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SC Court of Appeals

Volume 1 of 3

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Heath P. Taylor, Circuit Court Judge

Appellate Case No. 2025-000484

THE STATE,

Respondent,

v.

JAQUAN LEON KING,

Appellant.

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT NO. 4 (911 CALLS); STATE’S EXHIBIT NO. 16 (COLOR PHOTOGRAPH); STATE’S EXHIBITS NO. 21-22 (COLOR PHOTOGRAPHS);
DEFENSE EXHIBIT NO. 33 (911 CALLS)**

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	
	)	
STATE OF SOUTH CAROLINA	)	2022-GS-40-00069
	)	2022-GS-40-00070
vs	)	2022-GS-40-00071
	)	
JAQUAN LEON KING,	)	
	)	
<u>DEFENDANT.</u>	)	

February 24, 2025
Columbia, South Carolina

VOLUME I of V

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B E F O R E:

The Honorable Heath P. Taylor, Judge

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I N D E X

SW) - STATE'S WITNESS (DW) - DENOTES DEFENSE WITNESS

CASE CALLED 3

NEIL V. BIGGERS HEARING

DIRECT CROSS REDIRECT RECROSS

(SW) CLAY SHORT.....74,100

(SW) KRISTOPHER KNEECE...108,116

(SW) KIARA ARCE.....119,135

(SW) JUDY REYES.....141,152

(SW) DEVIN PATE.....160,174,180

CERTIFICATE217

E X H I B I T S

THERE ARE NO EXHIBITS IN THIS VOLUME

1 (MONDAY, FEBRUARY 24, 2025; COLUMBIA, SC,
2 RICHLAND COUNTY, IN OPEN COURT.)

3 MADAM CLERK: Good morning. Before Judge Taylor
4 takes the bench, I must place you under oath first.
5 Please stand and raise your right hand to be sworn.
6 (The trial voire dire oath was administered to
7 the prospective jurors by Madam Clerk.)

8 THE COURT: Good morning, ladies and gentlemen.

9 PROSPECTIVE JURORS: Good morning.

10 THE COURT: My name is Heath Taylor. I am a
11 Circuit Court Judge. I'm actually from the First
12 Circuit, which is Calhoun, Orangeburg, and Dorchester
13 County. But I have been assigned to serve as your
14 Chief Administrative Judge for -- for this year, so
15 I'll be visiting with you all for the entire year.

16 Now, we're here for jury qualification for this
17 week. I don't believe any of these cases are
18 anticipated to exceed this week, but if it looks like
19 that'll happen, we will certainly let you know.

20 I'm sure the Clerk's already done this, but make
21 sure you are in the right courthouse. There are
22 various courts obviously around town, municipal
23 courts, magistrates courts, federal court. So we want
24 to make sure you're in the right place.

25 Ladies and gentlemen, we understand the

1 inconvenience that jury service poses, but we're going
2 to do the best to minimize that inconvenience for you.
3 We thank you for being here. We can't do our jobs
4 unless good folks like you are willing to show up.

5 And I see a bunch of you showed up, which is
6 great. We have Bailiffs here in the courtroom.
7 They're wearing the yellow coats. If you have any
8 questions or concerns, need to know where something
9 is, please ask them. They are here to help.

10 The purpose this morning is to determine your
11 qualifications and eligibility to serve as jurors.
12 This is done in several stages. You've already seen
13 the first stage, which is the roll call.

14 Next we will move on to the qualification. I'm
15 going to have to ask you certain questions, and these
16 will determine your general eligibility to serve.
17 State law requires that I ask you these questions.
18 Some of the questions are somewhat personal in nature
19 and you may not want to stand up in front of your
20 fellow jurors and -- and answer the questions.

21 At the end, I will ask anyone who feels
22 uncomfortable or -- or didn't want to stand to come
23 forward, and we will discuss it with the lawyers and
24 the clerk. Again, we don't want anybody to be
25 embarrassed or anything of that nature, so if you

1 don't want to stand up, just make a note and come on
2 up at the end. But it's essential that all the
3 parties have accurate information when selecting their
4 jury.

5 First question, is any member of the jury panel,
6 not a citizen of the United States? If so, please
7 stand. Yes, ma'am. What's your juror number?

8 PROSPECTIVE JUROR 173: 173.

9 THE COURT: And you are not a U.S. citizen?

10 PROSPECTIVE JUROR 173: Yes, sir. I'm a
11 permanent resident.

12 THE COURT: Okay, but not a citizen. Okay.
13 Well, I'm going to excuse you here today. You are
14 free to leave.

15 PROSPECTIVE JUROR 173: I'm sorry?

16 THE COURT: I say you're excused. You're free to
17 leave.

18 PROSPECTIVE JUROR 173: Thank you.

19 THE COURT: Yes, ma'am. Next is any member of
20 the jury panel not a resident and citizen of Richland
21 County, South Carolina? If so, please stand. Is any
22 member -- yes, ma'am.

23 PROSPECTIVE JUROR 165: I live in Charleston
24 County.

25 THE COURT: All right. What's your juror number?

1 PROSPECTIVE JUROR 165: 165.

2 THE COURT: Do you have a -- anything that you
3 can verify that with, a rental agreement, a power
4 bill, anything like that?

5 PROSPECTIVE JUROR 165: I have my lease
6 agreement.

7 THE COURT: Ma'am?

8 PROSPECTIVE JUROR 165: My lease agreement.

9 THE COURT: Okay. Can you -- would you mind
10 showing that to the Clerk? You can come forward.
11 Ma'am -- juror -- was it 165?

12 MS. ZMROCZEK: Yes, Your Honor.

13 THE COURT: Yeah. Come. While we're -- while
14 they're looking that up, we'll keep on moving. Is any
15 member of the jury panel unable to read, write, or
16 speak, or understand the English language?
17 If so, please stand.

18 (No response.)

19 Does any member of the jury panel have less than
20 a sixth grade education or equivalent? If so, please
21 stand.

22 (No response.)

23 Is any member of the jury panel unable, because
24 of mental or physical infirmities, to render efficient
25 jury service? For example, do you have any medical

1 condition that will prevent you from serving on the
2 jury? Typically, where I see that is folks that may
3 have difficulty sitting for extended periods of time,
4 we usually go from one to two hours. If you're
5 selected, we -- we will go from one to two hours,
6 between breaks. I -- I try to be mindful of that.

7 All right. Let's start with you, sir. What's
8 juror number?

9 PROSPECTIVE JUROR 355: 355.

10 THE COURT: 56. All right. Madam Clerk, 165 was
11 that Charleston County? All right. Ma'am, you can be
12 excused. All right. And you were juror number 56,
13 sir. All right. You say that's not his number? 355.
14 Yes, sir.

15 UNIDENTIFIED MALE: He can hardly hear. He has
16 mandatory physical therapy once a week and he was hurt
17 on the job. And plus he has scheduled surgery for his
18 cataract surgery. He's blind in his right eye.
19 That's why I had to assist him today.

20 THE COURT: Okay.

21 UNIDENTIFIED MALE: So he has the appointment.
22 It's on his phone, and he just had his paperwork for
23 his surgery.

24 THE COURT: Okay. All right. Juror number 355
25 will be excused. You can leave, sir.

1 PROSPECTIVE JUROR 355: Thank you, sir.

2 THE COURT: Thank you. All right. Yes. What's
3 your -- what's your --

4 PROSPECTIVE JUROR 146: 146. 146, and I'm on
5 dialysis.

6 THE COURT: You're on dialysis?

7 PROSPECTIVE JUROR 146: Yes, sir.

8 THE COURT: Would that prevent you from serving?

9 PROSPECTIVE JUROR 146: Yes, sir.

10 THE COURT: Why is that?

11 PROSPECTIVE JUROR 146: I mean -- I mean, I have
12 to sit down a long period of time and my tube is
13 actually on my stomach.

14 THE COURT: Okay. Well, you have to sit down for
15 long periods of time?

16 PROSPECTIVE JUROR 146: I'm sorry?

17 THE COURT: I -- I'm not following what -- what
18 will prevent you from serving.

19 PROSPECTIVE JUROR 146: I also have more medical
20 problems.

21 THE COURT: Like what? Like what?

22 PROSPECTIVE JUROR 146: I don't want to state.

23 THE COURT: Okay. Well, you can come -- you can
24 come forward at the end.

25 PROSPECTIVE JUROR 146: Oh, okay. At the end?

1 THE COURT: Yes, ma'am. Yes, sir. What --
2 what's your jury number?

3 PROSPECTIVE JUROR 92: 92.

4 THE COURT: All right. Yes, sir. What?

5 PROSPECTIVE JUROR 92: I'm diabetic.

6 THE COURT: What?

7 PROSPECTIVE JUROR NUMBER 92: I'm diabetic.

8 THE COURT: That doesn't -- why -- why would that
9 prevent you from serving?

10 PROSPECTIVE JUROR 92: I got to take insulin like
11 every two hours.

12 THE COURT: Okay. We'll -- we'll make sure you
13 get that done. Thank you. Yes, sir.

14 PROSPECTIVE JUROR 210: Jury number 210. I have
15 ulcerative colitis so I take --

16 THE COURT: I can't hear you, sir.

17 PROSPECTIVE JUROR 210: I have ulcerative
18 colitis.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 210: So, I take pretty
21 frequent restroom breaks.

22 THE COURT: You believe that would prevent you
23 from serving?

24 PROSPECTIVE JUROR 210: It -- it depends. As
25 long as I will be able to get up and leave.

1 THE COURT: Okay. All right. I -- we will -- I
2 think we can make accommodations for you.

3 PROSPECTIVE JUROR 210: All right.

4 THE COURT: Thank you. Yes, ma'am.

5 PROSPECTIVE JUROR 260: Jury 260. And I can -- I
6 can barely stand and sit for -- for a very long period
7 of time due to me falling on my job three times. And
8 I have problems on the back of my hip and I can
9 barely sit or stand for a long time.

10 THE COURT: Okay. Like -- so sitting for more
11 than about an hour or two would be a problem?

12 PROSPECTIVE JUROR 260: Yes, sir. I can't sit
13 down.

14 THE COURT: Ma'am?

15 PROSPECTIVE JUROR 260: Yes, sir. I can't sit
16 down.

17 THE COURT: All right. I'll excuse juror number
18 260.

19 PROSPECTIVE JUROR 260: Thank you.

20 THE COURT: Has any member of the jury panel been
21 convicted by guilty plea or trial in a state or
22 federal court of a crime punishable by -- or
23 punishment -- that was easy for me to say --
24 punishable by imprisonment for more than one year, and
25 your civil rights have not been restored by pardon or

1 amnesty? Punishable by one year does not mean that
2 you were -- you were sentenced to one year or more.
3 It just means that you could have received a sentence
4 of one year or more. If this applies to you, please
5 stand. Yes, sir. What's the juror number?

6 PROSPECTIVE JUROR 358: 358.

7 THE COURT: Yes, sir. What you got?

8 PROSPECTIVE JUROR 358: Do you want me to list
9 what it was or?

10 THE COURT: What -- yes, sir.

11 PROSPECTIVE JUROR 358: Assault and Battery.

12 THE COURT: What level?

13 PROSPECTIVE JUROR 358: That, I don't remember.
14 I don't -- you know, I don't -- I don't remember.

15 THE COURT: So you don't -- you don't know if you
16 could have been punished?

17 PROSPECTIVE JUROR 38: Yeah. It was definitely
18 -- the -- the sentence was over a year.

19 THE COURT: Okay. Solicitor, you got that?

20 MS. TAYLOR: Yes, Your Honor. We're checking.

21 THE COURT: Okay.

22 MR. SCOTT: I've got to tell you though, none of
23 the people that are in here (indicating), so I don't
24 have him. I'll -- I'll pull it up. 358 is his
25 number?

1 THE COURT: Yes, sir. All right. Yes, sir.
2 While they're looking for that --

3 PROSPECTIVE JUROR 313: 313.

4 THE COURT: All right. What you got?

5 PROSPECTIVE JUROR 313: PWID case.

6 THE COURT: Solicitor, y'all had -- did that
7 confirm? 313? Okay. Thank you.

8 MR. FOWLER: That -- that appears as though it
9 was plead down to a 30-day offense.

10 THE COURT: Okay.

11 MR. FOWLER: If I'm reading it right.

12 THE COURT: All right, sir. It -- it appears you
13 might have been charged with that, but you weren't
14 actually convicted of that. So we're going to ask you
15 to stay with us.

16 MR. FOWLER: May I approach, Judge?

17 THE COURT: Yes, sir.

18 Okay. All right. Sir, you -- they're checking
19 on that just to make sure that what you're telling me
20 is correct. You can have a seat and we'll be back
21 with you. It's going to take a minute. Yes, ma'am.

22 PROSPECTIVE JUROR 16 : I could barely hear you
23 back here, but my record was expunged. Does that mean
24 I was charged or something --

25 THE COURT: If it's expunged, you are good to go.

1 You can stay with us. Thank you. Next is any member
2 of the jury panel a clerk or deputy clerk of court,
3 constable, sheriff or other commission law enforcement
4 officer, probate judge, county commissioner,
5 magistrate, or other county officer, or employed
6 within the walls of any courthouse?

7 PROSPECTIVE JUROR 16: I got a question about
8 that.

9 THE COURT: Yes, sir.

10 JUROR 16: As far as you said, any other county
11 officer, I'm a Wastewater Compliance Coordinator, so I
12 had to kind of deputize for my job to get a code
13 enforcement officer. I didn't know how that works.

14 THE COURT: Okay. So you are a code enforcement
15 officer?

16 PROSPECTIVE JUROR 16: Yes.

17 THE COURT: For Richland County?

18 PROSPECTIVE JUROR 16: Correct.

19 THE COURT: Okay. What's your juror number?

20 PROSPECTIVE JUROR 16: 16.

21 THE COURT: Well -- all right, sir. I don't
22 believe that qualifies for excluding you at this
23 point. But thank you for letting us know.

24 PROSPECTIVE JUROR 16: Okay. I was just
25 checking.

1 THE COURT: All right. Thank you. Yes, sir.

2 PROSPECTIVE JUROR 198: I'm the billing services
3 director for Lexington -- Lexington County.

4 THE COURT: Okay. Yeah, I -- I don't believe
5 that qualifies, but thanks for letting us know.
6 What's the jury number?

7 PROSPECTIVE JUROR 198: 198.

8 THE COURT: 198. Thank you, sir. Is there any
9 member of the jury panel who has previously served on
10 jury duty in circuit court -- not city court, not
11 magistrates court, not federal court -- during this
12 calendar year? If so, please stand.

13 (No response.)

14 THE COURT: Has any member of the jury panel
15 served as a member of the Richland County Grand Jury
16 during the past several years? If so, please stand.

17 (No response.)

18 THE COURT: All right. Now, we're going to move
19 on to exemptions. State law provides for several
20 exemptions from jury service. An exemption does not
21 mean you are not qualified to serve. It simply means
22 you have the right to choose not to serve.

23 First, one of those is for individuals that are
24 65 years of age or older. Folks that are 65 years of
25 age or older may choose not to serve. Although we

1 appreciate your experience and things you would -- and
2 life lessons that you would bring to jury service.
3 You certainly have the option to choose not to serve.

4 So if you're 65 years of age or older, and would
5 like to be exempted, please stand.

6 PROSPECTIVE JUROR 302: Your Honor, I would like
7 to be exempted.

8 THE COURT: Okay. What's your juror number?

9 PROSPECTIVE JUROR 302: 302.

10 THE COURT: All right, ma'am. I will excuse you.

11 PROSPECTIVE JUROR 302: You need to know my age?

12 THE COURT: I -- I see your birthdate here.

13 PROSPECTIVE JUROR 302: Thank you.

14 THE COURT: I'm -- I'm -- my wife has me trained
15 well enough. I don't say that out loud. All right.
16 So that was juror number 302. She is excused.
17 Another exemption concerns prior jury service. No
18 person is required to serve as a juror more often than
19 once every three calendar years.

20 Therefore, if you have -- if any member of the
21 jury panel has served on jury duty during the last two
22 calendar years, you may be exempt from service this
23 week if you choose to be exempted.

24 Again, this does not apply if your jury service
25 was in magistrate's court, municipal court, or federal

1 court. If this applies to you and you wish to be
2 exempted, please stand.

3 Also, persons who have served as grand jurors in
4 the last five calendar years may also be exempt. If
5 you've served on the grand jury in the last five
6 calendar years, you may be exempt from service if you
7 choose. If this applies to you, please stand.

8 (No response.)

9 THE COURT: The next exemption deals with those
10 of you who have legal custody of young children.
11 Please listen very careful to this exemption. It has
12 several parts, all of which must apply for you to be
13 exempted.

14 You may be exempted if you have a child under the
15 age of seven, you have legal custody of the child or
16 children, you have the principal care, custody, and
17 control of the child, and you are unable to make
18 arrangements for the adequate care while performing
19 jury duty.

20 If all of these apply to you, you may be exempted
21 on this basis. If it applies and you wish to be
22 exempted, please stand. All right. Let's start right
23 here. What's your juror number?

24 PROSPECTIVE JUROR 175: 165.

25 THE COURT: 165.

1 MS. ZMROCZEK: 175.

2 THE COURT: --75. Yes, ma'am.

3 PROSPECTIVE JUROR 175: I have two children.

4 THE COURT: All right. And you don't have any
5 other arrangements?

6 PROSPECTIVE JUROR 175: No, sir.

7 THE COURT: All right. Madam Clerk, do y'all
8 have them sign an affidavit?

9 MADAM CLERK: No, Your Honor.

10 THE COURT: You don't? Okay. All right. Juror
11 175 will be excused. Yes, sir.

12 PROSPECTIVE JUROR 306: 306.

13 THE COURT: 306?

14 PROSPECTIVE JUROR 306: Yes.

15 THE COURT: All right. So what you got?

16 PROSPECTIVE JUROR 306: Yes. I got therapeutic
17 foster kids and I wouldn't be able to perform --

18 THE COURT: Are they under the age of seven?

19 PROSPECTIVE JUROR 306: Got -- one of them is
20 1-year-old.

21 THE COURT: Okay. And you're the primary --

22 PROSPECTIVE JUROR 306: -- 122 and 119. They're
23 handicap.

24 THE COURT: Okay. And you're the primary
25 caretaker?

1 PROSPECTIVE JUROR 306: Yes. I am a primary
2 caretaker.

3 THE COURT: Nobody -- nobody else takes --

4 PROSPECTIVE JUROR 306: Me and my wife. And she
5 works, too.

6 THE COURT: Okay. But there -- there's no other
7 arrangements for somebody to take care of them?

8 PROSPECTIVE JUROR 306: No, there isn't.

9 THE COURT: All right. 306 will be excused.

10 JUROR 306: All right.

11 THE COURT: Yes, ma'am.

12 PROSPECTIVE JUROR 169: I'm having more of a
13 question. What's the latest that we will get out of
14 court? Like in --

15 THE COURT: Well, that's hard to answer.
16 Typically, we're -- the court concludes every day
17 around 5:00. Some days, it's a little earlier than
18 that and some days a little bit later.

19 PROSPECTIVE JUROR 169: Do you have -- you ever
20 -- have you ever experienced anything past 6:00?

21 THE COURT: Oh, yeah. Because once the
22 deliberations start, we typically stay until they're
23 done. Unless it gets really late. Now, I've -- I've
24 been here at 11 o'clock at night.

25 PROSPECTIVE JUROR 169: Well, I have to pick him

1 up from after school by 6:30.

2 THE COURT: Okay. Is there anyone else that can
3 do that for you?

4 PROSPECTIVE JUROR 169: Yeah.

5 THE COURT: Okay. Well, if -- if you -- if you
6 are able to make other arrangements, then the
7 exemption doesn't apply to you.

8 PROSPECTIVE JUROR 169: I can't hear.

9 THE COURT: I said if you're unable to make -- if
10 you are able to make arrangements for childcare, then
11 the exemption doesn't apply.

12 PROSPECTIVE JUROR 169: Okay.

13 THE COURT: Thank you. Yes, sir.

14 PROSPECTIVE JUROR 101: Good morning.

15 THE COURT: Ma'am.

16 PROSPECTIVE JUROR 101: I've a six-month-old.
17 I'm the primary caretaker for him, and my wife is at
18 work, and my father-in-law, he has to take off work to
19 Washington.

20 THE COURT: Okay. What's -- what's your juror
21 number?

22 PROSPECTIVE JUROR 101: Juror number 101.

23 THE COURT: All right. You'll be exempted.

24 MS. ZMROCZEK: Your Honor, can we get the juror
25 that just stood up, her number?

1 THE COURT: Yes, ma'am. The -- the -- just stood
2 up, what was your juror number? I'm sorry. Yes,
3 ma'am.

4 PROSPECTIVE JUROR 169: 169.

5 THE COURT: 169. All right. Yes, sir.

6 PROSPECTIVE JUROR 358: 358.

7 THE COURT: Yep.

8 PROSPECTIVE JUROR 358: I have a 5-year-old son.
9 He gets out at 2:15. My wife works well past that. I
10 don't have any other care set up. I'm -- I'm -- who
11 picks him up, so.

12 THE COURT: Okay. And again, they're -- you
13 aren't able to make any other arrangements to pick him
14 up?

15 PROSPECTIVE JUROR 358: No, sir. My mother and
16 father, they live out of town and typically not
17 available otherwise.

18 THE COURT: All right. I'll excuse you. Yes,
19 ma'am, in the yellow.

20 PROSPECTIVE JUROR 158: Jury 158.

21 THE COURT: What -- what was that

22 PROSPECTIVE JUROR 158: Jury number 158.

23 THE COURT: 158. Y'all -- y'all speak up. I
24 promise I'm not deaf -- I promise I'm not deaf, but
25 this is just a big courtroom.

1 PROSPECTIVE JUROR 158: My son is six and I don't
2 have any -- anyone that can get him after 2:30 from
3 school.

4 THE COURT: Okay. All right. I'll excuse you.
5 Thank you. Yes, ma'am.

6 PROSPECTIVE JUROR 26: Yes. I have a 6-year-old
7 daughter and I don't have any help or care for
8 childcare.

9 THE COURT: Okay. And what's your juror number?

10 PROSPECTIVE JUROR 26: 26.

11 THE COURT: 26. All right. I'll excuse you.
12 Yes, sir.

13 PROSPECTIVE JUROR 160: Juror 160. I have -- I
14 got a special needs child. He got physical therapy
15 and occupational therapy on Fridays. I pick him up
16 from school at 2:15, therapy normally start like 3
17 o'clock.

18 So I didn't know if there's any way to tell, like
19 would I be available on Fridays to still do that
20 because I have other arrangements --

21 THE COURT: Well, do we have -- it looks like we
22 have some Common Plea trials as well, correct?

23 MADAM CLERK: Yes, sir. Your Honor.

24 THE COURT: How what -- what's the anticipated
25 length on that?

1 MR. FOWLER: About three days, Your Honor.

2 THE COURT: Okay. All right. What I'll do --
3 since you need to be available at the end of the week,
4 I'll make sure you are in the common pleas because the
5 -- the general sessions trial may last until Friday,
6 but I'll make sure you're in that pool so you
7 won't be here Friday.

8 PROSPECTIVE JUROR 160: All right. Thank you.

9 THE COURT: Thank you, sir. What was your juror
10 -- that was --

11 PROSPECTIVE JUROR 160: 160.

12 THE COURT: 160. Yes, ma'am, on the right.

13 PROSPECTIVE JUROR 40: Jury number 40. I have 7
14 and 9-year-old that gets out at 2:30. Normally, I
15 would pick them up.

16 THE COURT: You said seven and nine?

17 PROSPECTIVE JUROR 40: 7 and 9-years-old.

18 THE COURT: Unfortunately, ma'am, the way the --
19 the folks down the street at the State House wrote
20 that statute, they have to be under the age of seven.
21 So I can't excuse you on that basis.

22 PROSPECTIVE JUROR 40: Who will get my kids?

23 THE COURT: Ma'am, I'm just telling you what the
24 law is. All right. Yes, ma'am.

25 PROSPECTIVE JUROR 79: Good morning. I have a

1 4-year-old who's in daycare that has to be picked up.
2 I'm not from here, so I don't have a whole lot of
3 options.

4 THE COURT: Okay. So you said 4-years-old?

5 PROSPECTIVE JURY NUMBER 79: Yes, sir.

6 THE COURT: What's your juror number?

7 PROSPECTIVE JURY NUMBER 79: 79. 79.

8 THE COURT: All right. I'll excuse juror number
9 79. Yes, ma'am.

10 PROSPECTIVE JUROR 21: Yeah, I have a 6-year-old
11 special needs daughter. I don't have any afterschool
12 childcare. I'm the one that picks her up off the bus.

13 THE COURT: Okay. And you can't make other
14 arrangements?

15 PROSPECTIVE JUROR 21: No, unfortunately.

16 THE COURT: What's your juror number?

17 PROSPECTIVE JUROR 21: 21.

18 THE COURT: All right. I'll excuse you.

19 PROSPECTIVE JUROR 21: Thank you, sir.

20 PROSPECTIVE JUROR 146: 146. I stood back up.

21 How am I supposed to go to my -- my treatment every
22 -- I have three treatments a week, Monday,
23 Wednesday, and Friday.

24 THE COURT: Okay. What time are they?

25 PROSPECTIVE JUROR 146: It -- it varies when the

1 chair is open.

2 THE COURT: Okay. And that -- and that was
3 dialysis treatment?

4 PROSPECTIVE JUROR 146: Yes, sir.

5 THE COURT: All right. I'll go ahead and excuse
6 you.

7 MS. ZMROCZEK: What's her number, Your Honor?

8 THE COURT: That is juror number 146. All right.
9 Next if you're the primary caretaker of a person 65
10 years of age or older, and you're unable to provide
11 adequate care for the person while performing jury
12 service, you may be exempt. If this applies to you
13 and you wish to be exempted, please stand.

14 (No response.)

15 THE COURT: Next, if you are the primary
16 caretaker of a severely disabled person who is unable
17 to care for himself or herself and cannot be left
18 unattended and you are unable to provide adequate care
19 for the person while performing jury service, you may
20 be exempt. If this applies to you and you wish to be
21 exempt, please stand.

22 Yes, ma'am. What's your juror number?

23 PROSPECTIVE JUROR 205: I'm so sorry. 205.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 205: And my husband's

1 disabled.

2 THE COURT: Your husband is?

3 PROSPECTIVE JUROR 205: Yes, sir.

4 THE COURT: And you -- you don't -- you can't
5 make alternate arrangements for care for him?

6 PROSPECTIVE JUROR 205: No, sir.

7 THE COURT: Okay. All right. I'll excuse you.
8 Thank you. The next exemption involves those of you
9 who may be attending school or working in some
10 capacity with the school. If this applies to you and
11 you wish to be exempt, we can transfer you to another
12 term that will not conflict with your school
13 responsibilities.

14 So is there any member of the jury panel who is a
15 full-time student, school teacher, school crossing
16 guard, school bus driver, or who serves in any other
17 school related function and would be unable to serve
18 on jury duty this week? If so, please stand. Yes,
19 ma'am.

20 PROSPECTIVE JUROR 469: I'm -- I'm part-time, but
21 I miss school. So my classes are Monday and Thursdays
22 -- 6:00 p.m. to 7:25.

23 THE COURT: Okay. And what was your juror number
24 again?

25 PROSPECTIVE JUROR 469: 469.

1 THE COURT: And you said your classes are 6:00 to
2 9:00?

3 PROSPECTIVE JUROR 469: Monday through Thursday.
4 I take night classes. I work during day, so it's 6:00
5 p.m. to 7:25, Tuesday to Thursday. And then on
6 Monday I'm at class from 6:00 to 10:25.

7 THE COURT: Okay. I mean, I can transfer you to
8 another term. I don't know if that'll help you.

9 PROSPECTIVE JUROR 469: I'm still getting -- I
10 don't get graduates for next year. So another term
11 would be -- I don't know what that means.

12 THE COURT: It'll be sometime this year.

13 PROSPECTIVE JUROR 469: Okay. So I might as well
14 stay in this one. That's basically what you're
15 saying?

16 THE COURT: Probably so.

17 PROSPECTIVE JUROR 469: Y'all know if they excuse
18 -- like the schools usually excused for jury? Like
19 if I had to miss class because I'm in here, will I
20 be excused?

21 THE COURT: I -- we can give you an excuse that
22 you were here. I don't -- I don't know what their
23 policy is. I don't have any control over the
24 school's policy, but we can certainly give you an
25 excuse to verify that you were here.

1 PROSPECTIVE JUROR 469: Okay.

2 THE COURT: All right. Thank you. Yes, ma'am.

3 PROSPECTIVE JUROR 83: Yes. I'm a full-time
4 educator and I wanted to see if I could just transfer
5 to a time this semester is over.

6 THE COURT: Okay. Yeah. Come on forward. They
7 -- they'll let you see the terms.

8 MADAM CLERK: We need a juror number.

9 THE COURT: What was your juror number?

10 PROSPECTIVE JUROR 83: 83.

11 THE COURT: 83. Anybody else? Yes, ma'am.

12 PROSPECTIVE JUROR 367: 367. I'm a school bus
13 driver.

14 THE COURT: Do you want to be -- all right.
15 Ma'am, you said you're a -- a bus driver? They tell
16 me you've already been transferred one time. All
17 right.

18 All right. Next is any member of the jury panel
19 employed within the Department of Corrections at any
20 correctional facility? If so, and you'd like to be
21 exempted, please stand. Yes, ma'am.

22 PROSPECTIVE JUROR 211: Yes. I work at the
23 Department of Corrections.

24 THE COURT: Okay. And you got up quick. You'd
25 like to be exempt?

1 PROSPECTIVE JUROR 211: Yes, sir.

2 THE COURT: All right. What is your juror
3 number?

4 PROSPECTIVE JUROR 211: 211.

5 THE COURT: All right. 211 will be exempt as
6 employed at Department of Corrections.

7 PROSPECTIVE JUROR 211: Thank you.

8 THE COURT: All right. All right. The next one
9 -- and before -- before I ask this question, I want to
10 preface it by, we are all busy. Everybody's got busy
11 lives, everybody's got -- or a lot -- most of us have
12 jobs and you got places you'd rather be.

13 But this -- this next one is very specific. Is
14 there any juror who performs services for a business,
15 commercial, or agricultural enterprise, which are so
16 essential to the operation of the enterprise that if
17 you were required to perform jury duty, the enterprise
18 would have to close or stop functioning? If so, and
19 you wish to be exempted, please stand.

20 The example I give -- and, you know, I -- my home
21 circuits in the country, and about this time -- well,
22 about a month from now, the farmers are going to need
23 to be putting seed in the ground and they got to --
24 they have to work around weather conditions and all
25 kind of things.

1 So I would typically exempt a farmer during that
2 week and transfer them to another week. So if you are
3 so essential to your business that it would have to
4 close or stop functioning and you like to be exempted,
5 please stand.

6 PROSPECTIVE JUROR 349: It's not that my business
7 will close, but that I'm a tax manager and we're in
8 the middle of tax season. I would rather move my term
9 if it's possible to a period after.

10 THE COURT: Okay. What was your juror number?

11 PROSPECTIVE JUROR 349: 349.

12 THE COURT: 349. And you said you're -- you're
13 an accountant?

14 PROSPECTIVE JUROR 349: Accountant.

15 THE COURT: Okay. Yep. It's -- it's your busy
16 time of year. All right. If you'll come forward and
17 see the Clerk, they can let you pick a term later on
18 in the year.

19 PROSPECTIVE JUROR 349: Okay.

20 THE COURT: Yes, ma'am.

21 PROSPECTIVE JUROR 195: 195. I'm the manager of
22 a salon and right now it's not many people, and
23 they're not used to the opening and closings, so I
24 just want to know if I can transfer to another time of
25 the year.

1 THE COURT: Would the business close or stop
2 functioning if you weren't there?

3 PROSPECTIVE JUROR 195: They would close it for
4 -- they would probably close it earlier this week,
5 but try to arrange someone from out of town to come
6 in, but that's not guaranteed.

7 THE COURT: All right. Well, I'm not sure that
8 qualifies. So I'm going to have to ask you to stay
9 with us.

10 PROSPECTIVE JUROR 295: Okay.

11 THE COURT: Yes, sir. On the right. What -- and
12 what was your juror number, ma'am?

13 PROSPECTIVE JUROR 195: 195.

14 THE COURT: Okay. All right. Yes, sir, on the
15 right.

16 PROSPECTIVE JUROR 267: Jury number 267. So I
17 own a single member LLC called RAM Contracting
18 Solutions where we do crawl spacing and things of
19 that nature, and the business would literally stop
20 functioning without me because I'm the only member of
21 the LLC. I run the leads, I facilitate the
22 installation. Sometimes I have to do the
23 installations. So I just didn't know if that would
24 potentially qualify.

25 THE COURT: And what was your juror number again?

1 PROSPECTIVE JUROR 267: 267, sir.

2 THE COURT: Do you have anything scheduled this
3 week that you can -- you can't miss?

4 PROSPECTIVE JUROR 267: So I've got a site visit
5 for a project that I'm doing originally in South
6 Carolina, and I have two other appointments that need
7 to be ran. I would have to -- I would've to talk to
8 the customers to see if they could potentially move,
9 but, you know, at this -- I just figured I would kind
10 of throw that out because of its potential significant
11 loss of revenue to the business. And I would say
12 that, you know, the business would 100 percent stop
13 functioning without me because I am the only member.

14 THE COURT: All right. What I'm going to do,
15 I'll -- I'll exempt you, but I'm going -- I'm going
16 to transfer you to another term. So when you -- you
17 get notice of that next term, you can -- you can
18 adjust your schedule accordingly.

19 PROSPECTIVE JUROR 267: Yes, sir.

20 THE COURT: So come on down and see the Clerk.

21 PROSPECTIVE JUROR 267: Thank you.

22 THE COURT: Yes, sir.

23 PROSPECTIVE JUROR 242: 242. I'm a single member
24 LLC as well on the Will Repair Company. I service all
25 of the body shops in Columbia. I'm mobile, and I have

1 jobs every day. And I'm actually currently being sued
2 by my prior employer for all of their customers
3 leaving them and coming to me.

4 So if I miss days, then that may potentially
5 force them to go back to my competitors.

6 THE COURT: All right. I'll do the same for you.
7 I'll -- I'll transfer you to a different term so you
8 can adjust your calendar. Come on down and see the
9 Clerk. Yes, sir.

10 PROSPECTIVE JURY NUMBER 33: Juror 33.

11 THE COURT: Yep.

12 PROSPECTIVE JUROR 33: I run my own businesses.
13 I have a car lot and a trucking business. And run
14 both of them all the way through from the beginning
15 to the end. The management of loads, accounting,
16 dispatch the loads.

17 THE COURT: There's nobody else that can do that
18 for you?

19 PROSPECTIVE JUROR 33: No, sir. It's just me.

20 THE COURT: All right. Well, come on down. I'll
21 transfer you to another term.

22 THE COURT: What was your jury number, sir?

23 PROSPECTIVE JUROR 33: 33.

24 THE COURT: 33.

25 All right. Ladies and gentlemen, that concludes

1 the statutory list of qualifications and exemptions
2 for jury service. It may be that you're qualified and
3 no exemption applies to you, but jury service this
4 week would constitute an extreme hardship for a
5 particular reason.

6 Example I give, we -- we had a trial a couple
7 weeks ago, and a lady was serious about her service
8 and she didn't bring any of this up, but she was a
9 night shift nurse, so she left here, she worked all
10 night, she came home and took a shower, and she got
11 selected for jury duty.

12 And she had a hard time staying awake, which I
13 certainly understood. She didn't bring that to our
14 attention.

15 So if -- if you have a situation like that, let
16 us know and we can transfer you to a -- a different
17 term. Again, I can't permanently excuse you, but
18 again, if there is something that would be an extreme
19 hard -- hardship under certain circumstances, I can
20 excuse you.

21 If that applies to you and you would like to be
22 transferred, please come forward. Again, it's not
23 about just general inconvenience. We understand that
24 jury service is inconvenient to everybody. But if --
25 if there's sufficient reason to transfer you, come on

1 forward and I will discuss it with you.

2 Yes, ma'am.

3 PROSPECTIVE JURY NUMBER X: General question.

4 THE COURT: Yes, ma'am. Please stand.

5 PROSPECTIVE JUROR X: Sure. Sure. Sorry.

6 THE COURT: No problem.

7 PROSPECTIVE JUROR X: Are we all guaranteed to be
8 here this entire week or is it --

9 THE COURT: No, ma'am. We -- we -- I think we
10 are selecting two juries, so that'll probably be maybe
11 -- three juries, maybe -- so maybe 42 of you may be
12 selected. The rest of you will have concluded your
13 jury service, and we won't bother you for three years.

14 So it's --

15 PROSPECTIVE JUROR X: Thank you.

16 THE COURT: Yes. Or what's your reason? Yes,
17 sir.

18 PROSPECTIVE JUROR 350: Sir, I do have a meeting
19 actually that I cannot miss on Wednesday. Just this
20 Wednesday. Unfortunately, I have a meeting with
21 somebody that's coming in from overseas and I must
22 attend. Just for the simple fact that if I don't
23 attend it, basically it's like I'm going to miss out
24 on this opportunity for another two, three months. It
25 could be -- if I could be postponed or scheduled for a

1 different time, I don't mind at all. But this
2 Wednesday is definitely very, very --

3 THE COURT: Okay. What -- what's juror number?

4 PROSPECTIVE JUROR 350: 350.

5 THE COURT: All right. I'll transfer you to a
6 different term. Just come on. See the Clerk.

7 All right. Ladies and gentlemen, now's the
8 chance for those of you who didn't respond earlier to
9 any questions that I asked, and those of you who may
10 have a compelling reason to request a transfer to come
11 forward. If you believe you're disqualified or exempt
12 from service or you have any questions about whether
13 you're disqualified or exempt and you want to be
14 transferred, please come forward this time.

15 All right. I find the jury panel is now
16 qualified. Ladies and gentlemen, I'm going to give
17 you some just general guidelines for services this
18 week.

19 If you're selected, obviously please turn off
20 all your cell phones. Any other communication
21 devices, we will -- if you're selected, we'll
22 have you leave them with the bailiffs while you're in
23 the courtroom.

24 Certainly, we will give you access to all that so
25 you can take care of matters of business and personal

1 on our breaks. It's important that you have no
2 contact at all with the parties, the lawyers, or
3 potential witnesses. Even innocent conversations may
4 be easily misconstrued. So avoid contact with any of
5 those folks. If -- if you're standing at an elevator
6 and when the lawyers here runs the other way, he or
7 she is not being rude, they're just following my
8 instructions.

9 Please be prompt. It's not fair when we have to
10 delay the proceedings because somebody's not here. If
11 there's an emergency at home or work or otherwise,
12 please let us know immediately.

13 We will have alternate jurors that we could
14 replace you with if you have a -- a legitimate
15 emergency at home. What else?

16 As I said earlier, you know, we're usually done
17 here either side at 5 o'clock. I try to, because
18 again, I try to be mindful of your time.

19 We can't do our jobs without you folks, and I
20 know this is an inconvenience and we -- we do our best
21 to inconvenience you as little as possible.

22 We usually try to get started around 9:00, 9:30
23 in the morning, and we'll break for lunch around 12:30
24 or 1:00.

25 Anything else, Madam Clerk?

1 MADAM CLERK: You've covered everything.

2 THE COURT: Okay. How you going to do this now?
3 You can send one --

4 MADAM CLERK: I'm going to send them back
5 downstairs for a 15 minute break and then we'll go
6 ahead and start getting our panels.

7 THE COURT: All right. Ladies and gentlemen, we
8 are going to send you back downstairs to the jury
9 assembly room and then the Clerk will be putting
10 together panels and you'll be notified at that point
11 which courtroom you'll be assigned to for jury
12 selection. Thank you, all.

13 (A brief break was taken.)

14 THE COURT: All right. Solicitor ready to call
15 your case?

16 MS. TAYLOR: Yes, Your Honor.

17 This is the State of South Carolina versus Jaquan Leon
18 King on Indictments 2022-GS-40-069, 0070, and 0071.

19 He is charged with two counts of Attempted Murder
20 and one count of Possession of a Weapon During the
21 Commission of a Violent Crime.

22 THE COURT: Very good. Ladies and gentlemen,
23 we're about to begin the case of the State of South
24 Carolina versus Jaquan King.

25 Before we select our jury panel, there are

1 several additional questions that I need to ask you.
2 And I'll remind you that you were sworn in -- or you
3 were put under oath earlier this morning and you
4 remain under oath as we sit here today.

5 First question, is any member of the jury panel
6 related by blood or marriage or have any -- a close
7 personal or social relationship with Jaquan King,
8 Jacob Cora, or Yolanda Cora?

9 (No response.)

10 THE COURT: Now, next I'm going to read you a
11 list of potential witnesses in the case:
12 Clay Short, Brad Maxwell, David Cowell, Brian Godfrey,
13 Stephen Dauway, Kristopher Kneece, Megan Carlson,
14 Robert Hook, Taima Jordan, Scott McDonald, Destiny
15 Hamlin, Benjamin Dumont, Timothy Riley, James Gore,
16 Jeffrey Rustin, Jacob Howell, Tucker Kovalchek,
17 Franklyn Rainsford, Kristin Polis, John Barron,
18 Alexandra Fulmer, Darius Lane, Abygayle Farman, Kayla
19 Johnson, Ashleigh Dixon, Edmond McManus, Kevin
20 McCullough, Tina Frey -- or Tia Frey, rather, Marie
21 Wearing, Ebony Thompson, Michael Fitzgerald, Joseph
22 Tyner, Jerry Hammond, Demetrius Potts, Alexis Green,
23 Tramier Brown, Devin Pate, Abigail Rondon, Judy Reyes,
24 Nelson Cora, Kiara Arces [ph] -- or Arce, Shakira
25 Jacobs, Carey Shealey, Taishi Sato, Haskell Kibler,

1 Ashley Walcott, Judith King, Jack King, Nikki Acerra,
2 Cananda Willis, Kevin Coghlan, Zachary Delk, James
3 Gore, Nicole Frier, Justin Dill, Lorna Elders, William
4 McComb, Jay Wismer, Aaron Grill, Jason Schumacher,
5 Gregory Harrell, Michael DeSumna, Patrick Dineen,
6 Monica Olivera, Harold Boughknight, Officer Darwin
7 with the Forest Acres PD., Sergeant Smyrl with the
8 Forest Acres PD, Joanna McDuffie, Linda Houck, PJ
9 Blendowski, Sigrid Phinney, Jennifer Setree, Brian
10 Setree, Dawn McQuiston, Katie Brooks, and James
11 Magill.

12 Is any member of the jury panel related by blood
13 or marriage or have any close personal or social
14 relationship with any of the individuals I just
15 listed?

16 (No response.)

17 THE COURT: All right. Lawyers for the State,
18 please introduce yourselves.

19 MS. TAYLOR: My name is Assistant Solicitor
20 Stephanie Taylor and I work at Fifth Circuit
21 Solicitors Office. My co-counsel is Senior Assistant
22 Dale Scott and Assistant Solicitor Nicholas Fowler.

23 THE COURT: Ms. Zmroczek?

24 MS. ZMROCZEK: Thank you, Your Honor. Good
25 morning. My name is Attorney Aimee Zmroczek, and I

1 represent -- excuse me -- Mr. Jaquan King. He's my
2 client.

3 Also, that will be joining me at the table is
4 my investigator Brian Setree, and a law student, my
5 law -- my law clerk named Caroline Burns. I practice
6 -- my office is based here in Columbia, but I practice
7 throughout the State.

8 THE COURT: Has any member of the jury panel ever
9 been represented by any of the lawyers involved in
10 this case or their firms?

11 (No response.)

12 THE COURT: Has any member of the jury panel
13 related by blood or marriage or have close personal or
14 social relationship with any of the attorneys involved
15 in the case or anyone in their firm?

16 (No response.)

17 THE COURT: Does any member of the jury panel
18 have any knowledge of this case or has anyone formed
19 or expressed an opinion about any issue or matter
20 involved in the case?

21 (No response.)

22 THE COURT: Is any member of the jury panel aware
23 of any bias or prejudice toward either the State or
24 the Defendant in this case?

25 (No response.)

1 THE COURT: Is any member of the jury panel a
2 member of the grand jury that issued the indictments
3 in this case?

4 (No response.)

5 THE COURT: Is any member of the jury panel a
6 member of or contributor to any group which has its
7 primary concern to the promotion of law enforcement or
8 victims' rights? These would include but not be
9 limited to the Mothers Against Drunk Driving, Students
10 Against Drunk Driving, Citizens Against Violence, the
11 South Carolina Law Enforcement Officer Association, or
12 a group of that -- any group of that nature.

13 (No response.)

14 THE COURT: Okay. Has any member of the jury
15 panel or a member of their family ever been a victim
16 of a crime of violence, assault, or shooting? Okay.
17 If you'll please stand and give me your number if that
18 applies to you.

19 PROSPECTIVE JUROR 77: 77.

20 THE COURT: 77. All right, sir. The fact that a
21 member of your panel has been a victim of a crime of
22 violence, assault, or shooting, do you think that
23 would prevent you from being fair and impartial in
24 this case?

25 PROSPECTIVE JUROR 77: Yes.

1 THE COURT: You do?

2 PROSPECTIVE JUROR 77: Yep.

3 THE COURT: What's your juror -- oh, that was 77.
4 Okay. All right. You can have a seat. Yes, sir.
5 What's your juror number?

6 PROSPECTIVE JUROR 80: 80.

7 THE COURT: All right. The fact that you are a
8 member of -- your family's been a victim of a crime of
9 violence, assault, or shooting, would that prevent you
10 from being fair and impartial in this case?

11 PROSPECTIVE JUROR 80: No.

12 THE COURT: Okay. Yes, sir.

13 PROSPECTIVE JUROR 102: 102. 102.

14 THE COURT: 102. Yes, sir. Would that prevent
15 you from being fair and impartial in this case?

16 PROSPECTIVE JUROR 102: That could play a part.
17 Yes, sir.

18 THE COURT: Okay. All right. Yes, sir. What's
19 your juror number?

20 PROSPECTIVE JUROR 356: 356.

21 THE COURT: Do you believe that will prevent you
22 from being fair and impartial in this case?

23 PROSPECTIVE JUROR 356: Potentially.

24 THE COURT: And I need a yes or no.

25 PROSPECTIVE JUROR 356: Yeah.

1 THE COURT: Okay. All right. Yes, ma'am. Here.
2 PROSPECTIVE JUROR 17: 17.
3 THE COURT: Do you believe that would prevent you
4 from being fair and impartial in this case?
5 PROSPECTIVE JUROR 17: Yes.
6 THE COURT: All right. Yes, ma'am.
7 PROSPECTIVE JUROR 40: 40. Yes.
8 THE COURT: 40. And you believe that would
9 prevent you from being fair and impartial?
10 PROSPECTIVE JUROR 40: Yes, sir.
11 THE COURT: All right. Has any member of the
12 jury panel or a member of their family ever been
13 charged with or convicted of a crime of violence,
14 assault, or shooting? Okay. You'll have to do that
15 all over again. Please stand if it applies to you.
16 PROSPECTIVE JUROR 77: 77.
17 THE COURT: 77. Do you believe that would
18 prevent you from being fair and impartial?
19 PROSPECTIVE JUROR 77: Yes, sir.
20 THE COURT: All right. You can have a seat. All
21 right. I'll start over here, ma'am. Do you believe
22 that prevents you from being fair and impartial in
23 this case?
24 PROSPECTIVE JUROR 111: No.
25 THE COURT: What's your juror number?

1 PROSPECTIVE JUROR 111: 111.

2 THE COURT: Okay. You can have a seat. Yes,
3 ma'am. What's your juror number?

4 PROSPECTIVE JUROR 195: 195.

5 THE COURT: All right. Do you believe that would
6 prevent you from being fair and impartial in this
7 case?

8 PROSPECTIVE JUROR 195: Yes.

9 THE COURT: Yes, sir. You believe that would
10 prevent you --

11 PROSPECTIVE JUROR 356: 356. Yes.

12 THE COURT: What was your number again?

13 PROSPECTIVE JUROR 356: 356.

14 THE COURT: Gotcha. Okay. Yes, ma'am, on the
15 left.

16 PROSPECTIVE JUROR 109: 109.

17 THE COURT: Yes, ma'am. Do you believe that
18 would prevent you from being fair and impartial in
19 this case?

20 PROSPECTIVE JUROR 109: No.

21 THE COURT: Very good. Thank you. Yes, sir.

22 PROSPECTIVE JUROR 335: 335. No, sir.

23 THE COURT: All right. So you believe you can be
24 fair and impartial? Yes, ma'am. What --

25 PROSPECTIVE JUROR 40: 40.

1 THE COURT: 40. You -- you believe that prevents
2 you from being fair and impartial?

3 PROSPECTIVE JUROR 40: Yes, sir.

4 THE COURT: All right. Yes, ma'am.

5 PROSPECTIVE JUROR 240: 240. Yes.

6 THE COURT: Has any juror or close family member
7 of the juror ever been prosecuted in Richland or
8 Kershaw County by the Fifth Circuit Solicitor's
9 Office?

10 Does any member of the jury panel or any member
11 of their immediately -- immediate family belong to or
12 contribute to any organization that supports
13 prisoners' rights such as the Innocence Project?

14 (No response.)

15 THE COURT: Is any member of the jury panel or a
16 member of your immediate family related by blood or
17 marriage or a close personal friend of someone
18 employed in law enforcement? All right. We'll start
19 over here (indicating) on the far right. Sir, what's
20 juror number?

21 PROSPECTIVE JUROR 249: 249.

22 THE COURT: All right. Do you believe that would
23 prevent you from being fair and impartial in this
24 case?

25 PROSPECTIVE JUROR 249: No, sir.

1 THE COURT: All right. Yes, ma'am. What's your
2 juror number again?

3 PROSPECTIVE JUROR 111: 111.

4 THE COURT: All right. And do you believe that
5 would prevent you from being fair and impartial in
6 this case?

7 PROSPECTIVE JUROR 111: No.

8 THE COURT: Very good, thank you. Yes, sir.

9 PROSPECTIVE JUROR 231: 231. Yes.

10 THE COURT: You think it would prevent you from
11 being fair and impartial in the case?

12 PROSPECTIVE JUROR 231: Yes, sir.

13 THE COURT: Yes, ma'am. What's your juror number
14 again?

15 PROSPECTIVE JUROR 195: 195.

16 THE COURT: All right. Do you believe that would
17 prevent you from being fair and impartial in the case?

18 PROSPECTIVE JUROR 195: Yes.

19 THE COURT: All right. You can have a seat. All
20 right, sir, what's your juror number again?

21 PROSPECTIVE JUROR 77: 77.

22 THE COURT: You believe that would prevent you
23 from being fair and impartial in the case?

24 PROSPECTIVE JUROR 77: Yes.

25 THE COURT: All right. You can have a seat.

1 Yes, ma'am, in the green?

2 PROSPECTIVE JUROR 290: 290. Yeah.

3 THE COURT: You believe that would prevent you
4 from being fair and impartial in the case?

5 PROSPECTIVE JUROR 290: Yes.

6 THE COURT: Yes, sir.

7 PROSPECTIVE JUROR 90: 90. No.

8 THE COURT: 90. All right. Okay. Yes, ma'am.

9 PROSPECTIVE JUROR 189: 189.

10 THE COURT: 189.

11 PROSPECTIVE JUROR 189: No.

12 THE COURT: All right. You don't believe it'll
13 prevent you from being fair and impartial? Okay.
14 Yes, sir, on the right?

15 PROSPECTIVE JUROR 142: 142.

16 THE COURT: You -- you believe that would prevent
17 you from being fair and impartial in the case?

18 PROSPECTIVE JUROR 142: Yes, sir.

19 THE COURT: And, sir, what's your juror number?

20 PROSPECTIVE JUROR 102: 102.

21 THE COURT: 102. Do you believe that prevents
22 you from being fair and impartial in the case?

23 PROSPECTIVE JUROR 102: No, sir.

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR X: Judge, which question was

1 that?

2 THE COURT: That was about relationship with
3 someone in law enforcement.

4 PROSPECTIVE JUROR X: Got you. Thank you.

5 THE COURT: All right. Is any member of the jury
6 panel or a member of their immediate family employed
7 by the Richland County Sheriff's Department, State Law
8 Enforcement Division, or Forest Acres Police
9 Department?

10 PROSPECTIVE JUROR 195: Does that count for
11 in-laws?

12 THE COURT: Yeah. Why not? Okay. Do you
13 believe -- and what was your juror number?

14 PROSPECTIVE JUROR 195: 195.

15 THE COURT: 195. And you believe that would
16 prevent you from being fair and impartial?

17 PROSPECTIVE JUROR 195: Yes.

18 THE COURT: Okay. Yes, ma'am.

19 PROSPECTIVE JUROR 189: 189.

20 THE COURT: 189. Do you believe that would
21 prevent you from being fair and impartial?

22 PROSPECTIVE JUROR 189: No.

23 THE COURT: Okay. Does any member of the jury
24 panel or any member -- member of their immediate
25 family belong to or contribute to any organization

1 that supports gun ownership, gun usage, or the Second
2 Amendment such as the NRA or Gun Owners of America?
3 All right. Yes, sir, in the gray.

4 PROSPECTIVE JUROR 267: 267, and yes, I do.

5 THE COURT: 267. Do you believe that would
6 prevent you from being fair and impartial in the case?

7 PROSPECTIVE JUROR 267: Yes.

8 THE COURT: And -- all right, you can have a
9 seat.

10 PROSPECTIVE JUROR 102: 102.

11 THE COURT: 102. Do you believe that prevents
12 you from being fair and impartial in the case?

13 PROSPECTIVE JUROR 102: Yes, sir.

14 THE COURT: Does any member of the jury panel or
15 a member of their immediate family have a moral or
16 religious opposition to the consumption of alcohol?

17 (No response.)

18 THE COURT: Has any member of the jury panel seen
19 or heard anything about this case in the news or
20 media?

21 (No response.)

22 THE COURT: Is any member of the jury panel a
23 member of a social media group that shares information
24 such as crime tips and the like?

25 (No response.)

1 THE COURT: Does any member of the jury panel
2 follow any of the following groups, slash pages across
3 any social media? That'd be the Richland County
4 Sheriff's Department, the Columbia Police Department,
5 or the Forest Acres Police Department. All right.
6 Yes, sir.

7 PROSPECTIVE JUROR 77: 77.

8 THE COURT: 77. Do you believe that would
9 prevent you from being fair and impartial in the case?

10 PROSPECTIVE JUROR 77: Yes.

11 THE COURT: All right. You can have a seat.
12 Yes, sir. What's your juror number?

13 PROSPECTIVE JUROR 67: 67.

14 THE COURT: You believe that would prevent you
15 from being fair and impartial in the case?

16 PROSPECTIVE JUROR 67: No.

17 MS. ZMROCZEK: I missed that number Judge. What
18 was that?

19 THE COURT: 67.

20 MS. ZMROCZEK: Thank you.

21 THE COURT: All right, thank you. Does any
22 member of the jury -- oh, yes, ma'am. I'm sorry.

23 PROSPECTIVE JUROR 97: 97.

24 THE COURT: 97. Do you believe that would
25 prevent you from being fair and impartial in the case?

1 PROSPECTIVE JUROR 97: No.

2 THE COURT: All right. Thank you. Does any
3 member of the jury panel or -- or members of your
4 immediate family shop at the stores -- at the shops at
5 Oneil Court? All right. Yeah.

6 PROSPECTIVE JUROR 102: I'm asking a question.
7 Is that the DMV area?

8 THE COURT: Yes.

9 PROSPECTIVE JUROR 102: Oh, yeah.

10 THE COURT: Okay. You believe that prevent --
11 what's the juror number again?

12 PROSPECTIVE JUROR 102: 102.

13 THE COURT: All right. You believe that would
14 prevent you from being fair and impartial in the case?

15 PROSPECTIVE JUROR 102: Yes, sir.

16 THE COURT: All right. And juror number 77, you
17 think that would prevent you from being fair and
18 impartial in the case?

19 PROSPECTIVE JUROR 77: Yes.

20 THE COURT: Okay. Does any member of the jury
21 panel or a member of their immediate family dine
22 and/or sing karaoke at Inakaya Japanese Restaurant or
23 Tusabi [ph] Restaurant and Lounge?

24 MS. ZMROCZEK: Tsubaki.

25 THE COURT: Tsub-ba-baki.

1 Okay.

2 PROSPECTIVE JUROR 342: Yes.

3 THE COURT: What's your juror number?

4 PROSPECTIVE JUROR 342: 342.

5 THE COURT: 342. Do you believe that would
6 prevent you from being fair and impartial in this
7 case?

8 PROSPECTIVE JUROR 342: No.

9 THE COURT: Yes, ma'am. What's your juror
10 number?

11 PROSPECTIVE JUROR 197: 197.

12 THE COURT: Do you believe that would prevent you
13 from being fair and impartial in the case?

14 PROSPECTIVE JUROR 197: No.

15 THE COURT: All right, thank you. Yes, ma'am.

16 PROSPECTIVE JUROR 189: 189.

17 THE COURT: 189.

18 PROSPECTIVE JUROR 189: No.

19 THE COURT: All right. So you don't believe
20 it'll prevent you? Okay. Thank you.

21 Yeah. So what's your juror number?

22 PROSPECTIVE JUROR 267: 267. And no, sir.

23 THE COURT: Okay, thank you. Is any -- have any
24 of you -- member of the jury panel or member of your
25 immediate family had an unpleasant experience in court

1 or involving lawyers which would affect your ability
2 to impartially consider the evidence in the case?

3 (No response.)

4 THE COURT: Has any member of the jury panel ever
5 appeared as a witness for either the prosecution or --
6 defense at any trial?

7 (No response.)

8 THE COURT: Does any member of the jury panel
9 know anyone else on the panel here today, other than
10 as a result of reporting here today?

11 (No response.)

12 THE COURT: Does any member of the jury panel
13 know of any reason whatsoever why you should not serve
14 as a juror in this case, with particular emphasis
15 being placed on your ability to be fair and impartial
16 to both the State and the Defendant?

17 (No response.)

18 THE COURT: Anything else from State?

19 MS. TAYLOR: No, Your Honor.

20 THE COURT: Anything else from defense?

21 MS. ZMROCZEK: Nothing further, Your Honor.

22 THE COURT: Very good. Madam Clerk, you may
23 proceed.

24 MADAM CLERK: Ladies and gentlemen of the jury
25 panel, when I call your number please come to the

1 center of the courtroom here and bring all of your
2 personal belongings with you.

3 MR. SCOTT: Your Honor. May we approach briefly?

4 THE COURT: Yeah.

5 (A sidebar conversation between the Court and
6 Counsels was had.)

7 MADAM CLERK: All right, ladies and gentlemen, as
8 I said, please come to the side of the courtroom here
9 and bring all of your personal belongings with you
10 when I call your number, okay.

11 Juror number 97.

12 MS. TAYLOR: What number is this?

13 MADAM CLERK: Juror number 97. What says the
14 State?

15 MS. TAYLOR: Please, present this juror.

16 MS. ZMROCZEK: Please, seat this juror.

17 MADAM CLERK: Please, have a seat at the jury
18 box.

19 Juror number 231.

20 THE COURT: He's struck for cause.

21 MADAM CLERK: Thank you. Please, have a seat at
22 the back of the courtroom.

23 Juror number 335. What says the State?

24 MS. TAYLOR: Please, present this juror.

25 MADAM CLERK: What says the defense?

1 MS. ZMROCZEK: Please, seat this juror.

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

4 Juror 192. What says the State?

5 MS. TAYLOR: Please, present this juror.

6 MADAM CLERK: What says the defense?

7 MS. ZMROCZEK: Please, seat this juror.

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

10 Juror number 298. What says the State?

11 MS. TAYLOR: Please, present this juror.

12 MADAM CLERK: What says the defense?

13 MS. ZMROCZEK: Please, seat this juror.

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

16 Juror number 357. What says the State?

17 MS. TAYLOR: Please, excuse this juror.

18 MADAM CLERK: Please, have a seat at the back of
19 the courtroom.

20 Juror number 195.

21 THE COURT: Struck for cause.

22 MADAM CLERK: Thank you. Please, have a seat at
23 the back of the courtroom.

24 MADAM CLERK: Juror number 275. What says the
25 State?

1 MS. TAYLOR: Please, excuse this juror.

2 MADAM CLERK: Please, have a seat at the back of
3 the courtroom.

4 Juror number 56. What says the State?

5 MS. TAYLOR: Please, present this juror.

6 MADAM CLERK: What says the defense?

7 MS. ZMROCZEK: Please, seat this juror.

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

10 Juror number 197. What says the State?

11 MS. TAYLOR: Please, present this juror.

12 MADAM CLERK: What says the defense?

13 MS. ZMROCZEK: Please, seat this juror.

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

16 Juror number 22. What says the State?

17 MS. TAYLOR: Please, present this juror.

18 MADAM CLERK: What says the defense?

19 MS. ZMROCZEK: Please, seat this juror.

20 MADAM CLERK: Please, have a seat in the jury
21 box.

22 Juror number 324. What says the State?

23 MS. TAYLOR: Please, present this juror.

24 MADAM CLERK: What says the defense?

25 MS. ZMROCZEK: Please, seat this juror.

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

3 Juror number 345. What says the State?

4 MS. TAYLOR: Please, present this juror.

5 MADAM CLERK: What says the defense?

6 MS. ZMROCZEK: Please, seat this juror.

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

9 Juror number 16. What says the State?

10 MS. TAYLOR: Please, present this juror.

11 MADAM CLERK: What says the defense?

12 MS. ZMROCZEK: Please, seat this juror.

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

15 Juror number 77.

16 THE COURT: Struck for cause.

17 MADAM CLERK: Please, have a seat at the back of
18 the courtroom.

19 Juror number 57. What says the State?

20 MS. TAYLOR: Please, present this juror.

21 MADAM CLERK: What says the defense?

22 MS. ZMROCZEK: Please, seat this juror.

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

25 Juror number 279.

1 MS. TAYLOR: 279?

2 MADAM CLERK: 279. What says the State?

3 MS. TAYLOR: Please, present this juror.

4 MADAM CLERK: What says the defense?

5 MS. ZMROCZEK: Please, excuse this juror.

6 MADAM CLERK: Please, have a seat at the back of
7 the courtroom.

8 Juror number 342. What says the State?

9 MS. TAYLOR: Please, present this juror.

10 MADAM CLERK: What says the defense?

11 MS. ZMROCZEK: Please, seat this juror.

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

14 THE COURT: All right, that's our jury panel.
15 We'll do two alternates, State and defense. Get one
16 strike each.

17 MADAM CLERK: One strike for each other.

18 Juror number 290.

19 THE COURT: Struck for cause.

20 MADAM CLERK: Please, have a seat in the back of
21 the courtroom.

22 Juror number 38. What says the State?

23 MS. TAYLOR: Please, present this juror.

24 MADAM CLERK: What says the defense?

25 MS. ZMROCZEK: Please, seat this juror.

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

3 Juror number 230. What says the State?

4 MS. TAYLOR: Please, excuse this juror.

5 MADAM CLERK: Please, have a seat at the back of
6 the courtroom.

7 Juror number 66. State has used their
8 one strike. Does the State challenge for cause?

9 MS. TAYLOR: No.

10 MADAM CLERK: What says the defense?

11 MS. ZMROCZEK: Please, seat this juror.

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

14 THE COURT: Okay, all right, Madam Clerk, are we
15 just excusing the remainder of the panel back down to
16 the --

17 MADAM CLERK: -- Jury assembly room.

18 THE COURT: Jury assembly room, and you'll get
19 further instructions from there. Ladies and
20 gentlemen, if you will just follow the Bailiff back to
21 the jury room, and I will get back with you as quickly
22 as I can. I'm trying to figure out our schedule with
23 the lawyers, and that's going to take us a minute.

24 We often have some pre trial matters, and I know
25 we have one rather, rather lengthy pre trial matter we

1 have to take up before the trial can begin.

2 And one thing I will promise you is that I'm
3 going to do my very best not to waste your time,
4 because there will be times where you feel like your
5 time is being wasted.

6 I promise you that too, but I don't like having a
7 jury sitting back there waiting on us while we're out
8 here working.

9 But rest assured, if you're back there waiting,
10 it's because we're working. We're not out here
11 talking about the Gamecocks and Tigers Baseball this
12 weekend, or anything like that.

13 Because I do certainly understand that your time
14 is valuable, and I don't consider my time, or these
15 lawyers time, or anybody else is any more valuable
16 than yours.

17 So a lot of folks out here working, even if
18 you're waiting sometimes. But step back and I'm gonna
19 talk with the lawyers, and we'll get the schedule
20 worked out, and everybody get some lunch.

21 And it may be that we don't get started today
22 with, with your portion. It may be first thing in the
23 morning.

24 I like to tell folks starting a trial is kind of
25 like getting their airplane off the ground. You got a

1 lot of work to do before you get that Joker off the
2 ground. Once it gets fine and in the air,
3 everything's kind of smooth.

4 So we got some stuff we have to do, but if y'all
5 step back there, I'll be with you very shortly.

6 (The jury exits the courtroom for lunch break.)

7 THE COURT: Is there a realistic possibility we
8 can start this thing today?

9 MS. TAYLOR: For the State, yes.

10 MS. ZMROCZEK: Here's the --

11 THE COURT: I don't wanna tell them to come back
12 here at 3 and they're waiting an hour --

13 MS. ZMROCZEK: That's what I have concerns about,
14 Judge. Obviously, you know very, very little about
15 this case. And there is some background that I think
16 is going to require some, you know, some knowledge for
17 the Court to understand.

18 And I certainly don't want to rush through some
19 of these motions that we have. So my -- I mean, I
20 think could we start at maybe 4:15-ish, but then at
21 that point, what's the point? So it's, it's up to
22 you, Judge.

23 I just don't think we're going to be ready at
24 3:30 or 3 o'clock to do openings. And I just really,
25 and I'm trying to be mindful of --

1 THE COURT: Well, if y'all have five witnesses
2 for your *Neil versus Biggers*, right?

3 MS. ZMROCZEK: Mm-hum (affirmative).

4 THE COURT: I mean, at a minimum, that's going to
5 take an hour, probably, right?

6 So, that's got us at 2:30 if you get and I know
7 you going to talk for more than an hour (laughing).

8 MS. ZMROCZEK: Well -- I have no idea
9 what you're talking about (laughing) --

10 THE COURT: Just messing with you.

11 So, that would be -- I just don't, I mean, y'all
12 know me well enough now. I just don't like keeping
13 juries waiting.

14 MS. ZMROCZEK: I don't either, and I think the
15 court staff needs to eat at some point, you know. And
16 again, I don't, you know. I don't eat during trial,
17 so I don't -- that doesn't affect me at all, Your
18 Honor. But I just don't want them to get stuck back
19 there waiting.

20 THE COURT: Okay, well, I think I'm just going to
21 turn them loose and tell them to be here at nine, 9am
22 and we'll get started then. Like I said, I just, I
23 don't, I don't like them waiting and pre trial stuff
24 typically moves slower than we anticipate.

25 All right, can you just -- y'all want me to do

1 it? You don't mind if I go back there and just tell
2 them?

3 MS. ZMROCZEK: Oh, that's fine. Your Honor, for
4 the record. We don't have any objections to the jury
5 selection.

6 THE COURT: Oh, yeah. Any objection to the
7 selection from the State?

8 MS. TAYLOR: No, Your Honor.

9 MS. ZMROCZEK: And none from defense.

10 THE COURT: Okay, all right. Okay, well, I will
11 go let them leave and tell them just to be here at
12 nine o'clock, and then we can all go grab lunch and
13 try to be -- try to be back going about 1:30.

14 (A lunch break was taken.)

15 **NEIL V BIGGERS:**

16 THE COURT: All right. We're going to start out
17 with the *Neil vs. Biggers* hearing. Is that what we --

18 MS. ZMROCZEK: Your Honor, I think -- I
19 think I have to just procedurally start with the
20 quashing of the indictment?

21 THE COURT: That's fine.

22 MS. ZMROCZEK: I mean, I -- I -- we can jump
23 right into *Neil v Biggers* after that. I don't think
24 that I need to argue that one before we take
25 testimony.

1 THE COURT: Okay. Go ahead.

2 MS. ZMROCZEK: Thank you. And, Your Honor, I
3 think you have -- you have copies of the indictments,
4 right?

5 THE COURT: I do.

6 MS. ZMROCZEK: Okay. And I'm just handing up the
7 case law -- or the cite that I'm gonna rely on, but
8 Your Honor, if you look at the indictments --
9 specifically, I'm talking about the indictments for
10 the two attempted murders.

11 So that would be 69, and 70. The language is the
12 same, Your Honor. The only difference between the two
13 indictments are the names.

14 It says that Jaquan Leon King did, in Richland
15 County, on or about August 1, 2021, did the intent to
16 kill -- attempt to kill Jacob Cora with malice
17 aforethought, either expressed or implied. And that
18 is 69, and 70, reads the exact same. With the only
19 change being Yolanda Cora.

20 Your Honor, we -- it's our position that the
21 State does not -- cannot go forward, and that this
22 indictment is fatally flawed because it -- we're
23 basing it on *State v. King*, which is 422 South
24 Carolina 47,810 Southeast 2nd 18. It's a 2017 Supreme
25 Court case, specifically addressing the "express or

1 implied".

2 The grand jury could not have indicted the
3 defendant if they believed that he only -- that only
4 implied malice existed.

5 Therefore, the wording of the indictment, it
6 nullifies this to go forward because it's improper.

7 They -- the grand jury should have never been
8 given a choice between expressed or implied malice as
9 all of the case law -- specifically in including *State*
10 *v. King*, which is kind of where it started, talks
11 about that this is a specific intent crime.

12 And if the wording suggests that -- that the jury
13 -- that Mr. King somehow acted with implied malice and
14 -- and the grand jurors believe that, then, Your
15 Honor, they -- this indictment on the two charges for
16 attempted murder would be fatally defective.

17 And the handout that I handed up, it -- it
18 highlights that, Your Honor -- but it highlights --
19 and specifically citing -- and I believe that's on the
20 second page -- where it says that -- that a grand jury
21 cannot indict a defendant for attempted murder with
22 implied malice.

23 Therefore, we would ask that those two
24 indictments be quashed as they are improper, which in
25 then determine -- negate the third.

1 THE COURT: All right. I'm happy to hear from
2 the State.

3 MR. SCOTT: Your Honor, first of all, this
4 indictment is merely a charging document. Citing
5 Statute 17-19-20, "Every indictment shall be deemed
6 and judged sufficient, and good in law which, in
7 addition to allegations as to time and place -- which
8 this indictment does cover, as required by law,
9 charges the crimes substantially with a language of
10 the common law or of the statute prohibit the crime."

11 Your Honor, we may be conflating two issues as
12 far as reference to the *King* case, that -- that would
13 be the case that I recall, kind of, lays out that
14 attempted murder here is a specific intent crime.
15 That really is the main difference between the murder.

16 And I think Your Honor already talked about
17 transferred intent -- how it gets kind of tricky
18 between attempted murder and murder -- because one's a
19 general intent crime, the other is specific intent
20 crime.

21 However, what doesn't change -- and I don't think
22 the *King* case stands for this -- is malice must be
23 proven by the State in either murder or attempted
24 murder.

25 And as we know, malice can be shown through

1 express -- "I plan to hurt you or attempt to
2 kill you," by words -- but also can be implied by a
3 total and reckless disregard for the safety and value
4 of human life.

5 And I don't think *King* disposes of
6 that. In other words, proposition that the defense
7 brings to the Court today is attempted murder can only
8 be proven if malice was expressed.

9 And the vast majority of times, in my
10 experience, malice is implied through acts of a
11 defendant. And so that -- that is not a requirement.

12 However, this devil's advocate -- if -- if the
13 defense was right, and the only way attempted murder
14 could be proven was by express malice, the indictment
15 says, "did with intent to kill with malice
16 aforethought, either expressed or implied".

17 So, Your Honor, we -- we're asking to deny
18 that motion. This is an indictment that does charge
19 substantially the language of the statute, the crime
20 that the State brings the charges with the Court
21 today on.

22 THE COURT: Anything else, Ms. Zmroczek?

23 MS. ZMROCZEK: No, Your Honor. But I do,
24 obviously, have great concern with the implied malice
25 because this -- we don't know -- obviously, grand

1 jury presentations are secret, so we don't know what
2 was said.

3 And therefore, Your Honor, we don't know
4 what the jury -- if the jury found expressed or
5 implied malice. And again, implied malice cannot be
6 the basis for a -- for attempted murder.

7 I -- I think that that came very -- it came
8 across not only in *King*, but also the cases that it
9 relied upon specifically *Burdette*, Your Honor.
10 Because I think what the State is -- I think that
11 they're saying about an in -- there may be -- or
12 confusing inference and implied malice.

13 But implied malice, Your Honor, in this case
14 would be the use of a gun, which is also not allowed
15 to be charged to a jury and improper.

16 But going back to the grand jury argument, Your
17 Honor, this document was presented to the grand jury
18 just in the wording that it is.

19 And that indictment alleges that he committed an
20 indictment that alleges that a defendant committed
21 attempted murder by an inference of malice is not a
22 valid indictment.

23 We're fairly confident that's exactly what all
24 the case law says when it comes to indictments in this
25 matter.

1 THE COURT: Anything else from State?

2 MR. SCOTT: No, Judge. I'm just looking
3 at, Your Honor, a jury charge from a couple weeks ago
4 where I tried attempted murder in this courtroom and
5 implied malice was charged to the jury. I don't know
6 of any change in the law where malice can't be implied
7 by reckless disregard for human life.

8 What the defense is saying that attempted murder
9 could only be shown through the express malice.
10 That's just not law in this state, or frankly,
11 anywhere in that -- this country.

12 THE COURT: All right. Anything else, Ms.
13 Zmroczek?

14 MS. ZMROCZEK: Nothing further, Your Honor. But
15 I -- I just want to be clear. I'm not -- I'm not
16 confusing implied malice and expressed malice. I
17 think the State maybe thinks I'm confusing implied
18 malice and inferred malice. But those are two
19 different things. And -- and that's not what we're
20 talking about here.

21 We're talking about the implied malice, which in
22 this case would be the use of a gun -- which is not
23 proper, especially in (a) in an attempted murder case,
24 and (b) based on *Burdette* -- and (b) in again, we
25 don't know what was presented to the grand jury.

1 THE COURT: Well, Ms. Zmroczek, I'm looking at
2 the statute, and the statute says "express or
3 implied."

4 MS. ZMROCZEK: And, Your Honor, and that -- the
5 statute unfortunately has not kept up with the case
6 law. That statute was obviously introduced in 2010.
7 The *King* case and all of the -- all of the progeny
8 since then, Your Honor, have specifically relied --
9 relied on *King* in -- in addressing the implied malice.

10 THE COURT: Well, the Jeter case came out about
11 three weeks ago, and it cited the statute with
12 approval.

13 MS. ZMROCZEK: It cited statute with what?

14 THE COURT: It cited the statute with approval.
15 It didn't say it's -- it's wrong, or it needs to be
16 reversed, or it's unconstitutional, or anything like
17 that.

18 MS. ZMROCZEK: Interestingly, that was my case,
19 Your Honor. And what Jeter -- the -- the last seven
20 cases of attempted murder have mostly been mine. The
21 -- in Jeter, Your Honor, what they found was actually
22 that they reversed it on the attempted murder because
23 it was a -- it was a transferred intent situation. So
24 I -- that -- I don't know that that necessarily
25 addressed the --

1 THE COURT: But my point is, there's -- there's
2 no case out there that I'm aware of or that I can --
3 have seen that says the statute, as drafted, is wrong.
4 You know, they -- they -- actually, the
5 elements they listed the elements.

6 MS. ZMROCZEK: So the elements -- sorry, Your
7 Honor --

8 THE COURT: Yeah. Malice --

9 MS. ZMROCZEK: With intent to kill -- attempted
10 to kill another person with malice aforethought.

11 And it's -- it's the malice aforethought that --
12 that I'm focusing on is the problem with the implied
13 malice.

14 THE COURT: Here in Jeter, like I said, three
15 weeks ago, they said, attempted murder require the
16 State to prove three things: malice, the specific
17 intent to kill, and an attempt to kill that person.

18 Now -- and it cites the statute. And I -- again,
19 I don't see anything -- and I -- I guess I would need
20 to read *King* in full, but I -- I mean, it doesn't
21 declare the statute unconstitutional or no good, or
22 -- you know, we just don't do it that way. We are
23 not going to do it the way the legislature says
24 do it. Right?

25 (Laughter.)

1 MS. ZMROCZEK: I still -- I still don't think
2 that they figured it out.

3 (Laughter.) Yes.

4 THE COURT: All right. Well, based upon
5 the explicit -- or language in the statute, I'm
6 going to deny your motion. What's next?

7 MS. ZMROCZEK: Thank you. And, Your Honor, I --
8 I think we can go on to the longer part of that, of
9 the -- of going into the Jackson -- or the -- excuse
10 me, the *Neil v. Biggers*, and then we can come back to
11 the rest of them.

12 THE COURT: Okay.

13 MS. ZMROCZEK: Obviously, Your Honor, I will need
14 to -- because of *Gentry*, I had to raise that
15 issue with the indictment prior to. I think I do have
16 to raise it again once they're sworn, but that's just
17 how I read the -- making sure that it's
18 preserved.

19 THE COURT: Okay.

20 MS. ZMROCZEK: Thank you.

21 THE COURT: All right. Y'all ready to move
22 forward in *Neil vs. Biggers*?

23 MS. TAYLOR: Yes.

24 THE COURT: All right.

25 MS. TAYLOR: State calls Clay Short.

1 MADAM CLERK: Please, raise your right hand.

2 CLAY SHORT,

3 A witness herein, having been first duly sworn, was
4 examined and testified as follows:

5 MADAM CLERK: Please have a seat on the witness
6 stand and state your full name for the record.

7 THE WITNESS: Clay Short.

8 THE COURT: All right, Ms. Taylor.

9 DIRECT EXAMINATION

10 BY MS. TAYLOR:

11 Q. Former Investigator Short, where do you currently
12 work?

13 A. I currently work for Geico.

14 Q. And what is your job at Geico?

15 A. I'm an investigator.

16 Q. And what kind of things does an investigator at
17 Geico do?

18 A. I investigate vehicle claims to mitigate fraud.

19 Q. And at the time of this incident, did you work as
20 an investigator at the Richland County Sheriff's
21 Department?

22 A. Yes, ma'am, I did.

23 Q. And how long did you work at Richland County?

24 A. I worked at Richland County for 12 and a half
25 years.

1 Q. And were you the lead investigator on this case?

2 A. Yes, ma'am, I was.

3 Q. And did this incident involve a shooting in the
4 parking lot outside of Tsubaki Restaurant at 224 Oneil
5 Court?

6 A. Yes, ma'am, it did.

7 Q. And did any witnesses on the scene give any
8 description of the shooter's physical appearance?

9 A. Yes, they did.

10 Q. And what was the shooter's general physical
11 description that you received?

12 A. Approximately 6 feet, they described dreadlocks,
13 described a huskier build, and they described the person as
14 black.

15 Q. Okay. And a male?

16 A. Correct. A male, excuse me.

17 Q. Were any of the witnesses able to give any
18 details about any cars that they saw the shooter get
19 into?

20 A. Several people gave reports of the car and one
21 person actually took a picture of the car.

22 Q. Okay. And was there a license plate?

23 A. There was.

24 Q. Okay. Were investigators able to locate that car
25 and address?

1 A. They were.

2 Q. And were they able to tie Jaquan King to that
3 car?

4 A. Correct. They were.

5 Q. And through your investigation, was Jaquan King
6 developed as a potential suspect in this case?

7 A. Yes, ma'am he was.

8 Q. Did you search databases for photographs of
9 Jaquan King?

10 A. I did.

11 Q. And did you find a photograph that was taken of
12 him in January, 2021?

13 A. Yes.

14 Q. And how did his appearance in that January, 2021
15 photo compare to the physical descriptions that witnesses
16 on the scene gave?

17 A. It was extremely similar to the descriptions that
18 they gave.

19 Q. And based on those comparisons, similar
20 comparisons, did you request that a lineup be created with
21 King's photo in it?

22 A. I did.

23 Q. And what agency did you request to create that
24 lineup?

25 A. SLED, the South Carolina Law Enforcement

1 Division.

2 Q. And how many photos did you request to be put in
3 that lineup?

4 A. Six.

5 Q. And in the -- and in the lineups that you've done
6 in your career, did have most of them had six photos in it?

7 A. Correct, they had.

8 Q. And what areas of the body do these photos
9 usually show?

10 A. Usually the head and neck.

11 Q. Okay. What kind of identifying information about
12 Jaquan King did you give to SLED in order for them to find
13 a photograph using the lineup?

14 A. I gave them his height, weight, his name, and his
15 date of birth.

16 Q. Okay. And did you receive a lineup with King's
17 photo in it?

18 A. I did.

19 Q. And how many photos were in that lineup?

20 A. Six.

21 Q. And were there five other people -- non-suspects
22 in that lineup?

23 A. Correct.

24 Q. And were there pictures all in color?

25 A. Yes.

1 Q. All right. Now, when SLED sent you that six
2 photo lineup, with Jaquan King's photo in it, how did this
3 photo look compared to the descriptions that the witnesses
4 gave?

5 A. The photo -- the pic -- the photo in the lineup
6 looked similar to the descriptions that were given.

7 Q. Okay. Now, what would you have done if the photo
8 that SLED put in that lineup with Jaquan King looked
9 totally different than the way that they described?

10 A. And the issue has happened in the past. You then
11 either call or email the analyst at SLED that created the
12 lineup and then ask for either a more updated photo or a
13 less updated photo to match whatever descriptions you're
14 looking for.

15 Q. Okay. And the six photos that were in the lineup,
16 were they all in color?

17 A. Yes.

18 Q. And did each photo have a number listed below it?

19 A. Yes, ma'am.

20 Q. And when you received the lineup, did you check
21 it to make sure that Jaquan King's photos was in there?

22 A. Yes, I did.

23 Q. All right. And what types of factors were you
24 reviewing in the lineup before you showed them to
25 witnesses?

1 A. To make sure that Mr. King was actually in the
2 lineup, to make sure that all the pictures were in color,
3 that all the people in the lineup looked similar enough so
4 that one picture or another didn't stand out, to make sure
5 all the backgrounds were the same color, to make sure there
6 wasn't a different color background so it could be used to
7 argue one way or the other.

8 Q. Okay. Were you checking to make sure all six
9 people were the same race?

10 A. Correct.

11 Q. Similar age range?

12 A. Yes.

13 Q. And did you check to make sure that there was
14 nothing about Jaquan King's photo that stood out compared
15 to the other five?

16 A. Correct. We looked -- we also looked at the --
17 the shirts that were worn in the pictures to make sure all
18 the shirts are close to the same color.

19 Q. And if you had noticed that there was some
20 characteristic about Jaquan King's photo that made him
21 stand out in that lineup, what would you have done?

22 A. I would've either called or emailed the analyst.
23 Have them alter it or redo it.

24 Q. Okay. And did you review the lineup to check to
25 see if the other five lineup suspects had similar

1 appearances to Jaquan King's photo?

2 A. Yes, ma'am

3 Q. Okay. And in this lineup, in the ones that
4 you've done before in -- in your career, do you typically
5 know the identities of the other five people in the
6 lineups?

7 A. No, not at all.

8 Q. Okay. And from you reviewing his -- or King's
9 photo in the lineup, did his photo appear to you to stand
10 out compared to the other photos?

11 A. Not besides knowing who he was, no.

12 Q. Okay. But just in general, his photo didn't
13 stand out?

14 A. No, it did not.

15 Q. Okay. And after SLED sends you these lineups,
16 can you save them and use them for different witnesses?

17 A. Yes.

18 Q. And when you showed the lineups with King's
19 photos and -- or photo in it to different witnesses, did
20 you do anything regarding the location of his photo and the
21 location of the number below the photo?

22 A. Yes. The each potential witness is shown the
23 lineup in a different order. And make sure the -- whoever
24 the suspect is, isn't the same number, and is not in the
25 same location -- in any two different lineups.

1 Q. Okay. And before you show the lineups to
2 witnesses, did you have any other investigator to review
3 the lineups?

4 A. Probably, one of my supervisors at the time.

5 Q. Do you remember if you -- you had Investigator
6 Dauway look at the lineup?

7 A. Yes.

8 Q. Okay. And is Investigator Dauway a Black
9 investigator?

10 A. Yes.

11 Q. All right. So let's turn to August 3rd, 2021.
12 Do you need some water?

13 A. (Sneezing) Excuse me. No.

14 Q. Okay. Good. So let's turn to August 3rd, 2021,
15 two days after the shooting. Did you contact the witnesses
16 to give interviews at headquarters?

17 A. I did.

18 Q. And did other investigators also interview
19 witnesses on that same day?

20 A. Yes, ma'am, they did.

21 Q. And at the time of these interviews, had Jaquan
22 King been arrested yet?

23 A. No.

24 Q. And at the time of these interviews, had there
25 been any media releases or news articles that featured

1 Jaquan King's picture, his name, and linking it to the
2 shooting?

3 A. No.

4 Q. Okay. And were Devin Pate and Judy Reyes two of
5 the witnesses that you interviewed?

6 A. Yes, ma'am.

7 Q. All right. So let's talk about Devin Pate's
8 interview. So you interviewed him August 3rd, and that was
9 two days after the shooting?

10 A. Yes, ma'am.

11 Q. And during this interview, did you also present
12 him with a photo lineup?

13 A. I did.

14 Q. And can you describe the area at the Sheriff's
15 Department where you interviewed him?

16 A. Devin, I believe, he was interviewed at my desk,
17 but he would've been separated from everybody else that
18 came to headquarters that day. Separated by sight and
19 sound.

20 Q. And what's the importance of separating
21 witnesses?

22 A. To not influence anything.

23 Q. Okay. And were there any other investigators
24 present when you interviewed Devin?

25 A. At my desk, I don't think so. There were

1 certainly other investigators in the larger room, but not
2 at my desk.

3 Q. And were there any non-law enforcement witnesses
4 present with him when he was interviewed?

5 A. Nope. It was just me and him.

6 Q. During his interview, did he indicate to you
7 whether he witnessed the shooting?

8 A. Yes.

9 Q. And did he indicate whether he saw the shooter?

10 A. Yes, he did.

11 Q. Did he provide a description of the shooter?

12 A. He did.

13 Q. And was the description given before or after you
14 presented him with a lineup?

15 A. Before.

16 Q. And did he indicate whether he would be able to
17 identify the shooter if he saw his face again?

18 A. Absolutely. He was very confident.

19 Q. All right. And during this interview, did you
20 ever mention the name of Jaquan King to him?

21 A. No, I did not.

22 Q. And before you conducted the lineup portion, did
23 you show him any photos of Jaquan King?

24 A. No, I did not.

25 Q. And based on Pate's observations of the shooter,

1 his physical description, and his indication that he would
2 be able to identify him, did you decide to show him a
3 six-photo lineup with Jaquan King's photo in it?

4 A. I did.

5 Q. All right. I'm going to -- I'm going to show you
6 what's marked as State's Exhibit Number 3 for
7 identification purposes for this hearing. Do you recognize
8 the two pages on this document?

9 A. Yes, ma'am. I do.

10 Q. And do you recognize this as the photo lineup you
11 conducted with Devin Pate?

12 A. Yes, it is.

13 Q. Okay. And is Page 1 an affidavit?

14 A. Yes, ma'am, it is.

15 Q. Okay. And page 2, the actual photo lineup that
16 you showed him?

17 A. Yes, ma'am.

18 Q. And when you showed this photo lineup to him, did
19 the lineup have any other information or writing on it
20 besides the numbers underneath the photos?

21 A. No, ma'am.

22 Q. All right. And before you presented the lineup
23 to Pate, can you describe the type of instructions that you
24 gave him about the lineup process?

25 A. He like -- all the other witnesses, was

1 instructed to look at the pictures one by one. And
2 determine if he recognized anybody in the lineup. And that
3 was it. He wasn't given any other instructions.

4 Q. Okay. Did you tell him whether the shooter's
5 photo was in the lineup?

6 A. No, I did not.

7 Q. Did you tell him whether Jaquan King's photo was
8 in this lineup?

9 A. No, I did not.

10 Q. Did you tell him whether he had to pick someone
11 out of this lineup?

12 A. No. They were also explained that if they don't
13 see anybody, or they don't recognize anybody, to not
14 identify anybody. Only -- only identify somebody if you
15 recognize them.

16 Q. Okay. And were all six of these photos in color?

17 A. Yes.

18 Q. Was each photo the same size?

19 A. Yes.

20 Q. Was each person in the photo a Black male?

21 A. Yes.

22 Q. And what type of hairstyle did each person in the
23 photos have?

24 A. Dreadlocks. Shorter dreadlocks -- rather than
25 longer dreadlocks.

1 Q. Okay. And when you say longer dreadlocks, like
2 what length are you talking about?

3 A. Shoulder length.

4 Q. Okay. Okay.

5 A. Head length -- or neck length. I guess it what I
6 would describe from the pictures.

7 Q. Okay. And did each person appear to be in the
8 same age range?

9 A. Yes.

10 Q. All right. And then was that age range like 50
11 to 70, or was it like 20 to 30-ish? A younger age range?

12 A. Yes. It is a very close age range. And that's
13 one of the reasons why you give the age when requesting of
14 the lineup from SLED, is that the -- the other people in
15 the lineup are all supposed to be within a few years of the
16 age range, the age of the person you're looking for.

17 Q. Okay. Do they all have some kind of facial hair?

18 A. Yes.

19 Q. And was King's photo in this lineup?

20 A. Yes, it was.

21 Q. And what number was his photo in the lineup?

22 A. This one was number six.

23 Q. And did Devin Pate pick any photo out of this
24 lineup as someone he recognized in relation to the
25 shooting?

1 A. Yes. He picked number six. He picked Jaquan
2 King.

3 Q. And what did he identify the person in this
4 photo, number six, as doing during the shooting?

5 A. As being the person who was shooting the firearm.

6 Q. Okay. And you said that the person in photo
7 number six is Jaquan King?

8 A. Yes, ma'am.

9 Q. And Jaquan King, the person who is in photos
10 number six, that Devin Pate ID-ed as a shooter in the
11 lineup, do you see him in the courtroom today?

12 A. I do.

13 Q. And can you describe where he's sitting and what
14 he's wearing?

15 A. He's wearing a white shirt, a black jacket. He's
16 sitting next to Counsel Zmroczek.

17 MS. TAYLOR: Okay. Your Honor, please let the
18 record reflect that the witness identified the
19 defendant.

20 THE COURT: Yes, ma'am.

21 BY MS. TAYLOR:

22 Q. All right. And how did Pate mark or indicate his
23 selection of photo number six as a shooter on the lineup?

24 A. He circled the picture and he wrote his initials
25 inside the circle. To confirm that he's the one that drew

1 that circle, not me or anybody else.

2 Q. And is there affidavit attached to Page 1 of this
3 lineup?

4 A. Yes, ma'am. There is.

5 Q. And did you fill out the information on the
6 affidavit sheet?

7 A. I did.

8 Q. And is his -- is Devin Pate's photo selection
9 that number indicated on the affidavit sheet?

10 A. It is.

11 Q. And did he sign that affidavit sheet?

12 A. He did.

13 Q. And how quickly did Devin Pate select Jaquan
14 King's photo in the lineup?

15 A. Immediately. He was -- he was extremely
16 confident.

17 Q. Okay. Did he hesitate to pick his photo?

18 A. Not at all.

19 Q. And how certain did he appear about the
20 selection?

21 A. He was very certain on who he was picking was the
22 person he saw that night shooting.

23 Q. And did you influence or suggest to Devin Pate
24 which photo to pick?

25 A. Absolutely not.

1 Q. And after Devin selected the photo of Jaquan
2 King, did you give him any feedback about whether he
3 selected the correct person or the incorrect person or
4 anything like that?

5 A. No, ma'am. Not at all. The only thing that
6 happens after he selected the person, is we filled out the
7 affidavit, which is only done afterwards, and that was it.

8 Q. Okay. And you said that you also interviewed
9 other witnesses that day?

10 A. Correct. Yes, ma'am.

11 Q. And did you tell any other witnesses who Devin
12 Pate selected in the lineup?

13 A. Absolutely not.

14 Q. And before he left the -- I guess the interview
15 area, did you give him any instructions about talking about
16 what happened or who he picked to other witnesses?

17 A. No, I did not.

18 Q. Okay. All right. So let's turn and talk about
19 Judy Reyes's interview. So she was also interviewed on
20 that same day, August 3rd?

21 A. Yes, ma'am.

22 Q. Okay. And that would've also been two days after
23 the shooting?

24 A. Yes, ma'am.

25 Q. Okay. And was she also interviewed at

1 headquarters at your desk?

2 A. Yes.

3 Q. All right. And during this interview, did you
4 present her with a six-photo lineup?

5 A. I did.

6 Q. And were there any other investigators present
7 when she was interviewed?

8 A. No.

9 Q. Were there any of her family members or other
10 non-law enforcement witnesses present during her
11 interview?

12 A. No.

13 Q. Did she indicate to you whether she witnessed the
14 shooting?

15 A. Yes.

16 Q. Did she indicate whether she saw the shooter?

17 A. Yes.

18 Q. Did she provide a description of the shooter?

19 A. She did.

20 Q. And was this description given before or after
21 you showed her the lineup?

22 A. Before.

23 Q. Did she indicate to you whether she would be able
24 to identify the shooter if she saw his face again?

25 A. Yes.

1 Q. And during this interview, did you ever mention
2 the name Jaquan King to her?

3 A. No. Certainly not.

4 Q. And before you conducted the lineup portion of
5 her, did you show her any photos of Jaquan King?

6 A. No, I did not.

7 Q. And based on Judy's observations of the shooter,
8 how she described him, and her ability to potentially
9 identify him or -- yeah, did you show -- decide to show her
10 a six-photo lineup with Jaquan's King photo in it?

11 A. I did.

12 Q. All right. I'm going to show you what's been
13 marked as State's Exhibit Number 2 for ID purposes. Do you
14 recognize what this two page document is?

15 A. Yes, ma'am, I do.

16 Q. And what is that?

17 A. It's a photo line -- it's an attached photo
18 lineup affidavit.

19 Q. Okay. And is that one you did with Judy Reyes?

20 A. Yes, ma'am.

21 Q. All right. And when you showed her the photo
22 lineup, did it have any writing or other info on it besides
23 the numbers below it?

24 A. No, ma'am, it did not.

25 Q. And when you showed her that lineup, was the

1 location of Jaquan King's photo different than it was in
2 Devin Pate's lineup?

3 A. Yes, it was.

4 Q. Okay. And before you presented Judy with the
5 lineup, did you give her the same instructions that you
6 just testified you gave to Devin?

7 A. Yes, I did.

8 Q. All right. And did you tell her whether the
9 shooter's photo was in the lineup?

10 A. I did not.

11 Q. Did you tell her whether Jaquan King's photo was
12 in the lineup?

13 A. I did not.

14 Q. Did you tell her whether she had to pick someone
15 in the lineup?

16 A. No. She did not have to pick anybody in the
17 lineup.

18 Q. Okay. And were all six photos in color?

19 A. Yes.

20 Q. Was each photo the same size?

21 A. Yes, ma'am.

22 Q. Was each person a Black male?

23 A. Yes, ma'am.

24 Q. And what type of hairstyle did each person in the
25 photo have?

1 A. Short dreadlocks.

2 Q. And did each person appear to be in the same age
3 range?

4 A. Yes, ma'am.

5 Q. Do they all have some kind of facial hair?

6 A. Yes, ma'am.

7 Q. And was Jaquan King's photo in this lineup?

8 A. It was.

9 Q. And what number was his photo in this lineup?

10 A. Two.

11 Q. Did Judy pick any photos out of this lineup as
12 someone she recognized in relation to the shooting?

13 A. She did.

14 Q. And which photo did she pick?

15 A. She selected number two.

16 Q. And what role did she identify the person in
17 photo number two as doing during the incident or during the
18 shooting?

19 A. As the person shooting.

20 Q. Okay. And is photo number two Jaquan King's
21 photo?

22 A. It is.

23 Q. And is the person depicted in photo number two,
24 that Judy -- Judy Reyes identified as the shooter, is that
25 the Defendant Jaquan King sitting at the defense table in

1 the back?

2 A. Yes, ma'am, he is.

3 MS. TAYLOR: Your Honor, can you -- please let
4 the record reflect that the witness has identified the
5 defendant?

6 THE COURT: Yes, ma'am.

7 BY MS. TAYLOR:

8 Q. All right. And how did Judy mark or indicate her
9 selection of photo number two as a shooter on the lineup?

10 A. She circled number two and then wrote her
11 initials.

12 Q. And is Page 1 of this exhibit the affidavit she
13 attached to the lineup?

14 A. Yes, ma'am.

15 Q. And did you write that information on that sheet?

16 A. I did.

17 Q. And is Judy's -- her photo selection indicated on
18 that sheet?

19 A. It is.

20 Q. And did she sign that sheet?

21 A. She did.

22 Q. How quickly did she select Jaquan King's photo?

23 A. Very quickly. She was also extremely confident
24 in who she was picking.

25 Q. But did she hesitate at all?

1 A. No, ma'am.

2 Q. Did you -- or how certain did she appear?

3 A. She was very certain.

4 Q. Did you influence or suggest to her which photo
5 to pick?

6 A. No, ma'am. I did not.

7 Q. And after Judy selected Jaquan King's photo, did
8 you give her any feedback about whether she selected the
9 correct or the incorrect person?

10 A. No, I did not.

11 Q. And did you tell any other witnesses who you
12 showed lineups to when you interviewed which photo that
13 Judy picked?

14 A. No, I did not.

15 Q. All right. And did you also give Sergeant Kneece
16 a lineup with King's photo in it to show to witnesses?

17 A. I did.

18 Q. And which witnesses did you tell him to show the
19 lineup to?

20 A. Ms. Arce -- Kiera Arce.

21 MS. TAYLOR: No further questions.

22 THE COURT: Cross-examination?

23 MS. ZMROCZEK: Thank you.

24 CROSS-EXAMINATION

25 BY MS. ZMROCZEK:

1 Q. Good afternoon.

2 A. Good afternoon.

3 Q. Investigator Short, you -- I want to ask you
4 about -- you said that you were with Richland County for 12
5 years?

6 A. Yes, ma'am.

7 Q. Okay. And you received training on the -- on
8 your own policies and procedures with regard to photo
9 identification lineups?

10 A. Yes, ma'am.

11 Q. Okay. And so you also received training on
12 recording interviews and lineups -- and witnesses being
13 shown lineups, correct?

14 A. Recording witnesses?

15 Q. Uh-huh (affirmative).

16 A. At the time, we didn't record witnesses.

17 Q. Okay. At -- at the time you say you didn't
18 record witnesses. Let me ask it this way. Is it your
19 testimony today, under oath, that each and every time you
20 show someone a photo lineup, you do it the exact same way?

21 A. Yes, ma'am.

22 Q. Every time? Whether it's a witness or a
23 co-defendant, you -- every single time you show -- you do
24 the exact same procedures for your code of lineup; is that
25 correct?

1 A. For witnesses, yes. The potential for a
2 co-defendant would be that it would be recorded because
3 they are a co-defendant.

4 Q. Right. But I understand that it would be
5 recorded, but -- but the question is, it doesn't matter if
6 it's recorded because you're still showing that lineup to
7 the co-defendant the exact same way that you showed it to
8 the witnesses, right?

9 A. You're talking about how I physically showed it
10 to them, yes. But I would argue that it's different if
11 you're saying some are recorded and some are not. That
12 means they're not exactly same.

13 Q. Right, right. I hear that. And let's -- let's
14 -- let me focus on what was -- the point is, some recorded,
15 some not. Co-defendant would record it. Witness would
16 not, right?

17 A. Correct.

18 Q. Okay. But regardless of that recording, it
19 doesn't matter, you would still say the exact same script
20 to a co-defendant about what he -- about what you testified
21 about that may or may not be in there. They don't have to
22 pick anybody, right?

23 A. Correct.

24 Q. All the same?

25 A. Correct.

1 Q. Okay. And you -- I want to talk a little bit
2 about -- I want to go back to State's -- or when the State
3 started asking you questions -- you're the lead
4 investigator, you were the lead investigator on this case,
5 right?

6 A. Yes, ma'am.

7 Q. Okay. And so you know how chaotic it was at the
8 scene that evening, right?

9 A. I was not at the scene that evening, but I can
10 infer.

11 Q. Okay. Well, you don't need to infer, right?
12 Because you got to look at all the body cameras and all
13 that footage, correct?

14 A. Correct.

15 Q. So you saw how chaotic it was, right?

16 A. Yes.

17 Q. People screaming?

18 A. Did you ask me a question, if people were
19 screaming?

20 Q. I am. I'm sorry.

21 A. Yes.

22 Q. Were there people screaming?

23 A. Yes.

24 Q. Okay. Were there people upset?

25 A. Certainly.

1 Q. Was it 2:00 in the morning?

2 A. I believe so.

3 Q. Okay. And you -- and I just want to make sure I
4 understood your testimony today, as in you developed Jaquan
5 King as a -- as a suspect from the descriptions that were
6 given, or did you rely on the tag that -- that somebody
7 identified and then you were able to find that that was his
8 wife's car or girlfriend at the time, and -- and that's how
9 you got to know?

10 Can you clear that up?

11 How did you get -- how did you develop Jaquan King as
12 a suspect?

13 A. It was a combination of both of those things.
14 The description helps. When you have the license, somebody
15 taking an actual picture of the car that was used to leave
16 the scene, and you have witnesses saying that a person who
17 fired a gun got into that car, and then later that same
18 night, that car was found.

19 And then you -- then I was able to connect through
20 databases, the car and his wife/girlfriend/significant
21 other. It was a combination of all those things.

22 Q. Okay. So when you contacted SLED, and you said
23 make a lineup with Jaquan King, right?

24 A. Correct.

25 Q. You were -- you were relying on the information

1 that was given to you? Let me ask it this way. Judy
2 Reyes, when did she tell you that the person had facial
3 hair?

4 A. She gave that to me in her statements.

5 Q. She gave that to you in her statement?

6 A. Yes, ma'am.

7 Q. Okay.

8 A. Are you -- are you -- what?

9 Clarify your question, please.

10 Q. Sure. All right. Let me ask it -- let me -- let
11 me -- I'm not trying to confuse you, so let me ask it this
12 way. And -- and so we're not confusing you, I'll stay --
13 I'll stay with -- I'll stay with Devin Pate first.

14 A. Okay.

15 Q. Okay. So he described the facial hair that you
16 utilized in State's 3. Is that what your -- is that what
17 your testimony is?

18 A. By the time Mr. Pate came to headquarters to give
19 a statement, the lineup was already prepared.

20 Q. Okay.

21 A. In the event that he thought he could identify
22 the shooter, the lineup was ready to be shown.

23 Q. Okay.

24 A. Because there's a process that SLED goes through
25 to make that lineup. It takes time.

1 Q. Okay. And you -- and I'm looking at State's 3,
2 which was shown to Mr. Pate. And you did that at the --
3 you did that at the Sheriff's Department?

4 A. Showed him the lineup at the Sheriff's
5 Department? Yes, ma'am.

6 Q. And who did he come in with that day?

7 A. Several people.

8 Q. Several people that were all witnesses from the
9 evening -- from the two nights before, right?

10 A. Correct.

11 Q. Okay. So they were all together to come to give
12 their statements and pick out the lineups at the police
13 department, right?

14 A. They all came -- physically came to the Sheriff's
15 Department together. But by the time they were given the
16 statements and shown lineups, they were all separated.

17 Q. Okay. They were all separated by that time. But
18 before all of that, they were together, right?

19 A. Yes.

20 Q. Okay. And you -- you said that he was -- you
21 said that he was very confident, right? In his -- in his
22 -- in his identification?

23 A. Yes, ma'am.

24 Q. Where -- where did you write that down? Anywhere
25 in your report or your notes?

1 A. I didn't have to write it down. I physically
2 witnessed it.

3 Q. Right. You physically witnessed it.

4 A. Correct.

5 Q. Right. But you didn't put it down on paper until
6 the first time that we're hearing that he's fairly
7 confident is February 24th of 2025, right? Because it is
8 nowhere in your notes that -- that you wrote down that once
9 he made that selection, he was very confident, is it?

10 A. I mean, I'd have to go back and read.

11 Q. Please -- I'm not trying to trick you. Please
12 feel free to look.

13 A. For the sake of your question if you're asking
14 whether I physically put how fast he picked out a lineup in
15 my follow up. I don't know that I used a word to describe
16 how fast he did that in my report. If that's what you're
17 asking.

18 Q. Not only -- not only did you not put how quickly
19 or how fast, in your words, that he picked somebody, but
20 you didn't put anywhere how confident he was in that
21 selection either, did you?

22 A. I did not feel it necessary to quantitate how
23 confident he was by writing it down.

24 Q. I'm sorry?

25 A. I did not feel that I needed to attach a level of

1 confidence by writing a quantity.

2 Q. Okay.

3 MS. TAYLOR: Your Honor, at this point I think
4 we're -- we make an objection. They were a little
5 outside the scope. This is about suggestiveness of
6 the lineup.

7 MS. ZMROCZEK: I'm -- I'm moving on, Your Honor.

8 THE COURT: Okay. She's moving on.

9 MS. ZMROCZEK: Thank you.

10 BY MS. ZMROCZEK:

11 Q. All right. So with Ms. Reyes again, you showed
12 her the lineup. Now, you have the ability to -- to move
13 the boxes -- between 1, 2, 3, 4, 5, and 6?

14 A. Depending on what format SLED sends the lineup
15 back.

16 Q. Okay.

17 A. Potentially, yes, I can do it or sometimes they
18 have to do it.

19 Q. Okay. Well, since we don't have -- do you know
20 if you did it or if they did it?

21 A. I believe it was me.

22 Q. Okay. But you don't know because it's not noted
23 anywhere, right?

24 A. Well, it being four years ago, I cannot say for
25 certain whether it was me or SLED.

1 Q. All right. And then you -- it's your testimony
2 today that she -- Ms. Reyes was also extremely confident in
3 her identification?

4 A. Yes.

5 Q. And that she had -- that nobody had any
6 information as to Mr. King being involved with this prior
7 to them showing up on August 3rd, right?

8 A. They had no knowledge of Mr. King's existence.

9 Q. Okay. You -- you say that you had no -- they had
10 no knowledge of his existence, but you agree with me,
11 you've already testified to that they had a tag, right?

12 A. They had a picture of the license plate. Yes,
13 ma'am.

14 Q. Okay. And in fact, within 12 hours of -- of this
15 happening, they -- the witnesses and victims in this case
16 called the police back and said, "we found the car", didn't
17 they?

18 A. I know there was a call. I can't say for certain
19 -- I can't testify that I know it was them who called.

20 Q. Okay. As -- as you sit here --

21 A. The car was -- the car was located, for certain.

22 Q. Right. The car was located. But your testimony
23 today, as you sit here for trial, is you don't know who
24 located it?

25 A. Not without reviewing my file. I don't know for

1 certain who made the call -- who made the 911 call, or who
2 called law enforcement.

3 Q. Okay. So -- and your testimony is -- is that --
4 is that Ms. Reyes' description of Mr. King matched what she
5 circled, right?

6 A. Yes, ma'am.

7 Q. On -- on State's 2. Okay. And what -- and she
8 told you that he had facial hair when she came in on August
9 3rd. Is that your testimony?

10 A. I didn't testify that she specifically mentioned
11 facial hair.

12 Q. Okay.

13 A. I can read her statement to you of his
14 description if you'd like.

15 Q. Nope. That's -- I mean -- if your testimony is
16 that it matched the description that she gave, that's all I
17 need. And -- and that's what you're saying, right?

18 A. Yeah.

19 Q. Okay. And you also showed that same lineup to
20 several other people that day on August 3rd; is that
21 correct?

22 A. Yes, ma'am.

23 Q. Okay. And who were those people?

24 A. Judy Reyes, Devin Pate, Jerry Hammond, Abigail
25 Rondon, Kiara Arce, and Nelson Cora.

1 Q. Okay. And these are the two that you're
2 testifying today that picked him out on August 3rd?

3 A. If you're referring to Mr. Pate and Ms. Reyes
4 then yes.

5 Q. Okay. Were you able to ask them questions about
6 how long they were able to look at the person?

7 A. I don't think I understand your question.

8 Q. Sure. When you were getting this information and
9 asking them to pick someone out of the lineup, did you
10 include information that would've been helpful to you? For
11 example, how long did they get a look at the person?

12 A. I didn't specifically ask how long they looked at
13 the person.

14 Q. Okay.

15 A. I didn't feel necessarily to quantify how many
16 minutes or seconds they spent. It was obviously a
17 traumatic situation for everybody involved. I asked them
18 if they were confident that if shown pictures, they would
19 be able to potentially identify somebody that was involved
20 in the incident.

21 And if people decided that -- or somebody who's
22 interviewed decided "no", I didn't get to look at the
23 person or I'm -- I'm sure, they weren't shown the lineup.
24 People that said, "I'm pretty sure and I know the person
25 who did it" -- look at pictures to see if I recognize

1 anybody, those people were shown the lineup.

2 MS. ZMROCZEK: Okay. All right. Beg the Court's
3 indulgence. Those are all the questions I have at
4 this time, Your Honor.

5 THE COURT: Anything on redirect?

6 MS. TAYLOR: No, Your Honor.

7 THE COURT: All right. You can step down, sir.

8 THE WITNESS: Thank you.

9 MS. TAYLOR: The State calls Sergeant Kristopher
10 Kneece.

11 MADAM CLERK: Please, raise your right hand.

12 **SERGEANT KRISTOPHER KNEECE,**

13 A witness herein, having been first duly sworn, was
14 examined and testified as follows:

15 MADAM CLERK: Please have a seat on the witness
16 stand and state your full name for the record.

17 THE WITNESS: Sergeant Kristopher Kneece.

18 DIRECT EXAMINATION

19 BY MS. TAYLOR:

20 Q. All right, Sergeant. Do you currently work as an
21 investigator at the Sheriff's Department and your rank is a
22 Sergeant?

23 A. I do. I mean, yes.

24 Q. Okay. How long have you worked at the Sheriff's
25 Department?

1 A. Sixteen years.

2 Q. And then in August, 2021, did you work at the
3 Sheriff's Department as an investigator?

4 A. I did.

5 Q. And at that time, how long have you been an
6 investigator?

7 A. Investigator, probably two or three years.

8 Q. Two or three years. Okay. And on August 3rd,
9 2021, were you asked to interview Kiara Arce regarding this
10 incident?

11 A. I was.

12 Q. And describe the area -- well, who asked you to
13 interview her?

14 A. I believe the Investigator Short asked me to
15 interview her. We had a situation; we had multiple
16 witnesses, show up at the same time. So investigation --
17 to protect the integrity of our investigation, they had to
18 be separated.

19 Q. And were there any other investigators present
20 when you interviewed her?

21 A. Not present during my interview. No.

22 Q. Were there any other non-law enforcement
23 witnesses or her family members present with her when you
24 interviewed her?

25 A. No, they were all separated. She was alone with

1 me.

2 Q. Okay. And as part of her interview, were you
3 given a six-photo lineup to show her?

4 A. I was.

5 Q. And you said Investigator Short gave you that
6 lineup. During her interview, did she indicate whether she
7 had witnessed the shooter?

8 A. She did.

9 Q. And did she indicate whether she saw the shooter?

10 A. She did.

11 Q. Was she able to provide description of the
12 shooter?

13 A. Yes.

14 Q. And was that description given before or after
15 you presented her with the lineup?

16 A. That was before I presented her with the lineup.

17 Q. And did she indicate whether she would be able to
18 identify the shooter if she saw his face again?

19 A. She did.

20 Q. And based on those statements from the witness,
21 did you decide to show her that six-photo lineup?

22 A. I did.

23 Q. Now, did you create the lineup?

24 A. I did not.

25 Q. Okay. Do you know anything about the creation of

1 the specific lineup?

2 A. I know that it was a standard procedure. A lot
3 of times we refer to SLED to generate our lineups for us.

4 Q. Okay.

5 A. And it was presented to me by Investigator Short.
6 He was the investigating officer it was his case. So he
7 presented the lineup to me and asked me, can you get a
8 statement from her and then generate it? And then here's a
9 lineup in the event that she said she can pick the
10 individual.

11 Q. Okay. I'm gonna show you what's been marked as
12 State's Number 1 for identification purposes. Do you
13 recognize what this is (indicating)? This two-page
14 document.

15 A. I do.

16 Q. And what is that?

17 A. This is a photo lineup affidavit. On Page 1 and
18 page 2 would be the six-person photo lineup.

19 Q. And is that the lineup that you completed with
20 Kiara Arce on August 3rd?

21 A. It is.

22 Q. All right. And you did this lineup with her two
23 days after the shooting?

24 A. I believe so. It was on August 3rd.

25 Q. August 3rd. Okay. Now, when you received this

1 lineup to show Kiara, were you aware whether Jaquan King
2 was a suspect in this case?

3 A. I -- I don't recall having any real knowledge of
4 -- of him at that time, no.

5 Q. Okay. And was your only role in this
6 investigation, basically when Investigator Short says
7 "here, show this to the witness"?

8 A. Yeah. So it was just to get her statement. Her
9 counsel would've taken place and show her the lineup.

10 Q. And prior to showing Kiara that lineup, had you
11 ever seen a photo of Jaquan King before?

12 A. No, I don't believe so.

13 Q. Were you aware whether Jaquan King's photo was
14 even in the lineup?

15 A. No.

16 Q. And would the lineup that you conducted with
17 Kiara be classified as a double-blind lineup?

18 A. I would -- I didn't have any knowledge of where
19 he was depicted in the lineup. Like I said, it wasn't my
20 case. I didn't produce the lineup. I was just asked to
21 show it to him. So, I guess neither one of us had seen the
22 lineup before.

23 Q. Okay. So you didn't know who Jaquan King was or
24 what he looked like?

25 A. No.

1 Q. Okay. Before you showed Kiara this lineup, even
2 though you didn't create the lineup, you didn't request it,
3 it was just given to you, did you still review the photos
4 in the lineup?

5 A. Yes, I did.

6 Q. And when you reviewed the photos in the lineup,
7 did the people in the photos appear to have similar
8 physical characteristics?

9 A. Yes.

10 Q. And were some of those characteristics, like the
11 photos were the same size?

12 A. Yes.

13 Q. Similar hairstyles?

14 A. Yes.

15 Q. Race, age? And then no one's photo appeared to
16 stand out compared to the other ones?

17 A. That's correct.

18 Q. Okay. And you said that Kiara gave you a
19 physical description before the -- before you showed her
20 the lineup. So if -- when you reviewed the photos in this
21 lineup and you had just gotten this description from Kiara,
22 if Kiara's physical description did not match -- or the
23 photos in the lineup did not match Kiara's physical
24 description, what would you have done regarding showing her
25 the lineup?

1 A. I wouldn't have showed her the lineup at that
2 time. I would've contacted Investigator Short and let him
3 know the situation.

4 Q. And in the lineup that you showed her, were all
5 six photos in color?

6 A. Yes.

7 Q. Did each photo have a number below it?

8 A. They did.

9 Q. Each photo was the same size?

10 A. Yes.

11 Q. Each person was a Black male?

12 A. Yes.

13 Q. And did each person appear to have the same type
14 of hairstyle?

15 A. Yes.

16 Q. Same age range?

17 A. Yes.

18 Q. Okay. And when you showed this lineup to Kiara,
19 did it have any other writing or information on it besides
20 the numbers below the photos?

21 A. No.

22 Q. Okay. And before you presented the lineup to
23 Kira, what type of instructions did you give her about the
24 lineup process?

25 A. I explained to her that I was going to show her

1 six photos of similar likeness. Asked her if she could
2 recognize anybody and if so, from where. And told her she
3 -- handed her a pen; told her that she is not required to
4 pick anybody.

5 Q. Okay. And did Kiara pick any photo out of this
6 lineup of someone she recognized in relation to the
7 shooting?

8 A. She did.

9 Q. And which photo did she pick?

10 A. She picked number three. She circled the actual
11 number three and initialed the side.

12 Q. Okay. And what did she identify the person in
13 photo number three role in the incident?

14 A. She said that was the shooter.

15 Q. Okay. And how quickly did she pick photo number
16 three?

17 A. Really quickly. I handed her the lineup, she
18 circled it.

19 Q. Did she hesitate?

20 A. No. No.

21 Q. Okay. How certain did she appear?

22 A. She was very confident.

23 Q. Okay. And that affidavit on page 1, did you
24 write the information on the affidavit sheet?

25 A. I did.

1 Q. Okay. And is Kiara's photo selection indicated
2 on the affidavit sheet?

3 A. Yes.

4 Q. And did Kiara sign the sheet?

5 A. She did.

6 Q. Okay. And on the cover sheet, Investigator
7 Short's name is listed, why -- why did you write his name
8 on that affidavit sheet?

9 A. He was -- investigation. So I actually put my
10 name to -- wrote Short slash Kneece, indicating that --- so
11 I would know later on, like, whose case this is what I did
12 this for.

13 Q. Okay. And did you influence or suggest to Kiara
14 which photo to pick?

15 A. No, I didn't know what picture it was.

16 MS. TAYLOR: No further questions for this
17 witness.

18 THE COURT: Cross-examination?

19 MS. ZMROCZEK: Thank you.

20 **CROSS-EXAMINATION**

21 BY MS. ZMROCZEK:

22 Q. Investigator Kneece, you didn't do a report in
23 this case, right?

24 A. That's correct.

25 Q. And so when you say that she was confident in her

1 selection, we don't have that documented anywhere, do we?

2 A. That's correct.

3 Q. Okay. And you -- can you -- how -- first of all,
4 I want to show you State's 1. I want to ask you, Mr. --
5 you said she picked number three, Mr. King, right?

6 A. That's correct.

7 Q. Is all of his hair -- is his -- is his hair -- is
8 this how it was presented? So his hair was cut off?

9 A. That how it was presented. Yes.

10 Q. That's how it was presented, right? And how
11 would you describe his hair?

12 A. I'd say like dreadlocks to about the shoulders.

13 Q. Okay. And is that how you would describe all of
14 these?

15 A. For the most part, yeah, I'd say very similar.
16 They're all in some sort of lock or braid-type fashion.

17 Q. Okay. Do you see any -- which one of these
18 pictures would you identify as thick braids?

19 A. I'd say most of them.

20 Q. You call those (indicating) thick braids?

21 A. Yeah.

22 Q. Okay. And so you said that if the -- if the
23 descriptions didn't match, that you would -- that you
24 would've let Mr. Short -- Investigator Short know, right?

25 A. Right.

1 Q. But she never described anybody as having facial
2 hair to you, did she?

3 A. I don't recall.

4 Q. You don't recall. When you -- so you took her
5 statement, right? And you didn't have her writing, you
6 typed it out for her?

7 A. I did not.

8 Q. Okay. And so when you -- and in that statement,
9 you didn't feel the need to put any confidence level about
10 the number that she chose?

11 A. No.

12 MS. ZMROCZEK: Okay. Those are all the questions
13 I have at this time, Your Honor.

14 THE COURT: Anything on redirect?

15 MS. TAYLOR: No, Your Honor.

16 THE COURT: You can step down, sir.

17 MS. TAYLOR: State calls Kiara Arce.

18 MADAM CLERK: Please, raise your right hand.

19 **KIARA ARCE,**

20 A witness herein, having been first duly sworn, was
21 examined and testified as follows:

22 MADAM CLERK: Please seat on the witness stand
23 and state your full name for the record.

24 THE WITNESS: Kiara Arce.

25 DIRECT EXAMINATION

1 BY MS. TAYLOR:

2 Q. All right, Kiara. Were you present in the
3 parking lot when the shooting happened?

4 A. Yes, ma'am.

5 Q. And prior to that, were you with your family
6 inside the Tsubaki Restaurant?

7 A. Yes, ma'am.

8 Q. And were Yolanda and Jacob with you?

9 A. Yes, ma'am.

10 Q. All right. So there's a lot of family members,
11 so we'll kind of do a little breakdown. So is Yolanda your
12 mom?

13 A. Yolanda is my mother and Jacob is my cousin.

14 Q. And Judy is your aunt?

15 A. Yes, ma'am.

16 Q. Okay. And then Nelson is your brother?

17 A. Yes, ma'am.

18 Q. Abigail is your cousin?

19 A. Yes, ma'am.

20 Q. Okay. And were all those people with you inside
21 Tsubaki that night?

22 A. Yes, ma'am.

23 Q. And while you were inside, did you drink any
24 alcohol?

25 A. I did. But I wasn't drunk. I only had one

1 drink.

2 Q. Okay. And while you were inside -- or -- okay.
3 Did other people in your family drink that night?

4 A. Yes, ma'am.

5 Q. And why were y'all at Tsubaki that night?

6 A. Jacob's birthday was a couple of days before.
7 So we went to Tsubaki to celebrate his birthday.

8 Q. Okay. And while you were inside, did Tsubaki
9 announce it was about close?

10 A. Yes, ma'am.

11 Q. And at some point, did you walk outside --

12 MS. ZMROCZEK: Your Honor -- sorry. I'm going to
13 -- I know this is just pretrial, but obviously
14 there's a lot of leading going on. I -- I would
15 object to that in front of the jury. I -- I think we
16 can get a little more leeway here, but I would ask
17 that the Prosecutor not lead the witness.

18 MS. TAYLOR: Okay. I was just trying to get to
19 the point.

20 THE COURT: That's what I was hoping we could be.

21 MS. ZMROCZEK: Yeah. And certainly -- and
22 I think for now it's -- it's fine. I just want --
23 tomorrow, obviously, I'll have a different position on
24 that.

25 THE COURT: But we can address that tomorrow.

1 MS. ZMROCZEK: Thank you.

2 BY MS. TAYLOR:

3 Q. All right. At some point, did you walk outside
4 to the parking lot of Tsubaki to leave?

5 A. Yes, ma'am.

6 Q. And did the rest of your family walk outside with
7 you?

8 A. So in the first wave it was me, my mother
9 Yolanda, and Jacob Cora.

10 Q. Okay. And while you were on your -- I guess
11 walking outside to leave, did you hear an argument
12 happening outside of the parking lot?

13 A. The argument hadn't happened because we were
14 already outside.

15 Q. Okay. So you said the argument was happening
16 outside?

17 A. Yeah. But it hadn't happened until when me, my
18 mother, and Jacob made our way outside.

19 Q. Okay. So when you walk outside, do you hear
20 Jacob arguing with someone?

21 A. While were walking towards the car, yes, ma'am.

22 Q. Okay. And did you actually see the person that
23 Jacob was arguing with?

24 A. Yes, ma'am.

25 Q. And before that argument in the parking lot

1 involving Jacob and that man, where anywhere did you notice
2 that man being before the argument?

3 A. He was -- so when they started arguing, I didn't
4 see him. I didn't see him until they started arguing, but
5 he was beside the car.

6 Q. And was the car in the parking lot?

7 A. Yes, ma'am.

8 Q. And kind of, how was he beside the car? Was he
9 standing? Sitting?

10 A. He was standing.

11 Q. Okay. And while you initially saw him standing
12 outside the car, what, if anything, did you hear him say to
13 anyone in your group.

14 A. He said some stuff to my mom.

15 Q. Okay. And would you describe -- how would you
16 describe his comments?

17 A. Disrespectful.

18 Q. And based on those statements, those
19 disrespectful statements, how did that affect your
20 attention and focus on him?

21 A. It made me more aware.

22 Q. Okay.

23 A. Like it drew my attention.

24 Q. And after he said -- after he said those
25 comments, did you see him walking anywhere else?

1 A. They were -- like, so when him and Jacob started
2 arguing they were like standing like face-to-face, in each
3 other's faces arguing. So they walked towards each other.

4 Q. Okay. And was this face-to-face argument
5 happening in the parking lot?

6 A. Yes, ma'am.

7 Q. Okay. So you said you saw him at first standing
8 by his car. So did he walk towards Jacob?

9 A. When they started arguing, yes, ma'am.

10 Q. Okay. And the man that you saw arguing with
11 Jacob, describe his demeanor during the argument?

12 A. Aggressive. Loud.

13 Q. And from him being aggressive and loud, like what
14 did that, kind of, make you think about them?

15 A. I just wanted to like leave, you know, try to
16 keep -- trying to de-escalate it.

17 Q. Okay. And while Jacob and that man were arguing,
18 kind of, where were you standing in relation to them?

19 A. I was standing beside Jacob and my mom.

20 Q. Okay. And how -- about how close did you get to
21 the man that was arguing with Jacob?

22 A. Very close.

23 Q. Okay. Would you say you -- this close
24 (demonstrating)?

25 A. A little bit closer.

1 Q. Tell me when to stop.

2 A. Like right there (demonstrating). Because we --
3 me and my mom were trying -- we were trying to de-
4 escalate, we were trying to put -- Jacob -- (Crying) I'm
5 sorry...

6 Q. It's okay.

7 A. We were trying to put Jacob away (crying).

8 Q. So would you estimate that you were about 3 feet
9 away from him?

10 A. Yes. I saw him very clearly (sobbing).

11 Q. Okay. You saw very clearly. And at some point
12 while the man was arguing with Jacob, did you see any
13 objects in that man's hand?

14 A. Naw, actually it got like really bad.

15 Q. Okay.

16 A. Like after the argument it got very heated.

17 Q. You said the arguing got very heated?

18 A. Yeah. The argument was like really big and bad.

19 Q. Okay. And you said you didn't see an object in
20 his hand until that happened. What was that object that
21 you saw in his hand?

22 A. A gun.

23 Q. And where did you see him get that gun from?

24 A. His -- his waistband.

25 Q. Say that one more time.

1 A. His waistband.

2 Q. His waistband. In his pants?

3 A. Yes, ma'am.

4 Q. And what, if anything, did you see him do with
5 that gun?

6 A. He, like, pulled it out fast. Then by that point
7 it was kind of, like, the argument spiraled out of control.

8 Q. Okay. And did -- is the only thing he did was to
9 pull out?

10 A. No. He started shooting.

11 Q. And can you describe how you saw him shooting?

12 A. Kind of like all over the place, but -- so and
13 then when they were arguing, he said something about
14 somebody getting Jacob before he shot him and then he
15 proceeded to do exactly that, after he pulled the gun out.

16 Q. Okay. And was the man that you said you saw
17 shooting, is that the same man you saw that was arguing
18 with Jacob?

19 A. Yes, ma'am.

20 Q. And after you saw that man shooting, what did you
21 then notice about your mom, Yolanda?

22 A. So when -- when the arguing got very big, my mom
23 kind of, like, stood in front of me and right beside Jacob.

24 Q. And after he started shooting, did you notice
25 anything about her, after you heard the shots?

1 A. My mom, she just stumbled a little bit while she
2 was standing in front of me.

3 Q. And did you notice anything about her body?

4 A. No, not initially. No.

5 Q. Okay. Eventually, did you notice something about
6 her?

7 A. When she turned around, and I saw she was holding
8 like her diaphragm and it was all red.

9 Q. Was it bleeding?

10 A. Yes, ma'am.

11 Q. And when did you next see Jacob?

12 A. I see Jacob kind of like a little bit -- like so
13 when at first my mom turned around and she was holding her
14 diaphragm, she told me she loved me, and to tell my
15 brothers she loves them, and told me that she was shot.
16 And then fell to the ground, and then -- I was just so
17 focused on my mom, it took me a couple of seconds to
18 register that Jacob was also shot.

19 Q. And when you realized he was shot, were you able
20 to see any injuries on him?

21 A. I saw that there was blood spilling out of his
22 neck, but that was initially the only gunshot I saw.

23 Q. Do you recall whether there were any light poles
24 in the area where the shooting occurred?

25 A. Like, on the street, yeah.

1 Q. Okay. What about in the parking lot itself?

2 A. I don't remember seeing any lights in the parking
3 lot. No.

4 Q. Okay. And can you describe, I guess, just the
5 amount of overall lighting in the parking lot when the
6 shooting happened?

7 A. So, like the parking lot wasn't very well lit,
8 but --

9 Q. You said it was or it was not?

10 A. It wasn't, but it was like other lights from
11 cars and stuff that were also in the parking lot.

12 Q. How clearly were you able to see people's faces?

13 A. Very clear.

14 Q. Okay. And I noticed that you're wearing your
15 glasses today. Were you wearing glasses that night?

16 A. Yes, ma'am.

17 Q. And were you able to see how the shooter left the
18 scene?

19 A. Yes, ma'am.

20 Q. And when you saw him leaving, did you do anything
21 to document him leaving?

22 A. I took a picture of the license plate before he
23 could pull off in the car.

24 Q. Did you see anyone else shoot a gun that night?

25 A. No, ma'am.

1 Q. Okay. So about two days after the incident, did
2 you go to the Sheriff's Department to give the interview
3 with an investigator named Investigator Kneece?

4 A. Yes, ma'am.

5 Q. Okay. And when you went to the interview, who
6 all went with you there? Like who drove you there?

7 A. Who drove? Judy. My aunt. You said who else
8 was in the car?

9 Q. Yeah.

10 A. Oh, it was me, Judy, Aby -- I'm sorry -- Abigail
11 and Nelson.

12 Q. Okay. Did Devin Pate ride with you?

13 A. No, ma'am.

14 Q. And when you were doing your interview, were any
15 of those family members with you in the interview?

16 A. No, ma'am.

17 Q. Okay. And prior to this interview, and I guess
18 prior to the -- to the shooting incident, had you ever
19 heard Jaquan King's name before or ever see a picture of
20 him?

21 A. No, ma'am.

22 Q. All right. And during this interview, did the
23 investigator say anything about the name Jaquan King?

24 A. No, ma'am.

25 Q. But, you know, obviously in the past three and a

1 half years, you've learned his name because he was arrested
2 for this? Okay. But at the time of your interview, you
3 didn't know who he was?

4 A. No, ma'am.

5 Q. All right. And in your interview, did you
6 provide any information about what you witnessed during the
7 shooting?

8 A. Yes, ma'am.

9 Q. And did you indicate whether you saw the shooter?

10 A. I did.

11 Q. Did you provide a physical description of the
12 person you saw shoot a gun?

13 A. Yes, ma'am.

14 Q. Okay. So, I'm gonna ask you some questions about
15 the description that you gave. In your interview, did you
16 -- did the investigator show you a typed, written
17 statement?

18 A. What do you mean? Like, before I gave them my
19 statement or after?

20 Q. Or just like -- yeah, at the end of the
21 interview, did he show you something and be like; is this
22 correct? This is your signature?

23 A. Yes, ma'am.

24 Q. Okay. And this was done three and a half years
25 ago?

1 A. Yeah -- give or take.

2 Q. Okay. So I'm going to ask you some questions.
3 If you need to refer to your statement to refresh your
4 memory, just let me know, and I'll let you look at it.

5 A. Okay.

6 Q. All right. So let's talk about the shooter's
7 physical description. What description did you give about
8 his race or his skin color?

9 A. I told them that he was a tall, chunky, Black guy
10 with dreads.

11 Q. Okay. And do you remember kind of -- how would
12 you say how long his dreads were? Were they like
13 (indicating)?

14 A. I said about here (demonstrating).

15 Q. Would that be about shoulder length?

16 A. Yes, ma'am.

17 Q. All right. You said he was tall?

18 A. Yes, ma'am.

19 Q. And describe his hair one more time?

20 A. It was dreads or braids -- like, just, braids I
21 guess would be the proper word to describe. Something like
22 along there.

23 Q. Okay. And when he was arguing with Jacob, do you
24 remember -- how did you compare the shooter's height to
25 Jacob's height?

1 A. They were pretty close in height.

2 Q. And you said body type was?

3 A. Chunky.

4 Q. Chunky.

5 A. Husky.

6 Q. And what, if anything, did you tell the
7 investigator about whether you would be able to identify
8 the shooter if you saw his face again?

9 A. I knew I would be able to identify him.

10 Q. And during your interview, did the investigator
11 show you something called a photo lineup for you to look
12 at?

13 A. Yes, ma'am.

14 Q. And I'm going to show you what has already been
15 marked State's Exhibit Number 1 for ID purposes. Do you
16 recognize this two-page document of the lineup he gave?

17 A. Yes, ma'am.

18 Q. Okay. And did you sign page 1? Is that your
19 signature on Page 1?

20 A. Yes, ma'am.

21 Q. Okay. So did you identify anyone in this lineup
22 as someone you saw involved shooting that night?

23 A. Yes, ma'am.

24 Q. Okay. And kind of let's go back. Before you
25 were shown this lineup, do you remember the instructions

1 that Investigator Kneece gave you?

2 A. He told me to look at the pictures to see if I
3 recognize anybody.

4 Q. Okay. Did he say that you had to pick somebody?

5 A. No, ma'am.

6 Q. All right. And what number photo did you pick?

7 A. Three.

8 Q. Okay. And what did you identify the person in
9 photo number three's role in the shooting?

10 A. The shooter.

11 Q. And how certain were you that this was a person
12 you saw shoot a gun?

13 A. Positive.

14 Q. You said what?

15 A. Positive.

16 Q. Positive. How -- what percent positive?

17 A. 100 percent positive.

18 Q. And how quickly did you identify him in the
19 lineup?

20 A. Very fast.

21 Q. Did you hesitate at looking at it?

22 A. No, ma'am.

23 Q. And did you indicate your selection with
24 initialing and circling photo number six?

25 A. Yes, ma'am.

1 Q. All right. And did Investigator Kneece influence
2 you or suggest to you which picture to select?

3 A. No, ma'am.

4 Q. All right. And the person that you ID-ed in that
5 lineup as the shooter, do you see him in the courtroom
6 today?

7 A. Yes, ma'am.

8 Q. And can you describe what he's wearing and where
9 he's sitting?

10 A. He's sitting behind the -- I believe she's a
11 lawyer, with the green jacket.

12 MS. TAYLOR: Okay. Let the record reflect that
13 the witness has identified the defendant.

14 THE COURT: Yes, ma'am.

15 BY MS. TAYLOR:

16 Q. And looking at him today, three and a half years
17 after this incident, is there anything different about his
18 physical appearance?

19 A. His hair is longer.

20 Q. And while you were at the police department, your
21 family was also there, did you tell anyone in your family
22 while you were still at the Sheriff's Department which
23 number you picked?

24 A. No, ma'am.

25 Q. You said what?

1 A. No, ma'am.

2 Q. Okay. And did they tell you who they picked?

3 A. No, ma'am.

4 MS. TAYLOR: No further questions.

5 THE COURT: Cross-examination?

6 MS. ZMROCZEK: Thank you.

7 CROSS-EXAMINATION

8 BY MS. ZMROCZEK:

9 Q. Good afternoon.

10 A. Good afternoon.

11 Q. Is it -- I'm sorry, is it -- how do you pronounce
12 your last name?

13 A. Arce.

14 Q. Okay. I just don't want to mispronounce it. Ms.
15 -- is it okay if I call you Ms. Arce?

16 A. Yes, ma'am.

17 Q. Okay. And you -- you are related to the -- to
18 Yolanda Cora and Jacob Cora?

19 A. Yes, ma'am.

20 Q. And how are you related to them?

21 A. Yolanda is my mother and Jacob is my cousin.

22 Q. And -- and this is simply a question that I have
23 to ask, but your nationality, your race, do you identify as
24 Hispanic?

25 A. Yes, ma'am.

1 Q. Okay. And you -- all right. So I want to talk
2 about that night.

3 A. Okay.

4 Q. Okay. You said that -- how long had y'all been
5 at -- at Tsubaki that evening?

6 A. I honestly couldn't tell you.

7 Q. You couldn't tell me?

8 A. No. Maybe like 9, 10, we got there.

9 Q. I'm sorry.

10 A. Maybe -- maybe like, give or take, 9 o'clock, I
11 think.

12 Q. Okay. So maybe around that -- somewhere between
13 9 -- between 9:00 and 10:00?

14 A. Yes, ma'am.

15 Q. Okay. And -- and then you stayed there for the
16 duration of the evening, right?

17 A. Yes, ma'am.

18 Q. You went to leave at about 2:00 in the morning?

19 A. Yes, ma'am. Close to 2:00.

20 Q. Close to 2:00. So when you left, tell me, was
21 there anything that happened inside? Did you ever see Mr.
22 King inside of the restaurant?

23 A. I didn't see Jaquan King in there. No, ma'am.

24 Q. You didn't see him at the inside of the
25 restaurant?

1 A. No.

2 Q. So you -- so then you go outside. Is that
3 because you were going to leave or because you heard a
4 ruckus?

5 A. Because I was going to leave.

6 Q. Because you were going to leave?

7 A. Yes, ma'am.

8 Q. And were you driving?

9 A. No, ma'am.

10 Q. Who was driving you?

11 A. I believe I got there with Abigail or Judy. I
12 don't remember who I got there with.

13 Q. Okay. So it was Abigail or who? Or Judy. Okay.
14 And do you know what car they were driving?

15 A. Aby has a gold Chevy -- Chevrolet, like a sedan
16 kind. And Judy, at the time, didn't have a car.

17 Q. Okay. And so you walked outside, and what do you
18 -- and you saw -- you said you saw Jacob arguing with
19 somebody by the time you walked outside?

20 A. No. Jacob and Jaquan are arguing, and then
21 Jaquan said something disrespectful to my mom.

22 Q. Okay. So when you walked outside, there was no
23 fighting?

24 A. No. No.

25 Q. Okay. And then -- so what you're testifying is

1 that the -- the only reason that Jacob started arguing with
2 somebody is because you're saying Jaquan was disrespectful
3 to your mom?

4 A. Yes.

5 Q. Okay. And -- and where -- where did that
6 interaction occur?

7 A. In the parking lot.

8 Q. Where in the parking lot did it occur?

9 A. Do you have a picture I can go off of? I can
10 show you in a picture. It was like in the middle --
11 ballpark, smack in the middle of the parking lot.

12 Q. Smack in the middle of the parking lot. Okay.
13 How many cars were in the parking lot at that time?

14 A. I don't know.

15 Q. Okay. So you say that Mr. King says something
16 disrespectful and Jacob --

17 A. Defended my mother.

18 Q. About your mom, and then Jacob starts a fight
19 with him. Is that correct? Or they start fighting
20 together?

21 A. They start arguing.

22 Q. They're arguing. And you -- how long did that
23 argument take place?

24 A. I don't know. I just know they started arguing.
25 It escalated very fast.

1 Q. It happened very fast?

2 A. The argument escalated -- escalated very fast.

3 Q. The argument escalated fast. And that's when you
4 say that the person you identified as Jaquan pulled a gun
5 out of his waistband, right?

6 A. Yes.

7 Q. What color was the gun?

8 A. I don't know.

9 Q. You don't know? How many guns did you see that
10 evening?

11 A. One.

12 Q. Just one?

13 A. Yes.

14 Q. Okay. You saw just one gun for one person that
15 whole evening?

16 A. Yes.

17 Q. Okay. But you don't remember the color?

18 A. No.

19 Q. Okay. When you -- where were you standing when
20 you saw that gun?

21 A. Right beside my mom and Jacob.

22 Q. Right beside your mom and Jacob. Closer to the
23 shops at 224 Oneil Place or closer to the parking lot?

24 A. Closer to the parking lot.

25 Q. Closer to the parking lot. Okay. And sometimes

1 it -- it's just -- you have a lower voice. So I -- I --
2 the only reason I'm getting up here is I want to make sure
3 that I hear your -- your answers correctly, okay? If you
4 think I was coming close for any reason, I just --
5 sometimes it's hard for me to hear because it's acoustics
6 in here. But so how -- you said it escalated very fast,
7 pulls the gun. Did he -- he pulled it from the front or
8 the back of his waistband?

9 A. The front.

10 Q. From the front. And then what happens next?

11 A. He starts shooting.

12 Q. Where did he start shooting?

13 A. Like, so we were standing, like in a big crowd
14 and trying to just like de-escalate it. Like I was trying
15 to pull Jacob away from the car so he could just leave.

16 Q. And what car were you taking Jacob to?

17 A. I believe it was Abigail's car, A gold Chevrolet
18 type of car.

19 Q. Okay. So you were trying to de-escalate it, like
20 you said, to take Jacob to Abigail's car?

21 A. Yes.

22 Q. And then -- so when did you see the first shot
23 fired?

24 A. When my mom --

25 Q. At your mom?

1 A. Yes.

2 Q. Okay. Then what did you -- and how many shots
3 did you hear total?

4 A. I don't remember.

5 Q. You don't remember?

6 A. No.

7 Q. Okay. Was this a very stressful situation for
8 you?

9 A. Yes.

10 Q. When that gun came out, did it -- did it -- I
11 think you had said in your statement that -- that you were
12 -- you froze.

13 A. Yes.

14 Q. Right?

15 A. Yes.

16 Q. Okay. And -- and in fact it took a while for --
17 for it to register with you?

18 A. Yes.

19 Q. Okay. But -- do you know how long -- when you
20 say it took a while, how long did it -- how long is a
21 while?

22 A. I couldn't give you a timeframe.

23 Q. Okay. All right. And you then -- were a -- in
24 fact, I think you said you froze and you couldn't say
25 anything, nor could you move, right?

1 A. No.

2 Q. You were in a state of shock?

3 A. Yes.

4 Q. But then you -- you say that you got your -- you
5 got a picture of the license plate of the car?

6 A. Yes.

7 Q. And where did you capture that?

8 A. In the parking lot.

9 Q. Right. On -- on what device?

10 A. My iPhone.

11 Q. On your iPhone?

12 A. Yes.

13 Q. Okay. When they were asking you questions, did
14 they -- they -- when I say they, I mean Investigator
15 Kneece. Did he ever -- did you ever tell him that you were
16 100 percent confident?

17 A. In the picking out who shot my mom?

18 Q. Right.

19 A. Yes, ma'am.

20 Q. Okay. And did you -- and -- and did you tell him
21 to make sure to write that down?

22 A. No. I didn't know I had to.

23 MS. ZMROCZEK: Okay. Your Honor, those are all
24 the questions I have for this witness.

25 THE COURT: Anything on redirect?

1 MS. TAYLOR: No, Your Honor.

2 THE COURT: All right. You can step down, ma'am.

3 MS. TAYLOR: The State calls Judy Reyes.

4 MADAM CLERK: Please, raise your right hand.

5 **JUDY REYES,**

6 A witness herein, having been first duly sworn, was
7 examined and testified as follows:

8 MADAM CLERK: Please have a seat in the witness
9 stand and state your full name for the record.

10 THE WITNESS: Judy Reyes.

11 DIRECT EXAMINATION

12 BY MS. TAYLOR:

13 Q. All right, Judy. Were you present in the parking
14 lot when the shooting happened?

15 A. Yes, ma'am.

16 Q. And prior to that -- you just heard Kiara
17 testify. Were you inside with her and the family members
18 that she named?

19 A. Yes, ma'am.

20 Q. Okay. And just kind of kind of clarify, Yolanda
21 is your sister?

22 A. Yes, ma'am.

23 Q. And Jacob is your son?

24 A. Correct.

25 Q. And Kiara would be your niece?

1 A. Yes, ma'am.

2 Q. And while you were inside Tsubaki, did you drink
3 any alcohol?

4 A. I did.

5 Q. And were you drunk?

6 A. No, ma'am.

7 Q. Okay. And while you were inside, did Tsubaki
8 announce it was about close?

9 A. Yes, ma'am.

10 Q. And do you remember about what time that was?

11 A. It was around 2:00. I used to be regular there.
12 So...

13 Q. Okay. And did you and your family or anyone else
14 have any plans to go somewhere else after Tsubaki?

15 A. So when we walked -- or either when we walked
16 outside -- we were standing outside, the people that we had
17 met already in Tsubaki -- because we have been there a
18 couple hours, so, you know, we made some friends.

19 And when we walked outside, we were talking about
20 going to Waffle House to go get something to eat.

21 Q. Okay. And who was supposed to -- I guess, who
22 was to be the driver to take y'all to Waffle House?

23 A. I was, because I was the one on that was sober.

24 Q. Okay. So you were the designated driver?

25 A. Yes, ma'am.

1 Q. And at some point, did you walk out of Tsubaki
2 into the parking lot to go get your car?

3 A. Yes, ma'am.

4 Q. Okay. And while you were walking through the
5 parking lot, describe what you remember about the lighting
6 in the parking lot.

7 A. It was pretty well lit. I mean, it wasn't, you
8 know, lit up completely, but I could see pretty good.

9 Q. Okay. And did you have to use your flashlight on
10 your phone to like see where you were going?

11 A. No, ma'am.

12 Q. All right. And while you were on the way to go
13 get the car, did you hear an argument happening in the
14 parking lot?

15 A. I did.

16 Q. And did you recognize anyone's voice in that
17 argument?

18 A. I did.

19 Q. And whose voice did you recognize?

20 A. My son's, Jacob.

21 Q. And when you heard Jacob's voice in this
22 argument, what did you do?

23 A. I turned around when I heard him arguing.

24 Q. Okay. And --

25 A. And I ran to where he was at.

1 Q. Did you see the man that Jacob's arguing with?

2 A. Yes, ma'am.

3 Q. And did you try to intervene in this argument in
4 anyway?

5 A. I did. I got between him and the man he was
6 arguing with.

7 Q. Okay. And when you got in between them, did you
8 say anything to him?

9 A. I did. I told the man that he was arguing with
10 that we didn't want any problems, that we were about to
11 leave.

12 Q. Okay. And what, if anything, did he respond to
13 what you told him?

14 A. He said grab him before I shoot him.

15 Q. And you said you got up to him. Tell me -- tell
16 me when to stop as close as you were to him.

17 A. I was close to him (indicating) -- inbetween --
18 him and Jacob were a bit of face-to-face arguing, so I put
19 my body in between his and Jacob's.

20 Q. Okay. And when you did that, were you able to
21 see his face?

22 A. I was.

23 Q. Okay. And do you remember there being a light
24 pole anywhere near where this interaction was happening?

25 A. I -- if I remember clearly, there was one. I

1 don't -- I don't believe there was one right underneath
2 where we were, but there was one in close proximity.

3 Q. Okay. And where was Yolanda when you were in
4 between the man arguing with Jacob?

5 A. She was on the side of me.

6 Q. And where was Jacob?

7 A. I was inbetween him and the person, so he was
8 kind of like behind me on the side of me, but behind me.

9 Q. Okay. And when, you know, this argument was
10 happening, what, if any, object did you see the man that
11 was arguing with Jacob get?

12 A. He pulled out a gun.

13 Q. And where did you see him get the gun from?

14 A. From his pants. From his waistband.

15 Q. And what did you see him do with that gun?

16 A. He pulled it out and he started shooting.

17 Q. And can you describe how he was shooting?

18 A. He just started shooting. I'm -- I'm gonna
19 honestly say I don't remember exactly how he started
20 shooting, but I remember him shooting.

21 Q. And did you see him shoot anyone?

22 A. Yes.

23 Q. And who did you see him shoot?

24 A. Yolanda.

25 Q. And the man that you just testified about going

1 up to him and telling him we're about to leave, was that
2 the same guy you saw shoot Yolanda?

3 A. Yes.

4 Q. All right. And the conversation that you
5 described having with that man, did that happen before or
6 after you saw him pull out the gun?

7 A. Before.

8 Q. And after you see him pull out the gun, and see
9 him shoot your sister, at what point do you next see Jacob?

10 A. After I went to her, and I took my shirt off and
11 I put it on his stomach. I put it on his stomach. And I
12 looked up and I saw Nelson holding Jacob.

13 Q. Okay. And when you saw Nelson holding Jacob, did
14 you notice anything about Jacob?

15 A. He was bleeding.

16 Q. So about two days after the incident, did you go
17 to the Sheriff's Department to give an interview about what
18 you witnessed?

19 A. Yes, ma'am.

20 Q. And did you do that interview with Investigator
21 Short?

22 A. Yes, ma'am.

23 Q. And who all rode you to headquarters?

24 A. I drove with -- I'm sorry, with Kiara, Abigail,
25 and Nelson.

1 Q. Did Devin Pate ride with you?

2 A. No, ma'am.

3 Q. And when you were given your interview, were any
4 of your family members in there with you?

5 A. No, ma'am.

6 Q. Was there anyone else there besides Investigator
7 Short?

8 A. No, ma'am.

9 Q. Okay. And prior to this interview, had you ever
10 heard Jaquan King's name or ever saw picture of him?

11 A. No, ma'am.

12 Q. And during the interview, did Investigator Short
13 say anything about the name of Jaquan King?

14 A. No, ma'am.

15 Q. And, you know, obviously in the last couple
16 years, you -- you know who Jaquan King is?

17 A. Yes, ma'am.

18 Q. But at the time of the shooting, at the time of
19 the interview, you had never heard him before?

20 A. No, ma'am.

21 Q. And did you indicate to Investigator Short
22 whether you saw the shooter?

23 A. I did.

24 Q. And did you provide him with a physical
25 description of the shooter?

1 A. I did.

2 Q. All right. And let's kind of go through how you
3 described the shooter. What race was he?

4 A. He was Black.

5 Q. And can you describe his hairstyle?

6 A. He had dreads.

7 Q. Okay. And can you kind of describe the length?

8 A. I don't remember what length I said at the time.

9 Q. Okay. Well, what -- well, what length did they
10 look to you?

11 A. Yeah, like maybe shoulder length, maybe.

12 Q. Okay. And how could you describe the height?

13 A. He was about 6 feet.

14 Q. And when you saw -- when you stepped in between
15 them, him, and Jacob, how would you describe Jacob and
16 Jaquan King's heights compared to the other?

17 A. They look pretty -- pretty similar. He was just
18 under -- stockier than Jacob. Jacob is slimmer.

19 Q. Okay. And how would you describe his body type?

20 A. He was, you know, kind of chunky, kind of stocky.

21 Q. And what, if anything, did you tell Investigator
22 Short about whether you would be able to identify the
23 shooter if you saw his face again?

24 A. Can you repeat the question? I didn't hear the
25 beginning.

1 Q. Yes. So did you tell Investigator Short whether
2 you would be able to identify the shooter if you saw his
3 face again?

4 A. Yes, ma'am.

5 Q. Okay. So during your interview, did the
6 investigators show you something called a photo lineup?

7 A. He did.

8 Q. And that -- those papers that are in front of
9 you, State's Exhibit Number 2, can you look at that. Do
10 you recognize that as the lineup you did?

11 A. Yes, ma'am.

12 Q. And can you describe what you remember as the
13 instructions Investigator Short gave you about kind of how
14 to do the lineup process?

15 A. Yeah, from what I remember, he said, that he was
16 gonna show me some pictures. If there was anyone that I
17 recognized, to point them out.

18 Q. And did you identify anyone in the lineup as
19 someone you recognize as being involved in shooting?

20 A. I did.

21 Q. And what number photo did you pick?

22 A. Number two.

23 Q. And what did you identify that person in picture
24 number two's role in the shooting?

25 A. He was the shooter.

1 Q. And who did you see him shoot?

2 A. My sister.

3 Q. Yolanda?

4 A. Yolanda.

5 Q. And how certain were you that this is the person
6 you saw shoot Yolanda?

7 A. Very certain.

8 Q. If you had to rate it on a percentage?

9 A. 100.

10 Q. Did you hesitate at all?

11 A. No, ma'am.

12 Q. And when you saw his photo, the photo of Jaquan
13 King -- did you have any type of physical reaction?

14 A. I did.

15 Q. What type of reaction?

16 A. I just, inhaled deeply -- because I recognized
17 him immediately and I started crying -- if I remember
18 correctly, and I pointed him out.

19 Q. And did you indicate your selection by initialing
20 and circling the photos?

21 A. Yes, ma'am.

22 Q. Did Investigator Short influence you or suggest
23 to you which picture to select?

24 A. No, ma'am.

25 Q. Did he tell you that you had to choose someone in

1 the lineup?

2 A. No, ma'am.

3 Q. And did you sign that affidavit attached to the
4 lineup?

5 A. Yes, ma'am.

6 Q. And do you see the person that you identified in
7 photo number two in the lineup, as the person you saw shoot
8 your sister, do you see him in the courtroom today?

9 A. Yes, ma'am.

10 Q. And can you describe what he's wearing and where
11 he's sitting.

12 A. He's sitting over there (indicating) by the other
13 attorneys he has a white shirt and a black jacket on.

14 MS. TAYLOR: Let the record reflect that the
15 witness has identified the defendant.

16 THE COURT: Yes, ma'am.

17 BY MS. TAYLOR:

18 Q. Is -- is there anything different about his
19 physical appearance today, three and a half years after the
20 shooting?

21 A. Maybe his hair is longer.

22 Q. Okay. And when you were done with your
23 interview, was your family still at headquarters?

24 A. They were, but they had us separated until
25 everybody did their interviews.

1 Q. Okay. And while you were there, did you tell any
2 of them who you picked?

3 A. No, ma'am.

4 Q. Did they tell you who they picked?

5 A. No, ma'am.

6 MS. TAYLOR: No further questions.

7 THE COURT: Cross-examination?

8 MS. ZMROCZEK: Thank you.

9 CROSS-EXAMINATION

10 BY MS. ZMROCZEK:

11 Q. Ms. Reyes, how many people did you see with a gun
12 that evening?

13 A. Just one person.

14 Q. Just one person. How long were you able to look
15 at the person that you described as Mr. King?

16 A. A couple of minutes. I'm guessing two to three
17 minutes.

18 Q. Two to three minutes?

19 A. Yeah. I'm not sure.

20 Q. Okay. And we heard from Kiara, that's your
21 daughter?

22 A. Yes, ma'am. No, Kiara's my niece.

23 Q. I mean your niece, sorry.

24 A. Yes, ma'am.

25 Q. She is your sister's daughter?

1 A. Correct.

2 Q. Okay, thank you. Thank you. I know it --
3 sometimes it gets confusing. You testified on direct -- I
4 want to make sure I heard this correctly -- that you took
5 your shirt off?

6 A. I did.

7 Q. After all this happened?

8 A. Correct.

9 Q. Were you -- obviously you had two family members
10 that had been shot, right?

11 A. Correct.

12 Q. You were very emotional?

13 A. I was.

14 Q. Very angry?

15 A. I was.

16 Q. And you said that you were going -- who -- what
17 car were you driving that evening?

18 A. My oldest daughter's car.

19 Q. And that your oldest daughter is who?

20 A. Sierra Torres.

21 Q. Oh, okay. And -- so -- wait, Sierra Thomas?

22 A. Torres.

23 Q. Torres. Okay. Was she there?

24 A. She was there initially. She left before Tsubaki
25 closed.

1 Q. Okay. How did she leave?

2 A. She was with someone.

3 Q. Okay. Who did she leave with?

4 A. A friend.

5 Q. Okay. And what -- so what car were you driving?

6 A. Her car.

7 Q. Which was what?

8 A. A Honda Pilot.

9 Q. What color?

10 A. Gold.

11 Q. Okay. And you testified that there was some
12 lighting out there, but it certainly -- it was 2:00 in the
13 morning, right?

14 A. Yes, ma'am.

15 Q. Okay. And this happened fairly quickly?

16 A. Correct.

17 Q. And again, just for purposes of understanding,
18 identification, you identify as Hispanic?

19 A. Correct.

20 Q. Okay. But you identified the person that you saw
21 shooting, and you said he had dreads. You had -- you said
22 short dreads. How short?

23 A. Maybe short dreads. I'm not sure. I don't
24 remember what I said or what I wrote down on the statement--
25 --

1 Q. Okay. What do you remember -- what do you
2 remember seeing?

3 A. -- shoulder length.

4 Q. Okay. Okay. So regardless of what you wrote
5 down, but -- but what you remember seeing, today, as you
6 testified, was shoulder length dreads?

7 A. Yes.

8 Q. Okay. And what facial hair did you see on that
9 person?

10 A. Maybe he had a beard. I -- I don't remember.

11 Q. You don't remember?

12 A. No, ma'am.

13 Q. Okay. So when they showed you this lineup that
14 -- that we saw over here -- oh, sorry. Thank you. And all
15 those people had facial hair, right?

16 A. Correct.

17 Q. And so, did you say to Investigator Short, wait,
18 I don't remember if this person had facial hair or not?

19 A. I did not say that.

20 Q. You did not say that?

21 A. No.

22 Q. Okay. And do you remember ever telling anybody
23 about seeing facial hair?

24 A. I don't remember saying anything about facial
25 hair. I don't remember if I said I did or I didn't.

1 Q. You saw the gun?

2 A. I did.

3 Q. What did it look like?

4 A. It was a gun. I don't know what kind of gun it
5 was, but it was a gun.

6 Q. What color?

7 A. I'm not sure. Maybe black. I don't know.

8 Q. Okay. Where did you see the gun?

9 A. He pulled it out his waistband.

10 Q. Pulled it out of his waistband? Front or back?

11 A. Front.

12 Q. Okay. And when he pulled it out of his
13 waistband, what did you do?

14 A. I stepped back.

15 Q. Okay.

16 A. Because I was scared.

17 Q. You were scared, right?

18 A. He pulled the gun out.

19 Q. Okay. So you stepped back. How far were you --
20 how far apart were you from him -- this person when he
21 pulled out the gun?

22 A. A few feet.

23 Q. A few feet. Like this (demonstrating), I'm
24 standing approximately 3 feet from you. Is that --

25 A. About -- Yeah.

1 Q. About that. Okay. And you were facing the
2 person?

3 A. I was facing him.

4 Q. Okay. What hand did they pull that gun in?

5 A. I don't remember.

6 Q. Okay. You -- you called 911 later that evening
7 around 10 o'clock, right?

8 A. I called 911, if I'm not mistaken, it was the day
9 -- the day after. Yeah -- everything happened.

10 Q. So it happened -- this incident happened August
11 1st --

12 A. Right.

13 Q. -- 2021 at approximately 2:00 in the morning,
14 right?

15 A. Yes.

16 Q. And so you learned later, either -- you say the
17 next day?

18 A. Yeah. It was -- yeah, the next day on that --
19 same day.

20 Q. Okay.

21 A. It was right after it happened.

22 Q. Okay. Right after it happened, you learned the
23 location of the vehicle?

24 A. I did.

25 Q. How did you learn that?

1 A. I posted it on Facebook.

2 Q. You posted it on Facebook? And, then how did you
3 learn about the vehicle?

4 A. Someone sent me a message.

5 Q. Who is that someone?

6 A. My friend.

7 Q. Okay. Are you -- are you not inclined to tell us
8 their name at this point?

9 A. I'm not.

10 Q. Okay. So you -- you know who it is, but you're
11 not going to tell?

12 A. I know who told me -- someone text my friend that
13 they -- they knew where the vehicle was. That person
14 didn't want no involvement because they were afraid.

15 Q. Okay. So someone texted your friend that they
16 knew and then your friend texted you?

17 A. Yes, ma'am.

18 Q. Okay. And how was it that they knew where the
19 car was? Did you get that information?

20 A. I did not get that information.

21 Q. Okay. How many people did you see with Mr. King
22 that evening?

23 A. I only saw one other person with him.

24 Q. Okay. And did you give a description of that
25 person as well?

1 A. I can't remember. I wasn't focused on the other
2 person -- I was focused on him and not getting into an
3 altercation with him.

4 Q. Okay. Did you see Mr. King inside of Tsubaki
5 that evening?

6 A. I did not.

7 Q. Okay. So the first time that you saw Mr. King is
8 when you came outside?

9 A. Correct.

10 Q. And so what was the interaction when you came
11 outside?

12 A. I didn't see him until him and Jacob started
13 arguing. I never saw him walking to the car.

14 Q. All right. So the first time you saw Mr. King
15 was when he and Jacob started arguing?

16 A. Um-hum (affirmative).

17 Q. And then he walked where?

18 A. Until I was walking to the car, that I heard him
19 arguing behind me. I never saw him.

20 Q. Okay. And where was your car parked?

21 A. It was a little bit further back from where the
22 altercation was.

23 Q. Okay. And so, then you turn around and come
24 back?

25 A. That's correct.

1 Q. Okay. And so the only -- so the first time you
2 ever -- you had noticed Mr. King was after there was an
3 altercation between him and Jacob?

4 A. Correct.

5 MS. ZMROCZEK: Okay, Your Honor, no further
6 questions at this time.

7 THE COURT: Anything on redirect?

8 MS. TAYLOR: No, Your Honor.

9 THE COURT: All right.

10 MS. TAYLOR: State calls Devin Pate.

11 MADAM CLERK: Please, raise your right hand.

12 **DEVIN PATE,**

13 A witness herein, having been first duly sworn, was
14 examined and testified as follows:

15 MADAM CLERK: Please have a seat in the witness
16 stand and state your full name for the record.

17 THE WITNESS: Devin Pate.

18 DIRECT EXAMINATION

19 BY MS. TAYLOR:

20 Q. Devin, did you witness a shooting in the parking
21 lot of Tsubaki for the incident you're here for today?

22 A. I did.

23 Q. Okay. And prior to the shooting, were you inside
24 of the Tsubaki Restaurant?

25 A. Yes. Prior to the shooting.

1 Q. Okay. And had you been to Tsubaki before?

2 A. Plenty of times.

3 Q. All right. And while you were inside Tsubaki,
4 did you meet the two victims in this case, and some of
5 their family members?

6 A. Yes. That -- that night is the night that I
7 actually met the victims of this case and their family
8 members.

9 Q. Okay. Now, at the time of the shooting, were you
10 100 percent sure of like the male and the female victim's
11 names?

12 A. No.

13 Q. Okay.

14 A. No.

15 Q. And since then, have you learned their names?

16 A. Yes.

17 Q. All right. And while you were in Tsubaki, did
18 you drink alcohol?

19 A. No.

20 Q. Were you drunk?

21 A. No, I didn't drink alcohol.

22 Q. Oh, you didn't drink -- you didn't drink any
23 alcohol?

24 A. No. It's also a karaoke bar and a food bar, so
25 you don't just have to go there to drink.

1 Q. When you walk in -- at some point, do you walk
2 outside of Tsubaki?

3 A. Yes.

4 Q. And around what time was this?

5 A. It was around the time it was closing, they
6 typically close it at 2 o'clock, so that's when I was
7 exiting.

8 Q. And when you walked outside, did you observe --
9 observe a group of men standing outside Tsubaki?

10 A. Yes.

11 Q. And how many people did you see in that group?

12 A. Four.

13 Q. And at some point, did you observe the male
14 victim, Jacob, arguing with someone in that group?

15 A. I did, but it wasn't Jaquan -- Mr. King.

16 Q. Okay. Do you eventually see Jacob arguing with
17 Jaquan King?

18 A. Yes, it was -- it was after the prior -- the
19 initial argument had started with one of Mr. King's
20 friends, who had made the disrespectful pass at -- excuse
21 me -- Kiara's mother, who made the disrespectful passes at
22 him, and that's where the verbal exchange had begun.

23 Q. Okay. So I see. Okay. So let's kind of focus
24 on the argument between Jaquan King and Jacob. Okay. Does
25 this argument occur in the parking lot?

1 A. Yes.

2 Q. Okay. And when you first saw that -- that first
3 group of four men kind of standing outside Tsubaki,
4 did you see Jaquan King with him?

5 A. Yes.

6 Q. All right. And you said he didn't have anything
7 to do with the kind of -- would you describe someone in his
8 friend group flirting with Yolanda.

9 A. If you want to call it that.

10 Q. Okay. But he wasn't doing anything with that?

11 A. Right. No, he had nothing to do with that.

12 Q. And when he and Jacob start arguing, do you see
13 Jaquan King go anywhere?

14 A. Yes. I saw Jaquan King go to the vehicle.

15 Q. All right. And where did you see that car
16 parked?

17 A. It was parked in front of Tsubaki. It was
18 probably in about the third or fourth space to the right,
19 in probably the first or second row.

20 Q. Okay. And when you say Jaquan King -- at the
21 time, you didn't know who Jaquan King was?

22 A. Right.

23 Q. But that was the man you're talking about was
24 arguing with Jacob? The second argument?

25 A. Yes.

1 Q. Okay. And once you saw him walk to the car, did
2 you see him come back to the argument?

3 A. Yes.

4 Q. All right. And after he left his car, walk back
5 to the argument, what, if anything, did you see in his
6 hands?

7 A. A gun.

8 Q. All right. And when he came back to the
9 argument, what, if anything, did you see him doing or hear
10 him saying?

11 A. I heard him basically threaten people, including
12 myself. And that is when Ms. Yolanda had tried
13 deescalating the situation.

14 Q. Okay. When you said he was threatening people,
15 kind of describe what he was doing or like saying anything?

16 A. Yeah, like he was walking around -- he had walked
17 up with the gun, you know. I don't know exactly what he
18 said to others, but when he approached me, he was like --
19 he was like, what's good? You want some (demonstrating)?
20 Like, what's up? And I was like, "nah, I'm good". I don't
21 even know him.

22 Q. Okay. And when he said, what's up, you want --
23 like did you take that to mean?

24 A. Obviously -- I mean, that's -- that's -- that's
25 pretty much like him coming at me like with a gun

1 threatening and -- you know, as if I wanted to do
2 something, which obviously, anybody who got a gun in their
3 hand, I'm not gonna try to, you know, go back and forth
4 with him.

5 Q. Okay. And the man that was saying that, doing
6 that, is that who you later identified as the shooter?

7 A. Yes.

8 Q. All right. So you was talking -- you are saying
9 that the shooter directly spoke to you?

10 A. Yes.

11 Q. All right. And when you saw the gun in his hand
12 and was making those comments that you described as
13 threats, how did that affect your focus and attention on
14 him?

15 A. Definitely, I mean, made me feel threatened and,
16 you know, like I said, I immediately, you know, backed
17 down, didn't, you know, try to escalate the situation at
18 all.

19 Q. Okay. And do you remember like what the lighting
20 was like in the parking lot where this was happening?

21 A. It -- it was -- it was decent lighting. Like I
22 said, there is a light post there, but I mean, it
23 wasn't like, you know, any spotlight by any means.

24 Q. Okay. And describe how well you were able to
25 see, you know, his face and other people's faces.

1 A. I was able to see their faces pretty well.

2 Q. And when --

3 A. Excuse me, correction.

4 Q. Yeah.

5 A. I was able to see everybody's faces, but I was
6 able to see his face very well after -- once the -- Yolanda
7 had tried deescalating the situation and they were sitting
8 there talking face-to-face.

9 Q. Okay.

10 A. That's when I was standing within a couple of
11 feet of them, you know, and that's when I was really able
12 to observe his face.

13 Q. And describe like how close you think you were to
14 his face?

15 A. Probably 2 to 3 feet.

16 Q. And when Yolanda goes up to him, do you know --
17 do you see where Jacob is at that point?

18 A. Yes.

19 Q. And where's he in relation to Jaquan King?

20 A. Jacob is behind Yolanda by probably about --
21 probably about 12 -- 12 to 15 feet behind her, which would
22 be basically Yolanda's back to where Jacob is. So Jaquan
23 facing -- him and Jacob were basically facing each other,
24 but, you know, a good 15 feet apart.

25 Q. Okay. And at some point during this commotion,

1 do you hear gunshots?

2 A. Yes.

3 Q. And do you see the person who fired those
4 gunshots?

5 A. Yes.

6 Q. And who did you see -- who did you see shoot
7 those gunshots?

8 A. Mr. King.

9 Q. All right. And this is the man that's arguing
10 with Jacob -- the second time?

11 A. Yes.

12 Q. Okay. And that's the man you saw walking to the
13 car in the beginning?

14 A. Yes.

15 Q. All right. And who did you see him shoot?

16 A. I saw him shoot Yolanda and Jacob.

17 Q. And did you see how he left the area?

18 A. In the vehicle.

19 Q. All right. Did you see the car he got into?

20 A. Yes.

21 Q. Okay. So let's turn two days later after the
22 incident. Did you go to the Sheriff's Department to give
23 an interview about what you witnessed?

24 A. Yes.

25 Q. Okay. And did you do this in this interview with

1 Investigator Short?

2 A. Yes.

3 Q. All right. And during your interview besides
4 Investigator Short, was anyone else in the room with you?

5 A. No.

6 Q. How did you get to the Sheriff's Department that
7 day?

8 A. I drove.

9 Q. Did any of the victims ride with you?

10 A. No.

11 Q. All right. And prior to this incident, had you
12 ever heard Jaquan King's name or ever seen a photo of him?

13 A. No.

14 Q. And during the interview, did Investigator Short
15 say anything about Jaquan King's name?

16 A. No.

17 Q. And during the interview, did you indicate
18 whether you saw the shooter?

19 A. Yes.

20 Q. Okay. And did you give a physical description of
21 who you saw was the shooter?

22 A. Yes.

23 Q. Okay. So let's go through some descriptions. So
24 what did you say was the shooter's race?

25 A. Black --

1 Q. All right.

2 A. Male.

3 Q. Okay. Did you describe him like -- so compared
4 to your skin complexion, how would you describe him?

5 A. Darker.

6 Q. Okay. And how did you describe his hairstyle?

7 A. He had locks that were about shoulder length.

8 Q. Okay. And do you remember whether he wore them
9 any type of way?

10 A. I can't remember exactly how he wore them. I
11 knew they were about shoulder length, though, from what I
12 could see.

13 Q. And, what did you say was his height?

14 A. He had to be somewhere between about 6 foot to
15 about 6'2", 6'3".

16 Q. Okay. Would you describe him as tall?

17 A. Yeah.

18 Q. All right. And how you describe his weight?

19 A. He -- he was solid. Yeah, he was solid.

20 Q. When you say solid, like how would you describe
21 that? What weight would you estimate?

22 A. Solid -- I would say -- I wouldn't necessarily
23 say husky or big, but I'd say solid, as in like maybe --
24 like a tight end if it was football.

25 Q. Okay. But he wasn't like obese or anything?

1 A. No.

2 Q. All right. And did you tell the investigator
3 whether you would be able to identify him if you saw his
4 face again?

5 A. Yes.

6 Q. All right. So during your interview, did your --
7 did the investigator show you something called a photo
8 lineup for you to look at?

9 A. Yes.

10 Q. And is it in front of you?

11 A. Yes, it is (indicating.)

12 Q. Okay. Yes. So looking at State's number 3, is
13 that the photo lineup you did with Investigator Short?

14 A. I'm sorry?

15 Q. Is that the photo lineup Investigator Short did
16 with you?

17 A. Yes, this is.

18 Q. All right. And is that your signature on the
19 front page?

20 A. Yes.

21 Q. All right. Can you describe any instructions
22 that you remember Investigator Short gave you about kind of
23 like how to do the lineup?

24 A. Oh. The instructions that he gave me were to
25 only pick someone if I were confident, that -- only if I

1 were confident. That was the instructions, to only pick a
2 person if I were confident.

3 Q. And did you identify anyone in that lineup that
4 you recognized as being involved in shooting?

5 A. Yes.

6 Q. And what number did you pick?

7 A. Six.

8 Q. And what role did you identify the person in
9 photo number six doing during the shooting?

10 A. He was the shooter.

11 Q. Again, who did you see him shoot?

12 A. Jacob and Ms. Yolanda.

13 Q. So the male and the female victim in this case?

14 A. Yes.

15 Q. How certain were you that this was the person you
16 saw as a shooter?

17 A. 1,000 percent.

18 Q. Okay. And how quickly did you identify him in
19 the lineup?

20 A. Probably -- I mean, immediately, like, less than
21 probably two seconds.

22 Q. Okay. And earlier with Kiara and Judy, Ms.
23 Zmroczek made it a point to ask them what race they
24 identify as. What race do you identify as?

25 A. I'm Black.

1 Q. So you're a Black man?

2 A. Yep.

3 Q. And you identified a Black man in that lineup?

4 A. Yep.

5 Q. Okay. Did you indicate your selection of photo
6 number six by initialing and circling it?

7 A. Yes, I did.

8 Q. And did Investigator Short influence or suggest
9 to you which picture to select?

10 A. No, he didn't.

11 Q. Did he tell you whether you had to pick someone
12 out of this lineup?

13 A. No, he didn't.

14 Q. Did Investigator Short tell you that Jaquan
15 King's photo was in this lineup?

16 A. No.

17 Q. Okay. And do you see the person that you
18 identified in the lineup as the shooter in the courtroom
19 today?

20 A. I'm sorry, can you repeat that question?

21 Q. Do you see the person that you identified in the
22 lineup as the shooter here today in the courtroom?

23 A. Yes.

24 Q. And can you describe what he's wearing and where
25 he's sitting?

1 A. He's wearing a white dress shirt with a black
2 jacket, and he's sitting at that table (pointing)
3 right next to the lady in green.

4 MS. TAYLOR: Okay. Let the record reflect that
5 the witness has identified the defendant.

6 THE COURT: Yes, ma'am.

7 BY MS. TAYLOR:

8 Q. And is there anything different about his
9 physical appearance today in the three and a half years
10 that you saw him during the shooting?

11 A. His -- his hair is a little longer and his
12 beard's a little thicker.

13 Q. After the interview, while you were at the police
14 department, did you tell anyone who you picked?

15 A. No.

16 MS. TAYLOR: No further questions.

17 THE WITNESS: Thank you.

18 THE COURT: Cross-examination?

19 MS. ZMROCZEK: Thank you.

20 CROSS-EXAMINATION

21 BY MS. ZMROCZEK:

22 Q. Mr. Pate, when did you tell the police that --
23 about his beard?

24 A. I didn't never mention anything about the beard.

25 Q. Never mentioned it?

1 a. No.

2 Q. Okay. But today, you say it is a little thicker?

3 A. I can see that it's a little thicker from this
4 picture that I'm looking at right now. Yes, ma'am.

5 Q. Right. From the picture that you're looking at
6 right now, it's thicker. But what do you recall about his
7 facial hair that evening?

8 A. Excuse me, ma'am. Can you hear me clearly?

9 Q. I can. Thank you.

10 A. Okay, thank you.

11 Q. What do you -- I'm just looking for your picture.
12 What do you recall about (indicating) -- thank you.

13 A. You're welcome.

14 Q. -- what do you recall about how different his
15 beard looked at -- and this is State's 3 -- What it -- how
16 different is this from what it looked that night?

17 A. Honestly, it is nothing noticeable. I'm a man,
18 so a beard is only going to stick out to me if your beard
19 is honestly -- as long as mines are longer. I'm not even
20 going to be paying that much attention if it's just a
21 little scruffy.

22 Q. Okay. What -- you said you saw him with the gun.
23 He pulled it from where?

24 A. The vehicle.

25 Q. The vehicle.

1 A. I believe he pulled it from the vehicle. He -- I
2 saw him go to the vehicle. I can't guarantee that he had
3 grabbed it then, but I did see him with the gun in his hand
4 when he came from back around the corner from the vehicle.

5 Q. Okay. Which hand?

6 A. I don't know.

7 Q. Okay. What did the gun look like?

8 A. I don't know. It was a gun.

9 Q. Okay.

10 A. It was a handgun.

11 Q. What color?

12 A. It was a handgun.

13 Q. Okay. You don't know the color?

14 A. It was a handgun. That's all I know.

15 Q. So it was handgun, right?

16 THE COURT: That's what he said.

17 BY MS. ZMROCZEK:

18 Q. You described the person that you saw shooting
19 that night had his dreadlocks pulled back in a ponytail.
20 Do you recall that?

21 A. I don't recall.

22 Q. Okay. You don't recall. As you sit here today,
23 how do you remember that person's hair being?

24 A. Like I said, I remember the length. I can't
25 remember exactly how it was, but I can tell by the length.

1 As you can see I wear my hair up, so I have a pretty good
2 description of how long someone's hair is if they have it
3 up, what it would look like if it were up or down.

4 Q. Okay. And how many shots did you hear?

5 A. I don't recall.

6 Q. Okay. How long did you have an opportunity to --
7 to look at Mr. King that evening?

8 A. I had a good bit of opportunity.

9 Q. Okay. What I need a good bit?

10 A. A specific time?

11 Q. Yeah, well, as close as you can get. More than
12 10 minutes? Less than 10 minutes?

13 A. It was less than 10 minutes, I would say.

14 Q. Okay. Less than five minutes or more than five
15 minutes?

16 A. Not less than five minutes throughout the entire
17 night. I noticed when Mr. King and his friends had arrived
18 at the bar.

19 Q. Okay. So I want to talk about that. When did
20 you notice that they arrived at the bar?

21 A. As in time-wise or?

22 Q. Sure.

23 A. I'm not too sure. I know it wasn't too long
24 before close. It was maybe an hour -- hour and a half if
25 that.

1 Q. Okay. And -- an hour to an hour and a half?

2 A. If that!

3 Q. If that. And where did you notice them?

4 A. I was at the front. I was at the entrance when
5 they -- when they came.

6 Q. So they came inside the bar?

7 A. I can't recall if they came in, but I remember
8 when they got to the doors, yes.

9 Q. Okay. So what did they do when they got to the
10 doors?

11 A. I don't recall. Like I said, I remember them
12 coming to the door. I don't know if I might have gone back
13 inside at that moment, but like I said, I was outside, may
14 have been smoking a cigarette. I was outside when they
15 first got -- arrived at the bar. I can't guarantee when --
16 if they ever came in or not.

17 Q. Okay. And there were four of them?

18 A. Yes.

19 Q. Okay. And then -- so when's the next time you
20 saw them after that?

21 A. When we were leaving.

22 Q. Okay. Where did you see them, inside or outside?

23 A. Right outside the doors, as the same place that I
24 seen them when I first seen them.

25 Q. Okay. So they were just standing outside the

1 doors?

2 A. Yes.

3 Q. Okay. You -- all right. So today -- I -- I just
4 want to make sure I heard this correctly. You said that
5 he, Mr. King, walked up to you with the gun and said, "you
6 want some, what's up?" Did I -- did I write that down
7 correctly?

8 A. It was something along those lines. Basically,
9 it was in a threatening manner.

10 Q. Okay. And when did you tell the police or
11 anybody that -- that you were threatened?

12 A. I told them that when I had spoken with the --
13 excuse me -- with Ms. -- Ms. Taylor?

14 Q. This Ms. Taylor (indicating)?

15 A. Yes.

16 Q. Okay. I -- I got -- I -- just because the Judge
17 is Taylor. I'm trying to --

18 A. Got you.

19 Q. And do you recall when that was?

20 A. No, I don't.

21 Q. Okay. I mean, was it within the last month?

22 A. No.

23 Q. Okay.

24 A. It was -- it was within some -- sometime --
25 closer to the -- when the actual shooting occurred. May

1 have been within that month, that week, sometime around
2 there.

3 Q. Okay. So within a month or two of the shooting,
4 so back in August of 2021?

5 A. Yes.

6 Q. You recall meeting with Ms. Taylor and telling
7 her that you were threatened?

8 A. Like I said, it was definitely closer to the
9 shooting than it is now.

10 Q. Okay.

11 A. I can't give you a specific time window. I can't
12 say if it was one month, two months, six months or what,
13 but it was closer to the shooting than it is now.

14 MS. ZMROCZEK: Okay. Your Honor, those are all
15 the questions that I have.

16 THE COURT: Anything on redirect?

17 MS. TAYLOR: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. TAYLOR:

20 Q. Devin, let's just clear some things up. When --
21 do you remember that we initially gave you a subpoena in
22 August of last year for this trial?

23 A. Right.

24 Q. And that was when it was originally scheduled?

25 A. Right.

1 Q. Is that when we first met to discuss this case?

2 A. Right. Yes.

3 Q. Okay. So we've never met a month after the
4 shooting in 2021?

5 A. Right.

6 Q. Okay.

7 A. I do apologize. I got a 4-year-old, so the last
8 few years kind of just all run together, so I can't...Yeah.

9 Q. That's fine.

10 MS. TAYLOR: That's it, Your Honor.

11 THE COURT: Anything on recross, Ms. Zmroczek?

12 MS. ZMROCZEK: Nothing further.

13 THE COURT: All right. You can step down, sir.

14 THE WITNESS: Thank you, Your Honor.

15 MS. TAYLOR: Oh, Your Honor, that is all the
16 witnesses that the State plans to call for *Biggers*.

17 THE COURT: All right. I'll hear arguments.

18 MS. ZMROCZEK: Thank you. Your Honor, we would
19 move to suppress these identifications under *Neil v*
20 *Biggers*. The *Biggers* standard is whether it's a
21 substantial likelihood of misidentification and those
22 violate the defendants due process rights.

23 Obviously, the Court looks at the totality of the
24 circumstances, but if -- when you're looking at the
25 five factors, the opportunity of the witness to view

1 the alleged criminal at the time of the crime, we're
2 getting the testimony that you heard today from the
3 three witnesses was anywhere from three minutes to 10
4 minutes, Your Honor, was the total amount of time.
5 The accuracies of the witness's prior description of
6 the alleged criminal.

7 And in this case, Your Honor, you have several
8 different descriptions, very vague, of a black male
9 with dreads or braids and that seems to be fluid and
10 changing.

11 What was really concerning, Your Honor, is that
12 these photo lineups that are in for ID purposes at
13 this point, State's 1, 2, and 3 -- and I'll hand them
14 up -- obviously they are in different places, but Your
15 Honor, the things that -- that give me cause
16 for concern -- and I'll just hand them up so I'm not
17 -- you're not having to remember -- is -- so in each
18 of those photos, Mr. King's hair is cut off
19 from there, but also, Your Honor, the facial hair on
20 Mr. King is different from the facial hair on
21 the witnesses.

22 What's most concerning, Your Honor, is that none
23 of these witnesses testified that the shooter
24 had facial hair. So to use that picture -- and as --
25 as Detective Short testified, that he claimed that he

1 used that picture as a combination of the license
2 plate number that he had and the description. But
3 none of those descriptions, Your Honor, provided for
4 facial hair.

5 The level of certainty demonstrated by
6 the witnesses at the time of the confrontation --
7 Your Honor, you heard testimony from all the witnesses
8 talk about the gun, although none of them could tell
9 me which hand it was in. None of them could tell me
10 what color it was.

11 And again, there are some concerns about the
12 certainty of the confrontation -- of the alleged
13 confrontation -- with Mr. King.

14 And then finally, the length of time between
15 the -- the crime and concentration. Your Honor,
16 just given the testimony that we have today and
17 understanding that reliability is a linchpin and
18 determining the admissibility, we would ask that
19 these identifications be suppressed.

20 THE COURT: Hear from the State.

21 MS. TAYLOR: Your Honor, the two prong tests to
22 determine the admissibility of eyewitness
23 identification is: the court must determine whether
24 identification process was unduly suggestive.

25 If you determine that it was not suggestive,

1 which I submit that it was not suggestive, all the
2 witnesses testified that, you know, none of the
3 investigators told them which one to pick. No one
4 mentioned the name Jaquan King. They had never heard
5 of him before.

6 And in fact, Sergeant Kneece said he didn't even
7 know who Jaquan King was in this lineup. He didn't
8 know which photo he was. And, I just don't think --
9 if you determine it's not suggesting, there's no point
10 in you to going into reliability. It's not even
11 required. So I think that there has been sufficient
12 evidence to determine that this is not an unduly
13 suggestive lineup.

14 THE COURT: Okay.

15 MS. ZMROCZEK: Nothing further, Your Honor.

16 THE COURT: All right. I'm gonna deny your
17 motion. I don't find the six-photo lineups to be
18 unduly suggestive.

19 I find that all three witnesses had the
20 opportunity to view the suspect at the time of the
21 crime. The witness's degree of attention, I suspect
22 was relatively high when the gun pointed at their
23 face. The accuracy of their description, I find to be
24 reliable. Level of certainty demonstrated. All three
25 witnesses demonstrate -- demonstrated a high degree of

1 certainty during the lineup procedure. And the amount
2 of time was negligible in that it was two days.
3 What's next?

4 MS. ZMROCEK: So, Your Honor, what's -- as far
5 as what's next for me -- sorry. I'm looking for my
6 list. Here it is.

7 MS. TAYLOR: Your Honor, can I get the lineups
8 back? They are originals.

9 THE COURT: Yep.

10 MS. TAYLOR: Thank you.

11 MS. ZMROCZEK: Your Honor, the next pretrial
12 motion, I'm looking at regards -- is regarding to
13 dismissing the indictments. So, I kind of have a -- I
14 have them delineated, but I think I can make the
15 argument, Your Honor, for all of them. A motion to
16 dismiss the indictments for -- actually I'm gonna
17 withdraw for the lack of probable cause -- based on
18 your ruling on the identifications.

19 But, Your Honor, the motion to dismiss the
20 indictments or the alternative for -- to allow the
21 introduction of body-worn cameras who are no longer
22 with the office -- and we'll talk about that in a
23 second. And if that goes hand in hand with (c)
24 which is the discovery violations. And then, (d)
25 which is, in the alternative, giving a spoliation

1 charge.

2 And I know Your Honor is gonna probably have
3 to see how it pans out in the -- in the trial. But I
4 -- I want to hand up what I'm going to mark as Court's
5 Exhibits 1, 2, 3, and 4.

6 Again, I'm going to mark these as Court's
7 Exhibits, and they're just screenshots from some of
8 the body-worn cameras to discuss the problems that --
9 that we're having with the evidence.

10 And again, I am not -- I want to be real clear on
11 the record -- I am not saying that Ms. Taylor is
12 involved in any way in withholding any of this
13 evidence. Ms. Taylor, in fact, has done more than any
14 solicitor that I've ever worked with in this -- in
15 this courthouse to make sure that I have everything,
16 which I appreciate.

17 However, Your Honor -- and I'm
18 going to mark these as 1, 2, 3, and 4, and then I'll
19 tell the Court where my concerns are. Actually, I'll
20 probably just make them as one group -- just making
21 one and identify it as four pictures, Your Honor.

22 THE COURT: However you want to do it.

23 MS. ZMROCZEK: So, Your Honor, I'm handing up
24 these Court's Exhibits. The first one is -- you'll
25 see it's an officer and some witnesses talking on the

1 back of a car. So that picture is important for two
2 reasons.

3 One, on just a couple weeks ago, Ms. Taylor
4 gave me some Riddle material that identified -- you
5 see Inakaya, the building in the back, that
6 there was video that was viewed by the police officers
7 apparently, that night. They determined that
8 there was nothing of relevance. They didn't collect
9 it.

10 We don't know even who looked at it. The only
11 information that was provided to me was from Ms.
12 Taylor saying that the now owner of Tsubaki, Mr.
13 Sato -- I may be saying his name incorrectly -- but
14 he met with investigators and they watched, reviewed
15 the video from Inakaya, but that wasn't provided.

16 But what's also not provided is, you see that
17 officer, the undercover officer talking to a -- a
18 gentleman wearing jeans and a white shirt. And this
19 is a closer picture of that same officer, Your Honor.

20 He is talking to an undercover -- or excuse me --
21 to a Charleston County police officer who happened to
22 be there that evening. You could see him on the body
23 cams with his badge around his neck. He had a gun.
24 He gave numerous statements and spoke at length with
25 this investigator who's taking copious notes.

1 We don't have those notes. We don't have any of
2 the recording of that conversation. More items that
3 we're missing, Your Honor.

4 This next picture is from one of the witnesses
5 from whom you heard today. And that would be Ms.
6 Sarah. She gave a -- she can be seen on -- on another
7 officer's body cam talking to a -- an officer that has
8 a body cam on. But we don't have that body cam.

9 Again, I'm not saying that Ms. Taylor has it and
10 hasn't turned it over. What we see are, there are a
11 lot of officers out there that had body cams that --
12 that either weren't turned on or weren't uploaded.

13 But that becomes incredibly important -- and I
14 think Your Honor will see -- is because tomorrow I --
15 I suspect that I'll be able to impeach a lot of the
16 witnesses on things that were said on body cam, which
17 happened right at the time. I don't know what she
18 said to the officer that evening because it was not
19 reported.

20 And so any descriptions or anything that she gave
21 that night, I can't now use to impeach her.
22 Additionally, Your Honor, she's the one who supposedly
23 took this picture of the -- of the car, but the phone
24 was never collected. The picture wasn't provided to
25 us until a long time later. And that's the subject of

1 another motion.

2 And, Your Honor, this -- the fourth picture is
3 just a closer view of -- or a clear view of the
4 Inakaya because they did have a camera. I spoke with
5 the civil defense attorneys who provided me with what
6 cameras they did have.

7 Obviously, they don't have the footage anymore,
8 but they have what the camera shows, and that camera,
9 in front of Inakaya, goes straight out into the --
10 into the parking lot. And unfortunately, in checking
11 with Ms. Taylor, that simply was not preserved or
12 turned over.

13 So, we understand that dismissing at this point
14 is a serious remedy. But we're certainly asking that
15 -- that, Your Honor, as we go through the trial, and
16 at the end of the trial when we have to make jury
17 charges, understands the basis for some of our
18 spoliation because we're not able to cross examine
19 properly, especially the eyewitnesses because we're
20 missing some of those body cams.

21 THE COURT: Well, how do you know they had
22 functioning body cams at the time?

23 MS. ZMROCZEK: I'm sorry?

24 THE COURT: How do you know they had functioning
25 body cams at the time?

1 MS. ZMROCZEK: Oh, I have lots of body cams.

2 Just -- I'm also missing a bunch of body cams.

3 THE COURT: Well, I know, but how do you know
4 that they exist?

5 MS. ZMROCZEK: Oh, so, Your Honor, what you can
6 see on the other body cams are the actual body cams.

7 THE COURT: I understand that.

8 MS. ZMROCZEK: And some of them have the light
9 on. Some of them don't.

10 THE COURT: Well, I understand you can see
11 them.

12 MS. ZMROCZEK: Right.

13 THE COURT: But how do you know they were
14 functioning?

15 MS. ZMROCZEK: Well, we don't have any reports of
16 any that were not functioning that evening, Your
17 Honor. And, I mean, the ones that were uploaded, we
18 have, but we see a lot of officers who either didn't
19 bother to turn them on or didn't provide -- didn't
20 provide them, nor did -- also didn't provide any
21 statements to go along with why we don't have
22 those, so that would be the basis for that.

23 THE COURT: Well, what -- why are they required
24 to do that? I mean, this isn't a DUI.

25 MS. ZMROCZEK: What's that? No, Your Honor. But

1 -- but there's a policy -- I mean, there's a body cam
2 policy that says if you're -- if you're interacting
3 with the public, you have your body cam on. And --

4 THE COURT: Yeah. But are they supposed to
5 create a report as you just said, that their body
6 cam's not working? Or my body cam battery was dead?
7 I mean, I know in a DUI, they do -- that's statutorily
8 required.

9 MS. ZMROCZEK: Right.

10 THE COURT: But there's nothing
11 statutorily required about that in a general --

12 MS. ZMROCZEK: No. There -- there's not --
13 there's not yet, Your Honor. But we all know that --
14 that's how we get there. I mean, obviously we have a
15 policy for body cams, and so, you know, they -- they
16 have that policy for a reason. So I don't have to sit
17 here and make arguments when I see that they
18 have body cams on, but they're just either not using
19 them or that they were -- or that they weren't
20 working.

21 THE COURT: Ms. Taylor?

22 MS. TAYLOR: Yes, Your Honor.

23 THE COURT: What's the State's position?

24 MS. TAYLOR: On the body camera situation?

25 THE COURT: Yeah.

1 MS. TAYLOR: I have requested all body camera.
2 There are some body cameras -- we spoke to, I think,
3 Deputy Hamlin, and she was talking about her body
4 camera -- it only shows like a few minutes. And we
5 asked her like, is that a technical glitch? Like, why
6 wouldn't your body camera show your whole time period
7 there? And she said, "I don't know. That could just
8 be a technical software issue. So I can't speak to
9 why, you know, she thinks or she believes that there
10 are some body cameras that should have been on or were
11 on and we don't have them.

12 Sometimes when a deputy is training, especially
13 back in 2021, because you have to remember, this was
14 three and a half years ago, that they didn't always
15 have body cameras on trainees.

16 So I really don't know for sure what was on, what
17 was working, if it was a malfunction. But like she
18 said, she does have a lot of other body cameras in her
19 possession that we did turn over.

20 THE COURT: All right. So, Ms. Zmroczek, just so
21 I'm clear, what exactly are you asking me to do?

22 MS. ZMROCZEK: Well, so, Your Honor, I think it
23 -- it -- and it may -- it may be moot, but if
24 some of those officers who are no longer there -- I
25 understand that the State put a lot of people on their

1 witness list. We would ask that we just be allowed to
2 -- to be able to call some of their witnesses under
3 subpoena in the case. We need to get some other body
4 cams in to show what we were -- what -- at least
5 what we can see from other person's body cams.

6 Originally, we would ask for dismissal. We
7 understand that that's, you know, a grave -- a -- a
8 grave remedy. And so we're not trying to be
9 unrealistic, Your Honor, but obviously after all this
10 time, when we don't have access to like the video that
11 was -- whatever was looked at Inakaya that wasn't
12 provided because they didn't think it was relevant, or
13 the other body cams, we just ask that we be allowed to
14 explore that if that becomes an option at this point.

15 MS. TAYLOR: Your Honor, just one last thing.

16 THE COURT: Yes, ma'am.

17 MS. TAYLOR: I think that everything she brought
18 up regarding why Inakaya's body camera or video
19 footage wasn't collected, you know, why -- I don't
20 know if we go further than that. I think that's the
21 -- like impeachment material, cross-examination
22 material for whatever witness is appropriate for that.

23 As far as the witnesses on our subpoena list,
24 some of those witnesses, we have said that we're not
25 going to use this person.

1 So if she wants to ensure that her -- the
2 specific witnesses that she wants, she needs to make
3 sure she subpoenas them because we have told various
4 witnesses, we are not going to use you.

5 However, if you do receive a subpoena for the
6 defense, you need to take it up with them about
7 scheduling and stuff like that.

8 THE COURT: Okay.

9 MS. ZMROCZEK: And we're -- and we've got our
10 staff working on that, Your Honor. Thank you.

11 THE COURT: All right. So I don't need to do
12 anything on that right now?

13 MS. ZMROCZEK: No. I think at this point it just
14 it is probably just more education for the Court in
15 case something comes up. And it will like towards the
16 end of the trial with -- when we talk about jury
17 charges.

18 I know that we talked about this morning
19 certifying *Giglio*. And again, I have no doubt that
20 Ms. Taylor will get with me.

21 MR. FOWLER: I can answer that right now. We
22 heard back from the Sheriff's Department general
23 counsel, and there's no *Giglio* information in
24 anybody's files that is on our witness list according
25 to the Sheriff's Department.

1 THE COURT: Okay.

2 MS. ZMROCZEK: That -- I think that that's
3 covered. All right. So moving on to 3(b) --
4 actually, I don't even think that that's relevant
5 right now.

6 Motion to exclude 404(b) evidence, Your Honor, so
7 3(c). Obviously, if my client does testify, I think
8 that it'll come up at that point. But I know that the
9 Court knows this just from one of the earlier issues
10 -- one of the earlier preliminary matters I had -- but
11 Mr. King did receive a charge that was ultimately
12 dismissed. I would just -- and I know that the
13 witnesses -- the lay witnesses are aware of that. And
14 so I would just ask that the Court remind them to not
15 bring up any *Lyle* information that's --

16 MR. FOWLER: This is in regards to the murder
17 charge that was dropped?

18 MS. ZMROCZEK: Correct.

19 MR. FOWLER: Don't mention the murder charge. I
20 think we're good.

21 MS. ZMROCZEK: Or any -- yeah... Or any
22 *Lyle* that he -- that there exists.

23 THE COURT: Yeah.

24 MS. ZMROCZEK: Unless he testifies.

25 THE COURT: That would be improper testimony.

1 What's next?

2 MS. ZMROCZEK: Thank you. All right. That also
3 takes care of (d). Okay. A motion to suppress the
4 picture of the car. So, Your Honor, as you heard --
5 the car, Your Honor, you heard a little bit of the
6 testimony -- and I'll just mark -- I'm just going to
7 mark as Court's 2 the picture that we're trying to
8 suppress.

9 THE COURT: Okay.

10 MS. ZMROCZEK: And, Your Honor, so this -- as you
11 heard, there was a picture that was taken by Ms. Kiara
12 that evening. She said she took it on her iPhone.

13 Your Honor, I have not been provided any phone
14 download from that. I don't have any time. I don't
15 have any metadata. I don't have any information to
16 corroborate anything from that photo.

17 And what's even more concerning, Your Honor, is
18 that this photo is then posted, as you heard Ms. Reyes
19 testify, to -- on social media. On social media.
20 They put it on Facebook. Someone tells someone, who
21 then tells Ms. Reyes where the car is located. And --
22 and that's information that I've been trying to get.

23 I know that Ms. Taylor has been trying to get, as
24 you heard from the witness. She is not inclined to
25 provide that information.

1 So, Your Honor, at this time, we are arguing to
2 keep that picture of the vehicle out for several
3 problematic reasons. But the number one being there's
4 no metadata.

5 I don't know when it was taken. I don't know
6 what time. And that becomes incredibly important in
7 the defense of this case.

8 THE COURT: Well, Mr. Zmroczek, if there was a
9 Polaroid from 1975, you wouldn't have any metadata
10 either, but as long as there's a witness to say what
11 it is and authenticate it. I think it's admissible at
12 that point.

13 MS. ZMROCZEK: Right. However, it's not 1975.

14 THE COURT: Well, there -- there's nothing in the
15 rules of evidence or anything that I'm aware of that
16 require you to have the metadata for every photograph
17 that the -- that the State intends to introduce.

18 MS. ZMROCZEK: Okay. And so if the Court -- if
19 the Court is inclining to allow the picture in --

20 THE COURT: I mean, I'm not saying it's in. I'm
21 just saying if it is properly authenticated, the
22 appropriate foundation is laid, then I think it may be
23 admissible. But I'm -- I'm not prepared
24 just to not admit it because it doesn't have metadata.

25 MS. ZMROCZEK: Right. Right.

1 THE COURT: I mean, I get why you would want it.
2 It would certainly -- it certainly gives it that much
3 more credibility, I guess, if you will. But I don't
4 think there's a requirement.

5 MS. ZMROCZEK: Okay. And what I think, Your
6 Honor, it really does go into the next motion, which
7 is to suppress anything found from the vehicle. So
8 they -- the State wants to -- as you saw in
9 their motions, they wanted me to stipulate to DNA.

10 The only DNA, Your Honor, was found inside that
11 vehicle, and that's Mr. King's family vehicle. So, of
12 course, his DNA would be found in there. But what
13 causes me great concern is that we don't have any
14 information as to how they knew where this car was,
15 which was -- and the police showed up at Mr.
16 King's house.

17 And obviously everything -- and there
18 was no search warrant done. They claim that they got
19 consent. I think that there's -- there are issues
20 with that consent, but we will be seeking at -- at the
21 appropriate time to suppress any DNA or fingerprints
22 from that vehicle.

23 And that may be -- and we may be ahead of -- you
24 know, we may be ahead of the game. I'm just trying
25 to, while we have the time, let the Court be aware of

1 -- of things to be on the lookout for as well.

2 THE COURT: What's Counsel's position on that?

3 MR. FOWLER: Is she moving now at this
4 point to suppress the search of the vehicle?

5 MS. ZMROCZEK: Yeah, I'm moving to suppress the
6 search of the vehicle.

7 THE COURT: Okay.

8 MR. FOWLER: Okay. Your -- Your Honor, first of
9 all, in regards to how police got to that vehicle,
10 that has absolutely no bearing on the legality or
11 illegality of the search.

12 THE COURT: I would agree with that.

13 MR. FOWLER: Secondly --

14 THE COURT: So let's move on the legality of the
15 search.

16 MR. FOWLER: Yeah. Secondly, Your Honor, it
17 would be the State's position that at the time of the
18 search, Mr. King had no standing to object whatsoever
19 to the search of this vehicle, being that the only
20 registered owner of it was his then girlfriend, Ashley
21 Walcott.

22 So it would be the State's position that -- while
23 he may have a subjective expectation or expectation or
24 reasonable expectation of privacy, he does not have an
25 objective one. I don't think he's prepared to

1 acknowledge that he has standing to object to the
2 search of his girlfriend's car.

3 Thirdly, Your Honor, we do have a signed consent
4 to search that car from the registered owner, Ms.
5 Ashley Walcott. And she gives consent on body camera,
6 Your Honor. And I mean, Your Honor, I think the
7 investigator who got this consent search didn't
8 show up today, but we'd be happy to get her in
9 tomorrow morning to provide appropriate testimony if
10 Your Honor feels we need to.

11 THE COURT: Okay.

12 MR. FOWLER: But at this point in time, I don't
13 even think there's a need for a hearing because I
14 don't even think she's made the baseline showing that
15 this search might be illegal.

16 MS. ZMROCZEK: Okay. And I think, Your Honor,
17 that's one of the things that I try to do, is just
18 alert the Court as to things that may come up.

19 So I don't -- I don't necessarily think that --
20 that we even need to have a ruling on it at this
21 point. And I think that the same would go for (g),
22 as referred -- 3(g) as well.

23 MR. FOWLER: Your Honor, I just need to know
24 if we're gonna have a suppression hearing, so
25 that I can have the appropriate witnesses ready. As

1 she indicated that she was moving to suppress right
2 now. And now she's saying at some point in the
3 future.

4 So I just want to know if I need to have
5 witnesses ready for a suppression hearing.

6 MS. ZMROCZEK: I'll withdraw it, Your Honor.

7 THE COURT: Okay. What's next?

8 MS. ZMROCZEK: Your Honor, I think that the next
9 thing we probably need to talk about are stipulations.
10 So I received a bunch of notifications from the State
11 that they want to introduce certain items.

12 And so one of them, Your Honor, would be the --
13 would be the mugshot of Mr. King from the jail that
14 when he -- from when he was arrested, on August 21st
15 or 24th, Your Honor. I think 24th.

16 And, Your Honor, they want to -- I'm not quite
17 sure what they want to submit because they sent me
18 just a picture of the mugshot, and then they sent me
19 kind of a booking information sheet.

20 So, Your Honor, we would object to both the --
21 the mugshot, the introduction of the mugshot, Your
22 Honor, of a defendant is reversible error unless the
23 State has a demonstrable need to introduce a
24 photograph. The photo -- or need the photograph was
25 shown.

1 The photograph shown to the jury does not
2 suggest the defendant has a criminal record. And (c)
3 the photograph does not introduce in such a way as to
4 draw attention to its origin or implication. And
5 that's *State v. Traylor*, which is 360 S.C. 74, 600
6 Southeast 2nd, 523 2004.

7 In *Traylor*, the Supreme Court strongly admonished
8 the state against the utilization of such photos,
9 except in the rarest of cases.

10 So that would be our next motion, Your Honor, is
11 to suppress the introduction of any booking sheet or
12 mug -- mugshot.

13 THE COURT: Ms. Taylor?

14 MS. TAYLOR: Yes, Your Honor. First of all, we
15 would not be referring to this photo as a mugshot. We
16 would be referring to it as a booking photo, probably
17 the term that corrections used.

18 As far as the case law, the South Carolina case
19 law regarding the admission of what they refer to as
20 mugshot back in 1977, came from a South Carolina
21 Supreme Court case called *Eidson*. And like she just
22 laid out, it was three-part test to determine the
23 admissibility of a mugshot.

24 And the majority of the cases that have come
25 since then where this issue has arisen, has almost

1 exclusively been for eyewitness identification cases
2 like this one.

3 When it's part one, which she -- when talks about
4 the State has a demonstrable need to introduce a
5 photograph.

6 *State v. Stevens*, the court emphasized that when
7 the defendant's central theme and strategy at trial
8 was spreading the eye witnesses' identification of the
9 defendant in the lineup, and the reliability of those
10 witnesses identification of the defendant, then by
11 using that strategy, the defense themselves has
12 increased the probative value of the mugshot that is
13 used in the lineup. And that it should be shown to a
14 jury.

15 *State vs. Green* also talks about that the booking
16 photo was important for witness credibility because it
17 allowed the jury to assess the credibility of the
18 detectives and the witnesses' identification of the
19 defendant.

20 The probative value was further enhanced because
21 the defendant challenged the victim's identification,
22 therefore became crucial for the jury to assess the
23 victim, the detective's identification of defendant.

24 In our case, as we've already seen in pretrial,
25 their whole strategy is attacking the lineups and the

1 credibility of the eyewitnesses. They're also
2 discrediting Investigator Short, why he put Jaquan
3 King's photo in the lineup based on the physical
4 descriptions.

5 So we have to prove the identity of the shooter,
6 and we need to present evidence in the form of a
7 photo, which happens to be a booking photo because we
8 know exactly what date that photo was taken and close
9 to the incident that we were talking about. So the
10 jury can compare how he looked at the time of the
11 incident and how he looked like three weeks later.
12 State can access the credibility of the ID.

13 As far as part two, the photo can't suggest that
14 he had a prior criminal record. Jurors aren't dumb.
15 You know, they have a basic common sense to understand
16 that the reason we are here today is because at some
17 point, Jaquan King was arrested for these charges and
18 he was booked into a jail and took a photo.

19 So in our case, the photo that -- so the photo
20 that was used in the lineup came from January, 2021.
21 That came from arrest he had on that day.

22 Now, we would not mention that that photo came
23 from that arrest. But the courts have ruled that
24 prior mugshots are admissible. And *State vs. Green*
25 and *State vs. Stevens* both state that the jury would

1 probably assume any booking photo came from the
2 current arrest.

3 And then the third part of the test the photo
4 that's introduced in such a way to draw attention to
5 the origin and information.

6 Once again, *State vs. Green*, there was testimony
7 from a witness that the booking photo was a fair and
8 accurate description of the defendant at the time he
9 was arrested.

10 We would have the -- someone from Alvin S. Glenn,
11 the custodian, say like, this is when this photo was
12 taken. And it would be implied that the photo was
13 taken at the time of his arrest.

14 And I'll show you the booking sheet that she's
15 talking about, that we received from the jail.
16 There's an original version of it, and then there's a
17 redacted version of it.

18 So the original version has his offender ID, his
19 booking ID, and the booking date. I redacted anything
20 about offender booking, his warrants, anything about
21 his bonds, arrest and all that stuff.

22 And we would submit the redacted version of that.
23 And we would have the custodian come and testify like,
24 yes, this is -- a very limited purpose for this
25 testimony -- is -- this is the photo? This is the

1 information that we were provided on this specific
2 date.

3 MS. ZMROCZEK: So, Your Honor, my suggestion --
4 again, without --

5 THE COURT: Well, I was thinking the same thing
6 right there.

7 MS. ZMROCZEK: Yep. So my suggestion without --
8 without, you know -- I mean just -- if this isn't
9 gonna make or break the case, but if it does -- this
10 is what I would agree to.

11 This is what I think is -- is not objectionable
12 because it has the date, obviously. Right? And so we
13 don't have to worry about the January -- the January
14 photo that was used in the photo lineup.

15 I mean, I think we can look that they're fairly
16 similar. But this, as she said, one of the reasons
17 that they want to rely on it is because it -- it was
18 close in time to what he looked like.

19 And this photo, Your Honor, which I mean they can
20 have -- I'm sure they can print a fancier one -- I'm
21 okay with this, as opposed to that.

22 I mean, I'm not -- I'm not trying to be
23 completely difficult, but this would be my suggestion,
24 is instead of all of that little bitty nonsense, is
25 this is the actual photo with the date on it.

1 THE COURT: And that was going to be my next
2 question to you before Mr. Zmroczek spoke up, is there
3 no way you can just put in the photo without all the
4 booking information?

5 MS. TAYLOR: So it's not necessarily about the
6 booking information. It's about the identifying
7 information that he provides, his height, his weight,
8 his address. Those are all relevant to the
9 descriptions that the witnesses gave. So that is was
10 why we would be wanting to use this information.

11 MS. ZMROCZEK: If we could superimpose that --

12 THE COURT: Well, let me see the --

13 MS. TAYLOR: I mean, unless she would consent to
14 us allowing -- I mean, I don't know who would have
15 testified --

16 THE COURT: Well, yeah, I mean I -- I don't see
17 anything wrong with that.

18 MS. TAYLOR: That was the redacted --

19 THE COURT: That's the redacted version.

20 MS. ZMROCZEK: Okay. That, I'm okay with.

21 MS. TAYLOR: That's what I --

22 MS. ZMROCZEK: Okay. Yeah. Sent me so many I
23 can -- because she sent them back to back too, so,
24 Your Honor.

25 THE COURT: So we're okay with that photo coming

1 in as is?

2 MS. ZMROCZEK: The redacted -- the redacted
3 version.

4 THE COURT: All right. So we'll note that is
5 withdrawn.

6 MS. ZMROCZEK: Okay.

7 THE COURT: Okay. What you got next, Ms.
8 Zmroczek?

9 MS. ZMROCZEK: I think those covered all of mine
10 for the time being. The stipulations, Your Honor, the
11 -- so they sent me some more -- they sent me some more
12 under the business record exception. They wanted to
13 put in his driving history.

14 MS. TAYLOR: It's not his history.

15 MS. ZMROCZEK: Okay.

16 MS. TAYLOR: We would be putting in -- it's
17 basically cut his picture. It was from I think 2018.
18 The issue date as --

19 MS. ZMROCZEK: You're putting this? Just this?

20 MS. TAYLOR: Yes.

21 MS. ZMROCZEK: Just this?

22 MS. TAYLOR: Just that.

23 MS. ZMROCZEK: Okay. If they put just this
24 picture in, then we have no objection, Your Honor.
25 And that would be a picture from his driver's license.

1 MS. TAYLOR: Yes.

2 THE COURT: Okay.

3 MS. TAYLOR: Not his --- again, his suspensions
4 or none of that stuff.

5 MS. ZMROCZEK: Right. That's what I was
6 concerned about.

7 THE COURT: All right. No objection to DL photo.
8 All right. What's next?

9 MS. TAYLOR: And then the other affidavit with
10 the 911 recording of the business affidavit.

11 MS. ZMROCZEK: Yeah. And we have that -- we have
12 that person under -- because they're not putting all
13 the recordings in, so we're going to have to call them
14 in our case-in-chief. They sent me a -- an affidavit
15 for the 911 calls, but then I said, oh, great because
16 I was going to call them and she's like, oh, we're not
17 putting them all in. And so I put her -- I put that
18 person under subpoena.

19 THE COURT: Okay.

20 MS. ZMROCZEK: So that's fine. I have no
21 problem with them getting whatever they want to get
22 in.

23 THE COURT: Okay.

24 MS. TAYLOR: Is that -- is that all your motions,
25 Ms. Zmroczek?

1 MS. ZMROCZEK: I think so.

2 MS. TAYLOR: Okay. I think we just have a couple
3 that's really, really fast, Your Honor. So as far as
4 number one, I'm so unclear about the stipulation of a
5 DNA -- DNA evidence chain. Like, we'll call the
6 person who took a swab and the person who tested it.

7 MS. ZMROCZEK: Your Honor --

8 MS. TAYLOR: Because she said she wanted -- as
9 long as we said that he came in Richland County and
10 voluntarily gave the buccal swab, then you were fine
11 with it.

12 MS. ZMROCZEK: Yeah, I -- we're okay with
13 that, Your Honor.

14 THE COURT: Okay. So you're --

15 MS. ZMROCZEK: Stipulating to the DNA chain.
16 Yes.

17 THE COURT: All right. Stipulating to the chain,
18 so we don't have -- to have the person that says --

19 MS. ZMROCZEK: -- five witnesses.
20 Correct.

21 THE COURT: Yeah. Okay. Good. Thank you.

22 MS. ZMROCZEK: You're welcome.

23 MS. TAYLOR: And then our next motion is the
24 Defendant's rejection of the offer on the record. On
25 February 2nd, 2024 -- and as you heard at this time,

1 he was charged with murder.

2 I was still kind of investigating it, figuring it
3 out, so I did kind of include that, but that's
4 irrelevant at this point. His offer that was sent
5 February 2nd was plea to two counts of attempted
6 murder for 10 to 20 years, a recommendation of 10 to
7 20 years. Dismissed a murder and possession of a
8 weapons charge.

9 Then I said I was open to a reasonable counter
10 offer regarding numbers of years within that range, or
11 he could plead straight up. Then it kind of gave her
12 a list of our plea and trial sessions for the upcoming
13 month.

14 Then on February 16th Mr. Zmroczek replied back
15 and said, "After meeting with Mr. King, he's adamant
16 that he hasn't committed any crime. However, he would
17 plead under *Alford* to a sentence of five years
18 probation, no PTUP." She knew -- she knows I was
19 asking for some time. And I -- that was not something
20 that I was open to doing.

21 So, can we just have him reject the offer
22 pleading to two counts of attempted murder 10 to 20.
23 He's not pleading anything.

24 MS. ZMROCZEK: And -- and, Your Honor, I think
25 without him actively rejecting it, I can simply say

1 that -- that is an accurate reflection of our -- not
2 only my communications with the client, but my
3 communications with the State.

4 THE COURT: Okay. And I'll note that he is here
5 and appears to be prepared for trial, which would
6 certainly suggest he rejects the offer.

7 MS. ZMROCZEK: Yes. Thank you.

8 THE COURT: All right. What's next?

9 MS. TAYLOR: Renewal of Civil Court Rule 5. I
10 feel like both of us have been really good about
11 sending stuff to -- to each other. So just putting
12 that back on the record.

13 THE COURT: Okay.

14 MS. TAYLOR: And then the sailing of
15 criminal records of witnesses. There's only, I think,
16 one witness -- Tramier Brown, the 2022 breach of trust
17 under 2000. And then Mr. Jack King, the Defendant's
18 father, has some things from New York. But Ms.
19 Zmroczek knows what those are. The ones with Mr.
20 Jaquan King, actually, he does have a conviction. He
21 has a couple of convictions, but I think the
22 relevant ones in this situation would be a 2018
23 South Carolina conviction for discharging a firearm
24 into occupied a vehicle, where he was sentenced at
25 five years. He was suspended six months probation.

1 So if he does testify, that could potentially come up.

2 THE COURT: Okay.

3 MS. ZMROCZEK: I think -- I think that's correct.

4 THE COURT: Do you agree with all those?

5 MS. ZMROCZEK: I thought -- I think those are --
6 that's -- those are the only ones that we saw.

7 THE COURT: Okay.

8 MS. TAYLOR: And I think that's all of the
9 State's motions.

10 MS. ZMROCZEK: I guess, Your Honor, we
11 didn't discuss it at lunch. I meant to, and then, you
12 know. My client is out on bond.

13 THE COURT: Yep. All right.

14 MS. ZMROCZEK: And I --

15 THE COURT: My lawyer over here reminded me about
16 that. I got a note here to do that, too.

17 MS. ZMROCZEK: And he -- Your Honor, he's on an
18 ankle monitor. I've spoken with the bonding company.
19 As you can see, he's got -- he's got a strong
20 family ties. He's been here all the time. We would
21 ask that the Court allow him to remain out, with the
22 understanding that he knows -- I mean, and he knows,
23 Your Honor -- that if he doesn't show, this ain't
24 stopping, it's going forward without him.

25 THE COURT: Okay. The State got any objection to

1 that?

2 MS. TAYLOR: I'll leave in your discretion, Your
3 Honor.

4 THE COURT: Okay. I'm going to continue him on
5 bond during the trial. You know, he's monitored. He
6 hadn't appeared to have had -- or not -- none that
7 have been brought to my attention, any violations of
8 the GPS monitoring. So I'm inclined to let him remain
9 on bond during the course of trial. And like Ms.
10 Zmroczek said, it's going on with or without you, so
11 if you -- if you change your mind, don't want to show
12 up tomorrow, we still going forward.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Very good. Anything else?

17 MR. SCOTT: Just it -- occurs to me one --

18 THE COURT: You can sit back down. You don't
19 have to stand up. You all right.

20 MR. SCOTT: Motion in *limine* that we would
21 propose. There is -- and I think that's probably -- I
22 think these are lawyers maybe that are involved in
23 some collateral civil litigation. We would ask to
24 preclude any mention of that. I don't see how that
25 would be relevant. Civil litigation that was

1 filed after this incident date and after the criminal
2 investigation began.

3 MS. ZMROCZEK: Your Honor, I think that the only
4 time it could come up is -- so there have been already
5 several statements, as you'll learn tomorrow, there
6 are going to be several more statements for -- for
7 impeachment. So if something is said
8 differently than it was pled, I would -- I would just
9 bring it up then. I think that's something that if --
10 if I even need to, which I don't -- I don't think
11 I do, because I think that the statements here are so
12 frequent and so documented that it's just
13 another statement. But I'll certainly allow -- I
14 won't say anything about it. But if I feel like we
15 need to approach it at that point for impeachment
16 purposes only, then --

17 THE COURT: So you have -- you have like sworn
18 statements to like insurance companies or depositions
19 or something like that?

20 MS. ZMROCZEK: Just the pleadings, Your Honor.

21 THE COURT: Oh, the pleadings themselves.

22 MS. ZMROCZEK: Um-hum (affirmatively).

23 MR. SCOTT: That would be the argument. I
24 -- those aren't -- I've got some examples, although
25 they're not statements by any witness. They are

1 lawyer's answers to interrogatories, and they're not
2 in the form of any kind of statement by any witness.

3 MS. ZMROCZEK: I think the initial complaint is
4 though, Your Honor. I'm not -- I'm not talking about
5 a -- I don't -- I'm not talking about the
6 discovery -- discovery statements and things like
7 that. If they said something significantly different
8 than the -- than the complaint.

9 THE COURT: Well, Ms. Zmroczek, that's drafted by
10 their lawyer. I -- I mean they -- certainly, by
11 hiring the lawyer and signing a fee agreement, I guess
12 they implicitly adopt those. But --

13 MS. ZMROCZEK: Under Rule 11.

14 THE COURT: They don't -- well, no. The -- the
15 client is not subject Rule 11, but they certainly
16 don't know all the legal stuff going on in a summons
17 and complaint, I mean.

18 MS. ZMROCZEK: Right. And I don't think that it
19 -- like I said, I (a) I will not mention it at all,
20 and I don't think that I will. So I don't -- I don't
21 -- I don't foresee a problem with that, but I'll make
22 sure just to be cognizant of that so it doesn't come
23 up.

24 THE COURT: If it comes up and you feel like you
25 need to -- or it's going to be an issue, y'all just --

1 we'll take a break and talk about it again.

2 MS. ZMROCZEK: Certainly.

3 THE COURT: Right now my initial inclination of
4 this -- all it is a pleading, let's stay away from it.
5 If it is a statement or a deposition in the civil
6 case, certainly I think that's probably fair game.
7 But it would be used still though without reference to
8 that proceeding.

9 MS. ZMROCZEK: Sure. Absolutely.

10 THE COURT: Okay.

11 MS. TAYLOR: And just one last thing. Kind of
12 housekeeping. I know we have a big party for the
13 defendant. We have a big party for the victim. So if
14 we could have the courtroom deputies kind of not --
15 kind of make sure when one side goes out make sure one
16 side is in and if the other side is outside.

17 MS. ZMROCZEK: And, Your Honor --

18 THE COURT: Okay.

19 MS. ZMROCZEK: And not to cut her off, but I, in
20 fact, had spoken with my -- all of our people and with
21 the deputies this morning and advised them of the
22 same. And I advised -- what I advised them is that
23 everybody who's here with Mr. King and his family and
24 supporting him must remain here until I tell them they
25 can go. And I spoke with Deputy Kelly this morning

1 about letting him know that I told them that. I think
2 that's only fair.

3 And so we -- and we -- because there -- there's
4 so many witnesses, Your Honor, that are so intimately
5 connected to this, we both agreed -- I'm not speaking
6 out of term -- to not seek sequestration.

7 THE COURT: All right.

8 MS. ZMROCZEK: And so -- but I think that this is
9 probably the easiest way, is that I talk to my family
10 members and said, look, we don't want to run into
11 jurors and we don't want to run into other parties.

12 So until I tell you to leave, you stay here. And
13 I think that they are certainly amenable to that and
14 the Court is certainly aware of it.

15 THE COURT: Okay.

16 MR. FOWLER: Sounds good.

17 THE COURT: All right. I told the jury to be
18 back here at 9:00, so let's be ready to go as soon
19 after 9 o'clock as we can.

20
21
22
23
24
25 (Court adjourned for the day.)

CERTIFICATE

I, THE UNDERSIGNED BRANDI J. BERRY, CERTIFIED COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 28TH DAY OF FEBRUARY, 2025.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/Brandi J. Berry, CVR

COLUMBIA, SOUTH CAROLINA

JANUARY 8TH, 2026

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
)
COUNTY OF RICHLAND)
)
STATE OF SOUTH CAROLINA) 2022-GS-40-00069
) 2022-GS-40-00070
vs) 2022-GS-40-00071
)
JAQUAN LEON KING,)
)
DEFENDANT.)

February 25, 2025
Columbia, South Carolina

VOLUME II of V

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B E F O R E:

The Honorable Heath P. Taylor, Judge

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

ON BEHALF OF THE STATE: Stephanie Taylor, ESQ.
Nicholas Fowler, ESQ.
Dale Scott, ESQ.
Assistant Solicitors

ON BEHALF OF THE DEFENDANT: Aimee Zmroczek, ESQ.
Attorney At Law
Brian Setree, Investigator
Caroline Burns, Law Clerk

Brandi J. Berry,
Judicial Circuit Court Reporter

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1 (TUESDAY, FEBRUARY 25, 2025; COLUMBIA, SC,
2 RICHLAND COUNTY, IN OPEN COURT.)

3 THE BAILIFF: All rise. Court, come to order.

4 THE COURT: Please, be seated.

5 THE BAILIFF: All cell phones must be turned off
6 unless authorized.

7 THE COURT: State ready?

8 MR. FOWLER: We are, Your Honor.

9 THE COURT: Defense ready?

10 MS. ZMROCZEK: Your Honor, I just need to test
11 out the technology, really quickly, if that's all
12 right?

13 THE COURT: Let's do it really quickly.

14 MS. ZMROCZEK: Thank you, Your Honor.

15 THE COURT: Before we get started, I just need to
16 put something on the record. It was brought to -- I
17 don't bring my cell phone on the bench with me so I
18 don't get distracted.

19 But I got a message when we finished up
20 yesterday, that one of the jurors works in the same
21 law firm as my wife. My wife is a paralegal with the
22 Strom Law Firm. And one of the jurors selected is a
23 lawyer there and my wife works on her team. I let all
24 the lawyers know yesterday.

25 I don't think there's any objection from the

1 State or the defense moving forward and again I don't
2 know if that is even a legitimate conflict that would
3 result in removing the juror and replacing her with
4 the alternate.

5 I just wanted for purposes of the record to
6 disclose that to everyone. Again, I don't know that
7 that warrants replacing her. I started thinking about
8 it -- you know, I am a -- reside in a small county, in
9 Calhoun County. I'm not sure what the odds are of me
10 selecting a jury there that I don't know somebody on
11 the jury.

12 So, I just wanted that on the record for
13 everyone. I don't see it as a conflict. And I
14 believe there were no objections from either party.
15 No objections from the State?

16 MR. FOWLER: No, Your Honor.

17 MS. ZMROCZEK: And none from the defense, Your
18 Honor. I even think it fell under the conflict --

19 THE COURT: Yeah, I just wanted -- just out of
20 the abundance of caution, make sure everyone knew.

21 MS. ZMROCZEK: We surely appreciate that,
22 certainly. Your Honor, I just need to -- we're still
23 trying to make sure it plays, so...

24 THE COURT: Ok, no problem.

25 (There was a brief recess.)

1 THE COURT: Y'all ready?

2 MS. ZMROCZEK: Yes, Your Honor.

3 MR. FOWLER: The State is ready, Your Honor.

4 THE COURT: All right. Bring in the jury,
5 please, sir.

6 (The jury enters the courtroom at 9:17 am.)

7 THE BAILIFF: Juries present and seated, Your
8 Honor.

9 THE COURT: Thank you, Mr. Tolbert.
10 Madam Clerk, would you please swear the jury.

11 MADAM CLERK: Yes, Your Honor.

12 Ladies and gentlemen of the jury, please stand and
13 raise your right hand to be sworn. After this oath,
14 please acknowledge by answering "I do".

15 (The jury trial oath was administered.)

16 THE JURY: I do.

17 MADAM CLERK: Thank you. Please have a seat.

18 THE COURT: All right. Ladies and gentlemen,
19 we're about to begin the trial of the case versus
20 Jaquan Leon King. Thank you for accepting your
21 responsibility of jury service and for your
22 contribution to our judicial system. Without folks
23 like you being willing to serve, we simply cannot
24 function. What I'm going to do right now is give you
25 some instruction that are intended to be an

1 introduction to the trial. What I'm going to tell you
2 right now is not a charge on the law in the case.
3 I'll instruct you on the law applicable at the end of
4 the trial before you consider your verdict.

5 What I'm going to do now is just an explanation
6 of the procedure we're going to follow during the
7 trial to help you better understand what's happening.
8 You're not taking notes during this trial. I
9 typically don't allow that.

10 The Defendant is charged by warrants and a
11 subsequent indictment of two counts of attempted
12 murder and one count of possession of a weapon during
13 the commission of a violent crime. I'll explain the
14 elements to you later.

15 The warrants, indictments -- and indictments in
16 the case are simply the charge by what -- with the
17 case is brought into court. And does not in any sense
18 evidence of any allegations contained in the
19 indictment.

20 The Defendant has pled not guilty to the
21 indictments. Therefore, the State has the burden of
22 proving each of the evidence beyond a reasonable
23 doubt. And it's your duty to decide whether the State
24 has met that burden.

25 Your purpose as jurors is to determine the facts.

1 You are the sole judge of the facts. If at any time I
2 make any comment regarding the facts, you must
3 disregard it.

4 You determine the facts from the testimony you
5 hear and other evidence introduced in court. So you
6 determine the inferences which you feel may be
7 properly drawn from the evidence.

8 It's especially important that you perform your
9 duty to determine the facts diligently and
10 conscientiously, because ordinarily, there is no way
11 to correct an erroneous determination of the facts by
12 a jury.

13 If I make an error on the law, there's some folks
14 down the end of Sumter Street that'll get me
15 straightened out. But the fact finders -- they
16 typically don't invade the providence of the fact
17 finder.

18 Now, on the other hand, with equal emphasis, on
19 the same rules that make you the judge of the facts,
20 make me the judge of law. And the law that's given to
21 you is the only law you may consider. You must accept
22 it and follow it, even though you may disagree with
23 it.

24 I can't tell you what the facts are and you
25 cannot disagree with me about what the law is or

1 should be. Your job is to take the law as I give it
2 to you, and apply it to the facts as you find them
3 from the testimony of the witnesses and other evidence
4 that's introduced. After doing that, you'll give your
5 verdict under oath you just took.

6 Until I advise you to begin your deliberations,
7 you must not discuss the case with anyone including
8 your fellow jurors, friends, family members, or anyone
9 involved in the case.

10 You must decide the case based solely on the
11 evidence presented in this courtroom. That means
12 during the trial, you must not conduct any independent
13 research about the case by searching the media,
14 internet, websites, blogs, anything like that, or use
15 any other of your -- use any of your electronic
16 devices to get any information.

17 After the case is submitted to you, you must
18 discuss it only in the jury room with your fellow
19 jurors. The attorneys and the parties have been
20 instructed not to talk to you at all.

21 If you see anyone involved in the case, and they
22 don't even say "hello", they're not being unfriendly,
23 they're just following my instructions. It's
24 important for you to keep an open mind and not decide
25 any issue in the case until all the evidence has been

1 presented, part -- and after the parties have
2 presented their closing arguments and I have
3 instructed you on the law. If you become aware of
4 another juror's violation of these instructions, you
5 must inform me immediately.

6 In just a moment, the Solicitor will make what's
7 called an open statement, which the Solicitor will
8 explain to you the issues in the case, or at least
9 what the Solicitor thinks the issues are in the case.

10 The Attorney -- or the Defendant may also make an
11 opening statement, although she's not required to do
12 so. What the attorneys tell you during their opening
13 statements is not evidence. It's only their
14 contention as to what the issues are or what they
15 believe the evidence may show.

16 After opening statements, testimony will begin.
17 It's your responsibility to determine the guilt or
18 innocence of the Defendant and your verdict must be
19 based solely on the evidence as it's presented to you
20 in this courtroom during the trial, and on the law, as
21 I instruct you during and at the close of the trial.

22 The evidence in this case will be presented to
23 you by the testimony of sworn witnesses from this
24 witness stand and -- and by exhibits that may be
25 introduced during the course of the trial.

1 To determine what the facts are in the case, you
2 must decide whether testimony of the witness is
3 believable, and it would be my responsibility to rule
4 as a matter of law as to whether certain testimony is
5 admissible.

6 But once the testimony is admitted, it is solely
7 for you to determine the believability of a witnesses
8 testimony. In deciding whether to believe a witness,
9 you have the right to consider the interest of any
10 witness, the bias of any witness, the prejudice of any
11 witness, the opportunity for the witness to have seen
12 the matters and things about which the witness
13 testifies in the way the witness acts on the witness
14 stand.

15 You have the right to consider anything that is
16 in the record that will help you evaluate the
17 testimony of the witnesses. That means you'll need to
18 pay close attention to the witnesses, observe the
19 witnesses, listen to them, and pay close attention to
20 the attorneys, and my instructions later on.

21 Please, don't let your thoughts wander and give
22 strict attention to the testimony. So at the end,
23 after the arguments of counsel and my charge on the
24 law, you'll be in a position to determine what the
25 applicable facts are and apply the law to those facts

1 and render a verdict.

2 From time to time, you may hear one of the
3 lawyers say something like, Your Honor, I think we
4 have a question of law or a matter of law to discuss
5 with you, or may we approach, or sometimes I might
6 myself find it necessary to excuse you from the
7 courtroom for a short while so the attorneys and I can
8 discuss a matter of law.

9 The reason for this is you are the judges of the
10 facts in the case. And sometimes when I'm discussing
11 matters of law with the lawyers, it may be necessary
12 for me to make some comment on the facts in connection
13 with ruling on whether or not a particular law
14 applies.

15 I'm not supposed to tell you what the facts are.
16 So I'll excuse you from the courtroom while these
17 discussions take place, so that I won't in any way
18 influence your fact-finding mission. All right. I
19 need to appoint a foreperson. Ma'am, what's your
20 juror number?

21 JUROR 345: 345.

22 THE COURT: 345.

23 You picked the lucky chair. So you're going to
24 be our foreperson. You'll preside in the jury room.
25 Your -- your vote doesn't count more than anyone

1 else's and you won't get paid anymore.

2 But if you have -- if there's any communication
3 with me, you would send out notes, things like that.
4 And I'll give you further instructions on that at the
5 end. All right. Any exceptions to anything I've told
6 the jury thus far from the State?

7 MR. FOWLER: No, Your Honor.

8 THE COURT: From defense?

9 MS. ZMROCZEK: No, Your Honor.

10 THE COURT: State is recognized.

11 MR. FOWLER: Thank you, Your Honor. May it
12 please the Court?

13 THE COURT: Yes, sir.

14 STATE'S OPENING STATEMENT

15 MR. FOWLER: Fragile egos, reckless gun play, and
16 senseless violence. I want you to remember those
17 three things because that's what this case is about.
18 It's something that's happening more often.

19 Sadly, it's becoming a frequent occurrence. But
20 remember -- remember those three things throughout
21 this trial: fragile egos, reckless gun play, and
22 senseless violence.

23 August 1st, 2021, there's a celebration
24 happening. Jacob Cora, who is one of our victims in
25 this case, he's out with his Aunt Yolanda, his mom,

1 Judy, several other friends, and family. They're at a
2 bar called "Tsubaki". It's on Oneil Court, off of
3 Parklane, near Two Notch.

4 They're singing karaoke. They're celebrating,
5 they're having a great time. As the night's winding
6 down, Jacob's group decides to leave, and they're
7 going to go to Waffle House. Jacob's mom, Judy, is
8 the designated driver. She's gonna drive them all to
9 Waffle House that night.

10 Also, leaving the bar that night is Jaquan King
11 and his group of friends. Now, as Jaquan's group
12 exits into the well-lit parking lot right outside
13 Tsubaki, one of his friends tries to flirt with Aunt
14 Yolanda. And Aunt Yolanda politely declines the
15 advance.

16 Well, Jaquan's friend doesn't take this well at
17 all. Fragile egos. So Jacob walks over to his aunt
18 to come to her aid.

19 And there's some words that are exchanged.
20 Jaquan decides to come over and partake in this
21 argument as well, inserting himself into a situation
22 that had nothing to do with him from the start.

23 Now, Jacob's mom, Judy, walks over to where Jacob
24 and Yolanda are to tell Jacob, it's time to go and
25 we're gonna go to Waffle House.

1 Unbeknownst to Judy or Yolanda or Jacob, Jaquan
2 King has a gun on him and he plans to use it.
3 Reckless gunplay. He's got it in his waistband. He's
4 maybe retrieved it from his car, or he has had it on
5 him the whole night.

6 Well, Jaquan, while engaged in this altercation
7 that did not involve him at all, this exchange of
8 words, because one of his friends had a hurt ego,
9 makes some threats that you're going to hear about,
10 and he makes good on those threats.

11 Jaquan pulls that gun out, and he shoots Yolanda
12 once in the chest. And he shoots Jacob twice -- once
13 in the leg and once in the neck. And then Jaquan and
14 his friends jump in his gray Ford Fusion and flee the
15 scene. Senseless violence.

16 Jaquan made a choice that night. He made a
17 choice to involve himself in a situation that had
18 nothing to do with him. He made a choice to pull out
19 a gun and to use it. He formed an intent. He formed
20 a specific intent to kill that night. He made the
21 choice to be judge, jury, and executioner in a
22 situation that had nothing to do with him.

23 That night, Jaquan made the choice, with malice
24 in his heart, to try to kill Jacob and Yolanda Cora.
25 Now, thankfully, he failed. Jacob and Yolanda are

1 here. Stand up, Yolanda and Jacob (demonstrating).
2 They're here. They're gonna tell you about that
3 night. They're gonna tell you about Jaquan shooting
4 them.

5 Other -- you guys can sit down. Others that were
6 with them are gonna come get on this witness stand,
7 and they're gonna tell you about that night. The
8 image of Jaquan King trying to kill their loved ones
9 seared into their brains. You're gonna hear from
10 them.

11 The testimony in this case, the evidence in this
12 case, is gonna show you beyond a reasonable doubt that
13 Jaquan King is guilty of attempting to murder Jacob
14 Cora and Yolanda Cora.

15 The testimony that you're gonna hear about that
16 tragic, life-altering night, and the evidence you're
17 gonna see come from that witness stand, is gonna leave
18 you firmly convinced of what Jaquan King's intent was
19 that night-- which was to kill those two.

20 You're gonna be firmly convinced of his actions:
21 making those threats, pulling that gun out, firing it
22 three times. And for what? A meaningless argument
23 that had nothing to do with him.

24 Fragile egos, reckless gunplay, and
25 senseless violence. When you go into that jury

1 room, you will be able to find Jaquan King guilty
2 beyond a reasonable doubt for trying to kill
3 Jacob and Yolanda Cora. Thank you.

4 THE COURT: Ms. Zmroczek.

5 MS. ZMROCZEK: May it please the Court?

6 THE COURT: Yes, ma'am.

7 DEFENSE OPENING STATEMENT

8 MS. ZMROCZEK: They got the wrong guy, and
9 they're telling the wrong story. Chaos and confusion.
10 I'm going to say that one more time: chaos and
11 confusion.

12 You'll hear a lot of C words in my opening
13 because kind of what the focus of this case is, chaos
14 and confusion, which leads to determinations on
15 credibility. And one thing that when Judge Taylor
16 instructs you at the end of the case, he's going to
17 tell that each and every one of you sat through our
18 jury selections, and each and every one of you brings
19 something to this jury. And that's your common sense.

20 Because the chaos and the confusion and the
21 terrible, terrible things that happened to Yolanda and
22 Jacob were not the result of Mr. King. They're just
23 not.

24 I always love opening statements because y'all
25 sat through, y'all listened. You heard a little bit.

1 You heard the indictments. And what is this going to
2 be like? Well, it's not going to be like it's on TV.
3 One thing is, we're definitely going to be here longer
4 than 47 minutes.

5 But it's important, because each and
6 every one of you was selected to determine the facts
7 of what happened.

8 You heard -- you heard from my colleague, Mr.
9 Fowler, a little bit about what happened that night
10 and -- and we'll see which witnesses they bring up to
11 -- to testify. But you can't take notes. I'm a
12 writer. It's hard to keep all of these people in --
13 in who they are. And so I've made a little chart,
14 just so what people are testifying, we can understand.
15 We can understand what it is that we are hearing from
16 and who we're hearing from.

17 Yolanda -- she stood a moment ago -- and Jacob
18 were the two people that received injuries that night.
19 And I'm -- I'm sure you'll hear testimony about that.

20 And then you're going to hear, hopefully, from
21 all of these other family members: cousins, sisters
22 -- cousins, nieces, nephews. Then you'll hear from a
23 best friend, perhaps. That all have information about
24 this case.

25 There's a group of other people; I call them the

1 Waffle House Group. These are -- these are three
2 witnesses that met up with the Coras and Ms. Reyes'
3 family at Tsubaki, and were all involved in what was
4 going on that night.

5 And then there's some other people at the bar
6 that we have statements from -- Mr. Demetrius Potts,
7 off duty Charleston County police officer, Ms. Green,
8 and Mr. Brown.

9 Not only will you get to hear from some or all of
10 these witnesses, but you're gonna get to see -- see --
11 we have Mr. Riley -- Deputy Riley here in the
12 courtroom, one of the first deputies on scene, and
13 you're gonna get to see the chaos and the confusion.

14 Because, ladies and gentlemen, they've got the
15 wrong guy. Mistaken identity.

16 And you're gonna hear -- and I want you to listen
17 for -- the discrepancies. And I'm not talking one or
18 two. Multiple statements: who was wearing what, who
19 had what gun, how many guns there were, where they
20 went, what they were driving -- all of these things.

21 And it's important to take all of that in because
22 I'm not going to get up here and -- and accuse any of
23 these witnesses who have changed their statements of
24 lying. It's -- it -- people get mistaken, especially
25 in chaotic scenes like this.

1 As the judge told you, I think twice in opening
2 remarks, and he's going to say it numerous times, over
3 and over and over and over: my favorite words -- the
4 defense has no burden.

5 That means that I can just sit down, not ask one
6 question, not put up one piece of evidence, and just
7 let y'all decide on what it is. But that would be
8 doing a disservice to you, as the fact-finder. It
9 would be doing a disservice to my client, Jaquan. And
10 it would be doing a disservice to the Constitution.
11 Because, ladies and gentlemen, that -- that's
12 that's my client: the Constitution.

13 And when I cross-examine -- or when I put in
14 evidence, again, none of that burden ever shifts. But
15 what you're gonna hear is why -- why these people were
16 mistaken. You're gonna see the scenes. You're gonna
17 see the people running around. You're gonna hear that
18 people were drinking alcohol. You're gonna hear
19 groups of people, and you're gonna see them talking
20 together at the scene, filling in the stories.

21 But most importantly, you're gonna hear from two
22 experts. First expert is a psychology, memory --
23 someone way smarter than I am, to explain how the
24 brain works. Because the brain is not a videotape
25 recorder. And she's gonna explain how things process

1 and how things kind of get mixed in when they go in
2 and they don't come out the right way.

3 And then you're gonna hear from a digital
4 forensics expert. One of the things that -- that I do
5 frequently is cross-examine officers and ask them
6 questions about their methodology: what they did, what
7 they -- what they did to investigate, what they did to
8 corroborate, what they did to -- to make sure they got
9 the right person.

10 And oftentimes it seems like, "Oh, she's just
11 beating up on the police." But, ladies and gentlemen,
12 the way that our system is, is that we have officers
13 that are sworn to protect and serve -- protect and
14 serve. And that's all we ask of them.

15 Because this happened August 1st, 2021. That's
16 how long we have been waiting for you to get to this
17 case. And when you look at all of the evidence, and
18 you look at all of the discrepancies, the -- the
19 number of shots -- I heard a new one this morning --
20 the number of clothes, the different
21 descriptions, you will see that these witnesses could
22 be honest but mistaken.

23 This case is not whether or not -- whether or not
24 a crime was committed. It was. It's about whether
25 they got the right guy. They didn't. Thank you.

1 THE COURT: State ready to call your first
2 witness?

3 MR. FOWLER: Yes. We are, Your Honor. State
4 calls Corporal Timothy Riley.

5 MADAM CLERK: Please, raise your right hand.

6 **CORPORAL TIMOTHY RILEY,**

7 A witness herein, having been first duly sworn, was
8 examined and testified as follows:

9 MADAM CLERK: Please have a seat at the witness
10 stand and State your full name for the record.

11 THE WITNESS: Corporal Tim Riley, Richland
12 County Sheriff's Department.

13 DIRECT EXAMINATION

14 BY MR. FOWLER:

15 Q. Corporal Riley, I just want to jump right in.
16 August 1st, 2021, what were your duties with the Sheriff's
17 Department?

18 A. Routine patrol. I was appointed to calls for
19 service, traffic stops, et cetera. I was on night shift.

20 Q. Were you assigned to like a specific region of
21 the county?

22 A. I was. At that time I was assigned to -- we --
23 we call it Region 3. It's the area from Monticello to
24 Farrow Road.

25 Q. And would that have encompassed the Oneil Court,

1 Tsubaki bar area?

2 A. It actually does not. However, that region,
3 Region 2, was extremely busy and they had limited
4 resources, so we actually pulled deputies from my region to
5 respond to assist them.

6 Q. And so you responded to the Tsubaki bar on August
7 1st, 2021?

8 A. I did.

9 Q. And how do you come to respond to a scene like
10 that?

11 A. Well, I think the -- the call was dispatched
12 around 2:00, 2:15 in the morning. Like I said, Region 2
13 asked for assistance because they had, I think, one person
14 available to respond. So I think I was the closest unit in
15 my region, so I responded as well. Obviously, lights,
16 sirens, you know, getting there as quick as possible to the
17 people who had been shot.

18 Q. What -- what did you observe when you got on
19 scene?

20 A. When I first got there -- I mean, it was -- it
21 was pretty well-lit parking lot. Obviously, the areas
22 flooded with blue lights. I see two -- two victims, and
23 obviously a young lady, you know, young man that are on the
24 ground. There was a deputy that was applying a tourniquet
25 to one of the victims upper thigh to stop the bleeding.

1 His hands and uniform, obviously covered in blood from the
2 -- from the victim.

3 Q. And so when you're on scene as a responding
4 deputy, is it your job to try to render lifesaving measures
5 to those victims?

6 A. It is.

7 Q. And I want to back up something that you had said
8 at a well-lit parking lot. I'm gonna show you what's been
9 marked as State's 5. Do you recognize that?

10 A. I do.

11 Q. I'm sorry. Let me -- State's 5, is that how the
12 parking lot looked that night?

13 Q. It is.

14 MR. FOWLER: Your Honor, at this time I'd move to
15 have State's 5 admitted into evidence.

16 THE COURT: Objection?

17 MS. ZMROCZEK: Without objection, Your Honor.

18 THE COURT: It'd be admitted to State's 5 without
19 objection.

20 (State's 5 was admitted into evidence.)

21 MR. FOWLER: And, Your Honor, can we publish,
22 please?

23 THE COURT: Yes, sir.

24 BY MR. FOWLER:

25 Q. So this is -- I guess tell the jury where this

1 is.

2 A. This is the Tsubaki Restaurant parking lot, off
3 of Oneil Court in Richland County. And that's the --
4 that's the parking lot. That's where the -- the victims
5 were when I arrived on scene.

6 Q. And this parking lot bar, this is located in
7 Richland County?

8 A. It is. Yeah.

9 Q. So do you recall -- and I know they're not
10 pictured here, but do you recall where the -- a roundabout
11 where the victims were when you got on scene?

12 A. Can't tell what that is. Looks like a bloody
13 cloth. But in between the -- the truck and the -- the SUV.

14 Q. They were -- they were in between those two cars?

15 A. Yes.

16 Q. So, right underneath that really bright light?

17 A. Yeah.

18 Q. I -- I think that's what you were saying earlier.
19 This is a pretty well-lit parking lot?

20 A. Yes.

21 Q. Did you have to use a flashlight or anything
22 while you were out there?

23 A. I don't think I did.

24 Q. And I'm gonna show you what's been marked as
25 State's 6 and 7.

1 THE COURT: You said 6?

2 MR. FOWLER: 6 and 7, Your Honor.

3 MS. ZMROCZEK: Without objection.

4 MR. FOWLER: I'd like to lay the foundation.

5 BY MR. FOWLER:

6 Q. Do you recognize these photos?

7 A. I do.

8 MR. FOWLER: Okay. Your Honor, at this time, I'd
9 move to have State's 6 and 7 into the record.

10 THE COURT: Photos will be admitted as State's 6
11 and 7 without objection.

12 (State's 6 and 7 was admitted into evidence.)

13 BY MR. FOWLER:

14 Q. And I think this is just an alternative angle,
15 but you said right there (indicating) is where the victims
16 were?

17 A. Yes.

18 Q. And just to kind of -- just to give the jury kind
19 of an idea of the area of town -- do you recognize this?

20 A. I do, yeah. That's the -- the immediate area.

21 Q. Is it a fair rendition of the immediate area?

22 A. Yes.

23 MR. FOWLER: Your Honor, I would move to have
24 State's 28 admitted into evidence.

25 THE COURT: Any objection?

1 MS. ZMROCZEK: No objection.

2 THE COURT: Admitted State's 28 without
3 objection.

4 (State's 28 was admitted into evidence.)

5 BY MR. FOWLER:

6 Q. Okay. Could you mind giving the jury just a
7 little breakdown of -- of where we're at? Sort of what --
8 what's in the area?

9 A. Yeah. So you got northeast. This is obviously a
10 geographical map of northeast Columbia. You got Two Notch
11 road kind of running across the image. Tsubaki is
12 obviously labeled there. Palmetto Gardens Apartment is
13 pretty much right across the street. And down Decker
14 Boulevard -- oh, maybe a mile, mile and a half. I'm not
15 entirely sure. But pretty nearby, you have Green Oaks
16 Apartments and 24 Kneece Road.

17 Q. And I think it's -- it's highlighted a little
18 bit, but -- but right there, that yellow kind of highlight,
19 that's Two Notch Road.

20 A. Yes. That's Two Notch running right across the
21 image, from left or right.

22 Q. So on scene, rendering lifesaving measures to
23 victims, what do you do after that -- once EMS is on scene?

24 A. Obviously, the -- the two victims were
25 transported pretty quickly. After -- after that we started

1 talking to any witnesses that were -- that were on scene,
2 gathering names, contact information, et cetera, and
3 finding out what all they saw.

4 Q. And any information that you gathered from
5 witnesses, what do you do with it as a -- as a patrol
6 officer?

7 A. Typically -- I mean, we -- we all gather
8 information. I might get some pieces. Another deputy
9 might get others. One person's gonna end up writing the
10 initial incident report for everything. Then we all
11 communicate with the CID, Criminal Investigation Division,
12 to let them know what all we have discovered.

13 MR. FOWLER: Beg the Court's indulgence one
14 moment, Your Honor.

15 THE COURT: Yes, sir.

16 BY MR. FOWLER:

17 Q. And then just one quick follow-up to that. You
18 said sometimes a deputy will do a report, but does every
19 deputy do a report for every incident?

20 A. No. Typically, there's -- there's one initial --
21 for an incident like this, typically there's one initial,
22 unless deputies are involved in some sort of use of force,
23 in which case they would do their own.

24 MR. FOWLER: No further questions at this time,
25 Your Honor.

1 THE COURT: Cross-examination?

2 MS. ZMROCZEK: May we approach briefly, Your
3 Honor?

4 THE COURT: Yes, ma'am.

5 MS. ZMROCZEK: Sorry.

6 (A sidebar discussion was held between Counsels.)

7 CROSS-EXAMINATION

8 BY MS. ZMROCZEK:

9 Q. Sorry. Good morning.

10 A. Good morning.

11 Q. Again, you are a corporal now, right?

12 A. I am.

13 Q. Okay. What -- do you still have the same duties
14 that you did back in August 1st of 2021?

15 A. No. Now, I have slightly more responsibilities
16 with slightly more money.

17 Q. But as you were -- as you were coming onto the
18 scene that night -- do you recall that -- that evening?

19 A. I do. Yes.

20 Q. And you recall it because this wasn't the only
21 incident that went on that evening, was it?

22 A. No.

23 Q. In fact, there were, I think, upwards of 10 or
24 more than 10 other people shot that evening in different
25 locations around Richland County?

1 A. Oh, I don't -- I don't know about that.

2 Q. Okay. You don't have any independent
3 recollection of that?

4 A. This is the only shooting I went to.

5 Q. That's the only one you went to?

6 A. I don't remember another one.

7 Q. And so when you went -- you have a uniform,
8 right? Same one that you're wearing today?

9 A. Mm-hum (affirmative).

10 Q. Probably not the exact same one.

11 But on it, you have a little -- if you don't mind --

12 MS. ZMROCZEK: Your Honor, may he stand up and --

13 THE COURT: Sure.

14 MS. ZMROCZEK: --so the jury can see.

15 BY MS. ZMROCZEK:

16 Q. So explain to the jury what you -- what you --
17 what you're wearing here. What are the -- what are the
18 accessories on your uniform?

19 A. Well, obviously, radio, body cam, handcuffs, less
20 lethal taser, obviously a handgun (demonstrating).

21 Q. Perfect. I want to talk about the radio.

22 A. Okay.

23 Q. To whom does that communicate?

24 A. Central dispatch. My other deputies.

25 Q. Okay. And so when you're talking on that, who

1 hears it? Anybody on that channel?

2 A. Anybody on that channel. Yes, ma'am.

3 Q. Okay. Okay. And when -- and then your -- your
4 dash -- your body cam -- excuse me -- how does that work?

5 A. Well, it's off right now because of -- we're in
6 court. But pretty much you've tapped the center button to
7 initiate the recording or blue lights and stuff like that.
8 It's all -- it's all interconnected, so it all turns on
9 immediately.

10 Q. So it's connected to blue lights?

11 A. Yes.

12 Q. Okay. You can have seat.

13 A. Unless the spot camera is off.

14 Q. Okay. So -- so that means that if it -- if --
15 obviously I know you'll correct me if I'm wrong, but so if
16 you flip on your blue lights to -- to run code or to go
17 somewhere, unless your body camera -- unless your body-worn
18 camera's off, it automatically comes on; is that correct?

19 A. Yes.

20 Q. And now you have a -- a special vehicle or you
21 did in August of 2021; is that correct? Meaning you had a
22 dash cam?

23 A. Yeah, I did have a dash cam. Yes.

24 Q. Okay.

25 A. Yeah. We all have dash cams.

1 Q. Oh. Everybody in Richland County does?

2 A. Well, except for investigators.

3 Q. Oh, okay.

4 A. Yeah. All the uniform division, we all have dash
5 cams, so.

6 Q. So -- so dash cams are a little bit different
7 than body cams, right?

8 A. Yes.

9 Q. So tell the jury a little bit about how those are
10 different.

11 A. Well, it's all the same. It's all the same
12 company. It's all Axon. However -- well, at the time of
13 this incident, you could turn off a dash cam, but now you
14 can't turn them off. But the dash cams are -- they're
15 pretty much designed to initiate when the -- the blue
16 lights are turned on.

17 Q. Okay. And that -- and that dash cam also records
18 the transmissions from your walk -- your walkie-talkie
19 thing?

20 A. Well, it -- it has an -- it has an audio feature
21 just like my body cam does.

22 Q. Okay.

23 A. That -- you know, it'll -- it'll capture the
24 in-car radio.

25 Q. And the good thing about dash cams and body cams

1 is that you don't have to worry about remembering to take
2 notes or do a report because it's all recorded in
3 real-time, right?

4 A. We still have to do reports, but -- I mean.

5 Q. What -- what's that?

6 A. We still have to do reports, but --

7 Q. Right, right. Right, right. Well, but not in
8 this case -- you didn't do one in this case, right?

9 A. I did not.

10 Q. Okay. So even when you don't -- because you were
11 just a first responder, even though you didn't have to do
12 report, we still have the live -- the live feed as it were
13 from your body cam and your dash cam, right?

14 A. Yes.

15 Q. And that helps because -- you said that -- that
16 you used to be -- you used to be able to turn them off,
17 right?

18 A. You could. Yeah.

19 Q. Okay. But now they just run while you're on a
20 call?

21 A. Yes, it's -- yeah.

22 Q. And I think you have policies for your body cam,
23 right?

24 A. Yes.

25 Q. That -- that you get trained in to say anytime

1 that you have contact with the public -- obviously not in a
2 courtroom setting, but anytime that you have contact with
3 the public, you're supposed to have it on, right?

4 A. Yes.

5 Q. Protects you, right? It protects -- it protects
6 the people.

7 A. It does.

8 Q. So I can't say, "Oh, Corporal Riley said some
9 terrible things to me and he slapped me across the face"
10 because you'll be like, "Mm-hmm, got it right here."

11 A. Correct.

12 Q. Now, in the world of -- of police, and especially
13 in emergencies, sometimes things get said that -- that
14 aren't recorded, right? Or that aren't supposed to be
15 recorded. Maybe you might say a cuss word or hearing that,
16 but -- but typically the -- the body cam is supposed to
17 just make sure that it's recording at all times when you're
18 in contact?

19 A. Sure. Yes.

20 Q. Okay. And then after -- tell the jury what you
21 do when you get finished with a call. What's the next step
22 that you take? And like you're going -- that's a really --
23 vague question.

24 A. Yeah.

25 Q. No. So when you get back at the end of your

1 shift, do you have policies or procedures or things that
2 you're supposed to do with all your stuff from the day?

3 A. I mean, pretty much the blanket policy is that
4 all reports need to be finished, and videos from your shift
5 need to be uploaded.

6 Q. Perfect. Videos and -- and whatever should be
7 uploaded. And is that difficult to do?

8 A. Not particularly difficult. No.

9 Q. In fact, you just take it off and you stick it in
10 a little thing and there it goes right to the system,
11 right?

12 A. Yes.

13 Q. Okay. And so I want to talk a little bit about
14 this night. Were you -- do you recall -- so you get the
15 call from dispatch. So for people who aren't familiar with
16 dispatch, what -- what is dispatch?

17 A. Dispatch is just a -- it's -- it's a building
18 where dispatchers are. They -- they're sitting in front of
19 computers. They're receiving 911 calls, and then
20 dispatching it to the nearest deputies. Oh. And officers,
21 they cover Richland County and CPD.

22 Q. So they're people that they sit in a -- in a room
23 and they -- and like 911 call comes in and they're asking
24 questions and simultaneously letting the officers know
25 what's going on, where they need to go, what they need to

1 look for; is that correct?

2 A. Correct.

3 Q. And you communicate with them by saying, "Hey,
4 I'm here. Hey, I'm going here. I'm doing this," and so
5 that way they can keep track of it all on a printout that
6 we can look at later on?

7 A. Correct.

8 Q. Okay. And so when you got to the scene that
9 night, were -- do you -- were you the first one? Do you
10 know how quickly you got there, relatively?

11 A. Like I said, I was -- I was coming from a
12 different region, so I don't believe I was the -- the exact
13 first deputy on scene. Like I said, whenever I got there,
14 they were already deputies on scene. One was already
15 applying the tourniquet to one of the victim's legs. But I
16 -- I don't know how long my code runner specifically was.

17 Q. And there were -- your car had blue lights. All
18 the deputies that were there had blue lights, right?

19 A. Yep. Correct.

20 Q. There were -- and it's about 2:00 -- a little
21 after 2:00 in the morning?

22 A. A little after 2:00 in the morning. Yes.

23 Q. Okay. And we're talking -- I know you said it
24 was in Richland County. We're -- we're talking 224 Oneil
25 Court. So that plaza up there, right?

1 A. Correct.

2 Q. Okay. And you -- not only were there blue lights
3 and -- and -- there were people all over the place, right?

4 A. There was.

5 Q. People screaming. People very upset about what
6 they have seen, right?

7 A. Right.

8 Q. There were people running around trying to give
9 statements. Y'all were trying to collect information?

10 A. Yeah. After -- after they were -- the victims
11 were transported. Yes.

12 Q. Certainly. And that's kind of the first --
13 obviously the first priority is making sure that EMS --
14 that the scene was safe, EMS could get in there, and take
15 them to the hospital, which they did, right?

16 A. Correct.

17 Q. And so you were still there, you were there
18 before -- or either while EMS got there or right as they
19 were pulling in; is that correct?

20 A. That's correct. Yeah.

21 Q. Okay. And when you say "secure the scene," what
22 kind of things did y'all do to secure the scene?

23 A. Essentially, make sure there's no immediate
24 threat to -- to EMS, that there's no active shooter or
25 anything like that. You know, make sure they're safe to do

1 their job.

2 Q. And -- and you didn't see one there, right?

3 A. That's correct.

4 Q. Okay. You -- as we talked about, had some body
5 cams on and some dash cams. I want to play -- now, when
6 your dash cam -- like your body cam, it -- it plays the
7 entire time that you're there, right?

8 A. Until I turned it off. Yes, ma'am.

9 Q. Until you turn it off. And so -- and it captures
10 exactly what it says, it's a dash cam, so it's a camera
11 right on your -- on the front of your vehicle, right?

12 A. Correct.

13 Q. So when you pull in and that camera's on, what
14 we're seeing is from your car, right?

15 A. Correct.

16 MS. ZMROCZEK: Okay. I'm gonna play two
17 clips. These would be one -- Defense 1 and Defense 2
18 from the dash cam.

19 MR. FOWLER: I don't believe those are admitted
20 into evidence yet, Your Honor.

21 MS. ZMROCZEK: Okay. Let me --

22 BY MS. ZMROCZEK

23 Q. You -- when you uploaded your dash cam, it goes
24 to a -- a system called evidence.com, right?

25 A. Correct.

1 Q. You turn that -- that gets given to the
2 solicitor's office, correct?

3 A. Correct.

4 Q. And then it comes to all the attorneys that want
5 to look at it, right?

6 A. Yes, ma'am.

7 Q. And you did that in this case?

8 A. Yes, ma'am.

9 Q. Okay. You uploaded your -- your body cam?

10 A. Yes, ma'am.

11 Q. And you uploaded your dash cam?

12 A. Yes, ma'am.

13 MS. ZMROCZEK: Your Honor, at this time we would
14 like to move in, first, Defendant's 1, which would be
15 two clips of the dash cam from Corporal Riley.

16 THE COURT: Objection?

17 MR. FOWLER: The dash cam is Defense's 1?

18 MS. ZMROCZEK: Yes.

19 MR. FOWLER: Your Honor, may we approach briefly?

20 THE COURT: Sure.

21 (Sidebar discussion was held between Counsels.)

22 Q. I'm gonna play for you the -- the dash cam, so
23 Defense 1 and 2.

24 THE COURT: All right. So you're offering the
25 dash camera as one exhibit?

1 MS. ZMROCZEK: Yes. Without audio.

2 THE COURT: All right. Without audio.

3 MS. ZMROCZEK: Yes.

4 THE COURT: Is there any objection from the
5 State?

6 MR. FOWLER: Defense 1 dash cam, without audio, I
7 have no objection.

8 THE COURT: Okay. And -- and 2?

9 MR. FOWLER: Defense 2, as I understand it, is
10 Deputy Riley's body worn camera.

11 MS. ZMROCZEK: And we'll --

12 MR. FOWLER: I have -- I have no --

13 MS. ZMROCZEK: And that'll be a separate
14 objection, Your Honor. I'm not going to put that in
15 right now.

16 MR. FOWLER: I have -- I have no objection too.

17 MS. ZMROCZEK: Oh, you have no objection to that?

18 MR. FOWLER: I have no objection to the body cam.

19 MS. ZMROCZEK: Oh, fantastic.

20 THE COURT: All right.

21 MS. ZMROCZEK: Then, Your Honor, at this time I
22 would like to admit Defense 1, as amended, which is
23 Corporal -- sorry -- Corporal Riley's dash cam, right
24 now, without audio, and --

25 THE COURT: 2 would be the body cam.

1 MS. ZMROCZEK: 2 would be the body cam.

2 THE COURT: They would be admitted as Defense 1
3 and 2 without objection.

4 (Defense 1 and 2 are admitted into evidence.)

5 MS. ZMROCZEK: Thank you.

6 BY MS. ZMROCZEK:

7 Q. Obviously there's no audio, but is -- do you
8 recognize this as being the location to which you
9 responded?

10 A. Yes.

11 Q. And so this is the dash cam. What we're looking
12 at is the -- the front of -- where is it located on your
13 vehicle? Your dash cam?

14 A. Pretty much in front of the -- where -- a
15 passenger would sit in the front seat. It's pretty much
16 right there. So passenger side, up, pretty much in the
17 windshield.

18 Q. Okay. And so when you pulled into the location,
19 which is, again, the shops at Oneil Court -- 224 Oneil
20 Court, you're just able to park your vehicle and -- and the
21 dash cam is running, right?

22 A. Yeah. That's correct. Yes. Tsubaki is to the
23 left. You just can't see it, but it's -- it's over there
24 to the left.

25 Q. Okay. Thank you. And you read my mind this

1 morning. So we're looking at one of the shops, which -- I
2 don't know if it's still there now, but at that time it was
3 Republic Finance, but Tsubaki, which is the karaoke
4 restaurant and bar, was to the left; is that correct?

5 A. Correct.

6 Q. And then actually almost next door to that was
7 Inakaya, another restaurant; is that correct? We'll look
8 --

9 A. I don't want to --

10 Q. You don't remember. We'll look. And so, again,
11 with no audio, this just -- the dash cam is able to show
12 the scene real-time as it -- as it was happening; is that
13 correct?

14 A. Correct.

15 Q. Okay. And we see people mulling around, we see
16 -- is this EMS over in the corner?

17 A. Yes, it is.

18 Q. Okay. And -- and then there are some witnesses
19 standing around. What -- one of your duties as a kind of
20 first responding officer, you want to secure the scene.
21 Why do you do that?

22 A. To ensure the safety of everybody left on scene.

23 Q. Sir?

24 A. To ensure the safety of everybody left on scene
25 and EMS.

1 Q. Okay. Does it also -- when a crime has been
2 committed, that's, in essence, a crime scene, right?

3 A. It is.

4 Q. When people -- some necessarily, obviously EMS
5 had to get in there, right? So they're contaminating the
6 crime scene -- and I know that has a bad connotation, but
7 -- but meaning they're changing it because they're going
8 in, putting people in, leaving materials if they use them,
9 and pulling people out, necessarily contaminating it,
10 right?

11 A. I guess you could say that. Yes.

12 Q. Okay. And there's -- and -- and they have to do
13 that. Safety is the -- the first --

14 A. Correct.

15 Q. -- and most important thing. However, we -- we
16 have some other people that -- that appear to be witnesses.
17 Why is it important -- tell the jury why it's important
18 that we want to try to keep witnesses from walking in and
19 around a crime scene. You don't want them messing up any
20 potential evidence, right?

21 A. I -- I mean, yes. I believe we kind of removed
22 them as quick as we could.

23 Q. You don't believe what? I'm sorry.

24 A. I said I believe we remove the witnesses as
25 quick as we could.

1 Q. Okay. All right. And how do you secure that
2 then? Do you just tell them to move or do you put
3 something? You put crime scene tape up?

4 A. Depends on -- depends on the scene. Typically,
5 if we can define a crime scene, we'll put a crime scene
6 tape to define the crime scene. The reason you don't see
7 any crime scene tape yet is because we weren't entirely
8 sure of what all encompassed the crime scene. Was it the
9 whole parking lot or is it just that parking space.

10 Q. Okay.

11 A. We need to make sure that we define the crime
12 scene, appropriately.

13 Q. Right. Right. So you -- you're still -- you're
14 -- you're learning things as you're -- as you're in real
15 time, right?

16 A. Correct.

17 Q. Okay. Now, we're gonna play from Defendant's 2,
18 portions of your body cam.

19 (Defendant's 2 video played.)

20 Q. Okay. I'm just going to stop it right there
21 because I don't want to talk over the talking. But in your
22 car, you have all the -- hopefully, all the tools that
23 you'll need if you have to respond to a crime scene, right?

24 A. Hopefully.

25 Q. And I see there's someone wearing gloves; is that

1 you?

2 A. Yes, ma'am.

3 Q. Okay. That's you. You -- when you got there, I
4 think you said that you immediately went to go check on the
5 two shooting victims.

6 A. Correct. Yeah. Yeah. They -- they were already
7 in good hands with other deputies though.

8 Q. Okay. All right. But -- but you were able to
9 then take some of the -- the people who were immediately
10 there and -- and start trying to learn what happened; is
11 that right?

12 A. Correct.

13 Q. Okay.

14 (Video continues to play.)

15 Q. Now, I see that you have a little notebook.

16 A. I do.

17 Q. Tell -- you use that to keep track of who you're
18 talking to or to -- to jot down any information?

19 A. Yeah. Jot -- pretty much jot down names,
20 numbers, stuff like that. Anything that I would need to
21 remember in case I did have to write the initial incident
22 report.

23 Q. Okay. So since you didn't write the report, who
24 would you -- would you have given that information to
25 somebody to include in their report?

1 A. Yeah, I would've at least pass on the
2 information.

3 Q. To -- how does that work? To -- do you remember
4 to whom you gave that to?

5 A. I believe that Destiny Hamlin was the one that
6 wrote the initial incident report.

7 Q. Who was that?

8 A. I believe it was at that time Corporal Hamlin.

9 Q. Corporal Hamlin.

10 A. Yeah.

11 Q. Okay. And she was another deputy that worked
12 with y'all?

13 A. Yes.

14 Q. Okay. How many -- do you recall how many
15 deputies were on scene?

16 A. No, ma'am.

17 Q. Were there several?

18 A. There were -- there were several.

19 Q. Okay. And I think that you testified earlier
20 that all -- and I want to make sure that I heard that
21 correctly. Who has body-worn cameras in Richland County
22 Sheriff's Department?

23 A. I'm trying -- I'm trying to believe -- I'm trying
24 to answer you correctly. At least the uniform division,
25 traffic, CAD team, some of CID, criminal investigation

1 division are issued body-worn cameras. But everybody that
2 at least wears a uniform every day is -- is wearing -- they
3 -- they are issued a body-worn camera.

4 Q. Okay. So -- so when you -- and -- and if that's
5 not something you take home, like you -- you put it on your
6 uniform --

7 A. You can take them home.

8 Q. Oh, you can take them home.

9 A. Yeah.

10 Q. Okay, good. So you have -- they have enough for
11 all the feet to the ground deputies?

12 A. Correct.

13 Q. Okay. And obviously they -- they all have the
14 same policies as you do, is you get off shift, you upload
15 it?

16 A. Yes, ma'am.

17 Q. You're in contact with the public, you keep it
18 on?

19 A. Yes, ma'am.

20 Q. Okay.

21 (Video continues to play.)

22 Q. I'm stopping it because -- before -- before when
23 we were on your dash cam because the car was obviously
24 facing a little bit that way (indicating).

25 A. Correct.

1 Q. When I say that way, I mean to the right. So now
2 that I've stopped your body-worn camera, it says Tsubaki.
3 That's the -- that's your understanding of where kind of
4 all of these people originated from into the parking lot?

5 A. That's my understanding. Yes.

6 Q. What's that?

7 A. That's my understanding. Yes.

8 Q. Okay.

9 (Video continues to play.)

10 MR. FOWLER: Your Honor?

11 THE COURT: Yes, sir.

12 MR. FOWLER: May we approach briefly?

13 THE COURT: Yes.

14 MR. FOWLER: I apologize.

15 (Sidebar discussion was held between Counsels.)

16 THE COURT: All right. Ladies and gentlemen,
17 we've been going about an hour. Let's -- let's take
18 our morning break as matters of law I need to take
19 outside your presence. Probably take about a 15
20 minute break. Please don't discuss the case while
21 you're in the jury room. And don't do any research,
22 anything like that. We'll be back -- right back --
23 continue the case.

24 (Jury exits the courtroom.)

25 THE COURT: All right. The counsel approached

1 with regard to the body camera; the body camera
2 was admitted into evidence without objection. Now,
3 there is an objection. So I guess I will -- everyone
4 put what they need to on the record and we'll go from
5 there.

6 MR. FOWLER: Yes, Your Honor. That -- that was
7 my mistake. I didn't fully understand Ms. Zmroczek's
8 exhibit at the time. I -- I didn't object to it. I
9 -- I thought that this was going to be brief clips of
10 Deputy Riley running up to screaming victims and some
11 excited utterances. But this is a 12-and-a-half
12 minute long body-worn camera clip where he's now
13 taking steps that are testimonial in nature.

14 I think, you know, maybe the first 30 seconds
15 where he is talking to Mr. Tyner there, Mr. Tyner is
16 still clearly excited about the incident. But as time
17 wears on and the minute and a half we saw -- you can
18 see this is becoming more investigatory, rather than
19 falling under a hearsay exception. So, Your Honor, to
20 the extent that the body cam keeps going from where
21 it's at right now, I have an objection that most of
22 that's going to be hearsay.

23 THE COURT: Ms. Zmroczek?

24 MS. ZMROCZEK: Thank you, Your Honor. Under Rule
25 803, the hearsay exceptions, availability of declarant

1 immaterial, and that's what we have in this case.
2 Your Honor, and body cams are -- as he discussed,
3 anytime he has contact with the public, he turns it on
4 right when it happens.

5 We have a state that -- I think that it comes in
6 under all of these: present sense impression,
7 statement describing or explaining an event or
8 condition while the declarant was proceeding the event
9 or condition or immediately thereafter. Well, that's
10 exactly what we have here. He's just giving exactly a
11 description of the -- what he perceived, the event
12 immediately thereafter.

13 The -- it's also a recorded recollection under
14 803(5). And that's for, you know, if he -- it's a
15 memorandum that was shown to have been made or adopted
16 by the witness, was fresh in the witness's memory,
17 reflect -- and to reflect the knowledge correctly.
18 Your Honor, he talked about how this is, you know,
19 records that he keeps every day --

20 THE COURT: No. That's -- that's not
21 a record like that.

22 MR. FOWLER: And, Your Honor --

23 THE COURT: What's your other argument? I mean,
24 it is clearly hearsay. I suspect if that witness was
25 saying, "I saw Jaquan King pull the trigger three

1 times and shoot both victims," you'd be standing on
2 top of that podium objecting to hearsay.

3 MS. ZMROCZEK: And I -- I suspect that the State
4 would be making the exact same arguments that I'm
5 making. So yes, --

6 THE COURT: Well, and I would probably rule that
7 it's inadmissible without that testimony of that
8 witness under ordinary terms. The quandary I'm in is
9 it's now been admitted without objection.

10 MR. SCOTT: Oh, fine. I would suggest -- the
11 bell has already been rung as far as the first couple
12 minutes there, but I think it'd be very easy to redact
13 going forward.

14 MS. ZMROCZEK: I can do that.

15 MR. SCOTT: And that's -- that's our fault,
16 really. But I -- I think our interpretation of what
17 was gonna be presented was more just, as Nick said,
18 kind of the chaotic event when he first arrived. But
19 now we're getting into recantations of events, so --
20 well, I don't think we have a problem just muting --

21 MS. ZMROCZEK: Okay.

22 MR. SCOTT: -- the balance of it and when the
23 jury gets the -- the audio being protected.

24 MS. ZMROCZEK: And then I'll make sure -- and --
25 and, Your Honor, as we do always, before things go

1 back to the jury, we'll make sure that they are -- are
2 exactly as they were ordered to be.

3 THE COURT: Okay.

4 MS. ZMROCZEK: Okay.

5 THE COURT: We'll -- we'll stop the audio on that
6 for now.

7 MS. ZMROCZEK: Okay.

8 THE COURT: And --

9 MS. TAYLOR: What minute is this?

10 MR. FOWLER: If I'm remembering correctly, I
11 think we played it up to one minute and 34 seconds.

12 MS. ZMROCZEK: That's what I was trying to get
13 to. And so I will... make sure that that's where --

14 THE COURT: Okay.

15 MS. ZMROCZEK: Now, Your Honor, we -- that is a
16 witness that we are attempting to locate. He's
17 dodging us. But we are attempting to locate, so. And
18 that's, I think, another reason -- that's another
19 reason I was trying to come up here to say with the
20 conditionality of it. So -- so right now the dash cam
21 doesn't have the audio because the dispatcher hasn't
22 testified yet, right?

23 THE COURT: Right.

24 MS. ZMROCZEK: So my question is -- and this is
25 just for, I guess, smoothness of -- of the Court, is

1 do I need to have Mr. Riley stay under subpoena or
2 once those people testify, can I then admit the audio?

3 THE COURT: I think if it's properly
4 authenticated. Then we'll address it at the time.

5 MS. ZMROCZEK: Okay.

6 THE COURT: Can't give you a hypothetical ruling
7 at this point.

8 MS. ZMROCZEK: Certainly. Of course.

9 (The Bailiff hands a note to the Court.)

10 THE COURT: First note. Well, that's early.

11 (The Court reads the note.)

12 (As read): Who is Jerry Hammond?

13 MS. TAYLOR: He is a witness in this case --

14 THE COURT: This is from the juror -- I know a
15 Jerry Hammond from High School, don't know if this is
16 the same person.

17 MS. TAYLOR: What juror is that and we can kind
18 of calculate the age range?

19 MS. ZMROCZEK: And his name was on the original
20 witness list.

21 THE COURT: Yeah. Juror number 22. And we'll
22 make that my first Court Exhibit.

23 MR. FOWLER: Your Honor, Juror 22 was
24 born in 1961 --

25 MS. ZMROCZEK: They did not go to highschool.

1 THE COURT: Ok, I'll address it when they come
2 out. Ok, we'll be at ease for 10 minutes.

3 (Jury brought to the courtroom.)

4 THE BAILIFF: Okay. Jury's present and seated,
5 Your Honor.

6 THE COURT: Thank you, sir. Ladies and
7 gentlemen, while we were on our break, I got a note.
8 One of the jurors may -- or had gone to high school
9 with an individual who had the same name as someone
10 that's on that list and a potential witness. I
11 appreciate you bringing it to my attention. We were
12 able to cross reference birth dates and it would
13 appear that it would be impossible that the two of you
14 went to high school together. So -- but again, thank
15 you for bringing it to my attention, but I believe
16 we're okay. All right. Ms. Zmroczek, ready to
17 continue with cross-examination?

18 MS. ZMROCZEK: Yes. Thank you, Your Honor.

19 THE COURT: Go ahead.

20 BY MS. ZMROCZEK:

21 Q. Corporal Riley, I'm gonna play a few more scenes
22 from your body camera without audio and I want to ask you
23 about them. Okay. One -- while we're watching the video,
24 will it distract you if I ask you a question?

25 A. No. Go ahead.

1 Q. Okay. So while you're on scene, and it appears
2 that you're speaking with at least one person who is
3 telling you what they recall, right?

4 A. I am.

5 Q. At -- at what point did you give that inform --
6 to who did you give that information to that he gave you?

7 A. Like I said, I -- I'm assuming I gave it to
8 Deputy Hamlin.

9 Q. Hamlin, you think?

10 A. Because it was happened four years ago. I'm not
11 entirely sure.

12 Q. Okay. All right. And when you are kind of on
13 the first -- first responding scene -- on the scene --

14 A. Yes, ma'am.

15 Q. -- right, is it typical for you to -- to try to
16 at least get some basic information?

17 A. Yes, ma'am.

18 Q. Okay. And so one of the things that you're
19 trained to do, though, is you want to keep the witnesses
20 separate from each other, right? If you can.

21 A. Not all the time, but.

22 Q. Right. Not all the time. But -- but if they are
23 telling -- if they are having a conversation and they're
24 either correcting each other, then that can contaminate
25 what the other person thought or -- or -- thought they --

1 thought they saw, right? If they're having a discussion
2 about what one person saw versus the other person saw, then
3 -- then that -- that statement then becomes a combination
4 of the two people and not just the one; is that correct?
5 You don't want your witnesses to confer with each other
6 before they tell you what -- what happened, right?

7 A. Sure.

8 Q. I mean, you do?

9 A. I don't know that they could have come up with --
10 or exchanged information on what happened in the little
11 time that they were speaking to each other.

12 Q. Okay. And -- and you don't know, but that's why
13 we have the body cam, so if -- if we could hear the audio,
14 we would know exactly the things that they were discussing,
15 right?

16 A. Correct.

17 Q. Okay. All right.

18 (Non-audio video playing.)

19 And then -- turning to the last non-audio...and is that
20 your vehicle that we -- that you just walked past?

21 A. Yes, ma'am.

22 Q. Okay. And so we see several other vehicles. And
23 as I understand it, you said that all dash -- all patrol
24 vehicles have dash cams?

25 A. Yes. The -- the marked vehicles. Yes.

1 Q. Okay. All right. In addition -- oh, let me stop
2 this right here. So there were some officers on scene that
3 were not in uniform. Is that -- do you -- is that your
4 recollection?

5 A. Yes. Yeah.

6 Q. Okay. And so I stopped this portion of your body
7 cam at 2:43:17. So is that the actual time that it was in
8 the morning?

9 A. I hope so.

10 Q. Okay. Typically, they -- they sync up, right?
11 The -- the time?

12 A. It -- it should be accurate to the time.
13 Correct.

14 Q. Okay. All right. And so I want to draw your
15 attention to the -- the corner of this. It looks like a
16 purple Mustang maybe, or Charger. I'm not sure.

17 A. Yeah, it's a Charger.

18 Q. It's a Charger. Okay. And so do you recognize
19 the gentleman in the hat?

20 A. Yes.

21 Q. Okay. And who is that gentleman?

22 A. I believe his last name is Maxwell.

23 Q. Is what?

24 A. I believe his last name is Maxwell.

25 Q. Maxwell. Okay.

1 A. I'm pretty sure.

2 Q. One of your investigators?

3 A. Yeah. He's an investigator of Richland County.

4 Q. All right. And so sometimes when -- if -- if
5 you're an investigator and you get called out to a scene,
6 you don't -- they don't have uniforms like you do, right?

7 A. Correct.

8 Q. And especially at 2:00 in the morning, unless
9 they're sitting in the office, it's likely that they get
10 called, they get out of bed and they show up, right?

11 A. Right.

12 Q. Okay. And they obviously don't have body cams,
13 but we can see him talking to two individuals, right? Or
14 at least it appears that they're all in the same location?

15 A. Yes.

16 Q. Okay. And so if he didn't have body cams, then
17 we would have to rely on whatever notes he provided from
18 that interview; is that right?

19 A. I would assume so. Yes.

20 Q. Okay. And just like I have the ability to stop
21 your body cams, you can also take screenshots of them as
22 well?

23 A. Yes.

24 Q. And that does not alter them, right?

25 A. Not that I know of.

1 MS. ZMROCZEK: Okay. And so these 15 pictures,
2 Your Honor, would be 3 through 17, sorry. We would
3 seek to admit from -- still shots from Corporal
4 Riley's body-worn camera.

5 THE COURT: Any objection?

6 MR. FOWLER: I don't believe we have a foundation
7 for if he's seen these or if they're a fair and
8 accurate representation of his body cam at this point.

9 MS. ZMROCZEK: I can bring them up to him.

10 THE COURT: Okay. Let's do that.

11 BY MS. ZMROCZEK:

12 Q. Okay. Do you -- after looking at Defense 3
13 through 17, do those fairly and accurately represent
14 screenshots from the body-worn camera that you were aware
15 that evening?

16 A. It does.

17 MS. ZMROCZEK: Your Honor, at this time we would
18 seek to enter those.

19 THE COURT: Any objection?

20 MR. FOWLER: Without objection.

21 THE COURT: All right. It'd be admitted as
22 Defendant's 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
23 15, 16, and 17 without objection.

24 (Defendant's 3 through 17 admitted into
25 evidence.)

1 BY MS. ZMROCZEK:

2 Q. Okay. I'm starting with Defendant's 3. And --
3 okay. With Defendant's 3, is this fair -- when you first
4 got on the scene?

5 A. Yes.

6 Q. Okay. And note the timestamp up at the top --
7 again, assuming that it's correct -- would say 2:24 a.m.,
8 right?

9 A. Yes, ma'am.

10 Q. Now, when you get to a scene, you -- you -- what
11 -- what'd you call this (indicating)? A microphone. It's
12 not a microphone. What is --

13 A. Body cam?

14 Q. No. No, this one (indicating).

15 A. A radio.

16 Q. Yes. Your radio. So when you get -- I don't
17 remember these things. So when you get there, how do --
18 how does dispatch know you're there?

19 A. You tell them.

20 Q. Okay. So you say you -- you have a call number,
21 right?

22 A. Call sign. Yes, ma'am.

23 Q. And -- a call -- and so you say whatever your
24 number is, 10, whatever, and so they know to mark you as
25 present at the location, right?

1 A. Correct. Yeah. In some situations like -- like
2 this, the channel is held for the deputies on scene. So in
3 that case, they're kind of watching. If you're talking
4 about a normal call for service, yes. I would say, "hey,
5 I'm here". In this case, I'm not going to say that I said
6 I was here because the channel was probably held for these
7 -- these deputies. In that case, dispatch is watching my
8 location, our cars have GPS, and they can see when I'm
9 there and they mark me as -- as there.

10 Q. Okay. And -- and the other reason I wanted to
11 stop this is -- again, Defendant's 3. So do you see -- if
12 --we're looking straight ahead, you see the building on top
13 of there, is that Inakaya?

14 A. It does. Yes.

15 Q. Okay. And so Tsubaki would be to the right of
16 Inakaya, right?

17 A. That's correct.

18 Q. Okay. Okay. Just -- I wasn't trying to confuse
19 you. Just for -- for clarification. And Defendant's 4,
20 again, is just a screenshot of some of the people to whom
21 you were speaking, right?

22 A. Yes.

23 Q. Defendant's 5 is -- so this area where the young
24 lady in white is bending over (indicating), that was
25 actually where -- where Mr. -- both Mr. Cora and Ms. Cora

1 were, right?

2 A. Correct.

3 Q. Okay. So that area has obviously not been
4 secured yet, has it?

5 A. At this time, no.

6 Q. Okay. Again, the people that -- so there were
7 just several people that were in the area; is that correct?

8 A. Correct.

9 Q. Okay. And then I -- I know I had stopped this.
10 I went ahead and made a screenshot of -- of it, of this
11 person that you recognized as one of your -- one of the
12 employees for Richland County, speaking with an individual.
13 And I noticed that you had a little notepad. How about --
14 is it just whatever you have on hand?

15 A. Yeah. It's a -- a lot more feasible for me to
16 have a little baby notepad than a giant pad of paper.

17 Q. Than a giant pad. But some officers can take
18 notes on the -- on their -- on their big notepads. And
19 then as -- as -- just because this happened August 1st,
20 2021, how many calls do you think you've done since then?

21 A. A lot.

22 Q. Too many to count, right?

23 A. Right.

24 Q. And so one of the great things about having notes
25 is that either you can use them to put in a report or also

1 just upload the notes and you don't even have to put them
2 in a report, right?

3 A. No. I've never uploaded any of my notes.

4 Q. You've never uploaded your notes?

5 A. Yeah.

6 Q. But have you used your notes to make a report?

7 A. Absolutely.

8 Q. Okay. Because it -- it is immediate in your
9 mind, you writing it down so that you can save it for
10 later?

11 A. Correct.

12 MS. ZMROCZEK: Okay. Corporal, thank you very
13 much. I have no further questions for you.

14 THE COURT: Any redirect?

15 MR. FOWLER: Yes, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. FOWLER:

18 Q. I guess let's pick up where you ended with Ms.
19 Zmroczek. You said, when I was first questioning you, that
20 deputy -- every deputy on the scene doesn't always run a
21 report, correct?

22 A. That's correct.

23 Q. But the one deputy that does is the person you
24 give the notes to --

25 A. Yes.

1 Q. -- or give the information to?

2 A. Yes.

3 Q. Have you been that deputy that's made the report
4 before?

5 A. Countless times.

6 Q. Countless times?

7 A. Yeah.

8 Q. And so the deputies that do have information,
9 they give you that information for you to reduce into a
10 report?

11 A. Yeah. Either -- either rip it out or tell me
12 what chicken scratch they wrote down or something like
13 that. Yeah.

14 Q. And you reduced that to a police report?

15 A. Correct.

16 Q. And I know you're not in investigations, but same
17 way for investigators with you guys on scene?

18 A. I would assume so. Yeah.

19 Q. And so Ms. Zmroczek was asking you about the
20 crime scene. You responded to shooting incidents before,
21 other than this one?

22 A. Absolutely.

23 Q. A lot?

24 A. Yeah.

25 Q. Okay. How often are police and EMS immediately

1 on scene after a shooting?

2 A. Never.

3 Q. Never. Okay.

4 A. Yeah.

5 Q. So the people that witnessed the crime, in your
6 experience in law enforcement, are they not coached to
7 provide lifesaving measures themselves?

8 A. I -- I do know certain instances where that has
9 -- that has happened. I would -- I would hope that if I
10 was out on the street and somebody shot me, that somebody
11 nearby that could help me, would help me.

12 Q. Now, when you arrived on scene, were there
13 non-law enforcement personnel that were applying pressure
14 to gunshot wounds?

15 A. They were.

16 Q. Why do you apply pressure to gunshot wounds?

17 A. Help stop the bleeding.

18 Q. And then I think you mentioned use of a
19 tourniquet out there.

20 A. Yes.

21 Q. What was the tourniquet for?

22 A. A tourniquet, it's -- it's essentially a -- a
23 loop. Right. You can put it around arms, legs. Not good
24 for a torso. But essentially, you put it up above the
25 wound, in between the wound and your heart, and you tighten

1 it pretty much as tight as you possibly can. And what it
2 does is it contracts the -- the artery that's supplying the
3 blood while you're bleeding, and it stops the bleeding, so
4 you're not losing more blood.

5 Q. Essentially, it stops somebody from bleeding out
6 on scene?

7 A. It stops somebody from bleeding out.

8 Q. Do you use that for all injuries when -- when you
9 respond to the scene?

10 A. No. Only when there's significant blood loss.

11 Q. And there was in this instance?

12 A. Yes.

13 Q. And then just one more question body-worn cameras
14 that Ms. Zmroczek talked to you about that. Like all
15 technology, don't always work as they should, correct?

16 A. Not always.

17 Q. Not always, but a lot of time they do?

18 A. Correct.

19 MR. FOWLER: Thank you. No further question.

20 THE COURT: Any recross?

21 MS. ZMROCZEK: Very, very brief.

22 RECROSS EXAMINATION

23 BY MS. ZMROCZEK:

24 Q. If you -- if your body cam didn't work, is there
25 a procedure to let somebody know that? Do you have to --

1 A. Yeah.

2 Q. Okay.

3 A. At -- at the time, it was more in form of letting
4 whoever -- at the time was in charge of body cam, so look,
5 you know, hey, my -- I've had this issue. Now, there's
6 like a -- a ticket system, but at the time it was kind of
7 like an email.

8 Q. Okay. So now there's a ticket system?

9 A. Correct.

10 Q. But in -- in 2021, if it wasn't working for
11 whatever reason, you would just shoot an email to -- so
12 there's one --

13 A. Yeah. Email, call, text, something.

14 Q. Okay. All right. So there's somebody that --
15 that's in charge of that group of evidence?

16 A. There's somebody in charge of issuing our body
17 cams and stuff like that.

18 Q. Okay. And so -- and so that's when you could let
19 them -- if you shot them an email or text and say, "hey,
20 this needs to be fixed."

21 A. Correct.

22 Q. And they would document that, right?

23 A. I don't -- I don't know. They document it. I --
24 I've had issues and it's, hey, come by my office, and
25 here's a new one.

1 Q. Okay. And -- and then the last thing he asked
2 you about, just very briefly, was the -- the non-law
3 enforcement people that were providing assistance. So
4 people that were there, right? Were having to actually put
5 pressure on wounds, right?

6 A. Correct.

7 Q. And were you able to witness their emotional
8 state? Were -- were they very upset?

9 A. Yes. There were several people that were very
10 upset.

11 MS. ZMROCZEK: Several. Thank you, Officer.

12 THE COURT: Anything further?

13 MR. FOWLER: No, Your Honor.

14 THE COURT: Very good. You can step down.

15 (The witness steps down from the stand.)

16 Call your next witness.

17 MR. FOWLER: State calls Franklin Rainsford.

18 THE BAILIFF: Come forward to be sworn.

19 MADAM CLERK: Please, raise your right hand.

20 **INVESTIGATOR FRANKLIN RAINSFORD,**

21 A witness herein, having been first duly sworn, was
22 examined and testified as follows:

23 MADAM CLERK: Please have seat on the witness
24 stand and state your full name for the record.

25 THE WITNESS: Investigator Franklin Rainsford.

DIRECT EXAMINATION

BY MR. FOWLER:

Q. Investigator Rainsford, would you please tell the jury what it is you do with the Sheriff's Department?

A. I'm a crime scene investigator for Richland County Sheriff's Department.

Q. And would you tell them what a crime scene investigator does?

A. Crime scene investigators respond out to crime scenes of various natures, anywhere from burglaries, aggravated assaults, homicides, suicides, and any other time we're requested to process those scene.

Q. And so what -- what types of -- when you say process the scene, what types of things are you doing?

A. Processing -- processing a scene is a multi-level process. We used to document the scene, collect evidence, search for evidence, process for latent prints and DNA on the scene when needed, and -- said collecting and preserving evidence to take it back to headquarters for preservation for future use.

Q. Did you have an opportunity to respond to a crime scene on August 1st, 2021?

A. I did.

Q. And where was that crime scene?

A. It was at 224 Oneil Court.

1 Q. And what did you do at that crime scene?

2 A. When I arrived on scene, I met with Sergeant
3 Bradley Maxwell and Investigator Hook, and was provided the
4 initial scene information. My initial observations was a
5 Ford Escape parked in the parking lot in front of the Oneil
6 Court -- Inakaya's. If you're familiar with the Strip
7 mall. While there, I observed the Ford Escape in the
8 parking lot and around it, several items that I identified
9 as potential evidence.

10 Q. Speaking of that potential evidence, I'm going to
11 show you what's been marked as State's 24, 25, and 26. I'm
12 gonna ask you if you recognize these?

13 A. Yes, sir. These are fired cartridge casings --
14 FCCs -- markers, D, C and G, collected from the parking
15 lot.

16 Q. Sorry, I didn't mean to interrupt you. Fired
17 cartridge casings, what are --

18 A. Correct. Fired cartridge casings, also commonly
19 referred to as shells, that is the brass portion of a
20 bullet projectile. After a firearm is discharged, the
21 projectile goes out in the barrel of the gun and depending
22 on the firearm, the cartridge casing is ejected from the
23 firearm.

24 MR. FOWLER: And, Your Honor, I would ask to have
25 State's 24, 25, and 26 admitted into evidence.

1 THE COURT: Any objection?

2 MS. ZMROCZEK: Your Honor, without objection.

3 And I know that he wants to lay the foundation for the
4 photos. I have seen them. I also have no objection
5 to those coming in as well.

6 THE COURT: All right. State's 24, 25, and 26
7 admitted without objection.

8 (State's 24, 25, and 26 are admitted into
9 evidence.)

10 BY MR. FOWLER:

11 Q. And speaking of that crime scene, let me just
12 make sure I get these in sequential order. I'm going to
13 show you what's been marked as State's 8 through 15. Would
14 you please tell me if you recognize these photographs?

15 A. Yes, sir. These are the photographs that I took
16 from the scene that night.

17 Q. You took those photographs?

18 A. Yes, sir.

19 Q. And those are a fair and accurate representation
20 of the crime scene?

21 A. Yes, sir.

22 MR. FOWLER: Your Honor, I'd move to have State's
23 8 through 15 admitted into evidence.

24 MS. ZMROCZEK: Without objection.

25 THE COURT: All right. State's 8 through 15 will

1 be admitted without objection.

2 (State's 8 through 15 are admitted into
3 evidence.)

4 BY MR. FOWLER:

5 Q. Okay. Let's start with State's 8 -- and I think
6 it'll show on your screen there. If you would just kind of
7 jump through what it is we're looking at the State's 8.

8 A. So this is a shot of the front of the Ford
9 Escape. and at this point, I've already identified items
10 of evidence and used yellow placards with letters to
11 identify those pieces of evidence.

12 Q. And so marker G, right there (pointing), do you
13 know what marker G -- what you're marking there?

14 A. Marker G would be a -- the fired cartridge
15 casing.

16 Q. Believe that's States 26?

17 A. Yes, sir.

18 Q. And that is in front of that Ford Escape?

19 A. Correct.

20 Q. Okay. Tell us what we're looking at here in
21 State's 9.

22 A. And that would be a driver's -- the shot of the
23 driver's side of the vehicle.

24 Q. Again, that -- that Escape?

25 A. Correct.

1 Q. And I believe markers B and C -- what are you --
2 what are you showing there?

3 A. Those are also the fired cartridge casings.

4 Q. So Marker B is State's 24?

5 A. Yes, sir.

6 Q. And State's 25 marker C?

7 A. Correct.

8 Q. And those are the -- the brass that comes off of
9 a bullet?

10 A. Yes, sir.

11 Q. Okay. State's 10, what are we seeing in State's
12 10?

13 A. Those are a black hoodie -- black front hoodie,
14 and a pink shirt.

15 Q. Okay. And pink shirt. So State's 11 doesn't
16 appear to be clean?

17 A. Correct. There were -- I did observe reddish
18 brown stains on the shirt.

19 Q. And would -- in your experience, that would be
20 consistent with somebody holding something on a gunshot
21 wound?

22 A. I would just identify -- at this point, identify
23 it as there were reddish brown stains on the shirt. To
24 where they came from or how they got there, I would not
25 say.

1 Q. And I think State's 12 is just a up-close view of
2 the two pieces of clothing you collected.

3 A. Correct. That was taken prior to the previous
4 photo, where it was marked as found on the scene.

5 Q. Okay. And State's 13. Is -- that's a -- what is
6 that?

7 A. That is a fired cartridge casing, marker C.

8 Q. And that was on the driver's side, I believe, of
9 the Ford Escape?

10 A. Yes, sir.

11 Q. And then State's 14.

12 A. Marker G.

13 Q. Yep. And that was -- was that one also -- was
14 that in front of the --

15 A. That was in front of the vehicle.

16 Q. That was in front of the -- of the vehicle. And
17 then State's 15.

18 A. This is also from the driver's side.

19 Q. Is that a fire cartridge casing?

20 A. Correct.

21 MR. FOWLER: Court's indulgence?

22 THE COURT: Yes, sir.

23 BY MR. FOWLER:

24 Q. And were -- were you able to ascertain what
25 caliber of fire cartridges casing that was?

1 A. I believe it was the nine millimeter.

2 MR. FOWLER: Thank you, Your Honor. I have no
3 further questions.

4 THE COURT: Ms. Zmroczek?

5 MS. ZMROCZEK: Thank you.

6 CROSS-EXAMINATION

7 BY MS. ZMROCZEK:

8 Q. Good afternoon.

9 A. Good morning, or good afternoon.

10 Q. Yeah. Good morning. I've been up a while.

11 Sadly. You are part of the crime scene investigators,
12 according to your shirt. You're -- you're employed with
13 the -- as a crime scene investigator; is that correct?

14 A. Yes, ma'am.

15 MS. ZMROCZEK: Hang on (reaching for water).

16 THE COURT: Water?

17 MS. ZMROCZEK: Thank you again.

18 BY MS. ZMROCZEK:

19 Q. It's Investigator -- Rainsford, right?

20 A. Yes, ma'am.

21 Q. Okay. How long have you been doing crime scene
22 investigation?

23 A. For 12, 13 years now.

24 Q. Okay. So quite some time, right?

25 A. Yes, ma'am.

1 Q. You received training on specific duties that
2 would relate to your job, right?

3 A. Yes, ma'am. We have an extensive in-house
4 training, concentrating on general crime scene processings,
5 aggravated assaults, shootings.

6 Q. Because crime scenes can help tell a story,
7 right?

8 A. Yes, ma'am. We try to put together -- collect
9 evidence to assist the investigators on what actually
10 happens at the scene.

11 Q. Okay. Right. Because what -- what -- what's
12 important about your job is that you are trained to collect
13 all potential evidence, right?

14 A. Yes, ma'am.

15 Q. Like when you get out there, you have no idea
16 what's important or what's not important; is that right?
17 Well, I mean, obviously you have some idea, but --

18 A. Yes, ma'am. We observe. We try to assess the
19 scene based on information provided to us, do the best job
20 as collecting evidence that pertains to this crime scene
21 itself.

22 Q. And -- and when you -- by the time that you get
23 there, it -- the crime scene -- or especially in this case,
24 the crime scene had finally been taped off, right?

25 A. Yes, ma'am. The crime scene had been established

1 with crime scene tape.

2 Q. Okay. And the reason that you do that is because
3 -- as we saw -- and if we can pull up State's 8. So as we
4 are about to see, in State's 8 -- so there are little
5 placards, right?

6 A. Yes, ma'am.

7 Q. Okay. And who -- where did those come from?

8 A. Those yellow placards are issued to us.

9 Q. Okay. And so before you get there -- I think we
10 -- we will look at it a little bit later, but there's a --
11 another picture that has like a folded up piece of paper.
12 That's something that was put there for you to be on the
13 lookout once you got there, right? It was something that
14 somebody at the -- somebody -- one of the deputies thought
15 could be a potential piece of evidence that they wanted to
16 mark, right?

17 A. Yes, ma'am.

18 Q. Okay. And -- and I know that this sounds silly,
19 but I mean, because if there's evidence on the ground and
20 you have people walking, things could get kicked or moved,
21 then they're not reflective of where they were when it
22 happened, right?

23 A. That is potential.

24 Q. Okay. And sometimes it's just -- it's just --
25 you can't avoid it, right? It's like it -- it -- the EMS

1 has to come in and they have to drive in. There's a
2 potential that they could either roll over things or -- or
3 move things. But that's not done maliciously; it just
4 happens, right?

5 A. Correct.

6 Q. Okay. And so you -- looking at State's 8 -- and
7 I want to focus your attention to the placard on the hood
8 of this Ford. And you placed that there?

9 A. Yes, ma'am.

10 Q. And what is that?

11 A. It's a plastic cup.

12 Q. And you -- not only did you identify it, you
13 collect -- do you collect all the things that you mark as
14 placards?

15 A. Generally, yes, ma'am.

16 Q. Okay. And so why would -- that piece of
17 information or that plastic cup could possibly have some
18 DNA, right?

19 A. Possibly.

20 Q. Okay. Could have fingerprints potentially?

21 A. Yes, ma'am.

22 Q. Okay. So that's a piece of evidence that you
23 would collect that would -- could later be tested to help
24 identify or -- or identify someone or corroborate
25 somebody's story? They could say, "Hey, I was out there

1 right when it happened. I set my drink down," and sure
2 enough, there's a drink, right?

3 A. That's a possibility.

4 Q. Okay. That's what we call corroboration, right?
5 And so you -- how many items of evidence did you collect in
6 total?

7 A. Items of evidence total? 19.

8 Q. Nineteen.

9 A. From that scene.

10 Q. From that scene. Right there, right? And what
11 -- once you collect it, what's your process? What do you
12 do with it?

13 A. Depending on the items of evidence, we will
14 either submit it directly to our evidence and property room
15 where it will be securely held for further analysis, if
16 requested, or just photography, if it needs more in-depth
17 photography. And in this case, I did process the fire
18 cartridge casings.

19 Q. So State's 24, 25, and 26?

20 A. Yes, ma'am. The fire cartridge casings.

21 Q. Okay. And you said you processed them. What
22 does that mean?

23 A. Back at the lab -- and in this case, I did use
24 cyanoacrylate, which is our super glue fuming. Method
25 where the items of evidence are put into a chamber, fumed

1 with cyanoacrylate super glue, and then with black powder
2 to enhance anything or prints that may be present.

3 Q. And that's like -- for example, if -- if I'm
4 gonna load -- this is a fired cartridge casing? And I'm
5 holding State's 25, right?

6 A. Yes, ma'am.

7 Q. Okay. I'm gonna open it -- or I have you open
8 it.

9 A. Do you have gloves?

10 Q. And so you say that you processed these, right?

11 A. Yes, ma'am.

12 Q. Okay. So if you'll open -- actually you can go
13 ahead -- well, I don't want to get them confused. So just
14 open 25 first. How -- what do you do when you process it?

15 A. The processing is just a technique -- depending
16 on the technique used to enhance or reveal any latent
17 prints that might be left on an item of evidence.

18 Q. Are there other potential -- could you get DNA
19 from these? I'm trying to ask a fancy question.

20 A. Possibly.

21 Q. Okay. So you -- you have that State's 25 out,
22 right?

23 A. Yes, ma'am.

24 Q. Okay. And so how does this end up at the crime
25 scene?

1 A. Well, there are many several ways. I mean,
2 either someone just dropped off the fired cartridge casing,
3 it was discharged from a firearm. Based on the totality of
4 the circumstances and what I know at the scene or what I
5 can see, it would just -- it's items of evidence that I
6 would collect to corroborate someone's --

7 Q. So you get called to a shooting, you find shell
8 casings, you're assuming that they came out of a gun,
9 right?

10 A. That is the general assumption. But you know, I
11 collect what is there at the scene.

12 Q. Of course. And so you tested for fingerprints
13 because when you load the -- at that time they're bullets
14 -- when you load the bullets into the magazine, you --
15 sometimes you can put a very good finger to get it in
16 there, and so that'll leave a good mark for you to be able
17 to test, right?

18 A. Depending -- and, you know, that is why we
19 process these fire cartridge casings for latent prints.

20 Q. Okay. What else can these fire cartridge casings
21 get tested for?

22 A. After they're processed by the DNA unit, they do
23 get submitted to the firearms section for further analysis.

24 Q. And are you familiar with the kind of analysis
25 that they do?

1 A. Globally, but I'm not trained as a firearms
2 examiner.

3 Q. Right. Right. But are you familiar globally
4 enough to know that there -- if there is a national
5 database that they could potentially load?

6 A. Yes, ma'am.

7 Q. Okay. Load these casings into. What all of
8 these -- with all of these items of evidence that you
9 collected, do you determine what gets tested?

10 A. Ultimately, it's up to the lead investigator to
11 determine what is collected and through which processes.
12 And the aggravated assaults and shootings, crime scene will
13 automatically process any firearms related items such as
14 fired cartridge casings or if there's a firearm actually
15 located on scene, that we would process those
16 automatically.

17 Q. Okay. And which brings me to my next question.
18 So you have these cartridge casings. We have three. So if
19 -- following logic, we have three cartridge casings, that
20 means that at least three bullets were fired, right?

21 A. That would be the assumption, but again, if it's
22 on -- at the scene, I would collect it and then we would
23 analyze it later to see if that was actually where the --

24 Q. Okay. So if there were reports that there had
25 been five shots, would you expect to find five shell

1 casings if they all came from not a -- so revolvers don't
2 inject shell casings, right?

3 A. Typically not.

4 Q. Okay. Typically not. So -- but since we have at
5 least three fired cartridge casings, if there were five
6 shots -- if two more were also fired, would you expect to
7 find more shell casings or fire cartridge casings?

8 A. That would be the expectation and we would search
9 the scene trying to find all potential evidence.

10 Q. Okay. And did you do that in this case?

11 A. Yes, ma'am. I did search.

12 Q. And that -- and that scene wasn't just this
13 little area, was it?

14 A. From my understanding, it was just this parking
15 lot --

16 Q. Parking -- like --

17 A. You know, around --

18 Q. -- the whole parking --

19 A. -- around that vehicle was --

20 Q. Okay. And that was my point, is that you walked
21 kind of the whole parking lot, right?

22 A. Yes, ma'am.

23 Q. Okay. Did you notice any defects on the vehicle?
24 Meaning did you notice that -- did you process this vehicle
25 that's in the middle of this crime scene?

1 A. I did.

2 Q. Okay. And did you notice any defects? When I
3 say defects, I mean any marks or any indication that the
4 vehicle had been struck by a gunshot?

5 A. Yes, ma'am.

6 Q. Okay. What did you notice?

7 A. I observed -- there was a graze to the back of
8 the vehicle. Marker one.

9 Q. Okay. And so marker one, would that be on the
10 driver's side or the passenger side?

11 A. If you look at on the photograph, I believe it's
12 the driver's side. The -- the driver's side.

13 Q. Okay. I'm going to put these back in here.
14 Okay.

15 A. Oh, yes, ma'am.

16 Q. Okay. All right. So you noticed a defect on the
17 driver's side. And were you able to -- when you have
18 vehicles that are hit or potentially hit by gunshots, are
19 you able to do any trajectory or any angle to understand
20 kind of where that person was standing or where a gun was
21 fired from?

22 A. Yes, ma'am. It gives us a general
23 directionality. In this scene -- particular scene, I did
24 not do a full-fledged trajectory, firearms analysis of --

25 Q. Okay. Can you pull up State's 12 for me please?

1 Sorry. Okay. This State's 12 is another photograph that
2 you took, right?

3 A. Yes, ma'am.

4 Q. Okay. And we noticed -- I noticed that there's a
5 purple glove and perhaps some medical trash over there?

6 A. Yes, ma'am.

7 Q. Okay. So -- so that tells -- that tells you that
8 somebody could have possibly moved these things or items to
9 -- to make sure that they were able to take care of the --
10 of the person, right?

11 A. The signs of medical intervention say the gloves
12 and the package that may contain gauze. Yes, that would
13 indicate that medical aid was rendered.

14 Q. Okay. All right. But typically, when -- in --
15 in medical -- you -- you work closely with EMS and fire
16 departments often, don't you?

17 A. Closely, I show up after the scene, so...

18 Q. And -- and so maybe -- I guess that was a poorly
19 worded question. So the point is -- is though, they --
20 they know that you're coming to -- to record the scene, so
21 they try to -- to do as minimal damage as they can as far
22 as moving things?

23 A. I don't speak to their protocols, but I come in
24 and document the scene as it is presented to me when I
25 arrive.

1 Q. Okay. And you -- when a bullet is shot from a
2 gun, so we get the -- the fire cartridge casing that comes
3 out, right? And then the bullet that goes wherever; is
4 that correct?

5 A. Yes.

6 Q. Is that your understanding of it?

7 A. It goes where it's pointed.

8 Q. Very -- very rudimentary. But when -- if a
9 bullet does not get lodged into an item, is it -- is there
10 a potential that you would find a bullet at the scene as
11 well?

12 A. I did search for projectiles at the scene and it
13 was a dark parking lot at 3:30 -- you know, from 3:15 to
14 4:45. Very dark parking lot. I did search the parking lot
15 for further evidence and did not find any projectiles.

16 Q. Okay. Now, you described it as a very dark
17 parking lot. Can we go back to -- well, do you recall when
18 you were photographing that there was a light up -- a
19 lamppost there?

20 A. Yes, ma'am. I do believe the vehicle was parked
21 next to a lamppost.

22 Q. Okay. And was that lamppost on?

23 A. Let me go back to my photographs (looking through
24 pictures).

25 Q. Sure.

1 A. I -- I can't tell with my photography because I
2 don't have a flash on my camera if the like lamppost was
3 indeed on or not at that point.

4 Q. Okay. So you don't have any pictures of the lamp
5 being on or off?

6 A. I have -- I have the lower portion of the
7 lamppost, but I don't have one of the actual light.

8 Q. Okay. That's -- that's fine. Do you have any
9 independent recollection if it were off or on?

10 A. Not at this point. No, ma'am.

11 Q. And I'm gonna mark this as Defendant's 18. The
12 sticker's a little wonky, so I'm just gonna bend it over a
13 little bit so it doesn't get stuck on your hand. But I'm
14 gonna hand you Defendant's 18 and ask if you recognize that
15 photo.

16 A. Yes, ma'am. This is a photograph of the defect
17 on the rear driver's side of the vehicle. Marker one.

18 Q. And that fairly and accurately represents the
19 picture that you took of the vehicle in the parking lot
20 that evening?

21 A. Yes, ma'am.

22 MS. ZMROCZEK: Your Honor, at this time we move
23 Defendant's 18 into evidence.

24 THE COURT: Objection?

25 MR. FOWLER: No objection, Your Honor.

1 THE COURT: Photographs will be admitted as
2 Defendant's 18.

3 (Defendant's 18 was admitted into evidence.)

4 BY MS. ZMROCZEK:

5 Q. Were you able to locate any projectile or
6 cartridge casing or anything associated with -- with this
7 defect?

8 A. No, ma'am. I did not. Given the nature of the
9 location of the cartridge casings, I don't associate which
10 one -- what caused which damage or if that is even fresh
11 damage or old damage. I have -- I observed it and I
12 documented that it was present.

13 Q. Okay. And then you -- when you document --
14 again, you turn -- you upload your reports and they go to
15 the lead investigator in this case, right?

16 A. Yes, ma'am.

17 Q. And who was the lead investigator in this case,
18 to your knowledge?

19 A. I know Bradley Maxwell responded, Investigator
20 Hook responded out to the scene, but who ultimately was
21 assigned this case, I'm not sure of this.

22 Q. Okay. All right. But that -- that wouldn't be
23 something in your purview to -- to go follow up with
24 whoever owned the truck, ask him if they had been involved
25 in any gunfight, or if received it that night. That would

1 be -- that would be somebody else in your department,
2 right?

3 A. Correct.

4 Q. Or not your department. In the sheriff's
5 department?

6 A. Right. That'd be the lead investigator.

7 Q. Okay. The -- there were several -- you said you
8 collected 19 items. Some of those included the -- the
9 plastic cup that we saw, right?

10 A. Yes, ma'am.

11 Q. And the cigar wrapper?

12 A. Yes, ma'am.

13 Q. All right. And, again, those are items that
14 could be tested for -- to potentially identify someone that
15 had come in contact with it, right?

16 A. Yes, ma'am.

17 Q. Like DNA that -- you can get DNA or -- or
18 fingerprints or whatever. There are several available
19 options to test?

20 A. Yes, ma'am.

21 Q. And some items obviously are harder to get
22 fingerprints off of than others, right?

23 A. Depending on the nature of the item and how long
24 in that -- how the impression was made, yes, ma'am.

25 Q. Okay.

1 A. There's a wide range of results.

2 MS. ZMROCZEK: Beg the court's indulgence. I
3 believe those are all the questions I have for the
4 investigator. Thank you.

5 THE COURT: Anything on redirect?

6 MR. FOWLER: Yes, sir, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. FOWLER:

9 Q. Investigator Rainsford, I'm picking up right
10 where Ms. Zmroczek left off. You said some items are more
11 difficult to get trace evidence off of?

12 A. Yes, sir.

13 Q. What would be some potential challenges of
14 getting something like a fingerprint or DNA off of a fired
15 cartridge casing?

16 A. First of all, the shape and size of a fired
17 cartridge casing limits how the latent print can be
18 deposited on there. Especially on a fired cartridge
19 casing, the act of it being fired and discharged and --
20 that make it extremely difficult to recover a latent print
21 off of an actual fired cartridge casing.

22 Q. Because there's an explosion in the chamber of
23 the gun?

24 A. Yes, ma'am -- yes, sir.

25 Q. That releases a lot of gases?

26 A. Gases, heat, the physical force -- that it's

1 ejected and impacts the ground.

2 Q. And that could disturb what is otherwise fragile
3 evidence like DNA or fingerprints?

4 A. Correct.

5 Q. And then going back to marker number one, Ms.
6 Zmroczek showed you, I noticed that you referred to it as a
7 defect.

8 A. Yes, sir.

9 Q. Why do you refer to it as a defect?

10 A. Because it wasn't an impact where the projectile
11 lodged itself into the vehicle itself. And it just --
12 that's our categorization of it -- classification of how
13 there was a damage to the vehicle.

14 Q. A -- a damage to the vehicle?

15 A. A damage.

16 Q. So not specifically what kind of damage to the
17 vehicle, correct?

18 A. Correct. Yes sir.

19 Q. So you -- you call it defect because you're
20 unsure of if that's caused by a graze -- a grazing bullet
21 or something else?

22 A. Correct.

23 Q. And if -- if you were sure that that was an
24 impact point of a bullet, you would refer to it on the
25 stand as an impact point; is that right?

1 A. Right. If I recovered a projectile from inside
2 the vehicle at that location, I would refer to it as an
3 impact point.

4 Q. And then just a couple more questions briefly.
5 You're issued a service weapon; is that correct?

6 A. Yes, sir.

7 Q. You fire that service weapon?

8 A. Yes, sir.

9 Q. When you do fire the fire cartridge casings, do
10 they drop straight down?

11 A. Typically with most firearms, the cartridge
12 casings eject back into the right.

13 Q. So they don't fall exactly where you fire them
14 from?

15 A. Correct.

16 Q. They kind of scatter about?

17 A. And they can bounce around, especially in a
18 gravel parking lot where uneven surface -- they can bounce
19 around.

20 Q. Is it possible for someone to go and pick up
21 fired cartridge casings that they've fired themselves?

22 A. That is a possibility.

23 Q. And so if someone's done that at a crime scene,
24 then you would not be able to collect that?

25 A. I would collect any potential evidence on -- at a

1 scene. Given the nature of a shooting scene, I would --

2 Q. Just logically, you wouldn't be able to collect
3 evidence that someone took from a scene?

4 A. Collect evidence someone took --

5 Q. Like a suspect.

6 A. Oh, if someone removed it prior to my arrival --

7 Q. Correct.

8 A. I would not even know that it was there.

9 MR. FOWLER: No further questions, Your Honor.

10 THE COURT: Recross?

11 MS. ZMROCZEK: Very briefly.

12 RECROSS EXAMINATION

13 BY MS. ZMROCZEK:

14 Q. Investigator, he asked you about the -- the shell
15 casings and -- and you talked about it earlier. I meant to
16 ask you, can -- if -- if a gun is recovered -- even if a
17 gun isn't recovered at the scene, if a gun is recovered
18 somewhere else, could they still test these shell casings
19 against guns that potentially would have anything to do
20 with this case?

21 A. The firearms section does do comparisons on known
22 or unknown sources.

23 Q. Okay. And -- oh. So they -- so they could even
24 -- scratch that. Terrible question.

25 Next question, and last question. He asked you about the

1 defect. Obviously, you said you don't know what happened
2 because it was a shooting a location, you wanted to
3 document it. That would be for somebody else to follow up
4 on to see if they had hit a tree or had been shot at some
5 other time. That would -- that would be taking your
6 information that you found and then either verifying it or
7 trying to explain it, right?

8 A. Yes, ma'am.

9 MS. ZMROCZEK: Thank you, Investigator. I have
10 no further questions.

11 THE COURT: Anything from the State?

12 MR. FOWLER: Nothing further for this witness,
13 Your Honor.

14 THE COURT: All right. Call your next witness.

15 MR. FOWLER: Your Honor, this next witness I
16 think might be a bit long. I know the State probably
17 needs five minutes.

18 THE COURT: Yeah. Let's a take a break. Ladies
19 and gentlemen, we're going to take a short break.
20 Again, please don't discuss the case amongst
21 yourselves and we will get back -- we will get back 10
22 or 15 minutes.

23 (The jury exits the courtroom and a brief recess was
24 taken.)

25 THE COURT: All right. Bring us the jury,

1 please, sir.

2 THE BAILIFF: Yes, sir.

3 (The jury was brought to the courtroom.)

4 THE BAILIFF: Jury is present and seated, Your
5 Honor.

6 THE COURT: Thank you, sir. State ready to call
7 your first witness?

8 MR. FOWLER: We are, Your Honor. State calls
9 Jacob Cora.

10 MADAM CLERK: Please, raise your right hand.

11 **JACOB CORA,**

12 A witness herein, having been first duly sworn, was
13 examined and testified as follows:

14 MADAM CLERK: Please, have a seat on the witness
15 stand and state your full name for record.

16 THE WITNESS: Jacob Cora.

17 DIRECT EXAMINATION

18 BY MR. FOWLER:

19 Q. Mr. Cora, would you mind just introducing
20 yourself to the jury. Just tell them a little bit about
21 you, how you're related to Ms. Reyes and Ms. Cora, and all
22 that.

23 A. I'm 29. Yolanda Cora is my aunt. Judy Reyes is
24 my mother.

25 Q. Are you from South Carolina originally?

1 A. No.

2 Q. Where are you from?

3 A. I'm from New York.

4 Q. What part of New York?

5 A. Bronx.

6 Q. How long have you been in Columbia?

7 A. I -- I was on and off for like three or four
8 years, but I reside in Georgia right now.

9 Q. Okay. I'm going to just jump right into it.
10 August 1st, 2021, do you remember that night?

11 A. Yeah.

12 Q. Tell us what was going on. Just kind of take us
13 from the start of your night out.

14 A. So I was at home and I wasn't really going to do
15 anything for my birthday, but my mom had like insisted like
16 I need to do something because you never do nothing. So I
17 was like, all right, fine. So we decided to go to Tsubaki
18 for a karaoke bar. We got there. We were just hanging
19 out, drinking, singing, pretty much the normal stuff that
20 anybody would do as a family. By the end of the night, we
21 all decided that we were hungry, we wanted to eat, so we
22 decided we were like, "All right, let's go to Waffle
23 House". I was outside with my aunt at the time. We were
24 both smoking. I was smoking a cigarette.

25 Q. Let me -- before -- before we get too much

1 further. So end of the night, bar is closing, the plan is
2 to go to Waffle House. That's --

3 A. To go eat. Yeah. Because everybody was hungry,
4 so we all decided to just --

5 Q. Do you remember who was going to drive y'all that
6 night?

7 A. My mother was driving.

8 Q. DD? Designated driver?

9 A. Yeah.

10 Q. Okay. All right. So you and Aunt Yolanda here
11 both go outside to smoke a cigarette?

12 A. Yes.

13 Q. Okay. What happens when y'all go outside to
14 smoke a cigarette?

15 A. I was on the phone with my wife and she was
16 talking to one of the guys that was there, the friend --
17 one of the friends that we met. I -- I guess we got --
18 when we got there, we -- we got cool with, and then I hear
19 -- I hear my aunt saying, "No, thank you." Like, I didn't
20 hear the full context of the -- them talking, but I just
21 hear my aunt saying, "No, thank you." And then I hear
22 after he was like calling her like a B word and being,
23 like, you know, rude.

24 Q. I'm -- I'm sorry. And -- and I -- I don't --

25 A. No, you're fine.

1 Q. -- don't leave anything out. Can you kind of
2 skip through it. What -- what did you hear said to your
3 aunt?

4 A. Like a -- like being a bitch and --

5 MS. ZMROCZEK: Your Honor, I would object to
6 hearsay at this point until they establish the
7 declarant.

8 MR. FOWLER: I'm not accusing -- this is not for
9 any truth. This is why he walked to the direction of
10 his aunt.

11 THE COURT: Okay. Overruled.

12 A. Yeah. So I heard -- I heard him call him a bitch
13 and, like, say a "bitch" and other words that I just really
14 can't fully remember at the time.

15 BY MR. FOWLER:

16 Q. And this was directed at aunt --

17 A. Oh, yes.

18 Q. Okay.

19 A. And so I asked him, who is he talking to?

20 Q. And I'm -- I'm sorry. And I -- I just want to --
21 and I hate to keep interrupting you, I just kind of want to
22 paint a picture for the jury --

23 A. Okay.

24 Q. -- of where everybody is. So you're talking to
25 your wife?

1 A. I was like -- yeah, I was on -- I was on FaceTime
2 with my wife. If I remember correctly, my aunt was to the
3 left of me.

4 Q. Okay.

5 A. And we were kind of in the parking lot area at
6 the time. And I asked him, "Who was he talking to?" And
7 he said, "Mind your fucking business" or "mind your
8 business" -- some -- something.

9 Q. Okay. And let me stop you right there. Because
10 I -- it gets a little convoluted in this story. If -- if
11 we just talk through it real fast. The person that was
12 talking to your aunt, that's you, then said, "Who are you
13 talking to?" --

14 A. Yes.

15 Q. -- is that the person that shot you?

16 A. I don't know.

17 Q. Okay.

18 A. I don't -- I don't know.

19 Q. Okay. All right. Continue. So you -- you
20 talking to him?

21 A. So I'm talking -- and he said -- I said, "Well,
22 that is my business because that's my aunt." And all I
23 remember him saying was, "So what are you trying to do?"

24 Q. Okay.

25 A. And we -- I met up with him and we had exchange

1 of words. I can't remember what we were saying to each
2 other or whatnot. And then I remember everybody started
3 coming out, and we were going back and forth still while
4 everybody was like, you know, out. By the time everybody
5 came out, we were still going back and forth arguing. And
6 then all I remember really was I heard shots. I heard like
7 two shots and --

8 Q. But -- before the shots, was there another
9 individual that -- that came in to join this conversation?

10 A. Me, I don't remember. I remember just talking to
11 one individual at the time. So yeah, I just heard two
12 shots really. And -- then I hear my aunt saying, "He shot
13 me," and my reaction was to go attack, to defend. And then
14 -- at that moment, like from -- from my eyes, I just
15 remember everybody just freezing for a second. And then I
16 heard screaming. And I think it was one of my cousins
17 said, "You're bleeding." And I -- and I was like, "I'm
18 bleeding?" Because I didn't realize I got shot. Like I
19 didn't feel it or anything.

20 So I looked down and I just saw blood spilling from my
21 thigh. And then I think that's when my legs caved in. And
22 then after that was like -- more like a blur because I was
23 just like in and out. Like, I was just in and out, in and
24 out. And then I remember like just being on the floor for
25 a second, my cousin holding on my neck. And then a friend

1 came over, to hold on my neck because I told him to go
2 check on his mother. And then I ended up being in the
3 ambulance and then so on and so forth.

4 Q. Do you recall seeing -- and -- and I know
5 you said that obviously you got shot.

6 A. Yeah.

7 Q. Memory might be a little fuzzy. Do you recall
8 seeing an individual just kind of generally that had
9 dreads and dark skin out there?

10 A. Yes. By -- by my --

11 MS. ZMROCZEK: Your Honor. Objection; leading.

12 THE COURT: Overruled. Go ahead.

13 BY MR. FOWLER:

14 Q. And that individual that that you described, was
15 he a part of the exchange --

16 A. Yes.

17 Q. -- involving you and your aunt, and the
18 individual that was hitting on your aunt?

19 A. Yes.

20 Q. Okay. Sorry. And you were shot. Where were you
21 shot?

22 A. I was shot right here (pointing to) in the neck
23 and then in the thigh, upper thigh -- lower right thigh.

24 Q. How long were you in the hospital for?

25 A. I was -- I think like maybe two days. About two

1 days if I can remember correctly.

2 MR. FOWLER: Beg the Court's indulgence.

3 BY MR. FOWLER:

4 Q. Obviously you were -- it was your birthday. You
5 were celebrating, right?

6 A. Yeah.

7 Q. Had you had some drinks?

8 A. Prior or -- or -- while I was there?

9 Q. While you were at Tsubaki?

10 A. Yes. Yes.

11 Q. Were you -- were you drunk?

12 A. Yes.

13 Q. Okay. I do believe when you were talking to
14 police once you got out of the hospital, you heard some
15 type of accent or picked up on some type of accent with the
16 people you were talking to?

17 A. Yeah. It sounded like they were from where I was
18 from.

19 Q. Where is that?

20 A. New York.

21 Q. Like a New York-sounding accent?

22 A. Kind like a New York accent. Yeah.

23 Q. Okay. And did -- did a couple of the -- met one
24 or two of the individuals in the group, you picked up on
25 that?

1 A. Yeah.

2 Q. And that's from being -- being from New York
3 yourself?

4 A. Yeah. Yeah.

5 Q. Okay. Oh, and I skipped over the individual that
6 you remembered with the dreadlocks and the dark skin. How
7 tall?

8 A. He was about my height.

9 Q. About your height. Would you mind just standing
10 up real quick for the jury?

11 A. (Complies.)

12 Q. How tall are you?

13 A. Like 6'1".

14 Q. Okay. And you said he was about your height?

15 A. About -- yeah, about my height.

16 Q. Roundabout. I had -- one last question. Do you
17 recall saying anything after you'd been hit? What were you
18 telling people?

19 A. I remember just making sure my aunt was okay and
20 then I was just making -- I was telling -- I was telling
21 them just tell my -- my sons I love them. And if anything
22 happens, just like, "I love -- I love -- I love y'all."

23 Q. Why were you saying that?

24 A. Because I thought I was gonna die.

25 MR. FOWLER: Thank you. No further questions,

1 Your Honor.

2 THE COURT: Ms. Zmroczek?

3 MS. ZMROCZEK: Thank you, Your Honor. May it
4 please the Court?

5 CROSS-EXAMINATION

6 BY MS. ZMROCZEK:

7 Q. Okay. Mr. Cora. You -- I want to ask you a few
8 questions about kind of what your plans were the night of
9 August 1st. Is that -- is that -- was that your birthday?

10 A. My birthday July 30th, but we decided to
11 celebrate July what? 31st to -- I think -- and then it led
12 on to August 1st, so...

13 Q. Okay. Yes, because -- because --

14 A. Because the time --

15 Q. Right. When it changes midnight, it then becomes
16 August 1st.

17 A. Yeah.

18 Q. So you have a -- you have a very close family,
19 right?

20 A. Yes.

21 Q. Okay. And if -- were you able to -- is the board
22 have kind of the -- is that -- are the identifications
23 correct? You are the son of Judy?

24 A. Yes.

25 Q. You have a sister named Abigail?

1 A. Yes.

2 Q. She was there that night, right?

3 A. Yes.

4 Q. Who -- did you have any other sisters there that
5 night?

6 A. I think my oldest sister came, but she left
7 early.

8 Q. What -- and what's her name?

9 A. Sierra Torres.

10 Q. Okay. Sierra Torres. And but she left early?

11 A. Yeah.

12 Q. All right. And then your aunt --

13 A. Yes.

14 Q. -- is Yolanda, right?

15 A. Yes.

16 Q. And then -- so your cousin would be Nelson and
17 Kiara?

18 A. Yes.

19 Q. Okay. And then did you remember meeting any of
20 these people that evening?

21 A. I remember meeting Joseph. He was the white guy
22 inside the karaoke bar. I remember him because he was
23 cool, and Devin.

24 Q. Okay. What do you remember about Devin?

25 A. I remember he was just chill. He was hanging out

1 with us enjoying, like -- because we were all -- since
2 we're all together, we were just vibing out, enjoying
3 ourselves. And I -- that's when we just attracted the
4 people around us. So it was just like everybody was
5 enjoying themselves.

6 Q. Okay. What time did you get to Tsubaki that
7 evening? And it's kind of hard for me to hear. I must be
8 getting old, so that's why I'm a little close. I'm sorry.

9 A. I'm trying to remember what time we went. I
10 think maybe around like 8:00, 8:00 maybe -- 8:00-ish.

11 Q. Okay. And did you go -- did you go to eat dinner
12 as well?

13 A. No.

14 Q. No? Okay. Y'all were just going to drink and
15 karaoke?

16 A. Yeah.

17 Q. Okay.

18 A. Well, I -- we ate there, but --

19 Q. You did eat there as well?

20 A. Well, yeah, we ate there. Yeah.

21 Q. Okay. But -- but you had -- had you eaten before
22 then?

23 A. No.

24 Q. Okay.

25 A. Like before drinking or --

1 Q. Before you got to Tsubaki?

2 A. No, I didn't eat anything.

3 Q. Okay. Had you had anything else to drink? I
4 mean, is it your birthday?

5 A. Like, just -- just regular like Sake, like
6 regular alcohol, nothing like crazy.

7 Q. Okay. That was at -- that was --

8 A. At Tsubaki, but like you're talking about like
9 water or something?

10 Q. I meant -- no, silly. Sorry. I'm a terrible
11 question-asker. Before you got to Tsubaki that evening,
12 had you pre-gamed or had anything to drink?

13 A. No.

14 Q. Okay. That's what -- yeah, that's what I was
15 asking. And so the drinks that you were -- that you
16 remember having that night were --

17 A. Was Sake -- I think I had like a Peach -- Peach
18 Rum -- cup of Peach Rum shots, but those -- like nothing --
19 mainly just the Sake.

20 Q. Okay. And how many were in the group?

21 A. As far as like my family?

22 Q. Yes.

23 A. It was a lot of people. I think maybe like --
24 like a -- a little over 10, like maybe.

25 Q. How late did -- so how late did y'all stay?

1 A. We stayed for a -- we stayed for a good amount of
2 hours, like me -- I think if we -- we stood until like at
3 least almost 2 o'clock.

4 Q. And did you pay the bill that evening or was that
5 someone else?

6 A. I paid my bill. I think everybody -- I paid my
7 bill like once.

8 Q. Oh, so you had a separate bill?

9 A. Yeah, I paid my bill.

10 Q. Okay. Do you recall how much your bill was?

11 A. No.

12 Q. Okay, that's fine. But you paid your own bill?

13 A. Yeah.

14 Q. And then -- and you said -- when you got there
15 that evening to when y'all -- y'all arrived as a family?

16 A. Yes.

17 Q. I'm assuming with 10 people, you had more than
18 one car?

19 A. Yes.

20 Q. Okay. So who drove -- who drove y'all there?

21 A. My mother drove.

22 Q. Okay. How many people were in that car?

23 A. I can't remember correctly.

24 Q. Okay. What car was it?

25 A. I don't remember what the car was either.

1 Q. Okay. That's fine. And then you -- I want to
2 talk a little bit about what you testified to today that
3 you went outside. Was this after you paid your bill?

4 A. Yeah, everything -- I paid it right on the spot.

5 Q. Okay.

6 A. Yeah.

7 Q. And then -- and then you went outside with
8 Yolanda to smoke?

9 A. Yeah, a cigarette.

10 Q. Okay. What -- obviously what -- what -- what
11 kind of cigarettes did you smoke?

12 A. It was -- it was a Newport.

13 Q. Newports. Okay. And you were FaceTiming with
14 your wife?

15 A. Yes.

16 Q. On an iPhone?

17 A. Yes.

18 Q. When you heard -- I think you said you kind of
19 heard out of the corner of your ear your aunt engaging with
20 somebody.

21 A. Yes.

22 Q. And you were still FaceTiming?

23 A. Yes.

24 Q. Did you ever -- did anybody ever say, "Hey, can
25 we get your phone so that we can see if there was any

1 residual video or kind of what time this all happened?"

2 Did anybody ever ask you --

3 A. Well, actually, I lost my phone when all that
4 happened. I don't know where my phone went. My shoes were
5 gone, pants, everything was gone. So I don't know where
6 any of that stuff is.

7 Q. No idea where it went?

8 A. No. I don't know where it went.

9 Q. Wow. Okay. And so where were you -- let's see
10 if I can use a picture to -- okay. I'm gonna show you
11 State's 7. Do you recognize that?

12 A. Not really.

13 Q. You don't recognize that as being the place where
14 you went?

15 A. I remember being somewhere along here.

16 Q. Okay. Sorry.

17 A. Somewhere on -- somewhere on this like pathway
18 around here somewhere.

19 Q. Okay. So meaning where you went to smoke?

20 A. Yeah.

21 Q. Okay. That -- that -- and that was my question.

22 A. Okay.

23 Q. Okay. So -- and just so the jury -- I'm gonna
24 ask you, and then I'm going to show to the jury, but I want
25 to make sure that I get it straight with you. So you come

1 out of Tsubaki here(indicating)?

2 A. Yeah. And I remember being somewhere -- some --
3 somewhere -- I can't remember exactly, but I was somewhere
4 -- somewhere on one of these pathways right here
5 (indicating), kind going into the parking lot.

6 Q. Okay. Do you remember if it was to the right or
7 to the left?

8 A. I -- I don't remember.

9 Q. You don't remember?

10 A. No.

11 Q. But you were on the pathway, either to the right
12 or to the left. I know you can't remember. But you were
13 on kind of the little sidewalk --

14 A. Yeah.

15 Q. Not the parking lot?

16 A. Yeah.

17 Q. When the interaction started that -- that got
18 your attention?

19 A. Yeah.

20 Q. Okay. And then did you hang up the phone --

21 A. Yes.

22 Q. -- with your wife?

23 A. Yeah.

24 Q. Okay. And so you hung up the phone with your
25 wife and you engage with this person who's trying to engage

1 with your aunt?

2 A. Yes.

3 Q. All right. Let's talk about what you remember,
4 if anything about that dude.

5 A. I just remember his skin complexion, his hair.

6 Q. He was what?

7 A. I remember his skin complexion, his hair color.
8 Like I can't go into like -- actual like facial features of
9 like what exactly what he looked like, but I just remember
10 he having scruffy beard.

11 Q. Did he have a beard?

12 A. Yeah, he had a little beard.

13 Q. Okay. And he had -- what -- what did his hair
14 look like?

15 A. He just had dreads. It was like about -- I --
16 maybe to his shoulders, a little past. I can't remember.

17 Q. Okay. Shoulder or past?

18 A. Yeah.

19 Q. And do you -- I know you said you couldn't
20 remember facial features. Do you remember what he had
21 on?

22 A. No.

23 Q. Okay. And do you remember how tall he was?

24 A. He was about my height.

25 Q. Okay. That's the -- that's the person that was 6

1 -- about your height?

2 A. Yeah. About my height.

3 Q. Okay. And that was the one engaging with your
4 aunt?

5 A. Yes.

6 Q. Okay. And then you testified that -- what
7 happened after that?

8 A. What are you trying to say?

9 Q. Well, I'm just trying to make sure I understood
10 you correctly. So you -- you see this guy and he's the one
11 who's talking trash to you?

12 A. Yes.

13 Q. Okay. And then what happens?

14 A. And then he says, "So what are you trying to do?"
15 So we met in the parking lot and we started exchanging
16 words. I can't remember what words we were exchanging, or
17 what I said or what he said, but I just know like at the
18 moment just my adrenaline, also me being drunk, like we
19 were just exchanging words and then I just don't remember
20 what me and him was exchanging at the time.

21 Q. Do you remember where in the parking lot you met?

22 A. Not really.

23 Q. Okay. And do you remember any other people being
24 around?

25 A. No. I was just focused on that one individual.

1 Q. Just focused on that individual?

2 A. Yeah.

3 Q. And did you see a weapon?

4 A. Not at the time. No.

5 Q. Okay. Did you ever see a weapon from that
6 individual?

7 A. No.

8 Q. Okay. Did you ever see any weapon that evening?

9 A. No.

10 Q. Okay. And then -- and then you said the next
11 thing you heard -- the next thing you remember is you heard
12 gunshots?

13 A. Yeah, I heard gunshots.

14 Q. How many?

15 A. Me? I heard two.

16 Q. You heard two?

17 A. Yeah.

18 Q. Okay. And do you remember where -- do you
19 remember where you were standing when you heard them? If I
20 showed you State's 7, does that help?

21 A. No, not necessarily.

22 Q. Okay. That's fine. All right. So you don't
23 remember where you were when you heard the gunshot?

24 A. I mean, I don't know the exact spot I was at when
25 I heard the gunshot.

1 Q. Sure. Was it -- but it was in the parking lot,
2 you think?

3 A. Yes.

4 Q. Okay. And then you testified to see -- you --
5 you saw that your aunt was shot?

6 A. I heard my aunt got shot, and I went to go look,
7 and I seen her on the floor. And then my first reaction
8 was to go attack, to protect. And then --

9 Q. You said attacked -- attack to protect?

10 A. To protect. Yes.

11 Q. Okay. Who were you attacking at that point?

12 A. The guy that was in front of me at the time when
13 we were arguing.

14 Q. Okay. Was that the -- so the guy that was in
15 front of you at the time, was that the same guy who was
16 talking trash to you?

17 A. I -- I don't remember.

18 Q. Okay. Don't -- no recall?

19 A. No.

20 Q. Okay. But you --

21 A. I just know there was a man in front of me at the
22 time.

23 Q. Okay. Do you recall -- and then you said that
24 you realized that you were hit. Do you remember any of --
25 getting shot?

1 A. No. I didn't feel -- I didn't feel it. I didn't
2 even know I got shot until somebody said I was bleeding.

3 Q. Okay. And they -- the -- the bullets went --
4 well, the one in your neck, grazed your neck, right?

5 A. Yeah, I think so.

6 Q. Okay. So it didn't -- so --

7 A. I don't know if it went in or not. I don't think
8 so.

9 Q. Okay. They -- they didn't pull it out of you?
10 It's not in your neck?

11 A. Yeah, no.

12 Q. Okay. And then the one in your leg, did that
13 also go through -- through?

14 A. It went straight through.

15 Q. What's that?

16 A. It went straight through.

17 Q. It went straight through?

18 A. Yeah.

19 Q. Okay. Did have any -- obviously they took you to
20 the hospital, you had surgery. Did they -- do you know how
21 close the gun was to you when you were shot?

22 A. No idea.

23 Q. Okay. And I'm sorry that I have to ask these
24 questions. I -- I appreciate you answering them because I
25 -- I -- but I -- I am sorry about that. I -- I know that

1 I'm just asking these random questions and I understand
2 that -- that this was something that shook you, right?

3 A. Yeah.

4 Q. Shook your family. You recall saying or
5 believing that you had been stabbed?

6 A. I don't know exactly, but I know I have like a
7 deep -- deep wound right (indicating) here. So I don't
8 know if I was stabbed or it's me falling on impact or I --
9 I just I don't know. But I have an injury on my shoulder
10 as well.

11 Q. Okay. You went -- so they took you by ambulance,
12 right?

13 A. Yes.

14 Q. To the hospital?

15 A. Yes.

16 Q. Did you actually ride in the same ambulance as
17 your aunt?

18 A. Yes.

19 Q. Okay. Was there anybody else in there with you
20 at that time?

21 A. I don't remember if there was. No.

22 Q. If any other family members --

23 A. I don't --

24 Q. You don't remember?

25 A. No.

1 Q. Okay. And you -- had you been to Tsubaki before?

2 A. No. That would be my first time.

3 Q. That was your first time?

4 A. Um-hum (affirmative).

5 Q. Okay. So do you recall on August 19th, 2021,

6 meeting with an investigator with the Richland County

7 Sheriff's Department -- Investigator Sergeant Maxwell?

8 A. I think -- I believe so. Yes.

9 Q. Okay. Were you out -- you were out of the

10 hospital by then?

11 A. Yes.

12 Q. And so you -- you went -- or did he come to your

13 house or did you go to the station?

14 A. I -- I think I went to the station. I think I

15 was with my mother at the time.

16 Q. Okay.

17 A. I went to the station.

18 Q. Would you have driven yourself or would've

19 somebody gone with you? Who would've gone with you?

20 A. My mother most likely.

21 Q. And that would be Judy?

22 A. Judy. Yeah.

23 Q. Okay. And obviously you had family members come

24 visit you in the hospital as well?

25 A. Yes.

1 Q. Were y'all -- and y'all were naturally talking
2 and discussing what happened -- trying to remember, right?

3 A. I was -- yeah. Mostly -- they were just making
4 sure I was okay for the most part.

5 Q. Of course.

6 A. Yeah. That's it, mainly. We didn't really talk
7 about -- like -- it was just me to make sure I was okay.

8 Q. Okay. later on, did y'all talk about it?

9 A. Like talk about the night? Yeah.

10 Q. Yes.

11 A. Like anybody would. Yeah.

12 Q. What's that?

13 A. Like anybody would, yes.

14 Q. Of course. Of course. Right, right, right. And
15 so -- but you recall on August 19th of 2021 giving a
16 statement to Sergeant Maxwell, right?

17 A. Yes.

18 Q. And he -- it's not one where you wrote it. It's
19 one where he -- you were sitting in a room and he asked you
20 questions and you gave him answers, and he or somebody was
21 typing up the answers?

22 A. Yes.

23 Q. How long was that if you recall? Vaguely.

24 A. I -- I don't --

25 Q. You don't know how long y'all talked?

1 A. Yeah. I don't remember.

2 Q. Okay.

3 A. It was a while ago.

4 Q. And he was asking you questions about what
5 happened that night, right?

6 A. Yes.

7 Q. Okay. Do you recall telling Investigator Maxwell
8 that night -- or on August 19th that the guy was trying to
9 get her phone number? Right?

10 A. Like, holler at her, talk to her? I don't -- I
11 don't -- I don't recall.

12 Q. Okay. And -- and certainly, I'm not trying to
13 trick you, so I'm going to --

14 A. I don't -- I didn't understand your question.
15 Like are you --

16 Q. I'm gonna give you a copy of your statement, so
17 -- so I can refresh your recollection, okay?

18 A. Okay.

19 Q. I just want you to look at those two pages. And
20 are your -- is your -- does your signature appear on those
21 pages?

22 A. Yes.

23 Q. On both of those pages?

24 A. Yes.

25 Q. Okay. And so -- and that's the statement that

1 you give? I'm going to let you read it over and then I'll
2 take it back and ask some questions, okay?

3 A. (Looking at a document) Okay.

4 Q. Okay. Does that refresh your recollection?

5 A. Um-hum (affirmative).

6 Q. Okay. And sorry, you have to say yes or no.
7 Sorry. But it refreshes your recollection?

8 A. Yes.

9 Q. Okay. And so this was the first time you were
10 able to -- you gave a statement to the police after getting
11 out of the hospital and getting better, right?

12 A. Yeah.

13 Q. And you -- and so you -- and this was some 18
14 days after it happened. Still fairly close in time?

15 A. Yes.

16 Q. Right? You told Investigator Maxwell that --
17 that he got mad because Yolanda didn't want to give him her
18 phone number?

19 A. I think -- I think those words was like kind of
20 like shortened. Like I don't think that's exactly fully
21 what I said. I said he was trying to talk to her and maybe
22 get her number and she denied them, so.

23 Q. Okay. Okay. So as -- as you're --

24 A. You know, like when you summarize something or
25 you try to -- you know, summarizing it to it's like quick

1 small detail.

2 Q. So Investigator Maxwell was summarizing what you
3 said?

4 A. Maybe.

5 Q. Okay. Because -- because you didn't type this
6 out, he did, right?

7 A. Yeah.

8 Q. But he gave you an opportunity to read through
9 it?

10 A. Yeah.

11 Q. And -- and to -- to make sure -- in fact, he --
12 he said, is there anything else you can remember from that
13 evening, right?

14 A. Yeah.

15 Q. So you had an --

16 A. From what I can remember. Yes.

17 Q. Okay. And -- and he asked if the statement was
18 true?

19 A. Yes.

20 Q. And so -- so that's the statement that you
21 signed, said that -- that this guy got mad because she
22 wouldn't give her his -- him her phone number?

23 A. Yes.

24 Q. Okay. And -- and then it says, "We started
25 arguing. He said, I'm not talking to you. The next thing

1 I heard was a gunshot."

2 A. Yes.

3 Q. Okay. So is it your testimony today that
4 Investigator Maxwell left out a portion of what you told
5 him that day?

6 A. Possibly, possibly not, because I don't remember.
7 I just don't remember. I was still kind of like recovering
8 and everything, so.

9 Q. Okay.

10 A. Still trying to gather my thoughts and
11 everything.

12 Q. Okay. You -- you said you turned back towards
13 him because you thought that that's where the gunshots were
14 coming from. You heard gun -- gunshots and screaming. You
15 said, "I didn't realize I had been shot and stabbed until
16 my cousin told me." Which cousin told you that?

17 A. I think it was my older cousin or my younger
18 cousin. I can't remember. They said -- one of them said
19 that you were bleeding. I can't remember if it was my
20 younger one or my older one.

21 Q. Who's your younger one?

22 A. Kiara.

23 Q. Younger is Kiara. And who's the older?

24 A. Nelson.

25 Q. Nelson. Okay. And your statement, you said it

1 was Nelson?

2 A. Yeah. Possibly, yes.

3 Q. Okay. But now you're saying --

4 A. I can't exactly --

5 Q. Can't remember.

6 A. Yeah, because it was just a lot going on at the
7 time.

8 Q. Okay. It said, "How long did the incident occur
9 from the start of the arguing until you realized you were
10 shot?" You said, "About 10 minutes."

11 A. For me, yes. Maybe at -- maybe it could have
12 been longer, shorter. For me it felt like 10 minutes.

13 Q. Okay. And then the next question he asked you,
14 he -- Sergeant Maxwell says, "I don't even recall seeing
15 the subjects," plural, "In the club that night," right?

16 A. Yeah, I don't remember seeing them.

17 Q. Okay. So how many "subjects" do you recall being
18 involved?

19 A. Just one.

20 Q. Just one. Okay. So it should say, "Subject" and
21 not "Subjects?"

22 A. Yeah.

23 Q. Okay. And then he asked if you saw the subject
24 who shot you? You said, "No." Did you see the subject who
25 stabbed you? "No." They asked you what kind of vehicle.

1 You don't remember any of that, right?

2 A. No, because I was on the -- yeah, I just don't.

3 Q. Okay. And you -- and that statement was given on
4 August 1st of 2019, right?

5 A. Yes.

6 Q. You have had the opportunity to meet with the
7 prosecution in this case, right?

8 A. Yes.

9 Q. Okay. And who -- who did you meet with?

10 A. I can't remember exactly.

11 Q. You can't remember?

12 A. No. I can't remember the name.

13 Q. Okay. Do you see them sitting at the table?

14 A. I remember Stephanie.

15 Q. Stephanie -- Ms. Taylor?

16 A. Yes. I remember her.

17 Q. Okay. And is that -- can you describe what she's
18 wearing?

19 A. She's wearing that red or burgundy colored
20 looking blazer or whatever.

21 Q. Okay. And that's Ms. Taylor, right? And there
22 were some other people in the room?

23 A. Yeah, I just can't remember. I just remember her
24 though.

25 Q. Sure. But there were other people in the room?

1 A. Yes.

2 Q. And they -- and this was in November of 2023?

3 A. I believe so.

4 Q. Okay. Okay. And you came into the solicitor's
5 office here to give another statement, right?

6 A. I'm trying to remember. We had -- I think we had
7 a Zoom meeting.

8 Q. Oh, okay. Okay. Thank you for correcting that.
9 So in the Zoom meeting, they were asking you questions --

10 A. Yes.

11 Q. -- and you gave them some different information,
12 right?

13 A. Well, just the information I can remember.

14 Q. Okay. So I want to talk about that. So this is
15 information that you didn't remember in August of 2021, but
16 through the years, a couple years later, you -- you
17 remembered it, right?

18 A. Yeah.

19 Q. Okay. And so that information was, guy, he was
20 -- guy he being you -- the guy you were arguing with was
21 inside of his car and then out of his car.

22 A. He was kind of like -- you know when you have the
23 door open and you're just like sitting sideways in your
24 car? And you're just relaxing? With feet outside the car,
25 but you're sitting.

1 Q. Okay.

2 A. That's how he was.

3 Q. Where was that car?

4 A. I can't remember.

5 Q. Okay. Do you remember what color it was?

6 A. No.

7 Q. Do you remember how many people were in it?

8 A. No. I just only saw him.

9 Q. How many doors it had?

10 A. It was -- I think it was a four-door.

11 Q. Okay. And then you said that "Mom stepped in
12 front of him," of you, "between the guy you were arguing
13 with."

14 A. Yes.

15 Q. Right?

16 A. Yes.

17 Q. Okay. So that information wasn't anything that
18 we learned in 2021, that's something that we learned in
19 2023 from you?

20 A. Oh, yes.

21 Q. Okay. And so when you say she stepped in front
22 of you, was this person still in the car?

23 A. No, I don't think so.

24 Q. Okay. They had gotten out?

25 A. Yeah, I think so.

1 Q. And this is the same person that had said these
2 things to you earlier?

3 A. The person that started -- maybe, maybe not. I
4 have no -- I don't know who was in front of me at the time,
5 but I remember arguing with somebody in the car.

6 Q. Okay.

7 A. That was sitting in the car.

8 Q. Okay. And that's -- and that for the first time
9 is when you said the guy you were arguing with sounded like
10 he had a --

11 A. An accent.

12 Q. An up north accent?

13 A. Yes.

14 Q. Okay. And that -- that person was face-to-face
15 with you. You're 6'1"?

16 A. Yes.

17 Q. Okay. You -- do you recall having to be
18 restrained by your family members to -- to get them to --
19 to get -- they were trying to get you to stop fighting with
20 someone in the parking lot?

21 A. I don't remember.

22 Q. You don't remember that?

23 A. No.

24 Q. Okay. And I know that you -- you said that --
25 that you had a lot to drink that night.

1 A. Yeah.

2 Q. Would it surprise you if your blood alcohol was
3 0.17?

4 A. Maybe, maybe not.

5 Q. Okay. You weren't driving though, right?

6 A. No. No.

7 Q. And you were celebrating your birthday?

8 A. Yes.

9 Q. Right. And you -- when you drink, do you -- what
10 kind of --

11 A. What kind of mood am I -- I get in?

12 Q. Yeah.

13 A. That's what you're trying to ask?

14 Q. Yes.

15 A. I'm -- I'm happy. I enjoy --

16 Q. You're happy drunk?

17 A. Yeah, I'm happy drunk.

18 Q. Okay. Okay. So something -- so just because
19 this person got so upset about not getting a phone number,
20 it -- it turned into something heated. Is that -- is that
21 fair enough?

22 A. It's more like you're not gonna disrespect my
23 family.

24 Q. No, no, no. I wasn't there. Not at all.

25 A. Yeah. I just -- I don't -- if I'm -- for

1 anybody, I feel like if somebody's disrespecting one of
2 your family, your close friends, you're going to defend
3 them no matter what. So that's what I did.

4 Q. Okay. Okay. And you didn't have any weapons on
5 you?

6 A. No.

7 Q. Okay. And of course you were worried about your
8 aunt?

9 A. Yes.

10 Q. Right. And your family members very worried
11 about you?

12 A. Yes.

13 Q. Okay. You obviously want to make sure that
14 somebody -- that the person that did this to you gets some
15 sort of punishment, right?

16 A. Yes.

17 MS. ZMROCZEK: Okay. Beg the Court's indulgence.
18 Thank you so much. I think those are all the
19 questions I have.

20 THE WITNESS: Okay.

21 THE COURT: Anything on redirect?

22 MR. FOWLER: Yes, sir.

23 REDIRECT EXAMINATION

24 BY MR. FOWLER:

25 Q. What was said to Aunt Yolanda that peeked your

1 interest, Jacob?

2 A. I just remember him calling her a bitch and like
3 just saying just remarks to her -- just being rude.

4 Q. So you went over there to inform him that --

5 A. I said -- so I was just -- yeah, I just asked him
6 like, who is he talking to? Like, who are you talking to?

7 Q. Right. Because you --

8 A. Because I'm --

9 Q. You don't want people being disrespectful to your
10 aunt?

11 A. Yeah. Yes.

12 Q. But at that point, you weren't trying to fight
13 him or anything?

14 A. No. I was just asking who was he talking to.

15 Q. And I think -- now, I'm -- I'm a little bit
16 confused. You never really saw the guy that asked your
17 aunt for the number, right?

18 A. No, because he was sitting in the car.

19 Q. You heard -- you just heard --

20 A. I just heard him. Yes.

21 Q. Yeah. And what -- what was it you heard him say
22 again?

23 A. He -- he was -- to me? Or to --

24 Q. No. To -- to your aunt.

25 A. He was just calling her a bitch and stuff.

1 Q. Okay. And then at some point after that --

2 A. Yes.

3 Q. -- you're -- you encounter a gentleman that has
4 dreadlocks?

5 A. Yes.

6 Q. About your height?

7 A. Yes.

8 Q. Dark skin?

9 A. Yes.

10 Q. New York accent?

11 A. Yes.

12 Q. Okay. And then I think you said that it wasn't
13 until Aunt Yolanda -- that you heard she was shot, that you
14 tried to react somehow?

15 A. Yes.

16 Q. But when you tried to react, you -- what
17 happened?

18 A. Apparently, I got shot, but I didn't know I got
19 shot, so. It was just -- everybody froze and stopped.
20 Like from my eyes, that's what happened.

21 Q. Did you -- did you have a gun on you or anything?

22 A. No.

23 Q. And I think Ms. Zmroczek may have mixed up the
24 dates. The Zoom meeting with Ms. Taylor you were talking
25 about.

1 A. Yes.

2 Q. Was that in preparation for us to come to trial?

3 A. Yes, I think so.

4 Q. Could it have been last July when this was coming
5 up for trial?

6 A. Yes. Yes.

7 Q. Via FaceTime?

8 A. Yes.

9 Q. Okay. Oh, and -- I neglected to ask you about
10 the stabbing the first time around. You told the police
11 that you thought you'd been stabbed, right?

12 A. Yes.

13 Q. But you don't actually know?

14 A. I -- yeah, I have no clue if I was or not.

15 Q. Is it possible you said stabbed because you've
16 just been violently shot?

17 A. Yes. Possibly.

18 MR. FOWLER: Court's indulgence for a second. No
19 further questions.

20 THE COURT: Any recross?

21 MS. ZMROCZEK: Yes, Your Honor.

22 RECROSS EXAMINATION

23 BY MS. ZMROCZEK:

24 Q. Mr. Fowler keeps asking you about the dreads that
25 you described, right?

1 A. Um-hum (affirmative).

2 Q. When did you first describe somebody as having
3 dreads?

4 A. I don't remember.

5 Q. Okay. And because the -- the statement that you
6 gave in August, the two pages, it's not in there, right?

7 A. No.

8 Q. Okay. And then the statement that you gave --
9 which I now learned, was from July. And I wasn't trying to
10 trick you guys. It didn't have a date. You didn't say it
11 then, did you?

12 A. No. I don't think so. I don't think I -- maybe.
13 I don't remember.

14 Q. Okay. You don't --

15 A. I don't remember.

16 Q. Okay. Okay. But -- but today, you're -- you're
17 certainly saying that you remember dreads?

18 A. Like I remember -- I remember like the figure. I
19 just don't remember facial features.

20 Q. Okay.

21 A. Exactly.

22 MS. ZMROCZEK: That's all I have, Your Honor.

23 THE COURT: Anything else?

24 MR. FOWLER: No, Your Honor.

25 THE COURT: All right. You can step down, sir.

1 (The witness steps down from the stand.)

2 All right. Ladies and gentlemen, just confirmed
3 with the lawyer's about scheduling. The next witness
4 might run a little bit long. So what we're gonna do
5 is to break for lunch now. I'll ask you to be -- do
6 your best to be back here about 1:30. I understand
7 you got -- you know, you got to go through security
8 and all that stuff, but get back here as close as you
9 can at 1:30 and we'll resume. Again, don't discuss
10 the case amongst yourselves or with anybody. No
11 research, anything like that. And we'll see y'all
12 back at 1:30.

13 (The jury exits the courtroom for lunch break.)

14 THE COURT: All right. Anything we need to
15 address before we go for lunch?

16 MS. TAYLOR: Nothing from the State.

17 MS. ZMROCZEK: Nothing from defense.

18 THE COURT: All right. See you at 1:30.

19 (A lunch recess was had.)

20 THE COURT: State ready?

21 MR. FOWLER: Yes, sir.

22 THE COURT: Defense ready?

23 MS. ZMROCZEK: Yes, sir.

24 THE COURT: All right. Bring us the jury,
25 please, sir.

1 (The jury was brought to the courtroom.)

2 THE BAILIFF: Your Honor, all jurors are seated.

3 THE COURT: Very good. State ready to
4 proceed?

5 MR. SCOTT: Yes, sir. State calls Yolanda Cora.

6 MADAM CLERK: Please, raise your right hand.

7 **YOLANDA CORA,**

8 A witness herein, having been first duly sworn, was
9 examined and testified as follows:

10 MADAM CLERK: Please have a seat in the witness
11 stand and state your full name for the record.

12 Please, state your full name for the record.

13 THE WITNESS: Yolanda Cora.

14 DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q. Thank you. Ms. Cora, do you remember August 1st,
17 2021? Do you remember that day?

18 A. Can you speak up a little --

19 Q. August 1st, 2021. Do you remember that day?

20 A. Yes, sir.

21 Q. Do you remember what you were up to that night?

22 A. So that night, initially, I was gonna stay with
23 my grandchildren. My oldest son was supposed to go with
24 them that night. He called me and told me he was gonna
25 stay home. So my sister asked me, well, then you come with

1 us to -- you know, to celebrate Jay's birthday. So we
2 came, we went, we met up at Tsubaki's. We were in there,
3 we were drinking, dancing, singing. We met some people
4 there. When we came out of there, we were like, well, we
5 should, you know, all go to Waffle House, get something to
6 eat.

7 Q. Okay. I'm gonna stop you just one minute there.
8 So you -- you were there with, you said Judy. Judy's your
9 sister?

10 A. Yes, sir.

11 Q. And you said it was Jay's birthday?

12 A. Jacob -- Jacob's birthday.

13 Q. He's your nephew?

14 A. Yes. Yes, sir.

15 Q. Okay. And I think you -- you talked a little bit
16 through some other witnesses. Nelson is your son?

17 A. Nelson is my son.

18 Q. Is he here?

19 A. No, sir.

20 Q. Okay. But he was there that night?

21 A. He was there.

22 Q. Kiara?

23 A. Is my daughter.

24 Q. Okay. And she's here?

25 A. She's here.

1 Q. She was there that night? Judy Reyes is Jacob's
2 mother?

3 A. Yes.

4 Q. And her daughter is Abigail Rondon?

5 A. Yes, that's my niece.

6 Q. And she was there that night?

7 A. Yes.

8 Q. And Abigail's here today?

9 A. Yes, sir.

10 Q. Okay. So I think you said that you were there to
11 celebrate Jacob's birthday?

12 A. Yes, sir.

13 Q. And you heard some testimony, you were in here
14 when Jacob was testifying; is that true?

15 A. Yes.

16 Q. Okay. So there was drinking?

17 A. Yes.

18 Q. You don't deny that. And you guys, did you eat
19 some food at Tsubaki?

20 A. We -- yeah, we did there. We had like wings and
21 --it was just different stuff, like -- kind of like
22 appetizers.

23 Q. Okay.

24 A. While we were drinking because we were there for
25 a little bit.

1 Q. Okay. And so you -- you -- I'll stop -- I
2 interrupted you. You were talking about it came time to
3 leave. Do you remember about what time that was?

4 A. It was when they were closing -- I remember
5 because everyone slowly started leaving, you know, before
6 they closed. And the only ones that were left were me,
7 Judy, Jacob, Abigail, Nelson, and Kiara.

8 Q. Okay. So really, just -- your recollection was
9 just your group was inside Tsubaki when it was closing?

10 A. Well, yeah. Of -- of our group, that's who was
11 left in our group. There was other people there.

12 Q. Okay.

13 A. But we were the last ones to leave.

14 Q. And 2 o'clock -- about 2:00 a.m., does that sound
15 right?

16 A. Yes.

17 Q. Okay. And so you were describing that you guys
18 decided to get some food at Waffle House?

19 A. Yes, sir.

20 Q. Okay. And who all was gonna go to Waffle House?

21 A. It was going to be me, Judy -- I want to say it
22 was all of us. I -- I honestly don't remember if Abigail
23 was gonna come with us, but I know my group, we were gonna
24 go to Waffle House. And then some people that we had met
25 that night, a couple of people. I -- I couldn't tell you

1 how many exactly it was. I don't remember. But it was a
2 another couple of people that were there with us as well.

3 Q. Okay. Do you remember meeting some people for
4 the first time that night inside -- like in a friendly
5 manner? Do you remember meeting some people inside?

6 A. Inside? Like we were -- every -- the -- the vibe
7 was good. So it was just like we were talking back and
8 forth and -- with other people. I remember specifically
9 when we went outside, standing there with two young ladies,
10 and one of them said that she did music and that she would
11 do like shows, and she wanted to give us her information so
12 that we can go see one of the shows.

13 Q. Okay. I guess what I'm asking is, were there
14 some people that you spoke with inside who were gonna go to
15 Waffle House with you guys?

16 A. Yes.

17 Q. Okay. Do you remember who that was?

18 A. I don't.

19 Q. Okay. And so it's 2:00 a.m. You guys are
20 leaving. You've plans are going to the Waffle House, and
21 you met some woman you talked to outside of Tsubaki.
22 Describe what you recall happening next.

23 A. So Jacob asked me for a cigarette, and I didn't
24 have my -- they have -- mines had finished. So I told him
25 come on, let's start walking to the car because now we're

1 going to stand here all night talking. So me and Jacob
2 started walking towards the car. After that -- I remember
3 -- someone said something to me. I remember saying, thank
4 you, but no thank you. I have a boyfriend.

5 Q. Okay.

6 A. And then the next thing I remember after that is
7 kind of like trying to like get in the way of the argument
8 and saying, don't worry about it, let's just go home. You
9 know, let's just leave. And then after that was when I
10 felt the shot hit me.

11 Q. Okay. Do you -- you had a lot of medical issues
12 as a result of this night. Is that fair to say?

13 A. Yes.

14 Q. And I -- if I ask you describe something you
15 don't remember, if you don't remember, that's fine. Don't
16 -- don't try to. Do you remember at all what the person
17 looked like who was making a comment to you that made you
18 say that you had a boyfriend already?

19 A. No.

20 Q. You don't remember? Okay. And so is it your
21 testimony that pretty much after that the next thing you
22 really remember is being shot?

23 A. Yeah. I remember being shot, telling him you
24 shot me, and him telling me your son needs to be careful
25 who he's talking to.

1 Q. Okay. And your son is Nelson?

2 A. Yes. I don't think he was talking about Nelson.
3 I think he was talking about Jacob. He just didn't know.
4 Obviously we don't know who he is. He doesn't know who's
5 my son or not my son. So I think he was talking about
6 Jacob, but those were his words to me.

7 Q. Okay. Were you a regular at Tsubaki in 2021?
8 Was that a place you went to regularly?

9 A. Yeah. We had been there a couple of times.

10 Q. Okay. But you don't remember this being somebody
11 you would recognize from Tsubaki?

12 A. No.

13 Q. Okay. Do you remember anything you said after --
14 after realizing you were shot?

15 A. So after he -- after that exchange, Kiara was to
16 my left and I turned to Kiara, grabbed her face, and told
17 her, "I love you, tell your brothers I love them." And
18 then I turned to my right and leaned on a truck that was to
19 my right and then slowly slid down to the floor. And
20 remember Judy pressing down on me saying, "Sissy stay with
21 me, sissy stay with me." Then I woke up in the ambulance
22 and I saw them trying to treat Jay. And Jay, you know, was
23 screaming and stuff -- Jacob. And I took off the oxygen
24 mask and I said, Jacob, let them take care of you. Then
25 the EMT was like, "Don't take that off, don't take that

1 off." And then after that, I don't remember anything until
2 five weeks later that I woke up from my coma.

3 Q. Oh, so you were in and out of consciousness that
4 night after being shot. Where were you shot?

5 A. Right in my diaphragm. Right here (indicating).

6 Q. Okay. So you're taken to the hospital and -- and
7 you were there for five weeks?

8 A. No. I was there initially for seven weeks. Five
9 of those weeks were in a coma. I went home, three days
10 later, I was taken back with complications from a drain
11 that I had in my back from my liver because I had an
12 infection in my liver as well. So it was a secondary
13 infection. Then I was taken back again. I'm not sure
14 exactly how many days after because I couldn't keep any
15 food down. I was really, really sick. So I was taken back
16 to the hospital and that's when I found out that I had been
17 pregnant and I lost the baby.

18 Q. Okay. Well, the medical issues that led to being
19 in the hospital for seven weeks, have there been ongoing, I
20 guess, medical concerns that you still live with?

21 A. Yes. I lost my hearing in one ear completely and
22 I'm partially deaf in my other ear. That was from -- I
23 want to -- TIA, I think is what it's called. It was like a
24 -- I had a stroke and it affected my hearing. I have
25 constant body pain all the time. I have PTSD. So it's

1 just -- for the past four years.

2 Q. Okay. Well, so I -- I'm asking you that to ask,
3 is there anything else you can remember that night or -- or
4 has this -- has it affected --

5 A. It definitely has. I -- you know, I get bits and
6 pieces throughout the -- you know, as time goes by I'll --
7 you know, I get bits and pieces, but that I remember. That
8 night exactly how I just explained it to you, is what I
9 remember.

10 Q. Yes. That's it. That's all you remember. Okay.

11 A. Yes, sir.

12 Q. So -- well, I probably -- if I asked you do you
13 remember any gun? I -- I suppose the answer would be no.

14 A. No.

15 Q. Okay. All right. I think that covers all -- all
16 my notes that you -- you talked about. Okay. Yolanda,
17 thank you. Answer any questions --

18 A. You're welcome.

19 Q. -- Ms. Zmroczek has for you.

20 THE COURT: Cross-examination?

21 CROSS-EXAMINATION

22 BY MS. ZMROCZEK:

23 Q. Thank you for being here.

24 A. Thank you. You're welcome.

25 Q. I -- I just have a few questions. Okay. I -- I

1 promise I'll -- I'll make it quick for you.

2 You're very close with your family, we've heard, right?

3 A. I'm sorry, I can't hear you.

4 Q. Sorry. Very close with your family?

5 A. Yes, ma'am.

6 Q. Okay. And y'all had obviously a lot of time to
7 -- to try to understand all of this, right?

8 A. Yes, ma'am.

9 Q. And y'all -- y'all talked to try to figure out
10 what exactly happened that night, right?

11 A. I mean, we have. Everybody has their own
12 version. Obviously, they experienced it differently, but
13 we have.

14 Q. Certainly. Certainly. And -- and the things
15 that -- that you said, like you -- you just simply can't
16 remember, right?

17 A. Yes, ma'am.

18 Q. But I wanted to -- so did you -- who paid the
19 bill for the group? Is that you or Judy?

20 A. I think we might have split it.

21 Q. Okay. Okay. So if -- if there was a bill for
22 \$267, do you think y'all might have split that?

23 A. Yeah, I'm pretty sure. I specifically remember
24 giving the bartender \$100 tip.

25 Q. Okay. Okay. And you -- so when you went outside

1 -- it was you and Jacob, or was it you and Jacob and Kiara?
2 I -- I'm sorry. It was -- I was -- it was hard for me to
3 hear.
4 A. Me and Jacob walked to the car. We all came out
5 because it was the end of the night.
6 Q. Okay.
7 A. And they were closing the location. So we were
8 all outside. We were just in -- right in front, just in
9 different little areas talking to people.
10 Q. Okay.
11 A. So me and Jacob initially walked to the car and
12 Kiara was a bit behind us.
13 Q. Where -- which car were you -- were you -- you
14 were driving?
15 A. I don't drive, ma'am.
16 Q. Oh, okay. oh, that's right. And you had been
17 drinking. Who's -- so what car were you walking to?
18 A. I was walking to my niece -- my niece's car
19 because I came with Judy.
20 Q. Okay.
21 A. So we were like in an SUV.
22 Q. Do you remember the color?
23 A. Gold.
24 Q. Gold SUV? Okay. And so when you were walking
25 to the car with Jacob, did you walk through the parking

1 lot? Where was the car parked? I guess is kind of my
2 question.

3 A. I don't remember.

4 Q. Okay.

5 A. It was somewhere in the parking lot and we were
6 walking towards the car.

7 Q. Okay. And so the guy that -- that you said no
8 thank you to -- obviously you said you have no memory of --
9 of anything that he looked like.

10 A. No.

11 Q. And do you -- is -- but when he -- when you said
12 that to him, is that after that you started to walk to the
13 car?

14 A. I -- honestly, I don't remember. I -- I want to
15 say it was when we were by the car, but I don't remember
16 where he said what he said to me. Yeah.

17 Q. Okay. And -- and this guy never said he didn't
18 call you any names or use any racial slurs, did he -- that
19 you remember?

20 A. Not that I know of. No.

21 Q. Okay. Obviously your whole family was around.
22 They all jumped in to help save your life that night --

23 A. Yes, ma'am.

24 Q. -- right? And it -- it -- it's affected
25 everyone?

1 A. Absolutely.

2 MS. ZMROCZEK: Ms. Cora, those are all the
3 questions that I have for you. Thank you for being
4 here.

5 THE WITNESS: Thank you.

6 THE COURT: Anything on redirect?

7 MR. SCOTT: No, Your Honor.

8 THE COURT: All right. You can step down, Ms.
9 Cora.

10 MR. SCOTT: State calls Alexis Green.

11 MADAM CLERK: Please, raise your right hand.

12 **ALEXIS GREEN,**

13 A witness herein, having been first duly sworn, was
14 examined and testified as follows:

15 MADAM CLERK: Please have a seat in the witness
16 stand and state your full name for the record.

17 Can you state your full name for the record
18 please?

19 THE WITNESS: Alexis Green.

20 DIRECT EXAMINATION

21 BY MR. SCOTT:

22 Q. Okay. Alexis, do you remember August 1st, 2021?

23 A. Yes.

24 Q. Okay. Where were you in the early morning hours
25 of August 1st, 2021?

1 A. I was at work.

2 Q. Okay. In the early morning hours?

3 A. Oh, August 1st. My apologies. That just as from
4 the beginning. I was at Tsubaki's.

5 Q. Tsubaki?

6 A. Yes.

7 Q. Okay. And -- and what -- what is Tsubaki? I've
8 been interested to learn what Tsubaki is. I've never heard
9 of the place until this trial.

10 A. It's an Asian karaoke bar.

11 Q. An Asian karaoke bar. And it -- it's actually
12 right next door to like a sushi restaurant.

13 A. Yeah. Inakaya.

14 Q. Okay. Are they affiliated with one another, to
15 your knowledge?

16 A. I think he owns both.

17 Q. Okay. But Tsubaki is -- why do you know there?
18 Is it mainly just the same karaoke?

19 A. Yeah, I just -- I like karaoke.

20 Q. Okay. And -- and is that, to your recollection,
21 what you were doing there that night?

22 A. Yes.

23 Q. Okay. Would you have considered yourself a
24 regular back in 2021?

25 A. Yes.

1 Q. Have you ever gone back there since August 1st,
2 2021?

3 A. No.

4 Q. Okay. Is it because of what happened that night?

5 A. Well, it's a mix of that and they closed right
6 after that. They got shut down.

7 Q. They're not open anymore?

8 A. They just reopened.

9 Q. Oh, gotcha. Okay. So do you -- did you drive
10 there that night?

11 A. I did.

12 Q. Okay. And did you drive there with anyone?

13 A. No.

14 Q. Okay. Were you by yourself that night?

15 A. Yes.

16 Q. Okay. But -- but there were other people in
17 Tsubaki that you recognized as regulars as well?

18 A. Yeah. It's like a lot of my family goes there,
19 friends. Like they open every day, so we were there almost
20 every day.

21 Q. Okay. We had you come in because we don't know
22 really when we'll get to you as far as on the witness list,
23 but you've been here pretty much all morning, haven't you?

24 A. Yes.

25 Q. Okay. And so did you see some of these people

1 testify?

2 A. I did.

3 Q. Do -- do you recognize them from that night?

4 A. Yes.

5 Q. Okay. Do you remember speaking with them inside
6 of Tsubaki?

7 A. Not inside. I only remember communicating
8 outside.

9 Q. Okay. Tell us how that -- how that came to be.

10 A. I was outside -- it was closing. I was outside
11 smoking a cigarette, trying to sober up because I didn't
12 know if I was going to drive or if I was going to call a
13 ride, so.

14 Q. Okay. Were you drinking that night?

15 A. Absolutely.

16 Q. That's -- is that what people do with karaoke?

17 A. Yeah, it's a bar, so.

18 Q. Do you find karaoke kind of hard to listen to
19 unless you've been drinking?

20 A. No. I -- I enjoy it either way.

21 Q. Okay. All right. But that's -- that's what
22 people do --

23 A. Right.

24 Q. -- at Tsubaki. They drink. And -- and so you --
25 do you remember about what time that was that you was --

- 1 A. They closed at 2:00, so it was around that time.
- 2 Q. Okay. And -- and so you were outside having a
3 cigarette, deciding if you were going to get ride or drive?
- 4 A. Right.
- 5 Q. And what do you remember next?
- 6 A. As I was outside smoking, I remember they were
7 coming out, but I was speaking with -- I don't want to mix
8 names because I don't --
- 9 Q. Okay.
- 10 A. You know. But I was speaking with her, she asked
11 for a cigarette because she was out. I gave her a
12 cigarette. And then other people started coming out.
- 13 Q. Let me ask you this. She just described of
14 talking with a young lady over a cigarette. Do you
15 remember that being you?
- 16 A. Yes.
- 17 Q. Okay. And then she don't remember much more
18 after that, but do you remember what happened next?
- 19 A. Yes -- some.
- 20 Q. Okay. So did you give her a cigarette?
- 21 A. I did.
- 22 Q. Okay. And y'all had a -- I guess a brief
23 conversation. Is that your recollection?
- 24 A. Yes.
- 25 Q. All right. What is the next thing you remember?

1 A. I remember the other victim coming out.
2 Everybody was in a good mood -- you know, laughing, talking
3 -- and then I saw other people coming out. But then I saw
4 some guys brush past me like really, really fast. And then
5 I didn't really pay it too much mind. I was smoking my
6 cigarette and I was just trying to keep the vibe cool. So
7 I just continued to smoke my cigarette and then I remember
8 the altercation broke out over towards my car.

9 Q. Okay. Can I -- let me see if we can -- I'm
10 trying to get a picture that we can orient ourselves with.
11 Can we put State's 7 up? You see that, Alexis?

12 A. Yes.

13 Q. What is this car -- that's the SUV car --what --
14 what is that?

15 A. It's a Ford Escape.

16 Q. Okay. And who does that belong to? Or did it
17 belong to?

18 A. It was mine.

19 Q. Okay. And we see Tsubaki in the background. And
20 you were describing kind of -- where were you?

21 A. Right where it says "Tsubaki" on the door.

22 Q. Okay. So just up under that?

23 A. Uh-huh.

24 Q. Okay.

25 A. Like a little to the -- my left. Your right,

1 maybe.

2 Q. Well, like under the "T" or closer to --

3 A. Yeah, like closer to the "T" part.

4 Q. Okay. So where it says the "T" in Tsubaki, you
5 think you were about right up under that?

6 A. Uh-huh (affirmative).

7 Q. Okay. And were you facing into the restaurant or
8 out towards the parking lot?

9 A. I was facing out towards the parking lot.

10 Q. Okay. And -- and at what point -- or what --
11 what made you become aware that there was an altercation
12 going on?

13 A. It was a lot of like yelling, and words were
14 exchanged, and then I heard a warning shot go off.

15 Q. Okay. Now, did -- when -- I guess when you heard
16 like the yelling and everything, did that direct your
17 attention where the yelling was coming from?

18 A. Absolutely. Yeah.

19 Q. Can you see whereabouts the people were gathered
20 who were in the altercation in this picture?

21 A. It's to the left of my car.

22 Q. All right. The parking spot right next to your
23 car here (indicating)?

24 A. Yeah. That's -- that space stayed open. It was
25 more so the park right next to it where -- where the car

1 was. So it was between the two.

2 Q. There was another car. All right. So I -- I see
3 the -- if you were to get out of your driver's door, you're
4 saying the spot right outside of your driver's door was
5 open?

6 A. Yeah, it was empty.

7 Q. Okay. Was there a car in the next parking spot
8 over from that?

9 A. Yes.

10 Q. Okay. And so the people were gathered in between
11 that car and your car?

12 A. Correct.

13 Q. Okay. Do you remember describing the car that
14 was in this space (indicating), two spots over from yours?

15 A. Yes.

16 Q. Okay. And what make and model was it?

17 A. It was a Ford Fusion.

18 Q. Okay. Now, are you -- you're able to recognize
19 specifically Fords?

20 A. Yes.

21 Q. And tell us why that is.

22 A. I sold Fords for six years.

23 Q. Okay. At the time, where were you working?

24 A. I was at Classic Ford Lincoln, Columbia.

25 Q. Okay. Classic Ford Lincoln?

1 A. Um-hum (affirmative).

2 Q. Okay. And you were driving a Ford?

3 A. Correct.

4 Q. Okay. And so when you look up, you're having a
5 cigarette, you hear this altercation. The people in
6 between the Fusion and your car, they were gathered in that
7 open spot?

8 A. Yes.

9 Q. And you say you heard a shot?

10 A. Uh-huh (affirmative).

11 Q. Did you describe that as a warning shot?

12 A. Yeah, it was like -- I saw -- I saw the gun go in
13 the air.

14 Q. Okay.

15 A. And it was shot in the air.

16 Q. All right. And -- and you saw the person who was
17 holding the gun?

18 A. I saw some of the person. Yes.

19 Q. Okay. What do you recall happening next?

20 A. At that time, I mean, anybody would try to go in
21 the opposite direction. I tried to go back inside, but
22 they had already locked the doors and they weren't letting
23 anybody in.

24 Q. Okay.

25 A. So I kind of slouched a little further to the

1 left to kind of stay out of the line of things, but I was
2 still paying attention because my concern was how was I
3 going to get up out of there.

4 Q. Okay. So warning shot goes off, you try to get
5 back into Tsubaki, it's locked, what happens next?

6 A. I kind of went over to the left some more. But I
7 was still paying attention, like I said. And then I saw --
8 like they were still tussling in the area. And then I saw
9 the gun come back out and then it struck the male. And
10 then -- and the aunt, she ran out. She was like, "No,
11 please stop." Like, "Don't shoot, don't shoot." And then
12 I saw her get shot.

13 Q. Okay. Person with the gun who fired the warning
14 shot and then fired other times, he -- you said he came
15 from the Ford Fusion?

16 A. Um-hum (affirmative).

17 Q. Okay. And did -- did you see the Ford Fusion
18 leave after that?

19 A. Yeah. I mean, I saw it like -- kind of like
20 speeding off. I wasn't really trying to pay too much
21 attention because I didn't know the intent, whether it was
22 going to come back. So I -- I saw it leave, yes.

23 Q. Okay. And who did you see get in the driver's
24 seat?

25 A. Same person who was shooting.

1 Q. Same person who was shooting. Did you give a --
2 were you there when law enforcement got there?

3 A. Yeah. I was advised that -- well, yeah, it
4 didn't take them long to get there.

5 Q. Okay. And do -- do you remember them asking what
6 you saw him and you remember giving him a description?

7 A. Yeah. At first, I was leery because the first
8 person came up to me, didn't have on uniform, but he showed
9 me a badge.

10 Q. Oh, okay.

11 A. I was just like -- he asked me was that my car
12 and I -- I said "yes." And he said, "you have to wait for
13 forensics to get here."

14 Q. You got to wait for what?

15 A. Forensics to -- to -- the forensics team to get
16 there.

17 Q. Oh, I got you.

18 A. Because he asked me to about my car.

19 Q. I gotcha. And that they -- they were showing a
20 kind of a defect earlier. This is Defense 18. Is that
21 your car?

22 A. Yes.

23 Q. And do you remember, was that there before or did
24 that happen that night? Do you -- do you know?

25 A. I don't -- I don't recall.

1 Q. Okay. Okay. So you said you look up, the
2 altercation is going on, you see the warning shot. You
3 look at the guy and he jumps in the driver's seat of the
4 fusion and takes off?

5 A. Yes.

6 Q. And then you were there when law enforcement got
7 there?

8 A. Yes.

9 Q. Okay. And do you remember giving them a
10 description pretty much of what you're telling us today?

11 A. Yes.

12 Q. And do you remember giving them a description of
13 the shooter?

14 A. Yes.

15 Q. Okay.

16 A. Of what I saw. Yes.

17 Q. I'm sorry?

18 A. What I saw, yes. As the shooter.

19 Q. Okay. Well, that's what I'm asking you again.
20 What you saw. I don't -- I don't want to hear what anybody
21 else saw. I want to hear what you saw.

22 A. I gave a description. That's what I said.

23 Q. And what color was the shooter?

24 A. He was black.

25 Q. Okay. Approximately how tall did you say he was?

1 A. Between 6 and 6'2".

2 Q. Okay. And I -- I remember you gave him pretty
3 specific weight.

4 A. Yeah. I said around 220 because I'm 240.

5 Q. Okay. So that was the way you were kind of able
6 to size him up. At the time, you said you were about 240,
7 so you were like, he was 220?

8 A. Correct.

9 Q. Okay. So did you -- black guy, between 6 and
10 6'2", about 220. What else did you notice about him?

11 A. I noticed the dreads and the style, white
12 t-shirt, light blue jeans. And that's pretty much all I
13 saw because I'm -- I mainly only saw the back portion.

14 Q. Okay. Do you remember -- that guy we're talking
15 about with the dreads, do you remember anything that he was
16 saying?

17 A. No. I -- I don't remember hearing his voice in
18 particular.

19 Q. Okay. Let me -- can I show you something?

20 A. Sure.

21 Q. If this refreshes your memory, just -- just let
22 me know. Have you seen the -- the video from the body
23 camera footage?

24 A. Yes. I have.

25 Q. Okay. Don't read this. I mean, don't read aloud

1 rather. But look down here at this and tell me if that
2 refreshes your memory, what was on -- I'm sorry -- what was
3 on the body cam.

4 A. I read it.

5 Q. Okay. Does that refresh your memory of what you
6 were telling officers that night?

7 A. Yes. I -- I remember saying that.

8 Q. Okay. So when -- when -- this is, I guess,
9 during that altercation you were describing between the
10 Fusion and your car?

11 A. Correct.

12 Q. And so what was the guy with the dreads saying?

13 A. Like -- I heard like, you a bitch -- excuse me.
14 But like, get out of here. Like get on --

15 Q. Okay. And that was before the warning shot that
16 you described?

17 A. Yes. When -- when the altercation was still
18 going on.

19 Q. Okay. Why do you -- go ahead.

20 A. I -- I said that I didn't know his voice in
21 particular because --

22 Q. I'm not --

23 A. -- I couldn't say who it was.

24 Q. I know -- you don't want -- I know -- I'm not
25 asking you to -- but that's what you heard, you saying the

1 guy with the dreads?

2 A. Correct.

3 Q. Okay. Did -- what did you say -- now, the
4 initial altercation, did it appear to you the guy with the
5 dreads was -- was really involved with that at first? Or
6 did it appear that he kind of inserted himself into that
7 altercation?

8 A. It was more of an assertion. I didn't -- I
9 didn't see him involved in the initial altercation, so no.

10 Q. Okay. Where did he come from when he became
11 involved in the altercation?

12 A. From the car.

13 Q. From the car. Okay. And you said he was driving
14 the car when you saw him?

15 A. He was in the driver's seat. Yes.

16 MR. SCOTT: Okay. Okay. Unless -- I think
17 that's all the questions.

18 THE COURT: Cross-examination?

19 MR. SCOTT: One second, Your Honor. I'm missing
20 something here.

21 BY MR. SCOTT:

22 Q. Who did you say you remember getting shot first?
23 Or did you notice who got shot first? The female or the
24 male?

25 A. To my recollection, it was the male.

1 Q. Okay. That's what you perceived?

2 A. Um-hum (affirmative).

3 Q. Okay. And did you see at some point the woman
4 get shot?

5 A. Yes.

6 Q. Okay. But you recall it to be -- let's see. I
7 mean, I -- I'm sorry, I'm just about done. See if this --
8 do you -- you remember again watching your body camera
9 footage?

10 A. I do.

11 Q. And that was -- that was recorded minutes after
12 the shooting?

13 A. Um-hum (affirmative).

14 Q. All right. Read this. Just see -- this
15 particular portion, see if that refreshes your memory.

16 A. Okay (reading document).

17 Q. Okay. Does that -- is that --

18 A. That's -- that's -- what I wrote was correct.
19 Well, what was on the body camera was correct.

20 Q. Okay. So you remember at the time who got shot
21 first?

22 A. Right.

23 Q. Who?

24 A. So it's -- it was -- it was the -- the woman
25 first and then the male.

1 MR. SCOTT: Okay. All right. That's all the
2 questions I have.

3 THE COURT: Cross-examination?

4 MS. ZMROCZEK: Thank you.

5 CROSS-EXAMINATION

6 BY MS. ZMROCZEK:

7 Q. Good afternoon. Sorry about that. You were just
8 -- you were at -- at Tsubaki singing karaoke?

9 A. Yes.

10 Q. Okay. And so if -- see my little chart. You
11 would -- you would fall under the -- under the group of
12 other people at the bar, right?

13 A. Correct.

14 Q. Okay. Do you know any of these other people? Do
15 you know Mr. Brown?

16 A. Yes.

17 Q. You know him?

18 A. Um-hum (affirmative).

19 Q. Okay. And the reason I'm asking is you and Mr.
20 Brown were together when the police came up to talk to you,
21 right?

22 A. Yes.

23 Q. Okay. And I'm going to show you what's been
24 marked for -- well, what's been marked Defense 19 through
25 22. That would be screenshots from Officer Rustin's body

1 camera. And just ask if you see yourself or recognize
2 yourself in those.

3 A. Yes.

4 Q. Okay.

5 A. And those fairly and accurately depict you
6 talking to the officer --

7 A. Yes.

8 Q. -- that evening -- that evening of August 1st,
9 2021?

10 A. Yes.

11 MS. ZMROCZEK: Your Honor, at this time we would
12 move the Defendant's 19 through 22 in.

13 THE COURT: Any objection?

14 MR. SCOTT: No objection, Your Honor.

15 THE COURT: Admitted as Defendant's 19 through 22
16 without objection.

17 (Defendant's 19 through 22 admitted into
18 evidence.)

19 BY MS. ZMROCZEK:

20 Q. And I'm going to show you Defendant's 20. This
21 is -- this is you that evening?

22 A. Yes.

23 Q. Okay. And did you happen to know who this person
24 is with the badge around them?

25 A. No.

1 Q. Okay. And this is Defense 19. And is that you
2 and Mr. Brown communicating?

3 A. Yes.

4 Q. Okay. And so y'all were -- y'all were outside
5 and the police were kind of running around. They took
6 everybody in the ambulance and then the police came and
7 talked to you, right?

8 A. Yes.

9 Q. Okay. And in fact, do you remember when you were
10 trying to tell what you remembered and Shamir was
11 correcting you, he was like, no, no, it was this or that.
12 Do you recall that interaction?

13 A. I do recall.

14 Q. Okay. He was trying to help -- you didn't do
15 anything wrong. He was just trying to -- you couldn't
16 remember or you were remembering differently than he was --

17 A. He was inserting his portion.

18 Q. You said he was -- yeah, he was inserting his
19 kind of facts, what he remembered into it. Did -- were you
20 ever -- so your car we've identified is the -- that Ford
21 that's kind of stuck in the middle of it all, right?

22 A. Yes, ma'am.

23 Q. In fact, I think you said on the body cam that
24 you were -- you had to wait for your wife to keep -- to
25 even come pick you up and she couldn't go anywhere, right?

1 A. Right.

2 Q. And so you -- you don't recall if you had a
3 defect on the side?

4 A. No, I don't. I hadn't had that vehicle that
5 long.

6 Q. You hadn't had it that long?

7 A. No, ma'am.

8 Q. Okay. So you don't know if it was there or not?
9 Okay. And today -- and again, I'm not fussing at you.
10 Okay. I'm just trying to understand something because this
11 is the first time in four years that I've heard. So today
12 you're saying that you -- so this is your vehicle here --
13 and I'm -- I'm showing State's 7, and I'm just -- so -- so
14 they can see too, but hopefully we can all -- I think I can
15 use the -- look at this, technology. Okay. Can you still
16 hear me all the way back here?

17 A. Yes.

18 Q. Okay, good. Well. So this -- and this is again
19 State's 7 for the record. This is your vehicle
20 (indicating)?

21 A. Yes.

22 Q. And you're saying -- was there a vehicle here?

23 A. No.

24 Q. There was no vehicle there?

25 A. No.

1 Q. And then as I'm moving my finger over, can you
2 see --

3 A. Yes.

4 Q. I need a minute here. And also that -- you're
5 saying that that's where the Ford Fusion was?

6 A. Yes.

7 Q. Okay. And what color was that Ford Fusion?

8 A. It was like a -- like a purple-ish -- it was like
9 a darker color.

10 Q. Okay. And was there -- on the right side where
11 -- where this debris is on the ground, was there a car
12 there at that time?

13 A. No.

14 Q. Okay. And were there cars on the opposite side
15 facing?

16 A. No. I don't -- I don't know.

17 Q. Okay. Not that you --

18 A. Not that I remember, no.

19 Q. Okay. Okay. Thank you for -- for that. Did you
20 ever tell anybody that that's where that car was that
21 night?

22 A. Did I ever tell anybody what?

23 Q. Where that car -- where that purple-ish Ford
24 Fusion was?

25 A. Where -- when I gave my statement.

1 Q. Okay. Did you -- oh, that's -- that's -- so
2 that's not my question. Did you give a written statement?
3 Did anybody ever ask you to come in and -- and reduce your
4 thoughts to writing?

5 A. No.

6 Q. Okay. So the only statement -- I just wanted to
7 make sure I wasn't missing something. The only statement
8 that we have is on Officer Rustin's body cam?

9 A. Yes.

10 Q. Okay. And so -- and again, if I'm repeating
11 myself, I just want to make sure I understand. That you
12 stated the initial altercation between the suspects -- and
13 you used that term in the plural -- suspects and the
14 victims started inside the restaurant. That's what you
15 told them that night?

16 A. No, that's not what I said.

17 Q. You did not -- you did not tell them that night?

18 A. No, I did not.

19 Q. Okay. And -- oh, before I forget, you were --
20 you -- you were handing out business cards or -- or
21 something?

22 A. No. I don't carry business cards. No, ma'am.

23 Q. Okay. Do you -- do you sing or perform?

24 A. I do.

25 Q. Okay. What -- and so is that the conversation

1 that you had with Yolanda?

2 A. Yes.

3 Q. What -- and that happened underneath the kind of
4 awnings?

5 A. Outside.

6 Q. Okay. Okay. And so you don't recall ever saying
7 that there's anything inside?

8 A. No.

9 Q. Okay. And -- and -- do you recall on that night
10 saying to any officers that you saw a black male wearing a
11 black shirt with a low Afro, making comments to a female
12 victim that was shot? Do you recall?

13 A. No.

14 Q. Okay. And do you recall ever telling the
15 officers that -- that this male was -- was rude and calling
16 -- calling a -- a foul name in Spanish? Do you remember
17 saying that at all?

18 A. No.

19 Q. Okay. Do you recall in your conversation talking
20 about the other guy -- describing the other guy as having
21 barrel rolled dreads and a white shirt?

22 A. Yes.

23 Q. Okay. Which guy was that?

24 A. The shooter.

25 Q. The shooter had barrel roll --

1 A. Correct.

2 Q. -- dreads and a white shirt?

3 A. Correct.

4 Q. Okay. Did you see any -- any emblems or any
5 designs or any -- anything on that shirt?

6 A. No.

7 Q. Or was it just a plain white tee?

8 A. It looked like a plain white tee.

9 Q. Nothing that stood out. Okay. And how -- how
10 long were the dreads?

11 A. They were long. They were -- they were long.

12 Q. They were long. Like can -- can -- do you mind
13 standing up or -- or showing?

14 A. Like (indicating) --

15 Q. Like -- and you're indicating to under your
16 armpit?

17 A. Yeah, like -- it's like -- like kind of like
18 shoulder -- like a little past the shoulder.

19 Q. Okay. So a little past your -- so over or under
20 the arm?

21 A. My arms are short, so I can't really --

22 Q. Sure. Mine are long. Okay. So you'd say -- oh,
23 how about my hair? As my length or a little bit longer?

24 A. A little bit longer.

25 Q. A little bit longer. Okay. Perfect. Because

1 otherwise we're going up and down all day. And what are
2 barrel roll dreads? And I don't mean to sound ignorant,
3 but -- but --

4 A. It's a style.

5 Q. Okay.

6 A. And it's just two -- two barrels, one down.

7 Q. Two barrels, kind of like a -- a ram, almost?

8 A. Kind of sorta. Yes.

9 Q. Okay. That's what I pictured, so I wanted to
10 make sure I was correct. And -- and you -- how far from
11 the person that you were describing -- how far away were
12 you when you were seeing all this?

13 A. I was at the door of the -- of the establishment.

14 Q. You were what?

15 A. I was at the door of the establishment.

16 Q. Okay. And nothing blocking your way?

17 A. No.

18 Q. Okay. You would agree with me that Jacob was
19 aggressive that evening as well, right?

20 A. I can't really say that because I don't know
21 everything that -- that led up to it.

22 Q. You don't -- and you don't know -- right. Right.
23 But when you saw him -- fair -- that's fair answer. But
24 when you saw him, he was engaged in a fight?

25 A. I saw two people on one person.

- 1 Q. You saw two people on -- on Jacob?
- 2 A. Correct.
- 3 Q. Okay. And so one of those was the barrel roll?
- 4 A. No.
- 5 Q. Okay. Who were those two people?
- 6 A. It's two different people.
- 7 Q. Completely different?
- 8 A. Yes, ma'am.
- 9 Q. Were they in the same group?
- 10 A. I'm assuming so by where they were positioned and
- 11 the car they were walking to.
- 12 Q. Okay. But -- but that's just --
- 13 A. That's --
- 14 Q. Okay.
- 15 A. That's how I remember.
- 16 Q. Do you know how tall they were? Or do you
- 17 remember any descriptions about them?
- 18 A. They were all tall, first and foremost.
- 19 Q. How tall -- bless your heart. You're short,
- 20 right?
- 21 Q. Correct. So how -- how tall are you?
- 22 A. I'm 5'4".
- 23 Q. So they were all above 5'4"?
- 24 A. Correct.
- 25 Q. Okay. Were there any that stood out to be super

1 tall?

2 A. No, not --

3 Q. Okay. Do you recall what any of those other
4 people had on, jeans, colors, anything?

5 A. No.

6 Q. No hair descriptions?

7 A. Like this is -- it's been a while.

8 Q. Certainly.

9 A. I know -- one of -- another person had shorter
10 dreads. That's all I remember.

11 Q. Shoulder dreads?

12 A. Shorter.

13 Q. Shorter. Oh, sorry. Okay. And the shooter, the
14 one that -- that had the barrel roll dreads, how tall was
15 he?

16 A. Between like 6'2" or something like that.

17 Q. Okay. Okay. And do you recall telling any of
18 the officers that evening on the night of August 1st, 2021,
19 that -- let me make sure I read this right -- that -- that
20 family members had to hold Jacob back?

21 A. No.

22 Q. Okay. Do you recall seeing how many -- did you
23 recall seeing anybody coming out of that Ford fusion?

24 A. Just one person.

25 Q. Just one person?

1 A. Yes.

2 Q. Okay. And -- and which person was that?

3 A. The person with the gun.

4 Q. With the gun. The shooter? What -- what did
5 the gun look like?

6 A. It was kind of hard to see, to be transparent. I
7 mean, I -- I knew what it was when he came out because he
8 shot in the air.

9 Q. I appreciate that. And so when you -- did -- so
10 you said he came -- so he got out of the car and shot
11 immediately?

12 A. I would say maybe a couple minutes in between.

13 Q. Okay. Was -- so did you -- did you ever see the
14 gun in his waistband?

15 A. No. It looked like it was like going in and out
16 of pocket.

17 Q. Okay. All right. And you -- do you recall
18 telling the police that night that -- that he had begun to
19 raise up the gun into the air and he hit it on the light
20 pole, which put his hand back down, and made the gun hit
21 the ground?

22 A. I said it looked like he was attempting to do a
23 warning shot in the air, but it did ricochet off something
24 and hit the ground. Yes.

25 Q. Okay. Okay. So -- so if I understand you

1 correctly, it wasn't the gun that hit the -- it was the --
2 so it was the warning shot that must have hit the light
3 pole --

4 A. Correct.

5 Q. -- and then ricocheted to the ground?

6 A. Correct.

7 Q. Okay. Okay. And that was only one that you
8 recall? One shot of one of those?

9 A. Yes.

10 Q. Okay. And so you don't recall telling the police
11 that evening that the -- were you able to describe the --
12 the male who you said started the initial confrontation as
13 being a black male and a black T-shirt? Do you recall
14 saying that to them?

15 A. I -- honestly, I -- I don't recall that.

16 Q. Okay. But you did watch the videotape, right?

17 A. Correct.

18 Q. Okay. But you didn't take -- you didn't write
19 any police reports? That would've been somebody else just
20 saying what you said? You didn't sign anything. You --
21 you don't remember any of that, right?

22 A. No.

23 Q. Okay. And that's okay. You -- so do you recall
24 telling the police that there were four black males that
25 were associated with the Ford Fusion?

1 A. No.

2 Q. Okay. Do you remember getting a business card
3 that evening and turning it over to the police?

4 A. There was a person giving out business cards.

5 Q. There was what?

6 A. There was a person in there that was giving out
7 business cards.

8 Q. Right. A -- a male, right?

9 A. Um-hum (affirmative).

10 Q. A black male?

11 A. Um-hum (affirmative).

12 Q. And he gave you a business card?

13 A. I think he gave it to everybody.

14 Q. Gave anybody that would take it. Good business
15 strategy. And so he was walking around going up to every
16 person and giving them?

17 A. Um-hum (affirmative).

18 Q. Was he with any other people? Do you remember
19 him being with a group or --

20 A. Not -- no. Not a group. No.

21 Q. No. He just by himself was walking around giving
22 those out?

23 A. No. It was one other person.

24 Q. One other person. Perfect. Perfect. That's --
25 and -- and -- that's why I was not trying to put words in

1 your mouth. And -- and you gave that card to the officers
2 that night? Did --

3 A. I did.

4 Q. Perfect. Do you remember the card have a website
5 on it named Glory Champs? Or once you gave it to them, you
6 don't remember?

7 A. To be completely transparent, I didn't even look
8 at the card.

9 Q. Okay. Okay. Did you see -- you only saw one gun
10 that evening, right?

11 A. Yes.

12 Q. Okay. Do you recall when -- on the -- on the
13 camera when you were talking about there was a different
14 guy, not the shooter, that was about 5'10", 5'11", about
15 180, black top and gray sweatpants? Do you remember
16 describing that?

17 A. That sounds like the person who was like in the
18 altercation.

19 Q. Was he in the altercation?

20 A. Correct.

21 Q. Okay. And you were never shown any photo
22 lineups, were you?

23 A. No.

24 Q. Okay. The -- the -- you gave the police your --
25 they had your contact information?

1 A. Yeah. He asked me for it.

2 Q. They -- they -- yeah. And they -- and you gave
3 it to them, right?

4 A. Correct.

5 Q. And in the last -- since August of -- August 1st
6 of 2021, has anybody tried to reach out to you, talk to you
7 about what you saw that night?

8 A. I wasn't contacted until late last year.

9 Q. You -- and you weren't in contact with anybody
10 until late last year?

11 A. Until late last year.

12 Q. And -- and those were people with the -- our
13 friends at the solicitor's office?

14 A. Yes.

15 Q. Okay. And is it at that time that you kind of
16 showed them where the Fusion was parked? Or do you
17 remember? If they asked you or anything?

18 A. Honestly, I -- I don't really recall. I mean, I
19 -- I believe that was initially when I gave them my
20 statement as well though.

21 Q. Okay. Okay. So that would be on video if -- if
22 you said that? Okay. It was chaotic?

23 A. Very.

24 Q. That night?

25 A. Um-hum (affirmative).

1 Q. And I think you said you had been drinking too.
2 Do you -- you said something that I really want to make
3 sure I understood correctly. When you -- when -- when you
4 started hearing shots, you said, as anybody would do, as a
5 natural reaction, you tried to get out?

6 A. Correct. I tried to go back inside.

7 Q. Okay. And had you been in your car or had your
8 keys and -- would you have gotten in your car and left if
9 you had the opportunity?

10 A. That's where everything was going on. Why would
11 I run towards it?

12 Q. Okay. Did you recall other cars leaving that
13 evening?

14 A. Not really.

15 MS. ZMROCZEK: Okay. Beg the Court's indulgence?

16 I have no further questions at this time, Your Honor.

17 THE COURT: Anything on redirect?

18 REDIRECT EXAMINATION

19 BY MR. SCOTT:

20 Q. So shooter got out of what kind of car?

21 A. I'm sorry?

22 Q. Shooter got out of what kind of car?

23 A. A Ford Fusion.

24 Q. And then the shooter drove off from what kind of
25 car?

1 A. Ford Fusion.

2 Q. Let me show you State's 16. Is that familiar to
3 you at all?

4 A. That looks like part that I saw.

5 Q. Okay. Now, a barrel roll dreads, could that be
6 attained by taking loose locks, loose dreads, and then
7 putting them back in a ponytail or something?

8 MS. ZMROCZEK: Your Honor, I -- I would object to
9 speculation -- or, I mean, I don't know if she's a
10 hairstylist or -- or -- I think we're going beyond the
11 scope at this point.

12 THE COURT: Overruled.

13 MR. SCOTT: Thank you.

14 BY MR. SCOTT:

15 Q. Because she asked you earlier, I just missed it,
16 but you -- how do you do -- could you braid dreadlocks back
17 and put them in a ponytail? Would that be described as
18 barrel roll?

19 A. Yes. Kind of. Sort of.

20 Q. Okay. But to attain that look, you would have to
21 have dreadlocks and then you'd braid them together?

22 A. And twist them. Yes.

23 Q. There's different intricate patterns you can do
24 it?

25 A. Right.

1 Q. But your testimony was, you recall the shooter
2 having the barrel roll --

3 A. Yes.

4 Q. -- dreadlocks?

5 A. Yes.

6 Q. And now you said they were shoulder length or
7 slightly longer; is that --

8 A. They were -- they were longer.

9 Q. Longer than shoulder length?

10 A. Like -- like past the shoulder a little bit.
11 Yes.

12 Q. Okay. So maybe about like his hair is right now
13 with the black? About that long? A little bit longer?

14 A. I can't really attest.

15 Q. Okay. Let -- let me get this -- just to be
16 clear, from where you were standing, you didn't see the
17 shooter's face? You're not saying that, are you?

18 A. No.

19 Q. So if law enforcement came to you and said,
20 Alexis, we need you to pick a picture out of this lineup.
21 What would you have told them?

22 A. I wouldn't be able to.

23 Q. Okay. So you were not asked to do a lineup, but
24 you were -- you've always been clear that you didn't see
25 the face all that clearly?

1 A. Correct.

2 Q. But what you testified to today is -- Ford Fusion
3 -- and you know that because you worked in dealership --
4 and State's number 16, the shooter got out of that driver's
5 seat, and the shooter drove away in that Ford Fusion you
6 saw parked two -- over from your -- or two spots over from
7 yours. Barrel roll dreads, white shirt, 220 pounds,
8 between 6 foot and 6 foot 2?

9 A. Yes.

10 Q. Okay. Okay. And now you -- you did say when you
11 heard the shots and you became aware that there was a gun
12 involved, you tried to go inside?

13 A. Correct.

14 Q. Now, you didn't keep your back on a man with a
15 gun, did you?

16 A. No.

17 Q. So after you realized you couldn't get inside,
18 where did you direct your attention?

19 A. Back to the parking lot.

20 Q. Okay. Because -- why is that? Why -- why did
21 you try to keep your eyes on somebody waving a gun around
22 and shooting --

23 A. Because I didn't know where it was going next.

24 Q. Okay. So your attention was directed at him once
25 you realized there was a gun in play?

1 A. Correct.

2 MR. SCOTT: All right. Thank you, Alexis.

3 THE COURT: Recross?

4 MS. ZMROCZEK: Yes, Your Honor.

5 RECROSS EXAMINATION

6 BY MS. ZMROCZEK:

7 Q. And following up on that point, so your -- your
8 eyes were following the barrel dread shooter, correct?

9 A. Correct.

10 Q. And he got into the driver's side?

11 A. Um-hum (affirmative).

12 Q. And -- sorry, you have to say yes or no.

13 A. Yes.

14 Q. Sorry. And how many people were in his vehicle?

15 A. When they left, three.

16 Q. Three. Including him or plus him?

17 A. Including him.

18 Q. So three total?

19 A. Correct.

20 Q. Okay. And who were those other two? Were you
21 able to recognize them?

22 A. No.

23 Q. Okay. Was -- was it the same person who was
24 handing out -- was one of them the same person that was
25 handing out the cards earlier?

1 A. Correct.

2 Q. Okay. And you said that you watched them pull
3 off?

4 A. Correct.

5 Q. Okay. So the one shot -- the warning shot that
6 hits the light pole goes to the ground. And then is there
7 -- was that outside? He was outside of the car shooting at
8 that point?

9 A. Yes.

10 Q. Okay. And then did he -- then you see the other
11 -- or do you hear or just see the other shots?

12 A. No. Like I -- I'm paying attention to where he's
13 going, so I'm looking.

14 Q. Okay. And so you saw both?

15 A. Correct.

16 Q. And then where was -- do you know who Judy Reyes
17 is?

18 A. From that night? Yes.

19 Q. From that night.

20 A. Correct.

21 Q. Where was she in all the mix, when -- when the
22 shooting was going on?

23 A. To be honest, I -- I don't recall. I was --

24 Q. You don't recall.

25 A. I was talking with Ms. -- Ms. Yolanda, so.

1 Q. Okay. And -- and you were talking with Ms.
2 Yolanda. And you -- but when the shooting was happening,
3 you were focused on the shooter and the people being shot?

4 A. And my car. Yes.

5 Q. And -- and your -- yeah. Obviously and your car.
6 And you don't recall seeing Ms. Reyes?

7 A. No.

8 Q. Okay.

9 A. I wasn't looking for her, so no.

10 Q. Okay. And -- oh, so then they left. Can you
11 tell me the direction -- or how did they back out? What --
12 tell me how that -- how that went.

13 A. They drove forward.

14 Q. They drove forward.

15 A. Correct.

16 Q. And then turned right or left?

17 A. I -- I don't -- don't recall.

18 Q. You don't recall. That's -- that's fine. And
19 you -- after they pulled forward, you don't know if they
20 turned right or left, and you don't know where they went
21 after that?

22 A. Correct.

23 Q. Okay. Okay. Are you still friends with the
24 Coras now? Do you keep in touch with them?

25 A. No.

1 Q. Okay. Do y'all --

2 MR. SCOTT: Judge, we're outside the scope of
3 redirect, I believe, at this point.

4 MS. ZMROCZEK: I have no further questions, Your
5 Honor.

6 THE COURT: Thank you. All right. You can step
7 down.

8 Y'all got another witness?

9 MR. SCOTT: Yes, sir. It's going to be Kiara
10 Arce.

11 MADAM CLERK: Please, raise your right hand.

12 **KIARA ARCE,**

13 A witness herein, having been first duly sworn, was
14 examined and testified as follows:

15 MADAM CLERK: Please have a seat in the witness
16 stand and state your full name for the record.

17 THE WITNESS: Kiara Arce.

18 DIRECT EXAMINATION

19 BY MR. SCOTT:

20 Q. Okay. Kiara, do you remember August 1st, 2021?

21 A. Yes, sir.

22 Q. Okay. You ever going to forget that night?

23 A. No, sir.

24 Q. Just -- stop me, but I want kind of move through
25 the first portion of your night. And if -- stop me if I'm

1 wrong, but what we've heard is you guys were there to
2 celebrate Jacob's birthday; is that --

3 A. Yes, sir.

4 Q. And y'all were at Tsubaki?

5 A. The karaoke bar. Yes, sir.

6 Q. Okay. And you were there with a lot of people
7 from your family; is that correct?

8 A. Yes, sir.

9 Q. We've looked at this picture. Yolanda is your
10 mother?

11 A. Yes, sir.

12 Q. And your brother, Nelson Cora, was there as well?

13 A. Yes, sir.

14 Q. Okay. Your aunt, Judy Reyes, was there?

15 A. Yes, sir.

16 Q. And your cousin, Jacob Cora, was there?

17 A. Yes, sir.

18 Q. And Abigail Rondon was there?

19 A. Yes, sir.

20 Q. Your other cousin. Okay. How old were you
21 August of 2021?

22 A. How old was I?

23 Q. Yeah.

24 A. 22.

25 Q. Okay. And were you celebrating by drinking with

1 everybody else?

2 A. I only had a little bit of the Sake. I didn't
3 like it because it was warm. I don't like hot liquor. It
4 grossed me out.

5 Q. So just a little bit of Sake that night?

6 A. Yes, sir.

7 Q. And did you sing karaoke?

8 A. No.

9 Q. Do you remember closing time at the bar?

10 A. Yes, sir.

11 Q. Okay. What do you remember about leaving? Was
12 it your -- were you gonna go to Waffle House too?

13 A. Yes, sir.

14 Q. Okay. Were you driving?

15 A. No, sir.

16 Q. Okay. How -- how did you get there?

17 A. I believe I rode with Judy or Abigail. I really
18 don't remember whose car I got there in.

19 Q. Okay. Tell me what you remember whenever you
20 started leaving Tsubaki.

21 A. So my mom and -- Jacob had said something about
22 wanting to smoke. So my mom and him went outside and my
23 mom just asked me to go with her. So I just walked out
24 with her in the front, like out of Tsubaki's. It was us
25 three first and then the rest of my family kind of trailed

1 a little bit behind.

2 Q. Okay. So you, Yolanda, and Jacob?

3 A. And Jacob. Yes, sir.

4 Q. Okay.

5 A. So we walked out first, us three, and then we
6 like -- we were talking to some people that were in the --
7 like right in front for a little bit. And then we started
8 walking towards the car and a man made a remark to my mom.
9 I think he called her like pretty or something like that.
10 He was just flirting with her. And my mom said thank you.
11 He asked her -- like he said something else. Like, you
12 know, just like flirting with her. My mom's like, I have a
13 boyfriend and stuff like that.

14 So after my mom denied the first -- well, like I guess
15 advances would be the word -- he did call her a "B" word
16 and then -- like my mom kind of just ignored it. And
17 that's when -- can I say the name or --

18 Q. A word that he used?

19 A. Yeah.

20 Q. Is it -- what --

21 A. It is a bad word. Yeah.

22 Q. Yeah, it's fine. I mean, we're all adults.

23 A. Okay. So after the first -- initial guy called
24 my mom a bitch, then that's when the gentleman over there
25 (indicating) came into like -- like -- you know, like came

1 and then said something along the lines of, "Fuck that
2 jalapeno-eating bitch," something like that.

3 Q. Okay.

4 A. So then that's when Jacob came and, you know,
5 Jacob went to go defend my mom, you know, for the things
6 that they had said to her. And that's kind of like when
7 the argument ensues, like the real big argument.

8 Q. Okay. Let me -- you -- your family, you're
9 Hispanic, is that --

10 A. Yes. Yes, sir.

11 Q. Okay. So this jalapeno-eating thing was
12 offensive just because you took it as what?

13 A. I don't -- I didn't take it as anything. I think
14 we were remorse -- so just offended because my mom didn't
15 -- like when she was responded, she said, "Thank you, I
16 have a boyfriend." So it was kind of just like, where's
17 all this like animosity coming from? My mom wasn't rude
18 when she like, you know, told the other man like, "I have a
19 boyfriend." She was never rude, so we were just confused
20 as to like what he was so upset about, and like why did he
21 come at her like that.

22 Q. Okay. But the -- the rejection, I guess, is what
23 set him off?

24 A. Yeah.

25 Q. To talk about B word and the --

1 A. Yeah. But I would like to say my mom didn't
2 reject the man that shot her. He came then after the
3 initial rejection.

4 Q. Let's clear that up. So the person who's --
5 who's calling her a bitch and who's talking about the
6 jalapeno -- that's not the shooter?

7 A. No. First -- the first young man that tried to
8 like hit on her or whatever, he did call her a bitch.

9 Q. Okay.

10 A. And then that's when the other man comes in and
11 that's when he's like, oh, "Fuck that jalapeno-eating
12 bitch." That's when then -- that's what he said.

13 Q. Okay. So these are two separate people?

14 A. Yes, sir.

15 Q. We're not talking about the shooter yet at this
16 point?

17 A. No. The shooter came in after.

18 Q. Okay.

19 A. He was the one that said the jalapeno part.

20 Q. Okay. All right. So first guy is the one who
21 confronts her and -- and sort of flirting with her, is what
22 you described it as?

23 A. Yes, sir. Yes, sir.

24 Q. And she -- she says, "No, I'm not interested."
25 That's when the next guy comes up who is ultimately going

1 to be the shooter?

2 A. Yes, sir.

3 Q. And he's the one that talks about the jalapeno
4 thing?

5 A. Yes, sir.

6 Q. Okay. Do you recall Jacob engaging with one or
7 both of these men after the insults?

8 A. I don't remember him saying anything to the first
9 guy. I remember him saying something to the man that
10 ultimately is the shooter.

11 Q. Okay. All right. So do you -- what was the
12 description you would give of the first guy who -- who kind
13 of was flirting with your mother?

14 A. He was black, but I don't remember much of his
15 face. But I think it's just because like -- like I said, I
16 didn't see Jacob say anything to him. I just saw when
17 Jacob came and the other man said stuff about my mom being
18 like eating jalapenos and stuff.

19 Q. Okay. Okay. Do you remember your cousin,
20 Abigail, and your brother, Nelson, trying to de-escalate
21 the situation at all?

22 A. Yes, sir.

23 Q. Okay. And the situation was -- between Jacob and
24 these two men --

25 A. Yes, sir.

1 Q. -- became heated?

2 A. Yes sir.

3 Q. Did it -- had it become physical at this point?

4 A. Nobody had threw a punch or nothing. They were
5 just in each other's faces like screaming, arguing.

6 Q. Okay. Do you remember -- do you remember the car
7 that these men got out of? Or did anybody get out of a
8 car?

9 A. They did.

10 Q. Okay. Who got out of the car that you remember
11 seeing?

12 A. The one that shot my mom got out of the car.

13 Q. Okay. And so -- I just want to be clear. So the
14 first guy is kind of flirting with your mom.

15 A. Yeah.

16 Q. It comes a little bit heated with some --

17 A. Yeah.

18 Q. -- insults being thrown. And then at that point
19 you see a man get out of --

20 A. Yeah, the car door was already open. Like the
21 car door was already open. So when he came to like -- I
22 guess like disrespect my mom or whatever, is when he got
23 out of the car, but he wasn't initially out of the car.
24 No.

25 Q. Okay. I -- so the guy who ultimately is the

1 shooter gets out of the car?

2 A. Yes, sir.

3 Q. He wasn't initially involved in this argument,
4 but he kind of --

5 A. Yeah, he kind of like just came to -- I -- I
6 would say be nosy. You know, tried to go put his two cents
7 in.

8 Q. Okay. So is that -- at that point, was it that
9 you realized that the -- the man who was flirting with your
10 mom was somehow associated with the man that got out of the
11 car?

12 A. I -- honestly, I don't remember seeing them
13 together. Like, it was kind of just like the man that
14 initially says stuff to my mom, he was like kind of like on
15 a stoop and like the -- on the side of Tsubaki -- so like
16 the sidewalk, I guess you would call it. Because then
17 everything else is like the big parking lot. So I didn't
18 see them together, no.

19 Q. Okay.

20 A. I didn't see him literally until he came to put
21 his two cents in, like when he came to get out of the car
22 to then start arguing with Jacob.

23 Q. Okay. Okay. So did you remember any other
24 people that would've been associated with either the guy
25 that gets out of the car, who was ultimately the shooter,

1 or the guy who was flirting with your mom? Do you remember
2 any other people that you associated with them?

3 A. I saw two other guys in the car, but I couldn't
4 tell you what they looked like. No.

5 Q. Okay. All right. So is -- is Jacob drunk that
6 night?

7 A. Yeah, I would say he was.

8 Q. Okay. And -- and he's -- he's still arguing --
9 even though it's two on one at this point, is he still
10 arguing back and forth?

11 A. Yeah, they're still arguing back and forth.

12 Q. Okay. Have -- have you seen a gun at this point?

13 A. I had not seen a gun yet, no.

14 Q. Okay. What, if anything, are you and your mom
15 and your aunt doing about this situation, where Jacob's --

16 A. We were just trying to calm him down because we
17 genuinely were just having a nice time and we were just
18 getting ready to leave, you know, to go get food. So we
19 were just trying to, you know, like just separate them.

20 Q. Okay.

21 A. Because they were in each other's faces.

22 Q. So are you saying you were close enough --

23 A. Yes, sir.

24 Q. -- to put hands on Jacob and --

25 A. Yeah, I grabbed like Jacob's like right here

1 (indicating), maybe like his wrist, but like this
2 (demonstrating) a little bit higher than his wrist. I did
3 grab his arm. Yes, sir.

4 Q. Okay. And at this point, who -- is he still
5 arguing with both of them in or just one of them?

6 A. He was arguing with both of them. Then it was
7 kind of just like -- the other one kind of just like --
8 like scooted to the side where then it was just the shooter
9 and Jacob arguing.

10 Q. Okay. About -- about how close were Jacob and
11 shooter?

12 A. Like really close, like face-to-face almost kind
13 of.

14 Q. Okay. Did you ever get between them?

15 A. I didn't get between them, no.

16 Q. Did -- did you ever see anybody kind of get
17 between them and separate them or any -- anything like
18 that?

19 A. My mother, Yolanda, and my aunt, Judy, were
20 standing in front. Like Jacob and the shooter were
21 face-to-face and they were standing like right in front of
22 Jacob. Like, you know, just trying to like calm everything
23 down, you know, like just separate us. And they were
24 trying to really, really calm it down. I -- when they
25 started arguing, I saw how bad it was getting and my mom

1 stepped in front of me. I kind of just stood behind my
2 mom.

3 Q. Okay. I -- well, maybe I'm not being clear, but
4 if these guys are face-to-face?

5 A. Yeah.

6 Q. You know, one's drunk and the other one's
7 threatening them. You're seeing two guys bow up before
8 like that, and you ever seen people get in between them and
9 try to separate them?

10 A. Yeah.

11 Q. You -- you're saying they're face-to-face, but
12 then you're saying Judy's in front of Jacob?

13 A. Judy did step in front of Jacob, yeah, when --
14 because it was getting really -- like they were screaming
15 at each other, like in each other's faces.

16 Q. Okay. So you -- is this accurate? I don't want
17 to put words in mouth. But are you saying that Judy got in
18 between them to try to put some distance between the two of
19 these guys?

20 A. Yeah. Yeah. She was trying to calm them down.

21 Q. And you're saying you're where in relation to
22 everybody?

23 A. I wasn't standing too far from Judy, but I was
24 closer to my mom, and my mom was standing on -- I can't --
25 I don't remember exactly the left or the right from Jacob,

1 but she was standing on the side of Jacob.

2 Q. Okay. About how far are you from the shooter at
3 this point?

4 A. Like you standing right there (demonstrating).

5 Q. Right here (indicating).

6 A. Maybe a little bit further.

7 Q. Okay.

8 A. But I -- yeah, like that. I could see -- I could
9 see him very clearly.

10 Q. Okay. And do you remember about how long you're
11 sitting there watching this whole interaction go back and
12 forth?

13 A. I honestly would not be able to give you a
14 timeframe of how long the argument was.

15 Q. Okay. But -- but did you have a chance to focus
16 on the face of the man that ultimately was the shooter?

17 A. Yes, sir. Yes, sir.

18 Q. Okay. I see you're wearing glasses today. Were
19 you wearing glasses that night?

20 A. Yes, sir.

21 Q. This is Defense 20 -- 19 and 20. Do you
22 recognize that to be how the parking lot looked?

23 A. Yes, sir.

24 Q. Okay. And -- and do you -- would you describe it
25 as well-lit or very poorly lit, or how would you describe

1 it?

2 A. I think it was well lit. I could see really
3 good.

4 Q. Okay. In State's -- I mean, Defense 19 and 20,
5 how close to that light post (indicating) were you guys?
6 Do you remember?

7 A. Really close.

8 Q. So -- okay. And if you see in Defense 20,
9 there's a pile of clothes just to the passenger side of the
10 Ford that belongs to Alexis Green?

11 A. Yes, sir.

12 Q. Do you remember that being where your mother and
13 your cousin --

14 A. Yeah. The shirt that is right there
15 (indicating). That's my aunt's shirt.

16 Q. Okay.

17 A. And before Judy came to hold down on my mom's
18 stomach, I was holding it, and she pushed me out of the way
19 because I wasn't pressing down hard enough because I didn't
20 know, you know, like what exactly I was supposed to do,
21 like how hard to press down. So I was right there
22 (indicating).

23 Q. Okay. So you were right up under this
24 (indicating) bright light?

25 A. Yes, sir. Right where the pile of clothes is.

1 Yes, sir.

2 Q. Okay. Can you -- can you give any kind of an
3 estimation of how long you were -- I mean, was it a minute?

4 A. That we were out there in the parking lot?

5 Q. Well, that you were -- that this argument's going
6 on and you guys are trying to separate everybody and you're
7 looking at the people that Jacob's arguing with?

8 A. I'd say maybe about three or four minutes. I saw
9 him very, very good.

10 Q. Okay. And under that light -- and at what point
11 do you see the gun?

12 A. Right when -- I didn't see the one shot
13 initially, but I did see when he did start shooting.

14 Q. Okay. So the one shot -- what -- what did you
15 perceive the one shot to be? Or did -- if you didn't --
16 you just heard it? Is that what you're saying?

17 A. Yes, sir. I heard the shots go off.

18 Q. Okay. You didn't see -- did anybody get struck
19 with that bullet, to your knowledge?

20 A. No. I didn't realize anybody had got shot. I
21 heard the shots, but I didn't know it had hit anybody
22 initially.

23 Q. Okay. So the first shot goes off. And where do
24 you direct your attention after you hear that first shot?

25 A. I covered behind my mom.

1 Q. Okay. And who -- who shot the shot?

2 A. Just the man sitting over there.

3 Q. Okay. How do you know if you were behind your
4 mom?

5 A. Because I saw when -- they -- I'm sorry (crying).

6 Q. That's okay. Take your time.

7 A. Because I saw him clearly before I heard the shot
8 when I got scared.

9 Q. And what -- when you see the gun, are you
10 interested in seeing what he's going to do with it?

11 A. Yeah.

12 Q. Okay. Do you -- does that draw your attention to
13 -- when a man fires a gun, does that naturally draw your
14 attention to that person?

15 A. Yeah.

16 Q. Do you remember who got shot first?

17 A. No. I didn't see who got shot first. I didn't
18 realize that anybody got shot until my mom turned around to
19 tell me that she loves me, and to tell my brothers that --
20 that she loves them.

21 Q. At what point did you realize Jacob had been
22 shot?

23 A. When I looked -- when I saw Jacob standing beside
24 me and I saw this -- just like a bunch of blood squirting,
25 like spraying out his neck, kind of.

1 Q. Did you see where the shooter ran after --

2 A. He went to go run in the car. He went to go run
3 in his car.

4 Q. Okay. And did you see him drive off?

5 A. Yes, sir.

6 Q. Okay. And what did you do when the car began to
7 leave?

8 A. I took a picture of the license plate.

9 Q. Okay. I'm gonna show you what's been labeled --
10 labeled State's 16. Let me ask if you recognize that.

11 A. Yes. This is the picture I took on my iPhone
12 before he could leave out the parking lot.

13 Q. Okay. And -- and what inspired you to take the
14 picture of the car?

15 A. Because he was gonna leave and he had just shot
16 my mom.

17 Q. Okay. And you took it with your iPhone?

18 A. Yes, sir.

19 MR. SCOTT: Your Honor, the State offer --
20 State's 16 for admission into evidence.

21 THE COURT: Objection?

22 MS. ZMROCZEK: Pursuant to my previous objection.

23 THE COURT: Ok, I'll note your pre-trial
24 objection and it will be overruled and will be
25 admitted as State's 16.

1 MR. SCOTT: Your Honor, permission to publish
2 State's 16?

3 THE COURT: Sure.

4 BY MR. SCOTT:

5 Q. Okay. Was this just after they got in the car?

6 A. Yes, sir.

7 Q. And did you see which direction they traveled in?

8 A. No. After I took the picture, I went and I gave
9 my attention back to what was going on with my mom.

10 Q. Okay. And is this still on your iPhone to this
11 day?

12 A. Yes, sir.

13 MS. ZMROCZEK: Your Honor, we have a matter of
14 law.

15 THE COURT: All right. Well, we've been going
16 for about an hour and a half. Now is a good time for
17 a break anyway. Ladies and gentlemen, I'm
18 gonna excuse you to your jury room. Again,
19 please don't discuss the case. We'll be back with
20 you, hopefully, in about 15 minutes.

21 (The jury exits the courtroom.)

22 THE COURT: All right.

23 MS. ZMROCZEK: Well, apparently, we have found
24 the metadata that I have been asking for, for four
25 years, Your Honor. I -- I'm gonna object. I haven't

1 even seen it. Apparently, maybe it was -- it was put
2 on my desk apparently today -- at the lunch break.

3 MR. SCOTT: Your Honor, that's not true. First
4 thing I got this morning -- I think the Defendant may
5 have taken them? Did you take it? Do you have it?

6 THE DEFENDANT: I didn't touch anything.

7 MS. ZMROCZEK: So I need to see a copy of it. Do
8 you have another copy?

9 MS. TAYLOR: Did you put it in your notebook?

10 MS. ZMROCZEK: Oh, I put it in my notebook.

11 Your Honor, obviously I've seen it now. I
12 haven't had an opportunity to, you know, review it,
13 look at the phone, et cetera, et cetera. I would just
14 object -- especially based on the fact that I filed
15 motions to compel. I've been asking for this stuff
16 and for them to give it to me in the second day of
17 trial. Your Honor, I just would object to the
18 metadata coming in at this point. It's way too late.
19 We need to know how to challenge it.

20 MR. SCOTT: Okay. So, Your Honor, this morning I
21 met with Kiara Arce for the first time. We were
22 looking at the picture and I asked her if she
23 remembered approximately what time she took it, and
24 that she was in the parking lot. She mentioned to me,
25 I still have the iPhone. I still have it right here.

1 And so I said, are you able to get the picture? She
2 showed it to me. I got her to send the victim's
3 advocate a screenshot. I printed it up this morning.
4 It shows a time of 2:19 a.m., and it shows the
5 location, just like anybody's phone when they take a
6 picture.

7 If she's able to identify it, and he would say
8 that -- I mean, she can hold her phone up right now
9 and she would -- literally in her possession of law
10 enforcement never got -- we've never been in
11 possession of the phone. It -- it showed the exact
12 time she took the picture. I understand that was the
13 defense's pretrial objection to the picture, period.
14 This would help her, I think, and answer her
15 objections to the picture. This is today, we've
16 learned about it. It gives an exact time that picture
17 -- picture was taken and a location.

18 MS. ZMROCZEK: Which I should have had four years
19 ago, Your Honor.

20 MR. SCOTT: We never had it. It was not in the
21 State's possession.

22 MS. ZMROCZEK: Probably, really, says that it was
23 in the State's --

24 MR. SCOTT: No.

25 MS. ZMROCZEK: I mean that she had it the whole

1 time they met with her. They -- they even met with
2 her --

3 MR. SCOTT: She's not a state agent.

4 MS. ZMROCZEK: Right. But she's even met with
5 them since then and given other statements. And so
6 just because I raised it yesterday that now they want
7 to -- you know, now they -- now they want to try to
8 cut, you know, my argument about their lack of
9 investigation under, you know.

10 MR. SCOTT: She could still argue against the
11 investigation because law enforcement didn't get it
12 from her. I got it this morning. I don't know why
13 they didn't give it.

14 THE COURT: All right. Since it was just
15 produced today, I'm going to sustain the objection as
16 to the photo itself, but I think she could still
17 testify as to whatever -- as far as the time and all
18 that stuff, but I'll sustain the objection as to the
19 photo itself.

20 MS. ZMROCZEK: Thank you.

21 THE COURT: All right. State ready?

22 MR. SCOTT: Yes, sir.

23 THE COURT: Bring the jury in please.

24 (The jury was brought into the courtroom.)

25 THE BAILIFF: Your Honor, all jurors are present

1 and seated.

2 THE COURT: Very good. Thank you, sir.

3 All right. Mr. Scott, you can continue with direct.

4 MR. SCOTT: Okay.

5 BY MR. SCOTT:

6 Q. Okay. So after the shooting goes, you see the
7 guys running, get in the car, how many men do you
8 recall in the car?

9 A. I believe it was three or four.

10 Q. Okay. And you were testifying earlier, you --
11 you got a very good look at the face of the shooter?

12 A. Yes, sir.

13 Q. Okay. Did you ever see anyone else with a gun?

14 A. No, sir. Just him.

15 Q. Okay. Do you remember giving a statement to
16 Investigator Kneece with the Sheriff's Department
17 August 3rd, a couple days after this event?

18 A. I remember talking to him. I wouldn't be able to
19 tell you exactly what I said because, you know, like
20 it was a long time ago.

21 Q. So a couple days after this event?

22 A. Yes, sir.

23 Q. Let me show you this, see if you recognize it.

24 I'm pointing right here (indicating). Just sort of read
25 this and see if --

1 A. This one (indicating) right here?

2 Q. Yeah. Let's see if that refreshes your memory.

3 A. Okay.

4 Q. Okay. So we talked -- you were talking earlier
5 about the first guy who comes over and is flirting
6 with your mother, and then the other guy who we said
7 was the gunman, who gets out of the car and escalates
8 things.

9 A. Yes, sir.

10 Q. I remember you saying there's two other guys who
11 were in the car?

12 A. Yes, sir.

13 Q. Okay. Was one of them just taller than the
14 others that you recall?

15 A. Yeah. He seemed taller, but I think it's just
16 because he was like really skinny.

17 Q. Okay. He seemed taller, but he was skinny?

18 A. Yeah, he was very skinny.

19 Q. All right. Did you ever see that person with a
20 gun?

21 A. I did see him with a gun, but he didn't like --
22 he just -- he would -- seemed like the only one from
23 like that was in the car that was trying to like calm
24 -- like help calm him down.

25 Q. Okay. He was in that Ford Fusion as well?

1 A. Yeah. I don't -- I can't really tell you what
2 kind of car it was. Like what -- the picture. I
3 don't know much about cars.

4 Q. Okay, fair enough. But the picture you -- or the
5 car you took the picture of, he was in that car at
6 some point?

7 A. Yes, sir. Yes, sir.

8 Q. And did you -- so you associated him with the
9 group that the shooter was in?

10 MS. ZMROCZEK: Your Honor, I would object to
11 leading.

12 THE COURT: Rephrase. It's leading.

13 BY MR. SCOTT:

14 Q. Who was he with?

15 A. The guy that shot my mom.

16 Q. Okay.

17 A. He jumped in the car with him.

18 Q. Okay. So the guy who shot your mom had another
19 thinner, tall guy with him?

20 A. Yes, sir.

21 Q. And tell us -- and you were saying -- you were
22 trying to say that he was attempting to de-escalate things
23 too? Describe that.

24 A. Yes, sir. After the -- after the shots went off,
25 he seemed like he was just trying to calm the situation

1 down. He was telling everybody to like, wait, wait, you
2 know.

3 Q. Okay. Did you ever see him shoot the --

4 A. No.

5 Q. -- gun?

6 A. No, sir.

7 Q. Did he look at all like the shooter?

8 A. No, sir. Not to me.

9 Q. Okay. Did -- did -- how did you describe the
10 shooter?

11 A. As a tall black man that was kind of chunky, with
12 dreads.

13 Q. Okay. Anything you recall specifically about his
14 dreads?

15 A. They were kind of thick.

16 Q. What?

17 A. They were thick?

18 Q. Thicker braids?

19 A. Yeah.

20 Q. Okay. I was talking to you earlier about the
21 picture you took, State's 16. And -- and you still have
22 that on your iPhone?

23 A. Yes, sir.

24 Q. Okay. And are you able to, I guess, scroll on
25 your iPhone and -- and see what time that picture was

1 taken?

2 A. Yes, sir.

3 Q. And are you able to look at your file and see the
4 location it was taken?

5 A. Yes, sir.

6 Q. Okay. This is State's 33, do you recognize that?

7 A. Yes, sir.

8 Q. Okay. What time does your phone show that you
9 took the picture of the tag?

10 A. 2:19 a.m.

11 Q. 2:19 in the morning. And what was the date?

12 A. August 1st, 2021

13 Q. At 2:19 a.m. And do you see a little map?

14 A. Yes, sir.

15 Q. A pin --

16 A. Yes, sir.

17 Q. That shows where you took the picture?

18 A. Yes, sir.

19 Q. And -- and where does it show you -- you took
20 that picture?

21 A. The pin is on the Inakaya Japanese Restaurant,
22 which is right beside Tsubaki.

23 Q. Inakaya Japanese Restaurant?

24 A. Yes, sir.

25 Q. Okay. We're talking about August 3rd when you go

1 in and give a statement to law enforcement. Do you
2 remember at some point being shown a photo lineup?

3 A. Yes, sir.

4 Q. Okay. And was that August 3rd as well?

5 A. Yes, sir.

6 Q. I'm going to show you what's been marked as
7 State's Number 1. It's two-page document.

8 A. Thank you.

9 Q. Do you recognize that?

10 A. Yes, sir.

11 Q. Okay. And it looks like Investigator Short,
12 Investigator Kneece showed you the lineup?

13 A. Yes, sir.

14 Q. Okay. And you said it was August 3rd. What time
15 is that -- does it say? Can you read that?

16 A. 1:46, I believe, in the afternoon, on August 3rd.

17 Q. Okay. 1:46 in the afternoon. And do you
18 remember where you went to look at this lineup?

19 A. I believe it was the Sheriff's Department.

20 Q. Okay. Who did you go there with?

21 A. My Aunt Judy, Abigail, and my brother Nelson.

22 Q. Okay. When you came to look at the photo lineup,
23 who was in the room with you?

24 A. I really can't tell if -- like, I don't remember
25 what each of the detectives looked like, but it was just

1 one detective that was talking to me.

2 Q. Okay. So your aunts and your family weren't in
3 the room with you?

4 A. No, they separated us once we got there.

5 Q. Okay. I see you signed it. Is that your
6 signature at the bottom?

7 A. Yes, sir.

8 Q. Okay. The second page, do you remember when the
9 investigator gave it to you? You hadn't been drinking or
10 you weren't under the influence of anything that day, were
11 you?

12 A. No, sir.

13 MS. ZMROCZEK: Objection, Your Honor.

14 BY MR. SCOTT:

15 Q. Were you?

16 A. No, sir. I was not under the influence.

17 THE COURT: What's the objection?

18 MS. ZMROCZEK: Well, Your Honor, he's again
19 leading and saying what -- I guess he's saying that
20 the investigator said -- I think the more appropriate
21 question is what did he say to you?

22 THE COURT: Overruled.

23 BY MR. SCOTT:

24 Q. Yeah, I -- I was just asking if you were under
25 the influence of anything.

1 A. No, I wasn't drunk.

2 Q. Okay. Now -- and this was shown to you. Do you
3 remember how the investigator presented it to you?

4 A. He asked me if anybody looked familiar, and that
5 if they did, for me to point it out. That -- that if I
6 didn't recognize anybody and didn't look like who I saw
7 outside, to not pick anybody.

8 Q. Okay. So you were given the option that if -- if
9 you don't see anybody, you don't have to pick anybody?

10 A. Yes, sir.

11 Q. Okay. Did he ever -- how many people are shown
12 in this picture?

13 A. Six.

14 Q. Six people. Did he ever kind of put his finger
15 over one --

16 A. No, sir.

17 Q. Did he ever wink his eye at you and do anything
18 like that?

19 A. No, sir.

20 Q. So he never suggested any of these pictures to
21 you?

22 A. No, sir.

23 Q. Okay. Did he -- did -- if you remember, did he
24 show it to you face down and have you turn it over or did
25 he just kind of put it in front of you? How -- how did he

1 do it?

2 A. Honestly, I wouldn't be able to tell you how he
3 put it out.

4 Q. Okay. Did you make a selection?

5 A. Yes, sir.

6 Q. Okay. And which one did you pick on -- on the --

7 A. I picked number three.

8 Q. Okay. And who did you identify number three as -
9 -who was that -- how did you recognize that person?

10 A. It's -- that was the man who shot my mom.

11 Q. That was the man who shot your mom?

12 A. Yes, sir.

13 Q. Okay. How quickly did you make -- do you
14 remember how quickly you made the --

15 A. Very fast.

16 Q. Very quick?

17 A. Yes, sir.

18 Q. Was it a picture that immediately stood out to
19 you for any reason?

20 A. Like did they like edit it or anything like that?

21 Q. No. No. I mean, why did you remember it so well
22 that you could pick it immediately?

23 A. Because that's who shot my mom.

24 Q. Are you ever going to forget the face?

25 A. No, sir.

1 Q. Did you indicate how certain you were, between 1
2 percent and 100 percent?

3 A. I don't remember if I did at the time, but I know
4 that's who shot my mom.

5 Q. Okay. Did -- can you describe any kind of level
6 of certainty?

7 A. I was 100 percent sure that that's who shot her.

8 Q. Is there any doubt in your mind that this is who
9 shot your mom?

10 A. No, sir.

11 Q. Any bit of doubt?

12 A. No, sir.

13 Q. Would you say you're firmly convinced that's who
14 shot your mom?

15 A. I can for sure say that's who shot my mother on
16 August 1st.

17 MR. SCOTT: Okay. Your Honor, at this time the
18 State would offer State's 1 for admission into
19 evidence.

20 THE COURT: Any objection?

21 MS. ZMROCZEK: Subject to my previous.

22 THE COURT: Yes, ma'am. All right. Subject to
23 previous objection, it would be admitted as State's 1.

24 (State's 1 was admitted into evidence.)

25 MR. SCOTT: Okay. Permission to publish, Your

1 Honor?

2 THE COURT: Yes, sir.

3 BY MR. SCOTT:

4 Q. Okay. So let's cover this real quick. This is
5 the date, August 3rd, 2021. You said at 1:46. And that is
6 your -- your signature here, Kiara Arce?

7 A. Yes, sir.

8 Q. You would've filled that out first or did you
9 fill that out -- well, it says -- read the top part.

10 A. You want me to read it in the microphone?

11 Q. Yeah.

12 A. "On this date, Investigators Short/Kneece showed
13 me six pictures at 56232 Notch road. I picked out a
14 picture number three --" oh, sorry "-- identified photo by
15 number, which is the person and who committed the crime of
16 --"

17 Q. They left that blank, but who did you -- what --
18 what crime did that person commit that you observed?

19 A. Shooting my mom.

20 Q. Okay. Did you see him shoot anybody else?

21 A. No.

22 Q. Who else was shot that night?

23 A. Jacob Cora.

24 Q. Okay. And you -- this was the person you saw
25 firing the gun in the parking lot?

1 A. Yes, sir.

2 Q. Okay. Is this the same person you saw get into
3 the car that you took a picture of and leave?

4 A. Yes, sir.

5 Q. Okay. What's your certainty?

6 A. 100 percent.

7 Q. Okay. Scroll to the final part. Okay. The
8 third picture there that -- it's circled and it has a "KA".
9 Who circled that three and initialed a "KA"?

10 A. I did.

11 Q. Okay. And you stand by that --

12 A. Yes, sir.

13 Q. -- identification?

14 A. Yes, sir.

15 Q. Did you see the man who shot your mom?

16 A. Yes, sir.

17 Q. Who shot Jacob Cora?

18 A. Yes, sir.

19 Q. You see him here today? What is your level of
20 certainty that this person you see in the courtroom today
21 is the person who shot --

22 A. 100 percent.

23 Q. I'm sorry?

24 A. 100 percent.

25 Q. Okay. Would you identify the person, point to

1 him?

2 A. Sitting over there at that table, in the second
3 chair (demonstrating).

4 Q. What color jacket is he wearing?

5 A. Black.

6 MR. SCOTT: Okay. Let the record reflects that
7 he has identified Defendant Jaquan king, Your Honor.
8 Thank you, Kiara. Answer any questions Ms. --

9 THE WITNESS: No problem.

10 THE COURT: Ms. Zmroczek, cross-examination?

11 MS. ZMROCZEK: Thank you.

12 CROSS-EXAMINATION

13 BY MS. ZMROCZEK:

14 Q. Hey, again, Ms. Arce, we spoke yesterday. You
15 remember?

16 A. Yes.

17 Q. Under oath -- you -- you testified under oath
18 yesterday, right?

19 A. Yes.

20 Q. Put your hand on this Bible just like you did
21 today, right?

22 A. Yes.

23 Q. And how certain were you of your testimony
24 yesterday?

25 A. 100 percent.

1 Q. 100 percent?

2 A. Yes.

3 Q. Okay. Just like this lineup, right?

4 A. Yes.

5 Q. Okay. So let's talk about what you talked about
6 today, okay?

7 A. Okay.

8 Q. So today you say -- when Mr. Scott asked you who
9 shot first today, you said, I don't remember who shot
10 first, right?

11 A. Like who was shot first?

12 Q. Uh-huh (affirmative).

13 A. Yes. I don't know who was shot first.

14 Q. Okay. You remember testifying yesterday -- 100
15 percent certainty -- you remember what you said yesterday
16 under oath?

17 A. That my mom and my cousin were shot.

18 Q. Okay. You remember being asked yesterday by Ms.
19 Taylor if you saw the first shots and you said you saw the
20 first shots at your -- fired at your mom?

21 A. Yes.

22 Q. Okay. But today, you -- you don't remember who
23 was shot first? Okay. Let me ask you this, you go through
24 that night, right? And you're talking about all the things
25 that you did and who you saw, and taking the picture,

1 right? You remember all that?

2 A. Yes.

3 Q. Okay. And then you -- and then you give a
4 description on August 3rd, correct?

5 A. Yes.

6 Q. Okay. And that's the same day that you picked
7 out that photo, right?

8 A. Yes.

9 Q. Okay. And that description that you gave was
10 every single thing that you remembered about that person,
11 right?

12 A. Yes.

13 Q. Okay. And so that description that you gave, you
14 said that he had thick braids, right?

15 A. Yes.

16 Q. And that's what -- and that's what you said
17 today?

18 A. Yes.

19 Q. Okay. But they were not hanging down, they were
20 kind of twisted?

21 A. Yes.

22 Q. Okay. And he was chunky?

23 A. Yes.

24 Q. He was tall. Did they ask you how tall?

25 A. No.

1 Q. Okay. How tall?

2 A. Well, just like Jacob testified, he's 6'1", so I
3 would assume in that 6 foot range because they were very
4 close in high.

5 Q. Okay. And then he said he looked black or mixed
6 with my skin complexion or a little darker?

7 A. Yes.

8 Q. Okay. Is that the same skin complexion that you
9 had on this day?

10 A. Yes.

11 Q. Okay. And so when did you tell them about the
12 facial hair that you saw in the shooter?

13 A. I never said anything about facial hair.

14 Q. Okay. Never -- never saw anything -- never said
15 anything about facial hair?

16 A. No.

17 Q. And never mentioned it ever?

18 A. No.

19 Q. Okay. So when they put this photo lineup in
20 front of you, everybody has facial hair, right?

21 A. Yes.

22 Q. Okay. You -- you were asked on direct today and
23 yesterday how many guns you saw?

24 A. Yes.

25 Q. And with 100 percent certainty, how many guns did

1 you see?

2 A. I know for sure I saw one. I don't remember
3 saying that I saw two, but if I said I saw two back then
4 when it was fresh in my mind, two days after, then it was
5 two guns.

6 Q. Okay. So when it was fresh in your mind, right
7 after --

8 A. Yes.

9 Q. -- right? You say that you saw two guns?

10 A. Yes.

11 Q. Okay. But yesterday, didn't -- you specifically
12 said you did not see two guns, right?

13 A. Yes.

14 Q. Okay. You -- so which is it? Did you see one or
15 two guns?

16 A. I know for sure I saw one.

17 Q. Okay.

18 A. But if I said there was two, two days after it
19 happened, then there was two guns.

20 Q. Okay.

21 A. This was, remember, almost four years ago, and
22 we're just now doing this.

23 Q. Exactly. Right. So everything that was -- that
24 was fresh back then, that's -- that's when it was most
25 fresh in your mind, right?

1 A. Yes.

2 Q. What color were the first gun?

3 A. I don't know.

4 Q. What hand was it in?

5 A. I don't know.

6 Q. Okay. Where was it located?

7 A. In his hand.

8 Q. Okay. And -- and he just was walking around, you
9 said he got out of the car?

10 A. Yes. He stepped out of the car.

11 Q. Stepped out of the car, had the gun in his hand?

12 A. No. He didn't have the gun in his hand when he
13 got out of the car.

14 Q. Okay. Where was it?

15 A. He took the gun out of his waistband when he
16 decided to take it out and start shooting people.

17 Q. Okay. And so the -- but you can't remember which
18 hand?

19 A. No.

20 Q. Okay. And you can't remember today or this time
21 about anything about the second gun?

22 A. No.

23 Q. Okay. But you certainly gave that in your
24 statement on August 3rd?

25 A. Yes, four years ago.

1 Q. Okay. The signature or the information -- how
2 many people were in the room with you when you were given
3 that photo lineup?

4 A. One.

5 Q. Okay. And -- and what did that person look like?

6 A. He was a white man.

7 Q. He was a white man?

8 A. Yes.

9 Q. Okay. Do you remember his name?

10 A. No.

11 Q. Okay. Do you remember how tall he was?

12 A. Maybe like 5'6".

13 Q. Okay. What color hair?

14 A. I think he was a ginger.

15 Q. Okay. A ginger. Okay. I mean, red hair?

16 A. Yeah.

17 Q. Thank you. Today, when you talked to Mr. Scott,
18 under oath, you were talking about this other man that was
19 in an argument that was hitting on your mom, right?

20 A. Yes.

21 Q. Okay. Yesterday, you recall saying under oath --
22 giving testimony, right?

23 A. Yes.

24 Q. And you didn't mention a second man at all
25 yesterday, did you?

1 A. You guys didn't ask me about the second man.

2 Q. Okay. Nobody asked you about the second man
3 yesterday?

4 A. No. You guys asked me about the shooter, so I
5 told you about the shooter.

6 Q. Okay. You say today that the light pole was on
7 the street, not in the parking lot?

8 A. I don't remember seeing the light pole in the
9 parking lot. No.

10 Q. Don't remember a light pole in the parking lot?

11 A. No.

12 Q. Okay. And so but today you testified that the
13 parking lot was well lit?

14 A. Yes, I could see just fine.

15 Q. Okay. But you recall yesterday testifying that
16 it -- the light pole in the street and on the parking lot
17 was not very well lit?

18 A. No. I said there -- I don't recall seeing a
19 light pole in the parking lot.

20 Q. Okay.

21 A. I never said it wasn't well lit. I could see
22 very well everybody that was around me and the crime that
23 was committed.

24 Q. Okay. Do you recall in your August 3rd, 2021,
25 statement saying it took a bit for this whole thing to

1 register?

2 A. Yes.

3 Q. Okay. And -- and then I -- and so that means
4 that -- that when you took this picture at 2:19, that was
5 after it had registered?

6 A. Yes.

7 Q. Okay. And you -- obviously you were crying a
8 little bit earlier today. This is still very emotional for
9 you, right?

10 A. Yes. My mother was shot in front of me.

11 Q. Right. Very traumatic.

12 A. Very.

13 Q. Very stressful.

14 A. Very.

15 Q. Very impactful.

16 A. Yes.

17 Q. Okay. It was two in the morning when it
18 happened?

19 A. Yes.

20 Q. Okay. In fact, you even said in your statement
21 on August 1st that -- that not only did it take a while,
22 then you froze and you couldn't even say anything or move?

23 A. Nope. Just watched my mom get shot.

24 Q. Okay. Do you recall meeting with the solicitor's
25 office in July -- around July of 2024? Maybe via Zoom?

1 A. No. We came in person.

2 Q. You came in person?

3 A. Yes.

4 Q. Okay. And who came with you?

5 A. I believe it was me, my Aunt Judy, and my mother.
6 I don't remember who else might have come.

7 Q. I'm sorry I missed that last part.

8 A. I don't remember who else came. I just know for
9 sure it was my mom and my Aunt Judy.

10 Q. Okay. And obviously throughout the -- the time
11 since August 1st, 2021, y'all have discussed about the
12 things that happened that night and what everybody saw,
13 correct?

14 A. Yes.

15 Q. Okay. You -- but in this meeting in July of 2024
16 -- let me ask you this. The photo lineup that we saw,
17 State's 1 -- how many photo lineups were you shown in this
18 case?

19 A. I think just one.

20 Q. Okay. Do you recall telling the solicitor's
21 office in 2024 that you were shown two lineups but couldn't
22 pick anyone out of the other one?

23 A. I don't recall saying -- I don't recall seeing
24 two lineups. I know for sure I saw one and that's the one
25 that I signed and circled about who shot my mom.

1 Q. Okay. So if the notes reflect that you said that
2 you were shown two lineups but couldn't pick anyone out of
3 the other one, you don't know where that came from?

4 A. They probably did show me two. I'm saying I
5 don't remember being shown two.

6 Q. Okay. But then why would you say they probably
7 did show you two?

8 A. Because they probably did. I don't remember
9 seeing two lineups.

10 Q. Okay.

11 A. I remember seeing the first lineup that I saw the
12 men that shot my mom.

13 Q. Okay. You -- today when you testified, you said
14 you saw how many people in the car?

15 A. Between three and four.

16 Q. Between three and four?

17 A. Yes.

18 Q. Okay. Was it three or was it four?

19 A. I don't remember. That's why I'm saying either
20 three or four men.

21 Q. Okay. You -- where did you see the shooter the
22 very first time during the argument?

23 A. Arguing with Jacob.

24 Q. Okay. Arguing with Jacob. So inside the car or
25 outside the car?

1 A. Outside the car.

2 Q. Okay. And where was he standing outside the car?

3 A. In the parking lot. In the parking lot.

4 Q. Okay. And so I'm going to show you State's 7,
5 but I'm gonna put it on the board so we can all see it.

6 Okay. Do you recognize this picture (indicating)?

7 A. It's in front of Tsubaki's -- so yeah.

8 Q. Ma'am?

9 A. It's in front of Tsubaki's -- so yeah.

10 Q. Right. Right. In front of Tsubaki's. And in
11 the -- since August 1st of 2021, has anybody ever asked you
12 where that car was that you took a picture of?

13 A. No.

14 Q. Nobody's ever asked you?

15 A. I don't think so. No.

16 Q. Okay. Do you remember where it was?

17 A. I just know it was in the parking lot.

18 Q. It was just in that parking lot?

19 A. Yeah.

20 Q. But as you're looking at this picture today, you
21 cannot remember where it was?

22 A. No.

23 Q. Okay. And nobody's ever asked you to point that
24 out?

25 A. I don't believe so.

1 Q. Okay. The phone, you pulled up and -- and were
2 able to look at the time that you took the picture, right?

3 A. Yes.

4 Q. Anybody ever ask you to do that before today?

5 A. What -- for the time?

6 Q. Ma'am?

7 A. You're asking if they've ever asked me for what
8 time I took the picture?

9 Q. Right. Right.

10 A. No.

11 Q. Okay.

12 A. I told them I took a picture of the license plate
13 and they asked me to send it to them, so I did.

14 Q. Right. And who did you send it to?

15 A. I believe I sent it to Nicole.

16 Q. Okay. So that was fair -- that was fairly
17 recently? You didn't send that back in August of 2021?

18 A. The picture of the license plate?

19 Q. Right.

20 A. No. I sent that from the very beginning.

21 They've had that picture for a while.

22 Q. Okay.

23 A. Not the time --

24 Q. And who did you send it to in the very beginning?

25 A. I believe it was Nicole.

1 Q. Nicole?

2 A. I don't -- don't know of her last name.

3 Q. Is she here the courtroom?

4 A. Yes.

5 Q. Okay. Can you point her? Can you describe what
6 she's wearing?

7 A. She has glasses and she has her hair down.

8 Q. Okay. Is she sitting up top on the --

9 A. Yes. Beside my cousin, Jacob Cora.

10 Q. Okay. So it is your testimony that you sent her
11 that picture in August --

12 A. Of the license plate, not the timestamp. No one
13 never asked me for a timestamp, so I didn't put a timestamp
14 in it. But the picture of the license plate? Yes.

15 Q. You sent that on August 1st of 2021?

16 A. I sent it, I believe, it was on the 3rd when we
17 went in to give our statements.

18 Q. Okay. And you sent that to Nicole?

19 A. Yes.

20 Q. Okay. 100 percent certain?

21 A. Yes.

22 Q. Okay. You -- today, when you were talking about
23 the events, did you mention about anyone else besides Jacob
24 arguing with a person?

25 A. What do you mean? Like was anybody else from my

1 family arguing with him?

2 Q. Yes.

3 A. My brother came out after. It was already a big
4 argument. When -- when Jacob was arguing with the two men.

5 Q. You talk very, very quickly. Sorry, can you say
6 that again?

7 A. My brother Nelson Cora came out when he saw that
8 Jacob was arguing with the two men.

9 Q. Okay. So your brother, Nelson Cora, came out,
10 and did he join Jacob at that time?

11 A. Yes.

12 Q. Okay. And -- and Jacob was arguing with two men?

13 A. Yes.

14 Q. Okay. And all four -- the two men that Jacob was
15 arguing with, were they both similar in height to Jacob?

16 A. No.

17 Q. I'm sorry?

18 A. No.

19 Q. Okay.

20 A. The other one was a little bit shorter.

21 Q. The other one being that -- not the shooter?

22 A. Not the shooter.

23 Q. Okay. The other one was a little bit shorter?

24 A. Yes.

25 Q. Okay. Shorter than 6 foot -- or 6'1"?

1 A. Yes.

2 Q. Okay. So of the three or four people that you
3 saw get to the car, they were all around 6 feet, 6'1", or
4 maybe just a little bit shorter?

5 A. Yes.

6 Q. Okay. You recall when you met with the
7 solicitor's office back in 2024 that you told them that you
8 had heard the shooter say something about shooting, then
9 saw him with a gun in his hand, and then the gun went in
10 the air. You heard shots. So you crashed behind your mom?

11 A. Yes.

12 Q. Okay. But you can't remember which hand and you
13 can't remember what the gun looks like?

14 A. No.

15 Q. Okay. How many shots did you hear?

16 A. I don't know.

17 Q. You don't know?

18 A. No.

19 Q. Okay. Do you recall in 2024 saying you heard
20 four shots?

21 A. I don't remember, but, once again, this was a
22 while ago. If I said it was four, then it was four.

23 Q. Okay. And when they interviewed you in August of
24 2021 and they wrote that statement up for you, they didn't
25 ask you that question, did they?

1 A. I don't believe so.

2 Q. Okay. When -- when was there a gun on the floor?

3 A. When -- after the man started shooting the -- one
4 of his friends, the one that I said that was trying to de-
5 escalate, he had put -- he had put a gun down on the floor
6 and was telling everybody to like, wait, wait, to try to
7 just figure out what was going on and calm everybody down.

8 Q. So that was a second gun?

9 A. I believe that was the second gun. Yes.

10 Q. Okay. In 2024, again, you described the shooter
11 as a fat guy with dreads that were shoulder length?

12 A. Yes.

13 Q. No facial hair described?

14 A. I don't remember seeing facial hair.

15 Q. Okay. What color was his shirt?

16 A. I don't know.

17 Q. Okay. What color were his pants?

18 A. I wasn't looking at clothes. I was looking at
19 his face.

20 Q. Okay. The face that we talked about with no
21 facial hair?

22 A. Yes.

23 Q. Okay.

24 A. I didn't tell you he had facial hair. I said I
25 don't remember seeing facial hair.

1 Q. Right. Because you were looking straight at his
2 face?

3 A. Yes.

4 Q. 100 percent never gonna forget it. We've heard
5 that, right?

6 A. Yes.

7 MS. ZMROCZEK: Okay. I have no further
8 questions, Your Honor.

9 THE COURT: Anything on redirect?

10 REDIRECT EXAMINATION

11 BY MR. SCOTT:

12 Q. You -- the -- the picture of the car, how did
13 that -- what did you guys do with that picture after you
14 took it that night?

15 A. I showed it to the detectives when I came in to
16 give my statements.

17 Q. Okay. And Nicole, she works in my office?

18 A. Yes.

19 Q. And she's a victim's advocate?

20 A. Yes.

21 Q. Okay. At some point during -- once this case got
22 in the prosecutor's office, did you send it to her for us
23 to have?

24 A. Yes.

25 Q. Okay. Are you aware that right when we got it,

1 we sent to the defense attorney?

2 A. I do not, but I am aware now.

3 Q. You wouldn't know that. Would it surprise you to
4 know you sent it February 8th of 2022?

5 A. Would it surprise me? No.

6 Q. Okay. I mean, we had the documents and that --
7 you're testifying that you sent it to our office so we
8 could have it?

9 A. Yes.

10 Q. And we could give --

11 A. Yes.

12 Q. And we have to give everything over to the
13 defense attorney --

14 A. Yes.

15 Q. -- so we had to do that to her?

16 A. Yes.

17 Q. Okay. I don't think she was insinuating you were
18 never trying to hide it from anyone, were you?

19 A. No.

20 Q. I heard the defense attorney say that you
21 described the shooter was a fat guy with dreads.

22 A. Yes.

23 Q. Have you ever said fat guy or did you say chunky?

24 A. I don't remember saying fat. I said chunk -- I
25 know for sure I said chunky.

1 Q. Okay. So she was saying fat guy earlier, that's
2 her words, not yours?

3 A. Wasn't mine.

4 Q. Okay. The statement you gave to law enforcement;
5 tall, looked black, or mixed with mild skin complexion or a
6 little bit darker, he was a little bit chunky.

7 A. Yes.

8 Q. That's how you described him August 3rd?

9 A. Yes.

10 Q. Okay. He had dreads but they were not hanging
11 down. They were twisted, kind of like really thick braids?

12 A. Yes.

13 Q. Okay. So August 3rd, two days after, you're
14 describing him as chunky?

15 A. Yes.

16 Q. Okay. And the other guy with the gun, he was a
17 skinny guy?

18 A. Yes.

19 Q. Did you ever see that that man fire a gun?

20 A. No.

21 Q. Okay. And again, you remember him being somewhat
22 of -- not a peacekeeper. Was he trying to de-escalate the
23 situation?

24 A. Yeah, I don't think he was -- like -- like you
25 said, not a peacekeeper. I think he was just trying to

1 like see -- you know, like, because everybody was
2 screaming, you know, like given the situation, so he was
3 just trying to like I guess figure out what -- because it
4 all happened so fast we forgot what was going on -- you
5 know, like what had just happened.

6 Q. Did you see a guy passing out business cards?

7 A. I didn't see nobody passing out business cards,
8 no, sir.

9 Q. Okay. Do you think you would be able to identify
10 the other people who were in the car?

11 A. No.

12 Q. Okay. And -- and who was the most aggressive?

13 A. The person that shot my mom.

14 Q. Okay. And did that cause you to focus on him
15 more?

16 A. Yes.

17 Q. Okay. So would you agree that August 3rd, your
18 mind, when you were speaking with law enforcement it was
19 more fresh?

20 A. Yes.

21 Q. Than it would be maybe even today?

22 A. Yes.

23 Q. So what you would tell them August 3rd would be
24 probably the most accurate?

25 A. Yes.

1 Q. Okay. And August 3rd is when you picked him out
2 of a photo lineup?

3 A. Yes.

4 MR. SCOTT: Okay. Nothing further.

5 THE COURT: Anything on recross?

6 RECROSS EXAMINATION

7 BY MS. ZMROCZEK:

8 Q. You would agree that testifying under oath is
9 when you want to be most accurate, right?

10 A. Yes.

11 Q. Okay.

12 A. But two days after it happened, I would -- would
13 say that's when I would be the most accurate because it
14 would be fresher in my brain then.

15 Q. And so the most accurate statement I'm hearing
16 from you is August 3rd --

17 A. Yes.

18 Q. -- 2021?

19 A. Yes. I would say so.

20 Q. When did you ever say that -- that shooter was
21 the most aggressive?

22 A. Didn't ask me then. He's asking me now and he
23 was aggressive.

24 Q. Okay. Do you remember that you signed the
25 statement that you gave August 3rd, 2021?

1 A. Yes.

2 Q. And that they said, is there anything you would
3 like to add to your statement?

4 A. Yes.

5 Q. And you did not add "he was the most aggressive"?

6 A. No, they didn't ask me if he was aggressive.

7 Q. Okay. And so this whole de-escalating the
8 situation narrative, that's something that -- that's --
9 that y'all discuss as a family that's come up that you
10 agree with, right?

11 A. No. That's how it happened.

12 Q. Okay. And -- and yet we don't have it in any
13 statement?

14 A. I guess not.

15 Q. Okay. And just to be sure, when I asked you on
16 cross about when you were 100 percent certain -- 100
17 percent certain, that you sent that picture to Nicole in
18 August of 2021, you said yes, right?

19 A. Yes.

20 Q. Okay. But when Mr. Scott gets back up, you say,
21 nope, that was 2/28/22?

22 A. I guess -- I know I sent them the picture. For
23 sure, there's no need for me to lie about the picture at
24 all. I -- I gain no -- I get nothing from that. I don't
25 gain anything from lying about a picture. I didn't alter

1 it. There's a timestamp, there's a date that says August
2 1st at 2 o'clock in the morning. When I sent it -- I'm
3 assuming I sent it when the situation happened. If it took
4 me a couple of months, then I guess it did, but I never
5 lied about the picture. If the detectives would've asked
6 me for my phone, they would've happily got it.

7 Q. Okay. Just asking you about your 100 percent
8 certainty. So now you're 100 percent certain that it was
9 either a couple months or August, 2021 or February of 2022.
10 You're just 100 percent certain on all of that?

11 A. I'm 100 percent certain I sent the picture, the
12 picture was of the car that the man that shot my mother got
13 in. Yes, 100 percent.

14 MS. ZMROCZEK: Thank you so much. I have no
15 further questions.

16 THE COURT: All right, ma'am, you can step down.
17 All right. Call your next witness.

18 MS. TAYLOR: State calls Judy Reyes.

19 MADAM CLERK: Please, raise your right hand.

20 **JUDY REYES,**

21 A witness herein, having been first duly sworn, was
22 examined and testified as follows:

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

25 THE WITNESS: Judy Reyes.

DIRECT EXAMINATION

BY MS. TAYLOR:

Q. All right, Judy, thank you for being here today.

Do you currently work?

A. Yes.

Q. Where do you -- what type of work do you do?

A. I work at a pediatric dental clinic.

Q. Okay. And how long have you lived in Columbia?

A. 11 years.

Q. Can you speak up just a little bit?

A. 11 years.

Q. And where did you live -- before Columbia, like where is the place that you lived before then?

A. Before I came here, I lived in Florida, and then before that Providence, and then before that New York. I was born and raised in New York.

Q. Okay. What part of New York?

A. The Bronx.

Q. And I think we kind of ran through this throughout the different witnesses, but how many children do you have?

A. I have six.

Q. Six. Okay. And so Yolanda is your sister?

A. Yes, ma'am.

Q. Jacob is your son?

1 A. Yes.

2 Q. Abigail's your daughter?

3 A. Yes, ma'am.

4 Q. Kiara's your niece?

5 A. Yes, ma'am.

6 Q. And also Yolanda's daughter?

7 A. Yes, ma'am.

8 Q. And then Nelson's your nephew?

9 A. Correct.

10 Q. Okay. So did you witness the incident that we're
11 here for today?

12 A. Yes, ma'am.

13 Q. Okay. And did this happen on the early morning
14 hours of August 1st, 2021?

15 A. It did.

16 MS. ZMROCZEK: Your Honor, I object to leading.

17 MS. TAYLOR: This is introductory question, Your
18 Honor.

19 THE COURT: Overruled.

20 BY MS. TAYLOR:

21 Q. Okay. So let's talk a little bit about earlier
22 that night. Did you go to Tsubaki the night of July 31st
23 until August 1st?

24 A. Correct.

25 Q. And what type of place is Tsubaki?

1 A. It's a karaoke bar. They sell food there,
2 drinks.

3 Q. And had you ever been there before?

4 A. Yes.

5 Q. About how many times did you go?

6 A. Numerous times.

7 Q. And the night of the incident, who all did you go
8 to Tsubaki with?

9 A. It was a large group of us initially.

10 Q. Okay.

11 Q. It was four of my children, some friends. It was
12 just a big group, but the ones that stayed until close was
13 Yolanda, Nelson, Jacob, Abigail, Kiara, and myself.

14 A. Okay. And what was the reason that your family
15 decided to go to Tsubaki that night?

16 A. We went there to celebrate Jacob's birthday.

17 Q. And how old was he turning in 2021?

18 A. 25 -- I want to say.

19 Q. 25?

20 A. I think so, yeah.

21 Q. And while you were inside Tsubaki, what type of
22 activities did you and your family do while y'all were in
23 there?

24 A. We ate, you know, we drank. They sang, danced.

25 Q. Did you drink any alcohol that night?

1 A. When I first got there, yes.

2 Q. Okay. Do you remember what kind of like alcohol
3 you were drinking?

4 A. It was Sake.

5 Q. And is Sake kind of like a Japanese wine?

6 A. It is.

7 Q. Okay. Now you said that there were a lot of your
8 family members there. Kind of how did y'all decide to pay
9 the bill? Did one person pay it?

10 A. So it was pretty much like, okay, I'll buy a
11 round of shots. You know, this person buys a round of
12 shots. So, you know, we were just going around like that.

13 Q. Okay. So there were multiple people who paid the
14 bill?

15 A. Yes, ma'am.

16 Q. And while you were in Tsubaki that night, did you
17 meet or hang out any people that you didn't know before
18 that night?

19 A. Yeah, we -- like a couple of people had come up
20 to us, you know, like just friendly. You know, we were
21 just having a good time, you know. So like two or three --
22 we saw two or three people in there. There was a bartender
23 in there. There was another gentleman that was also a
24 regular, which is Joseph. I had never really spoken to him
25 before, but you know, like we got to talking that day and

1 stuff like that. So yeah. You know, we just -- they were
2 just up there singing with us. You know, we were just
3 having a good time.

4 Q. Was Devin Pate one of the people you met that
5 night?

6 A. I can't recall. I met him that night, but I
7 can't recall if I met him inside or if it was outside.

8 Q. Okay. And at some point, did the Tsubaki close
9 for the night?

10 A. Correct.

11 Q. Okay. And were y'all still there at the closing
12 time?

13 A. We were

14 Q. And around what time was the closing time?

15 A. They closed at 2:00.

16 Q. And I guess kind of talk us through -- y'all
17 decide -- or Tsubaki's closing.

18 A. Correct.

19 Q. Where do y'all go from inside the restaurant?
20 Like what's the first?

21 A. So we went outside to stand outside to talk to
22 Devin, and Joseph, and Lexi. And we decided we wanted to
23 go eat, so we were going to go to the Waffle House. I
24 started walking towards the car, because I was not drunk, I
25 was the designated driver, and I started walking towards

1 the car. And they stood talking, you know, to the other
2 people that were there.

3 Q. And is Lexi -- is that Alexis that had the red
4 jacket on?

5 A. Yes, ma'am.

6 Q. Okay. And kind of -- where did this conversation
7 occur?

8 A. If I'm not mistaken, it was right in front of
9 Tsubaki, like under the awning.

10 Q. Okay.

11 A. We were standing right there. You know, we were
12 all talking, you know, okay, we're gonna go to the Waffle
13 House. And then I started walking away.

14 Q. And was that by the front door of Tsubaki?

15 A. Yes, ma'am.

16 Q. So you said that you were the designated driver,
17 you started walking to the car. Where was your car parked?

18 A. It was in the parking lot. It -- I'm pretty sure
19 it was a couple of spaces behind. I can't exactly recall
20 where it was parked. But it was a couple of spaces back.

21 Q. Okay. Okay. So do you recognize this parking
22 lot (indicating)?

23 A. I do.

24 Q. Okay. And this is the parking lot outside
25 Tsubaki?

1 A. It is.

2 Q. Okay. Now when you were walking to get your car,
3 did you have to walk through this parking (indicating) lot?

4 A. I did.

5 Q. Okay. And while you were walking through this
6 parking lot, go get your car, describe how well you were
7 able to kind of see when you were walking and...

8 A. I could see fine.

9 Q. Say that one more...

10 A. I could see fine.

11 Q. Okay. And can you describe kind of the lighting,
12 how lit it was?

13 A. It was pretty well lit.

14 Q. Okay. And this light pole in this picture, do
15 you recall if that was there that night?

16 A. It was.

17 Q. Okay. And does this photo accurately reflect
18 kind of how bright it was?

19 A. Correct.

20 Q. All right. At some point when you were walking
21 through the parking lot, you were walking to your car, did
22 you hear something that gets your attention?

23 A. I did. I heard arguing.

24 Q. Okay. And did you recognize anyone voice in that
25 argument?

1 A. I recognized Jacob's voice.

2 Q. Okay. And Jacob is your son?

3 A. Correct.

4 Q. All right. And what did you do once you
5 recognized Jacob's voice in his argument?

6 A. When I heard him, I turned around, I saw him
7 arguing with someone. And I went -- I ran to -- up to
8 where they were at.

9 Q. All right.

10 A. I kind of stepped in between him and the --

11 Q. Okay. Let's -- we're gonna stop real quick.
12 We'll get to that part. Okay. Now, looking at State's
13 six, are you -- does this photo show kind of where the
14 argument was happening?

15 MS. ZMROCZEK: Your Honor, again, I would object
16 to leading.

17 BY MS. TAYLOR:

18 Q. Where in this photo does the -- you -- you run to
19 the argument?

20 A. Around that area. Towards -- back towards the
21 entrance of Tsubaki, so around that area right there
22 (indicating). Like right before you get to the entrance,
23 but it was still in the parking lot.

24 Q. Okay. So you said you heard the argument, you
25 ran back there... How many people did you see arguing with

1 Jacob?

2 A. I was only focused on Jacob, so I only saw him,
3 like face-to-face, with one person.

4 Q. Okay. So then you saw one person arguing with
5 Jacob?

6 A. Correct.

7 Q. Okay. And what race -- did you see the race of
8 the man that was arguing?

9 A. He was black.

10 Q. And had -- did you know that man?

11 A. No, ma'am.

12 Q. And can you describe how Jacob and the man that
13 you saw him arguing with were like positioned physically
14 while they were arguing?

15 A. They were face-to-face.

16 Q. And when you saw his argument, what, if anything,
17 did you do to try to intervene?

18 A. I got in between him and Jacob.

19 Q. Okay. And when you get in between, did you say
20 anything to the man?

21 A. I did. I told him that we were leaving, that we
22 didn't want any problems.

23 Q. Okay. And can you kind of describe why you
24 decided to say that to that specific man? Like what drew
25 your attention to him?

1 A. He was just -- I knew -- I knew Jacob was drunk.
2 He was drinking. He was drunk. But the person he was
3 arguing with was really aggressive. And I've been in
4 Columbia long enough to know that things could get out of
5 hand. I didn't want anything to get out of hand.

6 Q. Okay.

7 A. And that's my son. I was just trying to protect
8 him.

9 Q. All right. And were there any other people
10 around when this was happening?

11 A. Yolanda was on one side of me. I can't exactly
12 tell you which side. I can't remember that. Yolanda and
13 Kiara were on one side. I know Nelson was there too. But
14 I was really just focused on the gentleman in front of me.

15 Q. Okay. And you said -- you said -- you testified
16 that you said that y'all were about to leave?

17 A. Yes, ma'am.

18 Q. Okay. And did you say anything about getting
19 your son or?

20 A. He said -- when I told him that we were about to
21 leave, that we didn't want any problems, he said, "Grab him
22 before I shoot him."

23 Q. Okay. And this is a man that you saw arguing
24 with Jacob?

25 A. Correct.

1 Q. Okay. And when he said that, you know, you
2 better get him before I shoot him, what was going through
3 your mind at that time?

4 A. My mind was racing. I'm like, the last thing I
5 wanted was for anyone to get hurt. So I was trying to, you
6 know, just get back away from him.

7 Q. Okay. And the man that said, you know, you
8 better get your son -- get him before I shoot him, I want
9 you to tell me physically how close you were. So when I
10 get to how close y'all were, tell me to stop, okay?

11 A. Yes, ma'am. About that -- about there
12 (indicating).

13 Q. Right here (demonstrating). So about 2 feet, you
14 would describe?

15 A. Two, three feet. Yep.

16 Q. Okay. All right. Can we go -- now, when you got
17 2 or 3 feet to this man, how well -- describe how well you
18 were able to see his face?

19 A. I was able to see his face clearly.

20 Q. And when he said you better get him before I
21 shoot him, where was Yolanda and Jacob standing during this
22 time?

23 A. Jacob was kind of like behind me, but kind of
24 like on the side of me. I just don't remember which side.
25 Because I -- I didn't want to give him my back. So I

1 didn't turn around, because he said what he said. So I was
2 afraid that something was going to happen. I know Jacob
3 was kind of like behind me kind of, because I was just kind
4 of trying to like push him back, and Yolanda was on one of
5 my sides. I can't remember which one.

6 Q. Okay. And during this kind of argument,
7 confrontation between Jacob and the man who he was arguing
8 with, when did you ever see Jacob pull out any weapon?

9 A. When did I see Jacob what?

10 Q. Pull out any type of weapon?

11 A. Never.

12 Q. He never pulled out a gun?

13 A. No, ma'am.

14 Q. All right. So when you were, I guess, kind of
15 intervening and interacting with the man that was arguing
16 with Jacob, at some point during this interaction, did you
17 see him do something that surprised you?

18 A. He pulled out a gun.

19 Q. Okay. And what did you see him -- when he pulled
20 out the gun, what did you see him do with that gun?

21 A. He started shooting.

22 Q. And did you actually see the gun in his hand?

23 A. I did. I just can't recall where -- what hand it
24 was.

25 Q. Okay. About the color?

1 A. I don't recall either.

2 Q. Were you focused on that?

3 A. It -- I wasn't. I was focused on trying to get
4 everybody out of there, so no one would get hurt.

5 Q. Okay. And can you describe how you -- how he was
6 shooting?

7 A. He was just shooting. To me -- I mean it, to me,
8 in my mind, it happened just all so fast. I saw the gun,
9 he just started shooting.

10 Q. And did you see him shoot anyone?

11 A. I did.

12 Q. And who did you see him shoot?

13 A. I saw him shoot Yolanda.

14 Q. And that's your sister?

15 A. Yes.

16 Q. Okay. And when you realized that Yolanda is
17 shot, like what do you see her doing? Like how is she
18 reacting to being shot?

19 A. She -- I saw when she got shot, and then she kind
20 of like stumbled back and I saw her just fall to the
21 ground.

22 Q. Okay. And kind of looking at, you know, State's
23 6, is that area between the silver car -- where did she
24 stumble? Did she stumble in this area (indicating)?

25 A. Yeah.

1 Q. Okay. And what did you do when you saw your
2 sister was shot? What did you do try to help her?

3 A. I ran to her. I took my shirt off and I put it
4 on her stomach and applied pressure.

5 Q. Let me share a photo. So looking at State's 12,
6 is -- do you see the shirt that you used?

7 A. I do.

8 Q. And where is it in this photo?

9 A. It's the pink shirt.

10 Q. In the lower right corner?

11 A. Yes, ma'am.

12 Q. It's kind of balled up in this picture?

13 A. Yes, ma'am.

14 Q. Okay. And that's the shirt you putt on Yolanda's
15 stomach?

16 A. Yes, ma'am.

17 Q. And is this that same shirt?

18 A. It is.

19 Q. And whose blood is that on her shirt?

20 A. It's Yolanda's.

21 Q. Okay. Or your shirt rather. And after you've
22 seen that Yolanda has been shot, when do you next see your
23 son Jacob?

24 A. I looked up and I saw Nelson with him, holding
25 his neck.

1 Q. Okay. And could you see if there's anything
2 going on with his neck?

3 A. I just saw Nelson's hand had blood on it.

4 Q. And the person that you saw shoot Yolanda, was
5 that the same man you saw argue with Jacob?

6 A. Correct.

7 Q. Is that the one you intervened with?

8 A. Correct.

9 Q. All right. Was he the same man that said, "You
10 better get him before I shoot him?"

11 A. Correct.

12 Q. Now, the conversation that you had with this man,
13 you know, saying you're about to leave and he says, get him
14 before I shoot him, did that conversation happen before or
15 after you saw him pull out the gun?

16 A. Before.

17 Q. Now, that night, did you go to the hospital with
18 your sister and your son?

19 A. I did.

20 Q. And was Kiara at the hospital?

21 A. She was.

22 Q. Okay. Because Kiara's mom is your sister
23 Yolanda?

24 A. Correct.

25 Q. While you were at the hospital, did you become

1 aware of any photos taken after the shooting?

2 A. I was not aware of anything. I was trying to
3 find Jacob. They were saying that they couldn't find him,
4 so I just wanted to know if he was at the hospital or not.
5 So I wasn't discussing anything with anyone. I just wanted
6 to find him and make sure that they were okay.

7 Q. Okay. Now, I'm going to show you State's 16. Do
8 you eventually see this photo at some point?

9 A. I do.

10 Q. Okay. And who -- do you know who took this
11 photo?

12 A. Kiara.

13 Q. Okay. And when did you first know about this
14 photo?

15 A. It might've been the day after. I'm not sure. I
16 can't remember. But it was really soon after.

17 Q. Okay. And at some point, did you see this photo
18 posted on online?

19 A. I did.

20 Q. And where did you see it posted?

21 A. On Facebook.

22 Q. And whose page did you see it posted on?

23 A. Mine.

24 Q. Yours or her --

25 A. My page.

1 Q. And I guess later that day or sometime after it
2 was posted on this Facebook post about this car, did you
3 contact anyone regarding that Facebook post?

4 A. I did.

5 Q. And who did you contact?

6 A. Richland County.

7 Q. Okay. How did you contact them?

8 A. I -- if I remember correctly, I might have called
9 911. I don't remember.

10 Q. Okay. And what was the reason you called 911?

11 A. Someone gave me the address to where the car was
12 located.

13 Q. Okay. And what information did you give 911 when
14 you called?

15 A. I told them that that picture was taken involving
16 a shooting. I'm guessing -- I can't remember the exact
17 words, but I'm pretty sure I told them that it was, you
18 know, involving a shooting and they had an address, and I
19 was calling to give it to them.

20 Q. Okay. You gave them that address?

21 A. Correct.

22 Q. Okay. So let's turn to August 3rd, 2021. So
23 that will be two days after the shooting. Did you go to
24 the Richland County Sheriff's Department to give an
25 interview about what you witnessed earlier?

1 A. I did.

2 Q. And was that interview with Investigator Short?

3 A. It was.

4 Q. And at the -- and during the statement, did he
5 show you like a written version of what y'all talked about
6 in the interview?

7 A. He did.

8 Q. Now, during your interview, did you give a
9 description of the man -- or did you provide information
10 about what you witnessed in the shooting?

11 A. Yes, ma'am.

12 Q. And did you give a description of the man that
13 you saw shoot Yolanda?

14 A. I did.

15 Q. And what description did you give about his race?

16 A. I -- he was black.

17 Q. And how did you describe the shooter's hairstyle?

18 A. He had dreads.

19 Q. Now, did you -- let me see. Beg the Court's
20 indulgence.

21 All right. So in that statement, you remember
22 giving a physical description. If I showed you your
23 statement, would that help refresh the description you said
24 about his dreads?

25 A. Um-hum (affirmative).

1 Q. Okay. What length did you tell investigators two
2 days after the shooting? What's his hair -- his dreads
3 length? Actually, I swapped version with you. That's my
4 version. Let me get you a blank. I'm sorry.

5 A. I said he had -- you want me to read it?

6 Q. Um-hum (affirmative).

7 A. I said he had short braids -- short dreads, kind
8 of chunky black guy.

9 Q. So you said on August 3rd, two days after the
10 shooting, he had short dreads?

11 A. Um-hum (affirmative).

12 Q. Now, this is a written statement, so were you
13 able to show where you saw the dreads?

14 A. Um-hum (affirmative).

15 Q. So describe what short dreads meant to you.

16 A. Like shoulder length.

17 Q. Shoulder length?

18 A. Um-hum (affirmative).

19 Q. Okay. And regarding his height, how would you
20 describe how tall he was?

21 A. He was about the same height as Jacob.

22 Q. Okay. And how -- how tall is Jacob?

23 A. 6'1".

24 Q. And you saw him face-to-face?

25 A. I did.

1 Q. Okay. And you -- I think you just testified as
2 -- you described his body style as chunky?

3 A. Um-hum (affirmative).

4 Q. And -- you may have already answered this, but
5 when you were talking to the person you were describing as
6 the shooter, you were trying to intervene in him and
7 Jacob's argument, describe your ability to see the
8 shooter's face.

9 A. I saw him clearly.

10 Q. Okay. And during your interview, did you do
11 something called a photo lineup with Investigator Short?

12 A. I did.

13 Q. And before I showed you that lineup, what, if
14 anything, did you -- did you tell him about whether you
15 would be able to identify the shooter if you saw his face?

16 A. I was 100 percent sure I could identify him.

17 Q. Okay. All right. I'm going to show you what's
18 been marked as State's Exhibit Number 2. And tell me if
19 you recognize what this two-page document is.

20 A. Yes, ma'am.

21 Q. Okay. Is that the photo lineups you did with
22 Investigator Short?

23 A. Yes, ma'am.

24 Q. And that first page, is that like an affidavit
25 with your signature?

1 A. It is.

2 Q. And then the second page is the photos?

3 A. Correct.

4 MS. TAYLOR: The State requests to -- requests to
5 move State's Exhibit Number 2 into evidence.

6 MS. ZMROCZEK: Subject to my previous objection.

7 THE COURT: All right. Previous objection noted.
8 It will be admitted as State's 2.

9 (State's 2 was admitted into evidence.)

10 BY MS. TAYLOR:

11 Q. Okay. All right. So at any point during your
12 interview before you were shown this lineup, did
13 Investigator Short ever mention the name of Jaquan King?

14 A. No.

15 Q. Did he show you any pictures of Jaquan King?

16 A. No.

17 Q. And at the time of the shooting and when you did
18 your interview, had you ever heard the name of Jaquan King?

19 A. No.

20 Q. Now, at some point in the past, during and a half
21 years since this incident, have you since learned the name
22 Jaquan King?

23 A. Yes, ma'am.

24 Q. And he was arrested for this incident?

25 A. Yes, ma'am.

1 Q. When you did your photo lineup, was there anyone
2 else in the room besides Investigator Short?

3 A. No, ma'am.

4 Q. And when -- were -- were your family members in
5 there?

6 A. No.

7 Q. All right. When you did the photo lineup, did
8 you identify anyone out of the lineup that you recognized
9 in relation to the shooting?

10 A. I did.

11 Q. And what was the number of the photo of the
12 person you selected?

13 A. Number two.

14 Q. And did you recognize him from the shooting?

15 A. Yes.

16 Q. What did you identify him as doing in the
17 shooting?

18 A. He was the shooter.

19 Q. And who did you see him shoot?

20 A. My sister, Yolanda.

21 Q. And to indicate your selection on -- on the --
22 this page of State's Number 2, did you circle and initial
23 photo number 2?

24 A. I did.

25 Q. Then on page 1, did you sign the affidavit?

1 A. Yes, ma'am.

2 Q. All right. Do you see the person you identified
3 in photo number two as the person you saw shoot Yolanda in
4 the courtroom today?

5 A. I do.

6 Q. And can you just say where he's sitting and
7 describe what he's wearing?

8 A. He's sitting at the other table. He got a black
9 jacket on, and he might have a white shirt underneath. I
10 can't see his shirt.

11 MS. TAYLOR: Okay. Please let the record reflect
12 the witness has identified the Defendant.

13 THE COURT: So noted.

14 BY MS. TAYLOR:

15 Q. And as you see him today, is there anything
16 different about his physical appearance compared to how you
17 saw him three and a half years ago?

18 A. His dreads might be longer.

19 Q. Okay. And when you picked Jaquan King's photo
20 out of the lineup as the shooter, how sure were you?

21 A. 100 percent.

22 Q. And do you remember -- would you ever forget his
23 face?

24 A. No.

25 Q. And why would you not forget his face?

1 A. He shot my sister and my son.

2 Q. Okay. And when you saw his photo in the lineup,
3 did you have any type of physical reactions?

4 A. Yeah, I -- the minute the investigator put the
5 paper down, I inhaled because I recognized him immediately
6 as the shooter.

7 Q. Okay. And the person you identified in photo
8 number two, is that the same person you saw arguing with
9 Jacob in the parking lot?

10 A. Yes.

11 Q. Is that the same person that told you, you better
12 get to him before I shoot him?

13 A. Yes.

14 Q. Is that the same person you saw shoot your
15 sister?

16 A. Yes.

17 Q. And when you identified the Defendant's photo in
18 the lineup, did Investigator Short, like, influence you or
19 suggest you who to pick?

20 A. No, ma'am.

21 Q. Did he like, you know, hover his finger over the
22 photo?

23 A. No, ma'am.

24 Q. All right. And on the night of the shooting,
25 when you see the Defendant shoot your sister, and then you

1 see her laying on the ground, and then you notice your son
2 is also bleeding and laying on the pavement from being
3 shot, what was going through your mind at that point?

4 A. That my son and my sister were going to bleed out
5 in the parking lot.

6 A. You said what?

7 Q. That my son and my sister were going to bleed out
8 in the parking lot.

9 Q. Did you think they were going to die?

10 A. Yes.

11 MS. TAYLOR: No further questions.

12 THE COURT: Cross-examination?

13 MS. ZMROCZEK: Thank you.

14 CROSS-EXAMINATION

15 BY MS. ZMROCZEK:

16 Q. Ms. Reyes, you -- obviously this was very
17 emotional for you?

18 A. It would be to anyone. Yes.

19 Q. For anybody, right?

20 A. Correct.

21 Q. Highly stressful?

22 A. Correct.

23 Q. Incredibly stressful?

24 A. Correct.

25 Q. You were incredibly angry?

1 A. I was.

2 Q. You were mad?

3 A. Yes, I was.

4 Q. You wanted those people caught?

5 A. Absolutely.

6 Q. So you would agree with me that the first time
7 that you get to talk to an officer, and this officer asks
8 you what happened, you're going to tell him everything you
9 know right then, right?

10 A. Everything I remember. Correct.

11 Q. Everything you remember?

12 A. Absolutely.

13 Q. Okay. You remember talking with an officer that
14 evening?

15 A. That evening?

16 Q. Yes, ma'am.

17 A. No.

18 Q. You don't remember?

19 A. I do not remember speaking to an officer that
20 evening.

21 Q. Would it refresh your recollection to see that?

22 A. You're gonna play it anyway. So go ahead.

23 Q. I'm sorry?

24 A. Go ahead. You can play it.

25 MR. SCOTT: Not the actual proper way to refresh

1 her memory.

2 MS. ZMROCZEK: Which is why I was going to come
3 and get it and say, Your Honor, I think after we show
4 it to her outside the presence of the jury.

5 THE COURT: All right. Let's take a short break,
6 ladies and gentlemen.

7 I'm gonna have to excuse you to the jury room. I'll be
8 back with you as soon as I can.

9 (The jury exits the courtroom.)

10 MS. ZMROCZEK: Your Honor, I'm going to mark for
11 ID purposes, Defendant's 23. All right. Since the
12 jury's out, I'm going to play the video to refresh
13 your recollection. Okay, Ms. Reyes?

14 THE WITNESS: Yep.

15 (The video is played.)

16 MS. ZMROCZEK: Ms. Reyes, does that refresh your
17 recollection?

18 THE WITNESS: No, I don't remember that.

19 MS. ZMROCZEK: Okay.

20 THE COURT: Are we ready to proceed?

21 MS. ZMROCZEK: Yes, Your Honor.

22 THE COURT: All right. Bring in the jury.

23 (Jury brought to the courtroom.)

24 THE BAILIFF: The juries seated, Your Honor.

25 THE COURT: Thank you. You may proceed Ms.

1 Zmroczek.

2 MS. ZMROCZEK: Thank you.

3 BY MS. ZMROCZEK:

4 Q. Ms. Reyes, you had opportunity to see the body
5 worn camera from that evening, correct?

6 A. Correct.

7 Q. And you identified yourself on that camera,
8 correct?

9 A. Correct.

10 MS. ZMROCZEK: Your Honor, at this time --

11 MS. TAYLOR: Objection. I don't think it -- she
12 has given enough information to have it admitted. I
13 mean, what was the substance that she's asking her
14 about? Did she just talk to law enforcement in
15 general? If that's the case, she can just do a
16 screenshot of her talking to the officer. I mean, is
17 there a specific question she's asking about this? Or
18 the substance of any questions that she's denied and
19 now she wants to play the answer to the jury? Just
20 because she talked to law enforcement, I don't think
21 it opens the door to play the entire body camera.

22 THE COURT: Ms. Zmroczek? Y'all can approach.

23 MS. ZMROCZEK: Yeah. That's good.

24 (Sidebar discussion was held between the
25 Counsels.)

1 BY MS. ZMROCZEK:

2 Q. Do you recall speaking with the officers that
3 evening?

4 A. I do not.

5 Q. You do not?

6 A. No.

7 Q. Okay. Even though we just saw the video, you
8 just don't recall?

9 A. I don't.

10 MS. ZMROCZEK: Okay. Your Honor, at this time we
11 would seek to enter in Defendant's 23.

12 MS. TAYLOR: Your -- I think it's the same thing.
13 Like is there a specific question that she wants to
14 ask Ms. Reyes if she's said on the body camera. Like,
15 do you remember telling law enforcement about X, Y and
16 -- or X?

17 And she can either say, yes, I remember saying
18 that. This is what I said. If she says I don't
19 remember or no, then she can play the question or the
20 answer that she wants her to answer, because she
21 doesn't remember. That's my interpretation. Not the
22 entire body camera just because she can't remember at
23 all.

24 THE COURT: Yeah, I think you can ask her
25 specific questions about --

1 BY MS. ZMROCZEK:

2 Q. Okay. Ms. Reyes, do you remember the officer
3 coming up to you in the parking lot when you were with
4 Nelson on the evening of 8/1/21?

5 A. I do not.

6 MS. TAYLOR: I think she's phrasing it wrong.
7 Like she has to ask, did you say this?

8 BY MS. ZMROCZEK:

9 Q. Okay. Do you remember saying to the officer my
10 son and my sister were shot?

11 A. I don't remember.

12 Q. Okay. Do you remember saying to the officer --

13 MS. ZMROCZEK: Your Honor, if I just may have a
14 second because I don't want to misquote it. So that's
15 why I'm making sure I -- beg the Court's indulgence.
16 Your Honor, I'm gonna move on. He's going to
17 transcribe it for me and then I'll come back, so I can
18 -- so we're not keeping everybody waiting.

19 BY MS. ZMROCZEK

20 Q. Ms. Reyes, you -- obviously we talked about how
21 you were incredibly upset that evening, right?

22 A. Anyone would be.

23 Q. Right. And you were asked about giving a
24 statement on August 3rd, 2021. In fact, I believe you were
25 handed a copy of it; is that correct?

1 A. Correct.

2 Q. And you went down to the station with several
3 people. Who did you go down with that day?

4 A. Kiara, Nelson, and Abigail.

5 Q. Kiara, Nelson and?

6 A. Abigail.

7 Q. Okay. Abigail. And you -- they asked you to --
8 to tell them what happened that early Sunday morning,
9 right?

10 A. Correct.

11 Q. Okay. And you described that today as to what
12 happened?

13 A. Correct.

14 Q. When -- you said that you were outside -- in your
15 statement on August 3rd, you said you were outside speaking
16 to an employee and the name Jerry, in parentheses?

17 A. He was there as well.

18 Q. Okay. And Jerry is an employee of Tsubaki?

19 A. He might be. He's there regularly as well.

20 Q. Okay.

21 A. I saw him serving, so I figured he was an
22 employee.

23 Q. Okay. So you said you were outside speaking to
24 an employee, Jerry and Devin?

25 A. Correct.

1 Q. Okay. And that you had met Devin there?

2 A. Correct.

3 Q. You're going to the Waffle House?

4 A. We were going to go to the Waffle House.

5 Q. Okay. And they were going to join you, right?

6 Those weren't people that -- now did you know Jerry from
7 before because he was a regular?

8 A. No.

9 Q. Okay. How --

10 A. Just seen him there before.

11 Q. Just -- you had just met both of them?

12 A. Correct.

13 Q. Okay. And so you -- and you said you started
14 walking towards the car -- excuse me -- and you were
15 driving?

16 A. Correct.

17 Q. But we -- back then in August, they didn't ask
18 you where that car was located, right?

19 A. I don't remember if they asked me or if they
20 didn't ask me.

21 Q. Okay. And -- and I -- and I've asked you since
22 and -- and you just can't remember where that car was
23 located, right?

24 A. No, it was somewhere in the parking lot.

25 Q. Somewhere in the parking lot. Got it.

1 A. A couple of spaces behind me.

2 Q. Okay. And so -- and you said you heard your son
3 Jacob arguing with someone?

4 A. Correct.

5 Q. Then you turned around and you saw him arguing
6 with two people?

7 A. I saw him arguing.

8 Q. Okay.

9 A. With someone.

10 Q. And you also told them that you were trying to
11 make sure your son got into the car?

12 A. Okay.

13 Q. Right?

14 A. If that's what I said back then, then that's what
15 I said.

16 Q. Certainly not trying to trick you. This -- made
17 you a copy of your statement.

18 A. I have it in front of me.

19 Q. Oh, you still have it in front of me. Okay. And
20 so would you agree with me that that's what you said?

21 A. Correct.

22 Q. Okay. But -- so how were you trying to get him
23 in the car?

24 A. Like I said to Stephanie, I stepped in front of
25 him and the person he was arguing with.

1 Q. Okay. So -- so when you say you were trying to
2 get him in the car, I mean, was the car there as well?

3 A. No, I was pushing him back.

4 Q. Okay.

5 A. He was behind me. I was trying to hold him back,
6 and push him back towards the car. I don't know how far
7 the car was because my back was towards the car. I was
8 facing the man that he was arguing with.

9 Q. Okay. And you told them -- well -- today, do you
10 recall how many shots you heard?

11 A. I know for certain three, maybe four. I don't
12 remember. I don't recall.

13 Q. Okay. You would agree with me that -- that
14 sometimes things are easier to remember when they're
15 fresher in time, right?

16 A. I do.

17 Q. Okay. And so if you put four, then that wouldn't
18 be too far -- far off, right?

19 A. Correct.

20 Q. Okay. And you -- you -- they asked you for a
21 description, and they asked if you could describe that --
22 the person your son was arguing with.

23 A. Correct.

24 Q. Right? And you said that he was taller than
25 you, had short dreads, kind of chunky, black?

1 A. Correct.

2 Q. Okay. And the other guy you said was taller, and
3 thinner, and he had braids?

4 A. Correct.

5 Q. Do you remember speaking with the officers that
6 evening and giving them heights of the two people that you
7 described?

8 A. I do not.

9 Q. Okay. You -- how many guns did you see?

10 A. One.

11 Q. You saw one gun. And -- and I believe you said
12 on direct you couldn't remember what hand it was in.

13 A. No.

14 Q. And you can't remember what it looked like.

15 A. I do not.

16 Q. Okay. Do you recall how many guns you told the
17 officers you saw on August 20 -- excuse me -- August 3rd of
18 2021?

19 A. I do not.

20 Q. I'm sorry?

21 A. I do not.

22 Q. Okay. Your statement's right there in front of
23 you. Do you want to refresh your recollection? And that's
24 at the top of page 2.

25 A. Okay. I see it.

1 Q. Okay. So -- so how many guns did you tell the
2 police you saw that evening?

3 A. Two.

4 Q. Two guns?

5 A. Correct.

6 Q. Okay. And -- and then you told them after the
7 shots rang out, you saw him throw the gun on the ground?

8 A. If that's what it said, then that's what I said.

9 Q. Is that what -- is that what it said?

10 A. Correct.

11 Q. Okay. I'm not misquoting your words, right?

12 A. No, ma'am.

13 Q. Okay. These are your words?

14 A. Correct.

15 Q. Okay. And then they got in a car. So you saw
16 two people get into a car?

17 A. I don't remember.

18 Q. Okay. But when they go on to ask you the next --
19 the next paragraph, they say, "How many people? I only saw
20 the two people I described."

21 A. That's what it says, that's what it says.

22 Q. Okay. And then it goes on to say, "I'm not sure
23 if there were more or not," right?

24 A. Correct.

25 Q. Okay. Where was that car located?

1 A. I don't recall.

2 Q. Okay. Don't recall?

3 A. No.

4 Q. They go on to ask you on August 3rd about if you
5 knew what started the argument, and you give a four-typed
6 line response, right?

7 A. Correct.

8 Q. And what was that -- what was the response that
9 you gave them?

10 A. That one of them was trying to flirt with my
11 sister and she said she wasn't interested.

12 Q. The one flirting with her was not --

13 A. The one that was flirting with her was not the
14 one that was shooting. The one -- I picked that had the
15 gun was the one who had the racial slurs to my sister about
16 us being Hispanic. Jacob was trying to get him to calm
17 down and stop. And that's how the argument started.

18 Q. Okay. That was your statement on August 3rd of
19 2021. And do you recall on August 1st, 2021, at 2:30 in
20 the morning giving a statement that you had no idea why the
21 statement -- why the argument started?

22 A. Correct.

23 Q. You do remember that?

24 A. Remember which part?

25 Q. The part telling the officer that you have no

1 idea why the --

2 A. I don't remember what I told the officer that
3 day.

4 Q. Okay. Okay. They asked you -- well, let me just
5 ask you this way. Did you see any of the people involved
6 in the fighting or shooting inside Tsubaki that evening?

7 A. I did not.

8 Q. You did not. Okay. And -- and that was the same
9 answer that you gave on August 3rd, right?

10 A. Correct.

11 Q. Okay. And you say -- when they asked you how
12 close you were to the door when the shooting took place --
13 they said how close was -- to you where the -- were you in
14 the door of Tsubaki, and you said you were in the parking
15 lot, maybe three or four -- three or four rows into the lot
16 when it happened.

17 A. Correct.

18 Q. Three or four rows.

19 A. Correct.

20 Q. So -- so can you -- what do you describe as a
21 row?

22 A. The rows like where the cars are parked. So if
23 there's a row here the cars are parked, that's 1, 2, 3, 4,
24 like that.

25 Q. So there's a -- and then they have white lines

1 that separate?

2 A. Correct.

3 Q. And so if there's one on this side (indicating),
4 so you would pull in here, one on this side, you would pull
5 in here (indicating). Is this one (demonstrating) row,
6 this two rows?

7 A. Correct. Like if one car pulls in this way, the
8 other car pulls in this way, there's one car on this side,
9 like facing each other. Like that's one row, the one on
10 the other side is another one (indicating).

11 Q. Okay. And so you said you were three or four
12 rows, so -- and I'm just going to put it up here because
13 it's easier to see. So when you say three or four rows
14 over, there are -- and when I say first row, I'm gonna
15 refer to the spaces in front of the silver Ford as row one,
16 okay?

17 A. Okay.

18 Q. So row one, row two. So three or four? Would
19 those be outside of this picture area?

20 A. It would.

21 Q. I'm sorry?

22 A. It would.

23 Q. Okay. Okay. And that's where you were when you
24 saw the shooting happen?

25 A. No. I was closer because I was standing in front

1 of the shooter because I was trying to get Jacob to get in
2 the car, so I was closer than the three or four rows.

3 Q. Okay. I -- I understand that's your testimony
4 today. You have your statement in front of you. The
5 question was, do you recall how close to the door of
6 Tsubaki you were when the shooting took place? And what
7 was your response on August 3rd, 2021?

8 A. I don't see that question on here.

9 Q. Are you on page 3?

10 A. Oh, no. I said, "We were further out in the
11 parking lot, three or four rows into the lot when it
12 happened because we were walking to our car when it
13 happened."

14 Q. Okay. And then they go on to ask you what your
15 state of mind was, which I think we've all -- we've
16 established. And you said it happened so fast you didn't
17 have time to do anything, then they ask you if there's
18 anything you wish to add to your statement, and you said
19 no.

20 A. Correct.

21 Q. And then you said that -- that statement is the
22 truth, and -- and you said yes.

23 A. Correct.

24 Q. Okay. So that was August 3rd of 2021. And then
25 you recall meeting with the solicitor's office in --