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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Daniel McLeod Coble, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TELVIN QUINTAVIS JACKSON,

APPELLANT

APPELLATE CASE NO. 2024-001198

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**FROM THE NOVEMBER 16, 2023 IMMUNITY HEARING:
COURT’S EXHIBIT NO. 2 (911 CALLS), COURT’S EXHIBIT NO. 3 (INTERVIEW OF
DEFENDANT), COURT’S EXHIBITS NOS. 4-6 (PHOTOGRAPHS), AND COURT’S
EXHIBIT NO. 7 (MAP).**

**FROM THE JUNE 24-27, 2024 TRIAL:
STATE’S EXHIBIT NO. 3 (911 CALL RECORDING), STATE’S EXHIBIT NO. 4 (911
CALL RECORDING), STATE’S EXHIBIT NO. 5 (911 CALL RECORDING), STATE’S
EXHIBITS NOS. 14, 17, 19, 27-28, AND 31-33 (PHOTOGRAPHS), STATE’S EXHIBIT
NO. 59 (BODY CAMERA RECORDING), STATE’S EXHIBIT NO. 64 (SCREENSHOT),
AND DEFENSE EXHIBIT NO. 1 (BODY CAMERA RECORDING).**

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT
COUNTY OF RICHLAND) DOCKET No. 2022-GS-40-04237

STATE OF SOUTH CAROLINA,)
 Plaintiff,)
versus)
)
TELVIN JACKSON,)
 Defendant.)

H E A R I N G
BEFORE THE HONORABLE CLIFTON B. NEWMAN

DATE: November 16, 2023.
LOCATION: South Carolina Circuit Court 5
TRANSCRIBED BY: Jackson Alexander

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24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL

25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

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17 EXHIBITS

18 (None Marked)

19

20

21

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25

1 PROCEEDINGS

2 MS. SAMPSON: Thanks, your Honor. May it please the
3 Court? The State will call the case of Telvin Jackson. It's
4 my understanding that the Defense has moved for a
5 stand-your-ground hearing. I believe Mr. Sutherland filed a
6 motion to dismiss -- which should be a motion for immunity,
7 last night. But this hearing has been scheduled since --
8 before your Honor. And at this time, I'll (inaudible).

9 THE COURT: Okay.

10 MS. SAMPSON: Do you need a copy of the motion, your
11 Honor?

12 THE COURT: Yes. The name of the case is?

13 MR. SUTHERLAND: It's the State versus Telvin Jackson.

14 THE COURT: Okay.

15 MR. SUTHERLAND: And just, your Honor, at this time,
16 the -- the Defense would move to dismiss the cases warrant
17 number 2020-A-40-102-02863. The corresponding indictment
18 number is 2022-GS-40-04237. The State alleges, in those
19 charging documents, that on May 26th, 2020, that Telvin
20 Jackson, my client -- the Defendant, did unlawfully kill
21 Kumari Scott with malice aforethought. We hope to offer
22 evidence through testimony in one exhibit that he is entitled
23 to immunity under 16-11410 through 16-11450. And at this
24 time, we would hope to begin to introduce evidence.

25 THE COURT: All right. Ms. Sampson?

1 MS. SAMPSON: Your Honor, before they start, I would
2 like to hand up -- just a second. We have entered into
3 stipulations. I have made them court's exhibit, but I'll
4 give you a copy for you at your desk.

5 THE COURT: Okay.

6 MS. SAMPSON: Essentially, your Honor, the stipulations
7 are that we can introduce the 911 call without the custodian
8 of record, that we are stipulating to the cause, the manner
9 of death that the Defendant did shoot, and -- shoot the --
10 the victim, Mr. Scott, and that he died as a result, so that
11 we don't have to bring in those witnesses.

12 We've also stipulated that we do not need to bring in
13 law enforcement or law enforcement hearsay to come in. For
14 example, we don't need to bring in the responding officer. I
15 have the investigator to talk about that, and Mr. Sutherland
16 has agreed that that's the only hearsay we can get into this
17 -- law enforcement hearsay.

18 THE COURT: Okay. Can you give me some undisputed
19 context of what this is all about since I know nothing about
20 it?

21 MS. SAMPSON: Yes, sir. On the day of May 26th, 2020,
22 at 22:24, and I'll spell it, it's W-E-I-S-S Drive, which is
23 in Richland County.

24 THE COURT: What's the name of that again?

25 MS. SAMPSON: I believe you call it Weiss, but it's

1 Weiss, W-E-I-S-S.

2 THE COURT: It's Weiss Drive -- Weiss Drive.

3 MS. SAMPSON: Yes. This -- this was the home of the
4 Defendant, Telvin Jackson. He knew the victim, Kumari Scott.
5 Mr. Scott comes to the home of Mr. Jackson. There's the
6 dispute over money. Mr. -- according to the Defendant, Mr.
7 Scott pulled a gun on the -- on the Defendant, demands money
8 that he believes the Defendant owes him. The Defendant gives
9 him money. There is a witness to the victim pulling a gun on
10 the Defendant. That witness (inaudible) both the victim and
11 the Defendant, he runs into the Defendant's home when this
12 occurs.

13 At that point, the Defendant leaves his home, he goes
14 to his father's house, which is about two to three minutes
15 away from his home. He goes and gets a gun from his father's
16 house, returns to his home. On the way that he -- he's
17 returning, he calls 911, tells 911 he's going to shoot Kumari
18 Scott when he gets back to his house. When he gets to his
19 house, he gets out of his car. He's at this point armed with
20 a gun. He gets out of the car with the gun. He states to
21 law enforcement that at that point, Kumari Scott sees him
22 with the gun and tries to pull his gun. He then shoots and
23 runs, ends up shooting Mr. Scott once in the side, goes all
24 the way through to -- the bullet flashed in his arm, and he
25 dies as a result. Ambulance is called, they do take him to

1 the hospital. Mr. Scott runs behind -- I mean, Mr. Jackson
2 runs behind the house and -- and -- and sits there until
3 police get there. He does come up when the police get there,
4 give them a gun and give them a statement, which we have in
5 recorded statement, as well as 911.

6 THE COURT: All right. Mr. Sutherland, you
7 (inaudible).

8 MR. SUTHERLAND: Oh, yeah, I'm sorry, Judge, it's -- I
9 don't know --

10 THE COURT: You think you agree with what she said?

11 MR. SUTHERLAND: It's substantially accurate. And --
12 and -- you know, we'll -- we'll put the testimony in the
13 evidence before your Honor.

14 THE COURT: Okay. Very good. You may proceed.

15 MR. SUTHERLAND: Yes, sir. At this point, the Defense
16 will call Telvin Jackson. Please send him in.

17 THE COURT: Face the clerk.

18 MR. JACKSON: Huh?

19 MR. SUTHERLAND: Face the clerk. Left hand on the
20 Bible. Raise your right hand, please.

21 TELVIN JACKSON,

22 being duly sworn, testified as follows:

23 THE CLERK: Thank you. Please have a seat in the
24 witness stand, and state your full name for the record.

25 MR. SUTHERLAND: Please lean into the microphone so

1 that you could be heard louder.

2 THE WITNESS: Okay.

3 MR. SUTHERLAND: Tell --

4 THE CLERK: State your full name.

5 MR. SUTHERLAND: Yeah.

6 DIRECT EXAMINATION

7 BY MR. SUTHERLAND:

8 Q. You've got to state your name for record.

9 A. Telvin Jackson.

10 Q. Okay. And Telvin, just a little bit about
11 yourself. Where do you work? What do you -- what are you
12 doing right now?

13 A. Well, at the time, I was a business owner in the
14 solar industry helping non-profits, and yeah --

15 Q. You have to speak up towards the microphone.

16 A. -- and customers -- you know, go solar, and
17 basically be independent from the power company.

18 Q. Right.

19 A. Now I -- now I work for Empire.

20 Q. Okay.

21 A. I'm -- I'm sick today -- so, yeah. Excuse me. I
22 was sick from yesterday, and I --

23 THE COURT: What's wrong with you?

24 THE WITNESS: I'm not sure. I haven't been to the --
25 the doctor yet.

1 THE COURT: Do you think you have COVID or anything
2 like that?

3 THE WITNESS: I'm not sure. I -- I took some DayQuil,
4 so -- but -- but I feel fine right now. I'm just -- you
5 know, short -- shortness of breath.

6 MR. SUTHERLAND: I -- I shook his hand early too,
7 Judge. I was like, "Man, what are you doing?"

8 THE WITNESS: Yeah, it happened last night when I came
9 home from work. My -- my -- my seven-month-year-old baby was
10 sick for the past week, and my wife, and then I think it's
11 coming -- coming to me. So -- but I'm fine with the DayQuil,
12 so...

13 THE COURT: I don't know if we can take your word for
14 it.

15 THE WITNESS: I mean, I don't feel like I have a fever
16 or anything, so...

17 THE COURT: Mr. Sutherland?

18 MR. SUTHERLAND: Yes, sir. I mean, I'm comfortable
19 going forward -- you know, of course everyone being
20 comfortable going, everyone needs to be comfortable and
21 secure going forward. But I -- I'm comfortable going
22 forward.

23 THE COURT: Well, I'm a distance away. I'm okay. Ms.
24 Harris?

25 MS. HARRIS: I'm okay.

1 THE COURT: Pardon?

2 MS. HARRIS: I'm -- I'm okay.

3 THE COURT: Okay. You may proceed.

4 MR. SUTHERLAND: All right, thank you, sir.

5 BY MR. SUTHERLAND:

6 Q. So you were working here? Where -- where do you
7 work now?

8 A. I worked for Empire. I had to move to Greenville,
9 South Carolina.

10 Q. Why -- why did you had to move?

11 A. I -- my house got shot up. That was down here.
12 I've been receiving threats about -- from people trying to
13 kill my kids. And basically, because of the situation, I had
14 to stop what I was doing. My office used to be here, almost
15 (inaudible) street. I had to drop everything, and -- and
16 basically change my life and my family's life.

17 Q. Well, do you -- do you think, or do you know that
18 those threats had anything to do with this case?

19 A. I believe so. I reported every incident that
20 happened. It's -- it -- it is just been a while, and we just
21 basically just went to Greenville to keep my family safe and
22 myself. I -- and it's been hard for me to find a job because
23 of the pending -- you know, charge, so...

24 Q. Does the murder show up when you get a background
25 check?

1 A. Yes. Several companies contacted me because of my
2 experience, and -- you know, they -- they contacted me to
3 work for them, and every time I -- I -- I -- I -- I agreed to
4 take the job, and they end up -- you know, doing a background
5 check, and -- we -- we've -- we've been struggling.

6 Q. Well, because there's -- there's a hundred other
7 people out there that don't have a murder on their RAP sheet
8 pending, right?

9 A. Right.

10 Q. Okay. So I want to take you back to a little bit
11 before this. A week or two before May 26th, 2020, what was
12 going on?

13 A. Back then, it -- I was receiving threats, and my
14 wife was receiving threats from Kumari. The -- the -- well,
15 we call him "Trouble." That's what everybody called him in
16 the neighborhood.

17 Q. Let me stop you there. What kind of nickname?
18 Why -- why did people call him "Trouble"?

19 A. He -- he's constantly getting in and out of
20 trouble.

21 Q. Okay, that makes sense.

22 A. And I guess the name just stuck -- you know?

23 Q. Okay, that makes sense. So -- so what was the
24 conflict or what came up here? I -- why did you supposedly
25 owe him money? Did you owe him money? Just what -- what was

1 going on with that?

2 A. Well -- you know, the pandemic was back then, and
3 -- you know, me and my business partner, we couldn't work
4 because we was independent contractors, because of COVID.

5 Q. Right.

6 A. So we basically had to file unemployment. He was
7 -- he was doing unemployment for everybody. Because somebody
8 --

9 Q. And who is this that was doing unemployment for
10 --?

11 A. Trouble.

12 Q. So Trouble was doing unemployment for everybody?
13 Okay.

14 A. Yes.

15 Q. So then -- then what happened?

16 A. He said that he -- his -- his girlfriend or -- or
17 auntie worked at the unemployment office, and they can
18 expedite the unemployment for folks. And he said if he -- if
19 I refer somebody, he'll pay me \$800. And -- you know, and --
20 and that's what I did. I -- I did it myself because I
21 couldn't work because of the pandemic -- you know, like we --
22 we couldn't be around each other.

23 Q. Let me stop you there. So just to -- you got to
24 flesh this out. We're on the record here. So somebody that
25 worked at the unemployment office was expediting unemployment

1 claims --

2 A. Right.

3 Q. -- and you were supposed to get money from
4 referring people for that?

5 A. Right.

6 Q. What do you think about that now?

7 A. Now I -- I -- yeah --

8 Q. Okay.

9 A. -- I wish I hadn't done it -- you know?

10 Q. Right. But at -- but at the -- but at this time
11 -- and again -- you know, we don't know anything. It just
12 sounds sideways to me. So -- so he was thinking that you
13 owed him some of this money? So what was going on around --?

14 A. I didn't owe him.

15 Q. Well, I -- he was thinking that that's what he was
16 saying. I'm not saying that you owed him anything, but what
17 was going on around this money that you supposedly owed him?

18 A. You said what was going on?

19 Q. Just what -- yeah. What was going on? Like, were
20 there any threats, any of that -- you know, go into that kind
21 of thing?

22 A. Oh, he -- he was calling, threatening me and my
23 wife telling, "I'm going" -- well, I don't want to use
24 profanity, but if it -- if it is okay?

25 THE COURT: Yes, sir.

1 THE WITNESS: He was calling me, "Fat-bitch-ass nigger,
2 I'm going to kill you if you don't give me my money." So I
3 told him I was calling the cops, and -- and that's what I
4 did. And my wife called the cops. When -- when I wasn't at
5 my house, he came to my house when I wasn't there. My -- my
6 -- my kids was in there. At the time, they was nine and
7 three.

8 BY MR. SUTHERLAND:

9 Q. They were outside?

10 A. Yeah. They -- they -- they were outside.

11 Q. Yeah, because they can't be in here. But they're
12 there with you now?

13 A. Yep. I called the cops, and I told him he was
14 going to jail -- you know, because he kept threatening me and
15 my family. And I -- I didn't know what to do. I -- I don't
16 -- well, I never -- I still don't -- I don't be in the
17 streets. I'm a business owner.

18 Q. Right.

19 A. I know people, and I -- I know I can't be -- you
20 know, causing no trouble. You know.

21 Q. Trouble. Right?

22 A. Right. So I -- I called the cops, I gave him the
23 -- his name, they didn't do anything. Then a week later,
24 this incident happened.

25 Q. So let me -- let me stop you a little bit and go

1 back. Was most of this by phone -- on the phone or in person
2 barging into your house? Was that most of the threats?

3 A. It -- well, it was mostly over the phone, but I
4 got text messages too. We -- we talked about them.

5 Q. Right. Yeah. And I was going to ask you -- and I
6 think I've given a copy of this, but I was going to ask
7 you...

8 MS. SAMPSON: Your Honor, I -- and I -- I told Mr.
9 Sutherland I was going to object to this. He's showing me
10 this three years later. I don't know where this came from.
11 I don't know that it came from his phone. I can't
12 authenticate it. It's just -- and if he gives you a copy,
13 it's a text thread. I don't know anything about this. This
14 is -- the first time I heard of when Mr. Sutherland told me
15 he was going to use this. And I believe it's Friday.

16 THE COURT: All right.

17 MS. SAMPSON: I -- the State would object to the use of
18 this. Is that I can't even authenticate it.

19 MR. SUTHERLAND: Well then, and I would just say -- you
20 know, we're in the authentication process now, that he's
21 going to testify that he sent and that he received these
22 texts. And I -- I believe it's admissible. I believe he can
23 authenticate his own communications on -- from the stand,
24 sir.

25 THE COURT: I'm listening. Yes, sir. Go ahead.

1 MR. SUTHERLAND: Yes, sir. So I can go -- go forward?

2 THE COURT: Yes.

3 MR. SUTHERLAND: Okay. Thanks.

4 BY MR. SUTHERLAND:

5 Q. Now, do you recognize that?

6 A. Yes. This -- I told the cops that he -- he was
7 texting me and threatening me. I -- I gave him my phone. I
8 told him -- I told him they could search my phone, do
9 whatever they wanted to do.

10 Q. So you gave your phone to the police?

11 A. Yeah.

12 Q. All right. And so they've had your phone for
13 three years, just speaking about three years?

14 A. Right.

15 Q. Well, they had the data from that. Did you ever
16 get your phone back?

17 A. No.

18 Q. Okay. So they've had your phone for three years,
19 and these texts were on the phone. Why don't you see if you
20 can read that? Just read it into the record.

21 A. Okay. So -- well, it says, "Where you at with my
22 shit? It's on -- on Gutter. I'm not going to playing with
23 you. I "Laughed my ass off." "Boy, on Gutter, when I catch
24 you is up." I -- I -- my -- my -- my response was, "You're
25 going to jail." He said, "I don't give a fuck. Screenshot

1 this on Gutter." I said, "I'm giving the police your name
2 now." "I don't give a fuck." And I -- I texted back,
3 "You're going to jail."

4 Q. Okay. So what is -- what does "on Gutter" mean?

5 A. It was -- it was a --

6 Q. Like, real talk or something?

7 A. -- a -- a friend that passed away.

8 Q. Oh, so --

9 A. A friend --

10 Q. -- on a dead? On a...

11 A. Yeah.

12 MR. SUTHERLAND: Okay. I got you. And just if I may
13 approach?

14 THE COURT: Okay. And I'm admitting the -- the
15 screenshot?

16 MR. SUTHERLAND: Yes, sir.

17 THE COURT: Or whatever this is.

18 THE CLERK: Defense 1.

19 BY MR. SUTHERLAND:

20 Q. All right. So it's a little -- a little ironic.
21 He tells you, "I don't give a -- give" --

22 A. "I don't give any fuck."

23 Q. "Screenshot this"?

24 A. Yes, sir.

25 Q. And so we have a screenshot?

1 A. Right. I -- I -- I told the -- the cops about
2 that. The -- the day they took me into the -- the -- the
3 station, I guess.

4 Q. When you were interrogated?

5 A. Yep. I -- because I -- I was terrified and I was
6 -- I was in shock.

7 Q. I hear you.

8 A. So, I didn't know what had happened. So...

9 Q. Well, let me -- let me -- and we'll get -- we'll
10 get to that. You'll probably get into that with the State
11 more later.

12 A. Okay.

13 Q. But is there a date at the top?

14 A. May 20, 2020, at 1:43 p.m.

15 Q. Okay. So this is -- and the incident that we're
16 here over was six days later, May 26th?

17 A. Yeah. Yes, sir.

18 Q. Okay. So you've been receiving these threats?

19 THE COURT: Mr. Jackson?

20 THE WITNESS: Yes, sir.

21 THE COURT: The name is Jackson?

22 THE WITNESS: Yes, sir.

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: How is this created? Where did this come
25 from?

1 THE WITNESS: Through -- through my text messages. I
2 still -- I don't delete anything. I -- I still got them in
3 my phone, because Apple, you -- you got...

4 MR. SUTHERLAND: iCloud?

5 THE WITNESS: iCloud. Yeah, it's on my iCloud, so I --
6 I have them in this phone. I -- I don't delete anything.

7 THE COURT: All right. Go ahead.

8 MR. SUTHERLAND: Thank you, sir.

9 BY MR. SUTHERLAND:

10 Q. All right, so this is six days before, now was
11 this around the time you had mentioned that he -- he had
12 broken into your house. Was this around this time that that
13 happened or when -- when was --?

14 A. No, that was a week. A week prior.

15 Q. So that was a week prior to these texts or a week
16 prior to the incident?

17 A. A week prior to the incident.

18 Q. Okay. So this is six days. You just said you
19 don't -- it was around -- was it around this time that the
20 --?

21 A. Yeah, it was around.

22 Q. Okay.

23 A. Yes, sir.

24 Q. And so what do you remember from that incident?

25 A. Well, from that incident, I just remember calling

1 the cops, telling them to get there.

2 Q. Well, let -- let me stop you, though, about the --
3 the -- what do you remember in your mind? How did you find
4 out that he was in your house? Just what happened on that
5 day that he went into your house?

6 A. My wife called me because she -- she said, "I'm in
7 here naked, and -- and Trouble in the house, raising hell and
8 the kids let him in, and -- and -- and -- and I -- so I
9 called the cops immediately. I wasn't around. I was 30
10 minutes away from my house.

11 Q. Okay.

12 A. So I -- I couldn't get there as -- as -- as soon
13 as they could. So that was the first thought in my head,
14 "call the cops."

15 Q. And -- and you have any idea what he was saying or
16 doing in the house?

17 A. He came in -- my wife said that he came in and --
18 and was like, "What if that" --

19 MS. SAMPSON: Objection, your Honor, to all the
20 hearsay.

21 THE COURT: Well, hold on -- hold on. Rephrase that.
22 All right, overruled.

23 MR. SUTHERLAND: Thanks, sir.

24 BY MR. SUTHERLAND:

25 Q. So your wife said what? You said?

1 A. My wife said he came in, and -- and was like,
2 "What if that bitch-ass nigger is" -- excuse me -- excuse my
3 language.

4 THE COURT: Okay.

5 THE WITNESS: But he was raising hell. So when she
6 called me, I -- I was like, "Hold -- wait. Let me call the
7 cops." And all I remember is telling them to please get to
8 my house. I gave them Kumari name. That's -- that's where
9 the text messages came from, saying, "I'm giving the cops
10 your name right now."

11 Q. Okay. So -- so that was around that time then.
12 Now you're putting it together?

13 A. Right.

14 Q. I'm giving the -- okay. Right. It just -- I just
15 wanted to be clear on that. And I know this was a while ago.

16 A. Yes, sir.

17 Q. All right. So after that incident -- let's go
18 ahead and go forward to May the 26th. What do you remember
19 happening on May the 26th?

20 A. I remember I was sitting in the car --

21 Q. Yeah, just -- just go, yeah, just go through it
22 however you can remember. So...

23 A. Okay. I -- I -- I remember sitting in the car
24 with my friend, Dominique and Brandon. We was just in my
25 yard -- in my driveway, chilling. And the car just blocked

1 us in. And then trouble guy car (crosstalk).

2 Q. Hold on, let me stop you there. So this is --
3 this is in your yard?

4 A. Yes, sir.

5 Q. Is this in -- in your house, next to your house?

6 A. It was -- I -- I'm back into my carport.

7 Q. All right. So you're in your carport at the time
8 that this happened?

9 A. Yes, sir.

10 Q. Okay. And you just testified that you were
11 blocked in. Go ahead -- and what do you remember? You were
12 blocked in and then what happens?

13 A. I remember him getting out the car with a gun.

14 Q. Where did he -- was he a passenger? Was he a
15 driver?

16 A. I -- I didn't see that --

17 Q. Okay.

18 A. -- because the headlights blinded us that I just
19 seen a gun and -- and him walking up to my side, and me, I --
20 I -- I was terrified. So I put my hands up.

21 Q. Okay, that's all right.

22 A. Sorry. So -- I apologize.

23 Q. Okay.

24 A. Well, I put my hands up like this, and he was
25 like, "Give me my motherfucking money." Excuse my language.

1 Q. Just say what happened. Just say what happened.

2 A. And -- and all I remember is staring that gun down
3 the barrel, and I just -- I -- I gave him what I had in my
4 wallet. It -- it was a few \$100, and he got mad and just
5 threw it back in my face. And Brandon actually stepped in
6 between us to stop him from shooting me. And he kept yelling
7 and screaming, "I'm going to kill you, bitch-ass nigger".
8 And -- and -- and just threw the money back in my face.

9 Q. Okay. So you -- you're just test -- so Brandon,
10 and he was an acquaintance, you both knew Brandon?

11 A. Yeah -- yeah. But Trouble and Brandon was best
12 friends.

13 Q. Okay. So Brandon steps in to shield you from
14 Trouble, or how would you characterize him? Just what did he
15 do? What did he do?

16 A. He was just like, "Trouble, what the hell are you
17 doing?" Like -- you know, because we all friends, and he was
18 like, "What the hell are you doing?" So he stood in front of
19 us, and -- and Trouble just -- he was -- it looked like he
20 was out of his mind.

21 Q. Okay. All right. So what happened from there?

22 A. I noticed that car wasn't blocking me no -- no
23 more. So I jet to my dad's house. It was only like down the
24 street, like a minute or two away. So...

25 MR. SUTHERLAND: Yes, sir. Does he need to get closer?

1 THE COURT: Turn in the direction where people are
2 listening (inaudible) listening.

3 MR. SUTHERLAND: Yeah. Just keep that --

4 THE COURT: Mr. Sutherland, you're over there.

5 MR. SUTHERLAND: Oh, I'm sorry, Judge.

6 THE COURT: (Crosstalk) over here in front.

7 THE WITNESS: Oh, sorry.

8 MR. SUTHERLAND: Over there, leaning on the post.

9 BY MR. SUTHERLAND:

10 Q. Okay, so you testified that you saw that you
11 weren't blocked in anymore. So just what happened from
12 there?

13 A. I -- I -- I rushed my dad's house. Because it was
14 only like a minute or two away. That was -- that was the
15 only help I could think of at the time. And I said -- I -- I
16 -- I burst in the house. My sister opened the door and my
17 dad -- I said, "Daddy, I just got robbed by Trouble." And he
18 was like...

19 THE COURT: Mr. Sutherland, you need it?

20 MR. SUTHERLAND: Oh, yeah. All right.

21 THE COURT: I'm (inaudible) the spot in this direction.

22 MR. SUTHERLAND: Yes, your Honor. I'll stand right
23 here.

24 BY MR. SUTHERLAND:

25 Q. Okay, so you busted in the house. Just -- just

1 take it from there. You get there, you bust in --

2 A. I said, "Daddy, called the police. I just got
3 robbed. Trouble just robbed me." And my sister was like,
4 "What happened?" She was like, "What happened? What
5 happened?" She was like, "Where are the babies at?" I said,
6 "Where's Ebony at." That's -- that's my wife's name. And I
7 said, "They are at the house." I -- I didn't even have to
8 think about it. She gave me a gun. I called the cops and I
9 was on the phone. I tried my best to slow down to get there.
10 It took me a few minutes to get back to my house because I
11 was scared. I just -- I just knew I had to be brave for my
12 family.

13 Q. Right.

14 A. So I get back there and somehow the call dropped,
15 and I had to...

16 Q. When you say "the call dropped," you mean you were
17 on the phone with 911?

18 A. Yeah, I was on the phone with 911.

19 Q. Then the call dropped?

20 A. Yes, sir.

21 Q. Okay.

22 A. The -- the call dropped and I -- I believe it
23 dropped because of the Bluetooth.

24 Q. Okay.

25 A. Yeah. And I got out the car, I said, "Police on

1 the way," and I held my gun right here in front of him. And
2 he -- he drew his gun. And I -- I was scared. So I turned
3 my head and -- and I ran and I -- I guess I shot the gun. I
4 didn't even know I shot him.

5 Q. Okay.

6 A. I ran in my backyard for protection from my -- for
7 my dog, because there was three people with guns on me.

8 Q. Okay. Well wait, who -- who were the two other
9 people? And when did you see two other guns?

10 A. It -- it was Brandon and Black.

11 Q. Okay. So when did you see two other guns?

12 A. I -- I -- as I was running back to my backyard, I
13 looked back like, "Oh shit, I heard shots."

14 Q. Okay.

15 A. I didn't know it was me that shot the gun. I was
16 scared for my...

17 Q. Okay, I got you.

18 A. I was -- I was terrified, man.

19 Q. Okay. And so when you looked back, what did you
20 see?

21 A. I seen three people with guns.

22 Q. Okay. And what -- what -- do you remember what
23 they were doing with it? Or how did you know they had guns?

24 A. I -- I -- I looked back and when I ran in my
25 backyard, I -- I -- I was in my backyard. I couldn't see

1 nothing after that. I just -- I -- I jumped my fence to get
2 in my neighbor's yard because I thought I was going to die.

3 Q. Okay. All right. And so after you jumped the
4 fence and got into your neighbor's yard, then what happened?

5 A. The police was already there, and I -- I came out
6 from behind the neighbor's yard. I held my hands up with the
7 gun raised up. I'm the one that called the guys.

8 Q. Okay.

9 A. You know, and then they told me to get -- well,
10 they -- they took the gun and they told me to just get in the
11 -- the backseat of the -- one of the -- the -- the cars.

12 Q. Okay. All right. And so then how -- how long
13 were you there? Did anybody talk to you there, or did you
14 pretty much go straight to the police station?

15 A. No, nobody -- nobody talked to me there. I -- we
16 pretty much just went straight to the police station.

17 Q. Okay. And so when you got to the --

18 A. I just begged them to -- to stay with my family.

19 Q. Okay.

20 A. Because I was -- I was still up in shock. I was
21 terrified. I'm -- I'm still terrified to this day. I had to
22 see a psychiatrist. And I -- and I got -- I have to take
23 medicine now.

24 Q. Okay.

25 A. You know, I'm -- I'm scared to even go to the

1 store.

2 Q. Okay. And you did mention that you had received
3 some kind of threats here?

4 A. As soon as I was released from the jailhouse, my
5 wife got threats. People tried -- they was going to kill us.
6 So I called 911 again, I had to pull over on the side of the
7 highway. I couldn't -- I couldn't even drive around
8 Columbia. We -- we pulled over after we left (inaudible), I
9 called 911. No, I -- and I asked -- they -- they couldn't
10 get nobody to me because we wasn't at a destination. And
11 from what I remember, I seen a city cop and I pulled him
12 over. I said, "Hey, please pull over." You know, I'm like,
13 "What can you all do to help keep me and my family safe?"

14 Q. Okay. And so this -- and so did you -- you just
15 ended up moving --?

16 A. To Greenville.

17 Q. Okay. And so did you seem a little -- so you're
18 nervous being in town now?

19 A. Yeah, I am. I'm -- I'm terrified. I don't -- I
20 don't even come down here. My family can't even see their
21 family. We -- we -- we don't have no help from nobody. It's
22 hard for me to get a job now. I -- I can't even do the
23 business I've been doing. it -- It's like it shattered my
24 dreams.

25 Q. I -- I -- I got you. Okay. So where we -- where

1 we are, as you were at the police station, you talked to the
2 police. Is that right?

3 A. Yeah. Yes, sir.

4 Q. Okay. Now you didn't really know what had
5 happened when you were talking to the police, did you?

6 A. No. I -- I didn't even know he was shot.

7 Q. Right. And so when you're going through -- when
8 you're going through and you're being interrogated by the
9 police, do you remember them saying, "Well, Dominique is
10 saying he was inside and he wasn't outside." Do you remember
11 them just saying that?

12 A. Kind of sort, because Dominique -- he said,
13 "Dominique said he was inside the house," and I said, "No, he
14 wasn't. He was outside." You know, and at -- the -- the
15 moment they said that, I said, "Man, these fools" -- I call
16 them fools.

17 Q. Right.

18 A. I said -- they with the street knowledge and
19 codes, or whatever, because they all -- gang -- gang,
20 whatever you call it, gang.

21 Q. Right.

22 A. Gang affiliation. And I'm like, "Man, why they
23 just couldn't tell the truth? Like, just tell the truth."
24 You know? Because --

25 Q. Did you think that they thought they might be

1 snitching on what Trouble did?

2 A. Yeah, when the cops told me that -- that he said
3 he was in the house, and I -- I instantly knew that was a lie
4 when he said that. I said, "Man, hang on, wait." I said,
5 "Lord, have mercy." And -- but -- but that -- as far as I
6 remember, that's -- that's when the cop said, "Dominique said
7 he was in the house with my wife, and I -- I believe he said,
8 my wife confirmed it. And I was like, "What?" I said,
9 "Ain't no freaking way. She -- she going to say he was." I
10 went, "I'm a man. I -- I would not have another man in my
11 house, and I'm not in the house." You know? So when they
12 told me that, I said, "Man," I -- I just was like, "It's --
13 it's street crap," because I just told everybody.

14 Q. So -- so with -- so the point that -- the point
15 that I'm making here is that you had no idea, you thought
16 that they were worried about snitching on Trouble at the
17 time?

18 A. Right.

19 Q. You didn't even know he'd been shot?

20 A. Right.

21 Q. Right? So when you -- you're speaking to police,
22 what happened when they told you that he'd been shot and that
23 he had passed away?

24 A. Oh, I -- I -- I -- I ain't -- I broke down, man.
25 That's -- to me, he -- he -- he was my brother. He was my

1 brother. I -- I went, "Why would I kill my brother?"

2 Q. Right.

3 A. Why would I shoot? Why would" -- I -- I broke
4 down. It's getting to me now. Because to me, he is a
5 brother.

6 Q. Right. So you didn't -- you -- you didn't have
7 any idea when you were talking to police, though, that they
8 were actually investigating you, right?

9 A. Right. I didn't have no idea. I was just telling
10 my -- my side of the story. I wanted him to go to jail so he
11 can stop threatening me because he was known for shooting up
12 people house, and -- and shooting at people.

13 MR. SUTHERLAND: All right. Well, I think -- I think
14 we're through everything. Yeah. Well, I -- I appreciate it.
15 Thank you. Solicitor is going to cross examine you, sir.

16 THE WITNESS: Okay.

17 THE COURT: (Inaudible). I think I missed some
18 testimony.

19 MR. SUTHERLAND: Oh, yes, sir -- yes, sir. So answer
20 any questions that the Judge has.

21 THE WITNESS: Yes, sir.

22 THE COURT: Can you explain to me the -- the shooting
23 itself, you shooting your gun, that period of time?

24 THE WITNESS: Well, not -- okay. So I -- I -- I had
25 the gun pointed at him, and I said, "The police is on the

1 way, stay right here." When I did that, he pulled his gun.
2 So immediately, I turned my -- turned my head because I was
3 -- I was terrified. I was scared. And -- and I ran. I ran
4 towards my house and for my dog, for safety. And -- and I
5 looked back as I -- I was running and I seen two other people
6 with guns. I said, "Oh, I'm about to die." In my head, I'm
7 like, "Damn, I'm about to die." And by the time I get in my
8 backyard, I'm just, "Don't come back here. The police" --
9 you could hear the sirens. I said, "The police is already on
10 the way; they're going to be here." And -- and I had to jump
11 my -- my neighbor's fence. And I stayed in her yard until I
12 seen the blue lights. And I seen the blue lights, I came up
13 from behind her house.

14 THE COURT: I haven't heard anything about gunshots.

15 BY MR. SUTHERLAND:

16 Q. Yeah. He -- so when did the gun -- when did the
17 gun discharge? What happened?

18 A. As I was running.

19 Q. Okay. So...

20 A. I just didn't -- I was -- I -- I was -- I was
21 terrified, man. I -- I need -- I didn't know that I shot the
22 gun. I thought it was them shooting.

23 Q. So you turned, run away, you hear a shot, and
24 that's the shot?

25 A. Right.

1 Q. Okay.

2 THE COURT: Any further questions?

3 MR. SUTHERLAND: None from me, your Honor.

4 THE COURT: Cross-examination?

5 CROSS-EXAMINATION

6 BY MS. SAMPSON:

7 Q. Mr. Jackson, I want to clarify something. You're
8 asking for immunity, correct?

9 A. Yes.

10 Q. Are you saying that you shot the gun? Because for
11 immunity, you have to admit you did it. Did you shoot the
12 gun or not?

13 A. Yes.

14 Q. So you're saying you shot?

15 A. Yes.

16 Q. When did you shoot it?

17 A. When I turned around and ran.

18 Q. And this was after you got out of your car with
19 the gun, correct?

20 A. Yes.

21 Q. And this is after you go towards the victim with
22 your gun out, correct?

23 A. Yes.

24 Q. And then he pulls his gun after he sees you with
25 the gun, correct?

1 A. Yes.

2 Q. He's not got his gun out when you first get out of
3 the car?

4 A. I'm not sure because it was dark.

5 Q. Did you see it?

6 A. Yeah, I -- I seen the gun.

7 Q. You saw --

8 A. After -- after I told him the police was on the
9 way.

10 Q. And that's when you already had gotten out of the
11 car with your gun showed?

12 A. Yes.

13 Q. Okay. So I want to go back to what you said. You
14 stated and you're sure that the victim was calling and
15 threatening you prior to this?

16 A. Yes. He was threatening me, my wife, and --

17 Q. And you had these text messages, correct?

18 A. Yes.

19 Q. And you are certain that you told Investigator
20 Johnson and Investigator Henson that the victim threatened
21 you and that you had text messages?

22 A. Yeah, I told -- I told him to check my phone.

23 Q. So that's on the video interview of you?

24 A. I -- I believe so. I...

25 Q. You sure about that?

1 A. Yeah, I believe so.

2 Q. All right. And I want to make sure you have a
3 friend named Gutter? Is that -- that's what he was talking
4 about when he said "on Gutter"?

5 A. Yes, that was -- he was like a brother to all of
6 us.

7 Q. Who?

8 A. Gutter.

9 Q. Who is that Gutter? What's his name?

10 A. Shannon. Shannon Weston.

11 Q. Okay. Now I want to go to the incident
12 specifically. You stated on the cross that when you're
13 sitting in your car, who's in your car before anything
14 happened? You're sitting in your vehicle, you stated?

15 A. In my driveway. I was sitting in -- in -- in --
16 in my vehicle with Dominique and Brandon. So we was in my
17 car -- under my carport.

18 Q. Under your carport? Let's flow. I'm going to
19 show you what's been marked as Court's Exhibit 4. Can you
20 tell the Judge what this is?

21 A. That's my yard.

22 Q. And where were you -- where was your car parked in
23 this yard?

24 A. Well, it was in the drive -- I couldn't remember
25 back, but it's in the -- I remember the -- this picture is

1 bringing it all back. It -- it was in my driveway.

2 Q. So is this your car in the -- in the middle beside
3 the -- her beside the -- I guess that's the -- your garbage
4 can?

5 A. Yeah. The BMW.

6 Q. So the B -- so is that where you were parked when
7 this started?

8 A. Yes, ma'am. I -- I believe so. Yep. I -- I
9 believe so. Because I got blocked in right here.

10 Q. So there's no carport --

11 A. It was a car --

12 Q. -- it's just a driveway?

13 A. The car was right here when I got -- when we got
14 blocked in. It was in my yard, not in the street.

15 Q. Perfect. And I'm saying there's -- this is a go
16 -- this is a driveway. There's no covering, or --?

17 A. Well, this is a driveway. I -- I called the
18 carport because we -- I spent most of my time under the
19 carport when I stayed in the house.

20 Q. I want to show you (inaudible). All right. So
21 I'm going to show you State's Exhibits 5 and 6 -- or Court's
22 Exhibits 5 and 6. Same sort of...

23 THE COURT: You all are using this elaborate Technology
24 yet?

25 MS. SAMPSON: No, because the cords don't work, your

1 Honor.

2 THE COURT: Okay. Go ahead.

3 BY MS. SAMPSON:

4 Q. So State's Exhibit 5, is that your drive with the
5 same area?

6 A. Yes, ma'am.

7 Q. And State's Exhibit 6, is that also your front
8 yard?

9 A. Yes, ma'am.

10 Q. So where was the car that the victim --

11 A. Wait, you can see -- you can see a gun on this
12 photo, right?

13 Q. That's not my question. My question is: where was
14 the victim's car when you come back? The car that he was in.
15 Where is it?

16 A. I don't remember.

17 Q. You don't remember where in this entire place it
18 is when you come back with your gun?

19 A. I -- I -- honestly, I do not remember.

20 Q. So -- okay. And so where --

21 A. I was so --

22 Q. -- so you don't know if it was over here in these
23 on pa -- Court's Exhibit 6 where there's this blank spot.

24 You don't know if that's where it was?

25 A. No, it --

1 Q. Okay. So you have no idea where the victim was?

2 A. Can you ask the question again?

3 Q. You have no idea where the victim's car was when
4 you came back? That's what you just said?

5 A. I have no idea -- right. I -- I didn't -- I -- I
6 don't remember seeing that car. I was on the phone with the
7 -- the 911 dispatcher.

8 Q. Oh, let's talk about that. You were on the phone
9 with 911, you called them on the way back, correct?

10 A. Correct. Yeah.

11 Q. And you could have stayed at your dad's, correct?

12 A. My sister said the babies and Ebony go -- why -- I
13 just knew I had to get back there, but...

14 Q. My question is: you could have stayed at his
15 house, correct?

16 A. I mean, I could have.

17 Q. Okay. And --

18 A. But my family was at -- at my house.

19 Q. You talked about -- when you talked to law
20 enforcement, you didn't tell them anything about going back
21 from your family, did you?

22 A. Yes, I did. That was the main thing. I told
23 them, "To protect my family."

24 Q. That's after the shooting. I'm talking about, you
25 didn't say anything to them about going back to your house to

1 defend your family?

2 A. I did. I -- I mean, it was -- it was so long. I
3 did, though. I know -- I -- I know I had to. It was -- that
4 was the only thing I was thinking about was my family.

5 Q. In fact, what you told them was you were going
6 back to make sure they didn't leave?

7 A. You said "in fact," the what?

8 Q. In fact -- what you told Investigator Henson and
9 Investigator Johnson was that you went back to your house
10 with the gun to make sure that they didn't leave. That they
11 waited for police.

12 A. Right, because I -- a week prior, I called the
13 cops and nobody did anything.

14 Q. So you, but...

15 A. My wife called the cops, I called the cops, nobody
16 did anything. He kept threatening me and I kept telling him,
17 "You're going to jail."

18 Q. But again, my question is, what you told them was
19 that you went back with the gun to make sure they didn't
20 leave?

21 A. Right. Because who wouldn't? I got a family. I
22 got my -- my kids was there, my wife there. Who wouldn't? I
23 had my -- as a man, the only thing I can think about is my
24 family.

25 Q. I'm going show you what's marked as Court's

1 Exhibit 7. Your address is [REDACTED] Weiss, or Weiss Drive,
2 correct?

3 A. Yes.

4 Q. And your dad's address is [REDACTED] -- [REDACTED] Twin Lakes
5 Road?

6 A. Yes.

7 Q. Correct?

8 A. Yes, ma'am.

9 Q. And so, is it correct that your house connects to
10 Huffman Drive?

11 A. Yes, ma'am.

12 Q. So you could have stayed right here and waited for
13 police at the corner of Huffman and Weiss, correct?

14 A. Honestly, remember --

15 Q. Could you have done that? "Yes," or "No"?

16 A. I could have, but I -- my -- my -- I -- I was in
17 shock, so I -- I rushed for help from my daddy.

18 Q. And when you called 911, surely you told them that
19 you were just going back there to wait on the person --

20 A. Them to get there so he can be locked up.

21 Q. You didn't tell them you were going to shoot him?

22 A. Not that I -- I couldn't really remember the call.

23 Q. You didn't tell them on the 911 call, not once,
24 not twice, but three times that you were going to shoot the
25 person?

1 A. I don't remember that call like that.

2 Q. You don't remember the call?

3 A. I call -- I called the cops maybe three or four
4 times or -- or probably more. I can't -- that's three, four
5 years ago.

6 Q. I'm talking about the one call that you made the
7 night of this incident when you called police and went back
8 to your house.

9 A. I don't remember --

10 Q. You didn't tell them that?

11 A. -- I don't remember that call.

12 Q. This is State's Exhibit 2 -- excuse me. Court's
13 Exhibit 2.

14 (Video starts playing.)

15 THE DISPATCH: Tuesday, May 26, 2020, 22:26:30. 911,
16 emergency?

17 MR. JACKSON: The (inaudible) [REDACTED] Weiss Drive. They
18 plan to rob in my home yard.

19 THE DISPATCH: Okay. What's the address, sir?

20 MR. JACKSON: I have a gun -- I have a gun and guarding
21 my property.

22 THE DISPATCH: All right. What's -- what's the address
23 of?

24 MR. JACKSON: It's [REDACTED] Weiss Drive.

25 THE DISPATCH: That's E-I-S-E?

1 MR. JACKSON: W-E-I-S-S.

2 THE DISPATCH: Okay. And you said that you know the
3 person?

4 MR. JACKSON: Yes, I called you guys before about him.
5 His name is Kumari Scott.

6 THE DISPATCH: Is he a family member?

7 MR. JACKSON: No.

8 THE DISPATCH: Okay. What does he have on, sir?

9 MR. JACKSON: He has on black.

10 THE DISPATCH: Black what, sir? Black pants, shirt?

11 MR. JACKSON: He has a (inaudible). A black shirt,
12 black pant.

13 THE DISPATCH: Okay. And is (inaudible).

14 MR. JACKSON: (Inaudible) I'm about to shoot him
15 (inaudible) on my -- my family members are good (inaudible).

16 THE DISPATCH: Okay. Stay on the line.

17 MR. JACKSON: (Inaudible) on the line.

18 THE DISPATCH: Stay -- stay on the line. What's your
19 name?

20 MR. JACKSON: My name is Telvin Jackson.

21 THE DISPATCH: What's your phone number?

22 MR. JACKSON: My phone number is [REDACTED].

23 THE DISPATCH: Okay. And you said he robbed you. What
24 did he take from you?

25 MR. JACKSON: He robbed me. He took \$200 from me. I

1 gave him money.

2 THE DISPATCH: Okay. And he -- how -- did you say he
3 smacked it, or how did he get it from you?

4 MR. JACKSON: No, he put his gun to my face.

5 THE DISPATCH: Okay. So you have a gun on now?

6 MR. JACKSON: Yes, and I'm about to shoot him.

7 THE DISPATCH: Stay on the line.

8 (Video stops playing.)

9 BY MS. SAMPSON:

10 Q. So that's not you saying you're about to shoot
11 him?

12 A. I remember that call now. That...

13 Q. Okay. So you did say it?

14 A. Yes.

15 Q. Okay.

16 A. So he -- he -- he asked -- I mean, when I called
17 911...

18 Q. There's no question. My question is: did you say
19 that you were going to shoot him on the 911 call?

20 A. I mean, yeah.

21 Q. Okay.

22 A. You just played the video.

23 Q. And when you got there, that's what you did?

24 A. No.

25 A. You didn't shoot him?

1 A. No, I was on the phone with 911.

2 Q. When you got to your house, you did not shoot
3 Kumari Scott?

4 A. No.

5 Q. Your Honor, if he didn't shoot Kumari Scott, then
6 there is no stand-your-ground. So I'd ask that we stop this
7 hearing.

8 MR. SUTHERLAND: Is it -- it's -- she's in -- she's
9 crossing a certain way. He's already testified that, yes, he
10 did -- he didn't shoot. I think what he's taken in his mind
11 is, "You went there to shoot him?" And he said, "No."

12 THE WITNESS: Oh -- oh, I'm -- I'm sorry. I -- I...

13 MR. SUTHERLAND: Yeah. Just answer. Did you shoot the
14 dude? That's what she's asking.

15 THE WITNESS: Oh -- oh, yes.

16 MR. SUTHERLAND: Okay.

17 BY MS. SAMPSON:

18 Q. I don't know how else to answer. Did you shoot
19 Kumari Scott other than did you shoot Kumar Scott?

20 A. Yes.

21 Q. Okay. And you did that after telling 911 you were
22 going to shoot him?

23 A. No, I drove slow --

24 Q. Didn't you say that?

25 A. I mean, yes, but I drove slow to my house because

1 -- to wait -- to wait for the cops to get there.

2 Q. It was two minutes from your house to your
3 father's house, correct?

4 A. It was probably less than that.

5 Q. Okay. And in that 911 call that is only two
6 minutes, you said you're going to shoot him, twice?

7 A. I mean, I -- I -- that's why I called 911.
8 Anybody would be mad after a gun is pointed -- pointed in
9 your face.

10 Q. Anybody would be mad. And again, my question is:
11 did you tell them you were going to shoot him twice on that
12 911 call that we just all listened to?

13 A. Yes.

14 Q. Okay. And when you get out of your car, you have
15 a gun on you, correct?

16 A. Yes.

17 Q. And it is out, correct?

18 A. Yes.

19 Q. All right. It is loaded?

20 A. I -- I don't -- I didn't know.

21 Q. But it was. Because you shot it.

22 A. Well -- I mean, of course the gun has to be loaded
23 --

24 Q. Okay.

25 A. -- if you -- if you -- if it's shot, so. I didn't

1 know it was loaded, though. My sister gave it to me, and
2 when she gave it to me, she was like, "Where are the kids
3 at?"

4 Q. So your sister gave it to you?

5 A. Yes.

6 Q. Not her baby's daddy as you told police, your
7 sister?

8 A. No, I was terrified. When I -- when I got to the
9 -- the -- the station, I -- I couldn't really remember. I
10 was in shock. And my sister gave me that gun and she said,
11 "Where Ebony, where are the kids at?" And when she said
12 that, I just knew I had to get back to the house.

13 Q. And again, my question is: when you talked to
14 police, you told them that you got the gun from her baby
15 daddy, as you called it, whose name you didn't know?

16 A. Right. I -- I didn't know him like that.

17 Q. Today you're saying you got it from your sister,
18 but back then, three years ago, you said you got it from her
19 baby daddy, correct?

20 A. Yes. I think -- yeah. Yes, ma'am.

21 Q. All right. And today you're saying that you saw
22 three people with guns?

23 A. Yes, ma'am. I mean, at the time when I'm -- when
24 I was talking to the cops, I couldn't really remember exactly
25 what happened. I was in shock. I was terrified. I just was

1 thinking about my family. Even after I got to the station, I
2 begged the cop when I was in the back seat to stay with my
3 family, I told my dad to stay with my family.

4 Q. And again, that's after it's happened, right?

5 A. Yes.

6 Q. Yes. But as on that 911 call, you weren't telling
7 them to come stay with your family then?

8 A. Because I didn't know none of that was going to
9 happen.

10 Q. Correct. Nothing had happened, right, to your
11 family at that point?

12 A. Which -- not that I knew of.

13 Q. Okay. And, which...

14 A. That's why I had to get back to the house.

15 Q. And I want to just go over some -- one other thing
16 that you talked about with Mr. Sutherland, that's different.
17 You talked about Dominique --

18 A. Yeah.

19 Q. -- being outside with you when this happened?

20 A. Yeah. He was outside.

21 Q. And you talked about Brandon getting between you
22 and the victim?

23 A. Yes, ma'am.

24 Q. When he pulled the gun? You didn't tell law
25 enforcement that, did you?

1 A. I -- I -- I can't remember.

2 Q. So it's been 1,216 days. Now you're saying
3 Brandon had to get in between you two, but back then you
4 didn't say that, did you?

5 A. I mean, back then, I didn't because I wasn't -- I
6 wasn't thinking. I didn't -- I didn't know -- I'm just
7 trying to be -- I was just wanted to be safe and my family to
8 be safe.

9 Q. So, again, my question is: you did not tell law
10 enforcement that Brandon had to get between anybody, did you?

11 A. No.

12 Q. Okay.

13 A. I -- I didn't.

14 Q. And you insisted that Dominique was outside when
15 all this happened?

16 A. Yes, ma'am.

17 Q. But you agreed that Dominique said he wasn't?

18 A. Yeah, because -- yes, ma'am. Because the cop came
19 back in and asked me was Dominique -- well, he -- he told me.
20 He -- he said, Dominique said he was in the house with --
21 with your wife. I said, no, he wasn't.

22 Q. And not only did Dominique say he was inside the
23 house, your wife, Ebony also said Dominique was in the house.

24 A. Well, she told me she pushed him out the house.

25 Q. But he was -- so, he was in the house is what --

1 A. No, he --

2 Q. -- she told law enforcement?

3 A. -- he -- he ran into the house because he was
4 terrified when...

5 Q. Perfect. He was in the house? He ran into the
6 house. That's what she says?

7 A. Yes.

8 Q. And when police ask you about that, you said she's
9 not that smart?

10 A. I -- I mean, it's my wife. I mean, we...

11 Q. But that's what you said?

12 A. Yeah. I just -- yes, ma'am.

13 Q. Okay.

14 A. I guess I said that. I -- I -- that's my wife. I
15 always talk crap, but she's my wife.

16 Q. Okay. But that's what you said?

17 A. We -- we just talk crap about each other. So
18 we...

19 MS. SAMPSON: You talk crap about each other? Okay. I
20 beg the Court's indulgence. One more question before I go
21 ask you couple more.

22 BY MS. SAMPSON:

23 Q. You talked about you didn't know you were being
24 investigated when you were talking to law enforcement,
25 correct?

1 A. Yes.

2 Q. That's what you just said on that direct?

3 A. I didn't know I was being investigated.

4 Q. They read you your rights. They told you you had
5 the right to remain silent, didn't they?

6 A. Ma'am, I -- I never really been in trouble before,
7 so I didn't know what none of that stuff meant been.

8 Q. You've never been in trouble before? So you were
9 never arrested on February 22nd, 2011, for possession of
10 marijuana and breach of peace?

11 A. That was because of Dominique.

12 Q. My question is: have you been arrested for that?
13 You said you never been in trouble?

14 A. Yeah. I -- I told my -- because he -- he would've
15 went to jail for a long time. So I said, "Man, look, I'll
16 tell Ms. Myers (ph), if you want to go back to it, you can
17 fingerprint the stuff that's on there because it was on the
18 -- in the bag." And --

19 Q. My question is: you just said --

20 A. -- I never touched that bag I knew it was in the
21 bag until they showed me it was a bag. So --

22 Q. I didn't ask you: were you guilty?

23 A. -- I did that for Dominique.

24 Q. I didn't ask you: were you guilty? You said
25 you've never been in trouble before?

1 A. No.

2 Q. But you've been arrested before?

3 A. Yes -- yes, I have.

4 Q. And you've been arrested and convicted before.

5 And in February of 2013, you were con -- you were arrested
6 for public disorderly conduct --

7 A. I never been convicted for nothing, ma'am.

8 Q. -- and you were convicted -- wait so I can finish.
9 You were convicted on March 6th, 2013 of public disorderly
10 conduct?

11 A. I begged the cop -- I was 18, and I -- I -- I
12 begged the cops. I didn't have nowhere to go. The -- my
13 co-worker kicked me out the house. So I -- I was crying and
14 all I seen was the ambulance on Broad River, and I begged
15 them to -- to put me in the house. It was cold outside. So
16 they said, "Sir, the only thing we could do for you is take
17 you to the jailhouse." So I spent the night in jail because
18 I was -- I was homeless.

19 Q. So again, my question is: you got convicted of
20 public disorder conduct in March 6th, 2013 and received 30
21 days counseled, correct?

22 A. No, that's -- I was driving and I didn't know my
23 -- my permit was suspended.

24 Q. Sir, is this your RAP sheet?

25 A. That was in Casey. I was -- I was going five

1 miles over the speed limit.

2 Q. Could you answer the question?

3 A. I didn't go to jail for that. I -- I --

4 Q. Could you answer the question?

5 A. Yes.

6 Q. Okay. And you also have a driving under
7 suspension from July 9th, 2015?

8 A. I mean, time get hard, you can't pay them high
9 fees.

10 Q. That's not my question. Is that a "Yes," or "No"?

11 A. Yes.

12 Q. Okay. So again, when you were talking to
13 Investigator Henson and Investigator Johnson, they read you
14 your rights, correct?

15 A. Yes.

16 Q. They told you you had the right to remain silent,
17 correct?

18 A. Yeah. That was like after I think I --

19 Q. The right to an attorney? Did they ask you that?

20 A. Yeah.

21 Q. They told you that you had the right to get a
22 lawyer and stop all questioning until you have one?

23 A. Yes, ma'am.

24 Q. And that was all before you gave any statement to
25 them that was recorded, correct?

1 A. From what I remember, no.

2 Q. You don't remember --

3 A. Not -- not before.

4 Q. You don't remember that?

5 A. I -- I -- I remember -- yes, that happened, but I
6 -- I can't remember if it was before or after. I told them
7 what happened because I was in shock. I -- I just kept
8 begging them to protect my family and -- and make sure my
9 family, like, is safe because I didn't want my house shot at
10 because they shot at my house after I got out of jail, so we
11 had to move to Greenville, but we had to stay in the hotel
12 for two weeks. They shot at my apartment trying to rob me.
13 I -- I was a business owner and nobody could figure out how I
14 was -- I was so -- I was so successful. I -- I -- I was -- I
15 left -- I -- after I gave my life to God at 17, I left
16 Leesburg Road, the hood, and -- and -- and pursued my dream.
17 And -- and that was taken away from me.

18 Q. And again, my question is simply: did they read
19 you your rights before you spoke to them?

20 A. Yes.

21 Q. Okay. But you didn't know they were investigating
22 you?

23 A. No.

24 MS. SAMPSON: Okay. I beg the Court's indulgence.

25 BY MS. SAMPSON:

1 Q. On direct examination, you talked about -- and on
2 the call you say that that Kumari took \$200 from you, that he
3 stole it, right?

4 A. Yeah. And I offered to take him to the bank if he
5 wanted more.

6 Q. Oh, now you offered to take him to the bank?

7 A. I offered -- well, I was scared for my damn life.
8 Of course, I'm going to give you whatever you want.

9 Q. And you said that he threw it back at you, so he
10 didn't actually (crosstalk) that?

11 A. Yeah. He said, "You bitch ass nigger, I should
12 kill you right now."

13 Q. And he just threw it back at you?

14 A. He threw it back at me.

15 Q. Surely you told police about that?

16 A. I -- I believe so.

17 Q. You did?

18 A. I believe so.

19 Q. Okay.

20 A. I was terrified.

21 Q. Did he --

22 A. I didn't know I was being investigated. I didn't
23 even know he was -- he was severely hurt like that. When I
24 found out, that -- that broke me down.

25 Q. Again, my question is: you told them?

1 A. Yes.

2 Q. This is State's Exhibit 3. So this here.

3 A. Yes, ma'am.

4 (Video starts playing.)

5 OFFICER: All right. So let's go back, just to rehash
6 you. You -- you had (inaudible) we've already -- you still
7 understand, right? You're here by surprise, right?

8 MR. JACKSON: Right.

9 OFFICER: And we've already -- we've already went over
10 all that. And you're willing to talk -- still talk to us.
11 Are you willing to talk us?

12 MR. JACKSON: I'm going to talk, but (inaudible).

13 OFFICER: Okay. Were -- were your girl -- what
14 happened to your girlfriend because she said she's at your --
15 her brother's house?

16 MR. JACKSON: They know where he stays too.

17 OFFICER: Who? Your dad?

18 MR. JACKSON: My dad, my brothers, her brother.

19 OFFICER: Okay.

20 MR. JACKSON: That's what I'm worried about them. I
21 think about it every time. I -- I'm like, "Oh. Man. I
22 don't want nothing happens to them or me."

23 OFFICER: Okay. So after what we talked about already,
24 has anything -- have -- do you have anything else come up
25 that you haven't told us about -- about tonight? About what

1 happened?

2 MR. JACKSON: About -- before the night?

3 OFFICER: Yeah -- yeah. About what happened at your --
4 at your house tonight.

5 MR. JACKSON: Okay. Well, I was thinking when I got
6 out of the car, I walked up to him -- I walked up to him like
7 mean or nothing like that. Like, I was clearheaded. I said,
8 "No, don't pull the gun," because I didn't want him to shoot
9 me.

10 OFFICER: Uh-huh.

11 MR. JACKSON: I just wanted him to sit there. I did
12 not -- he's my friend, I did not want to shoot that guy. I
13 just wanted him to go jail because he keeps threatening me,
14 and that's when he put a gun in my head. I didn't know if he
15 was real serious about it, you know?

16 OFFICER: So then he -- the -- the question still comes
17 around to -- to -- it is -- it is just hard to believe that
18 after he puts the gun in your head and robs you, that he just
19 nonchalantly hangs out in your yard --

20 MR. JACKSON: Because of other two guys.

21 OFFICER: And -- and that's another fact. Who
22 (inaudible) got?

23 MR. JACKSON: I couldn't tell.

24 OFFICER: Brandon. Who's Brandon? Is Brandon driving
25 a white?

1 MR. JACKSON: Yeah. Okay. I couldn't -- I couldn't
2 tell him to leave or nothing because we -- we don't -- we got
3 (inaudible), before he tried to shoot me, because he really
4 tried to shoot me me before, but -- it -- it was sort like he
5 threatened me.

6 OFFICER: Uh-huh.

7 MR. JACKSON: You know, and I -- I -- I didn't think
8 that was like over a year ago. And when I say, "Get off my
9 property," no one leaves. I couldn't do them nothing. I was
10 just scared. That's why I went to go see my family, get a
11 gun, get them off there until you guys got there, you know?
12 That was the only reason I went and asked -- I asked -- I
13 just went in my dad's house. I said, "Hey, does anybody have
14 a gun?" That's all I did. It was not my intention to shoot
15 him, I said to that woman, "Stay on the phone with me," to
16 keep me calm and -- because I'm scared as shit. Okay?

17 OFFICER: So why -- let me ask you this. So your
18 intention was -- so you went to your dad's house to get a
19 gun. Did you want him to call or did you ask anybody over
20 there to call 911?

21 MR. JACKSON: Yeah, I did.

22 OFFICER: Did he ever call (inaudible)?

23 MR. JACKSON: I don't know, but he did show up at the
24 same time you guys showed up.

25 OFFICER: Who did?

1 MR. JACKSON: My dad.

2 OFFICER: Your dad did?

3 MR. JACKSON: Yeah.

4 OFFICER: What about -- so who -- who all was at your
5 dad's house when you went there?

6 MR. JACKSON: My sister opened the door, and her baby
7 daddy, (inaudible), I guess my they are little brother's
8 friend, or whatnot, and my little brother.

9 OFFICER: So you didn't -- did you tell -- you told all
10 of them what was going on at your house?

11 MR. JACKSON: No, I was just trying to get back to my
12 house to get you all there.

13 (Video stops playing.)

14 BY MS. SAMPSON:

15 Q. So when police asked you, you told them, no, you
16 didn't tell them anything about what had happened?

17 A. Ma'am?

18 Q. My question is: when the police stopped at your
19 house --

20 A. Well, I'm -- I'm about to tell you what happened.
21 I didn't know I was being investigated, so I was just trying
22 to keep everybody from being in trouble. I didn't -- after I
23 seen the ambulance, I didn't think nobody was hurt or any of
24 -- any -- any of that. I was just trying to keep everybody
25 from getting in trouble because we was all friends.

1 Q. So, because you were being -- you didn't think you
2 were being investigated, you didn't tell the truth?

3 A. No, I told them the -- the truth. But I -- I just
4 left out stuff because of the -- the way he was asking me the
5 questions.

6 Q. You just left out?

7 A. He -- the way he was asking me the questions, it
8 made me leave out stuff because I'm focused on the question
9 that he asked me, rather than just hearing me out and hearing
10 my story, just kept asking me questions, throwing -- throwing
11 me off from what really happened.

12 Q. Okay.

13 (Video starts playing.)

14 OFFICER: And then she said, and have you anything else
15 to say come over, that you haven't told us about and have you
16 anything like --

17 (Video stops playing.)

18 MS. SAMPSON: Slow back a little bit.

19 (Video starts playing.)

20 MR. JACKSON: He threatened (crosstalk) he threatened
21 me.

22 OFFICER: Uh-huh.

23 MR. JACKSON: You know, and I -- I -- I was
24 (inaudible).

25 OFFICER: Right when you pulled out from your house?

1 MR. JACKSON: He was -- he was going to run, all of us
2 were going to run. When they you all coming up, was going to
3 run, I couldn't catch him (inaudible). So you talking about
4 -- you talking about they -- you talking about -- all of
5 them.

6 OFFICER: And Kumari?

7 MR. JACKSON: Kumari, Brandon, and...

8 (Video stops playing.)

9 THE WITNESS: Yeah. I told them about all of them
10 because they all had guns pointed at me.

11 (Video starts playing.)

12 OFFICER: So, let's go back to this too, so...

13 (Video stops playing.)

14 BY MS. SAMPSON:

15 Q. Sir, you can't talk while this plays (crosstalk).

16 A. Sorry, I didn't -- I didn't know that.

17 (Video starts playing.)

18 OFFICER: You're thinking Kumari pulled up in a silver
19 car?

20 MR. JACKSON: The grey car. Yeah, that's -- yeah.

21 OFFICER: Was he by himself?

22 MR. JACKSON: I don't know.

23 OFFICER: So when's the -- when -- when does Brandon
24 come in?

25 MR. JACKSON: Brandon was already there.

1 OFFICER: He was already there?

2 MR. JACKSON: Yeah.

3 OFFICER: Drives in white?

4 MR. JACKSON: Charger.

5 OFFICER: Charger?

6 MR. JACKSON: Yeah.

7 OFFICER: Was Black with Brandon already, or was Black

8 with (inaudible)?

9 MR. JACKSON: He pulled up before Brandon. Okay?

10 OFFICER: Who pulled up?

11 MR. JACKSON: The guy, Black.

12 OFFICER: Before Brandon?

13 MR. JACKSON: No, not before -- before Brandon.

14 Because Brandon was already there.

15 OFFICER: He pulled up in what?

16 MR. JACKSON: He pops -- everybody just pops up at my

17 house.

18 OFFICER: Now come on -- come on. You say Brandon --

19 Brandon came in. That was Brandon driving the white?

20 MR. JACKSON: Yeah, the white car.

21 OFFICER: And then -- and then Black pulls up?

22 MR. JACKSON: Yeah.

23 OFFICER: Because Brandon was there?

24 MR. JACKSON: Right.

25 OFFICER: What kind of car was Black in?

1 MR. JACKSON: I think it was either a Chrysler or the
2 Acura. What happened to it? I don't know.

3 OFFICER: And Kumari pulls up in little silver car?

4 MR. JACKSON: Yeah, that was because he pulled in front
5 of me. Sir, I'm -- I'm just trying my best to remember what
6 happened. I was scared as shit. All right. I don't -- I
7 don't get guns put in my face. I don't live this type of
8 life.

9 OFFICER: Uh-huh.

10 MR. JACKSON: Okay? I -- that -- that shit scared me,
11 I'm telling you. I didn't know what to do. All -- all I can
12 think of is, "Hey, go tell my daddy, go see if somebody's got
13 a gun, hold him at the house until you guys get there."
14 Because I knew he was on the ankle brace. He was on ankle
15 monitor.

16 (Video stops playing.)

17 BY MS. SAMPSON:

18 Q. So again, nothing in that part about you telling
19 them that you were going back to protect your family,
20 correct?

21 A. No, I told them that when I got to the station.

22 Q. I'm talking about in this interview right then,
23 did you say it then?

24 A. No, not on -- not in that room.

25 (Video starts playing.)

1 MR. JACKSON: To me, and I was -- he could tell you
2 that's the (inaudible).

3 OFFICER: Kumari?

4 MR. JACKSON: Yeah, Kumari. That was my intentions. I
5 was mad on the phone, so I stayed on the phone with the lady
6 as long as I could.

7 (Video stops playing.)

8 BY MS. SAMPSON:

9 Q. You told them you were mad on the phone, so you
10 stayed on the phone, correct? Is that what you just said?

11 A. Yeah, on the video I said that, but that's -- I --
12 I told the woman that because everybody has to vent -- you
13 have to vent. You -- you can't stay mad if you vent. So I
14 was not mad. That's why I was venting to the woman.

15 Q. So my question is: did you just say you were mad?
16 "Yes," or "No"?

17 A. I mean, everybody -- we all have emotions. I...

18 Q. "Yes," or "No"?

19 A. -- is it illegal for me to have emotions?

20 Q. My question is: did you say you were mad? "Yes,"
21 or "No"?

22 A. Yes, ma'am.

23 (Video starts playing.)

24 OFFICER: Made you -- what made you, when he pulled up
25 to the house, when he got back, you pulled up to the house?

1 MR. JACKSON: When I sat in the car and (inaudible), I
2 couldn't really talk because Dominique was at the car. He
3 walked up to the car and pulled in driveway. The keep
4 (inaudible) called police. (Inaudible).

5 OFFICER: Dominique?

6 MR. JACKSON: Yeah.

7 OFFICER: Why would Dominique run?

8 MR. JACKSON: No -- not -- no -- not him. I'm saying
9 like --

10 OFFICER: Who -- who came up to the car when you pulled
11 up?

12 MR. JACKSON: Dominique.

13 OFFICER: So after -- you know, you mean, after you got
14 back to the house, after you've been to your dad's house,
15 Dominique came out to the car?

16 MR. JACKSON: Yeah. He was already outside at -- at
17 the green BMW. That's girlfriend's car.

18 OFFICER: Okay. So why would you -- why -- why would
19 you care if Dominique knew you were calling 911?

20 MR. JACKSON: He would've told them they are friends.
21 That's -- that's the thing. They are friends, and I -- I --
22 who (inaudible).

23 OFFICER: Would Dominique have -- would Dominique have
24 reason to tell us a different story?

25 MR. JACKSON: No.

1 OFFICER: (Inaudible), left?

2 MR. JACKSON: Not that I know of. But the only thing I
3 can think of is that's his -- that's his friend too. So I
4 don't know. They don't like getting involved with stuff. I
5 can't -- I can't depend on them.

6 OFFICER: So Dominique -- so Dominique says he was
7 never -- he never came back outside? But...

8 MR. JACKSON: Came back outside?

9 OFFICER: So when you -- when -- when Kumari put the
10 gun on you and Dominique was sitting in the car with you,
11 right, in your car?

12 MR. JACKSON: Correct.

13 OFFICER: Dominique says he -- when he saw the gun and
14 stuff, he ran.

15 MR. JACKSON: Yeah, he ran and he -- he (inaudible) car
16 or under the car. I didn't really -- I couldn't look back
17 (inaudible).

18 OFFICER: So -- so Dominique goes into your house?

19 MR. JACKSON: No. He can't go to my house.

20 OFFICER: He goes in there. He -- he said he goes in
21 your house and everything (inaudible) in there. And he --
22 he's in there and tells everything what's going on.

23 MR. JACKSON: No, he -- he did not go in my house. Why
24 -- why -- why? That's what I told the lady to tell you all,
25 "Please tell him to tell the truth." All you got to do is

1 let me talk to him. He -- I gave this man my heart.

2 (Inaudible).

3 OFFICER: He didn't say anything bad about you.

4 MR. JACKSON: I mean, I know, but still he needs to
5 tell the truth because that's not the truth. He was not in
6 -- in my house.

7 OFFICER: So you're saying Dominique never went inside?

8 MR. JACKSON: No.

9 OFFICER: He was standing outside when the shooting
10 happened?

11 MR. JACKSON: Yeah. See -- see (inaudible) see what
12 I'm saying? He tried -- they -- they don't want to be called
13 snitches. I don't care about none of that. I only
14 (inaudible).

15 OFFICER: I thought you said (inaudible).

16 MR. JACKSON: Being a snitch. Right (inaudible).

17 OFFICER: And then (inaudible).

18 MR. JACKSON: Right. Why don't you tell him to tell
19 the truth (inaudible).

20 OFFICER: So if I were to talk to Ebony again, to call
21 her again, she would say Dominique never came inside the
22 house?

23 MR. JACKSON: She should. She -- I -- sir, please just
24 tell (inaudible) to please tell the truth. That's all I'm
25 asking. Like, I'm telling the truth, sir. I don't

1 (inaudible), okay?

2 OFFICER: Uh-huh.

3 MR. JACKSON: Tell him to tell the truth. He was
4 (inaudible) my house. He was outside. He came when pulled
5 out at my yard, he came into -- I pulled in, face forward.
6 So he was on the passenger's side and leaning over the car
7 like this, and he was like, "Are you all right?" I -- I
8 asked him was he okay. Because he was shook up about him
9 putting the gun in my face.

10 OFFICER: And -- and he came to your car when you
11 pulled back up? Dominique did?

12 MR. JACKSON: Right.

13 OFFICER: And that's when you were on the phone with
14 911?

15 MR. JACKSON: Yes, because I -- I knew not to let him
16 hear her because they would've ran. I did not want him on
17 the road running. I wanted him to stay there till you all
18 got there.

19 OFFICER: Your intentions for Kumari was what?

20 MR. JACKSON: To go to jail. He was threatening my
21 family.

22 OFFICER: What was your intentions with the gun?

23 MR. JACKSON: With the gun? I'm -- I'm going to be
24 completely honest with you. I'll say all the truth. I -- I
25 -- I (inaudible), so that's not me. I'm scared as shit right

1 now. I'm not going to shoot that guy. I thought he going to
2 shoot me first. I thought he was going to stand there if I
3 said, "Hey stay here." The (inaudible) way. I -- he was
4 going to stand. I didn't know he was going to pull a gun. I
5 did not think he was going to do that.

6 OFFICER: And you still say...

7 (Video stops playing.)

8 BY MS. SAMPSON:

9 Q. So again, when he's asking you specifically about
10 why you got out the car and pulled a gun on Kumari, you don't
11 say anything about your family, do you?

12 A. Because -- I told them that the moment I arrived
13 to the station --

14 Q. Again, my question is --

15 A. -- and they put me in that car.

16 Q. Right then you don't say anything about your
17 family?

18 A. I mean, because I was focused on talking to him.

19 Q. "Yes," or "No"? Did you say anything about your
20 family?

21 A. At the station? Yes.

22 Q. Right then?

23 A. Well, right -- right then? No, but yes, I had --
24 I did. That was the main thing. I kept hollering, "Please
25 protect me and my family."

1 Q. And you're not...

2 A. I kept hollering that since the moment they put me
3 in the car.

4 Q. Right after the shooting. My question is: when
5 you're talking to them -- again, he's asking you why did you
6 pull a gun on Kumari, and you said, "To keep him there"?

7 A. Yeah. Something he can get locked up because they
8 didn't do anything the first time.

9 Q. Nothing else, just to keep him there?

10 A. Yeah. So he can go to jail.

11 Q. Okay.

12 A. And you could see it in my phone. The text
13 messages.

14 (Video starts playing.)

15 MR. JACKSON: Did I have what?

16 OFFICER: Did you have your gun?

17 MR. JACKSON: Walking up to my head to my side.

18 OFFICER: You sat to your side?

19 MR. JACKSON: Yeah.

20 OFFICER: And then what did he do when he -- when he --
21 he saw you?

22 MR. JACKSON: He looked down he said, "Oh, shit, and I
23 (inaudible). I -- I thought he was going to kill me first.

24 OFFICER: How many times did he shoot? Do you
25 remember?

1 MR. JACKSON: I think once or twice. I don't know. I
2 just ran like literally everybody was shooting. I just ran.
3 I did not think -- I did not (inaudible), my intentions was
4 for him to go to jail so he'll stop threatening my family.
5 I'm trying to live my life. And trying to (inaudible) my mom
6 told me to, and I'm trying to -- I'm trying to (inaudible)
7 out of here, because I have seen how he (inaudible) down and
8 I'm trying to tell him that, "I'm not going to shoot you,
9 dude." I'm not in the streets. I have a business. I have
10 people that look up to me. I don't -- I don't -- I don't
11 want to be in this kind of life, I've been saying that over
12 and over, literally. I'm (inaudible).

13 OFFICER: Uh-huh.

14 MR. JACKSON: If you go through text messages between me
15 and him, I told him, "You're going to jail, keep doing it.
16 Keep fighting me, you're going to jail." My intention is I
17 wanted him to -- to go to jail.

18 OFFICER: You wasn't -- you wasn't tired, junk, angry
19 enough. (Inaudible).

20 MR. JACKSON: No, I never do anything to anybody.

21 OFFICER: You wasn't -- you wasn't fed up that -- that
22 he just -- that he (crosstalk).

23 MR. JACKSON: No, I was not fed up.

24 OFFICER: He is going to pull a gun on you, put it
25 through your head, took some money from you, made all his

1 threats he would say, you didn't get to the point where
2 that's done. And just going back over there and shoot him?

3 MR. JACKSON: No sir, I'll not do that. That's not me.
4 That's not how I talk to people. Before I even -- I -- I --
5 before I snap anything, I talk with you. That's why I called
6 911. I talked to the lady on the phone. I called her to
7 talk to her. This stress. So you come out, I know not to
8 keep stuff like that in because what it does is, it makes you
9 mad and angry and I don't like being angry. I'm not that
10 type of person, not angry. I'm always happy, laughing
11 (inaudible).

12 OFFICER: What would've happened if you just, you know,
13 left, called 911 and just --

14 MR. JACKSON: (Crosstalk) my house when he got shot at.
15 He found me sat in my car, and -- and (inaudible) I called
16 911 (inaudible). Literally. I know it. I'm still scared
17 right not, that's why I want to get out of here. I don't --
18 like, I don't know who he knows, but all I know is
19 (inaudible).

20 OFFICER: You need some water yet?

21 MR. JACKSON: No.

22 (Video stops playing.)

23 BY MS. SAMPSON:

24 Q. So again, in this interview, right, that part,
25 nothing about Brandon, correct, being in between you and

1 Trouble?

2 A. Can you be more specific? Because I kept
3 answering questions wrong.

4 Q. There was nothing -- there was nothing in that
5 entire interview that I just played where you told police
6 that...

7 A. I told them that at the beginning.

8 Q. I'm asking about what was just played. Was there
9 anything in there about you telling them that Brandon had to
10 get between you and Kumari?

11 A. No. Not -- I -- I don't -- I don't think so.
12 After watching the video. No.

13 Q. Nothing -- nothing? And there's nothing in there
14 about him throwing the money back at you -- about Mr. Scott
15 throwing the money back at you? You said he stole \$200.

16 A. After watching the video, I -- I honestly, I can't
17 even remember. If you play it back, I -- I can confirm it.
18 Yeah, I guess.

19 Q. So do you need to watch the whole thing again to
20 know that you didn't tell them that?

21 A. It -- I mean, when you was playing, I got kind of
22 -- nope.

23 Q. I'll let (inaudible).

24 A. Sorry.

25 Q. What you say was --

1 A. My psychiatrist says I have PTSD and some other
2 stuff. So I take medicine --

3 Q. There is no question. Would it be fair that there
4 was a -- there was a break where they left you in the room by
5 yourself? Do you remember that?

6 A. I -- I -- I think so.

7 (Video starts playing.)

8 OFFICER: I talked to Ebony, okay?

9 MR. JACKSON: Uh-huh.

10 OFFICER: Dominique didn't stay outside. He was -- he
11 went inside.

12 MR. JACKSON: He wasn't.

13 OFFICER: I mean, I -- listen -- listen. I mean -- you
14 know, we're seeing discrepancies in your story and I know
15 everything's been traumatic or whatever, but Dominique went
16 in your house. He was in your house the whole time.

17 MR. JACKSON: Sir?

18 OFFICER: He was -- why would -- I mean, why would you
19 -- you said when you came back, he was standing outside the
20 car?

21 MR. JACKSON: He was on top of my car with hands like
22 this. I asked him was he okay.

23 OFFICER: He came to your car before (inaudible)?

24 MR. JACKSON: Yes. He was standing -- he probably
25 (inaudible), I don't know.

1 OFFICER: But -- but she's saying that he was in there.
2 Was she in?

3 MR. JACKSON: Why did he tell you all these? They was
4 still -- okay. When I was in the back to the car,
5 (inaudible).

6 OFFICER: Yeah.

7 MR. JACKSON: (Inaudible) car, he was outside talking
8 to -- no, I know how Dominique is. Okay? He don't want no
9 involvement with you guys. All right?

10 OFFICER: Well, if Dominique is your friend...

11 MR. JACKSON: No, he's not my friend.

12 OFFICER: Well, if he's your friend, why would he say,
13 "Yeah, I was there. This is what happened. I saw everything
14 that happened."

15 MR. JACKSON: Okay, Dominique run -- he don't run the
16 streets with, he is just -- I don't know about no cold or
17 anything.

18 OFFICER: I know -- I -- know you talk to yourself.
19 You know, I mean obviously there's some things going on.

20 MR. JACKSON: (Inaudible). That's all. I'm telling
21 the truth. I -- I have no reason to lie. I'm telling he was
22 outside. I don't (inaudible).

23 OFFICER: (Inaudible) baby mama?

24 MR. JACKSON: Because he -- he was (inaudible) with my
25 baby mama. (Inaudible).

1 OFFICER: (Crosstalk). Why -- why if I -- I just got
2 the phone with her and she said, "No, Dominique came in.
3 Dominique was inside. Dominique was inside and we were
4 inside when the shots went off." Why -- why was she even --

5 MR. JACKSON: I mean, sir, with all due respect, I had
6 two kids and my girlfriend was in the house. Why would I
7 have another man in my house without telling him, "Get the
8 hell out of my house"?

9 OFFICER: No -- no, you didn't. This was when
10 everything was going on. He ran -- he ran and got in your
11 apartment.

12 MR. JACKSON: He probably didn't run inside.

13 OFFICER: What I'm saying is, so he stated -- he never
14 came back out till everything was over. And then you're
15 saying -- and you're saying when you pulled back up after you
16 went to your dad's house to get the gun and come back up...

17 MR. JACKSON: My only -- my intention wasn't to go
18 there to get no gun. My intention was to get my closest
19 family members.

20 OFFICER: Well, you just -- now it's changing again.
21 Now you told us -- you told us earlier -- when we just came
22 in here just a minute ago, you said you went over there to
23 get gun and now you're saying --

24 MR. JACKSON: I told you --

25 OFFICER: One time at -- one -- at one time you told us

1 that you went over there to get your dad to call 911. And
2 then you asked if they had a gun. And then you turned around
3 and you told us you went over there a while ago, two or three
4 times when we first came back in here, wanted a gun, you --
5 you said, "I went over there to get a gun. I went over there
6 to get a gun."

7 MR. JACKSON: I -- probably because I was scared, sir.
8 I -- my intentions was to let him go to jail. That's my
9 intentions. But Dominique was outside, he probably ran
10 inside. I -- I'm not sure, because I (inaudible) police is
11 on the way -- the police is on the way. I was (inaudible).
12 Okay, so you probably did went to house. I didn't -- I
13 wasn't being (inaudible), I was just focused on how not to
14 get shot. That was it. The other guy came out -- he
15 literally (inaudible) me because I said, "The police is on
16 the way." I said it, soon as I (inaudible).

17 (Video stops playing.)

18 BY MS. SAMPSON:

19 Q. So you told police that you said as soon as you
20 got there, the police were on their way, and that they did
21 you come after you?

22 A. Well, hold on. Can -- can you say the question
23 again? So -- so I don't answer you wrong.

24 Q. You just said --

25 A. Okay.

1 Q. -- on this that the police -- you got out of your
2 car and said, "The police are coming. The police are
3 coming." And they didn't follow you because you said that?

4 A. Yeah, I mean, of course nobody -- who if -- if --
5 if you guilty, you're going -- you're going to run from the
6 cops.

7 (Video starts playing.)

8 OFFICER: Kumari -- I don't think we had touched on
9 this earlier. Kumari was apparently in the car, right, when
10 the deputy showed up? (Inaudible).

11 MR. JACKSON: I think they put him in the car.

12 OFFICER: The other two guys?

13 MR. JACKSON: Yeah.

14 OFFICER: Does he still -- is Brandon and this Black,
15 you got them in your phone?

16 MR. JACKSON: Yeah.

17 OFFICER: What's Brandon?

18 MR. JACKSON: Brandon is Brand.

19 OFFICER: Brandon is Brand?

20 MR. JACKSON: Yeah.

21 OFFICER: Okay. Who is Black?

22 MR. JACKSON: Black, I don't have him on the phone. I
23 don't know him like that. He probably (inaudible).

24 OFFICER: So Brandon is Brand?

25 MR. JACKSON: Yep. With the wire here (inaudible).

1 OFFICER: And then you don't -- you don't have Black?

2 MR. JACKSON: No, I don't have Black. I don't know
3 black like that. That's why -- that's why (inaudible) him
4 down the street where he hid. That's why I was telling
5 myself I thought he was going to come after me. So...

6 OFFICER: Who?

7 MR. JACKSON: Trouble. I call him Kumari.

8 OFFICER: Kumari?

9 MR. JACKSON: Kumari is Trouble. I thought he would
10 come after me, so I hide from him.

11 OFFICER: After you shot him?

12 MR. JACKSON: I didn't really know I shot him until I
13 seen evidence.

14 (Video stops playing.)

15 BY MS. SAMPSON:

16 Q. And again, you don't tell them anything about
17 (inaudible), Brandon or Black having guns, or seeing them
18 with guns?

19 A. Because I was scared. I -- I -- my family life is
20 in jeopardy. Like they -- this is -- they're gang members.
21 I'm not no gang member.

22 Q. So you lied to the police because you're scared?

23 A. I didn't lie to them. I just didn't want to get
24 shot.

25 Q. You just didn't tell them?

1 A. I -- I was scared.

2 Q. Did you tell them?

3 A. Did I tell the police what?

4 Q. That Brandon (inaudible), and Black had guns. Did
5 you tell them?

6 A. If I had to tell them my family life probably
7 would've been --

8 Q. So you didn't?

9 A. Not -- from watching the video? No, I didn't.

10 Q. And then they tell you that he passed; is that
11 correct?

12 A. Ma'am?

13 Q. After this, they tell you that Mr. Scott's passed,
14 and you get very upset?

15 A. I think --, I mean, I don't -- I'm just watching
16 the video like you.

17 (Video starts playing.)

18 OFFICER: No, he didn't.

19 MR. JACKSON: Are you seriously?

20 OFFICER: Yeah.

21 MR. JACKSON: Oh, I don't -- I did not mean to kill
22 him, I just wanted the police to take him. Oh, my God.

23 (Video stops playing.)

24 BY MS. SAMPSON:

25 Q. And at that point, there's no further questions.

1 Correct?

2 A. There was.

3 Q. There's more after you break down?

4 A. Yeah, that they -- that's -- that's not out --
5 that room, they just put me in that room for a little second
6 and we went...

7 (Video starts playing.)

8 MR. JACKSON: Oh, my God (inaudible). Oh, my God, I
9 didn't know that I killed him. Oh, my God. (Inaudible).

10 OFFICER: Try to calm down, breath. Okay?

11 MR. JACKSON: Oh, my God.

12 OFFICER: Can I get you some more water?

13 MR. JACKSON: Oh, my God -- oh, my God.

14 OFFICER: Try to calm down. (Inaudible).

15 MR. JACKSON: Oh, my God -- oh, my God. (Inaudible).

16 (Video stops playing.)

17 BY MS. SAMPSON:

18 Q. So there's no more questions. Correct?

19 A. Yeah. They was questioning when they -- when they
20 took me out of the room.

21 Q. When they took you out of the room?

22 A. Yeah.

23 Q. You're saying that they interview you some more
24 after they got you out of the room?

25 A. Well, I mean, we was just all talking. They just

1 kept, well, no, I -- I was crying and I was in like a -- I
2 think it was something like this or -- or bigger. And I just
3 -- just sat in the chair, and I think I waited there and then
4 they put me in a -- a -- another big room or something like
5 that. And then after that, a lady came up, I think. And --
6 but we was -- we was talking, they was telling me he's not my
7 friend. Why am I crying? And I'm like, "Yes, he was my
8 friend." Like, what -- you know? And -- and they was like,
9 "That's not your friend. A friend -- a friend wouldn't put a
10 gun to your head." And -- and all that stuff is off camera,
11 or it was on camera, but it is not -- you all not playing it
12 right now.

13 Q. So, you're telling me there's another interview
14 that I just don't have?

15 A. I don't -- I -- well, I'm not calling it an
16 interview, but it was questioning. So I guess that -- that
17 would be an interview.

18 MS. SAMPSON: I beg the Court's indulgence. No further
19 question, your Honor.

20 THE COURT: We'll take a break now for five minutes.
21 You should not discuss your testimony with anyone.

22 (Off the record.)

23 (On the record.)

24 THE COURT: Re-direct?

25 MR. SUTHERLAND: Thank you, your Honor. May it please

1 the Court?

2 THE COURT: Yes.

3 RE-DIRECT EXAMINATION

4 BY MR. SUTHERLAND:

5 Q. All right, Jackson, so as I understand your
6 testimony, you did a lot of speaking with police officers,
7 with investigators?

8 A. Yes.

9 Q. And not all of it was on that tape?

10 A. Not all of it.

11 Q. So that's -- that's what you were trying to say?

12 A. Correct.

13 Q. And I think from your testimony -- you know, you
14 testified you've never been in trouble like this before, but
15 you testified you had a driving under suspension?

16 A. Yeah, I couldn't afford at the time --

17 Q. That -- dude, you ain't got to explain that. It's
18 just like traffic ticket?

19 A. Yes.

20 Q. Was there like a simple weed charge or something
21 like that or no?

22 A. Because of Dominique.

23 Q. That -- that, dude, you ain't got to explain, sir.
24 That's two traffic tickets and I think there was a third.

25 A. Oh.

1 Q. You remember what she said?

2 A. Yeah -- yeah -- yeah. It was --

3 Q. Dis -- dis --

4 A. -- Casey.

5 Q. -- disorderly. Is that what it is?

6 A. No, I begged the cops, so --

7 Q. Okay. all right.

8 A. -- I was homeless at the time. And, I...

9 Q. So -- so I think the point is, when you say you've
10 never been in trouble, you've never been in a situation like
11 this before?

12 A. No -- no trouble, period. I know --

13 Q. Well, now you got them traffic tickets, that you
14 testified about?

15 A. Oh, well, yeah.

16 Q. Okay.

17 A. The -- the -- the traffic ticket.

18 Q. Okay. I don't have any further questions. Thank
19 you.

20 A. Okay.

21 THE COURT: Anything further?

22 MS. SAMPSON: None from the State, Judge.

23 THE COURT: Thank you. You may step down. You may
24 step down.

25 MR. JACKSON: Oh -- oh, thank you, sir.

1 THE COURT: Who is your next witness?

2 MR. SUTHERLAND: And, your Honor, that will be the end
3 of (inaudible) resting for purpose of motion.

4 THE COURT: All right. The State's witness?

5 MS. SAMPSON: Thank you, your Honor. The State calls
6 Keenan Johnson.

7 KEENAN JOHNSON,

8 being duly sworn, testified as follows:

9 THE CLERK: Thank you. Please have a seat in the
10 witness stand, and state your full name for the record.

11 THE WITNESS: Keenan Johnson.

12 DIRECT EXAMINATION

13 BY MS. SAMPSON:

14 Q. Keenan, you tend to speak kind of low, so I need
15 you to speak up a little bit. Where do you currently work?

16 A. I work for the South Carolina Law Enforcement
17 Division.

18 Q. And how long have you been at -- as we call it
19 "SLED"?

20 A. SLED. For approximately six months.

21 Q. Okay. And where did you work prior to that?

22 A. Richland County Sheriff's Department.

23 Q. And how long were you at the sheriff's department?

24 A. Just under nine years.

25 Q. Okay. And back in May of 2020, what was your

1 title then?

2 A. I was an investigator.

3 Q. And what did you investigate? What types of
4 crimes?

5 A. Mainly burglaries. But when we were on call, we
6 had to investigate whatever -- whatever kind of call came in.

7 Q. Okay. And back on May 26th, 2020, were you
8 working?

9 A. Yes, ma'am.

10 Q. Okay. And how did you get involved with this
11 case?

12 A. I was an on-call investigator that evening. I was
13 called by our sergeant, Sergeant Rowe, stating that there had
14 been a shooting, and to meet one of our other investigators,
15 Investigator Henson, at headquarters to speak with our
16 suspect.

17 Q. And State's Exhibit -- excuse me. Court's Exhibit
18 3, the video of the interview that we watched. Is that the
19 only interview that was done between you and the Defendant,
20 or you Investigator Henson and the Defendant?

21 A. That was the second half of it. But the only
22 interviews that were done were in that little room.

23 Q. And what do you mean by the second half?

24 A. We started the interview, and then we took a break
25 when we called his girlfriend or the mother of his child.

1 Q. So that's what we see at that big break in the
2 video where you all leave and come back?

3 A. Yes, ma'am.

4 Q. Okay. So Ms. -- and the Defendant had said there
5 were other questioning and interviewing going on before this
6 recorded one and after, did that happen?

7 A. To my knowledge? No, ma'am.

8 Q. And during any time that you spoke with him, did
9 he tell you anything about Kumari Scott throwing money back
10 at him?

11 A. No, ma'am.

12 Q. Did he tell you anything about Kumari Scott
13 threatening his family?

14 A. No, ma'am.

15 Q. Anything about Kumari Scott threatening Ebony?

16 A. No, ma'am.

17 Q. And when he told you about this incident that
18 happened the week before, did he tell you anything about the
19 victim threatening Ebony at that time?

20 A. No, ma'am.

21 Q. And when he talked about this incident that
22 happened on May 26th, did he tell you anything about Brandon
23 getting in between him and Kumari Scott?

24 A. No, ma'am.

25 Q. What, if anything, did he tell you about Brandon

1 as he called Gutter or Black Captain (inaudible)?

2 A. Not a whole lot. He said that they were in his
3 yard, and that they left after the shooting. But other than
4 that, he didn't say that they were actually involved in the
5 interaction between him and Kumari.

6 Q. And did he ever tell you that he went back to the
7 house because he was afraid of what they would do to his
8 family?

9 A. No, ma'am.

10 Q. Okay. And approximately, how -- do you know
11 approximately how long it is or how far he is from his home
12 to his father's home?

13 A. It's maybe a two-to-three-minute drive.

14 Q. Did he tell you anything that impeded him from
15 staying at his father's house?

16 A. No, ma'am.

17 Q. Anything about -- anything impeding him from
18 staying at the street where the -- the cross street and just
19 waiting for police?

20 A. No, ma'am.

21 Q. Did his story stay consistent about why he went to
22 his father's house?

23 A. It changed at -- at one point, he told us he was
24 going to -- to get a gun that he got from his sister's
25 boyfriend, or sister's baby daddy, or somebody. And then at

1 one point he told us he was going to get his dad.

2 Q. And did he tell you that his sister gave him the
3 gun?

4 A. No, ma'am.

5 Q. Well, who did he tell you gave him a gun?

6 A. Sorry, I'm looking at my notes.

7 Q. Does looking at your notes help refresh your
8 memory?

9 A. Yes, ma'am. All right. He stated that he got the
10 gun from his sister's baby daddy. He did not know the baby
11 daddy's name.

12 Q. And during this interview process, did you all
13 stop him from saying anything?

14 A. No, ma'am.

15 Q. Did you make him talk to you?

16 A. No, ma'am.

17 Q. Did you deprive him of water or anything?

18 A. No, ma'am. We gave him water multiple times.

19 Q. Did anything keep that -- you all did keep him
20 from telling you everything that happened?

21 A. No, ma'am.

22 Q. And what, if anything, did you find concerning
23 about him leaving and coming back to the residence?

24 A. I -- I mean, what we found concerning was the fact
25 that he left to go get a gun to then return to possibly shoot

1 his friend that apparently is a regular at his house.

2 MS. SAMPSON: Beg the Court's indulgence. No further
3 questions, Judge.

4 MR. SUTHERLAND: Just briefly, your Honor.

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. SUTHERLAND:

8 Q. Sir, your -- your testimony in the beginning when
9 she asked you about the video, you were saying that was sort
10 of part two. This -- there was another interview prior to
11 this one, but it was in the same room with the same
12 personnel. Is that -- that correct?

13 A. Correct.

14 Q. Okay. Let me --

15 A. Just where -- just where he initially signed his
16 Miranda form.

17 Q. Right. Like, where this thing started, like,
18 "Okay, we're back now. We want to keep talking about this
19 thing."

20 A. Uh-huh.

21 Q. So -- you know, there is another part of that,
22 right?

23 A. Correct.

24 MR. SUTHERLAND: All right. No further questions.
25 Thank you, your Honor.

1 THE COURT: Officer, you said that you were mainly a
2 burglary investigator?

3 THE WITNESS: Yes, sir. I was assigned to the burglary
4 unit unless we were on call and then we have to cover
5 whatever kind of calls come out.

6 THE COURT: And what was your experience being of
7 homicide investigator?

8 THE WITNESS: My experience was very little. That's
9 why I was secondary to Investigator Henson.

10 THE COURT: And is he here today?

11 THE WITNESS: No, sir.

12 THE COURT: How many 911 calls did the Defendant make?
13 Johnson?

14 MR. SUTHERLAND: Johnson? Oh, Jackson. Sorry.

15 THE COURT: Jackson. How many 911 calls did Mr.
16 Jackson make around this period of time leading up to the
17 shooting?

18 THE WITNESS: On that evening?

19 THE COURT: Of a period of time leading up to this
20 shooting.

21 THE WITNESS: I'm unsure about that. I -- I do know
22 that he had made one call that night when he was on the way
23 back to the house, and -- and our investigative follow up.
24 I'm showing that he did make one other 911 call the day that
25 Mr. Scott went to his house when he was not there.

1 THE COURT: Well, we have evidence that this
2 screenshot, May 20th, and the date of this that we're in
3 court concerning is May 26th. So that's a period of six
4 days, at least, of questions. How many 911 calls did this
5 defendant make during that period of time?

6 THE WITNESS: I'm unsure about that, sir.

7 THE COURT: How many different officers did Mr. Jackson
8 speak with on May 26th?

9 THE WITNESS: I can speak on how many he spoke to once
10 he got to headquarters, which is where he met with myself and
11 Investigator Henson. He spoke with us two, and we also had
12 Investigator Clay Short was at headquarters, and who I
13 believe did the paperwork while he was sitting in the other
14 cubicle.

15 THE COURT: Were you present during all of these
16 conversations?

17 THE WITNESS: No, sir. I was only present during the
18 -- the interview.

19 THE COURT: How long was -- was he interrogated? How
20 many hours?

21 THE WITNESS: I'm not exactly sure. I -- I wouldn't
22 say hours, maybe an hour to an hour and a half.

23 THE COURT: So from the time he was taken from shooting
24 incident location to the --

25 THE WITNESS: Sheriff.

1 THE COURT: -- sheriff's department?

2 THE WITNESS: And then I don't know how long he was at
3 the sheriff's department before we started our interview
4 process, but then once he got upset, like you saw on the
5 video, I would say from the time we started talking to him
6 till then was maybe an hour to hour and a half, with the
7 breaks to call Ms. Ebony as well included in that time.

8 THE COURT: And what portion of his -- of the
9 interrogation was recorded? Was videotaped?

10 THE WITNESS: The entire thing, I believe.

11 THE COURT: Ms. Allison, in questioning him, said that
12 only the second part was recorded. I think that's what she
13 said. Someone said --

14 MS. SAMPSON: Only about (inaudible).

15 THE COURT: Only the second portion of it was -- was
16 recorded. I thought -- of the testimony, I thought that's
17 what I heard. Is that true?

18 THE WITNESS: I believe that's what we watched earlier.

19 THE COURT: The second portion of the interview?

20 THE WITNESS: Correct.

21 THE COURT: And so the Defendant is saying -- he said a
22 whole lot more than what is on the portion that was paid --
23 played here in court?

24 THE WITNESS: Correct. The first part of his interview
25 had been like when he initially signed the Miranda and

1 everything like that. And that should have also been
2 recorded.

3 THE COURT: Well, prior to him signing with Miranda, do
4 you have a conversation with him about anything?

5 THE WITNESS: I did not. No, sir. The first time I
6 saw him was when I walked into that room.

7 THE COURT: Had he spoken to other officers before
8 speaking with you?

9 THE WITNESS: I can't speak on that. I'm sure he did.
10 He was driven to headquarters by an officer.

11 THE COURT: And you were the investigator, right?

12 THE WITNESS: Yes, sir.

13 THE COURT: And the way this works is that when a
14 person is arrested, they talked to someone else before they
15 talk to an investigator, don't they?

16 THE WITNESS: Generally, a responding officer would've
17 spoken to him. Yes, sir.

18 THE COURT: There's no questions by the State?

19 MS. SAMPSON: Just one part.

20 RE-DIRECT EXAMINATION

21 BY MS. SAMPSON:

22 Q. He asked about Investigator Henson. Do you know
23 where Investigator Henson is right now?

24 A. Yeah, he was out on sick leave. He got injured at
25 work.

1 MS. SAMPSON: No further questions, your Honor.

2 THE COURT: Nothing from Defense?

3 MR. SUTHERLAND: Yes, sir.

4 THE COURT: Thank you, sir.

5 MR. JOHNSON: Thank you, sir.

6 THE COURT: Next witness?

7 MS. SAMPSON: That will be it from the State, your
8 Honor.

9 THE COURT: Where are these other people who were
10 there?

11 MS. SAMPSON: What I'm talking -- I'm...

12 THE COURT: Where are other people who were there? You
13 mention their name, Dominique, or some other people being
14 present now.

15 MS. SAMPSON: This is the Defense's motion. I mean, if
16 he wanted to (inaudible).

17 THE COURT: Well, let me speak to anybody who -- in the
18 sound of my voice. Where are the other people?

19 MR. JACKSON: Dominique is -- he -- he passed away
20 about two months ago. Police (inaudible) and found him.

21 MR. SUTHERLAND: His sister -- his sister (inaudible).

22 MR. JACKSON: My sister said (inaudible), like six
23 months after incident -- incident.

24 THE COURT: All right. Anything further?

25 MR. SUTHERLAND: Nothing from the Defense, sir.

1 THE COURT: All right. Let me hear your closing
2 arguments.

3 MR. SUTHERLAND: Yes, sir. Your Honor, it seems to me
4 that the decision to charge here was solely based on his
5 leaving and then he returned. I mean, that's -- that's how
6 it sounds. There's no dispute about the facts -- about the
7 fact that he was robbed. I think he mentioned when he was
8 testifying, the gun that was put in his face was actually in
9 one of the pictures that they -- that they showed to him. He
10 was robbed in his own yard. For whatever reason, the car
11 that had blocked him in had moved during the robbery, and he
12 took that opportunity to go to his dad's. Now the -- the
13 State's position is that he should have stayed there. His
14 position and his testimony is that -- and that he had
15 discussion with his sister, whether it's in that section of
16 the video tape or not, that his wife and his babies were
17 still at this location. And so he makes the decision to go
18 back to this location with a firearm that he says he got from
19 his sister. Their understanding is it's the sister's baby
20 daddy.

21 The point is that he went there, he went in -- you
22 know, Trouble robbed him in the yard. He got a firearm, he
23 was encouraged to go back, and he did go back. His
24 testimony, I think they're saying it's inconsistent with
25 respect to this Dominique character, but it -- it's not

1 inconsistent as to what -- as to what actually happened. His
2 testimony is that he got there. He said the police were on
3 the way that he could hear the sirens, and that the deceased
4 -- that Kumari went for his firearm. And at that point, he
5 was shot and ran away. I think it's evident from the
6 evidence that was presented by the State. He really did not
7 know. And he was very upset by knowing that Mr. Scott was --
8 was dead.

9 But the issue here is, does the Protection of Persons
10 and Property Act apply to someone who takes the opportunity
11 to plead but decides to return home? My argument about that
12 is -- you know, whether or not you've got a wife, and whether
13 or not you've got children in the house, he still has the
14 right to be on his property. And I don't think -- you know,
15 the -- the act does not speak on this issue, but they
16 intentionally excised the duty to retreat from self-defense
17 law for the purposes of protecting a home, car, person's
18 family. So it -- it is unreasonable to me that they would
19 impose a burden on a homeowner who was able to get away
20 initially, that they can't return to their property that
21 they're entitled to protect and (inaudible) that forces to
22 circumstance like this.

23 Until they're sure somehow they do that client drone
24 over the property to see -- you know, if -- if the intruder
25 is still there, just the point is that -- you know, there's

1 -- there's no -- there's no argument against him being robbed
2 in his yard. They're saying it's improper that he left and
3 returned with a firearm. The Defense's position is that this
4 is a situation that we covered by Protection of Persons and
5 Property Act, in that there's -- there's nothing in the act
6 speaking to this event happening. He was still at home. He
7 still had people there to protect and he still had -- you
8 know, the vehicle, everything that he had to protect there.
9 It's my view that he acted reasonably. I don't think we need
10 to -- I think this is a presumptive case, I do because it's
11 an armed robbery and because it was in a car and because that
12 car was on the curtilage of the house, I think it's -- you
13 know, the presumption of -- of fear. I think we've got that
14 threefold in this case, but I also think that the evidence
15 speaks to that fear being reasonable, having a gun stuck in
16 your face, saying these cuss words and "I'll kill you."
17 So I think that's -- I think under the presumptive test we
18 make the presumptive hurdle, but I think we also make the
19 actual -- the reasonable or the belief, and the actual hurdle
20 as to whether or not he was in fear of his life. And -- and
21 his testimony certainly supports that. So I -- I would ask
22 the Court to -- to dismiss this case, to grant immunity under
23 the Protection of Persons and Property Act, to someone who
24 was robbed in his yard, managed to escape for a little bit,
25 came back to check on his family and the -- the deceased hold

1 firearm on -- against Mr. Jackson. Thank you, sir.

2 THE COURT: Ms. Allison?

3 MS. SAMPSON: Thank you, your Honor. May it please the
4 Court? Although Mr. Sutherland has asked for immunity, he
5 hasn't stated which section he's going under. So I'll cover
6 all of them for the record. Under section A, he would have
7 to have shown that he was either entering 16-11-448, that the
8 Defendant -- the victim was either entering his own, had
9 entered his own, or was coming out, or had entered his
10 vehicle, or attempting to enter his vehicle. And therefore,
11 he didn't need to. I don't believe the Court (inaudible)
12 outside of the vehicle. If he's going under section C of the
13 same statute, then it would have to be that first the
14 Defendant was in a place where he had the right to be. And I
15 would agree that the Defendant was in a place he had the
16 right to be, that he was being forced with force, that he was
17 in reasonable fear of great bodily injury at the time, the
18 statute for his death. And that's where I think we would
19 disagree for C, because by his own account, when he pulls up
20 to the house, nothing's going on. The victim did not pull a
21 gun on him when he came back. The victim was just sitting
22 there.

23 Even by his own words, the victim does not even try to
24 get his gun until the Defendant gets out the car and have the
25 gun at him. So that would not fall under C. So I believe

1 we're now under acting under self-defense with all the
2 problems involved. And the problem that he has for
3 self-defense, your Honor, is he has to be without fault
4 bringing on the difficulty. And the fact that he comes back
5 with a gun and pulls it, is bringing on the difficulty of his
6 -- the person he knows who has a gun perhaps pulling his gun.
7 The -- the Defense wants you to say that the time period
8 doesn't matter, that he left and come back armed, shouldn't
9 matter. However, your Honor, I would hand up case law that
10 supports the State's position.

11 Mr. Sutherland could gave maybe -- say Mr. Scott, which
12 was my case, but in that case, the Defendant did not leave
13 his home. I'm going to hand you State versus Pitfall, which
14 is also my case. And in that case, the -- the Court was
15 affirmed, had denied immunity in the Defendant's (inaudible).
16 In that case, the Defendant stated and gave different
17 versions of what happened, very similar to what we have going
18 on with Kumari Scott.

19 In Pitfall, she stated when she gave her police
20 interview that it happened in a certain way, but when she
21 came to the hearing, she said it happened in a different way.
22 Same as this case. when he asked about how it happened, he
23 doesn't mention the victim throwing the money back at him, he
24 doesn't mention anybody else being armed. He doesn't mention
25 having to go back to his house to defend his family. He

1 doesn't mention any of that. Now today, 1,2096 days later,
2 now he's got all these things that he needs to deal with
3 after having a lawyer, after knowing what the law is. And in
4 Pitfall, the Court upheld that that wasn't good enough. That
5 the State's position of having him giving different stories
6 when he's the only witness that can give the stories, the
7 Court could rely on the fact that he can't keep his story
8 straight and is not a reliable witness.

9 He said he's never been in trouble before, yet he has
10 been in trouble before. He said he didn't know he was under
11 investigation. They read him his rights, not once but twice.
12 He knew what was going on and he told a different story each
13 time he's asked. Secondly, your Honor, and to -- to support
14 the State's argument that once he's -- he is not without
15 fault bringing on the difficulty, the most recent case is
16 State v Plumer, P-L-U-M-E-R. And then in that case, your
17 Honor, there's two of them.

18 THE COURT: Okay.

19 MS. SAMPSON: 2023 and a 2021. In that case, the 2021
20 case is the Court of Appeals affirming the denial of immunity
21 because the Defendant brought about the difficulty. The 2023
22 case is the Supreme Court, upholding their denial. And in
23 that case, same thing, victim -- the Defendant brings a gun
24 to a situation, and therefore they said he could not then ask
25 for self-defense. Lastly, your Honor, I would point to

1 Slater, which is the premier case on that.

2 THE COURT: Which one?

3 MS. SAMPSON: Slater (inaudible), Slater, your Honor.

4 THE COURT: Slater?

5 MS. SAMPSON: Slater.

6 THE COURT: Oh, okay.

7 MS. SAMPSON: And in that case, your Honor -- again,
8 the Defendant was in place and had the right to be. However,
9 he brought a gun to a situation that he knew was already
10 problematic. In that case, there was an armed robbery going
11 on, and he brought a gun to the situation, then had to use
12 it. And the Court said, "In that situation, you can't then
13 argue self-defense." That is exactly what we have. He had
14 left. I agree that had it happen and he immediately did
15 something, once he got robbed, we'd have a different
16 situation. He would have no duty to retrieve. What they
17 have is he did retreat.

18 So stay on the phone with 911, stay at the
19 intersection. There's several different things he could have
20 done other than go back to where he met -- where he said
21 there are people armed. He called 911 and said, "I'm going
22 to shoot him," then proceeds to get out of the car and do
23 exactly that. That's not self-defense, your Honor.
24 Based on that, it would be the State's position that granting
25 immunity would be improper, that you should deny their

1 motion, and that we should proceed with trial. And I would
2 ask for -- if you do that, the only thing that I would ask,
3 your Honor, is either way that would be allowed, at least if
4 the State is correct, and that you have not be allowed to
5 give you a written order that you can review. Because it's
6 my understanding with these cases, there's a lot that needs
7 to be said in the order to make sure that it's -- it's good.
8 And so I ask to be given the chance to do it properly.

9 THE COURT: Mr. Sutherland?

10 MR. SUTHERLAND: Okay, your Honor. See, this is why I
11 sent these cases around the night before so that they could
12 be read not in 30 seconds on the record. Let's see. the --
13 the Slater case, she's talking about entering an altercation
14 loaded, none of these are someone going to their own home. I
15 think the Slater thing was, there was some kind of fight at
16 the club or something the last time that I read it, but they
17 were -- you know, they're talking about bringing a loaded
18 weapon into a problematic situation. That's not a
19 problematic situation in the home. That's for the denial in
20 this Pitfall case. Kyle just testified that the guy was shot
21 in the back while he was bending over, looking for a earring.
22 And so they were -- they didn't get the instruction on that
23 basis and on the -- what? Okay, (inaudible).

24 Another case is bringing a gun into -- I'm just reading
25 this stuff. I had written down that it was bringing a gun

1 into a bad situation. Okay. So this happened in the street.
2 So neither of the two cases that they're talking about
3 bringing a -- a weapon into dangerous situations would --
4 would happen under the (inaudible) of the protection of a
5 person's property. I didn't see anything about bringing a
6 weapon into a carjacking or that section. And with respect
7 to the State's analysis about which subsection it falls under
8 -- now I memorize this report, I -- I have -- we're talking
9 about the home. This -- this happened in the car, but also
10 -- you know, she stated there wasn't an entry here, there
11 wasn't an entry there. My argument would be that any entry
12 into the car, shoving the gun in there, just like a verbally
13 in the house that you -- your finger in as an intrusion in
14 the car. But more importantly see 16-11-440-A2, who uses
15 deadly force, or has reason to believe that an unlawful
16 enforceable entry, or unlawful enforceable act is occurring
17 or has occurred.

18 So it doesn't have -- it's not just that the entry, the
19 gun in there, it's an act. Armed robbery is an act. There's
20 been no evidence, no one's argued that -- that the robbery
21 didn't occur, I think for purpose to this hearing, at least
22 the State has conceded that. So my argument is pretty --
23 pretty simple. That he left and came back. There's no bar
24 to returning home under this act. There's no duty to
25 retrieve. So they can't impose a contra duty not to return.

1 It's not the legislative intent, it's not written in the
2 statute, it's not written into the law, that the Supreme
3 Court (inaudible) South Carolina. So I'd ask your Honor to
4 grant him immunity. Thank you.

5 THE COURT: Anything further?

6 MS. SAMPSON: The only thing to respond to, your Honor,
7 is again, it's not the coming back. It's coming back armed,
8 showing the gun to someone else. That's the problem. It's
9 not just returning back home. He had other options, your
10 Honor. He left and came back. That is not what the act is
11 made for. There is nothing in the act about that. And even
12 again, he said with section he would go under, I might have
13 responded to that, but considering I didn't get a memo until
14 eight o'clock last night, I can't give you what I don't know
15 about.

16 MR. SUTHERLAND: Nothing -- nothing further, your
17 Honor.

18 THE COURT: How about a thought of protection of
19 family? And this testimony he was thinking of is --

20 MR. SUTHERLAND: Yes, sir. Well, that -- that is his
21 testimony, and that's the reason that he gave for return.
22 Their argument is that he should return or he didn't say in
23 this section of this tape of this interview, his testimony
24 was, "Look, I said at some point, I talked about -- I talked
25 with"...

1 THE COURT: The question is, in self-defense defense of
2 others --

3 MR. SUTHERLAND: Yes, sir.

4 THE COURT: -- specifically close family members
5 recognized as -- as legitimate self-defense?

6 MR. SUTHERLAND: Yes, sir. You --

7 THE COURT: So as it relates to the stand-your-ground
8 issue, how does that apply, if it does?

9 MR. SUTHERLAND: Well, it's -- it's similar to the --
10 the case that I've actually submitted in State versus Scott.
11 Scott had --

12 THE COURT: This one's from Farrow Road here.

13 MR. SUTHERLAND: I do -- I don't remember (crosstalk).

14 THE COURT: All right. (Crosstalk) all this stuff. So
15 Farrow Road in Columbia, Monte Murphy, Brandon on the bench,
16 and Judge -- Monte Murphy was -- it was Judge Goodstein at
17 the time. And...

18 MR. SUTHERLAND: It was Judge Goodstein.

19 THE COURT: Sitting on the Judge Goodstein and --

20 MR. SUTHERLAND: Yes, sir

21 THE COURT: -- and (inaudible) represented Mr. Scott.
22 (Inaudible) were out and someone followed them home and Dad
23 came out and shot the car that was driving by.

24 MR. SUTHERLAND: Yes, sir. The State's argument was
25 that in that they're like, "Well, he'd do self-defense

1 against the first vehicle but not the second vehicle." And
2 the Defense argument was like, "Look, he doesn't know -- you
3 know, where it came out. It could come out from either." I
4 think in that case, Mr. Scott was outside leaning over his
5 car. I think they said he was on the curtilage -- you know,
6 with respect to this case, he's either in a car or he's on
7 the curtilage of his house. So we have coverage under those
8 two. And I think Solicitor is right. He had a right to be
9 in his own home.

10 So I -- I just think that we're covered extensively any
11 way that -- that one could try to run it through the analysis
12 under -- under this statute, Judge. And certainly, Scott
13 stands for the proposition and they argued the legislature
14 must have thought that a father could protect his family.
15 That's one of the -- one of -- I think Justice (inaudible)
16 wrote that. And I think he noted that maybe two thirds of
17 the way through the opinion or something. But I think the
18 Defense had argued that certainly the legislative intent was
19 the demand to protect his family. I think Justice
20 (inaudible) endorsed that, sir.

21 THE COURT: Ms. Allison.

22 MS. SAMPSON: To answer your question as to whether
23 it's defense of others, in the Scott case, he's defending
24 himself. He is on the porch and they are shooting at his
25 house. So they're shooting at him.

1 THE COURT: Apparently defending his daughter who some
2 guys followed his child in some cars, and she called her --
3 that, "Dad, these people are following me." And -- and
4 that's how the -- he came out from that and -- and shot
5 people, shot somebody.

6 MS. SAMPSON: So that is partly true, your Honor.
7 There -- there was a -- I argue this one, I was a part of
8 this one there --

9 THE COURT: Okay.

10 MS. SAMPSON: -- for the State. There was a group of
11 cars with his daughters in it. There was a group of car -- a
12 car with a group of girls following his daughter. And then
13 there was a third car that was just making sure the first car
14 got home. When they pull up the daughters who call the dad
15 and say, "Hey, they're following us, and had issues with
16 these girls," through the cul-de-sac. The girls go down --
17 the ones who are shooting at the home, go down to the
18 cul-de-sac and turn their lights off, while they're going to
19 (inaudible) drive.

20 As they're doing that, he's in his house, he gets a gun
21 and he goes to this front porch. They shoot, he shoots back.
22 So it is not a defense of others. He's out there getting
23 shot at. So it's not just that he's defending his children
24 -- his past testimony and what the Court's record would say,
25 it's that the girls were going to go by and were shooting at

1 his home. So he shoots back, he hits the innocent person who
2 wasn't shooting at his home. And that was what the argument
3 was about. So it wasn't defense of others.

4 There is no case where it is solely defense of others
5 that they had used stand-your-ground, it's always been the
6 defendant was defending themselves. And what I would say to
7 it in this particular case is looking at his testimony, he's
8 the only one that can say he was defending his home or in
9 fear of his home. And what he told police is totally
10 different than what he said today. We heard the entire
11 interview that -- about that issue. What Investigator
12 Johnson told you was that there was a portion before where
13 they read (inaudible).

14 THE COURT: The problem is I don't think that we have
15 heard the entirety of what he told the police.

16 MS. SAMPSON: To the best...

17 THE COURT: Because he spoke -- he called 911 and
18 talked to different people. He had different people talking
19 to him. So the -- you know, that's why I'm asking where the
20 other people -- how many other 911 calls were they -- were
21 they -- he said? He called consistently three or four times.

22 MS. SAMPSON: I would say, your Honor, if that was
23 true, the Defense would give that to me. But there's not any
24 -- there was one other call that we were all aware of when he
25 called 911 and that's the one he talked about where he wasn't

1 even home and Kumari Scott come -- comes over there to try to
2 get the money. But there's not -- again, that's the only
3 one. As far as, did he talk to anybody else? As
4 Investigator Johnson told me, there was no other written
5 thing from any other officers, nothing else when he told them
6 anything else. They put him in the car to figure out what
7 happened, and they dropped him to the headquarters. They
8 didn't even know what happened to asking questions when he
9 was getting taken to headquarters.

10 THE COURT: So what am I to judge credibility based on?

11 MS. SAMPSON: Well, your Honor, they have the
12 preponderance of the evidence to prove to you -- I mean, they
13 have the burden to prove beyond by preponderance of the
14 evidence that his version today that it was self-defense is
15 what you should give him. And the problem that the State
16 would have with that, your Honor, is he changes his story.
17 It's changed several times. Even when he was up there. One
18 minute, he's going to get the guns to hold them hostage. And
19 again, that would've been to hold the two people who didn't
20 do anything wrong would be unlawful. He said on the tape
21 that he was going to go back and hold them until the police
22 got there. Well, according to him, Black and -- Black and
23 Brandon didn't do anything. So why are you holding them
24 hostage? That would've been unlawfully done. What he said
25 today was he was going back to defend his family, but there

1 is nothing in any of his prior statements about defending his
2 family. And to be honest, your Honor, there was nothing he
3 ever said before the shooting that Kumari Scott had never
4 done anything to his family. He said he was his friend. He
5 said even the day that he came over there, all he did was
6 want the money from Kumari Scott. He -- I mean, from the --
7 Kumari Scott only wanted the money from Mr. Jackson. Never
8 threatened his family or his wife. So there was never any
9 fear of anybody doing anything at his house until after he
10 shot Mr. scott.

11 THE COURT: Why was there a shooting?

12 MS. SAMPSON: Why was there a shooting?

13 THE COURT: Yes.

14 MS. SAMPSON: The State's position would be when he
15 comes back to the house with and pulls out a gun on a man
16 who's just sitting there, he goes to pull his gun too, which
17 is exactly what happened in the cases that I gave you where
18 the court said, "That means you brought about the
19 difficulty." You can't show up and show a gun to somebody
20 and not expect them to react to it.

21 THE COURT: He brought about the difficulty as
22 (inaudible) home?

23 MS. SAMPSON: In the yard of his own home.

24 THE COURT: (Inaudible) home?

25 MS. SAMPSON: They weren't in the house. It was in the

1 -- I don't even know. It could have been on the street for
2 -- because I asked him -- do you remember, your Honor, when
3 he was on the stand, I showed him a photograph and asked
4 where the car was when he came back, and he said he didn't
5 know. So for all -- when the police get there, the car's in
6 the road, it's not in his yard. So I don't know where Scott
7 was when he pulled up because he didn't tell us. But the
8 argument that I'm making, your Honor, is that there wasn't a
9 problem at that point. Everything was over and that's what
10 this was so -- Investigator Johnson testified, so strange is
11 why he just robbed him and took money. He's just sitting
12 there. But according to what he said today, he gave it back
13 to him. He didn't rob him. So I would say judging
14 credibility of course is on your Honor, but he's not credible
15 because his story keeps changing. And when he didn't have
16 time to think about it when this happened, it was one thing.
17 Now that he has had time and a lawyer and we here for the
18 law, he has a different story. That makes him not credible
19 and therefore they have not proven their case by the
20 preponderance of the evidence.

21 THE COURT: Mr. Sutherland?

22 MR. SUTHERLAND: Just briefly, your Honor.

23 Respectfully, I can reread it, but I do recall the analysis
24 of defense of others in -- in State v Scott. I do recall
25 that it could be disremembering. Now with respect to one

1 thing that they said, and I could take this than anything
2 else, she -- she argued to your Honor that there was nothing
3 going on before -- you know, he just showed up there and then
4 talking about little money and then boom. If we had
5 presented an exhibit of threatening text, there had been
6 testimony about a prior break. Now the testimony was that
7 the kids let him in, that he was not welcomed in the house,
8 that she called 911 when he was in the house saying his curse
9 words and threatening to kill him. And then he called 911
10 while he was in the house threatening to kill him. So I just
11 think that is not accurate to say that this is out the blue.
12 That there was a build up -- there was build up (inaudible)
13 your Honor. So, I -- I -- I'm done, your Honor. Thank you.
14 I ask the Court to grant immunity to my client, Mr. Jackson.

15 THE COURT: Okay. I'd like for each side to prepare
16 proposal.

17 MR. SUTHERLAND: Thank you, sir.

18 THE COURT: And I'll review all of the law of
19 stand-your-ground. I've had a few myself.

20 MR. SUTHERLAND: Yes, sir. I just did one like a month
21 ago.

22 THE COURT: I'd like each side to prepare a proposal on
23 20th. Thank you. You all submit -- submit those.

24 MR. SUTHERLAND: Your Honor, I was going to get beers
25 tonight, but I can get this done tonight and get beers

1 tomorrow, sir. Or if there's a -- perhaps a Monday is a good
2 day.

3 THE COURT: Of course. To turn -- I won't be reviewing
4 anything tonight or tomorrow. I have other matters
5 scheduled.

6 MR. SUTHERLAND: Yes, sir.

7 THE COURT: As far as my plan, it needs to be within
8 the next 43 days. (Crosstalk).

9 MR. SUTHERLAND: Oh, yes, sir. Monday is good for me,
10 it's good for them.

11 MS. SAMPSON: Yes, sir.

12 MR. SUTHERLAND: Okay. We have it.

13 THE COURT: 10 days?

14 MR. SUTHERLAND: Yes, sir. Certainly, I'll get in
15 (inaudible), but not tomorrow.

16 THE COURT: All right, thank you, all.

17 MR. SUTHERLAND: Thank you, your Honor.

18 MS. SAMPSON: Thank you, your Honor.

19

20 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

21

22

23

24

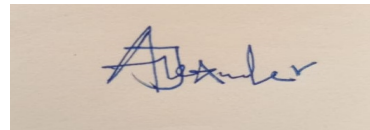
25

CERTIFICATE OF TRANSCRIBER

I, JACKSON ALEXANDER, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court of Richland County, South Carolina, on November 16, 2023.

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

August 26, 2025.

A rectangular box containing a handwritten signature in blue ink. The signature appears to be "Alexander" written in a cursive, stylized script.

JACKSON ALEXANDER

Transcriber

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

The State of South Carolina)

-vs-)

Telvin Jackson,)

Defendant.)

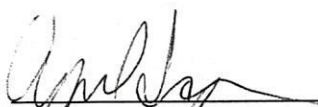
IN THE COURT OF GENERAL SESSIONS

**STIPULATIONS FOR THE PURPOSE OF
HEARING PURSUANT TO S.C. CODE § 16-11-440**

Indictment Number: 2022GS4004237

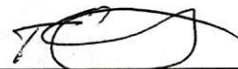
The State and the Defendant, by and through his attorney, Tivis Sutherland, stipulate to the following only for the purposes of the hearing pursuant to S.C. Code § 16-11-440:

- 1) A custodian of records is not needed to authenticate the 911 tape recordings and they are to be considered authentic and admissible;
- 2) Photographs taken of the scene and victim by law enforcement personnel are to be considered authentic and admissible;
- 3) The victim was killed by the Defendant on May 26, 2020 at [REDACTED] Weiss Drive in Richland County;
- 4) The victim died as a result of a gunshot wound;
- 5) Hearsay from non-testifying law enforcement personnel is admissible.

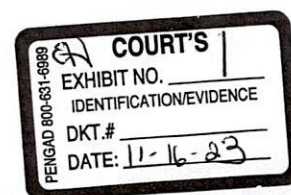


April Sampson
Circuit Deputy Solicitor

Columbia, South Carolina

November 16, 2023


Tivis Sutherland
Attorney for Defendant



May 20, 2020 at 1:43 PM

PENGAD 800-631-6889
DEFENDANT'S
EXHIBIT
1
11-16-23

Wya with my shit

OnGutta I'm not finna play with you

Lmao boy onGutta when I catch you
it's up

You going to jail

Idgaf screenshot this on gutta

I'm giving the police your name now

Idgaf

You going to jail

Delivered



iMessage



Cash



STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Warrant Numbers: 2020A4010202863

The State of South Carolina,

vs.

MEMORANDUM IN SUPPORT OF MOTION
TO DISMISS

Telvin Jackson,

Defendant.)

TO: APRIL SAMPSON, ASST. SOLICITOR, 5th JUDICIAL CIRCUIT

I. Facts

Telvin Jackson had been receiving threats from the deceased, Khamori Scott AKA “Trouble” for two weeks claiming Telvin owed him four hundred dollars from an unemployment claim. He had made threatening calls, texts, and went so far as to force his way into Telvin’s house a week prior while Telvin was away. Ebony, the mother of his children, called police (the 911 call is in the discovery). Telvin had warned Mr. Scott repeatedly that he “was going to jail.” Undeterred, Mr. Scott returned on May 26th, 2020. He was armed.

Mr. Jackson was sitting in his car in front of his house with Dominique Weston, a mutual acquaintance of his and Mr. Scott. A car pulled in blocking Telvin in, with “Black” driving and Mr. Scott in the passenger seat. Mr. Scott got out of the passenger side, walked up and put a gun through the open window to Telvin’s head demanding “Give it up or I will kill you.” Telvin handed over everything he had, and the mutual acquaintance appeared to intervene. Ultimately Telvin noticed that the car that blocked him in had moved during the robbery, and he was able to flee to his father’s house a short distance away.

Upon entering his father’s house Telvin yelled “Call 911. Trouble just put a gun to my head in the yard.” His sister pointed out that his family was still at the house, handed Telvin a pistol, and he

jumped in the car and headed back, calling 911 on the way.

When Telvin arrived, he got out of the car and noticed that “Trouble” had not left. Telvin informed him that the police were on the way and not to move. “Trouble” pulled his firearm, Telvin discharged his and ran. As he looked back he saw that all 3 men at the location had firearms out. Telvin hid until police arrived.

II. Analysis

a. Law

“Consistent with the Castle Doctrine and the text of the Act, a valid case of self-defense must exist, and the trial court must necessarily consider the elements of self-defense in determining a defendant's entitlement to the Act's immunity” *State v. Scott*, 424 S.C. 463, 468, 819 S.E.2d 116, 118 (2018).

To lay claim to immunity, an accused must show:

- (1) The defendant was without fault in bringing on the difficulty; (2) The defendant . . . actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger; (3) If the defense is based upon the defendant's actual belief of imminent danger, a reasonable prudent man of ordinary firmness and courage would have entertained the same belief. *State v. Scott*, 424 S.C. 463, 469, 819 S.E.2d 116, 118 (2018).
- (2) "Under the Castle Doctrine, '[o]ne attacked, without fault on his part, on his own premises, has the right, in establishing his plea of self-defense, to claim immunity from the law of retreat, which ordinarily is an essential element of that defense.'" *State v. Scott*, 424 S.C. 463, 470, 819 S.E.2d 116, 119 (2018).

A) A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended

or likely to cause death or great bodily injury to another person if the person:

(1) against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if he removes or is attempting to remove another person against his will from the dwelling, residence, or occupied vehicle; and

(2) who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred. *S.C. Code Ann. § 16-11-440 (LexisNexis, Lexis Advance through 2023 Regular Session Act No. 66, and Act No. 68, not including changes and corrections made by the Code Commissioner)*

b. Law applied to the facts of this case

1. Without Fault

There is no allegation that Telvin was acting unlawfully nor that he is at fault for being a robbery victim in his car, on his property. The State may propose that fleeing and returning home to find that an assailant has not left the property obviates the Protection of Persons and Property Act and imposes additional duties on a homeowner; this proposition is not supported by the Statute nor the Courts.

2. Belief or Actual Danger

The facts support Telvin's belief in the danger, and its actuality. A gun to his head and the admonition to "give it up or I will kill you," in excess of previous threats of death establish that his belief was reasonable and that it was real.

More to the point, this fear is presumed in light of applying 16-440(A) (1 and 2) to the facts of this case.

3. Reasonable Fear

The fear is both reasonable and presumed under these facts and the law.

III. CONCLUSION

There is no debate over Telvin being in his car, in his yard, when Khamori Scott, AKA “Trouble” arrives in a car, blocks him in, exits the passenger side of a vehicle, walks up and shoves a gun through the driver window against Telvin’s head and threatens to kill him. These are uncontested.

It appears that the State’s position will be that his brief flight to his father’s house imposes upon him a bar from returning home (where his family remains at risk). The Protection of Persons and Property Act explicitly removes the duty to retreat from any analysis. It cannot be the case that a homeowner who temporarily takes flight is barred by this very act from returning if there is a chance that an intruder has not yet left his property.

The Defense believes that a bar to prosecution would be just and proper in this case.

(s) Tivis Sutherland SCBAR 69695
Attorney for Defendant
1516 B Richland Street
Columbia, SC 29201
(803) 237-9747

Columbia, South Carolina
This 15th day of November, 2023

Electronic signature and filing authorized pursuant to of the Order of the Supreme Court of South Carolina dated April 14, 2020

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Warrant Numbers: 2020A4010202863

The State of South Carolina,)

vs.)

ORDER GRANTING IMMUNITY

Telvin Jackson,)
Defendant.)

On November 16th of this year, the Defendant Telvin Jackson moved before this court to dismiss the above captioned case pursuant to the Protection of Persons and Property Act, (§§ 16-11-410 — 16-11-450). Present at the hearing were Tivis Sutherland for the Defendant, and April Sampson for the State.

I. Evidence Before the Court

Testimony of the Defendant, text messages introduced by the Defense, as well as testimony of the Lead Investigator, photographs, the interview of the defendant, and 911 calls introduced by the State, suggest that the following are the facts of the case:

Telvin Jackson had been receiving threats from the deceased, Khamori Scott AKA “Trouble” for approximately two weeks claiming Jackson owed him four hundred dollars. Scott made threatening calls, texts, and inveigled his way into the Jackson home on May 20th, 2020 while Jackson was away. Mr. Jackson testified that Mr. Scott had convinced the children to let him in the house. Testimony of Mr. Jackson and Lead Investigator indicate that at least one 911 call was made regarding the May 20th incident. Texts exchanged during the incident show Mr. Scott (deceased) threatening Mr. Jackson and Mr. Jackson replying that he had called police, and that Mr. Scott was “going to jail.” Mr. Scott appeared undeterred by calls to police.

Mr. Jackson testified that, six days later May 26th, he was sitting in his car in front of his house with Dominique Weston, a mutual acquaintance of his and Mr. Scott. A car pulled in behind them, blocking Jackson’s car in the carport. Mr. Scott got out of the car, walked up and put a gun through the open window to Telvin’s head demanding “Give it up or I will kill you.” Telvin handed over everything he had, and the mutual acquaintance tried to intervene according to Jackson’s testimony. Ultimately Jackson noticed that the car that blocked him in had moved during the robbery, and he was able to flee to his father’s house a short distance away.

Jackson testified that upon entering his father's house he yelled "Call 911. Trouble just put a gun to my head in the yard." His sister pointed out that his family was still at the house, handed Telvin a pistol, and he jumped in the car and headed back, calling 911 on the way. This 911 call was introduced by the State. Jackson testified that the call dropped when he got out of the car at his house, likely due to Bluetooth disconnecting.

Jackson testified that when he arrived, he got out of the car and noticed that "Trouble" had not left the property. Jackson informed him that the police were on the way (they could hear the sirens) and not to move. Jackson testified that he had the gun that his sister gave him either "at his side" or pointed in the direction of his assailant, Mr. Scott. Scott, AKA "Trouble," pulled his firearm and pointed it at Jackson, who discharged his firearm and ran behind the house, jumped a fence and hid. Jackson testified that as he looked back, he saw that all 3 men at the location had firearms out. Jackson testified that he yelled from hiding that police are on the way, and did not emerge until they arrived.

II. Findings of Fact

The Court makes the following findings of fact:

1. The Defendant, Mr. Jackson, was robbed in his car, in his yard, on the curtilage of his house. This was not contested by the State. The deceased was the aggressor and brought this difficulty to the Defendant's car, home, and family.
2. Mr. Jackson had an actual fear of loss of life or serious injury on May 26th, 2020. The robbery followed a week of threats, including the deceased inveigling his way into the Jackson home to make those threats to Mr. Jackson's family on May 20th.¹ During the May 26th robbery, the deceased put a gun to Mr. Jackson's head and told him to "give it up or I will kill you." Mr. Jackson's wife and children, aged 9 and 3, were present in the home as before.
3. The requirement that the fear be reasonable is met by the findings of actual fear above. Mr. Jackson and his family were threatened by an armed intruder on the curtilage of their home.
4. Mr. Jackson is excused from the duty to retreat by the findings of fact above. His brief flight around the corner to his father's house does not *bar* his return to protect his home and family. This would require a tortured reading of §§ 16-11-410 — 16-11-450 in which this Court is unwilling to engage.

III. Conclusion

Based on the foregoing findings of fact, this Court finds that Telvin Jackson acted to protect the persons of himself, his wife, and his children, and the property of his home and his car. Mr. Jackson is entitled to immunity under the Protection of Persons and Property Act.

Therefore, **IT IS ORDERED**, that the Defendant's motion for immunity is GRANTED, and the above captioned case is DISMISSED WITH PREJUDICE.

The Honorable Clifton Newman
Presiding Judge, 5th Judicial Circuit

Columbia, South Carolina
This day of November, 2023

¹ Text messages of threats from May 20th, 2020 were admitted that Jackson testified were made from within the Jackson home by the deceased, while Jackson was away at work.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Indictment Number: 2022GS4004237

2020A4010202863

The State of South Carolina,

vs.

ORDER

Telvin Jackson,

Defendant.)

Hearing Date:
Presiding Judge:
On Behalf of State:
Defendant's Attorneys:

November 16, 2023
Clifton Newman
April Sampson and Keith Taylor
Tivis Sutherland IV

RICHLAND COUNTY
FILED
2023 DEC 20 PM 3:05
JENNIFER L. HARRIS
C.C.P., C.S., & F.U.

INTRODUCTION

THIS MATTER is before the Court pursuant to the Defendant's Motion to Dismiss asserting Statutory Immunity from Prosecution. The Defendant has been indicted for one count of Murder, in which it is alleged that on or about May 26, 2020, he killed Khamori Scott (hereinafter "the victim"). The Defendant's motion is based on the Protection of Persons and Property Act (hereinafter "the Act"), §§ 16-11-410 et. seq., of the South Carolina Code of Laws. The Defendant admits to shooting and killing the victim, but asserts his actions were justified, and he is entitled to immunity from prosecution pursuant to §§ 16-11-440 (A), (C), and § 16-11-450 of the Act.

The Defendant, by and through his attorney, filed a Motion to Dismiss and requested a hearing to determine whether the Act applies to this case. The Act codified the long-standing common law Castle Doctrine, which stands for the principle that a person, in his or her own home or another place where he has a right to be, such as his place of business, and acting without fault, has no duty to retreat from an aggressor. § 16-11-450 of the Act provides that a person who uses deadly force, as permitted by the provisions of §16-11-440 or "another applicable provision of law," "is justified in using deadly force and is immune from criminal prosecution ... for the use of

deadly force.”

The Court presided over the hearing on the Defendant’s Motion, on November 16, 2023. The Defendant and his attorney were present along with Circuit Deputy Solicitor April Sampson and Assistant Solicitor Keith Taylor for the State. The question presented to the Court was whether the Defendant was entitled to immunity under § 16-11-450 of the Act, and specifically, whether such immunity should be granted under subsections (A) and (C) of § 16-11-440 or self-defense as another applicable provision of law. Defendant acknowledged, and this Court agrees, that he has the burden of proof and must prove his right to immunity by a preponderance of the evidence. State v. Duncan, 392 S.C. 404, 411, 709 S.E.2d 662, 665 (2011).

FINDINGS OF FACT

Prior to the victim’s death on May 26, 2020, he and the Defendant had entered into a scheme involving filing for unemployment due to COVID. The victim would refer people to the Defendant, who would have them apply for unemployment through the Defendant’s relative, an employee at the South Carolina Department of Employment and Workforce, which the Defendant referred to as “the unemployment office”. The Defendant would then pay the victim a “referral fee”. On May 20, 2020, the victim came to the Defendant’s home to demand payment, but the Defendant was not home. According to the Defendant’s testimony, his wife, who was his girlfriend at the time, said the victim was yelling and threatening to harm the Defendant if he didn’t get paid, so the police were called. During the hearing, the Defendant introduced a text message purported to be from the victim dated May 20, 2020 that the Defendant believed to be a threat from the victim.

On May 26, 2020, the Defendant was sitting in his car in his driveway listening to music with his friend, Dominique Weston. According to the Defendant, a car pulled up behind him,

blocking his car in the driveway, and the victim came to his open window with a gun. The Defendant alleged that the victim put a gun to his head and told the Defendant give him money or he would kill him. The Defendant handed him cash, either \$200 or \$400, which the victim threw back at him and walked away. At some point during the alleged confrontation, the car that had blocked the Defendant in was moved and he was able to leave the residence. Dominique Weston went into the Defendant's home and sat with the Defendant's girlfriend. The victim, along with 2 other individuals known only as Brandon and "Black" remained outside of the Defendant's residence in their cars. When the Defendant left, he went to his father's home, which was roughly 2-3 minutes away. Once there, he retrieved a gun from either his sister or his sister's friend and returned to his home. On the way there, the Defendant called 911, saying he had been robbed by the victim, he was mad, and stating multiple times that he was going to shoot the victim once he got to his residence.

Upon returning to his residence, the Defendant got out of his car with the gun in his hand walked towards the victim, and pointed the gun at him. The victim saw the Defendant had a gun and reached for his gun. According to the Defendant, he shot his gun while running away. EMS arrived and transported the victim to the hospital, where he succumbed to his injuries. The victim had been shot one time in the side.

The Defendant was transported to headquarters to speak with investigators with the Richland County Sheriff's Department. The interview was recorded, and the Defendant gave different statements as to why he went to his father's home. His statements did not match the statements of other witnesses. The Defendant initially stated that he went to his father's house to get the gun, but later stated that he went there only to tell them what had happened and get a family member to go back with him. He also told investigators that he returned to his residence to make

sure the victim and his friends stayed there until law enforcement arrived, which is why he needed the gun. At the hearing, the Defendant testified that he returned to his home because he was in fear of what the victim would do to his family. Additionally, he told investigators that Dominique was outside when he returned to his residence and saw the shooting.

APPLICATION OF THE ACT TO THE FACTS

After observing the testimony, considering the evidence presented, and applying the law of South Carolina, I conclude that the Defendant is not entitled to statutory immunity under the Act.

- I. The Defendant is not entitled to statutory immunity under the Act because there was no unlawful and forceful entry into the Defendant's dwelling, residence, or occupied vehicle and the Defendant was engaged in an unlawful activity and using his vehicle to further an unlawful activity.**

Subsection (A) of §16-11-440 provides:

- (A) A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person:
- (1) against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle...and
 - (2) who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.

Subsection (B) provides that subsection (A) does not apply if the person “who uses deadly force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity.”

The primary and cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. State v. Pittman, 373 S.C. 527, 561, 647 S.E.2d 144, 161 (2007). Unless

there is something in the statute requiring a different interpretation, the words used in a statute must be given their ordinary meaning. Mid-State Auto Auction of Lexington, Inc. v. Altman, 324 S.C. 65, 69, 476 S.E.2d 690, 692 (1996). “Where the statute’s language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning.” Pittman, 373 S.C. at 561, 647 S.E.2d at 161 (citing Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000)).

The purpose of the Act is to allow people to defend their homes, places of business, and motor vehicles from someone intruding unlawfully and with force. “The General Assembly finds that persons residing in or visiting this State have a right to expect to remain unmolested and safe within their homes, businesses, and vehicles.” S.C. Code Ann. §16-11-420(D) (Supp. 2014) (emphasis added). A plain reading of the statute establishes that by using the phrase “unlawfully and forcibly”, the legislature intended for an unlawful and forcible entry to be a requirement of subsection (A). In this case, there is no dispute that the murder occurred outside of a dwelling, residence, or vehicle, and no one was in the process of removing anyone from a dwelling, residence or occupied vehicle. Furthermore, the only evidence that there was an unlawful or forceful entry into an occupied vehicle is the Defendant’s self-serving statement made for the first time during the hearing. The Defendant never mentioned to anyone with law enforcement or on the 911 call the victim reached into his car or put his hand inside of the vehicle. Therefore, because the Defendant has given inconsistent and differing statements as to what occurred, his testimony is not credible.

Additionally, assuming the Defendant’s self-serving statement is true, subsection (A) is not applicable because the Defendant was engaged in an unlawful activity at the time of the incident. There is no dispute that the Defendant left his residence, went to his father’s house, and retrieved

a gun that he carried unlawfully in his vehicle back to his home. He then got out of the car and pointed the gun at the victim, who at that time apparently was doing nothing to the Defendant. S.C. Code Ann. §16-23-20 states “it is unlawful for anyone to carry about the person any handgun, whether concealed or not” unless an exception is applicable. The Defendant has not provided the Court any exception that was met when the Defendant left his residence, took the handgun from his father’s home, returned to his residence, then pointed the gun at the victim while. Additionally, both while speaking with law enforcement and during his testimony at the hearing, the Defendant admitted that he intended to use the gun to keep the victim and his friends at the residence until law enforcement arrived. However, the Defendant admitted that other than the victim allegedly robbing him, no one else had done anything wrong. Holding Brandon or “Black” at the residence at gunpoint would have been kidnapping, and a violation of S.C. Code Ann. §16-3-910. Because the murder occurred outside of a dwelling, residence, or vehicle and one was in the process of removing anyone from a dwelling, residence or occupied vehicle, there is no credible evidence of an unlawful or forceful entry into dwelling, residence, or occupied vehicle, and the Defendant was engaged in an unlawful activity, the Defendant is not entitled to the grant of immunity under subsection (A) of §16-11-440 of the Act.

§ 16-11-440(C), also known as the “Stand Your Ground” provision, provides immunity to an individual who uses deadly force against an attacker in places other than a business, automobile, or home under certain circumstances. First, in order to be immune, the person using deadly force must be in a “place where he has a right to be.” Second, the person using deadly force is not granted a presumption of reasonable fear of imminent peril of death or great bodily injury and may only “meet force with force.” Third, deadly force may only be used if the person “reasonably believes it is necessary to prevent great bodily injury to himself or another person or to prevent the

commission of a violent crime as defined in Section 16-1-60.” In addition, as with § 16-11-440(A), of the Act, a person claiming immunity under the Stand Your Ground provision must “not be engaged in unlawful activity.”

II. The Defendant is not entitled to statutory immunity under the Act because the Defendant was not being attacked by the victim nor meeting force with force when he shot him.

The Defendant was not being attacked by the victim when he shot him, and therefore, was not meeting force with force. There was no evidence presented that the Defendant was under attack or met with force when he shot the victim. The evidence presented showed not only that the Defendant was not under attack, but also that the victim was not doing anything to the Defendant when he was shot. During both the hearing and when he was interviewed by law enforcement, the Defendant stated that when he got out of his car after telling 911 he was going to shoot the victim, he had the gun in his hand, walked towards the victim, and then shot the victim. Additionally, although the victim was armed, the Defendant testified that the victim did not reach for his gun or do anything to the Defendant until after the Defendant started approaching the victim with his gun out and pointed it at the victim. The Defendant is arguing that because the victim robbed him at gunpoint, this Court should disregard what happened between the alleged armed robbery and the shooting. The Defendant would have this Court ignore the fact that the Defendant drove to the home of his father, retrieved a gun, told 911 he was going to use that gun to shoot the victim, and then got out of his car and did just that.

III. Defendant had no grounds to believe that deadly force was necessary to prevent great bodily injury or death, as to entitled him to statutory immunity under the Act.

There is no credible evidence that it was reasonable for the Defendant to believe the use of

deadly force was necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as defined in §16-1-60. § 16-11-430(2) defines great bodily injury as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.” There was no evidence presented that it was reasonable for the Defendant to believe the use of deadly force was necessary to prevent death or great bodily injury to himself or another person. In the Defendant’s own self-serving testimony during both the hearing and during his interview with law enforcement, the Defendant stated that when he returned to his home, the victim was there but not doing anything wrong. The victim did not draw his weapon or say anything to the Defendant when he got out of his car. According to the Defendant, the victim didn’t react to the Defendant until he saw that the Defendant had a gun in his hand. In State v. Pickrell, 435 S.C. 417, 867 S.E.2d 465 (Ct. App 2021), the Court stated that the trial judge did not abuse its discretion by denying the defendant immunity under § 16-11-440(C), even though the defendant testified the victim had assaulted her a few minutes prior to her retrieving her gun. In that case, as in this case, the only evidence was the defendant’s self-serving testimony at the hearing, which varied from what was stated to law enforcement at the time of the shooting. Additionally, in this case, the Defendant called 911 from his vehicle and stated he was mad and was going to shoot the victim. The Defense argues that because the victim threatened the Defendant with a gun before the Defendant left his residence, the Defendant was in fear and believed deadly force was necessary. However, the Defendant provided no credible evidence that the victim was still a threat when the Defendant returned. Therefore, the Defendant has not proven by a preponderance of the evidence that it was reasonable for him to believe the use of deadly force was necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as

defined in §16-1-60 and this Court cannot grant immunity to the Defendant.

IV. The Defendant is not entitled to statutory immunity under the Act because the defendant was acting unlawfully.

§16-11-440(C) allows for immunity for persons “not engaged in an unlawful activity.” In this case, the Defendant was acting unlawfully for two reasons. First, he was in violation of S.C. Code Ann. §16-23-20, which states “it is unlawful for anyone to carry about the person any handgun, whether concealed or not” unless an exception is applicable. The Defendant did not provide any evidence that an exception is applicable in this case. Second, the Defendant got out of his vehicle with the gun in his hand at his side, then pointed the gun at the victim, in violation of § 16-23-410, which states it is “unlawful for a person to present or point at another person a loaded or unloaded firearm.” In State v. Slater, 373 S.C. 66, 644 S.E.2d 50 (2007), our Supreme Court held that where the defendant’s unlawful possession of a weapon was the proximate cause of the shooting, the defendant could not assert self-defense. In that case, the Defendant approached an ongoing armed robbery with an unlawfully possessed loaded weapon at his side, and when one of the robbers began shooting at Slater, he returned fire, resulting in the victim being shot. The Court held that Slater’s unlawful possession of the weapon proximately caused the exchange of gunfire that led to the victim’s death. The same can be said in this case as the Defendant left what he claimed was an armed robbery, drove to his father’s house to retrieve a gun, then returned to what he said is a violent act had and was continuing to occur, with an unlawfully possessed gun. He then proceeded to unlawfully point and present that gun at the victim causing him to reach for his gun. Third, as stated previously, the Defendant testified that he returned to the home to keep the victim, Brandon and “Black” from leaving, even though neither Brandon nor “Black” had done anything wrong. Such action would be kidnapping in violation of a violation of S.C. Code Ann. §16-3-910. Therefore, the Defendant is not entitled to immunity under the Act because he was

acting unlawfully by unlawfully possessing the gun, by pointing and presenting the gun at the victim, and by attempting to kidnap the victim and his friends.

V. The Defendant is not entitled to statutory immunity under the Act because the Defendant cannot prove the necessary elements of self-defense by a preponderance of the evidence.

In State v. Curry, 406 S.C. 364, 752 S.E.2d 263 (2013), our Supreme Court ruled that when reviewing whether a defendant should be granted immunity under subsection (C), the trial court “must necessarily consider the elements of self-defense...this includes all elements of self-defense, save the duty to retreat.” The Court went on to say that a “claim of self-defense presents a quintessential jury question, which, most assuredly, is not a situation warranting immunity from prosecution.” Id. at 368, 752 S.E.2d 372. Therefore, this Court must evaluate whether the Defendant has proven by a preponderance of the evidence that the Defendant acted in self-defense when he shot the victim. Self-defense requires that the Defendant:

- 1) be without fault in bringing on the difficulty;
- 2) be in actual imminent danger of losing his life or sustaining serious bodily injury, or have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury;
- 3) show that a reasonably prudent person of ordinary firmness and courage would have entertained the same belief and would have struck the fatal blow in order to save himself from serious bodily harm or the loss of his life; and
- 4) have no other probable means of avoiding the danger.

State v. Light, 378 S.C. 641, 650, 664 S.E.2d 465, 469 (2008). For immunity to be granted, the Defendant would need to prove these elements, minus the duty to retreat required under self-defense. Given the facts presented during the hearing, none of these three elements were proven by a preponderance of the evidence.

First, the Defendant was not without fault in bringing on the difficulty. The Defendant

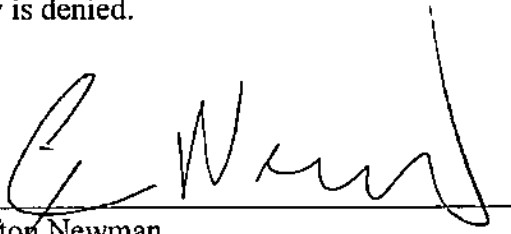
testified that when he returned to his residence, the victim was there but not doing anything wrong. According to the Defendant, he then got out of the car, with the gun visibly displayed, walked up to the victim, and pointed the gun at him. “Any act of the accused in violation of the law and reasonably calculated to produce the occasion amounts to bringing on the difficulty and bars the right to assert self-defense.” State v. Bryant, 336 S.C. 340, 345, 520 S.E. 2d 319, 322 (1999). In this case, the Defendant brought a gun to what he alleged to be an armed robbery, or in the alternative, to hold people captive, one of which he knew to be armed, who were doing nothing but sitting at their vehicles. This is akin to State v. Williams, 427 S.C. 246, 830 S.E.2d 904 (2019), wherein our Supreme Court held that when the Defendant illegally armed himself before he chose to enter a situation he knew to be unlawful, and which he knew was likely to be violent, the Defendant’s actions proximately caused the difficulty. In Williams, the defendant brought a loaded, unlawfully possessed pistol to a drug deal, and when the victim attacked the defendant, he shot him. In that case, the Court stated it was proper for the trial court to refuse to charge the law of self-defense because the defendant was at fault in bring on the difficulty by bringing an unlawfully possessed gun to an illegal drug activity. The same can be said in this case by the Defendant bringing an unlawfully possessed gun to a just completed armed robbery. The Defendant argues that he had a right to return to his own home after arming himself because he feared what the victim might do to his family. However, the Defendant did more than just return to his home; he called 911 and stated he was going to shoot the victim, got out of his vehicle with the loaded gun at his side, went directly to the victim, and pointed the gun at him. These actions were not only in violation of the law, but reasonably calculated to cause the victim to respond by trying to draw his own gun. Therefore, the Defendant cannot claim self-defense and immunity should not be granted.

Second, there was no credible evidence presented that the victim presented a deadly threat to the Defendant nor that a reasonably prudent person would have believed the victim presented a deadly threat. The Defendant testified that although the victim allegedly robbed him, the victim gave him the money back and said nothing else to the Defendant. Additionally, the Defendant testified that when he returned to the residence, the victim was doing nothing. There was no evidence presented that the victim threatened the Defendant's family before the day of the incident, during the alleged robbery, or after the robbery occurred. Neither Defendant's girlfriend nor Dominique Weston called police after the alleged robbery, even though the victim had just allegedly robbed the Defendant and was still sitting outside of the residence. All evidence presented was that when the Defendant returned to the residence, there was no threat to anyone until the Defendant approached the victim with a loaded weapon and pointed it at the victim. The Defendant's own testimony was only that he was scared of what the victim might do. There is no credible evidence that the Defendant was in actual imminent danger of losing his life or sustaining serious bodily injury at the time of the shooting or that a reasonably prudent person of ordinary firmness and courage would have believed he was and therefore have shot the victim in order to save himself from serious bodily injury or death.

CONCLUSION

Based upon the foregoing, I find that the Defendant has failed to prove by a preponderance of the evidence that the use of deadly force by the Defendant was justified and that he is entitled to immunity as enunciated in §16-11-450 of the Protection of Persons and Property Act. Therefore, the Motion of the Defendant for Immunity is denied.

AND IT IS SO ORDERED.



Clifton Newman
Presiding Judge

Columbia, South Carolina

December 19, 2023

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
C.A. NO. 2022-GS-40-04237

The State of South Carolina
Plaintiff,
versus
Telvin Q. Jackson
Defendant.

H E A R I N G

JUDGE: DANIEL MCLEOD COBLE
DATE: JUNE 24-27, 2024
LOCATION: SOUTH CAROLINA CIRCUIT COURT 5
REPORTED BY: JENNIFER JAEGER

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1 is a criminal case. This stage is called voir dire, where we
2 ask you more specific questions to make sure you don't know
3 anything about this case and you can be fair and unbiased.
4 So before I get started, I'm going to read you the indictment
5 for this case. This is 2022-GS-4237, the State of South
6 Carolina versus Telvin Quintavis Jackson, indictment for
7 murder. The indictment reads that Telvin Quintavis Jackson
8 did in Richland County on or about May 26, 2020, kill the
9 victim Khamori Scott with malice aforethought, either
10 expressed or applied by means of gunshot and the victim did
11 die of the proximate result thereof.

12 Now, ladies and gentlemen, what I just read to you is
13 just an indictment. It is not facts or anything of that
14 nature. It is just the charging document to get in this case
15 started. The questions I'm going to ask to you, first is
16 does anyone have any familiarity with this case in any way?
17 The incident allegedly occurred on May 26, 2020. Has anyone
18 heard or seen anything from any person or any source,
19 including internet or the news about this case?

20 And again, if you do say it -- before you will stand.
21 Give us your juror number. Don't volunteer any information.
22 We'll ask any questions if necessary, or we'll be with you up
23 front. Okay. Mr. Sutherland, if you could stand, introduce
24 yourself and your clients.

25 MR. SUTHERLAND: I'm Tivis -- first name, last name,

1 associate of Investigator Nitsa? Has anyone had any legal
2 cases with any of the assistant solicitors who just stood?
3 The alleged victim in this case is Khamori Scott, K-h-a-m-o-
4 r-i. Anyone know, related to close personal friends with the
5 alleged victim in this case? Does anyone know, related to,
6 have a close relationship or business relationship with any
7 of the employees at the Fifth Circuit Solicitor's Office?

8 I'm going to read you a list of potential witnesses
9 that may testify in this case. It doesn't mean they're going
10 to but I'm going to -- same question as before. If you
11 recognize a name, someone you either know personally close
12 with, they're related to you, you have a business
13 relationship with them, if you will, please stand. I'm going
14 to read it in about five name increments, pause, look up and
15 keep going from there.

16 So if you believe one of these names, you're familiar
17 with them, please stand: Ebony Jameson, Antoine Robinson,
18 Brandon Jenkins, Devay Miller, Marcos Ramirez, Shaddashia
19 Mayo, Sam Joyce, Elijah Joyce, Randy Humphries, Derek
20 Brantley with the Richland County Coroner's Office,
21 Dr. Darren Monroe and Investigator Sylvester Culler with the
22 Fifth Circuit Solicitor's Office, Tia Frey Kim, Investigator
23 Keenan Johnson, Captain Scott McDonald, Deputy Christopher
24 Blanding, Deputy Adam Dixon, Deputy Adam Gayeskie, Deputy
25 Tammy Behney, B-e-h-n-e-y, Investigator Clay Short, Deputy

1 Robert Gibson, Deputy Gerald Weather, Investigator Carrie
2 Roberts, Jason Roach, Darius Lane, Melody Galinsky, Scott
3 McAmis, Courtney Turner, Sarah Humphries, Amanda Metz, James
4 Dealman, Joshua Fable, Patricia Park, Michael Pritchard,
5 Franklin Ransford, William Sullivan, Reed Cranford, Quintus
6 Young, Jennifer Nates, Steve LeBlanc, Rachel Hayek, Esther
7 Karan, Dr. Mark Jones, Dr. Stanley Passenger, Stephanie
8 McGuire Wessinger, Katherine Turner, Keegan Cox, April
9 Finley. Anyone recognize those names as someone you are
10 related to, close personal relationship or business
11 associate? Yes, ma'am. You're juror number?

12 JUROR 245: 245.

13 THE COURT: What was the name you recognize?

14 JUROR 245: Quintus Young.

15 THE COURT: All right. See you at the end. Okay. The
16 next question has to do with experience with the criminal
17 justice system. Have you or a close family member ever been
18 a victim of a violent crime? If so, please stand. Yes, sir.
19 Your number?

20 JUROR 134: 134.

21 THE COURT: All right. If you'll see me at the end.
22 Yes, ma'am. Your juror number?

23 JUROR 341: 341.

24 THE COURT: See me at the end.

25 All right. Have you or a close family member ever been

1 know which one, but we'll make sure they have it, and we'll
2 make sure if they are still working, that they are able to
3 get sleep and they're going to be able to handle that. So
4 we'll question them tomorrow morning, make sure that it's
5 okay for them to handle those second shifts. And if they
6 need to take time off, they will definitely go where it
7 suits. But we'll address that with those three jurors first
8 thing in the morning. And we'll make these Court's Exhibits
9 No. 1 and No. 2. Thank you.

10 THE COURT: Anything from the State before we begin
11 pretrial motions?

12 MS. SAMPSON: Not before we begin pretrial, Your Honor.

13 THE COURT: All right. Anything from the Defense?

14 THE DEFENSE: No, Your Honor.

15 THE COURT: Are we ready to go for Jackson?

16 MS. SAMPSON: And just to give Your Honor some
17 background, the defendant was arrested on scene when he
18 initially speaks with law enforcement. He is not under
19 arrest, he's not even handcuffed, but then they handcuff him,
20 walk him to the car and at some and then they Mirandize him
21 at some point. So we're starting from the time that he
22 Mirandized forward to be the State's position that the only
23 prior statement, if we were to introduce them, would be what
24 he said before handcuffs, because that would not require
25 Miranda once he's handcuffed, it would be the safe position

1 he would have had to be read Miranda, but she was not at
2 first. And so we're only talking about from the top how he
3 was read, Miranda by Deputy Gayeskie through to when he is
4 again, Mirandized by Investigator Gayeskie.

5 THE COURT: Okay.

6 MS. SAMPSON: So the first witness, the State will
7 call, Your Honor, is FTA. Deputy Adam Gayeskie.

8 (BEING DULY SWORN, THE WITNESS TESTIFIES AS FOLLOWS)

9 D I R E C T E X A M I N A T I O N

10 BY MS. SAMPSON:

11 Q. State your full name for the record.

12 A. It is Andrew Gayeskie.

13 Q. And for the record, can you spell your last name?

14 A. It's G-a-y-e-s-k-i-e.

15 Q. And where do you work?

16 A. Currently I work for the Richland County Sheriff's
17 Department.

18 Q. And what is your job currently?

19 A. Currently I work in our forensic science team as a
20 crime scene investigator.

21 Q. And just for the purposes of this hearing, I'm going to
22 speed it up a little bit. Where did you -- what
23 department did you work in -- back in what -- May of
24 2020?

25 A. Richland County Sheriff's Department. At the time, I

1 worked as a master deputy on patrol.

2 Q. And as a master deputy on patrol, what did you do?

3 A. We were typically the first people that responded to
4 scenes. So when anyone calls 911, or dispatch has a
5 special needs call, we would be the ones that would
6 respond, take a report -- initial reports, make
7 contacts, that sort of thing.

8 Q. And did you -- were you part of the investigation of
9 the murder of Khamori Scott, that occurred on May 26 of
10 2020?

11 A. Yes, ma'am.

12 Q. And can you tell the court how you became involved?

13 A. Yes, ma'am. We were originally dispatched for a
14 robbery in progress. We were -- I believe I was one of
15 the first few -- I wasn't the first person on scene,
16 but I believe I was one of the first three. After we
17 arrived on scene, dispatch changed the call type from a
18 robbery to a shooting hit, and then that's when we
19 started. That's when we got on scene, found the
20 victim, and proceeded to render aid.

21 Q. Okay. So you were you part of rendering aid to the
22 victim?

23 A. Initially, yes, ma'am.

24 Q. Okay. And how did you become involved with speaking
25 with the defendant?

1 A. He was obtained by another deputy, and when I was
2 getting the initial information, I made contact with
3 him in the back of the vehicle.

4 Q. I just want to make sure I'm getting it. He was
5 already in the back of another patrol officer's
6 vehicle?

7 A. Yes, ma'am.

8 Q. Was he handcuffed?

9 A. Yes, ma'am.

10 Q. Was he free to go?

11 A. No, ma'am. He was under a state of detention.

12 Q. And based on that, what did you do?

13 A. What I did was I opened the door to speak with him. As
14 soon as I open the door, he was talking. He was
15 explaining what happened. From there, I tried to stop
16 him by reading his Miranda rights, and he kept talking.
17 I stopped him again. I was like, "Okay. I am going to
18 read you your Miranda warning." So after I read him
19 his Miranda warning ---

20 Q. I want to stop you for a second.

21 A. Yes, ma'am.

22 Q. Were you able to read him his Mirandas?

23 A. Yes, ma'am.

24 Q. And what Miranda warning did you read to him?

25 A. What the standard one would be.

1 Q. I need you to state what they were for the record.

2 A. I don't have the verbatim off the top of my head, but
3 -- you have right to remain silent. Anything you say
4 you can be used against you in court. You have the
5 right to an attorney. If you can't afford an attorney,
6 one will be provided to you by the State. If you wish
7 to speak with us without an attorney, you may stop
8 speaking at any time until you talk to an attorney. If
9 you know these rights and you still want to speak with
10 us ---

11 Q. And what was his response to that question?

12 A. Yes.

13 Q. And did he speak with you at that point?

14 A. Yes.

15 Q. And what did he tell you?

16 A. Can I refer to my report?

17 Q. If referring to your report will refresh your memory of
18 what happened, then yes, you may refer to your report.

19 A. After giving him his Miranda warning, he told us that
20 he was having issues with the victim over money and the
21 subject -- with other subjects that left in a different
22 vehicle. He said they held a gun to his head, and they
23 were demanding the money. After the argument, he said
24 that he pulled out his gun and shot the victim. And
25 then when he -- after that, he ran to the neighbor's

1 yard to hide. And then once we got on scene, he
2 surrendered.

3 Q. And were you involved in with any other speak -- any
4 other investigation of the defendant, for speaking with
5 him?

6 A. After that point, I don't believe so. I would have to
7 refer to my body camera.

8 Q. Okay. And enough -- my next question -- this is all on
9 body cam; is that correct?

10 A. Yes, ma'am.

11 Q. All right. And did at anytime -- did you force him to
12 speak with you?

13 A. No.

14 Q. Did at any time that he's speaking with you that he
15 asked to stop talking?

16 A. No.

17 Q. Did at any point, you keep him from saying anything he
18 wanted to say?

19 A. No.

20 Q. Did you in any way make any promises to him in order to
21 get him to speak?

22 A. No, ma'am.

23 Q. Did you at any point assault or threaten him in order
24 to get him to speak?

25 A. No, ma'am.

1 Q. Did he seem to understand what you were saying to him?

2 A. Yes, ma'am.

3 Q. Did you keep him from -- did he ask for water or any
4 anything to eat?

5 A. He asked for water on the scene.

6 Q. Was he given water?

7 A. I asked for water from another deputy, and I believe
8 they provided it to him.

9 Q. Oh, did you ask him -- do you remember -- did you ask
10 him if he needed medical attention?

11 A. Yes, ma'am.

12 Q. Did he need any?

13 A. He said he did not.

14 MS. SAMPSON: Nothing further, Your Honor.

15 THE DEFENSE: No questions for this witness, Your
16 Honor.

17 THE COURT: You may step down.

18 THE WITNESS: Thank you.

19 (WITNESS EXITS THE STAND)

20 MS. SAMPSON: At this time, the State calls
21 Investigator Hinson.

22 (BEING DULY SWORN, THE WITNESS TESTIFIES AS FOLLOWS)

23 D I R E C T E X A M I N A T I O N

24 BY MS. SAMPSON:

25 THE CLERK: Please take a seat on the witness stand and

1 state your full name for the record.

2 THE WITNESS: Ronnie and so Investigator Hinson.

3 Q. Are you currently employed with the Richland County
4 Sheriff's Department?

5 A. No.

6 Q. When did you leave?

7 A. I left in January of 2023.

8 Q. So in May of 2020, were you an investigator for
9 Richland County?

10 A. Yes, I was.

11 Q. Okay. And what, what did you do? What were your job
12 duties at that time?

13 A. I was in major crimes as a homicide investigator, also
14 investigator of assault and major crimes at that time.

15 Q. And how did you become involved in this case that arose
16 on May 26 of 2020?

17 A. I was working that evening. I wasn't actually on call,
18 but I was at the office. We had had another murder
19 right before this, and I was asked to handle this case.
20 And I was at our headquarters awaiting the arrival of
21 Mr. Jackson.

22 Q. To be clear, the other murder you're talking about had
23 nothing to do with this case?

24 A. Right, nothing at all.

25 Q. So you were at the office, and did you go to the scene,

1 or did you speak with the defendant at headquarters?

2 A. At headquarters.

3 Q. And how did he get there?

4 A. He was transported by one of the road deputies to our
5 headquarters.

6 Q. And did you do anything with him when he arrived?

7 A. Yes. I think initially we were in my cubicle -- my
8 little office at headquarters, and at that time, had
9 Mr. Jackson sit down and I read him his Miranda rights,
10 and we have a form for interrogation and advice of
11 rights form ready to write out form and haven't had
12 assigned to him.

13 Q. And I'm gonna go ahead -- I'm showing you what's been
14 marked for this hearing as States Exhibits No. 1 and 2.
15 Is Exhibit No. 1 what you were just -- what you were
16 just speaking about?

17 A. Yes.

18 Q. Could you read for the court what rights you read to
19 Mr. -- did you read them to Mr. Jackson?

20 A. Yes.

21 Q. Could you tell the court what rights you read to him?

22 A. Before we ask you any questions, you must understand
23 your rights. You have the right to remain silent.

24 Anything you say can be used against your court. You
25 have the right to talk to a lawyer for advice before we

1 ask you any questions, and to have a lawyer with you
2 during any questioning. If you cannot afford a lawyer
3 one will be appointed for you before any questioning if
4 you wish. If you decide to ask your question now,
5 without a lawyer present, you still have the right to
6 stop answering at anytime. You also have the right to
7 stop answering at any time until you talk to a lawyer.

8 Q. And how do you know that -- do you do anything to
9 indicate whether you read the rights to the defendant
10 or not?

11 A. Yes. I have the defendant initial each -- each
12 sentence that I just read. And then at the bottom of
13 that first paragraph with all the sentences, and then
14 he'll sign it with this signature, and then I sign it,
15 and I have Investigator Keenan Johnson as a witness
16 sign it.

17 Q. And on this, did he initial beside each right?

18 A. He initialed beside each right.

19 Q. And did he sign?

20 A. Yes.

21 Q. Okay. And then below there's a waiver of rights. Can
22 you explain to the court what that is?

23 A. Right. I will read it verbatim. It says, "I have read
24 the statement of my rights and understand what my
25 rights are. I am willing to talk and answer questions.

1 I understand and I know what I'm doing. No promises
2 have been made to me, no pressure or coercion has been
3 used against me."

4 Q. And did he initial that?

5 A. He initialed that and he also signed under that also.

6 Q. And once you did that form with him, what did you do
7 next?

8 A. What we did next is we sat at my desk in my cubicle.
9 We talked about the incident, asking some questions
10 briefly, and then eventually we went into the interview
11 room.

12 Q. And I want to talk a little bit, just so the court is
13 clear. When you say you talked at your cubicle, is
14 that what's on camera?

15 A. No, that's not what's on camera.

16 Q. And why is that?

17 A. I just got the basics of what the general -- his
18 general knowledge of what happened that night -- that
19 night. Just the basics. We were still in the -- it
20 had just happened, so we're still in the midst of
21 interviewing other people. So that was just a little
22 small -- just asking where -- where he's from and stuff
23 like that.

24 Q. Okay. So when we heard -- it's mostly background at
25 your cubicle?

1 A. Yeah, small talk. Small talk, background, things like
2 that.

3 Q. And then you take him into an interview room. Is that
4 on video?

5 A. Yes, that's on video and audio recording.

6 Q. Okay. And once you get in there, do you -- let me ask
7 you this: At any point during, before he is
8 interviewed or after -- did you ever deprive him of any
9 drinks or water or food?

10 A. No, no. I think we asked him. We asked him. We
11 actually gave him more water in the interview room.
12 That's on the video.

13 Q. Did you force him in any way to speak with you?

14 A. No.

15 Q. Did you threaten him in any way to get him to talk to
16 you?

17 A. No.

18 Q. Did he seem to understand his rights when he was
19 initialing them?

20 A. Yes.

21 Q. Did he ask you any questions about his rights?

22 A. No.

23 Q. And once you got him in the interview room and begin to
24 question him, what did he tell you had happened?

25 A. Basically, he told me that he was at his residence,

1 which was at home. Weiss Drive. [REDACTED] Weiss Drive
2 Mr. Scott -- Mr. Khamori Scott was there along with
3 some other people. And he -- he said, at one point he
4 was in his vehicle, and Mr. Scott came up to the
5 drivers side and pointed a gun at him and asked him for
6 some money. And they were in some kind of unemployment
7 benefit scam or something that Mr. Scott, I think, Mr.
8 -- Mr. Jackson, owed Mr. Scott, some money from.

9 He said, after that, after he gave the money to
10 the victim, Mr. Scott. Scott just walked off and
11 stayed in the yard. He then later Jackson stated, he
12 left that location, went to his father's residence,
13 which was at [REDACTED] Twin Lakes Road, which was a little
14 distance away from his residence. I asked him why he
15 went there. He stated he went there to get a gun and
16 also tell his father what happened at his residence,
17 about Mr. Scott taking some money from him. He -- as
18 he left, he said he stayed -- as he left his father's
19 residence, he did call 911.

20 One of our dispatchers explained, and then told
21 what had happened in his residence, and then he was
22 going back to his house where Mr. Scott was. He first
23 stated that. I asked him why he hung up on 911. He
24 said he got -- when he got to his residence, he got out
25 of his car, and it's on Bluetooth.

1 His phone was and the phones just cut off. He
2 didn't -- he didn't say he hung up. He then walked up
3 towards Mr. Scott, Mr. Jackson said he -- Mr. Jackson
4 was carrying his gun in his hand, and that he told
5 Mr. Scott that he called the police. He told me that
6 Mr. Scott reached for a gun, and that's when he shot.
7 Jackson -- Mr. Jackson shot and he couldn't remember
8 whether he fired one or two rounds, and he fled to a
9 neighbor's house.

10 Q. Was there any break during the interview?

11 A. Yes. That was the initial -- we let them take a break
12 for a little while, and we were interviewing some other
13 people at that time with us to get some more background
14 on what happened. After the break a little while
15 later, we took him myself and Investigator Johnson went
16 back into the interview room with Mr. Jackson. We
17 reread him his Miranda rights, and again, he waived his
18 rights and continue to speak about the incident.

19 Q. And did you read them -- the same Miranda that you read
20 previously?

21 A. Yes, the same forms. And I read it to him again, and
22 he waved and wanted to speak further.

23 Q. And what did he say at that point?

24 A. Well, we had got some more background information about
25 some of the witnesses that were there, and he gave us,

1 he told me that Black who was also known as Brandon --
2 I'm sorry, Black and another guy Brandon, known as
3 Riot, were there at the time of an incident. He told
4 us that he didn't know Black's real name, nor did he
5 know Brandon's last name. He did tell us the Brandon
6 drove a white Dodge Charger that was the vehicle
7 Brandon and Black left in after the shooting. Again, I
8 asked him what he did after he was -- Scott pulled the
9 gun on him.

10 He said he went to his father's house to get --
11 get another -- get his gun, or get a gun from his
12 father's house. He then reiterated his story about
13 going back, calling 911 on the way back to his
14 residence to report that he had been robbed. And then
15 he said, we -- again, we went back to his residence,
16 told Mr. Scott, he had called the police and that the
17 police were on their way. And then he stated that he
18 then approached Khamori Scott, and Mr. Jackson had his
19 gun in his hand. He stated Khamori reached for his
20 gun, and Jackson shot Mr. Scott and ran off.

21 Q. Did he ask for any medical treatment or anything while
22 he was in your custody?

23 A. No.

24 Q. Did he seem to understand his rights both times when
25 you read them to him?

1 A. Yes.

2 Q. Did he ask any questions or any follow ups about his
3 rights?

4 A. No, he did not.

5 Q. Did he ever ask to stop?

6 A. No.

7 MS. SAMPSON: No further questions, Your Honor.

8 MR. SUTHERLAND: Briefly, Your Honor.

9 C R O S S E X A M I N A T I O N

10 BY MR. SUTHERLAND:

11 Q. So what was his demeanor when you were meeting with
12 him?

13 A. He -- if I can remember correctly and you can probably
14 see it on the video, but he wasn't, I mean, he was sort
15 of calm -- pretty calm. He was calm until the point
16 when we told him that Mr. Scott had expired.

17 Q. Then what happened?

18 A. But then he got pretty upset and pretty boisterous
19 about that time.

20 Q. All right. Did he tell you he was scared? Do you
21 recall? I'm sorry, do you recall he told you that he
22 was scared?

23 A. I think he did.

24 Q. Basically, his demeanor was calm until you informed him
25 that Mr. Scott had died?

1 A. Right.

2 Q. And then he kind of lost it?

3 A. Yes.

4 Q. Did he know -- did he tell you that he did not even
5 know that Mr. Scott was shot? Do you remember him
6 saying -- until he saw the ambulance?

7 A. Yeah, I remember him saying that he didn't know if he
8 hit him or not. Right.

9 Q. All right. I appreciate it.

10 MR. SUTHERLAND: No further questions, Judge.

11 THE COURT: You may step down.

12 (THE WITNESS EXITS THE STAND)

13 THE COURT: Any further witnesses?

14 MS. SAMPSON: No, sir. That would be it from the
15 State.

16 THE COURT: Arguments?

17 MS. SAMPSON: I don't know if Mr. Sutherland does?

18 MR. SUTHERLAND: Well Judge, I mean as an officer of
19 the court, we heard he was in custody. We heard he was
20 Mirandized three times. So as an officer of the court, I
21 don't think I have a good faith basis to move to suppress the
22 statements.

23 THE COURT: Factual findings echo what Mr. Sutherland
24 said from both officers. He was Mirandized multiple times,
25 given medical needs if he needed a water, opportunity to not

1 speak before being Mirandized. And then he did sign the
2 Miranda warnings factual to -- the factual basis that it was
3 voluntarily given with consent as well as Mirandized. So we
4 will allow the admission of those statements.

5 MS. SAMPSON: Thank you, Your Honor. If I -- if I may,
6 go through the rest of the State's motions?

7 THE COURT: Yes.

8 MS. SAMPSON: At this time, I will renew a reciprocal
9 Rule five, it was filed with Mr. Sutherland some time ago. I
10 have not received anything recently from Mr. Sutherland. The
11 only thing that I've ever received from Mr. Sutherland is a
12 photo of a phone with text messages. We used that in the
13 Stand Your Ground hearing. I have no idea if he intends to
14 still use that, but that is the only thing I received for
15 him.

16 MR. SUTHERLAND: There will not be anything else Judge.

17 THE COURT: All right. Noted for the record.

18 MS. SAMPSON: I should say, also, I have not settled
19 the records of the witnesses with Mr. Sutherland. For the
20 record, we received a rap sheet from Marcos Ramirez. I do
21 not believe it's Mr. Ramirez, because it's our understanding
22 Mr. Ramirez had some clearance that's required for his job --
23 security clearance. And he would not be able to get that
24 security clearance with this rap sheet. I've had my
25 paralegal run it twice. We don't have any social. We only

1 afternoon for my review.

2 MS. SAMPSON: I can -- I think we have it on a disc.

3 THE COURT: Like a CD-ROM disc?

4 MS. SAMPSON: Yes.

5 THE COURT: Maybe go ahead and edit it out, not the May
6 20th incident, but if you're saying he talks about stuff he's
7 done prior to this, about specificity, we might probably keep
8 that out. Edit it out so I can have that to review.

9 MS. SAMPSON: Yes, sir.

10 THE COURT: Does that cover everything for your motion,
11 the incidents for your motion for the victim?

12 MS. SAMPSON: Yes. Yes, sir. I was thinking -- sorry.

13 THE COURT: That is all right. I just need to make a
14 rule on these pending charges including Trouble.

15 MS. SAMPSON: Yes, sir.

16 THE COURT: All right. Final motion?

17 MS. SAMPSON: One second. I'm just making sure that we
18 did cover everything. Okay. And then finally, Your Honor
19 would be the safe motion to preclude the mentioned self
20 defense and opening annual period. Initially, my you have a
21 copy of my motion, I believe Mr. Sutherland filed. I don't
22 know if he filed it, but he sent us all a copy. Do you have
23 a copy of the motion? Essentially, Your Honor, and I
24 probably need to have already done this. But if I need to --
25 Your Honor, I will make as a Court's Exhibit, the order from

1 Judge Newman. Court's three.

2 I wasn't sure if you had a copy. We had a Stand Your
3 Ground hearing back in November of last year. We did not get
4 a ruling until late March of this year. But at that time,
5 the judge ruled that he was not to be granted immunity. I
6 understand that I'm not prepared for it but could still argue
7 self defense.

8 However, the State's motion is that he be precluded,
9 because, unless he's going to change his entire story and get
10 up and testify: A) this version of self defense is not coming
11 in because the State's not introducing it. But B) he -- he
12 stated, and his version has always been, that he gets out of
13 the car with the gun pointed at the defendant to be appointed
14 at a victim, which would be appointing and presenting. And
15 that then the victim goes for his gun, and he has to shoot
16 it.

17 And it would be the State's position that, because of
18 the case law on that, I've already given Your Honor, he
19 brought about the difficulty that he's saying he needs to use
20 his gun against the victim. I am not saying that he brought
21 about the difficulty of the armed robbery. It will be the
22 State's position and his that is over. He calls 911, goes
23 back to his house, says he's going to kill him. Not once,
24 not twice, but three times.

25 And then they asked, do you have a weapon, he says,

1 "Yes", gets out of his car and shoots him. It will be the
2 State's position that because he walks up to the victim armed
3 with a gun, and the only evidence you're going to get if he
4 chooses to testify is that he pulls a gun on the victim,
5 whether to hold him there, whether to make him leave, because
6 the story changes, whether to tell him the police are on the
7 way. Whatever version he gives -- they all are that -- he
8 approaches the victim, who's doing nothing but standing there
9 at the time with a loaded gun pointed at him. And then the
10 victim goes for his gun, so he has to shoot him at that
11 point.

12 So that's the State's position ---

13 THE COURT: Sorry to interrupt but factually, the and
14 this is generally speaking, the victim, goes to the
15 defendants house/ property, somehow puts a gun to him. They
16 have a confrontation, puts a gun to him, takes his money and
17 then walks away. Where does the victim go?

18 MS. SAMPSON: So from what we had at the Stand Your
19 Ground, and from what he said at the interview, they just all
20 in charge.

21 THE COURT: Who's here?

22 MS. SAMPSON: The defendant charge he is sitting in his
23 car. The whole -- he is sitting in his car or outside of his
24 car when the victim approaches him and puts a gun to him. He
25 then, depending on which version you believe, he either says

1 that the victim walked off with his money, or he threw it
2 back at him and then goes back. There's two cars. There's
3 the car the victim came in, and another car. He goes over
4 there. They don't leave. The defendant then leaves, goes to
5 his father's house to get the gun and comes back, telling
6 them (Inaudible). This guy did rob him. That's what the
7 first call goes out, and that he's going to shoot him when he
8 gets there. If he's in his yard, he's going to shoot when he
9 gets there, and then he pulls up and says, he's in my yard,
10 I'm going to shoot him. And then gets out the car and that's
11 just that.

12 But his version has always been when he gets out of
13 his car, the victim is just standing in the yard. Not
14 showing him the gun, not yelling at him, not doing anything.
15 And then he pulls into his own driveway, goes to where the
16 victim is with a gun out and pointed at the victim. And then
17 when the victim goes to get his gun, he then shoots him.

18 THE COURT: But this -- the victim is with two cars in
19 his -- the defendant's property.

20 MS. SAMPSON: One is in his property, one is on the
21 street.

22 THE COURT: But where the victim is -- is in his
23 property?

24 MS. SAMPSON: Depends on who you believe. Could have
25 been in the street. He could have been in the yard. I don't

1 know.

2 THE COURT: It's assumed, but for just basic evidence
3 that there is evidence that it was in his property, mean that
4 that would be a point in presenting to go to someone -- to
5 get him off your property ---

6 MS. SAMPSON: Except what he says in one that he's
7 going to kill him when he gets out of the car and he does it.
8 The other he says he was doing it to hold him there to police
9 get there. Another, he says he was going there to get him to
10 leave. So I would argue that we have different versions of
11 the reason he goes up to the victim. I don't know the real
12 reason of the defendant, but I will say to the court, I don't
13 plan on introducing any of it. So the only way any of this
14 that we're arguing about comes in is if defendant testifies.

15 THE COURT: Is any of that on the statement by the
16 defendant that Investigator Hinson got videotaped?

17 MS. SAMPSON: Some of it is. Some of it did, but I
18 don't plan on introducing that.

19 MR. SUTHERLAND: Oh, my guy's statement ---

20 MS. SAMPSON: We got it down just for clarification,
21 because for the paper has to change I have to have it written
22 ---

23 MR. SUTHERLAND: So they're not -- they don't introduce
24 my guy's statement to direct a verdict -- I don't understand.
25 I mean, they're charging him because of his statement. The

1 officer says, because of what you said. Because, after all,
2 he was robbing his yard, etc. Now I'm not precisely sure
3 which version of my memorandum in opposition was sent to Your
4 Honor, because my wife made me revised it a few times. But I
5 hope that I left in that now is not the time to deal with the
6 catalog of inaccuracies put forth here and now on the record
7 by the State in their motion. And just all around because,
8 you know what? Don't want to sit here and hear, Oh my god, I
9 said earlier, like, that's not true. That's not true. It's
10 like, look, it's just an argument. Right? It's just an
11 argument.

12 The evidence in this case, you know, we got a jury, I
13 don't think they're sworn yet, but the evidence in this case
14 is going to be considered by the jury. They are going to
15 hear these things. They are going to see his statement,
16 unless they want a directed verdict. They're going to see
17 his statement where he says, you know, the guy put a gun to
18 my head and threatened to kill me. Right? He says that.
19 He's on the phone with 911. He doesn't say he's going to
20 kill him, but he doesn't tell him, I was like, I'm gonna
21 shoot him, I am gonna shoot him. And he gets there, and what
22 he told police -- tells police he was pointing the gun at the
23 guy. All right. He tells the police that he had a gun. So
24 I'm not sure what kind of felony, but it's not even in there.
25 You know -- what kind of felony is this supposed to be? It's

1 not an unlawful act because he's in his yard. I told them so
2 he doesn't have to be in my yard. They better hide their ass
3 in the jungles of freaking South America.

4 THE COURT: All right. Approach.

5 MR. SUTHERLAND: Yes, sir.

6 (BENCH CONFERENCE)

7 MR. SUTHERLAND: So you know, in and round I understand
8 the motion. I mean, you -- necessarily, you know, some
9 evidence, you know, we've got a statement saying he was
10 robbed in his yard. Saying that the guy pulled the gun when
11 he went home. You got a statement that they have to
12 introduce in order to get that director. And we just need so
13 much less than that. Pretty much any evidence gets the chart.
14 So I don't understand the State's motion. I don't think it's
15 timely. I don't think it could be timely in this case, on
16 the cases that they're talking about. Well, the first case,
17 I think it was State versus Smith, where what -- what -- they
18 had a little quote. They had, like, one call us, or maybe
19 this is another thing, but, oh bringing a loaded weapon to a
20 drug deal is evidence.

21 THE COURT: All right.

22 MR. SUTHERLAND: This evidence of being at fault and
23 bring on difficult so they present that to the court.

24 THE COURT: All right.

25 MR. SUTHERLAND: They don't present the second half the

1 rest of the sentence that says: must be considered by the
2 jury. You know must, must be considered by the jury. You
3 know this thing with Slater. You know some guy he's at a
4 club. You know, people are fighting -- this altercation.
5 There's a robbery, you know, at least, that -- there's
6 similar there. And he injects himself into this ongoing
7 violent conflict with a firearm. Right now, their
8 presentation to the court is that because he injected himself
9 into a violent confrontation ---

10 THE COURT: Right?

11 MR. SUTHERLAND: He doesn't get a self defense charge.
12 But then they leave out the second half of that sentence,
13 which says, in which he had -- he had nothing to do, in which
14 he had no part in the violent confrontation. He had every
15 part. He was robbed, you know, but then he flees. And this
16 is a matter of minutes. It's not like somebody's, you know,
17 going to the movies or something.

18 He flees over to his pop's place. He does get a
19 firearm there, and he returns to his property. Where, by the
20 way, his wife and his babies are three feet away from the
21 person that just robbed him, you know, through a door now
22 three feet away in a place where he had barged in six days
23 before. Right? So what was the third case now? I keep -- I
24 think there was fourth. That's, I was too furious -- State
25 versus Smith. Oh god, what's was the name? Tumor? Coomer?

1 That's the name of the that's was that the one where they
2 used to ellipse. I think that just the tenor the argument
3 here. I think I'm accurate. And saying do nothing, can the
4 State's motion preclude self defense makes any sense. It
5 doesn't make sense timing wise, because there's not a shred
6 of evidence from which it may be inferred at this point.

7 But it just doesn't make sense with the knowledge of
8 what we had of the facts of this case, that both parties,
9 both sides know. They know. They know he flipped. They
10 know he returned. The issue they say is, well, you know you
11 shouldn't have gone back to your home. And I think, you know
12 there were, I know they handed up Judge Newman's order. I
13 love Judge Newman very much. He's done great, great things.
14 There's two orders. There's mine, there's theirs. He signed
15 theirs, right? And all that order means is that we don't
16 have immunity.

17 You know, there's a there's nothing in front of this
18 jury until tomorrow. But just none of this makes any sense.
19 And I think the reason I got it just like, why am I having to
20 deal with this on the eve of a murder trial? Because it did
21 I gotta stop. It just didn't make any sense to me. Was a
22 little in whatever version is before the court. I was a
23 little snarky. Sorry, but I was irritated. But I think I
24 was accurate. I think I was accurate. Thank you sir.

25 THE COURT: All right. Thank you.

1 MS. SAMPSON: Your Honor, I would just -- there's in
2 all of that involved he did not answer any case law. Well,
3 that said that what I'm asking for is not proper or can't be
4 done. But what I would ask Your Honor, if you're not
5 comfortable in ruling on that now, which I can totally
6 understand, because all you're hearing is argument from us,
7 and no factor for many witnesses that would ask that opening
8 would be limited to evidence that we reasonably believe would
9 come in. The State is telling you right now, it has
10 absolutely no intentions of getting into the defendant
11 statements to anyone. Whether it's the first responder that
12 got there, whether it's with law enforcement who interviews
13 him after the Miranda. Whether it's law enforcement who
14 interviews him at headquarters -- not our intention. He
15 wants to make a direct and verdict motion.

16 He thinks that's what's going to happen. Then he's
17 conceding that nothing about self defense is going to come
18 in. In the State's case of (Inaudible), which is talking
19 about it and opening it, opening based on the law has to be
20 what you reasonably believe is going to come in. He just
21 stated he doesn't reasonably believe it's going to come in
22 (Inaudible). He carries the case directly on point, which
23 this case, Your Honor, states specifically that it's up to
24 the judge -- that Your Honor can limit open to any way you
25 feel fit, as long as you limit both sides. And the State is

1 agreeing.

2 We're not going to talk about the state of self
3 defense. We're not going to talk about the statement. We're
4 not going to talk about anything he said to law enforcement
5 because we feel (Inaudible) him. So I don't know how he
6 would talk about self defense without a good reason that's
7 going to come in for someone.

8 MR. SUTHERLAND: Yes, we're staying with this. They
9 wanted -- they need a case. I don't need a case. I picked
10 apart their case. I destroyed their argument because it was
11 nonsensical. The case citations had nothing to do with what
12 they were asking for, and the way that I was able to present
13 that was by the rest of the sentence, or the words of the
14 ellipsis that they had excluded for whatever reason. I mean,
15 for -- for whatever reason. But now, now we hear that they
16 have arrested the guy. They're accusing him of murder. They
17 want to pull him away for 30 years to life, and they don't
18 want to -- the jury to hear what he said to them.

19 Now, do they not believe it? Or could you -- what's
20 this? I mean, what? So this -- this -- this is where we
21 are. They know what he said. They know he was robbed in his
22 yard. They know he fled. They know he returned, and all
23 those facts, but they don't want the jury to know he
24 immediately talked to them -- immediately. And yes, he was
25 right. They had really ho, ho, ho -- you know, we -- time

1 out -- time out. You know, did? He was in the (Inaudible). I
2 watched the thing. Oh, my God. Oh my god. This happened --
3 that happened -- this happened -- that happened. All this
4 stuff kind of happened, right?

5 And, but they didn't Mirandize him. And then
6 Mirandized him two more times. But now with this evidence,
7 whatever they, you know, is this the thing that I talk to
8 juries about? The government's just here to win. They don't
9 care. I mean, how can you care? How can you not want a jury
10 to have the opportunity to view this evidence in deciding
11 whether they send a citizen to prison for 30 life?

12 None of this makes any sense to me, Your Honor and
13 what? And I guess what I started to say is, you know, they
14 can, they can bring case. They can bring case on point and
15 says that they can do what they want to do. The thing is
16 that they already had an opportunity to brief it, present it
17 to the court, present it to the defense. And they didn't
18 find one case. They found cases that said the exact opposite
19 of what they were arguing, sir.

20 THE COURT: All right. I'll take that under
21 advisement.

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: I believe that's all of the State's
24 motions. And Defense, pretrial motions?

25 MR. SUTHERLAND: Yes, sir, Scott got -- a sort of my

1 program list. Here's somewhere about to slide it over in the
2 last couple of minutes here. Well, I mean, I can go through
3 in my head what they typically are. We already, I mean, she
4 renewed, you know, oh, in my renewal, there's no report --
5 examiners report from phone. So I've got 22 texts today. I
6 know they have texts. Just give them to give me -- what you
7 intend to introduce at trial, or if you want me to fish
8 around -- 22 -- I mean, what? What is the problem of giving
9 them to me? You're going to give them to the jury. They've
10 already gotten credit for them, so just give me a copy. That
11 is one in renewing the Rule Five. The rest is just a typical
12 run-of-the-mill renewal that needs to be done. There's
13 sequestration. Sequestration is important, sir.

14 THE COURT: What else?

15 MR. SUTHERLAND: Oh, now got the standard. We did the
16 demo. Had to kneel over figures in there. Gruesome
17 photographs -- autopsy photographs.

18 THE COURT: Just let me see any photographs beforehand.

19 MR. SUTHERLAND: Yes, sir. Oh, and the Washington case
20 about the investigators.

21 THE COURT: Like, how do you line them?

22 MR. SUTHERLAND: You know, keeping that excising the
23 investigators questions from the video. But, you know, they
24 sound like they don't want to introduce the video. Now, we
25 were just arguing what they needed to redact in the video.

1 THE COURT: So any of the Brewer Washington issues, we
2 will all work together. If you think there's something where
3 they're trying to -- where it's crossed the line with this
4 question, to hear-say -- there's specific questions,
5 highlight those. And just, you know, I've had the State and
6 compare and head those out, which I shouldn't be too
7 difficult.

8 MR. SUTHERLAND: No, and there is internet. He says
9 this -- and he said there is that stuff ---

10 MS. SAMPSON: If Mr. Sutherland, if I can would like to
11 give me a list of the things he thinks should be edited out,
12 I would have no problem, except for as I already stated, we
13 don't intend to put it in.

14 MR. SUTHERLAND: That is insane.

15 THE COURT: All right. As to the sequester of witness
16 -- sequestration of witnesses. If your lead investigator,
17 victims, Bill of -- Bill of Rights. Is there any issue with
18 y'all gonna have to work to identify who the (Inaudible)
19 wouldn't have on your witness, but who the witnesses are,
20 since I don't notice, make sure that they don't accidentally
21 come in. When now Investigator Culler, is there gonna be --

22 MS. SAMPSON: It is possible he is not an investigator,
23 but he is listed as a witness. I may need to come in and out
24 to just tell me stuff about the witnesses.

25 THE COURT: I will allow him to be, be considered part

1 of the lead investigation for the State.

2 MS. SAMPSON: And then, for the record, Your Honor, he
3 went through a few things. I have no problem with the
4 sequestration of witnesses. The defendant's wife is on my
5 witness list, so I was just letting the court know that she
6 would need she can stay in for now, but she would need to go
7 out when we start. But there are -- he went on about the
8 Rule five and wanted the text messages. I just told the
9 court, I'm not introducing any of the defendant's statement.
10 So clearly I want to introduce any text messages, because
11 those would be the defendants. The only text messages we may
12 introduce, Your Honor are not of the defendants. There's
13 some text messages, but she got the copy of between the
14 victim and Shaddashia Mayo At the time this incident
15 occurred. She is -- the victim is texting his girlfriend.

16 If we pull out Ms. Mayo that will take that up with
17 Your Honor at that time, but that's the only text message he
18 has. And for the record, I had Mr. Sutherland come to my
19 office and review all of the evidence, including the text
20 messages, because I have printed in my notebook. I asked
21 him, did he want a copy? He said, I don't know if I already
22 have that. I said, do you want a copy of anything that's in
23 my notebook. He says, I'm not sure what I already have. So
24 I said, look at what you have and come back and tell me what
25 else you don't have.

1 The only thing he's asked for is the text messages,
2 but she has access to them, but I have not given individual
3 text messages because I don't know ---

4 THE COURT: Was there anything exculpatory?

5 MR. SUTHERLAND: It's just typically, there's a report,
6 you know, the examiner, like, here, look at these things.
7 That's my views about that. I wish we were opening right
8 now, because I am curious, and it would be awesome. Yeah,
9 that -- that I think they should. Because why not? You
10 know, when is their duty? Do they decide what's exculpatory
11 -- is that how the law works? I don't believe that that is
12 the case.

13 THE COURT: This turned them all over.

14 MS. SAMPSON: And he's not denying that he had what he
15 wanted me to spoon feed him, exactly what I'm going to use,
16 or exactly what each text says. That is not what the rule
17 says. Rule Five says that I have to make them available to
18 the defense, not give them a copy of every single I gave
19 already -- give them a copy of and for the record, Your
20 Honor, I have given it to him three times. So no, I'm not
21 going to do it again.

22 THE COURT: All right.

23 MR. SUTHERLAND: Just back the truck up, I guess. You
24 know, full of, full of boxes, right? So I think you know the
25 gruesome photos you talk at the time is we're going to deal

1 with, we're supposed to -- sequestration ---

2 MS. SAMPSON: The only other thing ---

3 MR. SUTHERLAND: --- which isn't an issue. I don't
4 think they have an ID for this thing.

5 MS. SAMPSON: I would need to know what witness he
6 thinks I have now, the court of identification of that I need
7 to bring in here and prove that there was now a court
8 identification before I could have it introduced, because
9 there wasn't.

10 MR. SUTHERLAND: I'm just saying that they didn't do
11 that. They must do the other.

12 THE COURT: All right. I don't think identification is
13 an issue.

14 MR. SUTHERLAND: Doesn't sound like it, sir.

15 THE COURT: The only people are going to identify are
16 people who knew him.

17 MS. SAMPSON: The only thing that may happen is law
18 enforcement, and that's the way that I read it. That's an
19 important identification. I never made an outboard
20 identification.

21 THE COURT: Well, if that becomes an issue, and we'll
22 have to address it.

23 MR. SUTHERLAND: If I may -- their edited thing that
24 they're supposed to be editing -- I would like to copy of
25 that and (Inaudible) lose last closing over something. Well,

1 you know what? They don't want the jury to see ---

2 MS. SAMPSON: Your Honor, if I may -- I'm going to ask
3 him to stop saying that I don't want them to see it. It is
4 self serving statements. There are case law that says that
5 the State does not have to introduce self serving statements.
6 I don't know why he didn't know that, but there's case law on
7 point to that. So not that I don't want to add it from the
8 State. I don't have to when they're self serving. And
9 that's what the law says.

10 THE COURT: All right. Further motions?

11 MR. SUTHERLAND: I think -- I think I hit everything.
12 One, two three, four -- 11. Is Washington 11? I think -- I
13 think I hit them.

14 THE COURT: All right. You had motion to sequester,
15 motion to settle the record. New Rule Five including the
16 text of messages. Defendant move to exclude hearsay, in the
17 form of texts, Bigger Jackson and Denno prior bad acts under
18 Lyle for 404B Autopsy photographs and the Washington.

19 MR. SUTHERLAND: So that's just the 404 B. But, you
20 know, that's just a standard thing that I put in there. But
21 as you know, as far as hearsay, they can't admit hearsay. So
22 that's -- did they not admit hear-say?

23 MS. SAMPSON: As to the picture, Your Honor,
24 Dr. Monroe, who is the pathologist, will be here on
25 Wednesday. So we would do that before he testified on

1 Wednesday. We have to do it in cameras. I can explain why
2 the photos are necessary. I will admit to the court I've
3 already cut them so that there's very least bloody if
4 possible, but they do show that he was shot.

5 THE COURT: Give me a copy of these photos Tuesday.
6 Then I will review them and then we can go from there. I
7 will make a ruling I'll do it shortly after the hearing as to
8 the motion to include evidence about the victim, the motion
9 to exclude self defense. As to the statement by the
10 defendant, if it needs to be edited, if you, as you plan on
11 introducing again, those are what the edits will be, I
12 believe that takes care of it. Anything from the State
13 before we adjourn until 9 A.M.?

14 MS. SAMPSON: Not from the State, Your Honor.

15 THE COURT: Anything from the Defense?

16 MR. SUTHERLAND: No.

17 THE COURT: All right. 9 A.M.

18 MR. SUTHERLAND: Oh, Judge, I would move that he's been
19 out on bond for four years. I move that he remain on bond.

20 MS. SAMPSON: The jury hasn't been sworn yet.

21 THE COURT: I will address that in a moment.

22 (COURT IS ADJOURNED)

23

24

25

1 right. Wait here. Let's bring in the rest of the jury.
2 Remain seated while the jury enters. Attorneys, will you
3 approach?

4 (OFF-THE-RECORD BENCH CONFERENCE)

5 (THE JURY ENTERS AT 9:11 A.M.)

6 THE COURT: Good morning, ladies and gentlemen. Thank
7 you for being here. Thank you for your patience and your
8 service. We're about to get started with this trial.
9 Beforehand, as I told you, we have to swear you in one more
10 time.

11 (WHEREUPON THE JURY WAS SWORN IN)

12 THE COURT: All right. Ladies and gentlemen, I'm about
13 to give you some introductory remarks to give you an idea of
14 what to expect. At the end of this trial, the very end, I
15 will give you much more detailed instruction on the law as
16 you are to follow it. This is just basic introduction so you
17 understand what to expect this week. This a criminal case
18 commenced by the State, which I will sometimes refer to as
19 the prosecution against Telvin Jackson. This case is based
20 on the indictment, which I read to you yesterday. I want to
21 make very clear that you should distinctly understand that
22 the indictment is simply a charge and that it is not in any
23 sense evidence of the allegations that it contains.

24 The defendant has pled not guilty. That puts the
25 burden on burden proof on the State to prove each essential

1 element of the indictment beyond a reasonable doubt. The
2 purpose of this trial is to determine whether the State has
3 met its burden. Your purpose as jurors is to find and
4 determine the facts. Under our system of criminal procedure.
5 you are the sole judge of the facts.

6 If at any time I should make any comment regarding the
7 facts, you are at liberty to disregard it. It is especially
8 important that you perform your jury duty of determining the
9 facts diligently and conscientiously. And on the other hand,
10 just as you are the judge of the facts, I am the judge of the
11 law, I want to instruct you that the law as given by the
12 court constitutes the only law for your guidance, and it is
13 your duty to accept and follow it. It is your duty to follow
14 the law as I give it to you, even though you may disagree
15 with the law.

16 You are determining the facts from the testimony you
17 hear and the other evidence introduced in this courtroom. It
18 is up to you to determine the inferences which you feel may
19 be properly drawn from the evidence. You must not consider
20 anything you may have read or heard about the case outside of
21 the courtroom, whether before or during the trial. Until
22 this case is submitted to you, you must not discuss it with
23 anyone, even with your fellow jurors.

24 After it is submitted to you, you must discuss it only
25 in the jury room with your fellow jurors. It's important

1 that you keep an open mind and not decide any issue in the
2 case until the entire case has been submitted to you under
3 the instructions of this court. There is no note taking.
4 Some you may have served on a jury before. You might have
5 taken notes. Some judges allow it, some don't. I don't
6 allow it for good reasons on both sides. So no note taking.
7 Just pay close attention. Listen and enjoy yourself.

8 We will take breaks, as I said earlier, every now and
9 then, sometimes there are objections. We'll have to send you
10 out. Those are just legal arguments we have to clear up.
11 But we'll take a lunch break as well, an afternoon break.
12 After that, we will have plenty of time if you need to use
13 the restroom or something and we're still going. You can
14 flag the bailiff down directly behind you and decide. But
15 we'll take breaks every now and then. That being said, the
16 State to give their opening statements.

17 MR. TAYLOR: May it please the court.

18 THE COURT: Yes, sir.

19 MR. TAYLOR: "I have a gun. He's on my property. I'm
20 about to shoot him." That's what this man, Telvin Jackson,
21 told a 911 operator, moments before he murdered Khamori Scott
22 by shooting him. What's in a man's heart comes out of his
23 mouth and is carried out through his actions. On the evening
24 of May 26 in 2020, this defendant said he was going to shoot
25 Khamori Scott, and that's exactly what he did. Ladies and

1 gentlemen of the jury, the evidence in this case will show
2 you as follows. That on May 26 in 2020 in the evening time
3 the victim of this manner Khamori Scott and this defendant
4 behind me -- defendant Jackson, were hanging out at defendant
5 Jackson's house in his front yard. The victim and the
6 defendant were friends, and defendant Jackson's house was the
7 normal hangout spot for their friend group.

8 And like all friends, they were in an argument at the
9 time, the way that happens sometimes in friendships. The
10 roots of this argument go back to about six days prior on
11 May 20, 2020 where this argument flared up. On that date, on
12 May 20th, 911 was called, but the report was not made. Now
13 returning to May 26, 2020 in the evening, this argument
14 flared up again and it became -- it was a sharp argument.
15 And unfortunately, the victim of this matter drew a gun --
16 drew a pistol.

17 Now, what happened next? It appeared that this the
18 argument ended. It was squashed. It was over. It was done,
19 but the defendant leaves his house that his girlfriend and
20 children are inside the house, leaving the victim, Khamori
21 Scott, in his front yard, and goes and gets a pistol. And
22 while he was driving back to his house, he calls 911. He
23 tells that 911 operator three times, I'm going to shoot
24 Khamori Scott -- three times. And then that 911 call ends
25 and seconds later, the defendant shoots Khamori Scott.

1 Khamori Scott is struck twice and later passes away
2 from his wounds at the hospital. But right after he is -- he
3 is struck by these bullets, Khamori Scott calls 911 himself.
4 He tells that 911 operator, I'm dying, and says the name
5 Telvin Jackson in regards to who shot him. Richland County
6 Sheriff's Department, law enforcement arrives moments later.
7 And they -- and this defendant turns himself into law
8 enforcement. The Sheriff Department thoroughly investigates
9 this case, and based on that investigation, this defendant is
10 charged with the murder of Khamori Scott.

11 Now, throughout the course of this trial, you're going
12 to hear several defined terms, the first of which is murder.
13 You're going to hear that a lot. That is what this defendant
14 is charged with, the murder of Khamori Scott. Now Judge
15 Coble will define this at length, thoroughly at the
16 appropriate time, but at this moment, I can say that murder
17 is the killing of another person with malice aforethought.
18 Killing another person. We know what that means, but malice
19 aforethought needs more definition, and Judge Coble will give
20 that at a later time.

21 But let it -- at this time, let me say that malice
22 aforethought is hatred, evil intent, ill will towards
23 another. And malice aforethought does not have to exist for
24 any real amount of time before the act is done, before the
25 murder happens. It can arise in the twinkling of an eye.

1 The other defined term you're going to hear is or defined
2 phrase is, proof beyond a reasonable doubt. Proof beyond a
3 reasonable doubt is the State's evidentiary verbs in this
4 case. That is a standard of proof that these that the State
5 must reach. It is the highest standard of proof in an
6 American courtroom, and that's something that we the state we
7 embrace that. We welcome that.

8 Now this is another term, another phrase that Judge
9 Coble will thoroughly explain and thoroughly define to you,
10 but at this moment, let it suffice for me to say that proof
11 beyond a reasonable doubt, the first definition should leave
12 you firmly convinced of the defendant's guilt. It is not
13 proof beyond all doubt, just a reasonable doubt. And in
14 meeting the standard of proof and meeting this evidentry
15 verdict, the State is going to put up many -- several
16 witnesses.

17 You're going to hear much testimony, you're going to
18 see photographs, you're going to see physical evidence to
19 meet the standard of proof. And at the end of this trial,
20 the State is going to come back before you in closing
21 arguments and ask again for the only verdict that when you're
22 confronted with all this evidence, you will be able to bring
23 back. That is a verdict of guilty. That this defendant,
24 Telvin Jackson, is guilty of The murder of Khamori Scott.

25 MR. SUTHERLAND: Yes, sir. When we just-- we just hear

1 -- heart, mouth, heart mouth. Heart, mouth, 911, friends.
2 So what's in your heart comes out of your mouth. 911 -- he
3 called 911. Why is he so scared? I don't think that there's
4 mention -- for you to hear that. He's in his yard. Did he
5 mention Khamori Scott out a gun to his head? I didn't hear
6 that. I don't think their intention is for you to hear that
7 at all. My question is why? The government wants to come in
8 here -- oh, shoot. I gotta introduce myself. Sorry. Just a
9 little irritated. I remember yesterday, T-i-v-i-s, Kengo
10 Indian, good Indians here, military folks here, my people
11 from my -- the mountains in southwest Virginia, where the
12 name is not common but it is heard now.

13 My great grandpa delivered a bunch of babies up there.
14 He was born in 1880. People didn't have money to pay him so
15 they named their kids Tivis. So there are a bunch of Tivis'
16 up there. Y'all remember the name Telvin. The funny thing
17 about him is sometimes I did, you know, I mean, he swears it,
18 doesn't know what's going on here. I'm like, Hey, we've got
19 to get up. Got to introduce ourselves. I get up and
20 introduce myself. He gets up and he says, "Hey, I'm Telvin
21 Jackson" and -- and I was like, oh, you know, as the judge
22 mentioned, you know, we can't talk during this day. That
23 just reminded me. It reminded me in the small one, of what
24 this is all about. Because I can honestly tell you, I have
25 no idea why we're here.

1 I mean, I know the government says he's a murderer.
2 They were, you know, they're up here talking about legal
3 terminology, like malice, aforethought (Inaudible) proof
4 beyond a reasonable doubt (Inaudible) how about malice
5 without we'll get into all that later. But about their
6 opening statement. What's important about opening statements
7 to me, because, you know, I do talk to jurors once the trial
8 is over. Once this as soon as this is over, we can talk.
9 And I do tend to do it because I'm -- I'm honestly more
10 interested in your opinion, you know, than my colleagues or
11 whatever. You know, I want to know what you think.

12 And oftentimes there's things that (Inaudible) you
13 can't know, at this time. Typically, this courthouse is kind
14 of complicated for they got this labyrinth here where you
15 all, you know, come out way down the hall over Lexington. We
16 all go out the same way. And one of the reasons I put my
17 name up here and talk about it a little bit is, first couple
18 years that I was doing this, without exception, every single
19 time jurors come up. The number one thing -- the only thing
20 that they would say is: What is it Tom? Is it Tim? Is it
21 Travis? Is it Tazz? So tell me about that.

22 And so what happens is, you know, talking to jurors
23 about that pretty soon, okay, gotta go get my kids. I gotta
24 go through the deal -- good to meet you. Instead of really
25 talk talking about the meat of this.

1 MR. TAYLOR: Objection, Judge. Relevancy.

2 THE COURT: Overruled.

3 MR. SUTHERLAND: All right. I'm still talking about
4 this. So there it is again. You know, I told you where I'm
5 from. I am just trying to lean in real hard on that. So if
6 we should, it's up to you -- run straight up. If we talk,
7 you know, we talk about one other thing. I'm speaking about
8 the opening statement.

9 One other thing that maybe top 10, not number one.
10 People come up to me and say, "Hey, I wish I knew what was
11 important." Right? I wish I knew what was important.
12 Because if you think about, yes, what was -- how comfortable
13 was that? You know, what was that -- you know, saying you
14 come here, you get the big room, you come up to the big room,
15 you go up there, you stand, you sit, you go in, you go out.

16 To me, how comfortable is that? It's -- as Americans,
17 we don't like being told what to do, right? So we're all out
18 of our comfort zone during this thing. We've been graded
19 around being talked at. This is not a conversation. It's
20 rude, but it's also the rules. So people asking what's
21 important? Sometimes, like -- look to me, to me, the opening
22 statement is one of the most important points in any trial.
23 Sometimes it is the most important point in the trial. And
24 this may be one of those times. You might think how, you
25 know, how is this important? That, you know, it's just them

1 coming up here talk.

2 Well, you know, for my I'm in the same boat that you
3 right here, right now, just now, was the first time that I
4 heard with precision, right? What the government wants you
5 to believe and how they intend to get you to believe them.
6 All right. I'll say it again, because it sounds bizarre,
7 right? This is the first time that I hear --as a leading
8 defense attorney -- that I hear what the government wants you
9 to believe and how they intend to get you to believe it.

10 And it's -- I'm a little stunned, a little shocked. I
11 mean, I found out, since you all left yesterday, you know, I
12 had, I found out, you know, that they're talking about heart,
13 his heart and his mouth. My mom said, you know, you notice I
14 talk about what they said, you know, generally, I don't know
15 they're talking about hearts and mouths. They want you to
16 determine the nature of his heart by what comes out of his
17 mouth. But they don't want you to hear what he says, right?

18 His words, his heart, his mouth, and he you know,
19 there's so many things I need to put the word robbery up
20 here. Oh yes, it was an armed robbery. Just hanging out.
21 And, you know, other friends hanging out. Oh, there's
22 prominent squash, right? How do you squash a gun to your
23 head? Right there? Squash, right?

24 And it's kind of crazy that that's missing, because
25 it's something that they gotta deal with now they don't want

1 you to hear what he said to police when he immediately, he
2 was hiding. To this -- police showed up. He goes up to him,
3 Hey, it's me. I'm the one who called. I have a gun. This
4 is what happened -- immediately. He was a lawyer who got the
5 right to remain sound and all that, especially initially,
6 because people have, you know, to get a crisis. But he comes
7 up, he's like, Hey, this is what happened -- A, B, C, D, E,
8 F, G right? They put him in the car, right?

9 They're -- they're investigating, you know, I've seen
10 all by the kids. I've heard the cops talk. I know what they
11 were thinking and they weren't thinking this. I know that.
12 I don't know why they're thinking this, but they're thinking
13 it. So he's stuck in the car. You know, they go, Master
14 Deputy, yes, goes open the door, because it is like on TV,
15 you know, you see the ranks card in the body cam. It's like,
16 you got the right to remain silent. You got the right to an
17 attorney. You know, you got all of that, right?

18 My guy's like, Okay, please. Can you protect my
19 family? We're gonna talk to him, but please, can you protect
20 my family? Because remember this? Because they said, Oh,
21 they said something about me. I can't remember precisely,
22 can you protect my thing? You law enforcement, you the
23 government, the government that's here today calling him a
24 murder, right? I mean, it's obscene to me, I know. But you
25 all come from, where you come from, you know, everybody does

1 different things, and that's -- that's like, that's a little
2 done this. You know, I went to college with my army money.
3 That's how I paid for college, right?

4 So I've been doing this less time than other people my
5 age, but I've been doing this for what, and this is an
6 obscenity. I mean, I'm revolted. This is obscene. It
7 doesn't make any sense. A man sitting in his car -- in his
8 he's got a little car. Obviously, you're just sitting there.
9 And this friend -- friend. I didn't write the word friend.
10 and I said it, you know, I'm hard not friends. This
11 beautiful, Mr. Rogers Neighborhood, this friend, close up,
12 spots him in the driveway. Right?

13 Walks up, gun through the window, against his head.
14 Right? Give, give me your money. See, that's a wild kid.
15 Why they didn't talk about that? Because they got deal with
16 it. Of course, they don't want you to hear what he said to
17 the police on the body cameras. And the police in the
18 interview room. Anybody seen The First 48 show, don't know?
19 I'm just too old. That's where they show the cops. You
20 know, they had to solve them in 48 hours. They show the
21 interrogation room and the guys -- the guys sitting there,
22 they have it, right? And I would think, you know, whatever
23 they're going to put into evidence. I think that you would
24 want to know, particularly hard to know -- what did he say?

25 I mean, you were here to call him a murderer. They

1 are. I don't want to be here. He doesn't want to be here.
2 Then we're compelled to be here. Because this decision, that
3 man over there, that murderer, that man over there, should
4 leave it out to the government. I mean, how they going to
5 frame this? How are they going to do this? You know, we're
6 know, what does malice? Somebody puts a gun to your head,
7 you know? How do you have malice? You know, he flees the
8 scene. He gets away. His dad lives a couple of minutes
9 away. He runs over to his ex. He calls 911. Now look, he's
10 on with 911. He's square, you know, whatever. Right?

11 Oh, my God, dude, there's a dude here. I'm gonna shoot
12 him. I'm gonna shoot and then dispatcher -- calm down. Calm
13 down, right? Calm down. And he stays on the phone with 911.
14 The length of the phone call -- yeah. I mean, it's -- it's
15 odd, right?

16 But apparently, Bluetooth, or whatever, cuts off when
17 the door opens on the -- I don't know what it is. But, you
18 know, I talked to the guy, and in these statements that he
19 made to law enforcement -- detail statements, they asked him
20 any question that they wanted to ask him. He answered the
21 questions with no lawyer. No lawyer. Now, you know, I
22 talked, you know, he thought -- he thought that they were
23 investigating the robbery, right? If they put his statement
24 in, which they don't want to do.

25 MS. SAMPSON: Objection, Your Honor.

1 THE COURT: Sustained.

2 MR. SUTHERLAND CONTINUES: Oh, why? What is wrong with
3 us? Can we see what? Can you ---

4 MS. SAMPSON: Objection, Your Honor.

5 THE COURT: Approach.

6 MR. SUTHERLAND: Yes, sir.

7 (OFF-THE-RECORD BENCH CONFERENCE)

8 MR. SUTHERLAND: Yes, I said my name and his name. You
9 know us now. You know what they said to you. You know what
10 I said to you. You know, any -- any citizen and member of
11 this community that the government wants to accuse of a crime
12 doesn't -- doesn't have to talk, doesn't have to put in any
13 evidence. It's the government's burden of proof. As we
14 mentioned, the burden of proof. Some of this, and they
15 (Inaudible) you'll see why and it's wrong. Thank you.

16 THE COURT: The State, call your first witness.

17 MS. BELL: Thank you, Your Honor. May it please the
18 court. At this time the State calls Steve LeBlanc.

19 (BEING DULY SWORN, TESTIFIES AS FOLLOWS)

20 D I R E C T E X A M I N A T I O N

21 BY MS. BELL:

22 Q. Please have a seat on the witness stand and state your
23 full name for the record, spell your last name.

24 A. Steve LeBlanc L-e-b-l-a-n-c.

25 Q. Please speak up. I think your voice was kind of soft,

1 so I'll ask you to please speak up.

2 A. Okay. I'm sorry.

3 Q. Good morning. Where do you currently work,
4 Mr. LeBlanc?

5 A. I work for the Vanderbilt Emergency Room.

6 Q. And where is that?

7 A. In Nashville, Tennessee.

8 Q. How long have you been doing that?

9 A. About a year.

10 Q. And prior to working in Nashville -- and what is your
11 position there in Nashville?

12 A. I am a paramedic.

13 Q. Okay. And prior to being a paramedic there in
14 Nashville, where did you work?

15 A. I worked for Prisma for about 18 months also as a
16 paramedic in their ER.

17 THE COURT: If you could just make sure to speak up not
18 too close to the microphone to go directly to the court
19 orders, ears, but loud enough for her to hear, loud enough
20 for the juror all the way back to hear.

21 MR. LEBLANC: Sorry.

22 BY MS. BELL: (Resuming)

23 Q. And so you worked at Prisma Health?

24 A. Yes, ma'am.

25 Q. As a paramedic?

1 A. Yes, ma'am.

2 Q. Do you have other experience, as well, in the area of
3 emergency management?

4 A. I would say, senior paramedic for Richland County EMS,
5 for six years. I've been a 911 paramedic for 14 years.

6 Q. I'm gonna draw your attention back to December 20th --
7 26th, I'm sorry from 2020. And were you working on
8 that particular day?

9 A. I was working.

10 Q. I'm sorry?

11 A. Yes. I was working on the desk.

12 Q. Okay. Very good. And I'm sorry, May of 26th of 2020.

13 A. Yes, ma'am. I was working.

14 Q. And were you working the evening shift?

15 A. Yes, ma'am.

16 Q. Were you dispatched to [REDACTED] Weiss Drive?

17 A. Yes, ma'am.

18 Q. And do you recall what time that was?

19 A. I want to say around 10:30-ish.

20 Q. Okay. And what was the reason for the call?

21 A. Gunshot.

22 Q. And at that particular time, what capacity were you
23 working in?

24 A. I was a transport paramedic. I had a EMT partner, and
25 we were and we were responding to 911 calls.

1 Q. And were you designated as the primary caregiver there
2 on scene?

3 A. Yes, ma'am.

4 Q. So when you arrive on scene, what do you observe?

5 A. When we pulled up on scene, law enforcement was on
6 scene. They told us we had a gentleman that had been
7 shot. We saw him -- found him in the backseat of his
8 vehicle. I do remember like sticking my head in the
9 vehicle to see what was going on with him. I asked him
10 if he was able to stand up, and he basically stood up
11 and sat on the stretcher.

12 Q. Okay. And now -- so were you able to get the identity
13 of the person, the victim of the gun shot?

14 A. I was not at that time. All of my commands to get up,
15 but I couldn't -- be able to talk to me. He had GCS of
16 six.

17 Q. Okay. And when you say GCS, can you tell the jury what
18 GCS is?

19 A. GCS is a Glasgow Coma Scale. It's what EMS and
20 emergency medicine uses to determine whether or not
21 you're able to answer minimal questions -- whether
22 you're basically with it. It's -- there's three
23 components, there's verbal, there's motor, and there's
24 eye movement. And we -- each thing has a number that
25 goes with it and corresponds to. Like 15 is the

1 highest number you can get, and three (Inaudible).

2 Q. So let's break those down from the jury. The you talk
3 about the eye and the responsiveness, what did you
4 observe at that point?

5 A. His eyes were opened, but they were kind of glassed a
6 little bit. I mean, I said he followed my command, but
7 he wouldn't -- his (Inaudible). He was -- there was
8 something going on.

9 Q. And the you mentioned the there's also the verbal, one
10 other ---

11 A. Motor.

12 Q. And so what with the motor? Did you give him a rating?

13 A. I gave him a one. A motor one. So his initial was
14 probably a little bit higher, but once I got into the
15 stretcher, he wasn't able to move his arms. His arms,
16 and legs were flaccid. They wouldn't move. He wasn't
17 he didn't respond to my voice. He didn't answer
18 questions. He just laid there breathing, kind of
19 heavy, shallow. Diaphoretic sweating.

20 Q. So diaphoretic sweating?

21 A. Yes, ma'am.

22 Q. And was he having problems breathing on his own?

23 A. Yes, ma'am.

24 Q. And did you perform a needle decompression?

25 A. Yes, ma'am. I did.

1 Q. Can you explain to the jury what a needle decompression
2 is?

3 A. When you have a collapsed lung, you have to basically
4 take the pressure out from inside your lung, your chest
5 cavity. So you would put a needle across the space
6 perpendicular just over the third rib to pop it in
7 there. You hope to hear the air escape. I also didn't
8 hear the air because we were running the lights and
9 sirens. But he did start breathing better from there.

10 Q. And did you observe any areas of trauma to his body?

11 A. I noticed that he had a gunshot. Looked like it was --
12 there was one on the left side, probably about the
13 fifth intercostal space. And then there was probably
14 -- there was one on the right side, maybe just below
15 the ribs area -- somewhere in that area. And then
16 there was also a graze mark across each arm.

17 Q. And what was that based on your training experience?
18 What was that consistent with?

19 A. Gunshot.

20 Q. Okay. And that's what you were responding to as per
21 the report?

22 A. Yes, ma'am.

23 Q. Do you remember how long you were on scene?

24 A. Two minutes.

25 Q. Okay. I want to show you a of couple photographs.

1 MR. SUTHERLAND: No objections.

2 BY MS. BELL: (Resuming)

3 Q. You had mentioned that when you first arrived at the
4 scene that you noticed that the victim was in the back
5 seat of the vehicle?

6 A. Yes, ma'am.

7 Q. Your Honor, may I approach the witness?

8 THE COURT: You may.

9 Q. I will show you what's been marked as State's Exhibit
10 No. 8, and ask you if you can identify this?

11 A. That's the vehicle the victim was in.

12 Q. And the back door is open. Is that how you recall it
13 being?

14 A. Yes, ma'am. He was -- he was laying in the back seat,
15 towards the passenger seat.

16 MS. BELL: Your Honor, I would like to move this into
17 evidence. State's Exhibit No. 8.

18 MR. SUTHERLAND: No objection.

19 THE COURT: All right. So moved.

20 BY MS. BELL: (Resuming)

21 Q. Mr. LeBlanc, I know I asked you this, but now that I've
22 got it up for the jury to see, can you please repeat
23 what it is that you recognize here in this photograph?

24 A. This is the vehicle that my patient was in. He -- his
25 legs were outside the vehicle, and he was laying back

1 with his head towards the passenger side of the
2 vehicle.

3 Q. You indicated that you put the victim on a stretcher;
4 is that correct? At the scene to be able to get him
5 into the ambulance?

6 A. Yes, ma'am.

7 Q. I'm going to show you what's been marked as State's
8 Exhibit No. 6.

9 MR. SUTHERLAND: No objection.

10 THE COURT: So moved.

11 BY MS. BELL: (Resuming)

12 Q. Can you identify this photograph?

13 A. That's my son, my partner. And the patient after he
14 got on the stretcher.

15 Q. And then, where is it that you -- you all transported
16 the victim to?

17 A. Prisma originally.

18 Q. Okay. And I'm going to show you what, Your Honor, at
19 this time, I also marked as State's Exhibit No. 9.

20 MR. SUTHERLAND: No objection.

21 THE COURT: So moved.

22 BY MS. BELL: (Resuming)

23 Q. And Mr. LeBlanc, I've got one final photo to show you.
24 State's Exhibit No. 7. Do you recognize this
25 photograph?

1 A. Yes, ma'am. That's us (Inaudible) patient out of the
2 back of the ambulance.

3 Q. Okay. And is there a time marker on that?

4 A. 22:55.

5 Q. And that would be a nominal ---

6 A. 10:55.

7 MS. BELL: Your Honor, at this time I would like to
8 move State's Exhibit No. 7 into evidence.

9 MR. SUTHERLAND: No objection.

10 THE COURT: So moved.

11 BY MS. BELL: (Resuming)

12 Q. And do you recognize this photograph?

13 A. Yes, ma'am

14 Q. Okay. Are you actually in this photograph?

15 A. Yes, ma'am, you can see my hat beyond the patient's
16 head.

17 Q. Could that be you?

18 A. That would be me.

19 Q. Beg the courts indulgence. I -- I think -- was the
20 defendant getting better or worse? I knew you were
21 given the course of treatment you mentioned, and I'm
22 sorry if you already mentioned this. What was the
23 Glasgow Coma Score rating that you gave?

24 A. I gave a six. By the time we got to the hospital he
25 was at a three.

1 Q. Thank you. No further questions. Please answer any
2 questions the defense might have for you.

3 MR. SUTHERLAND: No questions, Your Honor.

4 THE COURT: Thank you, sir. You may step down.

5 MS. BELL: Your Honor, can Mr. LeBlanc be excused?

6 MR. SUTHERLAND: No objection.

7 THE COURT: You may be excused.

8 (THE WITNESS EXITS THE STAND)

9 MR. TAYLOR: Calls the next witness, Tia Fry.

10 (BEING DULY SWORN TESTIFIES AS FOLLOWS)

11 THE CLERK: Thank you, ma'am. Please have a seat in
12 the witness stand. State your full name for the record.

13 D I R E C T E X A M I N A T I O N

14 BY MR. TAYLOR:

15 THE WITNESS: My name is Tia Fry.

16 Q. Where are you employed?

17 A. Richland 911.

18 Q. What does that job entail? What do you do there?

19 A. I'm the custodian of records. I maintain and organize
20 the records.

21 Q. When did you start in person?

22 A. 2006.

23 Q. What kind of training goes into your role?

24 A. My current role, I was previously trained by our Deputy
25 Director.

1 Q. When did you start your current position?

2 A. May of 2023.

3 Q. Can you tell us what happens when a 911 call is made?

4 A. When someone calls 911, it is answered -- at the time
5 that it's answered, the phone call is recorded and
6 simultaneously, why the person is seeking the call
7 taker, who is the person that receives the call. They
8 notate what -- what's going on in the call. What their
9 needs are.

10 Q. Are these notations done contemporaneously as the call
11 was happening?

12 A. Yes.

13 Q. Is a report generated off these calls?

14 A. Yes. A CAD report is generated in real-time.

15 Q. How long is a 911 -- the audio saved?

16 A. We save it automatically for three months if it is
17 requested we save it indefinitely.

18 Q. And you said this CAD report is generated in real time?

19 A. Yes.

20 Q. Are these -- is this -- these CAD reports and these 911
21 calls kept in the course of regular business activity?

22 A. Yes, sir.

23 Q. And that's a regular practice for Richland County 911?

24 A. Yes.

25 Q. Between the date -- and turning to why we're here

1 today, for between the dates of May 20, 2020 and
2 May 26, 2020, were any 911 phone calls made from Weiss
3 Drive?

4 A. The 20th and 26th but none in between those dates.

5 Q. What's the address?

6 A. ██████ Weiss Drive.

7 Q. How many calls occurred on the 20th?

8 A. There was one call.

9 Q. How many calls occurred on the 26th?

10 A. There was two calls.

11 Q. Okay. I have what has been pre-marked in my hand
12 State's Exhibit No. 3. May I approach?

13 THE COURT: You may.

14 Q. Do you know what this is?

15 A. Yes, sir.

16 Q. How do you know what it is?

17 A. What is it -- is a burn feed on a CD.

18 Q. Do you know what date this is on the CD?

19 A. May 20th.

20 Q. Okay. Have you had an opportunity to review this?

21 A. I have.

22 Q. Where -- is this a true and accurate reflection of the
23 911 call from that date May 20th?

24 A. Yes, sir.

25 MR. TAYLOR: Your Honor, the State would move into

1 evidence what has been pre-marked as States Exhibit No. 3.

2 MR. SUTHERLAND: No objections.

3 THE COURT: So moved.

4 BY MR. TAYLOR: (Resuming)

5 Q. Carrying on to the date of well -- sticking with the
6 20th very briefly. Could you tell us, was a police
7 report generated in regard to that 911 call on the 20th
8 -- May 20th?

9 A. It was clear that no report was taken.

10 Q. Do you know how that call was resolved?

11 A. Yes, it says no report taken.

12 Q. Were there any other calls from that address for May
13 20th?

14 A. No, sir.

15 Q. Turning to May 26, 2022, how many 911 calls were made
16 from that Weiss Drive address?

17 A. There were two calls.

18 Q. And that's reflected in the CAD report, is what you're
19 looking at; correct?

20 A. Yes, sir.

21 Q. Okay. What time was the first 911 call made?

22 A. It came in at 22:26 P.M. which is 10:26 P.M.

23 Q. Now what time did that call end?

24 A. The call was complete at 22:30 which is 10:30 P.M.

25 Q. Who made that call?

1 A. It had the caller's name written here as Telvin
2 Jackson.

3 Q. Excuse me?

4 A. That it has the caller's name listed here as Telvin
5 Jackson.

6 Q. Is it the same name further down the list?

7 A. Further down the list -- can you repeat your question,
8 please?

9 Q. Is Telvin Jackson on the list or could that be
10 incorrect?

11 A. (Inaudible)

12 Q. Was there a second call made that evening to 911 from
13 that same address?

14 A. Yes, there was.

15 Q. Could you tell me who made that call?

16 A. There was not a caller. It was something called state-
17 by-state.

18 Q. So what time did that first 911 call come in, and what
19 time did it end?

20 A. The first call came in at 10:26 P.M. and it ended at
21 10:30.

22 Q. That second call. When did that call come in? When
23 did it begin? And when did it end?

24 A. The call came in at 10:32 P.M. and it ended at 10:35
25 P.M.

1 Q. Okay. And returning to the first call -- I'm sorry
2 we're jumping around. Can you tell me how this first
3 911 call ended?

4 A. The calls car disconnected the call and the line
5 appears to call them back and reconnect.

6 Q. Did that callback get reconnected?

7 A. No, (Inaudible).

8 MR. TAYLOR: Okay. May I approach, Your Honor -- the
9 witness?

10 BY MR. TAYLOR: (Resuming)

11 Q. I have my hand what was pre-marked as State's Exhibits
12 No. 4 and State's Exhibit No. 5. Do you know what
13 these are?

14 A. They are recorded 911 calls from the May 26th
15 incident.

16 Q. How do you know that?

17 A. Those are my initial where I signed it.

18 Q. You had an opportunity to review these?

19 A. I have.

20 Q. Are these true and accurate reflections of these 911
21 calls?

22 A. Yes, sir.

23 MR. TAYLOR: Your Honor, the State will move into
24 evidence from pre-marked State's four and five.

25 MR. SUTHERLAND: No objections, Your Honor.

1 THE COURT: So moved.

2 MR. TAYLOR: Your Honor, the State will move to publish
3 these two -- State's four and Exhibit five.

4 THE COURT: So granted.

5 (WHEREUPON, STATES EXHIBIT NO. 4 IS PLAYED FOR THE
6 COURT. AUDIO IS NOT TRANSCRIBED)

7 BY MR. TAYLOR: (Resuming)

8 Q. Okay. What did we just hear? What is that?

9 A. That's the automatic time stamp on the 911 call.

10 Q. The time stamp is the beginning of the call; correct?

11 A. Yes, sir.

12 Q. Okay. What did we just hear?

13 A. 911 call.

14 Q. What was the name of the caller?

15 A. Telvin Jackson.

16 Q. Is it common, maybe for them not to hear it correctly
17 (Inaudible) typing it in?

18 A. It was very loud, so he may have -- did not hear him
19 correctly.

20 Q. So why did this call end?

21 A. It got disconnected.

22 Q. State's Exhibit No. 5

23 (WHEREUPON, STATE'S EXHIBIT NO. 5 IS PLAYED FOR THE COURT.
24 AUDIO IS NOT TRANSCRIBED.)

25 Q. Okay. So what did we just hear again?

1 A. The audio timestamp on the 911 call.

2 Q. How much time elapsed between the end of that call made
3 by defendant Jackson and the call -- the timestamp that
4 we just heard?

5 A. That first call ended at 10:30 and the next call came
6 in at 10:32.

7 (PLAYING OF AUDIO RESUMES)

8 Q. What did he say?

9 A. Telvin Jackson.

10 (PLAY RESUMES)

11 Q. What did we just hear?

12 A. The timestamp.

13 Q. In the -- in the call. For the whole call -- what did
14 we just hear?

15 A. You heard Mr. Scott say that he had been shot.

16 Q. What county were these calls made from?

17 A. Richland County.

18 MR. TAYLOR: No further questions at this time.

19 MR. SUTHERLAND: I beg the court's indulgence, Your
20 Honor.

21 THE COURT: Take your time.

22 C R O S S E X A M I N A T I O N

23 BY MR. SUTHERLAND:

24 Q. Ma'am, how are you?

25 A. Fine. How are you?

1 Q. Well, Solicitor was asking you about what you heard on
2 the call, and I heard -- thought I heard something -- a
3 round. Y'all just played it, you know, so I get to
4 rewind it.

5 (AUDIO PLAYING RESUMES AND IS NOT TRANSCRIBED)

6 BY MR. SUTHERLAND: (Resuming)

7 Q. Sorry about that. I'm just going to ask you to -- the
8 jury's going to have this back there. Did you at any
9 point hear in the background? "Throw the gun. Throw
10 the gun"?

11 A. I did not.

12 Q. Okay. Thank you.

13 MR. SUTHERLAND: No further questions.

14 THE COURT: Any redirect?

15 MR. TAYLOR: No redirect, Your Honor.

16 THE COURT: All right. You may step down.

17 (WHEREUPON, THE WITNESS EXITS THE STAND)

18 THE COURT: Before the next witness, we'll take a short
19 break. Stretch your legs, use the restroom. Do not discuss
20 the case. Do not deliberate. Do not discuss the case,
21 anything at all. We will have you back out here in 15
22 minutes. Remain seated until the jury leaves the room. All
23 right. Fifteen minute break.

24 MS. BELL: Your Honor, either after the break or before
25 we need to put on the record what you asked us to put on the

1 record before the jury came in. I don't care when.

2 THE COURT: Put on the records all pre-trial motions
3 were either sustained or either denied or granted. As to the
4 opening statement, once I granted Mr. Sutherland -- I denied
5 the State's motion as to the self defense in the opening
6 statement. I withheld on the issue of closing argument. As
7 to the issue of the victims (Inaudible) about the victim, I
8 think denied. I granted the motion to exclude any evidence
9 of the nickname Trouble, as well as the pending criminal
10 charges, pending ankle monitor. However, I would revisit, if
11 it came in any form of a self defense, the mental state and
12 defendant -- revisit it in the future. That's all for the
13 pre-trial motions. And any other pretrial motions that were
14 made in Rule Five are both removed from the State and from
15 the Defense.

16 THE CLERK: Remain seated, come to order.

17 THE COURT: Anything from the State before we bring in
18 the jury?

19 MS. BELL: Yes, Your Honor. Your Honor, I need to get
20 clarification on the markings of the photographs that are in
21 evidence. I kind of fumbled that a little bit as far as the
22 numbering of it, but there were only three photos, and the
23 court reporter brought to my attention.

24 THE COURT: I have six, seven, eight and nine entered
25 into evidence.

1 MS. BELL: And so, Your Honor, it's not six, seven,
2 eight and nine. It's six, seven and eight. And when I read
3 -- it's only three photographs, but I was reading it upside
4 down, so the six, seven, eight and nine.

5 THE COURT: So photographs, six, seven and eight are in
6 evidence.

7 MS. BELL: Correct. Thank you, Your Honor.

8 MR. SUTHERLAND: Whatever needs to be amended, is fine.
9 Now, Judge, I have two flash drives. On one flash drive, I
10 have the statement edited to conform with Your Honor's order
11 the State has a copy of that. On the other, I have Master
12 Deputy Gayeskie's body cam. Now, what I need for them to do,
13 if you know, to be proper about this, is prior testimony,
14 review this thing and make sure I didn't put Bugs Bunny in it
15 or you know, didn't mess around with it. And they basically
16 represents that -- now I told investigator I cut out --
17 there was a long break in the middle. I said, man, I've cut
18 about half that. The -- Trouble, because it was in about one
19 or two seconds he said Trouble -- Khamori -- Trouble.

20 So I just took the whole thing out of that. As far as
21 the hearsay questioning, where he's like, Dominique says
22 this, Ebony says that. I took that out per the court's
23 order, but I've got it. I sent April a copy. Okay, great,
24 great, great. So I'd like for them to review these before.
25 I mean, unless the State is fine with it just coming in, as

1 is.

2 Now, I believe that April wants the body camera
3 edited, and just my position is it's fine. There's no
4 hearsay in it. You know, he's driving, running around.
5 There some cops talking with cops saying, 10 -- 75, and all
6 this kind of stuff. So but, I mean, there's no witnesses
7 injecting hearsay into it. It's basically a master deputy
8 doing his job at the scene and talking to him a couple of
9 times.

10 MS. BELL: I don't know if you want us to make these
11 arguments now, before that, when he testified, I'll leave it
12 to Your Honor.

13 THE COURT: When did Gayeskie testify?

14 MS. BELL: We're about to do Deputy Haney and Deputy
15 Gibson and then Deputy Gayeskie. And I believe he's not
16 doing -- introducing any of his defendant statements but
17 Behney or Gibson. But I don't know.

18 THE COURT: Do you plan on introducing evidence through
19 Gayeskie?

20 MR. SUTHERLAND: Yeah, I'm trying to -- I'm going to
21 try it again. But in order to be successful, he needs to --
22 it's just his body cam. But he needs to have reviewed it in
23 order for there to be foundation. Like, hey, is this -- did
24 you look at this? Is this the thing? Okay -- was there any
25 alterations to it? And in the case of, you know, believe

1 that Hinson is just like, are there any changes --
2 unauthorized changes, or something, I would say. I wouldn't
3 go too deeply into it. But to attempt, and if you know
4 whatever degree of success, there just needs to be a
5 foundation for him.

6 THE COURT: How long will the first two deputies take?

7 MS. BELL: Depends on his questions. I don't think
8 between the two is more than 30 to 45 minutes. But I don't
9 know based on his -- depends on his cross.

10 THE COURT: So then we can potentially do Gayeskie
11 after lunch?

12 MS. BELL: I mean, we could do them. I didn't know
13 what time we could do it, before or after. You -- I just
14 have an argument as to why I can't admit the defendant
15 statement through the officer period. I don't know if you
16 want to do that.

17 THE COURT: Let's hear that argument now.

18 MR. SUTHERLAND: Well, but he also hasn't testified to
19 potentially open the door. I just want him to review his
20 stuff so this is legit.

21 THE COURT: I know, but when we do Gayeskie, we keep
22 rolling through these witnesses -- Gayeskie -- he gets up
23 there. You get on cross, and you say, I want to use his body
24 cams, they're gonna have an objection, that it's hearsay from
25 your guy.

1 MR. SUTHERLAND: Right. And I will be asking him on
2 direct, and he's freaking out. I'll be asking him on direct,
3 so what was his demeanor? You know, what -- how was he like?
4 And he's just freaking out (Inaudible).

5 MS. BELL: Your Honor, I have case law asked to have,
6 even if it's the defendants, I've decided that it includes
7 self serving statements, which he's going to say, I was doing
8 this because I was scared, because I was in fear. All of
9 that. The State's objection would be that it's self serving.
10 I have case law saying it is not admissible through another
11 witness.

12 MR. SUTHERLAND: Well, I would have to naturally read
13 the case. It may be off point, perhaps. I don't need to do
14 that, but him, the police show up and he's like, ah, help,
15 help, help. Blah. When that's clearly excited utterance.

16 THE COURT: Well, in any event, I'm -- I have not
17 reviewed that body camera. I had to review that body camera
18 and the case law.

19 MR. SUTHERLAND: Yes, sir. I believe -- I believe I
20 just forwarded it to Dropbox. But I do this all the time.
21 And this is the alleged self serving body camera. This is
22 the alleged self serving statement.

23 THE COURT: With those on our -- IT security won't let
24 us open those links. If you have an extra ---

25 MR. SUTHERLAND: Well, I've got somebody from my office

1 because I was like, Hey, how do I do this? You need your
2 laptop. Should have somebody from my office running laptop
3 up here? It's just a matter of timing. But, I mean, I just
4 -- the court wanted to review these. I don't think it would
5 disappear.

6 THE COURT: Yeah, well, what we're gonna have to do is
7 that -- we're gonna take early lunch, then we'll go through
8 these first two witnesses, because that will be something
9 that'll tell me the big argument. I mean, that's a big piece
10 of evidence that comes in or does not come down.

11 MR. SUTHERLAND: Yes, sir.

12 THE COURT: So we'll do the first two responders -- two
13 deputies. If you have another way to squeeze on them, that
14 would be great. If not ---

15 MS. BELL: We have some changes. I'm sorry to
16 interrupt. We have some changes to do before Gayeskie if
17 necessary.

18 THE COURT: And then over the lunch break, leave me
19 with the bit of evidence you want to get in. And then any
20 case law, just email it to my office.

21 MR. SUTHERLAND: It is possible that the laptop could
22 get here and I can just convert it too because I've had the
23 raw -- the raw statement on a yellow flash drive that I could
24 just delete that. But I do have it.

25 THE COURT: Yeah, we'll -- we'll take those after we

1 break.

2 MR. SUTHERLAND: Yes, sir.

3 THE COURT: Anything from the State before we bring the
4 jury back out?

5 MS. BELL: Just for the record, Your Honor. I was
6 prepared for Mr. Sutherland to make this although I wasn't
7 sure, based on him sending emails last night at nine o'clock.
8 So I'm sorry that I don't have at this file, but I have done
9 a written motion about to preclude that. That includes the
10 case law. I have copies for Your Honor -- I can have copies
11 for Your Honor.

12 THE COURT: Mr. Sutherland, we need a chance at the
13 lunch break to review that.

14 MR. SUTHERLAND: Yes, sir.

15 THE COURT: Anything from the State before we bring the
16 jury out?

17 MS. BELL: No, sir.

18 THE COURT: Anything from the Defense?

19 MR. SUTHERLAND: No, sir.

20 THE COURT: Bring the jury out.

21 (THE JURY ENTERS AT 10:47 A.M.)

22 THE CLERK: The jury is seated, Your Honor.

23 THE COURT: All right. Thank you ladies and gentlemen.
24 The State please call your next witness.

25 MS. BELL: Thank you, Your Honor. The State calls

1 Deputy Tammy Behney.

2 (BEING DULY SWORN TESTIFIES AS FOLLOWS)

3 THE CLERK: Thank you, ma'am. Please have a seat in
4 the witness stand. State your full name and spell your last
5 name for the record.

6 THE WITNESS: Corporal Tammy Behney, B-e-h-n-e-y with
7 the Richland County Sheriff's Department.

8 D I R E C T E X A M I N A T I O N

9 BY MS. BELL:

10 Q. Good morning. And where do you currently work?

11 A. Richland County.

12 Q. And what is -- what is your job title?

13 A. Corporal, on patrol duty.

14 Q. And what is the patrol division? For those of us who
15 don't know.

16 A. We work the road. We respond to calls for service in
17 whatever area we are assigned to in Richland.

18 Q. Okay. And that's where you work now. Is that where
19 you were working back in May of 2020?

20 A. Yes.

21 Q. Okay. And as a patrol officer, what do you -- are you
22 just at headquarters, like, where are you daily?

23 A. So we all get assigned to different regions around
24 Richland County, and we respond to calls for service.

25 Q. So if you're in one region, would you respond to a

1 different region? Or do you kind of stay within your
2 region?

3 A. No, we stay within our region.

4 Q. All right. And back in May of 2020, what was your
5 region?

6 A. It was what we call Region One, which is Corners,
7 Terry, Leesburg, Hopkins -- Hopkins area.

8 Q. And I'm familiar with Region One. Does it kind of
9 start where, say the Veterans -- VA is sort of in that
10 area, and go back towards Hopkins and that area?

11 A. Yes, it does.

12 Q. Okay. So it's a pretty large area, physically?

13 A. Yes, it's one of the largest in the county.

14 Q. Right. I was gonna say it's one of the larger ones in
15 the county. There's different regions. Do you know
16 how many regions are in Richland?

17 A. There are technically eight, but seven are (Inaudible).

18 Q. And Richland -- excuse me, Region One is one of the
19 largest?

20 A. Yes.

21 Q. So back on -- so May 26 of 2020, you were in that
22 region; correct?

23 A. Yeah.

24 Q. And how did you become involved in this?

25 A. I was working patrol, and we heard the call for service

1 come out on dispatch around one, and I was one of the
2 closest units, so I responded.

3 Q. Okay. Where -- do you remember where you responded to?

4 A. [REDACTED] Weiss Drive.

5 Q. And is that within Richland County?

6 A. It is.

7 Q. And what did you do -- upon your arrival, did you see
8 anyone?

9 A. I heard somebody call out like, hey, on my left side,
10 and that's when I walked over to them.

11 Q. And who was that that you walked over to?

12 A. Telvin Jackson.

13 Q. Do you see Telvin Jackson in this courtroom?

14 A. Yes.

15 Q. Where is he at?

16 A. He's right over there.

17 Q. Could you describe his outfit of clothing that he has
18 on?

19 A. Plaid suit, light blue, gray tie, white shirt.

20 MS. BELL: Could you let the record reflect that she
21 could adequately describe what he has on, Your Honor?

22 THE COURT: So reflected.

23 BY MS. BELL: (Resuming)

24 Q. And upon speaking with or seeing Mr. Jackson, did you
25 take anything from him?

1 A. Yeah. He had a gun.

2 Q. And what did you do with that gun?

3 A. I put it in my car.

4 Q. All right. And what did you do with Mr. Jackson?

5 A. I detained him and placed him in the back of my patrol
6 vehicle.

7 Q. Was he handcuffed at that point?

8 A. Yes, he was.

9 Q. Once you had done that, then what was your next move?

10 A. I went over and helped Deputy Weber with providing aid
11 to the victim.

12 Q. And where was the victim?

13 A. The victim was sitting in or laying the back seat of a
14 silver car.

15 Q. All right. And so did -- were you able to provide any
16 aid?

17 A. Yeah. I cut off his shirt. I provided a first aid to
18 him until EMS got there.

19 Q. And once EMS arrived, what did they -- did they take
20 him away?

21 A. Yes. Yeah, they put them on a stretcher and put him in
22 the back of the ambulance.

23 Q. Okay. And do you do anything at that point to start
24 notating who is on the scene?

25 A. Yeah. I started a crime scene log.

1 Q. And what's a crime scene log for the jury?

2 A. It basically -- it's a log where I put everybody's name
3 that has entered into the crime scene. I log on the
4 date and time that they arrived, and then I log in the
5 date and time that they left.

6 Q. And you said you did have some interaction with the
7 victim?

8 A. Yes. I did.

9 Q. Did you find a gun on the victim?

10 A. No. I did not.

11 Q. Did you find a holster on the victim?

12 A. I did.

13 Q. But it was empty?

14 A. Yes, it was.

15 Q. I want to show you some photographs and see if you
16 recognize them.

17 A. Yes, I recognize those.

18 Q. And what are those? Are those photographs of the scene
19 and of the victim that you saw that day?

20 A. Yes.

21 Q. Do they fairly and accurately depict what you saw that
22 day?

23 A. Yes.

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

25 A. No.

1 MS. BELL: For the record, Your Honor, I've already
2 shown the photographs to Tivis -- to Mr. Sutherland. I would
3 ask that these photographs that I have marked there as
4 State's Exhibits No. 9 through 17. I would ask that they'd
5 be introduced into evidence.

6 MR. SUTHERLAND: No objections.

7 THE COURT: So moved.

8 MS. BELL: Thank you, Your Honor.

9 BY MS. BELL: (Resuming)

10 Q. I'm gonna first show you State's Exhibit No. 14. And
11 is that the house that you went to?

12 A. Yes, it is.

13 Q. Next, I am going to show you State's Exhibit No. 16.
14 Is that how you found the car that day?

15 A. Yes.

16 Q. Now I show you State's Exhibit No. 9. Can you explain
17 the jury what this is a photograph of?

18 A. This is a photograph of the victim's vehicle that he
19 arrived in -- that he was found in.

20 Q. Is this from your body cam?

21 A. Yes, it is.

22 Q. And both the front door and -- in this photograph, both
23 the front door and the back door of the car are open.
24 Is that how you found it?

25 A. Yes.

1 Q. I am now showing you State's Exhibit No. 10. Can you
2 explain to the jury what this is?

3 A. That's the victim, Khamori Scott in the back seat of
4 the vehicle.

5 Q. And is that how you found him that day?

6 A. It is.

7 Q. And again, State's Exhibit No. 11 -- I believe that's
8 11?

9 A. Yes. That's Khamori again.

10 Q. I am going to show you one more. State's Exhibit No.
11 12.

12 A. Yes, that's Khamori.

13 Q. And these are all from your body cam; is that correct?

14 A. Yes.

15 Q. I am also going to show you State's Exhibit No. 13. Is
16 that the front of the car as you saw it?

17 A. Yes, it is.

18 Q. And then State's Exhibit No. 15. Can you tell me what
19 that is?

20 A. That's the car that Khamori was found in.

21 Q. And State's Exhibit No. 17. Can you tell the jury what
22 that is?

23 A. That looks like the front yard of [REDACTED] Weiss Drive.

24 Q. So once you -- you said -- I think you said this
25 already. But you secured the gun in your car; is that

1 correct?

2 A. Yes.

3 Q. And you started a crime scene log. Is it your job at
4 that point to investigate the case?

5 A. No.

6 Q. What happens at that point?

7 A. We make the appropriate calls to our desk sergeant and
8 to our on call investigators and kind of give them a
9 brief little feel about like what we have done and what
10 we have. And then they are the home team.

11 Q. Okay. And so more -- would it be fair to say more
12 investigation is done by someone other than you?

13 A. Yes.

14 Q. And is it fair to say that while there's a lot of you
15 on scene, each of you are doing different things?

16 A. Yes.

17 MS. BELL: I beg the court's indulgence.

18 Q. Let me ask you, this is there -- there's a division
19 called Crime Scene Investigations in Richland County;
20 correct?

21 A. Yes.

22 Q. Who did you give the gun to that you secured?

23 A. The gun was actually taken out of my vehicle by another
24 deputy. I'm not sure exactly who it was.

25 Q. Was it a CSI person or another deputy?

1 A. Yes, it was a CSI. I'm just not sure exactly who it
2 was.

3 Q. I want to show you this is just to help refresh your
4 memory. Who was listed on the bottom of this from CSI?

5 A. So that is Sargent Sarah Holt.

6 Q. Does that sound like someone who could have come and
7 got this from you?

8 A. Yes.

9 Q. And she collected the same gun that you took off of
10 Mr. Jackson?

11 A. Yes.

12 Q. Did you alter that gun in any way?

13 A. No.

14 Q. What did you do with it?

15 A. I secured it in the front seat of my vehicle.

16 Q. When you say, secure, what do you mean?

17 A. I made it safe, and then I put it like on the -- I
18 locked it in my vehicle so that nobody could get to it.

19 Q. When you say, make it safe. Did you empty any bullets
20 out of it?

21 A. No.

22 Q. You kept it in the same condition as you found it?

23 A. Yes.

24 Q. But you just put it somewhere where no one else could
25 get to it?

1 A. Correct.

2 Q. That's what you mean by 'making it safe'?

3 A. Yes.

4 MS. Bell: No further questions, Judge.

5 MR. SUTHERLAND: May it please the court, Judge?

6 C R O S S E X A M I N A T I O N

7 BY MR. SUTHERLAND:

8 Q. How are you?

9 A. I am doing good. How are you?

10 Q. Well enough, well enough. It's been one long day for
11 about a week, which is the way y'all working. Did you
12 prepare a report of your participation investigation of
13 this case?

14 A. No.

15 Q. Okay. You did not prepare -- prepare a report. So did
16 you prepare your testimony for today by just viewing
17 your body cam, reviewing the body cam?

18 A. Yes.

19 Q. Okay. So we reviewed the body -- your testimony was
20 that you found a holster. You took a firearm. Telvin
21 had a firearm here. You took a firearm from Telvin.
22 Is that right?

23 A. Yes.

24 Q. And you testified that you found a holster -- a
25 holster, but on the victim, but not a gun?

1 A. Yes.

2 Q. But you did find another gun, right?

3 A. Yes.

4 Q. Okay. And that in that, just in the picture that you
5 all introduced, there was that handgun in the picture,
6 and that's just the other gun that you found?

7 A. Correct.

8 Q. Okay. Thanks. Now you testified that you arrived, and
9 then Telvin Jackson said, "Hey"; is that correct?

10 A. Yes.

11 Q. What else did he say?

12 MS. SAMPSON: Objection, Your Honor. Hearsay --
13 inadmissable.

14 THE COURT: Approach.

15 (OFF-THE-RECORD BENCH CONFERENCE)

16 THE COURT: We're gonna send you out for a few minutes
17 ladies and gentlemen. Do not discuss the case. Do not
18 deliberate. We'll have you back in a few minutes.

19 (THE JURY EXITS THE COURTROOM)

20 THE COURT: State your objections.

21 MS. SAMPSON: Your Honor, he is about to get into
22 hearsay. That is inadmissable, Your Honor. He's saying that
23 I opened the door by asking her -- all the person said was,
24 Hey. So she went to speak to the person. I specifically
25 didn't ask her about what he said about the incident. What

1 he said -- he told -- she actually put out a call that he's
2 the shooter. I didn't ask her that because I was afraid that
3 would open the door into how she knew he was the shooter.

4 I just said she took a gun off of him, put him in
5 handcuffs, put in the car. I didn't ask about any substance
6 of what he said, other than, Hey. That does not open the
7 door to an entire conversation that she had with him about
8 the incident, what happened and who, what, when, where, why,
9 specific to that (Inaudible).

10 MR. SUTHERLAND: See, that's an odd argument, because
11 it was, Hey, blah blah, blah, blah, blah, immediately after.
12 They got into something that he says we are entitled to.
13 What else did he say? She said, he said, X. What else did
14 he say? She can answer that, I believe, Your Honor.

15 THE COURT: Proffer from her question of on the
16 (Inaudible). She said -- he said, Hey, what did she say?
17 What did he say immediately after, Hey?

18 MR. SUTHERLAND: Right. And then, what did he then
19 say?

20 THE COURT: Additional jury.

21 BY MR. SUTHERLAND: (Resuming)

22 Q. Yeah, what did he -- what did he then say? What did he
23 then say?

24 A. He kept on going on about he called law enforcement, and
25 then he was scared.

1 Q. That he called law enforcement, and that he was scared?

2 A. He called law enforcement that he was scared.

3 Q. Was a -- did you get any details or just that he called
4 law enforcement that he was scared? Do you like get
5 details, like, I was robbed, or, here's my gun, I did
6 this. Do you remember?

7 A. I can't recall exactly. He was talking so fast at the
8 time that I was trying to kind of figure out what was
9 going on as a whole. So I honestly don't remember
10 exactly what he said. I just remember he was talking
11 very, very fast and a lot.

12 THE COURT: All right. The objection to note of the
13 record, I will let her respond to. She described that he
14 said, Hey, and that when she went over there, he was talking
15 fast and talking a lot. I believe that is the context of,
16 Hey, that'll be in specifics at this point.

17 MR. SUTHERLAND: Yes, sir.

18 THE COURT: Okay. Noted for the record. Anything from
19 the State before bring the jury out?

20 MS. SAMPSON: No, sir, that's all.

21 THE COURT: Anything from the Defense?

22 MR. SUTHERLAND: No, sir.

23 THE COURT: And you understand, deputy, if, if you are
24 asked that question, you can say that he was talking fast,
25 but not what he was talking about.

1 MS. FRY: Yes, Your Honor.

2 THE COURT: All right. Bring the jury in.

3 (THE JURY ENTERS AT 11:06 A.M.)

4 BY MR. SUTHERLAND: (Resuming)

5 Q. Okay. You testified that he said, Hey. What are you
6 able to testify to next?

7 MS. SAMPSON: Your Honor ---

8 THE COURT: Rephrase.

9 BY MR. SUTHERLAND:

10 Q. What is your what is your testimony as to what follows
11 that?

12 A. I went up to Telvin Jackson, and he said, I can't
13 remember exactly what he said. He was just talking a
14 lot, and that's that's pretty much all. He was just
15 talking really fast and he was talking a lot.

16 Q. That's fine. But what about the firearm? The firearm
17 part. Where -- where was it? Where -- how did you
18 retrieve it again?

19 A. It was in his hand, and I told him to place it on the
20 ground.

21 Q. Right.

22 A. And then I picked it up.

23 Q. Okay. Thank you. No further questions.

24 THE COURT: Redirect.

25 R E D I R E C T E X A M I N A T I O N

1 BY MS. SAMPSON:

2 Briefly, Your Honor.

3 Q. Mr. Sutherland just asked you about preparing a report.
4 Is this unusual for several officers should be there,
5 but only one do a report?

6 A. No, that's not unusual.

7 Q. That's pretty common?

8 A. Yes.

9 Q. And was a report done in this case?

10 A. Yes, it was just not (Inaudible).

11 Q. Right. Okay. He also asked you about finding the other
12 gun. Did you find the other gun?

13 A. No. Tommy (Inaudible) found it.

14 Q. All right. So another officer found that gun and let
15 you know?

16 A. Right. Yeah, I was just made aware of it.

17 MS. SAMPSON: No further questions.

18 R E - C R O S S E X A M I N A T I O N

19 BY MR. SUTHERLAND:

20 Q. Briefly, briefly Judge. I'm sorry. If you had written
21 a report at the time, would you be better able to
22 remember here today the investigation, if you had
23 written a report at the time detailing everything that
24 you did as is custom? Would you be better able to
25 testify today as to what you did at the scene and what

1 you remember?

2 A. Possibly, yes.

3 Q. Possibly? Thanks.

4 MR. SUTHERLAND: No further questions.

5 THE COURT: Thank you. You may step down.

6 (WITNESS EXITS THE STAND)

7 MR. TAYLOR:

8 The State calls officer Robert Gibson.

9 (BEING DULY SWORN, TESTIFIES AS FOLLOWS)

10 THE CLERK: Please have a seat in the witness stand and
11 state your full name for the record.

12 THE WITNESS: My name is Robert Gibson, G-i-b-s-o-n.

13 D I R E C T E X A M I N A T I O N

14 BY MR. TAYLOR:

15 Q. Officer Gibson, where do you work now?

16 A. I work for the City of Columbia Police Department.

17 Q. Okay. Can you tell us a little bit about your job
18 history?

19 A. I started in law enforcement here in South Carolina for
20 SCDC, South Carolina Department of Corrections under the
21 library program. I had been there for about five years,
22 recruited over to Richland County Sheriff, probably 2018.
23 2018 until fairly recent, about a year from now, been
24 with the city. So moved from Richland County to the
25 city.

1 Q. What city?

2 A. Excuse me?

3 Q. City of Columbia Police Department?

4 A. Yes, City of Columbia Police Department.

5 Q. Why did you leave the Sheriff's Department?

6 A. I have experience with mental health and homelessness
7 and community outreach. So -- so the city has provided
8 opportunity to do that.

9 Q. So in May 2020, your employee at Richland County
10 Sheriff's Department; correct?

11 A. Yes.

12 Q. Right. Can you tell us a little about your training in
13 law enforcement?

14 A. My training in law enforcement comes from starting with
15 the Department of Corrections. I was mainly doing
16 gangs. I was in charge of managing offenders who had
17 gang relations, violent criminals in the community from
18 Florence all the way up to Augusta. And managed them
19 while I was with SCDC and -- and managed them while I
20 was with SCDC. So my training is going to come from
21 that gang experience. Also I have a degree in --
22 undergrad degree in business and counseling, master's
23 work as well in ministry and counseling.

24 Q. What were you employed as in May 2020, with the
25 sheriff's department?

1 A. I was a patrol deputy.

2 Q. Can you tell us how you're trained as a patrol deputy?

3 A. So mainly my job, I was really, I would say, so I was a
4 couple years into my -- my time here on the road. I was
5 already certified with school resource officer training
6 as well with the county and they went through the FTO
7 process, training process, and got approved to be on the
8 road. So I was on the road right about almost two years
9 until my career there. My training was primarily
10 managing crime scenes, responding to calls,
11 documentation.

12 Q. In May of 2020, what region were you assigned to?

13 A. Region One in the city of -- in Richland County.

14 Q. Vaguely what does that cover?

15 A. So that will cover, I would say, Rosewood, all the way
16 up to lower Richland Boulevard, and all the way up to
17 Leesburg Road.

18 Q. And all that's in Richland County; correct?

19 A. Yes, it is.

20 Q. Okay. Turning to the evening of May 26 2020, how do you
21 become involved in this matter?

22 A. We got a call that came out initially for a to my
23 (Inaudible) Smith. It was a call for assistance,
24 possibly a civil disturbance or a robbery. And when I
25 approached, as soon as I arrived, that scene, got a call

1 come out for a 1075 hit, which is a weapon that was used
2 and someone possibly got shot.

3 Q. Do you remember the exact address you were called to?

4 A. I do not.

5 Q. Do you remember the street?

6 A. I do not.

7 Q. Okay. So you arrived where you were called out to?

8 A. Yes.

9 Q. Tell us what happened?

10 A. When I arrived, I noticed a silver car, and there was
11 the gentleman sitting in the back slumped over. And I
12 immediately started trying to provide whatever
13 assistance I could. I opened the door on the driver --
14 it was facing the road. I was looking inside, I saw
15 this young man, dark skin guy, got dark clothes. I
16 could tell he was in pain.

17 Q. Could you tell us more about what condition he was in?

18 A. It evident that he had some type of wound. I was not
19 sure at that time, where the wounds were, obviously, we
20 remember seeing a little bit of blood on his body and on
21 his arm.

22 Q. Did the injury appear to be serious?

23 A. Yes.

24 Q. Were other officers there with you?

25 A. Yes, there was two other officers on the scene trying to

1 provide services to the victim on the interior of the
2 car.

3 Q. Then what happened?

4 A. As we start the process to secure him, secure the
5 location -- EMS is called in. And he was able to secure
6 that actually put him inside of a car -- EMS.

7 Q. Did you have any further interaction with this victim?

8 A. No, I did not.

9 Q. Then what happened?

10 A. I started the process of basically -- basically securing
11 the crime scene. Once we determine, just hearing that
12 it's possibly a weapon, what I started doing, what we
13 usually do, is we protect the crime scene. So I got
14 tape. What is called crime scene tape, and I expanded
15 that crime scene across the street, anywhere the car
16 was, anywhere where it was possibly the incident took
17 place.

18 Q. Why do you secure a crime scene?

19 A. Just to protect the -- the evidence, if there is,
20 isolate the incident so -- so we're going to solve
21 whatever mystery that happened. Also to control where
22 people outside that area to keep them from entering in
23 and prove the actual location.

24 Q. In this area that you tape off. Did you find anything?

25 A. Yes, I did. In the process of me taping the area off, I

1 noticed that there was some slides, black in color, flip
2 flops that was on the ground in the yard. And I also
3 noticed a firearm.

4 Q. Do you know what kind of firearm?

5 A. As soon as I noticed that, I just backed away, they just
6 tape it off, trying not to put prints, close that area,
7 just to protect that area. To help it stay as virgin as
8 possible.

9 Q. Why?

10 A. To protect the incident location, but to also solve
11 whatever the mystery was. At that point in time, we
12 were unclear.

13 Q. What -- is it your job to investigate these crimes?

14 A. No, it is not. Road deputies, our job is to protect the
15 actual crime scene. When the investigators come,
16 that's their job.

17 Q. Okay. Then what happened?

18 A. I started, which is current practice we started, called
19 the crime scene log. After everything was taped off, we
20 identified there was a firearm there. I expanded the
21 crime scene. Whatever vehicles was there, I tape that
22 off as well, but I started crime scene log. And that
23 crime scene log does include who comes in, who leaves,
24 when they leave.

25 Q. Could you tell us a little about what the condition of

1 this yard -- this front yard was?

2 A. I noticed that it did not have a lot of grass in the
3 yard. There was a lot of tracks, tire tracks in the
4 actual yard. I noticed that there was a vehicle in the
5 driveway. And while I was doing the time I was trying
6 to protect that location. I noticed that light was
7 going off and on inside the vehicle, and there were
8 people standing by the vehicle as well, someone in the
9 vehicle, because you could see inside. So I made it a
10 point to see who was in this vehicle. Obviously they
11 got here. I was trying to just get the more
12 information, because I wanted to know, do I need to tape
13 off the house as well.

14 Q. Who were you asking?

15 A. There was two, -- two individuals sitting outside at the
16 residence where the individual was found. It was a
17 silver color Acura, that the victim was in the back
18 seat. And in the driveway was, I believe, was a BMW --
19 silver color vehicle parked with another vehicle in
20 front of it with two individuals, a male and a female.
21 I tried my best not to ask questions, too many
22 questions. I wanted to wait for investigators to do
23 that. And at that point, I just step back and whatever
24 was needed.

25 Q. Okay. What further was needed from anything?

1 A. After I taped off and did the crime scene log I started
2 the process. A deputy had a suspect -- that he was
3 detained. I asked him -- I asked for the opportunity to
4 take that individual to I headquarters. So he was
5 turned over to me by the officer that was there. He
6 placed him in my vehicle. I took him to headquarters.

7 Q. Did you have any further involvement in this case?

8 A. No, sir.

9 MR. TAYLOR: Beg the court's indulgence.

10 (COUNSELORS CONFER.)

11 MR. SUTHERLAND: No objections.

12 MR. TAYLOR: May I approach the witness, Your Honor?

13 THE COURT: You may.

14 BY MR. TAYLOR: (Resuming)

15 Q. All right. I have in my hand what has been pre-marked
16 as State's Exhibits 18, 20, 19, 22, 21, 28, 27, 26, 25,
17 24 and 23. I will give you a moment to look at those.
18 Do you know what those are?

19 A. Yes sir.

20 Q. What are they?

21 A. It appears to be photos of the actual location. The
22 vehicle -- I recognizes the vehicle and recognize the
23 trash cans. I recognize the tree that tape off the
24 street in the yard. I recognize -- recognize the fact
25 that there was a firearm that I saw on the street, on

1 the ground, in the yard. Tire marks -- I see where I
2 used the police tape -- the caution tape around the tree
3 and in the yard.

4 Q. Are those fair and accurate depictions of what you saw
5 that night?

6 A. Yes, it is.

7 MR. TAYLOR: Your Honor, the State would ask to move
8 into evidence, the aforementioned photos.

9 MR. SUTHERLAND: And again with objection.

10 THE COURT: Eighteen through 28.

11 (WHEREUPON STATE'S EXHIBITS No. 18-28 ARE MOVED IN EVIDENCE)

12 MR. TAYLOR: The State would like to publish Exhibit No.
13 23.

14 BY MR. TAYLOR: (Resuming)

15 Q. What are we looking at?

16 A. We are looking at the vehicle -- that Acura, vehicle
17 that was parked in the street. The house where I found
18 -- we arrived to -- probably the middle of the house
19 there. The middle of the street there. And my tape.

20 Q. That seems (Inaudible)

21 A. Yes.

22 Q. Showing you State's 24. What are we looking at?

23 A. We are looking at the drop side of the vehicle where I
24 saw the actual victim.

25 Q. Where in that photo, did you find the victim?

1 A. In the rear seat of that vehicle, the silver Acura
2 slumped over.

3 Q. What are you looking at here?

4 A. That is the rear of the Acura and it's the crime scene.

5 Q. Can you tell us at all about the condition of
6 (Inaudible) looks?

7 A. It's the same it's going to be a lot of grass and the
8 weapon, and the slides, is in the yard.

9 Q. This is State's 26. What are we looking at here?

10 A. The same vehicle that I saw was subject in. The victim.

11 Q. Okay. What are we looking at in State's 27?

12 A. The firearm that I located at the scene and the slippers
13 that I located at the scene as well.

14 Q. When you say slippers, if you mean -- I'm pointing at
15 the black thing?

16 A. Yes.

17 Q. What am I pointing at now?

18 A. A firearm.

19 Q. That's the firearm you saw?

20 A. Yes.

21 Q. Did you touch it?

22 A. No, I did not.

23 Q. Can you tell us kind of what we see on the lawn here?

24 A. It looks like, when I noticed that night that there was
25 some type of scuffle, there was very noticeable

1 footprints, and also very noticeable tire marks.

2 Q. I'm showing you State's 28. What do we see in this
3 photograph?

4 A. The firearm, two slippers, and again, the foot marks in
5 the front yard, grass.

6 Q. And what is this that I'm pointing at?

7 A. That's the firearm.

8 Q. What is this I'm pointing at?

9 A. The slippers.

10 Q. I'm showing you State's 19. What are we looking at?

11 A. Tire marks. And this is the front yard as well same
12 yard. With the firearm, slippers and tire marks.

13 Q. Earlier you said the word scuffle. What do you mean by
14 that? Did you mean something that happened just then?
15 Or could you tell at any time whether when those
16 footprints appeared there?

17 MR. SUTHERLAND: If I may, Your Honor, just they're
18 getting close to the new testimony. Sort of just caution.

19 THE COURT: Rephrase that so we can clarify.

20 BY MR. TAYLOR: (Resuming)

21 Q. Are you able to say how the -- when, how the foot --
22 footprints got there?

23 A. So I will say this. So when we approach a incident like
24 that what we do is, I'm looking for ground to tape off
25 the crime scene. I'm trying to find where the most

1 traffic in that yard, we had a lot of traffic,
2 footprints, tire marks. And so, given that I saw that
3 much footprints on top of each other, tire on top of
4 tire tracks on top of two shoes. There was a gun there.
5 My -- my 10 years of doing this law enforcement, that
6 tells me that something happened here which gave me
7 impetus to tape off that location. To preserve it as
8 much as I possibly can, to keep officers in and out,
9 civilians entering in and out of that location. So to
10 preserve and capture a picture of what happened.

11 Q. Okay. What county did this happen in?

12 A. Richland County.

13 Q. No further questions at this time.

14 C R O S S E X A M I N A T I O N

15 BY MR. SUTHERLAND:

16 Q. All right. Your initial testimony was that you
17 responded to a robbery call; is that correct?

18 A. At the time it was very clear -- 911 dispatched out to
19 some type of disturbance.

20 Q. Yes, sir.

21 A. And I was nearby, so I responded to the initial call for
22 some type of disturbances on Leesburg which is in that
23 area there. I responded to that call, and as soon as I
24 responded there to down the street, now, 75 hit came
25 out.

1 Q. So a shooting? Did you testify on direct -- did you
2 testify that you got a robber -- that you -- you first
3 said civil disturbance. But did -- did you testify
4 there was a robbery?

5 A. Yes, sir.

6 Q. So, okay, great. Great, great. And so is, and I'm just
7 shortening it. It was civil disturbance/robbery, but
8 it's just robbery call, and then you said 1075. So
9 you're responding to a robbery call, and then it's a
10 shooting?

11 A. Yes.

12 Q. All right. Thank you, sir. No further questions.

13 THE COURT: Re-direct?

14 MR. TAYLOR: No re-direct, Your Honor.

15 THE COURT: You may step down.

16 (WITNESS EXITS THE STAND)

17 THE COURT: All right. Ladies and gentlemen, we're
18 gonna break for early lunch. You will be back at one
19 o'clock. While you are on the break, do not discuss the
20 case. Do not deliberate. Do not do any independent
21 research. Do not do anything at all, but enjoy your lunch.
22 We'll see back here at one o'clock. Thank you.

23 Okay. Mr. Sutherland if you will leave us a copy of
24 what you have. Make sure to give a copy to the State. I
25 repeat review this motion. What's your argument? I get your

1 argument as to the body cam about excited utterance. What
2 would be your argument as to the statement given to Hinson?

3 MR. SUTHERLAND: Argument has the statement given to
4 Hinson?

5 THE COURT: Well, think about it, that'll be whenever
6 Hinson testified -- try to get that in.

7 MR. SUTHERLAND: Right. And it's just, you know, and so
8 I want to make sure that this is admissible. If I'm
9 successful, you know, if I fail, then I gotta put a case of
10 which is awful, all right, but then I gotta do so, and that's
11 why I wonder where this is just. Well, he's not going, but
12 he asked me to remain under subpoena, but just ideally ---

13 THE COURT: All right. Anything from the State before
14 we break for lunch?

15 MS. SAMPSON: Your Honor, if you need the cases that I
16 referenced, I will give them to Your Honor. As far as -- I
17 have the motion, but I can provide you with a physical copy
18 of the cases, if you would like. But as most of the
19 reference the actual Rule 801(d1) so this is not a party
20 opponent admissions to see the party Rule 8031, which talks
21 about presence and depression, are excited utterances. I
22 don't know why.

23 When you were in investigative detention, that would not
24 be suffice. Because you could be under the excitement of the
25 fact that you're under investigation or in detention or in a

1 police car. It has to be only from the event itself that you
2 are excited, not from any other circumstances. In those
3 cases, are mentioned in here for both 8031, and 8032.

4 THE COURT: Okay.

5 MS. SAMPSON: And I'm gonna, if the court, is okay -- I
6 did not have a chance to clock this. I'm just gonna make an
7 imported visit. If that's okay?

8 MR. SUTHERLAND: That's fine. I think, you know, in the
9 rules, I mean, we've already had testimony from the
10 witnesses, but particularly Gayeskie that said he was scared
11 his eyes. Was he losing it? Yes. So that's already in the
12 record. He repeats that, then it's there. I mean, I look at
13 these cases, but just under other ---

14 THE COURT: Rules, and we'll make a decision. Is
15 Gayeskie ---

16 MS. SAMPSON: He's here, Your Honor. And just to
17 clarify, there has been no record of Gayeskie yet. He just
18 did the Denno hearing. But again, that was if the State was
19 introducing the statement. It is a different rule when the
20 defense wants to do it.

21 THE COURT: I will look at it as excited utterance
22 presence of suppression.

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: All right. One o'clock. Thank you.

25 (MOTION MARKED INTO EVIDENCE AS COURT'S EXHIBIT NO. 4)

1 (LUNCH RECESS)

2 MS. SAMPSON: I thought he was in here -- for the
3 record. Your Honor, I just need to clarify. Mr. Sutherland
4 had stated that I had the redacted that he emailed it to me
5 last night. What he emailed me was Gayeskie's entire body
6 cam footage, which is not what would be properly admitted
7 under any circumstances. It had law enforcement talking to
8 each other. It had them on phone call with somebody. So I
9 don't have, I don't know if he gave you something different?
10 I'm not sure what I have is the whole thing.

11 THE COURT: I have a 33 minute body cam, but I think the
12 only portion he's attempting to enter is the back seat
13 discussion with your client; correct?

14 MR. SUTHERLAND: Yes, sir.

15 THE COURT: Which is from 11 minutes, 30 seconds to 15
16 minutes.

17 MR. SUTHERLAND: Yes, sir. If there -- if there's
18 briefly, another one at 26:46 of the same character.

19 THE COURT: That's okay. Let's get Gayeskie to the
20 stand and ask him about to see.

21 (BEING DULY SWORN AND TESTIFIES AS FOLLOWS)

22 THE WITNESS: Andrew Gayeskie.

23 THE COURT: Tivis is trying to get an answer for me for
24 these proffered to lay the foundation of trying to get that
25 in under those exceptions.

1 D I R E C T E X A M I N A T I O N

2 BY MR. SUTHERLAND:

3 Q. Sir. How are you?

4 A. Good and how are you?

5 Q. I am well enough -- well enough. Now, in preparation
6 for your testimony today, did you watch your body camera
7 footage?

8 A. I reviewed some of it. Yes, sir.

9 Q. Well, did you review the part of the body camera footage
10 where you were speaking to him in the back seat the car
11 where you Mirandized him?

12 A. Yes, sir.

13 Q. You did? So if I were to play those portions now and
14 you recognize -- would you be able to recognize it?

15 A. Yes, sir.

16 Q. Okay. Now I was complaining about the State not having
17 a mouse, and I forgot my mouse.

18 (WHEREUPON, UNMARKED, UNIDENTIFIED VIDEO IS PLAYED FOR THE
19 COURT. AUDIO IS NOT TRANSCRIBED)

20 BY MR. SUTHERLAND: (Resuming)

21 Q. Okay. So his demeanor there, his demeanor was pretty
22 consistent throughout your interactions with him?

23 A. He was hyper.

24 Q. When you say he's hyper, do you mean hyper excited?

25 A. Yeah.

1 Q. I won't put words in your mouth. He's looked
2 traumatized too. He did look traumatized too?

3 A. Yes.

4 Q. And as far as you all arriving on the scene at this
5 thing. I mean, it was almost immediately?

6 A. It was fairly quick.

7 Q. I understand, you know, the testimony from the other
8 officers is, you know, we get a robbery call and we're
9 on the way. We're almost there and it changes to a
10 shooting call?

11 A. Yes.

12 Q. Then you all arrive on scene. And then, I mean, I think
13 you have knowledge. Then he comes out of hiding and
14 goes up to Deputy Behney. Or you do not see that?

15 A. I did not see that.

16 Q. Okay. That's cool, but it -- but anyways, you know,
17 just the chain of this thing is, y'all are going, you
18 get there, here he comes. She brings him to you. Or
19 someone brings him to you. Is that or was he just put
20 in the car?

21 A. He was put in Corporal Behney's car.

22 Q. Put in Corporal Behney's car? And then that's when you
23 went up and started talking to him?

24 A. Yes, sir.

25 Q. No further questions as to that. Maybe I'll go to the

1 other clips.

2 C R O S S E X A M I N A T I O N

3 BY MS. SAMPSON:

4 Q. He asked you if he was traumatized or I think his words
5 -- you said his demeanor was hyper?

6 A. Yes.

7 Q. We'd agree he's excited?

8 A. Yes.

9 Q. Do you know why he was excited?

10 A. From the incident.

11 Q. And was he in the back of a police car when he was
12 talking to you?

13 A. Yes.

14 Q. Was he handcuffed at that time?

15 A. Yes, ma'am.

16 Q. Could you tell if he was excited about the fact that
17 he's been interviewed in the back of the police car, or
18 if he's excited about this incident?

19 A. No.

20 MS. SAMPSON: Nothing further, Your Honor.

21 R E D I R E C T E X A M I N A T I O N

22 BY MR. SUTHERLAND:

23 Q. I touched briefly on that point. Do you think -- you
24 think that for being in the back of the police car, that
25 was from the event? I mean, that was your testimony.

1 You know, he's talking about the event. Right?

2 A. Yes.

3 Q. Okay. Thank you. And there's one more bit, Your Honor.

4 (WHEREUPON ANOTHER VIDEO/AUDIO CLIP IS PLAYED FOR THE COURT.

5 AUDIO IS NOT TRANSCRIBED)

6 BY MR. SUTHERLAND: (Resuming)

7 Q. All right. Just consistent, pretty much throughout --
8 his misdemeanor?

9 A. Yes, sir.

10 Q. I don't have any further questions of this -- oh, wait,
11 wait, wait. Does this fairly and accurately represent
12 your body camera?

13 A. Yes, sir.

14 MR. SUTHERLAND: Okay. Thank you. No further
15 questions.

16 THE COURT: Any further questions?

17 MS. SAMPSON: No, sir.

18 THE COURT: Any further arguments from the Defense?

19 MR. SUTHERLAND: It's pretty clear. I mean,
20 (Inaudible)that's my issue. It is crystal clear to me, sir.
21 And to the master deputy as well.

22 MS. SAMPSON: Your Honor, if I may. I believe, with the
23 Defense over the lunch break, sent you a case that was a
24 forward from someone else ---

25 MR. SUTHERLAND: Josh.

1 MS. SAMPSON: --- but I printed copies for Your Honor
2 and for the Defense of that case.

3 THE COURT: Thank you.

4 MR. SUTHERLAND: Thank you.

5 MS. SAMPSON: And although it does do for the record,
6 the cases, (Inaudible) Heath 433 South Carolina 506, for the
7 record, Your Honor, the Heath. The biggest difference
8 between this, it does outline when a excited utterance can
9 come in, Your Honor. And the biggest difference between the
10 Heath case and this case is, although they outline that it
11 has to be excited, it can be one that's given to law
12 enforcement that you're supposed to take in the totality of
13 circumstances. One of the things that says is, "the
14 rationale for allowing the excited utterance exception lies
15 in the special reliability accorded to a statement uttered in
16 spontaneous excitement, which suspends the clearance powers
17 of reflection and fabrication." The biggest part being
18 fabrication. In this case, he is in a police car in cuffs
19 when they're asking him about a shooting. If there is any
20 time to fabricate, it's then. And there is proof that he
21 fabricated, because in that interview, he says he does not
22 know the men that are at his house. Thirty minutes or an
23 hour later, when he's talking to Mr. Hinson, he specifically
24 gives him names of the people that are at his house. The
25 State would argue that is fabrication.

1 The second difference, Your Honor, is in Heath. And the
2 biggest difference that I that I don't believe Mr. Sutherland
3 understands, he only gave you part of the case. He seems to
4 get upset when I do that -- is that this case was about a
5 victim who gave a statement to law enforcement. And when the
6 hearsay statement was coming in, it was after she testified
7 and it was cross examined. That is the biggest difference
8 between what he is trying to do and what they allow to keep.

9 I gave you I believe if I did not, copy of statement
10 Terry. Which is 339 South Carolina, 352. An instance of
11 2000 is a 2000 case from our Supreme Court. And in that
12 case, they specifically talk about that the defendant should
13 not be allowed to do exactly what the defendant is trying to
14 do in this case. I would ask, Your Honor, to go to page
15 three on this outline, which would be page 277. In the
16 statute -- in the number page 357, for the record.

17 It specifically says, while talking about the defendant
18 being able to put in things without testifying. That it is
19 the basic rule or adversary system to hold otherwise, we
20 permit the criminally accused to set up all facts which
21 follow his favor without laying himself copious in cross
22 examination. We cannot accept the view proposed. And it
23 states that while the above sided case involves a former
24 testimony exception of the hearsay rule, we find the same
25 policy considerations apply here.

1 This case is directly on point. The defendant in this
2 case wanted to get in statements that he had given to law
3 enforcement, but he did not want to testify. And the court
4 stated he could not do that. Now, if Mr. Sutherland can
5 point to one case where they allowed the defendant's
6 statement in over the objection of the State as a hearsay
7 objection, I'm open to that. But I don't think he can
8 provide. In every case where they allowed the defendants
9 hearsay statement in, it was because the State agreed.

10 In this case, we are objective, because it's hearsay.
11 And secondly, Your Honor, he doesn't have it edited.

12 THE COURT: He doesn't what?

13 MS. SAMPSON: I'm sorry, he doesn't have an edited.
14 Every -- what he just played. There's parts in there that
15 you have already ruled, you can't get into. He starts
16 talking about, and I don't know the time, but this guy's been
17 sending threats. That's exactly what we already had about
18 that couldn't come in. He also starts talking about things
19 that, that -- where's his family, where's this, where's that.
20 I would submit to you that it's not going to an excited
21 utterance about the event and what they're doing right now.

22 And so there's a time lag between when he -- the event
23 has happened, and when he's being questioned. And you have
24 to take out the totality of the circumstances upon when he
25 talks of being questioned and where he is when he's being

1 questioned. And because of all that, Your Honor, it would
2 be the State and that fact that we cannot cross examine this
3 video. Based on that, Your Honor, I asked and submitted to
4 the court would be the State's position that this can't come
5 in through Gayeskie.

6 MR. SUTHERLAND: Okay. Heath -- Terry, threats.
7 Threats the week before. Okay. With respect to Heath --
8 yes, there is a difference between this case and Heath.
9 because this case, it was just testified, was minutes later.
10 Mere, minutes on arrival, then the statement. He -- they're
11 talking about a 30 minute statement later, you know, 30
12 minutes later. So there's a distinction there. This is
13 immediate -- as immediate as it can be, a police getting out
14 of their car, a guy calling, "help, help, help" and then the
15 master deputy didn't get to interview him.

16 So this is distinct from Heath in that sense. Now, with
17 respect to Terry, I took a look at it. The defendant cannot
18 use the Fifth Amendment as sword and shield. He moved to
19 suppress -- moved to suppress before the trial, and once it
20 was admissible, then he moved to introduce the statement
21 then. So they're talking about sword and shield, you know.
22 He's telling the court this is not admissible. You know,
23 this violates my rights, and then attempts to introduce it.

24 And that's my quick reading -- my quick understanding
25 of gotta be fast these days, right? But so what was the so

1 we had Heath, then we had Terry, and the third -- of the
2 threats, which I already -- threats, he said. There's like,
3 just last week, you know, just -- I called you all last week.
4 He's been threatening me. He doesn't say he's been
5 threatening me for 30 years. He says, I called you guys last
6 week. He's been threatening me. So I just don't get it.
7 Thank you.

8 MS. SAMPSON: The only thing I would add, Your Honor, is
9 he was highlighting he said in Terry, they objected to the
10 admissibility, so we had a Denno. I am positive about Terry.
11 He objected and we had a Denno. And then once it came in.
12 Now he wants to introduce it, but the State is not doing so.
13 He asked for a Denno I would give (Inaudible), because he
14 said he would not, he would not agree that involuntary
15 knowledge, otherwise I don't even have that. He objected. So
16 it is exactly the same as Terry.

17 THE COURT: He is not objecting after he heard the
18 testimony so. All right. Based on the -- I reviewed the
19 video, I've heard the testimony from Gayeskie. My analysis
20 of the -- this is going to be different the let me the
21 confession or interview with Hinson -- I don't see how that
22 comes in at any point from the defense based on -- now, we
23 haven't addressed these, but we need to address it. I'm just
24 telling you right ahead of time. I don't see any exception
25 that it applies as to this case.

1 I looked at this, the defendant can be treated as a
2 witness. The case law cited in Terry refers to all the above
3 cited cases involved the former testimony. This applies to
4 the statement against interest, which is referring to 804.
5 Which is where the defendant is unavailable because he
6 chooses not to testify. So that's the sword and the shield.
7 This falls under 803, which it obviously doesn't matter if
8 he's available or not. It's just about is it reliable?

9 The cases I look to, including the ones that were
10 presented to this court, includes the Hill from 1998 which is
11 the rationale behind the excited utterance exception that the
12 startling event suspends the declarant process of reflective
13 thought, thus reducing the likelihood of fabrication. I
14 completely agree with the solicitor about that is a
15 statisticality of circumstances, him being in custody and
16 needing to get a story absolutely goes, so that's one factor
17 to consider.

18 Time and then demeanor and all that. Gayeskie testified
19 that he looked traumatized, hyper and excited. On cross the
20 question was: Was he excited from the incident, or was he
21 excited from being in custody? Gaydeskie didn't know either
22 way. That right there -- this is just a witness that
23 statements coming in abundant. I mean, that is an excited
24 utterance. That is a present sense impression. And then
25 watching the video, he is shaking, he is quivering, he is

1 shouting. He looks traumatized, hyper and excited.

2 It looks, for purposes of reliability, the totality of
3 circumstances that it does fall under both there's mixtures
4 of present sense impression and excited utterances. It falls
5 under that under fatality of circumstances. As to his
6 mention of prior incidents, prior threats, that's in the
7 context, from my viewing. I made the ruling about we aren't
8 getting into prior stuff that has no specificity, which that
9 ruling still stands. But as to that statement he made, it
10 appears to be referring very vague, but it refers to the
11 incident which we're allowing in, which is the May 20th
12 incident, or the one just prior.

13 This all happened right at the same time, but based on
14 that video, there's no doubt at all, this falls squarely
15 under Halo three. So your objections are all noted for the
16 record. I will allow in only the portion, not the second
17 part of the 26 minutes or too far in time.

18 MR. SUTHERLAND: Yes, sir.

19 THE COURT: 11:30 to approximately 15 minutes.

20 MR. SUTHERLAND: Thank you. Oh, shoot --

21 THE COURT: You're gonna -- you're gonna play this video
22 in front of the jury. You just need to have it ready to go
23 at 11:30 and have it ready to stop at that exact time.

24 MR. SUTHERLAND: And then just cut from there to there
25 onto the drive?

1 THE COURT: And then, before the trial is over, enter an
2 exhibit. It'll be subject to entering, which will make sure
3 it's the correct version.

4 MS. SAMPSON: To be clear, he has to enter it into
5 evidence. First of all, Your Honor.

6 THE COURT: Yeah, he has to -- if you're trying to put
7 in evidence.

8 MS. SAMPSON: You have to enter it. You can't just play
9 it. And we would need an edited version. I'm not going to
10 ---

11 MR. SUTHERLAND: It's hearsay, though?

12 THE COURT: Right.

13 MR. SUTHERLAND: If it's hearsay, don't know if you can
14 enter it.

15 THE COURT: Do you want to ask him what the guy said or
16 play the video of what he said?

17 MR. SUTHERLAND: I want to play the video.

18 THE COURT: If you want to play the video, it is
19 evidence.

20 MR. SUTHERLAND: Yes, sir. So ---

21 MS. SAMPSON: Then you have to submit it into evidence.

22 MR. SUTHERLAND: I can do that, I mean, I need to go and
23 separate it out.

24 THE COURT: That is fine. That is fine.

25 MR. SUTHERLAND: Okay.

1 THE COURT: It will be defendant's one with a blank
2 envelope which will put us here ---

3 MR. SUTHERLAND: Yes, sir.

4 THE COURT: --- but we will put it into evidence as
5 Defendant's One. Whenever we actually put it into evidence
6 it will be the correct copy. I think the issue Ms. Samson is
7 referring to is that that's Defendant's One.

8 MR. SUTHERLAND:

9 Yes. She's doesn't want me to get (Inaudible).

10 MS. SAMPSON: It has nothing to do with that. You're
11 showing the jury a video ---

12 THE COURT: All right. We have got to get it in.

13 MR. SUTHERLAND: Yes, sir.

14 MS. SAMPSON: --- the only other thing I and because he
15 played both, there's the mention of his neighbor and what he
16 a conversation that he had with his neighbor, Ramirez. So
17 there would be some double hearsay in there. But it might be
18 in the second part. I would just like to clarify that it's
19 not in that first part he's talking about, "I talked to my
20 neighbors. I've told him about all of this."

21 I think that's inadmissible hearsay, because it's
22 talking about what he told the neighbors and what they told
23 him back and but I just am not sure if it's in the first part
24 that you agree can come in or in the second part.

25 MR. SUTHERLAND: I thought he said, "I told you to look

1 at my phone. I texted the neighbor, please watch my house.
2 Please help my family." I don't think he said, Marcus said,
3 okay, I did not hear that.

4 MS. SAMPSON: And now we're getting into hearsay that he
5 might have done earlier, not today. Now we're talking about
6 what he might have done with the neighbor prior to this
7 incident. I understand the court ruling is he can talk about
8 this as an excited utterance about what happened that day,
9 but anything he told the neighbors, even he's admitting, was
10 prior to this day. What do you -- you just said that -- and
11 that's what he says, "I've told my neighbors to watch my
12 house"

13 MR. SUTHERLAND: He said I asked my neighbor to watch
14 my house. You can look at my phone. He didn't say I did it
15 in 1987.

16 MS. SAMPSON: But the firearm did the same way. Back
17 to, I don't know what he's talking about, and he's talking
18 about the prior threats that were on the -- played. Is he
19 talking about -- I don't know, but he doesn't say. And
20 that's back to what we've already argued about, and you
21 already ruled. Does it come in without some sort of talking
22 about it later?

23 THE COURT: All right. Let me -- let's review that
24 video. Take a break, review the video. We'll find that
25 specific point. I'll make a ruling on it. Thank You. We

1 will take a short recess.

2 (OFF-THE-RECORD)

3 THE COURT: All right I reviewed that to make sure and
4 it must have been on the second part; is that correct?

5 MS. SAMPSON: It is Your Honor. And it -- played the
6 way it did -- I just wanted to make sure so I understand your
7 ruling. So from I think it was 11 something to 15?

8 THE COURT: I mean 11:30 to 15 even. What I had was the
9 door opens at 11:18.

10 MR. SUTHERLAND: Yes, sir.

11 MS. SAMPSON: I just -- for the record -- never mind.

12 MR. SUTHERLAND: See right here at 11 minutes, 18
13 seconds ---

14 THE COURT: Hit play. Pause it.

15 MR. SUTHERLAND: I forgot my mouse. Forgot my mouse.

16 THE COURT: But since we're doing it this way, we got to
17 be very careful just to make sure that it doesn't go before
18 or after. So you'll be sitting there getting it right?

19 MR. SUTHERLAND: Yes, sir.

20 THE COURT: Okay. Anything from the State before we
21 bring the jury up?

22 MS. SAMPSON: I just want to clarify so Mr. Sutherland
23 and I are on the same page. If he chooses to play this with
24 Gayeskie, he will have to admit it as Defense Exhibit No. 1,
25 but later he can supplement that with an actual DVD or flash

1 drive with the edited version on it that we can all look at
2 and make sure it is just the four minutes that you're
3 allowing him to play now.

4 MR. SUTHERLAND: Correct. That is my understanding as
5 well.

6 THE COURT: All right. Anything from the Defense before
7 we bring the jury out?

8 MR. SUTHERLAND: No, sir.

9 THE COURT: Bring the jury out. All right. Thank you,
10 ladies and gentlemen. Hope you had a great lunch. Thank you
11 for your patience. As court has taken some legal issues it
12 has to happen from time to time. So I really do appreciate
13 your patience that being said, the State, they call their
14 next witness.

15 MS. SAMPSON: Thank you, Your Honor. May it please the
16 court, the State will call Investigator Andrew Gayeskie.

17 (BEING DULY SWORN, TESTIFIES AS FOLLOWS)

18 THE CLERK: Thank you. Please have a seat on the witness
19 stand and state your full name for the record.

20 THE WITNESS: Investigator Andrew Gayeskie.

21 D I R E C T E X A M I N A T I O N

22 BY MS. BELL:

23 Q. Good afternoon Investigator Gayeskie.

24 A. Hi.

25 Q. Could you please tell the jury where you currently work?

1 A. Currently, I work for Richland County Sheriff's
2 Department.

3 Q. And in what capacity do you work with the sheriff's
4 department?

5 A. Right now I work as an investigator for a crime scene
6 unit.

7 Q. And how long have you been doing that?

8 A. I believe around three years now.

9 Q. Prior to that, what were your duties? Were you in law
10 enforcement?

11 A. Yes, ma'am.

12 Q. And where were you working?

13 A. Also here at Richland County Sheriff's Department.

14 Q. And what did you do?

15 A. I was a master deputy, and I worked on patrol.

16 Q. And what did your duties include when you were a master
17 patrol officer?

18 A. Basically, I worked as the first responder to
19 everything. Whenever someone calls 911, or calls to
20 make a report I would dispatch to that location. From
21 anything from car accidents to robberies.

22 Q. And were you working in that capacity on -- excuse me
23 -- May the 26th of 2020?

24 A. Yes, ma'am.

25 Q. Prior, in addition to what you told the jury with your

1 law enforcement experience, do you have any other law
2 enforcement experience?

3 A. No, ma'am.

4 Q. Okay. And to actually get to the position that you're
5 in as a law enforcement officer, did you have to go
6 through a criminal justice academy?

7 A. Yes, ma'am.

8 Q. And get certified?

9 A. Yes.

10 Q. And did you also have to do additional field training
11 with another officer before you were able to work
12 independently?

13 A. Yes, ma'am.

14 Q. And then, since then, have you also done additional
15 training to keep your certifications intact?

16 A. Yes.

17 Q. So going back to May the 26th of 2020 you were working
18 that day?

19 A. Yes, ma'am.

20 Q. And did you work in a particular region of Richland
21 County?

22 A. Yes, ma'am. I worked in Region One. That's the lower
23 side corridor, Leesburg Road by ShopRite.

24 Q. And remind me how long had you been working in Region
25 One?

1 A. I worked there for, I believe, two years.

2 Q. And you were working on evenings you testified. Did you
3 also have an occasion to respond to [REDACTED] Weiss Drive?

4 A. Yes, ma'am.

5 Q. And could you tell the jury about that?

6 A. Yes, ma'am. The call came out initially, there's a
7 robbery, and we responded in code, just lights and
8 sirens on route. As people were starting to get close
9 to the area, they changed the dispatch, changed the type
10 to a shooting pit, which is shot. So as we were
11 arriving, that's what we were -- we were going into.

12 Q. Do you recall what time that call came out?

13 A. I don't know the exact time.

14 Q. Okay. And -- but you responded to 911 call to be
15 dispatched to that area? In other words, you respond --
16 dispatch -- you were dispatched to the area?

17 A. Yes. Based on a 911 call. Yes, ma'am.

18 Q. And when you arrived, were you the first officer on the
19 scene?

20 A. No, ma'am.

21 Q. Do you recall who was there?

22 A. I know that Corporal Behney and Deputy Gibson were
23 there, and I believe I was able to prepare a fourth
24 deputy on scene.

25 Q. And when you arrived at the scene, did you -- what did

1 you observe, as far as -- did you observe any vehicles?

2 A. Yes, ma'am. When I got on scene, I observed the vehicle
3 in the roadway, and Deputy Gibson was next to it. And
4 there was the victim inside the vehicle.

5 Q. And did you attempt to assist with rendering aid to that
6 victim?

7 A. Yes, ma'am.

8 Q. And were you on the scene when EMS arrived?

9 A. Yes.

10 Q. Did you also, as part of your duties there maintain a
11 crime scene log?

12 A. Yes, ma'am.

13 Q. Okay. Can you tell the jury what a crime scene log is?

14 A. Basically a crime scene log is a list of all personnel
15 in an out of a crime scene once it's been established.
16 You have to keep track of everybody who goes in, what
17 the reason for entry, and what time they're in our crime
18 scene.

19 Q. And so, you indicated that you rendered aid to the
20 victim. You were able to identify the identity of the
21 victim?

22 A. I was not able to, no.

23 Q. Okay. Was the identity of victim established while you
24 were there on the scene?

25 A. Yes.

1 Q. In addition to that particular -- did you also see that
2 the crime scene had been cornered off at some particular
3 point or taped?

4 A. No. I don't remember if we had tape established at some
5 point on the scene.

6 Q. Okay. So you rendered aid to the victim. Was the
7 victim still alive when you were there on the scene?

8 A. Yes, ma'am.

9 Q. Were there concerns about just how badly he was injured?

10 A. Yes, ma'am.

11 Q. Okay. And what did you observe, if anything related to
12 injuries to his person?

13 A. I couldn't see in detail, exactly, because he was still
14 inside the vehicle. And when EMS arrived, we assisted
15 in pulling him out, but I didn't see the extent of his
16 injuries.

17 Q. Okay. And did you prepare a report in this particular
18 case?

19 A. Yes.

20 Q. That detailed your findings?

21 A. Yes.

22 Q. Could you tell that there was a gunshot wound?

23 A. Yes.

24 Q. Okay. Could you tell where it was?

25 A. I would have to review my report but ---

1 Q. At some point, did you find out who the shooter was?

2 A. Yes.

3 Q. And who was that shooter?

4 A. Yes, Mr. Jackson.

5 Q. Okay. And you saw the defendant at the scene?

6 A. Yes, ma'am.

7 Q. And the person that you saw at the scene identified as
8 Telvin Jackson, and the shooter at [REDACTED] Weiss Drive. Do
9 you see him here today in courtroom?

10 A. Yes.

11 Q. Could you please point him out for the jury? Okay.

12 Could you describe the defendant?

13 A. He's a black male, and he's wearing a suit.

14 MS. BELL: Your Honor, please let the record reflect
15 that the witness has identified the defendant in court.

16 THE COURT: So reflected.

17 BY MS. BELL:

18 Q. Did you have an occasion to see the defendant?

19 A. Yes, ma'am.

20 Q. Okay. You indicate -- indicated that you were on scene,
21 and that Investigator Behney was there on the scene as
22 well?

23 A. Corporal Behney.

24 Q. And did you -- did you take a gun off the defendant?

25 A. No, ma'am.

1 Q. Sometime during the scene, was a gun taken off the
2 defendant?

3 A. Yes, ma'am.

4 Q. Okay. And eventually, were you in possession of that
5 particular weapon?

6 A. Yes, ma'am.

7 Q. And do you know what type of weapon that it was?

8 A. It was a handgun.

9 Q. Okay. Do you know what caliber it was?

10 A. Off the top of my head, no.

11 Q. Okay. Would you fill out a crime scene report -- chain
12 of custody report?

13 A. Yes, ma'am.

14 Q. And why do you do that?

15 A. Just maintain the chain of custody so we know -- who has
16 handled that piece of evidence.

17 Q. Okay. And then, and did you actually give that weapon
18 to someone else?

19 A. Yes, ma'am.

20 Q. And who did you get that weapon to?

21 A. Sergeant Holt. She's a sergeant on the crime scene.

22 Q. Okay. When you looked at the defendant, was he in the
23 patrol vehicle?

24 A. Yes, ma'am.

25 Q. And was he in handcuffs?

1 A. Yes, ma'am.

2 Q. Do you remember where you retrieved the weapon from?

3 A. It was from Corporal Behney's vehicle.

4 Q. Okay.

5 A. It was secured.

6 Q. Okay. And just quickly, why were you given it to in.
7 Sergeant Holt, what was her role in this matter?

8 A. She was the crime scene investigator that responded to
9 the scene.

10 Q. And she was working -- were you actually in the
11 department that you actually working now; correct?

12 A. Yes.

13 Q. Beg the courts indulgence. I'm sorry you didn't alter
14 before you with the weapon that you retrieved from
15 Corporal Behney's vehicle -- you didn't alter it in any
16 way before you gave it to Sergeant Holt, did you?

17 A. I don't remember. I don't believe I did.

18 Q. If you would have, would you have noted it somewhere?

19 A. Most likely, if I did, it would be on the chain of
20 custody.

21 Q. Okay. Beg the courts indulgence. So you -- you would
22 have -- you indicated you would have filled out a chain
23 of custody form; correct?

24 A. Yeah.

25 Q. Related to the weapon, and you indicated you don't

1 recall if you had altered it in any way, but if you did,
2 it would be on your report?

3 A. Yes.

4 Q. If I showed you your report, would it help reflect your
5 reflect your recollection -- refresh your recollection?

6 A. Yes.

7 MS. BELL: Your Honor, may I approach the witness?

8 THE COURT: You may.

9 BY MS. BELL: (Resuming)

10 Q. Do you recognize this document?

11 A. Yes, ma'am.

12 Q. For what?

13 A. That would be for evidence.

14 Q. This is okay -- and did you -- what kind of what? What
15 is it for? What piece of evidence is this for?

16 A. The firearm, extended magazine, iPhone, cash and some
17 firearm cartridges.

18 Q. Okay. And then for the weapon, what type of weapon was
19 it?

20 A. It was a Springfield .45 caliber handgun.

21 Q. Okay. And anything that was altered in any way -- any
22 notations?

23 A. No.

24 Q. And this will be information that you received from
25 Behney?

1 A. Yes. This would be a supplementary.

2 Q. Okay, And that she gave to Sergeant Holt?

3 A. Yes.

4 MS. BELL: The State has no further questions at this
5 time. Thank you, Investigator.

6 C R O S S E X A M I N A T I O N

7 BY MR. SUTHERLAND:

8 Q. Investigator?

9 A. Yes, sir.

10 Q. I've been calling you Master Deputy since you arrived.

11 A. That is okay.

12 Q. So you arrived -- you testified on direct examination,
13 just like did you find out who the shooter was, and did
14 you suggest it is Telvin Jack -- he told you that he
15 shot?

16 A. Yes, sir.

17 Q. How -- did he appear to you -- that? How did he appear
18 to you? Did he appear excited? Or what you say, hyper
19 before?

20 A. Yes, he was very hyper.

21 Q. Scared? Traumatized? Very traumatized, scared?

22 A. Yes.

23 Q. Okay. Do you recall reviewing your body camera footage
24 for this case?

25 A. Yes, sir.

1 Q. Can you, for the record, state that the body camera
2 footage that you reviewed is a fair and accurate
3 representation of the body camera footage that you took
4 on that evening?

5 A. Yes, sir.

6 Q. Thank you. Your Honor, at this time, the defense would
7 seek to admit Defense One.

8 THE COURT:

9 So admitted prior to previous objections.

10 (WHEREUPON, DEFENSE EXHIBIT ONE IS PLAYED FOR THE COURT.

11 AUDIO IS NOT TRANSCRIBED.)

12 BY MR. SUTHERLAND:

13 Q. You remember that?

14 A. Yes.

15 Q. All right. Thank you. No further questions.

16 THE COURT: Any re-direct?

17 MS. BELL: Your Honor, just briefly.

18 R E - D I R E C T E X A M I N A T I O N

19 BY MS. BELL:

20 Q. Investigator Gayeskie, investigators would eventually
21 come further investigate anything related to what the
22 defendant may have said; correct?

23 A. Yes, ma'am.

24 Q. That was not your role that particular evening, was it?

25 A. No, ma'am. I was there to get the initial information

1 and secure the scene.

2 Q. So when the defendant mentioned to you that he didn't
3 know who was in the white charger or who was in who
4 other people were around involved in his yard, that is
5 not something that you were able to follow up on? It
6 was not your job to do; correct?

7 A. No, madam. That would be for the investigators.

8 Q. Thank you.

9 R E - C R O S S E X A M I N A T I O N

10 BY MR. SUTHERLAND:

11 Q. Briefly, Your Honor. As a reminder, so you reviewed
12 it. Do you recall speaking to other officers? I'm not
13 asking what they said.

14 MS. BELL: Objection, Your Honor. That goes beyond the
15 scope of my redirect.

16 MR. SUTHERLAND: My redirect was ---

17 THE COURT: Overruled. It was in response to the direct
18 question about investigating.

19 MR. SUTHERLAND: Thank you, Your Honor.

20 BY MR. SUTHERLAND: (Resuming)

21 Q. Do you remember speaking to other officers?

22 A. Just in general?

23 Q. Do you remember telling them that you don't want to make
24 ---

25 MS. BELL: Objection hearsay.

1 THE COURT: Rephrase.

2 BY MR. SUTHERLAND:

3 Q. Oh, well, about -- about making a call about the
4 investigation, I was going to ask?

5 THE COURT: Approach.

6 (OFF-THE-RECORD BENCH CONFERENCE)

7 MR. SUTHERLAND: Yes, sir. Okay, no further questions,
8 Judge. Thank you.

9 THE COURT: All right. Thank you.

10 MS. BELL: Your Honor, may Investigator Gayeskie be
11 excused?

12 THE COURT: Yes.

13 (THE WITNESS EXITS THE STAND)

14 MS. BELL: The State calls Patricia Hart, Your Honor.

15 (BEING DULY SWORN AND TESTIFIES AS FOLLOWS)

16 THE CLERK: Please take the witness stand and state your
17 full name for the record.

18 THE WITNESS: Patricia Ann Hart.

19 D I R E C T E X A M I N A T I O N

20 BY MS. BELL:

21 Q. Good afternoon. Can you tell the jury where you work?

22 A. I work for Richland County Sheriff's Department in the
23 NIBIN, firearms section.

24 Q. And you said NIBIN. What does NIBIN stand for?

25 A. National Integration Ballistics Information Network.

1 Q. And has that been where you worked your entire time at
2 Richland County?

3 A. No, ma'am. I worked in evidence for a while and then
4 firearms.

5 Q. When you -- you say you worked in evidence a while.
6 What's a while?

7 A. Three years.

8 Q. So I want to take you back to May of 2020. Where were
9 you working in May of 2020?

10 A. May of 2020, I was working part-time in the life section
11 and part-time in evidence session.

12 Q. Okay. So when you worked in evidence, what was your
13 role? When you worked in the evidence department?

14 A. We would accept evidence, log it in from the deputies or
15 whoever submitted it and put it on the shelves in the
16 evidence room.

17 Q. And can you explain to the jury how they submit
18 evidence?

19 A. One of the deputies picks up evidence on the scene or
20 whatever's the case -- there is a sheet to fill out with
21 what is inside the box, field the box and put it in a
22 locker -- locked locker and take it into custody. It
23 gets logged in the electronic system there.

24 Q. And I want to talk a little bit about the locker.
25 What's -- the explain to the jury, if somebody put

1 something in the locker, can they get it back out?

2 A. No.

3 Q. Why not.

4 A. Because the evidence is (Inaudible).

5 Q. What -- the way that I've thought about it, is like when
6 you put mail in, like a mailbox, the kind that is a
7 drop off box, you can't reach back in there and get it.
8 Is it like that?

9 A. It's that there's actually not even a whole locker.
10 When you turn it and lock it it is locked.

11 Q. So they don't and once it's dropped in, nobody can
12 retrieve it?

13 A. Except for the evidence of custodian.

14 Q. And then once the evidence of custodian is on the is on
15 the other side of receipts that locked -- that piece of
16 evidence will happen?

17 A. We'll take it into custody, and we find that we're going
18 to log in, and we verify that the evidence sheet will be
19 fill out correctly. Will fill out. And then actually
20 type on the box. We'll type it into our system, and
21 then we put little labels on the box saying item one,
22 item two, or whatever item number for that case. It's
23 been logged in. and that starts your electronic chain
24 of custody.

25 Q. And went into receive, I believe you said this, but is

1 it sealed?

2 A. Yes.

3 Q. And what would happen if you received something that
4 wasn't sealed?

5 A. At that time, we would contact the officer and then come
6 in and fixed the seal, and we would verify, and he
7 verified, what he had put in a box.

8 Q. Would you ever accept something that was not sealed?

9 A. No, ma'am. That is the first thing we check is that it
10 is sealed. And if it is not sealed we contact the
11 deputy and chain of command.

12 Q. So once you've done that, make sure it's sealed and
13 you've received it, what does the what is the next step
14 you do with this?

15 A. That's when we put it into the ACES system, which will
16 track (Inaudible) to pick it up.

17 Q. And then, if it's requested, like for testing or for
18 anything, how does someone retrieve it? What is the
19 process?

20 A. I'm sorry. They'll come down, and there's a window
21 where they'll walk up to us, and they'll say, "We need
22 items one through five or whatever, from case number."
23 And then we'll look it up in the gate system find out
24 what shelf is on. So pick it up from that shelf, and
25 once we get it from them via their scan, we'll see a

1 barcode on it. So we'll scan the barcodes, and then all
2 of our badges have a barcode on it. And we'll scan
3 their badge, our badge, so we'll show that I gave it to
4 so and so -- so and so gave it to me -- whoever took
5 custody.

6 Q. And if that, if for some reason, the item was now
7 unsealed, when you would get it from a locker, what
8 would you do before giving it to someone else? Would
9 you still give it to them if somehow it's unsealed?

10 A. No, ma'am. If it happens we take it in, it's not
11 sealed, so that -- you'll have to come in and steal it
12 to whoever originally turned it in before. We will not
13 check it out.

14 Q. All right. And I want to ask you about evidence in this
15 particular case. I want to show you what's been marked
16 as State's Exhibits No. 53 and 54 and ask if you
17 recognize these?

18 A. A gun box.

19 Q. I don't want you to go into what's in them. Do you
20 recognize them as being something that has been
21 submitted to your lab, or evidence? I'm sorry.

22 A. By the bar codes.

23 Q. And that was my next question. How do you know those
24 are -- that that's evidence that was logged in by you or
25 by your someone in your office?

1 A. The bar codes.

2 Q. And would you have placed those bar codes on those had
3 they come to you unsealed?

4 A. No, ma'am.

5 Q. Would you have placed them in the evidence locker if
6 they had not been sealed?

7 A. Evidence locker?

8 Q. Yes. You would have received them and you would have
9 gotten them sealed before you put them in there?

10 A. The deputy would put them in the evidence locker.

11 Q. I'm using the wrong term. When you put it on the shelf?

12 A. No, no.

13 Q. All right. And can you look at those items and tell me
14 if you logged any of them in?

15 A. No, I did not.

16 Q. But someone within your department did?

17 A. Yes.

18 Q. Okay. Can you tell me who? And it may be easier to
19 look at your property report, because they -- is it fair
20 to say they were moved a lot?

21 A. Yes.

22 Q. So I'm talking about in the very beginning, when they
23 were logged in before anything was tested.

24 A. Items -- they have item numbers. One through one, two,
25 three, four. Item five and six.

1 Q. And I'm going to stop you just for a second. You're
2 looking at the paperwork. Is that your property report?

3 A. That is my property report.

4 Q. Does looking at that help refresh your memory as to who
5 did what?

6 A. Yes, ma'am. This is our electronics from the time we
7 log into the evidence.

8 Q. You can proceed.

9 A. Now I just have to put that on record that looks like
10 Melanie Galinsky was the person in evidence that time
11 that locked-in.

12 Q. And would you have written at some point you actually
13 touched it as well?

14 A. Yes, ma'am. Remember I told you I worked half in
15 evidence and half in (Inaudible). I actually went down
16 and picked it up to take out to the firearms section.

17 Q. And the only way you took it is because it's sealed?

18 A. Yes.

19 Q. So if it had come from Melanie to you unsealed, you
20 would not have taken it?

21 A. The first thing we do is check before taking anything
22 up. And we double checking. We don't take it up in our
23 lab.

24 Q. And the same with Miss Galinsky? She would not have
25 taken it if it was not sealed?

1 A. Correct.

2 MS. BELL: No further questions.

3 MR. SUTHERLAND: No questions, Judge.

4 THE COURT: Thank you. You may step down. If you would
5 leave those items with the State.

6 (WITNESS EXITS THE STAND.)

7 (COUNSELS CONFER)

8 MS. BELL: Your Honor, may we approach?

9 THE COURT: We're gonna take a short break. Stretch
10 your legs, use the restroom. Do not discuss the case. Do
11 not deliberate. Do not do any independent research.

12 (THE JURY EXITS AT 2:28 P.M.)

13 MR. SUTHERLAND: Judge, I'm ready to stipulate to the
14 rest of chain. I mean, I was ready to let it into evidence.

15 THE COURT: And that's to just item 53 and 54 ---

16 MS. BELL: There's -- not to interrupt you. Inside -- I
17 didn't open and do any of that because I had to do chain
18 first. But just so that, so Your Honor knows what we're
19 talking about. Item 53 includes two fired shell casings that
20 were received on scene. And then item 54 has actually four
21 things within it.

22 We've marked the box for the gun -- has the gun that was
23 recovered from the defendant. It also has an extended
24 magazine. It will have an envelope of 13 unfired cartridge
25 casings and then one loose cartridge casing. I haven't done

1 that one, so stay over there, please. So that's what's in 53
2 and 54. To just be clear what it is. Initially,
3 Mr. Sutherland had said he would not stipulate to chain on
4 anything. We still would have to, we still would anticipate
5 there's a bullet taken from the victim. We also was going to
6 have to do chain on that. So I don't need to know what
7 stipulating to you, we had the all the chain witness to you.

8 MR. SUTHERLAND: I will stipulate the chain of custody
9 on the evidence that she just mentioned.

10 MS. SAMPSON: So for it to be clear, it's the .45
11 handgun that was taken from the defendant, the magazine that
12 was in that gun. Thirteen fired, excuse me, 13 unfired shell
13 casings, or bullets that were in the gun. One loose bullet
14 that they that was also retrieved, two fired shell casings
15 that were found on the scene by the driveway of the
16 defendant's home and the projectile that was removed from the
17 victim's arm at autopsy.

18 THE COURT: That's all correct, Mr. Sutherland?

19 MR. SUTHERLAND: Yes, sir.

20 THE COURT: All right. so we will stipulate the changes
21 noted for the record. As to gun safety ---

22 MS. SAMPSON: We're going to do all that when we get to
23 it, Your Honor.

24 THE COURT: And we'll just make sure that the bullets
25 are kept separate from these guns. They usually just put a

1 little zip tie in there.

2 MS. SAMPSON: That's how we're going to mark them
3 differently so they can be kept separately. We already
4 talked to the court corner about that. We'll make sure we
5 take care of that at that point, but that's how we didn't
6 open the box or do anything, but once we do able to mark them
7 so that one can be held in one place and the bullets can be
8 elsewhere.

9 THE COURT: And let instruct your witnesses and
10 attorneys. The gun cannot be pointed at the jury or court.
11 Only that direction.

12 MS. SAMPSON: Yes, sir.

13 THE COURT: Anything else as to the -- so who -- what
14 witnesses do you have next?

15 MS. SAMPSON: No, I can have a second. We will still
16 just for the record, that was just a chain we were still
17 intending on testing, on putting in investigator Holt, who's
18 the one that collected everything, and we will be putting up.
19 I'm not sure if Amanda Metz, I'm not sure her title, to talk
20 about testing those, the firearms and shell casing. So we
21 would have the beginning and end of the chain, but this just
22 keeps us from having to call the middle.

23 So we definitely would get Miss Metz in hopes, and some
24 point, hopefully, whoever today that's that shortened it not
25 having to do changes.

1 THE COURT: We're gonna take a 15 minute break and be
2 ready. Fifteen minutes.

3 (OFF-THE-RECORD)

4 THE COURT: Anything from the State before we bring the
5 jury out?

6 MS. SAMPSON: Just briefly, Your Honor. During the
7 break, I conferred with Mr. Sutherland. Our first witness,
8 Amanda Metz, the next witness is going to be a Deputy Weber.
9 He is one of the first responders who gives a to the victim
10 and his own body cam. Mr. Sutherland, and I agree that I can
11 play the body cam from the time that Deputy Weber shows up in
12 the speaking only to the victim, and then stop it once you
13 get on the gurney with the ambulance. The copy I have goes a
14 little bit longer than that, but we're only going to play
15 that part, and I will submit with that one minute edit off
16 before we get everything to the jury.

17 THE COURT: Yes, sir.

18 MR. SUTHERLAND: Nothing gruesome on there. The cops
19 are chattering, but they're not, you know, no (Inaudible).
20 It's fine.

21 MS. SAMPSON: I just want to put on the record that he
22 has agreed to that. Well ---

23 THE COURT: Anything from the Defense?

24 MR. SUTHERLAND: No, sir.

25 THE COURT: All right. Bring in the jury.

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1 (THE JURY ENTERS AT 2 P.M.)

2 THE CLERK: The jury is seated, Your Honor.

3 THE COURT: Thank you. Ladies and gentlemen. The
4 States calls their next witness.

5 MR. TAYLOR: The State calls Amanda Metz.

6 (BEING DULY SWORN, TESTIFIES AS FOLLOWS)

7 THE CLERK: Thank you, ma'am. Please have a seat in the
8 witness stand and state your full name for the record.

9 THE WITNESS: Amanda Metz, M-e-t-z.

10 D I R E C T E X A M I N A T I O N

11 BY MR. TAYLOR:

12 Q. Ms. Metz, where do you work?

13 A. I work at the Richmond County Sheriff's Department in
14 the Forensic Sciences Laboratory.

15 Q. What are your title there?

16 A. I am a firearm and tool mark examiner.

17 Q. What does your position entail, duty wise?

18 A. I examine firearms and ammunition components for
19 forensic evidence and report my findings to the court.

20 Q. How long have you been with the Richland County
21 Sheriff's department?

22 A. I've been with the sheriff's department for 14 years,
23 and in the laboratory for approximately 13.

24 Q. In your position, can you tell us exactly what it is you
25 do so as a firearm tool mark examiner, my job is to look

1 at firearm and other tools and compare them to
2 ammunition components, such as bullets and cartridge
3 cases and determine their origin. So whether or not
4 they came from a specific fire, the same firearm, as
5 well as other tools. So in that regards, bolt cutters
6 or screwdrivers, any sort of tool that can be used at a
7 crime scene, and then markings that they leave behind
8 and compare them to one another to determine origin.

9 Q. Could you tell us your -- your background in training,
10 doing firearms tool examinations or examining firearms?

11 A. Yes. So my training in education, I have a Bachelor of
12 Arts in both anthropology and art history, and then I
13 have a Master's of Science in forensic archeology and
14 international crimes and investigation. My specific
15 training for firearms and tool mark examination began
16 when I joined the laboratory and I went to the Bureau of
17 Alcohol, Tobacco and Firearms, International Firearms
18 Examiner Academy.

19 That was about a year's worth of training up in
20 Maryland at the ATF. After that, I came back to
21 Richland County to complete my training and did two
22 years worth of in-house training, where I did casework
23 under a qualified firearms mark examiner until the year
24 2014 when I was qualified as an expert witness of the
25 State of South Carolina, I began doing case work then.

1 Since that time, I've done approximately 1700 cases, and
2 I've testified approximately 20 times as an expert
3 witness in firearm and tool mark examinations.

4 Q. When you say 1700 cases, do you mean 1700 firearm
5 examinations?

6 A. Yes, correct.

7 Q. And tool mark examinations?

8 A. Yes, firearms and tool mark examinations.

9 Q. How many times have you been qualified as an expert in
10 those fields?

11 A. Approximately 20 times.

12 Q. In this state?

13 A. Yes. In the state of South Carolina.

14 Q. In this county?

15 A. Correct.

16 Q. How many hours overall training do things under
17 (Inaudible)?

18 A. Hours -- I wouldn't be able to do that math, but
19 approximately three years worth of training.

20 Q. And is there continuing training, continuing education?

21 A. So, yes. Every year we're required to do continuing
22 education in the form of journal reviews, as well as
23 take proficiency tests every year in all of our sub
24 disciplines. So in firearm and tool mark examination,
25 we have multiple sub disciplines. So we have tool mark

1 examination, which focuses on tools other than firearms.
2 Then we have the firearm aspect in which you're --
3 you're looking at firearms, as well as ammunition
4 components of bullets and cartridge cases. We do
5 distance determination, which is muscle to target
6 distance, so the end of the firearm to its target and
7 determining approximate distance at time of firing.
8 We also do serial number restoration. So when somebody
9 tries to remove a serial number on a firearm, on a
10 vehicle, and it's (Inaudible) serial number, we do
11 chemical restoration, so we take that proficiency test
12 as well. And we do within a four year cycle, we have to
13 take proficiency tests on every single one of those.

14 Q. Could you tell us what a what a tool mark is on a
15 firearm?

16 A. So the overall discipline is tool mark examination. So
17 a firearm is a tool. The theory behind that is that
18 when two objects connect with each other, the harder
19 object is going to impart its markings on a softer
20 object. So in the case of firearms, the firearm is the
21 harder object, and your ammunition components are the
22 softer objects. They're made of software, metals. And
23 so same theory would be, if you think of your fingernail
24 and a bar of soap.

25 If you scrape your fingernail on a bar of soap,

1 your fingernail is a harder object and any sort of
2 unique markings on your fingernail -- so if you bite
3 your nails, you file it, get a manicure that edge has
4 individual markings, and that's going to be transferred
5 onto that bar of soap. So any other tool, anything
6 tool, anything harder, is going to impart its individual
7 markings on the softer object.

8 Q. Could you briefly tell us what happens when you fire a
9 firearm or a pistol?

10 A. Sure. A pistol specifically?

11 Q. Yes.

12 A. So firearms -- there are multiple types of firearms. So
13 if you guys ask me, in this instance, a pistol, which is
14 mostly what most people are familiar with, especially
15 with TV and video games. Somehow I had a pistol the
16 cycle of fire, and that is that most pistols will come
17 with the magazine, which is what houses are on firearm
18 ammunition for cartridges. That magazine, once it's
19 filled with cartridges, is fed into the bottom of the
20 pistol, into the grip, and the slide is moved rearward,
21 and then moves forward, and will take one of the
22 cartridges off, and it will be fed up and into the
23 chamber of the firearm.

24 Once that slide closes, there's either a locking or
25 unlocking, or a locking. Some of them lock, some don't.

1 And then at that point in time, it requires to pull the
2 trigger to fire that firearm. Once the trigger is
3 pulled, the firing pin is -- strikes the primer of the
4 cartridge, which then creates combustion so hot gasses,
5 a solid turning into a gas very rapidly, that creates
6 heat. That heat and the power, the power of the solid
7 turning into a gas is what expels the projectile. So it
8 is removed from the cartridge case goes down and out in
9 the barrel and strikes the inside of the target.

10 At the same time, the cartridge case is hot and it's
11 extended, and then the firearm is pulling that cartridge
12 case out at the same time. And in the case of a semi
13 automatic pistol, it's extracted and ejected, and then
14 the cycle starts all over again. So a new cartridge is
15 fed into the chamber, and with the pull of the trigger,
16 it all starts all over again.

17 Q. Okay. Your Honor, based on this witness's training,
18 education, knowledge and work -- and work experience at
19 the State would offer Deputy as a expert quality --
20 qualified as an expert in firearms and tool mark
21 examinations and comparisons.

22 THE COURT: We qualified her as an expert in that field
23 at jury charge yesterday. Thank you.

24 BY MR. TAYLOR: (Resuming)

25 Q. Could you briefly walk the jury through how you examine

1 and compare firearms casings?

2 A. So when I receive firearms, I first open the box and I
3 examine that firearm for safety. That's number one. I
4 make sure that it's unloaded, and then I start my
5 mechanical examination. So what I mean by that is, I
6 don't put any ammunition in it. I manipulate the
7 firearm to make sure that the firearm works as
8 manufacturer design. I check safeties. I'm looking for
9 any trace material that might be on the firearm, such as
10 fibers, blood, anything like that.

11 If I find it, I will collect it and submit it to
12 whichever department it needs to go to trace DNA. After
13 I mechanically examine it to make sure that it's
14 functioning correctly, I will document that on a
15 worksheet as well as then take it out to a tank of
16 water. So we have a 500 gallon tank of water that we do
17 our test fires into. And what that means is, when I
18 shoot that firearm into that tank of water that slows
19 and stops the bullet without imparting additional
20 marking signs. So that I know that all the markings
21 that are made on that projectile are from that firearm
22 and nothing else.

23 At the same time, we have a giant net that helps
24 collect my cartridge pieces that are extracted and
25 injected (Inaudible.) After I collect the cartridge

1 pieces and projectiles, what I call my known standards.
2 I know they're sourced, I take them back and look at
3 them under the comparison microscope. The comparison
4 microscope is a my two microscopes combined by an
5 optical bridge that allows me to look at two different
6 items under the same lighting and magnification. So
7 that allows me to look at -- at one once I have my test
8 fires to look at them next to each other to make sure
9 that the markings that I look at are reproducing. And
10 then also, you said the evidence cartridge cases; is
11 that right?

12 Q. Yes.

13 A. So then when I receive evidence cartridge cases, I look
14 at them. I determine caliber. I look at them for what
15 we call class characteristics. So a firearm
16 manufacturer decides the shape of the firing pin that
17 they want to have, the shape of the aperture, the hole
18 that the fire pin comes out of. They decide how they
19 want to finish that breach phase. Whether it's with
20 filing or keying. Everything's decided by a firearm
21 manufacturer. They decide caliber, they decide where
22 they want to put the extractor, where they want to put
23 the injector. And so, those things we call classic
24 characteristics.

25 So all of those are imparted as markings off the

1 cartridge piece. So a firing pin will leave an
2 impression. The firing pin aperture will, sometimes it
3 gets so hot, but the metal flows back from the primer
4 and flows into that aperture. It kind of leaves, like a
5 donut paint shape, or whatever shape the firearm
6 manufacturer has decided, (Inaudible) markings. So how
7 the firearm manufacturer decides to finish the back of
8 the firearm, those markings will impart (Inaudible)
9 case. The extractor, where it marks like how it marks
10 what shape it is. The ejector, same thing, where it
11 marks how it marks what shape it is, all of those things
12 I look at for class characteristic discrimination.
13 After that, then I put them on the microscope -- the
14 comparison microscope, and look for what I call
15 individual characteristics.

16 So those markings that the firearm leaves behind
17 that are that are unique the individual characteristics
18 it's in that firearm and no other firearm. And so once
19 I do that, I compare them to one another. I look at my
20 unknowns, so I don't know where these cartridge cases
21 came from. So I look at them to one another to
22 determine if they have a common source -- common origin
23 Are they fired by the same firearm? And once I
24 determine that, then if I have a firearm like I did in
25 this case, I'll compare those to the test fires that I

1 create from that firearm and come to a conclusion.

2 Q. We talked about firearm, the casing -- what about the
3 projectile?

4 A. So projectiles, same thing. So firearm manufacturers
5 decide how they want to make their barrels, so the
6 projectile is what goes down and out of the barrel and
7 strikes a target. Firearm manufacturers decide for the
8 inside of the barrel they have rifling. Rifling is
9 something that the manufacturer makes and imparts a spin
10 on a projectile.

11 So much like a well thrown football. Throw it
12 like me and it will wobble and it doesn't go where I
13 throw it. But if you put a spin on it, and you actually
14 throw football, it goes where you intended to. That's
15 the whole point of rifling for a firearm. The rifling
16 puts a spin on the projectile so that it's more accurate
17 and it goes to where you intend to have it go. So but
18 that rifling is determined by the manufacturer, how many
19 lands and grooves, it kind of like hills and valleys,
20 plateaus. What type of rifling. There's different ways
21 of doing rifling, and then number of land and grooves
22 twist. The width of those lands and grooves the all
23 dependent on firearm manufacturing.

24 But within that are the individual characteristics.
25 So, you know, like I said, like, how -- what happened to

1 your fingernail to make the land or the hills of
2 mountains that you would see and press onto a bar of
3 soap. So the same is what's happening in the barrel,
4 the way that the manufacturer makes the rifling, how
5 they finish it. The owners use, wear and tear on that
6 barrel. Everything that happens to that firearm leaves
7 individual markings, and so the way that it looks is
8 sort of like under a microscope, it kind of looks like a
9 bar code. Black and white or black. And let's say
10 another tape is copper. So copper materials, so there's
11 copper material. So there's highs and lows. So it's
12 depth, peaks, valleys, ridges. And obviously that's at
13 a microscopic level so it's very small. It kind of
14 looks like a like a bar code.

15 And so when I examine a projectile, I'm looking
16 at first the class of characteristics. The rifling --
17 what type of rifling is it? How many lands and grooves
18 does it have? Then I will measure those lands and
19 grooves. If I can't -- if I don't have a firearm, I'll
20 measure those lands and grooves. And what that does is
21 I put it into a database that's run by -- there's two
22 databases, and one's run by the FBI and one's run by my
23 professional organization of firearms and too mark
24 examiners.

25 And what that does is, it gives a list of possible

1 firearm manufacturers and the make the models that make
2 their (Inaudible) that would. And that's mostly an
3 investigative tool for investigators. So it's not an
4 all inclusive list, but it gives you an idea of where to
5 start looking. So if they think a certain firearm has
6 been used, but they can't find it, but they have sales
7 receipts for that firearm, they can kind of use that
8 list. So, but if I have a fire, I'll do the same thing
9 that I do with tool mark cases. So I'll put that
10 projectile onto the comparison microscope and compare it
11 to the test fires that I've made, looking at those
12 individual characteristics and (Inaudible).

13 Q. Okay. In regard to the State's case against defendant
14 Jackson, could you conduct the examination in this
15 present case?

16 A. On a projectile?

17 Q. On a -- on a pistol casings?

18 A. Yes. I received Springfield Armory model 1911 Range
19 Officer compact .45 auto caliber pistol. I also
20 received an extended magazine, so that's what holds the
21 unfired cartridges. I also received 14 in total unfired
22 cartridges. I received two cartridge cases, so the part
23 that holds the gunpowder, part that's extracted and
24 rejected that scene. And then one projectile.

25 Q. Do you remember how that evidence came to you?

1 A. So I will receive my evidence in two ways. One is from
2 the evidence and property room, or, depending on if you
3 -- that they've gone for (Inaudible), then I will be
4 able to get them out of our short term evidence, which
5 is called (Inaudible). I believe in this case, I got
6 them -- I got everything from our evidence and property
7 department.

8 Q. Did you also create a report?

9 A. Yes. Yes, I have several containers with evidence in
10 them in my hand. Could you please, do you know what
11 these are? Your Honor, permission to open them?

12 THE COURT: Yes.

13 BY MR. TAYLOR: (Resuming)

14 Q. Would you like gloves?

15 A. No.

16 Q. I recognize and identify State's Exhibit 54?

17 Q. This will be 54 which -- which we're going to apply to
18 the Springfield pistol, and then we'll individually mark
19 the different pieces of evidence that are within this as
20 they come out.

21 A. State's Exhibit 54, I recognize this as a box that I
22 received with those labels from county items, one, two,
23 three, and four and inside. Inside I recognize and
24 identify the item one, Springfield armory model 1911
25 Range Officer compact .45 auto caliber pistol, serial

1 number LW164022, as well as Richland County, item number
2 two, which is a pro mag extended magazine assembly. And
3 then item three and four, which are unfired, total of 14
4 unfired .45 auto power cartridges.

5 Also, I made test fires using the submitted ammo
6 so that's what these are. So these are remaining
7 components from firing. These are the remaining
8 components. So I used some of the unfired to do test
9 fires. The reason we do that is because it's important
10 to use similar ammunition, like ammunition when we
11 create our test fires, because different metals will
12 mark in different ways. So different metals are harder
13 than other metals, and so when we do our comparisons, we
14 like to use similar or like ammunition.

15 And if we have a chance, if there's enough of the
16 submitted, we like to use is submitted that way, if it's
17 similar to what we found on scene. The hope is that
18 they are the same brand, and possibly from the same box,
19 or at least same lot number. And then that helps us
20 make sure that the markings that we're seeing are
21 reproducing correctly because we're using similar
22 ammunition types.

23 Q. Do you -- do you recognize the two baggies that I gave
24 you -- bags?

25 A. Yes. So I recognize and identify State's Exhibit 53

1 which is the bag with the labels of Richland County item
2 five and six. And I recognize Richard County's item
3 five and six as two fired .45 auto caliber cartridge
4 cases that have my initials as well as the item numbers
5 on them.

6 Q. Okay. And the other bag?

7 A. And State's Exhibit 57. It's the bag with the label for
8 Richland County item 18, which I recognize as one fired
9 metal jacket.

10 Q. Okay.

11 MR. TAYLOR: Your Honor, the State would move to enter
12 those items into evidence that I can itemize, what each we
13 one we marked as.

14 MR. SUTHERLAND: Oh, we do -- is it just a whole series
15 that has been testified to? No objection.

16 THE COURT: All right. So moved.

17 BY MR. TAYLOR: (Resuming)

18 Q. Okay. Did you also make a report in regards to your
19 examination?

20 A. Yes.

21 Q. Do you know what this is?

22 A. This is the report, as well as its attachment that I
23 made for this case.

24 MR. TAYLOR: Your Honor, the State would move -- was
25 from pre-marked as State's 58 into evidence.

1 MR. SUTHERLAND: Subject to her testimony.

2 THE COURT: What is it?

3 MR. SUTHERLAND: Subject to her testimony, I have no
4 objection.

5 THE COURT: Okay.

6 BY MR. TAYLOR: (Resuming)

7 Q. Could you walk us through your report and tell us your
8 findings, please?

9 A. Just the whole report or something specific?

10 Q. Could you walk us down your conclusions and what you did
11 in this case?

12 A. Sure. So I received item one firearm and magazine.
13 They functioned properly during testing. And item one
14 fired my items five and six cartridge cases, which I
15 think are State's Exhibit 53. And then the projectile
16 that I received was inconclusive. So that means it can
17 either be eliminated, meaning it has the same class
18 characteristics, but it can't be identified because of
19 the damage -- the jacket type, as well as the fact that
20 had been in bodily fluids for three years before I
21 examined it. Bodily fluids can be a little corrosive so
22 if any markings may have been kind of eaten, erased
23 before I could do my examination. So I can't say though
24 it was identified by the firearm, but I can't say that
25 it wasn't identified by the firearm, because it exhibits

1 the same class characteristics as the firearm. So the
2 same rifling type -- number of lands and grooves and the
3 correct caliber for use as a firearm.

4 Q. So we're -- what was marked as State's 53 -- there's two
5 shell casings, were they fired by that pistol?

6 A. Yes, correct. So State's Exhibit 54, the firearm in
7 this box, the Springfield Armory 1911 fired State's
8 Exhibit 53 items -- my items by the fixed cartridge
9 cases.

10 Q. No other questions at this time, Your Honor.

11 MR. SUTHERLAND: Just briefly, Your Honor.

12 C R O S S E X A M I N A T I O N

13 BY MR. SUTHERLAND:

14 Q. Ma'am, did you examine one or two firearms?

15 A. In this case, one fire.

16 Q. Okay. Thank you. No further questions.

17 THE COURT: Any redirect?

18 MR. TAYLOR: Quick rebuttal.

19 R E D I R E C T E X A M I N A T I O N

20 BY MR. TAYLOR:

21 Q. Do -- can a .45 caliber pistol shoot any other than a
22 .45?

23 MR. SUTHERLAND: It's beyond the scope.

24 THE COURT: Thank you. You may step down.

25 (WITNESS EXITS THE STAND)

1 MS. SAMPSON: The State calls Deputy Weber.

2 (BEING DULY SWORN, TESTIFIES AS FOLLOWS)

3 THE CLERK: Thanks. Sir, please have a seat in the
4 witness stand state your full name for the record.

5 THE WITNESS: (Inaudible) Weber.

6 D I R E C T E X A M I N A T I O N

7 BY MS. SAMPSON:

8 Q. Can you spell your first name for the record?

9 A. G-e-r-r-e-f (Phonetic)

10 Q. And is it deputy Weber or what's your official title?

11 A. Officer Weber.

12 Q. Officer Weber. Okay. And where do you currently work?

13 A. Charlotte Mecklenburg Police Department.

14 Q. So you're no longer in South Carolina; correct?

15 A. No, I am not.

16 Q. How long have you been there?

17 A. Two years.

18 Q. So 2022-ish?

19 A. Yes, ma'am.

20 Q. Back in May of 2020, where did you work?

21 A. Richland County Sheriff's Department.

22 Q. And what was your job title at that time?

23 A. Deputy Sheriff.

24 Q. And what did -- what were your job duties as a deputy
25 sheriff?

1 A. Basically responded to emergency, non emergency calls,
2 conducting investigations, investigation reports,
3 traffic stops, basic citations.

4 Q. And this jury's already heard that the county is broken
5 into regions. Were you working in a certain region at
6 the time?

7 A. Yes, ma'am. I was in Region One.

8 Q. And so, back on May 26 of 2020 how did you become
9 involved in this case?

10 A. That evening, I was working off duty. I was doing a
11 suppression on Lawrence Hay Road and heard a call for
12 service.

13 Q. And even though you were off duty, you went to the call?

14 A. Yes, ma'am.

15 Q. Why is that?

16 A. Due to the close proximity, it was roughly a couple
17 minutes away from where I was.

18 Q. And upon your arrival, was anybody else there from law
19 enforcement?

20 A. There was one officer in front of me.

21 Q. Do you remember who that was?

22 A. That was Officer Behney.

23 Q. Office Behney --is that Tammy Behney?

24 A. Correct.

25 Q. Okay. And so when -- upon your arrival were you able to

1 see the victim, in this case?

2 A. Not getting out of the truck, not immediately. I was not
3 able to.

4 Q. But did you go to the car at some point?

5 A. Yes, correct.

6 Q. Were you able to, at that point, see the victim?

7 A. Yes, ma'am.

8 Q. Were you able to speak to him?

9 A. I was.

10 Q. Was he able to tell you who had shot him?

11 A. Yes, ma'am.

12 Q. And who did he tell you shot him?

13 A. Telvin Jackson.

14 Q. And during when you're speaking with him, were you
15 trying to render him the aid?

16 A. Yes, ma'am.

17 Q. And at the time when you arrived, do you all -- are you
18 equipped with the body camera?

19 A. Yes, ma'am.

20 Q. How -- can you tell the jury, and I'm going to talk
21 about this, how the body cameras work?

22 A. Body cameras are normally activated with our lights and
23 sirens, when they cut on, usually gives a 30 seconds of
24 playback with no audio. (Inaudible), and then once you
25 tap the button in the middle of it, it goes red, so that

1 it's recording. And then you can hear full audio and
2 video.

3 Q. And you said it turns red, and other people see that
4 turn red?

5 A. Yes, ma'am.

6 Q. So somebody's looking at you and your body camera is on.
7 can they see that red light?

8 A. Yes, ma'am.

9 Q. And were you able to view your body cam that was taken
10 back in May 26, 2020, with me?

11 A. Yes, ma'am. I was.

12 Q. And were you able to look at it in this court room a few
13 minutes earlier?

14 A. Yes.

15 Q. And was that what I showed you, or what you were able to
16 see -- was it a fair and accurate depiction of your body
17 camera that day?

18 A. Yes, it was.

19 MS. SAMPSON: At this time, Your Honor, we ask to
20 introduce State's Exhibit 59 into evidence.

21 MR. SUTHERLAND: No objection.

22 THE COURT: All right. So moved.

23 BY MS. SAMPSON:

24 Q. I'm going to play it for you. Can you tell me when
25 we're done if this is correct?

1 A. All right.

2 (WHEREUPON STATE'S EXHIBIT 59 IS PLAYED FOR THE COURT.

3 AUDIO IS NOT TRANSCRIBED)

4 BY MS. SAMPSON:

5 Q. And after that, he gets on the gurney. Is that correct?

6 A. Yes.

7 Q. All right. So on the video, you were able to hear
8 yourself on there?

9 A. Yes, ma'am.

10 Q. In the -- initially, he says -- let me re-start. Do you
11 know who the victim was in this case?

12 A. Yes, I did.

13 Q. What's his name?

14 A. Khamori Scott.

15 Q. All right. And was he able to tell you who shot him?

16 A. Yes.

17 Q. And who did he say?

18 A. Telvin Jackson.

19 Q. Now, on the video, you repeat something that's not
20 Telvin Jackson?

21 A. Correct.

22 Q. Did you go back and later hear it? Or how do you ---

23 A. Yes, after watching the body camera again, I listened to
24 it.

25 Q. And after that was he was able -- was able to tell you

1 any other information? The victim?

2 A. No.

3 Q. And let me ask you, there's a lot of -- there are a lot
4 of you on scene; is that correct?

5 A. Yes, ma'am.

6 Q. All right. And what was your job duty after you've done
7 that? Do you have anything else specific you were
8 supposed to do, like investigating, anything like that?

9 A. Yeah. So normally, on a scene like that, once you make
10 sure it is safe and secure, making sure that everybody
11 is somewhat safe or the threat is no longer there, you
12 make contact with any witness or any other victims that
13 are in the area. To see if they saw anything.

14 Q. All right. So but other than securing witnesses, are
15 there investigators that come and does the other
16 investigation?

17 A. They do.

18 Q. Whether it's the crime scene investigator or the lead
19 investigator?

20 A. Yes, ma'am.

21 Q. And did that happen in this case, to the best of your
22 knowledge?

23 A. To the best of my knowledge, yes.

24 MS. SAMPSON: No further questions, Your Honor.

25 MR. SUTHERLAND: No questions, Your Honor.

1 THE COURT: Thank you. You may step down.

2 (WITNESS EXITS THE STAND)

3 THE COURT: The State can call it's next witness.

4 MS. BELL: May it please the court. The State calls
5 Sergeant Sarah Holt.

6 (BEING DULY SWORN AND TESTIFIES AS FOLLOWS)

7 THE CLERK: Please have a seat in the witness stand and
8 state your full name for the record.

9 THE WITNESS: Sarah Holt.

10 D I R E C T E X A M I N A T I O N

11 BY MS. BELL:

12 Q. Good afternoon, Sergeant Holt. Where are you currently
13 employed?

14 A. I work at the Richland County Sheriff's Department.

15 Q. And what division do you work in?

16 A. I partner with the crime scene unit.

17 Q. And how long have you been working in that capacity?

18 A. As Sergeant of the crime scene unit? I've been a
19 sergeant for about four years. I've been with the crime
20 scene unit for about eight years in total.

21 Q. And prior to that, do you have other law enforcement
22 experience?

23 A. I do. I've been with the sheriff's department for a
24 total of 13 years. It'll be 14 years this year.

25 Q. And prior to doing crime scene investigation, what did

1 you do?

2 A. I worked as a road deputy and before that, I worked here
3 at the courthouse.

4 Q. Kind of draw your attention to the late night and early
5 morning of May the 26th of 2020 and early morning hours
6 of May the 27th. Were you working that particular day?

7 A. I was.

8 Q. And were you dispatched to a scene out [REDACTED] Weiss Drive?

9 A. I was.

10 Q. And what would you dispatched there to do?

11 A. I was called in reference to a shooting. So at the
12 time, I was obviously in the crime scene unit. So I was
13 dispatched out there to work with the crime scene.

14 Q. And talking about crime scene investigations, what do --
15 what normally -- and I know every crime scene is
16 different; correct?

17 A. Correct.

18 Q. So what do you just what normally goes into crime scene
19 investigation?

20 A. So for us, our job is to document scene as it is. We
21 are to document it through photographs, notes,
22 sketching. We search for evidence. Any evidence that
23 we may find, we'll collect it, and if it needs further
24 processing for fingerprints and DNA, we'll take it back
25 to the lab and do that. We also process at the scene

1 for fingerprints and DNA, if it's needed.

2 Q. And you were dispatched to the location that we talked
3 about. Is that in Richland County?

4 A. It is.

5 Q. And do you know what time you arrived at the scene?

6 A. I arrived one minute after midnight.

7 Q. And do you know what time you left the scene?

8 A. I left at 1:04 A.M.

9 Q. So you were there approximately an hour?

10 A. Correct.

11 Q. And during that particular time, what did you do in this
12 case?

13 A. So for this scene, I took photographs, I completed a
14 sketch, I documented and marked evidence that I
15 collected and took back to the lab for further
16 processing. And I also received items from deputy --
17 deputy through a chain of custody, in reference to this
18 scene that they had already collected prior to my
19 arrival.

20 Q. And so, let's talk about when you first arrived on the
21 scene. Are there some basic things, the first things
22 that you kind of do?

23 A. So the first thing I did was I did an initial walk
24 through with the deputy that is there. They kind of
25 tell me the information that they have, and then I'll

1 observe, assess the scene, to kind of gather my thoughts
2 as far as what I need to do.

3 Q. And in this particular case, did you observe -- I am
4 going to show you some photographs and ask if you can
5 identify those.

6 MS. BELL: Your Honor, these are State's Exhibits 29
7 through State's Exhibits 38 for identification.

8 MR. SUTHERLAND: No objection, Judge.

9 MS. BELL:

10 Thank you, Your Honor.

11 BY MS. BELL: (Resuming)

12 Q. I'm going to show you what's been marked for
13 identification as State's number 29 through 38 and ask
14 you if you recognize these?

15 A. I do.

16 Q. And do these photographs fairly -- accurately depict the
17 incident location?

18 A. They do.

19 Q. And what you observed, at least with and I'm going to
20 hold out 29 and 30, and we'll talk about those
21 separately. But the ones that -- did you take, these
22 photographs?

23 A. The nighttime photo, yes, I took.

24 Q. Okay.

25 MS. BELL: And that would be State's 31 through 38 Your

1 Honor, at this time without objection, the State moves 31
2 through 38 into evidence.

3 THE COURT: Twenty nine and 30 as well?

4 MS. BELL: Yes.

5 BY MS. BELL:

6 Q. And I'm going to ask you about 29 and 30. What's
7 different about these photographs?

8 A. For these two photographs, it's just a daytime picture
9 of what the residence in the front yard looks like.

10 Q. Okay. And did you actually upon my request go out there
11 to the to that address [REDACTED] Weiss Drive during the
12 daytime hours?

13 A. I did.

14 Q. Okay. And do these pictures accurately reflect how it
15 looked when you went out there?

16 A. They do.

17 Q. Okay. And when was that that you went out?

18 A. I went out yesterday.

19 Q. Okay. And is that how the grass is there now?

20 A. It's actually cut now.

21 Q. Okay.

22 THE COURT: With no objection, 29 through 38 will be
23 moved.

24 MR. SUTHERLAND: Yes, sir.

25 BY MS. BELL:

1 Q. I am going to show you what's been marked into evidence
2 as State's number 31 and ask if you can recognize and
3 tell the jury what -- what's that a photo of?

4 A. So this is just an overall picture of the scene right
5 after I arrived. This would be one of my first photos
6 that I took of the scene as I saw it.

7 Q. And had there already been crime scene marking done at
8 that point?

9 A. Yes. So the deputies, when they arrive on the scene,
10 they put up crime scene tape. So that's the yellow tape
11 that you're seeing in the background.

12 Q. And number 33 -- can you tell the jury what that's a
13 picture of?

14 A. So this is kind of an overall picture of the front yard.
15 What you're seeing is yellow markers that I put down to
16 mark evidence that I'm going to collect for later
17 processing or to submit the evidence and property.

18 Q. When you say yellow markings, am I pointing in the right
19 direction?

20 A. Yes.

21 Q. And how many of those markings did you have?

22 A. In this photo -- it's five. I believe it was five
23 total.

24 Q. So is there anything else on -- as far as any notice --
25 you notice of a vehicles that may have been on the

1 corner or scene?

2 A. So there is a vehicle in the roadway right in front of
3 the driveway. When I arrived there, the rear driver's
4 door was open and there was a gun holster on top of that
5 vehicle.

6 Q. And then this photograph, which is State's No. 32. Can
7 you talk about this particular photo here?

8 A. So this is just another overall view of the front of the
9 house, the yard. There's a little bit of the back of
10 the car that I was talking about that's in the roadway
11 from the driveway.

12 Q. The markings that you talked about, I'd like to walk
13 through those with you now and showing you what's been
14 marked to State's No. 34 and ask you: Can you recognize
15 what's in this photo?

16 A. So that is a Taurus nine millimeter handgun that I
17 collected from the front yard,

18 Q. And then B?

19 A. B was a -- a .45 caliber fired cartridge casing that I
20 collected from the front yard.

21 Q. And if you know, can you tell me: Can you shoot a .45
22 bullet through a nine?

23 A. I can't answer that.

24 Q. Okay. And then C?

25 A. C is a another .45 caliber fired cartridge casing that I

1 collected from the front yard.

2 Q. And D?

3 A. This was a flip-flop that I collected from the front
4 yard.

5 Q. And then E?

6 A. And this was another flip-flop that I collected from the
7 front yard.

8 Q. All the photographs that you've talked about and you
9 testified to were related to the yard, and this is the
10 front yard?

11 A. Correct.

12 Q. Is there anything beyond the front yard -- the car, that
13 -- that you determined was part of the crime scene, or
14 any objects that extended beyond the front yard, and
15 where that car was in the side there?

16 A. No.

17 Q. So nothing near the front porch?

18 A. Not that I observed.

19 Q. Okay. Nothing in the carport?

20 A. Not that I observed.

21 Q. Now, in addition to the items that you actually saw on
22 the ground and photographed and later collected, you
23 said you received evidence from -- Do you remember who
24 you received evidence from?

25 A. Yes.

1 Q. Okay. And who was that?

2 A. It was Master Deputy Gayeskie.

3 Q. And do you recall receiving a weapon from him?

4 A. I do.

5 Q. Okay. And what type of weapon did you receive from him?

6 A. It was a Springfield .45 caliber handgun.

7 Q. And did you -- what did you do with the evidence that
8 you collected from the scene?

9 A. So some of the evidence, I just went ahead and submitted
10 to evidence and property. And then there was other
11 evidence that I took back to the lab for processing, for
12 fingerprints and DNA.

13 Q. Okay. So let's talk about the evidence that you took
14 back to process to the lab. What evidence would that
15 have been?

16 A. So the evidence that I took back the process was the
17 Springfield .45 caliber handgun, an extended magazine,
18 unfired cartridges from that handgun. Then there was
19 the Taurus nine millimeter handgun, a magazine with
20 unfired cartridges from that handgun, and the fired
21 cartridge casings that I collected at the scene.

22 Q. Okay. And when you say you were taking it to the lab to
23 process, can you tell the jury what it is that you were
24 processing for?

25 A. So when I take stuff back to the lab, the process of

1 processing for fingerprints and DNA, and so we have
2 certain chemicals and reagents that we use to develop
3 latent prints. Latent prints are basically hidden -- is
4 the term for latent. And so we use those chemicals and
5 reagents to develop those prints where we can see them,
6 and we will lift them and put them on a latent print
7 card and submit them to our evidence of property. And
8 they'll go to our latent print section. And then, after
9 we process for fingerprints, we will then collect swabs
10 for possible DNA analysis, and those swabs will be
11 submitted edits and property for the DNA section
12 together.

13 Q. And so from the -- from your testing, did you have any
14 results from either weapon related to the
15 fingerprinting?

16 A. For fingerprinting? No.

17 Q. Okay. And did that surprise you?

18 A. No, ma'am.

19 Q. Okay. Can you tell the jury why?

20 A. There's a number of factors when it comes to developing
21 latent prints. It all depends on who left behind the
22 print. Some people leave behind good prints. Some
23 people don't leave behind good prints. It also is a
24 matter of the weather the environment. It can depend on
25 if a print is actually left behind it's good enough to

1 lift.

2 Q. Now, you prepared reports with your findings. Is that
3 correct?

4 A. I did.

5 Q. Okay. And as it relates to the .45 caliber weapon, when
6 was that report completed?

7 A. So for the processing, I did that on the morning of
8 May 27, 2020. I started at 2:45 in the morning, and I
9 finished at 3:47 in the morning.

10 Q. Okay. And please forgive me if I forgot to ask you,
11 when you responded to the scene, what was the nature of
12 the call that you were responding to?

13 A. The nature of the call, was a shooting.

14 Q. Okay. And were you aware that -- that someone was
15 shot?

16 A. I was aware that somebody was shot.

17 Q. And did you as part of your processing -- did you have
18 information that somebody was shot with the .45 caliber
19 weapon?

20 MR. SUTHERLAND: Objection, hearsay.

21 THE COURT: Sustained.

22 BY MS. BELL:

23 Q. So let me ask you, so the .45 caliber weapon you
24 indicated that you completed the report that day, or, you
25 know, those early morning hours. What about the nine

1 millimeter?

2 A. The nine millimeter I processed a couple of days later.

3 Q. And could you please tell the jury why it is that you
4 the difference in the timing of processing those two
5 weapons?

6 A. Sure. So the .45 caliber handgun that I got, those car
7 -- fired cartridge casings that were collected at the
8 scene, the .45 caliber. So I processed all of that at
9 the lab that night, because I did not get any fired nine
10 millimeter cartridge facings. I was not as concerned
11 about that gun actually being fired at the scene. So I
12 waited. I was off for a couple of days, and then came
13 back and processed that gun later. I got .45 caliber
14 cartridge handgun, and the fired cartridges processed
15 that night because I worked the next couple of days and
16 I knew the firearms section were going to want those
17 before the nine millimeter.

18 Q. Did you --did you ever learn at any point that there was
19 a .45 projectile that was found in the victim?

20 A. I do not know what caliber it was. I do know a
21 projectile was located in the victim.

22 Q. Okay. So once you process those two handguns, what did
23 you do with them?

24 A. After processing those were packaged and sealed and
25 submitted to evidence and property.

1 Q. Okay. And is as a crime scene investigator is important
2 the way you collect and process evidence to maintain its
3 integrity?

4 A. Yes.

5 Q. And can you tell the jury how what you do to do that?

6 A. So for -- when collecting evidence, in order to avoid
7 cross contamination, each individual item that we
8 collect, we will package separately to take back to the
9 lab. Everything will be processed accordingly. If it
10 can be grouped together and processed it will, if not,
11 then it will be processed separately and then, once
12 packaged, everything will be packaged accordingly and
13 then sealed up. My initials and date -- they will go
14 on the evidence tape where the seal was at. And that's
15 when I submit it to evidence.

16 Q. In addition to the two weapons -- and you did that for
17 both of the weapons?

18 A. I did.

19 Q. Okay. Did you also take some measurements there at the
20 scene?

21 A. I did.

22 Q. And what was the importance of that?

23 A. So the importance of measurements is just be able to, at
24 some point, if we needed to go back and recreate the
25 scene, we could do that with the measurements that I

1 had. It's also to complete a sketch. And so what I can
2 do is place those items in that sketch using those
3 measurements and reference points. And what I can do
4 with that sketch is take out all the stuff that not
5 really is important to where you can solely focus on
6 those items and it's not cluttered with other stuff
7 that's not relevant.

8 Q. And then is the importance of that just kind of the
9 relate the distance between pieces of evidence that are
10 maybe relevant to crime scene investigation?

11 A. Part of it, yes.

12 Q. Now in this particular case, when we get the
13 measurements, do you -- do you have a fixed kind of --
14 you probably can tell me the terminology, but when you
15 start with points for your measurements, do you go with
16 objects that are fixed?

17 A. I do. I go with objects that are most likely permanent
18 and can't easily be moved as reference points.

19 Q. So in this particular case and at this crime scene, what
20 did you identify if anything -- did you identify as
21 those points?

22 A. I used two trees in the front yard as reference points.

23 Q. Okay. And based on that, the other ones where you put
24 the markers, is that where you would have cast the
25 measurements from -- from those trees to those

1 particular items?

2 A. Correct.

3 Q. Okay. And is there a term of art that you want to use
4 as far as that process?

5 A. So when we use the reference points to measure to the
6 items we it's called triangulation. So we'll get two --
7 two fixed reference points. We'll measure from this
8 reference point to the item, and then from this
9 reference point to the item, that kind of creates a
10 triangle.

11 Q. The -- just generally speaking, with that particular
12 crime scene in the front yard, can you give an estimate
13 of the items that were all together? Like, what was the
14 total measurement of those particular items?

15 A. Can you rephrase that?

16 Q. Yes, I'm sorry. I'm glad to do that for you. So when
17 you talk about measurements, basically everything that
18 you found there at the crime scene that you marked with
19 those markers, approximately how much distance are we
20 talking about in feet that these items were all
21 surrounded by each other?

22 A. I would say they were probably within about a 20 -- 15
23 to 20 foot radius of each other.

24 Q. As far as the casings that you found, let's go to those
25 actually. Were they found closer to the street or

1 closer to the driveway? This picture I'm showing you
2 backwards number 33. Will that assist you answering
3 that question?

4 A. I can't really tell you that they were closer to the
5 driveway versus the street.

6 Q. Were they near the car -- I guess that was parked on the
7 street? Do you need a picture of that one?

8 A. I -- I would say they were in close proximity to it.

9 Q. I don't think I have any further questions at this time,
10 Sergeant Holt. Thank you.

11 MR. SUTHERLAND: May it please the court.

12 THE COURT: Yes, sir.

13 C R O S S E X A M I N A T I O N

14 BY MR. SUTHERLAND:

15 Q. How are you?

16 A. I'm good. How are you?

17 Q. I am well enough. What was the proximity of the .45
18 caliber shells to the nine millimeter pistol? Do you
19 recall that? Were they kind of bunched or far apart?

20 A. I would say they were all within close proximity to each
21 other.

22 Q. Right. So would you be comfortable drawing the
23 conclusion that the .45 shell casings were fired in
24 proximity to the nine millimeter? Or would you just
25 need more information?

1 A. I would need more information.

2 Q. Okay. Thank You. No further questions.

3 THE COURT: Any re-direct?

4 MS. BELL: No re-direct. Thank you.

5 THE COURT: All right. You may step down.

6 (WITNESS EXITS THE STAND)

7 MS. BELL: May we approach, Your Honor?

8 THE COURT: You may.

9 (BENCH CONFERENCE HELD OFF-THE-RECORD)

10 THE COURT:

11 All right. Ladies and gentlemen, we're going to break
12 for the day. As I told you earlier, do not discuss the case.
13 Do not deliberate, do not do any independent research. I
14 want to thank you for your service this week. We'll see you
15 back here tomorrow at 9 A.M. Do not discuss the case. Do
16 not deliberate. Do not do any independent research, and we
17 will see you back here tomorrow at 9 A.M. Thank you.

18 (THE JURY EXITS AT 4:05 P.M.)

19 Anything from the State before we before we adjourn for
20 the day?

21 MS. SAMPSON: Beg the court's indulgence. We just need
22 -- we need to read -- make sure we have the number drop. We
23 don't need to be on the record with Your Honor. With that,
24 we'll make sure we get that done and well, as Mr. Sutherland
25 needs to put in whatever he needs to read back and I have to

1 where they are. It just got a photo shop. They -- photo
2 edit. The other thing really quick, Your Honor, I will make,
3 I would like to make these, and I will probably take the
4 originals as well for the record and make them Court's
5 Exhibits, so that if there's an appellate issue, they will
6 have what the original photos were, what I proposed we used,
7 and then what we actually used.

8 THE COURT: We can make anything a Court Exhibit. Just
9 to make that clear.

10 MS. SAMPSON: I'm just going to further -- for now --
11 leave them here so I don't get them confused.

12 THE COURT: Okay. Just make sure you leave them upside
13 down.

14 MS. SAMPSON: Yes, sir.

15 THE COURT: Anything from the State before we bring out
16 the other person?

17 MS. SAMPSON: No.

18 THE COURT: Anything from Defense?

19 MR. SUTHERLAND: No.

20 THE COURT: Bring the jury.

21 (THE JURY ENTERS)

22 THE CLERK: The jury is seated, Your Honor.

23 THE COURT: Thank you, sir. Good morning, ladies and
24 gentlemen. Thank you for being here. Thank you for your
25 patience. We had a legal issue to take up first thing this

1 morning. We will go ahead and get started. The State can
2 call their next witness.

3 MS. SAMPSON: The State calls Dr. Mark Jones.

4 (BEING DULY SWORN, TESTIFIES AS FOLLOWS)

5 THE CLERK: Thank you, sir. Please have a seat on the
6 witness stand and state your full name for the record.

7 THE WITNESS: My full name is Mark Allen Jones.

8 D I R E C T E X A M I N A T I O N

9 BY MS. SAMPSON:

10 Q. Good morning, Dr. Jones.

11 A. Good morning.

12 Q. Can you tell the jury where you currently work?

13 A. Prisma Health, Richland.

14 Q. And what do you do?

15 A. I'm a trauma surgeon.

16 Q. Can you tell the jury what a trauma surgeon is?

17 A. Trauma surgeon is a surgeon who specializes in taking
18 care of critically ill and injured patients. We operate
19 on the patients that may have been injured in any number
20 of ways, could be motor vehicle accidents or other more
21 violent crimes.

22 Q. And so how do you get a patient?

23 A. Patients are brought to us by the emergency and
24 community services like EMS.

25 Q. So you are not like a traditional doctor, like none of

1 us could just come to you and get treated at your
2 office?

3 A. No.

4 Q. Okay. Can you tell the jury a little bit about your
5 educational background?

6 A. Sure. I went to medical school at East Tennessee State
7 University in Johnson City, Tennessee. And came here to
8 Columbia, where I did general surgery residency as well
9 as a critical care fellowship, and I've been in practice
10 here ever since.

11 Q. What year?

12 A. I finished all my training in 2010.

13 Q. And are you board certified?

14 A. I am.

15 Q. In what?

16 A. I'm board certified in general surgery and surgical
17 critical care.

18 Q. And what do you have to do to become board certified?

19 A. Complete your training, which includes your medical
20 school and residency training, and then pass multiple
21 certifying examinations.

22 Q. And do you have to do any continuing education to keep
23 up your certification?

24 A. Yes, we have to re-certify every two years based on test
25 pre-testing.

1 Q. And have you done that?

2 A. I have.

3 Q. So you're currently board certified and good with your
4 certificates of training?

5 A. Yes.

6 Q. At this time, Your Honor, I would ask for Dr. Jones to
7 be qualified as an expert in the field of critical care
8 and trauma?

9 MR. SUTHERLAND: No objections.

10 THE COURT: All right. So qualified.

11 BY MS. SAMPSON: (Resuming)

12 Q. So Dr. Jones, can you -- were you the doctor that took
13 care of the victim in this case, Khamori Scott?

14 A. I was the surgeon involved, yes.

15 Q. And I said, are there more surgeons -- more people than
16 you?

17 A. There were.

18 Q. Would it be fair to say you were the lead surgeon?

19 A. Yes. And can you tell this jury, the injuries that you
20 saw him when you observed him?

21 A. Yes, two penetrating wounds, one to the right abdomen
22 and one of the left chest.

23 Q. I want to stop you for a second. What is a penetrating
24 wound?

25 A. A penetrating wound is an injury consistent with either

1 a stabbing or a gun shot wound.

2 Q. So he had two of those. Could you tell the jury where
3 they went?

4 A. One was the right upper abdomen and one's the left
5 chest.

6 Q. Did he have any other injuries?

7 A. No.

8 Q. Okay. So what -- upon seeing these two penetrating
9 wounds, what did you do?

10 A. So we assessed him. Initially, he arrived to us quite
11 ill, low blood pressure, high heart rate, altered mental
12 status or some confusion. So initially, first thing we
13 do is we make sure the patient can breathe. So
14 artificial airway was placed to control the patient's
15 breathing. Patients received IV fluids and blood
16 products, blood transfusions, and we made it to the
17 operating room.

18 Q. And why would he need blood transfusions?

19 A. With that type of injury -- very consistent with blood
20 loss. Typically, and you know, we have a machine,
21 ultrasound machine, that we can do a quick ultrasound
22 with the abdomen. And in this case it was consistent
23 with fluid in the abdomen, which would be most likely
24 blood. So based on his presentation with the vital
25 signs and everything, that was consistent with blood

1 loss.

2 Q. And I also want to ask you, you said blood loss, that
3 doesn't mean it's like coming out of wounds, it can be
4 blood loss internally?

5 A. That's correct.

6 Q. So what is that? What you were saying that there's
7 fluids -- that's still blood loss?

8 A. That's correct.

9 Q. And so based on that, what did you do?

10 A. Initially, the first procedure that he received were
11 what we call chest tubes. So when someone has a injury
12 to the chest, we worry about the collapsed lung as well
13 as the accumulation of blood in the chest itself. And
14 so the tube is placed in the chest to relieve the air or
15 the blood. And that was performed prior to one of the
16 operating room. And then immediately after that, we
17 took him to the operating room.

18 Q. So was the chest tube there when he arrived? Or you
19 someone in that hospital did that?

20 A. No, we did that.

21 Q. Okay. So then you took him to the operating room, I'm
22 sorry -- I interrupted you. And then what happened once
23 you got to the operating room?

24 A. We began our surgery with plans for exploration of this
25 abdomen to explore what injuries there were and see what

1 we could do to -- to repair those injuries or help.

2 Unfortunately, when we opened this abdomen in the

3 operating room he sustained cardiac arrest.

4 Q. And can you tell the jury what is a cardiac arrest?

5 A. Cardiac arrest is basically your heart stops.

6 Q. In this situation, why would his heart stop? Was it
7 injured?

8 A. No, the heart wasn't injured, but due to the massive
9 blood loss that he has sustained and the body's response
10 to that -- the heart is a pump, and the pump can't pump
11 without fluid in it. And so when the body loses a
12 significant amount of blood, then the heart will stop
13 pumping.

14 Q. I've heard it be explained kind of like when your car
15 loses oil, it won't -- the motor won't run?

16 A. That's correct.

17 Q. So cardiac arrest -- what do you do once he has cardiac
18 arrest?

19 A. So in order to try to revive him from cardiac arrest, we
20 made a second incision (Inaudible). We made a second
21 decision in his left chest. The purpose of this is to
22 gain access to the heart. We gained access to his
23 heart, and we began what we it's internal CPR, so
24 cardiac massage, so we squeeze the heart to try to get
25 the heart pumping again. His heart was in a rhythm

1 called ventricular fibrillation, which is a abnormal
2 cardiac rhythm, or abnormal heart rhythm, and so we
3 shocked the heart to try to shock it out of that rhythm.
4 Through all these measures, however, we were not able to
5 revive him.

6 Q. And he died on the table, is that fair to say?

7 A. He did.

8 Q. Was there anything you could have done to have kept him
9 alive that you didn't do?

10 A. No.

11 Q. And it was the result of him being having those two
12 penetrating wounds that he died?

13 A. That's correct.

14 Q. Did you notice that he had any injuries to his arms, or
15 were you even worried about that?

16 A. I do not recall any arm injuries.

17 Q. Would that have been something you were worried about
18 while you were trying to save his life?

19 A. Depending on the severity, but I don't recall anything
20 of the severity that would need immediate attention.

21 Q. No further questions, Your Honor.

22 MR. SUTHERLAND: No questions.

23 THE COURT: Thank you. You may step down.

24 (THE WITNESS EXITS THE STAND)

25 THE COURT: Ladies and gentlemen, we're going to take a

1 should with him -- we don't have any problem (Inaudible).

2 THE COURT: All right. You heard all that? Your client
3 heard all that, Mr. Sutherland?

4 MR. SUTHERLAND: Yes, sir.

5 THE COURT: And your client understand he needs to keep
6 it together?

7 MR. SUTHERLAND: We worked through it and, you know, if
8 it becomes an issue and he understands that, but he's ready.

9 THE COURT: Let's not let it become an issue.

10 MR. SUTHERLAND: Yes, sir.

11 THE COURT: Anything from the State before we bring out
12 the jury?

13 MS. SAMPSON: No, sir.

14 THE COURT: Anything from the Defense?

15 MR. SUTHERLAND: No, sir.

16 THE COURT: All right. Let's bring the jury.

17 (JURY ENTERS AT 11:02 A.M.)

18 THE CLERK: Jurors are seated, Your Honor.

19 THE COURT: All right. Thank you ladies and gentlemen
20 for your patience. The State can call their next witness.

21 MS. SAMPSON: At this time, Your Honor the State calls
22 Dr. Monroe.

23 (BEING DULY SWORN, TESTIFIES AS FOLLOWS)

24 THE CLERK: Thank you, sir. Please have a seat in the
25 witness stand and state your full name for the record.

1 THE WITNESS: Darren Monroe.

2 D I R E C T E X A M I N A T I O N

3 BY MS. SAMPSON

4 Q. Dr. Monroe, where do you currently work?

5 A. I work at a place called Professional Pathology
6 Services, which is a position (Inaudible)

7 Q. And what -- what are -- what is your position?

8 A. I'm a forensic pathologist.

9 Q. And can you explain to the jury what is a forensic
10 pathologist?

11 A. A forensic pathologist is a medical doctor that uses
12 their knowledge of medicine and science to determine the
13 cause and manner of death.

14 Q. And did you do anything besides determining causes and
15 manners of death?

16 A. In terms of?

17 Q. As a part of you look at -- I know some pathologists
18 also look at tissues and make -- do testing. Do you do
19 that?

20 A. I do pathology for living people over there. Diagnosis
21 as well.

22 Q. That's what I was trying to get at. So you're not --
23 you don't just do autopsies all day. You do other
24 things?

25 A. Correct.

1 Q. And can you tell the jury about your education?

2 A. So went to medical school for four years, and a
3 residency in pathology for another four years, which is
4 just the diagnosis of disease. And then a one year
5 fellowship in forensic pathology where you specifically
6 just work on autopsies.

7 Q. And are you board certified?

8 A. Yes.

9 Q. In what?

10 A. I am board certified in anatomic pathology, clinical
11 pathology, and forensic pathology.

12 Q. And what do you have to do to get those certifications?

13 A. You have to go through a lot of schooling and study a
14 lot and take a very lengthy, difficult test for each of
15 them.

16 Q. So for all three, you have to take a different test. Is
17 that what you just stated?

18 A. Yes.

19 Q. And do you have to do any continuing education in order
20 to keep your certification?

21 A. Yes, each year.

22 Q. And have you done that each year?

23 A. Yes.

24 Q. And have you been qualified as an expert before?

25 A. Yes, I have.

1 Q. How many times?

2 A. Approximately 30.

3 Q. At this time, Your Honor, I'd ask that Dr. Monroe be
4 qualified as an expert in the field forensic pathology.

5 MR. SUTHERLAND: No objection.

6 THE COURT: So moved.

7 BY MS. SAMPSON: (Resuming)

8 Q. So you said there were three different types of
9 pathologies. Can you explain to the jury the difference
10 between the three?

11 A. Sure. So anatomic pathology deals mostly with
12 diagnosing biopsy and surgical specimens. So being
13 taken out in surgery, we look at major diagnosis. If
14 it's this kind of of cancer, or this other disease.
15 That's what most of it is. Clinical Pathology is mostly
16 dealing with possible laboratories. So lab tests, blood
17 tests that we've done, we oversee all of that. Forensic
18 pathology is just doing autopsies to determine the cause
19 of death.

20 Q. And so, how do you receive a body to perform an autopsy?

21 A. So for a forensic autopsy, the county coroner will you
22 there's a case that they need to do an autopsy on.
23 They'll contact us, tell us a little bit about what
24 happened, whatever they know, and then we will do the
25 autopsy.

1 Q. So you just called it a forensic autopsy. Is there a
2 difference between a forensic autopsy and a regular
3 autopsy, someone just died in the hospital, but needed
4 one?

5 A. There's other types of autopsies. There's hospital
6 autopsies and private autopsies as well.

7 Q. And for those other types, is there any difference in
8 the way you perform the autopsy?

9 A. Slight differences. They have different goals, but
10 generally the same process.

11 Q. And I guess what I'm saying is, receiving the body,
12 looking at all of those things, would be more or less
13 the same, whether it's a forensic autopsy or whether
14 it's one for the hospital or private?

15 A. Yes. For the most part.

16 Q. So were you the person who did the autopsy in this case,
17 that we're here today for?

18 A. Yes. I was.

19 Q. And so I'm gonna go back. So this would have been in
20 May of 2020; correct?

21 A. Yes.

22 Q. And you're looking at something. What is that?

23 A. This is a copy of my autopsy report and diagrams.

24 Q. And would using that help refresh your memory as to what
25 you did back in May of 2020?

1 A. Yes.

2 Q. And so were you working at the same place in May of
3 2020, for the same people?

4 A. Yes.

5 Q. So I want to talk to you about how did you come about
6 being involved in this case?

7 A. So I was the pathologist on call for forensics.

8 Q. So you said, "on call." So you're like any other
9 doctor, pathologist, can be on call, just like an
10 emergency room doctor or an OBGYN?

11 A. Yes, basically.

12 Q. And do y'all take rotations? Or are you always on call?

13 A. On call or autopsy every week.

14 Q. And so this, on this particular week, it was your turn
15 to be on call. You received -- did you receive notice
16 from the Sheriff's Department? Or how did you come
17 about knowing that there was to do?

18 A. The coroner's office notifies us.

19 Q. And so what happened once you learned that there was an
20 autopsy needed to do?

21 A. Once I was aware that there was a case, I went in to
22 where we did the autopsies in the hospital and performed
23 the autopsy.

24 Q. So I want to take you through that process. What
25 happened when you first get the body?

1 A. The first part of the autopsy is the external
2 examination, where we look at everything on the outside
3 of the body, document things like hair color, height,
4 weight, that sort of thing. And then we look also for
5 injuries or evidence of disease that physical on the
6 outside of the body. And that's the first part of the
7 autopsy.

8 Q. And -- and in this case, who were you -- what -- who
9 were you looking at? What body were you ---

10 A. Khamori Scott.

11 Q. And were you able to tell how old he was?

12 A. Just from the date of birth that the coroner gave, he
13 was 24.

14 Q. Did he appear to be 24?

15 A. Yes.

16 Q. And is that part of your exam to determine if somebody
17 appears to be the age that is noted?

18 A. Yes.

19 Q. And how tall was he?

20 A. He was 70 inches, which is 5'10".

21 Q. And how much -- I'm sorry -- 5'8"? How many inches?
22 You gotta write the first -- we didn't go to school for
23 math, right? All right. So 5'10". How much did he
24 weigh?

25 A. One hundred and seventy five pounds.

1 Q. Okay. And so once you received -- did you notice
2 anything externally? Or what did you notice externally
3 about ---

4 A. So he had the most important findings externally were
5 several gunshot wounds.

6 Q. And when you see a gunshot wound, is there a particular
7 thing you do once you observe a gunshot wound?

8 A. We look at each gunshot wound individually and document
9 various characteristics about it that can help us
10 determine what was going on.

11 Q. And how do you document it?

12 A. I write it down.

13 Q. I'm sorry -- I didn't hear you.

14 A. I write them down.

15 Q. And do you do you take any photographs?

16 A. The coroner's deputy is down there taking them.

17 Q. Okay. So what gunshot wounds did you find?

18 A. There were four gunshot wounds total. One was on the
19 anterior right abdomen, one was on the left side of the
20 chest, one was on the inner left upper arm. And then
21 there was a graze gunshot wound on the top the right.

22 Q. And how can you tell that something is a graze wound
23 versus a penetrating wound?

24 A. A graze just does not penetrate into body. It's just --
25 it just makes laceration and abrasion on the outside of

1 the skin.

2 Q. And are you able to tell the difference between an entry
3 wound and an exit wound?

4 A. Most of the time.

5 Q. Were you able to do that in this case?

6 A. Yes.

7 Q. I want to show you what's been marked as State's
8 Exhibits 44 through 52. For the record, they've already
9 been shown to the defense.

10 MR. SUTHERLAND: Yes, sir. Just renewing as to 44 to
11 52, no objection to the rest.

12 BY MS. SAMPSON:

13 Q. And I'm going to ask if you recognize these photographs?

14 A. Yes.

15 Q. And do the -- those photographs fairly and accurately
16 depict what you saw back on May -- when you did the
17 autopsy on May 27 of 2020?

18 A. Yes, they do.

19 Q. And other than there may have been some edits to make
20 them smaller, is there any -- have there been any
21 alterations or changes to those photographs?

22 A. Not that I see.

23 MS. SAMPSON: At this time, Your Honor, we asked to
24 introduce State's Exhibits, I believe State's Exhibit 44
25 through 52.

1 THE COURT: All right. So entered subject to previous
2 objections.

3 BY MS. SAMPSON:

4 Q. And you there -- I know you testified before. We got
5 some new equipment, so we're going to put them on here.
6 You should be to put them on here. You should be able
7 to see them on your screen. Starting with State's
8 Exhibit 44, can you tell the jury what that is?

9 A. That's a picture of his right arm, the elbow area on the
10 inside, and that is a graze gunshot wound in the area.

11 Q. I am gonna put my pen -- is this what you're talking
12 about?

13 A. Yes.

14 Q. And how do you know that's a graze wound versus a
15 penetrating wound?

16 A. It did not go inside. Now, moving on to State's Exhibit
17 45. Can you tell the jury what that shows?

18 A. This is a picture of, again, his right arm on the top
19 half of the picture showing the graze wound that you
20 just saw.

21 Q. Where my pen is pointed?

22 A. Yes, and on the bottom half of the picture is his torso.
23 That's the right side of his body, and that is an
24 entrance gunshot wound on the right side of his torso.

25 Q. So again, where my pen is pointed?

1 A. Yes.

2 Q. And how did you know that that is an entry wound?

3 A. From its characteristics.

4 Q. Can you talk to the jury a little bit about what you
5 mean with characteristics?

6 A. So an entrance gunshot wound will typically have a round
7 shape, like, like a hole punch through a paper. And the
8 edges will typically be uniform. There's typically an
9 abrasive order around it. And but this is the typical
10 aspect. And then there may or may not be other findings
11 from the gunshot itself, which can help determine.

12 Q. I'm gonna show you State's Exhibit 46 to see if that
13 helps explain what you were just talking about as far as
14 characteristics.

15 A. Yes.

16 Q. Would it help, if you come down here and point yourself?
17 Can you let him out? Is that okay, Your Honor?

18 THE COURT: It is. Dr. Monroe, when you speak, if
19 you'll make sure that you are facing ---

20 MS. SAMPSON: We're going to try to make sure the
21 microphone works.

22 THE COURT: If the microphone works, make sure the jury
23 can hear you and the court reporter.

24 BY MS. SAMPSON:

25 Q. So if you can hold this and talk to us about that, you

1 can react.

2 A. So again, this is the right side of this body, and this
3 is the entrance gunshot wound. You can see it's mostly
4 round, a little bit oval shaped, and it has a clean
5 uniform edge. Those are all characteristics of an
6 entrance gunshot wound.

7 Q. And I'm gonna put State's 47 on top of that. Does that
8 better depict what you're talking about?

9 A. It's about the same.

10 Q. And is there anything about that that helps you with
11 distance?

12 A. So there were no findings associated with this wound
13 that could help me determine any sort of range or
14 distance.

15 Q. What would you expect to find if it was a close contact?

16 A. If it was a closed wound, I would expect to find soot.

17 Q. Did you find any soot?

18 A. No.

19 Q. Now, moving on to State's Exhibit 48. What does that
20 depict?

21 A. So this is his left arm here, and his body here, and
22 there is an entrance gunshot wound here on the arm.

23 Q. And there's a mark on the chest. What's that?

24 A. As well as an exit gunshot wound here.

25 Q. Is that -- is there a way for you to tell that this is

1 an entrance or exit wound from this photograph?

2 A. This is more difficult, but it's an exit due to its
3 shape. It has more flaps.

4 Q. I am going to show you State's Exhibit 49. What's that?

5 A. This is his left upper arm, again, armpit here. This is
6 a re-entry is what I should have called it. So this is
7 a re-entry wound. You can see that the edges are a bit
8 more ragged. And that happens just because the bullet,
9 the projectile, is lost energy going through.

10 Q. And how do you know that that is an entry wound for
11 sure, or a re-entry?

12 A. In this case, it's actually very difficult, just from
13 the wound itself, to tell. However, a projectile was
14 recovered from the left upper arm, and this is the only
15 gunshot wound there.

16 Q. Right. And in this photograph, we see a ruler. What is
17 that ruler depicting? Or why was it put in this
18 photograph?

19 A. This is a ruler that has, obviously centimeter
20 measurements for scale, and also has standard colors up
21 here, black and white and a standard gray color that
22 helps with determining the correct color for the whole
23 entire code.

24 Q. Okay. So that, would it be fair to say that's to help
25 you later with looking at these photographs as far as

1 the size of the wound, the coloring of the wound, that
2 kind of thing?

3 A. Yes. Law enforcement actually uses these for their
4 pictures. We do not, but it helps for scale, yes.

5 Q. And then now, with -- was that arrow added to help you
6 with this?

7 A. This arrow was added just for orientation, yes.

8 Q. So what is that a prediction of?

9 A. The arrow is pointing towards where his head would be.
10 So up this way.

11 Q. So is this -- would this be fair to say, this is his
12 left side?

13 A. This is his left side, left side of his torso, kind of
14 up on the chest area. And this is an exit gunshot
15 wound.

16 Q. And how do you know that it is an exit gunshot wound?

17 A. Again, from the characteristics of all wounds put
18 together. This is actually a difficult wound to
19 determine whether it's an entrance or an exit, all by
20 itself, just looking at the wound. But when you take
21 everything else into account, this is an exit wound.

22 Q. So in your expert opinion that it entered his right
23 side, exited his left and went into his arm?

24 A. That's correct.

25 Q. And this is State's Exhibit 51. Can you can tell jury

1 what that is?

2 A. This is the same gunshot wound but with the scale.

3 Q. And then lastly, State's Exhibit 52. What is that
4 depicting?

5 A. So this is, again, the left side of his body, his left
6 upper arm, armpit here. This is the exit wound, and
7 this is the re-entry wound.

8 Q. So you're saying, in your expert opinion, it traveled --
9 his arm, of course, probably closer to his body, and it
10 traveled into the arm? Would that be fair to say? When
11 the shooting occurred?

12 A. That's probably -- yes.

13 Q. You can have a seat. Thank you. So after you -- were
14 you able to determine, and I'm not sure how to say this
15 -- what the trajectory -- trajectory was of the bullet
16 wound?

17 A. Yes, the approximate trajectory was right to left, up
18 and front to back.

19 Q. And were you able to say -- and I am going to try to
20 phrase this correctly: It entered his thigh; is that
21 correct?

22 A. Yes.

23 Q. Didn't come on the front of his body?

24 A. That's correct.

25 Q. And did you do anything else other than measure and take

1 -- take determinations about the wounds?

2 A. What do you mean?

3 Q. Did you measure organs to any of the other things you
4 normally do in autopsy?

5 A. Yes.

6 Q. Did you find other than the bullet wounds -- did you
7 find anything else that would have caused his death?

8 A. There was nothing else that would account for his death.

9 Q. And so based on your expert opinion, what was the cause
10 of death?

11 A. Cause of death was a gunshot wound to his abdomen.

12 Q. No other way or explanation of how he died?

13 A. No other way. I want to show you what's been marked
14 Exhibit 62 and 63 and ask if you recognize those?

15 A. Yes.

16 Q. And what are -- can you tell the jury what those are?

17 A. These are copies of two of the diagrams that I made
18 during the autopsy.

19 Q. And would using those help establish exactly where on
20 his body the wounds were, since we didn't have full
21 length pictures of him just now?

22 A. Yes, it would.

23 Q. Having those been altered or changed in any way?

24 A. No.

25 Q. Fairly accurately depicts the drawings that you had back

1 in May of 2020?

2 A. Yes.

3 MS. SAMPSON: At this time, Your Honor, we ask to move
4 State's Exhibit 62 and 63 into evidence.

5 MR. SUTHERLAND: I do not have an objection to that.
6 But under Rule One of Six admission of part of writing by a
7 party opponent, I would ask to that they would submit another
8 page from diagrams. Yes, sir. Yes, sir, but there's another
9 page of diagrams. An additional page -- additional diagrams.

10 (OFF-THE-RECORD BENCH CONFERENCE)

11 THE COURT: Let's send the jury out for just a minute.
12 Do not discuss the case. Do not deliberate. Back out in a
13 few short minutes.

14 (THE JURY EXITS AT 11:26 A.M.)

15 THE COURT: Can someone hand me 62 and 63?

16 MS. SAMPSON: Yes, sir.

17 THE COURT: Where's 62 and 63 come from a report?

18 MS. SAMPSON: Those are the diagrams that Dr. Monroe
19 created.

20 THE COURT: And then what I have here ---

21 MS. SAMPSON: I have a plain copy, but I'm not putting
22 this one in, because it has not ---

23 THE COURT: With this report is that what you're saying?

24 MS. SAMPSON: Yes, there's lots of that other report.

25 It's got a coroner's report -- it's got ---

1 THE CLERK: The jury is seated, Your Honor.

2 THE COURT: Thank you. Yes, ma'am?

3 MS. SAMPSON: Thank you, Your Honor. At this time the
4 State would like to introduce State's Exhibits 62 and 63 into
5 evidence.

6 MR. SUTHERLAND: No objection.

7 THE COURT: Subject to previous objection, so moved.

8 MR. SUTHERLAND: Yes, sir.

9 BY MS. SAMPSON:

10 Q. So I'm gonna put these on the screen. Would this help
11 to show exactly where, as I was asking before, where the
12 wound was to the victim?

13 A. Yes.

14 Q. State's Exhibit 62. Can you see that?

15 A. Yes.

16 Q. And so where is the wound -- the entry wound -- the
17 first entry wound?

18 A. The first entry wound is on the right side of this body.
19 It's labeled A.

20 Q. So right there where my pen is?

21 A. Yes.

22 Q. And so is that near a rib? I mean, just to give us an
23 orientation?

24 A. It's just below the ribs.

25 Q. And where is the first exit wound?

1 A. In this diagram of label D on the left side of his body.

2 Q. So again, where I put my pen?

3 A. Yes.

4 Q. And again, is that near anything that we can understand,
5 like a rib or ---

6 A. That's kind of overlying the lower ribs on the side,
7 yes.

8 Q. And I don't think it's on this background. I'm gonna
9 show you State's Exhibit 63. Does this reflect the
10 re-entry wound?

11 A. Yes, it does.

12 Q. And where is that?

13 A. That's on the left arm, labeled C, right here.

14 Q. Right here?

15 A. Yes.

16 Q. Okay. What does D depict?

17 A. D is the graze on the top right arm.

18 Q. Thank you, Your Honor. At this time, I have no further
19 questions.

20 C R O S S E X A M I N A T I O N

21 BY MR. SUTHERLAND:

22 Q. Briefly, sir. All right. Doctor, like to be concise is
23 understanding your testimony. The -- the gunshot wound
24 was, you know, if I'm the deceased, the gunshot wound
25 wasn't here, it was here. Is that your testimony?

1 A. The entrance gun problem is kind of right here. See
2 where I'm pointing? So not completely from the front,
3 not completely from the side. Somewhere ---

4 Q. Okay. So -- so not here or there, but maybe there?

5 A. Yeah.

6 Q. Okay. I just try to get it into my mind. All right.
7 Thanks, sir. No further questions.

8 R E D I R E C T E X A M I N A T I O N

9 BY MS. SAMPSON:

10 Q. He's asking you about the way the body would have to be
11 turned. Is there any way for you to know exactly which
12 way the body was when the shot happens?

13 A. I can only tell you the relationship of the muzzle of
14 the gun to the part of the body at the time the gun was
15 fired. I can't tell you the position of his body to be
16 sitting, standing, down, anything like that. That's all
17 I can tell you.

18 Q. Thank you. No further questions.

19 MR. SUTHERLAND: No questions of this witness. He may
20 be excused.

21 THE COURT: All right. Thank you.

22 MS. SAMPSON: The State calls Shaddashia Mayo.

23 (BEING DULY SWORN TESTIFIES AS FOLLOWS)

24 THE CLERK: Thank you, ma'am. Please have a seat and
25 witness stand and state your full name for the record and

1 spell your last name.

2 THE WITNESS: Shaddashia (Phonetic) Mayo. M-a-y-o.

3 D I R E C T E X A M I N A T I O N

4 BY MS. SAMPSON:

5 Q. I think it's still morning. Good morning, Ms. Mayo.

6 A. Good morning.

7 Q. Do you live here in Columbia?

8 A. Yes.

9 Q. And how old are you?

10 A. Twenty five.

11 Q. And what do you currently do as a job?

12 A. I work in a dentist office.

13 Q. And I -- I'm just going to get straight to it. Did you
14 know the defendant in this case back in May of 2020

15 A. Yes.

16 Q. Did you know Khamori Scott back in May of 2020?

17 A. Yes.

18 Q. And how did you know Khamori Scott?

19 A. He was my boyfriend.

20 Q. And how did you meet Mr. Scott?

21 A. Through a friend.

22 Q. And did you meet Mr. Scott and Mr. Jones -- excuse me --
23 Mr. Jackson at the same time?

24 A. Yes.

25 Q. Did you ever see them together?

1 A. Yes.

2 Q. Would you tell the jury a little bit about your
3 relationships with Mr. -- the defendant and your
4 boyfriend and of course, did y'all vacation together?

5 A. Yes.

6 Q. How often did you all go on vacation together?

7 A. Not like every (Inaudible), but we always hung out
8 there.

9 Q. And when you say, "hung out", where would y'all hang
10 out?

11 A. (Inaudible).

12 Q. Did you ever go to the defendant's home to hang out?

13 A. Yes.

14 Q. And where would y'all hang out at?

15 A. Inside the house, in the yard, on the car porch.

16 Q. Was it unusual for people to just hang outside?

17 A. No.

18 Q. And all of this was going on in May of 2020?

19 A. Yes.

20 Q. On May 17 of 2020, did you have an occasion to see the
21 defendant?

22 A. Yes.

23 Q. And where was that at?

24 A. My house, that day.

25 Q. Was he there with the victim as well?

1 A. Yes.

2 Q. Anybody else there?

3 A. There was a couple more people.

4 Q. And did you take any photographs to memorialize y'all
5 being together?

6 A. That day, yes.

7 Q. I'm gonna show you what's been marked as State's Exhibit
8 64.

9 MR. SUTHERLAND: No objection, sir.

10 BY MS. SAMPSON: (Resuming)

11 Q. I'm gonna show you State's Exhibit 64 and see if you
12 recognize it?

13 A. Yes.

14 Q. And what is it?

15 A. (Inaudible).

16 Q. And who took this photo?

17 A. Me.

18 Q. And what day did you take this photo?

19 A. May 17, 2020.

20 Q. Has it been altered in any way?

21 A. No.

22 Q. Does it accurately reflect the way it looked back in
23 May of 2020?

24 A. Yes.

25 MS. SAMPSON: At this time, Your Honor, I would ask to

1 introduce State's Exhibit 64 into the record -- into
2 evidence. Sorry.

3 MR. SUTHERLAND: That's without objection.

4 THE COURT: So moved.

5 BY MS. SAMPSON:

6 Q. And is this the photograph I just showed you?

7 A. Yes.

8 Q. And who's this in the front of the photograph?

9 A. Me.

10 Q. And who's this in the back of the photograph?

11 A. Telvin.

12 Q. And who else you said, Mr. Scott was there, I think,
13 too?

14 A. Yes.

15 Q. And did you have occasion to see the defendant on
16 May 18th?

17 A. Yes.

18 Q. And what happened on May 18th?

19 A. We had a cook out at our apartment, me and Khamori.

20 Q. And who came?

21 A. Telvin and his girlfriend and some other people.

22 Q. So you knew his girlfriend as well?

23 A. Yeah.

24 Q. Is his girlfriend Ebony?

25 A. Yes.

1 Q. How about Antoine? Also known as Black. Did you know
2 him?

3 A. Yes.

4 Q. Did you ever see him with the defendant?

5 A. Yes.

6 Q. Did they know each other, to the best of your knowledge?

7 A. Yes.

8 Q. What about Brandon? Also known as Riot. Did you ever
9 see him with it?

10 A. Yes.

11 Q. So they all, to the best of your knowledge, everybody
12 knew everybody?

13 A. Yes.

14 Q. So going back to between May 18 and May 26 when the
15 shooting happened, did you know of any issues between
16 the defendant and your boyfriend?

17 MR. SUTHERLAND: Objection hearsay.

18 MS. SAMPSON: I just asked, did she know.

19 THE COURT: She can answer it in general.

20 BY MS. SAMPSON: (Resuming)

21 Q. Did you know that there have been any issues between
22 Khamori and Mr. Jackson?

23 A. Not as bad as it went, but I did know that they were
24 kind of bad.

25 Q. You knew they were out?

1 A. Yeah.

2 Q. Okay. On May 26th did you have an occasion to see
3 Mr. Scott that day?

4 A. Yes.

5 Q. And what happened that day, when you saw him?

6 A. Got off from work, went to my house about a few things,
7 and I dropped him off with Antoine.

8 Q. You dropped him off with Antoine?

9 A. Yeah.

10 Q. Let me ask you this. Was he driving? Was Khamori Scott
11 driving that day?

12 A. No.

13 Q. Do you remember what kind of car he was driving?

14 A. Not really sure I can remember.

15 Q. But they left in his car?

16 A. They left in Antoine's car.

17 Q. Khamori did not have a car that day?

18 A. No.

19 Q. Did you have an occasion to talk to him that day?

20 A. Yeah.

21 Q. Were you talking on the phone or texting or both.

22 A. Both that day.

23 Q. And I asked you, did you know there was a problem
24 between him and between Khamori and Telvin? Did you
25 ever learn -- believe there was one?

- 1 A. Yeah, but Khamori, never showed ---
- 2 Q. I wasn't saying that he did. How did you learn that
- 3 there was a problem that might have been a problem in
- 4 your friend group?
- 5 A. Well, we didn't get right to the beach.
- 6 Q. And so, I want to talk about the beach trip. When was
- 7 the beach trip?
- 8 A. Not sure which day, but it was after May 17th.
- 9 Q. Was it before the shooting?
- 10 A. It was before it.
- 11 Q. Like right before -- a few days?
- 12 A. A couple days before.
- 13 Q. And how did that -- how did you -- how did that make you
- 14 understand that there was a problem?
- 15 A. Well, normally, we invited out you get the invitation.
- 16 Anytime they go out of town.
- 17 Q. But so you didn't, would you know what it meant?
- 18 A. A beach.
- 19 Q. And you all weren't invited?
- 20 A. No.
- 21 Q. Okay. And to you that have been usual or unusual?
- 22 A. Unusual.
- 23 Q. Okay. So after you drop off Mr. Khamori with Antoine,
- 24 did you understand -- had an idea where they were going?
- 25 A. No.

1 Q. Had you ever heard them saying they were going to
2 Leesburg Road?

3 MR. SUTHERLAND: Hearsay.

4 MS. SAMPSON: I just asked that she ever heard them they
5 were going to Leesburg Road.

6 MR. SUTHERLAND: It is still hearsay.

7 BY MS. SAMPSON: (Resuming)

8 Q. If someone said -- when you said you were going to
9 Leesburg and hang out, what did you mean?

10 A. We were going to someone's house.

11 Q. So when -- that's where the hangout spot was, if you
12 were going to Leesburg?

13 A. Yes.

14 Q. And so at some point, you said you received a text from
15 Telvin?

16 A. Yes.

17 Q. Excuse me -- from Khamori. And after all this, you were
18 you able to figure out the dates of the times that you
19 received those texts?

20 A. Yes.

21 Q. Okay. And I want to show you what's been marked as
22 State's Exhibit 65 and ask if you recognize it?

23 A. Yeah.

24 Q. And what is this?

25 A. Text messages from Khamori.

1 Q. And at the time this happened, did you do something to
2 memorialize the times?

3 A. No.

4 Q. Did you make a statement to memorialize the times?

5 A. Yeah. I did.

6 Q. Do you remember the times off the top of your head?

7 A. Yes.

8 Q. The specifics -- you do? Okay. So at this time, has it
9 been changed or altered in any way?

10 A. No.

11 MS. SAMPSON: At this time, Your Honor, I'd asked to
12 introduce State's Exhibit 65 into evidence.

13 MR. SUTHERLAND: It's hearsay and so I object.

14 THE COURT: So marked.

15 BY MS. SAMPSON: (Resuming)

16 Q. This first one up here where it says, "I just drew
17 down." Who is that from?

18 A. Khamori.

19 Q. And he's sending that to you?

20 A. Yes.

21 Q. And then he sends three smiley faces?

22 A. Yes.

23 Q. And what is your response?

24 A. Where you at, W-Y-A.

25 Q. So that -- what W-Y-A means?

- 1 A. Yes.
- 2 Q. What time did you receive this first text?
- 3 A. 10:21.
- 4 Q. And you responded?
- 5 A. Yes.
- 6 Q. And he responded?
- 7 A. Yeah.
- 8 Q. And then he responded?
- 9 A. Yes.
- 10 Q. And he said he's sitting in his yard. Whose yard did
- 11 you believe that was?
- 12 A. Telvin's yard.
- 13 Q. And then what did he tell you?
- 14 A. Yeah, he apologized about the beach. And he said he
- 15 didn't take the money, but he gave it up.
- 16 Q. And so, when he's talking about -- you could have come
- 17 to the beach, that's the beach trip you just told the
- 18 jury about?
- 19 A. Yes.
- 20 Q. And what time was the last text you received from Tel --
- 21 from Khamori?
- 22 A. 10:29.
- 23 Q. So you received -- it came in your phone at 10:29?
- 24 A. Yes.
- 25 Q. Now, a couple last things. You testified that you had

1 been to Mr. Jackson's house several times?

2 A. Yeah.

3 Q. Can you put a number on how often you've been there?

4 A. Not really.

5 Q. I'm gonna show you what's been marked as State's
6 Exhibits 39 and 40.

7 MR. SUTHERLAND: No objection.

8 THE COURT: So entered into evidence.

9 BY MS. SAMPSON

10 Q. I'm gonna put them on here so you can see them.

11 A. Okay.

12 A. Can you tell the jury what is State's Exhibit 39?

13 A. (Inaudible).

14 Q. And what is this right here?

15 A. The couch.

16 Q. And the table?

17 A. Yeah.

18 Q. Was that there back in May of 2020?

19 A. Yes.

20 Q. Exhibit 40 may show it a little bit better. Right here
21 is that the couch you were talking about?

22 A. Yeah.

23 Q. And so people would hang out in this area?

24 A. Yeah.

25 Q. It wouldn't be -- would it be unusual for that to

1 happen?

2 A. No.

3 MS. SAMPSON: Beg the court's indulgence.

4 BY MS. SAMPSON:

5 Q. You said that you know Brandon?

6 A. Yes.

7 Q. Did you know what kind of -- and you may not know. Do
8 you know what kind of car Brandon drove?

9 A. A white Charger.

10 Q. Do you know what kind of car the defendant drove?

11 A. I want say a truck.

12 Q. That's fine, if you don't know. Okay. Thank you. No
13 further questions, Your Honor.

14 MR. SUTHERLAND: Briefly, Your Honor.

15 C R O S S E X A M I N A T I O N

16 BY MR. SUTHERLAND:

17 Q. Ms. Mayo, my name is Tivis. It's unfortunate to meet
18 you like this. I just want to ask you about this beach
19 trip. You testified that it was after the 17th?

20 A. Yeah.

21 Q. Was it after the 20th?

22 A. I'm not sure. I would have to go back -- that we had
23 the meeting (Inaudible).

24 Q. Are you aware of what -- what happened on the 20th of
25 May with respect to Khamori and Telvin's house?

1 A. No.

2 MR. SUTHERLAND: All right. Thank you. No further
3 questions, Judge.

4 MS. SAMPSON: No questions.

5 THE COURT: All right. You may step down.

6 MS. SAMPSON: Can she be excused, Your Honor?

7 MR. SUTHERLAND: Yes, sir. Yes, sir.

8 THE COURT: Yes, she can.

9 (THE WITNESS EXITS THE STAND)

10 MS. SAMPSON: May we approach, Your Honor?

11 THE COURT: Yes.

12 (OFF-THE-RECORD BENCH CONFERENCE)

13 MS. SAMPSON: The State calls Sylvester Culler.

14 THE CLERK: Please have seat in the witness stand and
15 state your full name for the record.

16 THE WITNESS: Sylvester Culler, C-u-l-l-e-r.

17 D I R E C T E X A M I N A T I O N

18 BY MS. SAMPSON:

19 Q. Investigator Culler, where do you currently work?

20 A. At the Fifth Circuit Solicitor's Office.

21 Q. So you work for my office?

22 A. Yes.

23 Q. How long have you been in our office?

24 A. About eight years.

25 Q. Prior to that, where did you work?

1 A. At the University of South Carolina Police Department.

2 Q. And what did you do there?

3 A. Law enforcement training.

4 Q. Training others; is that correct?

5 A. Yes.

6 Q. And prior to that, were you also in law enforcement?

7 A. I was. At the City of Charleston Police Department for
8 about three years.

9 Q. And what did you do there?

10 A. I was on patrol.

11 Q. Were you with law enforcement prior to that -- is that
12 the beginning?

13 A. That was the beginning.

14 Q. All right. So as part of your job duties at our office,
15 do you often look for witnesses?

16 A. I do.

17 Q. And during -- so how long have you been in law
18 enforcement?

19 A. About 21 years.

20 Q. And in that 21 years, is it unusual or usual to have to
21 look for witnesses?

22 A. It's very usual.

23 Q. Is it usual or unusual not to find them?

24 A. It's unusual not to find them.

25 Q. In this case, did you attempt to find Antoine, also

1 known as Black?

2 A. Yes.

3 Q. And were you able to?

4 A. I was able to speak with him through his mom. I was not
5 able to locate him.

6 Q. Would he -- would his mother provide you with his phone
7 number so he could call him?

8 A. She did not.

9 Q. Were you able to physically locate him at all?

10 A. No.

11 Q. What about Brandon.

12 A. No, I was not able to locate him at all.

13 Q. And can you tell the jury how you try to do this?

14 A. Yeah, what I was trying to look at, which is the --
15 several databases, like DMV, insurance databases. It
16 gives us present and past addresses that they use, as
17 well as phone numbers associated with that person.

18 Q. You did that in this case?

19 A. Yes.

20 Q. And did you find any addresses?

21 A. I found several addresses for both.

22 Q. Did you -- were able to go to those addresses?

23 A. I was able to go to all of them.

24 Q. Did they live there?

25 A. They did not.

1 Q. What about the phone numbers?

2 A. Phone numbers, I called all of them. That's how I was
3 able to get Antoine's mom to answer but I was never able
4 to contact Brandon.

5 Q. Was there any other investigative tool that you did not
6 use to find these particular individuals?

7 A. No. I used all the ones that we normally use and tried
8 to locate them through social media.

9 Q. And were you able to?

10 A. I was not.

11 MS. SAMPSON: I have no further questions of this
12 witness, Your Honor.

13 MR. SUTHERLAND: No questions.

14 THE COURT: All right. You may step down.

15 (WITNESS EXITS THE STAND)

16 THE COURT: Ladies and gentlemen, we're going to break
17 for lunch. We'll be back at two o'clock. While you're on
18 your lunch break, do not discuss the case. Do not
19 deliberate. Do not do any independent research. We'll see
20 you back here at two o'clock.

21 THE CLERK: Remain seated.

22 THE COURT: Anything from the State?

23 MS. SAMPSON: I am sorry, Your Honor. I am trying to
24 contain myself. So the -- apparently the \$100 bill
25 catastrophe has been explained. We did confiscate the \$100

1 thing as a motion (Inaudible).

2 THE COURT. All right. Bring the jury in.

3 THE CLERK: The jury is seated, Your Honor.

4 THE COURT: Thank you. Ladies and gentlemen, I hope you
5 had a wonderful lunch. Thanks for being on time and the
6 State may call your next witness.

7 MS. SAMPSON: The State calls Ronnie Hinson.

8 (BEING DULY SWORN THE WITNESS TESTIFIES AS FOLLOWS)

9 THE CLERK: Thank you, sir. Please have seat in the
10 witness stand and state your full name for the record.

11 THE WITNESS: Ronald Hinson.

12 D I R E C T E X A M I N A T I O N

13 BY MS. SAMPSON:

14 Q. I'm used to calling you Investigator Hinson. Is that
15 your title currently?

16 A. No, not currently.

17 Q. Where do you work, currently?

18 A. I currently do private investigations.

19 Q. How long have you been doing that?

20 A. Since November 2023 -- November of last year.

21 Q. So prior to that, where were you employed?

22 A. At -- prior to now at Lancaster County Sheriff's Office.

23 Q. And ---

24 A. Prior to that Richland County.

25 Q. So how long all together until have you been in law

1 enforcement?

2 A. A little over 25 years.

3 Q. And during that 25 years, can you tell the jury how you
4 went through the ranks?

5 A. Yes. I started in 1998 with the Richland County
6 Sheriff's Department in the patrol division after
7 graduating the criminal justice academy, also getting a
8 Bachelor of Science degree in criminal justice from the
9 University South Carolina. I worked at Richland County
10 for five years then went to SLED, South Carolina Law
11 Enforcement Division, where I was there for 12 years.
12 Then went back to Richland County Sheriff's Department
13 for approximately six -- six, or seven more years. And
14 I was a criminal investigator at the time. And then
15 left Richland County, Lexington County Sheriff's
16 Department for a short period and retired.

17 Q. So you're retired. So you retired from law enforcement?

18 A. Yes.

19 Q. All right. So now you're private -- do private
20 investigations for defense attorneys now?

21 A. Yes. I do private investigations for several defense
22 attorneys in the Columbia area.

23 Q. So I want to talk to you a little bit about back in
24 May of 2020. Where were you? You were employed by
25 Richland County?

1 A. Yes.

2 Q. In what capacity?

3 A. I was a criminal investigator with the major crimes
4 division and criminal investigations.

5 Q. And so can you tell the jury what that means to be an
6 investigator was criminal -- with that division?

7 A. Yes. I conducted investigations in what's called major
8 crimes. It would be homicides, assaults, domestic
9 violence, assaults against persons. I routinely
10 conducted those investigations and was also on call for
11 homicide -- what we call homicide, for roughly six --
12 five or six weeks.

13 Q. So were you the on call investigator back on May 26 of
14 2020?

15 A. I was working. I wasn't the on call. I was helping
16 that on call team out. So there was another homicide
17 investigator on call, but I was working that night when
18 this call came out.

19 Q. So based on what you just said, is it the normal --
20 excuse me -- normal for all investigators to help each
21 other, like as a team?

22 A. Yes.

23 Q. So you said you were you helping someone else when this
24 call came through?

25 A. Yeah, I was helping another investigation -- another

1 investigator with another investigation that came out
2 just prior to this call coming out. And then I was
3 asked to take over the investigation into this incident.

4 Q. And so, where were you when you received the information
5 that this had occurred?

6 A. I was on -- I was actually on the scene of another
7 incident that occurred in Richland County.

8 Q. And did you return to headquarters at that point to work
9 on this?

10 A. Yes, I went to our headquarters and began working on
11 this investigation.

12 Q. Okay. So I'm going to kind of talk you through it.
13 During your investigation, were you able to determine
14 that there had been an incident on May 2020 between
15 Khamori Scott and Telvin Jackson?

16 A. Yes.

17 Q. And it's already been introduced, but were you able to
18 access that 911 call?

19 A. Yes, I did.

20 Q. And have you listened to that 911?

21 A. Yes.

22 (WHEREUPON STATE'S EXHIBIT 3 IS PLAYED.)

23 AUDIO IS NOT RECORDED)

24 BY MS. SAMPSON: (Resuming)

25 Q. And so, when someone calls 911 and police come, is there

1 a report made, if they want one?

2 A. Yes.

3 Q. Is that report generated, even if they decide not to
4 press charges?

5 A. Yes.

6 Q. Was there a report made in this case? For this call?

7 A. No, there wasn't.

8 Q. And if, other than Mr. Jackson's call, was there a call
9 from Ebony Davidson about this?

10 A. No.

11 Q. So, talking about Ebony Davidson, were you able to talk
12 to her, in reference to May 26 of 2020?

13 A. Yes.

14 Q. And were you able to speak to Dominique Weston, who was
15 also present on May 26 of 2020?

16 A. Yes.

17 Q. Do you know where Dominique Weston is now?

18 A. Dominique passed.

19 Q. Unrelated to the ---

20 A. Unrelated.

21 Q. And we heard testimony from Shaddashia Mayo. Did you
22 receive a statement from her around the time of this
23 incident?

24 A. I did.

25 Q. And you received those text messages that have been

1 introduced into evidence?

2 A. Yes.

3 Q. So after speaking with all of them, were you able to
4 determine who -- who else was present with the victim
5 that night?

6 A. Yes, I was.

7 Q. Who was that? You go ahead and use the nickname.

8 A. Riot and Black.

9 Q. And did you determine that Brandon was Riot?

10 A. Yes.

11 Q. And were you able to ever speak with Brandon?

12 A. Hold on a second.

13 Q. And are you referring to something? What are you
14 referring to?

15 A. I'm referring to my report -- my notes.

16 Q. And does looking at your report in your notes help
17 refresh your memory as to what happened?

18 A. Yes, it does. I didn't speak to Brandon.

19 Q. You did or did not?

20 A. Did not.

21 Q. And what attempts did you make to speak with Brandon?
22 Jenkins is his last name.

23 A. I looked up his numbers and looked at -- looked up his
24 information through the department motor vehicles to
25 find an address for him.

1 Q. Did you find one?

2 A. Yes, I did.

3 Q. And were you would go to that address?

4 A. Yes. I went to the address listed for him.

5 Q. And what did you find at that address?

6 A. Outside the apartment, there was a white color Charger.
7 It was registered to him.

8 Q. And what did you do based on that?

9 A. I went through the door, just apartment. I knocked on
10 the door. There's no answer, and I did leave a business
11 card to try to get him to call me back at some point.

12 Q. Did you ever receive a call back?

13 A. No.

14 Q. Moving on to -- how did you -- let me ask you this: Did
15 you ever determine who owned the Acura that the victim
16 was found in?

17 A. Yes, I did.

18 Q. And who owned that car?

19 A. Dave Miller was the owner of the Acura.

20 Q. And was she connected to anybody associated with this?

21 A. Yes, she was the girlfriend of Antoine Robinson.

22 Q. And were you able to speak with Antoine Robinson?

23 A. I did speak, I think, -- one of -- the following day
24 after the incident, I made contact with Ms. Miller at
25 her apartment. I spoke with Mr. Robinson on her --

1 from her phone. She had called him while I was there,
2 so I could speak with him. And I spoke with him briefly
3 on the phone. I told him I needed to conduct an
4 interview with him in our headquarters. He stated he
5 would call me and would be there within 30 minutes, but
6 he never showed up.

7 Q. Did he ever call you back?

8 A. I never heard from him again.

9 Q. And as part of your event -- investigation, you actually
10 requested those 911 calls that we've all listened to at
11 this point; correct?

12 A. Yes, I put a request in through our central dispatch, a
13 form the request of 911 calls from that day, put them on
14 a CD and paper.

15 MS. SAMPSON: I beg the court's indulgence.

16 BY MS. SAMPSON: (Resuming)

17 Q. And just to make sure I've covered all my bases. This
18 happened at [REDACTED] Weiss Drive?

19 A. Right.

20 Q. Is that located in Richland County?

21 A. Yes.

22 MS. SAMPSON: Nothing further.

23 MR. SUTHERLAND: Briefly, Your Honor.

24 C R O S S E X A M I N A T I O N

25 BY MR. SUTHERLAND:

1 Q. Sir. All right. You did -- you did speak to Telvin
2 Jackson?

3 MS. SAMPSON: Your Honor, may I approach?

4 THE COURT: You may.

5 (OFF-THE-RECORD BENCH CONFERENCE)

6 THE COURT: All right. We will send you out for just a
7 few minutes, ladies and gentlemen. Do not discuss the case.
8 Do not deliberate.

9 (THE JURY EXITS AT 2:30 P.M.)

10 THE COURT: All right, your objection, Ms. Sampson?

11 MS. SAMPSON: Your Honor, I was very specific with the
12 Investigator. I didn't ask about him talking to the
13 defendant. I didn't ask about him even seeing the defendant
14 at headquarters, to keep from bringing in any statements made
15 to him, by law by this defendant, because you already ruled
16 that that could not come in. The court -- at the bench, you
17 stated that Ms. Bell when asking Gayeskie, and I would
18 actually ask the court for if there's a way we could play it,
19 she talked to him twice.

20 So I need to know if it was when we did it outside the
21 presence of the jury, or was it inside the presence of the
22 jury? I don't remember her asking if he talked to this
23 particular investigator, or if anybody said that this
24 defendant spoke with another investigator. My remembrance of
25 her answer question was that other people do investigations

1 not specific to the defendant's testimony.

2 THE COURT: That's -- that's correct, that is, it was a
3 redirect right in front of the jury. She didn't say anything
4 about this investigator to the defendant, but it was about
5 other investigators may have investigated the case further in
6 relation to the statement -- the 911 or the body cam footage
7 about how he said this, because Mr. Sutherland was trying to
8 say, this is what was said on redirect. It was about, well,
9 they might know their investigators who investigated this
10 case further, the question isn't about what was said of the
11 statement. The question was, did you take a statement? He
12 can't say this is what the statement is.

13 MS. SAMPSON: So you're just asking it. He can ask him,
14 did he take a statement? But not the merits of it?

15 THE COURT: Correct.

16 MR. SUTHERLAND: That's I mean, and that -- that was my
17 understanding. Like you talked to him, did you say this?
18 Did you not? Did he say anything?

19 MS. SAMPSON: I don't think he can get into the
20 particulars, but ---

21 THE COURT: The question was about can he ask you --
22 would you talk with my guy? Pretty much --

23 MS. SAMPSON: I don't think he could get into ---

24 THE COURT: That's hearsay.

25 MR. SUTHERLAND: Yes, sir.

1 MS. SAMPSON: That's why I was stopping while we did
2 because I just assumed he was going -- he was about to go in,
3 and if you ruling it, he can just say he spoke with them. I
4 would have asked him that, but I just didn't want to open the
5 door to him then saying that he could now go into everything,
6 simply because I asked him, did he speak to him.

7 THE COURT: It -- at this point -- at this point, it's
8 just about you invested -- investigate the case. The door is
9 open about how did you investigate it? One way was I talked
10 with this guy.

11 MS. SAMPSON: I just didn't want to ask that question,
12 because I was afraid that, without a doubt would open the
13 door, so ---

14 MR. SUTHERLAND: Where I believe that I can't -- you
15 talk to them in the interview room?

16 THE COURT: Yeah, that's part of the investigation.
17 About what you -- you talk to them here, you talk to them.
18 It's about -- it's about this case, about an investigation.
19 Was it right? Was it done thoroughly, etc. That door is
20 open, but not about what did you say? The door hasn't been
21 opened, at least not on direct -- that why did you charge
22 him? What did he tell you to make you charge him?

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: All right.

25 MR. SUTHERLAND: I -- I'm good. I'll do that, and

1 that's it.

2 MS. SAMPSON: No offense. I just want to make sure
3 Mr. Sutherland doesn't go off some tangent. The only thing
4 that he can ask him is, did he interview him in his cubicle?
5 Did he interview him in a room as but not the substance of
6 the interview or anything else about the defendant at that
7 time.

8 THE COURT: He can't ask him anything about hearsay.
9 Any question that elicits hearsay.

10 MS. SAMPSON: Okay.

11 THE COURT: That's the most I can do.

12 MS. SAMPSON: I just want to make -- I'll object if I
13 feel the need.

14 THE COURT: Very well. Bring the jury.

15 (THE JURY ENTERS AT 2:25 P.M.)

16 BY MR. SUTHERLAND: (Resuming)

17 Q. Thank you, sir. Briefly, sir. So you interviewed
18 Telvin in your cubicle?

19 A. Yes.

20 Q. And then you moved him to the investigation room or the
21 interview room?

22 A. Yes.

23 Q. In general, what is the purpose of moving someone from
24 your cubicle to the interview room?

25 A. The interview room is where we video and audio tape.

1 Q. Right. So you, when you move someone there, it's
2 because you want to video and audio tape?

3 MS. SAMPSON: Your Honor, I'm going to raise my
4 objection.

5 THE COURT: Approach.

6 (OFF-THE-RECORD BENCH CONFERENCE)

7 THE COURT: We'll send you right back out for just a few
8 minutes. Do not discuss the case. Do not deliberate.

9 (THE JURY EXITS AT 2:27 P.M.)

10 THE COURT: Ask the question you were about to ask.

11 MR. SUTHERLAND: Okay. It's -- so what is the purpose
12 of moving a person, say this person -- there's implications
13 in every question, and every case. What is the purpose of
14 moving a person from your cubicle to the interview room? His
15 testimony was, so that we can audio tape it, and so that we
16 can audio and video tape. And I think I was like, so you
17 audio and video tape statements. And I think I was in that,
18 in that wheelhouse, just somewhere in there, in there. Now,
19 you know, I think on my feet. I mean, I was almost done.

20 THE COURT: Keith, I think the -- unhook your monitor.
21 It's not on the all the screen. So the issue is, I mean, he's
22 getting to the point, Mr. Sutherland is going to say, y'all
23 got a statement, and ---

24 MS. SAMPSON: He's implying that there, he's already said
25 that the purpose of putting his client, he didn't say any

1 client. He asked him, you put my client in the in the
2 cubicle, and you put my client in that in the room where you
3 then do record. The purpose of putting them in that room is
4 to do audio and video recordings. So that leaves it out
5 there. But there's an audio and video recording that they're
6 not hearing because your judge, Your Honor, has ruled that it
7 can't come in in the way he wants it to come in. So it's
8 leaving it out there. There's this recording that, by law,
9 they're not allowed to hear in the way he wants to put it in.
10 He can put a client up and put it in, but he can't sit here
11 and tell them that there's this ---

12 THE COURT: He can't put it in.

13 MS. SAMPSON: He could.

14 THE COURT: But he can't put that statement.

15 MS. SAMPSON: But he should not be allowed to tell them
16 that there is one, or imply that there is one by saying the
17 reason you put him in the room is to make this recording,
18 which is what he was doing.

19 THE COURT: But isn't it part of the defense always to
20 attack the investigation? If he if you if you didn't take
21 fingerprints, if you didn't test -- you know, you don't test
22 the GSR, then you don't say you didn't test the GSR, or you
23 didn't hear from this witness, and we had slide come up here
24 and say, we -- we did all this work for our investigation.
25 Can't the defense say, "Where's this?" I mean, that's

1 typically, where's this. Who is this?

2 MS. SAMPSON: I think he can say he could have but then
3 it gets into, I can't say why he didn't, because I can't
4 imply he can -- I cannot, by the rules, say, well, he had the
5 right to remain silent, because that might be why he's in
6 this room and didn't say anything. But in closing, I can't
7 say that.

8 THE COURT: If that was the case, if he invoked then
9 yes, and unfortunately, he has those constitutional rights.
10 The inverse is not a reflective inverse. It is totally two
11 different things. It's just an evidentiary issue.

12 MS. SAMPSON: But he should not be able to imply that
13 they didn't do a recording when they did.

14 MR. SUTHERLAND: I'm not implying that they didn't. I'm
15 saying that they did.

16 MS. SAMPSON: As long as he's not -- if he's going to
17 say, as an officer of the court, that he is not going to get
18 up there and say, they put him in a recorded room, and they
19 could have recorded an interview, but you they did.

20 THE COURT: What ---

21 MR. SUTHERLAND: Yes, sir.

22 THE COURT: Can he -- couldn't he ask him, did y'all
23 interview him?

24 MS. SAMPSON: He already did that,

25 THE COURT: And then, didn't y'all record it?

1 MR. SUTHERLAND: Yes, we did.

2 MS. SAMPSON: The problem with that, Your Honor, is you
3 rule that that can't come in because: A) I don't have to
4 complete hearsay, so under the rules, it can't come in, and
5 B) it leaves the jury not knowing that the reason they're not
6 hearing it is it can't come in in the manner that it's coming
7 in. And that is not proper in that way. It's not lacking
8 fingerprints, where they didn't do fingerprints, they didn't
9 just bother. That would be different. You could get up and
10 say, well, they could have done fingerprints and they didn't.
11 They could have ran DNA tests and they didn't because they
12 could have. They did do it, but it's not admissible. It's
13 not admissible in the manner that he wants to do. That is
14 the difference between saying what you could have done as an
15 investigator versus you did it but it's not admissible.

16 MR. SUTHERLAND: Judge, I can't say that. I really
17 don't know what I'm going to say in closing, because it's
18 live, but I know what I'm not I'm thinking about and so if
19 I'm not thinking about it, it doesn't come out. I'm not
20 thinking about saying, hey, they didn't record this thing
21 when they did. You know, I'm still an officer of the court.
22 They could go anywhere like, yeah, you know, they should have
23 recorded this thing here. When there's a recording, it's not
24 in evidence, but I'm still being dishonest. I mean, I'm not
25 going to go up there and be dishonest. Now look about what

1 happens here. I wasn't there. I don't know. I can argue
2 whatever happens at the incident location. I'm not talking
3 about that. I know I've made it clear that there is a video
4 of this interview, and I think I called them a bunch of
5 communists on Monday for not entering the interview. So how
6 am I going to go in front of the jury and say, say the
7 opposite. I mean, I just think, you know, she said as an
8 officer of the court, I mean, I'm serious about that. You
9 know, coming I'm serious about that in life. I'm not going
10 to mislead or lie to something.

11 THE COURT: Proffer the question you want to ask.

12 MR. SUTHERLAND: Let me go back to the to the train of
13 thought. It's like, Hey, you moved them from the cubicle to
14 the interview room. Why did you do that? He said, so we can
15 record it. Like, oh, when you move a person from here to
16 there, it's so that you can record it right? So there's a
17 recording? Yes, I'm probably gonna drop it there and then
18 just really complain hard to the jury, sir.

19 THE COURT: What's your response to Ms. Sampson's
20 arguments about not being proper?

21 MR. SUTHERLAND: Well, how is it improper when he, I
22 mean, he testified, I don't -- how is -- there's a recording.
23 How is -- now I understand, you know something, can't I'm not
24 saying, hey, here you go. You know, oh, Judge at this time,
25 I'm I moved to defense two. I'm not saying that. I'm not

1 trying to introduce anything. I'm asking, what happened?
2 Right? Asking why? Right? Is Your Honor, you mentioned,
3 you know investigations. Well, why did you do this? You
4 know you were saying, Well, why didn't you -- does the
5 firearm for print -- why don't you? But you did do this,
6 right? And you did do that. I'm asking about the
7 investigation. I understand the court's ruling, and I'm not
8 going to violate it. I mean, I have to cuss sometimes but I
9 don't mean to.

10 THE COURT: But in closing, as Ms. Sampson stated, I
11 hold that evidence is inadmissible. And so then you can't
12 comment on why evidence wasn't entered, even though they
13 could have it would have been admissible for the State if
14 they chose not to admit it. And it's inadmissible?

15 MR. SUTHERLAND: Right.

16 THE COURT: So then you can't comment. Well, it's I --
17 I can, I can -- I can work with I can work with that.
18 Because honestly, you know, I was picking through, because on
19 Monday, I was just losing my mind. But then Behney gets up
20 there and he said, "Hey", and I'm like, What else did he say?
21 All right? And then that flat flap comes up and just other
22 and then finally, Gayeskie, you know, the -- the present
23 sense of fresh and the excited utterance comes in. So it's a
24 building process that they're seeing, what they're seeing.
25 And so, I mean, if why -- okay. Words in this mouth, in

1 opening. I said, you know, they're up here. They're tight.
2 They say three things, you know, heart, mouth, and 911,
3 right? What's in your heart comes out of your mouth. They
4 say that an opening. I say, Well, why don't they want the
5 words that came out of his mouth in front of you? That's
6 what I said, and that's because I meant it, you know. So in
7 closing, am I just gonna -- I'm just gonna have to I can
8 imply and I can complain about totalitarianism. And is that
9 would I not be able to say, remember in the beginning what I
10 said, right? Do I just have to drop it and remember what I
11 said and sort of move on? Or can I say, you heard these
12 witnesses? You know that I can't say you heard these
13 witnesses. There is a thing out there, because there is a
14 thing.

15 THE COURT: Probably not. It probably would be
16 improper.

17 MR. SUTHERLAND: All right. I gotta burn this. All
18 right. No, no, no, no. Okay. It's gonna take me a minute,
19 but I can just pull it out and go work around. Just pull it
20 out of the -- pull it out of the closing. Since I don't know
21 what it is exactly yet, so just don't talk about that.
22 There's plenty of other things to complain about, sir. So I
23 will not say, you know, remember what I said? You know, they
24 -- if they, they talk about his heart and his words, why are
25 they hiding his words from you? So I don't talk about that.

1 I just talk about ---

2 THE COURT: We can argue about that later. But for the
3 questioning of Hinson, what's gonna be the next question?
4 The jury comes out. So we can we move on from this?

5 MR. SUTHERLAND: Yeah, I mean, that's it. So you moved
6 him from here to here. Okay. No, I mean, I told him. I was
7 like, Dude, we're almost done.

8 MS. SAMPSON: I just don't there to be any questions.
9 And I made it clear on the Judge's ruling about the
10 capability the audio and video recorded, that why you moved
11 him to the room, because that's a guess.

12 MR. SUTHERLAND: But that's every investigation. That's
13 every case I've got. I mean, what -- that's he's talking
14 about his investigation.

15 MS. SAMPSON: It goes back to the same problem. It
16 leaves the jury to think that he took him in that room and
17 recorded a statement that they're not getting, which is true,
18 because it is inadmissible.

19 MR. SUTHERLAND: It's not inadmissible. It is
20 admissible by the State. The State is choosing not to use
21 it.

22 MS. SAMPSON: We rule -- you ruled on it. It could come
23 in if he did it.

24 MR. SUTHERLAND: It can't come in through them. The
25 State ---

1 MS. SAMPSON: I know I can't force him to testify.

2 THE COURT: No. He didn't testify is different than the
3 statement he gave three years ago. They're two separate
4 things, right? That piece of evidence, the investigation he
5 did, where he took him in 30 minutes after this incident,
6 it's not just inadmissible. It's not like defendant invoked
7 that's inadmissible all around. The State is choosing not to
8 do it. It's admissible. Evidence is completely admissible.

9 MS. SAMPSON: It wasn't just the State, Your Honor. He
10 asked for it to be introduced, and we moved in a and you
11 ruled that it was inadmissible if he ---

12 THE COURT: If he tried to enter. I didn't say this
13 evidence that he was being water boarded. It's not coming in
14 at all. It's it was just turned over last week. It's a Rule
15 Five violation or something. It's a regular piece of
16 evidence that strategy wise, the State is choosing not to
17 introduce. I'm agreeing with you about its -- whether I
18 agree or disagree. I think the case law is that it's, would
19 it be proper? The objection to sustain as to that question,
20 I believe you have asked it that you the last thing that was
21 asked that he moved him to the recording room.

22 MR. SUTHERLAND: Thank you. No further questions.

23 THE COURT: You can ask any more questions if you need
24 any more. I don't want to cut you off on your cross
25 examination.

1 MR. SUTHERLAND: Well, Judge, just remember I was
2 talking about building, you know, so I got a couple breaks
3 out of this.

4 THE COURT: Let's bring the jury back in and let you
5 continue the cross examination.

6 MR. SUTHERLAND: Yes, sir.

7 THE COURT: Let's bring the jury.

8 (THE JURY ENTERS AT 2:39 P.M.)

9 THE CLERK: The jury is seated, Your Honor.

10 THE COURT: All right. Thank you.

11 MR. SUTHERLAND: No further questions.

12 THE COURT: Any redirect?

13 MS. SAMPSON: No, sir.

14 THE COURT: All right. You may step down.

15 (WITNESS EXITS THE STAND)

16 THE COURT: State, call the next witness.

17 MS. SAMPSON: At this time, Your Honor, the State rests.

18 THE COURT: All right. Ladies and gentlemen, we're
19 going to have you step back out in your deliberation room.
20 Do not discuss the case. Do not deliberate. We'll have it
21 back out here shortly. Thank you.

22 MR. SUTHERLAND: Yes, sir. Just to renew all the
23 previous and but to get well, I guess I need to actually say
24 it renewing all previous motions and objections at this time,
25 Your Honor. And I will move for direct verdict at this time.

1 But, I mean, it's, you know, you must do so, but it's
2 actually legit, because where's the balance? If that's my
3 question, I owe their friends or they are friends, right?
4 That's it. That's your case, that they're friends, you know.
5 And it makes your case even in the opening statement.

6 You know, these guys are most friends. It is lovey
7 dovey, you know, where's the word robbery? Taking it out,
8 what we have is evidence over what we have is you. Present
9 sense impression, what we have is excited utterance of
10 basically everything must fit into that four minutes. As far
11 as self defense, in my view, defensive habitation. So where
12 is the but not only that, where is the disproving of self
13 defense, and defense and habitation?

14 I did not see the element of malice is missing. I'm
15 not asking to deviate to something else. I asked him for
16 Your Honor to direct verdict of what will put him at his time
17 served.

18 THE COURT: Thank you.

19 MS. SAMPSON: Yes, sir. Can I review any evidence from
20 the license favorable to the State, to the Defense, as
21 required by (Inaudible) motion, the State has put up evidence
22 of malice. You heard the 911 call where he says he is going
23 to kill Khamori Scott. He then gets out of his car, and
24 within a minute, has done so. That was he has to leave his
25 brother this to go get a loaded gun and come back. All of

1 that evidence has come in, Your Honor. The State has, excuse
2 me, the Defense states that that's not malice, that's
3 expressed malice, that I'm going to kill someone. I'm mad,
4 I'm going to kill them, and then within a minute, they are
5 shot and killed. Telvin Jackson stated that on the call, you
6 also heard the victim's 911 call where he said, "Telvin
7 Jackson shot me."

8 These are all within minutes of each other. On the four
9 minute video that we do have that was introduced into
10 evidence, Your Honor, even the defendant says he walked up to
11 the victim with a loaded gun. Therein lies the problem for
12 self defense would be the State's argument, and you have to
13 go without fault and bringing on the difficulty even in the
14 four minute part that is playing. He says he walks up to
15 him, and then the victim goes for his gun. The State's
16 argument would be that is bringing on the difficulty.

17 Mr. Sutherland would like for everyone to forget that
18 there is a time period between when the robbery happened and
19 when the shooting happened. And there have been absolutely
20 no evidence of how long that was. It could be 10 minutes.
21 It could be 15 minutes or it could have been half an hour for
22 all I know. But the evidence that came out was that he left,
23 was gone for some period of time, got it done, and on the way
24 back within minutes of shooting, Khamori Scott said, I'm
25 going to do so.

1 That is expressed malice. Therefore the State has met
2 burden of a direct verdict. We've proven that through
3 several witnesses that it was Richland County. We've done
4 identity and we've done malice. I don't think that there's
5 anything that we have to do at this point to give it to the
6 jury. The evidentiary version burden is that there's still
7 enough evidence for it to go forward. And only have to
8 disprove one element of self defense for it to go forward.
9 It's the State's position we could disprove about three, but
10 we could definitely disprove one.

11 THE COURT: Thank you.

12 MR. SUTHERLAND: Well, okay, they -- let's say they're
13 like, oh, this, right. So difficulty is not the robbery.
14 Difficulties. It's him defending his property, defending
15 himself. So let's break it up into two things. What is the
16 evidence? He pulled his gun. I shot and ran, right? So
17 that's the evidence there. He pulled his gun. You can have
18 firearms on your own property in the United States of
19 America, except for New York not even in New York City,
20 right?

21 So is they want to break it up into two. You know, the
22 difficulty is a guy pulling his gun. If they want to keep it
23 as it is, then you we have a robbery, and it's just plain as
24 day. And, you know, I don't hate to say, kill, kill. You
25 know, that's not what was said. Shoot him, right? That's

1 what was said. Now is, is that unlawful where a person
2 pulled the gun and put the you know, or a person put a gun to
3 your head?

4 Or in the second alternative instance where he pulled
5 the gun again, just, I don't see how you get malice from
6 somebody who was robbed saying, Oh, I'm going to shoot -- to
7 911. I don't -- I don't, because that's not, that's not
8 necessarily unlawful. I don't believe I didn't see any
9 evidence in malice, and I'd ask direct verdict to requite the
10 only evidence in here as to what actually happened is him for
11 four minutes and nothing of what he said.

12 He said, I mean, I know they've got they've got
13 collaborator stuff, but what happened? A to Z. that's him,
14 the four minutes, he said, exactly what he said, what the
15 evidence is. Mind you, that's exactly what happened, but it
16 wasn't there. But the evidence is what he said. It's not
17 what they suppose or what they argue and maybe pull out some
18 discovery or whatever. You know, we have a record, and the
19 record is him. You know, the record is what he says. No one
20 else is saying what happened from A to Z.

21 I don't -- I don't think they can disprove self defense
22 in that fashion, defensive habitation in that fashion. But I
23 don't even think they get malice in that fashion. So I just
24 moved for a direct verdict from the court, Your Honor.

25 THE COURT: What I'm looking for is any evidence. Not

1 the credibility of it, not the weight of it. Just any
2 evidence, and the light was favorable to the State, and both
3 touched on that 911 call. Ms. Samson's interpretation of
4 your interpretation. One could be 99 percent right, but one
5 percent other side.

6 MR. SUTHERLAND: Yes, sir.

7 THE COURT: It doesn't matter. I think that's enough to
8 send it to a jury. So I deny your motion direct verdict
9 based on the 911 call that there is evidence of (Inaudible)
10 malice.

11 MR. SUTHERLAND: Yes, sir. Thank you, Your Honor.

12 THE COURT: We will take a 15 minute break. The court
13 is on recess.

14 (OFF-THE-RECORD)

15 THE COURT: All right. Mr. Jackson, please stand. Can
16 you hear me okay?

17 MR. JACKSON: Yes.

18 THE COURT: I'm going to go over some things with you.
19 All right?

20 MR. JACKSON: Yes, sir.

21 THE COURT: All right. At this time, I'm going to
22 explain to you certain of your rights. If you do not
23 understand anything I say, please let me know. If you want
24 me to explain anything in more detail also, please let me
25 know. Do you understand?

1 MR. JACKSON: Yes, sir.

2 THE COURT: We have now reached the stage of the trial
3 where you may present your defense. You have the right to
4 claim the protection given to you by the Fifth Amendment to
5 the Constitution of the United States. This amendment
6 states, in part, no person shall be compelled in any criminal
7 case to be a witness against himself. This means that you
8 cannot be required to testify. In this case, you have the
9 right to testify on your own battle.

10 However, no one can make you testify. This is a
11 personal right, and no one can waive this right, except for
12 you. If you decide to testify, you will be subject to the
13 same rules that govern other witnesses, and you may be
14 examined and cross examined on any relevant issue in this
15 case. In addition, if you have any convictions involving
16 dishonesty or false statements or for crimes punishable --
17 punishable by imprisonment for more than one year, and this
18 court determines that the probative value of admitting this
19 evidence outweighs its prejudicial effect to you, the
20 solicitor will be able to introduce your record to attack
21 your credibility. If you decide to testify.

22 This decision on your part must be freely, voluntarily
23 and intelligently made, made with knowledge of the
24 protections given to you by the Fifth Amendment and the
25 consequences of your decision to testify. If you decide not

1 to testify, I will instruct the jury that they cannot give
2 the fact that you did not testify any consideration
3 whatsoever, and that there is absolutely no prejudice to you
4 because you did not testify. It is left entirely up to you
5 whether or not to testify. You may talk with your attorney,
6 you may talk with your family and friends, anyone else you
7 want to talk to to give advice about this but ultimately,
8 it's your decision and your decision alone. Did you hear
9 everything I just said?

10 MR. JACKSON: Yes, sir.

11 THE COURT: Did you understand everything I just said?

12 MR. JACKSON: Yes, sir.

13 THE COURT: Do you have any questions for me?

14 MR. JACKSON: No, sir.

15 THE COURT: You intend to testify?

16 MR. JACKSON: No, sir.

17 THE COURT: Thank you may be seated. Is the Defense
18 going to put up any case law?

19 MR. SUTHERLAND: We will rest.

20 THE COURT: What we're going to do is -- the State
21 rested. Your motions are all renewed.

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: We will bring the jury in. Let you rest on
24 the record. We'll dismiss them for the day. Of course, this
25 isn't for the day. We'll start -- we'll do openings --

1 closing -- any closings and jury charges, right at 9 A.M.
2 tomorrow. Anything from the State before we bring up the
3 jury?

4 MS. SAMPSON: No. Are we going to have a conference
5 after you dismiss them?

6 THE COURT: Yes.

7 MS. SAMPSON: Sorry, that's it.

8 THE COURT: Anything?

9 MR. SUTHERLAND: No, sir.

10 THE COURT: Bring the jury.

11 (THE JURY ENTERS AT 3:15 P.M.)

12 THE CLERK: The jury is seated, Your Honor.

13 THE COURT: Thank you, sir. Thank you, ladies and
14 gentlemen. Anything from the Defense?

15 MR. SUTHERLAND: May it please the court. The Defense
16 rests, Your Honor.

17 THE COURT: Thank you, sir.

18 MR. SUTHERLAND: Yes, sir.

19 THE COURT: All right. Ladies and gentlemen, that
20 concludes the first part of -- the portion of this trial
21 before closing arguments. We're going to dismiss you for the
22 day, because we have legal issues to take up this afternoon.
23 We will bring you back tomorrow at 9 A.M. to finish this.
24 Over the break, as stated earlier, do not discuss the case
25 amongst yourselves, family, friends. Do not deliberate. Do

1 not do anything. Please have a quiet, restful night. Do not
2 do any independent research. We will see you back here at
3 9 A.M. Thank you.

4 (THE JURY EXITS THE COURTROOM AT 3:16 P.M.)

5 THE COURT: Anything else before we discuss jury
6 charges?

7 MS. SAMPSON: I don't know, and I just want to make sure
8 I'm not -- I don't know if the defense now has to renew all
9 objections and motions make the rest of their case, but I
10 just want to make sure any arguments for the Defense are
11 preserved for the record.

12 MR. SUTHERLAND: I appreciate that. Yes, sir, I'm going
13 to renew everything, including the DV motion. And that's it
14 from the Defense.

15 THE COURT: Those are all noted for the record.
16 Previous rulings are the same.

17 MR. SUTHERLAND: Yes, sir.

18 THE COURT: And they're all noted for the record. Thank
19 you.

20 MR. SUTHERLAND: Thank you.

21 MS. SAMPSON: Okay. I'm sorry. The only other thing I
22 had, I know, we've never had a charging conference. I didn't
23 know if you wanted to do that now or ---

24 THE COURT: Right now.

25 MS. SAMPSON: I know that Mr. Sutherland had submitted

1 something to you last night, but I don't have I did. I'm
2 sorry. Printed and I was just going to go through, at least
3 with his what can object to.

4 THE COURT: I can skip through I know reasonable doubt.
5 I got my own charge. Now, let me just tell them if you
6 disagree, but I got my own reasonable doubt. I have
7 presumption of innocence. I have unanimity of verdict,
8 malice. I have my own charge, the standard one.
9 Mr. Sutherland, as to the as to those, are you looking for
10 something specific?

11 MR. SUTHERLAND: Well, I wanted the, remember the heart
12 thing in the beginning, the heart to mouth thing? So I
13 wanted a malignant heart malice charge. I can talk about
14 that's hard, regardless of social duty, fatal event
15 (Inaudible).

16 THE COURT: Anything from the State on malice?

17 MS. SAMPSON: I think the malice charge, the host
18 charge, is probably the correct one. If you think something
19 different Your Honor, I would just, I'm fine with whatever
20 Your Honor thinks is the better of a charge. The only
21 concern I have, I know you said you had your own. Again,
22 this burdens charge, I think some of the language in the one
23 that was submitted by Mr. Sutherland is not necessary, or the
24 only is too much, the one that I had don't have.

25 Really that last paragraph talking about, well,

1 concurring 12, contending 12, this, well, that I don't
2 normally having. I'd never hear that. And I know it's not
3 on his version for the malice, but it's in the definition
4 that malice can be expressed or implied, and that's not in
5 this version that he presented to Your Honor. I don't know
6 what yours will be. And they said you had your own.

7 THE COURT: I'll read you what I have. And this is in
8 part. All right. The State is required to prove the element
9 of malice beyond a reasonable doubt for the charge of murder.
10 If you are not satisfied that the State has proven the
11 element of malice beyond a reasonable doubt, you must find
12 the defendant not guilty. The defendant has been charged
13 with murder. The State must prove beyond a reasonable doubt
14 that the defendant committed an unlawful killing of the
15 victim with malice a forethought. Malice is hatred, ill will
16 or hostility towards another person. It is the intentional
17 doing of a wrongful act, without just cause or excuse and
18 with an intent to inflict an injury. Malice aforethought
19 does not require that the malice exists for any particular
20 time before the act is committed, but malice must exist in
21 the mind of the defendant just before and at the time of the
22 act that is commitment.

23 Therefore, there must be a combination of the previous
24 evil intent and the act. Malice is shown when a person
25 speaks words which express hatred or ill will for another, or

1 when the person prepared beforehand to do the act which was
2 later accomplished.

3 MS. SAMPSON: The State had no objection to that charge.

4 MR. SUTHERLAND: That is fine.

5 THE COURT: I think Mr. Sutherland wants -- issue of
6 habitation.

7 MS. SAMPSON: Let's talk about self defense. You didn't
8 include it. I'm assuming -- I would just ask if you -- if
9 you do give a charge on self defense, Your Honor, I believe
10 the case -- the law allows you to tailor it. And all I mean
11 by that is, I don't think you have to say the fourth element.
12 The State is in agreement that this does happen on the
13 defendant's property.

14 So it would just be the first three elements that you
15 can't -- the defendant must be without fault on the
16 difficulty, must be in imminent danger, or in belief of
17 imminent danger. If it's based on belief of imminent danger,
18 it must be the actions that are reasonable. All of that
19 language, but that you don't have to say anything about the
20 duty to retreat, so you don't have to repeat you don't
21 pretend to have a fourth element. I would on the defensive
22 habitation. He puts two different ones on here, so I would
23 like to know which one Your Honor would be using, if you use
24 defensive habitation at all.

25 I would just ask if you do allow him to have that

1 charge, and I would need to go look it up that we often be
2 able to give the jury the legal definition trespass. It's
3 not just enough to say somebody trespass. There is a legal
4 definition of trespass prior to notice, and I think it's a
5 habitation you would have to be know that he's not supposed
6 to be there because the word trespass is used.

7 I would ask that there be some language about that, or
8 at least give me the opportunity to go look and see if I can
9 find language that defines trespasses. I haven't had a
10 chance to do that.

11 THE COURT: Yeah, because I don't know if trespass is
12 referring to the statue or trespass against the common law,
13 instead of because -- in any event, if I do the habitation I
14 saw in State v. Bryant. In a footnote, they cite to the jury
15 charge requested by the defense, and they put that in there.
16 So if I'm going to use it, will probably be the jury charge
17 that they did not need.

18 MS. SAMPSON: Bryant? I'm sorry. I just didn't hear.

19 THE COURT: The State v. Bryant.

20 MS. SAMPSON: Okay. If I'm just go look that up and see
21 if I just didn't have an opportunity to do that.

22 THE COURT: It is footnote -- footnote two, trial
23 counsel requested the following defense habitation charge and
24 list their charges. That one, I think is most appropriate,
25 because the case talks about curtilage. But how do you

1 define that and this jury charge just states that thus he may
2 use deadly force to eject a trespasser who is in his house or
3 in the area immediately surrounding his house, which is, I
4 think, much more clarifying than privilege. But as to
5 trespasser, I don't know if I mean, find out if I have to
6 define it, or if it's just how it would be defined.

7 MR. SUTHERLAND: Your Honor, I would say the Ted Bundy
8 was not on trespass numbers from Chi Omega at Florida State.
9 So that, I think it's a distinctive thing. I think it's the
10 common law. You know, trespassing, you're trespassing against
11 a person or on your property.

12 THE COURT: In any event, I will, I will send you my I
13 mean, let's go hear about you want to fit habitation and put
14 on record.

15 MR. SUTHERLAND: Yes, sir. The evidence of the case.
16 All of this is evidence at his house. The police are at his
17 house. The interview -- the victim in the case, I'll say the
18 victim in the case is in a car at the edge of this house.
19 But you put the forensic evidence shows -- and I tried to
20 talk to Investigator Holt about this. You know, I was like,
21 okay, you know, where were the .45 caliber shell casings?
22 Were they in proximity to the nine millimeter pistol? And,
23 you know, she what was -- what was the proximity to the nine
24 millimeter pistol? She looked through her stuff. She
25 ultimately, she said they were all together. That's what I

1 recall. She said they were all together, and they were all
2 together in his yard, and he was blocked in he told the
3 police that he was blocked in his driveway, and he's got a
4 car in use. The car is near the house. It's just, it's
5 just right there, and that's why, you know, and they talk
6 about premises, and I just like that word, because certainly
7 you know your front yard, those are your premises. He also
8 told police, what did he say? He said, "Y'all need to
9 protect my family. Please protect my family. Just watch my
10 family."

11 Oh, and on that basis, I would ask the court to
12 consider the defense charge. Just consider so everything is
13 at his house. All the evidence is at his house, his front
14 yard, right in front of the steps. It all -- the evidence
15 just points to the availability of defense of habitation, and
16 then we argue whether or not it is, sir.

17 THE COURT: As to the defense of others, I'm going to
18 deny that, because there's only if the wife or whomever was
19 standing right beside him or something, but the only alleged
20 threat, just looking for evidence would be that he was going
21 to pull the gun on the defendant. So there's no defense on
22 ---

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: There's nothing, just note it for the
25 record.

1 MS. SAMPSON: Yes, sorry, I'm sorry. I might have -- I
2 was talking to my colleagues. Did you say you denying his
3 defense of habitation?

4 THE COURT: No, no -- defensive others.

5 MS. SAMPSON: Okay. That's literally what I didn't
6 hear. I was like, wait -- wait -- what? Okay. So no
7 defense of others, but have you talked about defensive
8 habitation?

9 THE COURT: That was just the argument.

10 MS. SAMPSON: Sorry. I mean, it's part of what you're
11 saying. So for defensive habitation, you want to know about
12 problems with that address?

13 THE COURT: I mean, if you wanted them to disagree with
14 the record ---

15 MS. SAMPSON: To be honest, I was trying to review
16 really quickly what he said in the four minutes, because, to
17 be honest, there's so many differences that I'm aware of in
18 my head as to why he came back. What had been presented to
19 the jury. Give me one moment, Your Honor.

20 MR. SUTHERLAND: I think he said, I went to my dad, so I
21 came back and get him off my property, if I remember him.

22 MS. SAMPSON: So I think you need in the (Inaudible) to
23 the defense you are in one moment on the four minute company.
24 And he says I told I was going to tell them to get to know on
25 and another place. He says I was going to hold them there

1 until law enforcement gets there based on the scintilla of
2 evidence needed. I guess they could have been the foundation
3 he often took as he I told them to stop where they are. So
4 it goes back and forth. So that'll just be arguments for
5 closing. Your Honor, I think that it probably is proper to
6 give the habitation. I would just, like, I said, like the
7 opportunity to just make sure there's nothing about
8 trespassing.

9 THE COURT: What I'm going to do is I'm going to send
10 y'all jury instruction. I plan on using the defense
11 adaptation, but feel free to send your own. I don't plan on
12 including any trespassing, unless you'll bring something to
13 me to change my mind or some additional information. As to
14 the I will also send you my charges include the self defense.
15 The first element is without fault. The second element is
16 imminent danger. The third is right to act on appearances.
17 And then there's -- I'll let y'all look at some of the stuff
18 considered, and then the fourth one is no other way to avoid
19 the danger.

20 MS. SAMPSON: The State is I think that's duty to
21 retreat problem, and I am trying not to have appellate issues
22 later that we get to that. I think because this is front
23 yard, there is no duty to retreat. I'm sorry, no other
24 probable means of avoiding the danger is the duty to retreat.
25 Terminology that is used, and I don't think that that's

1 proper, simply because this was this front yard. So I would
2 ask that not be used.

3 MR. SUTHERLAND: And I don't -- I don't regard I think
4 it was (Inaudible). I started right here, but they do.
5 There's discussion that these are two distinct things, you
6 know -- they because there was self defense instruction that
7 had things in it that isn't appropriate for defensive
8 habitation. And I think there was some confusion in one of
9 the cases where Gordon gave an instruction that was improper,
10 because they are two things to be charged separately. I
11 mean, that's my understanding of it. And so just whatever
12 you're at, whatever Your Honor's charge is, I'm happy to take
13 a look at. Let's get to the end of this thing.

14 THE COURT: All right. I think, other than that, we
15 agree with, and I'm not -- there's a new case law about not
16 having to charge on voluntariness of the statement. So I'm
17 not including anything about whether the statement was
18 voluntary or not voluntary.

19 MR. SUTHERLAND: Yes, sir.

20 THE COURT: I mean, you put it in and tell me that's an
21 issue, but, --- all right. Anything from the State?

22 MS. SAMPSON: Yes, Your Honor, just, I have not
23 submitted any charges to Your Honor, but the State would be
24 asking for voluntary manslaughter charge. I think that based
25 on the fact that there's case law that states that once that

1 self defense and voluntary manslaughter can't exist, that
2 they can't the jury could believe that there was a cooling
3 off period, but that he had been legally provoked. In this
4 case, they've already heard that he was robbed or had a gun
5 to his head, that he and then the defendant left and came
6 back.

7 I think that that could warrant a self defense charge I
8 was paying the court State v. Payne a very long opinion.
9 State v. Payne 434 South Carolina 121. In this case, Your
10 Honor, the court does a very good job of outlining why
11 voluntary manslaughter is appropriate. In this case is
12 directly, very similar to what we have, but basically an
13 improper or not improper, if the defendant could not get self
14 defense for whether it's because he brought on the
15 difficulty, if there's some issue, but there is legal
16 provocation, involuntary manslaughter would be a proper
17 charge. And it's the State's position that there's been
18 enough evidence presented that a jury could believe that he
19 brought about the difficulty by getting out of his car with
20 that gun and going towards the victim. But they can also
21 believe he was legally provoked.

22 THE COURT: You don't want voluntary?

23 MR. SUTHERLAND: No, sir.

24 MS. SAMPSON: I would point I can do it. I did not do a
25 full memo, but in State v. Oaks and also in the case I just

1 handed the court specifically says, "To warrant the court
2 eliminating the charge of manslaughter, there must be no
3 evidence whatsoever tending to reduce the crime for murder to
4 voluntary manslaughter." I think there is evidence in this
5 case that he had an uncontrollable urge to do violence, a
6 display or willingness to fight with an overt threatening act
7 from the victim, which I think he would argue he had
8 surrounding circumstances and conditions are to be taken into
9 consideration, including previous relations and conditions
10 connected with the tragedy, as well as those existing at the
11 time of the killing. And that is to allow a voluntary
12 manslaughter. This whole case is about a problem they had
13 before and a problem we're having that day and so I think
14 it's directly on point in the case law that I cited that
15 voluntary manslaughter would be proper under the
16 circumstances.

17 THE COURT: I will take that under advisement. Anything
18 else from the State?

19 MS. SAMPSON: No.

20 THE COURT: Anything else from the Defense?

21 MR. SUTHERLAND: No, Your Honor.

22 THE COURT: If anything I will edit by jury charge. I
23 probably give a copy to the jury, so I will send you what I
24 potentially send to review it and be prepared to make any
25 edits or put anything on the record if you want something

1 different by tomorrow -- tonight or tomorrow morning, and
2 we'll go from there.

3 MS. SAMPSON: And do -- I haven't had a trial with you
4 yet. Do you make a spokes person, or do you allow them to
5 because we haven't done that yet?

6 THE COURT: I usually pick one right -- right before. I
7 just realized we didn't do it. I know today, because I don't
8 want them -- usually, once you pick a spokesperson and talk
9 to the spokesperson, the questions start emerging, and some
10 of those questions might be about the other issue. But
11 anything from the State for we adjourn until 9 A.M.?

12 MS. SAMPSON: No, sir.

13 THE COURT: Anything from the Defense?

14 MR. SUTHERLAND: No, sir.

15 MS. SAMPSON: I just need to be clear. My co-counsel
16 brought up -- I don't have a problem, but if the defendant
17 doesn't show up tomorrow, as the case is totally done, he is
18 on bond. And technically not a bond -- it is gone.

19 MR. SUTHERLAND: I ask that he remain out on bond. He
20 doesn't really have a disorderly. He's been here every day.
21 And, you know, I don't know what indicates not a flight risk.
22 He had to move because of this, but he's staying here at a
23 house.

24 THE COURT: All right. He has shown up every -- every
25 day. If there's any issues, there will be a bench warrant.

1 JUNE 27, 2024

2 COURT RESUMES AT 9:27 A.M.

3 THE CLERK: All rise and come to order.

4 THE COURT: All right. Good morning. I just let the
5 jury foreperson know who I picked, just so that she'll sit in
6 front of the jury. You'll see 251, I believe. For the
7 record, I met with the attorneys briefly just a few minutes
8 ago in chambers to go over jury charges. We tend to agree on
9 everything the State requested I take out the self defense
10 charge, the portion about reputation, which I agreed I took
11 that out, and I can include the voluntary manslaughter
12 charge. The defense objected to that -- goes up for the
13 record.

14 MR. SUTHERLAND: Yes, sir.

15 THE COURT: Anything else from the Defense as a jury
16 charge?

17 MR. SUTHERLAND: No, sir.

18 THE COURT: Anything else from the State as a jury
19 charge?

20 MS. SAMPSON: No, yeah. I just want to make it a full
21 fledged record just for because I don't my email to you is,
22 of course, not part of the record. Our State's objection to
23 the reputation of the victim, charges that there was no
24 testimony about the victim's reputation, and so I didn't
25 think that charge was proper. So and I believe that Your

1 Honor sustained that and withdrew it.

2 THE COURT: And I'm giving a copy of the proposed
3 verdict form to both sides. State's number one, as to the
4 charge of murder, we find, we the jury find a defendant is
5 guilty or not guilty. If the verdict is guilty, then stop.
6 If the verdict is not guilty, as to murder, then continue
7 voluntary manslaughter. Any objection to this verdict form
8 from the State?

9 MS. SAMPSON: No, sir.

10 THE COURT: Any objection from the Defense?

11 MR. SUTHERLAND: No, sir.

12 THE COURT: Anything -- opening, closing, the vote,
13 anything from the State before we bring out the jury?

14 MS. SAMPSON: No, sir.

15 THE COURT: Anything from the Defense?

16 MR. SUTHERLAND: No, sir.

17 THE COURT: All right. Let's bring the jury. And make
18 sure, once the closing arguments start, do not get up and
19 leave the courtroom. If you want to leave, you can do so
20 now.

21 (THE JURY ENTERS AT 1:31 P.M.)

22 THE CLERK: The jury is seated, Your Honor.

23 THE COURT: All right. Thank you. Madam court reporter
24 and members of the jury, thank you for being here today, for
25 your patience as we went through some legal issues. At this

1 point, the parties are going to give closing arguments, and
2 so we will pay close attention.

3 MS. SAMPSON: May it please the court.

4 THE COURT: Yes, ma'am.

5 MS. SAMPSON: I've got a gun and I'm going to shoot him.
6 I've got my gun, and I'm going to shoot him. Those are the
7 words of Telvin Jackson on May 26 of 2020 and that is why we
8 are here today. Because as soon as he said those words,
9 within one minute of saying those words -- one minute, he
10 took this gun, walked up to Khamori Scott, who was doing
11 nothing, and did exactly what he said he was going to do.
12 That ladies and gentlemen is murder.

13 You're going to hear from the Judge and from myself the
14 definition of murder. We're going to talk a little bit about
15 it. And as we talk about it, I want you to remember what the
16 defense told you in a (Inaudible). He told you he had no
17 idea why we were here. He didn't know while we were here,
18 what are we doing here? We're here, ladies and gentlemen,
19 because the last time I checked, this is the United States of
20 America. It ain't Pakistan. It's not South Korea or North
21 Korea, or whatever you think. It's the United States of
22 America. And if you're charged with a crime and you want a
23 trial, by God, you're gonna get one.

24 And in Richland County, if you're charged with murder,
25 and you ask for a trial, my office, the Fifth Circuit

1 Solicitors Office, and my staff, we're gonna get you one.

2 And that's what he got. A fair and impartial trial where you
3 heard the facts of the case, and now it's going to be your
4 turn to decide what he's going to be convicted of.

5 Now, in the beginning, Mr. Taylor told you that within
6 a man's heart comes out through his words. I'm from
7 Tennessee, and we have a saying, when a man gives you his
8 words, it shows you who he is through his actions, you better
9 believe him. And that's what happened with Telvin Jackson.
10 You heard that 911 call. He told the 911 operator his words
11 showed him who he is with his actions.

12 Now, we had learned that murder has a pretty simple
13 definition. The unlawful killing in this case of Khamori
14 Scott with malice aforethought either express or implied. So
15 I will talk to you a little bit about that because in regular
16 words, most people don't walk around going, yeah, he had
17 malice. That's just not a word you use in regular English
18 language, right? We come in here, we go to law school, we
19 learn all these big words, and then we want to use them. But
20 all malice is -- you're going to hear the judge instruct you,
21 tell you exactly what it is, but just think about it as a
22 depraved heart. A disregard for human life. Doing things
23 you just shouldn't.

24 In this case, we have, for once, expressed malice. You
25 don't even have to imply it. In this case because he said

1 -- he said it was expressed malice.

2 (WHEREUPON ONE CALL IS PLAYED. AUDIO IS NOT

3 TRANSCRIBED)

4 You don't have to believe me. Those are the words
5 Telvin Jackson, they're not my words. And then he got out of
6 his car and he did it. Malice aforethought. It doesn't have
7 to be on TV like or movies, where they plan it, and they get
8 together and they go buy stuff, and they buy bullets, and
9 they have it, and they do all that. No, malice aforethought
10 can be when you leave your home, go to some other house.

11 Go get a gun that is fully loaded -- fully loaded.
12 Take it all the way back to your house while you're on the
13 phone with 911, and instead of, I don't know, waiting for the
14 police that you called -- you get out of your car, go out to
15 a person who's doing nothing wrong at you. That's expressed
16 malice. Once he does this, police are there.

17 (PLAY RESUMES)

18 Johnny on the spot. You heard them. They were already
19 on the way. They were there within a minutes. A minute of
20 his call in here, Khamori Scott called, and police are there
21 in time to see him still alive. He's there shot in the
22 stomach, begging for help, begging for someone to help, for
23 them to hurry. He's been shot. He's shot one time. It goes
24 through, except remember the doctor testified in the right
25 hand. Here, it came out right here and into arm.

1 Remember you heard Dr. Monroe explain it, but how he
2 could tell the difference between an entry wound and an exit
3 wound. And remember Dr. Jones, he testified he's another
4 doctor, and he testified how he bled a lot. Now, you've seen
5 pictures. There's not a lot of blood in that car because it
6 all went inside. And I asked him, "Well, how did that kill
7 him? Like he's got all the blood inside, I'm -- how did it
8 kill him?" And he said this, "His heart can't work. His
9 heart stopped because it lost so much blood."

10 I'm not that great at biology. My husband likes cars.
11 So the way he explained it, the way the doctors explained it,
12 we all got a car. We all drive cars. Most of us women. I
13 want to be gender specific, I don't know, but my husband
14 taught me how to change my oil just in case. Because the
15 important thing was you got to have oil in your car or the
16 motor won't work. That's the same with your body. You got to
17 have blood in your heart or it won't work. And that's what
18 happened. That's what killed him. There's no question about
19 it.

20 So when you're back in the jury room and you're thinking
21 about, did the State meet it's burden? Did we prove each
22 element beyond a reasonable doubt. One you can check out is
23 that he killed Khamori Scott. That's not even a question.
24 He died as a result of a gunshot wound. No question. No
25 question.

1 He did it. He's told what he's going to do. He did
2 it, and when police get there, he's the only one with a gun
3 that was shot back. Think about that. We had Amanda Metz
4 and Sergeant Holt come in here and they talked about --
5 talked about the only two bullet casings and the entire yard
6 came from that gun at .45 no other gun. And if the bullet
7 found his arm is consistent with being fired from that. No
8 other. There's no doubt he shot Khamori Scott.

9 So we're back to is it malice or not? Now I imagine
10 Mr. Sutherland is going to get up here and tell you why it's
11 not malice. He's going to tell you that the State doesn't
12 want you to see the whole thing. We didn't really want you
13 to see everything. Ladies and gentlemen, I wanted you to see
14 the facts beyond change. Not a story. The facts beyond
15 change, because the defendant's story changes every time he
16 says it.

17 MR. SUTHERLAND: Your Honors, I object. I have got to
18 proposed statements. There is only one four minute clip that
19 is not in evidence.

20 THE COURT: Approach.

21 (OFF-THE-RECORD BENCH CONFERENCE)

22 MS. SAMPSON: I have not finished.

23 THE COURT: Objection is overruled.

24 MR. SUTHERLAND: Yes, sir. Thank you.

25 MS. SAMPSON: You've heard two different stories from

1 the defendant. The 911 call, he doesn't mention he's scared.
2 He doesn't mention that he's confronted, he doesn't mention
3 his family's at the house. Nothing. But when police get
4 there after he's shown a man, he gives you a story, and even
5 in that, he's inconsistent. So let's talk about the facts
6 that are beyond change. The defendant left his home. Act
7 beyond change. Now I'm sure they're gonna get up here and
8 say, "Well the victim put a nine to his head." We told you
9 that -- we told you, and we provided you a text message from
10 the defense victim where he said, "I just drew down."

11 We're not hiding that that happened. But he left. He
12 left his house, and he's gone. His family he wanted to
13 protect so much, he left. He got a loaded gun, as we've
14 already talked about, from his father's house. That is
15 beyond change. He then called 911. That's important,
16 because if you just got robbed and you went to your dad's
17 house for whatever reason, maybe just call your family to
18 come over there.

19 You saw the photographs. There's another car in the
20 driveway. He could have got his car taking the kids to his
21 dad's house, if that's such a big deal. But the fact is, he
22 left, came back and called 911. Not on the way to his dad's
23 house, but on the way back. Defendant said more than once,
24 but he's going to shoot Khamori. You're going to have these
25 CD's, so if you want to listen to him again, you can you go

1 back and have jury room and listen to it. He said that more
2 than once. I'm not making this up. These are facts beyond
3 change.

4 Defendant never once told 911 he was scared, in that
5 two minutes, I believe it's 49 seconds, he could have told
6 them that he wanted. And when you listen to pause, she's
7 asking him some questions. And he's, "Yes, ma'am", and then
8 just it's there if he wanted to tell my family, they don't
9 even know his family is at [REDACTED] Weiss Drive because he
10 doesn't tell them. Remember all the law enforcement who came
11 in here said they were going to what they thought was a
12 robbery in progress, but they weren't ever told there's a
13 family at the house. The victim was in the yard when the
14 defendant pulled up. That's a fact beyond change.

15 We have the photographs that shows you where his
16 slippers are in the yard, where the victim slippers in the
17 yard. Now, I don't know about y'all people live differently.
18 I know that. In my house, in my neighborhood, if I was
19 parking yards to the point that the grass is missing, my HOA
20 would kick me out. But apparently, where he lives, it's
21 okay, because look at the photographs, there's tire tracks
22 there. Those are fresh. You don't lose grass because one
23 car parked there for, I don't know, 10 minutes. So clearly,
24 people park there all the time.

25 The victim was in the yard. The defendant never said

1 that when he pulls up the victims pointing the gun again, the
2 victim was yelling at him. The victim was doing anything
3 other than just seeing just standing with two other people,
4 by the way. That he knows just standing there, he pulls in
5 his own yard. He could have just gone in the house.
6 Because it's going he walked up to that -- with that loaded
7 with that loaded gun in plane sight.

8 Listen to his interview. The police are there. They
9 have read him his Miranda rights. There's ambulance that is
10 coming on. They're there to talk to them about what
11 happened. First thing he does is lie, tell him I'm gonna go
12 before if I walked up to him and I had a gun, and then he
13 tried to reach for his. You're walking up to the man with a
14 loaded gun, and he tried to reach for his. That means
15 Khamori Scott's gun went out. Victim does not have a gun in
16 his hand, because that's what he said. "I approached him and
17 then he had to try to get it." That's what he says. I'm not
18 making this up. These are facts beyond change. The last
19 words, the last words that Khamori Scott ever spoke this
20 earth, was to answer the question who shot him. He said
21 Telvin Jackson. Facts beyond change.

22 But the defense -- but the defense gonna be -- and I
23 believe he's gonna get real close to y'all and he's gonna
24 walk like -- he will try to get you out to believe the story.
25 But as you listen to it, here's what I want you to think

1 about. The differences in his story from the facts beyond
2 change. The story is that the victim drove but you heard
3 Shaddashia Mayo who had absolutely no reason coming here to
4 lie. She told you she dropped Khamori Scott, her boyfriend,
5 off with Antoine, who, by the way, was driving a silver Acura
6 that the victim was found in. In the back. He wasn't
7 driving.

8 The victim came with people the defendant just doesn't
9 know. A story -- what did Ms. Mayo say --they planned
10 vacations together. They go on trips together. He's been to
11 her house with both Antoine and Brandon. She's been to his
12 house with both Antoine and Brandon. He even knew Brandon
13 drove a charger. Yeah, he told his story. Victim robbed him
14 at gunpoint. Now on the 911 call, he said he took \$200 he
15 thought was his. What he says, we told you in the beginning
16 of the fight over money.

17 We told you in the beginning -- we played you the 911
18 call from May 20th, a week before where Khamori Scott came to
19 give him money. Now if Khamori Scott -- you're so scared of
20 him that you have to call 911, to get him out your house, how
21 about they're scared? What he said to see that my house, I'm
22 not even there. But he won't leave. He doesn't say he's
23 threatening him. He doesn't say she's scared of him. He
24 doesn't say he does come to my family. I don't -- want that.

25 And when police get there, when help arise, when the

1 Calgary has come to get you help, what do they do -- nothing.
2 They don't make a police report. They do nothing because it
3 was nothing. They were having an argument over money,
4 friends fight. Now I'm going to agree that I've told you
5 least three times that the victim had a gun.

6 But I want you to think about what Ms. Mayo said as
7 well. He's texting her after it's over. Friends fight, and
8 they get over it. Friends fight and they get over it. Now,
9 I don't understand it, and I'm just gonna say it now. Men
10 can do it better than women. Y'all can write that down for
11 y'all have wives. There's things men do better than women.
12 And one of those is, men get over it.

13 Men can fight. And the next thing you're like, sorry,
14 dude, you cool. Watch it. That's just wonderful. My
15 brothers -- they do it all the time. They'll come over.
16 He's a Dallas Cowboys fan the women, and they'll watch the
17 game, and ultimately the Cowboys will lose. He'll yell and
18 rant and rave. I mean, they will literally be about to
19 fight, screaming, cuss. And then like, man you coming over
20 tomorrow. I'm like, man, if I'm about to take my earrings
21 off to fight a woman, we are done. You are dead to me.
22 We're not friends. I don't tell my friends. It's on
23 Facebook, Instagram -- you're not my friend no more, because
24 we hold grudges.

25 They fought. He pulled a gun on him, he got over it.

1 His story is he doesn't leave after the robbery. Just got
2 one question for you. I just want you to think that through.
3 His story is, he robbed me at gunpoint and then just walked
4 up to his car and hangs out. Have you ever in your life
5 heard of a robbery where the robber stays and lets you leave?
6 Two cars -- he says there were two cars, but he doesn't know
7 who left it. He doesn't know that, but we've already covered
8 that. He knows who's in that white charger, but that's a
9 story. He left to go get his gun. That's his story.

10 They let him leave? Khamori Scott just robbed you at
11 gunpoint. I have my two friends with me, and I let you just
12 leave, and I don't know where you went. You could have gone
13 and got the cops and come back. You could have gone and got
14 the Calvary. I don't know where you went, but if I'm a robber
15 who just robbed you at gunpoint, am I sitting around at your
16 house waiting I know where you left and I let you go? That's
17 a story.

18 He went and got his family member's gun. On the 911
19 call at first it's his gun, then it's his family's. Which
20 is it? His story continues. He went back to shoot the
21 victim. That's what he said on the 911. But when police get
22 there and they're asking, "Oh, what happened?" He went back
23 to hold them to the police got there, and I come back to this
24 a minute, because you're going to hear about the defense.
25 If you were to find that that's what happened, you could find

1 not guilty, called defense of habitation.

2 All right. Now, part of that defense of habitation is
3 you have to be trying to get person to leave, and they won't.
4 So you get to try to do whatever you want to get them off
5 your property. He told them he was holding them till they
6 got there. That's not trying to get them to leave. You can't
7 have it both ways. And then he says, "Oh, well, then I did
8 want to (Inaudible) him." And excuse my language. That's
9 his not mine. Watch the -- watch -- the body cam. You'll
10 see it. That's all in that body cam.

11 One minute I want to stay. One minute I wanted to go.
12 Which is it? It is hard to keep the story straight, but the
13 truth never changes. He was scared for his family. I am
14 positive Mr. Sutherland is going to get up here and talk
15 about, "Watch the tape. He's so scared at the end all he's
16 doing, stay with my family. Stay with my family. Stay with
17 my family." He's scared now, after he shot a man, what I
18 would say is in cold blood. Now he's scared, but listen to
19 the call. He's not scared. Biggest thing about his story is
20 he so scared for his family. Why did he leave?

21 He left the armed man in their front yard, and they have
22 no idea. Don't you tell them. When he left the house, he
23 could have called and said, "Hey, maybe meet me." If you're
24 so scared for your family, then do something about it. Don't
25 leave. Don't leave them. He was threatened by the victim.

1 Did you hear anything on the two 911 calls made by him,
2 what those threats were? When he was in the car with a cop,
3 "He threatened me." With what? Did he threaten me with a
4 lawsuit? Did he threaten to yell at you? Did he threaten
5 to not be your friend no more? I don't know, but when you
6 had the chance to tell 911 not once, but twice, you never
7 mentioned it. The only time he talks about the threat, he
8 just said, "He threatened me." And when he's in that when
9 he's talking to them, they're trying to figure out what
10 happened he threatened me, what he threatened you with, what
11 he threatened to do? They're gonna say it's when he put that
12 gun to his head.

13 Maybe it is when he threatened, but then it's over. So
14 I just want to talk to you a little bit about what y'all get
15 to do, because it's almost time for y'all get to do
16 something. I know y'all been sitting and let me apologize
17 now. Y'all had to go in and out of that door like 14 times
18 yesterday. But that's how this works, right? So now you're
19 going to get to do what you came here to do. Just look at
20 the evidence. Take the law he judge gave you and decide a
21 verdict.

22 All of us went to school. You heard from experts who
23 went to medical school. You heard from Metz who learned how
24 to do ballistics. You went -- heard from law enforcement who
25 been to Criminal Justice. You listened to us who been to law

1 school. Even the judge had to go to judge school. But
2 there's no jury school. We just pluck y'all out of the
3 public. You go up to him. We don't give you any
4 instructions, but we actually give you a few.

5 The judge gave you instructions in the beginning, and
6 the one thing I'm going to ask that y'all do as you listen to
7 him is remember what oath to follow the law. The law not
8 your passions, not what you think the law should be, not what
9 you thought it was before you walked in here, but what the
10 law is. And as you do that, I want you to use the one thing
11 that all y'all came in here with. Y'all all live in
12 different parts of Richland County. We heard about different
13 regions. Y'all all live in different regions. The only
14 thing y'all have in common is that you live in Richland
15 County, right?

16 But the other thing you have in time that I want you all
17 to use when you go back there is your common because his
18 story cannot make sense. Why did he leave if you got robbed
19 and you're so worried your family's in the house for the
20 robbery for a yard. Why did you leave and go out of nowhere
21 to your dad's house, drove around the corner? Whatever that
22 means to him, that he was even able. We talked about that
23 already. Why did he call 911 on his way out? If I just got
24 wrong, maybe I'll give it to him. Maybe you were so freaked
25 out you don't know what to do.

1 Drive a car out, start driving and figure out what to
2 do. Call 911 because they didn't know where you went. So if
3 you don't call -- you -- you saw how fast they got there.
4 The police were there within three minutes of his call. If
5 he'd have made that call on the way out, Khamori Scott would
6 be here.

7 Instead, he got mad. He was mad that that man did that
8 to him. He went and got a loaded gun, and he came back, and
9 then he called 911. Why didn't he follow the directions of
10 911? You heard the call. Listen to him. They say, "Wait,
11 stay on the line." He says, "No, I can't do that." Why
12 can't you? Think about it. Not one single person at his
13 house knew he called 911. So if you're worried they're gonna
14 run, they don't know to run. They don't know you called 911.
15 They are with your friends hanging out at your house.

16 He never, ever, ever checked on his family. He said,
17 and he's gonna get a friend tell you that was his main
18 concern with his family. Then why the heck don't you talk to
19 them? When he left, he didn't call. When he hung up with
20 911, he didn't call. After fire -- shots are fired. There's
21 been a shooting. Isn't the first thing you want to do is to
22 protect your family? Go the heck in your house. He passes
23 not one but two doors and right to the neighbor's house. If
24 you are so concerned about your family and you just shot at a
25 man, go check on them. The only people who check on his

1 family are police. After the shooting. He wasn't thinking
2 about his family.

3 Ladies and gentlemen, use your common sense. Telvin
4 Jackson is thinking about Telvin Jackson. Again, and this
5 will bother me forever, probably. If you just robbed a man,
6 put a gun to his head. You sit around? And not only do you
7 sit around but you start texting your girlfriend. What
8 robber sits at the incident location? I think I'm texting my
9 girlfriend, Girl, like, guess what I just did? I just drew
10 down. Oh, what happened? Where you at? I'm in Telvin's
11 front yard. Oh, and you know what? I took his money, but,
12 but he I gave it back to him, and he said we should have gone
13 to the beach with him. That's what's in the text messages.

14 Who the heck does that after they do a robbery while
15 still at the incident location? It makes absolutely no
16 sense, or does it make more sense that they made up that he
17 gave him his money back, just like he said, and then he just
18 chilled out, waiting for him to come back from the store,
19 from his dad's house. Wherever the defendant said he was
20 going. Would that make more sense? Where's money? He said
21 he took \$200 from him. That's what this is all about.
22 Where's it at? If this is the truth, if your story is true,
23 then tell it. Truth doesn't change. But he lies. Don't
24 you believe me?

25 (PLAY RESUMES-AUDIO NOT TRANSCRIBED)

1 MS. SAMPSON RESUMES:

2 I don't know what -- he knew exactly who it was, and he
3 knew who's Dodge Charger it was. And if he was so concerned
4 that these people just laughed after robbed him after he had
5 to shoot at them, wouldn't that be the best time to help
6 police by telling who they are so they can go get them --
7 right then? But no -- figure it out. Had to go with. Told
8 you to go to Brandon's house later, leave a car, hope he
9 called. Once you figure out who he was, but then he don't
10 talk to him. We have our investigators over, but the best
11 time to have told them who it was, was right then, so they
12 could go look for them.

13 I don't know this, so you're about to hear about a new
14 charge, voluntary manslaughter. And I want to thank y'all
15 for your attention, because I know I talk a lot to talk loud,
16 I run around. Voluntary manslaughter is a lesser included
17 what that means is we charged with murder, and I believe it
18 was, but it's your -- your decision, not mine. So you get a
19 choice. You also have choice of voluntary manslaughter. And
20 in South Carolina, in this case, it would be that you took
21 the life of Khamori Scott. We got that checked. We all know
22 he did that. Next question would be, was it in the sudden
23 heat of passion based on significant legal provocation?

24 Now, those are a bunch of law mumbo jumbo, and I got --
25 I get it. I get it kind of like when I go to the doctor and

1 they start saying something like, Charlie Brown, I have no
2 idea what you just did. My grand teachers like, that's what
3 I just did, right? So sudden heat of passion is going to be
4 and I even got to listen up because I can't remember myself.
5 It's something that comes so suddenly that you can't stop
6 your emotions. That an ordinary person is unable to coolly
7 reflect and accordingly do their actions based on what they
8 should do, instead of their emotions.

9 They're thinking with their heart, literally That is
10 sudden heat of passions. So you may believe, well, he put
11 that gun to him and maybe Khamori off the head made up, but
12 he's too bad, and I agree he was mad, and before you could
13 really think about it, he goes and get the gun and comes
14 back. And he's so mad. That is heat of passion. Sufficient
15 legal provocation. That's going to be that would make a
16 person of ordinary reason become enraged and to lose control
17 temporarily. I have a gun and I'm gonna shoot him. Lost
18 control temporarily. So if you decide he was just upset and
19 could not control himself, you can find a guilty of voluntary
20 manslaughter instead of murder. That's your choice, not
21 mine, not Mr. Sutherland, not even the judge's. It is your
22 choice.

23 Now the Defense is going to talk to you about self
24 defense. Now, when you walked in there, you probably had a
25 thought of what self defense is, but there's a legal

1 definition, and that's what you swore to follow. Not what
2 you came in here with, but the law and as we are about to
3 give you. Self defense, he has to be without fault or
4 difficulty. He has to be in imminent danger, or believe he
5 was in imminent danger. And if it's based on his belief of
6 imminent danger, then it has to be that a person -- a
7 reasonable person of ordinary firmness and belief, would have
8 done the same. Would have thought they were in imminent
9 danger and would have acted accordingly. That's what all
10 that is.

11 So I'm gonna go through it all really quick. He wasn't
12 without (Inaudible). He left. He left. All in all he's
13 gone before, but he left. He went to his father's house and
14 got a loaded gun. He called 911 so he's gone at least two
15 minutes and 49 seconds. That's how long the call is. He
16 walks towards the victim with a loaded gun. That's where the
17 problem comes in. Mr. Sutherland is gonna say that it is his
18 property. He can do what he wants to. This is America. Do
19 what you want to with your property. There are rules. There
20 are rules that we all agree about live by in America. Just
21 like I said, my HOA won't let me park on my lawn. One of the
22 rules is you can't walk up to someone who isn't doing
23 anything, even if they're in your front yard -- even if you
24 didn't know what they did to you five, 10, 15 minutes ago and
25 shoot them.

1 That is not bringing -- that is not not bringing up
2 difficulty. It is bringing on difficulty. Because what did
3 they say? When I walked up to him he had to pull his gun, so
4 then I had to shoot him. That's what he says. That the
5 victim went to pull out his gun after he approached him.
6 That's bringing on the difficulty, because then he says that
7 he had to shoot him. He went for his gun.

8 He only went for his gun because you had yours out.Says
9 you had you with apples. That's what you said. How do we
10 know that? He said, "I'm going there with my gun, I'm going
11 to kill him. I'm going there with my gun, I'm going to get
12 him off my property." Don't you want to see the gun?
13 Because what's going to happen if you're going to use it to
14 get them off your property. You got to see it. And again,
15 we talked about it. So one element is gone.

16 Now the judge is going to instruct you that they don't
17 have to prove self defense. They don't. I will tell you
18 right now. I want you to be clear. The State has the burden
19 of proven of everything. He's probably gonna get up here and
20 say it's the whole state, the government, as I like to say,
21 against little ole Telvin Jackson. All these people and all
22 our law enforcement. You know why we have the burden of
23 proof. We have to prove that it wasn't self defense. But
24 all we have to do is disprove one element. Like a stool with
25 three legs. Kick one of the legs out. There's no stool. It

1 doesn't work. I dare you do that. Let somebody sit on it.
2 They won't be your friend, no more. We knock that one out. I
3 don't even have to talk about it. He wasn't in imminent
4 danger. (Inaudible). At this point, he's on the phone with
5 911. They say, "Stay on the phone. Stay on the phone. Go
6 down the street, stay where you were." He wasn't in imminent
7 victim. He tells -- he's in my yard, and then he says, I am
8 going to shoot him. And then just sits there.

9 He's in his yard on the phone. Think about this, he is
10 in his car, in his yard in the BMW just saw in photographs.
11 He never -- not to 911, not in that interview when -- does he
12 say, the victim came up to me. He could have just sat in his
13 car. Because remember, Khamori Scott, Brandon, Antoine, have
14 no idea the police are coming. Nobody -- you can't hear them
15 coming. They didn't have to turn the lights and sirens on,
16 because they were going for a robbery. Nobody knew they were
17 coming. So just sit in your car.

18 The victim had a gun, but he didn't have it out. He
19 didn't have it pointed at anybody. He wasn't waving it
20 around. According to Behney -- Officer Behney, there was a
21 holster that she put -- you'll see the picture was on top of
22 the car. There's no gun in that holster because he dropped
23 it on the ground after he shot. But he never pointed it at
24 anybody. Once he came back, the defendant doesn't say that.
25 He doesn't tell 911 that. He says, "I went up to him."

1 So if not two of him. So it's not two of them, there's
2 still one left. I've knocked two out of the park, as far as
3 I'm concerned. But we'll talk a little bit about the
4 reasonable person standards. Again, you have to think, if
5 you thought he was in danger, he thought, okay, he's still in
6 my yard. Maybe he's going to do something. And then you go
7 to the reasonable person standard. What was reasonable? But
8 he could have just called police when he left. That would
9 have been reasonable.

10 You could have waited for police. Why did you sit in
11 the driveway? That was reason you could have gone inside and
12 checked on your family. That was been reasonable. Because,
13 remember, he's been gone for, God knows that long. He
14 doesn't even know -- how does he not know since this guy
15 robbed him at gunpoint, that this guy didn't go in and do
16 something? He sure didn't check it out. He didn't call his
17 wife -- his girlfriend and, say, "Hey, are you good?"
18 Wouldn't a reasonable person who left an armed man in his
19 yard for I don't know how long when he get back, go in the
20 house and check it to see if everybody is okay? What had
21 walked up to the victim was not a (Inaudible). You gonna
22 walk up to somebody who you think he's gone? You know -- he
23 go -- you don't walk up to him with a gun in your hand?
24 Corner him? Not self defense. Not self defense. So he's
25 gonna also talk to you about defensive habitation.

1 Now you might have never heard of that before. I
2 promise you, before I became a lawyer I haven't. When a
3 trespass has occurred, and the defendant shows the mean of a
4 judgment was reasonable under circumstances, somebody is
5 trespassing onto your property or into your house and you
6 want to get back, you can use reasonable means to do so.
7 Also, you will hear a charge from the judge that's going to
8 say it only applies to the person attempts to force himself
9 into another's home. Into another and the owner uses
10 reasonable force to get him out.

11 Telvin Jackson didn't try to go to his own house. He
12 goes back and forth as to whether he wants him to stay on the
13 property or he wants to leave the property. Can't do both.
14 There's no defense of that. So mama is done, for now, you're
15 then going to have to listen to Mr. Sutherland and
16 unfortunately, I want you to think about whatever he says.
17 Remember the facts because I know he is going to get up here
18 And try to convince you of something else. You know how I
19 know? Want to know the secret? I trained him. But as he
20 does it, I want you to think about the it.

21 (911 CALL AUDIO PLAY RESUMES)

22 Those are the words of Telvin Jackson. And those are
23 the words of Khamori Scott. Ladies and gentlemen, this
24 wasn't defensive habitation. This was murder. Because of
25 that, because of the actions of that, because that man took

1 that gun and shot and killed Khamori Scott. There is no
2 question that happened.

3 I'm asking you to find the only just verdict, the only
4 verdict that speaks the truth. the only verdict that
5 supported with facts beyond change. A verdict for murder.
6 Thank you.

7 MR. SUTHERLAND: May it please the court, Judge.

8 THE COURT: Yes, sir.

9 MR. SUTHERLAND: It's funny, because one thing I wanted
10 to make clear to everybody here is that it's I get really
11 upset, when the government transgresses, and it can sound
12 really personal. They're government lawyers. They're
13 standing in the shoes the government. And I was going to
14 say, "April, show me how to do this." Right? It's not --
15 it's nothing personal, but they are so wrong. How do you --
16 how do you balance that? I have to explain to them a lot of
17 times, like, what you're doing is wrong. I don't dislike
18 you. I don't know. I say these things because it is so
19 terribly wrong. Call your family to come over? Or is
20 there, is there an armed -- there's an armed man here. Call
21 your family.

22 May 20, it's not a big deal. When he borrowed -- sent
23 to the house. I can't understand. You know, that to go
24 through this catalog, which is sort of stretches, and again,
25 it's nothing personal. So she's a government agent up here,

1 and she's going through this catalog of stretches and what
2 is. And nobody ever said this, that or the other in
3 suppositions. We know what we heard. They stayed with the
4 heart thing, which was interesting to me. So that was a
5 disaster. I thought it was a disaster for them, because the
6 words that come out of us, she actually said, he's gonna say
7 that we didn't want you to see the body cam.

8 What do you think? You all were here? How do you think
9 I had to hammer and tongue and get that thing in there? We
10 told you it was a robbery. Really. Remember heart, mouth,
11 911, where is it was a robbery. Where's the robbery? I do
12 not understand how the government can just go through what we
13 all seen. We saw what he said, and the government can say
14 he's lying. Because he said this on the 911 call, right?
15 And then he said this when he's being interviewed by the
16 cops, right?

17 Well, there's a -- there's a -- there's a -- there's a
18 shooting. Unlike he just been robbed in his yard, notice how
19 it's quite popular. Armed robbery is now great in Richmond
20 County, armed robbery is now, what is it? A little dispute
21 between -- a little disagreement between the friends. You
22 see these texts that they introduced into evidence. I think
23 hearsay, but sure, because it just confirms what he was
24 saying. That he was robbed in his yard. This doesn't really
25 matter, you know, I thought the smiley faces, the crying

1 smiley faces, you know. What is that? Who puts a gun in
2 somebody's head, you know. But, you know, Khamori Scott was
3 a human being, and he had a family, right? He was a human
4 being and he had a family. And I'm not about to sit up here
5 and pretend that that's not the case. We are all human
6 beings. We all have families, and this is a tragedy.

7 But even the question is why? They're talking about,
8 well, he is with fault or without fault. Would this have
9 happened but for the robbery? The answer is no. The answer
10 is, clearly no. She's up here talking about, why didn't he
11 tell the investigator X, Y, Z.

12 Who's Brandon? Who's this? What happened when I tried
13 to ask investigator Hinson about talking to him? Objection,
14 right? He's gonna say that we don't want you to hear what he
15 said. Well, then what is that? How come I -- you know, what
16 happens when I put in evidence? I am defending a citizen
17 here, right? He's a citizen, right? She's up there waving
18 flags. Interesting. It's cute to see the government waving
19 the flag that you ever said.

20 There are many people on here, you know? Y'all know --
21 y'all know what I'm -- what I'm talking about. Telvin
22 Jackson on the phone with 911. He just got robbed. He left.
23 He didn't care about -- he left his family again. Why didn't
24 he call his family to come up? What just happened and what
25 just happened six days before? Oh, it was nothing because we

1 didn't do a report. Oh, really, right. What you have to do
2 to agree to the government is come to conclusions that
3 nobody's offering, nobody's taught to testify to anything.
4 You wonder what this would be like if I didn't, you know,
5 when you all are excused, right? One time you came in, you
6 have to go back out 45 seconds later. What's going on is
7 fighting, right?

8 I told you in the beginning what a risk it is, because
9 as a defense attorney, you know, we have nothing to prove. I
10 can sit there whole time and be signed. As a defense
11 attorney, it's a risk to promise people things, because if
12 you don't deliver, it's over. It is over, right? And what
13 did I say? They don't want you to hear. Why are they up
14 here talking about hearts and mouths, up here fighting tooth
15 and nail keep you from hearing what happened. Is that, you
16 know, they're talking about reason. What does it like? What
17 makes sense? Does that make any sense? And you know, it's
18 not me, it's not some guy who's sitting at the bar talking
19 this way.

20 This is, this is the government. This is the
21 government. You don't need me. You all have really big
22 decision to make. You know, they'll come to that, right?
23 They'll -- they'll admit to you that your decision is huge,
24 right? But what else, what other conclusion that I draw?
25 Oh, my God. What a fraud. I would be standing here as such

1 a fraud if I wasn't, you know, all the court rules, Rule
2 8011, and 80 -- or 8031 and 8032. That's how I got the the
3 body camera.

4 MS. SAMPSON: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. SUTHERLAND: Okay. What would I -- yes sir. What
7 would I be doing now? What would I be saying now? And you
8 know, he's -- he's -- he's my responsibility. You know these
9 things that they're saying about him. You know, you've had
10 the opportunity -- we've all been in the same room as, you
11 know, in the beginning, we're total strangers. Now, what are
12 we now? We've been club, and I, you know, I like people. We
13 do connect, right? I know we're over there, you're but we're
14 all here, and we're going through something together that
15 that connects us. You know, you had a chance to observe
16 them, me and this courtroom.

17 And these things that they are saying about him? Do
18 they make any -- any sort of sense -- any sort of sense? I
19 didn't know that I had shot him. How is it malice, if you
20 don't know that you shot somebody? You know not that malice
21 is a depraved heart. It's wickedness. Is this wickedness?
22 Is it evil intent? You get the instructions on this. But
23 you know what happened here? You know, you now know, thanks
24 to them introducing those text messages as if they grew some
25 kind of point.

1 You know, I mentioned I wasn't there. I don't
2 really know for sure, but they just introduced evidence that
3 he didn't, did he do what Telvin said he did, but Telvin's a
4 liar, because he just got robbed, and he's helping the cops.
5 He said, you all can listen to right in the back of the seat.
6 He's steaming, no less scheme. The guy comes out from
7 hiding. He's hiding behind in the back of his neighbor's
8 yard, right the police get there, immediately he comes out.

9 Remember, Behney testifying? She actually went up
10 there -- and this was a mistake. Because they, they did not
11 want you to hear what he said. Yeah, she went there, like --
12 testifying. She's like, yeah, heard this, "Hey", and it was
13 Telvin Jackson. What that is, legally is opening the door,
14 right? So I went up there to remember this, and I said, Oh,
15 Telvin Jackson said, "Hey". What else did he say?

16 Fight, fight, fight, fight, fight, ultimately.
17 Ultimately. You know, it's four minutes of a universe of
18 things. You know, frankly, the government's up here saying
19 things are not accurate. I'll just put it back. That way
20 according to the rest of the story was that I just kept
21 arguing that, you know.

22 Now for the rest of the story. There is no rest of the
23 story. There's their story. You know, they come up here
24 arguing. And again, I do like these people. I admire April.
25 We speak to that. When I was never a young lawyer, right? I

1 started in my mid 30s, right? I started at the public
2 defender's office, and April was one of my bosses.

3 Now, let me tell you about this closing statement that
4 she did when I was in office. You know, remember the first
5 couple -- first couple years I did was I know what's going on
6 my name and all that kind of stuff. She's doing a closing
7 statement in front of the jury, and she's up here arguing
8 that a steak knife is not a deadly weapon, right? She's
9 making that argument to the jury, and she bends the knife
10 like flexes it in front of the jury to make that point to the
11 jury, and she cuts her hand.

12 She cut her hand so she did the rest of her closing with
13 her hand behind her back, bleeding down the back of her
14 skirt. I was like, that's awesome. That's awesome. I like
15 her skill, you know. We probably fight like cats and dogs
16 and all, but we get along, you know, we do get along. But
17 this is important, but she's up here -- and she's up here,
18 stretching and misrepresenting things. It's our government
19 that's doing that. You know, in a point of fact, by mission
20 of action, it's us that's doing that, because every time we
21 buy anything from a hot dog to a house, they get a cut. So
22 we're doing this too. I'm in on this and this is
23 disgraceful.

24 I know it's difficult for me to communicate that to
25 you, because I do this all the time. I've tried 60 percent

1 of these things. Never seen anything like this. Do you
2 trust your ears, or do you trust what the government is
3 telling you that you heard? Do you trust what you saw? It's
4 funny, you know, he didn't -- he didn't pull his gun,
5 whatever that well, the holster was over here, at the same
6 time, away from the gun. The holsters up here, the guns over
7 here that means it didn't necessarily follows. This is just
8 syllogism.

9 This is logic that it came out of the holster. It's over
10 here. There are two .45 caliber shell casings. You remember
11 questions to Investigator Holt. You know, what was the
12 proximity of those are things? She's like, "Oh, they were
13 close." I asked her. I don't ask a lot of questions, because
14 I'm not up there screwing around, right? I asked her, can
15 you come to the conclusion that the .45 was fired within
16 proximity -- proximity of the nine millimeter pistol, or do
17 you not have enough information to make that conclusion? She
18 said, "I do not have enough information." That's what she
19 said.

20 The government is, excuse me, robberies. You know, rob
21 -- I'm a defense attorney. Squashed it. I think that's what,
22 I think that's what Keith said again, like, oh, they have a
23 little disagreement, while never mentioning the robbery. You
24 know why? You know why? At that point they have no idea
25 what's coming in. These officers, these law enforcement

1 officers. There was good police work in this. What you were
2 able to see, remember, Telvin was talking to Investigator
3 Gayeskie. He's like, Oh, blah, blah, blah ---
4 At the time he was a master deputy. And you see this glove
5 hand and the rights are read. He's like, oh, so we did this.
6 So he goes to the Miranda rights. You have the right to
7 remain silent and all that stuff. And, okay, keep going,
8 keep going. And somehow he's in your -- plotting, scheming.
9 You decide. You listen to it. You watch it yourself. You
10 know, he's pleading. Please, please. How many times, you
11 know?

12 I mean, I could do like the lawyer thing. I'm so, you
13 know, come up here with this play, this up here. Be like,
14 look at that. You all are the jury. You've already seen,
15 right? And you already know what you saw, be respected of
16 what you've been told that you saw, you know, you saw. And I
17 didn't know that was the big, big stress. You know, the
18 stress came off like, finally, I don't know.

19 I told my guy, I'm like, look, you know, this is their
20 space over here, right? Unless I'm unless we're together I'm
21 talking, unless I'm asking questions. This is your space.
22 You know, I know everybody looks around. Don't eyeball
23 people again. It's rude, like the talking at this. Don't
24 eyeball the jury. They're in their space. Let them have
25 their space. Let them hear this stuff, right?

1 And you heard it, and you saw it. And who's coming up
2 with alternative theories of things here? The government is,
3 well, what about this? This could happened. Oh, you know,
4 oh, these guys, you know, he didn't know all of this stuff.
5 Who said, any of that stuff that she was saying? Who said,
6 right, there's two things. Two things, the only bullets that
7 they thought you were going to hear -- the 911 call. I don't
8 see why they brought that up, because it's just drawing
9 attention to it. I -- it is simply not possible to view the
10 events of the past several days and to think that they wanted
11 you to see that, right? I wanted you to see that.

12 Heart, mouth. What else did they say about -- about
13 the scene? Well, I guess I have to talk a little bit about
14 their version of the law. There's one version of the law.
15 That's one account here. You're gonna hear it from the
16 judge. We both see we both know what it is. And here's what
17 defensive habitation. Defensive habitation and self
18 defense. They're two distinct things in the law. You've got
19 the kind of law, defense common law means it's just been that
20 way for a long time in courts. I've been doing it. If
21 you're in your home, the instructions you put up there is a
22 little confusing, because it says trying to get in your home,
23 or it says around the premises.

24 There are two things in there. The premises of your
25 home are, what? Is it your driveway where he was robbing

1 them? Certainly is. Is it your front yard where, for some
2 reason, you know, they're interviewing investigators. At one
3 point I saw, Oh, there's Khamori's gun, right? And they're
4 talking about grass like, what does the grass look like? You
5 know? What -- what -- what are they -- what are they doing
6 here? I'm saying that they were hiding the ball, and I have
7 a good reason to say it, because they did, and you saw it,
8 you know. Are we going to accept that? Is that who we are?
9 You know, is that because this is who we are, these decisions
10 here, you know, people talk about the Constitution and all
11 that.

12 The decisions that are made in this courtroom radiate
13 out to the community across the country. Is it going to be
14 the case that someone can come up, put a gun to your head,
15 rob you with your family inside. You get away, but you're
16 not allowed to come back? Where are you going to see that
17 you're not allowed to come back? You don't have a duty to
18 retreat, because it's your home. It's confusing to me, that
19 they're saying so many things.

20 What makes sense? Think about, think about what's
21 wrong. What kind of feeling did you get when I finally got
22 that video up and I was able to play that? Did you feel
23 betrayed? I don't know. I don't have. You're gonna tell me
24 this, and it's that. I'm not goig to believe nothing anybody
25 says that does that to me, right? And our government just

1 did that. There's one right thing to do, you know? Last
2 thing I said, "This is wrong." It's it's hard to express how
3 wrong it is. It is just so awful. And you can feel it,
4 right? I mean, we're a community here, you know, and this
5 ain't right. Here -- excuse me -- they put people in jail
6 for 30 years today.

7 MS. SAMPSON: Objection, Your Honor.

8 THE COURT: Sustained.

9 MR. SUTHERLAND: For the robbery?

10 THE COURT: Approach.

11 MR. SUTHERLAND: Yes, sir.

12 (OFF-THE-RECORD BENCH CONFERENCE)

13 MR. SUTHERLAND: I noticed that look at this thing
14 that's scary. And I really, you know, I was enlisted. I'm a
15 rifle person. I don't know very much about these, but
16 they're picking this up, holding this. Where's the other
17 one? There's two, all right, why are we only seeing this?
18 Because the other one's not big deal. Nobody cares. They
19 don't care. If they cared about it, they would tell you they
20 can keep a little dispute between friends. And it got
21 squashed. I know what squashed is you know, especially on
22 the fourth deadline, several Marines up there conflict,
23 right? This is the robbery where it got away. Max, can't,
24 you know, I do feel that we're not, I swear, I may be
25 committed this guy's weird, right?

1 But we've been together. It's just, it you can't know,
2 but doesn't it feel funny? What is going on here? You know,
3 how did, how does this happen? You know, you don't see this
4 on TV. They get the victim of the robbery, and charge him.
5 All I'd ask you to do, you know, I could get up here and talk
6 forever.

7 Again, I'm not going to give you a catalog. You all
8 heard the evidence. You all know what this is, and you
9 already make a decision about what this is. Now, what this
10 is. First of all, is wrong, right? What it is, second of
11 all is not guilty. And did you notice one more thing, I just
12 remember this all of a sudden, this voluntary manslaughter.
13 Well, since when they said it was a murder, right? What is
14 it? Is it? Is it a murder?

15 Oh, no, now they were going to hear, you know what they
16 do? They giving other people's options. I've never said
17 this phrase in my life. I don't like it because they worried
18 you're going to get back there and you will do right, right?
19 Not guilty. It's not a murder. There's no malice. There's
20 no way. So they want you to do this thing. The lawyer talk
21 for it is sniffing the bait, right? There may be some people
22 who, even now, y'all are like, look, that's just not cool,
23 though. You know, in your life, in your experience, you
24 like, Yeah, he got away. Why don't you go back. Well, it's
25 his home and his family.

1 But if you know, you all were going to have your own
2 opinions from your own experience in your own life, right?
3 So some of you may be saying, I don't like that. You know, I
4 don't like you know what happened here? And some of you may
5 be like, this is Bravo, Sierra, right? Some of you may be
6 yoga, I don't know how anybody you know we're not telepaths
7 here. I'm just saying we're connected, because we're human
8 beings. But they will. They want to give you the option.
9 This is the same case. It's very difficult, right? So they
10 want to give you the option.

11 You know, you all be there, maybe struggling over, maybe
12 argue over, you know. Jesus, I just want to go home. Let's
13 do the other thing, right? That's what that is. They didn't
14 say a word about that in the beginning. I would encourage
15 you to just ignore it. Follow your feelings, follow your
16 guts. Certainly follow the law, but trust what you saw and
17 what you heard. Not for certain what they said and trust
18 your gut. And you know what? What kind of community do you
19 want to speak?

20 We will do that people defending their home and their
21 family, right? Thanks for your time, right? So thank you
22 very much. All right. So thank you.

23 MS. SAMPSON: The last thing I'm doing is trying to hide
24 the ball. The last thing the government is doing is trying
25 to hide the ball. We gave you the facts. Told you that in

1 the beginning, he wants you to talk about and look at all
2 these distractions. And I could have objected when he starts
3 talking about what I did back when I was a defense attorney
4 tonight. Actually one of my favorite closings. But what he
5 forgot to tell you, since he wants to bring it up, is, when I
6 cut myself, I was deflecting and hiding in because I was a
7 defense attorney.

8 His job is to deflect so that you don't look at the
9 trigger. Not me. We told you, you know, I don't care about
10 the robbery. I don't care. What did I tell you? If he
11 hadn't have shot Khamori Scott, he would be here. And maybe
12 I would be prosecuting him for armed robbery. But what we
13 told you was, he had a gun for sure. He got -- told
14 everybody he drew down. That doesn't mean a robbery
15 occurred. It means he had a gun. Not the same thing. He
16 wants you to talk to look at and say, ignore the law. He's
17 like, oh, there's this new charge you've been here with Judge
18 Coble. He is the only person in this entire room that gets
19 to decide on the law. Not me, not Mr. Sutherland, not Mr.
20 Hinson. Judge Coble, and he decided that you should have the
21 option of voluntary manslaughter, because it's the law.

22 Mr. Sutherland says, oh, the government wants you --
23 doesn't care about the law. That's all I care about, is the
24 law. He had alternative theories, alternative facts,
25 apparently. I gave you the facts. You he said, you know, we

1 tried to cover things up. There are rules we all have to
2 follow. One rule you all followed to come here, I assume
3 everybody drove. Is you drove on the right side of the road.
4 Now, if you driven on the left side, you've been in the
5 wrong. You can go to Georgia and do that. But up here, you
6 gotta drive on the right side of the road.

7 And just because you want to drive on the left doesn't
8 mean you get to. You gotta follow the law. And here there
9 are laws we have to follow. My job is to make sure we did
10 that, and we did. We followed the rules of evidence and the
11 law. He doesn't like it. He doesn't like it but that's what
12 we did. I believe this is murder, but the law says you get
13 options. It's not self defense. So since he wants to talk
14 about what we didn't give you, let's talk about what we did.

15 He said we didn't give you the victim's gun. The
16 victim's gun didn't do anything. We gave you the gun that
17 brought us all here today. He said that Khamori Scott did an
18 armed robbery. Well, then Telvin Jackson was the judge, jury
19 and executioner, because he truly brought them. Let him have
20 his name court, just like you are. We gave you the autopsy.
21 It showed that he was shot, because we have to do that. I
22 don't like showing those pictures. I don't want any of this,
23 but it's my job. We gave you his victim's identification.
24 He told you who did this to him, because we had to prove who
25 did it. Because Telvin Jackson can sit there and not say a

1 word. I'll talk about that. That's his right. So we told
2 -- we played that part where he told that Telvin Jackson
3 shot him. We gave you the 911 calls. All right. And those
4 911 calls gave you three, the one from the 20th. You can
5 hear them, and I want you to hear that, because allegedly, he
6 broke in his house and did them, but he doesn't. He's just
7 bad, but he won't leave no threats, no nothing.

8 We gave you his 911 call. He's like, oh, they want you
9 to look at other things. No, I'm just saying that you call
10 that one for help. How about asking for it? That's why you
11 call them. You tell them what's going on, but he didn't. We
12 brought in all these witnesses who gave these testimony. We
13 gave you the law enforcement officers. He wants to again,
14 talk about what didn't happen, what didn't come in, because
15 there are rules we have to follow.

16 But we brought in witnesses. They gave you testimony.
17 They told me what happened. I want you to look at it. I'm
18 no longer a petitioner. I'm no longer defect. I work for the
19 State South Carolina, for Richland County Fifth Circuit, and
20 I want you to look at the facts.

21 I want you to look at again, that he was lying. He did
22 it over and over and over again. Ladies and gentlemen, I've
23 said this once, said it twice, but I have probably said it
24 six times now. There are rules, because where we live, we
25 are, we are a place full of rules. I wore these shoes my

1 flag and all, because I believe in America. I believe in the
2 rules, and that's what we're going to do. We gave you all of
3 that, what we gave that key, and I ask that you come back the
4 verdict of guilty.

5 THE COURT: All right. Thank you, madam solicitor. So
6 it's all right, ladies and gentlemen, I'm going to instruct
7 you on the law. If you'll pay close attention, I will send a
8 copy of these instructions back with you we need to review,
9 but I'm gonna go over the law with you. If you'll pay close
10 attention. And I'll be reading this verbatim, since I'm
11 sending the copy back with you.

12 Members of the jury, it is now my duty as a trial judge
13 to instruct you on the law applicable to this case, and in
14 that regard, it is your duty as jurors to accept and apply
15 the law, as I now stated to you. Furthermore, is your
16 exclusive duty to decide all the issues effect in this case
17 and to determine the effect, value, weight and truth of the
18 evidence. All the parties have the right to expect that you
19 will carefully consider and evaluate the evidence and apply
20 the law of this case to it, and then in the end, all parties
21 will receive a fair and impartial trial. During this trial,
22 you and I have separate duties to perform. As the trial
23 judge, it is my responsibility to preside over this trial and
24 rule upon the admissibility of the evidence offered during
25 the trial.

1 In that regard, you are to consider only the evidence
2 before you. Thus you are to consider only the testimony
3 which has been presented from the witness stand, together
4 with the exhibits admitted into the record of this case. If
5 you have any preconceived ideas as to what the law is or what
6 you think the law ought to be, and it does not agree with
7 what I tell you the law is, you are obligated under your oath
8 to abandon these preconceptions because you were sworn to
9 accept the law, as I now stated to you. In this trial, you
10 are the sole and exclusive Judge of the facts. Do not infer
11 that I have any opinion about the facts of this case or
12 anything I have said or learned during the course of this
13 trial.

14 In this regard, the law simply does not permit me to
15 have an opinion about the facts. As jurors, it is your duty
16 alone to determine the effect, value and weight and truth of
17 the evidence presented during the course of this trial. The
18 evidence from which you were to decide what the facts consist
19 of in this case are the sworn testimony of witnesses, both on
20 direct and cross examination, the exhibits which have been
21 admitted into evidence, and any facts which all the attorneys
22 have agreed to stipulate. The following things are not
23 evidence and must not be considered as evidence in deciding
24 the facts of this case: statements and arguments of the
25 attorneys, questions and objections of the attorneys, and

1 testimonies that instruct you to disregard. While argument
2 of counsel is a beneficial part of every trial, you should
3 remember that the statements made by counsel are not
4 evidence.

5 In presenting arguments, counsel often refer to evidence
6 however. You should base your verdict on the evidence as you
7 remember it. Therefore, if there are any conflicts between
8 the recollection of counsel about the evidence in your own
9 recollection, you should rely upon your own understanding of
10 the evidence as you remember. Furthermore, evidence may be
11 direct or circumstantial. Direct evidence is testimony by a
12 witness about what the witness personally saw or heard or
13 did.

14 Circumstantial evidence is indirect evidence. In other
15 words, it is proof of one or more facts from which one can
16 find another fact. You may consider both direct and
17 circumstantial evidence equally. Crimes may be proven by
18 circumstantial evidence. The law makes no distinction
19 between the weight or value to be given to either direct or
20 circumstantial evidence. However, to the extent the State
21 relies on circumstantial evidence. All of these
22 circumstances must be consistent with each other, and when
23 taken together, point conclusively to the guilt of the
24 accused beyond a reasonable doubt.

25 If these circumstances merely portray the defendant's

1 behavior suspicious, the proof has failed. The State has the
2 burden of proving the defendant guilty beyond a reasonable
3 doubt. This burden rests with the State, regardless of
4 whether the State relies on direct evidence, circumstantial
5 evidence, or some combination of the two. Furthermore, it is
6 your job as jurors to determine the credibility or
7 believability of the witnesses who have testified in this
8 case.

9 You must evaluate the evidence and determine which
10 evidence commences you of its truth. In determining the
11 believability of witnesses who have testified in this case,
12 you may believe one witness over many or many over one. You
13 may believe a part of the testimony of a witness and reject
14 the remaining part. You may believe the testimony of a
15 witness in its entirety, or rejected in full. You may
16 consider whether the witness has an interest in the result of
17 the trial, whether the witness is prejudiced toward either
18 party, the opportunity for the witness to have seen the
19 matters and things about which the witness may testify and
20 the way the witness acts on the witness stand.

21 The Rules of Evidence ordinarily do not permit witnesses
22 -- witnesses to testify about their opinions or conclusions.
23 An exception to this rule exists as a witnesses we call
24 expert witnesses. A witness who, by education and
25 experience, has become expert in some art, science or

1 profession, may give an opinion as to the subject the witness
2 claims to be an expert in, and they also give the reasons for
3 that opinion.

4 You should consider any expert opinion given by witness,
5 and like any other evidence give it the weight you think it
6 deserves. If you decide that an expert witness's opinion is
7 not based on sufficient education and experience, or if you
8 decide that the reasons given in support of the opinion are
9 not sound, or that the opinion is outweighed by other
10 evidence, you may disregard that opinion entirely. An expert
11 witness' testimony is to be given no greater weight than that
12 of other witnesses simply because the witness is an expert.
13 And you do not have to accept an expert's opinion, even
14 though it is uncontradicted.

15 The defendant has pled not guilty to this indictment,
16 and that plea puts the burden on the State to prove the
17 defendant guilty. A person charged with committing a
18 criminal offense in South Carolina is never required to prove
19 his or her innocence. I charge you that it is an important
20 rule of the law that the defendant in a criminal trial, no
21 matter what the seriousness of the charge may be, will always
22 be presumed to be innocent of the crime for which the
23 indictment was issued unless guilt has been proven by
24 evidence satisfying view of that guilt beyond a reasonable
25 doubt. This presumption of innocence does not end when you

1 begin your deliberations, but it accompanies the defendant
2 throughout the trial unless you reach a verdict of guilt
3 based on evidence, satisfying you of that guilt beyond a
4 reasonable doubt.

5 The presumption of innocence is like a robe of
6 righteousness placed about the shoulders of the defendant,
7 which remains with the defendant unless it has been stripped
8 from the defendant by evidence satisfying view of the
9 defendant's guilt beyond a reasonable doubt. The presumption
10 of innocent is not in your legal fear. Need a break? Good?
11 Just let me know if you do, okay?

12 It is not just a legal phrase either. It is a
13 substantial right to which every defendant is entitled,
14 unless you the jury, are satisfied from the evidence of the
15 defendant's guilt beyond a reasonable doubt. The State has
16 the burden of proving the defendant guilty beyond a
17 reasonable doubt. Some of you may have served as jurors in
18 civil cases where you were told that it's only necessary to
19 prove that a fact is more likely true than not true. Such as
20 by the greater weight or preponderance of the evidence. In
21 criminal cases, the State proof must be more powerful than
22 that.

23 It must be beyond a reasonable doubt as to each element
24 of each offense charge. What is reasonable doubt in the law?
25 A reasonable doubt is the kind of doubt that would cause a

1 reasonable person to hesitate to act. Proof beyond a
2 reasonable doubt is proof that leaves you firmly convinced of
3 the defendant's guilt. There are very few things in this
4 world that we know with absolute certainty. In the criminal
5 cases, the law does not require proof that overcomes every
6 possible doubt. If based on your consideration of the
7 evidence you are firmly convinced that the defendant is
8 guilty of the crime charge, you must find the defendant
9 guilty.

10 If, on the other hand, you think there's a real
11 possibility that the defendant is not guilty, you must give
12 the defendant the benefit of the doubt and find him not
13 guilty. Mere suspicion, however strong, is not enough to
14 sustain a conviction. Suspicion implies a belief or opinion
15 has to deal based upon facts or circumstances which do not
16 have proof. In order to establish criminal liability,
17 criminal intent is required. The dictionary defines intent
18 as the state of a person's mind that directs his actions
19 towards a specific object.

20 Criminal Intent must be proven by the State beyond a
21 reasonable doubt. Criminal intent is a mental state, a
22 conscious wrongdoing. It is up to you to determine what the
23 defendant intended to do based on the circumstances shown to
24 have existed. A specific intent crime requires that the
25 defendant had the intent to cause a particular result, or

1 that the defendant had a specific intent in committing the
2 act. A person acts with specific intent when his conscious
3 objective is to cause the specific result prescribed by the
4 statute defining the events.

5 The State is required to prove the element of malice
6 beyond a reasonable doubt for the charge of murder. If you
7 are not satisfied, then the State has proven the malice
8 beyond a reasonable doubt, you must find the defendant not
9 guilty. The defendant has been charged with murder. The
10 State must prove beyond a reasonable doubt that the defendant
11 committed an unlawful killing of the victim with malice
12 aforethought. Malice is hatred, ill will or hostility
13 towards another person. It is the intentional doing of a
14 wrongful act without just cause or excuse and with an intent
15 to inflict an injury.

16 Malice aforethought does not require that malice exists
17 for any particular time before the act is committed, but
18 malice must exist in the mind of the defendant just before
19 and at the time when the act is committed. Therefore there
20 must be a combination of the previous evil intent and the
21 act. Malice is shown when a person speaks words which
22 express hatred or ill will for another, or when the person
23 prepared beforehand to do the act which was later
24 accomplished.

25 If you find that the State has failed to prove beyond a

1 reasonable doubt that the defendant is guilty of murder, you
2 must then decide whether the State has proven beyond a
3 reasonable doubt that the defendant is guilty of voluntary
4 manslaughter. To prove voluntary manslaughter, the State
5 must prove, beyond a reasonable doubt, that the defendant
6 took the life of another in the sudden heat of passion based
7 on sufficient legal provocation. Both heat of passion and
8 sufficient legal provocation must be present at the time of
9 the killing to constitute voluntary manslaughter.

10 Sudden heat of passion may, for a time, affect a
11 person's self control and temporarily disturb a person's
12 reason. The sudden heat of passion must be the type that
13 would make an ordinary person unable to coolly reflect on his
14 actions and would produce an uncontrollable impulse to do
15 violence. Sufficient legal provocation must be the type that
16 would make a person of ordinary reason and caution become
17 enraged and to lose control temporarily. The provocation
18 needed for voluntary manslaughter must come from some act or
19 related to the victim.

20 Words alone, however vulgar or insulting, are not
21 enough to be legal provocation. Where death is caused by the
22 use of a deadly weapon, the words must be accompanied by some
23 overt threatening act which would have produced the heat of
24 passion. The exercise of a legal right, no matter how
25 offensive it is to another, is never sufficient legal

1 provocation for voluntary manslaughter. If the heat of
2 passion had cooled, or if there was enough time between the
3 provocation, if any, and the killing for the passion of a
4 reasonable person to cool the killing would not be voluntary
5 manslaughter.

6 In deciding whether a reasonable person would have had
7 enough time to cool off, you should consider all these
8 circumstances surrounding the killing. You may consider the
9 nature of the provocation, if any, the defendant's mental
10 state and physical state, and the circumstances and
11 relationships between the parties. A person may use deadly
12 force to protect his home. Thus he may use deadly force to
13 eject a trespasser who is in his house or in the area
14 immediately surrounding his house.

15 For the defense of habitation to apply a defendant may
16 only establish that a trespass has occurred and that his
17 chosen means of ejectment were reasonable under the
18 circumstances. Stated differently unlike the defense of self
19 defense, the defense of habitation did not require that a
20 defendant reasonably believed that he or his property was in
21 imminent danger of sustaining serious injury or damage.
22 Instead, the defense of habitation provides that where one
23 attempts to force himself into another dwelling, the law
24 permits an owner to use reasonable force to expel the
25 trespasser.

1 The defendant has asserted self defense in this case.
2 Self defense is a complete force. The State has the burden
3 of disproving self defense beyond proof -- proof beyond a
4 reasonable doubt. The following elements are required to
5 establish self defense: 1) without fault. First, the
6 defendant must be without fault in bringing on the
7 difficulty. If the defendants conduct with the type which
8 was reasonably calculated to and it provoked a deadly
9 assault, the defendant would be at fault in bringing on the
10 difficulty and would not be entitled to an acquittal based on
11 self defense. 2) Imminent danger. The second element of
12 self defense is that a defendant was actually in imminent
13 danger of death or serious bodily injury, or that the
14 defendant actually believed he was in imminent danger of
15 death or serious bodily injury. If the defendant was
16 actually in imminent danger, it must be shown that the
17 circumstances would have warranted a person of ordinary
18 firmness encouraged to strike the fatal blow to prevent death
19 or serious body bodily injury. It must be shown that a
20 person of ordinary firmness and courage to strike the fatal
21 blow to prevent death or serious bodily injury. 3) Right to
22 act on appearances. The defendant does not have to show that
23 he was actually in danger. It is enough if the defendant
24 believed he was in imminent danger, and a reasonably prudent
25 person of ordinary firmness and courage would have had the

1 same belief. One who acts in self defense may act on
2 appearances. He may be mistaken. The law does not hold him
3 to a refined assessment of the danger, provided he act as the
4 person of an ordinary coolness and courage would have acted,
5 or should have acted immediately appearance of danger.

6 It is for you to decide whether the -- whether the
7 defendants fear of immediate danger of death or serious
8 bodily injury was reasonable and would have been felt by an
9 ordinary person in the same situation. The relative sizes,
10 ages and weights of the defendant and the victim may be
11 considered in deciding the apparent or actual need for force
12 in self defense, and the amount of force needed. Evidence of
13 prior difficulties between the defendant and the victim may
14 be considered in deciding whether a threat existed, whether
15 the defendant had a reason to believe a threat existed and
16 how serious the threat was. Evidence of prior difficulties
17 may also be considered by you as showing the animus or
18 attitude of the parties to each other to assist you in
19 determining who was the aggressor.

20 Threats made by the victim may be considered in deciding
21 whether the defendant actually believed he was in imminent
22 danger of death or serious bodily injury, or was actually in
23 imminent danger. A person cannot be required to make an
24 exact calculation as to the degree or amount of force which
25 may be needed to avoid death or serious bodily harm.

1 Therefore, in self defense, the defendant has the right to
2 use force needed to avoid death or serious bodily harm. The
3 defendant has the right to use so much force as appeared to
4 be necessary for complete self protection, and which a person
5 of ordinary reason and purpose would have believed to be
6 needed to prevent death or serious bodily harm.

7 If the defendant is justified in defending himself and
8 in firing the first shot, then the defendant is also
9 justified in continuing to shoot until it is apparent that
10 the danger to his life and body has ceased. If you have a
11 reasonable doubt of the defendant's guilt after considering
12 all the evidence, including the evidence of self defense,
13 then you must find him not guilty. On the other hand, if you
14 have no reasonable doubt of the defendant's guilt after
15 considering all of the evidence, including the evidence of
16 self defense, then you must find him guilty.

17 Further, the fact that the defendant elected not to
18 testify is not a factor to be considered by you in any way,
19 in your deliberations and in your consideration on the
20 question of whether the defendant is guilty or not guilty.
21 It must not be considered in any manner whatsoever against
22 him. The accused has the constitutional right to remain
23 silent, and the assertion of that right cannot be considered
24 by you in your deliberations. Under your oath, you are to
25 reach no inference and draw no conclusion whatsoever from the

1 fact that the defendant elected not to testify. His decision
2 not to testify should not even be discussed in the jury room.

3 It is not to enter your mind in making your decision.
4 The State has the entire burden of proof, and the accused has
5 no burden to prove anything at all. A verdict in this case
6 cannot be based upon sympathy, passion, prejudice or emotion
7 or some other consideration not found in the evidence. I
8 charge you that as jurors, you must decide the issues
9 involved in this proceeding based solely upon the evidence
10 which you hear during the course of the trial. Your verdict
11 must be without bias and without prejudice to any party. You
12 cannot allow yourself to be governed by sympathy, by
13 prejudice, by passion, by public opinion, or by -- or by some
14 other consideration not found in the evidence. I want to say
15 something about deliberations.

16 Deliberation is defined as careful consideration
17 weighing up with a view to decision. The genius of our jury
18 system is that it allows 12 good men and women from 12
19 different backgrounds, life experiences and perspectives, to
20 consider the evidence, talk about it, and ultimately reach a
21 verdict. We call them deliberations for a reason. You were
22 to consider the evidence in this case carefully and
23 deliberately and discuss it in a calm, thorough and courteous
24 manner. Listen to the views of all your fellow jurors,
25 consider other people's points and points of views, and talk

1 through and discuss the evidence. And remember, if you are
2 doing something deliberately, you are not in a big hurry, and
3 you should not be in a hurry here.

4 This case is very important to all the parties, and
5 this trial is their only day in court. When you retire to
6 the jury room, you should discuss the case with your fellow
7 jurors to reach agreement if you can do so. Your verdict
8 must be unanimous. Each of you must decide the case for
9 yourself, but you should do so only after you have been
10 partially considered all of the evidence, discuss it fully
11 with other jurors and listen to the views of your fellow
12 jurors.

13 Do not be afraid to change your opinion if the
14 discussion persuades you that you should but do not come to a
15 decision simply because other jurors think it is right. It
16 is important that you attempt to reach a unanimous verdict
17 when, of course, only if each of you can do so after having
18 made your own decision. Do not change an honest belief about
19 the weight and effect of the evidence simply to reach a
20 verdict. In other words, do not change your opinion solely
21 for the sake of breaching a unanimous verdict. There are two
22 possible verdicts which you may find in this case, guilty or
23 not guilty.

24 There is no significance whatsoever in the order in
25 which I state these possible verdicts, it is simply that one

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1 must be stated first. Ladies and gentlemen, your verdict
2 must be a unanimous one. Madam forelady, you will receive
3 the verdict form. It has the case caption and information at
4 the top. The first question states as to the charge of
5 murder, we the jury find the defendant guilty or not guilty.
6 After you make a unanimous decision, Madam forelady, you will
7 put a check or an X mark by whichever one you decide.

8 The instructions are accurate with that state, if the
9 verdict is guilty, then stop sign it and knock on the door.
10 If the verdict is not guilty as to murder, then continue to
11 number two, voluntary manslaughter, and consider the
12 following lesser included charge. Question number two, add
13 to the charge of voluntary manslaughter slaughter. We the
14 jury find the defendant guilty or not guilty. Mark that
15 decision, you'll sign it and knock on the door. At this
16 point, we're going to send you back to your deliberation
17 room. Do not discuss the case. Do not deliberate, because
18 you cannot start deliberating until you have all the
19 evidence. We're going to send it back there to you briefly.

20 Once you get all of the evidence with the verdict form
21 on top, the two alternates will come back out. But do not
22 discuss the case. Do not deliberate. Send the jury out.

23 (JURY EXITS AT 11:04 A.M.)

24 THE COURT: Anything from the State as to the jury
25 terms?

1 MS. SAMPSON: No, sir.

2 THE COURT: Anything from the Defense?

3 MR. SUTHERLAND: No, sir.

4 THE COURT: All right. We're gonna go short recess, off
5 the record. The two parties will find all the evidence.
6 Make sure it goes back there -- is actually evidence. The
7 gun is going to stay out here, and we'll let the jury know
8 they won't see they come out here.

9 MS. SAMPSON: Your Honor, this is nothing to do what you
10 just said. Did you want us to get the things from yesterday
11 marked as Court Exhibits?

12 THE COURT: Yes, we should do that. All that off the
13 record. Let's make sure all any Court Exhibits don't get
14 mixed in with so we'll take a very short break. We're in
15 recess.

16 (ATTORNEYS REVIEW EXHIBITS WITH THE COURT REPORTER)

17 (JURY INSTRUCTIONS INTO EVIDENCE AS COURT'S EXHIBIT 18)

18 (COLLECTION OF PHOTOGRAPHS GOING INTO EVIDENCE AS

19 COURT'S EXHIBITS 17)

20 (JURY DELIBERATIONS BEGIN AT 11:15 A.M.)

21 THE COURT: Okay. Let's come to order go back on the
22 record. The State have a chance to review all of the
23 evidence as being sent back?

24 MS. SAMPSON: Yes, sir. We've reviewed it with the
25 court reporter and everything is correct. We agree, if they

1 ask for it, we can do it for whatever you need to do back but
2 other than that, everything's good. And I'm waiting to get
3 back clean computers so we can see if he wants to but it
4 doesn't have anything on it. It just gives them the ability
5 to play any steps that were entering that chance review the
6 evidence.

7 THE COURT: Mr. Sutherland, no objections?

8 MR. SUTHERLAND: No objections.

9 THE COURT: All right. I'm going to put on top of this
10 the verdict format read, and the jury instruction, the jury
11 instructions, are Court's Exhibit 18 that'll go back to them.
12 We will take that to them. Tell the jurors that if they
13 want to see the gun, it'll be the courtroom, and we're gonna
14 have a laptop too.

15 Mr. and Ms. alternate, I want to thank you for your
16 service. It looks like we have 12 healthy jurors back there.
17 So we can't do this without you, because we never know what's
18 going to happen. So I want to thank you for being here this
19 week or paying close attention attentively for being dressed
20 professionally. Appreciate it. We're going to dismiss you
21 at this time. If you need a work excuse, anything, the clerk
22 will address. The bailiff will address that outside, but
23 I'll thank you for your service. And that book you read,
24 What Have God brought?

25 UNKNOWN SPEAKER: Yes.

1 THE COURT: Have you read Empire of Liberty?

2 UNKNOWN SPEAKER: I have not.

3 THE COURT: Good luck. Okay. All right. Thank you all
4 for your service. The attorneys might reach out to you with
5 questions, comments. You can talk to him but you don't have
6 to talk to anybody if you don't want to. Thank you all.
7 Anything from the State?

8 MS. SAMPSON: No, sir.

9 THE COURT: Anything from the Defense?

10 MR. SUTHERLAND: No, sir.

11 THE COURT: All right. We're in recess.

12 (OFF-THE-RECORD)

13 THE COURT: All right. It is my understanding the jury
14 has reached a verdict. Anything from the State before we
15 bring the jury out?

16 MS. SAMPSON: No, sir.

17 THE COURT: Anything from the Defense?

18 MR. SUTHERLAND: No, sir.

19 THE COURT: I'm sorry. Let me say something to everyone
20 in the audience here. I know this has been an emotional
21 case, not easy for anyone, but I want to be very clear that
22 you don't think you need control your emotions when the
23 verdict is read, no matter what that verdict is, you need to
24 go ahead and step out now. I completely understand how
25 emotional you might be, but there will be no outbursts, no

1 displays or signs of emotion in any way. If there is, you
2 will be held in contempt and taken out to the detention
3 center until court resumes after the July 4 break. I want to
4 give you a chance now to step outside. You'll be able to
5 come back in after the verdict process is over. But if you
6 cannot control yourself in any way, you need to step out now.
7 All right. Very well, let's bring the jury.

8 (THE JURY ENTERS AT 12 P.M.)

9 THE CLERK: The jury is seated, Your Honor.

10 THE COURT: Thank you, sir. All right. Madam forelady
11 to my understanding of the jury agrees to verdict. Is that
12 correct?

13 MADAM FORELADY: Yes, sir, Your Honor.

14 THE COURT: You will hand it to the bailiff.

15 THE COURT: All right. The verdict is in its proper form
16 to bailiff with the clerk may publish the verdict.

17 THE CLERK: In the court of general sessions for the
18 Fifth Judicial Circuit the State of South Carolina and County
19 -- County of Richland, the State of South Carolina versus
20 Telvin Q. Jackson, defendant, indictment, 2022-GS-4004237, as
21 to the charge of murder. We find we the jury ind defendant
22 not guilty. If the verdict is not guilty as to murder to
23 continue number two, voluntary manslaughter, and consider the
24 following lesser included charge. As the charge of voluntary
25 manslaughter, we the jury find a defendant guilty.

1 I certify this sitting was the unanimous decision of the
2 jury signed juried 251 foreperson, June 27, 2024. Madam
3 forelady was this -- were these the verdicts of the entire
4 jury?

5 MADAM FORELADY: Yes, sir.

6 THE CLERK: Thank you.

7 THE COURT: Anything from the State?

8 MS. SAMPSON: No, sir.

9 THE COURT: Anything from the Defense?

10 MR. SUTHERLAND: No, sir.

11 THE COURT: Poll the jury.

12 THE CLERK: Yes, Your Honor.

13 THE CLERK: Ladies and gentlemen of the jury. I'm going
14 to ask you two questions related to your verdicts. Please
15 answer them with a yes or no. Juror 251 were these your
16 verdicts?

17 JUROR 251: `Yes.

18 THE CLERK: Are these still your verdicts?

19 JUROR 251: Yes.

20 THE CLERK: Juror 174, were these your verdicts?

21 JUROR 174: Yes, sir.

22 THE CLERK: Were these -- are these still your verdicts?

23 JUROR 174: Yes, sir.

24 THE CLERK: Juror 205, were these your verdicts?

25 JUROR 205: Yes.

1 THE COURT: All right. Thank you. Short recess --
2 Court will be in recess until 2:45 before we do sentencing.

3 MR. SUTHERLAND: If I may, Your Honor?

4 THE COURT: Yes.

5 MR. SUTHERLAND: I would ask that the 10 days leave for
6 post trial motion?

7 THE COURT: Granted.

8 MR. SUTHERLAND: Thank you.

9 THE COURT: Let's bring your client up.

10 MR. SUTHERLAND: Yes, sir.

11 THE CLERK:

12 (SWEARS IN THE DEFENDANT)

13 THE COURT: Yes, ma'am.

14 MS. SAMPSON: May it please the court. I will not go
15 over the facts, as you clearly sat here for the last three
16 days and heard the facts. What I will remind the court is
17 that this victim was 24 year old young man whose life was
18 taken. I understand the jury has come back with voluntary
19 manslaughter and not murder, but I do think that a clue that
20 prison time is what is appropriate in this case. The
21 victim's mother, April Finley would like to address your
22 court at the appropriate time.

23 I will tell you the victim the, excuse me, the
24 defendant's record. He has a 2013 public disorderly conduct.
25 A 2015 driving under suspension. And that's it, Your Honor.

1 THE COURT: I will hear from the mother at this time.

2 MS. SAMPSON: For the record, her name is April Finley.

3 THE COURT: Okay.

4 MS. SAMPSON: Yes, sir.

5 APRIL FINLEY: Hello. My name is April Finley, and I'm
6 the mother of Khamori Scott. October the [REDACTED] 1995 was one
7 of the happiest days of my life, the day he was born.
8 Unfortunately, May 27 of 2020 was the saddest. Khamori was a
9 lovable, protective and respectfully, which you can see by
10 the overwhelming support of family in the courtroom. He was
11 a 24 year old young man finding his way and becoming someone
12 who hoped to obtain employment, caring for his nieces and
13 nephews and in a committed relationship. Everyone loved and
14 adored Khamori. From teachers in school to the supervisors
15 at work. He was a man destined for greatness.

16 I'm sad lately by the fact I will never hug him again,
17 hear his voice again or be able to squeeze his neck. Telvin
18 Jackson decided to take the law into his own hands on May 26,
19 2020 and take his life. They were friends, having a
20 disagreement. We all been angry, probably in a situation
21 where madness was a choice, but we chose different. Telvin
22 so hey, he chose murder. He chose not to obey the 911
23 operator or stay at his father's house. He made a decision
24 to kill my son. And as a result, we are here today. He
25 deserves the maximum sentence allowed by the state.

1 He will see his family, he can call his family, she can
2 touch their hand. We will never see Khamori again. I don't
3 think I can ever forgive him for that. He took my heart away
4 from me. I want to thank the state of South Carolina for
5 bringing justice. This jury, the judge and officers of the
6 court for the efforts this week. Thank you.

7 THE COURT: Thank you. Thank you for being here. I'm
8 sorry for your loss. Yes, sir Mr. Sutherland?

9 MR. SUTHERLAND: Thank you, Your Honor. May it please
10 the court. As April said judge, you know, we heard that.
11 We're well aware there's been arguments about it, and you
12 know, we have a decision by a jury of our peers. I was
13 talking to the jury, I said, "Listen, you know, this is a
14 human being", you know, I'm not up here saying that he's not,
15 you know. And Telvin never thought that he wasn't a human
16 being. You know, the investigator -- Investigator Hinson --
17 I don't want to get in too far into, you know, my complaints.

18 When Investigator Hinson interviewed him seven full
19 minutes of just breakdown, you know, he didn't know he was
20 shot until the ambulance showed up. And then he didn't know
21 that he had passed until the investigator told him, and he
22 just lost it, they brought another investigator in. Your
23 Honor, I mean, I believe in (inaudible) camera, or, you know,
24 we all know, know what happened here. Telvin had trouble
25 making it through this trial.

1 You know, I gave him -- I gave him a piece of one of my
2 motions, you know, during when they were introducing the
3 pictures. Just like, you know, you got to just read this.
4 Read this. I went over there and he's reading that he has
5 been, well, he remains, just broken up about it. And the
6 thing about -- he is, he is a good fellow. You know, there
7 was some guy out there asking for some kind of help or
8 something just outside. And, you know, the deputies are like,
9 hey, right?

10 And I told him, it's like, look, you know, you got to
11 start taking care of yourself instead of taking care of
12 everybody else. You know, you got -- you got to look after
13 yourself. You got to look after your family. You know, his
14 wife is here. He's got four kids. I've got four kids. And,
15 you know, here we are -- here we are. And honestly, I don't,
16 I mean this, that's why, that's why Your Honor is here.

17 I don't know what the right answer is here. But, you
18 know, a traffic and a disorderly a couple of tickets. He's -
19 - he's been contributing to society, been working. You know,
20 this is a working class neighborhood where everybody's from.
21 He's well respected in the neighborhood. You know, some I
22 mean, I talked to the neighbor across the street that was on
23 the body cam, speaking to police officers.

24 Everybody was concerned. They thought that it was him.
25 But ultimately, what happened was he did return with a

1 firearm, and he was on the phone with 911, you know, this,
2 this, this happened. This is a decision that he made. Now,
3 look, you know, if a gun were put to my head, I don't know
4 what I would do. I think it would be. I think it would be,
5 but you know, we're a nation of laws. And, you know, up in
6 the mountains there's no cops. You know, we kind of do our
7 own thing. That's not the case here. It's not the case in
8 the rest of the country. No, there's 400 people in town, you
9 know, 600,000 people in the Columbia Metro area. I do
10 understand how we got here. Now, I can't see it on the way,
11 because I don't allow myself to see it.

12 You know, I was complaining about them being here to
13 win. I'm here to win. I'm here to win for him. I'm here to
14 win for his kids. I'm here to win for his family. But it's
15 just, I'd ask, Your Honor, to consider leniency based on no
16 record. We do have some mitigation, in the form of his wife
17 speaking to the court. Also Telvin does wish to address the
18 court, sir.

19 THE COURT: Give her a microphone.

20 MS. JACKSON: My name is (Inaudible) Jackson. I am
21 Telvin Jackson's, fiancée. I met Telvin in 2014 he was still
22 in (Inaudible). He was still in (Inaudible) for nine years.
23 When I first met him, I only had two kids without their
24 father in their life, he took initiative to meet their
25 father.

1 My daughter was three. My oldest son was, I want to
2 say, seven at that time. In 2017 we had a son. His name is
3 Telvin Junior. He's seven. Last year, I just had a baby.
4 Her name is Milty. She's one. And I'm deeply, I want to
5 tell the family I'm so deeply sorry this happened, really. I
6 apologize. I wish I was there. I wish I could turn their
7 hands of time back.

8 I can't. I can't change nothing. I am scared of my
9 life. I didn't want to be here today. I didn't want to come
10 no more since Monday. I didn't want to be here at all
11 because of the situation.

12 I don't know what to say, what to do, none of that. I
13 just know my husband, like me, I said he's a good father.
14 He's a provider. Ever since I've been with him, I know he of
15 others out a lot. Did they need help with bills? Did they
16 need just money in their pocket? He would give it to them.
17 I don't have nothing else to say.

18 THE COURT: Thank you, ma'am. Thank you for being here
19 today.

20 TELVIN JACKSON: Your Honor, this happened in 2020. I
21 done have four years to think about this. How it came to be.
22 I really don't have no words to say, but I just wanted to
23 face the family and let me know that I apologize from the
24 bottom of my heart. I loved Khamori. I only tried to impact
25 his life.

1 I -- I can't even I couldn't even see the flaws of him.
2 I just wanted to impact his life. I didn't really know him,
3 like I thought I did. I trust everyone. I believe -- I
4 believe that this -- this should have never happened. It's
5 been four years for me to think about this, and I just want
6 to apologize to family. Can I face them?

7 THE COURT: They can hear you.

8 TELVIN JACKSON: Okay. I do want to apologize from the
9 bottom of my heart and let them know that I am sincerely
10 honest about this. It's been four years. I just wish I
11 could have talked to his mom, his dad let him know that his
12 grandparents, his sisters, his brothers, his cousins, like
13 Hey, I didn't want this to happen, and I truly apologize for
14 what happened.

15 MR. SUTHERLAND: Just -- Judge, you know, with -- with
16 respect to the sentencing, I mean, there, there's no
17 anticipation of a suspended sentence, unless it is a split
18 sentence, perhaps. But, you know, Your Honor seeing the
19 case, Your Honor, seeing him or seeing his family. I'd just
20 ask the court for mercy in consideration. Thank you, sir.

21 THE COURT: Thank you, Mr. Sutherland. Thank you to the
22 family for everyone being here. This is a very sad day. A
23 brother, son, nephew, grandson, was taken back in 2020, and
24 now a husband and father will be taken away. And it's very
25 unfortunate.

1 There's nothing I can do, no number I can give to bring
2 anybody back. I hope that one day there is some type of
3 closure, or beginning of closure, the process moving forward.
4 And I hope one day when you are back out, maybe that process
5 can begin for you. Unfortunately, a life was taken that
6 can't come back. And so it's a very serious case in my eyes.
7 And no matter what I think of the case, how I perceive the
8 facts in the law, the jury has spoken. They interpret his
9 actions the way they did.

10 And so I have to sentence according to that. As to the
11 charge of voluntary manslaughter, we are hereby committed to
12 the State Department of Corrections for 20 years. You get a
13 credit for anytime you did serve. Good luck to you sir.

14 THE CLERK: Court is adjourned.

15

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25

I just drew down on Telvin he
apologized



Khamori please

Lmao wya

Sittin in his yard

He talking bout you and shadow
could've came to the beach I
apologize

Lol I ain't take his money he gave
me all of it but I gave it back tho

THE STATE OF SOUTH CAROLINA
In the Court of General Sessions



RICHLAND COUNTY
Daniel M. Coble, Circuit Court Judge

Indictment

2022-GS-40-04237

The State of South Carolina

v.

Telvin Jackson

JURY INSTRUCTIONS

INTRODUCTION

MEMBERS OF THE JURY, IT IS NOW MY DUTY AS THE TRIAL JUDGE TO INSTRUCT YOU ON THE LAW APPLICABLE TO THIS CASE. AND IN THAT REGARD, IT IS YOUR DUTY AS JURORS TO ACCEPT, AND APPLY THE LAW AS I NOW STATE IT TO YOU. FURTHERMORE, IT IS YOUR EXCLUSIVE DUTY TO DECIDE ALL THE ISSUES OF FACT IN THIS CASE, AND TO DETERMINE THE EFFECT, VALUE, WEIGHT, AND TRUTH OF THE EVIDENCE. ALL THE PARTIES HAVE THE RIGHT TO EXPECT THAT YOU WILL CAREFULLY CONSIDER AND EVALUATE THE EVIDENCE, AND APPLY THE LAW OF THIS CASE TO IT, SO THAT, IN THE END, ALL PARTIES WILL RECEIVE A FAIR AND IMPARTIAL TRIAL.

DUTIES OF JUDGE AND JURY

DURING THIS TRIAL, YOU AND I HAVE SEPARATE DUTIES TO PERFORM. AS THE TRIAL JUDGE, IT IS MY RESPONSIBILITY TO PRESIDE OVER THIS TRIAL AND TO RULE UPON THE ADMISSIBILITY OF THE EVIDENCE OFFERED DURING THE TRIAL. IN THAT REGARD, YOU ARE TO CONSIDER ONLY THE EVIDENCE BEFORE YOU. THUS, YOU ARE TO CONSIDER ONLY THE TESTIMONY WHICH HAS BEEN PRESENTED FROM THE WITNESS STAND, TOGETHER WITH ANY EXHIBITS ADMITTED INTO THE RECORD OF THIS CASE.

IF YOU HAVE ANY PRECONCEIVED IDEAS AS TO WHAT THE LAW IS, OR WHAT YOU THINK THE LAW OUGHT TO BE, AND IT DOES NOT AGREE WITH WHAT I TELL YOU THE LAW IS, YOU ARE OBLIGATED UNDER YOUR OATH TO ABANDON THESE PRECONCEPTIONS – BECAUSE YOU ARE SWORN TO ACCEPT THE LAW AS I NOW STATE IT TO YOU.

IN THIS TRIAL, YOU ARE THE SOLE AND EXCLUSIVE JUDGE OF THE FACTS. DO NOT INFER THAT I HAVE ANY OPINION ABOUT THE FACTS IN THIS CASE FROM ANYTHING I HAVE SAID OR DONE DURING THE COURSE OF THIS TRIAL. IN THIS REGARD, THE LAW SIMPLY DOES NOT PERMIT ME TO HAVE AN OPINION ABOUT THE FACTS. AS JURORS, IT IS YOUR DUTY ALONE TO DETERMINE THE EFFECT, VALUE, WEIGHT, AND TRUTH OF THE EVIDENCE PRESENTED DURING THE COURSE OF THIS TRIAL.

EVIDENCE

THE EVIDENCE FROM WHICH YOU ARE TO DECIDE WHAT THE FACTS CONSIST OF IN THIS CASE ARE (1) THE SWORN TESTIMONY OF WITNESSES, BOTH ON DIRECT AND CROSS EXAMINATION; (2) THE EXHIBITS WHICH HAVE BEEN ADMITTED INTO EVIDENCE; AND (3) ANY FACTS TO WHICH ALL THE ATTORNEYS HAVE AGREED AND STIPULATED.

WHAT IS NOT EVIDENCE

THE FOLLOWING THINGS ARE NOT EVIDENCE AND YOU MUST NOT CONSIDER THEM AS EVIDENCE IN DECIDING THE FACTS OF THIS CASE: (1) STATEMENTS AND ARGUMENTS OF THE ATTORNEYS; (2) QUESTIONS AND OBJECTIONS OF THE ATTORNEYS; AND (3) TESTIMONY THAT I INSTRUCT YOU TO DISREGARD.

WHILE ARGUMENT OF COUNSEL IS A BENEFICIAL PART OF EVERY TRIAL, YOU SHOULD REMEMBER THAT THE STATEMENTS MADE BY COUNSEL ARE NOT EVIDENCE. IN PRESENTING ARGUMENTS, COUNSEL OFTEN REFER TO EVIDENCE. HOWEVER, YOU SHOULD BASE YOUR VERDICT ON THE EVIDENCE AS YOU

REMEMBER IT. THEREFORE, IF THERE ARE ANY CONFLICTS BETWEEN THE RECOLLECTION OF COUNSEL ABOUT THE EVIDENCE AND YOUR OWN RECOLLECTION, YOU SHOULD RELY UPON YOUR OWN UNDERSTANDING OF THE EVIDENCE.

DIRECT AND CIRCUMSTANTIAL EVIDENCE

FURTHERMORE, EVIDENCE MAY BE DIRECT OR CIRCUMSTANTIAL. DIRECT EVIDENCE IS TESTIMONY BY A WITNESS ABOUT WHAT THE WITNESS PERSONALLY SAW OR HEARD OR DID. CIRCUMSTANTIAL EVIDENCE IS INDIRECT EVIDENCE. IN OTHER WORDS, IT IS PROOF OF ONE OR MORE FACTS FROM WHICH ONE CAN FIND ANOTHER FACT. YOU MAY CONSIDER BOTH DIRECT AND CIRCUMSTANTIAL EVIDENCE EQUALLY. CRIMES MAY BE PROVEN BY CIRCUMSTANTIAL EVIDENCE. THE LAW MAKES NO DISTINCTION BETWEEN THE WEIGHT OR VALUE TO BE GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE. HOWEVER, TO THE EXTENT THE STATE RELIES ON CIRCUMSTANTIAL EVIDENCE, ALL OF THE CIRCUMSTANCES MUST BE CONSISTENT WITH EACH OTHER, AND WHEN TAKEN TOGETHER, POINT CONCLUSIVELY TO THE GUILT OF THE ACCUSED BEYOND A REASONABLE DOUBT. IF THESE CIRCUMSTANCES MERELY PORTRAY THE DEFENDANT'S BEHAVIOR AS SUSPICIOUS, THE PROOF HAS FAILED.

THE STATE HAS THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT. THIS BURDEN RESTS WITH THE STATE REGARDLESS OF WHETHER THE STATE RELIES ON DIRECT EVIDENCE, CIRCUMSTANTIAL EVIDENCE, OR SOME COMBINATION OF THE TWO.

CREDIBILITY OF WITNESSES

FURTHERMORE, IT IS YOUR JOB AS JURORS TO DETERMINE THE CREDIBILITY OR BELIEVABILITY OF THE WITNESSES WHO HAVE TESTIFIED IN THIS CASE. YOU MUST EVALUATE THE EVIDENCE AND DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS TRUTH.

IN DETERMINING THE BELIEVABILITY OF WITNESSES WHO HAVE TESTIFIED IN THIS CASE, YOU MAY BELIEVE ONE WITNESS OVER MANY OR MANY OVER ONE. YOU MAY BELIEVE A PART OF THE TESTIMONY OF A WITNESS AND REJECT THE REMAINING PART. YOU MAY BELIEVE THE TESTIMONY OF A WITNESS IN ITS ENTIRETY OR REJECT IT IN FULL. YOU MAY CONSIDER WHETHER THE WITNESS HAS AN INTEREST IN THE RESULT OF THE TRIAL, WHETHER THE WITNESS IS PREJUDICED TOWARD EITHER PARTY, THE OPPORTUNITY FOR THE WITNESS TO HAVE SEEN THE MATTERS AND THINGS ABOUT WHICH THE WITNESS MAY TESTIFY, AND THE WAY THE WITNESS ACTS ON THE WITNESS STAND.

EXPERT WITNESS

THE RULES OF EVIDENCE ORDINARILY DO NOT PERMIT WITNESSES TO TESTIFY TO OPINIONS OR CONCLUSIONS. AN EXCEPTION TO THIS RULE EXISTS FOR WITNESSES WE CALL EXPERT WITNESSES. A WITNESS WHO, BY EDUCATION AND EXPERIENCE, HAS BECOME EXPERT IN SOME ART, SCIENCE, OR PROFESSION, MAY GIVE AN OPINION AS TO THE SUBJECT THE WITNESS CLAIMS TO BE AN EXPERT IN, AND MAY ALSO GIVE THE REASONS FOR THE OPINION.

YOU SHOULD CONSIDER ANY EXPERT OPINION GIVEN BY A WITNESS AND, LIKE ANY OTHER EVIDENCE, GIVE IT THE WEIGHT YOU THINK IT DESERVES. IF YOU DECIDE THAT AN EXPERT WITNESS' OPINION IS NOT BASED ON SUFFICIENT EDUCATION AND EXPERIENCE, OR IF YOU DECIDE THAT THE REASONS GIVEN IN SUPPORT OF THE OPINION ARE NOT SOUND, OR THAT THE OPINION IS OUTWEIGHED BY OTHER EVIDENCE, YOU MAY DISREGARD THE OPINION ENTIRELY.

AN EXPERT WITNESS' TESTIMONY IS TO BE GIVEN NO GREATER WEIGHT THAN THAT OF OTHER WITNESSES SIMPLY BECAUSE THE WITNESS IS AN EXPERT, AND YOU DO NOT HAVE TO ACCEPT AN EXPERT'S OPINION, EVEN THOUGH IT IS UNCONTRADICTED.

PRESUMPTION OF INNOCENCE

THE DEFENDANT HAS PLED NOT GUILTY TO THIS INDICTMENT, AND THAT PLEA PUTS THE BURDEN ON THE STATE TO PROVE THE DEFENDANT GUILTY. A PERSON CHARGED WITH COMMITTING A CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE HIS OR HER INNOCENCE.

I CHARGE YOU THAT IT IS AN IMPORTANT RULE OF THE LAW THAT THE DEFENDANT IN A CRIMINAL TRIAL, NO MATTER WHAT THE SERIOUSNESS OF THE CHARGE MAY BE, WILL ALWAYS BE PRESUMED TO BE INNOCENT OF THE CRIME FOR WHICH THE INDICTMENT WAS ISSUED UNLESS GUILT HAS BEEN PROVEN BY EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A REASONABLE DOUBT. THIS PRESUMPTION OF INNOCENCE DOES NOT END WHEN YOU BEGIN YOUR DELIBERATIONS, BUT IT ACCOMPANIES THE DEFENDANT THROUGHOUT THE

TRIAL UNLESS YOU REACH A VERDICT OF GUILT BASED ON EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A REASONABLE DOUBT.

THE PRESUMPTION OF INNOCENCE IS LIKE A ROBE OF RIGHTEOUSNESS PLACED ABOUT THE SHOULDERS OF THE DEFENDANT WHICH REMAINS WITH THE DEFENDANT UNLESS IT HAS BEEN STRIPPED FROM THE DEFENDANT BY EVIDENCE SATISFYING YOU OF THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.

THE PRESUMPTION OF INNOCENCE IS NOT MERE LEGAL THEORY. IT IS NOT JUST A LEGAL PHRASE. IT IS A SUBSTANTIAL RIGHT TO WHICH EVERY DEFENDANT IS ENTITLED UNLESS YOU, THE JURY, ARE SATISFIED FROM THE EVIDENCE OF THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.

REASONABLE DOUBT

THE STATE HAS THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT. SOME OF YOU MAY HAVE SERVED AS JURORS IN CIVIL CASES, WHERE YOU WERE TOLD THAT IT IS ONLY NECESSARY TO PROVE THAT A FACT IS MORE LIKELY TRUE THAN NOT TRUE, SUCH AS BY THE GREATER WEIGHT OR PREPONDERANCE OF THE EVIDENCE. IN CRIMINAL CASES, THE STATE'S PROOF MUST BE MORE POWERFUL THAN THAT. IT MUST BE BEYOND A REASONABLE DOUBT AS TO EACH ELEMENT OF EACH OFFENSE CHARGED.

WHAT IS A REASONABLE DOUBT IN THE LAW? A REASONABLE DOUBT IS THE KIND OF DOUBT THAT WOULD CAUSE A REASONABLE PERSON TO HESITATE TO ACT. PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT LEAVES YOU FIRMLY CONVINCED OF THE DEFENDANT'S GUILT. THERE ARE VERY FEW THINGS IN THIS WORLD THAT WE KNOW WITH ABSOLUTE CERTAINTY, AND IN CRIMINAL

CASES THE LAW DOES NOT REQUIRE PROOF THAT OVERCOMES EVERY POSSIBLE DOUBT. IF, BASED ON YOUR CONSIDERATION OF THE EVIDENCE, YOU ARE FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY OF THE CRIME CHARGED, YOU MUST FIND THE DEFENDANT GUILTY. IF ON THE OTHER HAND, YOU THINK THERE IS A REAL POSSIBILITY THAT THE DEFENDANT IS NOT GUILTY, YOU MUST GIVE THE DEFENDANT THE BENEFIT OF THE DOUBT AND FIND HIM NOT GUILTY

MERE SUSPICION, HOWEVER STRONG, IS NOT ENOUGH TO SUSTAIN A CONVICTION. SUSPICION IMPLIES A BELIEF OR OPINION AS TO GUILT BASED UPON FACTS OR CIRCUMSTANCES WHICH DO NOT AMOUNT TO PROOF.

INTENT

IN ORDER TO ESTABLISH CRIMINAL LIABILITY, CRIMINAL INTENT IS REQUIRED. THE DICTIONARY DEFINES INTENT AS "THE STATE OF A PERSON'S MIND THAT DIRECTS HIS ACTIONS TOWARD A SPECIFIC OBJECT."

CRIMINAL INTENT MUST BE PROVEN BY THE STATE BEYOND A REASONABLE DOUBT. CRIMINAL INTENT IS A MENTAL STATE, A CONSCIOUS WRONGDOING. IT IS UP TO YOU TO DETERMINE WHAT THE DEFENDANT INTENDED TO DO, BASED ON THE CIRCUMSTANCES SHOWN TO HAVE EXISTED. A SPECIFIC INTENT CRIME REQUIRES THAT THE DEFENDANT HAD THE INTENT TO CAUSE A PARTICULAR RESULT OR THAT THE DEFENDANT HAD THE SPECIFIC INTENT IN COMMITTING THE ACT. A PERSON ACTS WITH SPECIFIC INTENT WHEN HIS CONSCIOUS OBJECTIVE IS TO CAUSE THE SPECIFIC RESULT PROSCRIBED BY THE STATUTE DEFINING THE EVENTS.

MALICE

THE STATE IS REQUIRED TO PROVE THE ELEMENT OF MALICE BEYOND A REASONABLE DOUBT FOR THE CHARGE OF MURDER.

IF YOU ARE NOT SATISFIED THAT THE STATE HAS PROVEN THE ELEMENT OF MALICE BEYOND A REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT GUILTY.

MURDER

THE DEFENDANT HAS BEEN CHARGED WITH MURDER. THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT COMMITTED AN UNLAWFUL KILLING OF THE VICTIM WITH MALICE AFORETHOUGHT.

MALICE IS HATRED, ILL-WILL, OR HOSTILITY TOWARDS ANOTHER PERSON. IT IS THE INTENTIONAL DOING OF A WRONGFUL ACT WITHOUT JUST CAUSE OR EXCUSE AND WITH AN INTENT TO INFLICT AN INJURY.

MALICE AFORETHOUGHT DOES NOT REQUIRE THAT MALICE EXISTS FOR ANY PARTICULAR TIME BEFORE THE ACT IS COMMITTED, BUT MALICE MUST EXIST IN THE MIND OF THE DEFENDANT JUST BEFORE AND AT THE TIME OF THE ACT IS COMMITTED. THEREFORE, THERE MUST BE A COMBINATION OF THE PREVIOUS EVIL INTENT AND THE ACT. MALICE IS SHOWN WHEN A PERSON SPEAKS WORDS WHICH EXPRESS HATRED OR ILL WILL FOR ANOTHER OR WHEN THE PERSON PREPARED BEFOREHAND TO DO THE ACT WHICH WAS LATER ACCOMPLISHED.

LESSER INCLUDED OFFENSE

VOLUNTARY MANSLAUGHTER

IF YOU FIND THAT THE STATE HAS FAILED TO PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF MURDER, YOU MUST

THEN DECIDE WHETHER THE STATE HAS PROVED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF VOLUNTARY MANSLAUGHTER.

TO PROVE VOLUNTARY MANSLAUGHTER, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT TOOK THE LIFE OF ANOTHER IN THE SUDDEN HEAT OF PASSION BASED ON SUFFICIENT LEGAL PROVOCATION. BOTH HEAT OF PASSION AND SUFFICIENT LEGAL PROVOCATION MUST BE PRESENT AT THE TIME OF THE KILLING TO CONSTITUTE VOLUNTARY MANSLAUGHTER.

SUDDEN HEAT OF PASSION MAY, FOR A TIME, AFFECT A PERSON'S SELF-CONTROL AND TEMPORARILY DISTURB A PERSON'S REASON. THE SUDDEN HEAT OF PASSION MUST BE THE TYPE THAT WOULD MAKE AN ORDINARY PERSON UNABLE TO COOLY REFLECT ON HIS ACTIONS AND WOULD PRODUCE AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE.

SUFFICIENT LEGAL PROVOCATION MUST BE THE TYPE THAT WOULD MAKE A PERSON OF ORDINARY REASON AND CAUTION BECOME ENRAGED AND TO LOSE CONTROL TEMPORARILY. THE PROVOCATION NEEDED FOR VOLUNTARY MANSLAUGHTER MUST COME FROM SOME ACT OF, OR RELATED TO, THE VICTIM.

WORDS ALONE, HOWEVER VULGAR OR INSULTING, ARE NOT ENOUGH TO BE LEGAL PROVOCATION. WHERE DEATH IS CAUSED BY THE USE OF A DEADLY WEAPON, THE WORDS MUST BE ACCOMPANIED BY SOME OVERT, THREATENING ACT WHICH COULD HAVE PRODUCED THE HEAT OF PASSION.

THE EXERCISE OF A LEGAL RIGHT, NO MATTER HOW OFFENSIVE IT IS TO ANOTHER, IS NEVER SUFFICIENT LEGAL PROVOCATION FOR VOLUNTARY MANSLAUGHTER.

IF THE HEAT OF PASSION HAD COOLED, OR IF THERE WAS ENOUGH TIME BETWEEN THE PROVOCATION, IF ANY, AND THE KILLING FOR THE PASSION OF A REASONABLE PERSON TO COOL, THE KILLING WOULD NOT BE VOLUNTARY MANSLAUGHTER. IN DECIDING WHETHER A REASONABLE PERSON WOULD HAVE HAD ENOUGH TIME TO COOL OFF, YOU SHOULD CONSIDER ALL THE CIRCUMSTANCES SURROUNDING THE KILLING. YOU MAY CONSIDER THE NATURE OF THE PROVOCATION, IF ANY; THE DEFENDANT'S MENTAL AND PHYSICAL STATE; AND THE CIRCUMSTANCES AND RELATIONSHIPS BETWEEN THE PARTIES.

DEFENSE OF HABITATION

A PERSON MAY USE DEADLY FORCE TO PROTECT HIS HOME. THUS, HE MAY USE DEADLY FORCE TO EJECT A TRESPASSER WHO IS IN HIS HOUSE OR IN THE AREA IMMEDIATELY SURROUNDING HIS HOUSE. FOR THE DEFENSE OF HABITATION TO APPLY, A DEFENDANT NEED ONLY ESTABLISH THAT A TRESPASS HAS OCCURRED AND THAT HIS CHOSEN MEANS OF EJECTION WERE REASONABLE UNDER THE CIRCUMSTANCES. STATED DIFFERENTLY, UNLIKE THE DEFENSE OF SELF-DEFENSE, THE DEFENSE OF HABITATION DOES NOT REQUIRE THAT A DEFENDANT REASONABLY BELIEVE THAT HE (OR HIS PROPERTY) WAS IN IMMINENT DANGER OF SUSTAINING SERIOUS INJURY OR DAMAGE. INSTEAD, THE DEFENSE OF HABITATION PROVIDES THAT WHERE ONE ATTEMPTS TO FORCE

HIMSELF INTO ANOTHER'S DWELLING, THE LAW PERMITS AN OWNER TO USE REASONABLE FORCE TO EXPEL THE TRESPASSER.

SELF-DEFENSE

THE DEFENDANT HAS ASSERTED SELF-DEFENSE IN THIS CASE. SELF-DEFENSE IS A COMPLETE DEFENSE. THE STATE HAS THE BURDEN OF DISPROVING SELF-DEFENSE BY PROOF BEYOND A REASONABLE DOUBT. THE FOLLOWING ELEMENTS ARE REQUIRED TO ESTABLISH SELF-DEFENSE:

1) WITHOUT FAULT

FIRST, THE DEFENDANT MUST BE WITHOUT FAULT IN BRINGING ON THE DIFFICULTY. IF THE DEFENDANT'S CONDUCT WAS THE TYPE WHICH WAS REASONABLY CALCULATED TO, AND DID PROVOKE A DEADLY ASSAULT, THE DEFENDANT WOULD BE AT FAULT IN BRINGING ON THE DIFFICULTY AND WOULD NOT BE ENTITLED TO AN ACQUITTAL BASED ON SELF-DEFENSE.

2) IMMINENT DANGER

THE SECOND ELEMENT OF SELF-DEFENSE IS THAT THE DEFENDANT WAS ACTUALLY IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY OR THAT THE DEFENDANT ACTUALLY BELIEVED HE WAS IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.

IF THE DEFENDANT WAS ACTUALLY IN IMMINENT DANGER, IT MUST BE SHOWN THAT THE CIRCUMSTANCES WOULD HAVE WARRANTED A PERSON OF ORDINARY FIRMNESS AND COURAGE TO STRIKE THE FATAL BLOW TO PREVENT DEATH OR SERIOUS BODILY INJURY, IT MUST BE SHOWN THAT A PERSON OF

ORDINARY FIRMNESS AND COURAGE TO STRIKE THE FATAL BLOW TO PREVENT DEATH OR SERIOUS BODILY INJURY.

3) RIGHT TO ACT ON APPEARANCES

THE DEFENDANT DOES NOT HAVE TO SHOW THAT HE WAS ACTUALLY IN DANGER. IT IS ENOUGH IF THE DEFENDANT BELIEVED HE WAS IN IMMINENT DANGER AND A REASONABLY PRUDENT PERSON OF ORDINARY FIRMNESS AND COURAGE WOULD HAVE HAD THE SAME BELIEF. ONE WHO ACTS IN SELF-DEFENSE MAY ACT ON APPEARANCES. HE MAY BE MISTAKEN. THE LAW DOES NOT HOLD HIM TO A REFINED ASSESSMENT OF THE DANGER, PROVIDED, HE ACTED AS THE PERSON OF ORDINARY COOLNESS AND COURAGE WOULD HAVE ACTED OR SHOULD HAVE ACTED IN MEETING THE APPEARANCE OF DANGER. IT IS FOR YOU TO DECIDE WHETHER THE DEFENDANT'S FEAR OF IMMEDIATE DANGER OF DEATH OR SERIOUS BODILY INJURY WAS REASONABLE AND WOULD HAVE BEEN FELT BY AN ORDINARY PERSON IN THE SAME SITUATION.

SIZE AND AGE

THE RELATIVE SIZES, AGES, AND WEIGHTS OF THE DEFENDANT AND THE VICTIM MAY BE CONSIDERED IN DECIDING THE APPARENT OR ACTUAL NEED FOR FORCE IN SELF-DEFENSE AND THE AMOUNT OF FORCE NEEDED.

VICTIM'S PAST VIOLENCE TOWARD DEFENDANT

EVIDENCE OF PRIOR DIFFICULTIES BETWEEN THE DEFENDANT AND THE VICTIM MAY BE CONSIDERED IN DECIDING WHETHER A THREAT EXISTED, WHETHER THE DEFENDANT HAD A REASON TO BELIEVE A THREAT EXISTED, AND HOW SERIOUS THE THREAT WAS. EVIDENCE OF PRIOR DIFFICULTIES MAY ALSO

BE CONSIDERED BY YOU AS SHOWING THE ANIMUS OR ATTITUDE OF THE PARTIES TO EACH OTHER, TO ASSIST YOU IN DETERMINING WHO WAS THE AGGRESSOR.

THREATS BY THE VICTIM

THREATS MADE BY THE VICTIM MAY BE CONSIDERED IN DECIDING WHETHER THE DEFENDANT ACTUALLY BELIEVED HE WAS IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY OR WAS ACTUALLY IN IMMINENT DANGER.

USE OF FORCE

A PERSON CANNOT BE REQUIRED TO MAKE AN EXACT CALCULATION AS TO THE DEGREE OR AMOUNT OF FORCE WHICH MAY BE NEEDED TO AVOID DEATH OR SERIOUS BODILY HARM. THEREFORE, IN SELF-DEFENSE, THE DEFENDANT HAS THE RIGHT TO USE FORCE NEEDED TO AVOID DEATH OR SERIOUS BODILY HARM. THE DEFENDANT HAS THE RIGHT TO USE SO MUCH FORCE AS APPEARED TO BE NECESSARY FOR COMPLETE SELF-PROTECTION, AND WHICH A PERSON OF ORDINARY REASON AND FIRMNESS WOULD HAVE BELIEVED TO BE NEEDED TO PREVENT DEATH OR SERIOUS BODILY HARM. IF THE DEFENDANT IS JUSTIFIED IN DEFENDING HIMSELF AND IN FIRING THE FIRST SHOT, THEN THE DEFENDANT IS ALSO JUSTIFIED IN CONTINUING TO SHOOT UNTIL IT IS APPARENT THAT THE DANGER TO HIS LIFE AND BODY HAS CEASED.

IF YOU HAVE A REASONABLE DOUBT OF THE DEFENDANT'S GUILT AFTER CONSIDERING ALL THE EVIDENCE INCLUDING THE EVIDENCE OF SELF-DEFENSE, THEN YOU MUST FIND HIM NOT GUILTY. ON THE OTHER HAND, IF YOU HAVE NO REASONABLE DOUBT OF THE DEFENDANT'S GUILT AFTER CONSIDERING ALL THE

EVIDENCE INCLUDING THE EVIDENCE OF SELF-DEFENSE THEN YOU MUST FIND HIM GUILTY.

DECISION OF DEFENDANT NOT TO TESTIFY

FURTHER, THE FACT THAT THE DEFENDANT ELECTED NOT TO TESTIFY IS NOT A FACTOR TO BE CONSIDERED BY YOU IN ANY WAY IN YOUR DELIBERATIONS AND IN YOUR CONSIDERATION ON THE QUESTION OF WHETHER THE DEFENDANT IS GUILTY OR NOT GUILTY. IT MUST NOT BE CONSIDERED IN ANY MANNER WHATSOEVER AGAINST HER. AN ACCUSED HAS THE CONSTITUTIONAL RIGHT TO REMAIN SILENT, AND THE ASSERTION OF THAT RIGHT CANNOT BE CONSIDERED BY YOU IN YOUR DELIBERATIONS. UNDER YOUR OATH, YOU ARE TO REACH NO INFERENCE AND DRAW NO CONCLUSION WHATSOEVER FROM THE FACT THAT THE DEFENDANT ELECTED NOT TO TESTIFY. HIS DECISION NOT TO TESTIFY SHOULD NOT EVEN BE DISCUSSED IN THE JURY ROOM. IT IS NOT TO ENTER YOUR MINDS IN MAKING YOUR DECISIONS. THE STATE HAS THE ENTIRE BURDEN OF PROOF, AND THE ACCUSED HAS NO BURDEN TO PROVE ANYTHING AT ALL.

SYMPATHY

A VERDICT IN THIS CASE CANNOT BE BASED UPON SYMPATHY, PASSION, PREJUDICE OR EMOTION, OR SOME OTHER CONSIDERATION NOT FOUND IN THE EVIDENCE. I CHARGE YOU THAT AS JURORS YOU MUST DECIDE THE ISSUES INVOLVED IN THIS PROCEEDING BASED SOLELY UPON THE EVIDENCE WHICH YOU HEAR DURING THE COURSE OF THE TRIAL. YOUR VERDICT MUST BE WITHOUT BIAS AND WITHOUT PREJUDICE TO ANY PARTY. YOU CANNOT ALLOW