RECEIVED
Sep 11 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSEPH MITCHELL KING,

APPELLANT

APPELLATE CASE NO. 2026-000119

RECORD ON APPEAL

LARA M. CAUDY
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General
P. O. Box 11549
Columbia, SC 29211-1549
(803) 734-4117

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit
180 Magnolia St
Spartanburg, SC 29306
(864) 596-2575

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRIAL TRANSCRIPT DATED JANUARY 13-14, 2026 1

JURY *VOIR DIRE* 9

JURY SELECTION 17

STATE'S OBJECTION TO JURY COMPOSITION PURSUANT TO BATSON V. KENTUCKY BY MR. SMITH 23

RESPONSE BY MR. NMAIR 24

REPLY BY MR. SMITH 25

COURT OVERRULES OBJECTION TO JURY COMPOSITION PURSUANT TO BATSON V. KENTUCKY 26

OPENING STATEMENT BY MR. SMITH 36

OPENING STATEMENT BY MR. NMAIR 40

TESTIMONY

IKEVIOUS SMITH
Direct Examination by Mr. Smith 44
Cross-Examination by Mr. Nmair 66

JAIDEN JONES
Direct Examination by Mr. Smith 85
Cross-Examination by Mr. Nmair 94

JONATHAN WAGES
Direct Examination by Mr. Smith 102
Cross-Examination by Mr. Nmair 120
Redirect Examination by Mr. Smith 137

BRAD JAMES
Direct Examination by Mr. Smith 140
Cross-Examination by Mr. Nmair 162

DEFENSE OBJECTION TO WITNESS' REPORT PURSUANT TO BRADY V. MARYLAND BY MR. NMAIR 188

RESPONSE BY MR. SMITH.....189

REPLY BY MR. NMAIR.....190

DEFENSE MOTION FOR A MISTRIAL BY MR. NMAIR.....197

RESPONSE BY MR. SMITH.....197

CONTINUED DEFENSE MOTION FOR A MISTRIAL BY MR. NMAIR.....206

RESPONSE BY MR. SMITH.....207

COURT'S RULING DENYING MOTION FOR A MISTRIAL.....208

TESTIMONY

BRAD JAMES
Continued Cross-Examination by Mr. Nmair.....213
Redirect Examination by Mr. Smith.....225

STATE RESTS.....226

DEFENSE RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MR. NMAIR.....227

DEFENSE MOTION FOR A DIRECTED VERDICT BY MR. NMAIR.....227

RESPONSE BY MR. SMITH.....227

COURT'S RULING DENYING MOTION FOR A DIRECTED VERDICT.....236

TESTIMONY COLLOQUY WITH DEFENDANT.....238

CHARGE CONFERENCE.....242

DEFENSE OBJECTION TO CHARGE OF ASSAULT AND BATTERY IN THE FIRST DEGREE AS A LESSER-INCLUDED OFFENSE BY MR. NMAIR.....246

RESPONSE BY MR. SMITH.....246

COURT OVERRULES OBJECTION TO CHARGE OF ASSAULT AND BATTERY IN THE FIRST DEGREE AS A LESSER-INCLUDED OFFENSE.....247

DEFENSE RESTS.....248

CLOSING ARGUMENT BY MR. SMITH.....249

CLOSING ARGUMENT BY MR. NMAIR....270

CHARGE ON THE LAW....284

VERDICT....301

DEFENSE RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MR. NMAIR....305

DEFENSE MOTION FOR A NEW TRIAL BY MR. NMAIR....305

COURT'S RULING DENYING MOTION FOR A NEW TRIAL....307

SENTENCING....319

COURT'S EXHIBIT NO. 1 (INCIDENT REPORT)....323

COURT'S EXHIBIT NO. 2 (INCIDENT REPORT)....325

COURT'S EXHIBIT NO. 3 (INCIDENT REPORT)....327

INDICTMENTS....328

SENTENCE SHEETS....334

CERTIFICATE OF COUNSEL....337

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT: STATE'S EXHIBIT NO. 1 (DVD/CD – 911 CALLS), STATE'S EXHIBIT NOS. 4-12 (PHOTOGRAPHS), AND STATE'S EXHIBIT NO. 22 (CD – BODY CAMERA FOOTAGE).

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA,) TRANSCRIPT
)
PLAINTIFF,) OF
)
vs.) RECORD
)
JOSEPH MITCHELL KING,) 2024-GS-42-680 - 682
)
DEFENDANT.)

January 13th and 14th, 2026

B E F O R E:

THE HONORABLE J. MARK HAYES, II, Judge.

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

SPENSER SMITH
ASSISTANT SOLICITOR
Attorney for the State

LOUEI NMAIR and DRAYTON HAMMES
ASSISTANT PUBLIC DEFENDERS
Attorneys for the Defendant

PAMELA E. GREEN
Circuit Court Reporter

INDEX

WITNESSES	PAGE
Jury Selection	7
Batson Motion	23
Opening by the Court	28
Opening by Solicitor Smith	36
Opening by Mr. Nmair	40
IKEVIOUS SMITH	
Direct examination by Sol. Smith	44
Cross-examination by Mr. Nmair	66
JAIDEN JONES	
Direct examination by Sol. Smith	85
Cross-examination by Mr. Nmair	94
JONATHAN WAGES	
Direct examination by Sol. Smith	102
Cross-examination by Mr. Nmair	120
Redirect examination by Sol. Smith	137
BRAD JAMES	
Direct examination by Sol. Smith	140
Cross-examination by Nmair	162
Redirect examination by Sol. Smith	225

WITNESSES	PAGE
Motions	227
Closing by Solicitor Smith	249
Closing by Mr. Nmair	270
Charge by the Court	284
Verdict	301
Motions	305
Sentencing	319
Certificate	322

E X H I B I T S

NOS.	DESCRIPTION	ID	EV
	State's Exhibits		
S-1	DVD/CD	7	53
S-2	Photograph	7	47
S-3	Photograph	7	47
S-4	Photograph	7	59
S-5	Photograph	7	59
S-6	Photograph	7	59
S-7	Photograph	7	59
S-8	Photograph	7	59
S-9	Photograph	7	59
S-10	Photograph	7	59
S-11	Photograph	7	59
S-12	Photograph	7	59
S-13	Photograph	7	115
S-14	Photograph	7	115
S-15	Photograph	7	115
S-16	Photograph	7	115
S-17	Photograph	7	115
S-18	Photograph	7	116
S-19	Photograph	7	62
S-20	Sig Sauer	7	114
S-21	KelTec	7	112

NOS.	DESCRIPTION	ID	EV
S-22	CD	7	107

NOS.	DESCRIPTION	ID	EV
	Court's Exhibits		
C-1	Incident Report		307
C-2	Incident Report		307
C-3	Incident Report		307
C-4	Mental Health Report		321

P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1 through 22 were marked for identification purposes only at this time.)

THE COURT: All right. Good morning, ladies and gentlemen of the jury. Thank you for coming in this morning.

We are now going to select the first jury for the week and -- but before we select the first jury, I'm going to have some questions for you. But before I ask you those questions, the Clerk of Court needs to administer an oath to you.

So, if you would, please stand and raise your right-hand.

(WHEREUPON, the jury panel was placed under oath at this time.)

THE COURT: Thank you very much. You may be seated.

Again, ladies and gentlemen, if, by chance, you can't hear me when I ask these questions, just raise your hand and I'll try to speak closer to the microphone or try to do something to, to correct that.

Ladies and gentlemen, I wanted to announce the case for you.

We're now going to begin the case -- try the case of the State of South Carolina versus Joseph Mitchell King.

If Mr. King would stand and face the ladies and gentlemen of the jury.

(WHEREUPON, the defendant complies.)

THE COURT: Ladies and gentlemen, this is Mr. Joseph Mitchell King.

Now, Mr. King is charged by way of indictment of three offenses. They are -- and are -- two offenses of attempted murder and another offense of discharging a firearm into or at a vehicle.

Now, the two indictments for attempted murder provide that Mr. King did, in Spartanburg County, on or about November the 14th, 2023, with malice aforethought, attempt to kill Ikevious Smith by shooting at the victim with a firearm with the intent to kill the victim, and the other indictment for attempted murder provides that Mr. King did, in Spartanburg County, on or about November the 14th, 2023, with malice aforethought, attempt to kill Jaiden Jones by shooting at the victim with a firearm with intent to kill the victim.

And in the indictment that -- in regards to the discharging a firearm at or into a vehicle provides that Mr. King did, in Spartanburg County, on or about November the 14th, 2023, discharge or cause to be discharged unlawfully a firearm at or into a vehicle while it was occupied.

Now, to these indictments, Mr. King has pled not guilty. Therefore, that is the reason for the trial today is a result of these indictments and Mr. King's plea.

Now, ladies and gentlemen, my first question to you is is there any member of the jury panel who is related by blood or marriage to Mr. King or do you or did you ever have a close personal, social, or business relationship with Mr. King, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Thank you, Mr. King. You may be seated.

(WHEREUPON, the defendant complies.)

THE COURT: Now, ladies and gentlemen, as I have did when I read the indictments, there are two individuals that are listed as -- in the attempted murder indictments and these individuals are Ikevious Smith and Jaiden Jones.

It -- will Ikevious Smith please stand and face the ladies and gentlemen of the jury?

(WHEREUPON, Mr. Smith complies.)

THE COURT: And then will Jaiden Jones please stand and face the ladies and gentlemen of the jury.

(WHEREUPON, Mr. Jones complies.)

THE COURT: Ladies and gentlemen of the jury, my question to you is that is there any member of the jury panel who is related by blood or marriage to Mr. Smith or to Mr. Jones or do you have a close -- do you have or did

you ever have a close personal, social, or business relationship with either Mr. Smith or Mr. Jones, if so please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Thank you, Mr. Jones.

Thank you, Mr. Smith.

You may have a seat.

(WHEREUPON, both individuals comply.)

THE COURT: Ladies and gentlemen, I'm now going to read to you a list of potential witnesses who may be called during the course of the trial. I need you to please listen to these names.

After all of the names have been published to you, I am going to ask that you please stand if you are related by blood or marriage to any of these witnesses, if you have a -- ever, have now or have in the past, a close personal, social, or business relationship with any of these witnesses.

So please stand. I'm sorry.

SOLICITOR SMITH: Investigator James is here if you want him to -- Bradford James is here if you want him to stand up too, Your Honor.

THE COURT: Okay. And so listen to the questions and do not stand in response to the question until after I am finished. And if any of these witnesses are in the

courtroom, I would ask that you please stand and face the ladies and gentlemen of the jury and I believe that we will have -- ladies and gentlemen, one of the witnesses at least is in the back of the courtroom. So I'll point you to that witness as they stand if, if they do stand.

We have Justen Martin with Spartanburg County 9-1-1.

We have Jonathan Wages with the Spartanburg County Sheriff's Office.

We have Tanner Keeling with the Spartanburg County Sheriff's Office.

We have Bradford James with the Spartanburg County Sheriff's Office.

(WHEREUPON, Officer James stands at this time.)

THE COURT: This is Mr. -- Officer James in the back.

We have Isaiah Parham with the Spartanburg County Sheriff's Office.

And we have Harrison Alexander with the Spartanburg County Sheriff's Office.

Now, ladies and gentlemen, if you are related by blood or marriage to any of these witnesses or if you have or ever had a close personal, social, or business relationship with any of these witnesses, I would ask that you please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, I'm now going to

ask the lawyers who will be participating in the trial of this case, I'm going to ask that they please stand and introduce themselves to you.

We'll start first with the State.

SOLICITOR SMITH: My name is Spenser Smith. I'm assistant solicitor with the Seventh Circuit Office working in Spartanburg.

MR. NMAIR: Louei Nmari. I work on behalf of Mr. King as his attorney.

MR. HAMMES: Drayton Hammes with the defense.

THE COURT: All right. Thank you, gentlemen.

Ladies and gentlemen, I would ask that you please stand if you are related by blood or marriage to any of the attorneys who will be participating in the trial of this case or if you have -- ever have a -- have or ever had a close personal or social, social or business relationship with any of the attorneys, I would ask that you please stand.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, if you have ever -- if you or a member of your immediate family has ever been a victim of a crime that has been prosecuted by the Seventh Circuit Solicitor's Office or if you or a member of your family has ever been a defendant that has been prosecuted by a case by the Seventh Circuit Solicitor's

Office, I would ask that you please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, I would ask that you please stand if you or a member of your immediate family has ever been represented by any member of the Public Defender's Office of Spartanburg or Cherokee County, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, I would ask that you please stand if you or a member of your immediate family has ever been a victim of or a witness to -- of a crime of violence, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, I would ask that you please stand if you or a member of your immediate family has ever been prosecuted or accused of committing a crime of violence, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is there any member of the jury panel who has formed or expressed any opinion about any issue that is involved in this case, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Is there any member of the jury panel aware of any bias or prejudice towards either the State or

the defendant in this case, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is there any member of the jury panel that was a member of the Grand Jury that issued the indictments in this case, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is there any member of the jury panel who is a member of or a contributor to any group which has as its primary concern the promotion of law enforcements (sic) or victim's rights?

Now, these groups would certainly include but would not be limited to such groups as MADD, SADD, or CAVE, Citizens Against Violent crimes.

If so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Ladies and gentlemen, is there any member of the jury panel that knows of any reason whatsoever why he or she should not serve as a juror in this case with particular emphasis being placed on your ability to be fair and impartial to both the State and the defendant in this case, if so, please stand at this time.

(WHEREUPON, there was no response.)

THE COURT: Does the State have any additional

questions?

SOLICITOR SMITH: No, Your Honor.

THE COURT: Does the defense have any additional questions?

MR. NMAIR: No, Your Honor.

THE COURT: Five and five?

SOLICITOR SMITH: Yes, Your Honor.

MR. NMAIR: Yes, Your Honor.

THE COURT: Okay. Ladies and gentlemen, thank you for listening to those questions and, and re -- and responding by not responding to those questions.

Now, ladies and gentlemen, what we're doing now is that the Clerk of Court is going to randomly select a list of your names. It's -- we're like putting them into a barrel.

Now, we do this now electronically. But when I first practiced law and we actually had a wooden barrel that we would put your names -- everybody's juror's names into a capsule and we'd put those capsules into that wooden barrel and we would bring in a person from the School for the Deaf and the Blind that was visually challenged. And that person would come into a courtroom and they would reach into the barrel and pull your names out one at a time to determine who was going to sit as a member of a jury.

Juries -- I only mention that to you cause I ask for your patience while Tanya does her word processing or whatever she does and -- because jury selection used to take almost an entire day when we went through that process. But in the event that Tanya -- we have a power outage or some failure electronically, we still have that wooden barrel.

So, we can bring that barrel out and several years ago, when we were in the old courthouse before we got in this one, we actually had a power outage and it shut down the Internet to the courthouse and we actually brought out that wooden barrel. And I will tell you the faces that were on the jurors like yours right now were not so complacent. They were in horror that we were gonna have to go through that process.

But, but, fortunately, as -- when we brought the barrel out, started writing everybody's names on -- the power came back on. So, we were able to electronically do the selection of the jury.

So, when Tanya publishes or gives us this list, of random -- of randomly puts your names on, on this list, the -- she is going to call your names out of those who have been selected one at a time.

When she calls your names out, I would ask that you bring any, I don't know, books or coats or pocketbooks you

might have with you, any personal items, and come forward. And the bailiff is gonna meet you right here in the center of the courtroom. Turn and face towards the doors because the attorneys have an opportunity then to do what we call go through the striking process.

Don't take it personal if they don't want you to serve on the jury. There are certain constitutional parameters that the lawyers get to say that they wish to exercise in excluding a person from serving on a juror (sic) or saying they wish to have the person serve on a juror (sic).

So, just be patient with us while we go through the striking process. We will be selecting 12 members of the jury. We will be selecting two alternates for the jury. So, we'll select a total of 14 people. But just give us just a moment and we will begin this striking process.

(Pause.)

THE COURT: Again, ladies and gentlemen, when she calls your name, bring all personal items with you and just meet the bailiff right there in the middle of the courtroom.

THE CLERK: Juror Number 35.

What says the State?

SOLICITOR SMITH: Please present the juror.

THE CLERK: What says the defense?

MR. NMAIR: Beg the Court's indulgence.
(Pause.)
MR. NMAIR: Please seat the juror.
THE CLERK: Juror Number 11.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please seat the juror.
THE CLERK: Juror Number 52.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please present the juror.
THE CLERK: Number 142.
What says the State?
SOLICITOR SMITH: Please excuse the juror.
THE CLERK: Number 149.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please seat the juror.
THE CLERK: Number 144.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?

MR. NMAIR: Beg the Court's indulgence. Sorry, Your Honor.
THE COURT: Uh-huh. (Affirmative).
(Pause.)
MR. NMAIR: Please strike this juror.
THE BAILIFF: Take a seat?
MR. NMAIR: Strike.
THE CLERK: Juror Number 12.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please seat the juror.
THE CLERK: Juror Number 33.
What says the State?
SOLICITOR SMITH: Please excuse this juror.
THE CLERK: Juror Number 98.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please seat the juror.
THE CLERK: Juror Number 48.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Madam Clerk, what was the number again?

THE CLERK: Forty-eight.
MR. NMAIR: Forty-eight. Thank you.
Please strike this juror.
THE CLERK: Number 31.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please present the juror.
THE CLERK: One fifty-four.
THE BAILIFF: You said 160?
Could you repeat the number, Madam Clerk?
THE CLERK: One five four.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please seat the juror.
THE CLERK: One zero five.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please sit the juror.
THE CLERK: One two four.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?

MR. NMAIR: Please strike the juror.
THE CLERK: Number 43.
What says the State?
SOLICITOR SMITH: Please excuse this juror.
THE CLERK: Number 111.
What says the State?
SOLICITOR SMITH: Please present this juror.
THE CLERK: What says defense?
MR. NMAIR: Please sit this juror.
THE CLERK: Number 45.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please sit the juror.
THE CLERK: Number 20.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please sit the juror.
THE CLERK: This will be for the first alternate.
Number 62.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please sit the juror.

THE CLERK: Number 140.
What says the State?
SOLICITOR SMITH: Please excuse the juror.
THE CLERK: Number 56.
What says the State?
SOLICITOR SMITH: Please present the juror.
THE CLERK: What says defense?
MR. NMAIR: Please sit the juror.
THE COURT: Anything concerning the manner and method of selection of the jury from the State?
SOLICITOR SMITH: Yes, Your Honor.
THE COURT: Yes?
SOLICITOR SMITH: Yes.
THE COURT: All right. Ladies and gentlemen, I'm going to need to talk to these people first. I'm gonna talk to you people out there.
Ladies and gentlemen, I'm gonna ask, if you would -- give you two ongoing instructions. Do not have any discussions about anything involving the case. Do not do any type of independent research investigation. That includes you can not talk among yourselves and don't pick up your cellphone and start doing any type of, of research.
At this time I've got to take up a matter of law outside of your presence. So I'm gonna ask, if you would,

to please go with the bailiffs back to the jury deliberation room and do not discuss the case. We'll get you back just shortly.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: For those of you who are in the back of the room, I'm gonna ask, if you would to -- I've got to have a talk -- discuss a matter of -- with the lawyers outside of your presence. I'm gonna ask, if you would, to please retire back out to the lobby area. There are restrooms out there that you can go to. But we will get you back just shortly.

(WHEREUPON, the following takes place outside the presence of the jurors not selected.)

THE COURT: All right. Yes, sir.

SOLICITOR SMITH: Your Honor, as to challenges, Juror Number 48 and 124 both are black females. At least as far as the information I have, they didn't respond to any question. They don't have any criminal histories and challenges were used on both of them.

We would potentially off -- based off of race, would ask for a -- ask the Court to inquire about the reason for them being struck. Just those two challenges.

THE COURT: Yes, sir.

MR. NMAIR: Thank you, Your Honor.

In, in regards to -- quite frankly, all of our strikes, we were looking for people who might of been either in the medical field for the most part. Especially those who may have been doctors or registered nurses.

In my experience, both between friends that I have as well as just others in the medical field that I've met, those tend to generally have opinions on firearms that I don't believe benefit the defense. I would like to note that we did the same for Juror Number 144, who's a white male, who did have some college I think.

At least with the way the description is on the juror intake form, it seemed that he, despite some college, had a very particular job that might have required certain, I think, a higher level skills than, than most and we certainly took the position that, that we were kind of trying to stay away from those that we might feel have views that could -- negative views on gun ownership, gun possession, things of that nature and that's really what our focus was on in terms of -- especially towards the, the two mentioned by the State in regards to our strikes was strictly 440 -- 8, the fact that she's a registered nurse, who, in my experience, tends to be holding antigun views and that the higher education by 124 where again higher education, I think, has a particular stereotype of more liberal views that also hold antigun views, Your

Honor.

THE COURT: Any reply?

SOLICITOR SMITH: Well, 124 I have as, as being a revenue tech from the City of Spartanburg.

I don't know -- as far as them being -- if you obtain a certain level of education, I'll have to check the other -- might have to go through the other list. But I would venture we probably sat people with similar educations to a revenue tech from Spartanburg.

And, Your Honor, obviously we did voir dire. We could of asked questions about people's views on, on firearms. It seems somewhat convenient to just kind of lump in that you've each retained a certain education that you're a liberal who doesn't like guns when we could of asked questions to -- about people's views on firearms.

But I -- if I could look at some of the other education that -- I don't have our juror card to see what she attained but --.

MR. NMAIR: And, Your Honor, I, I will say, in re -- in regards to that, her, her juror card specifically just mentions some college. I will note to the Court the very reason that we struck Juror Number 144, which was a white male, was specifically because they had a higher degree of education, which we generally associate with antigun views or more liberal politics quite frankly.

SOLICITOR SMITH: Your Honor, just anecdotally, 45 is a med tech. She was sat, white female. I don't know what her education is. But works in a medical field, presumably has some college. The same reason they're giving but a white female made it.

THE COURT: Anything to close, Mr. Nmair?

MR. NMAIR: No, Your Honor.

THE COURT: Okay.

MR. NMAIR: In, in re -- just, just in regards to the med tech, I was specifically referring to those who received particular education in whether that's a nursing degree or medical school is what I'm talking about. Those being medicine.

THE COURT: Okay. Thank y'all very much.

Based on the information that's been given, I -- while I might not agree with the assessment that people who obtain higher degrees to be -- are pro or antigun, I think in -- based on the information that is -- I've received, which is very limited that's contained in the indictment, I think it is appropriate for the defense to be concerned about the issue of guns.

So, I think that they have not offered what I would consider as a mere pretextual reason having stricken those two individuals. Given that we also have other minorities, other African-American people that were placed

on the jury, they were stricken.

So, I will deny the motion.

SOLICITOR SMITH: Thank you, Your Honor.

THE COURT: Yes, sir.

Anything else?

Anything -- any other challenges to the jury.

How about from the defense?

MR. NMAIR: No challenges from the defense, Your Honor.

THE COURT: Okay. Then is the Clerk of Court in here.

Is Amy outside?

THE BAILIFF: She stepped outside.

THE COURT: Ask her to just come in for a second.

THE BAILIFF: Yes, sir.

(Pause.)

THE COURT: All right. See the lawyers for a moment.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: All right.

SOLICITOR SMITH: I'm sorry, Your Honor.

THE COURT: All right. Let's bring the jury in.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: All right. Ladies and gentlemen, before

you have a seat, I'm going to ask the Clerk of Court to swear you in.

So, please raise your right-hand.

(WHEREUPON, the jury was placed under oath at this time.)

THE COURT: Thank you.

You may be seated, ladies and gentlemen.

(WHEREUPON, the jurors comply.)

THE COURT: Ladies and gentlemen, we are now going to begin the trial of the case of the State of South Carolina versus Joseph Mitchell King. But before we begin the trial, I want to tell you that this trial is -- might be different than what you expect.

Many people do not have the chance to actually attend a Court session as you are doing now and may think, from watching television or movies or reading books, that trials are always full of high drama, intense action, and rivetting circumstances. While all of these things may be true at times, ladies and gentlemen, this trial is not for entertainment.

It is a fundamental part of our democracy and often a trial is slow, and deliberate, and repetitive, just the opposite of what you may have seen on television or in the movies or read about in a book. This courtroom is a place of honor dedicated to the protection and preservation of

citizen's rights through what many have called the greatest justice system ever created.

The attorneys appearing before you, they're advocates for the parties that they represent. But first and foremost, they are officers of the Court sworn to uphold the integrity and fairness of our judicial system.

You should expect them to be professional, competent, and ethical in the rep -- in representation of their client's interest. But remember that you have now taken an oath to try this case and reach a proper verdict and you are also expected to be professional, reasonable, and ethical. But I thank you for accepting the important responsibility of jury service and for your contribution today to our justice system.

What I will say now is intended to serve as an introduction to the trial of this case.

Now, these remarks from me are not a charge on the law of the case. I will instruct you on the law applicable to this case at the end of the trial before you retire to consider your verdict. This is merely an explanation of the procedures that we will follow in the trial of this case so that you may better understand what is happening.

The defendant in this case is, is charged by way of indictments that's been filed with this Court with two

offenses or two crimes of attempted murder and one crime of discharging a firearm at or into a vehicle, the elements of which will be explained to you later.

Now, these indictments are simply the charge by which the case is brought into court and they are not, in any sense, evidence of any of the allegations that are contained in the indictments. The defendant has pled not guilty to these indictments. The State, therefore, has the burden of proving each of the elements of the indictment beyond a reasonable doubt and it will be your duty, ladies and gentlemen, to decide whether the State has met that burden.

Your purpose, as jurors, is to find and determine the facts of this case. You are the sole judge of the facts. If anytime I make any comment regarding the facts, you must disregard my comments. You are to determine the facts from the testimony you hear from the evidence introduced in this court. It is up to you to determine the inferences which you may feel may be properly drawn from that evidence.

It is especially important that you perform your duty of determining the facts diligently and conscientiously because, ordinarily, there is no way to correct an erroneous determination of facts that is made by a jury.

On the other hand, and with equal emphasis, the same

law that makes you the judge of the facts makes me the judge of the law. The law, as given by the Court, is the only law that you may consider. You must accept and follow it even though you may disagree with it. I can not tell you what the facts are and you can not disagree with me about what the law is or should be.

Your job is to take the law, as I give it to you, and apply it to the facts as you find them from the testimony of the witnesses and any other evidence that is introduced during the course of this trial.

Now, after doing that, you'll render your verdict, a true and just verdict, under the solemn oath that you've just took as jurors.

Now, ladies and gentlemen, until I advise you to begin your deliberations, you must not discuss the case with anyone including your fellow jurors, friends, family members, and anyone that is involved in this case. That prohibition, that instruction by me that tells you do not have any discussions with anyone about anything involving the case until you begin your deliberation includes any type of face-to-face discussion by telephone, email, text, blogs, or any other type of communication that you might have. You can not discuss the case with anyone until you begin your deliberations which occurs at the end of this case.

Now, ladies and gentlemen, I will also instruct you, I do not anticipate any outside trial publicity, but I will instruct you that, if there is, you can not read, listen to, or watch any news reports about anything involving this case. This include anything that might of been in the newspaper or on the Internet, radio, or television, or otherwise.

Ladies and gentlemen, you must not consider anything that you may have read or heard about this case outside of this courtroom whether before or during the trial. After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors.

Now, the attorneys and the parties in this case, they have been advised that they are not to talk to you at all. So, if you see anyone involved in this case, and they do not even say hello to you as they are coming and -- as you were coming and going from the building, they are not being unfriendly. They are just following my instructions.

It is important that you keep an open mind and not decide any issue in the case until all of the evidence has been presented, the parties have made their closing arguments to you, and I have instructed you on the law of the case.

It is your solemn responsibility that your verdict is

based solely and only on the evidence that it has been -- that will be presented during the course of this trial and on the law that I instruct you during -- at the close of this trial and the closing arguments of the attorneys.

Now, in just a moment, ladies and gentlemen, the solicitor will make what is called an opening statement in which the solicitor will explain to you the issues in this case or at least what the solicitor thinks the issues are in this case. Now, the attorney for the defendant may also make an opening statement although he is not required to do so.

I will instruct you now that what the attorneys tell you during their opening statement is not evidence in a case. It is only their contention as to what the issues are in the case.

The evidence in this case will be presented to you by testimony of sworn witnesses from this witness stand and/or any exhibits that may be introduced during the course of the trial.

Now, from time to time, as I've already done with you, you may hear one of the lawyers say something like Your Honor, I believe I have a question of law or matter of law to discuss with you or, Your Honor, may be approach the bench or sometimes I, myself, may find it necessary to excuse you from the courtroom for a short while so the

attorneys and I can discuss what is known as matters of law.

Now, the reason for this -- for excluding you from these discussions is because you are the judge of the facts in this case and sometimes, when I'm discussing matters of law with the attorneys, it is necessary for me to make some comment about the facts of a -- in this case in connection with ruling on whether or not a particular law may or may not apply. I'm not supposed to tell you what I think the facts are.

And so that you will not -- and so I will excuse you from the courtroom while these discussions take place so that in no way you will be influenced by anything that I say in ruling on matters of law.

Ladies and gentlemen, in determining what the true facts are in this case, you must decide whether or not the testimony of the witnesses is -- are or a witness is believable. It is my responsibility to rule, as a matter of law, whether certain testimony is admissible at all or not. But once the testimony is admitted, whether or not you believe it is solely up to you.

In deciding whether to believe a witness, you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, and 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. You have the right to consider anything that is in the record that will help you evaluate the testimony of the witnesses.

That means that it is your duty to pay close attention to the witnesses, to observe the witnesses, to listen to the witnesses, and pay close attention to the attorneys and to the Court. I urge you, do not let your thoughts wonder but give strict attention to the testimony in this case so that, at the end of the testimony, after the arguments of counsel have been presented to you, and I have charged you on the law of this case, you will then be in a position to determine what the true facts are and apply the law to those facts and thus render a proper verdict.

Now, it is your added duty, Mr. Foreperson, to preside in the jury room and to be the jury spokesperson here in the courtroom if that becomes necessary and it will also be your duty to write the verdict. But we will give you further in -- instructions in the future as to how to do that.

But, at this time, I'm going to, in order that everyone's rights are protected, give the State and the defense an opportunity to object to anything that I have said during the course of this instruction.

Does the State have any objection?

SOLICITOR SMITH: No, Your Honor.

THE COURT: Does the defense?

MR. NMAIR: No, Your Honor.

THE COURT: At this time, ladies and gentlemen, we will receive the closing -- I mean the opening statements of the attorneys.

SOLICITOR SMITH: Thank you, Your Honor.

THE COURT: Yes, sir.

SOLICITOR SMITH: On November 14th of 2023, these two gentleman, Ikevious Smith and Jaiden Jones, were leaving their job in Union. They were driving in two separate cars coming down South Port Road. Y'all probably are familiar with South Port coming from Union. Headed back to their home. They were riding in two separates cars. But they're on the phone with each other.

There's a Valero gas station right before you kind of get to the Cedar Springs where the Wal-Mart and McDonald's and all is. They take a left there and it ends up kinding of taking a shortcut and you end up on Carolina Country Club and the place they're ending up is off of Carolina Country Club Road.

And as they passed this intersection of Huntington Drive, and what ultimately is Carolina County Club Road, but it changes names at this point, but at that

intersection, Jaiden sees a green beam. He calls it a beam. A laser flashes on an -- Ikevious's truck and he mentions something to him. He says hey, man, there's a laser or something.

And so they start looking and they see an excavator. On the 9-1-1 call he calls it a tractor. But an excavator, like a backhoe type thing, at the edge of this property. And they start looking and they see that there's a man kind of hiding behind it acting suspicion.

These gentlemen essentially live in this area. This is their neighborhood though they don't live right here. And they decided to do what we like people to do. If you see something, say something.

So they call 9-1-1. Ikevious calls 9-1-1 and Jaiden gets out of his car and gets into Ikevious's truck. They're kind of looking towards the area where they see this man.

You'll hear the 9-1-1 call and they describe what they see. They see a white male wearing a black hoodie and khaki pants. At, at some point, as, as he's standing out there, he's shined with the flashlight and he eventually realizes that, that this is a gun that this man has. What the laser and what the flashlight are attached to is a firearm.

So, he, again, now he's even more excited. He's

telling them they need to come out here and check.

So, the 9-1-1 call ends basically with we're gonna send somebody out there. Thanks for reporting it, and almost immediately after that call ends, boom, gunshots starts. This man starts shooting at Jaiden and Ikevious into his truck.

We believe four gunshots were fired. Three of them hit the truck. Two kind of in the grill area. One that goes into his radiator. It starts spraying fluid everywhere and one that skins off his hood and then kind of goes into the driver's side mirror.

They run out of there in fear for their lives. They call 9-1-1 back. At this point, they're at the Corner Club, which, you know, the School for the Deaf and Blind where the Croft Fire Department is, there's a gas station there on the corner of Country Club and Cedar Springs.

So, he stays there waiting for law enforcement. His family is not that far back. He's very, very amped up. And so he ends up just driving back to the location they're at, which is just a little bit further down Carolina Country Club, and they wait for law enforcement.

Law enforcement arrives, gives the same details he gave to 9-1-1, shows the damage, talks with them freely, ends up giving a written statement.

So, law enforcement goes out to this area that he's

described, this Huntington Place, basically Carolina Country Club and Huntington Drive, and they find this man out here. This is about one o'clock in the morning and he's wearing a black hoodie. He's wearing khaki pants and he's standing next to an excavator.

They make contact with him. He appears to be intoxicated. He says that he's out there putting oil and lubricant in trying to charge the battery on the excavator. This is November. It's one o'clock in the morning.

He claims that he has no idea about any sort of shooting. They mention a silver truck. He doesn't say anything. He starts talking about a shooting that had happened the night before that his neighbor had heard and they had texted or called back and forth about did you hear that. Essentially denies it. Says he has some firearms but they're up at his house.

So, law enforcement starts looking around and they find a firearm that you'll see and it's kind of tucked up in the back of the excavator almost kind of amongst the wires. And they pull this gun out and it has a green laser and a flashlight on it.

So, we've got the exact description that they described, next to the excavator, exact intersection, and now we've got a green laser.

They have some difficulty with him identifying who he is. He says that his parents basically live at this property that's up above where the excavator is and they end up finding another firearm, another pistol, kind of just in the grassy area around that. And it also had a green laser attachment on it.

And that's essentially the case, ladies and gentlemen. This is not going to be a long, drug out with CSI. It's an eye witness testimony and they responded to the scene where the eye witnesses led them and they found what they found. That's the evidence.

But Ikevious and Jaiden were being good citizens calling about a concerning person and they nearly lost their lives for it.

So, please pay attention closely to the evidence and, at the end, I'm gonna ask for guilty on all three indictments.

Thank you.

THE COURT: Yes, sir.

MR. NMAIR: Good morning, ladies and gentlemen of the jury.

On the front end, I just want to thank you all for your service. This is probably the most important part in any criminal trial and it's probably the most in, in -- important part and important function of a criminal trial

is when a jury is sat.

And I say that because you guys determine, at the end of it all, guilt -- guilty or not guilty. And I want to focus on that distinction between guilty and not guilty because it's an important dis -- distinction.

There was some brief talk about constitutional rights that's presented to all of you that is present to Mr. King especially as the accused in this case. And one of those constitutional rights that I think are -- that is a little bit understated and a little forgotten about is this presumption of innocence because he is presumed innocent under the law and that carries with you throughout this entire trial.

From now and before you even got picked on the jury, Mr. King was innocent, and up until you give a verdict that says otherwise, Mr. King is innocent.

And so what's gonna be very important for you is to be very critical of all the evidence that the State's gonna present to you because the State has to prove, beyond a reasonable doubt, that Mr. King is guilty. That is their burden and I want to stress that it is beyond a reasonable doubt -- reasonable doubt. That is the modifying word.

Okay. So, at any point in this trial where you sit there and you said I don't know about that, that's

reasonable doubt and you got to take that with you when you deliberate at the end of this trial and you determine whether you want to decide that Mr. King is actually guilty.

But be critical. Remain critical. Analyze it.

Okay. Question.

That is your role because that is how you're gonna come to the determination of what facts you believe to be true and what facts, what facts you believe to be not true.

And so keep that with you, okay, because he is innocent and that's why we say not guilty because he's presumed innocent.

Okay. You're not determining that he's innocent. As of now he is innocent, and until you decide otherwise, he is innocent.

And so, as the State presents their facts, as I question the witnesses, I want you to think about that, okay, because I believe that the State can't go beyond a reasonable doubt.

The State's not gonna be able to present all the evidence that they need to convince you that you should decide that Mr. King is no longer innocent and we're gonna ask you, at the end of this trial, to find Mr. King not guilty.

Thank you.

THE COURT: Is the State ready to call their first witness?

SOLICITOR SMITH: Yes, Your Honor.

The State calls Ikevious Smith.

THE COURT: Sir, just come right up here and let the Clerk of Court swear you in. Meet her right there at the corner of the -- right there.

THE CLERK: Right here.

Place your left-hand on the Bible and raise your right-hand.

IKEVIOUS SMITH, being first duly sworn, testified as follows:

THE CLERK: Thank you. Be seated.

THE COURT: Sir, just come around and go to that side. Have a seat in the chair and do you see the green light on the microphone?

THE WITNESS: Yes, sir.

THE COURT: Speak towards that green light so we can be sure that we hear you.

THE WITNESS: And you want me to tell my story?

THE COURT: No, sir. You need to answer any questions that Mr. Smith might have for you.

THE WITNESS: Okay.

THE COURT: Then when he gets finished, Mr. Nmair

will, will have an opportunity to cross-examine you.

THE WITNESS: Yes, sir.

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you, will you please introduce yourself to the jury?

A. My name is Ikevious Smith and --.

Q. All right, Ikevious.

Do you know Jaiden Jones?

A. Yes, sir.

Q. How do you know him?

A. We go way back. Kids. Grew up with each other.

Q. All right. Do you know Joseph King, the man who's been charged---

A. No, sir.

Q. ---in this case?

A. Not at all.

Q. Never had any dealings with him --

A. No, sir.

Q. -- prior to this night?

A. No, sir, don't know him from a can of paint.

Q. All right. And back in -- when this happened, November of 2023, you were working at a, a place in Union.

Is that right?

A. Yes, sir.

Q. All right. And what was your shift?
When did your shift end?
A. My shift ended at 11:00 at night.
Q. All right. And did Jaiden work with you?
A. Yes, sir.
Q. Okay. And where were you going after you left?
And so that would be I guess the night before, the, the -- and then it crossed over into midnight---
A. Uh-huh. (Affirmative).
Q. ---before this happened?
A. Yeah.
Q. You were -- where were you heading?
A. Headed home.
Q. Okay. And what vehicle were you in?
A. I was in a Silverado, 2007 Silverado truck.
Q. All right. Is that your vehicle?
A. Yes, sir.
Q. All right. And did Jaiden have his own vehicle?
A. Yes, sir.
Q. What was he in?
A. He was in a white Honda Accord.
Q. All right. And will you tell the jury kind of how, how -- sorry. Thank you. Turn the mic on.
Will, will you tell the jury kind of how you get from Union back to the house that you were going to?

A. I, I come down 176 and then I turn on 295, South Port Road, go all the way straight, and then you gon' see Valero store, Li'L Cricket. I turned there.

Country Club Road go all the way down and then it's gon' be a church. You gon' come up on the church on a slight curve and I busted the little curve and then go on Huntington Drive. And that's where King -- Mr. King stays.

Q. All right. I'm gonna show you State's 2 and 3.

Can you tell the jury what these are and then we'll look at them?

A. This is Huntington Drive where King stays in the four way and we was coming down the hill and that's when Jaiden---

Q. Just tell -- tell me what the picture is and then we'll---

A. Oh, the picture---

Q. ---let the jury see it.

A. It just the address of King's home and the Club Corner store where I made it to after I had got shot.

Q. Okay. When the -- what's the other one?

A. And the other one is the four way stop.

Q. Okay. And these are aerial views basically of the---

A. Yes, sir.

Q. ---of the roads?

A. Yes, sir.

SOLICITOR SMITH: Your Honor, at this time we'd offer State's 2 and 3 into evidence.

MR. NMAIR: No objection.

THE COURT: Without objection, be two and three.

(WHEREUPON, State's Exhibit Nos. 2 and 3 were received into evidence at this time.)

SOLICITOR SMITH: Tanya, can you do the document there?

All right. The -- this marker, is that what you're referring to where Mr. King stays?

A. Yes, sir.

Q. All right. You, you didn't know him at all or know---

A. Hu huh. (Negative).

Q. ---if he stays there?

A. No, sir.

Q. All right. But that's where the, the incident happened at?

A. Happened---

Q. All right.

A. ---yes, sir.

Q. All right. And then is this Cedar Springs Drive?

Is that where you were coming from?

A. I was coming from Huntington Drive.

Q. Okay. And if you go back off to the right of this picture, that goes back up to like the Valero?
A. Yeah, the Valero, yeah.
Q. Okay. So, you're gonna go straight through this Huntington Drive and then this becomes---
A. Yes, sir.
Q. ---Carolina Country Club?
A. Yes, sir.
Q. This is the School for Deaf and Blind on the left side of the picture here?
A. Uh-huh. (Affirmative).
Q. There's the football field and that's the fire department on the left side and the Club Corner, the gas station, correct?
A. Yes, sir.
Q. All right. And this intersection, Huntington Drive, and Cedar Springs Drive, is there a stop sign there?
A. Yes, sir, it is.
Q. All right. And this is State's 3.
This, this is just zoomed in on that location, right?
A. Uh-huh. (Affirmative).
Yes, sir.
Q. All right. Were you and Jaiden on the phone as y'all were driving back?
A. Yes, sir, we was.

Q. Okay. So, what happens as you approach the intersection of Huntington Drive and Cedar Springs?
A. As I approach the stop sign, Jaiden called me and he was like he see a---
MR. NMAIR: Objection. Hearsay, Your Honor.
A. ---green beam.
THE COURT: All right. Excuse me.
Your ob -- your -- hearsay?
MR. NMAIR: Yes, Your Honor.
THE COURT: I'm gonna allow it.
SOLICITOR SMITH: Yeah, it's --.
THE COURT: Go ahead.
Q. Okay. What, what did -- what happened as you approached the intersection?
A. As I approached the stop sign, Jaiden called me. He said that he see a green beam on my truck and, as I was looking, it's dark. It's pitch black. You can't see anything.
So, as I'm looking, I just happily see something go right back through my car and I was like that is -- it look like a beam. So, I look.
First thing I did, I said let me call the police, make sure it's all right, is the area straight. I was like -- cause I come through this area all the time.
So, as I look, I seen a dude standing by the

excavator and I was like.

So, as I'm on, on the phone with the police, she asking me where is my location. But she kept asking my location so many times, I'm trying to worry about is, is this a gun or what. Next thing you know, he upped it and you could tell it's a gun cause the flashlight popped on and it started blinding me.

So---

Q. Let me---

A. ---at this---

Q. Let me stop you for one second.

Where is this excavator on State's Exhibit 3?

Where are you seeing this?

A. You see like the trees?

Like the trees on the -- yeah, right -- go -- right there. It was right there. Perfect.

Q. Okay. Okay.

A. It was right there and I'm at the stop sign right at there. Right there and I'm turning -- and as I get ready to turn around, my truck, I turn around, my headlight is now facing his way. So I'm like oh, okay.

So, I'm telling the police on the phone that it's a man standing right here in the excavator. I don't know what is he doing. He just had a beam up. My homeboy seen it, called it in. So, I'm calling y'all guys to tell

y'all to come check it out. But the whole time I'm on the phone I'm trying to make sure the police know the address. She kept asking me the same address.

So, as I'm sitting there the whole time, next thing you know, it's just -- shot just went off---

Q. All right.

A. ---out of nowhere.

Q. All right. So, did, did you kind of loop around?

You said you looked like---

A. Yeah, I looped around. I turnt around.

Q. Okay. So, would you be facing back towards basically---

A. Yeah.

Q. ---kind of where you came?

A. Yes, sir, back, back towards the other way now.

Q. Okay.

A. I'm looking towards his home now. I can see his home now.

Q. Okay. And your headlights are kind of facing towards---

A. Yes, sir.

Q. ---in the area?

A. Yes, sir, my headlights facing that way.

THE COURT: Mr. King (sic), I would suggest -- we are making a recording of everything that happens here today.

I know that you want to give some information.

Listen to what Mr. Smith or the other lawyer asked you. Allow them to finish asking. You then give your response because, right now, you're talking over each other --

THE WITNESS: Uh-huh. (Affirmative).

THE COURT: -- and we can't make a proper recording of that.

Okay?

THE WITNESS: Okay.

THE COURT: Thank you.

THE WITNESS: You welcome.

Q. All right. So, so, you're saying you do kind of a loop around and your headlights are now facing kind of towards the house and towards where you see this excavator?

A. Yes, sir.

Q. All right. And you placed a call to 9-1-1 based off of your suspicions about---

A. Yeah.

Q. ---what's going on?

A. Yes, sir.

Q. All right. And I've got it in my, my disk already. But I'm gonna show you State's Exhibit 1.

A. Uh-huh. (Affirmative).

Q. Did you listen to this yesterday in my office?
A. Yes, sir.
Q. All right. And what is on that disk?
A. I'm telling the police that they needed to be coming to get checked out, look around, make sure this man is okay. And then, when I called back the second time, that's when I had got, between that, I had got shot at.
Q. Okay. So, the, the disk has the two 9-1-1 calls that you made---
A. Uh-huh. (Affirmative.)
Q. ---in this case?
A. Yes, sir.
Q. And they represent what you told law---
A. Yeah.
Q. ---told 9-1-1---
A. Yes, sir.
Q. ---that night?
Your Honor, at this time we would offer State's 1 into evidence.
THE COURT: Any objection?
MR. NMAIR: No objection, Your Honor.
THE COURT: Without objection, State's 1.
(WHEREUPON, State's Exhibit No. 1 was received into evidence at this time.)
Q. This one, right?

A. Uh-huh. (Affirmative).

SOLICITOR SMITH: Okay. Your Honor, we're gonna play the first call. I don't know how -- don't know how loud this is gonna be. So, I apologize if it starts --.

(WHEREUPON, the first call on State's Exhibit No. 1 was played for the jury at this time.)

Q. Okay. I think you said on the 9-1-1 call, 9-1-1 call he upped the gun.

But what do you mean when you say that?

A. Like -- I, I was saying like he -- when the flashlight popped one, that's when I guess he, he upped it then and then the flashlight just popped on and it blinded me. So, it took me out. Like I couldn't even see no more and that's when the shots started coming.

Q. So, so, is that like, like leveling on you---

A. Yeah, leveling.

Q. ---like---

A. Like, like you know how you have something straight and you can just see the flashlight and just pop on --

Q. Okay.

A. -- and it just started blinding me, that's when the shots started.

Q. All right. But you said that on this first 9-1-1 call too---

A. Yeah.

Q. ---that he had upped the gun I guess before shooting?
A. Yeah. Yeah, that was -- yeah, that was the beam. That was---
Q. Okay.
A. I was talking about the beam being -- coming through the car and being on the car.
Q. Okay. And do you remember what color the beam was?
A. It was green.
Q. All right. All right. So, after you hang up with 9-1-1, tell the jury what happened.
What did you see?
A. That's when he started shooting and I called back the second time.
Q. All right. Do you remember -- was he standing out in the open or --?
A. Like next thing you know you just seen the flashlight pop on. So, you can't, you can't see cause the flashlight's so bright it blinds you. So, you can't even see it.
So, it just, out of no where, like the flashlight just popped on and it just shot. You just start hearing stuff hearing start hitting my truck bing, bing and I -- that's when I backed up. And when I backed up and got on through, that's when I was on the phone with the police and I was trying to make it to the store. I was really

trying to make it back home. But I made it to the store and then I drove it on home.
Q. All right. And you think you heard the actual con -- making it contact with your truck?
A. Yeah, you could hear it. You could hear it. Like you could hear the gunshots hitting.
Q. All right. And so you end up going, I guess, turning around?
A. Yeah, I end up back -- I put it in reverse. I couldn't go forward cause he was -- yeah.
Q. All right. And then go back down Carolina Country Club and you call from the --
A. Yeah. Yes, sir.
Q. -- Corner Club?
A. Yeah, call from the corner store, yeah.
SOLICITOR SMITH: All right. Your Honor, at this time we'll play the second call off of State's 1.
A. I was a little help.
(WHEREUPON, a portion of the second call on State's Exhibit No. 1 was played for the jury at this time.)
Q. All right. I'm gonna pause it there.
A. Uh-huh. (Affirmative).
Q. You ended up driving back to your---
A. Yeah.
Q. ---family's house?

A. Yeah, my family house, yes.
Q. Okay. I have a new computer. It's tight.
When, when he started shooting for you, were you in fear for your life?
A. Yes, sir, because I didn't expect none of that.
Q. All right. And you got out of there as quickly as you could?
A. Quickly as I can.
Q. All right. And it sounded like that second call made -- did you get out and looking at your car?
A. Yeah, I was looking at my truck.
Q. Okay.
A. I was at the gas station then.
Q. What did you notice about damage to your truck?
I guess that came later.
A. The first bullet hit the AC conditioner and the radiator and then the second bullet hit on the side of the radiator and then another bullet hit under like at the bottom of the radiator and then it hit the side of my -- like you got my mirror and then you got the hood. He hit the -- it scraped the hood and knocked and hit the mirror. So, the mirror basically saved the bullet from coming into the windshield.
Q. All right. And were you leaking any sort of fluids or anything out of the truck?

A. Yes, sir, radiator fluid, coolant. It leaked all out.
Q. All right. And law enforcement came out and you showed them the vehicle---
A. Yeah.
Q. ---and they photographed it, correct?
A. Yes, sir.
Q. I'm gonna show you State's 4 through 12.
A. Uh-huh. (Affirmative).
Q. And just tell me, collectively, what they are pictures of and then we'll look at them with the jury.
A. This picture is on the hood.
Q. Don't show it to them yet. Don't --.
A. Oh, don't show it to them yet.
Okay.
Q. Just look, look at them in total.
A. Uh-huh. (Affirmative).
Q. Tell me what they are in total and then we'll look at them when the jury can see them.
A. (WHEREUPON, the witness complies.)
Q. All right. What are those pictures of?
A. Pictures of the radiator, the side of the -- on the hood and the mirror---
Q. They're all pictures---
A. ---the front---

Q. ---of your truck---
A. Yeah, my truck.
Q. ---aren't they?
Your Honor, at this time we'd move State's 4 through 12 in evidence.
MR. NMAIR: No objection.
THE COURT: Without objection, four through 12.
(WHEREUPON, State's Exhibit Nos. 4 through 12 were received into evidence at this time.)
Q. All right. This is your truck outside of the -- your house?
A. Yes, sir.
SOLICITOR SMITH: All right. This is State's Exhibit 4 I'm showing him. This is State's Exhibit 5.
Is this one of the --
A. Yes, sir.
Q. -- impacts you're talking about?
A. Yes, sir.
Q. All right. This is State's 8.
A. It rubbed off and hit the mirror.
Q. All right. So, this is the impact that we were just looking at on the previous exhibit and then this impact on the mirror is what you're referring to?
A. Yeah. Yes, sir.
Q. All right. This is the driver's side of your truck?

A. Yes, sir.
Q. All right. This is State's 9.
What's that a picture of?
A. A bullet that -- when it hit the mirror, the side mirror.
Q. All right. And this is State's 10.
Is that just a zoomed in --
A. Yes, sir.
Q. -- picture?
A. Zoom in picture.
Q. All right. We have State's 6.
A. That's when it---
Q. I'm---
A. ---hit the radiator.
Q. All right. This is a -- one of the -- what you noticed damage here at the bottom of the Chevy sign?
A. Yes, sir.
Q. All right. This is State's 7.
Hard to get a picture of but what, if anything, do you see in there?
A. That's when it hit the grill and it hit my AC conditioner and the radiator again.
Q. All right. This is State's 11.
A. That's when it hit the radiator, leaked all the coolant out.

Q. All right. This is State's 12.
A. And all the coolant was on the ground.
Q. All right. All right. Now, you heard on the 9-1-1 call you describe it's a white male, black hoodie, and khakis?
A. Yes, sir.
Q. Do you remember anything else, other than the beam and the flashlight, anything else?
A. I remember he had a white bag in his hand. I think it was a Zaxby's bag.
Q. Okay. And you told law enforcement about that as well?
A. Yes, sir.
Q. All right. Is this -- where this happened, is this in Spartanburg County?
A. Yes, sir.
Q. I'm gonna show you State's 19.
Can you tell me what is in this picture?
A. The excavator, the tree that was right there, the white bag and I don't know where that green --
Q. Okay.
A. -- yellow bag come from.
Q. All right. But is, is that of the area where the shooting---
A. Yeah.

Q. ---happened?
A. That's the exact area.
Q. All right. And is -- and where you were parked, is that kind of --
A. Yes, sir.
Q. -- shown on this?
A. Exact area too.
SOLICITOR SMITH: Your Honor---
A. Right there.
SOLICITOR SMITH: ---at this time we'd move State's 19 into evidence.
MR. NMAIR: No objection.
THE COURT: Without objection, be 19.
(WHEREUPON, State's Exhibit No. 19 was received into evidence at this time.)
Q. All right. This is what -- you called it a tractor.
A. Uh-huh. (Affirmative).
Q. But now we're calling it an excavator.
A. Excavator, yeah.
Q. All right. That's the orange thing that you saw and described to 9-1-1?
A. Yes, sir.
Q. All right. And you talked about a white bag.
Is that to the left of the---
A. Yeah.

Q. ---excavator?
A. Yes, sir.
Q. All right. And then can you describe or direct me to point -- kind of where were you parked when the shooting happened?
This is---
A. You see the---
Q. ---Huntington I think the intersection there.
A. Uh-huh. (Affirmative).
The orange street like where the street light is, that's blinded on the ground right there, I was right there facing this way looking up. I could see the excavator.
Q. Okay. So, kind of where this car's parked but just backed up---
A. Yeah.
Q. ---and kind of---
A. Yeah. Yeah.
Q. ---a little back?
A. Yes, sir, at the stop sign.
Q. All right. Other than, than Jaiden getting out of his car and into your car, did y'all ever get out of your car?
A. No, sir. No, sir.
Q. Did you ever yell anything or say anything to the,

the man that was out there?
A. No, sir, I didn't say anything.
Q. Okay. Did, did you have any firearms?
Did you---
A. No, sir.
Q. ---point any firearms?
A. No, sir.
Q. Basically just called 9-1-1?
A. Just called 9-1 (sic) just to come and get help.
Q. And, and what was it that, that made you think that, that help was needed?
A. Because if you out late that night, and it was super cold, and you got a beam, and then -- and I -- and my homeboy called me and say he say (sic) on my truck, something wrong. It's either a person need help or a person can, can really need anything. But I didn't expect it to go that level.
Q. Okay. Did the, the man that was out there, did he ever say anything to you?
A. No.
Q. Was there any words exchanged---
A. No.
Q. ---from either party?
A. No words changed (sic). I never even got close to him to even -- couldn't even see how he looked.

Q. Okay.
A. I just seen his clothing he wear.
Q. And you said, on the 9-1-1 call, that he shot four times.
How---
A. Uh-huh. (Affirmative).
Q. How do you know that?
A. Because he shot right after I had called.
Q. Okay. Just from counting the shots---
A. Yeah, just counting---
Q. ---cause you---
A. Cause they was hitting. You could hear them.
Q. Do you remember if they were spaced out or was it all --?
A. It was all together. It was just coming back to back.
Q. All right. And did, did you and Jaiden duck?
A. Yeah, we ducked and that's when I backed up and got on.
Q. All right. Did, did Jaiden's car get left there?
A. No, he hopped back in his car. His -- you see his car was beside my, my truck. We was on the phone with the police. That's why he had got out and got in my truck. We just had the door opened.
He really -- he wasn't all the way in my truck. He

just had the door open standing there like talking to me. We talking to each other but on the phone with the police too.

Q. And, that second call, you were obviously pretty stressed out?

A. Yeah, I was stressed out because he -- yeah.

SOLICITOR SMITH: Okay. One second, Your Honor.

(Pause.)

Q. Please answer any questions whoever asks you questions has.

A. Do anyone have any questions?

Q. No, no. These two.

A. Oh, okay.

Q. I wish.

MR. NMAIR: Beg the Court's indulgence, Your Honor.

(Pause.)

CROSS-EXAMINATION

BY MR. NMAIR:

Q. So, Mr. Smith, you're driving coming back from work --

A. Uh-huh. (Affirmative).

Q. -- and Mr. Jones?

You're coming down on Huntington?

A. Uh-huh. (Affirmative).

Q. Cedar Springs is intersecting.

You're going on Country Club Road.
A. Uh-huh. (Affirmative).
Q. That's how you're getting back home, right?
A. Yes, sir.
Q. Now, you and Mr. Jones live pretty close together --
A. Yeah.
Q. -- cause that's what you tell the officers when they arrive at I believe it's your aunt's house --
A. Yes, sir.
Q. -- right?
Now, you never initially see the green beam?
A. No, I seen it. I seen it once he -- once I was -- I turned around.
Q. Well, I'm talking about the very first green beam.
A. Oh, yeah.
Q. Mr. Jones, Mr. Jones calls you and tells you---
A. Yeah.
Q. ---he sees it?
A. Yeah, he told me. I didn't see it.
Q. Okay.
A. Yeah, I didn't see it.
Q. So, you turn around and previously was shown State's Exhibit 19.
Okay. Previously you were shown State's Exhibit 19. One thing the solicitor mentions to you is the fact that

he testified you actually quite literally turn around.

Okay. And so you're about where?

Are you about where that car is in that picture?

A. Oh, no. I was back. I was back at the -- I was at the other stop sign basically.

Q. You were at the stop sign?

A. Yeah, like basically you going around, you just whoop around like that.

Q. Okay. So, I'm gonna show you what was previously marked as State's Exhibit 3.

Okay. And so I kind of want to take a little bit of an aerial look at this here.

The stop sign for County Club Road where it intersects at Cedar Springs Road, it kind of goes -- I can't see on that TV. But that TV's dark as well.

It kind of goes back a little bit, right?

A. Uh-huh. (Affirmative).

Q. So it's not totally up to the road, correct?

A. It's, it's --.

Q. Okay. Well, the, the, the road curves and you can kind of see---

A. Yeah, it curves.

Q. ---that?

A. Yeah. But it's wide.

Q. Curves back.

A. It's really -- it's very wide. So --.
Q. But when you drive up to where the stop sign is --
A. Uh-huh. (Affirmative).
Q. -- in order to face the tractor cause we're talking about -- and you just tell me if I'm correct.
The tractor's over here, right?
A. Yes, sir.
Q. Okay. So, in order for you to properly face the tractor, you actually have to go beyond the stop sign, correct?
A. No, you can sit at the stop sign---
Q. So you can see the stop sign?
A. ---and you can see the tractor.
Q. Okay.
A. Yeah, you can see the tractor in all that.
Q. Okay. So, when you turn around and, and, and you're saying you're at the stop sign?
A. Uh-huh. (Affirmative).
Q. Right?
A. Uh-huh. (Affirmative).
Q. Mr. Jones is in a totally different car than you?
A. Uh-huh. (Affirmative).
Q. You said that Mr. Jones, when you're talking to 9-1-1, is outside of the car.
That was your testimony, right?

A. I wasn't outside the car.
Q. No, no, Mr. Jones was outside---
A. Yeah.
Q. ---the car.
A. Jone -- Jones was outside the car.
Q. And we listened to the 9-1-1 call, correct?
A. Yeah. Yeah.
Q. And during the 9-1-1 call around the 2:40 -- two minutes and 40 second mark, you say but I'm telling you like he's up to something. I live over this way. I travel this way all night long.
A. Uh-huh. (Affirmative).
Q. It's Country Club Road. You go on to say my homeboy's even in the car with me.
So, was he in the car or was he out of the car?
A. Like he was -- the door was open but---
Q. Your door was open?
A. Yeah, my, my --
Q. Okay.
A. -- passenger door was opened. He was like leaned in inside the car.
Q. Okay. So now I just want to make sure I'm, I'm getting this clear.
A. Okay.
Q. What, what you do is you come on Huntington Road

through Huntington Drive?
A. Uh-huh. (Affirmative).
Q. You drive down?
A. Uh-huh. (Affirmative).
Q. You -- Mr. Jones calls you, tells you he sees a green beam?
A. Yeah.
Q. You turn around.
You park up right around here?
A. No, not right there. I was, I was---
Q. Further back?
A. Yeah, I was back. That was---
Q. Okay.
A. ---at the stop sign. Like if you go, it's a stop sign right there and it's a white line strip. I stopped right there.
Q. So, probably right around here?
A. Yeah, the stop sign. But I can't tell you exactly where the stop sign is. I know it's right there in that area right there.
Q. Okay.
A. But you can see, at the stop sign, you can sit at the stop sign and see the excavator, the house, the bushes, the trees, everything.
Q. Uh-huh. (Affirmative).

A. You don't have to move up to see none of that. You can see at the stop sign and see all that.
Q. Give me one moment, Mr. Smith, if you don't mind.
(Pause.)
Q. Now, this is a picture taken that shows where the excavator is, right?
A. Uh-huh. (Affirmative).
Q. In this picture, can you see the stop sign?
A. If that car come up a little bit you would.
Q. Well, where that car is there's also kind of that little -- I don't -- I'm not too sure what you call it.
But there's almost kind of a -- I guess you kind of want to call it a sign, right?
A. Yeah.
Q. Yeah.
So, even that would be right where, in reality, where that car is and the stop sign's kind of a little bit further back?
A. The stop sign is like -- it's like right behind the car. But it's like---
Q. Right behind the car?
A. It's like in the back door. Like what else -- you see where the light at?
Q. Uh-huh. (Affirmative).
A. You can't -- you can---

Q. It goes a little bit behind that, right?
A. Yeah, a little bit behind that.
Q. Okay. So you're actually a little bit further back than what you originally testified to?
A. I was like right there. Where your finger at, I was like right there.
Q. Okay.
A. The stop sign is right there.
Q. Okay. But that would mean that you go past the stop sign.
Where's Mr. Jones?
A. Jones is right there in the car like beside me. Like got the door open.
Q. What, what I'm specifically mentioning is how does he park?
If we're looking at---
A. Cause he parked -- he parked his car right on the side. Like he just parked and just hopped out and just came over there to me.
Q. Right.
So, if your car's at the stop sign, let's say -- and this is a weird demonstration but I'm gonna do it.
A. Uh-huh. (Affirmative).
Q. I am your car.
Okay?

A. Uh-huh. (Affirmative).
Q. I'm actually gonna back up cause this is gonna make it easier for me.
I am your car.
A. Uh-huh. (Affirmative).
Q. This is Mr. Jones.
Okay?
A. Uh-huh. (Affirmative).
Q. So, he pulls up side-by-side?
A. Side-by-side but he---
Q. And I---
A. He was on the other side though. He going towards the Club Corner Store. I'm facing this way.
Q. Okay.
A. So we like this.
Q. So you're facing this way. He's facing that way.
Right?
A. No, he facing going, going---
Q. Coming down towards Country Club, right?
A. Country Club Road and I'm facing up this way. So -- but I can see the excavator and I can see Joseph.
Q. Sure.
And Mr. Jones then gets out of the car?
A. Get out the car and he come around. He's like you on the phone with the police. That's who I was on the phone

with, polices.
Q. So he is outside --
A. Uh-huh. (Affirmative).
Q. -- of his car parked right next to you?
A. Yeah, parked right next to me.
Q. Talking to you?
A. Yeah, talking to me.
Q. Through the -- through the car, right?
A. Yeah, the door opened. Yeah, he talking to me through the car.
Q. Okay. Now, about how far do you think that excavator is from the stop sign?
A. It's a good little distance.
Q. It's a good little distance?
A. Not, not that far but it's a good little distance. For you to have an aim like that, it's a good little distance.
Q. Okay. And I want, I want to talk about that a little bit cause you were -- you, you talked to the officers at your home---
A. Uh-huh. (Affirmative).
Q. ---right?
And you talked to them and you're telling them essentially like man, to shoot like that you got to have aim, right?

A. Yes.
Q. You're shocked about how well his shot is---
A. Yeah.
Q. ---right?
A. Because that, that was a good little distance.
Q. It is a distance---
A. Yeah, it's a good---
Q. ---right?
A. ---distance like.
Q. Now, it's also dark---
A. Yeah.
Q. ---right?
A. It's pitch black. Like---
Q. It's mixed---
A. ---cold.
Q. There's, there's no lights on that road?
A. No. No, lights on that road.
Q. Except for I mean obviously---
A. Yeah, except for---
Q. ---the one on the corner?
A. Yeah, except for the corner.
Q. When -- that actual road that Mr. King's property runs along, there's nothing.
It's pitch black, right?
A. It's pitch black out there, yes.

Q. And so you have your lights on.
Is it your high beams or just standard?
A. My standard.
Q. And the lights---
A. Just had my regular little beams on.
Q. Okay. And you say that's enough for you to see the---
A. Yes, sir.
Q. ---the tractor?
A. Yes, sir.
Q. Okay.
A. The tractor.
Q. That's enough for you to describe---
A. He's right beside the tractor.
Q. ---an individual wearing a black hoodie?
A. Yes, sir.
Q. Now, in the 9-1-1 call you backtracked a little bit, right?
You say tan pants but you come back and you say no, it's actually gray joggers, right?
A. Yeah, I did. I was just trying my best to describe---
Q. Sure.
A. ---what I can -- could see.
Q. And, and that's---

A. I'm not saying I was perfect.
Q. No, no, of course.
And that was, of course, Mr. Jones saying no, they're gray joggers, right?
A. Uh-huh. (Affirmative).
Q. Okay. And then you say he's carrying a bag, right?
A. Yeah, he had the white bag and looked like a Zaxby's bag.
Q. Now, when you spoke to officers at your -- I guess that would be your aunt and uncle, right?
A. Yes, sir.
Q. When you spoke to officers, you told them it was a Zaxby's bag---
A. Yeah.
Q. ---right?
A. Yes, sir.
Q. You said specifically it was a Zaxby's to go bag---
A. Yes, sir.
Q. ---right?
Now, you told them he had -- he has a pistol?
A. Uh-huh. (Affirmative).
Q. Correct?
A. No, I didn't know he had the -- I didn't tell him he had the pistol. I didn't know---
Q. You didn't tell him---

A. ---he had a pistol.
Q. ---he had a pistol?
A. No, I didn't know he had a pistol in there. I just know he had a gun because the way the beam and the flashlight come on, that's the only thing that can have, that can have that right now. Like that's the only way you gon' up a flashlight and the beam is on the gun. Like you -- nobody shouldn't -- ain't gon' have no regular flashlight and beam in their head -- hand playing around with it.

So, I knew it had to be a gun because they come on guns, flashlight and beams.

Q. Okay.
A. That's was -- the reason was me calling the police to get them out there to make sure it wasn't a gun. But it was.
Q. If you give me one second if you don't mind.

(Pause.)

Q. If you'll give me one moment, Mr. Smith. Unfortunately, transcripts are long and tedious.

(Pause.)

Q. Any -- Mr. Smith, you said, you said you didn't know it was a pistol, right?
A. I didn't know it was a pistol?
Q. Okay.

A. Yeah, I didn't know. I couldn't -- I didn't get that close --
Q. Now, now---
A. -- to see was it a pistol or know the difference. I just know it was a weapon.
Q. Uh-huh. (Affirmative).
Now, you testified earlier, when Mr. Smith was questioning you, you said he had a pistol, correct?
Do you recall using the word pistol?
A. No, I never, I never recall using no pistol -- saying pistol. I don't recall that.
Q. Now, in the 9-1-1- call, and this is pretty, pretty early on into the 9-1-1 call, okay, you say to the dispatch I was coming across the stop sign right here on Cedar Springs. This is about 14 seconds in.
Okay?
A. Uh-huh. (Affirmative).
Q. So, it's pretty, pretty recent. I was coming across a stop sign here on Cedar Springs, Cedar Springs Drive right here by Huntington Drive. The road right there by the gas station on Cedar Springs coming across. All I see was a beam go across my truck. So, I turn around.
Right?
A. Uh-huh. (Affirmative).
Q. I was coming across again and the dude standing in

somebody's yard. He up a pistol on me with a flashlight on it with a beam on it.

That's what you told dispatch?

A. He upped the pistol---

Q. And, and you're---

A. ---cause I was just saying---

Q. ---trying to---

A. ---like it was a weapon.

Q. Okay.

A. Like I didn't know it was exact pistol or what type of gun. I just saying that like saying he upped the gun on me. Well, I should of used my words better. But, yeah, I didn't know it was a pistol or AR or anything. I just know it was a weapon.

Q. Okay. But you described it as a pistol?

A. Yeah, I described it as a pistol.

Q. You describe him as wearing a black hoodie?

A. Uh-huh. (Affirmative).

Q. You describe him as wearing gray joggers.

A. Uh-huh. (Affirmative).

Q. You described him holding a Zaxby's bag, right?

A. Yes, sir.

Q. But dispatch also asked you to -- they asked you what race, is he, right?

And specifically dispatch asked is he black, is he

black, Hispanic, or Asian, right, and you very clearly say he looked white but I can't tell but he looks white.

Correct?

A. Yeah. Yeah.

Q. Okay.

A. Which was right.

Q. Okay. Now, you're saying it's a distance, correct?

A. Yeah, it was a good little distance.

Q. Uh-huh. (Affirmative).

And so much that it was, especially in terms of his aim, that shocked you, right?

A. Yeah.

Q. That's---

A. Yes, sir.

Q. You kind of describe it he's got aim, right?

A. Yeah, cause I'm just sitting there, and next thing you know, gunshot just started hitting the truck. Like I'm sitting there on the phone with the police thinking he need help. But, in reality, he -- I guess he didn't.

Q. Now, you're under the lamp light on the street there, right?

A. Yeah, a little bit back from it. I -- if I ain't mistaken, that street lamp, I don't think that was there when that -- when the footage happened. I think that light was out because it was pitch black when I was there.

Q. Well, this picture was taken -- what was previously marked as State's Exhibit 19, that was taken the same night.

Is that light on in that picture?

A. Unless it had a shortage or something because I remember it was being pitch black. I would -- I just remember it being pitch black.

Q. Okay. Now he's a distance.

A. Uh-huh. (Affirmative).

Q. But you said that you were blinded by---

A. Yeah.

Q. ---the flashlight on the gun?

A. By the flashlight, yes.

Q. But he was a distance away, right?

A. Yeah, it was a good distance away, yeah.

Q. And you had your high beams on and you---

A. No, I didn't have my high beams on.

Q. You had your lights on.

A. I had low beams.

Q. I'm sorry.

A. Yeah.

Q. You said it right.

You had your beams on, right?

A. Yeah.

And actually my truck have -- I have Rock Lights on

it. So, I have --.
Q. And what are those?
A. Lights that's under the truck. Like LED lights. I have all that under it. So---
Q. Uh-huh. (Affirmative).
A. ---that's probably another reason he seen my truck so well and good like that because it's bright.
Q. Uh-huh. (Affirmative).
A. It's a bright truck when you see it go down the road. I got lights and stuff on it.
Q. Okay.
A. So --.
Q. But from, from that distance --
A. Uh-huh. (Affirmative).
Q. -- it was shocking enough, his aim, but the flashlight was enough to blind you is what you're saying?
A. Yeah, it, it blinded me, yes.
Q. Okay.
A. That's why I couldn't see. I couldn't see nothing else once that light came on. Once that flashlight came on, it -- it's gon' blind you. You can't see nothing.
MR. NMAIR: Okay. Thank you, Your Honor. No further questions.
THE COURT: Any redirect limited to what he went into?

SOLICITOR SMITH: No, Your Honor.

THE COURT: Thank you, sir. You may step down.

THE WITNESS: Thank you.

THE COURT: Yes, sir.

SOLICITOR SMITH: State calls Jaiden Jones.

THE COURT: Mr. Jones, come right up here and let the Clerk of Court swear you in. Just come right here.

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

JAIDEN JONES, being first duly sworn, testified as follows:

THE CLERK: You can be seated.

THE COURT: Sir, just come right around and have a seat in the chair and do you see that green light on the microphone?

THE WITNESS: Yes, sir.

THE COURT: Speak towards that green light so we can be sure that your voice is being picked up in audio.

THE WITNESS: Yeah.

THE COURT: Okay.

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Would you please introduce yourself to the jury?

A. Hi. My name Jaiden Jones.

Q. All right. Jaiden.

And you know Mr. Smith who just testified, correct?
A. Yes, sir.
Q. All right. Were y'all working together back in November of '23?
A. Yes, sir.
Q. All right. That was in Union County?
A. Yes, sir.
Q. All right. And the two of y'all had gotten off, were heading back to Spartanburg the night that this happened, right?
A. Yes, sir.
Q. All right. And you ended up -- we got State's Exhibit 3 up here -- coming down Huntington Drive, right, and then we're gonna cross onto Carolina Country Club?
A. Yes, sir.
Q. All right. What did you see kind of as you approached the stop sign on Huntington Drive?
A. I was in front of him and then -- he went and I had to stop at the stop sign and I seen a green beam on the back and that's when that caught me.
Q. All right. Wait.
You said you were in front of him or he's in -- who's in front?
A. No, he's in front of me.
Q. Okay. He's in front.

He goes through the intersection?
A. Uh-huh. (Affirmative).
Q. And are y'all on the phone already?
A. I had called him when I seen the beam.
Q. Okay. And you tell him about seeing a beam and are you talking about like a laser beam?
A. A laser.
Q. Okay. Why did you call about that?
A. Cause it was random.
Q. Okay. You were concerned?
A. Uh-huh. (Affirmative).
Q. Okay. What -- where do you end up going -- so he's passed through the intersection.
Where do you go as y'all are on the phone?
A. I had to stop at the stop sign first. Then I had stopped on the side.
Q. Okay. Did you cross -- did you cross through and then stop?
A. Yes, sir.
Q. Okay. So, you -- are you still facing towards going towards the Corner Store?
A. Yes, sir.
Q. All right. And what did Ikevious do?
A. Well, he turnt around.
Q. All right. And so is he facing back towards this,

this property that we've talked about here, the tree and the excavator?
A. Yes, sir.
Q. All right. What do you do once he, he pulls over?
A. Get out.
Q. All right. And where did you go to in his truck?
A. His passenger side.
Q. All right. And did you end up getting in it or, or are you standing in kind of the doorway of it?
A. In the doorway.
Q. All right. And do you end up looking kind of where his, his headlights are?
A. Yes, sir.
Q. All right. And, at some point, he, he calls 9-1-1?
A. (WHEREUPON, the witness nods affirmatively.)
Q. So the voice that we're hearing that's in the background, that -- that's you. He's the main voice and you're kind of the -- giving some additional details.
That's your voice?
A. Yes, sir.
Q. All right. What do you remember seeing?
So, you got the, the green beam.
What do you remember seeing once you get out and you start looking at this excavator and tree?
What do you see?

A. I see the -- a tractor and I ain't see him back there.
Q. Okay. At that -- so, at that point, you don't see the person anymore?
A. Yes, sir.
Q. Had, had you seen anybody at that point?
A. No, sir.
Q. Okay. But at some point you did see somebody while y'all were on the call, correct---
A. Yes, sir.
Q. ---cause you --?
All right. What -- where do you see that person?
A. Behind the tree.
Q. Okay. And that's where you were able to get kind of the description that the two of y'all gave to law enforcement?
A. Yes, sir.
Q. All right. What do you remember about what he was wearing?
A. Black hoodie.
Q. Okay. And are you the one that said the gray joggers?
A. Yes, sir.
Q. All right. And do you remember anything about it -- was it a man or a woman?

Could you tell that?
A. A man.
Q. Okay. What about the race of the person?
Could you tell that?
A. No, sir.
Q. Okay. So, mostly you got a clothing description and saw him enough to believe it was a man?
A. Yes, sir.
Q. All right. What are you doing as, as he's on the phone with 9-1-1?
Where are you looking?
What are you doing?
A. Looking towards the tractor---
Q. All right.
A. ---the excavator.
Q. Okay. Did you ever yell anything at the person?
A. No, sir.
Q. Did, did that person ever say anything to you?
A. No, sir.
Q. Did you pull a gun out?
Did you do anything other than kind of sit and watch?
A. No, sir.
Q. All right. And what, what does this person do when, when you are able to see him?
You said he's standing by the tree.

Did he -- what does he do?
A. He just sitting there.
Q. Okay. Did you see a, a firearm or anything?
A. No, sir.
Q. Okay. Did you see the, the beam again?
A. Yes, sir.
Q. Okay. Explain that.
What did you see?
A. He had shined the beam. Then the flashlight.
Q. Okay. Did that make you think that it was a firearm?
A. Yes, sir.
Q. Okay. But you're not able to actually see the firearm?
You're just seeing a, a beam and a flashlight?
A. Yes, sir.
Q. Okay. And do you remember what color the beam was?
A. Green.
Q. All right. Okay. And so when the shooting happens, Ikevious has hung up with 9-1-1.
Tell the jury what happens in that -- in-between that first 9-1-1 call and the second 9-1-1 call.
A. As soon as he hung up on the first one, that's when he shot.
Q. Okay. Are you looking at him as, as, as he shoots?
A. Yes, sir.

Q. Okay. And what -- what are you, what are you able to see as, as he's shooting?
A. Oh, nothing cause I was ducking.
Q. All right. I mean are -- do you see the flashlight beforehand or---
A. A little bit.
Q. Okay. And then as soon as you hear gunshots, you start ducking?
A. Yes, sir.
Q. All right. Do you remember how many gunshots you heard?
A. Like four.
Q. All right. And so, at this point, are you -- you're still kind of just standing in the doorway?
A. Yes, sir.
Q. So you just duck down behind the door?
A. (WHEREUPON, the witness nods affirmatively.)
Q. All right. And what happens after -- does the shooting stop or do y'all just start moving while the shooting's going on?
A. The shooting had stopped.
Q. Okay. And what do you do at that point?
A. Go get in my car.
Q. All right. And then you head down towards the Corner Store?

A. Yes, sir.
Q. All right. And then y'all placed the second 9-1-1 call?
A. Yes, sir.
Q. All right. And Ikevious, Ikevious follows back behind you and y'all call 9-1-1?
A. Yes, sir.
Q. Were you in fear for your life when this shooting happened?
A. Yes, sir.
Q. And you're -- was your car damaged at all?
A. No, sir.
Q. And did you get out and look at the damage with Ikevious at the gas station and then back at the house?
A. Yes, sir.
Q. And do you know this individual, Mr. King?
A. No, sir.
Q. Never had any interaction with him --
A. Hu huh. (Negative).
Q. -- prior to this?
A. (WHEREUPON, the witness nods negatively.)
THE COURT: I'm sorry. You need to give a verbal response.
THE WITNESS: No, sir.
THE COURT: Thank you.

Q. Okay. Do you know that that house that he was at, do you have any connection with those people or it's just a random house?

You don't---

A. It's just a random house.

Q. Okay. Please answer any questions the defense may have.

CROSS-EXAMINATION

BY MR. NMAIR:

Q. Now, Mr. Jones, you're, you're the one who identifies the individual as wearing gray joggers, right?

That's what you testified to?

A. Yes, sir.

Q. And that's what you told 9-1-1 when Mr. Smith had called?

A. Yes, sir.

Q. Okay. Now, your testimony now is that you really didn't see too much, correct?

A. Yes, sir.

Q. You couldn't really tell his race.

Are you able to say whether he was wearing a black hoodie as Mr. Smith describes him?

A. A black hoodie.

Q. Okay. So, black hoodie, gray joggers, don't know the race?

A. Yes, sir.
Q. Maybe male?
A. Yes, sir.
Q. All right. You don't see the gun?
A. No, sir.
Q. You can't describe the gun?
A. No, sir.
Q. Mr. Smith previously described the gun as a pistol.
But you can't, you can't say for sure like he did it, right?
A. Yes, sir.
Q. Okay. Now, you're, you're, you're standing there.
Your testimony now is that he was behind the tree, right?
A. Yes, sir.
Q. Now, Mr. Smith is yelling, correct, to the dispatch?
A. Yes, sir.
Q. He seems pretty frantic when he's talking to 9-1-1?
A. Yes, sir.
Q. And we heard that 9-1-1 call where Mr. Smith is saying he's behind the tractor, right?
A. Yes, sir.
Q. So, was he behind the tractor or behind the tree?
A. It's like the tractor and the tree was right there.
Q. They're right there.

But what -- maybe the best way to ask it is, if you had to say he was behind one or the other, right -- if, if this is a tree here and this is the tractor here, is he more up towards the tree or is he more behind the tractor?
A. The tractor.
Q. He's more behind the tractor.
Okay. I'm gonna show you what was previously marked as State's Exhibit 19.
Okay. Now, your car goes -- your car's going towards Country Club Road, right?
A. Yes, sir.
Q. Mr. Smith's car is facing towards Mr. King's property---
A. Yes, sir.
Q. ---right?
Mr. King, when he's standing behind the tractor, is he -- and we're seeing the back of the, the -- I say tractor. Excavator. We're seeing the back of the excavator now.
Is he to -- if we're looking down, okay, where we're describing this side right here where my finger is as the left and the other side that is not shown on the right, was he standing towards the left or the right?
A. The left.
Q. He's standing towards the left.

Okay?
A. Yes, sir.
Q. Now, he's standing towards the left.
Mr. Smith's truck is not facing head-on to the tractor, right?
It's kind of angled?
A. Yes, sir.
Q. Okay. So, there's no direct line between Mr. King and the truck.
There's a bit of an angle based on how Mr. Smith's truck is and where the individual is standing from your point of view, right?
A. Yes, sir.
Q. Okay. No further questions.
THE COURT: Any redirect?
SOLICITOR SMITH: No, Your Honor.
THE COURT: Thank you, sir. You may step down.
Lawyers approach a moment.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
THE COURT: All right. Ladies and gentlemen, I've consulted with the lawyers and we believe that this is an appropriate time to take a lunch break. Thank you very much for your patience while we went through the jury selection process and also getting the trial started.

I mentioned to you before I had to exclude you earlier today about there -- had to take up something with the lawyers, a matter of law with the lawyers, and I very quickly reviewed with you two matters.

One was about not having discussions among yourselves about anything involving the case. I want to, I want to revisit those two issues because these two instructions to you will carry throughout the course of this trial. Two permanent instructions.

One. You can not have any discussions with anyone about anything involving the case. That includes friends -- like we're fixing to take a lunch break. Run into a friend, family member or a friend or somebody that says, oh, gosh, you got picked on a jury, you know, what kind of case is it or who are the lawyers or who's the judge or just very politely tell them that the judge has instructed me I can not talk to anyone about anything involving the case while the case is going on.

Now, that prohibition, that instruction to you that you can't have any discussions among -- with anyone about the case also includes among yourselves. Do not have any discussion about anything involving the case among yourselves until the case is over. And then, when I say the case is over, that means until all of the evidence has been presented, the lawyers have presented to you their

closing arguments and I have given you the law and you have begun your deliberations. You will only discuss this case among yourselves when you begin your deliberations, which occurs at the end of this trial.

So, don't discuss, as you're coming and going, don't say well, gosh, didn't the judge look nice today. You know, don't discuss anything about the case until you begin your deliberations. That's the first one.

The second instruction to you is do not do any type of independent research or investigation.

Now, the reason I tell you that is because what you will be asked to do in this case is you have to reach a verdict. Your verdict has to be based solely on the evidence and information and law that I give you that you hear in this courtroom.

And I tell you do not do any type of independent research or investigation because we all have cellphones. We have Internet access. We're -- you're fixing to take a break and you've now heard a location. Do not get your curiosity up and say well, I'm gonna ride by that and take a look at it. Don't do that.

Don't pick up your phone and say well, I'm gonna Google, you know, a lawyer's name or, or a judge's name or something or I heard a word that was used in the courtroom by the judge or one of the lawyers and I just don't quite

understand it, I'm gonna look it up and pull the dictionary off the shelf and, and see what I can figure out how -- what it means, do not do that.

Allow your deliberations and the things that you discussed be based solely on the information you receive during the course of this trial and the law that I instruct you at the end of this, at the end of this trial.

Now, with those two instructions, we're gonna take a lunch break and you'll go shortly with the bailiffs and they're gonna show you the jury deliberation room, which you've already visited, and they're gonna show you how to come and go out of the building.

I'm gonna ask, if you would, to please be back in the jury deliberation room by 1:35. I'm looking at the clock on the wall. But you can look at your watches and sort of gauge where that is. And be back in the jury deliberate -- deliberation room by 1:35 and we will begin with receiving further testimony.

But, again, thank you for your service and work this morning. But you may go with the bailiff.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Okay. We're gonna take a, a lunch break.

If you would, if y'all have any special jury charges, shoot them to me. We're working on those. But we'll step

down until about 1:30, 1:35.

SOLICITOR SMITH: Thank you.

THE COURT: Thank you very much.

SOLICITOR SMITH: Thank you, Your Honor. Have a good lunch.

(WHEREUPON, Court was in recess for the lunch hour.)

THE COURT: All right. Anything before we bring the jury?

SOLICITOR SMITH: No, Your Honor.

MR. NMAIR: No.

THE COURT: Okay. Let's bring the jury in.

We're gonna email y'all the proposed verdict form and the jury charge.

SOLICITOR SMITH: Yes, sir.

MR. NMAIR: Yes, Your Honor.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Thank you, ladies and gentlemen.

Is the State ready to call their next witness?

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: Yes, sir.

SOLICITOR SMITH: The State calls Jonathan Wages.

THE COURT: Sir, just come right up here and let the Clerk of Court swear you in. She'll meet you right there at the corner of the witness stand.

JONATHAN WAGES, being first duly sworn, testified as follows:

THE COURT: Sir, just come around and have a seat in the chair and you see the green light on the microphone?

THE WITNESS: Yes, sir.

THE COURT: Speak toward that green light and that way we can be sure we're recording and picking up your voice.

Thank you, sir.

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Would you please introduce yourself to the jury?

A. Hi, I'm Jonathan Wages. I work for the Spartanburg County Sheriff's Office.

Q. All right. Deputy Wages, when, when did you start at the Spartanburg Sheriff's Office?

A. In April of 2021.

Q. All right. And do you have any prior law enforcement experience---

A. No, sir.

Q. ---before that?

Are you from Spartanburg?

A. No, sir.

Q. All right. What is your -- what have your roles been as a deputy with the Sheriff's Office?

A. Up until about a year ago I was on the uniform patrol division and then currently I'm on the Spartanburg County Sheriff's Office traffic division.
Q. Okay. So, back in November of 2023, you were on uniform patrol?
A. Correct.
Q. Will you explain to the jury what a -- the job duties of a uniform patrol officer are?
A. We primarily answer calls for service and clear scenes for investigators.
Q. All right. And a call for service would be if somebody calls 9-1-1 or I guess your non-emergency number --
A. Correct.
Q. -- asking for the police to come out?
A. Yes, sir.
Q. All right. So, you're the first people that respond and clear the scene?
That's making sure it's safe?
A. Yes, sir.
Q. All right. And then if somebody's shot, you call paramedics to come in and investigators come in later --
A. Correct.
Q. -- depending on the type of case?
A. Yes, sir.

Q. All right. Did you have occasion to respond to a shooting call over in kind of the Cedar Springs area on November 14th of 2023?
A. Yes, sir.
Q. What can you tell the jury about kind of when that happened and what the nature of the call was?
A. It had originally come out as a check the area I do believe for a suspicious person and then, while in route to it, it turned into a shooting that had just occurred.
We were given a description from the complainant that it was a male wearing a black hoodie with tan or khaki pants on that had shot from somewhere in the general vicinity of an orange tractor of the area of Cedar Springs Road and Huntington Drive.
Q. All right. And can you kind of explain to the jury how, how this process -- obviously you're not talking to these -- the 9-1-1 callers specifically, right?
A. Correct.
Q. Can you kind of explain the game of telephone that's going on that's giving you that information and you just --
A. Right.
Q. -- tell the jury?
A. The complainant winds up calling 9-1-1, which is your every average, average, every day citizen. They call

9-1-1. They give that information to a dispatcher. That dispatcher then relays that information to us, as law enforcement, over the radio.

Q. Okay. So, your understanding was you're looking for a, a male and you had a clothing description and that he was in the vicinity of an orange tractor?

A. Correct.

Q. All right. And, and you had an intersection.

Do you---

A. Correct.

Q. Where did you respond?

A. I responded to that intersection of Cedar Springs Road and Huntington, Huntington Drive.

Q. All right. You never had any interaction with the -- Mr. Jones and Mr. Smith, correct?

A. No, sir.

Q. All right. All of your investigation was focused on the Huntington Drive location?

A. Correct.

Q. All right. What did you see when you arrived at the Huntington Drive area?

A. When I first got there, I observed the piece of machine that was being described as a tractor sitting off the shoulder of the road. There's -- it's a really rural area. There's nothing else around there other than trees.

So, this had to be the piece of machine that he was talking about. That was my first initial observation.
Q. Okay. Did you step out of your vehicle after seeing that?
A. I did. I turned, I turned my cruise lights on to just our normal to steady blue lights and parked my car and got out and checked around the area to see if anybody was there.
Q. Okay. And did you end up encountering anybody?
A. I did. I encountered Mr. King.
Q. All right. And you just referenced -- is, is he sitting in the courtroom today?
A. Yes, sir.
Q. All right. Over here at the defense table?
A. Correct.
Q. All right. And did you have a body cam on while you -- basically as you responded to this -- arrived at the scene?
A. Yes, sir, upon arrival I did.
Q. All right. And I've got the sleeve here. I've got the disk already loaded.
But did you earlier watch State's Exhibit 22 earlier this morning?
A. Yes, sir.
Q. All right. And is that a copy of your body cam, your

interaction out on Huntington Drive---
A. Yes, sir.
Q. ---that night?
Your Honor, at this time, we would move State's 22 into evidence.
MR. NMAIR: No objection.
THE COURT: Without objection, be State's 22.
(WHEREUPON, State's Exhibit No. 22 was received into evidence at this time.)
Q. All right. And this location is in Spartanburg County, correct?
A. Correct.
SOLICITOR SMITH: Your Honor, at this time we would, would publish at least a portion of it. I might pause it and have him fill in.
THE COURT: Okay.
Q. While that's loading, can you explain how your body cam works as far as if there's no sound of -- at the beginning?
Can you explain that to the jury, how a body cam functions?
A. Body camera's normally, if they're in the ready position, which is not recording, but it is currently on, has a 30 second playback. The 30 seconds is no volume, and once you activate it, the 30 seconds kicks in. You

activate it and the 30 -- the volume comes with the video.
Q. So, it's basically like it's constantly recording a 30 second loop and then, when you hit it, the sounds starts and the video backs up to everything you've been looking at for the last 30 seconds?
A. Correct.
SOLICITOR SMITH: All right. Tanya, is it --.
Okay. There we go.
(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)
Q. All right. This, this is Mr. King?
A. That's correct.
SOLICITOR SMITH: I'm gonna replay it cause it's choppy. But --.
(WHEREUPON, another portion of State's Exhibit No. 22 was played for the jury at this time.)
Q. All right. I'm gonna pause it there at two minutes eight seconds.
Do you notice anything about Mr. King -- you didn't know him prior to this incident I'm assuming?
A. No, sir.
Q. Did you notice anything about his behavior, his speech with your initial interaction with him?
A. As soon as he started talking to me, he reeked of alcohol --

Q. Okay.
A. -- as well as his speech was slurry. He had red watery eyes. All the common signs of intoxication.
Q. And I -- where I just paused it, what are you doing at this point?
A. At this point I'm just looking around the machine to see if I see anything that alarms me that needed -- this person needs to be detained or anything that way and searching for firearms.
Q. And the initial pat down that you did of him, it was very brief, what, what were you doing there?
A. Just making sure he didn't have any firearms concealed in his waistband or his pockets that was gonna potentially harm any of us at the time.
Q. And there was nothing --
A. No, sir.
Q. -- there?
(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)
Q. What, what are you telling that other officer to do there?
A. That's to detain him.
Q. Okay. And obviously the jury saw, but what did you see that caused you to detain Mr. King?
A. At that time, when I walked around the front, stuffed

in-between the hoses there, there's a -- appears to be a semiautomatic firearm with a scope with the same flashlight and laser attachments that was just described to us.

(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)

Q. Do you know what conversation you're having there where you, you said yesterday yes, sir and then that it do?

Do you know what was going on there?

A. That was another deputy that was out with these gentlemen. He had asked me if it had the flashlight and laser attachment on it.

Q. Okay. So, you're communicating with another officer who's out with Mr. Smith and Mr. Jones?

A. Correct.

Q. All right. And did you use the laser or you're just looking at it?

A. I'm just looking at the attachment. I didn't modify it---

Q. Okay.

A. ---in any kind of way.

Q. Okay. But I guess it wasn't actively on.

You're pointing at the---

A. No, sir.

Q. ---scope.

(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)

Q. And is this area that -- was what you're looking at?

A. Correct.

Q. Kind of the front of the gun on top of the rail?

A. Yes, sir.

(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)

Q. All right. At, at this point, were you, were you able to figure out who the individual that you've interacted with was?

A. Not at this time. All I knew was that he had said his parents lived up the street. We hadn't identified him positively---

Q. Okay.

A. ---at this time.

Q. There was some discussions. In sounded like he didn't have an ID with him.

Is that correct?

A. He had originally told me it was at the house but that he didn't have it on him.

Q. Okay.

A. Said that it was not---

Q. And then up unto this point---

A. ---with him.
Q. ---did he -- had he told you what his name was?
A. I don't believe so.
Q. Okay. You -- I think you just said something about failure to identify or something.
A. (WHEREUPON, the witness nods affirmatively.)
Q. Okay. Ultimately, another officer came out and photographed this and, and brought it to evidence. But I'm gonna show you State's 21.

Ask if you can take a look at it. Don't show it to the jury and if you can identify what it is.

A. That's the firearm that we just seen in the video that we collected.
Q. All right. The one that you pulled out of the excavator?
A. Correct.

SOLICITOR SMITH: Your Honor, at this time we'd move State's 21 into evidence.

MR. NMAIR: No objection.

THE COURT: Without objection, be State's 21.

(WHEREUPON, State's Exhibit No. 21 was received into evidence at this time.)

Q. You want to hold the -- you want to hold the gun?

Just -- he's not gonna point it at anybody.

THE COURT: Yeah.

SOLICITOR SMITH: Okay.

THE COURT: Ladies and gentlemen, we have taken some safety precautions. So, as he moves the gun around, don't fear.

THE WITNESS: This along with the magazine, it goes---

THE COURT: Officer, remember we're recording it. I'll need you to speak --.

THE WITNESS: Okay.

THE COURT: Really speak up. You don't have to -- if you step away from the mic, just really raise your voice.

A. It's this along with the magazine that goes inside here. I'm not proficient enough to put it back together. But that goes in the middle there and it collapses on top of it.

Q. All right. And do you recall -- you can put it back up.

Do you recall whether it was loaded?

I mean was there still ammunition in it?

A. There was ammunition in it at the time. Like I said, I wasn't -- I had never dealt with any firearm of this such before. So, I couldn't tear it apart on the side of the road. But once the ID person who collected it come about and they wind up getting it open, it was loaded.

Q. Put this up.

(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)

Q. All right. You recovered a second firearm in that portion of the video we watched?

A. That's correct.

Q. All right. And that was up kind of by the bucket area of---

A. Yes, sir.

Q. ---the excavator?

I'm gonna show you State's 20 and ask if you can identify what that is.

A. That's the second firearm that I recovered in the most recent part of the video.

SOLICITOR SMITH: All right. Your Honor, at this time we'd moved State's 20 into evidence.

MR. NMAIR: No objection.

THE COURT: Without objection, be State's 20.

(WHEREUPON, State's Exhibit No. 20 was received into evidence at this time.)

Q. Okay. And it, it appeared to you, you took the magazine out, there were still bullets in it and also one was in the chamber.

Is that correct?

A. That's correct.

Q. All right. You're more familiar with this type of

firearm?
A. Yes.
Q. All right. Other than, than clearing that one and then just collecting others, you didn't do anything further with those guns, did you?
A. That's correct.
Q. Now, I'm gonna hand you State's 13 through 18 and ask -- we'll do 13 through 17 and ask if you can tell me what these are pictures of.
A. These are all pictures of the first firearm that we collected.
Q. All right. As it appeared that night?
A. That's correct.
SOLICITOR SMITH: Your Honor, at this time we'd move 13 through 17 into evidence.
MR. NMAIR: No objection.
THE COURT: Without objection, be 13 through 17.
(WHEREUPON, State's Exhibit Nos. 13 through 17 were received into evidence at this time.)
Q. All right. This is State's 18.
Can you tell the jury what -- what's in State's 18?
A. This is a picture of the piece of equipment as well as the surrounding area.
Q. All right. That's what it looked like when you were out there that night?

A. That's correct.

SOLICITOR SMITH: Your Honor, at this time we'd move State's 18 into evidence.

MR. NMAIR: No objection.

THE COURT: Without objection, be State's 18.

(WHEREUPON, State's Exhibit No. 18 was received into evidence at this time.)

Q. Do you remember -- did you get any information from the victims about anything else other than a clothing description or other items to look for?

A. I don't recall any. I never had direct contact with the victims. I was only getting information through the deputy that was speaking with them.

Q. Okay. So you had the clothing description and you had the, the flashlight and the beam at least?

A. (WHEREUPON, the witness nods affirmatively.)

Q. Do you remember anything about a white bag?

A. There was mention of a white bags (sic) --

Q. Okay.

A. -- appearing to be a Zaxby's bag.

Q. All right. Did you find a, a Zaxby's bag up there?

A. I did not.

Q. Okay. Did you find a white bag out there?

A. I did.

Q. All right. Did you collect that?

A. I did not.
Q. All right. But we saw it on your body cam there kind of behind the area that you first met with Mr. King?
A. That's correct. Right there at the tree.
Q. All right. We got the gun in evidence. So this is State's 13.
So, this is the magazine that kind of goes in-between those two parts that you folded.
Is that right?
A. Correct.
Q. And these blue tips -- the tip of the, the ammunition, right?
A. Correct.
Q. Okay. This is State's 14, State's 15, 16, 17. This is State's 18.
Is that the white bag you're talking about here to the left of the, the tracks of the excavator?
A. That's correct.
Q. All right. When y'all are kind of looking around, what are y'all looking around for on the ground?
A. The -- looking for any spent shell casings.
Q. Okay. Were you able to find any?
A. No.
Q. Were any other officers able to find any?
A. No.

Q. Do you -- did you find out -- I guess presumably that gun shoots out the ammunition, like most guns do, other than revolvers?
A. I know that the pistol does. I still -- I'm unaware about the other one.
Q. Okay. You didn't find any spent shell casings in the, the magazine --
A. No.
Q. -- I suppose?
All right. Is it, is it possible y'all missed them?
A. Yes.
Q. What could of contributed to that?
A. It's November. The leaves have already fell as well as it's November. Nobody's cut their grass and the grass is thick and the leaves are thick as well.
Q. Okay. And it's dark?
A. That's correct.
Q. All right. But y'all tried?
A. Yes.
Q. And I guess you did the -- whatever area that we watched around the excavator is the area that you searched?
A. Correct.
Q. All right. We'll play the rest of the video.
(WHEREUPON, the remaining portion of State's Exhibit

No. 22 was played for the jury at this time.)
Q. All right. Was that like a younger deputy there that was with you?
A. Yes, he was in training. It was -- I think it was his first week.
Q. All right. So, you were trying to see if he could get the guy's name?
A. Correct.
Q. And he ultimately identified himself as Joseph King?
A. Correct.
Q. All right. Did you find any bullet fragments or fired bullets themselves?
Not the casings.
Did you find anything other than the two guns that we---
A. No, sir.
Q. ---saw?
All right. And, in, in this case, you did call for investigations to come out and assist you?
A. So, the process for that at the time was we notified our supervisor and our supervisor made that call.
Q. Okay. So, your patrol supervisor you contact and then they determine whether to --?
A. (WHEREUPON, the witness nods affirmatively.)
Q. And do you know if, if an investigator was called

about this?
A. Yes, we had been notified that the investigator was on the way out.
Q. All right. And, at that point, are you basically done as far as your part of the investigation?
A. Yes, sir, we're just standing by waiting on the investigator to get there.
Q. Okay. All right. Please answer any questions defense may have.

CROSS-EXAMINATION

BY MR. NMAIR:

Q. Deputy Wages, you were one of the first officers on the scene, correct?
A. Yes, sir.
Q. Now, you weren't alone.
You had Deputy Anderson with you as well, right?
A. Correct.
Q. And you were the one training Deputy Anderson?
A. Correct.
Q. Shortly after you and Deputy Anderson arrived, there's a third officer who arrives.
That would actually end up being Deputy Alexander, correct --
A. Correct.
Q. -- who is the, the, the larger set guy who says that

there's the second, second gun or something to that effect, correct?
A. Correct.
Q. Is Deputy Anderson or Deputy Alexander here in the courtroom?
A. No, sir.
Q. But they were on scene?
A. Correct.
Q. You, of course, have your body camera on. That is an important part of policy as -- at this time you're a patrol deputy, right?
A. Correct.
Q. So, that would be part of your policy is to have that body cam on, correct?
A. Correct.
Q. Are Deputy Anderson and Deputy Alexander also patrol deputies at this time?
A. They are.
Q. So, they had body cams as well?
A. They should, yes, sir.
Q. In fact, Deputy Anderson, on the video, kind of points his body cam and says I should -- should I turn this on or keep it off -- turn it off or keep it on and you say keep it on, right?
A. Correct.

Q. So his body cam should be running --
A. Correct.
Q. -- right?
Okay. Now, when you first arrive on the scene, you see who you ultimately find out is Mr. King and you, off the bat, you're asking him about any firearms that he has. You're asking him about the gray truck, right?
A. (WHEREUPON, the witness nods affirmatively.
Q. And he is answering your questions.
Is that correct?
A. Correct.
Q. He -- you asked does he have any firearms. He tells you I have some. You asked where they're at. He say (sic) they're in the house. You want a little bit of clarification.
So you ask him more specific question (sic), right?
A. Correct.
Q. And then that specific question is do you have any out here, correct?
A. Right.
Q. And he tells you exactly where it is, correct?
A. He tells me there's one in the piece---
Q. And he---
A. ---of equipment?
Q. ---tells you it's in the excavator, right?

A. Right.
Q. And then you go behind the excavator and you find the gun, correct?
A. (WHEREUPON, the witness nods affirmatively.)
Q. Now, you've kind of been consistent, I think, in your testimony here about the firearm. You don't know how to work the thing. You really don't know what you're looking at in -- insomuch in the body cam that you even say to dispatch when you're asking them to run, I presume, the serial number?
A. Correct.
Q. You're saying I have, and I quote, "some type of gun out here."
Is that right?
A. Correct.
Q. So you're kind of confused on what that gun may actually be?
A. Correct. As far as the --.
Q. In, in terms of classification---
A. Correct.
Q. ---right?
Now, ultimately, you testified you don't mess with the gun, right, outside of just handling it?
A. Correct.
Q. You don't try to remove the magazine from the gun?

A. We -- I looked at it to see if I could and then realized quickly I didn't know how.
Q. You couldn't figure it out?
A. No.
Q. You notice that there was a scope?
A. (WHEREUPON, the witness nods affirmatively.)
Q. And, and, for the record, Deputy Wages, if you wouldn't mind, just kind of answer out loud --
A. That -- correct.
Q. -- so the court reporter can take down your testimony.
You notice the scope. You notice the flashlight.
A. Correct.
Q. Do you turn on the flashlight?
A. I did not.
Q. You notice the laser?
A. Correct.
Q. Did you turn on the laser?
A. I did not.
Q. You tell, I believe to be Deputy Alexander, they describe it to a tee, correct?
A. Correct.
Q. Now, I'm, I'm presuming, in that regards, what they're talking about is they're describing a pistol, correct?

A. It's a firearm.
Q. Firearm.
A. Yes, sir.
Q. Okay. With a flashlight, right?
A. And a laser.
Q. And a laser.
Okay. Now, you say they described it to a tee once -- but you don't turn on the laser at all, correct?
A. Correct.
Q. So, in that moment when you're saying they describe it to a tee, you don't actually know what the color of the laser is at that time, correct?
A. Correct.
Q. Okay. Now, you write a report as you're required to do, correct?
A. Correct.
Q. And so, in that report, the purpose of that report generally is -- it is, in a way, to refresh your recollection, correct?
A. Correct.
Q. This case was November almost two years ago. That's a, that's a long time. I barely remember yesterday. So, God forbid actually remembering almost two years ago.
And so what you use to refresh your memory is you use your report as well as your body camera, right?

A. Correct.
Q. And then, in that report when you're writing it, you are focusing on, one, that it's truthful, right?
A. Correct.
Q. And, two, that it's accurate, right?
A. Correct.
Q. You're also making sure that you write down whatever important pertinent information that you find during the course of your investigation, correct?
A. Correct.
Q. And so it's very important that, when you write down -- when you write your report, you're not leaving out -- you're not skimping on, on the important details, correct?
A. Correct.
Q. When you write your report, you indicate, as you approach the intersection, you saw what ultimately is Mr. King come out from the excavator. And, in your report, you specifically mention the fact that Mr. King tells you that, at 1:00AM the night before, the neighbor texted him and talked to him about gunshots, correct?
A. Correct.
Q. Now, in your body camera, it picks up that Mr. King clarifies his statements and says well, actually 1:00AM this morning, right?

A. I don't recall that.
Q. You don't recall that?
A. No, sir.
Q. Okay. If we can just replay your body cam at that port -- portion where Mr. King actually states that where you -- that can be heard.
We'll see if you want to be kind to me today. My computer is not going.
(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)
Q. So, as you're walking up to Mr. King after recovering the gun, he says, in your body cam, I can show you the texts. Me and the neighbor were texting talking about at 1:00AM this morning.
He clarifies this morning, correct?
A. That was to another deputy. That wasn't directed at me. So --.
Q. Right.
But your body cam picks it up, right?
A. Correct.
Q. And that was submitted into evidence, correct?
A. Correct.
Q. And so, in your body cam, it catches the fact that Mr. King is, is stating that it was 1:00AM this morning, right?

A. Correct.
Q. And he is talking about text with the neighbor, correct?
A. Correct.
Q. Now, part of your job, obviously you talk to Mr. King.
That is part of your role as the officer, correct?
A. Correct.
Q. Part of your role as the officer is also to potentially interview any other possible witnesses, correct?
A. Correct.
Q. Any other possible suspects, right?
A. Correct.
Q. The complainants about the matter that you're there for, right?
A. (WHEREUPON, the witness nods affirmatively.)
Q. Now, of course---
A. Yes, sir.
Q. ---at this point, Mr. Smith and Mr. Young are gone, right?
So you can't interview them. You're there specifically to respond to the incident.
But he tells you that he was texting a neighbor on Nottingham, which is the, the road behind, right?

You just go down the road a little bit.

It's gonna be that first road on your left, correct?

A. Correct.

Q. That he's texting a neighbor there about shots, correct?

A. Correct.

Q. Did you -- you didn't collect the bag, right?

A. Right.

Q. You did help collect the firearms though, right?

A. Yes.

Q. Did you collect Mr. King's phone?

A. No.

Q. Did you collect the text messages?

A. No.

Q. Did you ever view the text messages?

A. No.

Q. Okay. You also mentioned that -- in your report, you mentioned that, due to the leaves, it's a little bit difficult for -- to find the shell casings, right?

A. That's correct.

Q. You also talk about it's November. Nobody cuts their grass.

Right?

A. Correct.

Q. Also, in November, the grass dies, right?

A. Some of it depending on the type, yes.
Q. Now, in your body cam, what you're doing is you're standing with your flashlight and you are just looking around, correct?
A. That's correct.
Q. Initially, at least according to your body cam, you, you think you might be searching in the wrong area, right?
A. That's correct.
Q. Where do you go?
Where do you believe the correct area of the search for the spent shell casings would be?
A. It was up here at the top of the excavator was what I was relayed from the other deputy that was out with them. He had told me that it was a little bit further up.
Q. Uh-huh. (Affirmative).
A. I'd been looking down towards the bottom and we just adjusted our area.
Q. Okay. So, if you're facing the excavator from the road, okay, you're looking from the left side, right?
A. Correct.
Q. Up towards the top?
A. (WHEREUPON, the witness nods affirmatively.)
Q. Okay.
A. Yes, sir.
Q. And so that means, if you're looking from the road,

this is the tree and this is ex -- excavator, you'd be looking back here, right?

And it may be you're doing it --

A. Yeah.

Q. -- where this is actually the excavator and we'll say this piece of paper is the tree, right?

A. Okay.

Q. This is the tree. This is the excavator.

This is where you're suppose to be searching, correct?

A. It's a little bit off to the left between the excavator and the single tree that was there.

Q. So, a little bit about right here if the tree's a little bit off to the side here?

A. Right.

Q. If the tree's this microphone, you'd go up to the left there---

A. Correct.

Q. ---somewhere between there?

But towards the back of the excavator, right?

A. Correct.

Q. Okay. At no point do you try to kinda go down and feel for it, right?

You don't kneel, kneel over and try to touch the grass and try to touch the leaves or manipulate the leaves

in any way to see if you can get any tactile feel for what would be a bullet, right?
A. No.
Q. Okay. The Sheriff's Office has certain tools to help you find evidence, right?
Recover evidence or track evidence.
Is that right?
A. That's not in my description at the time. That would of been under the investigation division.
Q. So, you wouldn't have any ability to use any of those resources, right?
That's not your call?
A. Right.
Q. Okay. So, it's strictly on the investigator to make some of those decisions?
A. Yes, sir.
Q. Okay. Now, you talk about -- there's -- there was -- there's testimony about finding a bag, right?
Previously it was testified by Mr. Smith that it was a Zaxby's bag, to go bag.
Now, you see a white bag but it's not a Zaxby's bag as Mr. Smith testified, was it?
A. No.
Q. Okay. Now, you previously testified that your report has to be truthful, right?

A. (WHEREUPON, the witness nods affirmatively.)
Q. Accurate, right?
A. Correct.
Q. And contain all the pertinent details from your investigation, correct?
A. Correct.
Q. In your report, do you recall ever mentioning the white bag?
A. I don't recall---
Q. And if you need to---
A. ---whether I put it in there or not.
Q. If you need help, I have your, your report here that you can take some time and refresh and read through if you need it.
A. If you'd got it, I'd like to see it.
Q. Okay. I mean if you're gonna take my word for it, I'll tell you it's not on here, right?
A. Okay.
Q. You leave that part out, right?
A. Presumably.
Q. Presumably.
Okay. And you're, you're free to --
A. No.
Q. -- verify it?
Okay. So, you don't mention the white bag. You

don't explore the texts. You don't find -- right?
You don't explore the texts?
A. Again, that's an investigations --.
Q. Okay. Well, your, your job included questioning possible witnesses, right?
A. Once investigations is called, that's their call to make.
Q. So, you're hands -- you're hands off?
A. Correct.
Q. Okay. At this point was investigations called?
A. Yes.
Q. So, when you're walking by Mr. King and he says me and a neighbor are talking about 1:00AM this morning on Nottingham, you've already called the investigator?
A. I hadn't. The patrol sergeant had.
Q. Okay. Who was the patrol sergeant?
A. That would be Sergeant Copeland.
Q. Sergeant Copeland.
Was he present on scene?
A. He was present at the other with the victims I do believe.
Q. With the victims.
Okay. Now, you arrive around 1:18 or so?
A. (WHEREUPON, the witness nods affirmatively.)
Q. How quickly do you think you arrive to the scene?

A. I'm not sure. I'm -- it wasn't, it wasn't a delayed response.
Q. Uh-huh. (Affirmative).
A. To wherever I was from, I went straight there. But I couldn't give you an exact timeframe.
Q. Couldn't give an exact timeframe?
A. No, sir.
Q. But you get there around 1:18, correct?
A. Correct.
Q. You get the call from dispatch.
You're not sure what time you get that call from dispatch?
A. That's correct.
Q. Okay. Within two minutes you find the gun, correct?
A. Correct.
Q. And some of that information that you're getting and some of what that -- what the testimony has been is that there were four shots fired, right?
A. I didn't know how many shots---
Q. You didn't know---
A. ---had been fired.
Q. You didn't know how many shots were fired?
A. No.
Q. But you knew the gun was fired, correct?
A. Correct.

Q. When you shoot a gun, what happens to it in terms of the barrel?

It heats up, right?

A. Correct.

Q. Very quickly you find it and that day it was cold, right?

A. That's correct.

Q. You try to touch the barrel.

Do you feel any heat?

A. No, cause I'm not gonna leave my fingerprints on it when it's open for investigations.

Q. Well, you're wearing gloves, right?

A. That's correct.

Q. Okay. And gloves are supposed to protect from leaving fingerprints on it -- any potential evidence, right?

A. Yes.

Q. But you---

A. They also protect from heat.

Q. Okay. But you -- so, you're saying you couldn't even tell the difference between hot and cold with those gloves on?

A. That's correct.

MR. NMAIR: Okay. No further questions, Your Honor.

THE COURT: Any redirect limited to what he went

into?

REDIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. DO you know if, if Mr. King had a phone when you patted him down?

A. It did not appear so.

Q. All right. And what does he tell you at the very beginning before this comment to the other deputy as far as the shooting?

You want me to play it?

A. Yeah, if you don't mind.

Q. Okay. This is State's 22.

Flip it over.

(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)

Q. What does it look like's in his left pocket?

Can you see that?

(WHEREUPON, a portion of State's Exhibit No. 22 was played for the jury at this time.)

A. It looks like some rectangle object.

Q. I'm sorry?

A. It looks like some kind of -- what appeared to be a phone.

Q. Okay.

(WHEREUPON, a portion of State's Exhibit No. 22 was

played for the jury at this time.)
Q. All right. So, when is -- in, in this conversation, when is he referring to another shooting happening?
A. It would be---
Q. Do you---
A. ---the previous night he was referring to.
Q. Okay. And this, this is, is just crossed over into a new day, but what was your understanding about this initial interaction?
Was he talking about 19 minutes ago or --?
A. He was talking about 24 hours ago.
Q. Okay. That -- that's all I have. Thank you.
THE COURT: Thank you, sir. You may step down.
Any reason why the witness can not be excused?
SOLICITOR SMITH: No, Your Honor.
MR. NMAIR: No, Your Honor.
THE COURT: Thank you, sir. You may be excused if you would like.
Lawyers approach a second.
(WHEREUPON, a bench conference was held out of the hearing of the jury at this time.)
THE COURT: All right. Ladies and gentlemen, we're gonna take a short recess. Let you use the, use the restroom, stretch your legs just for a moment.
Need to remind you do not have any discussions among

yourselves about anything involving the case and don't do any type of research. But we'll get you back just shortly. Just retire with the bailiff to the jury deliberation room.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: All right. We'll step down just for a minute. We'll come right back.

SOLICITOR SMITH: Thank you.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: All right. All right. I believe that we're now ready to resume.

So, I'll ask the bailiffs to bring the jury in.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Thank you, ladies and gentlemen.

Is the State ready to call their next witness?

SOLICITOR SMITH: Yes, Your Honor.

The State calls Investigator Brad James.

THE COURT: Sir, just come right up here and let the Clerk of Court swear you in.

THE WITNESS: Yes, sir.

BRAD JAMES, being first duly sworn, testified as follows:

THE COURT: Come around and have a seat in the chair

and, if you would, notice the green light on the microphone, speak towards that green light so that we can be sure that we're -- hear you and picking up your voice.

THE WITNESS: Yes, sir.

THE COURT: Thank you.

DIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Will you please introduce yourself to the jury?

A. I'm Deputy Brad James, Spartanburg County Sheriff's Office.

Q. All right. And, Deputy James, how long have you been at the Spartanburg County Sheriff's Office?

A. Since 2009.

Q. All right. And did you have other law enforcement experience prior to that?

A. Yes, sir, I started in law enforcement in 2003 at the City of Spartanburg.

Q. All right. That's your total, from '03 to -- I guess that's 22 years now?

A. Yes, sir.

Q. That's your -- all of your experience in law enforcement?

A. Yes, sir.

Q. All right. What were you doing -- and then I'm assuming you've done uniform patrol?

Probably done it all at this point.
A. (WHEREUPON, the witness nods affirmatively.)
Q. But you've worked in investigations for a number of years, correct?
A. Yes, sir, since 2022.
Q. All right. And, in November of 2023, what was your role at the Sheriff's Office?
A. I'm a, then and still now, assigned to the gang unit. We investigate all what they call driveby shootings where anytime a house is struck by rounds or a vehicle is struck by rounds we get notified. And we have like an on call list.
So, even if we're not currently at the job working that day, if it's in the middle of the night, they call our phone, wake us up, and we have to come in and start the investigation from there.
Q. Okay. That doesn't necessarily necessitate -- just for this case.
There's not necessarily like gang involvement or something?
It's just a shooting call makes you come out?
A. No, sir.
So, it's not always gang related. That's just the assignment of the cases that we work is when a residence is struck or a car is struck. They consider that the --

out -- you'll have property crimes where they work all the property crimes. That's just kind of the thing that we work is when a residence or a car or something like that is struck by a round.

Q. Okay. And so you're on call.

What does that mean?

You're at home sleeping and you get a call?

A. Yes, sir, we have a rotational basis. There's four people in our unit.

So, once every four weeks we're on call from Monday morning at eight o'clock til the very next Monday at 8:00AM. So, if a call comes in at one o'clock in the morning, they look and see whoever is on call and they call that person, wake that person up. They have to get dressed and they come to the scene and start the investigation from there.

Q. Okay. So you're not driving around in a car and somebody tells you to come when you get this call?

A. No, sir, I'm not.

Q. All right. And were you equipped with a body cam in that role as an investigator and being on call?

A. Yes, sir, we are equipped with body cams. But our body cams generally don't come on where we're out on an investigation such as that because the scene has already been secured and, honestly, it's generally 45 minutes

before we get there from the time -- the actual time they got the 9-1-1 call.

So, I'd -- be honest with you, that night I had on a hoodie cause it was cold and a pair of BDU pants and my gun and duty belt.

Q. Okay. So, you did not create a body cam from any of the, the activities you did in relation to this case?

A. No, sir, I did not.

Q. All right. Where did you first respond as you -- in your investigation of this case?

A. Let me look at the exact address. I responded to the location that both of the victims were at. I think it was Long Shore Way. 1065 Long Shore Way.

Q. Okay. And that's kind of -- if you take a right off of Cedar Springs and go down Carolina Country Club, it's that community right there, a relatively new community?

A. Yes, sir, it is.

Q. All right. And did you meet with Mr. Jones and Mr. Smith?

A. Yes, sir, I did.

Q. All right. Did you look at the vehicle that they had been in?

A. I did.

Q. All right. Were you able to see the damage that we've seen in some of the pictures that have already been

admitted into evidence?
A. Yes, sir, the pictures are consistent with what I seen when I arrived on scene.
Q. All right. And did they speak freely with you?
A. Yes, they did.
Q. And they ultimately ended up filling out written statements as well---
A. Yes, they did.
Q. ---as part of the investigation?
A. I'm sorry.
Yes, they did.
Q. Do you remember -- were they evasive about any questions that you asked them?
A. Absolutely not. They were eager to tell their side of the story because they both seemed still frazzled from the incident and both still a little all -- say hyped up but a little -- more elevated than normal due to the fact of what they were saying had just happened.
Q. All right. And obviously they've already testified.
But you gathered whatever information they had from both the 9-1-1 call, the initial complaint, and what they told you and what they put in their written statements, correct?
A. Yes, sir, I did.
Q. All right. And then where did you respond after

meeting with Mr. Jones and Mr. Smith?
A. After I left there I responded over to where I was advised by uniform patrol at the -- I think it's Huntington Way and is it Carolina Country Club -- to the other intersection where they said that the other half of the incident was that they had detained.
Q. All right. And at this point they've already detained Mr. King by the time that you've arrived there?
He's already in the back of a car?
A. Yes, sir, when I pulled up, he was in the back seat of the patrol car in handcuffs.
Q. All right. And the two guns that have been entered into evidence, they've already been found and they're basically resting on the deputy's hood of his vehicle?
A. Yes, sir, they were -- they were already secured and the scene was secure.
Q. Okay. What did you do when you got to the scene at Huntington Drive and Cedar Springs Drive?
A. Initially I walked up and just to get an overview of the -- where everything is laid out, where the tractor was, where everybody said everybody was, I spoke to the deputy on scene.
They advised me that -- where they had come in contact with Mr. King. They advised me and showed me where they had located the two firearms that were now

secured. They advised me that they had checked the area for shell casings. Hadn't located any shell casings.

And then I went to the patrol car to speak to Mr. King who was in the back seat of -- I'm not sure whose patrol car it was. But it was one of the black and white marked patrol cars.

Q. Okay. And let me back up. I left something out.

Were -- there was a ID officer, a forensic officer, that came out and photographed the, the victim's vehicle.

That's the pictures that have already been admitted, correct?

A. Yes, sir, they did.

Q. Did he recover any bullet fragments or bullet cores or any other fancy word for a bullet, a fired bullet during his investigation?

A. No, sir, they -- based on the damage to the vehicle, we weren't able to -- I was there while he processed the vehicle. But we weren't able to find a bullet fragment. You could see the holes. But there's no telling how deep it penetrated without tearing the vehicle up to get to wherever the bullet fragment had ended up and causing more damage to the vehicle.

You could just see the damage. But you couldn't actually find that bullet.

Q. But you collected photographs and nothing else?

A. Yes, sir.
Q. All right. And so you have Mr. King. You find him detained in the back of a patrol car.
What do you -- did you speak with him?
A. Yes, sir, I did.
Q. All right. And did you also check out the two firearms I guess prior to speaking with him?
A. Yes, sir, that was one of a kind of getting the lay of the land as far as -- I say lay of the land. But getting all the information that I could before I sit down to talk to him. Looked at the two firearms that had been recovered, which were the two that they were showing earlier.
Q. All right. We'll start with State's 20.
I know Deputy, Deputy Wages said he didn't really mess with the gun and mess with the lasers but you did, correct?
A. Yes. Yes, sir. Sorry.
Q. All right. What did you notice, if anything, about State's 20?
THE WITNESS: If I may pull it out so I can --?
THE COURT: Yes, sir.
A. So, my initial notice was that, if you see the front of it right there, there's a built in it. It's a laser. These guns have a built in laser. You can't like add it

to it or take it off. It's the way it's manufactured. It comes from the manufacturer that way.

That's the first thing I noticed when I see this pistol.

Q. Did you try to activate the laser to see if it worked?

A. I did.

Q. And were you able to get it to work?

A. I am.

Q. All right. Can you show the jury?

I guess -- I don't know where we decided. Somewhere where we're not pointing at---

THE WITNESS: Can I step down so I can shine it on the wall?

It's not towards anyone or---

THE COURT: Yeah, don't point it at anybody.

THE WITNESS: That's what I was gon'---

THE COURT: Yes, sir.

THE WITNESS: Just so I can move over this so it's not --.

(WHEREUPON, the witness comes down from the stand.)

A. To activate the laser, there's a small button on the front of the grip right here where your hand goes, a small button at the front, and when you press the button, you can see the -- I'm sorry. I'm trying to get out of

y'all's way so you can see it.

You can see the green laser comes on when you push the button, and when you turn loose of the button, it goes off. So, it's not a steady state. It only comes on when you squeeze the grip. There it goes.

Q. So it's like pressure activated?

A. Yes, sir.

It's not an on/off switch. You only can get it to go when you put pressure on it, and the minute you -- they release pressure, it goes back off.

Q. All right. I'll let you go back and get in front of the mic.

A. (WHEREUPON, the witness returns to the stand.)

Q. All right. And is, is that, the color of that laser, consistent with the information that you had received as a part of your investigation?

A. Yes, sir, that's what I was advised when I talked to the two victims on the scene originally before I come to that location was that it was a -- they called it a beam, which is a slang term for a laser on weapon.

Q. All right. Okay. That does not have a flashlight though---

A. No, sir.

Q. ---correct?

A. It does not.

Q. All right. I'll swap you. This is State's 21.
Did you end up --.
A. If I may stand up I guess?
Q. Yeah, just don't --.
A. As long as I use a loud voice.
THE COURT: Yes, sir.
THE WITNESS: Yes, sir.
THE COURT: You're doing fine with your loud voice. Continue doing that.
THE WITNESS: Thank you, sir.
Q. Yes, sir.
A. Sorry.
Yeah. So, this is the other weapon that they pulled out earlier. I'll go into a little more detail. I'm a little more comfortable with it.
It also -- it collapses over. The magazine goes in the center in this hollowed out area right here which is the way it feeds the rounds up into the barrel, which is in the top half up here. If you'll look, it has a four grip. It has a scope on the top of it. It has a red dot sight that only you see if you look through the glass that is in the front of it.
So, it doesn't project a red dot forward. You only see it if you look through the red -- basically the glass that floats in the glass and you put that red dot on

whatever to fire at it. So, you won't see anything moving out of the weapon for that.

Also, up on the top, you have -- am I able to go over and show --?

THE COURT: Yes, sir.

A. On the top you have an attachment as you see here, which has a flashlight and a laser built into it. You can turn either on or you can turn both on at the same time.

To turn the flashlight on, it's hard to see. You can see it on the bottom of this dresser or not dresser. But the desk right here. You can see on my hand that it has the -- the flashlight is on.

And then, on the top, you press a button on the top and this one actually has the laser where it stays on if you push the button. It basically has an on/off switch. I'll put it on the wall just to make it easier for y'all to see.

It has an on/off switch so you can turn it on and leave it on or you can turn it back off. But you don't have to keep pressure on it like the other one to maintain the laser being on.

And this is the magazine that I was referring to that sits down in the top of it and basically that void -- through the natural void through the center of it, the magazine sits down in it and it, and it feeds down from

the magazine.

(WHEREUPON, the witness returns to the stand.)

Q. Do, do you know if, if this would expel a -- the casing, if it would shoot a round?

A. Yes, sir, it does.

Q. All right. And do know the caliber of, of what this is?

A. Yes, sir, it should be a 5-7.

Q. A 5-7?

A. Or 5.7. I'm sorry.

Q. All right. Now, does this -- is this constitute -- is this a pistol or a rifle?

A. It's sold as a pistol.

Q. Okay. But it looks like a rifle?

A. Yes, sir.

Q. All right. Do you -- are you familiar with the 5.7 round?

A. I am.

Q. All right. In, in terms of ammunition that, that people use, what would you classify it as size wise?

A. This is a high caliber round. It's gon' probably penetrate pretty well.

Q. Okay. It's not as big as like or, width wise, it's not like a .40 or a .45 caliber bigger pistol rounds?

A. No, sir, it's not as big. But the shape and the way

it's made, it penetrates more so than a bigger round.
Q. Okay. I'm gonna put it up on the ELMO here.
Okay. I don't know how much all the jury knows about guns.
But describe to the jury what part would get expelled out and left as what, you know, either called a cartridge casing or a shell or --?
A. So, if you see -- if you, if you look from the bottom up, as it goes up and it tapers down, just past where it tapers down, you'll see the line across the top of the -- between where the blue tip is.
From the line that goes across horizontally, from there up is what's going to expel out of the shell casing and travel forward.
The bottom part down from that line is what is gon' be the spent shell casing, which is gon' be what is ejected from the pistol or whatever it's shot from, and the top half where the blue dot is what's going to expel through the barrel and travel down range wherever you're pointing it at.
Q. So, kind of just color distinction of more---
A. Just below the color distinction where it has that horizontal line across it is -- from there up is the actual bullet. They's a little bit more of it down inside of the, the actual shell casing, which obviously has to be

so that it stays in there.
Q. Yeah.
All right. And there was -- this ammo that's in this bag was, was in the magazine when, when y'all dealt with it, correct?
A. Yes, sir. I think I have documented in my narrative how many rounds were still in the magazine and as well as one in the chamber.
Q. Okay. Essentially, the firearm is in a condition, if you pull the trigger, it would, it would shoot a round?
A. Yes, sir, it would.
Q. All right. And so the, the flashlight and laser, was that consistent with your understanding, from the initial part of your investigation, what had happened?
A. Yes, sir.
The way I was explaining and the weapon was described to me, I wasn't described as far as what the weapon looked like. The description I was given of was the attachments to the weapon and how the flashlight come on and the laser come on and that you could -- one of them was on without the other one on, that they didn't have to be both on at the same time when it was shot.
Q. Okay. But you didn't -- they weren't able to give you like it's an AK47?
Like they didn't describe the exact type of firearm?

A. No, sir, I'm -- if I remember correctly, I think they just said a gun. They didn't say pistol, rifle. They didn't say specific shotgun, anything like that. They just said -- called it a gun.
Q. All right. Did you -- you ended up speaking with Mr. King, correct?
A. Yes, sir, I did.
Q. Did you advise him of his Miranda rights before speaking with him?
A. I did. I advised him of his Miranda rights. He understood his Miranda rights and advised that he would speak with me.
Q. All right. And did you notice anything about any odor around Mr. King when you interacted with him?
A. Yes, they was an overwhelming odor of alcoholic beverage coming from his person while I spoke to him. He was in the back of a patrol car where it's kind of caged in from the cage of the patrol car and it was -- the minute I opened up the door, it was an overwhelming odor of alcohol and you could hear it or you could smell it coming off his breath while he was speaking.
Q. All right. But he admitted to you that he had been drinking that night, correct?
A. Yes, he explained to me that he had been drinking all night. He didn't say how much he had had. He just said I

been drinking all night.
Q. Okay. And were you able to figure out what he was doing prior to law enforcement coming out and interacting with him?
A. It was very short, the story that he was able to give me.

I asked him what had happened tonight. He stated that, last night, about one o'clock, that he had heard gunshots and his neighbor had texted him about gunshots. They had interacted back and forth about the gunshots.

At that time, I looked and it was just after say 1:30. I think it was the exact time around 1:30 in the morning that I had arrived on scene.

So, based on the fact that he had said that it was the day before and we were just past one o'clock and we had been on scene, it took me time to get to the scene, at that point I didn't feel that relevant. So, we didn't go further into detail as far as the text message cause he said it happened the day before.

So, he told me that he was out there. I asked him what had happened. He said I don't know. I didn't shoot a gun. I heard gunshots but I didn't shoot anything and that was kind of the extent of his story.
Q. Okay. So, he's mentioning both, in your estimation, a shooting from the previous night and then he's also

saying he heard gunshots, you thought, about the actual night that y'all are out there for?
A. Yes, sir, he spoke of basically two separate incidents. He spoke of the text messages where they went back and forth with his neighbor. But he said it was the day before at one o'clock in the morning. And then he said he had heard gunshots earlier prior to law enforcement getting there but he didn't know where they come from.
Q. Okay. And he denied ever shooting a firearm --
A. Yes, sir, he did.
Q. -- or having any interaction with this silver truck or gray truck?
A. Yes, sir, he, he said he didn't know anything about the truck.
Q. All right. Did you ask him about the firearms?
A. I did ask him did the firearms belong to him. He stated they did. Later on we run a ATF trace on the weapon and I do have where he purchased both weapons to be his.
Q. All right.
A. That's a little ahead but it --.
Q. That's fine.
A. But were purchased by him and I have the dates when they were purchased by him on.

Q. Okay. And an ATF trace, it shows like when you buy it from a federal firearms dealer?

That initial purchase is documented whoever buys it?

A. Yes.

So when you go to buy a firearm and they do the background check, and you actually get the firearm, they contact ATF to notify them that you're buying a firearm. So it's documented with that serial number. That's the reason I was able to document the fact that yes, he bought those two firearms and when he bought them.

Q. Okay. So, there's not ever -- his ownership of these guns is, is totally on the up and up?

He bought them legally and he legally possessed them?

A. Absolutely, yes. He went to the store, legally purchased them, and was legally able to possess them.

Q. All right. Were you -- did you get anything else out of Mr. King other than what you related to the jury?

A. No, sir, it was pretty rough trying to talk to him due to how inebriated he seemed. It was a very short conversation and then I moved on to the remainder of my investigation.

Q. All right. Did you -- were -- did you assist in trying to find any casings left from a potential shooting?

A. I did walk over and canvas the area myself, had them show me where they said -- I know they said they had

checked. But like the old, old saying is, four eyes is better than two. Six eyes continue on.

So, it's the middle of the winter. It's possible that somebody could of missed a shell casing. So, I went back and canvassed the area around and I did not locate any shell casings.

Q. Okay. Other than just the, the naked eye and a flashlight, did you do anything other than that?

Just looking and using the light source?

A. No, sir, cause that's the only tools we have available. Luckily, now, we have metal detectors. Our invest -- forensic units has been given metal detectors to use now.

But it still would of been difficult, with a metal detector, with this huge excavator that is made of all metal right beside where the casings would of been. So, it would of been difficult trying to narrow down and actually find a shell casing with the big metal excavator right beside it.

Q. Okay. So, all tolled, you were not able to find any fired bullets in the truck or any casings around the area of the excavator?

A. No, sir, I was not.

Q. All right. So, this, this KelTec firearm, State's 21 I believe, did you send it off to try to have it compared

to anything to SLED?
A. No, sir, because we had nothing to compare it as far as a match to it.
Q. All right.
A. Well, I couldn't compare it to anything cause I had no shell casings or any bullet fragments. I could of had them test fire it. But I can't say that it came from the scene because I wouldn't have anything to lock into the scene --
Q. Okay.
A. -- from there.
Q. So -- and I know this is not your area of expertise but you kind of know what you need to to send it to the experts?
Is that fair?
A. Yes, sir, we do that on all of our scenes. We send off our shell casings to match them in what they call NIBIN.
Q. Yeah.
A. So, SLED does a match and they can basically down to a fingerprint science as far as saying this shell casing come from this weapon.
Q. Okay.
A. And then we do all the firearms that come through Spartanburg County Sheriff's Office.

Q. Okay.
A. So I'm very familiar with that.
Q. But, but if you -- if you had casings or if you had bullets, it's not guaranteed but there's a possibility that you could send it off with that gun and SLED could maybe tell you this gun produced these shell casings?
That's the goal I guess?
A. Yes, sir, if we had both sides of it, you could send them off and they could do their best to see if it would match or not.
Q. All right. Did you speak with the -- did you speak with any neighbors in the area?
A. No, sir, I did not.
Q. Do you know or did you review -- were there any other calls about a shooting other than, than obviously Mr. Smith and Mr. Jones' call?
A. Not that I was notified of, no, sir.
Can I have a bottle of this water?
(WHEREUPON, the judge nods affirmatively.)
Q. You are ultimately the person that signed warrants in this case or presented them to a judge and got warrants in this case?
A. Yes, sir, I did.
Q. All right. And, and what did you sign those warrants based off of?

Obviously, the, the victims didn't identify him.

What -- how were you able to -- why did you present warrants for what you did?

A. I presented warrants based on several factors.

To me, the weapons being on scene where they said the incident happened, the weapons having a flashlight and a green laser, him wearing clothing that they described of him wearing, him being outside when they arrived on scene shortly after the initial incident, and their statements corroborating, between the two of them, everything that they said along with the evidence that we were able to recover from the scene.

Q. All right. And their vehicle was shot, at least from your estimation?

A. Yes, sir, it had I think three or four bullet holes in the vehicle and the -- all the antifreeze or whatever liquid is out from under the truck when I got there on scene.

Q. One second.

(Pause.)

Q. Please answer any questions the defense has.

A. Yes, sir.

CROSS-EXAMINATION

BY MR. NMAIR:

Q. Officer James, when you arrived on scene, you first

arrived to the address of Mr. Smith and Mr. Jones, right?
A. Yes, sir, I did.
Q. And, at that point when you arrive, Officer Parham and Officer Groback (phonetic) and Officer Keeling would have already been there?
A. They were officers on scene. I'm not sure -- I don't remember---
Q. Sure?
A. ---exactly because I have -- you'll have -- sometimes you have scenes where someone doesn't have a play in it. But they may have a trainee just letting their trainee observed (sic).
Q. Okay.
A. So, I'm not gon' quote as far as what officers on scene do. I know Officer Parham was on scene cause he was doing the processing of the vehicle.
Q. Okay. And is Mr. Parham here today?
A. No, sir.
Q. Okay. And then, after leaving Long Stone Way, you then go to the interactions of Country Club Road and Cedar Springs and Huntington, correct?
A. Yes, sir, I do.
Q. And you meet up with Officers Wages, Alexander, and Anderson, correct?
A. I'm not gonna lie. I don't know who Officer Anderson

is.
Q. Okay.
A. He was---
Q. Okay.
A. ---new at the time.
Q. Okay.
A. Not---
Q. No, no, no. That's okay.
A. With my position --.
Q. I'm---
A. I don't interact all the time with uniform patrol. So I'm not gonna tell you he was on scene. But there were several deputies on scene, yes, sir.
Q. Okay. And Officer Wages testified that he's -- when the investigators called, it's kind of their job stops and your job begins, right?
A. Yes, sir, we continue the -- their initial response is to secure the scene and get as much information as possible on the initial --
Q. Uh-huh. (Affirmative).
A. -- conversation and we pick up the investigation from there.
Q. Okay. And so your role, as to what would -- I'd call the primary investigator, right?
Your role in this case would be talking to the other

officers on the scene that had already set up the scene, correct?
A. Yes, sir.
Q. Your role would be to talk to any potential witnesses, right?
A. Yes, sir.
Q. Talk to any potential suspects and if they're willing to talk to you, correct?
A. Yes, sir.
Q. And talk to any of the complainants, in this case Mr. Jones and Mr. Smith, correct?
A. Yes, sir, I spoke to the victims.
Q. And, and you spoke to the victims -- well, I'll say complainants. You spoke to Mr. Jones. You spoke to Mr. Smith.
Right?
A. I, I would say victims considering their car got shot.
Q. Okay. You spoke to Mr. Jones. You spoke to Mr. Smith.
A. Yes, sir, I did.
Q. You spoke to Mr. King?
A. I'm sorry.
Say again.
Q. You spoke to Mr. King?

A. Yes, sir, I did.
Q. Okay. Another role of yours is to gather some of the evidence that the other officers who maybe arrived at the scene first help discover and identify, correct?
A. If the part -- what do you mean recover?
Q. Gather evidence.
A. Gather, yes, as far as observe it. I don't recover the evidence.
Q. Sure.
A. We have our forensics unit that recovers and actually places it. I come in and look at what the evidence is --
Q. Uh-huh. (Affirmative).
A. -- and they actually recover it and take it and photograph it and put it into evidence.
Q. Correct.
A. So, I wouldn't say that -- I would say I observed evidence, yes.
Q. But as the primary investigator, your, your main role is you're basically the overseer of the -- what would be the case, correct?
A. Yes, sir.
Q. Okay. And so part of that role also includes potentially following leads, right?
A. Yes, sir.
Q. And trying to independently verify any stories that

you're told or any versions of facts that you're told, right?
A. Yes, sir.
Q. Okay. Cause it's important that you, you, you run an independent investigation outside of just what you were told, right?
You want to confirm, through facts, what you're being told, right?
A. Yes, sir, you ultimately want to make sure that the story you're told is truthful.
Q. Right.
And as, as you've testified and as Officer Wages testified, your job is also to instruct the other officers on scene, correct, when you arrive?
A. What do you mean instruct?
I just want to make sure that I understand the question correctly.
Q. Well, when I say instruct, I'm talking about in terms of what to do with the evidence, what evidence you think may be pertinent, right, what tests may be useful to run?
Any of those?
A. I, I don't tell them to do that, no, sir.
Q. Okay. So, you don't order tests?
A. What tests would you -- cause there's different tests. It depends on --

Q. Well, in the beginning---
A. -- if it's my---
Q. Let's say hypothetically---
A. It can't be anything cause I'm not in charge of everything.
Q. Sure.
Let's say, hypothetically, as, as Mr. Smith said, you don't recover a bullet but, if you did, you could send that down for testing with SLED, right?
A. So, if a bullet was to be recovered, it would be placed into evidence and our evidence technicians go once a week with shell casings and bullet fragments to SLED. So, I still would not be the one to take it to SLED or wherever. It would be placed into evidence and I would get the results back from the testing.
Q. Sure.
But your job is to oversee and make sure that that all -- all of that is done, right?
A. No, sir.
Q. It's not?
A. Again, our evidence technicians are in charge of all shell casings and bullet fragments that come in.
Q. Okay.
A. They send all off, no matter what the case is that we have, to SLED to be tested. So, there's not a selection

process of we only send these or we send these.

So, it wouldn't be that I come in and I select I want to send these. Anytime we get shell casings on a crime scene or a bullet fragment, it is automatically sent down. So, it's not something I go in and direct them to do. That's their job as far as every time they get something in evidence.

Q. But you help with the collection for purposes of testing if there's something to collect?

A. Not physically, no.

That's, again, our forensics unit. The one that come out and took the photographs, he take -- took the weapons and placed them in evidence. I don't collect the evidence from the scene.

Q. Right.

And I'm, I'm not -- I'm not rehashing that so much in -- as in I'm saying you help assist in making sure that that gets set up, right?

As Officer Wages testified, in his belief, that was your role.

So, it's not your role?

A. So you're breaking it down. So, what you need to understand is there's several divisions within investigations.

Q. Uh-huh. (Affirmative).

A. So you have a forensics unit. Their job is to go under investigations. But their job is the evidence collection and taking it to the Sheriff's Office. They don't do the investigation as far as the continued taking the information that we have and continuing to work the case.

Their sole purpose is to come out, photograph, collect any evidence, take that evidence so that it maintains with one person so we have a change of custody and place it in evidence at the Sheriff's Office.

So, yes, they're in investigations. I'm in investigations. But you -- just as I spoke earlier as far as if you have a property crimes division, they would work just property crimes. The forensic units will come out, take photographs, recover fingerprint (sic), do anything that would be collection of evidence---

Q. Uh-huh. (Affirmative).

A. ---and I would utilize the evidence that they provided me when they are done collecting evidence.

Q. Okay. But you're aware, in your role, some of the tests obviously that could be run, correct?

A. Yes, sir.

Q. Okay. One of those tests that could be run, and, again, if the bullet was recovered and we know none was ever recovered, is test firing a gun and matching the

fired bullet with the recovered bullet, right?
A. Not the fired bullet, no, sir. The shell casing, yes, sir.
Q. The, the---
A. Cause the fired bullet generally is maimed when it goes through whatever it goes through, which disintegrates the round --
Q. Okay.
A. -- to the point to where you can't match that up. That's what I was talking about earlier.

The shell casing, yes, you can take the shell casing because it doesn't get deformed. It gets what they call striations on the shell casing so that you can match it back up with the actual barrel.

But we didn't recover any shell casings. So, I had none to send off to match up to it. But as far as recovering a bullet fragment, I can't send a bullet fragment to SLED and them tell me that this bullet fragment came out of this weapon --
Q. Okay.
A. -- because it gets destroyed basically whenever it hits whatever it hits.
Q. But, ultimately, my point is, if you have recovered something that you could test, there would be a way to test it and then match it, right?

In this case, if you recovered a spent shell casing, you could test fire the weapon and recover the other spent shell casings and match the two?
A. Yes, sir, we could.
Q. And that determines -- that can help determine whether that gun was the gun that was fired, correct?
A. Yes, sir.
Q. All right.
A. I would agree with that.
Q. But you didn't recover a spent shell casing, correct?
A. No, sir, we weren't able to locate one.
Q. Okay. And so you never did that test, right?
A. I, I didn't have anything to test with.
Q. I -- in general, as a part of the investigation, that test was never run?
A. No, sir, for lack of having one.
Q. Okay. You mentioned that you had metal detectors, right?
A. No, sir, I told you that we didn't have metal detectors. We just recently, within the last year, our forensics unit got metal detectors and are starting to use them. In---
Q. Okay. I'm sorry.
A. ---two thousand---
Q. I apologize. That was my, my mistake.

A. Yes, sir, I'm sorry.
Q. So---
A. In 2023---
Q. Yeah.
A. ---we did not have the ability to use metal detectors. This is a recent thing that our forensics units have now gotten metal detectors and have started using them---
Q. Okay.
A. ---on crime scenes.
Q. Okay. But not available this night?
A. No, sir, they didn't -- the Sheriff's Office didn't even have any to actually---
Q. Sure.
A. ---use that night.
Q. Sure.
Now, you were present when Officer Wages testified and you were present when the body cam was played, correct?
A. Yes, sir, I was.
Q. And you saw in the body cam that you saw with Officer Wages that, when they're searching for the bullets, they're really just kind of in an amusing like, pen here is kind of a prop, there's a flashlight where they're looking and they're kind of just visually observing trying

to find a shell casing, right?
A. Yes, sir.
Q. When -- now you have a body cam as, as, as you testified. But you didn't have one for this specific instance.
Just generally, as you said, by the time you get there, there's no real reason to have the body cam?
A. Yes, sir, it's not within our policy for us---
Q. Sure.
A. ---to put it on and we -- when we arrive, as an investigator, because the scene is completely secured at that point.
Now, if we're coming into a scene that's still active, obviously we would put our vest on and activate our body camera based on the fact that the scene was active and things were still going on that would be recorded.
Q. When you arrive on scene and you, yourself, are searching for shell casings, are you also just taking your flashlight, walking around in the general vicinity of which you believe the shell casings are or may be?
A. Yes, sir, and using my foot to move leaves and stuff back and forth so that I could -- I -- the most I could do was try to move the leaves out of the way to try to see deeper up under the leaves.

So, I'm using my flashlight and kind of rubbing my foot back and forth to kind of turn over leaves and move things of that nature.

Q. Okay. But you don't try to go on the floor and try to tactilely feel around without, without the leaves -- I mean without your shoes trying to see if there was anything in there that day that might feel like a metal casing, right?

A. No, sir, I did not get down on my hands and knees and crawl around.

Q. All right. You -- as part of the investigation, the guns were collected, right?

A. Yes, sir.

Q. Okay. And you testified that, in your role as an investigator with the gang unit, you're often called out to shootings and you -- there was one specific mention about drive-bys. But it's not just drive-bys. It's, it's -- and it's not necessarily just gang related activity, correct?

A. Correct. It's just -- it's kind of a catchall for us.

Q. Okay.

A. Sure.

Like if something gets struck --

Q. Yeah.

A. -- they generally call us to work it as long as a person is not struck. Then it becomes a violent crime and violent crimes investigators would take over at that point. So, if it's just a property that was struck and not an individual, we generally work the case.
Q. Okay. But you're often dealing with some type of crime that is involving a firearm?
That's what you testified to?
A. Yes, sir, that's our -- that's one of our primary as far as investigator wise --
Q. Okay.
A. -- yes, our primary focus is things being struck by firearms.
Q. And that's why you're so fam -- familiar with -- while not necessarily an expert, expert, but you're familiar---
A. Oh, I'm far from an expert.
Q. Sure.
As you can tell, I'm certainly not either.
But you're familiar with the process, in, in one regard, of comparing the spent shell casing to determine a firearm, right?
A. I'm familiar---
Q. How you---
A. ---with the process of how to go about getting it

tested.
Q. Uh-huh. (Affirmative).
A. I know that we collect the shell casings from a crime scene. We bring -- every weapon that comes into Spartanburg County Sheriff's Office, we have a shoot tank out back --
Q. Uh-huh. (Affirmative).
A. -- in a building. We take it out, put on gloves. You test fire it, recover the two shell casings, label them from what weapon it come from, what case number it come from, and send those off to SLED to be tested.
SLED then tells us whether it's a match. If not -- if it is a match, then we then go to SLED personally with the weapon that we have that we test fired and they do a -- what they call a one-to-one comparison and take both of them at the same time and they do it again.
Q. Okay. But your, your testimony previously was that SLED is checking on the markings on the spell -- spent shell casings and comparing them as you kind of called it a fingerprint, right?
A. That's their wording. It's called -- they use the -- what they call the striations is the way I -- again, I know the layman's terms as far as the broke down version. They told me how they do it. As far as getting into the technical version of what they do, I would have to let

SLED, whoever does that testing, to be specific in how they do it. I was just told---

Q. Right.

A. ---that they have the ability to do that based on the striations from the barrel that transfer over to the shell casing.

Q. Okay. And striations are the markings?

A. Yes, sir, like the grooves or lines or whatever -- like the scratches that it puts in it from the extractor as well as the barrel.

Q. Okay. And because you're dealing with firearms, and as you kind of testified, you have some familiarity with, the very least, on the layman's side of it, how SLED goes about the testing and what they're looking for.

One of the things you would be at least in -- on the layman's side in terms of your experience both as trained to use a firearm, right?

A. Yes, sir.

Q. But also, in your course of investigation with firearms, you, you know that, when a gun is fired, right, the bullet projectiles out, correct?

A. Correct.

Q. And as you pointed out with the State here, there's that kind of groove where the spent shell casing is ejected, where the -- what is essentially the explosion

propels the bullet out, correct?
A. Yes, sir.
Q. When it propels that bullet out, particulates kind of fly out too, right?
A. Yes, sir.
Q. Okay. And those particulates kind of hang in the air?
A. Yes, sir.
Q. Okay. And they -- it gets on the gun?
A. For a period of time, yes, sir.
Q. Sure.
It gets on the gun, right?
A. Yes, sir.
Q. It gets on just kind of anyone or anything that may be in the vicinity of it?
Not---
A. Yes, sir.
Q. Not some nebulous kind of --.
A. Within reason---
Q. Reason---
A. ---from a distance---
Q. But within---
A. ---yes, sir.
Q. ---reason, right?
A. I can't tell you the exact distance.

Q. Sure.
A. But, yes, within reason or a distance. It's gon' travel a certain distance.
Q. When somebody shoots a gun, those particulates will get on their hands?
A. Yes, sir.
Q. They'll get on their clothes?
A. Yes, sir.
Q. Okay. Did you ever swab Mr. King's hands?
A. Are you referring to a GSR kit?
Q. Um -- that's exactly what I'm referring to.
A GSR kit is called --?
A. Gunshot residue.
Q. It's essentially gunshot residue, right?
A. Yes.
Q. And that is -- we've kind of talked about, when a gun is fired, particulates kind of hang around and that residue gets on those in specific areas as well as the person who fires the gun, right?
A. Yes, sir.
Q. It also gets on the gun that's fired---
A. Yes, sir.
Q. ---correct?
So, of course, the allegation is that Mr. King fires a gun, correct?

A. Yes, sir.
Q. Are you aware, at any point today -- now to, to do gunshot residue, what is a gunshot residue test, there's certain things that needs to be done, correct?
They have to swab the hands of the individual, right?
A. You want me to answer all the questions you asked or we're gon' break them down?
Q. We're just gonna go kind of one by one.
A. Okay.
Q. So, swab the hands --
A. Yes, sir.
Q. -- of the person?
A. That's how it would be done, yes, sir.
Q. Uh-huh. (Affirmative).
But it also gets on clothing.
So, you can collect the clothing of the individual too, right?
A. Not sure about the -- getting on the clothing. I know it does get on their clothing. But I'm not sure as far as SLED testing it on the clothing.
Q. Okay. But it does get on the clothing?
A. Yes, sir.
Q. Okay. And then it does get on the gun, right?
A. Yes, sir.
Q. Okay.

A. But if it gets on the gun, you're not able to tell if it was fired a week ago --
Q. Uh-huh. (Affirmative).
A. -- because if it gets on the gun and nobody cleans the gun, you're -- if I shoot my gun today and I come back and check it next week, it's still gon' have the same gun powder on the outside of the gun that it had a week ago if I didn't clean my gun.
Q. Right.
So -- and, and, to your point, and cleaning just kind of does away with gunshot residue in general, right?
Unless it's cleaned, it's -- generally makes it very difficult to run the test, right?
A. I mean if they do a good job, yes, sir.
Q. Okay. So, it's important that you respond quickly if you're gonna do a gunshot residue, correct?
A. If we were going to. But we can't do those.
Q. You can't do gunshot?
A. No, sir, SLED has denied us doing those because the fact that they're not extremely accurate as far as them being able to -- if me and you are standing side-by-side and I fire a gun and you're standing side-by-side with me, and the gun powder gets on my hand, because I'm standing right beside you, they're not willing to say and come testify to the fact that -- which one of those fired the

gun---
Q. Uh-huh. (Affirmative).
A. ---based on the fact that the gun powder's on both people. So, we don't do gunshot residue tests.
Q. Is there two different individuals involved in this case in, in terms of that may have shot a gun?
A. No, sir. But what I'm telling you is SLED doesn't do gunshot residue tests for us --
Q. Okay.
A. -- because -- based on the fact that they said the inaccuracy a lot of times with that test, they don't even -- we don't do that test at all. No matter if it's two people, one person, we don't do that test.
Q. So, you don't even bother to try to collect evidence that may---
A. It's not that we don't bother. It's SLED tells us they're not gon' do it, and if they're the one---
Q. Okay.
A. ---doing the test kit, it would be crazy for me to do the test kit to send it to SLED for them to tell me we don't test gunshot residue kits.
Q. Now, you are familiar relatively with the, the firearms, right?
A. I mean I know how it functions.
Okay. I couldn't -- I've never bought one. I've

never owned one. But I can figure out how it functions, yes, sir.

Q. Sure.

But, but enough for our purposes, right?

A. Yes, sir.

Q. Okay. Cause I mean you, you testified you showed him how it, how it operated, right?

A. Yes, sir.

Q. And, as you said, that it does expel a cartridge, right?

A. Yes, sir.

Q. So, you have some fundamental understanding about how the firearms work for our purposes, right?

A. Yes, sir.

Q. And you showed to the jury one -- the pistol, right --

A. Yes, sir.

Q. -- the Sig Sauer, right?

A. I think it was the Sig I -- yes, sir.

Q. Okay. And you showed the laser on the wall, right?

A. I did.

Q. Okay. And you did the same thing with the KelTec, correct?

A. Yes, sir.

Q. Okay. And you showed the laser on the wall---

A. Yes, sir.
Q. ---right?
You also showed off the flashlight, right?
A. I did.
Q. Okay. You kind of shined it on -- you're maybe about right here, correct?
A. I, I -- if that's where I stood. I'm not sure.
Q. And you shined it on the, the table there, correct?
A. Yes, sir.
Q. And you say it's a little bit hard to see.
Let me put it in front of my hand, right?
A. Because of the illuminated room, yes, sir.
Q. Okay. Investigator James, because you don't have a body cam, your reliance is strictly on the report that you wrote, correct?
A. In what way?
Q. And in, in terms of refreshing your memory, recollecting yourself for preparation for today?
A. Yes, sir.
Q. Okay. You testified about a conversation that you had -- well, let me back up.
You testified that, in your report, that you identified the number of unspent shell casings between each firearm.
Can you tell me where on your report that is and you

can take your time to look at that?
A. Down at the bottom it said the weapon had one round chambered as well as 19 other rounds within the magazine. That's talking about the KelTec.
The second weapon was a Sig Sauer P65 with a magazine inserter, one round in the chamber. The magazine contained, contained nine more rounds of the same ammo. It's down at the bottom if you -- on the long page.
MR. NMAIR: And, Your Honor, may I approach briefly?
THE COURT: Yes, sir.
Q. Investigator James, I have what is your provided report --
A. This is---
Q. -- to me.
A. This is the one I printed out on the 12th of this month.
Q. On the 12th of this month?
A. Yes, sir.
Q. That is certainly a much different report than I have.
A. It's a little different as far as the way it's set up I'm sure.
Q. Okay. So---
A. It says I -- this one's obviously printed on two sides. That's the report I was going from and the one I

typed up.
Q. Okay. So, did you write two different reports?
A. No, sir.
Q. No.
A. This is my supplemental. So, you also have to understand there's two supplementals because one goes in after we sign the warrants that said the case is clear and this is the warrants that I signed.
Q. So, you wrote a supplemental report for today?
A. No, sir.
Q. Or what -- you wrote a supplemental report in, in --
A. No, this---
Q. -- service of your investigation?
A. Yes, sir, on --.
MR. NMAIR: Your Honor?
A. -- the next day it looks like.
MR. NMAIR: Your Honor, I, I think we have a matter of law I think we need to address here.
THE COURT: All right. Ladies and gentlemen, this is one of those times where I've got to talk to the lawyers out of your presence. I need to remind you not to have any discussion among yourselves about anything involving the case. You may retire to the jury room, deliberation room and we'll get you back just shortly.
(WHEREUPON, the following takes place outside the

presence of the jury panel.)

THE COURT: Yes, sir.

MR. NMAIR: Thank you, Your Honor.

At this time I, I think we may have issue with the disclosure of evidence in this case. I don't want -- cause I have been provided a -- supplemental discovery by this officer. Certainly I spent numerous times here with Mr. Hammett's -- Officer James testified trying to indicate where on his report he indicates that he had any of the conversations that he alleges that he has.

And, Your Honor, if I may approach?

The only copy of Mr. James' report that I have was the one provided to me in discovery where he gives very brief summaries of his kind of process of his conversations with the alleged victims in the case as well as his conversations with Mr. King.

But at no point has the State ever turned over those supplemental discoveries or supplemental reports and I think case law's been very clear that they have a ongoing duty to turn over any evidence including the officer's reports, and at no point has that ever been turned over.

And I, and I think that has had a profound effect on Mr. King and -- as well as the rest of the defense to adequately prepare, not just for the trial, but for our cross-examination of the officer, which, at a trial, is

one of the most key aspects of raising a defense, Your Honor.

So, I -- that was not turned over to us. I -- I've -- I all -- I almost venture to say that -- that that's, that's in violation of *Brady* and other discovery rules of evidence. They have a continuous duty to do that and that's not, that's not been turned over to us at all.

THE COURT: Do you want to share with Mr. Smith what the officer gave you and let him take a look at that?

MR. NMAIR: Yes, Your Honor.

THE COURT: Okay.

SOLICITOR SMITH: Well, Your Honor, I, I think I know what happened. I think, I think Deputy James added to his report this part after we provided -- I printed it up straight off of Spillman this morning and got a 15 page report. What I have is -- in our incident report is, is 14 total pages for the case.

It's basically this one additional paragraph in which he basically just says the condition that he found the firearms in. But I can't tell if he edited it or something.

Whatever version we printed in December of 2023 did not have this last paragraph about basically describing the KelTec and the, the Sig and what gun or what ammo was found in it. But I don't think -- you know, I can give

them the new report. But it's, it's hardly, you know, earth shattering discovery.

Deputy Wages describes there being a gun with bullets in the magazine. There's pictures of the bullets in the magazine. You can count them. He also mentions one being in the chamber in his reports. There's body cam that shows the weapon. The weapon is in evidence. Mr. Nmair and I went and saw it on Friday of last week. It's got all the bullets that were found in the magazine.

So, yes, I guess we didn't give him this report. But it's one paragraph and it's covered in multiple other aspects of discovery.

THE COURT: Yes, sir.

MR. NMAIR: And, and, Your Honor, it was, it was pointed out to me that Mr. Smith had provided part of what I assumed to be the supplemental and reads the weapon had an internal magazine within it. The weapon had one round in the chamber as well as 19 more rounds within the magazine.

On the back it shows the, the report -- another report I don't have by an Officer Hammett who indicates that he test fired the gun.

Now, ultimately, I'm more than happy to concede that, in regards to Mr. Hammett test firing the gun, that's -- I mean that's nothing in terms of its relevance to the case.

What it's relevant to though is the rules of disclosure and the case law that follows the rules of disclosure.

I know Mr. Smith makes the argument that it's, it's available in evidence. I mean Mr. Hammett certainly went out and we saw the evidence. We certainly -- I recall even asking the, the evidence technician there hey, or I, I should say Mr. Hammett did ask how many it is -- how many bullets does it hold, things like that.

But I think it goes beyond just how many bullets are in it. Certainly that was the focus of my cross-examination at the time. But I think it goes beyond that because he goes into much further detail in terms of what his conversations are like with Mr. King.

THE COURT: You're talking about in the supplemental?

MR. NMAIR: In the supplemental, yes, Your Honor.

It goes on into significant -- significantly more detail about his conversations with Mr. King than what I have.

My report does not indicate that Officer James spoke to or indicated he knew about the text messages that Mr. King indicates for him and the neighbor. I believe that the testimony in the supplemental indicated -- it seems to support, I guess, Mr. Wages side of things a little bit clearer.

But that, in part, goes into what I think has been

very clear what the defense's argument has been throughout the course of this trial. And so, that has put us on what is, I think, a very important witness, the lead investigator in this case, has put on a back foot where we're learning information that was readily available to the State at -- throughout the entirety of the case and---

THE COURT: Help me out.

What, what was your -- what is your gonna be articulated position concerning Officer Wages and the text messages?

What, what is -- what was that?

MR. NMAIR: Officer Wages initial body cam footage shows, when he is talking to Mr. King, that Mr. King indicates that him and a neighbor texted at 1:00AM last night about some text messages. In cross-examination, I replayed part of Wages investigate -- body camera footage that shows that, as Officer Wages, after he retrieves the gun and walks by, Mr. King clarifies and says well, 1:00AM this morning.

Part of what the defense is raising here is that the, the government just, quite frankly, just hasn't fulfilled it's burden due to a lack of forensic or scientific evidence or a lack of corroboration beyond just the testimony of Mr. Jones and Mr. Smith. And part of that would be any of the statements that Mr. King makes to

Investigator James.

That is crucial. Mr. James---

THE COURT: All right. What's in the -- well, what's in the information that you say is just now being revealed goes to that issue with the text messages?

MR. NMAIR: He has -- it's my understanding with the testimony is he has a very specific conversation about he is talking about text messages from the night before and also talks about the situation this morning. I believe the testimony is indicating is Mr.---

THE COURT: Okay. Let me ask you again.

What's in that information that this officer just gave you in that report that goes to that -- goes to the text messages issues?

MR. NMAIR: That he, he, he knows about the text messages for one, Your Honor. But it's a reevaluation I think of the defense when we find out that Officer James is maybe getting two different sides of the story and then I, of course, got to talk to my client about that and say well, tell me about what Officer James is saying here. I don't know that because that, quite frankly, hasn't been provided to me.

And so, if Officer James, in his own report is indicating he's maybe getting two different stories, of course, Officer Wages is indicating he thought he was

talking about the night before and he testified that, on direct examination, that was the case.

That goes into part of the heart of our defense where we're talking about some of the things that the officers just don't do.

THE COURT: Okay. You're, you're not convincing me, all right, as to the level of prejudice to this. That's why I'm asking the questions.

MR. NMAIR: Well, I think it significantly impairs his defense. I, I think it goes to the heart of it.

I mean we, we know now that a supplemental's missing. We know now that there was another -- Officer Hammett that wrote a report that we didn't, we didn't get.

At this point now I'm, I'm wondering what I don't know we don't have.

THE COURT: Okay.

MR. NMAIR: And so I think that -- again, they have a very specific duty, a very -- a duty that's continuous to turn over that discovery and they, they failed to do so.

I think Mr. -- Officer James indicates that he wrote the supplemental report not too long after his initial report. Mr. King has gone through three different attorneys. It was not in the discovery that was provided to Ms. White as I do still have a copy of that and certainly wasn't provided to me later when I was---

THE COURT: Do you have it now?
MR. NMAIR: No, I --.
THE COURT: You take -- you took it from the officer.
MR. NMAIR: No, Your Honor. I didn't, I didn't take it from the officer. I only had my report.
SOLICITOR SMITH: I gave it to him, Your Honor.
THE COURT: Okay. Well, what was the report that the officer handed you that you, that you said this is different?
MR. NMAIR: No, he -- I had my report that was provided to me and he had his supplemental, which included much more detail.
THE COURT: The officer?
MR. NMAIR: The officer did.
THE COURT: But you---
MR. NMAIR: But I didn't take the officer's report. I only took my report back and Mr. Smith now has that report --
THE COURT: Okay.
MR. NMAIR: -- that the officer provided to me.
THE COURT: But now you have the officer's report?
MR. NMAIR: No, Your Honor.
THE COURT: It's -- Mr. Smith has the officer's report?
MR. NMAIR: Mr. Smith has the officer's report. The

officer has his report.

THE COURT: You have it available to you. I'm sure Mr. Smith is going to give you that -- a copy of the report.

MR. NMAIR: I -- I'm sure he will, Your Honor. But we're --

THE COURT: Okay.

MR. NMAIR: -- we're in the middle of cross-examination in, in what --

THE COURT: All right.

MR. NMAIR: -- the State perceives to be one of its most important witnesses where we just don't have information.

THE COURT: All right. You now have the information.

What I would like to do is let -- give them a copy of whatever information you have. We're at the end of the day. We can take a recess.

You have articulated to me that it is denied you the ability to talk to your client about that. I think you need to talk to your client about that and take a look at the information.

If there's more information that you feel like the State hasn't -- that they have not given you, then ask for that information. I'll instruct the State to, whatever information you think that the State, that the State might

think that they didn't give, they need to give it to them now and we will recess and allow that information to be exchanged.

MR. NMAIR: Yes, Your Honor, and, and if I may just briefly?

THE COURT: Uh-huh. (Affirmative).

MR. NMAIR: I think it is important, on, on the record, that I do clarify exactly what kind of motion I'm making here essentially is -- I don't think that's clear.

We are asking the Court to, to issue a mistrial with prejudice. The jury's already sworn. The State has failed to provide whatever -- we believe to be essential discovery, Your Honor.

THE COURT: All right.

SOLICITOR SMITH: Can I address on that?

THE COURT: Yes, sir.

SOLICITOR SMITH: Okay. The, the incident report is the exact same about what the statements that were made by Mr. King to Mr. James are. There's no difference.

The only addition is this part about him inspecting the guns and counting the number of bullets. But I'm, I'm looking at -- I can give you -- do you want to see them, Your Honor?

THE COURT: I, I may want to see them in the future. But I'm still not persuaded that my suggestion and

direction to the lawyers about go back through and see what hadn't been exchanged, give it to the defense, let the defense have -- take a look at it. Let the defense talk to their and --.

SOLICITOR SMITH: Yes.

So, Your, Your Honor, my only position would be that the, the statements he's made, which seems to be most of what he's complaining about, is, is the same. That part of the report is the same.

THE COURT: Uh-huh. (Affirmative).

SOLICITOR SMITH: The part that they don't have, it's actually -- it's not a supplement. He just added to his previous report and he must have done it after December 13th of 2023 when we pulled it.

THE COURT: Uh-huh. (Affirmative).

SOLICITOR SMITH: The test firing of the gun was done on December 21st of 2023. So, obviously that one post dates it.

But the information about what Mr. King said is the exact same. The only information is about bullet being in the chamber and the number of bullets in the magazine. On that point, I rest on my previous arguments that -- that's hardly surprising.

THE COURT: All right.

SOLICITOR SMITH: Yes, sir.

THE COURT: Okay. So, sir, you're in the process of giving testimony. We're going to take a recess now until tomorrow.

THE WITNESS: Yes, sir.

THE COURT: You -- I'm not telling you don't talk to people. But you can not talk to anyone about the substance of your testimony.

Okay?

THE WITNESS: Yes, sir.

THE COURT: So -- but you can talk to Mr. Smith if he wants to ask you what else do you have in your file, what -- can I take a look at your file. That's perfectly okay because what we're trying to do with this recess is be sure that any information has been exchanged with the defense.

So, I'm not prohibiting you from talking to Mr. Smith about that.

THE WITNESS: Yes, sir.

THE COURT: Just don't talk to anyone about the substance of your testimony.

MR. NMAIR: And, Your Honor, if, if I may?

THE COURT: Uh-huh. (Affirmative).

MR. NMAIR: I think I have one general inquiry, when exactly the report was submitted to the State. I did not begin representing Mr. King until I, I would say about

maybe the middle of last year.

THE COURT: All right.

MR. NMAIR: So, I would, I would, I would inquire on when exactly that report was made available to the State.

THE COURT: Well, y'all can figure that out. If you need to put it on the record, please do.

Okay?

MR. NMAIR: Yes, Your Honor.

THE COURT: But I, I think, for purposes of this trial, we, we are taking a break right now and we will get back together. We will try to get back together.

Is 9:15 okay?

That sounds good.

All right.

THE WITNESS: Yes, sir.

THE COURT: All right. We'll get back -- so just talk to Mr. Smith.

You may step down.

THE WITNESS: Yes, sir. Thank you.

THE COURT: All right.

SOLICITOR SMITH: Yes, sir.

And, Your Honor---

THE COURT: Let me see the lawyers for a moment.

SOLICITOR SMITH: Yeah.

(WHEREUPON, a bench conference was held at this

time.)

THE COURT: All right. I'm gonna bring the foreman out and let the foreman know that we have recessed and to let him tell the jury that they can go and we'll return at 9:30 in the morning.

Okay?

So---

SOLICITOR SMITH: They're not to talk about the case.

THE COURT: Yeah, everybody sit still.

Y'all want to bring the foreperson out?

THE BAILIFF: Yes, sir.

(WHEREUPON, the foreman comes into the courtroom at this time.)

THE COURT: All right. Mr. Foreman, thank you for agreeing to serve as, as our foreperson.

This is one of your first responsibilities and, if you feel like you can't do it, let me know and I'll bring everybody in.

We have reached a point that we are gonna continue to work on matters that need to be done outside of y'all's presence.

THE FOREMAN: Right.

THE COURT: Given the hour of the day, I don't think we're going to get back together to take any more testimony today.

THE FOREMAN: Oh.

THE COURT: Therefore, I would like the jury to come back, if you would instruct them, be back in the jury deliberation room by 9:30 in the morning. Remind them of the two ongoing instructions, don't discuss the case with anyone including themselves, family members, and then do not do any type of independent investigation.

THE FOREMAN: Right.

THE COURT: Thank you.

You can do that for me?

THE FOREMAN: Yes, sir.

THE COURT: Listen---

THE FOREMAN: 9:30AM in the morning?

THE COURT: Yes, sir.

THE FOREMAN: Thank you.

THE COURT: Y'all have a good evening.

THE FOREMAN: Yes, sir.

(WHEREUPON, the foreman leaves the courtroom at this time.)

THE COURT: We'll step down.

SOLICITOR SMITH: Thank you, Your Honor.

MR. NMAIR: Thank you, Your Honor.

THE COURT: Yes, sir, thank y'all very much.

(WHEREUPON, Court was in recess for the evening.)

Wednesday, January 14th, 2026

THE COURT: Okay. We'll go back on the record.

So, y'all were able to exchange any discovery that y'all had or didn't have or felt like you didn't have?

MR. NMAIR: Yes, Your Honor. We received the supplemental report from Investigator James.

THE COURT: Okay. Y'all want to give me a copy of that?

I have -- I -- you offered it yesterday and I appreciate you offering it to me. But I did not receive that.

So, you --?

SOLICITOR SMITH: I would like to but I don't know what I did with it. But I, I will get you a, a copy of what they had and then what --

THE COURT: Okay.

SOLICITOR SMITH: -- we updated with.

THE COURT: Now, now you're---

MR. NMAIR: That's -- yes, sir.

THE COURT: You're giving me the new one or the---

MR. NMAIR: Yeah.

THE COURT: ---or the old one?

MR. NMAIR: The new one, Your Honor.

THE COURT: The new one.

And do I have -- do, do you have a copy of the old one available?

I'll give it back to you and then we can make it part of the record later.

MR. NMAIR: Yes, Your Honor.

THE COURT: Okay.

SOLICITOR SMITH: Your Honor, there was another supplemental that he didn't give you that was -- I know Officer James talked about test firing the firearms. There was another officer that took out these two firearms and test fired them and we've given them that supplemental. I don't think they think it has any relevance to the investigation of this case. But that was also provided.

THE COURT: Okay.

MR. NMAIR: And I have a copy of that as well, Your Honor. If you'd like to see it, we can get a copy of that as well.

THE COURT: I mean if, if, if you're requiring -- do you believe that has some relevance to the motion I'm about to address?

MR. NMAIR: I would say it has relevance to the motion insomuch that it's -- just to the continuous duty. But not so much that it's consequential to the, the State's --

THE COURT: Okay.
MR. NMAIR: -- the defense to this case.
THE COURT: Okay. Thank y'all.
We won't make these part of the record. I'll let y'all bring me others cause these are yours.
MR. NMAIR: Yes, Your Honor.
THE COURT: Okay. But y'all can make copies of these for the record.
All right. Now, what do I need to address about this discovery issues?
What do you want me to, to do?
MR. NMAIR: Well, I think, ultimately, I, I made my arguments before really addressing what my motion was. The motion was essentially a, a -- oh, God, my mind is blanking, mistrial -- for a mistrial.
Thank you.
For a mistrial with prejudice. The jury's already sworn. I think the -- our argument is essentially that any discovery -- it's not necessarily about the materiality of what's in the discovery. But the discovery itself is material.
I think the lead investigator's report is always material no matter how significant or insignificant the change may be. I think that needs to be presented to the defense and let the defense make that change.

Your Honor, that's essentially what it is. I think, at this point, the argument's have been kind of well played out and, and made on both sides. I think, at this point, that will be -- it's really just about ruling on the motion. At this point I'm not so sure that we have too much more to add to that other than making the copies and an exhibit for the purposes of the motion.

THE COURT: Okay. All right. Anything that you wish to add to --?

SOLICITOR SMITH: I don't have anything substantive about the discovery motion unless Your Honor has any questions.

But I just say, under Rule 5, obviously we do have a continuing duty to disclose. But the remedy section, mistrial is not even listed. Exclusion of evidence, continuance, other things are specifically, and then there's kind of a catchall for anything that the judge deems necessary.

But I would ask Your Honor to not do a mistrial. This is a -- that is a very drastic result over what we don't believe -- in the end, it's not changing the substance of what the defendant said to him, which I think would be more serious. It's about the weapons and, and we discussed that, that same information is present in both photographs and evidence box and in Deputy Wages reports

have all along been in the possession of the defense.

So, I think that the remedy Your Honor took yesterday to give them time to consult with their client and, and to review the new material was a, was a sufficient remedy. We'd ask that we proceed with the trial.

THE COURT: All right. Anything in reply to that?

MR. NMAIR: No, Your Honor.

THE COURT: Okay. Well, thank y'all for your arguments. Thank you for taking the time to exchange any of the remaining information that needed to, to be exchanged.

I do have a question for the defense and this is -- I guess my question is aimed more of an understanding of, in the event an Appellate Court views that -- I'm not gonna grant your motion.

But in the event that the Appellate Court views that I am wrong in not granting your motion on this issue with prejudice, is it your -- I, I mean -- I do not see -- my understanding of, of, during a criminal trial, if a judge grants it, a mistrial, it is -- and the jury has been sworn, it is not automatic that it prejudices the State from re-bringing the case.

MR. NMAIR: I---

THE COURT: There has to be something beyond just didn't disclose something or something happened in the

trial. There has to be some type of scienter on behalf -- on the part of the State that has to be shown for there to be -- for the State to be prevented from the constitutional ramifications and the State can't be tried.

Is that -- do you have any comment about that because I am not seeing that there is a -- that even if I'm wrong in, in, in denying your motion, I'm not seeing that there's conduct on the part of the State that would say they couldn't retry the case.

MR. NMAIR: No, Your Honor. I don't, I don't know that it's an automatic must be prejudice.

THE COURT: Okay.

MR. NMAIR: I, I think that's ultimately at the discretion of you. I think I would agree that there's no automatic has to be with prejudice.

THE COURT: Okay.

MR. NMAIR: I think that's more so just an opportunity sentence up to the discretion of the judge. We just have the opportunity to request it.

THE COURT: Sure. Sure. Yeah.

I, I just want to be sure. I mean I was involved in a case years ago where I felt that the State's actions had been shown, in the progression of the trial, to lack of a -- trying to say it kindly towards the State as I recall the events of that trial -- completely -- were

disregarding the Court's instructions and then had gotten to the point to where they had represented that something would not happen during closing arguments and then, low and behold, something did happen in closing arguments that was revealed to the jury that I felt was highly prejudicial and was contrary to the Court's instructions, was highly prejudicial to the, to the defendants.

And so I granted the motion for mistrial and, ultimately, that became an issue for an Appellate Court to decide and they viewed that sufficient conduct had been established on the part of the State to say yeah, the State can not retry that case and all that -- and, and that case went on for a long time, and since I'd made the initial ruling, I kept up with it.

And I always -- so I've always been sensitive -- I, I -- not sensitive. I have my antennas up when it comes to mistrial motions in the degree to which does that motion require a showing of some type of malicious conduct on the part of the State or, or, or absent or, or some type of conduct on the part of the State where it has to be shown that they're acting just -- that they just didn't make a mistake. It just wasn't simple neglect on their part. It's really got to be -- I think it's got to be something more than that.

So, I wanted to be sure that I understood that and

also understanding that I'm, I'm not seeing that. I'm not gonna grant your motion. I don't believe that the conduct that you are raising to me to ask for the mistrial justifies a mistrial at this point.

So, we're gonna move forward. But I wanted to be sure, for purposes of the record in the event an Appellate Court takes a look at it, that they under -- that the Appellate Court understood that I did process that in my analysis.

Okay.

MR. NMAIR: Thank you, Your Honor.

THE COURT: But thank y'all very much. Be sure that we get copies of these documents that we can give to the court reporter to make a part of the record in this case.

SOLICITOR SMITH: Yes, Your Honor.

MR. NMAIR: Yes, Your Honor.

THE COURT: Okay. Give those back to them.

All right. Now, with that being said, the witness needs to come back to the witness stand.

THE WITNESS: Yes, sir.

THE COURT: And I need to remind you that you remain under oath obligated to provide truthful and honest answers.

All right?

THE WITNESS: Yes, sir, Your Honor.

THE COURT: All right. Okay. And now just come on around and have a seat.

(WHEREUPON, the witness returns to the stand.)

THE COURT: And now my thought process is that we will pick up with the defense cross-examining the witness as to however much more they wish. Then the State, if they feel like they need to redirect, can redirect.

Okay. Y'all -- is that agreeable?

Everybody's understanding---

SOLICITOR SMITH: That's the plan.

THE COURT: ---that the---

MR. NMAIR: Yes, Your Honor.

THE COURT: Okay. All right. Let's bring the jury in.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Good morning, ladies and gentlemen. Thank y'all for coming in today. You may have a seat.

Is the defense ready to resume the cross-examination of the witness?

MR. NMAIR: Yes, Your Honor.

THE COURT: Yes, sir.

BRAD JAMES, having been previously sworn, testified as follows:

CROSS-EXAMINATION

BY MR. NMAIR:

Q. Officer James, it's, it's, it's been a little bit. So, I want to kind of backtrack a little bit on some things that you would of testified to yesterday.

Okay. Obviously one of the things we covered was no shell casings, right?

A. (WHEREUPON, the witness nods affirmatively.)

Q. Correct?

A. Yes, sir.

Q. You know it's not your job to order these tests, correct?

A. Yes, sir.

Q. Okay. And then when you're called onto the scene, it's, it's your job to interview the witnesses, right?

A. Yes, sir.

Q. Talk to the officers, correct?

A. Yes, sir.

Q. But much of the work is done with the initial responding officers, right?

A. I would say a generic overview of what has transpired would be.

THE COURT: It is a little low, Your Honor.

THE WITNESS: I thought it was.

THE COURT: Give us one second.

THE WITNESS: I was trying to get as close as

possible but I didn't hear it.

MR. NMAIR: It's not working.

THE COURT: It's not working. Hang on one second.

THE WITNESS: Yes, sir.

THE COURT: Try it now.

THE WITNESS: Hello.

THE COURT: Yeah.

Okay. Thank you.

MR. NMAIR: Perfect.

So, just for the purposes of the record, purposes of the jury, can you say what you said just now?

It's more so a little overview with responding officers?

A. Yes, sir.

Uniform patrol generally responds and gets an overview of what is being told that happens and then investigations, in some cases, comes in and does the actual -- and further investigation with the case.

Q. Okay. One thing that we had talked about was we talked about gunshot residue, right?

A. Yes, sir.

Q. And went a little bit in terms of how that occurs with the fire of the gun?

A. Yes, sir, we did.

Q. That it can get on the gun, correct?

A. Yes, sir.
Q. It can get on the person, correct?
A. Yes, sir.
Q. It can get on their clothes, right?
A. Yes, sir.
Q. And it just gets on -- in the general vicinity of where that gun is fired?
A. Yes, sir.
Q. Okay. Now, your testimony was that SLED tells you not to run gunshot residue anymore, correct?
A. Yes, sir.
Q. Who, at SLED, directed you no longer to run gunshot residue?
A. I was told by my supervisors that we don't do that.
Q. You were told by your supervisors?
A. Yes, sir, and they had communicated with SLED.
Q. Okay. So, your supervisor indicated to you that SLED says no longer doing -- don't, don't do GSR, right?
A. Yes, sir.
Q. When you got that directive, it would of been about a year and a half ago?
A. I, I can't testify as to when I got that directive. I'm --.
Q. Okay. So you're---
A. I don't know off the top of my head as to when I was

told that, that --.
Q. Okay. You don't know when you got the directive?
A. No, sir. No.
Q. Okay. So I'm gonna fast forward a little now, right?
I'm gonna kind of get to the point where you stopped, right?
I was asking you where, on your report, that you show the amount of -- the recovered unspent, unfired ammunition, right?
A. Yes, sir.
Q. And then you had indicated that I had the original report, correct?
A. I'd assumed you had the original report, yes, sir.
Q. But not the supplemental report, right?
Do you recall that where you said I have a supplemental report?
A. Yes, sir, I have the entire report printed out.
Q. Right. I'm talking about our exchange. You said I have a supplemental report.
Do you recall that?
A. Yes, sir, I said I do, yes, sir.
Q. Yeah.
Okay. Perfect. So, I have your supplemental report.
Okay?
A. Yes, sir.

Q. In your supplemental report, you indicated that you were able to take the ammunition, correct, and you had examined the ammuni -- the ammunition available in both the KelTec pistol and the Sig Sauer pistol, right?
A. Yes, sir.
Q. Okay. The KelTec pistol had one in the magazine -- one in the chamber and 19 in the magazine, correct, and that would be on -- at the top---
A. Yes, sir.
Q. ---of this Page 11 of your---
A. Ours it printed out a little -- and mine's at the bottom. So --.
Q. Okay.
A. But yes, sir.
Q. Okay.
A. Nineteen rounds in the mag and one in the chamber.
Q. Now, the actual magazine capacity is 50 rounds, correct?
A. Yes, sir.
Q. Okay. The Sig Sauer pistol, one in the chamber, nine in the magazine, right?
A. Yes, sir.
Q. Okay. The magazine capacity for the Sig Sauer is 10 rounds?
A. I do not know.

Q. You don't know?
A. No, sir. But we can -- we can check it and look and see.
Q. Yeah.
So, I'm going to show you what was previously marked as exhibit -- State's Exhibit 20 and this is the Sig Sauer pistol that was recovered by the excavator. This is the magazine.
How many rounds does that magazine hold?
A. It shows 10.
Q. It shows 10?
A. Yes, sir.
Q. And that's how many --?
A. That's what's documented on the side of it, yes, sir.
Q. And that's how many unspent rounds were recovered?
A. Yes, sir.
Q. Okay.
A. So -- but the problem with that is it says 10 on the magazine. If you load the magazine full, put the magazine in, rack one round into it, then load the -- top off the magazine again, you could technically get 11 rounds---
Q. Sure.
A. ---instead of 10.
Q. It's -- I just want to make sure that that's what -- but that is the capacity?

It's 10 --
A. Yes, sir.
Q. But you're the---
A. That's the lay book capacity occur.
Q. Okay.
A. Yes, sir.
Q. Perfect.
I want to kind of backtrack about your conversation with Mr. King where you talk about your conversation with him, correct, cause you interview Mr. King?
A. Yes, sir.
Q. You read him his Miranda rights, correct?
A. I did.
Q. And you read Miranda rights when an individual is in custody, correct?
A. Yes, sir.
Q. And you're intending to interrogate them or asking questions that could incriminate him, correct?
A. Yes, sir, when I'm asking questions that I intend to use to prosecute them, yes, sir.
Q. And I want to clarify and more so to make sure that I understood what you testified to.
Your testimony was that you spoke to Mr. King, right?
A. Yes, sir.
Q. And Mr. King told you about the texting a neighbor,

correct?
A. He did.
Q. And your testimony was that -- your impression of that was the texts were in regards to gunshots the night before, correct?
A. Yes, sir, based on him telling me that he did it the day before -- the night before --
Q. Okay. But you also---
A. -- and it's shortly after 1:00AM and --
Q. But you also---
A. -- he said he had texted at 1:00AM.
Q. Sure.
A. Shortly before that I would assume that, if you say the day before and 1:00AM and then we're now at like 1:30, it's not the same night cause you would say it just happened. We texted back and forth in my opinion.
Q. Okay. And this is the part where I think I'm gonna need the most clarification.
You also testified that, in part, you didn't investigate that claim by Mr. King because he had indicated to you that he did not hear gunshots that day -- that -- or that night, right?
A. No, sir, I'm pretty sure I told you he didn't -- he said he heard gunshots. But he didn't know where they come from.

Q. Okay. So he did hear gunshots that night?
A. Yes, sir.
Q. Okay.
A. But I didn't investigate the text messages due to the fact that they were on a separate day from his testimony then the day that the incident occurred.
Q. Okay. Part of your role as lead investigator, you also spoke to Mr. Smith and Mr. Jones, right?
A. Yes, sir.
Q. Okay. Now, when you spoke to Mr. Smith and Mr. Jones, they told you that they're driving on -- at the intersection of Huntington Drive and Cedar Springs, correct?

That's gonna be towards the first paragraph of your report.

They pass that intersection, correct?
A. Yes, sir.
Q. Okay. Mr. Jones calls Mr. Smith and tells him -- and asks if had seen the man on the side of the road pointing a beam, which is you've indicated in your report that the slang term -- slang term for a laser?
A. Yes, sir.
Q. And light at him as he passed, correct?
A. Yes, sir.
Q. Mr. Smith told you that they drove down the road,

correct?
A. Yes, sir. Sorry. I'm not --.
Q. Mr. Jones then got in your truck -- got in -- sorry.
Mr. Smith's truck, correct?
A. Yes, sir.
Q. And then they drove back up?
A. Yes, sir.
Q. Okay. Mr. Smith told you that the male pointed a pistol in their direction, correct?
A. Yes, sir.
Q. Okay. Now, I want to ask you real quick.
In your report, you indicate or you describe the KelTec as a "rifle style pistol," correct?
A. Yes, sir.
Q. Okay.
A. That's what I was testifying to yesterday when you asked me was it a pistol and I advised, technically, it's labeled as a pistol by selling purposes.
Q. Uh-huh. (Affirmative).
A. But it appears not to be a pistol.
Q. Okay. And when you say appears, you're talking about an appearance?
A. Just based on overall size and how you hold it with two hands with the -- for grip on the front.
Q. Okay. Now, obviously you write your report and we

kind of talked about this where we discussed, generally speaking, as your policy, you don't turn your body camera on.

You're issued it but you don't turn it on, right?

A. Yes, sir.

Q. Okay.

A. I---

Q. So your report---

A. Can I --?

Q. Yeah, go ahead.

A. I do on situations that are active situations as far as like---

Q. Uh-huh. (Affirmative).

A. ---if I'm stopping a patrol -- stopping a car and stuff like that. It's an active stuff. We do at that point. But as far as like the investigation, no, sir.

Q. Yeah.

Because you, you have, at this point, you probably arrive maybe like 20 minutes after. You arrive around 1:30 at this point.

The officers had already been out with either Mr. Jones or Mr. Smith or Mr. King for about 10 or 15 minutes at this point, right?

A. I would of estimate, yes, sir.

Q. Yeah.

Okay. So because your report is the basis for your ability to re -- refresh your recollection, right?
A. Yes, sir.
Q. Cause obviously this happened in November of '23. We're going on almost three years now believe it or not.
You have to make sure that, when you write your report, it's truthful, correct?
A. Absolutely.
Q. It's accurate, right?
A. Yes, sir.
Q. And it contains all pertinent and important details for your investigation, right?
A. Yes, sir.
Q. Okay. In your supplemental report you state that, when you spoke to Mr. King, he said he did not know what happened and that he had been working on his tractor and heard gunshots, right?
A. Yes, sir.
Q. Where in your report does it state that Mr. King had informed you about the text messages with the neighbor?
A. Because it wasn't relevant information, cause it happens the day before, I didn't put it in the report.
Q. Okay. But you write this report so you can remember to testify though, right?
A. Yes, sir.

MR. NMAIR: Okay. No further questions, Your Honor.

THE COURT: Any redirect limited to what he went into?

REDIRECT EXAMINATION

BY SOLICITOR SMITH:

Q. Investigator James, is it a fair statement that every case that you've ever done more could be done on?

A. Absolutely.

There's always you look back and you say I could of done this or I could of done that or this.

Q. Talked to another person---

A. And---

Q. ---look for another camera or---

A. One hundred percent. It's -- every case could be a never ending case. You could continually add evidence to it from the time you---

Q. So how do you dis -- with that being, I guess, a -- think at least in your view, how, how do you decide when, when you have enough or when to stop?

A. When I exhaust all the leads that I have present before me at the time of the investigation.

Q. Okay. And do you have -- I guess you think you either have sufficient evidence or don't have sufficient evidence and then---

A. Yes, sir.

When I feel like that I have sufficient evidence to prove within -- in court of the defendant's guilt, that's when --

Q. Okay.

A. -- we provide for --.

Q. That's all I have.

THE COURT: All right. Thank you, sir.

THE WITNESS: Yes, sir.

THE COURT: You may step down.

THE WITNESS: Thank you.

SOLICITOR SMITH: And, Your Honor, that would be the State's case. We rest.

THE COURT: Okay. Then the -- I would assume we're going to have to take up matters outside of the jury's presence. So, I'm gonna ask, if you would, do not discuss the case among yourselves. Do not do any type of independent research or investigation and let's retire to the jury deliberation room.

This may -- don't think we're gonna look you up back there and hold you forever. This may take a little while. So, be a little patient with us. But we'll get you back just shortly.

Okay. You may retire back to the jury deliberation room.

(WHEREUPON, the following takes place outside the

presence of the jury.)

MR. NMAIR: Thank you, Your Honor.

We're, we're -- we're gonna renew all our previous motions and objections made. We're also gonna make a motion for directed verdict.

I think, in the light most favorable to the State, I think the State has failed to show either, A, the specific intent aspect required in, in the statute, in the statute. I think they've failed to prove identity.

Obviously Mr. Smith and Mr. Jones never actually identified and testified to the fact that they can not identify who the person was and I think the State has also failed to show any actual malice, express or implied.

As they testified, they don't share words with the individual that they see. There's no argument. There's no bickering. There's no prior history between them and whoever this other individual is, Your Honor.

So, the -- that is the basis for our directed verdict motion.

THE COURT: Yes, sir.

SOLICITOR SMITH: Your Honor, as, as to the identity, we believe that there is sufficient evidence. There's a combination of, of direct evidence and then circumstantial evidence and direct that the police find, and, and while they did not specifically identify him, the -- that

circumstantial evidence is some evidence that should pass the bar to submit it to the jury.

Just to list some of it, they describe the location. They described the excavator. They describe a black hoodie. Initially they say khakis. There's another potential gray joggers but a lighter colored pants, green laser, flashlight, a firearm, a white bag.

The time that this happens, because they're -- actually called law enforcement and on the phone for five minutes before the shooting happens and then the -- basically the proximity of time that it would of been for law enforcement to get there and then the fact that the two guns that are present at the scene were both purchased lawfully by Mr. King.

The combination -- when law enforcement arrives at the location described, they find an excavator. They find a white male, which is the only description given of the male. He's wearing a black hoodie. He appears to be wearing khakis. They have a gun with a green light or green laser with a flashlight.

There's a white bag. Perhaps not a Zaxby's bag. But there's a large white bag on the ground and these guns were purchased by Mr. King.

The, the combination of those two things, Your Honor, is the identity of Mr. King and, and certainly there are

cases where the witness doesn't specifically call them out. But there's a fingerprint or there's goods that are found in possession of a person. It doesn't always have to be an eye witness I can identify that person. There's case law to support that as well, Your Honor.

As to the specific intent to kill, Your Honor, obviously we don't know exactly -- can -- it's impossible to say to me exactly what was going through Mr. King. So you can look at his mind. But you can look at, at his actions, not just words.

The case I sent last night, *Taylor*, for, for that was a lady that had put her baby in a trash bag. Says you can look at both the actions and the words. It doesn't have to be I want to kill you. You, you can have an attempted murder case without an expressed statement like that.

In this case, you know, he leveled a, a firearm and shot, not one, but we believe four shots. At least three that, that hit the vehicle. You know, the, the intent flows from what's going on in your mind and then the actions that you take.

It, it -- you know, at this point, the standard's just any evidence and the jury can infer, from the actions, what his intent was. It's certainly reasonable to infer that, when somebody points a firearm at, at an occupied vehicle with, with people and shoots that

multiple times, that they are, are trying to kill them.

The Lynyrd Skynyrd song about -- has a line are handguns are used for killing. They ain't good for nothing else. That's what guns do. They kill people. You can shoot them for fun too but their primary purpose is to kill people or to kill animals, kill things.

And when somebody does that unlawfully, there's no evidence of self-defense or anything like that, and, and shoots that firearm multiple times, it is fair to infer that they're killing them.

The fact that he does not know who these people are, I think it's *Gerald Williams*, it's referenced in one of the cases I sent last night, but there's a, there's a person -- he shoots at a figure in a door. He thinks it's somebody but it actually is, is somebody else.

They said it's okay you don't know specifically who you're trying to kill, just that you have that specific intent to kill. These people -- obviously one is driving a car and then the other one gets around and is standing at an open passenger door.

So, should of been able to see these two people and he shoots multiple shots in their direction. So, I think there's another *Williams* case, which is kind of the zone of danger or the -- if you have an intent to kill somebody and you shoot into a, a crowd of people, obviously at

least if there's enough bullets for each person, that, that a jury can fairly infer that there's an intent to kill those people.

So, again, it's a difficult thing to say and it's difficult because these people don't know each other and there's not an argument. But his actions -- and I would, I would also -- Your Honor, I'd -- in a light most favorable to the State, he draws them in. He flashes a laser on their car which starts the entire interaction which brings them to the situation that ends up with them shooting.

So, again, I don't know. Don't want to overstate things. I can't get inside of his mind. But it's certainly a possibility that the jury could come to the conclusion that he lured them in with the laser with an intent to kill them and then ended up acting on that by shooting at them.

As far as malice, Your Honor, obviously not knowing a person does not mean that you can't have ill will. If you walk up to somebody random on the street, and pull a gun out and shoot them in the head and kill them, that would, that would be malicious. Well, without an argument, without any prior discussion or anything like that.

So, again, this is leveling a firearm, not in self-defense, shooting it multiple times in an occupied

vehicle, that is clearly malicious. The jury can infer the use of the deadly weapon. The fact that there was no argument or the fact that they did not get out of the car, the fact that they didn't present any firearms or anything, there's no evidence of that, that when he decided to shoot into that car, it was, it was nothing but, but malice at that point.

And, Your Honor, obviously if, if Your Honor does find that there's a lack of specific intent to kill, we would ask -- and, and that you do believe there's sufficient evidence of identity -- we would ask that you submit at least an assault and battery first to the jury and the, the discharging into an occupied vehicle cause we believe we've met those standards. But if do have an issue with either the malice or the specific intent to kill, we would ask for the lesser includeds to be presented to the jury.

THE COURT: Well, let me ask you -- before I hear from the other side, I want to ask you about that.

But is, is your request for the assault and battery in the first contingent upon my saying that there is insufficient evidence to allow the attempted murder to go to the jury?

SOLICITOR SMITH: Do you mean as, as far as if you are -- as far as the jury charge?

THE COURT: Right.

SOLICITOR SMITH: No, Your Honor.

I, I think there is evidence that's been presented, either through their questioning or our questioning, that both should be charged because there's evidence of a -- we believe there's sufficient evidence of a specific intent to kill. But if -- there's also evidence of a lesser included, then, then that should also be charged.

And if the jury does get hung up on the specific intent to kill or, or malice for that matter, assault and battery first would be an option that I think that they should have.

THE COURT: Well, thank, thank you for your response.

I guess the, the purpose of my question is that I, in my thought processes, I viewed ruling on the directed verdict motion is different than what should I charge to a jury --

SOLICITOR SMITH: Yes.

THE COURT: -- because I view that the -- def -- the, the test for directed verdict, whether it's granted or not, is that I have to view the evidence in a light most favorably to the defense. And, when doing so, I have to then go through the elements of the, of the crimes that the State has charged against the defendant to see if those elements have been met when the evidence is viewed

in a light most favorably to, to -- I'm sorry -- most favorably to the defense because they're the ones -- I mean most favorable to the State because you're the one that has to bear the burden of proving on those.

If I believe that you have met that standard, then I also then have to take a look, in deciding what I charge, whether or not there is evidence that has been presented which would support the charge that I wish to -- that, that y'all are asking me to give to the jury. And if I believe there is evidence upon which a jury can find those charges, that those request to charge, then I'll charge them because a jury might disagree with my belief that -- because a jury doesn't view the evidence in a light most favorably to, to the State.

The jury views whether or not the State has met its burden of proof beyond a reasonable doubt and they may very well find that the State has not met their burden of proof beyond a reasonable doubt as to the attempted murder but yet may find that.

I believe there is evidence then which a jury could find that the State has met their burden of proof beyond a reasonable doubt of that -- of the assault and battery in the first degree charge.

SOLICITOR SMITH: I a -- I agree with that.

THE COURT: Okay.

SOLICITOR SMITH: Yes, Your Honor.
THE COURT: Just want to be sure I'm not---
SOLICITOR SMITH: Yeah, I just -- if, if you, at this stage of directed verdict---
THE COURT: Right.
SOLICITOR SMITH: ---if you think we don't have an attempted murder, we would ask that --
THE COURT: Okay.
SOLICITOR SMITH: -- I would -- you not dismiss those indictments entirely.
THE COURT: Right.
SOLICITOR SMITH: But that you would give them the option of assault and battery first. But we -- we're asking for --
THE COURT: Okay.
SOLICITOR SMITH: -- for the -- purpose of this---
THE COURT: Sure.
SOLICITOR SMITH: ---just to deny their motion.
THE COURT: And, and I have muddied your argument and muddied your motions. So I apologize in advance.
Address the directed verdict aspects of, of your -- of your motion and then we can do whatever, result of my ruling, decide what the charges are gonna be.
MR. NMAIR: I, I have no reply, Your Honor.
THE COURT: Okay. All right. Well, you know, your

motion is well received. You've articulated it I, I think so that I can understand it.

But I do have to apply -- the test that I have to apply to the evidence that has been presented to me at this juncture is that I have to take a look at the evidence that the State has presented sort of, not to the exclusion of the defense, but I have to look at it -- I, I can't balance it equally.

I have to look at it, look at that evidence in a manner that's most favorably to the defense and I have to draw the reasonable inferences from that evidence that has been presented to me also in favor of the State. I keep saying the defense. I apologize. I'm, I'm pointing at the State.

And, and so, when I apply the appropriate standard, I would have to deny the directed verdict motion. I believe there is sufficient evidence that's been presented that -- when I apply that standard both as to the identity and also as to the elements of attempted murder as outlined in the statute in the *State versus King*.

And so I, I will deny your directed verdict motion.

Any other motions?

MR. NMAIR: No, Your Honor.

THE COURT: And then on your other motions, I haven't heard anything to get me to change any prior rulings that,

that I've made.

MR. NMAIR: Yes, Your Honor. We have no further motions.

THE COURT: Okay.

All right. Now, the next thing in the process of this trial is going to be that the defense has an opportunity to present a case if they wish to. Included as part of that case the defense can present would be the, the defendant testifying.

Have you made a decision whether or not you intend to present a defense and then, if you do, is, is the defendant going to testify?

MR. NMAIR: Mr. King is not gonna testify, Your Honor, and we are not presenting a defense.

THE COURT: Okay. Is Mr. King ready for me to ask -- I've got to make a record in regards to his decision not to testify.

Is he ready to engage in the colloquy with the Court?

MR. NMAIR: I believe so, Your Honor, yes, sir.

THE COURT: Okay.

All right. Give me one second, Mr. King, and you and I have to have a brief discussion about, about your right to testify.

Okay. Okay. Mr. Hammes, can you move that microphone over a little bit?

MR. HAMMES: Certainly can, Your Honor.

THE COURT: All right. Mr. King, I'm gonna ask, if you would, to please stand. The Clerk of Court needs to swear you in. Please raise your right-hand.

(WHEREUPON, the defendant was placed under oath at this time.)

THE COURT: Thank you, Mr. King.

Now, Mr. King, like I had your lawyer move the microphone over in front of you, we are making a recording of everything that happens here today. So, sort of speak towards that green light that's on the microphone. I don't think you have to necessarily lean into it. Just sort of speak towards it but -- so that we all can hear you. But if ever, during this process, you can't hear me, just immediately let me know and I'll speak up as well.

Now, Mr. King, at this time, I'm going to explain to you certain of your rights. And if you do not understand anything that I say, please let me know. And if you wish for me to explain anything in more detail, please let me know that as well.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Okay. We have now reached the stage of this trial where you may present your defense and you have the right to claim the protections given to you by the

Fifth Amendment to the Constitution of the United States.

Now, this amendments states, in part, no person shall be compelled, in any criminal case, to be a witness against himself. This means that you can not be required to testify in this case. You have the right to testify on your own behalf. However, no one can make you testify.

This is a personal right and no one can waive this right except you. If you decide to testify, you will be subject to the same rules that govern other witnesses and you may be crossed and you may be examined and cross-examined on any relevant issue in this case.

In addition, you have -- if you have any convictions involving dishonesty or false statements or for crimes punishable by imprisonment for more than one year, and this Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to you, the solicitor will be able to introduce your record to attack your credibility.

If you decide to testify, the decision on your part, it must be freely, voluntarily, and intellectually made with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify.

If you decide not to testify, I will instruct the jury that they can not give the fact that you did not

testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you testify.

You may talk to your attorney, your family, and your friends, or anyone else. But the final decision will be left entirely up to you.

Now, sir, do you understand what I have just explained to you?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. Do you have any questions about anything that I have just explained to you?

THE DEFENDANT: No, Your Honor.

THE COURT: All right. Have you been able to discuss with your lawyer whether or not you should or should not testify?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. And do you feel the need or do you wish to talk to your lawyers anymore about this decision of whether you will or will not testify?

THE DEFENDANT: No, Your Honor.

THE COURT: All right. And, sir, my -- then my question to you, do, do you wish to testify in this case?

THE DEFENDANT: No, Your Honor.

THE COURT: Okay. Thank you, sir.

Has anybody perhaps threatened you in any way or promised you anything in order to get you to make the decision to not testify in this case?

THE DEFENDANT: No, Your Honor.

THE COURT: Am I correct to conclude that your decision not to testify is a free and voluntarily decision by you?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. Thank you, sir. You may have a seat.

All right. All right. And, again, the defense will not present any other witnesses?

MR. NMAIR: No, Your Honor.

THE COURT: Okay. Thank you for that.

This is what I would like to suggest. Thank y'all for sending us your proposed charges.

We are in the process of finalizing those. Give us just a few moments and we'll bring them or send them to you both by email. Also give you a hard copy and then let's do a quick charge conference on those.

Okay?

SOLICITOR SMITH: Yes.

MR. NMAIR: Yes, Your Honor.

THE COURT: So we'll touch -- step down just for a few minutes.

(WHEREUPON, a short recess was taken at this time.)
SOLICITOR SMITH: Your Honor, I've, I've reviewed it.
MR. NMAIR: Beg the Court's indulgence.
I'm still, still going through it.
(Pause.)
MR. NMAIR: Your Honor, we've reviewed the charges as well.
THE COURT: Okay. All right. Thank y'all for, for doing that. Thank y'all also for providing us, us with information last night and this morning as to what y'all -- suggestions you had to the previous charges that were submitted.
Now, do y'all have any other comments you wish to make on the record about the charges cause I'm trying to incorporate everybody's ideas to where I, I feel like they were appropriate to incorporate?
SOLICITOR SMITH: I, I had two slight ones, Your Honor.
On attempted murder --
THE COURT: Uh-huh. (Affirmative).
SOLICITOR SMITH: -- Page 15, I -- I'd -- I like what you do on Page 16 about specific intent to kill. I was just thinking, in the first paragraph, maybe just do the statutory language with an intent to kill, attempt to kill another with -- it's just missing from that first

paragraph and then on the discharging---

THE COURT: Hang on.

SOLICITOR SMITH: Oh, sorry, Your Honor.

THE COURT: The first paragraph being the defendant is charged with attempted murder, that paragraph?

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: In order to prove this crime, the State must prove the defendant attempted to kill another person with malice aforethought either expressed or implied and you want to add what?

SOLICITOR SMITH: With an -- with intent to kill. Just -- basically just read the statute is what I --.

THE COURT: So, you want it to read the defendant's charged with -- in order to prove the crime, the State must prove the defendant, with an intent to kill, attempted to kill.

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: All right. It is in the statute.

MR. NMAIR: Yes, Your Honor. We have no objection to that.

SOLICITOR SMITH: So that was -- I---

THE COURT: Sort of redundant but --

SOLICITOR SMITH: Well---

THE COURT: -- I'll---

SOLICITOR SMITH: I don't know. I'm paranoid about

--.

THE COURT: Okay.

SOLICITOR SMITH: There's a lot of cases been overturned on this.

THE COURT: Okay. All right. I will add with an intent to kill before attempting to kill another.

SOLICITOR SMITH: And, and then on the discharging, Your Honor --

THE COURT: Uh-huh. (Affirmative).

SOLICITOR SMITH: -- the vehicle has to be occupied. We're miss -- we were missing an element of the charge that needs to be added.

THE COURT: At or in -- so it'd be discharging a firearm at or into an occupied vehicle or caused a firearm to be unlawfully discharged at or into an occupied vehicle.

SOLICITOR SMITH: Yes, Your Honor. That's it.

THE COURT: Okay.

SOLICITOR SMITH: The dwelling doesn't require the occupied.

THE COURT: Okay.

SOLICITOR SMITH: But the vehicle does.

THE COURT: Okay. And did you have anything that you wish to point out extra?

MR. NMAIR: No, Your Honor.

THE COURT: Okay.

All right. Now, as you can tell from the verdict form, I have -- do believe that charging the assault and battery in the first degree is appropriate in this case. So, I have included that in the verdict form.

Do we have an agreement as to the pro -- procedures for closing argument?

SOLICITOR SMITH: I go and then he finish -- he's (sic) goes.

THE COURT: You agree with that?

MR. NMAIR: Yes, Your Honor.

THE COURT: Okay. All right. And then do we have -- how much time you think the State will be?

I -- approximately.

I'm trying to gauge bathroom breaks.

SOLICITOR SMITH: Less than 30 --

THE COURT: Okay.

SOLICITOR SMITH: -- I would probably be.

THE COURT: You think you can do around 30?

MR. NMAIR: Yeah, I believe I'll be less than 30, Your Honor.

THE COURT: Okay. I think then we -- then we'd move into the charge and get them out of here as opposed to take a bathroom break.

MR. NMAIR: Yes, Your Honor.

If, if we may real quick, may we approach?

THE COURT: Sure.

MR. NMAIR: Just on a procedural issue.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: Yes, sir, Mr. Nmair.

MR. NMAIR: Thank you, Your Honor.

The, the defense is objecting to the inclusion of the assault and battery in the first degree lesser included charge.

The State has control over what their -- what charges they're gonna bring forth before any defendant. They certainly had control in this instance and that is within their total control given to them in terms of what they choose to bring before the Grand Jury and what they choose to indict for.

And so I think the State made the conscious effort to indict for the attempted murder. They believe they could prove that beyond a reasonable doubt.

The defense is -- objective and defenses is certainly all or nothing here, Your Honor. And so we are, we are objecting to the assault and battery first degree inclusion as a lesser included offense.

SOLICITOR SMITH: Your Honor, our, our argument would be obviously, when we indict something for attempted

murder, we indict it all of the lesser included offenses just as, as how it goes.

And, and, Your Honor, not to remind what your duties -- I mean you're obligated to charge whatever there are, there are facts that support and I understand that they -- they might not like it.

But there -- they're, I think, just through the presentation of the evidence, regardless of the arguments that have been made, the jury could have an issue about either specific intent to kill or, or malice and, in those, in those cases, the -- in that case they should have the option of the, of the lesser that doesn't include those elements. If they do conclude that he fired these shots but have a, a disagreement or unable to reach a resolution, they should have the, the lesser option.

THE COURT: Any reply?

MR. NMAIR: No, Your Honor.

THE COURT: All right. Thank you for, for the motion.

I would have to deny the motion. I -- my belief is that I have to charge it.

The times when I've been involved in cases, I believe the -- my recollection of the appellate cases that interpret it, that when a trial court does not charge a lesser included offense, that trial court has to take

the -- examine the record and see that there is no evidence that supports that lesser included offense and I can not do that in this case.

So, I would include that as, as, as a charge to the jury.

Anything else before we take a short recess before we do closing argument?

(WHEREUPON, there was no response.)

THE COURT: Okay. We'll take a short recess and then come back and do the closing arguments.

SOLICITOR SMITH: Thank you, Your Honor.

MR. NMAIR: Thank you, Your Honor.

(WHEREUPON, a short recess was taken at this time.)

THE COURT: All right. Let's bring the jury in.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Thank you, Mr. Foreman, ladies and gentlemen. You may be seated.

Is the defense ready to proceed?

MR. NMAIR: The defense rests, Your Honor.

THE COURT: All right. Thank you, sir.

Ladies and gentlemen, the parties have presented all of their evidence that you will consider in this case and it is now time for the attorneys to make what is known as their closing arguments to you.

Now, their arguments -- the arguments of the attorneys are not to be considered as evidence in this case. Their statements and arguments are meant to help you understand the evidence and apply the law to the evidence. You should disregard any remark, statement, or argument which is not supported by the evidence presented during the trial or the law that I will explain to you after the arguments.

But, at this time, we will receive the closing arguments from the attorneys.

Thank you.

SOLICITOR SMITH: Thank you, Your Honor.

I'm gon' split my argument kind of up. We're gonna start with why we know that Joseph King is the person that fired the shots in Mr. Jones and Mr. Smith's vehicle cause the judge is gonna tell you that identity is an element of a crime. First we got to prove it's him and then we have to prove that he did what we allege that he did.

So, I'm gonna start with why we know that it's him from the evidence that's come in front of you and there's a number of things.

First is the location where it happens. Mr. Smith gives the intersection where it occurred and he describes an orange excavator. That's the initial piece of information that starts coming in.

He describes a white male. He describes a black hoodie. He describes initially, Mr. Jones himself, describes -- excuse me -- Mr. Smith describes khakis and then Mr. Jones says he thinks they're gray joggers. But a lighter colored pants obviously than the hoodie.

He describes -- they both describe seeing a green beam, a green laser beam, and they both describe seeing a flashlight and, of course, they both describe being shot at.

They also, make sure I got all my lists, they had described a white bag. He thought it was a Zaxby's bag but he describes definitely a white bag being present.

And what happens when law enforcement responds out?

Now, keep in mind too they're responding when he makes that first 9-1-1 call which lasts about five minutes. That's before the shooting. Then the shooting happens. Then he calls back as he's heading down the road to the, to the Corner Store.

So, police are already involved. So, it's fair to say they got to Mr. King's location, the location described by the two victims, quickly. And, when they get there, they see an orange excavator. They see one man and no other people present. It's one o'clock in the morning in a rural area. He is white. He is wearing a black hoodie. He appears to be wearing khaki pants.

Okay. He has a very strange explanation for why he's out there. It's November. He's putting oil and lubricant in an excavator at one o'clock in the morning. Also says he's charging the battery.

He denies having anything to do with the shooting. He starts talking about some shooting that happened the day before but there's cops here now.

And what else do they find?

They find a gun.

They find two guns actually. But they find a gun tucked up in the back of the excavator. I don't know what the size of the front or the back. But tucked up in the wires of the excavator they find a gun and that gun has a flashlight and a green laser beam.

So, every single thing, save for a discrepancy of pant color, but both described them as lighter, is consistent with what Mr. Jones and Mr. Smith described.

So, the person that they saw shoot at them is Mr. King. The reason we know that is because any element of that falling apart would destroy the case in many ways.

If there's perhaps no gun or there's a white man but he's wearing a red hoodie and blue jeans or he's wearing black pants and a white hoodie or he has a gun but it doesn't have a laser or he has a gun and it doesn't have a flashlight, any one of these things would create a problem

for the State.

But they are all consistent, all consistent with the information they gave on a 9-1-1 call when they were panicked, when they gave it to the police when they were still panicked, what they wrote in their written statement and what they came to Court and told you today all stayed consistent. The color of the beam, the flashlight, the location, the orange, the description of the man, all of these things are consistent.

That's how we know that Joseph King fired the KelTec into their car. Again, from, from the statements of Mr. King made, he's out there working on it. I mean it appears that he's got the battery charged up. We know that the shooting happened right there. We know that despite the fact that we don't find the shell casings.

They described it and then Mr. King even says that he hears gunshots. But he was out there.

So, if somebody else did it, he would of seen it. He would of been standing right there. But there is nobody else. It is just Mr. King and that's why they describe him exactly as he is when police find him minutes later.

I have a, a friend and a mentor in the office that talks about a defense that often comes up called -- we call it the worst day ever defense.

Okay. Defense wants you to believe that all of these

things lining up is just really, really bad luck, that there's some other mysterious person who shoots at these two young men who are calling in for some concerning thing that they saw and that person vanishes into the night. And it just so happens that poor Mr. King walks down from Huntington Drive property right next to the excavator where a shooting just happened and he happens to be wearing the exact same outfit that this perpetrator wore. It's ridiculous.

Reasonable doubt. Reasonable doubt.

The judge is gonna talk to you about reasonable doubt. But it's the type of evidence that leaves you firmly convinced. We can't overcome any doubt. Space alien could of plopped out and be wearing the same. But that's not reasonable.

It's reasonable to think that they describe the same person that they saw. There is no mysterious person. He is not having the worst day ever.

Another interesting part, the two guns are both purchased by Mr. King. They are his weapons.

Okay. He claimed ownership to him with Investigator James and he purchased them lawfully.

So, it, it -- would it be that there's just two guns laying out by the excavator?

It seems to be a nice gun. I'm not a firearms

specialist. But you're talking about hundreds of dollars when it's got additional sights and stuff on it.

He's just left them out there and somebody shoots those -- one of those guns, using the laser, uses the flashlight, and then leaves it there?

I mean this is exceeding reasonable. It's him. He's not having the worst day ever. He might be having the worst day ever now. But he was not having the worst day ever back on November 14th of 2023. He is the person that they describe.

The judge is gonna talk to you as well about credibility of witnesses and I would submit Mr. Jones and Mr. Smith did everything that we would want a citizen in Spartanburg County to do and, unfortunately, something that too far that often doesn't happen and why we don't solve a crime and why you see horrible stories and then never see somebody getting arrested. They saw something and they decided to report it because they live in this area.

They're concerned. It's shocking to me because I have many, many cases where young people want nothing to do with anything. They see terrible things and they say nothing.

These two young men decided to call 9-1-1 cause they were concerned cause there's a man prowling in the dark

flashing people with a light and with a gun and a laser. So they call 9-1-1.

Okay. They call 9-1-1 after they get shot trying their best -- I thought he described where he was pretty well but the 9-1-1 operators, you know, there's a lot going on at the same time.

They stay. They meet law enforcement at their house. He shows them the truck. Investigator James said they answered all the questions. There's no evasiveness. They come in here to -- yesterday, answered all the questions.

Another thing I think of note, just from experience having done these things, they didn't try to sweeten it up.

Okay. They know who's arrested. They originally had said they thought he was white. They didn't all suddenly come into court oh, yeah, he was white. He had red hair. He was tall.

You know, they did not up their story from what it was. They kept with what it was. They're telling you what they saw. They're not fabricating things to try to make it better to ensure a conviction. They're telling you what they told law enforcement then. What they told 9-1-1 operators is the exact same thing they told you.

That is a sign of being credible. They're not trying to oversell something. They're trying to tell you what

was seen.

The difference with the pants, and I don't know how much y'all know, eye witness testimony, if somebody came in right now and started robbing people in the back, we would have all kinds of different descriptions about the clothing. Maybe we would be right on the general color. Maybe we'd be right on if it's pants or shorts.

But it's not crazy to think that one thought it was khakis and one thought it was gray joggers. These things are the mark of real events, not manufactured events when you have slight little differences. When everything's too perfect, that's when there's been coordination and you can tell.

I mean they are panicked on, on both calls before they're even shot at. It seems like they're in an ag -- you know, an agitated state and they try their best to give the description. They should be deemed as credible.

Mr. King gave a statement to law enforcement that night and I think there's parts of his statement that he should be not credible, should not believe him that he had nothing to do with it.

He is evasive have -- about giving his name even though he's at his, his parent's property. Takes -- they have to send the rookie in after they've tried a couple different times to figure out what his name is. He calls

himself a resident.

Okay. He appears to be grossly intoxicated. Within seconds I would say of the body cam video, y'all probably all said wow, he sounds intoxicated.

Okay. He immediately starts mentioning some incident from the night before but then apparently thinks it's now this night. Maybe he mentioned both. I don't know.

Again, somebody that apparently is having difficulty telling the difference between something that happened a day ago and something that happened 10 minutes ago.

So, his memory, his function is not at the level that Mr. Jones and Mr. Smith is. He is not credible. There's also the whole what is he doing out here at this time. It, it is an odd, odd thing.

People can clean their garage or whatever if they want at one o'clock in the morning. But it begs the question what is he doing out there to begin with and how this starts is with not them seeing a guy working on his excavator and calling it in because they think that's suspicious. It starts because they're driving down the road and a laser beam gets flashed on their car. Not just because they think it's too late to be working out in the yard.

Jaiden and Ikevious are more credible than Mr. King's statement that night and they should be believed.

I don't get an opportunity to speak to y'all again after this. The defense, if they want to, gives an, an argument.

And so I have to try to predict some of the things that's come from the questioning and they might bring up things that didn't even come up during questioning. So, I just ask that you look at the evidence that's come in, use your common sense and judgment for any things that, that I don't mention here or address that they might bring up.

But one of the things, clearly from their questioning, is, is the scope of the investigation that was done in this case and, admittedly, this is not the Alex Murdaugh case. You did not hear from weeks of witnesses. You heard from four witnesses.

Okay. There was not forensic testing done. There was not fingerprinting done, a lot of the things that you commonly associate with with a major case.

But the absence of those things does not mean that there is insufficient evidence. In fact, sometimes cases that have little investigation are because the answer is quite clear and, in this case, they describe the man with many, many, many, many details. Law enforcement arrives there minutes later and finds that man and finds a gun and finds bullets in the car.

It was apparent, that's what I'm asking you to see,

is the cops in this case did what they could.

Would of loved for them to find shell casings. I don't know where they are. We know that the car was shot. This is not a case where the bullets went up in the air and there's a debate about whether a shooting occurred. He's draining radiator fluid. You've seen the damage done to the vehicle, to the hood of the car, to the, to the side of the windshield.

So, we know a shooting happened. Shell casings exist somewhere. It could of been moved. It could of been thrown. The police could of missed them. I mean it's an excavator. It's, it's a little bit of a needle in a haystack. Would of loved for them to find them but they did not. That doesn't mean that there's insufficient evidence because we know that a shooting happened.

Sometimes the police just get fortunate and everything falls in line and that's what happened in this case. They reported it and they respond and they find all of the evidence that they need right at the scene with Mr. King. Everything short of him saying he did it, which he says he didn't. That's the evidence in this case.

Every single case you could talk to more people. They could of woken up everybody in the neighborhood.

I mean what would they say?

I heard some gunshots.

I mean how -- what else?

There's not that many additional things that could have been done. There's not surveillance cameras. This is in somewhat the middle of nowhere. I mean they did what they could and they made a sufficiently good case we submit.

So, assuming that y'all find, beyond a reasonable doubt, that Mr. King is the person that was behind the gun that they describe as shooting at them, then we turn to -- can you turn the document camera on?

Then we turn to did his actions constitute an attempted murder, which, again, we have to prove that -- all the elements of that beyond a reasonable doubt.

Let me get my thing warmed up here but it's not the fanciest PowerPoint. So, I just made a printout here.

But -- well, no.

This is -- this is the attempted murder statute.

Can y'all see this?

Have I --?

(WHEREUPON, the jurors nod affirmatively.)

SOLICITOR SMITH: Okay. This is the attempted murder statute.

So, a person, in this case we would have to prove that it's Joseph King, that he has an intent to kill and that he does attempt to kill and then Jaiden and Ikevious

and he also has to have malice.

So, intent to kill, attempt to kill, and malice aforethought.

Malice aforethought means before the act.

All right. So, essentially three elements and then it being against another person.

So I'm gonna start kind of going through those three elements.

Intent to kill. The judge is going to give you a section on what intent means. But y'all are all adults. I think you generally know what it means.

But we can't dissect somebody's brain. We can't go back in time and figure out exactly what they intend. So, we have to kind of look at the actions and what the probable consequences, their actions are, to try to determine what somebody's intent is when they do something.

And, in this case, the State submits this firearm, this KelTec, was leveled at a car that we know was driven by a human being cause we know there's one person in the car, and, through the testimony, we know that Jaiden's kind of standing in the passenger area. So, there's two people visible to him. They can see him. He can see them. He's got a light we submit.

He levels a firearm at those two people and shoots

four shots. That is intending to kill somebody. Firearms, although fun to shoot at shooting ranges, are primarily designed to kill. That is what they do. Just like screwdrivers screw and hammers hammer, guns shoot and kill. So, the natural, foreseeable consequence of taking a gun and leveling it off at an occupied vehicle and shooting four shots is to kill people.

At least three of those shots hit the truck. Two go into the grill area, kind of one beneath the Chevy, and then one a little bit to the side in the grill. It goes into the radiator and the AC. The other one is up on the driver's side hood and skims off of that and goes into the driver's side mirror.

These shots are inches away from killing somebody.

Okay. These are not warning shots shot up in the air, shot in the ground, shot to the woods, shot to scare. These are shots absolutely intended to kill.

They did not thank God. But save for a radiator being there or an AC being there or a couple inches from the one that hit the hood, I mean that's a matter of inches, and maybe Ikevious is dead or seriously, seriously hurt. So, his intention was to kill them.

Another thing that's pointed, hopefully some of y'all are firearms people, this gun has three pieces to help you shoot accurately. It has a scope. It has a red dot sight

and it has a laser and he was using the laser.

So, these three things he's using those. That's why the shots are accurate as we, we discussed. Ikevious was wow, he had aim. I mean he was, he was putting shots on target.

So, this is an intended act when you're looking down the scope, when you're looking at a laser and pointing it at a car and firing it. And, again, this is not -- he's not right up on them. It's been described as a distance. You've seen it in the pictures.

So, the fact that these shots didn't hit them does not mean he's not trying to kill them. It means that he missed. If he wanted to scare them, I'm fairly certain a single shot in the air would of done the job.

Also, he's very intoxicated. He seems to be having trouble standing.

So, a shot at some distance in the night while intoxicated, he absolutely could of been intending to kill them and just failed and that's what happened, thankfully, in this case.

Do not let poor marksmanship and Divine intervention confuse you about what his intention was that night. The fact that this did not end with two young men dead is a blessing. But it does not change what his intent was when he leveled the firearm off and shot it at two people that

were calling in him for being suspicious.

So, the judge will absolutely talk, in his charge, about intent flows but the consequence -- the, the actions that you can infer an intent, a specific intent.

Now, the fact that he doesn't know these people, the fact that he hasn't had words with them, it doesn't have to be I hate this person and I'm trying to kill them. It doesn't have to be that. It's just the actions combined with the intent. Aiming at these people for whatever reason, whatever reason was going through his mind that I'm trying to kill him.

Doesn't have to be an argument. Nothing in the jury charge is gonna tell you that there has to be a prior disagreement. There doesn't have to be a motive. In the intent section, the judge, the last part of the intent section, tells you that the State is never required to prove a motive though we can.

I don't have a motive in this case. I don't know why he did it but he did. Don't have to prove it. It's not an element of the crime.

Malice aforethought, fancy way, but it just means that, at the time that you would, you know, in this -- the attempted fatal blow that you pull that trigger, that you have a malicious state of mind. Ill will, hatred, mischief, a conscious wrongdoing with an intent to cause

an injury, an unlawful injury.

There's no evidence of this being lawful. These people did not threaten him in any way. No reason that you can just shoot into an occupied vehicle without any, any words or anything like that, any threat.

So, it doesn't have to be that he set out that night and said I'm gonna kill Jaiden and it doesn't have to be anything like that. It can be just in that second.

Walk up to somebody, pull the gun out, you've never met, you've never had a word, you pull the gun out and you shoot them, that's malicious. Doesn't have to be I set out to kill somebody, drawing a plan. None of that.

Just, at that moment, did he have a, a wicked intent?

Of course he did. He's aiming down the barrel of a gun shooting it into an occupied vehicle at essentially total strangers.

And, again, I don't know what's going through your mind. But, as I said earlier, he starts this by beaming their vehicle as they're driving by. These guys just got off work and it's one o'clock in the morning. They're like 20 years old.

The last thing on the earth they want to do is sit out at a random intersection and wait for the police to come. They felt compelled to do something. If they just saw a guy working on an excavator, they're going home and

they're gonna do whatever 20 year olds do when they get off. It's a crazy time of night to be out, and when you work those long shift jobs and you're done, you want to get home.

So, he starts it and I, I don't know. Y'all have to figure out what his intention was. But it's possible that he was trying to get somebody's attention to bring them over to shoot them. I don't know. It's up for you to figure it out.

But he starts the entire thing and that means that he's standing out at the edge of his property. They're no lasers -- there's no other laser found. I mean he has a firearm and he, to be pointed at them to catch them, he's already pointing that firearm at them long before they've ever seen that it's a gun. That, in itself, is kind of malicious.

And then, of course, when you later on then shoot that firearm a matter of minutes later, it's absolutely malicious and that must -- malice only has to be there right before you do it. Not any sort of drawn out plan.

You can also infer malice through the use of a deadly weapon. It's all up to you what the -- facts you determine and then what inferences you take that is, is solely in your discretion.

I ask you to look at it in total. Absolutely his

intent, when he took that firearm, was to maliciously kill these two men. I can't tell you why but I don't have to tell you why. I just have to prove, beyond a reasonable doubt, that that's what happened and that is what happened.

The last charge -- oh, excuse me.

The, the judge is gonna also -- you're gonna get a verdict form and you're gonna get his instructions and there's gonna be two options on the indictments -- on the two indictments for attempted murder on Mr. Jones and Mr. Smith and the first option is attempted murder, which has the specific intent to kill, the attempt to kill, and then the malice aforethought.

You will have a second option. Basically if you find him to be not guilty of that, you would then move on to consideration of, of this charge, which is called assault and battery in the first degree. That requires that somebody offers or attempts to injure another and that they do so in a manner likely to produce great bodily injury or death.

So, it doesn't require an intent to kill. It doesn't require malice aforethought. It just requires that you offer or attempt to injure somebody, and, in this case, they weren't injured thankfully. So, offer and attempt to injure somebody and you do it in a means to produce great

bodily injury.

Shot at them four times with a gun. Guns kill. Guns maim. Guns cause great bodily injury.

So, if you are not able to reach a verdict or you reach a unanimous verdict of not guilty on the attempted murder, this is an option for you to consider as well. But only after you've considered the attempted murder should you move onto this.

And the last charge is discharging into an occupied vehicle. Again, this does not have a specific intent. It's a generic, generic intent and the judge is gonna talk about just generic criminal intent, a conscious wrongdoing.

All this requires is, and I didn't make a fancy sheet for this, is you shoot a gun or you cause a gun to be fired into a car with people inside of it, an occupied vehicle.

And so, if you believe that Joseph King fired the weapon into the car, obviously we know Jaiden and Ikevious were in it, he is guilty of that charge. It doesn't require a, a -- that he's trying to kill them or that he has malice. Just that he did it and he did it with a, with a criminal intent, a generic criminal intent.

So, just want to -- just some housekeeping stuff before I finish.

You have -- you will have all of this evidence back with you in the jury room when you discuss this case and we certainly want you to discuss it fully.

One of the definitions the judge is gonna give you of reasonable doubt is the type of doubt that would cause a reasonable person, a lot of reasonables, to hesitate to act. I don't want you to think that that means if y'all don't go back and immediately vote 12 to zero, without any discussion, that you have to find them not guilty. That's obviously not the case.

We want you to discuss it fully, air out whatever views y'all have of the evidence. It's if you can't overcome that, that you continue to hesitate, and that's -- I prefer the, the firmly convinced. If you become firmly convinced of his guilt, then he -- you should convict him. That's what your obligation is to do if you, if you reach that point.

You will have access. We'll have a laptop that can play these videos for you. All of the pictures will be there. The guns will be back. They'll probably only send the bullets or the guns back. But you, but you can inspect all of these things as much as you want.

We're obviously asking for a guilty verdict on all three, both for the attempted murder and for discharging into a vehicle.

This is a very strange case. It's not often that we have kind of motiveless crimes. But the reality is is that's what happened. Jaiden and Ikevious were driving by, trying to make sure that nothing was going wrong, doing the right thing. Every step of the way they've done the right thing all the way up until yesterday when they finally told their story and you can tell they're eager to tell their story and that's because something terrible happened to them.

And Joseph King is the person that did that to them. And we're asking that he be held responsible for his actions on the early morning hours of November 14th, 2023, and that you find him guilty of all three as charged.

Thank you.

MR. NMAIR: Appreciate it.

I'm sorry about that, ladies and gentlemen of the jury.

When I spoke to you in the beginning, I told you that Mr. King carries with him a presumption of innocence, right, that there's a reason why the standard that we use when you are to determine your verdict, that the words we use are guilty or not guilty. And the reason why we use that, as I said, is because of that presumption of innocence.

It carries with him throughout the entirety of this process. It carried with him the moment that he was arrested and it will carry with him when you go back when you deliberate and it will carry with him until you guys come back out here and you return a verdict form that says otherwise.

And so, when you're back there and you're deliberating, understand that he is, at this moment and in the future and until otherwise, innocent and I say that because we are at that crucial moment.

When I am done, the judge will charge you and then you will be free to go back there with all the evidence, that -- the videos, with the firearms, with the pictures, with the 9-1-1 call, and you will have an opportunity to sit there, discuss amongst yourselves whether or not Mr. King is guilty of the attempted murders, of the discharging of a firearm, or if you don't believe he is guilty of the attempted murder, whether or not he's guilty of the assault and battery in the first degree.

Now, throughout the course of this trial, and what the government argued just moments before is they talked about credibility and they talked about Mr. King not being credible. They talked about Mr. Smith and Mr. Jones being credible and he gave those reasons why.

But you have to -- the State has to prove to you,

beyond a reasonable doubt -- and, and I emphasize this when I spoke to you in the beginning that it has to be beyond a reasonable doubt -- the State has to prove to you that Mr. King, not only was it Mr. King, right, he has to prove identity, not only that it was Mr. King, but they also has to prove -- he also has to prove that Mr. King fired a gun.

And so, beyond a reasonable doubt, I'd argue the State has not met that burden and the reason I say that is because of the evidence presented, because of the testimony presented, and the inconsistencies that the government presented to you.

So, let's talk about those inconsistencies. The State's first witness is Mr. Smith.

Mr. Smith is the one who is primarily heard on the 9-1-1 call talking to the 9-1-1 operator discussing what happened, what's going on.

What Mr. Smith tells the 9-1-1 operator is that he is at the intersection of where Huntington Drive and Cedar Springs and Country Club Road all meet. He says he's at the stop sign. He says that Mr. Jones calls him, tells him I've got a beam. Somebody shined a beam in your truck.

He said what?

Somebody shined a beam in my truck.

So he goes -- turns around and he goes back.

What he tells 9-1-1 and what Investigator James testifies that he tells him that they drive down the road. Mr. Jones then gets out of his car. He enters Mr. Smith's car and then they drive back.

When Mr. Smith testified, he said he turns around. Mr. Jones, then leaving Huntington going onto Country Club, stops, gets out of his car, and then just hangs around the passenger side. That is a distinct difference in the story.

He then says well, it's really, really dark. It's pitch black as he describes it. But he also says his truck is lit up. He's got lights under the truck. Says he's got his high beams on. Not his high beams. I'm sorry. He says he's got his headlights facing in that direction.

Now, he told 9-1-1 he's at the stop sign. But when he testified, he said he was under the street light, and as me and Mr. Smith discussed what happened, he said he would of been right about here where that curve is, right. Would of been right under that street light.

Now, that's important because he's either at the stop sign or he's at the street light and why does that matter?

Well, Mr. Smith said well, the stop sign is at the street light.

Well, when Deputy Wages testified, his body cam was playing, and when his body cam was played, Deputy Wages, intentionally or unintentionally, his body cam captured a moment that shows that the actual view that's presented is that the stop sign, as it comes up, that the stop sign, as you can see, is actually behind the street lamp, right.

And so, Mr. Smith, for the government says is credible, says I'm at the street lamp. So, you're under the street lamp. That means you're beyond the stop sign, which is beyond what you told 9-1-1, which is beyond what you told Investigator James. So, he has gone beyond the stop sign and he's pulled up.

What that means, from that view, is that when he is under the light, he's no longer at that stop sign, okay, which means he is not at an angle facing directly behind the excavator where Mr. Smith and Mr. Jones all described they see an individual wearing a black hoodie, khaki pants, or gray joggers.

Mr. Smith says I think he's white but you can't really see because it's too dark despite the fact that his headlights are on, despite the fact that he has all these lights on his truck, despite the fact that the gun allegedly has a flashlight that would illuminate the area, and Mr. Jones says I don't see anything.

In fact, Mr. Jones testified and said yeah, I saw

what looked like a black hoodie and I saw what looked like gray joggers but I couldn't see the gun. I couldn't identify whether they were actually male or, male or female but I think they were male, and he could not tell race.

What Mr. Jones also testifies, and I think what is most important, is his testimony confirms what we, as defense, believed to be true and what we truly think happened is what actually Mr. Smith testified to here yesterday when he said he was actually at that street lamp. And the reason why we believe that is because Mr. Jones testifies, and Officer Wages own body cam I think help supports this, that where Mr. Smith would be and where the alleged shooting took place was at an angle.

Very specifically, Mr. Jones said that if this is the truck, this would be where the individual behind the excavator would be at, which means when they're shooting at the truck, they're shooting this way, right.

And why is that important?

Because Mr. Smith testified to what his -- the damage to his truck was.

When Mr. Smith testified to what the damage of his truck was, what he had and what he showed was a direct shot into the logo, the Chevrolet logo, a direct shot into what is his -- what is his AC and what it shows is that a

bullet coming generally directly from the front scrapes by and touches on the hood and goes through.

Think about what Mr. Jones testified to. Think about what Mr. Smith testified to.

The car, as you saw on the body cam, where it actually would be angled because, from the body cam's point of view, that is about where Mr. Jones says he sees the individual that the State says is Mr. King. Mr. Smith and Mr. Jones say he is at the street light and he admits, Mr. Jones does, that it is at an angle.

Okay. If he's shooting, it's not scraping the side of the hood on the driver's side. It's piercing and it doesn't pierce. It goes straight through.

And there is some other things that happened with the truck. For instance, the radiator leaks.

Now, you were presented some other pictures and, and one of those pictures was the leaking of the coolant in Mr. Smith's truck where he's at.

Now, there are other pictures. In, in fact, it was testified that there was an Investigator Parham who would of took multiple pictures.

One picture that they don't directly take, they don't take a direct picture of this alleged bag.

Now, Mr. Smith testified and said he was sure it was a Zaxby's bag. There is no Zaxby's bag. In fact, we

don't have a picture of the bag. They don't take into evidence the bag.

But that's all material, every single bit of it. Every single bit that the case con -- that the State contends has information that points to Mr. King is all material.

Why?

Because he is still presumed innocent and they still have to prove it beyond a reasonable doubt and it's not just identity that they have to prove. They also have to prove that he fired the gun. And they do recover two guns and Mr. King does not hide the fact that he has two guns.

In fact, Officer Wages asked Mr. King well, do you have any firearms?

He says yeah, I've got some in the house. He clarifies.

He says well, you got any out here?

He says yeah, there's one in that machine there and he points him right to it. He says there's the gun. There's the gun that the State contends is the gun that he used to shoot the truck and he just points it right out and says go ahead and take it, go ahead and find it?

He didn't want to make their life a little difficult. In fact, when Officer Wages says can I pat you down, he says yeah, man, go ahead. He asks him are you gonna find

shell casings. He's no I'm -- you're not gonna find any shell casings. No needles. No nothing like that and the officers don't find shell casings.

They don't find it on Mr. King. They don't find it in the area and that matters because, as Investigator James testified, that gun ejects a cartridge, right.

Those shell casings have to go somewhere. They didn't disappear into the ether, and as the State presented to you, when they make the initial call, law enforcement's already on the way. Then they make the second call, not too long later, but then they make the second call about the shooting. But, again, law enforcement was already on the way and it's maybe not five minutes before law enforcement arrives.

Now, why did they not find the shell casings?

They found the gun certainly.

Why not the shell casings?

There's no theory. There's no presumption. There's no statements said he would of hid them, that he took them and put them somewhere else. There was certainly that bag on the ground.

Did they search that bag to see maybe did Mr. King put it in there?

No, of course they didn't do that cause they didn't confiscate the bag. They certainly didn't look at it.

Officer Wages didn't. Officer Wages said yeah, I just looked at the floor with my flashlight. He didn't get down. He didn't try to get any tactile feel for it.

As Investigator James said, no, I didn't crawl around on my hands and knees to find it.

Why not?

Because Investigator James said they're victims. Their car got shot up. His feelings apparently didn't amount to action cause he didn't want to take action because Investigator James said, when I asked him did you do this, did you do that, that's not my job. But Officer Wages said it was his job, right.

I asked Officer Wages, you know, did he go, try to get these text messages that Mr. King talked about. He said no. Once an investigator's called, that's not my job. It's the investigator's job. It's the investigator's job to follow-up and the investigator's suppose to do these types of things and the investigator said he didn't want to investigate because there is no GSR.

He says SLED told him not to do GSR. I asked him when did SLED tell you that. He said I don't know.

You don't know?

So, it could of been then, for this very specific case, where SLED did do, did do GSR testing, gunshot

residue, to determine that somebody shot. They don't do that. He doesn't remember that. He doesn't remember when he got that directive. But he does remember that he -- that Mr. King talked to him about text messages from a report that is almost three years old that he testified he didn't put it in his report.

That matters. These consistencies matter, because as the State gets up here and he talks about -- and has it's a, a flashlight, has a beam, there's the red dot sight, there's the scope, everything is on this gun to make sure that you're hitting the shot.

But everybody who actually interacts with Mr. King says he's drunk and not just drunk. He is drunk, right.

He's unsteady on his feet. He can't answer questions. He's slurring his words. As Investigator James testified, he is -- he, he said that Mr. King told him he had been drinking all day.

Whether an individual has a green beam, a scope, red dot sight or not, if you've been drinking all day, you're not shooting that accurate and it was accurate. Mr. Smith said so. It was enough that Mr. Smith made it a point to say he got aim, bro.

And then, of course, as I've said and as I've shown, the bullets don't exactly line up with whoever did shoot where Mr. King was allegedly at.

And they had methods and they had testing and they were other ways that they could of determined where a gun was shot. They talked about shell casing analysis. Of course, that required a shell casings which they didn't exactly want to try to find. They could of done gunshot residue. Presumably it still existed. Investigator James isn't exactly too sure. But presuming it was, they could of done that and that would of determined that he shot.

Investigator James counts the bullets. The pistol, the Sig Sauer, 10 capacity magazine. As Investigator James said, one in the chamber, nine in the magazine.

How many is that?

That's 10.

Simple, right?

You can tell from that that's not the gunshot let alone it doesn't match the description. But it's got full, full set of rounds for that, right.

But the KelTec carries 50. Simple math's not gonna answer whether he shot that gun or not. But what it did have, one in the chamber and 19 in the magazine. That's an even 20. You got an even 10 and you got an even 20.

They allege he shot four times. He loaded the gun with 24 bullets. I don't think that adds up and those matter. All of that matters and all of that matters because all of that goes to whether or not the State can

prove to you beyond a reasonable doubt.

It's not enough that they just prove identity. It's not enough that they prove specific intent. It's not enough that they prove malice. They have to prove that Mr. King shot the gun.

The pictures, the body cams, the evidence, the testimony does not prove that. And if one element is missing, if any of that is missing, Mr. King continues to be innocent and he continues to be innocent. That goes to the attempted murders. That goes to the assault and battery in the first degree and that goes into the discharging of a firearm into a vehicle.

I've talked a little bit about beyond a reasonable doubt and I've stressed beyond a reasonable doubt. And what the judge is also going to get up here and talk to you about, cause he's also gonna talk about a little bit as an example of what's called -- what is the burden of proof in a civil case. It's called a preponderance of the evidence and the different courts have different levels.

There are different levels of proof. Beyond a reasonable doubt is the highest level of proof and I can not stress enough the highest level of proof and I say that because, while the judge may give you an example of if you have potentially served on a civil jury, and you have the proof beyond -- the preponderance of the evidence

on a civil case, normally what that is, that's monetary damages.

Somebody gets in a car wreck and do you think they deserve this type of money or they're mostly at fault so they should pay for it quite literally?

But they're other levels of proof and one level of proof is called clear and convincing evidence.

A clear convincing evidence is most frequently used in Family Court specifically when DSS wants to take somebody's child from a home and put them in DSS custody and I want you to think about that. The level goes preponderance of an evidence, clear and convincing, beyond a reasonable doubt.

Okay. This is what an individual needs to show to say I deserve money for some type of harm I've faced. This is the level that needs to be shown for the State to take your kid away. But this is the level that the State needs to reach to show that an individual is guilty of a crime.

It is more important, in our system, that the preponderance of evidence -- I'm sorry -- the presumption of innocence carries throughout the system because the government has said, essentially, it's easier us -- easier for us to take your kids than it is to put you -- incarcerate you or charge you with a crime and that

matters and that should matter when you deliberate because, when you go through all this evidence, I think you're gonna find that no matter what the charge, whether it's attempted murder, whether it's assault and battery first, whether it's discharging a firearm into a vehicle, I think what you're gonna find it very hard to say is that Mr. King, through the testimony, through the pictures, the body camera that I showed where I showed where exactly the street light and stop sign are, and through the lack of any scientific or forensic evidence, that Mr. King ever fired a firearm and he has to shoot the firearm too. And if you -- they can't prove that, they can't prove the charge. And, for those reasons, Mr. King is not only just not guilty, but he maintains his innocence.

Thank you.

THE COURT: Thank you, ladies and gentlemen.

If you would, just take a moment and stand up and stretch your legs while we get ready to charge you on the law of the case.

(WHEREUPON, the jury complies.)

THE COURT: Thank you, ladies and gentlemen. You may have a seat.

All right. Ladies and gentlemen, the indictments in this case allege several different offenses against the defendant.

The charges are -- one indictment is attempted murder of Jaiden Jones. The second indictment is attempted murder of Ikevious, Ikevious Smith. And the third indictment is discharging firearm at or into a vehicle.

Each indictment charges a separate and distinct offense. You must decide each indictment separately on the evidence and the law applicable to it uninfluenced by your decision as to any other of the indictments.

The defendant may be convicted or acquitted on any or all of the offenses charged. You will be asked to write a separate verdict of guilt or not guilty on each of the indictments.

Now, I remind you that the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case and can not be considered by you as evidence of guilt in this case. Nor does it create a presumption or inference of guilt.

The indictments are simply the formal written instruments which contain the charges made against the defendant. These indictments are the formal documents by which the case is brought into this court.

The defendant has pled not guilty to the indictments and that plea puts the burden on the State to prove the defendant is guilty. A person charged with committing a criminal offense in South Carolina is never required to

prove himself innocent.

I charge you that it is an important rule of law that the defendant, in a criminal trial, no matter what the seriousness of the crime may be, will always be presumed to be innocent of that crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

Now, this presumption of innocence does not end when you begin your deliberations. But it accompanies the defendant throughout the trial until you reach a verdict of guilt based on the 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 until 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 a 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.

Now what is reasonable doubt in the law?

A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act.

The State has the burden of proving the defendant guilty beyond a reasonable doubt and some of you may have served as jurors in civil cases where you were told that it is only necessary to prove a fact more likely true than not true such as by the greater weight or the preponderance of the evidence.

In a criminal trial, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Now, 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 a criminal case, the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If, on the other hand, you think there's a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find him not guilty.

Now, ladies and gentlemen, I remind you that, during this trial, you and I have had certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case and I have the duty to rule on the admissibility of evidence offered during the trial.

You are to consider only the competent evidence

before you. You are to consider only the testimony which has been presented from the witness stand and any exhibits which have been made part of the record of this case and then if there has been any stipulations of counsel.

Now, I have the additional duty to charge you the law applicable to this case as the presiding judge and I am the sole judge of the law of the case. And, ladies and gentlemen, it is your duty, as jurors, to accept and apply the law as I now state it to you.

If you already have any ideas as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon this idea because you are sworn to accept the law and apply the law exactly as I now state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts in a case. A trial judge can not intimate, state, comment on, or make any statement to a trial jury about the facts in a case.

Since you, the jury, are the sole judge of the facts in this case, you are not to infer, from what I have said during the progress of this trial in ruling on the admissibility of evidence or otherwise or anything that I say now during this course of this instruction to you, that I have any opinion about the facts in this case. The

law does not allow me to have an opinion about the facts in this case.

This is a matter solely for you, the jury, to determine. As jurors, it is your duty to determine the effect, the value, the weight, and the truth of the evidence that has been presented during this trial.

Ladies and gentlemen, during -- ladies and gentlemen, there are two types of evidence which are generally presented in the course of a trial, direct evidence and circumstantial evidence.

Direct evidence directly proves the existence of a fact and does not require deduction. Direct evidence is the testimony of a person who claims to have an actual knowledge of a fact such as an eye witness.

Now, circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

Crimes may be proven by circumstantial evidence and the law makes no distinction between the weight or value to be given either direct or circumstantial evidence nor is a greater degree of certainty required of circumstantial evidence than that of direct evidence.

However, to the extent that the State relies on circumstantial evidence, all 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 suspicion, then this proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt and this burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or a combination of the two.

Necessarily, ladies and gentlemen, you must determine the credibility of the witnesses who have testified in this case. Credibility simply means believability. It becomes your duty, as jurors, to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witness or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its, in its entirety or reject the testimony of a witness in its entirety.

You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in this

case and you may also consider the appearance and the manner of the witness while on the witness stand.

An issue in this case is the identification of the defendant as the person who committed the crime charged. The State has the burden of proving identity beyond a reasonable doubt.

You must be satisfied, beyond a reasonable doubt, of the accuracy of the, of the identification of the defendant as the person who committed the crime before you may convict the defendant. Identification testimony is an expression or belief or impression by a witness.

You must consider the believability of each identification witness in the same way as any other witness.

Once again, I instruct you the burden of proof on the State to -- on the State extends to every element of the crime charged and this specifically includes the burden of proving, beyond a reasonable doubt, the identity of the defendant as the person who committed this crime. If, after examining the testimony, you have a reasonable doubt as to the accuracy of the identification, you must find the defendant not guilty.

Now, ladies and gentlemen, I instruct you and emphasize that the fact the defendant did not testify is not a factor to be considered by you in any way in your

deliberation and in your consideration on the question of the guilt or innocence of the defendant. It must not be considered by you in any manner whatsoever.

A defendant has the constitutional right to remain silent and the assertion of this right must not be considered by you in your deliberation.

Now, I repeat, under your oath, you are to draw no conclusion whatsoever from the fact that the defendant in this case did not testify. The fact that this defendant did not testify should not even be discussed in the jury room. The burden of proof, as I have stated it to you, is on the State.

The defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Criminal intent, ladies and gentlemen, is a necessary element of each crime that must be proved by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There is no way to prove intent to a mathematical certainty. Medical science can not dissect a person's brain and determine what he had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how a jury

makes a determination of whether or not the element requiring intent was present.

Criminal intent is a state of mind which operated jointly with an act is -- act is the commission of a crime. Criminal intent is a mental state, a conscious wrongdoing.

So, it is up to you, the jury, to determine what the defendant intended to do based on the circumstances shown to have existed. I tell you that the State must prove criminal intent beyond a reasonable doubt just as the State must prove every element beyond a reasonable doubt.

It is not necessary to establish intent by direct or positive evidence. But intent may be established by inference in the same way as any other fact by taking into consideration the acts of the parties and all of the facts and circumstances of the case.

While the State may prove motive, it is not necessary that the State do so. However, the State must prove intent.

Ladies and gentlemen, the defendant is charged with attempted murder. In order to prove this crime, the State must prove the defendant, with an intent to kill, attempted to kill another person with malice aforethought either expressed or implied.

Malice is hatred, ill will, or hostility towards

another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent.

Malice aforethought does not require that malice exist for any particular time before the act is committed. But malice must exist in the mind of the defendant just before and at the time the act is committed. Therefore, there must be a combination of the previous evil intent and the act.

Malice aforethought may be expressed or inferred. These terms express and inferred do not mean different kinds of malice but merely the manner in which malice may be shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do an act which was later, which was later accomplished. Malice may be inferred from conduct showing a total disregard for human life.

If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would simply be an evidentiary fact to be considered by you, the jury, along

with other evidence in this case and you may give it the weight you decide it should receive.

A specific intent to kill is an element of attempted murder. Intent means intending the result which actually occurs, not accidentally or involuntary.

Intent make be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent. Evidence of the character of the act, the character of the instrument used, the manner in which it was used, the purpose to be accomplished, and the resulting wounds or injuries may be considered in determining intent with which the act was committed.

Intent may also be inferred when it is demonstrated that the defendant voluntarily and willfully commits an act the natural tendency of which is to destroy another's life.

If you find that the State has failed to prove, beyond a reasonable doubt, that the defendant attempted to commit murder, you shall consider whether the State has proved, beyond a reasonable doubt, that the defendant committed assault and battery in the first degree.

The State may show that a defendant committed assault and battery in the first degree by proving, beyond a reasonable doubt, that the defendant offered or attempted

to injure another person with the presentability to do so and the act is accompanied by means likely to produce death or great bodily injury.

Great bodily injury means bodily injury which causes 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.

The defendant is also charged with discharging a firearm at or into a vehicle. The State must prove, beyond a reasonable doubt, that the defendant unlawfully discharged a firearm at or into an occupied vehicle or caused a firearm to unlawfully be discharged at or into an occupied vehicle.

Ladies and gentlemen, voluntary intoxication is not a criminal defense. You are responsible for your actions just as if you were not intoxicated.

Now, ladies and gentlemen, we have prepared, for your use in the jury room, three different verdict forms.

Mr. Foreman, ladies and gentlemen, I need to instruct you that your verdict has to be unanimous. All 12 members of the jury need to agree on the verdict and your verdict can not be based on sympathy, speculation, or conjecture. But rather your verdict must be based solely on the evidence that has been presented during, during the course of the trial and the law as I have now instructed to you.

Now, Mr. Foreman, I have prepared three verdict forms and numbered them one, two, three. I had to number them some way. So you can consider two first, three first, or however you would like to consider them.

But on the first two that I have numbered are the attempted murder charges that are against the defendant. One is attempted murder as to Jaiden Jones and the other is to Ikevious Smith. Each attempted murder verdict form is, number one, is the attempted murder, you will consider that. If you find that the State has failed to prove, beyond a reasonable doubt, that the defendant attempted to commit murder, you then shall consider whether the State has proved, beyond a reasonable doubt, that the defendant committed the assault and battery in the first degree.

And so if -- and so it should be self-exploratory but follow the instructions that are on the verdict form. Once you have reached -- and then the third verdict form or verdict form number three is a -- is the discharging of a firearm at or into a vehicle.

Once the jury has reached their verdict, again, it has to be unanimous, Mr. Foreman, you will then execute, sign the verdict forms and date the verdict forms. You will then do one thing very important is that you will then knock on the door and let the bailiff know that you've concluded with your verdict.

I did have a jury one time did not knock on the door and a substantially long time passed. So, finally we had to go ask them what's up and they said well, you didn't tell us what to do once we've reached a verdict. So, be sure you knock on the door and let the bailiffs know.

Now, Mr. Foreman, ladies and gentlemen, we have ordered lunch for you. I understand that it is here.

I'm gonna ask, if you would, in just a moment, to retire to the jury deliberation room but do not begin your deliberations. You will begin your deliberations when the bailiff brings you all the evidence and advised you that -- to begin your deliberations. But your lunches are back there and you can start your lunches though.

But, if you will, just retire back to the jury deliberation room and we'll be right with you.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Any objection to the charge from the State?

SOLICITOR SMITH: No, Your Honor.

THE COURT: Any from the defense?

MR. NMAIR: No, Your Honor.

THE COURT: All right. Check -- be sure we've got all the exhibits before we send them back.

SOLICITOR SMITH: My investigator's gone about

getting the laptop but I guess --

THE COURT: Okay.

SOLICITOR SMITH: -- we'll see if they ask for it. But I'll, I'll get it up here.

THE COURT: Okay.

(Pause.)

THE COURT: All right. Are y'all agreeable to dismiss the alternates?

SOLICITOR SMITH: Yes, Your Honor.

MR. NMAIR: Yes, Your Honor.

THE COURT: Okay. You may tell them to begin their deliberations and take that back.

You need some help?

THE BAILIFF: I'll get it.

THE COURT: It's a big box.

And then bring the two alternates out if you would.

(WHEREUPON, the two alternate jurors were dismissed at this time.)

SOLICITOR SMITH: Judge, we've got that laptop.

THE COURT: Okay.

SOLICITOR SMITH: They'll come back and get it.

THE COURT: Yeah, you can take that back.

All right. Now, frequently jurors come back with questions. Let us know where you are. Do not -- and I strongly suggest don't go far because we don't want to

wait an hour or two hours to answer a question --

MR. NMAIR: Yes, Your Honor.

THE COURT: -- you know. I -- and I hate to have to tell that to everybody. But one time I was doing a trial, and it would -- the family was not from Spartanburg. They decided they wanted to go to lunch.

Well, they went all the way out on West Gate you know. So, we had to wait like an hour and a half just to answer a question and that became very impractical.

So, stay close by. Be sure we have your numbers. Tanya will be back in shortly and we'll -- or let your lawyers know where you are so you can be gotten on short notice.

But we'll just step down.

MR. NMAIR: Yes, Your Honor, and, and, very quickly, do you want me to go print off a copy of the supplemental and the original so you can---

THE COURT: At, at some point, yeah.

SOLICITOR SMITH: I've got it.

THE COURT: You need to make that part of the record.

MR. NMAIR: You got it?

SOLICITOR SMITH: I'm gonna go grab that.

THE COURT: Okay. All right. Thank y'all very much. We'll step down.

(WHEREUPON, the jury began deliberations at 12:23PM

and returned with a verdict at 1:47PM.)

THE COURT: All right. I'm told that the jury has reached a verdict.

Is anything before we bring the jury in?

SOLICITOR SMITH: No, Your Honor. We're ready.

MR. NMAIR: No, Your Honor.

THE COURT: All right. Thank you very much.

Remind everybody in the courtroom there was not to be any outbursts once the jury verdict has been announced. But we will bring the jury in now.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Mr. Foreman, thank you. Y'all may be seated.

Mr. Foreman, I'm told that the jury has reached a verdict.

Is that correct?

THE FOREMAN: Yes, Your Honor.

THE COURT: If you will, please give it to the bailiff.

(WHEREUPON, the foreman complies.)

THE COURT: Madam Clerk, if you will, please announce the verdict.

THE CLERK: In the State of South Carolina, in the Court of General Sessions, the State of South Carolina

versus Joseph Mitchell King, Indictment Number 2024-GS-42-0680, as to charge of attempted murder of Jaiden Jones, we, the jury, unanimously find the defendant guilty. Signed by the foreperson this 14th day of January, 2026.

As to Indictment Number 2024-GS-42-0681, the charge of attempted murder of Ikevious Smith, we, the jury, unanimously find the defendant guilty. Signed by the foreperson this 14th day of January, 2026.

As to the charge of discharging a firearm at or into a vehicle, Indictment Number 2024-GS-42-0682, we, the jury, unanimously find the defendant guilty. Signed by the foreperson this 14th day of January, 2026.

Ladies and gentlemen of the jury, is this your verdict and still your verdict, if so, please raise your right-hand?

(WHEREUPON, all jurors raise their hands at this time.)

THE COURT: Thank---

THE CLERK: So say you all.

THE COURT: Thank you very much.

Anything from the parties before I dismiss the jury?

SOLICITOR SMITH: None from the State.

MR. NMAIR: No, Your Honor.

THE COURT: All right. Ladies and gentlemen, thank

you for your service.

As I have -- probably would recall -- you may recall from where we started with the jury qualification, I have encouraged you to view your service this week through an eye of your civic participation and participating in the democracy that we have and that we enjoy here in our country.

As I -- you may recall, it's -- might of mentioned to you on Monday that, outside of active military service, one of the most difficult things that a citizen will do for this country is service on a jury the way you have done the last few days. And that if you also may recall that this is frequently been called -- that the justice system we have in this country -- the greatest justice system ever created and I'm a firm believer of that. So, thank you.

Your service is now concluded. I've told you repeatedly do not have any discussions with anyone about anything involving the case. That is now lifted. You can talk to anyone about anything as much as you want to about this case.

But also I need for you to understand that if, by chance, anyone approaches you and you feel as if that conversation with you about your service as jurors becomes harassment or becomes bothersome to you, please reach out

to the Clerk of Court or the Sheriff's Office and we will be sure that that type of conversation and contact with you ceases.

But, again, thank you for your service. I wish I could tell you that your service for the week has gone. But best I can tell you is call back to that number after six o'clock that the Clerk of Court gives you.

I'm anticipating that your service has been concluded but I can not 100 percent tell you right now. So, just call back to that number after six o'clock.

But if by chance that I do not see you again, I want you to understand that I and everyone on behalf of Spartanburg County appreciates your participation this week as a juror.

I'm gonna now let you go with the bailiff. They're gonna show you back to the jury deliberation room where you can get any personal belongings.

Mr. Foreman, I need you to wait back there. We've got to get your signature on a few documents.

All right?

THE FOREMAN: Okay.

THE COURT: But thank y'all very much.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: Anything, anything else before we proceed

with sentencing?

SOLICITOR SMITH: Can I just -- well, you're talking about motions.

THE COURT: I'm talking about motions.

SOLICITOR SMITH: Yes, sir. Sorry.

MR. NMAIR: Yes, Your Honor. We -- we'd like to renew all, all previous objections, all previous motions especially our motion for mistrial.

I do have for Your Honor a copy of the reports that we believe were not provided to us as well as that -- that would be the supplement by Investigator James as well as a -- that was previously discussed during the motion, a incident report by an Officer Hammett who actually test fires the weapon. That testimony wasn't presented in trial.

But still, ultimately, I think discoverable information. So I provided that as well as what was the copy provided to the defense in terms of the original report of Investigator James, Your Honor.

I think we would, we would also make a motion for a new trial. I think the -- due to the materiality of the lead investigator's report, I think that is something that certainly needs to be turned over, was failed to be turned over.

That caused, unfortunately, I think a break in what

was ongoing cross-examination due to the defense not having it readily available or even knowing that it was there and I think that had a material impact and a prejudicial impact ultimately on the defense's ability to, to prepare and had an impact on the case, Your Honor.

THE COURT: All right. Thank you.

Yes, sir.

SOLICITOR SMITH: I don't, I don't have any additional arguments on it. I also have copies of it. However you like.

If you want to make them two separate exhibits or --?

THE COURT: All right. So you -- are you gonna rely on your previous arguments to what he just argued?

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: All right.

SOLICITOR SMITH: I don't have anything additional.

THE COURT: Okay. Okay. I have reviewed -- the documents y'all gave me previously, that -- are those the same documents that y'all are -- that we're now making part of the record of this proceeding?

MR. NMAIR: Yes, Your Honor.

SOLICITOR SMITH: Yes.

MR. NMAIR: I think the only thing that may be different is the, the document by an Investigator Hammett. That was briefly discussed in the original motion

yesterday. But I don't believe that I, I have provided that to Your Honor during your review of it.

So, I do have that readily available as well --

THE COURT: All right.

MR. NMAIR: -- as part of the record.

THE COURT: All right. Well, I, I need to take a look at it if you're making something part of the record.

MR. NMAIR: Yes, sir.

THE COURT: Okay. And do y'all have -- do y'all have those documents to give to the court reporter?

MR. NMAIR: Yes, Your Honor.

THE COURT: All right. And I have, and I have reviewed the other document that counsel just referred to as well.

(WHEREUPON, the incident reports were marked as Court's Exhibit Nos. 1 through 3 and received into evidence at this time.)

THE COURT: All right. In reviewing the one additional document as well as considering the other documents that I had reviewed, I have not changed my opinion on the motion.

So, the motion will be denied in regards to the renewal of the motion for a mistrial and also, in regards to the motion that goes beyond just those documents or the discovery issue, I would have to deny that motion as well.

I believe they are sufficient information, in fact, presented to the jury to support their decision.

Okay?

MR. NMAIR: Thank you, Your Honor.

THE COURT: Yes, sir.

Anything else before we proceed with sentencing?

MR. NMAIR: Not from defense.

THE COURT: Do y'all have the sentencing sheets?

MR. NMAIR: I do, Your Honor.

THE COURT: Okay.

All right. Okay. Mr. King, I need to remind you that you remain under oath.

You understand that?

THE DEFENDANT: Yes.

THE COURT: Okay. Sir, give -- put that microphone over there.

All right. Mr. King, I've got just some basic information I need to ask you at first.

How old are you?

THE DEFENDANT: I'm 37.

THE COURT: Thirty-seven.

And how far did you go in school?

THE DEFENDANT: I graduated college.

THE COURT: Okay. Presently, are you married, single, divorced, widowed?

THE DEFENDANT: Single.
THE COURT: Do you have children?
THE DEFENDANT: No.
THE COURT: And do you have a job outside of the home?
THE DEFENDANT: Yes.
THE COURT: What kind of work do you do?
THE DEFENDANT: I work in a restaurant.
THE COURT: Ever serve in the military?
THE DEFENDANT: No.
THE COURT: Okay. Thank you, sir.
Just listen to your lawyer. I'm gonna allow you an opportunity to speak to me at the end of this process. But I've got to hear first from the State.
Any prior record?
SOLICITOR SMITH: Your Honor, very limited.
He has a reckless driving from 2014 and a speeding ticket out of North Carolina from 2013.
I don't -- I did not run a new rap sheet on him. He had like a breaking, entering, and a malicious injury charge out of North Carolina. At previous bond hearings they ref -- the defense, not Mr. Nmair, but his previous attorneys, represented that was dismissed.
That's his only prior criminal history. I don't -- I'm not representing that those are convictions, Your

Honor.

THE COURT: Okay. And is there anything from either of the victims that they wish to address the Court concerning sentencing or their opinions on the case?

SOLICITOR SMITH: Your Honor, I, I think Mr. Smith's mom would kind of like to speak about how this affected him cause I don't think he wants to and then Mr. Smith had asked about, and this is not normally an issue in my cases, but any restitution. I don't know if there's something we could agree to now or if we need to have a, a hearing for that. But --.

THE COURT: Do you have any information as to the restitution?

SOLICITOR SMITH: Let me check. I think they attached it to their victim impact.

Your Honor, I -- what I believe they're requesting -- there's -- some of these is, is pain and suffering and things that we don't -- and counseling that we don't generally cover through restitution.

THE COURT: Uh-huh. (Affirmative).

SOLICITOR SMITH: But he has -- he is claiming $3,219.20 in damage to the vehicle and then he had to get a rental, which costs an additional $938.64, and I have documentation for those. The others was counseling and I guess he was out of work for a period of time. But we're

not gonna seek that as to damage.

THE COURT: Okay.

SOLICITOR SMITH: And you -- Your Honor, we do have -- I've done his credit for time as well if you want that information. I think -- I've discussed it with Mr. Nmair. We had one day off. But I think that was just a matter of including today.

THE COURT: Okay. All right. So I've got -- do y'all -- is, is there a contest over the $4,157.84 in restitution?

MR. NMAIR: No, Your Honor.

THE COURT: Okay.

SOLICITOR SMITH: I'll, I'll prepare an order I guess and submit it to the Court.

THE COURT: Okay. And did you say that Mr. Smith's mother did wish to address the Court?

SOLICITOR SMITH: Yes, Your Honor.

THE COURT: Yes, ma'am.

Ma'am, if you would, come up here to Mr. -- beside Mr. Smith and see the green light on that microphone?

You don't have to necessarily lean into the green light. But speak towards it so we can be sure that we're recording your voice and start by giving us your full name.

MS. GLENN: Hi, my name is Ms. Kelly Glenn.

THE COURT: Yes, ma'am, Ms. Glenn. Be more than happy to hear form you.

MS. GLENN: Yes, I just like to address the Court on his sentencing. I do feel like Mr. King should receive the max.

The incident has caused a major, major catastrophe on not only me, my son, and his best friend. They have been through a lot since that incident happened. I wish that on no one.

I really don't have much to say. I just feel like he was a menace and he should receive the max. That's it.

THE COURT: Thank you, ma'am.

Anything else from the State?

SOLICITOR SMITH: No, Your Honor.

Just -- it's in his victim impact statement. I know he's not speaking. But he talks about having to go on medication for essentially anxiety, nerve type things, and then he was receiving mental health counseling and he had attached bills kind of proving that. But this just caused him a lot of pain and suffering.

And, obviously, I don't know what was going through Mr. King's mind but this is -- it's terrible and I'm happy that the jury convicted him cause I was very -- I was gonna be very upset with the thought, you know, of two guys that were basically trying to look out for the

community and, and, and ended up going through this and kind of the message it would of sent if, if they just didn't get believed and, and he was found not guilty cause I do -- you know I do violent crimes and their attitude is very, very different than many, many, many people I deal with in violent crimes.

And I'm, I'm thankful to them for what they did. And I just was scared of the prospect that, you know, if we lost this thing, they might go to that other side that doesn't act like a good citizen and call 9-1-1 and talk to the police. And so I'm thankful for -- they acted the way they did and how they've been throughout the trial.

And, Your Honor, I had -- he's done 764 or five, if you include today, on home detention and 28 days in jail. He was released essentially the same day on home detention. He violated and it was like a -- it was a drug issue. It was kind of, kind of a weird, convoluted thing with a prescription medication.

They didn't find any like illicit drugs and that was his only violation. Everything else was fine. And for the last 658 days he's been on without any violation.

THE COURT: Thank you, sir.

Do you -- on the -- before we get to the substance of mitigation, do you agree -- I've got a calculation then he says 793 days?

MR. NMAIR: Yes, Your Honor.
THE COURT: Okay. You agree with that?
MR. NMAIR: Yes, Your Honor.
THE COURT: All right. Yes, sir.
MR. NMAIR: Thank you, Your Honor.
May it please the Court.
Mr. King is, is, is not the prototypical client I think I deal with on a day-to-day basis.
Mr. King has worked hard and had worked hard for what he had. He indicated to the Court that he was working in a restaurant but that's not what he did before.
He graduated college. He was working in the banking industry. I believe he was developing software, which requires an incredible mind and incredible set of skills, and he's shown that through I think my representation of him.
He's always been cordial. He's even talked to -- he's always been, been -- always made himself clear to me, which has been helpful in terms of how we navigate our discussions when we met, how we navigated preparing for trial, how we navigating (sic) addressing any issues in terms of resolving the case in, in other ways. But he was doing really, really well for himself and he was -- he worked hard for, for what he got.
Certainly I don't mean this in, in, in any way

towards them cause I know what Mr. Smith and Mr. Jones must be going through going through what they did. But Mr. King now has been found guilty. He is facing substantial time and I know he's prepared for that, Your Honor.

But with that came the fact that any conviction meant that what he did have is no longer attainable for him. That industry is gone to him and he realizes that I think and he took that risk going in.

But we do want the Court to know that Mr. King, he's not, he's not who we usually see. Most of the time, unfortunately, the people that I represent didn't have the same resources to get to where Mr. King got. But Mr. King worked hard to get there.

And so this is gonna be, I think, a tough time for him. It's gonna be a tough time for his family who've been supportive of him throughout this entire incident, Your Honor.

We do ask the Court to give him all 793 days. I did not represent him during that violation. Obviously that has been resolved. But since I represented him and since that violation, I know Mr. King has essentially done pretty much nothing else.

There's been never any issues in terms of any possible home checks, any drug violations, any curfew

violations, going to places he's not suppose to be. I think these last few days may actually have been the first time he actually got to sit down in a restaurant again just because Sergeant Vinson, in her good graces, allowed him to do that.

So, he's, of course, facing much worse now than just being on a monitor. Because these are violent charges, he doesn't get that. So, I think he understands that and he expects that, judge.

But we are asking you to give him that 793 days of credit towards any potential sentences.

SOLICITOR SMITH: Judge, I was just asking, you know, he was evaluated before Mr. Nmair for competency to stand trial and criminal responsibility. Both of those went -- obviously we're here. So they went that he was okay and criminally responsible. But we have those reports if you have any interest in reviewing them prior to sentencing if you'd like.

THE COURT: Do you have them on you?

SOLICITOR SMITH: I could email them to you easily. I mean I have them on my computer. Probably in my file.

MR. NMAIR: And I have no objection to that, Your Honor.

But Mr. King, since my representation of him towards the middle of last year, I, I think it's very clear that

he's competent and I think it's very clear from his education that he is too. So, I, I have no objection. But competency is certainly not an issue for Mr. King.

THE COURT: I mean do y'all wish for me to review them as part of mitigation or wish for me to review them as part of aggravation or you think I've got some benefit just to know what the psychological evaluations would, would be or were?

SOLICITOR SMITH: I was just offering it cause I always find them enlightening. I know very little about the people that I prosecute and, and it sometimes gives you kind of an insight into what was going on. But it sounds --.

THE COURT: Okay. Then I'll take a look at them.

MR. NMAIR: Yes, Your Honor.

THE COURT: Mr. King, you can have a seat cause this might take long.

So y'all are emailing them to me?

SOLICITOR SMITH: Yes, Your Honor. I just did.

THE COURT: Okay.

SOLICITOR SMITH: I sent them, sent them to Mr. Nmair and Mr. Hammes too.

THE COURT: Okay.

(Pause.)

THE COURT: All right. I've reviewed both of the

reports prepared by the Department of Mental Health.

Can y'all, at some point, get copies of those and make them part of the record of this proceeding for sentencing purposes?

SOLICITOR SMITH: Yes, Your Honor.

MR. NMAIR: Yes, Your Honor.

THE COURT: Thank y'all for the opportunity to review those.

Yes, sir.

Anything else before I -- have anybody speak on his behalf or you want me --?

MR. NMAIR: No, Your Honor. Nothing from the family. Nothing from me.

THE COURT: Okay. Now, Mr. King, do you agree with the statements that were made by your lawyer?

THE DEFENDANT: Yes.

THE COURT: Okay. Mr. King, is there anything else that you would like to say or want me to know or consider?

THE WITNESS: I would like to apologize to the victims and their families. Nobody is a winner in this situation.

The prior violation on home detention, they said that I tested positive for marijuana, which I had not been using. After my release from jail, I had an independent hair follicle test performed, which came back negative for

THC and for any other illicit drug.

I've been helping support my family financially and physically. I have a father who's in the process of dying and I've been helping out around the house with, with chores and tasks and things of that nature.

That's, that's all I have to say.

THE COURT: Okay. Thank you, sir.

Lawyers approach a second.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: All right. This was a trial. So, I do not have to constitutional accept the plea.

So, on these sentences, on the attempted murder charges, these will be concurrent sentences, a like sentence under each. Be 10 year sentences at the State Department of Corrections. I've indicated that he will receive credit for the 793 days.

As part of these sentences, he's not to have any contact with the victims as well as I have indicated that restitution has been ordered. But I've also ordered the restitution also under the discharge of a firearm into an vehicle. That sentence will be consecutive to those two sentences. That sentence will be 10 years at the State Department of Corrections which will be suspended upon the time that he served followed by five years of supervision.

Indicated on that sentencing sheet he will receive credit as well as on the other two charges. Credit for the 793 days. Restitution has been ordered.

Once he is released from the Department of Corrections, gonna have to stay clean of illegal substances. They're gonna be doing random drug and alcohol testing on him.

Based upon the psychological evaluations that were done, which I did find beneficial in reaching this decision, he will need to be sure he's in full compliance with any type of mental health directives as well as comply with -- undergo mental health -- regular mental health counseling as well as they'll take a look and to see if there ever becomes a need for substance abuse counseling. Comply with that substance abuse counseling.

Again, as part of this -- part of this sentence as well, he's not to have any contact with the victims.

Now, sir, if you have any questions about the sentence or what we've done today, please speak with your lawyers. But I wish you the best of luck.

MR. NMAIR: Thank you, Your Honor.

SOLICITOR SMITH: Your Honor, do you need a separate restitution order or do you think your sentencing sheet will suffice?

Do you put the amount on it?

THE COURT: Yeah, I can put the amount in there. I --.

SOLICITOR SMITH: We can do an order just to be --.

THE COURT: I -- for future reference, that might be helpful. But I can -- I think my sentencing sheet will be sufficient. But I'm not gonna speak for the people---

SOLICITOR SMITH: Okay.

THE COURT: ---a year or two down the road.

SOLICITOR SMITH: All right. We, we might do one --

THE COURT: All right.

SOLICITOR SMITH: -- and bring the mental health reports to you as well.

THE COURT: Okay. We will stand down.

(WHEREUPON, the mental health report was marked as Court's Exhibit No. 4 and received into evidence at this time.)

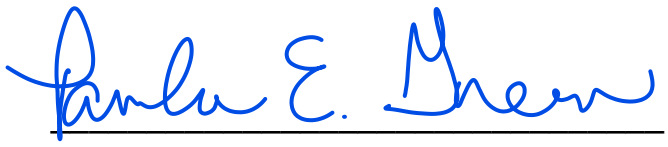
* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 13th and 14th days of January, 2026.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

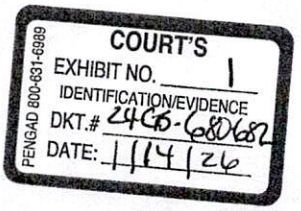
March 4th, 2026



PAMELA E. GREEN, Court Reporter

Supplement James B

INVESTIGATIVE REPORT
Spartanburg County Sheriff's Department



Case Number: 23110636
Incident Type: Shooting
Victim: Jaiden Smith
Location: Cedar Springs Rd and Huntington Dr
Incident Date: 11/14/23
Patrol Officer: Keeling
Investigator: James

On 11/13/23 at approximately 0130hrs I was contacted by Sgt Copeland in reference to this incident. I responded to 1065 Longstone Way where both victims as well as the victims vehicle were located. Once on scene I spoke first with Mr. Smith who was driving at the time of the incident. Mr. Smith advised that he was traveling on Cedar Springs Dr and his friend (Jaiden Jones, Victim #2) was following him in a second vehicle. Mr. Smith stated that they passed the intersection of Huntington Dr and Cedar Springs Dr and his friend called him and asked if he seen the man on the side of the road pointing a beam (slang term for laser) and light at him as he passed. Mr. Smith advised that they went a short distance down the road and called 911 about the man possibly having a gun. Mr. Smith stated that Mr. Jones then got in the truck with him and they began to drive back towards the area where they seen the man. Mr. Smith advised that when they got back to the area they observed a white male wearing a black hoodie and khaki pants standing beside a tractor. Mr. Smith advised that when they seen him they stopped in the roadway and the male again pointed a pistol in their direction and began firing at them. Mr. Smith stated that he and Mr. Jones both ducked and fled in the truck. I did observe the truck to be struck several times in the grille as well as one round that skimmed across the hood and went through the driver side mirror.

I then spoke with the passenger Mr. Jones and he advised the same story as Mr. Smith to include the description of the male and his location. Mr. Smith nor Mr. Jones knew the suspect and were just headed to Mr. Smith's aunt house.

I then moved over to the intersection of Huntington Dr and Cedar Springs Dr in reference to uniform patrol having a possible suspect detained in reference to the incident. Upon my arrival I was advised by Deputies on scene that they had come to the intersection to check for the suspect and located the male (Joseph King). I was advised that they had located two firearms close to Mr. King when they detained him. I then looked and both firearms that had been recovered. One was a black pistol with a built in green laser attached to the bottom and the second was a riffle style pistol with a light and laser attachment on it as well. This matched what I was advised by the victims that the suspect had shined a green laser and light in his direction prior to shooting at them. I approached Mr. King and advised him of his miranda rights before the conversation began. Mr. King advised that he understood his rights and waived them and agreed to speak with me. In speaking with Mr. King I could smell a strong odor of an alcoholic beverage coming from his person and Mr. King admitted that he had been drinking during the night. I asked Mr. King what he was doing prior to law enforcement getting out with him and he advised that he was changing the oil and fluids on the tractor he was near when law enforcement arrived. I asked Mr. King if the weapons recovered where his and he advised that they were indeed his. Mr. King advised me that he did not know what had happened that he had been working on his tractor and heard gun shots. Mr. King advised a short time later law enforcement arrived and he was detained. I then made several attempts to locate shell casings but was unsuccessful due to the thick grass in the area where Mr. King was located. Mr. King was subsequently placed under arrest and transported to the county jail by uniform patrol deputies on scene.

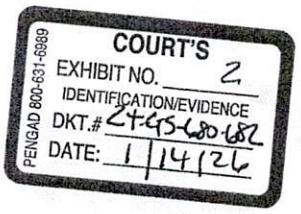
I spoke with Judge Bagwell and he issued the following warrants for the arrest of Mr. King:

2023A4210206166- Attempted Murder
2023A4210206167- Attempted Murder
2023A4210206168- Discharging into a Vehicle

12/13/23

Supplement James B

INVESTIGATIVE REPORT
Spartanburg County Sheriff's Department



Case Number: 23110636
Incident Type: Shooting
Victim: Jaiden Smith
Location: Cedar Springs Rd and Huntington Dr
Incident Date: 11/14/23
Patrol Officer: Keeling
Investigator: James

On 11/13/23 at approximately 0130hrs I was contacted by Sgt Copeland in reference to this incident. I responded to 1065 Longstone Way where both victims as well as the victim's vehicle were located. Once on scene I spoke first with Mr. Smith who was driving at the time of the incident. Mr. Smith advised that he was traveling on Cedar Springs Dr and his friend (Jaiden Jones, Victim #2) was following him in a second vehicle. Mr. Smith stated that they passed the intersection of Huntington Dr and Cedar Springs Dr and his friend called him and asked if he seen the man on the side of the road pointing a beam (slang term for laser) and light at him as he passed. Mr. Smith advised that they went a short distance down the road and called 911 about the man possibly having a gun. Mr. Smith stated that Mr. Jones then got in the truck with him and they began to drive back towards the area where they seen the man. Mr. Smith advised that when they got back to the area they observed a white male wearing a black hoodie and khaki pants standing beside a tractor. Mr. Smith advised that when they seen him they stopped in the roadway and the male again pointed a pistol in their direction and began firing at them. Mr. Smith stated that he and Mr. Jones both ducked and fled in the truck. I did observe the truck to be struck several times in the grille as well as one round that skimmed across the hood and went through the driver side mirror.
I then spoke with the passenger Mr. Jones and he advised the same story as Mr. Smith to include the description of the male and his location. Mr. Smith nor Mr. Jones knew the suspect and were just headed to Mr. Smith's aunt house.
I then moved over to the intersection of Huntington Dr and Cedar Springs Dr in reference to uniform patrol having a possible suspect detained in reference to the incident. Upon my arrival I was advised by Deputies on scene that they had come to the intersection to check for the suspect and located the male (Joseph King). I was advised that they had located two firearms close to Mr. King when they detained him. I then looked and both firearms that had been recovered. One was a black pistol with a built in green laser attached to the bottom and the second was a riffle style pistol with a light and green laser attachment on it as well. This matched what I was advised by the victims that the suspect had shined a green laser and light in his direction prior to shooting at them. I approached Mr. King and advised him of his Miranda rights before the conversation began. Mr. King advised that he understood his rights and waived them and agreed to speak with me. In speaking with Mr. King I could smell a strong odor of an alcoholic beverage coming from his person and Mr. King admitted that he had been drinking during the night. I asked Mr. King what he was doing prior to law enforcement getting out with him and he advised that he was on the curtilage of his property changing the oil and fluids on the tractor he was near when law enforcement arrived. I asked Mr. King if the weapons recovered where his and he advised that they were indeed his. Mr. King advised me that he did not know what had happened that he had been working on his tractor and heard gun shots. Mr. King advised a short time later law enforcement arrived and he was detained. I then made several attempts to locate shell casings but was unsuccessful due to the thick grass in the area where Mr. King was located. Mr. King was subsequently placed under arrest and transported to the county jail by uniform patrol deputies on scene. The weapons were inspected at the Sheriff's Office when turning them into evidence. The first weapon was a Kel-Tec P50. By appearance it looks like a rifle minus the rifle stock. The weapon is outfitted with a scope as well as a light/green laser attachment on the front. I tested the laser attachment and found it to produce a green laser

when activated. The weapon had a 50 round magazine within it. The weapon had one round chambered as well as 19 more rounds within the magazine. The second weapon was a Sig Sauer P365 with a mag inserted and one round in the chamber. The magazine contained 9 more rounds for the weapon. An ATF trace was run on both weapons and it showed that the Kel-Tec was purchased by Mr. King on 12-02-21 and the Sig-Sauer was purchased by Mr. King on 10-27-22.

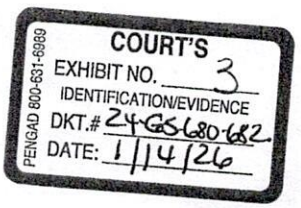
I spoke with Judge Bagwell and he issued the following warrants for the arrest of Mr. King:
2023A4210206166- Attempted Murder
2023A4210206167- Attempted Murder
2023A4210206168- Discharging into a Vehicle

Supplement Hammett K

IBIS Supplemental

Date: 12/21/2023
Officer: Hammett, KW
Case Number: 23110636
Evidence ID Number: 231562

This firearm was retrieved from evidence and test fired. I collected two shell casings from the test fire to be sent down to SLED for further examination. The firearm was returned to evidence in the same condition in which I checked it out.



WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

2023A4210206166

ACTION OF GRAND JURY

FEB 09 2024

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: 1/14/2026

DOCKET NO. 24-GS-42-01080

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

FEB 12 2024 TERM

THE STATE

vs.

Joseph Mitchell King

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-0029

CDR Code: 3410

Class FEL-A

FILED

FEB 19 AM 9:[illegible]

CLERK OF COURT

SPARTANBURG COUNTY

AMY W. COX

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on FEB 09 2024, the Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER

That Joseph Mitchell King, did in Spartanburg County on or about November 14, 2023, with malice aforethought attempt to kill Jaiden Jones, by shooting at the victim with a firearm, with the intent to kill the said victim, in violation of §16-03-0029, of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

2023A4210206167

ACTION OF GRAND JURY

FEB 09 2024

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Foreperson of Petit Jury
Date: 1/14/2024

DOCKET NO. 24-GS-42-0081

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

FEB 12 2024

TERM

THE STATE
vs.

Joseph Mitchell King

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-0029
CDR Code: 3410
Class FEL-A

FILED

2024 FEB 19 AM 9:43

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on FEB 09 2024, the Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER

That Joseph Mitchell King, did in Spartanburg County on or about November 14, 2023, with malice aforethought attempt to kill Ikevious Smith, by shooting at the victim with a firearm, with the intent to kill the said victim, in violation of §16-03-0029, of *THE CODE OF LAWS OF SOUTH CAROLINA,* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

WITNESSES

Spartanburg Sheriff's Office

ARREST WARRANT NUMBER

2023A4210206168

ACTION OF GRAND JURY

FEB 09 2024

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: 1/14/2024

DOCKET NO. 24-GS-42-01082

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 12 2024 TERM

THE STATE

vs.

Joseph Mitchell King

Indictment for

DISCHARGING FIREARM AT OR INTO A VEHICLE

SC Code:16-23-440(B)

CDR Code: 2907

Class FEL/E

FILED

2024 FEB 19 AM 9:12

CLERK OF COURT

SPARTANBURG COUNTY

AMY W. COX

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on FEB 09 2024, the Grand Jurors of Spartanburg County present upon their oath:

DISCHARGING A FIREARM AT OR INTO A VEHICLE

That Joseph Mitchell King did in Spartanburg County on or about November 14, 2023 discharge or cause to be discharged unlawfully a firearm at or into a vehicle while it was occupied, in violation of §16-23-440(B) of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA **SENTENCE ORDER** **IN THE COURT OF GENERAL SESSIONS**

County of Spartanburg) INDICTMENT/CASE#: 2024GS4200660

State) AW#: 2023A4210206166

VS.) Date of Offense: 11/14/2023

Joseph Mitchell King) S.C. Code §: 16-3-29

AKA: SSN:) CDR Code #: 3410

RACE: White SEX: Male DOB: [redacted]) Range of Offense: 0-30yr

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Attempted Murder Range of Offense Pled: 0-30yr

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☒w/o Rec/Negotiations ☐Negotiated _____ ☐Recommendation _____

Solicitor Spenser Smith 101370 SC Bar # | Attorney for Defendant Louel Christopher Nmair 104221 SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program for a determinate term of 10 days/months/years/Time Served ☐ YOA NTE ___ years and/or shall pay a fine of $_____; provided that upon the service of _____ days/months/years/Time Served and or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

☒ The sentence shall run CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.

793 days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP

☒ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other: _____

☒ **RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))** Restitution $ _____

§14-1-206 (Assessments 107.5%)	$4,157.84	FINE:	$
§14-1-211 (A)(1)(Conv. Surcharge)		$100	$
§14-1-211 (A)(2)(DUI Surcharge)		$100	$
§56-5-2995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforce. Funding)		$25	$
§14-1-213 (Drug Court Surcharge)		$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		$41	$
§50-21-114 (BUI Breath Test Fee)		$50	$
§56-5-2942(J) (Vehicle Assessment)		$40/ea	$
3% to County (if paid in installments)		TBD	$
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees		$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	$
		TOTAL	$ 128.75

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

T. Camp
Clerk of Court/Deputy Clerk

Pam Green
Court Reporter

2132
Judge Code

1/14/26
Sentence Date

Presiding Judge

SCCA217B
01/27/2025

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

County of Spartanburg) INDICTMENT/CASE#: 2024GS4200681

State) AW#: 2023A4210206167

VS.) Date of Offense: 11/14/2023

Joseph Mitchell King) S.C. Code §: 16-3-29

AKA: SSN:) CDR Code #: 3410

RACE: White SEX: Male DOB: [redacted]) Range of Offense: 0-30yr

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Attempted murder Range of Offense Pled: 0-30yr

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☒ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

Solicitor Spenser Smith 101370 SC Bar #

Attorney for Defendant Louei Christopher Nmair 104221 SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 10 days/months/years/Time Served ☐ YOA NTE ____ years and/or shall pay a fine

of $_____; provided that upon the service of _____ days/months/years/Time Served and or payment

of $_____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

☒ The sentence shall run CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.

793 days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP
☒ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Held for Inpatient Treatment
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☒ SAC/MHC if necessary
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
☐ Other: RDAT

☒ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B)) Restitution $

FINE: $

§14-1-206 (Assessments 107.5%) $ 41.57.88		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforce. Funding)	$25	$
§14-1-213 (Drug Court Surcharge)	$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 128.75

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

T. Camp
Clerk of Court/Deputy Clerk

Pam Green
Court Reporter

2132
Judge Code

1/14/26
Sentence Date

Presiding Judge

SCCA217B
01/27/2025

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

County of Spartanburg) INDICTMENT/CASE#: 2024GS4200682

State) AW#: 2023A4210206168

VS.) Date of Offense: 11/14/2023

Joseph Mitchell King) S.C. Code §: 16-23-440(B)

AKA: SSN:) CDR Code #: 2907

RACE: White SEX: Male DOB: [redacted]) Range of Offense: 0-10yr

In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Discharge Firearm At or Into Occupied Vehicle Range of Offense Pled: 0-10yr

In violation of § 16-23-440(B) of the S.C. Code of Laws, bearing CDR Code # 2907

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☒ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

Solicitor Spenser Smith 101370 SC Bar # | Attorney for Defendant Louei Christopher Nmair 104221 SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 10 days/months/years Time Served ☐ YOA NTE ___ years and/or shall pay a fine

of $_____; provided that upon the service of STC days/months/years/Time Served and or payment

of $_____; plus costs and assessments as applicable*; the balance is suspended with probation for 5 months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or ☒ CONSECUTIVE to sentence on: to 2024-GS-42-00681 & 680

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.

193 days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP
☒ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☒ SAC/MHC if necessary
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
☐ Other: RDAP Mental Health Court

☒ RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B)) Restitution $

§14-1-206 (Assessments 107.50)	$ 4,157.50	FINE:	$
§14-1-211 (A)(1)(Conv. Surcharge)		$100	$
§14-1-211 (A)(2)(DUI Surcharge)		$100	$
§56-5-2995 (DUI Assessment)		$12	$
§56-1-286 (DUI Breath Test)		$25	$
§14-1-212 (Law Enforce. Funding)		$25	$
§14-1-213 (Drug Court Surcharge)		$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		$41	$
§50-21-114 (BUI Breath Test Fee)		$50	$
§56-5-2942(J) (Vehicle Assessment)		$40/ea	$
3% to County (if paid in installments)		TBD	$
		$500	$
		TBD	$
		TOTAL	$ 128.75

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

T. Camp
Clerk of Court/Deputy Clerk

Pam Green
Court Reporter

2132
Judge Code

1/14/26
Sentence Date

Presiding Judge

SCCA217B
01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Sep 11 2026
SC Court of Appeals

Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 11th day of September, 2026.

RECEIVED
Sep 11 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSEPH MITCHELL KING,

APPELLANT

APPELLATE CASE NO. 2026-000119

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at his primary email address listed in the Attorney Information System (AIS), and on Joseph King, #399844, at Wateree River Correctional Institution, PO Box 189, Rembert, SC 29128-0189, this 11h day of September, 2026.

Lara M Caudy

Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT