

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Williamsburg County

Honorable Edward Miller, Circuit Court Judge

BRITTANY EPPS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-001464

APPENDIX

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S.C. SUPREME COURT

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

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
14-GS-45-0159

BRITTANY EPPS,)

DEFENDANT.)

July 26, 2016
Kingstree, South Carolina

B E F O R E :

THE HONORABLE HOWARD P. KING, JUDGE;
AND JURY

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

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Assistant Solicitor

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Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

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1 THE COURT: Ms. Barr, you may call the
2 case.

3 MS. BARR: If it please the Court, Your
4 Honor, Judge, the next matter before you is
5 indictment number 2014-GS-45-159, it's The State
6 versus Brittany Emoeshia Epps. It's an indictment
7 for murder and possession of a weapon during the
8 commission of a violent crime. Ms. Epps is here
9 with her attorney Deborah Butcher, and the State's
10 ready for trial.

11 THE COURT: All right, ladies and
12 gentlemen of the jury, if you would give me your
13 attention. You have heard the Assistant Solicitor
14 Ms. Barr announce that the State is calling the case
15 of The State of South Carolina versus Brittany Epps.
16 What I'm telling you now and going to tell you now
17 is not evidence in this case; it is simply the
18 allegations contained in the indictment but it is
19 not evidence and you are not to consider it as
20 evidence in this matter; but I tell you this so that
21 you can determine if you know anything about the
22 case or anything that would prevent you from serving
23 as a juror in this case or would cause a conflict of
24 interest. But the State of South Carolina alleges
25 that Ms. Epps and Jessica Blair Jackson did in

1 Williamsburg County on or about March 29th of 2014
2 willfully, feloniously and intentionally kill the
3 victim Joseph Brown with malice aforethought by
4 means of shooting the victim and that he died as a
5 result of this shooting and the charge in count one
6 is for murder. Count two of the indictment charges
7 that the defendant Brittany Epps and Jessica Blair
8 Jackson did in Williamsburg County possess a firearm
9 or visibly displayed what appeared to be a firearm
10 during the commission or attempted commission of a
11 violent crime, and that is a separate charge for
12 possession of a firearm during the commission of a
13 violent crime. Only the defendant Brittany Epps is
14 on trial today for these charges.

15 Now before I call, before I ask you some
16 questions I need to, before we draw a jury, I need
17 to ask you some questions to make sure that you are
18 qualified to serve on the jury. First of all, I
19 will tell you that Ms. Epps is represented by
20 Ms. Deborah Butcher.

21 Ms. Butcher, would you stand and introduce
22 yourself to the jury and have your client stand and
23 face the jury please.

24 MS. BUTCHER: Good afternoon, my name is
25 Deborah Butcher. I have a Camden law firm. We do

1 civil rights and criminal practice and we're located
2 in Camden, South Carolina. This is my client there
3 Ms. Brittany Epps.

4 THE COURT: Thank you. The State of South
5 Carolina is represented by Ms. Kimberly Barr.

6 Ms. Barr, would you stand and introduce
7 yourself to the jury and introduce names of any
8 attorneys working with you on this matter.

9 MS. BARR: Thank you, Your Honor. Good
10 afternoon, folks, my name is Kimberly Barr. I'm
11 assistant solicitor here in Williamsburg County. In
12 addition to prosecuting cases I also have a practice
13 with the law offices of Ronnie Sabb. Seated at the
14 table with me is our victim advocate Linda Woods.
15 Assistant Solicitor Julie Swilley will be helping me
16 try the case. Also seated at the table is
17 Investigator Mark Kennedy and Sergeant Juan Ballard.

18 THE COURT: Thank you. All right, before
19 we select the jury I do need to ask you certain
20 questions or ask certain questions -- and excuse me
21 just a minute it, counsel, I got to get, I put the
22 witness list wrong in the place. Please give me
23 your attention to these questions; and if any of
24 them apply to you, then respond accordingly. Is
25 there any member of the jury panel related by blood

1 or connected by marriage to the defendant Brittany
2 Epps, if so, please stand.

3 (There was no response.)

4 THE COURT: The following individuals may
5 appear as witnesses in this case. If any of the
6 witnesses are present I would ask that you stand
7 when your name is called. Investigator Juan
8 Ballard, Investigator Archie Kennedy, Deputy William
9 Jackson, Lieutenant Debra Collins. All these are
10 folks with the Williamsburg County Sheriff's
11 Department. Deputy Barbara Proctor with the
12 Williamsburg County Sheriff's Department, Officer
13 Vincent Staggers with Kingstree Police Department,
14 J. Mark Creech with State Law Enforcement Division.
15 And also, these witnesses are gonna be with SLED or
16 State Law Enforcement Division in addition to Mr.
17 Creech: Tina Carter, Chad M. Smith, Kimberly Mears,
18 Courtney Webster, Haley Quam, Q-U-A-M, Melinda
19 Worley, Tyler S. Sturkie, Maryann E. Boehm,
20 B-O-E-H-M, Samuel Stewart. And that will be the end
21 of the SLED witnesses. In addition, the following
22 additional witnesses may be called: Doctor Ellen C.
23 Riemer, R-I-E-M-E-R of the Medical University of
24 South Carolina, Joey Williams, Williamsburg County
25 9-1-1 dispatcher, Linda Chatman, Jessica Jackson,

1 Vanity Epps, Theodore McKnight, Pearline Pressley,
2 Arnold Gamble, Samuel Barr, Mark Hatten, Mark
3 Matthews, Schain -- S-C-H-A-I-N -- McCrea,
4 M-C-C-R-E-A, Lozetta, L-O-Z-E-T-T-A, Epps, Arial
5 Epps, Elmore Bethea, Michelle Tisdale, Leroy Fulton.
6 Is any member of the jury panel related by blood or
7 connected by marriage to any of the proposed
8 witnesses, if so, please stand.

9 (There was no response.)

10 THE COURT: The State of South Carolina is
11 represented by Ms. Barr and Ms. Swilley. Has any
12 member of the jury panel represented now or been
13 represented in the last ten years by the Third
14 Circuit Solicitor's Office, specifically
15 Ms. Kimberly Barr either as an assistant prosecutor,
16 assistant solicitor, or in private practice or been
17 represented by Ms. Swilley or anyone in the Third
18 Circuit Solicitor's Office, if so, please stand.

19 (There was no response.)

20 THE COURT: The defendant is represented
21 by Ms. Deborah Butcher. Is anybody represented now
22 or been represented in the last ten years by
23 Ms. Butcher or anyone in her law office has she has
24 identified that office, if so, please stand.

25 (There was no response.)

1 THE COURT: Does any member of the jury
2 panel know anything about the facts of this case as
3 I have briefly recited them to you, if so, please
4 stand.

5 (There was no response.)

6 THE COURT: Has any member of the jury
7 panel formed or expressed an opinion as to the guilt
8 or innocence of the defendant Brittany Epps, if so,
9 please stand.

10 (There was no response.)

11 THE COURT: Thank you. Is any member of
12 the jury panel aware of any interest, any bias, or
13 any prejudice for or against the defendant Brittany
14 Epps, if so, please stand.

15 (There was no response.)

16 THE COURT: Thank you. Can each member of
17 the jury panel give to the State and the Defendant
18 Brittany Epps a fair and impartial trial, if not,
19 please stand.

20 (There was no response.)

21 THE COURT: Thank you. Does any member of
22 the jury panel know of any reason whatsoever why he
23 or she should not serve as a juror in this case, if
24 so, please stand.

25 All right, come forward please. Also,

1 juror number 113, you need to come forward too
2 please, sir.

3 Mr. McFadden, stand right there with the
4 bailiff just a moment.

5 (Potential juror approached the Bench for an
6 off-the-record discussion.)

7 THE COURT: All right, thank you, ma'am.
8 I'm gonna excuse her for cause.

9 Come up, Mr. McFadden.

10 (Potential juror approached the Bench for an
11 off-the-record discussion.)

12 THE COURT: I'm gonna excuse you. Are
13 there any additional questions on behalf of the
14 State, Ms. Barr?

15 MS. BARR: No, Your Honor.

16 THE COURT: On behalf of Defense, Ms.
17 Butcher?

18 MS. BUTCHER: No, Your Honor.

19 THE COURT: All right, give us the jury
20 please.

21 MS. BUTCHER: Your Honor, I apologize, I
22 would like to ask if anyone has had family members
23 that are victim or themselves been A victim of
24 violent crime.

25 THE COURT: All right. I appreciate that

1 Ms. Butcher, but I believe your request comes too
2 late.

3 Madam Clerk, counsel, five and ten, and
4 two and one on the alternate. The clerk has put in
5 the names of all the qualified jurors in the
6 computer who will, the computer will then select
7 randomly. When your name is called please come to
8 the front holding here to the rail, turn around,
9 face with your back toward me, face the back of the
10 courtroom. If you are acceptable to the State, the
11 State will indicate by saying present the juror. If
12 you're acceptable to the Defense, the Defense will
13 indicate by saying seek the juror and you would have
14 a seat in the jury box to my right. If either side
15 excuses you, you'll have a seat back out with the
16 remainder of the jury panel.

17 All right, Madam Clerk, you may proceed.

18 THE CLERK OF COURT: Juror number 41,
19 Lotony Davis (black male). What says the State?

20 MS. BARR: Please excuse Mr. Davis from
21 the trial of just this case.

22 THE CLERK OF COURT: Mr. Davis, you may
23 return to your seat.

24 Juror number 11, Felecia Bradshaw (black
25 female). What says the State?

1 MS. BARR: Please present Ms. Bradshaw.

2 THE CLERK OF COURT: What says the
3 Defense?

4 MS. BUTCHER: Please seat Ms. Bradshaw.

5 THE CLERK OF COURT: You may take a seat
6 in the jury box.

7 Juror number 30, Larry Ceaser (black
8 male). What says the State?

9 MS. BARR: Please present Mr. Ceaser.

10 THE CLERK OF COURT: What says the
11 Defense?

12 MS. BUTCHER: Please excuse Mr. Ceaser.

13 THE CLERK OF COURT: Mr. Ceaser. You may
14 return to your seat.

15 Juror number 103, Maurice McBride (black
16 male).

17 MS. BARR: 103?

18 THE CLERK OF COURT: What says the State?

19 MS. BARR: Please present Mr. McBride.

20 THE CLERK OF COURT: What says the
21 Defense?

22 MS. BUTCHER: Please excuse Mr. McBride.

23 THE CLERK OF COURT: Mr. McBride, you may
24 return to your seat.

25 Juror number 19, Shawnda Brown (black

1 female).

2 MS. BARR: Can you tell me the juror
3 number again.

4 THE CLERK OF COURT: Juror number 19.

5 MS. BARR: Thank you.

6 THE CLERK OF COURT: What says the State?

7 MS. BARR: Please present Ms. Brown.

8 THE CLERK OF COURT: What says the
9 Defense?

10 MS. BUTCHER: Please seat Ms. Brown.

11 THE CLERK OF COURT: Ms. Brown, you may
12 have a seat in the jury box.

13 Juror number 85, Brianna Ivey (black
14 female). What says the State?

15 MS. BARR: Please present Ms. Ivey.

16 THE CLERK OF COURT: What says Defense?

17 MS. BUTCHER: Please seat Ms. Ivey.

18 THE CLERK OF COURT: Ms. Ivey, you may
19 have a seat in the jury box.

20 Juror number 148, Buetine Presley (black
21 female). What says the Defense -- I'm sorry, what
22 says the State?

23 MS. BARR: Please present Ms. Presley.

24 THE CLERK OF COURT: What says Defense?

25 MS. BUTCHER: Please seat Ms. Presley.

1 THE CLERK OF COURT: Ms. Presley, you may
2 have a seat in the jury box.

3 Juror number 75, Rickey Hanna (black
4 male). What says the State?

5 MS. BARR: Please present Mr. Hanna.

6 THE CLERK OF COURT: What says the
7 Defense?

8 MS. BUTCHER: Please seat Mr. Hanna.

9 THE CLERK OF COURT: Mr. Hanna, you may
10 have a seat in the jury box.

11 Juror number 80, Randy Hatch (white male).
12 What says the State?

13 MS. BARR: Please present Mr. Hatch.

14 THE CLERK OF COURT: What says the
15 Defense?

16 MS. BUTCHER: Please seat Mr. Hatch.

17 THE CLERK OF COURT: Mr. Hatch, you may
18 have a seat in the jury box.

19 Juror number 78, Rhonda Harrington (white
20 female). What says the State?

21 MS. BARR: Please present Ms. Harrington.

22 THE CLERK OF COURT: What says the
23 Defense?

24 MS. BUTCHER: Please seat Ms. Harrington.

25 THE CLERK OF COURT: Ms. Harrington, you

1 may have a seat in the jury box.

2 Juror number 104, Debra McCants (black
3 female). What says the State?

4 MS. BARR: Please present Ms. McCants.

5 THE CLERK OF COURT: What says the
6 Defense?

7 MS. BUTCHER: Please seat Ms. McCants.

8 THE CLERK OF COURT: Ms. McCants, you may
9 have a seat in the jury box.

10 Juror number 173, Francene Taylor (black
11 female). What says the State?

12 MS. BARR: Please present Ms. Taylor.

13 THE CLERK OF COURT: What says the
14 Defense?

15 MS. BUTCHER: Please excuse Ms. Taylor.

16 THE CLERK OF COURT: Ms. Taylor, you're
17 excused.

18 Juror number 82, Suzanne Holloday (white
19 female). What says the State?

20 MS. BARR: Please excuse Ms. Holloday from
21 the trial of just this case.

22 THE CLERK OF COURT: Ms. Holloday, you're
23 excused.

24 Number 101, Lasonja Major (black female).
25 What says the State?

1 MS. BARR: Please excuse Ms. Major from
2 the trial of just this case.

3 THE CLERK OF COURT: Lasonja, you're
4 excused.

5 Juror number 194, Keith Wilson (black
6 male). What says the State?

7 MS. BARR: Please present Mr. Wilson.

8 THE CLERK OF COURT: What say the Defense?

9 MS. BUTCHER: Please seat Mr. Wilson.

10 THE CLERK OF COURT: Mr. Wilson, you may
11 have a seat in the jury box.

12 Juror number 177, Jeremy Thompson (black
13 male). What says the State?

14 MS. BARR: Please present Mr. Thompson.

15 THE CLERK OF COURT: What says the
16 Defense?

17 MS. BUTCHER: Please seat Mr. Thompson.

18 THE CLERK OF COURT: Mr. Thompson, you may
19 have a seat in the jury box.

20 Juror number 88, Bertha Johnson (black
21 female).

22 MS. BARR: Juror number 88, Madam Clerk?

23 THE CLERK OF COURT: Juror number 88.
24 What says the State?

25 MS. BARR: Please present Ms. Johnson.

1 THE CLERK OF COURT: What says the
2 Defense?

3 MS. BUTCHER: Please seat Ms. Johnson.

4 THE CLERK OF COURT: Ms. Johnson, you may
5 have a seat in the jury box.

6 Juror number 184, Beth Ward (white
7 female). What says the State?

8 MS. BARR: Please present Ms. Ward.

9 THE CLERK OF COURT: What says the
10 Defense?

11 MS. BUTCHER: Please excuse Ms. Ward.

12 THE CLERK OF COURT: Ms. Ward, you're
13 excused.

14 Juror number 29, Kimberly Carraway (black
15 female). What says the State?

16 MS. BARR: Please excuse Ms. Carraway for
17 the trial of just this case.

18 THE CLERK OF COURT: You're excused
19 Ms. Carraway.

20 Juror number 16, Henry Broun, III
21 (white male). What says the State?

22 MS. BARR: Please present Mr. Broun.

23 THE CLERK OF COURT: What says the
24 Defense?

25 MS. BUTCHER: Please seat Mr. Broun.

1 THE CLERK OF COURT: Mr. Broun, you may
2 have a seat in the jury box.

3 THE COURT: All right, counsel, let's
4 select two alternates, one striking on each
5 alternate for the State, two each alternate from the
6 Defense.

7 First alternate.

8 THE CLERK OF COURT: Juror number 127,
9 Andrea Morris Thompson (black female). What says
10 the State?

11 MS. BARR: Please present Ms. Thompson.

12 THE CLERK OF COURT: What says the
13 Defense?

14 MS. BUTCHER: Please seat Ms. Thompson.

15 THE CLERK OF COURT: Ms. Thompson, you may
16 have a seat in the jury box.

17 THE COURT: All right, second alternate
18 please.

19 THE CLERK OF COURT: Juror number 87,
20 Nicole Jenerette (black female). What says the
21 State?

22 MS. BARR: Please excuse Ms. Jenerette
23 from the trial of just this case.

24 THE CLERK OF COURT: Ms. Jenerette, you're
25 excused.

1 Juror number 195, Mercedes Wilson (black
2 female). Please present Ms. Wilson. What says
3 Defense?

4 MS. BUTCHER: Please seat Ms. Wilson.

5 THE CLERK OF COURT: Ms. Wilson, you may
6 have a seat in the jury box.

7 THE COURT: Okay. All right, anything
8 with regard to the selection of the jury on behalf
9 of the State, Ms. Barr?

10 MS. BARR: No, Your Honor.

11 THE COURT: Okay, behalf of Defense,
12 Ms. Butcher?

13 MS. BUTCHER: No, Your Honor.

14 THE COURT: All right. Ladies and
15 gentlemen selected in the trial of this case, it is
16 late in the afternoon and I wanted to get the jury
17 drawn this afternoon, and we have established that
18 we're not gonna actually start the testimony and the
19 evidence in this case till tomorrow morning so I am
20 going to excuse you and allow you to go about your
21 business for the rest of the afternoon. I'll have
22 you go out there, that way the bailiff will show you
23 where the jury room is. And tomorrow morning at
24 9:30 I want you to come back to your jury room, not
25 to the courtroom but to the jury room. The bailiffs

1 will show you how to get in and how to come back to
2 the jury room, and at that time we'll be ready to
3 start. Please be prompt so that we can start
4 promptly on time. In the meantime, there's several
5 admonitions I want to give you before I excuse you
6 for the rest of today. Do not talk with anyone
7 about the case or anyone who has anything to do with
8 the case. If anyone should approach you or try to
9 talk with you about this case in any way over the
10 evening recess, get their name or their
11 descriptions, report it to the bailiffs who will
12 report it to me and I will deal them. Do not allow,
13 do not talk with members of your family or your
14 friends or anyone else. I know you don't know
15 anything about the evidence in this case because you
16 have not heard the evidence or any evidence, and all
17 you know are the charges that I have read off to
18 you, but still it would be improper for you to
19 discuss this case with anybody.

20 These admonitions apply throughout the
21 trial of this case. Do not discuss the case with
22 anyone when you're away from the courthouse. Do not
23 allow anyone to discuss the case with you. The
24 reasons for that are pretty apparent. You've got to
25 decide this case based on what you hear in this

1 courtroom, not on the basis of what anyone else
2 might say.

3 Also, do not do any research or make any
4 investigation on your own. Do not consult or
5 research printed materials, newspapers, internet,
6 Facebook, YouTube, Twitter, or any social media. Do
7 not read any printed reports about the case or
8 listen to any broadcast media, radio or TV,
9 concerning this matter including, but not limited to
10 the parties that is the defendant and the victim,
11 the lawyers -- that would be the public defender,
12 the, or there's no public defender involved here,
13 but the Solicitor, Defense counsel, witnesses, law
14 enforcement, or anyone else. You are required by
15 your oath to base your verdict only on the
16 information and evidence that you hear in this
17 courtroom. So again, I would caution you, please do
18 not do any research or make any investigation into
19 the matter on your own. Do not consult any
20 electronic media or printed media; and in fact, just
21 basically forget about this matter over the evening
22 recess, any time you're away from the courthouse
23 because you've got to decide this case based upon
24 what you hear here in this courtroom. So I'm gonna
25 excuse you now, allow you go to your, about your

1 business, and go to your family and your friends.
2 You'll go out this way. The bailiff and the officer
3 will show you where the jury room is and ask you to
4 be back in your jury room tomorrow morning at 9:30
5 and we'll be ready to go forward with the testimony.
6 Thank you. I'll see you tomorrow. Have a pleasant
7 evening.

8 (WHEREUPON, the jury was removed from the
9 courtroom at 5:07 p.m.)

10 THE COURT: All right, Ms. Barr, anything
11 before we recess for the afternoon as far as this
12 case is concerned?

13 MS. BARR: No, sir, Your Honor.

14 THE COURT: Ms. Butcher, anything?

15 MS. BUTCHER: No, Your Honor.

16 THE COURT: All right, I believe the
17 defendant is incarcerated; is that correct?

18 MS. BARR: That's correct, Your Honor.

19 THE COURT: So we don't have worry about,
20 there's no bond situation or anything there. We'll
21 be in recess on this matter till 9:30 tomorrow
22 morning.

23 (WHEREUPON, the proceedings were concluded
24 at 5:11 p.m. and reconvened on
25 July 26, 2016.)

1 THE COURT: All right, we're back on the
2 record with regard to the matter of The State versus
3 Brittany Epps. Given we're late getting started
4 because this juror issue has arisen and I want to
5 put that on the record, it's been discussed with
6 counsel -- first of all, Ms. Epps is present in the
7 courtroom with her counsel. The State is present
8 represented by the Third Circuit Solicitor's Office.
9 Upon my arrival this morning the Clerk informed me
10 that one of the jurors had indicated that his family
11 knew the defendant's family. Upon learning this
12 information I disclosed it to both counsel in
13 chambers, and we brought the juror in. The juror is
14 number 194, Mr. Wilson, inquired of him what his
15 knowledge was and what the family's knowledge was
16 and how this came up. All this was done with
17 Ms. Barr and Ms. Butcher present. And asked him
18 about being fair and impartial and would that
19 information prevent him from being fair and
20 impartial. He indicated that could put that aside
21 and be fair and impartial and decide the case based
22 on the evidence.

23 Having said that, Ms. Barr, are there any
24 motions on behalf of the State with regard to this
25 juror?

1 MS. BARR: I'm good.

2 THE COURT: No, Your Honor.

3 MS. BUTCHER: No, Your Honor.

4 THE COURT: All right, the juror will be
5 allowed to remain as a juror in this case. All
6 right, are there any motions that we need to address
7 on behalf of the State before we bring the jury in,
8 Ms. Barr?

9 MS. BARR: None on behalf of the State,
10 Your Honor.

11 THE COURT: On behalf of Defense?

12 MS. BUTCHER: Yes, sir, I think it's
13 already been agreed that the fact witnesses will be
14 sequestered; but additionally, Your Honor, the State
15 intends to put a remote into evidence, and you know,
16 the basis of that is the implication that that is
17 the remote that goes to the car of the victim. Thus
18 far I've seen no tie from this remote to the actual
19 car. It does not open the car, no one has tied it
20 to the car; it's simply a remote to a Cadillac. The
21 only thing they have in common is a Cadillac, and
22 it's probably about the same year. It was not found
23 with the car. I believe that unless they can tie it
24 to the victim, it's too prejudicial to come in.
25 It's be like saying they found a pack of Juicy Fruit

1 in the victim's car and a wrapper two blocks away.
2 Your Honor, I just don't think unless they can tie
3 it to that car, it shouldn't come in. I think the
4 prejudice is very great and this remote was found in
5 the yard of my client's aunt. And like I'm saying,
6 they even changed the battery, did not open that
7 car.

8 THE COURT: All right. I, of course,
9 counsel, both knows, we all know that this matter
10 was previously tried and that same motion came up at
11 the time; but disregarding what happened before and
12 what the testimony was before, it would be
13 impossible for me to rule in limine that that remote
14 is inadmissible because I don't know the
15 circumstances, I don't know what the testimony is
16 gonna be that will tie it to the evidence in this
17 case so the motion in limine to exclude the remote
18 is denied. At the time it's offered you can, of
19 course, make your motion again, and I will rule on
20 it dependent upon the evidence that's in the record
21 at that time as to whether it is relevant and
22 probative. Okay.

23 MS. BUTCHER: And Your Honor, if I may, is
24 it possible to do that motion and have the Court
25 hear their evidence outside of the jury?

1 THE COURT: Well, I'm not gonna hear the
2 evidence outside. At the time that Ms. Barr wants
3 to introduce it, Ms. Barr, if you will just let me
4 know when you get to that stage of the testimony and
5 I will excuse the jury and we will hear it at that
6 time.

7 MS. BUTCHER: Thank you, Your Honor.

8 THE COURT: Okay.

9 MS. BARR: Your Honor, may I just briefly
10 will be heard on that issue?

11 THE COURT: Yes, ma'am.

12 MS. BARR: Your Honor, what my view is or
13 my concern is that Defense counsel essentially wants
14 the State to play its hand.

15 THE COURT: You want what?

16 MS. BARR: Wants the State to play its
17 hands so they'll get an advantage of hearing the
18 testimony before it comes in the presence of the
19 jury so they'll be better prepared to deal with it
20 when it comes out. Judge, I think that you were
21 right that the appropriate time is when the evidence
22 is offered, if there's an objection she can have her
23 objection heard on the record and the Court can
24 rule. But I think to require the State to
25 essentially lay a foundation for the introduction of

1 evidence ---

2 THE COURT: No, I'll let you offer it at
3 the time you're ready to offer it. I think you
4 got -- you have the right to lay the foundation and
5 offer it 'cause that's the only way I can rule on
6 the relevancy if foundation is laid.

7 MS. BARR: Yes, sir.

8 THE COURT: If she wants the jury to be
9 excused and want to take any further testimony we
10 can do it at that time, but we'll -- I can't
11 anticipate what's gonna happen. We're gonna handle
12 it the way we normally handle evidence, and I'm not
13 going to exclude the jury just because she
14 anticipates that she's gonna offer it at that time.
15 You're gonna have to offer it and have the
16 admissibility of it ruled on based upon what's in
17 the record.

18 MS. BARR: Yes, sir.

19 THE COURT: Okay. All right, anything
20 else before we bring the jury in?

21 MS. BARR: Nothing on behalf of the State,
22 Your Honor.

23 THE COURT: On behalf of Defense, Ms.
24 Butcher?

25 MS. BUTCHER: No, Your Honor.

1 THE COURT: All right, bring the jury in
2 please.

3 (WHEREUPON, the jury was returned to the
4 courtroom at approximately 9:44 a.m., and
5 the following proceedings commenced in
6 open court.)

7 THE COURT: Seats in the jury box are not
8 reserved except for the two seats on the back row
9 where the alternate should sit so I would ask the
10 two alternates to sit in the first two seats on the
11 back row. And later on in this trial I will allow
12 the 12 members of the principal jury to select a
13 foreman of the jury. The twelve people that are the
14 principal jury should only participate in that
15 selection process; and when that foreperson is
16 selected, the foreperson should sit in the first
17 seat here on the front row. Other than that, no
18 seats in the jury box are reserved. The two seats
19 on the first seats on the back row for the
20 alternate. The first seat here for the foreperson
21 when that foreperson is selected. And it does not
22 matter what order you come and go to the courtroom,
23 I would simply ask that you go all the way down so
24 it wouldn't be a situation of falling over one
25 another, but you can sit in any of the seats in the

1 jury box except for the seat on the front row when
2 the foreperson is selected or the two seats in the
3 back.

4 Having said that, good morning. I
5 apologize for keeping you waiting in your jury room
6 for a few minutes. There were some legal matters
7 that we had to take up before we could get started
8 and we are ready to get started. But I need to ask
9 you, except for the situation which has already been
10 disclosed to me, has anyone approached you or
11 attempted to talk with you about this matter or
12 anyone who has anything to do with this case, if so,
13 please signify by raising your hand?

14 (There was no response.)

15 THE COURT: Thank you. Again, other than
16 what has been disclosed to me, has any juror learned
17 anything about this case or anyone involved in this
18 case in the print or broadcast media, if so, please
19 indicates by raising your hand.

20 (There was no response.)

21 THE COURT: Thank you. Has any juror done
22 any research and consulted any internet through
23 Google, Bing, or any other means or done any
24 investigation or research on the facts or the law,
25 people involved in this case, other than what has

1 been disclosed to me, if so, please raise your right
2 hand.

3 (There was no response.)

4 THE COURT: Thank you. Other than what
5 has been disclosed to me, has any juror learned
6 anything about this case or anyone who has anything
7 to do with this case, included but not limited to,
8 the parties, witnesses, victims, law enforcement and
9 attorneys, other than what you have heard in this
10 courtroom, if so, please raise your right hand.

11 (There was no response.)

12 THE COURT: All right, thank you very
13 much. All right then, we are ready proceed.

14 Madam Clerk, you may swear the jury.

15 THE CLERK OF COURT: Ladies and gentlemen
16 of the jury, if you'd please stand and raise your
17 right hand.

18 (WHEREUPON, the jury was sworn at 9:48
19 a.m.)

20 THE COURT: Thank you, please be seated.
21 All right, ladies and gentlemen, before we begin the
22 actual trial of this case I thought it might be
23 helpful if I explain to you basically how a trial
24 proceeds. I know all of you have seen trials on
25 television, but I think you will find that it is a

1 great deal different than it is on television.
2 First of all, the State will make an opening
3 statement. An opening statement is not evidence.
4 It is simply an outline to help you understand what
5 the State expects the evidence will show. The
6 defendant may, if she wishes, to present an opening
7 statement but she doesn't have to for reasons that I
8 will explain later. Following the opening
9 statements, you will hear the testimony and evidence
10 in this case. This will consist of testimony from
11 the State's witnesses as well as any physical
12 exhibits which may be introduced into evidence.

13 Following the completion of the testimony
14 the attorneys will again have an opportunity to make
15 what is called a closing statement or summation to
16 you. This is an opportunity for the attorneys to
17 summarize the case from their respective points of
18 view. Again, these arguments are not evidence.
19 Following the closing statements by the attorneys, I
20 will instruct you on the law of South Carolina as it
21 pertains to the issues that have arisen in this
22 case; and when I have completed my instructions to
23 you, you will be permitted to begin your
24 deliberations in order to reach a verdict.

25 Now ladies and gentlemen, you're now the

1 jury in this case and I want to take a few minutes
2 to tell you something about your duty as jurors and
3 to give you some basic instructions. At the end of
4 this trial I will give you more detailed
5 instructions, and those instructions will control
6 your deliberations. It will be your duty to decide
7 from the evidence what the facts are. You, and you
8 alone, are the judges of the facts. You will hear
9 the evidence, decide what the facts are, and then
10 apply those facts to the law which the Court will
11 give to you. That is how you reach a verdict. In
12 doing so, you must follow the law whether you agree
13 with it or not. The evidence will consist of
14 testimony of witnesses, documents, and other things
15 received into evidence as exhibits, and any facts
16 which the lawyers agree or which I may instruct you
17 to accept.

18 Now I will tell you that I know that there
19 will be certain exhibits introduced abused into
20 evidence in this case, and I will tell you that
21 anything that is admitted by the Court into evidence
22 will go with you to the jury room when you have,
23 when you retire to deliberate your verdict. The
24 lawyers may ask for permission to publish that
25 exhibit. That means to show you that exhibit while

1 you're sitting in in the jury box and let you pass
2 it around. Do not be concerned if you do not have
3 as long to look at the exhibit as you would like to
4 when you're sitting there in the jury box. Anything
5 that is introduced into evidence will go with you to
6 the jury room when you retire to reach a verdict.

7 Now you should not take anything that I
8 may say or do during this trial as indicating what I
9 think the evidence or what your verdict should be.
10 The law does not permit me to have an opinion about
11 the facts. That is solely for you, the jury, to
12 determine. The same law that makes you the judge of
13 the facts makes me the judge of the law. You must
14 take the law as I give it to you regardless of what
15 you think the law is or what the law ought to be.
16 If I'm wrong on the law, there's another time and
17 place for that error to be corrected; but for this
18 case, you must accept the law as I charge it to you.

19 Now this is a criminal case brought by the
20 State of South Carolina. The State charges the
21 defendant Brittany Epps with the crime of murder and
22 possession of a firearm during the commission of a
23 violent crime. The charges against the defendant
24 are contained in this indictment which I hold in my
25 hand. The indictment is not evidence of anything;

1 it is simply the description of the charges made
2 against the defendant. The defendant has pled not
3 guilty to these charges and is presumed innocent
4 unless and until proven guilty beyond a reasonable
5 doubt. A reasonable doubt is the kind of doubt that
6 would cause a reasonable person to hesitate to act.
7 A defendant has the right not to testify and never
8 has to prove innocence or present any evidence. The
9 burden of proof is always on the State of South
10 Carolina.

11 Now there are certain things that are not
12 evidence and you must not consider them as evidence
13 in deciding this case. Statements and arguments of
14 the attorneys are not evidence. Questions and
15 objections of the attorneys are not evidence, and
16 testimony that I instruct you to disregard is not
17 evidence. Evidence may be direct or circumstantial.
18 Direct evidence is testimony by a witness about what
19 that witness personally saw or heard or did.
20 Circumstantial evidence is indirect evidence. The
21 law permits you to give equal weight to both, but it
22 is for you to decide how much weight to give to any
23 of the evidence.

24 There are rules of evidence which control
25 what can be received into court. When a lawyer asks

1 a question or offers an exhibit into evidence and
2 the lawyer on the other side thinks that it is not
3 permitted by the rules, that lawyer may object. If
4 I overrule the objection the question may be
5 answered or the exhibit may be received. If I
6 sustain the objection, the question cannot be
7 answered and the exhibit cannot be received.
8 Whenever I sustain an objection to a question or
9 deny a motion to admit an exhibit into evidence, you
10 must ignore the question or the existence of the
11 exhibit and you must not guess what the answer would
12 have been or what the exhibit would have shown.

13 Sometimes it may be necessary for me to
14 request that you leave the courtroom while I discuss
15 with the attorneys legal questions that come up
16 during the trial. If this occurs you should not
17 speculate about our discussions or the reasons that
18 you were asked to leave the room. This is simply a
19 procedure that the law requires when certain legal
20 issues arise. There also may be occasions when I
21 ask the attorneys to approach the Bench so that I
22 can discuss a legal issue with them in private. I
23 will do this as often as possible so that you will
24 not be required to leave the courtroom more than is
25 absolutely necessary. Again, if I ask the attorneys

1 to step up to the Bench or if I ask you to leave the
2 courtroom, please don't think that anybody is trying
3 to hide anything from you or keep any evidence from
4 you. This is simply a procedure used by all lawyers
5 and by all courts to determine and decide legal
6 questions.

7 Now in deciding the facts of this case you
8 may have to decide which witnesses to believe and
9 which witnesses not to believe. This is called
10 credibility. You may believe everything a witness
11 says or only a part of it or none of it. In
12 deciding what to believe you may consider a number
13 of factors including the witness' ability to see or
14 hear or know the things the witness testified to,
15 the quality of the witness' memory, the witness'
16 manner or demeanor while testifying, whether the
17 witness has an interest in the outcome of the case
18 or any motive, bias, or prejudice, whether the
19 witness is contradicted by anything the witness said
20 or wrote before the trial or by any other evidence
21 and how reasonable was the witness' testimony when
22 considered in the light of other evidence which you
23 do believe.

24 Now just a few words about your conduct as
25 jurors, some of which I have already mentioned to

1 you but they're important enough they bear
2 repeating. Do not talk to each other about this
3 case until the end of the case when you go to the
4 jury room to direct, to decide on your verdict. Any
5 discussion before I tell it is time to begin your
6 deliberations would be premature. Do not talk with
7 anyone else about the case or anyone who has
8 anything do with the case until the trial is ended
9 following your verdict and you have been discharged
10 as jurors. This means do not discuss the case with
11 members of your family or your friends or with
12 anyone else. You may tell them that you are a
13 juror, but don't tell them anything about the case
14 until you have been discharged by me. Now the
15 reasons for that are pretty self-apparent. You've
16 got to decide this case based on the evidence you
17 hear in this courtroom and not on the basis of what
18 anyone else might say. Third, do not let anyone
19 talk to you about the case. If anyone should try to
20 talk to you about it, get their name or their
21 description and report it to the bailiffs, they
22 will report it to me and I will deal with them. As
23 I have previously told you, do not read any news
24 stories or articles or listen to any radio or
25 television reports about the case. Do not do any

1 research on the internet or any social media
2 whatsoever. Do not do any research on by Google or
3 Bing or any of other search engines on the computer
4 or email electronic means whatsoever.

5 You are not to consider as evidence
6 anything that you may see or hear when court is not
7 in session. You should not consult dictionaries and
8 you should not conduct any investigation on your
9 own. And finally, do not make up your mind as to
10 what your verdict should be until you have heard all
11 of the evidence, the arguments of counsel, and the
12 charge by the Court. You will be instructed when to
13 begin your deliberations by either me or the
14 bailiff.

15 Any objection to my opening remarks to the
16 jury on behalf of the State, Ms. Barr?

17 MS. BARR: No, Your Honor.

18 THE COURT: On behalf of Defense, Ms.
19 Butcher?

20 MS. BUTCHER: No, Your Honor.

21 THE COURT: All right. The first order of
22 business, ladies and gentlemen, will be the matter
23 of opening statements, and for that purpose the
24 Court will recognize Assistant Solicitor Ms. Barr.

25 MS. BARR: Thank you, Judge. May it

1 please the Court.

2 THE COURT: Yes, ma'am.

3 MS. BARR: Ms. Butcher. Ladies and
4 gentlemen of the jury, good morning. I hope you all
5 are doing well today. I wanted to begin first of
6 all by thanking you all for your jury service this
7 week, and when I thank you I'm being most sincere
8 because I recognize that it comes as a sacrifice.
9 When we were selecting the jury on yesterday the
10 judge made the comment that if you all had your
11 choice to be anywhere in the world the week of
12 July 25th in this hot weather, this courtroom would
13 probably be the last place, I heard some members of
14 the audience kind of laugh and chuckle a little bit
15 and I chuckled myself 'cause I know that he's
16 probably right. This is probably the last place in
17 the world that you all want to be. But let me tell
18 you how important your responsibility and your role
19 in this case is.

20 You all heard the indictment. This is a
21 murder case. Somebody was taken from us from this
22 earth. For the family of the victim Mr. Joe Brown,
23 this is the most important day and time in their
24 lives 'cause they have come into this courtroom
25 asking for justice. Well, the family of the

1 defendant and for the defendant herself, this is the
2 most important day in her life because she's coming
3 into this courtroom asking for justice. And the way
4 that our criminal justice system works, the only
5 people that can render justice in this case are the
6 members of our jury, and so it is critically
7 important the time that you give this case. It is
8 more important the attention that you give this
9 case.

10 Brittany Epps is charged with murder and
11 possession of a firearm during the commission of a
12 violent crime. You all are here this week to
13 determine whether or not she's guilty of those
14 offenses. I told you that the victim in the case is
15 Joe Brown. I'm gonna take a little bit of time to
16 tell you about Mr. Brown. Mr. Brown was a father, a
17 brother, a uncle, and a grandfather. He grew up in
18 the Greeleyville community of the Williamsburg
19 County. Later on in his life he moved to Kingstree.
20 You will hear that on the day that he was murdered
21 he started off that day in really a wonderful
22 fashion, and it's pretty ironic how that day ended.
23 He started out that day surrounded by his family,
24 his loved ones. He was smiling, he was happy, was
25 at a cookout at his nephew's house in Greeleyville

1 and had taken the defendant Brittany Epps, along
2 with her girlfriend Jessica Jackson, to his cookout
3 in Greeleyville. What is so tragic and unfathomable
4 about this case is the evidence is gonna show you by
5 the strike of midnight on March 29th of 2014, Joseph
6 Brown was shot three times in the head. The first
7 bullet wound to the left of his temple exited behind
8 his ear. The second wound to the right temple
9 lodged in his body, and the third shot in the top of
10 his head. His body was taken out of his vehicle and
11 stuffed in his trunk. This is how he ended the day
12 of March 29th of 2014. And Mr. Joe Brown was 87
13 years old.

14 Now I imagine you all have got to be
15 wondering how in the world did this come about.
16 What you'll hear in this case first and foremost is
17 pretty disturbing facts that will shock you, that
18 may outrage you, but some pretty disturbing facts,
19 the most disturbing of which it was the defendant
20 Brittany Epps who fired those three bullets in the
21 skull of Joe Brown. Now oftentimes in life and in
22 law things are not as they appear. People are not
23 as they appear. You'll see Ms. Epps sitting in the
24 courtroom throughout the trial, very young girl -- I
25 believe she's 19 now -- was 16 years old at the time

1 she committed this murder. You'll see her, she
2 doesn't look like a killer. You're gonna see some
3 other folks in the courtroom this week. You're
4 gonna see her co-defendant, the person who was
5 charged in this crime with her, Jessica Jackson.
6 Jessica is gonna look a little bit different than
7 Brittany though. Jessica is not gonna be dressed up
8 in some pretty little dress. She's not gonna have
9 makeup on. She's not gonna have her hair all fixed
10 and curly. When she steps in this courtroom to
11 testify she'll be in orange jumpsuit, a jumpsuit
12 from the county jail where she has been since the
13 time this murder was committed. You'll also learn
14 that Jessica has pleaded guilty to attempted murder
15 and she's facing 30 years in prison for her role in
16 this crime.

17 Let me go ahead and tell you all, Jessica
18 Jackson was 18 years old when this happened. The
19 defendant was 16 years old when this happened. If
20 the facts as I've anticipated they will come out
21 during the trial of this case has not yet shocked
22 you enough, if the details aren't gory enough yet,
23 you'll learn that this defendant and Jessica Jackson
24 actually conspired to rob Mr. Joe Brown, to first
25 lead him to believe that Ms. Jackson was interested

1 in having sex with him. And then they not only
2 planned to rob him at 16 and 18, they planned to
3 kill him and dispose of his body. And folks, you'll
4 learn that the only reason that this did not go as
5 they planned was because during the course of all
6 this, Jessica Jackson accidentally got shot and so
7 you'll learn that things took a drastic turn for the
8 worst when that happened.

9 I'll go ahead and tell you, Ms. Jackson
10 did, as a lot of defendants do when they're caught
11 and they're facing serious trouble, she lied to the
12 police. She'll acknowledge that; she'll admit that
13 on the stand. She will tell you, and you'll hear,
14 that the first story -- and you're gonna hear this
15 first story from our first witness, the 9-1-1
16 dispatcher, the first story that you'll hear is that
17 Jessica Jackson accidentally shot her hand in some
18 crazy hunting accident in Nesmith. You know who
19 you're gonna hear that story from? Brittany Epps.
20 You will hear her voice on that 9-1-1 tape telling
21 9-1-1 that this is how her girlfriend got shot.
22 You'll hear this second story. Jessica Jackson told
23 this second story, well, it wasn't I didn't get shot
24 accidentally in a hunting accident, the victim tried
25 to rape me -- mind you, 87 years old -- and I shot

1 him in self-defense. Folks, you'll also learn that
2 after one night in jail, one night in jail Jessica
3 Jackson finally came clean and told law enforcement
4 that this defendant put those three bullets in Joe
5 Brown's skull.

6 Now, I'll tell you some other evidence
7 that you're gonna hear. See, we're not gonna just
8 stop at Ms. Jackson's statement and ask you to rely
9 one hundred percent on what she says. Folks, there
10 will be corroborating evidence in this case. The
11 corroborating evidence comes from statements that
12 this defendant made, from DNA and forensic evidence
13 found inside the victim's vehicle where he was shot
14 and his body was thrown in the trunk like a piece of
15 garbage. And pretty importantly, pretty importantly
16 in this case, you will learn that on the night the
17 shooting happened when both Brittany Epps and
18 Jessica Jackson are telling the first officer that
19 responded that this was some freak hunting accident,
20 Brittany Epps tells that first officer, Officer
21 Vincent Staggers, that she has the gun and it
22 belongs to her uncle.

23 Another thing that you will find
24 interesting, I submit, you're gonna learn that the
25 remote to the victim's vehicle was found in the

1 front yard, the residence that belonged to a lady by
2 the name of Vanity Epps. And I submit to you you'll
3 find that fact to be an interesting because, one,
4 Vanity Epps is Brittany Epps' aunt. It becomes more
5 important in this case when you learn not only was
6 the key found in Vanity Epps' front yard and not
7 only is Vanity Epps the defendant's aunt, but the
8 defendant went to her aunt's house immediately after
9 the murder. And so folks, the cumulative effect of
10 all of the evidence you'll hear in this case will be
11 that the defendant is guilty of murder and
12 possession of a weapon during the commission of a
13 violent crime.

14 Now I want you to know one more thing and
15 then I'm gonna sit down. I'm anxious to get started
16 with the presentation of evidence. When you all
17 were here yesterday and we were going through the
18 jury selection process, a whole bunch of people,
19 their names were called and some people got picked
20 obviously, and I don't know for some of you it was a
21 good thing or bad thing. Some of you got picked and
22 some didn't get picked. And I don't know any of
23 y'all personally. And Ms. Butcher, Ms. Epps'
24 attorney, likely does not know any of you all as
25 well; but what the defense and I can agree on in

1 this case is that we chose the best jurors to hear
2 this case because, ultimately, both the State, both
3 the Defendant, are entitled to a fair and impartial
4 jury and we're entitled to a jury verdict. Once
5 you've delivered a just verdict in this case based
6 on the law, based on the evidence, you will have
7 satisfied your obligation to the citizens of
8 Williamsburg County.

9 Ladies and gentlemen, I would respectfully
10 submit to you all that a fair and just verdict in
11 this case will be a verdict of guilty. I'll have an
12 opportunity to address you all again in closing
13 argument, and I'll ask you to be returning a guilty
14 verdict in closing argument. Look forward to
15 talking to you again then. Thank you all, folks,
16 again, most sincerely for your time, thank you most
17 sincerely for your attention.

18 THE COURT: Ms. Butcher, you care to make
19 opening statement?

20 MS. BUTCHER: Yes, Your Honor.

21 THE COURT: All right, you may.

22 MS. BUTCHER: May it please the Court,
23 Ms. Barr. Good morning, ladies and gentlemen. You
24 have heard Ms. Barr tell you what she believes
25 happened to Mr. Brown when he was murdered two years

1 ago. My client, Ms. Brittany Epps, does not agree
2 with what the State claims; and it's up to you, the
3 jury, to determine what happened that night. And
4 Ms. Barr said it very well, both sides are here this
5 week seeking justice. A few things I just want you
6 to keep in mind as we go through this trial. One is
7 that in any criminal case the State has the full
8 burden of proof. A defendant, a citizen, does not
9 have to prove that they are innocent or didn't
10 commit the crime. And the reason is, it's so easy
11 for me to say, you robbed me, you broke into my
12 house, I saw you. And a lot of times the only
13 defense is, I didn't do it, so the State has to
14 prove every aspect of what they're claiming. The
15 thing I ask you is to make sure that the State
16 proves their case. Do not allow them to leave you
17 to guess because if that happens, they haven't done
18 their job.

19 Additionally, they must prove facts in
20 this case beyond a reasonable doubt. And what this
21 means, at the end of the case you have to decide,
22 you have to be convinced that there is not another
23 way Mr. Brown could have been murdered other than
24 what the State claims. Finally realize, every
25 citizen is innocent until you, the jury, prove that

1 they're guilty. Y'all have the most important job
2 in this courtroom today. Now Ms. Epps, she's gonna
3 tell you that she was with Mr. Brown that night he
4 was murdered. She was with Jessica. She was with
5 Theo, but she was not with them at the time that
6 Mr. Brown was murdered. She had been with them
7 earlier that evening. You're gonna hear a lot of
8 different stories just like Ms. Barr told you.

9 What you have to decide is not what
10 happened, but you have to decide did the State prove
11 what they're claiming. I ask you just to listen and
12 use your judgment and we appreciate your time.
13 Thank you.

14 THE COURT: Ms. Barr, you may call your
15 first witness.

16 MS. BARR: We call Joey Phillips.

17 THE COURT: Come around please, sir. Come
18 around to be sworn.

19 THE CLERK OF COURT: Place your left hand
20 on the Bible, raise your right hand.

21 WHEREUPON,

22 **JOEY PHILLIPS,**
23 having been duly sworn by the Clerk, testified
24 as follows:

25 THE CLERK OF COURT: Take your seat in

SW - J. PHILLIPS - DIRECT

1 the witness box.

2 **DIRECT EXAMINATION**

3 BY MS. BARR:

4 Q Mr. Phillips, good morning.

5 A Good morning.

6 Q If you would please, state your full name for the
7 record.

8 A Joey Phillips.

9 Q All right. And sir, tell the ladies and
10 gentlemen of the jury where you work.

11 A I work for Williamsburg County 9-1-1.

12 Q And tell us, explain to us if you will what you
13 do for Williamsburg County 911.

14 A I'm communications officer with Williamsburg
15 County 911. I've been there 16 years. I'm a
16 dispatcher for the communication department.

17 Q Give us an idea please, sir, what your day to day
18 responsibilities are.

19 A I take calls for emergency services, ambulance,
20 police, fire, sheriff department, make sure any
21 day-to-day operations go on.

22 Q Okay. As a result of taking calls that come in
23 through 9-1-1 ---

24 A Yes, ma'am.

25 Q ---what do you do as a result typically of

SW - J. PHILLIPS - DIRECT

1 receiving those calls?

2 A When we receive an emergency call we dispatch the
3 proper agencies and make sure they get there in a
4 timely manner.

5 Q Okay. Sir, you were working back during the
6 night of March 29th, 2014, leading to the morning of
7 March 30th, 2014?

8 A Yes, ma'am.

9 Q All right. And on that particular day did you
10 take a 9-1-1 call regarding a shooting?

11 A Yes, ma'am.

12 Q All right. If you would, tell us the time in
13 which you first received that phone call.

14 A Received that call, ma'am, at 23:58. That's
15 military time; that'd be 11:58.

16 Q 11:58 p.m.?

17 A Yes, ma'am.

18 Q Okay.

19 A And 51 seconds, ma'am.

20 Q All right. What was the nature of the call?

21 A It was a call in reference to a person who had
22 been shot as she stated that she was, she had shot
23 herself or by accident.

24 Q Okay. As a result of receiving that call what
25 then did you do?

SW - J. PHILLIPS - DIRECT

1 A I dispatched the law enforcement and also the EMS
2 to start proceeding to the address that she gave me
3 an address -- an address wasn't opined 'cause it
4 kind of messed up because she didn't know where she
5 was at.

6 Q Okay.

7 A She was using somebody else's phone.

8 Q I understand. I understand. Sir, with regard to
9 911 calls that come in to dispatch, are they
10 typically recorded?

11 A Yes, ma'am.

12 Q All right. And are those calls saved for a
13 period of time?

14 A Yes, ma'am.

15 Q All right. With regard to the shooting that
16 happened on the night of March 29th, that call was
17 recorded?

18 A Yes, ma'am.

19 Q It was saved?

20 A Yes, ma'am.

21 Q All right. And was it then placed on a CD?

22 A Yes, ma'am.

23 Q All right. And prior to your testimony, sir, did
24 you have an opportunity to review this CD?

25 A Yes, ma'am.

SW - J. PHILLIPS - DIRECT

1 Q Is this a recording of the 911 call that you took
2 with regard to the shooting on the 29th of March?

3 A Yes, ma'am.

4 Q All right.

5 MS. BARR: Your Honor, at this time the
6 State would move to introduce Exhibit 1. I believe
7 it's without objection.

8 (WHEREUPON, State Exhibit No. 1 was
9 marked for identification only.)

10 THE COURT: All right, the disk containing
11 the 9-1-1 call the witness has testified to is
12 admitted into evidence without objection.

13 MS. BARR: And Judge, permission to
14 publish?

15 THE COURT: Yes, ma'am.

16 (WHEREUPON, State Exhibit No. 1 was
17 admitted into evidence.)

18 BY MS. BARR:

19 Q Mr. Phillips, I'm gonna may the 9-1-1 recording.
20 I'm not gonna ask any questions. I'll just let it
21 play and then I'll stop and I'll resume my
22 questioning.

23 THE COURT: Before you do that, Ms. Barr,
24 let me just tell the jury that this is in evidence
25 now which means that it will go with you to the jury

SW - J. PHILLIPS - DIRECT

1 room whenever you retire to deliberation of verdict.
2 If it gets to a situation -- we'll talk more about
3 this later -- you won't have the equipment to play
4 the videos or audios in the jury room, but we can
5 play them for you at a later time if you wish to
6 hear more. All right.

7 MS. BARR: Thank you, Your Honor.

8 (State's Exhibit No. 1 was played for the jury.)

9 BY MS. BARR:

10 Q All right. Mr. Phillips, that is your voice on
11 the recording?

12 A Yes, ma'am.

13 Q All right. And sir, the person who made that
14 9-1-1 call, was that the individual who was shot or
15 was that someone calling to report that someone had
16 been shot?

17 A She said her, she said that her girlfriend had
18 shot her finger; that's what she said.

19 Q All right. And sir, when you asked the caller
20 what's your name, did you ever get a response to
21 that question?

22 A No, ma'am. They were real breaking up. You
23 heard the tape. It was break up read bad. I
24 attempted to.

25 Q As a result of receiving that call, tell the

SW - J. PHILLIPS - DIRECT

1 jurors what you did.

2 A I proceeded to try and call back to the number
3 and got another person.

4 Q Okay, all right. Now tell me, you told us when
5 the call was placed first to 9-1-1, when was either
6 EMS or law enforcement dispatched out to the scene?

7 A The law enforcement was dispatched while I was on
8 the call because we, as a shift, we're working
9 together trying to get everything out in a timely
10 manner.

11 Q Yes, sir.

12 A 001, that'd be midnight and 1 second and 27
13 seconds, they were dispatching while I was on the
14 phone, other communicating officers in the room. So
15 me trying to get additional information they was
16 making sure all that correct, I make sure everybody
17 was going in a timely manner.

18 Q Yes, sir, all right. So within less than five
19 minutes?

20 A Oh, yeah, it was, might have been less than a
21 minute or two.

22 Q EMS ---

23 A Five minutes is slow there for 9-1-1.

24 Q I'm sorry, say again.

25 A Five minutes is slow there for 9-1-1.

SW - J. PHILLIPS - DIRECT

1 Q So within a minute you're dispatching EMS and law
2 enforcement?

3 A That's correct, yes, ma'am.

4 Q Now do you all keep a log of the time when either
5 EMS ---

6 A Yes, ma'am.

7 Q ---or law enforcement arrives at the scene?

8 A CAD sheet, yes, ma'am.

9 Q Called a CAD sheet?

10 A Yes, ma'am.

11 Q C-A-D?

12 A Yes, ma'am, Communicated Automated, Computer Aid,
13 CAD sheet.

14 Q And what time was law enforcement or what time
15 did law enforcement and/or EMS arrive at the scene?

16 A Your first law enforcement officer arrived,
17 ma'am, was -- let's see, it looks like, verify that.
18 First officer of Kingstree Police Department was
19 requested to respond to the scene because of the
20 incident going on because the officer was off from a
21 little distance so they were dispatched also. And
22 we have a agreement, you know, if a incident happens
23 we automatically, if they request it, they can be
24 dispatched to the scene because of the fact that
25 they might need more assistance, or the Sheriff's

SW - J. PHILLIPS - DIRECT

1 Office, Kingstree Police Department.

2 Q And you spoke kind of fast. I want to make sure

3 ---

4 A I'm sorry, I talk fast.

5 Q That's okay. I want to make sure that the jury

6 understands what you're saying. When you all

7 received the call ---

8 A Yes, ma'am.

9 Q ---and you received information from the caller
10 saying this was at 168 Kendell Park Road, ---

11 A Yes, ma'am.

12 Q ---is that in the town limit or is that in the
13 county?

14 A It's in the county.

15 Q All right. Now you indicated that you had a
16 Kingstree police officer come first?

17 A They was sent per request of the sergeant at
18 0:08. That was per request of sergeant to be
19 dispatched to that scene.

20 Q All right. So 12:08 a.m.?

21 A That's right.

22 Q A sergeant requested that Kingstree police
23 officer ---

24 A Respond also.

25 Q Okay, all right. And Kingstree officer got there

SW - J. PHILLIPS - DIRECT

1 before Williamsburg County Sheriff's Office?

2 A At that time I can't provide you on that, but
3 they was, they was dispatched also.

4 Q All right. And typically when you have 9-1-1
5 calls placed in the county, which agency in law
6 enforcement normally responds?

7 A Sheriff, the Sheriff's Department.

8 Q When you have an incident that happens inside the
9 town limits of Kingstree, which agency normally
10 responds?

11 A That would be Kingstree Police Department.

12 Q Okay, all right. Now as a result of EMS and/or
13 law enforcement arriving at 168 Kendell Park Road,
14 did you have any other involvement in the case?

15 A No, ma'am, not at the time.

16 Q Okay, all right. I believe that's all the
17 questions I have. Bear with me just a moment.

18 A No problem.

19 Q Mr. Phillips, please answer any questions Ms.
20 Butcher may have.

21 THE COURT: Cross-examination, Ms.
22 Butcher.

23 MS. BUTCHER: Thank you.

24 **CROSS-EXAMINATION**

25 BY MS. BUTCHER:

SW - J. PHILLIPS - CROSS

1 Q Now you said the phone was obviously cutting in
2 and out?

3 A Yes, ma'am.

4 Q And I heard you say, she hung up on me. You
5 don't believe she really hung up on you?

6 A I'm not gonna say yes, but the phone did go out.

7 Q Okay, you'd been having trouble with it?

8 A Yes, ma'am, it was.

9 Q And she tried to give you an address?

10 A She did.

11 Q And she tried to give you her name?

12 A It was very audible -- yes, she was trying to but
13 not ---

14 Q She was trying to so it wasn't her fault that you
15 could you could not hear that, correct?

16 A Yes, ma'am.

17 Q Okay. And can we re-play the tape on here?

18 MS. BARR: Yes, you can play it. You need
19 some help?

20 (State's Exhibit No. 1 was played for the jury.)

21 BY MS. BUTCHER:

22 Q What was the name of the person who allowed them
23 to use the phone?

24 A Hold on a second. I have to look back at my
25 notes.

SW - J. PHILLIPS - CROSS

1 THE COURT: Speak up. You're on the
2 record.

3 THE WITNESS: Yes, sir. I can't tell.

4 BY MS. BUTCHER ATTORNEY:

5 Q Is it Ethel?

6 A Yes, ma'am, that's her aunt Ethel. I don't
7 remember her name at this time, but she did tell me
8 her name after I called the lady.

9 Q That was Ethel?

10 A Yes, ma'am.

11 Q Okay, no further questions.

12 THE COURT: Redirect?

13 MS. BARR: No, Your Honor.

14 THE COURT: All right. Thank you, sir.
15 You may step down.

16 MS. BARR: We call Pearline Pressley. And
17 Your Honor, she's an older woman. It may take her
18 just a moment to come upstairs.

19 THE COURT: Okay.

20 (Pause.)

21 THE CLERK OF COURT: Place your left hand
22 on the Bible, raise your right hand.

23 WHEREUPON,

24 **PEARLINE PRESSLEY,**

25 having been duly sworn by the Clerk, testified

SW - P. PRESSLEY - DIRECT

1 as follows:

2 MS. BARR: May it please the Court.

3 THE COURT: Yes, ma'am.

4 **DIRECT EXAMINATION**

5 BY MS. BARR:

6 Q Ms. Pressley, good morning.

7 A Yeah.

8 Q How are you doing today?

9 A Pretty good, how are you doing?

10 Q Doing good, ma'am. If you would, please state
11 your full name for me.

12 A Ma'am?

13 Q Tell us your full name.

14 A Oh, Pearline Pressley is my name.

15 Q Ms. Pressley, how many years young are you?

16 A Oh, over 70, 71.

17 Q 71 years old?

18 A Uh-huh.

19 Q And tell the jurors where you live?

20 A On Kendell Park Road, 168 Kendell Park Road.

21 Q Kendell Park Road?

22 A Yes, ma'am.

23 Q And how long have you lived at that address?

24 A Oh, 30 years.

25 Q 30 years?

SW - P. PRESSLEY - DIRECT

1 A Yeah.

2 Q Okay. You're still staying there right now?

3 A Yeah, still staying there.

4 Q Now you live by yourself or you have somebody
5 living with you?

6 A I live by myself.

7 Q Okay, all right. Now Ms. Pressley, do you know
8 the woman that's seated there in the purple?

9 A Right there?

10 Q Yes, ma'am.

11 A Yes, ma'am.

12 Q Just so we're clear this young lady here?

13 A Uh-huh.

14 Q You know her?

15 A Yes, ma'am.

16 Q How do you know her?

17 A By she used to live over there one time by me.

18 Q She used to live by you?

19 A Yes, ma'am.

20 Q What's her name?

21 A Brittany.

22 Q Brittany?

23 A Uh-huh.

24 Q Now you looking at her kind of funny. Why you
25 looking at her kind of funny like that? She looks

SW - P. PRESSLEY - DIRECT

1 different?

2 A Yes, she look a little different.

3 Q Looks a little different?

4 A Uh-huh.

5 Q But that's her?

6 A Yea. Brittany, that's you? Hey.

7 THE COURT: All right, go ahead.

8 BY MS. BARR:

9 Q All right. Ma'am, you said that Brittany used to
10 live in the neighborhood?

11 A Yeah.

12 Q Do you know her mother?

13 A Yeah, her mother's -- I just can't recall the
14 name right now, but I know her momma.

15 Q Okay, all right. Do you remember the night that
16 Brittany and another girl came to your house?

17 A Yes, ma'am.

18 Q Okay. Now before that night you'd seen Brittany
19 in the neighborhood?

20 A No, ma'am.

21 Q Okay.

22 A I didn't see her till that night.

23 Q That night, okay. About what time was it, if you
24 know, that they, that they came to your house?

25 A They come in there about 9, between 9 and 10.

SW - P. PRESSLEY - DIRECT

1 Q Okay, at night?

2 A Yes.

3 Q Okay, all right. Why were they at your house,
4 did they say?

5 A They didn't say. They just knocked on the door.

6 Q Okay. Tell us what happened after they knocked
7 on the door.

8 A Okay. They knock on the door and I opened the
9 door and really I didn't know her, I didn't know
10 neither one of them.

11 Q Okay.

12 A So when they fall up on the door and I open the
13 door, they down there on the stair and I -- she
14 said, Ms. Pressley, you know me. I say, who you is?
15 I said -- I'm Brittany, said I'm Brittany, I used to
16 live right there.

17 Q Okay.

18 A Uh-huh.

19 Q Did she tell you why she was knocking on your
20 door that late?

21 A Well, she didn't say right then and we stopped
22 there and told Brittany this, for that that. I said
23 well, where you coming from. She said I'm coming
24 from the country. I said, what country. She say I
25 was up there around my family, and they have vintage

SW - P. PRESSLEY - DIRECT

1 guns and they got, we were hunting today. I say,
2 y'all was hunting? Say, yeah. I say, well, y'all
3 didn't get any from hunting; she say yeah. I ain't
4 asked them what they kill or nothing.

5 Q Okay.

6 A So they done start, shoot, right on talking and
7 everything. So right then I look around and she
8 asked me for a phone call. I tell them I didn't
9 have, my phone isn't working. So she said I want to
10 make a phone call. I said, well, phone call for
11 what. Then the little girl standing around there
12 and I walked out on the step and I asked her, I
13 said, what happened to her hand? She make answer to
14 me, said we was hunting and she get shot in the
15 hand.

16 Q Okay. Ms. Pressley, let me stop you for just a
17 moment and followup on some questions, okay.

18 A Uh-huh.

19 Q Now when you're talking about what she said, who
20 are you talking about, who was talking to you?

21 A Brittany was doing the talking.

22 Q Was she doing all the talking?

23 A Yes, she do all the talking.

24 Q All right. Now you said she was, came there to
25 your house with somebody else.

SW - P. PRESSLEY - DIRECT

- 1 A No, she come there walking.
- 2 Q Came walking?
- 3 A Yeah.
- 4 Q Okay, who was she with?
- 5 A Just the two together.
- 6 Q Who was the second person you said that was with
- 7 Brittany?
- 8 A Just the two.
- 9 Q Okay. Now the person that was with Brittany, was
- 10 it a girl or a guy?
- 11 A A girl.
- 12 Q Okay. Had you ever seen her before?
- 13 A No, ma'am.
- 14 Q What did she look like?
- 15 A Well, look like a fine lady.
- 16 Q Okay. The girl that was with her, was she white
- 17 or black?
- 18 A She was white.
- 19 Q Okay. Did she look to be about Brittany's age or
- 20 a little older?
- 21 A She look a little order than Brittany was.
- 22 Q Okay. How was she dressed, the girl that came
- 23 with Brittany?
- 24 A I don't know, a bra and short pants.
- 25 Q She had a on bra and some short pants?

SW - P. PRESSLEY - DIRECT

1 A Yea, had on a bra and hardly no clothes s.

2 Q Now when you asked what happened to your hand who
3 answered you?

4 A Brittany make comments got shot in the hand like
5 they was hunting.

6 Q So they got shot in the hand and they were
7 hunting?

8 A Uh-huh.

9 Q Okay. Now she, Brittany, told you that they had
10 been in the country?

11 A Yes, ma'am.

12 Q Did she say where in the country?

13 A Her daddy's family house. They got some family
14 up there in Nesmith.

15 Q The defendant Brittany Epps has family in
16 Nesmith?

17 A Yeah, they got family up there. So I believe
18 what they say.

19 Q Okay. And where did she say they were doing the
20 hunting? In Nesmith?

21 A Yes, ma'am.

22 Q Okay, all right. Now you mentioned that you
23 asked, you know, what happened to your hand, and
24 Brittany Epps told you that they got in a hunting
25 accident in Nesmith.

SW - P. PRESSLEY - DIRECT

1 A Uh-huh.

2 Q And her friend got shot?

3 A Yeah.

4 Q All right. Now did you -- did her friend's hand
5 look like it was hurt to you?

6 A Yes, ma'am, it had a little bit of blood on it.

7 Q Little bit of blood on it?

8 A Yes, ma'am.

9 Q Okay. Now you said somebody asked you to use
10 your phone?

11 A Yes, ma'am.

12 Q Which one of the two girls asked you to use your
13 phone?

14 A Brittany.

15 Q Okay. And I believe you told us that you told
16 them you don't have a phone?

17 A I told them I don't have no phone.

18 Q What did you then tell them after you said I
19 don't have a phone?

20 A I told them go cross the street there.

21 Q Okay. Who lives across the street there?

22 A Well, some of my neighbors.

23 Q Okay.

24 A They, McCrea I think, McCrea, some of their
25 neighbors but they don't live there now.

SW - P. PRESSLEY - DIRECT

- 1 Q They don't live there anymore?
- 2 A No.
- 3 Q Do you have any idea where they live?
- 4 A No, ma'am, I don't have no part where they live.
- 5 Q Okay, you know a lady named Ms. Ethel?
- 6 A Yeah.
- 7 Q Okay. Was she one of your neighbors at the time?
- 8 A Ethel, Ethel what?
- 9 Q Do you know Ethel McCrea?
- 10 A Yeah.
- 11 Q Okay.
- 12 A Uh-huh.
- 13 Q How do you know Ms. Ethel?
- 14 A Well, Ethel is those and them momma. That who
- 15 you talking about?
- 16 Q Yes, ma'am.
- 17 A Uh-huh.
- 18 Q Okay, all right. Did you see Brittany and the
- 19 girl who was with her go across to the neighbor's
- 20 house.
- 21 A Yea, they went to that neighbor house, but they
- 22 can't hear. They went further down to the next
- 23 neighbor house.
- 24 Q Okay.
- 25 A See, there was family in there.

SW - P. PRESSLEY - DIRECT

1 Q They were doing what now?

2 A There's family in there, Ethel and their family,
3 you know.

4 Q Okay.

5 A So they then went right straight across.

6 Q After they went to use a neighbor's phone did
7 Brittany and the girl who was with her ever come
8 back to your house?

9 A Yes, ma'am.

10 Q Okay. What happened when they got back to your
11 house?

12 A They tarry around there and said they called
13 somebody from town, one of them town. But they
14 ain't never come in 'cause I didn't let them in.

15 Q Okay.

16 A Stand on the outside there.

17 Q Stood on the outside?

18 A Uh-huh.

19 Q Is that a yes?

20 A Yes, ma'am.

21 Q Thank you so much. Now Ms. Pressley, did the
22 police or the ambulance ever come to your house that
23 night?

24 A The ambulance come.

25 Q Okay. You saw the ambulance out there?

SW - P. PRESSLEY - DIRECT

1 A I saw the ambulance, but I didn't saw no police.

2 Q Okay, all right. How long did the ambulance stay
3 at your house?

4 A They stay there but I don't ask them question or
5 what they question them about, I didn't know, 'cause
6 I didn't leave end of my porch.

7 Q Okay. Now, and I just want to be clear about
8 something. 9-1-1, they didn't call your house, did
9 they, that night?

10 A No, ma'am, no, ma'am, no, ma'am.

11 Q All right. So we heard a 9-1-1 tape in there and
12 a voice on that tape; that's not you?

13 A No, ma'am. Ain't no 9-1-1 call in there, no,
14 ma'am.

15 Q Yes, ma'am. Now let me ask you, after the
16 ambulance came to your house did you ever see
17 Brittany anymore after that?

18 A No, ma'am, I don't see none of them after that.

19 Q And you didn't see the young lady who was with
20 her?

21 A No, ma'am.

22 Q No more after that?

23 A No, ma'am.

24 Q All right. Did anyone else come to your house or
25 to your yard that night other than Brittany Epps and

SW - P. PRESSLEY - CROSS

1 the young lady who was with her?

2 A Well, when they leave my door close and then I
3 ain't open it back 'cause I didn't see anybody.

4 Q How long do you think overall they were actually
5 out there before, what my grandmother used to call
6 it, the paddy-wagon came and got them? How long do
7 you think they were actually at your house?

8 A They been out there I recall about an hour or
9 even better than an hour.

10 Q Okay, all right. Did you ever see anybody else
11 with them?

12 A No, ma'am. I just only see two faces.

13 Q The two girls that you told us about?

14 A The two girls.

15 Q All right. Ms. Pressley, I believe that's all
16 the questions that I have. If you would please
17 answer any questions Ms. Butcher may have for you,
18 okay.

19 A Yes, ma'am.

20 THE COURT: Cross-examination, Ms.
21 Butcher.

22 MS. BUTCHER: Yes, Your Honor.

23 **CROSS-EXAMINATION**

24 BY MS. BUTCHER:

25 Q Good morning. Now you said you stayed on the

SW - P. PRESSLEY - CROSS

1 porch during this time?

2 A Yes, ma'am.

3 Q And you also said you stayed in the house?

4 A Ma'am?

5 Q Did you also say you stayed in the house?

6 A That I stay, yeah, I stay in the house. I hand
7 around the porch and give that phone call, tell them
8 where to go. And they come back. Then they come
9 back I still didn't let them in. They tell me, they
10 said they make a phone call across the street.

11 Q Okay, all right. Thank you.

12 A Uh-huh.

13 THE COURT: Redirect?

14 MS. BARR: No, Judge, that's all the
15 questions that I have for Ms. Pressley.

16 THE COURT: Thank you, Ms. Pressley, thank
17 you for coming.

18 THE WITNESS: All right then.

19 THE COURT: Thank you, ma'am.

20 MS. BARR: Judge, our next witness will be
21 Officer Vincent Staggers.

22 THE COURT: Thank you.

23 THE CLERK OF COURT: If you'll come around
24 to be sworn please.

25 THE COURT: All right, Officer Staggers,

SW - V. STAGGERS - DIRECT

1 if you'd come around to be sworn please.

2 THE WITNESS: Yes, sir, Judge.

3 THE CLERK OF COURT: Good morning. Place
4 your left hand on the Bible, raise your right hand.

5 WHEREUPON,

6 **VINCENT STAGGERS,**
7 having been duly sworn by the Clerk, testified
8 as follows:

9 THE CLERK OF COURT: You may take your
10 seat in the witness box.

11 **DIRECT EXAMINATION**

12 BY MS. BARR:

13 Q Good morning, Officer Staggars.

14 A Good morning.

15 Q How are you doing today?

16 A I'm well.

17 Q Wonderful. If you would, please state your full
18 name for us and introduce yourself to the ladies and
19 gentlemen of the jury. Tell us what you do for a
20 living.

21 A Vincent Craig Staggars. I'm employed with the
22 Kingstree Police Department.

23 Q All right. And how long have you been in law
24 enforcement?

25 A Since 1998.

SW - V. STAGGERS - DIRECT

1 Q All right. And tell us, if you will, what you do
2 on a day-to-day basis with the police department?

3 A I'm a supervisor there at Kingstree Police
4 Department. My duty is to protect the citizens'
5 property, protect the citizens of Kingstree. I
6 respond to any alarms, maybe alarms to burglaries
7 and anything in between.

8 Q All right. And Officer Staggers, obviously you
9 were working back on the night of March 29th of
10 2014?

11 A Yes, I was.

12 Q And what was your assignment on that night?

13 A I was a supervisor.

14 Q Okay, all right. Tell us how you became aware of
15 a shooting in this case.

16 A While on patrol dispatch advised me there had
17 been a person called in stating they had
18 accidentally shot themselves and that the county
19 requesting assistance because they were tied up on
20 other calls.

21 Q Okay, all right. Now what was your understanding
22 as to where this happened, where the shooting
23 happened?

24 A That it took place on Kendell Park Road which is
25 in Williamsburg County.

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1 Q It's outside the town limits in the county?

2 A It is.

3 Q And so you responded 'cause you were the -- you
4 could get there the quickest I guess, is that a
5 short, easier way to say it?

6 A Yes, ma'am.

7 Q All right. So you went out to 168 Kendell Park
8 Road?

9 A Yes, ma'am.

10 Q Tell the jury what you found when you got out
11 there.

12 A Upon my arrival I came across two females
13 standing up on the car porch. The first female I
14 came in contact with she had on a brown and black
15 sweats and the victim at the time that called in the
16 gunshot had been shot, she had on a black and red
17 basketball shorts. And at the time she had her
18 shirt off and had her red bra on with the shirt
19 wrapped around her thumb.

20 Q Okay. And I want to make sure to clear
21 something. You talk about the victim initially.

22 A Yes.

23 Q And who are you specifically talking about?

24 A Ms. Jackson.

25 Q Jessica Jackson?

SW - V. STAGGERS - DIRECT

1 A Yes, ma'am.

2 Q Why do you initially characterize her as a
3 victim?

4 A Because she had been the one that allegedly shot
5 herself in the hand.

6 Q Okay, all right. Now the individual who you
7 described as having on the boots and the clothing,
8 who is that individual?

9 A That was Ms. Epps.

10 Q Okay. Brittany Epps?

11 A Yes.

12 Q Is that the defendant seated in the purple at the
13 defense table?

14 A It is.

15 Q Okay. Now let me ask you, do you have a
16 recollection of seeing Epps back on the night of
17 March 29th on Kendell Park Road?

18 A Yes, ma'am.

19 Q Does she look today in court how she looked back
20 then?

21 A No, ma'am.

22 Q What's different her appearance?

23 A On that she was dressed more of a, dressed down
24 more of a boy appearance.

25 Q Okay. Now was her hair as long then as it is

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1 now?

2 A I can't recall a hundred percent.

3 Q Okay. Now you got communications through the
4 radio here was a shooting?

5 A Yes, ma'am.

6 Q When you go out to 168 Kendell Park Road who
7 owned that? That was a residence?

8 A It was.

9 Q Who owned that residence?

10 A I can't recall. I don't have any notes of that,
11 ma'am.

12 Q Okay, all right. Tell us, did you ask any
13 questions of either Ms. Jackson who had the gunshot
14 wound to the hand or Ms. Epps?

15 A I did.

16 Q All right, tell us about that.

17 A When I not there I started asking questions of
18 Ms. Epps, asked, you know, what happened. Ms. Epps
19 stated they were in Nesmith apparently hunting
20 squirrels. That what she told me.

21 Q Now this is the defendant telling you this?

22 A Yes, ma'am, it is.

23 Q Okay.

24 A Then stated that Ms. Jackson accidentally shot
25 herself. I asked her why didn't they go immediately

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1 to the emergency room and seek medical attention.

2 At that time Ms. Epps informed me they had bogged
3 down their vehicle there at Windy's club.

4 Q Okay.

5 A Which is in that area.

6 Q Okay.

7 A I then asked her the location of the weapon, the
8 gun. She stated that it was an older gun she'd
9 given back to him.

10 Q Okay, who -- we need to be clear. Who did you
11 ask where was the gun?

12 A Ms. Epps.

13 Q Okay. And Ms. Epps told you what now?

14 A That is her uncle's gun.

15 Q Okay, all right. At the time when you're talking
16 to Ms. Epps and Ms. Jackson?

17 A Yes.

18 Q Do you have any idea that a murder has taken
19 place?

20 A None.

21 Q None whatsoever?

22 A None.

23 Q All right. Now when you were talking to these
24 two ladies, who is talking primarily to you?

25 A Ms. Epps.

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1 Q Ms. Epps was doing primarily most of the talking?

2 A Yes, ma'am, she was.

3 Q And you described Ms. Jackson as having on a pair
4 of shorts and a red bra?

5 A Yes.

6 Q Okay, all right. What time did you actually get
7 out there to 168 Kendell Park Road?

8 A 9 minutes past 12.

9 Q Okay. 12:09 a.m.?

10 A Yes.

11 Q Okay. Do you recall when you first arrived
12 whether EMS was already there or did they come in
13 after?

14 A They came in shortly after I did.

15 Q Okay. Now you've indicated to us that you were
16 told about some type of hunting accident in Nesmith.

17 A Yes, ma'am.

18 Q Do you have any idea how far Nesmith is from 168
19 Kendell Park Road where you met these two women?

20 A 15, 20 minutes.

21 Q Okay. And they told you that they had gotten
22 bogged down somewhere near ---

23 A Yeah.

24 Q ---Wendy's Club?

25 A Yes, ma'am.

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1 Q Okay. When Ms. Epps told you that it was her
2 uncle's gun ---

3 A Yes, ma'am.

4 Q ---what did you tell her about the gun?

5 A I told her that law enforcement would -- well,
6 the Sheriff's Department would need it, expect the
7 gun, take possession of it.

8 Q Okay. And do you recall what, if anything, she
9 said after you told her that?

10 A I don't know. I think during this conversation I
11 think EMS may have been on scene trying to look at
12 the victim, and she was kind of concerned about the
13 victim, whether or not she'd ride in the ambulance.

14 Q Okay. Now in terms of you responding out to
15 Kendell Park Road in county, would you have had any
16 jurisdiction to investigate whatever this incident
17 was, whether it was accidental shooting or something
18 else, would you have had authority or jurisdiction
19 to do that or would the county have authority to do
20 that?

21 A The county would have that authority,
22 jurisdiction.

23 Q All right. Now did you have any communication
24 from, with anyone from the Sheriff's Office
25 regarding your responding to that scene?

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1 A Yes, ma'am, I did.

2 Q Okay. Who did you talk with?

3 A Sergeant Kennedy.

4 Q And Sergeant Kennedy is seated here at
5 prosecution's table with me?

6 A Yes, ma'am, he is.

7 Q All right. So you spoke with him on the phone?

8 A I did.

9 Q Tell me what you told him.

10 A I advised him what I had at the scene as far as
11 the victim and her wound or at the time. I also
12 informed him that I felt as though the shooting
13 incident took place within that area due to the fact
14 that Ms. Epps indicated that they bogged down
15 nearby.

16 Q Okay. So you didn't buy the story that this
17 happened in Nesmith?

18 A No, ma'am.

19 Q Why?

20 A Well, for one, if I received a gunshot wound I'm
21 not gonna stop in between where I'm coming from and
22 the hospital to make a phone call, and that just
23 didn't add up to me. And the fact she couldn't
24 produce the gun at the time.

25 Q Okay, all right. In your report do you reference

SW - V. STAGGERS - DIRECT

1 at all, or any of the paperwork, what time EMS
2 arrived?

3 A Yes, ma'am.

4 Q What time did EMS get there?

5 A They got on scene 13 minutes after 12.

6 Q 13 minutes after 12, so about four minutes after
7 you got there?

8 A Yes, ma'am.

9 Q What happened when EMS got there?

10 A When they got there I advised them, you know,
11 what I could visually see on the victim at the time.
12 They made contact with her. At the time they made
13 provisions to have her transported to McLeod
14 Hospital.

15 Q And that's in Florence?

16 A Yes.

17 Q You said they made provisions to have her
18 transported to McLeod in Florence. Who are you
19 talking about?

20 A Jessica Johnson-- Jackson, I'm sorry.

21 Q All right. So Ms. Jackson was taken from Kendell
22 Park Road by EMS to a hospital in Florence?

23 A Yes, ma'am, she was.

24 Q What about the defendant, did she go with
25 Ms. Jackson?

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1 A She did not.

2 Q Okay. Did she attempt to go with Ms. Jackson?

3 A She did. She asked could she ride along. They
4 informed her that she would not ride with Ms.
5 Jackson in the ambulance. At that time she left on
6 foot walking back towards Windy's Club.

7 Q Walking back towards Windy's Club?

8 A Yes, ma'am.

9 Q Now other than Ms. Jackson and Ms. Epps, was
10 anyone else, and EMS obviously, was anyone else out
11 there at the scene?

12 A There was a fireman there, Mr. Calvin Lingley.
13 He arrived just shortly before EMS did; and also the
14 owner of the residence, she was there.

15 Q Okay. Is that Ms. Pearlene?

16 A I think that's her name.

17 Q Okay. Anybody else?

18 A That was it.

19 Q So you saw Ms. Epps there?

20 A Yes, ma'am.

21 Q You saw Ms. Jackson there?

22 A Yes, ma'am.

23 Q Saw a EMS worker?

24 A Yes.

25 Q You saw a firefighter?

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1 A Right.

2 Q And those were the only persons you saw at 168
3 Kendell Park Road?

4 A Yes, ma'am.

5 Q Okay. After EMS took Ms. Jackson away, did you
6 have any further communications with Investigator
7 Archie Kennedy?

8 A Yes, ma'am, I did.

9 Q Tell us about that.

10 A Between 4:30 and 5 a.m. I received another call
11 from Mr. Kennedy. At that time he informed me they
12 were now investigating a murder.

13 Q Okay, all right. And in terms of receiving that
14 communication from Mr. Kennedy about investigating a
15 murder, did he give you any information about where
16 the victim Mr. Joe Brown might have been found,
17 where his body might have been found?

18 A He did tell me that -- at that time I don't think
19 he did. I think he went into that -- he give me
20 statement as far as what happened so I went
21 immediately and started doing the report. Later on
22 that morning we did talk again, and that's when he
23 told me they did find his body and that it was in
24 the trunk of the vehicle.

25 Q Did he indicate to you where his vehicle,

SW - V. STAGGERS - DIRECT

1 Mr. Brown's, vehicle was found?

2 A I think it was right up the street from where 168
3 Kendell Park Road was at.

4 Q Okay?

5 A In distance maybe a hundred yards, maybe two
6 hundred yards up the street which is also in
7 direction that Ms. Epps walk in.

8 Q All right. So you received communication later
9 that day that the victim's body and vehicle was
10 found on Kendell Park Road?

11 A Yes.

12 Q All right. In the direction in which you last
13 saw the defendant walking?

14 A Yes.

15 Q Okay. How did they strike you when you heard
16 that information?

17 MS. BUTCHER: Objection, Your Honor,
18 speculation.

19 THE COURT: I sustain it as asked, but you
20 can rephrase.

21 BY MS. BARR:

22 Q Okay. I asked you earlier whether or not you
23 bought the story that Ms. Jackson was shot in an
24 accidental shooting in Nesmith, and you told us that
25 you did not.

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1 A Yes, ma'am.

2 Q In terms of later discovering that Mr. Brown was
3 found deceased in his vehicle on Kendell Park Road,
4 did that have any significance to you?

5 A It clarified, it made more sense other than, you
6 know, that accidentally shooting themselves in a
7 hunting accident.

8 Q Now how far is Windy's Club from 168 Kendell Park
9 Road?

10 A I'm gonna say two football fields give or take;
11 I'm gonna estimate.

12 Q Was it clearly within walking distance?

13 A Yes, ma'am.

14 Q Okay. Beg the Court's indulgence.

15 THE COURT: Yes, ma'am.

16 BY MS. BARR:

17 Q Did Ms. Epps tell you where she was going before
18 she walked off after EMS took Ms. Jackson away?

19 A She said she was going to catch a ride with her
20 aunt.

21 Q Okay. Did she say she was catching a ride with
22 her aunt?

23 A Yeah.

24 Q Can you look at your statement just to clarify
25 that point for me please.

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1 A I don't have that in there, but she said that she
2 was going to catch a ride with her aunt. I think
3 she referred to Cedar Hill Subdivision.

4 Q I'm sorry, your voice left me just a moment. Say
5 that again.

6 A She referred to Cedar Hill Subdivision is where
7 her aunt resided.

8 Q Okay.

9 MS. BARR: Your Honor, may I approach the
10 witness?

11 THE COURT: Yes, ma'am.

12 BY MS. BARR:

13 Q Did you create a handwritten report of your
14 interaction with Ms. Epps and Ms. Jackson that
15 night?

16 A Yes, ma'am, I did.

17 Q And I understand this has been over two years
18 ago. Why do you typically write reports?

19 A So we can refresh our memory as far as that.

20 Q Sure, absolutely. Let me know when you've had an
21 opportunity to finish reading that report.

22 A I have.

23 Q Okay, all right. Now as it relates to Ms. Epps'
24 intention what, if anything, did she tell you about
25 where she was going?

SW - V. STAGGERS - CROSS

1 A She said she was going to her aunt's house.

2 Q To her aunt's house?

3 A Yes.

4 Q And that was in the Cedar Hill community?

5 A Yes.

6 Q Okay. Officer Staggers, thank you. That's all
7 the questions that I have.

8 THE COURT: All right. Cross-examination,
9 Ms. Butcher.

10 **CROSS-EXAMINATION**

11 BY MS. BUTCHER:

12 Q Now when you were speaking with Ms. Epps you
13 didn't suspect anything criminal, did you, during
14 this incident, this encounter?

15 A No, ma'am, not at that time.

16 Q So you didn't -- there was a gun involved, a girl
17 that was shot in the hand, but you didn't expect or
18 suspect anything to be criminal?

19 A No, ma'am.

20 Q Okay. And let me ask you this, one, my client
21 Ms. Epps, wanted to ride in the ambulance, correct?

22 A Yes, ma'am.

23 Q She was concerned about her friend?

24 A That's correct.

25 Q And two, when she wasn't able to -- and let me

SW - V. STAGGERS - CROSS

1 ask, was that just policy or do you know?

2 A I can't answer that question, ma'am.

3 Q Okay. When she wasn't able to she told you where
4 she was going, correct?

5 A Yes, ma'am.

6 Q To her aunt's house?

7 A Yes, ma'am.

8 Q Okay. And are you aware that her aunt, that she
9 walked in the direction of her aunt's house?

10 A Yes, ma'am.

11 Q Okay. And you had no knowledge, as it was sort
12 of suggested that she was going to the car or
13 anything, do you?

14 A No, ma'am.

15 Q Okay. And you have no knowledge of who was
16 present when Mr. Brown was shot, do you?

17 A No, ma'am.

18 Q Or who shot him, do you?

19 A No, ma'am.

20 Q Okay. But you do know and you wrote down that
21 when you spoke with Ms. Epps that night she had on
22 black and white sweatpants, correct?

23 A Brown and black sweatpants.

24 Q I'm sorry, did I say black and white? Brown and
25 black. Thank you for correcting me. And you wrote

SW - V. STAGGERS - CROSS

1 that in your handwritten notes?

2 A Yes, ma'am.

3 Q And you also typed that up in your report,
4 correct?

5 A Yes, ma'am.

6 Q Do you recall anything else about the sweatpants,
7 if there was like a pattern on them or anything?

8 A No, ma'am.

9 Q You just don't remember?

10 A I don't remember.

11 Q It's been ---

12 A It's been a while. I didn't indicate anything
13 other than that.

14 Q And you also indicated that Ms. Epps looks
15 different, too?

16 A Yes, ma'am.

17 Q It's been close to three years, correct?

18 A Yes, ma'am.

19 Q Okay. You'd expect that, right?

20 A Yes, ma'am.

21 Q 16 to 19 ages.

22 A Yes, ma'am.

23 Q No further questions. Thank you.

24 THE COURT: Redirect, Ms. Barr?

25 MS. BARR: Judge, I don't have any further

1 questions of the witness. Thank you.

2 THE COURT: All right, Officer Staggers,
3 you may step down. Thank you for coming.

4 Ms. Barr, you may call your next witness.

5 MS. BARR: Judge, may we take just a short

6 ---

7 THE COURT: Come up.

8 (WHEREUPON, counsel approached the
9 Bench for an off-the-record discussion.)

10 THE COURT: Ladies and gentlemen, you've
11 been in the courtroom now about an hour-and-a-half.
12 We've been in about an hour and 45 minutes. I think
13 it's appropriate we take our mid-morning break at
14 this time. I am going to excuse you and allow you
15 to go to your jury room. Again, I would tell you
16 that it would be improper for you to discuss this
17 case among yourselves. Any discussion of the matter
18 is premature and would be improper. You can talk
19 about anything you want to talk about, sports,
20 weather, children, grandchildren, anything at all,
21 but don't talk about this case until I tell you it
22 is appropriate to do so. So if you would, go to
23 your jury room for about ten minutes. We'll take a
24 break and we'll be ready to start back about 11:30.
25 Thank you. You may go with the bailiff.

1 (WHEREUPON, the jury was removed from the
2 courtroom at 11:16 a.m.)

3 THE COURT: Let's be in recess. It's
4 11:16, be ready to start back at 11:30.

5 (WHEREUPON, a recess was taken from the
6 proceedings.)

7 (WHEREUPON, State's Exhibits No. 2 and 3
8 were marked for identification only.)

9 THE COURT: We're back on the record with
10 regard to the matter of the State versus Brittany
11 Epps. Ms. Epps is present with her counsel. The
12 State is present represented by Ms. Barr of the
13 Third Circuit Solicitor's Office. Anything before
14 we bring the jury in, Ms. Barr?

15 MS. BARR: No, Your Honor.

16 THE COURT: Ms. Butcher?

17 MS. BUTCHER: No, Your Honor.

18 THE COURT: Bring the jury in please.

19 (WHEREUPON, the jury was returned to the
20 courtroom at approximately 11:41 a.m.,
21 and the following proceedings commenced
22 in open court.)

23 THE COURT: Thank you. Ladies and
24 gentlemen, we are now ready to resume.

25 Ms. Barr, you may call your next witness.

SW - S. BARR - DIRECT

1 MS. BARR: May it please the Court, the
2 State calls Samuel Barr.

3 THE CLERK OF COURT: Good morning. Please
4 step forward please. Place your left hand on the
5 Bible, raise your right hand.

6 WHEREUPON,

7 **SAMUEL BARR,**
8 having been duly sworn by the Clerk, testified
9 as follows:

10 THE CLERK OF COURT: Take your seat in the
11 witness box. Please watch your step, okay.

12 **DIRECT EXAMINATION**

13 BY MS. BARR:

14 Q Mr. Barr, good morning, how are you doing?

15 A Doing good.

16 Q Good. Please state your full name for the record
17 for me.

18 A Samuel Levern Barr.

19 Q All right. And Mr. Barr, where do you live?

20 A 9974 Hemingway Highway.

21 Q How long have you lived at that address?

22 A All my life.

23 Q All right. And that's here in Williamsburg
24 County?

25 A Yes, ma'am.

SW - S. BARR - DIRECT

1 Q All right. Who lives in the home with you?

2 A Beg your pardon?

3 Q Who lives in your home with you?

4 A Oh, my wife.

5 Q And how long have you been married?

6 A Forty-three years.

7 Q Forty-three years, that's wonderful. How far is
8 your home address from Kendell Park Road?

9 A Oh, probably about a quarter of a mile maybe.

10 Q Okay. Do you know a woman by the name of
11 Ms. Pearline Pressley?

12 A Yes, I do.

13 Q How do you know Ms. Pearline?

14 A Because, well, she be living there about long
15 time to the community, yeah.

16 Q So you know her from the neighborhood?

17 A Sure.

18 Q Okay. And how far do you think you live from her
19 house?

20 A Three quarters of a mile.

21 Q Okay. Now sir, I'm gonna take you back to the
22 night of March 29th 2014, almost two-and-a-half
23 years ago. On that particular day did you hear
24 about a shooting in the area?

25 A That night when it happened I heard about it.

SW - S. BARR - DIRECT

1 Q Okay.

2 A I was listening at my scanner.

3 Q You have a scanner?

4 A Yeah.

5 Q Tell the jurors what a scanner is.

6 A It picks up like EMS, 9-1-1 scan, hospital,
7 different, you know, emergency, stuff like that.

8 Q Okay. Now just kind of curious, why you have a
9 scanner?

10 A That's just something I fell in love with years
11 ago. I have one in my house, car, everything.

12 Q All right. Tell me what you heard on your
13 scanner.

14 A I heard them say something about a shooting on
15 Kendell Park Road, and I'd just left Kendell Park
16 Road 'cause I was right there at Windy's Place
17 sitting around talking.

18 Q You were at Windy's Place?

19 A Yeah.

20 Q All right, go ahead.

21 A As soon as I got home about fifty minutes, I said
22 there was a shooting at Kendell Park Road. I said
23 just left there. I said, let me go back around to
24 see what happened.

25 Q Now what doing going back out there?

SW - S. BARR - DIRECT

1 A Being nosey, being nosey.

2 Q Okay. So when you got home is when you heard it
3 on the scanner about a shooting?

4 A Right.

5 Q So you then leave the house and go back out?

6 A Right.

7 Q All right. Now was your wife home at the time
8 you left back out?

9 A Uh-huh, yeah.

10 Q You have any idea about what time it was?

11 A It was late, you know, maybe 11, 12:00, somewhere
12 like that, I ain't sure; but it was late, kind of
13 late.

14 Q All right. Now when you left Kendell, when you
15 left Windy's Club to go home?

16 A Uh-huh.

17 Q Did you see any kind of indication there had been
18 a shooting or anything that struck you as curious?

19 A I saw ambulance at Ms. Pearline's house. It was
20 in the yard.

21 Q You saw ambulance at Ms. Pearline's house?

22 A Uh-huh.

23 Q Was this on your way from Windy's Club to your
24 home or when you heard it on the scanner and went
25 back out?

SW - S. BARR - DIRECT

1 A When I heard it and went back out.

2 Q Okay, all right. So you hear this on the police
3 scanner, on the scanner?

4 A Yeah.

5 Q About a shooting?

6 A Yeah.

7 Q And then you leave your house?

8 A Uh-huh.

9 Q All right. And you drive where?

10 A Kendell Park Road and I went as far as Windy's
11 Lane, pull in, and it was, he had already closed,
12 nobody was there. So when I backed out and I turned
13 around, I saw, I caught a reflection of a tail light
14 car sitting in the woods.

15 Q Okay. And slow down just for a minute, I want to
16 make sure we understand. All right, how far is
17 Windy's Club from where you saw the tail lights of
18 that car?

19 A Right across the road.

20 Q Right across the road?

21 A Right.

22 Q From where you are sitting on that witness stand
23 right now, about how far would it be using this
24 courtroom from where you saw the car?

25 A It would be a little further than the back right

SW - S. BARR - DIRECT

1 there, a little further than that. Maybe to the
2 highway maybe.

3 Q Okay. All right, so you saw the tail lights of a
4 car?

5 A The reflection of a tail light, you know, my
6 headlights shine on it.

7 Q Okay, all right. And this is cross the street
8 from Windy's Club?

9 A Yeah.

10 Q And tell me what you did when you saw that?

11 A I pulled my car in. It's a trailer sitting over
12 there, and I pulled in the lane there and shine my
13 tail light on bright where I could see closer. And
14 I was looking at the car and I said that looks like
15 a Cadillac in the woods. And about that time
16 somebody walks up to me. Somebody say, hey. I look
17 around, I jumped, I didn't see them when they come
18 up. And I say, what's going on here. And they said
19 that, the person came up said, look what my
20 girlfriend made me do, she made me drive my car in
21 the woods. I said, in the woods? I say, that's
22 your car? She say, yeah, that's my car. And I
23 said, oh, okay. And about that time I got back in
24 my truck and then she walk back off. I went on back
25 home.

SW - S. BARR - DIRECT

1 Q Okay. Now as you're outside of your vehicle this
2 person approach you from the right or to your left?

3 A She approach me from the right. I was standing
4 looking in the woods.

5 Q Okay.

6 A Yeah.

7 Q Now somebody, now you indicated that this person
8 said, look what my girlfriend made me do?

9 A Yeah.

10 Q All right. Tell me what you observed about the
11 Cadillac.

12 A That was ---

13 Q Other than the tail lights.

14 A That's about all I could see.

15 Q Okay. Did you know whether or not there had been
16 any damage to the Cadillac?

17 A I had no idea.

18 Q Okay. And you mentioned a trailer.

19 A Uh-huh.

20 Q Tell me what you remember with reference to how
21 far the Cadillac was from the trailer.

22 A You can see where it went -- when I have my
23 headlights shine you can see where the trailer went
24 right by the trailer, went straight in the woods,
25 the trailer. I doubt -- it had to been going kind

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1 of fast 'cause it was bogged down there. It went
2 across that little field behind the trailer over the
3 edge of the woods.

4 Q Okay. It crashed with the edge of the woods?

5 A Uh-huh, yes, ma'am. The tail end was just right
6 in the edge of the woods. The front part of the car
7 was open in the woods.

8 Q Okay, could you see anybody inside the vehicle?

9 A No, I couldn't see nobody in there.

10 Q Okay. Now you mentioned -- did I understand you
11 to say that that vehicle was bogged down?

12 A Yes, it had to be, yeah. I think it was. I'm
13 almost sure it was because it was boggy going cross
14 there, a wet field.

15 Q All right. Now the person that you were talking
16 with, was that person white or black?

17 A Black.

18 Q Okay. Now at the time you were -- well, before
19 I ask you that question, was the person a older
20 person like maybe 30s or 40s, or was this a younger
21 person?

22 A Younger person.

23 Q Had you seen that person before?

24 A Never did.

25 Q All right. Did you believe that that was a male

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1 or female that you were talking to at that time?

2 A I thought it was a male.

3 Q Okay. Now tell me why you say I thought it was
4 male?

5 A Because he had a hat pulled down, something like,
6 had a hood on it, had it pulled down like that and
7 had on boy's clothes like a shirt, pants, whatever.
8 And I thought it was a guy, young boy or something.

9 Q Okay, all right. And tell me what that person
10 told you about the girlfriend?

11 A She said, that what my girl-- I said, what going
12 on. She said, look what my girlfriend did, left my
13 car in the woods. I said, left your car in the
14 woods? He say, yeah. I said, well, where is your
15 girl? She said back up there. She said in the
16 ambulance back up there at the house up there. And
17 I said, okay, so I ain't, I didn't hang around. I
18 left.

19 Q Okay.

20 A She walked back off.

21 Q She walked backed off?

22 A Uh-huh.

23 Q Which direction did she walk off to? Was it in
24 the direction of where Ms. Pearline lives from the
25 mobile home or the other direction, opposite

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1 direction?

2 A Ms. Pearline's side.

3 Q Okay. Now...

4 (WHEREUPON, State Exhibit No. 4
5 was marked for identification only.)

6 BY MS. BARR:

7 Q Mr. Barr, I'm going to show you what's been
8 marked for identification as State's Exhibit Number
9 4. If I represent to you that this is Kendell Park
10 Road, the portion of Kendell Park Road where the
11 mobile home was and the vehicle was found, does it
12 look familiar at all to you?

13 A The vehicle was found at this mobile home?

14 Q Yes, sir.

15 A Right in there.

16 Q Okay.

17 A In the woods.

18 Q All right.

19 A Yes, ma'am, past---

20 THE COURT: All right now, speak up now.
21 You can just carry on a conversation with her. This
22 lady has got to take down everything we say and the
23 jury has got to hear you.

24 THE WITNESS: Okay.

25

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1 BY MS. BARR:

2 Q If I represent to you, sir, that the box that's
3 got 292 in here, the mobile home that you talked
4 about, does it, does this scene look familiar to
5 you?

6 A Yes, ma'am, it does.

7 Q All right.

8 MS. BARR: Judge, we would move State's
9 Exhibit Number 4 in, and I believe it's without
10 objection.

11 MS. BUTCHER: No objection.

12 THE COURT: Admitted into evidence without
13 objection.

14 (WHEREUPON, State Exhibit No. 4 was
15 admitted into evidence.)

16 MS. BARR: Permission to publish.

17 THE COURT: Yes, ma'am.

18 MS. BARR: Thank you.

19 BY MS. BARR:

20 Q Mr. Barr, can I get you to come down here with
21 me?

22 A Sure.

23 Q All right, Mr. Barr, while you were on the
24 witness stand I showed you State's Exhibit Number 4,
25 which is a diagram of that portion of Kendell Park

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1 Road where the vehicle was recovered. Do you
2 remember me doing that?

3 A Uh-huh.

4 Q Is that a yes?

5 A Yes, ma'am.

6 Q Here's what I need you to do for me. You don't
7 have your mic so I need to make sure you keep your
8 voice up, okay.

9 A Okay.

10 Q So the court reporter can hear you.

11 A Right.

12 Q All right. Now I'm gonna let you use the
13 pointer. Tell me where the Kendell Park Road is so
14 the jurors can see what we're talking about.

15 A This is Kendell Park Road here coming right here,
16 yeah.

17 Q Okay, all right. And if you would, I think that
18 I asked you earlier to assume for me that this
19 little box here that's marked 292, let's assume
20 that's the mobile home that you were talking about.

21 A Right.

22 Q Do you know whether or not anybody was living in
23 that home at the time ---

24 A No, no.

25 Q ---you went there?

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1 A No, the guy that lived there, he wasn't living
2 there.

3 Q Okay. Was anybody living there on this night?

4 A No, no' ma'am.

5 Q So it was a vacant mobile home?

6 A Right, uh-huh.

7 Q All right, now just so we're clear, from what
8 part of Kendell Road did you come in and see the
9 vehicle?

10 A Windy's Lane is right around in here somewhere.
11 Windy's place is here.

12 Q Yes, sir.

13 A I turned around in the lane. And when I turned
14 around I pulled through here.

15 Q Yes, sir.

16 A And then I could see the trailer, the car,
17 vehicle, going through here. I mean, it had weeds
18 and stuff mashed down, it was bogged. So I turned
19 my truck crossways and the vehicle is in the woods,
20 the front part in the woods, treeline. And the
21 tail, you could see the reflector, two tail lights
22 on it. That was tail lights that was a Cadillac.

23 Q Let me ask you this, when you heard the
24 information on the scanner, where did you come from
25 on Kendell Park Road? Did you come from here or did

SW - S. BARR - DIRECT

1 you come from here?

2 A Come from here, 261.

3 Q And tell us again after you're driving down from
4 261 Kendell Park Road, tell us where you turned in
5 at Windy's Club?

6 A Right, Windy's Club. The lane is right down know
7 here.

8 Q All right. Did you back into the lane or did you
9 go in forward?

10 A I can't, I don't quite remember; but when I did,
11 when I did come into the road, I swing through here.

12 Q Okay, all right. And you indicated that you saw
13 the tail light ---

14 A Yes, ma'am.

15 Q ---of the Cadillac somewhere in here?

16 A Right in here, somewhere right up in here.
17 Circle around here passed the trailer.

18 Q All right. Okay, sir, you can have a seat, thank
19 you.

20 A I go back up?

21 Q Yes, sir, right back on the witness stand. Other
22 than the person who approached you while you were at
23 the car, did you see anybody else out there either
24 walking around or anyone else kind of just
25 wandering?

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1 A No, ma'am.

2 Q Okay, all right. Did the individual who spoke
3 with you that night ask for any assistance from you?

4 A No, ma'am.

5 Q Okay. When you were talking to this person, just
6 to be clear, did you think this was a male or female
7 when you were talking to the person?

8 A I thought it was a male.

9 Q Okay. Did you subsequently give a statement to
10 Investigator Kennedy, this gentleman seated here at
11 the prosecution table with me?

12 A Yes, ma'am.

13 Q And in that statement did you tell Investigator
14 Kennedy that you thought it was a male who
15 approached you?

16 A Right. I think, I'm almost sure I did because
17 that's what I thought it was, a male.

18 Q Okay. What led you to believe, or did you come
19 to believe at some point later that it wasn't a male
20 who you were talking with?

21 A Later on the next day, sometime later on after
22 that.

23 Q Okay.

24 A Yeah.

25 Q All right. Can you tell us why you ---

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1 A Because ---

2 Q ---came to believe it was a female you were
3 talking with?

4 A Because later on that next day, that evening, the
5 word was out that someone was killed in the trunk of
6 the car, it was two girls they said.

7 Q Okay.

8 A Yeah.

9 Q All right. When you left the area where the
10 mobile home was and the Cadillac was ---

11 A Yes.

12 Q ---you came out of the little semicircle?

13 A Uh-huh.

14 Q And you went which direction?

15 A Back out next 261.

16 Q Okay.

17 A Back home.

18 Q And let me make sure I'm clear. I'm gonna
19 publish State's Exhibit Number 4 again right quick.
20 Can you see that from where you are?

21 A Yes, ma'am, I think so.

22 Q All right. So did you continue to travel out of
23 this lane here?

24 A Right.

25 Q All right. And from this point here on Kendell

SW - S. BARR - DIRECT

1 Park Road, did you make a right or left on Kendell
2 Park Road?

3 A Make a left.

4 Q You came out this way?

5 A Yes, ma'am.

6 Q So your house is?

7 A Down that away, yeah.

8 Q If I'm facing this particular exhibit your house
9 would be to the right?

10 A To the right, yeah.

11 Q Okay. And the person that you were talking with
12 who came up to you, where did that person go? Same
13 direction as you or opposite direction?

14 A Right walking, yeah, same direction.

15 Q The same direction as you?

16 A Yes, ma'am.

17 Q Okay.

18 MS. BARR: I'd like to have this marked
19 just as an exhibit please.

20 (WHEREUPON, State Exhibit No. 5
21 was marked for identification only.)

22 MS. BUTCHER: Your Honor, I would object
23 if this is going to be shown to the witness.

24 THE COURT: You object to what?

25 MS. BUTCHER: I believe she's trying to --

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1 can we approach?

2 THE COURT: Well, let's see what the
3 witness -- if he can identify the exhibit. She
4 hasn't offered it yet. Let's see what she's gonna
5 do at this point.

6 MS. BUTCHER: Your Honor, I -- may we
7 approach, Your Honor?

8 THE COURT: Yes, ma'am.

9 (WHEREUPON, counsel approached the
10 Bench for an off-the-record discussion.)

11 BY MS. BARR:

12 Q Mr. Barr, I'm going to show you what's been
13 marked for identification purposes only as State's
14 Exhibit Number 5. Have you seen this particular
15 photograph before?

16 A Yes, ma'am.

17 Q All right. Who showed you that photograph?

18 A I think the gentleman right here did.

19 Q You're pointing to Investigator Archie Kennedy?

20 A Yes, ma'am.

21 Q All right. In terms of him showing you that
22 photograph, don't tell me who's on it, no names or
23 anything like that, but have you, do you know that
24 person that's in that photograph?

25 A No, ma'am.

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1 Q All right. As far as you know have you ever seen
2 that person in that photograph?

3 A Never seen him, not to my knowledge.

4 Q All right. And the individual that's in the
5 photograph is a black male?

6 A Yes, ma'am.

7 Q All right. And did Investigator Kennedy ask you
8 whether or not the person that's in that picture was
9 the same person that approached you on Kendell Park
10 Road near the abandoned mobile home?

11 A Yes, ma'am, he did.

12 Q He asked you that question?

13 A Yes, ma'am.

14 Q What was your response to that question?

15 A No, ma'am, this wasn't the person.

16 Q Any question in your mind?

17 A No question because the person that approached me
18 was a small frame person, you know, like a young
19 person. Not even nowhere close to that.

20 Q Okay. Mr. Barr, that's all the questions I have
21 for you, sir. Thank you so much. Please answer any
22 questions Defense counsel has.

23 THE COURT: Cross-examination, Ms.
24 Butcher?

25 **CROSS-EXAMINATION**

SW - S. BARR - CROSS

1 BY MS. BUTCHER:

2 Q Now you state -- let me ask you a couple of
3 things. One, this has been over two years ago,
4 correct?

5 A Yes, ma'am.

6 Q Okay. And you said the car was here?

7 A Somewhere in that vicinity, yes.

8 Q Bugged down on this side?

9 A Right.

10 Q Okay. Right about in here, that's where you're
11 saying the car was bogged down?

12 A Yes, ma'am.

13 Q Okay. Now you said that the ambulance was still
14 there at Ms. Pearline's house, correct?

15 A Right.

16 Q And that was when you were talking to the person
17 that approached you?

18 A Yes, ma'am.

19 Q Okay. So the ambulance was still over at
20 Ms. Pearline's house, the car was bogged down here,
21 and you were, did you say somewhere out here?

22 A I was in the loop right there.

23 Q Right around here in the loop?

24 A Yeah, right in there.

25 Q Okay. And that's when somebody approached you?

1 A Yes, ma'am.

2 Q You thought it was a male?

3 A Yes, ma'am.

4 Q Okay. Now did I hear you correct that the person
5 had on a hat?

6 A Sure did, yes, ma'am.

7 Q Okay, was it a baseball hat?

8 A A hat with a hoodie on the front like a baseball,
9 shape of a baseball hat.

10 Q Okay. And I also thought I heard you say there
11 was a hood also.

12 A No, I didn't say anything about no hood.

13 Q Okay, no hood. Okay, he didn't -- the person
14 didn't have on a hoodie or anything like that?

15 A I don't recall a hoodie. I remember a cap, not a
16 hoodie.

17 Q You just remember a baseball cap?

18 A Right.

19 Q Okay. Could you see the length of the hair or
20 anything like that? Did you see hair?

21 A No, ma'am.

22 Q Okay. So either the person had their hair under
23 the hat but they had on a hat, you couldn't see
24 hair, which would indicate they had short hair?

25 A Right.

SW - S. BARR - CROSS

1 Q It was jut hidden by the baseball hat. Okay.

2 And you perceived it to be a black male?

3 A Yes, ma'am.

4 Q Okay. About how tall you think?

5 A Let's see, probably about 5'2", 5'3", short.

6 Q 5'2", 5'3". Were you sitting in your car?

7 A No, I was standing outside.

8 Q And that person came up to you you said?

9 A Right.

10 Q Was there any facial hair?

11 A No, I didn't see any facial hair.

12 Q Okay. And the only reason you decided it was a

13 female and not a male is because you heard two

14 females committed the crime, correct?

15 A Correct.

16 Q Okay. So from everything you perceived, though,

17 it was a male?

18 A Yes, ma'am.

19 Q Okay. When did you talk to Investigator Kennedy?

20 A This was, I think it was this year. I think it

21 was the same year. I don't remember when.

22 Q This year?

23 A Yeah.

24 Q Within the last two months?

25 A I believe it was this year.

SW - S. BARR - CROSS

1 Q Within the last two months?

2 A Probably was, yeah.

3 Q So probably two years or better after it
4 happened, correct?

5 A Correct.

6 Q Okay. And did Mr. Kennedy, or do you remember
7 anything about what the person was wearing other
8 than the baseball hat?

9 A Not really but they, you know, dressed like a
10 young boy like, you know. I, I could have sworn it
11 was, you know, a boy. But like I said, he had on a
12 cap and then I, I couldn't tell who it was, but I
13 thought it was a male.

14 Q Okay. No further questions.

15 THE COURT: Redirect?

16 MS. BARR: No, Your Honor.

17 THE COURT: All right. Thank you, sir.

18 You may step down.

19 Ms. Barr, you may call your next witness.

20 MS. BARR: The State calls Arnold Gamble.

21 THE COURT: Come up please, Mr. Gamble.

22 THE WITNESS: Good morning.

23 THE COURT: Good morning. Come right to
24 the rail and be sworn.

25 THE CLERK OF COURT: Place your left hand

SW - A. GAMBLE - DIRECT

1 on the Bible, raise your right hand.

2 WHEREUPON,

3 **ARNOLD GAMBLE,**

4 having been duly sworn by the Clerk, testified
5 as follows:

6 THE CLERK OF COURT: You may take your
7 seat in the witness box.

8 THE COURT: Come right around here please.
9 All right, Ms. Barr.

10 MS. BARR: May it please the Court.

11 THE COURT: Yes, ma'am.

12 **DIRECT EXAMINATION**

13 BY MS. BARR:

14 Q Mr. Gamble, if you would please state your full
15 name for us.

16 A Arnold Lee Gamble.

17 Q All right. And sir, tell us where you live.

18 A Currently?

19 Q Yes, sir.

20 A Right now I'm at 5808 Old Greeleyville Road.

21 Q Okay. Where's that at?

22 A Its in Greeleyville. It's -- you have -- it's at
23 the -- you come through Greeleyville and, again, I
24 don't know how, how you all refer to it here but,
25 once you are exiting where the sign of the town

SW - A. GAMBLE - DIRECT

1 limit, there's like a three fork in the road.

2 Q Okay.

3 A Greeleyville Road is here. Holloman -- I think
4 it's Holloman is here, and my house sits right on
5 the fork.

6 Q Okay. How long have you lived at that address?

7 A We moved in on April, it was the first, or last
8 week of March. And I want to say April between,
9 March 30th and April 3rd.

10 Q Okay. Of 2014?

11 A Of 2014.

12 Q Okay. And sir, tell us if you will, what is your
13 relationship to the deceased Mr. Joe Brown?

14 A He was my uncle.

15 Q Okay. Were the two of you close?

16 A Yes, we were very close.

17 Q Okay. Within the last year or two of his life,
18 how often would you talk to your uncle or see him?

19 A I would see him almost monthly because my mom, or
20 lived in Manning while the home was being built, and
21 I come to check on her monthly.

22 Q Okay.

23 A We would talk on the phone at least three Sundays
24 out of every month, you know, prior to his going to
25 church we'd talk on the phone.

SW - A. GAMBLE - DIRECT

1 Q All right. Now, when we talk about your mom tell
2 us how it is that you're related to Mr. Joe Brown.

3 Is he your mom's brother?

4 A No, he's my father's, he was my father's brother.

5 Q Okay, all right. What type of vehicle did
6 Mr. Joe own and operate shortly before his killing?

7 A Then it was, I think it was like a green, like a
8 dark green Cadillac.

9 Q Okay. Have you ever ridden in that vehicle with
10 him before?

11 A Yes, I have.

12 Q Okay, all right. When you would see him in his
13 car, in his Cadillac, would he typically be the one
14 driving the Cadillac or would you see other people
15 driving it while he was a passenger in the vehicle?

16 A No, he always drove his car. He did not, he did
17 not allow anyone to drive his car. That was one of
18 the things we knew. He made it well no one drives
19 his car.

20 Q Okay. How often would you talk to him say in an
21 average month?

22 A In an average month including the visits, I'd say
23 probably between eight to ten times.

24 Q Okay. Now you indicated that the two of you were
25 close?

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1 A Yes.

2 Q Were you always that way or did it get closer
3 later in life?

4 A No. I really did not have any communication with
5 my father's family until 2009 and Uncle Joe had been
6 looking for me I understood so I sought him out in
7 January 2009 and we talked. And he introduced me to
8 the other family members and he, whenever I would
9 come go visit him he and I developed a very close
10 relationship from that point.

11 Q Let's talk about the month of March of 2014. You
12 indicated that you were building a house in
13 Greeleyville?

14 A Yes.

15 Q Okay. Was the construction near complete in
16 March of 2014?

17 A The construction was completed. We were -- in
18 fact, the construction was completed in October of
19 2013, but I was not able to take the time to get my
20 mother moved in until March and so.

21 Q Now where are you from?

22 A I'm, you mean, well I, when I say that I was not
23 from here, I've been living in Boston, Massachusetts
24 for the past 18 years.

25 Q Okay. Are you working now?

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1 A Yes, I -- well, I am on leave caring for my
2 mother right now and hopefully will be returning to
3 work. I'll be making a decision within the next two
4 months whether I'm going to retire. It depends on
5 her medical condition.

6 Q Sure. Where do you work?

7 A Excuse me?

8 Q Where do you work?

9 A With the Department of Homeland Security, U.S.
10 Citizenship and Immigration Service.

11 Q Okay. Did you see your uncle back on March 29th
12 of 2014?

13 A Yes, and he -- I saw him.

14 Q I'm sorry, you can go ahead. You saw him where?

15 A I made contact with him when I got here because
16 he was going to be setting up on getting a few other
17 guys to help with the moving of the furniture from
18 storage to my new home.

19 Q Okay. So where did you see him at on March 29th?

20 A I went by to visit him. This was, I went by to
21 visit him. Now the 29th, because this was on let's
22 go back, I got there on a Wednesday. The Thursday I
23 saw him, that's when I went by to visit. Friday --
24 this is still the latter part of March -- Friday was
25 when we sat out fruit trees on my property; this was

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1 Friday, when he myself and other family members did
2 a few fruit trees in the backyard. And then
3 Saturday -- and I'm kind of lost on the dates now
4 because, but Saturday was the date of the cookout.

5 Q Was that the day that you last saw your uncle?

6 A Yes.

7 Q Okay. And let's just start from that premise and
8 I'm not gonna ask you to remember specific dates.
9 We'll just talk about the date you last saw your
10 uncle.

11 A Okay.

12 Q All right. On that particular day where did you
13 see him?

14 A In the morning we met and, in fact, he -- I drove
15 over to his house. I got in his car. We drove over
16 to Long Street to the hardware store because that's
17 where the U-Haul was.

18 Q That's here in Kingstree?

19 A In Kingstree, yes. And we sat there until the
20 store opened, and I went in and got the U-Haul. By
21 this time it was about eight.

22 Q In the morning or night?

23 A In the morning.

24 Q Yes.

25 A He drove back and picked up the two gentlemen

SW - A. GAMBLE - DIRECT

1 that were gonna help us put the furniture, to move
2 from the storage unit in Manning to Greeleyville.
3 And I drove the U-Haul truck from Kingstree to
4 Manning, and he was with us during that move. It
5 was only, it was a truck load so we had all of that
6 loaded and everyone was back in Greeleyville around
7 12:00.

8 Q Okay. And this is 12 noon?

9 A Around 12 noon.

10 Q Okay. Was your uncle living in Greeleyville or
11 in Kingstree at the time?

12 A He was living in Kingstree I believe.

13 Q Okay. Now you mentioned something about a
14 cookout. Tell us how that came about.

15 A There were a number of people -- well, out of the
16 two people, gentlemen that help with the move, then
17 there were my nieces came from Florida, Miami, you
18 know, and everyone just sort of helped, got the
19 furniture in, and they were just there to help out.

20 Q Okay.

21 A And no one had eaten and, you know, the place
22 wasn't really prepared for that yet because
23 everything was in boxes so the simplest thing to do
24 was to just go to the grocery store and get some
25 meat or some food and put it on the grill, and

1 that's how that came about.

2 Q And the cookout was at your house?

3 A Yes.

4 Q So it was the spur of the moment type thing?

5 A Excuse me?

6 Q It was a spur of the moment type thing?

7 A Yes, yes.

8 Q All right. Before the cookout you indicated
9 y'all were together until about 12 noon?

10 A Yes. Well, we were, they finished getting the
11 furniture into the house around.

12 Q Okay.

13 A Everyone arrived in Manning about 12.

14 Q Okay. When did Uncle Joe leave?

15 A He left at about 3:30.

16 Q Okay.

17 A Yeah.

18 Q When he left was he by himself?

19 A He took the two gentlemen back to Kingstree.

20 Q Okay. What was he driving when he left?

21 A The Cadillac.

22 Q Okay. He returned later?

23 A He returned later between 6, 6:30.

24 Q Okay. What was he driving when he returned?

25 A The same, the Cadillac.

SW - A. GAMBLE - DIRECT

1 Q He came back to your house?

2 A Yes.

3 Q Did he have anyone with him?

4 A Yes, there were two young ladies.

5 Q Had you ever seen those young ladies before?

6 A Never, no.

7 Q Did you know who they were?

8 A No.

9 Q Okay. Can you describe who were the young ladies
10 that he had with him?

11 A There was an African American young lady and a
12 white young lady.

13 Q Okay. Did you see him when he came back to your
14 house for the cookout later that evening? Did you
15 actually see him drive up?

16 A I saw him drive up, and he drove around -- if you
17 drive by my house it sits in the fork. The front
18 door is actually facing the fork of the road.

19 Q Okay.

20 A There's a side door and then there's a back door.
21 He drove around the front to the side, and that's
22 where his car was parked at the side door.

23 Q Did you see him get out of his car?

24 A No, I saw, I met him at the door. He was coming
25 up the steps. My niece and nephews said Uncle Joe

SW - A. GAMBLE - DIRECT

1 is here, and I went from the kitchen to the door.

2 Q Okay, all right. Did you see when he came back
3 for the cookout where the two females were in the
4 vehicle? If you didn't that's fine, I'm just
5 curious.

6 A When he came back, no, because they were coming
7 behind him up the steps and he introduced them to me
8 and to everyone as he was coming up the steps. He
9 was holding the rail with one hand and the cane with
10 the other.

11 Q Holding the rail with one ---

12 A The rail, there's a support rail.

13 Q Okay.

14 A As you come up my steps.

15 Q Why was he holding the rail? Why did he have a
16 cane?

17 A Well, his left upper right leg, it was arthritis.

18 Q Okay.

19 A Yeah.

20 Q All right. The African American female, who do
21 you recognize that to have been?

22 A The -- who did I, I don't understand.

23 Q That might be a poorly worded question. In the
24 courtroom today do you recognize the individual who
25 is the African American female who came with your

SW - A. GAMBLE - DIRECT

1 uncle to the cookout?

2 A Yes.

3 Q Where is that individual?

4 A She's sitting directly across from me
5 (indicating).

6 Q At the defense table?

7 A Yes.

8 Q With the purple on?

9 A With the purple on.

10 MS. BARR: Your Honor, please let the
11 record reflect that the witness has identified the
12 defendant.

13 THE COURT: Record will so reflect.

14 MS. BARR: Okay.

15 BY MS. BARR:

16 Q How long did your uncle stay out that night?

17 A It was probably 9, 9:30.

18 Q Okay.

19 A Yeah, because we, as I recall I did not get the
20 meat on until around 6:00.

21 Q Okay.

22 A And we were just taking it off when he was about
23 to leave, yeah.

24 Q What kind of mood was he in?

25 A Excuse me?

1 Q What kind of mood was he in?

2 A Oh, a very jovial mood, very happy, especially
3 for me and not that may not mean anything; but when
4 we connected for the first time and I told him I was
5 looking for property, he took me around to look at
6 various sites and took me to visit one gentleman who
7 directed us somewhere else that owned the property
8 who directed us to that gentleman and that's how I
9 got the property. But that's, yeah, so he, he said
10 you know, one thing, he said I'm so happy for you,
11 this is a great day, you know. And no, he was very
12 happy, he was happy.

13 Q Did you see when your uncle left, did you have an
14 opportunity to say good-bye to him?

15 A Yeah, I did. And my plans were to see him the
16 following morning, yes.

17 Q Did you see him get into the car?

18 A Yes, I did.

19 Q Did the two women who were with him, did they
20 leave with him?

21 A Yes, they did.

22 Q Okay. Where did the defendant get into the
23 vehicle?

24 A She was on the passenger side in the front.

25 Q In the front?

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1 A Yes.

2 Q Who was driving the vehicle when they left?

3 A Uncle Joe.

4 Q The white female that you talked about, where was
5 she inside the vehicle when they left?

6 A She was in the back behind the driver.

7 Q Okay. Let's go back to that particular night and
8 let's talk about the defendant. Do you recall how
9 she was dressed that night?

10 A I remember her having on, like, I remember the
11 top being of a grayish, you know, type top.

12 Q All right. What about the white female?

13 A She had on a blouse and, well, with the back out
14 more like a halter I think. She was dressed more,
15 well, skorts or shorts or like the skirt type shorts
16 and that.

17 Q Okay.

18 A And the African American young lady had on, like,
19 her pants looked like -- and I don't want to say
20 they were sweatpants because I didn't pay that close
21 attention but I know that whatever she had on it
22 was, well, camouflage and a pair of jeans, gray to
23 me, and had a hood.

24 Q All right. And let me make sure I'm clear about
25 that, that's important. When you describe the

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1 defendant's clothing that night you indicated that
2 she had on a hoodie?

3 A Yes.

4 Q All right. And you used the word, did I
5 understand you to say that it was a camouflage
6 hoodie?

7 A No, it -- you know, it look like it was gray. I
8 saw the, what I saw was the gray. It may have been
9 design in it. I zeroed on in on this, it was gray,
10 like a darkish or faded type gray.

11 Q Faded type gray, all right. And was the
12 defendant wearing that when she got in the car to
13 leave with your uncle?

14 A Yes.

15 Q Okay. And at any point in time did you see the
16 white female wearing gray or faded or camouflage
17 hoodie?

18 A No, I don't recall seeing her wearing that.

19 Q Okay, all right. When did you and how did you
20 find out about your uncle, and what ultimately ended
21 up happening that night with him?

22 A 9:30 in the morning I received a call from one of
23 my cousins that they were looking for him and asked
24 me had I seen him. And I said, yeah, he was here
25 last night and I haven't seen him since because

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1 automatically they knew that whenever I was in town
2 uncle Joe and I always hang together. And we, you
3 know, most of my time was spent, you know, with
4 Uncle Joe. And so about maybe 30 or 45 minutes
5 later, you know, the sheriff department came by and
6 told me; but at this point in time, you know, my
7 cousin said she was going to check for him to see
8 what else she could find out, but you know, they
9 were trying to locate him and they had located his
10 car somewhere and he was not in the car and I
11 thought that was very unusual.

12 Q Okay, all right. Let's talk about just for very
13 briefly about what was in the car.

14 MS. BARR: Your Honor, State and the
15 Defense have stipulated the admissibility of State's
16 Exhibits 2 and 3, and further, that these are
17 photographs of items that were seized from the trunk
18 of the victim's vehicle.

19 THE COURT: No objection?

20 MS. BUTCHER: No objection.

21 THE COURT: All right. Admitted without
22 objection State's 2 and 3.

23 (WHEREUPON, State Exhibits Nos. 2 and 3
24 were admitted into evidence.)

25 MS. BARR: May I approach the witness,

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1 Your Honor?

2 THE COURT: Yes, ma'am.

3 BY MS. BARR:

4 Q Mr. Gamble, I'm gonna show you State's Exhibit
5 Number 3 and represent to you that those are
6 contents items found in your uncle's trunk as well
7 as State's Exhibit Number 2, and I'm particularly
8 interested in State's Exhibit Number 2. Do you
9 recognize that?

10 A Yes, I do.

11 Q All right.

12 MS. BARR: And I'll publish it, if Your
13 Honor please.

14 THE COURT: Yes, ma'am.

15 BY MS. BARR:

16 Q I'm having you testify. I'm gonna publish first
17 State's Exhibit Number 3, which are a photograph of
18 paper contents of your uncle's vehicle. You follow
19 me?

20 A Yes.

21 Q Okay. Now I'm gonna publish State's Exhibit
22 Number 2 and ask you if you recognize what's
23 depicted in that particular exhibit?

24 THE COURT: You want to step down and get
25 closer to it?

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1 THE WITNESS: (Witness steps down.)

2 BY MS. BARR:

3 Q Hold on for a second. Over here for me. Do you
4 recognize what's depicted in that exhibit?

5 A Yes.

6 Q Tell the jurors how you recognize it.

7 A The handwriting.

8 Q Whose handwriting is that?

9 A Joseph Brown, what's my handwriting.

10 Q Okay. You wrote your uncle's name on that piece
11 of paper?

12 A On that piece of paper, yes.

13 Q Okay.

14 A And my name is there. That's in his handwriting
15 and that's his.

16 Q Hold on, you're going too fast for me. Point to
17 where your name is so the jurors can see.

18 A Here.

19 Q That's Arnold?

20 A Yes, Arnold.

21 Q And just for the record we're talking about, I
22 guess, the upper right hand portion of that
23 particular piece of paper?

24 A Correct.

25 Q That's Arnold?

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1 A Yes.

2 Q We see the center of that piece of paper the
3 words Joseph Brown?

4 A Right.

5 Q All right. And we have writing that says new
6 number?

7 A Yes.

8 Q Is it your testimony to the jury that this is
9 your handwriting for Joseph Brown?

10 A That's my handwriting of Joseph Brown.

11 Q What does that number represent if you know?

12 A I don't know what the new number represented; but
13 where the 607, this is my smart phone, my work phone
14 ---

15 Q Yes, sir?

16 A ---you know, that I have, and I had given him
17 that number. This is the back I believe of an
18 envelope, you know, because I was dropping my car
19 sometimes. Sometimes, you know, this is a surprise
20 I would drop him a couple of bucks in it or what
21 have you and then I'd write Joseph Brown. I would
22 leave something in his door and he wasn't there I
23 would write that on it, you know. But this number
24 here, 372-3546, I don't, I don't know that number.
25 I know that this is -- Joe's was right handed.

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1 Q Okay. Let me ask you this, now you reference a
2 617 number here that's right underneath your name.

3 A Yes.

4 Q You indicated that was your ---

5 A That's my ---

6 Q ---cell phone?

7 A That's my cell phone, work cell number, yes.

8 Q All right. Sir, you can have a seat. Sir, I
9 asked you about the defendant and you've recognized
10 her as being one of the individuals at your home on
11 the night of the 29th. Let me ask you about another
12 person.

13 (WHEREUPON, State Exhibits No. 6 and 7
14 were marked for identification only.)

15 BY MS. BARR:

16 Q Sir, I'm gonna hand you what's been marked as
17 State's Exhibit 6 and 7. Do you recognize what is
18 depicted in that, those two photographs?

19 A Yes.

20 Q All right. How do you recognize it?

21 A She was the white female.

22 Q Who?

23 A Attend the picnic with, not the picnic but the
24 cookout that was at my house.

25 Q Okay. Was this the same individual who came with

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1 the defendant?

2 A Yes.

3 Q All right.

4 MS. BARR: Judge, permission to introduce
5 State's Exhibit 6 and 7.

6 MS. BUTCHER: No objection, Your Honor.

7 THE COURT: 6 and 7 admitted without
8 objection.

9 (WHEREUPON, State Exhibits Nos. 6 and 7
10 were admitted into evidence.)

11 MS. BARR: Permission to publish?

12 THE COURT: Yes, ma'am.

13 BY MS. BARR:

14 Q Sir, I'm gonna publish State's Exhibit Number 6.
15 Is that photograph depicting the right side of the
16 face of the woman who was with the defendant at the
17 cookout at your house?

18 A Yes.

19 Q All right. And publishing State's 7, is that a
20 left side view of that same individual?

21 A Yes.

22 Q All right. Now Mr. Gamble, just to be clear, you
23 don't have any direct knowledge of how your uncle
24 passed away, do you?

25 A No, I don't.

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1 Q Okay. And you're not here to testify to anything
2 to that effect?

3 A No.

4 Q Any doubt in your mind that the individual who is
5 depicted in State's Exhibit 6 and 7 was one of the
6 people who your uncle came with and left with that
7 night?

8 A No doubt, none at all.

9 Q Any doubt in your mind the defendant was the
10 second person that your uncle came and left with
11 that night?

12 A No.

13 Q Now does the defendant now look the same way that
14 she did when she left the cookout at your house with
15 your uncle back on the night of March 29th?

16 A No.

17 Q How is she different? How is her appearance
18 different?

19 A Her hair was short.

20 Q Okay.

21 A She, the dress was more of an athletic type
22 dress, you know.

23 Q Okay?

24 A And she, and I'll just -- she appears to be a
25 much softer now.

1 Q Much softer?

2 A Softer is the look, you know. It was more of
3 athletic look when she was at my house.

4 Q Okay.

5 A With ---

6 Q I'm sorry.

7 A No, with the, you know, with the sweatshirt and
8 the hoodie, or whatever it was that was gray, you
9 know, but yes. Her hair is longer now.

10 Q Thank you so much for your time. Please answer
11 any questions that Defense counsel may have.

12 THE COURT: Cross-examination, Ms.

13 Butcher?

14 **CROSS-EXAMINATION**

15 BY MS. BUTCHER:

16 Q Now you stated that you recall Ms. Epps having on
17 what you thought were sweatpants at the night of the
18 picnic or the cookout, correct?

19 A Yes.

20 Q Okay. And you have also stated that they were
21 camouflage; is that correct?

22 A I said that if they appear to have been
23 camouflage. I didn't focus on the camouflage. I
24 focused more on direct color, and again, that's
25 which was a grayish color.

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1 Q You're saying that sweatpants were gray or that
2 the top ---

3 A Everything that she had on, whether it all -- if
4 you take a quick glance, and I don't want words put
5 into my mouth ---

6 Q Okay.

7 A ---and to scan when you're not directly focusing
8 on an individual, you're taking a peripheral scan, a
9 glance, and that's what I saw from that. But the
10 features I don't forget. But I wasn't that
11 interested that I would look her up head to feet to
12 determine what she had on exactly.

13 Q Okay, thank you. Court's indulgence. Now you
14 don't know what happened after your uncle Mr. Brown
15 and the girls left the picnic, correct?

16 A No.

17 Q Okay. You don't know who was with Mr. Brown when
18 he was shot, correct?

19 A No.

20 Q And you don't know who shot him, correct?

21 A No.

22 Q But you know they came to that picnic that day?

23 A Yes.

24 Q Okay. And that Ms. Epps here had on camouflage
25 sweats and a solid gray hoodie, correct?

1 A She had on a softer, a gray hoodie. That is as I
2 said, before, whether the sweats were camouflage or
3 not I didn't pay attention to that. I, when he
4 introduced me I saw them from the head up; but what
5 made me pay more attention to the other young lady
6 was the difference in the dress. She had on a
7 blouse. The back was, or the halter top, the back
8 was open and she had on a black little thing that
9 was standing out more definitely to me, you know.
10 So I wasn't checking to see from a stylish point of
11 view what type of slacks the defendant had on. But
12 I, if I had, you know, given a description I know
13 that the top was some shade of dark gray or some
14 shade of gray, and she had a hood on.

15 Q And it's hard to remember that length of time,
16 correct?

17 A Well, not remember, but -- and I'm not
18 questioning you, but to focus what you're asking
19 looking at specific here; but to focus on that and
20 there was no intent on that, these were people that
21 I, that came with him, I assume he knew them, and
22 they were under his guidance and control and I
23 didn't need to be, you know, with anyone. With the
24 crowd there I had to deal about everyone else.

25 Q I understand. Now if you had given the statement

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1 in the past and said that sweats were camouflage,
2 would that have been truthful?

3 A I, now again, if I had given such a statement and
4 if I said they were camouflage, I've always recalled
5 what I said just a few minutes ago. That's, the top
6 I can account it was gray, it had a hood on it, she
7 wore that. As far as the sweats or whatever they
8 were that she had on, they were baggie, you know,
9 and I just concluded from that it was more of an
10 athletic look, you know so. You know, gray or
11 camouflage, I could not be very descriptive on that.

12 Q Okay. Thank you.

13 A You're welcome.

14 Q No further questions.

15 THE COURT: Redirect?

16 MS. BARR: Just briefly, Your Honor.

17 (WHEREUPON, State Exhibits No. 8 through
18 11 were marked for identification only.)

19 MS. BARR: Your Honor, I have -- we've
20 marked as State's Exhibits 8, 9, 10 and 11. We
21 would move to introduce these particular exhibits.
22 I understand the Defense has no objection.

23 THE COURT: Any objection?

24 MS. BUTCHER: No objection, Your Honor.

25 THE COURT: All right, admitted without

1 objection.

2 (WHEREUPON, State Exhibits Nos. 8 through
3 11 were admitted into evidence.)

4 **REDIRECT EXAMINATION**

5 BY MS. BARR:

6 Q Mr. Gamble, just a couple of followup questions
7 if I may. I'm gonna show you State's Exhibit Number
8 8. Do you recognize what is in that photograph?
9 Does that look familiar to you in terms of the
10 inside of the vehicle?

11 A Inside of the vehicle?

12 Q Yes.

13 A Yeah.

14 Q Okay. Do you recognize this being inside of your
15 uncle's vehicle?

16 A Yes.

17 Q And again, you testified that you've been inside
18 the vehicle?

19 A Yes.

20 Q All right, so -- permission to publish?

21 THE COURT: Yes, ma'am.

22 BY MS. BARR:

23 Q Publishing State's Exhibit Number 8. And if you
24 can't see it from the witness chair, Mr. Gamble, you
25 can coming on down. Can you see it from where you

SW - A. GAMBLE - REDIRECT

1 are?

2 A Yes, I can see it.

3 Q All right. This is the interior of your uncle's
4 vehicle; is that right?

5 A Yes.

6 Q And what part of the car does it show in that
7 picture?

8 A The passenger seat.

9 Q Front passenger seat?

10 A Front passenger seat.

11 Q How can you tell it's the front passenger seat?

12 A Because the glove compartment is there above it,
13 yes.

14 Q Right here?

15 A Yes.

16 Q All right. Now I want to focus on two things in
17 that picture first and foremost. And if you need to
18 come down that's fine. Do you recognize the plastic
19 bag there that I'm pointing to that's in the
20 floorboard of the front passenger seat? I was going
21 to say you can come on down.

22 A (Complies.)

23 Q And you can look at this particular exhibit or
24 you can look at a closer view of State's Exhibit
25 Number 9.

SW - A. GAMBLE - REDIRECT

1 A Yeah.

2 Q Okay. How do you recognize it, the plastic bag?

3 A It's one from the grocery store and prior to his
4 leaving that night I ---

5 Q Keep your voice up for me.

6 A Oh, prior to his leaving that night I -- he
7 didn't want to eat so he asked me to prepare a plate
8 for him and I put it in like a, one of the little
9 things, or it's not the Tupperware that you get from
10 the Tupperware parties, but it's a little plastic
11 container with a blue top and I stuck it inside. We
12 save those bags there.

13 Q Okay. And is that the plastic bag that's in the
14 front floorboard that you gave uncle with the food
15 in it?

16 A It's tied, yeah.

17 Q Okay. All right now, does the gray garment in
18 the floorboard look familiar to you, and I'll let
19 you see State's 9, 10 and 11. Does that look
20 familiar to you?

21 A This one here, you know, again, it's probably was
22 without being a closeup shot that ---

23 Q You say -- I'm sorry, I hate to talk over you,
24 I'm sorry. When you say this one here, you're
25 talking about State's Exhibit Number 10?

SW - A. GAMBLE - REDIRECT

1 A Yes.

2 Q All right. You say that what's depicted in
3 State's Exhibit number 10, which I'm gonna publish,
4 you say that looks familiar to you?

5 A Yes.

6 Q All right. Why does that look familiar to you?

7 A Because as I say, all I thought about it after
8 had happened ---

9 Q Yes, sir.

10 A --- we recall what each individual had. I
11 remember the grayish hood. But in this it could be
12 more a shade of gray ---

13 Q Okay.

14 A ---that was there. Now, you know, but in the
15 closeup, that's camouflage.

16 Q Okay.

17 A Okay.

18 Q Now, and just for clarity, we're looking at the
19 floorboard of the front passenger seat of your
20 uncle's vehicle?

21 A Right.

22 Q Can you point to where the seat is.

23 A The seat is here.

24 Q Okay. Do you see the item of food in the plastic
25 bag that you gave your uncle?

1 A I see the covered food through the plastic bag.

2 Q Okay, where? Point to that for us please?

3 A Here.

4 Q All right. I'm gonna publish State's Exhibit

5 Number 11. You mentioned something about

6 camouflage. Does that look familiar to you in terms

7 of what's depicted in State's Exhibit Number 11?

8 A No, I didn't see anything but writing on it. I

9 don't even know where that's positioned ---

10 Q Okay.

11 A ---with what she had on. I am certain it wasn't

12 a position on the hood ---

13 Q Okay.

14 A What she was wearing.

15 Q Let me ask you this, you don't recognize the

16 writing that's on what looks like to be the back ---

17 A Right.

18 Q ---of the hoodie?

19 A Uh-huh.

20 Q Is that a yes?

21 A Yes.

22 Q All right. Do you recognize the gray camouflage

23 that you talked about earlier? I'm gonna publish

24 State's Exhibit Number 9.

25 A Yes, and I recognize that on that, and on the one

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1 you just showed in that, it was spread out.

2 Q Yes.

3 A So that's what I meant when you taking a
4 peripheral glance and you look at something, then
5 you get closer to what the shade is.

6 Q Okay. What does this appear to be on the
7 floorboard of your uncle's vehicle? It's the gray
8 item that I'm pointing to.

9 A It appears to be like the hood of a jacket.

10 Q Okay. The hood being here? Can you see it?

11 A Hood being here. This appears to be like also
12 the sleeve, but this is the hood of the jacket.

13 MS. BUTCHER: Your Honor, I would object.
14 It seems like speculation. Either he knows or
15 doesn't know, not what it appears.

16 THE COURT: I overrule. I think he can
17 give his impressions.

18 BY MS. BARR:

19 Q Okay. Let me ask you, does this appear to be the
20 jacket that the defendant was wearing when she left
21 your home with your uncle that night?

22 A With that now follows up like to be camouflage, I
23 just saw it as a grayish color.

24 Q Fair enough.

25 A That's the closest that I can get to it but, and

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1 she kept her hood on the entire time.

2 Q I'm sorry, say that again.

3 A The hood, she kept that on so I, my vision was

4 focused more on, you know, the hood and the face.

5 And I wasn't directly conversing with her at all.

6 That's just in my glancing and just looking over the

7 crowd to see whose there.

8 Q Yes, sir, fair enough. Thank you, sir. That's

9 all the questions I have. I appreciate it.

10 THE COURT: Come back up please, sir.

11 Recross?

12 **RECROSS - EXAMINATION**

13 BY MS. BUTCHER:

14 Q Now let me ask you this, did I just -- you said

15 Ms. Epps kept her hood on the entire time?

16 A Yes.

17 Q Never took it off?

18 A No.

19 Q How would you know what her hair looked like?

20 A I could see from here.

21 Q Huh?

22 A She had the locks, the twists, they were short.

23 Q But that's like the front.

24 A That's in the front so I could see that from

25 here.

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1 Q But you couldn't see the rest of it?

2 A Not the rest of it, no.

3 Q Okay. Now the picture that Ms. Barr showed you,
4 you never saw any of this writing?

5 A No, no.

6 Q Now, and Ms. Barr claimed that was the back of
7 the hoodie?

8 A Excuse me?

9 Q Ms. Barr claimed that this was written on the
10 back of the hoodie, correct?

11 A No, she didn't say that was written on the back
12 of the hoodie.

13 Q When she was standing up here she said about the
14 words on the back of hoodie.

15 A No, I said I did not recognize the words and I
16 said that from not from the back of the hoodie. I
17 said not from the back of the hoodie. Wind it back.
18 And then when she redirected me to it she pointed to
19 the white things that were turned inside out whether
20 and I said that appeared could have been a hoodie.

21 I don't know whether this had a hood on it or not
22 from what I can see. But I know what I saw and what
23 I could describe at that point. I can't give you
24 any more than that.

25 Q Let me just, do you agree that these are the

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1 pockets of this hoodie?

2 A I don't know whether there are pockets or not.

3 Q Okay. If they were and the writing was here on
4 the front, correct?

5 A The writing is on the front?

6 Q I'm asking.

7 A Yeah, I don't know.

8 Q Is it fair to say you cannot identify this
9 photograph?

10 A That ---

11 Q As ---

12 A As I said, I did not see any writing. Now
13 wherever it was, whether it was on the front or the
14 back, I did not see the writing there. That's the
15 clearest I can give you on that.

16 Q Is it fair to say that you cannot identify either
17 of these as the hoodie Ms. Epps was ---

18 A The one to your right ---

19 THE COURT: Wait a minute.

20 THE WITNESS: The one to your right ---

21 THE COURT: Wait a minute. Wait on the
22 question. Go ahead. Go ahead.

23 BY MS. BUTCHER:

24 Q Is it fair to say that you cannot positively say,
25 identify, that this is the hoodie Ms. Epps was

SW - A. GAMBLE - RECROSS

1 wearing that night?

2 THE COURT: Well, wait a minute. You're
3 showing him two pictures, one or the other.

4 MS. BARR: And Judge, may we make
5 reference to the exhibit numbers just so we're clear
6 for the record.

7 THE COURT: Yeah, make reference to
8 exhibit numbers. Ask it by exhibit numbers.

9 MS. BUTCHER: Okay.

10 BY MS. BUTCHER:

11 Q Well, I'll just go with State's Exhibit 10. Is
12 it fair to say that you cannot be positive this is
13 the hoodie Ms. Epps was wearing that night?

14 A Let me say, what I said in that was that the gray
15 area in that photograph, I recognize that as being
16 very close to the color of what I saw from top.

17 Q Okay.

18 A Of what she was wearing. Now that had to have
19 been the outside of the hoodie. The camouflage
20 aspect, I did not focus on that. I made that very
21 clear that my point was visual contact remove from
22 that on to the other things because I was very busy
23 that day and I didn't have time to lean out, lean
24 out each person that was there that was stopping by
25 at that point in time. And I'm not being testy here

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1 but I want to make certain that what I'm saying is
2 clear, and it is not misconstrued as, you know,
3 something technical can come out of it.

4 Q Okay.

5 A Okay. I think my explanation is very clear that
6 from the time, given the time of the evening and
7 what I saw and where my focus was that particular,
8 that exhibit, that gray area, it's very close to
9 what I saw on her head. Now as far as all the
10 designs and whether it was camouflage or plaid or
11 whatever from that point on, I didn't focus on that,
12 I didn't see that.

13 Q Okay. No further questions.

14 THE COURT: All right. Thank you, sir.
15 You may step down.

16 THE WITNESS: You're welcome, sir.

17 THE COURT: Come up, let's talk about
18 scheduling just a moment.

19 (WHEREUPON, counsel approached the
20 Bench for an off-the-record discussion.)

21 THE COURT: Ladies and gentlemen, I've
22 been advised by counsel the next witness would
23 likely run us into the lunch hour so I think it is
24 appropriate that we break at this time and allow you
25 to go and get your lunch. It is now 12:45. I'm

1 going to ask that you be back in your jury room at
2 2:00. That's about an hour and 15 minutes. That
3 will give you time to get your lunch and be back in
4 your jury room. We've got another matter we need to
5 take up at 1:45 so we'll be back a little bit early.
6 But in any event, as you -- I am going to release
7 you, invite you to go get your lunch, remind you
8 again, do not discuss the case with anyone while
9 you're waiting at the courthouse. Do not allow
10 anyone to discuss it with you. Do not do any
11 research or check into matters on your own by any
12 means whatsoever, either personal investigation or
13 through computer or electronic means or printed
14 means. So with those admonitions I am going to
15 excuse you now, allow you to go get your lunch. Do
16 not discuss the case amongst yourselves when you
17 reassemble in the jury room. It's also premature
18 for you to begin any discussion in the matter
19 because you have not heard all of the evidence you
20 have heard, but enjoy your lunch and please be back
21 in your jury room by 2:00. We'll be ready to go
22 forward at that time. I'll see you this afternoon.
23 Thank you.

24 (WHEREUPON, the jury was removed from the
25 courtroom at 12:43 p.m.)

1 THE COURT: We'll be in recess then till
2 1:45 to take up that matter and recess at 2:00 on
3 this case.

4 (Whereupon, a lunch break was taken.)

5 (WHEREUPON, State Exhibits No. 12 through
6 37 were marked for identification only.)

7 THE COURT: Back on the record with
8 regards to State versus Brittany Epps. Ms. Epps is
9 present with her counsel. The State is represented
10 by the Third Circuit Solicitor's Office, Ms. Barr.
11 I understand all the jurors are back. Is the State
12 ready to go forward?

13 MS. BARR: State's ready, Your Honor.

14 THE COURT: Defense ready?

15 MS. BUTCHER: Yes, Your Honor.

16 THE COURT: All right, bring the jury in
17 please.

18 (WHEREUPON, the jury was returned to the
19 courtroom at approximately 2:00, and the
20 following proceedings commenced in open
21 court.)

22 THE COURT: Good afternoon, ladies and
23 gentlemen, thank you for your promptness in being
24 back. Again, I would ask you as I have, any time
25 that you're away from the courthouse if anyone has

1 approached you or attempted to talk with you about
2 this matter in anyway whatsoever, I will need to
3 know about it now.

4 (There was no response.)

5 THE COURT: Negative response, that's
6 good. Has anyone learned anything about this case
7 or anyone involved in the case from any source
8 whatsoever, either in person or any media or any
9 kind of research or anything on the computer?
10 Anybody learn anything about the case or anybody
11 associated with the case, I will need to know about
12 that now.

13 (There was no response.)

14 THE COURT: Again, negative response and
15 that's good.

16 All right, Ms. Barr.

17 MS. BARR: Please the Court, the State
18 calls Jessica Jackson.

19 THE COURT: Come around to be sworn
20 please, Ms. Jackson.

21 THE CLERK OF COURT: Place your left hand
22 on the Bible, raise your right hand.

23 WHEREUPON,

24 **JESSICA JACKSON,**
25 having been duly sworn by the Clerk, testified

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1 as follows:

2 THE CLERK OF COURT: Have a seat in the
3 witness box please.

4 THE COURT: Come back up and have a seat
5 please.

6 All right, Ms. Barr, you may proceed.

7 MS. BARR: May it please the Court.

8 THE COURT: Yes, ma'am.

9 **DIRECT EXAMINATION**

10 BY MS. BARR:

11 Q Ms. Jackson, state your full name for the record.

12 A Jessica Blair Jackson.

13 Q Ms. Jackson, you were subpoenaed to testify in
14 this case?

15 A Yes, ma'am.

16 Q All right. And you were originally charged with
17 the offense of murder and possession of a weapon
18 during a violent crime; is that correct?

19 A Yes, ma'am.

20 Q All right. Did you have a lawyer representing
21 you in connection with those charges?

22 A Yes, ma'am, Amanda Shuler.

23 Q Amanda Shuler?

24 A Yes, ma'am.

25 Q All right. Have you entered a guilty plea with

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1 regard to your involvement in this case?

2 A I've accepted one, yes, ma'am.

3 Q Okay. What did you plead guilty to?

4 A Attempted murder.

5 Q Okay. Do you know how much time that you are
6 facing for pleading guilty to that charge of
7 attempted murder?

8 A Yes, ma'am.

9 Q How much time do you believe you're facing?

10 A 0 to 30.

11 Q Okay. Have you been promised anything to get you
12 to plead guilty by either me or anyone in my office?

13 A No.

14 Q Have you been promised anything by any of the
15 investigators in this case to get you to plead
16 guilty?

17 A No.

18 Q Did anybody threaten you to make you plead
19 guilty?

20 A No, ma'am.

21 Q Whose decision was it for you to plead guilty to
22 attempted murder?

23 A My own.

24 Q And who did you plead guilty to with regard to
25 attempting to murder? Who did you attempt to

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1 murder?

2 A Joseph Brown.

3 Q Okay. You know the defendant Brittany Epps?

4 A Yes, ma'am.

5 Q Ms. Jackson, tell the jurors how you know her and
6 how long you've known Ms. Epps.

7 A She used to be my girlfriend, and as of now I've
8 known her since February of 2013.

9 Q Okay. How old are you?

10 A I'm 20 years old.

11 Q When is your birthday?

12 A March 26th.

13 Q Of what year?

14 A 1996.

15 Q And do you know the defendant's birthday?

16 A Yes, ma'am.

17 Q What's Ms. Epps' birthday?

18 A May 19th of 1997.

19 Q At the time that Ms. Brown was murdered how old
20 were you?

21 A I was 18.

22 Q How old was Brittany Epps?

23 A She was 17. No, no, I'm sorry, she was 16.

24 Q Okay. Now we know that this happened on March
25 the 29th of 2014; is that right?

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1 A Yes, ma'am.

2 Q And according to your testimony you would have
3 just turned 18 three days prior?

4 A Yes, ma'am.

5 Q How did you meet Ms. Epps?

6 A I was at a group home that she was in, and I met
7 her there.

8 Q Okay. Where was the group home?

9 A It was in Summerville, South Carolina.

10 Q Now where are you from?

11 A I'm from the beach, Myrtle Beach.

12 Q Okay. How many times had you been in
13 Williamsburg County prior to Mr. Brown's death?

14 A I was traveling back and forth on the beach bus
15 to see Ms. Epps, Brittany.

16 Q Okay. And I guess what I'm trying to get at, was
17 it your relationship with the defendant that brought
18 you to Williamsburg County or did you have family or
19 friends here in Williamsburg County?

20 A No, I didn't know anyone besides Brittany.

21 Q She's the only person you knew?

22 A Yes.

23 Q All right. So when you started your relationship
24 with her I believe you told us in February of 2013,
25 shortly after would have been the first time you'd

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1 come to Williamsburg County.

2 A When was it again?

3 Q You've indicated to us that you begin your
4 relationship with the defendant in February of 2013,
5 I guess is when you met her?

6 A Yes.

7 Q All right. And you all began a romantic
8 relationship after meeting each other?

9 A Yes, ma'am.

10 Q All right. And shortly after beginning your
11 romantic relationship you testified that you came to
12 visit with Ms. Epps in Williamsburg County?

13 A Yes, ma'am, after I -- she had gotten out of the
14 group home before me, and after I got out the group
15 home I came to visit her in Williamsburg County.

16 Q Was that the first time you've been in
17 Williamsburg County?

18 A Yes, ma'am.

19 Q You indicated you didn't know anyone here other
20 than Ms. Epps?

21 A No, ma'am.

22 Q Where are your parents?

23 A My mom passed away when I was 13 and my dad lives
24 in North Myrtle Beach.

25 Q Okay. What's your father's name?

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1 A Steven Christopher Jackson.

2 Q And what's your mother's name?

3 A Heather Amelia Fowler.

4 Q Okay. Do you have a relationship with your
5 father or did you have one with him when you met
6 Ms. Epps?

7 A Sort of, not really, no.

8 Q Okay. All right. When was it, approximate time
9 frame, that you started come to visit with Ms. Epps
10 in Williamsburg County?

11 A Probably late December, early January.

12 Q Late December 2013, early January of 2014?

13 A Yes, ma'am.

14 Q Okay, all right. And when you would see her
15 typically, where would you all hang out or meet or
16 be with each other? Where would you all go, to her
17 house, or how would you see each other?

18 A Yes, ma'am. We went to, I went to her house, her
19 mom's house.

20 Q Okay. And where was she living at the time?

21 A On 52.

22 Q Say again?

23 A On 352.

24 Q Who was she living with?

25 A Her mom.

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1 Q Okay, all right. Did her mom permit you to stay
2 overnight with Brittany at her mom's home?

3 A She didn't like it, no.

4 Q Okay. Was -- did there come a point in time
5 where you began to live in Williamsburg County full
6 time.?

7 A Yes, ma'am.

8 Q Okay. About when was that?

9 A I'd say it was late February.

10 Q Okay. And how ---

11 A Or middle of February, sorry.

12 Q Of 2014?

13 A Yes, ma'am.

14 Q And how did you come to stay in Williamsburg
15 County full time and who were you living with?

16 A I was staying at a guy named Theo's house who was
17 supposed to be Brittany's uncle, but later it turned
18 out it wasn't really Brittany's uncle, just someone
19 she said was her uncle, and Brittany was there with
20 me.

21 Q Whose idea was it for you to start living or
22 staying at Theo's house?

23 A Brittany's.

24 Q Did you know him prior to your relationship with
25 Ms. Epps?

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1 A No, ma'am.

2 Q Okay. Where was Mr. -- is it Theodore McKnight?
3 I'm sorry, when you talk about Theo are you talking
4 about Theodore McKnight?

5 A Yes, ma'am.

6 Q Okay. I'm gonna show you what's been marked for
7 identification purposes only as State's Exhibit
8 Number 5. May I approach, Your Honor?

9 THE COURT: Yes, ma'am.

10 BY MS. BARR:

11 Q Do you recognize who is depicted in that
12 particular exhibit?

13 A Yes, ma'am.

14 Q Who is the individual in that exhibit?

15 A That's Theo.

16 Q Okay. All right. How old was Mr. McKnight, if
17 you know?

18 A I'm not sure. If I had to guess I would say he
19 was probably in his 40s.

20 Q Okay. Does he have any similar features as
21 Brittany Epps?

22 A Any similar?

23 Q Yeah. Are they the same age, same height, same
24 complexion, same height, same hairstyle?

25 A No, ma'am.

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1 Q Okay. Now why was it that Ms. Epps wanted you to
2 stay or suggested that you stay with Mr. McKnight?

3 A Well, basically because we couldn't, we couldn't
4 live at her mom's house 'cause she didn't really
5 like me.

6 Q Okay.

7 A That was really the main reason. It wasn't
8 really talked about, you know, why we were gonna
9 stay there; but that was, you know, the main reason.
10 I was only supposed to go there at first to visit
11 and I just ended up staying.

12 Q Okay. Now where did Mr. McKnight live at that
13 time?

14 A In Cedar Hill.

15 Q Okay. When you moved to Williamsburg County full
16 time did Ms. Epps come to visit you while you were
17 at Theodore's house for you all to spend time
18 together, or was there a point in time when she was
19 also staying full time at Mr. McKnight's house?

20 A She never left. She was living there with me.

21 Q Okay. Typically when you would go to bed at
22 night would Ms. Epps be there with you at
23 Mr. McKnight's house?

24 A Always.

25 Q And when you woke up the next morning who would

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1 typically be with you?

2 A Brittany.

3 Q Okay. How many bedrooms are in his home?

4 A Four.

5 Q Okay. Did he have his own separate bedroom,
6 Mr. McKnight?

7 A Yes, ma'am.

8 Q All right. Did you have your own separate
9 bedroom apart from Ms. Epps?

10 A No, ma'am.

11 Q Did you all share a room?

12 A Yes, ma'am.

13 Q Okay. Did you have personal belongings at
14 Mr. McKnight's house in the bedroom that you were
15 using?

16 A Yes, ma'am.

17 Q Did Ms. Epps have her own personal belongings
18 inside the bedroom that you shared with her?

19 A Yes, ma'am.

20 Q All right. And for the record, obviously when
21 we're talking about Ms. Epps or we're talking about
22 Brittany, we're referring to the defendant seated
23 here in purple; is that correct?

24 A Yes, ma'am.

25 Q That's Ms. Epps?

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1 A Yes, ma'am.

2 Q Now, you obviously you see her in court today?

3 A Uh-huh.

4 Q Is that a yes?

5 A Yes, ma'am.

6 Q Now during the period of time when you all were
7 together and involved in a relationship, how would
8 she typically dress in terms of her attire and
9 appearance?

10 A In boy's attire, boy's clothes.

11 Q Explain that to me.

12 A Boxers, like Levis or, you know, some kind of
13 jeans that were boys, boys jeans, a T-shirt or a
14 hoodie, and stuff like that.

15 Q Okay. What is she wearing in court today?

16 A A dress.

17 Q Okay. Other than in court, during the year
18 period of time that you knew her before Mr. Brown
19 was murdered, had you ever seen her in a dress?

20 A Never.

21 Q Okay. In terms of how she has her hair fixed
22 today, how is it fixed today?

23 A In a ponytail.

24 Q Had you ever known her during that year's period
25 of time before Mr. Brown's murder to have her hair

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1 in a ponytail?

2 A Very rarely.

3 Q Okay. How would she normally have her hair
4 during that period of time when you all were seeing
5 each other?

6 A Down.

7 Q Now did you graduate from high school?

8 A I got my GED.

9 Q Describe to me what the living conditions were
10 like at Mr. McKnight's house.

11 A Well, there was no running water. The lights
12 were on, but I think they were ran illegally and ---

13 Q Why do you think the lights were run illegally?

14 A I don't know; I just suspect that. Like, I mean,
15 it was never talked about, but I just suspect that
16 because one time they just, they went off and I
17 think he was trying to get us to move out, Theo was,
18 and -- I don't know; I just suspect that.

19 Q Okay.

20 A There was plywood on the floor. Just the overall
21 was just very poor living conditions.

22 Q Were you working during this time when you moved
23 into Theodore McKnight's house?

24 A No, ma'am.

25 Q Was Brittany Epps working at the time?

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1 A No, ma'am.

2 Q What about Theodore McKnight?

3 A He did little odds and end jobs.

4 Q Okay. How were you all paying for food or
5 necessary living expenses? How were you all doing
6 that if no one in the house was working?

7 A Brittany's aunt helped us, you know, with food
8 sometimes and so did her mom.

9 Q Okay. What's the defendant's mother's name?

10 A Truk Epps, but her real name is Lonzetta.

11 Q Lonzetta?

12 A Yes, ma'am.

13 Q And who is her father?

14 A Richard Epps.

15 Q All right. When you talk about her aunt was
16 helping you all sometime with food, who are you
17 talking about, who is the aunt?

18 A Vanity Epps.

19 Q Okay, what did you call Vanity Epps?

20 A Ree.

21 Q That was her nickname?

22 A Yes, ma'am.

23 Q During the time between January 2014 and March
24 29th of 2014 when the murder occurred, had you ever
25 gone to Vanity Epps' house or Ree's house -- we'll

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1 call her Ree just for clarity -- had you ever gone
2 to that house?

3 A Yes, ma'am.

4 Q How many times have you been there?

5 A I couldn't count.

6 Q More than ten?

7 A Yes, ma'am.

8 Q When you would go to Ree's house were you
9 typically alone or were you typically with Brittany?

10 A Typically with Brittany.

11 Q And how would you normally get to Ree's house?

12 A We would walk.

13 Q You would walk?

14 A Yes, ma'am.

15 Q From where?

16 A From Theo's.

17 Q How far did Ree live from Theodore?

18 A Very close.

19 Q How long would it take you to walk?

20 A Two-and-a-half minutes maybe.

21 Q How did Brittany get along with Theo?

22 A It wasn't that much interaction with Theo. We
23 kind of kept to ourselves and he kept to himself.

24 It was more of a we slept there kind of thing. You
25 know, we were gone all day. But when we did

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1 interact with him there was a lot of joking. You
2 know, lot of laughter and stuff like that. We were
3 always laughing at Theo. But she got along with him
4 pretty well.

5 Q Okay. Had Brittany's mother ever come to Theo's
6 house while you and Brittany were staying there?

7 A Yes, ma'am.

8 Q Okay. How many times did she come to,
9 approximately, Theodore McKnight's house while her
10 daughter and you were residing with him?

11 A I would say probably only about three.

12 Q Okay. Was Brittany's mother aware that you and
13 Brittany were living with Theodore McKnight?

14 A Yes, ma'am.

15 Q Okay. All right. When was the first time you
16 met the victim in the case, Joseph Brown?

17 A Two weeks before the actual crime was committed.

18 Q Okay. How did you come to meet him?

19 A At a gas station named Sonoco.

20 Q Okay. How did you get to the gas station?

21 A Ree drove us.

22 Q Okay. When you say Ree drove us, who are the us
23 that you're referring to?

24 A Me and Brittany.

25 Q Okay. Tell me about the first meeting with

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1 Mr. Brown, either meeting or when you first saw him
2 or met.

3 A Well, when we got to the gas station we pulled in
4 and Ree got out and Brittany got out. Brittany is
5 actually the one that went over to the, to
6 Mr. Joseph's Cadillac. He was driving a, y'all say
7 it was a green Cadillac but I saw it was blue but,
8 green Cadillac. And she was asking him about where
9 you could get ---

10 MS. BUTCHER: Objection, Your Honor.

11 THE COURT: What's your objection?

12 MS. BUTCHER: Hearsay.

13 THE COURT: You want to be heard or you
14 want to withdraw it?

15 MS. BARR: Judge, let me just make sure
16 I'm clear about what we're referring to.

17 THE COURT: Okay.

18 BY MS. BARR:

19 Q When you say that she was asking or she was
20 talking, who is the she that you're referring to?

21 THE WITNESS: Brittany.

22 THE COURT: Okay. Objection overruled.

23 BY MS. BARR:

24 Q Brittany -- and so that we're clear, you can make
25 sure when you are talking about the defendant that

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1 you call her Brittany or Ms. Epps, but please
2 continue your testimony.

3 A Okay. I guess she had asked about, Brittany had
4 asked about where to get a good grill, and
5 Mr. Joseph had said Sax in Florence. So she came
6 back over and she told me -- I asked her what she
7 was talking about.

8 Q Who is she?

9 A I asked Brittany what she was talking about.

10 MS. BUTCHER: Objection, Your Honor. She
11 just stated ---

12 THE COURT: She asked Brittany what she
13 was talking about.

14 MS. BUTCHER: But prior to that ---

15 THE COURT: Yeah, but that -- you didn't
16 object to that. All right, go ahead. You can't
17 testify to what anybody else said unless it was said
18 by Brittany or she was present at the time it was
19 said.

20 THE WITNESS: I apologize.

21 BY MS. BARR:

22 Q You mentioned that Ms. Epps was asking about a
23 good grill. What are you talking about?

24 A Like the thing that goes in your teeth that's
25 gold or whatever.

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1 Q Okay, and stay with me. Mr. Brown responded back
2 to Ms. Epps question?

3 A Yeah.

4 Q About a grill?

5 A Yes, ma'am.

6 Q Okay. And what did Ms. Epps say as a result of
7 that communication by Mr. Brown?

8 A Like I said, I wasn't actually at the car with
9 her, but when she came back to me this is what she
10 was telling me. That Mr. Joseph said that a good
11 place to get a grill is in Sax in Florence.

12 Q Okay.

13 A Then Brittany proceeded to say that he, that
14 Mr. Joseph asked if he could have sex with me for
15 payment and she said that she said no. Brittany
16 said that she said no; but if Mr. Joseph, if we
17 changed our minds to come to the Metts where he was
18 staying, Mr. Joseph.

19 Q Let me ask you this, did Ree overhear this
20 supposed conversation between Ms. Epps and the
21 victim?

22 A No, ma'am.

23 Q Okay. Did you hear any of the conversation
24 yourself between the victim and Ms. Epps?

25 A No, ma'am.

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1 Q All right. So what you're being told about what
2 the victim supposedly said is coming from Ms. Epps?

3 A Yes, ma'am.

4 Q Not the victim?

5 A No, ma'am.

6 Q Okay. And so after that conversation with Ms.
7 Epps, first of all, did Ree overhear any of that
8 conversation between you and Ms. Epps? Was she
9 present?

10 A No, she was in the store.

11 Q Okay, all right. What happened after she came
12 back out of the store, after Ree came back from the
13 store? Did y'all stay in the store, or did you all
14 go someplace after that?

15 A No, ma'am. Then we told Ree what happened and we
16 were ---

17 Q You can't tell me what Ree said.

18 A Okay.

19 Q All right. You told Ree what happened?

20 A Yes, ma'am.

21 Q All right. And then where did you all go from
22 that point?

23 A We were driving down the road and he, Mr. Joseph
24 was behind us, and we beeped the horn so we all
25 pulled over, Mr. Joseph and Ree, and we pulled over.

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1 And he pulled beside us and -- can I tell you what
2 Ree said now?

3 Q You can't tell us what Ree said during that
4 conversation. Did you have any conversation with
5 Ms. Epps, or did you overhear her say anything
6 during that point after the victim pulled on the
7 side?

8 A Not really, it was more Ree.

9 Q Okay, all right. Did Ree end up taking you and
10 Ms. Epps back home or back to Mr. McKnight's house?

11 A Yes, we went back to Mr. Theo's house.

12 Q Okay. Now when you say Ree had a conversation,
13 who is she specifically having a conversation with
14 when you all pulled over?

15 A Mr. Joseph.

16 Q Okay. Did you have a conversation with Ree as a
17 result of her talking to the victim?

18 A Yes.

19 Q Did you have a conversation with Brittany at that
20 point?

21 A Yes.

22 Q Okay. Tell me about your conversation with the
23 defendant.

24 A We were talking about how, we were talking about
25 how we could tie Mr. Joseph up and rob him.

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1 Q When did that conversation take place?

2 A When we first met Joseph and, but we were more
3 laughing about it like we weren't gonna do it. We
4 were laughing about it and not -- and Ree was --
5 that's when that hole thing occurred with Ree.

6 Q Okay. And this was after the initial meeting at
7 Sonoco?

8 A Yes.

9 Q Now you mentioned that you met him for the first
10 time two weeks prior to the murder. Did you see the
11 victim at any point in time between the, a meeting
12 at Sonoco and the day of his murder?

13 A No, we didn't see him after that until two weeks
14 later.

15 Q All right. Let's talk about the morning of March
16 the 29th of 2014, the day that Mr. Brown is killed.

17 A Uh-huh.

18 Q Do you remember what day of the week that was?

19 A Saturday I think.

20 Q When you woke up that morning where did you wake
21 up?

22 A At Theo's house.

23 Q Who was with you?

24 A Brittany.

25 Q Okay. Had y'all spent the night together before?

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1 A Yes, ma'am.

2 Q When I say you all, I mean you and the defendant?

3 A Yes, ma'am.

4 Q All right. Tell me how the day started off that
5 Saturday morning on March 29th.

6 A Me and Brittany woke up. We went outside and
7 went on the porch and smoked a cigarette. I
8 remember me and Brittany getting into a fight that
9 morning, and we were planning to go to her mom's
10 house. I can't even remember what we were initially
11 going to her mom's house for, but because we had
12 gotten into a fight. After we got in the fight I
13 didn't want to go anywhere. I wanted to stay home
14 and clean the room 'cause it was trashed. And we,
15 she was fighting me on, you know, going to her mom's
16 house. You want me to keep going?

17 Q Let me ask you this, when the two of you were
18 fighting were you physically fighting or just
19 arguing, you and the defendant?

20 A We were arguing. I mean, it didn't really turn
21 physical, no.

22 Q Now your birthday was three days prior?

23 A Yes, ma'am.

24 Q Did you and the defendant celebrate your
25 birthday? It would have been your 18th birthday,

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1 right?

2 A Yes, ma'am.

3 Q Did you celebrate your birthday?

4 A No, not really, no.

5 Q What were the two of you arguing about?

6 A Because I didn't want to lay down.

7 Q I'm sorry?

8 A Because I didn't want to lay down.

9 Q What do you mean you didn't want to lay down?

10 A It wouldn't lay down.

11 Q Is that literally or in a sexual sense?

12 A Literally.

13 Q Okay. What did she want you to do?

14 A Lay down.

15 Q Okay, all right. Then what happened after you
16 all had this argument?

17 A Well, I finally agreed to go to her mom's house,
18 you know, with her.

19 Q What was the reason why y'all were going to her
20 mother's house.

21 A Because we got in a fight.

22 Q Okay. Were you going to stay there? You have to
23 kind of explain to us what you mean.

24 A No, we were -- I think if I remember correctly we
25 were going to her mom's house 'cause she gets money

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1 from her mom and I was all for it, you know, before
2 to go with her 'cause we were walking, you know, and
3 that's kind of, it's all the way to Frierson from
4 Cedar Hill. If anybody knows anything about
5 Kingstree, that's a long walk and I didn't want to
6 go afterwards because we had gotten into that fight.
7 She made me so mad that I didn't want to go.

8 Q Okay. Where was Brittany born and raised?

9 A Kingstree.

10 Q Based upon your relationship with her time that
11 you all lived together, did she seem pretty familiar
12 with the neighborhoods, streets, and roadways in
13 Kingstree?

14 A Yes, ma'am.

15 Q Okay. Did you have a vehicle at that time?

16 A No, ma'am.

17 Q Did Ms. Epps have a vehicle?

18 A No, ma'am.

19 Q How would you typically get around if you needed
20 to go someplace?

21 A Well, Ree would take us most of the time; if not,
22 we would walk.

23 Q Did Mr. McKnight have a vehicle?

24 A No, ma'am.

25 Q So did you at some point on that Saturday decide

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1 to go to Brittany's mother's house?

2 A Yes, ma'am.

3 Q All right. You all went there?

4 A Yes, ma'am.

5 Q Tell me about that.

6 A We walked to her mom's house and on the way there

7 I told her that I didn't want her to live over at

8 Theo's house anymore with me.

9 Q Why is that?

10 A Because her mom was always complaining about, her

11 mom was always complaining about her being there,

12 and I was tired of her mom coming over there and

13 having attitude with me. You know, like, she

14 wouldn't say anything, but I knew I wasn't welcome

15 and she was 16 and she wasn't in school anymore and

16 told her she just needed to go ahead and get her GED

17 and live with her mom until she could get her GED

18 and then I could, I was applying, trying to apply

19 for section 8 and get an apartment. I was trying to

20 do good, and then she come live with me. That was

21 thinking. And so I finally convinced her to do that

22 'cause her mom had a house in Frierson that had like

23 four bedrooms had a house, had a room for her, so I

24 finally convinced her to do that. And so when we

25 got to her mom's house she was going to work and she

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1 went in there and she talked to her mom. I don't
2 know what she talked to her mom about 'cause I
3 didn't go in with her, but when she came back out
4 her mom gave us a ride back to Cedar Hill.

5 Q Okay. You testified that Brittany's mother
6 didn't approve of you and Brittany living together?

7 A Right.

8 Q Did that ever cause any stress or strain in your
9 relationship with the defendant?

10 A Definitely, yes, ma'am.

11 Q All right. So when the defendant's mom brings
12 you all back where does he take you to?

13 A She went to Vanity's house, Ree.

14 Q Okay. She dropped you and the defendant off at
15 Vanity's house?

16 A Yes, ma'am, because she had to use the phone.

17 Q Who had to use the phone?

18 A Brittany's mom.

19 Q Okay. How long were you at Ree's house?

20 A Two minutes, five minutes, it wasn't long at all.

21 Q Then where did you go from Ree's house?

22 A We, if I remember correctly, I think we went back
23 to Theo's house so I could change 'cause I was in a
24 polo T-shirt, and then I changed into a tank top
25 because it was hot out.

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1 Q Okay. Describe your clothing to me that you were
2 wearing that day. You mentioned the tank top.

3 A Uh-huh.

4 Q Is that a yes?

5 A Yes, ma'am.

6 Q Do you have, did you have on any undergarments
7 below the tank top, a bra?

8 A Yes, ma'am.

9 Q Do you recall the color of the bra?

10 A Red.

11 Q Okay. What kind of pants or dress or?

12 A Red basketball shorts.

13 Q Okay. How was the defendant dressed that day?

14 A Green Levis, like dark green Levis.

15 Q Okay.

16 A Camouflage hoodie.

17 Q Camouflage hoodie?

18 A Yes, ma'am. Name brand Realtree?

19 Q I'm sorry?

20 A Name brand Realtree.

21 Q Name brand Realtree?

22 A Yes, ma'am.

23 Q Ms. Jackson, I'm going to publish State's
24 Exhibits 10 and 11. Do you recognize what's
25 depicted in that photograph as State's Exhibit

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1 Number 10?

2 A Yes, ma'am, that's the hoodie that she was
3 wearing.

4 Q That who was wearing?

5 A Brittany.

6 Q And I'm gonna publish State's Exhibit Number 11.
7 You recognize what's depicted in that photograph?

8 A Yes, ma'am.

9 Q How do you recognize it?

10 A That's the hoodie that Brittany had.

11 Q Now when you mentioned earlier your testimony
12 that the hoodie, the camouflage hoodie, was a
13 Realtree brand.

14 A Yes, ma'am.

15 Q Is the word Realtree reflected on that hoodie in
16 that photograph?

17 A Yes, ma'am.

18 Q Is it the front or back of the hoodie?

19 A The front.

20 Q All right. You told me about the pants she was
21 wearing. You've told me about the hoodie she was
22 wearing. What else was the defendant wearing that
23 day?

24 A She was wearing a black Dickey shirt.

25 Q Okay, what's a black Dickey shirt? Is that a

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1 name brand or what is that?

2 A It's just, yeah, it's -- you get it, it's just a
3 Wal-Mart shirt. You get a black Dickey shirt from
4 Wal-Mart. It's got like a little, it had a red
5 Dickey symbol right here.

6 Q Okay, all right.

7 A Brown polo boots, black Nike socks.

8 Q You remember all that?

9 A The stocking cap.

10 Q You remember all that?

11 A Yes, ma'am.

12 Q How is it you're able to remember that with such
13 detail?

14 A I guess I just paid attention to her.

15 Q Okay. Let me ask you, Ms. Jackson, were you in
16 love with Ms. Epps?

17 A Yes, ma'am.

18 Q Did she express being in love with you?

19 A Not in so many words, no.

20 Q Did you feel she loved you?

21 A Not really, no. Maybe in her own way, yeah.

22 Q All right. You recently turned 18 at the time.
23 Was this the longest romantic relationship you'd
24 ever had with anybody, a year and a couple of
25 months?

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1 A Yeah.

2 Q All right. So you've described her clothing.
3 Was she wearing anything else we haven't covered?

4 A No, ma'am.

5 Q Okay, all right. So when you all go back to
6 Theo's house, what happened after you go back to
7 Theo's house after having left Ree's house?

8 A I packed a bag because I wanted to go back to her
9 since her mom was at work, and I could go without,
10 you know, feeling uncomfortable. I wanted to go
11 take a real shower. I packed a razor so I could
12 shave, a change of clothes, all my, you know, all my
13 toiletries and stuff to take a shower.

14 Q You packed them and put them in what?

15 A My little bag that I use; it's beige.

16 Q A little purse?

17 A Uh-huh.

18 Q Is that a yes?

19 A Yes, ma'am.

20 Q All right. So the plan was to go to Brittany's
21 mother's house for you to shower?

22 A Yes, ma'am.

23 Q On the day that Mr. Brown was murdered
24 Mr. McKnight still did not have running water in his
25 house?

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1 A No, ma'am.

2 Q Okay. Did Ms. Epps' mother know that you were
3 coming back to her house to take a shower?

4 A No, ma'am.

5 Q Okay. Did you make it to her house?

6 A No, ma'am.

7 Q Tell us what happened while during the intended
8 plan to go to Brittany's mother's house.

9 A On the way to, well, on the actual way to Theo's
10 house before I even packed the bag, Brittany looked
11 at me and she said that she felt like being bad and
12 I asked her what she meant by that, and then she
13 told me about a plan. She said do you remember
14 Mr. Joseph, and I said, yeah, the guy at the
15 station; she said, yeah. She said, how about we go
16 over to Metts and we rob him.

17 Q He was living at the Metts as far as you knew?

18 A Yes, ma'am.

19 Q How did you know he was staying at the Metts?

20 A Because she told me that he said we could come
21 over there if we changed our minds.

22 Q Okay. And when you say "she," you're talking
23 about the defendant?

24 A Yes, ma'am, Brittany.

25 Q All right. So she asked you felt like being bad?

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1 A Uh-huh.

2 Q Is that a yes?

3 A Yes, ma'am.

4 Q And she told you that you all could rob the same
5 person that you saw at the Sonoco gas staying two
6 weeks earlier?

7 A Yes, ma'am.

8 Q What else did she say?

9 A I asked her, you know, how she planned on doing
10 that, how -- I was, I was all for robbing him and I
11 said, but how do you plan on doing this and she said
12 that, you know, we could overpower him because his
13 age.

14 Q How old did you think he was?

15 A I thought he was, you know, older, but I didn't
16 think he was as old as he was.

17 Q How old did you later come to learn that he was?

18 A 87.

19 Q Okay, all right. Please continue with the
20 conversation that you and the defendant had about
21 robbing Mr. Brown.

22 A So we, and then, well, then she went on to say
23 that she wanted to first stop at her uncle's house
24 to see if he had any work because she wanted me to
25 have minutes on my phone before she moved into her

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1 mom's house.

2 Q Who is the uncle that you were talking about?

3 A Hubert.

4 Q Okay.

5 A So we went to Theo's house. I packed my bag,
6 like I said. After that was done we went by the
7 little neighborhood store, Cedar Hill, and ---

8 Q What is it called?

9 A It don't really have a name.

10 Q Okay. Did you ever refer it to as a certain
11 business, or did you ever hear the defendant refer
12 to a little neighborhood store by a certain name?

13 A No, ma'am.

14 Q Okay. Why did you all go by the little
15 neighborhood store?

16 A Just to buy something to eat.

17 Q Okay.

18 A Yeah. Got something to eat and something to
19 drink and then we proceeded to -- we walked to
20 Hubert's house, he wasn't there, and then we ended
21 up walking to the Metts.

22 Q Okay. What was your understanding as the reason
23 why you all were going to the Metts?

24 A To rob Mr. Joseph.

25 Q Okay. What happened when you got there?

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1 A He was sitting outside and in his chair.

2 Q Okay. About what time of day or night was this?

3 A Maybe around lunch time.

4 Q Okay. So when you got to the Metts with Ms.

5 Epps, tell me what happened when you saw the victim.

6 A When we got there Brittany started talking to him
7 like she knew him basically.

8 Q Was he talking to her like he knew her?

9 A Yes, ma'am.

10 Q All right. Then what happened?

11 A I asked him for a cigarette, and he told me to go
12 in, that there was some cigarettes in the freezer.

13 So I went inside and I got the cigarettes.

14 Q You went inside where?

15 A His apartment.

16 Q Okay.

17 A Yes, ma'am. And I got the cigarettes and I came
18 back outside, and we sat down for a while and we
19 were just talking to him. He was really nice. At
20 that point I didn't, you know, really know what was
21 going on. Brittany kept saying she had this, she
22 had this.

23 Q She kept saying what now?

24 A That she had this.

25 Q I've got this?

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1 A I got this, I got this.

2 Q All right.

3 A I didn't really actually have a one-to-one with
4 Mr. Joseph, like actual conversation with him at
5 all. But after that he said that he had to drive
6 one of his friends to the store so he said that we
7 could stay at his apartment until he came back.

8 Q Did you all do that?

9 A Yes, ma'am.

10 Q Did he drive a friend somewhere?

11 A Yes, ma'am.

12 Q And what happens when you all were in his
13 apartment while he was driving a friend somewhere?

14 A We went through his stuff.

15 Q Okay. Why did you go through his stuff?

16 A To see if he had anything, you know, of some
17 value.

18 Q Okay. Did you find anything of value inside his
19 apartment?

20 A We -- no, ma'am, I didn't see anything, you know,
21 like money or anything, but I did take a pack of
22 T-shirts, like, he had a new pack of T-shirts. I
23 put it in there in my bag, yes, ma'am.

24 Q Okay. Did you take anything else from his house?

25 A No, ma'am.

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1 Q Did the defendant take anything from the victim's
2 house?

3 A No, ma'am.

4 Q Okay.

5 A Oh, I took a pocketknife.

6 Q I'm sorry?

7 A A pocketknife.

8 Q You took a pocketknife?

9 A Yes, ma'am.

10 Q All right. Ms. Jackson, I'm gonna show you
11 what's been marked as State's Exhibit Number 34.

12 MS. BARR: Your Honor, for the record,
13 during the lunch break the State and Defendant
14 premarked several exhibits number 12 through 37, and
15 I believe they're without objection from the
16 Defense.

17 THE COURT: All right, you reviewed 12
18 through 37? All right, 12 through 37 will be
19 admitted into evidence without objection.

20 (State Exhibit's Nos. 12 through 37 were admitted
21 into evidence.)

22 BY MS. BARR:

23 Q Ms. Jackson, I'm going to open up State's Exhibit
24 Number 34. You recognize the item that I just took
25 out that particular exhibit; don't you?

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1 A Yes, ma'am.

2 Q What is that.

3 A That's the pack of T-shirts.

4 Q The same T-shirts that you stole from Mr. Brown's
5 house?

6 A Yes, ma'am.

7 Q All right. Was the pack open or closed when you
8 took it from his house?

9 A It was closed.

10 Q It's a brand new pack?

11 A I think so, yes, ma'am.

12 Q All right.

13 A If I'm not mistaken there was another pack too.

14 Q All right. I'm gonna remove the contents of
15 State's Exhibit Number 35. Yes, you recognize the
16 contents of State's Exhibit Number 35?

17 A Yes, ma'am.

18 Q What is it?

19 A That's my bag.

20 Q Okay. This is the purse or the bag that you were
21 carrying on the 29th of March?

22 A Yes, ma'am.

23 Q Is this the same bag that you used to place
24 Mr. Brown's T-shirts in?

25 A Yes, ma'am.

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1 Q All right. Now I need you to explain this part
2 to the jury. It appears that the straps on here are
3 cut off on this purse, on this bag. Were the straps
4 cut off?

5 A Yes, ma'am.

6 Q Who cut them off and why?

7 A Me.

8 Q Sorry?

9 A I cut them off.

10 Q All right. How'd you cut them off?

11 A With the pocket-- with the pocketknife that I
12 stole.

13 Q All right. I'm gonna remove the contents of
14 State's Exhibit Number 36. Tell the ladies and
15 gentlemen of the jury what I'm holding in my hand
16 that I removed from that particular exhibit.

17 A Pocketbook straps.

18 Q Purse straps?

19 A Yes, ma'am.

20 Q I'm now gonna remove the contents of State's
21 Exhibit Number 37. Do you recognize what I removed
22 from State's Exhibit Number 37?

23 A Yes, ma'am.

24 Q Tell the jury what it is.

25 A The pocketknife that I stole.

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1 Q Okay. How were you able to remove the purse
2 straps from the purse?

3 A With that pocketknife.

4 Q With this pocket knife?

5 A Yes, ma'am.

6 Q We'll get to that in a minute. All right, so
7 where we left off in your testimony was that
8 Mr. Joseph had taken a friend to run an errand and
9 you and Ms. Epps were in his house looking for
10 things of value. You took a pocketknife and a pack
11 of T-shirts.

12 A Yes, ma'am.

13 Q All right. How long did the victim, how long was
14 the victim gone from his home to run the errand?

15 A Like 10, 15 minutes.

16 Q When he came back did he have anybody with him?

17 A No.

18 Q Now while you all were inside his apartment did
19 you all change your mind about robbing him, or did
20 you all talk about the plan to rob him at all?

21 A No, we didn't change our minds, no, ma'am.

22 Q So that was still the plan?

23 A Yes, ma'am.

24 Q How were y'all gonna carry it out?

25 A When he came back when we were sitting outside.

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1 He invited us to a cookout, and he went back inside
2 to change into a suit. And when he came back out
3 his -- well, first of all, his, I think it was his
4 nephew was over there.

5 Q Okay.

6 A And him and Brittany were talking.

7 Q Who and Brittany? The nephew or Mr. ---

8 A The nephew, yes, ma'am.

9 Q Okay.

10 A And I don't remember the nephew's name but
11 Brittany and the nephew were talking and they were
12 talking about a lot of things but one in particular
13 that I remember our conversation was about cars
14 because Brittany was talking to the nephew about the
15 V8 engine that was supposed to be in the Cadillac.

16 Q In whose Cadillac?

17 A Mr. Joseph's.

18 Q Okay.

19 A And so they were talking about that and then
20 there was a conversation about how Mr. Joseph could
21 take care of himself even though, you know, he was
22 older and without, you know, with all that the crime
23 going on where he was living he could still take
24 care of himself, and that's when he pulled out a
25 gun.

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1 Q Who pulled out a gun?

2 A Mr. Joseph.

3 Q From where?

4 A From his pocket.

5 Q Okay.

6 A In his jacket.

7 Q And this was after he's gone into his apartment
8 to change?

9 A Yes, ma'am.

10 Q All right. He pulled out the gun out of his
11 pocket?

12 A Yes, ma'am.

13 Q And what happened at that point?

14 A He was just showing us it, you know, to prove a
15 point that he could take care of himself.

16 MS. BUTCHER: Objection, speculation as to
17 proving a point or hearsay if she's saying that he
18 said that.

19 MS. BARR: Judge, it's not, we take the
20 position it's not hearsay. It's not being offered
21 for the truth of the matter asserted that he can, in
22 fact, handle himself or take himself, take care of
23 himself, so we would submit that it's not hearsay.

24 THE COURT: All right. Ask the question
25 again and tell me what the answer would be.

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1 BY MS. BARR:

2 Q Yes, ma'am. You indicated that the person you
3 thought was the victim's nephew.

4 A Yes, ma'am.

5 Q Made a comment about the victim being older, but
6 he could handle himself.

7 A Uh-huh.

8 Q Is that right?

9 A Yes, ma'am.

10 Q And you testified that the victim then took out,
11 I'm assuming it was a handgun?

12 A Yes, ma'am.

13 Q From his waist area?

14 A Yes, ma'am.

15 Q All right. Did he say anything at that point
16 after he took the handgun out?

17 A No, ma'am.

18 Q Okay. Why did you perceive him taking his hand
19 gun from his person as an indication of anything?
20 Why did you perceive that to be important?

21 A Because the conversation that we were having.

22 Q Okay. After he took his handgun from off his
23 hip, what did he do?

24 A He just took it out and put it back in.

25 Q Okay, all right. You mentioned that he invited

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1 you all to a cookout.

2 A Yes, ma'am.

3 Q Did you and Ms. Epps agree to go?

4 A Well, she agreed for both of us, yes.

5 Q Okay. Where did you all go to the cookout?

6 A Greeleyville.

7 Q Okay. Do you know whether or not you've been to
8 Greeleyville before that day?

9 A Never.

10 Q Okay. So when you go to Greeleyville tell us
11 what happened when you go to Greeleyville.

12 A We, you know, we got there and it was sort of
13 like a house warming party.

14 Q Okay. Was it still daylight or had it turned
15 dark by the time you got there?

16 A It was just beginning to turn night.

17 Q Okay, all right.

18 A So it was kind of like in between.

19 Q All right. How did you all get to Greeleyville?

20 A Mr. Joseph took us.

21 Q In the same Cadillac that you'd seen him in two
22 weeks prior?

23 A Yes, ma'am.

24 Q So he was driving?

25 A Yes, ma'am.

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1 Q Where was Ms. Epps in the vehicle?

2 A She was in the passenger seat.

3 Q Front or back?

4 A Front.

5 Q Where were you?

6 A I was behind Mr. Joseph.

7 Q Okay. So y'all get to Greeleyville, get to the
8 cookout?

9 A Yes, ma'am.

10 Q Just briefly, what happened in the cookout? Did
11 y'all eat, did y'all socialize with anybody, what
12 happened?

13 A When we first got there we went in and we kind of
14 just said hey to everybody. It was for me, I can
15 only speak for myself, it was awkward. I wasn't
16 dressed for a cookout, and it was just very awkward.
17 But they were very nice and ---

18 Q Who was very nice?

19 A I'm assuming it was Mr. Joseph's family. And
20 they -- we ate and we -- after that we sat around
21 and we walked around the property. We walked around
22 their house.

23 Q Let me stop you for just a moment. You testified
24 that when you all left the Metts you went to
25 Greeleyville.

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1 A Uh-huh.

2 Q Did the victim still have his gun on his hip?

3 A No, ma'am.

4 Q Okay. What happened to the gun?

5 A When he got in the car he put it in his glove
6 box.

7 Q Okay. You saw him do that?

8 A Yes, ma'am.

9 Q Do you know what kind of gun it was?

10 A He -- I remember him saying that it was a 38.

11 Q Okay. Now when you first saw the gun ---

12 A Uh-huh, yes, ma'am.

13 Q ---and noticed that the victim was carrying a
14 gun, did y'all have -- well, excuse me, did you have
15 any misgivings trying to rob him and he's got a gun?

16 A I did, yes, ma'am.

17 Q Okay, why?

18 A Well, I'd never seen a gun in real life before.
19 I, and I was, you know, just kind of taken back a
20 little bit. I already thought that going to a
21 cookout was a little bit much ---

22 Q Why?

23 A ---to rob somebody. Because it was going out of
24 the way a little bit, you know. It was just a
25 little, if we were gonna rob somebody I would rather

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1 just do it there, you know, I just ---

2 Q You didn't want to be seen by a bunch of people?

3 A Right.

4 Q Okay. When you saw the gun did you have
5 communication with, conversation with Ms. Epps about
6 any misgivings that you had about this whole robbery
7 idea? Did you ever talk with her about that?

8 A Well, I made the comment, I didn't really have
9 a -- there wasn't really opportunity to have a
10 conversation with her, but she got what I said.

11 Q What did you say?

12 A I said, I said, fuck around, fuck around.

13 Q What did that mean?

14 A It basically means I don't want to do this
15 basically.

16 Q Now at this point on the way to Greeleyville the
17 cookout, had you cut those straps off your purse on
18 the way to Greeleyville?

19 A No, not on the way to Greeleyville, no.

20 Q How long did y'all stay at the cookout?

21 A I would say probably about two hours.

22 Q All right. When you left how did you leave the
23 cookout?

24 A Mr. Joseph.

25 Q Okay. He was still driving?

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1 A Yes, ma'am.

2 Q All right. Where was the defendant in the
3 vehicle when you left the cookout?

4 A Brittany?

5 Q Yes?

6 A She was in the passenger seat, front seat.

7 Q All right. Where were you?

8 A I was in the back seat behind Mr. Joseph.

9 Q When it came time to leave how did you know it
10 was time to leave? Did the victim tell you it was
11 time to leave? Did you and the victim and Ms. Epps
12 decide it's time to go? How did that come about?

13 A Honestly I can't exactly remember, but I think
14 that Mr. Joseph basically said, you know, that it
15 was time to go. He started saying buy to everybody.

16 Q Okay. What kind of mood was he in at the
17 cookout?

18 A He was in a fairly good mood.

19 Q Okay. Now when it was time to go who got in the
20 car first, you and the defendant or did the victim
21 get in the car first?

22 A Me and Brittany did.

23 Q How long after you and Brittany getting in the
24 car at the cookout to leave, did the victim then get
25 in the car and drive away?

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1 A A pretty good while. I mean, it wasn't, it
2 wasn't ten minutes, but it was probably about five.

3 Q Okay. What were you all saying to each other as
4 you're in the yard at the cookout in Greeleyville
5 while you waiting on the victim come and drive you
6 back to Kingstree?

7 A Me, I was, Brittany was telling me that she was
8 going to shoot him and ---

9 Q How did that come about? How did that
10 conversation come about? I mean, you all didn't
11 just get in a car and say somebody is gonna shoot
12 somebody presumably?

13 A No.

14 Q How did that come about?

15 A When she was telling me about the gun in the box,
16 and that's when she was telling me that she wanted
17 to shoot him and ---

18 Q Okay.

19 A I don't know. I just, I didn't really think
20 nothing of it at first, you know, but that's when --
21 I don't know. She just, I can't remember when she
22 told me, but that's what she said, that she was
23 gonna shoot him.

24 Q Okay. Now during the ride to Greeleyville did
25 the victim ever take the gun out of the glove box?

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1 A No.

2 Q When you and Ms. Epps got back inside his car,
3 when you're getting ready to leave the cookout, was
4 the gun still in the glove box?

5 A Yes. When we were leaving?

6 Q Yes.

7 A It was still in the glove box, yes, ma'am.

8 Q During the five or so minutes that you were in
9 the car alone with Brittany, did she ever open the
10 glove box, or did she ever take the gun out?

11 A No.

12 Q Okay. Were you all still talking about robbing
13 him when you first got in his car to leave the
14 cookout?

15 A No, when we were leaving?

16 Q Yeah, before he got in the car while he was
17 saying good-byes to his people.

18 A Yes, ma'am.

19 Q Y'all were still talking about robbing him?

20 A Yes, ma'am.

21 Q And so is that the first time that there was a
22 discussion about killing him?

23 A Uh-huh.

24 Q Yes?

25 A Yes, ma'am.

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1 Q Why did Brittany want to kill him?

2 A Because she -- well, she wanted his gun and his
3 car.

4 Q She wanted his gun and his car?

5 A Yes, ma'am.

6 Q What was she gonna do with his car?

7 A I don't know.

8 Q Now Ms. Jackson, tell me what was, what did you
9 say to her when she talked about getting the
10 victim's gun, killing him, and getting his car?
11 What'd you say?

12 A To be honest I didn't really say anything.

13 Q Did you agree either implicitly or directly that
14 you were gonna be down for this?

15 A Indirectly I guess I did, yeah.

16 Q How did you indirectly agree that you were gonna
17 be down for this?

18 A I was supposed to be the distraction. I cut my
19 pocketbook straps off my pocketbook, and I was
20 going -- I was supposed to put them around his neck
21 to distract him while she got the gun out of the
22 glove compartment.

23 Q And do what?

24 A And choke him.

25 Q You were going to choke him?

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1 A Yes, ma'am.

2 Q So when you're and Brittany are in the victim's
3 vehicle at the cookout, is that when you cut your
4 purse straps?

5 A No, ma'am. Well, no, that wasn't it. It was
6 when we were on the way back to Kingstree.

7 Q On the way back to Kingstree from Greeleyville?

8 A Yes, ma'am.

9 Q How long did it take you all to get from
10 Greeleyville back to Kingstree?

11 A 30 to 45 minutes.

12 Q 30 to 45 minutes?

13 A I don't know. I really, I can't, I'm not good
14 with that kind of stuff.

15 Q Do you know the roadway that you all took to go
16 to Greeleyville and come back?

17 A 53.

18 Q Okay. So you're riding along, the victim is
19 driving, Brittany is in the front seat?

20 A Yes, ma'am.

21 Q You're in the back?

22 A Yes, ma'am.

23 Q And you're cutting off the purse strings or purse
24 straps?

25 A Yes, ma'am.

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1 Q While you're in the back seat?

2 A Yes, ma'am.

3 Q So how was this supposed to go down? I mean, are
4 you gonna choke him, she's gonna shoot him while
5 y'all driving back from Greeleyville? Or tell us
6 how that, this plan was supposed to go down.

7 A She was gonna lead him into a, like a kind of
8 like deserted area, and she would -- when we said,
9 or whenever I said a code word, we just decided the
10 code word was going to be take off, I was to put the
11 pocketbook straps around his neck and she was to
12 pull the gun out and that was when.

13 Q Okay. Why -- did the victim know that you all
14 were supposed to be going to some deserted area?

15 A Did the victim know?

16 Q Yeah.

17 A No, ma'am.

18 Q So when you all got back to Kingstree where was
19 the first place you went?

20 A We went down Brayboy Road.

21 Q How far is that from where the victims ultimately
22 ended up being shot?

23 A I don't know exactly, but it's not that far.

24 Q What did you all tell the victim about where you
25 were going?

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1 A Brittany said that we were going home, that we
2 would be dropped off at home.

3 Q I'm sorry, I can't hear you?

4 A Brittany said we were getting dropped off at
5 home.

6 Q And where was home, what she is referring to?
7 Theodore McKnight's house or her mother's house?

8 A No, well, we weren't getting dropped off at home.

9 Q I'm sorry?

10 A We weren't getting dropped off at home.

11 Q I understand that, but where is -- is that where
12 you told the victim that you were, that he was going
13 to drop you off?

14 A Yes, ma'am.

15 Q So in the victim's mind he's supposed to be
16 dropping you all off somewhere?

17 A Yes, ma'am.

18 Q Was somebody giving the victim directions on how
19 get to your house?

20 A He asked -- Brittany led him down Brayboy Road
21 and said that that was where our house was. And
22 then I was, she said, well, tell them that you lost
23 your mom's ring to, you know, so if he would pull
24 over and say I can find my mom's ring and then that
25 would be when. But I did that and he told me, well,

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1 I can't exactly remember. He said something along
2 the lines of, well, why would something, why didn't
3 you try to find it earlier, or something like that
4 so he didn't pull over. I think he was kind of
5 suspicious to begin with so he wasn't, he wasn't
6 dumb at all.

7 Q Let ask you this, had the victim as far as you
8 know, ever been to Theodore McKnight's house, as far
9 as you know? Has the victim ever been to Theodore
10 McKnight's house while you were living in
11 Williamsburg County, as far as you know?

12 A No, ma'am.

13 Q So you all go, Ms. Epps tells him to go down
14 Brayboy. Is it lane? Brayboy Road or just you said
15 Brayboy.

16 A It's Brayboy Road.

17 Q Did you all make any stops along the way from
18 Greeleyville?

19 A No, ma'am.

20 Q Did you pick anybody up or drop anybody off once
21 you left Greeleyville?

22 A No, ma'am.

23 Q Tell me, pick up from where she tells him to go
24 off Brayboy Lane. Before you do that, when did you
25 all have the conversation about Brittany telling you

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1 to tell him that you lost your mother's ring?
2 'Cause I'm assuming y'all weren't talking about this
3 while the man is driving the car?

4 A No, ma'am. That was when we were before he got
5 in the car.

6 Q Okay. So while y'all were at the cookout waiting
7 for him to get in the car you all were talking what
8 you were gonna do, how you were gonna get him in an
9 isolated area, y'all had all that planned out?

10 A Yes, ma'am.

11 Q And your role was to strangle him from behind
12 while the defendant takes the victim's own gun and
13 shoots, that was the plan?

14 A Yes, ma'am.

15 Q And you were gonna communicate with her that you
16 were ready to put this plan in motion by doing what?

17 A By taking, by talking about the ring?

18 Q No, no, how were you going to communicate to the
19 defendant that you are ready to go, then let's put
20 this plan in motion, let's do this? You mentioned a
21 word that you all talked about using.

22 A The code word?

23 Q Yeah.

24 A I was supposed to say take off.

25 Q Okay, so all of that was discussed in

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1 Greeleyville?

2 A Yes, ma'am.

3 Q So pick up back from Brayboy, when y'all were on
4 Brayboy.

5 A She led him down Brayboy Road, and he didn't pull
6 over so she said, no, not right here. She said go
7 down Kendell Park Road so he went down Kendell Park
8 Road. He was kind of getting a little bit
9 aggravated. He said, I thought you live down
10 Brayboy Road, and she said, no. And he went down
11 Kendell Park Road and she said to turn right there
12 where that -- there was like a abandoned trailer,
13 and he pulled in there and...

14 Q You can go ahead, continue, what happened?

15 A I wanted that -- I didn't want to do it. I
16 didn't think we were gonna have to do the because I
17 don't know, I just, my hands were getting sweaty and
18 I, I said, used the code word and.

19 Q What was Mr. Brown doing when you said the code
20 word take off?

21 A He was driving.

22 Q All right. And I'm gonna publish State's Exhibit
23 Number 4. Have you seen that particular exhibit
24 before?

25 A Yes, ma'am.

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1 Q All right. What do you understand that exhibit
2 to be?

3 A It's the driveway.

4 Q All right.

5 A The driveway of where we were.

6 Q Where the mobile home was?

7 A Yes, ma'am.

8 Q I'm gonna get you to come off the witness stand
9 for me.

10 A (Complies.)

11 Q Stand right here for me. Keep your voice up so
12 the court reporter can hear you. All right, for
13 reference, if we assume that this is the mobile home
14 where you all were, all right, using the pointer
15 show us how you all came into that little curve.

16 A Right here?

17 Q Yes.

18 A If you're coming this way, if you're coming in,
19 if you're coming in this way, you go in that way.

20 Q You all came in that night?

21 A Yes, ma'am.

22 Q And let me clear this part up. When you left the
23 cookout was it dark by then?

24 A Yes, ma'am.

25 Q You have any idea what time it was when you left

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1 the cookout?

2 A No, ma'am, I didn't look at a clock but it was, I
3 mean, it was fairly late.

4 Q All right. Go ahead and show us -- let's not use
5 the word if you're coming in, tell us the way you
6 all came into that little curve way.

7 A Okay. We came in this way.

8 Q Okay.

9 A And looked around.

10 Q Okay. And at what point did you say take off?
11 Where were y'all on that diagram when you said take
12 off?

13 A I would say about right here.

14 Q Okay. What happened when you said take off?

15 A I put the pocketbook straps around him.

16 Q Okay. What else?

17 A And then my hands were sweaty and so I let go and
18 ---

19 Q Keep your voice up for me.

20 A And that's when she -- there was a struggle over
21 the gun so.

22 Q What do you mean there was a struggle over the
23 gun?

24 A Well, when Brittany was going for the gun
25 Mr. Joseph was going for the gun as well so there

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1 was a struggle over the gun. And Brittany ended up
2 getting the gun instead, and she fired the gun and
3 that -- I don't know at what point, but at some
4 point she hit my thumb, but I didn't know at first.
5 I jumped out of the car because I thought it was
6 going towards some trees, some shrubbery.

7 Q Can you see that part on this particular diagram?

8 A That's over here.

9 Q Okay.

10 A And I thought that we -- you know, I was in shock
11 so I thought that we were actually going towards
12 something big, we were crashing into something big,
13 so I jump out of the car. And there was like two
14 more shots fired.

15 Q Okay, all right. Now you didn't draw this
16 diagram; is that right?

17 A No, ma'am.

18 Q All right. Let me publish State's Exhibit Number
19 12. You recognize that diagram; don't you?

20 A Yes, ma'am.

21 Q Who drew that diagram?

22 A Me.

23 Q And where were you at when you drew that diagram?

24 A Sheriff's Office.

25 Q Were you being questioned?

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1 A Yes, ma'am.

2 Q And was this your drawing of where the shooting
3 happened?

4 A Yes, ma'am.

5 Q All right. Point to where you got, you all
6 entered that curve way?

7 A (Indicating.)

8 Q And there's the word enter there on your drawing?
9 Did you write the word enter there?

10 A Yes.

11 Q Okay, all right. And you got two X's here in the
12 middle of that curve. What do the two X's stand
13 for?

14 A The first and the second shots.

15 Q To the victim?

16 A Yes, ma'am.

17 Q And who fired the first and second shot?

18 A Brittany Epps.

19 Q All right. And on the diagram there's some
20 writing here and some squiggly lines here. Did you
21 write that?

22 A Yes, ma'am.

23 Q And you wrote the word trailer by this box here?

24 A Yes, ma'am.

25 Q Tell us about the writing that you got with

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1 regard to where I'm pointing on State's Exhibit
2 Number 12, here.

3 A That's the third shot and then those are the
4 woods right there.

5 Q Okay. Did Mr. Brown's car crash into those
6 woods?

7 A Yes, ma'am.

8 Q All right, you can have a seat. You told me that
9 at some point you got shot.

10 A Yes, ma'am.

11 Q Where were you shot?

12 A In my left thumb.

13 Q Hold the hand up that you were shot in. All
14 right. And you're holding up your left arm?

15 A Yes, ma'am.

16 Q And you were shot on your thumb?

17 A Yes, ma'am.

18 Q Okay. Now let me make sure I understand this.
19 I'm gonna get Investigator Kennedy to help me here.
20 You've indicated to us that you cut your straps to
21 your purse?

22 A Yes, ma'am.

23 Q You talked about your palms being sweaty; is that
24 right?

25 A Yes, ma'am.

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1 Q All right. Did you actually take your purse
2 straps while you were seated behind the victim and
3 pull it across his neck?

4 A Yes, ma'am.

5 Q All right. When you pulled your purse straps
6 around the victim's neck, where was your right hand?

7 A This side.

8 Q I'm sorry?

9 A The same, about the same place yours was.

10 Q Is that on -- I have my hand by Archie Kennedy's
11 right ear?

12 A Yes, ma'am.

13 Q Where was your left hand.

14 A Same place yours was.

15 Q By Investigator Kennedy's left ear?

16 A Yes, ma'am.

17 Q All right. And you testified that the victim and
18 the defendant went for the gun at the same time.

19 A Yes, ma'am.

20 Q And the gun was where?

21 A It was, I mean I can't, what do you want to know
22 about that?

23 Q Was it in the glove box, did somebody have it?

24 A It was in the glove box.

25 Q All right. You indicated that the victim went

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1 for the gun as well?

2 A Yes, ma'am.

3 Q How did he go for the gun?

4 A He was reaching for it with his hand.

5 Q Which hand?

6 A His right.

7 Q Okay. So the victim goes to reach for his gun in
8 his glove compartment with his right hand?

9 A Yes, ma'am.

10 Q All right. Your hands are still around his neck
11 with the purse straps?

12 A Yes, ma'am.

13 Q And you're shot on your left thumb?

14 A Yes, ma'am.

15 Q Okay. You testified that you panicked 'cause you
16 thought that the car was gonna crash and you jumped
17 out of the car; is that right?

18 A Yes, ma'am.

19 Q What happened after you jumped out of the car?

20 A After I jumped out of the car Brittany got out of
21 car, and that's when I realized, you know, there was
22 blood on me but I didn't think it was my own blood
23 at first until I looked down and I saw that my thumb
24 was hurt.

25 Q Keep your voice up.

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1 A And that's when I started freaking out because
2 there was the bone sticking out, you know, and I
3 started you know, kind of just freaking out. And
4 Brittany was, she went all the way to the other side
5 of the field, and I don't really know what she was
6 doing. I know she was wiping her sweat off.

7 Q She was what?

8 A She was wiping the sweat off of her face. I
9 remember that when she came all the way back, and I
10 remember her, she was saying all kind, calling me
11 all kinds of names.

12 Q When you say you were freaking out what
13 specifically were you doing? How were you freaking
14 out?

15 A I was dunking behind the car 'cause I thought
16 every car that they were passing on our street, it
17 was like a street right here and a street right here
18 and they were going on the street right there. I
19 thought that every car that went by was, you know,
20 coming for us 'cause they had seen us or something
21 and ---

22 Q Were you in pain after getting shot in your
23 thumb?

24 A No, I couldn't feel anything.

25 Q You didn't feel anything?

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1 A No, ma'am.

2 Q Okay, so what was the defendant's response to you
3 freaking out?

4 A She called me a pussy.

5 Q Okay. What else did she say?

6 A She told me this is why I don't do any real, real
7 nigga shit with you?

8 Q This is why I don't do any real nigga shit with
9 you?

10 A Yeah.

11 Q Okay. Then what'd you say?

12 A Well, I couldn't really say anything to that.
13 And I -- well, at one point I tried to walk off and
14 I got to the road and she ran after me. She said, I
15 can't do this without you, I can't do this without
16 you, and she grabbed me by the arm so I came back.
17 And when I came back Mr. Joseph, he was, he was
18 still moving.

19 Q How do you know he was still moving?

20 A Because Brittany said he was still moving.

21 Q What do you mean he was still moving?

22 A He was still, he was still alive.

23 Q Say again?

24 A He was still alive.

25 Q He was still alive?

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1 A Yes, ma'am.

2 Q After the first and second shot?

3 A Uh-huh.

4 Q Is that a yes?

5 A Yes, ma'am.

6 Q All right. What was said as a result of the
7 victim still being alive and still moving? What was
8 said about that?

9 A She went and she shot him again.

10 Q She told you that the victim was still moving or
11 still alive, and she shot him again?

12 A Yes, ma'am.

13 Q I'm gonna publish State's Exhibit Number 14. Is
14 that the mobile home that you were talking about
15 where this happened?

16 A Yes, ma'am.

17 Q I'm gonna publish State's 15. Is that a closer
18 view of that mobile home?

19 A Yes, ma'am.

20 Q All right. Now I'm gonna publish 16. Do you
21 recognize what's in that photograph?

22 A The woods?

23 Q You recognize it?

24 A Yes, ma'am.

25 Q All right. Is this the area where Mr. Joe's

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1 vehicle crashed into that wooded area?

2 A Yes, ma'am.

3 Q Do you recognize the marks here on this
4 photograph?

5 A Yes, ma'am.

6 Q I can bring it up to you.

7 A Yes, ma'am, tire marks.

8 Q Those are tire marks?

9 A Yes, ma'am.

10 Q After Brittany fires the third shot what
11 happened?

12 A After that she tries to get his body out and she
13 drags him to the back tire.

14 Q All right. Now you told me what she's done.
15 What were you doing?

16 A Well, I was standing right there, like, on the
17 other side of the car and ---

18 Q On the driver's side or the passenger side?

19 A The passenger side if I remember correctly. And
20 she tells me that she can't put him in the trunk by
21 herself, and I put up a fight a little bit but as I
22 tell her I can't do it with one hand but I end up
23 helping her.

24 Q Helping her do what?

25 A Put Mr. Joseph's body in the trunk.

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1 Q So how do you help her put the body in the trunk?

2 How do y'all get that man's body in his trunk?

3 A She took, she took him by the front of the body
4 and I took him by the bottom.

5 Q I'm sorry, say it again now.

6 A I grabbed his legs and she grabbed his upper
7 body.

8 Q All right. You put him in the trunk?

9 A Yes, ma'am.

10 Q And you did that with a shot finger?

11 A Yes, ma'am.

12 Q All right. I'm gonna publish State's Exhibit
13 Number 19. You recognize what's in that picture;
14 don't you?

15 A Yes, ma'am.

16 Q What's in that picture?

17 A Mr. Joseph.

18 Q In the trunk of his car?

19 A Yes, ma'am.

20 Q Why are his pants down and shirt down? I publish
21 State's 20. How did that happen?

22 A I'm not totally sure, but I would say probably
23 from dragging him.

24 MS. BUTCHER: Objection, hearsay. I mean,
25 speculation.

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1 THE COURT: All right, if she knows. She
2 can't give, can't speculate as to what. If you know
3 you can testify to that.

4 BY MS. BARR:

5 Q I publish State's Exhibit Number 21. That's his
6 green or what you describe as his blue Cadillac?

7 A Yes, ma'am.

8 Q All right. I'm gonna publish State's Exhibit
9 Number 22. What does that show?

10 A That's inside his car.

11 Q Front or back?

12 A Back.

13 Q Okay. Let me get you to step down off the
14 witness stand again for me real quick. Ms. Jackson,
15 show the jury where you were seated inside that
16 vehicle?

17 A I was seated in the driver's seat.

18 Q Yes, ma'am.

19 A Right here.

20 Q All right. So you're seated in the vehicle, it's
21 on the rear left?

22 A Yes, ma'am.

23 Q All right. Now I'm gonna zoom this up a little
24 bit. Tell me what that beige item on the floorboard
25 in the rear left part of the victim's vehicle that

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1 I'm pointing at.

2 A That's my pocketbook straps.

3 Q Those are the ones cut from your purse?

4 A Yes, ma'am.

5 Q Did the victim take anything from the cookout
6 when he left?

7 A Not that I remember, no, ma'am.

8 Q You mentioned that you and Brittany ate food
9 there. Did you, did he take any food? Did he eat
10 any food there?

11 A I don't remember.

12 Q Okay. Do you remember him taking a Tupperware
13 container or plastic bag with food in it as depicted
14 in State's 26?

15 A No, ma'am.

16 Q You don't remember seeing what's in State's 27?

17 A No, ma'am.

18 Q All right. Now you told me on State's Exhibit
19 Number 22 that you see your purse straps that you
20 cut on the floorboard in the back passenger seat,
21 right?

22 A Yes, ma'am.

23 Q All right. And in State's 28, is that a closer
24 view of your purse straps?

25 A Yes, ma'am.

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1 Q Same thing on State's 29?

2 A Yes, ma'am.

3 Q All right. Tell me what's that plastic bag
4 listed there in the rear seat?

5 A It looks like a bag of shirts.

6 Q Okay. You see a piece of blue plastic on that
7 paper, I mean, on that picture?

8 A Yes, ma'am.

9 Q All right. And I have taken from State's Exhibit
10 34, which is a bag containing T-shirts, the plastic
11 bag that the T-shirts came in; is that right?

12 A Yes, ma'am.

13 Q All right. Do you know whose jeans those are?

14 A I'm not sure. I know I had a pair of jeans in my
15 pocketbook.

16 Q All right. I'm gonna publish State's Exhibit
17 Number 23. Do you see in that particular exhibit
18 where the victim stored his gun prior to going to
19 the cookout?

20 A Yes, ma'am.

21 Q Is that the glove compartment?

22 A Yes, ma'am.

23 Q All right, you can have a seat.

24 A (Complies.)

25 MS. BARR: Judge, I'll probably be about

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1 20 more minutes with the witness. Do you want to
2 take a break or do you want me to just keep going?

3 THE COURT: How long you say you got?

4 MS. BARR: 20 minutes.

5 THE COURT: Yea, it's probably a good time
6 to take a break at this time. We've been in the
7 courtroom about an hour-and-a-half. I think that it
8 is appropriate. I think it is appropriate that we
9 take our afternoon recess at this time. Ladies and
10 gentlemen, you may go to the jury room, relax about
11 10, 15 minutes, and we'll send for you very shortly.

12 Do not discuss the case among yourselves; it's
13 still premature. Let the witness just stay here
14 until the jury is in the jury room.

15 (WHEREUPON, the jury was removed from the
16 courtroom at 3:30 p.m.)

17 THE COURT: All right. Ms. Jackson, you
18 may be excused. You may go with the deputy.

19 All right, we'll be in recess until about
20 quarter till.

21 (WHEREUPON, a recess was taken from the
22 proceedings.)

23 (WHEREUPON, State Exhibits Nos. 38 and 39
24 were marked for identification only.)

25 THE COURT: All right, Ms. Barr, anything

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1 before I bring the jury in?

2 MS. BARR: No, sir, Judge, if we can just
3 get Ms. Jackson to come back in.

4 THE COURT: I am -- anything Ms. Butcher,
5 before I bring the jury in?

6 MS. BUTCHER: No, Your Honor.

7 THE COURT: Have the witness come back in
8 and sit down please.

9 (WHEREUPON, the jury was returned to the
10 courtroom at approximately 3:45 p.m., and
11 the following proceedings commenced in
12 open court.)

13 THE COURT: Ms. Jackson, if you'll have a
14 seat.

15 All right, bring the jury in.

16 (WHEREUPON, the jury was returned to the
17 courtroom at approximately 3:46 p.m., and
18 the following proceedings commenced in
19 open court.)

20 THE COURT: Thank you for your patience.
21 We are ready to resume. The State is in the process
22 of direct examination of this witness and may
23 continue to present her testimony.

24 BY MS. BARR:

25 Q Ms. Jackson, was there any damage done to the

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1 windows of the victim's vehicle as a result of him
2 being shot?

3 A I remember there being a bullet hole, yes, ma'am,
4 a bullet if I'm not mistaken lodged into the window.

5 Q Which window?

6 A The driver's side window.

7 Q All right. When you all put Mr. Brown's body in
8 the trunk of his vehicle what do y'all do next?

9 A What did you say? I'm sorry.

10 Q When y'all put the victim's body in the trunk of
11 his vehicle what do you and Ms. Epps do next?

12 A We try to get the car out of the mud. It was
13 bogged down so we tried to get the car out of the
14 mud.

15 Q Okay. How'd you try to get the car out the mud?

16 A Brittany went to the abandoned trailer and she
17 found two pieces of wood.

18 Q Okay.

19 A One or two, I'm not quite sure, I can't remember.
20 But she brought them back and she tried to pry them
21 under the wheels and then got in the car and tried
22 to drive them over the piece of wood so it wouldn't
23 be, you know, on the mud. We tried that a few
24 times, but it didn't work.

25 Q All right. I'm gonna publish State's Exhibit 17.

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1 Tell the jury what's in that picture.

2 A That's the piece of wood that we used.

3 Q To try to get the car from bogged out of the mud?

4 A Yes, ma'am.

5 Q When y'all were trying to do that Mr. Brown's
6 body was already in his trunk?

7 A Yes, ma'am.

8 Q All right. And is State's Exhibit 18, is that a
9 closer view of that piece of wood?

10 A Yes, ma'am.

11 Q All right. Now you testified that y'all put the
12 piece of wood under the tire?

13 A Yes, ma'am.

14 Q All right. Who was in the car driving the car
15 trying to back it up to get it out from the woods?

16 A At first Brittany, but then she got out and I got
17 into the driver's seat and I was pushing the gas,
18 and she was -- while the wood was under the tire she
19 was also pushing the front of the car trying to give
20 it momentum.

21 Q There was -- and you all couldn't get it out?

22 A No, ma'am.

23 Q Let me ask you this, you told me about y'all were
24 gonna rob the victim, you talked about you were
25 going to strangle him, the defendant was gonna shoot

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1 him, and that she wanted his car.

2 A Yes, ma'am.

3 Q Now how was this plan supposed to end up? What
4 are you gonna do with his body?

5 A Hon-- well, we had talked about her grandma ---

6 Q Whose grandma?

7 A Brittany's grandma. Some of her family has some,
8 they have houses in Nesmith and it's out in the
9 country, and there's something called the trestle
10 and we had talked about taking him there.

11 Q Taking his dead body there?

12 A Yes, ma'am.

13 Q And doing what with it?

14 A Putting it -- there's like, it's like kind of
15 swampy back there so we were gonna put it in the
16 swamp.

17 Q You've been to Ms. Epps' grandmother's house in
18 Nesmith before?

19 A Yes, ma'am.

20 Q How many times have been there?

21 A Over ten.

22 MS. BARR: State's 40.

23 (WHEREUPON, State Exhibit No. 40 was
24 marked for identification only.)

25 BY MS. BARR:

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1 Q Once you all couldn't get bogged down how long
2 did you take, the two of you take to try to get the
3 car from out of the muddy area?

4 A How long did we spend doing that?

5 Q Yeah.

6 A I would say probably about 10 to 15 minutes.

7 Q Okay. And what ultimately did you all end up
8 doing when you realized you weren't gonna be able to
9 get the car out by yourselves?

10 A We went to go find some help to, you know, maybe
11 get like a truck or something to pull it out.

12 Q Okay. Where'd you go?

13 A Well, we saw a man walk down the street.

14 Q Okay.

15 A He was just walking down the street and he
16 referred us to a lady named Ms. Pearline.

17 Q Okay.

18 A And so we went to Ms. Pearline's house and she
19 told us that she didn't have anything to pull the
20 car out but she knew somebody two houses down named
21 Joe that did so we went over there. And at first he
22 answered, said that, well, I guess somebody else
23 answered that was there and said that Joe was on the
24 bathroom, or in the bathroom, and then went back to
25 Ms. Pearline's house and she said, no, that dude, he

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1 said that he didn't have a truck, or something like
2 that. Anyway, we went back to Ms. Pearline's house
3 and ---

4 Q Now Ms. Pearline, is that the lady whose house
5 you all called 9-1-1 from?

6 A Yeah -- no, no, no, no, no, ma'am.

7 Q You remember going to a lady's house to use her
8 phone to call 9-1-1 at some point?

9 A Yes, ma'am.

10 Q So you're calling that person Ms. Pearline. Do
11 you know who that person was that told you to go
12 help -- where you could go get somebody to help you
13 get out the mud?

14 A Ms. Pearline is the lady that we went to ask for
15 help and ---

16 Q To get out?

17 A The lady across the street is the lady that we
18 called the ambulance from; but when we got the phone
19 it was, it was a cordless phone so we walked back
20 over to Ms. Pearline's house with the cordless phone
21 to get the address.

22 Q Let me just make sure that we're not confusing
23 anybody.

24 A Uh-huh.

25 Q When you all first went for help for the

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1 ambulance ---

2 A Yes, ma'am.

3 Q ---do you know the name of the lady whose house
4 you went to use the phone to call the ambulance?

5 A I don't. A little kid answered the door to begin
6 with.

7 Q Okay, all right. You left that person's house at
8 some point later when you were calling for help for
9 your finger?

10 A Yes, ma'am.

11 Q Is that a different time when you were trying to
12 get help to get the car out the mud? That was
13 later?

14 A That was later.

15 Q Okay. So you went -- let's just say you went to
16 somebody's, a woman's house, to try to get help to
17 get out of the mud?

18 A Yes, ma'am.

19 Q That woman sent you to somebody named Joe's
20 house?

21 A Yes, ma'am.

22 Q All right. Was Joe able to help you and Brittany
23 get out of the mud, get Mr. Joe to get out the mud?

24 A No, ma'am, he wasn't.

25 Q Okay, all right. How long between the time you

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1 all put the victim's body in the trunk, between that
2 time and the time you all ultimately ended up
3 realizing, okay, we're not gonna get any help, we're
4 not get the car stuck out from the mud, how much
5 time went by between those two events?

6 A I mean, I'm not sure. It seemed like a really
7 long time. It seemed like a long time, but I'm sure
8 it wasn't.

9 Q Okay?

10 A I'm not sure though.

11 Q All right. The entire time that you all were
12 trying to get the car out the mud, you all are going
13 to other peoples house trying to get somebody to tow
14 you out, you're still bleeding?

15 A Yes, ma'am.

16 Q All right. When did y'all ultimately decide just
17 to call for medical help for you?

18 A After we found out that we couldn't get the car
19 out of the mud.

20 Q All right. I'm gonna hand you what's been marked
21 as State's Exhibit Number 40.

22 THE COURT: And judge, I believe that's
23 without objection.

24 MS. BUTCHER: No objection.

25 THE COURT: All right, is it in evidence

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1 yet?

2 MS. BARR: We've moved it into evidence,
3 Judge.

4 THE COURT: No objection so it will be
5 admitted into evidence without objection.

6 (WHEREUPON, State Exhibit No. 40 was
7 admitted into evidence.)

8 BY MS. BARR:

9 Q Does this depict the victim's pants?

10 A Yes, ma'am.

11 Q All right. You see his belts and buckle and the
12 belt and buckle on State's Exhibit 40, which I'm
13 publishing?

14 A Yes, ma'am.

15 Q All right. What's this the white part of that
16 picture that I'm pointing to?

17 A That's inside his pocket.

18 Q Ma'am?

19 A The inside of his pocket.

20 Q You all went through his pockets?

21 A Yes, ma'am.

22 Q What were you looking for?

23 A Money.

24 Q Is that before or after you put his body in the
25 trunk?

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1 A I can't honestly answer that, I'm not sure. I
2 mean, I'm, I'm pretty sure.

3 Q Did you find any money?

4 A No.

5 Q All right. So you all realize you're not gonna
6 get any help, you all go and call 9-1-1; is that
7 right?

8 A Yes, ma'am.

9 Q Who places that 9-1-1 call?

10 A Brittany.

11 Q You heard that 9-1-1 call?

12 A Yes, ma'am.

13 Q And it's Brittany's voice who makes that call?

14 A Yes, ma'am.

15 Q All right. What was the story you all came up
16 with to explain how you got shot in your hand?

17 A We never came up with a story.

18 Q You heard the 9-1-1 tape?

19 A Yes, ma'am.

20 Q You heard what Brittany said on the 9-1-1 tape?

21 A Yes, ma'am.

22 Q Whose idea was it to come up with the story that
23 she told the 9-1-1 dispatcher?

24 A Brittany's.

25 Q What was the story?

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1 A That we were hunting in Nesmith and I shot
2 myself.

3 Q You were okay to go along with that story?

4 A Yes, ma'am.

5 Q All right. Was anybody else with you when the
6 decision was made that that was the story you're
7 gonna tell to explain the wound to your hand?

8 A No, ma'am.

9 Q When you went to the woman's house to initially
10 call 9-1-1 was anyone else with you?

11 A No, ma'am.

12 Q All right. Did EMS eventually come out to the
13 house?

14 A Yes, ma'am.

15 Q And where were you all at when EMS came out?

16 A We were at Ms. Pearly's house.

17 Q All right. Did a police officer come out there
18 too?

19 A Yes, ma'am.

20 Q Came out to Ms. Pearline's house?

21 A Yes, ma'am.

22 Q Cops talked to you?

23 A To me and Brittany, yes. Well ---

24 Q The two of you, you and the defendant, were
25 together the entire time?

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1 A Yes, ma'am.

2 Q All right. When the cops started asking, I
3 assume the cops started asking questions about what
4 happened to your hands.

5 A Yes.

6 Q And who was doing all the talking to the cop?

7 A Brittany.

8 Q Okay. When EMS came out did you tell EMS how
9 you're injured your thumb?

10 A I did.

11 Q What did you tell them?

12 A I told them I shot myself in Nesmith hunting.

13 Q Okay. Where was Brittany when you told EMS that
14 story?

15 A She was talking to the cop.

16 Q Okay. Did the ambulance take you to a hospital?

17 A Yes, ma'am.

18 Q Where?

19 A McLeod, Florence.

20 Q Okay. Did the defendant go with you?

21 A No, ma'am.

22 Q Did she try to go with you?

23 A I'm not sure 'cause I couldn't hear her, but she
24 wasn't allowed to.

25 Q Okay. Now after the shooting, what happened to

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1 the victim's gun?

2 A After the shooting I'm not sure where it was,
3 like, before all of this occurred because there was
4 so much that went on like us, you know, running
5 around in the field, and then the body being moved
6 and stuff. But at one point I had looked at
7 Brittany and told her to give me the gun because I
8 was going to put it back in the glove compartment
9 and that's the last place I saw it. I put it back
10 in the glove compartment.

11 Q Your testimony is you took it out of her hand and
12 put it in the victim's glove compartment?

13 A Yes, ma'am.

14 Q All right. And that was while you all still were
15 in the wooded area by the abandoned mobile home?

16 A Yes, ma'am.

17 Q Did you ever see it again?

18 A No, ma'am.

19 Q All right. So the ambulance takes you to McLeod
20 in Florence?

21 A Yes, ma'am.

22 Q Did you tell the doctors and the nurses at McLeod
23 you injured your hand?

24 A Yes, ma'am.

25 Q All right. What story did you tell them as to

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1 how you injured your hand?

2 A I told them I shot myself.

3 Q Okay. Now at any point in time did you -- did
4 the defendant ever come up to the hospital at McLeod
5 in Florence?

6 A Who?

7 Q The defendant, did she ever come to McLeod?

8 A No, ma'am.

9 Q Okay. Did you communicate with her while you
10 were in the ER room at McLeod?

11 A Yes, ma'am, she called the hospital.

12 Q Okay. The defendant called the hospital?

13 A Yes, ma'am.

14 Q You talked with her?

15 A Yes, ma'am.

16 Q What'd she say and what'd you say?

17 A I told her that the sheriff was in the room. I
18 called him the sheriff; he had a little sheriff
19 badge. But I said the sheriff was in the room and
20 that I couldn't talk very much. And she said, well,
21 why was he there. I said, because of that. And she
22 said, well, let me talk to him. I said, no, why
23 would you want to talk to him, and I told her that I
24 loved her.

25 Q You told her what?

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1 A I told her that I loved her. If I had to go away
2 that I loved her, and I think that we hung up for
3 that phone conversation and I talked to her a few
4 times from the phone. After he left out or the,
5 Juan Ballard, Investigator Juan Ballard, later I
6 found out that's who was, he left out and then I
7 called her back and we talked on the phone.

8 Q When you talked with her the second time after
9 Investigator Ballard left the hospital, when you
10 talked to Ms. Epps the second time where was she?
11 Did she tell you where she was?

12 A She was at her aunt Ree's house.

13 Q Okay. All right, and did you all make any plans
14 about how you were gonna see each other again?

15 A She, they were planning to come pick me up from
16 the hospital.

17 Q Who was planning to come pick you up?

18 A Her aunt and Brittany were planning to come pick
19 me up from the hospital. They said that Ree
20 couldn't come drive because her tags were bad, but
21 they were trying get a hold of her mom, Brittany's
22 mom; but they couldn't get hold of her. They
23 couldn't get her to answer. They said that they had
24 went to Kingstree Hospital 'cause they thought
25 that's where I was, but found out that I wasn't

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1 there.

2 Q Okay. You were admitted to McLeod, or were you
3 treated and released later on. I guess we're
4 talking about the morning, the early morning hours
5 of the next day, that Sunday morning, were you
6 released or were you admitted?

7 A I was released.

8 Q Okay.

9 A I was treated and released and they were planning
10 to come pick me up, but after I got released I tried
11 to call them and they wouldn't answer.

12 Q How did you get from McLeod back to Williamsburg
13 County?

14 A Juan Ballard.

15 Q Investigator Ballard came back?

16 A Yes.

17 Q All right. And picked you up?

18 A Yes.

19 Q And took you where?

20 A He took me to the police department.

21 Q Where'd you think you were going?

22 A I thought I was going back to Kingstree to go
23 home.

24 Q You thought he was going to take you home?

25 A Yeah.

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1 Q He took you to the jail, or the Sheriff's Office?

2 A Yes, ma'am.

3 Q All right. Did he interview you and ask you
4 questions about what happened?

5 A Yes, ma'am, he did.

6 Q All right, did you tell this story about, to him
7 about being shot in the woods in Nesmith?

8 A Yes, ma'am.

9 Q All right.

10 MS. BUTCHER: Your Honor, I would object
11 to the leading questions. I mean...

12 THE COURT: All right.

13 MS. BUTCHER: Testify.

14 THE COURT: She has to know that it's
15 leading. You got to suggest an answer, but she
16 hadn't appeared to be leading yet. Go ahead.

17 BY MS. BARR:

18 Q Is that the only story that you told Investigator
19 Ballard or any other deputies with the Sheriff's
20 Office?

21 A That I had ---

22 Q About how you hurt your hand?

23 A Yes, ma'am, that I got shot in Nesmith, so far.

24 Q Okay. What was the next story you told them
25 about how you hurt your hand?

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1 A That Mr. Joseph was trying to rape me.

2 Q Okay. Did you tell them during that first
3 statement when you got back to the Sheriff's Office
4 whether or not Ms. Epps was with when the victim was
5 trying to rape you when you shot him?

6 A No, I didn't mention her name.

7 Q Okay. Did you tell the investigators during that
8 first story how the victim's body got in the trunk
9 during your first story where Brittany is not there?

10 A I can't -- yes, I think I did, yes.

11 Q What did you tell them about how the victim's
12 body got in the trunk?

13 A I told them I put him there.

14 Q By yourself?

15 A Yes, ma'am.

16 Q Okay. Candidly they didn't believe you about
17 that, did they?

18 A No, ma'am.

19 Q Did you change your story at some point?

20 A Yes, ma'am.

21 Q All right. Tell me when you changed your story.
22 What did you change it to this time when they didn't
23 believe you that you put his body in the trunk of
24 his car by yourself?

25 A I told them that I did it, but Brittany didn't

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1 have anything to do with it. Brittany was there,
2 but she didn't have anything to do with it.

3 Q So the second story you told is Brittany was
4 there meaning where?

5 A With me.

6 Q Okay.

7 A When it happened.

8 Q In the car?

9 A Yes, ma'am.

10 Q Okay, and she didn't have anything to do with it?

11 A Yes, ma'am.

12 Q Okay. Did you tell them during the second story
13 how the victim's body got in the trunk?

14 A Yes, ma'am.

15 Q Okay. How did you tell them the victim's body
16 got in the trunk?

17 A That Brittany helped me.

18 Q Okay. Did you ever at any point in time change
19 your story from, I shot the victim in self-defense
20 'cause he was trying to rape me, Brittany was there,
21 didn't have anything to do with the shooting, did
22 you change your story from that point?

23 A I can't, I can't remember. I think that second
24 story I did say that I was trying to rob him.

25 Q Okay. How long were you at the jail before you

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1 told the sheriff's deputies that Brittany was in the
2 car with you when this happened?

3 A I'm sorry, what did you say?

4 Q How long were you at the jail ---

5 A Uh-huh.

6 Q ---before you told the sheriff's deputies that
7 defendant was with you but didn't have anything to
8 do with it?

9 A I don't know, not long, it was in May.

10 Q Did you tell them during those first and second
11 statements that you cut your straps from your purse
12 to try to strangle the victim?

13 A I didn't.

14 Q Let me ask you this, your testimony is that
15 Brittany Epps fired three shots into the victim's
16 head?

17 A Yes, ma'am.

18 Q Why did you tell the police that you did it in
19 self-defense?

20 A I didn't want her to come to jail.

21 Q Say again?

22 A I didn't want her to come to jail.

23 Q I can't hear you.

24 A I didn't want her to come to jail.

25 Q You didn't want who to come to jail?

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1 A Brittany.

2 Q Why you don't want her to come to jail? You're
3 talking the wrap for killing somebody, right?

4 A Yes, ma'am.

5 Q There's a pretty serious charge, right?

6 A Yes, ma'am.

7 Q Why in the world would you take the wrap for
8 doing something that serious if you didn't do it?

9 A I don't know.

10 Q At what point did you tell law enforcement that
11 you had cut his, cut your purse straps to try to
12 strangle the victim and then you all had planned to
13 rob him and kill him?

14 A My fourth time.

15 Q Fourth statement?

16 A Yes, ma'am.

17 MS. BARR: State's 41 and 41(a).

18 (WHEREUPON, State Exhibits Nos. 41 and
19 41-A were marked for identification
20 only.)

21 BY MS. BARR:

22 Q Ms. Jackson, I am opening State's Exhibit Number
23 33 and I will remove the contents of that exhibit.

24 Ma'am, do you recognize the contents of State's
25 exhibit 33?

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1 A Yes, ma'am, that's Brittany's hoodie.

2 Q I'm sorry?

3 A That's Brittany's hoodie.

4 Q All right. And I previously published an exhibit
5 of a hoodie that contained the word Realtree on it.

6 Did you remember seeing that picture on the screen?

7 A Yes, ma'am.

8 Q Is that the same hoodie that I removed from
9 State's Exhibit Number 33?

10 A Yes, ma'am.

11 Q All right. And you indicated that this is
12 Brittany's hoodie?

13 A Yes, ma'am.

14 Q All right. How long have you known her to wear
15 this hoodie?

16 A Not long. She wore it whenever she was around
17 me.

18 Q Okay. And was this the hoodie that she was
19 wearing on the night of Mr. Brown's murder?

20 A Yes, ma'am.

21 Q And I'm gonna publish again State's Exhibit
22 number 9. Can you see that from where you are?

23 A Yes, ma'am.

24 Q And I publish State's Exhibit Number 8. That
25 might be a better view. Do you recognize that to be

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1 the interior of the victim's vehicle?

2 A Yes, ma'am.

3 Q Do you see that hoodie that I just removed from
4 State Exhibit 33 on that picture?

5 A Yes, ma'am.

6 Q Where is it on the picture?

7 A It's in the floorboard of the passenger seat.

8 Q All right. When you all left the cookout in
9 Greeleyville was the defendant wearing that hoodie?

10 A If I recall correctly, yes, she was.

11 Q All right. At what point in time did she remove
12 that hoodie and end up on the floorboard of the
13 victim's vehicle in the front passenger seat?

14 A You know, I can't honestly answer that so I'm not
15 going to.

16 Q Do you know where she got the hoodie from?

17 A Yes, I do. You want me to honestly answer that?

18 Q Well, if you know from your own personal
19 knowledge.

20 A I stole it from Wal-Mart.

21 Q You stole it from Wal-Mart?

22 A Yes, ma'am.

23 Q For who?

24 A For Brittany.

25 Q Do you wear camouflage gear like that?

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1 A I have, yes.

2 Q While the two of you -- after you were arrested
3 and charged with this murder, were you shown a
4 photograph taken of you at the hospital that's
5 depicted in State's 13?

6 A No.

7 Q Well I'm sorry, not at the hospital, at the
8 Sheriff's Office?

9 A Yes, ma'am.

10 Q Who took that picture?

11 A SLED maybe.

12 Q All right. I'm gonna publish State's Exhibit
13 Number 31. Do you recognize what in that
14 photograph?

15 A Yes, ma'am.

16 Q What's that?

17 A This is Ree's house.

18 Q Okay. What kind of vehicle is that in the yard?

19 A That's Jason's Ford.

20 Q Expedition?

21 A Yeah.

22 Q Who is Jason?

23 A Ree's baby daddy.

24 Q You see somebody looks like in the doorway of a
25 little set of steps there?

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1 A Yes, ma'am.

2 Q Do you know who that is?

3 A Ree.

4 Q Which one is Ree? The person with the white
5 shirt on or the person with the colorful outfit on?

6 A The colorful outfit.

7 Q All right. Where have you been since you were
8 arrested in this case?

9 A In county jail.

10 Q Did you communicate either in writing or in
11 person with Ms. Epps while you were locked up?

12 A Yes, ma'am.

13 Q Did she communicate back with you?

14 A Yes, ma'am.

15 Q You all write each other letters?

16 A Yes, ma'am.

17 Q What kind of letters were you writing to her?

18 A I guess you call them love letters.

19 Q Okay. Did you tell her in one of those love
20 letters that you told the police that she was the
21 one that killed Mr. Brown?

22 A That she was the one?

23 Q Yeah, did you tell her in one of the letters that
24 when you wrote to her while you were in jail that
25 you had told the police that she's the one who

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1 killed Mr. Brown?

2 A I don't think so, no.

3 Q Did you tell her, what'd you tell her about the
4 case and how you were feeling about these serious
5 charges?

6 A Well, when I wrote her I tried to tend to stay
7 away saying stuff like that, talking about the case,
8 you know.

9 Q Why?

10 A Because our mail was monitored.

11 Q Because your mail was being monitored?

12 A Yeah, yes, ma'am.

13 Q I'm gonna show you what's been marked as State's
14 Exhibit Number 41-A. Do you recognize that
15 particular exhibit?

16 A Yes, ma'am.

17 Q How do you recognize it?

18 A Brittany wrote it.

19 Q Okay, you recognize her handwriting?

20 A Yes, ma'am.

21 Q Is it dated?

22 A Yes, ma'am.

23 Q When is it dated?

24 A 9/29/14.

25 Q Okay. And you talk about how you wrote her love

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1 letters. Did she write you love letters in
2 response?

3 A Maybe like once.

4 MS. BARR: Your Honor, we move to admit
5 State's Exhibit Number 41-A.

6 THE COURT: Any objection?

7 MS. BUTCHER: No objection, Your Honor.

8 THE COURT: It'd be admitted into evidence
9 as State's 41-A.

10 (WHEREUPON, State Exhibit No. 41-A was
11 admitted into evidence.)

12 MS. BARR: All right. Permission to
13 publish, Your Honor?

14 THE COURT: Permission granted. I'm gonna
15 publish the last page of that 1, 2, 3, 4 page
16 exhibit.

17 BY MS. BARR:

18 Q Do you recognize the defendant's writing on that
19 last page?

20 A Yes.

21 Q Okay. How does she end the letter to you?

22 A Do you want me to read that?

23 Q Just the last part.

24 A Love.

25 Q You testified just a moment ago that the letter

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1 is dated 9/29/14?

2 A Yes, ma'am.

3 Q I'm gonna call your attention to the end of page
4 3 of that letter. You recognize the defendant's
5 writing on page 3 of that letter?

6 A Yes, ma'am.

7 Q And you read this letter; is that right?

8 A Yes, ma'am, yes, ma'am.

9 Q Can you see the letter starting with P.S.?

10 A Okay, you want me to read it?

11 Q Can you see it?

12 A Yes, ma'am.

13 Q Can you read it?

14 A "P.S., I heard your hair getting longer; my
15 dreads are too. I'm losing weight and getting
16 taller like 5'9" now sexy or not, and I'm always
17 talking about you and I love you. Don't let nobody
18 tell you different. You also will be my mentos and
19 sponge bob, always be my love. Take off."

20 Q Okay, your voice just completely trailed off on
21 the last part. Read again, you will also be.

22 A You will always be my mentos sponge bob, love,
23 take off.

24 Q Love, take off.

25 A Yes.

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1 Q Did that have any significance to you when she
2 ended the letter, love, take off?

3 A She never went by that before, no.

4 Q When was the only other time you all used the
5 word take off with each other?

6 A That night.

7 Q You were planning to kill Mr. Brown?

8 A Yes, ma'am.

9 Q All right. When she says you will always be my
10 mentos and sponge bob, what in the world is that?

11 A You want me to be honest?

12 Q Yeah, I mean, you know I don't.

13 A Well, mentos is like something sexual and then
14 sponge bob is just the way I was walking one day
15 reminded her of sponge bob so she called me sponge
16 bob.

17 Q All right, read the portion of the letter that
18 starts with "all this." Read out loud for me.

19 A Where do you want me to read?

20 Q Where it starts with "all this".

21 A "All this I said is real. I hope some of this
22 makes you smile that big beautiful smile I saw every
23 day. I really think that you were my soul mate. I
24 know I might sound corny, but it's true. I miss
25 holding you, making you mad, then smile. I miss you

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1 Jessica Blair Jackson. And no other girl gone take
2 your place. That's on Amelia Badelia. If you fuck
3 with another girl don't let her call Amelia
4 Badelia's name, not like we do, okay."

5 Q What's the reference to Amelia Badelia?

6 A My mom's middle name is Amelia so Brittany called
7 her Amelia Badilia.

8 Q So she says in the letter that's on Amelia
9 Badilia? So what does that mean?

10 A Like a promise.

11 Q Like swearing on your mom's life or death,
12 whatever?

13 A Yes, ma'am. Yes, ma'am.

14 Q How do you feel about Ms. Epps today as you're
15 sitting on that witness stand testifying against
16 her? You still love her?

17 A I care about her as a person, but I'm mad at her.

18 Q Why?

19 A Because she knows what I'm saying is true.

20 Q Do you accept responsibility for your role in the
21 death of Joseph brown?

22 A Yes, ma'am.

23 Q Did you ever see his gun after you took it out of
24 her hand and put it in the glove box?

25 A No, ma'am.

1 Q You know whatever happened to the gun?

2 A No, ma'am.

3 Q That's all the questions that I have. Please
4 answer any questions that Defense counsel may have.

5 THE COURT: Cross-examination,
6 Ms. Butcher?

7 **CROSS-EXAMINATION**

8 BY MS. BUTCHER:

9 Q Now did you ever write to Ms. Epps when you were
10 in jail?

11 A Yes, ma'am.

12 Q And did you tell her that she was gonna hear some
13 things and not to snitch, you had it covered?

14 A I don't know exactly what, you know, what my
15 whole words were; but to that extent, yes, ma'am, I
16 did.

17 Q Okay. Now in this letter that she wrote to you,
18 this was back in 2014. She said that she was about
19 5'9". Had she always been pretty tall?

20 A Yes, ma'am, she has.

21 Q Okay. And as long as you've known her?

22 A Yes, ma'am.

23 Q How long had you known her at that time?

24 A Since February 2013 so it had been about a year,
25 a year actually.

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1 Q And so she was close to 5'9" at the time of this
2 incident or ---

3 A Yes, ma'am.

4 Q ---about what she is now?

5 A Yes, ma'am.

6 Q Okay. Now you've given about four or five
7 different stories, correct?

8 A Four, if I'm not mistaken.

9 Q Okay. And each time you claimed you were telling
10 the truth, correct?

11 A I don't think every time but, yes.

12 Q Okay, so you admit you're a liar?

13 A I have lied, yes.

14 Q Okay. And what were you originally charged with?

15 A Murder in the first.

16 Q Same as Brittany?

17 A Yes, ma'am.

18 Q Do you remember what that carried?

19 A Thirty to life.

20 Q Thirty to life. And you reached a plea bargain,
21 correct?

22 A I pled to something less, yes, ma'am.

23 Q And what does that carry that you pled to?

24 A 0 to 30.

25 Q Excuse me?

1 A 0 to 30.

2 Q And that was based -- and you haven't been
3 sentenced yet, correct?

4 A No, ma'am.

5 Q That's based on how you're gonna testify,
6 correct?

7 A No, that's not what was said, no.

8 Q So why haven't you've been sentenced?

9 A I'm not sure, ma'am.

10 Q You had to testify first, correct?

11 A No.

12 Q When did you plead?

13 A In September.

14 Q Of?

15 A Last year.

16 Q Okay. So all this time since September you
17 haven't been sentenced yet, correct?

18 A Correct.

19 Q You received a plea bargain 'cause you agreed to
20 testify, correct?

21 A I'm not sure. I mean, I just pled down to
22 something less.

23 Q And you agreed to testify?

24 A Yes, ma'am, I agreed to testify.

25 Q Having been sentenced yet.

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1 A (No response.)

2 Q Now you and Theo had a relationship as well,
3 correct?

4 A No, ma'am.

5 Q You were having sex with Theo; weren't you?

6 A No.

7 Q You weren't?

8 A No, ma'am.

9 Q Didn't you and Brittany get into an argument and
10 that's why she was going to go back to her mother's?

11 A No, ma'am.

12 Q No, okay. Now you first told the law enforcement
13 that you shot yourself in the hand at Snooky's,
14 correct?

15 A Yes, ma'am.

16 Q And that you were by yourself, just you and
17 Snooky, correct?

18 A Yes, ma'am.

19 Q And that Snooky dropped you off at Kendell Park?

20 A Yes, ma'am.

21 Q First said you walked to Ms. Pearly's house after
22 that to call 9-1-1, correct?

23 A Yes, ma'am.

24 Q Okay. That's what you were telling law
25 enforcement, right?

1 A Yes, ma'am.

2 Q That your purse was stolen?

3 A Yes, ma'am.

4 Q Then you changed your story after that, correct?

5 A I did.

6 Q Okay. You told them that none of the stuff you
7 told them was true, you weren't with Snooky at all,
8 that you were by yourself, correct?

9 A Yes, ma'am.

10 Q And you met Joe at Sonoco, and he told you he
11 wanted to have sex with you for money?

12 A Yes, ma'am.

13 Q Is that true?

14 A That's what I said, yes, ma'am.

15 Q Okay, and that you went to the cookout with him?

16 A Yes, ma'am.

17 Q You just really needed some money, correct?

18 A Yes, ma'am.

19 Q That you knew the gun was in the glove
20 compartment, correct?

21 A Yes, ma'am.

22 Q Okay. Then y'all went to Kendell Park, correct?

23 A That's what I said, yes.

24 Q To have sex?

25 A That's what I said, yes.

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1 Q You were sitting in the passenger seat up front
2 beside him?

3 A That's what I said in my statement, yes.

4 Q And that you shot him?

5 A That's what I said in my statement, yes.

6 Q Okay. Just the two of you were there?

7 A In ---

8 Q Per law enforcement -- I'm sorry, I didn't mean
9 to interrupt you.

10 A In my statement that's what I said, yes.

11 Q You told law enforcement that you put him in the
12 trunk all by yourself?

13 A Yes.

14 Q And how did you tell them that you hurt your
15 hand?

16 A I said that I was, I had my hand out and I shot
17 without looking.

18 Q Okay. Like this? You were holding him off and
19 shot the gun and got your thumb?

20 A Yeah, that's what I said.

21 Q And you are right handed, correct?

22 A Yes, ma'am.

23 Q So if you're shooting that gun and holding him
24 off, you could have shot your hand, correct?

25 A It's possible, yes.

1 Q Okay. Now you also told them that the reason you
2 had cut the pocketbook straps off was to tie your
3 arm up just to try and stop the bleeding, correct?

4 A Yes, ma'am.

5 Q Who took his shirt off?

6 A I'm not sure how the shirt got off to be honest.

7 Q You told law enforcement you took his shirt off,
8 correct?

9 A That's what it says in the statement 'cause I
10 rewrote my statements, but I've also found that
11 whoever recorded those things wrote them down it has
12 been inaccurate so I think that's what happened
13 there.

14 Q Oh, so you're saying that when you were asked who
15 took his shirt off the word "me," was inaccurate?

16 A That's what I'm saying. I'm saying whoever did
17 that it was inaccurate because it's been inaccurate
18 before.

19 Q Oh, so when they asked you, when law enforcement
20 asked you who took his shirt off what did you
21 answer?

22 A I know I didn't say me.

23 Q Okay. Now have you ever brought that up before?

24 A Brought what up before?

25 Q That you didn't say "me." You were asked this

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1 question previously about who took his shirt off in
2 your statement and you said "me".

3 A Whenever anyone has ever asked me I said I don't
4 know how his shirt got off.

5 Q Okay. Okay. So law enforcement then asked you,
6 you took his shirt off after you shot him or before?
7 Did you answer, I took his shirt off?

8 A No, ma'am, I didn't, I didn't take his shirt off.

9 Q Well, so are you saying that whole scenario had
10 errors in it when it was transcribed.

11 A It's possible I'm telling you because I reread my
12 statements and there's some part that says something
13 about Nathaniel, and I don't know nobody named
14 Nathaniel.

15 Q Okay. So incorrectly twice when you were asked
16 by law enforcement ---

17 A Yes, ma'am, it's possible.

18 Q By law enforcement you were asked twice who took
19 his shirt off and you're saying you didn't say "me"
20 and you're saying you didn't say "I took his shirt
21 off"?

22 A Yes, ma'am, that's what I'm saying.

23 Q Okay. His pants were down also, right?

24 A Yes, ma'am.

25 Q Okay. That's because y'all were gonna have sex,

1 correct?

2 A No. No, ma'am, we weren't.

3 Q But that was what you had told law enforcement
4 that he was trying to have sex with you?

5 A Yeah, my first statement, yeah, I said that. I
6 went there to trick with him, yes.

7 Q And he was found with his shirt off, his pants
8 down, and you had no shirt on, correct?

9 A No, I didn't have a shirt on because I wrapped it
10 around my bloody hand.

11 Q Okay. And you had borrowed Brittany's hoody,
12 correct, at some point later on in the night when
13 you were cold?

14 A No, I don't recall that.

15 Q And it was found on the floorboard of the car,
16 correct?

17 A In the front passenger floorboard, yes, it was
18 there.

19 Q And you told law enforcement you were in the
20 front seat and he was trying to have sex with you,
21 correct?

22 A On the first statement, yes, I did.

23 Q Which would go along with why you had on no
24 shirt, you had borrowed Brittany's hoodie, it was on
25 the floor, correct?

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1 A I guess, yeah.

2 Q Okay. And you told law enforcement that you
3 picked him up and put him in the trunk, right?

4 A Yep, that's what I said.

5 Q Okay. And you also told law enforcement that he
6 was reaching for the gun, correct?

7 A I did.

8 Q Okay. But you grabbed it, correct?

9 A Yes, ma'am.

10 Q And you shot him?

11 A Yes, ma'am.

12 Q Now you continue to change your story after
13 another interview, correct?

14 A Yes, ma'am.

15 Q Okay. Now did you kind of realize that it didn't
16 make lot of sense that you would be able to pick up
17 Mr. Brown and put him in the trunk yourself?

18 A No.

19 Q That never dawned on you?

20 A No, that's not why I changed my story.

21 Q Would you have been capable of picking up
22 Mr. Brown and putting him in the trunk?

23 A No, probably not, no.

24 Q Especially with a hurt hand, hun? Okay. So this
25 time you still claim you needed the money, correct?

1 A Yeah, yes, ma'am.

2 Q This time you throw Brittany into it; don't you?

3 A I do because I was questioned about her, yes.

4 Q But you, still you said that she didn't do
5 anything, I did everything I said, correct?

6 A Yes.

7 Q Okay. She claimed that the scenario was the
8 same, you were the shooter, you were gonna have sex,
9 your shirt was off, his clothes were off, but she
10 was sitting in the back seat this time?

11 A That's what I said.

12 Q Okay. And you claim that when you shot Mr. Brown
13 Brittany was actually the one freaking out that
14 time, right? Is that correct?

15 A That's what I said.

16 Q Okay. You also claim y'all opened the trunk with
17 a key, correct?

18 A Correct.

19 Q Now and, again, you said that you put the gun in
20 the glove compartment, right?

21 A Correct.

22 Q Today when Ms. Barr was speaking with you you
23 said you put that gun in the glove box, right?

24 A I did.

25 Q But you also claimed when they said we didn't

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1 find a gun in the glove box, then you said, oh, I
2 threw it on the ground, correct?

3 A No, when you go up on that it says I put it in
4 the glove box.

5 Q So you never claimed that you threw it on the
6 ground?

7 A Read the whole thing.

8 Q I'm asking you questions. Did you ever claim you
9 were throwing it on the ground?

10 A Ma'am, I said that, but if you go up on that
11 statement and read the whole thing you'll understand
12 why I said that.

13 Q Well, why don't you tell me why you said that?

14 A If you read it I will.

15 THE COURT: No.

16 BY MS. BUTCHER:

17 Q I'm asking you.

18 THE COURT: If she can't remember say so,
19 if she can't keep ---

20 THE WITNESS: I can't remember.

21 THE COURT: Wait just a moment. Wait just
22 a moment. If she can't remember she can say so.

23 And if she wants, if you got something you want her
24 to refresh her recollection with you can do that.

25 Under the rule it provides for refreshing

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1 recollection.

2 BY MS. BUTCHER:

3 Q Do you remember why you said that?

4 A No, ma'am, can you please refresh my memory.

5 THE COURT: Don't read it. You can't read
6 the statement. You can read what she's handing you
7 and see if that refreshes your recollection.

8 MS. BARR: Your Honor, may I ask counsel
9 to explain to us which statement she's referring to?

10 THE COURT: Show Ms. Barr what you're
11 referring or ---

12 MS. BARR: The defendant or to the
13 witness.

14 THE COURT: Show Ms. Barr what you're
15 giving her to refresh her recollection.

16 (Statement shown to witness.)

17 THE COURT: No, show it to Ms. Barr.

18 MS. BUTCHER: I'm sorry, I thought you
19 wanted me to do it after.

20 (Pause.)

21 THE COURT: Do you have any objection to
22 her looking to that to see if it refreshes her
23 recollection, Ms. Barr?

24 MS. BARR: I'm sorry, Your Honor.

25 THE COURT: Do you have any objection to

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1 the witness looking at that to see if it refreshes
2 her recollection?

3 MS. BARR: None whatsoever.

4 THE COURT: All right. Just read whatever
5 she shows you and see if that refreshes your
6 recollection.

7 THE WITNESS: I have my answer.

8 BY MS. BUTCHER:

9 Q Okay.

10 A They were asking me if, how sure I am it was in
11 the glove box, and they were asking me where I put
12 it. I said in the glove box. And they asked me how
13 sure I was I put it in the glove box. I said I'm
14 pretty sure. And then they asked me, if you didn't
15 put it in the glove box where would you have put it?
16 I said, I don't know, I may have threw it on the
17 ground somewhere. The reason I said I threw it on
18 the ground is because they asked me the question of
19 where I would have put it if I didn't put it in the
20 glove box. That's why I said it.

21 Q So were you just kind of giving them answers you
22 thought they might want to hear?

23 A No, ma'am, they asked me a question.

24 Q You also went so far to say that Brittany could
25 not have gotten that gun out of the glove box

1 because she was with you the whole time, she'd go
2 back to the car, correct?

3 A I did say that.

4 Q Now a little later on a few months later you
5 changed your story again; didn't you?

6 A I did. I added one part to it that I subtracted,
7 yes, I did.

8 Q What was that part you added to it?

9 A What I did.

10 Q Okay. Now I found it odd in this one you used
11 the word that with Brittany it was premeditated.

12 A Yes, ma'am.

13 Q You didn't use that kind of language, any legal
14 language before. Why was that?

15 A Well, I had never been locked up, none of that.
16 I knew you know what, I knew -- I don't know how to
17 explain it. I had, you know, been in there with
18 girls that had been locked up and I knew, you know,
19 the jail lingo of, you know, what to say as far as
20 whether it was premeditated or whatever. I mean,
21 that we had talked about it before and, before you
22 know, the crime so it was premeditated so I used
23 that word. That's your answer?

24 Q Now, and in this one you blamed everything on
25 Brittany; didn't you?

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1 A No, ma'am, I didn't.

2 Q Did you say that Brittany told you about the
3 plan?

4 A She did, but I owned up to my actions as well.

5 Q Was this statement the truth?

6 A What statement exactly are you referring to?

7 Q The last one you gave to law enforcement.

8 A Did it include the pocketbook straps?

9 Q I'm sure it did.

10 A If it did then, yes, ma'am, that's the truth.

11 Q Okay. Now you claim in this one that she wanted
12 to kill him, correct?

13 A Yes, ma'am.

14 Q Okay. And you claim that the way she wanted was
15 that she wanted to strangle him, correct?

16 A Did I say that in that statement? I don't
17 remember saying that.

18 Q Would you like to refresh your memory?

19 A Yes, please.

20 Q Okay. That's not what you told law enforcement
21 that time?

22 A Yes, ma'am.

23 Q So you -- no mention of a gun there, right, at
24 that point?

25 A No, ma'am.

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1 Q But today you testified that the straps were
2 supposed to be a distraction, that she didn't have a
3 plan to strangle him, correct?

4 A No, ma'am. Was there not any mention of a gun
5 later in that interview?

6 Q Now how long did you hold those straps around
7 Mr. Brown's neck?

8 A Not long.

9 Q Roughly how long?

10 A Probably ten seconds maybe.

11 Q Okay. And you were also reaching for the gun,
12 correct?

13 A No, no, ma'am.

14 Q Now in this statement you claim that you were
15 also reaching over leaning forward trying to grab
16 that gun, correct?

17 A No, I know which statement you're referring to
18 and it says that I was trying to get the gun. I
19 was, you know what, may I see it please?

20 Q Yes, ma'am.

21 A 'Cause I know what you're referring to and I
22 don't know how to say what I was saying. Where is
23 it?

24 THE COURT: Just read it. You can't
25 discuss it. Y'all are not having a conversation.

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1 (Pause.)

2 THE COURT: All right. Does that writing
3 refresh your recollection?

4 THE WITNESS: It does. That's what I
5 said, but I'm not exactly sure what I was, what was,
6 what that conversation was about.

7 BY MS. BUTCHER:

8 Q Did you claim you were reaching over to grab the
9 gun also?

10 A I did. I did.

11 Q You also claim that Ms. Epps went to the hospital
12 with you when this statement took place, correct?

13 A It probably said yes; but like I said, those are
14 very inaccurate. Those recordings are very
15 inaccurate.

16 Q Okay. Now you and Brittany had been arguing
17 because you and Theo are having a relationship,
18 correct?

19 A No, ma'am.

20 Q Isn't that why she was moving, talking about
21 moving back home with her mom?

22 MS. BARR: I object, that's been asked and
23 answered.

24 THE COURT: Overruled, cross-examination.

25 BY MS. BUTCHER:

1 Q Is that correct?

2 A No, ma'am.

3 Q Now you testified earlier today you didn't really
4 know what the plan was, correct?

5 A No, I don't remember saying I didn't know what
6 the plan was.

7 Q Did you know what the plan was?

8 A I knew that we, I knew that we were going there
9 to rob Mr. Joseph, yes.

10 Q How was that gonna -- how were y'all gonna manage
11 to rob him?

12 A We were going to overpower him. Brittany said we
13 were going to overpower him. Later on the gun, the
14 gun came in and the pocketbook straps.

15 Q Okay. And were you gonna have sex with him? Is
16 that part of the plan?

17 A No, never. I was never really going to have sex
18 with him. That was all just a decoy.

19 Q Oh, so you were gonna tell him you were gonna
20 have sex with him, correct?

21 A I never, I never really ever had a conversation
22 with him to be honest.

23 Q Did Mr. Brown, was it your understanding that
24 Mr. Brown took his pants down, took his shirt off in
25 anticipation of having sex?

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1 A No.

2 Q Now what -- and I'm sorry, what did you, what
3 were the plans if everything had gone smoothly and
4 the car hadn't gotten stuck?

5 A I don't know exactly to be honest. We never
6 really talked about it.

7 Q So she wasn't planning on taking the car, she
8 wanted a car?

9 A I mean that; but I mean, as far as like plans,
10 other than that, I don't know.

11 Q Okay. So you're saying today that the plan was
12 for her to steal the car?

13 A Yes, ma'am.

14 Q You previously stated that the actual plan was to
15 take the car to the junk yard, correct?

16 A I said that we would probably -- I said -- I
17 don't know what I said, something about the junk
18 yard, yeah, I did.

19 Q Now I think one of the first things you also said
20 that you weren't really in love with Brittany; is
21 that correct?

22 A I remember saying on my second statement that
23 something about -- I want to word it right. I want
24 to say exactly what I said so no one misconstrues
25 it. That I talked to some of my family and some

1 people and I had to do for me and that I found out
2 that something about, I didn't, I thought I loved
3 her but I basically along the lines that I don't --
4 yes, I do remember saying that.

5 Q I, can you please restate your answer. Did you
6 change it in the middle of it just then?

7 A I said I, I said that basically I had to do for
8 me, and I remember I thought I loved her but I found
9 out that I don't. I remember saying that, yes, I
10 do.

11 Q Previously you just basically said I love her,
12 right?

13 A Yeah.

14 Q Okay. Now you said it was a very pleasant time
15 at the cookout?

16 A I wouldn't say pleasant. That's not what I said,
17 no.

18 Q Earlier you didn't, you didn't just testify
19 earlier today that it was all very pleasant?

20 A No, I said it was awkward.

21 Q Okay. Why was it awkward?

22 A Because we didn't know anybody and the
23 circumstances.

24 Q What circumstances? Oh, okay, of the incident?

25 A Of the incident.

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1 Q Okay. Now you remember getting in an argument
2 with anybody there?

3 A Yes, I did.

4 Q Tell us about that.

5 A There was a guy, and I don't know his name, but
6 Mr. Joseph, I guess he was trying to put me off on
7 one of the guys there. And he was an older guy too,
8 and he basically, he wasn't going around about the
9 way of saying basically ---

10 MS. BARR: Judge, we're gonna object to
11 hearsay as to what somebody else might have said.

12 THE COURT: All right. She asked you what
13 the argument was about. You can say what it was
14 about but don't quote any statements that were made
15 by somebody else.

16 THE WITNESS: The argument was about me
17 prostituting basically. I was telling him that I
18 wasn't a prostitute.

19 BY MS. BUTCHER:

20 Q You were leading Mr. Brown to believe you were
21 that night; weren't you?

22 A Yes, ma'am.

23 Q What kind of liquor did Theo drink?

24 A I don't know.

25 Q You don't know. Did he drink liquor?

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1 A Yeah, I saw him drink liquor like once.

2 Q Okay. Now isn't it true that you and Brittany
3 and Mr. Brown went back to Theo's house after the
4 cookout?

5 A No, ma'am.

6 Q Isn't it true that Theo rode with y'all. Y'all
7 were taking him to the liquor store?

8 A Yes, ma'am.

9 Q Isn't it true at that point when y'all got down
10 the road Brittany got out of the car?

11 A No, ma'am.

12 Q Tell me, how did just you and Brittany pick that
13 man up, Mr. Brown, put him in the car in the trunk?

14 A You know, I'm not exactly sure, but you know,
15 adrenaline I guess, and when you're in shock. And
16 Brittany is pretty strong so.

17 Q Now you agree you've told a lot of different
18 stories?

19 A Yes, ma'am.

20 Q You've gotten a benefit testifying?

21 A If you call it that.

22 Q No further questions.

23 THE COURT: Redirect?

24 MS. BARR: Just a few, Your Honor, thank
25 you.

SW - J. JACKSON - REDIRECT

1 THE COURT: Yes, ma'am.

2 **REDIRECT EXAMINATION**

3 BY MS. BARR:

4 Q Ms. Jackson, you were asked questions on
5 cross-examination about how certain evidence may
6 have gone along with the notion of you saying that
7 the victim tried to rape you and you shot him in
8 self-defense by yourself. You remember being asked
9 those questions by Ms. Butcher?

10 A Yes, ma'am.

11 Q Now after you're shot and EMS comes out to
12 Ms. Pearline's house and takes you to Florence,
13 where's your purse?

14 A In the car.

15 Q You don't take the purse with you to the
16 hospital?

17 A No, ma'am.

18 Q Did you have any form of identification?

19 A Yes, ma'am.

20 Q Where was your ID?

21 A In my purse.

22 Q Where was the pocketknife that you'd stolen from
23 the victim's apartment?

24 A In the purse.

25 Q In the car?

SW - J. JACKSON - REDIRECT

1 A Yes, ma'am.

2 Q And when you went to the hospital in Florence
3 where were the ---

4 A No, I'm sorry, the pocketknife was on me.

5 Q You took that with you to the hospital?

6 A Yes, ma'am.

7 Q You left your purse and your ID in the back of
8 the car?

9 A Yes, ma'am.

10 Q The pack of T-shirts that you'd stolen from the
11 victim's house ---

12 MS. BUTCHER: Your Honor, I object. I did
13 not go into any T-shirts or anything on cross.

14 THE COURT: You did not what?

15 MS. BUTCHER: I didn't ask anything about
16 T-shirts or anything when I crossed the witness.

17 THE COURT: Let's see what the question
18 is.

19 MS. BARR: Judge, I'm specifically going
20 along with the notion that she's going along with
21 evidence to try to corroborate this notion about
22 shooting the victim in self-defense. It's on that
23 line of questioning.

24 THE COURT: All right. Keep it to the,
25 she did ask questions about reaching for the gun and

SW - J. JACKSON - REDIRECT

1 self-defense so it's relative to that. I will allow
2 it. Otherwise, it's not proper redirect.

3 BY MS. BARR:

4 Q On this notion of you shooting the victim in
5 self-defense by yourself, the first statement that
6 you gave the law enforcement about Ms. Epps not
7 being there, did you ever call 9-1-1?

8 A No, ma'am.

9 Q When you talked to the police that night or that
10 morning when you get out of the hospitals, ---

11 MS. BUTCHER: Your Honor, I would object.
12 I think that's really --

13 THE COURT: She hadn't finished her
14 question yet. All right, go ahead. Don't answer
15 it, let her finish the question.

16 Ask the question, Ms. Barr.

17 BY MS. BARR:

18 Q When you're telling this story to law enforcement
19 about you being by yourself, shooting the victim by
20 yourself, putting his body in the trunk of his
21 vehicle by yourself, did you ever think about the
22 fact that somebody else's voice was on the 9-1-1
23 tape?

24 THE COURT: All right, wait just a moment.
25 You object to that?

SW - J. JACKSON - REDIRECT

1 MS. BUTCHER: Your Honor, I didn't ask her
2 about the 9-1-1 tape. My ---

3 THE COURT: No, that's true, you didn't,
4 but you did ask her about the self-defense, whether
5 she asserted that. Objection overruled.

6 BY MS. BARR:

7 Q Did you hear my question?

8 A Repeat it please.

9 Q Yes, ma'am. When you're telling the deputy this
10 statement about you shooting the victim in
11 self-defense by yourself, no one else there, did it
12 ever dawn on you that somebody else called 9-1-1.
13 that Brittany called 9-1-1 when you were telling law
14 enforcement this story?

15 A No.

16 Q Were you physically capable and you know how much
17 the victim weighed 'cause you helped put his body in
18 the truck; is that right?

19 A Yes, ma'am.

20 Q Were you physically capable of putting the
21 victim's body in the trunk, and this is dead weight
22 at this point, right?

23 A Yes, ma'am.

24 Q Putting him in the trunk by yourself?

25 A No, ma'am.

SW - J. JACKSON - REDIRECT

1 Q Did you ever think about how that sounded when
2 you told the police that story?

3 A No, no, ma'am.

4 Q Now when you're telling the police this whole
5 story you're putting it all on you, did you consider
6 the fact that all this man's family saw both of you
7 at the cookout in Greeleyville?

8 A No, ma'am.

9 Q Did it ever dawn on you where you're telling law
10 enforcement this story you being by yourself, no one
11 else being there, did it ever dawn on you that you
12 and Brittany were at Ms. Pearline's house and were
13 seen there?

14 A No, ma'am.

15 Q Did it dawn on you that ---

16 MS. BUTCHER: Your Honor, same objection.
17 The only thing I went into was the fact that she
18 claimed that she was trying to trick him into having
19 sex, his clothes were off, and her shirt was off.

20 THE COURT: I'm gonna overrule the
21 objection. You asked her about all four stories and
22 that's what Ms. Barr's response is to.

23 BY MS. BARR:

24 Q Did you ever consider the fact when you're
25 telling law enforcement this initial statement about

SW - J. JACKSON - REDIRECT

1 the shooting and self-defense story that you're
2 giving them that a law enforcement officer saw
3 Brittany with you at Ms. Pearline's house as you're
4 about to be loaded into the ambulance?

5 A No, ma'am.

6 Q Didn't think about any of that?

7 A No, ma'am.

8 Q Did you think about you left your purse strap in
9 the back seat of the man's car?

10 A No, ma'am.

11 Q And your testimony is you left your I.D. in the
12 back of his car?

13 A Yes, ma'am.

14 MS. BARR: May I approach the witness?

15 THE COURT: Yes, ma'am.

16 BY MS. BARR:

17 Q We talked about the last statement that you gave
18 to law enforcement on cross-examination where you
19 come clean?

20 A Yes, ma'am.

21 Q You've read that statement before?

22 A Yes, ma'am.

23 Q All right. I'm gonna hand you a transcript
24 that's ---

25 THE COURT: Show Ms. Butcher what you're

SW - J. JACKSON - REDIRECT

1 showing her. Come up a minute, counsel.

2 (WHEREUPON, counsel approached the
3 Bench for an off-the-record discussion.)

4 BY MS. BARR:

5 Q Do you recognize that transcript of that last
6 statement that you gave to law enforcement? When
7 you come clean?

8 A Yes, ma'am.

9 Q When did you give that statement to law
10 enforcement?

11 A July 28th, 2014.

12 Q Where were you at when you decided to give that
13 statement to law enforcement? Where were you
14 physically?

15 A My house, like where they were housing me?

16 Q You were in jail?

17 A Yes, ma'am.

18 Q All right. Did you have an attorney at that time
19 when you gave that statement?

20 A Yes, ma'am.

21 Q Okay. Did that attorney know that you were
22 giving that statement to the police?

23 A Yes, ma'am.

24 Q And whose idea was it for you to finally come
25 clean?

1 A My own.

2 Q Did the police contact you or did you contact the
3 police?

4 A I contacted them.

5 Q Now at this point you acknowledge in that
6 July 28th, 2014, statement that it was premeditated?

7 A Yes, ma'am.

8 Q That you cut the strap from your purse to
9 strangle the victim?

10 A Yes, ma'am.

11 Q Y'all planned to rob him and kill him?

12 A Yes, ma'am.

13 Q Both of y'all conspired to rob this man and kill
14 him; that's your statement?

15 A Yes, ma'am.

16 Q On July 28th, 2014?

17 A Yes, ma'am.

18 Q What benefit in July 28th, 2014, does it give you
19 to admit to a premeditated robbery and murder? How
20 are you benefiting from admitting to all that stuff?

21 A Now that I told the truth.

22 Q Does it help your case that you admitted to a
23 robbery and premeditated murder?

24 A No, ma'am.

25 Q As a matter of fact it hurts your case; doesn't

SW - J. JACKSON - REDIRECT

1 it?

2 A Yes, ma'am.

3 Q Now you were asked questions about records in the
4 transcript that you read back over some of your
5 statements and you know you didn't say certain
6 things. You remember asking, Ms. Butcher asking you
7 about that?

8 A Yes, ma'am.

9 Q Okay. Let's talk about one point in particular.
10 You testified after Ms. Butcher asked you if you
11 ever told law enforcement in a statement that
12 Brittany rode with you to the hospital. Do you
13 remember her asking you that question?

14 A Yes, ma'am, I do.

15 Q Do you remember reading a transcript of a
16 statement that you purported to give to law
17 enforcement where you were asked that question?

18 A I do.

19 Q And in the transcript which is the writing of
20 that statement just on that particular issue about
21 whether or not Brittany rode with you to the
22 hospital, do you remember what the transcript said?

23 A I believe I remember it saying what she said,
24 what it said incorrectly.

25 Q Okay.

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1 A I don't remember saying that.

2 Q Okay. The transcript reflected that you said
3 that Brittany rode with you to the hospital after
4 you got shot.

5 A Yes, ma'am.

6 Q Did you listen to the actual audio recording of
7 your statement on that issue, about whether or not
8 Brittany rode to the hospital with you?

9 A I haven't, no, ma'am, but I know them to be
10 inaccurate.

11 Q Is your testimony that Ms. Epps was never in the
12 ambulance with you?

13 A That's my testimony, yes, ma'am.

14 Q You were asked all these questions about Theodore
15 McKnight, whether or not the victim picked him up or
16 he had a drink or Brittany got out of the car. And
17 you've answered no to all those questions.

18 A Yes, ma'am.

19 Q Now let's just assume for me for argument sake
20 that Theodore McKnight actually was with you and
21 Brittany when the victim drove back from
22 Greeleyville. Let's just assume that for argument
23 sake?

24 A Uh-huh.

25 Q What would stop you from telling the police that

SW - J. JACKSON - REDIRECT

1 Mr. McKnight was there, if he was?

2 A Nothing, I would have told them to begin with.

3 Q Let's just assume for argument sake that the
4 question that was posed to you about Ms. Brittany
5 getting out going somewhere before this man is
6 murdered?

7 A Uh-huh.

8 Q If that were true, what would have prevented you
9 from saying that?

10 A Nothing.

11 Q You have any allegiance to Mr. McKnight?

12 A No.

13 Q You have any reason to want to try to help him
14 out?

15 A None.

16 Q And ma'am, you've admitted to a plan, robbery
17 with a gun, planned murder. If you had sex with
18 Theodore McKnight, you admitted to all this stuff,
19 would you admit to that if you did?

20 A Yes, ma'am.

21 Q And had you ever had a sexual relationship with
22 him?

23 A No, ma'am.

24 Q You have any idea why that question was even
25 asked of you?

SW - J. JACKSON - REDIRECT

1 A No, ma'am.

2 Q Two more questions and I'll be done. I'm gonna
3 call your attention to statement dated July 28th of
4 2014. On page 6 of that statement, lines 5 through
5 16. Read it to yourself first and then I'll ask you
6 some questions to see if it refreshes your memory.

7 A Line what?

8 Q 5 through 16.

9 (Pause.)

10 MS. BUTCHER: What pages and lines?

11 MS. BARR: Page 6.

12 BY MS. BARR:

13 Q Let me know when you're done?

14 A I'm done.

15 Q All right. When you were asked questions on
16 cross-examination about the plan and whether or not
17 there was a gun involved, Ms. Butcher asked you on
18 cross-examination did you ever tell the police in
19 your final statement about the gun and strangling.
20 You remember her asking you questions about that?

21 A Who asked me the question?

22 Q Ms. Butcher, about the last statement and about
23 whether or not you mentioned the gun and the
24 strangling?

25 A Yes, ma'am.

1 Q Have you reviewed the portion of your statement
2 that talks about that issue?

3 A Yes, ma'am.

4 Q Does it reflect that you told the police that
5 there was a plan, strangling, and a gun involved and
6 that the defendant shot the victim?

7 A Yes, ma'am.

8 MS. BARR: Judge, that's all the questions
9 I have. Thank you.

10 THE COURT: Recross.

11 MS. BUTCHER: No further questions, Your
12 Honor.

13 THE COURT: All right, thank you. You may
14 step down.

15 All right, ladies and gentlemen of the
16 jury, it's 5:20 in the afternoon and this is a good
17 stopping point for us so we are going to stop for
18 the day. I am going to excuse you and allow you to
19 go to your home and families and tend to the matters
20 you need to tend to. I cannot emphasize enough at
21 this stage the importance of your not talking with
22 anybody about this case. When you see your family
23 and friends you can tell them that you're on a jury,
24 but you can't talk about the case because you have
25 got to decide the case based upon what you hear in

1 this courtroom and not on the basis of what anyone
2 else might mention. Also, do not allow anyone to
3 talk with you about the case or anyone that has
4 anything to do with the case and do not do any
5 research or investigation on your own, on your own.
6 As I have said many times, don't consult printed
7 materials, newspapers, internet, Facebook, Twitter,
8 or any other social media. Simply forget about this
9 matter over the evening recess because you've got to
10 decide this case based upon what you hear in this
11 courtroom and not on the basis of anything that you
12 can learn from any source on your own. So over the
13 evening recess just forget about the matter till in
14 the morning and return to your jury room promptly, I
15 mean, tomorrow morning at 9:30 and we'll be prepared
16 to resume the testimony. Have a pleasant evening,
17 I'll see you tomorrow.

18 One other thing before I -- hold on just a
19 minute. What I want you to do when you come into
20 the jury room in the morning, you've been together
21 now for a day-and-a-half and so I want you, he
22 twelve members of the jury to select one member of
23 the jury to be the foreperson of the jury. That
24 will be up to the twelve. There's two alternates
25 should not participate in this process. When that

1 alternate is -- when that foreperson is selected
2 give the forelady the name of the person that was
3 selected and the foreperson of the jury, she'll give
4 it to me, and that person should always sit in the
5 first seat in the front row. I'll allow you to
6 select your own foreperson when all twelve of you
7 are assembled. Don't talk about it until all twelve
8 of you are assembled tomorrow morning; and at that
9 time, if you would select one person from the twelve
10 to be the foreperson and only the twelve members
11 will participate in that and advise the bailiff who
12 you have selected to be your foreperson. All right,
13 with that then, if you'll come back a few minutes
14 early before 9:30 tomorrow morning so you can take
15 care of that selection process. Say, if you can be
16 here by 9:20 that will be good, get everybody
17 together you can select that foreperson and we'll be
18 ready to go with the testimony at 9:30. Thank you.
19 Have a pleasant evening. I'll see you tomorrow.

20 (WHEREUPON, the jury was removed from the
21 courtroom at 5:22 p.m.)

22 THE COURT: Counsel, a couple of things
23 while we're waiting on the jury to clear the area,
24 Ms. Barr, you referred I believe it's exhibit 41-A,
25 the statement, and you mentioned it being a four

1 page statement. The one I have is five pages.

2 MS. BARR: Uh-oh.

3 THE COURT: Let's make sure we got -- this
4 is the statement that was dated 9/29/14?

5 MS. BARR: Yes, sir.

6 THE COURT: It's the one right now it's
7 over there; it's on the screen.

8 MS. BARR: Judge, thank you so much for
9 calling that to my attention. Judge, you remember
10 when we originally tried this case the State
11 introduced a letter that the defendant had wrote to
12 the witness and it contains some references to some
13 objectionable material. The State had the original
14 letter which was front and back marked as an
15 exhibit; and with the redacted letter we had it
16 marked as an exhibit plus a letter. And Judge, with
17 regard to the specific document, the original letter
18 dated 9/29/14, I have marked it for I.D. only as
19 State's Exhibit Number 41, and it is three pages but
20 it's front and back. When I printed a copy of the
21 letter with the redactions that were stipulated to
22 by the State and Defense counsel it worked out to be
23 five letters, I mean, five pages with no front and
24 back. And Judge, I'll give you both so you'll see
25 ---

1 THE COURT: That's all right. I just want
2 to make sure. The one that's in evidence is 41-A
3 and that is the redacted statement and is five
4 pages?

5 MS. BARR: Yes, sir.

6 THE COURT: Okay. And 41 is not in
7 evidence.

8 MS. BARR: Correct, Your Honor.

9 THE COURT: See, the one I had from the
10 previous matter was the front and back statement,
11 but it was not front and back on my copy and it was
12 not the redacted portion. I just wanted to make
13 sure we were clear on that.

14 MS. BARR: Yes, sir, Judge, and I'm sorry
15 by not putting that on the record.

16 THE COURT: No problem. All right now,
17 Ms. Butcher, what I'd like to do while, again, while
18 we're waiting on the jury to clear in just a minute,
19 is let me talk with Ms. Epps about her Fifth
20 Amendment rights. If you would stand and have her
21 stand please.

22 Ms. Epps, you may be called as a witness
23 to testify in your behalf. I know advise you that
24 you have the right to invoke the protections given
25 to you by the Fifth Amendment of the Constitution of

1 the United States and a similar counterpart
2 provision of the Constitution of the State of South
3 Carolina. The Fifth Amendment to the Constitution
4 of the United States provides in part that no person
5 shall be compelled in any criminal case to be a
6 witness against himself or herself. The provision,
7 this provision of constitutional law means you can
8 not be compelled or required to testify in this
9 case. This is a right and a privilege which the law
10 extends to you. It is a personal privilege and no
11 one can waive this right except you. You have the
12 right not to testify but you also have the right to
13 testify. The Court will grant you the right to
14 consult with your lawyer before you make a decision.
15 If you elect not to testify, your failure to testify
16 cannot be used by the jury as an inference of your
17 guilt, and your failure to testify cannot be
18 considered by the jury in its deliberations and I
19 would so instruct them. If you elect to testify and
20 waive the privileges extended to you by the Fifth
21 Amendment of the Constitution of the United States,
22 I advise you now that you would then assume the role
23 of a witness in this case, and you would then waive
24 or give up your constitutional privilege against
25 self-incrimination. This means that if you

1 voluntarily take the stand and testify, then you
2 will subject yourself to the same rules that govern
3 other witnesses and you may be examined and
4 cross-examined on any relevant issue in this case,
5 and you may be impeached to the same extent as any
6 other witness, all of which is subject to the rules
7 of law and the rules of evidence.

8 I further advise you that if you elect to
9 take the witness stand and testify, that this
10 decision on your part must be made freely,
11 voluntarily, intelligently, and with knowledge of
12 the protections given to you by the Constitution of
13 the United States and with knowledge of the
14 consequences of your election to testify. Now I'm
15 not gonna require that you give me an answer with
16 regards to whether you do or do not wish to testify
17 in this case, but I want you to discuss it with your
18 lawyer and at the end of the State's case or at the
19 appropriate time, I will ask you whether you wish to
20 exercise your privilege against self-incrimination
21 or you wish to waive that privilege. But my
22 question to you now is, do you understand what I
23 have explained to you about your Fifth Amendment
24 rights?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You have any questions that
2 you want to ask me about your Fifth Amendment
3 rights?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. I would advise you
6 then to speak with your lawyer about it between now
7 and the appropriate time in the case, and at some
8 time later on I will have to have you tell me
9 whether you do or do not wish to testify in this
10 case and whether or not that decision is made freely
11 and voluntarily. Thank you. You may be seated.

12 All right. I think the jury should have
13 cleared the area by now. Is there anything before
14 we adjourn -- you figure, Ms. Barr, that you'll take
15 probably most of the day tomorrow?

16 MS. BARR: Probably all of the day, Judge.

17 THE COURT: You'll have the experts and
18 the forensic people here tomorrow?

19 MS. BARR: Yes, sir.

20 THE COURT: Okay. All right, then we'll
21 be in recess then until 9-- let's be here at about
22 9:15, then everybody be sure and be here by 9:15
23 just in case anything comes up, is there's anything
24 we have to discuss before we go forward. I'd like
25 to start with the jury at 9:30.

1 (WHEREUPON, the proceedings were concluded
2 for the day to be reconvened on July 27,
3 2016.)

4 (WHEREUPON, counsel approached the
5 Bench for an off-the-record discussion.)

6 THE COURT: We're back on the record with
7 regard to the matter of State of South Carolina
8 versus Brittany Epps. Ms. Epps is present with her
9 counsel Ms. Butcher. The defendant is present. The
10 State is present represented by the Third Circuit
11 Solicitor's Office.

12 Ms. Barr, who will be your next witness?

13 MS. BARR: Mark Hatten, H-A-T-T-E-N.

14 THE COURT: And just give me a summary of
15 what Mr. Hatten will testify to.

16 MS. BARR: Your Honor, Mr. Hatten was the
17 previous owner of vehicle '94, Cadillac vehicle
18 that's involved in this case. He sold the vehicle
19 to the victim I believe in 2012, and his testimony
20 will be with regard to ownership of that vehicle.

21 THE COURT: Just ownership of the vehicle?

22 MS. BARR: Ownership of the vehicle and
23 he'll identify the key, remote, and the chain.

24 THE COURT: Identify what?

25 MS. BARR: The key, remote, and the chain.

1 THE COURT: All right. And I understand
2 you wish to try to impeach the witness on what
3 basis, Ms. Butcher?

4 MS. BUTCHER: Your Honor, presently the
5 witness has pending charges here in Williamsburg
6 County. I would like to bring in those pending
7 charges to impeach him as a motive to be biased
8 towards the State's side, Your Honor, under 608.

9 THE COURT: Show me how pending charges
10 can be motive to say something wasn't true as far as
11 ownership of the car is concerned.

12 MS. BUTCHER: Your Honor, I believe he can
13 be biased towards the State looking for some
14 leniency towards the adjudication of those pending
15 charges.

16 THE COURT: Well, either he was or was not
17 owner of the car.

18 MS. BUTCHER: Your Honor, I believe he was
19 definitely the owner of the car, it's the
20 identification of ---

21 THE COURT: Then how does he testifying to
22 that fact show any bias?

23 MS. BUTCHER: It's the testimony regarding
24 the remote and the key chain, Your Honor.

25 THE COURT: All right.

1 MS. BUTCHER: They can prove he was the.
2
3 prior owner just by paperwork.

4 THE COURT: Can he identify the remote,
5 Ms. Barr?

6 MS. BARR: He does.

7 THE COURT: Let's hear from his testimony.
8 Bring him up and proffer him.

9 MS. BARR: We call Mr. Hatten.

10 WHEREUPON,

11 **MARK HATTEN,**
12 having been duly sworn by the Clerk, testified
13 as follows:

14 **P R O F F E R E X A M I N A T I O N**

15 BY MS. BARR:

16 Q Mr. Hatten, state your full name for the record.

17 A Mark Richmond Hatten.

18 Q And sir, in the interest of time did you at one
19 point own a 1994 Cadillac vehicle?

20 A Yes, I did.

21 Q All right. And I'm gonna show you what's been
22 marked for identification as State's Exhibit Number
23 39. Did I show you documents relating to your
24 ownership of that vehicle, the title to that vehicle
25 in your name, as well as the transfer of title from

1 you to the victim Joseph Brown?

2 A Correct.

3 Q Is that your signature on the DMV title
4 transferring the vehicle out of your name to
5 Mr. Brown?

6 A Indeed.

7 Q All right. And you were previously shown what's
8 been marked for identification purposes as State's
9 Exhibit Number 38 which is the key chain and remote
10 to a Cadillac vehicle. Were you shown that?

11 A I was asked to identify it by Archie Kennedy. He
12 came and met me at the park in Greenville. He had
13 not showed it to me. I gave him an accurate
14 description of what this key fob and key chain
15 looked like.

16 Q Okay.

17 A And that was making a positive identification.

18 Q All right. Now when you sold the vehicle to
19 Mr. Brown, did you give him the keys, key chain, and
20 the key fob to the vehicle?

21 A Yes, ma'am.

22 Q Okay. And where are you from?

23 A Greeleyville.

24 Q Where were you born and raised? Speak up real
25 loud.

1 A I was born in Chicago. My mother lives in
2 Arizona. I think that's where she is, Phoenix.

3 Q So you lived a number of your years in Phoenix,
4 Arizona?

5 A I did, yes.

6 Q And when you acquired the vehicle that's involved
7 in case where did you get it from?

8 A I got it from my mother.

9 Q Okay.

10 A And she handed me those keys.

11 Q All right. I'm going to publish State's Exhibit
12 Number 39? 38.

13 THE COURT: 38.

14 MS. BARR: And I'll highlight it.

15 BY MS. BARR:

16 Q Can you see the key chain in this case?

17 A Yes.

18 Q All right. Can you see the Cadillac symbol on
19 that key chain?

20 A I do.

21 Q All right. Now there appears to be some writing
22 above the Cadillac.

23 A Yes, it says Kachina Cadillac, and there's a
24 phone underneath it which is for the dealership.

25 Q For what dealership?

1 A Kachina Cadillac, which is located in Maricopa
2 County of Phoenix area of Arizona.

3 Q Okay. And you indicated that there's a number at
4 the bottom as well?

5 A Yes, ma'am.

6 Q Can you read it?

7 A I've got 915-1200.

8 Q Is it 915-1200 or 945?

9 A Oh, 945-1200.

10 Q And you indicated that that's the number to the
11 dealership?

12 A Yes.

13 Q All right. And you know for yourself that there
14 is a Kachina Cadillac dealership in Arizona?

15 A Yes.

16 Q Or there was when you were going up there?

17 A Yes, there was at one point.

18 MS. BARR: Judge, those are essentially
19 the questions I'll ask him.

20 THE COURT: All right. Ms. Butcher.

21 **CROSS-EXAMINATION**

22 BY MS. BUTCHER:

23 Q Mr. Hatten, when did you acquire that vehicle,
24 what year?

25 THE COURT: What was the question, I'm

1 sorry?

2 BY MS. BUTCHER:

3 Q When did you acquire that vehicle, what year?

4 A Well, if I look at the title I can give you an
5 exact date.

6 Q How about just an estimate?

7 A Estimating, what was the date of sale? I had it
8 about a year or a year-and-a-half before I sold it.

9 Q So you had it about year, a year-and-a-half. And
10 who -- did you sell it directly to Mr. Brown?

11 A I did, yes.

12 Q Why was it a salvage title?

13 A I didn't -- I wasn't aware it was a salvage
14 title.

15 Q You weren't aware of that?

16 A No.

17 Q Okay. How did you sell it to him? Did y'all
18 just meet and sign over the back? Was it through a
19 newspaper, what was it?

20 A I'll briefly give you a description of his
21 interest in that car. I got the car from my mother
22 in Arizona, and I drive it all the way to South
23 Carolina. I stopped at Young's Gas Station. He
24 expressed interest he wanted to buy the vehicle. He
25 was attracted to it. He says, I want to buy that

1 car. I said, my mom just gave it to me, I can't
2 sell it to you. About a year rolls by, maybe a
3 year-and-a-half, and he comes in my yard one day and
4 he sees the car and stops out front and says, I want
5 to buy your car, mine just got wrecked and just
6 wrote it off as a loss, it got wrecked. And I said,
7 well -- he says, name your price. I thought that I
8 had about 78,000 miles, it'd probably a good idea to
9 sell it, I've enjoyed it. He really wanted it. So
10 I believe he went directly to Bank of Greeleyville
11 and got me money and gave it to me that day and
12 drove the car away.

13 Q Now we met in the hallway at the Solicitor's
14 Office the other day; didn't we?

15 A We did.

16 Q And I told you who I was, correct?

17 A You said you'd like talk to me.

18 Q Correct, and I told you who I was?

19 A Yes.

20 Q And I told you you didn't have to talk to me;
21 didn't I?

22 A Correct.

23 Q And you -- what did you respond to that?

24 A I said I'd like to talk to you but I'd like
25 Ms. Barr present because she's the one that sent me

1 the subpoena in this matter.

2 Q And I said, what'd I say?

3 A You said that was fine I think, yeah, right.

4 Q And did you not also tell me ---

5 THE COURT: Now wait a minute, where are
6 we going with this? You're putting yourself in a
7 position of being a witness and you can't be a
8 witness and a lawyer.

9 MS. BUTCHER: Okay.

10 BY MS. BUTCHER:

11 Q Did you also tell me that you wouldn't speak to
12 me unless Ms. Barr said it was okay?

13 A I believe I indicated to you that Ms. Barr sent
14 me paperwork, the subpoena, and I want to stay
15 within guidelines so I said as long as Ms. Barr is
16 present I'd like her to be privy to what we're
17 talking about.

18 Q Okay. No further questions.

19 THE COURT: Well, if I'm gonna rule on
20 your objection to this witness under the rule I need
21 to know what you plan to ask him about.

22 MS. BUTCHER: And I apologize, Your Honor,
23 I thought you had done this strictly towards the
24 remote.

25

1 BY MS. BUTCHER:

2 Q You have pending charges in Williamsburg County,
3 correct?

4 A I was not aware of that.

5 Q You're not aware ---

6 A No.

7 Q ---that you have any pending charge?

8 A No, I believe everything was dismissed. If you
9 tell me what the charges are I'll be more than happy
10 to elaborate on that.

11 Q Assault and battery?

12 A No, never filed.

13 Q Malicious injury to property?

14 A When was that? What year are you talking about?

15 Q Filed in 2012 and still pending?

16 A That was dismissed or handled. I think the case
17 was a mistake and was maybe a 25-dollar fine. As a
18 matter of fact, it was a 25-dollar fine and I was
19 let out of jail on flag day, day before flag day.
20 It was against a man that was...

21 MS. BUTCHER: Your Honor, I have no
22 further questions.

23 THE COURT: Okay, we'll talk about it in
24 just a minute. Thank you, sir. You may step down.

25 THE WITNESS: I appreciate it.

1 THE COURT: All right, let's talk about
2 the impeachment issues first. Ms. Butcher, I
3 understand you wish to impeach the witness on those
4 last questions that you asked under 608(c); is that
5 correct?

6 MS. BUTCHER: Yes, Your Honor.

7 THE COURT: Tell me why.

8 MS. BUTCHER: Because, Your Honor, my
9 understanding is those charges are still pending.

10 THE COURT: Well, it's not your
11 understanding. The question is, are there. Is it,
12 what proof do you have they're outstanding? He has
13 denied them being outstanding.

14 MS. BUTCHER: He has denied them, Your
15 Honor. I have not been able to get something
16 certified from the magistrate. I understood
17 Ms. Barr to agree that they were pending.

18 THE COURT: Well, even if they are, and
19 let's just assume for sake of argument that they
20 are, apparently it's an assault and battery that he
21 says is not pending and malicious injury to property
22 that may have ended with a 25-dollar fine. Tell me
23 how that, the fact that those two matters is biased,
24 prejudiced, or motive to misrepresent the testimony
25 'cause what the issue here is whether he is

1 misrepresenting his testimony and how is that
2 evidence he's misrepresenting the testimony that (a)
3 he owned the car, (b) that this key fob came from
4 the Arizona dealership with that car. Now how is
5 that evidence of motive to misrepresent those
6 things?

7 MS. BUTCHER: Your Honor, once again, I
8 believe it would be motive. His motive would be
9 attempt to gain some favor from the State on those
10 charges.

11 THE COURT: That's not what the rule says.

12 MS. BUTCHER: It would be motive to be
13 biased for the State. Evidence---

14 THE COURT: Bias, prejudice, or any motive
15 to misrepresent. Now how is that evidence of bias
16 to misrepresent or prejudice to misrepresent or
17 motive to misrepresent? That's the test, if whether
18 it's gonna be mis-- if he's got any reason to say
19 anything that's not true; that's why you would
20 impeach him. Now why would that show that he would
21 have any reason to show anything is not true based
22 upon the testimony that he gave about the ownership
23 of the car and the key fob?

24 MS. BUTCHER: Your Honor, because he may
25 be claiming that he recognizes that key chain when

1 he actually does not, and I believe that would
2 provide the motive to show the bias of why he would
3 be untruthful.

4 THE COURT: The key fob is identified as
5 being, having a dealership in Arizona. You agree
6 that can't be changed. That's an established fact
7 the victim is in; isn't it?

8 MS. BUTCHER: I mean, I haven't looked it
9 up, but I don't know if that's the dealership or if
10 someone put their own phone number on there; I have
11 no idea.

12 THE COURT: Okay. Ms. Barr, let me hear
13 from you.

14 MS. BARR: Judge, let me just, first of
15 all, say with regard to any pending charges, assault
16 and battery, malicious injury to personal property,
17 I did not realize that there were any charges
18 against the witness related to those offenses. We
19 ran his wrap sheet on 7/22 of 2016 and I didn't see
20 anything on there for assault and battery, malicious
21 injury to personal property so the first time that
22 came to my attention was just a moment ago before we
23 put this matter on the record. And Ms. Butcher was
24 kind enough to share with me the information that
25 she pulled and it did not show a disposition so I'm

1 assuming that because it didn't show a disposition
2 on whatever document that she pulled, I assumed that
3 it was still pending. Obviously that may or may not
4 be the case. But Judge, let's just assume for
5 argument sake that, one, it is still pending. I've
6 never had a conversation with that witness. That
7 witness has never had a conversation with me. And
8 if the question before the jury is we're trying to
9 get them to the truth, and trial really is a search
10 for the truth, to put it and throughout this trial
11 and imply throughout the trial this witness who has
12 no interest or bias or motive in this case at all,
13 to just try to effect the well and have this jury
14 believe that, well, the charges may or may not be
15 pending, but if they are pending we're really trying
16 to get help from the State for a charge that's
17 apparently by all accounts four years old at this
18 point. They're magistrate level charges. They're
19 not even impeachable charges under 609. So Judge,
20 whether or not the charges are pending and the
21 witness has candidly said that they're not, whether
22 they're pending or not, I think that the Court has
23 to make prejudicial versus probative analysis. And
24 clearly, the prejudicial effect of mentioning some
25 charge from 2012, the prejudice that results from

1 that clearly outweighs the probative effect of any
2 value that that evidence might bring to this case.

3 THE COURT: Okay. All right, first of
4 all, I think it's pretty clear and I think Ms.
5 Butcher will probably agree that this evidence is
6 not impeachable evidence under 609 because these
7 charges are pending charges and 609 requires
8 impeachment by evidence of a conviction of a crime
9 so we don't need to make a 609 analysis, but we do
10 need to make a 608(c) analysis which says that
11 evidence of bias, prejudice, or any motive to
12 represent may be shown to impeach the witness either
13 by examination of the witness or by evidence
14 otherwise adduced. What she wants to ask the
15 witness about is a assault and battery pending
16 charge and a malicious injury to property pending
17 charge. While the evidence is testified to is
18 questionable at best, the NCIC shows no disposition.
19 It doesn't mean that -- it just shows a pending
20 charge and does not show any disposition, and the
21 witness has denied that there are pending charges so
22 the evidence, I think, is questionable to start
23 with. But even so, even if it were, I fail to see
24 how the attempted impeachment evidence of bias,
25 prejudice, or motive to misrepresent the facts and

1 that's what 608(c) requires, an attempt to
2 misrepresent the facts, which the witness has
3 testified to.

4 The facts are clear regarding the
5 ownership of the vehicle as evidenced by the
6 documentation that the key fob came with the car,
7 that he had the key fob when he got the car and gave
8 it to the new owner, it looks like the same one.
9 And the key fob is not just the fob, but that
10 remote, but it also has a key chain along with it
11 that identifies the car to an Arizona dealership. I
12 don't see in any way how the proposed impeachment of
13 questionable pending charges in any way is motive,
14 bias, or prejudice to misrepresent the facts.
15 That's what the rule requires, that it would show
16 misrepresentation of the facts.

17 But even for argument sake, even if the
18 evidence were to show bias or misrepresentation, I
19 don't think that the proposed evidence, in fact, I
20 don't think it's admissible because the prejudicial
21 effect substantially outweighs the probative value
22 so I would prohibit the impeachment on those bases
23 so he will not be able to be attacked on that, on
24 those charges.

25 Now was there another charge that you had

1 under 609?

2 MS. BUTCHER: Your Honor, I wasn't
3 bringing that in under 609. It was only relevant if
4 the pending charge came in under 608 just to show he
5 had a past record to maybe that, so I don't ---

6 THE COURT: So you don't contend there's
7 anything admissible under 609?

8 MS. BUTCHER: No.

9 THE COURT: Okay, thank you. Anything
10 else before we bring the jury in, Ms. Barr?

11 MS. BARR: No, Your Honor.

12 THE COURT: All right. Counsel,
13 Ms. Butcher, anything before we bring the jury in?

14 MS. BUTCHER: No, Your Honor.

15 THE COURT: All right. For information
16 purposes, counsel, the -- we've got a couple of
17 problems, one that was holding up the jury. One was
18 that one of the jurors showed up without shorts --
19 with shorts on; they were trying to get him pants.
20 I don't think they ever got him. I think he's still
21 in shorts, but I'm not gonna let them hold up the
22 trial with this matter. I think the bailiffs ought
23 to be trained to that they know to tell the jurors
24 what they're supposed to wear, but that apparently
25 is not the case and he showed up in shorts but we're

1 gonna go forward. I've also been advised that the
2 juror has selected -- the jury has selected juror
3 number 80, Mr. Hatch, as the foreperson of the jury.
4 All right, bring the jury in.

5 (WHEREUPON, the jury was returned to the
6 courtroom at approximately 10:23 a.m.,
7 and the following proceedings commenced
8 in open court.)

9 THE COURT: All right. Good morning,
10 ladies and gentlemen, thank you for your patience in
11 this matter. I apologize for keeping you waiting in
12 the jury room. I try to make it a practice never to
13 keep the jury waiting, but a matter came up at the
14 last minute that we had to deal with and we have
15 been in the courtroom dealing with that matter and
16 we have now taken care of it and we're ready to go
17 forward. But I do apologize for keeping you waiting
18 in the jury room. It was something I had to do on
19 the record and outside of your presence.

20 Again, I would ask you if anyone has
21 approached you or attempted to talk with you about
22 this matter over the evening recess, please indicate
23 by raising your hand.

24 (There was no response.)

25 THE COURT: Negative response and that's

1 good. Has any juror learned anything about the case
2 or anyone involved in the case in any type media,
3 print media, broadcast media, computer research,
4 anything at all, Facebook, anything at all, if so,
5 please raise your right hand.

6 (There was no response.)

7 THE COURT: Has any juror done any
8 research, consulted any research sources such as
9 Google, Bing, or any other means or made any
10 investigation into the case on your own? Again,
11 please raise your right hand if that has happened.

12 (There was no response.)

13 THE COURT: Thank you. Has any juror
14 learned anything about this case from anyone at all
15 other than what you have heard in this courtroom, if
16 so, please raise your right hand.

17 (There was no response.)

18 THE COURT: Thank you very much. Okay.
19 We are ready to go forward. All right, Ms. Barr,
20 you may call your next witness.

21 MS. BARR: The State calls Mark Hatten,
22 Your Honor.

23 THE COURT: All right, Mr. Hatten, come
24 around please. Place your left hand on the Bible,
25 raise your right hand.

1 WHEREUPON,

2 **MARK HATTEN,**

3 having been duly sworn by the Clerk, testified
4 as follows:

5 THE CLERK OF COURT: Step around to the
6 witness box.

7 MS. BARR: May it please the Court.

8 THE COURT: Yes, ma'am.

9 **DIRECT EXAMINATION**

10 BY MS. BARR:

11 Q Good morning, Mr. Hatten.

12 A Good morning.

13 Q How are you doing today?

14 A Everything is good.

15 Q Everything good. You were subpoenaed to testify
16 in this case?

17 A Correct.

18 Q All right. And where do you live, sir?

19 A I live in Greeleyville, South Carolina.

20 Q How long have you lived in the big town of
21 Greeleyville, South Carolina?

22 A Nine years now.

23 Q Nine years?

24 A Yes, ma'am.

25 Q And you said you lived in Greeleyville, South

1 Carolina since two thousand and ---

2 A Nine years.

3 Q Nine years.

4 A It's my nine year anniversary, yeah.

5 Q Where did you grow up and where were you raised?

6 A Los Angeles, California, and Phoenix, Arizona
7 primarily.

8 Q All right. And at one point in time did you ever
9 own a 1994 Cadillac?

10 A Yes, a green Cadillac, yes.

11 Q 1994 green Cadillac?

12 A Yes, ma'am.

13 Q All right. When did, what period of time in your
14 life did you own that Cadillac? Was it while you
15 were living out west and in California or Arizona or
16 while you moved here?

17 A I went on a night's mission to see my mother to
18 in Phoenix and I lived staying a couple of months
19 out there. It was nice to see my mom. Before I
20 left, she was always cool like that, she bought me a
21 Cadillac and she handed me these keys and I was
22 like, wow, thank you, mom, and I drove the car back
23 to Greeleyville.

24 Q Okay. All right. Now do you know, or did you
25 know I should say, Mr. Joe Brown?

1 A I do, yes.

2 Q Okay, all right. Did he live at one point in
3 time in Greeleyville?

4 A I believe he lived in a town called Stone Hill,
5 but it's the Greeleyville area.

6 Q Yes, sir. Now had you sold your 1994 green
7 Cadillac to Mr. Brown?

8 A I did.

9 Q What caused that to come about?

10 A Well, if I may give you a small in twirp. When I
11 drove the car back to Phoenix like I just indicated,
12 there's two gas stations in Greeleyville, one of
13 which is called Young's. And it was morning time, I
14 just got in from the west coast, and Mr. Brown was
15 out front and he started commenting on my Cadillac.
16 He really liked the color.

17 MS. BUTCHER: Your Honor, I'd object to
18 any hearsay.

19 THE COURT: You wish to be heard?

20 MS. BARR: Judge, I'll direct the witness.

21 THE COURT: Let me tell you, ordinarily
22 you're not able to, you would not be able to testify
23 as to what somebody told you, you can say what you
24 did as a result of what they said.

25 All right, go ahead, Ms. Barr.

1 THE WITNESS: I understand that.

2 BY MS. BARR:

3 Q Mr. Hatten, let me do it another way. At some
4 point you met Mr. Brown. He liked your car. Is
5 that fair to say?

6 A Correct.

7 Q Did you agree to sell it to him at that point?

8 A Yes.

9 Q Okay, all right. Now I'm going to show you what
10 has been marked for identification purposes as
11 State's Exhibit number 39.

12 MS. BARR: May I approach the witness,
13 Your Honor?

14 THE COURT: Yes, ma'am.

15 BY MS. BARR:

16 Q Sir, I'm removing the contents of State's 39 and
17 ask you if you recognize these documents.

18 A I've seen this certificate of title -- well, my
19 name is on it.

20 Q Hold on, just tell me if you recognize it.

21 A Yes.

22 Q Look through all of them and make sure.

23 A I recognize these because I got my signatures on
24 them. These are the transaction which Mr. Brown
25 followed up. I believe that's his signature.

1 Q Okay.

2 A And it's -- the new title is in his name. This
3 is my former ownership and transaction transfer
4 signing off the title.

5 Q Okay. All right, and with regard to the title,
6 we've talking about the title of the 1994 Cadillac
7 that you drove from Arizona?

8 A Correct.

9 Q All right.

10 MS. BARR: Your Honor, permission to
11 introduce State Exhibit Number 39.

12 THE COURT: Let Ms. Butcher review them.

13 MS. BARR: She has, Your Honor.

14 MS. BUTCHER: I actually have.

15 THE COURT: All right, any objection?

16 MS. BUTCHER: May I have a moment please.
17 No objection.

18 THE COURT: All right, admitted into
19 evidence without objection as State's Number -- what
20 is it, Ms. Barr?

21 MS. BARR: 39.

22 (WHEREUPON, State Exhibit No. 39 was
23 admitted into evidence.)

24 THE COURT: State's number 39.

25 MS. BARR: Permission to publish, Your

1 Honor.

2 THE COURT: Yes, ma'am.

3 BY MS. BARR:

4 Q Mr. Hatten, I'm gonna publish the certificate of
5 title and ask you some questions about it, okay?

6 A Sure.

7 Q When you originally drove this vehicle from the
8 State of Arizona down to South Carolina, did you
9 have to transfer title or get a new tag in South
10 Carolina?

11 A No, my mother purchased that vehicle for that
12 from a man named Joe who she's bought a lot of cars
13 from, and he has a car lot down the street from her.

14 Q But you had to get a South Carolina tag for the
15 vehicle?

16 A Not for -- I think it was a '68 tag and I drove
17 it back from Arizona to South Carolina and knowing
18 me I probably waited till the very last day to
19 register the vehicle in the State of South Carolina.

20 Q All right. I understand, understand. Obviously
21 this indicates that there's a certificate of title
22 issued with this vehicle for the State of South
23 Carolina as depicted on the exhibit.

24 A Absolutely. State of South Carolina 62,114
25 original miles, and it says actual mileage which

1 would indicate it is not a salvage title.

2 Q Now you see the vehicle ID number listed where my
3 thumb is?

4 A Correct.

5 Q Can you read that number?

6 A I have 1G, as in Gary, 6K as in Karen, F as in
7 Frank, 52Y as in yellow, 2R as in Robert, U, 318069.

8 Q And year of the vehicle?

9 A 1994 Caddie.

10 Q What's the model?

11 A Deville.

12 Q All right. And do you see your name reflected on
13 that title?

14 A My full name Mark Richmond Hatten and my current
15 address.

16 Q All right. I'm gonna show you page 2 of State
17 Exhibit Number 39. Can you see that particular
18 exhibit?

19 A I do, yes.

20 Q Do you recognize your signature on that exhibit?

21 A Yes.

22 Q All right. I'm gonna go probably half way --
23 well, maybe a third of the way down that page on my
24 right. Is that your signature there?

25 A It is, yes.

1 Q Is that your handwritten name and address?

2 A Yes, yes.

3 Q You signed this title?

4 A I did sign it, yes.

5 Q All right. And what is the date in which you
6 signed this title?

7 A May 1st, 2012.

8 Q All right. And who did you sign the title to?

9 A Mr. Joseph Brown.

10 Q All right. And what address did you indicate was
11 residing at the time?

12 A 56 Bradshaw Road, Greeleyville, South Carolina
13 29056.

14 Q All right. And do you see his signature and his
15 name on that title as well?

16 A I do.

17 Q All right. All right now, you indicated that
18 your mother originally purchased this vehicle from
19 somebody named Joe or Joseph.

20 A Yeah, and several other ones too for my siblings.

21 Q All right. So I'm gonna publish page 3 of that
22 particular exhibit. Sir, do you see your name on
23 this particular page?

24 A Yes, I do.

25 Q All right. And with regard to the seller do you

1 see a Joseph Yakobob name listed there?

2 A I do, yes.

3 Q It looks like Y-A-K-O-B-O-B?

4 A Correct.

5 Q With an address of Union Hills Drive in Phoenix,
6 Arizona?

7 A That's right, yes.

8 Q And is this your name listed here?

9 A It is.

10 Q All right. And the date that the title was
11 transferred from Mr. Yakobob to you was in June of
12 2004?

13 A Did you say June of 2014?

14 Q Yes. Well, I'm sorry, that might be 2011. Can
15 you see where my thumb is?

16 A No, I do not.

17 Q I'm sorry.

18 A That would be 2014, Ms. Barr. Handwriting is
19 very sloppy.

20 Q If that's 2014 that would be after the victim
21 passed away. Are you reading that right?

22 A Okay, well ---

23 Q I just want to make sure.

24 A Okay.

25 MS. BUTCHER: Your Honor, I would object

1 to leading.

2 THE WITNESS: Is it 2004?

3 MS. BARR: Hold on. Hold on.

4 THE WITNESS: 2011?

5 THE COURT: Just hold on. You can't lead
6 him into this, Ms. Barr. The document speaks for
7 itself. The jury will have a chance to look at it.

8 THE WITNESS: There's another---

9 THE COURT: Hold on.

10 BY MS. BARR:

11 Q Hold on. All right, can you see the date on
12 there a little bit better?

13 A Yeah.

14 Q Okay. Let me ask you this, I'll make it simple.
15 When you sold the car to Mr. Brown in 2012 you had
16 title to the car?

17 A I did.

18 Q All right. And I'll show you page 4 of that
19 particular exhibit. And, sir, again, do you see a
20 date in which you would have sold the vehicle?

21 A 5/1/2012.

22 Q All right. And you recognize your name or your
23 handwriting on this particular page of exhibit?

24 A I recognize my name.

25 Q All right. Now I'm gonna show you page 6 of the

1 exhibit. All right. And do you see the name of
2 Mr. Brown on this certificate of title?

3 A Yes, ma'am.

4 Q All right. And what address is listed for
5 Mr. Brown?

6 A 56 Bradshaw Road, Greeleyville, South Carolina
7 29056.

8 Q All right. And what is the date that this title
9 was issued?

10 A 5/2/2012.

11 Q Okay. And again, it's a 1994 Cadillac?

12 A Correct.

13 Q All right. When you sold this vehicle to Mr.
14 Brown what all did you give him with the vehicle
15 itself? What all did you give him for the vehicle?

16 A Well, I gave him the vehicle he purchased
17 obviously.

18 Q Right.

19 A I gave him, I believe two sets of keys.

20 Q Okay.

21 A For that vehicle.

22 Q Okay.

23 A And I gave him, I think some floor mats that he
24 liked that were in there I was gonna take, I said,
25 carried down the road.

1 Q All right. So you gave him the keys obviously.

2 Did you give him a key chain ---

3 A Yes.

4 Q ---or key remote or anything else like that?

5 A Yes.

6 MS. BUTCHER: Your Honor, I'm gonna object
7 to the leading.

8 THE COURT: All right, I'm gonna overrule
9 that objection.

10 MS. BARR: All right.

11 BY MS. BARR:

12 Q Hold on.

13 A Okay.

14 Q Did you also give the victim a key chain or key
15 remote?

16 A Yes, I did.

17 Q I'm going to hand you the contents of what's been
18 marked as State Exhibit Number 38 and ask if you
19 recognize the contents of that exhibit.

20 A Yes, these are definitely the keys that my mother
21 gave me in Phoenix.

22 Q Is that to the same vehicle you sold Mr. Brown?

23 A Yes, and these are the keys I gave to Mr. Brown.

24 Q Okay.

25 A And another set without this fancy Cadillac deal.

1 Q Let ask you this, at some point did Investigator
2 Kennedy ask you about the key fob or the key remote,
3 I call it key remote?

4 MS. BUTCHER: Your Honor, I object to
5 any ---

6 THE COURT: Your objection?

7 MS. BUTCHER: She hasn't asked about it
8 yet. Hearsay.

9 THE COURT: Ma'am?

10 MS. BUTCHER: Hearsay, but I don't think
11 she's there yet, I apologize.

12 THE COURT: Go ahead.

13 BY MS. BARR:

14 Q At some point Investigator Kennedy come to ask
15 you about the key remote and key chain?

16 A Investigator Kennedy came to me ---

17 Q Hold on, stay with me.

18 A Okay.

19 Q Did he ask you about the key remote or key chain
20 at some point?4?

21 A He was with another officer too.

22 Q Okay.

23 A There's two.

24 Q So is that a yes?

25 A Yes.

1 Q He did ask you about it?

2 A He never showed it to me, just asked me.

3 Q All right. And based upon what he asked you,
4 only what he asked you, what did you say?

5 A He said that ---

6 THE COURT: Don't tell them what he said.
7 He said what you told him.

8 THE WITNESS: Oh, what I told Mr. Kennedy.
9 I tried my hardest to help him assist him with his
10 line of questioning; and I was in the park in
11 Greeleyville with another officer and he did not
12 show me this keys or anything like that, but he
13 asked me about them.

14 BY MS. BARR:

15 Q All right. So what ---

16 A And I tried my hardest to remember.

17 Q All right. What did you remember about the key
18 remote?

19 A I tried to picture the keys. The funny thing is,
20 a couple of minutes later after they left I got in
21 his car and it came to me. I said, yeah, they
22 were -- I called up and said was it a gold
23 rectangular shape key chain, and it had like a
24 marron and black plastic Cadillac thing in the
25 middle, an emblem, and the back had like a texture,

1 like a little texture plating type of stuff and it
2 was gold color and there's a key fob on it? I
3 originally told him about the key fob, but I
4 couldn't picture the key ring in my head. And after
5 he left I called him up on his phone and I said,
6 hey, for what this is worth, is it a gold tri-- or
7 gold rectangle shape deal and, you know, it's got
8 this plastic piece glued, it's shiny, says Cadillac,
9 it's and maroon. He says you just described it
10 perfectly.

11 Q Huh-uh, you can't tell me what anybody said.

12 A Okay, I'm sorry.

13 Q All right. So you described your recollection of
14 the key chain to Investigator Kennedy; is that
15 right?

16 A (No verbal response.)

17 Q Is that a yes?

18 A Yes.

19 Q I need you to answer.

20 A Yes.

21 Q So at the time that you were describing as best
22 you could remember what the key chain looked like,
23 had you seen it again yet at that point?

24 A I hadn't seen those keys since I gave them to
25 Mr. Joseph Brown.

1 Q Sir, I'm gonna ask you about this particular
2 exhibit. Do you recognize any writing on that
3 particular exhibit, and just tell me yes or no.

4 A Yes.

5 Q Okay. Does any of the writing look familiar to
6 you?

7 A Well, there's a Cadillac in the middle, the
8 Cadillac emblem, that's very familiar.

9 Q Yes, sir.

10 A And then Kachina Cadillac is a dealership in
11 Maricobe County, Phoenix.

12 THE COURT: Wait before he testifies to
13 this, is it in evidence?

14 MS. BARR: Not yet, Your Honor.

15 THE COURT: All right, then, he shouldn't
16 testify to the exhibit till it's in evidence.

17 BY MS. BARR:

18 Q Mr. Hatten, hold on, we got to make sure that we
19 do this the right way. Let me ask you this, just,
20 and again, make sure just my question. Do you
21 recognize any writing on the key chain?

22 A I do.

23 Q All right. Now have you ever heard of the words
24 Kachine, Kachina, or China Cadillac? Just ---

25 A Yes.

1 Q Okay, all right. How have you heard of that and
2 tell the jury what Kachina, China Cadillac, how you,
3 how is it you know what that is.

4 A It's -- I was in the automotive industry in
5 Phoenix as I did promotions for car lots, and
6 they're a pretty big player of selling Cadillacs in
7 new inventory.

8 Q In the State of Arizona?

9 A Yeah, they were when I lived there in 1990.

10 Q Okay.

11 A '94 through '98.

12 Q Okay.

13 A '99.

14 Q All right. Now let me ask you another quick
15 question. If I had purchased the same, exact same
16 make and model of Cadillac vehicle as the one you
17 owned and sold to the victim in this case, how many
18 ways could I access to get into the trunk of the
19 vehicle?

20 A There are three ways that I know of you can gain
21 ---

22 Q Hold on, just tell me how many ways.

23 A Three.

24 Q Three ways, all right. Now tell me the first way
25 I can get into the vehicle.

1 A Use the key fob.

2 Q Okay.

3 A It's this right there.

4 Q And that's the remote?

5 A Yep.

6 Q All right. What's the second way I can get into
7 the vehicle?

8 A Open up the glove compartment and you'll see a
9 button, a little yellow, I think a yellow button,
10 yellow or red, push that button and the trunk pops
11 up.

12 Q Okay, hold on to that. I'm gonna publish State's
13 Exhibit Number 24. Sir, do you recognize what's in
14 that picture? Just yes or no.

15 A Yes.

16 Q All right. And how do you recognize it?

17 A That's the button to push the, to open the trunk,
18 the circular round one. Looks white in this
19 picture; I thought it would be yellow.

20 Q Okay, hold on. I'm going to point to a circular
21 object, the console of the vehicle where the glove
22 compartment is. Am I pointing to the button that
23 would be used to open the trunk?

24 A Yes?

25 Q Okay. That's it?

1 A Absolutely.

2 Q All right. Tell me the third way that I can get
3 into the vehicle.

4 A The third way you can get in, a Cadillac has
5 got -- on the back of the trunk there's a circular
6 emblem, it says Cadillac on it. Well, they've been
7 hiding their key holes on there for years and just
8 kind of opens up like a little door. It slides --
9 some of all may be familiar with it; some of you may
10 not be -- but you actually put the key in, the
11 smaller trunk key and open the, ---

12 Q All right.

13 A ---open the trunk.

14 Q I'm gonna publish just a portion of State Exhibit
15 Number 19. Sir, what I'll do is represent to you
16 that that's the rear of the victim's vehicle with
17 the trunk open. Can you step down for me just a
18 quick second. Keep your voice up, okay.

19 A Yes.

20 Q Right here.

21 A Okay.

22 Q I want you to look on that particular exhibit and
23 just from that exhibit can you see the emblem that
24 you were talking about in terms of the third way to
25 get into the vehicle?

1 A You can barely see it but...

2 Q Point to it on here for us.

3 A Okay. The license plate is right here and
4 directly right about there.

5 Q Okay.

6 A So it would be where that emblem is.

7 Q Okay.

8 A Yeah.

9 Q You can have a seat, thank you. So with regard
10 to that particular emblem, how would you go about
11 accessing the vehicle the third way as you were
12 talking about?

13 A You would use the smaller of the two keys. Now
14 there's a square key for the ignition, and there's a
15 rounded, a rounded one that's, that's for the doors.
16 Manual access to doors or manual access to the trunk
17 via the smaller key.

18 Q Okay. So you use the smaller key to unlock the
19 trunk; is that right?

20 A Yes, or the doors.

21 Q All right.

22 A The square key is only for the ignition.

23 Q All right. Sir, is there any doubt in your mind
24 that what I had shown you as the contents of State's
25 Exhibit Number 38 is the key chain and key fob or

1 key remote that you gave to Mr. Joe Brown when you
2 sold him that car, that 1994 Cadillac? Any doubt in
3 your mind that that's what that is?

4 A There's no doubt in my mind those, that that's
5 exactly what my mother handed me. I remembered it.
6 It would be impossible I could describe it.

7 Q Okay, that's good. Thank you.

8 A Yes, yes, absolutely.

9 Q Please answer any questions that Ms. Butcher may
10 have for you.

11 **CROSS-EXAMINATION**

12 BY MS. BUTCHER:

13 Q Mr. Hatten, what's your mother's name?

14 A Elizabeth Ann -- maiden name is Elizabeth Ann
15 Ritchie, but her last husband was Mr. Ford, he's
16 deceased, so Betty Ford is her name she goes by.

17 Q You're saying she purchased this vehicle?

18 A Yes, sir.

19 Q And then she gave it to you as a gift?

20 A Absolutely, yes.

21 Q Okay. And who did she purchase it from?

22 A A fellow that has a car lot on Union Hills Road
23 and his name is Joe, and she's bought my sister
24 Heather a Mercedes Benz from them. She's bought
25 several cars for siblings and, from this man.

SW - M. HATTEN - CROSS

1 Q Okay.

2 A 'Cause he owns a used car lot.

3 Q Okay. Is that the name of his dealership?

4 A That is not the name of his dealership.

5 Q What is the name of his dealership?

6 A I do not know. I just, I know where it's at.

7 Q Okay. So how did she give this to you? Did she
8 just surprise you with it? You drove up and it was
9 there? Explain to me all that.

10 A Well, I took a Greyhound bus to my mother's
11 house.

12 Q Where were you living at that time?

13 A In---

14 MS. BARR: Objection.

15 THE WITNESS: Greeleyville.

16 MS. BARR: I'm sorry, Judge.

17 BY MS. BUTCHER:

18 Q Go ahead.

19 A Greeleyville.

20 Q So you lived in Greeleyville. Go ahead, I didn't
21 mean to interrupt. I just wanted to lay the story.

22 A I answered your question, where was I living?

23 Q You lived in Greeleyville and took a Greyhound
24 bus and that's where you left off.

25 A Yeah, mom's, went to my mom's house. All my

1 family is out west.

2 Q And then how did she give the car to you? As a
3 surprise, was it there, that's what I'm asking.

4 A We were actually rolling down the street down
5 Union Hills Road and he pulled into this car lot,
6 and I didn't know why she was stopping there. She's
7 a busy bee. And she went in and saw this man, and
8 he handed her something. She came into the car that
9 I was sitting in, in air condition in her car, and
10 she hand me these keys. And I said what's this for,
11 and then I said, oh man, she's buying me a car, wow,
12 wow, really. And there was all -- and I saw the
13 green Cadillac sitting there and she goes, see if
14 you like that, if you like it you can have it, you
15 can drive it home to Greeleyville. And you know,
16 unforgettable. How do you forget something like
17 that so. That's how, that's the first time I saw
18 those keys, and my mom did give them to me and I
19 drove that car home. Does that answer your
20 question?

21 Q Uh-huh.

22 A Okay.

23 Q It does. Who signed for the car when it was
24 purchased?

25 A Who signed for it?

SW - M. HATTEN - CROSS

1 Q Uh-huh. Would it be your mom 'cause she bought
2 it?

3 A I don't remember. I know that I got the title
4 and there was temporary plates put on it.

5 Q Uh-huh.

6 A I probably signed for it; I would imagine I did.
7 I don't, I can't say for sure; it was many years
8 ago.

9 Q Okay. And you claim that when Mr. Kennedy asked
10 you about that key chain you couldn't remember what
11 it looked like, correct?

12 A That's exactly right.

13 Q But the next day ---

14 A No.

15 Q When was it?

16 A About two minutes after he left.

17 Q Okay. Two minutes after he left you suddenly
18 remembered all the details about it?

19 A Yeah, I visioned it in my head. I was a little
20 bit nervous. I got two investigators talking to me
21 in the park, and I'm trying to assist them with what
22 they want. They're asking me about, telling me
23 you're not in any trouble and this and that. I was
24 just kind of got a panic attack, panicked up a
25 little bit I guess because they left. I got his

1 card and I said, let me just call him and ask. Him
2 I started thinking about it, calmed down thinking
3 about it. I said, is it rectangular shaped and it's
4 got like a little texture on the back of it and it's
5 got a burgundy and black like plastic piece glued in
6 the middle with a Cadillac emblem. And he was just
7 astonished. He said that sounds exactly ---

8 THE COURT: Uh-huh.

9 THE WITNESS: Oh, I'm sorry.

10 BY MS. BUTCHER:

11 Q And how did you -- are you familiar with Kachina
12 Cadillac?

13 A I, actually I am, yeah.

14 Q Why?

15 A Because I was in the automotive promotion
16 business in Phoenix, Arizona.

17 Q What county are they in?

18 A Maricoba County, M-A-R-I-C-O-B-A.

19 Q What's the area code over there?

20 A I think it's 29 -- oh.

21 Q That's okay.

22 A Oh, the area code for the dealership or the zip?

23 Q Zip code.

24 A I was trying to get the zip. The area code for
25 that dealership is 480. There's only two in the

SW - M. HATTEN - REDIRECT

1 state of Arizona so there's 602 or 480. So if you
2 call the 480 one the phone would probably ring.

3 Q Okay. And I do have a question. If you lived in
4 Greeleyville when you got that car, where did you
5 have it insured?

6 A I always have Geico Insurance. They go
7 everywhere with me.

8 Q Okay. No further questions.

9 THE COURT: Redirect?

10 MS. BARR: May I approach the witness?

11 THE COURT: Yes.

12 **REDIRECT EXAMINATION**

13 BY MS. BARR:

14 Q Mr. Hatten, I'm gonna show you what's been marked
15 as State Exhibit Number 42. Do you recognize this
16 document? Just tell me if you recognize it and tell
17 me -- don't tell me what it is.

18 A Yeah, it looks familiar.

19 Q Okay. Do you recognize your name or your
20 signature on that document?

21 A Yes, I do.

22 Q All right. Do you know what it is? Just tell me
23 yes or no.

24 A Yes.

25 Q Okay, all right. You were asked on

SW - M. HATTEN - REDIRECT

1 cross-examination who, when you would have gotten
2 insured or when you would have insured it with you.
3 Do you remember Ms. Butcher asking you that
4 question?

5 A Yes.

6 Q After having reviewed this particular document
7 does that ---

8 A Geico Insurance, yes.

9 MS. BARR: Judge, permission to introduce
10 State's Exhibit Number 42.

11 THE COURT: Ms. Butcher?

12 MS. BUTCHER: No objection.

13 THE COURT: Admitted without objection.

14 (WHEREUPON, State Exhibit No. 42 was
15 admitted into evidence.)

16 MS. BARR: Judge, permission to publish.

17 THE COURT: Permission granted.

18 BY MS. BARR:

19 Q All right, sir, does this document reflect that
20 you insured the vehicle with Geico Insurance?

21 A It does, yes.

22 Q All right. And on what particular date?

23 A 7/11/2011.

24 Q All right. And you were asked about the name of
25 the dealership that your mother purchased that

SW - M. HATTEN - REDIRECT

1 vehicle from. Do you remember Ms. Butcher asking
2 you that question?

3 A I do, and ---

4 Q Do you see the name of that dealership on that
5 document?

6 A Another time, Inc.

7 Q And who is the name of the wholesaler or operator
8 of that business?

9 A Joseph Yakobob.

10 Q That's the same address on Union Hill drive in
11 Phoenix, Arizona?

12 A Yes.

13 Q That's all the questions that I have. Thank you,
14 sir.

15 THE COURT: Recross?

16 MS. BUTCHER: None, Your Honor.

17 THE COURT: Mr. Hatten, you may step down.

18 THE WITNESS: I appreciate it. Thank you.

19 MS. BARR: Judge, we'd ask the witness be
20 excused.

21 THE COURT: Any objection?

22 MS. BUTCHER: None, Your Honor.

23 THE COURT: Witness is excused. Thank you
24 for coming.

25 Ms. Barr, you may call your next witness.

SW - A. KENNEDY - DIRECT

1 MS. BARR: The State calls Investigator
2 Archie Kennedy.

3 WHEREUPON,

4 **ARCHIE KENNEDY,**
5 having been duly sworn by the Clerk, testified
6 as follows:

7 MS. BARR: May it please the Court.

8 THE COURT: Yes, ma'am.

9 **DIRECT EXAMINATION**

10 BY MS. BARR:

11 Q Good morning, Investigator Kennedy. How are you
12 doing today?

13 A Good morning. Doing well, thank you.

14 Q Good. Sir, state your full name for me and tell
15 the ladies and gentlemen of the jury where you work
16 and what you do for a living.

17 A My name is Investigator Archie Kennedy. I work
18 with the Williamsburg County Sheriff's Office in the
19 criminal investigative division.

20 Q How long have you been in law enforcement?

21 A A little over seven years now.

22 Q All right. And how long have you been with
23 Williamsburg County?

24 A Five-and-a-half years now.

25 Q All right. Now give us a little bit of an idea

SW - A. KENNEDY - DIRECT

1 of what you do day-to-day with the Sheriff's Office.

2 A Criminal investigative division you work anything
3 from property crimes, financial crimes, homicides,
4 assaults, anything basically that needs a large
5 amount of followup on.

6 Q All right. And sir, were you working back on the
7 night of March 29th of 2014?

8 A I was, but I was in the patrol division at that
9 time.

10 Q At that time, all right. Now did you become
11 involved in the investigating of a shooting that was
12 reported on or about Kendell Park Road?

13 A I did, yes, ma'am.

14 Q Okay. Now is that how it originally came in as a
15 shooting on Kendell Park Roads?

16 A It came in as a self-inflicted gunshot wound is
17 what I was advised by central dispatch. I was the
18 sergeant on duty.

19 Q All right. Tell me, you indicated to us how you
20 received the report. Tell us what you did as a
21 result of the report of the self-inflicted gunshot
22 wound.

23 A One of the first things I did was I asked
24 Kingstree Police Department to respond. They were
25 just a few minutes away. I was a long ways away.

SW - A. KENNEDY - DIRECT

1 There was me and another deputy with only two
2 working in the county at that time. The other
3 deputy was on duty, was out of the county, so I
4 requested that KPD respond, and I was advised that
5 Sergeant Staggers would be responding.

6 Q Okay. What time did you arrive -- well, first of
7 all tell me where you went when you got there.

8 A Central dispatch had advised me that the
9 self-inflicted gunshot wound victim was requesting
10 EMS at 168 Kendell Park Road so that's where I was
11 going to was 168 Kendell Park. But when I got there
12 there was nobody, ambulance, everyone was gone. It
13 was completely dark.

14 Q All right. Do you recall the time that you
15 arrived at 168 Kendell Park Road?

16 A I think a review of the CAD earlier I think it
17 was 12:38 a.m., 38 minutes after midnight.

18 Q Okay. So what did you do after you arrived there
19 and everyone was gone and you didn't have, didn't
20 see a gunshot wound victim?

21 A Sergeant Staggers had advised me after I realized
22 he was gone that I think he referred to it as a
23 black female that was, one that wasn't injured, had
24 told him they had gotten bogged down at Windy's
25 Club. So that's two-tenths of a mile from 168

SW - A. KENNEDY - DIRECT

1 Kendell Park Road so I decided to go down just to
2 see if I could find the car that was bogged down.
3 Of course, at that time I had no indication except
4 self-inflicted gunshot wound. I was just looking
5 for a car bogged down.

6 Q Are you familiar with, have you ever heard of the
7 Windy's Club before?

8 A Yes, ma'am, I'm very familiar with it.

9 Q All right. How are you familiar with it? What
10 is Windy's Club?

11 A Windy's Club really is some kind of a cookout
12 spot, a little building for some, an older black
13 gentleman that lived in that community right there.
14 We never get any kind of problems or anything
15 whatsoever. And that's what we refer to as Windy's
16 Club.

17 Q So tell us what happened as you -- well, first of
18 all, you said you were going, you were looking for a
19 bogged down vehicle?

20 A Yes, ma'am.

21 Q All right. And tell me what happened when you
22 went out to Windy's Club.

23 A I found exactly what I was expecting, nothing.
24 They were never out there that time of night,
25 usually closed a little earlier so I wasn't

SW - A. KENNEDY - DIRECT

1 expecting to find anything at 12:38, 12:40 in the
2 morning.

3 Q There was no one standing out there, no cars?

4 A Oh, no, ma'am, it was just like I expected. I got
5 there, and it was -- the only vehicle there was the
6 gentleman that lives right there. That was the only
7 vehicles that were there.

8 Q All right. And what happened then from that
9 point when you realized there was no vehicle bogged
10 down there?

11 A I turned about -- when you turn into a little
12 lane off Kendell Park to Windy's Club, it kind of
13 makes an L. You go in and then you turn in so you
14 can't actually see Kendell Park Road from back there
15 where I was going to see if there was a car bogged
16 down. So when I was coming back out, as soon as I
17 got back to Kendell Park Road my lights from my
18 vehicle reflected a vehicle across a little field
19 and could tell it was in the edge of the woods.

20 Q All right.

21 A It looked like a wreck to me. At that point in
22 time I thought I had a wreck.

23 Q What'd you do next?

24 A Of course, with the incident in self-inflicted
25 gunshot wound, having information from Sergeant

SW - A. KENNEDY - DIRECT

1 Staggers that they said they were bogged down at
2 Windy's Club, I'm thinking this car probably is the
3 car that they were referring to so myself and Deputy
4 Jackson who was following behind me, we just pulled
5 out of that lane, pulled into one of the lanes in
6 the field to check the vehicle out.

7 Q All right. And what happened then -- first of
8 all, were you and Deputy Jackson riding together or
9 separately?

10 A No, he was riding behind me.

11 Q What happened when you got out to check on the
12 status of the vehicle that appeared to be wrecked?

13 A From the vantage point I had where we parked I
14 was looking at the passenger side that I could see
15 that the door was open.

16 Q Okay.

17 A And I could see that the front portion of the
18 vehicle was in the edge of the woods so we decided
19 to approach it and basically check it out.

20 Q Okay. You said the passenger door was open?

21 A From that -- well, turned out both of the front
22 doors were open. When I got to where I could see
23 the driver's side from that particular vantage point
24 all I could tell at that time was that the front
25 passenger door was open.

SW - A. KENNEDY - DIRECT

1 Q Okay. Was there any lighting out there to assist
2 you other than the lighting from your vehicle?

3 A No, ma'am, just that it's a very dark spot, the
4 illumination of the vehicle with our flashlight.

5 Q What happened after you got out and observed both
6 of the doors open to the vehicle? And describe the
7 vehicle to us.

8 A It was a green Cadillac. At that time I didn't
9 know the year model. I could tell it was an older
10 model Cadillac. There was a ton of pollen on the
11 vehicle. As I got closer I could see right where
12 the passenger front door was open. There was, I
13 call a church fan that you see in churches, was
14 laying on the ground. As I got close enough I could
15 actually see what I believed to be blood on it,
16 which of course, you know, you start looking a lot
17 closer at things once you see blood. The I begin to
18 see what I believed to be blood on like the trunk,
19 that sort of thing.

20 Q All right. I want to make sure I get this right.
21 The first place you saw that you believed to be
22 blood was where?

23 A That church fan if I recall correctly. I
24 remember that really catching my eye. It was on the
25 ground.

SW - A. KENNEDY - DIRECT

1 Q All right. And the second place that you
2 observed what you believed to be at the time blood
3 was where, the second place?

4 A Well, I don't know if, you know, running back,
5 it's two years, I believe it was the same thing I
6 saw, taking all of this in at one time and I did
7 notice there was blood on the trunk and on the
8 bumper of the car.

9 Q All right. And what did you do after you noticed
10 blood what you thought was blood, what you thought
11 was blood?

12 A Well, we approached the vehicle with guns drawn
13 even though, yeah, all we had was self-inflicted ed
14 gunshot wound, you know, it's a dark area. We
15 cleared what we call cleared the vehicle. We get up
16 to that point. We see nothing inside the vehicle as
17 far as humans, but I could see blood inside the
18 vehicle at that point in time. One of the things
19 did catch my eye was appeared to me that the trunk
20 was pushed upward a little bit and even to the point
21 it might have been unlatched, just pushed down. So
22 once we cleared the vehicle, did see one vehicle, I
23 advised Deputy Jackson to attempt to open the back,
24 see if there was anything in the back of the
25 vehicle. But when he tried, it was latched; it was

SW - A. KENNEDY - DIRECT

1 just pressed up a little bit.

2 Q Okay. Now you indicate in your mind you got a
3 report of a self-inflicted gunshot wound?

4 A Yes, ma'am.

5 Q You got a report of a vehicle being bogged down?

6 A Yes, ma'am.

7 Q You come up on this Cadillac which you've
8 indicated that you thought blood was near the
9 Cadillac and on, and in the Cadillac?

10 A That's correct.

11 Q Why did you have your guns drawn? Why did y'all
12 draw your guns?

13 A Officer safety. Often times whatever dispatch
14 gives you turns out to have nothing do with what's
15 really going on. You're trained officer safety
16 always, especially if there's any type mention of a
17 weapon involved so, you know, it's complete officer
18 safety.

19 Q Okay. So as you all are drawing your weapons,
20 what, if anything, do you say or do at this point?

21 A Well, as we're going toward the vehicle Deputy
22 Jackson was moving way too fast for my comfort ---

23 Q Okay?

24 A ---to be honest with you so I was like, hey,
25 let's take our time on this. And we approached it.

SW - A. KENNEDY - DIRECT

1 We yelled out Sheriff's Office, Sheriff's Office, so
2 if anyone is at the vehicle around that they
3 realize, you know, that it's police officers around.
4 No one responded. Once I noticed that the trunk
5 looked to me to be pushed up a little bit I even
6 start telling, you know, if someone is in the trunk,
7 you know, show yourself, show yourself, respond. No
8 one responds, and no one did respond.

9 Q Okay, all right. You told me about the blood on
10 the trunk of the vehicle and you said you found, or
11 you saw what you believed to be blood inside the
12 vehicle, where specifically inside the vehicle did
13 you see that?

14 A If I'm recalling correct now what drew my
15 attention for blood inside the vehicle was in the,
16 what I call the center console area of the front
17 seat. That's what really drew my attention with it
18 to be a significant amount of blood there.

19 Q All right.

20 A Not to mention the seats were kind of a, I don't
21 know what they call them if you call it, ivory or
22 tan or what looked like light colored seats. The
23 blood really showed up on them.

24 Q Okay. All right, what did you all do next?

25 A I was actually on the phone with the on-call

SW - A. KENNEDY - DIRECT

1 investigator. I had a blue tooth in my ear to where
2 we could communicate; I wouldn't have to hold my
3 phone. And I remember when I saw the blood,
4 actually advising him, you know, this looked like
5 more blood to me than just a simple thumb injury
6 which had been indicated to me by Sergeant Staggers
7 that's the injury the female had that he met with at
8 Ms. Pearline's house.

9 Q Okay. Now, and at this point do you have any
10 reason to believe that there's a murder involved,
11 anybody is dead, or anybody is in trunk of a
12 vehicle?

13 A No, ma'am. Now we did attempt to check the
14 trunk.

15 Q Tell me how you did that.

16 A After we started, you know, after we cleared it
17 we were in a safe location, of course, we kind of
18 what we call deescalate at that point in time, and
19 Deputy Jackson actually located a purse behind the
20 driver's seat with an ID of Jessica Jackson. As a
21 matter of fact, if I recall correctly it was
22 beginner's permits, not an ID. And I told him, said
23 hey, listen, let's check this trunk, make sure
24 there's nothing in the trunk. So he actually
25 attempted to push the button that you showed

SW - A. KENNEDY - DIRECT

1 Mr. Hatten earlier.

2 Q Yes, sir.

3 A And it did not disengage the latch. There was no
4 keys in the vehicle and the vehicle was in park so
5 there was no way for us to get into the trunk to
6 check the trunk at that point in time. When I
7 advised the on-call investigator of all this he
8 said, you know, he was on the way to the hospital,
9 McLeod Hospital, to meet with the, Ms. Jackson, so
10 he said, let's go ahead and tow it to the range so
11 it will be secure in case we find out later that
12 there's more to this than just self-inflicted
13 gunshot wound, so that's what we did. We had it
14 towed to the Sheriff's Department range and locked
15 it up.

16 Q Who was the person that would have gone to the
17 hospital to meet with Ms. Jackson?

18 A That would be Investigator Ballard.

19 Q Juan Ballard?

20 A Yes, ma'am.

21 Q Now you had the vehicle towed to the Sheriff's
22 Office or the impound?

23 A Well, the Sheriff's Office training facility. We
24 could secure it there so we secured it there.

25 Q I got you.

SW - A. KENNEDY - DIRECT

1 A Behind a locked gate.

2 Q Where any things, any pictures I'm sorry, taken
3 of the vehicle at the scene where it was bogged
4 down?

5 A Not that I recall.

6 Q Okay. All right. Did you have an opportunity to
7 see the vehicle again once it was towed to the
8 sheriff's training facility?

9 A Yes, ma'am, I had a reason I needed to go back
10 out there.

11 Q Tell us about that.

12 A Investigator Ballard, as I said, he was on the
13 way from his home to McLeod to talk to Ms. Jackson;
14 and when I ran the tag on the car, it came back to a
15 Mr. Joseph Brown, 56 Bradshaw in Greeleyville area
16 so I advised him that I was going to go to that
17 address to just see, you know, if I can locate the
18 owner.

19 Q Okay?

20 A When I went out to Bradshaw I had not made the
21 connection yet. I knew Mr. Brown. I had not made
22 the connection this was his car yet.

23 Q You knew the victim in the case?

24 A I did.

25 Q All right.

SW - A. KENNEDY - DIRECT

1 A So when I went out to Bradshaw I actually met
2 with Mr. Jessie Brown. If I recall correctly his
3 wife's name his Miss Missy Brown. They were an
4 elderly couple that lived out on Bradshaw in
5 Greeleyville. And it was Mr. Jessie who then
6 advised me that his brother, that was his brother's
7 vehicle and that he had lived at the Metts and his
8 name was Joseph Brown. At that point in time as
9 soon as he said the Metts, I knew exactly who he was
10 referring to because I knew that Mr. Joe Brown
11 through some encounters I had had with him. Low and
12 behold, I told him I go to the Metts. I knew
13 exactly which room he stayed at the Metts, I'd go
14 out there and see if I could make contact with him.
15 When I went to the Metts he lived in room number 1.
16 Knocked on the door, there's no one out there at
17 that time. I don't know exactly what time it was,
18 but no one was standing outside so I knocked on the
19 door. No answer, and I didn't hear anything inside
20 the room. At that point in time I was basically
21 waiting to hear back from Investigator Ballard went
22 over to Huddle House to talk to an officer that was
23 pulling security duty that night.

24 Q Okay?

25 A While -- I'm sorry.

SW - A. KENNEDY - DIRECT

1 Q You indicated that you had known Mr. Brown from
2 some prior encounters before.

3 A Yes, ma'am.

4 Q What do you mean?

5 A Mr. Brown is an elderly man living area that we
6 at the Sheriff's Office believe a high crime area in
7 our county, and he was someone that several of us
8 kind of took a liking to. He was a little old man
9 staying out there by himself. He had plenty of
10 spunk too, but he didn't like wearing a seatbelt so
11 every time I would see him riding around without a
12 seatbelt, you know, not -- if I had time because it
13 was more of a public contact than anything else, I
14 would actually stop him and remind him he needed to
15 be wearing a seatbelt.

16 Q The times that you would see him and remind him
17 to put his seatbelt on, what type of vehicle was he
18 typically driving?

19 A That green Cadillac.

20 Q Okay.

21 A That's the only car I ever knew him to be in was
22 a green Cadillac.

23 Q All right. So you go out to the Huddle House?

24 A Yes, ma'am.

25 Q And you're waiting?

SW - A. KENNEDY - DIRECT

1 A Yes, ma'am.

2 Q All right. What happens from that point?

3 A I was actually informing the third deputy that
4 was on duty with us that night, had just gotten back
5 from Columbia on transport, and I was sharing the
6 information with him and the officer that was on
7 duty for security at the Huddle House of what we
8 were dealing with, the self-inflicted gunshot wound.
9 And at that point in time Mr. Jessie, Mr. Joe's
10 brother, came up and I basically, you know, learned
11 that he too didn't know anybody to drive that
12 Cadillac except Mr. Joseph, which I had never seen
13 him drive that Cadillac except Mr. Joseph.

14 Q By this time had you gone back out to the
15 sheriff's office to the training facility to look at
16 the car again?

17 A No, ma'am. He told me he was very concerned and
18 very worried. That's when I said, you know, I told
19 the fella, I'm going to check the trunk. It just
20 gave me an comfortable feeling. We're going to find
21 a way to look inside that trunk, and that was the
22 reason Corporal Jenkins and Deputy Jackson followed
23 me back to arrange for us to see if there was some
24 way we could see in the trunk.

25 Q And I, I don't expect you to remember the exact

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1 time obviously because this was some time ago; but
2 do you recall whether or not it was still dark
3 outside or had the sun started to come up?

4 A No, it was still dark. An estimation would
5 probably be somewhere -- it took time to do all this
6 running around, get this information up. I would
7 suspect it would be somewhere in the 4 a.m. to 5
8 a.m. range by this point in time.

9 Q Yes, sir. Now you indicated that you drove to
10 Greeleyville that day to try to talk to the victim.

11 A No, that morning. It was still during the dark
12 hours after finding the vehicle.

13 Q How far is Greeleyville from Kendell Park Road?

14 A Well, Bradshaw Road is actually off of Diesel
15 Highway so probably 20, 25 minutes max I would
16 think.

17 Q Okay. Tell us what happened when you got back to
18 the training facility to where the car was?

19 A At that point in time we realized the button
20 didn't disengage the latch. I had asked Corporal
21 Jenkins and Deputy Jackson just to see if they could
22 get kind of their hands up underneath the trunk and
23 pull it up just enough for me to see in with a
24 flashlight, and that's exactly what they did. When
25 they lifted it it probably about this much came up

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1 ---

2 Q How much is that much?

3 A I would guess somewhere probably to maybe an inch
4 probably, not even a full inch, but it was enough
5 for me to see in with my flashlight; and I could see
6 what I believed to be a body.

7 Q What did you do next?

8 A At that point in time I didn't know if I had
9 someone alive or deceased so of course lifesaving
10 measures is what I was thinking about. I said,
11 guys, we got to get a way to get into this trunk
12 somehow so we basally started scrambling trying to
13 find a tool. As a matter of fact, I even told
14 central dispatch to get me a fire unit on the way
15 with some equipment if we couldn't get into it. And
16 low and behold Corporal Jenkins was able to find a
17 old ax handle in the trunk of his car, and we were
18 able, the three of use, to pry and disengage -- or
19 we broke the latch, completely popped the latch out
20 at that point in time.

21 Q Okay, all right. When you all were finally able
22 to get the front open did you recognize the
23 individual whose body was inside that trunk?

24 A I mean to know it as Mr. Joe Brown.

25 Q All right. Did you see any signs of obvious

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1 injury to him?

2 A I did, yeah.

3 Q Where did you see signs of injury?

4 A The one that stuck to me even though I know more
5 about the case now, at that particular second I
6 actually was on the passenger side and I could see
7 what I believed be a gunshot wound to the top of the
8 head immediately.

9 Q Okay. What did y'all do when you opened the
10 trunk and realized that there was a body in there?

11 A I didn't see anything that I thought -- I didn't
12 see any kind of life signs. I didn't see breathing,
13 didn't see any moving; and through long training I
14 believed he had been dead for some time. However, I
15 still asked for EMS to come in. I wanted to, you
16 know, make sure EMS responded, everything was ---

17 Q Did they respond?

18 A Yes, they responded.

19 Q EMS came out?

20 A Yes, ma'am, they did.

21 Q All right. Now I was going to ask you about
22 that. Now with regard to State's Exhibit Number 19
23 which I am publishing, is that the victim inside
24 the truck of his vehicle?

25 A Yes, ma'am, it is.

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1 Q All right. And the vehicle that would be to the
2 right of the victim's vehicle if you're facing it,
3 that's what type vehicle?

4 A That's an ambulance, but that's not the ambulance
5 that responded.

6 Q Okay.

7 A That's just an old de-commissioned vehicle that's
8 been parked at the range for some time.

9 Q You were out there when EMS arrived?

10 A Oh, yes, ma'am.

11 Q All right. Were they able to revive Mr. Brown at
12 all?

13 A No, there was some obvious signs, you know, I'm
14 not trying to speak medical training; but they
15 didn't feel there was any reason to attempt any
16 reviving at that point in time.

17 Q All right. Now as far as that particular night,
18 did you do anything else with regards to this case
19 on that night?

20 A May I look at my notes?

21 Q Sure. Mr. Kennedy, if you will, hold on for a
22 second before you start answering.

23 (WHEREUPON, State Exhibits Nos. 43 through
24 48 were marked for identification only.)

25

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1 BY MS. BARR:

2 Q Investigator Kennedy, when you discovered Mr.
3 Brown's body was in the truck of his vehicle did you
4 communicate that to Juan Ballard?

5 A I did. We were on the -- we were actually, he
6 was still on my blue tooth. I let him know I was on
7 the way back to the range, and he just stayed on the
8 blue tooth with me until after that. Once I
9 discovered it, of course, then I realized the
10 magnitude of what I found. I sent Deputy Jackson
11 back to, I think the address is 292 Kendell Park
12 Road to secure that scene.

13 Q All right. And that address, 292 Kendell Park
14 Road is in Williamsburg County?

15 A It is.

16 Q All right. Now you told me at some point you had
17 a conversation with Investigator Ballard, and he was
18 in route to Florence hospital or the hospital in
19 Florence to meet with what you all thought at that
20 time was a gun, self-inflicted gunshot victim.

21 A That's correct. That was earlier. This time we
22 were on the phone he had actually already been to
23 the hospital and was, had left the hospital.

24 Q On his way back to Williamsburg County?

25 A Yes, ma'am.

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1 Q Okay.

2 A When I told him that I was on the way to the
3 range, after I left the Huddle House I called him
4 and that's when I learned he had just left the
5 hospital.

6 Q Okay. What did you tell him about the discovery
7 of the body in the trunk?

8 A He knew immediately. Like I said, he was on the
9 blue tooth and I think my, you know, I don't know my
10 exact words but I'm sure I said something about, you
11 know, Ballard, we've got a body. And that's how we
12 refer to we've got a deceased.

13 Q Now did you have any reason to believe or to
14 associate the discovery of Mr. Brown's body inside
15 his trunk with the report of an accidental
16 self-inflicted gunshot wound?

17 A Yes, ma'am.

18 Q All right. Tell me why in your mind you thought
19 that those two events may have been connected, if
20 you thought they may have been connected.

21 MS. BUTCHER: Your Honor, I object to
22 speculation.

23 THE COURT: Ma'am?

24 MS. BUTCHER: I object to any speculation.

25 THE COURT: Ask the question again.

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1 BY MS. BARR:

2 Q Tell me the reasons in your mind why you might
3 have thought those two events were connected.
4 That's the self-inflicted gunshot wound and the
5 discovery of the victim's body in this trunk.

6 THE COURT: I'm gonna overrule it, part of
7 his investigation.

8 THE WITNESS: The proximity first off of
9 168 to 192 is two-tenths of a mile. I also had
10 Sergeant Staggers stating that he'd gotten a
11 statement from a black female of Ms. Brittany Epps
12 saying that they had bogged the vehicle down at
13 Windy's Club. 292, when you come out of Windy's
14 Club is directly cross from the lane of Windy's
15 Club. I had, I had the body at this point in time
16 in the trunk of the vehicle recovered from there,
17 and that was my reason for sending a deputy back to
18 that scene and securing that scene. I believed that
19 there was a crime scene involving why Mr. Brown's
20 body was in the trunk of that car.

21 Q Now did you know at some point after discovering
22 Mr. Brown's body in the trunk of his vehicle, the
23 name of the person who had gotten shot that was at
24 McLeod Hospital in Florence?

25 A Absolutely. You know, again, me and Investigator

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1 Ballard stayed in telephone contact back and forth.
2 He had told me he had a Jessica Jackson which
3 matched the ID that was pulled out of a purse behind
4 the driver's seat by Deputy Jackson. And again, I
5 say I.D., it may have been a beginner's permit, I
6 believe it was.

7 Q After communicating that information to Mr.
8 Ballard about the discovery of the body, what then
9 did you do, if anything, with regard to this case?

10 A That was pretty much the end of it for me that
11 morning. My shift was getting off at the time you
12 get off, my shift time due to I had to type reports
13 and stuff; but the scene was basically secured until
14 investigators and SLED arrived and it was turned
15 over to investigators at SLED.

16 Q Now did you have an opportunity or an occasion
17 once you came back on duty to go out to the scene at
18 292 Kendell Park Road again?

19 A 292 Kendell Park? The only time I returned to
20 292 Kendell Park was the same shift. Before I got
21 off duty I think I took the sheriff and special
22 agent Creech to 292. They had responded to the
23 training facility at the range, but they wanted to
24 see where 292 was so I actually took them to that
25 location.

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1 Q All right. Did you visit any other scene or
2 place or residence or property in connection with
3 this case within the two day period after the
4 discovery of Mr. Brown's body?

5 A I did. The original call came out on March 29th.
6 I got there right after midnight on the 30th. The
7 following day on March 31st and I don't remember
8 exactly what time -- I think it was in the
9 afternoon. I was notified that there was gonna be a
10 search warrant executed on, in the Cedar Hill
11 community. I think the road name is Cannon Way.
12 wait. May I find my note?

13 Q Absolutely, absolutely.

14 A I've got that in front of me. 44 Cannon Way.
15 That would have been March the 31st, and it looks
16 like that the return, the time on that is
17 March 31st, 2014 at 4 p.m. in the afternoon at
18 Vanity Epps' residence.

19 Q Okay. Vanity Epps resided at 44 Cannon Way in
20 Kingstree?

21 A Yes, ma'am.

22 Q All right. I'm gonna publish what's previously
23 been admitted as State's Exhibit 31 and 32. I
24 publish 31 and I'll publish 32. Do you recognize
25 what's depicted in those exhibits?

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1 A Yes, ma'am, that's vanity Epps' home at 44 Cannon
2 Way, Kingstree, South Carolina.

3 Q And was that the same property upon which you and
4 other investigators went to execute a search
5 warrant?

6 A Yes, ma'am, it was.

7 Q Tell us about what happened when you got to Ms.
8 Epps's residence.

9 A I actually arrived, I was coming from my
10 residence at the time; I was not actually on duty
11 that day. Investigator Ballard just was calling me
12 to assist. SLED agents, Williamsburg County
13 officers, investigators basically pulled up at the
14 scene as I pulled up on the scene.

15 Q All right. And what happened, did you find any
16 items of interest with regard to executing a search
17 warrant or participating in execution of search
18 warrant of Ms. Vanity Epps' home?

19 A Yes, ma'am. We located a key fob and a Cadillac
20 key chain on the property.

21 Q In the front?

22 A Yes, ma'am.

23 Q Where specifically in the front? Was it on the
24 porch, on the steps, or ---

25 A Oh, no, no, no, it was in the grassy area. I

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1 don't remember exactly. I can't pinpoint the spot,
2 but it was somewhere in this vicinity right here
3 close to -- I can't even identify what that is in
4 the picture. I'd have to actually see the picture.

5 Q All right, you can come on down.

6 A Okay. Now, yeah, I can see it.

7 Q All right. Can you point to the approximate area
8 where you saw the key fob.

9 A I remember the approximate area was here close
10 in, kind of in front of that little dog box there.

11 Q Okay, all right. Now why was that -- you can
12 have a seat.

13 A (Complies.)

14 Q Why was that of interest to you?

15 A Mr. Joe Brown had a 1994 Cadillac that was found
16 in the trunk of it so seeing a Cadillac key chain in
17 the front yard at this residence, of course, that
18 drew our attention to it.

19 Q All right. Was the discovery of the Cadillac key
20 fob and key chain photographed by law enforcement at
21 that time?

22 A I think by SLED Agent Qualm if I remember
23 correctly; but again, I don't remember specifically
24 but, yes, it was.

25 Q And SLED was assisting the Sheriff's Office in

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1 this case?

2 A Certainly, yes, ma'am.

3 Q Is that unusual at all?

4 A Oh, no, ma'am.

5 Q I'm gonna hand you what's been marked as State's
6 Exhibits 43, 44, and 48 and ask you if you recognize
7 what's in those pictures.

8 THE COURT: Don't testify what they are,
9 just testify if you recognize them.

10 THE WITNESS: I recognize all three.

11 BY MS. BARR:

12 Q How do you recognize them?

13 A That's what I say that morning at 44 Cannon Way,
14 or that afternoon at 44 Cannon Way.

15 MS. BARR: Judge, we move to introduce
16 those exhibits in evidence.

17 THE COURT: Any objection?

18 MS. BUTCHER: May I see them?

19 THE COURT: Yes, ma'am. Ms. Barr, would
20 you get them and show them to Ms. Butcher.

21 MS. BARR: I'm sorry, I gave them to her.

22 MS. BUTCHER: I'm not sure what they are.

23 (Pause.)

24 MS. BUTCHER: No objection, Your Honor.

25 THE COURT: Admitted without objection

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1 State's number 43, 44, and 48.

2 (WHEREUPON, State Exhibits Nos.
3 43, 44 and 48 were admitted into
4 evidence.)

5 BY MS. BARR:

6 Q All right. I'm gonna publish State's 43. Tell
7 the jury what this is depicted in that photograph.

8 A That's the key chain and key fob that we found in
9 front of Ms. Vanity Epps' home.

10 Q All right. After it was found who took
11 possession of it, if you recall? Was it -- would it
12 have been someone with SLED or the Sheriff's Office
13 or somebody outside of law enforcement?

14 A It wasn't me. I know it was collected 'cause I
15 saw it, but I don't have a independent memory of who
16 actually collected it.

17 Q Okay. Tell us what's depicted in 48.

18 A That's probably whoever collected it, I see the
19 gloves on. That's probably whoever collected it
20 picked it up to get a closer picture of it.

21 Q Okay.

22 A But that's the key fob and the key chain that was
23 on the ground in front of Vanity Epps' home.

24 Q All right. I'm curious about that particular
25 exhibit.

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1 A I can't understand you, I apologize.

2 Q I'm sorry. I got two questions about that
3 particular exhibit. I'm gonna ask you about them.
4 Do you see any writing on the particular exhibit
5 above the Cadillac?

6 A I do, Kachina Cadillac.

7 Q All right. I'm sorry, what's that word?

8 A I'm saying Kachina, it might be Kachina Cadillac.
9 K-A-C-H-I-N-A.

10 Q All right. And sir, do you see any words or any
11 numbers underneath the Cadillac symbol on that
12 particular key chain?

13 A I do.

14 Q All right. And can you read those numbers or do
15 I need to?

16 A I think I can see them. 9451200 is what it looks
17 like to me.

18 Q Okay. I'm gonna hand you the contents of State
19 Exhibit Number 38. Do you recognize what is
20 depicted in that particular exhibit?

21 A I do.

22 Q How do you recognize them?

23 A That's the key chain, key fob that was found in
24 front of Vanity Epps' home at 44 Cannon Way.

25 Q All right. And how do you know that to be the

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1 case?

2 A It looks identical, it's got Kachina Cadillac on
3 it. It's got 9451200 picture that was taken that
4 morning and was collected, identical key fob to that
5 key fob.

6 Q Do you have a chain of custody with regard to
7 evidence in the case?

8 A There's a chain of custody sticker on this, this
9 piece of evidence.

10 Q All right. And whose names are listed on the
11 chain of custody?

12 A It says collected by -- you want me to go ahead
13 and read it all?

14 Q Yes, sir.

15 A Yes, ma'am. It says collected by Investigator
16 Ballard.

17 Q Okay, all right. Any other names on there?

18 A Just Investigator Ballard.

19 Q And is that the same Juan Ballard that you talked
20 about had gone to talk with Ms. Jackson at the
21 hospital?

22 A Yes, ma'am.

23 Q All right. He was out at the scene along with
24 you when those keys were discovered in Ms. Epps'
25 yard?

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1 A Yes, ma'am.

2 MS. BARR: Judge, we would move at this
3 time to admit State Exhibit Number, is it 38.

4 THE COURT: 38.

5 MS. BARR: 38.

6 THE COURT: All right. Ms. Butcher?

7 MS. BUTCHER: No objection, Your Honor.

8 THE COURT: State Exhibit Number 38 is
9 admitted without objection.

10 (WHEREUPON, State Exhibit No. 38 was
11 admitted into evidence.)

12 BY MS. BARR:

13 Q All right. I'm gonna publish the contents of
14 State's Exhibit Number 38, just take it out the
15 plastic bag. I've got 48, State's Exhibit Number
16 48, on the monitor. I'm gonna remove that
17 particular -- well, put that particular exhibit side
18 by side. We can do that. I'll gonna publish State
19 Exhibit Number 38, the actual key chain. Can you
20 see it from where you are?

21 A I can, yes, ma'am.

22 Q All right. Do you recognize any of the writing
23 that's on the chain itself?

24 A I do, yes, ma'am.

25 Q All right. What's the writing that's on the

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1 chain itself?

2 A Kachina Cadillac on the top, Cadillac and emblem
3 in the center, and the phone number on the body. I
4 can make out the 4 and the 1200. I have to come
5 down there to look at the first number.

6 Q I'll bring it to you.

7 A Okay.

8 Q I've got a magnifying glass too.

9 A 9451200.

10 Q Yes, sir. All right, you were present in court
11 when Mr. Hatten, the colorful character ---

12 A He's colorful.

13 Q ---testified.

14 A Yes, ma'am.

15 Q You were one of the officers who actually spoke
16 with him about that key chain?

17 A I did. I discovered he was the previous owner we
18 talked to.

19 Q How did you go about discovering that he was the
20 previous owner of the vehicle?

21 A When I got to looking into this case trying to
22 come up with anything that needed to be followed up
23 on ---

24 Q Hold on just a second. Let me ask you about that
25 point.

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1 A Okay.

2 Q All right. So when you start looking into the
3 case to see whether or not there's anything that can
4 be done to be followed up on the case, this was
5 approximately what time frame are we talking?

6 A April 4th, 2016.

7 Q All right. Now at this point you've got two
8 individuals charged with the victim's murder; is
9 that right?

10 A That's right.

11 Q Now why wouldn't you all be looking to followup
12 on anything after you've already got people charged?

13 A I was re -- as assigned the case investigator on
14 April 4th, 2016. After I left from Ms. Vanity Epps'
15 home that morning which would have been the 31st of
16 March 2014, that concluded my involvement in this
17 case until April 4th, 2016.

18 Q Okay.

19 A I was, again, I was in patrol division back then
20 and I was not the investigator on it.

21 Q You were in the patrol division on the date that
22 this murder happened?

23 A Yes, ma'am.

24 Q But you were subsequently transferred to
25 investigations?

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1 A That's correct.

2 Q All right. Now is it unusual at all since you've
3 been in investigations for you to followup on cases
4 that you believe that you have already solved or
5 other deputies to followup on cases that they
6 believe have already solved?

7 A No, ma'am.

8 Q Why are they not ---

9 A Cases are always an ongoing investigation.
10 Anything can pop up at any time to followup on.
11 Even yourself in my own experience I've had cases
12 when I look at it, I look at it and then other
13 things come to mind that you don't think about. You
14 just continue to followup on it.

15 Q All right. And you indicated that you started to
16 try to find the title to the vehicle?

17 A Right. Well, where I actually started before I
18 looked for the title on the vehicle is I actually
19 looked at this key fob. I went to the evidence room
20 and asked the evidence custodian if I can just look
21 at it, and I noticed the name of Kachina Cadillac
22 and a phone number. Through the process of my
23 investigation I was able to make a determination
24 that Kachina Cadillac was a former Cadillac
25 dealership in Arizona. I have the paperwork I can

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1 time it, but I think it was Scottsdale, Arizona which
2 is apparently a suburb of Phoenix. I then sent a
3 subpoena for any paperwork through the State of
4 Arizona trying to get paperwork on the vehicle.
5 That's how I discovered that Mark Hatten had been a
6 previous owner is 'cause he had purchased the
7 vehicle in Arizona.

8 Q Okay. And of course Mr. Hatten was living in
9 Greeleyville at the time.

10 A He was living in Greeleyville. Now, of course, I
11 immediately contacted SLED's fusion center, had them
12 do a check on the vehicle as well, and it coincided
13 with the information I was getting from Arizona is
14 that he had been the previous owner to Mr. Joseph
15 Brown.

16 Q All right. And as a result of the subpoena to
17 the State of Arizona motor vehicle department did
18 you receive the title information with regard to
19 that vehicle?

20 A Yes, ma'am.

21 Q All right. When you spoke with Mr. Hatten did
22 you show him the vehicle when you went out to talk
23 with him?

24 A No, ma'am.

25 Q I mean, I'm sorry, the key chain and key fob?

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1 A No, ma'am, I didn't even take -- I didn't it out
2 of evidence.

3 Q You didn't ---

4 A I was just going to see if he remembered being
5 the owner of the vehicle.

6 Q Okay. Now is Mr. Ballard still currently in
7 investigations department or still work at the
8 Sheriff's Office?

9 A He still works at the Sheriff's Office. He is,
10 actually, he's assigned to patrol division now.

11 Q Okay. You were in the courtroom yesterday when
12 Ms. Jackson testified; weren't you?

13 A I was, yes, ma'am.

14 Q All right. And you heard testimony with regard
15 to multiple statements that she gave?

16 A Yes, ma'am.

17 Q When was the first time she gave an official
18 statement to the Sheriff's Office with regard to her
19 alleged accidental shooting and/or the death of
20 Mr. Brown?

21 A The first one she gave was on the morning of
22 March 30th, 2014, and the time was 7:49 in the
23 morning.

24 Q 7:49 a.m.?

25 A Yes, ma'am.

SW - A. KENNEDY - DIRECT

1 Q All right. Now we've heard testimony that, from
2 her, that she first said this was a shooting in
3 self-defense and the defendant Ms. Epps was not
4 there. Is that the first statement that you
5 referenced on the morning of March 30th at
6 7:49 a.m.?

7 A I'd have to read through real quick, but yes,
8 ma'am, I believe that's accurate.

9 Q When -- we also heard about a second statement
10 being given with regard to shooting of the victim in
11 self-defense, and Ms. Epps was present during that
12 time. Do you recall the testimony in the case with
13 regard to that?

14 A I do.

15 Q All right. When was the second time Ms. Jackson
16 gave a statement to law enforcement?

17 A The same day, it looks like about two hours later
18 at 10:04 in the morning.

19 Q All right. And we heard testimony about a third
20 statement being given where Ms. Jackson then
21 implicates and tells us that Ms. Epps was the one
22 who fired the gun into the victim's head. When was
23 that statement given?

24 A That was the following morning, March 31st, 2014,
25 at 11:15 in the morning.

1 Q So March 31st, 2014 at 11?

2 A 11:15 a.m.

3 Q Okay. And that's the first time that she says
4 the defendant is the one who shot the victim?

5 A If I recall correctly, yes, ma'am.

6 Q We've heard about a fourth statement being given
7 where she says she's coming clean, she's admitting
8 to cutting the purse straps trying to strangle the
9 victim. When was that fourth statement given?

10 A July 28th, 2014.

11 Q Okay.

12 MS. BARR: Beg the court's indulgence.

13 THE COURT: Yes, ma'am.

14 BY MS. BARR:

15 Q Investigator Kennedy, that's all the questions I
16 have. If you would please answer any questions
17 Ms. Butcher may have.

18 THE COURT: Cross-examination, Ms.
19 Butcher?

20 MS. BUTCHER: Yes, Your Honor.

21 **CROSS-EXAMINATION**

22 BY MS. BUTCHER:

23 Q Now Officer Kennedy, were you able to ever verify
24 that that car was ever at the Kachina dealership?

25 A Can I review my notes please?

SW - A. KENNEDY - CROSS

1 Q Yes.

2 A No, ma'am.

3 Q Now how long have you been the investigator on
4 this case?

5 A April 4th, 2016.

6 Q Who was the investigator before you?

7 A Investigator Juan Ballard.

8 Q Okay. And why is he no longer the investigator?

9 A He was transferred to patrol division.

10 Q Okay. So you'd only been the investigator for
11 three-and-a-half months?

12 A Yes, ma'am.

13 Q Okay. When did you speak with Mr. Samuel Barr?
14 That was the gentleman who claimed he ran into the
15 male with the baseball hat in the field.

16 A That would have been April 13th at 3:31 in the
17 afternoon.

18 Q April 13th what year?

19 A I'm sorry, 2016.

20 Q And how did you happen upon him so many years
21 after this crime?

22 A A call came in through anonymous tip that a guy
23 named Monkey Joe, that a guy named Monkey Joe had
24 driven Brittany Epps from the scene with bloody
25 clothing, yes, ma'am. And then I was able to

1 determine through just basically talking to people
2 in the community trying to find out who Monkey Joe
3 was that they believed a guy by the name of
4 Mr. Samuel Barr was Monkey Joe. And at that point
5 in time that's when I made approach to Mr. Barr.

6 Q Now he didn't -- and how did you find him, I
7 mean, you ---

8 A He and I -- I talked to several people trying to,
9 in the community, trying to find out who Monkey Joe
10 was. That was not something I was particularly
11 familiar with. And I was able to determine that a
12 guy named by Mr. Samuel Barr was actually Monkey
13 joe.

14 Q Okay.

15 A And he confirmed that to me when I approached him
16 that that was his nickname.

17 Q That that was his nickname?

18 A Yes, ma'am.

19 Q Okay. And if it was an anonymous tip, and I'm
20 sorry, I missed how you connected anonymous tip to
21 Monkey Joe.

22 A An anonymous tip came in to the Sheriff's Office
23 that a guy by the name of Monkey Joe.

24 Q Okay.

25 A Had driven Brittany Epps away from the scene that

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1 morning and that she had bloody clothing, and that
2 was the entire tip. I mean, that was it. So of
3 course, I immediately wanted to find out who Monkey
4 Joe was, started asking around different in the
5 community, to police officers, if anybody knew
6 Monkey Joe. I was able to make the determination
7 that Monkey Joe was a guy by the name of Samuel
8 Barr.

9 Q Okay. But you, you don't know who called that
10 tip in?

11 A I don't have a clue, no, ma'am.

12 Q So it could have been Theo McKnight for all you
13 know; is that correct?

14 MS. BARR: Objection, speculation.

15 THE WITNESS: I ---

16 THE COURT: He answered he doesn't know
17 who it was.

18 BY MS. BUTCHER:

19 Q Okay. Why did it take over two years to start
20 looking for that?

21 A I can't answer that. I can tell you that the day
22 that I was assigned this case is when I got -- yeah,
23 the same day, April 4th -- is when I got the tip and
24 I started trying to followup on it. And on the date
25 of, I think it was April 12th, was the day that I

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1 found out that Monkey Joe was supposed to be a
2 Samuel Barr and had reached out to Samuel Barr. He
3 actually came to the Sheriff's Office on the 13th
4 and spoke with me.

5 Q Okay. And you would agree that people's memories
6 are much better closer to the incident rather than
7 over two years later?

8 A I would agree.

9 Q Okay. When did you first approach Mark Hatten?
10 Was that also after you became an investigator?

11 A Yes, ma'am, I've got the date here.

12 Q Okay. Again, why did the Sheriff's Department
13 wait so long?

14 A The reason I approached Mark Hatten at the time
15 that I did is because I had just discovered after
16 doing the research on the title through Arizona and
17 then South Carolina that Mark Hatten had been the
18 previous owner of the vehicle. So as soon as I
19 learned of the name I went to that address on Varner
20 Avenue and attempted to make contact with him.

21 Q Okay.

22 A And did you need the date? Okay.

23 Q And I'm assuming it was April 2016, correct?

24 A That's correct. It looks like April 11th, 2016.

25 Q Okay. Now I noticed in the photograph of what's

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1 been marked State's Exhibit 48 they're gloves,
2 correct?

3 A Yes, ma'am. Oh, yes, ma'am, gloves.

4 Q What's the purpose of that?

5 A What you mean, to collect the evidence?

6 Q Yeah. Why were the gloves used?

7 A You taught to when you're collecting any
8 potential evidence to wear gloves. There could be
9 evidence on what you're looking at that you can't
10 see.

11 Q And to preserve that evidence that ---

12 A Yes, ma'am.

13 Q Such as fingerprints?

14 A Certainly, yes, ma'am.

15 Q What was the result of running that key chain for
16 fingerprints?

17 A I don't...

18 MS. BARR: Judge, we're gonna ---

19 THE WITNESS: Can you give me the
20 documentation if you got it handy? I'd need to go
21 through my notebook to find it, each one of the ---

22 BY MS. BUTCHER:

23 Q Was it tested?

24 MS. BARR: Judge, we're gonna object to
25 that to the extent there was any testing done on the

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1 key chain. It wasn't this witness. He's not
2 competent to testify with regard to that.

3 THE COURT: All right.

4 MS. BARR: It may be hearsay.

5 THE COURT: I hadn't seen anything where's
6 there's been any test run at this point so how can
7 he testify to the results.

8 MS. BUTCHER: Your Honor, if I may
9 rephrase the question.

10 THE COURT: All right, rephrase it.

11 BY MS. BUTCHER:

12 Q Was there a fingerprint test run on the key
13 chain?

14 A If you have the documentation, I might can find
15 it. There's a lot of paperwork here.

16 Q I actually don't have any documentation. Did you
17 review all the notes and everything from Officer
18 Ballard when you took over this case?

19 A I have, yes, ma'am. I don't see, I don't see
20 where it was; but again, I may be wrong. There's a
21 lot of documentation here; I may be overlooking it.
22 But I do not see anything in my notes right now.

23 Q Would you agree that no fingerprint test was ever
24 run on that remote?

25 A I'm telling you I don't know; I really don't

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1 know.

2 Q Is that something as an investigator you would
3 be, would be important?

4 A Absolutely.

5 Q It would tell who may have thrown those keys to
6 the location they were found.

7 THE COURT: Now you're testifying, Ms.
8 Butcher. Ask him questions.

9 BY MS. BUTCHER:

10 Q Okay. It could identify who touched that;
11 couldn't it?

12 A Certainly.

13 Q Okay. Or any fingerprints run on the inside of
14 the vehicle while run fingerprints?

15 A In review of notes I do not remember that, no,
16 ma'am.

17 Q Was a DNA analysis ever done in this case?

18 A On a particular item?

19 Q I'm not asking results on anything, just was a
20 DNA analysis ever conducted in this case?

21 A I've got several notes in the case file that was
22 transferred to me talking about DNA swabs and stuff,
23 yes, ma'am.

24 Q Whose DNA was tested?

25 A The notes I'm looking at doesn't have a specific

1 thing; but again, if you got something to remind me,
2 there's a lot of notes here. I don't want to
3 overlook something and tell you incorrectly. But I
4 don't see any particular names. I'm just looking at
5 lot of things here that's talking about swabs from
6 SLED, evidence from Ms. Haley Qualm.

7 Q When you investigate this case are you trying to
8 determine the evidence of who committed the crime?

9 A Certainly.

10 Q Okay. Was a DNA analysis conducted on
11 individuals' DNA against the inside of that vehicle?

12 A That is not a part of the case I have followed up
13 on because it's not a part of the case that I had
14 anything to do with. That was done prior to my
15 being assigned to this case.

16 Q So what part of the case do you have anything to
17 do with if you're the lead investigator?

18 A I just testified to what parts I participated in.
19 I did not participate in collection of evidence
20 inside the car. That was nothing that I would have
21 even been qualified to do at that point in time.

22 Q And you don't believe that was, as part of your
23 duties as the lead investigator to look back over
24 entire case?

25 A I did look over the entire case; but again, there

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1 is a lot of paperwork here and I don't want to tell
2 you an answer to something without finding that
3 piece of documentation. So if you know what
4 documentation you're referring to, please remind me
5 and I'll be glad to look at it.

6 Q Do you have the DNA analysis in your notes?

7 A I've got a lot of analysis in here, yes, ma'am.
8 Which particular one do you want me to look at?

9 Q The DNA analysis.

10 THE COURT: You'll have to identify a
11 little bit further than that. That's a pretty broad
12 question.

13 MS. BARR: Yes, sir. And Judge, the only
14 thing I would add is there a couple of SLED reports,
15 a couple of DNA reports so I think it would help if
16 the witness were given a specific report or date
17 time of a specific report.

18 THE COURT: That's what I say, it's pretty
19 broad. Ms. Butcher, narrow it down.

20 THE WITNESS: It's the first page.

21 BY MS. BUTCHER:

22 Q Yes, okay. What's the date that the DNA, first
23 DNA analysis was run?

24 MS. BARR: Objection, hearsay.

25 THE COURT: All right, it is hearsay.

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1 MS. BUTCHER: Your Honor, I believe it's
2 also part of this investigation.

3 THE COURT: You can ask him if he can read
4 from, if it refreshes his memory, but you can't put
5 the report in by him unless he made the report.

6 MS. BUTCHER: Your Honor, I'm not putting
7 the report into evidence.

8 THE COURT: Well, you're asking what's on
9 that -- he can read it and testify, memory
10 refreshed; he cannot read from the report.

11 MS. BUTCHER: And -- Your Honor, that's
12 what I was doing. I was -- because he couldn't find
13 his own.

14 BY MS. BUTCHER:

15 Q Do you recall the ---

16 THE COURT: Do it according to rule 612.

17 MS. BUTCHER: Your Honor, I'm not putting
18 this report into evidence.

19 THE COURT: All right. Ask him the
20 question according to 612.

21 BY MS. BUTCHER:

22 Q Through your investigation do you recall the
23 first day DNA analysis was run in this case?

24 A The only date is the date I reviewed off of this
25 report?

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1 Q Does that refresh your memory as to what date?

2 A Yes, ma'am.

3 Q And what date was that?

4 A The date on this report is January 19th, 2016.

5 Q Okay. And whose DNA was run at that time?

6 MS. BARR: Objection, hearsay, Judge.

7 THE COURT: All right. Read the report,
8 give it back to her, then he can testify if it
9 refreshes your memory but you can't testify as to
10 the report. Use it according to rule 612. If it's
11 writing used to refresh witness' memory, and I
12 assume that's what you're using it for; is that
13 right, Ms. Butcher?

14 MS. BUTCHER: That is, Your Honor.

15 THE COURT: All right. Read the report,
16 then hand the report back to her and let her, and
17 answer her questions.

18 (Pause.)

19 THE COURT: Come up a minute, counsel.

20 (WHEREUPON, counsel approached the
21 Bench for an off-the-record discussion.)

22 THE COURT: Ladies and gentlemen of the
23 jury, I'm gonna ask you to step out a minute. I've
24 got an evidentiary matter I need to take up with the
25 lawyers. Please go to your jury room. It's time

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1 for us to take a break anyhow. Please do not
2 discuss the case among yourselves. And I'll send
3 for you just as soon as we resolve this issue.

4 (WHEREUPON, the jury was removed from the
5 courtroom at 12:10 p.m.)

6 THE COURT: All right, Ms. Butcher, it
7 appears that you're trying to ask him to read a
8 writing by someone else to refresh his memory. I
9 don't see how he can refresh his memory of something
10 that he did not participate in.

11 MS. BUTCHER: Your Honor, that's not what
12 I am asking him -- the only reason I gave it to him
13 is he couldn't find his own. I was not trying to
14 get this in through him. I'm simply trying to ---

15 THE COURT: Well, ask your question.

16 MS. BUTCHER: ---find -- you want me to
17 just proffer?

18 THE COURT: Yeah, make your proffer.

19 **P R O F F E R E X A M I N A T I O N**

20 BY MS. BUTCHER:

21 Q Do you recall when the DNA analysis was first run
22 in this case?

23 A I remember the date on the report you showed me.
24 That's January 19, 2016.

25 THE COURT: All right, that's not his

SW - A. KENNEDY- PROFFER

1 recollection. That's from the report. Do you
2 recall ---

3 THE WITNESS: No, I have recollection
4 actually.

5 BY MS. BUTCHER:

6 Q Okay. And so you have no recollection at all.
7 Would this refresh your memory or is this
8 something ---

9 THE COURT: He can't refresh his memory
10 with something he wasn't doing.

11 THE WITNESS: I wasn't involved in it. I
12 wasn't part of the decision making process so I
13 wouldn't have a memory on it.

14 Q Okay. And would you have any knowledge as to
15 whether or not Theodore McKnight was ever a suspect?

16 A I have no information to that, ma'am.

17 Q Okay.

18 MS. BUTCHER: Your Honor, that would
19 answer my questions. He has no information.

20 THE COURT: Well, he has no recollection
21 of it and then that's what he can testify to and
22 that's all he can testify to. And he can't refresh
23 his recollection by something that he didn't make to
24 start with 'cause he can't refresh recollection that
25 he didn't have to begin with.

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1 MS. BUTCHER: And Your Honor, when, you
2 know, had no recollection, to me that says I don't
3 remember so then trying to refresh their memory to
4 something that should be in the case file.

5 THE COURT: But he can't refresh his
6 memory to something that he didn't make.

7 MS. BUTCHER: Your Honor, that's -- I
8 understand.

9 THE COURT: All right. Counsel, let's
10 take ten minutes and then we'll be ready to start
11 back. Thank you.

12 Don't talk with anybody. You can leave
13 your stuff there, but don't discuss your testimony
14 with anybody over the recess.

15 THE WITNESS: Yes, sir.

16 (WHEREUPON, a recess was taken from the
17 proceedings.)

18 THE COURT: Back on the record with State
19 versus Brittany Epps present with her counsel. The
20 State is represented by Assistant Solicitor
21 Ms. Barr. If the witness will re-take the stand.
22 Anything before we bring the jury in, Ms. Barr?

23 MS. BARR: No, Your Honor.

24 THE COURT: Ms. Butcher?

25 MS. BUTCHER: No, Your Honor.

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1 THE COURT: All right, bring the jury in
2 please.

3 (WHEREUPON, the jury was returned to the
4 courtroom at approximately 12:22 p.m.,
5 and the following proceedings commenced
6 in open court.)

7 THE COURT: All right. Thank you, ladies
8 and gentlemen, we have resolved that legal issue and
9 the Defense was cross-examining the State's witness
10 and she may continue to do so.

11 Ms. Butcher.

12 MS. BUTCHER: Thank you, Your Honor.

13 BY MS. BUTCHER:

14 Q Your role as the lead investigator did you
15 recover any GSR reports in this case?

16 A Yes, ma'am.

17 Q Okay. Well, what is GSR? Just what does it
18 stand for?

19 A I don't know exactly what. Gunshot residue I
20 think, but it may have a more technical term but
21 that's what I always understood it to, be gunshot
22 residue.

23 Q Okay. Now Jessica was tested for gunshot
24 residue, correct?

25 A Seems like I did read that in the report, yes,

1 ma'am.

2 Q Do you recall what the results of the report were
3 for your investigation?

4 MS. BARR: Judge, we're gonna object
5 to ---

6 THE COURT: Sustained.

7 BY MS. BUTCHER:

8 Q Through your investigation was Brittany Epps ever
9 tested for gunshot residue?

10 A I don't recall seeing anything in there with any
11 GSR done on Brittany, no, ma'am.

12 Q Okay. Why did she -- when did law enforcement
13 speak to her? Let me ask you this, did she turn
14 herself in?

15 A Seems like I read in one of the reports that she
16 turned herself in I want to say around 2:00 on the,
17 2:00 in the afternoon on the 30th if I recall
18 correctly, but I can check my notes if I need to.

19 Q Do you have any knowledge of if whether or not a
20 gunshot test was done on Brittany?

21 A I wouldn't have any first hand knowledge, but I
22 don't necessarily remember any report with gunshot
23 residue with Brittany either.

24 Q Okay. To your knowledge did Brittany consent to
25 a buccal swab being taken from her?

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1 A I do remember reading a note from another officer
2 to where she did a buccal swab. I do recall that,
3 yes, ma'am.

4 Q Okay. And do you recall if she consented to
5 that?

6 A If my memory is correct -- I don't have that
7 officer's notes in front of me -- it seems like I do
8 remember her consenting, if I recall correctly, with
9 attorney's consent or something like that. Again, I
10 don't have his notes in front of me, but I do
11 remember reading a note about that.

12 Q And that would be -- can you explain what that
13 is, the buccal swab?

14 A The buccal swab?

15 Q Yeah.

16 A Buccal swabs are a kit has two Q-tips in it and
17 you basically take those two Q-tips and you swab the
18 inside of the individual's mouth to obtain a starter
19 DNA sample, a I guess you call it, something to test
20 other things to.

21 Q Okay. And that's how you get a sample of
22 someone's DNA to test against certain items in an
23 investigation?

24 A Yes, ma'am.

25 Q Okay. Let's go back real quick to Mr. Samuel

1 Barr, Mr. Monkey Joe.

2 A Okay.

3 Q He didn't testify that he had given Brittany a
4 ride or anybody a ride that night, correct?

5 A No, ma'am, he didn't.

6 Q And nobody with bloody clothes?

7 A Say again?

8 Q And no one with bloody clothes, correct?

9 A Huh-uh.

10 Q Now let me ask you this, through your
11 investigation were you able to make that remote that
12 was found by law enforcement actually work on
13 Mr. Brown's car?

14 A No, ma'am.

15 Q Now isn't it correct that when it was found it
16 was actually corroded on the inside?

17 A I remember seeing the note. I wasn't involved in
18 that portion of it; but there was a note from, I
19 think, from another officer about the battery was
20 corroded.

21 Q Okay. Do you recall that the battery was
22 changed?

23 A In that same note, if I recall correctly, it was
24 something about they had changed, put a new battery
25 in.

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1 Q And that it still didn't open that car?

2 A That's correct.

3 Q Okay. So other than the testimony of Mr. Hatten,
4 you didn't find any other way to connect that remote
5 to Mr. Brown's vehicle, correct?

6 A Say that again please.

7 Q Other than the testimony of Mr. Hatten, you
8 didn't find a way to connect that particular
9 Cadillac remote to Mr. Brown's vehicle, correct?

10 A That is accurate, yes, ma'am.

11 Q Do you -- can you tell me why Theodore McKnight's
12 fingerprints were submitted in 2016?

13 MS. BARR: Objection, calls for facts not
14 in evidence. The question assumes facts not in
15 evidence.

16 THE COURT: All right. I will sustain the
17 question as asked. You can rephrase it.

18 BY MS. BUTCHER:

19 Q Through your investigation -- well, let me ask
20 you this, were you the lead investigator -- were
21 Theo McKnight's fingerprints ever taken to be tested
22 against items?

23 A Seems like I remember reading a note where his
24 fingerprints were sent, yes, ma'am.

25 Q Okay. And why was that?

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1 A I can't answer that. That was prior to my
2 becoming investigator.

3 Q So you basically can only testify to the
4 investigation for the past three months.

5 A Just what I've been involved in, that's correct,
6 yes, ma'am.

7 Q Okay. Now you did find the car in the woods or?

8 A I did.

9 Q Edge of the woods, correct?

10 A Yes, ma'am.

11 Q I'm gonna show you what's been entered as State
12 Exhibit Number 4. And can you -- Your Honor, may I
13 have the witness step down?

14 THE COURT: Yes, ma'am.

15 MS. BUTCHER: Okay.

16 BY MS. BUTCHER:

17 Q Can you just point to where the car was located
18 when you found it.

19 A This is not a real good depiction of how that
20 goes; but since it's drawn this way, then it would
21 be somewhere in this vicinity right through here.

22 Q Okay.

23 A (Resumes seat in witness box.)

24 Q Do you recognize this photo?

25 A I do, yes, ma'am.

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1 Q What is that?

2 THE COURT: Nope, not in evidence.

3 BY MS. BUTCHER:

4 Q Okay. Do you know when this was taken?

5 A I have assumption, but I think the morning that
6 he was found.

7 Q Okay.

8 MS. BUTCHER: Your Honor, I ask to place
9 this into evidence as Defendant's 1.

10 THE COURT: Any objection, Ms. Barr?

11 MS. BARR: No, Your Honor.

12 THE COURT: Defendant's Number 1 admitted
13 into evidence without objection.

14 (WHEREUPON, Defendant Exhibit No. 1 was
15 marked for identification and admitted
16 into evidence.

17 BY MS. BUTCHER:

18 Q Can you please state what that picture depicts.

19 A That's Mr. Joe Brown's body in the back of his
20 green Cadillac.

21 Q And is that the way he was discovered?

22 A Yes, ma'am, that's all except -- well, to the
23 best of my recollection, yes, ma'am. That's the way
24 he was discovered. He was on his left side. I
25 can't remember exactly how his feet was positioned

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1 at this time, but that's the way I remember the
2 upper torso and his head and bent on his left side.
3 Also I do remember his clothes had been at that
4 position as well when I first opened the trunk.

5 Q Okay. Do you recognize this photo?

6 A I do, yes, ma'am.

7 MS. BUTCHER: Your Honor, I ask to enter
8 this as State's Exhibit Number 2.

9 THE COURT: Defense Exhibit Number 2.

10 MS. BUTCHER: Defense Exhibit Number 2,
11 yes, Your Honor.

12 MS. BARR: Without objection, Your Honor.

13 THE COURT: Admitted without objection.

14 (WHEREUPON, Defense Exhibit Number 2 was
15 marked for identification and admitted
16 into evidence.)

17 BY MS. BUTCHER:

18 Q What does that picture depict?

19 A That's the spot where the car was at when I saw
20 it this morning.

21 Q Okay.

22 A 292 Kendell Park.

23 Q Okay. And when you say that car you're speaking
24 of Mr. Brown's car?

25 A Yes, ma'am, the '94 green Cadillac.

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1 Q Okay. And this is simply after the car was
2 removed, correct?

3 A That's correct. That's after daylight.
4 Someone's waiting on the background and took
5 pictures after daylight.

6 Q Okay. Now you were an investigator at the
7 beginning of this case, correct, just not the lead
8 investigator?

9 A No, ma'am, I was in patrol division.

10 Q Okay, but not -- okay. And you did go out to the
11 crime scene?

12 A Yes, ma'am.

13 Q Okay. There was a phone found at the crime
14 scene, correct?

15 A That is correct.

16 Q And as through your investigation was any
17 analysis ever run on that phone?

18 A I don't remember seeing any notes where it was
19 done with it, no, ma'am.

20 Q Since you took over as lead investigator did you
21 run any analysis on that phone?

22 A I did not and I based it, the reason I didn't is
23 there was an officer note -- I don't have his notes
24 in front of me -- that a search warrant was got to
25 essentially download the information off the phone

1 and that he took it to have that done and then there
2 was some sort of software issue or something to
3 where it couldn't be done.

4 Q Okay. Did you run any fingerprint analysis on
5 that phone?

6 A I don't remember seeing anybody's notes where
7 there was any fingerprints done. But I wouldn't
8 know, I wasn't involved.

9 Q Did you as the lead investigator run fingerprint
10 analysis?

11 A No, ma'am, I tried not to, no, ma'am.

12 Q And why not?

13 A I don't have -- but I didn't.

14 Q Okay. Now ---

15 A I also say this, I'm not gonna say that there
16 wasn't any done on it; I don't know.

17 Q Let me ask you this, now you took over as lead
18 investigator way late in this case, correct?

19 A Certainly.

20 Q But with that you did do some things that
21 probably should have been done way back at the
22 beginning of the investigation, correct?

23 MS. BARR: Objection, argumentative.

24 THE COURT: All right. Ask him
25 specifically what -- that's pretty broad. I sustain

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1 the objection as asked.

2 BY MS. BUTCHER:

3 Q Did you, when you took over as lead investigator,
4 did you look back over the crime investigation to
5 that date and see if there's anything you needed to
6 do?

7 A Yes, ma'am. And I identified, you know, again,
8 the key chain and key fob is one of the things I
9 identified to be followed up on.

10 Q Okay. Did you look to see if a fingerprint
11 analysis had been conducted on this phone?

12 A I do not know. I didn't personally look to see
13 if it had been done, no, ma'am.

14 Q Okay. Is that -- and did you look to see if a
15 fingerprint analysis had been done on the key chain?

16 A I did not, no, ma'am.

17 Q How about inside of the car, Mr. Brown's car?

18 A I don't even remember if I looked at that. I
19 don't remember seeing anything about fingerprint
20 analysis inside the car.

21 Q How about the outside of the car?

22 A I do remember seeing some stuff about the
23 fingerprint stuff off the SLED reports; but again,
24 you know, about the processing was done by them.
25 They would probably be in a better position to say

1 what was done and why what was done, that sort of
2 thing. I just simply did not know.

3 Q Okay. Is there any reason you didn't consider --
4 well, you testified earlier that you do consider
5 these things to be important, correct, I believe I
6 asked you that about the key chain?

7 A Yes, ma'am.

8 Q Is there any reason you did not conduct these
9 tests?

10 A At this point in time in the case, being late in
11 the case, I tried to get the things that I thought
12 could yield some type of results and the fingerprint
13 stuff had been done way back at the crime scene. I
14 suppose I was looking for things that couldn't have
15 been done at the crime scene that could be done late
16 in the investigation, but I don't have a particular
17 memory or recollection of going through my mind why
18 I didn't do that.

19 Q Let me ask you this, do you believe as an
20 investigator law enforcement agent that you have a
21 duty to the victim in a case to try to determine
22 what happened?

23 A I do.

24 Q How about to anyone that the State accuses a
25 crime?

SW - A. KENNEDY - REDIRECT

1 A I do.

2 Q Through your investigation were you ever aware of
3 Jessica saying that she will give certain
4 information if she was moved from one jail to the
5 other?

6 A No, ma'am, never heard that at all.

7 Q Thank you.

8 A Yes, ma'am.

9 THE COURT: Redirect?

10 MS. BARR: Yes, sir.

11 **REDIRECT EXAMINATION**

12 BY MS. BARR:

13 Q Mr. Kennedy, I'll ask you just a few follow up
14 questions and I won't be long. First of all, I know
15 you got a stack of stuff there with you. Would you
16 happen to have the SLED DNA report dated
17 January 19th, 2016, that you were testifying about
18 with Ms. Butcher on cross-examination? Do you have
19 that up there with you?

20 A I have to look.

21 Q Okay.

22 A Is that okay?

23 Q Well, here's what I'm doing in the interest of
24 time.

25 A All right.

1 Q I'm just gonna ask you if you've seen this
2 document before, and that's the January 19th, 2016
3 document. Just let me know if you've seen it before
4 as a part of this case.

5 A Before about 40 minutes ago I would not have had
6 a recollection of seeing this specific document, but
7 I saw it about 40 minutes ago, yes, ma'am.

8 Q Okay, all right. With regard to any DNA analysis
9 in this case, any fingerprint analysis in this case,
10 any trace evidence analysis in this case, were you
11 back in March of 2014 qualified to do any of those
12 things?

13 A No, ma'am.

14 Q Are you now as you sit on this witness stand
15 qualified to do DNA analysis, trace evidence
16 analysis, or fingerprint analysis?

17 A No, ma'am.

18 Q All right. In connection with this particular
19 case, who were the individuals, if any, that were
20 involved in trace evidence analysis, DNA analysis,
21 and/or fingerprint analysis?

22 A I think just SLED.

23 Q SLED?

24 A I don't think we had anyone then or now qualified
25 to do that.

SW - A. KENNEDY - REDIRECT

1 Q You mean employed full-time at the Sheriff's
2 Office?

3 A That's correct, yes, ma'am.

4 Q All right.

5 A That's the reason for SLED.

6 Q Okay. And with regard to that January 19th
7 report and any other notes in your case file, you
8 previously testified that you remembered that Ms.
9 Epps, the defendant in this case, gave a DNA sample
10 or buccal swab.

11 A Seems like I remember reading an officer note
12 where she, her attorney consented to one, yes,
13 ma'am.

14 Q And what about Ms. Jessica Jackson, do you know
15 whether or not she consented also to giving
16 voluntarily a DNA swab for herself?

17 A Again, just reading other officer's note, yes, I
18 do remember her being, consenting to a buccal swab.

19 Q Okay. Was a gun ever recovered in this case?

20 A No, ma'am.

21 Q Okay. Did you make the effort since you decided
22 to take a fresh look at the case to try to find a
23 gun?

24 A Yes, ma'am.

25 Q What'd you do?

SW - A. KENNEDY - REDIRECT

1 A Can I get that note as well?

2 Q Yes, sir.

3 A On June 20th, 2016, officers from the
4 Williamsburg County Sheriff's Office, State Law
5 Enforcement Division, SLED, the Williamsburg County
6 Fire Department search and rescue team, as well as
7 officers from the Sheriff's Office, and EMS on the
8 search and rescue team, conducted a search of the
9 area, the wooded area between Julious Road and
10 Kendell Park Road area in a search for evidence.

11 Q Okay. Why did you all decide to do that to
12 two-and-a-half years later?

13 A The reason I decided to do it is, in going back I
14 noticed that particular area had been searched by a
15 canine, a portion of that area had been searched by
16 a canine; but I ended up talking to a individual by
17 the name of Shannon Morris, and it led me to think
18 possibly that was the -- if a person walked from
19 that scene trying to get to Vanity Epps' home that
20 that might be the wooded area that person took if
21 they took a wooded area.

22 Q Okay.

23 A So as a big area as it was, that was the reason I
24 determined to try to search that area even two years
25 later.

SW - A. KENNEDY - REDIRECT

1 Q So you had assistance of how many agencies?

2 A It would have been four separate agencies and a
3 total of looks like about 17, 18, maybe 20 people
4 involved.

5 Q Wow, the middle of June?

6 A It was hot.

7 Q And your testimony is after search of that area
8 you all did not recover ---

9 A No, ma'am.

10 Q ---a firearm?

11 A It was, it was, that was a tough area. We
12 located some snakes.

13 Q Some what?

14 A Some snakes.

15 Q All right. Now you were asked by Ms. Butcher if
16 you felt you had an obligation to a defendant
17 charged with a crime as well as the victim of a
18 crime to not just in essence investigate the things
19 that will help us, the prosecution, and hurt the
20 defendant, but you felt you had an obligation to
21 pursue all leads; is that fair to say?

22 A Absolutely.

23 Q Okay. And if you had, in fact, received any type
24 of tip or any type of lead that would lead you to
25 believe that Brittany Epps was not involved in the

1 murder of Joe Brown, would you have pursued those
2 leads?

3 A Absolutely.

4 Q Would you have pursued them as vigorously as you
5 pursued all other leads that indicated she may have
6 been involved?

7 A Absolutely.

8 Q All right. Now you testified on
9 cross-examination that at some point I think in
10 early 2016 you remembered seeing a note in your case
11 file that fingerprints for Mr. Theodore McKnight may
12 have been pulled or tested or something like that?

13 A Seems like I do remember reading an officer's
14 note.

15 Q What about fingerprints for Ms. Vanity Epps, the
16 person who owned the home at 44 Cannon Way? Do you
17 remember seeing fingerprints?

18 A It seems like I read in the same note actually,
19 yes, ma'am.

20 Q All right. Now with your testimony that you
21 would have actively pursued any leads that would
22 have pointed to the defendant's guilt or that would
23 have pointed to her innocence, did you receive any
24 evidence, any leads, any information to suggest to
25 you that anyone other than the defendant Brittany

SW - A. KENNEDY - REDIRECT

1 Epps and Jessica Jackson were involved in the murder
2 of Joe Brown?

3 A I did not.

4 Q Is Theodore McKnight as we sit here today in this
5 courtroom charged in any form or fashion with the
6 murder of Joseph Brown?

7 A No, ma'am.

8 Q Is the defendant's aunt Vanity Epps as we sit
9 here in this courtroom today charged in any form or
10 fashion with the murder of Joseph Brown?

11 A No, ma'am.

12 Q Having pursued the leads that you pursued while
13 becoming the primary investigator on the case, if
14 you had any evidence that anybody other than
15 Ms. Jackson and Ms. Epps were charged in this case,
16 would you have pursued and arrested them, if?

17 A Appropriate. Certainly.

18 Q Now you mentioned that according to your
19 recollection the defendant Brittany Epps turned
20 herself in at about 2:00 p.m. on March 30th.

21 A If I recall correctly. I'd have to look for that
22 note.

23 Q Okay. The 9-1-1 call to report the shooting and
24 the entry to Ms. Jackson's phone, that was placed at
25 11:53 p.m.; is that right?

SW - A. KENNEDY - REDIRECT

1 A I've got in my notes 11:58.

2 Q 11:58 p.m?

3 A Yes, ma'am. That's when the Sheriff's Department
4 would have been notified, not necessarily when 9-1-1
5 got called.

6 Q Okay. And not necessarily when the victim was
7 actually killed?

8 A Correct.

9 Q All right.

10 A Correct.

11 Q So we're talking about two minutes before
12 midnight on March 29th leading up to the morning of
13 March 30th?

14 A Correct, yes, ma'am.

15 Q All right. So, and do you have any idea the
16 specific time in which Mr. Brown was shot?

17 A I do not.

18 Q All right. So if the first time that law
19 enforcement was notified about this information was
20 two minutes before midnight on the 29th ---

21 A Correct.

22 Q ---and Ms. Epps turned herself in on March 30th
23 at 2:00 p.m., how much time is that between those
24 two times?

25 A Fourteen hours.

SW - A. KENNEDY - REDIRECT

1 Q Fourteen hours?

2 A Yes, ma'am.

3 Q During that 14 hour period after 9-1-1 is called
4 after EMS is dispatched, can you account for the
5 whereabouts of Jessica Jackson after EMS comes out
6 to Kendell Park Road?

7 A Yes, ma'am.

8 Q Where was she at?

9 A She was Metts ---

10 MS. BUTCHER: Your Honor, I would believe
11 that would call for speculation or ---

12 THE COURT: All right, only if he knows,
13 if he knows.

14 BY MS. BARR:

15 Q Okay. Let me ask you this, you testified earlier
16 that Investigator Ballard went to the hospital in
17 Florence to talk to Jessica?

18 A Yes, ma'am.

19 Q You were on the phone when he was on his way back
20 to Williamsburg County?

21 A Correct.

22 Q You testified earlier that you found Mr. Joe
23 Brown's body, you told that to Investigator Ballard,
24 and you said we have a body. Do you know where he
25 went once you told him that?

SW - A. KENNEDY - REDIRECT

1 A I do.

2 Q Where did he go?

3 A He went back to McLeod.

4 Q Did you see him -- well, once he came back from
5 McLeod the second time, where did he go?

6 A The Detention Center.

7 Q Did he have anybody with him?

8 A Yes, ma'am, Jessica Jackson.

9 Q And once Investigator Ballard brought Jessica
10 Jackson to the Detention Center after she's taken
11 from McLeod Hospital, is she ever out of the custody
12 of the Sheriff's Office at that point other than to
13 go to jail?

14 A No, ma'am.

15 Q Okay, all right. Now between 11:58 p.m. when
16 that 9-1-1 call is made, and the time that Jessica
17 Jackson is put in the ambulance and taken to the
18 hospital at McLeod, do you have any idea where
19 Brittany Epps was until she turned herself in 2:00
20 on the afternoon of March the 30th, 14 hours later?

21 MS. BUTCHER: Again, Your Honor, I believe
22 that calls for speculation.

23 THE COURT: All right, that will be ---

24 MS. BUTCHER: Person ---

25 THE COURT: The question was asked does he

SW - A. KENNEDY - RECROSS

1 have any idea where she was. He can answer that
2 yes or no. She hadn't asked where she was, she just
3 asked if he had any recollection of where she was or
4 he had any knowledge of where she was.

5 MS. BUTCHER: And ---

6 THE COURT: He can tell what his knowledge
7 is. All right, answer that question.

8 MS. BUTCHER: And additionally, Your
9 Honor, I don't believe this is proper redirect.

10 THE COURT: All right. It hadn't been
11 proper for a long time but you let her get into it.
12 I'm gonna let her ask this question.

13 THE WITNESS: No.

14 MS. BARR: That's all the questions I
15 have. Thank you, sir.

16 THE COURT: Recross?

17 MS. BUTCHER: Thank you, Your Honor.

18 **RECROSS-EXAMINATION**

19 BY MS. BUTCHER:

20 Q Now through your investigation did you read Theo
21 McKnight's statement?

22 THE COURT: I'm sorry, I didn't hear the
23 question.

24 BY MS. BUTCHER:

25 Q Through his investigation did you read Theo

1 McKnight's statement.

2 A No, I have not read a statement from Theo, no.

3 Q Are you sure you have not?

4 A I'm ---

5 Q Would you like to read ---

6 THE COURT: That's what he said. He said
7 he hadn't read it?

8 THE WITNESS: I do not recall reading a
9 statement from Theo McKnight.

10 THE COURT: All right, next question.

11 BY MS. BUTCHER:

12 Q Are you aware through your investigation of the
13 description of the clothes Brittany Epps was wearing
14 that night that Theo McKnight gave?

15 MS. BARR: Objection, outside the scope of
16 recross.

17 THE COURT: He said he did not know, he
18 had not read the statement.

19 MS. BUTCHER: Your Honor, I'm asking if he
20 knows through an investiga-- or any other method,
21 way, other than reading the statement.

22 MS. BARR: And Your Honor, we take the
23 position that's outside the scope of ---

24 THE COURT: How else would he know?

25 MS. BUTCHER: Your Honor ---

SW - H. QUAM - DIRECT

1 THE COURT: And that is outside the scope
2 of objection, sustained.

3 MS. BUTCHER: Okay. No further questions.

4 THE COURT: All right, thank you, sir.
5 You may step down.

6 All right, ladies and gentlemen, we have
7 now reached the lunch hour. It is appropriate that
8 we take our afternoon recess for lunch, and we're
9 going to do that at this time. Again, I would tell
10 you when you're away from the courthouse do not
11 discuss the case with anyone, do not allow anyone to
12 discuss it with you, and do not discuss it among
13 yourselves while you are reconvening in the jury
14 room. It's still premature for you to begin any
15 discussion of this case. Do not do any research,
16 consult any Google or internet or anything else or
17 have any discussion with anybody about this case
18 over the lunch recess. It is 1:00 and what I'd like
19 to do is start back at 2:15 if that gives everybody
20 time enough. That will be an hour and fifteen
21 minutes. If you will be back in the jury room at
22 please at 2:15, we'll try to start promptly at that
23 time. Thank you. You may go with the bailiff.

24 (WHEREUPON, the jury was removed from the
25 courtroom at 1:00 p.m.)

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1 THE COURT: All right, we'll give the jury
2 just a minute to clear the area before we dismiss
3 the court personnel, then we'll take a lunch break.
4 We'll be in recess until 2:15.

5 (Whereupon, a lunch break was taken.)

6 THE WITNESS: State's Exhibits 49 through
7 70.

8 (WHEREUPON, State Exhibits Nos. 49 through
9 70 were marked for identification
10 only.)

11 THE COURT: We're back on the record with
12 the State of South Carolina versus Brittany Epps.
13 Ms. Epps is present in the courtroom with her
14 counsel Ms. Butcher. The State is present
15 represented by the assistant solicitor Ms. Barr.
16 Anything before we bring the jury in, Ms. Barr?

17 MS. BARR: No, Your Honor.

18 THE COURT: Ms. Butcher?

19 MS. BUTCHER: No, Your Honor.

20 THE COURT: All right, bring the jury in
21 please.

22 (WHEREUPON, the jury was returned to the
23 courtroom at approximately 2:15 p.m., and
24 the following proceedings commenced in
25 open court.)

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1 THE COURT: Good afternoon, ladies and
2 gentlemen, again, thank you for your promptness in
3 being back here this morning and we are ready to
4 start. Again I would ask you if anyone has
5 approached you or tried to talk with you about this
6 matter or anyone who has anything to do with this
7 matter over the lunch recess I will need to know
8 about it now.

9 (There was no response.)

10 THE COURT: Again, negative response and
11 that's good. Has any juror learned anything about
12 this case or anyone involved in the case from any
13 source whatsoever, print media, broadcast media,
14 internet Google, Bing, Facebook, anything at all, if
15 so, please indicate by raising your hand.

16 (There was no response.)

17 THE COURT: Again, negative, and that's
18 all. That's good. We're now ready to start. Ms.
19 Barr, you may call your next witness.

20 MS. BARR: Your Honor, the State calls
21 Haley Quam.

22 WHEREUPON,

23 **HALEY QUAM,**
24 having been duly sworn by the Clerk, testified
25 as follows:

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1 THE CLERK: Have a seat in the witness box
2 up here.

3 **DIRECT EXAMINATION**

4 BY MS. BARR:

5 Q Good afternoon, Ms. Quam.

6 A Good afternoon.

7 Q If you would please state your full name for the
8 record and spell your first and last name.

9 A My name is Haley Quam. First name is H-A-L-E-Y,
10 last name is Q-U-A-M.

11 Q Ma'am, tell the jurors where you're employed.

12 A I'm currently employed at the South Carolina
13 State Law Enforcement Division commonly known as
14 SLED, and I'm assigned to the crime scene
15 department.

16 Q All right. Now ma'am, how long have you worked
17 for SLED?

18 A Approximately three-and-a-half years.

19 Q All right. And can you tell us what you do as an
20 employee with State Law Enforcement Division?

21 A Yes. SLED is an assisting agency so in the crime
22 scene department we go at the request of local
23 agencies like the city, county, or federal
24 jurisdictions. And we go at the request for crime
25 scene and then we go to there, we document, process

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1 collect the evidence. We'll bring it back to the
2 lab located in Columbia, and we'll package it and
3 send it to the appropriate departments for further
4 processing.

5 Q All right. Now ma'am, back during the early
6 morning hours of March 30th ---

7 A Yes.

8 Q ---of 2014, did you have occasion to assist the
9 Williamsburg County Sheriff's Office with regard to
10 a murder of Joe Brown?

11 A I did.

12 Q All right. Tell us approximately when you
13 received either the call, or how were you contacted?

14 A We have a dispatch system so I received the call
15 at approximately 5:40 in the morning and they were
16 notifying me of the crime scene request.

17 Q 5:40 in the morning?

18 A Yes.

19 Q Okay. And as a result of receiving that call
20 what did you do?

21 A From then on make contact with the point of
22 contact that was provided, and then myself along
23 with my partner -- at the time it was Senior Agent
24 Vicky Hallman -- we will respond to the scene.

25 Q Okay. And in this case when you talk about the

SW - H. QUAM - DIRECT

1 scene, what area are you speaking talking about?

2 A At that point the location that we had been told
3 was a vehicle location which was Williamsburg, I
4 believe, County Sheriff's Office training facility.

5 Q All right. That was the first place that you
6 went?

7 A Yes.

8 Q Okay. And did you see the victim's '94 Cadillac
9 there?

10 A I'm sorry?

11 Q Did you see the victim's '94 Cadillac vehicle
12 there?

13 A Yes, I did.

14 Q Tell us what you did as a result of coming to the
15 training facility and seeing the victim's vehicle?

16 A May I refer to my notes?

17 THE COURT: Yes, ma'am.

18 THE WITNESS: When we arrive on scene we
19 typically will meet with the investigators first and
20 try to find out the initial information. So at that
21 point we were told that the vehicle had been towed
22 from a previous location to the training facility
23 and that's where the victim had been located in the
24 trunk. So we decided to go and process the s
25 initial scene where the vehicle had been found

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1 first.

2 Q Okay. And as a result of that where did you go?

3 A We went to 292 Kendell Park Road in Kingstree.

4 Q Okay. Ms. Quam, I'm gonna hand you what's been
5 previously admitted as State Exhibit Number 4. Is
6 that your diagram of the area where the victim's
7 vehicle was initially discovered per your
8 understanding from the Sheriff's Office?

9 A Yes.

10 Q Okay, all right. And I'm gonna publish this
11 particular exhibit. While I'm publishing if I can
12 get you to step off the witness stand for me. Come
13 with me.

14 A (Complies.)

15 Q Let me get you to stand on this side for me.
16 I'll let you use the pointer. Thank you for
17 bringing the mic. Just kind of orient the jury as
18 to the specifics of the diagram and note anything of
19 importance with regard to what you believed to be
20 the scene.

21 A Okay. So right here as i indicated Kendell Park
22 Road, the location. The residence address that we
23 had was 292, and then behind 292 there was a three
24 line so that's indicated over here.

25 Q All right. With regard to the box here that's

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1 listed as 292, what is that supposed to indicate?

2 A That's indicating the residence that was there.

3 Q Okay, is that the mobile home?

4 A Yes, ma'am.

5 Q All right. Now on your particular diagram,
6 particularly where the three line is, there are some
7 circles there with different numbers on that. Can
8 you tell the jurors what that represents.

9 A So this represents items of evidence that we
10 chose to mark and the number will indicate which
11 item that is. So over here I believe item, or
12 marker one, was a glass fragment. Marker two was a
13 tract phone. Marker three, marker three was a
14 church fan and marker four was some more glass.
15 Marker five was a piece of board that had a partial
16 tire impression on it, and marker six was suspected
17 blood.

18 Q All right. And let's talk about the mobile home
19 that's depicted on your particular diagram. I'm
20 gonna publish over State's Exhibit Number 4, State's
21 Exhibit Number 15, do you recognize the item that's
22 in State's Exhibit Number 15?

23 A I do.

24 Q And what is that item? What's actually depicted
25 in that exhibit?

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1 A That's the residence of 292.

2 Q All right. And point to where that would be on
3 the diagram that you drew.

4 A So here's the residence and this photograph would
5 have been taken from the perspective over here.

6 Q Okay. All right, and I'm also gonna publish
7 State's Exhibit Number 14, put it over your
8 particular diagram. And if you will, please orient
9 the jury as to the photograph of 14 and your diagram
10 of 4.

11 A Okay. So you have the residence over here and
12 right here is the electric pole which would be what
13 reference point. RP stands for reference point. We
14 used that to calculate measurements from the
15 evidence marker so we have that depicted in the
16 photograph as well so that perspective for this
17 photo would have been over here.

18 Q Okay.

19 A You can see the tree line as well in here behind
20 it.

21 Q All right. Now I'm gonna publish over your
22 exhibit number 4 State's Exhibit Number 16. I'm
23 gonna let you see it first.

24 A Okay.

25 Q I'll publish it over your diagram. Orient the

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1 judge, the jury and the judge, to what is depicted
2 within the photograph.

3 A Okay. So right here we have the area. This is
4 prior to the markers being placed. And right here
5 you can see an area of dirt that's disturbed and
6 where this photograph would be would be in this area
7 on the diagram.

8 Q Okay, all right. Does there appear to be track
9 marks on the photograph?

10 A Yes. When the dirt or the mud, it was kind of
11 deep there, looked as if a tire, you know, had been
12 moving and was getting deeper as if it was stuck and
13 you had two different impressions right there.

14 Q Okay. Now on your particular diagram where would
15 those tire marks be?

16 A They would be right here in this area.

17 Q Okay. You mentioned one of the markers that was
18 listed in your particular exhibit. I believe you
19 referenced a piece of wood?

20 A Uh-huh.

21 Q Is that a yes?

22 A Yes.

23 Q Let me show you State's Exhibit Number 17 which
24 is in evidence. I'll show it to you first.

25 A Okay.

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1 Q All right. With regard to that piece of wood,
2 I'll publish it on top of the photograph and can you
3 for perspective kind of show us where that would be
4 approximately on your diagram.

5 A That would be over here in the area of marker
6 five because later after we placed the evidence
7 marker as marker five was indicating for the board.

8 Q All right.

9 MS. BARR: Judge, we have marked for
10 identification State's Exhibits 49 through 70. We
11 move to introduce these exhibits.

12 THE COURT: Any objection, Ms. Butcher?

13 MS. BUTCHER: None, Your Honor.

14 THE COURT: All right. 49 through 70 will
15 be admitted into evidence without objection.

16 (WHEREUPON, State Exhibits No. 49 through
17 70 were admitted into evidence.)

18 BY MS. BARR:

19 Q All right. Ma'am, you also testified of course
20 about one of the markers being a church fan.

21 A Yes.

22 Q I'll hand you State's Exhibit Number 7.

23 A Okay.

24 Q Do you recognize what's in that photograph?

25 A I do.

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1 Q I'll place it over your diagram. Tell the jury
2 what it is.

3 A So this is the church fan we saw at the scene.
4 You can see an area right here it looks as if
5 there's suspected blood on it, and this will be in
6 this area at marker three.

7 Q Marker three?

8 A Uh-huh.

9 Q And when you say marker three, you all actually
10 put physical markers down with items of interest at
11 the scene?

12 A Yes, we'll place yellow evidence markers.

13 Q How do you determine what's noteworthy at a scene
14 and what's not?

15 A It just depends on the scene circumstances.
16 We'll kind of look for anything out of place and
17 it's based upon the information that we are all
18 provided. At that point knowing, you know, in a
19 tree line we don't really see any garbage, a lot of
20 debris so at that point everything that was kind of
21 in the grass and the tree line was standing out to
22 us.

23 Q All right. And I'll publish State Exhibit Number
24 68. Does that reference the marker that you placed
25 near the church fan?

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1 A Yes, it does.

2 Q All right. And on your diagram where would
3 marker three be?

4 A Right here.

5 Q Okay. All right. Tell us, if you will, about
6 State Exhibit Number 67.

7 A Okay. State Exhibit Number 67 you said?

8 Q Yes.

9 A Is marker two, and marker two we have found a
10 tract phone so this is what that evidence marker
11 placed and on the diagram it is right here.

12 Q All right. I'm gonna publish State Exhibit
13 Number 69.

14 A Okay.

15 Q Do you recognize what's depicted in that
16 photograph?

17 A I do.

18 Q Why was that picture taken?

19 A This picture was taken, it's kind of hard to ---

20 Q I tell what we're gonna do. We'll take your
21 diagram off for just a second. I'll put just the
22 photograph on number 69, and I'll zoom a little bit,
23 okay. First of all, do you know what that is there?

24 A That's a toe.

25 Q A little bit -- was that a random boot out there

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1 or was someone wearing it?

2 A No, that's one of our agents I believe.

3 Q Just you have to put a pic---

4 A Yeah, standing near it.

5 Q Yes, ma'am. Okay, tell us why that picture was
6 taken.

7 A So, here in the grass you can see a coin kind of
8 right there.

9 Q Why was that noteworthy?

10 A That was noteworthy because at that point we
11 really didn't -- there wasn't, like I said, any
12 trash or debris. Everything that was kind of around
13 that area was standing out to us.

14 Q Okay. All right, and you told us earlier that
15 you determined the scene to be 292 Kendell Park
16 Road. Can you tell us about State's Exhibit 49.

17 A Yes. This would be the mailbox at the front of
18 the driveway and then you can see the marker for the
19 numerics for the house.

20 Q All right. And so I'll put it on top of your
21 diagram, State's Exhibit 4, and I'll ask you to
22 provide reference for us.

23 A The mailbox was at the end of the driveway which
24 was in this location.

25 Q All right. I know I'm gonna have you come back

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1 up, but right now I'll just have you take a seat.

2 Thank you.

3 A (Complies.)

4 Q Now you indicated that you saw a tract phone, you
5 noticed some other items that were photographed at
6 the scene. Did you collect any of those items at
7 the 292 Kendell Park Road address?

8 A Yes, we did.

9 Q What did you collect from that address?

10 A From that -- may I refer to my notes?

11 THE COURT: Yes.

12 THE WITNESS: From that address we
13 collected the piece of glass. And for the cell
14 phone I collected initially at the scene, but then
15 it was later transferred via chain of custody to a
16 Williamsburg County sheriff's deputy. But there
17 collected two swabs from the cell phone. Marker
18 three was a fan that had suspected blood on it so we
19 collected the fan. And then also there I collected
20 swabs from the handle of the fan and swabs from the
21 hardboard of the fan. Marker four was pieces of
22 glass; we collected those. Marker five was the
23 piece of board with the partial tire impression; we
24 collected that. And marker six was suspected blood
25 and we collected two swabs from that area, and then

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1 also the quarter and the penny.

2 Q Tell me what you mean when you say swabs, when
3 you collect swabs. Tell me what that means.

4 A Swabs, we usually collect those when we are
5 looking for DNA evidence so we can be looking for
6 touch DNA or in the case where marker six we're
7 looking for DNA blood so that's where it would be
8 going when it goes back to the lab.

9 Q All right, and how do you collect the swab?

10 A We have to ---

11 Q What do you physically do?

12 A We have two in a package. We'll wet one with
13 deionized water and then we'll swab the item.

14 Q Okay. And when we say two in a pack and you're
15 talking about swabs, swabs look like a Q-tip?

16 A Yes.

17 Q And what do you physically do with the swab that
18 looks like a Q-tip? What do you physically do with
19 the particular item of interest?

20 A This was an item and I was collecting something
21 for touch DNA. I would take it and rub all over the
22 exterior surface of it.

23 Q Okay. State's 71.

24 (WHEREUPON, State Exhibit No. 71 was
25 marked for identification only.)

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1 MS. BARR: Judge, we would move to
2 introduce State's Exhibit 71.

3 THE COURT: Any objection?

4 MS. BUTCHER: No, Your Honor.

5 THE COURT: All right. State's Number 71
6 did you say?

7 MS. BARR: Yes, Your Honor.

8 THE COURT: Admitted into evidence without
9 objection.

10 (WHEREUPON, State Exhibit No. 71 was
11 admitted into evidence.)

12 MS. BARR: All right. May I approach the
13 witness?

14 THE COURT: Yes, ma'am.

15 BY MS. BARR:

16 Q Ms. Quam, let me show you what's been admitted as
17 State's Exhibit 71.

18 A Okay.

19 Q First of all, there is a name listed on this
20 envelope. Do you recognize that name?

21 A I do.

22 Q What's the name?

23 A Mark Creech.

24 Q How do you recognize that name?

25 A Mark Creech is the field investigator for us in

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1 the Pee Dee region.

2 Q Do you recognize the particular item that I took
3 out of that folder?

4 A I do.

5 Q How do you recognize it?

6 A That's the phone that we collected from the scene
7 at marker two.

8 Q And this is the same phone that you collected the
9 swab from?

10 A Yes.

11 Q All right. Was anything else done at the 292
12 Kendell Park Road address?

13 A We searched the area for a weapon, but we didn't
14 find anything at that point. And also, the owner of
15 the mobile home had told us that it was supposed to
16 be secure but secured with a piece of board over the
17 door, but that board was missing so we went through
18 -- she gave us consent to go into the house and we
19 searched to see if there was anything of evidentiary
20 value in there.

21 Q Did you find anything of value?

22 A We did not.

23 Q Okay. Now was anyone living at the residence at
24 the time?

25 A The homeowners, I believe her brother -- give me

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1 one second, let me refer to my notes. Yes, her
2 brother. He was renovating it but he was away at
3 the time in Atlanta.

4 Q Okay, all right. Once you left the Kendell Park
5 Road address where did you go then?

6 A I then went to the Williamsburg County Sheriff's
7 Office.

8 Q And what was your reasoning or your intent to
9 going to the Williamsburg County Sheriff's Office?

10 A The suspect that they had in questioning Jessica
11 Jackson was there so my intent was to go there and
12 photograph her and collect a buccal swab and GSR
13 kit.

14 Q Okay. What time did you get to Sheriff's Office?

15 A I arrived at the Sheriff's Office at
16 approximately 9:28 a.m.

17 Q All right. So this is about four hours after you
18 first got the call about a homicide here?

19 A Yes.

20 Q All right. Now you went to the Sheriff's Office.
21 You, did you see Ms. Jackson there?

22 A Yes, I did.

23 Q All right. And we have photographs in evidence
24 of Ms. Jackson with what looks to be scrubs on, and
25 I'll publish State's 13. Is that how she appeared

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1 when you came to the Sheriff's Office?

2 A Yes.

3 Q All right. And what's the item on her left hand?

4 A She had her arm was in a cast.

5 Q Okay.

6 A And then in a sling from her shoulder.

7 Q All right. You indicated that you went to also
8 to collect a buccal swab from her?

9 A Yes.

10 Q What's a buccal swab?

11 A A buccal swab is a known standard. That's taking
12 the swab and swabbing the inside of your cheek.

13 Q Okay. Did you ask Ms. Jackson whether or not you
14 could get with a buccal swab from her?

15 A I did. She signed a consent to search.

16 Q Now let me ask you this, what would have happened
17 if she told you no?

18 A Then I would have not gotten a buccal swab.

19 Q Okay. All right. You also indicated that you
20 collected a GSR kit on her?

21 A I did.

22 Q Tell the jury what a GSR kit is.

23 A A GSR kit stands for gunshot residue kit, and
24 there's four tabs that we have in there. There's a
25 left palm, left back, right palm, right back, and

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1 essentially it kind of, it looks like a little
2 cylinder and it's clear. When you undo this tab
3 it's really sticky, and what we do is we'll tab the
4 hand and the areas indicated on that vile.

5 Q Okay, all right. She voluntarily agreed to allow
6 you to collect the GSR kit from her?

7 A She did.

8 Q Okay. Did she have the right to tell you no?

9 A Yes.

10 Q Okay.

11 MS. BARR: I'll have this marked as
12 State's Exhibit 72.

13 (WHEREUPON, State Exhibit No. 72 was
14 marked for identification only.)

15 MS. BARR: I have marked this as State
16 Exhibit Number 72. I believe that's without
17 objection?

18 MS. BUTCHER: No objection, Your Honor.

19 THE COURT: All right, admitted into
20 evidence without objection.

21 (WHEREUPON, State Exhibit No. 72 was
22 admitted into evidence.)

23 BY MS. BARR:

24 Q Tell the jury specifically what State's 72 is.

25 A State's 72 is the GSR kit for Jessica Jackson.

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1 This is the outer packaging for it though it's
2 contained within this.

3 Q Okay. Tell me what happens after you collect a
4 GSR kit from an individual. What then happens to
5 the actual analysis of that gunshot residue? What
6 happens to that item of evidence after you collect
7 it?

8 A After I collect it it will, and you close the --
9 they're kind of viles you just snap back on. Put it
10 in an envelope and then you seal it. There's
11 paperwork that goes with it, and you seal that
12 within the envelope as well so that when I take this
13 back to the lab and once it's logged in which is how
14 we get this lab number, it will go to the respected
15 department, and in this case it was the trace
16 department to be processed.

17 Q Okay. Now were you qualified at that point in
18 time to actually perform an analysis of the GSR kit?

19 A No.

20 Q Okay. Somebody else in SLED would have done
21 that?

22 A Yes.

23 Q With regard to your training in collecting GSR
24 from an individual, what have you been trained about
25 when to do it, how to do it, and that sort of? What

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1 type of protocols have you been trained in with
2 regard to collecting a GSR kit?

3 A Our protocols is a person is deceased and we,
4 let's say we don't collect GSR kit on them at the
5 scene, then we'll bag their hands and seal the bags
6 for collection at autopsy. Or if the person is
7 living then usually our window is six hours after
8 the incident.

9 Q Okay. So what time did you collect the GSR kit
10 from Ms. Jackson?

11 A 9:41.

12 Q All right. Now when you collected that GSR kit
13 from Ms. Jackson, that would have been right at four
14 hours after you got the call?

15 A Yes.

16 Q All right. Do you know what time specifically
17 the victim was killed in this case or the specific
18 time that Jessica Jackson sustained the injury to
19 her left hand.

20 A No, I do not.

21 Q Okay. What was your impressions when you
22 collected the GSR kit from her at 9:41 a.m.?

23 A At that point not knowing the time of the
24 incident, it's better just to collect it at that
25 point.

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1 Q Okay. What did you think was the timing of the
2 incident meaning the shooting when you collected the
3 GSR kit from Ms. Jackson?

4 A Just prior to me getting the call at 9:41 in the
5 morning.

6 Q Okay. So you assumed that it happened right when
7 you got the call?

8 A It was a possibility.

9 Q Okay. All right. What did you do next after you
10 collected a GSR kit and buccal swab from
11 Ms. Jackson?

12 A Items that had been collected from vehicle were
13 sent to me from Juan Ballard which was a purse for
14 Jessica Jackson and all the contents and also the
15 clothing from the hospital that she had been
16 wearing, which was a pair of shorts and a bra.

17 Q Okay.

18 A And I'm sorry, also collected a pair of shoes
19 from her.

20 Q Okay. The shirt, the shoes, and the bra that
21 Ms. Jackson was wearing at the time she was in the
22 Sheriff's Office, what did you do with those items?

23 A The scrubs, or?

24 Q Her bra, her shorts, and the shoes, and her
25 shoes, what did you do with those items.

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1 A Just packaged them. The shoes did collect swabs.
2 There was areas of suspected blood on the shoes that
3 swabs were collected from.

4 Q Okay. And those items were sent where?

5 A The shoes would have been sent -- and this was
6 after processing the vehicle to the footwear
7 department, and I believe the swabs were sent to
8 storage at that point.

9 Q The swabs were sent to storage?

10 A Yes.

11 Q Okay. And what I'm specifically getting in, all
12 these items were sent to SLED to be analyzed?

13 A Yes.

14 Q Okay. Anything else collected from either
15 Ms. Jackson and/or the suspected scene of the crime?

16 A No.

17 Q Okay. What did you do after leaving the
18 Sheriff's Office?

19 A Well, I had been told that the victim had a gun
20 and he supposedly kept it in the glove compartment.
21 And I, myself, was at the Sheriff's Office at that
22 time but my partner, Vickie Hallman, had gone to the
23 vehicle to start photographing the vehicle and she
24 confirmed that there wasn't a handgun located in the
25 glove compartment. So at that point myself and

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1 Special Agent Mark Creech went back to 292 Kendell
2 Park Road to do another search of the ditches to
3 look for a shirt since Jessica Jackson wasn't
4 wearing a shirt, and also a gun.

5 Q Okay. Did you ever find a shirt?

6 A We did not.

7 Q Okay. Did you ever find a gun?

8 A We did not.

9 Q When you went back to the training facility did
10 you process the victims vehicle?

11 A Yes.

12 Q When you went back to the training facility was
13 the victim's body still inside the vehicle?

14 A Yes.

15 Q Okay. You mentioned that you went looking for a
16 firearm after being told that the victim owned a
17 firearm.

18 A Yes.

19 Q All right. I'll show you then, I'll publish the
20 particular exhibits. And for the record I'm handing
21 you State's Exhibits 63, 64, 65, and 66.

22 A Okay.

23 Q You recognize those?

24 A I do.

25 Q Okay. What's depicted in the photographs?

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1 A In the photographs we located a black gun box,
2 handgun box, in the trunk of the vehicle which was
3 within a plastic bag.

4 Q Okay. It was in the trunk of the vehicle with
5 the victim's body?

6 A Yes, but we found this after the victim had been
7 removed from the trunk.

8 Q Yes, ma'am. I'm gonna publish State's Exhibit
9 Number 63. Is that the plastic bag and the gun box
10 that you referenced?

11 A Yes, it is.

12 Q All right. I publish State's Exhibit Number 64.
13 Tell us what that is.

14 A That's the side of the gun box, and it has the
15 markings and it has some writing on it so it has the
16 serial number 13-16367 and then it also had a model
17 number which is 73820.

18 Q All right. And State's 65 is just a closer up
19 view of that particular box?

20 A Yes, and you can see that's a Charter Arms.

21 Q And State's 66?

22 A That was after we opened the gun box and it was
23 empty.

24 Q Okay.

25 (WHEREUPON, State Exhibit No. 73 was

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1 marked for identification only.)

2 BY MS. BARR:

3 Q Ms. Quam, what ever happened to the gun box that
4 we saw in the prefer exhibit?

5 A It was collected and then it was brought back to
6 SLED.

7 Q I'm gonna hand you what's been marked as State's
8 Exhibit Number 73. You recognize this document, I
9 mean, this exhibit?

10 A Yes, I do.

11 Q And what is it?

12 A This is the Charter Arms gun box.

13 Q All right.

14 A That was collected from the trunk.

15 Q All right.

16 MS. BARR: We would move that particular
17 exhibit into evidence, Your Honor.

18 THE COURT: Yes. Any objection?

19 MS. BUTCHER: We have no objection.

20 (WHEREUPON, State Exhibit No. 73 was
21 admitted into evidence.)

22 BY MS. BARR:

23 Q All right, there is writing on the outside of
24 that particular exhibit.

25 A Yes, ma'am.

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1 Q Whose writing is that?

2 A That is mine.

3 Q What does it say?

4 A It says one Charter Arms gun box for a 38
5 revolver model 73820, serial number 13-163667
6 collected from trunk. Then it has the date 3/30/14,
7 my initials HAQ, 12:29, which would be the time that
8 it was collected. Then it has the lab number which
9 is L144204, item three.

10 Q Let me ask you this, educate me about firearms
11 for just a moment. You have not -- based on your
12 testimony you did not ever recover the victim's
13 firearm in connection with this case?

14 A No, I did not.

15 Q How did you know that it was a 38 revolver?

16 A There was the marking on the outside of the gun
17 box that had the 38 revolver.

18 Q All right, let me hold it. I'm removing the
19 contents of State's Exhibit Number 73. This is the
20 gun box that was found in the trunk of the victim's
21 vehicle?

22 A Yes.

23 Q All right, and I'll publish it so the jury can
24 see it more clearly. But where do you see
25 indications that the victim owned a 38 revolver on

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1 this particular exhibit?

2 A Over here in this area it says point, or period,
3 38 special revolver, stainless steel standard
4 hammer.

5 Q Okay.

6 MS. BARR: Permission to publish, Judge?

7 THE COURT: Yes, ma'am.

8 BY MS. BARR:

9 Q All right, ma'am, I'm going to point on the
10 exhibit where you pointed to earlier. Is that where
11 it is listed undercover 38 special revolver
12 stainless steel?

13 A Yes.

14 Q And on this particular sticker on the box it says
15 Charter Arms where I'm pointing?

16 A Yes.

17 Q All right. Tell us, if you will, about
18 processing the interior of the vehicle.

19 A So we did a search of the vehicle. When we're
20 processing we start by just photographing how the
21 vehicle looks right when we got there, and then
22 we'll kind of move to be a little more intrusive
23 where we start to pull items out and we're
24 photographing those items. There was areas of
25 suspected blood that we scaled. And when I talk

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1 about scale tape, it's tape that we have that has
2 measurements on it so there was different stains
3 that we scaled within the car.

4 Q All right. Let me get you to come off the
5 witness stand again for me please, ma'am.

6 A (Complies.)

7 Q I'm gonna publish what's been admitted as State's
8 Exhibit Number 61.

9 A Okay.

10 Q All right. Tell the jury what that is please.

11 A That is the registration for the vehicle. You
12 have the VIN number listed here. The year has 1994,
13 make Cadillac.

14 Q I'm sorry?

15 A The model Seville, and then down below to show
16 who it's registered, Joseph Brown at 36 Bradshaw
17 Road, Greeleyville.

18 Q All right. Mr. Brown's name is listed here?

19 A Yes.

20 Q Okay. Mr. Brown's name is listed here?

21 A Yes.

22 Q And you mentioned that there's a VIN number of
23 the vehicle identification number?

24 A Uh-huh, yes.

25 Q Is that a yes? Okay, I'm sorry. All right.

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1 From where you are can you read that particular
2 number?

3 A That would be 1G6KKF52Y2RU318069.

4 Q You did good. Now ma'am, I'm going to publish
5 previous exhibit number 39 of that particular
6 exhibit which is a certificate of title for a 1994
7 Cadillac in the name of Mark Hatten.

8 A Okay.

9 Q And I'll let you look at all of these so you know
10 what I'm talking about.

11 MS. BUTCHER: Your Honor, I would object.
12 I don't believe Ms. Quam -- I think the documents
13 speak for themselves. They are in evidence.
14 Testified today ---

15 THE COURT: What was the question? You
16 showed the exhibit, I believe it's in evidence.

17 MS. BARR: Right, I hadn't asked the
18 question yet.

19 THE COURT: Okay, I think -- all right,
20 ask the question. We'll see if there's an
21 objection.

22 MS. BARR: All right. I'm just having the
23 witness to look at the -- the documents in evidence
24 already.

25 THE COURT: They're in evidence, yeah.

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1 BY MS. BARR:

2 Q Now I want you to look at something for me.
3 We've got on the projector screen the registration
4 that you recovered from Mr. Brown's vehicle when you
5 processed it?

6 A Yes.

7 Q You can see the VIN number on it?

8 A I do.

9 Q With regard to State's Exhibit Number 39 I want
10 you to look at the VIN number that's listed on that
11 certificate of title.

12 A Okay.

13 Q Tell me whether or not it matches the VIN number
14 that's listed on the registration?

15 A Yes.

16 Q All right. And I'll put the two underneath each
17 other. I'll publish both of the exhibits. You see
18 that VIN number?

19 A Yes.

20 Q I'm gonna publish the certificate of title for
21 Mr. Mark Hatten. I'll zoom it out a little bit.
22 All right, you've indicated that the certificate of
23 title listed on the victim's registration and VIN
24 number in the certificate of title for Mark Hatten
25 is the same?

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1 A Yes.

2 Q Did you photograph and up-close view of the
3 victim's VIN?

4 A Yes.

5 Q All right. That's reflected in State Exhibit
6 Number 62?

7 A Yes. That would be the VIN number on the
8 windshield or the public plate.

9 Q All right. Let's talk about State's Exhibit 50
10 and I'll publish that. Tell the jury what that
11 shows.

12 A That is the windshield from the front view of the
13 vehicle on the driver's side.

14 Q All right. Tell me about State's Exhibit Number
15 60.

16 A That is the glove compartment opening. You can
17 see the manual in there as well as looks like
18 possibly a Charter.

19 Q Can you tell based on the photograph what the
20 item is that appears to be on the floorboard
21 underneath where you open the glove compartment?

22 A It appears to be an item of clothing and you
23 have, there's camo right here.

24 Q I'm gonna show you State's Exhibit Number 8.

25 A Yes.

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1 Q Does that help you at all if I publish it?

2 A Yes.

3 Q All right. Tell us where the item of clothing
4 what you believe to be the item of clothing was in
5 the previous exhibit.

6 A This is the item of clothing that's from the
7 front passenger's floorboard.

8 Q Okay. I'm gonna publish State's 10. Do you
9 recognize that?

10 A I do. That's a closer photograph of the item of
11 clothing on the floorboard.

12 Q Did you collect the item of clothing?

13 A Yes.

14 Q All right. And that's the hoodie?

15 A Yes.

16 Q And I'm just gonna show you very briefly State's
17 Exhibit 33. Is that the hoodie that I asked you
18 about that you collected from the front passenger
19 floorboard of the victim's vehicle?

20 A It is.

21 Q All right, thank you. Let's talk about the
22 driver's seat of the victim's vehicle that you
23 processed. I'm gonna show you State's 52.

24 A Yes.

25 Q And I publish it. If you would explain to the

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1 jurors what's depicted in State's Number 52.

2 A In this photograph this will be the perspective
3 from looking at the front driver's door. You have
4 the steering wheel right in this area, center
5 console. This is a seat cover that's kind of pulled
6 over. And then you have the paper -- there's a area
7 of suspected blood right here. You can see it as
8 well right there.

9 Q And for the record, what are you pointing to when
10 you say areas of suspected blood?

11 A In the -- on the driver's seat near the seatbelt
12 and then on the seat cover.

13 Q Okay. Tell me about State's 51, why you
14 photographed that particular exhibit.

15 A This is a photograph of the steering wheel and on
16 the steering wheel you can see suspected blood
17 stains and they are...

18 Q Yes.

19 A They're very small and right here. These are
20 circular in shape and then here, irregular shape,
21 and it looks like there's a little bit of movement.

22 Q All right, tell me about State's 53.

23 A Again, this is from the driver's, taken from the
24 driver's seat in the photograph and it's -- looking
25 down you can see a large area of suspected blood,

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1 again, by the seatbelt clip, and then there's a pair
2 of glasses. The seat cover that's kind of pulled
3 over and on the seat cover you can see suspected
4 blood.

5 Q All right. And I'm gonna publish 54.

6 A Okay.

7 Q Tell us why you photographed that particular
8 area.

9 A This is a closeup of the larger concentration
10 where we had more volume of blood in the vehicle,
11 and you can see a pair of glasses next to the
12 seatbelt clip and also blood stains right on the
13 back of the driver's seat as well.

14 Q Now you told us that you collected a purse from
15 the victim's vehicle as part of the processing the
16 car.

17 A The purse was collected prior to me getting
18 there. It was transferred to me from Juan Ballard.

19 Q All right. And do you recognize this particular
20 item that I'm moving from State's 35?

21 A I do.

22 Q How do you recognize it?

23 A That's the purse that was transferred to me.
24 Also that's the packaging, my handwriting.

25 Q Okay. All right, tell me about State's Exhibit

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1 Number 55 which I'm now publishing.

2 A This is a photograph also. This would be from
3 the rear driver's side, and you can see a pair of
4 jeans. There's a piece of plastic wrap on the seat
5 and a hat. This is a, we call it an L-scale, and
6 what this was showing was there was a muddy partial
7 footwear impression on the seat so we essentially
8 photograph that. We do that with a scale.

9 Q Okay, all right. And you have any idea what the
10 blue, plastic bag is, what appears to be a bag in
11 the rear passenger seat?

12 A It's a empty bag of I believe of Hanes shirts.

13 Q Okay. Did you photograph that as it first
14 appeared, or did you move any items in the vehicle
15 before you took the pictures?

16 A Well, the seat on the middle part of the seat in
17 the back had been initially put down so that had
18 been lifted up, but these items were located in the
19 rear driver's area.

20 Q Do you know who put up the driver's seat, the
21 divider in the rear passenger?

22 A It would have been either me or Senior Agent
23 Holland.

24 Q Let me ask you this on this particular exhibit.
25 Can you see in that exhibit where the front

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1 passenger seat, any portion of the front passenger
2 seat?

3 A Yes, you can see it right here.

4 Q And for the record you're pointing to the top
5 right-hand corner of the photograph?

6 A Yes.

7 Q Now there's a beige item and what appears to be
8 some type of black item on the floorboard of the
9 rear passenger seat. Do you see where I'm pointing?

10 A Yes.

11 Q What is that?

12 A This is a floor mat and it's kind of disturbed;
13 it's lifted up a little bit. And this beige item is
14 the cover for the center console, what would be in
15 the front of the vehicle, and there's blood on it
16 right here.

17 Q The cover for the center console?

18 A Yes.

19 Q You have any idea how the cover for the center
20 console got to the back of the car?

21 A I do not.

22 Q And can you tell us in State's Exhibit Number 52
23 where the cover would have gone? Is it visible in
24 that particular exhibit?

25 A It's not visible in this exhibit but ---

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1 Q All right. Let me show, let me publish it,
2 number 52.

3 A But it would have been behind the seat cover
4 right here.

5 Q And you're pointing to the area between the front
6 passenger seat and the driver's seat?

7 A Yes.

8 Q Okay. Ma'am, did you collect -- I publish again
9 State's 55. Did you collect that plastic bag that's
10 listed in the rear passenger seat?

11 A I did.

12 Q And that's the passenger seat behind the driver?

13 A Yes.

14 Q Okay. Tell me about State's 56.

15 A Okay. This photograph is taken from the
16 passenger's perspective, rear passenger perspective.
17 You can see the floor mat kind of disturbed and then
18 the console cover is here on the floorboard of the
19 rear passenger side. You can see a beige strap here
20 as well.

21 Q What kind of straps?

22 A Those were the purse straps.

23 Q All right. And can you see the divider between
24 the two rear passenger seats in that picture?

25 A Yes, it is here in the top left-hand corner.

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1 Q All right. And in that picture it's down?

2 A Yes.

3 Q Is that how you originally found it?

4 A Yes.

5 Q All right. And I believe your testimony was
6 either you or the other SLED agent was with you
7 pushed it up?

8 A Yes.

9 Q And that's shown on 55?

10 A Yes, it is, right here.

11 Q What was the purpose of photographing it with the
12 divider down and then later photographing it again
13 with the divider up?

14 A We always photograph how the vehicle or how any
15 kind of scene is prior to us moving anything.

16 Q All right. Tell me about State's 56.

17 A This is the rear passenger floorboard, kind of
18 mid-range photograph of it, and you have the mat and
19 the strap and the center divider is down.

20 Q Point going where the straps or the strap is.

21 A The strap is right here.

22 Q All right. And for the record where is that
23 specifically in the vehicle?

24 A It's in the rear driver's floorboard area.

25 Q Behind the driver's seat?

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1 A Yes.

2 Q That's where you found it?

3 A Yes.

4 Q All right. Tell us about State's 57.

5 A Again, this is from the passenger perspective,
6 the rear passenger seat and floorboard area. You
7 have the partial footwear impression observed in the
8 center of the rear seat. And on the floorboard
9 there is -- after we had moved the items you can see
10 the floor mat has been moved and the center, the
11 cover for the center console moved and you can see
12 more areas of blood on it. And there's also this
13 miscellaneous paper in the floorboard.

14 Q All right, did you collect the purse straps?

15 A Yes.

16 Q Okay. Tell us about 58.

17 A Okay. Again, this is after things had been moved
18 and the cover for the center console had been moved
19 or pulled out farther from its original location,
20 and you can see that it's somewhat torn in this area
21 and there's a large amount of blood right there, I
22 guess you can say the middle of the cover.

23 Q All right. Tell us about 59.

24 A Again, this is the cover for the center console
25 and you have -- you can see the damage on the center

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1 console over the divider, and then you have areas of
2 blood right here and have a low point down on the
3 center console.

4 Q All right. Now who removed or who put the cover,
5 center console cover, who removed it from the
6 floorboard which we saw in the earlier exhibit and
7 put it here which appears to be on the seat?

8 A I did.

9 Q Okay. You can have a seat.

10 A (Complies.)

11 Q In terms of processing the vehicle did you take
12 any swabs from the vehicle itself?

13 A Yes, we did.

14 Q Tell us about the swabs you took and where you
15 got them from?

16 A The swabs -- may I refer to my notes?

17 THE COURT: Yes.

18 THE WITNESS: The swabs of -- collected
19 were on suspected blood.

20 BY MS. BARR:

21 Q Okay.

22 A And we collected from, reading through the list,
23 from the driver's side of the vehicle near the
24 driver's door, from the center of the rear seat,
25 from the front driver's seat, from the driver's side

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1 of the vehicle on the rear door above the window,
2 and then on the trunk there was areas below the
3 trunk lid where we saw suspected blood and we had
4 scaled it and marked it. So we had markers A
5 through F and collected the swab from each of those
6 areas, or swabs from those areas.

7 Q And just to make sure I'm clear, you got swabs
8 from the driver's seat?

9 A Yes.

10 Q All right. The center console?

11 A No, the center of the rear seat.

12 Q Center of the rear seat?

13 A Yes.

14 Q Okay. And so just so I'm clear, would that be
15 near where you found the plastic bag that had the
16 blue writing on it?

17 A It was near the footwear impression.

18 Q I'm sorry?

19 A No, you're fine.

20 Q Come on. You'll be better. I want the words
21 come out of your mouth, not mine, so I'll just have
22 you come down.

23 A (Complies.)

24 Q I'm gonna show you State's 53. Is it reflected
25 in that picture where you collected swabs?

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1 A Yes.

2 Q All right. Publishing 53, tell the jury where
3 you collected swabs and suspected blood.

4 A It would have been collected from the larger
5 concentration of suspected blood.

6 Q If you will be seated. Where you collected blood
7 from the rear of the vehicle in State's 55?

8 A It's hard to see in the photo, but the area where
9 the swabs were collected from were in this area.
10 There was a transfer stain which means when you
11 have -- if I have blood on my hand and I touch the
12 console, then you're gonna have blood transferred on
13 to that surface.

14 Q All right. And I need to zoom that in just so
15 it's clear what you're talking about. There's what
16 appears to be measuring tape on this exhibit here
17 and here?

18 A Yes.

19 Q All right. Who put the measuring tape there?

20 A That would have been either me or Senior Agent
21 Hallman.

22 Q What was the purpose behind putting measuring
23 tape there?

24 A There was a partial footwear impression in mud on
25 that, on the seat, so when we are photographing or

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1 we're documenting it we give or take a scaled
2 photograph and the purpose for that is for
3 comparison purposes back up at the lab for our
4 footwear examiners.

5 Q All right. Let me show it to you here, then I'll
6 publish it again. Do you specifically see any
7 suspected area of blood or what you call transfer?

8 A I do not see it on this photograph.

9 Q Okay. What about on State's 56?

10 A I do not. I do not on this photograph.

11 Q Okay. All right, you can have a seat again.

12 A (Complies.)

13 Q I've got just a few more questions and I'll be
14 done, Ms. Quam.

15 A Okay.

16 Q Did you also process the victim's vehicle for
17 fingerprints?

18 A Yes.

19 Q All right. And you collected all of the items
20 that I showed you with regard to the purse, the
21 straps, the gun box, and the plastic shirt with the
22 plastic bag with the Hanes T-shirts?

23 A Yes. Did we collect anymore items other than
24 that?

25 Q Correct.?

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1 A Yes, we did.

2 Q Tell us about those.

3 A There was an envelope with writing on it

4 collected from the front dash on the driver's side.

5 The empty envelope, there was an empty envelope with

6 writing on it with five hundred dollars collected

7 from the front dash on the driver's side. There was

8 a piece of paper stating income available for April

9 which was \$598.77 which was from the front dash on

10 the driver's side.

11 Q Let me do this, Ms. Quam, did you say that there

12 was an envelope that had five hundred dollars in it?

13 A In writing.

14 Q Oh, just in writing?

15 A Yes, yes.

16 Q Okay. Let me ask you another question before I

17 forget. You mentioned earlier that you collected

18 GSR kit on Ms. Jackson?

19 A Yes.

20 Q When you left the Sheriff's Department after

21 having collected the GSR kit, did you see the

22 defendant at the Sheriff's Office when you left to

23 go process the car?

24 A I did not.

25 Q You mentioned also sometimes when you get a GSR

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1 kit on a person who's been deceased that you'll bag
2 their hands. Did you have occasion to get a GSR kit
3 on the victim?

4 A I did.

5 Q All right. And how did you collect a GSR kit on
6 the victim?

7 A At the crime scene when the victim was removed
8 from the trunk it was decided to bag his hands to
9 preserve any physical evidence, specifically the GSR
10 kit and also GSR, and also DNA under fingernails.
11 We wanted fingernail scrapings collected and that
12 would have been done at autopsy. So we bagged his
13 hands and then he was removed from the scene. The
14 next day on 3/31/2014 I went to the Medical
15 University of South Carolina located in Charleston
16 for the autopsy and that is where I collected the
17 GSR kit.

18 (WHEREUPON, State Exhibit No. 74 and 75
19 were marked for identification only.)

20 BY MS. BARR:

21 Q I'm gonna hand you what's been marked for
22 identification as State's Exhibit 74. Do you
23 recognize this particular exhibit?

24 A I do.

25 Q What is this?

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1 A This is the GSR kit from Joseph Brown, the
2 victim.

3 Q All right.

4 MS. BARR: Judge, we would move State's
5 Exhibit Number 74 in evidence.

6 THE COURT: Any objection?

7 MS. BUTCHER: No objection, Your Honor.

8 THE COURT: Admitted in evidence without
9 objection.

10 (WHEREUPON, State Exhibit No. 74 was
11 admitted into evidence.)

12 BY MS. BARR:

13 Q All right, you mentioned going to the autopsy,
14 the victim's autopsy the following day?

15 A Yes.

16 Q Where'd you go?

17 A MUSC, otherwise known as Medical University of
18 South Carolina located in Charleston.

19 Q All right. And I'm gonna hand you what's been
20 marked as State's Exhibit Number 75. Tell me if you
21 recognize that particular exhibit.

22 A I do.

23 Q All right. What is it?

24 A This would be the firearms. This was -- this was
25 a item that had been transferred to me at autopsy.

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1 If I may refer to my notes, Your Honor.

2 THE COURT: Yes.

3 THE WITNESS: The items here would be a
4 bullet core and jacket fragment collected from the
5 brain and a bullet from the left neck.

6 BY MS. BARR: The State would move exhibit number 75
7 in evidence.

8 THE COURT: 75, any objection?

9 MS. BUTCHER: No, Your Honor.

10 THE COURT: Exhibit is admitted in
11 evidence without objection.

12 (WHEREUPON, State Exhibit No. 75 was
13 admitted into evidence.)

14 BY MS. BARR:

15 Q Ms. Quam, I'm gonna -- rather than marking these
16 particular swabs as individual exhibits I'll mark
17 them as a collective exhibit and just have you open
18 each one of them, okay.

19 A Okay.

20 (WHEREUPON, State Exhibit No. 76 was
21 marked for identification only.)

22 BY MS. BARR:

23 Q Ms. Quam, I'm gonna hand what's collectively
24 marked as State's Exhibit 76 and ask if you
25 recognize the contents of that exhibit.

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1 A I do not recognize -- I recognize this heat
2 sealed pouch, but this one I do not.

3 Q And do you have the SLED item number for the
4 particular exhibit you're holding in your hand?

5 A This will be container T.

6 Q Okay, all right. The one that you just placed
7 now, tell us what that is.

8 A This is, this is our heat sealed pouch. In the
9 back you can see two small Manila envelopes, and if
10 I can -- for us it's container G so contained within
11 this are two swabs of suspected blood collected from
12 the driver's side of the vehicle near the driver's
13 door and two swabs of suspected blood collected from
14 the center of the rear seat.

15 Q Okay. What is SLED item number 37? Do you have
16 a list of the SLED item numbers?

17 A Yes.

18 Q All right, what's number 37?

19 A One empty pack and buccal of white tank style
20 shirt collected from rear driver's seat.

21 Q All right. So the white T-shirts that were
22 collected from the back of the victim's vehicle,
23 those actual T-shirts were swabbed?

24 A I can't attest to that; I didn't do this.

25 Q Well, let me show you this, see if it refreshes

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1 your memory.

2 A This is Kimmie.

3 Q I understand. I just want to know if what I've
4 given you is item number 37. Is that what you have
5 reflected on your SLED log of different items that
6 came in for testing? This number 37, does it
7 correspond with what you've got on your list of
8 items?

9 A Yes, it does.

10 Q Now we've talked about the scene, the victim's
11 car. You talk about items you collected from
12 autopsy from the victim. Did you have an occasion
13 to go to an address of 44 Cannon Way in Kingstree in
14 connection with this investigation?

15 A Yes, I did.

16 Q For what purpose were you there?

17 A After I finished up at the autopsy I called
18 Special Agent Creech and he advised me that a second
19 suspect had been developed and that they had a
20 search warrant for the residence where she was
21 staying at and asked if I would assist in the search
22 warrant.

23 Q Okay. Ma'am, we have previously admitted State's
24 Exhibit Number 38 which is a key chain and key
25 remote. Do you recognize this exhibit?

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1 A I do.

2 Q All right. How do you recognize it?

3 A That was an item I collected from the front yard
4 of 44 Cannon Lane.

5 Q Okay. Now you were physically present at the
6 residence when you got this exhibit on what
7 particular day?

8 A I was there on 3/31/2014.

9 Q I want to show you a photograph. Before I do why
10 did you collect that?

11 A It was collected because there was a Cadillac
12 emblem on the key chain.

13 Q Okay. Why was that important?

14 A It was important that the victim's car was a
15 Cadillac.

16 Q All right. Going to publish what's been admitted
17 as State's Exhibit Number 32 and State's Exhibit
18 Number 31. I'll publish first 31. Is that the
19 front yard to 44 Cannon Way in Kingstree?

20 A Yes.

21 Q And this is the address where the key was
22 collected?

23 A Yes, it is.

24 Q All right, and I'm gonna publish State's Exhibit
25 Number 32. That's another photograph of that

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1 residence?

2 A It is.

3 Q All right. Now on State's Exhibit Number 31 you
4 see any vehicles in that exhibit?

5 A I do.

6 Q Do you see any Cadillac vehicles in that exhibit?

7 A I do not.

8 Q Do you have a recollection of seeing any Cadillac
9 vehicles in that yard at all?

10 A I do not.

11 Q Now ma'am, when the keys -- not the keys, the
12 remote and the chain to the Cadillac was found at
13 the address on Cannon Way, you indicated that the
14 victim's vehicle was a Cadillac. And I'm going to
15 publish State's Exhibit 60, which is showing the
16 front console of the victim's vehicle.

17 A Yes.

18 Q All right. What is that black item with the cord
19 that's located inside the glove box?

20 A The cord, or what it?

21 Q The item, black items that looks like a left
22 bound book of some sort?

23 A That's the manual for the vehicle.

24 Q Did you take that manual out of the glove box?

25 A On 3/31?

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1 Q At any point in time?

2 A Yes.

3 Q I'm gonna hand you what's been marked for ID only
4 as State's Exhibit 45, 46 and 47 and ask if you
5 recognize what's depicted in these photographs?

6 MS. BUTCHER: Your Honor, I would...

7 THE COURT: Proceed.

8 THE WITNESS: I do.

9 BY MS. BARR:

10 Q Okay. How do you recognize it?

11 A These are the photographs I took.

12 Q Okay. And tell us why you took those
13 photographs.

14 A After we located the key fob and the key chain we
15 went back to the training facility where the vehicle
16 was located at and photographed the manual which had
17 on the key fob the symbol just showing that they
18 were consistent.

19 Q Okay.

20 MS. BARR: We move State's Exhibit 45, 46
21 and 47.

22 MS. BUTCHER: No objection.

23 THE COURT: Admitted into evidence without
24 objection.

25 (WHEREUPON, State Exhibits Nos. 45, 46, 47

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1 were admitted into evidence.)

2 BY MS. BARR:

3 Q Thank you, Ms. Quam. Those are all the questions
4 I have for you. Please answer any questions that
5 Ms. Butcher may have.

6 THE COURT: Ms. Butcher?

7 MS. BUTCHER: Thank you, Your Honor.

8 **CROSS-EXAMINATION**

9 BY MS. BUTCHER:

10 Q Ms. Quam, look at State's Exhibit 46. You opened
11 the manual yourself and looked?

12 A Yes, ma'am.

13 Q And the symbols are similar?

14 A Yes, ma'am.

15 Q Okay. And that doesn't tell you if that key
16 chain actually or that remote actually opens that
17 car.

18 A That's correct.

19 Q Okay. Did you swab the remote and key chain?

20 A I did.

21 Q Of DNA?

22 A Yes, I did.

23 Q Okay. And you sent that off to be tested?

24 A I did.

25 Q Okay. Now when you send it off to be tested, do

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1 you also include the DNA of different people to test
2 it against?

3 A Yes. We'll ---

4 Q And who did you include?

5 A At that point I think the only swab that we had
6 or the known standard that we had was Jessica
7 Jackson's and Joseph Brown, the victim.

8 Q Okay. And later did you test it against anyone
9 else, did you send out anyone else?

10 A I'm not sure what additional processing was done
11 on those swabs or who they were examined against.

12 Q So you wouldn't have been in charge of sending
13 off additional samples to test against it?

14 A No, not at that point. There would have been a
15 buccal swab that was collected or -- if there, well,
16 there would have been a buccal swab collected that
17 day on the 31st, then I would have taken that back
18 to the lab. Now I do believe that the buccal swab
19 collected from Brittany Epps was transferred to my
20 custody. I can't recall the date, but 2016 of this
21 year.

22 Q Okay.

23 A Earlier 2016.

24 Q Was a swab of Theo McKnight ever transferred to
25 your custody?

SW - H. QUAM - CROSS

1 A I don't recall. I don't believe so.

2 Q Do you know if there was ever request?

3 A Not that I can recall, no.

4 Q How about a comparison, comparison of prints for
5 Theo McKnight?

6 A I didn't collect them.

7 Q No, was there a request to your knowledge?

8 A I believe there was.

9 Q Okay. You just didn't do the collection on that?

10 A Correct.

11 Q Okay. Now you spoke about taking swabs for
12 gunshot residue on Jessica, correct?

13 A Correct.

14 Q And you spoke about a six hour window?

15 A Yes.

16 Q Okay. Now does that also, that window, does that
17 also relate to a GSR test on someone's clothes?

18 A No, it does not.

19 Q So that's only on their hands?

20 A I believe so.

21 Q Or their body?

22 A Yes.

23 Q And do you know the reason for that?

24 A I do not.

25 Q Okay. But is there a window, a time frame, for

SW - H. QUAM - CROSS

1 someone's clothes?

2 A I couldn't answer that. That would be a trace
3 examiner question.

4 Q Well, have you ever been told that there's a
5 window?

6 A I haven't.

7 Q Okay. Did anyone ask you to test the clothes of
8 Ms. Brittany Epps?

9 A No.

10 Q Now, did you find any blood inside the vehicle on
11 the rear passenger floorboard in the back seat?

12 A The only area on the rear passenger floorboard
13 that I can recall is the cover for the center
14 console which was laying in the passenger
15 floorboard; but in terms of actually on the
16 floorboard, no.

17 Q Okay. And where exactly was that center console
18 cover that was, where was it located?

19 A It was located in the floorboard of the rear
20 passenger seat and was kind of pressed up against
21 the back and also indicated on the hump from where
22 the center seat is.

23 Q This is State Exhibit 57. Is this the cover?

24 A Yes.

25 Q Okay, of that. So it's just right there in the,

1 basically the exact center of the rear?

2 A Yes.

3 Q Okay. You had stated that you had also found
4 blood on the shoes of Jessica Jackson, correct?

5 A Yes, sir.

6 Q Where exactly was that blood located on her
7 shoes?

8 A That blood was located kind of on the seal of her
9 shoes. I'm trying to think of -- it was located on
10 both the right and left shoe and you could see it
11 on, if you were looking at a side view you can see
12 it along the sole.

13 Q Okay, so it was on the sides?

14 A Yes, uh-huh.

15 Q And what sides?

16 A I have to look back at the photographs.

17 Q Okay. I hand you something to refresh your
18 memory.

19 A The left side of the shoe.

20 Q Okay. Now you took fingerprints. You found
21 fingerprints that you took samples of?

22 A Yes.

23 Q Okay. And where were those located?

24 A They were located on the outside of the vehicle,
25 the exterior. There was lot of pollen at that time,

SW - H. QUAM - CROSS

1 and it had adhered to the impressions so we used
2 gelatin lifters. That's essentially kind of like
3 tape except with gel behind it, and you place it
4 against your impression, you rub it, and that's how
5 it's collected.

6 Q Okay. How about the inside of the car?

7 A No.

8 Q You didn't take fingerprints on the inside of the
9 car?

10 A I did not.

11 Q Why not?

12 A The vehicle had been, it had been entered and
13 stuff had been gone through prior to us getting to
14 the scene.

15 Q Is that by law enforcement?

16 A Yes.

17 Q Could you have still tested the inside of that
18 car?

19 A Could have, yes.

20 Q Why didn't you still?

21 A 'Cause at that point due to the unknown of how
22 many people were in the car, it was decided to take
23 prints from the outside of the vehicle.

24 Q Could you have possibly still retrieved prints
25 from inside of that car?

1 A Yes.

2 Q From ---

3 A It's possible.

4 Q ---people who are accused in this crime if they
5 were there?

6 A It's possible, yes.

7 Q How about the glove box, did you test the glove
8 box or anything?

9 A We did not.

10 Q Even if law enforcement didn't preserve the
11 inside of the car, they went in it, there's still a
12 possibility of retrieving prints off of that glove
13 box from people that were in the car at the time the
14 murder; is that correct?

15 A It's a possibility, yes.

16 Q How about Mr. Brown's clothing, was that tested
17 for GSR?

18 A It was not.

19 Q Why not?

20 A He was the victim of a gunshot wound so you would
21 expect to have GSR on his clothing.

22 Q Would it have maybe shown the distance he was
23 shot from or anything like that?

24 A At the lab they do not do distance determination.

25 Q Okay. Now, and you may have already answered

SW - H. QUAM - CROSS

1 this, did you say you did not get any requests to
2 test Brittany Epps' clothes?

3 A I did not, no.

4 Q Would you have done it had you received a
5 request?

6 A Yes. If the clothing would have transferred to
7 me I would have brought it back to the lab to be
8 sent to the respected departments with the
9 examination request.

10 Q And tell me where you actually found prints on
11 that car that you sent to be analyzed please.

12 A The prints were located so they were on the
13 exterior of the vehicle. They were from the rear
14 driver's side window, the rear driver's side above
15 the quarter window, the rear driver's side behind
16 the door, the back windshield near the bottom on the
17 passenger side, from the hood area, and the hood
18 area that was towards the front by the bumper.

19 Q This is State's Exhibit 25. I'm gonna ask you to
20 come down and ---

21 A May I step down?

22 THE COURT: Yes.

23 BY MS. BUTCHER:

24 Q I realize this isn't the actual car. Can you
25 just kind of point out best you can where those

1 prints were found.

2 A So, for the whole view of the vehicle, if you had
3 the hood going to -- you extend it and you're
4 imagining a hood, there was two areas of collection
5 from the front of the hood. And then on the
6 driver's side, if this was the rear driver's door
7 there was area above the door that was collected and
8 also the window was rolled up so on the window
9 towards the top there was an impression collected
10 from there.

11 Q And that would have been the window that you
12 cannot see that would have been back in this area
13 here?

14 A Correct.

15 Q Okay.

16 A And then behind on the rear side of the vehicle
17 you have the smaller window behind the regular
18 window, and there was a print collected from right
19 behind that window as well. Then on the back
20 windshield of the vehicle on the passenger side
21 towards the bottom, so if this was the back
22 windshield it was collected towards the bottom but
23 on the passenger side.

24 Q Okay, thank you. Now was there anything
25 collected through your investigation that showed

SW - H. QUAM - REDIRECT

1 who shot Mr. Brown?

2 A No.

3 Q Or who was present at the time that he was shot?

4 A In terms of the physical evidence, you know,
5 results of that I can't testify to, just what we
6 collected from the vehicle.

7 Q Thank you. No further questions.

8 THE COURT: Redirect?

9 MS. BARR: Very quickly, Judge, if I may.

10 **REDIRECT EXAMINATION**

11 BY MS. BARR:

12 Q Ms. Quam, I'm gonna publish that previous exhibit
13 that Ms. Butcher asked you about on
14 cross-examination, State's 50.

15 A Yes.

16 Q Which shows a view of the driver's side of the
17 victim's vehicle from the window up to the hood of
18 the car or roof of the car.

19 A It does.

20 Q Now you said, I heard you say, did I not, that
21 the window was rolled down?

22 A No, the window was rolled up.

23 Q I'm sorry, which window was rolled up? Where are
24 you talking about?

25 A The rear driver's window.

SW - H. QUAM - REDIRECT

1 Q Okay. So as depicted in this particular exhibit,
2 the driver's side of the victim's vehicle is shown,
3 that area.

4 A Yeah.

5 Q And you mentioned that the window was rolled up.
6 You're talking about the window that's behind the
7 driver's window?

8 A Yes.

9 Q All right. What about the driver's window? Was
10 that rolled up or rolled down in this picture?

11 A It was missing.

12 Q Missing?

13 A Yes.

14 Q What do you mean missing?

15 A It wasn't present. There was glass fragments
16 that were in the car so it was not present.

17 Q Okay. Did you ever recover it or recover what
18 you believe to be the missing window?

19 A There was a window or what we believed to be the
20 missing window that Williamsburg County sheriff's
21 deputy had collected, and it was transferred to me
22 on 3/31/2014 when I was back assisting with the
23 search warrant.

24 Q Do you know where it was collected from?

25 A It was collected from 292 Kendell Park Road in

SW - H. QUAM - REDIRECT

1 the general vicinity.

2 Q Okay. You talked about whether or not the
3 defendant's clothing was submitted to SLED for
4 testing. Do you remember Ms. Butcher asked you that
5 particular question?

6 A Correct.

7 Q Do you know either based on what you found in the
8 vehicle, in the victim's vehicle, or based on what
9 you personally took to SLED to be tested, do you
10 know whether or not the defendant's pants were
11 seized or ever found?

12 A I do not.

13 Q All right. What about -- you told me about a bra
14 that you got from Jessica Jackson. Did you get any
15 underclothing or were you asked to perform an
16 analysis of any underclothing from the defendant?

17 A No, I was not.

18 Q You told me about Jessica Jackson's shoes?

19 A Yes.

20 Q All right. You collected those?

21 A Yes.

22 Q She was wearing them at the time she was at the
23 Sheriff's Office?

24 A She was.

25 Q All right. Did you ever recover any shoes that

SW - H. QUAM - RECROSS

1 the defendant might have been wearing at the time of
2 the shooting?

3 A No, we did not.

4 Q That's all the questions that I have. Thank you,
5 ma'am.

6 THE COURT: Redirect -- I mean, recross?

7 MS. BUTCHER: Thank you.

8 **RECROSS-EXAMINATION**

9 BY MS. BUTCHER:

10 Q Now you didn't recover any clothes from my
11 client, correct?

12 A Correct.

13 Q Were you asked to recover any clothes?

14 A I was not.

15 Q Okay. If she was at the law enforcement at 2:00
16 were you still around?

17 A On 3/30?

18 Q Yes.

19 A I was not. I had cleared from the scene at that
20 point.

21 Q Okay. Would you have come back?

22 A I would have, yes.

23 Q But you weren't asked to come back and look at
24 the clothes she was wearing, were you?

25 A I was not.

1 Q Thank you.

2 THE COURT: All right. Thank you, ma'am.
3 You may step down.

4 Would you like to have the witness
5 excused, Ms. Barr?

6 MS. BARR: Please, Your Honor.

7 THE COURT: Any objection?

8 MS. BUTCHER: No, Your Honor.

9 THE COURT: You are excused. Thank you
10 for coming.

11 Ladies and gentlemen of the jury, you've
12 been in the courtroom now for about an
13 hour-and-a-half, hour and forty minutes or so. I
14 think it's appropriate we take our afternoon break
15 at this time. We are going to take about a ten
16 minute recess and be ready to start back shortly
17 after 4:00. Please go to your jury room. Do not
18 discuss the case amongst yourselves, but just relax
19 about ten minutes and we'll send for you very
20 shortly. You may go with the bailiff.

21 (WHEREUPON, the jury was removed from the
22 courtroom at 3:51 p.m.)

23 THE COURT: Be ready to start back at five
24 minutes after four. Let me see counsel before we
25 take a break.

1 (WHEREUPON, a recess was taken from the
2 proceedings.)

3 (WHEREUPON, State Exhibits Nos. 77 through
4 85 were marked for identification only.)

5 THE COURT: Back on the record in the
6 matter of State versus Brittany Epps who is present
7 with counsel Ms. Butcher. The State is present
8 represented by the Third Circuit Solicitor's Office
9 Ms. Barr. I've been advised by the reporter that
10 photographs 77 through 85 have been marked. Are
11 they agreed to, Ms. Barr?

12 MS. BARR: 77 through 85?
13 (Exhibits 77 through 85 were shown to Ms. Butcher.)

14 THE COURT: Any objection?

15 MS. BUTCHER: No, Your Honor.

16 THE COURT: Admitted into evidence as
17 State's 77 through 85. Admitted without objection.

18 (WHEREUPON, State Exhibits Nos. 77 through
19 85 were admitted into evidence.)

20 THE COURT: Anything before we bring the
21 jury in, Ms. Barr?

22 MS. BARR: No, Your Honor.

23 THE COURT: Ms. Butcher?

24 MS. BUTCHER: No, Your Honor.

25 THE COURT: All right, bring the jury in

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1 please.

2 (WHEREUPON, the jury was returned to the
3 courtroom at approximately 4:08 p.m., and
4 the following proceedings commenced in
5 open court.)

6 THE COURT: Thank you, ladies and
7 gentlemen, and we are now ready to proceed. The
8 State will continue to present the State's case.
9 Ms. Barr, you may call your next witness.

10 MS. BARR: The State calls Doctor Ellen
11 Riemer.

12 THE COURT: All right, come around please.
13 WHEREUPON,

14 **ELLEN RIEMER,**
15 having been duly sworn by the Clerk, testified
16 as follows:

17 THE CLERK: Step around to the witness
18 box.

19 **DIRECT EXAMINATION**

20 BY MS. BARR:

21 Q Good afternoon, Doctor Riemer.

22 A Good afternoon.

23 Q If you would, state your full name for us and
24 spell your last name for us.

25 A It's Doctor Ellen Riemer, R-I-E-M-E-R.

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1 Q All right. Doctor Riemer, tell us where you're
2 employed.

3 A I'm employed at the Medical University of South
4 Carolina as a forensic pathologist.

5 Q All right. Tell the jurors what a forensic
6 pathologist is and what you do.

7 A A forensic can pathologist is a medical doctor,
8 physician who specializes in evaluation of injuries
9 to an individual and in order to determine cause and
10 manner of death, perform autopsies, and then after
11 completion of an autopsy I determine cause and
12 manner of death.

13 Q And you are a licensed doctor?

14 A Yes.

15 Q How long have you been employed as a physician?

16 A So, I've been a physician since 1997.

17 Q All right. And how long have you been employed
18 with the Medical University?

19 A For seven-and-a-half years.

20 Q Okay. And approximately, I don't expect an exact
21 number, but approximately how many autopsies have
22 you performed?

23 A Approximately 3900.

24 Q Okay. And you had occasion in your profession
25 and career as a forensic pathologist to testify in

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1 the courts, particularly the circuit courts in the
2 State of South Carolina?

3 A On multiple occasions.

4 Q And you have been qualified as an expert witness?

5 A Yes.

6 Q In the field of forensic pathology?

7 A Yes.

8 Q All right.

9 MS. BARR: Judge, at this time we would
10 tender Doctor Riemer as an expert in the field of
11 forensic pathology.

12 THE COURT: All right. Voir dire
13 regarding qualifications, Ms. Butcher?

14 MS. BUTCHER: Your Honor, I have no
15 objection.

16 THE COURT: All right. The Court will
17 qualify this witness as an expert in the field of
18 forensic pathology. Ladies and gentlemen of the
19 jury, let me tell you what that means. Ordinarily a
20 witness' testimony is limited to those things which
21 are ration based upon the perception of a witness or
22 help for a clear understanding of the witness'
23 testimony or to the determination of a fact in issue
24 and do not require special knowledge, skill,
25 experience, or training. However, if scientific

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1 technical or other specialized knowledge will assist
2 the trier of fact, and that's you in this case, to
3 understand the evidence or to determine a fact at
4 issue, a witness qualified as an expert by
5 knowledge, skill, experience, training or education,
6 may testify in the form of an opinion. So basically
7 the difference between an expert witness and a
8 nonexpert witness is that an expert witness is
9 allowed to give an opinion whereas the non-expert
10 witness would not be allowed to do so.

11 All right, Mr. Barr, you may proceed.

12 BY MS. BARR:

13 Q Doctor Riemer, if you would, please tell the jury
14 what exactly is an autopsy? How do you go about
15 performing an autopsy?

16 A An autopsy is a thorough external and internal
17 examination of the body of a deceased individual.
18 So it starts with observing the body externally and
19 looking for anything that may be unusual or
20 abnormal. And after complete and documenting
21 anything that may be present on the body such as
22 injuries or moles or anything and then after the
23 external examination, an internal examination is
24 performed which involves -- it's like a specialized
25 surgical procedure whereby the, all of the