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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Melissa M. Frazier, Family Court Judge
Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JERELLE HICKSON,

APPELLANT

APPELLATE CASE NO. 2025-000749

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**[THE FOLLOWING TRIAL EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 45 (SURVEILLANCE VIDEO) AND
STATE’S EXHIBITS NOS. 70-73 (LPR IMAGES)]**

1 BY MS. LIVESAY:

2 Q So when we're looking at this video -- right?

3 A Mm-hmm.

4 Q And you went out here to this parking lot; correct?

5 A Correct.

6 Q And so you're familiar with this parking lot?

7 A Yes, ma'am.

8 Q Okay. So tell them, when you look at that video, which
9 spot the black Tahoe is in.

10 A So according to what I observed from this, it's going to
11 be right here in the first spot here. And the reason why it's
12 shown here is because I couldn't put that over top of the
13 casings, so that's why it's an estimated idea of where it was
14 in the parking lot. But, yes, it's going to be right around
15 that first parking lot spot.

16 Q Okay. And some of the casings you collected are right
17 there behind it; is that correct?

18 A Yes. There were some behind it.

19 Q Okay.

20 MS. LIVESAY: And if you can, Lacey, can we fast-forward
21 to the end to see where that black Tahoe leaves out from. Or
22 you can play it through, whatever is easiest for you.

23 (Video plays.)

24 MS. LIVESAY: Hit it right there for me.

25 BY MS. LIVESAY:

1 Q Okay. So now we see all the lights --

2 MS. LIVESAY: Stop.

3 BY MS. LIVESAY:

4 Q We can see all the lights from the cars; right?

5 A Mm-hmm.

6 Q Okay. So is it more clear to you now that it's the black
7 Tahoe in the first one, a car in the second one and then the
8 gold Tahoe is in the third spot? Is that right? One, two,
9 three.

10 A It is, yeah.

11 Q Okay. Now, looking at that, what exit does the black
12 Tahoe appear to take?

13 A It appears it goes out this way.

14 Q And I'm showing now State's 44. On this sketch here,
15 show us what exit it appears to take, the black Tahoe.

16 A So it appears to come this way, and possibly this way.

17 Q Okay. And did you collect any casings in that direction?

18 A I did.

19 Q Okay. So it appears to you, from looking at the video,
20 that it takes off out this way; correct?

21 A Correct.

22 Q Okay. And which exit did the gold Tahoe take?

23 A It appeared to go out the other side.

24 Q Okay. So we would have clearly seen the black Tahoe that
25 went this way?

1 **A** Correct.

2 **Q** Okay. And so looking at the video and looking at the
3 sketch, it appears that the shell casings, looking at 41, are
4 in the area of that black Tahoe; correct?

5 **A** So these are -- and these are, yes.

6 **Q** Okay. And looking at 44, show us again where the Tahoe
7 went out of.

8 **A** Okay. So it appears, again, it came out this way.

9 **Q** Okay. And did you collect shell casings along that way?

10 **A** I did.

11 **Q** Okay. So when we look at your sketch -- Mr. Hoffmeyer
12 was asking kind of about the accuracy of the sketch. When we
13 look at the sketch, you have got the star kind of in this
14 first parking spot; is that correct?

15 **A** That's correct.

16 **Q** Okay. And is this accurate as to where you saw the black
17 Tahoe?

18 **A** That's pretty accurate to where I felt it was, yes.

19 **Q** Okay. So in the first space?

20 **A** Yes.

21 MS. LIVESAY: No further questions, Your Honor.

22 THE COURT: All right. You may step down.

23 Let me see the attorneys for a second.

24 BENCH CONFERENCE

25 (The following bench conference was held outside the

1 hearing of the jury and others.)

2 THE COURT: How long is your next witness?

3 MS. LIVESAY: It's going to be another crime scene
4 person. Are you asking how long it's going to be?

5 THE COURT: Yes.

6 MS. LIVESAY: There's going to be some pictures. I
7 mean --

8 THE COURT: It's 4:30 now.

9 MS. LIVESAY: If you want to start him, but we're not
10 going to finish him by 5.

11 THE COURT: Okay. Let's go ahead and break for the day.

12 MS. LIVESAY: Okay.

13 (Open court resumes as follows:)

14 THE COURT: All right, ladies and gentlemen, we're going
15 to break for the day. It's 4:30. I'm going to ask that you
16 please be back at 9:15 tomorrow morning. Again, I caution
17 you, do not discuss the case even among yourselves. Don't
18 conduct any independent investigations. Don't go looking for
19 any news reports or news accounts or anything like that. I
20 hope you have a good evening and we'll see you back at 9:15
21 tomorrow morning. Thank you very much.

22 (The jury exited the courtroom at 4:28 p.m.)

23 THE COURT: All right. Anything from the State before we
24 recess for the evening?

25 MS. LIVESAY: No, sir.

1 THE COURT: Anything from Defendant Jackson?

2 MR. HOFFMEYER: No, sir, Your Honor.

3 THE COURT: Anything from Defendant Hickson?

4 MR. RIGNEY: No, Your Honor.

5 THE COURT: All right. We'll be in recess. The jury is
6 coming in at 9:15. I'll try to take the bench at 9:30. All
7 right?

8 MS. LIVESAY: Yes, sir.

9 THE COURT: Thank you all very much.

10 (The trial adjourned for the day at 5:29 p.m.)
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Certificate of Court Reporter

CASE NAME: State v. Tai'Yuan Jackson/Jerelle Hickson

DATE OF HEARING: April 8, 2025

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the above-captioned proceedings to the best of my ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher

Bobbi Fisher, RPR, Official Court Reporter III

Date Prepared: 7/15/25

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STATE OF SOUTH CAROLINA * GENERAL SESSIONS
 COUNTY OF HORRY * TRANSCRIPT OF RECORD

-----X
 STATE OF SOUTH CAROLINA *
 *
 vs. * Case No. 2023-GS-26-00403
 * 2023-GS-26-00396
 TAI'YUAN JA'REL JACKSON, *
 *
 Defendant. *

-----X
 STATE OF SOUTH CAROLINA *
 *
 vs. * Case No. 2023-GS-26-03150
 *
 JERELLE HICKSON, *
 *
 Defendant. *

April 9, 2025

TRIAL - VOLUME III

B E F O R E:

The Honorable Benjamin Culbertson, Presiding Judge

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

Nancy Livesay, Esq.
 Delbert Leasure, Esq.
 Assistant Solicitors for the State

W. James Hoffmeyer, Esq.
 Attorney for Defendant Jackson

David E. Rigney, Esq.
 Attorney for Defendant Hickson

Court Stenographer: Bobbi Fisher, RPR
 SC Official Court Reporter III

P R O C E E D I N G S

(The trial resumed at 9:41 a.m. as follows:)

(State's Exhibit Nos. 156 through 207, Photographs, were marked for identification.)

THE COURT: Before we get started, the bailiff came in. I know at least one of the jurors wants to take notes, so we're going to hand out the pads and writing utensils. I'm going to give them some preliminary instructions on note-taking.

Other than that, anything before the State before we bring the jury in?

MS. LIVESAY: No, sir.

MR. HOFFMEYER: Your Honor, the only concern I have about that is they haven't taken notes the whole time.

THE COURT: I understand that, but this is the first request that they have made, so I'm going to allow it.

All right. Anything from Defendant Jackson before we bring --

MR. HOFFMEYER: No, sir, Judge.

THE COURT: Mr. Rigney, anything from you or your client before we bring the jury in?

MR. RIGNEY: No, Your Honor.

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

(The jury entered the courtroom at 9:43 a.m.)

BENCH CONFERENCE

1 (The following bench conference was held outside the
2 hearing of the jury and others.)

3 MR. HOFFMEYER: I wasn't sure if the note-taking was on
4 the record, so whenever we get through, on a break -- or maybe
5 it was.

6 MS. LIVESAY: The what, now?

7 MR. HOFFMEYER: The note-taking.

8 THE COURT: Bobbi -- she got it on there.

9 MS. LIVESAY: What did you want her to put up there?

10 MR. HOFFMEYER: About -- they had asked to note-take.
11 The judge is going to allow it, which he obviously can. I'm
12 just noting an objection to it.

13 MS. LIVESAY: Okay.

14 THE COURT: Whatever we need to address later, but I
15 think she got it.

16 MR. HOFFMEYER: Okay.

17 MS. LIVESAY: She said she got it.

18 THE COURT: Okay. Good.

19 (Open court resumes as follows:)

20 THE COURT: Ladies and gentlemen, welcome back. I hope
21 everyone had a good evening. I appreciate your promptness;
22 that's of great assistance to the Court. I remind you that,
23 if you brought any cell phones or pager devices into the
24 courtroom, make sure you turn them off now.

25 We're ready to resume the trial of the case, but I

1 understand one or more of you wishes to take notes, and I will
2 allow note-taking. However, I must give you some preliminary
3 instructions. I'll give you some more instructions on
4 note-taking when I charge you on the law in this case, but all
5 you need to know at this point in time is -- first of all,
6 each of you will be given a pad and a writing utensil. You
7 are not required to take notes. You are permitted to take
8 notes if you wish to take notes, but you are not required to
9 take notes. Number one.

10 Number two, your notes are personal to you and cannot be
11 shared with anyone else. Cannot even be shared with your
12 fellow jurors. So when you get your notepad, write your name
13 on the first page and make sure you get your notepad every
14 time you come into the courtroom. You will not be allowed to
15 take your notes outside of the courtroom. When we take a
16 break, you will have to leave them in the jury box, and we'll
17 distribute them back out when we come back into the courtroom.

18 Now, the purpose of note-taking, if you choose to take
19 notes, is to refresh your memory on something that you find is
20 important. Don't try to write everything down that a witness
21 says because you're not going to be able to keep up with the
22 testimony and you're going to miss something. But if
23 something is said or if you have a question and you think it's
24 important and you want to refresh your memory, jot down a
25 quick note to refresh your memory at a later time, but don't

1 try to write everything down.

2 All right. We have the notepads. We're going to hand
3 them out. And as I said, when you get your pad and you get
4 your writing utensil -- I think a pen -- write your name on
5 the first page and make sure you do not share your notes with
6 anyone else.

7 All right. We're now ready to resume the trial of the
8 case. We're in the State's case.

9 State can call your next witness.

10 MS. LIVESAY: Thank you, Judge. At this time, the State
11 is going to call Brandon George to the stand.

12 BRANDON GEORGE,

13 after having been duly sworn, was examined and testified
14 to as follows:

15 THE CLERK: Get you to state your name and then spell
16 your last name for the Court.

17 THE WITNESS: Brandon George. Last name is G-e-o-r-g-e.

18 DIRECT EXAMINATION

19 BY MS. LIVESAY:

20 Q And, Mr. George, if you don't mind -- I see your badge,
21 but will you tell these folks where you're currently employed?

22 A The City of Myrtle Beach Police Department.

23 Q And how long have you been with Myrtle Beach?

24 A Almost nine years.

25 Q And what kind of training have you undergone to work for

1 the City of Myrtle Beach Police Department?

2 A I graduated from the Criminal Justice Academy in 2016. I
3 have been in numerous trainings, some of which are the crime
4 scene academy, homicide classes, and firearms classes.

5 Q And what are your current responsibilities?

6 A Currently I'm in the Crime Scene Unit.

7 Q And what were your responsibilities in April of 2022?

8 A I would have been responsible for photographing,
9 collecting evidence, preserving evidence. That would have
10 been my job.

11 Q And was that your normal duties in Crime Scene?

12 A Yes, ma'am.

13 Q Okay. And if you don't mind, did you work on the case
14 that we're here today for?

15 A Yes, ma'am.

16 Q And where did you go first to assist?

17 A Can I refer to my notes?

18 Q You sure can.

19 A The first thing I did was, at approximately 8:20 in the
20 morning, respond to the Bluewater Resort parking garage to
21 process a black Jeep Compass.

22 Q Okay. And why did you process that Jeep?

23 A That vehicle had two bullet holes in the windshield and a
24 bullet hole in the passenger's side front door.

25 Q Okay. And when you say "process," did you document the

1 appearance of the Jeep, taking photographs?

2 A Yes, ma'am.

3 Q Okay. And did you also collect whatever bullet
4 fragments -- you just said there was some bullets in the
5 windshield and other areas of the Jeep; correct?

6 A Yes, ma'am.

7 Q And did you collect whatever bullet fragments were in the
8 Jeep?

9 A Yes, ma'am.

10 Q Okay. And we're going to show that a little later. But
11 after you left the Jeep, where did you go next?

12 A I would have responded to Joe White and Withers Alley,
13 the parking lot there.

14 Q Okay. And did you process any vehicles there?

15 A No, ma'am.

16 Q Okay. And what was the next vehicle you processed?

17 A The next vehicle that I processed would have been a gray
18 Buick Verano.

19 Q Okay. And tell me about the Buick Verano.

20 A I located a bullet hole in the passenger's side front
21 window, a bullet hole in the passenger's side headlight, and a
22 bullet strike on the front driver's side tire.

23 Q Okay. And did you collect -- first, did you document the
24 appearance of the Buick Verano?

25 A Yes, ma'am.

1 Q And did you collect any fired casings from the Buick
2 Verano?

3 A No, ma'am.

4 Q Okay. And did you -- so there was no casing of any kind,
5 no fired bullet, in the Verano?

6 A No. I had -- I located a projectile in the window.

7 Q Okay. I'm sorry. I'm using the word "casing." So you
8 collected a projectile from the vehicle?

9 A Yes, ma'am.

10 Q Okay. And so the first vehicle you processed was the
11 Jeep?

12 A Yes, ma'am.

13 Q And that had suffered bullet holes?

14 A Yes, ma'am.

15 Q And you had collected either a projectile or a fragment
16 of a projectile?

17 A Yes, ma'am.

18 Q Okay. And then you moved on to the Buick Verano, which
19 was also another vehicle that had been shot in the parking
20 lot?

21 A Yes, ma'am.

22 Q And you documented that and collected a projectile from
23 the Buick?

24 A Yes, ma'am.

25 Q Okay. And what was the next vehicle you processed?

1 **A** The next vehicle was a gray Honda Accord.

2 **Q** Okay. And did that vehicle suffer any damage?

3 **A** That had a bullet hole in the driver's side rear door.

4 **Q** Okay. And were you -- did you document that with
5 photographs?

6 **A** Yes, ma'am.

7 **Q** And did you collect any projectile from that vehicle?

8 **A** No, ma'am.

9 **Q** Okay.

10 (Conferring with counsel.)

11 **BY MS. LIVESAY:**

12 **Q** Mr. George, I'm going to show you now what's been marked
13 State's Exhibits 156 through 172. If you don't mind, look at
14 these photographs and let me know if you recognize them.

15 **A** Yes, ma'am.

16 **Q** And are those the photographs you took of the Jeep that
17 you testified about earlier?

18 **A** Yes, ma'am.

19 **Q** And does that accurately document the appearance of the
20 Jeep?

21 **A** Yes, ma'am.

22 **Q** And does it also show the fragment of the projectile that
23 you recovered?

24 **A** Yes, ma'am.

25 **MS. LIVESAY:** Your Honor, at this time, the State wishes

1 to place 156 through 172 in evidence and publish it to the
2 jury.

3 THE COURT: All right.

4 MR. HOFFMEYER: No objection from Mr. Jackson.

5 THE COURT: Mr. Rigney?

6 MR. RIGNEY: No objection, Your Honor.

7 THE COURT: All right. State's Exhibits 156 through 172
8 are admitted into evidence without objection.

9 (State's Exhibit Nos. 156 through 172 were received into
10 evidence.)

11 MS. LIVESAY: Thank you.

12 BY MS. LIVESAY:

13 Q Mr. George, this was the first vehicle you processed from
14 this particular crime; correct?

15 A Yes, ma'am.

16 Q Okay. And is this the Jeep we're looking at now?

17 A Yes, ma'am.

18 Q Okay. And is this to document the overall appearance?

19 A Yes, ma'am.

20 Q Okay. Now, in this -- kind of far back. Do you see any
21 damage?

22 A Yes, ma'am.

23 Q And where do you see damage?

24 A On the driver's side windshield here at the top, and then
25 at the bottom. You see two.

1 Q Okay. So two bullet holes in the driver's side
2 windshield?

3 A Yes, ma'am.

4 Q Okay. And what are we looking at here?

5 A These are just some of the overall photographs.

6 Q Now, does that document whether or not there was any
7 damage to this portion of the vehicle?

8 A Correct.

9 Q Okay. And how about here?

10 A If you look at the driver's side door there, down at the
11 bottom, you can see where the paint is missing. That's
12 another bullet hole there.

13 Q Okay. So we see a little damage on the lower part of the
14 passenger door; correct?

15 A Yes, ma'am.

16 Q And we're going to see a close-up of that later; is that
17 right?

18 A I believe so.

19 Q Okay. And is this to show where the car has damage?

20 A Yes, ma'am.

21 Q Okay. And again, we're looking now at that passenger
22 door; is that correct?

23 A Correct.

24 Q Okay. And it looks like that's where a bullet hit. Am I
25 right?

1 **A** Yes, ma'am.

2 **Q** What are we looking at here?

3 **A** That would be the bullet hole in the windshield on the
4 driver's side.

5 **Q** How about here?

6 **A** It's more of the glass on the dashboard there.

7 **Q** Okay. And is that showing that the bullet hole is going
8 from outside to inside?

9 **A** Yes, ma'am.

10 **Q** Okay. And what are we looking at here?

11 **A** More damage to the vehicle, possibly from a bullet coming
12 through the windshield.

13 **Q** Okay. And you photographed this showing that you
14 believed that this is where the bullet hit inside the vehicle?

15 **A** Possibly, yes. Yes, ma'am.

16 **Q** Okay. And what am I looking at here?

17 **A** That is a fragment of the bullet.

18 **Q** And did you recover that?

19 **A** Yes, ma'am.

20 **Q** Okay. And what are we looking at here?

21 **A** That's the backseat of the vehicle. I believe there was
22 more fragment in that backseat.

23 **Q** Okay.

24 **A** Yes. There's a fragment there.

25 **Q** Okay. So there was a fragment on the driver's seat?

1 **A** Yes, ma'am.

2 **Q** Okay. And then a fragment in the backseat right behind
3 the driver's seat; correct?

4 **A** Yes, ma'am.

5 **Q** Okay. So it went in through the windshield, through the
6 driver's seat; correct?

7 **A** I don't know the path of the bullet ---

8 **Q** Okay.

9 **A** --- but I did locate a fragment of the bullet on the
10 driver's seat as well as the backseat.

11 **Q** Okay. And this is showing what you collected from the
12 Jeep?

13 **A** Yes, ma'am.

14 **Q** Okay. And how about here?

15 **A** That's the -- going over the passenger's side front door.
16 Showing I was opening it.

17 **Q** And did you document that believing that's where a bullet
18 struck the vehicle?

19 **A** Yes, ma'am.

20 **Q** All right. Now, did that go through the door? Or do you
21 know?

22 **A** I believe so. I don't know for sure.

23 **Q** Okay. But you documented it because it appeared so?

24 **A** Yes, ma'am.

25 **Q** And, again, does this show that the bullets were coming

1 from outside to inside?

2 A I have not had training in that.

3 Q Okay.

4 A But it does appear that way.

5 Q Now, when you collected the fragments, did you seal those
6 in a box?

7 A Yes, ma'am.

8 Q And did you document that?

9 A Yes, ma'am.

10 Q And did you tamper with the fragments in any form or
11 fashion?

12 A No, ma'am.

13 (Conferring with counsel.)

14 BY MS. LIVESAY:

15 Q Now, what was the next vehicle that you processed?

16 A The next vehicle was the Buick Verano.

17 Q Okay. I'm going to show you now State's Exhibits --
18 State's Evidence 47 through 60. I want you to look at all
19 these pictures and tell me whether or not you recognize those
20 photographs.

21 A Yes, ma'am.

22 Q And what do those photographs show?

23 A Photographs of the Buick Verano.

24 Q And are those all the photographs you took?

25 A I don't know if it was every photograph I took of the

1 vehicle. I would need to look at my folder for that. But it
2 is photographs of the Buick Verano that I took.

3 Q Okay. So it's a portion of the photographs you took?

4 A Yes, ma'am.

5 MS. LIVESAY: Your Honor, at this time -- 47 through 60
6 are already in evidence, except 56. So at this time, the
7 State wishes to put 56 into evidence and publish it to the
8 jury.

9 THE COURT: All right. Any objection?

10 MR. HOFFMEYER: No objection, Your Honor.

11 MR. RIGNEY: No objection, Your Honor.

12 THE COURT: All right. State's Exhibit 56 admitted into
13 evidence without objection.

14 (State's Exhibit No. 56 was received into evidence.)

15 BY MS. LIVESAY:

16 Q Now, these photographs also show damage to a vehicle;
17 correct?

18 A Yes, ma'am.

19 Q Okay. And that Buick was in the parking lot when the
20 shooting happened; correct?

21 A I don't know where the vehicle was. It was towed to
22 our -- that was actually our sub- -- this is the substation
23 that it was towed to.

24 Q Okay.

25 A So I was just told to respond there and photograph it in

1 reference to this case.

2 Q Okay. But it was taken as part of this case; correct?

3 A Yes, ma'am.

4 Q Okay. And you were able to collect a projectile from it;
5 correct?

6 A Yes, ma'am.

7 Q Okay. At this time, I'm going to show you what's been
8 marked as State's Exhibit 38 and 39. Tell me if you recognize
9 these items.

10 A Yes, ma'am.

11 Q And what are those items?

12 A One is a projectile from the windshield and one is a
13 projectile from the passenger front window.

14 Q Okay. And did you collect both of those projectiles?

15 A Yes, ma'am.

16 Q And when you collected them, did you seal them and
17 document on the outside?

18 A Yes, ma'am.

19 Q Okay. And did you tamper with them in any form or
20 fashion?

21 A No, ma'am.

22 Q And once they were collected, did you put them in Myrtle
23 Beach evidence custodian room?

24 A Yes, ma'am.

25 MS. LIVESAY: Your Honor, at this time, the State wishes

1 to place State's Exhibit No. 38 and 39 into evidence.

2 THE COURT: All right. Any objection?

3 MR. HOFFMEYER: No objection.

4 MR. RIGNEY: No objection, Your Honor.

5 THE COURT: All right. State's Exhibits 38 and 39 are
6 admitted into evidence without objection.

7 (State's Exhibit Nos. 38 and 39 were received into
8 evidence.)

9 MS. LIVESAY: Thank you, Judge.

10 BY MS. LIVESAY:

11 Q So Mr. George, I want to make sure I'm clear and I want
12 to make sure the jury is clear. So these are portions of a
13 projectile; correct?

14 A Yes. They are the -- yeah, the projectile of the bullet,
15 yes.

16 Q Okay. And the projectile and a shell casing are two
17 different parts of a bullet; am I correct?

18 A Yes, ma'am.

19 Q Okay. So this is the part that comes out of the barrel
20 when you fire the gun?

21 A Well, the casing gets ejected and that is -- the
22 projectile is what gets shot.

23 Q Okay. So when I shoot a gun, this is what comes out of
24 the barrel?

25 A Yes, ma'am.

1 Q Okay. So -- and that was collected from the Jeep and the
2 Buick?

3 A Yes, ma'am.

4 Q Okay. And tell me about the next car you processed.

5 A The next car will be a gray Honda Accord.

6 Q I'm going to ask you to look at State's Exhibit 173 and
7 180 and ask me -- or tell me if you recognize them.

8 A Yes, ma'am. Yes, ma'am.

9 Q Are those the photographs you took of the Honda you
10 processed?

11 A Yes, ma'am.

12 MS. LIVESAY: Your Honor, at this time, the State wishes
13 to put 173 through 180 into evidence and publish to the jury.

14 THE COURT: Any objection?

15 MR. HOFFMEYER: No objection.

16 MR. RIGNEY: No objection, Your Honor.

17 THE COURT: State's Exhibits 173 through 180 admitted
18 into evidence without objection.

19 (State's Exhibit Nos. 173 to 180 were received into
20 evidence.)

21 BY MS. LIVESAY:

22 Q So Mr. George, I'm going to direct your attention here.
23 Is this the Honda that you processed?

24 A Yes, ma'am.

25 Q Okay. And did you document the entire vehicle to show

1 where damage was?

2 A Yes, ma'am.

3 Q Okay. So do you see any damage here in the front portion
4 of the vehicle?

5 A No, ma'am.

6 Q Tell me what we're looking at here.

7 A It appears to be a bullet hole in the --

8 Q Okay. So one bullet hole in the back door of the
9 driver's side?

10 A Yes, ma'am.

11 Q Okay. No bullet holes in the back; correct?

12 A No, ma'am.

13 Q No bullet holes on the passenger's side?

14 A No, ma'am.

15 Q How about here?

16 A No, ma'am.

17 Q Okay. So the only bullet hole was in the back door?

18 A Yes, ma'am.

19 Q Okay. Now, let me ask you this: You processed a Jeep, a
20 Buick, and the Honda that we're looking at now; correct?

21 A Yes, ma'am.

22 Q Okay. All three had bullet holes?

23 A Yes, ma'am.

24 Q And you actually recovered a projectile and a fragment
25 from the Jeep and the Buick; is that correct?

1 **A** Yes, I collected a projectile and fragments from the Jeep
2 and a projectile from the Buick.

3 **Q** Okay. Did you collect any weapons from the inside of any
4 of those vehicles?

5 **A** No, ma'am.

6 **Q** Did you collect any shell casings from inside the
7 vehicle?

8 **A** No, ma'am.

9 **Q** Now, after you processed these three vehicles, did you
10 process one of the Tahoes involved in this case, either the
11 gold Tahoe or the black Tahoe?

12 **A** Yes, I processed the black Tahoe and I did also
13 photograph the tan Tahoe.

14 **Q** Okay. I'm going to show you now 181 through 202. If you
15 don't mind, look at those photographs and let me know if you
16 recognize them.

17 **A** Yes, ma'am.

18 **Q** And are those the photographs you took of the Tahoe?

19 **A** Yes, ma'am.

20 **Q** And does that document you processing the Tahoe?

21 **A** Yes, ma'am.

22 **MS. LIVESAY:** At this time, the State wishes to put 181
23 through 202 into evidence and publish it to the jury.

24 **THE COURT:** All right.

25 **MR. HOFFMEYER:** That's the black Tahoe?

1 MS. LIVESAY: Yes.

2 MR. HOFFMEYER: No objection.

3 MR. RIGNEY: No objection, Your Honor.

4 THE COURT: All right. State's Exhibits 181 through 202
5 admitted into evidence without objection.

6 (State's Exhibit Nos. 181 through 202 were received into
7 evidence.)

8 MS. LIVESAY: Thank you.

9 BY MS. LIVESAY:

10 Q And Mr. George, do these photographs also include the
11 items that you collected from inside the black Tahoe?

12 A Yes, ma'am.

13 Q Okay. And before we go through all these pictures, go
14 ahead and tell these folks, were there any bullet holes in the
15 black Tahoe?

16 A No, ma'am.

17 Q Okay. And you documented the entire outside to show
18 whether or not there was any damage to that vehicle?

19 A Yes, ma'am.

20 Q Okay. If you don't mind, as we go through these
21 photographs, tell these people what we're looking at and what
22 you're documenting.

23 A So in every vehicle that we process we take overall
24 photographs just to show the shape of the vehicle when it's in
25 our possession. So it's just an overall photograph of every

1 angle of the car.

2 Same thing. Just trying to show a better angle of the
3 driver's side of the car.

4 Rear panel, showing no damage, or if there is damage.

5 Q And is this to document if there is damage there?

6 A If there is or isn't. It's just showing the overall
7 shape of the vehicle when it's in our possession.

8 Q Okay. And did you see any damage or bullet holes to the
9 back of the vehicle?

10 A No, ma'am.

11 Q Okay. What are we looking at here?

12 A This is the back windshield of the vehicle.

13 Q Okay.

14 A There's a lot of hand prints and smudge marks on it.

15 Q Okay. Same thing here?

16 A Yes, ma'am.

17 Q Okay. Showing here same thing, kind of the back of the
18 vehicle?

19 A Yes, ma'am.

20 Q Okay. Any damage to the passenger's side?

21 A No, ma'am.

22 Q Any bullet holes through any of the windows?

23 A No, ma'am.

24 Q Bullet holes through any of the doors?

25 A No, ma'am. And I said no, but there is some damage in

1 that back quarter panel ---

2 Q Okay.

3 A --- scratches and things like that.

4 Q Okay. How about the front of the car? Any damage to the
5 front of the car?

6 A No, ma'am.

7 Q Any bullet holes at all in the front of the car?

8 A No, ma'am.

9 Q Same here?

10 A Yeah, they're showing -- you can see that there's -- it
11 looks like possibly shoe prints on the hood of the car.

12 Q Now, this is the inside of the vehicle?

13 A Yes, ma'am.

14 Q Okay. And is this some kind of identification in the
15 vehicle?

16 A Yes, ma'am.

17 Q Okay.

18 A It's also showing the casing right there next to it.

19 Q Okay. So a shell casing also in the vehicle?

20 A Yes, ma'am.

21 Q And did you -- what seat is this in?

22 A This is in the driver's seat.

23 Q And did you collect that shell casing?

24 A Yes, ma'am.

25 Q Okay. And this is just showing the caliber?

- 1 **A** Yes, ma'am.
- 2 **Q** And what caliber was it?
- 3 **A** It's a 9mm.
- 4 **Q** And the phone?
- 5 **A** Yes, ma'am. Showing the center console area of the
- 6 vehicle.
- 7 **Q** And did you collect that phone?
- 8 **A** Yes, ma'am.
- 9 **Q** Okay. And this is just documenting the phone?
- 10 **A** Yep.
- 11 **Q** Okay. And is this the identification you found in the
- 12 car?
- 13 **A** Yes. That was in the driver's seat.
- 14 **Q** Okay. And what are we looking at here?
- 15 **A** That was some clothing that was located in the trunk area
- 16 of the vehicle.
- 17 **Q** Okay. And how about here?
- 18 **A** That is a 24-round GLOCK magazine, 9mm.
- 19 **Q** That was found in the black Tahoe?
- 20 **A** Yes, ma'am.
- 21 **Q** Okay. And then what are we looking at here?
- 22 **A** That is a black ski mask.
- 23 **Q** And where was it located?
- 24 **A** That was located in a blue Champion bookbag in the trunk
- 25 area.

1 Q Okay. Of the black Tahoe?

2 A Yes, ma'am.

3 Q Okay. Now, the items that we just saw as far as the
4 shell casing and the ski mask, did you collect those items?

5 A Yes, ma'am.

6 Q Okay. And when you collected them, did you seal them up
7 and document them?

8 A Yes, ma'am.

9 MS. LIVESAY: Let me show you this, too, to save you a
10 trip, Mr. Rigney.

11 (Conferring with counsel.)

12 BY MS. LIVESAY:

13 Q I'm going to show you now State's Exhibit 3 and 35. Do
14 you recognize these items?

15 A Yes, ma'am.

16 Q And what are they?

17 A That is the packaging for the black ski mask.

18 Q Okay. And that was collected from the black Tahoe?

19 A Yes, ma'am.

20 Q Okay. And what are you looking at here?

21 A This is the casing from the driver's seat of the black
22 Tahoe.

23 Q Okay. And were both of those items sealed upon your
24 collection?

25 A Yes, ma'am.

1 Q And did you tamper with them in any form or fashion?

2 A No, ma'am.

3 Q Okay. And other items were found in the Tahoe; correct?

4 A Yes, ma'am.

5 Q Okay. I'm showing you now State's Exhibit No. 2. What
6 are you looking at there?

7 A These are six scrapers that were located in the vehicle.

8 Q Okay. And did you tamper with those in any form or
9 fashion?

10 A No, ma'am.

11 Q And did those scrapers come from the Tahoe?

12 A Yes, ma'am.

13 MS. LIVESAY: Your Honor, at this time, the State wishes
14 to place 2, 3, and 35 into evidence and publish to the jury.

15 THE COURT: All right. Any objection?

16 MR. HOFFMEYER: No objection.

17 MR. RIGNEY: No objection, Your Honor.

18 THE COURT: All right. State's Exhibit 2, 3 and 35 are
19 admitted into evidence without objection.

20 (State's Exhibit Nos. 2, 3 and 35 were received into
21 evidence.)

22 MS. LIVESAY: Thank you, Your Honor.

23 Your Honor, do you mind if this young man steps down?

24 THE COURT: That's fine. As long as the court reporter
25 can pick up his testimony.

1 MS. LIVESAY: I understand.

2 BY MS. LIVESAY:

3 Q Mr. George, we're looking at now a shell casing from the
4 seat of the black Tahoe; correct?

5 A Yes, ma'am.

6 Q Tell these folks the caliber.

7 A This is a 9mm.

8 Q Okay. And it says Hornady. Is that -- what is that?
9 The make? The model? What is that?

10 A It's the brand.

11 Q Okay. So it's a Hornady 9mm?

12 A Yes, ma'am.

13 Q Okay. And that was found in the black Tahoe?

14 A Yes, ma'am.

15 Q Okay. And what are we looking at here?

16 A This is the black ski mask.

17 Q And this was also located in the black Tahoe?

18 A Yes, ma'am.

19 Q And what are we looking at here?

20 A These are the six scrapers.

21 Q And where were these located at in the Tahoe?

22 A I'd have to reference my notes. I want to say in the
23 backseat, but I would need to look at my notes.

24 Q But no doubt they were located in the black Tahoe?

25 A Yes, ma'am.

1 Q And all these items were collected in April of 2022?

2 A Yes, ma'am.

3 Q Okay. And they were all collected from the black Tahoe?

4 A Yes, ma'am.

5 Q Thank you, Mr. George. Have a seat.

6 Do you remember what the weather was like in Myrtle Beach
7 in April of 2022?

8 A No, ma'am. It was probably sunny, but I don't remember.

9 Q Okay. Do you think it was snowing?

10 A No, ma'am.

11 Q Do you think it was real cold?

12 A No, ma'am.

13 Q Okay. So let me ask you this. Did you also look and
14 participate in the search of the tan/gold Tahoe?

15 A Yes, ma'am. Yes.

16 Q Okay. And tell these folks -- hold on, I apologize.

17 Before we go on to the gold Tahoe, I want to show you
18 State's Exhibit 7. Do you recognize it?

19 A Yes, ma'am.

20 Q What is it?

21 A It's the 24-round GLOCK magazine.

22 Q And did it come out of the black Tahoe?

23 A Yes, ma'am.

24 MS. LIVESAY: Your Honor, at this time, the State wishes
25 to put State's Exhibit 7 into evidence and publish it to the

1 jury.

2 THE COURT: 7 or 70?

3 MS. LIVESAY: 7.

4 THE COURT: 7? All right.

5 MR. HOFFMEYER: No objection.

6 MR. RIGNEY: No objection, Your Honor.

7 THE COURT: All right. State's Exhibit 7 admitted into
8 evidence without objection.

9 (State's Exhibit No. 7 was received into evidence.)

10 BY MS. LIVESAY:

11 Q So these are all items, correct, from the black Tahoe?

12 A Yes, ma'am.

13 Q Okay. And let me -- and we just saw the pictures of the
14 black Tahoe, but I'll bring it back up. Did you also assist
15 in the search of the gold/tan Tahoe?

16 A Yes, ma'am.

17 Q Okay. And I'm going to show you State's Exhibit 203-207.
18 Did you document what you found in that Tahoe?

19 A Yes, ma'am.

20 Q And I want you to look at those photographs. Tell me if
21 you recognize those photographs.

22 A Yes, ma'am.

23 Q And do those photographs document what you took out of
24 the gold Tahoe?

25 A Yes, ma'am.

1 MS. LIVESAY: Your Honor, at this time, the State wishes
2 to place 203 through 207 into evidence and publish to the
3 jury.

4 THE COURT: All right. Any objection?

5 MR. HOFFMEYER: I just want to refresh my recollection
6 about those real quick.

7 THE COURT: Any objection?

8 MR. HOFFMEYER: Your Honor, the only objection I have is
9 that continuing objection related to the motion hearing you
10 had concerning the search of the vehicle.

11 THE COURT: Mr. Rigney, any objection?

12 MR. RIGNEY: No objection, Your Honor.

13 THE COURT: State's Exhibits 203 through 207 are admitted
14 into evidence without objection from the Defendant Hickson and
15 over the objection of the Defendant Jackson.

16 (State's Exhibit Nos. 203 through 207 were received into
17 evidence.)

18 MS. LIVESAY: Thank you, Your Honor.

19 BY MS. LIVESAY:

20 Q Mr. George, what portion of the Tahoe, the gold Tahoe --
21 because now we're no longer talking about the black Tahoe.
22 We've moved to the tan Tahoe. What are we looking at here,
23 what portion of the vehicle?

24 A This is the center console cup holder area.

25 Q Okay. And then -- what are we looking at here?

1 **A** Once the cup holder was removed, you can see the firearm
2 is located in there.

3 **Q** Okay. And did you collect that firearm?

4 **A** Yes, ma'am.

5 **Q** Now, the pictures prior are to show where you got the
6 firearm from; correct?

7 **A** Yes, ma'am.

8 **Q** Okay. And now you are documenting once you removed it
9 from the vehicle?

10 **A** Yes, ma'am.

11 **Q** Okay. And does this show the serial number of the
12 firearm?

13 **A** Yes, ma'am.

14 **Q** Okay. And did you collect this firearm?

15 **A** Yes, ma'am.

16 (Conferring with counsel.)

17 BY MS. LIVESAY:

18 **Q** I'm going to show you now State's Exhibit No. 6,
19 Mr. George. If you don't mind, tell me if you recognize it.

20 **A** Yes, ma'am.

21 **Q** And what is it?

22 **A** This is the GLOCK 17.

23 **Q** Okay. And is that the GLOCK you collected from the
24 tan/gold Tahoe?

25 **A** Yes, ma'am.

1 MS. LIVESAY: Your Honor, at this time, the State wishes
2 to place 6 into evidence and publish it to the jury.

3 THE COURT: Any objection?

4 MR. HOFFMEYER: Your Honor, that continuing objection
5 relates to the motion you previously heard.

6 THE COURT: All right. Any objection, Mr. Rigney?

7 MR. RIGNEY: No objection, Your Honor.

8 THE COURT: State's Exhibit 6 admitted into evidence
9 without objection from Defendant Hickson and over the
10 objection of Defendant Jackson.

11 (State's Exhibit No. 6 was received into evidence.)

12 MS. LIVESAY: Thank you, Your Honor.

13 And I'm going to have Mr. George step down real quick,
14 Judge.

15 THE COURT: All right.

16 BY MS. LIVESAY:

17 Q So this is the gun -- this is the gun -- I've got a gun
18 lock on it. So this is the gun from the gold Tahoe; correct?

19 A Yes, ma'am.

20 Q So -- and when you collected it, it had one magazine in
21 it; correct?

22 A Yes, ma'am.

23 Q And tell these folks how many this magazine holds.

24 A It holds 17 rounds.

25 Q Okay. And if you don't mind, can you put it in there to

1 see whether or not we've got a match.

2 A (Witness complies.)

3 Q Okay. And how many rounds does that magazine hold?

4 A 24.

5 Q Okay. And can you put it in there to see if we have got
6 a match there?

7 A (Witness complies.)

8 Q So this gun can hold a magazine that either fires 16
9 rounds or a magazine that fires 24 rounds; correct?

10 A Yes, ma'am. As long as the magazine is a -- it's not a
11 single-stack and it's a double-stack.

12 MR. HOFFMEYER: I'm sorry. I cannot hear the witness.

13 THE WITNESS: What I was saying is that -- she was saying
14 the capacity. And the magazine capacity, as long as it's not
15 a single-stack magazine, would fit in that firearm.

16 BY MS. LIVESAY:

17 Q So what do you mean by single-stack?

18 A So this is a double-stack magazine, and a single-stack is
19 skinnier. So if it was skinnier, it wouldn't sit in this --
20 it would fit in there, but it would not sit inside the
21 firearm.

22 Q Okay. So this firearm can fire twice as many as a
23 single-stack; correct?

24 A Not necessarily. Again, you're talking about how many
25 can fit in a single-stack. A single-stack could be 100 rounds

1 long, if they want to make one like that.

2 Q Okay.

3 A But it's just the width of the magazine is what it comes
4 down to. The capacity could be anything.

5 Q Okay. So no doubt, though, this magazine fits in this
6 gun as well?

7 A It does fit.

8 Q And this one fires 24?

9 A Correct. Yes, ma'am.

10 Q Okay. Thank you, Mr. George.

11 Now, at some point did you go out to the parking lot?

12 A Yes, ma'am.

13 Q Okay. And when I say "parking lot," clearly I mean where
14 the shooting occurred.

15 A Yes, ma'am.

16 Q And how about when did you go out into the parking lot?

17 A That would have been approximately 9:10 in the morning of
18 April 24th.

19 Q Okay. So was it -- it was already light out at that
20 point; correct?

21 A Yes, ma'am.

22 Q Okay. And Ms. Davis and Nate Howitt and some other
23 people had already processed the parking lot?

24 A Yes, ma'am.

25 Q Okay. And did you go out anywhere else to assist in this

1 case?

2 A Other than the things that we have already discussed?

3 Q Yes.

4 A No. Just the parking lot.

5 Q Okay. So you processed -- just so I'm sure -- total,
6 five vehicles?

7 A Yes, ma'am.

8 Q Okay. And -- a Buick, a Jeep, and a Honda had all
9 sustained bullet holes?

10 A Yes, ma'am.

11 Q Okay. And the black Tahoe and the gold Tahoe did not
12 sustain any bullet holes?

13 A No, ma'am.

14 Q Okay. Now, you mentioned earlier there was some damage
15 on the back of the black Tahoe. Did you think that was a
16 bullet hole or did you think that was --

17 A No, ma'am.

18 Q Okay. That was just kind of ordinary wear and tear?

19 A Yes, ma'am.

20 Q Okay. So out of the five vehicles you processed, the
21 only two that did not have bullet holes were the two Tahoes?

22 A Yes, ma'am.

23 Q Okay. And the only two that had a shell casing and a gun
24 were the two Tahoes?

25 A Yes, the black Tahoe had a casing and the tan Tahoe had a

1 firearm.

2 Q Okay. None of the other vehicles had shell casings or
3 weapons?

4 A No, ma'am.

5 Q Okay. But the two Tahoes were the only ones where the
6 gun was in the gold Tahoe and the shell casing and magazine
7 was in the black Tahoe; correct?

8 MR. HOFFMEYER: Objection. Asked and answered.

9 THE COURT: Well, I'll allow it one more time. Go ahead.

10 THE WITNESS: Yes, ma'am.

11 BY MS. LIVESAY:

12 Q Okay. Did you find a ski mask in the other vehicles, in
13 the Jeep, in the Honda, or the Buick? Did you find a ski mask
14 in any of those vehicles?

15 A No, ma'am.

16 Q Did you even find a magazine in any of those vehicles?

17 A No, ma'am.

18 Q Did you find scrapers in any of those vehicles?

19 A No, ma'am.

20 MS. LIVESAY: I don't have any further questions for
21 Mr. George.

22 THE COURT: Mr. Rigney, cross-examination?

23 MR. RIGNEY: Thank you, Your Honor.

24 CROSS-EXAMINATION

25

1 BY MR. RIGNEY:

2 Q Good morning.

3 A Good morning, sir.

4 Q Now, it's my understanding that you are a crime scene
5 investigator; is that correct?

6 A Yes, ma'am -- or yes, sir. I'm sorry.

7 Q Is that the correct way to describe it?

8 A Yes, sir.

9 Q And what is your rank?

10 A Patrolman First Class.

11 Q Okay. And you said you have been doing this for several
12 years?

13 A Yes, sir.

14 Q Okay. Do you do anything in the process of collecting
15 the crime scene to identify who the item that you picked up is
16 associated with? Is that part of your job?

17 A No, sir.

18 Q So in investigating this particular crime scene, of the
19 things that you went into, the vehicles, the crime scene
20 itself, you did not associate anything with any particular
21 person; is that correct?

22 A No, sir. Other than identification, of course.

23 Q You had an identification inside one of the vehicles that
24 you found in the driver's seat, or in that area?

25 A Yes, sir.

1 Q And that's the only thing that you have come up with or
2 you encountered that connects anyone with any of the five
3 vehicles or the crime scene?

4 A Yes, sir.

5 Q And did you find anything -- do you have anything that
6 would indicate to you, based on your investigation, that
7 Jerelle Hickson was in any way involved in anything that you
8 have obtained?

9 A No, sir.

10 MR. RIGNEY: Thank you, Your Honor. No more questions.

11 THE COURT: Mr. Hoffmeyer.

12 MR. HOFFMEYER: Yes, sir. Just a few questions.

13 CROSS-EXAMINATION

14 BY MR. HOFFMEYER:

15 Q Mr. George, I believe you indicated to the State
16 previously that -- when you were looking at these 9mm
17 rounds -- they were Hornady, made by Hornady manufacturer?

18 A The one casing, yes, sir.

19 Q The one casing.

20 Do you know if the other casings were Hornady?

21 A Can I look back?

22 Q Sure.

23 A No, sir. Of the casings that I collected, it was not a
24 Hornady.

25 Q Okay. So the casings varied as far as manufacturer; is

1 that what you're telling --

2 A Yeah. The casings that I personally collected, the
3 Hornady -- that's the only one that was a Hornady.

4 Q I see. And 9mm is a very common weapon?

5 A Yes, sir.

6 Q Now, as far as your involvement in this case, it's my
7 understanding, Mr. George, that you would have become involved
8 the following -- well, it kind of happened, by what's already
9 in evidence, April 24th around 1:30-ish. So you got involved
10 sometime the next morning?

11 A Yes, sir. My first involvement started around
12 approximately 8:00 in the morning.

13 Q I see. And at that juncture you have shared with us that
14 you were involved in collecting evidence of five vehicles;
15 correct?

16 A Yes, sir.

17 Q Now, are you aware that there were numerous vehicles out
18 at the scene where this unfortunate shooting took place? Are
19 you aware of that?

20 A I know very little information of the scene from that
21 night. I know that, when I arrived, obviously, the scene had
22 changed and vehicles were not there.

23 Q I see. Certainly. Everybody understands that. And any
24 other vehicles that were out there that evening, just kind of
25 common sense, if you don't have access to them, and, for

1 whatever reason, they are not detained by law enforcement, you
2 won't be able to process them. So you're limited.

3 A Yes, sir.

4 Q Now, as far as the items that you have discussed with us,
5 and I think -- to make these questions fair to you, you aren't
6 involved in some of the things I'm going to ask you about, so
7 just tell me whether you're involved with them or not.

8 A Okay. Yes, sir.

9 Q Such as -- I notice y'all wear guns when you handle these
10 -- excuse me -- gloves when y'all handle some of these things.
11 There's something called touch DNA; you leave DNA on items.
12 We all do, as we walk around and touch things; is that right?

13 A Yes, sir.

14 Q Okay. And you weren't involved in collecting any type of
15 DNA evidence off of the gun, were you?

16 A No, sir.

17 Q I understand. That's not your role; correct?

18 A (Witness nodding.)

19 Q Is that a yes?

20 A I could do it, but we -- so it was done by somebody else.

21 Q I see. I didn't ask that question very well.

22 In this particular case, you weren't involved in
23 collecting that?

24 A No, sir.

25 Q And also, when it comes to any fingerprints, such as on

1 the guns or any of this evidence, you may do that in your job,
2 but you weren't involved in that in that particular case?

3 A No, sir.

4 Q And as far as gunshot residue which -- it's my
5 understanding, when a gun is fired, there's certain residue
6 that is left on someone that's near the gun, maybe shooting
7 the gun, on objects, things like that. Are you involved in
8 that?

9 A No, sir.

10 Q Okay. So clearly, you wouldn't have been involved in
11 that in this particular case?

12 A Correct.

13 Q If you'll indulge me one second, Mr. George.

14 A Yes, sir.

15 Q As far as the information that you had prior to your
16 involvement in the case related to both Tahoes or the other
17 cars that were involved in your investigation, from the time
18 that the incident occurred until the time you had access to
19 the -- all these vehicles, you would have no idea who else had
20 access to them, would you?

21 A They were in secure locations, so there's very limited
22 amounts of people who can access those secure locations.

23 Q Well, that would be related to three of the vehicles;
24 right? Because two of the vehicles were found at the
25 Circle K.

1 **A** The Compass, correct, was on the scene. The Buick was at
2 the substation, which is a secure area. The Honda was at the
3 annex, which is a secure location. And then both Tahoes were
4 located at the annex, which is a secure location.

5 **Q** So from the time of the tragic incident until the
6 Circle K, where the Tahoes were located, you didn't do any
7 investigation in terms of who had access to those vehicles
8 during those -- that time period, did you?

9 **A** No, sir.

10 **Q** Thank you very much, Mr. George.

11 THE COURT: Redirect?

12 MS. LIVESAY: Just a couple, Your Honor, real quick.

13 REDIRECT EXAMINATION

14 BY MS. LIVESAY:

15 **Q** Mr. George, do you remember Mr. Rigney asking you about
16 whether or not you were able to tie anything to his client,
17 Jerelle Hickson?

18 **A** Yes, ma'am.

19 **Q** Okay. Is that your job?

20 **A** No, ma'am.

21 **Q** What is your job?

22 **A** To collect evidence, photograph it, and preserve it.

23 **Q** Okay. And when people test for DNA or gunshot residue or
24 ballistics, is that done at the Myrtle Beach Police
25 Department?

1 **A** We do swabs for DNA, but all the testing and everything
2 gets sent to SLED.

3 **Q** That's right. So you don't know who the DNA matches?

4 **A** No, ma'am.

5 **Q** And when you look at the ballistics, all those shell
6 casings we had out earlier when Ms. Davis testified, you're
7 not able to tell if one person fired, two people fired, any of
8 that; correct?

9 **A** No, ma'am.

10 **Q** All that goes to South Carolina Law Enforcement Division?

11 **A** Yes, ma'am.

12 **Q** So you're never able to testify if any evidence you
13 collected is connected to an individual or not; correct?

14 **A** Correct. Like I said, without the -- with the exception
15 of, like, a driver's license or an ID that ---

16 **Q** Okay.

17 **A** --- you know that's who that belongs to.

18 **Q** So you're just there to collect it?

19 **A** Yes, ma'am.

20 **Q** Okay. And Mr. Hoffmeyer asked you about DNA, those kind
21 of items, kind of trying to indicate whether or not I guess
22 you can match an item to a particular person; right? That's
23 what DNA is for.

24 **A** Yes, ma'am.

25 **Q** So let me ask you something. When we looked at those

1 pictures earlier that you took of the center console of the
2 gold Tahoe -- do you remember that?

3 A Yes, ma'am.

4 Q Okay. Would you agree with me that the gun was not just
5 sitting in the cup holder?

6 MR. HOFFMEYER: Your Honor, object to the leading.

7 MS. LIVESAY: I'll reask it. I understand.

8 BY MS. LIVESAY:

9 Q Was the gun sitting in the cup holder?

10 MR. HOFFMEYER: Same objection, Judge. It's where the
11 gun was.

12 THE COURT: I'll allow the question. Go ahead.

13 BY MS. LIVESAY:

14 Q Was the gun just in the cup holder?

15 A No, ma'am.

16 Q Okay. How did you get to the gun?

17 A Detective -- one of our detectives has a similar vehicle,
18 and he was aware that the cup holder can be taken out. And he
19 was the one that did that and ---

20 Q Okay.

21 A --- located it.

22 Q So you then removed the cup holder to find the gun?

23 A Correct.

24 Q Okay. How did you know to go look in the car for the
25 gun?

1 **A** That would be a detective question.

2 **Q** I'm sorry?

3 **A** That would be a detective question. They told me that --
4 to -- the detective came out and wanted to -- after the search
5 was done, he wanted to do a walk-through of the vehicle, and
6 he knew that the cup holder could be removed because he has a
7 similar vehicle, and that's when it was located.

8 **Q** Okay. But there's no doubt that gun was in the gold
9 Tahoe?

10 **A** Yes, ma'am.

11 **Q** And there was additional information, correct, which is
12 why you went and looked back in the Tahoe?

13 **A** Yes, ma'am.

14 **Q** Okay. And the scrapers that you recovered ---

15 **A** Yes, ma'am.

16 **Q** --- would you look at your notes and tell these folks
17 where you located the scrapers.

18 **A** Yes, ma'am.

19 MR. HOFFMEYER: Your Honor, I object. This is improper
20 redirect.

21 THE COURT: How does this address what they brought out
22 on cross?

23 MS. LIVESAY: They were insinuating the owner of the
24 vehicle, that type of information, DNA, what was collected,
25 what connects the vehicle to this particular individual.

1 THE COURT: All right. I'll allow it. Go ahead.

2 MS. LIVESAY: Thank you, Judge.

3 THE WITNESS: It was located in the passenger side back
4 seat pocket. Or they were.

5 MS. LIVESAY: No further questions.

6 THE COURT: All right. You may step down.

7 THE WITNESS: Thank you.

8 MS. LIVESAY: Thank you, Mr. George.

9 Your Honor, can he be excused?

10 THE COURT: Any objection?

11 MR. HOFFMEYER: No objection.

12 THE COURT: Mr. Rigney?

13 MR. RIGNEY: No objection.

14 THE COURT: He's free to go.

15 How long is your next witness?

16 MS. LIVESAY: 25 minutes, maybe.

17 THE COURT: Do you want to take a break now?

18 MS. LIVESAY: It's up to you, Judge. If you want to, we
19 can.

20 THE COURT: We've been at it for about an hour. We'll go
21 ahead and take a break, ladies and gentlemen. Please leave
22 your notepads in the jury box. Do not discuss the case even
23 among yourselves. We'll take about a 10- or 15-minute break
24 and then we'll come back and resume. Thank you very much.

25 (The jury exited the courtroom at 10:39 a.m.)

1 THE COURT: All right. Anything from the State before we
2 recess?

3 MS. LIVESAY: No, sir.

4 THE COURT: Mr. Hoffmeyer?

5 MR. HOFFMEYER: None other than just I went up -- or we
6 had a bench conference related to my objection to the
7 note-taking. I believe that was covered earlier. Thank you.

8 THE COURT: All right. As I understand, Mr. Hoffmeyer
9 objected to the jurors taking notes. I denied the motion and
10 I permitted it. Correct?

11 MR. HOFFMEYER: Yes, sir.

12 THE COURT: All right. Mr. Rigney, anything before we
13 recess?

14 MR. RIGNEY: Nothing at this time, Your Honor.

15 THE COURT: All right. Let's take about a 10- or
16 15-minute recess and we'll come back.

17 (A brief recess was taken at 10:40 a.m.)

18 (State's Exhibit No. 208, PowerPoint of Photos 209-223,
19 were marked for identification.)

20 (State's Exhibit Nos. 209 through 223, Photographs, were
21 marked for identification.)

22 (State's Exhibit No. 224, CSI George #1 Jeep Thumb Drive,
23 were marked for identification.)

24 (State's Exhibit No. 225, CSI George #2 Honda Thumb
25 Drive, were marked for identification.)

1 (State's Exhibit No. 226, CSI George #3 Gun Thumb Drive,
2 were marked for identification.)

3 (State's Exhibit No. 227, CSI George #4 Black Tahoe Thumb
4 Drive, were marked for identification.)

5 THE COURT: All right. Anything from the State before we
6 bring the jury in?

7 MS. LIVESAY: No, sir.

8 THE COURT: Mr. Hoffmeyer?

9 MR. HOFFMEYER: No, sir.

10 THE COURT: Mr. Rigney?

11 MR. RIGNEY: No, Your Honor.

12 THE COURT: All right. Let's bring the jury in. Thank
13 you.

14 (The jury entered the courtroom at 11:02 a.m.)

15 THE COURT: Ladies and gentlemen, welcome back. Please
16 make sure you have your own notepads and do not have anyone
17 else's notepads. Make sure all cell phones and pagers are
18 turned off.

19 State can call your next witness.

20 MS. LIVESAY: Thank you, Your Honor. At this time, the
21 State is going to call Nate Howitt.

22 NATHAN "NATE" HOWITT,

23 after having been duly sworn, was examined and testified
24 to as follows:

25 THE CLERK: Get you to state your name and then spell

1 your last name for the Court.

2 THE WITNESS: Nathan Howitt. H-o-w-i-t-t.

3 DIRECT EXAMINATION

4 BY MS. LIVESAY:

5 Q And Mr. Howitt, I know you have your badge on, but tell
6 these folks where you are currently employed.

7 A The Myrtle Beach Police Department.

8 Q And how long have you been with the Myrtle Beach Police
9 Department?

10 A 18 years.

11 Q And tell them what kind of training you had to join the
12 police department and then what kind of training you have had
13 with the police department.

14 A Sure. I went to the South Carolina Criminal Justice
15 Academy to get my basic police certification. I've had -- in
16 college I had practical crime scene investigation classes,
17 fingerprint science. I have been to the basic crime scene
18 academy. And then, through -- in the course of my time there,
19 I have gone through other trainings.

20 Q And what are your current responsibilities?

21 A I'm the nighttime patrol supervisor.

22 Q And what were your responsibilities back in 2022?

23 A I was assigned to the Crime Scene Investigations Unit.

24 Q Okay. And as part of the Crime Scene Investigative Unit,
25 did you assist on the case that we're here today?

1 **A** I did.

2 **Q** Okay. And did you go to the crime scene to assist?

3 **A** I did.

4 **Q** Okay. And about -- when you went, was it still dark out?

5 **A** It was. It was in the middle of the night.

6 **Q** Okay. So you went pretty close in time?

7 **A** Yes.

8 **Q** Okay. And when you went out there, tell us first kind of
9 in general what did you see?

10 **A** We just had a shooting scene. We had a couple of
11 vehicles that were struck by gunfire. Just some random items
12 that were around the parking lot.

13 **Q** And were there vehicles still in the parking lot that had
14 been hit?

15 **A** There was.

16 **Q** Okay. And because there were still vehicles in the
17 parking lot that had been hit, were you able to perform any
18 kind of processing as far as trajectory of the bullet?

19 **A** One of the vehicles we had a through and through, where
20 it came in and came out, so I was able to do it on one of the
21 shots.

22 **Q** Okay. And did you document this process?

23 **A** I did.

24 **Q** Okay. And if you don't mind, tell these folks a little
25 bit about what a trajectory rod or a trajectory laser does.

1 **A** So a trajectory rod is just a stick or it's a rod. So
2 when a bullet hits an object -- say a door, for instance -- it
3 will come in one way and exit out to the other. You stick the
4 rod through it, and it will point directly -- or in the
5 general direction of where it may have come from.

6 **Q** Okay. So you're trying to figure out where the bullet
7 was fired from?

8 **A** That's correct.

9 **Q** Okay. And did you use a trajectory rod in this
10 particular case?

11 **A** I did.

12 **Q** Okay. And did you document showing what the laser rod
13 showed?

14 **A** I did.

15 **Q** And I'm going to show you now State's Exhibit 209 through
16 223. Look at those photographs and tell me if you recognize
17 them.

18 **A** Yes, ma'am. These are photos I took of the crime scene.

19 **Q** Okay. And did you take those photographs?

20 **A** I did.

21 **Q** And do those photographs document what you saw from the
22 trajectory laser?

23 **A** It does.

24 **MS. LIVESAY:** Your Honor, at this time, the State wishes
25 to place 209 through 223 into evidence and publish to the

1 jury.

2 MR. HOFFMEYER: Let me just take a quick look.

3 MS. LIVESAY: Oh, sorry.

4 (Counsel conferring.)

5 MR. HOFFMEYER: Mr. Jackson has no objection.

6 MR. RIGNEY: No objection, Your Honor.

7 THE COURT: All right. State's Exhibit 209 through 223
8 are admitted into evidence without objection.

9 (State's Exhibit Nos. 209 through 223 were received into
10 evidence.)

11 MS. LIVESAY: Thank you, Your Honor.

12 BY MS. LIVESAY:

13 Q Mr. Howitt, I'm going to direct your attention up here to
14 the TV. So this is the parking lot; correct?

15 A That's correct.

16 Q Okay. And both of these -- was this Nissan that we're
17 looking at head on, was that hit with gunfire?

18 A It was.

19 Q And was the Malibu also hit with gunfire, this brown car
20 here?

21 A I think -- it might have been a Chevy, but yes, that was
22 hit with gunfire too.

23 Q Okay. I'm sorry. So both of those vehicles sustained
24 bullet holes?

25 A Yes, they both were hit.

1 Q Okay. And these are two vehicles in addition to the
2 Jeep, the Buick, and the Honda that we heard about earlier?

3 A I don't know what you heard about earlier, but there was
4 a Honda Accord that was struck too.

5 Q Okay. But this is in addition to those vehicles?

6 A Yes, ma'am.

7 Q Okay. And if you don't mind, the Nissan -- tell me about
8 this Nissan.

9 A So what -- you're looking in the rear passenger window.
10 You're going to see a bullet strike, or what I believe might
11 be an exit -- it's where it's coming out, the rear passenger
12 window there.

13 Q Okay. So that's an exit hole that we're looking at on
14 the back passenger window?

15 A I'm not positive, but I believe it is.

16 Q Okay. What are we looking at here?

17 A So this is the passenger side of the vehicle. So on the
18 front passenger door up in the glass area, kind of above the
19 mirror there, it's going to be struck by gunfire. There will
20 be a bullet there. And then -- it's tough to see in this
21 photo, but in the rear passenger door, between the door and
22 the trunk, there's going to be a second shot that's hit.

23 Q Okay.

24 A That's a better photo of it.

25 Q Okay. And this is showing two bullet holes, one in the

1 back window, looks like one in the back trunk area; am I
2 right?

3 A Yeah. This is just one of the bullet holes that was,
4 again, between the rear passenger door and the trunk area.

5 Q Okay. And what are we looking at here?

6 A It's just a close-up. It's the rear passenger door rear
7 -- or trunk area that we just looked at.

8 Q Okay. And how about here?

9 A This is going to be the front passenger door. There's
10 going to be broken glass and then there's going to be a bullet
11 that's lodged up in there.

12 Q Okay. So that white sticker.

13 A That's a forensic scale marker just documenting, hey,
14 where this is -- where I found this at.

15 Q Okay. And that's documented -- that's documenting where
16 you removed the projectile from?

17 A Yes. So I went through the glass area, and the bullet is
18 going to be stuck right in between the door frame there.

19 Q Okay. And how about here?

20 A This is just a bullet hole that came through the rear
21 driver door.

22 Q That's a close-up?

23 A Yep.

24 Q Okay. Now, tell me, first of all, on this sketch -- I'm
25 showing you now what's already in evidence. This is going to

1 be State's Evidence No. 41. Mr. Howitt, when you look at this
2 sketch, can you tell these folks about where the Nissan was in
3 the parking lot?

4 A Approximately right here.

5 Q So right along in here?

6 A Yeah, right around in here, yes, ma'am.

7 Q Okay.

8 MS. LIVESAY: And if you'll go back, Lacey. I'm sorry --
9 maybe but even back to the first or second picture, so we can
10 get an idea. Because that's going to show the Malibu as well.
11 So one forward. I'm sorry. Right there.

12 BY MS. LIVESAY:

13 Q So when we're looking here, it looks like it's somewhere
14 maybe along in here, because we see the Chevrolet Malibu right
15 here; is that right?

16 A That's correct.

17 MR. HOFFMEYER: Your Honor, I'd ask that she request the
18 witness to point and tell this jury where the vehicles were.

19 THE COURT: Yeah, let's don't lead.

20 BY MS. LIVESAY:

21 Q And show us -- do you see the blue umbrella in this
22 picture?

23 A Yes, ma'am. It's up here.

24 Q Okay. And did you see where the majority of the shell
25 casings were found out in the parking lot?

1 **A** Yes. They're in this -- I guess it's the southwest
2 corner, but near this blue umbrella.

3 **Q** Okay. So take us back to where we were, now that we have
4 kind of got an idea of where the Nissan is in relationship to
5 the shell casings. So what are we looking at here?

6 **A** So this is -- with trajectory rods, they have a laser you
7 can attach to the end of it. So when you do any type of
8 trajectory rod analysis or -- you're trying to figure out
9 where it came from, I stuck the trajectory rod through the
10 passenger hole, and I shot a laser. And the laser actually --
11 it draws a straight line from the hole in the rear passenger
12 to the rear driver glass, which basically is a straight line,
13 which makes me believe it was a through and through; it's one
14 shot.

15 **Q** Okay. So this is showing a straight line from the hole
16 in the back passenger door through the back windshield?

17 **A** That's correct.

18 **Q** Okay. And this is showing here that it's clearly a
19 straight line, showing the trajectory of the bullet?

20 **A** Yes, it's coming from the trajectory rod that I stuck
21 through the rear passenger door, and the laser points in a
22 relatively straight line and it connects to where I saw the
23 hole in the rear driver door there.

24 **Q** What are we looking at now?

25 **A** So, again, this is the actual trajectory rod with a

1 laser. I stuck this through the hole in the rear passenger
2 door. And now it's -- the laser at this time is now pointing
3 in a direction toward that blue umbrella, roughly.

4 Q Okay. So now the laser is going over the hood of the
5 Chevy Malibu; is that correct?

6 A That's correct.

7 Q Okay. And this is a trajectory showing where the bullet
8 came from?

9 A Yeah, it's just showing -- again, it's a trajectory rod,
10 just pointing in the general direction of where it possibly
11 came from.

12 Q And what are we looking at now?

13 A The green laser is still continuing -- I'm just kind of
14 walking -- with this green laser, you have to spray a fog
15 which illuminates it. So I'm just kind of walking it back.
16 I'm just kind of following where it goes. So it's going from
17 the car and it continues to go back to the blue umbrella.

18 Q Okay. And is that green laser showing the general
19 direction of where the bullet would have come from?

20 A Yeah, it's just a general direction.

21 Q Okay. So is that green line again the laser?

22 A Yes.

23 Q And is that showing again the general direction where the
24 bullet came from?

25 A Yes, the general direction.

1 Q And if you don't mind, show them the sketch where that
2 laser is showing the general direction of where the bullet
3 came from.

4 A You want me to -- where it started and where it's kind of
5 directing?

6 Q Yes.

7 A So the --

8 Q You can step down, Mr. Howitt. I'm sorry.

9 MS. LIVESAY: Can he step down, Judge?

10 THE COURT: As long as his testimony can be picked up by
11 the court reporter.

12 THE WITNESS: Yes, sir.

13 The Nissan Altima was parked in this general area here,
14 and the green trajectory laser pointed in this general
15 direction back toward where this blue umbrella was. The
16 vehicle -- and the direction is over here.

17 BY MS. LIVESAY:

18 Q Okay. If you don't mind, come on the other side and show
19 me, just in case some of these other jurors weren't able to --
20 show it again.

21 A Sure. So the Nissan was parked in this general area
22 right here, and the laser went from the vehicle here and
23 pointed up back here toward the blue umbrella.

24 Q And that's what those photographs document?

25 A Yes.

1 Q Okay. Thank you, Mr. Howitt. If you don't mind, have a
2 seat.

3 Now, did you also collect some evidence in this
4 particular case?

5 A I did.

6 Q Okay.

7 MS. LIVESAY: I don't think this one has been marked. I
8 apologize. I'm sorry.

9 (State's Exhibit No. 228, Fragment, was marked for
10 identification.)

11 BY MS. LIVESAY:

12 Q Mr. Howitt, I'm going to show you State's 36 and
13 State's 228. Do you recognize these items?

14 A Yes, these are two items -- bullet fragment I collected
15 from the scene.

16 Q Okay. And did you collect both of those items?

17 A Yes.

18 Q And what are they?

19 A This one in my left hand here is a -- what looked to be a
20 fired bullet which I collected from the Nissan ---

21 Q Okay.

22 A --- Altima that we were just talking about.

23 Q And which State's exhibit is that?

24 A 228.

25 Q Okay. And that came from the Nissan we just looked at in

1 the parking lot?

2 A Yes, ma'am.

3 Q Okay.

4 A And the other one was for a vehicle that we haven't
5 talked about, but it's a Honda Accord. It's a bullet
6 fragment. The vehicle was shot numerous times, and I found
7 some fragments in the trunk area.

8 Q Okay. So you found -- or you collected projectile and
9 fragments from two different cars at the crime scene?

10 A Yes, ma'am.

11 Q Okay. And were both sealed up and did you write on the
12 box on both identifying when and where you collected it?

13 A Yes.

14 Q And did you tamper with it in any form or fashion?

15 A No, ma'am.

16 MS. LIVESAY: Your Honor, at this time, the State wishes
17 to put State's Evidence No. -- or Exhibit 36 and 228 into
18 evidence.

19 THE COURT: Mr. Hoffmeyer?

20 MR. HOFFMEYER: No objection.

21 THE COURT: Mr. Rigney?

22 MR. RIGNEY: No objection, Your Honor.

23 THE COURT: State's Exhibit 36 and 228 are admitted into
24 evidence without objection.

25 (State's Exhibit Nos. 36 and 228 were received into

1 evidence.)

2 BY MS. LIVESAY:

3 Q So the Nissan Altima that we just saw had bullet
4 projectile, correct, that you collected?

5 A Yes.

6 Q And another Honda that was in the area also had been hit
7 and you collected a portion of fragment from that as well?

8 A That's correct.

9 MS. LIVESAY: No further questions, Your Honor.

10 THE COURT: Mr. Hoffmeyer, cross-examination?

11 MR. HOFFMEYER: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. HOFFMEYER:

14 Q Good morning, Mr. Howitt. It's Howitt, isn't it?

15 A Howitt, sir. Yes, sir.

16 Q Howitzer?

17 A No, I apologize. Howitt.

18 Q Howitt. Okay. Well, it's nice to meet you. Good
19 morning.

20 A Good morning, sir.

21 Q Now, you went out there that evening to look at this
22 crime scene as part of your job?

23 A Yes, sir.

24 Q Okay. And when you got there, you had told us -- and the
25 State introduced some photographs earlier -- it was a Nissan

1 Altimas that I believe was on the screen and you took
2 photographs and then showed us the laser-type thing; right?

3 A That's correct.

4 Q All right. Now, you don't know if that vehicle had been
5 moved before you got there, do you?

6 A To my understanding, it was not moved. The Honda was,
7 but not the Nissan.

8 Q Well, I don't mean necessarily moved by law enforcement,
9 but potentially moved by whoever was in the vehicle.

10 A I wouldn't know that, sir. I wasn't told if it was.

11 Q Okay. I understand. I'm just trying to find out what
12 you know, that type of thing.

13 A Yes, sir.

14 Q Because, naturally, if folks are in a vehicle and
15 shooting starts going on, they're liable to move a vehicle; is
16 that fair to say?

17 A That's correct.

18 Q And do you even know if the vehicle was moving when it
19 was shot?

20 A I don't know.

21 Q All right. Now, as far as what you did tell us, I
22 believe you told the State on direct that -- and I'm going to
23 try and use your words. You said that, as you were describing
24 where you believe that the bullet came from, so to speak, you
25 said a general direction that it possibly came from; isn't

1 that correct?

2 A That's correct.

3 Q And as far as your use of this type of pointer to try and
4 determine the bullet's direction, is that the only vehicle you
5 did that on?

6 A I used it on the Honda. The Honda was moved from this
7 location to another, but I did that to try to locate the
8 bullet fragments that we introduced a minute ago.

9 Q So that vehicle, the Honda, was already at the annex when
10 you did that?

11 A No, it was at 12th and Withers. This is a block away.

12 Q All right. So it wasn't located at the scene?

13 A Not -- it was moved. I'll say that.

14 Q Yes. Not the immediate scene?

15 A Not the immediate scene.

16 Q So that's the only vehicle -- the Altima was the only
17 vehicle that you did that with, none of the others?

18 A Just that one, yes, sir.

19 Q If you'll excuse me one second.

20 Thank you very much.

21 A Thank you, sir.

22 THE COURT: Mr. Rigney?

23 MR. RIGNEY: Thank you, Your Honor.

24 CROSS-EXAMINATION

25

1 BY MR. RIGNEY:

2 Q Good morning.

3 A Good morning, sir.

4 Q I just want to follow up a little bit on the accuracy of
5 what you described here. So do you have an estimate of within
6 how many inches or feet --

7 A No, sir. This is just a general direction. I just kind
8 of want to see, for my knowledge, what general direction do I
9 think this came from so I can look for additional evidence.

10 Q Okay. And in doing so, in this particular case, were you
11 able to specify a particular vehicle that this came from?

12 A No, sir.

13 Q Or a particular person that was involved in using any
14 weapon?

15 A No, sir.

16 MR. RIGNEY: No more questions, Your Honor. Thank you.

17 THE COURT: All right. Redirect?

18 MS. LIVESAY: Just a couple, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. LIVESAY:

21 Q If I look on Mr. Rigney's questioning, would that be your
22 job or responsibility? To --

23 A Which question?

24 Q To figure out who fired or anything like that.

25 A No, ma'am.

1 Q So you're just there to collect what's on scene when you
2 arrive?

3 A Yes, ma'am.

4 Q And whatever evidence is out there, to process it and
5 derive whatever information you can?

6 A Yes, ma'am.

7 Q Okay. And that's what you did?

8 A Yes, ma'am.

9 Q Okay. Now, I'm going to show you some pictures, because
10 Mr. Hoffmeyer asked you about whether or not maybe the Nissan
11 had been moved. Do you remember those questions?

12 A Yes.

13 Q Okay. Now, this is exactly how you found it; correct?

14 A Yes, when I came on scene.

15 Q Okay. So it's basically parked in a parking spot;
16 correct?

17 A It is.

18 Q Is there anything about this that leads you to believe
19 that the car had been moved?

20 A Not to my knowledge.

21 Q Okay. And now, how about the Chevy Malibu? Do you see
22 that car?

23 A Yes.

24 Q Now, that car -- evidence looks like it's been moved;
25 correct?

1 **A** Yes.

2 MR. HOFFMEYER: Your Honor, I object to the leading.

3 THE COURT: Let's don't lead.

4 BY MS. LIVESAY:

5 **Q** Is there evidence that the Malibu moved?

6 **A** Yeah, because it was backed in a corner to the Jeep,
7 which wouldn't be a normal parking spot.

8 **Q** And the Honda that you processed, was there evidence that
9 that had been moved?

10 **A** Yes. It was on a side street a block away.

11 **Q** Okay. So there was definitely evidence that this brown
12 Chevy had been moved and the Honda had been moved?

13 **A** That's correct.

14 **Q** Okay. Is there any evidence that the Nissan had been
15 moved?

16 **A** Nothing that I'm aware of.

17 MS. LIVESAY: No further questions.

18 THE COURT: All right. You may step down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: State can call your next witness.

21 MR. LEASURE: Your Honor, the State calls Melinda Shadoan
22 to the stand.

23 MELINDA SHADOAN,

24 after having been duly sworn, was examined and testified
25 to as follows:

1 THE CLERK: State your name and spell your last name for
2 the Court.

3 THE WITNESS: Melinda Shadoan, S, as in Sam, h-a-d, as in
4 David, o-a-n, as in Nancy.

5 DIRECT EXAMINATION

6 BY MR. LEASURE:

7 Q Good morning --

8 A Good morning.

9 Q -- Officer Shadoan. How are you?

10 A Good. How are you?

11 Q I see that you have a uniform on and a badge. Can you
12 tell the Court where you are employed?

13 A I'm employed at the City Limits of Myrtle Beach Police
14 Department.

15 Q And what's your position at the Myrtle Beach Police
16 Department?

17 A I'm a class 2 sworn evidence technician.

18 Q And how long have you been employed there?

19 A I'm in my 17th year.

20 Q Very good.

21 And how long have you been in your current position?

22 A 13 years in the evidence room and four years in the
23 detention center.

24 Q A lot of experience.

25 And what are some of your responsibilities in the

1 evidence room?

2 **A** In the property and evidence room, I house and secure all
3 evidence that comes in from either crime scene, street crimes
4 investigations, patrol units. I house it and make sure that
5 nothing is ever tampered with, taken out of that room. I take
6 things over to the State Law Enforcement Division, also known
7 as SLED, for analysis. I will take things for ballistics
8 testing. Anything, basically, any officer or crime scene
9 or -- investigator will ask me to do, I will do so. And in
10 times like this, I take it to court.

11 **Q** Okay. And if you would, just expound a little bit on the
12 evidence room and tell the jury a little bit, you know, about
13 what the evidence room is in case maybe they don't know what
14 means.

15 **A** So an evidence room is basically a secured location.
16 Only limited people have access to it. I am one of maybe
17 three. There's nobody else that's allowed in it. It is --
18 everything has a chain of custody to it, so from the moment it
19 comes in to the moment it goes out, it is definitely secured
20 and under watch. It is also electronically viewed by
21 anything, whether -- again, a chain of custody or with
22 cameras.

23 I make sure that every piece of evidence that comes in is
24 correct, not tampered with. Everything is sealed by the
25 officer before I even try to accept it.

1 Q So it's a very secure area?

2 A Very secure. It's the most technical in the Department.

3 Q And are you the supervisor?

4 A No. I'm more of like the senior. They do have that in
5 the budget.

6 Q Okay. And how many people have access to the evidence
7 room? I know you said maybe two or three, but, I mean, it's a
8 very secure --

9 A Yeah, it's very secure. I have -- maybe three or four.
10 The chief doesn't even have access to it.

11 Q Okay. Very well.

12 And the holding place where the evidence is secured,
13 that's also an area that's -- that can't be tampered with or
14 that can't be accessed from somebody outside of the evidence
15 room?

16 A Absolutely not. For this particular case, being a high
17 profile, it is under, like, triple lock and key.

18 Q And so I'm assuming that when an officer collects
19 evidence, they seal it up, they do everything that they need
20 to do to present it to the evidence room, they put it into a
21 location that is secure, and then somebody like you that works
22 in the property room ---

23 A Correct.

24 Q --- or evidence room ---

25 A Correct.

1 Q --- can then access that evidence without anyone else
2 being able to access it, and then it's -- then you're able to
3 take that evidence and place it into the evidence ---

4 A Correct. On nights ---

5 Q --- room or locker.

6 A --- and weekends when we don't -- we're not on duty, they
7 have it in a temporary storage location, which are lockers,
8 and it's just one point -- you put it in there, lock it;
9 nobody else has access to be able to get into it until I come
10 back in in the morning.

11 Q And then there's probably like a lock and key system ---

12 A It is.

13 Q --- take the key ---

14 A It is.

15 Q --- and place the key into a drop-off to where you're
16 able to access the key once you come into the property room?

17 A Yes, it's within my secured unit. I have access to that
18 key to then be able to get to those lockers.

19 Q So very -- again, very secure area?

20 A Very secure.

21 Q Okay. And did you have any involvement with the case
22 that we're here on today?

23 A Yes, sir.

24 Q And can you explain a little bit about what your
25 involvement was with this case?

1 **A** With this particular case, I was the one that
2 hand-delivered all the evidence that you probably see right
3 there over to the State Law Enforcement Division after I was
4 re -- I received a -- what's called an iLAB, which is like a
5 receipt -- a request to be able to take it to SLED for
6 analysis.

7 **Q** Okay. And when you received these items of evidence into
8 the evidence property room, was each piece sealed properly and
9 untampered with in your --

10 **A** Absolutely. I make sure every single piece has the
11 evidence tape on there that secures it, make sure that the
12 initials and dates of that particular officer that dropped it
13 are on there. I make sure that their wording matches
14 everything on there, from the moment that they write it to the
15 electronic voucher that will match up before I will process
16 anything into the evidence room.

17 **Q** Once you receive these items, they were then secured
18 within the property room?

19 **A** Correct.

20 **Q** So they were kept in a secure --

21 **A** Yes, they're stored safely without anybody able to have
22 access to it. After they've dropped it to me, it's
23 basically -- I'm basically the babysitter of it until then.

24 **MR. LEASURE:** And Your Honor, if it's okay, can the
25 witness step down?

1 THE COURT: As long as she's by a microphone.

2 MR. LEASURE: Absolutely, Your Honor.

3 BY MR. LEASURE:

4 Q If you could kind of step over ---

5 A Sure.

6 Q --- to this mic.

7 And so the items of evidence that you see right here, do
8 these appear to be the items of evidence that you received in
9 this case?

10 A Yes, sir.

11 Q And when you received these items, were any of the items
12 tampered with? Were all the items sealed in packages and had
13 the proper information that they were supposed to have?

14 A Correct. Everything was sealed and not tampered with.
15 Otherwise, I wouldn't have accepted it.

16 Q And just in case you receive something that was not
17 correct, what would be the procedure that you would utilize to
18 correct that?

19 A I immediately put it off to the side. I do not process
20 it into the room. And I notify the officer in an email, so
21 it's documented, that it is either unsealed, ripped,
22 whatever-have-you, and they are to come in at their next, you
23 know, time of duty to be able to rectify it. I do not accept
24 anything that is not sealed.

25 Q But it could be corrected; that deficiency could be

1 corrected --

2 A That's on the officers, yes.

3 Q Okay. And in this case, that did not happen?

4 A Not at all, no.

5 Q Everything was sealed.

6 A Correct.

7 Q And then what happened after you received it and it was
8 in the property room for a time? What happened then? Can you
9 tell the jury what --

10 A It literally stays there in the secure locations that I
11 assign it to until an officer or investigator will go ahead
12 and request it for testing. I, at that point, then will
13 collect everything on what the list tells me to collect, I
14 pull it from that location and then prep it to go to SLED.

15 Q And is that what happened in this case?

16 A It did.

17 Q And did you actually take it out of the property room and
18 take it to SLED?

19 A Yes, I physically drove it there and hand-delivered it to
20 the log-in techs.

21 Q And these were all the pieces of evidence that you took
22 to SLED?

23 A Yes, sir.

24 Q Thank you.

25 A You're welcome.

1 Q You can have a seat.

2 And just one more question, or two.

3 A Sure.

4 Q And when you took these items of evidence to SLED and
5 presented them to SLED, at that time, were any of these items
6 unsealed or tampered with in any form or fashion?

7 A Absolutely not.

8 Q And they received them in the condition that you
9 delivered them to them?

10 A Yes. And they would not accept it either if it was
11 tampered at all or unsealed by anybody else.

12 Q Okay. Thank you.

13 A You're welcome.

14 Q Oh, and these two items here also were taken by you ---

15 A Yes, sir.

16 Q --- to SLED?

17 A Yes.

18 Q And were not tampered with any form or fashion?

19 A Not at all.

20 Q Either into the property room, while in the property
21 room, or after you took them out of the property room and then
22 delivered them to SLED?

23 A Correct. It was all secured.

24 Q Sorry. We just didn't have that up there.

25 A Yes.

1 MR. LEASURE: Thank you. No further questions. Please
2 answer any questions of defense.

3 THE COURT: Mr. Rigney?

4 MR. RIGNEY: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. RIGNEY:

7 Q Now, the items that you -- by the way, good morning
8 still.

9 A Good morning.

10 Q The items that you have -- that are on display here and
11 here ---

12 A Yes, sir.

13 Q --- did you take anything to SLED other than those items?

14 A Whatever maybe you see on the table there.

15 Q But nothing that's not here today?

16 A I didn't take anything else to SLED, no, sir.

17 Q Okay. And in the course of doing this, you are not
18 involved in investigating who or what or where any of the --

19 A No, that's not part of --

20 Q -- pulled together?

21 A Yeah, that's not part of an evidence technician's
22 position.

23 Q Just making sure the evidence gets to the right place --

24 A Yes.

25 Q -- properly secured?

1 **A** Correct.

2 **Q** And in this case, you already told us that there were no
3 problems with any of that.

4 **A** Correct.

5 **Q** Thank you, ma'am.

6 **A** You're welcome.

7 MR. RIGNEY: No more questions, Your Honor.

8 THE COURT: All right. Mr. Hoffmeyer?

9 MR. HOFFMEYER: Good morning, ma'am. I don't have any
10 questions, but thank you.

11 THE WITNESS: Thank you.

12 THE COURT: All right. Redirect?

13 MR. LEASURE: Nothing further, Your Honor.

14 THE COURT: All right. You may step down.

15 THE WITNESS: Thank you.

16 THE COURT: You can call your next witness.

17 MR. LEASURE: Your Honor, the State calls Bailey Hayes to
18 the stand. Haynes, excuse me.

19 BAILEY HAYNES,

20 after having been duly sworn, was examined and testified
21 to as follows:

22 THE CLERK: Get you to state your name and then spell
23 your last name for the Court.

24 THE WITNESS: Bailey Haynes, H-a-y-n-e-s.

25 DIRECT EXAMINATION

1 BY MR. LEASURE:

2 Q Good morning, Ms. Haynes. How are you?

3 A Good. How are you?

4 Q Good. Where are you currently employed?

5 A I'm currently employed at PETSinc as a veterinarian
6 technician.

7 Q And --

8 MR. LEASURE: Excuse me. Court's indulgence.

9 THE COURT: All right.

10 (Conferring with counsel.)

11 BY MR. LEASURE:

12 Q Were you previously employed at the South Carolina Law
13 Enforcement Division?

14 A Yes, sir.

15 Q And how long were you employed at SLED?

16 A For approximately four years.

17 Q Four years.

18 And what kind of training did you undergo at SLED?

19 A Can you clarify when -- the timeline?

20 Q Well, how about -- what kind of training did you have to
21 be employed at SLED and then what type of training did you
22 have while you were at SLED?

23 A Well, I graduated from the University of South Carolina
24 with a Bachelor's of Arts in criminology and criminal justice.
25 I did a six-month internship with the U.S. Marshals Office.

1 Following that, I was hired as an evidence technician with the
2 South Carolina Law Enforcement Division where I received
3 in-house training for the job.

4 Q Okay. And in 2022 to 2023, what were your job
5 responsibilities at SLED?

6 A I was responsible for the intake of evidence from
7 agencies across the State of South Carolina and the
8 distribution of that evidence throughout our laboratory.

9 Q Okay. And --

10 MR. LEASURE: Court's indulgence.

11 THE COURT: All right.

12 (Counsel conferring.)

13 (State's Exhibit No. 155, Chain of Custody, was marked
14 for identification.)

15 BY MR. LEASURE:

16 Q And in '22 to 2023, did you receive some items from
17 Myrtle Beach Police Department, specifically L23-06353, a case
18 for Tai'Yuan Jackson and Jerelle Hickson?

19 A Yes, I did.

20 Q Okay. And when you received that, was that in sealed
21 containers or packages and untampered with?

22 A That is correct.

23 Q Okay. And when you received those items, did you create
24 a chain of custody within the South Carolina Law Enforcement
25 Division?

1 **A** A chain of custody was electronically generated, yes.

2 **Q** But you -- but you did that after you received the
3 evidence from the Myrtle Beach Police Department?

4 **A** Yes.

5 **Q** Okay. I'm going to show you what's been marked as
6 State's Exhibit 155. It contains pages 1 through 40. Can you
7 take a look at that?

8 **A** Okay.

9 **Q** Do you recognize that?

10 **A** I do.

11 **Q** Can you explain to the jury what that is?

12 **A** This is an electronically generated chain of custody that
13 was created through our LIMS, or Laboratory Information
14 Management System. It follows the evidence electronically as
15 it travels throughout the lab.

16 **Q** So this has every -- it documents every place that the
17 evidence goes within the South Carolina Law Enforcement
18 Division as it's being taken to analysis, as it's being put on
19 a shelf, as it's being even presented to you in the beginning
20 when it got to SLED, all the way through -- every piece of
21 evidence is tracked each step; correct?

22 **A** That is correct. It tracks every location transfer for
23 the evidence.

24 **Q** Thank you.

25 **MR. LEASURE:** Your Honor, at this time I'd like to have

1 State's Exhibit 155 admitted into evidence.

2 MR. HOFFMEYER: No objection.

3 THE COURT: Mr. Rigney?

4 MR. RIGNEY: No objection, Your Honor.

5 THE COURT: State's Exhibit 155 admitted into evidence
6 without objection.

7 MR. LEASURE: Thank you, Your Honor.

8 (State's Exhibit No. 155 was received into evidence.)

9 MR. LEASURE: No further questions. Please answer any
10 questions the defense may have.

11 THE COURT: Mr. Hoffmeyer?

12 MR. HOFFMEYER: Good morning, Ms. Haynes. I don't have
13 any questions for you, but thank you.

14 THE WITNESS: Thank you.

15 THE COURT: Mr. Rigney?

16 MR. RIGNEY: No questions, Your Honor. Thank you.

17 THE COURT: You may step down.

18 MS. LIVESAY: She's excused, Your Honor.

19 THE COURT: Mr. Hoffmeyer, any objection?

20 MR. HOFFMEYER: No objection.

21 THE COURT: Mr. Rigney?

22 MR. RIGNEY: No objection.

23 THE COURT: She's free to go. Thank you.

24 State can call your next witness.

25 MR. LEASURE: The State calls Madison Willis to the

1 stand.

2 MADISON WILLIS,

3 after having been duly sworn, was examined and testified
4 to as follows:

5 THE CLERK: State your name and then spell your last name
6 for the Court.

7 THE WITNESS: My name is Madison Willis. Last name is
8 W-i-l-l-i-s.

9 DIRECT EXAMINATION

10 BY MR. LEASURE:

11 Q Good morning, Ms. Willis. How are you?

12 A Good. How are you?

13 Q Not too bad. Could you tell the Court where you are
14 employed.

15 A I'm currently employed at the South Carolina Law
16 Enforcement Division, which is commonly known as SLED, and I'm
17 a forensic technician in the Evidence Control Department.

18 Q Thank you. And how long have you been employed at SLED?

19 A Approximately three years.

20 Q What kind of training did you undergo to work at SLED,
21 whether that be education or training prior to SLED, and to
22 include any kind of training that you had after you became
23 employed at SLED?

24 A Most of my training was done in-house, overseeing and
25 shadowing another senior forensic technician in the

1 department, just learning the way around the lab and
2 distribution of the lab, but just basically following around
3 another technician that had been there prior to me.

4 Q Thank you. And what were your responsibilities in 2022
5 and 2023 at SLED?

6 A I was still a forensic technician in the Evidence Control
7 Department, so my responsibilities were to assist outside
8 agencies throughout the State of South Carolina with the
9 submission of evidence to the laboratory for testing.

10 Q And did you receive, in 2022-2023 range, items from the
11 Myrtle Beach Police Department that were referred to as
12 L23-06353, which was a case involving Tai'Yuan Jackson and
13 Jerelle Hickson, and consisted of shell casings and clothes?

14 A Can I refer to my notes, please?

15 THE COURT: All right.

16 BY MR. LEASURE:

17 Q I'm sorry?

18 A I was going to refer to my notes.

19 Q Yes, you may.

20 A Yes, sir, I did.

21 Q Okay. And when you received those items, did they appear
22 to be tampered with or altered in any form or fashion?

23 A No, sir. Everything that I touched was properly sealed
24 by the agency. There was no -- appeared to be no tampering or
25 anything with it.

1 Q And did you tamper personally with any of the evidence or
2 alter the evidence while it was in your possession?

3 A No, sir.

4 Q And the involvement you had with these items was -- can
5 you tell the jury what that involvement was that you had with
6 these items?

7 A Sure. Do you have any items in particular that you're
8 wanting to refer to?

9 Q I have the casings and the clothes.

10 A Okay. For the casings, I helped with the submission of
11 the evidence from Myrtle Beach Police Department to our
12 laboratory for testing. So what that means is I just made
13 sure that everything was properly sealed, initialed and dated,
14 did not appear to be tampered with and did the intake of the
15 evidence for the laboratory for testing and placed it into a
16 secure evidence room until testing was requested.

17 Q And so you just took the -- for the casings, you took
18 them and placed them into the South Carolina Law Enforcement
19 Division property or evidence room that they have; right?

20 A Yes, that we have, yes. Our evidence control room.

21 Q And you had no other involvement with the casings?

22 A No.

23 Q And then, with the clothes, which was these items?

24 A One second.

25 Q Yes, ma'am.

1 **A** So for the clothing, I didn't really handle it a lot.
2 What I normally -- what I did for the clothing was just place
3 it into what's called EPES, which is Evidence Pending
4 Electronic Submission. This just means that I did not
5 physically see the clothing, did not look at the box or
6 anything like that. I just placed it into that pending
7 submission until we had time to sit down and log the evidence
8 in for testing, which was done the next day.

9 **Q** And is that just like a shelf? Is that the property room
10 within SLED? Or --

11 **A** Yeah, so it's just a secure location inside of our secure
12 evidence -- control evidence room.

13 **Q** And I believe you previously stated, but you also
14 received those items untampered, still sealed and properly
15 packaged?

16 **A** Yes. If anything would have been tampered with or seemed
17 to be off, we would have contacted the agency or made
18 notations about it in the case.

19 **Q** Okay. Thank you.

20 MR. LEASURE: Nothing further, Your Honor.

21 THE COURT: Mr. Rigney?

22 MR. RIGNEY: I don't have any questions of this witness,
23 Your Honor.

24 THE COURT: Mr. Hoffmeyer?

25 MR. HOFFMEYER: I don't have any questions for

1 Ms. Willis. Thank you, though.

2 THE COURT: All right. You may step down.

3 THE WITNESS: Thank you.

4 THE COURT: State can call your next witness.

5 MR. LEASURE: The State calls Susan Smith to the stand,
6 Your Honor.

7 SUSAN SMITH,
8 after having been duly sworn, was examined and testified
9 to as follows:

10 THE CLERK: Get you to state your name and then spell
11 your last name for the Court.

12 THE WITNESS: Susan Denise Smith. S-m-i-t-h.

13 DIRECT EXAMINATION

14 BY MR. LEASURE:

15 Q Good morning.

16 A Hello.

17 Q Can you tell the Court where you're currently employed?

18 A I'm employed with South Carolina Law Enforcement,
19 commonly referred to as SLED.

20 Q And how long have you been at SLED?

21 A I've been employed with SLED since 2017.

22 Q And what's your current position with SLED?

23 A I am a forensic technician in the Evidence Control
24 Department.

25 Do you need me to repeat that?

1 Q No, ma'am. Just make sure that you try to talk into the
2 microphone so the Court can hear you, and the reporter.

3 What kind of training or education did you have to
4 undergo to work at department of -- SLED?

5 A We actually receive hands-on training with an experienced
6 technician for as long as they feel that's needed to complete
7 the process and then learn the specifics of the job.

8 Q Okay. And in 2022 to 2023 what were your
9 responsibilities at SLED?

10 A Working in the Evidence Control Department, our
11 responsibilities are to take in evidence from law enforcement
12 across the state of South Carolina and distribute it
13 throughout the lab as needed to the analysis department.

14 Q Okay. Did you receive in that 2022 to 2023 time period
15 some items of evidence from the Myrtle Beach Police Department
16 that were referred to or labeled as L23-06353 as the case
17 number for Tai'Yuan Jackson and Jerelle Hickson?

18 A Yes.

19 Q And were those items clothing, specifically this clothing
20 here?

21 THE WITNESS: May I refer to my case notes?

22 THE COURT: Yes.

23 BY MR. LEASURE:

24 Q Sorry. I couldn't hear you. I'm sorry.

25 A I wanted to check because the date is actually 5/14/24.

1 Q Okay. And did you receive those items?

2 A Yes, we did.

3 Q Okay. And when you received those items, were those
4 items untampered with and packaged properly?

5 A That is correct.

6 Q And what was your involvement with these items?

7 A My involvement, according to the chain of custody, was to
8 remove it off of our evidence control shelves and hand it to
9 the forensic technician, Madelyn Baxley.

10 Q Okay. And so that's a secure area from the SLED property
11 room; correct?

12 A This is correct.

13 Q And from a specific shelf number where you removed the
14 item -- you removed it -- it was at a specific location within
15 the property room; correct?

16 A Yes. Each piece of evidence is assigned a location in
17 the evidence room, which is a secured room. And whenever it
18 is actually requested, then we use a bar code scanner to track
19 that as it moves throughout the lab. And at this point, it
20 was requested by an analyst and it was taken off the shelf and
21 transferred over to the analyst.

22 Q And if I understand you correctly, and just so the jury
23 can understand, it was your position to go retrieve that item
24 from where it was located within the evidence property room at
25 SLED and then take that to the individual that was going to

1 analyze it or whoever requested it for testing; correct?

2 A That is correct.

3 Q And was that your only involvement in this case?

4 A Yes.

5 MR. LEASURE: No further questions, Your Honor.

6 THE COURT: Mr. Hoffmeyer?

7 MR. HOFFMEYER: Thank you very much, Ms. Smith. I don't
8 have any questions for you, though.

9 THE WITNESS: Thank you.

10 THE COURT: Mr. Rigney?

11 MR. RIGNEY: No questions, Your Honor.

12 THE COURT: All right. You may step down.

13 State can call your next witness.

14 MR. LEASURE: State calls Madison -- I'm sorry, Madelyn
15 Baxley to the stand, Your Honor.

16 MADELYN BAXLEY,

17 after having been duly sworn, was examined and testified
18 to as follows:

19 THE CLERK: Get you to state your name and then spell
20 your last name for the Court.

21 THE WITNESS: Madelyn Brynn Baxley. B-a-x-l-e-y.

22 DIRECT EXAMINATION

23 BY MR. LEASURE:

24 Q Good morning.

25 A Good morning.

1 Q Can you please tell the Court where you are currently
2 employed.

3 A I'm employed at the South Carolina Law Enforcement
4 Division, commonly known as SLED.

5 Q And how long have you been at SLED?

6 A I have been there since August of 2023, so roughly a year
7 and a half.

8 Q And what kind of training did you receive to either be
9 employed at SLED or while being at SLED?

10 A So I obtained my bachelor of science in biology from
11 Francis Marion University. And, upon being hired at SLED, I
12 started out as a forensic technician in the trace evidence
13 department in August of 2023. The training for that consisted
14 of in-house training that was a series of practical, oral and
15 written examinations. During that time, I observed a
16 qualified gunshot primer residue analyst as she inventoried
17 GSR kits and processed clothing or inanimate objects for
18 primer gunshot residue.

19 During that time, I was also asked to collect GSR kits
20 from individuals who were suspected to be in the area of a
21 discharge of a firearm, as well as sample from various
22 inanimate objects.

23 After more observation, I then began casework under the
24 supervision of an analyst. And then I was able to complete a
25 competency, which was a mock case that was submitted to the

1 laboratory that I inventoried and processed myself. And then
2 I underwent a mock court situation and then was deemed
3 competent to perform casework on my own.

4 I am currently a forensic scientist as of August 2024 in
5 which I'm able to continue those duties that I completed as a
6 technician. And I'm also training in gunshot primer residue
7 analysis.

8 Q Congratulations on all your training.

9 A Thank you.

10 Q So you have experience working with gunshot residue?

11 A I have experience with inventorying GSR kits and
12 processing inanimate objects for it, yes, sir.

13 Q Thank you for clarifying.

14 A Yes, sir.

15 Q And did you receive items labeled as L23-06353, a case
16 involving Tai'Yuan Jackson and Jerelle Hickson involving this
17 case here -- that we're here with today?

18 A Yes, sir, I did.

19 Q And can you tell the Court what you did with these items
20 after you received them.

21 A Yes, sir. So I received two items in a container. The
22 container is just a larger box that is easier to transfer
23 items with, so it was easier to store these two items in one
24 container.

25 The two items -- may I refer to my notes?

1 Q You may. And while you're referring to your notes, were
2 these items, the two items that you received, the green
3 clothing?

4 A That clothing matches the photographs that I took --

5 Q Thank you.

6 A -- while I was processing. I received Items 46 and
7 Items 47 that I described as one green tank top with Friday
8 the 13th in white, black, and red on front, and an image of
9 the Jason movie character on the back. And Item 47 I
10 described as one pair of green mesh shorts with "Friday the
11 13th" in white, black, and red on front.

12 Q Okay. And when you received those items, were they
13 sealed properly, packaged properly and untampered with?

14 A Yes, sir. I documented in my worksheet that everything
15 was properly sealed.

16 Q So now that you received those items, what did you do
17 with them?

18 A So once I picked these items up from our Evidence Control
19 Department, the first thing I do is take custody of them. So
20 I will take them into my physical possession. I will then
21 take them to our Trace Evidence Department where they will
22 either be stored in a secure storage location or I will begin
23 to do the process.

24 So when I do my process, I go into a processing room
25 where I first put on a lab coat and gloves. And then I will

1 start with a clean surface, as a table, and I will lay down
2 some butcher paper in order for me to process on. I take out
3 one item at a time after documenting the condition that I
4 received it in. As I said before, this was properly sealed.
5 And I will take out Item 46 in this case.

6 And then what I do is I have these things called particle
7 lifts, and it is like a sticky stamp almost. So you have a
8 sticky adhesive mounted on an aluminum stub. And what I do is
9 I dab designated areas of clothing. Item 46 was a tank top,
10 so I collected from the right chest and left chest areas. And
11 Item 47 was the pair of shorts, so I collected from the waist
12 down to the right groin area and from the waist down to the
13 left groin area.

14 During this process, I also have out a clothing blank
15 which is the same type of particle lift that I just leave open
16 during the time of my process to show what is in the
17 environment at the time that I'm processing. It's for quality
18 assurance.

19 Once I'm finished processing those items, I will then
20 repackage them in that paper that I just processed on and put
21 them back into the container. The particle lifts that I
22 collected I will put on a carbon coater in order to add a thin
23 layer of carbon to the surface of the sample. And then I will
24 then place those samples in a heat-sealed pouch and I will
25 seal them and place them in a secure storage location until

1 the analyst gets them.

2 Q Thank you. And so the process is very -- is done very
3 carefully; correct?

4 A Yes, sir.

5 Q Okay.

6 MR. LEASURE: Court's indulgence.

7 THE COURT: All right.

8 BY MR. LEASURE:

9 Q And while you had these items in your possession, did you
10 tamper with or alter the items in any way, shape or form?

11 A No, sir, I did not.

12 Q And upon completion of your testing, what did you do with
13 the items?

14 A After I finished my processing with the particle lifts, I
15 repackaged them in the butcher paper and put them into the
16 paper bags that they came in and placed those paper bags into
17 the container and made sure that everything was sealed.

18 Q Thank you. And when you -- after you completed the
19 testing, did you do something with the lifts that you -- that
20 you acquired through the testing?

21 A After I finished processing, I placed them on a carbon
22 coater, which is just a machine that adds a thin layer of
23 carbon to the surface of that lift. It helps the analyst when
24 they look at that sample. And then I placed those particle
25 lifts into a heat-sealed pouch where I sealed them, initial,

1 dated, and then placed them in a secure storage location.

2 Q So just to be clear, just so I understand and just so the
3 jury understands, you received these two items, the tank top
4 and the shorts. You performed a test. When you completed
5 that test, you put the test into its own packaging and secured
6 that, and then you put the items themselves back into their
7 packaging and sealed them?

8 A Yes, sir.

9 Q Thank you.

10 (Counsel conferring.)

11 BY MR. LEASURE:

12 Q My apologies. The testing -- and you did a very good job
13 explaining it to the jury and the Court, but this test was
14 essentially just to test for gunshot residue on the tank top
15 and the shorts?

16 A So I am not doing any actual testing. I am just
17 collecting samples.

18 Q Correct. So you are not doing the testing for gunshot
19 residue, but you are using something that can produce a test
20 for someone else to then analyze for gunshot residue?

21 A Yes, sir. The particle lifts that I use to collect from
22 the clothing are the same particle lifts that the analyst will
23 look at on the instrument that she uses.

24 Q And just to be clear, you weren't doing any analyzation.
25 You were just doing the test to then be processed to see if it

1 had GSR on the two items?

2 **A** That is correct.

3 **Q** Thank you.

4 MR. LEASURE: Nothing further, Your Honor.

5 THE COURT: Mr. Rigney, cross-examination?

6 MR. RIGNEY: No questions, Your Honor.

7 THE COURT: Mr. Hoffmeyer?

8 MR. HOFFMEYER: No questions, Ms. Baxley. Thank you.

9 THE WITNESS: Thank you.

10 THE COURT: You may step down.

11 State can call your next witness.

12 MS. LIVESAY: Your Honor, at this time, the State calls
13 James Green to the stand.

14 JAMES GREEN,

15 after having been duly sworn, was examined and testified
16 to as follows:

17 THE CLERK: Please state your name and then spell your
18 last name for the Court.

19 THE WITNESS: James Green, g-r-e-e-n.

20 DIRECT EXAMINATION

21 BY MS. LIVESAY:

22 **Q** And, Mr. Green, if you don't mind, tell these jurors
23 where you're currently employed.

24 **A** I'm employed by the South Carolina Law Enforcement
25 Division, commonly referred to as SLED.

1 Q Okay. And if you don't mind, tell them what you do at
2 the South Carolina Law Enforcement Division.

3 A I'm a forensic firearms examiner in the Firearms
4 Department in the Forensic Services Laboratory.

5 Q Okay. And tell me first what kind of training you have
6 undergone to do this.

7 A I have a bachelor's and a master's, both from Charleston
8 Southern University. And once I was hired at SLED, I began
9 the firearm and toolmark course of instruction, or the COI as
10 we call it. It's a really intense three to
11 three-and-a-half-year course of instruction in an
12 apprentice-type fashion, learning -- in a course taught by
13 firearms examiners, learning to do what I do now.

14 Q Okay. And tell these folks what a firearms examiner does
15 at SLED.

16 A We look at fired ammunition components, fired bullets and
17 fired cartridge cases, to determine common origin: Were they
18 all fired by one firearm? If a firearm was submitted, were
19 they fired by that firearm?

20 Q And if a gun or firearm is submitted, can you sometimes
21 determine whether or not that shell casing or that bullet was
22 fired from that particular gun?

23 A Yes. That's what we do.

24 Q Okay. And if you receive, like, 20 shell casings, you
25 can tell whether or not that -- they all came from one gun,

1 two guns, three guns, etc.?

2 A Yes, ma'am.

3 Q Okay. And how many times have you been qualified as an
4 expert in firearms identification?

5 A I believe it's 127.

6 Q Okay. In what courts have you been qualified in?

7 A In both state and federal courts.

8 MS. LIVESAY: Your Honor, at this time, I ask that
9 Mr. Green be recognized as an expert in firearms
10 identification.

11 THE COURT: All right. Mr. Hoffmeyer, any challenges?

12 MR. HOFFMEYER: Your Honor, I'll leave that to the Court.

13 THE COURT: All right. Mr. Rigney, any questions or
14 challenges?

15 MR. RIGNEY: No, Your Honor.

16 THE COURT: All right. I find this witness to be an
17 expert in the field of forensic firearm examination.

18 Now, ladies and gentlemen, I'll give you some charges on
19 the law regarding expert testimony when I charge you on the
20 law to be applied in this case. All you need to know for
21 right now, however, is that typically a witness can only
22 testify as to his or her personal knowledge: What they saw,
23 what they tasted, what they smelled, what they felt, things of
24 that nature. There is an exception for witnesses who are
25 qualified as experts, which means that, in addition to his

1 personal observations, he can render an opinion in the field
2 in which he's qualified as a witness.

3 MS. LIVESAY: Thank you, Judge. And can Mr. Green step
4 down?

5 THE COURT: Yes, that will be fine.

6 MS. LIVESAY: Thank you.

7 BY MS. LIVESAY:

8 Q Mr. Green, if you can, take one second and look at each
9 of these items and tell me whether or not you examined these
10 items.

11 A Yes, ma'am.

12 Q Okay. And if you don't mind, tell them what you're
13 looking at to be able to determine whether or not you examined
14 these shell casings and fragments.

15 A On the cartridge cases, I wrote on each one in a marker
16 the item number, SLED item number on them. The inner
17 packaging is also marked as I received it with the SLED
18 laboratory number, the item number and my initials. And each
19 individual cartridge case or projectile is marked with an
20 electric pencil with the lab number, item number and my
21 initials.

22 Q Okay. And did you also examine this firearm?

23 A Yes, ma'am.

24 Q Okay. And as part of your firearms identification
25 expertise, were you able to determine which of these shell

1 casings came from this firearm?

2 A Yes, ma'am.

3 Q Okay. And if you don't mind, tell me which of these
4 shell casings came from this firearm.

5 A May I look at my notes?

6 Q You sure can. And you can bring the notes down here if
7 you want to, Mr. Green.

8 A Yes, ma'am. What I'll just do is separate them.

9 Q That sounds wonderful. Thank you. If you tell me -- we
10 can put all the ones that were fired by this gun over here.
11 If you'll hand them to me ---

12 A Yes, ma'am.

13 Q --- I'll put them over here.

14 So everything from -- I'm going to move this down just a
15 bit.

16 Everything you just handed me that I put from this
17 microphone back no doubt was fired from that firearm?

18 A Yes, ma'am.

19 Q Okay.

20 A There were 20 fired 9mm Luger caliber cartridge cases
21 that were fired by that firearm.

22 Q Okay. And you're able to distinguish that these were
23 fired by that firearm and these were not fired by that
24 firearm?

25 A Yes, ma'am.

1 Q Okay. And some of these are fired projectiles. I'm
2 showing you now State's Evidence No. 39, State's Evidence
3 No. 38. Were you have able to determine anything from these
4 items as to whether or not they were consistent with being
5 fired from that firearm?

6 A State's Exhibits 38 and 39 -- one was a fired bullet.
7 One was a fired bullet fragment. They were both -- make sure
8 I'm saying this right because there's so much -- inconclusive
9 with that pistol, meaning I couldn't tell you if they were
10 fired by that gun or not.

11 Q Okay. So we're going to put those over here. We
12 don't -- it could have been fired; it may not have been. You
13 couldn't tell either way?

14 A Correct. Due to the damage or the lack of markings -- or
15 lack of sufficient agreement. They could have been fired by
16 that pistol or they could have been fired by another firearm
17 or another firearms.

18 Q Okay. Now, State's Evidence No. 36 and 228 are also
19 fragments of a projectile. Were you able to determine
20 anything from these fragments?

21 A State's 228 was SLED Item 6. It was consistent with
22 being a bullet fragment from a bullet loaded in some nominal
23 38-caliber cartridges -- that includes 9mm -- but it was too
24 damaged to say it was 9mm. This was also inconclusive with
25 that pistol and the other two. So it could have been fired by

1 them or it could have been fired by a different gun.

2 Q Okay. You don't know either way?

3 A Correct. It was damaged.

4 Q Okay. And how about No. 36?

5 A State's 36 is SLED Item 5. Due to the damage, I couldn't
6 tell you the caliber. And it was unsuitable for
7 identification purposes. There was just no markings on there
8 to say whether it was fired by this firearm, another firearm
9 or even a different caliber.

10 Q Okay. So we don't know, from this one, any information?

11 A Correct.

12 Q Okay. And from these three, they were so damaged you
13 could not tell either way?

14 A Well -- correct. It's inconclusive, which is a fancy
15 word for "I don't know."

16 Q Okay.

17 A They could have been, but they also could not have been.

18 Q Okay. But there's no doubt that all of these shell
19 casings came from that gun?

20 A Yes, ma'am. All 20 of these cartridge cases were fired
21 by that pistol.

22 Q Okay. And let me -- give me one second, Mr. Green.

23 I'm showing now 206. And if you don't mind, I'm going to
24 show the jury 206. This is showing -- and I'm going to also
25 show 205 so we can kind of get back to where the gun came

1 from.

2 Now, these photographs show where the -- I'm sorry, 205
3 and 206 -- show where the gun came from, along with the serial
4 number. I want you to tell these folks what the serial number
5 is on this gun that you analyzed so we can make sure they're
6 the same.

7 A The serial number is AGCE 566.

8 Q Okay. And I want you to take a look at this picture and
9 tell me whether or not it's the same serial number.

10 A Yes, ma'am, it is.

11 Q So there's no doubt this is the gun that you tested up at
12 South Carolina Law Enforcement Division?

13 A Yes, ma'am.

14 Q And there's no doubt that this gun fired all those shell
15 casings?

16 A Correct.

17 Q Okay. So -- how many guns were submitted?

18 A One.

19 Q Okay. And so -- now, we have got these other casings;
20 right?

21 A Yes, ma'am.

22 Q Okay. So tell me and tell these folks about these other
23 shell casings. Could you determine if one, two, five -- how
24 many guns fired these shell casings?

25 I'll leave them like this because I know you know what

1 you're looking for.

2 A All of these cartridge cases were fired by a second
3 firearm. So these seven right here were fired by a second
4 firearm and were not fired by that pistol there.

5 Q Okay. So at least two firearms were fired?

6 A Yes, ma'am.

7 Q Okay. And there's no doubt this firearm fired all of
8 these?

9 A Correct. That firearm fired all of those. A second
10 firearm fired these.

11 Q Okay. And how about this? What are we looking at here?

12 A That's State's Exhibit 35, or SLED Item 42. And that
13 would have represented a third firearm.

14 Q Okay. But there's no doubt at least here we have got two
15 firearms?

16 A Yes, ma'am.

17 Q Okay. Two different firearms?

18 A Yes. And these were fired by that firearm. Those over
19 there were fired by the second firearm.

20 Q Okay. So no doubt two firearms went off?

21 A Correct.

22 Q Okay. Have a seat, Mr. Green.

23 Now, how many guns were submitted to you?

24 A Actual firearms? There were one.

25 Q Okay. And if there had been a second gun, would you be

1 able to determine whether or not that gun matched any of these
2 shell casings?

3 **A** Potentially, yes, but I can't say without another firearm
4 to examine.

5 **Q** Okay. So no doubt at least two guns fired?

6 **A** Yes.

7 **Q** And no doubt that the one gun fired all these casings?

8 **A** Correct.

9 MS. LIVESAY: No further questions, Your Honor.

10 THE COURT: Mr. Hoffmeyer?

11 MR. HOFFMEYER: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. HOFFMEYER:

14 **Q** Mr. Green, my name is Jim Hoffmeyer. It's nice to meet
15 you.

16 **A** Nice to meet you too, sir.

17 **Q** Thank you. I do have some questions for you. Did you
18 bring a file with you?

19 **A** Yes, sir.

20 **Q** Can I just briefly take a look at it?

21 **A** Sure.

22 **Q** Thank you.

23 **A** My report is in there too.

24 **Q** Okay. Great.

25 Thank you very much. I'm going to leave your report out,

1 if that's okay with you, so we can discuss it.

2 A Yes, sir.

3 Q Thank you very much, Mr. Green. I'll give this back to
4 you before I lose it or put it somewhere.

5 A Thank you.

6 Q Now, Mr. Green, it's my understanding, from what you have
7 shared with me and the Court, and of course these jurors here,
8 is that you were involved in the testing of the firearm and
9 these casings, and it looks like you also tested some bullet
10 fragments; is that correct?

11 A Yes, sir.

12 Q Now, Mr. Green -- and feel free to look at your report to
13 refresh your recollection. Before I get there -- and this
14 perhaps isn't your role, but in terms of a particular firearm
15 being fired whatever number of times it's fired, you aren't
16 involved in determining who actually fired the gun, are you?

17 A No, sir. I can tell you that it did fire. I cannot tell
18 you who fired it, why it was fired or when it was fired.

19 Q I see. Now, as far as what you discovered as you
20 reviewed the information and the evidence submitted by the
21 State in this particular case -- I'm going to take you to
22 page 3 of your report, Mr. Green.

23 A Yes, sir.

24 Q And you told us a little bit about this on your direct --
25 or in your direct testimony. Based upon your report, you told

1 us about the gun that the State keeps talking about, but in
2 addition to that -- you shared a little bit of this with the
3 jury -- there was a second firearm, wasn't there?

4 A Yes, sir.

5 Q And that second firearm, there were five casings that
6 matched that firearm, weren't there?

7 A Yes, sir. But may I say something for clarification?

8 Q Sure.

9 MS. LIVESAY: Your Honor, if I may, are those items in
10 evidence?

11 MR. HOFFMEYER: Your Honor, I can ask him about his
12 report.

13 THE COURT: I'll allow it. Overruled.

14 MS. LIVESAY: Your Honor, if I can, can we have something
15 taken outside of the jury's presence, a motion?

16 THE COURT: All right. Ladies and gentlemen, we need to
17 address a matter of law. I'm going to excuse you back to the
18 jury room. Leave your notepads in the jury box. Do not
19 discuss the case, and we'll bring you back in in just a
20 minute.

21 (The jury exited the courtroom at 12:26 p.m.).

22 MATTER OF LAW

23 THE COURT: All right, Ms. Livesay.

24 MS. LIVESAY: Yes, sir, Your Honor. Just very briefly.
25 Rule 6 is pretty -- I mean, pretty clear. There's got to be

1 some sort of chain of custody for these items before he can
2 testify about them. I had to put the items in evidence. I
3 had to produce the chain of custody. And I did that. And I
4 did that because the Court ruled that I had to produce the
5 chain of custody early on when Mr. Rigney made that motion. I
6 didn't mind bringing the chain of custody.

7 However, I don't see in Rule 6 where it says Rule 6 only
8 applies to the State. I think Rule 6 applies equally to the
9 State and the defense. I don't mind producing a chain. I did
10 produce a chain. I put those items in evidence. That was
11 what was required of me for him to testify about the items.
12 They have not put anything in evidence. They have not
13 produced any kind of chain of custody.

14 So nothing should be allowed that is not in evidence and
15 there's no chain of custody for it. Everything he testified
16 on direct is in evidence and there is a chain of custody. So
17 if they want to put these other items into evidence and
18 produce a chain, I'm fine with it. But I don't know that we
19 can just absolutely nullify Rule 6 because it doesn't say that
20 it only applies to the State.

21 THE COURT: Mr. Hoffmeyer?

22 MR. HOFFMEYER: Your Honor, first of all, as it applies
23 to Rule 6, we have not indicated in any form or fashion that
24 we want to introduce that evidence. I'm not seeking to
25 introduce the evidence as far as the physical evidence.

1 However, this particular evidence was sent by the State to
2 this expert that the Court has qualified as an expert, along
3 with other items. And when it comes to his opinions and his
4 decisions in terms of what he found in this case and what
5 his -- his ability to testify to in this case, those are
6 contained in this report, and I think we're entitled to ask
7 him about them.

8 These are items submitted by the State to him. It's not
9 as if, under Rule 6, we submitted items for him to review and
10 give us an opinion on. These are items submitted by the
11 State. If I had submitted them to him, then the Rule 6
12 requirement about how I have to show -- if I had them
13 independently tested or something like that, I would have to
14 show the chain of custody for my expert or this gentlemen to
15 talk about it. But these came directly from the State to this
16 expert. As far as his expertise and what he found, his report
17 should be subject to cross-examination, and that's standard,
18 at least in my experience, when it comes to expert testimony.
19 I'm allowed to go into his findings, and that is what I'm
20 asking the Court to allow me to do.

21 THE COURT: Mr. Rigney, any position?

22 MR. RIGNEY: Your Honor, I would just say the report
23 should be allowed to be gone into by either of us, and it was
24 submitted. So that's my position.

25 THE COURT: Ms. Livesay, anything in reply?

1 MS. LIVESAY: I do, Your Honor. First of all, these
2 items that they're discussing are not in evidence. The reason
3 why we have to put them into evidence is to, A, show where
4 they were collected from. This jury has no idea where these
5 other shell casings were collected from. Nobody has mentioned
6 it and nobody has put it into evidence. Nobody has created
7 any kind of chain for it. So, no, it's not because we
8 submitted items to SLED that the defense doesn't have to put
9 it into evidence or doesn't have to produce a chain. That's
10 not what the rule says.

11 THE COURT: But if they didn't send it to SLED, how can
12 they produce a chain?

13 MS. LIVESAY: The same way we do. They have subpoena
14 powers. We called Shylah Davis and Brandon George. If they
15 wanted to put those items into evidence, they could have put
16 those items into evidence. There's nothing in the rule saying
17 that they cannot put into evidence whatever they want. They
18 can put that into evidence just like I can.

19 So to say that I have to put it into evidence and produce
20 a chain in order for Mr. Green to testify but the defense does
21 not, that is not what the rule says. Rule 6 does not just
22 apply to this State. It also applies to the defense. I
23 called the witnesses that collected the shell casings. If
24 they wanted to put it into evidence, they could have. Putting
25 it into evidence allows them to show where it was collected

1 from, who collected it, how it was collected, all the
2 necessary requirements to ultimately get an expert opinion on
3 that item.

4 But nowhere -- nowhere does it say Rule 6 only applies to
5 the State. We have never been able to get Mr. Green or any
6 expert from SLED to testify without putting the item into
7 evidence and without producing a chain of custody. The rules
8 apply to everyone, not just the State.

9 THE COURT: All right. Well, the defendant is not
10 putting it into evidence. He's just cross-examining the
11 State's witness as to the State's witness's report, so I'm
12 going to allow it. Your objection is overruled.

13 All right. Let's bring the jury back in.

14 (The jury entered the courtroom at 12:33 p.m.)

15 THE COURT: All right. Ladies and gentlemen, welcome
16 back. Make sure you have your own notepads and no one else's
17 notepad.

18 Mr. Hoffmeyer, you can continue with your
19 cross-examination.

20 MR. HOFFMEYER: Thank you, Your Honor.

21 CROSS-EXAMINATION (Continuing)

22 BY MR. HOFFMEYER:

23 Q Mr. Green, I was asking you a few follow-up questions
24 related to your report. And you prepared a report in this
25 case; right?

1 A Yes, sir.

2 Q And I believe that report was sent to the solicitor's
3 office?

4 A It was sent to Christopher Whittle -- or, excuse me,
5 Christopher White of the Myrtle Beach Police Department.

6 Q That's Mr. White. Do you know Mr. White?

7 A No, sir, I do not.

8 Q Okay. That's fine. I just thought you might.

9 A The reports SLED issues go to the investigator of record
10 in our LIMS, Laboratory Information Management System, and
11 then, after that, they get out to whomever.

12 Q To the Myrtle Beach Police Department?

13 A Yes, sir.

14 Q All right. Now, we were discussing your report, and the
15 information -- the evidentiary information that you received,
16 that was received through the Myrtle Beach Police Department?

17 A Yes, sir.

18 Q All right, sir. Now, when it comes to -- on, I believe,
19 page 3 of 5 of your report -- you talked some about this
20 during your direct testimony -- there were -- there was a
21 second firearm, according to your report. And that firearm
22 fired five -- five casings, rather, matched that second
23 firearm; is that correct?

24 A Well, yes and no. I had five cartridge cases that
25 matched a second firearm, or what I called a second firearm in

1 my report. However, another firearm was not submitted to be
2 examined. So in my report, when I broke it down, I broke down
3 the cartridge cases by firearm. So it said -- may say by a
4 second firearm. The second firearm was not submitted.

5 Q I understand. Okay.

6 So that means that those five casings were not fired by
7 the firearm you had?

8 A Correct.

9 Q All right. Thank you, sir.

10 Now, there was also indication that there were four other
11 casings submitted to you that were fired by a third firearm;
12 is that right?

13 A Yes, sir.

14 Q Now -- so when you say that, you mean it wasn't fired by
15 the gun in evidence; correct?

16 A Correct.

17 Q And it wasn't fired by that second firearm you just
18 referenced, was it?

19 A Correct. It was not. So it would be a third separate
20 firearm.

21 Q So we have got -- now we've got a third separate firearm?

22 A Yes, sir.

23 Q All right. Then, in addition, we have, in your report,
24 two other casings fired by a fourth firearm; is that right?

25 A Yes, sir.

1 Q So once again, it wasn't fired by the gun in evidence, it
2 wasn't fired by firearm 2, 3, but now we have got a fourth
3 firearm; right?

4 A Correct.

5 Q Then we have got -- a fifth firearm fired seven of those
6 casings; is that right?

7 A Yes, sir.

8 Q So again, not to be redundant, but it wasn't fired by the
9 one in evidence, the second, the third, or the fourth, so now
10 we've got five?

11 A Yes, sir.

12 Q So if my math is correct, that is 18 casings that were
13 fired by -- well, they were fired by a second, third, fourth
14 and fifth together fired those 18 other casings; is that fair
15 to say?

16 A Yes, sir.

17 Q All right. Thank you, sir.

18 Now, the State also submitted to you -- and this is part
19 of your report as well -- I believe a bullet fragment from the
20 victim in this case? That would be Item 3?

21 A Yes, sir.

22 Q All right. So in addition to the casings, you looked at
23 Item 3, which was a fragment from Mr. Dickens; is that right?

24 A Item 3 in my report is listed as one fired bullet, listed
25 as recovered from deceased.

1 Q Yes, sir. Now, on page 4 of your report at the bottom --
2 do you see that?

3 A Yes, sir.

4 Q All right. Now, when you look at that item that we just
5 discussed -- Item 3 from the deceased -- then you take a look
6 at that with your expertise and take a look at that gun with
7 your expertise, and when it comes to that fragment and that
8 gun that you did have the benefit of, you were able to
9 conclude that that bullet fragment from the deceased did not
10 come from that gun; isn't that correct?

11 A Correct. It could not have been fired by that pistol.

12 Q So you're telling this jury that that gun did not fire
13 the bullet that the fragment was found from the deceased?

14 A Correct.

15 Q Now, in page 5 of your report ---

16 A Yes, sir.

17 Q --- it appears, from my review of this, Mr. Green, is
18 that y'all have the capability to maintain records of guns
19 that you have examined before; is that right?

20 A I'm not quite sure I understand what you mean by that
21 one.

22 Q I didn't ask that very well, so to speak. But I'm
23 looking at page 5.

24 A Yes, sir.

25 Q It looks like it's comparisons with another case.

1 A Correct.

2 Q Okay. So y'all are able to take a gun or information
3 from another gun from another case and compare it to maybe
4 some new evidence you've got in a new case, for lack of a
5 better way to put it?

6 A Yes, sir. But I think wires are getting crossed somehow.
7 We can't -- we don't do any research on firearms so --
8 information. So if we give a report or give testimony or do
9 an examination, it's actually of the firearm or the cartridge
10 cases or the bullets. So we're not comparing serial numbers
11 or running serial numbers, because that's not part of our job
12 description. But -- for us to do a comparison, there has to
13 be something submitted to us, if that makes any sense.

14 Q I see. Well, I'm just looking at the top of your report
15 on page 5 that indicates comparisons with another case, and it
16 has SLED lab case number L23-06354; is that right?

17 A Yes, sir.

18 Q And then it has Item 1, a GLOCK model 43X pistol, 9mm
19 Luger caliber -- and then the serial number BRST-842.

20 A Yes, sir.

21 Q Now, it appears, by what I am seeing in your report,
22 Mr. Green, that you compared information about that gun to
23 Item 3 in this case.

24 A Yes, sir.

25 Q So Item 3, again, was the bullet fragment from the

1 deceased?

2 **A** Yes, sir.

3 **Q** And so you compared that 9mm Luger BRST-842 to that
4 fragment?

5 **A** Yes, sir.

6 **Q** And that BRST-842 is not that gun?

7 **A** Correct. It is a different firearm.

8 **Q** And you found that that bullet fragment found in the
9 deceased could have been fired by that one?

10 **A** Yes, sir, it could have been, or by another firearm.
11 Item -- SLED Item 3, it was so damaged, I couldn't tell you
12 the type of rifling it had on it. It was either GMB, or GLOCK
13 Marksman Barrel, or a conventional. But it was so damaged and
14 just -- the markings were just not there, so I couldn't really
15 tell because they kind of look alike.

16 **Q** So that gun -- not this one, but that one could have done
17 it?

18 **A** Yes, it could have.

19 **Q** And it appears that gun was submitted in a 2023 case, by
20 the case number.

21 **A** Yes, sir.

22 **Q** All right. And you don't, as you sit here today -- and
23 maybe this isn't your job either; it's not noted anywhere --
24 you don't know who owned that gun?

25 **A** No, sir, I don't ever know who owns anything.

1 Q If you'll excuse me one second, Mr. Green.

2 Mr. Green, if there were even more firearms out there
3 fired that day, if you didn't receive casings that came from
4 those, you just wouldn't be able to identify them or have any
5 opinion on those?

6 A Correct. I can't examine what I don't have in my
7 custody.

8 Q Thank you very much, Mr. Green.

9 THE COURT: Mr. Rigney?

10 MR. RIGNEY: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. RIGNEY:

13 Q Good afternoon.

14 A Good afternoon.

15 Q Just very briefly. I just want to make sure that I
16 understand it right. Your position is to deal with firearms
17 analysis and items related to firearms, bullets, fragments and
18 such as that?

19 A Yes, sir.

20 Q You do not attempt to connect people with those firearms?

21 A Correct. That's not part of my job description.

22 Q So you do not do DNA testing, fingerprint testing?

23 A No, sir.

24 Q None of that. So you have no idea who was in possession
25 or was shooting any weapon involved in this particular case?

1 **A** I try not to know what happens in any case.

2 MR. RIGNEY: Thank you, Your Honor. No more questions.

3 THE COURT: Redirect?

4 MS. LIVESAY: Yes, sir.

5 REDIRECT EXAMINATION

6 BY MS. LIVESAY:

7 **Q** Mr. Green, Mr. Hoffmeyer asked you about the fact that
8 there were shell casings submitted that could have come from a
9 second, third, or fourth firearm; correct?

10 **A** Yes, ma'am.

11 **Q** Okay. Do you have any idea where those shell casings
12 were collected?

13 **A** Other than what's written on the paper, no.

14 **Q** Okay. So you didn't know that those shell casings were
15 collected several parking lots over?

16 MR. HOFFMEYER: Your Honor, I object to the leading. I
17 don't think that's been established --

18 THE COURT: Yeah, don't lead. Just ask him if he knows
19 where they were from. You cannot testify as to anything of
20 that nature.

21 MS. LIVESAY: Okay.

22 BY MS. LIVESAY:

23 **Q** Do you know that those casings were located in a
24 different area?

25 MR. HOFFMEYER: Same objection, Judge.

1 MS. LIVESAY: It's "do you," Judge. Does he know?

2 THE COURT: Does he know -- just ask him if he knows
3 where they were found. Don't you tell the jury where they
4 were found. You let the witness tell the jury, if he knows,
5 where they were found.

6 MS. LIVESAY: Okay.

7 BY MS. LIVESAY:

8 Q Do you know where those other casings were located?

9 A No, ma'am. I have no personal knowledge of where any
10 evidence is collected.

11 Q Okay. So as far as to this second, third, or fourth
12 firearm, you have no idea where those casings were collected
13 from?

14 A No, ma'am. The only time we know where something is
15 collected from is if -- like, in my report, it will say from
16 Marker A or from Marker B or whatever. I have no direct
17 knowledge of that. I didn't go to the crime scene. I'm just
18 relaying back to the investigator the location where each
19 piece of evidence was found so that, when they try to put
20 everything together at the end, they can do so based on my
21 report. I don't have any direct knowledge of where any of the
22 evidence came from, no.

23 Q Okay. And does any of the descriptions that you received
24 include a description from the GADOF?

25 A No, ma'am. It does not.

1 Q Okay. And how about in the iLAB paperwork? Would it be
2 in your iLAB paperwork?

3 A The paperwork I have literally just says nothing.
4 Listed -- when I gave the location of evidence in my report,
5 it was listed on packaging as. If there's one or two bullets
6 or cartridge cases submitted in the case, I don't really do
7 that, but when it starts getting a large amount of evidence, I
8 do, so they can reconstruct it.

9 So everything I gave in my report was what was written on
10 the packaging, not on our iLAB paperwork.

11 Q Okay. And so you don't know where any of these casings
12 were collected?

13 A Correct.

14 Q Okay. And he asked you a little bit about this other gun
15 that there was a NIBIN hit on there and whether or not that
16 fired the bullet from the autopsy; correct?

17 A Yes, ma'am, he did.

18 Q Okay. And you don't know if that gun fired it or not?

19 A Correct.

20 Q Okay. And the bullets from -- the fired bullets from --
21 the fragments and all of that that's in evidence, you don't
22 know whether this gun fired it or not; is that correct?

23 A With the exception of the bullet from the deceased,
24 everything I looked at projectile-wise, bullet, or
25 fragment-wise was inconclusive with that pistol, yes.

1 Q Okay. So this idea that this other gun fired the bullet
2 from Mr. Dickens, the autopsy, it's inconclusive; correct?

3 A It's inconclusive with the gun from the other case, yes.
4 It could have been that gun or it could have been another gun,
5 but it was not that pistol there.

6 Q Okay. So the fact that Mr. Hoffmeyer was saying it was
7 this GLOCK model from this other case, what you're saying is
8 you cannot determine that?

9 A Bullet-wise, correct.

10 Q Okay. But can you for sure determine that this gun
11 without a doubt fired all these shell casings?

12 A Yes, ma'am, that did.

13 Q Okay. And can you without a doubt determine that there
14 was a second shooter out there?

15 A Yes, ma'am.

16 Q Okay. So no doubt there was two, and no doubt that that
17 gun fired 20 times?

18 MR. HOFFMEYER: Your Honor, I object. It's leading and
19 asked and answered.

20 THE COURT: That's right. Don't lead.

21 BY MS. LIVESAY:

22 Q Okay. Were these casings from this gun?

23 A Yes, ma'am.

24 Q Okay. No doubt about that?

25 A No.

1 Q Not inconclusive?

2 A No. No inconclusive. They were fired by that pistol.

3 Q Okay. And how many times did that pistol fire?

4 A Based on the cartridge cases, 20.

5 Q 20?

6 A Yes, ma'am.

7 Q Okay. And there's no doubt that there was a second gun
8 out there; correct?

9 A Correct.

10 Q And that fired multiple casings; correct?

11 A Yes, ma'am.

12 Q Okay. And you can't determine anything from the
13 projectiles?

14 A Other than the one SLED Item 3 from the body not being
15 fired by that pistol, no, ma'am. Everything else was
16 inconclusive.

17 Q Okay. And you have no idea where any of these casings
18 were located?

19 A No, ma'am.

20 MS. LIVESAY: No further questions.

21 THE COURT: All right. You may step down.

22 All right. Ladies and gentlemen, we're going to go ahead
23 and break for lunch. Again, we have got lunch for you today.
24 Leave your notepads in the jury box. Do not discuss the case
25 even among yourselves. Don't conduct any independent

1 investigation.

2 I hope everybody has a good lunch, and we'll resume
3 promptly in about an hour, hour and 15 minutes. Thank you
4 very much.

5 (The jury exited the courtroom at 12:51 p.m.)

6 THE COURT: All right. Anything from the State before we
7 break for lunch?

8 MS. LIVESAY: Just that this problem that I ran into with
9 Jamie Green -- that's why I objected earlier. When things
10 aren't put into evidence and there's no documentation where it
11 comes from and we just let Mr. Green get up here and testify,
12 there's no way for the State to straighten that out. So I
13 just want to put it on the record, that's why I originally
14 objected, because then the defense is allowed to get up here
15 and act like five different guns were fired in the parking
16 lot. That is a fraud on this jury. That is not what
17 happened. That is not where those shell casings were
18 collected.

19 When I got up there to try to straighten it out, it puts
20 me in a position where I cannot straighten it out. We are
21 here to seek the truth. That's why I asked for the rule to be
22 followed. That's all I wanted to put on the record.

23 THE COURT: All right. Anything, Mr. Hoffmeyer?

24 MR. HOFFMEYER: Your Honor, I do take exception that
25 anybody would claim that I'm trying to commit a fraud on this

1 jury. That's all I have got to say.

2 THE COURT: All right. Mr. Rigney, anything before we
3 break for lunch?

4 MR. RIGNEY: No, Your Honor.

5 THE COURT: All right. We'll be in recess.

6 (A lunch recess was taken at 12:52 p.m.)

7 THE COURT: Anything from the State before we bring the
8 jury in?

9 MS. LIVESAY: No, sir.

10 THE COURT: Anything, Mr. Hoffmeyer?

11 MR. HOFFMEYER: No, sir. Thank you.

12 THE COURT: Mr. Rigney?

13 MR. RIGNEY: No, Your Honor.

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

15 (The jury entered the courtroom at 2:05 p.m.)

16 THE COURT: Ladies and gentlemen, welcome back. Please
17 make sure you have your own notepads and do not have anyone
18 else's notepads. Turn all cell phones and communication
19 devices off if you inadvertently brought them into the
20 courtroom.

21 We'll continue with the State's case.

22 State can call your next witness.

23 MS. LIVESAY: Thanks, Judge. At this time, the State
24 calls Mrs. Megan Fletcher.

25 MEGAN FLETCHER,

1 after having been duly sworn, was examined and testified
2 to as follows:

3 THE CLERK: Could you just state your name and spell your
4 last name for the Court.

5 THE WITNESS: It's Megan Fletcher, F-l-e-t-c-h-e-r.

6 DIRECT EXAMINATION

7 BY MS. LIVESAY:

8 Q And Ms. Fletcher, where are you currently employed?

9 A I'm employed by the South Carolina Law Enforcement
10 Division in the forensic laboratory in the Trace Evidence
11 Department.

12 Q And what does Trace Evidence do -- cover?

13 A So trace evidence is typically microscopic evidence that
14 requires sensitive instrumentation or microscopes to be able
15 to analyze it or interpret it. At SLED we analyze different
16 types of evidence, such as explosives, fire debris, fibers,
17 paint, glass, tape, and gunshot primer residue.

18 Q Okay. And gunshot primer residue is the powder; correct?

19 A Gunshot primer residue is actually the components that
20 come from the primer portion of a cartridge case. And so
21 those -- that primer is composed of lead, styphnate, barium,
22 nitrate, and antimony sulfide. And so when a cartridge is
23 fired through a weapon, those components will come together
24 and form microscopic molten particles that contain lead,
25 barium, and antimony.

1 Q Okay. And if you don't mind, tell these folks -- gunshot
2 residue. So can you test clothing? Hands? What can you test
3 for gunshot residue?

4 A We can test the hands of anybody who is suspected to be
5 in the vicinity to the discharge of a firearm. We can also
6 test inanimate objects, such as clothing or vehicles.

7 Q Okay. Now, tell us a little bit about the collection
8 from the hands. Is there a time limit on when you have to
9 collect?

10 A Yes, ma'am. So gunshot primer residue is a fragile type
11 of evidence in that it is so easily removed and transferred to
12 other objects. Essentially, I can shoot a gun, put that gun
13 down, and I immediately start to remove that evidence from my
14 hands, or those particles from my hands.

15 So for our laboratory, we have a six-hour time frame in
16 which we will analyze a GSR kit collected from a person's
17 hands. So there's a six-hour time frame from the time of a
18 shooting to the time of the collection that we will analyze a
19 GSR kit.

20 Q Okay. And what kind of training and education have you
21 undergone to test for gunshot residue?

22 A I have my bachelor's degree from Chatham College in
23 biochemistry and English. I also have my master's degree from
24 Marshall University in forensic science, emphasizing in
25 computer forensics and forensic chemistry.

1 Once I obtained my employment with SLED about 17-1/2
2 years ago, I started training for gunshot primer residue
3 analysis. It was about a year-long training program that
4 included written, practical, and oral examinations regarding
5 gunshot primer residue and the instrumentation used to analyze
6 it.

7 At the culmination or at the completion of my training, I
8 was required to successfully analyze a practical case, so a
9 mock case. And then, after that, I was required to do a mock
10 court.

11 Q And if you don't mind, how many times have you been
12 qualified as an expert?

13 A About 78.

14 Q And what were you qualified as an expert in?

15 A I've been qualified in gunshot primer residue as well as
16 trace evidence.

17 MS. LIVESAY: Your Honor, at this time, the State asks to
18 be -- or to place Ms. Fletcher as an expert in gunshot primer
19 residue.

20 THE COURT: All right. Mr. Rigney, any challenges?

21 MR. RIGNEY: No, Your Honor.

22 THE COURT: All right. Mr. Hoffmeyer, any questions or
23 challenges?

24 MR. HOFFMEYER: I'll leave that for the Court, Your
25 Honor.

1 THE COURT: All right. I find this witness to be an
2 expert in the field of -- what is it?

3 MR. LEASURE: Gunshot primer residue.

4 THE COURT: Gunshot primer residue. All right.

5 BY MS. LIVESAY:

6 Q And Ms. Fletcher, you said earlier you had been qualified
7 how many times?

8 A About 78.

9 Q And in what courts?

10 A In General Sessions within the State of South Carolina as
11 well as in Family Court within South Carolina.

12 Q Okay. And, in fact, you have been qualified in Horry
13 County before?

14 A Yes, ma'am, I have.

15 Q Okay. Now, for the case that we're here today for
16 dealing with Tai'Yuan Jackson and Jerelle Hickson, did you
17 produce a report regarding your findings for gunshot residue
18 in this case?

19 A Yes, I did.

20 Q Okay. And ultimately, you had an opinion; correct? You
21 are an expert.

22 A That's correct, yes.

23 Q Okay. And if you don't mind, does your report document
24 that expert opinion?

25 A Yes, it does.

1 (State's Exhibit No. 233, Fletcher report, was marked for
2 identification.)

3 BY MS. LIVESAY:

4 Q I'm showing you now what's been marked as State's
5 Exhibit 233. Do you recognize it?

6 A May I compare that to my report that I brought with me?

7 Q You sure can.

8 A I believe that is --

9 Q Oh, sorry.

10 A This appears to be a copy of the report that I generated
11 for the SLED laboratory L23-06353.

12 Q And does that reflect your opinion on the items in this
13 case?

14 A Yes, it does.

15 Q And was that report peer reviewed?

16 A Yes, it was.

17 MS. LIVESAY: Your Honor, at this time, the State asks to
18 put 233 into evidence.

19 THE COURT: All right. Mr. Rigney, any objection?

20 MR. RIGNEY: May I see that?

21 MS. LIVESAY: What's he asking for?

22 THE COURT: He wants to see it.

23 MS. LIVESAY: Oh, yeah, sure.

24 MR. RIGNEY: No objection, Your Honor.

25 MR. HOFFMEYER: Your Honor, given this witness is going

1 to testify about this report, I have no objection to it.

2 THE COURT: All right. State's Exhibit 233 is admitted
3 into evidence without objection.

4 (State's Exhibit No. 233 was received into evidence.)

5 MS. LIVESAY: Thank you.

6 BY MS. LIVESAY:

7 Q And does your report reflect that you tested a tank top
8 and green shorts with "Friday the 13th" for gunshot residue?

9 A I tested the samples that were collected from those two
10 items, yes, ma'am.

11 Q Okay. And if you don't mind, tell these jurors
12 ultimately what your opinion was.

13 A If I may refer to my report.

14 Q You sure can.

15 A So in the samples that were collected from the Headgear
16 Classic Nostalgia Company tank top with "Friday the 13th" on
17 the front of it, particles characteristic of gunshot primer
18 residue were found. In general, particles characteristic of
19 gunshot primer residue are microscopic molten particles that
20 contain the elements lead, barium and antimony. Gunshot
21 primer residue can come from being in the vicinity to the
22 discharge of a firearm or coming into contact with a surface
23 that has gunshot primer residue on it. However, no
24 information can be provided as to the time frame in which
25 these particles were deposited.

1 Q Okay. So ultimately you found that there was gunshot
2 residue on the tank top?

3 A Yes, ma'am.

4 Q Okay. And how about the shorts?

5 A For the samples that were collected from the green
6 Headgear Classic mesh shorts with "Friday the 13th" on it,
7 particles characteristic of gunshot primer residue were found.
8 In general, particles characteristic of gunshot primer residue
9 are microscopic molten particles that contain the elements
10 lead, barium and antimony. Gunshot primer residue can come
11 from being in the vicinity to the discharge of a firearm or
12 coming into contact with a surface that has gunshot primer
13 residue on it. However, no information can be provided as to
14 the time frame in which these particles were deposited.

15 Q Okay. So ultimately, the shorts tested positive for
16 gunshot residue?

17 A Yes, ma'am.

18 Q Okay. And as an expert, what you're basically saying is
19 you were in the vicinity of gunshots?

20 A That is one scenario. The other scenario would be that
21 those two items came into contact that -- had contact with
22 something that had gunshot primer residue on it, like a gun or
23 another example would be an individual's hands that had
24 recently discharged a firearm.

25 Q Okay. So one of the possibilities is whoever was wearing

1 this discharged a firearm.

2 A That is a possibility.

3 Q Okay. And let me ask you this: How many particles were
4 found on the tank top?

5 A If I may refer to my notes.

6 Q You can.

7 A On the samples that were collected from the right chest
8 area of the tank top, three particles of gunshot primer
9 residue were identified. And on the left chest area, three
10 particles were identified. So six total.

11 Q Okay. And how about on the shorts?

12 A On the right groin area of the shorts, one particle was
13 identified. And on the left groin area, four particles were
14 identified, for a total of five.

15 Q Okay. And what does that tell you?

16 A That tells me that particles characteristic of gunshot
17 primer residue are on those items, and so those items either
18 were in the vicinity or came into contact with something that
19 had gunshot primer residue on it.

20 Q Let me ask you something. If -- was just the front
21 tested or the front and the back?

22 A Only the front of those items were tested.

23 Q Okay. So we don't know if there was any gunshot residue
24 on the back?

25 A No, ma'am.

1 Q But we know for sure that it was found on the front of
2 both the shorts and the tank top?

3 A That's correct.

4 Q Okay. And you said earlier that these particles were
5 fragile?

6 A Yes.

7 Q Okay. And what does that mean?

8 A It means that they're very easily transferred and
9 removed. So if that shirt is folded, they can be transferred
10 to other areas of that shirt. So if they were on the bottom
11 of the shirt to begin with, they might now be on the top of
12 the shirt. Or if the shorts are folded, if they were on the
13 left side to begin with, they might be on the right side.

14 So it just -- it depends on the item that we're
15 particularly testing, but they're easily transferred and
16 removed.

17 Q Okay. So -- transferred and removed?

18 A Correct. So removing from an inanimate object from
19 clothing, it would have to be brushed off or cleaned off, but
20 they are very easily removed by the cleaning and brushing off
21 of the item.

22 Q Okay. What if you put clothes in a washing machine?
23 Would that wash it off?

24 A That should, yes.

25 Q Okay. So -- what if you just went like that

1 (indicating)? Would that brush gunshot residue off?

2 A That's a possibility, yes.

3 Q Okay. So we're talking about something that, as easily
4 as going like this (indicating), you can brush it off?

5 A That's a possibility, yes.

6 Q And if you wash the shirt, it's definitely coming off?

7 A That is most likely happening, yes. It would probably
8 depend on the fabric, but most likely happening.

9 Q Okay. And in fact, SLED won't even test gunshot residue
10 off someone's hands after six hours; correct?

11 A That is correct.

12 Q Because you don't expect it to be there.

13 MR. HOFFMEYER: Your Honor, I object to the leading.

14 THE COURT: Let's don't lead.

15 BY MS. LIVESAY:

16 Q Would you expect it to be there?

17 A External studies and in-house studies that we've done at
18 SLED, shooting a firearm, we really -- we tested samples from
19 individuals immediately after firing, one hour, two hours,
20 four hours, six hours after, and really, after four hours, we
21 don't see any particles characteristic of gunshot primer
22 residue left on an individual's hands. And those individuals
23 were instructed to only do, like, clerical work, so just
24 office work, typing, not washing their hands, not using the
25 restroom, etc.

1 So we really expect most of the particles after
2 discharging a firearm to be removed in that four- to six-hour
3 window.

4 Q Okay. So even somebody that fires a gun, if you test
5 their hands, even if it hasn't -- they haven't washed their
6 hands, you don't expect to see GSR after four to six hours?

7 MR. HOFFMEYER: Same objection, Judge.

8 THE COURT: I'll allow that, but let's don't lead. Just
9 ask her the question and let her give the answer.

10 BY MS. LIVESAY:

11 Q Do you expect, if I fire a gun -- okay?

12 A Yes, ma'am.

13 Q Do you expect -- and I just do, like you say, clerical
14 work -- I don't actually wash my hands; I'm just typing, and
15 honestly, that's about what I do, type, write -- you don't
16 expect to see GSR after four to six hours?

17 A That's correct.

18 Q And that's not even me washing my hands?

19 A Yes.

20 Q That's just from kind of everyday movement?

21 A Yes.

22 Q Okay. And -- so it's pretty fragile?

23 A Yes. It's not actually being destroyed. It's just being
24 transferred to other objects.

25 Q Okay. And it's just as fragile if it's on my clothing as

1 it is my hands; correct?

2 A Yes, except that your hands are more active, so you might
3 be doing more activity with your hands, where clothing is not
4 active itself, so somebody has to come and intervene with that
5 object. So that's why we can't timestamp that per se. We
6 can't tell you exactly when those particles were deposited on
7 the clothing, but it can be easily removed, yes.

8 Q Okay. So we do expect to see it on the clothing past
9 that four to six-hour mark?

10 A That's correct.

11 Q Okay. Which is why you don't test the clothing after
12 four to six hours?

13 A That's correct.

14 MS. LIVESAY: No further questions, Your Honor.

15 THE COURT: All right. Mr. Rigney, cross-examination?

16 MR. RIGNEY: I do not have any questions for this
17 witness, Your Honor.

18 THE COURT: Mr. Hoffmeyer?

19 MR. HOFFMEYER: Yes, sir. Just briefly, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. HOFFMEYER:

22 Q Ms. Fletcher, I'm Jim Hoffmeyer. I don't think we have
23 met, but good afternoon.

24 A Good afternoon.

25 Q Thank you. Just a few follow-up questions. As it

1 relates to this gunshot primer residue on someone's hands, do
2 any law enforcement agencies ever submit to you gunshot
3 residue from someone's hands that is after six hours?

4 A We occasionally get them submitted to us, but we don't
5 analyze them.

6 Q So if one is submitted to you, you just say, we can't do
7 it, based upon your protocol?

8 A Based upon our protocol, it would be submitted to us,
9 somebody would inventory it in our laboratory and determine
10 that it was collected beyond six hours, and then a report
11 would be issued saying that no analysis was performed based
12 upon the fact that it was collected beyond six hours.

13 Q I got you. And of course, when it comes to gunshot
14 residue on someone's hands, it would depend on what they had
15 been doing as to whether it had left, for lack of a better way
16 to put it -- left their hands or not -- you described it as
17 fragile, depending on what type of activities they were doing?

18 A To an extent, yes.

19 Q Yes, ma'am. Now, as far as this particular case, I was
20 looking at your report -- and you have it there with you, and
21 feel free to reference it. You, as you shared with the State,
22 looked at two items in this case. The first, I'll just call
23 it a tank top or a shirt; is that right?

24 A That's correct, yes.

25 Q Okay. And in looking at your report, it indicates that

1 this gunshot residue can come from being in the vicinity of a
2 firearm -- the discharge of a firearm; is that right?

3 A That's correct.

4 Q And so being in the vicinity means that person would not
5 have necessarily had to fire the weapon. Because they were in
6 the vicinity, they could get the gunshot residue on their
7 clothing; is that right?

8 A That's correct. When gunshot primer residue leaves a
9 firearm, it can go two to three feet to either side or behind
10 and as far as 60 feet in front of the firearm itself,
11 traveling along with the bullet. So there is a vicinity that
12 we are speaking of. So a -- you can get it from just being --
13 as a bystander.

14 Q All right. So you can get it from being -- what would
15 you say -- three to five feet or other -- just around or
16 behind the person?

17 A That's a possibility, yes.

18 Q And even further if you're in front?

19 A Correct.

20 Q In addition to that, it looks like you have shared with
21 us that this gunshot residue can show up on a surface, and a
22 person can come in contact with that surface and pick up the
23 gunshot residue; is that right?

24 A Correct. So common surfaces would be, obviously, a gun
25 or, if somebody shoots a gun, and then their hands would

1 become that surface, so they could then transfer it to another
2 object.

3 Q How about an object such as -- well, anything really?
4 Any type of surface?

5 A If gunshot primer residue was deposited on it. It has to
6 be deposited on it to begin with.

7 Q Sure. I understand. But once it's on that surface, it
8 can be picked up by somebody else?

9 A That's correct.

10 Q Now, in addition, you indicate that -- or you shared with
11 us on direct that, obviously, when somebody shoots a gun, they
12 can get gunshot residue on --

13 A Yes.

14 Q -- on, I guess, their hands -- and then test it -- if
15 that were the case, or on their clothing; right?

16 A That's correct.

17 Q All right. And so if I shoot a gun one time, I can have
18 gunshot residue on me?

19 A Yes, sir.

20 Q And I have been asking you questions related to this tank
21 top, Ms. Fletcher, but all the questions and your responses to
22 the tank top as far as how it can be -- how you can get
23 gunshot residue on the tank top, and things such as that,
24 would apply the same to the shorts; is that right?

25 A Yes, sir, that's correct.

1 Q If you'll excuse me one second.

2 A Yes, sir.

3 MR. HOFFMEYER: Thank you very much, Ms. Fletcher.

4 THE WITNESS: Yes, sir.

5 THE COURT: Redirect?

6 MS. LIVESAY: Just a couple of things.

7 REDIRECT EXAMINATION

8 BY MS. LIVESAY:

9 Q Mr. Hoffmeyer asked you if you can get gunshot residue on
10 you from firing one time; correct?

11 A That's correct.

12 Q Or you would get it on you if you fired 20 times;
13 correct?

14 A That's correct.

15 Q Okay. And would you expect the same amount on you if you
16 fired one time or if you fired 20 times?

17 A There are so many variables that happen between, usually,
18 collection and -- or between that incident of shooting and
19 collection that I wouldn't be really able to account for how
20 many you get on after one shot versus 20 shots. Gunshot
21 residue is not really a quantifiable science; it's a "is it
22 there it or is it not there" science.

23 Q Okay. So if you fired one time, you could have GSR on
24 you?

25 A That's correct.

1 Q And if you fired 20 times, you could have GSR on you?

2 A That's correct.

3 MS. LIVESAY: No further questions.

4 THE COURT: All right. You may step down.

5 State can call your next witness.

6 MR. LEASURE: The State calls Sandy Bucci to the stand,
7 Your Honor.

8 SANDRA BUCCI,

9 after having been duly sworn, was examined and testified
10 to as follows:

11 THE CLERK: Get you to state your first and last name and
12 then spell your last name for the Court.

13 THE WITNESS: Sandra Bucci, B, as in boy, u-c-c-i.

14 DIRECT EXAMINATION

15 BY MR. LEASURE:

16 Q Good afternoon. How are you?

17 A Fine, thank you.

18 Q I'm just going to ask that you put that microphone a
19 little bit closer to you and make sure that the jury and that
20 the judge can hear you because --

21 A Okay.

22 Q -- sometimes people speak very softly. Thank you.

23 A Okay.

24 Q Can you tell the Court where you live, Ms. Bucci.

25 A In Niles, Ohio.

1 Q Okay. And do you own property in Horry County, South
2 Carolina?

3 A Yes, I do.

4 Q Okay. And is that property located at [REDACTED] Wickham
5 Avenue?

6 A Yes, Wickham Drive.

7 Q Wickham Drive? Okay. Thank you.

8 And do you rent out [REDACTED] Wickham Drive as an Airbnb?

9 A Yes, we do.

10 Q Do you have cameras at the property?

11 A I have a Ring doorbell on the outside of the property
12 entrance.

13 Q Okay. And does that camera have audio and video?

14 A Yes, it does.

15 Q Okay. And can you tell the Court in general terms what
16 that camera basically covers, the Ring door video?

17 A It's the front door, so it covers everything that's on
18 the balcony just in the front door and a little bit beyond, on
19 the parking lot area as well.

20 Q Thank you.

21 And how many people have access to your Ring camera
22 video?

23 A I do.

24 Q Just yourself?

25 A Just myself.

1 Q Okay. Did the Ring camera record some video on the
2 morning of April 24, 2022, in the early morning hours?

3 A Yes, it did.

4 Q And can you tell the Court what that video recorded?

5 A A lot of people coming and going into our property.
6 There was a party, I believe, that was going on at that time,
7 and so you saw people coming and going and standing out on the
8 balcony of that property -- of our property.

9 Q Fair enough.

10 And did you save that video footage?

11 A Yes, I did.

12 MR. LEASURE: May I approach the witness, Your Honor?

13 THE COURT: Yes.

14 (State's Exhibit Nos. 229 through 231, Ring photos, were
15 marked for identification.)

16 BY MR. LEASURE:

17 Q I'm going to show you what's been marked as State
18 Exhibit 229, 230, and 231. Can you take a look at those?

19 A Mm-hmm.

20 Q Do you recognize those?

21 A Yes, I do.

22 Q Can you tell the jury what they are?

23 A Those are the pictures that were taken in the front of
24 our property at that balcony area.

25 Q And do you know how these pictures were taken?

1 **A** From my phone, because I get alerts on my phone. And
2 when I was reviewing this information of what was going on, I
3 took screen shots and downloaded videos of those things that
4 were going on.

5 **Q** So -- let me back up for a second just so I can
6 understand what you're saying. So you get alerted when
7 there's activity ---

8 **A** Motion detected, yes.

9 **Q** --- on your video -- Ring video camera?

10 **A** Correct.

11 **Q** And on this particular day, April 24, 2022, you got
12 notified or alerted on your phone that there was activity on
13 your Ring cam video; is that correct?

14 **A** Correct.

15 **Q** And you took these photos from your phone, which were
16 from the video that was actively recording from the Ring cam
17 video?

18 **A** Correct.

19 **Q** Thank you for clarifying that.

20 MR. LEASURE: Your Honor, at this time, I'd like to have
21 State Exhibits 229, 230, and 231 admitted to evidence.

22 THE COURT: All right. Mr. Hoffmeyer?

23 MR. HOFFMEYER: I have no objection to these.

24 THE COURT: All right. Mr. Rigney?

25 MR. RIGNEY: No objection, Your Honor.

1 THE COURT: All right. State's Exhibit 229, 230, and 231
2 are admitted into evidence without objection.

3 (State's Exhibit Nos. 229 through 231 were received into
4 evidence.)

5 MR. LEASURE: Permission to publish, Your Honor.

6 THE COURT: All right.

7 BY MR. LEASURE:

8 Q Ms. Bucci, I'm also going to approach and show you what's
9 been marked and entered as State's Exhibit No. 63. Do you
10 recognize that?

11 A Yes, those are my initials.

12 Q And have you seen this video?

13 A Yes.

14 Q And can you explain to the jury what this is?

15 A Those are videos that were captured from the Ring
16 doorbell that I had downloaded on to my phone and then
17 submitted.

18 Q Okay. And to your knowledge, that hasn't been altered in
19 any way, form, or fashion?

20 A No.

21 MR. LEASURE: Your Honor, at this time, I'd like to
22 publish this, which has already been published previously.

23 MS. LIVESAY: It's already in evidence.

24 THE COURT: It's already in evidence?

25 MR. LEASURE: Already in evidence, Your Honor.

1 THE COURT: All right. You can go ahead.

2 BY MR. LEASURE:

3 Q If you could watch on that monitor right above you.

4 (Video plays.)

5 BY MR. LEASURE:

6 Q Just pausing it for a second, Ms. Bucci, can you notice
7 what the time and date stamp is on the bottom of the video?

8 A Yeah. It's 4/24/22, and then 1:56 is the time.

9 Q Okay. And I'm going to have her pause it on each one,
10 because all the clips are on the same -- just so you can
11 verify the time and date stamp.

12 A Okay.

13 (Video continues to play.)

14 BY MR. LEASURE:

15 Q Is that time/date stamp on the bottom right of the video
16 accurate?

17 A 2:03, yes.

18 Q Thank you.

19 (Video continues to play.)

20 BY MR. LEASURE:

21 Q Again, is the time/date stamp on the bottom right
22 accurate, Ms. Bucci?

23 A Correct. It's 2:08.

24 Q Thank you.

25 (Video continues to play.)

1 BY MR. LEASURE:

2 Q Is this time/date stamp correct on the bottom right?

3 A That's correct. 2:32.

4 Q And I didn't ask you, but is this a true and accurate
5 depiction of the front of your condo ---

6 A Yes, it is.

7 Q --- at [REDACTED] Wickham Drive?

8 A Yes.

9 Q So this is what the -- this is the picture that the Ring
10 cam video outside of your condo shows?

11 A Correct.

12 (Video continues to play.)

13 BY MR. LEASURE:

14 Q Again, Ms. Bucci, is the time/date stamp correct on the
15 bottom right-hand corner?

16 A Yes, that's correct. It's 2:34.

17 Q Thank you.

18 (Video continues to play.)

19 BY MR. LEASURE:

20 Q And again, the time and date stamp, Mrs. Bucci, is
21 correct?

22 A Yes. It's 2:58.

23 Q Thank you.

24 (Video continues to play.)

25 BY MR. LEASURE:

1 Q And was this video, to the best of your knowledge,
2 tampered with or altered in any way?

3 A No.

4 Q Was this the video that you provided to the Myrtle Beach
5 Police Department?

6 A Yes, it is.

7 Q Along with the still shots?

8 A Yes, it is.

9 MR. LEASURE: No further questions, Your Honor.

10 THE COURT: All right. Mr. Hoffmeyer, cross-examination?

11 MR. HOFFMEYER: No questions for you, ma'am, but thank
12 you for coming.

13 THE COURT: All right. Mr. Rigney, any
14 cross-examination?

15 MR. RIGNEY: No questions, Your Honor.

16 THE COURT: All right. You may step down.
17 State can call your next witness.

18 MS. LIVESAY: Thank you, Your Honor. At this time, the
19 State calls Kimberly Shupp.

20 KIMBERLY SHUPP,

21 after having been duly sworn, was examined and testified
22 to as follows:

23 THE CLERK: Get you to state your name and spell your
24 last name for the Court.

25 THE WITNESS: My name is Kimberly Shupp. Last name is

1 spelled S-h-u-p-p.

2 DIRECT EXAMINATION

3 BY MS. LIVESAY:

4 Q And if you don't mind, tell these folks where you're
5 currently employed.

6 A I'm currently employed with the Federal Bureau of
7 Investigation, the FBI, in Quantico, Virginia.

8 Q And what do you do for the FBI?

9 A I'm a video communication specialist, so I process audio
10 and video that's evidentiary material.

11 Q And when you say you process audio/video, what does that
12 include?

13 A That includes -- I could do anything from enhancing a
14 video -- if it's a little bit too dark, I can make it a little
15 bit lighter; I can make it a little bit darker if it's too
16 bright. Pull in license plates from vehicles, zooming in,
17 zooming out. I also create timelines if there's several
18 videos that can -- where you can track a subject going
19 through, like, the county or whatever. So that type of stuff.

20 Q And when you process a video, does it in any way hamper
21 the integrity of the video, change the integrity of the video?

22 A So when we work on evidence -- evidentiary videos, we
23 always have -- we work off of a copy. So even the one that --
24 in my laboratory, we get them digitally, so they send them
25 electronically to us. We don't have the physical item, but

1 even if we did, we will still work off a copy, so that way it
2 maintains the integrity of the original.

3 But when we do make it lighter or darker to make the
4 integrity of it -- so you can interrupt it a little bit
5 better, we don't change the contents. So in other words, when
6 I make it either lighter or darker, when I explain that, it's
7 just like a light switch, like, you know, the old dimmer
8 switches in the dining room; you can make it a little bit
9 lighter or a little bit darker. That's what I'm talking
10 about.

11 So as I do that, you're sitting there still with your
12 white and tan sweater, you have on your blue shirt, you have
13 on your blue shirt and glasses. I'm not changing anything
14 inside the content of the video itself, just the way you see
15 the video itself as a whole.

16 Q Okay. And are you able at times to zoom in on videos?

17 A Yes.

18 Q And does that in any way change the content of the video?

19 A No. The people and the locations, whatever the items are
20 in the video, are still there. I'm just zooming in so you can
21 see it a little bit closer up.

22 Q Okay. And did you receive video from the office of --
23 the Horry County Solicitor's Office?

24 A Yes, I did.

25 Q Okay. And did you process this video?

1 **A** Yes, I did.

2 **Q** Okay. And tell these folks what you did to process that
3 video.

4 **A** So the video that I received was from, like, the back
5 side of the parking lot. I'm not sure what the source was. I
6 did make it a little bit lighter because it was really late at
7 night and it was really dark. I made it a little bit lighter,
8 and then I created three separate versions of the video. So
9 the first version I actually zoomed in -- if you don't mind me
10 taking a look at my notes.

11 **Q** Sure.

12 **A** The first version I zoomed in -- I believe it was -- my
13 apologies -- 300 percent. So typically, the video, when
14 you're watching it whole, is like 100 percent. So I zoomed in
15 300 percent so you can see the whole row of that parking lot.
16 And that actual clip was only about two minutes long. So it
17 was pretty much right before the shooting -- when the shooting
18 started to when they left.

19 **Q** And -- I'm sorry. Go ahead. I was going to ask you,
20 when you zoomed in 300 percent, did it in any way change the
21 content?

22 **A** No.

23 **Q** Okay. And were you able to zoom in more than 300
24 percent?

25 **A** Yes.

1 Q Tell me about that.

2 A So the second video I processed is the same exact video,
3 the same, still, terms apply. On the second one I zoomed in
4 to -- I believe it was 475 percent. So the first one showed
5 the whole -- the whole line of the parking lot. This one I
6 went and zoomed in where there was two SUVs, with a car in the
7 middle right in front of the camera view where everything
8 was -- the exchange happened. So I zoomed in 475 percent
9 which was just outside that last SUV.

10 Q Okay. And when you zoomed in, did it in any way, again,
11 at 400 [sic] percent, change the content of the vehicle?

12 A No.

13 Q Okay. And were you able to zoom in more than 400?

14 A Yes. So then I did a third video that was zoomed in, I
15 believe, 700 percent. So it was pretty much right where the
16 two suspects that were in the video were.

17 Q And again, did that change the content in any form or
18 fashion?

19 A No, ma'am.

20 Q Okay. Now, tell this Court, have you ever been qualified
21 as an expert?

22 A Yes, I have.

23 Q And what were you qualified as an expert in?

24 A The -- video processing.

25 Q And what courts were you qualified in?

1 **A** The courts were Eatonton, Georgia; Florence, South
2 Carolina; and Annapolis, Maryland.

3 **Q** Okay. And were those in General Sessions courts, like
4 this type of courtroom?

5 **A** Yes. One was a federal court, and the other two were
6 state.

7 **Q** Okay. And that was in video processing?

8 **A** Correct.

9 MS. LIVESAY: Your Honor, at this time, the State asks
10 that Ms. Shupp be recognized as an expert in video processing.

11 THE COURT: All right. Mr. Rigney, any questions or
12 challenges?

13 MR. RIGNEY: No, Your Honor.

14 THE COURT: All right. Mr. Hoffmeyer?

15 MR. HOFFMEYER: I'll leave that for the Court, Your
16 Honor.

17 THE COURT: All right. I find this witness to be an
18 expert in the field of video processing.

19 (State's Exhibit No. 234, Zoomed-in parking lot videos,
20 were marked for identification.)

21 BY MS. LIVESAY:

22 **Q** And I'm going to show you what's been marked as State's
23 Exhibit 234. And if you don't mind, tell me if you recognize
24 what I'm showing you.

25 MR. HOFFMEYER: Your Honor, I do have an objection to

1 this evidence based on the altered state of it. I think the
2 best evidence rule provides that we need the original.

3 THE COURT: All right. Let me see the attorneys.

4 BENCH CONFERENCE

5 (The following bench conference was held outside the
6 hearing of the jury and others.)

7 THE COURT: Do I need to take this up outside the
8 presence of the jury?

9 MR. HOFFMEYER: I think that would be better.

10 THE COURT: Okay.

11 (Open court resumes as follows:)

12 THE COURT: Ladies and gentlemen, we have a matter of law
13 I need to address outside your presence. Please leave your
14 notepads in the jury box and we'll bring you back in just a
15 minute.

16 (The jury exited the courtroom at 2:50 p.m.)

17 THE COURT: Mr. Rigney?

18 MATTER OF LAW

19 MR. RIGNEY: Thank you, Your Honor. The problem that we
20 have with this is that we need to see the original and let the
21 jury see the original to understand what is happening here.
22 And when it gets changed, they're no longer seeing the
23 original, and we don't know what the changed effect is. And I
24 know we've had testimony it doesn't change anything, but I
25 find that very difficult to believe because we just don't --

1 we're hearing that it's been altered; therefore, it's not the
2 original, and therefore, it can't be something that is
3 unaltered when it's already been admitted to be a changed
4 version. Just because we make it better doesn't make it
5 admissible under any other opinion or any other way that I can
6 think of. Because -- we need to see the original and let the
7 jury view what was available without alteration.

8 THE COURT: All right. Mr. Hoffmeyer, any opinion?

9 MR. HOFFMEYER: Your Honor, we'll join in that objection.
10 You know, in looking at the Rules of Evidence, it seems like
11 the original is preferred for the jury to make a determination
12 on the weight and credibility of what that shows. So we will
13 join in that objection.

14 THE COURT: All right. State's position?

15 MS. LIVESAY: Certainly, Your Honor. This lady has
16 already testified that this doesn't in any way compromise the
17 integrity or content of the video. All she's doing is zooming
18 in. In fact, when you see the video, you can tell you are
19 looking at the original, and all she does is zoom in on a
20 portion of the parking lot and it plays from there. She's
21 already testified it in no way compromises the integrity or
22 the content of the video.

23 This is no more than me putting on my readers -- and I
24 think this lady will tell you this. You know, obviously, I
25 can't read as good without them. Once I put it on, then I can

1 read what's on my phone. It doesn't change what's on my
2 phone. It's only allowing me to see better what's on my
3 phone. It's not changing the content. It's not changing the
4 integrity. It's just allowing me to read these words on my
5 phone.

6 And she's going to show you, when you see the video,
7 you're looking at the original. And all she does is
8 basically -- you look at the original and she zooms in. So
9 it's the same as if I was looking at my phone and I put my
10 readers on and now I can see the phone. No difference.

11 THE COURT: Anything in reply?

12 MR. RIGNEY: It's simply not the original, Your Honor,
13 when it's been altered in any way. I cannot imagine how we
14 can look at this and say, when you make it larger, it is the
15 original. It simply is not the original. And it is not a
16 copy either. You know, in certain circumstances I understand
17 that copies can be brought into evidence instead of originals.
18 This is in no way a copy either. It is an enhanced, altered
19 video. Therefore, I don't think it's admissible.

20 THE COURT: All right. I'm going to overrule the
21 objection. I'll allow it.

22 MS. LIVESAY: Thank you, Judge.

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

24 (The jury entered the courtroom at 2:55 p.m.)

25 THE COURT: Ladies and gentlemen of the jury, welcome

1 back. Make sure you have your own notepads and no one else's.

2 MS. LIVESAY: Thank you, Your Honor.

3 THE COURT: All right. You can continue with your direct
4 examination.

5 DIRECT EXAMINATION (Continuing)

6 BY MS. LIVESAY:

7 Q I think where we left off, you were qualified as an
8 expert, Ms. Shupp, in processing videos?

9 A Yes, ma'am.

10 Q Okay. And I want to -- now that you're an expert, I want
11 to reiterate this to make sure we're all on the same page.
12 When we look at this video, in the beginning, is it going to
13 show an unzoomed-in vision [sic] of the video?

14 A Correct. So I have for several seconds the full-screen
15 video at 100 percent before I zoom in.

16 Q Okay. And then it actually shows you just zooming in;
17 correct?

18 A Correct, ma'am.

19 Q Okay. And in any way does that change the content or
20 integrity of the video?

21 A It does not change the content whatsoever.

22 Q Okay. And so all we're doing is just a getting a
23 magnified version of it?

24 A Exactly.

25 MS. LIVESAY: Your Honor --

1 BY MS. LIVESAY:

2 Q I'm showing you now -- if you don't mind, tell this
3 Court -- I think that's where we left off, 234.

4 A So Item No. 234 is one USB thumb drive that's labeled,
5 "Evidence enhanced videos." I did review this this morning
6 and verified it, that it was the exact videos that I sent to
7 them, because I sent mine electronically, and I have my
8 initials and today's date on it.

9 The way that I can tell that this was exactly the same
10 exact videos that I sent them is I compared what we call a
11 hash value. So every single digital file has a unique hash
12 value, just like the other two people -- every person has
13 their own unique fingerprint. So your fingerprints don't
14 match yours and they don't match yours. The same thing with
15 digital files. So I did come in early this morning and
16 verified the three videos that you're going to be watching are
17 exactly what I produced, and then I initialed the thumb drive.

18 Q Okay. And all three videos were produced from the video
19 we sent?

20 A Correct.

21 Q Okay.

22 MS. LIVESAY: Your Honor, at this time, the State wishes
23 to place 234 into evidence and publish it to the jury.

24 THE COURT: All right. State's Exhibit 234 admitted into
25 evidence over defendant's objection.

1 (State's Exhibit No. 234 was received into evidence.)

2 BY MS. LIVESAY:

3 Q And tell us what we're going to look at in the first
4 video.

5 A So the first video was the video that was zoomed in that
6 I had mentioned. It was zoomed in at 300 percent. But this
7 is a shorter clip. It's the most zoomed-out, so this shows
8 kind of, like, the whole parking lane, and it's only two
9 minutes long. So...

10 Q And we'll see, when the video first comes up, just so
11 these folks know, nothing will be zoomed in?

12 A Correct. We'll see the full screen when it starts.

13 Q Okay. So we'll actually see the zooming process on the
14 video.

15 A Correct.

16 Q Okay.

17 A And at the end, you'll see it zoomed back out as well.

18 Q Okay.

19 (Video plays.)

20 BY MS. LIVESAY:

21 Q So there's no doubt this video shows the original?

22 A The original, yes.

23 Q You're zooming in?

24 A Correct.

25 Q And then you're zooming back out?

1 **A** Correct.

2 **Q** And that in no way changes the content of the video?

3 **A** Correct.

4 **Q** Okay. And then you zoomed in more than 300; correct?

5 **A** Yes. The next one is at 475 percent.

6 MS. LIVESAY: And where are those pictures from
7 Ms. Sandy? Did you put them up here?

8 BY MS. LIVESAY:

9 **Q** I'm going to show you now what's been put into evidence
10 as 230 and 231 before we watch this next video. And the next
11 video is going to be at what magnification?

12 **A** This one is at 475 percent.

13 **Q** I'm sorry. One more time.

14 **A** 475 percent.

15 **Q** Okay. 475.

16 MS. LIVESAY: Hold on, Lacey.

17 MR. HOFFMEYER: Thank you, I'm good.

18 (Video plays.)

19 BY MS. LIVESAY:

20 **Q** Where did the last video that we just watched, where did
21 that video start?

22 **A** That one, the whole video was, I think, just under two or
23 three minutes. So it would have been at the back end of this
24 one.

25 **Q** So maybe at 1:27? Somewhere around there?

1 A Yeah, possibly.

2 Q And this shows -- again, you have already magnified it;
3 correct?

4 A Correct.

5 MS. LIVESAY: Lacey, if we can, let's go ahead and go at
6 1:27.

7 (Video plays.)

8 BY MS. LIVESAY:

9 Q So again, we see the zoom-in and we see the zoom-out?

10 A Correct.

11 Q And is the content changed in any form or fashion?

12 A No, ma'am.

13 Q And did you zoom in even more than 475 percent?

14 A Yes. The third video was zoomed in at 700 percent.

15 Q Okay. And again, does it show you zoom in and zoom back
16 out?

17 A Correct.

18 Q Okay. And again, was the content changed in any form or
19 fashion?

20 A No, ma'am.

21 Q Okay.

22 (Video plays.)

23 BY MS. LIVESAY:

24 Q And again, about 1:27 was the first video?

25 A It's actually about 1:28 and 33 seconds.

1 MS. LIVESAY: Lacey, if you could, just take us to 1:27.
2 It takes me a minute to get acclimated.

3 (Video plays.)

4 BY MS. LIVESAY:

5 Q And again, this is you zooming back out?

6 A Correct.

7 Q Okay. Just to show that this process is just zooming in
8 and zooming out?

9 A Correct.

10 Q And in no way has the content been changed?

11 A Correct.

12 Q Okay. And this is something that the FBI does for
13 federal agents or local, state law enforcement?

14 A Federal, state, local, international. All of it.

15 Q Okay. And this is what you do full-time, your job at the
16 FBI?

17 A Correct. Yes, ma'am.

18 Q Okay. And in fact, on these videos, it is possible even
19 for me or Ms. Miller to go frame by frame on this video;
20 correct?

21 A Correct.

22 Q Okay. And that in no way changes the content; correct?

23 A Correct.

24 MS. LIVESAY: If you don't mind, Ms. Miller, pick one and
25 let's just show how we go frame by frame so they'll know.

1 THE WITNESS: Do I mind if I elaborate a little bit?

2 BY MS. LIVESAY:

3 Q Hold on. Before you do anything, let her --

4 A Yeah.

5 Q How do you go frame by frame?

6 A So typically, when you have video, to make a fluid
7 motion, you typically have 30 frames per second. So a single
8 frame is just a still image. So you'll have 30 frames per
9 second, 60 seconds per minute, 60 minutes per hour. So you
10 typically have hundreds of videos per just one minute. So
11 that's what you're seeing. So if you pause at a specific
12 time, you can pause on that single still image.

13 Q Okay. So you basically hit pause, and then you hit the
14 letter "E" for --

15 A In your software, yes.

16 Q And every time you hit "E" it goes frame by frame?

17 A Correct.

18 Q Okay. And what you're telling these people is you hit
19 "E" several times because there's several frames within that
20 one second?

21 A There's hundreds, yeah.

22 Q Is that correct?

23 A Yes.

24 MS. LIVESAY: And if you don't mind, show them how it
25 goes. Hold on, hold on, hold on. Yeah, that's fine. That's

1 fine. They have already seen it. Go ahead.

2 If you can, get up around 1:29 for me. Stop it for me,
3 Lacey. Well -- I'm sorry. Go ahead. Now stop it for me.

4 Now, if you don't mind, show them frame by frame.

5 (Video plays.)

6 MS. LIVESAY: Stop.

7 BY MS. LIVESAY:

8 Q Do you see that, Ms. Shupp --

9 A Yes.

10 Q -- on the video?

11 A Mm-hmm.

12 Q Do you see that flare light on the video?

13 MR. RIGNEY: Your Honor, I object to that. The video
14 speaks for itself.

15 THE COURT: The jury can determine what they see from the
16 video.

17 BY MS. LIVESAY:

18 Q Does the -- my question to you is, does the magnification
19 assist with seeing everything on the video?

20 A It could, yes.

21 Q Okay. But in no way does this change the content?

22 A Correct.

23 Q Okay. So we're just making it bigger so we can see maybe
24 what we couldn't see from far off?

25 A Correct.

1 Q Okay.

2 (Video plays.)

3 MS. LIVESAY: Thank you, Lacey. You can go ahead and let
4 it play through.

5 BY MS. LIVESAY:

6 Q Now, we went frame by frame on this video, but you can go
7 frame by frame on all three; correct?

8 A Correct.

9 Q Okay. And the process is the same for all three?

10 A Correct.

11 Q Okay. And each video is the original, just one is
12 magnified to 300 percent?

13 A Correct.

14 Q And then one is magnified to 475 and then one at 700?

15 A Correct.

16 Q Okay. And all three of them show the original, you
17 zooming in; correct?

18 A Correct.

19 Q And then zooming out?

20 A Correct.

21 Q And in no way does that change the content of the video?

22 A That's correct.

23 MS. LIVESAY: Nothing further for this young lady, Your
24 Honor.

25 THE COURT: All right. Mr. Rigney, cross-examination?

1 MR. RIGNEY: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. RIGNEY:

4 Q Good afternoon.

5 A Hello, sir.

6 Q I just want to speak to you about a few things regarding,
7 I guess, methodology or the way that you managed this. So
8 first of all, when you zoom in, one thing is very obvious; it
9 doesn't show the entire scene anymore. It can't do that; is
10 that correct?

11 A Correct. Almost like a magnifying glass zooming into
12 that one area.

13 Q So we can clearly see that this is not the same video
14 that we would see without zooming in?

15 A It's the same content.

16 Q Not exactly, because it's not all there. The original
17 video occupies the whole screen and, when we zoom in, we
18 narrow down what we're showing, but that becomes the entire
19 screen. Is that an accurate way to describe it?

20 A Correct.

21 Q Okay. Now, what kind of zooming did you use on this,
22 optical or digital?

23 A It was all digitally.

24 Q All digital?

25 A Yeah.

1 Q Was there any -- how did you handle the pixels? By
2 expanding it like that -- are there the same number of pixels
3 in there?

4 A Yeah, so what I ended up doing was, when I first put the
5 video on my timeline -- so the original video, the aspect
6 ratio was -- it was 2560 pixels across by 1440 pixels down.
7 So a typical TV would be, like, a 1920 by 1080. So this is
8 a -- 2660 [sic] by 1440, so it's even more -- so it had a lot
9 of pixels to begin with. So zooming in just -- it still
10 maintains the number of pixels. It kind of just zooms in.

11 Q Okay. So no pixels were added, no pixels deleted?

12 A Correct.

13 Q The same number of pixels?

14 A Correct.

15 Q And is that true also with the freeze frame, there's no
16 change in pixels?

17 A Correct. I didn't freeze frame at all.

18 Q Okay. Nothing changed on that. But when we were
19 watching the freeze frame --

20 A Oh, the frame by frame? Got it.

21 Q Right. You didn't do anything different. It's just an
22 operation of the --

23 A No, sir, it's just an operation.

24 Q -- equipment operation. Okay.

25 You mentioned the hash. Could you explain that to us?

1 **A** So the hash is like a digital fingerprint. Like I said,
2 no two people have the same fingerprints. It's the same thing
3 with a digital file. So when I got here this morning, I
4 compared the hash values on the three videos you saw that were
5 on the thumb drive that she had to my copy that I -- that --
6 before I sent it to her. I hash it as well. So -- and the
7 hash values matched.

8 **Q** And that's how you verified that --

9 **A** That this is exactly --

10 **Q** -- this was the same video?

11 **A** -- what I produced.

12 **Q** I don't have any more questions. Thank you?

13 THE COURT: Mr. Hoffmeyer?

14 MR. HOFFMEYER: Yes, sir. Just briefly.

15 I'm going to need y'all's help a little bit. Could y'all
16 put that up again?

17 MS. LIVESAY: Sure. It's right there on the table.

18 MR. HOFFMEYER: I just want the original right now.

19 CROSS-EXAMINATION

20 BY MR. HOFFMEYER:

21 **Q** And Ms. Shupp, I'm Jim Hoffmeyer. I didn't introduce
22 myself. Sorry about that.

23 It's my understanding, from what you told us, is that you
24 get the original and then you zoomed it in, I think, 300, then
25 475, then 700 --

1 **A** Correct.

2 **Q** -- is that right?

3 **A** Correct.

4 **Q** Now, I'm trying to make sure I understand. It's a little
5 dark right there. But is this the -- thank you. Is this the
6 original video, for lack of a better way to put it, or a
7 stoppage of the original video?

8 **A** So this is -- it has the same exact content. The only
9 other difference is I lightened it up a little bit because the
10 original video was really dark, so I made it a little bit more
11 intelligible, but did not change the content whatsoever.

12 **Q** I see. So as we look at this, we see -- would you agree
13 with me, because the zoom is not on, we see a broader area?

14 **A** Correct. That's a full camera view.

15 **Q** Yes, ma'am. I understand. So we look at that video and,
16 before you zoom in, you can see cars down the street on the
17 right across from the parking lot?

18 **A** Correct.

19 **Q** Okay. And also, in addition to that, as we cross over
20 that street, we see the parking lot and we see some other cars
21 kind of in the distance off to the right and on the other
22 side. Do you see that?

23 **A** Correct.

24 **Q** Yes, ma'am.

25 The only area that you were tasked to zoom in on was the

1 area that you have shown us these three different videos of,
2 the 300, the 475, the 700?

3 A Correct.

4 Q So all these other areas that I have kind of generally
5 described for you, you weren't tasked to zoom in on anything
6 that went on over there?

7 A Correct.

8 Q If you'll excuse me one moment, Ms. Shupp.

9 A Absolutely.

10 Q Thank you very much, Ms. Shupp.

11 THE COURT: Redirect?

12 REDIRECT EXAMINATION

13 BY MS. LIVESAY:

14 Q One thing, Ms. Shupp. So this is the --

15 MS. LIVESAY: Put it back up. Thank you. First one.
16 Just right up there.

17 BY MS. LIVESAY:

18 Q So this is the video Mr. Hoffmeyer asked you about;
19 correct?

20 A Correct.

21 Q Okay. And he was asking you about was excluded or, when
22 you zoomed in, what was included; correct?

23 A Correct.

24 MS. LIVESAY: Let it play on through for a minute, Lacey.
25 (Video plays.)

1 BY MS. LIVESAY:

2 Q Now, Ms. Shupp, can you still see the majority of the
3 parking lot?

4 A Yes. Yes, ma'am.

5 Q Okay. And can you still see the full line of vehicles
6 along the back?

7 A I believe so, yes. That was an open road right there.

8 Q Yes.

9 A Yes.

10 Q And can you still see -- in fact, you see a white car
11 there, coming. Do you see it?

12 A Correct.

13 Q So you can still see what's going on in the parking lot;
14 correct?

15 A Yes, ma'am.

16 MS. LIVESAY: If you don't mind, let it play on through,
17 Lacey.

18 (Video plays.)

19 MS. LIVESAY: Stop.

20 BY MS. LIVESAY:

21 Q So when you zoomed in, it still showed the parking lot;
22 correct?

23 A Correct.

24 Q Okay. And so it didn't just show two vehicles, did it?

25 MR. HOFFMEYER: Your Honor, it's leading, and the

1 photos -- or, rather, the video speaks for itself.

2 THE COURT: Well, I'm going to allow it, but don't lead.

3 MS. LIVESAY: I understand.

4 THE COURT: You're still leading. It's up to the witness
5 to tell the jury the answers, not you.

6 MS. LIVESAY: I understand.

7 Can you go back to the beginning, Lacey. All the way.
8 I'm sorry. Okay.

9 BY MS. LIVESAY:

10 Q Do you see how many vehicles are parked -- like, backed
11 in on the line here on the parking lot?

12 A On the right-hand side?

13 Q Yes.

14 A I believe so, yes.

15 MS. LIVESAY: Hold on one second -- Lacey, hold on.

16 BY MS. LIVESAY:

17 Q I'm going to show you what's already in evidence. This
18 is 41. Can you look at this sketch and tell what you're
19 looking at from that video?

20 A The perspective, yes. I believe so. So is this the
21 street right in front?

22 Q Yes.

23 A Okay. So yes.

24 Q So this is showing right here; correct?

25 A Correct.

1 Q That's what the video is showing?

2 A Correct.

3 Q Okay. And how many vehicles do you see along that line?

4 A Along that line? It appears, at that moment in time,
5 there's one, two, three -- four at that moment.

6 Q Okay.

7 A I'm not sure about behind the tree ---

8 Q Okay.

9 A --- but several vehicles come and go.

10 Q Okay. But it looks like four?

11 A Correct.

12 Q Okay. One here, backed in; correct?

13 A Correct.

14 Q A car?

15 A I believe so.

16 Q A Tahoe?

17 A Correct.

18 Q And another Tahoe?

19 A Correct.

20 Q That's what you see?

21 A Correct.

22 MS. LIVESAY: Okay. Let it play.

23 BY MS. LIVESAY:

24 Q And this is the original; nothing has been zoomed in?

25 A Correct.

1 (Video plays.)

2 BY MS. LIVESAY:

3 Q Okay. Now that it's zoomed in, how many cars do you see?

4 A Still four.

5 Q Same number?

6 A Correct.

7 Q Okay. So we're not cutting off any vehicles in that
8 line; correct?

9 A On that line, correct.

10 Q Okay. And we're not cutting off what's in front of these
11 vehicles; correct?

12 A Correct.

13 Q Okay. So you can still see the parking --

14 MR. HOFFMEYER: Your Honor, she's still leading.

15 THE COURT: Yes. Don't lead.

16 MS. LIVESAY: I understand.

17 BY MS. LIVESAY:

18 Q So can you still see the parking lot?

19 A Yes.

20 Q Okay. So did this zooming in at all change the content
21 of the video?

22 A No, ma'am.

23 Q Did it cut off any vehicles in that line?

24 A No, ma'am.

25 (Video plays.)

1 MS. LIVESAY: No further questions for Ms. Shupp.

2 THE COURT: All right. You may step down.

3 THE WITNESS: Thank you, sir.

4 THE COURT: All right. Ladies and gentlemen, we're going
5 to take an afternoon break, about a 10-minute break. Leave
6 your notepads in the jury box. Do not discuss the case, even
7 among yourselves.

8 (The jury exited the courtroom at 3:34 p.m.)

9 THE COURT: All right. Anything from the State before we
10 take a break?

11 MR. LEASURE: Nothing, Your Honor.

12 MS. LIVESAY: We don't have anything, no, sir.

13 THE COURT: All right. Mr. Hoffmeyer?

14 MR. HOFFMEYER: No, Your Honor. Thank you, Judge.

15 THE COURT: All right. Mr. Rigney?

16 MR. RIGNEY: No, Your Honor.

17 THE COURT: All right. Let's take about a 10- or
18 15-minute break and then we'll come back.

19 (A brief recess was taken at 3:35 p.m.)

20 THE COURT: Anything from the State before we bring the
21 jury in?

22 MS. LIVESAY: No, sir.

23 THE COURT: Mr. Hoffmeyer?

24 MR. HOFFMEYER: No, Your Honor.

25 THE COURT: Mr. Rigney?

1 MR. RIGNEY: No, Your Honor.

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

3 (State's Exhibit No. 235, Body cam from Spaziani, were
4 marked for identification.)

5 (The jury entered the courtroom at 3:54 p.m.)

6 THE COURT: Ladies and gentlemen, welcome back. Make
7 sure you have your own notepads.

8 The State can call your next witness.

9 MR. LEASURE: The State calls Officer Kelsey Spaziani to
10 the stand, Your Honor.

11 KELSEY SPAZIANI,
12 after having been duly sworn, was examined and testified
13 to as follows:

14 THE CLERK: Get you to state your name and spell your
15 last name for the Court.

16 THE WITNESS: Officer Kelsey Spaziani. Last name is
17 S-p-a-z-i-a-n-i.

18 DIRECT EXAMINATION

19 BY MR. LEASURE:

20 Q Good afternoon. I see your badge. Can you tell the
21 Court where you're currently employed?

22 A Myrtle Beach Police Department.

23 Q And how long have you been employed at Myrtle Beach
24 Police Department?

25 A Just over five years.

1 Q What kind of training have you undergone to become a
2 police officer at Myrtle Beach?

3 A I attended the South Carolina Criminal Justice Academy,
4 as well as annual training every year.

5 Q And what are your responsibilities right now at Myrtle
6 Beach Police Department?

7 A I currently work as a patrol officer.

8 Q And in 2022, what were your responsibilities?

9 A I was also working as a patrol officer.

10 Q Were you working on the night on April 23rd, 2022, to the
11 early morning hours of April 24th, 2022?

12 A Yes, I was.

13 Q Did you have an occasion to respond to Sugar Alley in
14 Myrtle Beach in the early morning hours of April 24th, 2022?

15 A Yes.

16 Q And do you know -- do you know when you actually
17 responded to that area? What time?

18 A Approximately 1:30 a.m.

19 Q Okay. And do you know why you responded to that area?

20 A For reports of gunshots.

21 Q And were you wearing a body-worn camera that evening?

22 A Yes, I was.

23 Q And when you arrived, what did you see?

24 A While I was still on route to the original location, I
25 was flagged down by a bystander on Ocean Boulevard that there

1 was a victim in Sugar Alley which is just south of Mr. Joe
2 White Ave. When I got on the scene -- on scene there, I
3 observed the victim laying in the alley beside a sedan. He
4 was sweating profusely. He was incoherent, in and out of
5 consciousness and groaning.

6 Q And did you see where the victim was shot?

7 A Yeah. He was shot in the -- like, the butt area.
8 Buttocks.

9 Q Did you see an exit wound?

10 A We did not. I assisted holding his head in a recovery
11 position, while other officers cut off his clothing searching
12 for an exit wound or any other entry wounds.

13 Q And at this time do you know if medical personnel were
14 called to the scene?

15 A Yes, they were.

16 Q So you were just awaiting the arrival of medical
17 personnel?

18 A Yes.

19 Q Did you see any other injuries other than the gunshot
20 wound on the victim?

21 A No.

22 Q And upon the time you arrived, were the clothes cut off
23 of the victim?

24 A No. When I arrived with other officers, we were the
25 first people to encounter the victim. We all took a different

1 role. I supported his head while other officers cut off his
2 clothing.

3 Q And that's when you were able to tell where the victim
4 was shot?

5 A Yes.

6 Q And did you and the other officers on scene at the time
7 look for other injuries while you were there?

8 A Yep. When they cut off his clothing, they were searching
9 for any other injuries.

10 Q Okay. And while you were there with the victim, did you
11 see any kind of weapons on or around the victim or near the
12 victim?

13 A No.

14 Q You stated earlier you were wearing a body camera. Does
15 your body camera record what you saw and also audio of what
16 you heard?

17 A Yes.

18 MR. LEASURE: Your Honor, may I approach the witness?

19 THE COURT: Yes.

20 BY MR. LEASURE:

21 Q I'm going to show you what's been marked as State
22 Exhibit 235. Can you tell me if you recognize what this is?

23 A It's a flash drive with body cam footage.

24 Q And have you seen it previously?

25 A Yes.

1 Q Has it been altered or tampered in any way, form, or
2 fashion?

3 A No.

4 MR. LEASURE: Your Honor, I'd like to offer State
5 Exhibit 235 into evidence.

6 MR. HOFFMEYER: Can you bring it here a second?
7 (Counsel conferring.)

8 MR. HOFFMEYER: Your Honor, no objection to State's
9 Exhibit No. 235.

10 THE COURT: All right. Mr. Rigney?

11 MR. RIGNEY: No objection, Your Honor.

12 THE COURT: All right. State's Exhibit 235 admitted into
13 evidence without objection.

14 (State's Exhibit No. 235 was received into evidence.)

15 (Exhibit 1 was received into evidence.)

16 MR. LEASURE: Permission to publish, Your Honor.

17 THE COURT: All right.

18 BY MR. LEASURE:

19 Q I believe it will be projected on the screen up there,
20 Officer Spaziani, if you could just watch.

21 Officer Spaziani, can you verify that the time and date
22 stamp in the top right is correct and accurate?

23 A Yes.

24 Q Can you speak up? I couldn't hear you.

25 A Yes.

1 Q Thank you.

2 (Video plays.)

3 BY MR. LEASURE:

4 Q Officer Spaziani is this a true and accurate depiction of
5 your body camera in the early morning hours of April 24th,
6 2022?

7 A Yes, it is.

8 Q Do you know if this is the only young man that was shot
9 that night?

10 A There were two other victims.

11 Q And you didn't respond to that area. This was your only
12 involvement?

13 A This was my only involvement.

14 Q Was there anything else -- any other involvement that you
15 had in this case?

16 A Once EMS did get on scene, I helped get him on the
17 stretcher, and then I followed them to the hospital, and I was
18 with the victim in the operating room until detectives
19 arrived.

20 Q Okay. And this video has not been tampered or altered
21 with in any form or fashion?

22 A No.

23 Q And just to be clear, you did not see any weapons in or
24 around the victim here on the scene?

25 A No.

1 Q And also just to be clear, you had stated previously that
2 the timestamp -- or the date stamp was correct. Is the
3 timestamp correct? Because I believe that that says 5:37; is
4 that correct?

5 A Yes. And the time I responded was 1:30.

6 Q Okay. Just to be clear on that. Thank you.

7 MR. LEASURE: Nothing further, Your Honor.

8 Please answer any questions the defense may have.

9 THE COURT: Mr. Hoffmeyer?

10 MR. HOFFMEYER: I don't have any questions of this
11 officer, but thank you, ma'am.

12 THE COURT: All right. Mr. Rigney?

13 MR. RIGNEY: I have no questions, Your Honor.

14 THE COURT: All right. You may step down.

15 State can call your next witness.

16 MR. LEASURE: Your Honor, the State calls Dr. Nicholas
17 Batalis to the stand.

18 THE COURT: All right.

19 NICHOLAS BATALIS,

20 after having been duly sworn, was examined and testified
21 to as follows:

22 THE CLERK: Get you to state your name and then spell
23 your last name for the Court.

24 THE WITNESS: My name is Nicholas Ike Batalis,
25 B-a-t-a-l-i-s.

1 DIRECT EXAMINATION

2 BY MR. LEASURE:

3 Q Good afternoon, sir.

4 A Good afternoon.

5 Q Can you please tell the Court where you are currently
6 employed.7 A I'm employed at the Medical University of South Carolina
8 down in Charleston.9 Q Can you please state what your occupation or profession
10 is?11 A I'm employed there as a professor in the Department of
12 Pathology and Laboratory Medicine, specifically as a forensic
13 pathologist.

14 Q And you are a licensed physician; correct?

15 A Yes, I am.

16 Q In what states are you licensed, sir?

17 A At this point I believe just here in South Carolina.

18 Q How long have you been licensed in your profession?

19 A 22 years now I have had my medical license.

20 Q And you are currently engaged in the practice of your
21 profession as a licensed doctor/physician and professor?

22 A Yes, I am.

23 Q Where did you receive your education and training, sir?

24 A I obtained my undergraduate degree from Butler University
25 in Indianapolis, Indiana. I then went on to medical school at

1 the Indiana University School of Medicine, also in Indiana.

2 Upon graduating medical school, I moved to Charleston, to
3 MUSC, for a residency training program in general pathology.
4 General pathology is a four-year training program. And a
5 general pathologist would be one that would interpret biopsies
6 or resections. If a surgeon took a tumor out, a pathologist
7 would be the one that would tell him what it is. A
8 pathologist also oversees the clinical laboratory. So if you
9 have any blood work drawn, we would be the ones that would
10 interpret that.

11 After that four-year residency training program, I passed
12 an examination to become board certified in general pathology.
13 I then went on to a one-year fellowship program specifically
14 dealing with forensic pathology at the Dallas County Medical
15 Examiner's Office in Dallas, Texas.

16 And again, upon finishing that fellowship, passed an
17 examination to become board certified in forensic pathology,
18 and at that point I took my current job.

19 **Q** Thank you.

20 What are your duties and responsibilities as a
21 pathologist? And if you also can just briefly explain to the
22 jury exactly what a forensic pathologist does also?

23 **A** Sure. So I explained what pathology is. You know,
24 forensic pathology, again, is a subspecialty of pathology that
25 really deals with the medical-legal aspects of medicine,

1 specifically performing autopsies to determine a cause and
2 manner of death.

3 So as far as my responsibilities goes, certainly a large
4 part of that is spent performing autopsies and working up
5 those cases. In addition to that, I have teaching and
6 administrative roles within our medical school.

7 Q And you answered it, but I'm just going to ask you
8 anyways. You have performed autopsies?

9 A Yes.

10 Q And how many autopsies have you performed in your career?

11 A At this point, probably over 4,000.

12 Q And do you specialize in a particular branch of your
13 medical field? I know you said forensic pathology, but is
14 there -- even more specific than that?

15 A No. Forensic pathology kind of encompasses a lot of it.
16 You could add on additional training in pediatric pathology or
17 neuropathology, but as a forensic pathologist, we're trained
18 to kind of handle all types of deaths.

19 Q And have you ever testified as an expert in forensic
20 pathology?

21 A I have, probably over a hundred times in South Carolina,
22 I believe twice in Texas and twice in North Carolina.

23 MR. LEASURE: At this time, Your Honor, I'd like to offer
24 Dr. Batalis as an expert in the field of forensic pathology.

25 THE COURT: All right. Mr. Rigney, any questions or

1 challenges?

2 MR. RIGNEY: No, Your Honor.

3 THE COURT: Mr. Hoffmeyer.

4 MR. HOFFMEYER: Your Honor, I'd leave that for the Court.

5 THE COURT: All right. I find this witnesses to an
6 expert in the field of forensic pathology.

7 MR. LEASURE: Thank you, Your Honor.

8 BY MR. LEASURE:

9 Q Dr. Batalis, did you have an occasion to perform an
10 autopsy on a victim by the name of Dy'Quavyon Dickens?

11 A Yes, I did. On April 25th, 2022.

12 Q And can you tell us exactly what you found to be the
13 cause of death?

14 A Sure. The major finding in this case and the cause of
15 death was a gunshot wound to the trunk, specifically one that
16 struck him in the left buttock and caused significant internal
17 injuries and massive bleeding.

18 Q And can you please tell the jury how many gunshot wounds
19 this particular victim sustained?

20 A So in this case, there was a single penetrating gunshot
21 wound that entered the left buttock, and then we recovered the
22 bullet on the right side of the body.

23 Q And what internal injuries did this particular victim
24 sustain as a result of the gunshot?

25 A Sure. So the bullet was essentially traveling from his

1 left side to his right side and also traveling upward and also
2 from back to front. So again, it strikes him in the back of
3 the left buttock. It comes across his body. It goes through
4 kind of the back of the abdominal area, what we call the
5 retroperitoneal area, where he had some bleeding. Went
6 through portions of the intestines, or the bowel, and then the
7 liver. After it went through the liver, it went into the
8 diaphragm, so the muscle that separates our chest from our
9 abdomen. And the bullet kind of lodged itself in there.

10 As a result of the injuries, specifically the injury to
11 the liver, he had over two liters of blood that had
12 accumulated around his lung and in his abdominal cavity.

13 Q In examining the victim, Dr. Batalis, did you see any
14 other injuries that the victim sustained, or that he had?

15 A The only other injuries in this case were a couple of
16 scrapes or abrasions on the knees and on his elbow.

17 MR. LEASURE: May I approach the witness, Your Honor?

18 THE COURT: Yes.

19 (State's Exhibit No. 232, MUSC path report, were marked
20 for identification.)

21 BY MR. LEASURE:

22 Q I'm going to show you what's been marked as State's
23 Exhibit 232. Can you please tell me if you recognize this?

24 A Yes, I do.

25 Q And can you please tell the jury what this document is.

1 **A** The document, Exhibit 232, is a copy of the autopsy
2 report that I produced that contains my findings, along with a
3 toxicology report. So as part of the autopsy, we collect
4 samples of blood and body fluids and send those to a national
5 toxicology lab. So we don't actually perform that testing,
6 but we get the results from the national laboratory and then
7 incorporate it into our report.

8 **Q** Does it accurately depict the report that you generated?

9 **A** Yes.

10 MR. LEASURE: Your Honor, at this time, I'd like to offer
11 State Exhibit 232 into evidence.

12 THE COURT: Mr. Rigney?

13 MR. RIGNEY: No objection, Your Honor.

14 THE COURT: Mr. Hoffmeyer?

15 MR. HOFFMEYER: No objection, Your Honor.

16 THE COURT: All right. State's Exhibit 232 admitted into
17 evidence without objection.

18 (State's Exhibit No. 232 was received into evidence.)

19 BY MR. LEASURE:

20 **Q** In examining Mr. Dickens did you see any evidence to
21 suggest that anything other than a gunshot wound caused his
22 death, Dr. Batalis?

23 **A** No, not at all. In this case, it's undoubtable that the
24 gunshot led to his death.

25 **Q** And if you could refer to your report. Could you tell

1 the Court if there was any significant findings in reference
2 to toxicology?

3 A So in this case, the -- one second here.

4 In this case, the toxicology results were positive for
5 four different -- four different drugs or medications. Three
6 of them would be related to resuscitation. So one was
7 etomidate, which is used to basically relax the airway so you
8 could intubate them. Lidocaine, which is a local anesthetic.
9 Midazolam. So again, that's going to be a drug to relax you
10 that's often used during resuscitation. And then the last
11 thing that was detected Delta-9 THC, or the parent drug
12 marijuana, and some of the breakdown product of that.

13 Q And Dr. Batalis, were any of these findings contributing
14 to his cause of death?

15 A Not at all.

16 Q Okay. And also, did you find any stippling on the
17 victim's body from any of the -- from the gunshot wound?

18 A I did not.

19 MR. LEASURE: Court's indulgence.

20 THE COURT: All right.

21 BY MR. LEASURE:

22 Q Dr. Batalis, is this the kind of injury that you have
23 seen from your over 4,000 autopsies that would lead you to
24 believe that this particular gunshot wound and its path of
25 travel would cause the death of a person?

1 **A** Yes. Certainly -- you know, in this case, with the
2 injury to the liver and the massive bleeding -- so, again, he
3 had over two liters of blood that had basically left his
4 circulation. And somebody of his size would have maybe five
5 or six liters of blood total so, you know, close to half his
6 blood volume had left his circulation. So certainly that
7 would definitely explain his death.

8 **Q** Thank you for clarifying.

9 Just one more question in reference to that. You've
10 certainly seen nothing in your autopsy findings to say that
11 this was -- the death was from natural causes; correct?

12 **A** Not whatsoever.

13 **MR. LEASURE:** Nothing further for this witness, Your
14 Honor.

15 **THE COURT:** Mr. Rigney, cross-examination?

16 **MR. RIGNEY:** I don't have any questions, Your Honor.

17 **THE COURT:** Mr. Hoffmeyer?

18 **MR. HOFFMEYER:** No questions, but thank you, sir.

19 **THE COURT:** All right. You may step down.

20 **THE WITNESS:** Thank you, Your Honor.

21 **THE COURT:** Thank you. State can call your next witness.

22 **MR. LEASURE:** The State rests, Your Honor.

23 **THE COURT:** All right.

24 All right. Ladies and gentlemen, the State has rested
25 their case. And now, procedurally, is the time of the trial

1 where I must address some matters of law with the attorneys.
2 We do this in every case when the State rests their case.

3 Given the time of day, I think we're going to go ahead
4 and break for the day, because this will take us a while. I'm
5 going to ask that you please be back at 9:15 tomorrow morning.
6 Leave your notepads in the jury box. Do not discuss the case.
7 It's still too early for deliberations. Don't conduct any
8 independent investigations. I hope everybody has a good
9 evening and we'll see you back at 9:15 tomorrow morning.
10 Thank you very much.

11 (The jury exited the courtroom at 4:25 p.m.)

12 THE COURT: All right. Any motions at this time?

13 MOTION FOR DIRECTED VERDICT

14 MR. HOFFMEYER: Yes, sir, Your Honor. On behalf of my
15 client, Mr. Jackson, we move for a directed verdict of
16 acquittal at this time. Judge, we believe that, even taking
17 the evidence in the light most favorable to the State at this
18 juncture, that the State has failed to present enough evidence
19 to the jury for a guilty -- for a jury to even have the
20 opportunity to consider a guilty verdict in this case. We do
21 not believe that there has been direct or circumstantial
22 evidence, certainly not substantial circumstantial evidence,
23 for this case to go to the jury.

24 What this jury has heard from the early witnesses is that
25 they never saw my client shoot a gun, never saw him with a

1 gun. The only evidence that he even fired a gun, as far as
2 direct evidence from a witness on this witness stand, came
3 from a statement that was never played for the jury but a
4 statement that was -- the jury was informed of by an officer
5 that he shot in the air once, then said he may have shot in
6 the air twice. So it's totally speculative how on earth he
7 could have led to this tragic death.

8 In addition, Judge, the evidence in this case establishes
9 that the fragment that was found when the autopsy was done of
10 the deceased did not come from the weapon that was in my
11 client's vehicle -- found in my client's vehicle upon search.

12 Beyond that -- so we know that that gun did not lead to
13 that tragedy. But beyond that, there's been no type of
14 forensic evidence, DNA touch evidence, any type of fingerprint
15 evidence that even ties him to that weapon in his car. So as
16 far as the State's theory that he must have been out there
17 shooting 20 times and, therefore, he somehow is responsible, I
18 presume under the "hand of one is hand of all" is still
19 speculative. There's nothing that ties him to the gun other
20 than the mere presence of that gun. And of course, we're back
21 to not only the mere presence of the gun, but the mere
22 presence of my client at the scene, and that's not enough,
23 other than suspicion and speculation. So we believe that the
24 State's case fails to even go to the jury at this juncture.

25 THE COURT: Mr. Rigney, any argument as to the Defendant

1 Jackson's Motion for a Directed Verdict?

2 MR. HOFFMEYER: Not to Defendant Jackson's motion, Your
3 Honor.

4 THE COURT: All right. Let me hear from the State.

5 MR. LEASURE: Your Honor, the State believes not only do
6 we have an admission that the -- one of the defendants fired,
7 but we also have shell casings matching the defendant's gun
8 that was found in the vehicle.

9 THE COURT: But what -- what evidence -- I mean, as I
10 understand, the only bullet that was obtained from the victim
11 shows that it was not shot from that gun.

12 MR. LEASURE: Well, under the theory "hand of one, hand
13 of all," Your Honor, we have the defendant's gun firing 18
14 shell casings at the scene on video. We also have GSR on the
15 defendant's clothes. We also have the video of the shooting,
16 the enhanced video of the shooting. We have the removing of
17 stickers from the Tahoe.

18 And his gun doesn't have to be the gun that fires the
19 fatal shot. He's at the scene firing in concert with the
20 other defendant, Your Honor. And then, on top of that, we
21 have a witness stating that they see one of the defendants
22 firing. I believe there's more than enough evidence, Your
23 Honor, to go to the jury.

24 THE COURT: All right. Anything in reply?

25 MR. HOFFMEYER: Your Honor, I think it still clearly

1 fails because, again, we don't have anything tying him to
2 shooting this gun 20 times other than speculation from a gun
3 that no forensic evidence has been attached to him. There's
4 also been no evidence in this record of some preconceived
5 effort by my client and Mr. Hickson to go out there and do
6 anything. There's never been any evidence of any conversation
7 about that or any inference from any conversation that they
8 were in concert out there that day when this shooting took
9 place.

10 I understand the State wants to say that the individual
11 that there was a flash from was Mr. Hickson, but that wasn't
12 Mr. Jackson. And before the State can go forward on a theory
13 of accessory responsibility, I believe there has to be some
14 evidence that these people were acting in concert more than
15 simply being together.

16 THE COURT: All right. I'm going to deny the motion.
17 The fact that there was gunshot residue found on the clothing,
18 they're proceeding under the theory of "hand of one is hand of
19 all" and they have got a gun found in his vehicle that has
20 been fired 18 times. The video, it's up to the jury to decide
21 what the video shows. So I think there is enough to get it to
22 the jury. So I deny the Motion for a Directed Verdict.

23 MR. HOFFMEYER: Thank you, sir.

24 THE COURT: Anything else from Defendant Jackson?

25 MR. HOFFMEYER: No, sir. Thank you.

1 THE COURT: Mr. Rigney, any motions?

2 MR. RIGNEY: Your Honor, I have a Motion for Directed
3 Verdict of acquittal as well. I don't think that a reasonable
4 jury could convict my client of murder in this case. The only
5 witness that actually said that she saw him shoot admitted
6 that she had been lying -- she either lied three years ago or
7 she lied when she was here in front of the Court. That's the
8 only evidence of him being involved in this -- with the
9 weapon.

10 Now, there's no evidence of any DNA that's been presented
11 as to my client. No fingerprints. No GSR. The only evidence
12 we have is that person that has -- she's already admitted that
13 she's a liar.

14 So there's also -- in order to get to the murder case, we
15 do have to have some premeditation. I think there's nothing
16 like that that has been -- there's no evidence of that.
17 There's no substantial evidence -- no substantial
18 circumstantial evidence of anything, and I think that the
19 testimony of that witness is about the only thing that they
20 have got. No DNA, no GSR. The video is no help because the
21 video is so blurry that we can't see it. Even if you blow it
22 up, it doesn't help at all.

23 So I believe that the evidence in this case, no
24 reasonable jury could come to a verdict of guilty with my
25 client.

1 THE COURT: All right. Mr. Hoffmeyer, any argument as to
2 the Defendant Hickson's Motion for a Directed Verdict?

3 MR. HOFFMEYER: No, sir. Thank you.

4 THE COURT: All right. State?

5 MR. LEASURE: Your Honor, there's a witness that
6 identifies Mr. Hickson as the shooter. There's another
7 witness that identifies him on the video as being the person
8 in the video. The video itself shows the defendant firing. I
9 think there's more than enough to go to the jury.

10 THE COURT: Mr. Rigney, anything in reply?

11 MR. RIGNEY: Your Honor, I'd just emphasize that there is
12 no -- there's not enough evidence here that any reasonable
13 jury could convict my client.

14 THE COURT: All right. I'm going to deny your motion. I
15 think there is -- the burden is on the Court to look for
16 existence of evidence and not weigh the value, so I deny your
17 motion. I think there is sufficient evidence to at least get
18 it to the jury.

19 Anything further from Defendant Hickson? Mr. Rigney,
20 anything further?

21 MR. RIGNEY: Not at this time, Your Honor.

22 THE COURT: All right. Let me go ahead and question the
23 defendants on their right to testify. Hold for one second.

24 DEFENDANTS' RIGHTS

25 THE COURT: Mr. Jackson, if you would please raise your

1 right hand.

2 TAI'YUAN JACKSON,

3 after having been duly sworn, was examined and testified
4 to as follows:

5 THE COURT: You can put your hand down now. Your name is
6 Tai'Yuan Ja'Rel Jackson?

7 DEFENDANT JACKSON: Tai'Yuan.

8 THE COURT: Tai'Yuan. I apologize, Mr. Jackson.
9 Tai'Yuan Ja'Rel Jackson?

10 DEFENDANT JACKSON: Yes, sir.

11 THE COURT: Thank you.

12 Mr. Hickson, if I can get you to raise your right hand,
13 please.

14 JERELLE HICKSON,

15 after having been duly sworn, was examined and testified
16 to as follows:

17 THE COURT: Your name is Jerelle Hickson?

18 DEFENDANT HICKSON: Yes, sir.

19 THE COURT: All right.

20 Gentlemen, we have now reached the stage of the trial
21 where I need to explain to you certain rights that you have.
22 If you do not understand what I am saying, please let me know.
23 And if you want me to explain anything in more detail, please
24 let me know.

25 Now, do you understand that, Mr. Jackson?

1 DEFENDANT JACKSON: Yes, sir.

2 THE COURT: And do you understand that, Mr. Hickson?

3 DEFENDANT HICKSON: Yes, sir.

4 THE COURT: All right. We have reached the stage of the
5 trial where you may present your defense. You have the right
6 to claim the protections given to you by the Fifth Amendment
7 through the United States Constitution which states in part
8 that no person shall be compelled in any criminal case to be a
9 witness against himself. This means that you cannot be
10 required to testify in this case. You have the right to
11 testify on your own behalf. However, no one can make you
12 testify. This is a personal right, and no one can waive this
13 right except for you.

14 If you decide to testify, you will be subject to the same
15 rules that govern other witnesses and you may be examined and
16 cross-examined on any relevant issue in this case. In
17 addition, if you have any convictions involving dishonesty or
18 false statement or for by crimes punishable by imprisonment
19 for more than one year, and this Court determines that the
20 probative value of admitting this evidence outweighs its
21 prejudicial effect to you, the solicitor will be able to
22 introduce your record to attack your credibility.

23 Now, is there any prior criminal record for either
24 defendant?

25 MS. LIVESAY: No, sir.

1 THE COURT: All right. If you decide to testify, this
2 decision on your part must be freely, voluntarily, and
3 intelligently made, with the knowledge of the protections
4 given to you by the Fifth Amendment to the United States
5 Constitution and the consequences of your decision to testify.

6 If you decide not to testify, I will instruct the jurors
7 that they cannot give the fact that you did not testify any
8 consideration whatsoever and that there is to be absolutely no
9 prejudice to you because you did not testify. It is left
10 entirely up to you whether or not you testify.

11 You may talk with your attorney, your family and friends
12 or anyone else, but the final decision will be left entirely
13 up to you.

14 Now, do you understand what I have explained to you,
15 Mr. Jackson?

16 DEFENDANT JACKSON: Yes, sir.

17 THE COURT: Do you have any questions about what I have
18 explained to you?

19 MS. LIVESAY: No, sir.

20 THE COURT: Do you have any questions about what I have
21 explained to you, Mr. ---

22 DEFENDANT HICKSON: No, sir.

23 THE COURT: --- Hickson. I apologize. And do you have
24 any questions about what I have explained to you?

25 DEFENDANT HICKSON: No, sir.

1 THE COURT: All right. Now I'm going to let them think
2 about it overnight. We'll come back tomorrow morning. I'm
3 going to ask you tomorrow morning, Mr. Jackson and
4 Mr. Hickson, whether or not you wish to testify in this case.
5 Okay?

6 DEFENDANT HICKSON: Yes, sir.

7 THE COURT: All right.

8 If Mr. Jackson decides not to testify, is there any other
9 witnesses to be called by him in his defense?

10 MR. HOFFMEYER: No, sir, Your Honor.

11 THE COURT: All right. If Mr. Hickson decides not to
12 testify, are there any other witnesses that he intends to call
13 in his defense?

14 MR. RIGNEY: No, Your Honor.

15 THE COURT: Okay. Anything further you want on the
16 record in regards to this, Mr. Hoffmeyer?

17 MR. HOFFMEYER: No, sir. Thank you.

18 THE COURT: Anything further you want on the record,
19 Mr. Rigney?

20 MR. RIGNEY: No, Your Honor.

21 THE COURT: Anything further the State wants on the
22 record?

23 MS. LIVESAY: No, sir.

24 THE COURT: All right. We'll be in recess until 9:30
25 tomorrow morning and then we'll come back and resume the trial

1 of the case. Okay?

2 MR. LEASURE: Thank you.

3 THE COURT: All right. Thank you very much.

4 (The trial was adjourned for the day at 4:40 p.m.)

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Certificate of Court Reporter

CASE NAME: State v. Tai'Yuan Jackson/Jerelle Hickson

DATE OF HEARING: April 9, 2025

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the above-captioned proceedings to the best of my ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher

Bobbi Fisher, RPR, Official Court Reporter III

Date Prepared: 7/15/2025

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STATE OF SOUTH CAROLINA * GENERAL SESSIONS
 COUNTY OF HORRY * TRANSCRIPT OF RECORD

-----X
 STATE OF SOUTH CAROLINA *
 *
 vs. * Case No. 2023-GS-26-00403
 * 2023-GS-26-00396
 TAI'YUAN JA'REL JACKSON, *
 *
 Defendant. *

-----X
 STATE OF SOUTH CAROLINA *
 *
 vs. * Case No. 2023-GS-26-03150
 *
 JERELLE HICKSON, *
 *
 Defendant. *

April 10, 2025

TRIAL - VOLUME IV

B E F O R E:

The Honorable Benjamin Culbertson, Presiding Judge

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

Nancy Livesay, Esq.
 Delbert Leasure, Esq.
 Assistant Solicitors for the State

W. James Hoffmeyer, Esq.
 Attorney for Defendant Jackson

David E. Rigney, Esq.
 Attorney for Defendant Hickson

Court Stenographer: Bobbi Fisher, RPR
 SC Official Court Reporter III

1 P R O C E E D I N G S

2 (The trial resumed at 9:41 a.m. as follows:)

3 DEFENDANTS' RIGHTS

4 THE COURT: All right. Mr. Hoffmeyer and Mr. Rigney, do
5 we want to go ahead and question your clients again regarding
6 their rights to testify?

7 MR. HOFFMEYER: Yes, sir, Your Honor.

8 MR. RIGNEY: Yes, Your Honor.

9 THE COURT: All right. Mr. Jackson, again, if I can get
10 you to raise your right hand.

11 TAI'YUAN JACKSON,

12 after having been duly sworn, was examined and testified
13 to as follows:

14 THE COURT: And, again, your name is Tai'Yuan Jackson?

15 DEFENDANT JACKSON: Yes, sir.

16 THE COURT: All right. Thank you.

17 Mr. Hickson, if you'd raise your right hand.

18 JERELLE HICKSON,

19 after having been duly sworn, was examined and testified
20 to as follows:

21 THE COURT: Thank you very much. You can put your hand
22 down now. Your name is Jerelle Hickson; correct?

23 DEFENDANT HICKSON: Yes, sir.

24 THE COURT: All right. Now, before we broke yesterday, I
25 went over your rights to testify, and I'm going to do that

1 again this morning. Okay?

2 All right. We've now reached the stage of the trial
3 where you may present your defense. You have the right to
4 claim the protections given to you by the Fifth Amendment to
5 the Constitution of the United States. This amendment states
6 in part that no person shall be compelled in any criminal case
7 to be a witness against himself. This means that you cannot
8 be required to testify in this case. You have the right to
9 testify on your own behalf. However, no one can make you
10 testify. This is a personal right and no one can waive this
11 right except for you.

12 If you decide to testify, you will be subject to the same
13 rules that govern other witnesses, and you may be examined and
14 cross-examined on any relevant issue in this case. In
15 addition, if you have any convictions involving dishonesty or
16 false statement or for crimes punishable by imprisonment for
17 more than one year and this Court determines that the
18 probative value of admitting this evidence outweighs its
19 prejudicial effect to you, the solicitor will be able to
20 introduce your record to attack your credibility.

21 Now, as I understand from the State, there are no prior
22 criminal records to be used; is that correct?

23 MS. LIVESAY: That's correct.

24 THE COURT: All right. Now, if you decide to testify,
25 this decision on your part must be freely, voluntarily, and

1 intelligently made, with the knowledge of the protections
2 given to you by the Fifth Amendment and the consequences of
3 your decision to testify. If you decide not to testify, I
4 will instruct the jurors that they cannot give the fact that
5 you did not testify any consideration whatsoever, and that
6 there is to be absolutely no prejudice to you because you did
7 not testify. It's left entirely up to you whether or not you
8 testify. You may talk with your attorney, your family and
9 friends, and anyone else, but the final decision is left
10 entirely up to you.

11 Mr. Jackson, do you understand what I have explained to
12 you?

13 DEFENDANT JACKSON: Yes, sir.

14 THE COURT: Do you have any questions about what I've
15 explained to you?

16 DEFENDANT JACKSON: No, sir.

17 THE COURT: Have you had an opportunity to discuss this
18 matter with your attorney, your family, friends, or anyone
19 else that you want to discuss it with?

20 DEFENDANT JACKSON: Yes, sir.

21 THE COURT: All right. And do you need any more time
22 before making a decision?

23 DEFENDANT JACKSON: No, sir.

24 THE COURT: All right. And do you wish to testify in
25 this case?

1 DEFENDANT JACKSON: No, sir.

2 THE COURT: And is this your decision?

3 DEFENDANT JACKSON: Yes, sir.

4 THE COURT: All right.

5 Mr. Hickson, do you understand what I have explained to
6 you?

7 DEFENDANT HICKSON: Yes, sir.

8 THE COURT: Do you have any questions about what I have
9 explained to you?

10 DEFENDANT HICKSON: No, sir.

11 THE COURT: Have you discussed this matter with your
12 attorney, with your family, friends, or anyone else that you
13 want to discuss it with?

14 DEFENDANT HICKSON: Yes, sir.

15 THE COURT: And do you need any more time to discuss this
16 with anyone?

17 DEFENDANT HICKSON: No, sir.

18 THE COURT: And do you wish to testify in this case?

19 DEFENDANT HICKSON: No, sir.

20 THE COURT: And is this your decision?

21 DEFENDANT HICKSON: Yes, sir.

22 THE COURT: All right.

23 Mr. Hoffmeyer, anything further you want on the record in
24 that regard?

25 MR. HOFFMEYER: No, sir, Your Honor.

1 THE COURT: Mr. Rigney, anything further you want on the
2 record in that regard?

3 MR. RIGNEY: No, Your Honor.

4 THE COURT: Anything further the State wants on the
5 record in that regard?

6 MS. LIVESAY: Not on this matter.

7 THE COURT: All right. And as I understand --
8 Mr. Hoffmeyer, is there anything that the Defendant Jackson
9 will be presenting?

10 MR. HOFFMEYER: No, sir, Your Honor.

11 THE COURT: All right. Mr. Rigney, anything your client
12 will be presenting in defense?

13 MR. RIGNEY: No, Your Honor.

14 THE COURT: All right. So I guess we're at the stage of
15 the trial where we're -- just closing arguments, jury charge,
16 and deliberations; is that correct?

17 MS. LIVESAY: That is correct, Your Honor.

18 THE COURT: All right. Anything from the State before we
19 proceed?

20 MATTER BEFORE THE COURT

21 MS. LIVESAY: Just briefly. So our office received a
22 phone call this morning that there were people from the
23 courtroom posting pictures from inside the courtroom on social
24 media. I have only seen one, but my understanding is there
25 are others. The one I saw was a picture of Jerelle Hickson in

1 here -- in the courtroom. I just need to bring that up
2 because I don't know what else has been posted.

3 I don't know who else's picture has been taken, but I
4 have seen the one of Mr. Hickson in the courtroom so I know
5 that photographs from inside the courtroom have been taken and
6 shared.

7 THE COURT: By someone other than the news media that has
8 authorization?

9 MS. LIVESAY: Yes, sir, through Snapchat.

10 THE COURT: Do we know who that person or persons --

11 MS. LIVESAY: I do not, Your Honor. Ms. Beam, the person
12 that -- from our office that located the Snapchat photograph
13 is downstairs running it off so the Court can see it, and we
14 can mark it. And she may have additional information. It
15 just came to our attention this morning.

16 THE COURT: Okay. Well, let's see if we can track down
17 who did it.

18 MS. LIVESAY: Okay.

19 THE COURT: All right. Anything you want to put on the
20 record in that regard, Mr. Hoffmeyer?

21 MR. HOFFMEYER: No, sir, Your Honor. I was unaware.

22 THE COURT: All right. Mr. Rigney?

23 MR. RIGNEY: No, Your Honor. That's the first I have
24 heard that.

25 THE COURT: All right. We'll try to find out who did

1 that. Because I think I gave pretty clear instructions at the
2 start of the trial that there was to be none of that.

3 All right. Anything else from the State?

4 MR. LEASURE: No, Your Honor.

5 JURY CHARGE CONFERENCE

6 THE COURT: All right. Now, when we broke yesterday --
7 hold for one second. I started working on some charges.
8 Mr. Hoffmeyer and Mr. Rigney, you both had requested, at the
9 end of yesterday, that I charge the lesser included offense of
10 voluntary manslaughter. However, as I was preparing the jury
11 charges, I looked at it more in-depth, and one of the elements
12 for voluntary manslaughter is an unlawful provocation. What
13 evidence do we have in the record of that?

14 MR. HOFFMEYER: Your Honor, my understanding is that the
15 definition of voluntary manslaughter is the killing occurs
16 without malice in the sudden heat of passion upon sufficient
17 legal provocation. So, Judge, we believe this record has
18 evidence that there were shots fired that could be seen,
19 flashes seen, the noise of the guns themselves as my client
20 was out there. And in his own statement he indicated that he
21 was scared.

22 So there's evidence --

23 THE COURT: Well, but -- I mean, but his statement is not
24 in the record. I'm talking about what evidence of provocation
25 has been presented to the jury?

1 MR. HOFFMEYER: The shooting by multiple other
2 individuals. There were 18 rounds found beyond just those 20
3 that the State associates with that 9mm. There were four
4 other weapons that were testified to. When I was referring to
5 his statement, that's what the officer testified to, not his
6 actual statement in evidence. That's what the officer said,
7 that he mentioned he was scared, on cross-examination.

8 So we have all this shooting going on. If somebody is
9 shooting, that creates sudden heat of passion, provocation,
10 fear. And I think that that evidence in the record would
11 allow and should allow for a charge of voluntary manslaughter.

12 THE COURT: All right. Mr. Rigney?

13 MR. RIGNEY: We have a witness, Your Honor, Shakira
14 Hickson, who testified about hearing gunshots. She didn't
15 attribute that to anyone charged with a crime in this case.
16 So I agree with Mr. Hoffmeyer that that created this condition
17 where these people were afraid and justifiably took action.

18 THE COURT: What's the State's position?

19 MS. LIVESAY: The State's position is I don't think there
20 is evidence for voluntary manslaughter, but I do believe it
21 appears -- when you read the more recent cases coming down
22 about the lesser included, it does seem like the appellate
23 court feels like, if the defense asks for it, go ahead and
24 read it if there's any shred of evidence. That seems to be
25 kind of where we're at with it.

1 But do I think that there's really anything in the record
2 to justify reading manslaughter? I don't. The testimony from
3 the witness came that there was no arguments. Both witnesses
4 testified that there was no arguments. Nobody heard any
5 arguments. The young man that was killed was standing away
6 with some other girl. She said that there were no arguments,
7 that they were just standing around.

8 So there's no evidence of legal provocation and there's
9 no argument or nothing to bring about any kind of heat of
10 passion. And involuntary manslaughter, the evidence has got
11 to be that the individual is saying, I fired, but I fired
12 because A, B, and C was happening and I was in this heat of
13 passion; I was in such a heat of passion I kind of lost
14 control of myself.

15 There's no evidence of that here. And, in fact, what
16 came out from Cole Kyer was that he said he fired. He never
17 testified that he was firing back at anybody or that he
18 thought anybody was firing at him. Mr. Hoffmeyer could have
19 asked that question, but he didn't. So the only testimony
20 that came out as to what T.J. -- or, I'm sorry -- Tai'Yuan
21 Jackson told the police was in the beginning he said, "I
22 didn't fire." Then he said, "I did fire." Then he said, "The
23 gun is in the car."

24 But he never -- the testimony was never that he was
25 firing back at anybody. And the testimony was never that he

1 thought somebody was firing at him. The testimony, even on
2 cross, was that he fired one or two times in the air. Even
3 through Mr. Hoffmeyer's questions, it never came out that this
4 defendant thought anybody was firing at him.

5 So I don't think it's appropriate, but in transparency
6 with the Court, I feel like the trend from the appellate court
7 seems to be, if the defense asks for it, look for a reason to
8 read it.

9 THE COURT: All right. I think you're right on that, so
10 I'm going to include it.

11 MS. LIVESAY: Because, at the end of the day, if it goes
12 up on appeal, that's kind of what we're stuck with. I mean,
13 if I'm honest.

14 THE COURT: I think you're right, so I'm going to include
15 the voluntary manslaughter.

16 All right. Anything else from the Defendant Jackson?

17 MR. HOFFMEYER: On the jury charges, Your Honor?

18 THE COURT: Yes.

19 MR. HOFFMEYER: No, sir.

20 THE COURT: All right. Anything, Mr. Rigney, on the jury
21 charge?

22 MR. RIGNEY: No, sir.

23 THE COURT: Now, is the State looking for a transferred
24 intent charge?

25 MS. LIVESAY: Yes, sir.

1 THE COURT: Okay. All right. I have got to -- that's
2 what I anticipated, but I wanted to confirm that.

3 All right.

4 MR. HOFFMEYER: Your Honor, can I ask just a couple of
5 questions?

6 THE COURT: Yes.

7 MR. HOFFMEYER: I'm sure these are in your charge --

8 THE COURT: Well, I mean, what I was going to do -- I'll
9 certainly listen to anything you have to do now. I was going
10 to go print out my charges and let y'all take a look at them
11 and then come back and we'll rediscuss it, if that's fine.

12 MR. HOFFMEYER: Thank you, Judge.

13 THE COURT: Is that a better way to handle it?

14 MR. HOFFMEYER: Yes, sir.

15 THE COURT: Okay. All right. Let's take a break. As I
16 said, I've been working on the charges. I'll print everybody
17 out a copy, I'll give you an opportunity to look over it, and
18 then we'll come back and go over it.

19 Now, when it gets time for closing arguments, the State
20 closes in full. The two of y'all -- have y'all decided who
21 wants to close middle and who wants to close last?

22 MR. RIGNEY: I would be happy if he goes second and I
23 would go last. I'm happy to do that since we're --

24 MR. HOFFMEYER: And I'm happy to do it the other way
25 around, obviously.

1 THE COURT: All right. Well, then, I'm just going to put
2 your names in a hat and draw and see who goes second and who
3 goes third. Okay?

4 MR. RIGNEY: Thank you, Judge.

5 MR. HOFFMEYER: Thank you, sir.

6 THE COURT: I mean, unless y'all know of some legal
7 precedent one way or the other. I don't know of any way to do
8 it. But as I understand, since there is no defense being put
9 up, there would be no rebuttal or no reply.

10 MS. LIVESAY: That's right.

11 THE COURT: Okay. All right. Well, we'll decide that
12 when we -- when I come back with the jury charges and we'll
13 take it from there. Okay? Y'all give me about ten minutes
14 and I'll be right back.

15 MR. HOFFMEYER: Thank you, sir.

16 THE COURT: What I'll probably do is send my law clerk
17 out with a copy of the charges, give you an opportunity to
18 look over it, and then I'll come back in and we'll discuss it.
19 Okay?

20 MR. HOFFMEYER: Thank you.

21 THE COURT: Thank you.

22 (A brief recess was taken at 9:52 a.m.)

23 THE COURT: Please be seated.

24 MR. RIGNEY: Your Honor, if I may -- may we approach
25 briefly?

1 BENCH CONFERENCE

2 (The following bench conference was held outside the
3 hearing of the jury and others.)

4 MR. RIGNEY: My client's sister told me that someone is
5 threatening my client and perhaps his client on social media.
6 I just wanted to make you aware that -- they don't know who it
7 is, but they are saying that someone has been doing that on
8 social media and threatening them. And I don't have any idea
9 what --

10 THE COURT: Tell them to find out who it is and we'll
11 pick them up.

12 MR. RIGNEY: Okay. Thank you, Your Honor.

13 (Open court resumes as follows:)

14 THE COURT: I sent out my proposed charges and proposed
15 verdict form. And I'll give you two opportunities to raise
16 any objections or additions. One is now, and then again after
17 we charge the jury, because sometimes it does sound
18 differently when you hear it read versus when you read it in
19 print.

20 Anything from the State regarding the charges?

21 MS. LIVESAY: No, sir.

22 THE COURT: All right. Mr. Hoffmeyer, anything?

23 MR. HOFFMEYER: Yes, sir, Your Honor. On page 12 of the
24 jury charges, we have the "hand of one" language. We believe
25 in this particular case that would not be appropriate. We

1 believe that the case law sets forth that there has to be
2 evidence that the defendant had a mutual plan or agreement
3 with another person to commit the murder; second, the other
4 person in the mutual plan or agreement fired the fatal shot.

5 We don't believe there's any evidence of a mutual plan or
6 agreement in this particular case and, likewise, given we
7 don't believe there's evidence of a mutual plan or agreement
8 that would preclude anyone in that plan or agreement from
9 firing the fatal shot, so we object to that charge to the jury
10 that is listed as the "hand of one is the hand of all." In
11 other words, an objection to accomplice liability, accomplice
12 responsibility, we'd object to that.

13 THE COURT: All right. Mr. Rigney, any argument one way
14 or the other on that issue?

15 MR. RIGNEY: I am joining that objection, Your Honor. I
16 don't think there is any evidence in the record of a common
17 plan, common design, joint plan or any of those things.

18 THE COURT: All right. State's position?

19 MS. LIVESAY: Just briefly, Your Honor. The testimony is
20 that they came to Myrtle Beach together. There's a photograph
21 of them together. In the photograph, both of them have guns.
22 In fact, one of them is doing the signal like he's shooting
23 somebody in the picture. The testimony from Ms. Hickson is
24 that they all were riding around the strip together, Jerelle
25 Hickson, Tai'Yuan Jackson. They arrived to the parking lot

1 together. The video shows them together in the parking lot.
2 You then see, in the parking lot, all the headlights of the
3 vehicles come on. You see Tai'Yuan Jackson walk over to the
4 black Tahoe. So somebody -- they have already arranged for
5 somebody to drive his Tahoe, because it's already lit up and
6 cranked up.

7 Minutes after they are both over there together, you see
8 on the video both firing from one part of the Tahoe. You then
9 see Jerelle Hickson move around the Tahoe and fire from the
10 other side. They then both get into the car together and
11 leave and they both arrive back at the Airbnb together. So
12 they are acting in concert without a doubt throughout the
13 entirety of this crime in the parking lot.

14 So the State finds "hand of one, hand of all" because
15 they are definitely acting together. They're both firing
16 together. They both get in the same car together and they
17 both leave together.

18 THE COURT: All right. Anything in reply?

19 MR. HOFFMEYER: No, sir, other than what I have
20 previously stated to the Court.

21 THE COURT: All right. I deny your motion. I'm going to
22 leave it in.

23 MR. HOFFMEYER: The next thing, Judge, is found on
24 page 16 of your requested charge right before the "mere
25 presence" language. The language I'm referring to says,

1 "Criminal intent can arise from action or a failure to act.
2 It may arise from negligence, recklessness, or an indifference
3 to duty or to consequences that is considered by the law to be
4 the equivalent of criminal intent."

5 We don't believe that that language would apply in this
6 particular case. This is a murder case where the State has to
7 prove malice aforethought and intentional killing of a human
8 being -- not negligent, reckless, or failing to do
9 something -- that leads to the death of a human being with
10 intent.

11 THE COURT: All right. Mr. Rigney, any position?

12 MR. RIGNEY: I would join in that, Your Honor, but I
13 don't have anything to add to it.

14 THE COURT: All right. State's position?

15 MS. LIVESAY: So he's talking about the --

16 THE COURT: The final paragraph before "mere presence."
17 In other words, he's saying that negligence, recklessness,
18 indifference to duty, that doesn't apply in this, and he just
19 wants me to strike that paragraph.

20 MS. LIVESAY: So he just wants the first sentence struck.

21 THE COURT: No, that paragraph.

22 MS. LIVESAY: Oh.

23 THE COURT: "Criminal intent can arise from action or a
24 failure to act. It may arise from negligence, recklessness,
25 or an indifference to duty or consequences that is considered

1 by law to be the equivalent of criminal intent."

2 MS. LIVESAY: I think there's definitely case law that
3 says the recklessness for the law goes towards depraved heart.
4 In fact, there's a case on point where the guy fires into a
5 car full of people, he hits one of them, and the argument was
6 whether or not he had intent towards that particular
7 individual that was hit in the car.

8 The Court came back and said, listen, when you fire into
9 a car full of people, you are acting in such reckless
10 disregard for life that this shows malice and depraved heart.

11 So this is definitely the language that goes along with
12 malice under depraved heart. You are showing a reckless
13 disregard for someone else's life.

14 THE COURT: Well, and I understand that, but I agree, I
15 don't know that negligence or indifference to duty is
16 considered -- I'll strike that one paragraph.

17 All right?

18 MR. HOFFMEYER: Your Honor, the next language is found at
19 the top of page 21 of your request to charge. This is where
20 the discussion related to voluntary manslaughter takes place.
21 And the top of that page says, "Provocation needed for
22 voluntary manslaughter must come from some act of or related
23 to the victim."

24 Your Honor is charging transferred intent on page 19
25 related to murder. We believe that transferred intent would

1 also apply to voluntary manslaughter, meaning that, if, in the
2 heat of passion was sufficient legal provocation, if someone
3 tries to -- or someone shoots at somebody and kills an
4 unintended victim, that a manslaughter conviction could
5 suffice for that, the transferred intent and the --

6 THE COURT: I don't know. I mean, if I provoke you into
7 action and you pull out a gun to shoot me and you wind up
8 killing Ms. Livesay, I don't know that you have a transferred
9 provocation. I know you have got transferred intent ---

10 MR. HOFFMEYER: Well --

11 THE COURT: --- of murder, but --

12 MR. HOFFMEYER: Not to interrupt Your Honor...

13 THE COURT: No, no, that's fine.

14 MR. HOFFMEYER: But the elements are in the heat of
15 passion, with sufficient legal provocation, kill someone.
16 That's the way I read that statute and the law. So if, in the
17 heat of passion, with sufficient legal provocation, I fire,
18 yet -- the intent was to get this fellow that caused me to
19 react that way, but if I accidentally shoot someone else, my
20 state of mind, the intent that I had was a -- meets the
21 elements of voluntary manslaughter.

22 THE COURT: Yeah, but you're transferring the provocation
23 to another person. I don't think that's the law.

24 MR. HOFFMEYER: Well, I think that voluntary manslaughter
25 is a general intent crime, and so it really focuses on the

1 intent of the individual and what occurs based upon that
2 intentional conduct.

3 THE COURT: Okay. I know -- I'm going to deny it. I'm
4 going to leave it in there. You're joining in that?

5 MR. RIGNEY: I'm joining in that.

6 THE COURT: All right. I'm going to deny the motion.
7 I'm going to leave it as it is.

8 MR. HOFFMEYER: The only other thing, Judge, is on
9 page 24 of your charge, you just refer to the note-taking.

10 THE COURT: Yes.

11 MR. HOFFMEYER: And I previously objected to that, so I
12 don't want to waive that objection, is all.

13 THE COURT: All right. Well, I did allow them to take
14 notes, so I'm going to leave that instruction on note-taking
15 in there.

16 MR. HOFFMEYER: That's all, Judge.

17 THE COURT: Mr. Rigney, do you have anything that we have
18 not addressed?

19 MR. RIGNEY: We do not, Your Honor.

20 THE COURT: All right. Anything from the State?

21 MS. LIVESAY: No, sir.

22 THE COURT [to the clerk]: All right. Do you want to
23 pick which hand? This is to see who argues second. All
24 right.

25 Mr. Hoffmeyer, you argue second.

1 Mr. Rigney, you argue last.

2 All right. Anything from the State before we bring the
3 jury in?

4 MS. LIVESAY: No, sir.

5 THE COURT: Anything from the defense?

6 MR. HOFFMEYER: No, sir. Thank you.

7 THE COURT: Anything, Mr. Rigney?

8 MR. RIGNEY: No, Your Honor.

9 THE COURT: Okay. I guess we'll bring the jury in. I'll
10 tell them it's time for -- you can go ahead and rest on the
11 record, then you can rest on the record, and then we'll go
12 straight into closing arguments. Okay?

13 MS. LIVESAY: Sounds good.

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

15 (The jury entered the courtroom at 10:50 a.m.)

16 THE COURT: All right, ladies and gentlemen. Welcome
17 back. Again, make sure you have your own notepads and do not
18 have anyone else's notepads. I want to thank you for being
19 prompt this morning, and I want to apologize for keeping you
20 in the jury room for so long, but we did have matters we
21 needed to address, and we have taken care of those things.

22 We have now reached the stage of the trial -- when we
23 broke yesterday, the State had just rested their case, and now
24 is the time where the defense can present a defense if they
25 choose to. They're not required to.

1 Mr. Hoffmeyer, does the -- Defendant Jackson have
2 anything to present?

3 MR. HOFFMEYER: Your Honor, we rest.

4 THE COURT: All right. Mr. Rigney?

5 MR. RIGNEY: We rest, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, the State
7 and both defendants have rested their case, so now is the time
8 of the trial where the attorneys will make their closing
9 arguments and I'll charge you on the law to be applied in this
10 case before you retire for your deliberations.

11 Now, just like their opening statements, these closing
12 arguments are not evidence in this case. It is simply the
13 attorneys' contentions as to what they think the evidence has
14 shown and the law to be applied in this case.

15 If, at any time, an attorney references a factual issue
16 that is different from the facts that you -- as you find them
17 to be or references the law that is different from the law as
18 I will charge you at the end of their closing arguments, then
19 you are to disregard that portion of their closing arguments
20 because this is not evidence. It is simply their opinion or
21 their contention as to what the evidence has shown and the law
22 to be applied. All right?

23 State wish to make closing arguments?

24 MS. LIVESAY: Thank you. Yes, sir.

25 CLOSING ARGUMENT ON BEHALF OF THE STATE

1 MS. LIVESAY: Good morning, ladies and gentlemen. Y'all
2 have been with us now for three days. Every case takes the
3 amount of time that the evidence allows. Some murder cases
4 are three days. Some are a week. Some are two weeks, three
5 weeks, so on. That in no way reflects on the importance of
6 the case. This case is extremely important to both the victim
7 and the defendant.

8 So I want to tell you a little story. First of all, you
9 know who I am. I am from a small town in North Carolina. And
10 my mom is the reason why I'm a lawyer now, so I always tell a
11 little story about her. And -- I was born in the '80s. And
12 if you lived in a small town in the '80s, you loved Ronald
13 Reagan and Billy Graham, or at least my mama did. And Ronald
14 Reagan had this little phrase, and my mama used it all the
15 time: Trust but verify. That phrase was used all the time in
16 my house: Trust but verify.

17 That's what I want to do today in this closing argument.
18 I want us to trust, but I want us to verify what the facts are
19 in the case.

20 Now, I have prepared a presentation because it helps me
21 stay on point. I don't want to get too long-winded because I
22 am no Ronald Reagan or Billy Graham, so y'all don't want to
23 listen to me for too long. But the facts that we are going to
24 talk about are extremely important, and everything I tell you
25 is either going to have a witness or a photograph or a piece

1 of evidence to verify. Because we are here for a murder. It
2 doesn't get any more serious than that.

3 A young man, 17 years old, lost his life in Myrtle Beach.
4 An unarmed young man lost his life in Myrtle Beach in an
5 alleyway. He wasn't around his grandparents. He wasn't
6 around his mama and daddy. He was away from home, he was
7 afraid, and he lost his life. This is the one thing we cannot
8 get back. No matter how much money we got, no matter how
9 successful we are, no matter how much power we have, nothing
10 can give that back to Quay Dickens, and nothing can give that
11 young man back to his family. So this is as serious as it
12 gets.

13 So the first question we have got to answer is, did a
14 murder occur? The act of murder, did it occur?

15 We're talking about a killing of any person with malice,
16 either express or implied. There is no doubt. Zero. Okay?
17 You're going to hear "beyond a reasonable doubt," which means
18 firmly convinced. I'm here to tell you there is no doubt that
19 man is a victim of murder. He was unarmed, hanging out, doing
20 nothing wrong, hanging out in Myrtle Beach, and he was shot in
21 the back -- in the buttocks. In the back, now. He didn't
22 even see it coming. And he was killed. That is the very
23 definition of murder. An innocent person, shot and killed,
24 unarmed. Didn't even see it coming. There's no doubt he was
25 murdered.

1 The question today for us is, who did it? Who did it?
2 And really what the question is: Did Tai'Yuan Jackson do it?
3 Did Jerelle Hickson do it? That's the question.

4 So first of all, we've got to talk about premeditation
5 and malice. I want y'all to look up here, if you will. I'm
6 going to direct your attention to this photograph. You've all
7 already seen it. Tai'Yuan Jackson is the man in green.
8 Jerelle Hickson is the man in all black.

9 Now, the question is whether or not there's premeditation
10 and malice. Now, these two men are in Myrtle Beach for spring
11 break. Both of them have handguns. When you see the pictures
12 close up, you're going to be able to see that Tai'Yuan Jackson
13 has a gun on him. You see the outline under the tank top.
14 You can see it's sticking out underneath the tank top. No
15 doubt. And look what he's doing with his hand, doing that
16 shooting thing, like he's shooting somebody with his hand.
17 That's what's on his mind. That's what's on his mind.

18 And look at Jerelle Hickson. He's standing there now --
19 spring break. This is a time you're supposed to be hanging
20 out with your friends, going to the beach. He's got a handgun
21 in his pocket and a ski mask on in April in Myrtle Beach. A
22 ski mask and a handgun. And this is hours -- this is the
23 daylight hours before they go to the parking lot. Both of
24 them already have handguns on them. One of them is doing the
25 shooting motion and the other one has got a ski mask on.

1 Now, the question is whether or not that's premeditation.
2 Malice. It's intent, and it shows what's on their mind. I
3 promise you, if I go into the Food Lion and I see a guy with a
4 gun in his pocket and a ski mask, I'm turning around. I'm
5 turning around.

6 Why? Why? Because that tells me that that's what's on
7 his mind. He had bad intentions when it's April and you're
8 wearing a ski mask and you have got a gun in your pocket. You
9 already have ill will, you already have premeditation, and
10 you've already got intent.

11 If I walk around and go in the Food Lion and I see
12 another guy with a gun on him doing like he's shooting up the
13 Food Lion, I'm not going in. I'm not going in. Because I
14 already know what's on his mind. I already know.

15 It's spring break. Go to the beach. Go to the pool.
16 They don't want to do that. That's not what's on their mind.
17 This is what's on their mind. This is before they even get in
18 the Tahoe and start riding around the strip. So they're
19 already on -- already wearing the same clothing. Same
20 clothing. Ski mask, gun. The other guy has got a gun doing
21 the shooting thing.

22 Nobody -- the other little boy is, but nobody else in the
23 picture is even doing that but the two of them. I don't even
24 see a gun on anybody else in the picture but the two of them
25 at this point. So that's what's on their mind. Now, the

1 question is, it's on their mind, but did they follow through?

2 We know from Shakira Hickson, the young lady that was in
3 the gold Tahoe -- we know, before they went to the parking
4 lot, they were riding around. We saw it on the video.
5 Tai'Yuan Jackson was driving the gold Tahoe. That was his
6 vehicle. Jerelle Hickson was in the black Tahoe. So they are
7 already riding around together. They are riding the strip,
8 and they are on their way to the parking lot. So we already
9 know they're together. They're on their way.

10 Here they are there together. There's the black Tahoe,
11 there's the tan Tahoe riding around Myrtle Beach. The time
12 there is around midnight. Now, let's look at the back of the
13 Tahoe.

14 Now, these two stickers are on the back of the Tahoe a
15 little after midnight. It's 12:08 a.m.

16 Now, that's not important right now, this minute. When
17 you first look at it, you just think they're riding around
18 with these stickers on their backs. But these stickers are
19 clearly an identifier for these vehicles. There must be
20 hundreds of black Tahoes -- I'm sure there's hundreds of gold
21 Tahoes in Horry County, probably in Myrtle Beach. But these
22 distinctive stickers -- I think it says "Baccend Creations";
23 in the corner it says something else. But clearly these
24 stickers are distinctive on these vehicles.

25 Now, they arrive to the parking lot. They are there

1 around 12:42. If you look there, they're hanging out.

2 There's no problem at 12:42. You see Jerelle in the all
3 black. He had that emblem on the back of his sweatshirt.

4 You see, in green, circled, Tai'Yuan Jackson. He is
5 wearing a very distinctive green. At this point, there's no
6 problem. You see the gold Tahoe pulled in over there. So at
7 this point, they're hanging out in the parking lot. But
8 there's no doubt they're in the parking lot. There's no doubt
9 they are at the crime scene. That's number one. There's no
10 doubt they're at the crime scene.

11 And here we go here at 1:28. Both of them are at the
12 crime scene. Both trucks are at the crime scene.

13 Now, why is this important? So at 1:28 -- actually,
14 before 1:28 -- all of the lights are already on. All the
15 lights on the trucks are already on. And, in fact, if you
16 look, the young man by the light -- you can watch this video
17 whenever you want. That's going to be Tai'Yuan Jackson
18 walking in front of the vehicle.

19 Now, the fact that the lights are already on at first
20 doesn't strike as important. But why is it important?
21 Because they have already got the cars cranked up. There's
22 already -- that's Tai'Yuan there, and the video is going to
23 show him walk across -- but that's Tai'Yuan Jackson. So
24 somebody is already in the driver's seat of that Tahoe, and it
25 is already cranked up. So they already know something is

1 going to happen. They already know Tai'Yuan Jackson is not
2 going to leave in the gold Tahoe.

3 Shakira Hickson told you the gold Tahoe had her and her
4 sisters and Keston -- Keston drove the gold Tahoe back. And,
5 in fact, I believe that's on the board. I will bring it back
6 over here. That's so important. That's so important because
7 T.J. already knew he was not getting back in that gold Tahoe.
8 And he already had Keston in the driver's seat and it was
9 already cranked up. They already knew what was coming. That
10 is premeditation.

11 Now, how do you know that they knew something that nobody
12 else in the parking lot knew? How do you know that? Here's
13 how you know. Look at this car, this Jeep. This guy, how he
14 lived -- I mean, that's by a hair that man didn't die. Two
15 bullet holes through the windshield. Two bullet holes right
16 through the front windshield of the car. No gun in there. No
17 shell casings. Happened to be in the parking lot. And this
18 guy -- I mean, really, God was looking after him. Two right
19 there in the windshield. He clearly did not know the plan.

20 Look at the second car. This is Mya Goodman. One bullet
21 is in the passenger window. One bullet is through the
22 headlight. Nobody told Mya, clearly, what the plan was. She
23 didn't know. She didn't know it would be cranked up or where
24 it would be. So her car got hit twice. That's two cars,
25 right there, hit.

1 Now, this is the Honda in the parking lot that Quay
2 Dickens was in. There's the bullet hole right there through
3 the back door. Three cars hit. They didn't know the plan.
4 They didn't know where to be. They didn't know to be cranked
5 up and be ready. Nobody told them. Three cars right there
6 hit. This young man was killed in this car. Unarmed.
7 Nothing in the car, no bullets -- I'm sorry, no shell casings,
8 no gun, nothing. That's three.

9 Here's another car. Here's a fourth car that happened to
10 be out in the parking lot shot two, three times in the back,
11 shot the tire out. Nobody told that guy the plan, clearly.
12 He wasn't prepared. So his car got shot three times. Another
13 car shot for being out in the parking lot.

14 Now, this Nissan -- look at this. This is another
15 vehicle. This is Vehicle No. 4. Took a bullet right through
16 that back window. He was in the parking lot. And look where
17 his car is. His car is directly almost from where the black
18 Tahoe was. And his car got hit. Nobody told him to move.
19 Nobody told him the plan. We're getting ready to see the
20 Malibu. That was also hit.

21 Now, look at this car. This is a lot different than the
22 other cars. Do you know why? Because this car is peppered
23 with bullet holes from the front -- look at the front hood.
24 One, two -- the door has got one. Both back windows caught
25 bullets. If you look --

1 Can you magnify the back, Lacey?

2 Somebody tried to hit the gas tank. Probably saw that in
3 a movie. Track the bullet hole -- hit the gas tank, hit the
4 bank. Look at that back window. This is the car that is
5 directly across from the black Tahoe.

6 This car. The black Tahoe is right along in here. The
7 Chevy Malibu is backing up right here. And this car here just
8 got, I mean, riddled from top to the back full of bullets.
9 And the car which is the Nissan ---

10 Back up one, Lacey, please.

11 --- which is right here, kind of behind the Malibu, of
12 course also got hit. Because all the gunfire is coming
13 towards this way. So all these -- Mya Goodman came from here.
14 She was the Buick that got -- next to the Chevrolet Malibu.
15 She was shot twice -- her car was shot twice. So all the
16 bullets are coming from here to here. There are no shell
17 casings -- zero -- zero on this portion of the parking lot.
18 None. None.

19 What does that tell you? That tells you these guys
20 already knew what they were going to do. And nobody over here
21 even saw it coming. These two guys, the Tahoes, never got
22 hit. The two biggest vehicles out there. The two biggest
23 cars -- the two biggest vehicles never got hit. Six other
24 cars got absolutely riddled with bullets. And nothing, not
25 one shell casing -- nothing -- on this side of the parking

1 lot. It was all from this direction to this direction.

2 And what I mean is, when you look at the video, you see
3 all kind of cars out in that parking lot. You see all kind of
4 people walking around. All kind of people. And they opened
5 fire -- it was spring break, a bunch of teenagers. Quay
6 Dickens was 17. The other young lady you saw in here with
7 that positive attitude, she was a young woman. She was out
8 there. All of them young people out there. And they fired 28
9 times, 28 times into a parking lot full of cars and full of
10 teenagers. Shot six vehicles. Shot three people. And one
11 died. One died.

12 They had a plan. They knew they were going for the
13 Malibu. This car was backing up. Once it backs up, it
14 hits -- it hits the Wrangler, the Jeep Wrangler and is never
15 able to move. But there is no doubt, as soon as this car
16 backs up, gunfire breaks out, and this car is riddled full of
17 bullets. So there's no doubt this is the car they were aiming
18 for. And whoever else got hit, they didn't care. They didn't
19 care.

20 Now, there's no doubt this is the car that they were
21 aiming for. This car by far took the most bullets. And this
22 car, clearly, when it was backing up, gunfire starts. There's
23 no doubt about it. And they were all coming from that one
24 parking spot. Look at all those shell casings out there.
25 Once or twice -- but 28 times they fired into that parking

1 lot. There's no doubt all the fire came from the black Tahoe.

2 But we don't just need that, do we? We don't just need
3 the black Tahoe. We need who did it from the black Tahoe.
4 Right? We need whether Tai'Yuan Jackson or Jerelle Hickson
5 did it. We know they had a plan because we know all the cars
6 were cranked up. We know T.J. had already arranged for
7 somebody else to drive his car. So we know he was over there
8 by the black Tahoe just waiting. Just waiting.

9 The black Tahoe cranks up around 1:27. The other car
10 cranks up sometime after 1:28. Ultimately, the firing starts
11 at 1:29. But every car is cranked up, including T.J.
12 Jackson's before the shooting starts. He already knew what he
13 was going to do and he had already arranged somebody to drive
14 his vehicle home and that he was going to get into the black
15 Tahoe. There's no doubt about it. It was premeditation and
16 it was a plan.

17 Now, was it an Ocean's 11 plan? No. But it was a plan.
18 They had already made up their mind. When those cars cranked
19 up, they had already made up their mind.

20 Now, this is 1:28:30. And I want you to see -- here,
21 this is where I was trying to tell you -- right then, you see
22 the man in all green, T.J. with them white sneakers on?
23 That's his car with the lights on, already cranked up. A
24 driver is already in the car. The black Tahoe is also already
25 cranked up, ready to go. Now he is making his way over to the

1 black Tahoe. So his car is already cranked up by somebody,
2 ready to go. And he is walking now over to the black Tahoe.
3 There's no doubt about it. This right here is them working in
4 concert. They have already got a plan, and now they are
5 getting ready to execute the plan.

6 But that's him, 1:28:30. No shots were fired -- no shots
7 were fired, but the cars are cranked up. I'm telling you
8 that's because they were waiting for that Malibu to back up.

9 They could have -- T.J. could have gotten in that gold
10 Tahoe instead of walking to the black one, and they could have
11 left at 1:28:30 and Quay Dickens would still be with us. But
12 they couldn't do that. They couldn't do that. They couldn't
13 do it. They could have left right then. The shooting didn't
14 happen until 1:29. The cars are cranked up. Leave. Leave.
15 But they had to wait. They had to wait for the right
16 opportunity. The Malibu had to back out to get out. That's
17 what created the opportunity.

18 Now, how do we know he's the one out there firing?
19 There's no doubt it came from the black Tahoe. There's no
20 doubt that this was a plan.

21 This is T.J., Tai'Yuan Jackson, here on the left, hours
22 before at the Airbnb. The middle picture shows him -- and you
23 can see his feet. He's on his tippy toes trying to fire over
24 the door of the black Tahoe. That's him in the green right
25 there. And when you look in the white portion of the black

1 shirt, you can almost see that Friday the 13th mask.

2 Can we turn him or no? Do y'all want to turn him? Hold
3 on. Hold on.

4 There it is right there. There it is, that white mask.

5 And when you look at this picture -- and you can see him
6 circled in green -- he's standing -- he's got the white
7 sneakers on. And when you see the back of his shirt, you can
8 almost make out that white Friday the 13th mask. He's on his
9 tippy toes trying to fire over the black Tahoe. There's no
10 doubt that's the black Tahoe. Those are the brake lights.
11 There's the sticker on the left. And that's him on his
12 tippy toes with the white mask on the back of that green shirt
13 trying to fire.

14 He gets back to the Airbnb, and there he is again with
15 Jerelle. He's still got the pants on. He's taken off the
16 shirt, but he's still got those same green pants on. And when
17 we watch the video -- we're going to see he comes back with
18 the full ensemble on. But that's him firing. That's him.
19 There ain't no doubt about it. That's him.

20 And when we look at Jerelle Hickson, the back of his
21 shirt, he also has a distinctive emblem on -- symbol on the
22 back of his shirt.

23 Now, as to Tai'Yuan Jackson, if you are wondering whether
24 he fired -- because the first go-to move, you could tell from
25 the questions, was, you can't tell on the video, this video is

1 grainy, this video is this. Maybe he didn't fire.

2 This is the transcript from the officer that took his
3 statement. This is the transcript -- we heard it. You can
4 rehear it again. This is just a portion of the transcript.
5 Tai'Yuan told the police he fired. Now, in the beginning, he
6 didn't: "No, I didn't fire. I didn't fire."

7 But then, once they confronted him with "I saw you out
8 there in the green outfit," and with the video facts, then
9 they came out, "Yes, ma'am." About halfway through the
10 interview, he did change his story and admit that he fired a
11 weapon.

12 There is no doubt he fired a weapon in that parking lot.
13 He told the police he fired a weapon in the parking lot. No
14 doubt.

15 Now, where did the police find the gun? They found it --
16 I can't believe it -- in his truck. His truck. And, in fact,
17 if you notice, Shylah Davis, the first crime scene person,
18 searched the gold Tahoe. We showed all those pictures of it.
19 We showed the green outfit that came out of it. But she
20 didn't find the gun. She didn't find the gun.

21 So when they figure out -- when they ask him, "Hey, where
22 is the gun that you fired?" he tells them it's in his vehicle.
23 He told them that the gun would be inside his vehicle.
24 Brandon George goes back to the vehicle to do another
25 walk-through and, lo and behold, they go in there, they pick

1 the center console up, and there's the gun. What I don't
2 think he knew was, when you send the gun and the shell
3 casings, we then know how many times you fired. And it wasn't
4 one or two. You've got to add a zero to it. It was 20. 20
5 times he fired out in that parking lot.

6 Now, he didn't want to say that. Who would? Who wants
7 to tell the police 20 times? Right? Because then there is no
8 question whether or not you are acting with malice and ill
9 will. When you fire 20 times, there's no question that you
10 have malice in your heart, that you have evil in your heart
11 when you are firing in a crowded parking lot 20 times. He
12 told him one or two because, like all of us, it's hard to say
13 those kind of things out loud. None of us like to admit when
14 we have done something wrong, especially when, ultimately, it
15 costs another young man his life.

16 But the question of whether or not he fired in that
17 parking lot, there is no question. There is no doubt he
18 fired. He told the police he fired. He told them where the
19 gun was, and ultimately he fired 20 times. And he's on video
20 firing. He's on video. That's the whole reason he walked
21 over there for.

22 So if you are wondering if he fired, if he's guilty, he
23 told you that. And every piece of evidence corroborates it.

24 Now, each defendant has to be looked upon separately.
25 The question of whether or not Tai'Yuan Jackson is guilty, I

1 tell you there is no doubt. There is no doubt. He arranged
2 for somebody else to drive his truck. He cranked it up. He
3 walked over there. As soon as that car backed up, he fired 20
4 times. You see him on his tippy toes trying to fire. The gun
5 was found by his car. And he had gunshot residue on the shirt
6 and the pants showing that he fired. So there's no doubt he's
7 guilty.

8 Then, when we move to Jerelle Hickson -- that's Jerelle
9 there at the Airbnb with a gun in his pocket and a ski mask
10 on. When we see the video from the parking lot, we see the
11 back of that sweatshirt. And you can see the fire from the
12 muzzle of the gun. And you can see in what direction it's
13 pointing in.

14 And you know what else you can see? When you look across
15 from where he's firing at, you see the headlights of the other
16 car. He is clearly around there, firing at that car that's
17 backing up. That is the fire from the muzzle of the gun and
18 that is the back of his sweatshirt, and that is him firing
19 around the black Tahoe where all the casings were found.

20 Then he comes back to the Airbnb close in time, the same
21 sweatshirt, same ski mask on, and the same clothing. But
22 there is no doubt that is him with that black sweatshirt on,
23 came in the black Tahoe, left in the black Tahoe. That's him.

24 They had a plan. Nobody else saw it coming. The other
25 car is backing up, trying to leave. And you can see the

1 headlights, and that's him firing into the car.

2 Now, we had a witness that came up here, if you're
3 wondering if that's him. If you are wondering if that's him,
4 we had a young lady -- she was 15 at the time of the
5 incident -- come up here. And we all saw her. The young lady
6 was absolutely tortured -- tortured to have to say that she
7 saw who fired. When I asked her, you immediately saw her put
8 her head down. Absolutely tortured that she had to come in
9 here and say what she saw. She was 15 years old when it
10 happened. 15 years old. And she came in here and told you,
11 "I was at the beach with them -- I was at the beach with them,
12 hanging out. I was in the parking lot." And she told you, "I
13 saw Jerelle Hickson fire." She said, "I know Tai'Yuan. He
14 was dating my sister. I know Jerelle from the beach; I don't
15 know him as well, but I'd recognize him if I saw him."

16 She said, "I saw him."

17 I said, "Okay. Do you see him in the courtroom?"

18 She said he's the one -- and what is he wearing? The
19 white shirt.

20 Then I asked her who the shooter was. At first, you
21 didn't hear. The court reporter wrote down she couldn't hear,
22 no audible response. And then she says, "I don't know his
23 name. Well, I don't know how to pronounce him, but him, the
24 white shirt," talking about Jerelle sitting in the trial.

25 I said, "So did you point out that you saw the shooter

1 and that it was Jerelle Hickson?" She said, "Yes, ma'am."

2 She has, not 99, but 100 reasons to keep that information
3 to herself. These are her friends. She's got no ill will.
4 Her sister was dating Tai'Yuan Jackson. She didn't want to be
5 here. You could tell she didn't want to be here. It was sad
6 to see such a young woman tortured by having to come here and
7 tell the truth. But she did. She did.

8 Now, you saw Mr. Rigney say, "Well, you didn't tell the
9 police that. Did you tell the police that?"

10 The police interviewed her at the Circle K. And you-all
11 saw when they were stopped at the Circle K. All of them out
12 there. No, she didn't tell them then, no. I wouldn't have
13 told it then. All those people around, I wouldn't have told.

14 She told you, "The first person I told was my mama." And
15 mama said, when y'all started calling around -- I asked her.
16 The girl said she told my mama -- "I told my mama." And
17 that's who you tell at 18. That's who you tell. And then she
18 came in here and told y'all.

19 This young girl has no ill will, no reason to lie. If
20 anything, every reason to lie. I couldn't imagine being in
21 her spot, but she came in here and told what she saw.

22 She also told you that she was in the gold Tahoe. Now,
23 why is that important? Because it corroborates what she says.
24 Jerelle Hickson ran around to the other side of the black
25 Tahoe, so then you could see him from the gold Tahoe. That's

1 how she saw him, because he was then on this side of the Tahoe
2 firing, and then people from the gold Tahoe could see him.
3 That's how she saw him out there in the parking lot and that's
4 why she didn't see T.J. T.J. stayed on the other side of the
5 black Tahoe. The black Tahoe is backed up. The gold Tahoe is
6 over here to the right. You see Jerelle run around, fire a
7 couple of shots from this side and get in the car. When he
8 ran around, the people from the gold Tahoe then could see him.
9 That's how she saw him. And that's why she didn't see T.J.
10 T.J. never ran around that side of the vehicle.

11 So the question is, should we believe her? She's got no
12 bias, and the facts show that she could easily have seen him
13 on that side of the Tahoe. And that's how she did see him.
14 And then he got in the car and they left and went back to the
15 Airbnb.

16 Now, I want y'all to watch this because I have shown you
17 a lot of screen shots, and I wouldn't be doing my job if I
18 didn't let you watch it without me taking a snapshot. Now,
19 the shooting -- we're going to see Tai'Yuan -- the brake
20 lights are already on in the black Tahoe. Already on.

21 (Video plays.)

22 MS. LIVESAY: See him get in. Crank it up. It's
23 1:28:23. You see Tai'Yuan walk away in the green. You see
24 him right over here. Here he comes back. There you go.
25 Right in front of the Tahoe that's already cranked up. He's

1 walking over to the other side of the black Tahoe. Everybody
2 is cranked up and ready.

3 (Video continues to play.)

4 MS. LIVESAY: They don't leave. Because that's not what
5 cranking the car up is for, so they don't leave. They were
6 sitting right there until they get the opportunity they're
7 looking for.

8 At 1:29 you're going to start seeing movement.

9 (Video continues to play.)

10 MS. LIVESAY: And then they all leave out together.

11 You see T.J. and Jerelle on the driver's side firing, and
12 you see Jerelle move around to the other side and fire a
13 couple more times.

14 Now, they leave the parking lot and they go back to the
15 Airbnb wearing the same clothing. So we know that it's the
16 same people that we saw on the video.

17 Now -- hold on. So this Ring camera has visual,
18 obviously, and audio. And what you're going to notice is
19 when, you listen to the audio, as soon as Jerelle Hickson
20 comes into the room, you start hearing him talking about the
21 shooting. You're going to hear him start saying, bop-bop-bop.
22 Nothing is said -- you don't hear bop-bop-bop until he comes
23 into the room.

24 (Video plays.)

25 MS. LIVESAY: But it ain't long after you see Jerelle go

1 in the room you start hearing him talking about the shooting,
2 bop-bop-bop. They're in there partying in the Airbnb, tickled
3 pink, while Quay Dickens is fighting for his life. This is
4 what an evil and depraved heart looks like. This is what it
5 looks like.

6 Now, they're stopped later that day. The murder happens
7 around 1:30 in the morning on the 24th. The police are
8 looking for the Tahoes. They stop the Tahoes at around 13:40,
9 which is 1:40 in the afternoon.

10 Now, there's no sticker on the Tahoes. Isn't that
11 something? No stickers. They took the stickers off. To me,
12 that's no different than killing somebody and changing your
13 clothes. You're just trying to get away with it now. You
14 know what has happened; you're just trying to get away with
15 it. You're trying to trick somebody. You are trying to save
16 your own life.

17 They knew at this point they had taken somebody else's.
18 That's why they got out and scraped those stickers off,
19 because they knew they were in trouble, they knew they had
20 killed somebody. And it wasn't, "Oh, my God, let's call the
21 police." It was, "Let me save myself; let me save my life."
22 They got up and scratched those stickers off. And the
23 scrapers were found -- the scrapers were found right here in
24 the black Tahoe, eight with the black ski mask and a magazine
25 that fires 24 rounds. And the gun was found in T.J.'s car

1 which matched -- look at this -- matched 20 of these shell
2 casings.

3 Now, he's already got up and scraped the stickers off,
4 trying to trick somebody, trying to evade the police. But
5 that isn't even the part that really gets you. The part that
6 gets you is, when you watch the video and the police say,
7 "Listen, I have got to detain you," he's out there saying,
8 "I'm just trying to figure out what's going on. I'm just --
9 look, I don't know. I'm just trying to figure out what's
10 going on."

11 Well, you know what's going on because you have already
12 scraped the stickers off the back of your car. So we know you
13 know what's going on. But he comes right out with, "I don't
14 know; I'm just trying to figure out what's going on."

15 Life means nothing to him. Okay? A young man has died,
16 and you're out there putting your clothes in the back seat,
17 hiding your gun in the center console, and scraping the
18 stickers off the back of the car, trying to get away with it,
19 trying to trick the police.

20 Life means nothing to him. He's clearly doing nothing
21 different than changing his clothes by taking those stickers
22 off. Now, this Tahoe, the black one and the tan one, look
23 like a hundred other Tahoes in Horry County.

24 Now, sometimes we forget that murder -- what it is. You
25 say the word -- I say it all the time. So up here -- and

1 there's a lot of legal terminology, beyond a reasonable doubt,
2 all this, defendant's rights, a lot of legalities, a lot of
3 words like "malice aforethought," all that. And sometimes we
4 lose sight that somebody was killed. This young man was
5 unarmed, 17, doing nothing wrong, and his life was taken from
6 him. And he ain't never getting it back, and the family is
7 never getting it back. At 17. You really ain't even had no
8 life at 17. The best part is when you're getting married,
9 you're having kids, you're spending time with your family,
10 you're building your own life. That was taken from him. That
11 was taken from him.

12 And what's appalling is that, when you look at the
13 timestamps on what's going on, once you realize, it's the
14 timestamp when they're out there with him -- right here --
15 okay? It's the same time when the other boys are going back
16 to the Airbnb, bop-bop-bop, out there running around, taking
17 stickers off their cars, all of it. Not -- no empathy, do not
18 care that they have taken another man's life, doing everything
19 they can to try to save their own life while he is fighting
20 for his.

21 Now, is this murder? 110. It ain't nothing else. And
22 who did it? There ain't no question who did it. Tai'Yuan
23 Jackson told you he did it. He told the police he fired. The
24 gun in his car told you he did it. And the GSR on his clothes
25 said he did it. And the video told you he did it. There's no

1 doubt.

2 He is out there, tippy toes, running around. You see
3 them white sneakers running around, firing around the door.
4 There's no doubt. Had already made arrangements for somebody
5 else to drive his car back so he could get in the black Tahoe
6 and flee. He didn't want to run across that parking lot.
7 That's what I thought. He already made arrangements for
8 somebody to drive his car back because he knew, when that
9 firing started, he was not going to chance running across the
10 parking lot. He was going to stay right there behind that
11 black door, immediately get in and take off.

12 Because what if somebody fired back; right? He was not
13 going to risk having to run or walk from that black Tahoe to
14 get back in his. But he was okay firing 20 times in a parking
15 lot full of people, young girls and young boys. His car never
16 got hit. Not once. Neither one of the cars got hit. Not
17 once. None of those people got hit. Not once. Not T.J., not
18 Relle, none of them.

19 That's because they had a plan. But they didn't tell
20 anybody else about it, but that plan is why their car didn't
21 get hit. Their plan is why all of them came out unscathed.
22 They had to jump on everybody else. That's the secret to
23 premeditation. That's what makes it so ugly and so evil.
24 They already knew what was coming. And it cost this man his
25 life, somebody completely unarmed out there with his friends.

1 And let me tell you something. When this judge reads you
2 the law, he's also going to read you something else. They're
3 indicted for murder. When you first came in here, he read the
4 indictment to you. Murder. That's what went to the grand
5 jury. That's what I'm telling you they are guilty of.
6 There's no doubt they are guilty of murder.

7 But the judge has decided to read voluntary manslaughter
8 also to you. That is a lesser included. They were not
9 indicted for voluntary manslaughter. That's why you haven't
10 heard anything about it until right now. That is a lesser
11 included of murder. Okay? So you're going to hear it for the
12 first time when the judge reads it to you. Now, what is
13 voluntary manslaughter? I'm going to go ahead and tell you
14 because I want you to hear it now before you hear it when he
15 reads it.

16 Voluntary manslaughter is if someone kills somebody else
17 in the heat of passion. I come home, I find my husband in bed
18 with another woman, and I kill him. That's voluntary
19 manslaughter. You're going to hear him read you the elements
20 about legal provocation and heat of passion. It's when
21 someone is so enraged they can't control themselves, and "I
22 killed somebody." That's what heat of passion is.

23 Now, why am I telling you this now? Because -- I'm
24 telling you it's murder. Okay? But I'm telling you they're
25 going to read murder, voluntary manslaughter, and then they're

1 going to say, "Or it can be not guilty." I tell you that
2 because of this: The defense is coming to you with, "It's not
3 murder. My guy didn't do it. He didn't fire. This is a
4 grainy video. You can't tell it's him on the video." All
5 that kind of stuff. That's what they're going to come at you
6 with. We have already seen it.

7 "You can't tell it's him. You don't have the DNA on the
8 gun. You don't have this, you don't have that. It's not
9 murder. But if you do see that that's him on the video and
10 you do realize he already admitted it, well, it's not murder;
11 it's just really manslaughter." That's what they want you to
12 believe. "See, my guy, heat of passion, he was just real
13 upset and he just went wild and fired in that parking lot 20
14 times." That's what they're coming at you with.

15 If I can convince you -- I'm sorry. If I can't convince
16 you that that's not them on the video, then I want to try to
17 convince you that, okay, they did do it, but it's not murder,
18 it's not malice, it's not premeditation. They were just upset
19 and there was shots going off in the parking lot and they just
20 started firing, and it's voluntary manslaughter.

21 I'm just telling you that is a trick. That is no
22 different than taking the stickers off the back of the license
23 plate -- or the back of the window. That is just an effort --
24 an effort to get away with something you've already done. And
25 I'm telling you it is ridiculous -- ridiculous to think that

1 an innocent young man out there was killed doing nothing
2 wrong, and they come at you with voluntary manslaughter, heat
3 of passion. That is ridiculous. Do not fall for it. That's
4 what I'm telling you. That is a spit in these people's faces
5 sitting here.

6 Now, "hand of one, hand of all." I got two more things
7 we need to discuss. "Hand of one is the hand of all." That's
8 important. Why? Because, in South Carolina, if me and Lacey
9 get together and decide we're going to kill somebody and we
10 both walk in and start firing and, ultimately, Lacey's bullet
11 kills the victim, we are both equally guilty of "hand of one,
12 hand of all." It does not matter whose bullet ultimately
13 kills the victim. We are acting in concert together. That is
14 the "hand of one, hand of all."

15 Not only that, but if me and Lacey get together and we
16 agree and I drive her by somebody's house and she fires into
17 the house and kills somebody -- I don't even have a gun on me;
18 I don't even fire a shot; I'm the driver -- I am still equally
19 guilty of murder. It is still "hand of one, hand of all"
20 because we are acting together. Everybody is held responsible
21 regardless of who fires the fatal bullet.

22 I tell you that because Mr. Hoffmeyer wants to say this
23 gun didn't fire the one that came out of Quay Dickens, which
24 is true. That is true. But what I'm telling you is it
25 doesn't matter. You are acting together. You fired 20 times.

1 You were aiding and abetting in this act. So you are both
2 equally guilty.

3 In my mind, I think about it like this. It's like the
4 Super Bowl. Right? Maybe not everybody likes Tom Brady. I
5 like Tom Brady. You know, he may not be the best quarterback,
6 but he is Tom Brady. But I say that to say this: When that
7 team wins the Super Bowl -- now, Tom Brady is the quarterback;
8 right? He's throwing the ball. He's the main one, and the
9 guy catching the ball. Everybody gets a Super Bowl ring.
10 Everybody on the team gets a Super Bowl ring. The kicker, the
11 quarterback, the guy catching the ball. Everybody gets a
12 Super Bowl ring. You know why? Because they're all on the
13 team together. They're all acting together.

14 And that is the same for "hand of one, hand of all." As
15 long as you are working together, everybody gets a ring. And
16 it's the same in this courtroom. As long as you are working
17 together, everybody gets the same. Whether you fired the
18 fatal bullet or not, you are equally guilty of murder.

19 What a ludicrous idea that me and my paralegal could walk
20 in here and between the two of us fire 28 shots and somehow
21 mine don't hit the guy that ultimately dies and I'm not
22 guilty. What a crazy thought. We are acting together. These
23 actions together ended up causing, ultimately, the loss of
24 this man's life. Everybody gets a ring in the Super Bowl, and
25 it's the same in here. If you're working together, if you are

1 an active participant on that team, you are equally guilty.

2 So do not let it bother you one second -- one second --
3 that Tai'Yuan Jackson didn't fire the stray shot that hit the
4 Dickens boy. Because he is equally guilty. He fired 20
5 times. He was an active participant. He was the one giving
6 his keys to somebody else. You drive home. All that helps.
7 All that helps. All that helps in the getaway. All that
8 helps to keep their team safe. Everybody is acting together,
9 playing a part. They are all guilty under the "hand of one,
10 hand of all." So don't let him get up here and fool you about
11 some nonsense that my guy shot 20 times but ultimately the
12 stray bullet that killed him was this other guy. He's equally
13 guilty. Equally.

14 Now, let me tell you this. Quay Dickens has lost his
15 life. There's no doubt about it. To just say tragedy is not
16 even -- I don't even know if that really says it when a young
17 man loses his life. When I watched that video, I'm not going
18 to lie, it breaks my heart. I can't stand it. I really
19 cannot. I don't know if I've been doing this too long, but it
20 absolutely kills me to see a young man the way you see him.
21 Now, he's lost his life, and this is not over for Quay
22 Dickens. Quay Dickens' story is not over. How do you know
23 that? Because his family is right here.

24 Stand up, folks. Thank you.

25 It's not over. They're here because it's not over. It's

1 not over until you come back with a verdict. You get to
2 decide how the story of Quay Dickens ends.

3 I read -- so I love 18th century literature because the
4 good guys always win. The ending always comes out just right.
5 This story ends when you come back with a verdict. That's
6 when this story ends. It's not over yet. That's why they're
7 here. They're waiting to see how Quay Dickens' story ends.
8 And I'm asking you to give his story the right ending. That's
9 what I'm asking you. And that can only be one ending, and
10 that is Tai'Yuan Jackson found guilty for that young man's
11 murder. He was out there firing 20 times, jumping around,
12 taking the stickers off of his car, doing everything he could,
13 getting somebody else to drive the car. He was an active
14 participant. The only right ending can be that he is found
15 guilty for those actions.

16 And the only right ending for Jerelle Hickson is that he
17 is found guilty. He is on the video clear as day in that
18 sweatshirt firing at that Malibu. There's no doubt about it.
19 And Nikera McAlister came in here and said, "I saw him fire.
20 I saw him."

21 There can only be one right ending for the story of Quay
22 Dickens, and I'm asking you to give it to him and his family,
23 and I'm asking you to find them both guilty of murder. Do not
24 get caught up in any kind of nonsense about voluntary
25 manslaughter. They did it.

1 Thank you for your time.

2 MR. HOFFMEYER: Your Honor, we have been at it an hour.
3 Can we take a brief break?

4 THE COURT: All right. Ladies and gentlemen, we'll take
5 about a ten-minute break and then we'll come back and resume.
6 Leave your notepads in the jury box.

7 (The jury exited the courtroom at 11:50 a.m.)

8 THE COURT: All right. Anything from the State?

9 MS. LIVESAY: No, sir.

10 THE COURT: Mr. Hoffmeyer?

11 MR. HOFFMEYER: No, sir, Your Honor.

12 THE COURT: All right. Mr. Rigney? We're going to take
13 a short break ---

14 MR. RIGNEY: No, Your Honor.

15 THE COURT: --- and then we'll come back and resume.

16 (A brief recess was taken at 11:51 a.m.)

17 THE COURT: Anything from the State before we bring the
18 jury in?

19 MS. LIVESAY: No, sir.

20 THE COURT: Mr. Hoffmeyer?

21 MR. HOFFMEYER: No, sir, Your Honor. Thank you.

22 THE COURT: Mr. Rigney?

23 MR. RIGNEY: No, Your Honor.

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

25 (The jury entered the courtroom at 12:07 p.m.)

1 THE COURT: All right, ladies and gentlemen. Welcome
2 back. Make sure you have your own notepads and no one else's
3 notepads.

4 Mr. Hoffmeyer?

5 MR. HOFFMEYER: Thank you, Your Honor.

6 CLOSING ARGUMENT ON BEHALF OF DEFENDANT JACKSON

7 MR. HOFFMEYER: Ladies and gentlemen, I told you earlier
8 on, a few days ago now, that we appreciate the time and
9 attention you give us in this case, and perhaps you understand
10 that even more now why we would appreciate that so much,
11 because y'all have had to go and come and go and come and wait
12 on us, and I know that's not an easy thing for y'all to do.
13 But in addition, of course, these are very serious matters
14 that you are tasked to listen to and then talk about and reach
15 a decision in this case. And as I indicated to you also,
16 Mr. Jackson desperately needed you here.

17 If this verdict was just going to be about the tragedy,
18 then there's no doubt there was a tragedy. If this verdict
19 was just about the fact that a good young man is no longer
20 here, then clearly, that's something everybody can agree on
21 that that should not have happened. It's heartbreaking. It
22 was heartbreaking for me to watch that video. If it was just
23 about that, this would be simple. But each of y'all knows
24 that it's much more than about that because, when it comes to
25 being accused of these things, then of course my client

1 Tai'Yuan has to be proven guilty beyond a reasonable doubt.
2 It also -- or would be or could be, if you were to find him
3 guilty, a tragedy as well when they haven't met their burden
4 of proof.

5 But we know y'all will remember that despite the
6 compassion and the empathy that everybody in here feels for
7 those folks.

8 Now, as far as the law of the case -- and His Honor is
9 going to tell you-all about it, and I touched on it a little
10 bit toward the beginning -- or at the beginning, rather, of
11 the trial -- and His Honor is going to tell you that, when it
12 comes to each of these young men, the fact that they did not
13 testify, the fact that they did not introduce evidence in this
14 case cannot be considered by any of you at all during your
15 deliberations. That would be improper. And he's going to
16 tell you that. And I know you will follow that.

17 I think sometimes it's human inclination to think, well,
18 surely, they would tell us something. But no, that's not the
19 way it works. And that's appropriate, as I touched on earlier
20 as well. Many times you're not guilty, you couldn't
21 necessarily prove it, but beyond that, our law says that. And
22 I know you take this law and this case very seriously, and
23 you're not going to let that infect or inflict something that
24 is inappropriate in your deliberations in this case.

25 Now, along with that is the fact that, because we have

1 Tai'Yuan on trial and we have the co-defendant on trial, we
2 always worry that maybe you think, well, find one guilty,
3 you've got to find the other guilty. But His Honor is going
4 to tell you that's not the way it works, and I know y'all will
5 follow that as well. It's -- each of them, in essence, with
6 you here in this courtroom, is having their own separate
7 trial.

8 So when it comes to Tai'Yuan Jackson, who was 19 when
9 this tragedy occurred out there, this young man, we know that
10 you will hold the State to the burden of proof as to him
11 irregardless of Mr. Hickson.

12 Now, you have heard everyone speak about reasonable doubt
13 and, as I told you previously, that is the highest burden in
14 the law, and it should be. Liberty is at stake here. The
15 highest burden in the law. It can't be based upon suspicion
16 or "I think" or "it seems like" or "probably" or anything like
17 that, things like, "Well, this photograph sure is suspicious
18 with these young men out there doing all that; that must mean
19 they're guilty."

20 You know, one thing each of y'all bring into this
21 courtroom is common sense. Sometimes I don't have much of
22 it -- probably most of the time -- but y'all bring it in here,
23 and y'all know that young people post all kind of stuff, on
24 the internet and otherwise, that quite frankly looks crazy,
25 and for my generation, looks really crazy. But that's

1 suspicion. That doesn't make somebody guilty of someone [sic]
2 because they're putting their hands in a certain position or
3 hanging out with their buddies and acting stupid. If hanging
4 out with your buddies and acting stupid meant someone was
5 guilty of something, then I've certainly been guilty a lot.
6 But that's suspicious kind of stuff. It doesn't prove
7 anything.

8 We talked about suspicion as well, which you can't base
9 your verdict on. The stickers aren't there. So that must
10 mean they had to have done it. Had to have done it because
11 the stickers weren't there. Does that prove something beyond
12 a reasonable doubt? Of course not. It's suspicious.

13 The fact that -- the State wants to indicate, "Oh, well,
14 they were cranking their cars up, cranking their cars up.
15 They had to have been up to no good. They had to have been
16 planning." Well, you crank your cars up and listen to music
17 so that your battery don't die, and you're out there hanging
18 out with your buddies. You crank your car up sometimes to
19 warm it up, in your older Tahoes, to get ready to leave. You
20 crank your car up when you're worried that these other people
21 out there could be a problem. Maybe some of those other
22 people out there that shot all those other shots. You crank
23 your car up when those things go on too. Suspicion. But they
24 focused on them, and so, all of a sudden, suspicious stuff
25 becomes "that means they did it. Had to have done it." But

1 that's why you folks are here, because y'all don't base
2 verdicts on suspicion.

3 Now, in addition to that, His Honor will tell you the
4 law. And the State touched on voluntary manslaughter. That's
5 part of the law when it comes to a lesser included offense.
6 That is something that the law can require in cases for y'all
7 to consider. Y'all consider it as you will.

8 But the important thing is that -- when it comes to this
9 case is that when it comes to the burden of proof as to the
10 murder and, quite frankly, to the voluntary manslaughter as
11 well, the State has not met that burden. And we'll talk more
12 about that.

13 But what the State wants to do, and I guess it makes
14 sense when a lot of this is suspicion and speculation, is they
15 want to say, "Jury, well, something heartbreaking happened."
16 We agree with them. But beyond that, Jury, we want to say the
17 'hand of one is hand of all' which, to me, is a fancy way of
18 saying somebody did something, so blame the people that were
19 there. Somebody did something, so blame the people that were
20 there. Somebody did something, so blame the people that were
21 there. That's not the way it works.

22 Because you're also going to hear His Honor say that mere
23 presence -- being somewhere doesn't make you guilty of
24 anything. Proof beyond a reasonable doubt requires much more
25 than that, and you'll hear that later in the judge's charge.

1 Now, as we -- so I've touched a little bit on the
2 evidence, and y'all will remember this evidence, and I'm not
3 very fancy so I can't put it up there; I'm going to have to
4 talk to you about it. But one thing about that kind of stuff
5 is -- putting it up there is nice, writing it up in notes is
6 nice, but y'all are the ones that remember the evidence.
7 Y'all are the ones that put the evidence to the test. So we
8 can count on y'all whether I'm using fancy stuff or not.

9 Now, we heard from three young ladies: Ms. Goodman,
10 Ms. Hickson, and Ms. McAlister. And it's clear that they
11 heard shots. And by the way, if someone experienced an event
12 where shots were going off and they heard shots going on and
13 they went back to a hotel room and said, this is what we
14 heard, did you believe that, pop-pop-pop, does that mean they
15 were the ones doing the shooting or they were talking about
16 what they heard? That's suspicious, if it's even suspicious.
17 I guarantee you if I was somewhere and there was a loud
18 explosion or something along those lines or, in this case, the
19 pop-pop-pop, I'm going back to my friends, "Did y'all hear
20 that ka-boom?" That doesn't prove anything.

21 Now, Ms. Goodman, Ms. Hickson, and Ms. McAlister. They
22 tell us they heard these shots, saw some flashes, had no idea
23 where it was coming from. They didn't see anyone. Didn't see
24 my client Tai'Yuan -- 19 at the time, on trial for his
25 liberty -- didn't see him shoot.

1 There are other people out there. Look at all those
2 cars.

3 Now, the State has the burden. With all the resources
4 they have -- brought an FBI agent in here to blow up 300
5 percent, 475 percent, 700 percent for y'all. All the
6 resources the State has, and they didn't bring anybody else in
7 here that tell you what they saw, what they claim occurred,
8 with all their resources?

9 And that brings up another interesting point, and of
10 course, it's their burden, as you very well know. The State
11 says clearly the Malibu must have been the intended target.
12 Clearly. And that's going to corroborate what we want you to
13 believe. Where are the people from the Malibu? Where are
14 they? There had to be people in there if they claimed they
15 were the targets. Why aren't they here in this courtroom
16 telling you what they saw? It's their burden. Subpoena
17 power? Of course they got that. They're not here.

18 Now, Tai'Yuan. 19 years old at the time. So he's at
19 Circle K. They make -- like to find out what's going on for
20 sure, all that shooting going on, tragedy going on. Wondering
21 what's going on. Sure. That's a natural reaction.

22 Then he -- he's handcuffed. He's out there for -- I
23 think that was around 1:00. Whatever y'all remember the
24 evidence showed, if it gave us the time. I was asking the
25 officer about that related to his statement: Well, how long

1 was he out there? I don't know.

2 Don't you think that would be important to know when
3 you're going to question somebody about the tragedy that
4 occurred and it could affect their liberty? Wouldn't you like
5 to know how long he had been in handcuffs, how long he'd been
6 in custody, his intellectual ability, and all these things?

7 But irregardless of that, we know that Mr. Tai'Yuan
8 Jackson, this 19-year-old, did not have to cooperate with
9 them. He didn't have to. But he went to that annex, after
10 being handcuffed for hours, sat there, 19, scared and alone,
11 and talked to the officer.

12 Now, another interesting part about that, you reckon that
13 was recorded at that annex? You reckon that maybe it was
14 audio recorded? You reckon maybe it was video recorded? They
15 didn't show you the statement. They had the investigator tell
16 you what he said, tell you what he said from his perspective;
17 in other words, his portrayal of what Mr. Jackson said. But
18 we don't disagree that Mr. Jackson said some of that, but the
19 way that they use it and infer certain things after he was
20 confronted with the evidence -- you didn't see him being
21 confronted with the evidence in a video statement.

22 He said he shot once. Didn't believe him. So I presume
23 so -- kept questioning. We didn't get to see that interplay,
24 a 19-year-old and two officers in a room questioning him. We
25 didn't get to see any of that. They didn't show you that. I

1 guess it's much easier to get the officer's version to y'all.

2 Now, he admits he shot in the air. Admits he may have
3 shot twice. And of course, that's where the gunshot residue
4 came from. And I'm sure they thought they got him then
5 because, well, he's admitted he shot. In fact, that's been
6 talked about. He admitted he shot.

7 Beyond a reasonable doubt? Are you sure that's not true?
8 Shoot one time in the air? Sure, that could have happened.
9 In fact, it did happen. Maybe twice. All that going out on
10 there, and he does that. That's where the gunshot residue
11 comes from. But it doesn't mean he intended or pointed or
12 participated with anybody else in trying to harm somebody.

13 Now, I mentioned the clothing where the gunshot residue
14 was found, the green clothing that the State has made such a
15 big deal out of. If this young man was trying to hide
16 evidence and get out of this, as the State seems to like to
17 say over and over and over, don't you think he would have
18 gotten rid of that clothing? No. He put it with the rest of
19 his clothes. Going home. Put it with the rest of his
20 clothes. That's what he did with it.

21 Now, at this scene that had numerous vehicles, we have
22 information provided by the SLED fellow -- I believe his last
23 name was Green; y'all will remember better than I -- that
24 there were four other guns firing out there. Four other guns.
25 And we're a little bit back to "hand of one is the hand of

1 all." Somebody did something awful that day. He didn't, and
2 he didn't intend anything and he didn't cohort with anybody to
3 do it. But he was there, and something tragic happened.
4 These four other guns are going off, so therefore, we can
5 establish he's there, he's guilty.

6 Y'all aren't going to let it go like that because they've
7 got to prove more than that. They have got to prove more than
8 he's merely present. But we find out about these four other
9 guns, 18 other casings around there. And goodness, we don't
10 even know if they found them all that could have come from
11 other guns. But be that as it may, they want to focus on this
12 direction that purportedly the gunfire had to come from. But
13 there's all these other guns that are out there, there's other
14 casings that are further away. There are perhaps other
15 casings they haven't found. There's traffic in and out of
16 that place. Casings aren't five-pound-type objects. They
17 move around.

18 And, in fact, when the fellow testified about the
19 direction that he believes the projectiles came from, based
20 upon the fancy laser, he said that it came from the general
21 direction -- excuse me -- that that projectile possibly came
22 from that general direction. Possibly came. Possibly came.
23 That's not beyond a reasonable doubt, ladies and gentlemen.
24 Possibly came from a general direction. Possibly. Remember,
25 we're not dealing with possibilities here. We're not dealing

1 with probablies here. We're dealing with beyond a reasonable
2 doubt.

3 So when it comes to the gun that tragically took this
4 young man's life, we do know that the fragment that was found
5 did not come from the gun that they put on my client. But
6 even beyond that, the State hasn't shown that there was this
7 plan he participated in and he purposefully and willfully
8 joined in it and did what they claimed he did.

9 The State finds the gun and, as always is the case when
10 there are problems with evidence for the State, they know it,
11 so they say, Jim is going to get up here and talk about that.
12 Well, of course I am, because there are problems with the
13 evidence, and the evidence is what it takes to convict
14 someone. So, sure, the defense attorney is going to get up
15 here and talk about that. You bet -- sure I am, because it's
16 important. It's not to try and muddy the waters. It's to try
17 and talk about evidence that is very, very important.

18 So they don't have any DNA, any fingerprints on this gun.
19 They don't have any DNA, any fingerprints on any of these
20 clips that they want to say that my client was apparently
21 using all this time. They don't have any of that for you.
22 But, oh, well, he's going to talk about that. Sure, because
23 it's evidence that they should have, but they don't. And his
24 liberty is at stake.

25 Now, we don't even know who had access to that vehicle

1 all together before they found that gun. We don't know that.
2 They couldn't tell us that.

3 Another part of the State's case deals with these videos.
4 And I have touched on it and I'll keep touching on it because
5 it's very important. Being present -- being merely present
6 doesn't make you guilty.

7 Now, when you look at those videos, you will see the
8 green. They want to claim it shows him on his tiptoes. I
9 don't see that, but y'all can view that for yourself. He's
10 out there kind of moving around, like young people do, at
11 break. Not really knowing anything is going to happen. And
12 they say that this video largely is the end all-be all of this
13 thing.

14 Ladies and gentlemen, if my client Tai'Yuan was out there
15 firing 20 times -- 20 times they keep telling you -- I don't
16 know how many times I heard that -- do you think that would
17 have shown up on the video? Of course it would. Now, maybe
18 you shoot one time in the air because you're scared, don't
19 know what's going on. You might not see that. Even two
20 times. But 20 times -- 20 times -- and you don't see that?
21 That's the evidence they have given you. And it's fine that
22 they gave you that evidence, but then don't say he was
23 shooting 20 times when clearly, if you're going to put all
24 your stock in that, it clearly doesn't show that.

25 So, you know, the evidence helps the defense too, and I

1 know you know that. I know you just don't take the State's
2 version of evidence. I know that each and every one of you
3 individually, and then collectively when you go back to that
4 jury room and share it with one another, talk about it with
5 one another, worry over it with one another, I know each of
6 you will consider: What about the defendants? What about
7 these young men? We can't erase the tragedy, but we will not
8 compound the tragedy by convicting someone when they have not
9 met their burden.

10 Ladies and gentlemen, I'm about to sit down, and I'm sure
11 that suits y'all fine. Y'all have had to listen to a lot and
12 you have been very patient. I hope -- well, I'll tell you
13 this: When I do sit down, and y'all -- some of y'all may have
14 experienced this too -- when you're telling something or
15 sharing something or want to let somebody know how important
16 something is to someone, Tai'Yuan in this case, after you have
17 shared it, after you've talked about it and your turn is over,
18 you go back there and sit down -- and I will go out there and
19 sit down and think of a gazillion things that I wish I had
20 pointed out to y'all, I wish I had told y'all related to this
21 case on his behalf. But I won't get the opportunity to do
22 that again. So when I go over there and worry, I won't be
23 able to come back before you and talk to you about it.

24 But I do know -- I'm certain -- that although I may have
25 to sit down, when y'all are in that jury room -- I can't stand

1 up again, but when y'all are back there in that jury room,
2 some of y'all will stand up on behalf of Mr. Jackson, and
3 perhaps more importantly, it's not standing up just for him,
4 but it's standing up for the fact that justice in this case
5 requires that the State meet their burden of proof beyond a
6 reasonable doubt, and we will not find someone guilty when the
7 State has not done that.

8 So in this case, you won't. Thank you each, individually
9 and collectively, for all the time you have given me.

10 THE COURT: Mr. Rigney?

11 MR. RIGNEY: Thank you, Your Honor.

12 CLOSING ARGUMENT ON BEHALF OF DEFENDANT HICKSON

13 MR. RIGNEY: Back in the 1860s in Gettysburg,
14 Pennsylvania, I believe, there was an afternoon when our
15 president and some other people went there to speak, and one
16 of the most famous speakers in the country was there, and his
17 name was -- I believe his name was Edwin [sic] Everett. And
18 he spoke for more than two hours. And the next day, the
19 newspapers just praised him with what a great speech it was.
20 And you may have heard of the other fellow's speech. He was a
21 guy named Abraham Lincoln, and he gave a very short speech and
22 he just addressed the facts that he needed to address that
23 day. And we all remember Mr. Lincoln's address, but nobody
24 knows much about what Mr. Everett said. In fact, I don't
25 know; I couldn't quote a word for it.

1 I'm intending to be a little more like Mr. Lincoln today,
2 and I want to just explain to you the facts and the
3 information that I think you need to know about this case and
4 that I can share with you.

5 The first thing I'd like to say is that the solicitor
6 took some great liberties with explaining what her version of
7 the events were. I think it might have been a best seller,
8 but I don't think that matches the facts of this case as you
9 have seen them.

10 When I got here on Monday, when I first got to talk with
11 you, I asked you to pay attention, watch the videos, listen to
12 the evidence, listen to the testimony, and keep in touch with
13 your common sense. Just because somebody tells you something
14 that's on a screen doesn't mean that that's what it is if you
15 can see something different. You have to trust yourself with
16 your own life experiences and your own common sense to see
17 what you see and make decisions based on that.

18 Now, my client, Jerelle Hickson, has been with us every
19 day, and you have been seeing him sitting there. And he and I
20 have talked and we have both watched you, as you have watched
21 us, and what we have seen is that you have paid attention so
22 closely. You have watched what's going on in this courtroom,
23 and we're very appreciative of that, very grateful for that,
24 because that's what we depend on from you in order to get
25 justice, is that you watch what happens here not only on the

1 videos, the pictures, things like that, but listen to the
2 testimony and make sure that you are making a decision based
3 on testimony that you hear, you understand, and you use your
4 common sense to work with.

5 So we have talked a little bit -- everyone has talked so
6 far about the burden of proof, so I'll go ahead and hit that
7 too. "Firmly convinced" is a word that I'd like to share with
8 you about the burden of proof. Now, the judge is going to
9 tell you all about that in a few minutes, and you listen to
10 his charges with respect to everything. The burden of proof
11 is so important in this case. The State has the complete
12 burden of proof to prove everything beyond a reasonable doubt
13 which comes to that "firmly convinced" that I just mentioned.
14 So I want you to take that into consideration with every piece
15 of these charges against these young men, and my client,
16 Mr. Jerelle Hickson, in particular. I think that, when you
17 get to the end of this case, you're going to determine that
18 there is not sufficient evidence here to convict Jerelle
19 Hickson of murder or voluntary manslaughter.

20 No doubt it's a tragic case. Nobody is going to argue
21 that at all. Told you in the beginning, people in the parking
22 lot having fun, gunshots rang out, and suddenly, there's
23 chaos, confusion, uncertainty, speculation. All of that has
24 extended right up to today. The police investigation,
25 everything related to this case, there is so much confusion,

1 speculation, chaos, uncertainty.

2 I want to talk a little bit about some witnesses. You
3 got to see a lot of witnesses. Basically two different kinds.
4 A lot of them were law enforcement or people related in some
5 way to law enforcement. And then there are other people that
6 are regular, ordinary folks that have jobs doing a variety of
7 things, not law enforcement, that came in.

8 Shakira Hickson said she heard gunshots, she was scared,
9 but she couldn't identify Jerelle Hickson as someone who did
10 the shooting. She couldn't do that.

11 There's a lot of things that she couldn't remember. Now,
12 the solicitors, as you may recall, worked really hard to get
13 her to say certain things and look at things and say this is
14 what you're seeing. She couldn't convince her to do that
15 because Shakira Hickson was telling the truth.

16 Damonni Clayton came in. Now, my understanding is that
17 she was a friend of the victim, but she -- even so, you would
18 think maybe she'd want to help out the family of the friends.
19 She didn't see anything. She couldn't tell us anything about
20 what happened.

21 But to me, the more interesting person is Nikera
22 McAlister. Very interesting young lady. She was 15, as the
23 solicitor said, when this happened. The first thing she told
24 us was that she's got a bias against my client, Jerelle
25 Hickson. What do I mean by that? Well, she said she doesn't

1 even know -- she never knew Jerelle Hickson until she saw him
2 at this day of the incident. So she didn't know anything
3 about him. But I believe she's got a family, a friend, she
4 has a sister maybe that knows the other defendant. So there's
5 some built-in bias there because maybe she's trying to do
6 something. Maybe she's trying to convince people of something
7 that someone else didn't do, putting it on someone else.

8 But some of the best parts about this is that she made a
9 statement almost immediately after this incident. She was
10 interviewed by the police. And she couldn't remember
11 anything. She didn't see anything. She didn't know anything.

12 So for the next -- that was in April of 2022. We're now
13 in April of 2025. For almost three years she didn't tell
14 anything different to anyone. That was her testimony right
15 here. When did she change her story? Not two years ago, not
16 one year ago. When did she change it? Friday. Not Friday a
17 month ago. Friday before this trial started. Last week.

18 Who did she tell it to? Her mother. Who else did she
19 tell it to? A solicitor and an investigator. I believe
20 that's the ones that were there.

21 Why did they need to talk to her the weekend -- with only
22 a weekend between then and trial if they are ready to have a
23 trial and put these two young men in jail for murder? Why
24 would they need to do that?

25 I believe it's because they realized that they weren't

1 going to have any witnesses come in here and testify that
2 Jerelle Hickson shot somebody. This is the only person that
3 did it. This is the only person that told him -- told us --
4 told you that Jerelle Hickson did the shooting. She's the
5 only one.

6 While she was on that witness stand, she admitted to
7 lying because she told a different story than what she had
8 told three years -- almost three years earlier. She's not
9 believable. You should discredit anything that she said.
10 Whatever she says is just totally unbelievable.

11 I don't think that you can get to beyond a reasonable
12 doubt based on the lie of a person who knows that she lied.
13 You know she lied because she told you she did. Even the
14 solicitor got her to explain that she was telling a different
15 story. And she didn't really give a reason for telling her
16 different story. Was she forced into it? Was she scared?
17 Was she about to get charged with something if she didn't tell
18 a story? She did tell a different story. She admitted she
19 lied. She's not credible. Jerelle Hickson did not shoot.
20 That's the only basis you have for that. That is the
21 definition of reasonable doubt. And you're hearing from an
22 admitted liar.

23 Let's talk a little about the video. That video that we
24 saw, whether they expanded it 300 percent, 475, 700, it's
25 still not good enough to convict somebody of murder. You saw

1 it. I couldn't see shooting. I saw the flashes of something.
2 Was that headlights from somebody starting their car and
3 getting ready to go somewhere, those flashes? You have got
4 people in there that are doing things, that are walking
5 around. Well, they're walking around, so they're in a joint
6 venture to kill someone. I don't think that adds up right.

7 The video is grainy, blurry, whatever you'd like to call
8 it. No matter how many times you look at it, no matter how
9 large you blow it up to, it's still the same video that
10 doesn't show you what happened. You saw it. You all saw it.
11 You saw it here and you saw it blown up, regular size. No
12 matter how much we do that, no matter how many times you watch
13 it, I don't think it's going to show you Jerelle Hickson
14 shooting at someone.

15 The State tried to get various people to say what they
16 saw on the video. Now, what someone else sees on that video
17 is not important to you because you're able to see it
18 yourself. You may have heard me say somewhere along the trial
19 here the video speaks for itself. I want you to remember that
20 and think about that when you're looking at it.

21 The video, I do not believe, can get you beyond a
22 reasonable doubt. It's just not clear enough to send someone
23 away, lock them up. It cannot be. That is the definition --
24 much of this case should be in a book defining what
25 constitutes reasonable doubt because these things that they

1 presented to you do not get us beyond a reasonable doubt.

2 So I'm asking you to reject the theory of the State, and
3 what they have been trying to tell you this whole time, that
4 you can plainly see people in there shooting with the
5 intention of jointly working together to kill someone. It's
6 just not right.

7 The crime scene itself. What we heard initially was that
8 there's a couple of guns that were involved. Two. Maybe a
9 third one too. The State didn't tell us about the other two
10 that might have been there. Why not? What else didn't the
11 State tell us?

12 Well, we don't really know, do we? The State -- as
13 Mr. Hoffmeyer said, the State has got resources to get these
14 things. They brought somebody in here from the FBI to blow up
15 a video for 15 minutes while she was testifying. The State
16 can do a lot of things. Where are the witnesses that the
17 State didn't give us? Where are they?

18 I ask you to take that into consideration. The State
19 really needs to show you everything that they can. And what
20 they have shown you is a video and, "Trust me, that's what
21 happened because I said it happened." I don't think that's
22 good enough. That's not beyond a reasonable doubt.

23 Now, the law enforcement -- one of the law enforcement
24 officers that was here absolutely, as Mr. Hoffmeyer said also,
25 could not say specifically where the shooting came from. It's

1 possibly a general direction. That is reasonable doubt. That
2 is not any way to get to beyond a reasonable doubt.

3 Now, let me talk a little bit about Jerelle Hickson and
4 his connection, or I should say lack of a connection, to
5 anything involved in this case.

6 One person said she saw him shooting. I have already
7 explained she's a liar. I didn't even have to explain that to
8 you. You got to see it yourself. She knew she was a liar.
9 Why was she upset so bad on the witness stand? What's the
10 reason for that? We don't know. Maybe because she's feeling
11 really bad about trying to send some people to jail that she
12 knows didn't do it. Maybe that's what she's crying about.
13 She got to the point where she couldn't talk. I don't know
14 what upset her, but that's a possibility.

15 She's certainly not a credible witness, not after what we
16 saw there.

17 There's more about Jerelle Hickson. The State has all
18 this ability to gather evidence. Where is the DNA? Is there
19 any connection to him with any evidence that they showed you
20 where they told you Jerelle Hickson's DNA is on this? A shell
21 casing? A shirt? A firearm? Nothing. Nothing to connect
22 him to this. Not a single thing.

23 What about fingerprints? That's been going on for a long
24 time. No mention. No mention of that in relation to
25 anything.

1 You heard about gunshot residue. But we didn't hear
2 about gunshot residue with Jerelle Hickson. Not one word
3 about gunshot residue with Jerelle Hickson. I think if he was
4 there, they would have told you about it?

5 Did they find the gun on Jerelle Hickson? I didn't hear
6 that in the testimony. Because they didn't. No gun.

7 He was not in the Tahoe when the gun was found, even. He
8 was already out of town. He went home. He was at home.
9 That's where he was found later.

10 Didn't hear any interviews about him with the police
11 either. So we don't have any evidence of him doing anything.
12 Nothing that can connect him to all these different things.

13 We had projectiles over here, and fragments. You got to
14 see all those things. Nothing to connect any of that to
15 Jerelle Hickson. We were waiting for that. Now, the State,
16 as you know, and has been explained here, the State has the
17 burden of proving all of these things beyond a reasonable
18 doubt. They have the burden of firmly convincing you that
19 what they're alleging happened. I don't think they have done
20 that. I don't think they have done that with the "hand of
21 one, hand of all." There's no evidence that these guys did
22 anything jointly. No evidence at all.

23 As to the murder, I don't think that the State has
24 convinced you or has provided sufficient evidence for you to
25 find beyond a reasonable doubt that they committed these

1 crimes. I also don't think that the State has presented
2 evidence sufficient to convince you beyond a reasonable doubt
3 that Jerelle Hickson committed the crime of voluntary
4 manslaughter.

5 So on all of the allegations by the State, I'm going to
6 ask you to consider every piece of evidence that you have
7 seen -- everything -- but don't forget all the evidence you
8 didn't see that the State could have presented if they had had
9 any evidence that he did any of this. I'm going to ask you to
10 find him not guilty on all the charges.

11 Thank you.

12 MR. RIGNEY: Thank you, Your Honor.

13 THE COURT: Thank you.

14 JURY CHARGE

15 THE COURT: Ladies and gentlemen, all of the evidence in
16 this case has been presented to you. The attorneys have made
17 their closing arguments, and now is the time of the trial when
18 I charge you with the law to be applied in this case.

19 In this case, the State is prosecuting two different
20 defendants. Both are charged with murder and one is charged
21 with the additional crime of possession of a weapon during the
22 commission of a violent crime. I remind you that the fact the
23 defendants were arrested, charged, and indicted in this case
24 is not evidence in this case and cannot be considered by you
25 as evidence of guilt in this case; nor does the defendants'

1 arrest, charge, or indictment create any presumption or
2 inference of guilt. These documents are simply the formal
3 written instruments which contain the charges made against the
4 defendants. They are the formal documents by which this case
5 is brought into this court.

6 Also, the case of each defendant and the evidence and the
7 law concerning that defendant should be considered separately
8 and individually. Your verdict does not have to be the same
9 for both defendants. The fact that you may find one defendant
10 guilty or not guilty should not control your verdict as to the
11 other defendant. Where more than one person is charged with a
12 crime, if the evidence warrants it, you may convict one and
13 acquit the other or you may acquit both or you may convict
14 both. Your verdict as to each defendant will depend upon your
15 view of the testimony and evidence. You must take each
16 defendant and consider the evidence as to that defendant and
17 my instructions to you on the law. You will be asked to
18 decide the guilt or innocence of each defendant on each
19 indictment.

20 The defendants plead not guilty to these indictments, and
21 that plea puts the burden on the State to prove the defendants
22 guilty.

23 A person charged with a committing a criminal offense in
24 South Carolina is never required to prove his innocence. I
25 charge you that an important rule of the law is that the

1 defendant in a criminal trial, no matter what the seriousness
2 of the charge may be, will always be presumed to be innocent
3 of the crime for which the indictment was issued unless guilt
4 has been proven by evidence satisfying you of that guilt
5 beyond a reasonable doubt.

6 This presumption of innocence does not end when you begin
7 your deliberations, but it accompanies the defendant
8 throughout the trial until you reach a verdict of guilt based
9 on evidence satisfying you of that guilt beyond a reasonable
10 doubt. The presumption of innocence is like a robe of
11 righteousness placed about the shoulders of the defendant
12 which remains with the defendant until it has been stripped
13 from the defendant by evidence satisfying you of the
14 defendant's guilt beyond a reasonable doubt.

15 The presumption of innocence is not a mere legal theory.
16 It is not just a legal phrase. It is a substantial right to
17 which every defendant is entitled unless you, the jury, are
18 satisfied from the evidence of the defendant's guilt beyond a
19 reasonable doubt.

20 Now, what is a reasonable doubt in the law? A reasonable
21 doubt is the kind of doubt that would cause a reasonable
22 person to hesitate to act. Proof beyond a reasonable doubt is
23 proof that leaves you firmly convinced of the defendant's
24 guilt. We know very few things in this world with absolute
25 certainty. And in criminal cases, the law does not require

1 proof that overcomes every possible doubt. If, based on your
2 consideration of the evidence, you are firmly convinced that a
3 defendant is guilty of the crime charged, you must find that
4 defendant guilty. If, on the other hand, you think a real
5 possibility exists that the defendant is not guilty, you must
6 give the defendant the benefit of that doubt and find him not
7 guilty.

8 I remind you that, during this trial, you and I have
9 certain duties to perform. As the trial judge, my
10 responsibility is to preside over the trial of this case. I
11 also have the duty to rule on the admissibility of the
12 evidence offered during this trial. You are to consider only
13 the competent evidence before you. If any testimony was
14 ordered stricken from the record in this case during this
15 trial, you must disregard that testimony. You are to consider
16 only the testimony which has been presented from the
17 witnesses, any exhibits which have been made a part of the
18 record in this case, and any stipulations of counsel.

19 I have the additional duty to charge you the law
20 applicable to this case. As the presiding judge, I am the
21 sole judge of the law of this case. Your duty as jurors is to
22 accept and apply the law as I now state it to you. If you
23 have any idea as to what the law is or what the law ought to
24 be, and your idea is different from what I now tell you the
25 law is, you must disregard your idea of what the law is or

1 ought to be because you are sworn to accept the law and apply
2 the law exactly as I state it to you.

3 In every case tried in this court before a jury, the jury
4 is the sole and exclusive judge of the facts in a case. A
5 trial judge cannot intimate, state, comment on, or make any
6 statement to a trial jury about the facts in a case. Since
7 you, the jury, are the sole judge of the facts in this case,
8 you are not to infer from what I have said during the progress
9 of this trial in ruling upon the admissibility of evidence or
10 otherwise, or anything that I say now during the course of
11 this instruction to you, that I have any opinion about the
12 facts in this case. The law does not allow me to have an
13 opinion about the facts of this case. This is a matter solely
14 for you, the jury, to determine.

15 As jurors, your duty is to determine the effect, value,
16 weight and truth of the evidence presented during this trial.

17 Now, two types of evidence are generally presented during
18 a trial: direct evidence and circumstantial evidence. Direct
19 evidence is the testimony of a person who claims to have
20 actual knowledge of a fact, such as an eyewitness. It is
21 evidence which immediately establishes the main fact to be
22 proved.

23 Circumstantial evidence is proof of a chain of facts and
24 circumstances indicating the existence of a fact. It is
25 evidence which immediately establishes collateral facts from

1 which the main fact may be inferred.

2 Circumstantial evidence is based on inference and not on
3 personal knowledge or observation. Crimes may be proven by
4 circumstantial evidence. The law makes no distinction between
5 the weight or value to be given to either direct evidence or
6 circumstantial evidence, nor is a greater degree of certainty
7 required of circumstantial evidence than of direct evidence.
8 However, to the extent the State relies on circumstantial
9 evidence, all of the circumstances must be consistent with
10 each other and, when taken together, point conclusively to the
11 guilt of the accused beyond a reasonable doubt.

12 If the evidence merely portrays the defendant's behavior
13 as suspicious, the proof fails, and you must find the
14 defendant not guilty. The State has the burden of proof of
15 proving the defendant guilty beyond a reasonable doubt. This
16 burden rests with the State regardless of whether the State
17 relies on direct evidence, circumstantial evidence, or some
18 combination of the two. You should weigh all of the evidence
19 in the case. After weighing all the evidence, if you are not
20 convinced of the guilt of the defendant beyond a reasonable
21 doubt, you must find that defendant not guilty.

22 On the other hand, after weighing all the evidence, if
23 you are convinced of the defendant's guilt beyond a reasonable
24 doubt, you must find that defendant guilty. Now, necessarily,
25 you must determine the credibility of witnesses who have

1 testified in this case. Credibility simply means
2 believability. Your duty as jurors is to analyze and to
3 evaluate the evidence and determine which evidence convinces
4 you of its truth. In determining the believability of
5 witnesses who have testified in this case, you may believe one
6 witness over several witnesses, or several witnesses over one
7 witness. You may believe a part of a testimony of a witness
8 and reject the remaining part of the testimony of that same
9 witness. You may believe the testimony of a witness in its
10 entirety or reject the testimony of a witness in its entirety.
11 You may consider whether any witness has exhibited to you any
12 interest, bias, prejudice, or other motive in this case. You
13 may also consider the appearance and manner of a witness while
14 on the witness stand.

15 Evidence has been presented that a witness made prior
16 statements which are not consistent with the witness's present
17 testimony. You may use this evidence to decide whether to
18 believe the witness. You may also use evidence of the earlier
19 contradictory statements to determine the truth of those
20 statements. You are to decide whether to believe the earlier
21 statements or the testimony given at trial. If a witness is
22 shown to have knowingly testified untruthfully concerning any
23 material matter, you may consider this in determining whether
24 to trust the witness's testimony as to other matters. You may
25 reject all testimony of that witness or give all or a part of

1 the testimony the weight you think it deserves.

2 The Rules of Evidence ordinarily do not permit witnesses
3 to testify to opinions or conclusions. An exception to this
4 rule exists for witnesses we call expert witnesses. A witness
5 who, by education and experience, has become expert in some
6 art, science, profession, or calling may state an opinion to a
7 relevant and material matter in which the witness claims to be
8 an expert and may also state the reasons for the opinion. You
9 should consider any expert opinion received in evidence in
10 this case and, like any other evidence, give it the weight you
11 think it deserves.

12 If you decide that the opinion of an expert witness is
13 not based on sufficient education and experience, or if you
14 conclude that the reasons given in support of the opinion are
15 not sound or that the opinion is outweighed by other evidence,
16 you may disregard the opinion entirely. An expert witness's
17 testimony is to be given no greater weight than that of other
18 witnesses simply because the witness is an expert. Further,
19 you're not required to accept an expert's opinion even though
20 it is not contradicted.

21 I instruct you and emphasize that the fact the defendants
22 did not testify is not a factor to be considered by you in any
23 way in your deliberation and in your consideration on the
24 question of the guilt or the innocence of the defendant. A
25 defendant's decision not to testify must not be considered by

1 you in any manner whatsoever. A defendant has the
2 constitutional right to remain silent, and the assertion of
3 this right must not be considered by you in your
4 deliberations. I repeat: Under your oath, you are to draw no
5 conclusion whatsoever from the fact that the defendants in
6 this case did not testify. The fact that the defendants did
7 not testify should not even be discussed in the jury room.
8 The burden of proof, as I have stated to you, is on the State.
9 The defendants are not required to prove their innocence. The
10 burden of proof remains on the State to prove guilt beyond a
11 reasonable doubt.

12 Now, if a crime is committed by two or more people who
13 are acting together in committing a crime, the act of one is
14 the act of all. A person who joins with another to commit an
15 unlawful act is criminally responsible for everything done by
16 the other person which happens as a probable or natural
17 consequence of the acts done in carrying out a common plan or
18 purpose.

19 For example, two people can be guilty of burglary when
20 only one of the two enters a dwelling and steals property
21 while the other waits outside the house as a lookout and
22 assists in the crime. If two or more people are together,
23 acting together, assisting each other in committing the
24 offense, the act of one is the act of all or, as it is
25 sometimes said, "the hand of one is the hand of all."

1 Prior knowledge that a crime is going to be committed
2 without more is not sufficient to make a person guilty of that
3 crime. Mere knowledge that another person is going to commit
4 a crime, even if the defendant is present when the crime is
5 committed, is not sufficient to convict the defendant as a
6 principle. Guilt as a principle is shown by actual or
7 constructive presence at the scene as a result of a prior
8 arrangement. Therefore, a finding of a prior arranged plan or
9 common scheme is necessary for a finding of guilt as a
10 principle.

11 The State must prove beyond a reasonable doubt by
12 competent evidence the theory of "the hand of one is the hand
13 of all." A principal in a crime is one who either actually
14 commits the crime or who is present, aiding, abetting, or
15 assisting in the committing of the crime. When a person does
16 an act in the presence of and with the assistance of another,
17 the act is done by both. Where two are more, acting with a
18 common plan or intent, are present at the commission of a
19 crime, it does not matter who actually commits the crime; all
20 are guilty. The hand of one is the hand of all.

21 "Present at the commission of a crime" means to be
22 sufficiently near to aid and abet and assist in the commission
23 of the crime; however, mere presence at the scene of a crime
24 is not sufficient to convict one as a principal on the theory
25 of aiding and abetting. Intent is also a necessary element

1 for there must have been a common design or intent to commit
2 the crime, and the crime must have been committed pursuant
3 thereto with the person aiding and abetting by some overt act.

4 "Intent" means intending the result which actually
5 occurs, not accidentally or involuntarily. Intent may be
6 shown by acts and conduct of the defendant and other
7 circumstances from which you may naturally and reasonably
8 infer intent. The State must prove these elements beyond a
9 reasonable doubt.

10 Now, as I have stated, in order to establish criminal
11 liability, criminal intent is required. For example, the
12 mental state required to be proven by the State for a
13 particular crime might be purpose, intent, knowledge,
14 recklessness, or criminal negligence. Criminal intent must be
15 proven by the State beyond a reasonable doubt. Criminal
16 intent is always a matter that must be determined by the jury
17 from the circumstances surrounding the situation.

18 There is no way to prove intent to a mathematical
19 certainty. Medical science cannot dissect a person's brain
20 and determine what the person had in mind. So the law says
21 that criminal intent may be inferred from the circumstances
22 shown to have existed. This is how you make a decision of
23 whether or not the element requiring intent was present.

24 Intent need not be established by direct and positive
25 evidence, but intent may be established by inference in the

1 same way as any other fact, by taking into consideration the
2 acts of the parties and all the facts and circumstances of the
3 case.

4 Criminal intent is a mental state, a conscious
5 wrongdoing. You must determine what the defendant intended to
6 do based on the circumstances shown to have existed.

7 As I previously stated, mere presence at the scene of a
8 crime is not sufficient to prove someone guilty of committing
9 a crime. The defendant's presence where a crime is being
10 committed or mere association with a person who commits a
11 crime does not make a defendant an accomplice or an aider and
12 abettor of the person committing a crime. The burden is on
13 the State to prove every element of the crime charged. If you
14 find, after reviewing all the evidence, that the State has
15 proved that a defendant was only present at the scene of a
16 crime and that they have not proved beyond a reasonable doubt
17 any other participation by that defendant in the crime, then
18 you must find the defendant not guilty.

19 The law is that proof that someone was only at the scene
20 of the crime by itself is not sufficient to find someone
21 guilty.

22 Now, both defendants are charged with murder. To convict
23 a defendant of murder, the State must prove beyond a
24 reasonable doubt that the defendant killed another person with
25 malice aforethought. Malice is hatred, ill will, or hostility

1 towards another person. It is the intentional doing of a
2 wrongful act without just cause or excuse and with an intent
3 to inflict an injury or under circumstances that the law will
4 infer an evil intent. Malice aforethought does not require
5 that malice exists for any particular time before the act is
6 committed, but malice must exist in the mind of the defendant
7 just before and at the time of the act or at the time the act
8 is committed. Therefore, there must be a combination of the
9 previous evil intent and the act.

10 Malice aforethought may be expressed or inferred. These
11 terms, "express" and "infer," do not mean different kinds of
12 malice, but merely the manner in which malice may be shown to
13 exist; that is, either by direct evidence or by inference from
14 the facts and circumstances which are proved.

15 Express malice is shown when a person speaks words which
16 express hatred or ill will for another, or when the person
17 prepared beforehand to do the act which was later
18 accomplished. For example, lying in wait for a person or any
19 other acts of preparation going to show that the deed was
20 within the defendant's mind would be express malice.

21 Malice may be inferred from conduct showing a total
22 disregard for human life. If facts are proved beyond a
23 reasonable doubt sufficient to raise an inference of malice to
24 your satisfaction, this inference would be simply an
25 evidentiary fact to be considered by you along with the other

1 evidence in the case, and you may give it the weight you
2 decide it should receive.

3 If the defendant, with malice aforethought, attempts to
4 kill another person but, by mistake, kills a different person,
5 the defendant still has the intent to kill. The intent to
6 kill is merely transferred from the original person the
7 defendant attempted to kill to the actual person killed. The
8 defendant would be guilty of murder just as if the intent had
9 resulted in the death of the person the defendant attempted to
10 kill.

11 If you find that the State has failed to prove beyond a
12 reasonable doubt that a defendant committed murder, you may
13 consider whether or not the State has proved beyond a
14 reasonable doubt that the defendant committed voluntary
15 manslaughter. Included within the offense of murder is the
16 lesser offense of voluntary manslaughter. To convict the
17 defendant of voluntary manslaughter, the State must prove
18 beyond a reasonable doubt that the defendant took the life of
19 another in the sudden heat of passion based on sufficient
20 legal provocation. Both heat of passion and sufficient legal
21 provocation must be present at the time of the killing to
22 constitute voluntary manslaughter.

23 Sudden heat of passion may for a time affect a person's
24 self-control and temporarily disturb a person's reasoning.
25 The sudden heat of passion must be the type that would make an

1 ordinary person unable to coolly reflect on his actions and
2 would produce an uncontrollable impulse to do violence.
3 Sufficient legal provocation must be the type that would make
4 a person of ordinary reason and caution become enraged and to
5 lose control temporarily. The provocation needed for
6 voluntary manslaughter must come from some act of or related
7 to the victim. Words alone, however vulgar or insulting, are
8 not enough to be legal provocation. Where death is caused by
9 a use of a deadly weapon, the words must be accompanied by
10 some overt threatening act which could have produced the heat
11 of passion. The exercise of a legal right, no matter how
12 offensive it is to another, is never sufficient legal
13 provocation for voluntary manslaughter.

14 If the heat of passion had cooled or if there was enough
15 time between the provocation, if any, and the killing for the
16 passion of a reasonable person to cool, the killing would not
17 be voluntary manslaughter. In deciding whether a reasonable
18 person would have had enough time to cool off, you should
19 consider all the circumstances surrounding the killing. You
20 may consider the nature of the provocation, if any, the
21 defendant's mental and physical state, and the circumstances
22 and relationships between the parties.

23 The defendant, Tai'Yuan Ja'Rel Jackson, is also charged
24 with possession of a weapon during the commission of a violent
25 crime. To convict the defendant of that crime, the State must

1 prove beyond a reasonable doubt that the defendant was in
2 possession of a firearm or visibly displayed what appeared to
3 be a firearm during the commission of a violent crime.

4 A firearm means any weapon which will, is designed to, or
5 may readily convert to expel a projectile. In order to find
6 the defendant guilty of possession of a weapon during the
7 commission of a violent crime, you must first find the
8 defendant of either committing a violent crime or attempting
9 to commit a violent crime. Murder and voluntary manslaughter
10 are violent crimes.

11 Also, the State must prove beyond a reasonable doubt that
12 the weapon furthered, advanced, or helped in the commission of
13 the crime.

14 Now, as to the indictments charging the defendants with
15 murder, you may find one of three possible verdicts. No
16 significance is to be given to the order in which I state
17 these possible verdicts to you. I simply must state one
18 first, one second, and one third. The possible verdicts for
19 each indictment for murder are: We, the jury, find the
20 defendant guilty of murder; or we, the jury, find the
21 defendant guilty of voluntary manslaughter; or we, the jury,
22 find the defendant not guilty.

23 As to the indictment charging the defendant, Tai'Yuan
24 Ja'Rel Jackson, with possession of a weapon during the
25 commission of a violent crime, you may find the defendant

1 either guilty or not guilty. However, you cannot find the
2 defendant, Tai'Yuan Jackson, guilty of possession of a weapon
3 during the commission of a violent crime unless you also find
4 him guilty of murder or voluntary manslaughter.

5 As stated before, you must decide the guilt or innocence
6 of each defendant on each indictment against him. Ladies and
7 gentlemen, your verdicts must be a unanimous one. Ms. Ray, as
8 the foreperson, when the jury agrees on a verdict, you'll
9 check the appropriate box. When the jury has reached a
10 verdict on all charges on all indictments, you'll then sign
11 your name, knock on the door, and let the bailiff know that
12 the jury has reached a verdict, and we'll bring you back into
13 the courtroom at that time.

14 Now, you have been allowed to take notes during this
15 trial if you wanted to take notes. Now I will allow you to
16 take your notes with you into the jury room while you
17 deliberate. However, please remember that note-taking is not
18 required and some people can recall matters without taking
19 notes as well as others who do take notes. You are to
20 consider the recollections of all jurors and give no greater
21 weight to a juror's notes than to the recollections of other
22 jurors.

23 Also, we have got lunch here for you, and you can do one
24 of two things: You can eat your lunch and then begin your
25 deliberations, or you can deliberate while you eat lunch. The

1 only requirement is that everybody must do the same thing.
2 You cannot have some jurors deliberate while other jurors
3 choose not to deliberate. But whatever you agree to do, you
4 can do that. If you want to eat and deliberate at the same
5 time or if you want to finish your meal before you begin your
6 deliberations, you can do that as well.

7 Now, I'm going to excuse you back to the jury room, but
8 I'm going to ask that you not begin your deliberations at this
9 time. I have got to check with the attorneys to see if there
10 are any additional charges that need to be made or any
11 corrections to the charges I just made to you. If there are
12 and I deem them appropriate, I'll bring you back into the
13 courtroom and make those additional charges or corrections.
14 If there are none, then all of the exhibits will be brought
15 back to you with the verdict forms, and the bailiff will
16 instruct you to begin your deliberations.

17 Please do not begin your deliberations until you're told
18 to do so by the bailiff. Okay? Thank you very much.

19 (The jury exited the courtroom at 1:23 p.m.)

20 THE COURT: All right. Any exceptions or additional
21 charges from the State?

22 MR. LEASURE: No, Your Honor.

23 THE COURT: All right. Mr. Hoffmeyer, any that have not
24 already been raised?

25 MR. HOFFMEYER: Your Honor, only those that I previously

1 raised before.

2 THE COURT: And I have already ruled on those.

3 MR. HOFFMEYER: Yes, sir.

4 THE COURT: All right. Mr. Rigney, any additional
5 charges that have not been raised?

6 MR. RIGNEY: No, Your Honor.

7 THE COURT: All right. Thank you very much. Let's make
8 sure we have got all of the exhibits here. While you're doing
9 that, if you can go and get Mr. Floyd and Mr. Smith, our
10 alternate jurors.

11 (The alternate jurors entered the courtroom at 1:26 p.m.)

12 THE COURT: Mr. Floyd and Mr. Smith, this is the part of
13 trial that I never like. Since we have our 12 jurors, the law
14 says that, as alternates, you're not allowed to participate in
15 the deliberations. I hate that, because we make you sit
16 through the entire trial, do everything that the jury does,
17 but then we don't allow you to participate in the
18 deliberation. So that will conclude your duties as jurors for
19 this case and for this week. I want to thank you. You can do
20 whatever you want. If you want to stay and see the outcome,
21 you can do that. Stay, eat your lunch, you can do that. If
22 you want to wait awhile and leave, you can do that. Of if you
23 want to go now, you can do that as well.

24 Do either of you have anything in the jury room?

25 JUROR NO. 129: Yes, cell phone.

1 JUROR NO. 349: Likewise.

2 THE COURT: All right. I'm going to send the bailiff in
3 there to get your cell phones and bring them back out to you.
4 And as I said, we have got lunch here for you. You can do
5 what you'd like. If you want to leave, you can. If you want
6 to stay, you can do that. If you want to stay for a little
7 while -- whatever you want to do.

8 You have got a one-year disqualification from serving
9 jury duty. You have got a three-year exemption. I hope you
10 don't exercise your exemption, because we do need good jurors,
11 and I want to thank you for your service. Okay? All right.
12 Thank you very much.

13 I guess, if you would just wait right there in the
14 hallway and they'll direct you -- oh, here he comes right
15 here. He'll direct you, if you want to stay, where you can
16 wait; if you want to eat your lunch, where you can eat your
17 lunch; or if you want to go, he'll get your phones and allow
18 you to go ahead and leave. Thank you very much.

19 (Alternate jurors exit the courtroom at 1:27 p.m.)

20 THE COURT: All right. Let's make sure we have got all
21 of the exhibits here before we send them back to the jury, and
22 then we'll be in recess until we hear something.

23 (Reviewing exhibits.)

24 THE COURT: All right. Anything before we recess for
25 lunch?

1 MR. HOFFMEYER: No, Your Honor.

2 MR. RIGNEY: No, sir, Your Honor.

3 THE COURT: All right. We'll be in recess until we hear
4 from the jury.

5 (A recess was taken from 1:34 p.m. to 3:14 p.m. while the
6 jury deliberates.)

7 THE COURT: Is your client coming?

8 MR. HOFFMEYER: Yes, sir, I believe he's on his way.

9 THE COURT: All right.

10 JURY QUESTION

11 THE COURT: All right. We have got two questions from
12 the jury. No. 1: Is "hand of one, hand of all" a law that
13 has to be followed? No. 2: Where in the parking lot was the
14 Accord?

15 I was just going to put in here -- "Is the 'hand of one,
16 hand of all' a law that has to be followed?" I was going to
17 put, "Yes."

18 And "Where in the parking lot was the Accord?" "This is
19 a fact that the jury must determine."

20 What's the State's position?

21 MS. LIVESAY: I think that's fair.

22 THE COURT: All right.

23 MR. HOFFMEYER: Your Honor, our position would be that
24 the jury should be charged that, if they find the "hand of
25 one, hand of all" is appropriate under the facts and evidence

1 of the case, it has to be followed.

2 THE COURT: How about if I put, "Yes, if the State
3 proves -- proves it beyond a reasonable doubt"?

4 MR. HOFFMEYER: That would be fine, yes, sir.

5 THE COURT: All right.

6 MR. RIGNEY: Yes, sir.

7 THE COURT: Ms. Livesay, any position?

8 MS. LIVESAY: I think what we probably need to tell them
9 is, listen, everything that was charged to you is the law and
10 it has to be followed. That's just it. Everything that was
11 read to you as part of the jury instructions has to be
12 followed, including "hand of one, hand of all." But I think
13 they need to know everything in the jury instructions,
14 including that portion, has to be followed.

15 THE COURT: All right. What if I just put that: "All
16 charges on the law by the Court have to be followed"?

17 MS. LIVESAY: I think that's appropriate.

18 MR. HOFFMEYER: Your Honor, I take the same position as
19 my first comment in terms of -- or what Your Honor suggested
20 as to the reasonable doubt. If the jury finds from the
21 evidence in this case that the State has met their burden of
22 proof beyond a reasonable doubt that the "hand of one, hand of
23 all" applies, then you must apply it.

24 MR. RIGNEY: Since they asked the question, Your Honor, I
25 think -- I agree with Mr. Hoffmeyer. They don't understand it

1 as written, apparently; that's why they asked the question.
2 So I think --

3 THE COURT: I don't know what they're saying. I don't
4 know whether they're asking for me to comment on the evidence
5 presented by the State or whether they have the option to
6 choose it or not choose it. That's why I was thinking of just
7 putting on there, "You must follow all the law -- you must
8 follow all charges on the law by the Court."

9 MS. LIVESAY: That's right.

10 MR. LEASURE: The law as charged.

11 THE COURT: Yeah.

12 MS. LIVESAY: I think it says that in the jury
13 instructions. You have to -- if you think different, you have
14 to apply what I'm giving you.

15 THE COURT: Well, that's what I charged them ---

16 MS. LIVESAY: Right.

17 THE COURT: --- even if you disagree with the law or if
18 you have some idea as to what the law is or the law ought to
19 be, you must disregard your idea of what the law is or ought
20 to be because you're sworn to follow the law as I give it to
21 you.

22 MS. LIVESAY: That's right.

23 THE COURT: What about if I do that? If I just say, "You
24 must follow the law as ---

25 MS. LIVESAY: As I charged you.

1 THE COURT: --- as charged to you by the Court"?

2 MS. LIVESAY: Yes.

3 MR. HOFFMEYER: Your Honor, would you consider charging
4 them similarly to what you charged, that they are the judges
5 of the facts and you are the judge of the law, so they
6 determine the facts, and they have to follow the law as you
7 have given it to them?

8 THE COURT: I have already done that. Like I say,
9 they're asking me one of two things. They're asking me, do
10 they have to follow it or do they have the option not to
11 follow it? Or they're asking me to comment on whether or not
12 I think the State has proved it beyond a reasonable doubt.
13 And I don't know which one they're asking me.

14 MR. HOFFMEYER: And the second one is the one that
15 concerns me, obviously. We don't know --

16 THE COURT: That's why I don't want to put in there,
17 "Yes, you have to follow it," and them think I'm telling them
18 the State has proved it beyond a reasonable doubt. And I
19 don't want to put in there, "Yes, you have to follow it if the
20 State has proved it beyond a reasonable doubt," because then
21 they might be saying, "Well, according to him, he thinks the
22 State has proven it." That's why I'm just -- I'm thinking the
23 State's position is probably more accurate that says, "You
24 must follow the entire -- you must follow all of the law as
25 charged by the Court."

1 MR. LEASURE: Correct.

2 MR. HOFFMEYER: I stand by my position, Judge. I have
3 indicated what I think the jury should be charged. I'm really
4 concerned that they're hung up on the facts and that they're
5 going to take that -- that charge in that fashion.

6 THE COURT: All right. Mr. Hoffmeyer and Mr. Rigney, I
7 understand your objection, but what I'm going to do, I'm just
8 going to put: "You must follow the law as it was charged to
9 you by the Court." And leave it at that. All right?

10 MR. RIGNEY: Thank you, Your Honor.

11 MR. HOFFMEYER: Thank you, sir.

12 THE COURT: Thank you.

13 All right. Let's mark that Court's Exhibit --

14 THE COURT STENOGRAPHER: No. 1.

15 THE COURT: -- No. 1. If y'all want to come -- y'all are
16 going to want to take a look at that so you can see what I'm
17 sending back to them.

18 (Court's Exhibit No. 1, Jury Question/Note, was marked
19 for identification and received into the record.)

20 THE COURT: All right. If I could get -- take this back
21 to the jury.

22 All right. Anything from the State?

23 MS. LIVESAY: No, sir.

24 THE COURT: Mr. Hoffmeyer?

25 MR. HOFFMEYER: No, sir, Judge.

1 THE COURT: Mr. Rigney?

2 MR. RIGNEY: No, sir.

3 THE COURT: All right. We'll be in recess until we hear
4 from the jury.

5 (A brief recess was taken from 3:24 p.m. to 5:00 p.m.)

6 THE COURT: All right. I understand the jury has reached
7 a verdict. Anything from the State before we bring the jury
8 in?

9 MS. LIVESAY: No, sir.

10 THE COURT: Anything from the Defendant Jackson?

11 MR. HOFFMEYER: No, sir, Your Honor.

12 THE COURT: Anything from the Defendant Hickson?

13 MR. RIGNEY: No, Your Honor.

14 THE COURT: All right. Now, ladies and gentlemen, the
15 jury is about to come in with their verdict. Regardless of
16 what the verdict is, there is to be no display of emotion one
17 way or the other. I don't want this jury to feel bad about a
18 decision one way or the other. And I simply say that to let
19 you know that, if you're unable to control your emotions, you
20 need to excuse yourself from the courtroom now. Because
21 anybody who displays any emotion one way or the other will be
22 subject to contempt of court. So I let you know that now just
23 in case you feel that you will not be able to control your
24 emotions. All right?

25 All right. Let's bring the jury in.

1 (The jury entered the courtroom at 5:06 p.m.)

2 THE COURT: All right, ladies and gentlemen. Welcome
3 back.

4 Ms. Ray, I understand the jury has reached a verdict; is
5 that correct?

6 JUROR NO. 317: Yes, Your Honor.

7 THE COURT: Have you completed the verdict forms?

8 JUROR NO. 317: I have, Your Honor.

9 THE COURT: All right. If you would please give them to
10 the clerk.

11 JUROR NO. 317: Thank you.

12 THE CLERK: Thank you.

13 (The Court reviews the verdict form.)

14 THE COURT: All right. I'll ask the clerk to please
15 publish the verdicts.

16 VERDICT

17 THE CLERK: Indictment Nos. 2023-GS-26-00403 and
18 2023-GS-26-00396, the State of South Carolina, County of
19 Horry, versus Tai'Yuan Ja'Rel Jackson: We, the jury, find the
20 defendant guilty of voluntary manslaughter and possession of a
21 weapon during the commission of a violent crime.

22 Signed by foreperson Kristin Ray, dated April 10th, 2025.

23 Indictment No. 2023-GS-26-03150, the State of South
24 Carolina, County of Horry, versus Jerelle Hickson: We, the
25 jury, find the defendant, Jerelle Hickson, guilty of voluntary

1 manslaughter.

2 Signed by foreperson Kristin Ray, dated April 10th, 2025.

3 Ladies and gentlemen of the jury, if this is your
4 verdict, please so signify by raising your right hand. Thank
5 you.

6 THE COURT: All right. Let the record reflect that all
7 jurors raised their right hand.

8 Mr. Hoffmeyer, any polling of the jury by the Defendant
9 Jackson?

10 MR. HOFFMEYER: Yes, sir, Your Honor. Would you please
11 poll the jury?

12 POLLING OF THE JURY

13 THE COURT: All right. Ladies and gentlemen, I'm going
14 to poll the jury, which means that when I call your jury
15 number, I'm going to ask that you stand. And when you stand,
16 I'm going to ask you two questions. First, I'm going to ask
17 you if this is your verdict, and then I'm going to ask you if
18 it is still your verdict. So please listen up and, as I call
19 your number, please stand.

20 Juror No. 341, is this your verdict?

21 JUROR NO. 341: Yes, Your Honor.

22 THE COURT: Is it still your verdict?

23 JUROR NO. 341: Yes, Your Honor.

24 THE COURT: Thank you.

25 Juror No. 357, is this your verdict?

1 JUROR NO. 357: Yes, Your Honor.
2 THE COURT: Is it still your verdict?
3 JUROR NO. 357: Yes, Your Honor.
4 THE COURT: Thank you.
5 Juror No. 317, is this your verdict?
6 JUROR NO. 317: Yes, Your Honor.
7 THE COURT: Is it still your verdict?
8 JUROR NO. 317: Yes, Your Honor.
9 THE COURT: Thank you.
10 Juror No. 36, is this your verdict?
11 JUROR NO. 36: Yes, Your Honor.
12 THE COURT: Is it still your verdict?
13 JUROR NO. 36: Yes, Your Honor.
14 THE COURT: Thank you.
15 Juror No. 127, is this your verdict?
16 JUROR NO. 127: Yes, Your Honor.
17 THE COURT: Is this still your verdict?
18 JUROR NO. 127: Yes, Your Honor.
19 THE COURT: Thank you very much.
20 Juror No. 403, is this your verdict?
21 JUROR NO. 403: Yes, Your Honor.
22 THE COURT: Is this still your verdict?
23 JUROR NO. 403: Yes, Your Honor.
24 THE COURT: Thank you.
25 Juror No. 69, is this your verdict?

1 JUROR NO. 69: Yes, Your Honor.
2 THE COURT: Is this still your verdict?
3 JUROR NO. 69: Yes, Your Honor.
4 THE COURT: Thank you very much.
5 Juror No. 414, is this your verdict?
6 JUROR NO. 414: Yes, sir.
7 THE COURT: Is this still your verdict?
8 JUROR NO. 414: Yes, sir.
9 THE COURT: Thank you.
10 Juror No. 321, is this your verdict?
11 JUROR NO. 321: Yes, sir.
12 THE COURT: Is it still your verdict?
13 JUROR NO. 321: Yes, sir.
14 THE COURT: Thank you.
15 Juror No. 250, is this your verdict?
16 JUROR NO. 250: Yes, sir.
17 THE COURT: Is this still your verdict?
18 JUROR NO. 250: Yes, Your Honor.
19 THE COURT: Thank you.
20 Juror No. 287, is this your verdict?
21 JUROR NO. 287: Yes, Your Honor.
22 THE COURT: Is it still your verdict?
23 JUROR NO. 287: Yes, Your Honor.
24 THE COURT: Thank you.
25 And Juror No. 31, is this your verdict?

1 JUROR NO. 31: Yes, sir.

2 THE COURT: Is this still your verdict?

3 JUROR NO. 31: Yes, sir.

4 THE COURT: Thank you very much.

5 All right. Ladies and gentlemen, that will conclude your
6 duties as jurors in this case. It will also conclude your
7 duties as jurors for the week. We don't have anything else
8 that will be going forward.

9 And I want to thank you for your service. I know jury
10 duty is not an easy job, but it is a vital job. And you've
11 done it well, and I want to thank you for your service.
12 You've got a one-year disqualification from serving jury duty
13 in state circuit court. You've got a three-year exemption. I
14 hope you don't exercise your exemption, because we do need
15 good jurors, and I want to thank you for your service.

16 That will conclude your duties. Those of you who want to
17 be excused can be excused. Those of you who want to remain
18 for the remainder of these proceedings can stay in the jury
19 box, whichever you wish to do. Thank you very much.

20 (The jury exited the courtroom at 5:11 p.m.)

21 MOTION FOR DIRECTED VERDICT

22 THE COURT: All right. Any post-trial motions at this
23 time?

24 MR. HOFFMEYER: Yes, sir, Your Honor. At this time, we
25 renew our Motion for a Directed Verdict based upon the

1 arguments that I made to the Court at the end of the State's
2 case. We renew those.

3 THE COURT: All right. I'm going to deny that motion.
4 I'm going to let my prior ruling stand on that.

5 MR. HOFFMEYER: Yes, sir, I understand.

6 And in the alternative, Your Honor, we move for a new
7 trial. We move for a new trial on the basis of the evidence
8 that was admitted over our objection related to the Motion to
9 Suppress the items from the vehicle, that being the shirt and
10 the gun, and also our Motion to Suppress the statement of
11 Mr. Jackson. We believe that those should not have been
12 admitted, and he's entitled to a new trial.

13 In addition, on our Motion for a New Trial, Judge, we
14 believe that this trial should have been severed from that of
15 the co-defendant, and we believe that it was borne out -- the
16 jury was wrestling with the "hand of one is the hand of all"
17 and having two defendants in here on trial at the same time,
18 it created certain issues for this jury, and therefore, we
19 move for a new trial on that basis as well.

20 In addition, we move for a new trial on the basis that
21 there was a photograph admitted into evidence which showed the
22 young men purportedly acting as if they were shooting a weapon
23 and other type signs, and we believe that that should not have
24 been admitted and was highly prejudicial. It also fed into
25 the State's theory of the "hand of one is the hand of all" and

1 their actions -- I think premeditation in that case was one of
2 the State's points -- but more than that, their actions and
3 their actions together.

4 In addition to that, Judge, on the "hand of one, hand of
5 all" issue, which greatly impacted this case, I requested a
6 certain charge of the Court after the jury had the question
7 which was denied, and we believe, based upon the issues the
8 jury was having with the "hand of one is the hand of all,"
9 another reason that severance would have been appropriate,
10 should have been granted, but all that leads to the fact that
11 a new trial should be granted in this case. And that's all I
12 have at this time, Judge.

13 THE COURT: All right. I have already made a decision on
14 those issues, and I'm going to let the prior decisions stand,
15 so I'm going to deny your motion for a new trial.

16 All right. Anything else from the Defendant Jackson at
17 this time?

18 MR. HOFFMEYER: No, sir, Your Honor. Thank you.

19 THE COURT: All right. Mr. Rigney, anything from your
20 client?

21 MR. RIGNEY: Yes, Your Honor. First of all, we want to
22 renew our Motion for a Directed Verdict based on the
23 insufficiency of the evidence.

24 THE COURT: All right. I'm going to let my prior ruling
25 stay on that one. I'm going to deny the motion.

1 MR. RIGNEY: In addition to that, Your Honor, we would
2 move for a new trial. And this is going to be based on, first
3 of all, the denial of the Motion to Sever which gave rise to
4 various questions and complications, the "hand of one, hand of
5 all," and our initial motion pretrial to get this motion -- to
6 get the trial severed -- we would base that on the entire
7 Motion to Sever pretrial.

8 We also had a question about the videos, not only the
9 entire suppression of the videos before trial, pretrial, but
10 also as to the admission of the evidence of the altered
11 videos. And we had also joined in the motion regarding the
12 "hand of one, hand of all" question from the jury, as well as
13 the instruction to the jury about the "hand of one, hand of
14 all," the sufficiency of the evidence to support such an
15 instruction. And so, therefore, Your Honor, we ask for a new
16 trial on those grounds.

17 THE COURT: All right. As with Mr. Jackson's motions, I
18 think I have already addressed all those issues. I'm going to
19 stand by my prior rulings, so I deny the motion for a new
20 trial.

21 MR. RIGNEY: Thank you, Your Honor.

22 THE COURT: Anything further from the Defendant Hickson
23 at this time?

24 MR. RIGNEY: No, Your Honor.

25 THE COURT: All right. Any reason we cannot go ahead and

1 impose a sentence at this time?

2 Do y'all have sentencing sheets?

3 MR. LEASURE: Yes, Your Honor. I believe she's working
4 on it, Your Honor.

5 THE COURT: All right.

6 (Pause in the proceedings.)

7 MITIGATION

8 THE COURT: All right. Mr. Hoffmeyer, Mr. Rigney --
9 we'll go with Mr. Rigney first. Anything in mitigation with
10 regard to Mr. Hickson before I impose sentencing?

11 MR. RIGNEY: Yes, Your Honor. Mr. Hickson is 19 years
12 old now and, when this incident took place, he was 16 years
13 old only. He has about an 8th grade education. And as we
14 made you aware in pretrial hearing, he has significant
15 learning disabilities and he has trouble in various aspects of
16 his life due to those things. He's also had some difficulties
17 in his home life in that his parents have not lived together
18 during most of his time.

19 In my interactions with this young man, he's always been
20 very respectful, very polite, and acted very appropriately in
21 all instances I have been with him. I have been impressed
22 that -- he's been in various -- I've met him in various ways,
23 all the way back to the juvenile facility in Columbia, and I
24 got to talk to him on many different levels and go through --
25 many different interviews that he had to go through in the

1 process of getting waived up from the juvenile courts and the
2 family courts. And he has impressed me as a person who --
3 maybe he's done some things that he shouldn't have done. He
4 realizes that he can do better with his life, and I would ask
5 for leniency in order to give him a chance to actually get on
6 with his life and do better with it, Your Honor. Thank you.

7 THE COURT: All right. Mr. Hickson, anything you want to
8 say? Or anyone want to speak on your behalf?

9 DEFENDANT HICKSON: No, sir.

10 THE COURT: All right.

11 Mr. Hoffmeyer, anything in mitigation on behalf of your
12 client?

13 MR. HOFFMEYER: Thank you, Your Honor. This obviously is
14 a terribly tragic situation. There aren't words to describe
15 how tragic it is. It's tragic for this family to Your Honor's
16 right. It's tragic for this family to Your Honor's left. And
17 I know my client is remorseful, but it can't be undone.

18 Judge, he was 19. That's a very immature time. And
19 beyond immature, these young people -- it's hard for
20 us-that-are-older to understand, but they get involved in
21 these things that ruin people's lives. But I know that my
22 client appreciates the devastation that this has caused.

23 He had been in no trouble before. So, Judge, any
24 leniency you can give and certainly run that five years
25 concurrent -- it's all part of the same course of conduct --

1 we would greatly appreciate it.

2 THE COURT: Mr. Jackson, anything you want to say or
3 anyone want to speak on your behalf?

4 DEFENDANT JACKSON: Yes, sir. I just want to -- I don't
5 know if I can look at the family or -- I just want to let the
6 family know that I'm sorry, that I just hope they can allow --
7 and to put it in their heart that they forgive me and to
8 always keep me in their prayers because every night, I always
9 pray for them. I do. And I know they probably don't believe
10 me, but I truly am sorry. And I always ask God to pray for
11 you and me, too. And I just ask that you may have mercy on
12 me.

13 THE COURT: All right. Thank you.

14 DEFENDANT JACKSON: Yes, sir.

15 VICTIM STATEMENTS

16 THE COURT: Any victims wish to speak?

17 MS. LIVESAY: Yes, sir.

18 THE COURT: You need to come forward to the microphone
19 and give the court reporter your name. And your name?

20 MS. JONES: My name is Eunique Jones. J-o-n-e-s.

21 THE COURT: And your first name?

22 MS. JONES: Eunique, E-u-n-i-q-u-a.

23 THE COURT: All right. Ms. Jones -- and what -- excuse
24 me. What is your relation to the victim?

25 MS. JONES: I'm his older sister.

1 THE COURT: Okay. What would you like to say?

2 MS. JONES: My brother was young, bright. I like to say
3 he's the nicer of the two of us. He always had a smile, and
4 he always was willing to help others. He had no intentions of
5 losing his life that night, and he had no intentions of
6 hurting anyone.

7 I hope this moment changes their lives forever because
8 it's changed ours. We have sat here and been strong and held
9 on, but it's been hard. Three years, we have had to look at
10 pictures and videos and remember who he was aside from seeing
11 him in a casket. It wasn't fair. He didn't deserve this.
12 And I -- I can't understand why. And I don't think we ever
13 will know why. But I think it's fair to say that they didn't
14 have any remorse for anybody in that parking lot that night.
15 And it could have been anybody who lost their life, not just
16 my brother, but several others. And I think it's fair to say
17 that leniency isn't needed. Thank you.

18 THE COURT: Thank you.

19 MS. OUTLAW: Shaquita Outlaw.

20 THE COURT: I need you to spell your first name, please.

21 MS. OUTLAW: Sir?

22 THE COURT: Could you spell your name, first and last
23 name?

24 MS. OUTLAW: S-h-a-q-u-i-t-a, O-u-t-l-a-w.

25 THE COURT: And your relationship to the victim?

1 MS. OUTLAW: The mother.

2 THE COURT: All right. Ms. Outlaw, what would you like
3 to say?

4 MS. OUTLAW: I would like to say they did not just hurt
5 South Carolina, the community, or North Carolina. They also
6 hurt a loving family, mother, father, siblings. This is
7 something that's going to hurt me all of my life. I feel
8 that -- no one can tell me how to feel about my child. What
9 they done was wrong. I wake up to a disturbing call. I'm
10 losing time out of work. I'm here every time since this been
11 going.

12 THE COURT: Thank you, ma'am.

13 MR. HARRIS: My name is Pastor Jeffrey Harris, and this
14 is my wife, Gwen Harris.

15 THE COURT: And your relationship to the victim?

16 MR. HARRIS: We're the grandparents.

17 THE COURT: All right. Mr. and Mrs. Harris, what would
18 you like to say?

19 MR. HARRIS: I would like to say this: I don't know the
20 defendants. I don't know them. I don't know the family. But
21 I do know that we lost a grandson, and I know we will never
22 see him again. And also I do know this, that we have to find
23 a better way to solve our differences. I don't hate anybody
24 in this courtroom. I pastor a church of all different kinds
25 of people, but I believe today that the justice system have

1 done its job, and I'm grateful for it, and I thank the Court
2 for doing what they're supposed to do, and Ms. Livesay for
3 representing the State and Mr. Delbert -- I really thank you
4 all for that. So we made a decision that, from this day
5 forward, we're moving on with our lives. Regardless of what
6 the outcome was, we already said that we're moving forward
7 with our lives. So we just want to say thank you all so much
8 for allowing us to move on.

9 THE COURT: Thank you.

10 MS. HARRIS: I'm Gwen Harris, and I'm his grandmother.
11 And I just want to say that Quay -- to explain him, my point
12 of view of him, he just was a big loving teddy bear and
13 everybody loved him. You know? And -- I mean, school loved
14 him. He had a future. He was an all-around sport player. I
15 mean, he just loved sports and he loved to play with little
16 children, you know, like, you know, wrestle with them and
17 stuff like that. And he just was -- every time you saw him,
18 he smiled. That's what I miss about him, his smile, you know.
19 And -- he just loved everybody. And when he went there, he
20 was expected to come back home. But he didn't come back home.
21 So the only thing now I got to look at, like my granddaughter
22 said, is his picture and -- to remember him.

23 THE COURT: Thank you.

24 MR. HARRIS: Thank y'all so much.

25 THE COURT: Thank you.

1 Your name, sir?

2 MR. JONES: My name is Daryl Jones. D-a-r-y-l. This is
3 my wife, Larissa Person Jones.

4 THE COURT: And your relationship to the victim?

5 MR. JONES: I'm his father.

6 THE COURT: All right, sir. What would you like to say?

7 MR. JONES: For a while, this trial been proceeding.
8 This is my first time speaking on the whole situation. My
9 son, you know, he was full of life. With -- that has been
10 snatched from him. We all loved him, just like I know their
11 family loves them too. We all took a loss here, as the parent
12 of the deceased, parent of the defendants. Don't nobody want
13 to see none of their kids in this situation.

14 First of all, to Mr. Jackson, I appreciate your apology,
15 man, I really do, for letting me know you had some type of
16 remorse about the situation regardless of the outcome or the
17 situation you're in now. If we -- I forgive you. I mean, we
18 all do, but finally and foremost, like you said, God forgives
19 you.

20 DEFENDANT JACKSON: Thank you.

21 MR. JONES: He's always going to be forgiving. I just
22 hope we all learn a lesson from this, and whatever the outcome
23 be, just make sure that it be a learning situation, so
24 whenever you do, both of y'all, come back home, come back home
25 with a different mindset. I love y'all, brothers, man. I

1 love my son. No matter what the situation may be or what the
2 outcome be, Quay ain't coming back.

3 So with that being said, I want to thank Ms. Livesay for
4 representing and standing for my son, representing him while
5 he's not here, and the family for being here, everybody that
6 was here. And -- I mean, Your Honor, it's left in your hands
7 now. And all I can say, you know, just whatever the outcome
8 be, y'all just make sure y'all come back with a different
9 mindset. That's it, man. You know -- we know what can happen
10 when -- you know, not pointing fingers, but whenever guns are
11 involved, somebody can get hurt, and unfortunately, you know,
12 an innocent life was taken [sic]. But, hey, you know, like I
13 said, Quay ain't coming back. But -- you know, that's all I
14 wanted to say, Your Honor. I don't know if my wife has
15 nothing to say. But, you know, my heart go out for my son and
16 go out for y'all just as well, bro. I promise you that.

17 THE COURT: Thank you, sir.

18 Your name?

19 MS. JONES: My name is Larissa, L-a-r-i-s-s-a, Person,
20 P-e-r-s-o-n, Jones, J-o-n-e-s. And I just want to piggy-back
21 off what my husband said. Mr. Jackson, we have been coming to
22 Court for three years now, and this is the first time that we
23 have heard someone who was apologetic sincerely about what
24 happened on April the 24th. And for three years our family
25 has been battling with the loss of my son. And it's painful.

1 It hurts. And we just -- we're trying to hold on. And like
2 my husband says, we do accept your apology. We forgive you
3 for what you have done. But it still is a process. We're
4 still trying to move past only having the memories of Quay.

5 So on behalf of our family, we just want to let you know
6 thank you for that sincere apology.

7 DEFENDANT JACKSON: Yes, ma'am.

8 MR. JONES: Quay already forgave them both.

9 DEFENDANT JACKSON: Thank you.

10 THE COURT: Anyone else?

11 Anything further from the State?

12 MS. LIVESAY: Nothing further from the State, Your Honor.

13 THE COURT: All right. And I think we have already
14 covered this. No prior criminal records?

15 MS. LIVESAY: That's correct.

16 SENTENCING

17 THE COURT: All right. Mr. Hickson, Mr. Jackson, both of
18 you have been found guilty by a jury of your peers.

19 Mr. Jackson, on the charge of voluntary manslaughter, the
20 sentence of the Court is that you be confined to the State
21 Department of Corrections for 30 years. On the charge of
22 possession of a weapon during the commission of a violent
23 crime, the sentence of the Court is that you confined to the
24 State Department of Corrections for five years. These
25 sentences will run concurrently. You will be given credit for

1 any time served thus far.

2 Mr. Hickson, on the charge of voluntary manslaughter, the
3 sentence of the Court is that you be confined to the State
4 Department of Corrections for 30 years. You'll receive credit
5 for any time served thus far.

6 All right. Thank you very much.

7 Anything further from the State?

8 MATTER BEFORE THE COURT

9 MS. LIVESAY: Your Honor, just that we have this
10 information, if the Court wants it, regarding the photograph
11 that was taken --

12 THE COURT: Let's have order. We're still in court.
13 Still in session. You have got what, now?

14 (Counsel conferring.)

15 THE COURT: These were the pictures that appeared on
16 social media?

17 MS. LIVESAY: Yes, sir. Here's the social media thing.
18 And then, as you can see here, there's the profile. And it's
19 my understanding that this is the young lady --

20 Where is Riley at? Can you get Riley to come up here?

21 That's the young lady that appears to have posted it.

22 THE COURT: I mean, is that from the victim's family? Or
23 from --

24 MS. LIVESAY: Defendant's.

25 MR. RIGNEY: Who is posting about whom? Is it the

1 victim -- the defendant's family is posting something about
2 the victim, or the victim's family?

3 MS. LIVESAY: This is who is posting it. It's a picture
4 of Jerelle Hickson.

5 MR. LEASURE: In the courtroom.

6 MS. LIVESAY: Yes.

7 THE COURT: But it was posted by a family member of
8 Mr. Hickson; correct?

9 MS. LIVESAY: Yes.

10 THE COURT: Okay.

11 MS. LIVESAY: It's my understanding, and, I'm trying
12 to --

13 THE COURT: Okay. So this lady is a member of
14 Mr. Hickson's family?

15 MS. LIVESAY: That's my understanding.

16 Explain it.

17 THE COURT: She's in Mr. Hickson's family?

18 MS. BEAM: From what the person told us, yes.

19 THE COURT: Okay. And she posted a picture of
20 Mr. Hickson.

21 MS. BEAM: Initially, yes, and then the next person
22 reposted it. So that's why both names are present.

23 THE COURT: All right. Well, if it was a family member
24 of the defendant posting a picture of the defendant, I'm just
25 going to overlook that.

1 MS. LIVESAY: Okay.

2 THE COURT: All right? Thank you.

3 Anything further from the State?

4 MS. LIVESAY: No, sir.

5 THE COURT: Anything further, Mr. Hoffmeyer?

6 MR. HOFFMEYER: No, sir. Thank you, Your Honor.

7 THE COURT: Thank you.

8 Mr. Rigney?

9 MR. RIGNEY: No, sir.

10 THE COURT: All right. Court is adjourned. Well, I
11 think court is adjourned. Do we have anything tomorrow that
12 you're aware of?

13 MS. LIVESAY: No, sir.

14 THE COURT: All right. Court is adjourned. Thank you
15 very much.

16 MR. HOFFMEYER: Thank you, Your Honor.

17 (The trial concluded at 5:43 p.m.)

18

19

20

21

22

23

24

25

Certificate of Court Reporter

CASE NAME: State v. Tai'Yuan Jackson/Jerelle Hickson

DATE OF HEARING: April 10, 2025

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the above-captioned proceedings to the best of my ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher

Bobbi Fisher, RPR, Official Court Reporter III

Date Prepared: 7/15/25

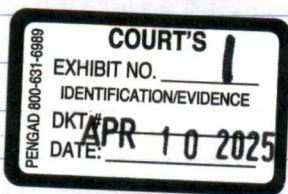
NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

① is Hand of one, Hand
of all a law
that has ~~to be~~ followed

- you must follow the law as it was
charged to you by the court.

② where in the parking
lot was the Accord
- This is a fact that the jury
must determine.

Minjunt/Culbertson
judge



WITNESSES

Christopher White Myrtle Beach Police
Department

³ Jacob Duesing

DOCKET NO. 2023GSS2603151

The State of South Carolina
County of Horry

Nancy Livesay 23H01528

COURT OF GENERAL SESSIONS

July, 2023 TERM

FILED
HORRY COUNTY

2023 AUG 16 P 4: 22

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM

GRAND JURY

ARREST WARRANT NUMBER

2023DI2600117

CDR: 3411 16-03-0600(B)(1)

DOA: 4/24/2022

THE STATE

vs.

ACTION OF GRAND JURY
TRU BILL

Jerelle Hickson

B/M

DOB: 2005

SSN:

ATTORNEY: David E. Rigney

VERDICT

Indictment for

ASSAULT AND BATTERY
OF A HIGH AND AGGRAVATED NATURE

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

 ORIGINAL

NP
414.25

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on July 19, 2023, the Grand Jurors of Horry County present upon their oath:

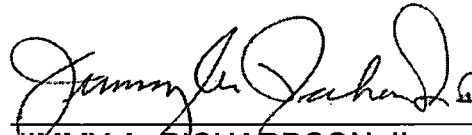
(INCIDENT DATE 6/1/2010 OR AFTER)

ASSAULT AND BATTERY
OF A HIGH AND AGGRAVATED NATURE

CDR: 3411 16-3-600(B)

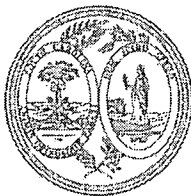
That Jerelle Hickson did in Horry County on or about April 24, 2022 commit an unlawful act of injury to Michael McInnis which resulted in great bodily injury or the act was accomplished by means likely to produce death or great bodily injury to the victim in violation of Section 16-3-600(B), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

**State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit**



Jimmy A. Richardson, II
Solicitor

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Fax: (843) 915-6461

401 Cleland Street
P.O. Box 1688
Georgetown, SC 29442
Phone: (843) 545-3169
Fax: (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court

FROM: Nancy Livesay, Assistant Solicitor

DATE: April 10, 2025

RE: State of SC vs. Jerelle Hickson
Case No: 23H01528

FILED
 HORRY COUNTY
 2025 APR 14 P 4:31
 RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

Please be advised that the charge(s) listed below have been dismissed or nolle prossed. (Nolle Prossed is to be used on all warrants that have indictment numbers. Dismissed warrants do not have indictment numbers.)

Warrant #	Charge	Indict #	TB Date	D/M	N/P	DOA
2023DI2600117	Assault / Assault & Battery of a High & Aggravated Nature	2023GS2603151	08/16/2023		X	08/16/2023
2023DI2600118	Murder / Attempted Murder	2023GS2603153	08/16/2023		X	08/16/2023
2023DI2600119	Attempted Murder	2023GS2603154	08/16/2023		X	08/16/2023

Solicitor

ORIGINAL

WITNESSES

Christopher White Myrtle Beach Police
Department

Jacob Dressing

DOCKET NO. 2023GS2603153

The State of South Carolina

County of Horry

FILED
HORRY COUNTY

2023 AUG 16 P 4: 22

Nancy Livesay 23H01528

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM

GRAND JURY

ARREST WARRANT NUMBER

2023DI2600118

CDR: 3410 16-03-0029

DOA: 4/24/2022

ACTION OF GRAND JURY

TRUE BILL

Andrea C. Rigney
Foreperson of Grand Jury
Date: Aug 16 2023

VERDICT

Foreperson of Petit Jury
Date:

THE STATE

vs.

Jerelle Hickson
B/ M

DOB: 2005-
SSN:

ATTORNEY: David E. Rigney

Indictment for

ATTEMPTED MURDER

Jimmy A. Richardson, II, Solicitor

 ORIGINAL

NP
4.14.25

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

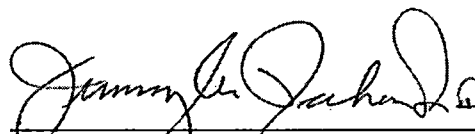
At a Court of General Sessions, convened on July 19, 2023, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-03-0029

That Jerelle Hickson did in Horry County on or about April 24, 2022 with intent to kill Tylan Wilds, attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

**State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit**



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Fax: (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court

FROM: Nancy Livesay, Assistant Solicitor

DATE: April 10, 2025

RE: State of SC vs. Jerelle Hickson
Case No: 23H01528

FILED
 HORRY COUNTY
 2025 APR 14 P 4:31
 RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

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2023DI2600119	Attempted Murder	2023GS2603154	08/16/2023		X	08/16/2023

Solicitor

ORIGINAL

WITNESSES

Christopher White Myrtle Beach Police
Department

6
8 Jacob Duesing

DOCKET NO. 2023GSS2603154

The State of South Carolina

County of Horry

Nancy Livesay

23H01528

COURT OF GENERAL SESSIONS

July, 2023 TERM

FILED
HORRY COUNTY

2023 AUG 16 P 4: 22

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM

GRAND JURY

ARREST WARRANT NUMBER

2023DI2600119

CDR: 3410 16-03-0029

DOA: 4/24/2022

THE STATE

VS.

Jerelle Hickson

B/M

DOB: 2005-
SSN: [REDACTED]

**ACTION OF GRAND JURY
TRUE BILL**

Foreperson of Grand Jury AUG 16 2023
Date:

VERDICT

ATTORNEY: David E. Rigney

Indictment for

ATTEMPTED MURDER

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

 **ORIGINAL**

NP
4:14:25

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

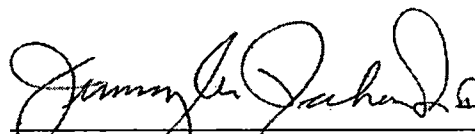
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CDR: 3410 16-03-0029

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



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TO: Horry County Clerk of Court

FROM: Nancy Livesay, Assistant Solicitor

DATE: April 10, 2025

RE: State of SC vs. Jerelle Hickson
Case No: 23H01528

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Please be advised that the charge(s) listed below have been dismissed or nolle prossed. (Nolle Prossed is to be used on all warrants that have indictment numbers. Dismissed warrants do not have indictment numbers.)

Warrant #	Charge	Indict #	TB Date	D/M	N/P	DOA
2023DI2600117	Assault / Assault & Battery of a High & Aggravated Nature	2023GS2603151	08/16/2023		X	08/16/2023
2023DI2600118	Murder / Attempted Murder	2023GS2603153	08/16/2023		X	08/16/2023
2023DI2600119	Attempted Murder	2023GS2603154	08/16/2023		X	08/16/2023

Solicitor

ORIGINAL

The mission of the Fifteenth Circuit Solicitor's Office is to uphold the public's trust in the pursuit of justice and enforcement of the law.

STATE vs.

Jerelle Hickson

AKA:

SSN:

RACE: B

SEX: M

DOB: 2005

) INDICTMENT/CASE#: 2023GS2603150

) AW#: 2023DI2600116

) Date of Offense: 04/24/2022

) S.C Code§: 16-03-0010, 0020

) CDR Code #: 0116

) Range of Offense: Murder (Death, Life, or NLT 30 years to Life)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Voluntary Manslaughter

Range of Offense Pled: (NMT 30 years)

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ MANDATORY GPS

☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted

☒ Lesser Included Offense

☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation

75159

8529

Nancy Livesay, Solicitor

SC Bar #

David Rigney, Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center

☐ Home Incarceration Program

for a determinate term of 30 days/months/years/Time Served ☐ YOANTE X years and/or shall pay a fine

of \$ X; provided that upon the service of X days/months/years/Time Served and or payment

of \$ X plus costs and assessments as applicable*; balance is suspended with probation for X months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC

 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP

☐ No Contact with Victim

☐ Domestic Violence Intervention Program

☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430

☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other:

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution

FINE:

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL

\$

\$

\$

\$100.00

\$

\$

\$

\$25.00

\$

\$

\$

\$

\$3.75

\$

\$

\$128.75

Renee Elvis

Clerk of Court/Deputy Clerk

Bobbi Fisher

Court Reporter

Judge Code

Sentence Date

Presiding Judge

SCCA217B

01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

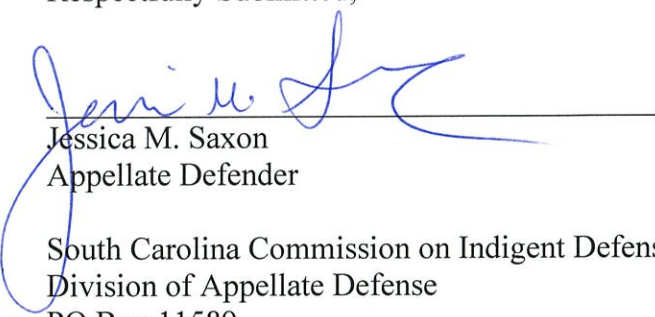
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Oct 14 2026

SC Court of Appeals


Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of October, 2026.