

8 MS. NEWTON: --- is it checking your blood pressure?

9 THE COURT: (Inaudible).

10 (OFF THE RECORD)

11 THE COURT: We should have one more.

12 CLERK: There's three alternates.

13 THE COURT: Yeah.

14 CLERK: We have Christine Nix, we have Sam
15 Ellenburg, we have Andre ---

16 THE COURT: There you go. Perfect. All right.
17 Now, our alternates still use those chairs when you come
18 in and out of the courtroom, it helps us keep up
19 (background noise).

20 And because of the time constraints earlier this
21 morning and, normally, I would have gotten y'all to pick
22 your foreperson. I'm going to have you sworn in, I'm
23 going to give you some instructions, let the attorneys
24 give their opening statements, and then I'm going to send
25 you back and let y'all select a foreperson in just a

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1 minute. Our alternates may not serve as forepersons, but
2 have a right to vote. The foreperson will just be
3 someone who communicates with me during the time that you
4 need communications, and presides over the jury's
5 deliberations at the end of the day. And I'll tell you
6 more about that in judgment.

7 Mr. Clerk are you ready to swear the jury, please.

8 CLERK: Yes, sir, Your Honor. If you would please
9 stand.

10 (JURY SWORN)

11 THE COURT: All right. Ladies and gentlemen, we're
12 about to give the trial the State of South Carolina
13 versus Renee Lavonne Simon who has been indicted and
14 charged with attempted murder and possession of a weapon
15 in the commission of a violent crime.

16 I don't know if any of you have ever been involved
17 in a trial before, civil or criminal. I would suspect,
18 however, that each and every one of you has watched on
19 TV, or at the movies, some court --- had a trial. This is
20 not like what you have seen on TV. This is not like the
21 movie theater. Trials are very slow. They're very
22 methodical, they're very deliberate. They're certainly
23 not entertainment, but they are a fundamental part of our
24 democracy.

25 Now ladies and gentlemen, attorneys when they're

1 sworn in, part of the oath that they take is that they
2 will zealously represent their client's interests for the
3 court. And I know these attorneys you expect no less
4 from them and they're fine attorneys.

5 They're also officers of the court. So that means
6 you can expect of them that they will be professional,
7 and competent, and ethical in their dealings with one
8 another, and dealings with witnesses that come before the
9 court, and their dealing with me.

10 Now, you've just taken an oath where you swore or
11 affirmed that you would try to reach a fair and just
12 verdict in this case. That means that the parties, the
13 attorneys, the court has the right to expect of you that
14 you will be fair, that you will be impartial and that you
15 will be ethical in your dealings in this matter.

16 Now, what I'm telling you now is not the law that
17 you will apply. I will give that to you at the end of
18 the case. Now I'll give you just some introductory ideas
19 and a road map so you kind of know where you are
20 throughout the course of this process.

21 First of all, is there anyone who would like to have
22 a pad and pen it take notes with the course of this
23 trial? If you would, during your break and you pick a
24 foreperson. Once that person names --- gets named, I'm
25 going to ask them to write their name down on a piece of

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1 paper and just write the number of people that would like
2 to have pad and pen. They will make those available to
3 you.

4 Those are you who are exercising your right to have
5 a pad and pen, let me just tell you this: Some judges
6 don't let --- they --- they worry about you getting
7 distracted and then not paying attention to the
8 testimony. So be careful.

9 One of the things that you were called upon as
10 jurors to do is determine credibility of the evidence.
11 In other words, the believability of the testimony before
12 you. You have the right collectively to believe all, or
13 part, or none of any witness's testimony that comes
14 before you in making this determination. You need to
15 watch the witnesses and see how they react to questions
16 being posed to them. There may be something in their
17 reaction while they're sitting on the stand that gives
18 the indication to you that you should or should not
19 believe any --- any, all, or any part of their testimony.
20 But if you become so engrossed in your notes, you may
21 miss that.

22 Also, at the end of the day, I'll remind you that
23 just because something appears in one of your notes,
24 doesn't mean --- trump somebody's memory. So some people
25 are better note takers than listeners, some people are

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1 better listeners than note takers. At the end of the
2 day, if there is a discrepancy between a note and
3 somebody's memory, that's why they're called
4 deliberations, you'll just have to hash them out.

5 Now, I told you in this case and you've heard the
6 defendant's been indicted and charged with attempted
7 murder and possession of a weapon during the commission
8 of a violent crime. I'll tell you the elements of that
9 charge at the end of the day when I give you the law in
10 this case.

11 Let me point out something. These two things I have
12 in my hand are call indictments. These do not --- these
13 indictments are not evidence of guilt. They don't raise
14 an inference nor presumption of guilt. They will not go
15 back with you into your deliberations. These are simply
16 the documents and the mechanism by which the State of
17 South Carolina will bring a defendant such as this one
18 before the court for a trial and a determination by you
19 of guilt or innocence.

20 In fact the defendant in this case says I'm not
21 guilty to both of the charges and upon that charge of not
22 guilty, they become presumed innocent. And that
23 presumption will last throughout the entirety of this
24 trial and into your deliberations, unless and until you
25 are convinced that the State has proven each and every

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1 element of the charges against this defendant by proof
2 beyond a reasonable doubt. At the end of the day,
3 you --- it will be up to you to decide whether the State
4 has met its burden of proving the defendant's guilt by
5 proof beyond a reasonable doubt.

6 The defendant does not have to do a thing. It has
7 no burden. The defendant not have to testify, does not
8 have to present any evidence, doesn't even have to say
9 anything in this trial because the burden at all times is
10 on the State to prove his guilt beyond a reasonable
11 doubt. And again, you'll be called upon to see whether
12 or not the State has met that burden at the end of this
13 case.

14 So let me give you a definition of reasonable doubt
15 so you can kind of have that in your mind as this trial
16 goes on. Reasonable doubt, ladies and gentlemen, is the
17 kind of doubt that would cause a reasonable, sincere,
18 conscientious and --- and honest person to hesitate to
19 act in an important matter in their own affairs. It is
20 proof that leaves you firmly convinced of the defendant's
21 guilt.

22 Now, that it being said, ladies and gentlemen, there
23 are very few things in this world that we know with
24 absolute certainty and the law does not require the State
25 to overcome every certainty that may appear in this case.

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1 At the end of this case, when you begin your
2 deliberations, if you are firmly convinced the defendant
3 is guilty of the crimes for which he --- she has been
4 charged, it's your duty to find her guilty. On the other
5 hand, if you think there's a real possibility that the
6 defendant is not guilty, you must give her the benefit of
7 the doubt and find her not guilty.

8 A reasonable doubt may arise from the evidence, but
9 it may also arise from lack of evidence. And I further
10 instruct you that a defendant is entitled to every
11 reasonable doubt that may arise in a case, and what that
12 simply means is this: That if upon any issue of fact
13 essential to a conviction and a verdict of guilty for the
14 defense for which the defendant's been charged, if you
15 have any reasonable doubt as to how that charge is to be
16 resolved, then it's your duty to resolve it in favor of
17 the defendant.

18 Now, ladies and gentlemen, your purpose as jurors
19 are to find facts. You and you alone will determine what
20 the facts in this case are. And that's what your verdict
21 is going to be. No one has a right to interfere and
22 intervene, and your sole function is to be factfinders.

23 If I say anything or do anything throughout the
24 course of this trial that seems to indicate to you how
25 you are to find facts and what your verdict is going to

1 be, I'm going to ask you, but also instruct you to
2 disregard it. Our constitution does not allow me to have
3 an opinion or state an opinion on the record about your
4 facts of the case. You and you alone will determine what
5 those facts are. And you will determine what the facts
6 are based on the testimony and evidence you hear from the
7 witness stand and any exhibits that I allow into
8 evidence. You will make your findings of fact and any
9 inferences from those facts can also apply the law as I
10 give it to you, and ultimately reach your conclusion at
11 the end of this case.

12 Now, in every --- in the law that makes you the sole
13 judges of what the facts are, it makes me the sole judge
14 of what the law is. You may not agree with it, you may
15 think it ought be something other than what it is, but it
16 would be a dereliction of your duty not to apply the law
17 as I give it to you. I'll tell you that there is a Court
18 of Appeals or a Supreme Court who will correct any legal
19 errors I may make in charging you what the law is. But
20 it's your duty to accept it as I give it to you.

21 Now, in every case, ladies and gentlemen, there are
22 five phases. In just a minute the State is going to make
23 an opening statement. What the attorney for the State
24 tells you is not evidence. He is not sworn in, he is not
25 subjected to cross-examination. Not to minimize the

1 importance of what he tells you, but it's not evidence.
2 He'll tell you what his contentions are about this case
3 and why he has those contentions.

4 In just a minute the defense may, but is not
5 required to give you an opening statement, because the
6 burden at that time all times is on the State to prove
7 the defendant's guilt. To the extent the defense decides
8 they want to take advantage of their right to have an
9 opening statement it is not evidence either. Again, it's
10 solely their contentions about what their case is.

11 Now, if you run into these attorneys throughout the
12 course of this case, they know they can't talk to you.
13 Pickens --- I come from Anderson, we're small towns, we
14 may run into each other throughout the course of this
15 case. Do not try to talk to the attorneys if you don't
16 mind. They will not talk to you throughout this case.
17 And that goes for the witnesses who may appear in the
18 course of this case.

19 Also, I have to tell you --- give you the don't
20 speech it's required in every case. First, you are not
21 allowed to engage in independent research as jurors in
22 this case. You must make your decision based on the
23 testimony and evidence you hear in this courtroom and
24 according to the law as I give it to you. That means you
25 cannot read, hear, or see anything about this case. It

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1 may be out there in the media if there's anything out
2 there at all.

3 Recently, we had a case Anderson County where one of
4 the jurors decided to go visit the site. That's
5 independent jury research. You've got to make your
6 decision based on the testimony presented to you here in
7 this courtroom and according to the law as I give it to
8 you. Do not look up anything about anything,
9 participants, the attorneys, myself. At the end of the
10 day when you're excused from this case, you can look it
11 up to your heart's desire.

12 Also, you can't talk to anybody about this case
13 while you're serving as a juror. I'm married. I know if
14 I was on a jury my spouse would want to know what my case
15 was about and what --- what the case was about. Wait
16 until the case is over to talk to your friends, or
17 spouses, or significant others, or anyone about this
18 case. And that includes face-to-face communications
19 texts, e-mails or any communications I'm not
20 sophisticated enough to understand. Just don't talk
21 about it with anybody.

22 And that includes amongst yourselves. A lot of
23 times jurors walk out and say, did you see what just
24 happened in there? Did you hear about that objection and
25 the judge's ruling on that? That is considered early

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1 deliberations and it could result in a mistrial. So do
2 not engage in it.

3 Whoever will ultimately be our foreperson, I'm going
4 to tell you now and I remind you if you hear any of our
5 jurors engages in early communications about the case, it
6 will be your duty to make sure it is not done.

7 With that said, ladies and gentlemen, after the
8 opening statements there will be the presentation of the
9 evidence, the State has the burden and they will go
10 first. Defense has a right to, but it not required to
11 present evidence, after which the State may reply if they
12 desire to. After the presentation of the evidence, there
13 will be closing arguments, then I'll charge you on the
14 law and then you'll begin your deliberations. Those are
15 the five phases. I'll tell you so that you'll know at
16 any given time.

17 Finally, ladies and gentlemen, lawyers are required
18 as part of their oath to object any time he or she sees
19 something that's improper by way of evidence or procedure
20 in the court or trial. I suspect this case will be no
21 different than any other. The fact that there's an
22 objection and --- extent I'll let you see my ruling on
23 it. It's not to be part of your deliberations at the end
24 of the day. Suffice to say, that's solely the part of
25 the process as far as in all cases.

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1 With that being said, I send you back to your jury
2 room, won't even have a chance to sit down before I bring
3 you back for opening statements. I just need to check in
4 whether or not what I've told you is objectionable,
5 whether I need to correct anything I've told you. But if
6 you go back to jury room.

7 (JURY EXITS COURTROOM)

8 THE COURT: I know we got some things to put on the
9 record, but any additions or objections to my
10 instructions?

11 MR. LAMPKE: Nothing from the State.

12 THE COURT: And the defense?

13 MS. NEWTON: No, Your Honor.

14 THE COURT: All right. So I know that there are
15 some interview redactions and things y'all want to put on
16 the record. Any other matters you want to put on the
17 record before we get started?

18 MR. LAMPKE: Judge, me and Ms. Newton are still in
19 the process of talking about the particular redactions.
20 So we'll probably have that figured out by either this
21 evening or tomorrow morning, but we don't have anything
22 else to put on the record before opening statements.

23 THE COURT: All right. Y'all need to get that done.
24 Now, I ---

25 MR. LAMPKE: Absolutely, Judge.

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1 THE COURT: Any other exhibits y'all have stipulated
2 to their admissibility, or that ---

3 MR. LAMPKE: Judge, same thing. We need a --- talk
4 about the particulars. We generally discuss before the
5 lunch break the crime scene photos about that witness
6 that we're going to have called tomorrow. We just have
7 to talk about the particular ones. But to answer your
8 question directly, there are no exhibits at this point
9 before opening statement that have already been
10 pre-admitted, so we don't intend to use any on opening
11 statement.

12 MS. NEWTON: That's correct, Judge. And the only
13 thing that I believe we didn't address is the
14 sequestration of the witnesses. We would be asking that
15 that ---

16 THE COURT: That's granted. Do we have any
17 witnesses here in the courtroom?

18 MR. LAMPKE: Judge, we have the --- just the victim,
19 but he has ---

20 THE COURT: Victim has a right to be here ---

21 MR. LAMPKE: Precisely ---

22 THE COURT: --- the investigating officer has a
23 right to be here. Otherwise, I'm going to ask that if
24 you're a witness to please step out. And the lawyers,
25 y'all know who your witnessing are, make sure --- look

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1 around and make sure that that they're not here, they may
2 not have heard that. Make sure they are (inaudible).

3 MR. LAMPKE: Absolutely, Judge.

4 THE COURT: All right. You ready for opening
5 statements?

6 MR. LAMPKE: Yes, Your Honor. The State's ready to
7 proceed.

8 THE COURT: Y'all ready?

9 MS. NEWTON: We are, Your Honor.

10 THE COURT: Okay. Bring the jury in, please.
11 After opening statements, I will send them back and
12 let them pick a foreperson.

13 MS. NEWTON: Okay.

14 (JURY ENTERS COURTROOM)

15 THE COURT: Juror number 40 is (background noise).

16 UNIDENTIFIED SPEAKER: Yes, sir.

17 THE COURT: Okay. So you'll use that chair.

18 JUROR: Yes, sir.

19 THE COURT: And after the opening statements, if
20 you'll check with your fellow jurors to see if anyone
21 would like to have a pad and pencil.

22 JUROR: We've taken care of that, sir.

23 THE COURT: Y'all have taken care of that?

24 JUROR: Yes, sir.

25 THE COURT: Very efficient (inaudible).

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1 All right. State ready for opening
2 statements?

3 MR. DUNN: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. DUNN: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. DUNN: The defendant shot the victim in the back
8 and left them for dead. Ladies and gentlemen, what
9 you're going to learn throughout the course of this trial
10 is that on the night of December 9th of 2022, a man named
11 Kenneth Worthen was driving home from work. He was on
12 Highway 123 heading towards east, it was nearly 9:00. It
13 was dark outside and a little bit rainy. You're going to
14 learn that he was driving over by the Hot Spot next to
15 the racetrack on 123.

16 You're going to hear about how he saw a figure in
17 the road. That figure came up on him quick and he had to
18 quickly serve out of the way as he realized that that
19 figure was a man lying face down in the right-hand lane.

20 And unfortunately, members of the jury, in
21 today's --- today's society, there are a lot of people
22 who probably would have just kept on driving. The
23 witness stopped. (Unintelligible). But fortunately,
24 Kenneth Worthen was not one of those people. You'll
25 learn that Kenneth was a firefighter for over 30 years.

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1 He was a first responder and those habits die hard.

2 You're going to hear about how he stopped his car,
3 and waded back into oncoming traffic to reach the man who
4 was lying in the road. You're going to hear about how he
5 called 911. How he diverted traffic, how he almost got
6 hit by cars himself. And he even administered medical
7 aid to the person lying on the ground.

8 And that man that Kenneth found in the road, members
9 of the jury, that's the victim in today's case, a man
10 named Sedric Anthony Holland. You're going to hear about
11 Kenneth, how he reached down tried to talk to Sedric,
12 asked him what was wrong, what happened. You're going to
13 learn about how Kenneth learned and Sedric told him, I
14 was shot.

15 Now, Kenneth didn't stop there, he tried to spring
16 into action, tried to find bullet holes on Sedric's body.
17 You're going to hear from Kenneth about how he could feel
18 a bullet protruding against the skin of Sedric's lower
19 left stomach. Flipped him over and he was able to find a
20 bullet hole right here in Sedric's back. Because what
21 the evidence will show you in this case, members of the
22 jury, is that on the night of December 9th, of 2022, the
23 defendant Renee Lavonne Simon shot Sedric in the back and
24 then left him for dead on the road.

25 But to understand how and why that happened, ladies

1 and gentlemen, we have to start from the beginning. See
2 what you'll learn is that Sedric and the defendant had
3 known each other for years. That in the course of that
4 time, they began an on again off again relationship. The
5 kind of relationship that wasn't exclusive, but they were
6 definitely more than friends and they were intimate. At
7 least that was Sedric's understanding. Which you're
8 going to learn is that that was not the defendant's
9 understanding of their relationship and especially not
10 their exclusivity. You're going to see the defendant was
11 possessive and even controlling Sedric.

12 Now, on December 9th of 2022, the two of them were
13 the on again stage of their relationship. They had been
14 seeing each other and had agreed to meet up. They'd
15 agreed to meet up at the Hot Spot over on 123. But what
16 Sedric didn't know at that time, but what you will learn
17 is that the defendant was livid. They were furious with
18 Sedric. Because the defendant had found out that Sedric
19 was sleeping with somebody else.

20 So you're going to hear about how the two of them
21 met up, how the defendant got into Sedric's car, a 1999
22 Chevrolet Tahoe, how the defendant asked Sedric to drive
23 to a more secluded spot. And Sedric did so. And that
24 they expected them to have a intimate interaction when
25 they got to a more secluded spot. You're going to hear

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1 about how they left the Hot Spot on 123 and went over to
2 a lot at a place called Monty's Auto. And in that
3 parking lot you're going to hear about how said put his
4 car in drive, turned to his right, and was faced with a
5 confrontation from the defendant. You're going to hear
6 about how the defendant pulled a small semi-automatic
7 handgun out of their boot and started to berate Sedric
8 about who he slept with, who he's been in a room with, so
9 on and so forth. Sedric realized that he'd been set up
10 and was looking at the gun and he could see the plastic
11 bag around the gun that could catch the shell casings
12 when the defendant shot.

13 In that moment, Sedric had a decision to make. And
14 at first he tried to calm things down. Calm the
15 defendant down. But that did not work. So you're going
16 to hear about how Sedric sat up, tried to push the gun
17 away, and he turned and made a run for it. You're going
18 to hear about how Sedric was able to reach out, get the
19 door open, propel his body out of the car, get a foot on
20 the ground and push off to try to get around the car. To
21 try and get around the car to get away from the danger of
22 the defendant that was behind him.

23 But before he could do that, Sedric heard the bang.
24 And a bullet struck him in his lower back. Because as
25 Sedric tried to run, the defendant took that gun aimed

1 it, round in the chamber, saw Sedric's back saw him
2 trying to run, and pulled the trigger.

3 And, members of the jury, you're going to learn
4 about how devastating an injury the defendant inflicted
5 upon Sedric at that time. About how the bullet tore
6 through his insides, intestines, organs, arteries, and
7 things.

8 But adrenalin is a heck of the drug and so Sedric
9 was able to get around the car and take off down the
10 road. Cut through a couple of businesses, jumped some
11 fences, where you're going to learn that Sedric's
12 strength gave out. Blood loss and trauma caught up with
13 him and he collapsed.

14 And eventually, he literally physically dragged
15 himself into oncoming traffic to try and get some help.
16 You're going to learn that while Sedric was trying to run
17 away, the defendant got into Sedric's car, tried to track
18 him down the road to finish the job. They were unable to
19 do so, and so they left (inaudible).

20 The defendant shot him in the back and left him to
21 die which is why the defendant in this case has been
22 charged with the two charges, attempted murder and
23 possession of a weapon during a violent crime. What that
24 means is that we're going to show you that the defendant
25 took a handgun --- a deadly weapon, they shot Sedric in

1 the back, and that they meant to take his life when they
2 shot him in the back.

3 Now, as the State, we don't just get to come in here
4 and ask y'all to take our word for it the defendant is
5 guilty. As the judge told y'all that we have the burden
6 of proof as the State. That proof is beyond a reasonable
7 doubt. And as Judge McIntosh told you, that means that
8 we're going to leave you firmly convinced of the
9 defendant's guilt when you view the evidence and use your
10 reason and common sense. We're going to meet our burden
11 here today, members of the jury, by bringing you several
12 witnesses who are going to take that stand right there.

13 You're going to hear from Sedric himself. And
14 Sedric's going to tell you about how he got set up by the
15 defendant and shot in the back.

16 You're going to hear about all the amazing people
17 who saved Sedric's life that night.

18 And you're going to hear from the various members of
19 law enforcement with the Pickens County Sheriff's Office,
20 who were able to put the pieces together about how and
21 why the defendant ended up shooting Sedric in the back.

22 You're going to watch videos that show Sedric
23 running for his life. You're going to watch videos of
24 the defendant trying to track him down, trying to finish
25 the job.

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1 You're going to see videos that show the defendant
2 couldn't do that. But two hours later, approximately,
3 they returned to the area in Sedric's car, dropped it off
4 at a business, ditched it, and then disappeared into the
5 night.

6 You're going to hear from some forensics detectives
7 who were able to process that car. And you're going to
8 hear about how they did not find the things they would
9 normally find after a shooting. They found no gun, they
10 found know shell casings, no bullets, no magazine, no
11 blood. The only reasonable explanation, members of the
12 jury, the defendant had gone and gotten rid of that
13 evidence. They tried to cover up their crime.

14 You're also going to hear about text messages the
15 defendant sent to the victim's phone after the shooting
16 transpired. So when Sedric was bleeding out in the
17 roadway and then later at the hospital undergoing
18 life-saving surgery, you're going to hear about how the
19 defendant texted Sedric's phone, sent texts pretending
20 like they had never met up that night, pretending like
21 they were never at the crime scene. Trying to establish
22 an alibi that they were never there, so they could blame
23 somebody else for the shooting.

24 Because what the evidence will show you, members of
25 the jury is that the defendant's first plan in this case

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1 was to try to deny they were there.

2 MS. NEWTON: Your Honor, I --- I have an objection
3 that I believe needs to be addressed outside the ---

4 THE COURT: All right. Mr. Foreman, would you ---
5 will you take the jury back to the jury room.

6 UNIDENTIFIED SPEAKER: Yes, sir.

7 (JURY EXITS COURTROOM)

8 MS. NEWTON: Judge, I was trying to give a lot of
9 grace, but at this point, he's referenced the defendant
10 being a "they," about 20 times. And I believe it was
11 intentional and against what our prior ruling was about
12 in the use of the pronouns that he's choosing to use ---

13 THE COURT: I didn't pick up on it that way.

14 MS. NEWTON: Okay.

15 THE COURT: I --- I know (unintelligible) I'm
16 not --- I'm listening and I'm not picking up on that.
17 (Inaudible).

18 MS. NEWTON: Okay.

19 THE COURT: But ---

20 MR. LAMPKE: Judge, I have never intentionally once
21 in that --- used the incorrect pronouns.

22 THE COURT: (Inaudible) about referencing ---
23 testifying --- you didn't have to --- she doesn't have to
24 testify --- don't say that. But be careful about how you
25 refer to her. Okay?

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1 MR. LAMPKE: Yes, Judge. I attempted ---

2 THE COURT: I --- I have not seen it but I'm going
3 to rule the objection.

4 MS. NEWTON: Thank you.

5 THE COURT: Anything else? All right. Bring them
6 back.

7 (JURY ENTERS COURTROOM)

8 THE COURT: All right. You may continue.

9 MR. LAMPKE: Thank you, Judge.

10 Sorry, members of the jury, I'm going to pick right
11 back up where I left off. What we were taking about was
12 that you're going to see evidence that the defendant was
13 sending text messages to the victim in this case,
14 Sedric's phone after the shooting. After the defendant
15 was shot Sedric in the back, they sent him text messages
16 alluding to the fact that they couldn't meet up that
17 night, pretending like they were never at the scene of
18 the crime trying to establish an alibi.

19 Because what the evidence is going to show you,
20 members of the jury, in this case that the defendant's
21 first plan was to try and pretend like they were never
22 there. Deny their involvement entirely.

23 However, what you're going to learn is that the
24 defendant was placed under arrest for attempted murder.
25 The key word there being attempted murder. Not murder.

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1 In that moment, uh oh, there's a witness out there who
2 can identify the defendant as the shooter --- as the
3 person who shot Sedric in the back.

4 Now, members of the jury, what you're going to hear
5 throughout the duration of this trial is also going to
6 include an interrogation of the defendant themselves.
7 Defendant sat down with detectives and they made
8 statements to those detectives.

9 You're going to hear them tell different stories to
10 detectives. At first you're going to hear the defendant
11 talk about how they started the confrontation with
12 Sedric. Talk about how they were livid and furious with
13 Sedric for cheating.

14 But then you're going to hear about six or seven
15 different versions of stories from the defendant's mouth.
16 You're going to hear them contradict themselves, and
17 you're going to hear detectives confront the defendant
18 with objective evidence videos, the defendant's own other
19 stories. Confront them with that to show that they were
20 not telling the truth.

21 And then you're going to hear the defendant pivot to
22 a different story. One of the versions of the stories
23 the defendant tells is that it was actually Sedric, the
24 victim who attacked them first, who attacked the
25 defendant, who brought a gun. And the defendant's going

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1 to try and claim that they took the gun from Sedric. But
2 then after the attack stops and Sedric turns away, and
3 started to get away, that that's when the defendant
4 shoots Sedric in the back.

5 But when it comes to the gun going off, members of
6 the jury, that story changes quite a bit as well.
7 Because first you're going to hear from the defendant how
8 the trigger was sensitive. Didn't necessarily mean for
9 the gun --- the gun to go off, the trigger was sensitive.

10 Then you're going to hear from the defendant about
11 how they weren't aiming at Sedric when the gun went off,
12 like it was some kind of mistake.

13 Then you're going to hear from the defendant about
14 how, well, they were pointing the gun up in the air when
15 the gun went off which would mean, members of the jury,
16 that the bullet would have to defy physics and turn and
17 hit Sedric in the back. So that story had so change too.

18 At one point the defendant even asked detectives if
19 somebody else could have shot Sedric in between the time
20 that the defendant shot the gun and when Sedric was found
21 bleeding on the roadway, that somebody else might have
22 come and shot Sedric in the back and then vanished into
23 the night.

24 Members of the jury, when you listen to those
25 stories and you compare it with the evidence, what's

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1 going to be clear is that the stories don't make sense,
2 that the defendant chooses to lie over and over again to
3 detectives.

4 And, members of the jury, what you'll see and what
5 the evidence will show you is the defendant did not do
6 the things any reasonable person would do if they were
7 actually acting in self-defense, if they made a mistake,
8 or if there was actually some random third person who
9 came and shot the person the defendant thought was their
10 boyfriend that night and then vanish the into the night.

11 Members of the jury, those phrases, self-defense,
12 mistake, third party, those aren't magic words you get to
13 throw out in court after you've been caught trying to
14 kill somebody. What the evidence will show you is that
15 this case was attempted murder. But I'll be clear with
16 y'all. In an attempted murder case, there's almost never
17 a circumstance in which somebody's arrested, brought in
18 by detectives, sits down and says yup, Detective, I shot
19 that man in the back, I meant to shoot him and I meant to
20 kill him when I did it. Almost never. Which is why
21 you're going to learn from the judge at the end of this
22 trial that for intent you're going to have to infer from
23 the circumstances around the case. You're going to view
24 the evidence of what the defendant did and didn't do
25 before, during and after the shooting to see the

1 defendant's intent to kill Sedric to see their malice.

2 And when you consider the evidence of the
3 defendant's motive, evidence of the defendant bringing a
4 gun, evidence of the defendant being furious, evidence of
5 them bringing a stool to catch shell casings that came
6 out of the gun. Evidence of them trying to track Sedric
7 down. The evidence they tried to finish the job.
8 Evidence they tried to cover up their crime. Evidence
9 they tried to create an alibi for the crime. And then
10 all of the lies that they tell detectives.

11 Through that, members of the jury, you will be able
12 to see the defendant's intent in this case. That when
13 they took that gun, aimed it, saw Sedric's back, saw him
14 trying to run, and shot anyway, that they intended to
15 take Sedric's life.

16 Members of the jury, there's a reason why violence
17 when somebody's back is turned is considered taboo, a
18 betrayal. And this case is symbolic of those things.
19 Because the defendant shot Sedric in the back and then
20 left him to die. Which is why after you view the
21 evidence and my co-counsel, Mr. Lampke, comes up to chat
22 with you all at the end of this trial, he is going to ask
23 you just as I am now, to render a verdict in line with
24 the truth in this case, which will be finding the
25 defendant guilty of attempted murder and possession of a

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1 weapon during a violent crime. Thank you for your time.

2 THE COURT: Does the defense wish to have an opening
3 statement?

4 MS. NEWTON: Just briefly, Your Honor.

5 THE COURT: Yes, ma'am.

6 MS. NEWTON: May it please the Court.

7 THE COURT: Yes, ma'am.

8 MS. NEWTON: Ladies and gentlemen of the jury, my
9 name's Caroline Newton, like I mentioned before. And my
10 job, and privilege, and pleasure is to represent Renee
11 Simon, along with my colleague, Catherine Huey.

12 Renee is an attractive woman, she's 58 years old,
13 from Queens New York. She has always visited South
14 Carolina her entire life. Her dad and her grandfather
15 lived there --- lived in South Carolina. So --- but she
16 made South Carolina and Greenville area her home about
17 20 years ago, so Renee's lived in Greenville since then.

18 She is a model, she's put together, she takes pride
19 in what she wears and how she presents herself. As part
20 of what she does is Renee's also an escort. And that
21 includes a lot of video and Internet calls. And all of
22 us, depending on what we feel about that, we may not
23 necessarily agree about that, but Renee's not on trial
24 for that, she's on trial for attempted murder. How she
25 chooses to support herself has nothing to do with why

1 we're here.

2 She --- like the judge told you earlier, she stands
3 before you with what we call a cloak of innocence.
4 Completely innocent and not guilty of any of these
5 big-word charges, attempted murder, possession of a
6 weapon during the commission of a violent crime. Like
7 the State said, Renee and Sedric had known each other
8 prior to December 9th of 2022, for approximately six or
9 seven years. They were in a relationship on again, off
10 again. And Renee actually met Sedric through his
11 brother.

12 In the days leading up to December 9th of 2022,
13 Renee and said had been together, they'd spent time at
14 her house, in Greenville together. She lived alone,
15 they're --- they were over there, they went to Haywood
16 Mall together. And unfortunately, the way that they ---
17 in the cold and flu season that I think hopefully now
18 that we're in February, some of us are getting out of ---
19 but back in the day, December was no different than any
20 other December and Renee was very much suffering from a
21 bronchitis, huge upper respiratory illness.

22 They --- so there --- and the State spent a lot of
23 time earlier talking about the facts of December 9th and
24 that's why we're here. That's what we're going to get
25 into about this. So I'm not going to go through anymore

1 of those particulars.

2 But what I want you guys to understand and really
3 pay attention to is I know attempted murder sounds scary.
4 But she's innocent of that unless and until way after all
5 of us are up here, the State presents all their evidence
6 and after we come back and talk again, she's innocent of
7 that until you all make the determination and weigh
8 everything.

9 Pay attention to what the officers have to say. Pay
10 attention to what Sedric Holland says. And I don't
11 believe after you're back there during the final portions
12 of your deliberation that you will remove her cloak of
13 innocence. Just because Sedric suffered a gunshot wound
14 to his back, buttocks area, and was treated --- just
15 because that happened and he went to the hospital, and it
16 was --- it was --- we're going to --- yeah. He had
17 it --- it was a wound into his stomach. And there was a
18 lot of involvement at Prisma Hospital.

19 But despite all that or despite the fact that this
20 happened and what sounds scary with attempted murder, we
21 believe that at the end of this trial that you guys will
22 have the same questions we do, a lot more questions than
23 answers.

24 And questions does not mean that the State has
25 satisfied their burden of proof beyond a reasonable

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1 doubt. Questions means that you're not actually
2 convinced --- much less firmly convinced that the
3 defendant did what these scary crimes of attempted murder
4 sound like.

5 We're asking that you all as the jurors, as the
6 factfinders, do a better job than law enforcement did and
7 not jump to conclusions. And we're confident that at the
8 end of the day when we come back and talk again that you
9 will find her not guilty of attempted murder. Thank you.

10 THE COURT: Mr. Foreman, you said that you handled
11 the issue of notebooks. Do y'all need any or ---

12 THE FOREMAN: (Unintelligible) things, sir.

13 THE COURT: All right. Then let's go ahead and call
14 your first witness.

15 MR. DUNN: Thank you, Judge. The State calls Nathan
16 Galloway.

17 (WITNESS SWORN)

18 NATHAN GALLOWAY, HAVING BEEN DULY SWORN, TESTIFIED
19 AS FOLLOWS:

20 CLERK: Sir, if you would have a seat and say your
21 name for the record.

22 THE WITNESS: My name is Nathan Galloway.

23 MR. DUNN: Would you be able to spell your last name
24 for our court reporter here.

25 THE WITNESS: G-A-L-L-O-W-A-Y.

1 MR. DUNN: Thank you very much.

2 DIRECT EXAMINATION

3 BY MR. DUNN:

4 Q. Mr. Galloway, can you tell us where you currently work?

5 A. I work for the Pickens County Sheriff's Office.

6 Q. And how long were you worked there?

7 A. In total, 18 years.

8 Q. And what's your current role with the Pickens County?

9 A. I'm the communications coordinator.

10 Q. Okay. How long have you been in that role?

11 A. About two weeks.

12 Q. Okay. Is that a recent promotion for you, sir?

13 A. Yes.

14 Q. Okay. And prior to being promoted to that role, what
15 were you doing before?

16 A. I was communication shift supervisor.

17 Q. Okay. How long did you do that for?

18 A. About three years.

19 Q. And what were your job duties as the shift supervisor?

20 A. I managed the shifts that were on duty, dispatching.

21 I took 911 calls, dispatched fire, EMS ---

22 Q. Okay.

23 A. --- law enforcement. Just fair to answer the
24 dispatcher question and work alongside (unintelligible).

25 Q. And what are your current job duties?

1 A. I oversee the whole division of all the dispatchers.
2 I act as a liaison between the command staff and the
3 communications specialists.

4 Q. Okay.

5 A. Also the keeper of the record.

6 Q. That was going to be my next question, sir. So do your
7 duties with the Pickens County 911, do those --- does that
8 include responsibility for records about calls that are made
9 to Pickens County 911?

10 A. Yes.

11 Q. Okay. And what is that?

12 A. I'm the one who's in charge of making sure that
13 everything is up to standard, all of our records are kept
14 in order and stay in file.

15 Q. Okay. Does Pickens County 911 generate records for every
16 call?

17 A. Yes.

18 Q. Okay. And when somebody calls 911, are those calls
19 automatically recorded?

20 A. Yes.

21 MR. DUNN: Your Honor, I'm showing defense counsel
22 what has been premarked as State's Exhibit 1.

23 May I approach the witness with this?

24 THE COURT: Yes, sir.

25 BY MR. DUNN:

1 Q. There you go, sir. Do you recognize what I've just
2 handed you?

3 A. Yes.

4 Q. And how do you recognize it?

5 A. Because it has my signature on it.

6 Q. And without going into detail, can you just tell us what
7 that is?

8 A. It is a call reporting from a 911 call.

9 Q. And what was the date of that call?

10 A. It was on December 9th of --- can't read that here.

11 20 ---

12 Q. 2022 sound correct?

13 A. Yes.

14 Q. Okay. And can you tell us what time that call came in?

15 A. Around 20:58.

16 Q. Okay. So ---

17 A. Thereabouts.

18 Q. Would that be between 8:50 and 9:00 at night?

19 A. Yes.

20 Q. Okay. So just to be clear, this is a recording of a 911
21 call that came in on December 9th of 2022 between 8:50 and
22 9:00 p.m.?

23 A. Yes.

24 Q. Okay.

25 MR. DUNN: Your Honor, the State would move to enter

1 what's been premarked as State's Exhibit 1 into evidence?

2 THE COURT: Any objection?

3 MS. NEWTON: No objection, Your Honor.

4 THE COURT: Admitted without objection.

5 (STATE'S EXHIBIT 1 ADMITTED)

6 MR. DUNN: Thank you, Judge. Permission to publish?

7 THE COURT: Yes, sir.

8 MR. DUNN: Thank you, sir. I'll leave the mood
9 lighting to your discretion.

10 THE COURT: (Unintelligible) control of that.

11 MR. DUNN: Thank you, sir.

12 (Audio playing)

13 BY MR. DUNN:

14 Q. Mr. Galloway, was that call placed at 8:51 at night?

15 A. Yes.

16 MR. DUNN: Okay. Thank you, sir. I have no further
17 questions, Judge.

18 THE COURT: Cross-examination?

19 MS. NEWTON: Your Honor, I don't have any questions
20 for this witness.

21 THE COURT: May he be excused?

22 MR. DUNN: Yes, Judge.

23 THE COURT: All right. Thank you, sir. You're
24 excused.

25 Call your next witness, please.

Direct Exam Worthen

1 MR. DUNN: Your Honor, the State calls Kenneth
2 Worthen to the stand.

3 (WITNESS SWORN)

4 KENNETH WORTHEN, HAVING BEEN DULY SWORN, TESTIFIED
5 AS FOLLOWS:

6 CLERK: Thank you, sir. If you would have a seat
7 and state your name for the record for the record,
8 please.

9 THE WITNESS: My name is Kenneth Alan Worthen,
10 W-O-R-T-H-E-N.

11 DIRECT EXAMINATION

12 BY MR. LAMPKE:

13 Q. Mr. Worthen, thank you for joining us today. Can you
14 please tell the jury where you currently work?

15 A. Well, I own my own construction company, but I'm a
16 retired firefighter.

17 Q. Okay.

18 A. I still do it as a volunteer, this is my 42nd year.

19 Q. Where are you originally from? Where are you ---

20 A. I'm from Greenville.

21 Q. Okay. And are you married?

22 A. Yes.

23 Q. Any kids?

24 A. Yes, two.

25 Q. Where did you start working after high school?

1 A. I was a firefighter.

2 Q. Okay. How long have you been a fireman?

3 A. This is my 42nd year.

4 Q. Okay. And what sort of capacity do you currently work in
5 as a firefighter?

6 A. I volunteer for Townville Fire Department because
7 I'm retired as a paid fireman. We moved to
8 (unintelligible) I started off (unintelligible).

9 Q. Okay. What does it mean to be a volunteer firefighter?

10 A. Means just you don't get paid for what you do,
11 because either you like it, or you want to help the
12 community, and so you just --- I do the same thing I did,
13 I just don't get paid for it.

14 Q. Okay. And what type of incidents do fire --- do people
15 with the fire department respond to?

16 A. Majority of our calls, even paid is --- is medical.

17 Q. Uh-huh.

18 A. And then we do --- we do a lot of medical, wrecks
19 and, you know, we get occasional fires now and then.

20 Q. Okay. Let's talk about the night of December 9th of
21 2022. Where were you coming from that night?

22 A. I was coming from my --- my shop on White Horse
23 Road, coming up 124 onto 123.

24 Q. Okay. And White Horse Road that's --- that's over in
25 Greenville, right?

1 A. It's in Berea.

2 Q. Okay. And where were you heading towards?

3 A. I was heading home.

4 Q. Okay. And tell the jury what road it is that you
5 were --- that you were driving on?

6 A. I was coming up Highway 124. And right when I got
7 to 123, where it merges into Greenville Pickens Speedway.
8 Right before the Hot Spot as I merged onto the lane right
9 there, that's when I seen the victim.

10 Q. Okay. Is that a particularly dangerous stretch of
11 roadway?

12 A. Yes.

13 Q. Why is that?

14 A. Well, because everybody's coming from 124 and you're
15 trying to merge into 123 traffic ---

16 Q. Uh-huh.

17 A. --- from the (unintelligible) miles an hour ---

18 Q. Uh-huh.

19 A. You've got to pay attention so you're constantly
20 looking in your mirrors.

21 Q. Do you know what the speed limit is on that road?

22 A. I'm pretty sure it's 45.

23 Q. Okay. Now, while you were driving, what were the road
24 conditions like? What was the weather?

25 A. It was a light rain when it was getting dark, you

1 know, it's getting where you can't see real good.

2 Q. Okay. What time was it; do you recall?

3 A. I don't remember exactly what time it was.

4 Q. Okay. Now, as you were driving, what did you see in the
5 road?

6 A. As I come through, right when I look around I seen
7 the gentleman laying in the road. And I swerved to the
8 right ---

9 Q. Uh-huh.

10 A. --- and then pulled over to just beside the Hot Spot
11 right there. And I --- that's when I called 911. I ran
12 back to --- I thought he was hit by a car ---

13 Q. Uh-huh.

14 A. --- I never met the man before we met at the scene.
15 So I jumped up to go ---

16 Q. Uh-huh.

17 A. --- help him. I went to where he was laying.

18 Q. How close were you to the man in the roadway when you
19 initially saw him?

20 A. I was pretty close. And I had to swerve ten feet, I
21 mean it was real close ---

22 Q. Okay.

23 A. --- (unintelligible).

24 Q. How close do you think you got to hitting him?

25 A. Probably within eight to ten feet, I'd say.

1 Q. Okay. Now, if you were trying to change the radio
2 station or something like that, what would have happened?

3 A. I would have ran him over. If I was not --- if I'd
4 still been looking in my mirror, I would have hit him.
5 Luckily, I had got just enough straight where I looked
6 forward.

7 Q. Uh-huh. Now, which lane was the victim in, if you
8 recall?

9 A. He was in the first one, the right lane.

10 Q. Okay.

11 (Simultaneous speaking)

12 A. It was close to the center (unintelligible) lane
13 (unintelligible).

14 Q. Uh-huh. So the --- the right-most lane?

15 A. Uh-huh.

16 Q. Okay. And which direction was he laying? Do you
17 remember if his head was towards the middle ---

18 (Simultaneous speaking)

19 A. --- facing the center line.

20 Q. Okay.

21 A. Kind of a little bit at an angle ---

22 Q. Uh-huh.

23 A. --- he was facing toward the center.

24 Q. By "center line," what do you mean by that?

25 A. The white line in the road.

1 Q. Okay. Now, you saw him and pulled over. What's the ---
2 the first thing that you did once you pulled your car over?

3 A. I called 911.

4 Q. Uh-huh.

5 A. And I ran towards the gentleman and tried to block
6 the traffic, trying to get --- because I was afraid he
7 was going to get hit.

8 Q. Uh-huh. Now, when you say that you went out there and
9 tried to stop traffic, tell the jury exactly what it is that
10 you did.

11 A. Well, I ran out there and the cars were still
12 swerving. And I kind of stood over him trying to wave my
13 hands. And I was --- I actually, I think I used one
14 profanity trying to get people to stop, because I mean, I
15 couldn't do anything but stop them. I couldn't render
16 aid to him, because there was people ---

17 Q. Uh-huh.

18 A. --- flying past us ---

19 Q. Uh-huh.

20 A. --- and not to run us over.

21 Q. Uh-huh. Were you eventually able to get the traffic to
22 stop?

23 A. Yes, I got one guy to stop his truck, and then I
24 told him to block the road ---

25 Q. Uh-huh.

1 A. --- and he blocked it. And then other people
2 started swerving around. They were still passing us on
3 the second lane ---

4 Q. Uh-huh.

5 A. --- first lane was pretty much stopped.

6 Q. Okay. So once you were able to get traffic stopped,
7 what's the next thing that you did?

8 A. I was on the phone with 911, and I was tell --- you
9 know, he's bleeding ---

10 Q. Uh-huh.

11 A. --- and I thought he was, you know, run over like I
12 said. So I leaned down and I asked the gentleman where
13 are you hurt? And that's when he told me he was shot.

14 Q. Okay. When he told you that he was shot did you start
15 checking him for injuries?

16 A. Yeah, well, I generally ran up to him --- I never
17 met him before, never seen him again. Told me he was a
18 EMT and handed me his medical back and left. And I
19 didn't have any gloves, so I ran back to my truck and got
20 gloves ---

21 Q. Uh-huh.

22 A. --- I had the guy that was blocking traffic stand
23 over him. And I ran and got my gloves ---

24 Q. Uh-huh.

25 A. --- and I started trying to render aid to him.

1 Q. Okay. Once you got your gloves on and you started
2 rendering aid, exactly what is it that you did?

3 A. Well, he told me he was shot in the back. And I
4 looked and I seen small just a small hole there.

5 Q. Uh-huh.

6 A. And I didn't see an exit wound, so that led me to
7 from my experience of the bleed, that it was probably
8 still internal. And it was --- I didn't think it was a
9 high-caliber pistol, because (unintelligible) pistol ---

10 Q. Uh-huh.

11 A. --- and I didn't see an exit wound.

12 Q. Uh-huh. Were you able to feel the bullet?

13 A. No, I didn't feel the it.

14 Q. Okay. Were you able to see it at all?

15 A. No.

16 Q. Okay.

17 A. It was still in him ---

18 Q. Uh-huh.

19 A. --- wound's just --- I was trying to stop the
20 bleeding. And everything was going so fast, I --- I had
21 a medical bag I didn't know nothing about and then I
22 just --- just trying to watch him and I at the same time.
23 Plus I didn't know who shot him. So that kind of ---
24 were the back of my head obviously.

25 Q. Uh-huh. So was there any blood that you saw?

1 A. Yes.

2 Q. Where was the blood?

3 A. It was on his back side. It was on --- it on the
4 pavement.

5 Q. Okay. Now, tell the jury where exactly you were able to
6 feel that bullet wound in the victim?

7 A. It was in lower part of the back right above ---
8 right around the belt line there.

9 Q. Okay. Now, after that, after identifying that location
10 of the gunshot wound, what sort of medical assistance did you
11 give him?

12 A. Well, I kept trying to keep him stable from moving
13 and I just kept trying to assure him somebody was coming.
14 The only thing I could do at that time was just put
15 bandages on him, because I had nothing else.

16 Q. Uh-huh.

17 A. And that was the biggest thing was just to keep him
18 stable. Because like I said, I didn't see an exit wound.
19 So I was kind of worried about internal injuries.

20 Q. Uh-huh. How long did you have to --- to wait there while
21 you were waiting for the first responders to arrive?

22 A. It seemed like forever ---

23 Q. Uh-huh.

24 A. --- I mean, I would say probably five --- five
25 minutes or so before the first officer got there.

1 Q. Uh-huh. And what did you do once law enforcement and
2 paramedics arrived?

3 A. I just told them what I knew and then --- and then
4 I --- you know, the ambulance drove up shortly after and
5 I told them what I had. And then I just went over and
6 stood at the car. They asked me to stand over there
7 until they got through. So once they got there, I just
8 turned over the patient to them.

9 MR. LAMPKE: Beg the Court's indulgence, just for
10 one moment, Your Honor.

11 Your Honor, the State has no further questions at
12 this time.

13 THE COURT: Cross-examination.

14 CROSS-EXAMINATION

15 BY MS. NEWTON:

16 Q. Mr. Worthen, I believe you said that the victim never
17 told you who shot him; is that correct?

18 A. No. I never asked (unintelligible).

19 MS. NEWTON: That's all I have, Judge.

20 THE COURT: Redirect?

21 MR. LAMPKE: No further questions, Judge.

22 THE COURT: May he be excused?

23 MR. LAMPKE: Yes, Your Honor.

24 THE COURT: Thank you, sir. You're excused.

25 MR. DUNN: Judge, next the State calls Deputy

Direct Exam Pirie

1 Brandon Pirie.

2 (WITNESS SWORN)

3 BRANDON PIRIE, HAVING BEEN DULY SWORN, TESTIFIED AS
4 FOLLOWS:

5 CLERK: Have a seat and state your name for the
6 record.

7 THE WITNESS: My name is Brandon Michael Pirie.

8 DIRECT EXAMINATION

9 BY MR. DUNN:

10 Q. Would you please spell your last name for our court
11 reporter?

12 A. P-I-R-I-E.

13 Q. Good afternoon, sir. Would you please tell us where you
14 work?

15 A. Sure. I work with --- for the Pickens County
16 Sheriff's Office.

17 Q. How long you been doing that?

18 A. Going on four years now.

19 Q. And what are your job duties with the Pickens County
20 Sheriff's Office?

21 A. I'm on the road, so I just answer 911 calls.

22 Q. What does that entail?

23 A. Whenever someone calls 911, I show up. If they need
24 any type of medical aid, I call EMS, or (unintelligible).

25 Q. Okay. Were you working for the sheriff's office on the

1 date of December 9th of 2022?

2 A. Yes.

3 Q. Do you remember getting a call as it relates to this case
4 that night?

5 A. Yes.

6 Q. Okay. And what was the nature of the call you got out on
7 December 9th of 2022?

8 A. Well, I received a call from dispatch saying that
9 someone was laying in the road. Wasn't able to give ---
10 give me much. So ---

11 Q. Okay. And where were you called out to?

12 A. It was initially from the Hot Spot, in that general
13 area on Route 123.

14 Q. Okay. And when did you arrive out there?

15 A. Arrived there about --- approximately about 9:00 ---
16 9:00 in the afternoon. So (unintelligible).

17 Q. 9:00 in the evening? Okay. And do you remember where
18 you parked?

19 A. Generally in front of the Hot Spot. In that area.

20 Q. Okay. And what direction did you approach the incident?

21 A. First incidence it would be easterly-bound coming
22 from 123.

23 Q. Okay. And what did you first observe when you got out
24 there?

25 A. I observed several EMS standing around what appeared

1 to be the --- the patient. I wasn't able to see anything
2 other than the --- the --- the --- the victim's feet.
3 Just I got a little glimpse of it, because everybody ---
4 he was swarmed around. So there was two other deputies
5 on the scene.

6 Other than that I did hear a bunch of communicating
7 between one of the EMS workers and I --- I believe the
8 victim did appear to be screaming at some point in time.

9 Q. Okay. We're not going to get into any of those
10 statements they made, but just generally, were you able to see
11 where the victim was laying down in the road?

12 A. Yes.

13 Q. Okay. And can you walk us through about whether you're
14 familiar with the incident location in this case over by that
15 Hot Spot?

16 A. Sure. So within the four years I've been working
17 for the sheriff's office, I've been patrolling between
18 the Dacusville and the Easley area. So I'm always
19 jumping back and forth between 123 to Saluda Dam to Farrs
20 Bridge Road. So I --- I go to that location
21 approximately about maybe two to three times a week on my
22 shift.

23 Q. Okay. So that area around that Hot Spot, you're familiar
24 with?

25 A. Yes.

1 Q. And are you familiar with the roads and the different
2 buildings in that area?

3 A. Yes.

4 Q. And how often would you say a week that you're out there
5 patrolling?

6 A. Like I said, maybe two to three times a week.

7 Q. Okay. And if I were to show you maps of that area, would
8 you recognize them?

9 A. Yes.

10 MR. DUNN: Your Honor, I'm showing defense what's
11 been premarked as State's Exhibits 2 and 3.

12 MS. NEWTON: No objection, Your Honor.

13 THE COURT: All right. That will be admitted
14 without objection.

15 MR. DUNN: Thank you, Judge.

16 (STATE'S EXHIBITS 2 AND 3 ADMITTED)

17 MR. DUNN: Judge, permission to publish these two
18 exhibits. And then we also have a larger version of one
19 of the exhibits as a demonstrative to show the jury.

20 THE COURT: All right, sir

21 MR. DUNN: With the assistance of co-counsel as my
22 easel.

23 BY MR. DUNN:

24 Q. Deputy, when you responded out there, did you have your
25 body-worn camera activated?

1 A. I did, yes.

2 Q. Okay. And your body-worn camera, what does that capture?

3 A. It captures me walking up to where the victim is
4 laying on the road. Hot Spot would have been on my right
5 as well I believe it was a car dealership.

6 Q. Would you recognize a portion of your body camera video
7 if I showed it to you today?

8 A. Yes.

9 MR. DUNN: Your Honor, I'm showing defense counsel
10 what's been premarked as Exhibit 4.

11 THE COURT: What's the exhibit number?

12 MR. DUNN: Four. May I approach the witness with
13 the same?

14 THE COURT: Yes, sir.

15 BY MR. DUNN:

16 Q. Do you recognize what I just handed you, sir?

17 A. Yes.

18 Q. And how do you recognize it?

19 A. I signed it (unintelligible).

20 Q. Okay. And has that been changed or altered in any way
21 other than only showing a portion of your body camera video?

22 A. (Inaudible).

23 MR. DUNN: Your Honor, the State would move to enter
24 State's Exhibit 4 into evidence.

25 THE COURT: Any objection?

1 MS. NEWTON: I don't have any objection to just the
2 clip, correct.

3 MR. DUNN: Yes, ma'am.

4 THE COURT: Admitted.

5 (STATE'S EXHIBIT 4 ADMITTED)

6 MR. DUNN: Thank you, Judge. Permission to publish?

7 THE COURT: Yes, sir.

8 (VIDEO PLAYING)

9 BY MR. DUNN:

10 Q. Deputy, does that show your walk up to the victim in this
11 case?

12 A. Yes.

13 Q. And would you recognize two still shots from that
14 body-worn camera if I showed them to you today?

15 A. Yes.

16 MR. DUNN: Your Honor, I'm showing defense what's
17 been premarked as Exhibits 5 and 6.

18 BY MR. DUNN:

19 Q. Do you recognize those?

20 A. I do.

21 Q. And what are they?

22 A. Images from my body cam.

23 Q. Have they been changed or altered in any way?

24 A. No.

25 MR. DUNN: Judge, State would move to admit State's

1 Exhibits 5 and 6.

2 MS. NEWTON: No objection, Your Honor.

3 THE COURT: Admitted.

4 MR. DUNN: Thank you, Judge.

5 (STATE'S EXHIBITS 5 AND 6 ADMITTED)

6 MR. DUNN: And permission to publish at the
7 appropriate time.

8 THE COURT: Yes, sir.

9 MR. DUNN: Thank you, Judge.

10 BY MR. DUNN:

11 Q. Okay, Deputy. Can you walk us through what we see in
12 this picture?

13 A. Sure. That's when I was approaching the scene.
14 There were two other deputies there. Appears to be the
15 victim laying in the roadway. Like I said, there were
16 several EMS workers around, so I didn't want to get
17 (unintelligible) there.

18 Q. Okay. Was that the victim right here?

19 A. Yes.

20 Q. Okay. And in this photo, can you see a road marker?

21 A. I can. Yes.

22 Q. Does that show the center lane?

23 A. Yes.

24 Q. And is it that right there?

25 A. Yes, sir.

1 Q. And is it fair to say that the victim was next to that
2 line facing in towards the road?

3 A. Correct.

4 Q. And in this picture, what can we see? I know it's dark,
5 but from my knowledge from the area it's going to be the
6 turn-around spot of 123 behind that is going to be Odom Road.

7 A. Okay.

8 Q. Is this right here the turn-around spot?

9 A. Yes.

10 Q. And would Odom road be behind it back there?

11 A. Odom.

12 Q. Okay. And to the right of this picture, is that where
13 the victim was lying?

14 A. Correct.

15 MR. DUNN: Judge, would it be all right if Deputy
16 Pirie stepped down and made a mark on this here map?

17 THE COURT: Yes, sir.

18 BY MR. DUNN:

19 Q. All right. Deputy, now that we've walked through those
20 identifying factors of where the victim was located, can you
21 point out on this here map where the victim of located on the
22 road?

23 A. It's going to be right here.

24 Q. So right here?

25 A. Yes.

1 Q. Okay.

2 MR. DUNN: Your Honor, I'll show defense this one.

3 BY MR. DUNN:

4 Q. All right, Deputy, thank you very much. After you were
5 able to make that initial contact and see the victim, what
6 happened next in terms of your involvement on scene?

7 A. For my involvement, I did I think some crime scene
8 tape and roped off as much as I could of the crime scene
9 (unintelligible).

10 Q. Okay. Did detectives eventually come out to the crime
11 scene?

12 A. They did, yes.

13 Q. And was the victim eventually transported away by EMS?

14 A. Yes.

15 Q. Okay. And after the detectives arrived, did they take
16 over that scene?

17 A. Yes.

18 Q. And were you able to get back out on the road that night?

19 A. I was.

20 MR. DUNN: Okay. Thank you.

21 Judge, I have no further questions for this witness.

22 We would just ask that this particular divot be preserved
23 at this time for demonstrative purposes.

24 THE COURT: Yes, sir.

25 MR. DUNN: Thank you, sir.

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MS. NEWTON:

4 Q. Deputy Pirie, you said you worked --- you'd been working
5 for Pickens County Sheriff's Office for four years?

6 A. Going on four years.

7 Q. Okay. And your primary area is?

8 A. So it kind of rotates since we're short. I --- I do
9 work in the --- I'm primarily in the Dacusville area, but
10 my neighboring zone is --- would be Easley area.

11 Q. Okay. And --- and that Hot Spot area?

12 A. Yes, ma'am.

13 Q. Okay. So you're very familiar with that area? Okay. In
14 terms of being familiar with that area, are you familiar with
15 the roads behind the Hot Spot as well?

16 A. Yes.

17 Q. Okay. Roads like such as Crosswell Road?

18 A. Yes.

19 Q. Okay. Tell me where Crosswell Road goes by the Hot Spot?

20 A. So it's right beside the speedway. It goes up
21 behind the Hot Spot. I believe there --- there's a few
22 soccer fields behind that area as well.

23 Q. And I know that area's changed a little bit in the last
24 few years, but at the time of this incident, there was a big
25 house there on Crosswell Road?

1 A. Yes.

2 Q. Kind of an old house; is that right?

3 A. I --- I believe there was houses there, yes.

4 Q. Okay. And what's the --- what's the road like? Is it
5 straight? Curvy? Steep? How would you describe Crosswell?

6 A. At what part?

7 Q. As you're starting closest to the Hot Spot.

8 A. So if you're leaving out of the Hot Spot, you take
9 the left on Crosswell, you'd be going up the hill and you
10 can bear off to the left.

11 Q. Okay. And --- and did you say go uphill?

12 A. Yes.

13 Q. Okay. So it is a little bit of a hill?

14 A. Uh-huh.

15 Q. Good hill, but it's a hill? Okay. And then are you
16 familiar with Evelyn Road?

17 A. I'm not that familiar with as I am with Crosswell,
18 but yes.

19 Q. But you've been on Evelyn Road before?

20 A. Yes.

21 Q. Okay. And is Evelyn Road --- how would you describe
22 that?

23 A. That's fairly straight compared to Crosswell.

24 Q. Okay. And how about the lighting on Evelyn Road?

25 A. I'm not familiar.

1 Q. Okay. So you don't know if it's well-lit or not?

2 A. Right.

3 Q. Okay. Does Evelyn Road connect back?

4 A. Yes.

5 Q. Anywhere? Where does it connect back to?

6 A. Connects back to 123 as when you keep on going
7 (unintelligible) next to Crosswell.

8 Q. Okay. And being familiar with that area, are there
9 different ways to get back to 123 from Crosswell? Like if you
10 were to go around to Kay Drive, in that ---

11 A. You --- you ---

12 Q. --- in that ---

13 A. --- can take Crosswell, take a left on Kay Drive and
14 then you can get back on to 123. Takes you back in front
15 of Speakez.

16 Q. Okay.

17 A. (Inaudible).

18 Q. What about Latham Drive --- Road?

19 A. Latham, you can take Crosswell, take a right on Kay
20 Drive keep on going a few miles and it takes you up to a
21 four-way. You can take a right on Latham.

22 Q. All right. And that what does that put you on?

23 A. Latham.

24 Q. And then --- then --- how about North Brook Fish Trap?

25 A. So North Fish Trap, yes. You can connect that to

1 Latham and take a left. Takes you back to Saluda Dam and
2 you take a right and it takes you back over to 123.

3 Q. Okay. And how --- about how long would that route take?

4 A. Like --- I'm not sure. (Unintelligible).

5 Q. Any kind of guess or anything?

6 A. (Inaudible).

7 Q. Okay. The --- as far as the crime scene tape going, you
8 said you got the crime scene tape?

9 A. Yes.

10 Q. Okay. And you roped off a --- what you all thought was a
11 crime scene, correct?

12 A. Yes. Yes.

13 MS. NEWTON: Okay. That's all I have, Judge.

14 THE COURT: Redirect?

15 MR. DUNN: Nothing further, Your Honor.

16 THE COURT: May this witness be excused?

17 MR. DUNN: Yes, Judge.

18 THE COURT: All right. Thank you, sir. You're
19 excused.

20 MR. LAMPKE: And Your Honor, may we approach to
21 discuss scheduling?

22 THE COURT: Certainly.

23 MR. LAMPKE: Thank you, Judge.

24 (BENCH CONFERENCE)

25 THE COURT: (Unintelligible) and I'm going to ask

Proceedings

1 those of you to take your pads, leave your notes in the
2 jury room. They'll be under lock and key. 9:30 in the
3 morning okay with everybody?

4 MR. DUNN: Yes, sir.

5 THE COURT: Very good. I'll remind you, don't read,
6 hear, or say anything about this case. If it happens to
7 be out there, don't speak with anybody about this case,
8 don't read anything, (unintelligible) research. We'll
9 see you in the morning at 9:30.

10 MR. DUNN: Yes. Thank you, sir.

11 (JURY EXITS COURTROOM)

12 THE COURT: All right. You ready to put --- what
13 you want to put on the record?

14 MR. LAMPKE: Yes, Your Honor. This relates to our
15 prior discussion with the lost videos earlier. We intend
16 to just proffer some testimony regarding how it is that
17 we're not in possession of those videos that Your Honor
18 can have a better basis to make a ruling on their
19 admissibility.

20 THE COURT: Sure. Bring them around.

21 MR. LAMPKE: State calls ---

22 THE COURT: I want to hear what their testimony
23 would be as well.

24 MR. LAMPKE: The full testimony, Judge?

25 THE COURT: Yes.

Voir Dire Direct Exam James

1 MR. LAMPKE: Okay, Judge. State calls Chuck James.

2 MS. NEWTON: Judge, do you mean just specifically as
3 to the video part --- portion of their testimony? I'm
4 just making sure.

5 THE COURT: Yes. Yeah.

6 MS. NEWTON: Okay.

7 THE COURT: This Chuck James.

8 MR. DUNN: Yes, Judge.

9 (WITNESS SWORN)

10 CHUCK JAMES, HAVING BEEN DULY SWORN, TESTIFIED AS
11 FOLLOWS:

12 CLERK: Thank you, sir. You may state your name for
13 the record.

14 THE WITNESS: Chuck James.

15 VOIR DIRE DIRECT EXAMINATION

16 BY MR. DUNN:

17 Q. Good afternoon, sir. Thank you for joining us. As this
18 is a proffer, so we're going to skip straight to the relevant
19 portion of this. Were you working for the Pickens County
20 Sheriff's Office on the evening of December 9, 2022?

21 A. I was.

22 Q. In what capacity?

23 A. I was chief deputy of the sheriff's office.

24 Q. And what were your job duties at that time?

25 A. As chief deputy, it's actually second command to the

1 sheriff. I served in an operational capacity where I
2 oversaw the entire agency whether that be providing
3 services --- our day-to-day services, budgeting,
4 staffing, things of that nature.

5 Q. Okay. Was it normal for you to respond to crimes of this
6 nature involved in this case?

7 A. It is.

8 Q. Okay. And where did you respond to on December 9th?

9 A. The 3900-block of Calhoun Memorial Highway.

10 Q. Okay. And what were you able to learn when you got out
11 there?

12 A. Well, when I arrived, I'd been contacted by
13 Lieutenant Fricks with the Pickens County Sheriff's
14 Office prior. He'd informed me that we had a incident of
15 an individual who had suffered an apparent gunshot wound
16 to the abdomen.

17 I arrived out there probably just prior to 10:00.
18 And when I arrived, the victim in the case had already
19 been transported. And when we arrived, I began to
20 (unintelligible) the crime scene. I don't know if that's
21 what you're --- you're asking about specifically.

22 Q. Well, when you were able to get out there, were you able
23 to observe any --- anything relevant to the investigation?

24 A. I was able to observe two boots, one in the roadway.
25 It would have been in the right lane which would have

1 been a westbound lane heading towards Easley from
2 Greenville. And another boot along the roadway.

3 I had also been informed that we had found a cell
4 phone in an adjacent parking lot.

5 Q. And what were your next steps in that investigation?

6 A. My next step I met with Deputy Pirie, I believe the
7 initial responding deputy. Deputy Pirie informed me that
8 he had spoken with the clerk at the store. And I had
9 gone into the store and met with that clerk, because the
10 clerk had expressed a concern about a vehicle that had
11 parked outside for an extended period of time.

12 We subsequently watched the video and it was
13 determined that vehicle had been there before, during,
14 and after the incident. And also we were able to
15 identify the owner of the vehicle and ruled them out as
16 likely having been involved.

17 Q. Okay. So were you able to observe different surveillance
18 videos at that Hot Spot?

19 A. We were. That was the following day. That was
20 December 10th.

21 Q. Okay. And what were you able to observe in those videos
22 that's relevant to this investigation?

23 A. The video at 20:25 hours on the east side of the
24 store a Mini Cooper arrived from the Crosswell School
25 Road entrance. And had pulled in, I believe at --- I'm

1 sorry --- at 20:25 hours, 8:25. At 8:28 p.m., a older
2 model Chevy Tahoe pulled up at 8:29 p.m. the older model
3 Chevy Tahoe pulled off. At 8:35 p.m. the older model
4 Chevy Tahoe returned from the Crosswell School Road area
5 which Crosswell School actually is a road right next to
6 it that runs behind the store. And it just drove through
7 the parking lot. And they did at 8:38 p.m., the Mini
8 Cooper left.

9 Q. Okay. Were there other detectives who were working the
10 case with --- this case with you?

11 A. There were.

12 Q. And who were the other detectives?

13 A. The primary investigator was Detective Chet Anthony
14 who was assisted by Detective Josh Genthner.

15 Q. Okay. And were you all taking steps and working on the
16 investigation?

17 A. They --- they were primarily investigating the case.

18 Q. Okay. And were you able to collect the surveillance
19 videos from that Hot Spot?

20 A. The surveillance video was collected.

21 Q. Okay. So who did you receive it from?

22 A. I believe Detective Genthner collected the --- the
23 video.

24 Q. Okay. From who?

25 A. From the clerk. The Hot Spot's pretty consistent

1 about this having pulled video in the past. The Hot Spot
2 will frequently --- they would be the ones to burn it.
3 Their system is not a system we utilize a lot, and they
4 typically require a manager to download it.

5 MR. DUNN: Okay. The Court's indulgence one moment.

6 BY MR. DUNN:

7 Q. Sir, are you aware of how many videos you were actually
8 able to collect? Are you --- were actually were able to
9 collect from the Hot Spot?

10 A. The number of videos that we observed or the number
11 that we have collected?

12 Q. The number that you have collected.

13 A. I believe we've collected two.

14 Q. Okay. Was there a third video that was relevant that you
15 observed that is --- that was missing when you got it from the
16 Hot Spot?

17 A. The primary video that I made reference to before
18 would have been the video on the east side of the store.

19 Q. Okay. And were you able to notate the details of what
20 you observed on that video in a report?

21 A. I did.

22 MR. DUNN: Judge, I have no further questions.

23 THE COURT: Cross-examination.

24 VOIR DIRE CROSS-EXAMINATION

25 BY MS. NEWTON:

1 Q. So in your narrative the times that you just testified to
2 ---

3 A. Yes, ma'am.

4 Q. --- that is in your --- you state eastern side of the
5 store that's just the one camera footage that you're referring
6 to, not a combination of two, or just ---

7 A. No. No. Would just be that one side.

8 Q. Okay. Which --- at this point, we have since learned is
9 likely OS parking right would that be --- does that sound
10 about right?

11 A. I don't recall what it was.

12 Q. Just the one view on that side?

13 A. And that --- yeah, it's possible that's the name of
14 it. I don't recall the name.

15 Q. Because the Hot Spot has 27-something different cameras?

16 A. Correct.

17 Q. So all of your specific times and what you observed are
18 about this one missing video?

19 A. Correct.

20 Q. Okay. And the --- when --- when were you at the Hot
21 Spot?

22 A. I think I arrived --- it --- it would have been
23 shortly prior to 10:00 p.m. that night.

24 Q. Okay. And so that night, you said like at 10:00 p.m. you
25 are watching that footage about that one unrelated vehicle and

1 all of that. So you --- you're there and you're seeing the
2 system pulled up, but y'all are just focused on that vehicle;
3 is that correct?

4 A. Based on the information that was given to Deputy
5 Pirie, we --- we were trying to identify that --- it was
6 plausible that vehicle was the vehicle the victim got out
7 of or if it was a vehicle that was involved. Because at
8 the time, the only thing that we knew is we had a gunshot
9 victim. We didn't know how they arrived there, where
10 they were from, their name, or anything of that nature.

11 Q. So you watched that camera footage about that vehicle and
12 at some point realized that that must not be connected to your
13 gunshot wound victim; is that ---

14 A. Correct. It --- it occurred after the clerk
15 realized who it was.

16 Q. Okay. And that was basically in your presence, the clerk
17 realized who it was?

18 A. Correct.

19 Q. Okay. And then --- so when did you --- because I think
20 it's the next day, that you know these times and you had
21 learn --- since learned that there's a Tahoe connected to the
22 victim and that type of thing, correct?

23 A. Correct. So the following day, Detective Genthner
24 went out to the incident location of the Hot Spot. The
25 incident location was just down from the Hot Spot. But

1 he had gone out to the Hot Spot in an attempt to go
2 through additional video.

3 I went out there in an attempt to assist him. While
4 we were there, we were contacted by Detective Anthony who
5 was actually at the hospital and was able to conduct an
6 interview with the victim, at which time we --- we had
7 learned about the existence of a Mini Cooper. We already
8 knew about the existence of the Tahoe. We weren't sure
9 if that was the vehicle he had been in, but we knew it
10 because I had run that across through DMV previously.

11 Q. So when you --- the previous DMV, does it kind of --- and
12 I think you do a good job in your narrative of explaining
13 that, but the --- the --- when you were at the Hot Spot that
14 night around 10:00 a.m., or sometime around that, y'all ---
15 you were not looking for Tahoe footage at that time?

16 A. Not in the evening.

17 Q. Okay. So then everyone goes home and then it's the next
18 day. About what time do you know?

19 A. I'd say 10:00 in the morning.

20 Q. Okay. Okay. That y'all are coming around, and that's
21 when you're viewing Tahoe-specific footage that you've noted
22 20:25, 20:28 Tahoe-specific and Mini Cooper-specific 20:25,
23 20:28, 20:29, 20:35 and 20:38?

24 A. Correct.

25 Q. Okay. And --- but that is all that eastern side of the

1 store, footage?

2 A. That would be entirely on the eastern side.

3 Q. Okay. And you --- so you --- and begin there --- were
4 there together observing that with the ---

5 A. Correct.

6 Q. Was the clerk the same clerk as the night before, or
7 different?

8 A. I believe it was a different clerk. I believe it
9 was actually a store manager that was there the following
10 day.

11 Q. Okay. And then --- but you --- while you viewed at the
12 store, you were not in charge of any of the collection?

13 A. Correct. I did not collect the video.

14 Q. Your investigators would do that; is that correct?

15 A. I --- I --- as --- from what I recall, Detective
16 Genthner collected the video. Also as I look at the
17 chain of custody, there's the one that entered the video
18 into evidence which would be consistent with collecting
19 it.

20 Q. Okay.

21 A. Yeah, just, I think in the system I'm not really
22 sure how this Hot Spot system labeled it versus what you
23 mean exactly. Eastern side of the store.

24 Q. What does that mean? Can you just tell me?

25 A. So the store essentially faces due south. So the

1 eastern side would be the cameras --- I believe they have
2 a camera on the front and a camera on the back of each
3 side of the store. This would be the camera on the
4 eastern side --- northeastern side of the store. So the
5 back of the store facing out.

6 Q. Okay. The side closest to the speedway?

7 A. Yes.

8 Q. Side closest to Crosswell School Road?

9 A. Correct.

10 MS. NEWTON: Okay. Thanks.

11 THE COURT: Redirect.

12 MR. DUNN: No further questions, Judge.

13 THE COURT: Thank you sir.

14 THE WITNESS: Thank you.

15 MR. LAMPKE: Judge the State will next call Chet
16 Anthony.

17 THE COURT: Okay.

18 MR. LAMPKE: And Judge, I'll actually call up a
19 third witness, but it'll be brief.

20 (WITNESS SWORN)

21 CHET ANTHONY, HAVING BEEN DULY SWORN, TESTIFIED AS
22 FOLLOWS:

23 CLERK: If you would have a seat and state your name
24 for the record.

25 THE WITNESS: Yes, sir. My name is Chet Anthony.

1 VOIR DIRE DIRECT EXAMINATION

2 BY MR. LAMPKE:

3 Q. Good afternoon, Detective Anthony, were you working on
4 the Renee Simon case back in December of 2022?

5 A. Yes, sir.

6 Q. Okay. I'm just going to talk to you about the camera
7 footage that we're having this hearing about. So the
8 surveillance camera footage, did you review any surveillance
9 camera footage from the Hot Spot?

10 A. I did. Yes, sir.

11 Q. Okay. When you reviewed the footage back in 2022, how
12 many different camera angles did you see?

13 A. To my knowledge, I know obviously per view, so we
14 have two ---

15 Q. Uh-huh.

16 A. But to my knowledge, I remember a third view.

17 Q. Okay. Can you please describe to the Court what each of
18 those camera angles depict?

19 A. So the first angle is going to be --- if you're ---
20 if you're looking at the store, it's the first angle.
21 That the camera's going to be facing back towards Easley.

22 Q. Uh-huh.

23 A. So not a whole lot of what was going on. The second
24 angle's going to be the majority was right on the gas
25 pumps at the front of the store.

1 Q. Uh-huh.

2 A. And the third angle that I again, do not really
3 remember, I specifically remember it pointing towards 123
4 and a little bit of the racetrack, so towards Greenville.

5 Q. Okay. And that third video pointing towards the
6 racetrack towards Greenville, that's the one that we don't
7 have anymore; is that right?

8 A. Correct, sir. Yes, sir.

9 Q. Okay. What is your recollection of what can be seen on
10 the center-facing camera which is the one that we presently
11 have that we still have in evidence?

12 A. So on the center camera ---

13 Q. Uh-huh.

14 A. --- you can see the victim pull in from 123 and then
15 we can see, you know, silhouettes of other cars that
16 corroborate (unintelligible) we've gotten from everybody
17 else (unintelligible) victim and defendant.

18 Q. Okay. What do you mean by that, silhouettes that
19 corroborate?

20 A. So silhouettes, I would say match the description of
21 the defendant's vehicle.

22 Q. Uh-huh. And what is the defendant's vehicle?

23 A. A Mini Cooper.

24 Q. Okay. Now, the right camera, the one looking up Easley,
25 what --- what does that depict on the video we have?

1 A. So on --- on that footage, you can see the Tahoe
2 going back out onto 123.

3 Q. Okay. Now the third camera angle looking towards
4 Greenville, what was on that video? What is your recollection
5 of what was on that video that we wouldn't otherwise see in
6 the other camera angles?

7 A. The ones from that is you can see both vehicles
8 coming in and I would consider it meeting ---

9 Q. Uh-huh.

10 A. --- in the back parking lot area.

11 Q. Okay. When you say, "both vehicles," do you mean the
12 defendant's vehicle?

13 A. Yes.

14 Q. Okay. And do you see the defendant's vehicle arrive?

15 A. To my knowledge, yes.

16 Q. Okay. And did y'all see the video --- the defendant
17 leave as well?

18 A. Yes.

19 Q. Okay. Now, what is your understanding as to why we have
20 only two of those three videos?

21 A. I do not know the answer to that. I don't want to
22 take a guess or anything. I --- I have no answer for ---

23 Q. Uh-huh. Did y'all intentionally destroy it?

24 A. No, sir.

25 Q. Did y'all do anything purposely untoward to make it so

1 that we don't have that camera today?

2 A. No, sir.

3 Q. Okay. How --- would you describe it as a mistake that we
4 don't have ---

5 A. Absolutely.

6 MR. LAMPKE: Okay. Court's indulgence for a second,
7 Your Honor.

8 No further questions for this witness, Judge.

9 THE COURT: Cross-examination.

10 VOIR DIRE CROSS-EXAMINATION

11 BY MS. NEWTON:

12 Q. Detective Anthony, the --- when you're talking about who
13 and with what leaves, you can't actually make out anyone ---

14 (Simultaneous speaking)

15 A. That's as far as the actual people? No, ma'am, I
16 could not see.

17 Q. You're just going with Tahoe belongs to victim, Mini
18 Cooper belongs to defendant?

19 A. Correct, ma'am. Yes, ma'am.

20 Q. Okay. When you say that. Okay. You --- okay, so you
21 went to the Hot Spot with them and viewed surveillance footage
22 more than once?

23 A. I only viewed the footage once and that was in the
24 morning. Saturday, I believe. Yeah, Saturday morning.

25 Q. Okay.

1 A. It's in my supplemental. To be honest with you,
2 ma'am, I can't recall.

3 Q. Okay. I get it. The --- okay, so you went to view the
4 surveillance footage and that's when you talk about what you
5 saw kind of?

6 A. Yes, ma'am.

7 Q. Okay.

8 A. Yes, ma'am.

9 Q. And you had viewed that before the interview started with
10 my client?

11 A. Yes, ma'am. That's correct.

12 Q. Okay. But you didn't collect it or report it ---

13 (Simultaneous speaking)

14 A. No, ma'am. I --- I did not. No, ma'am.

15 Q. Okay. And the --- your supplemental doesn't include
16 specific times; is that correct?

17 A. Yes, ma'am. To be honest, when I watched the
18 footage, I --- (background noise) times or anything like
19 that. I just knew we would attempt to extract it, look
20 at times later.

21 Q. Okay.

22 A. Just kind of get a picture of the full screen.

23 Q. Okay.

24 A. Full scene, sorry.

25 Q. All right. So when you --- all right. Was it --- so

1 when you said you --- you viewed it, I'm sorry, and I think
2 you just said that it was only at the Hot Spot while the, you
3 know, other investigators were supposed to be collecting it?

4 A. All three angles. Yes, ma'am.

5 Q. Okay. All three of those angles. Okay. But you,
6 yourself, viewed them at the Hot Spot?

7 A. Yes, ma'am.

8 Q. Not separately anywhere else?

9 A. I viewed the other two angles ---

10 (Simultaneous speaking)

11 Q. Yes.

12 A. Correct. Yes, ma'am.

13 Q. Okay. Of what ---

14 A. Uh-huh.

15 Q. --- but you were there. Okay. And in terms of talking
16 about what you see, are you relying on what Chet put in his
17 supplemental, or just your recollection of that?

18 A. That would be my recollection.

19 Q. Okay. And a lot of --- is it safe to say that a lot of
20 what the surveillance footage that you referenced is about
21 that right side closest to the speedway?

22 A. I'm sorry. I didn't understand ---

23 Q. In terms of what you see, like when the Mini Cooper
24 leaves, when the Tahoe leaves, the back --- the car

25 meeting --- the Tahoe meeting the Mini Cooper enough times to

1 see someone come in, those references, that's all from that
2 eastern side that's closest to the speedway?

3 A. To my knowledge, you can still see a little bit of
4 from the middle camera that shows the pumps. But I ---
5 again, I ---

6 Q. The Tahoe and the Mini Cooper kind of lining up pausing
7 and then leave --- exiting. You can only exit on Crosswell
8 with one side of the cameras angles footage ---

9 (Simultaneous speaking)

10 A. I mean, there's two --- I --- there's two exits.
11 Technically, you can exit to the racetrack and back left,
12 and then there's another exit back there ---

13 (Simultaneous speaking)

14 Q. --- talk about ---

15 A. --- I can't see that exit.

16 Q. --- the exit towards Crosswell School ---

17 A. Yeah, I can't see.

18 Q. --- we can't see that ---

19 A. No, ma'am ---

20 Q. --- right? Okay. Is that only about what you viewed in
21 the store? Okay. And that was --- did you say that was
22 before you went to the hospital to interview Sedric?

23 A. I went back and forth to the hospital a few times, I
24 believe. That would have been after the first interview.

25 Q. Okay.

Voir Dire Redirect Exam Anthony

1 A. If I'm not mistaken.

2 MS. NEWTON: Okay.

3 THE COURT: Redirect.

4 MR. LAMPKE: Just two questions, Judge.

5 VOIR DIRE REDIRECT EXAMINATION

6 BY MR. LAMPKE:

7 Q. Detective Anthony, your recollections of the video, what
8 you saw, did you denote what you saw in your report?

9 A. Hmm.

10 Q. Okay. And was that made at the time that you were
11 viewing it?

12 A. The --- the notes ---

13 Q. Yes.

14 (Simultaneous speaking)

15 A. --- at that time, it was directly afterwards.

16 Q. Okay. And did you and the defendant discuss the contents
17 of the --- that video in the interrogation that occurred the
18 day after?

19 A. Yup.

20 MR. LAMPKE: Okay. No further questions, Judge.

21 THE COURT: Thank you, sir. You're excused.

22 THE WITNESS: Thank you, sir.

23 MR. LAMPKE: Finally, Judge, the State calls
24 Detective Genthner to the stand.

25 THE COURT: Okay.

1 (WITNESS SWORN)

2 JOSHUA GENTHNER, HAVING BEEN DULY SWORN, TESTIFIED

3 AS FOLLOWS:

4 CLERK: Thank you, sir. If you would have a seat
5 and state your name for the record.

6 THE WITNESS: Joshua Genthner.

7 VOIR DIRE DIRECT EXAMINATION

8 BY MR. LAMPKE:

9 Q. And can you spell it for us, please?

10 A. Last name G-E-N-T-H-N-E-R.

11 Q. Detective Genthner, I'm just going to speak to you about
12 the Hot Spot video in this case. Did you go to the Hot Spot
13 and review the surveillance cameras from the night that this
14 shooting occurred?

15 A. I did.

16 Q. Okay. And did you collect those videos?

17 A. I did.

18 Q. How did you go about collecting them?

19 A. Collected them from the store clerk.

20 Q. Uh-huh.

21 A. Brought the bag in to place them into evidence.

22 Q. Okay. So you were the one that put them into evidence?

23 A. Correct.

24 Q. Okay. How does it typically go getting video from Hot
25 Spot?

1 A. From Hot Spot, this was the first time I did it. So
2 I don't know how it usually goes, but for me, the store
3 manager, or store clerk at the time, was able to download
4 those videos and give us --- give them to us on a disc.

5 Q. Uh-huh. Now, when you watched the videos then on that
6 day, how many camera angles were there?

7 A. Multiple camera angles. The ones in question, I
8 believe there were three of them.

9 Q. Okay. And how many camera angles do we have now?

10 A. Two.

11 Q. Okay. What was your recollection of the depiction on
12 that third camera angle that we don't have?

13 A. That's facing the speedway ---

14 Q. Uh-huh.

15 A. --- over to the left. It catches a little bit of
16 123.

17 Q. Okay. What can we see in the videos that we do have?

18 A. So video was (unintelligible) you can see the
19 victim's vehicle.

20 Q. Uh-huh. Do you see the victim's vehicle arriving?

21 A. Yes.

22 Q. Okay. Do you see the victim's vehicle coming through the
23 Hot Spot after the shooting?

24 A. Yes.

25 Q. Okay. What is that third angle that we don't have? What

1 did that depict?

2 A. For the best part of my recollection, it shows the
3 angle --- I believe you can --- it's been a long time
4 since I viewed this, but you can kind of see the victim's
5 vehicle arrive.

6 Q. Uh-huh. Can you see the defendant's vehicle arrive in
7 the video?

8 A. Not to my recollection.

9 Q. Okay. When you got the video from the manager of the Hot
10 Spot, how did it end up that we only have three videos
11 when --- when --- or how does it --- how do we only have two
12 videos when you initially saw three?

13 A. Could be a matter of miscommunication on our part.

14 Q. Uh-huh.

15 A. Or it could be a technical issue that we got with
16 the video. It comes with a preloaded software from my
17 best understanding that already shows certain angles ---

18 Q. Uh-huh.

19 A. --- and only allows certain recording at the time.

20 Q. Okay. Did you intentionally get rid this video?

21 A. Absolutely not.

22 Q. Did you do anything untoward to try to make so that it we
23 wouldn't have this video here in trial today?

24 A. Absolutely not.

25 MR. LAMPKE: Okay. Court's indulgence for a moment,

1 Your Honor.

2 THE COURT: Uh-huh.

3 MR. LAMPKE: Nothing further, Judge. Thank you.

4 THE COURT: Cross-examination.

5 VOIR DIRE CROSS-EXAMINATION

6 BY MS. NEWTON:

7 Q. Detective Genthner, when --- what time were you viewing
8 that surveillance footage?

9 A. The exact time?

10 Q. Like approximate.

11 A. It would have been early morning of the next day.

12 Q. Okay. Did you view any of that footage the night before?

13 A. No.

14 Q. Okay. And then ---

15 A. My apologies, ma'am. The night of the incident?

16 No.

17 Q. Yes. No Hot Spot footage the night of the incident?

18 A. No.

19 Q. Okay. And then you were there the next day, is that ---
20 the time you were viewing it, was that the same time that you
21 were collecting it?

22 A. Correct.

23 Q. Okay. So you were there with the manager, whoever that
24 is, I think Tyler somebody. And then he made the disc for you
25 as you're viewing everything that you just testified to?

1 A. I don't know the exact name of the individual I
2 collected from, but it was certain that day that I
3 collected it.

4 Q. I guess I'm just confused, because kind of a lot happens
5 that next day, right? And so were you viewing it and then you
6 went back to the Hot Spot later? Did you leave it for
7 collection pick up?

8 A. I cannot recall exactly when I collected it.

9 Q. Okay.

10 A. I don't have any statement in front of me of when I
11 collected it. But I viewed it that day. Best I can
12 recall at the time.

13 Q. Okay. Would you be surprised to know that your statement
14 doesn't include times in there?

15 A. Very possible ---

16 (Simultaneous speaking)

17 Q. Okay.

18 A. --- not sure.

19 Q. Okay. And then you --- once you put it into evidence ---
20 let me back up. Prior to putting it into evidence, did you
21 view the footage on the disc provided?

22 A. I --- I cannot recall to the best of my knowledge.

23 Q. Okay. And then --- and you put it in, I think it was
24 within a day or two of collection; is that correct?

25 A. Sounds about right.

1 Q. Okay. So when you were at the Hot Spot viewing the
2 footage, there's 27-something different angles; did you view
3 all of those angles?

4 A. Every single angle? At times, yes. During the
5 course of where we believe the timeline occurred we were
6 looking at multiple angles at that time.

7 Q. Okay. Was it your decision as to what times you
8 collected?

9 A. Yeah, we had a window where we wanted to collect the
10 time he period in between, correct.

11 Q. Okay. But that would come from you or --- I guess it was
12 you, right, because ---

13 A. More or less when I was initially viewing it,
14 initially speaking to the manager it was a female at the
15 time, I can't recall her name. The time period that I
16 was talking about was in between particular time. I
17 don't know if there was any final word by anybody else on
18 what times we needed. I know I spoke to her in length
19 about hey, this is the time period we're looking at,
20 these are the videos that we want to collect. I don't
21 know if anybody gave final word on exactly what time
22 period that was.

23 Q. Okay. And it was I believe in a flash drive with some
24 other --- retract that.

25 MS. NEWTON: Okay. No further questions.

1 THE COURT: Redirect.

2 MR. LAMPKE: Yes, Your Honor.

3 VOIR DIRE REDIRECT EXAMINATION

4 BY MR. LAMPKE:

5 Q. Detective Genthner, did you get the Hot Spot videos on a
6 CD?

7 A. Correct.

8 Q. Did you check and make sure that all of the videos that
9 you and the clerk discussed at the Hot Spot were on the CD
10 once you got it before you put it into evidence?

11 A. I can't recall to the best of my knowledge. I make
12 sure that it was playing, it was working to some extent
13 before I placed it into evidence.

14 Q. Okay. Do you think if you had looked at it, the actual
15 physical disc, that you got that you would have realized that
16 this is only two videos instead of three?

17 A. Yeah. I would have gone back and got it.

18 MR. LAMPKE: Okay. No further questions, Judge.

19 THE COURT: Re-cross.

20 MS. NEWTON: No, Your Honor.

21 THE COURT: Thank you, sir, you're excused.

22 MR. LAMPKE: Judge, we have no further witnesses in
23 this regard. We can go ahead and argue the evidentiary
24 portion if you'd like.

25 THE COURT: Glad to hear from you.

1 MR. LAMPKE: Absolutely, Judge. So Rule 1004 states
2 that the original is not required and other evidence of
3 the contents of a riding recording or photograph is
4 admissible if all originals have been lost or destroyed
5 unless the proponent lost or destroyed them in bad faith.
6 Judge, State v Henley which is 428 S.C. 649, it's a 2019
7 case, states that bad faith cannot be inferred simply
8 because the evidence was lost.

9 In that case the --- the perpetrator in a burglary
10 left a cigarette butt on the scene. Law enforcement
11 tested the cigarette, found the DNA on it. However law
12 enforcement somehow lost the cigarette between the time
13 that it was tested and trial.

14 Despite that, the Court ruled that the DNA tests
15 were admissible and that the lost evidence did not
16 necessarily show bad faith.

17 Another example, Judge is State v Holcomb,
18 382 S.C. 432. It's a 2009 case. Judge, those are both
19 the cases that I cite in my trial brief. In that case,
20 the Court suppressed evidence relating to a letter that
21 one of the defendants --- codefendants wrote expressing a
22 motive to commit the murder. So specifically the witness
23 wanted to testify that they had received the contents of
24 the letter that they had destroyed it and they wanted to
25 testify about the particular contents of the letter.

1 The trial court in that situation suppressed the
2 evidence and didn't allow testimony regarding it.
3 However, the Court of Appeals ruled that the trial court
4 had made an error in that regard and that the record does
5 not reflect that the original letter was destroyed
6 through any bad faith of the proponent. Thus, there's no
7 basis for excluding the statements about the letter under
8 the best evidence rule.

9 Judge, that is the situation here is that we have
10 a ---

11 THE COURT: I didn't hear anything about what
12 happened. What did happen?

13 MR. LAMPKE: Judge, from the testimony of Detective
14 Genthner, and as well as the other officers, it appears
15 that they watched the video together ---

16 THE COURT: I --- I got that. What happened to the
17 video? What --- where is it? Where did it go?

18 MR. LAMPKE: Judge, Detective Genthner testified
19 that when he had the video copied from the person that
20 was working at Hot Spot, that there were now --- because
21 that video's in evidence, there are only two camera
22 angles that are on the CD that we presently have.

23 So Judge, what must have happened is that the video
24 was not properly copied over to the CD that we have in
25 evidence. The key point being, Judge, is that, you know,

1 it --- it definitely is not good that the law enforcement
2 in this case saw videos and didn't double-check to make
3 sure that they have received the videos that they
4 actually needed before the system deleted them.

5 Judge, that is something that the defense is
6 absolutely entitled to cross-examine the witnesses about,
7 about their failure to preserve that video.

8 But specifically, when we're looking at the narrow
9 question as to whether evidence of the --- of the
10 contents of the recording as specified in Rule 1004, the
11 only thing that we have to consider is whether the
12 evidence was lost in bad faith. State v Henley said ---

13 THE COURT: You know that that's the only thing you
14 have to consider in this case. I mean, I know that's
15 what you're saying. But you --- you have some very,
16 very, very specific information that has been recited
17 that's supposed to be in this video that's no longer
18 here. Nobody has the chance to go back and check it.

19 And I wasn't --- it might have just been I didn't
20 catch it, but I wasn't quite sure how that very
21 specificity has been --- and the information has been
22 testified to gets lost on the tape ---

23 Q. Hmm. Judge, Officer James testified that he was taking
24 notes about the video while he was viewing it. That's how
25 they have the --- the sufficient specificity there. Regarding

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1 Detective Anthony's testimony, he testified that he took notes
2 regarding his recollection of the video when he wrote a
3 supplemental ---

4 THE COURT: That was the next day.

5 MR. LAMPKE: Precisely, Judge. But they also
6 discussed the video in the defendant's interrogation,
7 which similarly occurred that next day.

8 Judge, based on all of that, we believe that it is
9 admissible under that exception of Rule 1004, because
10 there is no evidence of bad faith. It is definitely not
11 a good thing that the law enforcement in this case ---

12 THE COURT: (Unintelligible).

13 MR. LAMPKE: --- thank you, Judge.

14 THE COURT: Thank you.

15 MS. NEWTON: Judge, it's just our position that
16 because law enforcement did not preserve the appropriate
17 evidence, we have no way of cross-examining them about
18 what they observed. And the implication on that ---

19 THE COURT: Let me --- let me stop you. Go back to
20 notes that were taken by the officer ---

21 MS. NEWTON: Uh-huh.

22 THE COURT: --- at the time. Where are they?

23 MR. LAMPKE: Judge, they are in the supplemental
24 here. There were no physical notes that were taken as
25 they were sitting there watching ---

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1 THE COURT: No physical notes that were taken? I
2 thought he said he took notes (inaudible).

3 MR. LAMPKE: Your Honor, not exactly sure as to
4 Officer James' --- his way of noting what was going on,
5 whether he took physical notes or whether he perhaps had
6 his computer there that he was typing as he was watching
7 the video.

8 THE COURT: Well, whatever manner in which he got
9 the specificity, how was it recorded?

10 MR. LAMPKE: Judge, it was recorded in his law
11 enforcement file in a --- in a supplemental specifically
12 with the time ---

13 THE COURT: The next day?

14 MR. LAMPKE: Judge, the supplemental here is
15 dated --- let's see. That's 12/10/2022, which is the day
16 after the shooting. The shooting occurred in the late
17 evening hours of 12/9, so the supplemental was the
18 following morning.

19 (Simultaneous speaking)

20 THE COURT: --- make sure I understand this, because
21 I'm not ---

22 MS. NEWTON: Actually started on the 15th.

23 THE COURT: What?

24 MS. NEWTON: It was --- the supplemental was started
25 on December 15th about what he did on December 10th.

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1 THE COURT: On the 15th from the 10th? So from what
2 did he use to come up with (unintelligible). I mean,
3 those are some extremely specific dates and times and
4 things. What was that recorded on?

5 MR. LAMPKE: Judge, I would imagine that he ---

6 THE COURT: There's no imagining, this is trial.
7 This is discovery. This has got to be absolutely
8 something there that is written on. Five days later him
9 having that specificity is totally not credible.

10 MR. LAMPKE: Uh-huh.

11 THE COURT: So there's got to be something there in
12 which he can show that I wrote this down, and I made this
13 note. What is it?

14 MR. LAMPKE: Judge, I --- I'm not sure as to exactly
15 when his supplemental was written. The note on the
16 supplemental is 12/15/22. But ---

17 THE COURT: It's not my question about when the
18 supplemental was written. Again, and I'm not trying to
19 beat you up ---

20 MR. LAMPKE: Absolutely, Judge.

21 THE COURT: --- just trying to find out.

22 MR. LAMPKE: Uh-huh.

23 THE COURT: I mean this is certainly very, very,
24 very specific things that according to this counselor
25 comes five days later. But even if it was the next day,

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1 there had to be something upon which that was recorded or
2 memorialized in order to go back and put it into a
3 report.

4 MR. LAMPKE: Uh-huh.

5 THE COURT: And so what is that that --- where was
6 the notes taken? Where were they memorialized in which
7 they --- they used that to create ---

8 MR. LAMPKE: Uh-huh. Judge, I'm not sure as to
9 Detective Anthony, whether he had any handwritten notes.
10 They were none that were turned over in discovery, none
11 in the law enforcement file.

12 THE COURT: Well, let me tell you, that gives me
13 great concern that this --- somebody next day is going to
14 have that kind of degree of specificity. That cause you
15 any concern?

16 MR. LAMPKE: Judge, it --- it's a question as to
17 the --- the particulars as to how exactly ---

18 (Simultaneous speaking)

19 THE COURT: --- my concern is. Because if I recall
20 what you all earlier today, and I'm just trying to
21 remember, but some certain car we saw, it was the same
22 car at such and such a time and left at such and such a
23 time, another one parked at such and such a time and left
24 at another such and such time. And --- and that wasn't
25 memorialized in some fashion and --- and until it was

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1 recorded the next day, or five days, later or whenever.
2 But it contemporaneously --- how in the world could you
3 ever remember that kind of specificity ---

4 MR. LAMPKE: Uh-huh.

5 THE COURT: --- on a credible basis?

6 MR. LAMPKE: Uh-huh. Judge, I think that the ---
7 the question regarding the credibility of the testimony
8 is something that the defense would be able to
9 cross-examine ---

10 (Simultaneous speaking)

11 THE COURT: --- for me to make --- make sure first
12 as the gatekeeper that it's good enough to come in.

13 MR. LAMPKE: Uh-huh.

14 THE COURT: And so right now, I'm not convinced.
15 Okay. So I'm asking --- I'm --- I'm not going to say
16 right now that you don't --- you can't find out, because
17 maybe phone call or two will answer that information.

18 MR. LAMPKE: Uh-huh.

19 THE COURT: But I would certainly think there had to
20 be some source from which that was garnered or gathered
21 in order to have that kind of specificity.

22 MR. LAMPKE: Uh-huh. Absolutely, Judge. Judge, we
23 could recall Officer James and --- and question him ---

24 THE COURT: No, you all just fine now. I mean ---

25 MR. LAMPKE: Okay.

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1 THE COURT: Okay.

2 MR. LAMPKE: Absolutely, Judge.

3 THE COURT: I want to hear from defense. What ---
4 what's yours other than what I just said?

5 MS. NEWTON: Judge, that --- that's our concern, I
6 think what the preserved video surveillance matches in
7 terms of time, that they should be --- you know, that's
8 fine. Those angles or times can be talked about because
9 whatever report was made with what we are able to see ---

10 (Simultaneous speaking)

11 THE COURT: Well, let me ask you this --

12 MS. NEWTON: --- what's not --- what we don't have
13 on either end.

14 THE COURT: All right. Let me --- let me ask you,
15 what is there on this third view, the 123 racetrack view
16 that is not on the first or second angles that they
17 recorded? What's --- what's the difference?

18 MS. NEWTON: The --- both of it is a specific time
19 as to when the Mini Cooper leaves the parking lot.

20 THE COURT: And that's not shown on any of the other
21 vehicle ---

22 MS. NEWTON: It's not.

23 THE COURT: --- angles?

24 MS. NEWTON: No. And in order to fully address
25 that, I do just need to look at one thing because I think

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1 there is ---

2 THE COURT: Sure.

3 MS. NEWTON: --- potential for one --- one more
4 time. Yes, I believe, but I'm happy for the State to
5 correct me if what I was glancing at is wrong, but it
6 also --- so it's the beginning time where the Mini Cooper
7 arrives, and then when the Mini Cooper leaves. Those
8 designations are what we are not able to see, because
9 it's ---

10 THE COURT: Not on the other two?

11 MS. NEWTON: Yes.

12 THE COURT: Any other further argument from the
13 defense?

14 MS. NEWTON: No, Your Honor.

15 THE COURT: All right. I'm going to reserve making
16 a call. I want you to find out, I mean, what the source
17 of that specific information was. Okay? We'll cross
18 this bridge ---

19 MR. LAMPKE: I can address that right now, if it's
20 okay with you.

21 THE COURT: Absolutely it is.

22 MR. LAMPKE: Judge, so based on my conversation with
23 Officer James, that at the time, it was common practice
24 for law enforcement, especially when they were making
25 notes to use blank word documents so that they could

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1 collect the different ---

2 THE COURT: What are those?

3 MR. LAMPKE: --- and that's what I'm going to get
4 to, Judge. So the fundamental issue is, and I understand
5 the frustration and understand why you feel the way you
6 do. He can't remember specifically, like, what he used,
7 but he said it was his common practice to write it in
8 word, and then copy ---

9 THE COURT: Well ---

10 MR. LAMPKE: --- and paste it into his report. And
11 that word document is gone and we acknowledge that.

12 THE COURT: I tell you if y'all can find it ---

13 MR. LAMPKE: Yes, sir, Judge.

14 THE COURT: --- then --- then I might reconsider.

15 MR. LAMPKE: Yes, Judge.

16 THE COURT: Right now, it's just ---

17 MR. LAMPKE: Yeah.

18 (Simultaneous speaking)

19 THE COURT: --- you know, potential I don't have
20 feel comfortable with that.

21 MR. LAMPKE: Yes, Judge. We understand.

22 THE COURT: So I'm going to give you the opportunity
23 tonight and you run it down.

24 MR. LAMPKE: Yeah.

25 THE COURT: Not ruling, we'll make that call in the

Proceedings

1 morning. Okay?

2 MR. LAMPKE: Yes, Judge. Thank you, sir.

3 THE COURT: All right. Anything from the State
4 before we go?

5 MR. LAMPKE: I don't believe anything ---

6 (Simultaneous speaking)

7 THE COURT: Anything from the defense before we go?

8 MS. NEWTON: No, Your Honor.

9 THE COURT: Ms. Simon, just remind you, we will
10 continue in your absence if you're not --- (background
11 noise) --- all right thank you. See you in the morning.

12 MS. NEWTON: Thank you, Your Honor.

13 MR. LAMPKE: Thank you, Your Honor.

14 (PROCEEDINGS CONCLUDED FOR FEBRUARY 23, 2026)

15 (PROCEEDINGS BEGIN FOR FEBRUARY 24, 2026)

16 THE COURT: All right. When we left yesterday, we
17 had an issue of the videotapes from Hot Spot, and I was
18 asking you to see what they've got to kind of transfer
19 from the notes to the report that you could run down;
20 were you able to come up with anything?

21 MR. LAMPKE: Your Honor, we weren't able to come up
22 with anything. I have discussed this matter with
23 opposing counsel and we have agreed to just go ahead and
24 remove the mention of the missing camera angle from the
25 defendant's interrogation. I have redacted the video and

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1 provided the redactions that we've discussed about before
2 to the defense for them to review to --- to double-check
3 my work in that regard.

4 THE COURT: Everybody's agreed upon; is that
5 correct?

6 MS. NEWTON: Judge, we haven't had an opportunity to
7 review the redactions, but ---

8 THE COURT: That's not what I'm asking ---

9 MS. NEWTON: Yeah.

10 THE COURT: --- have you all agreed to that in
11 general though?

12 MS. NEWTON: Yes, for him to exclude that.

13 THE COURT: All right. That sound good. I
14 appreciate you working it out.

15 MR. LAMPKE: Absolutely, Judge. And we also don't
16 intend to get into that testimony on the witnesses
17 either. Obviously. We would, however, like to go back
18 to what Your Honor said yesterday about the ability for
19 the defense to cross-examine the officers regarding the
20 absence of it, that obviously, if we're not able to talk
21 about it, we'd appreciate the defense couldn't raise an
22 inference as to the --- the existence of the video.

23 THE COURT: I think that's fair. Any --- any
24 objection to that?

25 MS. NEWTON: Your Honor, I don't think we intend to

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1 go in depth into questioning ---

2 THE COURT: Let me tell you this: You --- you don't
3 want --- here's the deal, I haven't finished ruling yet.
4 Okay?

5 MS. NEWTON: Yes, sir.

6 THE COURT: And --- and I've thought about it and
7 thought about it. So y'all agreed upon things, they're
8 taking it, you're not going to cross them on it. Okay?

9 MS. NEWTON: Judge, if the only thing I would add,
10 if I may, is just that we do think it goes to the lack of
11 investigation and the lack of thoroughness of law
12 enforcement. They didn't ---

13 THE COURT: All right.

14 (Simultaneous speaking)

15 THE COURT: You're going to get into that, then I'm
16 going to let it and --- and cross them fully on. Okay?
17 That might be the better way to handle it in the first
18 place, because you tied his hands on one and hit him on
19 the other, I think it's kind of not fair either.

20 But my overarching concern yesterday just --- and
21 this is not trying to be --- I've rethought this, I've
22 talked to my law clerk about it, we've looked at the
23 cases. The overarching concern is fundamental fairness.
24 And, you know, the whole idea behind evidence rules that
25 you have some additional trustworthiness as far as the

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1 admissibility one way or the other.

2 And --- and --- second thought I'm going to let it
3 in. So the two objections they're going to cross you
4 thoroughly on it and think that's probably a better way
5 to handle it in the first place. So I'm going to reverse
6 myself from my earlier ruling, let it in. (Inaudible)
7 okay?

8 MR. LAMPKE: Absolutely, Judge. And we can update
9 the redactions on the video ---

10 (Simultaneous speaking)

11 THE COURT: Very good.

12 MR. LAMPKE: --- to that --- to that ---

13 THE COURT: --- when you get a chance. Other than
14 that, y'all ready to go?

15 MR. LAMPKE: I believe so, Your Honor.

16 THE COURT: Defense ready to go?

17 MS. NEWTON: We are, Your Honor.

18 THE COURT: All right. Bring the jury in.

19 (JURY ENTERS COURTROOM)

20 THE COURT: Over the break, has anyone seen, read,
21 or heard anything about this case? If so, raise your
22 hand. Excellent. All right. You ready to proceed?

23 MR. DUNN: Yes, Judge.

24 THE COURT: Okay. Call your witness.

25 MR. DUNN: Thank you, sir. The State call the Bryan

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1 Langston.

2 (WITNESS SWORN)

3 BRYAN LANGSTON, HAVING BEEN DULY SWORN, TESTIFIED AS
4 FOLLOWS:

5 CLERK: Thank you. Please have a seat and state
6 your name for the record.

7 THE WITNESS: My name is Bryan Langston, B-R-Y-A-N,
8 L-A-N-G-S-T-O-N.

9 DIRECT EXAMINATION

10 BY MR. DUNN:

11 Q. Good morning Deputy, thanks for joining us.

12 A. Morning.

13 Q. Where do you currently work?

14 A. I work for Pickens County Sheriff's Office.

15 Q. And what's your present role?

16 A. My present role is school resource officer in the
17 Liberty Elementary School.

18 Q. How long you been doing that?

19 A. Since 2024.

20 Q. And what was your role prior to becoming an SRO?

21 A. 13 years of crime scene investigation on forensics
22 and then seven years on the road.

23 Q. Okay. With regard to being --- working in forensics, was
24 your job title forensic investigator?

25 A. It was.

1 Q. Okay. And can you just walk us through what your job
2 duties would have been as a forensics investigator?

3 A. It's multi-faceted. You're also in charge of
4 property and evidence, so you'll respond to crime scenes,
5 to various types of them, anything from a burglary to a
6 shooting, to a murder, to anything. So and then the
7 evidence collected during this process, you would --- now
8 you're --- you're in charge of collecting it, documenting
9 it, putting it into evidence, and securing it into the
10 facility. And there's odds and ends, there's different
11 things you could do to it.

12 Q. Okay. Were you working in your capacity as a forensics
13 investigator on December 9th of 2022?

14 A. I was.

15 Q. And, you know, just in general as a forensics
16 investigator, approximately how many times have you responded
17 out to crime scenes?

18 A. Crime scenes? Probably averaged about 175 or more a
19 year. So that would make right under 2,000.

20 Q. And how many times did you respond to gun-related crime
21 scenes?

22 A. Probably between 2 --- 2- and 300 probably.

23 Q. Okay.

24 A. (Unintelligible) percentage of those.

25 Q. In your capacity as a forensics investigator, did you

1 receive a call out for service on December 9th of 2022?

2 A. I did.

3 Q. And was that related to the defendant in this case, Renee
4 Simon?

5 A. Yes.

6 Q. Okay. And what was the nature of the call?

7 A. Nature of the call is they found a --- a victim in
8 the road from a gunshot wound. They transported him to
9 the hospital and so we had a crime and a crime respond,
10 so I responded to it.

11 Q. Okay. And where initially did you respond?

12 A. Right --- right beside the Hot Spot, there's a
13 little place called Uncle Buck's Used Cars. That was
14 exactly where the crime scene was, partial in the 123
15 road and their parking lot ---

16 Q. Okay.

17 A. --- or their access road ---

18 Q. I want to take a step back just as an overview of the
19 different places that you responded in the course of this
20 investigation. So we talked about your initial response out
21 on Highway 123. Did you respond to other locations later in
22 your investigation?

23 A. Yes, it was a multi-day process.

24 Q. Okay. What are the other just general locations that you
25 responded over the course of the investigation?

1 A. First was incident location next to the Hot Spot,
2 then the hospital where the victim was, Monty's used
3 cars. A tire shop behind where the Uncle Buck's Used
4 Cars is, and a guess a more accurate would be right
5 behind the Enterprise Rent-A-Car. It's kind of between
6 there and the detention facility.

7 Q. Okay. And at each one of those locations, did you either
8 collect evidence or take photographs of evidence that you
9 observed?

10 A. Yes, all that.

11 Q. And would you recognize copies of those photos that you
12 took if I showed them to you today?

13 A. Absolutely.

14 MR. DUNN: Your Honor, I'm showing opposing counsel
15 what's been premarked as State's Exhibits 7 through 30.
16 May I approach the witness, Judge?

17 THE COURT: Yes, sir.

18 BY MR. DUNN:

19 Q. Sir, I know it's quite a few.

20 A. That's all right.

21 Q. There we go. So starting with this disc, what's been
22 marked as State's Exhibit 7 through 15, and then 22 through
23 30.

24 A. Correct.

25 Q. Does that contain some of the photographs you took?

1 A. That would. It's got my signature on it and date.

2 Q. Is that how you recognize it as the photos that you took?

3 A. Yes.

4 Q. And for the rest of them, do you recognize what I handed
5 you?

6 A. Yes. All these photos I took.

7 Q. Okay. Have they been changed or altered in any way?

8 A. They have not.

9 Q. And are they the same as the ones that you took at each
10 different incident location that you responded to?

11 A. Correct.

12 MR. DUNN: Your Honor, at this time, State moves to
13 enter what's been premarked as State's Exhibits 7 through
14 30.

15 THE COURT: Any objection?

16 MS. NEWTON: No, Your Honor.

17 THE COURT: They're all admitted 7 through 30.

18 (STATE'S EXHIBITS 7 THROUGH 30 ADMITTED)

19 MR. DUNN: Thank you, Judge. And permission to
20 publish at the appropriate time.

21 THE COURT: Yes, sir.

22 MR. DUNN: Thank you, sir.

23 BY MR. DUNN:

24 Q. All right. Sir, I want to take a step back again to what
25 we were initially talking about in terms of your response to

1 the initial crime scene. Okay?

2 A. Sure.

3 MR. DUNN: Thank you, ma'am. Okay.

4 BY MR. DUNN:

5 Q. Sir, can you tell us what we're looking at here?

6 THE COURT: Would you do exhibit numbers for us,
7 please?

8 MR. DUNN: Of course, sir.

9 BY MR. DUNN:

10 Q. First, Deputy, looking at what's been marked as State's
11 Exhibit 7, can you walk us through what is shown here?

12 A. Yes. This would be in the crime scene. It's
13 partially in 123. You can see the white line in the
14 road, 123, the Easley-bound side. And that's one of the
15 victim's boots. They're partially in the roadway out
16 there.

17 Q. And was it located in front of a business?

18 A. It was located in front of the Uncle Bucks Used
19 Cars.

20 Q. Okay. And what's been marked as State Exhibit 8, what is
21 seen here?

22 A. That's another picture of the same boot, it's from a
23 different angle.

24 Q. And State's Exhibit 9, Deputy, what are we looking at in
25 this picture?

1 A. That is the other boot. I found it probably about
2 25, 30 feet away from that toward --- back up toward
3 Easley. And it was the boot --- I captured the boot and
4 a green, like, beanie cap there.

5 Q. Were those also marked with placards?

6 A. They were. They were placard two and three. I
7 think you have a subsequent picture of (inaudible).
8 That's another angle the same.

9 Q. In the State's Exhibit 10, State's Exhibit 11, are those
10 the placards that you just mentioned?

11 A. Yes, it is.

12 Q. And what are we looking at in terms of the proximity of
13 where these are located?

14 A. The --- it had to be difficult to see, but the ---
15 the other boot with placard one is probably on the other
16 side of that huge white sign on the line. And this is
17 back toward the fence area and the corner of the lot of
18 Uncle Buck's Used Cars.

19 Q. Okay. State's Exhibit 12, is that a close-up of that
20 same placard?

21 A. That is with the placards, yeah.

22 Q. And State's Exhibit 13, what are we looking at here?

23 A. In searching the area around him, there was in the
24 Enterprise parking lot, this was one of the --- the upper
25 entranceway to it. Detectives found a cell phone that

1 actually was still playing music, and then alerted me to
2 it. And I went over to discover it.

3 Q. Okay. And just taking a brief step back, in the previous
4 two placards, two and three, the boot and the ---

5 A. Yes.

6 Q. --- were you able to locate anything else ---

7 A. Yes.

8 Q. --- next to those?

9 A. There was a little small area spot of blood next to
10 that boot.

11 Q. Okay.

12 A. It was raining at the time. So I expedited marking
13 everything and collected the blood because it was going
14 to dissipate.

15 Q. Okay.

16 A. With this rain.

17 Q. With regard to the phone here, you mentioned it was at
18 the Enterprise. Is this Enterprise in here the other Uncle
19 Buck's business that you talked about?

20 A. It is. It's right beside it.

21 Q. Okay. And was there anything that stood out to you about
22 the phone when you found it?

23 A. That it --- it was active and playing music.

24 Q. It was playing music?

25 A. Yes.

1 Q. Okay.

2 A. And I marked it with placard four.

3 Q. And that's State's Exhibit 14. And State's Exhibit 15,
4 in --- in the background of that, what can you see?

5 A. That's the sign for Hot Spot. You can actually see
6 up Uncle Buck's a little bit to the left. It's such a
7 dark picture because of the rain. And you can see one of
8 the cruisers out in the road blocking the crime scene off
9 back where the boot was.

10 Q. Okay. And with regard to the different items the that
11 you found, marked with placards, were you able to collect
12 those into evidence?

13 A. Yes, I was. I collected all of those after we ---
14 we cleared the crime scene and secured the undocumented
15 and we put them in evidence.

16 Q. Okay. All right, sir. Now, I know earlier we mentioned
17 that later that night, you went to the hospital; is that
18 correct?

19 A. Correct. After I had done all that for the
20 evidence, I proceeded to the Greenville Memorial
21 Hospital.

22 Q. Okay. And what did you do there?

23 A. They escorted me in to where the victim was being
24 treated. And at --- to get GSR from his hands, they ---
25 EMS went ahead and took the precaution of putting bags

1 over the hands, that's --- that's --- that's normal.

2 Q. Uh-huh.

3 A. And so he was still being treated and still in pain.

4 So I went, took the bags off, took pictures of the hands,
5 and collected GSR from his hands.

6 Q. Okay. And when you say, "GSR," what does that mean?

7 A. That's gunshot residue.

8 Q. Okay. And what do you do to test for that?

9 A. There is a SLED kit that has --- it's an applique
10 that you put on the hands and it will, like, pretty much
11 just as an ease, it will take off all the stuff that's on
12 the hands. And then SLED will test that for gunshot
13 residue.

14 Q. Okay.

15 A. And you take that evidence, took the documentation
16 on it, seal it, and then put it into evidence and
17 transport it to SLED, if they so --- they want to test it
18 (inaudible).

19 Q. And with regard to the GSR kit on the victim in this
20 case, did SLED test that?

21 A. I don't believe they did.

22 Q. Okay.

23 A. No.

24 Q. And skipping ahead a little bit, did you eventually try
25 to do a GSR kit on the defendant in this case?

1 A. No, I did not.

2 Q. Okay. Why did you not conduct a ---

3 A. It was ---

4 Q. --- kit?

5 A. --- 24 to 36 hours later, I believe. She was in the
6 detention facility. And you can't --- there's ---
7 there's all kind of factors that could come into it where
8 she could wash her hands, decontaminate with other
9 things. So SLED usually doesn't test that --- after that
10 time frame.

11 Q. Okay. And when you say, 24 to 36 hours later, are you
12 talking about between the incident and when you actually got
13 to the defendant?

14 A. Right.

15 Q. Okay. And so the time frame exceeded SLED's guidelines;
16 is that correct?

17 A. It is.

18 Q. Okay. Now, bringing us back to the hospital that
19 evening, were you able to collect any other evidence from the
20 hospital?

21 A. I was. The clothes they had already --- had secured
22 them in a --- some --- some backs ---

23 Q. Uh-huh.

24 A. --- for me. So after I got the GSR and take the
25 picture of his hands, I was able to sign those over to

1 me, chain of custody from the --- the hospital to me.

2 Q. Okay. So the hospital gave you the victim's clothes?

3 A. Yes, they did.

4 Q. Okay. Would you recognize a item of clothing that you
5 collected if I showed it to you today?

6 A. Yes.

7 MR. DUNN: Your Honor, I'm showing opposing counsel
8 what's been premarked as State's Exhibit 55.

9 THE COURT: What exhibit number?

10 MR. DUNN: 55, Judge. May I approach the witness,
11 judge?

12 THE COURT: Yes, sir.

13 BY MR. DUNN:

14 Q. Sir, do you recognize what I just handed you?

15 A. Yes. Yeah, this is the white T-shirt that he was
16 wearing you can see blood on it (inaudible).

17 Q. Is it the same --- essentially the same as you collected
18 it that evening?

19 A. It is.

20 Q. Has it been changed or altered in any way?

21 A. It has not.

22 MR. DUNN: Your Honor, at this time, the state would
23 move to enter what's been premarked as State's
24 Exhibit 55.

25 THE COURT: Any objection?

1 MS. NEWTON: No, Your Honor.

2 THE COURT: Admitted.

3 (STATE'S EXHIBIT 55 ADMITTED)

4 MR. DUNN: Thank you, Judge.

5 BY MR. DUNN:

6 Q. Now, I know you just mentioned it, Deputy, but you
7 mentioned that there were a hole?

8 A. Yes. There's a possible bullet hole right there.

9 Q. It's right there?

10 A. (Unintelligible) uh-huh.

11 Q. And you mentioned you can see blood?

12 A. Uh-huh.

13 Q. And is that ---

14 A. Yes.

15 Q. --- around this area right here?

16 A. Yes, that's on the side of the --- the T-shirt.

17 Q. Okay. Okay. Deputy, were those items when --- in terms
18 of the clothing, were they all secured into evidence at the
19 sheriff's office?

20 A. They were. They were secured documented by me,
21 transported and then in our facility, they were under
22 that circumstances they were hung up to dry, because they
23 would be wet with blood and other --- so after they had
24 had air and dried, then they were packed by me and put
25 into evidence.

1 Q. Okay. And how are these secured after that when they are
2 actually placed into evidence?

3 A. Placed into evidence, they're --- they're documented
4 in our --- in our computer system. And then --- but they
5 are physically put in by a --- an attendant like me.

6 Q. Okay.

7 A. And you --- after I was sure that they were dry of
8 anything wet or dampness, they were secured into a paper
9 bag, and then proper labels and everything put on the
10 inside of it, and they're locked inside the facility.

11 Q. Okay. Deputy, I want to move to what happened on the
12 next day, which I believe would be December 10th of 2022 ---

13 A. Yes.

14 Q. --- were you called back out for --- to respond to a
15 location for this case on the Saturday ---

16 A. Yes.

17 Q. --- after this incident?

18 A. During the --- I mean, during the --- the next day,
19 when --- when it was light, detectives found a vehicle
20 behind the tire shop that was adjacent to the location
21 where we were at the previous evening. And they --- they
22 called me out there to process the vehicle.

23 Q. Okay. And what kind of vehicle was it?

24 A. It was a Tahoe.

25 Q. And was that found behind Upstate Tire and Wheel?

1 A. It was.

2 Q. Okay. And when you --- when they were able to locate the
3 vehicle and you were able to get out there, what did you do
4 upon arriving at that scene?

5 A. Well, at the scene, you --- obviously look at the
6 vehicle, glove up, where you won't contaminate the scene.
7 And the vehicle was found unlocked. So I took pictures
8 of the exterior and the interior of the vehicle, then
9 shut the doors, sealed the vehicle back up. I processed
10 then on the scene out --- the outside exterior of the
11 vehicle and then waited for the tow truck to transport it
12 back to our facility where I locked it. And these ---
13 it's a --- it's a sealed building until we obtained a
14 search warrant for it.

15 Q. Okay.

16 MR. DUNN: Your Honor, I'm presenting to the court
17 what's premarked as State's Exhibit 23.

18 THE COURT: 23?

19 MR. DUNN: Yes, sir.

20 THE COURT: Okay.

21 BY MR. DUNN:

22 Q. Deputy, what can we see in this photo?

23 A. That's a photo of the passenger side of the vehicle
24 that's from the driver's side.

25 Q. And State's Exhibit 22 what can we see here?

1 A. That's the same photo from --- that's taken in the
2 back somewhere. You can see the steering wheel and the
3 driver's seat area of the interior.

4 Q. You see anything of note to the investigation in these
5 photos?

6 A. I do not.

7 Q. What's been marked as State's Exhibit 24. Can you tell
8 us what we see here?

9 A. It's a picture from the same angle from the door
10 open into the back rear of the vehicle. The rear
11 passenger side of the vehicle.

12 Q. State's Exhibit 25, do you see anything of note in this
13 picture?

14 A. I do not.

15 Q. And State's Exhibit 26, what do you see in this picture?

16 A. That's just another picture of the rear interior of
17 the vehicle from the passenger side.

18 Q. Was there anything of evidentiary note in that picture?

19 A. No.

20 MR. DUNN: Judge, we're going to do a technology
21 transfer over to the ELMO.

22 BY MR. DUNN:

23 Q. All right, Deputy, looking at what has been premarked as
24 State's Exhibit 20, what is shown here?

25 A. Exterior front of the Tahoe.

1 Q. Okay. And if we Zoom in a little bit and we look back on
2 this TV behind you, Deputy, do you notice anything on the
3 tires?

4 A. Yes, when I was looking at the exterior of the
5 vehicle, it --- it has been --- it looked like sitting in
6 a gravel driveway parking lot. It had had dirt and mud
7 around the front bumper and the tires.

8 Q. Was there any damage on the vehicle?

9 A. There was on the front right, that's against the air
10 dam screen, and was broken at the front on the right
11 bottom. And it was a lot of debris, it looks like mud
12 and dirt.

13 Q. Was it right --- is that ---

14 A. That's right. Correct.

15 Q. Okay.

16 A. The right.

17 Q. Moving to what's been marked as State's Exhibit 21, what
18 is shown here?

19 A. That's the rear of the vehicle. You can still see
20 the --- some mud on the tires and there was --- not
21 showing up too much, but the trailer hitch on the back
22 had a little bit of mud and debris on it. Looked like it
23 had been scraped or looked like it had been drug through
24 some mud.

25 Q. This is the spot you're talking about; is that what

1 you're saying?

2 A. Yes, right there.

3 Q. Okay. And ---

4 A. You can see it on the back tires and fenders too.

5 Q. Okay. Thank you, sir.

6 A. Sure.

7 Q. Now, with regard to that specific crime scene in terms of
8 processing the Tahoe, what steps were taken after you took
9 those pictures while out at the scene?

10 A. Well, after I took the pictures of the scene, the
11 vehicle was secured and I was made aware there was going
12 to be a search warrant to go more in depth inside of the
13 vehicle. So it was --- it never left my sight. It was
14 transported by tow truck back to our facility and I
15 followed it the entire way.

16 Q. Where was it stored in your facility?

17 A. There --- there is an impound lot and there's a
18 building --- one partially has evidence in it, the other
19 one has a little garage-type thing that we can put
20 vehicles into ---

21 Q. Uh-huh.

22 A. --- waiting to be processed. So it was locked in
23 the --- there's a roll up door you can drive it in and we
24 just took the role back and rolled it in ---

25 Q. Okay.

1 A. --- and left it inside there.

2 Q. Okay.

3 A. (Unintelligible).

4 Q. After it was stored at the sheriff's office, were you
5 eventually able to actually process that vehicle?

6 A. Yes, I was.

7 Q. And when you saw ---

8 A. I think it was a Monday time frame.

9 Q. And when I say, "process a vehicle," can you just explain
10 what that means in depth?

11 A. Well, once you get the search warrant, you will
12 search the inside of it. So before that, I was able to
13 process surfaces inside the --- in there for either
14 fingerprints, or bloods, or if there's any evidentiary
15 items, you know, that you can't see, just from ---
16 without taking mats out, taking --- looking underneath
17 seats, carpet, such as that.

18 Q. So were you able to search that vehicle thoroughly?

19 A. Yes.

20 Q. And were you able to locate anything relevant to the
21 investigation when you processed the vehicle thoroughly?

22 A. No.

23 Q. Were you able to locate any firearm?

24 A. There was none. No.

25 Q. In the car, were you able locate the shell casing?

1 A. No.

2 Q. Were you able to locate any bullets?

3 A. No.

4 Q. Were you able to locate any paint gun magazines?

5 A. No.

6 Q. Were you able to locate any blood?

7 A. No, there was none.

8 Q. Were you able to observe any signs of a struggle in the
9 vehicle?

10 A. Nothing appeared to be, no.

11 Q. Okay. Now, that same day, Deputy, were you able to
12 respond to any other area?

13 A. Yes. After that, detectives had gathered
14 information and that possibly occurred at Monty's Used
15 Cars, which was a distance away from the crime scene.
16 But now the crime scene substantiated there with --- with
17 (unintelligible) itself. So they required me to come
18 back. And once I got there, we did a cursory of the area
19 because --- find any more evidentiary items there.

20 Q. Were you able to find anything?

21 A. The only thing I could find was --- there was
22 evidence that a vehicle had left from that Monty's used
23 car lot area and been driven across like grass in a
24 unpaved area, hit a ditch, and a culvert.

25 Q. Okay.

1 A. And then it's still --- those --- the track of that
2 vehicle ended up where we found the Tahoe.

3 Q. Okay. Now, showing you what's been admitted as State's
4 Exhibit 16; what does this show?

5 A. That is a view from the Monty's, the used car
6 parking lot, or the --- the driveway, there back toward
7 the building that you can't see the Tahoe, but to the
8 left of that white building.

9 Q. And is the culvert and ditch that you found out there,
10 actually pictured in this photo?

11 A. It's --- you can't see it, but it is pictured to
12 the --- the grass will show that. Can see between there
13 it's on the other side of it.

14 Q. Okay.

15 A. You couldn't be able to see it like until you were
16 right up on it.

17 Q. Okay. Showing what's been admitted as State's
18 Exhibit 17. Is this that culvert with the tire tracks that
19 you saw?

20 A. It is. It's the ditch and the little grassy knoll,
21 and the little culvert, the little piece of concrete you
22 can see that knocked down into it.

23 Q. Okay. And State's Exhibit 18.

24 A. Yeah, that's from back toward my --- my --- that's
25 my vehicle that's parked in the Monty's parking lot.

1 Q. Okay. And State's Exhibit 19?

2 A. Close up of the culvert and the --- the ditch.

3 Q. Okay. All right. Deputy, I'm going to move on to talk
4 about what happened the next day. So can you walk us through
5 if you were called out to a different location the following
6 day from your time at Upstate near Monty's?

7 A. Yes. (Unintelligible) I believe. It was --- I was
8 called to the detention center where the defendant
9 had --- was in jail, and they was wanting pictures taken
10 of her.

11 Q. Okay. And what did you do after you arrived at the
12 detention center?

13 A. I notified them that I was there. They proceeded to
14 bring the defendant out to a common area. And I was only
15 with my camera, so I took pictures of the defendant.
16 That was the only thing I was there for.

17 Q. Okay. Beginning with what's been admitted as State's
18 Exhibit 30, if you can walk us through what we see here?

19 A. That's the defendant's chin underneath from her neck
20 up. I took a picture of that. You know, from that
21 angle.

22 Q. And what can you see in the photo?

23 A. I don't --- you can see it by her neck, there is
24 the --- it looks like there's some acne, or some type of
25 a --- abrasion there from like shaving or something.

1 Q. Okay. Moving back to what's been premarked as State's
2 Exhibit 29, what's shown here?

3 A. That's the right side of her face and neck area, and
4 the left side.

5 Q. State's Exhibit 28, and State's Exhibit 27?

6 A. The back of her neck, shoulders.

7 Q. And were you also able to make observations of the
8 defendant when you were out there?

9 A. Yes.

10 Q. And during the observations that you made of the
11 defendant and in these photos, were you able to locate any
12 injuries on the defendant's person?

13 A. I was not.

14 Q. Were you able to locate any bruises?

15 A. No, no bruises.

16 Q. Were you able to locate any marks or ligature marks?

17 A. No.

18 Q. And were you able to locate any injuries that would
19 indicate that the defendant had been attacked?

20 A. No.

21 MR. DUNN: Court's indulgence.

22 BY MR. DUNN:

23 Q. Deputy, I want to talk briefly about another piece of
24 physical evidence. Was a handgun magazine brought to evidence
25 in this case?

1 A. It was.

2 Q. And was it brought to you?

3 A. It was.

4 Q. Was it processed into evidence by you?

5 A. It was taken in and logged into evidence, yes.

6 Q. Okay. And would you recognize that if I showed it to you
7 today?

8 A. Yes.

9 MR. DUNN: Your Honor, I'm showing opposing counsel
10 what's been premarked as State's Exhibit 33.

11 May I approach the witness?

12 THE COURT: Yes, sir.

13 MR. DUNN: Thank you, sir.

14 BY MR. DUNN:

15 Q. Do you recognize what I just handed you?

16 A. Yes, this is the envelopes we put evidence in and
17 this has documentation on it, my mark, and it's been
18 sealed. And that contains the magazine (unintelligible).

19 Q. Has it is been changed or altered in any way?

20 A. It has not.

21 Q. Is it the same or substantially the same as you received?

22 A. Yes.

23 Q. And when did you receive it?

24 A. I might have the documentation. It was that ---
25 that Saturday or Monday, I think it was put into the

1 locker.

2 Q. Okay. Was it processed ---

3 A. Yes, Monday.

4 Q. --- Monday?

5 A. Yes.

6 Q. Okay.

7 MR. DUNN: Your Honor, at this time, the State would
8 move to enter State's Exhibit 33 into evidence.

9 THE COURT: Any objection?

10 MS. NEWTON: No, Your Honor.

11 THE COURT: Admitted.

12 MR. DUNN: Thank you, Judge.

13 (STATE'S EXHIBIT 33 ADMITTED)

14 MR. DUNN: Thank you, sir. I have no further
15 questions.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MS. NEWTON:

19 Q. Deputy Langston, you --- we saw a lot of pictures of
20 photos that you took of the evidence; is that correct?

21 A. Correct.

22 Q. You also secured several items that were not just
23 submitted by the State; is that correct?

24 A. Possibly so, yes.

25 Q. Okay. You took the boots into custody?

1 A. I did.

2 Q. You took the stocking cap into custody, correct?

3 A.

4 Q. You took the white tank top into custody?

5 A. Yes.

6 Q. His blue jeans into custody?

7 A. Yes. Uh-huh.

8 Q. Okay. The jacket that the hospital gave you stating that
9 Mr. Holland was wearing into custody?

10 A. Correct.

11 Q. Is that correct? And the brown leather belt that he had
12 with him; is that also correct?

13 A. Correct.

14 Q. Okay. If I show them to you, I guess I'll --- bear with
15 me, I've got to the mark these.

16 Okay. I'm showing you what's been marked as Defendant's
17 1 through 8. Can you please identify them.

18 A. Exhibit Number 5 is a black tank top stained.

19 Number 7, I believe is a right boot.

20 6 is a left boot.

21 Number 3 is the blue jean pants of the victim.

22 Number 2 is the stocking cap of the victim.

23 Number 4 is the belt.

24 And number 1 is the jacket of the victim.

25 Q. Okay. And I misspoke earlier. I showed you 1 through 7

1 that you just identified. I marked 1 through 7. Are all of
2 these fair and accurate depictions of what you logged into
3 evidence that night and has remained secured ---

4 (Simultaneous speaking)

5 Q. --- in the facility?

6 A. There's a ---

7 Q. Just hold --- I'll do it in a second. So these are all
8 items that you corrected as --- from the hospital as belonging
9 to Sedric Holland; is that correct?

10 A. Correct.

11 Q. Okay.

12 MS. NEWTON: All right. At this time I would ask
13 that Defense 1 through 7 be admitted.

14 THE COURT: Any objection?

15 MR. DUNN: No objection from the State, Judge.

16 THE COURT: All admitted.

17 (DEFENDANT'S EXHIBITS 1 THROUGH 7 ADMITTED)

18 BY MS. NEWTON:

19 Q. Okay. Let's see, these --- the physical items along with
20 State 55 came from the hospital; is that correct?

21 A. Correct.

22 Q. Okay. And they --- you had mentioned they had them
23 pre-bagged or pre-set aside for you?

24 A. They did.

25 Q. Okay.

1 A. They had them in one of those drawstring bags you
2 can put personal belongings into.

3 Q. And they knew that law enforcement would be coming to
4 collect ---

5 A. Correct.

6 Q. --- more than likely? Okay.

7 When you got --- let's see --- got back from the
8 hospital, and logged them, I think you stated it was some time
9 into that, like, early morning hours of that Saturday the
10 10th; is that correct?

11 A. That is correct.

12 Q. Okay. Okay.

13 A. There's a timestamp on my evidence sheets. When you
14 do it it's in there.

15 Q. You can't manipulate it?

16 A. Can't manipulate it.

17 Q. Okay. And then at some point I guess you went home and
18 slept, and then you came back and were in and around the
19 car ---

20 A. That --- that next morning, yeah.

21 Q. Okay. When you got to the vehicle, what the State was
22 talking about is State 22. Can you tell me what you see that
23 door handle is broken; is that correct?

24 A. It appears to be, yes.

25 Q. Okay. And again on State's 23, door handle broken?

1 A. It looks like it is.

2 Q. Okay. As compared to State's 25 which is not --- does
3 not appear broken on the back --- that back door; is that
4 correct?

5 A. Back door. Back door (unintelligible).

6 Q. Okay. All right. And that's photos were taken once the
7 deputies had found the vehicle, but then it was a couple hours
8 later that you followed to the trans --- to the impound lot;
9 is that correct?

10 A. Correct.

11 Q. Okay. You remained with the car following it to the
12 impound lot ---

13 (Simultaneous speaking)

14 A. --- found the vehicle ---

15 Q. Okay.

16 A. --- he was with it when I arrived. Once he found
17 it, we were in possession of it the whole time.

18 Q. Okay. Yeah, and I think you logged the Tahoe at
19 4:05 p.m.; does that sound correct?

20 A. Sounds correct.

21 Q. Okay.

22 A. It's in there.

23 Q. And then it was a couple days later once it was in the
24 impound lot that you actually stated that you processed the
25 car?

1 A. The interior, that's correct.

2 Q. Okay. And in that car, you took fingerprints from the
3 Crown Royal bottle that was in the vehicle?

4 A. Uh-huh.

5 Q. Okay. And you --- I think also processed another drink
6 that was in the car as well?

7 A. Uh-huh.

8 Q. Okay. And then you didn't do any swabbing of --- for
9 chemicals in this car, did you?

10 A. No, I didn't. I think I didn't. I usually swab
11 when I see some kind of substance that I --- like is
12 either blood or looks like it could have been a excretion
13 of some type of fluid or something like that.

14 Q. Do any light eliminating? Any of that type of stuff for
15 evidence?

16 (Simultaneous speaking)

17 Q. Okay. You mentioned this with the State, but you took
18 photos of Mr. Holland's hands; is that correct?

19 A. Correct. Yes.

20 Q. Okay. I'm showing --- or I had up here, Defense
21 Exhibit 8. Can you identify that for me?

22 A. That's a (unintelligible) with photos on it
23 (unintelligible).

24 Q. It's a picture of Mr. Holland's hand; is that correct?

25 A. Yes.

1 Q. Okay. And you viewed that and it's a ---

2 A. I did.

3 Q. --- fair and accurate representation ---

4 A. It is.

5 Q. --- of a photo you took at the hospital, correct?

6 A. Correct.

7 Q. Okay.

8 MS. NEWTON: Your Honor, at this time I would ask
9 that Defense 8 be admitted.

10 THE COURT: Any objection?

11 MR. DUNN: No objection from the State, Judge.

12 THE COURT: Admitted.

13 (DEFENSE EXHIBIT 8 ADMITTED)

14 BY MS. NEWTON:

15 Q. Defense 8 just popped up on the screen, is that the
16 picture that you took of Mr. Holland's hands?

17 A. It is.

18 Q. Okay. You also responded and the State admitted the
19 photos of my client, Ms. Simon, when you were there with her,
20 did you do any swabbing under her fingernails or anything for
21 DNA?

22 A. I did not.

23 Q. Okay. And you didn't do any swabbing up Mr. Holland's
24 fingernails for DNA either?

25 A. No.

1 Q. Okay. All right. You said to the State that you
2 responded to about 200 to 300 gunshots, crime scenes ---

3 A. Just crime scenes that a gun was used at.

4 Q. Okay. In the 13 years you were in forensic?

5 A. Approximately.

6 Q. Okay.

7 A. That's just a --- a guess.

8 Q. Yeah. And when you respond to gunshot wounds, you just,
9 like you mentioned earlier, it's a crime scene, so you go; is
10 that correct?

11 A. Correct.

12 Q. Okay. You don't know if it's ultimately determined to be
13 suicide, right?

14 A. It could any of them.

15 Q. Could be homicide, could be accidental ---

16 A. Correct.

17 Q. --- is that correct? Okay. Y'all just go because
18 there's a gunshot wound?

19 A. Right. There's --- the possibility of a crime being
20 committed or any type of situation ---

21 Q. Okay.

22 A. --- substantiate what happened.

23 MS. NEWTON: All right. No further questions.

24 Thank you.

25 THE COURT: Redirect?

Redirect Exam Langston

1 MR. DUNN: Just briefly, Judge.

2 REDIRECT EXAMINATION

3 BY MR. DUNN:

4 Q. When you responded out to the locations at Monty's, and
5 then the tire shop, and the Hot Spot, are all those locations
6 that you were responded to within Pickens County?

7 A. Yes, they are.

8 Q. Are all three of them within the State of South Carolina?

9 A. Yes, sir.

10 MR. DUNN: Court's indulgence.

11 No further questions, Judge.

12 THE COURT: All right. May this witness be excused?

13 MR. DUNN: Yes, they may.

14 THE COURT: All right. Thank you, sir.

15 MR. DUNN: Your Honor, the State calls Sedric
16 Holland to the stand.

17 MS. NEWTON: Judge, if --- if I may,
18 (unintelligible) about scheduling?

19 THE COURT: Yes, ma'am. Ten. About 10, 15, guys.

20 MS. NEWTON: Thank you.

21 (BENCH CONFERENCE)

22 MR. DUNN: Thank you, Your Honor. Uh-huh.

23 Bailiff, tell the jury that we're debating two
24 things and we'll be out in just a few minutes.

25 BAILIFF: All right.

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1 THE COURT: It's just going to be a couple minutes.

2 All right. For the record, we (background noise).

3 And I seriously, they --- they --- the victim in this
4 case is about to be called --- has been called as just
5 gotten out of the Department of Corrections for domestic
6 violence first or whatever the --- was it first?

7 MR. LAMPKE: Yes, Your Honor.

8 THE COURT: And --- and the defense wants to be able
9 to cross-examine him about that charge. And they pointed
10 to the language, 609, said it shall be admitted. And
11 we --- going back and forth about the State versus
12 Robinson. And under that rule, it has 609(a)(1), a
13 witness commits a prior crime that is involving death of
14 more than a year, may be excluded if the probative value
15 is substantially outweighed by the danger of --- and this
16 is under 403 --- unfair prejudice, confusion of the
17 issues, misleading the jury, undue delay, wasted time,
18 cumulative evidence.

19 In this case the State who would be opposing the
20 evidence has the burden of showing it's inadmissible.
21 And we --- I'm required to do a call for whatever you
22 want to call it balancing test which is included the
23 following factors: One, the impeachment value of the
24 prior crime, the point in time of the conviction and the
25 witness is subject with history and similarity between

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1 the past crime and the crime charged. Look at the
2 elements of the crimes important to defendant's
3 testimony. The centrality of credibility to the issue.

4 And with that being said, I'm going to let the State
5 argue, because you have the burden establish ---
6 establishing it is not admissible. And so I'll let you
7 go ahead. And is there any other charges other than the
8 CV, criminal domestic violence?

9 MS. NEWTON: Your Honor, he has two convictions for
10 domestic violence first degree is my understanding.

11 THE COURT: Okay.

12 MS. NEWTON: As well as a violation of a restraining
13 order.

14 THE COURT: Okay.

15 MS. NEWTON: All of which carry over a year.

16 THE COURT: Okay.

17 MS. NEWTON: Well within the ten-year period.

18 THE COURT: Okay. Okay. So you would seek to have
19 all three of those admitted?

20 MS. NEWTON: Yes, sir.

21 THE COURT: Very good. All right. Glad to hear
22 from you.

23 MR. LAMPKE: Thank you, Your Honor. So addressing
24 the --- the first factor there, the impeachment value of
25 the prior crime, we're not talking about a crime that has

1 an element of dishonesty. We're not talking about
2 anything that would generally indicate that the victim
3 has a --- a character for not telling the truth. So
4 the --- the particular facts, the conviction are not
5 relevant to the impeachment for his character for
6 truthfulness.

7 The point in time of the conviction ---

8 THE COURT: Well, the impeachment value has to do
9 with veracity, correct?

10 MR. LAMPKE: Yes, Judge. Yes.

11 THE COURT: Okay.

12 MR. LAMPKE: Addressing the second point, the time
13 of the conviction of the witness's subsequent history,
14 these occurred before the shooting as we noted back in
15 chambers. He was incarcerated for one of those
16 convictions and was let out immediately before the
17 shooting as well as the subsequent history the --- the
18 victim does not have any subsequent convictions since
19 those convictions.

20 Judge ---

21 THE COURT: So what --- what point in time were the
22 other --- was the other domestic violence and the
23 violation of restraining order.

24 MR. LAMPKE: Judge, I believe that the conviction
25 for the --- the most of the recent DV first was around

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1 April of 2022, the shooting occurring in December of
2 2022.

3 THE COURT: That's what he just got out of the
4 Department of Corrections for?

5 MR. LAMPKE: Yes, Your Honor.

6 THE COURT: And how about the others?

7 MR. LAMPKE: Your Honor, my recollection is that ---

8 THE COURT: Don't you have his record?

9 MR. LAMPKE: I do, Judge. I can pull it up. One
10 moment.

11 THE COURT: That's better than just guessing.

12 MR. LAMPKE: Absolutely, Judge. The conviction was
13 April of 2022 for the first domestic violence.

14 THE COURT: April 2022?

15 MR. LAMPKE: Yes, Your Honor.

16 THE COURT: Okay.

17 MR. LAMPKE: And then --- Judge, I have June of
18 2021.

19 THE COURT: That's another DV first.

20 MR. LAMPKE: Yes, Your Honor.

21 THE COURT: Okay. How about the restraining order?

22 MR. LAMPKE: That occurred at the same time as
23 that --- that second incident, Judge.

24 THE COURT: The restraining order is with the April
25 of 2022; is that correct?

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1 MS. NEWTON: That's correct.

2 THE COURT: All right. Go ahead.

3 MR. LAMPKE: Thank you, Judge. So that is the ---
4 the time that those convictions occurred and the victim
5 has not had any subsequent --- subsequent convictions
6 after that.

7 Looking at that in the context of 403 and whether
8 there's any unfair prejudice there, Judge, we see
9 that --- that intervening three years, he doesn't have
10 any subsequent criminal history. So it doesn't speak to
11 his character for truthfulness at --- at this very moment
12 would be the State's contention regarding that point.

13 Judge, the similarity between the past crime and the
14 charged crime, that's really where it gets incredibly
15 prejudicial for the State's case in this particular
16 circumstance. Because, Judge, the --- the defense seeks
17 to get into testimony regarding the victim being
18 convicted of a prior domestic violence incident. The
19 defense's defense in this case, we expected to be at this
20 point is that the defendant was defending herself from
21 the victim when he attacked her. Judge, that is the
22 central issue in this case. And to be able to get into
23 evidence of that well, you know, the victim's done
24 something like this before, therefore he probably ---

25 (Simultaneous speaking)

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1 THE COURT: Well, what's the rule? The more similar
2 they are the --- the less likely they would let them in,
3 or what?

4 MR. LAMPKE: Judge, that would be my argument to the
5 Court ---

6 THE COURT: --- or the higher the prejudice?

7 MR. LAMPKE: Precisely. Exactly, Judge. It --- it
8 goes to the prejudice if the crimes are --- are similar
9 in nature. And so in this circumstance, the defense
10 seeks to get into a conviction that the victim has had
11 where they're essentially saying he has done exactly what
12 we are seeing that he did in this circumstance. So it is
13 incredibly prejudicial to the State in order for them to
14 get into the particular conviction in that regard given
15 the nature of their self-defense argument.

16 Now, briefly, and I'll go back to the other factors,
17 but we addressed the possibility of sanitation as well.
18 The State would also be prejudiced by just saying
19 generally that he's been convicted of any crime carrying
20 more than a year. Because in the defendant's
21 interrogation, the defendant repeatedly makes mention of
22 the fact that they are --- regarding everybody's movement
23 immediately before the shooting. And the defendant
24 claims that the victim was trying to use her to entice
25 people to --- to buy drugs and that they were involved in

1 a drug-dealing kind of scheme together and that's why he
2 got upset.

3 If they were allowed to ask him, hey, you've been
4 convicted of a crime generally that carries more than a
5 year, then they'd be able to turn around and use that and
6 mislead the jury under that 403 balancing that well. You
7 know, he's been convicted of a crime in the past maybe
8 that crime was drug dealing, maybe the story regarding
9 them ---

10 THE COURT: That would never happen, I can promise
11 you that would not happen.

12 MR. LAMPKE: Absolutely, Judge. So that --- that's
13 really the --- the heart of the State's argument is that
14 the similarity between the two people --- the two
15 incidents is very similar and therefore very, very
16 prejudicial.

17 Regarding importance of the witness's testimony, the
18 witness's testimony is important. It's a he/said,
19 she/said. So, you know, that --- that is an important
20 factor there and the centrality of the credibility issue.

21 Judge, the --- the defense has the ability to
22 cross-examine the witness in a variety of ways to attack
23 his credibility. You know, the difference between what
24 his testimony may be and what he initially told
25 investigators, holes in his story, things that don't

1 necessarily make sense. The defense has the ability to
2 cross-examine the witness regarding his credibility.

3 But to allow him to go into his prior criminal
4 record, even in a general nature is --- is unduly
5 prejudicial to the State specifically because we're in a
6 circumstance where we have that self-defense argument.

7 THE COURT: All right. Ms. Huey.

8 MS. HUEY: Your Honor, may it please the Court. As
9 we discussed in chambers, defense position is that AB
10 Robinson, and I understand ---

11 (Simultaneous speaking)

12 MS. HUEY: --- is --- is more worrying about the
13 accused rather than a witness.

14 THE COURT: Right.

15 MS. HUEY: And for that reason, we would point to
16 six and nine where it reads: Evidence that a witness
17 other than the accused has been convicted of a crime
18 shall be admitted subject to Rule 403, if the crime was
19 punishable by death or imprisonment in excess of one
20 year. Which is certainly what we have here, Your Honor.
21 Three convictions within two years and this --- within
22 the incident, Your Honor. So well within the ten-year
23 period.

24 Additionally, absolutely goes to his credibility
25 which is at issue in this case. I believe State v

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1 Robinson focuses on one of the issues they bring up is
2 the purpose of the impeachment's not to show the witness
3 is a bad person, but rather to show background facts
4 which impact the witness's credibility. And that is
5 exactly what ---

6 (Simultaneous speaking)

7 THE COURT: --- it also address the fact that you
8 have people who are charged with armed robbery, and that
9 doesn't have anything to do with credibility or veracity,
10 it just shows that they're a bad person. Isn't that what
11 the case is saying?

12 MS. HUEY: I --- I --- Your Honor, I think they're
13 saying that is impeachment and I think the purpose of
14 rule 609 is for the defense to be allowed to attack the
15 State's witnesses. They are burden, Your Honor. And
16 it's their witness ---

17 THE COURT: But when they go back to the first ---
18 first element of the call for cough or coif (phonetic)
19 whatever it is, impeachment value, they discuss that that
20 has to do with veracity and not just showing they're a
21 bad person, whether or not their testimony can be
22 believed based on the type of crime they've been charged
23 with, correct?

24 MS. HUEY: Perhaps, Judge.

25 THE COURT: That's what it says.

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1 MS. HUEY: And so --- so, again, as --- as we
2 discussed in chambers, our resolution would be to
3 sanitize it ---

4 THE COURT: Right.

5 MS. HUEY: --- as has been suggested ---

6 THE COURT: And --- and I --- you know, I try to run
7 that by the State doesn't have to do if they don't want
8 to. And I --- I kind of understand it. But, you
9 know ---

10 MS. HUEY: I don't know --- and I apologize,
11 Judge ---

12 (Simultaneous speaking)

13 MS. HUEY: --- I don't understand why you can't
14 order that that be allowed as opposed to State V ---

15 (Simultaneous speaking)

16 THE COURT: I'm --- I'm not going to (inaudible). I
17 think that under either it comes in or it doesn't come in
18 and split the baby. So I --- we have in the past people
19 have agreed to it. And so if they agree to it, I'm fine
20 with it. But if they don't agree to it, then I don't
21 feel that I can order this --- I'm going to say I'm just
22 not going to split the baby. In this --- let me say
23 this, are you --- are you continuing to (background
24 noise)?

25 MS. HUEY: Well, Judge, I was also going to add if

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1 we look at 609(a)(2) which has to deal with crimes such
2 as honesty or false statements, those come in regardless
3 of ---

4 THE COURT: Right.

5 MS. HUEY: --- and I think there's an argument as to
6 that as well in terms --- especially in terms of
7 violation of a permanent restraining order.

8 And --- and I beg to differ. I believe the State
9 said that he hasn't been in trouble or anything since.
10 He currently has pending charges for another violation of
11 protection order is my understanding based on a central
12 index search I did. So again, Judge, we would just argue
13 now it certainly goes to the credibility of the witness,
14 and we feel like it would be prejudicing our client not
15 to be able to impeach.

16 THE COURT: All right. Let me --- let me go through
17 the first, I agree with you with everything you've told
18 me as far as structurally how the argument goes. It is
19 to be admitted under 609 subject to 403, and then 403
20 kicks in.

21 And in first under A is unfair prejudice. And, you
22 know, and first thing I hear in this case I've listened
23 to so far what I understand is coming up is we have a
24 self-defense case. We've got --- I've looked at the
25 statement by the victim through --- I mean defendant,

1 excuse me, law enforcement. And in self-defense,
2 certainly is --- is what is in play here when you look at
3 impeachment value of the prior crimes, domestic violence,
4 domestic violence, and violation of restraining order.
5 None of those have anything to do with veracity. They
6 have to do with predilation and beat up on family member,
7 girlfriend, or their boyfriend, or the like. But it has
8 nothing to do with truthfulness. And I see a veracity.
9 The convictions, the latest was 2022, that's not too
10 remote.

11 That's not to be relevant in this case, but I agree
12 with the State that the similarity between those charges
13 and the facts in this case make the admissibility less
14 likely, the prejudice much higher, because of the fact
15 that the --- you would have effectively domestic violence
16 occurring between the defendant and the alleged victim in
17 this case.

18 I don't find that violation of restraining
19 orders --- restraining order, nor the domestic violence
20 first involves dishonesty or veracity. The importance of
21 the defendant's testimony, or the victim's --- or the
22 victim's testimony is relevant because this is a he
23 said/she said case. It's not a whole lot of other
24 evidence in this case that I've seen so far.

25 So it's --- I think it's extremely important and

1 that also goes to the issue of centrality or credibility.
2 I think that that's the heart of the case or the belief.

3 So that I think they're extremely important. I
4 think that the unfair prejudice is so much that it
5 outweighs the probative value. I'm not going to allow it
6 into evidence. I know your objection. If you would like
7 during the course, we'll take a break, let you proffer
8 that into the record, and then you can move again at that
9 point and see if it's admissible.

10 MS. HUEY: Thank you, Judge. We would like to
11 proffer at the appropriate time.

12 THE COURT: All right. All right. Is everybody
13 ready?

14 MR. LAMPKE: Yes, Your Honor.

15 THE COURT: Bring the jury in, please.

16 (JURY ENTERS COURTROOM)

17 THE COURT: All right. Mr. Foreman, ladies and
18 gentlemen, I know sometimes you're all wondering what in
19 the world are they doing out there. More often than not,
20 it's because something I interjected to the proceedings,
21 and did again. So we're debating legal issues that were
22 not relevant for you to hear --- not appropriate for you
23 to hear. Do not blame the State, do not blame the
24 defense, blame me. I'm the one that holds things up.
25 And so if you were angry at somebody, let it be me and

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1 not somebody else. Okay. Ready to proceed?

2 MR. LAMPKE: Yes, Your Honor.

3 THE COURT: Okay.

4 MR. LAMPKE: The State calls Sedric Holland.

5 (WITNESS SWORN)

6 SEDRIC HOLLAND, HAVING BEEN DULY SWORN, TESTIFIED AS
7 FOLLOWS:

8 CLERK: Sir, if you would have a seat and state your
9 name for the record. And you'll have to speak up so the
10 court reporter can hear you.

11 THE WITNESS: Sedric Holland.

12 DIRECT EXAMINATION

13 BY MR. LAMPKE:

14 Q. And can you please spell your name as well?

15 A. S-E-D-R-I-C, H-O-L-L-A-N-D.

16 Q. Thank you for joining us today. How old are you?

17 A. 37.

18 Q. And where are you originally from?

19 A. Duncan, South Carolina.

20 Q. Where do you live now?

21 A. Duncan, South Carolina.

22 Q. Do you have any kids?

23 A. Yes, two.

24 Q. What are their names?

25 A. Saday (phonetic) and Anthony (phonetic).

1 Q. Okay. What type of work do you do?

2 A. I work for a manufacturing company where I do body
3 repair on vehicles that we (unintelligible).

4 Q. I'm sorry, sir. Can you speak up a little bit?

5 A. I work for a manufacturing company where I do body
6 repair on vehicles that we (unintelligible).

7 Q. Okay. Generally, do you do like welding in that regard?

8 A. Welding, sanding, different --- different ---
9 whatever the job calls for.

10 Q. Now, let's talk about what happened on December 9th of
11 2022, and specifically your relationship with the defendant.
12 Can you tell me when is it that you first met the defendant?

13 A. Around 2017, 2018.

14 Q. And did y'all meet on social media; is that right?

15 A. Yes.

16 Q. Okay. When did y'all first meet in person?

17 A. Maybe around the summer of '17 or '18, I can't
18 remember which it is. But I know it was South Carolina
19 summer.

20 Q. Okay. So by the time that this incident happened in
21 December of 2022, how long had you known the defendant for?

22 A. Maybe six or seven years by then.

23 Q. Okay. Now, when did your --- what was the nature of ---
24 or let me ask it this way --- I'll retract it, Judge.

25 At what point did your relationship become physical with

1 the defendant?

2 A. Maybe about six, seven months after we initially
3 started talk via text, via phone.

4 Q. And when I say, "physical," what --- what do you mean by
5 that?

6 A. It became sexual.

7 Q. Okay. Now, throughout that time, were you ever in an
8 exclusive relationship ---

9 A. No.

10 Q. Okay.

11 A. With the defendant, or just ---

12 Q. With the --- with the defendant.

13 A. No.

14 Q. Okay. Let's see. Now, were y'all in kind of an on
15 again/off again sort of thing?

16 A. Yes, exactly.

17 Q. And was that the nature of your relationship on
18 December 9th of 2022?

19 A. Yes.

20 Q. Okay. And just for the purposes of the record, when I
21 say the "defendant," who do I mean by that?

22 A. Renee Simon.

23 Q. Is --- if Renee Simon were in the courtroom today, would
24 you be able to identify the defendant by an article of
25 clothing?

1 A. (Inaudible).

2 Q. Okay. If you could please identify the defendant by an
3 article of clothing that they're wearing.

4 A. White turtleneck sweater.

5 MR. LAMPKE: Okay. Your Honor, may the record
6 reflect that the victim has identified the defendant,
7 Renee Simon, in this case.

8 THE COURT: It's so reflected.

9 MR. LAMPKE: Thank you, Your Honor. Okay.

10 BY MR. LAMPKE:

11 Q. Now, in the immediate days before the shooting, were you
12 involved with another person romantically?

13 A. Yes.

14 Q. Okay. Did you tell the defendant about that
15 relationship?

16 A. No.

17 Q. Did you believe that the defendant was trying to track
18 your location immediately ---

19 MS. NEWTON: Objection. I'm going to object to
20 leading.

21 THE COURT: In speculation, I'll sustain.

22 MR. LAMPKE: Okay.

23 BY MR. LAMPKE:

24 Q. In the immediate days before the shooting, did you see
25 anything on your phone that seemed odd to you?

1 A. Yes.

2 Q. Okay. What was it that you saw that was odd?

3 A. Because I have a iPhone, it appeared --- anything
4 pretty much with Apple ---

5 Q. Uh-huh.

6 A. --- and it alerted me that there was a --- an app
7 that --- it was picking up a Apple AirTag.

8 Q. Okay. Well, can you explain to the jury what a AirTag
9 is?

10 A. AirTag is like a tracking device you put on your
11 thing ---

12 Q. Uh-huh.

13 A. --- as far as I know stick it anywhere and track
14 with your ---

15 Q. Okay.

16 A. --- Apple phone, Apple device, iPad or what you
17 have.

18 Q. Uh-huh. And tell the jury what the --- the AirTag said,
19 or what the notification said?

20 A. It was basically a notification saying it was
21 picking up a Apple AirTag near me. It wouldn't tell me
22 where it was. It was just letting me know that it was
23 picking up a signal for it.

24 Q. Okay. Now, when did you get that notification compared
25 to when the shooting occurred?

1 A. The specific day, I couldn't tell you, but it was
2 within the same week.

3 Q. Okay. Now, let's talk about the day of the shooting.
4 Whose idea was it to meet up that day?

5 A. Renee's.

6 Q. Okay. Where did y'all decide to meet?

7 A. By the Hot Spot.

8 Q. Okay.

9 A. Well, the Hot Spot.

10 Q. Uh-huh. And what Hot Spot is that?

11 A. 123.

12 Q. Okay. What city is that in?

13 A. I guess, Pickens, Easley.

14 Q. Okay. Now, who picked that location for y'all to meet
15 at?

16 A. She does.

17 Q. Okay. Where were you coming from that night?

18 A. My nephew actually had a basketball that night in
19 Laurens, so I was coming from Laurens.

20 Q. Okay. And where --- I'm sorry. I didn't mean to
21 interrupt.

22 A. I was coming from Laurens to the Hot Spot.

23 Q. Okay. And can you please tell the jury generally
24 geographically, where Laurens is in proximity to Greenville
25 and Pickens?

1 A. Laurens is on the I26 heading towards Columbia. So
2 between --- I say it's between Spartanburg and Woodrow.

3 Q. Okay. And how --- did you stay until the end of that
4 game?

5 A. Yes.

6 Q. Okay. What road did you take to get to the Hot Spot in
7 Easley?

8 A. I left --- I'm not sure exactly what road it is
9 in Laurens, but it's basically Main Street ---

10 Q. Uh-huh.

11 A. --- went all the way up, got on the highway --- got
12 on Highway 26, by Wawa Distribution.

13 Q. Uh-huh.

14 A. Got off on 385. And from there it took me basically
15 through Greenville to get to the Hot Spot.

16 Q. Okay. When you turned into the Hot Spot, what direction
17 did you turn?

18 A. I turned right into the Hot Spot.

19 Q. Okay.

20 MR. LAMPKE: Judge, permission to publish this,
21 Exhibit 2 that's already in evidence.

22 THE COURT: Yes, sir.

23 MR. LAMPKE: Thank you.

24 BY MR. LAMPKE:

25 Q. Okay. So looking at this map of the area, and I'll come

1 over here and look at the TV here. You point towards the jury
2 kind of what direction you were coming from.

3 UNIDENTIFIED SPEAKER: (Unintelligible).

4 MR. LAMPKE: Oh, okay. Thank you.

5 THE WITNESS: I was coming from this way, so I was
6 coming this way.

7 BY MR. LAMPKE:

8 Q. Okay. So right to left?

9 A. Yes.

10 Q. Okay. And could you point out to the jury where it is
11 that you pulled into the Hot Spot?

12 A. So I'm coming from right here, I took a right into
13 the Hot Spot right there. And I kind of pulled in that
14 angle to where she was parked.

15 Q. Okay.

16 MR. LAMPKE: Judge, I'm going to publish the
17 enlargement of State's Exhibit 3, which we have marked
18 for demonstrative purposes if that's all right with Your
19 Honor.

20 THE COURT: It's fine.

21 MR. LAMPKE: Thank you. Let's see. Your Honor,
22 could I have the witness step down for a moment?

23 THE COURT: Yes, you may.

24 MR. LAMPKE: Thank you. Sedric, you can come on
25 down for me.

1 BY MR. LAMPKE:

2 Q. So looking at this photo, can you please show the jury
3 with your finger ---

4 THE COURT: Got to stand to the side you got some
5 people here blocked over here.

6 BY MR. LAMPKE:

7 Q. If you could please point as to where you turned in and
8 where you headed into the Hot Spot.

9 A. I came ---

10 MS. NEWTON: I'd like to be able to be able to watch
11 that.

12 MR. LAMPKE: Yeah.

13 (Simultaneous speaking)

14 THE COURT: Ma'am?

15 MS. NEWTON: I'd like to be able to watch that.

16 THE COURT: Absolutely.

17 THE WITNESS: I came from this direction and I
18 turned in this way. She was parked over around this
19 area. And when I pulled in, I wasn't directly --- I was
20 kind of like parked diagonal in front of her. So my
21 passenger headlight was I would say in between her
22 driver's side headlight and her passenger side headlight.

23 BY MR. LAMPKE:

24 Q. Okay. Now, when you said she was parked there, who do
25 you mean by "she"?

1 A. Renee.

2 Q. Okay. Can please point out to the jury where it was that
3 the defendant was parked.

4 A. This area.

5 Q. Okay. So on the right side of the Hot Spot on this
6 image?

7 A. Yes.

8 Q. Okay. Can you please tell the jury whether the defendant
9 was parked with the --- faced their car in or out?

10 A. It was facing the side of the building --- side of
11 the Hot Spot.

12 Q. Okay. And you can go ahead and take your seat.

13 Now, what sort of vehicle does the defendant drive?

14 A. A Mini Cooper.

15 Q. Okay. Now, what did you do when you saw the defendant's
16 vehicle parked there?

17 A. I pulled in in front of (inaudible).

18 Q. Okay. What did the defendant do after you parked there?

19 A. She got out (inaudible) vehicle.

20 Q. Okay. How long were you y'all sitting in your vehicle
21 stationary there at the Hot Spot?

22 A. Not even a minute.

23 Q. Okay. Where did y'all go after the defendant got in your
24 car?

25 A. We --- from where I was facing, we pulled straight

1 out to the towards the back.

2 Q. Uh-huh.

3 A. Took a left, and took another left down like a side
4 (unintelligible).

5 Q. Okay. Well, we'll talk about that route in just a
6 moment. But first, whose idea was it to --- to leave the Hot
7 Spot?

8 A. Renee's.

9 Q. Okay. And whose idea was it to take that particular
10 route?

11 A. Renee's.

12 Q. Okay. So looking again at --- at the TV to your right
13 there, could you please stand up and just point on that TV
14 where it is that you came out of the Hot Spot parking lot?

15 A. We was here coming out this way.

16 Q. Okay. And then once you got on that Crosswell School
17 Road, where did you go after that?

18 A. We came out into the left and then we took another
19 left.

20 Q. Okay.

21 A. I'm guessing this (unintelligible) is this showing
22 all the roads?

23 Q. Well, I can't comment as to --- to ---

24 A. Well ---

25 Q. --- exactly what's on there.

1 A. I know we went out and took a left ---

2 Q. Uh-huh.

3 A. --- then we took another left.

4 Q. Okay. And where did y'all eventually park?

5 A. In front of what I know now is Monty's.

6 Q. Okay. And could you point out where Monty's is on that
7 map as well? Okay. Now, when you parked at Monty's, can you
8 explain to the jury how you parked? Front in, front out,
9 anything like that?

10 A. I parked front out facing 123.

11 Q. Okay. Did y'all stop anywhere along the way as you were
12 going?

13 A. (Inaudible).

14 Q. Okay. Now, what was going on in the car during that ---
15 that travel to Monty's?

16 A. She was getting (inaudible).

17 Q. Okay. Were y'all talking about anything else at that
18 point?

19 A. No.

20 Q. Okay. Once you pulled in and parked the car, did you ---
21 what did you do with the car at that point? Put in drive?
22 Put it in park?

23 A. Put it in park.

24 Q. You put it in park? Okay. At --- at that point, did the
25 defendant say anything to you once you had parked?

1 A. Yes. She turned towards me and was asking me who
2 was I (inaudible).

3 Q. Uh-huh.

4 A. --- or who did I go to (inaudible).

5 Q. Okay. And if you could speak up a little bit for me.

6 (Simultaneous speaking)

7 THE WITNESS: She turned towards me and then asked
8 me who was I in the room with in the hotel room.

9 BY MR. LAMPKE:

10 Q. Okay. And you can move that microphone to get a --- a
11 little bit closer to your mouth too. Just make sure to really
12 speak up.

13 When you say that who you were hanging out with, what ---
14 what was meant by that?

15 A. She was basically inquiring about asking me ---

16 MS. NEWTON: Judge, I'm going to object. That calls
17 for speculation.

18 THE COURT: Sustained.

19 BY MR. LAMPKE:

20 Q. And Sedric, if you could please, again try --- try to
21 speak up for me.

22 What did the defendant ask you about your involvement
23 with anyone else romantically?

24 A. She asked what female was I in a hotel room.

25 Q. Okay. Did you notice anything about the defendant's

1 demeanor when they started questioning you about that?

2 A. In like stern, kind of hostile. She wasn't yelling.

3 Q. Okay. Was that different than the demeanor the defendant
4 had when you initially picked her up?

5 A. When I initially picked her up, we were just
6 basically just stoic, no expression really.

7 Q. Uh-huh. Okay. Now, what was the defendant wearing at
8 that time?

9 A. Jeans, like some --- almost like UGG boot, kind of
10 fury, and black. And a black coat, black gloves, like
11 not leather gloves, they were like the kiddie
12 Christmas-type --- soft type of cloth gloves you put on.

13 Q. Okay. Did that stick out to you, the gloves?

14 A. I mean, it was --- it was cold.

15 Q. Okay. Now, was there anything else that the defendant
16 did when they confronted you that stood out to you?

17 A. Yeah, when she turned to me, I notice she had a
18 bag ---

19 Q. Uh-huh.

20 A. --- it was in the shape of a gun. I couldn't tell
21 if it was a gun in the bag, but the shape of it was a
22 gun. It was a yellow Dollar General bag.

23 Q. Okay. When you say a "yellow Dollar General bag," what
24 do you mean by that?

25 A. Like the grocery-type bag they give you from Dollar

1 General.

2 Q. Okay. And what about what you say made you think there
3 was a gun?

4 A. The shape of it.

5 Q. Okay. How was the defendant holding it?

6 A. Like she was facing me. It was in her right hand.

7 Q. Uh-huh.

8 A. So where she was the closest --- her right hand was
9 the closest to --- to the --- the dashboard.

10 Q. Uh-huh. Okay. Now, when the defendant pulled the gun,
11 where was the defendant pointing the gun?

12 A. Towards me.

13 Q. Okay. What did you do when you saw the defendant
14 pointing that gun at you?

15 A. Just kind of tried to relax, see if I can relax,
16 because, I mean, I've seen how things go with ---

17 Q. Uh-huh.

18 A. --- trying to wrestle for a firearm
19 (unintelligible).

20 MS. NEWTON: I didn't understand.

21 BY MR. LAMPKE:

22 Q. Now, if you could again, really --- maybe like bring the
23 chair a little bit closer.

24 A. (Unintelligible).

25 Q. If you could --- if you maybe pull that a little closer

1 to you. Okay.

2 Let's see. So when the defendant pulled the gun and you
3 saw it pointing at you what did you do?

4 A. I sat back and asked her what she was talking about.

5 Q. Okay. What did the defendant say in response to that?

6 A. She told me I was lying.

7 Q. Okay. At that point what did you decide to do?

8 A. I tried to stay as calm as I could. Kind of
9 measured my surroundings.

10 Q. Uh-huh.

11 A. And then just out of nowhere I kind of leaned up,
12 get her hand, opened my door, jumped out (inaudible).

13 Q. Okay. When you say that you hit the defendant's hand,
14 what do you mean by that?

15 A. Like in her wrist. Was in the same wrist she was
16 holding the gun with.

17 Q. Uh-huh. Was it an open hand or a closed hand?

18 A. Closed fist. It was like a back fist motion.

19 Q. What was the purpose of you making that motion?

20 A. To basically try to make her (unintelligible) the
21 gun, drop the gun so I could get out and get away.

22 Q. Okay. And explain to the jury what you did with your
23 body as you were --- you were pushing the gun away?

24 A. At the same time I opened my door and jumped out and
25 ran not towards 123, but I ran backwards toward the back

1 of the vehicle (unintelligible) the road.

2 Q. Okay. Now, when you were getting out of the car, did you
3 hear a gunshot?

4 A. Yes.

5 Q. Okay. When did you hear the gunshot?

6 A. I can't specifically tell you when it --- when it
7 was --- I --- whether I had one foot or both feet on the
8 ground, but ---

9 Q. Uh-huh.

10 A. --- I heard a gunshot.

11 Q. Okay. Now, when you heard that gunshot, were you facing
12 towards or away from the defendant?

13 A. Away.

14 Q. Okay. And do you remember the precise time that you
15 heard the shot in proximity to what you said about getting a
16 foot on the ground?

17 A. It was all so fast. So it was almost simultaneous
18 with me opening the door and getting out to run.

19 Q. Okay. Now, when you got out of the car, and started to
20 run, what happened next?

21 A. I heard the gunshot as I was getting out taking off
22 running. Then after that I heard maybe one or two more
23 shots after that.

24 Q. Okay. In total, how many times did the defendant shoot
25 at you?

1 A. Approximately three.

2 Q. Okay. Now, let's talk about the particular location of
3 that gunshot wound. Where did you get shot?

4 A. Upper butt, lower back.

5 Q. Okay.

6 A. Like waistline area kind of.

7 Q. Was there ---

8 (Simultaneous speaking)

9 Q. Sorry, I didn't ---

10 A. Maybe a little below waistline.

11 Q. Okay. Was there an exit wound?

12 A. Yes.

13 Q. By that, I mean, did the bullet go all the way through
14 you?

15 A. No.

16 Q. Okay. So was there an exit wound?

17 A. No.

18 Q. Okay.

19 MR. LAMPKE: Let's see. Judge, if I could have
20 the --- the witness step down so he can point at the ---
21 the gun ---

22 THE COURT: Yes, sir, you may.

23 BY MR. LAMPKE:

24 Q. Sedric, if you could stand right here in front of the
25 jury and just turn your back and if you point.

1 A. Right here.

2 Q. And actually, if you can go ahead and point on me, I'll
3 just stand here. If you could point to the jury.

4 A. Right --- right in this area.

5 Q. Okay. And if we can move back this way so we can let
6 these members are the jury can see as well, you could point at
7 me again.

8 A. Approximately right in this area.

9 Q. Okay. And you can take your seat. Okay. Now, Sedric,
10 once you got out of the car, where did you run?

11 A. Towards the back of the vehicle, up the road that we
12 had came in on.

13 Q. Okay. And where did you go after heading back up that
14 road?

15 A. I ran up the road, I remember seeing like a trailer
16 off to the side to my right.

17 Q. Uh-huh.

18 A. And down the side of the trailer. Came to like an
19 embankment-type fence.

20 Q. Uh-huh.

21 A. Jumped the fence, ran over --- flipped over the
22 fence, there was --- so there was --- there was on the
23 fence like a alleyway, like a back of a building.

24 Q. Uh-huh.

25 A. I ran down that way. Came across a door, heard

1 noise on the inside. So I started banging on the door.

2 I guess nobody heard me. I kept running.

3 Q. Uh-huh.

4 A. Came by into a opening, ended up in the road.

5 Q. Uh-huh. When did you realize that you had been shot?

6 A. Maybe coming back halfway through that opening from
7 coming from behind the building I started feeling pain in
8 my stomach.

9 Q. Okay. What is the last memory that you have when you
10 were in that phase were you were running?

11 A. I just felt weak. I remember a grabbing the left
12 side of my stomach, going --- I see the road, then from
13 the road, I could see the Hot Spot, like in my general
14 area.

15 Q. Uh-huh.

16 A. So I was just trying to make it to the Hot Spot,
17 because that was where I saw the most lights.

18 Q. Okay. And did you eventually pass out?

19 A. Yes.

20 Q. Where were you, if you can remember where you eventually
21 passed out?

22 A. I remember making to the road. I passed out in the
23 road whether I was face down, face up, that part I don't
24 remember.

25 Q. Okay. I want to talk to you for a moment about the car

1 that you were driving at that time. What type of car were you
2 driving?

3 A. A 1999 Chevrolet Tahoe.

4 Q. Okay.

5 MR. LAMPKE: And Judge, I'm going to --- with your
6 permission publish what's been marked as and already put
7 into evidence as State's Exhibit 20.

8 THE COURT: Yes, sir.

9 MR. LAMPKE: Thank you, Your Honor.

10 BY MR. LAMPKE:

11 Q. Sedric, what --- what is that picture of right there?

12 A. It's my vehicle.

13 Q. I'm going to Zoom in. Sedric, what --- what is that
14 that's to the left of the --- the front license plate there?
15 What does that appear to be?

16 A. That's the (unintelligible).

17 Q. Sorry, could you speak up ---

18 A. It's the undercarriage of the front ---

19 Q. Uh-huh.

20 A. --- that keeps debris from hitting an engine, but
21 they're mud --- mud (unintelligible).

22 Q. Okay. Was that mud present on your vehicle on the day of
23 the shooting before the shooting had occurred?

24 A. No.

25 Q. Okay.

1 MR. LAMPKE: Court indulgence just for a moment,
2 Your Honor.

3 THE COURT: Yes, sir.

4 MR. LAMPKE: Your Honor, no further questions at
5 this time. Thank you, Sedric.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MS. NEWTON:

9 Q. Sedric, what's your full name? It's Sedric Anthony
10 Holland, right?

11 A. Junior, Correct.

12 Q. Okay. And Renee calls you Anthony; is that right?

13 A. Yes.

14 Q. Okay. And y'all --- you said like six or seven years
15 you've known her since 2017, 2018, something like that?

16 A. Right.

17 Q. Okay. And you all were on again/off again boyfriend and
18 girlfriend, right?

19 A. I wouldn't say so much as girlfriend and boyfriend,
20 but ---

21 Q. Back and forth in a relationship?

22 A. Back and forth.

23 Q. Having sex?

24 A. Yes.

25 Q. Okay. And you were at her house earlier that day?

1 A. Yes.

2 Q. Okay. And you also were at the Hot Spot earlier that
3 day; is that correct?

4 A. That day? No.

5 Q. You weren't there that day?

6 A. No. (Unintelligible).

7 Q. You don't remember telling deputies that you were at the
8 Hot Spot earlier that day when they interviewed you?

9 A. No, I don't.

10 Q. They didn't --- she didn't buy you gas that day?

11 A. No.

12 Q. Okay. So you --- is --- you only were at the Hot Spot
13 one time that day?

14 A. Yes, that I remember.

15 Q. That evening, after the Laurens basketball game?

16 A. Correct.

17 Q. Okay. All right. Let's back up to a couple days, you
18 and Renee were together at the Haywood Mall?

19 A. Correct.

20 Q. Okay. Y'all bought these Timberlands?

21 A. Correct.

22 Q. You bought these jeans?

23 A. No.

24 Q. You bought this jacket?

25 A. No.

1 Q. (Unintelligible)?

2 A. No.

3 Q. None of that? Okay.

4 A. Not that one, no.

5 Q. All right. Didn't buy this hat?

6 A. Yes.

7 Q. You did buy the hat?

8 A. Uh-huh.

9 Q. The (unintelligible) hat? Okay. But you for sure she
10 bought --- y'all bought the Timberlands?

11 A. Uh-huh.

12 THE COURT: Give us verbal responses, please.

13 THE WITNESS: Yes.

14 BY MS. NEWTON:

15 Q. All right. Well, I'm standing right here. Okay. That
16 night you had on tank top? White tank top?

17 A. Yes.

18 Q. Okay. And then you had on the white T-shirt?

19 A. Yes.

20 Q. And I'm sorry, the court reporter probably wants me to
21 tell you what I'm looking at. White T-shirt, State's
22 Exhibit 55. The white tank top, Defense Exhibit 5. Correct?
23 You had on these jeans?

24 A. Yes.

25 Q. Defense Exhibit 3?

1 A. Yes.

2 Q. Okay. You were wearing this hat? Defendant's 2?

3 A. Yes.

4 Q. You had on this jacket, Defendant's 1?

5 A. Yes.

6 Q. Okay. The boots are Defendant's 6 and 6. Y'all bought
7 those and you were wearing them?

8 A. Yes.

9 Q. Correct? Okay. And you had on the belt?

10 A. Yes.

11 Q. Defendant's 4. Okay.

12 When --- so y'all were together at her house a couple
13 times leading up to the 9th; is that correct?

14 A. Yes.

15 Q. Okay. At the mall together?

16 A. Yes.

17 Q. You had keys to her house, right?

18 A. Yes.

19 Q. Okay. And let's see, you drove by her house to get to
20 the Hot Spot this night; is that correct? The area of her
21 house?

22 A. The area. I didn't go by her house.

23 Q. Okay. But so tell me, you know, you went Laurens road to
24 get --- I believe you told the first officer that you went
25 part of Washington, Cleveland park, all that ---

1 A. Yes.

2 Q. --- is that right? Okay. So you're down that way,
3 because --- and Beechwood, where Renee lives, that's her
4 house, right?

5 A. Yes.

6 Q. Okay. And that's off Laurens Road?

7 A. Yes.

8 Q. Correct?

9 A. Yes, but I didn't --- when I turned, I wasn't
10 looking for it.

11 Q. Yes. You didn't go to her house, but you went near
12 Laurens Road, correct?

13 A. Correct.

14 Q. Okay. Okay. When --- and so then went 124, through
15 Greenville ---

16 A. I guess ---

17 Q. --- is that correct?

18 A. --- I don't remember how ---

19 Q. You don't remember how you went? Okay. That Burger King
20 in Spinx in Greenville; is that right? 124, 123 intersection?

21 A. I can't remember. I know I came down --- I remember
22 turning --- taking a right off of White Horse Road, by a
23 Q T. That road --- that road going straight up and leads
24 you right into Greenville Hospital.

25 Q. Uh-huh.

1 A. But I didn't go up that far. I ended up merging off
2 to my left. And I'm guessing from --- from there you can
3 merge onto 123.

4 Q. Okay. And that's how you were driving down ---

5 A. Yes.

6 Q. --- in your Tahoe to the Hot Spot?

7 A. Yes.

8 Q. Down 123?

9 A. Yes.

10 Q. Okay. But weren't at the Hot Spot earlier that day,
11 correct?

12 A. Not that I remember, no.

13 Q. Okay. Do you remember telling the deputies that you were
14 there?

15 A. No, I don't remember.

16 Q. You don't remember telling them that? Okay. And you
17 don't remember telling them that she bought you gas that day?

18 A. No.

19 Q. Okay. All right. Let's talk about --- okay. You
20 were --- you told the deputies she had a --- she brought the
21 gun in is bag; is that right?

22 A. Correct.

23 Q. And you just said they brought the gun in a ---

24 A. Correct.

25 Q. --- yellow --- bright red --- yellow or bright red?

1 A. Yellow ---

2 (Simultaneous speaking)

3 Q. Bright yellow Dollar General bag?

4 A. Yes.

5 Q. Yellow Dollar General bag. Okay. And but on
6 December 10th, when you talked to Detective Anthony, do you
7 remember stating something different?

8 A. No.

9 Q. Different color? Brown Eagles bag?

10 A. No.

11 Q. You don't remember that?

12 A. No.

13 Q. Okay. It's your testimony she brought it in a yellow
14 Dollar General bag today?

15 A. Correct.

16 Q. Okay. The --- you were --- all right. So when you said
17 that she --- Renee is holding a gun ---

18 A. Correct.

19 Q. --- in her right hand?

20 A. Correct.

21 Q. And she is --- it's in a yellow Dollar General bag?

22 A. Correct.

23 Q. And you are just sitting back and --- I'm sorry, and she
24 points it at you?

25 A. Correct.

1 Q. And you're just sitting back in the front seat?

2 A. Yes.

3 Q. Okay. You tried to relax?

4 A. Yes.

5 Q. You tried to stay calm?

6 A. Yes.

7 Q. Okay. And then you tried to grab --- grab it?

8 A. No, I didn't try to grab the gun.

9 Q. Okay. But you just leave because she's pointing a gun at
10 you?

11 (Simultaneous speaking)

12 A. --- leave.

13 Q. You just leave?

14 A. No.

15 Q. Okay. Your car door we saw earlier. The passenger door
16 handle is broken; is that right?

17 A. Correct.

18 Q. Okay. And you told the deputies that as well?

19 A. Correct.

20 Q. Okay. And so it's not able to be opened from the inside;
21 is that right?

22 A. Correct.

23 Q. Okay. Do --- you know how to open it, right?

24 A. From the inside?

25 Q. Yes.

1 A. It doesn't --- you can't open it ---

2 Q. You just can't open it ---

3 A. --- from the inside.

4 Q. --- from the inside?

5 A. No.

6 Q. Okay. All right. On December 10th, in the hospital, do
7 you remember the deputy, Detective Anthony coming in and
8 talking to you?

9 A. Yes.

10 Q. Okay. He talked to you a couple times that day?

11 A. Yes. I mean, I'm not sure, but I was in and out. I
12 didn't know who was --- time of day it was, but I
13 remember talking to him, yes.

14 Q. Okay. And do you remember stating that you --- one
15 shot --- one shot is what you told him? Do you remember that?

16 A. No.

17 Q. Held up a finger, one shot. You don't remember that?

18 A. No.

19 Q. But today three times ---

20 A. Correct.

21 Q. --- that's what you remember?

22 A. Correct.

23 Q. Okay. One shot on the day after this happened is what
24 you stated; is that right?

25 A. I don't remember that.

1 Q. You just don't remember saying that?

2 A. No.

3 Q. Okay. Okay. You agree you said a while ago it was cold,
4 she had gloves on. It was cold?

5 A. Right.

6 Q. Okay. It was dark outside?

7 A. Right.

8 Q. It was raining? Okay. You remember when you were
9 driving and you left the Hot Spot, you said you went left; is
10 that correct?

11 A. Correct.

12 Q. Okay. And you turned left on what you now know is
13 Evelyn, apparently, the left is the street that you pointed
14 to?

15 A. Right.

16 Q. Is that correct? Okay. And you're driving down, you're
17 going all the way down Evelyn to Monty's; is that right?

18 A. Correct.

19 Q. Okay. It's very dark back there; is that right?

20 A. Correct.

21 Q. Okay. So not --- I mean, no real lights?

22 A. No.

23 Q. Okay. And then you backed into the spot at Monty's?

24 A. When --- when you pull in you kind of like have to
25 turn ---

1 Q. Uh-huh.

2 A. --- (unintelligible).

3 Q. Okay. And then do you remember --- like about how long
4 from the time you backed in till you left your car do you
5 think it was?

6 A. No more than maybe ten minutes.

7 Q. Ten minutes?

8 A. We was there no more than ten minutes.

9 Q. Okay. Do you remember telling the deputy it was two
10 minutes?

11 A. No.

12 Q. You don't remember saying that either?

13 A. No.

14 Q. Okay. Very quick ---

15 A. Yes.

16 Q. You don't think --- I mean, yes it was very quick?

17 A. I mean it seemed like everything happened so fast,
18 yes.

19 Q. Okay. But you --- but you were getting out of your car,
20 correct?

21 A. Correct.

22 Q. Okay. The Apple AirTag, you said it kind of popped up at
23 some point while y'all are together those couple days; is that
24 right?

25 A. When me and Renee was together?

1 Q. That's not what I said.

2 A. I wasn't with Renee when I saw the AirTag pop-up on
3 my phone.

4 Q. Oh, you weren't with Renee? Okay.

5 A. No.

6 Q. Okay. But y'all had been together earlier those days,
7 right?

8 A. Yes.

9 Q. Okay.

10 A. Correct.

11 Q. But it wasn't that day as far as you remember?

12 A. No.

13 Q. Okay. It was prior to that. Okay. One second. Let me
14 double-check. Earlier when Renee --- when you were at Renee's
15 house, she gave you money, right?

16 A. Did she give me money that day? Possibly, yes. I
17 can't --- I can't remember ---

18 Q. You remember telling the deputy that she gave you money?

19 A. I remember telling them that we did --- we went
20 shopping that day.

21 Q. Yeah, but you actually went shopping a couple days before
22 that.

23 A. That day. I don't remember her giving me money.

24 Q. You just don't remember that day?

25 A. No.

1 Q. But you remember --- so we don't remember the day at all
2 until we remember Laurens basketball game?

3 A. No, I --- I --- I remember that distinctly, because
4 it was one of my nephew's games and I hadn't seen him
5 play. And I was going, and I told her that I was going
6 ---

7 Q. Okay.

8 A. --- and it became a issue.

9 Q. But you were at her house earlier that day?

10 A. Correct.

11 Q. Right? Okay. So you weren't --- you don't remember
12 telling the deputies that you were meeting at the Hot Spot for
13 more money after she'd given you gas the first time?

14 A. No.

15 Q. You don't remember that? That --- did that happen?

16 A. The gas?

17 Q. Yes.

18 A. I don't remember her giving me the gas.

19 Q. Okay. And then you told the deputies that you backed
20 into that parking spot because you thought y'all might hook up
21 that night; is that right?

22 A. Correct.

23 Q. Okay. But Renee lives by herself, right? At her house?

24 A. Correct.

25 Q. Okay. And most of the time, y'all have sex at her house?

Redirect Exam Holland

1 A. Correct.

2 Q. Okay. And you're from Spartanburg, right?

3 (Simultaneous speaking)

4 Q. Spartanburg County?

5 A. Spartanburg County, yes.

6 Q. Okay. And Renee's from Greenville County right?

7 A. Correct.

8 Q. Correct.

9 MS. NEWTON: No further questions.

10 THE COURT: Redirect.

11 MR. LAMPKE: Yes, Your Honor, briefly.

12 REDIRECT EXAMINATION

13 BY MR. LAMPKE:

14 Q. Sedric, the defense attorney talked to you about the ---
15 the moments where you hit the gun, so I want it ask you when
16 did you hear the gunshot in proximity to when you pushed the
17 gun away?

18 A. So when the gunshot went off, I had the door open
19 and like I said, I can't remember if I had one foot down
20 or two feet down ---

21 Q. Uh-huh.

22 A. --- but I do remember I was like kind of almost
23 halfway in, halfway out of the vehicle on my way out to
24 run.

25 Q. Did the gunshot occur at the same time as when you pushed

1 the gun away?

2 A. No.

3 Q. Okay. Now, the defense attorney also asked you about the
4 statements that you made to the police while you were in the
5 hospital ---

6 A. Correct.

7 Q. --- can --- can you please explain to the jury and no
8 need to get into really explicit details, but can you please
9 describe your condition at the hospital when you spoke to the
10 police?

11 A. Originally when I woke up in ICU, I remember my mom
12 being there, and I remember seeing Detective Anthony.

13 Q. Uh-huh.

14 A. I really couldn't talk, so he asked me who shot me.
15 Like I said I couldn't talk. He handed me a notepad, and
16 I scribbled down Renee Simon.

17 Q. Okay. Now, the defense attorney also talked with you
18 about who you were with when you saw that AirTag notification
19 about go off ---

20 A. Correct.

21 Q. Again, without going into any particulars as to exactly
22 who --- generally who was it you were with then that ---

23 A. It was a female I was the seeing at the time.

24 Q. Okay. Now, I also want to talk to you about the time
25 frame of the shooting, because the defense attorney talked to

1 you about that as well. Can you please clarify how much time
2 went by between when you put the car in park at Monty's and
3 when you jumped out of the car?

4 A. I say it was maybe approximately ten-minute time
5 span of everything. Like I said, once I backed in,
6 we --- she was asking me about me being in a hotel room
7 with a female. There was the some back and forth about
8 that ---

9 Q. Uh-huh.

10 A. --- so that's why I say possibly ten minutes.

11 Q. So specifically, though, the amount of time between when
12 you parked and the conversation that y'all had, how much time
13 was that specifically?

14 A. It was maybe --- I would say about ten minutes.

15 Q. Okay.

16 A. But like I said, there was a lot of back and forth
17 going on between me saying (unintelligible) and her
18 saying (unintelligible).

19 Q. Okay. And how much time do you think went by from when
20 you pulled into the Hot Spot to when you got out of your car?

21 A. Maybe a total of 15 minutes?

22 Q. Okay.

23 MR. LAMPKE: Your Honor, Court's indulgence for one
24 moment.

25 No further questions at this time, Judge.

1 THE COURT: Okay.

2 MS. NEWTON: Judge, I --- I do have some additional
3 questions and believe we may need to proffer ---

4 THE COURT: I'm sorry?

5 MS. NEWTON: I believe that maybe some legal matters
6 that we need to take up.

7 THE COURT: All right. Mr. Foreman, ladies and
8 gentlemen. You go back to your jury room
9 (unintelligible).

10 (JURY EXITS COURTROOM)

11 THE COURT: All right, Counsel.

12 MS. NEWTON: Your Honor, I believe that with him
13 being on the stand and changing and the State's
14 implication that he was under the influence, and then has
15 changed his story differently that that very much puts
16 his credibility as a witness in question. New statements
17 provided this week, last week, as opposed to the
18 three-year old statements. And I just would like to go
19 back to the character of the witness and victim. Rules
20 and then the ability --- ability to bring up the priors.

21 THE COURT: Well, I'm not going to let you --- I'm
22 not going to --- it's not admissible. If you want to
23 proffer the testimony, you certainly may. You can ask
24 again after you proffer, but at this juncture, my ruling
25 remains the same.

1 MS. NEWTON: And Judge, just if that's okay, let's
2 protect the record, we would like to --- yeah. The
3 character of a witness is specific 404(a)(3), that
4 references 607, 608, and 609. And so because of that
5 the --- what I would ask him if you've been convicted
6 of ---

7 THE COURT: What you asking?

8 VOIR DIRE EXAMINATION

9 BY MS. NEWTON:

10 Q. You've been convicted of crimes before; is that right?

11 A. Correct.

12 Q. In April of ---

13 A. Correct.

14 Q. April of 2022? Is that right?

15 A. Correct.

16 Q. Okay. And what were those?

17 A. Domestic violence, (unintelligible).

18 Q. Okay. Violation of a restraining order?

19 A. Yes.

20 Q. Okay. And then I believe another earlier that you have a
21 malicious injury charge; is that right?

22 A. (Inaudible).

23 Q. And a domestic violence charge?

24 A. Yes.

25 Q. Okay. The --- Renee was not the victim in this case?

1 A. No.

2 Q. All right. Okay. But it --- they happened after you ---
3 you met Renee, is that correct?

4 A. Yes.

5 Q. 2021 and 2022?

6 A. Correct.

7 Q. Correct? Okay.

8 A. Well, not '22. The conviction of '22 happened in
9 '21. I wasn't convicted until '22.

10 Q. Okay. For those two incidents? Okay.

11 A. Correct.

12 Q. And then you were released --- protecting the record ---
13 but you were released from prison December 1st of 2022; is
14 that right?

15 A. Correct.

16 Q. Okay.

17 THE COURT: And I assume that you're moving now to
18 be allowed to question ---

19 (Simultaneous speaking)

20 THE COURT: That's still denied. Should be able to
21 to be protected on that. Who knows. All right. Any
22 further questions ---

23 MS. NEWTON: And Judge ---

24 THE COURT: --- for this witness?

25 MS. NEWTON: --- I --- I so in front of the jury,

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1 because the defense --- I mean, because the State brought
2 up additional information on --- on redirect, I would ask
3 for permission to re-cross briefly as to that. And ---

4 THE COURT: As to his information?

5 MS. NEWTON: As to his information --- the
6 statements.

7 THE COURT: (Unintelligible).

8 MR. LAMPKE: Your Honor, as long as they're not
9 getting into his criminal record, I think that they are
10 entitled to ---

11 THE COURT: I'm sure everybody's on --- on the
12 same --- I agree with you on that.

13 MS. NEWTON: Yes.

14 THE COURT: But your re-cross has to do with his
15 redirect.

16 MS. NEWTON: Yes, Your Honor.

17 THE COURT: Okay. Sure. Y'all ready?

18 MR. LAMPKE: Absolutely, Judge.

19 THE COURT: You ready?

20 MS. NEWTON: Yes, Judge.

21 THE COURT: All right. Bring the jury in.

22 (JURY ENTERS COURTROOM)

23 THE COURT: Ms. Newton.

24 MS. NEWTON: Thank you, Your Honor.

25 RE-CROSS-EXAMINATION

1 BY MS. NEWTON:

2 Q. Mr. Holland --- okay. December 10th, when you were in
3 the hospital and talked to the detective the first time, you
4 were intubated; is that right?

5 A. I was what? Intubated?

6 Q. You had a tube down your throat; is that correct?

7 A. Correct.

8 Q. Okay. That's when you wrote --- you said you wrote
9 on ---

10 A. Correct.

11 Q. Right? Okay. And then later that day, do you remember
12 talking to the detective again?

13 A. Vaguely.

14 Q. Okay. Talked to him for --- from 1:30 to 1:27 p.m.
15 [sic]; is that right? About --- sound about right? In the
16 afternoon?

17 A. I'm not sure the time --- I mean.

18 Q. Okay. You talked to him that day, and then you talked to
19 him, he put his body camera back on later that day, about
20 five-minute difference, but you're in the ICU; is that right?

21 A. Correct.

22 Q. When he was talking to you? Okay. And y'all talked for
23 like another 20 minutes; does that sound about right?

24 A. I mean if you're asking me for times, I mean, I was
25 ---

1 Q. You just remember talking to him?

2 A. Correct.

3 Q. Correct? Okay. And then a little bit later that same
4 day again, another about --- another time y'all talked; does
5 that sound about right?

6 A. I think I remember talking to him in the ICU that I
7 remember him talk --- I remember talking to him when ---
8 after they moved me to a room.

9 Q. Yeah. And then on December 14th of 2022, you're in a
10 room and he came back and talked to you; is that right?

11 A. (Unintelligible) exact date, I ---

12 Q. But you were --- you were out of ICU; is that right?

13 A. Correct.

14 Q. Okay. So you were just kind of step down your --- you
15 remember talking to him?

16 A. Correct.

17 Q. It was actually right after your birthday; is that right?

18 A. It was on my --- 14th is my birthday.

19 Q. 14th is your birthday. Okay. Yes, so that's when y'all
20 talked. And then last week February 12, 2026, you talked to
21 the prosecutor's office; is that right?

22 A. Correct.

23 Q. Okay. And that's when you --- you told them for the
24 first time it was three shots; is that right?

25 A. That's what I remember. Correct.

1 Q. Okay. All right.

2 MS. NEWTON: No further questions, Your Honor.

3 THE COURT: Thank you, sir. You may step down. You
4 want to break now for lunch or you want to call your next
5 witness?

6 MR. LAMPKE: Your Honor, we would prefer to break if
7 that's all right with Your Honor.

8 THE COURT: That's okay with them?

9 MS. NEWTON: That's fine.

10 THE COURT: All right. Mr. Foreman, let's go ahead
11 and break for lunch. 12:30, so if be back about 2:00,
12 leave your pads in the jury room. Don't talk to anybody
13 about the case while you're out at lunch.

14 (JURY EXITS COURTROOM)

15 THE COURT: All right. Anything before we break?

16 MR. LAMPKE: Nothing from the State, Judge.

17 THE COURT: From the defense?

18 MS. NEWTON: No, Your Honor.

19 THE COURT: All right. See you at 2:00.

20 MR. LAMPKE: Thank you.

21 (Off the record)

22 THE COURT: My intention that you pick an alternate
23 and another alternate in the elevator with the defendant
24 and ask defendant if she believe in God and she said, I
25 do, in front of another witness.

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1 First, you say another word to a juror, I'll put you
2 in jail. Understand? They talk you, you don't talk.
3 That goes for anybody in this case. Okay? My thoughts
4 are, bring the jury out, the jurors let the defendant
5 identify who it is. After we send them back in, then
6 I'll go over what I want to do. Anybody have any
7 different opinion?

8 MR. LAMPKE: Nothing from the State, Judge.

9 THE COURT: Bring the jury in.

10 (JURY ENTERS COURTROOM)

11 THE COURT: Yes.

12 MS. NEWTON: Judge, if we may approach.

13 THE COURT: Can she identify?

14 MS. NEWTON: I think there was a misunderstanding,
15 Your Honor.

16 THE COURT: Okay. Mr. Foreman, I tell you, what ---
17 what we were thinking that somebody on the jury had
18 spoken to the defendant in the elevator this morning and
19 I'm finding out that's not the case. So I'm going to
20 send you back to the jury room. I was the going to
21 identify who it was and then we will correct things, but
22 sit back, give me five seconds and we'll bring you back
23 out.

24 THE FOREMAN: Yes, sir. Thank you, sir.

25 (JURY EXITS COURTROOM)

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1 MS. NEWTON: Judge ---

2 (Simultaneous speaking)

3 MS. NEWTON: I can explain. It was a --- you know,
4 there was another jury pool and panel that was brought in
5 this morning that --- that's what she meant. She didn't
6 understand that that's what alternate was. The remaining
7 jurors, not hers. And so there was a miscommunication
8 between us. So we are good now.

9 THE COURT: Maybe just --- okay. Reiterate.
10 Everybody, no talking to jurors. I don't mean to beat
11 you up, but if they say something to 'em, just look down,
12 don't speak. Okay? All right. I know you're not used
13 to doing that. It seems rude. That's just the rules.
14 Okay? But better safe than sorry too. So anybody have
15 any objection to my questioning or going over with the
16 jury what I just said?

17 MR. LAMPKE: No, Judge.

18 THE COURT: Defense.

19 MS. NEWTON: No, Your Honor.

20 THE COURT: Y'all ready to go?

21 MR. LAMPKE: Judge, I was discussing with our court
22 reporter possibly having just one more moment to premark
23 the exhibits before I move into testimony, but I'm fine
24 with whatever ---

25 THE COURT: You wait till I get here to start

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1 marking exhibits? What --- what did you do with your
2 lunch break, big boy?

3 MR. LAMPKE: Your Honor, I'm sorry. I should have
4 came back up earlier.

5 THE COURT: You should have. All right.

6 (Simultaneous speaking)

7 THE COURT: Go ahead and mark them. I'm giving you
8 hard time. Go ahead and premark stuff.

9 (Unintelligible).

10 MR. LAMPKE: Absolutely, Judge. My apologies.

11 THE COURT: All right.

12 (EXHIBITS MARKED)

13 (JURY ENTERS COURTROOM)

14 THE COURT: Don't even say hello. Nobody thinks
15 you're being rude. The way we are in court. They're not
16 going to say anything to you. I know you're not just
17 reiterate that. All right. Call your next witness.

18 MR. LAMPKE: Yes, Your Honor. The State calls
19 Joshua Genthner to the stand.

20 (WITNESS SWORN)

21 JOSHUA GENTHNER, HAVING BEEN DULY SWORN, TESTIFIED
22 AS FOLLOWS:

23 CLERK: Thank you, sir. If you would have a seat
24 and state your name for the record.

25 THE WITNESS: Name's Detective Joshua Genthner.

1 DIRECT EXAMINATION

2 BY MR. LAMPKE:

3 Q. Thank you. Detective Genthner, can you place spell your
4 name for the court reporter as well.

5 A. Joshua, J-O-S-H-U-A, last name Genthner,
6 G-E-N-T-H-N-E-R.

7 Q. Thank you. Detective Genthner, can you please tell the
8 jury where you presently work?

9 A. Pickens County Sheriff's Office.

10 Q. And what do you do there?

11 A. I'm a detective with the special victims unit.

12 Q. And how long have you been doing that for?

13 A. Five years, now.

14 Q. Okay. What does it mean to be a Detective in the special
15 victims unit?

16 A. We cover --- we cover numerous kinds of cases,
17 anything from child sex crimes, to criminal sexual
18 conducts, domestic violence, in that nature.

19 Q. Okay. So you said you've been doing that for five years;
20 what was your job before that?

21 A. I was on the road patrolling.

22 Q. Okay. How long were you on road patrol?

23 A. Here at this agency, four years prior to.

24 Q. Okay. What is road patrol, briefly, for the jury?

25 A. Whenever you call 911, that's who responds, your

1 base-level officer.

2 Q. Okay. Did you work at a different department before the
3 sheriff's office?

4 A. Yeah, Anderson City.

5 Q. And how long did you work there?

6 A. Five years.

7 Q. Okay. So in total, how many years in law enforcement do
8 you have?

9 A. 14.

10 Q. Okay.

11 A. (Unintelligible) 14.

12 Q. And where are you originally from?

13 A. Originally born in Kansas.

14 Q. Okay. How did you end up here?

15 A. Dad was in the military. He retired, he wanted to
16 get away from the coast, so I came here.

17 Q. Okay. Now, were you in the --- involved in the case
18 against the defendant, Renee Simon?

19 A. I was.

20 Q. Okay. Let's talk about your involvement. How did you
21 first become involved in the case?

22 A. So initially I received a call --- so I was the
23 partner to my on-call partner at the time, Detective
24 Anthony ---

25 Q. Okay.

1 A. --- who received the call.

2 Q. You --- you described yourself as being "on call." Could
3 you explain to the jury what that means?

4 A. So usually once a month every, other month, you'd be
5 on call. That means any kind of, you know, violent
6 crime, you know, anything that happens within the county,
7 you would respond if they needed a detective at that
8 time.

9 Q. Okay. Now, you mentioned Detective Anthony too. Who was
10 the lead detective on this case?

11 A. Detective Anthony.

12 Q. Okay. So how did y'all divide up responsibilities?

13 A. Mine was more in an assisting role. Collecting
14 evidence, seeing if I can do canvas of the area, and
15 whatever I could do to assist him. It's a very ongoing
16 situation at the time.

17 Q. Now, what was the first thing that you did after you
18 received the call letting you know that an incident had
19 occurred?

20 A. I responded to the hospital, Greenville Memorial.

21 Q. Okay. Now, obviously without going into anything that
22 the victim said to you, were you able to talk to the victim at
23 that time?

24 A. I was not.

25 Q. Okay. Why was that?

1 A. Once I got to the hospital, I was notified that the
2 victim was just getting out of surgery. He moved to the
3 ICU.

4 Q. Okay. During that time, the evening of the shooting,
5 what was Chet doing?

6 A. I believe he was on the --- the scene of the
7 incident during that time.

8 Q. Okay. Did you eventually join him there?

9 A. Yeah. Briefly for a conversation after everything
10 was over.

11 Q. Okay. What did --- what were y'all doing there at the
12 scene?

13 A. Just --- so a lot of times, when we're working
14 cases, everybody has separate information. And we begin
15 together in collecting all the information, talking about
16 where we stand in this case.

17 Q. Uh-huh. What were you looking for as you were --- as you
18 were there?

19 A. Particularly that night?

20 Q. Uh-huh.

21 A. Nothing in particular that I was looking for. I
22 believe some stuff has already been --- was already done
23 prior to my arrival.

24 Q. Okay. Let's see. Were you able to find the victim's
25 vehicle at any point?

1 A. That night? Or?

2 Q. Just generally.

3 A. Yes.

4 Q. Okay. When did you find the victim's vehicle?

5 A. The following day, I believe it was the 10th it when
6 we located the vehicle.

7 Q. Okay. Did y'all look in the area around where you
8 believe the shooting to have occurred for the victim's
9 vehicle?

10 A. In that car?

11 Q. Yes.

12 A. So me personally, my understanding (unintelligible).

13 Q. Okay. Now, were you in the party that found the victim's
14 vehicle?

15 A. Yes.

16 Q. Okay. And did you take a look at it yourself?

17 A. Yes.

18 Q. Okay. Was there anything that you noticed about the
19 victim's vehicle?

20 A. There appeared to be some dirt. Maybe it was
21 possibly damage (background noise) to the front bumper.

22 Q. Okay.

23 MR. LAMPKE: Judge, with your permission, I'm going
24 to publish State's Exhibit 20, which has already been in
25 evidence.

1 THE COURT: Yes, sir.

2 BY MR. LAMPKE:

3 Q. Is that the --- the vehicle that were you just
4 describing?

5 A. Yes.

6 Q. Okay. And as I zoom in here to the bottom left portion
7 of State's Exhibit 20, and you can look at that TV that is
8 right next to you as well. Can you tell the jury what it is
9 that we're looking at there.

10 A. So that would be the --- the right front bumper of
11 the vehicle. And it appears to be some dirt has
12 collected underneath it.

13 Q. Okay. Now, during that time, did you also look at any
14 damage that had been inflected to the area around the
15 immediate proximity of the shooting?

16 A. Yes. Yes.

17 Q. Okay. Describe that to me.

18 A. So adjacent to that there is a shop --- there
19 appeared to be a ditch that it looked like with a vehicle
20 passed over and collected track --- track marks.

21 Q. Okay.

22 MR. LAMPKE: And Judge, again, with your permission
23 publishing State's Exhibit 19.

24 THE COURT: Yes, sir.

25 MR. LAMPKE: Thank you.

1 BY MR. LAMPKE:

2 Q. Is that that ditch that you're referring to there,
3 Detective Genthner?

4 A. Yes.

5 Q. Okay. Now, after that initial walk of the scene, did you
6 eventually participate in a search of the defendant's home?

7 A. Yes.

8 Q. Okay. And where was that home located?

9 A. Where was that what?

10 Q. Where was that home located? Just kind of general area.

11 A. In Greenville --- Greenville City area.

12 Q. Okay. And when you were there, what were you looking
13 for?

14 A. Any evidence that would provide us more context of
15 this case.

16 Q. Okay. Were you looking for any particular items of
17 clothing for example?

18 A. Yes. The jacket, some --- another jacket and pants,
19 and along with possible firearms to be located.

20 Q. Okay. Now, about that gun, were you able to find a gun
21 at the defendant's house?

22 A. No.

23 Q. Okay. Were you able to find anything relating to a gun?

24 A. Yes. We found a magazine.

25 Q. Okay. And where did you find that magazine?

1 A. So just --- and I'm going to try to paint --- paint
2 the picture as best I can. We're at the home, looking at
3 the house, towards the right of the bathroom it looks
4 like it was connected to --- or that is connected to the
5 master bedroom. There's a hole right underneath it we
6 were able to go into the crawl space and locate a --- a
7 magazine.

8 Q. Okay. Now, were there photos taken both of the hole in
9 the crawl space as well as the magazine that was found?

10 A. Yes.

11 Q. And would you recognize those if I approach with them?

12 A. Yes.

13 MR. LAMPKE: Your Honor, I'm showing opposing
14 counsel what's been premarked for identification as
15 state's Exhibit 31 and 32. And may I approach the
16 witness with the same?

17 THE COURT: Yes, sir.

18 MR. LAMPKE: Thank you.

19 BY MR. LAMPKE:

20 Q. Okay. Now, without telling me any particular details
21 about what is contained in that scene, can you tell me
22 generally what it is that I just handed you?

23 A. I see it's the photos we took.

24 Q. Okay. And how do you know it's --- it's that CD
25 specifically?

1 A. Because I signed and dated it.

2 Q. Okay.

3 MR. LAMPKE: Your Honor, the State moves State's
4 Exhibit 31 and 32 into evidence.

5 THE COURT: Any objection?

6 MS. NEWTON: No, Your Honor.

7 MS. HUEY: No, Your Honor.

8 THE COURT: Admitted.

9 (STATE'S EXHIBITS 31 AND 32 ADMITTED)

10 MR. LAMPKE: Thank you, Your Honor. And permission
11 to publish.

12 THE COURT: Yes, sir.

13 MR. LAMPKE: Thank you. Mr. Wellborne, I'll be
14 switching on to the --- to the computer.

15 Court's indulgence for just a moment, Your Honor.
16 Okay.

17 BY MR. LAMPKE:

18 Q. Detective Genthner, I'm --- I'm putting on the screen
19 what's been put into evidence as State's Exhibit 31. Can you
20 please explain to the jury what it is that we're looking at
21 here?

22 A. We're looking at a magazine to a SCCY pistol.

23 Q. Okay. And you said that there was a --- a hole in that
24 area?

25 A. Yes, directly up from that you kind of see from the

1 outside, there a post. It's right looking up above that
2 would be the hole.

3 Q. Okay.

4 MR. LAMPKE: And Judge, for the record, I'm
5 publishing State's Exhibit 32 as well.

6 THE COURT: Yes, sir.

7 BY MR. LAMPKE:

8 Q. And I'm going to zoom in a little bit here. Detective
9 Genthner, can you please explain to the jury what it is that
10 we're seeing on this photo?

11 A. So when you see that --- if you guys
12 (unintelligible) when you see that slightly red the
13 light's coming through, that would be the hole to the
14 bathroom where we were looking.

15 Q. Okay. So where does that hole lead up to?

16 A. The bathroom.

17 Q. Okay. Now, would you recognize that magazine that you
18 collected if I showed to you?

19 A. Yes.

20 MR. LAMPKE: Your Honor, with your permission, I'd
21 like the witness to come down and we'll inspect the
22 magazine.

23 THE COURT: Yes, sir.

24 MR. LAMPKE: Thank you, Your Honor.

25 Okay. Come on down.

1 BY MR. LAMPKE:

2 Q. Okay. You can go ahead and put on two gloves as well.

3 Now Detective, after putting those gloves on, can you
4 please explain to the jury what the importance is of --- of
5 the seal that's on that envelope?

6 A. So the crime scene evidence seal, it just is a way
7 for us to know that it (unintelligible) with at any
8 point. Two parts. One will be sealed it --- who sealed
9 it with the initial and if it is ripped then we know
10 somebody else has handled it.

11 Q. Okay. Now, if you could please go ahead and cut that
12 open so we can go ahead and see what's inside. You can go
13 ahead and take it out of the --- the bag that is containing it
14 as well.

15 MR. LAMPKE: Judge, permission for Detective
16 Genthner to kind of walk past the jury and publish
17 State's 33.

18 THE COURT: 33. Has that been admitted yet?

19 MR. LAMPKE: Yes, it has been, Judge.

20 THE COURT: Okay. So you can publish it.

21 BY MR. LAMPKE:

22 Q. If you could just go ahead and show the jury the
23 magazine. All right.

24 Now, Detective, could you explain to the jury what type
25 of gun that magazine goes to.

1 A. The best that we can understand is that SCCY pistol.
2 (Unintelligible) nine-millimeter.

3 Q. Huh-uh. Now, you said "pistol," what do you mean by
4 a --- a pistol?

5 A. A handgun more or less, something that would be easy
6 to conceal on you.

7 Q. How does that differ from a revolver like you see in
8 cowboy movies?

9 A. So it's a semi-automatic. So actually fires a
10 chamber of the round as a revolver has a revolving circle
11 as you fire it revolves (inaudible).

12 Q. Okay. What happens to a shell casing when it is ejected
13 from a pistol handgun?

14 A. Well, it gets ejected. Right. So it comes out and
15 usually goes to the right under the (unintelligible).

16 Q. Okay. Now, Detective Genthner, can you tell the jury
17 what caliber of round that is?

18 A. A nine-millimeter.

19 Q. And can you explain generally what it means to be a
20 certain caliber of a round?

21 A. It's usually based on the diameter of the bullet.
22 (Unintelligible) in particular --- just particular
23 diameter of the actual --- whether it be copper, or
24 (inaudible).

25 Q. Okay. And Detective Genthner, how many rounds are left

1 in that magazine?

2 A. To the best of my knowledge, I believe it is four
3 (unintelligible).

4 Q. Okay. And do you have the ability to take them out
5 of ---

6 A. Yes.

7 Q. --- the magazine and if you could.

8 So just for the purposes of the record, how many rounds
9 did you just take out?

10 A. Four.

11 Q. Okay. Detective Genthner, you can go ahead and put those
12 rounds back in there and then put them back in the bag and
13 envelope. Take that from you. And you can take your seat,
14 thank you.

15 A. You want me to keep the gloves on?

16 Q. I'm going to have you put them back on in a minute.
17 Whatever your preference is.

18 UNIDENTIFIED SPEAKER: We have plenty of gloves.

19 BY MR. LAMPKE:

20 Q. Okay. Now with that magazine, Detective, do you know how
21 many rounds can go in that magazine?

22 A. Not off the top of my head.

23 Q. Uh-huh.

24 A. Usually --- right. And this is just my best
25 estimation, about six or seven in a magazine that size.

1 Q. Okay. Now, Detective Genthner, you said that you went
2 back to the scene the following day and you looked at the car;
3 is there anything else that you did on the scene?

4 A. We did a inventory search on the vehicle, because we
5 had --- at that time we looked to see if there was any
6 shell casings in the vehicle, or any evidence we were
7 able to obtain.

8 Q. Okay. Did y'all see any shell casings or anything else
9 in the car?

10 A. No.

11 Q. Okay. Did you talk to the local businesses in that ---
12 in that area?

13 A. Yes.

14 Q. Okay. And what was the purpose of that?

15 A. So as we were doing a canvas of the area looking for
16 a camera. All right. A camera, video footage, something
17 that can provide us a visual description of what happened
18 that night.

19 Q. Okay. And did any of the businesses have video cameras?

20 A. Yes.

21 Q. Okay.

22 MR. LAMPKE: Let's take a moment to --- to talk
23 about generally how that scene is laid out. And Your
24 Honor, if I may, I'll have my co-counsel bring the easel
25 in the back so we put the demonstrative of the State's

1 Exhibit 3 up to the jury.

2 THE COURT: Yes, sir.

3 MR. LAMPKE: Thank you. And I will also ask
4 Detective Genthner to step down again.

5 THE COURT: You may.

6 MR. LAMPKE: Thank you. Okay. And Judge, I'm going
7 to go ahead and republish State's Exhibit 3 ---

8 THE COURT: Yes, sir.

9 MR. LAMPKE: --- demonstrative version. Okay.
10 There we go. There we go. Okay.

11 BY MR. LAMPKE:

12 Q. So Detective Genthner, when we're looking at this map, is
13 that the general area around where the shooting occurred?

14 A. Yes.

15 Q. Okay.

16 A. Do you mind if I switch ---

17 Q. Yeah, absolutely.

18 Would that be in the way if I sit over here.

19 UNIDENTIFIED SPEAKER: I'll move.

20 MR. LAMPKE: Perfect.

21 BY MR. LAMPKE:

22 Q. Now, can you please identify the --- this --- this little
23 pushpin label where the Hot Spot is?

24 A. On it?

25 Q. Yes, perfect. Okay. And just for the purpose of the

1 record, you --- can you describe on Exhibit 3 where that is?

2 A. Hot Spot's right here.

3 Q. Okay. Now, I'm going to ask you where Monty's Auto Parts
4 is; do you know where that is?

5 A. Yes.

6 Q. And if you could say verbally where it is?

7 A. It's right here.

8 Q. And if you can mark it with that. You could actually
9 move it up a little bit ---

10 A. Oh, I'm sorry.

11 Q. --- higher, yeah. Thank you. Is that the actual
12 building that it's on now?

13 A. I believe so.

14 Q. Okay now, if you could please mark Upstate Tire on that
15 map.

16 A. Right here.

17 Q. Okay. And again, just for the record, can you describe
18 generally where it is that you just put that?

19 A. Upstate Tire over here parallel to Monty's.

20 Q. Okay. Is that in the left middle or right of State's
21 Exhibit 3.

22 A. To the left.

23 Q. Okay. Now, can you please label where the golf cart shop
24 is.

25 A. Yes. Right here.

1 Q. Okay. And again, for the record, how does that compare
2 to where Upstate Tire is?

3 A. To the right of it.

4 Q. Okay.

5 A. (Unintelligible).

6 Q. Now, are there other businesses that were in that area?

7 A. Yes, I believe there's botanical garden right here.

8 Q. And, Detective Genthner, I'll have you come around
9 here ---

10 A. Oh, I'm sorry.

11 Q. --- if you don't mind, so we can make sure everybody can
12 see.

13 A. I'm sorry if I'm covering up everything. Botanical
14 Garden is here, I believe. That Enterprise shop right
15 here, I know there's some kind of shop here, I don't know
16 the --- the name of it.

17 Q. Okay.

18 A. And this is a motel that I believe it's been closed
19 down at the time.

20 Q. Now, did those other businesses have camera footage?

21 A. Not that we were able to collect due to many
22 different circumstances of their cooperation with us in
23 this investigation.

24 Q. Okay. Can you please point out to the jurors what
25 businesses we were able to get security camera footage from?

1 A. That we were?

2 Q. Yes.

3 A. Okay. That would be the Hot Spot right here. The
4 golf cart and the Upstate Tire.

5 Q. Okay.

6 MR. LAMPKE: Your Honor, I'm going to have Detective
7 Genthner just show the demonstrative State's Exhibit 3 to
8 the jury while my co-counsel takes down the easel, if
9 that's all right.

10 THE COURT: Yes.

11 MR. LAMPKE: Thank you.

12 BY MR. LAMPKE:

13 Q. So, Detective, again if you could go ahead and just walk
14 this in front of the jury so that everybody has a --- a good
15 chance to see it. Thank you, Detective Genthner. You can
16 take your seat.

17 THE COURT: Did y'all see it down here?

18 BY MR. LAMPKE:

19 Q. Okay. Remind me again of the three businesses that we
20 were able to get video from?

21 A. It's the Hot Spot, Upstate Tire, and the golf shop.

22 Q. Okay. And did you collect some videos from those
23 organizations?

24 A. Yes, the Hot Spot and Upstate Tire.

25 Q. Okay. Let see.

1 MR. LAMPKE: And Your Honor, the State and the
2 defense were able to reach a stipulation regarding the
3 State's Exhibit 34, 35, and 36. I can approach, Your
4 Honor, with that stipulation.

5 THE COURT: Sure.

6 MR. LAMPKE: Absolutely. Here you are, Your Honor.

7 THE COURT: All right. This is the defense
8 stipulation as well?

9 MS. NEWTON: Yes, sir, Your Honor.

10 THE COURT: All right. Ladies and gentlemen of the
11 jury, it's been stipulated by --- between the --- the
12 counsel in this case as follows: That the security
13 camera videos from the Hot Spot, C&R Golf Carts and
14 Upstate Tire and Wheel are authentic copies of the
15 originals recorded on 12/9/22. And that's the state's
16 Exhibits 34, 34, 35 and 36 respectively. The timestamps
17 of the videos from each business differ from one another
18 to an indeterminate period of time.

19 And, ladies and gentlemen, I'll tell you
20 stipulations are matters that cannot be debated by you,
21 the jury. You must accept that as a fact.

22 Okay. All right.

23 MR. LAMPKE: Thank you, Your Honor.

24 THE COURT: Yes, sir.

25 MR. LAMPKE: And Your Honor, I'm showing opposing

1 counsel what's been premarked for identification as
2 State's Exhibits 34, 35, and 36.

3 If I may approach the witness with same, Judge.

4 THE COURT: You may.

5 MR. LAMPKE: Thank you.

6 BY MR. LAMPKE:

7 Q. Now, again, Detective, without going into any particular
8 detail about what's contained in those videos, can you tell me
9 generally what they are?

10 A. Videos collected in the three spots that we just
11 talked about.

12 Q. Okay. And how do you know that the videos are contained
13 on those CDs?

14 A. Same as the last I was able to review, sign, and
15 date on each one of these.

16 Q. Okay.

17 MR. LAMPKE: Judge, with that the State moves
18 State's 34, 35, and 36 into evidence.

19 THE COURT: Any objection?

20 MS. NEWTON: Without objection, Your Honor.

21 THE COURT: Admitted.

22 MR. LAMPKE: Thank you.

23 (STATE'S EXHIBITS 34, 35 AND 46 ADMITTED)

24 BY MR. LAMPKE:

25 Q. Now, Detective Genthner, are those --- describe generally

1 how long those videos are?

2 A. Substantially long. We try to cover a widespread of
3 time period. I can't give you exact time, but roughly to
4 my best understanding it would be an hour before the
5 proceedings happen to the following morning or 12:00 that
6 night.

7 Q. Okay. Did you make any different versions of the videos?

8 A. Yes. We made shorter copies of the actual incident
9 so we didn't have to go through and watch the whole
10 (unintelligible).

11 Q. Okay. And will you recognize the CD containing those
12 videos, if I showed them to you?

13 A. Yes.

14 Q. Okay.

15 MR. LAMPKE: Judge, I'm showing opposing counsel
16 what's been marked as State's 37 through 47. If I may
17 approach the witness with the same.

18 THE COURT: 37 through 47?

19 MR. LAMPKE: Yes, Your Honor. 37 through 47.

20 THE COURT: Yes, sir, you may.

21 MR. LAMPKE: Thank you, Your Honor.

22 BY MR. LAMPKE:

23 Q. Okay. So again without getting into any particular
24 detail about what those videos depict, can you tell me
25 generally what it is that I just handed you?

1 A. Yes, those shorter versions of the videos we just
2 talked about.

3 Q. Okay. And are those a fair and accurate depiction of
4 portions of the bigger videos that we just talked about a
5 moment ago?

6 A. Yes.

7 Q. Okay.

8 MR. LAMPKE: Your Honor, with that, the State moves
9 State's 37 to 47 into evidence.

10 THE COURT: Any objection?

11 MS. NEWTON: No objection, Your Honor.

12 THE COURT: Admitted.

13 MR. LAMPKE: Thank you, Your Honor.

14 (STATE'S EXHIBITS 37 TO 47 ADMITTED)

15 MR. LAMPKE: Thank you, Your Honor. And Court's
16 indulgence just for a moment, Your Honor, as the CD spins
17 up.

18 And Your Honor, with your permission, I'll just
19 publish these 37.

20 THE COURT: Yes, sir. It's 37?

21 MR. LAMPKE: Yes, Your Honor. Okay.

22 BY MR. LAMPKE:

23 Q. So Detective Genthner, before I play the video, can you
24 please explain to the jury where this camera is?

25 A. So this is at the Hot Spot.

1 Q. Okay.

2 A. Do you want the location where it's at?

3 Q. Yeah. Which --- which direction is that camera pointing?

4 A. So obviously, the front of the store as it appears
5 on that. The cars that you see coming this way are
6 towards the camera on 123.

7 Q. Okay. And for the purposes of the record, I'm going to
8 go ahead and play the entire 12-second duration of State's
9 Exhibit 37.

10 (VIDEO PLAYING)

11 BY MR. LAMPKE:

12 Q. At seven seconds on State's Exhibit 37, Detective
13 Genthner, can you please explain to the jury that vehicle kind
14 of in the middle of the screen, what --- what --- what vehicle
15 is that?

16 A. That is the --- the victim's vehicle that we were
17 able to locate the following day.

18 Q. Okay. What direction did that vehicle --- what direction
19 was that vehicle coming from before it turned into the Hot
20 Spot?

21 A. It appeared to be heading down 123 and turns right
22 onto the Hot Spot, or at the Hot Spot.

23 Q. Okay. Now, when is the --- or where is the next time
24 that we see that vehicle in these security camera videos?

25 A. We see it coming down Evelyn, passing back video

1 camera of the tire stop.

2 Q. Okay.

3 MR. LAMPKE: And Judge, just briefly showing the
4 demonstrative version of State's Exhibit 3 again.

5 And defense, you can feel free to come around if
6 you'd like. This will be a quick one.

7 (VIDEO PLAYING)

8 BY MR. LAMPKE:

9 Q. Can you explain to the jury where it is that this next
10 video picks up the victim's vehicle?

11 A. So that --- that first video that we watched was
12 right here. The second video is Upstate Tire in this
13 back area (unintelligible) towards (unintelligible).

14 Q. Okay. And I'm just going to shift down here and if all
15 could ---

16 A. Oh, I'm sorry.

17 Q. No, you're good. If you can please show the members of
18 the jury down here as well where the last video was that we
19 saw where the next one is.

20 A. Between that --- that first video is there.

21 (Unintelligible) right here. Upstate Tire,

22 (unintelligible) camera right there.

23 MS. NEWTON: Speak up please, I can't hear you.

24 THE WITNESS: I'm sorry. This video camera that
25 points back here towards Evelyn.

1 MR. LAMPKE: You can retake your seat. Thank you.

2 And Judge, permission to publish State's Exhibit 38.

3 THE COURT: Yes, sir. You don't have to ask for the
4 rest of this week.

5 MR. LAMPKE: Absolutely. Thank you, Judge.

6 I'm going to pause State's Exhibit 38 at seven
7 seconds. I know it's a little harder to tell when it's
8 freeze-framed versus when the video is going.

9 BY MR. LAMPKE:

10 Q. But can you explain to the jury what it is that we're
11 seeing in that video?

12 A. Watching the --- the victim's vehicle traveling down
13 Evelyn. One of the characteristics that you're going to
14 see is that it has that same champagne gold color as the
15 vehicle we just saw..

16 Q. Okay.

17 MS. NEWTON: I'm sorry, if he can repeat that ---

18 THE COURT: Speak into that microphone.

19 THE WITNESS: My apologies. The vehicle matches the
20 same color and description of the one we previously saw.
21 (Unintelligible).

22 BY MR. LAMPKE:

23 Q. Okay. Now, how would you describe the speed at which
24 that vehicle is --- is traveling in that video?

25 A. What appears to be the speed limit doesn't appear to

1 be from my angle an accelerated or decelerated rate of
2 travel.

3 Q. Okay. What can you tell about the headlights of the
4 vehicle in that clip?

5 A. They look to be running and probably in use.

6 Q. Okay. Now, when's the next time that we see that vehicle
7 on these cameras?

8 A. We see that vehicle heading the opposite direction
9 up Evelyn.

10 Q. Okay. Now, let's turn for a moment and talk about the
11 victim in this case. Does the security camera footage show
12 the victim in this case?

13 A. They do.

14 Q. Okay. What is the camera that shows the --- the victim?
15 What business is that from?

16 A. The golf cart business.

17 Q. Okay. And just for the purposes of the record, I will be
18 playing State's Exhibit 39.

19 (VIDEO PLAYING)

20 Q. Now, how many cameras does the golf cart shop have on ---
21 on --- on the front part of their business there?

22 A. Two that we were able to `ecollect.

23 Q. Okay. And do we see the victim in the second camera
24 angle as well?

25 A. We do.

1 Q. Okay.

2 MR. LAMPKE: For the purposes of the record, I'm
3 publishing State's Exhibit 40.

4 BY MR. LAMPKE:

5 (VIDEO PLAYING)

6 Q. So about halfway through that video, and I will pause at
7 20 --- let's say 24 seconds on that exhibit, which was State's
8 Exhibit 40, I believe. Yes. What do we see that person doing
9 at that time?

10 A. Over there looks like the victim ---
11 (unintelligible) where the victim collapses over there
12 (unintelligible).

13 Q. Okay. And what direction is the victim running at that
14 point?

15 A. Towards the Hot Spot.

16 Q. Okay. Now, do we see the victim's vehicle again on the
17 Upstate Tire videos?

18 A. Yes.

19 Q. Okay. And for the purposes of the record, I'll be
20 playing State's Exhibit 41.

21 (VIDEO PLAYING)

22 Q. So Detective Genthner, what did we just see just then?

23 A. We see what we know to be the victim's vehicle
24 traveling up Evelyn.

25 (VIDEO PLAYING)

1 Q. Okay. And pausing State's Exhibit 41 at three seconds
2 into the video. Can you please describe to the jury the state
3 of the headlights of that vehicle?

4 A. They don't appear to be working.

5 Q. Okay. And compared to the speed of the vehicle the first
6 time that we see it on Evelyn, and I'll play the video again
7 momentarily, how would you describe the --- the speed now?

8 A. Appears to be accelerating.

9 (VIDEO PLAYING)

10 Q. Now, as that vehicle is going up Evelyn, do we see it
11 again in that area?

12 A. On Evelyn.

13 Q. Well, just shortly thereafter, do we see it on any of the
14 CCTV videos?

15 A. Towards the end when it's parked right behind the
16 tire shop.

17 Q. Okay. Well let me go ahead and publish State's
18 Exhibit 42.

19 (VIDEO PLAYING)

20 Q. All right. So what did we see just then?

21 A. So we see that same vehicle that we just watched
22 coming through the front of the Hot Spot.

23 (VIDEO PLAYING)

24 Q. Okay. And begin --- I'm going to stop at three second in
25 on that exhibit. That car right there that's driving through

1 the pumps of the Hot Spot, what car is that?

2 A. It's the victim's vehicle.

3 Q. Okay. And do the headlights appear to be operational ---

4 A. No.

5 Q. --- in that video? Okay. Now publishing State's Exhibit
6 43.

7 (VIDEO PLAYING)

8 Q. What do we see in State's Exhibit 43?

9 A. You see the victim's vehicle pulling on to 123.

10 Q. Okay. In which direction is the vehicle --- is the
11 vehicle heading at that point?

12 A. Down towards Evelyn.

13 Q. Okay.

14 (VIDEO PLAYING)

15 Q. Now, do we see the victim's vehicle on the tire shop
16 videos that we saw the victim earlier?

17 A. We do.

18 Q. Okay. And I'm going publish State's 44.

19 (VIDEO PLAYING)

20 Q. Okay. Now, Detective Genthner, as we watch State's
21 Exhibit 44, and first I'll pause it when the car gets in the
22 frame. Pausing it at eight seconds on State's 44. Again,
23 what is the --- the status of the lights of the vehicle at
24 that point?

25 A. The lights are still on.

1 Q. Okay. Now, if you direct your attention to the top left
2 portion of that video, I want you to watch closely as you see
3 the car coming into frame.

4 (VIDEO PLAYING)

5 Q. And I'll pause it there for a moment. What lane does the
6 driver of that vehicle appear to be in when they first get
7 onto 123?

8 A. The far right.

9 Q. The --- which lane?

10 A. Far right lane.

11 Q. Okay. Now, describe the speed of that vehicle.

12 A. It appears to be much slower than the traffic around
13 it. And I know you can't really see the traffic behind
14 it until later, but the traffic on the other side of the
15 road appears to be going at a much higher rate of speed
16 than that vehicle.

17 Q. Okay. Well, let --- let's watch again and see.

18 (VIDEO PLAYING)

19 Q. Now, is that vehicle picked up by the other camera on the
20 golf cart shop?

21 A. (Unintelligible).

22 Q. Okay. I'm going to publish State's Exhibit 45 in that
23 regard.

24 (VIDEO PLAYING)

25 Q. Now, Detective Genthner, how would you describe the speed

1 of the vehicle in the last video we just watched, the first
2 golf cart video, and then next video we watched just now?

3 A. Slow to fast, or slow to (unintelligible) speed
4 (unintelligible) speed.

5 MS. NEWTON: We can't hear him.

6 MR. LAMPKE: Yeah, if you could speak up ---

7 MS. NEWTON: Repeat the last ---

8 THE COURT: Please

9 THE WITNESS: So the --- the first video that we
10 were watching appears from my perspective that the
11 vehicle was traveling at a slow rate of speed and then
12 catches up to the speeding traffic.

13 BY MR. LAMPKE:

14 Q. Okay. Now, do we see the vehicle back on Evelyn a third
15 time?

16 A. We do.

17 Q. Okay.

18 MR. LAMPKE: And Your Honor, I'm going to publish
19 State's 46 in that regard.

20 (VIDEO PLAYING)

21 BY MR. LAMPKE:

22 Q. Now, when we're looking at State's Exhibit 46, how does
23 the speed of --- speed of the vehicle compare to the first and
24 second times that we see it on Evelyn?

25 A. Looks to be traveling at a steady speed, and come to

1 an abrupt stop, and turn left.

2 Q. Now, after this video, do we see the victim's vehicle
3 again back on Evelyn later in the evening?

4 A. (Inaudible).

5 Q. I'm sorry. (Unintelligible).

6 A. I'm sorry. I misspoke. I was --- this video is
7 the --- the vehicle traveling back on Evelyn. My
8 apologies.

9 Q. Okay. And how would you describe the speed of the
10 vehicle at that point in that video compared to the other
11 videos on Evelyn that we've seen?

12 A. Appears to be traveling at a --- a decent speed
13 probably the speed limit ---

14 Q. Okay.

15 A. --- if I could guess.

16 Q. Now, do we see the victim's vehicle in that camera later
17 on from the evening?

18 A. Yes.

19 Q. Okay. And I'm going to publish State's Exhibit 47 in
20 that regard.

21 (VIDEO PLAYING)

22 Q. Detective Genthner, were you able to determine who it was
23 that was the victim in that video?

24 A. Yes.

25 Q. Who was it?

1 A. The defendant.

2 MS. NEWTON: Objection, Your Honor.

3 THE COURT: What's your objection?

4 MS. NEWTON: Your Honor, I don't know that he's laid
5 a foundation to be able to identify the defendant.

6 THE COURT: Ask some more questions, please.

7 MR. LAMPKE: Absolutely, Judge. I'll --- I'll
8 withdraw the question.

9 BY MR. LAMPKE:

10 Q. Okay. Now, Detective Genthner, when we're looking at
11 this video --- when we're looking at this video --- I'm going
12 to restart State's Exhibit 47. I'm going to ask my question,
13 let you watch the video, and then you can respond to it. How
14 would you describe the speed at which the vehicle is traveling
15 down Evelyn when we see it in this clip?

16 (VIDEO PLAYING)

17 A. As I previously was talking about it appears that
18 the vehicle was traveling at either the speed limit or a
19 higher speed. Comes to an abrupt stop, turns left. It
20 appears that they are trying correct their angle while
21 they're pulling into the tire shop.

22 Q. Okay. And now to continue to play it. I want you to
23 tell the jury how much time transpires between when the car
24 stops and when that person eventually gets out of the car?

25 (VIDEO PLAYING)

1 Q. So pausing there at 1:20 into that exhibit. Roughly how
2 long does the person driving that vehicle stay in the vehicle
3 until they get out after they park?

4 A. I --- I counted 45 seconds before you see --- see
5 something appear towards the front passenger window just
6 in between those --- those stairwells that stairway is.

7 Q. Okay.

8 MR. LAMPKE: And Mr. Wellborne (phonetic) I'll be
9 switching back to the (unintelligible).

10 BY MR. LAMPKE:

11 Q. Now --- now, Detective Genthner, will you recognize some
12 screenshots from those different camera angles if I show the
13 them to you?

14 A. Yes.

15 Q. Okay.

16 MR. LAMPKE: Your Honor, I'm showing opposing
17 counsel what's been marked for identification purposes as
18 State's Exhibit 48, 49, 50, 51, 52, 53, and 44.

19 Your Honor, may I approach the witness with the
20 same?

21 THE COURT: Yes, sir.

22 MR. LAMPKE: Absolutely.

23 BY MR. LAMPKE:

24 Q. Now, Detective Genthner, again, without going to any
25 particular details as to what it is that I just handed you,

1 can you please tell me generally what they are?

2 A. Screen grabs of the previous video.

3 Q. Okay. Now, are they fair and accurate screenshots from
4 those video?

5 A. Yes.

6 Q. Have they been changed or altered in any way since you
7 last saw them?

8 A. No.

9 Q. Okay.

10 MR. LAMPKE: Now, at this point, Your Honor, the
11 State puts --- moves into evidence State's Exhibit 48
12 through 54.

13 THE COURT: Any objection?

14 MS. NEWTON: No objection, Your Honor.

15 THE COURT: Admitted.

16 (STATE'S EXHIBITS 48 TO 54 ADMITTED)

17 MR. LAMPKE: Thank you, Your Honor. Permission to
18 publish.

19 THE COURT: Yes, sir.

20 MR. LAMPKE: Thank you.

21 BY MR. LAMPKE:

22 Q. Okay. Detective, now, we're going to look at the Hot
23 Spot videos first. First looking at this photo, can you ---
24 can you please explain to the jury how this still shot relates
25 to the videos that we saw earlier?

1 A. That is a still shot of the victim's vehicle turning
2 into the Hot Spot from 123.

3 Q. Okay. And looking at this photo, which is State's 49,
4 what do we see here in --- in relation to the videos we
5 watched earlier?

6 A. That is the victim's vehicle traveling through Hot
7 Spot.

8 Q. Okay. Now, we're going to zoom in on these timestamps
9 here. You can please tell the jury --- I know --- here
10 momentarily, I think. There we go.

11 (Simultaneous speaking)

12 Q. Can you please --- yeah.

13 A. My apologies. 8:28 and six seconds.

14 Q. Okay. Now, looking at the second photo, what is the
15 timestamp on that photo?

16 A. 8:35, 11 seconds.

17 Q. So in total on this camera, what is the length of time
18 that transpires between the first screenshot and the second
19 screenshot?

20 A. Roughly seven seconds.

21 Q. Now, looking at State's 50 and State's 51 --- looking at
22 this photo, State's 50, what do we see in the --- in the top
23 left portion of that video --- or of that screenshot?

24 A. You can see the victim collapsing at the Enterprise.

25 Q. Okay. So when we look at --- at this photo, which is

1 State's 51, what do we see right there in that photo?

2 A. So this is in military time. But it will still be
3 eight and I believe that's 30 and 46 seconds.

4 Q. Okay. And what do we see depicted in the photo
5 immediately below the timestamp?

6 A. In that one?

7 Q. Uh-huh.

8 A. The Enterprise area, the victim (unintelligible).

9 Q. Right above the U-Haul. And if you could speak into the
10 microphone.

11 A. Oh, right above the U-Haul where we believe to be
12 (unintelligible) victim's vehicle.

13 Q. Okay. Now, looking at those two time stamps, I'm trying
14 to figure out (unintelligible). What is the timestamp from
15 the photo where the victim has collapsed there?

16 A. On the bottom?

17 Q. Uh-huh.

18 A. It's 20:28:26, four --- 8:30 --- or 8:26.
19 26 seconds.

20 Q. Okay. And what is the timestamp from the second photo?

21 A. 20:30:46. Or 8:30, 46 seconds.

22 Q. Okay. So from the time of the victim collapsing to the
23 car driving by how much time transpired?

24 A. Two minutes.

25 Q. Okay. Now, looking at State's Exhibit 52 which I'll

1 publish to the jury, what are we looking at here?

2 A. The victim's vehicle traveling down Evelyn.

3 Q. Okay. Now in all the times we saw the --- the victim's
4 vehicle going up and down Evelyn, which one is this
5 specifically?

6 A. This is the first video that we saw going down
7 Evelyn with the headlights on.

8 Q. Okay. Now, I'm going to publish State's Exhibit 53. And
9 what do we --- what do we see there?

10 (VIDEO PLAYING)

11 A. See the victim's vehicle traveling up Evelyn without
12 the lights on.

13 Q. Okay. And is --- see --- so what is the timestamp of
14 that --- that second one there?

15 A. 20:35:34.

16 Q. Okay. And when you look at the first timestamp, what is
17 the first timestamp there?

18 A. 20:31:49.

19 Q. Okay. So how much time on that camera transpired between
20 the first time we saw the victim's vehicle and the second time
21 that we saw the victim's vehicle?

22 A. Best of my math (unintelligible) and a half minutes.

23 Q. Okay. Now, Detective Genthner, did you examine the
24 physical evidence in this case?

25 A. Yes.

1 Q. Okay. Did you specifically examine what's already been
2 put into evidence as State's Exhibit 55?

3 A. Yes.

4 Q. Okay.

5 MR. LAMPKE: Your Honor, with your permission, I'd
6 like to have Detective Genthner step down again and ---

7 THE COURT: Sure.

8 MR. LAMPKE: --- examine the shirt.

9 BY MR. LAMPKE:

10 Q. Detective Genthner, is that shirt sealed?

11 A. It is.

12 Q. What is the purpose of that?

13 A. As we previously spoke, to prevent any tampering of
14 the evidence (unintelligible) ---

15 MS. NEWTON: I'm sorry, you're going to have ---
16 keep your voice up, please.

17 THE WITNESS: I'm sorry. To seal and contain the
18 evidence and (unintelligible).

19 MS. NEWTON: I didn't get the last part.

20 THE WITNESS: To reserve the evidence --- to
21 preserve the evidence. I'm sorry.

22 MS. NEWTON: Okay.

23 MR. LAMPKE: I'll move over here that will kind of
24 help project your voice this way.

25 Now, with --- as long as there's no objection from

1 the defense, I would like to have Detective Genthner open
2 that bag.

3 MS. NEWTON: No objection.

4 BY MR. LAMPKE:

5 Q. All right. Detective Genthner, if you could please open
6 that bag for us. And if you could please pull the shirt out
7 of that bag.

8 MR. LAMPKE: Your Honor, I'm going to publish
9 State's 55 to the jury by holding it up.

10 THE COURT: Yes, sir.

11 MR. LAMPKE: Thank you.

12 BY MR. LAMPKE:

13 Q. Now, Detective Genthner, looking at this shirt,
14 specifically from this angle, what is this --- these black
15 markings that we see here?

16 A. That's the back label of the shirt.

17 Q. Okay. Now, is the shirt torn in the front?

18 A. It is.

19 Q. Okay. Now, Detective Genthner, is there some sort of
20 stain on the shirt?

21 A. There is. Right here.

22 Q. Okay. Now, is there a hole in the shirt?

23 A. Yeah, it's right here.

24 Q. Okay. Let me hold it up a little easier for you again.
25 Point to the --- to the jury and we're going to go ahead and

1 go across so everybody can see it. Can you please physically
2 point to the jury where it is that we see that hole?

3 Let's go ahead and move down and same thing, Detective,
4 if you can pinpoint where the hole is. One last time if you
5 point where the hole is. Okay.

6 Now, Detective Genthner, we can stand here around the
7 middle of everybody.

8 How would the location of that hole relate to the --- the
9 tag that we talked about earlier at the top of the shirt here?

10 A. So if we go down the tag, the center line of the
11 shirt, it appears to be to the right roughly an inch and
12 a half away from the center line of that tag.

13 MR. LAMPKE: Court's indulgence just for one moment,
14 Your Honor.

15 BY MR. LAMPKE:

16 Q. Thank you, Detective. You can go ahead and please put
17 that back in that bag for me. (Unintelligible).

18 Now, Detective, we talked a lot about all the --- the
19 locations involved here. That --- that map that we were
20 discussing about, what --- what county is that in?

21 A. Pickens County.

22 Q. And what state is that in?

23 A. South Carolina.

24 Q. Okay.

25 MR. LAMPKE: Now, Your Honor, again with your

1 permission I'd like for Detective Genthner to walk
2 through State's Exhibit 3 and just kind of go over the
3 testimony we have regarding the ---

4 THE COURT: Yes, sir.

5 MR. LAMPKE: --- that he saw. Thank you.

6 (VIDEO PLAYING)

7 BY MR. LAMPKE:

8 Q. And detective, I'm just going to hold it up for you here.

9 So Detective, can you please point out to the jury where
10 it is that we first see the victim's vehicle come in the Hot
11 Spot?

12 A. Right here.

13 Q. Okay. Now, where do we next see the victim's vehicle?

14 A. Over here.

15 Q. And which direction is it going?

16 A. It's heading down towards 123.

17 Q. Okay. Now, where generally do we see the victim running?

18 A. Through this area right here towards the golf cart.

19 Q. Okay. And where do we see the victim's vehicle driving
20 back up?

21 A. Up Evelyn.

22 Q. Okay. And then where --- where do we --- where does the
23 vehicle go after it goes up Evelyn the third time?

24 A. Through the Hot Spot.

25 Q. Okay. And then where does it go after going through the

1 Hot Spot?

2 A. Down 123 past the golf cart.

3 Q. Okay. And then where after that?

4 A. We see it turn up Evelyn and back towards that
5 direction.

6 Q. Okay. And finally, where is it that we see the victim's
7 vehicle?

8 A. Coming down Evelyn, turning a left at the Upstate
9 Tire.

10 Q. Okay. And where was it that you found the --- the
11 victim's vehicle the following day?

12 A. Right here at Upstate Tire.

13 Q. Is that the same place that we saw in that video where
14 that person left the car?

15 A. Yes.

16 Q. Okay. And you can retake your seat.

17 MR. LAMPKE: No further questions at this point,
18 Your Honor.

19 THE COURT: Okay. Cross-examination.

20 MS. NEWTON: Yes, sir. May it please the Court.

21 THE COURT: Yes, ma'am.

22 CROSS-EXAMINATION

23 BY MS. NEWTON:

24 Q. Detective Genthner ---

25 A. Yes, ma'am.

1 Q. You have been a detective for five years?

2 A. (Technical difficulty) (background noise).

3 Q. And so previous to that you were in road patrol?

4 A. Yes, ma'am.

5 Q. And as you testified earlier, when you're in road patrol,
6 you just respond to 911 calls essentially wherever you're
7 dispatched to go?

8 A. That's the --- yeah, responding to calls is the main
9 goal of road patrol.

10 Q. Okay. So you have responded to other shootings or
11 gunshot incidents?

12 A. Yes.

13 Q. Okay. Such as accidental shootings, suicides, homicides,
14 all those sorts of things?

15 A. Yes.

16 Q. In terms of this particular incident, you became involved
17 on December 9th or December 10th?

18 A. December 9th.

19 Q. Okay. And that was at the hospital initially?

20 A. Yes, ma'am.

21 Q. Where the victim had been transported?

22 A. Yes, ma'am.

23 Q. Okay. And you did not speak with him that night?

24 A. No.

25 Q. You then responded to the Hot Spot?

1 A. No. After leaving the hospital we met at the golf
2 cart area.

3 Q. At the golf cart area. Okay. And is that where the
4 crime scene had been roped off ---

5 A. No, it ---

6 Q. --- initially?

7 A. Right next to it was the area where we went and we
8 spoke about the information that we had at the time.

9 Q. At some point you then responded to Upstate Tire the next
10 day; is that right?

11 A. Could have been the next day, could have been that
12 following Monday or Sunday, but I was --- it was in that
13 time period, yes.

14 Q. Well, once the victim's vehicle was located ---

15 A. Yes, that ---

16 Q. --- at Upstate Tire, did you ---

17 A. Yes.

18 Q. --- respond there?

19 A. Yes.

20 Q. And as a result of that, you called in Langston to come
21 do forensics on the car?

22 A. Correct.

23 Q. Okay. You waited with the car while he did that?

24 A. Yes.

25 Q. Okay. And I believe there was mention of canvassing the

1 area?

2 A. Yes.

3 Q. Okay. So you canvassed the area after Langston came to
4 the car?

5 A. Yes.

6 Q. Or about the same time? Whichever?

7 A. Evolving --- situation evolved within that ---

8 Q. Okay.

9 A. --- that time period.

10 Q. And so you canvassed the area, were there any reports of
11 gunshots from that night or unusual activity from that night?

12 A. From the individuals who I spoke to --- I spoke to
13 three different --- we contacted two people in the area,
14 they said they didn't hear anything.

15 Q. Three people, right. That didn't hear anything?

16 A. Yeah. Three people, one was on Calhoun Memorial
17 Highway, but the other two were right there on Evelyn.

18 Q. So and they didn't hear a single shot let alone three
19 shots, correct?

20 A. Correct.

21 Q. Okay. Now, our client, Ms. Simon, was arrested and then
22 you all --- I think you were involved in her interview; is
23 that correct?

24 A. Correct.

25 Q. All right. And that was Chet Anthony, I believe you said

1 is the lead?

2 A. Correct.

3 Q. Okay. So he was kind of in charge of the whole thing?

4 A. Yes, ma'am.

5 Q. All right. So but regardless, you were present for the
6 entire interview?

7 A. Yes, ma'am.

8 Q. Okay. And based on that interview, did you all change
9 any kind of time frame in terms of collecting videos from
10 these various locations you've been talking about?

11 A. No, I don't believe we changed any of the time
12 frames. I believe most of the video was collected --- I
13 could be wrong, as prior to the interview, but, you know,
14 the time period wasn't changed.

15 Q. Okay. But there was nothing stopping you from going back
16 to get more video, correct?

17 A. Not to my understanding.

18 Q. Okay. So specifically as to Upstate Tire video. So they
19 are two separate videos for that location, correct? For two
20 time frames?

21 A. Yes.

22 Q. One ---

23 A. --- time frames one video ---

24 Q. Okay. And so one's like the eight to nine time frame?

25 A. Correct.

1 Q. All right. And then the other would be more the 11 to
2 12?

3 A. Yes, ma'am.

4 Q. Okay. And there's actually volume on the 11 to 12 video,
5 correct?

6 A. I --- I believe so.

7 Q. Okay. But not on the eight to nine?

8 A. One of the two, yes.

9 Q. Okay. So there was and it could have been that we could
10 have had audio, but that was not collected?

11 A. Yes.

12 Q. Okay. In terms of videos from --- I'm going to show you
13 what's been marked as State's 11 and 12. Defense --- Defense
14 11 and 12. These are two separate photos. Okay. So
15 Detective Genthner in collecting the videos from Upstate Tire,
16 it obviously involved a player of some sort?

17 A. Yes, it came with.

18 Q. Okay. As each of these video cameras have players,
19 right?

20 A. Yes, ma'am.

21 Q. Okay. So you're somewhat familiar with the Revo player
22 in this case for Upstate Tire?

23 A. With tire, yes.

24 Q. Okay. All right. So I'm going to show you what's been
25 marked as State's 11 and 12. Do you recognize those items?

1 THE COURT: Defense 11 and 12.

2 MS. NEWTON: I'm sorry?

3 THE COURT: It's Defendant's 11 and 12.

4 MS. NEWTON: Yes, sir. Sorry.

5 THE WITNESS: Yes.

6 BY MS. NEWTON:

7 Q. Defendant's 11 and 12. So do those fairly and accurately
8 depict videos that you have been manipulating through the
9 course of this investigation?

10 A. Manipulating?

11 Q. In terms watching, and handling, and doing clips, and
12 that sort of thing?

13 A. Yes, ma'am.

14 Q. Okay.

15 MS. NEWTON: Okay. So at this time we would seek to
16 admit State's 11 and 12 --- Defense's 11 and 12. I
17 apologize.

18 MR. LAMPKE: No objection to Defense's 11 and 12.

19 THE COURT: Admitted.

20 (DEFENSE EXHIBITS 11 AND 12 ADMITTED)

21 BY MS. NEWTON:

22 Q. Okay. So Mr. --- Detective Genthner, as to Defense's 11,
23 if you could show --- tell us what that is?

24 A. Appears to be (unintelligible) would you like me to
25 describe it. It appears to be the back camera pointing

1 towards Evelyn, timestamp, you want me to ---

2 Q. Sure.

3 A. --- the date is December 9, 2022 at 17:59:59, which
4 is 7:59:59. (Unintelligible).

5 Q. Okay. And so the purpose of this is to show in Defense
6 11 that there are different --- that there are different
7 cameras?

8 A. Yes.

9 Q. Correct? And those were not collected?

10 A. No, I don't believe they were.

11 Q. Okay. And again, this was the time that was without any
12 kind of audio?

13 A. I believe so.

14 Q. Okay. And then Defense 12, which is later in the
15 evening, 11 to 12-ish, what does this depict, Detective
16 Genthner?

17 A. Those are the camera angles.

18 Q. Okay. And there is audio for this particular time frame?

19 A. I believe so.

20 Q. Okay. As to the videos from the Hot Spot, you were in
21 charge of collecting those, correct?

22 A. Yes, ma'am.

23 Q. I'm going to show you what's been marked as Defense 10.
24 If you'll take a look at Defense 10. And again, Detective
25 Genthner, when you have been preparing for this case and

1 dealing with this case, again, you were used to using a player
2 from the Hot Spot to do so, correct?

3 A. Yes, ma'am.

4 Q. Okay. And so therefore you are familiar with the player
5 from the Hot Spot and --- and the video, and the angles, and
6 the camera, and all that sort of stuff?

7 A. Yes, ma'am.

8 Q. Okay. Does that fairly and accurately depict the camera
9 angles you do have in this case?

10 A. To the best of my knowledge, yes ma'am. Yes.

11 Q. Okay.

12 MS. NEWTON: At this time we would seek to admit
13 Defense 10, Your Honor.

14 THE COURT: Any objection?

15 MR. LAMPKE: No objection.

16 THE COURT: Admitted.

17 (DEFENSE EXHIBIT 10 ADMITTED)

18 BY MS. NEWTON:

19 Q. So Detective Genthner, in this case, Defense 10, those
20 are the two camera angles we have, correct?

21 A. Yes, ma'am.

22 Q. All right. And then to the right here all
23 (unintelligible) what does that show?

24 A. Other camera angles.

25 Q. Okay. And how many total were there then; do you know?

1 A. Not off the top of my head. A significant --- give

2 me a second. Count. I could be wrong, but I count 25.

3 Q. Okay. Over --- well over 20?

4 A. Yes.

5 Q. Okay. But again, the only two angles we have are these
6 two, correct?

7 A. Yes, ma'am.

8 Q. And in terms of the time frame for this, what time does
9 the video from the Hot Spot start in terms of what you
10 collected? What was that chunk of time?

11 A. I don't know the --- I can't recall the exact time
12 frame. Usually we try to stay within that hour before
13 and --- and to significantly later into the ---

14 Q. So ---

15 A. --- early morning Sunday.

16 Q. --- eight --- nothing before 8:20?

17 A. I couldn't give you exact time of --- of when we
18 started. I can't recall.

19 Q. Okay. Let me show you Defense 10 again. The second
20 camera angle, and have you look at that time; see if that
21 refreshes your memory?

22 A. The time says 8:20 exactly.

23 Q. Okay. So we don't have anything from the Hot Spot before
24 8:20, correct?

25 A. Not that I'm --- I know of.

1 Q. Okay. So, again, you're involved in the interview of our
2 client, Ms. Simon, and so during the course of that interview,
3 I believe, and as well as any interviews with the victim
4 there's talk about them being at the Hot Spot earlier that
5 day, correct?

6 A. From the defendant, yes.

7 Q. Okay. But none of that video was collected?

8 A. Not --- not to my knowledge.

9 Q. Okay. In terms of State's 33, I believe you testified
10 about the magazine; is that correct ---

11 A. Yes.

12 Q. --- State's 33? You talked about it --- was that ever
13 sent off to SLED firearms or anything like that for analysis?

14 A. I don't believe so.

15 Q. Okay. And it was never sent to --- for fingerprints?

16 A. I --- I don't believe.

17 Q. Okay. Touch DNA? Any of that?

18 A. I don't believe so.

19 Q. Okay. Okay. The golf cart videos, I believe that's
20 already in evidence as well, but as to the golf cart videos,
21 when you see the victim running through the golf cart parking
22 lot, so to speak, you can tell that there are some people
23 actually present at the golf cart place, correct? Around
24 8:35?

25 A. Not that I saw.

1 Q. You --- you don't remember seeing anything or hearing
2 anything?

3 A. No.

4 Q. Movement?

5 A. No, not that I recall.

6 Q. Okay. I'm going to show you what's marked as Defense
7 Exhibit 9. I'm going to hand you this, Defense 9. Do you
8 recognize that?

9 A. I do.

10 Q. And how are you able to recognize that?

11 A. That's my signature right here.

12 Q. Okay. And what does your signature indicate?

13 A. That I viewed it.

14 Q. Okay. And does it fairly and accurately depict a map of
15 the area around Evelyn and that sort of thing?

16 A. Roughly, yes.

17 Q. Okay.

18 MS. NEWTON: At this time we'd like to publish ---
19 admit State's --- Defense 9, Your Honor, and publish.

20 THE COURT: Any objection?

21 MR. LAMPKE: No objection from the State, Your
22 Honor.

23 THE COURT: Admitted.

24 (DEFENSE EXHIBIT 9 ADMITTED)

25 BY MS. NEWTON:

1 Q. Okay. Detective Genthner, as to Defense 9, could you
2 please explain what you're --- what you see here?

3 A. I --- I believe that to be Evelyn (unintelligible)
4 I'm not sure exactly what (unintelligible) appears from
5 my point of view that's possibly heading down toward 123.
6 Can't quite see into ---

7 Q. And down toward Monty's?

8 A. And what appears to be from this angle, yes.

9 Q. Okay. And can you see the top of Upstate Tire or
10 anything from this angle?

11 A. That apartment complex right there.

12 Q. Uh-huh.

13 A. Yeah.

14 Q. Could you describe the roof?

15 A. Red in color --- a burgundy in color.

16 Q. Okay. And that's Upstate Tire. And what's the general
17 description of Evelyn Road and have you been down there at
18 night?

19 A. During road patrol, but ---

20 Q. Okay.

21 A. --- talking about the lighting in the area.

22 Q. The lighting, yes.

23 A. Yeah. Not to the best of my recollection. It could
24 be dark (unintelligible) appear there is (unintelligible)
25 streetlights.

1 Q. Okay. No street lights, dark. And then how about is
2 there a --- a slope or anything? One direction? You think
3 it's flat?

4 A. I can't recall. I haven't driven Evelyn. It
5 appears to go uphill.

6 Q. And so having been familiar with that area as road
7 patrol, are there different ways to get from 123 and 124
8 behind Hot Spot?

9 A. Crosswell School Road.

10 Q. Right. Crosswell School Road. Okay. And so what
11 direction can you go from Crosswell School Road?

12 A. The back way on Crosswell School Road, turn right on
13 to Evelyn. And I believe the connector, so where the
14 speedway used to be right before they took it down, there
15 was a back overflow parking area that you drive to Evelyn
16 off of that.

17 Q. Okay. And are you familiar with those road names or
18 anything?

19 A. I don't believe that one has a road name.

20 Q. Okay. And how about is there a way to go over the
21 railroad tracks?

22 A. I couldn't tell you.

23 Q. But regardless, there are different ways to get from the
24 Hot Spot and all the way back around to 123?

25 A. To get to 123?

1 Q. Uh-huh.

2 A. Yes. Yes.

3 Q. Yes.

4 MS. NEWTON: That's all I have right now, Judge.

5 THE COURT: Redirect?

6 MR. LAMPKE: No re-direct from the State, Your
7 Honor.

8 THE COURT: Thank you, sir. May he be excused?

9 MR. LAMPKE: Yes, Your Honor.

10 THE COURT: You're excused.

11 Mr. Foreman, would your jury like to have a break
12 this afternoon?

13 THE FOREMAN: I think we're ready to keep going,
14 sir.

15 THE COURT: Very good. Call your next witness.

16 MR. LAMPKE: Your Honor, may we approach regarding
17 scheduling?

18 (BENCH CONFERENCE)

19 THE COURT: We have to take a little matter outside
20 of your presence. And we're going to take a personal
21 break. Go ahead and take about five, ten minutes for
22 y'all.

23 (JURY EXITS COURTROOM)

24 THE COURT: All right. What is the objection?

25 MS. NEWTON: Well, Judge, the State has premarked I

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1 believe four exhibits that they intend to seek for this
2 next witness. We have an objection to two, technically
3 one, but the second is connected to the first.

4 THE COURT: You --- are you objecting to the actual
5 exhibit itself?

6 MS. NEWTON: We're objecting to the contents of it
7 as hearsay.

8 THE COURT: Why are we doing this now ---

9 (Simultaneous speaking)

10 MS. NEWTON: And so that's what --- the State asks
11 that we address it with the officer before on the
12 stand ---

13 THE COURT: Okay.

14 MS. NEWTON: --- we need to proffer it. I'm happy
15 to.

16 THE COURT: Okay.

17 (Simultaneous speaking)

18 THE COURT: --- do it now. I mean, I normally
19 object when you're trying to introduce it.

20 MS. NEWTON: Yes.

21 THE COURT: Go ahead and do it now. Fine. What is
22 it and what's the objection, first?

23 MR. LAMPKE: I can provide you with a --- a copy
24 here.

25 THE COURT: May I look at it?

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1 MR. LAMPKE: Absolutely, Judge. So these two
2 they're just getting binder covers to keep them separate,
3 but there are multiple pages on each of these. So,
4 Judge, the two exhibits that are at issue there are a
5 text exchange that the defendant has with a woman by the
6 name of Diana Norman. This is from the defendant's cell
7 phone extraction. And the Web history is the history of
8 the defendant's Web searches immediately preceding the
9 conversation with Diana Norman.

10 The State seeks to put in the evidence of the text
11 message from Diana Norman as a exception under the rule
12 against hearsay that being that it is not hearsay that
13 it's not being --- it's not being offered to prove the
14 truth of the matter asserted ---

15 THE COURT: Hang on.

16 MR. LAMPKE: Yeah. Absolutely.

17 THE COURT: --- 56 or 57?

18 MR. LAMPKE: Judge, looking at 56 is the text
19 message.

20 THE COURT: And we're looking at that says Anthony
21 is at girlfriend's house. If you don't believe me go to
22 George Washington Carver Drive. He's --- he's a
23 (unintelligible) faithful, lying and boom, boom, boom
24 boom.

25 MR. LAMPKE: Precisely, Judge. And then the --- the

1 text on the following page as well.

2 THE COURT: Diana Norman.

3 MR. LAMPKE: Yes. That's correct, Judge.

4 THE COURT: To the defendant?

5 MR. LAMPKE: Yes, Your Honor. And there's also a
6 text message on the following page to generally the same
7 extent as the --- as the first page.

8 THE COURT: And so you're saying this is not
9 hearsay?

10 MR. LAMPKE: Yes, Judge, because it's being offered
11 to prove --- it's not being offered to prove the truth of
12 the matter asserted. Instead it's being used to show the
13 words' effect on the listener.

14 Judge, if I may kind of give you the --- the general
15 relevance of what I'm trying to get into. As the
16 victim ---

17 THE COURT: What --- what hearsay exception ---

18 MR. LAMPKE: Judge, it's actually 801. It not a
19 specific exception in 803, but it definitionally is not
20 hearsay in (background noise) 801, because it's not meant
21 to prove the truth of the matter asserted. That being
22 that we're not using it to show that the victim was
23 actually cheating on the defendant, but instead just that
24 the defendant thought that the victim was cheating on her
25 and therefore had a motive to commit the shooting.

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1 THE COURT: Okay.

2 MR. LAMPKE: And --- and Judge --- Judge, the ---
3 the next exhibit, the defendant's Web history, if you
4 turn the --- the page a few times and you look ---

5 THE COURT: Exhibit 57?

6 MR. LAMPKE: Yes, Your Honor. This is Exhibit 57.
7 If you look at 22, which is on page 6, entry number 22 on
8 page 6. You can see entry 22, the defendant searches who
9 lives at 112 George Washington Carver Drive in
10 Spartanburg.

11 Now, the key there being, Judge, and what we intend
12 to use it for, is that if you look at the timestamp of
13 that search, it actually predates the text message from
14 Ms. Norman.

15 THE COURT: First of all, it's not (unintelligible)
16 qualifies as (unintelligible) rule.

17 MS. NEWTON: The 57, the machine generated, yeah, I
18 agree.

19 THE COURT: Okay. So I ---

20 (Simultaneous speaking)

21 MS. NEWTON: --- make statements.

22 MR. LAMPKE: Precisely.

23 THE COURT: The other one I'm not so sure about. So
24 I'd like to hear defense on 56.

25 MS. NEWTON: Your Honor, we feel that it is solely

1 within hearsay that does not qualify for an exception.
2 And that it also triggers confrontation clause issues as
3 we don't know who Diana Norman is or have an opportunity
4 to examine her.

5 The State is specifically requesting that --- and
6 despite what they want to say, they are asserting it's
7 for the absolute truth of that.

8 THE COURT: I think it is for the truth of the
9 matter asserted.

10 MS. NEWTON: And that's how --- that's how we
11 believe that it is.

12 THE COURT: (Unintelligible) truth of the matter
13 asserted being that the defendant believed that the
14 victim boyfriend was having an affair running around.
15 That's the truth of the matter asserted.

16 MS. NEWTON: And that's absolutely what they stated
17 at part of their theme as well in opening statements, and
18 there's no --- it's hearsay.

19 THE COURT: Maybe something subject to
20 cross-examination not the point in this trial right now.
21 (Unintelligible) agree with defense counsel shouldn't be
22 admissible. It doesn't follow under 801 and if it does,
23 show me where.

24 MS. NEWTON: Okay.

25 THE COURT: That shows 801(d) has to do with people

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1 who do testify.

2 MS. NEWTON: And in addition, Your Honor, it's
3 December 6th, I believe was the date, and so three days
4 prior to the incident date.

5 MR. LAMPKE: So, Judge, if I can direct Your Honor's
6 attention to a case that's actually specifically on point
7 to this issue.

8 THE COURT: Okay.

9 MR. LAMPKE: That's being the State --- State v
10 Young the cite is 432 S.C. 535.

11 THE COURT: Do you have that case in your hand?

12 MR. LAMPKE: No, Judge, I don't, but I --- I can
13 direct your attention to it, absolutely.

14 THE COURT: Well, you just did.

15 MR. LAMPKE: Yeah. Judge, I can show it to you on
16 my computer if you'd like.

17 THE COURT: No, I just want my law clerk to have it
18 if you had it (unintelligible).

19 (Simultaneous speaking)

20 MR. LAMPKE: Absolutely, Judge. And I'm happy to
21 restate that citation if you'd like it.

22 THE COURT: If you would.

23 MR. LAMPKE: Okay the citation is 32 --- sorry,
24 432 S.C 535. The Southeastern Reporter is
25 854 S.C. 2D 615.

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1 THE COURT: And what's the case cite?

2 MR. LAMPKE: State v Young. It's a 2021 case,
3 Judge.

4 THE COURT: Court of Appeals or Supreme Court?

5 MR. LAMPKE: It is the Court of Appeals, Judge.

6 THE COURT: Okay.

7 MR. LAMPKE: But it actually regards a case --- is
8 circumstance that's almost directly on point to this one.

9 THE COURT: What are the facts of the matter in that
10 case?

11 MR. LAMPKE: Judge, the fact matter in that case is
12 that the Court was handling the admissibility of text
13 messages from the defendant's phone. Like the
14 situation ---

15 THE COURT: From the defendant's phone.

16 MR. LAMPKE: Yes, precisely, Judge. Just like the
17 circumstance here. In that case, an unknown person
18 texted the defendant regarding the fact that they had
19 committing a --- had committed a shooting. And in that
20 case this specifically the Court specifically stated that
21 there was no testimony about who sent the defendant the
22 messages.

23 Despite that the Court ruled that the section from
24 the unknown person was admissible as the incoming text
25 messages to the defendant's phone were not hearsay, they

1 were not admitted for the truth, but because of Young's
2 responses were incriminating.

3 Now, similarly, Judge, in this circumstance, we're
4 not using the text message itself to prove the truth of
5 the matter asserted. Specifically, in the defendant's
6 interrogation, they speak about how they believe that the
7 victim was cheating on them.

8 Similarly, in the victim's testimony earlier, Your
9 Honor heard testimony about the victim thinking that he
10 was being tracked from the --- from the Apple AirTag
11 ping. What we use to show this, Judge, is that the
12 defendant's searches regarding that address that is
13 mentioned in the text messages predate the text message
14 being received. Thus showing that the defendant was in
15 fact tracking the victim's whereabouts.

16 Judge, we're not using this text message to show
17 that yes, the victim was having relationships with other
18 people other than the defendant. No, we're showing only
19 to show the defendant's state of mind. That being that
20 they were in fact, thinking the defendant was cheating on
21 them and therefore had a motive to the shooting. As well
22 as to show that they were in fact actually tracking the
23 victim.

24 THE COURT: All right. You need a break. Let me go
25 look at the case. I'll be right back.

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1 MR. LAMPKE: Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 (OFF THE RECORD)

4 THE COURT: Exhibit 56, we've looked at the case.
5 Overrule the objection. It's not truth of the matter
6 asserted it is for the reaction and I note your
7 objection. (Inaudible) I've read the case and I've
8 looked at the (inaudible).

9 All right. All right. You ready to go?

10 MR. LAMPKE: Yes, Your Honor. The State's ---

11 THE COURT: I assume that you are objecting for the
12 record (unintelligible).

13 MS. NEWTON: Yes, Your Honor. And just briefly in
14 terms of our ability to read that Young case during while
15 you --- while you were reading as well, if I can just
16 pose one additional thing on the record.

17 THE COURT: Absolutely.

18 MS. NEWTON: The --- the difference in the --- in
19 that case would be that they admitted that the number
20 involved the defendant and it was her --- it was her
21 number for those and her incriminating statements and not
22 the unknown witness that we cannot confront, because we
23 don't know who this Diana Norman person is.

24 THE COURT: Note your objection. Bring the jury in.

25 (JURY ENTERS COURTROOM)

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1 CLERK: Who's going to be your next witness, please?

2 MR. LAMPKE: It will be Detective Michael Land.

3 THE COURT: Call your next witness.

4 MR. LAMPKE: Yes, Your Honor. The State calls
5 Michael Land to the stand.

6 (WITNESS SWORN)

7 MICHAEL LAND, HAVING BEEN DULY SWORN, TESTIFIED AS
8 FOLLOWS:

9 CLERK: If you would please have a seat and state
10 your name for the record.

11 THE WITNESS: My name is Michael Land, L-A-N-D.

12 DIRECT EXAMINATION

13 BY MR. LAMPKE:

14 Q. Thank you for joining us today. Can you please tell the
15 jury where you currently work?

16 A. I work for the Greenville County Sheriff's Office.

17 Q. Okay. And what is your role at the Greenville County
18 Sheriff's Office?

19 A. So I work in our intelligence unit. So I do a lot
20 of research and case building. Pretty much --- pretty
21 much always with any kind of electronic evidence, digital
22 evidence stuff, cell phones, social media, whatever the
23 case entails. So a lot of computer stuff.

24 Q. Okay. How long have you been working in law enforcement?

25 A. I started in 2017, so nine-ish years.

1 Q. Okay. And what was your role when you initially started
2 working for the Greenville County Sheriff's Office?

3 A. So I started working patrol. I worked uniform
4 patrol for about a little over three years, three and a
5 half years. After that I went to investigations doing
6 property crimes for about a year and a half. And then I
7 switched to my current role in September of 2022.

8 Q. So are you a badge-wearing, gun-carrying, police officer?

9 A. That is me.

10 Q. Okay. So what are your specific job duties?

11 A. So again, work in court with all kinds of different
12 crimes, whether it be drug-related crimes,
13 property-related crimes, homicides, violent crimes,
14 whatever it is. Pretty much helping the investigator
15 build their case.

16 Sometimes things get confusing with --- with digital
17 evidence, technology, so that's kind of where I help
18 whatever they need doing.

19 Q. Okay. What do you typically do with cell phones in ---
20 in criminal cases like this?

21 A. So a lot of times cell phones contain a lot of
22 information, a lot of evidence. So we can do extractions
23 on them to basically pull the information off of it and
24 see what information that phone has on it that could be,
25 you know, a defendant's, a victim's, whoever --- there's

1 almost always some evidence on the cell phones.

2 Q. Okay. Approximately how many cell phone extractions have
3 you performed?

4 A. Last time I looked was like 1680. So give or take
5 ten, somewhere around there.

6 Q. Okay.

7 A. A lot.

8 Q. When you say, "cell phone extraction," can you please
9 explain to the jury what that means?

10 A. Sure. So we use software where essentially we ---
11 we plug the phone into it. And it pulls all of the data
12 off that it can from the phone to essentially make a
13 clone of the phone.

14 And then we take that data, that raw extraction
15 data, and we'll put it into a program that is called
16 Cellebrite. And it basically translates all of the ones
17 and zeros from the --- from the data and puts it in
18 something that humans can read, categorizes it to make it
19 easy to look at what you are --- or search for what
20 you're looking for, you know, calls, text messages,
21 pictures, locations, you know, whatever is on that. And
22 then we can give that report to the investigator, or look
23 through it ourselves, whatever it --- whatever the case
24 needs.

25 Q. Okay. Were you involved in this case, the case of the

1 State versus Renee Simon?

2 A. I was.

3 Q. Okay. And just generally kind of top line what was your
4 involvement?

5 A. So Pickens County Sheriff's Office reached out for
6 help with it which is common. And they brought us two
7 phones to do extractions on to help them, you know,
8 further investigate this case.

9 Q. Okay. And how many phones did you receive?

10 A. Two.

11 Q. Okay. And did you perform cell phone extractions on
12 those?

13 A. I did.

14 Q. Okay. How do you conduct a cell phone extraction?

15 A. So we --- it's --- it's really pretty simple. We
16 just plug it into the software that we have and it --- if
17 we know the pass code, we can punch in the pass code and
18 unlock it, or it has some mechanisms to get around pass
19 codes. But more or less we plug it in, tell it go, and
20 it extracts and it gives us the files.

21 Q. Okay. What type of phone extraction did you perform on
22 the defendant's phone in this case?

23 A. We have a pass code for it, so it was an unlocked,
24 got a full file system extraction.

25 Q. Okay. What does that mean, "full file system

1 extraction?"

2 A. So it get pretty much everything that there is to
3 get. Like I said, sometimes the phone's locked and we
4 might not have the pass code. And sometimes it can still
5 get in. It kind of depends on what kind of phone it is,
6 how updated the software is, things like that. So
7 there's a lot of factors, but sometimes it can get a
8 partial dump. Partial extraction, where it can get bits
9 and pieces of the information but maybe not the whole
10 thing. But in the --- that case, we got the --- the full
11 thing. Got everything it could.

12 Q. Regarding the defendant's phone?

13 A. Correct.

14 Q. Okay. So once you put the cell phone and you get the
15 extraction, how do you get it so that it's actually like
16 readable and you can kind of see what's going on?

17 A. Yeah, so we just take the --- those files that
18 it --- it spits out from the phone, and we put it into
19 the --- the Cellebrite program. And it is called parsing
20 the data. It parses the data and that's where it does
21 the categorization and it makes it into something
22 that --- that humans can read.

23 Q. All right. And what do you call that when it makes
24 something that humans can read?

25 A. It just a Cellebrite report. You can open it with

1 Cellebrite reader.

2 Q. Uh-huh. Okay. Once you create an extraction report, are
3 you able to make any changes to the data that's in the report?

4 A. I can't. No. I can --- I can tag things and
5 highlight things, but I can't actually alter the data
6 that's there.

7 Q. Okay. When there are timestamps on the reports? For
8 example, for a text message, how does it get those timestamps?

9 A. It just pulls it from the data and it --- it ---
10 it'll look through the files and it'll --- it'll pull the
11 timestamps, and it'll assign it to whatever that, you
12 know, that text message that was on it.

13 Q. Okay. And did you run some reports in this case for the
14 defendant's phone?

15 A. I did.

16 Q. Okay.

17 MR. LAMPKE: Your Honor, I'm showing opposing
18 counsel what's been premarked for identification purposes
19 as State's 56, 57, 58 and 59.

20 Your Honor, may I approach the witness with the
21 same?

22 THE COURT: Yes.

23 MR. LAMPKE: Okay. There you are.

24 BY MR. LAMPKE:

25 Q. And quick clarification, is it Detective Land; is that

1 right or Officer?

2 A. Investigator ---

3 Q. Okay.

4 A. --- but whatever works.

5 Q. I wanted to make sure ---

6 A. It doesn't matter.

7 Q. --- right. Okay. So without going into any detail as to
8 what it is that I just handed you, can you tell me generally
9 what those are?

10 A. So these are just excerpts from the phone that I
11 downloaded.

12 Q. Okay. And are those the same cell phone extractions that
13 you performed on this case, you know, back when you first ran
14 the phones?

15 A. Yes.

16 Q. Okay. Have they been changed or altered in any way?

17 A. No, sir.

18 Q. You know, fair and accurate depiction, all that sort of
19 stuff?

20 A. Yes, sir.

21 Q. Okay.

22 MR. LAMPKE: Your Honor, the State moves State's ---
23 State's 56, 57, 58, and 59 into evidence.

24 THE COURT: Subject to objection. 56, 57 has been
25 admitted. What's your opinion as to 58, 59?

1 MS. NEWTON: No objection, Your Honor.

2 THE COURT: All right. Very good.

3 (STATE'S EXHIBITS 56, 57, 58, 59 ADMITTED)

4 MR. LAMPKE: Okay. And Mr. Wellborne, I'm going to
5 just (unintelligible) if that's all right. Thank you
6 very much.

7 BY MR. LAMPKE:

8 Q. Investigator Land, if I can retrieve those from you.
9 Thank you very much.

10 MR. LAMPKE: Judge, with your permission, I'd like
11 to publish State's Exhibit 58.

12 THE COURT: Yes, sir.

13 MR. LAMPKE: Thank you, Your Honor. Okay.

14 BY MR. LAMPKE:

15 Q. Now, just for the purposes of the record, I'm turning to
16 page 16 of State's 58. Now, Investigator Land, what it is
17 that we're looking at here?

18 A. You're looking at text messages between the Anthony
19 Holland and that's how it's saved in the phone, Anthony
20 Holland and Renee Simon.

21 Q. Okay. And are that's from the defendant's phone?

22 A. Yes.

23 Q. Okay. Can you please tell me who that blue message is
24 from and who it's sent to?

25 A. It is from Anthony Holland and it's sent to Renee

1 Simon.

2 Q. And what is the text in that message?

3 A. OTW.

4 Q. Okay. And what time did that occur at?

5 A. 7:08 p.m. on December the 9th of 2022.

6 Q. Okay. And you explain to the jury what UTC means that
7 follows the --- the time there?

8 A. Yes, so UTC is I believe it's Universal time --- I
9 forget what the C stands for. But we're in Eastern time,
10 so you just do a quick subtraction to get Eastern time.

11 Q. Okay. So the --- the numbers that we see on there, are
12 those the times as we know them here on the Eastern Seaboard?

13 A. Yeah, they're minus. So the --- the UTC one is five
14 minus five is how you get the Eastern time. You subtract
15 the five.

16 Q. Okay. So what time did that blue text message get
17 received?

18 A. In Eastern time?

19 Q. Yes.

20 A. So that would be taking five off of the seven, I
21 believe, so that would be what? 2:08 p.m.

22 Q. Okay.

23 MR. LAMPKE: Let's see. Court's indulgence for one
24 moment, Your Honor.

25 BY MR. LAMPKE:

1 Q. Detective Lane, this is the extraction that was ran on
2 the defendant's phone here in the Eastern Time Zone, right?

3 A. Yes. Yes.

4 Q. Okay.

5 A. Yes.

6 Q. So when we are looking at these text messages here, those
7 times are they --- has the five already been --- been
8 subtracted from those text messages?

9 A. Correct. Yeah. I'm sorry.

10 Q. Okay.

11 A. That was on me. The --- yeah. UTC is --- would
12 have been plus five from that. It's already done the
13 five subtraction there.

14 Q. Okay. So just to make sure it's very, very clear to the
15 jury, what time here in Pickens, South Carolina on
16 December 9th of 2022, did that blue text message ---

17 A. So that was 7:08 p.m. here.

18 Q. Okay. Absolutely. Now, looking at that first green text
19 messages, who is that from and who is it to?

20 A. It was from Renee Simon to Anthony Holland.

21 Q. Let me go ahead and just zoom in a little bit. And just
22 for the purposes of the record, this text message is also on
23 page 16 of State's 58. What the does that text message say?

24 A. It says what I just saw this.

25 Q. And what time was that message sent?

1 A. 9:23 p.m.

2 Q. Okay. Now, turning the page to page 17 of State's 58,
3 who is that green message from and who is it to?

4 A. It was from Renee Simon to Anthony Holland.

5 Q. Okay. And what does that text message say?

6 A. I got the flu, not the plague, you stupid.

7 Q. Okay. And what time was that text message sent?

8 A. 12:52 a.m. on December the 10th.

9 Q. Okay.

10 MR. LAMPKE: Court's indulgence from for a moment,
11 Your Honor.

12 THE COURT: Yes, sir.

13 MR. LAMPKE: Thank you, Your Honor.

14 Your Honor, no further questions for this witness.

15 THE COURT: Any cross-examination?

16 CROSS-EXAMINATION

17 BY MS. NEWTON:

18 Q. Is it Detective Land? Sorry.

19 A. That's fine.

20 Q. Okay. You stated earlier that ---

21 MS. NEWTON: That actually Judge, if I could just
22 have a minute with court reporter before I get started.
23 Thanks.

24 THE COURT: Yes, you may.

25 BY MS. NEWTON:

1 Q. Detective Land, you stated earlier that you did a phone
2 extraction for the phone identified as Sedric Holland's and
3 the phone identified as Renee Simon's; is that correct?

4 A. Yes, ma'am.

5 Q. Okay. I'm showing you what's been premarked as Defense
6 13 and 14. For 13, can you tell me what all is included in
7 that ---

8 A. The packet?

9 Q. Yes, just the headings I believe.

10 A. Okay. Yes. So this is just basically the
11 information from the phone belonging to Mr. Holland, and
12 device information, there's text messages, and some
13 location data.

14 Q. Okay. Thank you. Yeah. And then tell me for Defense
15 14, what that would be?

16 A. So this would be for the defendant's phone. It's
17 got all the --- the user accounts and everything that are
18 open. It looks like some location data.

19 Q. And probably somewhere is there some call logs?

20 A. Yeah. Call logs as well.

21 Q. Okay. You stated earlier that the data from the cell
22 phone extractions cannot be altered or changed; is that
23 correct?

24 A. Correct.

25 Q. But once you have a reader, you can generate various

1 reports; is that correct?

2 A. Sure. You --- you can take out little snippets from
3 it.

4 Q. Okay. And so you --- what day did you do the extractions
5 for these phones?

6 A. I believe it was the 13th of December.

7 Q. December 13, 2022?

8 A. I believe so.

9 (Simultaneous speaking)

10 Q. And you did them (background noise); is that right?

11 A. One after another, I think it was.

12 Q. Okay. And once you pulled those extractions, that's how
13 we get what you referred to as the Cellebrite reader?

14 A. Correct.

15 Q. Okay. And then but all the data is what came from those
16 phones at that time on the reader?

17 A. Yes, ma'am.

18 Q. Okay.

19 MS. NEWTON: Your Honor, at this time, I would ask
20 that Defense 13 and 14 be admitted into evidence.

21 THE COURT: Any objection?

22 MR. LAMPKE: No objections from the State.

23 THE COURT: Admitted.

24 (DEFENSE EXHIBITS 13 AND 14 ADMITTED)

25 BY MS. NEWTON:

1 Q. And then once --- once you --- let's see. Let's see.
2 This is Defense 13, on defendant's phone. Let's see. Can you
3 read that exchange on the Facebook Messenger, page 1?

4 A. So the first message says it was from Renee Simon.
5 Way? Is the what it said.

6 Q. Okay.

7 A. And then the next message is from Anthony Holland.
8 Says, just got up, about two take a quick shower and be
9 OTW.

10 Q. Okay. Can you read that?

11 A. Yes, ma'am.

12 Q. Okay. Can you keep going? This is page 2 of Mr.
13 Holland's Facebook message?

14 A. So the first one is from Renee Simon, just says
15 okay. The next message is from Anthony Holland. It says
16 getting in the truck now, OTW. And the next message is
17 from Renee Simon. Says, okay Daddy.

18 Q. And is that the time that he stated he was getting in the
19 truck now; did he say that?

20 A. 12:05p.m.

21 Q. All right.

22 A. On the 9th --- December 9th.

23 Q. Okay. Thank you. From Defense 14, the call log exchange
24 from --- this is under Ms. Simon's phone. Can you just
25 indicate the first line for me here?

1 A. So it shows from Anthony Holland, it's an incoming
2 call that is on December the 5, 2022 at 3:56 p.m.

3 Q. Can you indicate what line 41 is?

4 A. That is another call from Anthony Holland on
5 December the --- the 6th ---

6 Q. Okay.

7 A. --- at 3:47 p.m.

8 Q. All right. Can you indicate what line 83 says?

9 A. This is a call to Anthony Holland. Outgoing call on
10 December the 7, 2022, at 11:35 a.m.

11 Q. Okay. And line 120.

12 A. A call with Anthony Holland's outgoing on December
13 the 9th, 2022, 8:21 p.m.

14 Q. And what was the duration of that call?

15 A. Two minutes and 35 seconds.

16 Q. And it does indicate that it was answered, because there
17 was a duration; is that correct?

18 A. Correct.

19 Q. Okay. Back to Mr. Holland's phone. What are we seeing
20 here on line six?

21 A. It shows on December the 9, 2022 at 3:03 p.m., it
22 shows a location that's a snippet from that somewhere off
23 of 123.

24 Q. Okay. Thank you. And line eight?

25 A. Another location on December 9th, '22, at 8:06 p.m.

1 It's another location from a map off of 123.

2 Q. Line ten.

3 A. Location data from December the 9, 2022 at 8:09 p.m.
4 also off of 123, it looks like near 124.

5 Q. Okay. Line 13.

6 A. Location point from December the 9th, of 2022 at
7 8:17 p.m. right near the intersection of 123 and Fish
8 Trap Road.

9 Q. Just for purposes of the time, line 15?

10 A. December the 9th, 2022 at 8:20 p.m.

11 Q. Thank you. Within the report, like back to --- this is
12 an example, line 15, this section right here those are
13 coordinates correct?

14 A. Correct. So the latitude and longitude.

15 Q. Okay. And so that's why then a picture generates to the
16 map location?

17 A. Correct.

18 Q. And if we were to zoom out or zoom in, if we were on a
19 computer, we could see more of the surrounding areas or less;
20 is that correct?

21 A. Correct.

22 Q. Okay. And you stated that all of the cell phones' data
23 is pulled from their phones as --- as you received them; is
24 that correct?

25 A. Yes, ma'am.

1 Q. Okay. And that was, I think again, December 13th of some
2 sort?

3 (Simultaneous speaking)

4 A. (Unintelligible).

5 Q. Okay. And then I can't remember you told defense this or
6 not, but then you gave those phones back to Pickens County?

7 A. Correct.

8 Q. Okay. And do you remember when you gave those back to
9 Pickens County?

10 A. I don't remember the date. No, ma'am.

11 Q. Okay. And in terms of both Mr. Holland's phone, well, I
12 guess I'm the only one who talked about Mr. Holland's phone.
13 And Ms. Simon's phone, these reports, whether they're State or
14 defense is data that you cannot manipulate; is that correct?

15 A. Correct. Yes, ma'am.

16 Q. Okay.

17 MS. NEWTON: No further questions.

18 THE COURT: Redirect.

19 MR. LAMPKE: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. LAMPKE:

22 Q. So let's talk about the reliability of the location data.

23 MR. LAMPKE: Court's indulgence just for a moment,
24 Your Honor. Okay. Yes. Okay.

25 BY MR. LAMPKE:

1 Q. So looking at State's Exhibit 13, and I'm going to make
2 sure to zoom out so we can get the full context of what the
3 report is actually showing. So looking at number 3 of --- for
4 example, does it --- what does it say about the subgroup, for
5 example?

6 A. So it's telling you where it got that from harvested
7 Wi-Fi.

8 Q. Uh-huh. And what is the description there too?

9 A. It says --- doesn't have a source or service
10 identify error or horizontal accuracy. It guess the
11 source file where it found this point from which is just
12 the phone extraction what all those numbers and
13 letters ---

14 Q. And what about the type?

15 A. It's a network connection.

16 Q. Okay. Now, if we wanted to be able to pin down the exact
17 locations of a phone, what would be the --- a good way to go
18 about that?

19 A. So any time we get like a location point off of it
20 cell phone extraction, sometimes it's not always
21 accurate. Sometimes it might misread some numbers
22 and --- and things like that. Sometimes you'll get ---
23 not necessarily on this phone, but we see plenty of
24 phones where there's a location point in the middle of
25 the ocean that we know the phone never was and just kind

1 of an anomaly that you can't explain. So typically, if
2 we ever use like location data off of a phone, we like to
3 make it, corroborate it, verify it through another means.
4 You know, if the point says that the phone was at
5 McDonald's, we like to get video of, you know, the person
6 with the phone at McDonald's, or somebody that saw it,
7 or, you know, another way to verify what it's saying. So
8 we do look at the location data. We just like to verify
9 it.

10 Q. Okay. So for harvested Wi-Fi, for example, how does that
11 compare to like getting the cell tower information?

12 A. It's going to be different. Network --- being it is
13 a network connection, there's a network a Wi-Fi or
14 something at that location is what it plotted that likely
15 the phone was connected to at some point in time.

16 Q. Okay. Do we know what point in time, or whether it was
17 actually connected at that time?

18 A. I don't know if it was connected at that point.
19 Sometime --- it store note --- network connections in a
20 phone. So, you know, like, when you go back home, you
21 don't have to punch in your Wi-Fi password every time,
22 because it's stored. So just from looking at that, I
23 don't know if the phone was actually connected then or if
24 that was the last time it was connected, or if it's just
25 stored there. I can't tell you exactly if it was there

1 or not.

2 Q. Does the phone necessarily have to be at that location
3 where we see that ping ---

4 (Simultaneous speaking)

5 Q. --- for it to ---

6 A. Network connections, no. For example, I can connect
7 to the network at my house from here. I don't
8 necessarily have to be there with today's technology.

9 Q. Okay. Now, flipping over here to number four, for
10 example, I'm trying to still make sure we can see.

11 Investigator, can you --- can you see that well? You've
12 got a TV behind you too if that helps.

13 (Simultaneous speaking)

14 Q. Sorry. I don't have the greatest eyes, so I felt bad for
15 you having to squint.

16 So looking at entry number four there, can you tell us
17 what type that came from?

18 A. So it came from a cell tower.

19 Q. Okay. And that box that is the fourth from the right.
20 What does that say about the cell tower?

21 A. So it gives coordinates, the latitude and longitude
22 for the cell tower. And not positive about everything
23 else, but it doesn't tell me if those coordinates are
24 where the cell tower is, or where the phone was ---

25 Q. Uh-huh. Well, so what does it say about the --- the

1 cell --- cell tower position in the numbers immediately below
2 that?

3 A. It still gives you latitude and longitude ---

4 Q. Okay.

5 A. --- coordinates.

6 Q. Now, Investigator Land, just looking at the --- for
7 example, the --- the last three digits of the blue highlight
8 there on number four. What are the last three ditches of this
9 second number?

10 A. 052.

11 Q. What are the last three digits of the second number for
12 the cell tower position?

13 A. 052.

14 Q. So does that show the location of the phone, or the
15 location of the cell tower?

16 A. I believe that's the location of the cell tower.

17 Q. Okay.

18 MR. LAMPKE: Court's indulgence just for a moment,
19 Your Honor.

20 BY MR. LAMPKE:

21 Q. How far away can a phone be to ping off a cell tower and
22 give a result like that?

23 A. It can be miles. It --- it just kind of depends on
24 where you're at. You know, if you're in a busy downtown
25 area, they use smaller cell towers. They're not the ---

1 you know, the huge several hundred feet tall ones that
2 are just they blend in on the corners of towers --- or
3 buildings, I mean. But then as you get more out rural,
4 obviously less population, less cell traffic, so that's
5 when you get the tall cell towers that can go for miles
6 is my understanding.

7 MR. LAMPKE: Okay. Court's indulgence for a moment,
8 Your Honor.

9 THE COURT: Yes, sir.

10 MR. LAMPKE: No further questions, Your Honor.

11 THE COURT: May this witness be excused?

12 MR. LAMPKE: Yes, Your Honor. This witness may be
13 excused.

14 THE COURT: All right. Thank you, sir. Where are
15 you all? What's your next witness? How long is the
16 witnesses going to be?

17 MR. LAMPKE: He'll be a long one, Judge.

18 THE COURT: It is?

19 MR. LAMPKE: Yes, Your Honor.

20 THE COURT: All right. Mr. Foreman, let's go ahead
21 and break it for the day. If you would, can everybody be
22 here at 9:30 in the morning?

23 THE FOREMAN: Yes, Your Honor.

24 THE COURT: Okay. If you can leave your notes in
25 the jury room. We'll see you tomorrow morning.

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1 Let me remind you please don't read, see, hear
2 anything about this case.

3 And we'll see you tomorrow morning. Thank you.

4 (JURY EXITS COURTROOM)

5 THE COURT: How many more you think you have?

6 MR. LAMPKE: Judge, we have two more witnesses. The
7 last two witnesses that we will have ---

8 THE COURT: Did you say two or few?

9 MR. LAMPKE: Two, Judge.

10 THE COURT: Oh, okay.

11 MR. LAMPKE: Yes, we have the doctor that treated
12 the victim at the hospital and then we have the primary
13 investigator. The doctor's testimony, I expect to be
14 very short. He just has a very busy schedule, so you can
15 imagine. He'll be here at 9:00 tomorrow. And I expect
16 that to be a --- a pretty quick witnesses.

17 THE COURT: Okay.

18 MR. LAMPKE: Thereafter, the interrogation will
19 necessarily will make the next witness after that a
20 little bit longer.

21 THE COURT: All right. Okay. Tell you what, I'm
22 going to go ahead and give Ms. Simon her (unintelligible)
23 rights. That way we can get that done.

24 Do you mind standing, please, ma'am. All right.

25 You raise your right hand.

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1 (WITNESS SWORN)

2 RENEE SIMON, HAVING BEEN DULY SWORN, TESTIFIED AS
3 FOLLOWS:

4 MS. SIMON: Yes.

5 THE COURT: And then be seated. At this point, Ms.
6 Simon, we're about to be at the juncture in the trial
7 where you have a right to present a defense for what
8 would be your right to testify or not to testify. You
9 have a constitutional right to do both.

10 If you testify, you'll be subjected to direct
11 questions from the attorneys and cross-examination from
12 the State. Obviously, they'll try to impeach your
13 credibility. And if we rule that there is no evidence
14 (unintelligible) let you get into (unintelligible) prior
15 record (unintelligible) get there.

16 MR. LAMPKE: Yes, Your Honor. We --- we indicated
17 that we don't think that it's generally admissible just
18 at its outright. If the defense opens the door through
19 the defense credibility for truthfulness so on and so
20 forth. But not --- not as a general matter.

21 THE COURT: As far as your criminal record goes,
22 there's not going to be anything they can do with
23 questioning about it, unless you obviously open that door
24 and I know your lawyers will tell you about that.

25 But if you decide you do not want to testify, you

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1 have the protections that are afforded to you by the 5th
2 Amendment of the United States Constitution.

3 (Unintelligible) no person shall be required to testify
4 against themselves in a criminal trial.

5 End of the day, if you decide that you do not want
6 to testify, I will charge this jury when I instruct them
7 on the law, they can't consider that, because that's your
8 right under the 5th Amendment. And because at all times
9 the burden is on the State to prove the guilt ultimately.

10 A decision as to whether or not you want to testify
11 (unintelligible) privileges 5th Amendment made in
12 conjunction with your lawyers. However, the ultimate
13 decision is yours and yours alone. You will have to make
14 that decision freely and voluntarily understanding your
15 rights to testify and your rights not to testify
16 constitutionally.

17 Have you understood everything (unintelligible)?

18 MS. SIMON: Yes, Your Honor.

19 THE COURT: Do you have any questions about
20 (intelligible)

21 THE WITNESS: (Inaudible).

22 THE COURT: At this juncture you're not going to
23 have to answer any questions as to whether or not you
24 will testify now, but tomorrow, you will have to make
25 that call. Okay?

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1 MS. SIMON: Okay.

2 THE COURT: Anything else I should put on the record
3 about the 5th Amendment from the defense?

4 MS. NEWTON: No, Your Honor.

5 THE COURT: State?

6 MR. LAMPKE: Nothing from the State, Your Honor.

7 THE COURT: 9:30 in the morning, guys.

8 MR. LAMPKE: Absolutely. Thank you, Judge.

9 THE COURT: Nice job.

10 MS. NEWTON: Thank you, Your Honor.

11 PROCEEDINGS CONCLUDED FOR FEBRUARY 24, 2026)

12 (BEGIN PROCEEDINGS FEBRUARY 25, 2026)

13 MR. LAMPKE: Nothing from the State, Judge.

14 THE COURT: From the defense?

15 MS. NEWTON: No, sir, Your Honor.

16 (JURY ENTERS COURTROOM)

17 THE COURT: Over the break, let me ask you, anybody
18 read, heard or seen anything about this case?

19 THE FOREMAN: Nothing.

20 THE COURT: Okay excellent. Very good. State ready
21 to proceed?

22 MR. LAMPKE: Yes, Your Honor.

23 THE COURT: Call your next witness.

24 MR. LAMPKE: The State calls Dr. Derek Watson to the
25 stand.

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1 (WITNESS SWORN)

2 DR. DEREK WATSON, HAVING BEEN DULY SWORN, TESTIFIED
3 AS FOLLOWS:

4 CLERK: If you will have a seat and state your name
5 for the record.

6 THE WITNESS: Derek Scott Watson.

7 DIRECT EXAMINATION

8 BY MR. LAMPKE:

9 Q. Dr. Watson, thank you for joining us today. Can you
10 please tell the jury where you presently work?

11 A. I work with Prisma --- Prisma Hospital System ---

12 Q. Uh-huh.

13 A. --- I cover several of the hospitals there.

14 Q. Okay. And what is your occupation?

15 A. I'm a general surgeon and trauma surgeon.

16 Q. Okay. What does that mean to be a --- a general surgeon,
17 trauma surgeon?

18 A. So we're trained in multiple areas of surgery. My
19 primary focus is general surgery, which would be
20 operating on things like gallbladder (background noise)
21 appendix, et cetera, but we also our group covers trauma
22 surgery. We have to be certified to do that as well.
23 And so we handle any surgical trauma that --- that comes
24 into the hospital.

25 Q. Okay. What is a trauma surgery?

1 A. So trauma surgery is surgery for injuries incurred
2 by trauma. It can be blunt trauma such as car accidents,
3 or falling off a scaffolding. Or penetrating trauma like
4 stabblings, gunshot wounds, things like that.

5 Q. Is that like emergency room stuff?

6 A. Correct.

7 Q. Okay. And I want the jury to get a sense of your
8 qualifications. Where did you go for your undergrad?

9 A. University of Miami.

10 Q. Okay. And what was your degree in?

11 A. Biology.

12 Q. Okay. What did you do after getting your undergraduate
13 degree?

14 A. I went to medical school at Vanderbilt University.

15 Q. Okay. And how long did medical school take?

16 A. Four years.

17 Q. Okay. What did you do after getting out of medical
18 school?

19 A. Then we do subspecialty training, so I went and did
20 training in surgery in Denver, Colorado.

21 Q. Okay. How long did that take?

22 A. Five years.

23 Q. Okay. And how long were you out in Denver doing that
24 for?

25 A. Well, five years. That's where I did my surgery

1 residency out in Denver.

2 Q. Okay. Well, let me ask it this way: Where did you go
3 after being in Denver?

4 A. I came to Greenville, South Carolina.

5 Q. Okay. And how long have you been living and working here
6 in Greenville?

7 A. 29 years.

8 Q. Okay. How many different doctors are on rotation for the
9 emergency room work that you do?

10 A. So there's --- there's different specialties, so
11 there's a ton of ER physicians who assess things.

12 As far as trauma surgeons who staff the ER, there's
13 roughly 10 to 12 of us that --- that share that rotation.

14 Q. Okay. And I know it's kind of hard to --- to brag on
15 ourselves, but is it pretty difficult to get into the position
16 that you're in?

17 A. Yeah, it takes many, many years and then the --- the
18 ongoing certifications we have to do frequently yearly,
19 (background noise) certification and --- and ---

20 Q. Uh-huh.

21 A. --- hospital as well for them to be --- Greenville
22 Memorial Hospital is a level one trauma center, and
23 there's a lot of criteria to go into maintaining that ---
24 that designation as a level one center. And so the
25 surgeons who cover that call have to maintain all kind of

1 credentials and ---

2 Q. Uh-huh.

3 A. --- additional training we go to do ongoing training
4 yearly.

5 Q. Yeah. You mentioned all the training that you still have
6 to do. Can you briefly explain to the jury what sort of
7 ongoing training you have to do?

8 A. So we have to one, maintain our --- our
9 certifications. That involves testing and we have to
10 show that, you know, we --- we are keeping up with all
11 the changes that occur in medicine. The technology
12 advances, so forth, so that to do the new technologies
13 you --- you get tested all the time for that.

14 We have to maintain certifications in certain things
15 like you --- you hear of normal CPR and --- and basic
16 life support certification trauma surgeons have to
17 maintain ATLS certification which is Advanced Trauma
18 Lifesaving. And so we have to retest for that every two
19 or three years.

20 And then we have to maintain much like attorneys
21 have to have CLE or continuing legal education, we have
22 to CME with continuous medical education where the
23 different boards that keep us credentialed, we have to
24 show that we take a certain number of courses every year,
25 we spend a certain number of hours every year studying

1 and learning new --- the state of art in medicine.

2 Q. In total, how many years of medical experience do you
3 have?

4 A. Since '88. So 38 years, basically.

5 Q. Okay. And how many surgeries have you taken part of ---
6 or taken part in that involve emergency medical treatment?

7 A. Like --- trying to think back. I mean, it's ---
8 it's in the thousands ---

9 Q. Uh-huh.

10 A. --- exactly how many it would be.

11 Q. How many gunshot wounds have you treated?

12 A. Hundreds. That's --- they oftentimes are the ones
13 that need to go to surgery. A lot of the trauma we
14 evaluate is non-operative trauma that, you know, we have
15 to admit them and take care of them, and but they don't
16 require an operation. But penetrating trauma, gunshot
17 wounds, stab wounds, things like that most --- a high
18 percentage of those go to the operating room. So
19 (unintelligible) those.

20 Q. Uh-huh.

21 MR. LAMPKE: Your Honor, at this point the State
22 tenders Dr. Watson as an expert in medicine and general
23 surgery.

24 THE COURT: Would you like to voir dire this
25 witness?

1 MS. NEWTON: Your Honor, we have no objections.

2 THE COURT: You're stipulated. Now, you're doing
3 emergency medical as a general surgery or trauma surgery?

4 THE WITNESS: General surgery, trauma surgery. So
5 emergency medicine is --- is a little different category.
6 So an ER doctor is different than the --- than the trauma
7 surgeons.

8 MR. LAMPKE: General surgery and then trauma
9 surgery, Judge.

10 THE COURT: All right. Ladies and gentlemen, this
11 is stipulated that Dr. Watson's an expert in the field of
12 general surgery and trauma surgery. Usually a witness is
13 not allowed to give their opinion, they have to testify
14 what they saw, or they heard, they smelled, or felt.

15 However, on qualification a expert is allowed to
16 give their opinion. The reasons for their opinion in
17 this field it's --- it's stipulated that general surgery
18 and trauma surgery is the field of his expertise. He'll
19 be allowed to give his opinion in those areas.

20 Expert testimony, ladies and gentlemen, is like any
21 other testimony that you hear in this case. You may
22 accept it, you may reject it, or give it as much weight
23 as you think it deserves.

24 All right, sir.

25 MR. LAMPKE: Thank you, Your Honor.

1 BY MR. LAMPKE:

2 Q. Dr. Watson, you mentioned that one of the hospitals
3 around here is a level one trauma center, what do you mean by
4 that?

5 A. So there is --- pardon me. There's different
6 designations for whether a facility is qualified to take
7 care of different levels of trauma and so I --- my main
8 perhaps where my office is is out of one of the
9 subsidiary hospitals at Hillcrest Hospital. That is
10 designated a level three trauma center. You come in
11 there with a gunshot wound or a car accident, we have the
12 ability to do certain things, but a level one trauma
13 center is considered the highest level of qualification.
14 They are maintained that you have to have a surgeon, a
15 trauma surgeon in the hospital 24/7 365, there's always a
16 surgeon there.

17 If you walk into the ER bleeding to death, someone
18 can have you in the operating room within 2 to 3 minutes.
19 And so you have to have somebody there in-house all the
20 time. You'd have to have a full dedicated staff for
21 trauma.

22 And the ER 24/7, you have to have an OR team there
23 waiting. You have to have a designated OR that is always
24 empty, always ready so that you literally could be
25 operating on within a minute or two of --- of rolling in

1 the door of the ED.

2 And so --- and then they have multiple other
3 criteria that they keep your level one status as far as
4 blood bank, you know, availability of resources ---

5 Q. Uh-huh.

6 A. --- take care of the sickest patients.

7 Q. What sort of injuries would constitute a level one
8 trauma?

9 A. So life threatening.

10 Q. Uh-huh.

11 A. So there's lots of different criteria that that gets
12 determined initially by EMS or emergency medical
13 services. The paramedics in the field look at the
14 patient, and they say does this patient have a
15 life-threatening condition? Is the blood pressure level,
16 is there signs of --- or is there --- do they have a head
17 injury? There's all different things they use. There's
18 different levels of criteria for what qualifies a level
19 one, a level two, or a level three ---

20 Q. Uh-huh.

21 A. --- trauma, but level one traumas are people that
22 are hemodynamically unstable with low blood pressure, low
23 pulse, things like that, or their pulse is too high,
24 because their heart's working too hard, losing blood et
25 cetera. Or just sometimes your level is designated by

1 the mechanism of injury. If you were going 100 miles per
2 hour down 85 and you had multiple rollover, even if you
3 look great, that's a level one trauma. Because the ---
4 the odds of you having a devastating injury are --- are
5 high even if initially you look healthy.

6 Q. What type of --- or what level of trauma are gunshot
7 wounds, typically?

8 A. Usually most penetrating wounds are level one
9 trauma. There's some criteria that if you were shot
10 below the knee, below the elbow, things like that, those
11 aren't necessarily level one injuries unless it's hit a
12 major vessel and they determine that the bleeding is the
13 risk.

14 Q. Uh-huh.

15 A. But if you're shot anywhere in your central core,
16 that's a level one trauma.

17 Q. Okay. You mentioned being shot in one's central core, is
18 there anything that's particularly concerning to you as a
19 doctor when somebody has a --- as gunshot to their center
20 mass?

21 A. That's where all the stuff is so you're going to
22 cause more injury. That's where the main vascular
23 structures are. That's where all your --- your organs
24 are, your liver, your bowel, your spleen ---

25 Q. Uh-huh.

1 A. --- kidneys. So you're more likely to have injured
2 that as opposed to if you --- as you move away, arms and
3 legs ---

4 Q. Uh-huh.

5 A. --- are --- are less life threatening. You can lose
6 a limb, but not your life.

7 Q. Okay. Let's talk about the victim in this case
8 specifically. How did you get involved in the case? What was
9 the --- the first thing that you actually headed on down
10 to --- to see the victim?

11 A. So I was the trauma surgeon on call the evening
12 that --- that the patient came in. We are alerted by
13 EMS. Everyone who is on the trauma team, they're --- we
14 have a paging system on our phones that determines that
15 when they know they're bringing someone in, they'll page
16 out the trauma tone. And it'll be --- it'll tell you
17 what the level is basically. If they have time, they'll
18 tell you what the injury is and what their concerns are.

19 And so I got a level one page saying that they were
20 bringing in a gunshot wound to the back or buttock and
21 the patient was unstable in that they weren't able to
22 obtain a blood pressure. They could feel a pulse, but
23 the blood pressure machine couldn't register a blood
24 pressure. And so that there --- that's a critical
25 finding in the patients coming in.

1 And so level one traumas, we have to be in the
2 trauma bay within five minutes of the patient arriving,
3 typically. When we get enough notice, we're there
4 waiting, which was the case here. We had time from when
5 they started bringing the patient --- they had assessed
6 the patient in the field and were bringing him to the
7 Memorial level one trauma center. And so we probably had
8 about ten minutes' warning or so.

9 So my --- my --- we have a full team. I'm the
10 attending general surgeon, trauma surgeon that was there.
11 There's an ER attending who was there. And then there's
12 (unintelligible). We have a trauma team made up of
13 multiple levels of surgical residents who assist.

14 And then there's a team of nurses that each have a
15 designated job, x-ray techs, et cetera. So everybody's
16 there waiting.

17 Q. Uh-huh.

18 A. The report we got was that he was shot and unstable.
19 And so then we wait for the patient to show up.

20 As soon as the patient gets there, EMS gives us
21 their report, they let us know here's what they found,
22 here's what they've done since they found him between
23 there and --- and the ER. They had administered, you
24 know, fluids and then here's how much fluid we gave him,
25 here's what medications we gave him et cetera. And then

1 once we've taken the report, they move the patient over
2 and then they turn them over to us.

3 Q. Okay. You mentioned that they couldn't get a blood
4 pressure and that was concerning to you. Can you explain to
5 the jury why that was concerning?

6 A. So if you have a penetrating injury and you can't
7 get a blood pressure, that's usually indicative that
8 you're --- you're bleeding, and your blood pressure drops
9 as you lose more blood.

10 And so we look initially at the more blood you lose
11 the faster your heart rate gets, the lower your blood
12 pressure gets. And so they were able to maintain ---
13 they couldn't get a reading for blood pressure, they
14 could feel a pulse, which indicates the blood pressure is
15 in a certain level, usually around 60 to 80, you can feel
16 a pulse. That's not ideal. We like your blood pressure
17 to be up around a hundred or higher.

18 Q. Uh-huh.

19 A. Normal blood pressure is about 120 or 80, the
20 numbers they look at. They're mainly concerned with that
21 top number --- (background noise) reading with the cuff
22 that they use.

23 Q. Okay.

24 A. So ---

25 Q. What was the --- what sort of medical care did you

1 administer to the victim once he came in front of you?

2 A. Yeah, so when they roll into the trauma bay, it's
3 like a little --- it's a --- it's a lot of chaos. It's a
4 well-oiled machine and so we have to establish IV access.
5 So there's a team of nurses that are getting multiple IVs
6 so we can administer products, fluid, medication, blood,
7 et cetera.

8 Because he was --- had the low blood pressure when
9 he was in the field, and when he arrived (background
10 noise) what's called massive transfusion. So they have
11 the blood bank has preset coolers of blood that we can
12 give a patient before we've had a chance to cross match
13 them so they can give universal donor blood to the
14 patient initially to --- so start immediately replacing
15 blood products they may have lost.

16 So we put IVs in. We started giving him IV fluids.
17 We were able to get his blood pressure, it respond to
18 replacing his fluids. And then they gave him emergency
19 blood in the ER, a few units while we assessed him at the
20 same time. We're undressing the patient, exposing trying
21 to see what the extent of the injuries are. We're
22 interviewing patient and try to see what his mental
23 status is, how alert is he ---

24 Q. Uh-huh.

25 A. --- so we did all of those things. We roll the

1 patient to try to see, you know, what the injuries are
2 and then keep doing our assessment till we figure out
3 what we need to do.

4 Q. In this case was the victim responsive at that point when
5 you were trying to assess?

6 A. He --- he was awake. He was confused.

7 Q. Uh-huh.

8 A. He would answer some questions, he would open his
9 eyes to --- to talking to him and he would follow
10 commands. So, you know, we --- we use a classification
11 for what level alertness is called a Glasgow Coma scale.
12 And that tells us --- that gives us kind of an indication
13 of how sick you are. When he came in, he was a --- a
14 there's a scale of zero to 15, really from 3 to 15,
15 because if you're there, you're a three. But each
16 criteria for opening eyes and verbal response, confusion,
17 following commands gets you a certain level of points.
18 And he was a 14, so he was just one off of normal ---
19 (unintelligible) was confused.

20 Q. Uh-huh. Y'all eventually perform surgery on him?

21 A. We did. So when he came in, the concerning thing
22 was his blood pressure. We found that he had a --- a
23 penetrating injury on his back side on his right side.
24 We could not find any exit wound.

25 And so as part of the workup, we did an x-ray. The

1 x-ray demonstrated that there was a projectile bullet
2 that was on his left side. Which meant that the ---
3 the --- from the entrance to the exit, the path of the
4 bullet was across his abdominal cavity and back to front,
5 and from right to left.

6 So that's concerning for us because we can't get
7 there without going through a lot of things in the
8 middle.

9 Q. Uh-huh.

10 A. And we have what we call a --- a --- we have a
11 trauma ultrasound we do in the bay where we have an
12 ultrasound like you do to look at a fetus or a baby,
13 we're look at all the organs.

14 And the main thing we're looking for is the fluid in
15 the abdomen. And he had a massive amount of fluid in the
16 abdomen which is typically going to be blood.

17 Q. Uh-huh.

18 A. And so if you have a positive FAST Exam, Fast is
19 Focus, Abdomen Sonogram For Trauma, is the little
20 acronym. That if you have a positive fast, you're at all
21 unstable, you go straight to the operating room.

22 Q. Uh-huh.

23 A. So we have a elevator from the trauma bay that goes
24 straight up to the OR. So we took him straight to
25 surgery to explore.

1 Q. When you went into the surgery and you cut inside, what
2 damage did you see to their --- the organs inside?

3 A. So we make an incision in the abdomen, because
4 that's where we knew the injury would be. His abdomen
5 was full of blood and full of bowel contents. So he
6 clearly had injury to some sort of vessel and really had
7 an injury to some sort of bowel.

8 We immediately tried to remove all that --- suction
9 all that out of the abdomen. And we --- we pack all four
10 quadrants. So we these large fabric sponges we use. So
11 we just start packing each quadrant in the abdomen to try
12 to tamponade any bleeding.

13 And then once we packed everything and got so that
14 you're not actively losing blood, we let anesthesia catch
15 up with the blood that --- that the patient already lost.
16 And --- and maintained his stability.

17 Then we start taking the packs out and trying to
18 find out with the problem is.

19 Q. Uh-huh.

20 A. And so in him, we knew that it was in the lower part
21 of the belly based on where we found the entrance wound,
22 and where we could see the bullet, and actually feel the
23 bullet on examination.

24 So we take the packs out of the upper abdomen no ---
25 no bleeding there. And then we start looking at the

1 lower abdomen. And then we took the packs out of that.

2 We started finding (inaudible).

3 Q. Okay. The injuries that he had, how you would describe
4 them? Were they life threatening?

5 A. Absolutely.

6 Q. Okay. Why is that?

7 A. He had uncontrolled bleeding, he had lost several
8 liters of blood into his abdomen. And so it wasn't on
9 the ground, but it was not in his bloodstream where it's
10 supposed to be. And so it's the same as if he was just
11 bleeding out out of his abdomen --- abdomen's body. It
12 was just in a space where it doesn't do any good.

13 So he had lost, you know, close to half his blood
14 volume was --- was in his abdomen. He had multiple
15 injuries to his intestines which those are fatal if not
16 treated. The bleeding is fatal if not contained and
17 controlled.

18 Q. Okay. So if the victim had not received medical care,
19 what would have happened?

20 A. He would have bled to death.

21 Q. Okay. Now, I want to show you --- well, let me ask you
22 this: You mentioned that y'all did x-rays of the victim,
23 right?

24 A. Correct.

25 Q. Would you recognize that x-ray if I showed it to you?

1 A. Probably.

2 Q. Okay.

3 MR. LAMPKE: Your Honor, I'm showing opposing
4 counsel what's been premarked as State's Exhibit 61. May
5 I approach the witness with the same, Judge?

6 THE COURT: Yes, sir.

7 MR. LAMPKE: Thank you.

8 BY MR. LAMPKE:

9 Q. Here you are Dr. Watson. Now, without going into any
10 particular detail as to what that image is, can you tell me
11 generally what you recognize it as?

12 A. Yeah, so this is the x-ray that we took in the
13 trauma bay, because we knew where the --- where the
14 entrance wound was. He only had one hole that we could
15 find and we do a full head to toe survey rolling, looking
16 in every crack and crevice. And he had one --- one
17 entrance wound. He did not have an exit wound.

18 Q. Uh-huh.

19 A. So we get the x-ray to kind of see --- get an idea
20 of is there --- the bullet should still be in there since
21 we don't see that it came out of there. And to see where
22 it was. And this is the x-ray we took in the trauma bay
23 that shows the --- the projectile on the left side.

24 Q. Okay. So is that a fair and accurate depiction of that
25 x-ray as you remember from back when you were treating the

1 victim?

2 A. It is.

3 Q. Okay.

4 MR. LAMPKE: Your Honor, at this point the State
5 moves State's Exhibit 61 into evidence.

6 THE COURT: Any objection?

7 MS. NEWTON: No objection, Your Honor.

8 THE COURT: It's admitted.

9 (STATE'S EXHIBIT 61 ADMITTED)

10 MR. LAMPKE: Thank you, Your Honor. Permission to
11 publish.

12 THE COURT: Yes, sir.

13 MR. LAMPKE: Thank you.

14 BY MR. LAMPKE:

15 Q. And Dr. Watson, I'm going to use this ELMO here to put it
16 up on the screen here as well as the TV there. So if you'd
17 like to direct your attention to the TV there.

18 THE COURT: Can you see it?

19 THE WITNESS: I can.

20 THE COURT: All right.

21 BY MR. LAMPKE:

22 Q. Can you please just kind of walk through the jury exactly
23 what we're seeing here?

24 A. So this is the lower abdomen; these are the bottoms
25 of his ribs; this is his spine; this is his pelvis, so

1 that's his --- his pelvic. And these are his --- his
2 femurs; this is his hips here.

3 And so and then this is just the center of the
4 pelvis. This is --- these are leads we put on and keep
5 him on the monitor and monitor his heart rate, et cetera.

6 This is a foreign body in here that this is as we
7 look at this is his left side, so this is where the
8 foreign body was.

9 Q. Okay. And we can go ahead and turn the lights back up.
10 Thank you very much. Dr. Watson, let's address the --- the
11 elephant in the room. This mannequin back here, would that
12 assist your testimony in showing the jury exactly where the
13 entrance wound all that sort of stuff was?

14 A. It would.

15 Q. Is this mannequin generally a --- a fair depiction of the
16 human body, the anatomy, all that sort of stuff, so you can
17 talk about it?

18 A. It is. Absolutely.

19 MR. LAMPKE: Your Honor, we'll just be using this
20 for demonstrative purposes. I'm going to with your
21 permission move the --- the mannequin here to the front,
22 and have Dr. Watson step down. I'm happy to have defense
23 come around so they can look at well.

24 THE COURT: Yes, sir.

25 MR. LAMPKE: Thank you, Your Honor.

1 BY MR. LAMPKE:

2 Q. And Dr. Watson, you can go ahead and step on down. Okay.
3 Now, Dr. Watson, I want to start with the location of the
4 entrance wound that you talked about. So if you could
5 please --- first of all, just describe generally for the jury
6 and for the court reporter where it was that the victim had
7 that gunshot entrance wound?

8 A. So it was on his back side on his right side, kind
9 of at the top of the buttock.

10 Q. Uh-huh.

11 A. Low --- low back.

12 Q. And could you please mark that with this red sticker.

13 A. So it was roughly about here.

14 Q. Okay. And could you just for the purposes of the court
15 reporter describe where it is that --- that you just placed
16 that sticker?

17 A. I placed it on the top of the buttock to the right
18 of midline.

19 Q. Okay. Now, you said that you couldn't find an exit
20 wound; is that right?

21 A. Correct.

22 Q. Okay. Were you able to feel anything on the patient's
23 abdomen?

24 A. We were. We could feel the foreign body in the
25 muscle just below the skin.

1 Q. Okay. You could actually physically, like, feel it
2 moving around?

3 A. Correct.

4 Q. Okay. If you could please mark with this green sticker
5 as to where the foreign body was. And I'll rotate this for
6 the jury as well. So if you could please for the purposes of
7 the jury, explain where this is, and for the court reporter,
8 to be descriptive as to where you placed that green sticker.

9 A. So in his left lower quadrant of his abdomen
10 anteriorly in the front.

11 Q. Okay. Now, generally, can you explain to the jury the
12 trajectory of the bullet? Where it came in, where it ended
13 up?

14 A. So it came in right posteriorly, and we could feel
15 the bullet left anteriorly towards the front. So it went
16 from back to front. It went from his right to his left.
17 And the angle was roughly flat and maybe very minimally
18 from up to down as it went through. So it's hard to see
19 both at the same time, but, you know, just went across
20 back it front and about the same level.

21 Q. Okay. I'm just going to turn it sideways here. And if
22 you could just repeat that for the jury that maybe they might
23 get a better sense with kind of seeing him profile?

24 A. Yeah. So if you had a dowel rod or something it
25 went in here and we could feel it here. So it went from

1 back it front, from his right to his left. And roughly
2 you could see the height about that angle.

3 Q. Okay. Now, Dr. Watson, did y'all eventually pull the
4 foreign body out of the victim?

5 A. We did while he was in surgery, we removed the ---
6 the -- it was a bullet ---

7 Q. Uh-huh.

8 A. So we removed that. And that gets sent to pathology
9 for evaluation.

10 Q. Okay. Dr. Watson, the bullet that made this entrance
11 wound ---

12 A. Okay.

13 Q. --- were you able to measure the bullet and see what size
14 it was?

15 A. So I didn't, we --- we pass it off, and then there's
16 a chain of custody of the --- the projectile. So it's
17 going from me and I have to sign a sheet, and it goes to
18 whoever I give it to. They take it to pathology and then
19 they --- they evaluate it and measure it.

20 Q. Do you remember what the size is?

21 A. When I read the report it was a nine-millimeter
22 projectile.

23 MR. LAMPKE: Court's indulgence just for a moment,
24 Your Honor.

25 Thank you, Dr. Watson, you can retake your seat.

1 Judge, no further questions from the State at this
2 time.

3 THE COURT: Cross-examination?

4 MS. NEWTON: Yes, Your Honor. Please the Court.

5 THE COURT: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MS. NEWTON:

8 Q. Dr. Dr. Watson --- so Dr. Watson, you are a trauma
9 surgeon at Greenville Memorial Hospital?

10 A. I am.

11 Q. Okay. And that's a level one trauma hospital?

12 A. Correct.

13 Q. All right. Is that the closest one if you're in Pickens
14 County? Easley, would that be the closest level one trauma
15 hospital?

16 A. It is.

17 Q. Okay. And obviously through your career, you've said ---
18 I think you said you've had hundreds of surgeries; is that
19 right?

20 A. (Inaudible).

21 Q. Okay. More than that?

22 A. Thousands of surgeries.

23 Q. Thousands of surgeries?

24 A. Penetrating gunshots, hundreds.

25 Q. Okay. Hundreds of penetrating gunshot surgeries. So

1 you're familiar with that obviously?

2 A. Yes.

3 Q. Okay. And you've treated all kinds --- people that you
4 come in perhaps from an accidental gunshot, people that have
5 come in from attempted suicide maybe, and then people that you
6 come in because of crimes? All the ranges?

7 A. All of the above.

8 Q. All of the above. And in your --- your role in this
9 case, was to treat a patient, not a victim, correct?

10 You're --- you're looking ---

11 A. Correct.

12 Q. --- as a patient?

13 A. Absolutely.

14 Q. And as such, you --- your goal --- your job is to treat
15 him, right? You weren't at the crime scene if there was a
16 crime scene? Your focus is on the medical treatment in the
17 hospital?

18 A. Absolutely.

19 Q. Okay. You don't know anything about what happened ---

20 (Simultaneous speaking)

21 A. No, we don't --- we get a story of how they were
22 found and sometimes we get reports from EMS or --- or law
23 enforcement that such and such happened, but I don't know
24 that that happened. I don't know any of that. We just
25 know I've got a patient, here's what I've found. And ---

1 Q. Right. Your focus is the patient?

2 A. Absolutely.

3 Q. Okay. And that was your focus in this particular case?

4 A. It was.

5 Q. Okay. So as you have indicated with the mannequin, the
6 entry wound was in the patient's right buttock ---

7 A. Correct.

8 Q. --- upper buttock? Right?

9 A. Yes.

10 Q. Okay. And then the --- it did not exit, but the bullet
11 landed in the left quadrant of his abdomen?

12 A. Correct.

13 Q. Is that correct? Okay. And so right to left, front to
14 back, slightly --- slightly downward perhaps?

15 A. Yes.

16 Q. Okay. Dr. Watson, I'm going to show you what's been
17 marked as State's --- Defendant's Exhibit 15. If you can take
18 a look at that for me. Dr. Watson, are you able to recognize
19 what that is generally?

20 A. Just a --- it's a male depiction ---

21 Q. A human body?

22 A. Yeah, human body.

23 Q. And it's a male?

24 A. Correct.

25 Q. Okay. And would that help in your testimony today?

1 A. Sure.

2 Q. Okay.

3 MS. NEWTON: Your Honor, at this time I would like
4 Dr. Watson to mark on this exhibit, Defense 15 with a
5 Sharpie.

6 THE COURT: Okay.

7 BY MS. NEWTON:

8 Q. Dr. Watson, if you could do a --- a decent size circle as
9 to the entrance wound. Okay. And then a decent size circle
10 to where you located the bullet.

11 And does that fairly and accurately depict a
12 representation of what --- how the victim came to you all on
13 December 9th?

14 A. Yes.

15 MS. NEWTON: Your Honor, at this time we would admit
16 Defense 15 into evidence.

17 THE COURT: Any objection?

18 MR. LAMPKE: Can I just look at the markings?

19 THE COURT: Sure.

20 MR. LAMPKE: Thank you.

21 THE COURT: Admitted.

22 MS. NEWTON: Thank you, Judge.

23 (DEFENDANT'S EXHIBIT 15 ADMITTED)

24 BY MS. NEWTON:

25 Q. So again, Dr. Watson, this is just another way to see the

1 front to back, right to left slightly downward angle you
2 talked about, correct?

3 A. Correct.

4 Q. And that's Defense 15. So Dr. Watson, you obviously
5 don't know what position the patient was in when he was shot,
6 correct?

7 A. Correct.

8 Q. All right. And he could have been shot during the course
9 of a struggle?

10 A. Certainly.

11 Q. Okay. And in it --- during the course of a struggle,
12 your body could twist, bend, all sorts of movements?

13 A. Yes.

14 Q. Okay. And that would affect the trajectory of a bullet?

15 A. It would.

16 Q. If someone were --- someone were to carry a firearm in
17 the waistband of their pants, for instance, and there's a
18 struggle over that, could a gunshot wound to the right buttock
19 have occurred in that way; is that possible?

20 A. It's possible. Yes.

21 Q. And in this particular case, the victim's injury, what
22 about the bleeding? Would he have initially started gushing
23 blood or anything like that?

24 A. So whether they bleed outward kind of depends on
25 what's hit and where it's hit. And so you're clearly

1 going to bleed some from the injury to the skin, to the
2 fat, to the muscle, the --- the patient did not have a
3 lot of fat. He's very lean, but muscle will bleed.
4 That --- that bleeding is minimal. The --- and so there
5 would have been some blood from the --- from the where
6 the bullet went through the skin.

7 But his injury was in the deep pelvis, and so he was
8 bleeding, but he was bleeding into his abdominal cavity,
9 not out onto to the, you know ---

10 Q. Okay.

11 A. --- outside of his body. And so sometimes it ---
12 it --- depending on where the wound is, if you were shot
13 in the front and your belly was full of blood, it was
14 probably going to come out that hole. When you're not in
15 the back, there's so much muscle between that and where
16 the bleeding was, the blood --- it was easier for the
17 blood, it's going to follow the path of least resistance
18 if it filled up his abdomen, and it wasn't coming out his
19 back.

20 Q. And so I think you're saying there may have been a little
21 bit of blood on his clothing perhaps or something like that
22 where the bullet ---

23 A. Certainly.

24 Q. --- but you wouldn't necessarily be in a pile of blood
25 wherever this shooting occurred?

1 A. Right.

2 Q. Okay. And it wouldn't be unusual not to find blood ---

3 A. Well, you're going to ---

4 (Simultaneous speaking)

5 A. --- you're going to have blood on you and your
6 clothing, et cetera. But depending on, you know, where
7 it hits, it's not unusual that there wouldn't be a lot of
8 blood from the type of injury that he sustained.

9 Q. Okay.

10 A. There was the a lot of bleeding, just wasn't
11 bleeding out ---

12 (Simultaneous speaking)

13 Q. It was all internal?

14 A. --- it was all bleeding ---

15 Q. Yes.

16 A. --- inside of him.

17 Q. Okay. So in this particular case, you cannot tell if the
18 intention of the shooter in this case ---

19 A. Correct.

20 Q. You can't tell whether it was accidental, struggle, as
21 we've indicated?

22 A. Correct.

23 Q. All right. And you certainly can't determine criminal
24 intent from the gunshot wound?

25 A. Correct.

1 Q. The projectile that you mention, it was collected in this
2 case?

3 A. It was.

4 Q. Okay. And by "collected," we mean, you were obviously
5 able to remove it?

6 A. Right.

7 Q. And then what is the purpose of removing the projectile?

8 A. So often times we don't, depending on where it is,
9 if it's not going to cause any problems. This was loose
10 and the track was going --- if we had left it in there,
11 it would have eventually fallen back into the abdomen, or
12 it would have eroded through the skin. It was in the way
13 of where we needed to do our work, and so we removed it
14 to prevent it from being an issue --- problem in the
15 future.

16 Q. And that's not always the case, right? Sometimes you may
17 leave a projectile in there?

18 A. Right. Yeah. We have ---

19 Q. It might do more harm ---

20 (Simultaneous speaking)

21 A. --- people that are shot and then if the bullet is
22 in an area that's not going to bother anything, then we
23 sometimes --- if it's going to cause more problem to take
24 it out than to leave it, we --- we leave it in. If it's
25 going to be --- in his case, it would have caused

1 problems leaving it in ---

2 Q. Okay.

3 A. --- so we took it out.

4 Q. So --- so it's taken out and then because this was a
5 gunshot case, what you typically do in that regard?

6 A. So we're --- we remove the bullet, we hand it off
7 to --- it gets bagged and we hand it off to the
8 circulating nurse, and then they take it directly to the
9 pathology department, the same place where we take --- I
10 had to take out a lot of his intestines, et cetera, and
11 other specimens. That all goes down together to
12 pathology. And then they evaluate it. And then I have
13 no idea where it goes after that. But we ---

14 Q. But is the purpose of doing all that also to preserve it
15 for law enforcement?

16 A. It is.

17 Q. Okay. And so that was done in this case?

18 A. It was.

19 Q. Okay.

20 A. Well, I don't --- the --- the process was followed,
21 I don't know if that bullet went ---

22 Q. Correct. You can't ---

23 A. --- anywhere ---

24 (Simultaneous speaking)

25 Q. --- speak to where it went after ---

1 A. Yeah, I don't know if anybody did anything with
2 that. But ---

3 Q. It --- it --- it ---

4 A. --- we kept it there, we sent it to the lab, and
5 then it's there. And if law enforcement needs it, they
6 have access to it by whatever process they undergo.

7 Q. Correct. And that's the last you see of it? And it's up
8 to law enforcement to come get it if they want it? They ---

9 A. I assume, yes.

10 Q. --- correct? Okay. In terms of the patient's clothing,
11 when you saw him, had his clothes already been cut off of him?

12 A. Some, yes.

13 Q. Okay.

14 A. EMS always declothes enough to what the injury is,
15 you know, so they kind of know how bad is this. And I
16 can't remember how stripped down he was, because as soon
17 as he gets there, we completely declothe the patients,
18 and cover them and put warmers on them, et cetera.

19 And then that --- the clothing is saved. If it came
20 in with him, we bag that up and that's saved as well.

21 Q. And in --- in a similar way that you do the projectile?

22 A. Correct.

23 Q. And the purpose of that was?

24 A. That's just protocol. And so, you know, one, I
25 don't know if his wallet's in there, his phone, all his

1 possessions get bagged ---

2 Q. Right.

3 A. --- that he comes in with and preserved. And then
4 if that's --- if it is a criminal investigation of any
5 sort, then that's been ---

6 Q. Then again, there's a chain of custody in --- involved
7 and law enforcement can come retrieve it if they need it?

8 A. Correct.

9 Q. Okay. Or think they need it.

10 Dr. Watson, do you know about how much the patient in
11 this case weighed?

12 A. I --- I don't remember. It's --- it's --- it should
13 be in his record at some point. Although we don't --- we
14 don't stop and weigh them ---

15 Q. Right.

16 A. --- when they come in shot.

17 Q. Is it --- so is it an accurate weight? Could it be?

18 A. It would be estimated probably ---

19 Q. Okay. And so does 195 pounds seem about right?

20 A. Yes. Yeah, for his height and muscular build.

21 Q. And he was a muscular guy?

22 A. He was fit, yes.

23 Q. Okay.

24 MS. NEWTON: That's all I have for Dr. Watson,
25 Judge.

1 THE COURT: Re-direct?

2 MR. LAMPKE: Briefly, Judge.

3 REDIRECT EXAMINATION

4 BY MR. LAMPKE:

5 Q. Dr. Watson, the defense asked you about the different
6 facts of the case, how the shooting could have occurred. As a
7 doctor, do you concern yourself with things like that?

8 A. Not specifically. I --- you know, certainly would
9 not worry about intent or things like that. We always
10 pay attention as to, you know, is my team safe? Because
11 we --- where I trained in Colorado, we had a lot issues
12 with gun violence. And we'd take care of a patient, but
13 the person who tried to shoot the patient might come to
14 the hospital and so ---

15 Q. Uh-huh.

16 A. --- you know, we're always --- we try to get a feel
17 for that.

18 We --- in terms of, you know, specifics, we don't
19 worry ourselves with that at all. You know, we're just
20 focused on the patient. It is helpful to know how it
21 happened, because, you know, we --- we're worried about
22 the injury from the gunshot, but was there an
23 altercation, was there an assault, did this guy get hit
24 in the head with a crowbar? Or things --- you know, did
25 he have other injuries from hitting his head or things

1 that we wouldn't necessarily be able to tell just by
2 looking at him.

3 And so we --- we concern ourselves with that or what
4 the mechanism is. Was he shot, but he was shot on a
5 ladder and fell 50 feet, you know, we want to know to the
6 extent that are there any other things we need to concern
7 ourselves with that can cause injuries that might affect
8 him.

9 Q. So as a doctor, are you concerned about the surrounding
10 circumstances of who, what, when, why? Or are you just
11 concerned about things that would impact the care that you
12 give?

13 A. No, just --- just the patient then anything that
14 would impact his injury. You know, things I need to know
15 to --- to make sure I'm not missing something.

16 Q. Okay. And based off of what you personally saw, the ---
17 the --- what you know about this case from the care that you
18 gave to the victim, where was the victim shot in this case?

19 A. He was shot in the back. Just above the buttock.

20 Q. Thank you, Dr. Watson.

21 MR. LAMPKE: No further questions.

22 THE COURT: May this witness be excused?

23 MR. LAMPKE: Yes, Your Honor.

24 THE COURT: All right. Thank you, Dr. Watson.

25 You're excused.

1 Call your next witness.

2 MR. LAMPKE: Your Honor, may we approach briefly?

3 THE COURT: Yes, sir.

4 MR. LAMPKE: Thank you.

5 (Bench conference)

6 MR. LAMPKE: Absolutely, Judge. If I may approach
7 and hand it to you.

8 THE COURT: Yes, sir.

9 MR. LAMPKE: Here you are, Judge.

10 THE COURT: We don't need to bring this to the jury,
11 I don't see. Just make it part of the record ---

12 MR. LAMPKE: Precisely, Judge.

13 THE COURT: Everybody agree to that?

14 MS. NEWTON: That's fine, Your Honor. And I just
15 wanted to --- the reason sort of for that language just
16 briefly to put and preserve. I agree based on the
17 Court's rulings. But we'd just like to preserve the
18 record.

19 THE COURT: You disagree with the ruling, but you
20 agree it's based ---

21 (Simultaneous speaking)

22 MS. NEWTON: --- actions, yes, Your Honor.

23 (Simultaneous speaking)

24 MS. NEWTON: And just briefly for that ---

25 THE COURT: And what else would you like to say

1 about me?

2 MS. NEWTON: No, Your Honor. But I would like to
3 put this case on the record ---

4 THE COURT: Sure.

5 MS. NEWTON: --- for that purpose. Especially as it
6 pertains to the redactions as to the victim's prior
7 criminal record. State versus Brayboy did emphasize that
8 criminal convictions of a party or witness other than the
9 accused in a criminal trial rarely should be excluded
10 under Rule 403.

11 THE COURT: Sure. Thank you.

12 MS. NEWTON: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 All right. You ready?

15 MR. LAMPKE: Yes, Your Honor.

16 THE COURT: Okay. All right. Call your next
17 witness.

18 MR. LAMPKE: Yes, Your Honor. The State calls Chet
19 Anthony to the stand.

20 (WITNESS SWORN)

21 CHET ANTHONY, HAVING BEEN DULY SWORN, TESTIFIED AS
22 FOLLOWS:

23 CLERK: Thank you, sir. If you could have a seat
24 and state your name for the record.

25 THE WITNESS: My name is Chet Anthony.

1 DIRECT EXAMINATION

2 BY MR. LAMPKE:

3 Q. Thank you, Mr. Anthony. Could you please spell your name
4 for the court reporter as well.

5 A. Yes, Chet is C-H-E-T, Anthony is A-N-T-H-O-N-Y.

6 Q. Okay. Could you please tell the jury what you do for a
7 living right now?

8 A. Okay. For now I'm in sales in Lincoln, Nebraska.

9 Q. And what type of stuff do you sell?

10 A. So I work for a company called Penlink. We sell
11 analysis software to law enforcement, government
12 agencies, to do stuff like cell phone forensics and
13 (unintelligible) records, things of that nature.

14 Q. Okay. And where are you living now?

15 A. Lincoln, Nebraska.

16 Q. Okay. How do you end up all the way back over here?

17 A. Today?

18 Q. Yeah.

19 A. Okay, so I was the detective on this case.

20 Q. Okay. Well, I appreciate you making the trip all the way
21 out here.

22 A. Absolutely.

23 Q. Can you tell me where you're originally from?

24 A. Originally I'm from the City of Pickens.

25 Q. Okay. Where did you go to high school?

1 A. Pickens High School.

2 Q. And where did you start working out of --- out of high
3 school?

4 A. I --- out of high school I went to college.

5 Q. Uh-huh.

6 A. After I graduated from college, I came back to work
7 in Pickens County Sheriff's Office.

8 Q. Okay. When you first started working for the sheriff's
9 office, what capacity did you work in?

10 A. When I first started, I was hired as a --- a deputy
11 on the uniform patrol division. So answering 911 calls,
12 calls for service to the community.

13 Q. How long did you do that for?

14 A. Around two years, maybe a little over.

15 Q. Okay. What did you do after that?

16 A. After that I was moved to the community action team.
17 Always known as the CAT team. It's more of a direct
18 patrol unit. We would saturate high crime areas, drug
19 areas, things of that nature. More of a proactive unit
20 than a reactive unit.

21 Q. Okay. How long did you do that for?

22 A. Also around that two-year mark.

23 Q. Okay. What did you do after that?

24 A. After that I was promoted in the special operations
25 unit.

1 Q. Okay. What does that mean?

2 A. So the special operations unit, we're a
3 plain-clothes unit. We try to blend in more with the
4 community. Also saturate those high crime areas, but
5 we're working more of a undercover capacity focusing
6 mainly on drugs, especially narcotics, vice crimes,
7 things of that nature.

8 Q. Okay. And in total, how much time did you have working
9 in law enforcement?

10 A. Just under 11 years.

11 Q. Okay. Let's talk about how Detectives are assigned
12 cases. How are detectives assigned to cases like shootings,
13 violent crimes, things of that nature?

14 A. So we're assigned to zones, specific areas. So if
15 something happens in our zone, we would be assigned to it
16 the next day. There's also on call statuses.

17 Q. Okay. What does on call mean?

18 A. So there's a rotation of on-call shifts for
19 detectives. So after normal business hours, so uniform
20 patrol is still working, but the detective might not be
21 working the night shift. If something happens like a
22 violent crime or a shooting, they'll call us out if we're
23 on call and it's our rotation.

24 Q. Okay. Were you on call on December 9th of 2022?

25 A. I was. Yes, sir.

1 Q. Okay. Were you on that on call rotation by yourself, or
2 was somebody else helping you out?

3 A. No, we typically assign a primary, had was myself
4 that night, and then we assign a secondary in case you
5 need something else, or some help, or there's multiple
6 events.

7 Q. Okay. Who was helping you that night?

8 A. That night would have been Detective Josh Genthner.

9 Q. Okay. Did y'all kind of divide up responsibilities?

10 A. Yes.

11 Q. Okay. Who was the primary investigator?

12 A. I was.

13 Q. Okay. How did you initially first get involved in this
14 case?

15 A. So I would have been at home eating dinner and got
16 the call from dispatch about the shooting from that time,
17 I kind of gathered who was on scene, made some phone
18 calls, and just made my way straight to the location of
19 the shooting.

20 Q. Okay. When you arrived at the location of the shooting,
21 was the victim still there?

22 A. He was not. He had already been transported by EMS
23 personnel.

24 Q. Okay. When you got to the scene, what did you do when
25 you first got there?

1 A. So right when I first got there, we're going to
2 begin to canvas the scene and --- and basically lock down
3 the area where we believe it happened. And --- and try
4 and locate any evidentiary things.

5 Q. Okay. When you say, "canvas the scene," what do you mean
6 by that?

7 A. So in the immediate area, we will search very
8 diligently for anything that might be related to the
9 case, but we're also going to search the surrounding
10 areas. Because at this time, we don't know a lot, but
11 anything we make a find that might be resulted in the
12 case might help us figure out what kind of transpired.

13 Q. Okay. Now, after doing that, were you able to contact
14 the victim's next of kin without telling me anything that they
15 said?

16 A. Yes.

17 Q. Okay. Based on that conversation, were you able to
18 determine what type of car the victim drives?

19 A. Yes, we were.

20 Q. Okay.

21 MR. LAMPKE: Your Honor, I'm going to show the
22 witness and with your permission, publish to the jury
23 what's already been entered into evidence as State's
24 Exhibit 20.

25 THE COURT: Yes, sir.

1 MR. LAMPKE: Thank you, Your Honor.

2 BY MR. LAMPKE:

3 Q. Detective Anthony is that the --- the car that you
4 identified as the victim's vehicle?

5 A. Yes, sir, it is.

6 Q. Okay. So that night, did you look around that area and
7 try to find the victim's vehicle?

8 A. We did. Yes, sir.

9 Q. Okay. Where all did you look?

10 A. I --- I mean, everywhere --- strong word. We looked
11 high and low in that vicinity, we looked behind several
12 businesses, all around the Hot Spot. Basically made one
13 big loop around the area where we thought the vehicle
14 might be.

15 Q. Okay. And were you able to find it?

16 A. We were not.

17 Q. Okay. Were you able to identify other pieces of evidence
18 that were there on the scene off of 123?

19 A. Yes, there were. There were several pieces.

20 Q. If I showed you a map of the area, could you point out to
21 the jury where it is that you found those different pieces?

22 A. Absolutely.

23 Q. Okay.

24 MR. LAMPKE: Your Honor, with your permission I'd
25 like to publish the demonstrative version of State's

1 Exhibit 3, and have Detective Anthony step down and ---
2 and manipulate it.

3 THE COURT: Yes, sir.

4 MR. LAMPKE: Thank you, Your Honor.

5 BY MR. LAMPKE:

6 Q. Detective Anthony, step on down. And come on around.
7 Okay.

8 So Detective Anthony, were y'all able to find any of the
9 victim's items of clothing out on the roadway?

10 A. Yes, sir.

11 Q. Okay. Would you please point out to the jury where you
12 were able to find the boot in the roadway, for example?

13 A. We located the boot in the roadway right in this
14 region right here.

15 Q. Okay. And could you please with one of these thumbtacks,
16 and let's go with a orange marker, please put that thumb tack
17 in and put a sticker on top of the thumbtack as to where it is
18 that you found ---

19 A. Absolutely.

20 Q. --- the victim's shoe in the roadway.

21 A. So it would be right around this region right here.
22 Very close. Probably put that one too close to the
23 sticker, but right there.

24 Q. Okay. And just for the purposes of the record, how does
25 that compare to the previous pin with the green sticker?

1 A. So the previous pin with the green sticker would be
2 where the victim was.

3 Q. Okay. Now, were you able to identify where the victim's
4 other boot was?

5 A. Yes.

6 Q. Okay. Can you please point out to the jury where that
7 was?

8 A. So that would have been right in this region.

9 Q. Okay. If you could please similarly use another
10 thumbtack and put another orange mark on that for me.

11 A. Okay.

12 Q. If you could put an orange sticker on that for me.

13 And were you able to find the victim's phone as well?

14 A. Yes.

15 Q. Okay. Where were you able to find the victim's phone?

16 A. So this is Enterprise right here.

17 Q. Uh-huh.

18 A. And we found it right in this region. It would ---
19 it would have been back in the parking lot a little bit,
20 but just prior --- or just after the entrance to
21 Enterprise.

22 Q. Okay. And then similarly, could you please mark with the
23 thumbtack where it is that you found the cell phone?

24 A. I would say right here.

25 Q. Okay. And if you could please put the sticker on as

1 well.

2 A. Orange on that one as well?

3 Q. Yes.

4 A. Okay.

5 Q. Okay. Thank you very much.

6 A. Uh-huh.

7 Q. Okay. Let see. Now, when you were looking for the
8 victim's vehicle, can you please point out on the map just
9 kind of generally all of the areas that you searched for the
10 vehicle that night?

11 A. So at --- at, you know, obviously it seemed when we
12 started where the victim was. We started walking back
13 are toward Easley. And that's where we began to --- to
14 locate things. So we assumed that would have been
15 the --- before knowing, the path that might have been
16 travelled.

17 Q. Uh-huh.

18 A. So we continued toward Easley. This is 123 towards
19 Easley. We looked behind every single business here,
20 walked all the way through these parking lots, came to
21 the front of all these businesses. Went behind all these
22 parking lots. Went over some fences. Went all the way
23 to this region ---

24 THE COURT: Would you step back ---

25 THE WITNESS: Oh, I'm sorry. Yes, sir. I

1 apologize. I am blocking the whole map.

2 So we would have went in front of all these
3 businesses, behind all these businesses. We would have
4 weaved in and out of them. We would have went all the
5 way up Evelyn. Would have drove around some of these
6 areas, but we would have canvassed pretty much this
7 entire map from I would say --- yeah, this entire map.
8 Sorry. (Unintelligible) yeah. This entire map. We
9 looked in this entire area.

10 Q. Okay. So specifically in reference to Upstate Tire, and
11 the area behind it ---

12 A. Uh-huh.

13 Q. --- did y'all look in that area for the car that evening.

14 A. We did. There's actually a gravel parking lot
15 behind that area.

16 Q. Uh-huh.

17 A. And we --- I specifically remember looking in that
18 area.

19 Q. Did you see the victim's vehicle at that when you were
20 looking for it?

21 A. I did not. No, sir.

22 Q. Okay. What --- what time were you looking for and what
23 time did you leave?

24 A. So it would have been after the shooting, but we
25 were off scene, everybody before midnight.

1 Q. Okay. Thank you, Detective Anthony. You can take your
2 seat.

3 MR. LAMPKE: And Judge, I'll just go and give a ---
4 a quick once over for the jury so that everybody has an
5 opportunity to see, if that's all right. Okay.

6 BY MR. LAMPKE:

7 Q. Now, were you eventually able to find the victim's
8 vehicle?

9 A. We were. Yes, sir.

10 Q. Okay. And what did y'all do once y'all found it?

11 A. Once the vehicle was found --- well, I was --- I was
12 called about it. I was not on the scene when the vehicle
13 was found.

14 Q. Uh-huh.

15 A. So then we --- we had to forensic process the
16 vehicle.

17 Q. Okay. Now, when you say that forensic processed the
18 vehicle, did you get the victim's permission to --- to go
19 through the vehicle?

20 A. Yes, we did. So I was at the hospital speaking with
21 the victim when we --- when I was called that the vehicle
22 was found. So at that time --- or actually, prior to
23 that --- prior to even finding the vehicle, already
24 consent was given to search the vehicle.

25 Q. Okay. Now, without telling me anything particular, about

1 what the victim said, were you able --- were you able to
2 identify the defendant as the potential shooter?

3 A. Yes, sir. We were.

4 Q. Okay. Based on that, what did you decide to do with the
5 defendant?

6 A. With the defendant after all that? So at that time,
7 we'd established probable cause to issue --- or present
8 for a warrant to a magistrate judge for the arrest of the
9 defendant.

10 Q. Okay. What does that mean, a "warrant?"

11 A. So a warrant of probable cause has been established
12 which is further than reasonable suspicion. An amount of
13 evidence has been presented to us that we would
14 absolutely know that a crime has been committed. We
15 present this to a judge who would either issue the
16 warrant or say no at the time. A warrant was issued for
17 the arrest of the defendant.

18 Q. Okay. And was the defendant arrested?

19 A. Yes, that's correct.

20 Q. Okay. What did y'all do with the defendant after they
21 were arrested?

22 A. So after the defendant was arrested, they were then
23 brought to the Pickens County Detention Center for an
24 interview.

25 Q. Okay. What is the purpose of conducting an interview in

1 a case like this?

2 A. So at this time, we have obviously a --- an account
3 of the events from multiple sources, but we want an
4 account of the events from the actual defendant.

5 Q. Okay. And was that interview recorded?

6 A. It was. Yes, sir.

7 Q. And would you recognize the USB containing that interview
8 if I showed it to you?

9 A. I would. Yes, sir.

10 MR. LAMPKE: Your Honor, I'm showing opposing
11 counsel what's been premarked for identification as
12 State's Exhibit 60. May I approach the witness?

13 THE COURT: Yes, sir.

14 MR. LAMPKE: Thank you, Your Honor.

15 BY MR. LAMPKE:

16 Q. Here you are, Detective Anthony. Detective Anthony, have
17 you reviewed the interrogation in this case?

18 A. I have. Yes, sir. Several times.

19 Q. Is that a fair and accurate depiction of that
20 interrogation?

21 A. Yes.

22 Q. Okay.

23 MR. LAMPKE: Your Honor at this point the State
24 moves State's Exhibit 60 into evidence.

25 THE COURT: 60?

1 MR. LAMPKE: Yes, Your Honor.

2 THE COURT: Any objection?

3 MS. NEWTON: No, Your Honor.

4 THE COURT: Subject to previous?

5 MS. NEWTON: Correct.

6 THE COURT: Admitted.

7 (STATE'S EXHIBIT 60 ADMITTED)

8 MR. LAMPKE: Thank you, Your Honor. And permission
9 to publish at the appropriate time.

10 THE COURT: Yes, sir.

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

12 BY MR. LAMPKE:

13 Q. So before we get into the interview, I kind of want to
14 context it a little bit for the jury. Let's go over the
15 basics. Did you read the defendant her Miranda rights?

16 A. Absolutely. Yes, sir.

17 Q. Did she choose to waive those rights and speak there ---
18 and speak with you?

19 A. She did. It was read and also presented via form in
20 case she wanted to reread it.

21 Q. Okay. Who all was there with you?

22 A. Myself, the defendant, and Detective Genthner.

23 Q. All right. Who took the lead in the interrogation?

24 A. I did.

25 Q. Okay. Did y'all talk about that beforehand, and who

1 would take the lead and who would kind of be secondary?

2 A. We did. Yes, sir.

3 Q. Okay. When you're going into an interrogation, are ---
4 are there certain strategies that you take?

5 A. Absolutely. Yes, sir.

6 Q. Okay. Why do you have certain strategies when you do an
7 interrogation?

8 A. So some cases are honestly different than others.
9 Some cases can involve (unintelligible). Some cases can
10 involve children and adults. So there's different game
11 plans. But the majority of them have the same basis and
12 the same --- I don't want to say playbook, but same
13 steps.

14 Q. Okay. What sort of strategy did you take here?

15 A. So first would be, you know, to --- to engage and
16 build a rapport. But before we even go in there, myself
17 and Detective Genthner would have a game plan ---

18 Q. Uh-huh.

19 A. --- as to the logistics of what we want to do and
20 how we want to get the account of the details of that
21 night. So first, I build a rapport, and get an account
22 from the defendant what happened that night.

23 Q. Okay. When you say, "build a rapport," what do you mean
24 by that?

25 A. So this is --- you know, this is my job. So this

1 is --- you know, it's not --- you know, it's nothing
2 personal, I want her side of the story ---

3 Q. Uh-huh.

4 A. --- you know. And I want an accurate representation
5 of that. So if I come in there in a mean unprofessional
6 manner, no one would want to talk to me. So I mean, we
7 build a rapport by letting them know, like, hey I'm
8 here --- I'm still here to serve you as well. So please
9 let me know what happened that night. In a, you know,
10 polite manner.

11 Q. Okay. So what sort of demeanor did you describe yourself
12 having, especially at the --- the beginning of the
13 interrogation?

14 A. Polite.

15 Q. Uh-huh. And what is the purpose of acting that way?

16 A. Again, to get a more accurate representation it make
17 them feel at ease when they're speaking with me.

18 Q. Uh-huh.

19 A. And it just builds that rapport we just discussed.

20 Q. Okay. Are there stages to an interrogation?

21 A. Yes, sir.

22 Q. All right. What are the --- what are the stages?

23 A. So first, I would --- I want to get them to give me
24 an account of the things that transpired that night. So
25 basically I want to get a version of the events from her

1 perspective. Whether or not I have evidence to dispute
2 that doesn't matter, I let them tell their events of the
3 night.

4 Q. Uh-huh. And at a certain point, do you get to --- to
5 another stage?

6 A. Yes, we do.

7 Q. All right. What --- what is the next stage?

8 A. So the next stage is going to be where I do present
9 some challenge questions, because I have evidence that
10 might dispute and contradict what they told me.

11 Q. Okay. And what is the purpose of posing a challenge
12 question like that?

13 A. So number one is to show them that I know the
14 answers to some of these questions I'm asking you. So it
15 would benefit you not to lie to me.

16 Q. Uh-huh.

17 A. Also to see what the answer's going to be after I
18 presented them, like, hey, I know this is fabricated, or
19 you might be lying.

20 Q. Okay. Do you ever ask the same question multiple times?

21 A. Absolutely.

22 Q. Why is that?

23 A. So we will ask it several times, but we'll ask it in
24 several different ways, because if it's the truth I do
25 not expect that answer to waiver. It should be the same

1 answer. It could also be in a different term, a
2 different phrase, but it's going to be the truth, and
3 going to be the same. Fabrications tend to snow ball.
4 Fabrications tend it go one way, or switch to another
5 way, or deflect.

6 MR. LAMPKE: Okay. Now, I'm go to go ahead and
7 publish State's Exhibit 60. For both the --- the Court
8 and the court reporter, there are different segments of
9 the video. They're all about 16 minutes long each. I'll
10 come up and start each new one as it goes, and make sure
11 that the record is clear as to what's going on.

12 Thank you, Your Honor. And I'm starting up the
13 first video in State's 60. And I'm starting it at the
14 timestamp 00.

15 And Your Honor, just to make sure that we're using
16 the Court's time properly, I'm just going to skip ahead a
17 little bit for when they actually sit down.

18 THE COURT: (Unintelligible).

19 (VIDEO PLAYING)

20 MR. LAMPKE: So resuming at 42 seconds on State's
21 1 --- or State's 60.

22 Yes. And the timestamp internally on the video is
23 23:3:48.

24 (VIDEO PLAYING)

25 MR. LAMPKE: Now, I'm going to stop State's 60, the

1 first video at 23:12:01.

2 BY MR. LAMPKE:

3 Q. Detective Anthony, what did the defendant say about how
4 the confrontation started?

5 A. So the conference --- excuse me --- the
6 confrontation started because the defendant had been
7 waiting for the victim a long time.

8 Q. Okay. At this point, had the defendant said anything
9 about cheating?

10 A. No.

11 Q. Okay. How did the defendant describe what she was
12 feeling at the time immediately before the shooting?

13 A. She was angry.

14 Q. Okay. Now, what did the defendant say about where she
15 went right after the shooting occurred?

16 A. She went the complete opposite direction of the
17 victim.

18 Q. What did she say about, like, how she went there?

19 A. Oh, on foot. Like she just ran the opposite
20 direction.

21 Q. Okay. Now, does that story differ from the story that
22 she tells through the rest of the interrogation?

23 A. Yes.

24 Q. Okay. Now, also, you were in close proximity to the
25 defendant; is that correct?

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

2 Q. Okay. Were you able to have an opportunity to look at
3 the area around the defendant's neck when you were doing this
4 interrogation?

5 A. Absolutely. As soon as she mentioned it the first
6 time, we started paying attention to it.

7 Q. Did you see any bruising to the defendant's neck or any
8 other sign of injury?

9 A. I did not. No, sir.

10 Q. Okay. And I should have asked this before we started
11 playing the video, but other than the redactions that were
12 stipulated to by the parties, the little audio caps, is that
13 the same video that the interrogation was originally on?

14 A. Absolutely. Yes, sir.

15 Q. Okay.

16 MR. LAMPKE: Okay. Your Honor, and for the purpose
17 of the court reporter, I'm resuming the first video in
18 State's 60 at the internal timestamp of 23:12:01.
19 Actually, I'll go back to 23:11:51 just so we get the
20 full context of --- of the conversation.

21 (VIDEO PLAYING)

22 MR. LAMPKE: Your Honor, I'll now publish the second
23 video in State's 60. And for the purpose of the record,
24 we're starting at 23:15:01 in the internal time stamp.

25 (VIDEO PLAYING)

1 MR. LAMPKE: I'm going to pause there for a moment.
2 23:30:40 is the internal time clock there.

3 BY MR. LAMPKE:

4 Q. Now, what does the defendant say as to the nature of the
5 confrontation right before the shooting?

6 A. Now it's based on cheating allegations.

7 Q. Okay. What did the defendant say that the victim did
8 when the defendant grabbed the gun?

9 A. What --- I'm sorry. Can you say that again?

10 Q. Yes?

11 A. I apologize.

12 Q. What --- what did the defendant say that the victim did,
13 once the defendant grabbed the gun?

14 A. He let go and then turned and got out.

15 Q. What did the defendant say about the where the victim's
16 body was positioned when the gun went off?

17 A. He's turned completely out of the vehicle.

18 MR. LAMPKE: I'm going to restart that video at
19 23:30 --- or 23:29:50.

20 (VIDEO PLAYING)

21 MR. LAMPKE: For the purposes of the record, I'll
22 start the third clip. And the internal timestamp is
23 23:34:50 when it starts.

24 (VIDEO PLAYING)

25 MR. LAMPKE: I'm going to pause there at 23:48:34.

1 And Mr. Wellborne, can you switch over to the ELMO for
2 me.

3 BY MR. LAMPKE:

4 Q. Now, what did the defendant just say about what they did
5 immediately after the shooting?

6 A. After the shooting they hopped over the console and
7 drove off in his car.

8 Q. How does that differ from the --- the initial story?

9 A. The first story was they ran the complete opposite
10 direction of the victim.

11 Q. Okay. Now, I want to ask you about what the defendant
12 said about the cheating. Did the defendant say anything about
13 where that other woman was when they brought up the
14 confrontation?

15 A. Yes. She --- I believe she did actually. She might
16 have mentioned where she was from, yes.

17 Q. Where --- where did she say?

18 A. Spartanburg.

19 Q. Was there anything in the defendant's phone dump that
20 relates to another woman in Spartanburg?

21 A. Yes.

22 Q. Okay.

23 MR. LAMPKE: Your Honor, I'm publishing what's
24 already been admitted into evidence as State's
25 Exhibit 56.

1 THE COURT: Okay.

2 BY MR. LAMPKE:

3 Q. So Detective Anthony, do you have the ability to --- to
4 read that? Can you see that?

5 A. Absolutely. Yes, sir. I can.

6 Q. Okay. If you could please read that text aloud.

7 A. Anthony is at his GF's house --- (unintelligible)
8 that could (unintelligible) girlfriend's. If you don't
9 believe me, go to George Washington Carver Drive. He's Y
10 faithful lying ass and MK which could can be a dirty ---
11 abbreviation for motherfucker. Always will be. He's
12 there right now. I swear on my kids.

13 Q. Okay. And then turning to the second text message, what
14 does that text message say?

15 A. He's been there all night and left this morning. He
16 don't want you.

17 Q. Okay. Now tell us again what that address is that that
18 texter gives?

19 A. George Washington Carver Drive.

20 Q. Does that address appear anywhere else in the defendant's
21 phone?

22 A. It does.

23 MR. LAMPKE: Your Honor, I'm publishing what's
24 already been admitted into evidence as State's
25 Exhibit 57.

1 THE COURT: Yes, you may.

2 BY MR. LAMPKE:

3 Q. Now, Detective Anthony, what --- what --- what log is
4 this?

5 A. This is a Web history from an IOS device. Apple IOS
6 device.

7 Q. Okay. Is this basically what the defendant was Googling?

8 A. That's correct, sir.

9 Q. Okay. So I'm going to direct your attention to logs 17
10 through 19 which are on page 5. Looking at 17 and 18, there,
11 the third box from the right, what --- what --- what does that
12 say right there?

13 A. The third box from the right would say 112 George
14 Washington Carver Drive in Spartanburg, South Carolina,
15 29306.

16 Q. Is that the same George Washington Carver that that other
17 texter was mentioning?

18 A. It is.

19 Q. Okay. Now, turning the page to page 6 of State ---
20 State's 57, looking at entry 22, what does the box immediately
21 to the right of entry 22 say?

22 A. Who lives at 112 George Washington Carver drive,
23 SBA, abbreviation for Spartanburg.

24 Q. Detective Anthony, what is the timestamp of that search?

25 A. That is December 5, 2022, 10:58 and 18 seconds.

1 Q. 10:58 and 18 seconds p.m., right?

2 A. Yes.

3 Q. Okay. And that's on December the 5th; is that correct?

4 A. That is correct.

5 Q. Detective Anthony, looking back at State's Exhibit 56,
6 what is the timestamp on that text message, Detective?

7 A. That would be December 6th of 2022 at 20:24 a.m.

8 Q. So Detective, did the defendant search of that address,
9 was that before or after the defendant received a texts about
10 that address?

11 A. That was before --- or yeah. Correct. Sorry it's
12 before, yeah.

13 Q. Okay. Now, did the defendant text the victim after the
14 shooting?

15 A. Yes.

16 Q. Okay. So looking at page 16 of State's Exhibit 58.

17 MR. LAMPKE: And with Your Honor's permission
18 publishing to the jury.

19 THE COURT: Yes, sir.

20 BY MR. LAMPKE:

21 Q. Looking at the blue message there. Who is that from and
22 who is it to? Participant says Renee Simon.

23 A. It's from Anthony Holland to Renee Simon.

24 Q. Okay. And what does Anthony say to Renee in that
25 message?

1 A. OTW, which we know that can be on the way.

2 Q. Okay. And time was that received at?

3 A. That would have been read at 12/9 --- on 12/9/2022,
4 at 7:08 p.m.

5 Q. Okay. And this text message in green, who is that from
6 and who is it to?

7 A. That is from Renee Simon to Anthony Holland, the
8 victim.

9 Q. What does it say?

10 A. What? I just saw this.

11 Q. Okay. When was that text received?

12 A. That was ---

13 Q. Or when was it sent rather?

14 A. It was delivered on 12/9/2022 at 9:23 p.m.

15 Q. Okay. And looking at this next one, what does that text
16 say?

17 A. That's from Renee to the victim. I got the flu, not
18 the plague, (background noise).

19 Q. Okay. Now, did you also review the surveillance cameras
20 in this case?

21 A. I did. Yes, sir.

22 Q. Okay. So compared to when the victim's vehicle is
23 abandoned beside the Upstate Tire shop, when does that text
24 come in in comparison to abandoning the vehicle?

25 A. That text would be after.

1 Q. Okay. Now, I also want to talk to you about the
2 defendant's call logs generally.

3 MR. LAMPKE: And Your Honor, I'm going to approach
4 the witness with what's already been admitted into
5 evidence as State's Exhibit 59.

6 THE COURT: Okay.

7 BY MR. LAMPKE:

8 Q. Okay. So looking at State's Exhibit 59, and I want to
9 direct your attention to page 6 of that. Could you please
10 turn to page 6. What did the defendant tell you at this point
11 in the interrogation as to how many times she had called the
12 victim?

13 A. Several. I believe it was determined she sent
14 several.

15 Q. How many calls are to the victim immediately around the
16 time of the shooting?

17 A. Around the time of the shooting, there's two ---
18 there are two at 8:21.

19 Q. Okay. Now, if you could please turn to page 7. When is
20 the next time that the defendant calls the victim?

21 A. There's a call to the victim 12/10 is the date and
22 it's 12:19 a.m.

23 Q. Okay. And how does that compare once again to the time
24 that the vehicle was abandoned?

25 A. That would be after.

1 Q. Now, I want you to look at page 7; are there any calls
2 from the defendant's phone to 911?

3 A. No.

4 Q. Detective Anthony, in that call log, from the defendant
5 is there ever a call to 911?

6 A. No.

7 MR. LAMPKE: Your Honor, if I may approach and
8 retrieve the exhibit?

9 THE COURT: Yes.

10 MR. LAMPKE: Okay. And we could switch back to the
11 video, please. Thank you. And I'm going to push it back
12 to 23:48:01 on the internal timestamp numbers here.

13 (VIDEO PLAYING)

14 BY MR. LAMPKE:

15 Q. What did the defendant just say about where they left the
16 gun?

17 A. They left it on the car was the first statement and
18 then eventually it was just in the car.

19 Q. Okay. Did y'all find the gun or any shell casings in the
20 car?

21 A. No, we did not.

22 Q. Okay.

23 MR. LAMPKE: Your Honor, I'm going to play the
24 fourth video now.

25 THE COURT: Okay.

1 MR. LAMPKE: And again, we're starting at 23:50 on
2 the internal timestamp.

3 (VIDEO PLAYING)

4 MR. LAMPKE: Judge, if I may, sometimes the
5 video ---

6 (VIDEO PLAYING)

7 MR. LAMPKE: I'm going to pause it and then restart
8 it at 23:55:14. Sometimes it just needs a moment to
9 buffer.

10 (VIDEO PLAYING)

11 MR. LAMPKE: Judge, I'm going to pause it there and
12 roll it back and see if that'll fix the --- the stopping.
13 So I'm stopping at 0:5:19 on the internal timestamp ---
14 or 0:55:19. Court's indulgence just for a moment, Your
15 Honor. Okay. Judge, I'm going to resume it 0:4:31 on
16 the internal timestamp.

17 (VIDEO PLAYING)

18 MR. LAMPKE: Judge, we'll go ahead and start the 5th
19 video.

20 (VIDEO PLAYING)

21 MR. LAMPKE: Video's gotten a little ahead in the
22 audio there. Your Honor, may I approach briefly?

23 THE COURT: It's 12:30. Let's be back at 2:00.

24 THE FOREMAN: 2:00. Yes, sir.

25 THE COURT: If you'd leave your notes in the jury

1 room, please. We'll see you back at 2:00.

2 THE FOREMAN: Thank you, sir.

3 (JURY EXITS COURTROOM)

4 THE COURT: Anything from the State before we
5 break??

6 MR. LAMPKE: No, Your Honor. Just make sure that
7 that (unintelligible) when we come back.

8 THE COURT: Anything from the defense?

9 MS. NEWTON: If I may, Judge, if it's a good time.
10 Initially in the State's opening arguments, we objected
11 to the pronouns they, and them and their being used. And
12 now we're also hearing with Mr. Lampke and --- and the
13 witness on the stand, Your Honor. When he initially
14 introduced this --- our client as a women, called her
15 them and they. So at this point we just feel like
16 it's --- it's becoming a little more intentional. We
17 checked with the court reporter" ---

18 THE COURT: I haven't noticed it. But I'm going
19 to --- obviously you need to keep to the proper pronoun.

20 MR. LAMPKE: Absolutely, Judge.

21 MS. NEWTON: Your Honor, the court reporter checked
22 from the opening, 36 times in the opening that they did
23 that.

24 THE COURT: Said what?

25 MS. NEWTON: The pronoun, they was used by rather

1 than she.

2 THE COURT: Good. Okay. I --- I --- I've listened
3 to it very intently. I did not see any intentional. If
4 that's the case, I'm not seeing it. But I'm going to
5 warn you guys do not do that, if you do, I'm going to
6 sanction you.

7 MR. LAMPKE: Absolutely, Judge.

8 THE COURT: All right. Thank you. All right.
9 2:00.

10 MR. LAMPKE: Thank you, Judge.

11 (Off the record)

12 THE COURT: When you were telling me something right
13 before lunch and you said they said "they," 37 times I
14 went good. And I didn't mean good as in they said it.
15 And I want to clarify. When I said that, that's not what
16 I meant and I certainly wouldn't think it's good.

17 MS. NEWTON: Thank you. Thank you.

18 THE COURT: All right.

19 MR. LAMPKE: Judge, I think that we've fixed the
20 technical issue. I also have a backup computer in case
21 anything happens again. So we should be good to go.

22 THE COURT: I certainly hope so.

23 MR. LAMPKE: I --- I do as well, Judge. I was
24 sweating when it was (unintelligible).

25 THE COURT: (Unintelligible) officer.

1 BAILIFF: Yes, sir.

2 THE COURT: All right. Anything else before we
3 bring the jury in?

4 MS. NEWTON: If I could just have one minute to
5 update (unintelligible).

6 THE COURT: Yes, ma'am.

7 MR. LAMPKE: Judge, I was just discussing with
8 opposing counsel, there is a portion --- two of the
9 upcoming videos where one there's a particularly long
10 redaction. And when the Detectives leave, and there's a
11 fair amount of dead space, we were just discussing
12 skipping past those parts. So we made an agreement in
13 that regard.

14 THE COURT: You'd be my hero if you do that.

15 MR. LAMPKE: Absolutely, Judge. I figured the Court
16 would appreciate skipping along the stuff that we could.

17 (Simultaneous speaking)

18 MR. LAMPKE: The State's ready to proceed, Judge.

19 THE COURT: Defense ready?

20 MS. NEWTON: Yes, Your Honor.

21 THE COURT: Bring in the jury.

22 MR. LAMPKE: One quick question before you resume
23 the video ---

24 (JURY ENTERS COURTROOM)

25 BY MR. LAMPKE:

1 Q. One quick question before we resume the video.

2 A. Yes, sir.

3 Q. Every now and then do you hear like a --- a big loud
4 whooshing sound in these videos?

5 A. Yes, you do.

6 Q. Can you please explain to the jury what that is?

7 A. So this is a --- a fairly new detention center so
8 that could be HVAC unit. I mean, there's tons of stuff
9 next to those, like high-gain mics, so that's what you're
10 hearing is HVAC for the entire massive detention center.

11 Q. Okay.

12 A. Right there.

13 MR. LAMPKE: Now, for the purposes of the record,
14 I'm resuming State's Exhibit 60, specifically video
15 number four with the internal timestamp ever 0:4:36.

16 (VIDEO PLAYING)

17 MR. LAMPKE: And Judge, now I'll play number five
18 from the State's Exhibit 60. And just for the purposes
19 of the record, that video is starting at 0:6:30 on that
20 timestamp internally.

21 (VIDEO PLAYING)

22 MR. LAMPKE: I'll stop there at the internal
23 timestamp of 12:40.

24 BY MR. LAMPKE:

25 Q. Detective Anthony, what are --- what are y'all doing at

1 this point?

2 A. So at this point, multiple things, but we're ---
3 we're taking a break so the defendant can gather their
4 thoughts. One, we reached a challenge question that we'd
5 seen the surveillance footage. And obviously, she now
6 knows that we've seen the footage, this is true and
7 accurate, and will show some discrepancies in her story.

8 Q. Okay. So explain the --- the strategy of what you just
9 described as a challenge question and why the break is --- is?

10 A. So a challenge question essentially I know that I've
11 caught you pretty much in a lie or fabrication to what
12 the story is that you just told --- you have just told
13 us. And then I explain to you how I know that's a lie.

14 This instance it was the surveillance from the Hot
15 Spot. Like I know you were there. I know car come back
16 through it. Things of that nature.

17 So at this point, I present the challenge question.
18 We immediately take a break to kind of let them stew on
19 that, think about that. And when we come back there
20 might be --- also more holes in the story it might be a
21 lot bigger fabrication. There might be some excited
22 utterances. So it's --- it's a break for us, but it's
23 also a break to make them think more, if that makes
24 sense.

25 MR. LAMPKE: Okay. And with the consent of the

1 defense I'm now going to shift over to 18:05 in this
2 video timestamp. I'll start 818 --- I'm starting the
3 video at 18:03 on State's 60, part five.

4 (VIDEO PLAYING)

5 MR. LAMPKE: Your Honor, for the purposes of the
6 record, I'm now going to play video six for the State's
7 Exhibit 60.

8 THE COURT: Okay.

9 MR. LAMPKE: And the internal timestamp there is
10 22:19. Now, with the consent of the defense there's a
11 longer redaction here, so we're going to skip ahead.

12 THE COURT: Okay.

13 MR. LAMPKE: So I'm starting State's Exhibit 60 part
14 six at 27:29.

15 (VIDEO PLAYING)

16 MR. LAMPKE: And Judge, now I'll be playing part
17 seven of state's 60.

18 (VIDEO PLAYING)

19 MR. LAMPKE: I'll pause there for a moment at 53:04.

20 BY MR. LAMPKE:

21 Q. What did the defendant just say about the possibility of
22 somebody else shooting?

23 A. About somebody else actually shooting Anthony,
24 she --- she said it's a possibility. It could have been
25 somebody else is what she's trying to throw out to us.

1 Q. Okay. What time period would shooting from another third
2 party have to occur between?

3 A. After their situation and argument, second. Not
4 even minutes I don't think. Not even full minutes.

5 MR. LAMPKE: Okay. I'm going to pull it back to
6 52:45 --- 44 and play from there. Starting it at 52:54.

7 (VIDEO PLAYING)

8 MR. LAMPKE: Now I'll be playing part eight, Judge.

9 THE COURT: Yes, sir.

10 MR. LAMPKE: Once again with the timestamp starting
11 at 54:01.

12 (VIDEO PLAYING)

13 BY MR. LAMPKE:

14 Q. Detective Anthony, a little earlier in that video you
15 discussing the headlights being on or off when the vehicle
16 went through the Hot Spot?

17 A. Yes, we were.

18 Q. What did you say in the video as to whether the lights
19 were on ---

20 A. To my --- to my recollection at that time the lights
21 were on as it came through past the pumps.

22 Q. Okay. Were they actually on?

23 A. I don't believe so. I'd have to see the video to be
24 sure, but I --- I --- as of (unintelligible) I don't
25 think they were.

1 MR. LAMPKE: Your Honor, if my approach the witness
2 with what's already been entered into evidence as State's
3 48 and 49.

4 THE COURT: Yes, sir.

5 MR. LAMPKE: Thank you.

6 BY MR. LAMPKE:

7 Q. Okay. So Detective Anthony, looking at those two videos,
8 do you see the victim's car go through those vehicles?

9 A. I do, yes, sir.

10 Q. The victim's car go through those photos.

11 A. Yes.

12 Q. Do you see whether the headlights are on or off on the
13 first and the second?

14 A. The first photo ---

15 Q. Uh-huh.

16 A. This one, they are on.

17 Q. Okay. And what about the second photo?

18 A. The --- the second photo, when it came back through
19 they're off.

20 Q. Okay. So please just clarify for the jury when we look
21 at the Hot Spot videos, when the victim's vehicle comes back
22 through the Hot Spot the second time, are the lights on or are
23 they off?

24 A. They are off.

25 Q. Okay.

1 MR. LAMPKE: If I may approach and retrieve.

2 BY MR. LAMPKE:

3 Q. One other thing Detective Anthony, when did this
4 interview with the defendant occur?

5 A. So from the timestamps, it occurred on the 10th and
6 into the 11th. Looks like it started around that 11:00
7 hour on the 10th and went into the late --- late hours,
8 early morning on the 12th (unintelligible). Sorry.

9 Q. Now, without going into any detail as to the conversation
10 that you and the victim had, when you were able to have a full
11 interview with the victim, was that before or after this
12 interrogation?

13 A. After.

14 Q. Okay. So did you have the benefit of knowing the
15 victim's side ---

16 A. No.

17 Q. --- when you were doing this?

18 A. Not --- not the full interview, I did not.

19 Q. Okay.

20 MR. LAMPKE: Your Honor, I'm now going to play the
21 ninth video on the State's Exhibit 60.

22 (VIDEO PLAYING)

23 BY MR. LAMPKE:

24 Q. Detective Anthony, is that the last video of the
25 interrogation?

1 A. Yes, sir. That's the last (unintelligible).

2 Q. Why is that?

3 MS. NEWTON: Judge. I'm going to have to
4 address --- I believe there's a legal matter that we need
5 to take care of.

6 THE COURT: Okay. Mr. Foreman, will you take
7 the jury to the jury room, please.

8 THE FOREMAN: Yes, sir.

9 (JURY EXITS COURTROOM)

10 MS. NEWTON: Your Honor, I felt at the appropriate
11 time that as soon as the interview ended --- I agree that
12 I have signed a stipulation as well in terms of the
13 redactions. However, as we were following along, there
14 is a portion of this last one at the one hour --- 11 ---
15 1:00 a.m., 11:22.

16 The Detectives states, I mean, have you been
17 arrested before? She says yeah, I have. So you know how
18 arraignments work.

19 THE COURT: Uh-huh.

20 MS. NEWTON: And then a little bit later, there is
21 the difference between Greenville and Spartanburg because
22 her prior arrest was in Spartanburg.

23 And I'm not --- I don't believe that the State did
24 this intentionally. We've been working for redactions
25 every night when court breaks down, back and forth with

1 each other. But ---

2 THE COURT: Let me stop you for a second.

3 MS. NEWTON: Yes.

4 THE COURT: Obviously, you didn't mean to miss
5 it ---

6 MS. NEWTON: Right.

7 THE COURT: --- State didn't mean to include it.
8 It's played.

9 MS. NEWTON: It is.

10 THE COURT: So only thing I know to do at this
11 juncture would be first you ask for a mistrial. Not
12 going to get it.

13 MS. NEWTON: Okay. Yes.

14 THE COURT: If you want to ask for one, you
15 certainly need to, but I don't think you'll get it.

16 I'm more than happy to try to give some can kind of
17 curative charge, but sometimes the curative charge in
18 itself is worse than the medicine in the first place.

19 MS. NEWTON: Right.

20 THE COURT: What do you want me to do?

21 MS. NEWTON: I --- I have a suggestion. Ms. Huey
22 and I were brainstorming. The --- what I --- what I
23 think would be best is to redact it now for any event
24 that there's anything that I --- I don't anticipate they
25 likely would want to view it again ---

1 THE COURT: Okay.

2 MS. NEWTON: But I do think it needs to be redacted.

3 I ---

4 THE COURT: That in mind --- okay. I --- I see
5 State saying yeah, that's fine. So do that. Let's let
6 the unredacted version come in as a court exhibit ---

7 MS. NEWTON: Yes.

8 THE COURT: --- entire unredacted part in the court
9 record, please.

10 MS. NEWTON: Your Honor, the other suggestion that I
11 would like to do whether it's with the jury or --- or a
12 court's exhibit, we do have as Your Honor knows, we ---
13 we provided it before. We --- we dealt with all of the
14 other motions. We have a very close rough draft of the
15 transcript. So I would like to put in --- have it
16 redacted, allow us time to confirm all of the State's
17 redactions match up with this transcript, but possibly
18 put that in as well.

19 THE COURT: I don't think that I'm going to let you
20 do that.

21 MS. NEWTON: Okay.

22 THE COURT: I mean, I will let (unintelligible) why
23 would that be more than anybody else's testimony?

24 MS. NEWTON: No, I just ---

25 (Simultaneous speaking)

1 THE COURT: --- I --- I don't know why you would do
2 that.

3 MS. NEWTON: I would ---

4 (Simultaneous speaking)

5 THE COURT: --- do it, but I ---

6 MS. NEWTON: --- can we add it for the court's
7 exhibit record ---

8 THE COURT: Certainly you can do that.

9 MS. NEWTON: --- so that we can have that ---

10 THE COURT: I'm just talking about going back to the
11 jury, have them read ---

12 MS. NEWTON: Transcript.

13 THE COURT: --- transcript.

14 MS. NEWTON: Yeah.

15 THE COURT: What --- what's your position on that?
16 I know I spoke out of turn, but what's your position on
17 that?

18 MR. LAMPKE: No problem.

19 THE COURT: If you agree to it I'm fine with it.

20 MR. LAMPKE: So the proposition of the --- the
21 transcript going back to the jury, we --- we would object
22 to that, Judge. We're not --- (unintelligible) that.

23 THE COURT: I know, but I --- I'd never let that
24 happen.

25 MR. LAMPKE: Yeah.

1 THE COURT: --- just.

2 MS. NEWTON: I mean, it's not a certified, like I
3 acknowledge that. I don't ---

4 THE COURT: Right.

5 MS. NEWTON: --- a curative instruction ---

6 THE COURT: But if you want to make it a court
7 record.

8 MS. NEWTON: --- would --- yeah, I would just like
9 to have that as a court record ---

10 THE COURT: Absolutely.

11 MS. NEWTON: --- this, and then the sections around
12 that, and the sections --- well, I can have it redacted
13 and then not with that, so ---

14 THE COURT: I'm sorry, I missed ---

15 (Simultaneous speaking)

16 MS. NEWTON: --- court's exhibit.

17 THE COURT: I'm not following this.

18 MS. NEWTON: I will --- before the close at some
19 point, I will create the court exhibit. I obviously ---

20 THE COURT: Okay.

21 MS. NEWTON: --- don't have it right now.

22 THE COURT: Sure.

23 MS. NEWTON: I can't do that right now.

24 THE COURT: Okay. But agree that we don't think
25 that --- you know, I don't know what curative instruction

1 would do at this point. You're going to have probably
2 worse harm than good ---

3 MS. NEWTON: Yes.

4 THE COURT: --- I think.

5 (Simultaneous speaking)

6 MS. NEWTON: --- just in the event that there's
7 anything with that, I think the redacted version ---

8 THE COURT: Think about it. We're not going to
9 finish today.

10 MS. NEWTON: Right.

11 THE COURT: And at night some epiphany comes to you
12 I'll certainly ready to (inaudible).

13 MS. NEWTON: Okay. Thank you.

14 THE COURT: Okay. Anything else?

15 MS. NEWTON: Not to that. I just wanted to bring it
16 to the Court's as attention.

17 THE COURT: All right. Bring the jury --- you
18 ready?

19 MR. LAMPKE: Judge, just one quick point. I believe
20 that I have made the unredacted version a court's
21 exhibit.

22 THE COURT: You have? Okay.

23 MR. LAMPKE: And the Jackson-Denno, and just to ---
24 to reiterate what Ms. Newton says. We've been working
25 very well with the redactions, so obviously

1 unintentional.

2 And one additional thing. Obviously that doesn't
3 open the door. And if your client were to testify, I'm
4 not going to try to argue that that somehow lets me get
5 into the criminal history of --- mum is the word as far
6 as I'm concerned.

7 THE COURT: All right. Very good. Bring the jury
8 back in.

9 (JURY ENTERS COURTROOM)

10 THE COURT: All right. Mr. Lampke.

11 MR. LAMPKE: Thank you, Your Honor.

12 BY MR. LAMPKE:

13 Q. Detective Anthony, we were talking about why it is that
14 that's the last video; why is that the last video?

15 A. So that is the last video that was, I believe,
16 downloaded --- downloaded from the detention center
17 system.

18 Q. Okay. How does the detention center system work?

19 A. So to my knowledge --- I've never downloaded a
20 video --- like I said, it was very new and we don't
21 typically do long drawn-out interviews like this
22 there ---

23 Q. Uh-huh.

24 A. --- so it would save to a hard drive that we would
25 have to download that from an individual disc in

1 15-minute segments. As you see that's why the video is
2 broken up that way.

3 Q. Okay. Where do y'all typically do interrogations?

4 A. At the sheriff's office.

5 Q. Okay. What was --- what else happened in the
6 interrogation after that video cuts off ---

7 MS. NEWTON: Judge, I'm going to object to this
8 discovery violation.

9 THE COURT: Go back to the jury room, please.

10 THE FOREMAN: Yes, sir.

11 (JURY EXITS COURTROOM)

12 THE COURT: What is your objection?

13 MS. NEWTON: This was the last video we were ever
14 provided and Detective Anthony is supplemental that we
15 were provided. Literally ends with he --- he
16 (unintelligible) he interviewed her. That's it. So
17 anything that happened in an interrogation room after the
18 ending of this footage or anything --- I mean, I don't
19 know how it --- he could even be able to testify to
20 whatever happened or why the State did ask him that based
21 on how his supplemental narrative ends.

22 THE COURT: What would be your response? I tend to
23 agree with her.

24 MR. LAMPKE: Judge, the nature of the testimony I
25 was trying to get out of Detective Anthony that there

1 is --- that there is nothing that he recalls or nothing
2 of import that occurred in that last video. So I'm not
3 trying to get into --- to anything additional or anything
4 of that nature.

5 THE COURT: You have objections to him wrapping up
6 questions?

7 MS. NEWTON: That's fine as long as there's nothing
8 new or something. I mean, I would like for the Court's
9 information, his ---

10 THE COURT: I agree with you. I sustain the
11 objection. Hang on a moment. I sustain the objection.
12 To the extent you're seeking to elicit information that's
13 not part of the video ---

14 MR. LAMPKE: Uh-huh.

15 THE COURT: --- afterwards. You can't get into ---
16 if you want to wrap it up, I think that's fine.

17 MR. LAMPKE: Uh-huh.

18 THE COURT: I think that's without objection; is
19 that correct?

20 MS. NEWTON: Yes, Your Honor.

21 THE COURT: Okay. You were going to say something
22 else.

23 MS. NEWTON: I --- I --- because the last statement
24 is the interview was recorded and will be placed into
25 evidence. And then he added one line prior to meeting

1 Ms. Simon, she was read her Miranda Rights, and signed a
2 waiver of her rights stating she wishes to speak with us.
3 So ---

4 THE COURT: But you (unintelligible)?

5 MS. NEWTON: Yes.

6 THE COURT: All right. Y'all ready to go?

7 MR. LAMPKE: Yes, Judge. I'll move right along.

8 THE COURT: Ms. Newton, you ready?

9 MS. NEWTON: Well, Judge, would it be possible since
10 they had a quick break to take a bathroom break? I'm
11 sorry. I didn't want to get --- I don't know --- or at
12 least before cross. I don't know how much longer ---

13 (Simultaneous speaking)

14 THE COURT: --- court reporter saying please. She
15 takes priority of everybody. Okay. Absolutely. Ten
16 minutes.

17 MS. NEWTON: Thank you.

18 (Off the record)

19 BY MR. LAMPKE:

20 Q. Detective Anthony, now obviously without going into all
21 the particular details, what did the defendant tell you about
22 her movements all around the area that night?

23 A. I mean, it's extremely sporadic. I mean, we've ---
24 she doubled down on some things and then we'd go back and
25 she would say she went in another direction, so it's kind

1 of all over the place.

2 Q. Some of what the defendant tells you, would that have put
3 her car on the --- on Evelyn Drive?

4 A. No. At no point would I have thought that her Mini
5 Cooper would have been on Evelyn Drive to my knowledge.

6 Q. Okay. The defendant say anything about driving up Evelyn
7 on her --- in her Mini Cooper ---

8 (Simultaneous speaking)

9 A. She didn't mention it. Yes, sir.

10 Q. Okay. So you did you watch the Upstate Tire videos?

11 A. I did. Yes, sir.

12 Q. Okay. And to be clear ---

13 MR. LAMPKE: And Judge, with your permission to
14 publish State's Exhibit 3, the demonstrative version.

15 THE COURT: Yes, sir.

16 BY MR. LAMPKE:

17 Q. Upstate Tire, is that business right there; is that
18 correct?

19 A. That is correct.

20 Q. So that camera would have caught Evelyn, right?

21 A. Correct.

22 Q. Okay. At any point on that video do you see the
23 defendant's Mini Cooper?

24 A. I did not observe it, no.

25 Q. Okay. Now, throughout the entirety of this

1 interrogation, and how long is it roughly?

2 A. It's close to two hours.

3 Q. Throughout that entire interrogation, did the defendant
4 ever say that she was afraid that the victim was going to kill
5 her?

6 A. No, at no point.

7 Q. At any point during the two-hour interrogation, did the
8 defendant say that she was afraid that the victim was going to
9 inflect a great bodily injury upon her?

10 A. She did not.

11 Q. At any point during that interrogation did the defendant
12 say that she was afraid at all of the victim?

13 A. Afraid? She did not say those words, no.

14 Q. Thank you, Detective Anthony.

15 MR. LAMPKE: Your Honor, no further questions.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MS. NEWTON:

19 Q. Mr. Anthony, when did you leave the sheriff's office?

20 A. It would have been the end of that year, 2022.

21 Q. 2022?

22 A. Yes, ma'am.

23 Q. Okay. So by January 1 of 2023, you were in Nebraska?

24 A. Correct, ma'am.

25 Q. Okay. Okay. And the Cellebrite extraction data itself,

1 not the cell phones, the data itself, was never added to the
2 case file, correct?

3 A. I --- as far as like the raw data?

4 Q. Yes, or Cellebrite ---

5 (Simultaneous speaking)

6 Q. --- reports added to the case file by you?

7 A. By me? No.

8 Q. Yes.

9 A. It wasn't --- I don't --- I can't ---

10 Q. You don't know?

11 A. --- I can't swear to that.

12 Q. Because after December of '22, you were gone, right?

13 A. Yeah, there had been some phone calls, but I can't
14 answer that.

15 Q. Okay. Okay. All right. In the --- you said you
16 (background noise), right?

17 A. Yes, ma'am.

18 Q. --- of it? Okay.

19 A. Yes, ma'am.

20 Q. All right. And then 11 years with the sheriff's office?

21 A. Under 11 years.

22 Q. Okay.

23 A. Over 10, under 11.

24 Q. Okay.

25 A. Closer to 11.

1 Q. Okay. I am showing you --- switch that. What's been
2 marked as Defendant's 16 ---

3 A. Uh-huh.

4 Q. --- it is a CD; do you recognize it?

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

6 Q. Okay. And it contains a Google Earth picture as well as
7 another map; is that correct?

8 A. Yes, ma'am. That's what it says on ---

9 (Simultaneous speaking)

10 Q. Okay. And you viewed those, correct?

11 A. Correct.

12 Q. And fair and accurate depictions of the maps?

13 A. Yes, ma'am.

14 Q. Okay.

15 MS. NEWTON: Your Honor, at this time, I would move
16 Defense 16 into evidence.

17 THE COURT: Any objection?

18 MR. LAMPKE: No objection from the State.

19 THE COURT: Admitted.

20 (DEFENDANT'S EXHIBIT 16 ADMITTED)

21 BY MS. NEWTON:

22 Q. All right. Technology. Sorry. Okay. All right. This
23 is Defense 16. It's the Google Earth image; is that right?

24 A. Yes, ma'am.

25 Q. Okay. And an here, I'd like you to --- and it's the

1 Google Earth image --- okay --- of --- can you identify this
2 road?

3 A. That is 123. That is the Easley-bound lane.

4 Q. Okay. And then this road?

5 A. That would be Evelyn.

6 Q. Okay. Okay. All right. This road right here.

7 A. Crosswell School, I believe.

8 Q. Okay. And about right here ---

9 A. Top of Evelyn.

10 Q. Top of Evelyn where it intersects with Crosswell School
11 Road; is that correct?

12 A. That is correct, ma'am.

13 Q. Okay. Hot Spot is right here, right?

14 A. Yes, ma'am.

15 Q. Okay. Side parking lot of Hot Spot ---

16 A. Yes, ma'am.

17 Q. --- closest to the speedway?

18 A. Yes, ma'am.

19 Q. Would be how you describe that, right?

20 A. Uh-huh.

21 Q. Okay. This going up Crosswell School Road; it's hilly,
22 right?

23 A. Yes.

24 Q. Really hilly. Okay. Over here houses?

25 A. Yes, ma'am.

1 Q. Wooded area?

2 A. Correct.

3 Q. Okay. Intersection of Evelyn. Walk me down this way
4 towards --- back towards 123 if you're going from Crosswell
5 School to Evelyn --- Crosswell School down ---

6 A. Down Evelyn, yes, ma'am.

7 Q. --- to 123. Yes. Down. Elevation. I say down, because
8 it's ---

9 A. It is --- it is ---

10 Q. --- physically down ---

11 A. It is physically down ---

12 Q. --- but it's hilly right?

13 A. --- the whole time. Yes, ma'am

14 Q. All right. And dark?

15 A. At night, yes.

16 Q. Okay.

17 A. Yes, absolutely.

18 Q. There's --- because you responded to this area before?

19 A. For sure. For sure.

20 Q. All right. And then you get about --- zoom in to the
21 bottom of the tree line and this area --- there is a defense
22 exhibit earlier already admitted.

23 THE COURT: Do you have that exhibit number?

24 MS. NEWTON: I --- yes. (Unintelligible). Defense
25 Exhibit 9.

1 THE COURT: Thank you.

2 BY MS. NEWTON:

3 Q. Correct? When we --- I stopped ---

4 A. Yes, ma'am.

5 Q. --- wooded area? My technology is a little messy because
6 I'm switching back and forth, right? But stopped at the
7 wooded --- the tree line, and that's about halfway down
8 Evelyn; is that correct?

9 A. Give or take, yes.

10 Q. And you're on Defendant's 9, your initials are on that CD
11 as well, correct?

12 A. Yes, ma'am.

13 Q. Okay.

14 A. That's correct.

15 Q. So this is the end of the wooded area, and then you can
16 continue --- you would continue down Evelyn to get to whatever
17 everyone's been talking about, what we put on the map, that
18 Monty's area; is that correct?

19 A. That's correct. Yes, ma'am.

20 Q. Okay. And you've got right here, and then --- and I
21 believe Detective Genthner also stated that you agree that
22 that wooded --- wooded --- this roof area in the back is
23 Upstate Tire?

24 A. Could you zoom in? I can't ---

25 (Simultaneous speaking)

1 Q. The top of Upstate Tire?

2 A. I would say that would --- that should be the top of
3 Upstate Tire. Yes, ma'am.

4 Q. About right?

5 A. Uh-huh.

6 Q. Okay. Because ---

7 (Simultaneous speaking)

8 Q. --- surveillance footage picks up maybe at least after
9 these trailers, correct?

10 A. Yeah, that's the back entrance.

11 Q. Yeah. Okay. All right. Going back to Defense 16, back
12 up because we talked about there too, photos on Defense 16 ---
13 other one wider --- 123, 124 intersection, correct?

14 A. Yes, ma'am.

15 Q. Crosswell School Road?

16 A. Correct.

17 Q. Okay. Evelyn's over there?

18 A. Yes.

19 Q. You can get all the way around Crosswell School Road; is
20 that correct? A large, wide loop, but you can end up back on
21 123; is that correct?

22 A. Absolutely, you can.

23 Q. Okay. Around Saluda Lake, things like that? You can
24 also get technically around the speedway area at some point as
25 well too.

1 A. Yes, ma'am.

2 Q. Right? Okay. Okay. When we went back to Defense 9, and
3 took a break at the treeline, you'd agree that was that
4 building, right?

5 A. Probably. Yes, ma'am. I would ---

6 Q. Pointing ---

7 A. Yes.

8 Q. --- (unintelligible).

9 A. Yes, ma'am.

10 Q. Okay. And --- and then this was the roof at Upstate
11 Tire?

12 A. Correct.

13 Q. Okay. And that's about where the camera surveillance
14 footage starts?

15 A. Yes, ma'am.

16 Q. Okay. So up hot --- from the Hot Spot, up Crosswell
17 Road, is up a hill, right?

18 A. Yes, ma'am.

19 Q. And then if you turn left on Evelyn, the whole way is
20 down a hill, right?

21 A. Yes, ma'am.

22 Q. And then depending on --- what just happened? Okay.

23 And then depending on where you stop on Evelyn, you're
24 either going up the hill or you're going down the hill,
25 correct?

1 A. Yeah. Whichever way you go. Up or down. Yes,
2 ma'am.

3 (Simultaneous speaking)

4 Q. It's pretty elevated; is that right?

5 A. Yes, ma'am.

6 Q. Okay. And then Crosswell School Road is certainly
7 elevated ---

8 (Simultaneous speaking)

9 A. It's more elevated. Yes, ma'am.

10 Q. Yes. Okay. All right. We just spent a long time about
11 watching what happened on December 10th of '22; is that
12 correct?

13 A. 10th into the 11th. Yes, ma'am.

14 Q. Okay. But before my client's interview started, you ---
15 and I'm --- I'm going to kind of put you at about 2:00 p.m. on
16 the 10th of December. Okay?

17 A. Okay.

18 Q. You left the ICU right around then? You'd agree about
19 that? I would ---

20 A. Yes, ma'am. I --- I'd been back and forth several
21 times that day ---

22 Q. Yes.

23 A. --- I would say.

24 Q. You go to the Hot Spot to look at surveillance ---
25 surveillance footage, right?

1 A. Correct. Yes, ma'am.

2 Q. Okay. And I'm --- previously admitted Defendant's 10.

3 All right. There we go. All right. Previously admitted
4 Defense 10. Do you recognize the player system of the Hot
5 Spot?

6 A. I can't say for sure ---

7 Q. Okay.

8 A. --- player. Apologize.

9 Q. I'm not asking you to enter it, but this would be the Hot
10 Spot surveillance footage, correct?

11 A. Those photos ---

12 Q. Yes.

13 A. --- yes, ma'am. Yes.

14 Q. And there's about 27 different cameras on here; is that
15 correct?

16 A. Okay.

17 Q. About that? You would at least take 25, 27 ---

18 A. There's a lot.

19 Q. --- something like that? There's a lot. Right? Okay.
20 In your case, the surveillance footage of the Hot Spot begins
21 at 8:20 p.m.; do you agree with that?

22 A. According to this. Yes, ma'am.

23 Q. Okay. The footage was talked about a lot, but you know
24 now --- I believe you've learned that we have two camera
25 angles, right?

1 A. Yes, ma'am.

2 Q. State was the left with? The --- your interview, talks
3 about a third angle; is that right?

4 A. Correct.

5 Q. The spot closest to the speedway; is that correct?

6 A. That --- that's correct. Yes, ma'am.

7 Q. Okay. And during that inter --- and during your
8 interview, you had viewed only Hot Spot surveillance footage
9 at that time; is that right?

10 A. Yes, ma'am. (Unintelligible).

11 Q. Okay. I believe you had at least stopped by that ---
12 another business that I can't really pronounce, the Elegua
13 Botanica or something?

14 A. Yeah. Yes, ma'am.

15 Q. And no one had surveillance footage; is that right?

16 A. No, ma'am.

17 Q. Let me back that up. They had live footage ---

18 A. Doesn't make a pull that we could rewatch.

19 Q. That you couldn't pull at that moment to watch
20 beforehand. And the --- and you --- y'all were supposed to go
21 back and get file footage; is that right?

22 A. I think he said he was going to try and reach out to
23 his nephew, you know, we'd like some information. We
24 said (unintelligible) yes, ma'am. We never --- never got
25 it.

1 Q. Never got it. Never got it, right?

2 A. No. No, ma'am.

3 Q. Okay. So back to the missing Hot Spot footage, you would
4 agree that on that footage, a Mini Cooper enters the Hot Spot,
5 right?

6 A. A vehicle that I would say that's a Mini Cooper,
7 yes, ma'am.

8 Q. Okay. I think details were backed in to a parking spot?

9 A. I can't say for sure.

10 Q. Don't remember?

11 A. No, ma'am. I apologize.

12 Q. Okay. Tahoe appears?

13 A. For sure.

14 Q. Stops at a Mini Cooper?

15 A. Yes.

16 Q. Right? Okay. Tahoe exits parking lot, up Crosswell
17 School Road towards Evelyn ---

18 A. That way. Yes, ma'am.

19 Q. Okay.

20 A. --- Crosswell School. Whether or not he goes that
21 way, I don't ---

22 Q. Okay. And then a little bit later there's some notations
23 I believe that you observed Mini Cooper takes a left on the
24 Highway 123 towards Greenville out of here; is that correct?

25 A. (Inaudible).

1 Q. Okay. Do you --- would it help you if you had a copy of
2 your report in front of you?

3 A. That would be great, actually.

4 Q. Okay.

5 A. Please.

6 Q. Mini Cooper takes a left onto Highway 123 towards
7 Greenville, out of view; is that right?

8 A. Yes, ma'am. That's accurate. That says at that how
9 came out through.

10 Q. Okay. And then in your interview, you tell her Mini
11 Cooper never leaves the Hot Spot; did you remember hearing
12 that earlier?

13 A. I --- I do recall, I believe. Yes, ma'am.

14 Q. Okay. And sometime on this --- well, we said about 2:00
15 is when you go to the Hot Spot, look at all these surveillance
16 cameras, right?

17 A. Yes, ma'am.

18 Q. And then --- but at this point you had not viewed golf
19 cart footage, right?

20 A. No, ma'am.

21 Q. No golf cart footage?

22 A. No, ma'am.

23 Q. That Elegua Botanica was a no, correct?

24 A. Correct. Yes, ma'am.

25 Q. Y'all hadn't gotten Upstate Tire at that point, right?

1 A. No, ma'am.

2 Q. Okay. And so the footage from the Hot Spot that you
3 viewed at this point was largely the missing footage; is that
4 correct?

5 A. That was a good bit of it. Yes, ma'am.

6 Q. Okay. And then there's a little bit of the one, but a
7 lot of the majority of that would be the missing footage,
8 right?

9 A. Uh-huh.

10 Q. Okay. And so earlier I believe in the interview we heard
11 you say confront with you've see true and accurate
12 surveillance footage, right? Something along those lines,
13 true and accurate surveillance footage would have been some
14 phrase that you've used in that interview?

15 A. If I --- if I did, I don't recall it. It was in the
16 interview then I just don't remember true and
17 accurate ---

18 Q. Okay.

19 A. --- I don't remember saying that.

20 Q. Okay. And then you took a break at midnight like right
21 before 12:15 a.m., right?

22 A. Yes, ma'am.

23 Q. To --- to I think the words were to let her stew on that?

24 A. Yeah, I did say that.

25 Q. Okay. Okay. All right. You --- but you didn't

1 actually --- I mean at this point because the footage wasn't
2 even collected by the time you were in that interview, right?

3 A. I didn't collect it ---

4 Q. You didn't collect it?

5 A. Correct. Yes, ma'am.

6 Q. Okay. So you just mostly just seen it?

7 A. Yes, ma'am.

8 Q. And certainly not all the hours or times ---

9 A. Multiple ---

10 (Simultaneous speaking)

11 Q. --- go through all the ---

12 A. No.

13 Q. --- you just --- this is where we are 8:20. Let's go,
14 that's what we --- that's what we saw?

15 A. Saw from maybe --- maybe a little before then, but
16 nothing, you're right ---

17 Q. Okay.

18 A. --- we did not expand it too much.

19 Q. All right. Okay. Or after, right?

20 A. No, ma'am, I didn't.

21 Q. To beyond all that. Okay.

22 A. No.

23 Q. Okay. So just a few hours before you're in the interview
24 with her you asked a Judge like you said before that you
25 believe that probable cause at this time existed for the

1 warrants for attempted murder and possession of a weapon, is
2 that correct?

3 A. Yes, ma'am.

4 Q. The judge signed off on this?

5 A. Yes, ma'am.

6 Q. Okay. And by 6:42, at your request, she --- warrants
7 were entered for wanted person Renee Simon; is that right?

8 A. Yes, ma'am.

9 Q. Okay. And at 8:30 p.m., Ms. Simon was in custody; is
10 that right?

11 A. Yes, ma'am.

12 Q. Okay.

13 (Simultaneous speaking)

14 A. Not for sure on time, but yeah. For sure in
15 custody.

16 Q. And she was in Greenville, you were around as well?

17 A. She had already been transported. I went that way.
18 Yes, ma'am.

19 (Simultaneous speaking)

20 Q. Knowing that she was in custody, right?

21 A. Yes, ma'am.

22 Q. Okay. And you knew that when she was in the interview,
23 how she walked --- is how she walked out of her house, right?
24 Is that correct?

25 A. To my knowledge. Yes, ma'am.

1 Q. Okay. And this was in basically pajamas? All right.
2 And she had at that point you --- because the overlap, you
3 missed a little bit. But you were certainly well aware she
4 had her medications with her, right?

5 A. I brought them.

6 Q. You brought them --- oh, you brought them?

7 A. Yes, ma'am.

8 Q. Okay. So they gave them to you and then you brought them
9 to the detention center?

10 A. I --- I can't even tell you for sure if I found
11 them, but I know ---

12 Q. Okay.

13 A. --- I brought them from her house to the detention
14 center.

15 Q. Okay. Z-Pak, cough syrup, all that?

16 A. I remember the Z-Pak ---

17 Q. Okay.

18 A. --- and some other medication. Yes, ma'am.

19 Q. Okay. And when she was booked into the detention center,
20 she --- on your warrant, she weighed about 120; is that about
21 right?

22 A. I can't recall.

23 Q. Okay.

24 A. If I could see a copy of the warrant, I could tell
25 you what it says on there.

1 Q. What it said? Okay. I can also (unintelligible) give
2 you a copy (unintelligible). Sorry, I'm just going to bring
3 my computer up. (Unintelligible) it's the --- oh, it's not
4 (unintelligible). Let me just --- 120 ---

5 A. Yes, ma'am.

6 (Simultaneous speaking)

7 Q. Okay. 67 inches?

8 A. Yes, ma'am.

9 Q. Okay.

10 A. You said that was at the time of the booking? I'm
11 sorry.

12 Q. No, it's at 120 at the time of booking. She weighed 120
13 at the time of booking. Is what your ---

14 (Simultaneous speaking)

15 A. It's what that ---

16 Q. --- says?

17 A. --- document says, but I ---

18 Q. Yes.

19 A. --- I don't do that.

20 Q. Okay. But she's in on your warrant, right?

21 A. Yes, ma'am. That is my warrant.

22 Q. Okay. All right. At 9:24 p.m. you get the search
23 warrant through Greenville; is that right?

24 A. Greenville (unintelligible) yes, ma'am.

25 Q. Okay. And within that is a reference to the statements

1 that Sedric Holland made on the 10th right? Because he didn't
2 make any on the 9th, so we're on the 10th. We're still on the
3 10th.

4 A. Correct.

5 Q. Okay. And then surveillance footage, right?

6 A. In their warrant?

7 Q. In --- yeah?

8 A. I can't tell you that. I can't testify to that.

9 Q. Based off of --- okay. You collected everything from the
10 warrant, right?

11 A. They turned it over to me, yes, ma'am.

12 Q. Okay. So you collected the sweater, boots with fur?

13 A. Yes, ma'am.

14 Q. Magazine with ammo?

15 A. I don't remember ammo, it might have been. But for
16 sure, the magazine.

17 Q. For sure the magazine? Okay. And her cell phone?

18 A. Yes, ma'am.

19 Q. All right. Okay. But they knew what to ask for for the
20 warrant based on your investigation, correct?

21 A. That, I --- I can't testify to. I --- I don't
22 remember if it was, it was via a phone call, they might
23 have asked me some questions, but nothing written by me
24 for the warrant, I believe.

25 Q. Okay. And then I --- by 9:42, we at least know, based on

1 your CAD that the warrant --- the wanted person had been
2 removed; is that about right?

3 A. Yes, ma'am.

4 Q. Okay. And then 11:02 p.m., your interview begins?

5 A. Yes, ma'am ---

6 (Simultaneous speaking)

7 Q. --- right?

8 A. --- yes, ma'am.

9 Q. Okay. She was asleep when you got out of holding, right?

10 A. I don't remember.

11 Q. Okay. Do you remember her throwing up on the way into
12 the room?

13 A. I definitely don't remember that.

14 Q. Okay. Do you remember --- either you or most --- well, I
15 guess mostly Genthner gave her several cups of water, right?

16 A. Correct. Yes, ma'am.

17 Q. Okay. She was certainly blowing her nose throughout,
18 right?

19 A. Yes, ma'am.

20 Q. Okay. Coughing?

21 A. Yes, ma'am.

22 Q. Coughing?

23 A. Yes, ma'am.

24 Q. Okay. You had to bring her that roll of toilet paper,
25 right?

1 A. Yes, ma'am.

2 Q. She appeared to be congested to you?

3 A. Yes, ma'am.

4 Q. Okay. Dry mouth ---

5 A. Yes, ma'am.

6 Q. And her handcuffs stayed on her the entire time y'all
7 were in the interview room, right?

8 A. Yes, ma'am. They did.

9 Q. Okay. And a little while ago on direct you stated that
10 you were still there to serve the defendant, right?

11 A. Absolutely.

12 Q. And you've got her in custody on these warrants, right?

13 Okay. But you're still exhibiting that you're working through
14 the investigation, correct?

15 A. Yes, ma'am. Parts of it.

16 Q. Okay. And you had just viewed that surveillance from the
17 Hot Spot ---

18 A. Earlier that day.

19 Q. --- officially collected ---

20 A. (Unintelligible).

21 Q. --- as far as you know.

22 A. Far as I know. Yes, ma'am.

23 Q. Okay. And during that interview, she --- she called
24 Sedric her boyfriend, right?

25 A. Yes, ma'am.

1 Q. Okay. And she told you she was an escort, right?

2 A. I don't remember that. (Unintelligible).

3 Q. Okay. She told you, which also mentioned something about
4 video call ---

5 A. Yup. I remember that.

6 Q. --- right? Okay. She told you about her and Sedric's
7 sex life, right?

8 A. She referenced them having sex. Yes, ma'am.

9 Q. Okay. And she told you he lived with his mom some ---

10 A. Yes, ma'am.

11 Q. --- right? And she --- and he lived with her some?

12 A. Yes, ma'am.

13 Q. Right?

14 A. She said that.

15 Q. And he lived with another girl some?

16 A. Yes, ma'am.

17 Q. Right?

18 (Simultaneous speaking)

19 A. She said that --- or he said (unintelligible) sorry.

20 She told us he ---

21 (Simultaneous speaking)

22 A. --- about that. Yes, ma'am.

23 Q. And then she told you about the clothes that she bought
24 him ---

25 A. Yes, ma'am.

1 Q. --- is that right? Okay.

2 A. Correct.

3 Q. And she told you that she'd been to Hot Spot, twice,
4 right?

5 A. That day. Yes, ma'am.

6 Q. Okay. Do you remember telling her --- you told her, I
7 don't care about the first time at the Hot Spot, right?

8 A. I don't think I said don't care. I might have
9 mentioned it different. It wasn't as important as the
10 second when the shooting happened. But yes, I --- I did
11 make a reference to it (background noise).

12 Q. Okay. Not important though, to verify are they in the
13 same clothes, because we don't have it, right?

14 A. Correct. As far as I ---

15 Q. Would --- would there have been any clothes that matched
16 anything, right? Because we don't have ---

17 A. From the --- from the first to second ---

18 (Simultaneous speaking)

19 A. --- that's correct. Because we don't see that
20 video, I can't tell you if they were in the same clothes
21 from that day.

22 Q. Okay. Thank you. Renee told you that he had a Tahoe,
23 right?

24 A. Yes, ma'am.

25 Q. And that she had a Mini Cooper, right?

1 A. Yes, ma'am.

2 Q. That she was --- she was at home when you took her into
3 custody, like ---

4 A. She was ---

5 Q. --- no problem, right?

6 A. Yes, ma'am.

7 Q. Okay. And she told you that the front passenger door and
8 in the Tahoe had a broken latch, right?

9 A. From the inside. Yes, ma'am.

10 Q. Uh-huh. Okay. And then you were able to actually see
11 that, right? For yourself?

12 A. I --- I tested it ---

13 (Simultaneous speaking)

14 A. --- myself, yes, ma'am ---

15 Q. Okay.

16 A. --- from the inside you could not open the door.

17 Q. You tested it yourself?

18 A. Yeah. I --- I think a few of us did. Yes, ma'am.

19 Q. Oh, really? Okay. Then you --- you could not open the
20 door?

21 A. Not from the inside.

22 Q. Inside. Only the outside, right?

23 A. Correct. Yes, ma'am.

24 Q. Okay. But you didn't test it with Sedric, right? Like
25 to see if he would open it somehow?

1 A. No. No, we didn't.

2 Q. Okay.

3 A. He could open it like she said ---

4 Q. Yeah.

5 A. --- no ---

6 Q. Right?

7 A. --- we didn't test that ---

8 Q. Okay.

9 A. He was in the hospital.

10 Q. Yeah. You didn't talk about testing it in your report,
11 did you?

12 A. No, ma'am. I didn't.

13 Q. Okay. And then you do tell her there's confusion with
14 the specifics because of like a traumatic event, right?

15 A. For sure.

16 Q. Okay. And you'd also agree with me, correct, that even
17 non-traumatic events things can blur, correct?

18 A. For sure. Yes, ma'am.

19 Q. Okay. Like --- I know you have family from here, but
20 are --- I assume like your wife and kids are still in Nebraska
21 right now?

22 A. That's correct.

23 Q. Okay. Okay. When you talk to them maybe this morning or
24 maybe something along those lines, and you're drinking your
25 coffee or something, you're going to --- if I ask you a couple

1 hours later, the next day, tomorrow, you'd talked to them as
2 you were drinking your coffee, right before you were drinking
3 your coffee, or it's going to have some blurring lines to
4 describe it for me, right?

5 A. Absolutely.

6 Q. Okay. And so in this interview, you tell her that you're
7 going to come back and talk to her again, right?

8 A. That's correct.

9 Q. Give her time to process, right?

10 A. Told her I --- yes, ma'am. Process the situation.
11 That's correct. Yup.

12 Q. I think maybe something like let things become a little
13 more clear?

14 A. Yes, ma'am.

15 Q. Clear that up, right?

16 A. Yes, ma'am. Uh-huh.

17 Q. Okay. And let's see, there were nine video clips right?
18 That we just watched of that interview?

19 A. I believe that is correct ---

20 Q. Okay.

21 A. --- nine, yes, ma'am.

22 Q. And video seven on this 12:45 a.m. is when you tell her
23 that he's in the hospital for the first time, right?

24 A. Yes.

25 Q. About 12:45 interview starts, so we're an hour almost two

1 hours into the interview, correct?

2 A. Uh-huh.

3 Q. And that's when she's informed for the first time that he
4 was shot, right?

5 A. That the bullet hit him. Yes, ma'am.

6 Q. Okay. And you'd agree with me that she gets visibly
7 upset?

8 A. I would say she gets upset, yes, ma'am.

9 Q. Okay.

10 A. Like a realization.

11 Q. Yeah. Okay. And then your interview ends at 1:25
12 according to, I guess the surveillance, I don't know if it
13 really ---

14 A. From the video.

15 Q. Yeah.

16 A. Yeah. Whatever that timestamp is ---

17 Q. Yeah.

18 A. That's what (unintelligible).

19 Q. And then she goes back to the jail cell, right?

20 A. Yes, ma'am.

21 Q. Okay. Earlier you mentioned that you --- I think you
22 said right after college you started at the police academy?

23 A. That's correct. Yes, ma'am. I think it's a few
24 months, but then I ---

25 (Simultaneous speaking)

1 Q. Okay. At the criminal justice academy, y'all are taught
2 by writing narratives?

3 A. Yeah. Yeah, I'm sure we have.

4 (Simultaneous speaking)

5 A. A long time ago, but yeah.

6 Q. It was a long time, and then you had, what? 11 years on
7 the road? But in the sheriff's office, right?

8 A. Uh-huh.

9 Q. Okay. Write them in order, correct?

10 A. Yes.

11 (Simultaneous speaking)

12 A. You want to keep them in chronological order if you
13 can. Yes, ma'am.

14 Q. Use plain language, right?

15 A. Yes, ma'am.

16 Q. Avoid jargon?

17 A. Yes, ma'am. For the most part unless it's quoted.

18 Q. All right. Includes many details?

19 A. Uh-huh.

20 Q. Big or small, right?

21 A. Uh-huh.

22 Q. Okay. And include all your victim, witness, anybody's
23 statements, correct?

24 A. As far as I've written and stuff, yeah. Absolutely.

25 (Simultaneous speaking)

1 A. --- written statement, put it in there.

2 Q. Okay. And in your supplemental report, I think that ---

3 A. Yes, ma'am. I --- I have ---

4 (Simultaneous speaking)

5 A. --- it yes, ma'am.

6 Q. Right? Okay. You --- you don't summarize your
7 interview, do you?

8 A. No, ma'am.

9 Q. Okay. Might have been because (unintelligible), but you
10 don't note in the computer system that you typed anything
11 else, right?

12 A. No, ma'am.

13 Q. Okay. And you didn't collect any of the footage
14 yourself?

15 A. No. I can't tell you for sure who did, but I know
16 we had a game plan for somebody to collect it.

17 Q. Okay. And you --- I guess according to your supplemental
18 you didn't even enter your notes until Wednesday the 14th,
19 right?

20 A. That's ---

21 (Simultaneous speaking)

22 A. --- yes, ma'am.

23 Q. Okay. And then you don't talk about going back to the
24 hospital to interview Sedric in his hospital room, right?

25 A. The last one?

1 Q. Yeah. The last one.

2 A. I don't --- I don't believe ---

3 Q. You don't care about that? And at --- I think you and
4 Mr. Lampke refer to it as the full interview; is that correct?

5 A little while ago?

6 A. I would say we referenced the second interview as
7 the first full one.

8 Q. Okay. I thought it was (unintelligible) once he was in
9 his hospital room and out of the ICU, the full interview ---

10 (Simultaneous speaking)

11 Q. --- you believe it's the one on the 10th?

12 A. I would say it's the second one when he was not
13 intubated, that's when we got a full one enough to ---

14 Q. Okay.

15 A. --- obtain warrants.

16 Q. Full interview on the 10th, once the tube's out?

17 A. Yes, ma'am.

18 Q. Okay.

19 A. And then I would say we --- we re-accounted again on
20 that ---

21 Q. Okay.

22 A. --- third one.

23 Q. Okay. The --- your first interview he's --- has a tube
24 in his throat, right?

25 A. Yes, ma'am.

1 Q. Okay. And he is talking --- I'm going to show you what's
2 been previously marked as Defendant's 17. Do you recognize
3 this?

4 A. Yes, ma'am.

5 Q. Okay. And because he can't talk to you he writes on a
6 notepad, correct?

7 A. He wrote some, I wrote some, his mother wrote some.

8 Q. Okay. And he testified that, you know, he --- he did
9 that. And does that fairly and accurately represent that page
10 of the notebook?

11 A. Yeah, there could be more, but this is obviously
12 (inaudible).

13 Q. All right.

14 MS. NEWTON: Your Honor, at this time, I'd ask for
15 Defendant's 17 to be in.

16 THE COURT: Any objection?

17 MR. LAMPKE: No objection to that page specifically.

18 THE COURT: Admitted.

19 (DEFENDANT'S EXHIBIT 17 ADMITTED)

20 BY MS. NEWTON:

21 Q. And as a result of the fact that he had --- he's in the
22 ICU with a tube in his throat, you then came back, that's what
23 you're saying ---

24 A. Yes, ma'am.

25 Q. --- full interview?

1 A. Yes, ma'am. Yes, ma'am.

2 Q. Okay. All right. Sort of back to your police report.
3 In there, you don't talk about dropping the cell phones off
4 with Greenville for the extraction, right?

5 A. No, ma'am. I do not.

6 Q. Okay. And you don't actually put in the details about
7 the phones being extracted or even that you left them with
8 (unintelligible), right?

9 A. No, ma'am. No in this report.

10 Q. Okay. And then property and evidence put in the dates
11 when you sort of brought them back; is that correct?

12 A. That's --- without having (unintelligible) sheets in
13 front of me, yes, ma'am. That's correct, that should be
14 logged when I took them out and they were brought back.
15 Yes.

16 Q. Okay. Let's go back --- I'll take that. Just got to get
17 back to the computer. Defendant's 16, (unintelligible).

18 Okay. Defendant's 16, the Google Earth. You respond to
19 the Uncle Buck's Used Cars at about 9:45; is that correct?

20 A. Yes, ma'am.

21 Q. Okay. That's about give or take within an hour ---
22 almost at an hour of the 911 call, correct?

23 A. Right about. Yes, ma'am.

24 Q. Okay. And not wearing your body camera, right?

25 A. No, ma'am.

1 Q. Okay. When you got there, it --- on the night of the
2 9th, it was cold, right?

3 A. Cold and rainy. Yes, ma'am.

4 Q. Okay. And you learned that Sedric Holland had been shot,
5 right?

6 A. Correct, ma'am.

7 Q. And that EMS had transported him to Greenville Memorial?

8 A. That's correct.

9 Q. And your partner went to the hospital ---

10 A. Yes, ma'am.

11 Q. --- right?

12 A. Check status.

13 Q. You went on --- quote/unquote on scene, right?

14 A. Yes, ma'am. On scene.

15 Q. Okay. And then some other deputies went to Spartanburg
16 County to speak with Sedric's mom, correct?

17 A. Yes, ma'am. More detectives went that way.

18 Q. Okay. So you start walking around the area with
19 forensics right?

20 A. Yes, ma'am.

21 Q. You're just looking for items that seemed out of place?

22 A. Anything that we thought might be unlogged. Yes,
23 ma'am would help us paint the picture.

24 Q. Okay. And the purpose of that and --- and the crime
25 scene is to preserve the evidence; is that correct? You

1 secure a crime scene, right?

2 A. Yes, ma'am.

3 Q. Okay. But certainly you'd agree we didn't secure this
4 whole area, correct?

5 A. We don't have the manpower to (unintelligible) that
6 ma'am.

7 Q. Okay. So it's a very short in front of Uncle Buck's
8 crime scene, right?

9 A. Yes, as far as ---

10 Q. That was officially ---

11 A. At the beginning ---

12 Q. --- secured?

13 A. --- yes, ma'am. Right there right in the Uncle
14 Buck's, Hot Spot, that area, yes.

15 Q. Where you got the Boots ---

16 (Simultaneous speaking)

17 A. --- where the victim --- yes, ma'am.

18 Q. Okay. Cell phone was on, right?

19 A. Yes, ma'am. It was playing music. Yeah, it was
20 playing music.

21 Q. Playing music. Okay. And I believe you had mentioned
22 that it had received some text messages, right?

23 A. Either a text message or --- there's a note case of
24 some kind.

25 Q. Some kind?

1 A. Yes, ma'am.

2 Q. Okay. And you look behind several businesses; is that
3 right?

4 A. Yes, ma'am.

5 Q. And I'm going to zoom on this a little bit. Look
6 behind --- what business is this?

7 A. That --- that is Uncle Buck's ---

8 Q. Okay.

9 A. --- car lot.

10 Q. Kind of behind there, think you said that earlier?

11 A. Yes, ma'am.

12 (Simultaneous speaking)

13 A. --- parking lot.

14 Q. And then this is ---

15 A. Enterprise.

16 Q. Enterprise.

17 A. Yes, ma'am.

18 Q. Look behind there.

19 A. Yes, ma'am.

20 Q. When we're looking --- I know we look behind golf cart?

21 A. Yeah, that's the golf cart. Yes, ma'am.

22 Q. And then we look behind Upstate Tire?

23 A. Yes, ma'am.

24 Q. We don't go past the wooded line area?

25 A. Nothing in the supplemental, but I'm pretty positive

1 that not myself, but somebody walked into that area and
2 we drove around that area at some point as well.

3 Q. Yeah, but you didn't do it and you definitely didn't ---

4 A. I didn't.

5 Q. --- write it on there?

6 A. I definitely didn't write about it. And I
7 definitely didn't walk --- I --- I'd walked up Evelyn,
8 but yes, ma'am, I don't recall going all the way behind
9 those trailers and stuff like that.

10 Q. Okay. And you --- you did say that you specifically
11 spoke to the owners of that Elegua Botanica, right?

12 A. Correct, ma'am.

13 Q. Okay. And at least some other people in the area nearby
14 and you confirmed no one heard any gunshots, right?

15 A. That's correct.

16 Q. Talked to people, no banging, right?

17 A. No, ma'am.

18 Q. Okay. And so then the 9th ends up rolling into the 10th,
19 and I believe you've left the scene, I think you said, like
20 right around midnight, or you were off scene by midnight? We
21 don't really know, right?

22 A. I believe I was off scene.

23 (Simultaneous speaking)

24 Q. --- times ---

25 A. --- before midnight, but it was ---

1 Q. Okay.

2 A. --- yeah.

3 Q. Okay. And then you're given information at some point
4 before, after midnight. You don't really know, though. That
5 Sedric owns a 1999 Tahoe, right?

6 A. That would have been before midnight.

7 Q. Okay. And it was probably sometime after midnight or so
8 that you'd also been given the name Renee Simon or ---

9 A. I'm sorry.

10 Q. (Background noise) --- the name Renee Simon before or
11 after midnight?

12 A. That was also before.

13 Q. So before midnight. Okay. And then on the 10th, you go
14 to the ICU around 11:20 a.m.; is that right?

15 A. Yes.

16 Q. Give or take?

17 A. Yes, ma'am.

18 Q. Okay. And I believe sort of in your supplemental, you
19 referred to it as hospital interview number one?

20 A. Yes, ma'am. That's correct.

21 Q. Okay. And this time you are wearing your body-worn
22 camera, right?

23 A. Yes, ma'am.

24 Q. Okay. And he's intubated, he's got the tube?

25 A. Correct.

1 Q. But he's awake?

2 A. Correct. In and out. Yes, ma'am.

3 Q. Yeah. And so that's when he was able to write a few
4 things to you; is that correct?

5 A. Yes, ma'am. There --- I think there's another page
6 from that specific ---

7 Q. Yeah. And you write at least some --- couple ---

8 A. Yes.

9 Q. --- things ---

10 A. --- a few notes. Yes, ma'am.

11 Q. Okay. And you all already knew, but you confirmed with
12 him, because of Hot Spot and stuff like that, that area ---

13 A. Yes, ma'am.

14 Q. --- like that? Okay. And Sedric's mom was there as
15 well ---

16 A. That's correct.

17 (Simultaneous speaking)

18 Q. Okay. And --- and is --- initially, it is safe to say
19 you're kind of focus was about the Tahoe, because at this
20 time ---

21 (Simultaneous speaking)

22 A. --- as far as interviewing Sedric?

23 Q. Yeah. Uh-huh.

24 A. I would say our main focus was to find out who was
25 involved.

1 Q. Okay. And then but at this time on the --- on the 10th,
2 around 11, no Tahoe?

3 A. No.

4 Q. Right? Okay. And then --- so you didn't find it that
5 evening, correct?

6 A. Of the 10th?

7 Q. The Tahoe --- of the 9th. Like ---

8 A. No, ma'am. No ma'am.

9 Q. --- you're in the hospital for hospital interview number
10 one at 11:00. This point no one's found ---

11 A. No, ma'am. Nobody's found it.

12 Q. Okay. Including Sedric's mom, right?

13 A. Correct.

14 Q. Okay. And after this 20-minute period or so, you've
15 decided Renee's the shooter, right?

16 A. Yes, ma'am.

17 Q. Okay. One shot?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. At that time, yes, ma'am.

21 Q. And Sedric gave you Renee's address, right?

22 A. Yes, ma'am.

23 Q. It's on ---

24 A. That was Beechwood, yes, ma'am.

25 Q. Okay. And he gave you her phone number?

1 A. Yes, ma'am.

2 Q. Okay. And you drove --- and then you leave, because he's
3 going to go to have the surgery to have the tube removed,
4 right?

5 A. Yes, ma'am. I believe that's --- that's correct.

6 Q. Okay. And you drive back to the Hot Spot area, right?

7 A. I believe I went straight to the golf carts after
8 the first interview.

9 Q. Okay. And then about two hours later this is what we're
10 calling full interview ---

11 A. Yes, ma'am.

12 Q. --- you show back up at the hospital, right?

13 A. Yes, ma'am.

14 Q. Okay. And at that time still one shot, right?

15 A. Yes, ma'am.

16 Q. Okay. And while you're there, Detective Genthner and
17 Chuck James locate the Tahoe, right?

18 A. Yes, ma'am.

19 Q. Okay. It's literally essentially during that interview;
20 would you agree with that?

21 A. Yes, ma'am. I think we were almost done with it
22 when I got the phone call.

23 Q. Okay. And I think they --- they send you a picture ---

24 A. Uh-huh.

25 Q. --- of it, right?

1 A. Uh-huh.

2 Q. And because you show that to him?

3 A. Uh-huh.

4 Q. Right? And we don't have that text?

5 A. No, ma'am, I don't.

6 Q. Okay.

7 A. It's --- I believe it was a photo of --- of Mr.

8 Langston's photos. Like I don't think it's like a ---

9 somebody take an iPhone ---

10 (Simultaneous speaking)

11 Q. Just take it ---

12 A. --- camera ---

13 Q. Of the camera?

14 A. Yes, ma'am.

15 Q. Okay. And he gives you permission to search the vehicle?

16 A. Yes, ma'am.

17 Q. Okay. And there is a Crown Royal bottle in that Tahoe?

18 A. Yes.

19 Q. Right?

20 A. He told me that would be in there.

21 Q. Okay. Okay. And I think kind of in and out, because I

22 think you labeled it sort of three parts to full interview

23 number two; is that about right? Body camera's on and off ---

24 A. Yeah.

25 Q. --- okay. So at --- so you leave the hospital and

1 you --- and you still have only seen the Hot Spot footage?

2 A. I actually leave from the interview --- yeah, that's
3 correct. That's correct. I apologize.

4 Q. Okay. Because golf carts had not ---

5 A. Reviewed the footage from the Hot Spot after the
6 second interview ---

7 Q. Yes.

8 A. --- yeah. Correct.

9 Q. Okay. And then when you go --- we did that a little bit.
10 Pretty much (unintelligible). So by Monday the 12th, you are
11 logging into evidence my client's iPhone, right?

12 A. Yes, ma'am.

13 Q. Sweater?

14 A. Yes, ma'am.

15 Q. Boots?

16 A. Yes, ma'am. I believe it was everything from the
17 Greenville search warrant.

18 Q. And the magazine with the ammo? Okay. And then Monday
19 the 12th, you log out both cell phones; is that correct?

20 A. If that's what it says on the ---

21 Q. Okay. Because there's not any details that --- in that
22 report right there, right? Okay. But you got the property
23 and evidence sheets that match those times up, right?

24 A. Yes, ma'am.

25 Q. Okay. So when you log them out, you take them to

1 Greenville County presumably, right?

2 A. Uh-huh.

3 Q. At some point they extract (unintelligible)?

4 A. Yes, ma'am.

5 Q. Okay. On Wednesday you go back on the 14th; is that
6 correct? To --- to the hospital, and he was in a room now; is
7 that right? I think we're at interview number 3.

8 A. It is interview number 3, but I do not have a date
9 on the report.

10 Q. Okay. There were birthday balloons in his hospital
11 bedroom?

12 A. Yes, ma'am. I remember that.

13 Q. Okay. You hadn't reviewed the golf cart footage as of
14 this point, right?

15 A. No. We had --- if we did review it, I had not seen
16 it.

17 Q. Okay.

18 (Simultaneous speaking)

19 Q. I think the focus seemed to be trying to figure out how
20 it ran ---

21 A. Yeah.

22 Q. --- suffice that?

23 A. Yes, ma'am.

24 Q. Okay. And you kind of had started looking back at the
25 surveillance footage, but you don't --- you don't have any of

1 that summarized either, right?

2 A. Yes, ma'am. At that point where we're at in the
3 investigation, it was decided amongst me and several
4 others like that aren't here, obviously command staff
5 that we needed Josh to continue this investigation since
6 we already had known that I was going to leave?

7 Q. Leave. Okay. And so --- but at that point when you're
8 back at the hospital on the 14th, my client's been in custody
9 three to four days, correct?

10 A. Yes, ma'am.

11 Q. Okay. So you didn't review the cell phone extractions,
12 right?

13 A. No, ma'am. I think I might have looked at the
14 physical phones themselves. You know like in --- inside
15 the phones. But as far as the extractions, I don't
16 recall if I looked at them.

17 Q. You --- you definitely hadn't taken pictures of the
18 physical phones?

19 A. (Inaudible).

20 Q. Okay. And so you didn't review the call logs at this
21 point in your investigation?

22 A. No, ma'am.

23 Q. Or I guess ever? Correct?

24 A. No, ma'am. I don't --- I don't recall ---

25 Q. Okay.

1 A. --- if I did. I don't think I did.

2 Q. And earlier with the State there was some blue and green
3 bubbles and you read those text messages aloud, right?

4 A. That's correct.

5 Q. Okay. But you definitely didn't review those in December
6 of '22; is that right?

7 A. I --- I --- I definitely did on the phones, but not
8 from the cell phone extraction.

9 Q. But you definitely didn't write about that you did that?

10 A. Correct. That's not in the report.

11 Q. Okay. And you never compared the phones to each other,
12 right?

13 A. What --- what do you mean by ---

14 Q. Like through the --- I mean, you --- through the any type
15 of ---

16 (Simultaneous speaking)

17 A. From the text messages, I kind of did ---

18 Q. Yes.

19 A. --- but from the extraction analysis, no, ma'am.

20 Q. Okay. But kind of compared in your head?

21 A. Yes, I did.

22 Q. Okay.

23 A. Okay.

24 Q. And you didn't get search warrants or subpoenas from the
25 phone carriers, did you?

1 A. No, ma'am.

2 Q. Okay. And you --- I think and definitely didn't have the
3 cell phone records to be able to ask my client anything about
4 that later, right?

5 A. No, ma'am. I did not.

6 Q. Okay. And so at the end of your narrative, that's
7 basically just ends on the 10th, right? Or --- yeah. It
8 just --- I mean, you don't even talk about the 14th, right?

9 A. Yes, ma'am. I would say ---

10 Q. Okay.

11 (Simultaneous speaking)

12 A. --- ended on the 10th.

13 Q. Okay. And so you didn't review that Hot Spot footage
14 from earlier in the day, right?

15 A. (Unintelligible) again ---

16 Q. Or prior to 8:20 p.m. Like earlier in the day? Meaning
17 the first time that we weren't that concerned with. We didn't
18 go back and review Hot Spot footage from earlier in the day on
19 the ninth right?

20 A. Yeah. Did I ever go back and look further?

21 Q. Yes.

22 A. I did not. No, ma'am.

23 Q. Okay. And so we don't --- no one --- you didn't lay eyes
24 on any gas pumping earlier in the day?

25 A. That's correct. I did not.

1 Q. Okay. But according to reports, both of them had stated
2 that to you; is that right?

3 A. I don't remember the victim saying it, but obviously
4 she said it. Yes, ma'am.

5 Q. Okay. Well, and then he did say that, but it
6 wouldn't --- you submitted body camera, correct?

7 A. Correct.

8 Q. Okay. But we didn't write about it?

9 A. Correct. Not the --- not the first gas pump.

10 Q. So he said the both of them ---

11 A. Yes.

12 Q. --- you agree with me that both said?

13 A. Yes, ma'am. I would agree. I remember him
14 specifically saying he got some money earlier in the day
15 (unintelligible).

16 Q. (Unintelligible) more money?

17 A. I --- I think he was expecting her to give him more,
18 I don't think he said he wanted more, I think he said
19 she --- that's why we were meeting she said ---

20 Q. Going to give him more ---

21 A. --- she's going to give me more money.

22 Q. Okay. And lead detective, correct?

23 A. Yes, ma'am.

24 Q. You ask --- are able to ask forensics what you need them
25 to do, correct?

1 A. Yes. On scene. Yes, ma'am.

2 Q. Okay. Okay. You asked them to get the hospital clothes,
3 right?

4 A. Yes, ma'am.

5 Q. Okay. And you asked them to take pictures of Renee?

6 A. Yes, ma'am.

7 Q. Okay. Okay. And but you didn't ask them to collect the
8 bullet that was removed from his stomach, right?

9 A. (Inaudible).

10 Q. Okay. And you didn't go to the hospital to collect it
11 yourself?

12 A. I didn't. No, ma'am.

13 Q. Okay. And your entire case is about a gunshot into Mr.
14 Holland; is that right?

15 A. That is correct, ma'am.

16 Q. Okay. So you'd agree with me that that's a huge piece of
17 evidence inside his body; is that right?

18 A. I ---

19 Q. Pretty significant?

20 A. It's significant ---

21 (Simultaneous speaking)

22 A. --- but we have nothing to compare it to.

23 Q. Well, you did collect some rusty clip from her house ---

24 (Simultaneous speaking)

25 A. I did. Yes, ma'am.

1 Q. Government's ensuring that?

2 A. That is correct.

3 (Simultaneous speaking)

4 Q. Admitted that, right?

5 A. We did collect that. Yeah.

6 Q. Okay. But yeah, but y'all didn't get this bullet; is
7 that right?

8 A. I did not. No, ma'am.

9 Q. Okay. All right. And you didn't collect it ---

10 (Simultaneous speaking)

11 A. No, ma'am. No, ma'am. I did not. No, ma'am.

12 Q. All right.

13 MS. NEWTON: No further questions.

14 THE COURT: Redirect?

15 MR. LAMPKE: No redirect, Your Honor.

16 THE COURT: Thank you, sir. You are excused.

17 THE WITNESS: Thank you, sir.

18 THE COURT: Any other witnesses?

19 MR. LAMPKE: No, Your Honor. With that the State
20 rests its case.

21 THE COURT: State rests. All right. Mr. Foreman,
22 ladies and gentlemen, this is a good point to break for
23 the day. I'm going to go ahead and call it and ask that
24 you be back here at 9:30 in the morning if you don't
25 mind. If you'd leave your notes in the jury room.

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1 And let me remind you, please don't read, hear, or
2 see anything about this case during the break.

3 We'll see you at 9:30 in the morning. Thank you
4 very much.

5 (JURY EXITS COURTROOM)

6 THE COURT: You're not going to make a call today,
7 but other than defendant, you anticipate any witnesses
8 you may call? I'm not going to hold you to it, just kind
9 of general plan and purposes?

10 MS. NEWTON: Other than the defendant and I don't
11 believe --- we still have some conversations we need to
12 have ---

13 THE COURT: Sure.

14 MS. NEWTON: --- about that.

15 THE COURT: (Inaudible) call.

16 MS. NEWTON: Possibly one --- one other. I --- I'd
17 like to be able to make a call and --- and ---

18 THE COURT: I'm not asking you to make ---

19 (Simultaneous speaking)

20 THE COURT: --- I'm just getting a general idea.

21 MS. NEWTON: Okay. Yeah.

22 THE COURT: All right. I'm going to have my
23 (unintelligible) charge on substantive law.

24 MR. LAMPKE: Thank you.

25 THE COURT: If there is a witness or two, three,

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1 defense, if you anticipate any rebuttal at that juncture
2 I'm not going to hold you to it either.

3 MR. LAMPKE: Not at --- not at this juncture, Judge.

4 THE COURT: Anything from the State before break for
5 the day?

6 MR. LAMPKE: Nothing from the State, Your Honor.

7 THE COURT: From the defense?

8 MS. NEWTON: No, Your Honor. At some point I would
9 like --- I'm going to try to go --- circle back to that
10 redaction and put that on the record.

11 THE COURT: Okay.

12 (Simultaneous speaking)

13 THE COURT: Any motions at this juncture?

14 MS. NEWTON: Yeah, we'll --- we'll make a motion.

15 THE COURT: Okay.

16 MS. NEWTON: Your Honor, we would move for directed
17 verdict at this time. As you're well aware attempted
18 murder is a specific intent crime which is an extremely
19 high burden and a high --- you know, harder to prove than
20 a murder case. And the State must show an intentional
21 act toward another person for the purposes of killing
22 that person. And there's obviously been --- I haven't
23 heard from the victim and certainly not from the
24 defendant any indication that it was anything other than
25 self-defense or perhaps accidental even the victim didn't

1 really understand what was happening.

2 THE COURT: What's your response?

3 MR. LAMPKE: Your Honor, directed verdict, the
4 evidence is taken to line most favorable to non-moving
5 party, that being the State. In this analysis the Court
6 is not concerned about the sufficiency of evidence, but
7 instead the existence of it.

8 Your Honor, we have elicited evidence and testimony
9 that the defendant essentially lured the victim to this
10 location.

11 The defendant had the gun concealed in a bag, such
12 that they could catch the shell casings and otherwise be
13 able to get rid of the evidence. As well as we have
14 established evidence that the --- the weapon that the
15 defendant said was left in the car was no longer there
16 showing that they were getting rid of evidence.

17 Judge, that shows a necessity to preplan. That
18 being premeditated intend to shoot and therefore kill the
19 victim. Judge, based on all that, I think that we
20 certainly have elicited sufficient evidence such that a
21 reasonable jury could conclude in favor of the State. So
22 we'd ask respectfully that you deny the motion.

23 THE COURT: (Inaudible) I'll deny the motion.

24 MS. NEWTON: Thank you, Your Honor.

25 THE COURT: All right.

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1 MS. NEWTON: And if I may just remind he used the
2 pronoun they twice.

3 THE COURT: You know what? He is doing that. Be
4 careful. I tell you when he's doing it, it's not sending
5 me over to that.

6 MS. NEWTON: Right.

7 THE COURT: I don't think in those kind of terms.
8 I'm a old guy. Please be careful.

9 MR. LAMPKE: I will be, Judge. And I --- I wanted
10 to address that.

11 THE COURT: I don't --- I don't think it's
12 intentional. Please be careful.

13 MR. LAMPKE: Absolutely, Judge. I really just ---
14 I'm not intentionally trying to do that.

15 THE COURT: All right. Anything else?

16 MS. NEWTON: That's it, Judge.

17 THE COURT: All right. Thank you, guys. See y'all
18 at 9:30 in the morning.

19 MR. LAMPKE: Thank you, Your Honor.

20 (PROCEEDINGS CONCLUDED FOR FEBRUARY 25, 2026)

21 (PROCEEDINGS BEGIN FOR FEBRUARY 26, 2026)

22 MS. NEWTON: No, Your Honor, but I would like you at
23 least you to just confirm with my client. She believes
24 that, but I just want that on the record.

25 THE COURT: Absolutely. All right. Ms. Simon, you

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1 made your decision that you do not wish to testify; is
2 that correct?

3 MS. SIMON: Yes, Your Honor.

4 THE COURT: Anybody force, threaten, or coerce you
5 in any way to make this decision?

6 MS. SIMON: No.

7 THE COURT: Did you make it of your own free will?

8 MS. SIMON: Yes, Your Honor.

9 THE COURT: I can't hear you.

10 MS. SIMON: Yes, I did.

11 THE COURT: And you're not under the influence of
12 any medication, drugs, or alcohol today?

13 MS. SIMON: No.

14 THE COURT: All right. Thank you. Ms. Simon made a
15 knowing, intelligent, and voluntary decision not to
16 testify which will be your right. And so you have no
17 other witnesses; is that correct?

18 MS. NEWTON: That's correct, Your Honor.

19 THE COURT: All right. If you would let the jury
20 know that we're going over some legal matters, and it
21 will be a few minutes and then we'll bring them back out.

22 Have y'all looked at my proposed charge that I gave
23 you all?

24 MR. LAMPKE: Yes, we have, Judge.

25 THE COURT: Any problems from the State?

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1 MR. LAMPKE: Judge, the only two issues I would have
2 would be instructions regarding the victim's reputation
3 for violence and threats made by the victim. I believe
4 that there's been any ---

5 (Simultaneous speaking)

6 THE COURT: Yeah, I'm --- those were just thrown in
7 as a ---

8 MR. LAMPKE: Okay.

9 THE COURT: --- that's not ---

10 MR. LAMPKE: Absolutely, Judge. Besides that we
11 have no objection. I did ---

12 THE COURT: That's on the self-defense part?

13 MR. LAMPKE: Yes, Your Honor. Besides that, I did
14 give to opposing counsel as well as your law clerk a
15 proposed ---

16 (Simultaneous speaking)

17 THE COURT: It was not even complete, did you read
18 it?

19 MR. LAMPKE: What's that, Your Honor?

20 THE COURT: Wasn't complete. I looked at it.

21 MR. LAMPKE: The stipulations?

22 THE COURT: Stopped mid-sentence.

23 MR. LAMPKE: My apologies, Judge. I didn't realize
24 that.

25 THE COURT: That's called proofreading.

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1 MR. LAMPKE: Absolutely, Judge. We --- we have
2 discussed generally a stip --- a jury instruction
3 regarding the stipulations with opposing counsel. So we
4 would like to have some sort of instruction in that
5 regard.

6 THE COURT: I don't have a problem with it.
7 Normally I tell --- I normally I reread the stipulation
8 and tell them they can't debate that, those are facts
9 they must accept.

10 Now, yours was about the redactions as much as
11 anything. Look at your charge, it just stops in
12 mid-sentence.

13 Going back to the State, do you have any --- any
14 objection to the attempted murder charge.

15 MS. NEWTON: Well, the --- you're asking us, right?
16 Sorry. You said the State.

17 (Simultaneous speaking)

18 MS. NEWTON: I don't blame if you get confused as
19 well.

20 Your Honor, the defense as to the acting on
21 appearances of (unintelligible) about the victim. We
22 would prefer that to stay in, because I think there was
23 reference to that in ---

24 THE COURT: Hang --- hang on. I'm not going to ---
25 I'm not asking you about self-defense yet. I'm asking

1 you about the attempted murder.

2 MS. NEWTON: Okay. I apologize. So as far as the
3 attempted murder, Your Honor, we believe that the
4 language of the charge we submitted more aligns with
5 State v Keene (phonetic) and State v Jeter where ---

6 THE COURT: Well, tell me where mine's bad.

7 MS. NEWTON: Well, I think it's best --- I think
8 those cases found that it's best for the Court to
9 specifically state there are three elements the State has
10 to prove. One being the malice, one being the specific
11 intent to kill and attempt to kill that person.

12 THE COURT: Isn't that what my charge says?

13 MS. NEWTON: Your Honor, I think it does spread out,
14 but I think State v Jeter and State v Keene suggest that
15 those are outlined from that outright.

16 THE COURT: (Unintelligible).

17 (Simultaneous speaking)

18 THE COURT: I'm going to read mine. I'll --- I'll
19 make yours a part of the Court's record, but I'm going to
20 charge mine. Okay?

21 MS. NEWTON: Yes, sir, Your Honor.

22 THE COURT: All right. Now, let's go back to we
23 were going over the self-defense. You have a problem
24 with the --- my charge on (unintelligible) on
25 appearances?

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1 MS. NEWTON: Yes, sir, Your Honor. Because I
2 believe in the interrogation several times throughout the
3 interrogation, there was talk of previous violence. Had
4 she been scared of him? That was referenced several
5 times in the interrogation, so I think that that is
6 appropriate to add with your charge.

7 THE COURT: I say that.

8 MS. NEWTON: I'm sorry, Judge?

9 THE COURT: Right to act on appearances?

10 MS. NEWTON: Yes, sir. But I thought the State
11 wanted to take that out.

12 MR. LAMPKE: No, Your Honor. We're --- we're fine
13 with that being in there.

14 THE COURT: So we're on the same page with that. So
15 go --- going back to me because I know that there's some
16 long laundry list stuff we put in there. So about my
17 charge on number --- starting on page 5 as I gave it to
18 you. No. No. Excuse me. Page 4 --- page 4 would be
19 without any changes, correct? And I'm asking both sides.

20 MR. LAMPKE: Your Honor, no objection from the State
21 regarding page 4.

22 THE COURT: Okay. Page 5.

23 MR. LAMPKE: No objection from the State on page 5,
24 Judge.

25 THE COURT: Thank you.

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1 MS. NEWTON: No objection, Your Honor.

2 THE COURT: Six you have --- no, right to act on
3 appearances, that's in there and you want it to stay in
4 there, which I think they agreed to. So any other
5 objections on six?

6 MR. LAMPKE: Nothing from the State, Judge.

7 MS. NEWTON: Nothing, Judge.

8 THE COURT: And prior difficulties (unintelligible)
9 evidence (unintelligible). Now, the victim's violent
10 reputation, I don't know that there's any reputation
11 about the violence (inaudible). What --- what's your
12 position on that?

13 MR. LAMPKE: That would be the State's argument,
14 Judge, that there's no evidence or testimony in the
15 record regarding the victim's reputation for violence.

16 THE COURT: They may have --- they may have had
17 issues between themselves. I think that's a different
18 situation then a reputation for violence.

19 MS. NEWTON: So if I understand correctly then,
20 Judge, that you would still charge prior violence by the
21 victim, just not reputation?

22 THE COURT: Yeah, I think should. Think that's
23 appropriate in the facts of this case.

24 MR. LAMPKE: And the State would have no objection
25 to that, Judge.

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1 THE COURT: Okay. So we take out the victim's
2 violent reputation. So I go from the size and violence
3 down to prior violence by the victim?

4 MS. NEWTON: Correct, Judge.

5 THE COURT: Okay. There's no intoxication in this
6 case that I'm aware of.

7 MR. LAMPKE: Uh-huh. That's correct, Judge. And we
8 would also have an objection to the threats of the
9 victim ---

10 THE COURT: Do what?

11 MR. LAMPKE: The threats by the victim, Judge. I
12 don't think there was any testimony regarding the victim
13 threatening the defendant at any point.

14 THE COURT: Okay. What's your position?

15 MS. NEWTON: I think there is, Judge in the
16 interrogation as well.

17 THE COURT: There's --- what's --- where's ---
18 where's the evidence?

19 MS. NEWTON: Your Honor, she talks about several
20 times and I know it's a long interrogation, but she talks
21 about how he would get mad at her, threaten her. She
22 talks about previous issues ---

23 THE COURT: She did say that. She did say --- I
24 mean, I'm going to charge it. I mean, if it's close, I
25 think I need to charge it. Just because I --- I will.

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1 But intoxication is not part of this case.

2 MS. NEWTON: Correct.

3 THE COURT: So I go from threats to no other way to
4 avoid the danger.

5 MS. NEWTON: Uh-huh.

6 THE COURT: Note your objection to my ---

7 MS. NEWTON: Uh-huh.

8 THE COURT: --- and duty to retrieve, reinforce and
9 continuing threat to harm the defendant, that's --- so
10 basically my self-defense charge would be number four as
11 is. Five as page 5 as is. Six as is, seven, the
12 victim's violent reputation out. Otherwise as is. All
13 right. Eight, intoxication out, otherwise as is. Nine,
14 as is. Everybody agree with that?

15 MR. LAMPKE: Yes, Your Honor.

16 THE COURT: Okay. Now, the defense of accident, I
17 don't know about that. Okay? I want to hear you on it.
18 I --- here's the rule that I --- and I have to charge it
19 if it's in the record, I have to charge it's a error, a
20 reverse where if I don't. So if there's anything in the
21 record to support it, I was going to charge. I just want
22 you to point out to me where it is.

23 MS. NEWTON: Yes, sir, Your Honor. We would argue
24 that that should be added pursuant to State v White, I
25 think is the most recent case.

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1 THE COURT: I'm not asking about White, I'm asking
2 about evidence in the record ---

3 MS. NEWTON: I understand, Judge.

4 THE COURT: --- to support the charge.

5 MS. NEWTON: And so what I was going to point you to
6 is the interrogation again.

7 THE COURT: Okay.

8 MS. NEWTON: Where there are several scenarios if
9 you will, where she's --- this was a struggle, Your
10 Honor. And she doesn't know exactly what happened.
11 There is through the interrogation she talks about the
12 gun just going off because it was in his waistband. The
13 doctor even testified that that could potentially happen
14 that the injury could have happened by being --- the gun
15 having been in his waistband. Again, there --- there's
16 fighting ---

17 (Simultaneous speaking)

18 THE COURT: Speculation. Even that was speculation,
19 but that wouldn't be sufficient for me to charge in this
20 case. But go ahead.

21 MS. NEWTON: I understand, Judge, but again, I'll go
22 back to the interrogation. There's clearly a struggle
23 going on. Accident and self-defense are not mutually
24 exclusive as Your Honor knows. And so again, she was
25 protecting herself. There's --- she talks about how he

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1 was assaulting her, and they were struggling, and the gun
2 goes off.

3 THE COURT: Say that last one again, please.
4 I'm --- I'm trying to digest it. Okay. I'm not just
5 trying to ---

6 MS. NEWTON: I understand, Judge. And I --- and
7 again, I know this is a lengthy interview. Your Honor,
8 during the course of the interview, she talks about
9 having been assaulted several times and how she was just
10 fighting for her life to get him off of her, essentially.
11 And she doesn't know exactly what happens with the gun.
12 She doesn't know if the gun went off while he was on top
13 of her ---

14 THE COURT: No. No. I didn't get any of that. I
15 got every --- every scenario that I got was that she had
16 grabbed the gun from him and either it went off or ---
17 but she grabbed it from his waist. I mean, I don't --- I
18 don't hear anything that it went off while they were
19 struggling.

20 MS. NEWTON: If you'll give me just a second, Judge,
21 I can pull up ---

22 THE COURT: Okay. And if I'm wrong, please show me.

23 MS. NEWTON: I will, Judge. It might just take me a
24 second to get ---

25 THE COURT: Please. Maybe save time, do you have a

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1 problem with this charge?

2 MR. LAMPKE: Judge, I familiarized myself with the
3 case law that defense is talking about. I --- I concur
4 with their assessment. I think in an abundance of
5 caution, because of the issue, it could raise ---

6 THE COURT: If you concur, then I'll certainly
7 charge it.

8 MR. LAMPKE: Absolutely, Judge. We have no issues.
9 Yeah.

10 THE COURT: That makes it easy. Okay. Do you have
11 a problem with it as worded?

12 MR. LAMPKE: Judge, I --- I typically go off the
13 Anderson charge book. And it largely is ---

14 THE COURT: Oh, God. That Anderson charge book is
15 so verbose.

16 MR. LAMPKE: Judge, I ---

17 THE COURT: It's always right, but it's verbose.

18 MR. LAMPKE: Indeed. It --- it seems to be a --- a
19 more condensed version of it.

20 THE COURT: Do you have it?

21 MR. LAMPKE: Yeah, I have a digital copy of it,
22 Judge. Just not the physical. But I'd be happy to bring
23 it up to Your Honor if you'd like it.

24 THE COURT: Okay. We're about to go do the charge
25 it's time to get it here if you got it.

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1 MR. LAMPKE: Uh-huh. Judge, I have no particular
2 objection to --- to the wording that they have there. If
3 Your Honor has a different preference, I'm happy to go
4 with that.

5 THE COURT: I --- I don't. I don't have a
6 preference one way or the other. I'm --- examples, I
7 don't like giving examples very much. I think ---

8 MR. LAMPKE: Uh-huh.

9 THE COURT: The --- the Court is going away from
10 giving examples as being comments on the facts.

11 MR. LAMPKE: Yes.

12 THE COURT: So I don't --- I don't think that I
13 would give the example in this case. I will take that
14 out just because it seems like the tendency of the
15 Appellate Court lately, if you start giving inferences or
16 examples you start them thinking you're commenting on the
17 facts. So that would go --- so that would lead the
18 charge is this, the defendant has raised the defense of
19 accident, and may be excused on the grounds of accident
20 if it is shown that the act was unintentional. That the
21 defendant was acting lawfully and that reasonable care
22 was used by the defendant in the handling of the weapon.
23 The burden is on the State to prove beyond a reasonable
24 doubt that the act was not an accident but was caused by
25 the negligence or carelessness on the part of the

1 defendant in the handling of a dangerous (unintelligible)
2 mentality.

3 I think though that I --- it needs to be a little
4 bit clearer that accidents in total defense like
5 self-defense, right?

6 MS. NEWTON: Judge, I think there might be a
7 accident within a self-defense charge, that's what we're
8 trying to locate as part of the self-defense charge.

9 THE COURT: Okay. You see that? Okay. So you want
10 me to put this inside the self-defense charge?

11 MS. NEWTON: Well, in terms of not commenting on the
12 facts, perhaps we could ---

13 THE COURT: I'm not going to charge the example.
14 I'm just ---

15 MS. NEWTON: Right. I understand. And so perhaps
16 there's a way to say if an accident occurs during
17 self-defense without commenting on the facts.

18 (Simultaneous speaking)

19 THE COURT: I don't know how I can do it. I mean,
20 give me some ---

21 (Simultaneous speaking)

22 MS. NEWTON: That's what we're trying to find,
23 Judge.

24 THE COURT: Have you looked at the verdict form,
25 guys, too when we were sitting here? Have you seen it?

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1 MR. LAMPKE: No, Your Honor. We haven't seen the
2 verdict form.

3 THE COURT: This is defense request to charge.
4 Would you make that a court exhibit. State hasn't
5 requested the charge and I'm not going with all to make
6 it Court exhibits. (Unintelligible).

7 MR. LAMPKE: Absolutely. Thank you, Judge. We have
8 no additional requests other than the stipulation. And
9 the --- the sentence there just ends with "court,"
10 period. My apologies again for that.

11 THE COURT: I'm sorry?

12 MR. LAMPKE: The stipulation request, the sentence
13 ends with just the word "court" and a period. And again,
14 my apologies in that regard.

15 THE COURT: Have you seen his redaction request?
16 You have a problem with that?

17 MS. NEWTON: Your Honor, I mean, I understand the
18 purpose. I don't know that you've actually read the
19 redactions into the record.

20 THE COURT: I didn't read anything. I read what I
21 told them is that the stipulation that y'all entered
22 into, I did not read the (inaudible) that stipulation.

23 MS. NEWTON: Right. I don't know ---

24 (Simultaneous speaking)

25 THE COURT: --- other stipulation. I --- I it's why

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1 would you have a problem with it?

2 MS. NEWTON: It's fine, Judge. I'm ---

3 THE COURT: All right. I'm going to charge it.

4 MR. LAMPKE: Thank you, Judge.

5 THE COURT: Okay. Do you have that first
6 stipulation?

7 MS. NEWTON: Yes, sir. Just get ---

8 THE COURT: All right. Do you have any --- have you
9 found anything in there?

10 MS. NEWTON: We have.

11 THE COURT: All right. It's time to go ahead and
12 get it up here if you can. Look, if you have it, you
13 have it. Let me know, please.

14 MS. NEWTON: Okay. We found it. It was just the
15 McCaskill case that I think maybe your --- and --- and it
16 could be the Anderson label, but it's specifically
17 self-defense and accident. But it's about the --- I ---
18 I think it covers, now that we found it, we were just
19 seeing in our minds a label called self-defense and
20 accident together in a charge book, and wanted to make
21 sure we covered everything. So we have now. Thank you.

22 THE COURT: All right. So I'm going to add accident
23 after the self-defense charge.

24 MS. NEWTON: Okay.

25 THE COURT: Is everybody okay with that?

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1 MR. LAMPKE: Yes, Your Honor. And regarding the
2 last part of the accident instruction, I think we could
3 do it where we just have a period after that was not an
4 accident, rather than going into the but caused by the
5 negligence so on and so forth. Because there are those
6 three elements of accident and that kind of makes it
7 sound like that's the only way that we can disprove
8 accident. So I think having a period there would ---
9 would be better ---

10 THE COURT: Having a period where?

11 MR. LAMPKE: A period right after the word accident
12 on the second page of the defense's request to charge.

13 THE COURT: It was not an accident?

14 MR. LAMPKE: Yes, precisely, Judge.

15 THE COURT: What's your position on that?

16 MS. NEWTON: I'm sorry. The very first line, Judge.

17 THE COURT: He's asking that on the --- the --- the
18 burden is on --- basically read this: The burden is on
19 the State to prove beyond a reasonable doubt the act was
20 not an accident, stop.

21 MS. NEWTON: Oh. That's fine, Judge.

22 THE COURT: That's fine? Okay. And failure,
23 I'll --- I'll do --- I'll do the failure. That's fine as
24 part of my other charge. Okay. Any other matters from
25 the charge from the State?

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1 MR. LAMPKE: Nothing else from the State, Judge.

2 THE COURT: From the defense?

3 MS. NEWTON: As the charges?

4 THE COURT: Yes, ma'am.

5 MS. NEWTON: No, sir, Your Honor.

6 THE COURT: I guess you need to renew your motions.

7 MS. NEWTON: So I didn't know procedurally if

8 you --- if we could do that --- ultimately say ---

9 (Simultaneous speaking)

10 THE COURT: (Unintelligible) please.

11 MS. NEWTON: Yeah. And then do you want us to rest
12 in front of the jury?

13 THE COURT: (Inaudible).

14 MS. NEWTON: Okay.

15 THE COURT: And --- and when that comes, I'm going
16 to let you open in full. And then they will close in
17 full. Then you can reply to them.

18 MR. LAMPKE: Thank you, Your Honor.

19 MS. NEWTON: Your Honor, may it please the Court.
20 We obviously renew our previous objections on
21 specifically the main one being that we were not allowed
22 to impeach the victim, his prior record. Additionally, I
23 think there was a mistrial motion that was ---

24 THE COURT: It wasn't a mistrial ---

25 (Simultaneous speaking)

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1 THE COURT: --- motion and you brought it up and you
2 did it. So no there was not a mistrial motion.

3 MS. NEWTON: All right.

4 THE COURT: But ---

5 MS. NEWTON: That's all we have, Judge.

6 THE COURT: Thank you. Good try. But to the extent
7 they might have been, you were renewing to the extent you
8 can argue it on appeal that she did do it.

9 MS. NEWTON: Yes.

10 THE COURT: Okay. (Unintelligible). Anyway, that's
11 denied. And ---

12 MS. NEWTON: Yes.

13 THE COURT: --- I think these are questions of fact.
14 And as far as mistrial, it's not something
15 (unintelligible) necessary in this case. But I will
16 offer to give a curative charge if you want me to.

17 MS. NEWTON: Yes, sir, Your Honor.

18 THE COURT: All right. I didn't think you wanted me
19 to. All right. Any problems with the verdict form?

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

21 MS. NEWTON: I think it looks fine, Judge.

22 THE COURT: Okay. Okay. Do y'all need a minute or
23 two to get your heads together?

24 MR. LAMPKE: Yes, Your Honor.

25 (Simultaneous speaking)

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1 THE COURT: Absolutely. Okay. Let's tell you what.
2 Let's start back in ten minutes. Y'all be ready to go in
3 ten.

4 MS. NEWTON: Yes, sir.

5 THE COURT: Okay.

6 MR. LAMPKE: Thank you, Judge.

7 THE COURT: And then we'll --- when we come back,
8 bring the jury in. I say call your witness, you say
9 defense rests.

10 And I'm going to go --- I'm going to tell at this
11 stage, ladies and gentlemen, we're going to the third
12 phase, closing arguments. State goes first followed by
13 y'all get on into the closing. Anybody have a problem
14 with that? All right.

15 MR. LAMPKE: Thank you, Judge.

16 THE COURT: Sound good.

17 (Off the record)

18 THE COURT: The charge, don't let anybody
19 (background noise) please, sir. All right. State ready?

20 MR. LAMPKE: The State's ready to proceed.

21 THE COURT: Defense ready?

22 MS. NEWTON: Yes, Your Honor.

23 THE COURT: Could you bring the jury in.

24 (JURY ENTERS COURTROOM)

25 THE COURT: Morning.

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1 MULTIPLE SPEAKERS: Morning.

2 THE COURT: I hope you had a nice evening. Ladies
3 and gentlemen, I'm going to ask before we get started, if
4 anyone's read, heard, or seen anything about this case
5 during the break?

6 MULTIPLE SPEAKERS: No, sir.

7 THE COURT: Thank you, so much. All right. Defense
8 ready to call their first witness?

9 MS. NEWTON: Your Honor, at this time, the --- the
10 defense rests.

11 THE COURT: Defense rests. Okay. Mr. Foreman,
12 ladies and gentlemen, if you remember at the beginning of
13 this case I told you there are like five phases. We had
14 the opening statements, and we had the presentation of
15 the evidence. State --- I mean defense says that they
16 rest, which means they're not going to put up a case.
17 And they're going to put up --- they're going to let the
18 case go to you now which means we go to the third phase
19 of this case which is closing arguments.

20 The State will go with an opening in full. The
21 defense will go, and then the State has the burden has
22 the right to reply to that.

23 After the closing arguments, I will charge you on
24 the law. And then you'll be told to begin your
25 deliberations. Again, please don't start your

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1 deliberations until we give you word.

2 State ready to proceed?

3 MR. LAMPKE: Yes, Your Honor. May it please the
4 Court.

5 THE COURT: Yes, sir.

6 MR. LAMPKE: The defendant shot the victim in the
7 back and left him to die. Members of the jury, at the
8 basis of it that is what this day is about, is the
9 defendant, Renee Simon, shot the victim, Sedric Holland,
10 in the back and now we're at trial.

11 And during that interrogation she wants to claim
12 that she shot a man in the back in self-defense. Members
13 of the jury the defendant is guilty of those two crimes
14 my co-counsel talked about. Attempted murder and
15 possession of a weapon during the commission of a violent
16 crime. But as the judge will instruct you in a moment,
17 and as he said on the opening statement, it's not enough
18 just for us to say that, we have to prove it to you. We
19 have to prove it to you beyond a reasonable doubt.

20 What is that word, reasonable? That's the important
21 part. Means there's some doubt in all things. For
22 example, I can't tell you with absolute certainty that
23 we're all going to wake up tomorrow morning. It is
24 perfectly possible, albeit unlikely that there is
25 actually a big old comet hurtling towards earth right now

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1 that we have no idea about. But it wouldn't be
2 reasonable to go ahead and spend all my life's savings
3 now would it?

4 There's some doubt in all things. And because of
5 that, the State isn't held to that burden. We don't have
6 to prove our case beyond any doubt you can possibly think
7 of or any doubt whatsoever. No, we just have to prove
8 our case beyond a reasonable doubt.

9 Now, the Judge will instruct you that all that means
10 is that we get enough evidence and testimony from this
11 witness stand right here such that you are firmly
12 convinced as to the defendant's guilt. And we believe
13 that you should be firmly convinced at this point in the
14 trial.

15 Now, the two crimes the defendant was charged with
16 was attempted murder and possession of a weapon during
17 the commission of a violent crime.

18 The second one is --- is pretty easy to understand.
19 If you find the defendant committed the attempted murder
20 and if you use a gun to complete the attempted murder
21 then she's guilty of possessing a weapon during the
22 commission of a violent crime.

23 Now, attempted murder requires the specific intent
24 to kill another person. Now, as my co-counsel said at
25 the beginning of this case, very seldom does somebody

1 shoot somebody and said, yup, I shot him I intended to
2 kill him, there it is. Because of that, the law allows
3 us to infer somebody's intent from the circumstances.

4 The judge will instruct you that intent may be shown
5 by acts and conduct of the defendant and other
6 circumstances from which you may naturally and reasonably
7 infer the defendant's intent. And members of the jury,
8 when you look at the defendant's actions before, during,
9 and after the shooting occurred, you can be confident
10 that Renee Simon had a specific intent to kill Sedric
11 Holland that night.

12 So what I want to do is I want to show you what all
13 the evidence shows, the CCTV cameras all that sort of
14 stuff. Break down how everybody was moving around that
15 day. Speak to you about the specific evidence that we
16 have as to the defendant's specific intent, and then go
17 into the interrogation afterwards.

18 So you can direct your attention either to the TV up
19 here or to the screen back here as we talk about that map
20 that we talked about so much over the course of this
21 trial.

22 Now, just to give you an understanding of --- of
23 everything and we went through this on the --- the
24 demonstrative as well. But you can see that we have
25 Monty's Auto parts, that's where the shooting occurred.

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1 Then the tire shop, the golf cart shop, and the Hot Spot.
2 Right? So defendant was at the Hot Spot first, then
3 victim pulls up to meet her. We know that from the Hot
4 Spot video. There's the victim's vehicle coming in right
5 there.

6 Now, at first in the interrogation, she didn't admit
7 it, but eventually the defendant admitted, yeah, I was at
8 the Hot Spot and the victim picked me up. So they get in
9 together.

10 You heard from the victim, Sedric. He told you that
11 well, she got in my car and she's the one that told me
12 where to go. So they left out of the Hot Spot, they go
13 up that road, come back down on Evelyn. And we know that
14 because we have this video from the Upstate Tire shop.
15 Again, that is that business right there. That camera
16 will come and get this portion of the roadway throughout
17 the course of the evening.

18 Now in this video, we can see the defendant and the
19 victim riding together towards Monty's. Now, when you're
20 watching these videos from Upstate Tire, I want you to
21 pay particular attention to the speed of the vehicle and
22 how it differs in each video. You'll see that everybody
23 that the --- the driver of this vehicle is going a lot
24 slower, a lot less hurried, lot less scared, lot less
25 adrenalin rolling in this one.

1 So this is the victim and defendant going together
2 towards Monty's. Then they go to Monty's and the
3 shooting occurs. So let's track first where the victim
4 went. We know from his testimony that he went back
5 around that building in front of Upstate Tire. And then
6 we know that he went in front of the golf cart shop,
7 because we can see him coming through the golf cart shop.

8 There we see him jumping over the fence, running at
9 this point, still acting on his adrenalin. And then we
10 see from the other angle right when he hops that fence.
11 Again, the adrenalin is still pumping, he's trying to get
12 away, he's running for his life. He's able to get in
13 front of that other business there. I believe that
14 that's the Enterprise Rent-A-Car.

15 What the testimony established and then that's when
16 it hits him, that he's been shot and he collapses. Then
17 he wanders off screen and we know that he eventually
18 passes out in the middle of the street. And we know that
19 because the officers talked to you about the --- the
20 string of his clothing, the --- the shoes specifically
21 that were left in the path that he took before he
22 eventually passed out in the roadway right there.

23 Now, the defendant, we know the --- the route the
24 defendant took. Again, because of the CCTV camera. We
25 know that the defendant came out back up Evelyn and we

1 know that the defendant hit that culvert as they were
2 coming out. I want y'all to --- to pay close attention
3 to this. I'm sure you picked up on it, that this photo
4 which is one of the photos we put into evidence of the
5 shooting location at Monty's. You can't really see that
6 culvert from that angle. If you're driving from Monty's
7 towards Evelyn, you don't know there's a big old ditch
8 there. But there is in fact a big old ditch. And the
9 defendant hit it as she was hurriedly driving away as she
10 was chasing after the victim.

11 Now, I'll speak about this more in a moment when we
12 get into the defendant claiming self-defense. But when
13 we listen to the victim's story as well as or the other
14 evidence regarding the defendant's intent, all of that,
15 the defendant was chasing him down, trying to find him,
16 trying to finish the job.

17 Now, after that, defendant goes back up Evelyn and
18 we know that again from the Upstate Tire video. Again
19 look now at the speed here. My proposition to you would
20 be that the speed of the vehicle now is faster than it
21 was the first time, and that the third time it's even
22 faster than that. More hurried more frantic. Right?

23 Now, the defendant goes up comes back down, and
24 comes through the Hot Spot. We know that again because
25 we see the victim's vehicle driving through the Hot Spot

1 pumps, out the other side and out in front of 123. Look
2 how slow that vehicle's going there and how it speeds up.
3 Okay? I want y'all to pay close attention as to when the
4 car speed up, where it's at when it starts to speed up.

5 I'll play that one more time. Vehicle starts to
6 speed up once we get to the area where the victim was
7 passed out in the roadway. Right? We go onto 123 and
8 now we're definitely starting to speed up. We know that
9 defendant comes back around Evelyn because that vehicle
10 was seen one more time on the Upstate Tire video. This
11 time take --- take a look at the speed here, we're
12 definitely going faster now. Then we don't see the ---
13 the victim's vehicle again until roughly two hours later.

14 So it's 20:37:12, or actually, I guess four hours
15 later. Because right around midnight, 23:58, defendant
16 comes back and ditches the victim's car behind Upstate
17 Tire.

18 Now, what I want y'all to notice about this is that
19 the officer, specifically Detective Anthony, mentioned oh
20 no, we looked all around the area that night for the
21 victim's vehicle. Specifically, we looked in the parking
22 lot of Upstate Tire. Remember what he told you about
23 when he did that that they were off that scene by
24 midnight.

25 The defendant waited around with the victim's car,

1 waiting until law enforcement was gone to try to get rid
2 of it without anybody seeing. So those are the
3 defendant's movements, they ditch the vehicle and we
4 don't see him again.

5 Members of the jury, the defendant's first plan, the
6 actual plan, was to lure Sedric out to that location for
7 the purposes of killing him there. Now, there's been a
8 lot of discussion about who got there first, why they
9 were there, so on and so forth. We heard testimony about
10 maybe the defendant giving the victim some money, maybe
11 the victim going out there to hook up.

12 And the natural question is, well, if y'all going to
13 do anything like that why are you coming all the way out
14 here to Pickens? Why don't you go to Spartanburg,
15 Greenville, wherever it is the --- the house where you
16 normally do it? Because if you're going to try to murder
17 somebody, you're not going to do in your house. You're
18 going to do it on some random stretch of 123 where you
19 think that there are no cameras.

20 Now, I want you to pay real close attention to the
21 timing of these videos. Now, they --- the times of the
22 videos, they differ from one another. That was that
23 stipulation that the Court read to y'all. The internal
24 clocks of each of the cameras are different, but we can
25 know generally how much time transpired by when things

1 happen on each video.

2 So that Hot Spot video, the victim, you can see in
3 that --- in that left photo there and you can see the
4 victim's car right there that was at 8:28. Now, when the
5 victim's vehicle comes back through the Hot Spot, that's
6 at 8:35. So the entire interaction, pick up, shooting
7 vehicle comes back around, that happened in seven minutes
8 and five seconds. Compare that to one of the defendant's
9 many stories as to what happened that night and the
10 amount of time that all of that would have taken place.

11 Similarly, with Upstate Tire video, left photo is
12 defendant and victim showing up right? Photo is the
13 defendant driving back up Evelyn the first time.

14 Now, from those timestamps, there's about three
15 minutes and 45 seconds between those two videos, between
16 them coming down, parking, argument, shooting kerfuffle
17 as to hopping over into the driver's seat, putting it in
18 gear and driving up, three minutes and 45 seconds.

19 Members of the jury, the is a set-up. That is
20 absolutely a set-up. That is somebody pulling a gun once
21 they parked, because they intended to do it. They knew
22 what their plan was to do.

23 Now, at that point that was the defendant's first
24 plan, right? You're going to lure him here, I'm going to
25 kill him. I'm going to ditch the car and nobody's going

1 to be any the wiser. That was the original plan. But
2 then this happens.

3 (VIDEO PLAYING)

4 MR. LAMPKE: My apologies members of the jury, I
5 actually got a little bit ahead of myself there. What I
6 wanted to talk to y'all about first, is the intent, the
7 reason that the defendant wanted to shoot the victim.
8 And specifically what the defendant said about where he
9 was cheating. I tried to mention that on Chet Anthony's
10 direct as to what did the defendant say about where that
11 cheating was occurring.

12 Now, I want you to remember back to the victim's
13 testimony. Do you remember what the victim said about
14 the AirTag that he found suspicious in the days before
15 the shooting? He told you y'all that he thought he was
16 being tracked. And members of the jury, we have evidence
17 that shows that he was right. The defendant was in fact
18 tracking him, because we saw these text messages, right?
19 From somebody by the name of Diana Norman this is in
20 evidence, this is the text messages to the defendant's
21 phone. You saw texts about how Anthony being unfaithful.
22 He's at this address, George Washington Carver Drive.
23 He's lying, unfaithful, so on and so forth. Those were
24 on December 6th, at 12:24 a.m. You look at the
25 defendant's Web history, 12/5/22 at 10:58 p.m. So those

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1 texts came after the defendant was searching his
2 location.

3 Members of the jury, the defendant knew where the
4 victim was. Not just that he was cheating, but
5 specifically where he was cheating. Members of the jury,
6 that shows that he was in fact being tracked. And it was
7 in fact the defendant that was tracking him. So we also
8 know that the defendant tried to cover her tracks
9 afterwards.

10 Again, this is speaking as to the defendant's first
11 plan that the original plan was to lure him out there,
12 kill him, and act like she had nothing to do with it
13 whatsoever. And we know that from the victim's texts
14 too.

15 So this is a texts from the victim to the defendant
16 and he says on the way, at 7:08 p.m. That works out to
17 the time frame of when we know the shooting in the
18 vehicle. Defendant texts back at 9:23, I just saw this.
19 I had no idea you were on the way. We didn't meet up.
20 And then texts at 12:53, I got the flu, not the plague,
21 you stupid. Which is obviously an indication of hey, why
22 are you avoiding me? I realize I'm sick, but I don't
23 have the plague. Right?

24 These are very obviously text messages where the
25 defendant is trying to make it seem like they never met

1 up that night. And I again want you to look at the time
2 frame as to when these occur. These --- all of those
3 videos that we've watched, all of them occur sometime in
4 the hours of 8:00 to 9:00. Right? That text message,
5 that first one, 9:23. So after the shooting. That
6 second text message 12:50 --- 12:52, occurred after the
7 defendant ditched the victim's vehicle behind Upstate
8 Tire.

9 So the defendant lured him there, shot him, left him
10 to die, and then tried to text him making it seem like
11 they --- that --- that she had never even been there that
12 evening in the first place.

13 Members of the jury that's premeditation and that's
14 trying to fabricate evidence to make it seem like she
15 wasn't there at all. So the other thing that I want you
16 to --- to keep in mind as well, is where the victim
17 collapses, where the victim drove by, and the time in
18 between.

19 So that upstate --- or that golf cart shop video, I
20 know it's kind of hard to see with how small it is, but
21 you can actually see the silhouette of the victim there.
22 That's where he has --- has fallen out right there.
23 These two minutes between those two. Two minutes between
24 those two. I want you to remember back to the
25 defendant's interrogation, specifically, the last, like

1 30, 45 minutes of it. Now, when the defendant was
2 confronted about how her story didn't add up, about, you
3 know, shooting the victim in the first place. There was
4 some --- some back and forth, but really forcible
5 counteraction.

6 The defendant didn't fight back that much against
7 some of the allegations. The one thing the defendant
8 fought against more than anything is that I didn't drive
9 through that Hot Spot. Again and again, she's like no, I
10 did not drive through that Hot Spot. And Detective
11 Anthony pointed out in the interrogation, well, there's
12 no way that Sedric did it, because there would have been
13 blood all over that car. There's no way anybody else did
14 it. And eventually the defendant admitted, yeah, well,
15 you know, I did get in his car and I just drove up and
16 down Evelyn.

17 Now, again, members of the jury, we --- we put the
18 entire surveillance footage into evidence. You can go
19 back there and check it personally if you want to. But
20 all the officers testified there ain't nothing in the
21 defendant's story that lines up with that camera footage.
22 But I want you to think why is it the defendant was so
23 forceful saying no, no, no, I didn't drive through the
24 not spot. There's no way I drove through the Hot Spot.
25 And it's because she knew it would be damning to her.

1 Because again, two minutes between when she drives by and
2 when the victim collapses in that parking lot.

3 Members of the jury, she saw the victim laying
4 there. She knew that she had hit him. And she knew that
5 because he was so close to the road, she couldn't get out
6 and finish the job. She knew that if she admitted that
7 she had been the one driving through the Hot Spot, that
8 she would have also admit that she knew that she hit him.

9 So at this point the defendant is placed under
10 arrest because the investigation that --- that Chet
11 Genthner and all those guys talked about and the
12 defendant is arrested for attempted murder and as my
13 co-counsel said at the beginning of this case,
14 "attempted" is the key word there, because when you're
15 charged with attempted murder, you know, you're not being
16 charged with murder specifically. So you know that there
17 might be a witness, the victim, who can completely
18 contradict everything that you're saying.

19 (VIDEO PLAYING)

20 MR. LAMPKE: So at that point the story had to
21 change, right? That's when we go into all the different
22 stories that the defendant tells. Now, through the about
23 two-and-a-half hour interrogation, for the first like
24 45 minutes or an hour, I would stop every now and then
25 and point out particular things to you, besides just

1 wanted to show you all how the defendant's story changes
2 as she's confronted with each consecutive lie. She has
3 to change it because she knows the lie is not going to
4 work anymore.

5 The last hour and a half, I didn't feel the need to
6 continue to interject and show y'all how it is that each
7 different successive story isn't the truth, because I
8 just think it's kind of obvious as to how many times it
9 changes and how it contradicts with the evidence.

10 But for now I want to focus on a few things
11 regarding the defendant's claim of self-defense. Because
12 like my co-counsel said at the beginning of this case,
13 people who act in actual self-defense call the police,
14 they'll look for help. They won't run after the person
15 who they say they were afraid of, which is what the
16 defendant claimed. Now, the first story, and again,
17 there are many stories the defendant told was that oh,
18 well, I just shot him and I ran. I shot him and I ran
19 away.

20 (VIDEO PLAYING)

21 MR. LAMPKE: Never mentioned again. Never mentioned
22 again. Brought up, said I ran away then realized, oh,
23 wait, no I --- I --- I took his car. They probably have
24 his car, maybe they have my fingerprints or something in
25 there. Immediately abandoned. Immediately abandoned.

1 First story said that. No, that won't work. Let's move
2 on to the next one. So the defendant's next story is
3 this one.

4 (VIDEO PLAYING)

5 MR. LAMPKE: Now, the defendant's story changes
6 after that too. Because I think the defendant realizes,
7 oh, that story's not going to work because in that story,
8 the defendant says, well, yeah, I was --- I was being
9 choked. And again, y'all have the pictures of the
10 defendant's neck in evidence that y'all can look at. You
11 heard testimony from the officers that said there ---
12 there were no bruises, there were no signs of --- of
13 injury or anything of that sort.

14 But according to defendant's story, she was being
15 choked, she saw the gun, she pulled the gun, and when she
16 did that, he stopped. Then after he stopped, he saw that
17 she had the gun and he turned away. And that's when she
18 pulled the trigger, nothing the --- the gun went off, but
19 oh, it was an accident. No. That's when she pulled the
20 trigger.

21 Members of the jury, I'll talk about this more on
22 the rebuttal that the Judge was speaking about a minute
23 ago when I go and kind of counteract what the defense
24 will likely tell you about self-defense, but that is
25 incredibly important. Because the defendant herself

1 admits that she was not in imminent danger when she
2 pulled the trigger. She herself admits that he stopped
3 attacking and turned away when she pulled the trigger.
4 So that's one of the stories she tells. Then defendant
5 tells this story.

6 (VIDEO PLAYING)

7 MR. LAMPKE: So I was --- I was defending myself. I
8 was being attacked, I pulled the gun, but I didn't --- I
9 didn't aim it him. Obviously I didn't aim it at the
10 person that was allegedly attacking me. In fact I
11 just --- I didn't --- when I shot him and shoot at him, I
12 shot up in the air-ish.

13 Again, that is another demonstrable lie, because as
14 my co-counsel mentioned on opening statement, it would
15 have had to be a magic bullet if she aimed up and it took
16 a hard left turn to actually hit him.

17 But again, this is the defendant realizing, oh,
18 okay, well the story I just told you I realized that's
19 not going to work, let me try to hit you with another
20 story.

21 (VIDEO PLAYING)

22 MR. LAMPKE: Finally after the first story doesn't
23 work, the second story doesn't work, the third story
24 doesn't work, the fourth story doesn't work, you know
25 what? Maybe I'm not the one that hit him at all. Maybe

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1 it was some random other third party that shot him after
2 I shot at him.

3 I --- I want y'all to just take a second to realize
4 how ridiculous it is that the defendant does that there.
5 She's saying okay, well, I did shoot at him, but I didn't
6 hit him. And then 90 seconds between when he ran from
7 the car for his life as I chased after him, some other
8 random unknown person also shot him.

9 Members of the jury, self-defense is not something
10 that you just blurt out after you get caught. And that's
11 exactly what the defendant was trying to do in this case.
12 She knew that she was found out and she was doing
13 anything that she possibly could, saying anything that
14 she possibly could to try to get away with it.

15 Members of the jury, we have presented a lot of
16 evidence in this case. There is all of the --- the video
17 footage obviously, there is the --- the text message
18 footage speaking to the defendant's intent both before
19 and after the shooting. We have the magazine of the same
20 caliber nine-millimeter that the doctor testified was the
21 same caliber of bullet that hit the victim. It was found
22 hidden in the defendant's crawl space.

23 Members of the jury, there is so much evidence in
24 this case that speaks wholly and directly at the
25 defendant's guilt. But the main thing that I want to

1 make sure that you do not lose sight of is that the
2 defendant did not do any of the things that someone that
3 was actually acting in self-defense would do. Didn't
4 call the police, didn't run the other way, didn't search
5 for help. None of that stuff.

6 And most importantly, the base of this entire case
7 is that the defendant shot the victim in the back. I
8 want to make sure that it is put perfectly clear to y'all
9 how ridiculous the sentiment is that I shot someone in
10 self-defense in the back. Someone that has their back to
11 you is no threat to you.

12 Now, again, I'll have the opportunity to come back
13 up here and speak directly about what the defense is
14 going to tell you on my rebuttal. But again, I want
15 y'all to focus on the fact the defendant shot the victim
16 in the back and left him for dead. Because of that,
17 members of the jury, I'm asking that you convict the
18 defendant on those counts. Thank you.

19 MS. NEWTON: Ladies and gentlemen of the jury, I
20 want to begin with December 5th of 2022. We have ample,
21 ample calls back and forth between the two. These are
22 small exhibits, you guys are going to have them to
23 inspect when you get back there. They're back and forth
24 all day long.

25 Moving to December 6th, continues, more calls, more

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1 calls. Locations Haywood Mall, receipt Sedric's phone.
2 Location, Renee Haywood Mall, receipt Sedric's phone.
3 Renee and Sedric are at the mall together she's buying
4 his OGCO-brand beanie, the Timberland boots, and that's
5 where we are.

6 (VIDEO PLAYING)

7 MS. NEWTON: So it's real interesting on
8 December 6th, that sometime in the morning and then way
9 prior to all of these other times, there's some message
10 out that --- and that nonsense is completely ridiculous
11 from whoever this Diana Norman person is.

12 They continue to talk back and forth on December 7th
13 and 8th. And those call logs are in evidence. But I'm
14 going to skip to December 9th, the day in question.
15 Early morning hours, Sedric starts with you up? They
16 message back and forth. Baby it's 4:00 a.m. We got a
17 lot more of these, these are just some highlights. So
18 when I'm going to see you, I put 150 to the side for you.
19 Money. Is it okay if I come when I get up? I want to
20 come now, but you know, my lights keep going off.

21 (VIDEO PLAYING)

22 MS. NEWTON: Continue, I love you very much. I love
23 you too. Flirting messages back and forth. Promises to
24 see her. FaceTime call to his girlfriend. Move to the
25 middle of the day. Facebook messages, I'm on the way.

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1 Sedric's phone, date and time, 12:56 at --- in the area
2 of Renee's house. Renee's phone there. You can see all
3 of these, all of this is marked as defense exhibit.
4 Another date and time a little bit later.

5 (VIDEO PLAYING)

6 MS. NEWTON: What makes sense? Question. Gone for
7 hours. Yup. Gone for hours conveniently at the Hot
8 Spot. Calls her. Still at the Hot Spot. Gone for
9 hours. Calls her because he needs money. He needs gas.
10 Sedric testified he'd never been there that day. His
11 locations are there. Moving to the late afternoon,
12 there's calls, calls, obviously there's Hot Spot cameras
13 we know exist. We don't have those from that time frame.
14 27-something, 25-something angles that could have been
15 looked at. Would have been nice to see some of that
16 footage. We move to the early evening.

17 (VIDEO PLAYING)

18 MS. NEWTON: Text messages confirming what she just
19 stated. And then we're back at the Hot Spot five hours
20 later.

21 (VIDEO PLAYING)

22 MS. NEWTON: What makes sense? Same area right
23 there. Questions. A lot of things that happened before
24 ---

25 (VIDEO PLAYING)

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1 MS. NEWTON: --- the 8:20 Hot Spot footages starts.

2 (VIDEO PLAYING)

3 MS. NEWTON: Descriptive area. Made sense the
4 things she had we went over that with the detectives.
5 All of that dark wooded area. All before any
6 surveillance footage begins in this case.

7 What do we know? Sedric then is driving around.
8 There's a long way that you can go way, you can do it
9 fairly quick though. There's a little bit of a shorter
10 way as well. And there's his locations, all around. All
11 before the Tahoe comes through the Hot Spot. Why?
12 There's a phone call 8:21, over two minutes between the
13 two of them.

14 (VIDEO PLAYING)

15 MS. NEWTON: He picks her up because he wants her
16 money. There --- there he is at the Hot Spot. They go
17 down Evelyn.

18 (VIDEO PLAYING)

19 MS. NEWTON: Her story doesn't change. Again, and
20 again, it does not change. She's purposely being
21 confused by Chet who wants to fit a certain narrative.
22 Remember, she's in custody. She's already been arrested
23 within 24 hours of this gunshot being reported.

24 And all of the evidence the State has presented this
25 week was made to fit the narrative after her arrest. She

1 begged them to get the videos, they did not. Chet told
2 her he would look at the videos and messages and he did
3 not.

4 (VIDEO PLAYING)

5 MS. NEWTON: Renee told him no about the money. We
6 already had enough that day what are we doing out here.
7 We talked about his adrenalin to ad nauseam during the
8 course of this trial with him jumping and everything
9 else. But what about hers? What if he's mad and she's
10 scared, but also conflicted because she loves him? Do we
11 really know is the State answering these questions for
12 us? What makes the most sense? This has nothing to do
13 with cheating.

14 (VIDEO PLAYING)

15 MS. NEWTON: Renee loved him. They'd been together
16 for off and on six to seven years at this point. They
17 weren't ever going to be exclusive. He testified that he
18 had the keys to her house. Renee is not stalking him.

19 First of all, there is absolutely no evidence on any
20 of the phones that they presented, one, because they
21 never compared them, remember. And then two, is because
22 if there was a tracking device on these phones, that
23 would have been brought up.

24 What's more likely, I don't know, maybe it is an
25 AirTag on the keys that he has, this is a newer iPhone.

1 And has anyone who has ever been around an iPhone and an
2 unknown AirTag, maybe every now and then something pops
3 up. Because, I don't know, you're hanging out with her
4 keys because you've been in her house. Your mail's
5 coming to her house. You're back and forth. You show up
6 at --- at the house back and forth. Walks in we hang
7 out.

8 Mastermind? Renee is all of this days later and she
9 as the matter mind of this? But why the Hot Spot when
10 he's there twice earlier before her? But yet,
11 conveniently we don't even want to talk about that. Why
12 the Hot Spot? He lives in Spartanburg, or his mom does
13 if he's not at this other girl's house or Renee's house.
14 Renee's house is in Greenville. Hmm. Why the Hot Spot?
15 Because he wanted to go there.

16 They have sex that day. They said they loved each
17 other that day. The reality is that Sedric was using the
18 crap out of Renee. And, you know, part of her once --- I
19 don't even know, at this point if she's actually come to
20 that realization. Because she truly loved him. She
21 bought him clothes at the mall.

22 All of you can really look at this, brand-new ---
23 brand-new --- inspect them. Timberlands. All these
24 clothes. Touch them in a second. He's been using her
25 throughout these text messages about 150, \$40 for gas.

1 What's telling is her reaction when she's
2 finally --- finally told that he's been shot. Her
3 reaction, listening to the injuries, true human reaction
4 of someone in love, not some master manipulator who is
5 doing this.

6 Are you really convinced that she wasn't, just, you
7 know, looking for him? I mean, she's conflicted in her
8 story of true, true --- I didn't even really want to hurt
9 him. I just wanted it stop. And it's a blur.

10 What makes sense? I mean, she didn't even know
11 absolutely that a gun even went off. It was about her
12 money. He passed her house. But it's --- he needs her
13 there because of what he's in the area for. What is so
14 special about this Hot Spot that he didn't even want to
15 talk about being at earlier in the day?

16 And of course, you know, surveillance footage from
17 earlier in the day might have been nice. Might have been
18 nice. Those are questions that are not --- that is not
19 proof beyond a reasonable doubt. She gave his own
20 handwriting, she gave me earlier promise of more. Yup.
21 That's it. She's fallen for it.

22 Why did Sedric not call 911? He's running with a
23 cell phone in his hand, jumping fences. And he knew he'd
24 been shot so he claims. Holding onto that phone. There
25 are people in this back parking lot down in the left-hand

1 corner of the right picture. They've been there loading,
2 unloading, you can see the shadows. You can watch that
3 footage.

4 The State make a big deal that he's running in a
5 roadway, he almost gets hit. But whose fault is that?
6 It's not Renee's. Those people, golf cart place, he
7 didn't want to die alone. Die himself. Flying by like
8 runs past moving cars too. I mean, what's --- what's
9 happening here? We know his phone worked, he had
10 service. Or maybe he's running because he's tossed the
11 gun, pulled out his T-shirt, shirt's come untucked
12 because he was struggling in a Tahoe. We don't even
13 really know where the gun is.

14 This case we do not have specific intent to kill.
15 Her reaction is genuine. She loves Sedric. I mean, it's
16 really like she's trying to just protect him. But he's
17 using her and there's genuine shock.

18 (VIDEO PLAYING)

19 MS. NEWTON: If you're being choked and you're both
20 in a struggle reaching for a gun, you're going to grab
21 whatever if you see it in that moment. It's genuine.
22 And just because there are serious injuries in this case
23 does not mean that there's the intent to kill him. It
24 never, ever --- it's very apparent, ever occurred to the
25 government that the person with the gunshot could have

1 maybe shot himself as he's pulling something out. Real
2 easy. It could have, you know, they're both reaching for
3 it.

4 We don't really --- the State, the government,
5 cannot prove to you that she did this with the specific
6 intent to kill him. Malice, ill will, hatred. What?
7 No. This is not I'm trying to shoot to kill you and oh,
8 you just didn't die. This is not that. This charge of
9 attempted murder is --- is the most serious because it
10 requires the actual specific intent to do this. And the
11 State has not been able to show us that.

12 I mean, truly, what investigation? What
13 investigation? Gunshot wound, crime, attempted murder.
14 I mean, that is how this went. Missing surveillance
15 footage. No gun, no DNA, no bullet projectile, Renee was
16 arrested for this. Very scary. I mean everyone, like I
17 said in the opening, we hear it.

18 Attempted murder sounds very scary and it is. And
19 it's very serious. And the State has jumped a lot. But
20 what's actually scary is the government's lack of
21 investigation in this case. The government has tried to
22 piece together the evidence from the last three years to
23 fit their narrative now.

24 They've spent the last four days here talking about
25 hyperbole speculation. A gun through a plastic bag. Are

1 you kidding me? To collect where? A Dollar General bag.
2 A gun shooting through this, it's going to destroy it.
3 Where's the --- the pieces of this yellow Dollar General
4 bag everywhere? It's not to collect shell casings.

5 And speaking of fabricating evidence, there's no
6 analysis of a rusty magazine, there's nothing in the car,
7 nothing on the road. This magazine, whose is it? Does
8 it work? The State's --- the State wants you to think
9 that it actually matters, because they put it in
10 evidence. Please, please, please look at it and how
11 rusty it is. And --- and to think, oh, well you know,
12 the gun was in her hands, she got rid of some kind of
13 gun. Who knows.

14 And then --- but she tossed this rusty magazine down
15 a crawl space in her house. I mean, that --- what type
16 of questions? That's reasonable doubt. That's
17 reasonable doubt. I mean, Chet yesterday, literally, oh,
18 I just put that into evidence. Like whatever, there's no
19 connection.

20 When I was asking him, you know, you know, what ---
21 what would have been nice is a projectile removed from
22 the gunshot wound person to potentially be tested. I
23 mean, that's the implication. They put that in, they
24 wanted it to look like, oh, the --- here it is. This
25 gun. We have no idea. We have no clue if there's

1 any --- any connection to this rusty magazine with some
2 bullets.

3 And the bullet that was removed from him and the
4 doctor said, chain of custody, pathology. You could have
5 it. Hey, it could still be there right now. We have no
6 idea. We have no idea. Might be.

7 What investigation? Chet is not concerned with the
8 details of the day. You know who is concerned? Renee.
9 And we clearly know that Chet wasn't concerned, the State
10 didn't ask him about that, about what the date of
11 (unintelligible).

12 Because he --- I don't even know why the sheriff's
13 office would have put him on call on December 9th of
14 2022, when he was leaving at the end of that month for an
15 investigation. I mean, that's a --- his report just ends
16 oh, we interviewed him, whatever. He said that. They
17 don't do (unintelligible). All this stuff, fabrication,
18 everything has come into play later.

19 And I mean, primary get taken over Genthner. No, he
20 didn't even view any of the surveillance. We didn't
21 collect all of that.

22 What investigation? I mean, Chet is not concerned.
23 I mean, we got that. And now --- and now, the State's
24 here for a attempted murder. And they're asking you to
25 say this? No. The government has not not done that.

1 Not met their burden. They didn't talk to Renee again
2 and tell her that. Didn't look into the cell phones,
3 videos, all said they would.

4 He took her into custody based entirely on Sedric
5 Holland's notes, comments, whatever stories that they
6 didn't ever actually bother to verify. I mean, he's
7 intubated for half the morning. The next day, we get a
8 little bit more and boom, she's in custody.

9 I mean, they can't show you what happened. They
10 have not shown what happened, there is so much missing in
11 this case.

12 It's honestly, I --- I mean, it's scary for Pickens
13 County and the people of Pickens County. She's not
14 changing her story. She's under this what is happening?
15 What is happening to me? And our system demands proof
16 beyond a reasonable doubt. I mean, it's not assumptions,
17 not guesswork, and not incomplete police work.

18 And when there's doubt. When there's doubt as to
19 what happened, what is going on, your duty is clear and
20 you have --- you have to render a verdict of not guilty.

21 The gun is clearly in Sedric's waistband. There is
22 no way, none, that left-handed Renee Simon would be
23 shooting with her right hand. And, remember --- oh, look
24 that's another thing Sedric said yesterday. Had the gun
25 that she brought in this mysterious boot in a yellow ---

1 yellow Dollar General bag. And so --- so left hand's on
2 this. Renee Simon, there she is cuffed and all, signing
3 the interview. Everything --- I mean probably seen her
4 this week left-handed. And up against, she's 120 pounds.
5 195 Sedric Holland who like kind of --- I don't even know
6 what really happened.

7 What --- how --- how does that even make sense? Or
8 super calm, just let him just leave my car because she's
9 pointing the this wobbly gun at me and then also, you
10 know, all this is happening.

11 No. What makes more sense is that they are truly
12 fighting in this vehicle in the Tahoe. Sedric has on his
13 jeans.

14 Oh, by the way, I introduced the jeans, tank top,
15 tank top, now the State's evidence. White T-shirt, with
16 the tank top. (Unintelligible)-brand jacket. And he's
17 low in a Tahoe. He has a gun in his waistband. He's
18 right-handed. We know that bang bang trigger finger,
19 right-handed gun right there. He testified that he also
20 was right-handed, I believe.

21 Well, I think given his cell phone too, there's ---
22 there's footage of that. Lean down in a Tahoe, you've
23 got jeans --- oh. One thing after that. Belt --- I also
24 put that in. And he's --- I mean, they did it. They've
25 all done it. Right-handed. Coming out of the waistband.

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1 You're right-handed, you got it around you. You're
2 sitting in a Tahoe, your tank top's underneath. Your
3 white T-shirt's tucked in. You are have --- you have
4 white T-shirt, white tank top, white T-shirt, gun and a
5 jacket over it.

6 We do it all the time when we sit down. Things
7 move. Tank top comes up. If Renee is the one who
8 mysteriously in the wobbly right hand also brings a gun,
9 total sense there. No. I was getting factious.
10 There --- if it's in the waistband, underneath the
11 jacket, in the waistband underneath the jacket, both
12 reaching for it, pulling out, moving bullet, you leaned
13 over sitting down. Bullet not through the jacket that
14 covers --- no bullet on this. No bullet on the jacket.
15 No bullet through the belt. He's shot in the butt. No
16 bullet in the jeans. No bullet in the underneath tank
17 top, because we're --- you know, you know, Tahoe, y'all
18 can see it. Possible, yup. I guess there's some
19 ChapStick there somewhere.

20 They only wanted to put this in. Why aren't there
21 more bullets through stuff if it's not coming from behind
22 tucked in to his waistband. Directly across in line what
23 Dr. Watson says. Bullet traveled right to left, back to
24 front. And it wasn't, like I said, left-handed Renee
25 shooting with the --- the specific intent to kill him.

1 It's under his jacket during a fight. During a
2 struggle in the car. That's what makes the most sense.

3 I mean, so many questions. So many questions. And
4 Renee gets the benefit of that. We may not ever know all
5 of them, but that is so --- the State cannot answer all
6 the questions. And that is so much doubt.

7 And Ladies and gentlemen of the jury, like I
8 mentioned on Monday, she's sitting here, you're going to
9 hear from the judge in a little bit, she's completely
10 innocent wearing this robe of righteousness and cloak of
11 innocence. Unless and until you guys go back there, look
12 at everything and are firmly, firmly convinced that she
13 had the specific intent to kill him. No.

14 Those --- that is true genuine --- her mental state
15 absolutely not. We are not some mastermind. I mean in
16 his car. Oh, it's her plan for him to pick --- pick her
17 up and in a Tahoe, lure her wherever in a car she can't
18 get out of. That --- that seems like some mastermind
19 plan to me.

20 This protection of her is a absolute protection and
21 right that she --- that she's entitled to for the last
22 250 years of our nation. And the government has brought
23 these charges and you have to uphold the great justice
24 system that we're in. And when you do, the only --- only
25 answer is a verdict of not guilty. Thank you.

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1 MR. LAMPKE: Court's indulgence just for a moment,
2 Your Honor.

3 Okay. What do you call that? What do you call
4 that? Right there. Back right. Exactly where the
5 gunshot is in the other piece of clothing. Right there.
6 Y'all have this when you go back there and put on gloves,
7 make sure you don't touch the blood. There it is, right
8 there. This --- this story with the --- the gun. Y'all
9 can go back and watch the --- the defendant's
10 interrogation. I think it's pretty clear that she
11 obviously was talking about the gun being in the front.
12 That's why she said that she saw that he had a gun when
13 he turned towards her right to choke. The defendant's
14 story now today in court after going through the whole
15 interrogation and having four days talking about her
16 guilt is that now the gun's in the back. Right? That
17 she was in the passenger seat, he leaned over and was
18 choking her and then she pulled around behind him between
19 him and the seat and pulled the gun out that way. What
20 are we talking about? What are we talking about?

21 Members of the jury, this is emblematic of what the
22 defendant did in the interrogation, because when one
23 thing doesn't stick, we just move right to the next.
24 Don't look too terribly close, because if you do, you'll
25 realize that there ain't nothing to this story.

1 You might remember during the examination of the
2 cell phone expert that they went up and they put these
3 GPS maps in and they acted as though it was
4 authoritative. We know for a fact that this phone was at
5 this point at this time.

6 Members of the jury, you may note every time in this
7 PowerPoint that the defense talks about one of these GPS
8 maps they don't show you the rest of it. You'll have the
9 whole thing in evidence, the other boxes that we talked
10 about.

11 You'll remember the testimony from that officer that
12 did the cell phone, they tracked these. He said those
13 location datas, they're not --- they're not reliable at
14 all. I pointed out to him that one of the locations was
15 the location of the cell tower, now the cell phone
16 pinging off of it. We --- we showed that through the GPS
17 coordinates that are to the right of it the defense did
18 not want you to see.

19 Members of the jury, I mean that's emblematic, but
20 hey here's something that looks good. And as soon as it
21 doesn't, let's --- let's head on to something else.

22 Now, keep in mind that that expert, he said for the
23 cell tower pings, you can be ten miles away. You can be
24 miles and miles away in a rural area like this. For the
25 Wi-Fi stuff to try to connect to a Wi-Fi you don't have

1 to be close to it at all. So those GPS coordinates, they
2 have really no value to them whatsoever. That's why I
3 had no issue with them coming in, because again, it's
4 emblematic of the defenses argument.

5 You heard again and again about the --- the missing
6 videos from the Hot Spot. I'm sure that you'd be very
7 interested to watch the beer cave video, or maybe the
8 other beer cave video, or maybe the beer cooler video.
9 We're talking about all the other camera angles, they're
10 interior to the Hot Spot. They wouldn't have caught
11 anything. And for the one angle that we are missing the
12 defendant confirmed what the officers say they say in the
13 video. You can go back and look at it yourself. It's
14 003131. And she mentioned it again at 003400. Y'all can
15 go back and check my work on that. The defendant admits,
16 yes, I was at the Hot Spot first and he came and he
17 picked me up. Again, this is just the defense doing
18 anything that they possibly can to try to avoid you
19 looking deep at what actually happened.

20 So another thing that the defense mentioned was this
21 one phone call. They show you this one call from Sedric
22 at 8:21. Pay --- pay no attention to the fact that the
23 defendant said that she was calling him incessantly, tons
24 and tons of times immediately before that. That fact
25 doesn't help the defense. Don't bother worrying about

1 it. That's what continues to happen again and again, and
2 again.

3 They played the defendant's story, I believe it was
4 232705. That was the clip of the interrogation that they
5 played. 232705. About like an hour left in the
6 interrogation at that point. You can't just pick which
7 story at trial you think sounds the best and ignore the
8 fact that you had all of these other stories as well.

9 Now, they said where's the gun? Where's the dollar
10 store general bag? The defendant admitted in her
11 interrogation that she had the gun. She said that she
12 left it there in the car, but we have no gun, and we have
13 no shell casing. If the defense is asking you why we
14 don't have the gun, it's because she got rid of it. She
15 got rid of the evidence.

16 Now, again, I want to --- I want to point out that
17 the defense (unintelligible) take down the defense
18 PowerPoint. The defense at one point is kind of sort of
19 claiming self-defense. And I'm going to address that
20 because it's one of the defenses that they allege. You
21 have to have a reasonable fear of imminent death or great
22 bodily impairment. That's what the judge will tell you
23 about.

24 And again, I want you to go back to that key
25 admission, it's the second story the defendant gives

1 before she pivots and realizes that story's not good
2 enough. That she says I was being choked, I pulled the
3 gun. He stopped, he turned away, and then I shot him.
4 That categorically is not self-defense. There is no
5 imminent fear at that point.

6 But here's the thing, it's the --- the defense
7 doesn't really pick one particular thing to happen. They
8 said, well, you know, maybe it was self-defense, maybe it
9 was an accident, maybe actually it was someone else
10 entirely who shot the victim. But they seem to not
11 entirely admit that the gun even went off in the car.

12 Members of the jury, self-defense is not something
13 that you just say, that you blurt out once you get
14 caught. The defense, they brought up the fact, well, why
15 didn't Sedric call the police after he got shot? Members
16 of the jury, Sedric didn't call the police because he got
17 shot. The defendant did not call the police because she
18 knew that she would get caught. That's why she didn't
19 call the police.

20 Members of the jury, they talked about the reaction
21 that the defendant had when the officers told her not
22 just that Sedric had been shot, but he was in the
23 hospital. That he was getting surgery. It was possible
24 he might pull through. Members of the jury, the feeling
25 that she had at that moment, I'm sure is exactly the

1 feeling that she has right now. Because that pause in
2 that video isn't her being concerned about the welfare of
3 the victim. It's about being concerned about herself,
4 because she knew that she got caught.

5 Members of the jury, I am not going to belabor the
6 point. There are a lot more things that I could say, I
7 could go back that you all the evidence, but I --- I
8 trust your judgment and see that y'all have been very
9 attentive during this trial and I greatly appreciate
10 that.

11 And I know that when you'll go back there, that
12 you'll look at all the evidence and you won't miss the
13 forest for the trees. Because at the end of the day,
14 this is a case where the defendant shot a man in the back
15 and left him to die, and now is saying that it was in
16 self-defense, or maybe an accident, or maybe somebody
17 else did it entirely.

18 Members of the jury, we have met our burden and you
19 should be clearly convinced the defendant is guilty. And
20 because of that, I'm asking you return a verdict of
21 guilty on both counts. Thank you.

22 THE COURT: All right. Mr. Foreman, ladies and
23 gentlemen, my charge is probably going to be around 30,
24 35 minutes. Would you like to have a break before I do
25 that? Would you like to go ahead and get started?

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1 THE FOREMAN: We're ready to go.

2 THE COURT: You're ready to go on. It's kind of
3 like getting a whipping, just getting it done. All
4 right. Mr. --- Mr. Clerk, in the back do they have ---
5 do you have something for them to view the --- the videos
6 and everything? So they'll come back in here to view
7 them?

8 CLERK: (Unintelligible).

9 THE COURT: I got you. Okay. So you'll have that
10 back there. Okay.

11 Well, Mr. Foreman, ladies and gentlemen, let me
12 point out a couple things.

13 UNIDENTIFIED SPEAKER: (Inaudible).

14 THE COURT: Sorry. We'll make that out. We'll
15 figure it out.

16 Okay. Anyway, you will have ability either here or
17 in the back there --- hopefully back there. We'll get
18 that figured out in just a few minutes.

19 Frequently --- and I do travels all over ---
20 frequently juries will send me out a question asking for
21 more evidence, or asking the Court to explain something
22 about the evidence. At this juncture, all the evidence
23 that's going to be admitted in this case has been. There
24 will be no more evidence that will be admitted.

25 I'm not allowed to comment on the evidence. So if

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1 you ask me a question, I will tell you I can't comment on
2 that. Just to let you know from the evidence that's been
3 presented, you'll have to make your determination in this
4 case.

5 Now --- now, that you've heard the arguments by the
6 attorneys, you've heard the testimony and evidence, it
7 becomes my duty to charge you on the law that applies in
8 this case. My charge will be in three parts. The first
9 part is the general rules that define and control your
10 duties as jurors. Second part will be the substantive
11 law that applies in this case, the law of attempted
12 murder in self-defense, an accident. Then I'll give you
13 some considerations for your deliberations.

14 And, Mr. Foreman, I'll going over your verdict form
15 and how to fill that out.

16 Let me say this to our alternates, end of the day,
17 when the jury starts to begin their deliberations, I
18 always try to remember to tell you to come out. You're
19 not to be in there when they begin their deliberations.
20 Okay?

21 That being said, ladies and gentlemen, it's your
22 duty to find the facts from the evidence that's been
23 presented in this case and to the facts as you find them
24 to be you must apply the law as I give it to you now.

25 You may not --- try not to be concerned with what

1 you think the law should be, but only what it is.

2 Also you're not be to influenced by any personal
3 likes, dislikes, opinions, prejudice or undue sympathy
4 that you may have for one side of this case or the other.
5 And what that means is is that you will decide this case
6 solely on the evidence before you and according to the
7 law as I give it to you now. And if you recall at the
8 beginning of this case when you took your oath, you swore
9 to do just that.

10 Now, following these instructions it's important
11 that you follow all the instructions I give to you. You
12 can't pick out certain aspects of this charge and apply
13 the ones that you agree with and maybe not apply the ones
14 you may not agree with. They're all equally important.

15 Also, if I've said or done anything throughout the
16 course of this trial that seemed to indicate to you how
17 you are you to find facts, in other words, what your
18 verdict is going to be, you are to disregard that. I'm
19 not allowed by our constitution to have an opinion or to
20 state my opinion about the facts of the case. You and
21 you alone will determine what the facts are. And you
22 will do that by evaluating and weighing the evidence
23 that's been presented here and by applying the laws to
24 that evidence that I give to you now.

25 Now, obviously, you can't weigh evidence in a

1 literal sense, but you are to use your good common sense
2 and sound judgment to walk through and talk through the
3 evidence, and to hopefully come to a unanimous decision.

4 So that leads me to what evidence the sworn
5 testimony by the witness on the witness stand is
6 evidence. The questions actually posed to the witness is
7 not evidence, but their responses to the evidence is.
8 The exhibits that were allowed into evidence that will be
9 back with you is evidence. And those typically are the
10 only two evidence that we have.

11 However, in this case we have a stipulation that you
12 must accept the stipulation is true and you may not
13 debate whether or not it is true. You must accept it as
14 true. And this is it: The security camera videos from
15 Hot Spot, CNR golf carts upstate, tire, and wheel are
16 authentic copies of the originals that were recorded on
17 December the 9th, 2022. They are State's Exhibits 34,
18 35, and 36 respectively. The timestamps on the videos
19 from each business differ from one another to an
20 indeterminate period of time.

21 Also I want to point out to you, ladies and
22 gentlemen, that some of the videos contain redactions
23 which by stipulations of counsel have been added because
24 the information was not relevant in this case or did not
25 fit within the our Rules of Evidence. You are not to and

1 you should not speculate as to the content or the
2 portions of the video that have been removed, nor should
3 you consider as part of your deliberations the fact that
4 certain portions have been removed from your
5 consideration since the stipulation has been adopted by
6 the court.

7 Okay. Now, in this case you have testimony, you
8 have exhibits, and you had stipulations. And that's the
9 only evidence that you may consider as such.

10 So that leads me to what's not evidence. First,
11 these are fantastic lawyers. What they tell you in their
12 opening statements and their closing statements is
13 helpful, but it's not evidence. They have not been sworn
14 in, they have not been subjected to cross-examination.
15 It is not in evidence. It's just merely their contention
16 about their case. Also questions asked by the attorneys
17 are not evidence and objections raised by the attorneys
18 are not evidence.

19 Mr. Foreman, at sometime during this case, I know
20 the jury felt like you were cattle being ushered in and
21 out of the courtroom. The fact that there are objections
22 in this case may not be part of your jury's
23 deliberations. Suffice it to say, that's simply the
24 process that's followed in every case.

25 If any of you jurors try to interject the fact that

1 there are objections raised in this case, and to the
2 extent I'll let you see my rulings on those objections
3 into the jury's deliberations it's the jury's job, to
4 make sure it is not part of the deliberations.

5 Also, ladies and gentlemen, anything you may have
6 seen when the court was not in session is not evidence.
7 So bottom line is you'll make a determination by what you
8 heard here in this courtroom during this trial.

9 Now, South Carolina, we have two types of evidence
10 which are generally presented during a trial. We have
11 direct evidence and we have circumstantial evidence.
12 Direct evidence is it's evidence that directly proves the
13 existence of a fact and does not require deduction or
14 inference. For example, if an issue in a case was
15 whether or not I ran a stop sign, and my law clerk
16 testified that he saw me run that stop sign, that would
17 directly prove the issue at hand. You don't have to
18 infer or deduce anything about evidence. It's direct
19 evidence, typically an eyewitness.

20 We also have circumstantial evidence.
21 Circumstantial evidence is this: It's proof of a chain
22 of facts and circumstances indicated the existence of a
23 fact. In other words, from this fact you infer or deduce
24 another fact. For example, if we all were to go to sleep
25 at night and you were to have a fresh sheet of snow in

1 your yard. If you're to wake up in the morning and see
2 tracks in the snow, you can reasonably infer or deduce
3 that someone or something walked through your yard
4 although you did not see it.

5 Now, the only prohibition, Mr. Foreman, is that
6 the --- the conclusion that you reach may not be
7 speculation, or surmise, or conjecture. It must be with
8 reasonable certainty.

9 Now, crimes may be proven by circumstantial
10 evidence, and the law makes no distinction between the
11 weight or value to be given to direct evidence or
12 circumstantial evidence.

13 However, to the extent that the State relies on
14 circumstantial evidence, the circumstances must be
15 consistent with each other, and when taken together point
16 conclusively to the guilt of the accused beyond a
17 reasonable doubt. If the circumstances merely portray
18 the defendant's behavior as suspicious, then that proof
19 would have failed.

20 Mr. Foreman, ladies and gentlemen, the State has the
21 burden to prove the defendant's guilt by proof beyond a
22 reasonable doubt. And that burden remains with the State
23 regardless of whether or not he uses direct evidence,
24 circumstantial evidence, or a combination of the two.

25 Now, deciding what the facts are in this case and

1 what your verdict is going to be, you have to consider
2 all the evidence and in doing this, you have to decide
3 which testimony you wish to believe and whether or not
4 there's any testimony you wish not to believe.

5 You have the collective right to believe all, or
6 part, or none of any witness's testimony who has appeared
7 before you. You have a right to believe all of it.

8 In making this determination of what we call the
9 credibility of the witnesses, I'm going to give you a
10 non-exhaustive list of factors that you may consider.
11 First, you can ask yourself was the witness able to see,
12 or hear, or know about the things that they testified
13 about? How well were they able to describe the subject
14 of their testimony and how did they act while they're on
15 the witness stand? What was their demeanor? You could
16 ask yourself if the witness has any reason they'd want to
17 help or hurt one side of this case or the other. Whether
18 they had any bias or prejudice towards --- for one side
19 of the case, the other, or any --- or any issue involved
20 in this case. You can ask yourself how reasonable the
21 witness's testimony was considered in light of all the
22 other testimony, and whether or not that witness's
23 testimony had been contradicted by what this witness had
24 said at another time or by the other testimony or
25 evidence in this case.

1 Now, Mr. Foreman, those are just some of the factors
2 that you may consider in making this determination of the
3 believability or the credibility of the evidence. And
4 certainly you don't check your common sense at the door
5 when you're sworn in. You should use those day-to-day
6 things in your lives that you be find indicative of
7 truthfulness and lack of truthfulness in making this
8 determination. One thing you may not do and shall not
9 do, however, is add up the number of exhibits or
10 witnesses that's been presented by one side of this case
11 or the other in making this determination.

12 Also, in this case you've heard testimony from
13 people who have been described as experts. Usually
14 people are not allowed to give their opinion, and unless
15 somebody tells you what they saw, they heard, they smelt,
16 or they felt. However, upon being qualified as an
17 expert, the person is allowed to give their opinion and
18 the reasons for that opinion.

19 Expert testimony is just like any other testimony
20 that you have heard in this case. You can accept it, or
21 you can reject it, or give it as much weight as you think
22 it deserves.

23 Now, the fact, ladies and gentlemen, that the
24 defendant was indicted and charged with by these
25 indictments not evidence of his guilt. It does raise an

1 inference or presumption of his guilt. These documents
2 will not be back there with you. They're simply part of
3 making this about which the State of South Carolina
4 brings the defendant before the court for determination
5 by you of guilt or innocence.

6 Now, in this case, the defendant says I am not
7 guilty. And once she says that, she is presumed
8 innocent, and a person charged in South Carolina is never
9 required to prove herself innocent for the crime for
10 which they have been indicted.

11 And I'll charge you that it is an important rule of
12 law that a defendant in a criminal trial no matter what
13 the seriousness of the charge may be will always be
14 presumed innocent of the crime for which they have been
15 indicted unless guilt has been established satisfying you
16 the guilt beyond a reasonable doubt.

17 Now, this presumption does not end when you begin
18 your deliberations, but it accompanies defendant
19 throughout the trial and into your deliberations until
20 you are convinced that the State has proven each and
21 every element of the charge by proof beyond a reasonable
22 doubt.

23 It is said that the presumption of innocence is like
24 a robe of righteousness that is placed upon the shoulders
25 of the defendant where it remains until it's been

1 stripped by evidence that satisfied you of the guilt
2 beyond a reasonable doubt.

3 The presumption of innocence is not a mere legal
4 theory and it's not a nice legal phrase. It is a
5 substantial right which every defendant is entitled
6 unless and until you the jury are convinced of the guilt
7 beyond a reasonable doubt.

8 So that leads me to what is a reasonable doubt. A
9 reasonable doubt is the kind of doubt that will cause a
10 reasonable, sincere, honest and conscientious person to
11 hesitate to act in an important matter in their own
12 affairs. Proof beyond a reasonable doubt is proof that
13 leaves you firmly convinced of the defendant's guilt.

14 That being said, ladies and gentlemen, there are
15 very few things in this world that we know with absolute
16 certainty. And the law does not require the State to
17 overcome every certainty that may appear in this case.
18 At the end of this case --- at the end of this case when
19 you begin your deliberations, if you are firmly convinced
20 the defendant is guilty of the crimes for which he has
21 been indicted, it is your duty to find her guilty.

22 On the other hand if you think there is a real
23 possibility that the defendant is not guilty, you must
24 give her the benefit of the doubt and find her not
25 guilty.

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1 A reasonable doubt may arise from the evidence, or
2 it may arise from lack of evidence. I further instruct
3 you that a defendant is entitled to every reasonable
4 doubt they have made rise in the case. And what that
5 simply means is this: That if upon any issue of fact
6 central to a conviction and a verdict of guilt for the
7 defense for which they have been indicted. If you have
8 any reasonable doubt as to how that issue is to be
9 resolved, it is your duty to resolve it in favor of the
10 defendant.

11 Now, in order to establish criminal liability,
12 criminal intent is required to be established. Criminal
13 intent must be proven by the State proof beyond a
14 reasonable doubt. Criminal intent is always a matter
15 that must be determined by you the jury from the
16 circumstances surrounding the situation.

17 There's no way to prove intent to a mathematical
18 certainty. There's no way that medical science can
19 dissect a person's brain to determine what they had in
20 mind. So the law says that criminal intent may be
21 inferred from the circumstances shown to have existed.
22 That is how you made the determination of whether or not
23 the element required intent is present.

24 It is not necessary to establish intent by direct
25 positive evidence but may be --- excuse me --- but intent

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1 may be established by inference in the same way as any
2 other fact taken into consideration in the acts of
3 parties and all the facts and circumstances of the case.

4 Criminal intent is a mental State is a conscious
5 wrongdoing, and it's up to you to determine what the
6 defendant intended to do based on the circumstances shown
7 to have existed.

8 Criminal intent can arise from action or a failure
9 to act. It may arise from negligence, recklessness or
10 indifference to duty or to the consequences that are
11 considered by the law to be equivalent to be criminal
12 intent. And I'll tell you about criminal intent when I
13 charge you on the specific law in this case.

14 Now, finally, ladies and gentlemen, I instruct you
15 and I emphasize the fact that this defendant did not
16 testify may not and shall not be subject of your
17 deliberations.

18 Mr. Foreman if any of your jurors try to object to
19 the fact that the defendant did not testify, it is your
20 duty to make sure it is not part of the jury's
21 deliberations. The reasonable the burden at all times
22 remains on the State of South Carolina to prove her guilt
23 by proof beyond a reasonable doubt. And it's her
24 constitutional right to decide whether to testify or not.

25 Now, that being said, that concludes the first

1 aspect of my charge which is the law in this part. It
2 leads me to the specific law that applies in this case.
3 And that's the law of attempted murder as well as
4 self-defense and accident.

5 In this case, ladies and gentlemen, the defendant is
6 charged with the offense of attempted murder. In order
7 to prove this case, the State must prove beyond a
8 reasonable doubt that the defendant with the intent to
9 kill attempted to kill another person with malice
10 aforethought.

11 As to the element of intent, intent means the mental
12 resolution or the termination to do an act and is a state
13 of mind accompanying that act. Intent may be shown by
14 acts and conduct of the defendant and other circumstances
15 from which you may naturally and reasonable infer intent.

16 In order to prove this offense, the State must prove
17 beyond a reasonable doubt that the defendant possessed a
18 specific intent to kill another person. A specific
19 intent to kill another person is a required element of
20 the offense.

21 As to the element of attempt, an attempt is an
22 effort to accomplish a crime which does not succeed. An
23 attempt includes a specific intent to do a particular
24 criminal act along with an act falling short of the act
25 intended. The State must show more than mere preparation

1 and intent. There must be some overt act committed in
2 the effort to commit the crime.

3 In order to prove this offense the State must prove
4 beyond a reasonable doubt the defendant attempted to kill
5 another person. As to the element of malice and malice
6 aforethought, malice is hatred, ill will, or hostility
7 towards another person. It is the intentional doing of a
8 wrongful act without just cause or excuse. Aforethought
9 refers to a state of mind where an act is premeditated or
10 planned in advance. It indicates that the individual
11 thought about the action before committing it.

12 Malice aforethought does not require that malice
13 exists for any particular time before the act is
14 committed, but malice must exist in the mind of the
15 defendant just before and at the time the act is
16 committed. Therefore, there must be a combination of the
17 previous evil intent and the act. In order to prove this
18 offense, the State must prove beyond a reasonable doubt
19 that the defendant acted with malice aforethought.

20 The defendant is also charged with possession of a
21 weapon during the commission of or attempt to commit a
22 violent crime. The State must prove beyond a reasonable
23 doubt that the defendant was in possession of a firearm
24 or visibly displayed what appeared to be a firearm during
25 the commission of a violent crime. A firearm means any

1 machine gun, automatic rifle, revolver, pistol or any
2 type of weapon --- weapons which will, is designed to, or
3 may be readily converted to expel a projectile.

4 In order to find the defendant guilty of possession
5 of a weapon during the commission of a violent crime, you
6 must first find the defendant guilt of either committing
7 a violent crime or attempting to commit a violent crime.

8 And I'll charge you, ladies and gentlemen, that
9 attempted murder is classified as a violent crime. The
10 State must first prove beyond a reasonable doubt the
11 State --- the State must also prove beyond a reasonable
12 doubt and the weapon furthered, advanced, or helps in the
13 commission of the crime.

14 Now, in this case the defendant has raised a defense
15 of self-defense. Self-defense is a complete defense and
16 if it is established, you must find the defendant not
17 guilty. The State has the burden of disproving
18 self-defense by proof beyond a reasonable doubt. If you
19 have a reasonable doubt of the defendant's guilt after
20 considering all of the evidence including the evidence of
21 self-defense, then you must find the defendant not
22 guilty.

23 On the other hand, if you have no reasonable doubt
24 of the defendant's guilt after considering all the
25 evidence, including the evidence of self-defense, then

1 you must find the defendant guilty.

2 The following elements are required to establish
3 self-defense: First the defendant must be without fault
4 in bringing on the difficulty. If the defendant's
5 conduct was the type which was originally calculated to,
6 and did provoke a deadly assault, the defendant would be
7 at fault in bringing on the difficulty and would not be
8 entitled to an acquittal based on self-defense.

9 Self-defense is not available to a person who uses
10 language which is so contentious that a reasonable person
11 expects it to bring on a physical encounter and which did
12 actually contribute to the physical encounter.

13 The second element of self-defense is that the
14 defendant was actually in eminent danger of death, or
15 serious bodily injury, or that the defendant actually
16 believed she was in eminent danger of death or serious
17 bodily injury.

18 If the defendant was actually in eminent danger it
19 must be shown that the circumstances would have warranted
20 a person of ordinary firmness and courage to strike the
21 fatal blow to prevent death or serious bodily injury.

22 If the defendant believed she was in imminent danger
23 of death or serious bodily injury, it must be shown that
24 originally a person of ordinary firmness and courage
25 would have had the same belief.

1 In deciding whether the defendant actually was or
2 believed she was in imminent danger of death or serious
3 bodily injury, you should consider all the facts and
4 circumstances surrounding the crime, including the
5 physical condition and characteristics of the defendant
6 and the victim.

7 The defendant does not have to show she was actually
8 in danger. It is enough if the defendant believed that
9 she was in imminent danger and a reasonable prudent
10 person of ordinary firmness and courage would have had
11 the same belief. The defendant has a right to act on
12 appearances even though the defendant's belief may have
13 been mistaken.

14 It is for you to decide whether the defendant's fear
15 of imminent danger of death or serious bodily injury was
16 reasonable and would have been felt by an ordinary person
17 in the same situation.

18 Now, words accompanied by hostile acts dependent on
19 the circumstances may establish self-defense. Evidence
20 of prior difficulties between the defendant and the
21 victim may be considered in deciding whether a threat
22 existed, whether the defendant had a reasonable belief a
23 threat existed, and how serious the threat was. The
24 relative sizes, ages, and weights of the defendant and
25 the victim may be considered in deciding the apparent or

1 actual need for force in self-defense and the amount of
2 force needed.

3 Prior instances of violence by the victim may be
4 considered in deciding whether the defendant actually
5 believed she was in imminent danger of death, or serious
6 bodily injury, or actually in imminent danger.

7 Threats made by the victim may be considered in
8 determining whether the defendant actually was or
9 believed she was in imminent danger.

10 Now, the final element of self-defense is that the
11 defendant had no other probable way to avoid the danger
12 of death or serious bodily injury than to act as the
13 defendant did in these particular circumstances. The
14 defendant had no duty to retreat if by doing so the
15 danger of being killed or suffering serious --- serious
16 bodily injury would increase. A person cannot be
17 required to make an exact calculation as to the degree or
18 amount of force which may be needed to avoid death or
19 serious bodily injury.

20 Therefore, in self-defense the defendant has a right
21 to use the force needed to avoid death or serious bodily
22 harm. The force used in self-defense does not have to be
23 limited to the degree or amount of force used by the
24 victim. The defendant has a right to use as much force
25 as appeared to be necessary for complete protection and

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1 which a person of ordinary firmness and reason would have
2 believed to be needed to prevent death or serious bodily
3 harm.

4 If the defendant was justified in defending herself,
5 and in firing the first shot, the defendant is also
6 justified in continuing to shoot until it is apparent
7 that the danger of death or serious bodily injury has
8 completely ended.

9 Also, ladies and gentlemen, the defendant has raised
10 the defense of accident. And act may be excused on the
11 ground of accident if it is shown that the act was
12 unintentional, that the defendant was acting lawfully,
13 and that the reasonable care --- and that reasonable care
14 was used by the defendant in handling the weapon. The
15 burden is on the State to prove beyond a reasonable doubt
16 that this was not an accident.

17 Now, Mr. Foreman, ladies and gentlemen, I know
18 that's a lot of information. I don't send my charge back
19 to the jury. If you would like any aspect of it repeated
20 at any time, let me know and I'll be more than happy to
21 do so.

22 So that leads me to final aspect of my charge and
23 that is this: Considerations about your deliberations.
24 First you were selected by the State and the defense
25 because you represented expressly or through your silence

1 that you could be fair and impartial to the State and to
2 defense. And they have a right to insist and demand that
3 you of in this case. When you go back and you go through
4 the evidence, remember this: You're not advocates or
5 partisans for one side of the case or the other. You're
6 judges of the facts. And you go through and use your
7 experiences in life, and your common sense, and your
8 sense of logic and reason, and walk through and talk
9 through the evidence and hopefully come to unanimous
10 decision.

11 In order for your verdict to stand, it will have to
12 be agreed upon unanimously. In other words, all 12
13 people. Deliberation is defined as this: It is defined
14 as a careful consideration weighing up with a
15 (unintelligible) to a decision.

16 Now, regardless what any of you may think about our
17 system, I would submit to you that the genius of our
18 system is it allows 12 men and women such as yourselves
19 who come from different backgrounds, who have different
20 life experiences and perspectives to walk through and
21 talk through the evidence to ultimately come to a
22 unanimous decision.

23 Now, again, you're not partisans or advocates for
24 one side of this case or the other. You're judges of the
25 facts. You are to listen to the views of your jurors and

1 let them tell you why they have that view and they are
2 going to do the same for you.

3 And you are not to be in a hurry to rush to a
4 decision in this case, because this is their --- both
5 sides only day in court, and this is an important case to
6 both the State and to this defendant.

7 When you go back your decision does have to be
8 unanimous for it to stand. But with that being said,
9 each of you have to decide this case on your own. Don't
10 be afraid to change your view as to the weight of the
11 evidence if your deliberations with your fellow jurors
12 convinces you that you should change your view.

13 On the other hand do not change a firmly held belief
14 as to the weight of the evidence simply to appease your
15 fellow jurors.

16 Now, Mr. Foreman, when the jury's ready, it's your
17 job to fill out the verdict form that the options you
18 have have to be in some order and so the order they
19 appear is of no consequence. But in this case this is
20 your options: First as to the charge of attempted murder
21 under indictment 2023-GS-39-560, we the jury unanimously
22 find the defendant not guilty under part A. If that is
23 your unanimous decision, you would check that, sign the
24 verdict form and stop, because the second charge is not
25 relevant at that point.

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1 On the other hand, the other option is we the jury
2 unanimously find the defendant guilty under part B. If
3 that's your decision, you will check that, you'll sign
4 the form at the bottom, and then you will go to the next
5 charge of possession of a weapon during the commission of
6 a violent crime. Options are in the same order. The
7 first under A is not guilty, and the second is guilty
8 under B. Again, you'll check the relevant sections that
9 is the jury's decision you'll sign that.

10 Once you have reached your decision on everything,
11 you'll fold the verdict form in half, put it in your
12 hand, knock on the door, and tell the bailiff that you've
13 reached a decision. And we'll get --- receive it here in
14 the courtroom. Never tell us where the jury stands
15 numerically. Okay.

16 If you have a question, if you need anything, write
17 it down, sign it, give it to the bailiff, we'll receive
18 it here and we'll respond accordingly. Okay?

19 THE FOREMAN: Yes, sir.

20 THE COURT: Now, I'm going to send you back to the
21 jury room. I want your alternates to be ready, but don't
22 come out yet. I may need to correct or add something
23 that I told you, so don't begin your deliberations yet.
24 We'll send word back to you in just a few minutes.

25 Okay. If you'll go back to (unintelligible).

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1 (JURY EXITS COURTROOM)

2 THE COURT: Any additions or exceptions from the
3 State?

4 MR. LAMPKE: Nothing from the State.

5 THE COURT: From the defense?

6 MS. NEWTON: Your Honor, we do have one issue.

7 On --- in the State's reply, seemed to be some sort of
8 indication that we --- the defense had to pick a defense
9 of either self-defense or accident. So I'm not sure if
10 a --- an additional charge or curative instruction can
11 be ---

12 (Simultaneous speaking)

13 THE COURT: --- first you have to contemporaneous
14 objection requirement. I didn't --- I didn't catch that
15 (unintelligible). I think he said or, but what's your
16 response to that? I mean, I --- I --- I don't mind
17 giving it to them if you ---

18 MS. NEWTON: I think --- I'm sorry. Just the fact
19 that they not be two exclusive, Your Honor.

20 THE COURT: I'm not going to charge that. I ---
21 I --- I just don't see it being --- I --- I think it's
22 clear this --- that or that. In fact that's what I told
23 them in my charge. I'll note your objection. I'm not
24 going to change it.

25 Okay. Anything else?

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1 MS. NEWTON: I'm sorry, but (background noise).

2 THE COURT: I'm not going to bring them back here
3 and say you got to charge this, or that, or that. I
4 think that --- that it's clear that they have a right to
5 self-defense, or they have a right to do accident, or ---
6 or ---

7 MS. NEWTON: Right, Judge. I'm just making sure
8 that State v McCaskill, they understand that she could be
9 acting in self-defense and it could also be an accidental
10 result of the self-defense.

11 THE COURT: Okay. I --- I --- noted for the record.
12 I'm not going to --- I think it's clear. All right.
13 Other than that, Ms. Huey?

14 MS. HUEY: No, sir, Your Honor.

15 THE COURT: All right. Thank you, guys. Let me say
16 this before we get started, I try a lot of cases and I'm
17 around a lot of places. I'm really impressed with
18 everybody. Y'all done a great job. More so than I see
19 normally. So thank you. Y'all --- all prepared. You
20 did each side of your case y'all presented it extremely
21 well. And thank you.

22 MR. LAMPKE: Thank you, Judge.

23 THE COURT: Appreciate it.

24 MR. LAMPKE: Thank you.

25 THE COURT: If you would, Mr. Bailiff have the ---

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1 the alternates come out and put them in another room for
2 me right quick. Y'all confer on the exhibits, make sure
3 that everybody agrees. Do you mind if I --- our clerk
4 takes them back and tells them to begin their
5 deliberations?

6 MR. LAMPKE: I would have no issue with that, Judge.
7 The State's all right with that.

8 MS. NEWTON: And, Judge, we want to --- the State
9 was going to put the redaction issue that was brought up
10 yesterday where we were going to add the --- because what
11 should have been redacted or --- or in the event that
12 they wanted to play it again, that portion, he was going
13 to add that to the existing exhibit, and I don't know
14 that exhibit number. So I was just going to add that.

15 MR. LAMPKE: It's State's Exhibit 60, Judge. I'm
16 happy to do whatever the defense would like in that
17 regard.

18 THE COURT: Make sure you do that. In other words,
19 that one part didn't get redacted out and needs to be
20 redacted.

21 MS. NEWTON: Needs to be redacted now. What I said
22 was that we at least keep it on the flash drive so --- so
23 that the record has both versions.

24 THE COURT: Well, we've already done --- they've
25 already done the entire ---

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1 MS. NEWTON: Yes.

2 THE COURT: --- unredacted part of the record
3 anyway. That doesn't come back. Let me --- let me ask
4 y'all there seemed to be a question Pat, do you have
5 something back there for me for them to read or view; how
6 do you have to do that?

7 CLERK: We can send my laptop back to the back ---

8 THE COURT: Is your laptop clean?

9 CLERK: Yes.

10 THE COURT: It is. Okay. Almost as clean ---

11 CLERK: Yes, sir.

12 THE COURT: Anybody wants to look ---

13 (Simultaneous speaking)

14 THE COURT: Okay. If anybody wants to look at it,
15 you can. Just confirm that it is. And anybody have a
16 problem with that?

17 MR. LAMPKE: Judge, the only thing that's on the
18 laptop is because the skipping issue that we had playing
19 the interview, I downloaded the interrogation tapes onto
20 the laptop itself. I --- I won't imagine the defense
21 would have any issue as to sending that back. Just if
22 they want to see it, it's easier to play.

23 (Simultaneous speaking)

24 MR. LAMPKE: It --- it's on the ---

25 MS. NEWTON: It is --- I would just say we ---

Proceedings

1 THE COURT: I didn't know you'd done that.

2 MS. NEWTON: Yeah, I would just say that I don't
3 even see it right now.

4 MR. LAMPKE: It's on the ---

5 (Simultaneous speaking)

6 MR. LAMPKE: --- documents ---

7 CLERK: Documents tab in the file?

8 MR. LAMPKE: I'd be happy to take it off and
9 just --- skipping.

10 MS. NEWTON: And I agree, that's how it needed to be
11 played just for it to go to the jury.

12 THE COURT: All right.

13 CLERK: We'll take it off.

14 MR. LAMPKE: So take all this off. And then would
15 you like me to replace ---

16 THE COURT: And get to the jury to let you order
17 while they're --- when you bring exhibits back.

18 MS. NEWTON: No, Your Honor.

19 MR. LAMPKE: No, no none at all.

20 THE COURT: Okay.

21 MS. NEWTON: Would it be okay before I help with the
22 exhibits that I run to the restroom?

23 THE COURT: Do what?

24 MS. NEWTON: Would it be okay to run to the restroom
25 before I help with the ---

Proceedings

1 THE COURT: Y'all hurry up. We got a jury waiting
2 back there, please.

3 (Off the record)

4 MR. LAMPKE: No objection from the State, Your
5 Honor.

6 MS. NEWTON: No problem. No problem.

7 THE COURT: I mean she would --- how do you feel
8 about that?

9 (Simultaneous speaking)

10 MS. NEWTON: No, I'm teasing. We don't have any
11 issue with that.

12 THE COURT: Okay. All right.

13 (DELIBERATION BEGINS)

14 (OFF THE RECORD)

15 THE COURT: It's in the attempt the murder
16 aforethought. My thought --- and I'm glad to hear from
17 each side is to reread that passage about aforethought.

18 It says: Aforethought, the first is the state of
19 mind where an act is premeditated or planned in advance
20 and indicates the individual thought about the action
21 before committing it. Malice aforethought does not
22 require that malice exists from any particular time
23 before the act is committed but et cetera, et cetera.

24 And simply say that so premeditation means that it
25 was thought about beforehand, but it could be immediately

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1 beforehand just before or at the time the act is
2 committed. Anybody have a problem with that?

3 MS. NEWTON: No, Your Honor.

4 MR. LAMPKE: The State is amenable to that as well,
5 Judge.

6 THE COURT: And again, if I stumble through it,
7 y'all correct me. All right. Will you bring the jury
8 in.

9 (JURY ENTERS COURTROOM)

10 THE COURT: Okay. The jury's question is what's the
11 legal definition of premeditation? What I'm going to do
12 is go back through that. It comes under the malice
13 aforethought aspect of the attempted murder. I'm going
14 to go back and recharge you on aforethought and --- and
15 give you a brief explanation. Okay.

16 Aforethought, ladies and gentlemen, refers to a
17 state of mind where an act is premeditated or planned in
18 advance. It indicates that the individual thought about
19 the action before committing it. Malice aforethought
20 does not require that malice exists for any particular
21 time before the act is committed, but malice must exist
22 in the mind of the defendant just before and at the time
23 the act is committed. Therefore, there must be a
24 combination of the previous evil intent and the act in
25 order to prove this offense. The State must prove beyond

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1 a reasonable doubt the defendant acted with malice
2 aforethought.

3 So does that answer your question that you were
4 looking for?

5 THE FOREMAN: Yes, sir.

6 THE COURT: It does. Okay. Very good. If you
7 you'd go back to the jury room and don't start your
8 deliberations. Don't resume yet until I clarify with the
9 attorneys and send word back.

10 THE FOREMAN: Yes, sir. Thank you.

11 THE COURT: Y'all have your (background noise).
12 Good.

13 (JURY EXITS COURTROOM)

14 THE COURT: Any additions or (background noise) from
15 the State?

16 MR. LAMPKE: Nothing from the State.

17 THE COURT: From the defense?

18 MS. NEWTON: No, Your Honor.

19 THE COURT: All right. Would you tell the jury to
20 resume their deliberations, please.

21 MR. LAMPKE: Thank you, Your Honor.

22 THE COURT: Appreciate it guys.

23 (OFF THE RECORD)

24 (JURY ENTERS COURTROOM)

25 THE COURT: The verdict is reached a verdict?

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1 THE FOREMAN: We have, Your Honor.

2 THE COURT: Is it unanimous?

3 THE FOREMAN: It is unanimous.

4 THE COURT: And you've signed off on it?

5 THE FOREMAN: Yes, sir.

6 THE COURT: Would you pass it forward, please, sir.

7 Would you publish the verdict for us, Mr. Clerk.

8 CLERK: Yes, Your Honor. This is case numbers

9 2023-GS-39-560 and 561. As to the charge of attempted

10 murder December the 9th, 2022, we the jury unanimously

11 find the defendant guilty. As to the charge of

12 possession of a weapon during the commission of a violent

13 crime docket number 2023-GS-39-561, December 9th, 2022,

14 we the jury unanimously find the defendant guilty.

15 Is this your verdict and still your verdict so say

16 you all by raising your right hand. Thank you very much.

17 THE COURT: All right. Let the record reflect that

18 all 12 raised their hands. All right.

19 Ladies and gentlemen, the Court is never concerned

20 with your verdict, but the fact that you paid attention

21 throughout the trial, and I watched all of you

22 respectively and you did. I'm not thanking you for your

23 verdict, but I'm thanking you for your service. Without

24 people such as yourselves, our system does not work. We

25 depend on our citizens to come here and do sometimes the

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1 distasteful task of sitting on a jury, but we want to
2 thank you for your service.

3 Quick thing is you can't be required to serve in
4 Circuit Court for three years. So they call you back you
5 say we don't want to do that. But you are excused if
6 you'd like to be excused.

7 I'm going to sentence Ms. Simon in just a second.
8 You're more than welcome to stay and watch that as well.
9 I'll leave that up to you.

10 Okay. Will you prepare me a sentencing sheet.

11 MR. LAMPKE: Absolutely, Judge.

12 THE COURT: Mr. Foreman, can I get you to come up
13 here please. Have I ever met you before?

14 UNIDENTIFIED SPEAKER: I don't believe so.

15 THE COURT: You look very familiar to me for some
16 reason. I don't know why that is. Anyway.

17 MR. LAMPKE: Your Honor, if I may approach with the
18 sentence ---

19 THE COURT: Yes, you may.

20 MR. LAMPKE: Okay.

21 THE COURT: All right. Ms. Simon, would you please
22 come around with your attorneys. I'm going to ask the
23 State: Does Ms. Simon have any criminal record?

24 MR. LAMPKE: Yes, Your Honor. The defendant does
25 have a prior conviction for pointing and presenting a

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1 firearm which was actually against this same victim
2 shortly, I guess the conviction was May 11th of 2022,
3 from incident of May the 17th of 2020.

4 THE COURT: Okay. And any other record other than
5 that?

6 MR. LAMPKE: No, Your Honor.

7 THE COURT: Your range of attempted murder is up to
8 30 and this is --- five years, but because it's up to 30
9 it has to be concurrent, can't be consecutive; is that
10 correct?

11 MR. LAMPKE: That's my ---

12 (Simultaneous speaking)

13 THE COURT: Is that right, Ms. Huey?

14 MS. HUEY: I believe so. Yes.

15 THE COURT: Okay. I'll be glad to hear from you Ms.
16 Newton. I'll be glad to hear from you Ms. Simon. And by
17 the way, in case I don't tell you, you have ten days to
18 appeal. Okay. Go ahead.

19 MS. NEWTON: Your Honor, she has been on an ankle
20 monitor throughout the duration of this trial, and since
21 that so my calculation is 1478 days' worth of credit.

22 THE COURT: Does the State contest that?

23 MR. LAMPKE: Your Honor, I --- I won't challenge
24 that. I trust Ms. Newton.

25 THE COURT: And what --- what is that number again,

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1 please Ms. Newton.

2 MS. NEWTON: 1478 days. We would ask the Court to
3 take into consideration what you heard as to the prior
4 record during the course of the trial and the evidentiary
5 issues related to that. We would also ask the Court to
6 take into account the victim's priors. Ms. Simon has
7 supportive family. She lives alone. She has done very
8 well on house arrest. Always been compliant. I
9 understand it's a violent and serious charge, but we
10 would ask the Court to have mercy on her.

11 THE COURT: This is most serious, so if you would
12 explain the strike system to her not that it necessarily
13 has to be done.

14 MS. NEWTON: Yeah, the ---

15 THE COURT: --- this will be one strike.

16 MS. NEWTON: We have not recently discussed that.

17 THE COURT: Well, and you didn't need to ---

18 MS. NEWTON: Yes.

19 THE COURT: --- since this is a trial. But Ms.
20 Simon, this will be a most serious strike on your record.
21 In South Carolina, if you have two most serious strikes,
22 you can go to jail without possibility of parole. If you
23 come back with two more serious one or more most serious,
24 that would be the case. Okay.

25 Ms. Simon, would you like to say anything for the

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1 record?

2 MS. SIMON: No.

3 THE COURT: Okay. I'm going to sentence you to
4 20 years. Credit for 1478 days. Ten days to appeal.

5 MS. NEWTON: Thank you, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, thank
7 you for your service. You are excused.

8 (PROCEEDINGS CONCLUDED)

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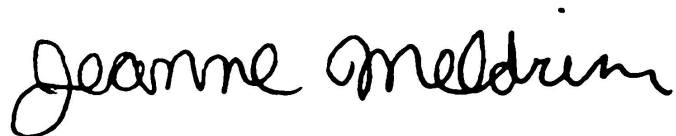
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CERTIFICATE OF TRANSCRIBER

I, JEANNE MELDRIM, a certified transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of CIRCUIT COURT 13 for PICKENS COUNTY, South Carolina, on the 23rd to 26th of February, 2026.

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

June 18, 2026

A handwritten signature in black ink that reads "Jeanne Meldrim". The signature is written in a cursive, flowing style with a prominent dot over the 'i' in "Meldrim".

Jeanne Meldrim

Transcriber