

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Jocelyn J. Newman, Circuit Court Judge

MONTRELLE CAMPBELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000753

APPENDIX

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF CHARLESTON) CASE NO.: 2016-GS-10-2070,
 2071, 2072

STATE OF SOUTH CAROLINA)

v.)

MONTRELLE LAMONT CAMPBELL)

TRANSCRIPT OF RECORD

ORIGINAL

Monday, January 8 , 2018 - Friday, January 12, 2018

COMMENCING AT:

Charleston County Courthouse
 Charleston, South Carolina
 Before The Honorable Deadra L. Jefferson, Judge

APPEARANCES:

For the State of South Carolina:
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 Official Court Reporter

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STATE'S EXHIBITS

<u>NO.</u>	DESCRIPTION
1 (ID)	Image of ■ Norman Street
2	Image of ■ Norman Street (Not labeled)
3 (ID)	Image of ■ Norman Street
4	Image of ■ Norman Street

(State's Exhibits Continuing)

5	Gadsden Green Diagram
6	Floor Plan Diagram
7-24	Photographs
25-36	Shell Casings
37-42	Rear Photographs
43	Photograph (Close-up of marked bullet holes)
44-51	Front View Photographs
52-55	Photograph of Bullet Marks
56	Photograph (View back across courtyard of [REDACTED])
57 (ID)	Photograph (View through entirety of residence)
58-68	Photographs of Kitchen Area
69	Photograph (Damage on refrigerator)
70	Photograph (Bullet hole, top of refrigerator)
71	Photograph (Damage to front of refrigerator)
72	Photograph (Damage to side of refrigerator)
73 (ID)	Photograph
74-80	Photographs
81 (ID)	Photograph
82	Photograph
83-89	Autopsy Photographs
90	CD of Body Cam Video
93	Photograph
94-108	Lee Lee's Video and Still Images
109	Photograph

(State's Exhibits Continuing)

110 (ID) Cigarette Butt

111 (ID) Cigarette Butt

112 (Withdrawn)

113-117 City Video Stills

118 Video [REDACTED] Nunan Street)

119-122 Video and Stills ([REDACTED] Nunan Street)

123 (ID) Report of Timothy O'Leary

124 Map of CPD Cameras

125 (ID) External Hard Drive

126 T-Mobile Phone Certs

127 Sprint Phone Certs

128-129 Photo Stills

130 (Withdrawn)

131-134 Photographs

135 (ID) Photograph

136 (Withdrawn)

137 Phone Records, Montelle Campbell

138 (Withdrawn)

139 Phone Records, Trivell Richardson

140 (ID) Search Warrant

141 (ID) FBI Demonstrative Aid

142-145 Cell Phone Analysis Documents

146 (ID) Marked Copy of State's 145

147 (ID) Video

(State's Exhibits Continuing)

148 (ID) Handwritten Document
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150-151 Cell Phone Records
152 Photograph (Peggy Blake House)
153 (ID) Folder of Images

DEFENSE EXHIBITS

<u>NO.</u>	DESCRIPTION
	(No exhibits introduced.)

COURT'S EXHIBITS

<u>NO.</u>	DESCRIPTION
1	Jury Note
2	State's Exhibit 57, Original
3	State's Exhibit 74, Original
4	State's Exhibit 83, Original
5	State's Exhibit 84, Original
6	State's Exhibit 85, Original
7	State's Exhibit 86, Original
8	State's Exhibit 87, Original
9	Jury Note
10	Demonstrative Aid (State's Exhibit 141)
11	Jury Note
12	Jury Note

13	Jury Note
14	Jury Note
15	Jury Note
16	Judge's Response
17	Jury Note

1 (The proceedings began Monday, January 8, 2018.)

2 VOIR DIRE

3 THE COURT: Good morning, ladies and gentlemen, I know
4 it's cold. I know the roads are difficult, but we appreciate
5 you making your way here to accommodate us this morning. We
6 are going to select a jury for the case of State of South
7 Carolina v. Montrelle Lamont Campbell. I am Deidra
8 Jefferson. I am one of your resident judges of the Ninth
9 Circuit, which is made up of Charleston and Berkeley
10 Counties.

11 We're going to go through a process called voir dire
12 which is a legal term meaning that I'm going to ask you some
13 questions so that the attorneys can more effectively
14 exercise their peremptory challenges during selection. If a
15 question applies to you, please stand, and in a loud and
16 clear voice, give me your name, your juror number, and an
17 answer to the question, if applicable, and remain standing
18 until I have finished questioning you.

19 Before we begin that process, I'm going to have counsel
20 for the State stand and introduce himself and tell us who he
21 is with. and likewise, I'm going to have counsel for the
22 defense provide us with the same information as well, and
23 have their client stand and face the panel. You may
24 proceed.

25 BY AST. SOL. SIMPSON: Thank you, Your Honor. Good

1 morning, everyone. My name is Ast. Sol. Chad Simpson. I
2 work for the Ninth Circuit Solicitor's Office. Co-counsel
3 with me during this trial is Alex Ginsburg.

4 THE COURT: Thank you. Ms. Ford, you may proceed.

5 BY MS. FORD: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 BY MS. FORD: Hello, my name is Mary Ford and I'm an
8 attorney with the public defender's office. I represent
9 Montrelle Campbell here. With me is my co-counsel, Michael,
10 another attorney in my office.

11 THE COURT: Thank you very much. Again, ladies and
12 gentlemen, we are going to select a jury for the case of
13 Indictment 2016-GS-10-2070, which is an indictment for
14 murder. 2016-GS-10-2071, an indictment for attempted
15 murder, and Indictment 2016-GS-10-2072, an indictment for
16 attempted murder.

17 Those indictments read as follows, or allege as
18 follows: That in Charleston, South Carolina, on or about
19 September 19th, 2015, the defendant, Montrelle Lamont
20 Campbell, with malice aforethought, did kill and murder
21 Antoine Lamont Croft, by means of shooting him, and Antoine
22 Lamont Croft did die in Charleston County as a proximate
23 result thereof on September 19th, 2015. Alleging a
24 violation of code section 16-310 of the code of laws as
25 amended.

1 And that in Charleston County, South Carolina, on or
2 about September 19th, 2015, the defendant Montrelle Lamont
3 Campbell, did, with intent to kill, and malice aforethought,
4 attempt to kill Tiara Brown, alleging a violation of code
5 section 16-329 of the code of laws as amended.

6 And that in Charleston County, South Carolina, on or
7 about September 19th, 2015, the defendant, Montrelle Lamont
8 Campbell, did, with intent to kill, and with malice
9 aforethought attempt to kill, Kerri Brown, alleging a
10 violation of code section 16-329 of the code of laws as
11 amended, and alleging all of these actions to be against the
12 peace and dignity of the State of South Carolina. Please
13 take a moment, ladies and gentlemen, to review your juror
14 summons's in the event that a question applies to you so
15 that you won't have to look around for your juror number.

16 Again, ladies and gentlemen, if any question applies to
17 you, please stand, and in a loud and clear voice, give me
18 your name and juror number and as to the question, remain
19 standing until I've completed my question.

20 Is there any member of the panel related by blood,
21 connected by marriage to Montrelle Lamont Campbell? Any of
22 the family or anyone related to Antoine Lamont Croft, Tiara
23 Brown, or Kerri Brown? If so, please stand at this time.

24 (No response.)

25 THE COURT: Does any member of the panel have a close

1 personal or social relationship with any of the family of
2 Antoine Lamont Croft, with Tiara Brown or with Kerri Brown?
3 If so, please stand at this time.

4 (No response.)

5 THE COURT: The following are a list of potential
6 witnesses. Please listen closely. Dale Wilson, Delvin
7 Seagers, Peggy Blake, Tonya Middleton, Edith Campbell,
8 Patricia Campbell, Eric Tuttle, Thomas Bailey, S.N.
9 Gladwell, P. J. Kelly, Craig Kosarko, Jay Saunders, Michael
10 Niblock and Mike Gordon, all of the Charleston Police
11 Department.

12 Kerri Brown, Tierra Brown, Katrina Shontay Brown,
13 Candice Godfrey, Kinard Brown, Jerrell Risher, Tanya
14 Middleton, Trivell Donte Lamar Richardson, Officer Timothy
15 O'Leary, Officer J. Saunders, Officer Kirk Jacobsen, Mary
16 Phillips, crime scene technician. Sara Gladwell, crime
17 scene technician. Judy Gordon, crime scene technician. J.
18 C. Miller, Crime scene technician. Detective S. J.
19 Bechtold, Charleston Police Department. Kadeshia Campbell,
20 Det. Thomas Bailey, Tomeka President, Dr. Lee Marie Tormos,
21 formerly of the Medical University of South Carolina. Det.
22 R. Gregg, of the Charleston Police Department, Richard
23 Bassak, Charleston Security Systems, Special Agent Clay
24 Simmonds, Federal Bureau of Investigations. Ian Mills,
25 Thomas Walters, Kevin Shurbine, Charleston County Detention

1 Center and Lisa Bloodworth of Charleston County Detention
2 Center.

3 Is there any member of the panel related by blood or
4 marriage to any of the people that I've just listed or does
5 any member of the panel have a close personal relationship
6 or social relationship with any of these individuals? If
7 so, please stand at this time.

8 (Juror stands.)

9 THE COURT: Yes, ma'am, name and juror number, please.

10 JUROR: Juror 184, and my son-in-law is a member of the
11 SWAT team.

12 THE COURT: You said 1-8-4?

13 JUROR: Yes, ma'am.

14 THE COURT: And your son-in-law is a member of the SWAT
15 team?

16 JUROR: Yes.

17 THE COURT: As a result of this affiliation, can you be
18 fair and impartial and render a fair and impartial decision
19 in this case based solely on the evidence as it will be
20 presented and on the law as the Court will instruct?

21 JUROR: Yes.

22 THE COURT: Thank you, ma'am. You may be seated. Has
23 any member of the panel ever been represented by any of the
24 attorneys involved in this case or any attorneys in their
25 office? If so, please stand at this time.

1 (No response.)

2 THE COURT: Is there any member of the panel related by
3 blood or marriage or has a close personal or social
4 relationship with any of the attorneys involved in this
5 case, or any of the lawyers in their offices, or any person
6 employed in any capacity whatsoever in their offices? If so,
7 please stand.

8 (Juror stands.)

9 THE COURT: Yes, sir.

10 JUROR: Good morning, Your Honor. Juror number nine.
11 Pretty much all of them.

12 THE COURT: Well, I still have to ask you all of these
13 mundane questions. I apologize. As a result of this
14 affiliation, can you render a fair and impartial judgment in
15 this case, based on the evidence presented at trial and on
16 the law as the Court will instruct?

17 JUROR: Yes, Your Honor.

18 THE COURT: Thank you. You may have a seat. Has any
19 member of the panel formed or expressed any opinion about
20 any issue involved in this case? If so, please stand at
21 this time.

22 (No response.)

23 THE COURT: Has any member of the panel watched, read
24 or listened to any media accounts about this case? That
25 includes anything that could have been in the newspaper, the

1 radio, TV or the internet. If so, please stand at this
2 time.

3 (No response.)

4 THE COURT: Is there any member of the panel aware of
5 any bias or prejudice toward either the State or the defense
6 in this case? If so, please stand at this time.

7 (No response.)

8 THE COURT: Is there any member of the panel who has a
9 moral, philosophical, or religious opposition to sitting in
10 judgment of a fellow human being? If so, please stand at
11 this time.

12 (Juror stands.)

13 THE COURT: Yes, sir, what is your name and juror
14 number?

15 JUROR: Vincent Ranucci, juror 257.

16 THE COURT: And sir, as a result of this mindset, do
17 you feel you could be fair and impartial?

18 JUROR: Absolutely, but I have a question.

19 THE COURT: Sure.

20 JUROR: I work as a paramedic and I want to make sure
21 that I didn't treat any of them.

22 THE COURT: I think I may ask a question that is
23 related to that. I've read all of the witnesses names and
24 all of the alleged victims; do any of those sound familiar
25 to you?

1 JUROR: No.

2 THE COURT: Sir, the questions I asked regarding a
3 philosophical belief of being able to sit in judgment of a
4 fellow human being, and I would like to know if you can set
5 that aside?

6 JUROR: Yes.

7 THE COURT: Can you follow the law as instructed, and
8 can you make a decision based solely on the evidence as it
9 will be presented?

10 JUROR: Yes, ma'am.

11 THE COURT: Thank you, sir. You may be seated. Is
12 there any member of the panel a member of the Grand Jury
13 which issued the indictment in this case? If so, please
14 stand at this time.

15 (No response.)

16 THE COURT: Is there any member of the panel a member
17 of or a contributor to any group which has as its primary
18 concern the promotion of law enforcement or victim's rights.
19 These groups would include, but not be limited to, Mothers
20 Against Drunk Driving, Students Against Drunk Driving,
21 Citizens Against Violent Crime, People Against Rape,
22 Citizens Advocating a Return to Decency and Ethics, Parents
23 Empowered to Save Teens, or any other type of community
24 watch group? If so, please stand at this time.

25 (No response.)

1 THE COURT: This question involves former employment,
2 not current employment. Is there any member of the panel a
3 former employee in any capacity in law enforcement? If so,
4 please stand at this time.

5 (No response.)

6 THE COURT: Is there any member of the panel who is
7 related to someone who is in law enforcement? If so, please
8 stand at this time.

9 (Jurors stand.)

10 JUROR: Number 35, George Bramble. My nephew is a
11 police officer in Summerville.

12 THE COURT: If you would remain standing, sir. Yes?

13 JUROR: My wife's sister just retired from the South
14 Carolina Parole Board.

15 THE COURT: Tell me your name and juror number, sir.

16 JUROR: Number 73, Kevin Cunningham.

17 THE COURT: Okay. Yes?

18 JUROR: Mark Fox, Number 108. My brother-in-law is a
19 police officer.

20 THE COURT: Which agency, sir?

21 JUROR: New Jersey.

22 THE COURT: Okay.

23 JUROR: Juror 168. My sister is a police officer in
24 Seattle, my cousin is a police officer in New Orleans, and
25 my brother-in-law is a police officer.

1 THE COURT: And ma'am?

2 JUROR: I'm Doris Johnson, number 158. My nephew is a
3 police officer.

4 THE COURT: Remain standing for me. And yes, ma'am?

5 JUROR: 189, my brother is a police officer in Apex,
6 North Carolina.

7 THE COURT: And Yes, ma'am?

8 JUROR: Juror 243. My sister-in-law works for the
9 Dorchester County Police Department.

10 THE COURT: As a result of all of these experiences, do
11 you all feel that you could remain fair and impartial and
12 render a fair and impartial decision in this case, based on
13 evidence introduced during the trial of this case and on the
14 laws as this Court will instruct? If your answer is yes,
15 please take your seat.

16 (All jurors sit down.)

17 THE COURT: Let the record reflect that all jurors
18 answered yes.

19 Has any member of the panel ever been the victim of a
20 violent crime? If so, please stand at this time.

21 (No response.)

22 THE COURT: Is there any member of the panel who has a
23 moral or philosophical or religious opposition to the crime
24 of murder or attempted murder? If so, please stand at this
25 time.

1 (No response.)

2 THE COURT: Is there any member of the panel who has a
3 moral or philosophical or religious opposition to the use of
4 firearms?

5 (Juror stands.)

6 THE COURT: Yes, ma'am. Tell me your name and juror
7 number.

8 JUROR: My name is Dorinda Bolling and my number is 26.

9 THE COURT: Yes, ma'am.

10 JUROR: I just have a strong conviction about not
11 taking another person's life.

12 THE COURT: Okay. Ma'am, do you feel you could put
13 that aside?

14 JUROR: I do.

15 THE COURT: I don't mean to sound -- what's the word
16 I'm looking for? I've been out of Court for five days due
17 to the weather and I've been homebound, so -- the only thing
18 a jury determines is whether the State has met their burden
19 of proof. A jury would never be concerned with any proposed
20 punishment for a crime.

21 JUROR: I think I could do that.

22 THE COURT: Okay. So what I need to know is do you
23 have a fixed opinion about the crime of murder?

24 JUROR: Well, it's more, okay.

25 THE COURT: Okay. But what I need to know is do you

1 have a fixed opinion about that. In other words, if it is
2 so fixed that you can't set it aside.

3 JUROR: I could set it aside.

4 THE COURT: Okay. And can you make a decision in this
5 case based solely on the evidence as it will be presented
6 and on the law as it will be presented.

7 JUROR: Yes, Your Honor.

8 THE COURT: Thank you, ma'am, and I appreciate your
9 candor with the Court. Is there any member of the panel who
10 has what they would characterize as an unpleasant experience
11 with law enforcement such that it would affect your ability
12 to be fair and impartial? If so, please stand at this time.

13 (No response.)

14 THE COURT: Does any member of the panel know of any
15 reason whatsoever why he or she cannot serve as a juror in
16 this case, with particular emphasis being placed on your
17 ability to be fair and impartial to both the State and the
18 Defense. If so, please stand at this time.

19 (Juror stands.)

20 THE COURT: Yes, sir?

21 JUROR: Your Honor, I am 259, Danny Reed. I don't know
22 if this is relevant, but my congregation is very active in
23 the Charleston area in the Justice Ministry and I am a board
24 member of the commission.

25 THE COURT: Would that in any way affect your ability

1 to be fair and impartial?

2 JUROR: No.

3 THE COURT: Do you think you could be fair and
4 impartial?

5 JUROR: Yes.

6 THE COURT: Do you feel you could render a fair and
7 impartial decision in this case based on evidence introduced
8 during the trial of this case and on the law as the Court
9 will instruct?

10 JUROR: I do.

11 THE COURT: Thank you, sir. You may be seated. Yes,
12 ma'am, tell me your name and juror number.

13 JUROR: I am Loretta Carey, juror number 51. I'm not
14 sure, but I have had family members who were murdered.

15 THE COURT: And how long ago was that?

16 JUROR: 2013, in Colorado.

17 THE COURT: As a result of this experience, do you feel
18 that you can remain fair and impartial?

19 JUROR: I think so. I just don't know.

20 THE COURT: And again, I don't mean to sound untoward.
21 I need you to search yourself. There is no right or wrong
22 answer, but I just have to have a yes or no answer, so I
23 need you to search yourself as to whether you can be fair
24 and impartial and be able to set aside any opinions or
25 feelings you may have and make a decision based solely on

1 the evidence? I know that's a long question. I will ask it
2 one more time.

3 JUROR: okay.

4 THE COURT: Based on the experiences you have, do you
5 feel you could remain fair and impartial?

6 JUROR: Yes.

7 THE COURT: Do you feel you could render a fair and
8 impartial decision in this case?

9 JUROR: Yes.

10 THE COURT: Do you feel you could render a decision
11 based solely on the evidence and on the law as the Court
12 will instruct?

13 JUROR: Yes.

14 THE COURT: Thank you. You may have a seat. And out
15 of an abundance of caution, I'm going to amend my earlier
16 question. Is there any member of the panel who has had a
17 family member be the victim of a violent crime? If so,
18 please stand at this time.

19 (Jurors stand.)

20 THE COURT: Yes, sir?

21 JUROR: George Bramble, number 35. My grandson was
22 murdered in North Charleston a little over a year ago.

23 THE COURT: Was that in this county?

24 JUROR: That was in North Charleston.

25 THE COURT: And sir, as a result of your experience, do

1 you feel you could remain fair and impartial?

2 JUROR: I do.

3 THE COURT: Do you feel you could render a fair and
4 impartial decision in this case?

5 JUROR: I do.

6 THE COURT: And do you believe you could make that
7 decision based solely on the evidence as it will be
8 presented and on the law as the Court will instruct?

9 JUROR: Yes, I do.

10 THE COURT: And again, I ask you do you feel you can
11 remain fair and impartial?

12 JUROR: Yes.

13 THE COURT: Thank you, sir. You may take your seat.
14 Are there any additional questions from the State?

15 BY AST. SOL. SIMPSON: May we approach, Your Honor?

16 THE COURT: Sure.

17 (Whereupon, a bench conference is held off the record
18 and out of the hearing of the jury panel.)

19 THE COURT: Is there any member of the jury panel who
20 has had what they would consider an unpleasant experience
21 with jury service, such that it would affect your ability to
22 be fair and impartial? If so, please stand at this time.

23 (No response.)

24 THE COURT: Any additional questions from the State?

25 BY AST. SOL. SIMPSON: No, Your Honor.

1 THE COURT: Any additional questions from the defense?

2 BY MS. FORD: No, Your Honor.

3 THE COURT: Strikes will be five and ten. Ladies and
4 gentlemen, if your name is called, please come forward.
5 Bring all of your personal belongings with you. You will
6 stand where the bailiff is standing in front of the podium
7 and stand back facing the panel until we either accept you
8 or excuse you as a juror. Ladies and gentlemen, if any of
9 the jurors have to come from the inside, I would appreciate
10 it if you all would just slide down and let them out. Give
11 us a few moments. They need to prepare their list by
12 computer, so please bear with us. It should only take a
13 moment. If anyone has a cell phone on you, please turn it
14 off. If it is heard audibly, it will be taken from you and
15 it will not be returned to you.

16 (Off the record briefly while computer list is
17 generated.)

18 THE COURT: Ladies and gentlemen, please give the Clerk
19 your attention when he is ready.

20 CLERK: Ladies and gentlemen, when your jury number is
21 called, please step towards the podium, face the attorneys.
22 Bring all of your belongings with you in case you are
23 selected for the trial.

24 Juror number 324, Savannah Wall. What says the State?

25 BY AST. SOL. SIMPSON: Please seat Ms. Wall.

1 CLERK: What says the defense?

2 BY MS. FORD: Please seat the juror.

3 CLERK: Please have a seat in the jury box. Juror

4 number 27, Savard Boone. What says the State?

5 BY AST. SOL. SIMPSON: Seat Mr. Boone.

6 CLERK: What says the defense?

7 BY MS. FORD: Please seat the juror.

8 CLERK: Sir, you've been selected as a juror in the

9 trial of this case. Please have a seat in the jury box.

10 Juror number 350, Joseph Young. What says the State?

11 BY AST. SOL. SIMPSON: Excuse Mr. Young.

12 CLERK: Mr. Young, please take a seat back in the

13 gallery. Juror number 232, Shameka Nelson. What says the

14 State?

15 BY AST. SOL. SIMPSON: Please seat Ms. Nelson.

16 CLERK: What says the defense?

17 BY MS. FORD: Please seat the juror.

18 CLERK: Ma'am, you've been selected as a juror in the

19 trial of this case. Please have a seat in the jury box.

20 Juror number 62, Amy Closser. What says the State?

21 BY AST. SOL. SIMPSON: Please seat Ms. Closser.

22 CLERK: What says the defense?

23 BY MS. FORD: Please seat the juror.

24 CLERK: Ma'am, you've been selected as a juror in the

25 trial of this case. Please have a seat in the jury box.

1 Number 168, Christopher Kays. What says the State?

2 BY AST. SOL. SIMPSON: Seat Mr. Kays.

3 CLERK: What says the defense?

4 MS. FORD: Please excuse this juror.

5 CLERK: You've been excused from the trial in this

6 case. Please have a seat back in the gallery. Juror number

7 15, Gloria Belton. What says the State?

8 AST. SOL. SIMPSON: Excuse this juror.

9 CLERK: Ma'am, you've been excused from the trial in
10 this case. Please have a seat back in the gallery. Juror
11 number 184, Beatrice Lavelle. What says the State?

12 AST. SOL. SIMPSON: Please seat Ms. Bell.

13 CLERK: what says the defense?

14 MS. FORD: Please excuse this juror.

15 CLERK: Ma'am, you've been excused from the trial in
16 this case. Please have a seat back in the gallery. Juror
17 number 230, Lester Neilson. What says the State?

18 AST. SOL. SIMPSON: Please seat Mr. Neilson.

19 CLERK: What says the defense?

20 MS. FORD: Please seat the juror.

21 CLERK: Sir, you've been selected as a juror in the
22 trial of this case. Please have a seat in the jury box.

23 Juror number 216, Christopher Miller. What says the State?

24 AST. SOL. SIMPSON: Seat Mr. Miller.

25 CLERK: What says the defense?

1 MS. FORD: Seat the juror, please.

2 CLERK: You've been selected in the trial of this case.
3 Please have a seat in the jury box. Juror number 263, Laura
4 Reynolds. What says the State?

5 AST. SOL. SIMPSON: Please seat Ms. Reynolds.

6 CLERK: What says the defense?

7 MS. FORD: Please excuse this juror.

8 CLERK: Ma'am, you've been excused from the trial in
9 this case. Please have a seat back in the gallery. Juror
10 number 311, Michael Thomas. What says the State?

11 AST. SOL. SIMPSON: Seat Mr. Thomas.

12 CLERK: What says the defense?

13 MS. FORD: Please seat this juror.

14 CLERK: Sir, you've been selected in the trial of this
15 case. Please have a seat in the jury box. Juror number 194,
16 Nicole Lubold. What says the State?

17 AST. SOL. SIMPSON: Seat Ms. Lubold.

18 CLERK: What says the defense?

19 MS. FORD: Please seat this juror.

20 CLERK: Ma'am, you've been selected as a juror in this
21 case. Please have a seat in the jury box. Juror number 223,
22 Maegan Morse. What says the State?

23 AST. SOL. SIMPSON: Seat Ms. Morse.

24 CLERK: What says the defense?

25 MS. FORD: Please excuse this juror.

1 CLERK: Ma'am, you've been excused from the trial in
2 this case. Please have a seat back in the gallery. Juror
3 number 274, Dondra Rodd. What says the State?

4 AST. SOL. SIMPSON: Seat Ms. Rodd.

5 CLERK: What says the defense?

6 MS. FORD: Please seat this juror.

7 CLERK: Ma'am, you've been selected as a juror in this
8 case. Please have a seat in the jury box. Juror number 229,
9 Llewellyn Negreiros. What says the State?

10 AST. SOL. SIMPSON: Seat Ms. Negreiros.

11 CLERK: What says the defense?

12 MS. FORD: Please excuse this juror.

13 CLERK: Ma'am, you've been excused from the trial in
14 this case. Please have a seat back in the gallery. Juror
15 number 160, Heather Johnson. What says the State?

16 AST. SOL. SIMPSON: Seat Ms. Johnson.

17 CLERK: What says the defense?

18 MS. FORD: Please seat this juror.

19 CLERK: Ma'am, you've been selected as a juror in the
20 trial of this case. Please have a seat in the jury box.
21 Number 114, Joseph Gadson. What says the State?

22 AST. SOL. SIMPSON: Please seat Mr. Gadson.

23 CLERK: Sir, you've been selected as a juror in the
24 trial of this case. Please have a seat in the jury box.
25 Juror number 288, Linda Simmons. What says the State?

1 AST. SOL. SIMPSON: Excuse this juror.

2 CLERK: Ma'am, you've been excused as a juror in the
3 trial of this case. Please have a seat back in the
4 audience. Juror number 302, Robert Starkweather. What says
5 the State?

6 AST. SOL. SIMPSON: Please seat Mr. Starkweather.

7 CLERK: What says the defense?

8 MS. FORD: Please seat this juror.

9 CLERK: Sir, you've been selected as a juror in the
10 trial of this case. Please take a seat in the jury box.
11 The next juror is for the alternate. The strikes are one
12 and two. Juror number 257, Vincent Ranucci. What says the
13 State?

14 AST. SOL. SIMPSON: Please seat Mr. Ranucci.

15 CLERK: What says the defense?

16 MS. FORD: Please excuse this juror.

17 CLERK: Sir, you've been excused from the trial of this
18 case. Have a seat back in the audience. Juror number 304,
19 Amy Stewart. What says the State?

20 AST. SOL. SIMPSON: Please seat Ms. Stewart.

21 CLERK: What says the defense?

22 MS. FORD: Please seat this juror.

23 CLERK: Ma'am, you've been selected as an alternate in
24 this case. Have a seat in the jury box. Juror number 24,
25 Rachel Bocchino. What says the State?

1 AST. SOL. SIMPSON: Please seat Ms. Bocchino.

2 CLERK: What says the defense?

3 MS. FORD: Please seat the juror.

4 CLERK: Ma'am, you've been selected as the second
5 alternate in this case. Please take a seat in the jury box.

6 THE COURT: Any motions regarding the selection of the
7 jury?

8 AST. SOL. SIMPSON: No, Your Honor.

9 THE COURT: From the defendant?

10 MS. FORD: No, Your Honor.

11 THE COURT: Ladies and gentlemen of the jury, I wish I
12 was the bearer of better news, but unfortunately, or
13 fortunately, I need to send you back down to the jury
14 assembly room for further instructions. We appreciate your
15 patience. Hope you all have a great day. Please follow the
16 bailiff's instructions. Thank you. .

17 (The remaining jurors exit the courtroom at 11:25 a.m.)

18 THE COURT: Ladies and gentlemen of the jury, you've
19 been selected for the case of the State of South Carolina v.
20 Montrelle Lamont Campbell. I'm going to ask your indulgence
21 for a few moments. I need to discuss with counsel some
22 scheduling matters. I anticipate we will break for lunch.
23 It's been a long morning for you. We're used to this
24 routine. We do it day in and day out. So I know that this
25 is an unfamiliar routine for y'all. During this break,

1 please do not discuss the case in any manner whatsoever.
2 Please don't speculate what you think it may or may not be
3 about. I don't think we will be out for very long, but
4 again, we appreciate your indulgence and your patience. If
5 you will go with the bailiff for me, please. If you would
6 also give your cell phone numbers to the bailiff as well.

7 (The jury exits the courtroom at 11:27 a.m.)

8 THE COURT: Are there any pre-trial matters that we
9 need to take up?

10 AST. SOL. SIMPSON: None from the State, Your Honor.

11 MS. FORD: Your Honor, just a few matters. One is that
12 my client has a nickname of Troll. I think that that is
13 relevant and I think it would have some negative ---

14 THE COURT: How is it unfair? Are any of the witnesses
15 going to testify that that is the name they know him by?

16 MS. FORD: My understanding is yes.

17 THE COURT: They have lots of nicknames that I would
18 think are not particularly flattering, but they don't think
19 of it that way. I mean if it bears upon an element of the
20 crime, which is identity, which they have to prove beyond a
21 reasonable doubt, that probably would identify him, but I
22 don't see that as derogatory.

23 MS. FORD: Well, one, and it may go to my other motion,
24 my other matter.

25 THE COURT: Okay.

1 MS. FORD: In this case, just so the Court is aware,
2 there is a homicide that occurs one evening; shots are fired
3 into an apartment on Norman Street, Your Honor. The State
4 is saying it is my client. The residents of the apartment,
5 they do not really know my client, but they knew him before.
6 Apparently, at this apartment there is a lot of activity,
7 partying going on quite often, and so the night of the
8 murder, there is a party. The night before, there is
9 another little get together and they say my client's sister
10 was there. He had asked to see her and she didn't come out,
11 so he ended up going in; the door was open. And the
12 resident was upset at him for coming in without permission
13 and he left without altercation.

14 At that point, he leaves and his sister leaves and
15 after she leaves the residence, Katrina Brown followed the
16 sister and she says my client popped her and she fell to the
17 ground. That would be the extent of that altercation to my
18 understanding, Your Honor. So I believe the State is saying
19 that is a motive in a way that the altercation the next
20 evening. I don't think there is enough, that there is any
21 proof. There's no words exchanged.

22 THE COURT: They have elements they have to prove.
23 Most cases are circumstantial in nature and they all have
24 pieces like a puzzle. People rarely just show up somewhere
25 and do something. Usually there is something that is a

1 catalyst or a trigger to an altercation.

2 The purpose of opening statements is to argue what
3 evidence will show; so they are going to argue that that's
4 what the evidence is going to show. They have witnesses who
5 will testify to that. I don't see any basis for me to
6 restrict them from arguing what the evidence will show, just
7 as you will argue what the evidence will not show.

8 The purpose of opening statements is only to
9 outline their opinion about a case; it's not about
10 evidentiary sufficiency. So I guess I'm just at a little of
11 a loss as to how I would restrict them in terms of their
12 theory of their case and what they believe the evidence will
13 show, and I assume they have other witnesses who will
14 testify about this altercation, this alleged altercation.

15 MS. FORD: Yes, Your Honor. My argument, when it was
16 presented in trial, I was going to object to ---

17 THE COURT: You can always make a contemporaneous
18 objection and I will have to rule on it at that point,
19 because you all know this case; I don't.

20 MS. FORD: Yes, Your Honor.

21 THE COURT: I don't know how the evidence is going to
22 develop. I have no clue. It might be relevant and it may
23 not, but the best I can do is to make a contemporaneous
24 ruling on it. If we need to have a hearing in camera, we
25 will do that. I think y'all know me well enough by now that

1 if I need to hear more, I will excuse the jury and we will
2 make a proffer if we need to. But I just don't think I can
3 rule in advance on relevance; I don't know. I assume they
4 have witnesses that will testify that there was this
5 altercation.

6 And then there was something that precipitated
7 this next incident, which would not be unusual. I mean, it's
8 correct that we hear murder cases or any type of case where
9 there wasn't some precipitating act that caused or had some
10 sort of -- maybe it's not the best analogy or example, but
11 with these gang fights. You know, it rarely starts that
12 night. There are usually incidents leading up to that night
13 that causes some explosive incident or tension to build up.
14 But at this point, I can't discern any reason to restrict
15 them from arguing what the evidence will show what they
16 believe their witnesses will testify to.

17 That's a strategic decision; you always run the
18 risk of your not being able to get stuff in, but their
19 theory of the case, at this point, I'm not going to restrict
20 them. Does the State have anything they want to add?

21 AST. SOL. SIMPSON: No, Your Honor. You've summarized
22 our position pretty well. We had an altercation at an
23 apartment, you know, and the next morning, the apartment is
24 shot up with an assault rifle. Although they don't see who
25 shoots into the house, we think the prior incident was his

1 motive.

2 THE COURT: Are there going to be people who will
3 testify to his nickname?

4 AST. SOL. SIMPSON: Yes, as I discussed with defense
5 counsel, I don't plan on drawing any connection with that
6 nickname. I don't plan on focusing in on it in closing or
7 opening. But that's what the witnesses know him as. They
8 don't know him as Montrelle Campbell. Everybody knows him as
9 Troll.

10 THE COURT: And nobody knows him as Montrelle Lamont
11 Campbell?

12 AST. SOL. SIMPSON: Right, Your Honor. Some of them
13 have learned that obviously after the incident.

14 THE COURT: And when they identify him, they will say
15 this is the person they know as Troll?

16 AST. SOL. SIMPSON: Right.

17 THE COURT: Okay. I would think that is fair and it
18 bears upon them establishing the element of identify,
19 especially if these witnesses don't know him by any other
20 name.

21 The other thing is are there any other matters
22 like Jackson v. Denno, Neil v. Biggers? Any other pre-trial
23 matters we need to take up?

24 AST. SOL. SIMPSON: We aren't going into any
25 statements. And as far as I know a Biggers hasn't been

1 filed.

2 MS. FORD: Well, my understanding is for the night
3 before ---

4 THE COURT: Because there were no lineups?

5 AST. SOL. SIMPSON: There were from the prior incident,
6 but none of our witnesses have ever said they saw Mr.
7 Campbell shoot. The doors were closed, so.

8 THE COURT: So we don't need a Neil v. Biggers. Does
9 the defendant have any prior record?

10 AST. SOL. SIMPSON: Yes, Your Honor, and I apologize,
11 we've lost a week.

12 THE COURT: I understand, much to my chagrin, I would
13 have rather been at work on Thursday instead of looking at
14 snow all over my yard.

15 AST. SOL. SIMPSON: We would seek to impeach for the
16 prior convictions.

17 THE COURT: Okay. I just want to know is we could have
18 gotten that -- you can do that after lunch. Now, were there
19 any offers extended to him that need to be rejected on the
20 record?

21 AST. SOL. SIMPSON: Ms. Ford and I had some informal
22 discussions where we sort of concluded that we were so far
23 apart that it would be a waste of time.

24 THE COURT: Okay. I just needed to make sure for PCR
25 purposes to make sure that if there were any that they were

1 fully communicated to him and that either he had rejected
2 them in some other prior term of Court or if we needed to do
3 them today.

4 Sir, just for the record, I'm going to advise you
5 that if I happen to see the lawyers in the hallway, it was
6 simply to ask -- I didn't realize, but there had been some
7 miscommunication, one, the elevators are broken and we were
8 trying to figure out how we were going to get you up here
9 this morning and there was some miscommunication. I didn't
10 realize if they had you upstairs yet. And then some
11 miscommunication between me and my bailiff and my deputy
12 clerk because I wasn't sure if they had brought the jury in
13 already and I didn't want to have any conversations with
14 your lawyers in front of them because I would not want to
15 ever run the risk of any prejudice to you as a result of
16 having any conversations in their presence. So when I had
17 them in the hallway, all I asked was whether there were any
18 pretrial matters we had to deal with before I picked your
19 jury.

20 So I wanted to fully disclose that to you so you
21 wouldn't have any apprehension about that and I told counsel
22 that I would inform you on the record. Is that accurate,
23 from State's counsel?

24 AST. SOL. SIMPSON: Yes, Your Honor.

25 THE COURT: From defense counsel?

1 MS. FORD: Yes, Your Honor.

2 THE COURT: Now, is there anything else -- did y'all
3 premark exhibits?

4 AST. SOL. SIMPSON: Yes, we did review many yesterday
5 with Ms. Ford.

6 THE COURT: Do you have any y'all can agree on?

7 AST. SOL. SIMPSON: I think so.

8 THE COURT: How long do y'all think y'all need to go
9 over that with the court reporter?

10 AST. SOL. SIMPSON: Ten minutes?

11 THE COURT: Okay. I'm trying to establish what y'all
12 can agree on. It just saves time. Do y'all have any
13 objection to us breaking for lunch and have a clean start?

14 AST. SOL. SIMPSON: That sounds good, Your Honor.

15 MS. FORD: No, Your Honor.

16 THE COURT: My secretary told me that East Bay Street
17 is still treacherous, so they may need a little more time to
18 make their way out there. Let's meet back here at 2:30 p.m.
19 If y'all could be back here about 10 minutes before that and
20 go over the exhibits with the court reporter.

21 AST. SOL. SIMPSON: Okay, Your Honor.

22 THE COURT: Bring the jury back in, please.

23 (The jury enters the courtroom at 12:47 p.m.)

24 THE COURT: Due to the fact that the courthouse had to
25 be closed most of law week, there are some matters of law

1 that counsel and I have to deal with before we begin the
2 trial of this case. So we are going to have a little
3 extended lunch hour than normal. We appreciate your
4 patience as we try to work through that process. Again, we
5 don't take your time for granted. We will break until 2:30.
6 During the break, please don't discuss the case in any
7 manner whatsoever. Please don't speculate what the case
8 could be about. Don't do any research on the internet.
9 Also, when you return to the courthouse and the bailiffs are
10 going to show you how to do that, you are going to come
11 directly to your jury room, please avoid any direct contact
12 with anyone. Even an innocent conversation can be
13 misinterpreted. Please be careful that you have an
14 inadvertent conversation with a witness, and we do not want
15 that conversation to be misinterpreted.

16 If you would stand for me, please, so the Clerk
17 can administer the oath?

18 (Jurors stand while Clerk administers oath.)

19 THE COURT: I hope you all have a great lunch. Again,
20 come directly to your jury room at 2:30 in which we will
21 begin with opening arguments and I imagine we will get to a
22 couple of witnesses. We will end at 5:00. I recognize you
23 all have other obligations you need to attend to. I also
24 just want to be careful with the weather. Would like to get
25 you close to home while the sun is still out or as close as

1 possible. So have a good lunch and we will see you at 2:30
2 p.m.

3 (The jury exits the courtroom at 1:00 p.m. and a lunch
4 recess is taken. The proceedings resume at 2:30 p.m.)

5 THE COURT: All right, Number 302, Mr. Starkweather is
6 our foreperson. Is the State ready to proceed with opening
7 statements?

8 AST. SOL. SIMPSON: We are, Your Honor.

9 THE COURT: Is the defense ready to proceed with
10 opening statements?

11 MS. FORD: Yes, Your Honor.

12 THE COURT: Please bring in the jury.

13 (The jury enters the courtroom at 2:55 p.m.)

14 THE COURT: Ladies and gentlemen of the jury, the
15 matter that we had to deal with took a little longer than we
16 anticipated. We appreciate your patience. I hope you all
17 had a good lunch. It's freezing outside. Hopefully, it will
18 continue to warm up.

19 Before the case begins, I want to give you some
20 preliminary instructions as to how we are going to proceed
21 in this case. You will be given the opportunity to take
22 notes during this trial. There is a white sticker on each
23 notebook so you can write your juror number. On that
24 sticker, so that you will be able to identify which notes
25 belong to you. I will give you some instructions shortly on

1 your note-taking.

2 These remarks are just an introduction to this trial,
3 ladies and gentlemen. They are not a charge on the law. And
4 so that you know, when I use the word charge, charge is a
5 legal term that simply means instruction. So the word
6 charge and instructions are interchangeable. I will
7 instruct you on the law applicable to this case at the end
8 of the trial before you retire to consider your verdict.
9 This is merely an explanation of the procedure that we will
10 follow at the end of this case so that you may better
11 understand what is happening.

12 The defendant is charged by three indictments filed
13 with this court with the crimes of murder and two counts of
14 attempted murder. The elements I will explain to you at the
15 conclusion of the trial. The indictments, ladies and
16 gentlemen, are simply the charge by which the indictments
17 are brought to court and they are not in any sense evidence
18 of any of the allegations that they may contain.

19 The defendant has pled not guilty to the indictment.
20 The State therefore has the burden of proving each of the
21 elements of each of the indictments to a reasonable degree
22 of doubt. And it will be your duty, ladies and gentlemen,
23 to decide whether the State has met that burden or not.
24 Your purpose as jurors is to find and determine the facts.
25 You are the sole judge of the facts in this case. If at any

1 time I make any comment regarding the facts, you must
2 disregard it. You are to determine the facts from the
3 testimony that you will hear and the other evidence
4 introduced in Court. It is there for you to determine the
5 inferences which you feel may be properly drawn from the
6 evidence. It is especially important that you perform your
7 duty of determining the facts diligently and
8 conscientiously, because ordinarily there is no way to
9 correct an erroneous determination of facts made by a trial
10 jury.

11 On the other hand and with equal emphasis, the same law
12 that makes you the judges of the facts makes me the judge of
13 the law. The law as entered by the Court is the only law
14 you can consider. You must accept and follow it even though
15 you may disagree with it. The Court cannot tell you what
16 the facts are, you cannot disagree with the Court about what
17 the law is or what the law should be. Your responsibility,
18 ladies and gentlemen, is to take the law as I instruct it
19 and apply it to the facts as you find them from the
20 testimony of the witnesses and any other evidence that may
21 be introduced during this trial. After doing that, you will
22 render your verdict, a true and just verdict, under the
23 solemn oath that you've taken as jurors in this case.

24 Until I advise you to begin your deliberations, you
25 must not discuss this case with anyone. After the case is

1 submitted, you must discuss it only in the jury room among
2 your fellow jurors. The attorneys and the parties, as well
3 as witnesses in this case, have been advised that they are
4 not to speak with you at all. So if you should see anyone
5 involved in this case walk into the garage or even in the
6 elevators or otherwise, and they don't speak to you, please
7 don't think they are being unfriendly or untoward. They are
8 simply following the Court's instructions.

9 During the trial, you are not to read or watch any
10 media accounts of this case. That includes anything in the
11 newspaper, internet, radio or television. And you are not
12 to do any independent research of any type on the internet.
13 I know we like to believe that anything we see on the
14 internet is accurate, but it is not. And you have been
15 sworn to decide this case according to the testimony that
16 you will hear from the sworn witnesses along with the other
17 evidence that will be introduced.

18 So please do not consider anything that you have read
19 or heard about this case outside the courtroom whether
20 before or during the trial.

21 It is essential that you maintain an open mind and not
22 decide any issue in this case until all of the evidence has
23 been presented. The parties have made their closing
24 arguments and I've instructed you on the law. It is your
25 solemn responsibility to decide whether the State has met

1 their burden of proof or not. Your verdict must be based
2 solely on the evidence as presented to you at this trial and
3 on the law as I will instruct you during, and on the close
4 of the trial.

5 In just a moment, the solicitor will make what is
6 called an opening statement in which he will outline what he
7 believes the issue are in this case. In other words, what
8 he believes the evidence will show in this case. The
9 attorney for the defendant may also make an opening
10 statement, although she is not required to do so. Keep in
11 mind, ladies and gentlemen, that what the attorneys tell you
12 during their opening statement is not evidence. It is only
13 their contention to what they believe the evidence will show
14 in the case and what they believe the issues in the case
15 are.

16 The evidence in this case will be presented to you by
17 the testimony of sworn witnesses from the witness stand and
18 by exhibits that may be introduced into evidence. From time
19 to time during the trial, you will hear the attorneys say,
20 "Your Honor, I object." Just as in sports, business, or any
21 other activity, there are certain rules that we must obey in
22 the presentation of evidence. These rules have a definite
23 purpose. They ensure that you receive the most trustworthy
24 and reliable evidence available. An objection is the
25 procedure that an attorney uses as a possible violation of

1 these rules to my attention as the judge of this Court.
2 And for this reason, you should never hold an attorney's
3 objection against them, nor should you conclude from the
4 court's overruling or sustaining of the objection that I
5 favor one side or the other. And you should expect the
6 judge that this is the normal and healthy part of our
7 process.

8 Also, from time to time, you may hear an attorney say,
9 "Your Honor, we have a matter of law to discuss." They may
10 ask to approach the bench or I may have to ask them to
11 approach the bench. The reason we do this, ladies and
12 gentlemen, is because you are the finders of the facts, and
13 sometimes, when I'm discussing matters of law with counsel,
14 it may be necessary for me to make some comment about the
15 facts in connection with this ruling. For this reason, we
16 exclude you from the courtroom, so that in no way will you
17 be influenced by anything that the Court may say or do in
18 connection with the facts of this case.

19 In determining what the true facts are in this case,
20 you must decide whether or not the testimony of a witness or
21 witnesses is believable. It is my responsibility to rule as
22 a matter of law as to whether certain testimony is
23 admissible at all or not. But once it is admitted, ladies
24 and gentlemen, whether or not you believe it is solely a
25 matter for you to determine.

1 If you decide to believe a witness, you have the right
2 to consider the interest of any witness, the bias of any
3 witness, the prejudice of any witness, the opportunity of
4 the witness to have seen the things about which they may
5 testify. And the way the witness acts while on the witness
6 stand, what we commonly refer to as demeanor. You have a
7 right to consider anything that is in the record that will
8 help you evaluate the testimony of the witness. That means,
9 ladies and gentlemen, it is your duty to pay close attention
10 to the witness, to listen to them, and to pay close
11 attention to the attorneys and the Court. Although I know
12 it will be very difficult, please do not allow your thoughts
13 to wander, but give strict attention to the testimony so
14 that at the end of the testimony, after the arguments of
15 counsel and the charge on the law, you will then be in a
16 position to determine what the true facts are and thus
17 render a true and just verdict in this case.

18 It is your duty, Mr. Foreman, to fill out the verdict
19 form and to write out any questions that the jury may have
20 during the deliberations, but I will give you some further
21 instructions regarding that at the conclusion of the case.

22 Ladies and gentlemen, the foreperson is purely
23 administrative. That person does not have any greater vote
24 or voice than any other juror. It is a purely random
25 process that we use in selecting a foreperson and that

1 person's responsibility is simply, again, administrative.
2 To fill out the verdict form and to write out any questions
3 you may have during the deliberation process.

4 During the course of this trial, you will be given the
5 opportunity to take notes. Note taking is a privilege that
6 you may choose to exercise or choose not to exercise.

7 Please don't feel like you are required to take notes. Not
8 everyone finds note taking helpful. If you should decide to
9 take notes, please don't try to write down everything that
10 is said. It is virtually impossible. Even a moderate
11 speaker speaks at 200 words per minutes, and as you can
12 imagine, that's a lot of words.

13 Even with our court reporters as they are transcribing
14 a transcript when they are going to produce the record of a
15 trial, they have backup tapes that they listen to, to make
16 sure that what they have recorded is accurate. So you can
17 be sure it would be almost impossible to take down a
18 verbatim recording of what is going on in a courtroom.
19 Then, in addition to that is you must rely on your power of
20 observation. Please don't allow note taking to become a
21 distraction. You may want to keep an outline of all the
22 main points and arguments that are being made so that when
23 you are charged to deliberate, you can use your notes to
24 refresh your memory.

25 During breaks and recesses, your notes will be left in

1 your seat and we do that to make sure there is no premature
2 temptation to deliberate regarding any matter in the trial.
3 Also, I remind you that any note taking are for your
4 purpose. They are only to be used to refresh your memory.
5 They are not to be shared with anyone else. And also, I
6 remind you that your notes are not to be considered anymore
7 reliable than a fellow juror's memory. Their memory should
8 be considered as reliable as notes that may have been taken.

9 In order to preserve everyone's rights, I'm going to
10 give counsel the opportunity to take exception to anything
11 the Court has said in m opening instructions. Any exception
12 from the State?

13 AST. SOL. SIMPSON: No, Your Honor.

14 THE COURT: Any exception from the defense?

15 MS. FORD: No, Your Honor.

16 THE COURT: Ladies and gentlemen, I would ask that you
17 give counsel your undivided attention in opening arguments.

18 MS. FORD: Your Honor, may we approach, first?

19 THE COURT: Sure.

20 (A bench conference is held off the record and out of
21 the hearing of the jury.)

22 THE COURT: THE COURT: You may proceed.

23 OPENING STATEMENTS

24 AST. SOL. SIMPSON: Thank you, Your Honor. Ladies and
25 gentlemen, good afternoon. My name is Chad Simpson. I

1 represent the State of South Carolina through the office of
2 the Solicitor of the 9th Circuit in Charleston and Berkeley
3 Counties.

4 I want to start as I start every trial, by thanking you
5 sincerely on behalf of my office and the sacrifice that you
6 are making this week by giving up your time. That means a
7 little bit more this week because I understand that most of
8 you didn't get to go about your life as normal last week; I
9 know we didn't either. So it's a special thank you this
10 week for taking the week after the weather event to spend
11 your time here.

12 And on that point, if we look a little frazzled, we
13 normally have quite a busy week leading up to a trial. Like
14 you, we were out of pocket last week at home with children.

15 Anyway, what is this case about? To start with, I was
16 at the office last night and I understand that last night,
17 the Golden Globes, it was sort of a thing. That thing was
18 women and disrespect towards women. I thought how striking
19 it was how women of such wealth and privilege would have
20 such meaningful tales of disrespect, but what about women
21 who don't have that kind of wealth and that stardom and that
22 privilege. And that's really what this case is about and
23 how when they confront a certain type of man in a certain
24 type of way, and specifically what happens and specifically
25 what happens, what tragic events can happen and horrifying

1 events can happen when Montrelle Campbell feels
2 disrespected. That's what this case is about. It's also a
3 case about a place and the place in this case that we are
4 about to here is the Gadsden Green house. For those of you
5 familiar with Charleston, that's the public housing behind
6 Spring Street and the Citadel. From here to crosstown, it's
7 probably a place you've driven by many times whether you
8 knew it or not. And you know, there's no two ways about it,
9 the Gadsden Green housing project is not a place for the
10 privileged. It's a public housing community.

11 But what you are going to learn in this trial is it is
12 still a community. It is a place of love, it is a place of
13 neighbors that take care of one another and care about each
14 other. A place where people raise their children; a place
15 where people care. And with some of this -- one group of
16 those people particularly that you are going to meet, and
17 that's the Brown family. They lived at a specific apartment
18 in Gadsden Green Housing Project, it was ■ Norman Street,
19 Apartment ■. We're going to talk about that apartment for
20 most of this trial. Ms. Katrina Brown's apartment, where
21 her main job is a mother to her son. The Gadsden Green,
22 again, is a place of caring, doors are often left open,
23 where neighbors know one another, where people often spend
24 years of their life. On nice evenings, people walk around
25 and say hello, families come to visit.

1 So we begin this case on a Thursday night where that's
2 happening, what would normally be happening at Gadsden Green
3 in that community. Standardly, the neighbors and friends
4 are walking around and talking to one another and
5 socializing. And so Katrina has some family that came over
6 to talk, her sister Kerri Brown and Tiara. They're
7 socializing and Kerri knows Montrelle Campbell's sister,
8 Kadeshia. So it wasn't like a planned party or social event
9 but when Kadeshia comes by and they see Kadeshia, and Kerri
10 and her see one another, they begin to socialize and
11 Kadeshia comes in to [REDACTED] Norman Street. You'll hear that
12 Montrelle Campbell is somewhere at this time likely outside,
13 and perhaps he's getting a little annoyed that his sister is
14 in the apartment and ain't coming out. And so he goes in to
15 [REDACTED] Norman Street, but he also -- you'll hear from Katrina,
16 with kind of a sense of entitlement. He kind of walks in
17 the place like it's his place, you know, and that rubs
18 Katrina the wrong way. She doesn't like it, she doesn't
19 know Montrelle. Katrina knows who Kadeshia is, but doesn't
20 know her brother and just sees this guy walk in. And so
21 words are exchanged. Probably happened a hundred times at a
22 social event, you know, two people exchanging words that
23 maybe aren't so nice. Not that big of a deal. But it's a
24 big of a deal when you disrespect Montrelle Campbell though,
25 because Katrina does something; she throws him out. She

1 doesn't like the attitude, she doesn't know him, and she
2 doesn't like his attitude. So she does what any homeowner
3 we believe is entitled to do, she throws him out of her
4 apartment. A short time after doing so she walks out and
5 Montrelle shows her exactly what happens to somebody that
6 disrespects him; and he punches her, in the head, to the
7 ground. Knocks her to the ground for showing him that kind
8 of disrespect. But there's a problem. Like I said, this is
9 a social place, people see it, a crowd starts to gather.
10 And so what you have is Montrell's disrespect he was shown
11 by Katrina becomes something else and even arguably more
12 powerful, it becomes public embarrassment, because now the
13 whole neighborhood has seen him hit a female; has seen him
14 knock a girl to the ground. Luckily, at least at this time,
15 words are exchanged and Montrell's sister tries to get him
16 to leave, she leaves and he leaves separately, and at least
17 for the time being the situation is closed.

18 But Montrelle isn't going to let that disrespect, which
19 has now become public shame and embarrassment, end there.
20 He's going to take it to horrifying levels of violence, and
21 he's going to do it the next night. The next night, Friday
22 night carrying into Saturday morning was more of a social
23 event. Yeah, it wasn't some huge party or anything like
24 that, but there were more people coming over -- to hangout,
25 have some drinks, it's the weekend. And so Saturday night

1 they do that. Family members come over, you'll hear from
2 several of them. Again, Kerri Brown, Tierra Brown, they
3 come out and they hang out. Kinard Brown, their cousin.
4 Now as the night gets on, the kids go to sleep, but there is
5 a seven year old there sleeping in the bed, a child sleeping
6 in the bed. And it's at this point in our story where I
7 have to introduce somebody else to you, and I want to
8 introduce to you someone who is no longer with us. His name
9 was Antwan Frost. He was a guy that liked to write poetry,
10 and he liked to talk; he was an eloquent person. And so he
11 sort of had a nickname, they called him "Brother Dusty."

12 MS. FORD: Objection, Your Honor.

13 THE COURT: Overruled.

14 AST. SOL. SIMPSON: He was known not to most people by
15 his name Antwan Frost, he was known to most people as Dusty,
16 and sort of a jokey name of Brother Dusty -- he had a sort
17 of a ministerial personality, kind of like a Reverend,
18 Brother Dusty. What did Brother Dusty have to do with
19 Montrelle Campbell and his rage? Nothing. Nothing
20 whatsoever. He just came over to see some friends of his at
21 36-A Norman Street, and he wasn't hanging out there all
22 night. You're going to hear he got there, fifteen or twenty
23 minutes he had only been there, just coming up doing what
24 Brother Dusty did and saying hello, socializing, but he was
25 in the apartment. He was in the apartment at about 6:30

1 A.M. when Montrelle Campbell, for a brief moment, turned
2 [REDACTED] Norman Street into hell on earth, and he did it because
3 he approached the back door, with an assault rifle, and
4 unloaded the assault rifle into the back door window of an
5 apartment that contained Brother Dusty, Tierra Brown, Kinard
6 Brown, Kerri Brown, Katrina Brown, Kerri Brown's grandson,
7 Katrina Brown's teenage daughter. An assault rifle into the
8 back of 36-A Norman Street, a storm of metal, because even
9 though to the best we can tell he unloaded fourteen bullets
10 into that apartment, and when bullets hit center blocks
11 you'll see, when bullets hit microwaves, refrigerators and
12 book shelves, they splinter into a storm of metal.

13 Antwan Frost, sadly -- took a bullet to his right
14 chest, shot and fatally killed just for stopping by. Two of
15 the females in the apartment, also injured, one with a
16 bullet lodged to this day in her arm. The other with metal
17 fragments injuring her head. We're here to recount for you
18 through the end of this week the investigation. Obviously,
19 the first question the police are going to ask in a
20 situation like this to the residents of 36-A Norman Street
21 is "Who do you think did this -- is there someone who had a
22 problem with you?" Only one name. Campbell. The nickname
23 of Montrelle Campbell, a person they barely knew, but who
24 within twenty-four hours had punched and knocked one of them
25 down. Investigation leads to local surveillance videos

1 which show a car pulling up, right around the time a car
2 would want to pull up to do this, and the driver flicking a
3 cigarette butt out of the window. That cigarette butt was a
4 piece of evidence found and investigated; that butt leads
5 not to Montrelle but a guy named Trivell Richardson.

6 The video shows that it's pretty unlikely Trivell did
7 this, and we'll go through it in this trial, but afterwards
8 who comes running back to the car holding an assault rifle?
9 Montrelle Campbell. What is that car their in? Montrelle
10 Campbell's girlfriend. Where is Montrelle Campbell's phone
11 at 6:30 A.M. when this happens? Well, it should be in North
12 Charleston because that's where he lives now, but it's in
13 this place at the apartments.

14 That and other evidence this week will prove to you
15 beyond a reasonable doubt that when Montrelle Campbell is
16 disrespected, he took an assault rifle to the rear of an
17 apartment and unloaded into that apartment. And that,
18 ladies and gentlemen, when it leads to a death is murder.
19 And that, ladies and gentlemen, when it leads to an injury
20 is attempted murder.

21 So at the conclusion of this week, I am going to ask
22 each and everyone of you, not out of revenge or anger, but
23 to reach a just and fair conclusion that having been
24 convinced beyond a reasonable doubt that Montrelle Campbell
25 did that, that he is a guilty of the crime he is charged

1 with. Again, a sincere thank you for your time this week
2 and we'll be talking to you again. Thank you.

3 THE COURT: Counsel for defense.

4 MS. FORD: Thank you, Your Honor.

5 THE COURT: You're welcome.

6 MS. FORD: Good afternoon. We are here today because
7 the police, they just didn't know where else to go, where
8 else to look. But the conclusion that they want you to buy
9 into, that Montrelle Campbell murdered Antwan Frost, that he
10 shot up that apartment, it just doesn't make any sense.
11 There is no doubt, at all, that tragedy struck [REDACTED] Norman
12 Street back in September of 2015. Someone shot into
13 Katrina's apartment, several people were hit and one man
14 tragically died. We are here not to determine if someone
15 wrongly, and sadly, lied but we are here to determine who
16 did it. The State is saying that it's Montrelle Campbell,
17 and Mr. Simpson did a good job of speaking to you like he
18 knows it's him, that Montrelle is the one who did it. But
19 that's not the situation. You are here today to determine
20 if the State can prove to you that Montrelle is the one who
21 did this horrible act. And they will not be able to prove
22 that because it is not true.

23 On the morning that Antwan Frost died, there had been a
24 party going on all evening. It was about 6:30 in the
25 morning when it happened and people had been at Katrina's

1 house all night. Her house is displayed, the Solicitor went
2 into it a little bit, people congregating there a lot.
3 There are a lot of parties, get together's, things of that
4 nature. Some people were family, there was a lot of family
5 members, but that's not all that was in that house. There
6 were also a lot of -- several young men, and people in the
7 household didn't even know their names. They came with a
8 man named Kinard. Kinard is a cousin to Katrina and to
9 Kerri Brown, her sister. But no one even really knew their
10 names, but they were hanging out all night. Other people
11 had been in that apartment throughout the night, on and off,
12 earlier in the evening as well. Again, some family,
13 Katrina's mom came by at some point, and some people who
14 weren't family came by. The people in the apartment
15 couldn't even remember everybody who had come by that night.

16 When shots were fired into [REDACTED], none of the people
17 inside could actually see anything, unfortunately, so they
18 were not able to see who shot into the apartment, they were
19 not able to see what the person looked like, what he was
20 wearing or anything of that nature. So none of the people
21 in that apartment are going to be able to say it was
22 Montrelle Campbell.

23 So the police go out after the shooting and they do
24 their best to talk to not only the people inside but anybody
25 who might have information. Several people have called

1 9-1-1 because it's a very scary thing, it was 10:30 and a
2 lot of people were woken up by the shots. Kinard Brown
3 actually called 9-1-1 and so did a lady named Mrs.
4 Patterson, she was upstairs, and another neighbor across the
5 way, Mrs. Peggy Blake. Mrs. Peggy Blake had indicated to
6 9-1-1 and to an officer on the scene that she saw the
7 shooter get into the lime green car.

8 Now, the police talked to everyone they could, but they
9 didn't get a chance to talk to everyone because for some
10 reason, some of the gentleman inside of the apartment that
11 night, they ran away; they got lost. So they were not
12 actually able to talk to everyone that night. This area is
13 a fairly high crime type of area - drugs, violence, guns and
14 there's live security cameras everywhere. Those through the
15 city and there are several businesses that have security
16 cameras, and actually several personal homes that have
17 security cameras. And so because of those cameras, and now
18 they obviously don't catch anything, there's no footage
19 unfortunately showing who exactly shot into that apartment,
20 but they come to Trivell Richardson and he was driving a
21 gold colored car that evening. So police are able to find
22 Trivell and talk to him and he is adamant that he was not
23 downtown at all that day. That he doesn't even go downtown
24 anymore, but as he's confronted with certain information he
25 changes his story a little, says "Well I was downtown but I

1 was walking. I walked all the way from West Ashley." You'll
2 learn that over the course of this case, since 2015, he has
3 changed his story numerous times. And he is going to tell
4 you that some footage that you'll see is Montrelle Campbell.
5 Nobody else says that, but Trivell Richardson is going to
6 tell you that. Trivell has also been charged with murder,
7 just so you know that.

8 So Trivell ends up telling the State this information
9 well into the case long after Montrelle was even arrested.
10 So how did the police get Montrell's name? Well Mr. Simpson
11 went a lot into that. There had been this incident the
12 night before at Katrina's house. When the people were asked
13 who could have done this, they were just thinking, well
14 there was this thing the night before. It's not as if they
15 were certain that oh yes, I know he was coming back, it's
16 just they're like well it may be a a coincidence but this
17 happened the night before. And what happened is that
18 Katrina had people over, she had her door open, Montrell's
19 sister is there and you'll hear the witnesses say that
20 Montrelle came in, but he didn't speak, Katrina asked him to
21 leave and he did leave. Katrina then just got into an
22 argument with Montrell's sister, Kadeshia, and Kadeshia left
23 on her own.

24 Katrina followed her out and at this point, supposedly,
25 was when Montrelle popped. There were no words said, there

1 is no threat made, any kind of verbal threat, he doesn't say
2 I'm going to come back, he doesn't point or present a gun to
3 them at all, that's the end of it. Katrina doesn't even
4 call the police. It's that simple. So it's just that when
5 the shooting happened the next night, they just thought of
6 this because it happened the night before. But it doesn't
7 make any sense that Montrelle Campbell would come back to do
8 something like the State is saying just because something so
9 trivial.

10 When you are listening to evidence of this trial,
11 please pay attention to what you will not hear, to what the
12 State will not be able to present to you. There will be no
13 forensic evidence actually tying Montrelle Campbell to the
14 shooting in this case, there is no witness saying that they
15 saw Montrelle Campbell shoot anyone or at anything or at any
16 building on that night. Please pay attention to who you
17 will not be hearing from. Please pay attention to not just
18 Katrina, who was in the residence of [REDACTED], but to all of the
19 people inside of that apartment. There were at least eight
20 people there at the time the shooting, and more earlier in
21 the evening. Please pay attention to credibility. Judge
22 Jefferson gave you some instruction on that earlier today,
23 not too long ago, about how one job that you have is to
24 determine credibility. What reason would somebody have to
25 lie, or could be lying for a certain reason. So we ask you

1 to please consider that when you are hearing from certain
2 witnesses such as Trivell Richardson.

3 The State has to prove to you that Montrelle Campbell
4 is guilty beyond a reasonable doubt. That is not some
5 casual legal term, it's a very important part of our
6 criminal justice system and is a very high burden.

7 In this case, there is not just a reasonable doubt,
8 there is a lot of doubt. You are going to see evidence that
9 will show that the shooter was someone else completely and
10 you take that with the fact that the State motives, Mr.
11 Simpson did a good job of really elaborating on this minor
12 incident the night before. It doesn't make any sense that
13 Montrelle Campbell would come back to do such a horrible
14 thing for something like that. Ladies and gentlemen of the
15 jury, as your listening to the evidence, to the witnesses in
16 this trial and at the end of this trial, we are going to ask
17 you to find Montrelle not guilty, and we're going to ask you
18 to find that because he, in fact, is not guilty. Thank you.

19 THE COURT: The State may proceed.

20 AST. SOL. SIMPSON: Thank you, Your Honor. The State
21 calls Katrina Brown.

22 (KATRINA BROWN, was duly sworn and provided the
23 following testimony.)

24 CLERK: Spell your first and last name for the record.

25 THE WITNESS: K-A-T-R-I-N-A, B-R-O-W-N.

1 THE COURT: You may proceed with the witness.

2 AST. SOL. SIMPSON: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY AST. SOL. SIMPSON:

5 Q. Mrs. Brown, good afternoon. Can you tell the jury
6 where you live?

7 A. [REDACTED] Norman Street.

8 Q. And how long have you lived at [REDACTED] Norman Street?

9 A. Five years.

10 Q. Can you describe to the jury a little bit about what's
11 Norman Street like. What kind of place is it?

12 A. Mmm, it's not like a bad, bad place, but it's not great
13 either.

14 Q. Do you know your neighbors down on Norman Street?

15 A. Yes.

16 Q. Do you have friends that live in the neighborhood?

17 A. I wouldn't say friends, just associates.

18 Q. Okay. What do you mean by associates?

19 A. Just kind of walking past going to the store. We don't
20 really talk.

21 Q. Okay. Where did you grow up?

22 A. On the east side of town.

23 Q. And how long had you lived on the east side of town?

24 A. All of my life.

25 Q. Okay. And did you live at [REDACTED] Norman Street back in

1 September of 2015?

2 A. I did.

3 Q. And who lived there with you at [REDACTED] Norman Street?

4 A. Me and my kids.

5 Q. Okay. And how many kids do you have?

6 A. I have four but it was just three that resided there at
7 that time.

8 Q. Okay. And who were they?

9 A. Rashonda Brown, Anthony Cobbs and Michael.

10 Q. What were their ages back in 2015?

11 A. Rashonda was 20 -- they was 20, 16 and 12.

12 Q. Twenty, 16, and 12?

13 A. Uh-huh. Fourteen, I'm sorry.

14 Q. Are you guys a pretty close family?

15 A. Yes.

16 Q. What kind of things did y'all like to do together as a
17 family?

18 A. Play games ---

19 BY MS. FORD: Objection. Relevance?

20 THE COURT: Overruled.

21 Q. Katrina, I'm showing what it's been admitted into
22 evidence, by consent, State's Exhibit 2 -- can you take a
23 minute and look over that?

24 A. Yes.

25 Q. Does that look familiar to you?

- 1 A. Yes.
- 2 Q. And what is that?
- 3 A. It's apartments.
- 4 Q. It's an image of the area we're talking about where you
- 5 lived at?
- 6 A. Right.
- 7 Q. This is an accurate description of the area we're
- 8 talking about here?
- 9 A. Yes.
- 10 Q. There is a screen in front of you that allows you to
- 11 feel -- you can touch it, it's a touchscreen. Where is ■
- 12 Norman Street?
- 13 A. (Witness points.)
- 14 Q. Okay. Now where is apartment ■?
- 15 A. (Witness points.)
- 16 Q. Would that be considered the rear entrance to
- 17 apartment? Would you call that the front or the back?
- 18 A. I would call that the back.
- 19 Q. Okay. And does ■ go all the way to the street once
- 20 you get inside there?
- 21 A. I would actually have to the street and walk all the
- 22 way around to get into the front entrance.
- 23 Q. Okay. Got it. But from where you circled all the way
- 24 over is apartment ■, right?
- 25 A. Yes.

1 Q. It is the upstairs and downstairs?

2 A. Just downstairs.

3 Q. Okay. And how many bedrooms?

4 A. Three.

5 Q. Could you describe a little bit for the jury the basic
6 layout of the apartment?

7 A. Looking at this, this looks like what I would call the
8 back door. When you walk inside this door, it would be the
9 kitchen and if you keep going to the other room. If you
10 walk in the back door and then you go to the kitchen, make a
11 left, that would be a hallway, to the left of the hallway
12 would be the bathroom, coming out the bathroom to the left
13 would be my son's room, and to the far left would be my
14 daughter's room and then coming out of the back room.

15 Q. Okay. I'm going to show you what's been admitted as
16 State's Exhibit Six. Does that look familiar to you?

17 A. Yes.

18 Q. Is that an accurate depiction of the apartment you were
19 describing?

20 A. Yes.

21 Q. Okay. Publishing State's 6. Again, where is the
22 backside of the apartment?

23 A. Uhh ---

24 Q. How about this, which side has the patio on it, the
25 porch?

1 A. You want me to circle this?

2 Q. Yes.

3 A. This would be like the back porch.

4 Q. Okay. So you have the kitchen, the living room and the
5 three bedrooms.

6 A. Yes, coming from the back.

7 Q. Okay. Katrina, you know why you're here this week,
8 right?

9 A. Yes.

10 Q. Okay. I want to take you now to the Thursday night
11 before the shooting and talk about the incident that
12 occurred that night. Can we talk about that?

13 A. Sure.

14 Q. Just describe, and I'm going to stop you from time to
15 time, or ask you for clarification, just describe for the
16 jury how that Thursday evening went and to the best you can
17 recall about what times?

18 A. That Thursday night Burke High School had a game and
19 for some odd reason the kids was out of school and I
20 remember that because my sister and my neighbor came.

21 Q. Okay. What is your sister's name?

22 A. Kerri Brown.

23 Q. And what is her sons's name?

24 A. Jabar.

25 Q. Do you remember about how old Jabar was at that time?

1 A. Six.

2 Q. Six? Okay. And is Kerri your older sister or your
3 younger sister?

4 A. Younger.

5 Q. Okay. So you said the kid's were out of school. Were
6 they out of school that day or the following day?

7 A. I can't recall. I believe they were out of school the
8 next day as well.

9 Q. Okay.

10 A. But anyway, so she came over there like 5-ish or
11 something like that. I know that like around about six, my
12 cousin and some other people came over just to stop by and
13 different things like that. And later on ---

14 Q. When the other people came, was that before or after
15 the game you mentioned?

16 A. The game was going on; I think the game was over, I
17 think a little bit after 10:30 or 11:00, because my son went
18 to the games that day.

19 Q. Okay.

20 A. And we was out -- there was a friend over with me and
21 Kerri that night as well. After they went home, we was all
22 sitting on the porch, just sitting outside on the porch
23 talking. I would say 11:30 going into 12, everything had
24 already died down. My son had already come back from the
25 game and my nephew, too. They had just gone to bed. Me and

1 Kerri was sitting in the kitchen.

2 Q. Okay. Let me interrupt you for a minute. Is this a
3 party atmosphere going on?

4 A. No, sir.

5 Q. Okay. So this is just you and your sister and ---

6 A. And a friend.

7 Q. Okay.

8 A. And my son and my nephew.

9 Q. And you said your son and nephew had already gone into
10 the bedroom?

11 A. Yes.

12 Q. Okay. And this is your approximating around midnight?

13 A. Yes. Me and Kerri were sitting down in the kitchen
14 talking, because actually we was about to go to bed, also.
15 And a young lady walked inside of the house. Her name is
16 Kadeshia. I don't know her last name.

17 Q. At this time, did you know Kadeshia?

18 A. I did, a little.

19 Q. Did you know her well or was she more Kerri's friend?

20 A. She was more Kerri's friend, but I did know her. She
21 used to go with my best friend.

22 Q. Okay.

23 A. She walked in or whatever and me and Kerri was excited
24 to see her, because we hadn't seen her in a while; and she
25 was excited to see Kerri, because she hadn't seen Kerri in a

1 while. So we was just sitting there and she was talking
2 about going to the store and get some drinks or whatever.
3 Someone knocked on the door and told her that her brother
4 was outside.

5 Q. At this time, did you know who her brother was?

6 A. No, never seen him.

7 Q. Okay. But someone identified that her brother was
8 outside?

9 A. Right. He was outside. She told the gentleman at the
10 door to tell him she was coming, or whatever, but she never
11 made it out there to him. So we continued on after that,
12 our conversation kept going on. I walked out of the kitchen
13 and walked towards the bathroom. So me and Kerri's friend
14 who was already there, she was in another room by the radio,
15 doing something to the radio, so I was walking back coming
16 out of the back room. When I walked to the right that would
17 be me walking into the kitchen, so I saw her kind of like
18 pop her eyes open or whatever and she was like, "Who is that
19 walking in your door?" So when I go to the right, it was a
20 guy named Troll.

21 Q. Okay. You were introduced this person as Troll?

22 A. I never ---

23 Q. You were told that this person's name was Troll?

24 A. Right. Right. And he walked in or whatever, so I'm
25 looking like, you know, I don't know you. Why you just

1 sitting here? You know, in my house or whatever. I asked
2 him, maybe in two or three minutes, to leave. He was just
3 sitting there. He never said nothing. He didn't get up.
4 After a while, he decided he was ready to leave. He got up
5 and walked out of the kitchen door and went outside. So I
6 was asking Kadeshia, like, okay, if you know him, and I'm
7 asking him who he is, why didn't you tell me who he is?

8 Q. So this interaction, you didn't know this was
9 Kadeisha's brother?

10 A. I didn't know that was Kadeisha's brother. I found
11 this out the next day.

12 Q. So you thought it was just a person walking into your
13 house?

14 A. I honestly -- I knew it was someone she knew, but I
15 didn't know anything until they told me the next day. When
16 she came in or whatever, like that, so I went outside by the
17 kitchen door -- by the living room door and went outside to
18 go and smoke a cigarette. I walked around to go toward the
19 back door, where the living room is at, or whatever, and
20 then I was on the ground.

21 Q. Okay. And what did you see then?

22 A He knocked me. He was over me like he was about
23 to knock me again. My sister came to the kitchen door and
24 was like, "No, no, what you doing?" He left and went to the
25 middle of the street and that's when I got up and her and my

1 friend helped me. I was getting up off the ground. The
2 neighbor ran over there; I had on some slippers and the
3 grass was wet that night when he knocked me. He kind of
4 caught me on the left side of my head or whatever. So me,
5 my sister and my friend, we all went to the middle of the
6 street, or whatever, and we had a few words. To me, it
7 looked like he was about to reach for something because he
8 was backing up. It looked like he was going to the car. So
9 I told my friend and my sister, "Let's go back inside the
10 house." That night, I couldn't remember anything because I
11 had all the windows out and I remember when we went back to
12 the house, my sister and my friend, we talked about what
13 happened that night for a little while.

14 Q. So when you came out around the corner and you were
15 knocked to the ground?

16 A. I walked around the building. I was almost ---

17 Q. Okay.

18 A. I was walking around and going toward the kitchen and
19 he came in front of me.

20 Q. Were you outside or inside?

21 A. I was outside.

22 Q. Okay.

23 A. I was outside walking around. Like I said, I was
24 smoking a cigarette. I went outside to smoke a cigarette.
25 But he went out the kitchen door and I had gone out the

1 living room door. I heard Kadeshia saying, "Come on, get in
2 the car. Let's go. Get in the car, let's go." And then
3 Kerri and my friend went back inside the house. We talked
4 about it for a little while.

5 Q. Okay. Did you call the police that night?

6 A. I didn't.

7 Q. Did you seek medical attention?

8 A. I didn't.

9 Q. You just know you got hit and went to the ground?

10 A. Yes.

11 Q. Looked up and again, what did you see when you looked
12 up?

13 A. He looked like he was about to knock me again, but my
14 sister and my friend was at the door and they was asking
15 him, you know, they was all frantic and saying, "What are
16 you doing? What are you doing?" He walked away at that.

17 Q. And you say there were words exchanged between you and
18 Montrelle?

19 A. It really wasn't no words, like, me and my sister and
20 friend, we was all just asking him, what's going on? Why
21 did you just do that?

22 Q. Okay.

23 A. He didn't say anything -- he didn't say anything to us.

24 Q. Okay.

25 A. I still haven't heard him speak at this point.

1 Q. Okay. Now, we're talking a lot about "this person".

2 Is this person in the courtroom today?

3 A. Yes, sir.

4 Q. And where is that person?

5 A. Sitting over there.

6 Q. Over here at this table?

7 A. Yes, sir.

8 Q. Was that -- that was the first time you had met him?

9 A. Yes.

10 Q. Did this commotion garner attention from anybody else
11 in the community? Was there anybody else coming outside to
12 see what was going on?

13 A. Actually, nobody was coming outside that night. There
14 was people out there, but the people that was already out
15 there, they was just over there. Some guys were out over
16 there, but nobody actually came out their house or whatever,
17 cause it really didn't -- everything happened so fast. It
18 really didn't even last that long or whatever. After me and
19 my sister and friend were walking to him or whatever, we was
20 just asking why you did this, because I didn't do anything
21 to you. But like I said, I saw him and he looked like he
22 was reaching back behind him. I told Kerri and my friend,
23 "Come on, let's go back inside to the house." It was cool
24 outside and I remember downing the windows that night.

25 Q. Why do you close your windows that night?

1 A. I just felt like it was the right thing to do after
2 what had happened with him. Me not knowing who he is, you
3 know.

4 Q. Okay. When did you learn that this person had a name
5 that he went by?

6 A. I heard that ---

7 Q. Was it that night?

8 A. Not that night. It was the next day.

9 Q. Okay. So let me ask you a question, and please just
10 speak freely and honestly. Why didn't you call the police
11 that night?

12 A. I didn't call the police because, you know, he knocked
13 me and I said what I said or whatever, you know. That was
14 that and I didn't feel like I should call the police or
15 whatever. And where I'm from, it's not something that you
16 do.

17 Q. Okay. So is it looked upon favorably in Gadsden Green
18 to involve the police ---

19 BY MS. FORD: Objection. Relevance.

20 THE COURT: I'm going to give him a little latitude.

21 Q. Is it considered favorably in this community to involve
22 the police in every problem that comes up?

23 A. Usually the police don't get called, unless it's
24 somebody inside the apartment looking out trying to figure
25 out, you know, what's going on. But the police really

1 parole the area around there, too. That particular night, I
2 guess they were not.

3 Q. Okay. You mentioned you closed the windows, you talked
4 about the incident a little bit, and then went to bed?

5 A. Uh-huh.

6 Q. And that would have been around after midnight on ---

7 A. I would say we probably layed down like a little bit
8 after 1:30 or 2:00 in the morning.

9 Q. Okay. And that's going into Thursday -- just to get
10 our dates right, that's Thursday going into Friday morning?

11 A. Right.

12 Q. Okay. So let's go to the next day. Waking up for the
13 day, on Friday, if you could, just sort of explain to the
14 jury about how Friday went.

15 A. Friday, usually, me and my friend or whatever, we get
16 together and play cards or we get drinks and stuff and
17 that's what we was planning on doing. The kids was all going
18 to be with their other parents and things like that. We was
19 going to get some drinks and everything, so that's what we
20 was doing. So earlier that Friday, I went to the store and
21 that's when they start saying, oh, Troll knocked you last
22 night. And that's when ---

23 Q. So people are talking about it?

24 A. Right.

25 Q. Okay. And it's come back to you?

1 A. Right. That's what happens. It was the thing to talk
2 about; it was something to talk about.

3 Q. Okay. So how did your day go then?

4 A. We was all -- me, my sister, and my friend was still
5 there and maybe about 3-ish or 4-ish the kids went off or
6 whatever. Me and my sister got dressed and we was just
7 sitting around, you know, because we don't start our day
8 until maybe like evening time, like around 6 or something
9 like that. So my cousins and all my friends, you know, we
10 talk to them and they start coming over and they bring some
11 drinks or whatever.

12 Q. So Friday nights are more kind of planned social
13 events? People are coming by?

14 A. Right.

15 Q. They are going to bring snacks and drinks?

16 A. Yeah.

17 Q. And y'all are going to socialize?

18 A. Right.

19 Q. That was the plan?

20 A. Right.

21 Q. Okay. Who all was planning on staying there last night
22 to the best of your recollection?

23 A. Well, actually, nobody really had intentions on staying
24 there that night. Me, my sister, my cousin, and my friend
25 who was there the night before.

1 Q. And who was your friend?

2 A. Her name is Tonya.

3 Q. Okay. Do you know her last name?

4 A. I believe her last name was Moseley.

5 Q. Okay. So Tonya, Tierra Brown, your cousin, and Kerri
6 Brown, your sister, were there. You said the kids went off,
7 right?

8 A. Well, at the time, my son was there and my nephew.

9 Q. Okay. What is your son's name?

10 A. Anthony.

11 Q. Any your nephew's name?

12 A. Lavar Talbert.

13 Q. And how old are they?

14 A. 16 and six.

15 Q. Okay. So what about people that came to the party that
16 night?

17 A. There wasn't even a party.

18 Q. Oh, I'm sorry.

19 A. You said what about the people?

20 Q. Yeah, who all do you recall coming?

21 A. It was a good bit of people that came by. It was just
22 some friends. I had one more family member that was there
23 besides me. It was still like early in the night. All of
24 those people didn't come there until like -- up until this
25 point, me, Kerri, Tonya are the only ones there, I'd say up

1 until like 11 or 12.

2 Q. Okay. And after midnight, who joins you?

3 A. After midnight, it was my cousin, Kinard, two of his
4 friends.

5 Q. Okay. Do you know his friends?

6 A. I know -- I forgot those guys names, but they are nice
7 guys. .

8 Q. But Kinard is a younger guy?

9 A Yeah.

10 Q. He is your cousin?

11 A. No, they is my cousin's friends.

12 Q. No, is Kinard your cousin?

13 A. Oh, Kinard, yeah, that's my cousin.

14 Q. So your younger cousin and a couple of his friends?

15 A. Right.

16 Q. Tell me about Antwan Frost. How do you know him?

17 A. We grewed up together on the east side of town.

18 Q. Okay. And what did you call him?

19 A. Brother Dusty.

20 Q. Okay. Why did you call him that?

21 BY MS. FORD: Objection, relevant?

22 THE COURT: Overruled.

23 A. That's like a nickname. We would all call him Brother
24 Dusty. He was a very nice, loving, kind, sweet guy. And I
25 miss him dearly.

1 Q. Did he come to your house that night?

2 A. Yes, he came to my house that night, but it was like
3 hours after that.

4 Q. Let's talk about that. This socializing and playing
5 cards and hanging out goes on throughout the night, right?

6 A. Right, uh-huh.

7 Q. It goes well into the next morning. Pretty much the
8 same group of people that you've described there?

9 A. Uh-huh.

10 Q. About what time is it when Antwan comes by?

11 A. He -- we was all -- well, me and Kerri was sitting in
12 the other room and Tierra and my cousin and his friends they
13 were at the kitchen table playing cards and we was listening
14 to music and me and -- let me see -- I want to say it was
15 maybe like 5:30 or 6:00 in the morning and Dusty came, he
16 walked in to the house. I was so happy to see him.

17 Q. When was the last time you saw him?

18 A. I haven't seen him in so long, until that night maybe a
19 few years.

20 Q. So this person you're fond of, you haven't seen in
21 years?

22 A. Yeah, right. So I was all excited. I ran up to him
23 and gave him a hug. He picked me up and spun me around. I
24 can't remember, but I want to say that Kerri was standing
25 outside; I can't recall, but I remember I wanted to surprise

1 everyone that he was there. I said, "Guess who is here?"
2 and Dusty walks in with me and everybody was so happy to see
3 him. Dusty and everybody was talking and hugging and that
4 went on for about 20 minutes, and then after that, gunshots.

5 Q. Okay. Slow down a little bit. I want to set the
6 scene. I believe you said it was around 6 A.M. when he gets
7 there. People were happy to see him?

8 A. Right.

9 Q. And he's only there -- you had just been there about 20
10 minutes or so?

11 A. Twenty minutes.

12 Q. So to the best that you can recall, again, you know we
13 got this diagram right in front of you that you can use if
14 you want -- when gun shots start, what's going on to the
15 best that you can recall. Who all is there and where are
16 you?

17 A. It was me, Kerri, Tierra, my cousin Kinard, two of his
18 friends . . . There was a couple other people that was
19 there too, I guess there was maybe like one or two . . .

20 Q. Okay. And where were you in the house?

21 A. In the living room.

22 Q. In the living room. And what were you doing?

23 A. Sitting down.

24 Q. Okay. What were the other people doing?

25 A. They were all standing around the table. Me, Kerri and

1 Daphney were inside of the living room talking. Kerri was
2 sitting, I was sitting, and Daphney was standing. Everyone
3 else who was in Rachel's car was in the kitchen at the card
4 table playing cards.

5 Q. Playing cards?

6 A. Playing cards.

7 Q. Okay. And I know it's not easy, but to the best you
8 can describe to this day, what happened?

9 A. To be honest with you, we all just got down on the
10 floor and we heard gun shots start dropping. At this point
11 we weren't paying attention because you're about to die and
12 hide for safety. I know me, Kerri, and Daphne were inside of
13 the living room over there, though. When we heard the first
14 gun shot everybody just started diving and there were
15 bullets flying all over the place. I had my hand over my
16 face and was crouching down on the floor.

17 Q. So you said there were more gun shots after the first?

18 A. Yes.

19 Q. Were they happening fast or at what rate were they
20 coming?

21 A. It was coming fast.

22 Q. You said -- gun shots flying over your head?

23 A. Well, yeah.

24 Q. Could you tell the shots were coming into your house?

25 A. Yes.

1 Q. It wasn't like gun shots in the distance?

2 A. No.

3 Q. How could you tell they were coming in your house?

4 A. Because I could hear them going through things, like
5 hear them going through the microwave, I could hear them
6 going through the refrigerator and going through the wall,
7 penetrating through the refrigerator through the wall. My
8 sisters dived and I had a chair that I had put over me. Me,
9 her, and Tierra was all hiding up underneath the chair. My
10 sister dived underneath the chair and I hear her say, "Oh,
11 I'm hit." When Tierra dived under there she had heard her
12 say oh I'm hit.

13 Q. Okay. Now where did your first kind of -- obviously,
14 initially you hit the floor but where does your concern go?

15 A. I'm just like all over the place right now. I'm
16 actually looking at Kerri because I'm trying to figure out
17 why these bullets are flying in, and she got in the back and
18 then maybe when she got halfway down the hallway, I thought
19 about it and said "Oh, the kids!"

20 Q. Okay. So in your perception, she's up endangering
21 herself to get back to the bedroom?

22 A. To get to the kids. Right.

23 Q. Okay.

24 A. But she obviously -- she didn't think about it. She
25 was like, "Oh, I'm hit." Tierra dived down and she was

1 like, "Oh I'm hit, too." And my sister got out of the way
2 to get to the back. By the time I got back she had already
3 down pulled my son and her son out the way and had them
4 covered up. All I could remember seeing was blood
5 everywhere.

6 Q. Okay. So, I'm sorry I know this is disturbing. You're
7 at one of the back bedrooms at this point?

8 A. Kerri and Tierra were sitting in the hallway, Kerri was
9 sitting in between Tiara's legs and I was crawling over
10 there as I'm coming down the hallway to go see where the
11 kids were but Kerri had already pulled them out of the way.
12 And at this point someone yelled, "Call the cops! Call the
13 cops! Call the cops!"

14 Q. So do you know if anybody was able to make that call?

15 A. I think my cousin Kinard had a phone and called the
16 cops. I don't really remember hearing. Tierra was on the
17 phone calling the cops.

18 Q. I think you said at some point you think realized that
19 Kerri had been injured in some way.

20 A. Mm-hmm.

21 Q. How was that?

22 A. Because when I was crawling towards the hallway I
23 couldn't even see her face but I think Tierra -- and after I
24 found out that they were okay then they helped me back in
25 the hallway.

1 Q. Okay. Did you at any point make it back from this
2 hallway to the bedrooms, bathrooms, to the living room?

3 A. I did.

4 Q. You had stayed back there until when?

5 A. I stayed back there until the cops came. My cousins
6 had made it to the hallway and I was holding my nephew and
7 my son. I was telling them to just calm down. I didn't want
8 them to see everything. And I was thinking whoever this
9 person was could come back around and start shooting again.
10 I can remember Kinard saying, "Oh, my God, he's not moving."

11 Q. Did the police and ambulances eventually arrive?

12 A. They did.

13 Q. Okay. So this is happening after 6 A.M. so it was
14 coming up at that time. That must have been a very hard day
15 for you ---

16 A. Yes, it is still very hard.

17 Q. Do you remember what happened after they arrived?

18 A. Like I said, I stayed in the back until after I found
19 out what was going on or whatever. They came to take Kerri
20 out. I remember seeing them put a brace around Kerri's neck
21 and walking her outside to the ambulance.

22 Q. So the injured, they walked them out of the kitchen
23 around to the ambulance out on the street?

24 A. Uh-huh.

25 Q. Okay. Did the police try to speak to you that day?

1 A. I didn't spoke to the cops until after I got to the
2 hospital.

3 Q. At the hospital, that's it?

4 A. Right.

5 Q. Okay. You were uninjured?

6 A. Uh-huh.

7 Q. And how long had you lived at [REDACTED] Norman Street?

8 A. Five years.

9 Q. Now, what if I asked you -- did you have enemies in the
10 neighborhood?

11 A. I didn't, no. I got along with everyone.

12 Q. Okay. There was no known conflict, in your mind, going
13 on at that time?

14 A. No.

15 Q. Except for what had occurred the night before.

16 A. Right.

17 Q. Were you asked by the police, that question, generally?

18 A. What?

19 Q. Do you know of anybody who would want to hurt you?

20 A. Of course. Yes.

21 Q. Okay. What did you tell the police?

22 A. I told them I didn't --

23 BY MS. FORD: Objection. Hearsay.

24 THE COURT: Sustained. Rephrase your question.

25 BY AST. SOL. SIMPSON: Yes, Your Honor.

1 Q. Do you having had now -- two years to consider this, do
2 you know of anyone in that neighborhood that had any sort of
3 conflict with, other than Troll?

4 A. No.

5 BY AST. SOL. SIMPSON: Court's indulgence.

6 Mrs. Brown, please answer any questions that Ms. Ford
7 has for you.

8 THE WITNESS: AYes, sir.

9 CROSS-EXAMINATION

10 BY MS. FORD:

11 Q. Hi, Ms. Brown. I want to go over who all was there at
12 your apartment the evening of the shooting. Okay?

13 A. Uh-huh.

14 Q. So you've had some difficulty remembering everybody who
15 was there exactly?

16 A. I believe one or two. I don't know.

17 Q. You told us that -- obviously, you were there of
18 course, and your sister Kerri was there?

19 A. Yes.

20 Q. And Tierra?

21 A. Yes.

22 Q. You actually have -- this may be someone you forgot,
23 your cousin, Nick?

24 A. Nick, was, yeah.

25 Q. Yeah. And Tonya was there you said?

- 1 A. Tonya wasn't there during the shooting.
- 2 Q. Okay. She wasn't there during the shooting?
- 3 A. Tonya wasn't there during the shooting, no.
- 4 Q. And Tonya, just so we know, she also goes by Tonka?
- 5 A. Yes.
- 6 Q. Your son, Anthony, was there; correct?
- 7 A. Yes.
- 8 Q. And he was a high school student at the time?
- 9 A. Yes.
- 10 Q. And your nephew was there?
- 11 A. Yes.
- 12 Q. And your brother -- I'm sorry, not your brother, your
- 13 cousin, Kinard, was there?
- 14 A. Yes.
- 15 Q. And you said two of his friends were there?
- 16 A. Yes.
- 17 Q. Does Delano ring a bell?
- 18 A. Yes.
- 19 Q. Was that one his friends?
- 20 A. Yes.
- 21 Q. Delano McPherson. Does Jarrell Risher ring a bell?
- 22 A. I don't know a Jarrell.
- 23 Q. Okay. But there was another boy there that was friends
- 24 with Kinard, correct?
- 25 A. Yes. There were two of Kinard's friends there.

1 Q. And you didn't necessarily know them that well,
2 correct?

3 A. Right.

4 Q. Earlier in the evening, your mom had come by, correct?

5 A. She did.

6 Q. And her boyfriend Michael Frasier was there, as well?

7 A. Yes.

8 Q. And you actually, earlier in the evening, had watched a
9 few kids for Dominique and Boo-boo?

10 A. Yes.

11 Q. And so Dominique and Boo-boo were there earlier in the
12 evening as well?

13 A. Yes. They dropped their kids off earlier.

14 Q. And then a lady named Nadine was there?

15 A. Earlier.

16 Q. And then, at one point, a guy either Kunta --

17 A. He stopped by, yes.

18 Q. He stopped by and there was also a guy named Edwin
19 Taylor, correct?

20 A. Yes. That's the guy who came with Dusty.

21 Q. Okay. Did he come with Dusty or he came actually
22 before Dusty?

23 A. They walked out together -- well, I was -- when Dusty
24 came, Dusty came alone. We told him to leave because he was
25 making too much noise and they put him out from there.

1 Q. Okay. When Dusty got there he was not with Eddie at
2 that time -- and just to be clear, Eddie is actually Edwin
3 Taylor, correct?

4 A. Right.

5 Q. Okay. And he's kind of known as a drunk, is that fair
6 to say?

7 A. Yeah.

8 Q. So when Dusty got there he was by himself; correct?

9 A. Yes.

10 Q. And you were very happy to see him, correct?

11 A. Uh-huh.

12 Q. But you were not actually the one to invite him?

13 A. He just showed up.

14 Q. He just showed up?

15 A. Yes, but I didn't invite him.

16 Q. So you don't know how he knew to show up at your house,
17 correct?

18 A. Right.

19 Q. So you don't know if there was anything on Facebook,
20 for example, talking about your house?

21 A. Nope.

22 Q. And this get-together, it had been going on -- the
23 shooting happened around 6:30, in the morning, correct?

24 A. It was around then, yes.

25 Q. And y'all had been all together having a good time

1 since the prior weekend, correct?

2 A. Right.

3 Q. There was a lot of drinking, correct?

4 A. No, there wasn't a lot of drinking.

5 Q. There wasn't a lot of drinking?

6 A. No, there was drinking going on but -- considering what
7 you call a lot of drinking? I mean there wasn't a lot of
8 people there, so I mean three or four beers was enough.

9 Q. So you were not intoxicated?

10 A. I wasn't.

11 Q. Y'all were also listening to music?

12 A. Right.

13 Q. You were outside dancing at one point?

14 A. Maybe I was; I don't recall.

15 Q. Okay. So at one point do you recall having to say we
16 need to go inside and close the doors because we're going to
17 get complaints.

18 A. No. I remember them saying we need to close the door
19 because something didn't set well with me, but I didn't hear
20 anything about getting any complaints.

21 Q. Well do you remember talking -- you talked to multiple
22 detectives, correct?

23 A. I did.

24 Q. And they reported all of your ---

25 A. Uh-huh.

1 Q. Yeah. And you never said you didn't have a good
2 feeling, you just said that you wanted to make sure there
3 wasn't ---

4 A. Okay, maybe, maybe I didn't. I don't recall. It was
5 two years -- I talked to a lot of detectives and a lot of
6 people.

7 Q. You told us earlier you talked about -- or with the
8 Solicitor you talked about the Thursday night at your house.
9 Okay. And that night, you were with your sister Kerri and
10 Tonya, and then some of the kids were around as well?

11 A. Yes.

12 Q. A lady came at some point, actually does Linda ring a
13 bell, she came and told you that Kadeisha's brother was
14 outside?

15 A. That was not Thursday night.

16 Q. That was not Thursday night?

17 A. That was Thursday night, it was later on Thursday
18 night. Yes. But Dominique had came back to take her kids
19 back at this time. This was Thursday night. Friday night
20 was the knock on the door.

21 Q. Okay. So Linda was there Friday night?

22 A. Linda came to the door the night that I got knocked,
23 which was Thursday night.

24 Q. Okay. So a man walks in and you told us you didn't
25 know who he was.

1 A. Right.

2 Q. But it was clear he and Kadeshia knew each other,
3 correct? I'm thinking that they knew each other when she
4 told him that he was outside. You had just heard that her
5 brother was there, correct?

6 A. Yes.

7 Q. And Kadeshia kept saying, "You don't remember him?"

8 A. She sure didn't. She sure didn't.

9 Q. Okay. All right.

10 A. She never said who he was.

11 Q. Okay. But you're telling us you didn't assume it was
12 her brother, even though someone had just said her brother
13 was outside?

14 A. I didn't know his name until the next day.

15 Q. So you knew it was her brother, just you didn't know
16 his name?

17 A. I didn't know him. She still has yet to this day to
18 tell me who he was. That's what I'm saying.

19 Q. You knew it was her brother, though?

20 A. Yes.

21 Q. Okay. So he left without ever saying anything,
22 correct?

23 A. Right.

24 Q. You told us today that after he left, a little bit
25 later you decided to go outside to smoke a cigarette,

1 correct?

2 A. Uh-huh.

3 Q. But actually before that, you went outside and you had
4 a little verbal altercation with Kadeshia?

5 A. Yes. Inside the house, right.

6 Q. You were pissed at her because you thought she should
7 be apologizing for her brother?

8 A. Uh-huh.

9 Q. You told her to leave?

10 A. I didn't.

11 Q. Okay. But she did leave?

12 A. Right.

13 Q. And after she left, that's when you left?

14 A. After she left -- when she left she walked out of the
15 kitchen door and I went outside to smoke a cigarette.

16 Q. You went to go talk to her.

17 A. I went to go smoke a cigarette and I walked around the
18 building going towards the kitchen door and I was on the
19 ground. All I know is that Kadeshia was standing at the car
20 and -- all the attacking -- after he knocked me, he was
21 about to knock me again. My sister and Tonya came to the
22 door saying -- and that's when he walked away.

23 Q. But when you left, you left -- but you left to go talk
24 to Kadeshia.

25 A. I talked to Kadeshia in the house.

1 Q. No. She left, you said you went -- you talked to many
2 detectives?

3 A. Right.

4 Q. And everything's recorded.

5 A. Right.

6 Q. And you told Detective Tuttle in 2015 that you left to
7 go apologize to her.

8 A. That's what I told -- I went to go and apologize to
9 her? I wouldn't be going to apologize to her because I
10 didn't have any reason to apologize to her.

11 Q. Kerri had actually at one point looked at you like you
12 were making too big of a deal of things.

13 A. Right.

14 Q. Okay. And when -- you were saying Montrelle hit you
15 after you followed Kadeshia.

16 A. I didn't follow Kadeshia, I went outside.

17 Q. To talk to her?

18 A. Listen, Kadeshia was standing at the car. When I went
19 outside I didn't even get a chance to say anything to
20 Kadeshia. Kadeshia was hollering and screaming and when I
21 came outside, I walked around to go to -- I may have said
22 some words to Kadeshia, but I was smoking a cigarette when I
23 turned the corner -- Kadeshia was almost right there.

24 Q. Uh-huh.

25 A. When I was walking around the building, I was on the

1 ground. I was smoking a cigarette. He just came up out of
2 nowhere like lightning and just knocked me.

3 Q. It's possible that he thought you were going after
4 Kadeshia? That's what you told Detective Tuttle.

5 A. Well, he might have thought that.

6 Q. You testified a little earlier -- Mr. Simpson was
7 asking you about the area he was in. And you said that you
8 don't really have friends, you just have associates,
9 correct?

10 A. A lot of associates, yes. I have one friend.

11 Q. You have one friend in that area?

12 A. In this whole world, One friend.

13 Q. Okay. A lot of people in the area are bad news, is
14 that fair to say?

15 A. I mean I can't really tell you because I don't
16 communicate with a lot of people.

17 Q. There are some people who are some really bad news in
18 that area; is that fair to say? And you try not to
19 associate with them if possible?

20 A. If a person speaks, I speak.

21 Q. Now, Kinard, he's your first cousin, correct?

22 A. Uh-huh.

23 Q. But you're not as close to him as you are to your
24 sisters, for example; is that fair to say?

25 A. Uh-huh.

1 Q. And the boys, you know, whether it's male family
2 members -- they don't necessarily tell you or the other
3 females what their business is. Is that fair to say?

4 A. Uh-huh.

5 Q. They keep the lines separate if they can. Is that
6 fair?

7 A. Right.

8 Q. So you don't know what was going on with Kinard.

9 A. Maybe you can be a little more specific.

10 Q. You don't know all of Kinard's dealings, correct?

11 A. I don't even see Kinard every day.

12 Q. And you don't even remember the twins names, so you
13 didn't even know their names, correct?

14 A. Right.

15 MS. FORD: Beg the Court's indulgence.

16 (Brief pause.)

17 MS. FORD: I have no further questions for this
18 witness, Your Honor.

19 THE COURT: Any redirect?

20 BY AST. SOL. SIMPSON: Yes.

21 THE COURT: THE COURT: You may proceed.

22 REDIRECT EXAMINATION

23 BY AST. SOL. SIMPSON:

24 Q. First, we're going to talk a little more about these
25 associates. You're not talking about having business

1 dealings with other people, right?

2 A. No.

3 Q. As you stated first, you used kind of interchangeable,
4 acquaintances?

5 A. Right.

6 Q. People you know?

7 A. Yes.

8 Q. Ms. Ford was asking questions as to could Mr. Campbell
9 have thought you were going after his sister in some way?

10 A. Uh-huh.

11 Q. So how far, and again if it makes sense to you, you can
12 use sort of this diagram or the other diagram. How far away
13 -- you said Kadeshia was standing by the car. How far away
14 was Kadeshia from you when you got knocked to the ground by
15 Mr. Campbell?

16 A. Actually, it's as far as we are now.

17 Q. So about this far?

18 A. Uh-huh.

19 Q. And you said that you had come around the corner and
20 then you just, boom, right to the ground?

21 A. Uh-huh.

22 Q. Okay. Now, let me ask you this. You speak your mind,
23 right?

24 A. Right.

25 Q. You have a fiery personality; is that a fair statement?

1 A. Yes.

2 Q. Okay. Ms. Ford, I have to point out that maybe -- and
3 Montrelle's sister did exchange some words in the house. Is
4 that fair enough?

5 A. Yes.

6 Q. And that maybe Montrelle exchanged some words in the
7 house?

8 A. No, me and Montrelle didn't. He never spoke to me
9 period.

10 Q. Okay. But maybe some words were spoken by you about
11 his presence at the house. Is that okay to say?

12 A. Right.

13 Q. Okay. And maybe, even, this is where I made a point
14 that they did. Maybe he thought that you were going after
15 his sister?

16 A. Okay.

17 Q. Is that fair that maybe he thought that? Or let's make
18 it clear. Were you going after Kadeshia in any way?

19 A. No.

20 Q. Okay. But could he might have thought that? I think
21 Ms. Ford asked you that, maybe.

22 A. He may have thought that. I don't know.

23 Q. Okay. And might that really make a person angry?

24 A. It could. Yes.

25 Q. Does your personality, if someone can't take it, can it

1 make people angry sometimes?

2 A. Yes.

3 Q. Can it piss people off?

4 A. Yes.

5 Q. Do you think maybe all this all together might have
6 made Mr. Campbell kind of mad that night?

7 MS. FORD: Objection. Speculation.

8 THE COURT: Sustained. Rephrase.

9 AST. SOL. SIMPSON: I don't have anything else, Your
10 Honor.

11 THE COURT: Anything else from the Defense?

12 MS. FORD: No, Your Honor.

13 THE COURT: Ladies and gentlemen, we're going to take
14 advantage of this break and break for the day. We're going
15 to break a little early. We're going to resume in the
16 morning at 9:30. If you come directly to your jury room, at
17 that time we will resume testimony. You all have been
18 troopers today and the Court as well as Counsel appreciate
19 you all being so very accommodating with us.

20 If you all would stack your notebooks for me on that
21 ledge, we'll secure them during this evening recess. Hope
22 you all have a great evening and we'll see you in the
23 morning at 9:30. Please do not discuss this case, please
24 don't make any comments on any internet, social networking
25 sites and do not have any contact with anyone in or about

1 the courthouse. Have a good evening.

2 (The jury exits the courtroom for the evening at 4:30
3 p.m.)

4 - - - - -

5 (The proceedings resume Tuesday, January, 9, 2018, at
6 9:58 a.am)

7 THE COURT: You may be seated. (Brief pause.) Okay.

8 I have a note from a juror: "I'm Heather Johnson, juror
9 number 160. Since there was mention of a Burke High School
10 football game, and one of the potential witnesses is a
11 student there or was, I want to disclose that my husband is
12 a social studies teacher at Burke. He started work there in
13 August 2017. So the trial material deals with events prior
14 to his employment. Regardless, this does not affect my
15 ability to serve fairly and impartially on this jury." And
16 it's signed by the juror. And I will have that note marked
17 as a Court's exhibit.

18 (Court's Exhibit No. 1, Juror Note, was marked for
19 identification)

20 THE COURT: Is there any exceptions to the Court voir
21 diring the jury -- of the juror? I apologize. From the
22 State?

23 AST. SOL. SIMPSON: No exception from the State.

24 THE COURT: From the Defense?

25 MS. FORD: No, Your Honor.

1 THE COURT: Please bring in 160. She should be right
2 outside the door.

3 BAILIFF: Juror 160.

4 (Juror number 160 enters the courtroom at 9:58 a.m.)

5 THE COURT: Good morning, ma'am.

6 JUROR: Good morning.

7 THE COURT: Tell us your name for the record.

8 JUROR: Heather Johnson.

9 THE COURT: Ms. Johnson, we received your note. And as
10 a result of your husband's affiliation with Burke High
11 School, can you remain fair and impartial?

12 JUROR: Yes.

13 THE COURT: Can you render a fair and impartial
14 decision in this case?

15 JUROR: Yes.

16 THE COURT: And can you do that based solely on the
17 evidence as it will be provided and on the law the Court
18 will instruct?

19 JUROR: Yes.

20 THE COURT: And do you have any personal knowledge of
21 the alleged facts and circumstances of this incident?

22 JUROR: No, I do not.

23 THE COURT: And to your knowledge, has your husband
24 ever discussed any of the facts and circumstances of this
25 incident with you as a result his affiliation with Burke

1 High School?

2 JUROR: No. And I'm not sure he's aware of it, but no.

3 THE COURT: Okay. And do you think he ever -- the
4 person that you said, do you know who it was that you
5 indicated was a student at Burke High School?

6 JUROR: I believe it was Katrina's son.

7 THE COURT: Okay. And to your knowledge, was he a
8 student at the time that your husband taught at Burke?

9 JUROR: No. Or to my knowledge, he was not.

10 THE COURT: Okay. Ma'am, if you would just not discuss
11 anything the Court has discussed with you with any of your
12 fellow jurors.

13 JUROR: Yes.

14 THE COURT: And if you would stand right outside the
15 door for me with Mr. Fryar.

16 JUROR: Okay. Thank you.

17 THE COURT: You're welcome.

18 (Juror number 160 exits the courtroom.)

19 THE COURT: The juror has indicated she can remain fair
20 and impartial. Is there any objection to the juror
21 remaining on the panel? From the State?

22 AST. SOL. SIMPSON: No, Your Honor.

23 THE COURT: From the Defense?

24 MS. FORD: No, your Honor.

25 THE COURT: You can take her back to the jury room,

1 please.

2 Now, what were you telling me on yesterday?

3 AST. SOL. SIMPSON: Judge, present in the courtroom is
4 the victim Antwan Frost's mother, Carolyn Frost.

5 THE COURT: Okay.

6 AST. SOL. SIMPSON: We just discussed the matter
7 further. She just recognizes a juror as one of her
8 neighbors.

9 THE COURT: Which one is that?

10 AST. SOL. SIMPSON: It is juror 274. She says while
11 not close, they do speak. And she does clearly recognize
12 her, and they have spoken before and, you know, say hello in
13 passing, things of that nature. She also stated when I
14 asked her had the juror -- she doesn't think the juror has
15 noticed her yet. And so I'm not alleging any sort of
16 misconduct. But I just don't think she's put the
17 connections together yet that this is one of her neighbors
18 so on and so forth when discussing it.

19 THE COURT: You're talking about Ms. Brown?

20 AST. SOL. SIMPSON: 274 ---

21 THE COURT: No, no.

22 AST. SOL. SIMPSON: Dondra Rodd, Your Honor.

23 THE COURT: I understand that part. I'm asking ---

24 AST. SOL. SIMPSON: Oh, no.

25 THE COURT: You're saying Ms. Brown? That's ---

1 AST. SOL. SIMPSON: No. The deceased was Antwan Frost
2 who came to visit the location.

3 THE COURT: Exactly. His mother. And what is her
4 name?

5 AST. SOL. SIMPSON: Carolyn Frost.

6 THE COURT: Carolyn Frost. Could you get juror 274 for
7 me, please. I assume there is no exception to the Court
8 voir diring the witness? From the State?

9 AST. SOL. SIMPSON: No, Your Honor.

10 THE COURT: From the Defense?

11 MS. FORD: No, Your Honor.

12 AST. SOL. SIMPSON: And I would just add quickly that
13 Ms. Frost says she thinks she would recognize her face but
14 maybe not recognize her.

15 BAILIFF: Judge, Juror 274.

16 (Juror number 274 enters the courtroom.)

17 THE COURT: Good morning, ma'am.

18 JUROR: Good morning, Judge.

19 THE COURT: How are you doing?

20 JUROR: I'm good.

21 THE COURT: You can stay right there for me. Could you
22 state your name for the record.

23 JUROR: Dondra Rodd.

24 THE COURT: And. Ms. Rodd, where do you live?

25 JUROR: [REDACTED] Baker Hospital Boulevard in North

1 Charleston.

2 THE COURT: And are you neighbors with Carolyn Frost?
3 Do you know that name?

4 JUROR: No. I don't know that name.

5 THE COURT: Okay. And does the name Antwan Forest
6 [sic] ring a bell to you at all?

7 JUROR: Antwan Forest? No.

8 THE COURT: Yes, ma'am. Frost. I'm sorry. I said the
9 wrong name. I apologize.

10 JUROR: No.

11 THE COURT: And does Carolyn Frost -- does that name
12 ring a bell to you?

13 JUROR: No, ma'am.

14 THE COURT: Okay. Could you stand out in the hall for
15 me right quick with the bailiff.

16 JUROR: Sure.

17 THE COURT: Thank you, ma'am. I appreciate you
18 accommodating us.

19 JUROR: You're welcome.

20 (Juror number 274 exits the courtroom.)

21 THE COURT: It seems, I mean, that she just knows -- I
22 guess what I'm trying to figure out is how do y'all want me
23 to proceed? Because she doesn't know her by name. I guess
24 you might know her face in passing, but I don't know that we
25 could say they know one another.

1 AST. SOL. SIMPSON: If the Court was amendable, I would
2 just ask that she take a look.

3 THE COURT: Is she in the courtroom?

4 AST. SOL. SIMPSON: Yes. Carolyn Frost is in the
5 courtroom.

6 THE COURT: Where is she?

7 AST. SOL. SIMPSON: Sitting right there, Your Honor.

8 THE COURT: Ma'am, if you can stand up for me. And if
9 you get the juror for me (to the Bailiff). Any exceptions
10 from the Defense?

11 MS. FORD: No, your Honor.

12 AST. SOL. SIMPSON: And I can -- I confirm that
13 Ms. Frost, the address that she gave, is right neighbors
14 with hers.

15 (Juror number 274 reenters the courtroom.)

16 THE COURT: I appreciate you again accommodating us.

17 JUROR: Oh, no problem.

18 THE COURT: Do you recognize this young woman to be one
19 of your neighbors? In the gray shirt standing up.

20 JUROR: No. Do I look familiar to you?

21 THE COURT: That's okay. Ma'am, don't -- yeah, that's
22 okay. But you don't recognize her?

23 JUROR: Look at her a little closer. Oh, yes. Yes.

24 THE COURT: Is that your neighbor?

25 JUROR: Yes. She lives in the same complex, yes.

1 THE COURT: Okay. And, ma'am, how would you -- do
2 y'all just see one another in passing?

3 JUROR: We used to ride the bus together.

4 THE COURT: Okay.

5 JUROR: Yes.

6 THE COURT: And how long ago was that?

7 JUROR: Oh, gosh, maybe about two years, maybe.

8 THE COURT: Okay. And so would you say at best y'all
9 just see each other in passing in the complex?

10 JUROR: Yes. I mean, well, we used to see each other
11 we would walk -- I would come in my building after she would
12 come by what I think is like G. And we would walk together
13 to the bus. I actually don't know her name personally but
14 she was always so nice and friendly to me. But, yeah, just
15 being friendly because I'm a friendly person. So we talked.
16 But, yeah ---

17 THE COURT: And that was about two years ago?

18 JUROR: Yes, ma'am. Because I have a new car, and so
19 it would be about a year old. And so, yeah. And then she
20 didn't catch the bus anymore because she had different
21 shifts.

22 THE COURT: Okay.

23 JUROR: So I miss her. But, yeah.

24 THE COURT: So, ma'am, as a result of this interaction,
25 do you feel that you can remain fair and impartial in this

1 case?

2 JUROR: I think so, yes. Well, I know you said about
3 thinking.

4 THE COURT: Yeah. I just want you to search yourself.
5 There's no right or wrong answer, but I do need a yes or no
6 answer. And, again, I just need to know if you feel you can
7 -- as a result of that an interaction, do you feel that you
8 can remain fair and impartial?

9 JUROR: Yes, ma'am.

10 THE COURT: Do you feel that you can render a fair and
11 impartial decision in this case?

12 JUROR: Yes, absolutely.

13 THE COURT: And do you feel that you can render a
14 decision based solely on the evidence as it will be
15 presented and on the law as the Court will instruct?

16 JUROR: Yes, ma'am, I will.

17 THE COURT: Okay. If you would stand in the hallway
18 for me for a moment with the bailiff. Again, I appreciate
19 your accommodating us.

20 JUROR: You're welcome.

21 (Juror number 274 exits the courtroom.)

22 THE COURT: Okay. The witness has indicated that she
23 can remain fair and impartial. I think we can characterize
24 it best which was an acquaintance-type interaction. And she
25 indicated that it happened, at the most, two years ago, at

1 the minimum, over a year ago since she's purchased a new
2 car. And she indicated that Ms. Frost's shift changed and
3 that they don't see each other anymore taking the bus. Is
4 there any exception to the juror remaining on the panel?
5 From the State?

6 AST. SOL. SIMPSON: No, Your Honor.

7 THE COURT: From the Defense?

8 MS. FORD: Yes, Your Honor. While I do believe that
9 the juror is being sincere, but I do think she's going to be
10 put in a very difficult situation. She lives the next
11 building over from this person. It's very easy that she
12 could see her around. You know, her neighbor's son died.
13 So it's, obviously, a very heavy burden that would be placed
14 on her. And so I don't know she is fully appreciating that,
15 Your Honor. Because she -- they both, it sounds like, lived
16 in the same place for quite some time. So it's obviously
17 possible they could continue to live in the same place for
18 quite some time. And so I am just concerned about that. I
19 know if I had known this information beforehand, I never
20 would have -- I would have struck her, Your Honor. I had
21 strikes left, and I would have struck her.

22 THE COURT: Anything from the State?

23 AST. SOL. SIMPSON: Based on Ms. Ford's position, I
24 would say we have no objection to her being . . .

25 THE COURT: I can't hear you.

1 AST. SOL. SIMPSON: We would have no objection -- we're
2 not requesting it, but we have no objection to . . .

3 THE COURT: Well, I need you -- I need you to pick one.

4 AST. SOL. SIMPSON: Oh, oh.

5 THE COURT: And comment on it.

6 AST. SOL. SIMPSON: Well, no. We have nothing to add,
7 Your Honor.

8 THE COURT: No. I mean, I need to know if you consent
9 to her being excused or whether you want her to remain on
10 the panel. I need to have a definitive position on it.
11 Because I think she can be fair and impartial. But if you
12 don't have any objection to her being excused, then I'm
13 going to defer to what y'all want to do an excuse her.

14 AST. SOL. SIMPSON: Okay. I have no objection. I
15 believe that considering that Ms. Ford would have exercised
16 to strike had she known this information and keep the record
17 cleaner. So the State has no ---

18 THE COURT: That's probably -- I was bouncing between
19 those two positions.

20 All right. If you could bring in the juror for me,
21 please.

22 (Juror number 274 reenters the courtroom.)

23 THE COURT: Ma'am, let me first make this observation
24 that I think you could remain fair and impartial in this
25 case. But just to keep you from being in what might amount

1 to an uncomfortable situation with your neighbor, we're
2 going to excuse you from the trial of this case.

3 JUROR: Okay.

4 THE COURT: We thank you for your service.

5 JUROR: Oh, you're welcome.

6 THE COURT: You are so pleasant.

7 JUROR: Oh, no problem.

8 THE COURT: If you would just call the jury information
9 line after six o'clock and we'll let you know if we have
10 further need of your services.

11 JUROR: Yes, ma'am.

12 THE COURT: Have a wonderful day.

13 JUROR: You as well.

14 (Juror number 274 is excused.)

15 THE COURT: Are we ready to proceed? From the State?
16 Is there anything else we need to take up before we proceed
17 this morning.

18 AST. SOL. SIMPSON: Unless we want to seat one of the
19 two alternates.

20 THE COURT: Well that's -- yeah. We can either seat
21 the first or we can do it by lotto as the statute requires.
22 Which means I'm going to have to get me some little tubes up
23 here and --

24 AST. SOL. SIMPSON: If the Defense has no objection,
25 we're fine with just seating the next alternate and the

1 first alternate.

2 MS. FORD: That's fine with me, Your Honor.

3 (Brief pause.)

4 THE COURT: Okay. (To Bailiff) I need you to give a
5 number 274 a notes to see if she wants to destroy them or if
6 she wants y'all to do that. And then the first alternate,
7 number 304, will now be seated with the main panel and
8 number 24 will remain in the alternate position.

9 All right. Is there anything else we need to take up
10 before we resume testimony? From the State?

11 AST. SOL. SIMPSON: No, Your Honor.

12 THE COURT: From the Defense?

13 MS. FORD: Your Honor, just so you're aware, it may not
14 come up until after lunch, but beginning this morning the
15 State was testing a video they intend to play. I had
16 already indicated stated to Mr. Simpson that I would be
17 objecting to that being played. It's a body cam video of
18 when one of the first officers arrived. And it's just him
19 being in the apartment. Obviously, there are people
20 screaming, crying. It's very chaotic in there. I believe
21 it's six minutes long, so ---

22 THE COURT: How long?

23 MS. FORD: About six minutes, Your Honor. And we just
24 think it doesn't establish anything of value other than
25 obviously ---

1 THE COURT: Yeah. I can't make a ruling in isolation.
2 You'll have to make a contemporaneous objection. I'll view
3 it in-camera and then I can rule then. I can't rule on
4 something I haven't seen yet.

5 MS. FORD: Yes, Your Honor. I was just bringing to
6 your attention ---

7 THE COURT: And I need to hear it in the context of the
8 testimony. I don't know. It might be relevant; it might be
9 res gestae. They put everything in context, I'm not
10 certain. So what I need you to do is just make a
11 contemporaneous objection before it's played.

12 MS. FORD: Okay.

13 THE COURT: And then I'll watch it in-camera. We'll
14 create the proffer and so . . .

15 MS. FORD: Yes, Your Honor.

16 THE COURT: You're welcome. All right. Is there
17 anything else we need to take up before we begin? From the
18 State?

19 AST. SOL. SIMPSON: No, Your Honor.

20 THE COURT: From the Defense?

21 MS. FORD: No, Your Honor.

22 THE COURT: Who's going to be the State's next witness?

23 AST. SOL. GINSBERG: Kerri Brown, Your Honor.

24 THE COURT: Is she present?

25 BY AST. SOL. GINSBERG: Yes, she is, Your Honor.

1 THE COURT: I mean is she in the courtroom?

2 AST. SOL. GINSBERG: Yes, she is, Judge.

3 THE COURT: Okay. Perfect. All right. Tell Mr. Fryar
4 to bring in the jury.

5 (Brief pause.)

6 (The jury enters the courtroom at 10:15 a.m.)

7 THE COURT: You may be seated. Good morning, ladies
8 and gentlemen. I hope everybody had a pleasant evening.
9 We're not going to resume testimony. We appreciate your
10 patience. The Court needed to deal with some matters of law
11 before we resumed this morning. The State may proceed.

12 BY AST. SOL. GINSBERG: Thank you, Your Honor. The
13 State calls Kerri Brown.

14 THE COURT: Ms. Brown, if you would come forward to be
15 sworn, please.

16 (KERRI BROWN, was duly sworn and provided the following
17 testimony.)

18 THE CLERK: Spell your first and last name, speak
19 directly into the microphone.

20 THE WITNESS: K-E-R-R-I, B-R-O-W-N.

21 THE COURT: You may proceed.

22 BY AST. SOL. GINSBERG: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 DIRECT EXAMINATION

25 BY AST. SOL. GINSBERG:

1 Q. Good morning, Ms. Brown?

2 A. Good morning.

3 Q. I know you, but I just want the jury to get you a
4 little better. Ms. Brown, how old are you?

5 A. Thirty-five.

6 Q. And where do you work?

7 A. -- parking garage.

8 Q. In the parking ---

9 THE COURT: I need you to speak up for me and speak
10 directly into that microphone.

11 A. -- parking garage.

12 Q. And, Ms. Brown, do you have any children?

13 A. I do.

14 Q. How many children do you have?

15 A. One.

16 Q. One child?

17 A. Yes.

18 Q. And you might have to move that microphone a little
19 closer to you. And how old is your child?

20 A. He's eight.

21 Q. He's eight. We met Katrina Brown. What's your
22 relationship with Katrina Brown?

23 A. She's my sister.

24 Q. And we'll meet Tierra Brown. What's your relationship
25 to Tierra?

1 A. She's my cousin.

2 Q. And did you often visit Trina's house?

3 A. Yes.

4 Q. And I'm sorry. Is that what you call Katrina, Trina?

5 A. Yes.

6 Q. Okay. Back in September of 2015, were you still
7 visiting Trina?

8 A. Yes.

9 Q. And where did she live then?

10 A. Norman street. ■ Norman Street.

11 Q. I'm going to show you on the ELMO, it's already been
12 marked and admitted, State's 2. And, Ms. Brown, can you
13 locate where Trina lives in this picture?

14 A. Yes.

15 Q. In front of you that you can mark. Do you mind marking
16 around the approximate area where Ms. Brown lives?

17 A. (Witness complies.)

18 Q. And that's where you often visit your sister Trina?

19 A. Yes.

20 Q. I want to draw your attention to the evening, Thursday
21 evening, September 17, 2015. Did you recall visiting Trina
22 that night?

23 A. Yes.

24 Q. And why were you going there?

25 A. To visit my sister.

1 Q. Yeah. Just to hang out?

2 A. Yeah.

3 Q. Do you recall when you got to Trina's house that night?

4 A. Yes.

5 Q. Around what time?

6 A. I would say, like, around 4- or 5-ish.

7 Q. And who was with you when you went to Trina's house
8 that Thursday night?

9 A. My son.

10 Q. In 2015. So how old would he have been at that time?

11 A. Six.

12 Q. Okay. And when you made it to Trina's, who was there?

13 A. It was my sister and her friend was there.

14 Q. And what was her -- do you call her ---

15 A. Tony.

16 Q. Tony. And what were you guys doing at Trina's? Just
17 chilling with the family?

18 A. Yeah.

19 Q. Okay. What happened, Ms. Brown, that evening that
20 involved this case?

21 A. Involving this case?

22 Q. Right.

23 A. Well, we were just hanging out with -- We just was
24 hanging out. And Kadeshia, she came in the room, whatever.

25 Q. And I might have to stop you just to -- and who is

1 Kadeshia?

2 A. She was a friend of mine at the time.

3 Q. Okay.

4 A. I hadn't see her in while. Because I was living in
5 Columbia for like ten years at the moment, and I came back
6 home. After I moved back home, or whatever, so it was like,
7 kind of, we was both excited to see each other.

8 Q. Okay. So Kadeshia came over?

9 A. Uh-huh. She came over, whatever. She wasn't there
10 that long. And we was all just sitting in the kitchen at
11 the time. And someone came to the door and was like, you
12 know, "Kadeshia someone outside" -- she was like, "Okay.
13 Tell them I'm coming." So she went never went outside or
14 whatever. So that's when her guy came to the door and he
15 just walked in.

16 Q. Okay. So Kadeshia, you haven't seen her in a long
17 time?

18 A. I hadn't seen her in a while.

19 Q. Did you know she that she had a brother?

20 A. Well, yeah. I knew she had a brother. I didn't know
21 who it was.

22 Q. Okay. And so he comes into the door?

23 A. Uh-huh. He just walked in.

24 Q. And what was everyone's demeanor when this person came
25 into the door?

1 A. Well, at that point, that's when my sister friend, she
2 was like, "Okay, who's this guy just walking inside your
3 house?" That's what she told my sister. And then she
4 looked over there and she was like, "Who are you," or
5 whatever. And he never said anything. And she just kept
6 saying, "You don't know him," whatever. She was, like, "No,
7 I don't know him," like or whatever, "but he got to leave."

8 Q. And so Trina was saying, you know, "He has to leave.
9 He has to leave." How did she appear to? Frustrated?
10 Happy?

11 A. I mean, she wasn't happy at that time. She was just
12 like bothered.

13 Q. Bothered?

14 A. Yeah. Well, strange guy just came inside her home,
15 just walked in.

16 Q. Okay. And you just explain that she was telling him to
17 leave. Is that ---

18 A. Yeah.

19 Q. Who did you eventually learn was that guy that came
20 into the house? What was his name?

21 A. Troll.

22 Q. And is that what you knew him as?

23 A. I don't know him. But that night that's what I knew
24 who he was.

25 Q. Okay. After Trina was telling him to leave, leave,

1 leave, what happened next?

2 A. Eventually, he just got out. He just left.

3 Q. Okay. And then after he left, what happened after
4 that?

5 A. My sister said a few words to Kadeshia, whatever. And
6 they went back and forth. It wasn't nothing like, you
7 know -- or anything. That's when my sister asked her to
8 leave. And so she got up and she went through the back
9 door.

10 Q. Okay. So Kadeshia leaves, Troll leaves. What happens
11 after that?

12 A. Maybe a couple of minutes later, or whatever, my sister
13 had caught here. She going through the front door. And she
14 went outside to go smoke a cigarette. At this time, I'm
15 still in the house.

16 Q. Okay. And while you're in the house and Trina is
17 outside smoking a cigarette, what happens after that?

18 A. I just suddenly went on the back porch or whatever.
19 And she -- I guess she was walking around the building --
20 and she was like almost close to the back porch whereas I
21 could like see her. So all I saw when -- she just fell on
22 the ground.

23 Q. She fell to the ground?

24 A. Uh-huh.

25 Q. And what did you do after that?

1 A. When I saw her, I just ran around like, okay, like,
2 "What are you doing?" Like, you know, what happened, you
3 know, so . . .

4 Q. And when you ran around and saw your sister on the
5 ground, who did you see there?

6 A. I saw Troll over her as if he were to hit her again.

7 Q. You saw him over her like he was going to hit her
8 again?

9 A. But he didn't.

10 Q. But he didn't. Was he saying anything to her?

11 A. No. He never said anything.

12 Q. I know you mentioned this before. Had you met Troll
13 prior to this evening?

14 A. No.

15 Q. Did you have any issues with him in the past?

16 A. No.

17 Q. Once your sister was on the ground, you came to her
18 aid. What happened after that?

19 A. I was like, "What are you doing?" Like, "Why did you
20 do that?" Like, "What happened," or whatever? And, like I
21 said, he never said a thing. That's when my sister Trina
22 came outside or whatever and like they both fighting --
23 like, "Why you did that," or whatever? And as we was in his
24 face, he was like backing up. We were like -- his hands
25 still got, you know, like -- I guess as if we was coming

1 after him like -- we just wanted to ask him like why would
2 you just hit a female, you know, and my sister, so, you
3 know. So as he was backing up, my sister, she was getting
4 up off the ground. But she was -- like her ear a little
5 bit. And she was holding her ear or whatever. And that's
6 then when she kind of like noticed that he was looking -- he
7 was reaching for something. But she was like, "Just go in
8 the house. Let's leave it alone. Let's go in the house."
9 And that's what we did. We went in the house after that.

10 Q. Okay. Did you call the police to report what happened?

11 A. No, we didn't. No, I didn't.

12 Q. And why is that? Just be very honest.

13 A. I mean, at that time the police wasn't even -- at that
14 moment. And, you know, like, that's just something, you
15 know, kind of hard to do.

16 Q. It's hard to ---

17 A. Where we from. So, yeah.

18 Q. Okay. I kind of now want to just move forward to
19 Friday night getting into Saturday morning. That's why
20 you're here.

21 A. Yeah.

22 Q. And what we're going to do is -- I might have to pause
23 you and that kind of stuff. But do you recall that evening?
24 The evening of September 18, 2015, into the morning
25 September 19, 2015?

1 A. Yes.

2 Q. And can you tell the jury where you were that night?

3 A. I was at my sister's house.

4 Q. Right there at [REDACTED] ---

5 A. Yes.

6 Q. Do you know around what time you got to Trina's house?

7 A. I was still there.

8 Q. Oh, you were still there.

9 A. I stayed the night at her house that night. So I never
10 left.

11 Q. And your son as well?

12 A. My son is well, yeah.

13 Q. Okay. And y'all typically -- you typically get
14 together Friday night as a family anyways?

15 A. Well, for me, no because I work constantly. Usually, I
16 don't go over there that much. When I do, it's always like
17 maybe over the weekend. So we always -- never inside the
18 weekday.

19 Q. Okay. I've got times when you were ever there when you
20 said you just spent the night. But who is at Trina's house
21 then when you were there?

22 A. It was just me my sister, my friend, Tanya, and my
23 neighbor at the time. Because he went to the game with me
24 earlier that day, so he was at the house that evening.

25 Q. Okay. And what was everyone doing at the house at that

1 time?

2 A. Just being normal. Just, you know, hanging out.

3 Q. So later in the night, who eventually came to the
4 house?

5 A. My sister and I, my son, and my cousin Tierra. A
6 friend of hers named -- then my cousin came, Kinard, and a
7 few friends. That's it.

8 Q. And then did Dusty, Antwan Frost, also come?

9 A. Yeah. He came later on that night also at the -- prior
10 to incident.

11 Q. Okay. What time do you think that Antwan Frost came?

12 A. I would say like around 5:00, maybe 5:30.

13 Q. Okay. And can you describe your relationship with
14 Antwan. How did you know Antwan Frost?

15 A. Well, he was like a good friend -- so like I knew . . .

16 Q. Okay. So now I'm going to show you it's been
17 previously marked and admitted as State's 6. What do you
18 recognize this diagram as?

19 A. That's my sister's house.

20 Q. Your sister's house. Okay. SO we're now at 5:30 a.m.
21 So Dusty is there, your sister, your cousin Tierra, your
22 child, Trina's child, your cousin Kinard?

23 A. Yes.

24 Q. Two or three of his friends?

25 A. Right.

1 Q. What are y'all doing in the house?

2 A. Well, a few of them are playing cards.

3 Q. You can mark on the screen, actually, if you'd like, if
4 that's easier for you, where they were playing cards.

5 A. That's the kitchen right here.

6 Q. Okay. So a few of them are playing cards in the
7 kitchen. Where were you at?

8 A. I was in the living room.

9 Q. Who else is with you in the living room?

10 A. It was me and my sister in the living room at the time.
11 Dusty was in the living room as well standing by the back
12 door.

13 Q. Okay. So you guys were in the living room, Tierra was
14 playing cards. What were you guys doing in the living room?

15 A. I was controlling the music. Just trying to find music
16 for my cousin at the time. And I was just sitting in the
17 living room on the cooler. Because at that time, my sister
18 just had like not really modern furniture because she was
19 getting some new furniture. So there's was like maybe one
20 chair, like a wingback chair. And she was sitting -- she
21 was sitting in a folding chair, and I was like sitting on
22 the cooler.

23 Q. Okay. So y'all ---

24 A. I had the radio . . .

25 Q. Okay. So at this time, Dusty is here?

1 A. Uh-huh.

2 Q. You guys are listening to music. You're sitting on a
3 cooler. In regards to this case, what happened next?

4 A. That's when just out of the blue I was just -- I
5 remember just sitting on the cooler or whatever. And just
6 randomly we just started hearing gunshots. And we
7 immediately -- just talking about or whatever. It was like
8 me, my cousin Kinard, and Tierra. And I remember seeing my
9 sister as well. Like, we all, like, just tried, like, get
10 under that one chair or whatever. So practically the chair
11 was just sitting on our backs as we were just trying to go
12 hide and and dive for cover at the time.

13 Q. So you're sitting and enjoying music with your family
14 and then you hear gunshots. Can you tell the jury kind of
15 what -- did you see gunshots coming in?

16 A. It was like (descriptive sound). And as that was going
17 on, I kept hearing glass shattering or whatever. And it
18 wasn't like real loud, like, boom, boom, guns. It was like
19 bing, bing; like pellets or something.

20 Q. And you heard the glass shattering inside the home?

21 A. Yes. It was shattering everywhere.

22 Q. So you're behind the chair with your sisters. What you
23 do after that?

24 A. I was -- I was under the chair at that moment. Like, I
25 realize like, okay, my son is in the room. So that's when I

1 was -- I was crawling towards the back or whatever. And at
2 that time, my hand was -- I been on my knees and everything
3 because, you know, glass was on the floor. And as I was
4 going to back room -- I never got out. I was just like --
5 on my hands or whatever. So I was like trying -- under the
6 bed. But he's a hard sleeper, so he wouldn't get up. I
7 just like practically wrapped him, like when we were on the
8 floor, and I grabbed a blanket. So I was just, like, trying
9 to grab my son. I really didn't want to wake them up
10 because I didn't want them to see what was going on. So I
11 just, like, grabbed my son and I put him on top of -- bag.
12 I just take the blanket and wrapped them up in the blanket,
13 and I was just, like, laying on top of him.

14 Q. While the shooting . . .

15 A. Yeah.

16 Q. When you got to the back bedroom as you were covering
17 your son and your nephew, what did you notice about
18 yourselves?

19 A. You said about myself?

20 Q. Yeah.

21 A. At that time, I never noticed anything. I was just
22 trying to keep them safe.

23 Q. Okay. Were you shot in the incident?

24 A. I was.

25 Q. And where were your injuries?

1 A. In my head.

2 Q. In your head. So you're saying you had -- I guess your
3 motherly instinct -- when did you realize you were injured?

4 A. When my cousin Tierra when she was -- I guess when
5 after all the shooting was over, or whatever, that's when
6 I'm thinking that she noticed the -- like, as he was coming
7 down the hallway, you know, she saw all the blood over there
8 going into the room. And so, at that time, I was still
9 over, you know, my nephew and my son and whatever. And
10 that's when she rolled me off of them. But I didn't know if
11 the gun was still going on at the time. Because I was just,
12 like, you know -- so I couldn't hear -- I had the door
13 closed. So that's when she rolled me off him or whatever
14 and she saw the blood . . .

15 Q. Do you mind, on that diagram, which bedroom did you
16 crawl to from the living room? You can just draw a line.
17 Like the pathway of where you crawled.

18 A. (Witness complies.) Right here.

19 Q. Okay. So you crawled from the living room, down that
20 hallway, into the first bedroom?

21 A. Uh-huh.

22 Q. After the shooting, was 911 called?

23 A. Yeah.

24 Q. Okay. And what happened next? Did they -- did the
25 police and EMS arrive?

1 A. Yeah.

2 Q. And were you treated at the hospital for your injuries?

3 A. I was.

4 Q. Can you recall what happened at the hospital when the
5 doctor was trying to figure out what happened to you?

6 A. I remember being at the hospital whenever they had me
7 and my cousin Tierra and they had Dusty. We all was in the
8 same room. But you had curtains separating each one of us.
9 So at the time, my cousin Tierra was just like talking to me
10 trying to keep me alert just not knowing, you know, the
11 severity of my injuries or whatever. She was just talking
12 to me, talking to me, talking to me. So she heard the
13 doctors talking do Dusty or whatever, and she kept going --
14 and I was like, "What's going on over there?" And she just
15 was, like, crying and crying real bad so that made me cry
16 even more. That's when she was like, "Oh my God, Kerri.
17 Dusty is dead," or whatever.

18 MS. FORD: Objection. Hearsay and relevance.

19 AST. SOL. GINSBERG: I'll move forward, Judge.

20 THE COURT: It's hearsay. That objection is sustained.

21 AST. SOL. GINSBERG: I'll move forward, Your Honor.

22 Q. Did you have any enemies in the neighborhood at that
23 time?

24 A. No.

25 Q. And the police spoke to you later that day in the

1 hospital. Is that right?

2 A. They did.

3 Q. And you told them what you said today?

4 A. Yeah.

5 Q. And when they asked you who could have done it, the
6 incident on ---

7 MS. FORD: Objection. Hearsay and bolstering.

8 THE COURT: I didn't hear the whole question.

9 AST. SOL. GINSBERG: I didn't finish the whole
10 question.

11 THE COURT: Yeah.

12 AST. SOL. GINSBERG: Sorry, Judge.

13 THE COURT: That's all right. If you can repeat the
14 whole thing.

15 AST. SOL. GINSBERG: Absolutely.

16 Q. You spoke to the police?

17 A. Yes.

18 Q. And you explained what you explained today?

19 A. I did.

20 AST. SOL. GINSBERG: No further -- beg the Court's
21 indulgence.

22 Q. Just briefly, Ms. Brown. The incident Thursday with
23 Troll.

24 A. Uh-huh.

25 Q. Do you see him in the courtroom today?

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1 A. I do.

2 Q. Where is he today?

3 A. He's right there.

4 Q. Where is right there? I'm sorry.

5 A. At that table.

6 Q. Oh, at that table.

7 A. (Nonverbal response.)

8 MS. FORD: Thank you. Please answer any questions

9 Ms. Ford has for you.

10 THE COURT: You may proceed.

11 MS. FORD: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 MS. FORD: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 CROSS-EXAMINATION

16 BY MS. FORD:

17 Q. Good morning. So, Kerri, you were inside the apartment
18 at the time of the shooting, correct?

19 A. Uh-huh.

20 Q. Okay. And you never saw anyone with the gun that
21 night?

22 A. No.

23 Q. And you never saw Montrelle Campbell that night?

24 A. I didn't.

25 Q. And you didn't see an Italia jersey that evening?

1 A. What's that?

2 Q. Just a shirt with language on it, Italia; a blue
3 jersey. Did you see anybody wearing that evening?

4 A. Not that I can recall right now.

5 Q. The night before on Thursday, you were at your sister's
6 house that evening?

7 A. I was.

8 Q. And you spent the night with your son?

9 A. Yes.

10 Q. And that is when you met Montrelle?

11 A. Not personally, but that's when I saw him.

12 Q. Okay. So you didn't have any interactions with him
13 that evening then?

14 A. At all.

15 Q. Okay. And you never met him before?

16 A. No.

17 Q. But you knew Kadeshia?

18 A. Yes.

19 Q. And I know you said you lived in Columbia for about ten
20 years?

21 A. Yes.

22 Q. So you had just moved back to Charleston that year,
23 2015, correct?

24 A. Yes.

25 Q. And so you had not seen Kadeshia in a while. Is that

1 fair to say?

2 A. Right.

3 Q. But y'all had been pretty good friends ---

4 A. --- good friends. Yeah. She used to always come to my
5 house and visit me and stay the weekend sometimes or
6 whatever. We was pretty good friends.

7 Q. And Montrelle is her brother, correct?

8 A. Yes.

9 Q. And you had testified that someone came in and said
10 that someone wanted to talk to Kadeshia?

11 A. Right.

12 Q. And they said it was her brother?

13 A. Yes.

14 Q. So you knew when a man came in that it was Kadeshia's
15 brother?

16 A. No. Because I never knew who he was. But, I mean,
17 after she said that's her brother that's when I knew that
18 was her brother.

19 Q. Okay. So when there was a man there, it's fair to say
20 that people knew that was Kadeshia's brother?

21 A. (Nonverbal response.)

22 Q. And your sister did not like that he was there and they
23 had -- Montrelle never said anything though, correct?

24 A. He didn't.

25 Q. So your sister just went off on him about leaving her

1 home?

2 A. She asked him, like, why did he just walk in her house,
3 yes.

4 Q. Okay. And she was upset?

5 A. I mean, at the moment she was just -- she just wanted
6 questions. At that time she really wasn't upset. She just
7 wanted to know why he just walked in our house.

8 Q. Okay. She was agitated?

9 A. She was.

10 Q. Okay. And Montrelle left?

11 A. He did.

12 Q. But Kadeshia was still there?

13 A. She was.

14 Q. And then Kadeshia and your sister had some words,
15 correct?

16 A. Right.

17 Q. And Trina was upset with Kadeshia for not apologizing
18 on behalf of her brother, correct?

19 A. Uh-huh.

20 THE COURT: Ma'am, if you would say yes or no.

21 A. Yes.

22 Q. So Trina asked Kadeshia to leave?

23 A. Yes.

24 Q. And then after Kadeshia left, she was still saying some
25 words about -- they were both still a little irritated. Is

1 that fair to say?

2 A. Yes.

3 Q. And Trina left after Kadeshia, correct?

4 A. Yes.

5 Q. And you told us how you went outside after your sister.

6 But you actually never saw Montrelle hit your sister,

7 correct?

8 A. I just saw her on the ground.

9 Q. Okay. And there had not been -- or the next day -- I

10 know you had not talked to Kadeshia in a while before this

11 night, correct?

12 A. Yes, ma'am.

13 Q. But Kadeshia told you that she worked at Pizza Hut?

14 A. She did. Yeah.

15 Q. You actually talked to Kadeshia the next evening as

16 well?

17 A. I remember talking to her that night of the incident,

18 you know, when he punched my sister to the ground. But I

19 didn't talk to her that night -- I mean the next day.

20 Q. Okay. It was earlier in the evening well before the

21 shooting, correct?

22 A. I don't remember talking to her. I remember talking to

23 her Thursday night. I don't remember talking to her Friday

24 at all.

25 Q. Didn't you talk to her possibly about working at Pizza

1 Hut? Talk to her on the phone for about 30 minutes?

2 A. Like I said, I don't remember that call. I remember
3 her telling me that she worked at Pizza Hut, but I don't
4 remember talking to her that Friday.

5 Q. Okay. Well, you and Kadeshia didn't have any
6 difficulties with each other the next day or anything,
7 correct?

8 A. No. Because we talked that night. And she apologized
9 for all what happened, you know, as far as her brother
10 hitting my sister earlier. And she left.

11 Q. You don't remember talking to her Friday evening before
12 the shooting?

13 A. I don't.

14 Q. She was possible the last person you spoke to on the
15 phone prior to ---

16 A. I don't remember.

17 Q. Okay. You talked to several officers about this case,
18 correct?

19 A. Uh-huh.

20 Q. You've spoken to Detective Tuttle, correct?

21 A. Yes.

22 Q. Detective Bailey?

23 A. I could have, but I don't remember talking to him.

24 Q. Okay. Well, September 23, 2015, you had indicated to
25 Detective Bailey that you had talked to Kadeshia the next

1 evening for about 30 minutes.

2 A. Okay.

3 Q. Okay. Do you remember that?

4 A. I don't.

5 Q. So just a little back to what we were discussing
6 earlier. You lived in Columbia for ten years, correct?

7 A. Uh-huh.

8 Q. So you're not really -- and you didn't live personally
9 in those apartments, correct?

10 A. (Nonverbal response.)

11 Q. You lived in another area of town, didn't you?

12 A. (Nonverbal response.)

13 Q. So you're not necessarily familiar with everything that
14 goes on over there ---

15 A. ---

16 Q. --- correct? Okay. And you don't necessarily know
17 all the people who live over there in the way that your
18 sister knows, correct?

19 A. No.

20 Q. But she often has a lot of people over?

21 A. No.

22 Q. She doesn't often have a lot of people over?

23 A. No.

24 Q. So this was a rare thing?

25 A. I wouldn't say rare. But she don't often have a lot of

1 people over . . .

2 Q. Would you hang out with her sister every day?

3 A. No.

4 Q. The evening that this shooting happened there were
5 multiple people in and out of that apartment all night. Is
6 that fair to say?

7 A. What you mean multiple people?

8 Q. Well, there were people there at the time of the
9 shooting, but there had been other people there throughout
10 the night before that, correct?

11 A. Right.

12 Q. One person who was there was a the guy, Hetty(ph). He
13 came before Dusty ---

14 A. He came by there. Yes, he did.

15 Q. Okay. And then there's a guy named Kunta (ph)?

16 A. I don't know him.

17 Q. But there was a man over there?

18 A. Could have been. But I don't know who you're talking
19 about.

20 Q. Several -- your mom came at one point?

21 A. She was there.

22 Q. Okay. Dusty, you were telling us how y'all grew up and
23 were close, correct?

24 A. (Nonverbal response.)

25 Q. But you had actually not seen him in ten years,

1 correct?

2 A. I haven't seen him. That was my first time seeing him
3 in ten years.

4 Q. Your cousin Kinard was there. Is that correct?

5 A. He was.

6 Q. And you said that he brought with him either two or
7 three boys?

8 A. He did.

9 Q. But you didn't know any of them?

10 A. I mean, not personally. But I knew who they were . . .

11 Q. Okay. But you don't even know their names?

12 A. I know Delano was with him ---

13 Q. Okay.

14 A. --- over there. But there were two other guys there.

15 Q. And you don't really -- and I think you had pretty much
16 already said this. But you don't really know all of the
17 Green people?

18 A. Absolutely not.

19 MS. FORD: Beg the Court's indulgence.

20 THE COURT: Yes, ma'am.

21 MS. FORD: No further questions for this witness, Your
22 Honor.

23 THE COURT: Any redirect?

24 AST. SOL. GINSBERG: Just briefly, Your Honor.

25 THE COURT: You may proceed.

1 AST. SOL. GINSBERG: Thank you.

2 THE COURT: You're welcome.

3 REDIRECT EXAMINATION

4 BY AST. SOL. GINSBERG:

5 Q. Kerri, just briefly. Ms. Ford just asked you about
6 conversations that you had with Kadeshia in the past over
7 two years ago.

8 A. Uh-huh.

9 Q. You said you don't recall those conversations. Is that
10 right?

11 A. That Friday. I mean, I remember talking to her
12 Thursday night.

13 Q. Okay. But that doesn't mean -- you're not hiding
14 anything. You just don't remember?

15 A. Right?

16 Q. Just to clarify, that Thursday when you met Montrelle
17 for the first time, you testified that you were in the
18 living room or in the bathroom when he saw your sister fall
19 to the ground?

20 A. Uh-huh.

21 Q. Okay. And just to clarify, can you explain to us once
22 you saw your sister fall, what did you do again?

23 A. I, like, stood over her or whatever, and I was like,
24 "What are you doing? Like, what did you do? Why did you do
25 that?"

1 MS. FORD: Objection. Outside the scope.

2 THE COURT: I'll give her some latitude. It's still
3 within the scope of cross. Overruled.

4 Q. So you were standing over her. Who also was standing
5 there?

6 A. At that time, my sister's friend.

7 Q. Was the defendant standing there?

8 A. Yes, he was. Yeah.

9 Q. And explain what the defendant looked like when he was
10 standing over your sister?

11 A. He had ---

12 MS. FORD: Objection. Again, this is way outside the
13 scope.

14 THE COURT: No speaking objections. What's the basis
15 of your objection?

16 MS. FORD: Outside the scope of cross-examination.

17 THE COURT: Overruled.

18 Q. You can go ahead and answer.

19 THE COURT: Ma'am, you can answer the question.

20 A. His stance was as if he was arrogant.

21 AST. SOL. GINSBERG: No further questions for this
22 witness.

23 THE COURT: Any objections to the witness being
24 excused? From the State?

25 AST. SOL. GINSBERG: None, Your Honor.

1 THE COURT: From the Defense?

2 MS. FORD: No, Your Honor.

3 THE COURT: Ma'am, you're excused. Call your next
4 witness.

5 AST. SOL. GINSBERG: Thank you, Your Honor. The State
6 calls Tierra Brown.

7 THE COURT: The witness can come forward, please.

8 (TIERRA BROWN, was duly sworn and provided the
9 following testimony.)

10 THE CLERK: Please take your seat. Spell your first
11 and last name speaking directly into the microphone.

12 THE WITNESS: It's Tierra, T-i-e-r-r-a, Brown,
13 B-r-o-w-n.

14 THE COURT: You may proceed.

15 AST. SOL. GINSBERG: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 DIRECT EXAMINATION

18 BY AST. SOL. GINSBERG:

19 Q. Good morning, Tierra?

20 A. Good morning.

21 Q. How old are you?

22 A. Twenty-eight.

23 Q. Twenty-eight. And where do you work, Tierra?

24 A. Burger King.

25 Q. Burger King?

- 1 A. Uh-huh.
- 2 Q. And you really like it, don't you?
- 3 A. No.
- 4 Q. Where are you from, Tierra?
- 5 A. New York.
- 6 Q. And when did you move here to Charleston?
- 7 A. Right before the shooting happened.
- 8 Q. Right before the shooting happened. So in 2015?
- 9 A. Uh-huh.
- 10 Q. And why did you move to Charleston?
- 11 A. My mother had relocated here. She's -- my family is
- 12 from here, so.
- 13 Q. So you came to be with your ---
- 14 A. Yeah.
- 15 Q. You were at the incident that happened on ---
- 16 A. No. I no nothing about the incident.
- 17 Q. Okay. So I'm just going to start talking to you about
- 18 and draw your attention to September 18, 2015.
- 19 A. Is that . . .
- 20 Q. So from the night of September 18 through the morning
- 21 of September 19, 2015.
- 22 A. Right.
- 23 Q. Do you recall that evening?
- 24 A. Yeah.
- 25 Q. Can you tell the jury where you were at that night?

1 A. That night, I was at Katrina's house.

2 Q. And I'm just going to show you what's been marked and
3 previously admitted as State's 2 just so we're on the same
4 page here. And on this diagram, can you tell where
5 Katrina's house is?

6 A. Uh-huh.

7 Q. Do you mind using the screen. You can circle around
8 the approximate location where she lives.

9 A. (Witness complies.)

10 Q. Okay. So you were at Katrina's house?

11 A. Uh-huh.

12 Q. Around what time do you think you got to Katrina's?

13 A. Well, I went there a little bit after work because I
14 really wasn't supposed to be there. I was supposed to go to
15 a -- concert, but I got off work too late. So me and my
16 cousin Nick went over there to see what Katrina and Kerri
17 doing. We went over there, picked up Kerri. We went to get
18 something to eat, dropped her back off. I went back home.
19 And we came back over to Trina's house.

20 Q. Do you know around what time ---

21 A. It was like nine-ish, ten-ish.

22 Q. Okay. And you said we. Who else was with you ---

23 A. My cousin Nick.

24 Q. Your cousin Nick. And when you got to Trina's house,
25 who was at Trina's house?

1 A. Just Kerri, her son. My cousin was next door. They
2 had a card game. There was nobody really there.

3 Q. Okay. What were you doing at your house in the early
4 hours?

5 A. We was just cooling and listening to music.

6 Q. Later in the evening towards the morning hours, who
7 started showing up to Trina's house?

8 A. My cousin Kinard, his two friends. I don't know the
9 other people.

10 Q. Okay. Did Antwan Frost show up?

11 A. Yeah.

12 Q. Do you recall around what time Antwan came?

13 A. It was like about five o'clock in the morning; like
14 5:30.

15 Q. Okay. At that time around the early hours, what were
16 you doing then?

17 A. I was in the bathroom; in the restroom. And then I
18 came out the restroom and we started back playing cards.

19 Q. Okay. And where were you playing cards?

20 A. In the kitchen.

21 Q. I'll show you what's been marked and admitted as
22 State's 6. So let's talk about -- when Mr. Frost got here,
23 you said you were in the bathroom and you came out and you
24 went back into the kitchen to play cards. Is that right?

25 A. Uh-huh.

1 Q. Where was everyone else?

2 A. We was all in the kitchen. Trina and Kerri and
3 Mr. Frost was in the living room.

4 Q. Did you know Mr. Frost beforehand?

5 A. No.

6 Q. Okay. Not like Katrina or Kerri?

7 A. Huh-uh.

8 Q. So you're sitting in the kitchen area playing cards?

9 A. Uh-huh.

10 Q. What happened next in regards to this case?

11 A. Next, there was a bullet coming through the window,
12 bullets coming through the kitchen window. And they told me
13 to lay -- and I got shot in the arm. And I flew underneath
14 the chair where Kerri and my cousin -- and Trina was at.

15 Q. Okay. So you were playing cards, and the next thing
16 you know you just hear shots?

17 A. Uh-huh.

18 Q. And you knew the shots were coming to your house, the
19 house that you were in ---

20 A. At first I didn't know. I was just standing there like
21 in shock because I just heard gunshots and just standing
22 there. And the next thing I know, like, you start hearing
23 all the glass shatter and just you can see the bullets
24 coming, like, through the house.

25 Q. You were in the kitchen and then where did you go right

1 after you hear ---

2 A. In the living room underneath the chair.

3 Q. With Kerri -- and Katrina?

4 A. Uh-huh.

5 Q. How many shots do you think did you hear?

6 A. It was a lot. I couldn't tell you.

7 Q. And were they -- can you explain to the jury if it was
8 like a rapid succession?

9 A. Yeah. It was consistent.

10 Q. Okay. So you're behind that chair with your cousins?

11 A. Uh-huh.

12 Q. What do you do next?

13 A. Next thing, I get up and I just started walking to the
14 back. All I see is a bunch of blood pooling to the back.
15 And I was trying to see if somebody was dead.

16 Q. Okay. So you see a bunch of blood ---

17 A. Uh-huh.

18 Q. --- towards the back. When you get to the back, what
19 do you see?

20 A. Kerri.

21 Q. Who else was ---

22 A. And the kids.

23 Q. So Kerri with her head bleeding and the kids.

24 A. Uh-huh.

25 Q. Can you describe to the jury how you saw Kerri?

1 A. She was laying on top of the kids, head down, and just,
2 like, blood just dripping from her face.

3 Q. And you mentioned you were shot. When did you realize
4 you were shot?

5 A. I didn't realize it until my cousin Nick had told me I
6 was shot. I was in so much shock. I didn't even see the
7 holes or nothing in my arm.

8 Q. Were you treated for your injury?

9 A. Uh-huh.

10 Q. Did the bullet -- do you still ---

11 A. Uh-huh. I have the bullet in my arm.

12 Q. You still have the bullet in your arm?

13 A. Uh-huh.

14 AST. SOL. GINSBERG: Beg the Court's indulgence.

15 THE COURT: Yes, ma'am.

16 Q. Just to backtrack, Tierra. You mentioned that your
17 cousin Nick was with you?

18 A. Uh-huh.

19 Q. Is Nick short for anything?

20 A. Yeah. That's her nickname.

21 Q. Her nickname?

22 A. Yes.

23 Q. Okay. So Nick is a female?

24 A. A female, yes.

25 Q. And does Nick still live here in Charleston?

Cross-Examination of Tierra Brown by Ms. Ford

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1 A. No. After that she moved back to Virginia.

2 Q. Okay. And last thing, can you show us where you were
3 shot?

4 A. Yes. (Witness complies.)

5 Q. And can you point to it?

6 A. Uh-huh.

7 AST. SOL. GINSBERG: Nothing further for this witness.

8 But, Tierra, if Mary has anything, please answer.

9 THE WITNESS: Okay.

10 AST. SOL. GINSBERG: Thank you.

11 THE COURT: You may proceed.

12 MS. FORD: Thank you, Your Honor. May it please the
13 Court?

14 THE COURT: Yes, ma'am. You may proceed.

15 CROSS-EXAMINATION

16 BY MS. FORD:

17 Q. Hi, Ms. Brown?

18 A. Hi.

19 Q. So you told us you are not from the Charleston area,
20 correct?

21 A. No, I'm not.

22 Q. You just moved to Charleston recently before the
23 shooting?

24 A. Yes.

25 Q. So you're not familiar the Gadsden Green area where

1 Trina lived?

2 A. No.

3 Q. And you've never met Montrelle Campbell, correct?

4 A. No.

5 Q. You did not see Montrelle Campbell that night?

6 A. No.

7 Q. You were inside the apartment, obviously, during the
8 time of the shooting, correct?

9 A. Yes.

10 Q. So you didn't see who was shooting into the apartment?

11 A. Of course not.

12 Q. There were a lot of people inside the apartment with
13 you?

14 A. I mean, I wouldn't say a lot of people. It was six,
15 seven, eight of us. Not a lot of people.

16 Q. Okay. Other people had been in and out of the
17 apartment throughout the evening?

18 A. Not really. Really us in and out of the apartment.
19 You can't smoke a cigarette inside her house. So you have
20 to go outside to smoke a cigarette if you want to smoke --
21 you have to go sit outside.

22 Q. But a few other people came throughout the evening?

23 A. I guess.

24 Q. Okay. Another gentleman had come just before Mr. Frost
25 arrived. Do you remember that?

1 A. No.

2 Q. Okay. And you told us your cousin Kinard was there?

3 A. Yeah, Kinard.

4 Q. Kinard?

5 A. Yes.

6 Q. And some of his friends were there?

7 A. Uh-huh.

8 Q. How many friends? Do you know?

9 A. It was two.

10 Q. Two. And you don't know their names, right?

11 A. Not really. I mean, I just met them not too long ago
12 before. So, you know.

13 Q. Okay. So you didn't know them?

14 A. Not really, no.

15 MS. FORD: Beg the Court's indulgence.

16 THE COURT: Yes, ma'am.

17 MS. FORD: No further questions, Your Honor.

18 THE COURT: Any redirect?

19 AST. SOL. GINSBERG: Nothing, Your Honor.

20 THE COURT: Any objection to the witness being excused?

21 AST. SOL. GINSBERG: None from the State, Your Honor.

22 THE COURT: Any from the Defense?

23 MS. FORD: No, Your Honor.

24 THE COURT: Ma'am, you're excused. Call your next
25 witness.

1 AST. SOL. SIMPSON: Thank you, Your Honor. The State
2 calls Officer Timothy O'Leary with the Charleston Police
3 Department.

4 THE COURT: If the witness will come forward, please,
5 to be sworn.

6 (TIMOTHY O'LEARY, was duly sworn and provided the
7 following testimony.)

8 THE CLERK: Please take your seat. Spell your first
9 and last name for the record.

10 THE WITNESS: Timothy O'Leary, T-I-M-O-T-H-Y,
11 O-L-E-A-R-Y.

12 THE COURT: You may proceed.

13 AST. SOL. SIMPSON: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 DIRECT EXAMINATION

16 BY AST. SOL. SIMPSON:

17 Q. Mr. O'Leary, where do you work?

18 A. Charleston City Police Department.

19 Q. And how long have you been in law enforcement?

20 A. I've been in law enforcement with the City of
21 Charleston for approximately four and a half years.

22 Q. If you could, just kind of introduce yourself to this
23 jury. Where are you from?

24 A. I'm from Massachusetts.

25 Q. And what brought you Charleston?

1 A. Coast Guard. I'm in the military -- North Charleston
2 training of the area. So I moved down here.

3 Q. I understand. You came here and decided to stay.

4 A. Yes.

5 Q. What kind of educational background do you have?

6 A. I have a bachelor's degree in criminal justice and a
7 minor in business management.

8 Q. Okay. And following that education, did you then
9 continue on to further law-enforcement specific training in
10 education?

11 A. Not law enforcement specific, just the military
12 training.

13 Q. Okay. And that background allows you to enter law
14 enforcement?

15 A. Yes, sir.

16 Q. Okay. Do you continue to have training and education
17 throughout your job as a law enforcement officer?

18 A. Yes, sir.

19 Q. Again, if you could, recount that law enforcement
20 experience to this jury.

21 A. Approximately four and half years here with the City of
22 Charleston. I was in the prison system in Massachusetts for
23 probably five years prior to that.

24 Q. And what is your current rank, role, and duties with
25 the Charleston Police Department?

1 A. I'm a regular patrol officer in the City of Charleston.
2 I work now in the traffic division. I've worked traffic for
3 about a year and half now. Ride motorcycles, so.

4 Q. Okay. And what was your role and some of your duties
5 in September of 2015?

6 A. In September of 2015, I was in patrol -- regular
7 patrol. I responded to calls, 911 calls and any calls for
8 service that my specific PO would respond.

9 Q. Okay. And Charleston Police Department is sort of
10 broken down geographically. Is that correct?

11 A. Yes, sir.

12 Q. And how is that done?

13 A. Each team has different areas. Team 1 is downtown;
14 Team 2 is south of Broad; 3 is James and Johns Island; 4 is
15 West Ashley; 5 is Daniel Island.

16 Q. And what team were you working on in September of 2015?

17 A. Team 1.

18 Q. Okay. Were you working in that capacity on
19 September 19, 2015?

20 A. Yes.

21 Q. And what -- do you recall what shift you were working
22 at that time?

23 A. I believe at that time, I was working the overnight
24 shift. It would be 10:30 at night to 8:30 in the morning.

25 Q. So you were working from 10:30 on the 18th to 8:30 in

1 the morning on the 19th?

2 A. Yes.

3 Q. Okay. And you described sort of your duties as being a
4 patrol officer. Is first responder one of those duties?

5 A. Yes, sir.

6 Q. And just tell a little bit to the jury as a first
7 responder on the scene, what are sort of your priorities
8 when you get there?

9 A. First thing on the scene, make sure it's safe for
10 everyone, for EMS and fire personnel to get in there.
11 Patrol the scene; make sure there are no other threats for
12 us when we get in there. Try to assess the situation.
13 Notify dispatch of what is needed -- what else is needed as
14 part -- they ask us what do we need when we arrive on the
15 scene.

16 Q. And so, fair to say that safety is your number one
17 priority when you get there?

18 A. Yes, sir.

19 Q. Getting the appropriate people there is an important
20 priority?

21 A. Yes. Yes, sir.

22 Q. Not necessarily preserving a scene or rendering any
23 aid, right?

24 A. No.

25 Q. But certainly rendering aid comes pretty ---

1 A. Yes. Yes.

2 Q. Okay. Is safety number one?

3 A. Yes.

4 Q. Do you recall during that shift from the 18th through
5 the 19th having the occasion to respond to [REDACTED] Norman
6 Street?

7 A. Yes.

8 Q. And if you could, I want you, to the best of your
9 recollection, just recount to this jury what you observed in
10 that response. About what time was it?

11 A. I believe it was about 4:30, 5:00 in the morning. I
12 don't remember the exact time.

13 Q. Did you write a report in this case?

14 A. Yes, I did.

15 Q. Would the time of response be something you would note
16 in that report?

17 A. Yes, sir.

18 Q. Okay.

19 AST. SOL. SIMPSON: May I approach the witness, Your
20 Honor?

21 THE COURT: You may.

22 Q. Officer O'Leary, possibly to fresh your recollection of
23 the more specific time of your response to [REDACTED] Norman
24 Street, can I get you to read your report?

25 A. Yes.

Direct Examination of Mr. O'Leary by Ast. Sol. Simpson

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1 AST. SOL. SIMPSON: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes.

4 Q. I'm handing you what's been marked for ID only as
5 State's 123. That is something you would note here at the
6 beginning of your report?

7 A. Yes.

8 Q. What is that exhibit in the front of you?

9 A. My incident report that I wrote on the day of the
10 incident.

11 Q. Okay. Does that the incident report note the time of
12 your response?

13 A. Yes, sir.

14 Q. Approximate time?

15 A. Approximate time.

16 Q. Okay. And what was the approximate time?

17 A. Approximate time was 6:37 in the morning.

18 Q. Okay. And if you could, describe to the jury what you
19 observed when you arrived there. First describe where is
20 Norman street?

21 A. Norman Street is in the Gadsden Green area of downtown
22 Charleston. Close proximity to Burke High School, The
23 Citadel, or the Charleston Police Department.

24 Q. And what sort of housing is there in Gadsden Green?

25 A. Government housing.

1 Q. Okay. When you responded there, what did you observe?

2 A. According to my recollection --

3 Q. Your recollection. If you need to refer to your
4 report --

5 A. I remember walking through the back door the residence.
6 I come in and there was an individual lying down in the
7 front living room of the residence. His head was towards
8 the front of the door. He was lying face down. There was a
9 lot of screaming going on. As I continued to enter the
10 apartment, there was a hallway to my left to which there
11 were two females in there screaming that they had also been
12 shot. Through the back hallway there was a bedroom. There
13 was two children in there. I tried to check on the children
14 to see if they were injured at all. They said they were
15 fine. They were hunkered down underneath the bed at the
16 time. As I entered down the hallway to assess the gentleman
17 at the front, he was bleeding. I flipped him over. He
18 was -- individuals there telling him to keep breathing, to
19 keep breathing. I told them get a cloth or something to put
20 pressure on the wounds and that the ambulance was on the
21 way. I went back inside to double check the address.
22 Notified dispatch at that time individuals there -- to
23 ambulance, fir. Fire arrived on scene. The ambulance
24 arrived on scene.
25 Q. To the best of your knowledge, were you the first

1 nonresident or nonguest to arrive at that scene?

2 A. Yes, sir.

3 Q. Okay. Pretty chaotic?

4 A. Yes. A lot of screaming. A lot of yelling.

5 Q. A lot of moving people?

6 A. Yes.

7 Q. Okay. So did it come pretty apparent to you quickly
8 that EMS would be required?

9 A. Yes.

10 Q. And the accuracy of that location, was that something
11 that you wanted to double check?

12 A. Yes.

13 Q. Officer O'Leary, what's a body camera?

14 A. A body cameras is video camera that we use that we wear
15 around our chest. We activate it anytime we go into a
16 scene. The body camera that day was a different -- than
17 what we use now. You turn it on and it just records the
18 entire until you physically turn it off.

19 Q. And the body camera is on a wide scale of officers.
20 That's a fairly recent development?

21 A. Correct.

22 Q. Okay. But were you wearing a body camera back in
23 September 19, 2015?

24 A. Yes.

25 Q. You say the officer -- the officer to engage it?

1 A. Yes.

2 Q. Did you at some point in your response to this scene
3 engage that body camera?

4 A. Yes.

5 Q. What goes into that decision to engage a body camera?

6 A. Just something -- just to record anything that you
7 witness. It's not -- we have it on our chest. So if we
8 look to our left, it's not going to pick up stuff. It will
9 pick up other things that we may or may not see.

10 Q. Is a purpose of a body cam to preserve in the most
11 accurate way what the officer experiences at the time?

12 A. Yes.

13 Q. For recounting at a later day? Say two hours -- two
14 years later at a trial?

15 A. That's correct.

16 Q. Did it capture some of your response that morning?

17 A. Yes.

18 Q. Okay.

19 AST. SOL. SIMPSON: May I approach the witness, Your
20 Honor?

21 THE COURT: You may.

22 Q. Showing you what's been marked for ID only as State's
23 Exhibit 90. Do you recognize that exhibit?

24 A. Yes.

25 Q. What is that?

Direct Examination of Mr. O'Leary by Ast. Sol. Simpson

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1 A. A CD. A copy of the body camera footage.

2 Q. And you've reviewed this for trial?

3 A. Yes.

4 Q. How do you know that this is the same CD that you
5 reviewed?

6 A. Because I put an initial on one form.

7 Q. Is that a fair and accurate representation of some of
8 what you described to the jury during your testimony as to
9 your response to [REDACTED] Norman Street?

10 A. Yes.

11 Q. Okay.

12 AST. SOL. SIMPSON: Your Honor, at this point, the
13 State would seek to admit State's Exhibit 90 as an exhibit.
14 Understanding that there is a matter of law.

15 MS. FORD: Yes, Your Honor. There is a matter of law.

16 THE COURT: Mr. Foreman, ladies and gentlemen, I need
17 to take up a matter of law. During this break, please do
18 not discuss the case, and please leave your notepads in your
19 seats.

20 (The jury exits the courtroom at 11:10 a.m.)

21 THE COURT: You may proceed.

22 AST. SOL. SIMPSON: Thank you, Your Honor. At this
23 time the State would, for your judicial review ---

24 THE COURT: Proceed as if the jury were here and
25 question your witness.

1 (Direct examination of Mr. O'Leary continues out of the
2 presence of the jury.)

3 BY AST. SOL. SIMPSON (Continuing):

4 Q. Officer O'Leary, you earlier described your response to
5 [REDACTED] Norman Street?

6 A. Yes.

7 Q. Did you describe that as a chaotic scene?

8 A. Yes, sir.

9 Q. A lot of disarray and people moving around?

10 A. Yes, sir.

11 Q. Okay. and you described your observations as you got to
12 that scene?

13 A. Yes.

14 Q. Okay. I may pause or ask you questions, but now -- but
15 now we're going to present for judicial review State's 90.

16 (Video begins play.)

17 Q. Do you know who that individual was?

18 A. I do not.

19 (Video resumes.)

20 Q. Officer, is that a fair and accurate representation of
21 the initial minutes of your response to [REDACTED] Norman Street?

22 A. Yes, sir.

23 AST. SOL. SIMPSON: Your Honor, that's all we have to
24 present at this point via testimony.

25 THE COURT: For what purpose will the State be offering

1 the video?

2 AST. SOL. SIMPSON: Several, Your Honor. For one, as I
3 believe case law confirms, the evidence corroborates witness
4 testimony. It serves a relevant purpose. This video
5 doesn't just corroborate the testimony of Officer O'Leary.
6 The officer who testimony -- previous witnesses as to the
7 chaos of the scene, the number of people who were at the
8 house, what was going on. The defense has already in this
9 trial questioned some of their memories, questioned who was
10 there and who wasn't there. Referred to this as something,
11 you know, as like a party. I think that this video serves
12 so far as the best evidence of what we've heard from the
13 other witnesses and serving a corroborative function that is
14 very important.

15 You can always describe an event, but nothing quite as
16 accurate, relating to that point, as the video. And that's
17 what we have here. And it is a purpose of having body cams
18 to begin with. It corroborates injuries that we've seen.
19 Later, we're going to be going into some detail as to the
20 crime scene. And it corroborates the fact that prior to
21 crime scene even arriving, we had several people moving
22 about in the scene. And, you know, painting an accurate
23 picture of the chaos that occurred there is a relevant
24 evidentiary function.

25 The flip side of that analysis is, of course, is there

1 something particularly graphic or something particularly
2 that calls for a verdict based on an improper purpose. And
3 there simply isn't. I mean it's a difficult thing to watch.
4 But as the case law supports, when you have a graphic
5 occurrence, factual occurrence, accurately displaying that,
6 the nature of that, is not unduly prejudicial. It's proper
7 for a jury to see what the scene looked like when the first
8 responder arrived on scene. It's not improper or unduly
9 suggestive at all. And as to the typical nature that one
10 might -- you know, they might tip that scale of overt
11 graphic -- I just don't think it's there. It's emotional.
12 It's difficult to watch. But there isn't anything overtly
13 graphic about the video that we just watched.

14 MS. FORD: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 MS. FORD: I disagree with the Solicitor. I object
17 based on 403, being more prejudicial than probative and
18 bolstering, Your Honor. Watching this video from the
19 beginning, there is a very audible reaction from the
20 audience, Your Honor, which I think is important to state on
21 the record to show it is inflammatory, Your Honor.

22 THE COURT: Well, the one in the audience is the
23 victim's mother and victims of this incident, which this
24 jury did not see. And I think it would be abnormal for
25 someone not to have a visceral resolve -- a visceral

1 reaction to what is basically a contemporaneous scene of her
2 child being killed. Although it really doesn't show him on
3 it. But I don't think you can characterize the jury having
4 that same reaction. They're not as attached to it as she
5 is.

6 MS. FORD: I think it is quite inflammatory and that is
7 the primary reason the State is seeking to introduce it,
8 Your Honor. It establishes nothing as far as identity,
9 certainly. So it doesn't go into anything identifying my
10 client. It establishes the chaos. The officer testified to
11 that. The State is saying that there's some dispute over
12 the number of people. They don't remember. They admit --
13 the people have admitted they don't remember exactly who was
14 there. But watching that video doesn't give a better sense
15 other than there were multiple people. It's not as if the
16 officer went to one person at a time and said, you're here,
17 check, you're here, check. I don't think you get a good
18 grasp of how many people were there.

19 There are many pictures of the crime scene, which have
20 already been admitted, and the State is going to seek to
21 introduce more showing that there were lots of liquor
22 bottles, beer bottles, playing cards with people. They all
23 testified to that. That's not in dispute. It's not in
24 dispute that that there was a shooting. You can't really
25 necessarily see bullet holes in that footage, but there are

1 any pictures of that. There are photos showing some of the
2 small amounts of blood, Your Honor. I did not question when
3 the two victims, Tierra Brown and Kerri Brown, got up, I
4 didn't question that they have injuries, Your Honor. So the
5 State can't say that I'm trying to contradict that they
6 weren't injured or that there was blood, Your Honor. It
7 serves no legitimate purpose that has not already been
8 established by the witnesses and by the pictures that have
9 already been admitted. And definitely there's nothing in
10 there that goes to the identity of my client. It just --
11 it's quite inflammatory, Your Honor. And I don't believe it
12 establishes enough to overcome the highly prejudicial nature
13 of it, Your Honor.

14 THE COURT: Anything further from the State?

15 AST. SOL. SIMPSON: No, Your Honor. Just to say the
16 State versus Holder, State versus Burrell (ph) and State
17 versus Jackson, it's contrary case law ---

18 THE COURT: You said Holder, H-O-L-D-E-R?

19 AST. SOL. SIMPSON: Yes, Your Honor.

20 THE COURT: Okay.

21 AST. SOL. SIMPSON: I have the cites as well if you
22 need them.

23 THE COURT: No. I just don't need -- I heard it and I
24 think my court reporter heard it, I watch my court
25 reporter's eyebrows if they don't hear things clearly.

1 All right. Before we find that the body cam video is
2 admissible, that it is more probative than prejudicial,
3 credibility is essential to this case. And corroboration is
4 appropriate for the State to offer. It is not bolstering.
5 It is not commenting on the veracity of a witness. It does
6 corroborate -- events. It is a contemporaneous recording of
7 the event. It does corroborate the chaotic nature of the
8 scene, that it does also serve to refute or give in a
9 contemporaneous view of actually what was going on in the
10 apartment at the time, and it is res gestae. Therefore, the
11 motion to exclude the video is overruled. Let's take a few
12 moments while the jury is out to take a brief restroom
13 break. And we'll take about ten minutes.

14 (A brief recess was taken at 11:26 a.m. to 11:52 a.m.)

15 (The jury enters the courtroom at 11:52 a.m.)

16 THE COURT: We appreciate your patience as we disposed
17 of that matter. The State may proceed. Actually, I need
18 y'all to approach for me. That's the other thing I forgot.
19 Bear with us, ladies and gentlemen. I appreciate your
20 patience.

21 (A bench conference was held off the record and out of
22 the hearing of the jury panel.)

23 THE COURT: Bear with us just one moment, ladies and
24 gentleman.

25 (Brief pause.)

1 AST. SOL. SIMPSON: Your Honor, may the State proceed?

2 THE COURT: Yes.

3 AST. SOL. SIMPSON: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 (Direct examination of Officer O'Leary resumes in the
6 presence of the jury.)

7 BY AST. SOL. SIMPSON: (continuing)

8 Q. Officer O'Leary, your jurisdiction on Team 1, the area
9 you described earlier, is that in Charleston County?

10 A. Yes, sir.

11 Q. In its entirety?

12 A. Yes, sir.

13 Q. And before we broke, we were discussing body camera
14 footage. Is that correct?

15 A. Yes, sir.

16 Q. And you viewed what we marked for ID only as State's
17 Exhibit 90?

18 A. Yes, sir.

19 Q. And is that your body camera footage, or at least a
20 portion of it, from this response?

21 A. Yes, sir.

22 AST. SOL. SIMPSON: Your Honor, at this time the State
23 would seek to admit State's 90 into evidence.

24 THE COURT: Admitted subject to the objection which has
25 been overruled.

1 (State's Exhibit No. 90, Body Camera Video, was
2 received into evidence.)

3 AST. SOL. SIMPSON: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 (Vide played at 11:55 a.m.)

6 Q. Officer O'Leary, does that fairly and accurately
7 reflect the scene that as you arrived to it on the morning
8 of September 19, 2015?

9 A. Yes, sir.

10 AST. SOL. SIMPSON: I have no further questions for
11 this witness.

12 THE COURT: Any questions for the witness?

13 MS. FORD: Briefly, Your Honor.

14 THE COURT: You may proceed.

15 CROSS-EXAMINATION

16 MS. FORD:

17 Q. Officer O'Leary, that evening that you went out there
18 you did not see a man with a gun there, correct?

19 A. Correct.

20 Q. And non one you came across had a blue jersey Italia
21 shirt on that evening, correct?

22 A. Correct.

23 Q. And your job was to try to contain the scene. Is that
24 what I heard you say?

25 A. Yes.

1 Q. So you didn't necessarily talk to people, correct?

2 A. Correct.

3 MS. FORD: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 MS. FORD: I have no further questions, Your Honor.

6 THE COURT: Any redirect?

7 AST. SOL. SIMPSON: No, Your Honor.

8 THE COURT: Any objection to this witness being
9 excused? From the State?

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: From the defense?

12 MS. FORD: No, Your Honor.

13 THE COURT: Sir, you're excused. You may call your
14 next witness.

15 BY AST. SOL. SIMPSON: Thank you, Your Honor. The
16 State calls Sarah Gladwell.

17 (SARAH GLADWELL, was duly sworn and provided the
18 following testimony.)

19 CLERK: Please take your seat. Spell your first and
20 last name for the record.

21 THE WITNESS: My name is Sarah Gladwell, S-A-R-A-H,
22 last name Gladwell, G-L-A-D-W-E-L-L.

23 THE COURT: You may proceed.

24 BY AST. SOL. SIMPSON: Thank you, Your Honor.

25 THE COURT: You're welcome.

Direct Examination of Ms. Gladwell by Ast. Sol. Simpson

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1 DIRECT EXAMINATION

2 BY AST. SOL. SIMPSON:

3 Q. Good morning, Ms. Gladwell.

4 A. Good morning.

5 Q. How are you?

6 A. I'm good. How are you?

7 Q. Very well. Could you describe a little bit to the jury
8 and just kind of introduce yourself. Where do you work
9 currently?

10 A. I work for the City of Charleston Police Department in
11 the crime scene unit.

12 Q. And what occupation do you have for that?

13 A. My title is crime scene investigator.

14 Q. And what sort of education, training, experience does a
15 person go through to become a crime scene investigator?

16 A. Myself, I went to college; a four-year bachelor degree
17 in forensic investigation. And whenever I got a job at the
18 police department in the crime scene unit we go through
19 usually a three-month training process before you go to
20 crime scenes by yourself.

21 Q. So you have a college degree in forensic processing?

22 A. Yes, sir.

23 Q. Okay. And you come in and do an in-house training too?

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

25 Q. Okay. And as far as experience goes, how long have you

1 been working in crime scene investigations?

2 A. I worked for the police department for seven years and
3 ten months.

4 Q. So nearly eight years with CPD?

5 A. Yes, sir.

6 Q. Okay. In the same unit?

7 A. Yes, sir.

8 Q. Okay. If you could, just explain to the jury -- I'm
9 sure they have some knowledge of this -- but just the basic
10 role that a crime scene investigator plays when you come
11 onto the scene. What's your job? How do you see your
12 occupation?

13 A. So as a crime scene investigator, we respond to various
14 calls. They can be anywhere from a car break-in to a murder
15 in which we go, we see, you know, what happened. We walk
16 through the scene. We usually document the scene with notes
17 with photographs. Usually there is some type of latent
18 print processing or evidence collection. And if there's any
19 further processing that needs to be done, we have the
20 equipment and the means to do that as well.

21 Q. Okay. Do you always have a whole lot of information
22 when you respond to a scene?

23 A. No, sir.

24 Q. Okay. So it's sort of a blank canvas, if you will,
25 when you get there?

1 A. Yes, sir.

2 Q. Is it uncommon then for a crime scene investigator to
3 maybe document and then collect a lot of that evidence that
4 later proves unmeaningful?

5 A. Yes, sir.

6 Q. Were you working in that capacity on September 19,
7 2015?

8 A. Yes, sir.

9 Q. And did you have the occasion on that day to respond to
10 [REDACTED] Norman Street?

11 A. I did, yes.

12 Q. Could you describe a little bit about this location to
13 the jury.

14 A. The location on Norman Street is a multiunit city
15 housing complex. And that, you know, pretty much is a lot
16 of apartment buildings and courtyards and sidewalks and
17 grassy areas in between.

18 Q. I'm going to show you it's been entered as State's 2.
19 Do you recognize this image?

20 A. Yes, sir.

21 Q. And are you able to point out where [REDACTED] Norman Street
22 is on that image?

23 A. Yes, sir. Would you like me to use the --

24 Q. Yeah. That's a touch screen in front of you. I'm
25 sorry. You can just touch the screen.

1 A. Okay.

2 Q. It's ready to go. Where is [REDACTED] Norman Street?

3 A. (Witness complies.)

4 Q. Show you what's been an admitted as State's 4. Do you
5 recognize this area?

6 A. Yes, sir.

7 Q. Okay. Is that the same area but from a different
8 perspective?

9 A. It is. Yes.

10 Q. Can you identify for us [REDACTED] Norman Street for that?

11 A. Yes.

12 Q. I'll show you what's been admitted by consent as
13 State's 5. Do you recognize that exhibit?

14 A. Yes, sir.

15 Q. And what is that?

16 A. It's a diagram of the apartment buildings with the
17 individual apartment units.

18 Q. And I think you can see there [REDACTED], that's the crime
19 scene in this case?

20 A. Yes, sir.

21 Q. And it sort of -- what would we call the back of that?

22 A. The back of these are going to be ever here in the
23 front on this side.

24 Q. Now, I guess we should go ahead and address this. You
25 read a report, obviously ---

1 A. Uh-huh.

2 Q. --- and everything. What did you refer to as the front
3 and the rear and the reports?

4 A. When I responded on scene, the majority of what we were
5 doing was near this area because I worked it this way going
6 in. I refer to this area -- this as the front and this as
7 the back. However, the front door living room would be on
8 this side, and in the kitchen, dining area, and the patio
9 area would be on this side. So it's actually reverse than
10 what I have it referred to as in my report.

11 Q. And State's 6. What's that?

12 A. This is another diagram of the individual apartment
13 unit?

14 Q. Okay. And is this a fair and accurate diagram, to the
15 best of your knowledge, of [REDACTED] Norman Street?

16 A. Yes, sir.

17 Q. So do you remember approximately what time you
18 responded?

19 A. Yes. I responded to this location at 6:55 in the
20 morning.

21 Q. Okay. And if you could, just describe sort of what you
22 observed when you arrived on scene and how your job started
23 there.

24 A. When we arrive on scene, we pull in. We find the first
25 responding officer or a high-ranking officer so we can get

1 the information that we need as we only know what has
2 happened based off what we've heard on the radio. I knew
3 that I was arriving to a shooting. I knew that much. So
4 when I got there, I write down the address, what time I get
5 there, what the weather is like. And then I find that first
6 responding officer or a high-ranking officer so I can get
7 the information that I need to do my job. When I get that
8 information, that's when I began crime scene processing.

9 Q. And that's just information that you get that people
10 know that are already on scene?

11 A. Yes.

12 Q. And that can often be incomplete information too,
13 correct?

14 A. Yes.

15 Q. Okay. But that allows you to at least start somewhere
16 for you work?

17 A. Absolutely. Yes, sir.

18 Q. And is it uncommon for patrol officers or arriving
19 officers to have seen items that they know you might be
20 interested in?

21 A. Uh-huh. Yes.

22 Q. Okay. And did that happen in this case?

23 A. Yes. A lot of times when we have shootings that we
24 respond to, the officers always get there before we do. So
25 a lot of times if they see an item that they know is of

1 evidentiary value, they will mark it somehow. Usually they
2 do it with their business cards that they hand out; cards
3 that you would give to someone, you know, if you have a
4 business or something. And they put -- place those beside
5 the items that they know are going to be of value to us so
6 that we know that they're already there. In this case, they
7 had already marked some of the cartridge cases.

8 Q. Did the scene -- when you arrived there, did it appear
9 secure?

10 A. Yes. I wrote in my report that the crime scene showed
11 the properly secured crime scene tape. And I believe that
12 they encompassed all evidence that was located by the
13 officers at that time.

14 Q. And when you say you're going to process a certain
15 area, what is meant by that phrase?

16 A. Processing is just a general term for all of the things
17 that we can do when we get to a crime scene. In this case,
18 processing all these cartridges -- getting the information
19 and then you progress to photographs, overall photographs.

20 Q. Is it a goal of a crime scene investigator to be able
21 to depict that crime scene as it is when you arrived in the
22 most accurate way possible?

23 A. Absolutely. Yes.

24 Q. Okay. So how do you go about doing that? You hit on
25 that before.

1 A. Yeah. We take overall photographs first. And those
2 are -- basically, it's an overall representation of what's
3 at the scene. So you take photographs of the crime scene
4 from different angles. You know, from far away, from
5 midrange, so that you can see, you know, what you have been
6 but not focusing on anything yet. So in this case, I
7 photographed the exterior of the scene, the yard, the grassy
8 area, the overall photographs, before any additional
9 processing was done.

10 Q. And following those photographs, do you then process
11 how you mark things that the you might want to point out in
12 the photograph?

13 A. Absolutely. The photograph, the evidence, how it is,
14 how we see it, like you said. And after that, we go back
15 and we place placards or evidence markers -- I call them
16 evidence markers. They're yellow and they're numbered. And
17 I place those on the evidence that I found or that's been
18 found before me. And then the items are photographed a
19 second time. And that's where the close-up and more
20 specific photographs are taken.

21 Q. After the area and items have been photographed first
22 unmarked then marked, what's typically done with the items
23 that you think might be important?

24 A. After they've been photographed and rephotographed,
25 items are always in a case like this. They're always

1 measured and, you know, diagrammed and, you know, rough
2 sketch sort of like before they're collected.

3 Q. Let's tell the jury little bit -- you say it's
4 collected. How are items of evidentiary value typically
5 collected?

6 A. After they are photographed, we take an evidence bag
7 -- after we're completely done with everything, then we put
8 them in evidence bags. And then they are -- after we secure
9 the scene, we go back to our office and that's where they
10 are packaged and submitted to the places where they need to
11 go.

12 Q. And are they packaged in a way that allows you to
13 later, say a trial, to look at something and readily
14 identify it?

15 A. Yes.

16 Q. And readily identify that you collected that as --

17 A. Yes.

18 Q. -- what we believe it to be?

19 A. Uh-huh.

20 Q. So did you go right inside the residence when you got
21 there in this case?

22 A. No, sir.

23 Q. And why was that?

24 A. We were told that a search warrant was going to be
25 obtained for the actual apartment. So that always usually

1 takes some time. So I went ahead and processed the scene on
2 the outside, everything on the exterior, before going into
3 the apartment to continue processing.

4 Q. And you stated that you were directed to a particular
5 area on the outside to start your work. Where was that?

6 A. Yes. The back of the apartment where the rear porch
7 was and the sidewalk and the courtyard area, like it was on
8 the diagram, that's where the majority of the evidence was,
9 particularly fired cartridge cases.

10 Q. Okay. For this -- are you familiar with -- did you
11 receive some basic training through all that education and
12 training you talked about the basics of how a firearm works?

13 A. The basics, yes.

14 Q. Okay. Can you share with the jury a little bit about
15 what a fire cartridge casing is, how a bullet works ---

16 MR. WILLIAMS: Objection.

17 THE COURT: Basis?

18 MR. WILLIAMS: This witness is not an expert in this.

19 THE COURT: She doesn't have to be. It's in the ambit
20 of what she does for a living. She can describe it as long
21 as it's based on her rational perception and her education
22 training and experience. She's not offering expert
23 testimony. The objection is overruled. But keep it within
24 the lines, Mr. Simpson.

25 AST. SOL. SIMPSON: I will, Your Honor.

1 Q. Without stating sort of opinions that you formed in
2 this case or any general opinions, can you explain to the
3 jury through your training and experience the basics about
4 how a firearm functions.

5 A. Yes. The firearm trigger is pulled. The firing hits
6 the back of the cartridge case. The bullet goes forward in
7 the direction that it's been fired goes, you know -- is
8 fired, goes outside the actual firearm itself. And then the
9 cartridge case that houses the bullet is then ejected from
10 the firearm.

11 Q. So when you say you saw fired cartridge casings, what
12 part of that whole dynamic are you talking about?

13 A. The fire cartridge case houses the bullet. So the
14 bullet is in the front of the item. The bullet moves
15 forward, the cartridge case stays behind.

16 Q. Okay. And you said that in some firearms it's ejected
17 from the firearm?

18 A. In some, yes.

19 Q. Okay. Do some stay in the firearm?

20 A. Yes.

21 Q. And what typically -- what type of firearm is that?

22 A. A revolver, the firing cartridge case stay in the
23 firearm.

24 Q. Okay. And did you observe any -- did it appear to you
25 to be any fired shell casings in this area that you're

1 talking about?

2 A. Yes.

3 Q. Is that directly to the rear of 36-A Norman Street?

4 A. Yes.

5 Q. I'm going to show you what's been entered into evidence
6 as State's 7 through 24 and give you a second just a sort of
7 familiarize . . .

8 A. (Witness complies.) Okay.

9 Q. What are exhibits 7 through 24?

10 A. Those are all photographs that I took of the evidence
11 that I saw in the rear of the apartment.

12 Q. State's 7. As we go through these, I'll just have you
13 sort of describe for the jury what we're looking at here so
14 they understand.

15 A. May I mark on the photos?

16 Q. Yes.

17 A. Okay. This is Norman Street. And this is 36-A and all
18 the evidence is moving forward this way.

19 Q. Okay. And what's that -- you see the yellow, something
20 yellow going across here. What's that?

21 A. That's crime scene tape.

22 Q. Okay. What purpose does that serve?

23 A. The purpose of the crime scene tape is to keep
24 everything secure where it is, how it's found, without
25 disturbing anything.

1 Q. Okay. Moving to State's 8.

2 A. This is another photograph that I took. This is
3 looking the opposite direction. So Norman Street is going
4 to be this roadway right here. The [REDACTED] is going to be
5 right here. And the crime scene tape is right there above
6 that.

7 Q. Okay. State's 9.

8 A. This is a photograph similar to the first one. It's
9 just close up moving inward from Norman Street. And the
10 apartment is going to be on this side. And it's just a
11 close-up everything. And then you can see a little bit more
12 clearly some of the evidence that's been marked with the
13 yellow markers.

14 Q. Okay. And you testified previously, depending on which
15 photo we use, we've got some that aren't marked and some
16 that are marked?

17 A. Yes.

18 Q. Are these marked with placards? This is what you
19 referring to?

20 A. Yes.

21 Q. Moving on to State's 10.

22 A. This is just another overall photograph. It's moving
23 in a little bit closer with all of this in view.

24 Q. Okay. And see here at the beginnings, you typically
25 place the markers chronologically as you find the items?

1 A. I do. Yes.

2 Q. Okay. And so what do we have here?

3 A. This would be the first item and the second item that was
4 identified as an item of evidentiary value.

5 Q. State's 11. Do you recognize that item marked with the
6 1 next to it?

7 A. Yes.

8 Q. Would that number then correspond later to how you mark
9 a piece of collected evidence?

10 A. Yes. Our unit uses the 100 series for our evidence.
11 So in this case, our item number 1 would be evidence marker
12 1. If that makes sense to you all.

13 Q. And what is that item?

14 A. That is a fired cartridge casing.

15 Q. Okay. And State's 12?

16 A. Like I was speaking about earlier, a close-up, that
17 would be considered a close-up photograph of that item.

18 Q. Okay. the same item we just saw?

19 A. Yes.

20 Q. For both your sake and the jury's, we will not be doing
21 that with every -- with every item. State's 13. I'm sorry,
22 let me go back just very briefly to State's 11. We also see
23 the second placard in that picture. Is that correct?

24 A. Uh-huh.

25 Q. And what is that marking?

1 A. That is another fired cartridge casing.

2 Q. Okay. State's 13. We see other placards here?

3 A. Yes, sir.

4 Q. And what are 3, 4, and 5 marking?

5 A. Evidence markers 3, 4, 5 correspond to three more fired
6 cartridges.

7 Q. State's 14?

8 A. These are ---

9 Q. Are we able to zoom in and see more clearly that . . .

10 A. Yes. It's closer -- closer photographs of the items.

11 Q. State's 15. State's 16; I believe this is State's 16.
12 We see some more placards there?

13 A. Yes; 6, 21, and 7.

14 Q. What are 6 and 7?

15 A. Six and 7 are also fired cartridge casings.

16 Q. Okay. Now, what is 21?

17 A. Twenty-one is also a fired cartridge casing.

18 Q. And why the break in the numbering there? Was it
19 just . . .

20 A. It's very common, especially when we as shooting and we
21 have these cartridge cases, the officers and me when we do a
22 walk-through and, you know, we identify what we see. Later
23 on, evidence is sometimes found later. And in this
24 occasion, it would've been later on in the numbering
25 process. So that's why it has a number that is not in

1 consecutive after 7.

2 Q. So 6, 7, and 21 are shell casings. You just came back
3 and found 21?

4 A. Yes.

5 Q. We also see some item markers further away down the
6 sidewalk here.

7 A. Uh-huh.

8 Q. You've already discussed 6 and 21. Is that just a
9 closer view?

10 A. It is. Yes.

11 Q. Like we saw in item number 1, you took a dead close-up
12 view of all these items. Is that correct?

13 A. Yes.

14 Q. Again, is this 7 marking this item here?

15 A. It is. It's another fire cartridge casing.

16 Q. You're working your way down the sidewalk, you see here
17 placards 8, 9, 10, and 11. What do those indicate?

18 A. Eight, 9, 10, and 11 are also additional fired
19 cartridge casings.

20 Q. And, again, just because it's in the grass there, it's
21 hard to see, State's 20 here.

22 A. It's a close-up of a fire cartridge casing.

23 Q. State's 21.

24 A. Nine, 10, 11, and 12, evidence markers correspond to
25 four more fired cartridge casings.

1 Q. And 22.

2 A. A closer photograph of the ---

3 Q. I'm sorry. State's 22, marker 12. And I'm almost
4 finished here. Finally, State's 23, we see that a lot of
5 the markers have been removed. Is that accurate?

6 A. Yes.

7 Q. But there is 22 here. What does that indicate?

8 A. This one -- after we locate what we see and we identify
9 it and we photograph it, we mark it. Like I said before in
10 the previous -- with the previous evidence marker number 21,
11 it is one that we had found later. The areas are always
12 searched again. And in a case of a shooting, they always
13 search with a canine and a metal detector. In this case,
14 another crime scene investigator utilized a metal detector.
15 And that is an additional fire cartridge case that was found
16 while she was doing that.

17 Q. And, again, State's 24. Is that just a close-up
18 picture of what you were describing?

19 A. Yes.

20 Q. And these things aren't really super easy to find
21 sometimes, are they?

22 A. They are not always super easy to find.

23 Q. Okay. So if I understand your testimony, Ms. Gladwell,
24 items marked on your photographs 1 through 12 are fired
25 shell casings. Is that correct?

1 A. Yes.

2 Q. And then 21 and 22 are also fired shell casings. Is
3 that correct?

4 A. Yes.

5 Q. So how many fired shell casings were found in the area
6 in the area of the rear of [REDACTED] Norman Street that day?

7 A. A total of 14.

8 Q. Okay.

9 AST. SOL. SIMPSON: May I approach the witness, Your
10 Honor? Judge, may I ---

11 THE COURT: Yes. I'm sorry. I apologize.

12 Q. Ms. Gladwell, giving you a bag that's been marked as
13 State's 25 through 36 for ID only. Can you look in there
14 see if you recognize the items that are contained in there?

15 A. (Witness complies.)

16 Q. Would you like gloves as well?

17 A. Do you want me to pull them all out?

18 Q. Yeah. Or if you would just look at the markings on the
19 bag. Do you recognize the markings on the exterior of the
20 bag?

21 A. Yes. On the exterior of the bag, the bag has -- the
22 exterior of the bag has the case number information. It has
23 my name. It has what the evidence is marked as and the
24 seals have my initials and my reporting number on it. On
25 the inside, each cartridge case is in a separate box. And

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1 they are all marked with the case number and the item number
2 and my initials.

3 Q. Does that bag contain all 14 shell casings that you
4 collected that day at [REDACTED] Norman Street?

5 A. Yes.

6 Q. Are you able to look at a fired shell casing and
7 determine what caliber of shell casing it is?

8 A. Most of the time, yes.

9 Q. Okay. Were you able to determine what caliber of shell
10 casings these 14 shell casings were?

11 MR. WILLIAMS: Objection, Your Honor.

12 THE COURT: Basis?

13 MR. WILLIAMS: The witness doesn't qualify as an expert
14 in ballistics.

15 THE COURT: Approach, please.

16 (A bench conference was held off the record and out of
17 the hearing of the jury panel.)

18 THE COURT: The objection is overruled pursuant to rule
19 701. As long as her testimony is based on her rational
20 perception within the ambit of what she does as a crime
21 scene investigator. You may want to lay some foundation in
22 that regard.

23 AST. SOL. SIMPSON: Thank you, Your Honor.

24 THE COURT: Uh-huh.

25 Q. Ms. Gladwell, you're not a ballistics expert, are you?

1 A. No, I'm not.

2 Q. Any specific realm of identifying say striations or
3 projectiles or things of that nature, right?

4 A. Yes, sir.

5 Q. But in your training experience, have become across a
6 lot of fired shell casings in your day?

7 A. Yes.

8 Q. Okay. What is a caliber of a bullet? What does that
9 mean?

10 A. The caliber of a bullet is just how -- how the bullet
11 is measured and you shoot it. A particular caliber
12 corresponds to the firearm that it fits inside to be fired.

13 Q. Caliber is the size of the bullet?

14 A. Uh-huh.

15 Q. Okay?

16 THE COURT: Ma'am, if you can say yes or no.

17 THE WITNESS: Yes, ma'am.

18 Q. And what was the size of these shell casings?

19 A. I don't know the size of these here.

20 Q. Is the manner of these shell casings unusual to come
21 across in your training and experience?

22 A. Yes. In my experience various issues that we respond
23 to, this is the first time I've ever come across this
24 caliber of cartridge casing.

25 Q. Okay. So it's unusual.

1 A. For me, yes.

2 Q. And why that?

3 A. It's very large compared to what we usually collect.

4 We usually see much smaller ones.

5 Q. Okay. And is this type of ammunition -- again, if you

6 can answer this through your training and experience, as is

7 often associated with a certain type of weapon?

8 A. Yes. The rifle.

9 Q. Okay. We're all the shell casings from the same

10 manufacturing -- manufacturer?

11 A. Thirteen of the 14 were from the manufacturer DAG. And

12 one of the fired cartridge cases was from FC. These are

13 represented on the head stamp of the cartridge casing.

14 Q. And do different manufacturers make calibers of the

15 same size?

16 A. Yes.

17 Q. Okay. That's just the company that makes the

18 ammunition?

19 A. Yes, sir.

20 Q. Okay. Not the caliber?

21 A. Yes.

22 Q. So some companies will stamp just like a logo or some

23 indication of what company they are?

24 A. Yes.

25 Q. And there are some inconsistencies here. You sure it

1 was 13 and 1 of the 14?

2 A. I'm sorry. I'm sorry. Can you rephrase the question?

3 Q. How many -- you indicated to manufacturers, the DAG
4 company and the FC company?

5 A. Yes.

6 Q. And how many -- you testified -- you've document which
7 ones were DAG which ones were FC, correct?

8 A. Yes.

9 Q. You testified that 13 were DAG one was FC. And I'm
10 just wondering if you can review one more time to make sure
11 you're confident with that number?

12 A. I have one as FC; 2 through 12 is DAG; 21 and 22 is
13 DAG?

14 Q. Okay. Obviously, I can be mistaken. Thank you. Is it
15 possible to load a single gun with bullets of different
16 manufacturers?

17 A. Yes.

18 Q. Okay. Thank you.

19 AST. SOL. SIMPSON: Your Honor, at this time, the State
20 seek to admit State's 25 through 36 into evidence.

21 THE COURT: Any objection? (Brief pause.) Please
22 approach.

23 (A bench conference was held off the record and out of
24 the hearing of the jury panel.)

25 THE COURT: 25 through 36 is marked and admitted

1 without objection.

2 (State's Exhibit Numbers 25 through 36, Shell Casings,
3 were received into evidence.)

4 Q. After you processed this area in the rear of [REDACTED],
5 where did your investigation lead from there?

6 A. After the rear of this area was processed, we moved to
7 the side of Norman Street where the sidewalk runs alongside
8 the roadway and around to the front of the apartment.

9 Q. Okay. I apologize. After the rear of the yard there,
10 did she then moved to the rear of the actual apartment
11 building? I guess is what I was trying -- the rear of [REDACTED]
12 Norman Street, the actual building, did you take a look at
13 that area?

14 A. Yes.

15 Q. Okay. And what was immediately apparent to you about
16 the rear of [REDACTED]?

17 A. (No response.)

18 Q. Did you notice any bullet holes in the rear of [REDACTED]
19 Norman Street?

20 A. Yes.

21 Q. Okay. And did you document those?

22 A. Yes.

23 Q. Okay. And how did you document those?

24 A. The bullet holes I also documented also with
25 photographs. And I believe most of them were in 7.

1 Evidence marker, we use stickers that resemble a ruler on
2 them so that they can be identified and measured as well.
3 So they were photographed and photographed again.

4 Q. Now, given the damage, were you able to clearly
5 identify each bullet hole with certainty that allowed you to
6 count how many bullet holes to assert your conclusion?

7 A. With certainty, no.

8 Q. Okay. Were you, nevertheless, allowed to make some
9 observations as to numbers of the bullet holes?

10 A. Yes.

11 Q. And what were those observations?

12 A. On the lower sash of the rear kitchen window, I
13 observed 11 -- at least 11 holes. And there was on the
14 upper sash of the window one additional hole. And then on
15 the rear door to the right of that window were two more
16 bullet holes.

17 Q. And these holes were photographed?

18 A. Yes, sir.

19 Q. With or without the measuring markers that you talked
20 about?

21 A. Yes.

22 Q. And you collected how many shell casings from the scene
23 again.

24 A. Fourteen.

25 Q. And again, you can't say with certainty, but you think

1 you identified how many what would appear to be bullet holes
2 in the rear of [REDACTED] Norman Street?

3 A. I believe 14.

4 Q. I'm going to approach show you what's been marked and
5 entered State's 37 through 43 and ask that you take a minute
6 and familiarize yourself with those exhibits?

7 A. (Witness complies.) Okay.

8 Q. And what do those images reflect?

9 A. Those are all of the bullet holes that I photographed
10 of the rear of the apartment on both the windows and the
11 door.

12 Q. Showing you State's 37. What are we looking at here?

13 A. This is the rear of the apartment, the patio area.
14 This window, the bullet holes on the lower sash, the one up
15 here. And this is of the rear door where two more
16 were . . .

17 Q. State's 38.

18 A. This is just another view from the other way of the
19 window?

20 Q. State's 39.

21 A. A close-up photograph of the lower window sash.

22 Q. State's 40.

23 A. A close-up of the bullet hole of the upper window sash.

24 Q. State's 41?

25 A. And this is the rear door, the screen door. You can

1 see the two right there.

2 Q. You said something about some measuring tools earlier.
3 State's 42?

4 A. These are the stickers that I was telling you about?

5 Q. It also indicates with specificity where you're seeing
6 the individual holes.

7 A. Exactly, yes.

8 Q. And what happened here. Do you recall what happened
9 here?

10 A. Yes. As we were placing the stickers on the window, it
11 was in a delicate state, obviously. And a portion of the
12 window detached and broke.

13 Q. That happened in the process of putting stickers on it.

14 A. Yes, sir.

15 Q. So we can go to your previous photographs to see --

16 A. Yes.

17 Q. -- with that look like?

18 A. Yes.

19 Q. State's 43. Is this just a better view what the
20 individual --

21 A. Yes, sir.

22 Q. Okay. Earlier you said the following the processing of
23 the rear of the residence, where did your investigation
24 continue to? What area?

25 A. After the rear was processed and the window and the

1 door were photographed, I traveled to the sidewalk on the
2 side of the building along Norman Street and around to the
3 front of that apartment.

4 Q. And what drew your interest in investigation around to
5 the opposite side of the apartment?

6 A. Evidence had been discovered and additional bullet
7 holes were found in the window on the front side of the
8 apartment.

9 Q. I'm going to put up again State's 6. Do you remember
10 this exhibit from before, Ms. Gladwell?

11 A. Yes, sir.

12 Q. And were you able to determine how bullet holes got to
13 the opposite side of the apartment?

14 A. Yes, sir.

15 Q. How is that? Did there appear to be bullets going into
16 the apartment from the opposite side?

17 A. Yeah. It appeared -- sorry -- that the bullet holes
18 when in here. Here's the window and the door of the rear of
19 the apartment and traveled out this way.

20 Q. Did you photograph the front part of the residence?

21 A. Yes, sir.

22 Q. I'm going to show you what has been marked and entered
23 State's 44 through 56. I want you to look through those?

24 A. (Witness complies.) Okay.

25 Q. Can you describe what we're seeing in State's 44?

1 A. I think this is the front of the apartment. This is
2 where the address reads [REDACTED]. That's the front door and
3 that's the window.

4 Q. Okay. Forty-five, State's 45?

5 A. This is the close-up of the door and window at the
6 front of the apartment.

7 Q. Okay. And which room of the house would this door and
8 window go into from the diagram we viewed before?

9 A. This door opened up to the living room area of the
10 apartment.

11 Q. State's 46?

12 A. This would be the upper window sash of the front window
13 and the bullet holes that you can see.

14 Q. State's 47?

15 A. This is the screen door covering the front door of the
16 apartment. And you can see damage right there.

17 Q. State's 48?

18 A. This is a close-up of that photo?

19 Q. Now, we see some of sort of the metal from the screen
20 there pushing -- what direction is that pushing out towards?

21 A. It appears to be pushing outward.

22 Q. From the interior out?

23 A. Yes.

24 Q. Okay. State's 49?

25 A. The screen to the door was opened exposing the front

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1 door. And you can see that it's showing damage in those
2 areas.

3 Q. This would be the exterior ---

4 A. Exterior of the front door.

5 Q. All right. State's 50?

6 A. A close-up of one of the bullet holes in the exterior
7 of the front door.

8 Q. And again, we see the metal of the door appear to be
9 pushed outward.

10 A. Yes.

11 Q. What direction is that pushing towards?

12 A. Outward coming from the inside out.

13 Q. What do you see here in State's 51?

14 A. Because that hole, it clearly looks like the projectile
15 or bullet went through the entire door. We searched this
16 area and this building for any damage that would've been
17 caused from that bullet or any of the other ones that exited
18 through the window. And we noticed some damage on the
19 exterior of the building opposite of the front of the
20 apartment in which that area was searched and photograph.

21 Q. Now, in your training and experience, design damage
22 appeared to be consistent with the damage caused -- could be
23 caused by a bullet?

24 A. Could be caused, yes.

25 Q. Now, when you tested that, did it prove that it was

1 definitely caused by a bullet?

2 A. No, sir.

3 Q. Is there anyway you can date that ammo and say this
4 happened ten hours ago or anything like that?

5 A. I could not. No, sir.

6 Q. But did you document the image?

7 A. Yes.

8 Q. Moving to State's 52?

9 A. Damage to the exterior of the building.

10 Q. Actually, go back to 51 briefly. What are you guys
11 doing with the ladder that's depicted here?

12 A. The ladder was used first to search the area of this
13 awning to see if any projectiles or fragments were up there.
14 And also to get a better point of view to get closer to the
15 damage so that it could be photographed.

16 Q. Fifty-two?

17 A. A close-up of the damage on the exterior the building.

18 Q. Fifty-three?

19 A. More damage to the exterior of the building that was
20 documented.

21 Q. Fifty-four?

22 A. Again, a close-up of the damage.

23 Q. And 55?

24 A. And again.

25 Q. And 56?

1 A. This is a photograph from the ladder looking in towards
2 the front of [REDACTED] where this would be the apartment. This
3 is the door we were speaking about as well as the front
4 window.

5 Q. So it's fair to say, generally speaking, the damage on
6 this building ---

7 A. Yes.

8 Q. --- lined up with [REDACTED] ---

9 A. Yes.

10 Q. --- across the building? You mentioned earlier that
11 you have yet to go into the apartment to process the
12 interior of the apartment. Why was that again?

13 A. We were waiting on a search warrant. We can't go into
14 a residence or a vehicle until we get that search warrant
15 signed. We were waiting on that so that's why we processed
16 the outside first.

17 Q. And was that search warrant eventually obtained?

18 A. Yes, sir.

19 Q. And did you then proceed to process the interior of the
20 residence?

21 A. Yes, sir.

22 Q. And we've seen it a lot, but, you know, going back to
23 that diagram of the apartment, kind of where did you start
24 in the interior?

25 A. We started at the rear of the apartment because that's

1 where -- that's where the damage with the bullet holes, the
2 fired cartridge cases, that's where all of that originated.
3 So we begin there.

4 Q. That was the rear being the kitchen side?

5 A. Yeah. The rear door and window open up to the kitchen
6 and a small dining area.

7 Q. Okay. So let's start with State's 57 through 73. Take
8 a moment to review those documents?

9 A. (Witness complies.)

10 AST. SOL. SIMPSON: May I approach, Your Honor?

11 THE COURT: You may.

12 Q. And what are those images?

13 A. Those are the damage to the interior of the kitchen at
14 the rear of the apartment.

15 AST. SOL. SIMPSON: Your Honor, at this point, the
16 State would seek to admit 57 through 73. I understand there
17 being a matter of law pointing to 57, 69, 71, and 72.

18 THE COURT: This is a good time to take that up.
19 Ladies and gentlemen, we're going to take advantage of this
20 break in testimony, and the Court's need to take up a matter
21 of law, to recess for your lunch break. During your break,
22 please do not discuss the case in any manner whatsoever.
23 Please leave your notepads in your seats and have no contact
24 with anyone in or about the courthouse.

25 I think this will take us about 15 minutes? Give or

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1 take.

2 MS. FORD: Maybe not even that long.

3 AST. SOL. SIMPSON: Ten.

4 THE COURT: Why don't we say will resume at 2:15. That
5 gives us time to deal with that and eat as well. So if you
6 would return to your jury room promptly at 2:15, at that
7 time we will resume testimony. We appreciate your patience.
8 Have a good lunch.

9 (The jury exits the courtroom at 1:00 p.m.)

10 THE COURT: You all can take your seats. What were
11 those numbers again?

12 AST. SOL. SIMPSON: 57, 69, 71, and 72.

13 THE COURT: You may proceed.

14 AST. SOL. SIMPSON: Thank you, Your Honor. I'm
15 just . . .

16 THE COURT: I just need you to ask the questions you
17 would ask --

18 AST. SOL. SIMPSON: Oh, thank you. Well, I kind of did
19 that before the jury exited, Your Honor.

20 THE COURT: You need to be asking her more questions of
21 those photos.

22 AST. SOL. SIMPSON: Oh, yes.

23 THE COURT: Yeah. I need you to create the proffer.

24 AST. SOL. SIMPSON: Thank you. I appreciate it.

25 (Direction examination of Ms. Gladwell resumes out of

1 the presence of the jury.)

2 Q. Ms. Gladwell, I'm showing you what's been marked for ID
3 only is State's 57. What does this depict?

4 A. This is the rear door opened up looking into the
5 apartment.

6 Q. Okay. And you expressed earlier your believe that some
7 of these bullets traveled through the apartment?

8 A. Yes, sir.

9 Q. Is that pretty easy to illustrate using this
10 photograph?

11 A. Yes.

12 Q. Where is the door and window that the exit bullet holes
13 were located in the front of the apartment?

14 A. The front door and front window in the other pictures,
15 this is the front door in the front window.

16 Q. We're going to skip a bit. But did you document all of
17 the, in some, way, shape or form, all of the damage that you
18 found in the kitchen that you believe to be caused by the
19 bullets?

20 A. Yes.

21 Q. Was some of that damage done to the refrigerator?

22 A. Yes.

23 Q. All right. I'm showing you State's 69. What does this
24 image depict?

25 A. That's the side of the refrigerator, I believe, with

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1 damage here and here.

2 Q. Okay. Is there also damage to the photograph that we
3 see here?

4 A. Yes.

5 Q. Okay. Is there further damage to the refrigerator as
6 well?

7 A. Yes.

8 Q. Okay. Showing he State's 71. Does this depict more
9 damage that refrigerator?

10 A. Yes.

11 Q. Where?

12 A. Here. Here. Here.

13 Q. And very close to that, State's 72?

14 A. In this area right here.

15 AST. SOL. SIMPSON: Your Honor, for the sake of
16 judicial efficiency, I think in the next packet, they are
17 going to be -- do you want us to handle -- take care of all
18 of those now?

19 THE COURT: Uh-huh.

20 AST. SOL. SIMPSON: There's a few in some other
21 packets.

22 THE COURT: What are those numbers?

23 AST. SOL. SIMPSON: The next we have is 74, 80, and 81.

24 THE COURT: Do you all object to those?

25 MR. WILLIAMS: Yes, Your Honor; 74, 80 and 81 we do

1 have objections to.

2 Q. Ms. Gladwell, I'm showing you what's been marked for ID
3 only as 74, 80, and 81. Did your investigation, after
4 processing the kitchen, move into the living room?

5 A. It did. Yes.

6 Q. Okay. Showing you first State's 74. What does that
7 depict?

8 A. This is the living room area with the photograph being
9 taken from the dining room area and the front door, front
10 window, and a large pool of blood on the floor.

11 Q. Okay. Do we also see a toppled over chair?

12 A. Yes.

13 Q. Do you see a cooler?

14 A. Yes.

15 Q. Do you see where the stereo system was located?

16 A. Yes.

17 Q. Okay. And we also see where it appears aid was
18 rendered to the deceased victim?

19 A. Yes.

20 Q. And how is that indicated on that picture? I mean, how
21 can we using logic to tell where the victim was likely
22 located?

23 A. That's where a majority of the blood was located.

24 Q. Okay. Were many, many pictures taken of this living
25 room?

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1 A. Yes.

2 Q. Okay. This is the first one that we've seen, correct?

3 A. Yes.

4 Q. Okay. State's 80. What are we looking at here?

5 A. This is the other side of the kitchen. The
6 refrigerator is on the other side of the shelving unit. And
7 then this area would point towards the front of the
8 apartment where the living room is.

9 Q. Okay. Did this area also suffer damage that appeared
10 to be caused from bullets coming through?

11 A. Yes. The shelving unit.

12 Q. Okay. And State's 81.

13 A. Damage to this part. You can see -- when the card was
14 removed -- you can see the damage on the wall.

15 Q. Okay. Once the card was removed, did you document that
16 the bullet went all the way through and continued through
17 the wood shelf?

18 A. Yes.

19 AST. SOL. SIMPSON: Your Honor, that's all I have to
20 proffer on this witness on this point.

21 THE COURT: Okay. What is the basis -- what is -- I
22 need the pictures, please.

23 (Brief pause.)

24 THE COURT: What is the defense's objection to State's
25 57?

1 MR. WILLIAMS: Your Honor ---

2 THE COURT: Let me ask this a different way. Do you
3 have any problems with it being shown in black and white?
4 The picture.

5 MR. WILLIAMS: That one is probably the least
6 objectionable. And I think in black and white ---

7 THE COURT: I don't have a problem with is as it is.
8 But I think a compromise in black and white is more than
9 suitable. It's a contemporaneous record of what happened in
10 the crime scene and it corroborates the testimony. And it's
11 certainly admissible pursuant to an entire line of cases
12 dealing with videos and pictures of crime scenes.

13 MR. WILLIAMS: Yes, Your Honor. I think black and
14 white ---

15 THE COURT: Can State do this one in black and white?

16 AST. SOL. SIMPSON: Yes, Your Honor.

17 THE COURT: So we'll have 57 marked a Court's exhibit
18 and the black and white will be substituted as 57. What is
19 the objections to 69, 71, and 72 as they all depict damage
20 to the refrigerator?

21 MR. WILLIAMS: Your Honor, the objections would be that
22 the pictures are cumulative. There other photos that show
23 the same thing ---

24 THE COURT: Show them where?

25 MR. WILLIAMS: I believe they have 70, 68 -- 68, 70, 73

1 all show that general . . .

2 THE COURT: What's the difference in them?

3 MR. WILLIAMS: The difference is that the pictures that
4 we object to show pictures of the family. We believe the
5 probative value is outweighed by the ---

6 THE COURT: Why is it showing the family? Why is that
7 prejudicial? How is that anymore prejudicial than the
8 victims being here and testifying.

9 MR. WILLIAMS: It's cumulative, for one. And it tends
10 to, you know, pull the jury's heartstrings when they see
11 children with the mother in this photograph.

12 THE COURT: The pictures that you refer to don't show
13 the same damage.

14 MR. WILLIAMS: They show damage --

15 THE COURT: They don't show the same damage. What's
16 germane in this case is how many bullets were fired and
17 where they landed and where they traveled. But they are
18 relevant and they are germane. I don't think they're
19 prejudicial at all. They show -- reflect what the scene is
20 which is -- I mean, anybody's refrigerator -- I think
21 everybody has magnets on the refrigerator. All these new
22 refrigerators now, which are kind of scary to me, you
23 know -- wireless which is like -- a little disconcerting.
24 I'm showing my generation.

25 But I think most people's houses would have

1 refrigerators with their kid's artwork, their family
2 schedules, random photographs of friends and family on them.
3 I just think that it's an average family's refrigerator.
4 But I think these are more germane in terms of factually
5 because they show where the bullets traveled. Those other
6 photos you refer to don't show that.

7 MR. WILLIAMS: Your Honor, they do have multiple photos
8 that depict -- kind of depict the same thing. And it may
9 be, if the Court would be willing to accept a compromise,
10 just to allow the State introduce one of -- I believe they
11 show multiple angles of the same thing.

12 THE COURT: No. These are all different bullets in
13 different places on the refrigerator according to this
14 witness' testimony. One shows -- and I'm referring to 72 --
15 shows the bullet that's by the freezer facing -- the handle
16 where the refrigerator is. 71 shows bullets going through
17 the very top of the refrigerator. And 69 shows two other
18 bullets going through another portion of the upper portion
19 of the refrigerator. Unless -- sign is on the bottom of the
20 refrigerator and my orientation on 71 is confused. No,
21 that's the top because the cereal box is at the top. One
22 shows one side of the refrigerator; that's 69. And 71 shows
23 the other side of the refrigerator. There are all different
24 bullet holes. They're not the same. I'm trying -- and the
25 other pictures you are referring to don't show any of this.

1 68 shows looks like -- is that a bullet hole or is that some
2 sort of fragments that went to the cereal box? These look
3 like --

4 AST. SOL. SIMPSON: Fragments.

5 THE COURT: -- not bullets. Yeah. These are fragments
6 that hit the cereal box. They're not projectiles that hit
7 the cereal box. So they're not the same photos. Any
8 further argument on your objection?

9 MR. WILLIAMS: Not on theses particular photographs,
10 Your Honor. There is --

11 THE COURT: I'll deal with them one at a time.

12 MR. WILLIAMS: Okay.

13 THE COURT: What's the State's response to 69, 71, 72?

14 AST. SOL. SIMPSON: Well, I think as you indicated,
15 we're just walking through the damage that was documented in
16 the kitchen. We're going from one to the next. I think
17 Mr. Williams point is that we have other photographs showing
18 similar types of damage. And, certainly, we do. That's
19 correct. But we don't have other photographs showing the
20 same damage. And I think it's certainly relevant to
21 document as that, as I've stated in opening, that this
22 kitchen was turned into a storm of metal. Fragments flying
23 everywhere. Bullets flying everywhere. It all goes to
24 malice. It all goes to the nature of the crime. And it all
25 goes to how that scene was as they documented it. There

1 isn't anything that's put in there that doesn't have a
2 corresponding damage caused by bullet to it. And that's our
3 basis -- well, I don't think any of this would be
4 particularly prejudicial.

5 THE COURT: Anything further from the defense?

6 MR. WILLIAMS: No, Your Honor.

7 THE COURT: State's 69, 72, and 71 are admissible.
8 They are probative. I cannot discern any prejudice. I
9 think the average person has pictures on the refrigerator as
10 well as other things I've already articulated regarding
11 schedules and other pictures that most people place on the
12 refrigerators with magnets or otherwise. The case law is
13 very clear, and there are too many cases for me to cite,
14 that it is not error to admit crime scene photos that
15 establish how the scene existed at the time of the alleged
16 incident. And as corroboration of a witness's testimony,
17 and that would be this witness whose crime scene, and as she
18 collected evidence and how the scene was contemporaneously
19 reported as of the incident. Therefore the motion -- the
20 objection rather is overruled.

21 (State's Exhibit Numbers 69, 71, and 72, Photographs,
22 were received into evidence.)

23 THE COURT: Now, jumping ahead probably going to
24 short-circuit your argument to a certain extent. I'm
25 concerned about 74. I'm just try to figure out why it's

1 necessary to show. I'm really at a loss -- I mean, we've
2 already seen this in the officer's video. And the reason I
3 didn't have a problem with the video -- I'm backtracking a
4 little bit -- the video really doesn't show the victim. It
5 just shows like a black spot on the video. And you really
6 can't see the victim. You can't see any blood. You can
7 see, you know, anything that would appeal to the passions or
8 prejudices of the average layperson. This doesn't bother us
9 because we see it every day, which is not good commentary on
10 what we do for living, but nonetheless. You know, these
11 kind of photos don't evoke the same kind of passion because
12 we have learned to look at these in a very sterile way as an
13 element of the crime to some extent or the crime scene. For
14 the average layperson, I'm concerned. I'm concerned. And
15 I'm just try to figure out why it's not cumulative and what
16 it doesn't already show.

17 AST. SOL. SIMPSON: We have many, many pictures of that
18 living room. So we ---

19 THE COURT: Is there any way you can just -- I had a
20 trial more recently and they just put a big circle over what
21 was objectionable.

22 AST. SOL. SIMPSON: Absolutely.

23 THE COURT: Do y'all have any objection to that? What
24 they can do is they can -- I've seen it done -- they just
25 put a big black circle -- well, not a big black circle --

1 but they put -- basically, now with all these photo apps or
2 software, they can just put something over the blood where
3 you don't see it, which wouldn't cause me a problem.

4 AST. SOL. SIMPSON: And I would -- just by way of not
5 leaving a mystery to the jury, I'd probably say, "Was this
6 the location that the victim was found?" And there will be
7 a spot there and meant to be sort of ---

8 THE COURT: Yeah. I've seen it where, like I said,
9 what would be prejudicial or problematic. I think case law
10 is real clear. It's just not preferable. And if we can
11 obscure than in some way, I wouldn't have a problem with the
12 photo. Would you have a problem with that photo if that's
13 obscure?

14 MR. WILLIAMS: Subject to, you know, how it looks once
15 it's altered, I don't think that will be an issue.

16 THE COURT: Yeah. I can see it in my mind because I've
17 seen it done before, and I know that puts you at a little
18 bit of a disadvantage. But it's basically just a black
19 circle, shadow I guess. I don't know. My description is
20 not particularly good. But why don't y'all work on that at
21 lunch and so he can see that. I'm concerned about that.

22 Now what would be the objection to 80 and 81?

23 MR. WILLIAMS: The same that it's cumulative and
24 prejudicial, Your Honor. There are multiple photographs
25 showing --

1 THE COURT: What multiple photographs are they showing
2 this damage and where the bullets traveled?

3 MR. WILLIAMS: They have two photographs of the same
4 bullet whole. One with ---

5 THE COURT: Where? Oh, I see what you're saying. Why
6 do you need two, Mr, Simpson?

7 AST. SOL. SIMPSON: We don't.

8 THE COURT: Why don't we just mark 81 for ID only and
9 mark 80. Do you have an objection to 80?

10 MR. WILLIAMS: 80, that's the zoom out of the
11 bookshelf? Just all the family photographs, Your Honor, the
12 same ---

13 THE COURT: Is this where the bullet traveled?

14 MR. WILLIAMS: Yes, Your Honor.

15 THE COURT: What's the State's position?

16 AST. SOL. SIMPSON: For the same reasons as items on
17 the refrigerator. We're documenting the same here. I don't
18 have any -- if there something in 2, I don't have any
19 problem taking 81 out. I'm not trying to harp on one thing.
20 I'm just showing the bookshelf, where it is, and the bullet
21 went through the bookshelf.

22 THE COURT: Yeah. I think it's germane and relevant
23 the bullet -- it's documentation of the scene. And as I've
24 already indicated, I mean, most people have photographs of
25 their family around the house. And I don't see anything

1 particularly prejudicial about that. It is probative. But
2 I do agree that you don't need two of them. So we'll mark
3 ID -- 81 for ID only. And 82 -- 80 will be admitted. The
4 court has noted and overruled the objection.

5 (State's Exhibit No. 80, Photograph, was received into
6 evidence.)

7 THE COURT: Now, you can have 68, 70, and 73 back. And
8 then y'all work on 74 and let them see it before we resume.

9 AST. SOL. SIMPSON: And the other one goes to
10 black-and-white?

11 THE COURT: Yeah. Black-and-white and let them see
12 that as well.

13 AST. SOL. SIMPSON: Yes, Your Honor.

14 THE COURT: All right. Is there anything else we need
15 to take up before we break for lunch? From the State?

16 AST. SOL. SIMPSON: No, Your Honor.

17 THE COURT: From the defense?

18 MS. FORD: No, Your Honor.

19 THE COURT: All right. Have a good lunch. I'll see
20 y'all at 2:15.

21 (Lunch recess is taken from 1:00 p.m. until 2:35 p.m.)

22 THE COURT: When you retake the stand, ma'am, I'll
23 remind you that you're still under oath.

24 THE WITNESS: Yes, ma'am.

25 (The jury enters the courtroom at 2:35 p.m.)

1 THE COURT: Ladies and gentlemen, I hope you all a
2 great lunch. I know being downtown sometimes can be a
3 little frustrating with the lines and the time that it takes
4 them to serve. So we appreciate you all -- your patience in
5 having to deal with that. We'll now resume with the
6 witnesses testimony. The State may proceed.

7 AST. SOL. SIMPSON: Thank you Your Honor.

8 THE COURT: You're welcome.

9 AST. SOL. SIMPSON: May I approach?

10 THE COURT: Yes, sir.

11 (Direct Examination of Ms. Gladwell resumes.)

12 BY AST. SOL. SIMPSON (Continuing):

13 Q. Ms. Gladwell, good afternoon?

14 A. Good afternoon.

15 Q. I believe when we left here we were discussing how your
16 crime scene investigation moved into the interior of the
17 apartment?

18 A. Yes, sir.

19 Q. And I believe you testified that you entered the
20 kitchen or the back area in your investigation?

21 A. Yes, sir.

22 Q. I'm handing you but has been marked and entered as
23 State's 57 through 73. Can you take a moment to review
24 those items?

25 A. (Witness complies.)

1 THE COURT: Before you do that . . .

2 (A bench conference was held off the record and out of
3 the hearing of the jury panel.)

4 AST. SOL. SIMPSON: Your Honor, in this group of
5 evidence, State's 57 subject to the alterations as
6 discussed.

7 Q. Do you recognize those exhibits?

8 A. Yes, sir.

9 AST. SOL. SIMPSON: May I approach, Your Honor?

10 THE COURT: Yes, sir.

11 Q. I'm showing you first State's 57. What does this
12 depict?

13 A. This is a black-and-white version of the photograph
14 that I took from the doorway opening up to the kitchen and
15 dining room area of the back of the apartment looking
16 forward.

17 Q. Okay. So this is essentially viewing through entirety
18 of the apartment?

19 A. Yes, sir.

20 Q. Through the kitchen, through the living room?

21 A. Yes, sir.

22 Q. And where would we go if we wanted to get to the
23 bedrooms and bathrooms?

24 A. Down the hallway.

25 Q. And what if in any way does this exhibit illustrate the

1 possibility of a projectile traveling through the entirety
2 of the apartment?

3 A. Yes, sir.

4 Q. It's illustrated in this image?

5 A. (No response.)

6 Q. Let me rephrase. I'm sorry. That was -- can one
7 absorb in this image -- are you standing outside of the rear
8 of the apartment when this image is taken?

9 A. Yes.

10 Q. And can you see all the way to the other side when
11 you're looking at the apartment?

12 A. I can see the front door, yes.

13 Q. And we saw some bullet holes you've already pointed out
14 in the exterior of the front window?

15 A. Yes, sir.

16 Q. Can you show the jury what window we are looking at
17 here.

18 A. This window and this door.

19 Q. Okay. Thank you. What are we looking at here in
20 State's 58?

21 A. This is the kitchen area at the back of the apartment?

22 Q. Okay. And that's giving sort of an overview of the
23 layout?

24 A. Yes.

25 Q. Okay. State's 59.

1 A. This is a picture of the back door at the rear of the
2 apartment.

3 Q. Okay. And have you marked any indications of some
4 damage to the door?

5 A. Yeah. The two holes that I spent about earlier and
6 that door are marked and labeled with the ruler sticker.

7 Q. And did those holes match up to the holes you
8 previously testified to in the screen door?

9 A. Yes.

10 Q. When you put it together?

11 A. Yes, sir.

12 Q. State's 60.

13 A. Yeah. It's really blurry.

14 Q. Sorry. Which window is this?

15 A. This is the back window.

16 Q. Okay.

17 A. Looking through the apartment.

18 Q. And we see some damage to the blinds there?

19 A. Yes.

20 Q. Sixty-one?

21 A. This is the same window that the blinds are pulled up?

22 Q. Okay. Sixty-two?

23 A. This is the back of the microwave that was sitting just
24 inside of that window.

25 Q. Sixty-three?

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1 A. This is the hinge part of the microwave where the door
2 is. You can see the damage in those two spots.

3 Q. Sixty-four?

4 A. This is the water heater in the corner of the kitchen.
5 And one of the bullets -- in that. And I believe there's
6 also additional damage on the wall behind it.

7 Q. Okay. Can you mark where that damage is?

8 A. I believe right here.

9 Q. And just by way of reference, jumping back real quick
10 to 58, do you see that water heater in this image?

11 A. Yeah.

12 Q. Sixty-five?

13 A. This is just a close-up of the hole -- the holes in the
14 water heater.

15 Q. Sixty-six?

16 A. And that's damage to the wall in the kitchen.

17 Q. Sixty-seven?

18 A. It's a close-up of the same hole.

19 Q. Sixty-eight?

20 A. This is the stove in the kitchen with the cereal box on
21 top of it that most likely fell from the top of the
22 refrigerator.

23 Q. Okay. Did you notice any damage to the cigarette [sic]
24 box that ---

25 A. Yes. There are tiny holes right here.

1 Q. Those are tiny holes you said?

2 A. Yeah. They're smaller in size.

3 Q. Sixty-nine?

4 A. That's the front of the refrigerator and you can see
5 damage in this area is right there.

6 Q. Seventy?

7 A. That's the top of the refrigerator. This being the
8 damaged that we focused on.

9 Q. Seventy-one?

10 A. Also the top of the refrigerator. You can see these
11 damages.

12 Q. Seventy-two?

13 A. This is the right side of the refrigerator, the
14 freezer. And it would be the handle where you would pull it
15 forward and you can see a hole here and going through there.

16 Q. And 73?

17 A. These are the cereal boxes on top of the refrigerator.
18 And again, you can see smaller holes in those cereal boxes.

19 AST. SOL. SIMPSON: Court's indulgence.

20 THE COURT: Yes, sir.

21 Q. Where did your investigation proceed from the kitchen
22 area?

23 A. From the kitchen area, I believe next was the living
24 room area.

25 Q. Okay.

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1 AST. SOL. SIMPSON: May I approach, Your Honor?

2 THE COURT: Yes, sir.

3 Q. Going to show you what's been marked and admitted as
4 State's, subject to some alterations, is State's 74 through
5 80 and State's 82.

6 AST. SOL. SIMPSON: May I approach?

7 THE COURT: Yes, sir.

8 Q. What are those images depict?

9 A. These would be the photographs that I took in the
10 living room area of the apartment.

11 Q. I guess the point should be made as applied to all of
12 these photos, these aren't all the photographs that you took
13 in this location. Is that correct?

14 A. Yes, sir.

15 Q. There were sizably more photographs taken?

16 A. Yes, sir.

17 Q. Okay. All of those provided to the State and the
18 defense?

19 A. Yes, sir.

20 Q. I show you State's 74.

21 A. This is, again, an altered photograph of the living
22 room area if you're looking in from the kitchen towards the
23 front of the apartment.

24 Q. So, like, you indicated earlier where you could kind of
25 take a left and go into the bedroom?

1 A. Yes. If you go this way, it will lead you down the
2 hallway to where the bedrooms and bathroom are.

3 Q. State's 75?

4 A. This is the interior of the front door.

5 Q. State's 76?

6 A. This is also a photograph of the interior of the front
7 door just closer showing all of the damage.

8 Q. State 77?

9 A. Again, another close-up photograph of the same door
10 with the damage.

11 Q. And again, we previously viewed that damage from the
12 exterior that door?

13 A. Yes.

14 Q. State's 78. What window is this?

15 A. These are the window blinds that belong to the window
16 at the front of the apartment adjacent to the door.

17 Q. And State's 79?

18 A. This is a photograph of the window of the damage with
19 the blinds pulled up.

20 Q. Okay. We see through the window another apartment
21 building here?

22 A. Yes.

23 Q. Was at that same apartment that we looked at earlier
24 where you saw some damage in photograph that?

25 A. Yes. The latter.

1 Q. State's 80?

2 A. This is a photograph standing in the living room area
3 looking forward. This is the kitchen, the rear door and
4 window. If you go this way, it takes you down the hallway
5 to where the bedrooms and bathroom are. On this particular
6 wall shelving there was damage through here. You can see it
7 in the greeting card up there.

8 Q. Okay. Did you move that greeting card?

9 A. Yes, to photograph.

10 Q. Okay. Were you able to view the damage behind that
11 greeting card?

12 A. Yes.

13 Q. Showing the State's 82.

14 A. Yeah. That would be the damage.

15 Q. That was behind the greeting card?

16 A. Yes.

17 Q. Ms. Gladwell, we mentioned earlier, did we just cover
18 photographs of every single item that you collected on the
19 scene?

20 A. No.

21 Q. Okay. You collected items of trash. Is that true?

22 A. That's true, yes.

23 Q. Some cans and things of that nature from the table at
24 the residence?

25 A. Yes, sir.

1 Q. And many other items, correct?

2 A. Yes, sir.

3 Q. Because at the time you are processing the scene you
4 really don't know what's relevant and what's not?

5 A. Exactly.

6 Q. Do you document all of the things that you collect from
7 the scene?

8 A. Absolutely.

9 Q. In their entirety?

10 A. Yes.

11 Q. Did you provide the documentation to the government?

12 A. Yes.

13 Q. Thorough pictures of everything you collected at the
14 scene?

15 A. Yes.

16 Q. Okay. Doesn't often turn out that, you know, a lot of
17 the things that are collected at the scene do not have
18 evidentiary value?

19 A. It's very common. Yes.

20 Q. So it could get quite tedious for a lawyer to sit here
21 and go through every little thing you picked up. Is that
22 true?

23 A. Quite tedious, yes.

24 Q. Okay.

25 AST. SOL. SIMPSON: Court's indulgence.

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1 THE COURT: Yes, sir.

2 AST. SOL. SIMPSON: Ms. Gladwell, thank you. Please
3 answer any questions that the defense has.

4 THE COURT: You may proceed.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Good afternoon?

8 A. Good afternoon.

9 Q. You were speaking with Mr. Simpson earlier. You
10 mentioned that when he first got there he processed the
11 outside first?

12 A. Yes, sir.

13 Q. And that's because you were told by officers already on
14 the scene that they were waiting to get a search warrant?

15 A. I was told that we were getting a search warrant to
16 search and process the interior. Yes.

17 Q. Correct. And you also told by the officers there on
18 the scene to probably focus on one particular side of that
19 building, right?

20 A. They told me where the majority of the evidence they
21 had already found was. Yes.

22 Q. So you focused on the side initially.

23 A. First, yes.

24 Q. Let me grab those photos so we can take a look. All
25 right. I'm going to show you it's been marked as State's

1 Exhibit 2. Can you show me again -- can you circle where
2 [REDACTED] is, please?

3 A. (Witness complies.)

4 Q. Okay. Now, the courtyard that we're talking about is
5 this one right here, correct?

6 A. Yes.

7 Q. That's where you started processing the scene?

8 A. Yes.

9 Q. You actually processed numerous pieces of evidence
10 there, right?

11 A. Yes.

12 Q. The shell casings we talked about.

13 A. I didn't process the shell casings.

14 Q. You collected them.

15 A. I photographed and collected them.

16 Q. My apologies. You photographed the shell casings?

17 A. Yes.

18 Q. And then you collected them after that.

19 A. Yes.

20 Q. All 14 of the shell casings were located right there in
21 the courtyard?

22 A. Yes.

23 Q. And they were in a generally straight line along the
24 sidewalk?

25 A. Generally, yes.

1 Q. Two cell phones were also found right there?

2 A. Yes.

3 Q. Those we're photographed?

4 A. Yes.

5 Q. Those we're collected?

6 A. Yes.

7 Q. They were lying in the grass?

8 A. Yes.

9 Q. And they were right there next to the shell casings?

10 A. Yes.

11 Q. And then you went to the other side of the building you
12 said. After you finished in the courtyard there you went to
13 the other side, correct?

14 A. Yes. The roadway and the front of the apartment.

15 Q. And so you ended up in this courtyard, correct?

16 A. Yes, sir.

17 Q. That's the living room side?

18 A. It is, yes.

19 Q. A K-9 officer with a dog searched through that
20 courtyard?

21 A. Yes.

22 Q. And others used what you call the line search method?

23 A. Yes.

24 Q. Can you just briefly explain what that is.

25 A. Absolutely. This is a great photo to use. Multiple

1 individuals in the crime scene unit that we're there on
2 scene plus detectives plus officers, we formed a line in
3 which each person goes up beside each other and you just
4 search the path that you're walking on all the way to the
5 end. And we would've done that for all areas that were
6 searched.

7 Q. Other than the exterior damage that we've already
8 discussed, there is nothing else of evidentiary value that
9 was found in the courtyard?

10 A. On this side, no.

11 Q. Okay. So after the search warrant was obtained, you
12 when inside?

13 A. Yes, sir.

14 Q. You took photos inside?

15 A. Yes, sir.

16 Q. And you just saw some of those, correct?

17 A. Uh-huh. Yes, sir.

18 Q. You collected some of the items that were present
19 there.

20 A. Yes, sir.

21 Q. And those were processed for fingerprints?

22 A. Not by me. But at a later time, yes.

23 Q. Right. And of those items that were collected inside,
24 at least ten of those items were alcoholic beverage
25 containers?

1 A. Yes.

2 Q. And that was beer and liquor?

3 A. Yes. Beer and liquor and soda as well.

4 Q. I'm going to show you State's 57 now. And these are
5 some of the items that we're talking about, right?

6 A. Yes, sir.

7 Q. Okay. Going to switch gears here for second and talk
8 about your placards that you numbered.

9 A. Yes, sir.

10 Q. You were saying that you use those placards when you
11 take photographs?

12 A. Yes, sir.

13 Q. And each of them is numbered?

14 A. Yes, sir.

15 Q. And that's to show whenever a piece of evidence that
16 you're trying to depict in the picture?

17 A. Yes, sir.

18 Q. And to keep track of it by that number?

19 A. Yes, sir.

20 Q. And we saw how you used the placards to show those
21 shell casings, right?

22 A. Yes, sir.

23 Q. And each of those shell casings then was assigned a
24 number by use of the placards?

25 A. Yes, sir.

1 Q. Okay. But the numbering of the placards, just to be
2 clear, that doesn't mean that was the shell that was fired
3 first?

4 A. No, sir.

5 Q. Okay. Because you don't have a way to tell which shell
6 was fired first.

7 A. I don't. No, sir.

8 Q. Or which side of the courtyard the firing started from?

9 A. No. You can tell which side that the firing came from.

10 Q. You can?

11 A. Yes.

12 Q. Okay. And you testified that you're not a ballistics
13 expert, right?

14 A. I'm not. No, sir.

15 Q. And you're not a weapons expert?

16 A. I'm not. No, sir.

17 Q. You have some general knowledge?

18 A. Yes, sir.

19 Q. You said these look like rifle shell casings, right?

20 A. Yes, sir.

21 Q. A rifle is generally fired from the shoulder, right?

22 A. Yes, sir.

23 Q. It's usually not held down low, is it?

24 A. I don't fire rifles, but I assume most people fire them
25 from their shoulder.

1 Q. Okay. Most likely because if you were to hold it down
2 low, it's much less accurate that way, right?

3 A. I don't know. I guess you could fire it however you
4 want it. The safer way is from your shoulder.

5 Q. A pistol is generally not fired up against your
6 shoulder, is it?

7 A. No, it's not. But again, it can be fired lots of ways
8 and different positions.

9 Q. And you didn't actually do the testing of the shell
10 casings?

11 A. No, sir. I did not.

12 Q. Okay. Certain pistols fire larger caliber bullets,
13 don't they?

14 A. Yes, sir.

15 Q. In fact, FN57 pistol fires a bullet that looks just
16 like a rifle bullet.

17 A. Okay. I'm not an expert so I can't -- I can't say that
18 for sure.

19 Q. So you can't say for sure that this bullet was fired,
20 that the shell casings came from a rifle?

21 A. I am not a firearms expert, but that's what I would
22 believe.

23 MR. WILLIAMS: Court's indulgence (Brief pause.)
24 nothing further, Your Honor.

25 THE COURT: Any redirect?

1 AST. SOL. SIMPSON: Just briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY AST. SOL. SIMPSON:

4 Q. So you were directed by investigators on scene a good
5 place to start your investigation, right?

6 A. Yes.

7 Q. That was far -- you didn't stop your investigation,
8 right?

9 A. No, sir.

10 Q. Did you cover all of the ground that in your training
11 and experience you felt to be relevant to your
12 investigation?

13 A. Yes, sir.

14 Q. All investigations do you have to stop at some point,
15 right. Correct?

16 A. They do, yes.

17 Q. Hypothetically, you could stay in that location such as
18 this for weeks. Is that correct?

19 A. You could, yes.

20 Q. The practical decisions have to be made. Is that
21 correct?

22 A. Yes, sir.

23 Q. So you collect -- cast a wide net and collect all you
24 think even has a slim chance of being relevant?

25 A. Yes, sir.

1 Q. Okay. Then once the evidence is collected then
2 typically if needed sent to a more specialized department if
3 needed.

4 A. Yes, it is.

5 Q. Okay. Do you know where the two cell phones collected
6 were sent?

7 A. The two cell phones were collected not by myself. But
8 they were sent to Digital Evidence Unit and they would
9 analyze their cell phones.

10 Q. Okay. I believe you testified before, you may collect
11 a lot of evidence that in the end turns out not to be
12 relevant to the investigation, right?

13 A. Very common, yes.

14 Q. Okay. Is that evidence still available to the
15 prosecution team if we want it to make our own
16 determination?

17 A. Yes, sir.

18 Q. Is it available to the defense team --

19 MR. WILLIAMS: Objection.

20 THE COURT: Basis?

21 MR. WILLIAMS: --

22 THE COURT: Please approach.

23 (A bench conference was held off the record and out of
24 the hearing of the jury panel.)

25 THE COURT: Proceed. Rephrase. The objection is

1 sustained.

2 Q. You made it clear you are not -- you have a college
3 degree for crime scene analysis, correct?

4 A. College degree forensic investigations.

5 Q. Forensic investigations. Okay. But you don't have
6 this certain specialty of a ballistics expert, correct?

7 A. No, sir.

8 Q. But you do have training and experience in firearms.

9 A. Yes, sir.

10 Q. You have collected -- how long again have you been with
11 the CPD evidence lab?

12 A. Seven years and ten months.

13 Q. And not holding you to exact numbers. How many crime
14 scenes do you think you've responded to in those seven
15 years? Are we talking hundreds? Thousands?

16 A. More than hundreds.

17 Q. More than hundreds. How many of those crime scenes
18 involved in some way firearms, shell casings, bullets,
19 projectiles? A percentage if you can guess, if you have to
20 guess?

21 A. I say we go to quite a few shootings in our crime scene
22 unit within the City of Charleston.

23 Q. Would these shell casings -- did you observe if the
24 shell casings were unusable for you to find at a crime scene
25 in your experience? In your seven years and ten months

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1 experience.?

2 A. Yes. It's the first time I had seen that type of
3 ammunition.

4 Q. Okay.

5 AST. SOL. SIMPSON: Nothing further, Your Honor.

6 THE COURT: Any objection to the witness being excused?
7 From the State?

8 AST. SOL. SIMPSON: No, Your Honor.

9 THE COURT: From the defense?

10 MR. WILLIAMS: No, Your Honor.

11 THE COURT: Ma'am, you're excused.

12 THE WITNESS: Thank you.

13 THE COURT: You're welcome. Call your next witness.

14 AST. SOL. SIMPSON: Court's indulgence. I'm sorry.

15 THE COURT: Who is your next witness?

16 AST. SOL. SIMPSON: The State calls Rick Bassak from
17 Charleston security systems.

18 CLERK: Please take your seat. Speak directly into the
19 microphone spelling your first and last name.

20 THE WITNESS: Richard Bassak, R-I-C-H-A-R-D,
21 B-A-S-S-A-K.

22 THE COURT: You may proceed.

23 AST. SOL. SIMPSON: Thank you Your Honor.

24 THE COURT: You're welcome.

25 DIRECT EXAMINATION

1 BY AST. SOL. SIMPSON:

2 Q. Mr. Bassak, good afternoon.

3 A. Good afternoon.

4 Q. Thank you for being here today. I will like to have,
5 if you could, introduce yourself to the jury. What's your
6 name? How old are you? Where you live?

7 A. My name is Richard Bassak. I live out in Moncks
8 Corner. I'm 60 years old.

9 Q. What you do for living ---

10 A. I work for Charleston Security Systems. I've been
11 working with them for about two and half years. Before
12 that, I was a contractor at the Air Force Base. And before
13 that, I ran a IT company and did 22 years in the Navy.

14 Q. Okay. So you have computer software experience with an
15 IT company?

16 A. Yes, sir.

17 Q. And that sort of resume allows you to gain
18 employment -- I'm sorry, what was the company may begin.

19 A. Charleston Security Systems.

20 Q. Charleston security systems. What kind of work
21 specifically does Charleston Security Systems do?

22 A. We do commercial and home security, not only alarms but
23 video cameras.

24 Q. Okay. Do surveillance video cameras make up a large
25 percentage of your work?

1 A. Yes, sir. We have I'd say about 600 a more camera
2 systems here in the Charleston area.

3 Q. Okay. Do you have a business clients?

4 A. Sir?

5 Q. Business clients?

6 A. Yes, sir.

7 Q. Okay. Say if I owned a business and was interested in
8 that sort of thing, I could call your company. What sort of
9 services would you provide?

10 A. We would put in video cameras, video recorders. We can
11 do alarm systems for intrusion, fire, theft.

12 Q. And how long have you been with this company?

13 A. Two and half years.

14 Q. Two and half years. So just to be clear, you were not
15 with this company in September 2015?

16 A. I had just started.

17 Q. Okay. Just started. Okay. When a business hires your
18 company and you guys manage the video surveillance?

19 A. We don't really do management.

20 Q. Okay.

21 A. What they'll do is call us and ask us to pull footage
22 for them where we go in and -- we'll pull in events like
23 this where either the police will approach us and ask us if
24 we can get access to a camera system.

25 Q. Because fair to say that a particular type of business

1 person -- how do I phrase this? Not everyone is that savvy
2 with computers. Is that fair enough?

3 A. True.

4 Q. And the software and how all of this stuff works,
5 that's your expertise. Is that correct?

6 A. True.

7 Q. If I'm just the person that owns say a restaurant, I
8 may have hired you guys, but I might not be able to go into
9 your software and tape all this stuff?

10 A. True.

11 Q. Okay. So if an incident happens, say the police are
12 interested in a certain time frame, rather than contact the
13 business owner they would call you?

14 A. Normally, they would contact the business owner and
15 they would give us authorization to pull footage.

16 Q. Okay. Were you able to confirm for us that your
17 company was asked to do that involving a case downtown in
18 September 19, 2015?

19 A. Yes.

20 Q. Okay. Was this -- when you were contacted by us, was
21 this footage still assessable by you ---

22 A. Yes.

23 Q. --- independently of your own self?

24 A. Yes.

25 Q. Okay. Were you able to confirm that you provided the

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1 footage to Charleston Police Department?

2 A. The footage on the CD is the exact same footage that's
3 tied to my PC and out the shop.

4 Q. Okay. And were you asked -- you mentioned a CD. Were
5 you asked to review footage that's on the CD?

6 A. Yes. I sat down and I viewed the size of the images,
7 the date stamps on the images against the ones that I have.

8 Q. Okay.

9 AST. SOL. SIMPSON: May I approach the witness, Your
10 Honor?

11 THE COURT: Yes.

12 Q. I'm showing you what's been marked for ID only State's
13 94. Do you recognize this exhibit?

14 A. Yes. That's my initials there.

15 Q. Okay. You are asked to initial that so you would know
16 that that's a CD you viewed?

17 A. Correct.

18 Q. Okay. And what's contained on this CD again?

19 A. The CD has I want to say three different camera angles.

20 Q. Okay. And I didn't even mention. What's the address
21 of this particular client of yours?

22 A. It's Lee Lee's restaurant. I'm not familiar with the
23 exact street address.

24 Q. Okay. But it was Lee Lee's restaurant?

25 A. Lee Lee's restaurant. Yes, sir.

1 THE COURT: Could you please spell that for the court
2 reporter.

3 THE WITNESS: I want to say it's L-E-E, L-E-E-S; Lee
4 Lee's.

5 THE COURT: Thank you, sir. You may proceed.

6 AST. SOL. SIMPSON: Thank you.

7 THE COURT: You're welcome.

8 Q. And again, you explained how many camera angles does
9 Lee Lee's have?

10 A. I want to say -- well, they had multiple cameras. But
11 they only wanted the outside exterior camera and I believe
12 there were three.

13 Q. And you provided what was asked for to the Charleston
14 Police Department?

15 A. Correct.

16 Q. And then since, even though you weren't involved
17 initially, since confirmed that the contents of the CD is an
18 exact fair and accurate replication of the video
19 surveillance footage that your company provided?

20 A. Correct.

21 AST. SOL. SIMPSON: Court's indulgence.

22 THE COURT: Yes, sir.

23 AST. SOL. SIMPSON: Your Honor, at this time the State
24 seeks to admit State's 94.

25 THE COURT: Any objection?

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1 MS. FORD: Yes, Your Honor. At this point, we don't
2 believe they established relevancy in evidence.

3 THE COURT: Please approach.

4 (A bench conference was held off the record and out of
5 the hearing of the jury panel.)

6 THE COURT: State withdraws its request to admit 94.
7 It will be ID only.

8 AST. SOL. SIMPSON: Thank you, Your Honor.

9 THE COURT: You're welcome.

10 AST. SOL. SIMPSON: I have not further questions of
11 this witness.

12 THE COURT: Any questions for the witness?

13 MS. FORD: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 MS. FORD: I have no questions for this witness, Your
16 Honor.

17 THE COURT: Any objection to the witness being excused?
18 From the State?

19 AST. SOL. SIMPSON: No, your Honor.

20 THE COURT: From the defense?

21 MS. FORD: No, Your Honor.

22 THE COURT: Sir, you're excused. Call your next
23 witness.

24 AST. SOL. SIMPSON: The State calls Ian Mills.

25 (IAN MILLS, was duly sworn and provided the following

1 testimony.)

2 THE WITNESS: Ian Mills, I-A-N, M-I-L-L-S.

3 THE COURT: You may proceed.

4 AST. SOL. SIMPSON: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY AST. SOL. SIMPSON:

7 Q. Mr. Mills, good afternoon. Where do you live
8 currently?

9 A. I live at ■ Nunan Street.

10 Q. And how long have you lived there?

11 A. Four years.

12 Q. Four years. Where are you from?

13 A. Originally California, outside of San Francisco.

14 Q. Okay. What brought you to Charleston?

15 A. My wife is getting a double doctorate at MUSC and a
16 PhD.

17 Q. Is this the first place you got in Charleston? You
18 moved to Nunan Street or . . .

19 A. We actually started around the corner, Fishburne a
20 little closer to Burke High School. And there this house
21 became available so I fixed it up and we moved in there
22 right from another.

23 Q. Okay. And again, this house is at ■ Nunan Street?

24 A. Yes, sir.

25 Q. Okay. And how long have you been there again?

1 A. About four years.

2 Q. Okay. So that was your residence in September 2015?

3 A. Yeah.

4 Q. Okay. So let me just ask you: Do you have any
5 personal security system at your home at ■ Nunan?

6 A. All of the houses I've had have camera systems on it.
7 The first house we had, I learned my lesson getting stuff
8 stolen, so I put a camera system on it.

9 Q. Okay.

10 A. And we redid this house, I made sure to put a security
11 system on it too.

12 Q. So did you renovate this house when you bought it?

13 A. Yeah. I gutted it. Made it how we wanted it. And
14 before we did drywall, I put in all the wires and installed
15 the security system.

16 Q. So you are this -- did everything -- internally wired
17 that whole security system?

18 A. Yes, sir.

19 Q. Okay. Well, explain to the jury a little bit how in
20 the world did you become involved in this?

21 A. It was just something happened down the street and the
22 cops -- I think the police officer came to me first and
23 said, you know, "We noticed the cameras in front of your
24 house. Do you have footage from this and this date and
25 around this window?" As I remember, it was a pretty broad

1 window.

2 Q. Okay.

3 A. And then I downloaded all of the camera shots I had
4 from the front of the house.

5 Q. Okay.

6 A. And put them on . . .

7 Q. Okay. And so, basically, they just asked you as a
8 citizen to help out and you were willing to do so?

9 A. Yeah, definitely.

10 Q. And you provided everything that they asked for?

11 A. I've done it before when we lived on Fishburne Street
12 when I had some stuff stolen from there. So it was pretty
13 normal for me to download the videos and stick them on the
14 thumb drive.

15 AST. SOL. SIMPSON: May approach the witness, Your
16 Honor?

17 THE COURT: Yes, sir.

18 Q. I'm showing you what's been marked as State's 118 for
19 ID only. Do you recognize that exhibit?

20 A. Yes.

21 Q. How do you recognize it?

22 A. It was brought over to me. We looked at the footage
23 that was on it, the video files that were on it.

24 Q. Okay.

25 A. And reviewed them -- and for me for my security system

1 and asked me to sign the DVD.

2 Q. And so does that CD contain a fair and accurate
3 identical footage that you provided to the police
4 department?

5 A. Definitely. That's from my security system.

6 Q. Okay. What about personally, how do you install all of
7 this? Do you feel like you're pretty knowledgeable of your
8 computer system?

9 A. Yes.

10 Q. It's your security system?

11 A. I was an IT guy in California.

12 Q. Okay.

13 A. So yeah. I installed it because I was just tired of
14 getting my stuff stolen. And a number of people have gotten
15 caught, and I've gotten my stuff back because of it.

16 Q. Put me out of -- and I don't need any specialized
17 opinion that you have, but just based on your experience
18 interacting with your insecurity system, are there any
19 general observations that you can make as to the time stamp
20 on your videos?

21 A. Yeah. The time stamp on -- particularly, the security
22 system that I had to install at that time, it would kind of
23 either gain or lose a minute every day until I would log
24 back into the system. I would actually have to go to the
25 screen and log in and change it using the mouse and

1 keyboard -- and it was a big pain in the butt. But I would
2 have to actually manually change the time or it would kind
3 of do random times.

4 Q. Like a watch you have to reset?

5 A. Yet. It's either slow or fast. So any time you
6 download the videotapes from it, I would have to look at the
7 time the camera system says it is and then look at the
8 actual time and then write down, okay, it's an hour and
9 seven minutes slow today.

10 Q. Okay. And you -- you've had a couple of different
11 security systems over your life?

12 A. Yeah. The one in my house I can actually read license
13 plates now.

14 Q. Okay. I'm assuming like everything, its' modernized.
15 But through one of these things have you generally known
16 that to be the case in a lot of these systems with the time
17 stamp?

18 A. Yes. Yeah. Except the system I have currently
19 installed, all of the other ones have always done that.

20 Q. Okay.

21 A. Fast or slow.

22 AST. SOL. SIMPSON: Court's indulgence. Thank you,
23 Mr. Mills, for your time. Answer any questions that
24 Ms. Ford has for you.

25 THE COURT: Any questions for the witness?

Cross-Examination of Mr. Mills by Ms. Ford

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1 MS. FORD: Beg the Court's indulgence. (Brief pause.)
2 Just briefly, Your Honor.

3 THE COURT: Proceed.

4 CROSS-EXAMINATION

5 BY MS. FORD:

6 Q. Hi, Mr. Mills.

7 A. Hey.

8 Q. You downloaded this footage that the police requested,
9 correct?

10 A. Yeah.

11 Q. Did you actually watch it yourself?

12 A. They asked me to download a broad -- the short answer,
13 yes.

14 Q. Okay. So you watched it all from --

15 A. Yeah. In order to download it, you actually have to
16 watch it first and let it kind of load onto your computer
17 while you're watching it.

18 Q. Okay.

19 A. And that once it's done downloading on your computer
20 then you can move it to the CD-ROM or the USB drive.

21 Q. Okay. So you sat there and stayed while it was doing
22 that?

23 A. Yeah.

24 Q. Okay.

25 A. It was a long process.

1 Q. Did you watch it afterwards to see if it correctly
2 recorded or ---

3 A. After the files are made, yeah, you have to -- you need
4 to open them to make sure they're not corrupted or that a
5 media player can read them, that they're correct.

6 Q. So did you watch them again?

7 A. Not entirely. But, you know, you watch it. You
8 double-click it. You make sure the video file opens and
9 then you click separate, you know, points in time to make
10 sure it's all there.

11 Q. Right. Thank you.

12 A. Sure.

13 MS. FORD: No further questions.

14 THE COURT: Any redirect?

15 AST. SOL. SIMPSON: No, Your Honor.

16 THE COURT: Any objection to the witness being excused.
17 From the State?

18 AST. SOL. SIMPSON: No, Your Honor.

19 THE COURT: From the defense?

20 MS. FORD: No, Your Honor.

21 THE COURT: Sir, you're excused. Call your next
22 witness.

23 AST. SOL. SIMPSON: The State calls Lieutenant Peter
24 Farrell.

25 THE COURT: Did you say Farrell?

1 AST. SOL. SIMPSON: Farrell?

2 THE COURT: Spell that for me?

3 AST. SOL. SIMPSON: F-A-R-R-E-L-L.

4 THE COURT: He was eliminated from the list.

5 Inadvertently or . . .

6 AST. SOL. SIMPSON: Oh, is he not . . .

7 THE COURT: If you give me a number, I'm able to look
8 through it, which is possible.

9 AST. SOL. SIMPSON: Your Honor, I'm sorry, I . . .

10 THE COURT: What's his name again?

11 AST. SOL. SIMPSON: Peter Farrell. I ---

12 THE COURT: Spell his last name for me.

13 AST. SOL. SIMPSON: F-A-R-R-E-L-L.

14 THE COURT: From the Charleston Police Department?

15 AST. SOL. SIMPSON: He is. He's a lieutenant with the
16 Charleston Police Department. I did identify him -- I
17 identified him for the defense. But I don't know that . . .

18 (PETER FARRELL, was duly sworn and provided the
19 following testimony.)

20 CLERK: Please have a seat. Spell your first and last
21 name for the record.

22 THE WITNESS: I'm Lieutenant Peter Farrell. P-E-T-E-R,
23 F-A-R-R-E-L-L.

24 THE COURT: You may proceed.

25 MS. FORD: Your Honor, may we approach?

1 THE COURT: Yes.

2 (A bench conference was held off the record and out of
3 the hearing of the jury panel.)

4 THE COURT: Ladies and gentlemen, this witnesses name
5 was inadvertently omitted from the witness list. Is there
6 any member of the panel who is related by blood or marriage
7 to Lieutenant Peter Farrell. If so, please stand at this
8 time.

9 (No response.)

10 THE COURT: Does anyone have a close, personal or
11 social relationship with Lieutenant Farrell? If so, please
12 stand at this time.

13 (No response.)

14 THE COURT: Let the record reflect that the response to
15 both questions was negative.

16 Is the State ready to proceed?

17 AST. SOL. SIMPSON: We are, Your Honor.

18 THE COURT: The defense ready to proceed?

19 MS. FORD: Yes, Your Honor.

20 THE COURT: You may proceed with questioning the
21 witness.

22 AST. SOL. SIMPSON: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 DIRECT EXAMINATION

25 BY AST. SOL. SIMPSON:

Direct Examination of Mr. Farrell by Ast. Sol. Simpson

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1 Q. Lieutenant Farrell, what agency do you work for?

2 A. I'm with the Charleston Police Department.

3 Q. And you have kind of an interesting job for them. What
4 is that?

5 A. It is an interesting job. I am the commander of the
6 crime -- crime information operations center, actually.
7 Better known as CIO.

8 Q. Okay. What sort of responsibilities does that
9 department, that subunit, of the Police Department have?

10 A. Right. So I supervise intelligence analysts in the
11 field intelligence unit where the officers have to go out
12 gather intelligence. And then also I work with the safety
13 and security camera system here in the City of Charleston.

14 Q. Okay. So criminal intelligence is sort of an
15 information gathering function?

16 A. Yes.

17 Q. And related to that and other things, you also manage
18 the city surveillance camera system?

19 A. I do safety and security cameras ---

20 Q. Where are those monitored from?

21 A. We have a central monitoring facility within the
22 Charleston police department on Lockwood Boulevard.

23 Q. Okay.

24 AST. SOL. SIMPSON: May I approach, Your Honor?

25 THE COURT: You may.

1 Q. I'm showing you was been marked for ID is State's 124.

2 Do you recognize that?

3 A. I do recognize it.

4 Q. Would that exhibit aid and assist you in sort of
5 further explaining the role your unit plays?

6 A. It would be helpful.

7 Q. Okay. What is that exhibit by the way? What does that
8 depict?

9 A. That is a map of the locations in the peninsula of
10 Charleston where we have safety and security cameras.

11 Q. Okay.

12 AST. SOL. SIMPSON: Your Honor, at this time, the State
13 seeks to admit State's 124.

14 THE COURT: Any objection?

15 MS. FORD: Objection to relevance.

16 THE COURT: Overruled. Marked and admitted number 124.

17 (State's Exhibit No. 124, Map, was received into
18 evidence.)

19 AST. SOL. SIMPSON: Thank you, Your Honor. I'm
20 publishing State's 124.

21 Q. Obviously, I can move this wherever you like.

22 A. Right there is good.

23 Q. I can move that for you if you need me to. Describe
24 what we're viewing up here.

25 A. What you're looking at is an area -- on the left side

1 of the screen there is an area called Gadsden Green, which
2 is where we have five safety and security cameras as
3 indicated the location of the dots at.

4 Q. Are those cameras rolling and recording 24/7?

5 A. They are.

6 Q. And is that information digitally stored?

7 A. It is digitally stored in servers, yes.

8 Q. Okay. And is that footage accessible by your unit?

9 A. It is. My staff is able to retrieve it.

10 Q. Okay. Does this exhibit accurately reflect --
11 reasonably reflect the location of the five Gadsden Green
12 cameras?

13 A. It does.

14 Q. And if you could -- I'm going to zoom in a little more.
15 Be sure to review these. And are these what they're
16 commonly referred to as what's listed on the map there?

17 A. Yes.

18 Q. If someone was coming to identify a particular camera,
19 would they ---

20 A. That's exactly how they would be identified on our
21 camera system, on the display.

22 Q. Okay. So what are this cameras available to us around
23 the Gadsden Green area?

24 A. President and Orange Street, President and Bogart
25 Street, Ashton and Orange Street, Always Street, and Flood

1 Street. And then what's referred to as Line Street school
2 in the area of 231 Line.

3 Q. Okay. Let's say an incident occurs in an area and the
4 investigating officer or the lead agent or an agent and
5 detective thinks or might be a chance that one of your
6 unit's cameras might've captured something. How does that
7 work within the Police Department?

8 A. Right. Right. So our camera staff is available -- and
9 they take the requests from the detective. The detective
10 would ask for a given set of cameras that they believe would
11 be relevant to perhaps a crime that took place. And from
12 there they would ask for that to be pulled digitally from
13 our servers so that they could have a copy of it.

14 Q. Okay. And that's for whatever use they wanted ---

15 A. For investigative, whatever use that they have for it.

16 Q. Okay. Now, what is the -- what's the name of the
17 software system that's used to view these cameras?

18 A. We use Ocularis is the name of the software.

19 Q. Would all of these cameras be stored sort of like on
20 one?

21 A. They are on one central source, one server.

22 Q. We see a color code here. I'm going to turn it around
23 a little bit. Is there any meaning or anything to these
24 different colors?

25 A. They're just in different areas of town. And that's

Direct Examination of Mr. Farrell by Ast. Sol. Simpson

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1 simply all that is that way they're noted so that we can
2 find them easily. So the red would be Gadsden Green.

3 Q. And you recall the specific times -- was there a
4 request made in the present case?

5 A. A request was made to our staff in the present case?

6 Q. Okay. What were the parameters of that request.

7 A. They needed I believe September 18th and 19th.

8 They needed 24-hour time frame around the incident they were
9 investigating, from midnight to midnight the following day.

10 Q. Okay. Now, that's 24 hours of video footage from five
11 cameras?

12 A. Quite a bit of footage, yes.

13 Q. Is that a large digital file?

14 A. That's a very large digital file.

15 Q. Can you satisfy a request like that with a CD?

16 A. No. You wouldn't be able to fit it on a CD.

17 Q. Even most typically a thumb drive?

18 A. Absolutely not.

19 Q. Okay. What is this? Do you recognize this item?

20 A. That is an external hard drive?

21 AST. SOL. SIMPSON: May I approach, Your Honor.

22 THE COURT: You may.

23 Q. Lieutenant Farrell, I'm showing you what's been marked
24 for ID only State's 135 [sic].

25 A. Right.

1 Q. Do you recognize this item?

2 A. I do.

3 Q. And how do you recognize this?

4 A. This is a hard drive that I looked at that was
5 containing information for this case at hand. And after
6 examining it, I put my initials on it.

7 Q. Okay. Does his hard drive contain the results of that
8 request that was made to you for this case?

9 A. Right. The pull of data or information was placed onto
10 that. As you pointed out, that wouldn't go on a CD so we
11 used, basically, a small computer drive, and external drive,
12 to hold all of that data.

13 Q. Okay. And that data would've been provided to the
14 investigators/detectives working on this particular case?

15 A. That's correct.

16 Q. And you don't have any personal knowledge of this case?

17 A. I don't. I don't.

18 Q. Okay. Tell me a little bit about the individual -- we
19 see the locations, but tell me a little bit about the
20 individual cameras that are there. How do they function?

21 A. They pan, tilt, zoom commonly referred to as PTZ
22 cameras that are in there. So what that means is that it
23 allows for the camera to look in different areas within that
24 zone. So if they're not being looked at by camera monitor,
25 they're actually put on what's called patrol. And they end

Direct Examination of Mr. Farrell by Ast. Sol. Simpson

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1 of looking at different areas. If you can imagine a globe,
2 like when you're in a store, you see that globe, it ends up
3 looking around and panning on what they call patrol. And so
4 assuming that there's nobody in control -- take control if
5 they see something of interest. If there was somebody
6 working then they can do that. But otherwise, it's not a
7 patrol so it swings throughout the area.

8 Q. So if a person isn't operating a specific camera at a
9 specific time -- this is going to be really -- demonstrating
10 this -- but a camera might show this. And then just at a
11 set time it would show this and then this, and it rotates?

12 A. That's correct.

13 Q. And no one's doing that? That's just ---

14 A. No. It's just -- in an effort to try to catch
15 activities in a given area.

16 Q. Okay.

17 AST. SOL. SIMPSON: Court's indulgence.

18 THE COURT: Yes, sir.

19 AST. SOL. SIMPSON: Your Honor, with the Court's
20 permission, we're actually on 125 and not 135. So I would
21 like to ---

22 THE COURT: Correct it.

23 AST. SOL. SIMPSON: Just alter the number of the
24 exhibit we referred to.

25 THE COURT: Just on second. Is that the number you

1 have Madame Court Reporter?

2 COURT REPORTER: Yes.

3 THE COURT: You may proceed.

4 AST. SOL. SIMPSON: Thank you.

5 THE COURT: You're welcome.

6 Q. Just bearing the new number 125, is the external hard
7 drive what we've been discussing?

8 A. It is.

9 Q. Okay. Thank you.

10 AST. SOL. SIMPSON: Thank you, Lieutenant Farrell. No
11 further questions.

12 THE COURT: Any questions for the witness?

13 MS. FORD: Beg the Court's indulgence. (Brief pause.) I
14 have no questions for this witness, Your Honor.

15 THE COURT: Any objections to the witness being
16 excused? From the State?

17 AST. SOL. SIMPSON: No, Your Honor.

18 THE COURT: From the defense?

19 MS. FORD: No, Your Honor.

20 THE COURT: Sir, you're excused.

21 THE WITNESS: Thank you.

22 THE COURT: You're welcome.

23 Mr. Foreman, ladies and gentlemen, y'all have been
24 sitting right at an hour. I'm going to give you the
25 opportunity for a brief break. During the break, please do

1 not discuss the case, and please leave your notepads in your
2 seats. We'll be out long enough for you all to refresh
3 yourselves. Let the bailiffs know if you need anything.

4 (The jury exits the courtroom.)

5 THE COURT: Okay. Is there any exception from the
6 defense as to the black-and-white photos? That being 83,
7 84, 85, 86, 88, 89, and 93.

8 MS. FORD: Just based -- other than my prior
9 objections, no, Your Honor. I do think that being in black
10 and white certainly helps.

11 THE COURT: What we're the previous -- what was the
12 previous objection?

13 MS. FORD: Just the two photos with the writing on it,
14 Your Honor. I just don't think it's necessary. The doctor
15 can testify to what those pieces are. And then I believe
16 there are two photos of the same injury to the chest. One
17 is just closer up. So I just felt it's cumulative
18 especially considering the nature of them being autopsy
19 photos. That's why I objected to . . .

20 THE COURT: What's the State's response?

21 AST. SOL. GINSBERG: Your Honor, as to the writing, I
22 believe it's the defense contention that this is hearsay.
23 It's not. It's some part of her investigation as a forensic
24 pathologist. She also removed those fragments. So we don't
25 believe that it's hearsay. In addition, the gunshot wounds

1 showing the area of the chest, it's my understanding that
2 the defense believes it's cumulative. However, I believe --
3 it's just the forensic pathologist in describing the nature
4 and location of the victim's injuries and assists her in
5 describing her findings to the jury, as well as assists with
6 explaining the location of the fragments and whatnot with
7 her evaluation.

8 THE COURT: Of course, the Court's ruling would be
9 subject to the appropriate foundations being established as
10 well as these photos being altered corroborate the medical
11 examiner's testimony that being the confirmation of the mode
12 and manner of the death of the decedent. Eighty-three, I
13 asked the State to reduce the photos in black-and-white.
14 The Court is satisfied that they have been produced in
15 black-and-white consistent with case law findings regarding
16 reduction of the photos. Eighty-three is a far-away picture
17 of the wounds to the chest. Eighty-four is a more close-up
18 picture of the wound. And 85 is another picture of the
19 wound which appears to show metal fragments near the wound
20 site as well as 86. Eighty-eight and 89 appear to be metal
21 fragments removed from the body. And again, subject to the
22 witness being able to establish that she created the labels.
23 But I don't know who else would've created them. In my
24 experience, there is nobody else who would've had the
25 expertise to remove the fragments. So either she removed

1 them and created the labels or someone under her direct
2 supervision did, in which either case she has the ability to
3 testify regarding that so it would not be hearsay. As well
4 as 95, which appears to be an X-ray indicating placement of
5 other fragments within the body of the decedent.

6 The court will find that all the pictures are relevant.
7 They're probative. Their probative value is not outweighed
8 by -- prejudice. They've been produced in black-and-white
9 which removes any risk of them appealing to the biases,
10 prejudices, or other emotion of the jury. And again, I
11 would have to assume that the close-up in 84 would have to
12 deal with -- and usually in my case, I would have to admit,
13 admitting these in cases that I've tried, as many as I've
14 tried, usually a close-up photo is produced to show either
15 powder burns or stippling dealing with the distance of the
16 projectile entering the body. So based on what has been
17 presented to the Court, these photographs would clearly
18 corroborate the testimony of the medical examiner. They
19 would go to corroborate her findings regarding the mode and
20 the manner of the death of the decedent. They're clearly
21 relevant, and their relevance is not outweighed by any
22 potential for prejudice. And they are marked and admitted
23 subject to the appropriate foundation being established.

24 MS. FORD: Thank, Your Honor.

25 (State's Exhibit Numbers 83 through 85, 88, 89 and 93,

1 Photographs, were received into evidence.)

2 THE COURT: You're welcome. Are we ready to proceed?

3 I assume this witness is going to take us through

4 five o'clock.

5 AST. SOL. GINSBERG: I don't believe so, Your Honor.

6 THE COURT: Really? That short.

7 AST. SOL. GINSBERG: Yeah. And on our end ---

8 THE COURT: Who would your next witness be then?

9 AST. SOL. GINSBERG: I believe our next witness would
10 be Officer Gregg.

11 THE COURT: Who I imagine would be lengthy?

12 AST. SOL. GINSBERG: I would actually believe it should
13 be rather short.

14 THE COURT: Really? Okay.

15 AST. SOL. GINSBERG: Your Honor, may I approach?

16 THE COURT: Yes, ma'am. Well, let's see how much we
17 can get done before five. Please bring in the jury.

18 And your witness in the courtroom already?

19 AST. SOL. GINSBERG: She is not, Your Honor.

20 THE COURT: You need to go ahead and get her while
21 they're bringing in the jury.

22 (The jury enters the courtroom.)

23 THE COURT: You may be seated.

24 CLERK: May I proceed, Judge?

25 THE COURT: Plaintiff's witness.

1 (Clerk begins to swear witness.)

2 THE COURT: No, no. He needs to call his witness.

3 Call your next witness.

4 AST. SOL. GINSBERG: The State calls Dr. Lee Tormos.

5 THE COURT: Swear the witness.

6 (DR. LEE MARIE TORMOS, was duly sworn and provided the
7 following testimony.)

8 CLERK: Please take your seat. Spell your first and
9 last name for the record.

10 THE COURT: Ma'am, I'm sorry, if you would say your
11 full name for the record, and spell your first and last
12 name.

13 THE WITNESS: Yes. This is Dr. Lee Marie Tormos;
14 L-E-E, last name Tormos, T-O-R-M-O-S.?

15 THE COURT: You may proceed.

16 AST. SOL. GINSBERG: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 DIRECT EXAMINATION

19 BY AST. SOL. GINSBERG:

20 Q. Dr. Tormos, what is your occupation?

21 A. I'm a forensic pathologist.

22 Q. And can you tell the jury what forensic pathologist is?

23 A. A forensic pathologist examines the body for the
24 determination of cause and manner of death by taking into
25 consideration illnesses or injuries that may be present on

1 the body.

2 Q. And can you tell the jury any type of education or
3 training that you had to undergo to become a forensic
4 pathologist?

5 A. In order to become a forensic pathologist you have to
6 have a bachelor's degree from a university usually in
7 science or premed, followed by four years of medical school,
8 followed by four years of specialty training in the field of
9 pathology where you are learning how illnesses and
10 disease -- in the body, and then an additional year in some
11 specialty training in the field of forensic pathology we're
12 also studying how injuries bring about that.

13 Q. After all that education, Dr. Tormos, do you belong to
14 any medical or scientific groups or associations?

15 A. Yes. I am a member of the National Association of
16 Medical Examiners. I'm a board certified anatomic, clinical
17 and forensic pathologist.

18 Q. And, Dr. Tormos, where do you currently work?

19 A. I currently work as an associate medical examiner in
20 Palm Beach County, Florida.

21 Q. Back in 2015, were you working in Palm Beach then?

22 A. No. Back in 2015, I was right here at MUSC in
23 Charleston working as a forensic pathologist in the
24 pathology department at MUSC.

25 Q. And how long have you been a forensic pathologist?

1 A. I've been a forensic pathologist a total of nine years.
2 Seven of which have been after my subspecialty training.

3 Q. And you explained a little bit about this briefly
4 before. But can you please tell the -- excuse me -- the
5 jury your duties as a forensic pathologist.

6 A. As a forensic pathologist, I have to take into
7 consideration the history that is provided to me by the
8 investigators. And then I do a thorough examination called
9 an autopsy in which we examine the external aspect and
10 internal aspect of the body documenting injuries or disease.

11 Q. And, Dr. Tormos, just as an approximation, how many
12 autopsies do you believe, you know, you've been involved
13 with or have performed yourself?

14 A. Over a thousand.

15 Q. And have you ever been admitted as an expert in the
16 field of pathology?

17 A. Yes.

18 Q. And how many times? Do you recall?

19 A. Over 50.

20 Q. Over 50?

21 A. Over 50.

22 AST. SOL. GINSBERG: Your Honor, at this time the State
23 would seek to admit Dr. Tormos as an expert in the field of
24 pathology.

25 THE COURT: I'm sorry?

1 AST. SOL. GINSBERG: As an expert in the field of
2 pathology.

3 THE COURT: Any objections or questions?

4 MS. FORD: No, Your Honor.

5 THE COURT: So admitted without objection. You may
6 proceed.

7 AST. SOL. GINSBERG: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 Q. Dr. Tormos, can you explain to the jury what happens
10 during autopsy? The procedure and what . . .

11 A. Yes. When we first received the body, we examine the
12 body externally including the clothing. We gather trace
13 evidence that may be in the form of hair samples, fingernail
14 clippings, DNA samples. We take samples of body fluids
15 including blood and urine and vitreous fluid for testing
16 including toxicology testing. Once we examine and document
17 the body, the outside, you synch diagrams, you synch
18 photographs, you synch X-rays. Then we proceed to do a
19 Y-incision, collect the tissues, and examine the body only
20 inside looking for correlations of injuries and the presence
21 or absence of natural disease.

22 Q. And, Dr. Tormos, do you have the occasion to perform an
23 autopsy of the victim in this case Mr. Antwan Frost?

24 A. Yes, I did.

25 Q. Where did you perform that autopsy?

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1 A. I performed that at the medical University of South
2 Carolina.

3 Q. And when did you perform the autopsy?

4 A. I performed the autopsy in September 19, 2015.

5 Q. And how long did this autopsy last?

6 A. The autopsy, it lasted about two and half hours.

7 Q. And can you tell the jury what your findings were from
8 that autopsy?

9 A. Yes. The decedent, Mr. Frost, had evidence of shrapnel
10 injury on the surface of his body. I found defects on the
11 skin that are consistent with broken apart bullets entering
12 the body. There we're very small fragments embedded right
13 under the skin, in the back, in the right arm, in the upper
14 chest. And there was a bigger fragment that actually
15 entered the right chest right above the right nipple, and it
16 caused fracture of the right fifth rib. And internal
17 examination revealed that that rib, when it fractured, it
18 punctured the heart and it caused him to bleed out
19 internally.

20 Q. Dr. Tormos, you explained when you started this
21 process, you document the body, and you said you do that
22 with photographs. Is that correct?

23 A. Among other things, yes.

24 AST. SOL. GINSBERG: Your Honor, may I approach?

25 THE COURT: Yes, ma'am.

1 Q. At this time, Dr. Tormos, I'd like to show you State's
2 exhibits 83 through 89 as well as 93. Can you just
3 familiarize yourself with these photos.?

4 A. Yes. (Brief pause.) Yes.

5 Q. Do you recognize those photos, Dr. Tormos?

6 A. Yes.

7 Q. And what do you recognize on that?

8 A. These are pictures that I took during the course of the
9 autopsy.

10 Q. And those fairly and accurately represent the photos
11 that you took?

12 A. Yes.

13 AST. SOL. GINSBERG: Your Honor, may I approach?

14 THE COURT: You may.

15 Q. I believe these have already been admitted as State's
16 83 through 89 as well as 93.

17 AST. SOL. GINSBERG: May I publish?

18 THE COURT: You may.

19 Q. Dr. Tormos, I'm going to show you a few of these
20 pictures. I'm more of a visual learner. So you can help me
21 as well as the jury figure out what we're looking at here?

22 A. Absolutely.

23 Q. I'm showing you now State's 83; State's 83 that's been
24 altered. It's in black and white. Can you tells us what
25 we're looking at here.?

1 A. This is a picture of Mr. Frost's chest. As you can
2 see, this is the left nipple over here. This is the right
3 nipple over here. And this is the gunshot wound that proved
4 to be fatal. It's right on the nipple on the right side of
5 the chest.

6 Q. Okay. I'm now showing you what's been marked as
7 State's 84. Can you tell the jury what we're looking at
8 here?

9 A. This is a close-up of the same picture. Here you can
10 see the nipple right here. This is the outline of the
11 nipple. And this is the entrance gunshot wound defect where
12 the fragments entered and fractured the right fifth rib.

13 Q. Okay. Now I'm showing you State's 85. And let me know
14 if I'm orienting this the wrong way. Is this the
15 appropriate way or should it be --

16 A. No, no. That is the correct way. Yes. The numbers
17 will always be pointing towards the feet, so right side up.
18 This is hard to tell, but I know what it is. This over
19 here, that's the decedent's neck. And this is the shrapnel
20 injury. And even though it looks very similar to the defect
21 that's above the nipple, it actually doesn't penetrate.
22 There is no shrapnel in there, no significant piece of lead
23 in there. But it is something that probably hit and bounced
24 out. And here, you can see teeny-tiny little defects of
25 pieces of metal that have embedded under the skin.

1 Q. Okay.

2 A. So that's the right upper chest.

3 Q. Right upper chest. Now I'm showing you State's 86.

4 A. Okay.

5 Q. Where should I ---

6 A. That's correct.

7 Q. That's correct. You said about the numbers earlier.

8 A. Yes. So this is the right arm. Again, there was a
9 picture preceding this one this should the arm so that you
10 had some anatomic relation. This is just a close-up showing
11 that little defect right there. And if you look very
12 carefully, there is a light spot right next to it right
13 here. And that would be where the piece of shrapnel was
14 under the skin and we recovered a little piece of bullet
15 fragment from that defect right there.

16 Q. Showing you now State's 88. Can you let us know what
17 we're seeing here?

18 A. Okay. Here we are seeing bullet fragments. As my
19 experience tells me, this man was shot with an intermediate
20 object. When the bullet strikes an intermediate object,
21 whatever it might be, it tends to break off into pieces.
22 And these are pieces of bullet. This is a large piece. And
23 this is from the core. This is probably jacket. That's
24 core. These pieces are all embedded in the right chest
25 muscle, the right pectoralis muscle. And, in fact, it is

1 this large piece right here that is the piece that causes
2 the fatal injury. That piece right there.

3 Q. Dr. Tormos, you collected all of these fragments. Is
4 that correct?

5 A. Yes, I did. Yes.

6 Q. And did you place them also in this envelope?

7 A. Yes, I did.

8 Q. And is this your handwriting as well?

9 A. No, it isn't.

10 Q. That's not your handwriting?

11 A. No. That is my physician assistant.

12 Q. Your physician assistant's?

13 A. Yes.

14 Q. Someone he works underneath you ---

15 A. That I supervise. That she fills out with pretty
16 handwriting.

17 Q. Okay. You wouldn't want to see my handwriting. I'm
18 showing you State's 89. This is in your assistant's pretty
19 handwriting. But what we're also looking at here?

20 A. Yes. These are even more tiny bullet fragments that
21 entered the body. These actually made it through the skin,
22 through the muscles, through the rib cage, and were found in
23 the right lung. However, they're tiny. But it just shows
24 that there was even a force to actually penetrate all those
25 layers of skin, subcutaneous tissue, muscle, the muscles

1 that are in between the ribs, and actually embed into the
2 right lung.

3 Q. Now I'm showing you State's 93. Can you tell the jury
4 what we're looking at here.?

5 A. Okay.

6 AST. SOL. GINSBERG: And if you actually don't mind,
7 could you ---

8 THE WITNESS: Turn that way ---

9 AST. SOL. GINSBERG: --- a little bit.?

10 THE WITNESS: Thank you.

11 Q. Is that better, Dr. Tormos?

12 A. Yes. Up here we have the head. The feet are down
13 here.

14 Q. Okay.

15 A. This is a chest X-ray. You can see the heart
16 silhouette. This is the heart silhouette in the chest. The
17 dark areas are where the lungs are. This dome-shaped area,
18 that is the diaphragm. And they are very hard to see, but I
19 don't know that you can see here that the large fragment
20 that was recovered shows up as a white mark. And then you
21 see all of this little stipple, those are all bullet
22 fragments that entered the body and either embedded in the
23 skin, in the muscle, or in the right lung.

24 Q. Dr. Tormos, what I can do is I can zoom in for you so
25 maybe we can . . .

1 A. Let's clear this up.

2 Q. Clear that up for you?

3 A. Okay.

4 Q. Is that better for you?

5 A. I think so.

6 Q. All right. I'm going to zoom out a little bit?

7 A. The large piece that you saw is this piece right here.
8 That is the bullet fragment that actually causes the right
9 fifth rib to break. And that break in turns punctures or
10 lacerates the heart, the right ventricle of the heart to be
11 precise, causing him to bleed into his right chest cavity
12 into his -- and a little bit into the left chest cavity. He
13 ended up bleeding out a little over a liter and a half of
14 blood into the chest.

15 Q. And, Dr. Tormos, with this fragment, this situation
16 causing the rupture of the fifth rib, was that the cause of
17 death in this case?

18 A. It is.

19 AST. SOL. GINSBERG: Beg the Court's indulgence.

20 THE COURT: Yes, ma'am.

21 Q. And what was the manner of death?

22 A. The manner of death is homicide.

23 AST. SOL. GINSBERG: No further questions for this
24 witness.

25 THE COURT: Any cross-examination for the witness?

1 MS. FORD: Yes, Your Honor.

2 THE COURT: You may proceed.

3 CROSS-EXAMINATION

4 BY MS. FORD:

5 Q. Hi, Dr. Tornos.

6 A. Hi.

7 Q. Just briefly, you were actually -- you did your
8 examination at USC, correct?

9 A. Correct.

10 Q. So you were not at [REDACTED] Norman Street the night that
11 Mr. Frost was shot, correct?

12 A. Correct.

13 Q. So you are not here to be able to testify to who shot
14 Mr. Frost, correct?

15 A. Correct.

16 Q. Because you can't possibly say that?

17 A. Not by looking at the body, no.

18 MS. FORD: Beg the Court's indulgence.

19 THE COURT: Yes, ma'am.

20 MS. FORD: No further questions, Your Honor.

21 THE COURT: Any redirect?

22 AST. SOL. GINSBERG: Not from the State, Your Honor.

23 THE COURT: Any objection to the witness being excused?
24 From the State?

25 AST. SOL. GINSBERG: None from the State.

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1 THE COURT: From the defense?

2 MS. FORD: No, Your Honor.

3 THE COURT: Doctor, you're excused.

4 THE WITNESS: Thank you.

5 THE COURT: You're welcome. Call your next witness.

6 AST. SOL. GINSBERG: Beg the Court's indulgence.

7 THE COURT: Yes, ma'am.

8 (Brief pause.)

9 AST. SOL. GINSBERG: The State calls officer Rebecca
10 Gregg.

11 THE COURT: Please swear the witness.

12 (REBECCA GREGG, was duly sworn and provided the
13 following testimony.)

14 CLERK: Please take your seat. Spell your first name
15 and last name for the record.

16 THE WITNESS: My name is Rebecca Gregg, R-E-B-E-C-C-A,
17 last name Gregg, G-R-E-G-G.

18 THE COURT: You may proceed.

19 AST. SOL. GINSBERG: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 DIRECT EXAMINATION

22 BY AST. SOL. GINSBERG:

23 Q. Officer Gregg, can you tell the jury where you work?

24 A. I work at the Charleston Police Department in the
25 patrol division.

1 Q. And what is your current position with the Charleston
2 Police Department?

3 A. I'm currently a senior police officer with Team 1
4 patrol and a training officer.

5 Q. And what are your duties and responsibilities as a
6 senior officer and a training officer?

7 A. As a senior police officer, I'm currently assigned to
8 patrol so I respond to calls as needed. And when we don't
9 have a supervisor sometimes I perform those duties as well.

10 Q. Okay. So you're on a proactive patrol?

11 A. Yes, ma'am.

12 Q. How long have you been working for CPD?

13 A. I worked for CPD for six years.

14 Q. Did you ever have any prior law enforcement experience?

15 A. Yes, ma'am.

16 Q. Can you tell the jury where you've had prior law
17 enforcement experience?

18 A. I worked for the State of California for four years in
19 an investigative format.

20 Q. And on September 19, 2015, in what capacity were you
21 working with CPD?

22 A. I was a detective.

23 Q. Were you assigned a particular unit?

24 A. I was assigned to property, the auto theft division.

25 Q. Okay. Can you explain to the jury what some of your

1 duties and responsibilities were as a detective. Not only
2 in that unit, but in general?

3 A. Although I specialized in auto theft and white-collar
4 crime, I also responded just as any of the detectives to our
5 on-call. We took rotations so that CPD has an on-call
6 detective at all times. At the time of this, I was working
7 the 10:00 a.m. to 6:00 p.m. shift basically Monday through
8 Sunday that week as an on-call detective. So I respond out
9 to anything from missing person to an assault . . .

10 Q. Okay. And, Officer, you may have just answered this
11 question. You were working as a detective in
12 September 2015?

13 A. Yes, ma'am.

14 Q. And the day of September 19, 2015, you were working as
15 an on-call detective?

16 A. Yes, ma'am.

17 Q. In regards to this case, or any case for that matter
18 that you were the on-call detective, what you do first as
19 the on-call detective?

20 A. When you come on it all depends on what steps they are
21 at. I was not the first responding detective in the
22 situation. But when you were, you respond to the initial
23 scene; you talk to your witnesses, your victims; and you do
24 a canvas of the area of.

25 Q. Okay. So you were the first responding detective. Is

1 that correct? Is that right?

2 A. Yes, ma'am.

3 Q. So what did you do instead?

4 A. I helped canvas the area to see if there were any other
5 places where we could find evidence such as surveillance
6 cameras. Because often times people will either have them
7 on their homes or businesses that have surveillance cameras.
8 They are constantly monitoring or video taping what's going
9 on.

10 Q. And you said canvas the area. What area were you
11 canvassing?

12 A. Everything in the area we considered Gadsden Green.
13 And particularly I covered President Street and Nunan Street
14 area where we found some video cameras.

15 Q. I was going to show you what's been marked as State's
16 2, if I didn't put it over here, so we can talk about what
17 areas you were covering. Showing you what's been marked as
18 State's 2. Are you familiar with this area?

19 A. Yes, ma'am.

20 Q. And is this the area that you were canvassing at that
21 time?

22 A. Yes, ma'am.

23 Q. You can actually looking front of you on that screen;
24 you can draw on. Can you show the jury where you were
25 canvassing?

1 A. I was looking at through this area and basically around
2 the park. We had various businesses that run up along
3 President Street right there.

4 Q. And was there a particular business that stood out to
5 you?

6 A. Yes, ma'am. Lee Lee's Kitchen.

7 Q. I'd also like to show you State's 4 that's already been
8 marked and admitted, if I can. This shows you a better view
9 of what we're looking at here.

10 What are we looking at here, Officer -- Gregg. Excuse
11 me. Looking at Green with Officer Gregg.?

12 A. Yes. This is going to be -- you got President Street
13 along here. And it looks like Line Street goes along here.
14 And Lee Lee's Kitchen is up in this direction.

15 Q. Okay. So you said you were canvassing the area.
16 You're canvassing Gadsden Green, President Street, Line
17 Street. And you're looking for surveillance cameras. Is
18 that correct?

19 A. Yes, ma'am.

20 Q. Did you notice that Lee Lee's had surveillance cameras?

21 A. Yes, ma'am. They had external surveillance cameras.

22 Q. And what did you do after you noticed that they had
23 cameras?

24 A. Once we noticed the business was open, I made contact
25 with the manager and asked if we could view the video

1 surveillance. She helped us located that.

2 Q. And when you accessed that footage, what did you
3 notice?

4 A. Around the time of the incident, about 6:30 in the
5 morning, is the time that we were looking at. And we can go
6 plus or minus at least 15, 20 minutes initially and then
7 expand our search if needed. We located two parties of
8 interest during that time frame that crossed directly in
9 front of their cameras.

10 Q. And what did you notice? How did these individual --
11 why were they parties of interest?

12 A. One subject was clearly shown carrying a rifle as he
13 was walking up from President Street towards Lee Lee's
14 Kitchen and around the corner at Nunan.

15 Q. Can you actually should to us?

16 A. So it's going to be coming out of this direction. And
17 the corner is kind of actually right here.

18 Q. Okay. So you saw one suspect carrying what you believe
19 is a rifle?

20 A. Correct.

21 Q. And who was the second subject of interest?

22 A. The second subject was someone driving a vehicle that
23 the along Nunan Street, which would have been back over this
24 way, and appeared to be waiting and discarding a cigarette,
25 or a couple of cigarette butts.

1 Q. And, Officer Gregg, can you explain to the jury,
2 because of your training and experience not only as a patrol
3 officer, senior officer, and detective, why a cigarette
4 would be considered something of intense evidentiary value?

5 A. Because we have the chance of obtaining DNA off of it.

6 AST. SOL. GINSBERG: Your Honor, may I approach?

7 THE COURT: You may.

8 Q. I'm showing you what's been marked just for ID purposes
9 as State's Exhibit 94. Do you recall with this exhibit is?

10 A. Yes, ma'am.

11 Q. And can you explain what it is.

12 A. This is going to be the surveillance video in the video
13 from Lee Lee's Hot Kitchen.

14 Q. And how you know that or are there any indicators ---

15 A. My initials are on it.

16 AST. SOL. GINSBERG: May I approach, Your Honor?

17 THE COURT: You may.?

18 Q. Other than receiving this video footage as part of your
19 investigation, did you do anything else in regards to this
20 case?

21 A. We canvassed just the area where we saw the cigarette
22 butt thrown. And we went back and forth in a line motion
23 and located two cigarette butts in that area.

24 Q. And you said we. I apologize, just to clarify to the
25 jury. We is who? You and?

1 A. Myself, at the time, Lieutenant Weis (ph). Crime scene
2 technicians also came back to make sure that we didn't miss
3 anything in that section.

4 Q. And to retrieve those cigarettes?

5 A. Yes, ma'am.

6 AST. SOL. GINSBERG: Beg the Court's indulgence.

7 THE COURT: Yes, ma'am.

8 Q. Just briefly, Officer Gregg, when you were viewing that
9 surveillance footage, Lee Lee's Hot Kitchen, did you have a
10 clear view of the location of that cigarette butt?

11 A. It fell into the ground directly outside Lee Lee's
12 Kitchen.

13 Q. Okay. So when you called crime scene to assist, you
14 had what you believed was the location of that exact butt?

15 A. Yes, ma'am.

16 Q. And do you believe that crime scene picked up the butt
17 that you saw?

18 A. Yes, ma'am.

19 MS. FORD: Objection. Speculation.

20 THE COURT: Please restate the question. I didn't hear
21 you.

22 AST. SOL. GINSBERG: Your Honor, I said, "Do you
23 believe that crime scene picked up the cigarette butt that
24 you saw thrown?"

25 THE COURT: I think you need to rephrase the question

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1 and bring it within the ration of perception.

2 AST. SOL. GINSBERG: Yes, Your Honor.

3 THE COURT: And not base it on hearsay.

4 AST. SOL. GINSBERG: Absolutely.

5 Q. Officer Gregg, you were with crime scene when they
6 picked up these cigarette butts?

7 A. Yes, ma'am.

8 Q. And you showed them the location of where you saw the
9 cigarette butt being thrown?

10 A. Yes, ma'am.

11 Q. And the crime scene tech who was there to collect that
12 evidence, collected the butt that you pointed out?

13 A. Yes, ma'am.

14 AST. SOL. GINSBERG: No further questions for this
15 witness.

16 THE COURT: Any questions for the witness?

17 MS. FORD: Beg the Court's indulgence.

18 THE COURT: Yes, ma'am.

19 MS. FORD: I have no questions for this witness, Your
20 Honor.

21 THE COURT: Any objection to the witness being excused?
22 From the State?

23 AST. SOL. GINSBERG: None from the State, Your Honor.

24 THE COURT: From the defense?

25 MS. FORD: No, Your Honor.

1 THE COURT: Ma'am, you're excused. Would counsel
2 approach for me, please.

3 (A bench conference was held off the record and out of
4 the hearing of the jury panel.)

5 THE COURT: Mr. Foreman, ladies and gentlemen, we're
6 going to take advantage of this break in testimony to take
7 an evening recess. The next witness will take us well
8 beyond five o'clock. And again, as I've indicated, we
9 recognize that you have other responsibilities during the
10 evening hours. So I'm trying my best not to keep you beyond
11 five. During this break, please do not discuss the case
12 among yourselves or with anyone else. Please don't do any
13 independent research on the Internet, and do not read,
14 watch, or listen to any media accounts about this case if
15 there are any. That includes newspaper, radio, television
16 or Internet. When you return in the morning, you'll come
17 directly to your jury room. I have a matter that I'm going
18 to be hearing before we begin. But I should be done by
19 9:30. I'm going to start that well in advance of your
20 arrival, and it should only take a few moments. But in the
21 event I have to fall on my sword, I'm just telling you in
22 advance. If we start at 9:35, it's my fault. So if you all
23 -- as soon as everyone arrives, if you all are here by 9:30,
24 I anticipate that we will resume testimony at that time.
25 If you will leave your notepads in your seats. And

1 again, please don't have any contact with anyone in or about
2 the courthouse as you return. Have a great evening. We'll
3 see you in the morning at 9:30.

4 (The jury exits the courtroom at 4:45 p.m.)

5 THE COURT: You may be seated. Okay. Now, from this
6 list, who are you all not calling? Do you want me to go by
7 the numbers I had?

8 AST. SOL. SIMPSON: Judge, it may be easier if we tell
9 you who we're not. Because we're really getting down ---

10 THE COURT: Give the numbers. Like number 4, number 5,
11 number ---

12 AST. SOL. SIMPSON: Just some rebuttal witnesses we're
13 calling.

14 MS. FORD: I'm sorry, Judge.

15 THE COURT: Do we have the same list? My list excludes
16 Ms. Brown. And number 4 is Candace Godfrey; number 5 is
17 Kindard Brown; number 6 is Jerrell Risher.

18 AST. SOL. SIMPSON: No, no.

19 THE COURT: So 7 is Tanya Middleton.

20 AST. SOL. SIMPSON: No, ma'am.

21 THE COURT: So you're not calling 4 through 8. Is that
22 correct?

23 AST. SOL. SIMPSON: Correct.

24 THE COURT: Ten, Detective Eric Tuttle.

25 AST. SOL. SIMPSON: Yes.

1 THE COURT: Eleven, Officer J. Saunders.
2 AST. SOL. SIMPSON: No, Your Honor.
3 THE COURT: Twelve, Kirk Jacobson.
4 AST. SOL. SIMPSON: No, Your Honor.
5 THE COURT: Thirteen, Mary Phillips?
6 AST. SOL. SIMPSON: No, Your Honor.
7 THE COURT: Fifteen, Judy Gordon?
8 AST. SOL. SIMPSON: No, Your Honor.
9 THE COURT: Sixteen, J.C. Miller?
10 AST. SOL. SIMPSON: Yes.
11 THE COURT: Seventeen, Detective Bechtold?
12 AST. SOL. SIMPSON: No, Your Honor.
13 THE COURT: Eighteen, Kadeshia Campbell?
14 AST. SOL. SIMPSON: No, Your Honor.
15 THE COURT: Nineteen, Thomas Bailey?
16 AST. SOL. SIMPSON: Probably not, Your Honor.
17 THE COURT: Okay. I'll just put a question mark.
18 Tomeka President, number 20?
19 AST. SOL. SIMPSON: Yes, Your Honor.
20 THE COURT: Clay Simmonds, FBI?
21 AST. SOL. SIMPSON: Yes, Your Honor.
22 THE COURT: 26, Thomas Walters?
23 AST. SOL. SIMPSON: No, Your Honor.
24 THE COURT: Kevin Shurbine?
25 AST. SOL. SIMPSON: No, Your Honor.

1 THE COURT: Lisa Blodworth?

2 AST. SOL. SIMPSON: No, Your Honor. We do have a
3 witness on the list that was on -- that was called.

4 THE COURT: Who is that?

5 AST. SOL. SIMPSON: Trivell Richardson.

6 THE COURT: Huh?

7 AST. SOL. SIMPSON: Trivell Richardson.

8 THE COURT: What number was he? Or was he left off?
9 Oh, that's number 8.

10 AST. SOL. SIMPSON: Yeah. He would be at that top.

11 THE COURT: So I misunderstood what you said to me. So
12 number 4, Ms. Godfrey, number 5, Mr. Brown, number 6, Mr.
13 Risher, and number 7, Ms. Middleton, you are not calling.
14 But number 8, Trivell Donte Richardson you are?

15 AST. SOL. SIMPSON: Yes.

16 THE COURT: So then that leaves us with? Six witnesses
17 left? Does that sound right?

18 AST. SOL. SIMPSON: That sounds correct, Your Honor.

19 THE COURT: So worst case scenario, y'all close
20 tomorrow?

21 AST. SOL. SIMPSON: We'll rest tomorrow, yes.

22 THE COURT: So you all should be ready to proceed, I
23 would presume, worst case scenario, Wednesday afternoon
24 sometime; best case Thursday morning.

25 MS. FORD: The US attorney called and was kind enough

1 to be helping. She said no one in her office actually even
2 dealt with this -- and she said she thinks they figured it
3 out. I don't know, especially I think there's supposed to
4 be a 24 ---

5 THE COURT: Don't they need to contact the Judge's law
6 clerk? They do all the time. You don't need to have
7 anybody -- I mean, is that ---

8 MS. FORD: No, ma'am. My contact is a US attorney.

9 THE COURT: I mean, is she -- I mean ---

10 MS. FORD: I think she's helping with it. Or I'm not
11 even sure how they got her name. But Ms. Early (ph)
12 actually has been kind enough. She's been helping -- got an
13 attorney on it.

14 THE COURT: Okay.

15 MS. FORD: So it's possible he would not be available
16 until Thursday morning -- Wednesday, so.

17 THE COURT: Okay. Are any of these other witnesses you
18 plan to call: Delvin Seagers, Peggy Blake, Tonya Middleton,
19 Edith Campbell, Patricia Campbell? You said you didn't plan
20 to call any of the officers. You just listed them.

21 MS. FORD: Yeah. I don't believe I'll be calling any
22 officers. If I do, it would be briefly just ---

23 THE COURT: If you need the State's assistance, I would
24 ask that you give them a heads up so they can make them
25 available.

1 MS. FORD: We did subpoena them and ---

2 THE COURT: Okay. Is there anybody on this list you
3 don't plan to call?

4 MS. FORD: I'm pretty sure I'm not going to call the
5 Campbells, Your Honor. I'm not a hundred percent I'm not,
6 but I'm pretty sure I won't. I should be calling Peggy
7 Blake.

8 THE COURT: Okay.

9 MS. FORD: Possibly, Mr. Middleton. He's my
10 investigator. I don't think any of the witnesses will be
11 necessarily lengthy.

12 THE COURT: I'm just asking for scheduling purposes.
13 Delvin Seagers?

14 MS. FORD: He would probably be the lengthiest, yes,
15 Your Honor.

16 THE COURT: And Tonya Middleton?

17 MS. FORD: I don't think I'll call Tonya.

18 THE COURT: Do you have the defendant's record? So
19 that they can start talking to him about that whether the
20 defendant is going to testify. So that when I question
21 him ---

22 AST. SOL. SIMPSON: Yes, Your Honor. We would probably
23 seek to impeach. But an attempted strong robbery, assault
24 with intent to kill ---

25 THE COURT: I need you to slow down. Attempted strong

1 arm robbery, what year?

2 AST. SOL. SIMPSON: '01.

3 THE COURT: And when did his confinement end?

4 AST. SOL. SIMPSON: I think he got an active YOA and it
5 was reactivated in '03. So they carried over into . . .

6 THE COURT: That would be '08? Can't go longer than
7 five years.

8 AST. SOL. SIMPSON: It was reactivated in '06. He was
9 out in February of '07. So we're getting close.

10 THE COURT: So his confinement would have ended in
11 February '17?

12 AST. SOL. SIMPSON: No. I have it -- that may take
13 some investigation on part to see ---

14 THE COURT: Yeah. If it was reactivated and ended in
15 February '07, he's got ten years. So that means February
16 '17.

17 MS. FORD: And I would object to that because -- first
18 of all -- far away. It has nothing to do with honesty.

19 THE COURT: Well, I don't know. I'll have to cross
20 that bridge when I come to it. I've got to deal with the
21 first -- level, which is the age of it.

22 AST. SOL. SIMPSON: We have in '07 possession of a
23 weapon where he got ---

24 THE COURT: Yeah. But that's not gonna come in.

25 AST. SOL. SIMPSON: --- seven to five years.

1 THE COURT: Pardon me?

2 AST. SOL. SIMPSON: 8.75 years.

3 THE COURT: Yeah. But a possession of a weapon, that
4 doesn't bear on his credibility.

5 AST. SOL. SIMPSON: Okay. But he's been confined on
6 that.

7 THE COURT: I'm sorry. I couldn't hear you. Say that
8 one more time?

9 AST. SOL. SIMPSON: He's been confined on those
10 offenses, possession of a weapon . . . That's the only
11 thing ---

12 THE COURT: He had a conviction for PWID? I thought you
13 said he has a charge for PWID.

14 AST. SOL. SIMPSON: Oh, I'm sorry. I'm reading the
15 record wrong. No, it's just the weapon.

16 THE COURT: Okay.

17 AST. SOL. SIMPSON: And he's been incarcerated on that
18 until ---

19 THE COURT: So it's a pending charge; there's not a
20 disposition or a conviction? I'm confused.

21 AST. SOL. SIMPSON: I'm sorry. I'm not being very
22 articulate. I'm sorry. I read an arrest in error as a
23 conviction.

24 THE COURT: Okay. All right.

25 AST. SOL. SIMPSON: The possession of a weapon charge

1 that you said is not coming in is the only one.

2 THE COURT: Yeah. It wouldn't come in. It's not
3 probative of his truth unless -- and it's too close to what
4 he's being charged with. I can run the risk of that. It's
5 just not probative on truthfulness. I can't think of any
6 case law that says it would be.

7 Now, the attempted strong arm rob -- attempted strong
8 arm robbery conceivably could if it involved a theft, and
9 it's your burden to prove that. I don't know how an attempt
10 that don't culminate into crime would meet that -- but you
11 can research it and see. And the age of it is, you know,
12 you have to give them notice if you plan to use it beyond
13 the ten years. And the ten years literally expired in
14 February of '17.

15 AST. SOL. SIMPSON: That's correct. We admittedly did
16 not provide notice.

17 THE COURT: You said you didn't give him notice?

18 AST. SOL. SIMPSON: We did not.

19 THE COURT: Evidence of the conviction under this rule
20 is not admissible for a period of more than ten years,
21 hasn't lapsed since the date of the conviction or other --
22 of the witness from confinement and post to that conviction,
23 whichever is the later date, unless the Court determines in
24 the interest of justice that the probative value of the
25 conviction is supported by specific facts and circumstances

1 that substantially outweighs the prejudicial effect.
2 However, evidence of the conviction more than ten years old
3 is calculated is not admissible unless the proponent gives
4 to the adverse parties sufficient advance written notice of
5 intent to use such convictions to provide the adverse party
6 a fair opportunity to contest the issue of such evidence.

7 So you need to -- the period of conviction -- the
8 period of confinement ends when he's outside of the
9 controlling system. So that means even when either -- under
10 a YOA, that would mean when his supervised release is over.
11 I just didn't articulate that. His release is not by
12 community supervision. It's his parole. So whenever his
13 parole has ended, count it ten years from that.

14 AST. SOL. SIMPSON: Yes, Your Honor. I may have to do
15 some investigation on that.

16 THE COURT: Look into that. And then the other hurdle
17 is you're going to have to prove with the distinction of --
18 that it actually involved a theft; not an attempted theft,
19 but a theft.

20 AST. SOL. SIMPSON: Okay. It did not. I reviewed the
21 indictment. And the allegation that he pled to is that he
22 tried to take something but the person fled and he shot them
23 as they were trying to ---

24 THE COURT: I'm not aware of any case law that -- you
25 know, I'll -- regardless because they were probative of the

1 truthfulness, and I forget the cases that distinguish it
2 that says you have to prove it actually involved a theft
3 because you have so many burglaries where people just
4 busting into their friends house because they're jealous.
5 I'm certain that's -- that distinction. It's all burglaries
6 really don't all involve thefts.

7 AST. SOL. SIMPSON: Right.

8 THE COURT: So I think under -- I can't remember the
9 case law on the top of my head right now -- but you have to
10 prove that that attempted strong arm robbery actually
11 involved some level of a theft from someone for it to come
12 within the ambit -- to impeach him with it.

13 AST. SOL. SIMPSON: Okay.

14 THE COURT: But you can research it and see. I'm not
15 aware of any case law that talks about attempt.

16 AST. SOL. SIMPSON: Okay. I'll see if I can clear it
17 up and take a look at that tonight.

18 THE COURT: All right. Is there anything else we need
19 to take up before we break for the evening? From the State?

20 AST. SOL. SIMPSON: No, Your Honor.

21 THE COURT: From the defense?

22 MS. FORD: No, Your Honor.

23 THE COURT: All right. Have a good evening.

24 (The proceedings adjourned for the evening at

25 5:00 p.m.)

1

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2

(The proceedings resumed Wednesday, January 10, 2018)

3

THE COURT: Is the State ready to proceed?

4

BY AST. SOL. SIMPSON: Yes, your Honor.

5

THE COURT: Is the defense ready to proceed?

6

MS. FORD: Yes, Your Honor.

7

THE COURT: Please bring in the jury for me.

8

(Brief pause.)

9

(The jury enters the courtroom at 10:12 a.m.)

10

THE COURT: You may be seated. Good morning, ladies

11

and gentlemen. I hope everybody had a pleasant evening.

12

Again, I apologize for the delay. I had another matter I

13

needed to deal with that was unrelated to this case. And to

14

true form, I need to fall on my sword. it took a little

15

longer than expected. So I appreciate your patience. We're

16

now going to resume testimony. The State may proceed.

17

BY AST. SOL. GINSBERG: Thank you, Your Honor.

18

THE COURT: You're welcome.

19

BY AST. SOL. GINSBERG: The State calls crime scene

20

tech Jeff Miller.

21

THE COURT: Sir, if you would come forward to be sworn.

22

(JEFFREY MILLER, was duly sworn and provided the

23

following testimony.)

24

CLERK: Please take your seat spelling your first and

25

last name for the record.

1 THE WITNESS: Jeffrey Miller, M-I-L-L-E-R.

2 THE COURT: You may proceed.

3 BY AST. SOL. GINSBERG: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 DIRECT EXAMINATION

6 BY AST. SOL. GINSBERG:

7 Q. Good morning, Mr. Miller.

8 A. Good morning.

9 Q. Can you tell the jury where you work?

10 A. I work for the Charleston Police Department.

11 Q. And what is your current position at CPD?

12 A. Crime scene investigator.

13 Q. And can you tell the jury what are some of your duties
14 and responsibilities are as a crime scene investigator?

15 A. We respond to scenes when the officers request us. We
16 take photographs and document different items. We collect
17 for physical evidence.

18 Q. And how long have you worked as a crime scene
19 investigator?

20 A. Have been for 24 years. Started in September of '94 as
21 a crime scene investigator. Back then, I was a crime scene
22 officer because I was a police officer.

23 Q. So 24 years as a crime scene investigator. Mr. Miller,
24 have you received any training or certifications to become
25 an investigator?

Direct Examination of Mr. Miller by Ast. Sol. Ginsberg

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1 A. When I first went in as a police officer so I did one
2 month riding with a crime scene tech. And over all the
3 years I've been in there, I've attended latent fingerprint
4 photography at the FBI Academy. I've been to the
5 Northwestern Traffic Institute where I was -- the Forensic
6 Achievement Award.

7 Q. And were you working as a crime scene investigator
8 September 19, 2015?

9 A. Yes, I was.

10 Q. Did you have the occasion to respond to ■ Nunan Street
11 in reference to homicide call?

12 A. Yes, I did.

13 Q. And can you explain to the jury why you responded to ■
14 Nunan Street?

15 A. I was requested by detectives to meet them there at
16 that location?

17 Q. Why were you responding to that location?

18 A. They had located some cigarette butts that were in the
19 street, and they wanted some photographs taken of the area
20 where the cigarette butts were and for me to collect the
21 cigarettes.

22 Q. Did you take photographs of that area?

23 A. Yes, I did.

24 BY AST. SOL. GINSBERG: Your Honor, may I approach this
25 witness?

1 THE COURT: You may.

2 Q. Mr. Miller, I'm showing you what's been marked and
3 previously admitted as State's exhibits 91 and 92. Do you
4 recognize these photographs?

5 A. Yes, I do.

6 Q. And what are those photographs?

7 A. These are pictures of Nunan Street in the area where I
8 picked up cigarette butts?

9 Q. And are those the pictures that you yourself took?

10 A. Yes.

11 Q. And do they accurately and fairly represent the
12 location of ■ Nunan Street?

13 A. Yes.

14 BY AST. SOL. GINSBERG: Your Honor, may I approach?

15 THE COURT: You may.

16 BY AST. SOL. GINSBERG: And may I publish to the jury?

17 THE COURT: You may.

18 Q. Just briefly, Mr. Miller, show you State's exhibit 91.
19 And if you could tell the jury what we're looking at here?

20 A. This is a photograph showing -- to the left you can see
21 ■ Nunan Street right here.

22 Q. You can use the screen in front of you if you like.

23 A. It's here.

24 Q. Okay. That's Nunan Street.

25 A. And the reason we used that address is because it was

1 out in the street in front of the house. That's why we have
2 it listed as -- ■.

3 Q. Do you recall any of the businesses near ■ Nunan
4 Street?

5 A. The businesses are along the right side of the
6 photograph.

7 Q. Do you recall this business itself? Do you know what
8 business that is?

9 A. No.

10 Q. Okay. I'm going to show you what is now marked as
11 State's 92. Can you show us what we are looking at here?
12 And I can zoom in if you need me to?

13 A. In this photograph you can see the cigarette butts that
14 we collected. And here is one of them and here's the other.

15 Q. And what are these little white things that you have
16 right here?

17 A. Those are placards that I just wrote the number on. As
18 you can see I use number 1 and then I used a number 2. When
19 I submitted the items at into evidence, I made them 201 and
20 202.

21 Q. Okay. So, Mr. Miller, you said you photographed the
22 area and then you collected the cigarette butts. Is that
23 correct?

24 A. That's correct.

25 Q. Can you tell the jury the process of collection. What

1 is that mean? What does that entail?

2 A. Well, what we do in this case the cigarette butts are
3 collected for possible DNA. We check for DNA. So you don't
4 want to contaminate them with your DNA so you collect them,
5 seldom, place them in an envelope, and then they were taken
6 to the station to be logged.

7 Q. And did you do that with the cigarette butts in this
8 case?

9 A. Yes.

10 BY AST. SOL. GINSBERG: Your Honor, may I approach?

11 THE COURT: You may.

12 (Brief pause.)

13 BY AST. SOL. GINSBERG: Your Honor, may I approach this
14 witness?

15 THE COURT: Yes, ma'am.

16 Q. Mr. Miller, I'm showing you what's been marked for ID
17 purposes only as State's 110 and 111. Do you mind looking
18 and identifying these items. If you'd like to put gloves
19 on, you're more than welcome to, if you like. Do need
20 scissors or anything --

21 A. -- need to open it.

22 Q. Okay.?

23 BY AST. SOL. GINSBERG: May I approach the witness,
24 Your Honor?

25 THE COURT: You may.

1 Q. Do you recognize these items --

2 A. In these envelopes, these yellow envelopes, are the
3 envelopes that I placed the cigarette butts into. This tag
4 is the tech that I placed in the envelopes which gives it
5 the item number. You see item 202. I then seal it with
6 tape and that's my initials on there. So that was done for
7 both envelopes. (Brief pause.) This is the envelope that I
8 actually put the cigarette butt into. Item 202, case
9 number, I then initial it as well. And it's placed into the
10 bigger envelope.

11 Q. And it's sealed. Is that what you said before? It was
12 sealed.

13 A. Yes. When I place a cigarette butt into it, the
14 envelope, this enveloped is sealed. And then it's placed in
15 this envelope it is sealed again.

16 Q. And that's the same for exhibit 111 as well?

17 A. 110 and 111.

18 Q. And these are the cigarette butts that you collected at
19 ■ Nunan Street?

20 A. Yes.

21 Q. Just briefly, you've already done if I'd and you've
22 already covered this just a little bit, from your experience
23 and training as a crime scene investigator, and you also
24 said you worked in a police officer capacity before, why are
25 cigarette butts typically -- why do they have evidentiary

1 value?

2 A. Well, if a person is smoking a cigarette and places it
3 in their mouth then that's a good source for getting DNA.
4 So a cigarette but is in absorbent material so that's why
5 it's . . .

6 Q. And that is -- I'm sorry. I didn't mean to interrupt
7 you. And that's why it's collected. And then after the
8 collection process when it is all sealed to make sure
9 there's no cross-contamination, what do you do after that?

10 A. After I collect it, it's then taken to the station and
11 then stored. And the detective will decide whether or not
12 he wants it to be set off for examination for DNA.

13 Q. Thank you, Mr. Miller.

14 BY AST. SOL. GINSBERG: Beg the Court's indulgence.

15 THE COURT: Yes, ma'am.

16 BY AST. SOL. GINSBERG: No further questions for this
17 witness.

18 THE COURT: Any questions for the witness?

19 BY MR. WILLIAMS: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 MR. WILLIAMS: Just briefly, Your Honor.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. WILLIAMS:

25 Q. Good morning.

1 A. Good morning.

2 Q. In addition to collecting cigarette butts, you also
3 responded to the hospital, correct?

4 A. Correct.

5 Q. And there you performed a GSR test on the victim.

6 A. That's correct.

7 Q. And that stands for?

8 A. Gunshot residue.

9 Q. Gunshot residue test, right?

10 A. Yes.

11 Q. And in addition to that test, you collected some items
12 from the doctor who performed the autopsy?

13 A. Yes.

14 Q. Collected some clothes, pack of cigarettes?

15 A. Yeah. I don't have my list in front of me. But, yeah,
16 any of his personal items that he would've had at the time
17 like clothing, yes, sir, it would've been collected.

18 Q. There was about \$450 in cash?

19 A. I don't remember the exact amount, sir.

20 Q. You wrote a report?

21 A. Yes.

22 Q. And you did not report you have detailed what you
23 collected --

24 A. Yes.

25 Q. Would taking a look at that report refresh your --

1 A. Yes.

2 BY AST. SOL. GINSBERG: Objection, Your Honor. May we
3 approach?

4 THE COURT: Yes.

5 (A bench conference was held off the record and out of
6 the hearing of the jury panel.)

7 MR. WILLIAMS: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 Q. If you could just take a look at that to yourself. And
10 the relevant part, I believe, is on the backside.?

11 A. (Witness complies.) Okay.

12 Q. And what is that piece of paper?

13 A. This is a copy of the supplemental report by myself?

14 Q. You wrote that?

15 A. Yes, I did this.

16 Q. Okay. By taking a look at it, does it refresh your
17 recollection of what you collected?

18 A. Yes.

19 Q. And so did you collect approximately \$450 in cash?

20 A. 452, so it was a little more.

21 Q. Thank you. You also -- speaking of your reports, you
22 were also the supervisor of some other individuals who wrote
23 reports in this case?

24 A. Well, no, not really. I do approve reports.

25 Q. Okay.

1 A. I do have access to do that. And it shows up as me
2 being the supervisor just approving the report.

3 Q. And so when you approved the report, you read through
4 the report?

5 A. Yes.

6 Q. And you're aware of what is in the report?

7 A. Yes.

8 Q. And so you know what the other crime scene technicians
9 did when they responded to a scene or did something in the
10 case?

11 A. Yes.

12 Q. Thank you. And in this case, you signed off as a
13 supervisor on the report about gunshot residue testing on a
14 vehicle?

15 A. I don't remember, but it's possible.

16 MR. WILLIAMS: Court's indulgence.

17 THE COURT: Yes, sir.

18 Q. Now, when you perform a gunshot residue test, just
19 generally, you're performing that test to see if there is
20 any gunshot residue, correct?

21 A. Well, what the test is is just a collection. In the
22 case we used -- it's like a little sticky -- and it's a
23 piece of -- it's almost like a tape but it's in a little
24 plastic container. You open it up and then you just dab it
25 on the hands. We had one for the back, one for the palm.

1 So you had four total. And then those are sealed into an
2 envelope. And then if the detective request it, they go to
3 SLED to be analyzed for gunshot residue. It's not anything
4 we test.

5 Q. So it's fair to say that a lot of times when you
6 perform a gunshot residue test that they come back negative
7 that there's no gunshot residue at all?

8 A. Well, that's up to an analyst to tell you. There are
9 factors which could play into there not being any residue.
10 There are certain types of ammunition that do not leave
11 residue.

12 Q. I guess what I'm trying to get to is when you go
13 perform this gunshot residue test, you're not certain that
14 there's going to be gunshot residue or not?

15 A. Correct.

16 MR. WILLIAMS: Court's indulgence. (Brief pause.)
17 Nothing further, Your Honor.

18 THE COURT: Any redirect?

19 BY AST. SOL. GINSBERG: Just briefly, Your Honor.

20 THE COURT: You may proceed.

21 BY AST. SOL. GINSBERG: Thank you.

22 THE COURT: You're welcome.

23 REDIRECT EXAMINATION

24 BY AST. SOL. GINSBERG:

25 Q. Mr. Miller, Mr. Williams keeps talking about this

1 gunshot residue. First of all, when you're collecting for
2 GSR, is that a standard collection pattern for a homicide
3 case?

4 A. Well, for homicides and then we have cases involving
5 where we might have a victim with a gunshot he survives, we
6 will do them. It's a time-sensitive collection. According
7 to SLED, from the time it happens up to four hours is the
8 best time to collect a sample from somebody. And anything
9 ever four then we might as well as not do it. Because
10 you're looking for particles and particles will fall off.
11 Now, if it's an object such as a car then there is really no
12 time frame. You can do a car anytime. But that's just
13 based on information that we've gotten from SLED.

14 Q. You just mentioned the word particles. From your
15 training and experience, if you're in the vicinity of an
16 area that's been shot up, could those particles be found on
17 you?

18 A. Well, yes. It's possible because the particles are
19 like floating around. That's more of a question for
20 somebody who actually does this test, who examines the
21 gunshot residue.

22 Q. We talked about you went to the hospital and you did a
23 GSR on the victim. You just mentioned that standard
24 collection. Did you have any specific information that the
25 victim in this case fired a gun?

1 A. I did, no.

2 AST. SOL. GINSBERG: Nothing further, Your Honor.

3 THE COURT: Any objection to the witness being excused?

4 From the State.

5 AST. SOL. GINSBERG: None from the State, Your Honor.

6 THE COURT: From the defense?

7 MR. WILLIAMS: No, Your Honor.

8 THE COURT: Sir, you're excused.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: You're welcome. Call your next witness.

11 AST. SOL. SIMPSON: Your Honor, may I approach briefly?

12 THE COURT: Sure.

13 (A bench conference was held off the record and out of
14 the hearing of the jury panel.)

15 THE COURT: Is there any member of the panel related by
16 blood or marriage to Carolyn Frost? If so, please stand at
17 this time.

18 (No response.)

19 THE COURT: Does any member of the jury panel have a
20 close personal or social relationship with Carolyn Frost?
21 If so, please stand at this time.

22 (No response.)

23 THE COURT: Let the record reflect that both questions
24 in voir dire there was no positive response. The State may
25 proceed.

Direct Examination of Ms. Frost by Ast. Sol. Simpson

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1 AST. SOL. SIMPSON: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 AST. SOL. SIMPSON: The State would like to briefly
4 call Ms. Carolyn Frost.

5 THE COURT: Ma'am, if you would come to the stand to be
6 sworn.

7 (CAROLYN FROST, was duly sworn and provided the
8 following testimony.)

9 CLERK: Please take your seat. Speaking directly to
10 the microphone, spell your first and last name.

11 THE WITNESS: Carolyn Frost, F-R-O-S-T.

12 THE COURT: You may proceed.

13 DIRECT EXAMINATION

14 BY AST. SOL. SIMPSON:

15 Q. Ms. Frost, good morning?

16 A. Good morning.

17 Q. Who is Antwan Frost and his relation to you?

18 A. He was my son. He was my oldest son.

19 THE COURT: Ma'am, I need you to speak directly to the
20 microphone, please. Thank you.

21 A. He was my oldest son.

22 Q. And were you to close?

23 A. Very close.

24 Q. Where you familiar me with his habits vis-à-vis working
25 and occupations?

1 A. Yes, sir.

2 Q. Was he a hard worker?

3 A. Very hard.

4 Q. Did he maintain legal and lawful employment?

5 A. Yes, sir. He did.

6 Q. How did he typically carry the money that he made and

7 that legal and lawful employment?

8 A. He carried a lot of cash in his pocket.

9 Q. Okay. In September of 2015, where did Antwan work?

10 A. He worked in the beer garden restaurant on East Bay

11 Street.

12 Q. Okay. Is at the East Bay Beer Garden?

13 A. Yeah. East Bay Beer Garden, yes, sir.

14 Q. Okay. And would he work a lot of shifts there?

15 A. Yes, sir.

16 Q. Dino?

17 A. To my knowledge, yes, sir.

18 Q. Okay.

19 BY AST. SOL. SIMPSON: Thank you so much, Ms. Frost. I

20 don't have anything else.

21 THE COURT: Any questions for the witness.

22 MS. FORD: Just briefly, Your Honor.

23 THE COURT: You may proceed.

24 CROSS-EXAMINATION

25 BY MS. FORD:

1 Q. Ms. Frost --

2 A. Good morning.

3 Q. Good morning. Your son did not live with you, correct?

4 A. No, he didn't.

5 Q. So is it fair to say you were not with him at all
6 times?

7 A. No, I wasn't.

8 MS. FORD: No further questions.

9 THE COURT: Any redirect.

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: Ma'am, you may step down. Call your next
12 witness.

13 AST. SOL. SIMPSON: Thank you, Your Honor. The State
14 calls Tomeka President.

15 THE COURT: Ma'am, if you will come forward to be
16 sworn.

17 (TOMEKA PRESIDENT, was duly sworn and provided the
18 following testimony.)

19 CLERK: Please take your seat. Spell your first and
20 last name for the record.

21 THE WITNESS: T-O-M-E-K-A, P-R-E-S-I-D-E-N-T.

22 THE COURT: You may proceed.

23 AST. SOL. SIMPSON: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 DIRECT EXAMINATION

1 BY AST. SOL. SIMPSON:

2 Q. Ms. President, good morning?

3 A. Good morning.

4 Q. Is being here this morning and enjoyable experience for
5 you?

6 A. No.

7 Q. Do you want to be here this morning?

8 A. No.

9 Q. Okay. Your presence to be here this morning has put
10 you in a difficult spot, hasn't it?

11 A. It does.

12 Q. Okay. And this is not something you've reached out and
13 wanted to do, correct?

14 A. (Nonverbal response.)

15 Q. In fact, from the beginning of this process, I think
16 it's something everyone can understand, this is not who you
17 are getting involved in this system. Is that fair to say?

18 A. Yes, sir.

19 Q. Okay. And you have not enjoyed doing it?

20 A. No.

21 Q. Nevertheless, I'm going to ask you a few questions.
22 I'm going to try to be as brief as to the point as possible.
23 Is that okay?

24 A. That's fine.

25 Q. Okay. And we're going to start with this individual

1 seated here in the middle of the table. Do you know who
2 that is?

3 A. Yes, sir.

4 Q. Okay. He was that.

5 A. Montrelle.

6 Q. Okay. What did you called Montrelle?

7 A. Troll.

8 Q. Okay. If you could expand to the jury, I never going
9 back here to 2015, a couple of years ago, how did you know
10 Montrelle back then?

11 A. We grew up at the Green through my brother and Velle
12 (ph).

13 Q. Okay. Let's just say that -- we might hear that name.
14 Do you know Velle's full name?

15 A. Trivelle.

16 Q. Okay. Do you know his last name?

17 A. No, sir.

18 Q. Okay. But you grew up knowing Montrelle's brother and
19 Velle, Trivelle? Is that what you said? I'm sorry?

20 A. No. Through my brother.

21 Q. Through your brother?

22 A. Yes.

23 Q. I'm sorry. I got confused. Apologize. Back to Green,
24 is that downtown?

25 A. Uh-huh. Yes, sir.

1 Q. Is that where you grew up?

2 A. Yes, sir.

3 Q. All right. Did you ever leave back to Green and moved
4 to any other area?

5 A. Austin Avenue.

6 Q. Okay. Where is Austin Avenue?

7 A. North Charleston.

8 Q. Okay. Is the Austin Avenue residence where you lived
9 in September 2015.

10 A. Yes, sir.

11 Q. Okay. At some point in your life, did you win
12 Montrelle's relationship take on sort of a romantic
13 component?

14 A. No, sir.

15 Q. Were you ever his girlfriend?

16 A. Yes, sir.

17 Q. Okay. That's kind of where I was getting at. Did you
18 and Montrelle start dating sort of as boyfriend and
19 girlfriend?

20 A. Technically, not boyfriend and girlfriend. But we were
21 leaning towards that way.

22 Q. Okay. I see. Would you go out from time to time?

23 A. Just one time. Because I just got out of a
24 relationship in August.

25 Q. Okay. In August of 2015?

1 A. Yes, sir.

2 Q. Okay. So between August of 2015 -- you know of this
3 incident that were talking about, generally speaking, here
4 today, right?

5 A. Uh-huh.

6 Q. So between August of 2015 in September of 2015, that's
7 when your relationship started going towards being his
8 girlfriend?

9 A. Yes.

10 Q. Okay. Did Montrelle ever stay at your house?

11 A. One time. That was it.

12 Q. Okay. Now, let's switch from Montrelle to Rail (ph).
13 You knew Rail for a while?

14 A. Rail?

15 Q. Trivelle. Sorry.

16 A. Yes, sir.

17 Q. And how well did you know Trivelle?

18 A. Since middle school --

19 Q. Okay. And back in September of 2015, where did
20 Trivelle live?

21 A. I have no clue.

22 Q. Okay. Did you ever see him up there near --

23 A. In my area? He used to cut my son's hair.

24 Q. Okay. So you saw him from time to time in your area?

25 A. Yes, sir.

- 1 Q. Okay. Up in North Charleston?
- 2 A. Uh-huh.
- 3 Q. Okay. And he used to cut your son's hair?
- 4 A. Yes, sir.
- 5 Q. So he knew you?
- 6 A. Yes, sir.
- 7 Q. Did he know your car?
- 8 A. My car?
- 9 Q. Yes, ma'am.?
- 10 A. I take him places from time to time.
- 11 Q. Okay. So he was familiar with your vehicle?
- 12 A. Yes, sir.
- 13 Q. What vehicle was that back in 2015?
- 14 A. Buick Century, gold.
- 15 Q. Okay. Kind of a goldish Buick Century?
- 16 A. Uh-huh.
- 17 Q. Would you recognize photographs of your car?
- 18 A. I mean, sure.
- 19 Q. Okay. I'm showing you what's been marked for ID only
- 20 as State's Exhibit number 131, 132, 133, and 134. Take a
- 21 look through those.?
- 22 A. (Witness complies.)
- 23 Q. What do those images depict?
- 24 A. Sir?
- 25 Q. What are those images show?

1 A. The bumper, the back part of my car, -- stickers on the
2 window.

3 Q. Okay. So that's your car?

4 A. Uh-huh.

5 Q. Do one of those pictures include license plate number?

6 A. Sir?

7 Q. Do one of those pictures --

8 A. First one.

9 Q. Okay. Do you remember that as being yours at the time?

10 A. Well, at that time, I wasn't shown a warrant. So I
11 didn't have a clue what car did they have at that time.

12 Q. Oh, no. I mean, do you recognize that as your car?

13 A. Oh, yes, I do.

14 Q. Do you recognize that as your license number --

15 A. Uh-huh.

16 Q. Okay. Ms. President, I know it's been a while, but I
17 want to take you back to September 2015?

18 A. Okay.

19 Q. Actually moved to early October of 2015. Do you
20 remember the police coming to talk to you?

21 A. Yes, sir. I remember.

22 Q. And you remember giving an interview with the police
23 back then.

24 A. Yes, sir.

25 Q. Okay. And they were interested in some things having

1 to do with that car. Is that correct?

2 A. Yes, sir.

3 Q. Okay. During the course of the interview, do you
4 recall being shown some video?

5 A. It depends on which one you're talking about.

6 Q. Okay. Do you remember the interview took place in an
7 interview room?

8 A. Yes, sir.

9 Q. Okay. And do you remember them walking you out the
10 interview room to another location?

11 A. Yes, sir.

12 Q. Okay. Did they take you to a computer?

13 A. Right.

14 Q. And did they show you some video?

15 A. They did.

16 Q. And did that video have a car in it?

17 A. It did.

18 Q. And whose car was that in that video?

19 A. At that time I didn't know because I also asked them
20 too show me the warrant of that car and they never did.

21 Q. Okay. When you say warrant of that car, what do you
22 mean?

23 A. They said that they had a warrant --

24 Q. Oh, a search warrant?

25 A. Yes.

1 Q. Oh, okay.

2 A. But they never did show me anything.

3 Q. Okay.

4 A. So I've seen everything as of today.

5 Q. Okay. So it's your testimony today that they should
6 you that video and you are -- you did not say that was your
7 car?

8 A. Yes, sir.

9 Q. Did you say it looked like your car?

10 A. I said it looked like my car. But until I see a search
11 warrant, I can go from there.

12 Q. Okay. I understand that. Is it fair to say, though,
13 and viewing the video you said the car in the video was
14 consistent with your car? Look like it.

15 A. Yes, sir.

16 Q. Make, model?

17 A. Yeah. A lot of people have Buicks.

18 Q. Right. Okay. So let's go from there. Okay. Of
19 course in Charleston a lot of people could drive Buick
20 Centurys?

21 A. Yes, sir.

22 Q. I am not making this up. My last car was a Buick
23 Century and it was about exactly like yours. So you can use
24 me as an example.

25 A. Okay.

1 Q. It was my parents-in-law's, but anyway. So other
2 people can have cars like that?

3 A. Yes, sir.

4 Q. Of course. But in the video, I'm asking you now, the
5 video that you saw that day, that looked like a car that was
6 just like yours?

7 A. Yes, sir.

8 Q. Could be someone else's of the same make and model.
9 But it was the same kind of car that you drive by the time?

10 A. Yes, sir.

11 Q. And you saw it in that video?

12 A. Yes, sir.

13 Q. Okay. You just couldn't see anything like
14 particular --

15 A. The license plate or nothing.

16 Q. Tag?

17 A. Uh-huh.

18 Q. When you told the police, "Hey, I drive a car just like
19 that." Right?

20 A. Yes, sir.

21 Q. Okay. Later, much later, as in, you know, the last few
22 weeks, did somebody from my office come to talk to you?

23 A. Tommy --

24 Q. Tommy. Correct. Did he show you some images?

25 A. No.

1 Q. No. Okay. He didn't show you some pictures?

2 A. No.

3 Q. Okay. Let's now get to the day that the police were
4 asking you about, that they were talking about. It was a
5 Friday night carrying over to a Saturday morning?

6 A. Uh-huh.

7 Q. Okay. Do you recollect that evening into the next
8 morning today?

9 A. A little.

10 Q. Okay. Do you remember telling the police who stayed
11 with you that Friday night?

12 A. Yes, sir.

13 Q. Who was that?

14 A. Montrelle.

15 Q. Okay. And you -- do you remember explaining to the
16 police kind of your work schedule for that Friday?

17 A. Yes, sir.

18 Q. And what was that work schedule? Did you work Friday
19 night?

20 A. Yes, sir.

21 Q. And did you have to work on Saturday?

22 A. Yes, sir. Morning.

23 Q. And what time did you have to be to work on that
24 Saturday morning?

25 A. Seven.

1 Q. Seven o'clock?

2 A. Uh-huh.

3 Q. That's a double shift.

4 A. It is.

5 Q. I'm an old food and beverage worker. Those are kind of
6 rough on you, aren't they?

7 A. Well, I had to open the cash office, so I had to be
8 there on time.

9 Q. Had to close the night before and be there in the
10 morning?

11 A. (Nonverbal response.)

12 Q. Okay. And when you're working a double like that and
13 you get home and, you know, you have to go back in the
14 morning, what do you do?

15 A. Go to sleep.

16 Q. Okay. Did you do that that Friday night?

17 A. Yes, sir.

18 Q. Okay. Best guess -- I understand it was a long time
19 ago -- about what time do you think you went to sleep?

20 A. A quarter to 12.

21 Q. Okay. Was Montrelle with you when you went to ---

22 A. --- yes, sir.

23 Q. Okay. Friday night leading into Saturday morning, you
24 had a work at seven o'clock?

25 A. Uh-huh.

Direct Examination of Ms. President by Ast. Sol. Simpson

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1 Q. Back then how did you get to work and back in the
2 mornings?

3 A. That day?

4 Q. No. Just generally speaking. Did you drive to work?

5 A. Yeah.

6 Q. In the car that we party taken a look at.

7 A. Yes, sir.

8 AST. SOL. SIMPSON: Your Honor, the State seeks to move
9 131, 132, 133 and 134 and evidence.

10 THE COURT: Any objection?

11 MS. FORD: No objection.

12 THE COURT: Marked and admitted without objection, 131
13 through 134. You may proceed.

14 AST. SOL. SIMPSON: Thank you.

15 THE COURT: You're welcome.

16 (State's Exhibit Numbers 131, 132, 133, and 134 were
17 received into evidence.)

18 Q. So that Saturday morning you were planning on taking
19 this car that we've looked at to work?

20 A. Uh-huh.

21 Q. And it was important to you that you be there -- why
22 was it important to you that you be there on time?

23 A. Because I had to open the cash office.

24 Q. Okay. Were you in town on Saturday?

25 A. No, sir.

1 Q. Okay. Let's talk about that Saturday morning when you
2 woke up.

3 A. Okay.

4 Q. All right. Let's talk about the first thing, you were
5 late?

6 A. Yes.

7 Q. Okay. Why were you late?

8 A. I was waiting on the taxicab.

9 Q. Why were you not taking your car to work?

10 A. Because my car wasn't in the lot.

11 Q. Okay. Explain to the jury little bit -- Ashton Avenue,
12 correct?

13 A. Austin.

14 Q. Austin?

15 A. Uh-huh.

16 Q. Okay. Explained to them what's that like? Is that
17 apartments? Townhomes?

18 A. Apartment complex neighborhood.

19 Q. Okay. Fair to say you would park your car right in
20 front --

21 A. In front of my building, Building 500.

22 Q. Okay. When you woke up that Saturday morning, was your
23 car where you left it?

24 A. No, sir.

25 Q. Okay. How did that make you feel?

1 A. A little scary.

2 MS. FORD: Objection. Relevance.

3 THE COURT: Overruled.

4 Q. I'll rephrase that. Were you mad because you need it
5 your car?

6 A. Yes.

7 Q. Okay. Was Montrelle at your house when you woke up?

8 A. No.

9 Q. Okay. Was he there when you went to bed?

10 A. Yes.

11 Q. Okay. What about your keys? What would you do with
12 your keys --

13 A. Leave them on the counter.

14 Q. Okay. Were your keys on the counter when you woke up?

15 A. No, sir. It was inside the driver seat.

16 Q. Well, we're jumping ahead. Okay. You look outside and
17 there's no car?

18 A. Uh-huh.

19 Q. You mentioned that you called you a cab company. Did
20 you call a cab company?

21 A. Yes, sir. North Area.

22 Q. North Area cab?

23 A. Uh-huh.

24 Q. Okay. Did the cab company come pick you up and take
25 you to work?

1 A. Yes, sir.

2 Q. The cab picked you up?

3 A. Yeah.

4 Q. So when did you see your car the next time?

5 A. When I went and walked downstairs -- we have three
6 parking lots. There's one in front of my building. This
7 one right here in the middle.

8 Q. Okay.

9 A. When the cab came, I got into the cab and I told the
10 cab hold on one second. I went and looked inside and saw my
11 key on the driver seat.

12 Q. You saw your car?

13 A. Yes.

14 Q. Okay. Is at the first time you saw your car that
15 morning?

16 A. Yes, sir.

17 Q. Okay. And it was on the driver's seat?

18 A. Yes, sir.

19 Q. The key was there?

20 A. Yes, sir.

21 Q. Okay. Was your car there earlier that morning?

22 A. No, it wasn't.

23 Q. Okay. In the meantime, while you're trying to figure
24 out how to get to work, someone had brought the car left the
25 key?

1 A. Yes, sir.

2 Q. Okay. At that point I'm guessing you sent the cab on
3 its way?

4 A. No. I took the cab to work.

5 Q. Okay. Why is that?

6 A. Because I wanted to know why my car moved from this
7 place of that place.

8 Q. Okay. Did that fact make you nervous?

9 A. It did.

10 Q. Okay. What we're talking about nervousness, let's talk
11 about -- when the police came and talked to you about all
12 this, did you sort of just lay it all out like that right
13 off the jump?

14 A. No.

15 Q. No. Did it take some sort of talking --

16 A. It did.

17 Q. -- to you? Why is that? Being involved in stuff like
18 this, does it make you nervous?

19 A. It does. Especially with kids, it does.

20 Q. Now, that's -- I'm glad you said that. Explain that to
21 the jury, "With kids, it does." Do you have children?

22 A. Yes. Three.

23 Q. And what is your main --

24 MS. FORD: Objection. Relevance.

25 THE COURT: Overruled.

1 Q. You're here in a court of law today, and back then you
2 were in a police department. Why would that cause you a lot
3 of anxiety?

4 A. Because my kids is my first priority in life. I take
5 care of them and I make sure they're safe.

6 Q. And have you ever heard of -- or do you believe that
7 sometimes when people get mixed up in things like this that
8 that can have consequences?

9 A. It does.

10 Q. Okay. And when you first sat down to talk to the
11 police, is that on your mind?

12 A. Yeah, it was.

13 Q. And is keeping yourself away from the sort of thing
14 important to you?

15 A. Yes.

16 Q. Okay. Have you told the truth in your testimony today?

17 A. Yes, sir.

18 Q. Now, you were sort of, you know, sounds like not very
19 seriously but sort of beginning to hang out with Troll --
20 with Montrelle. Is that fair to say?

21 A. Yes, sir.

22 Q. Okay. Would you ever communicated with him on the
23 phone that day, that September?

24 A. Yes, sir.

25 Q. Okay. Did you ever look at your phone during this

1 contact give his number to law enforcement?

2 A. I did.

3 Q. Okay. The number that he was using back in September?

4 A. Yes.

5 Q. Okay. You didn't memorize that number, right?

6 A. I had my phone right there in front of me.

7 Q. Okay. So you got that number off of your phone --

8 A. Yes. Uh-huh.

9 Q. And you knew Montrelle to be using that back in
10 September, back during the time that they were asking you
11 these questions?

12 A. Yes, sir.

13 AST. SOL. SIMPSON: Court's indulgence.

14 THE COURT: Yes, sir.

15 AST. SOL. SIMPSON: Ms. President, thank you. I know
16 this is not a comfortable experience. Please answer any
17 questions that Ms. Ford may ask.

18 THE COURT: You may proceed.

19 AST. SOL. SIMPSON: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 MS. FORD: May please the Court.

22 THE COURT: Yes, ma'am.

23 CROSS-EXAMINATION

24 BY MS. FORD:

25 Q. Good morning, Ms. President?

1 A. Good morning.

2 Q. Tomeka, you're not currently in a relationship with
3 Montrelle, correct?

4 A. No, ma'am.

5 Q. After his arrest, though, you continued to talk to him.
6 Is that fair to say?

7 A. Yes, ma'am.

8 Q. And Montrelle, he did not live with you?

9 A. No.

10 Q. And he did not keep any clothes at your house?

11 A. Two outfits. That was it. What he had on in that
12 picture, that was it.

13 Q. He just stayed there from time to time, correct?

14 A. Just that one night.

15 Q. The two of you, you had only been together since
16 August.

17 A. I just got out of a relationship in August.

18 Q. Okay. So that's when he started dating Montrelle?

19 A. Uh-huh.

20 Q. And you had told Detective Tuttle that he didn't
21 actually -- he didn't have access to your house, correct?

22 A. Right.

23 Q. His family home is actually on Cedar Street downtown,
24 correct?

25 A. Correct.

1 Q. The morning -- you talked about a morning that you got
2 up and Montrelle wasn't there, correct?

3 A. Correct.

4 Q. At first you did not see the car, correct?

5 A. Correct.

6 Q. But the car was out there?

7 A. It was.

8 Q. And he was inside?

9 A. Yes.

10 Q. You never saw Montrelle that morning, correct?

11 A. No, ma'am.

12 Q. You never saw Trivelle Richardson?

13 A. No, ma'am.

14 Q. In the State asked you about Trivelle, about knowing
15 him. He cut your son's hair?

16 A. He did.

17 Q. He actually -- y'all were not on good terms at the time
18 in 2015, correct?

19 A. We were.

20 Q. Didn't you say -- he was no longer cutting your son's
21 hair, correct? Because there is an incident like a
22 ringworm?

23 A. No. I didn't say that.

24 Q. You didn't tell that to Detective Tuttle?

25 A. No.

1 Q. And you did not see -- or Trivelle, there had been some
2 altercation between him and your brother?

3 A. Which brother?

4 Q. I'm not sure. Do you recall telling Detective Tuttle
5 that there's an incident between his brother -- or your
6 brother and Trivelle?

7 A. No.

8 Q. No?

9 A. No, ma'am.

10 Q. You had not seen Trivelle in any time close to that
11 morning, correct?

12 A. No, ma'am.

13 Q. The police asked you a lot of questions about your car.
14 Is that fair to say?

15 A. Uh-huh.

16 Q. And they told you that the car -- your car was used.

17 A. Yes, ma'am.

18 Q. Is that fair to say?

19 A. Uh-huh.

20 Q. So when they showed you pictures of the car, they were
21 saying your car was used and related to this?

22 A. Uh-huh.

23 Q. Okay. When you went to talk to the place, at that
24 point Montrelle had not talked to you about the place it
25 all, correct?

1 A. No.

2 Q. And you told the police repeatedly just check my car,
3 go ahead?

4 A. Yes, I did. And I gave them the keys.

5 Q. Okay. And you offered to let them to see your phone?

6 A. Uh-huh.

7 Q. So you did your best to cooperate with police?

8 A. I did. As well as the US Marshals.

9 MS. FORD: Beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 (Brief pause.)

12 MS. FORD: I have no further questions for this
13 witness, Your Honor.

14 THE COURT: Any redirect?

15 AST. SOL. SIMPSON: Yes.

16 THE COURT: You may proceed.

17 REDIRECT EXAMINATION

18 BY AST. SOL. SIMPSON:

19 Q. Ms. President, after Montrelle was incarcerated, he
20 kept in touch with them, right?

21 A. Yes, sir.

22 Q. You guys maintained a relationship through the phone?

23 A. No.

24 Q. Or at --

25 A. I only take my brother to go and see him.

1 Q. Okay. So even after all of this, you were still
2 sociable terms with him?

3 A. Social terms to find out what was going on.

4 Q. Okay. My point is where you ever out to get Montrelle
5 in some way? I'm asking a question. I can tell by your
6 reaction your answer.

7 A. No.

8 Q. Okay. Were you out to harm him?

9 A. No.

10 Q. And are you today?

11 A. No.

12 Q. You mentioned in Ms. Ford's questions that he did not
13 keep a lot of things at your house?

14 A. Uh-huh.

15 Q. And you said just a couple of outfits. And tell me if
16 I got this right, but the one that he had on that in
17 picture?

18 A. Uh-huh.

19 Q. And what outfit was that? Do you remember?

20 A. I think it was the black shirt and the white pants.

21 Q. Okay. That was just one of several pictures that were
22 shown?

23 A. Uh-huh.

24 Q. Okay. Ms. Ford asked you about the car. So that the
25 police, you know -- you could tell when you started talking

1 to them they were interested in your car?

2 A. Yes, sir.

3 Q. They thought your car was involved?

4 A. Uh-huh.

5 Q. But in the videos you viewed that was a car like yours?

6 A. Yes, sir.

7 Q. Exactly like yours? You don't know that it's exactly
8 your --

9 A. Right.

10 Q. Okay. And your actual car was gone that morning when
11 you got home?

12 A. Uh-huh.

13 Q. And what time did you have to go to work?

14 A. Seven.

15 Q. And you said you were late at seven?

16 A. An hour and nine minutes.

17 Q. An hour and nine minutes late. So you got your work at
18 8:09?

19 A. Yeah.

20 Q. Okay. That's the delay caused by your car not being
21 there?

22 A. Uh-huh.

23 AST. SOL. SIMPSON: Court's indulgence. (Brief pause.)

24 Q. Ms. President, you also said that you cooperated with
25 both the Charleston Police Department and another agency.

1 Who was that? The US Marshals?

2 A. Yes. They came knocking on my door. And I let them in
3 and asked them if they wanted to search my house to see if
4 he had --

5 MS. FORD: Objection. Relevance.

6 THE COURT: Approach, please.

7 (A bench conference was held off the record and out of
8 the hearing of the jury panel.)

9 AST. SOL. SIMPSON: Ms. President, I know this was not
10 fun. Thank you for being here. No further questions.

11 THE COURT: Any objections to the witness being
12 excused? From the State?

13 AST. SOL. SIMPSON: No, Your Honor.

14 THE COURT: From the Defense?

15 MS. FORD: No, Your Honor.

16 THE COURT: Ma'am, your excused.

17 Mr. Foreman, ladies and gentlemen, we're going to take
18 advantage of this break in testimony to give you a brief
19 morning break. During your break please, do not discuss the
20 case. And please leave your notepads in your seats. We
21 should be in about ten minutes.

22 (The jury exits the courtroom at 11:05 a.m.)

23 (Brief recess.)

24 THE COURT: The State ready to proceed?

25 AST. SOL. SIMPSON: Yes, Your Honor.

1 THE COURT: Is the defense ready to proceed?

2 MS. FORD: Yes, Your Honor.

3 THE COURT: You know I thought about something -- just
4 now and we'll have to handle it. I got a note from juror
5 number 232. And the note reads as follows: "The last
6 witness is believed to be related to my first cousin's son's
7 father. The witness and I have no relationship or contact."
8 I think she just disclose out of an abundance of caution.
9 I'm going to voir dire her. Any exception from the State?

10 AST. SOL. SIMPSON: No, Your Honor.

11 THE COURT: From the Defense?

12 MS. FORD: No, Your Honor.

13 THE COURT: Please get number 232 out of that line.
14 And I already had the note marked as a Court's exhibit.

15 (Court's Exhibit No. 9, Juror Note, was marked for
16 identification.)

17 (Juror number 232 enters the courtroom.)

18 THE COURT: Stand right there for me, ma'am. I
19 received your note. If I'm correct, you have a first cousin
20 who has a child. And you believe that the child's father
21 may be related to the last witness.

22 JUROR: Correct.

23 THE COURT: And you indicated in the note that you have
24 no relationship with the witness or contact with the
25 witness.

1 JUROR: Correct.

2 THE COURT: And am I correct in also assuming you just
3 told us this out of an abundance of caution?

4 JUROR: Right.

5 THE COURT: Okay. As a result of what you just
6 disclose to the Court, do you feel that you can still remain
7 fair and impartial?

8 JUROR: Yes.

9 THE COURT: Do you feel you can render a fair and
10 impartial decision in this case?

11 JUROR: Yes, Your Honor.

12 THE COURT: And you believe you can make a decision
13 solely on the evidence as it will be presented and on the
14 law as the Court will instruct?

15 JUROR: Yes, Your Honor.

16 THE COURT: Thank you, ma'am. If you would stand back
17 on the hallway for me. And please do not discuss any of our
18 colloquy with your fellow jurors.

19 JUROR: Okay.

20 (Juror number 232 exits the courtroom.)

21 THE COURT: And exception from the State and the juror
22 remaining? The Court perceives that she can remain fair and
23 impartial and has made the disclosure out of an abundance of
24 caution.

25 AST. SOL. SIMPSON: No objection from the State.

1 THE COURT: Any from the Defense?

2 MS. FORD: No, Your Honor.

3 THE COURT: All right. Bring the jury in for me,
4 please.

5 (The jury enters the courtroom at 11:30 a.m.)

6 THE COURT: You may be seated. The State may proceed
7 with its next witness. Call you next witness.

8 AST. SOL. SIMPSON: The State calls Trivelle
9 Richardson.

10 THE COURT: Please swear the witness.

11 (TRIVELL RICHARDSON, was duly sworn and provided the
12 following testimony.)

13 CLERK: Please take your seat. Spelling your first and
14 last name speaking directly to the microphone.

15 THE COURT: Sir, if you would tell us your full name.

16 THE WITNESS: Trivell Richardson.

17 THE COURT: Do you have middle names?

18 THE WITNESS: Donte Lamar.

19 THE COURT: Spell your first name for us, please.

20 THE WITNESS: T-R-I-V-E-L-L.

21 THE COURT: And your last name.

22 THE WITNESS: R-I-C-H-A-R-D-S-O-N.

23 THE COURT: Thank you, sir. You may proceed.

24 AST. SOL. SIMPSON: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 DIRECT EXAMINATION

2 BY AST. SOL. SIMPSON:

3 Q. Mr. Richardson, good morning. You and I've met before.

4 Is that right?

5 A. (Nonverbal response.)

6 THE COURT: Sir, if he could speak up for me and I need

7 you to speak directly to that microphone. Thank you.

8 Q. We met before, correct?

9 A. Yes, sir.

10 Q. Okay. I want to get just a couple of preliminary
11 things out of the way. I see that you're wearing sort of
12 some striped clothing there. What is that -- why is that?

13 A. Incarcerated.

14 Q. Okay. You're currently incarcerated.

15 A. Yes, sir.

16 Q. Did that arise for your involvement in the case that
17 brings us here today?

18 A. Yes, sir.

19 Q. Okay. You are currently facing charges for your
20 involvement in this incident, right?

21 A. Yes, sir.

22 Q. And what charge is that?

23 A. Murder, two attempt of murders.

24 Q. Okay. Is it involved with the gentleman sitting here?

25 A. Yes, sir.

1 Q. Okay. You understand that those charges, you know,
2 could have consequences, right?

3 A. Yes, sir.

4 Q. Is it true to say it is your hope that through
5 cooperating with us that, you know, could benefit you in
6 that regard?

7 A. Yes, sir.

8 Q. Okay. And you don't run from that hope, right?

9 A. No, sir.

10 Q. That being said is it your intention today to be
11 truthful with this jury today?

12 A. Yes, sir.

13 Q. Is it your intention to be honest?

14 A. Yes, sir.

15 Q. And talk about the incident that we're here to talk
16 about?

17 A. Yes, sir.

18 Q. Okay. Let's talk about you a little bit. Your name is
19 Trivell. You go by any other sort of names?

20 A. Vell.

21 Q. Some people call you Vell?

22 A. Yes, sir.

23 Q. Just a short version of your name?

24 A. Yes, sir.

25 Q. Okay. What sort of things you do for occupation when

1 you're not incarcerated?

2 A. Race bikes.

3 Q. Okay. You ever cut hair?

4 A. Yes, sir.

5 Q. Okay. Where are you from?

6 A. James Island.

7 Q. Live in Charleston area your whole life?

8 A. Yes, sir. Downtown.

9 Q. Okay. So from James Island, moved downtown. What
10 areas in downtown did you live?

11 A. Green, Bayside.

12 Q. Okay. He lived both in Green and Bayside?

13 A. Yes, sir.

14 Q. Did there come a time in your life where you moved from
15 downtown to North Charleston?

16 A. Yes, sir.

17 Q. In what area of North Charleston did you live at?

18 A. Midland Park.

19 Q. Midland Park?

20 A. Yes, sir.

21 Q. Are you familiar with -- I don't know why I always
22 butcher this -- Ashton Street?

23 A. Ashton Avenue.

24 Q. Ashton Avenue. Okay. Is that near where you lived at
25 in North Charleston?

- 1 A. No, sir.
- 2 Q. Okay. But you're familiar with that area?
- 3 A. Yes, sir.
- 4 Q. Okay. You know somebody named Tomeka President?
- 5 A. Yes, sir.
- 6 Q. Okay. Is that around where she lived?
- 7 A. Austin.
- 8 Q. Austin. Okay. That's what I -- so Tomeka lived on
- 9 Austin?
- 10 A. Yes, sir.
- 11 Q. Okay. And how do you know Tomeka?
- 12 A. I grew up with her.
- 13 Q. Okay. So you know Tomeka pretty well, right?
- 14 A. Yes, sir.
- 15 Q. Did you ever have occasion through your friendship with
- 16 Tomeka to ride in her car?
- 17 A. Yes, sir.
- 18 Q. What kind of car was that?
- 19 A. A Buick.
- 20 Q. All right. Were you familiar with her car?
- 21 A. Yes, sir.
- 22 Q. Been in it before?
- 23 A. Yes, sir.
- 24 Q. About how many times? Just a guess.
- 25 A. About three or four, maybe.

1 Q. Okay. So when you saw Tomeka's car, you would
2 recognize it as Tomeka's --

3 A. Yes, sir.

4 Q. Okay. And you've known Tomeka a long time?

5 A. Yes, sir.

6 Q. One ask you do you recognize this gentleman seated at
7 the table here?

8 A. Yes, sir.

9 Q. And who is that?

10 A. Co-defendant.

11 Q. What's his name?

12 A. Troll.

13 Q. Okay. Do you know his full name?

14 A. Montrelle.

15 Q. Okay. Do you know his last name?

16 A. Campbell.

17 Q. Going to take you back -- you know, we're talking about
18 September 2015, right?

19 A. Yes, sir.

20 Q. Did you know Montrelle Campbell during that time?

21 A. Yes, sir.

22 Q. And how long have you known Montrelle Campbell?

23 A. Almost all of my life.

24 Q. Okay. And how do you know Montrelle?

25 A. The neighborhood we grew up in.

1 Q. Say that again?

2 A. The neighborhood we grew up in.

3 Q. Okay. Did you know any relatives of Montrelle?

4 A. Sister. That's it.

5 Q. And how would you describe your relationship with
6 Montrelle? Were you close?

7 A. Somewhat.

8 Q. Okay. Mr. Richardson, going to take you -- you know
9 the incident that brings you here today, right?

10 A. Yes, sir.

11 Q. So I wanted take you back to that weekend of
12 September 18 through the 19th, September 2015, okay?

13 A. Yes, sir.

14 Q. Are you spending -- during that time were you spending
15 a lot of time downtown.

16 A. No, sir.

17 Q. Okay. You chose mainly to hang out in North
18 Charleston?

19 A. Yes, sir.

20 Q. Okay. So that Thursday night, had you been downtown at
21 all?

22 A. I don't remember the exact date. No, sir.

23 Q. Okay. Now, let's get to the Friday night. You
24 remember meeting with us, right?

25 A. Yes, sir.

1 Q. Okay. So that Friday night, if you could, and I'm
2 probably going to interrupt you from time to time and ask
3 questions, but I just sort of want you to walk us through.
4 It's Friday September 18th leading up to the incident on
5 Saturday morning, early Saturday morning, September 19th.
6 Do you know the night I'm talking about?

7 A. Yes, sir.

8 Q. Let's talk about that night and what you did that
9 night, okay?

10 A. Yes, sir.

11 Q. I'm just going to let you say it in your own words, and
12 I may interrupt you from time to time, okay?

13 A. Yes, sir.

14 Q. What do you do, first of all, that evening? Friday
15 evening.

16 A. Cut hair all day.

17 Q. Okay. Cut hair all day. Okay. Did you attend some
18 kind of event that night?

19 A. We went to a party for a friend that got killed and
20 then we went to a strip club.

21 Q. Okay. And who was that friend?

22 A. Barry Kinlock.

23 Q. Okay. And was this sort of a remembrance event for
24 him?

25 A. Okay.

1 Q. Understand that we don't always get times exact. But
2 about what times do you think you were at that party?

3 A. I couldn't give you the exact time.

4 Q. Okay. But was it Friday night?

5 A. Yes, sir.

6 Q. Okay. Do you remember going somewhere after the party?

7 A. To the strip club.

8 Q. Okay. Do you remember what strip club?

9 A. Stilettos.

10 Q. Okay. Do you remember after you got to the strip
11 club -- again, not holding you to it exactly because, you
12 know, you don't always look at the time. But you stay at
13 the strip club a long time?

14 A. Yes, sir.

15 Q. Okay. Do you remember about when you left the strip
16 club?

17 A. About four o'clock.

18 Q. Okay. So early morning hours you left the strip club?

19 A. Yes, sir.

20 Q. Where did you had from there?

21 A. To Austin Lakes.

22 Q. Okay. Your home at that time, was it Austin Lakes?

23 A. The street behind Austin Lakes.

24 Q. Okay. And I butchered this earlier, and I apologize.

25 But Austin lakes is near Austin Avenue, correct?

1 A. Yes, sir.

2 Q. Okay. And not Ashton. I don't know why I get those
3 confused. And what kind of area is Austin Lakes?

4 A. Apartment complex.

5 Q. Okay. Did you drive him?

6 A. No, sir.

7 Q. Okay. How did you get home?

8 A. I got dropped off by friend that I was with at the
9 club.

10 Q. Okay. Did he drop you off right at the front door?
11 Where did he drop you off?

12 A. At the apartments.

13 Q. He just dropped you off at the apartments?

14 A. She dropped me off at the apartments.

15 Q. Okay. She did. Okay. So once she dropped you off,
16 where did you go?

17 A. Walked towards the cut that we use go to my house. And
18 I got approached as I was going to the store.

19 Q. Okay. Let's stop for a second. You said the cut.
20 What's the cut? Describe that to me?

21 A. It's a broken down fence that we use to get to the next
22 street.

23 Q. Okay. Does that just allow you to get from the
24 apartment complex to your street?

25 A. Yes, sir.

1 Q. Okay. Now, were you approached by someone in this
2 area?

3 A. Yes, sir.

4 Q. Okay. And who was that?

5 A. Montrelle.

6 Q. Okay. You recognized him.

7 A. Yes, sir.

8 Q. All right. You guys are friendly?

9 A. Yes, sir.

10 Q. And described to the jury what was said. What was that
11 interaction?

12 A. We were supposed to go to the store to get cigarettes
13 but we never made it there.

14 Q. Well, let's just walk through that more slowly. You
15 guys had a conversation I'm guessing when he saw you?

16 A. Yes, sir.

17 Q. How did that go? What was that like?

18 A. He ride with me to the store to get some cigarettes.

19 Q. He offered -- he asked you to ride with him to the
20 store?

21 A. Yes, sir.

22 Q. Okay. So I guess he took you to a car?

23 A. Yes, sir.

24 Q. Did you recognize the car that he took you to?

25 A. Yes, sir.

1 Q. Whose car was that?

2 A. Buick.

3 Q. Is at the Buick we were talking about earlier?

4 A. Yes, sir.

5 Q. Who does that car belong to?

6 A. Tomeka.

7 Q. Okay. Is that Tomeka President?

8 A. Yes, sir.

9 Q. How long have you known Tomeka?

10 A. Almost all of my life.

11 Q. Have you been in that car before?

12 A. Yes, sir.

13 Q. All right. Where did you think you were going when you
14 got in the car with Montrelle?

15 A. To the store.

16 Q. Did you know what store? Have an idea --

17 A. Kangaroo.

18 Q. Okay. Where did you go?

19 A. Downtown.

20 Q. All right. Let's walk through that process a little
21 bit. You think you're just going to the Kangaroo?

22 A. Yes, sir.

23 Q. I'm assuming the Kangaroo was pretty close, right?

24 A. Yes, sir.

25 Q. So which way did you go? Tell the jury about what

1 you're thinking, what you're saying if anything is said, or
2 what's going on?

3 A. Pull into Austin Lakes, going down Moore Avenue. Made
4 a left down Eagle Drive. Mated left -- right off of Eagle
5 Drive onto -- I don't know the name of the street -- where
6 Budget Inn is at.

7 Q. Okay.

8 A. Kangaroo is up ahead at the end of that road.

9 Q. Okay. So up to this point, you're feeling fine. You
10 going right to --

11 A. Yes, sir.

12 Q. Okay.

13 A. We made a left and got on the I.

14 Q. Okay. When you say the "I," what are you referring to?

15 A. The interstate.

16 Q. All right. I-26?

17 A. Yes, sir.

18 Q. Any purpose of going I-26 to get to the big road?

19 A. No, sir.

20 Q. All right. So what are you starting to think and how
21 do you react at this point?

22 A. I didn't notice nothing of the time. We got halfway
23 downtown, I asked him where was we going.

24 Q. Okay.

25 A. He said just chill. It'll be all right.

1 Q. So you expressed, like, "Where the hell are we going?"

2 He says just calm down, it's going to be cool?

3 A. Yes, sir.

4 Q. Okay?

5 MS. FORD: Objection. Leading.

6 THE COURT: Sustained. Leading.

7 AST. SOL. SIMPSON: Thank you.

8 THE COURT: You're welcome.

9 AST. SOL. SIMPSON: Court's indulgence.

10 THE COURT: Yes, sir.

11 Q. So do you continue to head toward the downtown area?

12 A. Yes, sir.

13 Q. What did you think about that?

14 A. Honestly, nothing.

15 Q. Okay. All right. So when he told you to, you know,
16 just a job, you just chilled out?

17 A. Yes, sir.

18 Q. Okay. Where did he drive?

19 A. To Kennedy Street.

20 Q. Okay. Kennedy Street is downtown?

21 A. Yes, sir.

22 Q. Okay. And where did he park when he got down to
23 Kennedy Street?

24 A. On Kennedy Street.

25 Q. And can you describe sort of the area a little bit?

1 A. The corner of Kennedy and President.

2 Q. Okay. And what's -- what sort of that lot like? What
3 is it?

4 A. It's an empty lot.

5 Q. Okay. I'm going to show you it's been admitted as
6 State's 2. Can you look at that?

7 A. Yes, sir.

8 Q. Do you see in State's 2 the area that you're talking
9 about just now?

10 A. Yes, sir.

11 Q. That screen in front of you, Trivell, could you
12 indicate to me what area it is?

13 A. (Witness complies.)

14 Q. Are you wearing?

15 A. Shackles.

16 Q. Okay. So that's difficult to move your hands right
17 now?

18 A. Yes, sir.

19 Q. Show you what's been marked as State's 2. Did you just
20 indicate to me that this is Kennedy?

21 A. Yes, sir.

22 Q. President?

23 A. Yes, sir.

24 Q. And this is the area you're talking about here?

25 A. Yes, sir.

1 Q. Okay. And what is this?

2 A. That's the --

3 Q. Okay. You mentioned earlier, where did you grow up?

4 A. Right there.

5 Q. Okay. This is not an area that's foreign to you. Is
6 that correct?

7 A. No, sir.

8 Q. Okay. Did you know why you're there?

9 A. No, sir.

10 Q. Okay. What happened when you pulled up to that
11 location?

12 A. We parked the car on Nunan Street.

13 Q. Let's clarify this a little bit. Whose driving now?

14 A. Montrelle.

15 Q. Okay. Where are you seated in the car?

16 A. In the passenger side.

17 Q. Okay. You get out of the Buick when you stop on to
18 Kennedy?

19 A. No, sir.

20 Q. Okay. The whole time you are on Kennedy, are you in
21 the passenger seat?

22 A. Yes, sir.

23 Q. Okay. Do you recall Montrelle doing anything with the
24 trunk when he was driving?

25 A. No, sir.

- 1 Q. Okay. Was anyone else there when you got there?
- 2 A. Yes, sir.
- 3 Q. Okay. Who?
- 4 A. Ace.
- 5 Q. Ace. He was there. Didn't look like he was expecting
- 6 you?
- 7 A. No, sir. I don't know.
- 8 Q. You just don't know?
- 9 A. Right.
- 10 Q. Okay. Who is Ace?
- 11 A. Andrew.
- 12 Q. Okay.
- 13 A. Another fellow that grew up under me.
- 14 Q. Okay. You say grew up under you. What do you mean? A
- 15 younger guy?
- 16 A. Yes, sir.
- 17 Q. Okay. He was present in that area when you pulled up?
- 18 A. Yes, sir.
- 19 Q. Okay. Did you recognize him?
- 20 A. Yes, sir.
- 21 Q. Do you know him?
- 22 A. Yes, sir.
- 23 Q. You know his last name by any chance?
- 24 A. Rivers.
- 25 Q. Okay. Andrew Rivers and he goes by Ace?

1 A. Yes, sir.

2 Q. So you pulled up and said --

3 A. No, sir. I actually parked the car and asked him to
4 ride over.

5 Q. Okay. Montrelle has now exited the car?

6 A. Yes, sir.

7 Q. What did Montrelle tell you to do?

8 A. Park the car on Nunan Street.

9 Q. He said parked the car on Nunan Street. You grew up
10 here, do you know where Nunan Street is?

11 A. Yes, sir.

12 Q. Okay. You say you guys were interacting at this time
13 with Ace?

14 A. Yes, sir.

15 Q. Did you say what's up, whatever?

16 A. Yes, sir.

17 Q. You're still in the car?

18 A. Yes, sir.

19 Q. Okay. Did you get out of the car walked to the driver
20 side?

21 A. No, sir.

22 Q. Okay. What did you do?

23 A. Jumped over.

24 Q. You sort of slid over to the driver's seat?

25 A. Yes, sir.

- 1 Q. And then what did you say to Ace?
- 2 A. I said ride with me, parked the car.
- 3 Q. Okay. Did you follow Montrelle's instructions?
- 4 A. Yes, sir.
- 5 Q. Did you see where Montrelle went?
- 6 A. No, sir.
- 7 Q. Fair to say he walked away from the car?
- 8 A. Yes, sir.
- 9 Q. Did he walked towards back to Green?
- 10 A. Yes, sir.
- 11 Q. Okay. And you followed his instructions?
- 12 A. Yes, sir.
- 13 Q. Which where what again?
- 14 A. Park the car on Nunan Street.
- 15 Q. Okay. Showing you what's been entered as State's 4.
- 16 Take a minute to orient yourself, but do you recognize that?
- 17 A. (Indicating.)
- 18 Q. Okay. Your pointing at an area. What street is that
- 19 you're pointing to?
- 20 A. Nunan Street.
- 21 Q. Okay. And you're pointing to a corner there. That's
- 22 Nunan and President?
- 23 A. Yes, sir.
- 24 Q. Was there a business right here? Did you know at the
- 25 time?

1 A. Something Kitchen.

2 Q. Something Kitchen was right there?

3 A. (Nonverbal response.)

4 Q. Okay. Did you just indicate to me that this was Nunan?

5 A. Yes, sir.

6 Q. This is President?

7 A. Yes, sir.

8 Q. And this area here is where you moved the car?

9 A. Yes, sir.

10 Q. Okay. Did you smoke cigarettes back then?

11 A. Yes, sir.

12 Q. And will just get to it. Have you viewed some video in
13 this case?

14 A. Did I view a video?

15 Q. Or a still -- what appeared to be pictures from video?

16 A. Yes, sir.

17 Q. Are you depicted in those pictures?

18 A. Yes, sir.

19 Q. Okay. Do you remember seeing in those pictures or
20 video someone flicking a cigarette butt out of the driver's
21 side of a Buick?

22 A. Yes, sir.

23 Q. Okay. Who is was?

24 A. Me.

25 Q. Okay. Any hesitation of you looking at that saying

1 that's me?

2 A. No, sir.

3 Q. Okay. So when you pulled up to Nunan Street, now
4 you're driving?

5 A. Yes, sir.

6 Q. And you're smoking?

7 A. Yes, sir.

8 Q. You flick the butt?

9 A. Yes, sir.

10 Q. Who is in passenger side?

11 A. Ace.

12 Q. Ace. Okay. Any talk between you and Ace as you're
13 driving around as to like, you know, what the hell is going
14 on here?

15 A. No, sir.

16 Q. Going around, parked at Nunan Street?

17 A. Yes, sir.

18 Q. At whose instructions?

19 A. Montrelle's.

20 Q. Okay. Once you park the car on Nunan, where do you go?

21 A. I walked towards -- but I never made it. I ducked into
22 the car seat.

23 Q. Okay. We've seen a lot of maps. So let's just talk
24 through it. You walk out from Nunan to President, right?
25 Which way do you turn to go towards the Projects?

1 A. I made a left on President.

2 Q. Made a left on President. Okay. This is you and Ace
3 together?

4 A. Yes, sir.

5 Q. Is Ace with you this whole time up to now?

6 A. Not the whole time.

7 Q. But right now --

8 A. Yes, sir.

9 Q. Okay. And Gadsden Green projects down in this
10 direction?

11 A. Yes, sir.

12 Q. Okay. What happened?

13 A. We heard gunshots --

14 Q. How far did you get down President?

15 A. Almost to the office.

16 Q. Okay. Great. The offices -- what you mean by the
17 office? The office is what?

18 A. The housing office.

19 Q. Okay. I know we're doing this a lot. You know about
20 where the housing office is?

21 A. (Indicating.)

22 Q. Okay. Did you just indicate to me that this is the
23 housing office?

24 A. Yes, sir.

25 Q. Okay. Fair to say that Nunan Street is up this way?

- 1 A. Yes, sir.
- 2 Q. You walk and you say you get about here?
- 3 A. --
- 4 Q. About to here?
- 5 A. Yes, sir.
- 6 Q. Okay. What happened -- is he still with you when you
- 7 get there?
- 8 A. Yes, sir.
- 9 Q. Okay. What happens when you get there?
- 10 A. Hear gunshots.
- 11 Q. Hear gunshots. More than one?
- 12 A. Yes, sir.
- 13 Q. Best guess, about how many?
- 14 A. More than five.
- 15 Q. Okay. Now, are you supposed to be walking towards the
- 16 projects or what you doing with this car? This isn't even
- 17 your car, right?
- 18 A. I was supposed to take the keys back.
- 19 Q. Okay. So what you do -- all right. Once the gunshots
- 20 start, what does Ace do?
- 21 A. He went ran all the way --
- 22 Q. Okay. He ran?
- 23 A. Yes, sir.
- 24 Q. Okay. You went the other way. What direction did you
- 25 go in?

- 1 A. Back to the car.
- 2 Q. Back to the car?
- 3 A. Yes, sir.
- 4 Q. Okay. Back to the car that is parked on Nunan Street?
- 5 A. Yes, sir.
- 6 Q. Okay. You got back there?
- 7 A. Yes, sir.
- 8 Q. All right. Did anybody else join you back at the car?
- 9 A. At the moment, no, sir.
- 10 Q. Okay. So what did you do when you got back to the car?
- 11 A. Tried to start it. The car didn't start.
- 12 Q. Did you want to leave that area?
- 13 A. Yes, sir.
- 14 Q. Okay. Did you want to get out of there?
- 15 A. Yes, sir.
- 16 Q. Okay. So you say trying to start it. Describe that to
- 17 the jury.
- 18 A. The first key didn't work. It was a spare key. The
- 19 second key worked.
- 20 Q. Are these your keys?
- 21 A. Come again?
- 22 Q. Are these your keys?
- 23 A. No, sir.
- 24 Q. The keys are foreign to you, right?
- 25 A. Right.

- 1 Q. Okay. The first key doesn't work.
- 2 A. Right. The second he worked. By the time I got the
- 3 car cranked, the door opened.
- 4 Q. All right.
- 5 A. Montrelle back there.
- 6 Q. What direction was the car facing?
- 7 A. The wrong way.
- 8 Q. Okay. Is Nunan a one-way street?
- 9 A. Yes, sir.
- 10 Q. And it was sort of parked facing the wrong way.
- 11 A. Yes, sir.
- 12 Q. Okay. So I could visualize it, that means the
- 13 passenger door was close to the sidewalk?
- 14 A. Yes, sir.
- 15 Q. All right. So you said the passenger door opened.
- 16 A. Uh-huh. The codefendant got in.
- 17 Q. All right. The gentleman seated here got in?
- 18 A. Yes, sir.
- 19 Q. Okay. Did he have something with him when he got in?
- 20 A. A gun.
- 21 Q. Okay. What kind of gun?
- 22 A. Rifle.
- 23 Q. All right. Do you know a lot about guns?
- 24 A. Somewhat.
- 25 Q. All right. Any more detail you can give that --

1 A. AR-15.

2 Q. Okay. Might somebody refer to that as is like an
3 assault type rifle?

4 A. Yes, sir.

5 Q. Okay. Anything about that rifle that you noted before
6 or observed.

7 A. I never seen it before.

8 Q. Okay. Was there any indication to you -- have you ever
9 been around firearms before?

10 A. Yes, sir.

11 Q. Was there any indication to you that that rifle had
12 recently been fired?

13 A. No, sir. But it was smoking.

14 Q. It was smoking?

15 A. Yes, sir.

16 Q. Okay. That didn't mean to you it had been recently
17 fired?

18 A. (Nonverbal response.)

19 Q. Had you seen that gun before that evening?

20 A. No, sir.

21 Q. Okay. I've just got ask you, what are you thinking at
22 this point time?

23 A. Clueless.

24 Q. What did Montrelle say to you when he gets in the car?

25 A. Go.

1 Q. Go. Okay. And where did you take that to mean where
2 he wanted to go?

3 A. I didn't ask him.

4 Q. Where did you think he wanted you to head?

5 A. Out of the scene. Out of the area.

6 Q. Okay. Did you do that?

7 A. Yes, sir.

8 Q. All right. Where did you go?

9 A. Back to Austin Lake Apartments.

10 Q. Okay. All right. Just to back up a little bit. Would
11 you have known Montrelle's phone number back in that time?

12 A. Yes, sir.

13 Q. Okay. Would it have been your phone?

14 A. Yes, sir.

15 Q. Would you know it by heart?

16 A. No, sir.

17 Q. Okay. But you would've been able to contact him by
18 phone?

19 A. Yes, sir.

20 Q. To the best of your recollection through this whole
21 series of events we've been talking about, is there any
22 moment that you might have had a brief phone conversation
23 with Montrelle?

24 A. Yes, sir.

25 Q. Okay. You remember calling him?

1 A. He called me.

2 Q. Okay. Do you remember about when in this -- you talked
3 about where. What were you doing when that happened?

4 A. What was I doing when I got the phone call?

5 Q. Yeah. When y'all talked --

6 A. I was home when I got the phone call.

7 Q. Oh, after?

8 A. Yes, sir.

9 Q. Okay. I mean while you were downtown.

10 A. I don't know. When I left the car, I think I called
11 him and my uncle.

12 Q. Okay. When you left the car?

13 A. Yes, sir.

14 Q. When you got out of the car walking towards back to
15 Green?

16 A. Yes, sir.

17 Q. Okay. And what was your purpose of calling Montrelle
18 at the time?

19 A. I was going to give him the keys and I was going.

20 Q. Okay. So you had parked the car on Nunan Street as
21 instructed?

22 A. Yes, sir.

23 Q. Were walking with Ace down?

24 A. Yes, sir.

25 Q. And thought you would hit him up and say, "Hey, where

1 do I take these keys?"

2 A. Yes, sir.

3 Q. Now, after you experienced this -- back in 2015 before
4 this happened, September 2015, did you talk to Montrelle on
5 the phone every now and then?

6 A. When he wanted a haircut?

7 Q. Okay. So it wouldn't be weird for you guys to talk on
8 the phone prior to this incident?

9 A. No, sir.

10 Q. Did that phone contact kind of dissipate after this
11 incident?

12 A. I believe it did. After that? Oh, yeah -- phone
13 calls.

14 Q. Okay.

15 A. -- and I stay on the phone --

16 Q. Okay. Did there come a point time where the police
17 came to talk to you about this?

18 A. Yes, sir.

19 Q. Where you --

20 A. I went to them. I went to my mom's and then I went to
21 them.

22 Q. Okay. Thank you for clarifying that. You heard the
23 police wanted to talk to?

24 A. Yes, sir.

25 Q. Okay. And you went to them. Is that right?

1 A. Yes, sir.

2 Q. Now, let's be frank. Did you layout the story
3 immediately to the police the same way you've just laid it
4 out to us?

5 A. No, sir.

6 Q. Okay. Did you have a feeling that there is some
7 consequences that could arise from all of this?

8 A. Yes, sir.

9 Q. Okay. Did you hope maybe to avoid these consequences?

10 A. Yes, sir.

11 Q. Okay. So what did you eventually tell the police? I
12 mean initially tell the police right in the beginning?

13 A. I told him that I wasn't there.

14 Q. Okay. And then that sort of changed to to a middle
15 version, didn't it? And what was that version?

16 A. He showed me the pictures and I was like, "Yeah, that's
17 me."

18 Q. Okay. But you still didn't admit to quite everything
19 you told us here today. Is that correct?

20 A. Yes, sir?

21 Q. Okay. And you were hoping to avoid where you're at
22 right now. Is that fair to say?

23 A. Yes, sir.

24 Q. Okay. Nevertheless, have you told us what occurred --
25 have you been honest and frank with us today as to what

1 occurred that evening and into the next day?

2 A. Come again?

3 Q. Have you been forthcoming with us, honest with us
4 today?

5 A. Yes, sir.

6 AST. SOL. SIMPSON: Your Honor, may I approach the
7 witness?

8 THE COURT: You may.

9 Q. You mentioned earlier that you had seen what appeared
10 to be still photographs from video?

11 A. Yes, sir.

12 AST. SOL. SIMPSON: Court's indulgence. My apologies.

13 Q. Mr. Richardson, I'm going to get through some pictures
14 and just say the number of the picture, and ask you a couple
15 of questions about them, okay?

16 A. Yes, sir.

17 Q. And all of these numbers that I'm going to say are
18 evidence markers that have been marked throughout the
19 beginning. State's 96, ID only, do see that vehicle I'm
20 indicating here?

21 A. Yes, sir.

22 Q. Do you recognize that vehicle?

23 A. Yes, sir.

24 Q. And what vehicle is that?

25 A. That's a --

1 THE COURT: You're come over this the other way so you
2 can . . .

3 AST. SOL. SIMPSON: Sure.

4 Q. So that's the Buick?

5 A. Yes, sir.

6 Q. Whose Buick?

7 A. Tomeka's.

8 Q. State's 97, who is this?

9 A. That's me.

10 Q. What are you wearing?

11 A. A white T-shirt.

12 Q. Okay.

13 A. Cowboy hat.

14 Q. Not a cowboy hat, but it's --

15 A. Dallas Cowboys hat.

16 Q. Dallas Cowboys. Is that a baseball hat?

17 A. Yes, sir -- football.

18 Q. Who is this?

19 A. ACE.

20 Q. State's 98 for ID only. Who's this?

21 A. That's me.

22 Q. Okay. Who's this?

23 A. Ace.

24 Q. State's 102. Who is this?

25 A. That's me.

- 1 Q. Who is this?
- 2 A. That's my codefendant.
- 3 Q. Is this Montrelle Campbell State's 103?
- 4 A. Yes, sir.
- 5 Q. Who is this?
- 6 A. Response.
- 7 Q. State's 104. State's 105?
- 8 A. Response.
- 9 Q. And just so when we all see these, what is your
- 10 codefendant, Montrelle Campbell, wearing that evening?
- 11 A. A blue polo shirt.
- 12 Q. Okay. Does he have anything on this head?
- 13 A. A T-shirt.
- 14 Q. Okay. 106?
- 15 A. Blue polo shirt.
- 16 Q. Okay. Who is that?
- 17 A. My codefendant.
- 18 Q. Okay. Does it have anything on the back of the shirt
- 19 and back number?
- 20 A. -- 115?
- 21 Q. Okay. You see something in his hand at this image?
- 22 A. A gun.
- 23 Q. Does that appear to be what you saw and get in the car
- 24 with that evening?
- 25 A. Yes, sir.

1 Q. State's 107. Is that the same?

2 A. Yes, sir.

3 Q. State's 108. Who is this?

4 A. My codefendant.

5 Q. I know this is a little more difficult. If you can't
6 do it, you can't do it. Is that just two individuals now
7 walking?

8 A. Yes, sir.

9 Q. Who is this? State's 116, ID only.

10 A. That's me.

11 Q. Gotcha. Now, is there anything about this image and
12 State's 116 that let you know when this was?

13 A. When gunshots were going off?

14 Q. Okay. This is when you were running back to the car?

15 A. Yes, sir.

16 AST. SOL. SIMPSON: Court's indulgence.

17 Q. Mr. Richardson, you know, it's important -- you agree
18 that it's very important to be very forthcoming, right?

19 A. Yes, sir.

20 Q. And so I asked you right at the beginning of your
21 testimony are you hoping that your corporation is considered
22 by the State in resolving your charges?

23 A. Yes, sir.

24 Q. Okay. That being said, are you out to get Montrelle
25 Campbell?

1 A. No, sir.

2 Q. How long have you known Montrelle Campbell?

3 A. Mostly all my life.

4 Q. Okay. Very important question. Have you been promise
5 to assured anything from my office, me or the police
6 department or the government in any way, in exchange for
7 your testimony?

8 A. No, sir.

9 Q. Did we in fact enter into an agreement that you signed
10 and we signed and everything outlining that?

11 A. I didn't get no agreements or nothing.

12 Q. Oh, you've never seen -- I'm sorry. Did we sign a
13 document that essentially said we're not promising you
14 anything?

15 A. Yes, sir.

16 Q. Okay. Did you come up for a bond hearing at one point?

17 A. Yes, sir.

18 Q. And did we nevertheless let the judge know that you had
19 cooperated?

20 A. Yes, sir.

21 Q. Okay. Obviously, were you able to bond out after that
22 bond hearing?

23 A. No, sir.

24 Q. Okay.

25 AST. SOL. SIMPSON: Court's indulgence.

1 THE COURT: Yes, sir.

2 Q. Once the police did -- you did speak with the police,
3 right?

4 A. Yes, sir.

5 Q. You shared with them your phone number, right?

6 A. Yes, sir.

7 Q. Okay. So they would've been able to say this is
8 Trivell Richardson's phone?

9 A. Yes, sir.

10 Q. Okay. Did you have Montrelle's number in your phone at
11 that time?

12 A. Yes, sir.

13 Q. Did you share that with the police?

14 A. No, sir.

15 Q. But you did have that in your phone at the time?

16 A. Yes, sir.

17 Q. So if they looked at your phone they could surmise
18 that?

19 A. Yes, sir.

20 Q. Okay. And he was in there under a contact name that
21 they could've recognized?

22 A. (No response.)

23 Q. Do you recall the contact name that used for his
24 number?

25 A. Troll.

1 Q. Okay.

2 AST. SOL. SIMPSON: Thank you, Mr. Richardson. Please
3 answer any questions the defense has.

4 THE COURT: Any questions for the witness.

5 MS. FORD: Yes, Your Honor. May it please the Court?

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. FORD:

9 Q. Mr. Richardson, you've already told us that you have
10 been charged with murder, correct?

11 A. Yes, ma'am.

12 Q. And you been charged with two counts of attempted
13 murder as well?

14 A. You Yes, ma'am.

15 Q. And this is probably obvious, but those are very
16 serious charges?

17 A. Yes, ma'am.

18 Q. And on the murder alone, you would be facing a possible
19 sentence of life in prison, correct?

20 A. Yes, ma'am.

21 Q. And the attempted murders carry up to 30 years in
22 prison as well, correct?

23 A. I don't know the exact time that it carries.

24 Q. Right. Life sentence, it does actually mean the rest
25 of your life, correct?

1 A. Yes, ma'am.

2 Q. And you also have some --

3 THE COURT: Please approach.

4 (A bench conference was held off the record and out of
5 the hearing of the jury panel.)

6 Q. You do have a few other charges not related to this
7 case as well, correct?

8 A. (Nonverbal response.)

9 Q. And one of those charges carries a possible sentence of
10 one to ten years?

11 A. I don't know the charge that you're talking about.

12 Q. Okay. You do have two charges, though.

13 A. Yes, ma'am.

14 Q. And they both are General Session charges meaning
15 they're handled by --

16 A. Yes, ma'am.

17 Q. -- this court in the solicitor's office.

18 A. Yes, ma'am.

19 Q. The Ninth Circuit Solicitor's office. And you have
20 been in trouble with law before?

21 A. Yes, ma'am.

22 Q. You have a possession with intent to distribute drugs
23 from 2008?

24 A. Yes, ma'am.

25 Q. And you also have a grand larceny charge more recently?

1 A. Yes, ma'am.

2 Q. And you also have a charge for lying to the police
3 before, correct?

4 A. Yes, ma'am.

5 Q. False information to police.

6 A. My name.

7 Q. I'm sorry?

8 A. My name.

9 Q. You have a conviction for lying to the police, though,
10 correct?

11 A. Yes, ma'am.

12 Q. And the State asked you a few questions about a bond
13 hearing, okay. I want to talk about that just a little bit.
14 Initially, when you were arrested you were not going to bond
15 to the murder charge, correct?

16 A. Yes, ma'am.

17 Q. And you had to get a court because you had the other
18 charges are one of the other charges at least pending,
19 correct?

20 A. Yes, ma'am.

21 Q. And the State wanted to revoke that bond altogether?

22 A. Yes, ma'am.

23 Q. Meaning that you couldn't get out. Even if you had a
24 million dollars, you can get out?

25 A. Yes, ma'am.

1 Q. So you've told us today about you being in the car
2 Montrelle being there as well. That you did not tell the
3 State that until, is it fair to say, last year?

4 A. I don't remember the exact date.

5 Q. Okay. It was a while, though, after your arrest?

6 A. Yes, ma'am.

7 Q. And after you gave that information that's when you
8 went to court and had a bond hearing for the judge to
9 reconsider the bond on your charges, correct?

10 A. Yes, ma'am.

11 Q. In the State had indicated to the judge that you were
12 cooperating, correct?

13 A. Yes, ma'am.

14 Q. So the judge made, you know, the decision after hearing
15 that, correct?

16 A. Yes, ma'am. It was time for me to get a bond -- get a
17 bond hearing every six months.

18 Q. Right. But the State let it be known that you were
19 cooperative, correct?

20 A. Correct.

21 Q. In the State let it be known that they were not opposed
22 to you getting some type of bond, correct?

23 A. Yes, ma'am.

24 Q. And you were actually given on all of your charges a
25 bond of \$50,000, correct?

1 A. Yes, ma'am.

2 Q. So you been in the jail for over two years now, right?

3 A. Yes, ma'am.

4 Q. From your experience, you know that that is a very low
5 bond for murder charges?

6 A. Yes, ma'am.

7 Q. So you understand you couldn't get out, but you
8 recognize that it's a low bond for the charges?

9 A. Yes, ma'am.

10 Q. And in that hearing --

11 A. I couldn't get out because my family left me because of
12 this.

13 Q. I understand -- you got a bond reduction nevertheless,
14 correct?

15 A. Yes, ma'am.

16 Q. Okay. When you met with the State and you gave them
17 this information, at the end they asked if you have anything
18 else to add. Do you remember that?

19 A. Not quite.

20 Q. You said towards the end of the conversation, "I'm
21 ready to go home. I'm tired of this."

22 A. It's been long enough.

23 Q. So you told us today that initially you denied being
24 downtown, correct?

25 A. At the beginning, yes, I did.

1 Q. But you said today that when they showed you pictures
2 you admitted to being downtown?

3 A. Yes, ma'am.

4 Q. That is not actually how it went down, is it?

5 A. What you mean?

6 Q. While you talk to Detective Tuttle, correct?

7 A. Yes, ma'am.

8 Q. Okay. So you know who that is?

9 A. Yes, ma'am.

10 Q. And initially you was asking about you being downtown
11 and you denied you were downtown at all?

12 A. Yes, ma'am.

13 Q. You told the detective that you really don't go
14 downtown much anymore, correct?

15 A. I don't.

16 Q. And that there was no way that you are down there?

17 A. Correct.

18 Q. He actually confront you with some -- he said he had
19 DNA evidence you were downtown?

20 A. Correct.

21 Q. But you still deny that your downtown initially?

22 A. Correct.

23 Q. You were adamant that you were not downtown?

24 A. When he showed me pictures I said, yes, I was.

25 Q. Well, you identified yourself in some photos, correct?

1 A. Yes, ma'am.

2 Q. Detective Tuttle showed you some of those photos as
3 well?

4 A. Yes, ma'am.

5 Q. When he first showed you the photos, you actually still
6 said, "No, that's not me."?

7 A. I left out the room, and I came back in and I told him
8 the reverse.

9 Q. Right. But initially when he showed you the photos,
10 you still said, "No. That is not me." Correct?

11 A. I wasn't quite sure.

12 Q. It seems like you remember you had to -- the meeting
13 ended. You went outside and then he came back and the
14 interview proceeded again and then you admitted to being
15 downtown?

16 A. Yes, ma'am.

17 Q. So having been showed the pictures initially, you still
18 denied that was you?

19 A. I'm not quite sure.

20 Q. Okay.

21 A. I can't say yes, I can't say no. I'm not quite sure --

22 Q. But it's possible?

23 A. Correct.

24 Q. You actually said -- do you remember this? Told them
25 to go ask your mom so that she can say it wasn't you?

1 A. I told them to ask my children in picture.

2 Q. Right. To say that it wasn't you?

3 A. I wasn't in the same room so I don't know exactly what
4 she told them.

5 Q. Will, no. But you said, "That's not me in the photo.
6 Go ask my mom and she'll tell me that's not me."

7 A. Correct.

8 Q. Okay. And you had actually earlier in the
9 conversation -- you know, he was the officer -- Detective
10 Tuttle was making small talk and you had admitted that you
11 are a Dallas Cowboys fan, correct?

12 A. I did.

13 Q. But you actually told him when you were talking, seeing
14 the photos, you said, "I don't even have a hat."

15 A. Correct. I don't wear hats like that.

16 Q. But you did that night?

17 A. Yes, ma'am.

18 Q. You told Detective Tuttle when you're denying that that
19 was you, "Go search my house."

20 A. Correct.

21 Q. And you actually said you did not have a hat several
22 times in the interview?

23 A. I don't how many times I said it. But I remember
24 telling him I don't have a hat.

25 Q. So when I -- when the detective first showed you the

1 picture and you do not it was you, then that's when he told
2 you about some DNA evidence, correct?

3 A. Yes, ma'am.

4 Q. But even after you told you that, you still denied that
5 you were downtown?

6 A. I don't think so.

7 Q. You said it can be. It can't be. You said that
8 several times.

9 A. Correct.

10 Q. You even told him go check the stores I was at. You
11 can check the surveillance from the stores I was at?

12 A. Correct.

13 Q. And the officer told -- just asked and tried to give
14 you an out. He said, "Were you just passing through?" And
15 you still said no, correct?

16 A. Correct.

17 Q. You actually said, "No way in hell."

18 A. Correct.

19 Q. So what that point after you had denied it was you on
20 multiple occasions, the interview ended at that point,
21 correct?

22 A. (Nonverbal response.)

23 Q. And then you came back?

24 A. Correct.

25 Q. So when you went back this time -- and this was the

1 same day, correct?

2 A. Correct.

3 Q. At that point you did omit to being downtown?

4 A. Correct.

5 Q. And you did admit to hearing some gunshots.

6 A. Correct.

7 Q. You said that was not you, so you had not been driving
8 that car, correct?

9 A. At one point I desire was not driving.

10 Q. You said that you actually walked downtown from West
11 Ashley?

12 A. Correct.

13 Q. And so, that's how you got downtown?

14 A. Correct.

15 Q. You actually said, "On my kids, I walked through."

16 A. Correct.

17 Q. But you still denied that that picture, the man in the
18 picture, with you at that point. You admitted to being
19 there, but still denying the picture was you?

20 A. I don't recall denying it after he said what he said.

21 Q. You specifically said in this conversation, "I won't
22 lie to you." You told the detective that?

23 A. At what point?

24 Q. At that point when you were saying you were walking
25 through.

1 A. I did walk through. I didn't tell him -- when he said
2 that he had DNA and all of this, I admitted to being out
3 there.

4 Q. That was still, though, you were denying that you
5 drove. You said --

6 A. At first --

7 Q. -- you are just walking through.

8 A. At first, I did deny it.

9 Q. This day you denied it. This whole day, this initial
10 conversation you denied, being in a car -- well later,
11 actually -- let's go back. You said your Auntie Deborah
12 gave you a ride downtown?

13 A. No. I did not say that. I said I walked from her
14 house. That's my old granny's house.

15 Q. This interview was recorded.

16 A. That's my Granny's old house. And I told them I walked
17 from her house.

18 Q. Okay. That's what you were telling the detective that
19 you walked through that house?

20 A. Correct.

21 Q. And you admitted to lying about walking, though?

22 A. Correct.

23 Q. And said that your aunt dropped you off?

24 A. I don't recall saying that.

25 Q. Okay. But this whole time, this whole day, you never

1 at that point said that that was you driving that car?

2 A. I don't exactly recall. I did say one time that it
3 wasn't me driving. I did say that at one time.

4 Q. At one time or multiple times?

5 A. I don't recall, but I do remember saying it.

6 Q. You told the detective that day, "I'm being honest with
7 you."?

8 A. Correct.

9 Q. You did talk to Detective Tuttle again after that day?

10 A. Correct.

11 Q. You had -- well, actually going back that initial day,
12 you told him several people he could check in with, correct?

13 A. As far as?

14 Q. As far as your whereabouts. You told him about your
15 friend Nick?

16 A. Correct.

17 Q. You told him about some girls?

18 A. Correct.

19 Q. There's a girl Adrian I believe?

20 A. Correct.

21 Q. And then there was your child's mother, Ms. Butler?

22 A. Correct.

23 Q. So you told the detective all these people he could
24 check with about your whereabouts?

25 A. Correct.

1 Q. Later, you taught detective on the phone, Detective
2 Tuttle on the phone, later that month, correct?

3 A. Correct.

4 Q. You had told him that you were going to try to get him
5 some information?

6 A. Correct.

7 Q. At that point when you talk to him, you did not mention
8 anything about being the driver.

9 A. Correct.

10 Q. And you didn't mention anything about Montrelle
11 Campbell?

12 A. Correct.

13 Q. And then you met with the detective in person again on
14 October 11, 2015. Do you remember that when you had a
15 different lawyer at that time? You met him with your
16 lawyer?

17 A. I had that lawyer from the beginning.

18 Q. Well, it's just not the lawyer ---

19 A. Correct.

20 Q. Mr. Lizzi?

21 A. Law firm. Chris Lizzi.

22 Q. And at that point, you never admit it that you were the
23 driver of the car, correct?

24 A. Correct.

25 Q. So after being incarcerated for maybe a year and a

1 half -- is that fair to say? That's when he spoke to the
2 solicitor's office?

3 A. About that.

4 Q. You're saying that he asked you to go to the store with
5 him?

6 A. Correct.

7 Q. And he was driving?

8 A. Correct.

9 Q. And instead of going to the store, he just drove
10 downtown?

11 A. Correct.

12 Q. And you just said -- you just didn't really think much
13 of it. You are just like --

14 A. I had my head down rolling up a blunt.

15 Q. Rolling up a blunt?

16 A. Yes, ma'am.

17 Q. So you're saying that you didn't realize that you were
18 going downtown?

19 A. I realize I got on the interstate, but I didn't know
20 where I was going.

21 Q. Okay. So you didn't even really pay attention to where
22 you were going?

23 A. I had my head down rolling up a blunt.

24 Q. So you're arrive downtown, and you're saying that he
25 told you to park somewhere else?

- 1 A. Yes, ma'am.
- 2 Q. Okay. But you didn't say in that car?
- 3 A. No, ma'am.
- 4 Q. You got out and walked around.
- 5 A. I was heading back to where I last seen my knife.
- 6 Q. Okay. Well, you and Ace were talking?
- 7 A. Actually, I was going to where I been at.
- 8 Q. Well, y'all walked together for minute. Is that fair
- 9 to say?
- 10 A. Yes, ma'am.
- 11 Q. And Ace just briefly -- you told us that you know Ace.
- 12 A. We grew up down there.
- 13 Q. Okay. And so he lives in that area?
- 14 A. I don't know where he lives that. We grew up in the
- 15 area.
- 16 Q. Well, he's there a lot. Is that fair to say? A lot of
- 17 people hang out down there even if they don't live there.
- 18 A. It's been a while since I've been down there since I
- 19 day. Before that day, it had been a while since I had been
- 20 down there.
- 21 Q. So, okay, back to what you finishing going over what
- 22 you told us a little bit about that. So you get downtown.
- 23 Montrelle says park the car. And you don't stay there or
- 24 anything. You leave and you walk back, correct?
- 25 A. Yes, ma'am.

1 Q. You decided to walk towards the Projects to give
2 Montrelle the keys, correct?

3 A. Yes, ma'am.

4 Q. Because it's not your understanding that you're
5 supposed to drive him away anything like that?

6 A. I wasn't trying to be around him because I had issues
7 with a couple of people from around there. So I was trying
8 to get away from down there.

9 Q. Okay. Because it can be a dangerous area sometimes,
10 correct?

11 A. Correct.

12 Q. I think you also we're not supposed to be there and
13 banned from being in that area?

14 A. That's why I moved from down there.

15 Q. So you go -- you hear shots and then you run.

16 A. Yes, ma'am.

17 Q. Okay. And Montrelle gets in the car shortly
18 afterwards?

19 A. Yes, ma'am.

20 Q. And he says go?

21 A. Yes, ma'am.

22 Q. And that's it.

23 A. Yes, ma'am.

24 Q. And then y'all go back to North Charleston?

25 A. Yes, ma'am.

1 Q. The State asked you about how they didn't promise you
2 anything, correct?

3 A. Correct.

4 Q. Actually, you did sign a document, a contract, with
5 them for you to testify, correct?

6 A. I said they didn't promise me anything.

7 Q. Right. They didn't promise you anything, but the
8 understanding was that you were going to benefit?

9 A. They didn't say I was going to benefit anything.

10 Q. But you're hoping to get benefits?

11 A. I'm not going to sit here and take no charge for
12 something that I had no knowledge of or didn't do.

13 Q. You're hoping to get a benefit?

14 A. I don't know what's going to happen with this to be
15 honest with you.

16 Q. But you already told Mr. Simpson that you were hoping?

17 A. That I go home?

18 Q. Yes.

19 A. I pray I go home because I didn't have no knowledge of
20 this. I didn't have a hand in this.

21 Q. Today you told us that you swear you're being truthful,
22 correct?

23 A. Yes, ma'am.

24 Q. But you also told Detective Tuttle that you're being
25 truthful with him, correct?

1 A. Yes, ma'am.

2 Q. You even sworn your kids that you are being truthful?

3 A. I don't recall swearing on my kids. But if I did, I
4 don't remember.

5 Q. Okay. But early on I had asked, you said "on my kids."

6 A. I don't recall saying it. But if I did, I don't
7 remember.

8 Q. I believe you agreed that you had said that.

9 A. Yes, ma'am.

10 Q. And when you spoke to him you were quite adamant that
11 that, initially, that it wasn't you in those photos?

12 A. Yes, ma'am.

13 MS. FORD: Back the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 MS. FORD: I have no further questions for this
16 witness, Your Honor.

17 THE COURT: Any redirect?

18 AST. SOL. SIMPSON: Yes, Your Honor. Thank you.

19 THE COURT: You're welcome.

20 REDIRECT EXAMINATION

21 BY AST. SOL. SIMPSON:

22 Q. Trivell, hello again.

23 AST. SOL. SIMPSON: May I approach the witness, Your
24 Honor?

25 THE COURT: Yes, sir.

1 Q. Mr. Richardson, you don't have to read this again. If
2 you can just sort of flip through, peruse that, and tell me
3 when you recognize it, particularly the third page?

4 A. You said the third page?

5 Q. Yes. I mean, look at the whole document. Do you
6 recognize it?

7 A. I know what this is.

8 Q. Okay. You know what it is? What is that?

9 A. It's the paper that I signed to get relief.

10 Q. Okay. This is the agreement that you entered into with
11 the government of South Carolina involving your
12 cooperation --

13 A. Yes, sir.

14 Q. And this contains all of the terms of our agreement,
15 correct?

16 A. Yes, sir.

17 Q. And so you recall talking through it with us and your
18 lawyer?

19 A. Yes, sir.

20 Q. And who is this? The identity of this? Is that your
21 lawyer?

22 A. Yes, sir.

23 Q. And his job is to advise you what to do, correct?

24 A. Yes, sir.

25 Q. Okay.

1 AST. SOL. SIMPSON: At this point in time, the State
2 would seek to admit State's 135.

3 THE COURT: Any objection?

4 MS. FORD: Yes, Your Honor. Hearsay and bolstering.

5 THE COURT: Sustained. I mean, you can rehabilitate
6 your witness.

7 AST. SOL. SIMPSON: Okay.

8 Q. You can go on your understanding or you can look at the
9 actual document if you want. Are there any promises
10 contained in that regarding leniency?

11 A. No, sir.

12 Q. Did we ever say something like, "Here's what we want to
13 hear. Tell us that and we'll make you a promise,"?

14 A. No, sir.

15 Q. Okay. All right. In fact, is the term of the
16 agreement as written in the document before you tell us the
17 absolute truth?

18 A. Yes, sir.

19 Q. And will consider -- considerate along with the other
20 evidence in determining its value?

21 A. Yes, sir.

22 Q. Okay. So the only comments we made is nothing. It's
23 not a real good agreement for you. Is that correct?

24 A. Yes, sir.

25 Q. And the only promise you make is you're going to tell

1 the truth?

2 A. Yes, sir.

3 Q. And we tell you were going to compare anything you say
4 to us what the other evidence --

5 MS. FORD: Objection. Vouching.

6 THE COURT: I'm sorry. Y'all were talking over one
7 another. Can you repeat the question, please, Mr. Simpson.

8 AST. SOL. SIMPSON: Actually, I'll withdraw it.

9 THE COURT: Okay. Question is withdrawn.

10 Q. It's a contract wherein you promise to be truthful.

11 A. Yes, sir.

12 Q. And we promise nothing, essentially.

13 A. Yes, sir.

14 Q. But, however, let's be frank, I mean we're dancing
15 around this but it's not a secret, your cooperating in hopes
16 that we will consider that, right?

17 A. Yes, sir.

18 Q. Okay. Of course, you want to go home?

19 A. Yes, sir.

20 Q. So lets' talk a little bit about some questions

21 Ms. Ford asked about your prior record.

22 A. Yes, sir.

23 Q. What she referred to as lying to the police was an
24 incident where you did what?

25 A. Told them the wrong name.

1 Q. Told them a wrong name, right? Was that a year ago?

2 A. No.

3 Q. Might it have been ten years ago?

4 A. (No response.)

5 Q. What are you looking at there? I'm sorry.

6 A. When my charged happened?

7 Q. Okay. Just go from your recollection. Might that had
8 been about ten years ago?

9 MS. FORD: Objection. Leading.

10 THE COURT: Sustained. Can you rephrase?

11 AST. SOL. SIMPSON: Okay.

12 Q. Do you recall about, to the best of your recollection,
13 when that charge might've been?

14 A. No. I got the date on this paper.

15 Q. Oh, you do?

16 A. Yes, sir.

17 Q. Okay. Would that refresh your recollection?

18 A. Yes, sir.

19 MS. FORD: I object, Your Honor. It's hearsay.

20 THE COURT: Please approach for me.

21 (A bench conference was held off the record and out of
22 the hearing of the jury panel.)

23 THE COURT: Overruled. He can use the documents to
24 refresh his memory.

25 Sir, do need the question repeated?

1 THE WITNESS: No, ma'am.

2 THE COURT: Okay. You can answer the question.

3 Q. Does that document refresh your recollection as to when
4 you told the police the wrong name?

5 A. Yes, sir.

6 Q. Okay. When was that?

7 A. 2008.

8 Q. 2008. Okay. Is the document you're looking at the
9 picture -- a writing of some of these prior incidents that
10 we talked about?

11 A. It's a print out.

12 Q. Okay. So there was a drug charge mentioned by
13 Ms. Ford. What year did that happen?

14 A. Can I look at this paper?

15 Q. If it will refresh your recollection.

16 THE COURT: Sir, you can use it to refresh your memory.

17 MS. FORD: I believe it's asked and answered, Your
18 Honor.

19 THE COURT: Overruled. He can rehabilitate his
20 witness.

21 A. 2006.

22 Q. 2006. Okay. And she mentioned a grand larceny charge.
23 What year was that?

24 A. 2010.

25 Q. Okay. So eight to ten to 12 years ago?

1 A. Yes, sir.

2 Q. I believe Ms. Florida also phrased the question, "From
3 your experience, what is an appropriate murder bond." Have
4 you ever been charged with anything even remotely like this?

5 A. I've never had a charge like this.

6 Q. Okay.

7 A. Never. All mine is little charges.

8 Q. So no one should differ from that question or from your
9 experience that you've had prior incidents of this matter?

10 A. I don't know nothing about these kinds of charges.

11 Q. Okay. Now, Ms. Ford also stressed the fact that you
12 are also charged with the offense of murder and two
13 attempted murders, currently. Is that correct?

14 A. Yes, sir.

15 Q. Even from the warrant, the charging documents, was it
16 ever alleged that you are the shooter by the government?

17 A. No, sir.

18 Q. Okay. Do you at least understand -- you don't have a
19 law agree. Do you understand that sometimes people who get
20 charged for something --

21 MS. FORD: Objection.

22 AST. SOL. SIMPSON: -- doesn't necessarily require --

23 THE COURT: Basis?

24 MS. FORD: Asking for information outside of --

25 THE COURT: I didn't hear his whole question. He

1 hasn't finished it.

2 AST. SOL. SIMPSON: Okay.

3 THE COURT: I think you need to let him finish his
4 question. Do you need to start over?

5 AST. SOL. SIMPSON: Yes, Your Honor.

6 MS. FORD: I think he's leading, too, Your Honor.

7 THE COURT: Sustained. Leading. Rephrase.

8 Q. Has any document or person from the government ever, in
9 this case, to your knowledge, alleged that you were the
10 shooter?

11 A. No, sir.

12 Q. You are charged with murder.

13 A. Yes, sir.

14 Q. And you are here today hoping to get a benefit from
15 your cooperation?

16 A. Yes, sir.

17 Q. Okay. I think . . . And I think we were quite frank
18 in your direct you were not initially honest with the
19 police, right?

20 A. Yes, sir.

21 Q. Were you hoping to avoid these consequences?

22 A. Yes, sir.

23 Q. And even in your position right now, has there been
24 consequences? Meaning in your life from this.?

25 A. I didn't understand it.

1 Q. Have you suffer consequences for this in your life
2 already?

3 A. Yes, sir.

4 MS. FORD: Objection. Relevance.

5 THE COURT: Overruled.

6 Q. But, initially, when the police came and talked to you
7 did not want to be forthright?

8 A. Correct.

9 Q. And your hope was to avoid all this. Is that correct?

10 A. Correct.

11 Q. Okay. But here we are today, right?

12 A. Uh-huh.

13 Q. In a courtroom. Your sworn under oath, right?

14 A. Yes, sir.

15 Q. What did you swear to do today?

16 A. Tell the truth.

17 Q. Okay. Is that you in those still video photos that we
18 saw?

19 A. Yes, sir.

20 Q. Where you on Newman Street that night?

21 A. Yes, sir.

22 Q. Were you smoking a cigarette that night?

23 A. Yes, sir.

24 Q. He drove you downtown that night?

25 A. Montrelle drove me.

1 Q. Is that Montrelle Campbell?

2 A. Yes, sir.

3 Q. He got to that Buick that night after you.

4 A. My codefendant.

5 Q. What did he have with him when he got to that Buick?

6 A. A rifle.

7 Q. Okay. What observations did you make about that rifle?

8 MS. FORD: Objection. Outside the scope.

9 THE COURT: I'm going to give him a little latitude.

10 Overruled.

11 Sir, do need the question repeated or can you answer
12 it?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Repeat the question, please.

15 Q. What observation did you note about the rifle in your
16 direct to this jury?

17 A. Do you mean how it looks?

18 Q. What was it doing?

19 A. Smoking.

20 Q. Okay. How long have you known Montrelle Campbell?

21 A. Mostly all of my life.

22 Q. Okay. Are you certain that was him getting back in the
23 car?

24 A. Positive.

25 Q. Whose car was that?

1 A. Tomeka President.

2 Q. Do you know Tomeka President's car?

3 A. Yes, sir.

4 Q. Do you know --

5 MS. FORD: Objection.

6 THE COURT: Basis?

7 MS. FORD: Outside the scope, Your Honor. I didn't ask
8 him these questions.

9 THE COURT: It's not outside the scope. He can
10 rehabilitate his witness. These are directly in response to
11 cross-examination.

12 MS. FORD: I didn't --

13 THE COURT: The objection is overruled.

14 MS. FORD: Yes, Your Honor.

15 Q. Did you know Tomeka President's relationship with
16 Montrelle Campbell at that time?

17 A. No, sir.

18 AST. SOL. SIMPSON: Court's indulgence.

19 Thank you, Mr. Richardson. I don't have any other
20 questions. Thank you.

21 THE COURT: Sir, you're excused. Actually, before we
22 do that, who is the State's next witness?

23 AST. SOL. SIMPSON: Detective Tuttle, Your Honor.

24 THE COURT: Mr. Foreman, ladies and gentlemen, I need
25 to discuss and scheduling with counsel. During this break,

1 please do not discuss the case, and you can leave your
2 notepads in your seats. We appreciate your patience.

3 (The jury exits the courtroom at 12:35 p.m.)

4 THE COURT: You may be seated. Y'all can go ahead and
5 take care of Mr. Richardson. I didn't want him shackled the
6 presence of the jury.

7 (Off the record discussion about scheduling.)

8 THE COURT: I'm just trying to anticipate whether it's
9 better for us to take lunch break now and have better use of
10 our afternoon is kind of what I'm thinking. Before we do
11 that, I want to go ahead and question your client regarding
12 his constitutional rights so you all can talk to him.

13 MS. FORD: Yes, Your Honor.

14 THE COURT: It will save us some time in the long run.
15 I'm not going to ask the final questions, but I do want him
16 to be aware of its rights so that you can have a meaningful
17 conversation with him about it when it's necessary.

18 MS. FORD: Yes, ma'am.

19 THE COURT: Have you all determined the validity or the
20 age attempted strong on robbery?

21 AST. SOL. SIMPSON: Yes, Your Honor. I did some
22 research last night and came across a case of State versus
23 Broadnax (ph). Probably not in the State's best interest to
24 seek impeachment on that issue.

25 THE COURT: Yeah. I think you have to prove that an

1 actual act was involved. Then you have to issue it within
2 ten years which is his release from confinement and whether
3 you gave him notice.

4 AST. SOL. SIMPSON: Yeah. We had some arguments on
5 both, but sort of came to the conclusion that we would just
6 not --

7 THE COURT: So y'all are not attempting to offer any of
8 his record to impeach him then, correct?

9 AST. SOL. SIMPSON: No, Your Honor.

10 THE COURT: Okay. Sir, if you will stand for me please
11 and raise your right hand to be sworn.

12 (The defendant is duly sworn.)

13 THE COURT: State your full name for the record.

14 THE DEFENDANT: Montrelle Campbell.

15 THE COURT: Mr. Campbell, at this time I'm going to
16 explain to you certain of your rights. And I'm doing this
17 in advance of when I anticipate this matter will come up.
18 Because prior to that time, I want your attorneys to be able
19 to have, with the benefit now of trial testimony having been
20 presented -- we have two more witnesses left. And I am
21 anticipating us coming up on the point when you will be able
22 to present your defense or if you'll testify, if you should
23 desire to. And I want you to be able to have a meaningful
24 conversation with your attorneys regarding that. Do you
25 understand?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Sir, there's anything you don't understand
3 that of explain to her something that you need me to
4 elaborate on more, please let me know. Do you understand?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Sir, we will soon reach the stage of the
7 trial or you may present your own defense. You have the
8 right to claim the protections given to you are the Fifth
9 Amendment of the Constitution of the United States. And
10 that amendment reads in part that no person shall be
11 compelled in any criminal case to be a witness against
12 himself. This means that you cannot be required to testify
13 in this case. You have the right to testify, and of course,
14 that's a decision that you will have to make freely and
15 voluntarily, knowingly, and intelligently. And it is a
16 personal right and no one can waive that right except you.

17 If you decide to testify you will be subject to the
18 same rules that govern other witnesses, and you'll be
19 examined and cross-examined on any relevant issue in this
20 case. In addition, if you have any convictions involving
21 dishonesty or false statement of our crimes punishable by
22 imprisonment for more than one year and the Court determines
23 that the probative value of the conviction outweighs its
24 prejudicial effect you, the solicitor will be able to
25 introduce your record to attack your credibility. If you

1 decide to testify, again as I indicated, that decision will
2 have to be made freely, voluntarily, knowingly, and
3 intelligently with knowledge of the protections of the Fifth
4 Amendment and the consequences of your right to testify. If
5 you decide not to testify, I will instruct the jury that
6 they can give no weight to that issue in any manner
7 whatsoever. In fact I will instruct him that the State has
8 the burden of proving each and every element of every
9 offense that you're charged with beyond a reasonable doubt.
10 That you have debt burden in that regard. That the fact
11 that you did not testify cannot be discussed in any manner
12 whatsoever during their deliberations, and there is to be no
13 inference or consequence to you are drawn from your failure
14 to not testify in this case, and there is to be absolutely
15 no prejudice to you for not testifying.

16 It is entirely left up to you whether or not you
17 testify. You may speak with your attorney, your family
18 members, friends, or anyone else, but the final decision is
19 yours. Sir, do you understand your rights as I just
20 explained them to you?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Do you need me to explain your rights in
23 any more detail?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: And you've heard me inquire of the State as

1 to whether there is any record that they will be seeking to
2 impeach your credibility. And I believe -- numb trying to
3 find my notes. I apologize. There was an attempted strong
4 arm robbery, and you've heard that discussion. They would
5 not be able to use that conviction based on the fact that I
6 did not involve -- did not involve a theft as well as the
7 fact it's outside the ten-year prohibition under the rules.
8 In addition, there was an '07 possession of a weapon for
9 which you were confined. But I've already indicated to them
10 that I think that would be more prejudicial than probative
11 because of its similarity to the offense you are charged
12 with.

13 Would that possession of a weapon have been a felony or
14 misdemeanor?

15 AST. SOL. SIMPSON: Felony, Your Honor.

16 THE COURT: Going to debate about it, but I might,
17 since credibility is essential to this case, allow them to
18 ask if you been convicted of a felony. However, that was in
19 '07. So '17 would've been the cutoff for that as well,
20 wouldn't it? When was he released from confinement on that.

21 AST. SOL. SIMPSON: I think he served 8.75 years for
22 that.

23 THE COURT: When was he released from confinement?

24 AST. SOL. SIMPSON: Assuming it was day-for-day because
25 it was federal, would've been . . .

1 THE COURT: 2015? Why don't you look --

2 AST. SOL. SIMPSON: Actually, I don't think we would
3 really even ask about that.

4 THE COURT: Okay. Perfect.

5 AST. SOL. SIMPSON: Makes it a lot easier.

6 THE COURT: Yeah. They won't be seeking to use any of
7 your records and impeach your credibility. So with that,
8 with that knowledge, I want, at the appropriate time, for
9 you to have a full and formal conversation with your
10 counsel, okay. And then I'll resume questioning you at the
11 appropriate time when it's time for you to present your
12 defense. Do you understand?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. You may take your seat.

15 I guess we'll break until what, 2:15? That gives us an
16 hour and 30 minutes. Or do we just need until two o'clock?
17 I'll defer to y'all's preference.

18 (Lunch break taken from 12:50 pm. until 2:15 p.m)

19 (The jury enters the courtroom at 2:25 p.m.)

20 THE COURT: Ladies and gentlemen, I hope you all had a
21 pleasant lunch. We're now going to resume testimony. The
22 State may proceed.

23 AST. SOL. SIMPSON: Thank you, Your Honor. Our witness
24 will be here momentarily (Brief pause.) May I approach the
25 court reporter?

1 THE COURT: Uh-huh.

2 (Brief pause.)

3 AST. SOL. SIMPSON: The State calls Detective Eric
4 Tuttle.

5 (ERIC TUTTLE, was duly sworn and provided the following
6 testimony.)

7 CLERK: Please take your seat. Spell your first name
8 and last name for the record.

9 THE WITNESS: E-R-I-C, T-U-T-T-L-E.

10 THE COURT: You may proceed.

11 AST. SOL. SIMPSON: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY AST. SOL. SIMPSON:

14 Q. Detective Tuttle, good afternoon?

15 A. Good afternoon, sir.

16 Q. Start just introducing you to the jury. Your name
17 again, please.

18 A. My name is Eric Tuttle.

19 Q. And what do you do for a living?

20 A. I'm a police officer with the city of Charleston.

21 Q. And what rank, department, duties you have for the
22 Police Department.

23 A. Right now my rank is Master police officer. My
24 position as detective.

25 Q. Okay. And what unit are you detective?

1 A. Homicide unit.

2 Q. Okay. Can you tell us a little bit about just sort of
3 your personal educational background, job experience, and
4 what brought you to law enforcement, and any experience you
5 had on the job?

6 A. Yes, sir. Born and raised in Charleston. I'm from a
7 family of public service. I graduated from Clemson with a
8 bachelor in political science and a minor in journalism.
9 Started with the Police Department in 2008. I continued my
10 education in 2015. I got it Master's in public at
11 ministration College of Charleston and a graduate
12 certificate and homeland security in addition numerous
13 training classes and on-the-job experience with the Police
14 Department.

15 Q. And when were you hired at the Charleston Police
16 Department?

17 A. 2010.

18 Q. Okay. And what different roles have you and
19 occupations have you had within the Police Department?

20 A. Began as a patrol officer. I did that for four years
21 patrolling West Ashley and then James and Johns Island. I
22 had an interest in investigations. I was in the auto theft
23 unit for very short period of time in 2012. Transferred to
24 the robbery division. And then in 2015, transfer to the
25 violent crimes, homicide unit.

1 Q. And so, just quickly, how long have you been with the
2 violent/homicide unit?

3 A. In 2015, August of 2015, so roughly two and a half
4 years.

5 Q. So fair to say these events occurred relatively new to
6 that unit brought considerable experience in law
7 enforcement?

8 A. Yes, sir.

9 Q. Must talk about again getting more case specific --
10 obviously, you know the case we're here for today, right?

11 A. Yes, sir.

12 Q. And have you been present most of that week during this
13 trial?

14 A. Yes, sir. I have.

15 Q. Okay. What was your role in the case that we've been
16 talking about all week, sir?

17 A. I was the lead detective otherwise known as the case
18 agent.

19 Q. Okay. Describe to the jury a little bit about what
20 that means to be a lead detective or case agent in a
21 homicide case?

22 A. Well, a homicide investigation is generally one of the
23 most complex investigations. As the case agent, you're not
24 necessarily doing every job, but you are a fact-finding body
25 sort of collaborating all the various duties from

1 facilitating evidence, collection, and then evidence
2 processing, canvassing the area looking for witnesses or
3 cameras, utilizing CIs. And that once enough arrests have
4 been made, compiling all that and packaged to the
5 solicitor's office.

6 Q. So you may not of been present or actually doing
7 everything in this case. Is that fair to say?

8 A. That's fair to say.

9 Q. But you were aware of most things?

10 A. I was.

11 Q. Okay. Explained to the jury a little bit about how,
12 you know, you initiated your involvement in this case? How
13 did you become to be the lead agent?

14 A. As a homicide detective, you're generally expected to
15 be on call 24/7. This incident occurred early Saturday
16 morning around 6:30 or so. The Sergeant, my supervisor at
17 the time, Sarko (ph) called me at home, gave me very few
18 details, basically the incident location, that a homicide
19 did in fact occur and requested my presence.

20 Q. And so did you -- you arrived on scene that morning.

21 A. That morning, I was there within an hour and half or
22 so.

23 Q. Okay. And throughout this investigation, did you
24 try -- again, you know, understanding that you couldn't do
25 everything -- did you try to play pretty hands-on role

1 throughout this investigation?

2 A. I try to be as hands-on and familiarize myself as best
3 I could.

4 Q. Just by way of an example, where you here this week for
5 the testimony Sarah Gladwell?

6 A. I was.

7 Q. In the crime scene unit?

8 A. I was.

9 Q. Were you present and observing during that
10 investigation?

11 A. I was.

12 Q. And offering assistance?

13 A. I was.

14 Q. Okay. So that's just an example. Would that be sort
15 of what you would do for a lot of this process?

16 A. Yes, sir. And a lot of things going on simultaneously.
17 So at the same time, at the beginning of the crime scene
18 processing, a search warrant also needed to be obtained --
19 drafting and getting that signed in addition to canvassing.
20 So there's a lot of moving parts all at once at the
21 beginning of the investigation.

22 Q. Okay. But periodically is it fair people are coming to
23 you as that agent? You know, this is what's going on here
24 and sort of you do this -- delegating a little bit
25 sometimes?

1 A. Most the time, yes.

2 Q. Okay. Now, this was a lengthy investigation, was it
3 not?

4 A. This was a very lengthy investigation. Yes, sir.

5 Q. And I guess for jurors who may not be that familiar,
6 you know, do you have problems where sometimes someone is
7 just nabbed an hour after the crime?

8 A. Certainly. But even with cases like that, it can
9 become complex with cooperating evidence and statements.

10 Q. Sure. But was this one of those cases?

11 A. This was a very complicated case due to the --

12 MS. FORD: Objection. Relevance and bolstering.

13 THE COURT: Please approach.

14 (A bench conference was held off the record and out of
15 the hearing of the jury panel.)

16 THE COURT: Proceed.

17 AST. SOL. SIMPSON: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 Q. What was the period of time, approximately, between the
20 incident and the arrest being made?

21 A. I believe the affidavits were obtained within a couple
22 of weeks and the arrests made shortly thereafter that.

23 Q. Okay. So it's a couple of weeks, not hours or days?

24 A. Yes, sir.

25 Q. Okay. And you worked this case over the course of

1 those two weeks, right?

2 A. Yes, sir.

3 Q. Okay. I asked you that -- rather than go through
4 chronologically each day, I would prefer if we could just go
5 forward and focus on certain sort of things if that's okay
6 with you?

7 A. Of course.

8 Q. You had mentioned earlier that one of the things you
9 might do as lead detective is either you personally or have
10 others look for video?

11 A. Yes, sir.

12 Q. Okay. Did you do that in this case?

13 A. Yes, sir.

14 Q. And we're any of those effort successful in obtaining
15 relevant surveillance video?

16 A. Yes, sir. They were.

17 Q. And can you explain a little bit about that.

18 A. This incident location in the Gadsden Green Housing
19 Complex the department has the CPD safety and security
20 cameras that Lieutenant Farrell had testified to earlier.
21 So that was sort of the first step in my part, and Detective
22 Thomas Bailey sort of assisted in reviewing those. And then
23 we requested fellow detectives to canvas the area,
24 businesses, private homes. Basically, just walking up and
25 down the street looking at the door or the corner of the

1 building deceived there is a camera out there.

2 Q. Okay. We're there any businesses in the area that you
3 thought might contain some relevant surveillance footage?

4 A. Yes, sir. I know that one of the first places that I
5 was made aware of in addition to our safety and security was
6 the Lee Lee's Hot Kitchen at the corner President Street and
7 Nunan Street.

8 Q. Okay. And did you or someone under your direction go
9 to that location?

10 A. Detective Rebecca Gregg.

11 Q. Have we heard from her this week?

12 A. We have.

13 Q. Did you do any follow-up that particular video?

14 A. I did.

15 Q. And what was that?

16 A. I had obtained a portion of the video, the portion that
17 Trivell Richardson testified to flicking a cigarette butt.
18 And after that was obtained, I determined that there needed
19 to be additional footage just sort of chain of custody to
20 ensure that that cigarette butt remained there until we
21 collected it, which it was.

22 Q. Okay. So you got a large period of time of the video
23 from the Lee Lee's Hot Kitchen?

24 A. I did.

25 Q. Okay. And do you recall, did you obtain that from Lee

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1 Lee's or another business?

2 A. I forget the gentleman's name, but the representative
3 from the Charleston Security System. We were in contact
4 with them and they aided us and providing us what we needed,
5 the requested video.

6 Q. Okay.

7 AST. SOL. SIMPSON: May I approach the witness, Your
8 Honor?

9 THE COURT: You may.

10 Q. Detective Tuttle, I'm handing you what's been marked as
11 State's 94 for ID only. Do you recognize that exhibit?

12 A. Yes, sir. I do.

13 Q. And what is that exhibit?

14 A. It is Lee Lee's Hot Kitchen video.

15 Q. And have you reviewed the contents of that CD?

16 A. I have.

17 Q. Are the contents of that CD the video that you obtained
18 from the Charleston Security Systems?

19 A. Yes.

20 Q. Is that the contents of that exhibit?

21 A. Yes, sir.

22 Q. Thank you.

23 AST. SOL. SIMPSON: Your Honor, at this time the State
24 seeks to admit State's 94 into evidence.

25 THE COURT: Any objection?

1 MS. FORD: No, Your Honor.

2 THE COURT: Admitted without objection. You may
3 proceed.

4 AST. SOL. SIMPSON: Thank you, Your Honor.

5 THE COURT: You're welcome.

6 (State's Exhibit No. 94, Lee Lee's Video, was received
7 into evidence.)

8 Q. You had mentioned earlier that you began with the city
9 cameras?

10 A. Detective Bailey did and I was made aware of his
11 findings.

12 Q. Okay. Did you ever have occasion to come into
13 possession of all the requested city cameras evidence?

14 A. I did. I made a request. I received that information
15 because I -- I think I actually requested about 48 hours of
16 footage or so. And because of the large file, we received
17 it on an external hard drive.

18 Q. Okay. Is that all that's on this hard drive?

19 A. I believe case files.

20 Q. Okay. But are you familiar --

21 AST. SOL. SIMPSON: May I approach, Your Honor.

22 THE COURT: (Affirms.)

23 Q. Show you State's 125 ID only. Are you familiar with
24 that particular hard drive?

25 A. I am.

1 Q. Okay. And does that contain the entire 48 hours of
2 footage you obtained from the city cameras?

3 A. Yes, sir.

4 AST. SOL. SIMPSON: May I approach, Your Honor?

5 THE COURT: You may.

6 Q. Show you what's been marked for ID only as State's 95.
7 Do you recognize that exhibit?

8 A. I do.

9 Q. And what is that exhibit?

10 A. These are clips that were obtained from the Lee Lee's
11 kitchen video in addition to the CPD safety and security
12 cameras.

13 Q. Okay. So as you mentioned on the hard drive, you have
14 48 hours and five cameras of footage. Is that correct?

15 A. Yes, sir.

16 Q. And on the Lee Lee's you said that was a sizable amount
17 of time to?

18 A. Yes.

19 Q. Do they have the same or different operating software?

20 A. Different operating software.

21 Q. Okay. Can it get a little clunky and clicky moving
22 between videos in that manner?

23 A. It sure can.

24 Q. Okay. And so what is this Exhibit again, 95?

25 A. It is clips from Lee Lee's in the city camera of what

1 is relevant.

2 Q. Thank you. And are they fair and accurate
3 representations of portions of what is on those larger
4 exhibits?

5 A. Yes, sir.

6 Q. Okay. Thank you.

7 AST. SOL. SIMPSON: Your Honor, at this point, the
8 State would seek to admit State's 95 and evidence.

9 THE COURT: Any objection?

10 (No response.)

11 AST. SOL. SIMPSON: So moving 95 into evidence?

12 THE COURT: Any objection.

13 MS. FORD: No, Your Honor.

14 THE COURT: Marked and admitted without objection.

15 AST. SOL. SIMPSON: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 (State's Exhibit No. 95, Video Footage, was received
18 into evidence.)

19 Q. You mentioned that you also had detectives look at some
20 private residences.

21 A. So when we observed that Lee Lee' kitchen did indeed
22 have evidence of the crime. Follow the logical path by
23 continuing down Nunan Street another corner of President.
24 So they continued canvassing down there. Observed a number
25 of homes had or were equipped with cameras.

1 Q. Okay. Any particular house that you we're particularly
2 interested in?

3 A. Mr. Ian Mills on [REDACTED] Nunan Street . . .

4 Q. Have you figured out if you would like to be his
5 neighbor or not like to be his neighbor? I'm not sure
6 personally.

7 A. I found him very likable.

8 Q. Showing you what's been marked as State's 118.

9 A. Yes, sir.

10 Q. Do you recognize that exhibit?

11 A. This is video for Mr. Ian Mills residence which is [REDACTED]
12 Nunan Street?

13 Q. Okay. And is that -- does not exhibit contain the
14 video that was provided to your department?

15 A. Yes, sir. And those are my initials on there.?

16 Q. Okay.

17 AST. SOL. SIMPSON: Your Honor, at this time, the State
18 would seek to admit State's 118 into evidence.

19 THE COURT: Any objections?

20 MS. FORD: No, Your Honor.

21 THE COURT: Without objection, marked and admitted.

22 AST. SOL. SIMPSON: Thank you.

23 (State's Exhibit No. 118, Video ([REDACTED] Nunan Street), was
24 received into evidence.)

25 AST. SOL. SIMPSON: Court's indulgence. I appreciate

1 everyone's patience.

2 Q. Detective Tuttle, I'm handing you what's been marked as
3 State's Exhibit 94 through 108 for identification only. Can
4 you take a minutes to review those exhibits?

5 A. (Witness complies.) Yes, sir.

6 Q. Do you recognize those exhibits?

7 A. I do, sir.

8 Q. And what are they?

9 A. Those are still images clipped from the Lee Lee's
10 video.

11 Q. Okay. These are specifically just the Lee Lee's
12 cameras, right?

13 A. Yes, sir.

14 Q. I actually should point this out. How many cameras Lee
15 Lee's ended up having externally?

16 A. They had three cameras, sir.

17 Q. Okay. Showing different areas?

18 A. Each camera -- obviously, yes, sir. They showed a
19 different area. And the channel numbers correspond --
20 channel two captured Nunan Street a portion of that; channel
21 three I believe was right over the door; and then channel
22 four I believe is looking south towards MUSC on President
23 Street, sort of in that direction or a portion of it.

24 Q. Okay.

25 AST. SOL. SIMPSON: Your Honor, at this time, the State

Direct Examination of Mr. Tuttle by Ast. Sol. Simpson

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1 seeks to admit 94 through 108.

2 THE COURT: Any objection?

3 MS. FORD: No, Your Honor.

4 THE COURT: Marked and admitted without objection.

5 (State's Exhibit Numbers 94-108, Lee Lee's Video and
6 Still Images, were received into evidence.)

7 Q. Detective Tuttle, I'm showing you what's been marked as
8 State's 113 through 117 for ID only. Could you review this,
9 please?

10 A. (Witness complies.)

11 Q. And what are those exhibits?

12 A. This are clips from the CPD safety and security
13 cameras.

14 Q. Okay. Similar to the previous exhibits, still --

15 A. Still images.

16 Q. -- images from the video?

17 A. From the city camera videos.

18 AST. SOL. SIMPSON: Your Honor, the State seeks to
19 admit 113 through 117.

20 THE COURT: Any objection?

21 (No response.)

22 THE COURT: Any objection?

23 MS. FORD: No, Your Honor.

24 THE COURT: Marked and admitted without objection.

25 COURT REPORTER: Solicitor, what numbers?

1 AST. SOL. SIMPSON: I'm sorry. 113 through 117.

2 (State's Exhibit Numbers 113-117, City Video Stills,
3 were received into evidence.)

4 Q. Showing you State's 119 through 122 for ID only. Do
5 you recognize those exhibits?

6 A. I do, sir. These are from Mr. Mills home of ■ Nunan.
7 These are also still images snipped and clipped.

8 Q. From the videos we discussed?

9 A. Yes, sir.

10 Q. Okay?

11 AST. SOL. SIMPSON: The State would seek to admit 119
12 through 122.

13 THE COURT: Any objection?

14 MS. FORD: No, Your Honor.

15 THE COURT: Marked and admitted without objection.
16 What we're those numbers again.

17 AST. SOL. SIMPSON: 119 through 122.

18 (State's Exhibit Numbers 119-122, Video and Stills of
19 ■ Nunan, were received into evidence.)

20 Q. Detective, I'm showing you what we've seen a good bit
21 of this week State's 4. Do you have a good view of that?

22 A. Yes, sir.

23 Q. And I'm sure you've seen this week, you mark on the
24 screen.

25 A. Yes, sir.

1 Q. Can you kind of show us where Nunan Street meets
2 President Street?

3 A. (Witness complies.)

4 Q. And what is that building on the corner?

5 A. That was Lee Lee's Hot Kitchen. I think it's -- now.

6 Q. Okay. Before its tragic closing. You mentioned that
7 there were three cameras. If you could just sort of as best
8 you can -- we can clear that for you -- and kind of give us
9 an idea of where we're looking at in the field of vision of
10 the three cameras, approximately.

11 A. There's a camera right here that was channel two. This
12 is the one on Nunan Street affixed to the side of the
13 building captures basically a portion of Nunan Street. Is
14 not necessarily looking east towards West Ashley, but is
15 sort of face that way. It captures the side of the
16 building, the sidewalk, the street. At the corner right
17 there is the front door. It's right at the corner on
18 President Street. And that sort of -- that camera looks
19 down at the sidewalk -- the sidewalk roughly. It is
20 difficult with the canopy cover from the trees, but channel
21 four is right here in this video is looking sort of east on
22 President Street in captures a portion about.

23 Q. Okay. Now, if you could, how many Gadsden Green
24 cameras does the City of Charleston maintain?

25 A. Five.

1 Q. Okay. Did all of those end up being relevant to this
2 case?

3 A. No, sir.

4 Q. Okay. If you could, using that exhibit, point out the
5 location of the city of Charleston cameras.

6 A. So this is president here and this is Bogart. There's
7 a camera affixed to the light pole somewhere in that general
8 area. Bogard runs into Norman Street and there's a ---

9 Q. Is this one kind of off-camera there?

10 A. That one is just off-camera, sir.

11 Q. Okay. And you don't need to name all of them, just the
12 ones relevant . . .

13 A. That one is relevant at the corner of Norman and
14 Bogard. I think it might actually be Norman and Allway.
15 Just the street up there.

16 Q. Do these cameras rotate?

17 A. Oscillate, pan, tilt, zoom I believe is the ---

18 Q. Official term.

19 A. I learned that from Lieutenant Farrell, PTZ.

20 Q. The camera you just referenced, at one of its views,
21 does it look down Norman Street?

22 A. It does look down Norman Street toward -- so it would
23 be where this red mark is, that's the incident location
24 right here. And it faces that way during one of it's PTZ
25 views.

1 Q. Okay. That location of the cameras off the map that
2 one of its views is there. Okay. Where's the corner of
3 President and Line Street?

4 A. That's right here. And that cam also has a, pan, tilt,
5 zoom that captures this way, this way, and possibly that
6 way.

7 Q. Now, you've been here all week and you spent weeks
8 investigating this case, can you before we seek to publish
9 these video clips, can you sort of give us a preview of, you
10 know, using the cameras that we just sorta reviewed, what
11 are we looking for, chronologically?

12 A. Umm ---

13 Q. Or -- let me interrupt you real quick.

14 A. Yes, sir.

15 Q. The video we won't be watching in the trial, where are
16 the Nunan Street cameras? He says . . . All right. Where
17 are the Nunan Street cameras? Are they on this map?

18 A. ■ Nunan Street would be off to the left there, the
19 map, just off.

20 Q. Okay. State's 119?

21 A. So this is -- Mr. Mills had to cameras. One is sort
22 of, as you can make out, this is his front door looking out
23 to his porch. So that's just a view straight across the
24 street.

25 Q. Okay. And what are we looking at here?

1 A. That would be a gold Buick Century. I know it's
2 difficult to tell in this still image.

3 Q. State's 120?

4 A. Right there when the video is moving, that gold sedan,
5 that gold Buick Century. This is Nunan Street. Lee Lee's
6 is somewhere up here to the left. So that sedan according
7 to this timestamp drove down Nunan Street, which is a
8 one-way, and then I see its headlights, right here it stops.

9 Q. Okay.

10 A. Those are brake lights. I'm sorry. I believe.

11 Q. Okay. So this is -- can you indicate again using the
12 red marker where is Lee Lee's?

13 A. So Lee Lee's would be just off-camera to the left of
14 where you see those lights.

15 Q. Okay. So would seeing these brake lights here be
16 consistent with that vehicle parking by Lee Lee's?

17 A. Yes, sir.

18 Q. Okay. And we see, at least according to this clock,
19 the timestamp here?

20 A. Right. There is sort of overlapping fields of view
21 from that channel two camera at Lee Lee's on Nunan Street to
22 this. So there's sort of that overlapping field of view.

23 Q. Okay. And I think everybody understands the different
24 cameras have different -- works just like a clock, right?
25 They can be off. Is that correct?

1 A. Just as Mr. Mills testified, in our experience with
2 security cameras is nearly on every case every camera system
3 generally will be off by some number.

4 Q. Okay. Going back to 4 here. So we see the Buick pass
5 Nunan Street and then appear to break somewhere close to Lee
6 Lee's. What's our first video that we'll view here?

7 A. Okay. So the first one that we looked at, the first
8 that sort of piqued our interest, was that Buick. It pulls
9 up roughly there. That's where channel two from Lee Lee's
10 captures a gold Buick. The image is the car pulls up about
11 halfway or little bit more. A driver wearing what I can see
12 is a ball cap, a white T-shirt, goes as most people would to
13 back up and he's gripping the steering wheel, smoking a
14 cigarette. And just before he backs up, he makes a sort of
15 exaggerated move and flicks the cigarette. And then
16 continues to turn the vehicle around and park it right
17 there.

18 Q. Okay. Do you see the occupants of that car again in
19 that camera?

20 A. So the occupants in that car after it's parked, they
21 exit the vehicle and then they walk on Nunan Street. I'm
22 sorry. I'm like John Madden over here. So they exit the
23 vehicle where it was parked, which is under this canopy
24 cover. Then they took a left on President. It was two, a
25 driver and a passenger.

1 Q. And through your investigation and through testimony
2 this week, did you come to learn who those two individuals
3 were?

4 A. I actually recognized one of them just from the video
5 as Andrew Smith Rivers who I've had numerous experiences
6 with. The other one was identified as Trivell Richardson,
7 the codefendant.

8 Q. Okay. Trivell Richardson, driver or passenger?

9 A. At this point, he was the driver.

10 Q. Okay. If you can remember, describe his clothing.

11 A. A Dallas Cowboys hat, which I'm familiar with because
12 I'm also a Cowboys fan and I don't hate them, a white
13 T-shirt, blue jeans, and sneakers.

14 Q. And so we see this path of people unfold through three
15 cameras. Is that correct?

16 A. Yeah. Channel two captures the car and it captures ---

17 Q. With the three channels, is it possible have them
18 flipped?

19 A. It is very possible that I have them flipped, and I
20 apologize if that's the case.

21 AST. SOL. SIMPSON: Your Honor, at this point, we're
22 going to begin publishing portions of State's 95.

23 THE COURT: You may proceed.

24 AST. SOL. SIMPSON: Thank you.

25 (State's Exhibit 95 begins play.)

1 A. So this is that view I was discussing. This is Nunan
2 Street, in that car that just rode by, that was President
3 Street. This is the goal Buick pulling up right here.
4 He'll backup and then he'll come back into view. So you can
5 see there is something illuminated in his mouth, which is a
6 cigarette butt. This time you'll see him come to the right
7 of the truck. Here he comes again. Flicks out, see the
8 cigarette butt hit the ground right there. And then the
9 vehicle is out of the on this camera that we can still
10 observe it from the 54 Nunan Street camera.

11 It will be a moment after the car -- we'll observe
12 again on this sidewalk here. (Brief pause.) Here they come.
13 There's the driver; you can tell by the white shirt.

14 Q. And who was the driver?

15 A. Mr. Trivell Richardson.

16 Q. And the other -- he has the light shirt on?

17 A. He is the white T-shirt.

18 Q. White shirt and baseball hat?

19 A. Yes, sir. As they're coming up -- again, this is
20 President Street -- they take a left.

21 Q. And when they take that left, to your knowledge, they
22 get into the field of view of another Lee Lee's camera?

23 A. They do.

24 Q. Now, Detective Tuttle, let me ask you something. I
25 don't see a timestamp on that video. That video contain

1 timestamps?

2 A. It did contain timestamps. With different software, it
3 looks like this is one of those media players, sometimes it
4 does, sometimes it doesn't. I think VLC, if you plug it
5 into that it may have timestamps.

6 Q. So we've watched the original video ---

7 A. The original is equipped with timestamps.

8 Q. Those still shots from these Lee Lee's cameras that we
9 showed you earlier and admitted into evidence, do they
10 contain timestamps?

11 A. They do. They do contain them. (Brief pause.) This is
12 channel three. So this is that video I talked about over
13 the doorway. This is them rounding the corner walking
14 south, I guess, on President Street. You can see the white
15 shirt and blue jeans and a driver right here -- I mean a
16 passenger, Andrew Rivers.

17 This is looking down capturing a portion of the
18 sidewalk and president Street as we showed earlier. We
19 capture them continuing to walk. They're walking towards
20 the Gadsden Green housing complex.

21 Q. That's president Street they are walking down?

22 A. It's on President Street towards Gadsden Green.

23 Q. Okay. You have already described the city camera,
24 President and Line Street shown on the map. Is that further
25 down President Street?

1 A. From Lee Lee's? Yes, sir.

2 Q. From Lee Lee's.

3 A. This is closest -- this is the border of Gadsden Green
4 and President?

5 Q. Okay. It's a city camera, so it's the camera that
6 rotates around?

7 A. As you can see it top here the PTZ.

8 Q. The PTZ which is the pan, tilt, zoom?

9 A. Yes, sir. Also this -- that's looking -- okay. This
10 is them coming out. You've got right here where this light
11 is, that was Lee Lee's, roughly the channel we were
12 watching. We were watching channel two. So this is
13 President Street. You can see the white shirt. This is
14 that overlapping field of view that we talked about. So
15 were sort of able to track their movements as they are
16 walking towards Gadsden Green.

17 This is that PTZ function or on patrol -- turn on
18 Lieutenant Farrell.

19 Q. Is that the baseball field that we see there?

20 A. I guess, yeah. Yeah. That's the baseball field.
21 Burke High School is off to the right. This is the Gadsden
22 Green housing complex.

23 Q. Line Street?

24 A. Line Street right there. The police station would be
25 down Line Street. This is looking towards President. You

1 can see the crosstown just barely up at the top bar there
2 with the car going by. And again, we see the driver,
3 Mr. Richardson. (Brief pause.) Is going to patrol back down
4 further the street. You'll still be able to sort of the
5 camera view, the side view. As you can see, there's no one
6 else . . .

7 Q. Okay. Now, this does get difficult. But what area
8 should we focus on here?

9 A. It is difficult when you wash on the viewer. This is a
10 clip. And the sort of grayed out bar has the timestamp.
11 You're sort of able to see the illumination of the cell
12 phone in possibly, roughly that area. You may want to clear
13 that off there.

14 Q. They're in motion, correct?

15 A. They're in motion. Yes, sir. It's very difficult --
16 you see the white shirt just above the -- right there. I
17 don't know if you want to roll that back just quickly. You
18 can see a white figure sort of moving.

19 Q. You earlier describe the camera that was off of our
20 exhibit but looking towards 36 Norman Street?

21 A. Yes, sir.

22 Q. And we call that -- what camera is that?

23 A. Ashton and Norma.

24 Q. Okay. Let's orientate ourselves. This is a brief one,
25 right?

1 A. This is a very quick clip. This is Ashton and Norman.
2 This is also a camera where that PTZ patrolled function. So
3 this is Norman Street. Can we erase that? It will come
4 into focus. This is our incident location, [REDACTED]. It's that
5 very first apartment on the first floor at the last of the
6 building. Right there, we're looking at it, and that will
7 come into focus here in a second.

8 Q. You say it's called a PTZ camera. What does the Z
9 stand for?

10 A. Zoom.

11 Q. And so does it program in certain areas of interest to
12 maybe to do that? To zoom?

13 A. It is.

14 Q. Is this camera going to do that?

15 A. This camera will.

16 Q. Let's set the stage here. Is this crystal clear video
17 we're about to watch your?

18 A. This is a government-funded camera system at its best.
19 So tilt, zoom function sets in. You can see we have a
20 cyclist riding down Norman Street towards Line Street. If
21 you're ---

22 Q. Okay. So where's [REDACTED] Norman?

23 A. So I know that earlier in the week we had an outline of
24 the apartment. This is the very back bedroom, the bedroom
25 next to it, and then there's a bedroom on that side of the

1 apartment. And then the kitchen are backdoor that Katrina
2 and Tierra and Kerri were discussing, it's just off camera
3 view.

4 Q. You testified earlier that you personally we're there
5 assisting and observing a lot of the crime scene processing.
6 Is that true?

7 A. I did estimate a number of hours at the crime scene.

8 Q. Okay. Where were most of the shell casings located?

9 A. Roughly, they begin here. And they're sort of in a
10 linear fashion.

11 Q. And did we see some like trash cans and some of the
12 crime scene photos?

13 A. Yes, sir. So this is another building in the courtyard
14 that you saw on the overhead map. On that side of the end
15 of the building there are trash cans in between the sidewalk
16 and then [REDACTED].

17 Q. And so, as you're viewing this as the lead agent around
18 this time, is that the area that you're really focused on?
19 Like an eagle eye watching it at this time?

20 A. Yes.

21 Q. And do you see something in that area?

22 A. Again, I realize it's difficult, but you can see a
23 person emerge from that building in between [REDACTED] and the
24 building that butts up to it on the sidewalk there. You can
25 also see two gentlemen walking. And right here I see ---

1 Q. What do you observe in the short clip you just saw?

2 A. I see a flash or a burst of light.

3 Q. Okay.

4 A. I also see the two gentlemen walking, turning back like
5 something just caught their attention.

6 Q. Okay. And in this kind of case, what happens to the
7 camera at that moment?

8 A. At the most important time the PTC-on-patrol function
9 kicks in.

10 Q. Okay. Let's go through this.

11 A. A figure emerges. A flash, and it's very quick. And
12 this is something that I, just in that scene sort of
13 function, probably dozens of times watching and re-watching.

14 Q. And these clips are in evidence, correct?

15 A. These clips we're submitted to CPD evidence . . .

16 Q. And are being made part of evidence in this trial?

17 A. Correct.

18 Q. And that clip also contains a timestamp, right? At the
19 corner?

20 A. That clip does contain a timestamp in which is on the
21 original video and this clip.

22 Q. Detective Tuttle, if you could and just briefly with
23 the previous videos, what are we looking for here
24 chronologically after the . . .?

25 A. Again, that camera was down here. This is the area

1 that we were looking. And as I observed on the camera, a
2 person emerged. I was obviously looking for details about
3 him. But what I saw was he emerged from there and then I
4 looked at what the evidence showed. The shell casings were
5 going in this direction. So, logically, that's where I
6 would want to follow. And that led us back to cameras at --
7 President and Line camera. And that sort of that
8 overlapping field-of-view is what we're looking for.

9 Q. Okay. And what did you observe on the President and
10 Line camera?

11 A. Observed, once I was able to sync up all of the
12 timestamps, the first person I observed was Mr. Richardson
13 in the white shirt. He came running from this complex back
14 towards Nunan Street. Catch him on Lee Lee's camera getting
15 into the car from Mr. Mills. Seconds after Mr. Richardson,
16 I see the shooter emerge. I noticed that he had on sort of
17 a unique shirt, an Italia shirt with numbers on it,
18 shorts ---

19 Q. What colors where the numbers on the back?

20 A. They were white numbers.

21 Q. Okay.

22 A. And sort of that's what I was looking for in that
23 Norman Street video.

24 Q. Okay. Do you read, exactly in the quality of video,
25 can you read those numbers on Norman Street?

1 A. No. But as you can tell specifically with white, it
2 sort of flashes in the camera. So what I observed, after
3 numerous times watching a video, I observed what I believe
4 to be numbers flashing ---

5 MS. FORD: Objection. Speculation.

6 THE COURT: Sustained. Speculation. The video speaks
7 for themselves.

8 MS. FORD: I'd ask for that to be stricken, Your Honor.

9 THE COURT: Ladies and gentlemen, you are to disregard
10 the last question and answer and give it absolutely no
11 consideration in your deliberations.

12 Be careful to confine it to his rational perception.
13 In the video speak for themselves. They don't need to be
14 annotated. Proceed.

15 AST. SOL. SIMPSON: Thank you.

16 Q. State's 95. Again, what's our vantage point here?
17 Which cameras this?

18 A. This is President and Line. President Street runs up
19 this way. Line here in the Gadsden Green housing complex
20 right there.

21 Q. And do you recognize this individual that we see on the
22 corner there.

23 A. That right there is Mr. Richardson. You can also tell
24 it's after the shooting we just observed (Brief pause.)
25 This is looking back towards President Street.

1 Q. Okay. And where can we draw our attention on this
2 video?

3 A. Looking at Lee Lee's Kitchen right here. We know that
4 because that's Nunan Street and that light is . . . And
5 there we see another figure running in the same direction
6 that Trivell was. And just -- can we go back just before.
7 Pause it right about there. So I look, right here is a
8 sidewalk. These are palm trees. This is where they have
9 trees in the sidewalk. And that's what I'm using as a
10 reference point to transition into the Lee Lee's video.

11 Q. Okay.

12 A. Again, that was seconds, moments after the shooting.
13 Said this is Lee Lee's. So again, what we were talking
14 about right here, I'm using this as the reference point.
15 This is the other end of it. The first person we see is
16 Trivell Richardson. A few seconds after him we see
17 Montrelle Campbell ---

18 MS. FORD: Objection speculation.

19 THE COURT: Sustained. Speculation. Lack of rational
20 perception or foundation.

21 Q. Detective Tuttle, did other individuals who are present
22 there ever identify this individual?

23 A. Yes.

24 Q. Okay. And who did they identify this as?

25 MS. FORD: Objection. Hearsay.

1 THE COURT: Sustained. Hearsay.

2 Q. Have you ever had a personal occasion in your life to
3 view defendant Montrelle Campbell?

4 A. Yes.

5 Q. Are characteristics of the individual in this video
6 consistent with Montrelle Campbell?

7 A. Yes, sir.

8 Q. And could you describe them for me?

9 A. Mr. Montrelle Campbell is roughly the same height and
10 weight at the time. He has a manicured beard. And just
11 sort of just medium body build. And I believe he has sort
12 of a lighter complexion.

13 Q. Okay.

14 AST. SOL. SIMPSON: May I approach the witness, Your
15 Honor.

16 THE COURT: You may.

17 Q. Showing you what's been marked as State's 109. Do you
18 recognize that individual in that picture?

19 A. I do.

20 Q. Who is that individual?

21 A. Mr. ---

22 MS. FORD: Objection.

23 THE COURT: Approach for me, please.

24 (A bench conference was held off the record and out of
25 the hearing of the jury panel.)

1 Q. The individual that we see in this video ---

2 A. Yes, sir.

3 Q. State's 95. (Brief pause.) Is this the video from
4 another angle of Lee Lee's?

5 A. It is, sir. (Brief pause.) You see Mr. Richardson
6 walk by?

7 Q. And we'll just ask that you use IDs for these.

8 A. Suspect walks by here shortly. It appears he's holding
9 a rifle. Back to Nunan Street looking at President Street,
10 you see the suspects around the corner. The driver first.
11 And then the second suspect, second -- still holding the
12 rifle. Looking behind there, you remember Nunan Street,
13 this car went back in. So the passenger seat would be on
14 that side closest to the camera showing -- the driver seat
15 would be in the roadway.

16 Q. I'm showing you what's been marked and entered as 122.
17 Which video is extracted from?

18 A. This is Mr. Mills residence again. We saw this camera
19 view earlier. And the Buick sedan was traveling the
20 opposite direction. Again, this is a one-way street, and
21 this vehicle is traveling the wrong way.

22 Q. Okay. You had mentioned in your testimony overlapping
23 fields of vision. Can you explain again what you are
24 talking about there with the cameras?

25 A. Just use certain reference points in the video to sort

1 of show them in sync. So I think we sort of saw that
2 scenario play out with the city camera President and Line
3 looking down Lee Lee's using specifically the sidewalk --
4 fixed. And then transitioning from Lee Lee's looking from
5 that point of view making sure they line up. So I see the
6 suspect come out, run. And we were able to track him from
7 one camera to the next.

8 Q. So we talked about earlier different cameras, different
9 software is, different surveillance cameras having
10 timestamps that can be off. Is that right?

11 A. Correct.

12 Q. Is a way that anyone can look at -- if you have one
13 moment captured in two cameras, two different clocks, can we
14 sort of synch there's cameras together?

15 A. We can.

16 Q. And explain that again. You got into that a little
17 bit. But how do you go about doing that? To get the
18 chronology . . .

19 A. Yes, sir. We want to establish a baseline. So just as
20 you would with a witness statement, you want to corroborate
21 what you've seen. So for this, we get all the cameras and
22 review other evidence. And either -- city camera, the
23 shooting happened I think around 6:32-ish give or take a few
24 seconds. And I saw the 911 call within a few seconds after
25 that or little bit longer. Whereas when I looked at Lee

1 Lee's and the Nunan Street camera, they were minutes apart.
2 So it just didn't add up. So I wanted -- I thought it was a
3 good judge to take the 911 call, use that as my base, sync
4 it up with what the videos spoke for. The shooting, use
5 that as a baseline. And I was able to add and subtract for
6 the Lee Lee's camera and the Nunan Street camera.

7 Q. So is it your testimony today that the city camera time
8 is perfect Greenwich Mean Time?

9 A. No. It's a rough estimate?

10 Q. For those reasons you just articulated, you chose the
11 city camera timestamp sort of as your base time and
12 corrected the other two to them?

13 A. Yes, sir.

14 Q. Okay. In order to do that you said you tried to find
15 something that's in both cameras so you can find one moment
16 and make that sort of a fix?

17 A. Yes, sir.

18 Q. And we won't go through this tediously. But let me
19 just show unit example marked for ID only State's 128 and
20 129. Do you recognize those exhibits?

21 A. I do. 128 is from the Lee Lee's camera looking down
22 President Street. And 129 is a city safety and security
23 camera on President looking down President towards Nunan
24 Street.

25 Q. Okay.

1 AST. SOL. SIMPSON: Your Honor, the State seeks to
2 admit 128 and 129.

3 THE COURT: Any objection?

4 MS. FORD: No objections, Your Honor.

5 THE COURT: Marked and admitted without objection.
6 That's 128 and 129, correct?

7 AST. SOL. SIMPSON: Yes, Your Honor.

8 THE COURT: You may proceed.

9 (State's Exhibit Numbers 128 and 129, Photo Stills,
10 were received into evidence.)

11 Q. Detective Tuttle, just by way of illustration, I'm
12 showing you what's been marked as State's 128. Do you see
13 sort of distinct characteristics there?

14 A. I think we sort of touched on this earlier. That I
15 felt was very safe. These are the trees going back
16 towards -- on President Street going back towards Line
17 Street. And there's 10 yards grass cutting into the
18 sidewalk.

19 Q. Sometimes it doesn't come out great. But is there --
20 the suspect, is he in that?

21 A. Again, when you clip it, it's not as good. But I
22 observed that to be the shooter.

23 Q. And that's on Lee Lee's camera, right?

24 A. That's on a Lee Lee's camera.

25 Q. With a Lee Lee's timestamp of 6:30:42?

1 A. Yes, sir.

2 Q. Going to State's 129, which cameras is this?

3 A. This is the CPD safety and security camera. This is on
4 President and Line looking towards Nunan Street. And this
5 is the beginning of that sort of greenway, I guess. And I
6 look for that right there. So that to me is my transition
7 point to the other camera.

8 Q. And so, you know, again allowing the margin of error, a
9 couple of seconds either way, we've got the suspect depicted
10 at the same location in these two pictures from two
11 different cameras?

12 A. Correct.

13 Q. And the city's time at this time is 6:33:09?

14 A. Yes, sir.

15 Q. Okay. So using those sorts of overlapping fields of
16 visions, did you come up with a way to say like when we look
17 at a Lee Lee's time if we want to sync it with the city
18 time, what do we do?

19 A. So I had to go online and get a time calculator because
20 I wanted to be as accurate as I could. But I estimated it
21 to be 2 minutes and 27 seconds different based on that. So
22 we saw 6:33 and some change on the city camera, and use all
23 6:30 on the President and Line and some change. And it was
24 about 2 minutes and 27 seconds different. Lee Lee's was
25 slow, 6:30. So the city camera was three minutes ahead of

1 time.

2 Q. Okay. Similarly, was a similar exercise done with the
3 Nunan Street cam to the Lee Lee's cam?

4 A. Got a little bit more complicated because now were
5 going into a different one. The Lee Lee's cam was estimated
6 to be 9 minutes and 10 seconds different.

7 Q. From the Nunan Street?

8 A. From the Nunan Street. Nunan, ■ Nunan, Mr. Ian Mills,
9 his camera at Nunan. So 9 minutes and 10 seconds different
10 from that. And we were able to use the 2 minutes and 27
11 seconds to calculate the difference and sort of put that in
12 sync with the city cameras.

13 Q. Okay. So we see the same events happening on both the
14 Nunan and Lee Lee's cameras. We look at those times. We
15 see the same things happening on the city and on the Lee
16 Lee's cameras for those times. We come up with if you want
17 to make the Lee Lee's sync with the City, we add 2:27. If
18 we want to make the Nunan sync with the City, we subtract
19 9:10 then add 2:27?

20 A. Right. And it's all using the fixed objects, scene and
21 motions. So, I mean, all of that is coming into play.

22 Q. And through that you get what we just viewed?

23 A. Correct.

24 Q. A consistent two individuals going to Gadsden Green and
25 coming back?

1 A. Yes, sir.

2 Q. I wanted to go now a little bit away from the videos
3 and talk about more towards your investigation. Through the
4 course of your investigation, were you able to determine the
5 phone numbers that you believe belong to Montrelle Campbell
6 and Trivell Richardson?

7 A. Three investigation, we had sources obtain the
8 defendant's phone number. That was then verified through me
9 by Tomeka.

10 MS. FORD: Objection. Hearsay.

11 THE COURT: Please approach.

12 (A bench conference was held off the record and out of
13 the hearing of the jury panel.)

14 THE COURT: Proceed.

15 AST. SOL. SIMPSON: Thank you, Your Honor.

16 Q. Through the course of your investigation, Detective,
17 did you come to subpoena -- I'm sorry -- obtained search
18 warrants for the phone records for the two phone numbers?

19 A. Yes, sir. I did.

20 Q. Okay. Why did you obtain search warrants for those
21 particular two numbers?

22 A. I believe that they could -- I'm sorry. The phone
23 records are -- has a lot of useful information. The numbers
24 called, numbers received, texting, and they also contain
25 cell tower information which can sort of put someone in a

1 general area.

2 Q. And I suppose I'm just asking for a yes or no answer to
3 this question. Did you have reason to believe that one of
4 those numbers associated Montrelle Campbell?

5 A. Yes, sir.

6 Q. Did you have reason to believe that one of those
7 numbers is associated with Trivell Richardson?

8 A. Yes, sir.

9 Q. Okay. Did you obtain search warrants for this
10 numbers?

11 A. I did.

12 Q. What is a search warrant? What do you do to obtain a
13 search warrant?

14 A. Search warrant is based on both their affirmation ---

15 MS. FORD: Objection. Vouching.

16 THE COURT: Basis?

17 MS. FORD: Vouching, Your Honor.

18 THE COURT: Detail the process in how you obtained a
19 search warrant.

20 Please approach.

21 AST. SOL. SIMPSON: I can move on.

22 THE COURT: Okay. Are you withdrawing the question?

23 AST. SOL. SIMPSON: Sure.

24 THE COURT: Question is withdrawn.

25 Q. Did you obtain certain search warrants for these two

1 phone records associated with these two phones?

2 A. Yes, sir. I did.

3 Q. Okay. To whom did you submit those search warrants?

4 A. Sprint and T-Mobile.

5 Q. Okay.

6 AST. SOL. SIMPSON: May I approach, Your Honor?

7 THE COURT: You may.

8 Q. Showing you what's been marked for ID only, State's 126
9 and 127. Do you recognize those exhibits?

10 A. 126 is an authenticity letter from T-Mobile and 127 is
11 a certificate of authenticity as well from Sprint for the
12 two phone records I obtain search warrants for and executed.

13 Q. Okay. And what were those two numbers?

14 A. The T-Mobile phone number was (843) 330-1390.

15 Q. And at this point in your investigation, who did you
16 associate that number with?

17 A. Trivell ---

18 MS. FORD: Objection. Hearsay.

19 THE COURT: Approach.

20 (A bench conference was held off the record and out of
21 the hearing of the jury panel.)

22 THE COURT: Mr. Foreman, ladies and gentlemen, we have
23 a brief matter of law to take up. During the break, please
24 do not discuss the case and please leave your notepads in
25 your seats. We appreciate your patience in advance.

1 (The jury exits the courtroom at 3:38 p.m.)

2 THE COURT: You can take your seats. Y'all take a few
3 minutes to talk about what you agreed upon and what you
4 didn't agree upon. So they can decide what they need to do,
5 whether they need to bring the records custodian here or
6 not.

7 (Brief pause.)

8 THE COURT: All right. Did y'all figure it out?

9 AST. SOL. SIMPSON: I don't think we are going to be
10 able to, Your Honor. We reached an agreement that the
11 records -- Ms. Ford's challenge of this evidence is not
12 based on the accuracy of these records to these numbers. I
13 believe -- correct me if I'm wrong -- that her challenges
14 that we haven't established who these numbers belong to.
15 And I would cite the fact that ---

16 THE COURT: That's the same thing of accuracy and
17 authenticity. Because what's the purpose of a number if you
18 can't tie to somebody?

19 AST. SOL. SIMPSON: And I would counter that we have.
20 We've heard testimony from Trivell Richardson.

21 THE COURT: I'm not the jury. I don't make the
22 decision. If you want to run the risk of relying on that,
23 that's on you. But if she says that she's not agreeing to
24 the authenticity of these records, in other words that it's
25 hearsay for him to read from a record as to who a number is

1 and who it belongs to, then she may have a valid hearsay
2 objection. You might want to find your records custodian
3 and have them come in and tell you from the business record
4 that this phone number is attached to this person. Then you
5 can tie your relevance link to your other witnesses who say.
6 Because as we know, which is not factual to me ---

7 AST. SOL. SIMPSON: Your Honor, can ask for continuance
8 to next week?

9 THE COURT: You don't need to do that. These people
10 are right here in town. They can come right on over. Where
11 they at? You don't have a local records custodian?

12 AST. SOL. SIMPSON: No, ma'am.

13 THE COURT: I've never known anybody to come from out
14 of town to settle records.

15 AST. SOL. SIMPSON: I've flown them down from New
16 Jersey twice. And we're seeking to admit them, Your Honor,
17 through section 19-5-520(a), South Carolina Code of Laws,
18 which states that "In addition to those matters provided by
19 the rule 902, South Carolina Rules Of Evidence, that
20 extrinsic evidence of authenticity as a the condition
21 precedent through admissibility does not require ---

22 THE COURT: I'll go back and listen to the record, and
23 I'm going to see what you'll agreed to. And you're going to
24 be bound to, and that's going to end it.

25 So, Madam court reporter, I'm gonna need you to go

1 back to beginning of this record to find for me but there
2 agreement was so I can listen to it.

3 MS. FORD: Your Honor ---

4 THE COURT: And that's going to be the end of the
5 discussion because you're bound by your agreement. So
6 whatever y'all agree to, whatever your words were, that's
7 going to be your agreement and that's going to be that. I'm
8 not gonna go back and forth about what you all think you
9 remembered you said.

10 MS. FORD: I think Mr. Simpson was correct. I think we
11 both we were both on the same page that these are two
12 separate issues. The records do not say who the phone
13 numbers belong to.

14 THE COURT: Okay.

15 MS. FORD: If they did, that would be a different
16 matter. Our issue is that Detective Tuttle obviously did
17 not know Mr. Campbell's phone number on his own. He
18 obviously did not know Mr. Richardson's number on his own.
19 He got those numbers from other people. Those people have
20 testified I gave you a number, but they didn't know what the
21 number was. And so it is my -- what I'm saying is that he
22 is saying that this number is Montrelle's number. That is
23 hearsay. There has not been anyone to establish through
24 their own personal knowledge that this number is Montrelle's
25 and this number is Trivell's number.

1 THE COURT: Who told him that?

2 MS. FORD: Your Honor, Tomeka President testified. I
3 asked her did you know -- back then, did you know
4 Montrelle's and Trivell's number. I said do you know it by
5 heart. And she said no. I said how did you know it. She
6 said it was a my phone. I don't like I asked her that, but
7 the inference is obviously if she didn't know it then she
8 wouldn't know it now. So I asked her did you look at your
9 phone and give that number to Detective Tuttle. And she
10 said yes. Detective Tuttle is going to testify she gave me
11 a number, I subpoenaed the phone records for that phone
12 number. And that is why believe these two -- and I can be
13 challenged before the jury.

14 THE COURT: I don't think you can draw conclusion. I
15 think he can, however, say that she gave me this number; I
16 subpoenaed the records based on that number. And that's
17 what we got. I don't think he can draw any conclusions.
18 Now, if you want to try to connect the dots, that's on you.

19 AST. SOL. SIMPSON: That's a jury item. Similarly,
20 just to stretch it to the next number, Trivell Richardson
21 testified I gave them my number that I used at that time.
22 Detective Tuttle will testify I subpoenaed the phone records
23 for that number.

24 THE COURT: I think it's fine for him to testify to
25 that too. You just can't draw any conclusions. Because in

1 this day and time, which befuddles me for various reasons,
2 people will get phones in other people's names. I don't
3 understand that, but that's what people do. And so, I don't
4 know that, as I thought through, that the records custodian,
5 although they may come and tell us who the phone belongs to,
6 still be able to connect the dots. Because, generally,
7 people don't get strangers to get phones for them.

8 So what is your objection then, Ms. Ford? Because I
9 misunderstanding what you're saying.

10 MS. FORD: Yes, Your Honor. My objection is Detective
11 Tuttle saying this number 843 whatever is Montrelle's
12 number. That is hearsay. That is like give Ms. President
13 said --

14 THE COURT: I don't need you to go any further. My
15 question is then, do you have any objection to what he is
16 just submitting, when I say he, Mr. Simpson, has just
17 articulated. In other words, if Ms. President gave me the
18 number on her phone, which is consistent with her testimony,
19 and as a result I've been subpoenaed these records
20 associated with that number and this is what we got.

21 AST. SOL. SIMPSON: I will keep it in those lines.

22 MS. FORD: I still think there's an issue regarding
23 setting the foundation that that is Montrelle's number. She
24 just said --

25 THE COURT: He's not going to draw any conclusion. I

1 need you to disabuse your mind of your argument, and I need
2 you to listen to what Mr. Simpson has said. Which is the
3 testimony that would be elicited is: I spoke to Tomeka
4 President. Tomeka President said I don't know the number by
5 heart. It's a my phone and here's the number. And he then
6 subpoenaed or did a search warrant under closed storage
7 act -- you need to search more and I think -- to then get
8 records associated with that phone number. And that would
9 then be the end of the inquiry and the same for -- I want to
10 use his nickname -- Mr. Trivell's number.

11 MS. FORD: I still -- well, especially, if we have an
12 issue here now there's two phone numbers in question. And
13 so detective Tuttle would have to say this is the phone
14 number that I got -- these are the records I got from
15 Montrelle; these are the records I got from Trivell. And I
16 believe that ---

17 THE COURT: That's not what he's saying.

18 MS. FORD: No. I think that is what ---

19 THE COURT: No. That's not what he saying. He's going
20 to say that Ms. President gave your number and you got the
21 records associated with that number. Mr. Trivell gave you
22 the number. He got the records associated with that number.
23 He's going to argue in closing that Mr. Trivell said that's
24 my number. And he's going to argue in closing that
25 Ms. President said that's your client's number. Two

1 different things. Completely appropriate, circumstantially.

2 MS. FORD: I believe that it has been established that
3 the numbers in question belong to my client and Trivell
4 Richardson.

5 THE COURT: That's not -- that's not what he's going to
6 testify to. So I'm trying to figure out what your objection
7 is.

8 MS. FORD: I mean, I think he is testifying this number
9 is Montrelle's number, these are Montrelle's phone records.

10 THE COURT: That's not what he's testifying to. We're
11 in a whole different place now.

12 MS. FORD: I mean, Mr. Simpson, I guess he can -- that
13 is my understanding he is going to say these are Montrelle's
14 records, these are Trivell's records.

15 AST. SOL. SIMPSON: I plan now to say exactly as you
16 just articulated it where he got these two numbers. And
17 from there on, I will refer to them by their last four
18 digits.

19 THE COURT: I don't have a problem with that. I think
20 it's completely appropriate under the rules especially since
21 you don't contest the authenticity of these records having
22 been procured pursuant to a valid search warrant or that the
23 business records obtained from these particular cell phone
24 companies.

25 MS. FORD: Just the next excerpt, Your Honor, he's

1 going to be testifying ---

2 THE COURT: I gotta take it one time -- one thing at a
3 time.

4 MS. FORD: I still object. I just believe that --

5 THE COURT: Do you have a basis for the objection?

6 MS. FORD: Hearsay, Your Honor.

7 THE COURT: And how is it hearsay? How is an
8 out-of-court statement offered for its truth?

9 MS. FORD: Because the Detective is stating --

10 THE COURT: You have agreed that these records are
11 authentic and these records were procured pursuant to a
12 valid search warrant.

13 MS. FORD: I have agreed that those records are valid
14 for that number. I have not agreed that that number belongs
15 to my client.

16 THE COURT: The witnesses not going to say that.

17 MS. FORD: Well ---

18 THE COURT: You're trying to leap ahead of what he's
19 going to argue. I've gotta take this one step at a time. I
20 don't know what he's going to argue. Tomorrow's another
21 day.

22 MS. FORD: I believe it's still based on hearsay. So I
23 object to it, Your Honor.

24 THE COURT: Mr. Simpson?

25 AST. SOL. SIMPSON: I don't think this is hearsay. We

1 had previous testimony in the straw associating these
2 numbers with these two individuals. How I plan to handle it
3 in testimony as we've discussed as I will have Detective
4 Tuttle explain he got a number from Tomeka President. Not
5 hearsay; we've heard it today. I mean, I realize ---

6 THE COURT: And you had a full opportunity to
7 cross-examine her about what she provided to him.

8 AST. SOL. SIMPSON: And she's explained that, you know
9 she, didn't know it by heart, so she looked at her phone and
10 gave it to them. He'll say he took that number and got a
11 search warrant and got the phone records. And from there,
12 all say what is that number. And from there on out, all
13 refer to them as the last four digits. The same with
14 Trivell. Trivell Richardson testified today he willingly
15 gave Detective Tuttle his own phone number in the interview.

16 MS. FORD: And I believe if he testifies she gave me a
17 number associated with Montrelle Campbell, that number is
18 this.

19 THE COURT: That's not what he saying. And he told you
20 multiple times, that's not what he's going to ask him.

21 MS. FORD: I mean, I'm saying, obviously -- I believe
22 that is what he's going to ask him.

23 THE COURT: He said it three times that that's not what
24 he's going ask him. I don't have any more times ---

25 AST. SOL. SIMPSON: That Tomeka President gave him a

1 number when asked what Montrelle Campbell's number is.

2 THE COURT: I think a better course -- because I'm
3 hearing a different than how he said it previously. Because
4 the way I said previously was more cut and dry. There are
5 no inferences. When you have a witness who is
6 investigating, his only purpose is to relate facts that he
7 discovered during the course of an investigation. He wasn't
8 there. He doesn't know what happened. So he is merely
9 then saying through the course of my investigation, this is
10 what I compiled. And this is what we did as an agency as
11 the result of what we compiled. He doesn't know he's phone
12 number that is. He can only say that as a result of my
13 investigation, I came away with this number. And as a
14 result of that, I got a search warrant associated with that
15 number. As a result of that, this is what we discovered.

16 I think the better course to pursue would be to say --
17 and I'm paraphrasing in the interest of time -- that during
18 the course of my investigation and after speaking with
19 Ms. President, I procured a search warrant for this phone
20 number. And after speaking with Mr. Trivell, I got a search
21 warrant for this number.

22 AST. SOL. SIMPSON: Okay.

23 THE COURT: And those aren't hearsay. You have full
24 opportunity to cross-examine both of those witnesses. At
25 best, it's cumulative because they've already testified to

1 it. And he can talk about what he did in his course of his
2 investigation. Otherwise, it makes no sense. You have to
3 have a continuum. You have to know how they got the
4 information. You have to know how they went from point A to
5 point B. It just doesn't make sense otherwise. And I can't
6 discern any prejudice to the defendant. Like I said, best
7 is cumulative. You've already talked to the witnesses;
8 they've already testified about it; and you've already
9 cross-examined them about it. But then drawing any
10 conclusions about who it belongs to, you know, you know what
11 I mean? And I think it's speculative. And I think you can
12 establish -- unless he knows it of his own personal
13 knowledge. You know, unless the defendant told him this is
14 my phone or something, you know. I'm trying to remember
15 Mr. Trivell ---

16 AST. SOL. SIMPSON: Trivell did say that.

17 THE COURT: He did tell him, yeah ---

18 AST. SOL. SIMPSON: Well, he said I gave him my phone
19 number he didn't say --

20 THE COURT: Yet. I gave him my phone number. But
21 nobody ever elicited what those phone numbers were. And
22 Ms. President did say she didn't have his number by heart
23 and she looked it up on our phone. So I guess I'm inclined
24 to agree you if you asked -- you could've asked her she
25 probably would've said I don't remember. But I don't know.

1 I think that's speculation at best. But I don't have a
2 problem with that line of questioning.

3 AST. SOL. SIMPSON: Okay. Thank you, Your Honor.

4 THE COURT: Are. Y'all want to take a quick restroom
5 break while we have the jury out? And then we'll resume the
6 witness's testimony. If you don't need one ---

7 AST. SOL. SIMPSON: I'm okay.

8 THE COURT: You all right?

9 MS. FORD: I'm fine.

10 (Brief pause.)

11 THE COURT: And while we're waiting on the jury, are
12 you going to have any objection to the admission of these
13 records? What number is that?

14 AST. SOL. SIMPSON: I'm showing her right now. It's
15 137 and 139.

16 (Brief pause.)

17 THE COURT: Mr. Fryar, wait one second for me.

18 Any exception to 137 and 139?

19 MS. FORD: Yes, Your Honor. I think they're just
20 snapshots of the records. So just based on my prior
21 objection of hearsay and foundation not being established.

22 AST. SOL. SIMPSON: We have exhibits prepared with
23 names on them that, subject to your ruling, I'm agreeing
24 they're admissible. But these are -- I have no records
25 stating these names?

1 THE COURT: Are the some of the incoming and outgoing
2 phone calls?

3 AST. SOL. SIMPSON: These are -- they are around the
4 time of the murder. They are records of the defense. No
5 names.

6 THE COURT: --- incoming and outgoing phones?

7 AST. SOL. SIMPSON: Yes, Your Honor. Without names,
8 just the numbers.

9 THE COURT: What's the objection, Ms. Ford?

10 MS. FORD: Your Honor, my objection is partially the
11 prior objection to hearsay and the foundation has ---

12 THE COURT: --- when you've agreed to the authenticity
13 of the records and apparently that they're business records.

14 MS. FORD: Because the number -- the fact that the
15 number belongs Montrelle and Trivell, that is hearsay.

16 THE COURT: He hasn't said that. He's asking to admit
17 a sterile record that has no numbers on them with no names
18 attached that has incoming and outgoing calls, which are at
19 best business records.

20 MS. FORD: The relevance hasn't been established.
21 Because of names can't be attached to them, and how can they
22 be relevant?

23 THE COURT: You can't have it both ways.

24 MS. FORD: That's what I'm saying. If it can't -- if
25 the names -- how can the State establish that -- it doesn't

1 make sense to have them in the record ---

2 THE COURT: I'm saying you can't have it both ways.
3 You should've told him that so he could've had his records
4 custodian here.

5 MS. FORD: But, Your Honor, again I do not disagree
6 that the records are authentic. But I don't believe the
7 foundation has been set -- established that that number
8 belongs to my client or that the other number belongs to
9 Trivell. Because no one with their own personal knowledge
10 testified that that is Montrelle's number ---

11 THE COURT: They haven't rest yet, so I don't know what
12 they're going . . . I don't know. Maybe call Trivell to
13 say what his phone number . . . and look at these records to
14 say did you receive phone calls from this number on this
15 particular day it out.

16 AST. SOL. SIMPSON: Your Honor, this is the same
17 argument we just had I think just applying to a specific
18 exhibit. The individuals have taken the stand and testified
19 that two years ago they both changed their numbers and two
20 years ago they gave their number relevant to this time to
21 detective Tuttle. Detective Tuttle obtained search warrants
22 for the phone records associated after that conversation. I
23 will keep it to that. But I think those are all proper
24 inferences. I'm not sure what a detective is supposed to do
25 when someone says, you know, this is so-and-so's phone

1 number. And two years go by they don't remember the exact
2 digits. I can tell you none of my previous phone numbers
3 here.

4 THE COURT: Well, I'm different. I have had the same
5 phone number for 25 years. I guess I'm just different. I
6 don't change my phone number every month. But I recognize
7 that a lot of people do. It makes no sense to me, but they
8 do. But it would seem to me that -- I don't know. I guess
9 maybe it is believable they couldn't remember their phone
10 numbers. Like I said, people change their phone numbers
11 every month.

12 AST. SOL. SIMPSON: I would also note that the
13 interaction with Tomeka President where the phone number was
14 given to her was on video which we have.

15 THE COURT: Say that one more time.

16 AST. SOL. SIMPSON: You know, Tomeka President gave
17 Detective Tuttle Montrelle Campbell's phone number on video
18 and audio. There's no honest dispute as to what number was
19 given between two people. It was done on a video that both
20 Ms. Ford and I have reviewed.

21 THE COURT: I'm sorry. Say that -- I'm sorry. Say
22 that -- I was distracted. Say that one more time.

23 AST. SOL. SIMPSON: In an video-recorded interview,
24 detective Tuttle, that exchange takes place where she gives
25 the number ---

1 THE COURT: Did she say out loud the number?

2 AST. SOL. SIMPSON: Yes. That's a prior consistent
3 statement. It is admissible for me to elicit that in her
4 testimony. I mean, but I didn't anticipate having to do
5 that because I thought the fact that, one, we consented to
6 authenticity of the business records. And, two, the fact
7 that it's on video and there's no good faith really factual
8 argument here that that's not the number she gave.

9 THE COURT: You're saying to me that on the video of
10 the interview with her, with Ms. President ---

11 AST. SOL. SIMPSON: Yes.

12 THE COURT: That she actually read the number out loud?

13 AST. SOL. SIMPSON: Yes.

14 THE COURT: And what number was it that she read out
15 loud?

16 AST. SOL. SIMPSON: [REDACTED]. I should note that
17 the same applies I believe --

18 THE COURT: And then Trivell had a recorded interview
19 as well on this.?

20 AST. SOL. SIMPSON: Yes.

21 THE COURT: And did he read his number out loud as
22 well?

23 AST. SOL. SIMPSON: I'm less certain, but I believe so.

24 THE COURT: Is that correct, Ms. Ford? Have you seen
25 that video?

1 MS. FORD: Yes, I have, Your Honor. And again, like
2 Mr. Simpson, I don't recall expressly. They could have been
3 asked that. They could've been shown the video to refresh
4 their memory. I believe that detective ---

5 THE COURT: There's nothing that precludes him from
6 recalling them anyhow.

7 MS. FORD: He can. Yes, Your Honor. But I think it
8 would be hearsay from Detective Tuttle's testimony.

9 THE COURT: You have a two-fold problem. One of your
10 and -- well, I'll say one of your own creation. But once
11 you agree to the authenticity of a business record, you
12 can't then complain about somebody reading from it. Because
13 you agreed that what's in the record is accurate and that
14 it's a compilation that is kept in the ordinary course of
15 business and inherently it's reliable because people rely on
16 it. In this instance, the bill folk can collect money for
17 cell phone service. You can't then come back and say that,
18 yeah, I agree that it's authentic. I agreed that is what
19 the company had in it's possession, but I don't think
20 anybody can read it. That defeats the entire purpose. And
21 you have told him in advance that you agree to the
22 authenticity of it and thereby precluded or eclipsed him
23 from bringing his records custodian in here.

24 MS. FORD: Your Honor, I don't think the records
25 custodian could offer anything to help this matter.

1 THE COURT: The records custodian could read all of
2 these numbers off this record. It's a business record.

3 MS. FORD: I don't have an issue with the numbers being
4 read, Your Honor. What I'm saying is that it has not been
5 established that that number belongs to my client. When I
6 discussed it with ---

7 THE COURT: And what I'm indicating is that he can
8 still rehabilitate that. He hasn't closed his case. And I
9 don't know whether he's going to recall her to read these
10 numbers out and use the video to refresh your memory, or if
11 she might remember. I don't know. She might have one of
12 those memories.

13 MS. FORD: She might.

14 THE COURT: I don't know.

15 What testimony did you plan to elicit from this witness
16 regarding these records, Mr. Simpson?

17 AST. SOL. SIMPSON: Your Honor, I planned, pursuant to
18 your earlier ruling, Your Honor, I planned to ask him was he
19 present for the interview of Tomeka President. After that
20 interview, did you subpoena for number? What phone
21 number -- what records are phone numbers did you subpoena?
22 Was that the phone number that Tomeka President read from
23 her phone associated with -- according to her -- still
24 subject to factual challenge -- according to her that the
25 number associated with Montrelle Campbell. That she had

1 associated with Montrelle Campbell. I can further -- that
2 if that gives you concerns.

3 THE COURT: I mean, what else were you going to ask
4 him?

5 AST. SOL. SIMPSON: I was just going to ask him, you
6 know, once you received the phone records for that number,
7 what you do with them. And it's going to be two-fold. He
8 reviewed them. And I'm going to show him the exhibits
9 before you, are these that phone -- I'm going to use both
10 phones, Your Honor. Are these the records from both phones
11 around the time of the incident? Yes. I'm going to seek to
12 admit those exhibits in the record. Did you pass these
13 phone records on anyone else? Yes. Passed these on to the
14 FBI who's our next witness, Your Honor, who did cell tower
15 data on both the phones.

16 THE COURT: Do you have any exception to that line of
17 questioning, Ms. Ward?

18 MS. FORD: Yes, Your Honor. Based on all of my prior
19 motions, I just believe that -- I believe the State should
20 have gotten them number from other people. That's what ---

21 THE COURT: Like who?

22 MS. FORD: Like people who knew their numbers, Your
23 Honor. Because Detective Tuttle did not know their numbers
24 but being able ---

25 THE COURT: He's not saying who they belong to. He

1 simply saying how he went about getting that information.

2 AST. SOL. SIMPSON: There's other -- what happens in
3 these investigations is you get these phone numbers from
4 tons of sources. I'm just using the less prejudicial one.
5 Montrelle Campbell was on probation and the federal
6 probation agents called him on this number all the time and
7 told Detective Tuttle. I just don't get into that. I mean,
8 we can if we really want to establish his number.

9 THE COURT: Yet. It would be a prior record.

10 AST. SOL. SIMPSON: But, yeah, because that indicates a
11 prior record. But these rules protecting things like that
12 are overridden when a party challenges the validity. And I
13 don't fault her for doing it. But like Ms. Ford is doing
14 now, that potentially opens the door for the real reason
15 Detective Tuttle knew that number was because Mr. Campbell
16 was on federal probation, and they called him on that number
17 all the time. And they told him that. The Tomeka President
18 line was less presidential to this client. And so I chose
19 to pursue that line of questioning. But if this door wants
20 to be opened, we can go ---

21 THE COURT: But you're not going to ask him to, like,
22 read out the ingoing and outgoing calls and all that kind of
23 stuff?

24 AST. SOL. SIMPSON: I'm going to ask him a simple
25 question: Were there communications between these two

1 numbers around the time of the murder? Done. Between these
2 two numbers.

3 THE COURT: For now, we're going to mark them for ID
4 only until I can think about this a little bit more. But I
5 was suspect Mr. -- do you plan to call Ms. President to
6 have her identify this phone number or ---

7 AST. SOL. SIMPSON: I would probably ---

8 THE COURT: --- review the video? I don't think you're
9 going to be able to call the probation officer. Because
10 that would then start implicating his character that he was
11 on probation.

12 AST. SOL. SIMPSON: Right. But in response I think the
13 attack is on our -- records.

14 THE COURT: I think Ms. President ---

15 AST. SOL. SIMPSON: I think Ms. President is over
16 asking what's believed . . .

17 THE COURT: Yeah. But I think she's subject to
18 subpoena. She'll come back if she has to. I would imagine
19 that you all could have her review her interview let it
20 refresh your memory as to the phone number.

21 AST. SOL. SIMPSON: Okay.

22 THE COURT: And you may have to put Mr. Trivell back on
23 the transport list in the morning so he can tell us what his
24 phone number was?

25 AST. SOL. SIMPSON: Sure.

1 THE COURT: I think that might be the easiest way to
2 solve this, and then I'll admit the records. So for now, it
3 will be ID only. Because you already agreed to the
4 authenticity of the records, Ms. Ford.

5 MS. FORD: Yes, Your Honor.

6 THE COURT: And it is legitimately business record kept
7 in the ordinary course of business. Pursuant to that
8 agreement, I don't think now you can contest the validity of
9 what's in those records.

10 MS. FORD: That's not my intent, Your Honor.?

11 AST. SOL. SIMPSON: May I?

12 THE COURT: Uh-huh.

13 AST. SOL. SIMPSON: This might fall under venting. I
14 could not show Tomeka President that video on the stand.

15 THE COURT: No. You show it to her sometime today or
16 tomorrow before she gets here ---

17 AST. SOL. SIMPSON: --- bolstering the prior consistent
18 statement.

19 THE COURT: No. It wouldn't be bolstering.

20 AST. SOL. SIMPSON: I just kind of feel ambushed here
21 to be frank. And I don't ---

22 THE COURT: And I've been trying to ameliorate that
23 because I think to some extent you have been. But the
24 bottom line is I still have to deal with the situation as it
25 is now. I have to ensure that there is an equal playing

1 field.

2 AST. SOL. SIMPSON: Sure.

3 THE COURT: And I have to at all cost protect the
4 defendant's constitutional rights because I don't want to
5 try this twice.

6 AST. SOL. SIMPSON: I understand, Your Honor.

7 THE COURT: So I think as a matter of course, you have
8 the right to rely on an agreement. And I think you have the
9 right to make strategic decisions based on an agreement.
10 And when somebody changes -- or either -- and the problem,
11 of course, is different words means different things to
12 different people. You may have had one understanding,
13 Ms. Ford may have had another. So I'm trying my best to
14 navigate that into -- What's the word I'm looking for? -- to
15 balance all those interests to make sure that the State has
16 an opportunity to make a full presentation of their case
17 based on the assumption that you made. But I think that
18 that is probably the best way to remedy that. And y'all
19 have got lots of hands. Somebody can -- I mean, it's what?
20 A two-minute clip of the video that she needs to look at
21 with her giving the phone number.

22 AST. SOL. SIMPSON: Yeah. I've been informed by my
23 investigator ---

24 THE COURT: And she can make ---

25 AST. SOL. SIMPSON: When she left, she made a comment

1 that she had been relieved of her subpoena and didn't have
2 to come back.

3 THE COURT: Yeah. She can come back, I can send a
4 sheriff for her, either way.

5 AST. SOL. SIMPSON: We'll work on her first thing in
6 the morning and ---

7 THE COURT: I don't want to do that. I don't like
8 doing that. But if I have to motivate her that way, I will.

9 AST. SOL. SIMPSON: Okay.

10 THE COURT: Now, I need you to have somebody, however,
11 in the interest of time, to have someone else show her just
12 that clip of the video. If she needs her memory refreshed.
13 She may recall it. She says I know the phone number.

14 AST. SOL. SIMPSON: I think we can address that at some
15 point.

16 THE COURT: In the event that Mr. Trivell needs his
17 memory refreshed, let him watch his interview as well. But
18 I think that's probably the cleanest way -- the cleanest way
19 to deal with it.

20 AST. SOL. SIMPSON: Okay. We'll do that, Your Honor.
21 That does pose the question, though, of could we ---

22 THE COURT: We can continue his testimony. I'm sure
23 you got other things to ask him, don't you?

24 AST. SOL. SIMPSON: Oh, yeah. But could we
25 conditionally -- while, that would be a bad idea.

1 THE COURT: He's gonna be here, isn't he?

2 AST. SOL. SIMPSON: He'll be here. Can he be subject
3 to recall on this fact?

4 THE COURT: Well, I've taken it under advisement. So I
5 don't know that I ---

6 AST. SOL. SIMPSON: What I mean is I can't go further
7 into the phone records at this time?

8 THE COURT: Yeah. You may just have to recall him
9 briefly after they testify. I would imagine that that
10 takes, what? Ten minutes total.

11 AST. SOL. SIMPSON: Yeah, about.

12 THE COURT: Talk to him about the limited edition of
13 the phone records.

14 AST. SOL. SIMPSON: Sure. Then our next witness, Your
15 Honor, would be his testimony wholly arises from the phone.

16 THE COURT: So from a planning standpoint, you need to
17 ask as many questions of this witness as you can get through
18 today that don't involve the phone records. I'm going to
19 mark them ID only at this time. And then Ms. Ford will have
20 the ability to cross-examine him. And then in the morning
21 we'll have Ms. President, Mr. Richardson, and then this
22 witness which I think shouldn't take 30 minutes. And then
23 you can have your witness testify. And you need to have
24 your witnesses is ready to go.

25 MS. FORD: Yes, Your Honor.

1 AST. SOL. SIMPSON: Okay.

2 THE COURT: Does that sound like a plan?

3 MS. FORD: Yes, Your Honor.

4 THE COURT: All right? Are we ready to go forward?

5 I've got my jury standing in the hallway.

6 AST. SOL. SIMPSON: Yeah. Our further questioning is
7 going to be pretty brief. Whatever -- maximize the moment.
8 Whatever you have left that you can ask of him, I would
9 suggest you get through as much of it so that Ms. Ford can
10 cross-examine him. And we can then only have that limited
11 issue to deal with on tomorrow morning.

12 THE COURT: All righty. Are we ready? State ready?

13 AST. SOL. SIMPSON: Yes, Your Honor.

14 THE COURT: Defense ready?

15 MS. FORD: Yes, Your Honor.

16 THE COURT: Please bring in the jury.

17 (The jury enters the courtroom.)

18 BAILIFF: All jurors present, Your Honor.

19 THE COURT: Thank you. You may be seated. Ladies and
20 gentlemen, we appreciate your patience. That took a little
21 longer than I dissipated. Please know we don't take your
22 time for granted.

23 Please proceed with questioning of the witness.

24 AST. SOL. SIMPSON: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 (Direct examination of Mr. Eric Tuttle resumes.)

2 BY AST. SOL. SIMPSON: (Continuing)

3 Q. Detective Tuttle, when we left you described that you
4 did obtain some phone records, right?

5 A. Yes, sir.

6 Q. And were you at a later date to talk to Trivell
7 Richardson as well?

8 A. Yes, sir.

9 Q. And Tomeka President?

10 A. Yes, sir. I was.

11 Q. Did Tomeka -- following those conversations --
12 following the discussion with Tomeka President, did you make
13 arrests in this case?

14 A. Shortly after.

15 Q. Shortly after? Okay.

16 AST. SOL. SIMPSON: Please answer any questions that
17 Ms. Ford has.

18 THE COURT: Ms. Ford, any questions for the witness?

19 MS. FORD: Yes, Your Honor.

20 THE COURT: You may proceed.

21 MS. FORD: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 CROSS-EXAMINATION

24 BY MS. FORD:

25 Q. Hi, Detective Tuttle?

1 A. Good afternoon.

2 Q. Good afternoon. You told us a good bit about your job
3 and how you go about being a detective. Part of your job is
4 talking to as many witnesses as you can correct?

5 A. Try to, yes.

6 Q. So if anybody was inside or anybody was present, you
7 would like to talk to them if it all possible. Is that fair
8 to say?

9 A. Possible.

10 THE COURT: I need you to speak up a little bit
11 more ---

12 THE WITNESS: My apologies. I apologize.

13 A. If at all possible, we like to talk to anybody that we
14 can.

15 THE COURT: I don't think the mic is on. I think
16 that's the problem. Bear with this one second while we deal
17 with our technology issues. I apologize.

18 (Brief pause.)

19 THE COURT: You may proceed.

20 AST. SOL. SIMPSON: Thank you.

21 THE COURT: You're welcome.

22 Q. So Detective Tuttle, you learn through your
23 investigation that various people were inside of Katrina's
24 apartment at the time of the shooting, correct?

25 A. Yes, ma'am.

- 1 Q. And you were able to talk some of them?
- 2 A. Yes, ma'am.
- 3 Q. And other investigators may have talked to others,
- 4 correct?
- 5 A. Yes, ma'am.
- 6 Q. But you we're not able to actually talk to all of the
- 7 people inside at the time of the shooting, correct?
- 8 A. No, ma'am.
- 9 Q. You even had to issue BOLOs for several people,
- 10 correct?
- 11 A. That's correct.
- 12 Q. And BOLO stands for "be on the lookout," right?
- 13 A. Yes, ma'am.
- 14 Q. Because you had to send out officers or put the word
- 15 out for them to search for them or if they could find them
- 16 to bring them in or make contact so that you could speak to
- 17 them, correct?
- 18 A. Try to speak to them. That's correct.
- 19 Q. You were able -- after doing so, you were able to speak
- 20 to at the Delano McPherson, correct?
- 21 A. Delano.
- 22 Q. Delano?
- 23 A. Yes, ma'am.
- 24 Q. You had learned that he was in the residence?
- 25 A. Yes, ma'am.

1 Q. But you we're not able to talk to Kinard Brown?

2 A. Kinard.

3 Q. Kinard?

4 A. I spoke with him, but he did not want to speak which is
5 his right to.

6 Q. And Jerrell Risher as well? He was present but not
7 spoken to.

8 A. There was an attempt made, but not spoken to?

9 Q. One of your BOLOS also led to talking with someone else
10 who had been there at some point, Mr. Edmond Taylor?

11 A. Ed. That's correct. And he was not there at the
12 time . . .

13 Q. Correct. The witness have already testified ---

14 A. Yes, ma'am.

15 Q. Also, you want to know if there's anybody outside of
16 the apartment you would like to talk to them if possible if
17 you know who they are, correct?

18 A. Yes, ma'am.

19 Q. In this case refer to the 911 call being made. So 911
20 was called in this case?

21 A. There were several 911 calls. But, yes, 911 was
22 called.

23 Q. And Kinard is actually one of the people who called?

24 A. Yes, ma'am.

25 Q. And you spoke to another person who called,

1 Ms. Patterson?

2 A. Shanara Patterson?

3 Q. Yes. And she was an upstairs neighbor?

4 A. [REDACTED].

5 Q. There is also woman named Peggy Blake who called?

6 A. Peggy Blake called. Another woman who didn't give her
7 name . . . And then Anthony Cobb was another one who
8 called.

9 Q. And as a case agent, you know there was an officer who
10 did briefly talk to Ms. Blake on the scene as well, correct?

11 A. Yes.

12 Q. But you did not go to talk to Ms. Blake, correct?

13 A. I did not.

14 Q. And to your knowledge, a detective never went out to
15 try to get a statement from her, correct?

16 A. No, ma'am.

17 Q. In the video that we watched earlier he pointed out
18 that the man with the gun had a distinctive shirt on, on
19 him, correct?

20 A. A Italia polo shirt as I mentioned.

21 Q. It was so distinctive you issued a BOLO just for that
22 short, correct.

23 A. Correct.

24 Q. And through the BOLO you actually were able to find a
25 couple of people who were connected to a shirt like that at

1 least?

2 A. I did. It was not so uncommon.

3 Q. But that shirt -- that shirt was never found on

4 Montrelle Campbell, correct?

5 A. The Italia, no, ma'am.

6 Q. And you mentioned that you are able to get some search

7 warrants in this case, correct?

8 A. There were search warrants . . .

9 Q. And through the search warrants, you never recovered
10 that type of short, correct?

11 A. No, ma'am. Oh, well, we did recover that type of
12 shirt.

13 Q. But from somebody else?

14 A. From somebody else, yes.

15 Q. And that was just a guy who was on the street who the
16 officers from the BOLO said, hey, you match the description,
17 correct?

18 A. Yes, ma'am.

19 Q. And one of the search warrants you did was a search
20 warrant -- or that was executed -- it was on Ms. President's
21 car?

22 A. No, ma'am.

23 Q. And nothing of evidentiary value was found in the car,
24 correct?

25 A. I don't remember anything. I don't recall anything

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1 that was used. Well, I take that back. The car itself was
2 of huge evidentiary value.

3 Q. Well, the car itself. There was nothing inside the car
4 that was recovered, correct?

5 A. No. No items in the car.

6 Q. We spoke -- we heard from Mr. Richardson today. And
7 you actually spoke to him several times before his arrest,
8 correct?

9 A. Yes. Well, several. I think two, three. I don't
10 think several.

11 Q. More than once?

12 A. Yes, ma'am.

13 Q. He seemed not to have the most accurate memory. But is
14 it fair to say he denied being involved ---

15 AST. SOL. SIMPSON: Objection, Your Honor.

16 THE COURT: Basis?

17 AST. SOL. SIMPSON: Hearsay.

18 THE COURT: Sustained. Rephrase.

19 MS. FORD: Impeachment, Your Honor.

20 THE COURT: You have to phrase it a different way. You
21 can ask him to comment on what someone else said. I'm not
22 going to debate it.

23 MS. FORD: Yes, Your Honor.

24 THE COURT: Rephrase the question.

25 Q. Through talking to Mr. Richardson, after you talk to

1 him, you did some more investigation based on what he told
2 you, correct? You talked to several people?

3 A. I mean, based on his testimony alone? No. Or his
4 statement.

5 Q. He gave me several names and you spoke to his child's
6 mother, for example?

7 A. Yes. He was trying to cooperate or speak to people
8 with the leads that he provided us.

9 Q. So Ms. Butler was spoken to, correct?

10 A. Keisha Butler I think, yeah.

11 Q. Dominic Phillips was spoken to.

12 A. We did.

13 Q. I think Ms. Govan, another female friend of his.
14 Sherry Govan?

15 A. I remember he said Adrian Beaton. Govan may have been
16 one of them as well.

17 Q. Anyway, you took time and you did investigation talking
18 to people based on what he told you in his initial
19 interview, correct?

20 A. Correct.

21 Q. And, Detective Tuttle, someone who has worked for the
22 police for about ten years you said? Nearly ten years?

23 A. About probably ten, yes.

24 Q. You're familiar with downtown streets in the peninsula?

25 A. Fairly familiar.

1 Q. And Cedar Street is located downtown about a mile and
2 half away from the incident location, correct?

3 A. It is.

4 Q. And ■ Cedar Street is an address, the family home of
5 Montrelle Campbell, correct?

6 A. A family member's home?

7 Q. Yes.

8 A. Yes.

9 Q. When we went on the video, you pointed out the car in
10 the video. And you described it as a Buick, correct? Or
11 you are dinging it or . . .

12 A. Yes.

13 Q. Well, when you initially saw the video, that was not
14 readily apparent though from watching it when you initially
15 saw the video, correct?

16 A. The make of a Buick I think it's pretty apparent. The
17 exact model maybe wasn't.

18 Q. You had to go to -- or to a car dealership to ask ---

19 A. To corroborate what I had from the video.

20 Q. But you had to seek help to verify the type of car,
21 correct?

22 A. I would say corroborate. I don't -- I mean, it is
23 help. I mean, but it was corroborating what I was already
24 inferring from what the video showed itself. From someone
25 who dealt with this type of vehicles.

1 Q. You felt that you needed it to be corroborated, though?

2 A. I guess the basic person could say that it's a Buick.

3 Q. But you did go to dealerships to confirm it?

4 A. To confirm, yes.

5 Q. Going back to Tomkea's car, and another officer
6 testified to this earlier, is that they tested for gunshot
7 residue, correct?

8 A. Tomeka's vehicle?

9 Q. Yes.

10 A. Yes.

11 Q. And nothing was ever done with that, correct?

12 A. And analysis was not made of the GSR.

13 MS. FORD: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (Brief pause.)

16 MS. FORD: I have no further questions for this
17 witness.

18 THE COURT: Any redirect?

19 AST. SOL. SIMPSON: Yes, Your Honor.

20 THE COURT: You may proceed.

21 REDIRECT EXAMINATION

22 BY AST. SOL. SIMPSON:

23 Q. So the individual video is wearing an identifiable
24 short, correct?

25 A. Yes, sir.

1 Q. Okay. And I just want to clarify something. Ms. Ford
2 pointed out put out a BOLO for the shirt, correct?

3 A. Yes, sir.

4 Q. Just that shirt that she asked you. And did they find
5 someone he matched the description?

6 A. They found somebody wearing the shirt.

7 Q. Okay. Did the individual wearing the shirt matched the
8 description of the subject?

9 A. He did not.

10 Q. Okay. So just to clarify, there's more people walking
11 around in the same shirt. Y'all snatched him up to see?

12 A. Yes, sir.

13 Q. All right. Was he arrested for murder?

14 A. He was not.

15 Q. Okay. Similarly, you did never locate that kind of
16 shirt at a residence or car or anything associated Montrelle
17 Campbell, correct?

18 A. Yes, sir.

19 Q. Do you recall -- you can refer to your reports if you
20 need to -- when was the search warrant done on the Buick?

21 A. So I may not have the Buick in here.

22 Q. Just by your recollection.

23 A. I mean it was -- I apologize. I don't have that.

24 Q. Okay.

25 A. I don't have everything here. May I see the rest of

1 the report?

2 Q. Are we referring to the search warrant to refresh your
3 recollection?

4 A. The return don't have the date executed.

5 Q. Okay.

6 A. I apologize.

7 AST. SOL. SIMPSON: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 Q. All those things you're flipping through, those are all
10 the reports ---

11 A. Not all of them. I must have had them mixed up.

12 Q. Okay. Showing you is been marked for ID only as
13 State's 140. Do you recognize that document?

14 A. I do. This is a search warrant for Ms. President's
15 vehicle?

16 Q. Okay. And you mentioned a return. What's the search
17 warrant return?

18 A. The search warrant return is the date the search
19 warrant was executed on October 2, 2015.

20 Q. Okay.

21 A. Two weeks . . .

22 Q. Okay. So we're talking weeks later. Weeks someone
23 would have to dispose of a shirt or any other piece of
24 evidence, correct?

25 A. Correct.

1 Q. And what date was Montrelle Campbell arrested?

2 A. November. And I don't remember the exact date, but I
3 know it was in November.

4 Q. Early November?

5 A. Very early November.

6 Q. So it's fair to say we get weeks transferring into more
7 than a month that a person would have to dispose of anything
8 related to this ---

9 MS. FORD: Objection. Leading.

10 THE COURT: Sustained. Leading. Rephrase.

11 Q. So more than a month between the incident and
12 Montrelle Campbell's arrest?

13 A. Yes.

14 Q. And when you first saw the video, just clarify that.
15 Were you able to look at that and make your own conclusion
16 about what type of car that might be?

17 A. Yes, sir.

18 Q. Okay. Do you try to be a careful detective?

19 MS. FORD: Objection.

20 THE COURT: Basis?

21 MS. FORD: Bolstering.

22 THE COURT: You can ask the question in a different
23 way. Sustained. It's characterization.

24 Q. Do you like to seek other opinions when you make any
25 type of conclusions. Is that the type of detective?

1 A. Like to corroborate ---

2 Q. Okay.

3 A. --- my evidence.

4 Q. Okay. So in that vain, did you take the evidence
5 somewhere to . . .

6 A. Yes, I did.

7 Q. Okay. And did you corroborate the make of this
8 vehicle?

9 A. I did.

10 Q. Okay.

11 A. The make and model.

12 Q. Okay.

13 AST. SOL. SIMPSON: I don't have anything further, Your
14 Honor.

15 THE COURT: Okay. Sir, if you would step down and
16 subject to being recalled. Would counsel approach for me,
17 please.

18 (A bench conference was held off the record and out of
19 the hearing of the jury panel.)

20 THE COURT: Ladies and gentlemen, please bear with us.
21 We're trying to determine some scheduling issues. And we're
22 going to order your lunch on tomorrow. So when you come in,
23 the clerk is going to take your orders. So just be prepared
24 for that. I anticipate that we will it either finish this
25 case on tomorrow or Friday morning just for your scheduling

1 purposes.

2 (Brief pause.)

3 THE COURT: Ladies and gentlemen, I'm going to send you
4 to your jury room so that Dallas can go ahead and take your
5 orders now. And if it's any consolation, it's 80 percent
6 chance of rain tomorrow. At leasts you won't have to be
7 worried with the weather. If you all will go with the
8 bailiff. Please don't discuss the case and leave your
9 notepads on your seats.

10 (The jury exits the courtroom.)

11 THE COURT: You all can take your seat. So you can try
12 to get that out of the way outside of the jury's presence?

13 AST. SOL. SIMPSON: We're prepared to do so, Your
14 Honor.

15 THE COURT: How may questions can you ask him that
16 don't involve that before we get to the issue of reliability
17 of science?

18 AST. SOL. SIMPSON: How many questions that don't?

19 THE COURT: She's objecting not to his qualifications,
20 I would assume. Correct me if I'm inaccurate. But she's
21 objecting to what she perceives to be the reliability of the
22 science.

23 AST. SOL. SIMPSON: Obviously, we did not totally
24 prepare that matter -- but I do have a few questions, and he
25 has some personal knowledge as to other ---

1 THE COURT: No. I mean what questions can you ask him
2 regarding his education, training and experience, and
3 otherwise. So if we get to that point is what I'm asking.

4 AST. SOL. SIMPSON: How long will that take?

5 THE COURT: Uh-huh. Do y'all want to do that? Go
6 ahead and get that out the way and the jury's presence and
7 then we'll take up the rest of it in-camera however long it
8 takes. And then we'll try to get that done today.

9 AST. SOL. SIMPSON: I don't know about his
10 personal . . .

11 THE COURT: Yeah. I'm asking what questions do you
12 have of him. Because you're going to have to establish that
13 he has the education, training, and experience to be
14 rendering this -- either he's a 701 witness that does this
15 all the time and it doesn't require specialized knowledge
16 and training or he's an expert that does require specialized
17 knowledge and training. I don't think that -- did you plan
18 to offer him as an expert?

19 AST. SOL. SIMPSON: Yeah. I was going to.

20 THE COURT: I was going to -- you don't object to his
21 expertise. You object to the reliability of the science.
22 Those are two different things.

23 MS. FORD: Yes, Your Honor. Exactly.

24 THE COURT: So why don't we do as much as we can up to
25 the point where she's questioning reliability of the

1 science. And then can take all that up in-camera and try to
2 see how far we get with that today.

3 AST. SOL. SIMPSON: Okay. Yes, Your Honor.

4 (Brief pause.)

5 (The jury enters the courtroom.)

6 THE COURT: Ladies and gentlemen, we appreciate your
7 patience. Mr. Simpson, you may proceed.

8 AST. SOL. SIMPSON: Thank you, Your Honor. The State
9 would call Clay Simmonds.

10 (ROBERT CLAYTON SIMMONDS, was duly sworn and provided
11 the following testimony.)

12 CLERK: Please take your seat. Spell your first and
13 last name for the record.

14 THE WITNESS: Full name is Robert Clayton Simmonds.
15 R-O-B-E-R-T, C-L-A-Y-T-O-N, last name S-I-M-M-O-N-D-S.

16 THE COURT: You may proceed.

17 AST. SOL. SIMPSON: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 DIRECT EXAMINATION

20 BY AST. SOL. SIMPSON:

21 Q. Special Agent Simmonds, for who do you work?

22 A. I'm a special agent with the FBI.

23 Q. And were you based?

24 A. I'm here in Charleston; Columbia field office but a
25 Charleston resident agency.

1 Q. What is the FBI stand for?

2 A. Federal Bureau of Investigation.

3 Q. What is your current role with the FBI?

4 A. I'm a Special Agent assigned to violent crime, gang
5 squad task force. I also have auxiliary duties of being an
6 expert in analysis of call detail records or cell phones
7 records. Looking at cell phones and their phone records and
8 placing them -- very responsive -- to provide a visual
9 depiction of the cell phone activity over a period of time.

10 Q. Is that part of the CAST team?

11 A. Yes. And I'm a member of the CAST team. The CAST
12 Cellular Analysis Survey Team.

13 Q. What sort of -- well, let's start more generally. What
14 sort of educational background you have?

15 A. I have two bachelor science degrees from the College of
16 Charleston business and accounting. Went to graduate school
17 for a year and then to the Bureau. The Bureau, being the
18 FBI, hired me. Then I have 16 plus weeks of training at
19 Quanto to become a special agent in approximately 400 hours
20 of training to be a CAST certified Special Agent.

21 Q. Okay. So to be a member of the CAST team and offer
22 what you do, you have to do over 400 hours of training?

23 A. That's correct. We do whatever stages and it
24 incorporates, being instructors, teaching these techniques
25 to local and state law enforcement and federal law

1 enforcement officers. We get trained by the legal
2 department. The law enforcement relations group from
3 various cell phone providers: AT&T, T-Mobile, Sprint,
4 Verizon -- cellular. We're also trained by their engineers
5 who detail how the network is set up, how it works, how to
6 read the records, what the records can offer to us. And we
7 go through a department certification processes to go on a
8 tour of one of the sites whether it be AT&T, Sprint,
9 Verizon, to see the room where all the cell phone -- calls
10 transmit, how to get processed and sent out to connect to
11 our daily lives.

12 Q. This is training that really comes out both from the
13 government and law enforcement perspective and the private
14 entities perspective?

15 A. Sure. The cell phone providers are part of the
16 training. We contract with an individual give us the basic
17 theory radio frequency and how it operates and how it works
18 and how it travels across, you know, the earth.

19 Q. Okay. All of this training, you be able to be
20 certified as an expert in the area of cell phone analysis?

21 A. I have. Been certified in this court in Charleston
22 County, in Berkeley County, in Aiken County, and Washington
23 DC.

24 Q. Okay. And you've offered testimony before on this
25 subject?

1 A. I have.

2 Q. Approximate, how many times if you had to guess?

3 A. Half a dozen, five, six times.

4 Q. Okay. Including this very courtroom.

5 A. Yes. Just a month ago, a month and a half ago.

6 Q. And as part of your training, do you have any personal
7 knowledge the sort of evidence being presented in court
8 nationwide?

9 A. Of course.

10 Q. Okay. Typically requiring someone of your expertise?

11 A. Sure. We often times individuals like yourselves or
12 other individuals will call self and providers, T-Mobile,
13 AT&T, whoever, and will ask one of their engineers and come
14 and do what I do. They will refer them to my team, to the
15 CAST team.

16 Q. Okay. Silly question, but the FBI has a nationwide
17 scope, correct?

18 A. Technically, worldwide scope. Yeah.

19 Q. Okay ---

20 A. --- all over the country to help the interest of the
21 United States.

22 Q. And so are there CAST team members nationwide?

23 A. Yes. We're spread. Approximately 61 one of us -- 61
24 of us and spread throughout from here in Charleston, South
25 Carolina to Philadelphia to LA to -- we even have one in New

1 Mexico.

2 Q. To your personal knowledge, do these individuals
3 routinely testify on the subject matter that you intend to
4 testify in this case?

5 A. From understanding, almost every day there's somebody
6 a part of the CAST team testifying to cell phone records.

7 AST. SOL. SIMPSON: Your Honor, at this point, the
8 State would offer Special Agent Robert Clayton Simmonds is
9 an expert in cell phone analysis.

10 THE COURT: Any objections or questions?

11 MS. FORD: Your Honor, just based on the reliability.

12 THE COURT: That's not my question. I'm asking if you
13 have any exception or questions in voir dire in his expert
14 as a cell phone analyst.

15 MS. FORD: No, Your Honor.

16 THE COURT: He'll be admitted without objection.

17 Mr. Foreman, ladies and gentlemen, I have some matters of
18 law I need to take up with counsel that will take us far
19 beyond five o'clock. So I'm going to allow you to go home
20 for evening. We'll resume in the morning at 9:30. During
21 this break, please do not discuss the case among yourselves
22 or with anyone else. Please do not watch, read, or listen
23 to any media accounts about this case if there any. And
24 don't do need independent research on the Internet. When
25 you return to the courthouse, come directly to your jury

1 room and please don't have any contact with anyone in or
2 about the courthouse. If you was stockinette pads on the
3 banister for us so we can secure them during the evening
4 break. Hope y'all have a great evening. Will see you in
5 the morning. And, again, as I've indicated, we're going to
6 order your lunch tomorrow so you have that for your planning
7 purposes.

8 (The jury exits the courtroom for the evening at
9 4:53 pm)

10 THE COURT: You can take your seats. All right.
11 Resume questioning you will ask of the witness.

12 AST. SOL. SIMPSON: Thank you, Your Honor. May
13 approach the witness.

14 THE COURT: Yes, sir.

15 (Direct examination of Mr. Simmonds resumes outside the
16 presence of the jury.)

17 BY AST. SOL. SIMPSON: (Continuing)

18 Q. Agent Simmonds, I'm handing you a few documents. Could
19 you just look through those and see if you recognize them.

20 A. (Witness complies.) Appears to be the presentation
21 that I provided to your office. The margins are cut off a
22 little bit.

23 Q. You provide it -- did you provide this presentation in
24 the fancy PowerPoint form?

25 A. I did.