

VOLUME I OF III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Colleton County

S.C. SUPREME COURT

Honorable Eugene P Warr, Jr, Circuit Court Judge

KENNETH M. CHISOLM,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-001385

APPENDIX

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STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

IN THE GENERAL SESSIONS COURT
2017-GS-15-00572 - 574,
2017-GS-15-00704, -710

State of South Carolina,

VS .

TRANSCRIPT OF JURY TRIAL
VOLUME I
PAGES 1 to 55

Kenneth Mar'Keith Chisolm

August 15, 2022
Walterboro, South Carolina

B E F O R E:

The Honorable Perry Buckner, Judge Presiding

R E P O R T E D B Y:

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PROCEEDINGS

MONDAY, AUGUST 15, 2022

WALTERBORO, SOUTH CAROLINA

(The following proceedings were held in open court. All parties were present.)

THE COURT: We are on the record now.

Madam Court Reporter, this is the case of State versus Kenneth Markeith Chisolm. Mr. Chisolm is charged in a number of indictments with the offenses of murder, attempted murder, and possession of a weapon during the commission of a violent crime.

Mr. Matthews represents Mr. Chisolm. Ms. Legette represents the state of South Carolina. I have had two pretrial conferences in connection with this case in order to prepare for trial.

Mr. Matthews raised the issue to me in the pretrial conference that Trasi Campbell, formerly a member of the 14th Judicial Circuit Public Defender's office was the counsel for Mr. Chisolm.

She left the employment of the Public Defender's office and is now employed by the

1 14th Judicial Circuit Solicitor's Office.

2 Mr. Matthews raised the issue that his
3 client was concerned that his previous lawyer is
4 now working for the solicitor's office.

5 Mr. Matthews told me that he had assured
6 his client that Ms. Campbell had had no
7 communication with any member of the Solicitor's
8 office about anything she may have learned in
9 her representation of Mr. Chisolm.

10 At Mr. Matthew's request, I had to bring
11 Ms. Campbell here today because her boss wants
12 this on the record.

13 Ms. Campbell is here today, because her
14 boss wants this on the record. Ms. Campbell,
15 were you previously the attorney having been
16 appointed to represent Kenneth Chisolm in
17 connection with the matters that I have called
18 today?

19 MS. CAMPBELL: Yes, sir.

20 THE COURT: Sometime last year you left the
21 employment of the Public Defender's office and
22 became employed with the solicitor's office, is
23 that correct?

24 MS. CAMPBELL: In July of 2020 I left the
25 Public Defender's office.

1 THE COURT: Over two years since you left?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: Have you discussed this case
4 with anybody since you left the Public
5 Defender's Office in connection with the
6 Solicitor's Office?

7 MS. CAMPBELL: No.

8 THE COURT: Are you ready, Solicitor?

9 MS. LEGETTE: Yes, Your Honor.

10 THE COURT: Whenever evidence is going be
11 introduced that was allegedly obtained by
12 conduct that is allegedly violative of the
13 defendant's constitutional rights, the defendant
14 is entitled to have the judge conduct an in-
15 camera hearing at the threshold point to
16 establish the circumstances under which this
17 evidence was gained or obtained.

18 During my pretrial conferences with the
19 attorneys in this case, I was informed by the
20 solicitor that she intended to introduce a video
21 statement of the defendant that was obtained.
22 The first video statement was 3.5 hours in
23 length. It has now been redacted to two hours,
24 according to the solicitor that she intends to
25 introduce.

1 Is that correct?

2 MS. LEGETTE: That's correct, Your Honor.

3 There are two separate issues here. One,
4 if it was a custodial interrogation. Then there
5 is the issue of Miranda, and his constitutional
6 rights were afforded to the defendant prior to
7 obtaining the statement.

8 Also, there is the issue of whether or not
9 the statement was voluntarily given. It wasn't
10 coerced. There wasn't any promise or threat
11 made.

12 He was advised of his rights prior to the
13 interrogation for purposes of Miranda. That
14 includes the right to have an attorney.

15 Also, that if he couldn't afford an
16 attorney, one would be appointed for him without
17 any cost or expense to him. And he had the
18 right to have an attorney present during any
19 interrogation.

20 I have not heard the statement because it's
21 redacted. I understand it's on video. It will
22 be shown on the board.

23 JACKSON v. DENNO HEARING

24 ***

25 THE COURT: Solicitor, we are now outside

1 the presence of the jury for a Jackson Denno
2 hearing. You may call your first witness.

3 MS. LEGETTE: Thank you, Your Honor. The
4 State calls James King.

5 ***

6 JAMES KING,

7 being duly sworn testified as follows:

8 THE COURT: State your full name for the
9 record.

10 THE WITNESS: James King.

11 THE COURT: Your witness counsel.

12 ***

13 DIRECT EXAMINATION

14 BY MS. LEGETTE:

15 Q. Good morning, Detective King.

16 A. Good morning.

17 Q. Where do you work?

18 A. I am currently employed with the
19 Dorchester County Sheriff's Office, criminal
20 investigations.

21 Q. For how long?

22 A. About three weeks.

23 Q. Prior to working with the Dorchester
24 County Sheriff's Office, where did you work?

25 A. Solicitor's office in Dorchester.

1 Q. How long?

2 A. Three years.

3 A. Prior to that.

4 A. Internal investigator for the
5 Department of Corrections. I was assigned to
6 the Lieber prison and another prison in Berkeley
7 County.

8 Q. Did you ever work for the Colleton
9 County's Sheriff's Office?

10 A. Prior to SCDC, yes, ma'am.

11 Q. How long were you there?

12 A. Approximately two-and-a-half years,
13 somewhere around there.

14 Q. Did you become involved in the case
15 before the Court.

16 A. I did.

17 Q. Tell us briefly about your involvement.

18 A. My involvement was -- as part of a
19 homicide investigator. I was assigned the case
20 for which we are here today.

21 Q. You became the lead investigator?

22 A. I did.

23 Q. At some point, did you actually have an
24 opportunity to speak to the defendant?

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

1 Q. Tell us about the circumstances
2 regarding your speaking with him?

3 A. The defendant was arrested and charged
4 with a homicide and brought in, in custody, to
5 the CID interview room.

6 Q. Where did this interview take place?

7 A. Just here in town within Colleton
8 County.

9 Q. At the sheriff's office?

10 A. Yes, ma'am, our annex.

11 Q. What was the date and the time of the
12 statement?

13 Q. The date was approximately the 18th of
14 May, it was somewhere in the afternoon, 6ish.

15 Q. 2017?

16 A. Yes, ma'am.

17 Q. Who was present during the interview?

18 A. I was. There was another investigator
19 with SLED. He assisted me as well.

20 A. Mainly you were the investigator for
21 the case.

22 A. Yes, ma'am.

23 Q. Mainly you talked to Mr. Chisolm.

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

25 Q. When you talked to Mr. Chisolm that

1 day, did he appear to be under the influence of
2 any alcohol or drugs?

3 A. He did not, to me.

4 Q. He would have the ability to
5 understand, based on your knowledge and
6 experience of having taken statements before?

7 A. Yes, ma'am.

8 Q. Did he have any mental or physical
9 disability that would keep him from
10 understanding your questions?

11 A. Not to my knowledge, no.

12 Q. Describe the surroundings of the room
13 that you were in.

14 A. It's a smaller-type room, a table, a
15 couple of chairs, and video.

16 Q. Can you tell us approximately how long
17 the questioning of Mr. Chisolm lasted?

18 A. It was quite extensive, around three
19 hours total.

20 A. Did you allow him to take rest room
21 breaks?

22 A. Yes.

23 Q. Was he refused any food or water?

24 A. No, ma'am.

25 Q. Was he denied access to a telephone if

1 he requested?

2 A. No, ma'am.

3 Q. Any threats or promises made to him in
4 order to get a statement?

5 A. I never used any of those words to him.

6 Q. Was he under arrest at the time he gave
7 the statement?

8 A. Yes. I gave him knowledge that he was
9 under arrest for murder.

10 Q. At some point did you actually advise
11 him of his Miranda warnings?

12 A. I did.

13 Q. Did give him a Miranda warning form?

14 A. I gave him a written copied statement
15 for Miranda.

16 Q. Detective King, I will hand you
17 momentarily what has previously been marked as
18 State's 65.

19 Do you recognize State's Exhibit 65?

20 A. Yes, ma'am, I do recognize this
21 document.

22 Q. What is State's 65?

23 A. A statement of Miranda Rights.

24 Q. Is that State's 65 a fair and accurate
25 reflection of the Miranda Rights form that you

1 showed to Mr. Chisolm?

2 A. Yes, ma'am, that is my signature at the
3 bottom and my handwriting at the top right
4 corner.

5 Q. Has it been changed or altered in any
6 way?

7 A. No.

8 MS. LEGETTE: At this time, I would offer
9 this as Court's 1.

10 THE COURT: State's Exhibit 65 has been
11 pre-marked for the trial of this case. This
12 will be Court's 1 for the purposes of the
13 Jackson v. Denno hearing without objection.

14 (Court's Exhibit 1 was admitted.)

15 BY MS. LEGETTE:

16 Q. Detective King, explain to us how did
17 you advise him of his Miranda warnings?

18 A. First of all, I presented the document
19 and advised him orally as well.

20 Q. Did you go through each right with him?

21 A. Yes, ma'am.

22 Q. Was that captured on video?

23 A. It should be, yes, ma'am.

24 Q. What was his level of education?

25 A. He said he got to the 10th grade, but

1 he had completed the 9th.

2 Q. Detective King, did Mr. Chisolm appear
3 to understand questions 1 through 5 of his
4 rights?

5 A. He did not indicate to me he was
6 struggling at any time.

7 Q. Did he indicate he had trouble
8 understanding the English language?

9 A. No, ma'am.

10 Q. Not under the effects of any alcohol or
11 drugs?

12 A. No.

13 Q. Were his responses responsive and
14 rational?

15 A. They were.

16 Q. How did he respond when he was asked
17 whether or not he wanted an attorney.

18 A. He said he did not.

19 Q State 56, Court number 1?

20 Q. Did Mr. Chisolm at any point during
21 your questioning of him change his mind and say
22 he wanted an attorney present for questioning?

23 A. No, ma'am, he did not.

24 Q. I will hand you what has been
25 previously marked as State Number 66. It will

1 be Court's number 2. I want you to take a look
2 at that and tell me if you recognize State's 66
3 or Court's number 2?

4 A. Yes.

5 THE COURT: Do you have anything further
6 for this the witness before we publish it?

7 MS. LEGETTE: No, sir.

8 THE COURT: Cross-examination,
9 Mr. Matthews.

10 MR. MATTHEWS: Thank you.

11 ***

12 CROSS-EXAMINATION

13 BY MR. MATTHEWS:

14 Q. In that interview room, which is not
15 the first time that you saw Mr. Chisolm,
16 correct?

17 A. I saw him at his arrest.

18 Q. Who-all was present at his arrest?

19 A. I don't remember everything, SLED
20 agents, Chapman was there. There were officers
21 I didn't recognize.

22 Q. About how many officers were there?

23 A. 7 or 8 or more. I can't recall
24 everybody.

25 Q. Because there was a felony arrest, the

1 car that he was in was approached for weapons.
2 He was asked to get out of the car?

3 A. Yes.

4 Q. Was he fully pulled out of the car?

5 A. He was, yes.

6 Q. Was he given the opportunity to step
7 out of the car?

8 A. Yes.

9 Q. At that point you would say he was not
10 physically abused, is that correct?

11 A. To, my knowledge he was not kicked or
12 punched.

13 Q. Was he physically abused?

14 A. Any intention of physically abusing
15 someone, no.

16 Q. In the process of his arrest, was he
17 roughed up?

18 A. He was taken from a car to a hard
19 asphalt pavement. When flesh hits pavement,
20 injuries may occur.

21 Q. You saw Mr. Chisolm at the jail a few
22 days after that, correct?

23 A. Saw Mr. Chisolm at the jail a few days
24 after that. I can't recall that.

25 Q. Officer King, through physical violence

1 you attempted to intimidate Mr. Chisolm, is that
2 correct?

3 A. That is not correct.

4 Q. You did not see him at the jail?

5 A. I saw Mr. Chisolm at the jail.

6 Q. What were you doing at the jail?

7 A. In my capacity we were searching cells
8 for contraband.

9 Q. During your interview, he did not ask
10 for a lawyer, is that correct?

11 A. Correct.

12 Q. Did he mention a lawyer?

13 A. He said, when I get a lawyer.

14 Q. That was about one hour, 11 minutes 23
15 seconds or so within the redacted video. Does
16 that sound about right?

17 A. Yes.

18 Q. You were the arresting officer?

19 A. Yes, sir.

20 Q. During the interview and on the film,
21 you told Mr. Chisolm he had to take off his
22 clothes, is that correct?

23 A. He needs to dress out.

24 Q. Any reason that wasn't done before the
25 interview?

1 A. No.

2 Q. So you had him take off his clothes and
3 then put on jail clothes during the interview?

4 A. Yes.

5 MR. MATTHEWS: I don't have any further
6 questions, Your Honor.

7 THE COURT: All right.

8 ***

9 REDIRECT EXAMINATION

10 BY MS. LEGETTE:

11 Q. You indicated that you did see Mr.
12 Chisolm at the jail until way after. Do you
13 happen to know what date it may have been?

14 A. I don't remember the date.

15 Q. It was after he had given his statement
16 in this case.

17 A. Yes, ma'am.

18 Q. After he had been indicted for this
19 case?

20 A. Yes, ma'am.

21 Q. Several months later?

22 A. Yes, ma'am.

23 Q. Could it have been 2019?

24 A. Yes, ma'am.

25 THE COURT: Anything else?

1 MR. MATTHEWS: No, sir.

2 THE COURT: Mr. King, you are in the middle
3 of your testimony, although you have been
4 subjected to direct and cross, I don't want you
5 to discuss your testimony with anybody.

6 It may be necessary for me to bring you
7 back up here to finish this hearing. We
8 probably cannot finish this hearing until
9 tomorrow.

10 We worked as hard as we could for today.
11 Court is adjourned from now until 2 o'clock.

12 (Luncheon recess)

13 (The following proceedings were held in
14 open court. All parties were present.)

15 ***

16 JURY SELECTION

17 ***

18 THE COURT: Good afternoon, ladies and
19 gentlemen. My name is Perry Buckner. I have
20 been a Circuit Court Judge for 22 years. Like
21 you, I live here in Colleton County. I am
22 retired now. I am an active retired judge. I
23 am still holding court limited basis. I will be
24 the judge this week. I am looking forward to a
25 good week of court.

1 I want to thank each of you for being on
2 time.

3 Ladies and gentlemen, I am going to be
4 mindful of your time. It's 8 minutes after 2:00
5 right now. I like to start on time and get you
6 home in a timely fashion. I am aware of that.
7 I can promise you that I will not waste your
8 time.

9 If your presence is not required, I will
10 send you home. I can't hold court without you
11 ladies and gentlemen. I have to have a jury in
12 order to be able to hold court this week. I
13 need your participation this week.

14 The first thing we will do, ladies and
15 gentlemen, our excellent Clerk of Court here,
16 Becky Hill, is going to call roll. I will ask
17 you to speak up so we can all hear what is being
18 said.

19 All right, ladies and gentlemen. It's
20 important that the court reporter hears you. If
21 she can't hear, she can't do her job. Her job
22 is to make a verbatim word-for-word transcript
23 of everything that takes place in court this
24 week. That is why we emphasize to talk loud.
25 She can hear me just fine, but many of you have

1 a meek voice. When I ask you questions, you
2 have to stand up and speak up.

3 Most of these questions are very simple,
4 ladies and gentlemen. One or two may be a
5 little bit more involved. I will repeat those
6 for you. I will ask is anyone here for jury
7 duty this week think it's the worse week in
8 their life to serve on the jury and you would
9 like for me to consider transferring you to
10 another term of Court.

11 Let's begin with the qualifying questions.
12 Is there anyone here for jury service who is not
13 a citizen of the United States? If so, please
14 stand. Let the record reflect that no one is
15 standing.

16 We are doing well. Ladies and gentlemen,
17 is there anyone here for jury service who is not
18 currently a resident of Colleton County, South
19 Carolina? If so, please stand at this time.
20 Let the record reflect no one is standing.

21 Is there anyone here for jury service who
22 does not possess one of the following three
23 identifications. Either a voter registration
24 card from Colleton County or a South Carolina
25 driver's license or a South Carolina ID card?

1 If you do not possess one of those three
2 identifications, please stand at this time. Let
3 the record reflect no one is standing.

4 Is there anyone here for jury service who
5 is unable to read or write or speak the English
6 language? If so, please stand at this time.
7 Let the record reflect no one is standing.

8 Does anyone here have less than a sixth
9 grade education or employed within the walls of
10 this Court house. Let the record reflect no one
11 is standing.

12 Anyone here who is employed by the South
13 Carolina Department of Corrections? Not
14 administratively but as a correctional officer.
15 Let the record reflect no one is standing.

16 THE JUROR: 140.

17 THE COURT: This is juror number 140, Kathy
18 Livingston. You were convicted of a crime
19 carrying more than one year.

20 THE JUROR: Yes, sir.

21 THE COURT: Tell me what it was.

22 THE JUROR: It was for check fraud, and I
23 had to pay 4 thousand dollars. It carried up to
24 five years.

25 THE COURT: That would disqualify you.

1 Anyone else?

2 All right. I will remind you you are still
3 under oath. Just to repeat that last question
4 if I missed anyone. Is there anyone here for
5 jury service who has pled guilty or convicted in
6 State Court or Federal Court of any type of
7 criminal offense that has a possible punishment
8 of more than one year and you have not had your
9 civil rights restored by pardon or amnesty.

10 Is there anyone here who has a medical
11 issue that would prevent you from serving on
12 jury duty this week?

13 THE JUROR: Juror number 277.

14 THE COURT: Do you have a physical or
15 mental infirmity that would prevent you from
16 serving on the jury. You needed a doctor's
17 excuse in order to document that.

18 Why did you come forward in response to my
19 question?

20 THE JUROR: Because I have been put in the
21 hospital for schizophrenia and bipolar.

22 THE COURT: I will excuse you from service
23 in this case. What was your number?

24 THE JUROR: 277.

25 THE COURT: Is there anyone here for jury

1 service who has had jury service within the past
2 calendar year in Circuit Court? Not magistrate
3 Court, not city or misdemeanor Court. Not even
4 Federal Court. No one is standing.

5 This next disqualification deals with if
6 you are over the age of 65 years and you wish to
7 be excused you may do so. Let the record
8 reflect no one is standing.

9 Ladies and gentlemen, I told you this would
10 be my last question. Does any one of you feel
11 that you have a particular problem that makes
12 this the worst week in your life to serve on a
13 jury?

14 I have been making you sit now for an hour
15 and 40 minutes. You got here at 2 o'clock. I
16 told you I will be mindful of your time. I will
17 give you a short break. Give you a 15-minute
18 break to stretch you legs, use, the rest room.
19 The bailiff will direct you. I need for you to
20 be back sitting in the courtroom at 5 minutes to
21 4:00.

22 We will take a break at this time. Thank
23 you very much.

24 (Recess.)

25 (The following proceedings were held in

1 open court. All parties were present.)

2 PROCEEDINGS CONTINUED

3 ***

4 THE COURT: Solicitor, call your first
5 case.

6 MS. LEGETTE: The State is ready to
7 proceed. Indictment number 2007GS1500572, State
8 of South Carolina v. Kenneth Markeith Chisolm
9 for the offense of murder.

10 2017GS1500573, murder.

11 2017GS1500574, murder.

12 2017GS1500704, attempted murder.

13 2017GS15000710, possession of a weapon
14 during the commission of a violent crime.

15 To those offenses, Kenneth Chisolm has pled
16 not guilty. It's for trial.

17 THE COURT: Introduce yourself and who you
18 will represent during this trial.

19 MS. LEGETTEE: I am Tameka Legette. I work
20 for the Solicitor's office in Colleton County.

21 THE COURT: Counsel for the defendant.
22 Introduce yourself and your client. Tell the
23 jury where your client is from.

24 MR. MATTHEWS: I'm Dave Matthews from the
25 Colleton County Public Defender's office. I

1 represent Kenneth Chisolm. Assisting me with
2 this case will be Carles Anderson.

3 THE COURT: Where is Mr. Chisolm from,
4 David.

5 MR. MATTHEWS: From Green Pond.

6 THE COURT: You have met the defendant in
7 this case. Kenneth Markeith Chisolm of Green
8 Pond, South Carolina. You have met his attorney
9 David Matthews with the public defender's
10 office. You have met counsel for the State of
11 South Carolina, Tameka Legette who is with the
12 14th Judicial Circuit Solicitor's Office.

13 All right. I asked first of all, is any
14 member of any jury panel related by blood,
15 connected by marriage, or a close personal
16 friend of the defendant Kenneth Markeith Chisolm
17 of Green Pond South Carolina who you have just
18 met who is seated there the courtroom.

19 If so, please stand at this time.

20 THE CLERK: 249.

21 THE COURT: Are you related by blood to Mr.
22 Chisolm.

23 THE JUROR: His daddy is my cousin.

24 THE COURT: Are you related by blood?

25 THE JUROR: No.

1 THE COURT: Are you related by marriage to
2 Mr. Chisolm.

3 THE JUROR: I don't think so.

4 THE COURT: How is he your cousin?

5 THE JUROR: His dad is my cousin. I live
6 in Green Pond too.

7 THE COURT: You live in Green Pond and you
8 consider him your cousin?

9 THE JUROR: Yes, sir, he is my cousin.

10 THE COURT: All right. Counsel, any
11 objection to releasing him?

12 He says he considers him a cousin, he lives
13 in Green Pond, small community.

14 I will excuse you from service in this
15 case.

16 Juror 249 is excused from service in this
17 case but will remain with us.

18 Anyone else related by b

19 lood, connected by marriage, or a close
20 personal friend of the defendant in this case?

21 Let the record reflect that no one has come
22 forward other than the one individual, who is
23 excused in the trial of this case only.

24 You have met the attorneys in this case,
25 Tameka Legette for the State of South Carolina.

1 Who else do you have in the courtroom who
2 an attorney?

3 MS. HART: Michelle Hart.

4 THE COURT: Spell the last name.

5 MS. LEGETTE: She is not here right now.

6 MS. ANDERSON: Carles Anderson.

7 THE COURT: Ladies and gentlemen, the
8 attorneys involved in the trial of this case,
9 first for the State of South Carolina and Tameka
10 Legette. She has Michelle Hart with her who
11 will be assisting in the courtroom.

12 Has anyone ever been represented in the
13 past or currently represented by Tameka Legette
14 or Michelle Hart? If so, please stand at this
15 time. Let the record reflect that no one is
16 standing.

17 Any member of my jury panel related by
18 blood, connected by marriage or a close personal
19 friend to Tameka Legette for the state of South
20 Carolina or her assistant in this case Michelle
21 Hart? If so, please stand at this time. Let
22 the record reflect no one is standing. You have
23 also met Mr. David Matthews with the Colleton
24 County Public Defender's office and Charlese
25 Anderson in this case.

1 Is any member of my jury panel represented
2 in the past or currently or related by Mr. David
3 Matthews or Charlese Anderson of the Colleton
4 County Public Defender's Office? If so, please
5 stand at this time.

6 Any member of the jury panel related by
7 blood, connected by marriage, or a close
8 personal friend of either Mr. David Matthews or
9 Ms. Carles Anderson? If so, please stand at
10 this time.

11 Let the record reflect no one is standing
12 concerning the attorneys for both sides.

13 The solicitor has called the case for
14 trial. The indictments in this case, State of
15 South Carolina has charged the defendant,
16 Kenneth Markeith Chisolm of Green Pond, South
17 Carolina, with three indictments for murder.
18 One indictment involving the alleged murder of
19 Lori Miller for murder, alleged to have occurred
20 on or about May 16, 2017, in Colleton County.

21 Another indictment charges the Defendant
22 Kenneth Chisolm of Green Pond, South Carolina,
23 with the offense of murder. The alleged victim
24 in this indictment V.M. [REDACTED] And Mr.
25 Philip Miller of Ruffin, South Carolina, alleged

1 to have occurred in Colleton County, South
2 Carolina on May 16, 2016.

3 Third indictment charges the defendant,
4 Kenneth MarKeith Chisolm of Green Pond, South
5 Carolina, with the offense of murder.

6 It is alleged in 2017 in Colleton County a
7 fourth indictment charges the defendant with the
8 offense of attempted murder. In this indictment
9 it is alleged that the defendant committed the
10 offense of attempted murder in Colleton County
11 on or about May 16, 2017. He did allegedly
12 shoot with a firearm one K.W. [REDACTED]

13 Fifth indictment charges the defendant with
14 the offense of possession of a weapon during the
15 commission of a violent crime. The indictments
16 are not evidence, ladies and gentlemen, they are
17 nearly allegations against the defendant, to
18 these indictments the defendant has pled not
19 guilty. The burden is on the state of South
20 Carolina to prove the defendant's guilt beyond a
21 reasonable doubt.

22 Has any member of the jury panel read
23 about, heard about, or know anything whatsoever
24 about the facts which are alleged in this case?
25 If so, please stand. Let the record reflect

1 that no one is standing.

2 All right. I am advised that the following
3 people are potential witnesses in the trial of
4 this case. If they are present in the
5 courtroom, please stand.

6 If they are not present, I will identify
7 for you where the person is from or where that
8 potential witness is employed so you will be
9 able to identify the person that I am speaking
10 about.

11 I will go through the entire list. The
12 question is: Is any member of the jury panel
13 related by blood, connected by marriage, or a
14 close personal friend or business acquaintance
15 of any of the potential witnesses in the trial
16 of this case.

17 Listen carefully when I call the names.
18 Captain Angela Stallings, Colleton County
19 Sheriff's Office.

20 Captain Jason Chapman, COLLETON COUNTY
21 SHERIFF'S OFFICE

22 Detective James King, Dorchester County
23 Sheriff's Office, formerly with the CC.

24 Richard Haley, PRTC, formerly with CC.

25 Sergeant Steve Bazzle, CC.

1 Corporal Brian Ackerman, Walterboro Police
2 Department.

3 Michele Eichenmiller, SLED
4 Alysha J. Breland, formerly with SLED.
5 Terrence Ryan Matthews, formerly with SLED.
6 Jasmine Ruiz-Yi, formerly with SLED.
7 Ila N. Simmons, formerly with SLED.
8 Doris Yarborough, formerly with SLED.
9 Jordan M Eaddy, formerly with Colleton
10 County Fire and Rescue.

11 Janet Laney, Colleton County Fire Rescue.
12 Deputy Chief David Greene, Ph.D., Colleton
13 County Fire Rescue.

14 Investigator Dylan Hightower, 14th Circuit
15 Solicitor's Office.

16 Ray Taylor, formerly of COLLETON COUNTY
17 SHERIFF'S OFFICE

18 Dr. Ellen C. Riemer, Medical University of
19 South Carolina.

20 Courtney Daniels, Verizon Wireless
21 Corporation.

22 La'Shay Aiken, Walterboro, South Carolina.
23 K.W. [REDACTED] formerly of Ruffin, now in
24 Walterboro, South Carolina.

25 Sitha Patel, formerly of Hopeful Horizons.

1 Teresa Stephens, Smoaks, South Carolina.
2 Niffatina Coppadge, Charleston, South
3 Carolina.

4 David Butler, Ruffin, South Carolina.
5 Karissa Wiggins, Ruffin, South Carolina.
6 Jennifer Hiott, Ruffin, South Carolina.
7 Corporal Gary Hale, Colleton County
8 Detention Center.

9 Kenneth MarKeith Chisolm, Green Pond,
10 defendant.

11 Andy Strickland, former Sheriff.

12 Kelly Padgett, COLLETON COUNTY SHERIFF'S
13 OFFICE

14 Jennifer Nates, SLED, trace evidence
15 supervisor.

16 Barry McRoy, Chief, Colleton County Fire
17 and Rescue.

18 Is any member of the jury panel related by
19 blood, connected by marriage, a close personal
20 friend or business acquaintance of any of the
21 potential witnesses I have listed in the trial
22 of this case.

23 Please come forward.

24 THE JUROR: Juror 86.

25 THE COURT: Listen very carefully. You are

1 under oath. Are you related by blood, to any of
2 the potential witnesses?

3 THE JUROR: No, sir.

4 THE COURT: Connected by marriage?

5 THE JUROR: No, sir.

6 THE COURT: Close personal friend of any of
7 the potential witnesses?

8 THE JUROR: Yes, sir.

9 THE COURT: Who is that?

10 THE JUROR: Jennifer Hiott. Friends.

11 THE COURT: The fact that you are friends
12 with Ms. Hiott, can you be fair and impartial
13 based on the evidence that is presented during
14 this trial and not on any friendship you may
15 have with Ms. Hiott as a possible witness in the
16 trial of this case?

17 THE JUROR: Yes, sir.

18 THE COURT: You feel you can do that?

19 THE JUROR: Yes, sir.

20 THE COURT: Because of your friendship?

21 THE JUROR: We were co-workers for ten
22 years.

23 THE COURT: Can you put that relationship
24 aside and reach a fair and impartial trial in
25 this case?

1 THE JUROR: Yes.

2 The COURT: You may return to your seat.

3 THE JUROR: Juror Number 00. Karen Guinn.

4 THE COURT: Listen carefully to me. Are
5 you related by blood to anyone involved in the
6 trial of this case?

7 THE JUROR: No.

8 THE COURT: Are you connected by marriage
9 to any of the potential witnesses in the trial
10 of this case?

11 THE JUROR: No.

12 THE COURT: Are you a close personal friend
13 of any of the potential witnesses in this case?

14 THE JUROR: Yes.

15 THE COURT: Who would that be?

16 THE JUROR: Half of the Sheriff's
17 Department that you named. Steve Bazzle's
18 daughter is my close friend, and he used to work
19 for Debra Cane, my employer.

20 THE COURT: You are still employed by Debra
21 cane? You have listed a number of people. You
22 became friends with them because of the work you
23 do with Ms. Cane?

24 THE JUROR: That's correct.

25 THE COURT: Can you put aside any

1 friendship you have with the sheriff's
2 department aside and decide this case solely on
3 and only on the evidence that is presented
4 during the trial of this case and not on any
5 prior friendship you may have with any of these
6 people?

7 THE JUROR: Yes, sir.

8 THE COURT: You are positive you can do
9 that?

10 THE JUROR: Yes.

11 THE COURT: You are telling me that you are
12 friends with all the people that I called out
13 who are employees for the sheriff department?

14 THE JUROR: That's correct.

15 THE COURT: Because of that -- you are
16 doing exactly what I asked you to do.

17 You can be fair and impartial to both the
18 State of South Carolina and the defendant?

19 THE JUROR: Yes.

20 THE COURT: Thank you very much. You may
21 return to your seat.

22 THE JUROR: Juror Number 58. Sarah DeGraw.

23 THE COURT: Are you related by blood to any
24 of the potential witnesses?

25 THE JUROR: No, sir.

1 THE COURT: Connected by marriage?

2 THE JUROR: No, sir.

3 THE COURT: Close personal friends with any
4 of the potential witnesses?

5 THE JUROR: Yes, sir.

6 THE COURT: What witnesses.

7 THE JUROR: Andy Strickland and Ray Taylor.

8 THE COURT: Would the fact that you are
9 friends with Mr. Strickland and Mr. Taylor, who
10 are potential witnesses in the trial of this
11 case affect your ability to give the State or
12 the defendant in this case, Mr. Kenneth Chisolm
13 a fair and impartial trial?

14 THE JUROR: Yes.

15 THE COURT: You feel like you could give
16 the State of South Carolina and the defendant in
17 this case a fair and impartial trial?

18 THE JUROR: Yes, sir.

19 THE COURT: You may return to your seat.

20 THE JUROR: Juror number 38, Kwan Campbell.

21 THE COURT: Are you related by blood to any
22 of the potential witnesses in this case?

23 THE JUROR: Yes. One of them is my first
24 cousin.

25 THE COURT: Who is it?

1 THE JUROR: The defendant.

2 THE COURT: I will excuse you from service
3 in the trial of this case.

4 THE JUROR: Juror Number 243. Roszene
5 Williams.

6 THE COURT: Are you related by blood to any
7 of the potential witnesses in this case?

8 THE JUROR: Yes.

9 THE COURT: Who is it?

10 THE JUROR: David Green is my cousin.

11 THE COURT: Is that the only witness that
12 you are to?

13 THE JUROR: That is the only one I am
14 related to.

15 THE COURT: Can you put aside your
16 relationship as a cousin to a witness and decide
17 this case solely on the evidence presented
18 during the trial in this case?

19 THE JUROR: Yes.

20 THE COURT: Give the State of South
21 Carolina and the defendant a fair and impartial
22 trial?

23 THE JUROR: Yes.

24 THE COURT: You think you can?

25 THE JUROR: Yes, sir.

1 THE COURT: You may return to your seat.
2 Counsel approach.

3 (Bench conference).

4 THE COURT: Any additional voir dire from
5 the defendant?

6 MR. MATTHEWS: No, sir, Your Honor.

7 THE COURT: From the State?

8 MS. LEGETTE: No, sir.

9 We will now make a random list. We will
10 call out the names until we get a list of 12
11 jurors and three alternates.

12 I want to put this on the record. Let the
13 records reflect that when the clerk attempted to
14 use the program to pull the trial jury, the
15 computer kept giving her an error and would not
16 allow us to access the program. We tried to
17 telephone Columbia. And because it's 5:00 or
18 just after, no one answered.

19 So rather than have everyone come back
20 tomorrow for jury service, both sides have
21 agreed to the selection from the mixing of the
22 cannister and comprising a random list that way.

23 Is there any objection from the State as to
24 this procedure in drawing the jury in this case?

25 MS. LEGETTE: Not from the state.

1 THE COURT: From the defendant?

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

3 THE COURT: Madam clerk, draw the jury for
4 us, please, at random.

5 THE CLERK: Number 263, John C. Crews.

6 What says that State?

7 MS. LEGETTE: Please present the juror.

8 THE CLERK: What says the defense?

9 MR. MATTHEWS: Please swear the juror.

10 THE CLERK: Claudia Boensch, Number 23.

11 What says that State?

12 MS. LEGETTE: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. MATTHEWS: Please swear the juror.

15 THE CLERK: Number 1, Eric Akins.

16 What say you for the State?

17 MS. LEGETTE: Please excuse the juror from
18 the trial of this case.

19 THE CLERK: Juror Number 28, Casey O.
20 Broughton.

21 What say you for the State?

22 MS. LEGETTE: Please excuse the juror from
23 the trial of this case.

24 THE CLERK: Juror Number 79, David L.

25 What say you for the State?

1 MS. LEGETTE: Please excuse the juror from
2 the trial of this case.

3 THE CLERK: Juror Number 49, Silas C.
4 Craven, Jr.

5 What say you for the State?

6 MS. LEGETTE: Please present the juror.

7 THE CLERK: What say you for the defendant?

8 MR. MATTHEWS: Please excuse the juror from
9 the trial of this case.

10 Number 214, Taylor Smoak.

11 What say you for the State?

12 MS. LEGETTE: Please present the juror.

13 THE CLERK: What say you for the defendant?

14 MR. MATTHEWS: Please excuse the juror from
15 the trial of this case.

16 THE CLERK: Number 82, Shawn P. Gerard.

17 What say you for the State?

18 MS. LEGETTE: Please present the juror.

19 THE CLERK: What say you for the defendant?

20 MR. MATTHEWS: Please excuse the juror from
21 the trial of this case.

22 THE CLERK: Juror 176, Sonya D. Polesnek.

23 What say you for the state?

24 MS. LEGETTE: Please present the juror.

25 THE CLERK: What say you for the defense?

1 MR. MATTHEWS: Please excuse the juror from
2 the trial of this case.

3 THE CLERK: Juror Number 24, William
4 Bowman, Jr.

5 What say you for the State?

6 MS. LEGETTE: Please present the juror.

7 THE CLERK: What say you for the defendant?

8 MR. MATTHEWS: Please swear the juror.

9 THE CLERK: Juror Number 32, Gary Brown.
10 What say you for the State?

11 MS. LEGETTE: Please present the juror.

12 THE CLERK: What say you for the defendant?

13 MR. MATTHEWS: Please excuse the juror from
14 the trial of this case.

15 THE CLERK: Juror Number 260, Robert
16 Chaplin, Jr.

17 What say the State?

18 MS. LEGETTE: Please present the juror.

19 THE CLERK: What say you for the defendant?

20 MR. MATTHEWS: Please swear the juror.

21 THE CLERK: Juror 173, Dolores Perkins.
22 What say you for the State?

23 MS. LEGETTE: Please present the juror.

24 THE CLERK: What say you for the defendant?

25 MR. MATTHEWS: Please excuse the juror from

1 the trial of this case.

2 THE CLERK: Juror Number 44, John
3 Churchill.

4 What say you for the State?

5 MS. LEGETTE: Please excuse the juror from
6 the trial of this case.

7 THE CLERK: Number 243, Roszene Williams.
8 What say you for the State?

9 MS. LEGETTE: Please present the juror.

10 THE CLERK: What say you for the defendant?

11 MR. MATTHEWS: Please swear the juror.

12 THE CLERK: Number 119, William Hudson.
13 What say the State?

14 MS. LEGETTE: Please present the juror.

15 THE CLERK: What say the defendant?

16 MR. MATTHEWS: Please swear the juror.
17 Number 225, Martha Todd.

18 What say you for the State?

19 MS. LEGETTE: Please present the juror.

20 THE CLERK: What say you for the defendant?

21 MR. MATTHEWS: Please swear the juror.

22 THE CLERK: Juror 220, Jo Ann Stephens.
23 What say you for the State?

24 MS. LEGETTE: Please present the juror.

25 THE CLERK: What say you for the defendant?

1 MR. MATTHEWS: Please swear the juror.

2 THE CLERK: Juror 149.

3 What say you for the State?

4 MS. LEGETTE: Please present the juror.

5 MR. MATTHEWS: Please present the juror.

6 THE COURT: Any matters of law that need to
7 be decided before the jury is sworn?

8 From the State of South Carolina?

9 MS. LEGETTE: Not from the state, Your
10 Honor.

11 THE COURT: From the defense?

12 MR. MATTHEWS: We have a matter of law.

13 THE COURT: Counsel approach.

14 (Bench conference).

15 THE COURT: Stipulate from the State and
16 the defendant. Okay.

17 I will now leave the courtroom with the
18 Court reporter. I will ask for you jurors to
19 remain seated out here.

20 Remain where you are while I take up a
21 matter of law that has been raised before the
22 jury is sworn in this case. We appreciate your
23 patience. We will be back with you just as
24 quickly as we can.

25 ***

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BATSON MOTION

THE COURT: I can sit at one of the chairs. David Matthews, come down a little bit and let me get another chair.

THE COURT: All right.

We are on the record in chambers outside the presence of the jury and the venire. My young law clerks are also present from the Federal District Court. The clause from the 14th amendment of the United States Constitution prohibits the exercise of preemptory strikes or challenges on racial grounds.

Mr. Matthews has informed us that he is making a Batson motion. I have asked counsel to stipulate to -- number one, they agree to stipulate that the defendant, Mr. Chisolm is African-American. Number 2, they agree to stipulate that the state did not use all of their preemptory challenges, four of their five on the jury, is that correct?

MR. MATTHEWS: Yes, sir.

MS. LEGETTE: Yes.

THE COURT: Two were strikes of Caucasians and two were strikes of African-Americans; is that correct?

1 MS. LEGETTE: Yes, sir.

2 THE COURT: The defendant used all ten of
3 their preemptory strikes. They struck all
4 Caucasian jurors. Is that correct; solicitor?

5 MS. LEGETTE: Yes, Your Honor.

6 THE COURT: Is that correct, Mr. Matthews?

7 MR. MATTHEWS: You don't need me to go into
8 the alternates in light of the jury.

9 THE COURT: All right. First of all, Mr.
10 Matthews, I will hear you from on the issue.
11 You have stipulated that your client is African-
12 American. You struck ten Caucasian jurors, and
13 you are objecting to the two African American
14 jurors that the State struck.

15 MR. MATTHEWS: Yes.

16 I brought the Batson motion on the basis of
17 the strike of Juror Number 1 and Juror Number
18 28, the two African-Americans.

19 THE COURT: Mr. Matthews is challenging the
20 strike of Juror Number 1, Eric Aikens, a black
21 male. He is making his objection on THE basis
22 of race. He is also raising his objection on
23 the basis of striking Juror Number 28, who is
24 Casey Broughton, a black male.

25 Is that correct?

1 MR. MATTHEWS: Yes, sir.

2 THE COURT: All right. Ms. Legette, what
3 is your race-neutral reason for striking Juror
4 Number 1?

5 MS. LEGETTE: Thank you, Your Honor.

6 The State struck Juror Number 1 based on
7 information we received from the Sheriff's
8 Office. Mr. Aikens was known to associate with
9 people who are associated with the defendant,
10 but they didn't bring that information to us
11 right at the beginning of jury selection. To
12 our knowledge, he is also known to affiliate
13 with known drug dealers. I got the information
14 from law enforcement, who is here. That is why
15 we struck Juror Number 1.

16 THE COURT: You have information from law
17 enforcement that this juror was known to
18 associate himself with the defendant.

19 MS. LEGETTE: Or with people that the
20 defendant knew. Yes, sir.

21 THE COURT: People who the people are known
22 to associate with.

23 MR. MATTHEWS: You also received
24 information from law enforcement that this juror
25 was known to what?

1 MS. LEGETTE: Associate with drug dealers.

2 THE COURT: Is that everything as to the
3 race-neutral reason for the strike?

4 MS. LEGETTE: Yes, Your Honor.

5 THE COURT: And the race-neutral reason for
6 striking Juror Number 28, Casey Broughton.

7 MS. LEGETTE: Something in my spirit didn't
8 agree with -- my spirit didn't agree with him.
9 I think there was some it simply did not agree
10 with his spirit.

11 THE COURT: All right. Mr. Matthews, let
12 me hear you about the race-neutral reason as to
13 Number 28, I know Ms. Legette to be completely
14 honest and I trust her judgment.

15 If she says it's a strange -- it's not that
16 you get bad feelings about jurors too. If she
17 said she had a bad feeling, and it wasn't a
18 racially motivated reason.

19 THE COURT: You will take her word as an
20 officer of the Court.

21 MR. MATTHEWS: Right.

22 THE COURT: In that case, I find that Mr.
23 Matthews has failed to prove his burden in the
24 exercise of perfect preemptory strikes, his
25 Batson motion is respectively denied for that

1 reason.

2 There is absolutely no showing that any
3 juror was placed on this jury that was known to
4 associate with drug dealers or with the
5 defendant.

6 I realize, Mr. Matthews, how difficult it
7 would be to carry the burden on the spirit. You
8 have struck jurors in my courtroom many times.
9 You do not like the way people sound or look;
10 lawyers frequently do that. I think you have
11 some burden after asserting to me of asserting
12 purposeful discrimination.

13 I find that you failed to meet the burden
14 on that motion. That motion is respectfully
15 denied. Let's go back out with the jury.

16 (The following proceedings were held in
17 open court. All parties were present.)

18 ***

19 PROCEEDINGS CONTINUED

20 THE COURT: Are there other matters that
21 need to be heard before the jury is sworn in,
22 from the State?

23 MS. LEGETTE: Not from the State, Your
24 Honor.

25 THE COURT: We will not start the trial

1 until the morning.

2 The deputies will show you where the jury
3 room is and where to assemble in the morning.
4 Don't come to the courtroom.

5 Please follow the instructions I have given
6 you during your overnight recess. You haven't
7 been sworn. I will swear you tomorrow morning.

8 Over the overnight recess, do not discuss
9 this case with anybody. Please do not read or
10 listen to any news reports about this case.

11 Do not use any computer to try to do any
12 research on the case or about any witness in the
13 trial of this case or any of the lawyers
14 involved in the trial of this case.

15 It is important you do not search for
16 information gleaned through any type of juror
17 research. You might think it's going to help
18 you, but you must decide this case solely and
19 only on the evidence that is presented during
20 the trial of this case and when both sides are
21 present with the right of cross-examination. So
22 do not do any type of research about the case.

23 Please do not try to communicate with
24 anyone on your cell phone or through email,
25 Blackberry, iPhones, text messaging, or on

1 Twitter. Please do not try to use any blog or
2 website to try to do any type of internet chat
3 room or any way of any social networking
4 website, which includes Facetime, Youtube.
5 Please do not go on any of these sites.

6 You must decide this case solely and only
7 on the evidence that is presented in the
8 courtroom when both sides are present with the
9 right of cross-examination. These law clerks
10 are doing a great job. I don't know if you-all
11 realize how much easier it was with their help.
12 You saw the tape we had to put on the canister
13 to satisfy everybody.

14 You are now free to leave the courtroom.
15 Do not discuss the case with anyone. Please be
16 back to your jury room by 11:00 tomorrow
17 morning. I hope to start then. I have still
18 got pretrial matters that I started this morning
19 at 10:30, and we worked up until 1:00, and I
20 haven't finished them yet.

21 I promised you I wouldn't waste your time,
22 and I will not waste your time.

23 Does everybody understand? Good.

24 Please be back to the jury room by 11:00
25 a.m.

1 Any of the alternates, I promise you that
2 you are just as important as a member of the
3 jury. I can't tell you how many times I have
4 drawn three alternates in my 20-something years
5 on the bench, and I have used all three.

6 If something happens to one of the jurors,
7 you will take their place. You are very
8 important to us. We want you to know that you
9 are not just stuck at the end of jury box. You
10 will be with us throughout the entire trial, and
11 we will take care of you as we do with any
12 member of the jury.

13 Thank you for your service on behalf of
14 Colleton County and this Court. Thank you for
15 your patience and thank you for your willingness
16 to serve. Be back in your room by 11:00.

17 (Jury exits courtroom).

18 THE COURT: Let the record reflect that --
19 have I got all the jurors out of the courtroom
20 now?

21 THE BAILIFF: Yes, sir.

22 THE COURT: Everyone is out.

23 I want you all back to start -- I kept them
24 until 6:30 to get a jury. I really appreciate
25 your patience. I wanted to get the jury

1 selected today. We have a long week, and I have
2 heard your Batson motion. She has it on the
3 record. Also, I want you to be here at 10:00 to
4 start.

5 Mr. King goes back on the witness stand if
6 you have any more for him. If you don't, he is
7 finished, unless you have any other witnesses.
8 I will give David the opportunity to present any
9 evidence that he wishes to for purposes of the
10 Jackson v. Denno hearing.

11 We will then move directly into the Neil v.
12 Biggers hearing. The Neil v. Biggers hearing is
13 based on a drawing that David has raised.

14 We will put anything we need on the record.

15 Anything for the record from the State
16 before we adjourn for the evening?

17 MS. LEGETTE: Not from the State.

18 THE COURT: I am taking -- I have some
19 people sitting in the gallery. Turn around and
20 you both tell me you are satisfied that no juror
21 is here.

22 MR. MATTHEWS: No jurors.

23 MS. LEGETTE: No jurors, Your Honor.

24 THE COURT: We will proceed with the trial
25 tomorrow morning.

1 Court is adjourned until 10:00 a.m.
2 tomorrow morning.

3 (At 7:10 p.m., the proceedings were
4 continued until the following day without
5 interruption.

6 * * *

7 END OF VOLUME I

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

IN THE GENERAL SESSIONS COURT
2017-GS-15-00572 - 574,
2017-GS-15-00704, -710

State of South Carolina,

VS .

TRANSCRIPT OF JURY TRIAL
VOLUME II
PAGES 56 to 328

Kenneth Mar'Keith Chisolm

Tuesday, August 16, 2022
Walterboro, South Carolina

B E F O R E:

The Honorable Perry Buckner, Judge Presiding

R E P O R T E D B Y:

Kymerlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
Post Office Box 8091
Beaufort, South Carolina 29903

A P P E A R A N C E S

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PROCEEDINGS

TUESDAY, AUGUST 16, 2022

WALTERBORO, SOUTH CAROLINA

(The following proceedings were heard in open court. All parties were present.)

THE COURT: All right, Madam Court Reporter, this is a case of the State v. Kenneth Mar'Keith Chisholm, and Mr. Chisholm is charged with a number of indictments, with the offenses of murder, attempted murder, and possession of a weapon during the commission of a violent crime. Mr. Matthews represents Mr. Chisholm. Ms. Legette represents the State of South Carolina. I have had two pretrial conferences.

THE COURT: Yesterday we had a Batson motion that was taken up outside the presence of the jury. The jury is not present in the courtroom at this time, and I conferred with the lawyers.

A Batson motion was made on racial grounds, concerning two strikes by the State for African American individuals, on the basis of race, they were both African-American.

1 The parties have agreed to stipulate that
2 the racial composition of the jury as selected,
3 not counting you'll, as Mr. Matthews said, he
4 was not making a motion concerning the selection
5 of alternates. There's seven Caucasian and five
6 African-American jurors. Is that correct from
7 the State of South Carolina?

8 MS. LEGETTE: That's correct, Your Honor.

9 THE COURT: Is that correct from the
10 Defendant?

11 MR. MATTHEWS: Yes, Your Honor.

12 THE COURT: Very well. Now, that that's on
13 the record, now, I'd like very much to continue
14 now without Jackson v. Denno hearing. My
15 understanding is -- I see Mr. King's here.

16 MR. KING: Yes, Your Honor.

17 THE COURT: All right. My understanding
18 from the Clerk when I stopped it was right
19 around 1 o'clock yesterday. The Clerk advised
20 me I had 24 minutes remaining on the video; is
21 that right?

22 CLERK: Yes, sir.

23 THE COURT: It will be my intention now to
24 resume the playing of the video for purposes of
25 the Jackson v. Denno hearing. Is the State

1 ready to proceed?

2 MS. LEGETTE: Yes, Your Honor.

3 THE COURT: Is the Defendant ready to
4 proceed?

5 MR. MATTHEWS: Yes, Your Honor.

6 THE COURT: All right.

7 (Video being played in the courtroom.)

8 THE COURT: Is that it?

9 MS. LEGETTE: That's it, Your Honor.

10 THE COURT: Okay, well, lights, please.

11 MR. MATTHEWS: Your Honor, we'd also ask
12 about some redactions. One of the ones that we
13 didn't --

14 THE COURT: Just a minute, Mr. Matthews, be
15 seated. Let me get some lights.

16 Solicitor, did you intend to call any other
17 witnesses for the purposes of this evidentiary
18 hearing outside the presence of the jury?

19 MS. LEGETTE: No, Your Honor.

20 THE COURT: Very well.

21 Mr. Matthews, would the Defendant like to
22 present evidence for the purposes of this
23 hearing?

24 MR. MATTHEWS: I advised him not to.

25 THE COURT: What is his decision, Mr.

1 Matthews?

2 MR. MATTHEWS: Well --

3 THE COURT: Mr. Matthews, I need for you to
4 tell me, not talk to your client.

5 What is your client's decision, after you
6 advised him not to?

7 MR. MATTHEWS: 15 minutes ago, or right
8 before we started, he said he was not going to
9 testify.

10 BY THE COURT:

11 Q. Is that correct, Mr. Chisholm?

12 A. Yes, sir.

13 Q. All right.

14 THE COURT: I watched the video and
15 listened to the direct examination of Mr. King,
16 as well as cross and redirect. I've carefully
17 considered the evidence which has been offered
18 by the State, and the Defendant has chosen not
19 to present any evidence.

20 This Court is convinced by a preponderance
21 of the evidence, and I so find that before any
22 alleged statement was obtained from the
23 Defendant, the Defendant was advised of his
24 rights under the Fifth and Sixth Amendments to
25 the Constitution of the United States, and that

1 the Defendant was advised of his constitutional
2 safeguards, required by Miranda v. Arizona.

3 He was advised of his right to remain
4 silent. He was advised prior to any
5 interrogation, that if he waived his right to
6 remain silent and made a statement, that the
7 statement could and would be used against him in
8 a court of law. He was advised that he had the
9 right to employ or select an attorney of his own
10 choice, and if he didn't have the money, funds,
11 or resources to employ an attorney, then the
12 Court would appoint him one without cost or
13 expense to him, and that he had the right to
14 have his attorney present with him.

15 Defendant was advised prior to his
16 interrogation that he had the right to consult
17 with an attorney before the interrogation. He
18 was advised that he had the right to terminate
19 the interrogation at any time, and he had the
20 further right to stop answering questions at any
21 time during interrogation.

22 And he was advised that, if at any time
23 during interrogation, that he wanted or desired
24 an attorney, the interrogation would cease until
25 an attorney was provided to him, and he would be

1 given an opportunity to consult with his
2 attorney, prior to further interrogation. The
3 Defendant on the video and by Court's Exhibit --

4 COURT REPORTER: One.

5 THE COURT: Is it two or one?

6 COURT REPORTER: The Miranda form, sir?

7 THE COURT: The waivers.

8 COURT REPORTER: Is one.

9 THE COURT: And by Court's Exhibit Number
10 1, for purposes of this hearing, the Defendant
11 knowingly and intelligently waived his rights
12 under the Fifth and Sixth Amendments to the
13 Constitution, and the constitutional safeguards
14 required by Miranda.

15 I find by preponderance of the evidence
16 that the Defendant was freely and voluntarily --
17 that the statement was freely and voluntarily
18 given, without duress, without coercion, without
19 undue influence, without reward, without promise
20 or hope of reward, without promise of leniency,
21 without threat of injury, and without compulsion
22 or inducement of any kind, and that such
23 statement was a voluntary product of the free
24 and unconstrained will of the Defendant. This
25 Court makes all of these conclusions by a

1 preponderance of the evidence, and I, therefore,
2 find that the statement is admissible into
3 evidence in the trial of this case.

4 Now, how many exhibits do we have? We had
5 this, and just the video? We had two videos
6 here.

7 COURT REPORTER: Yes, sir, we have three
8 exhibits total, the two videos and this.

9 THE COURT: So we have two videos?

10 COURT REPORTER: Yes, sir.

11 THE COURT: All right.

12 COURT REPORTER: The redacted --

13 THE COURT: As I understand from the Court
14 Reporter, so everyone's clear on this, when we
15 started the Jackson v. Denno hearing, we started
16 with a video that had been redacted, and had
17 been reviewed by counsel for the Defendant, and
18 the sound was poor, so we switched videos to
19 have better sound, even though the video we
20 watched, according to the Solicitor, is a little
21 longer than the first one.

22 So we actually have three Court's exhibits
23 for the Jackson v. Denno hearing. Court's
24 Exhibit Number 1 is the waiver, and also Court's
25 Exhibits 2 and 3 are videos for purposes of this

1 hearing; is that correct from the State?

2 MS. LEGETTE: That's correct, Your Honor.

3 THE COURT: Correct from Defendant?

4 MR. MATTHEWS: Yes, sir.

5 THE COURT: Very well.

6 All right, Mr. Matthews has now raised an
7 objection to a drawing, which he believes raises
8 an indemnification issue in the trial of this
9 case. My understanding is that a witness in
10 this case, according to Mr. Matthews, made a
11 drawing, and Mr. Matthews believes that there is
12 some possible chance that this drawing is
13 unreliable; and so I promised him I would hold a
14 Neil v. Biggers hearing, before we went any
15 further. Normally, when you have any type of
16 out-of-court identification, the Court should
17 hold an in-camera hearing to determine whether
18 or not the identification was suggested, or not
19 withstanding how much time may have occurred
20 between the identification of the alleged crime,
21 or confrontation, whether there was a
22 substantial likelihood of misidentification.

23 And so I don't know anything else about the
24 circumstances of this next matter, other than
25 what Mr. Matthews has objected to and told me

1 about in a pretrial conference.

2 So, Solicitor, we will now begin a Neil v.
3 Biggers hearing in connection with the objection
4 raised by defense counsel. You may call your
5 witness.

6 MS. LEGETTE: Thank you, Your Honor. The
7 State calls K.W. [REDACTED]

8 * * *

9 K.W. [REDACTED]

10 * * *

11 being first duly sworn, testified as
12 follows:

13 THE COURT: Watch those steps for me, have
14 a seat and make yourself comfortable. I want
15 you to pull that over to you, pull it up a
16 little bit. Is that on? Have a seat. You're
17 not on the witness stand. It's still no on.
18 None of them are on. Bear with us, a little
19 technical problem. Now we've got it.

20 ***

21 DIRECT EXAMINATION

22 BY MS. LEGETTE:

23 Q. Hi, K.W. [REDACTED]

24 A. Hi.

25 Q. All right, K.W. [REDACTED] I know you're

1 nervous, and I'm nervous too, okay, but we're
2 gonna --

3 THE COURT: State your full name for the
4 record, spell your last name for the Court
5 Reporter. Speak up for us, okay?

6 WITNESS: K.W.

7 THE COURT: Your witness, counsel.

8 MS. LEGETTE: Thank you, Your Honor.

9 BY MS. LEGETTE:

10 Q. Hi, K.W.

11 A. Hi.

12 Q. Are you nervous?

13 A. Yes, ma'am.

14 Q. It's okay, I'm nervous too, okay, but
15 we're here to hear your part of what happened in
16 this incident, okay? All right, so we're gonna
17 use our outdoor voice, all right? And I'm gonna
18 slow down, and I need you to speak up, okay?

19 A. Okay.

20 Q. All right. So, K.W. how old are
21 you?

22 A. I'm 14.

23 Q. You're 14? Okay, and where do you live
24 at?

25 A. Walterboro.

1 Q. Okay, all right, and so do you remember
2 May of 2017?

3 A. Yes, ma'am.

4 Q. Where were you living in May of 2017?

5 A. Ruffin.

6 Q. Ruffin? Okay. And who was living with
7 you in Ruffin in May of 2017?

8 A. My mom, my grandparents, my uncle, and
9 my dad.

10 Q. All right, and did you have another
11 sibling?

12 A. Yes, ma'am.

13 Q. Okay, all right, very good. All right,
14 so let's talk about your mom and your grandpa
15 and your grandma and your uncle. What was your
16 grandpa's name?

17 A. Phillip Miller.

18 Q. And what was your grandmother's name?

19 A. Lori Miller.

20 Q. And your uncle?

21 A. V.M. [REDACTED]

22 Q. Okay, and how about your little sister?

23 A. Kaylin W. [REDACTED]

24 Q. Okay, very good. Now, K.W. [REDACTED] did
25 anything unusual happen -- let's talk about,

1 specifically, on May 16th, 2017, that's the day
2 of the incident, okay? All right, and I need
3 you to say yes or no, don't shake your head, uh-
4 huh or uh-uh, okay, because this lady right here
5 is taking everything down, okay?

6 A. Yes, ma'am.

7 Q. All right. Do you remember May 16th,
8 2017, the date of the incident?

9 A. Yes, ma'am.

10 Q. All right. Can you tell us, did you go
11 to school that day?

12 A. Yes, ma'am.

13 Q. Can you tell us what happened when you
14 got home from school that day?

15 A. I went inside and went to the kitchen
16 after I got off the bus, to go get a snack, and
17 I went to the living room, to go sit down on the
18 couch next to my uncle, and --

19 Q. All right, so let's stop right there.
20 Who was home with you?

21 A. My grandma, my grand- -- well, my
22 sister, and my uncle.

23 Q. Okay, so your grandma, your sister, and
24 your uncle, you'all are home. Okay, so you went
25 to the kitchen to get a snack, so let's start

1 from there.

2 A. I went to the kitchen, got a snack, and
3 I came back to the living room to watch TV with
4 my uncle and my grandma. And I start to hear
5 gunshots from outside the door, and I hear my
6 uncle yell -- or my grandpa yelling, "Help,
7 Vinny," like speaking towards Vinny. And --

8 Q. Let's stop right there, K.W. okay?

9 A. Yes, ma'am.

10 Q. All right. You said that you're 14
11 now, right?

12 A. Yes, ma'am.

13 Q. All right, so how old were you on May
14 16th, 2017?

15 A. Nine.

16 Q. You were nine, all right. So you heard
17 your grandpa saying, "Help, Vinny?"

18 A. Yes, ma'am.

19 Q. All right, what happens?

20 A. This man opens a door -- the door --
21 the front door and he comes and by that time I'm
22 standing in the doorway in the hallway, and I'd
23 seen this man, and I -- I'm there for maybe a
24 few seconds, but long enough to see like what he
25 looked like --

1 Q. Okay.

2 A. -- and then he shot my uncle, and I ran
3 to my bedroom and shut the door.

4 Q. Okay. So let's talk about the living
5 room. You said that you were in the living
6 room. Are you familiar with the layout of your
7 house?

8 A. Yes, ma'am.

9 Q. Okay, or the house at that time.

10 MR. MATTHEWS: Your Honor, we have a matter
11 of law.

12 THE COURT: Counsel approach.

13 (Bench conference.)

14 THE COURT: Do you withdraw your objection
15 for Neil v. Biggers hearing?

16 MR. MATTHEWS: Yes, sir, I withdraw the
17 objection.

18 THE COURT: The objection is withdrawn by
19 counsel for the Defendant. You may proceed,
20 Solicitor.

21 MS. LEGETTE: Thank you, Your Honor. Madam
22 Court Reporter, can I get Court's Number 4 and
23 Number 5?

24 COURT REPORTER: Yes.

25 BY MS. LEGETTE:

1 Q. All right, [K.W.] you said that you're
2 familiar with the layout of the house, as it was
3 on May 16th, 2017?

4 A. Yes, ma'am.

5 Q. All right, I'm gonna hand you in a
6 moment what's been pre-marked for purposes of
7 this hearing, as Court's Number 5. I want you
8 to take a moment, and tell me if you recognize
9 Court's Number 5?

10 MS. LEGETTE: May I approach the witness?

11 THE COURT: You may.

12 BY MS. LEGETTE:

13 Q. [K.W.] do you recognize Court's Number
14 5?

15 A. Yes, ma'am.

16 Q. And can you tell us what is Court's
17 Number 5?

18 A. It's a layout of the house.

19 Q. As it existed on May 16th, 2017, the
20 day of the incident?

21 A. Yes, ma'am.

22 Q. All right, and in your opinion is it a
23 fair and accurate reflection of the house, as it
24 existed on May 16th, 2017?

25 A. Yes, ma'am.

1 Q. All right.

2 MS. LEGETTE: At this time, Your Honor, I
3 would offer State's -- I'm sorry, Court's Number
4 5 for admission into this hearing only.

5 THE COURT: Now, are you doing the -- why
6 is this Number 5, if we only had three exhibits
7 in the other hearing?

8 MS. LEGETTE: Well, we have a Number 4 --

9 THE COURT: You've got a Number 4 that
10 you're going to enter later?

11 MS. LEGETTE: Yes, sir.

12 THE COURT: Okay,

13 MS. LEGETTE: Yes, sir.

14 THE COURT: As to Court's Exhibit Number 5,
15 I understand there's no objection for purposes
16 of the Neil v. Biggers hearing?

17 MR. MATTHEWS: That's correct, Your Honor.

18 THE COURT: All right. That is without
19 objection --

20 MS. LEGETTE: May I approach --

21 THE COURT: -- for purposes of this
22 hearing. You may.

23 BY MS. LEGETTE:

24 Q. All right, K.W. I'm going to now
25 show you on the screen over here, to your left,

1 this Court's Number 5, and --

2 THE COURT: So you can see it, they're
3 gonna put it up on the board.

4 MS. LEGETTE: May I approach and give her
5 this pointer, Your Honor?

6 BY MS. LEGETTE:

7 Q. All right, K.W. this is your
8 pointer. We talked about this, the little red
9 button, you just press the red button and point,
10 okay?

11 A. Okay.

12 Q. I want you to point it over here when
13 they get the screens on.

14 THE COURT: You've got to hold it. It's a
15 laser pointer, you probably don't know about it
16 now. Hold on, let them get it up on the screen.
17 We've had nothing but technology problems in
18 this trial.

19 BY MS. LEGETTE:

20 Q. Can you see that, K.W.

21 A. Yes, ma'am.

22 Q. All right, it's a little bit blurry.

23 All right, now, K.W. I want you to tell us
24 with your outdoor voice, you said that you were
25 in the house, and that you were sitting beside

1 your Uncle Vinny.

2 Can you tell us on Court's Number 5, which
3 is here to your left on the screen, tell us
4 where you were sitting. Point to it, please.

5 THE COURT: Solicitor, use the microphone
6 when you're talking to her, and don't turn your
7 back to her, so she can at least hear your
8 question.

9 MS. LEGETTE: Yes, sir.

10 BY MS. LEGETTE:

11 Q. K.W. you said earlier that you were
12 sitting on the couch, your grandma's home, and
13 your Uncle Vinny was home, and your sister was
14 home, and you were sitting on the couch with
15 your Uncle Vinny.

16 Can you point to the location on Court's
17 Number 5 where you were sitting on the couch?
18 You were sitting right there?

19 A. Yes, ma'am.

20 Q. All right. So that's -- and so where
21 is the front door, as it relates to where you
22 were sitting on the couch in Court's Number 5?

23 A. The front door was right there.

24 Q. Right here? Okay, right there, all
25 right. So as you are -- thank you, as you are

1 sitting on the couch, you said that you heard
2 what?

3 A. Gunshots and --

4 Q. Heard gunshots. All right, and so you
5 next heard your grandpa say what?

6 A. "Help, Vinny."

7 Q. All right, and so what happens when you
8 hear him say, "Help, Vinny."

9 A. I --

10 Q. What did you do?

11 A. I walked like to the end of the
12 hallway.

13 Q. Can you point to it? Can you show us
14 your route that you took on Court's 5?

15 A. I went -- got up from the couch and
16 walked this way, and I was about right there.

17 Q. So you're standing in the hallway? Is
18 that the hallway that you're pointing to?

19 A. Yes, ma'am.

20 Q. All right, so you're standing in the
21 hallway, and what is directly in front of you?

22 A. The front door.

23 Q. So the front door is directly in front
24 of you?

25 A. Yes, ma'am.

1 Q. Can you describe for us the lighting
2 inside the house at that time? Were the lights
3 on?

4 A. Yes, ma'am.

5 Q. What time of day was it?

6 A. Like --

7 Q. Was it after school? Was it --

8 A. Yes, ma'am.

9 Q. Was it light outside?

10 A. Yes, ma'am.

11 Q. Okay. Were you able to see clearly?

12 A. Yes, ma'am.

13 Q. Was there anything in between -- so
14 you're saying that you're standing in the
15 hallway, in the middle of the hall?

16 A. Yes, ma'am.

17 Q. Can you point to it again? And you're
18 right in front of the front door?

19 A. Yes, ma'am.

20 Q. Is there anything standing in between
21 you and the front door?

22 A. No, ma'am.

23 Q. Is there anything causing you not to be
24 able to see the front door?

25 A. No, ma'am.

1 Q. And, K.W. [REDACTED] how good is your eyesight
2 today? Pretty good?

3 A. Yes, ma'am.

4 Q. How as your eyesight back in May -- I'm
5 sorry, May the 16th of 2017?

6 A. It was pretty good too.

7 Q. Pretty good? Okay. All right, and so
8 you're standing in the middle of the hallway,
9 what happens?

10 A. This man opens the door and I'm
11 standing there, because I freeze, and it was
12 only for a few seconds, but it was long enough
13 to see -- or, you know, see his face, and what
14 he looked like, and then he shot me in the leg,
15 and I ran to my bedroom and shut the door.

16 Q. All right, so you said you ran to the
17 bedroom. Show us the route on -- using the
18 pointer, show us the route on Court's 5 that you
19 ran after being shot by the man at the door.

20 A. I was right there, and I ran through
21 here and into my bedroom, and I shut the door.

22 Q. Okay. All right, so, now, K.W. [REDACTED]
23 let's go back to --

24 MS. LEGETTE: I think we're good with
25 Court's 5, if you can bring the lights up,

1 please? And, Madam Court Reporter, I will
2 return Court's 5 to you.

3 BY MS. LEGETTE:

4 Q. So, K.W. [REDACTED] can you describe for us the
5 man that you saw, and how do you describe him?
6 Did you ever describe him after you saw him to
7 Law Enforcement, or to anyone afterwards?

8 A. Just to the artist for the Police.

9 Q. All right, so you also talked to the
10 forensic examiner, and you described him also?

11 A. Yes, ma'am.

12 Q. All right, and so, K.W. [REDACTED] based on
13 your description of him, did you also create a
14 drawing?

15 A. Yes, ma'am.

16 Q. Okay. So, now, K.W. [REDACTED] can you
17 describe for us the person that you saw in that
18 door?

19 A. He was dark-skinned, had dreadlocks,
20 and he was wearing a chain.

21 Q. Okay. Had you ever seen this man
22 before?

23 A. No, ma'am.

24 Q. Okay. Prior to that day, had you ever
25 been shot by anyone, or been a victim of a

1 crime?

2 A. No, ma'am.

3 Q. Okay. Now, K.W. you said earlier
4 that you -- at some point, you created a
5 drawing?

6 A. Yes, ma'am.

7 Q. All right, K.W. so this drawing that
8 you created, let's talk about the drawing. How
9 were you able to create this drawing?

10 A. By how I saw the man when he came to
11 the door.

12 Q. Okay, and did anyone ever suggest to
13 you how to draw it?

14 A. No, ma'am.

15 Q. Did anyone suggest to you what to draw?

16 A. No, ma'am.

17 Q. Did anyone ever try to influence how
18 you drew it?

19 A. No, ma'am.

20 Q. And, K.W. based on -- what did you
21 base your drawing on?

22 A. How I saw the man.

23 Q. And, K.W. you talked earlier about
24 having seen him. You said you froze for some
25 period of time.

1 A. Yes, ma'am.

2 Q. How good of a look did you get at this
3 person?

4 A. A good enough -- I know I stood there
5 long enough to be able to see what he looked
6 like, and like the necklace, and how his face
7 looked.

8 Q. All right, and you said that he shot
9 you?

10 A. Yes, ma'am.

11 Q. Did you see a gun?

12 A. Yes, ma'am.

13 Q. All right. **K.W.** I'm gonna hand you
14 in a moment what's been previously marked for
15 purposes of this hearing, as Court's Exhibit
16 Number 4. Please take a moment and tell me if
17 you recognize Court's Number 4?

18 MS. LEGETTE: May I approach?

19 THE COURT: You may.

20 BY MS. LEGETTE:

21 Q. **K.W.** I have just handed you Court's
22 Number 4. Do you recognize Court's Number 4?

23 A. Yes, ma'am.

24 Q. **K.W.** what is Court's Number 4?

25 A. It was the picture that I drew of the

1 man that came to the door.

2 Q. And, K.W. is Court's Number 4 a fair
3 and accurate reflection of your drawing?

4 A. Yes, ma'am.

5 Q. And as far as you can tell, has it been
6 changed or altered in any way?

7 A. No, ma'am.

8 Q. All right.

9 MS. LEGETTE: At this time, Your Honor, I
10 would offer Court's Number 4, for purposes of
11 this hearing only.

12 THE COURT: As to Court's 4?

13 MR. MATTHEWS: No objection, Your Honor.

14 THE COURT: Court's 4 will be admitted for
15 purposes of this hearing, without objection.

16 (Court's Exhibit 4 was admitted into
17 evidence.

18 THE COURT: Proceed, Solicitor.

19 MS. LEGETTE: Thank you, Your Honor. May I
20 publish the exhibit?

21 THE COURT: Absolutely.

22 MS. LEGETTE: I'm sorry, I didn't ask to
23 approach, I'm sorry.

24 BY MS. LEGETTE:

25 Q. All right, K.W. I direct your

1 attention to the left, and this is Court's
2 Number 4, this is your drawing. [K.W.] tell us
3 what we are seeing in Court's Number 4.

4 A. You're seeing the view I had from where
5 I was standing in the hallway.

6 Q. So from where you're standing in the
7 hallway, this is -- you're facing this person?

8 A. Yes, ma'am.

9 Q. So you came face-to-face with this man?

10 A. Yes, ma'am.

11 Q. All right, so what else are we seeing?
12 So describe what I'm seeing here. I see a man,
13 and what else do we see in here?

14 A. The woods behind him, the road, the
15 mailbox, and the sidewalk.

16 Q. I know at the top of Court's Number 4
17 you wrote the word -- did you write the word,
18 gun?

19 A. Yes, ma'am.

20 Q. You wrote those words? Okay, all
21 right. And I notice also you have sunshine
22 there. Was it sunny outside?

23 A. Yes, ma'am.

24 Q. All right, and so when you're looking
25 at the front door, do you have plenty of light

1 to see?

2 A. Yes, ma'am.

3 Q. Now, K.W. did you also give a
4 description of this man to a SLED sketch artist?

5 A. Yes, ma'am.

6 Q. And based on that, did they draw a
7 drawing of that man as well?

8 A. Yes, ma'am.

9 Q. Did anyone ever suggest to you, in that
10 particular drawing, how to draw the man?

11 A. No, ma'am.

12 Q. Did anyone ever suggest to you what the
13 man should look like?

14 A. No, ma'am.

15 Q. Did anyone ever influence you in any
16 way, in order to get you to say what the man
17 looked like?

18 A. No, ma'am.

19 MS. LEGETTE: I'm begging the Court's
20 indulgence.

21 BY MS. LEGETTE:

22 Q. All right, K.W. you said that you
23 also are familiar with the SLED sketch artist,
24 where you actually talked to the SLED agent
25 about what this person looked like?

1 A. Yes, ma'am.

2 Q. All right, I'll hand you now what's
3 been --

4 MS. LEGETTE: Begging the Court's
5 indulgence.

6 BY MS. LEGETTE:

7 Q. K.W. I'll hand you now what's been
8 pre-marked for the purposes of this hearing
9 only, Court's Number 6. Please take a moment
10 and tell me if you recognize Court's 6.

11 MS. LEGETTE: May I approach the witness?

12 THE COURT: You may.

13 BY MS. LEGETTE:

14 Q. K.W. do you recognize Court's 6?

15 A. Yes, ma'am.

16 Q. And, K.W. what is Court's Number 6?

17 A. The man that I saw that came through
18 the door that the sketch artist drew.

19 Q. And Court's Number 6 is a fair and
20 accurate reflection of the description that you
21 gave to the sketch artist in this sketch, based
22 on your description?

23 A. Yes, ma'am.

24 Q. And has Court's Number 6 been changed
25 or altered in any way that you can tell?

1 A. No, ma'am.

2 MS. LEGETTE: At this time, Your Honor, I
3 would offer Court's 6 for purposes of this
4 hearing only.

5 THE COURT: As to Court's 6?

6 MR. MATTHEWS: For this hearing, no
7 objection.

8 THE COURT: I couldn't hear.

9 MR. MATTHEWS: Your Honor, for this
10 hearing, no objection.

11 MS. LEGETTE: No objection, he said.

12 THE COURT: No objection?

13 MR. MATTHEWS: No objection.

14 THE COURT: Court's 6 without objection is
15 admitted.

16 (Court's Exhibit 6 admitted.)

17 MS. LEGETTE: May I approach?

18 BY MS. LEGETTE:

19 Q. All right, K.W. I'll direct your
20 attention to the screen at your right, this is
21 Court's Number 6, K.W. and this is the sketch
22 artist's drawing, a rendition of what you drew.
23 K.W. did anyone ever influence you how to
24 describe the individual that you saw at your
25 door?

1 A. No, ma'am.

2 Q. Did anyone ever suggest to you how to
3 describe him?

4 A. No, ma'am.

5 Q. And this is a fair and accurate
6 reflection of that person that you saw?

7 A. Yes, ma'am.

8 MS. LEGETTE: At this time, Your Honor, the
9 State has no further questions.

10 THE COURT: Exhibits to the Court Reporter
11 now.

12 MS. LEGETTE: Yes, sir.

13 MR. MATTHEWS: May it please the Court.

14 THE COURT: Have a seat. Cross-
15 examination, Mr. Matthews.

16 MR. MATTHEWS: Thank you, Your Honor.

17 ***

18 CROSS-EXAMINATION

19 BY MR. MATTHEWS:

20 Q. K.W. did you talk to the SLED people
21 on that drawing before or after you talked to
22 Ms. Patel at Hopeful Horizons?

23 A. No, sir.

24 Q. Did you talk to the people at Hopeful
25 Horizons in Beaufort at some point?

1 A. Yes, sir.

2 Q. Okay. Did you do that before, or did
3 you do that after you talked to the SLED people?

4 A. I don't remember.

5 Q. Okay. Who is the first person you
6 talked to about this? I guess after all this
7 happened, people came on the scene, and you went
8 to the hospital, and after you got out of the
9 hospital, who were the people that you talked
10 to?

11 A. I don't remember.

12 Q. Okay, all right. How many bathrooms
13 did that house have?

14 A. Two, I believe.

15 Q. Okay. Did you use both of them to use
16 the bathroom, or was one of them used for
17 something else?

18 A. I only used one.

19 Q. You only used one? The other your
20 grandfather was growing stuff in?

21 A. I never went in the back.

22 Q. Okay, but you'all never used the second
23 bathroom?

24 A. No, sir.

25 Q. That's the one in the back?

1 A. Yes, sir.

2 Q. Now, when you talked to Ms. Patel in
3 Beaufort, you remember talking to her, right?

4 A. Yes, sir.

5 Q. Okay. When the first shots rang out,
6 where did your sister go?

7 A. In the bathroom.

8 Q. Okay, the one that you'all use toward
9 the front?

10 A. Yes, sir.

11 MR. MATTHEWS: I guess we could show that
12 picture. Your Honor, may I approach?

13 THE COURT: The Court Reporter has the
14 exhibit, counsel.

15 MR. MATTHEWS: Okay. And, Your Honor, I
16 suppose -- well, I guess we can just use the
17 same thing, so I don't have to get up there, if
18 we can use the same technology for some help,
19 and she can use the pointer.

20 THE COURT: Give it to the Clerk.

21 MR. MATTHEWS: Thank you.

22 BY MR. MATTHEWS:

23 Q. All right, K.W. well --

24 THE COURT: Hold on a second, do you want
25 her to have a pointer?

1 MR. MATTHEWS: Yes, please, I didn't know
2 if she still had it.

3 THE COURT: Let me point it to her. Have
4 you got it?

5 WITNESS: Yes, sir.

6 THE COURT: Okay. Proceed.

7 BY MR. MATTHEWS:

8 Q. K.W. would you show on that map the
9 bathroom that you'all used?

10 A. I used that bathroom.

11 Q. Okay.

12 A. Well, I mean that one.

13 Q. All right, and when the shots came out,
14 your younger sister went to that bathroom?

15 A. Yes, sir.

16 Q. And locked the door?

17 A. Yes, sir.

18 Q. Okay, and you had told Ms. Patel about
19 that?

20 A. Yes, sir.

21 Q. All right. How old was your sister at
22 the time?

23 A. She -- I don't remember.

24 Q. Five?

25 A. About five.

1 Q. You're four years older than she is?

2 A. Yes, sir.

3 Q. Or four and a half, three and a half,
4 somewhere in there.

5 THE COURT: Counsel, ask the question.

6 MR. MATTHEWS: Yes, sir, she's 14, so
7 that's why I'm trying to round that up, but,
8 yes, sir.

9 BY MR. MATTHEWS:

10 Q. Okay, and when you talked to Ms. Patel,
11 you had told her that you knew the person that
12 did this was 18 or 19, because you saw it on the
13 news; is that right?

14 A. Yes, sir.

15 Q. Was that ABC News?

16 A. I don't remember.

17 MR. MATTHEWS: Your Honor, may I approach
18 to --

19 THE COURT: You may.

20 MR. MATTHEWS: Okay, if you'd just mark
21 that one.

22 (Court Reporter marks Court's Exhibit
23 Number 6, Photographs, as attached hereto.)

24 BY MR. MATTHEWS:

25 Q. [K.W.] I've handed you an exhibit

1 marked, I guess, would be Defense 1, and ask, if
2 you recognize the house on the front of that?

3 A. Yes, sir.

4 Q. Is that the house that you were living
5 in at the time?

6 A. Yes, sir.

7 Q. Okay, and if you flip it over, have you
8 ever seen that picture before?

9 A. Yes, ma'am -- or yes, sir.

10 Q. Okay, is that the picture you saw right
11 before you talked to Ms. Patel?

12 A. No, sir.

13 Q. Okay. All right, and you saw that
14 picture before you talked to the SLED people?

15 A. No.

16 Q. You did not? Okay.

17 A. Well, I didn't see this picture until
18 later, like not until like last year.

19 Q. Okay. Well, now, you told Ms. Patel
20 that you had seen the news about him before you
21 talked to her, that's correct?

22 A. Yes, sir.

23 Q. Okay, and that is two days after the
24 incident, right? Two days afterwards, correct?

25 A. Yes, sir.

1 Q. Okay. Do you recall whether or not --
2 was it on TV? Was it in the newspaper? What
3 news was it that you saw about him?

4 A. I don't remember like -- I remember
5 saying that, but I don't actually remember ever
6 seeing it on the news or hearing anything about
7 it.

8 Q. Okay, you told her that you knew that
9 the guy was 18 or 19, because you saw it on the
10 news, but you don't remember seeing the news?

11 A. Yes, sir.

12 Q. I understand you were nine, and it's a
13 long time ago. All right. And in that
14 interview I think you told Ms. Patel that you're
15 sort of were your sisters' protectors; is that
16 right?

17 A. Yes, sir.

18 Q. Okay, and so you were -- you knew she
19 was okay, because she was in the bathroom,
20 right?

21 A. Yes, sir.

22 Q. All right, and I think you told Ms.
23 Patel that you were behind the fish tank; is
24 that right?

25 A. I was in front of it.

1 Q. In front of the fish tank?

2 A. Yes, sir.

3 Q. Your sister's in the bathroom with the
4 door locked, but you were in front of the fish
5 tank?

6 A. The fish tank was up against the wall.

7 Q. Okay.

8 MR. MATTHEWS: May I approach, Your Honor?

9 THE COURT: You may.

10 THE COURT REPROTER: But the first one will
11 be Court's Exhibit 8, not Defendant's, because
12 it's --

13 MR. MATTHEWS: Court's side?

14 COURT REPORTER: Yes. Here you go, sir.

15 Your Honor, do you need to see this first?

16 THE COURT: You just wanted me to see it?

17 COURT REPORTER: Yes, sir.

18 THE COURT: Okay. Is there any objection
19 to post Court's Number 8?

20 (Court's Exhibit 8 admitted.)

21 MS. LEGETTE: No, Your Honor.

22 THE COURT: You may proceed, Mr. Matthews.

23 BY MR. MATTHEWS:

24 Q. Okay, you've been handed, K.W. [REDACTED]
25 what's been marked as Court's Exhibit Number 8,

1 and I ask if you can identify that.

2 A. That is the hallway, and then the fish
3 tank up against the wall.

4 Q. Okay, all right. So you had told Ms.
5 Patel that you were beside the fish tank, that
6 would be the fish tank reflected in that
7 picture?

8 A. Yes, sir.

9 Q. Okay, and was that built-in? Was it
10 right next to the wall and had wood around it?

11 A. Yes, sir.

12 Q. Okay. And that's not in the SLED
13 picture, but maybe it ought to be?

14 A. Yes, sir.

15 Q. Okay.

16 MR. MATTHEWS: Your Honor, may I approach?

17 THE COURT: Yes.

18 (Court Reporter marks Court's Exhibit
19 Number 9, Diagram, as attached hereto.)

20 MR. MATTHEWS: Okay, and I'll hand it to
21 her.

22 THE COURT: Show it to counsel.

23 MR. MATTHEWS: Yeah, okay, I'm sorry.

24 BY MR. MATTHEWS:

25 Q. All right, K.W. I'm handing you

1 what's been marked as Court's Exhibit Number 9,
2 and ask if you can identify that?

3 A. It is the diagram layout of what the
4 house looked like.

5 Q. It's the same thing. All right, I'm
6 gonna hand you a pen, and ask if you can draw in
7 the fish tank.

8 A. (Draws on diagram.)

9 Q. Thank you. All right.

10 THE COURT: Let's move along, Mr. Matthews,
11 Neil v. Biggers.

12 MR. MATTHEWS: Yes, sir.

13 BY MR. MATTHEWS:

14 Q. So you were next to that fish tank?

15 A. Yes, sir.

16 Q. Were you behind it for your safety?

17 A. No, sir.

18 Q. You were just out in front of it?

19 A. Yes, sir.

20 Q. And your sister's in the bathroom
21 behind you with the door locked?

22 A. Yes, sir.

23 Q. Okay.

24 THE COURT: Exhibits to the Court Reporter.

25 MR. MATTHEWS: Yes, sir, I didn't know if I

1 was going to ask any more questions, I guess I
2 won't.

3 COURT REPORTER: Thank you, sir.

4 MR. MATTHEWS: I don't have anything
5 further, Your Honor.

6 THE COURT: Redirect?

7 MS. LEGETTE: None, Your Honor.

8 THE COURT: You may step down, okay? Make
9 sure you don't have any of my exhibits up there.

10 COURT REPORTER: I have them, sir.

11 THE COURT: You've got them all?

12 COURT REPORTER: Uh-huh.

13 THE COURT: Thank you very much.

14 Any other witnesses for the State?

15 MS. LEGETTE: No, Your Honor.

16 THE COURT: Mr. Matthews, do you wish to
17 present any evidence for this hearing?

18 MR. MATTHEWS: No further evidence, Your
19 Honor.

20 THE COURT: Let me hear from you, Mr.
21 Matthews.

22 MR. MATTHEWS: Your Honor, this may be an
23 issue of jury credibility, but I would argue
24 that in her -- and I certainly have more
25 questions to ask, if it comes down to it, if we

1 get past this point on this witness, but, you
2 know, for the purpose -- she now says that she
3 was standing right there in front of the fish
4 tank, but didn't mention the fish tank, but the
5 rest of it I think is a jury argument, but I
6 would still argue that she was influenced by a
7 newspaper article, or television article, and
8 she told Ms. Patel that she was behind the fish
9 tank, and she told Ms. Patel that.

10 We got what we got at the hearing today,
11 but I would argue that she was not reliable for
12 identification.

13 THE COURT: Let the record reflect that I
14 had a chance to observe this witness in the
15 courtroom. She talked about her opportunity to
16 view the accused, and she has demonstrated to us
17 her location in relation to the front door. The
18 Court should review the totality of the
19 circumstances, to determine whether any out-of-
20 court identification is reliable. I find that
21 the -- I don't know what number it is, which one
22 is my sketch? I find it is marked as State's
23 Exhibit Number 10 for the trial, but Court's
24 Exhibit Number 4, which is the sketch that Mr.
25 Matthews told me he had an objection to, as to

1 reliability. If find that it's sufficient and
2 reliable, and admitted into evidence in the
3 trial of this case, and it will be admitted over
4 any objection that the Defendant has made, in
5 connection with this matter. All right, it is
6 now 11:20, and the jury's here I hope. Have I
7 got all the Bailiffs back? Have I got all my
8 jury?

9 BAILIFF: Yes, sir.

10 BAILIFF: Yes, sir, Your Honor.

11 THE COURT: All right.

12 BAILIFF: They're all here.

13 THE COURT: They've got everybody here?

14 BAILIFF: Yes, sir.

15 THE COURT: All right, we're gonna take
16 five minutes, and then we're gonna start. Take
17 a five-minute break, be back in the courtroom in
18 five minutes.

19 (Recess)

20 THE COURT: All right, I asked the
21 Solicitor and counsel of the Defendant, because
22 I granted an mutual sequestration order of
23 witnesses. The Clerk is giving them rooms that
24 they can put themselves in, and you need to see
25 Becky if you -- oh you've got it?

1 MS. HILL: Yes, sir.

2 THE COURT: All right, come on. A granted
3 a mutual sequestration order, and I've got
4 people coming in and filing in, so I'm gonna ask
5 my lawyers, again, once everybody's in and sits
6 down, I'm gonna ask the Solicitor to turn
7 around, and make sure none of her witnesses are
8 in here, and then I'm gonna have Defendant --
9 you turn around, Mr. Matthews, you make sure
10 none of your witnesses are in here.

11 The only witness Mr. Matthews has notified
12 me, as far as sequestration is concerned is the
13 mother of the minor victim, who Mr. Matthews has
14 listed as a witness in the trial of this case.

15 MR. MATTHEWS: That's the only one I see
16 here, Your Honor. I had also subpoenaed a
17 couple other people, but I do not see them. All
18 right, now, Solicitor, Mr. Matthews objects to
19 the mother of the victim being present, which is
20 has listed as a witness in the trial of this
21 case. What's your position?

22 MS. LEGETTE: Your Honor, Ms. Karissa
23 Wiggins, she is not just the mother of the
24 victim, she's also the daughter of the dead man,
25 and the daughter of the dead woman, and the

1 sister of the dead man, so she has four people
2 involved in this, and I believe under the Crime
3 Victims' Bill of Rights, Your Honor, she has the
4 right to be in here, because she -- and I think
5 her sister may be coming also, but right now
6 they are not here. And while Mr. Chisholm has
7 about five people on his side, the State has no
8 one on this side. And though he has a mother,
9 Your Honor, I believe she has the right to be in
10 the courtroom.

11 THE COURT: This is not a matter of not
12 counting the people that's present.

13 MS. LEGETTE: I understand, Your Honor.

14 THE COURT: It's whether or not the person
15 that's testifying should be sequestered. I
16 understand the Victims' Bill of Rights.
17 Normally, the child -- who would be 14 now,
18 would be permitted to stay. Mr. Matthews, I see
19 no reason that the mother cannot stay on behalf
20 of the child. I will allow the mother to remain
21 in the courtroom.

22 MR. MATTHEWS: Yes, sir.

23 THE COURT: All right. I understand we've
24 got the jury. I'm ready to proceed. Bring us
25 the jury, please, Tim.

1 (Jury enters courtroom.)

2 THE COURT: Good morning.

3 JURORS: Good morning.

4 FOREMAN: Good morning, sir.

5 THE COURT: All right, thank you for being
6 here on time. We've been working, and we got
7 here long before you did, and then, as you know,
8 I have to try to estimate the time. I
9 appreciate your patience to wait. Everybody
10 filled out a lunch order back there?

11 MS. HILL: Yes, sir.

12 THE COURT: Okay, Madam Clerk, would you
13 please swear the jury at this time?

14 CLERK: Please stand and raise your right
15 hand.

16 THE COURT: Raise your right hand.

17 CLERK: Do you swear or affirm you shall
18 well and truly try and a true deliverance made
19 between the State of South Carolina and Mr.
20 Kenneth Mar'Keith Chisholm at the whom you shall
21 have in charge and a true verdict rendered,
22 according to the evidence and laws, so help you
23 God? Say I do.

24 JURORS: I do.

25 THE COURT: If you accept the oath, please

1 be seated. Mr. Cruz, I'm gonna ask you to take
2 the Foreman's seat, I'm gonna appoint you to be
3 Foreman. If you will trade seats with this
4 gentleman right here on the end. Now, Mr. Cruz,
5 your job as Foreperson will be to preside in the
6 jury room, once deliberations begin. It will be
7 your job to see that each and every member of my
8 jury has a full and a fair opportunity to voice
9 their opinion, once deliberations begin. It
10 will also be your job to write, and I'm gonna
11 explain that to you, my charge at the end of the
12 case of the law, the jury's verdict.

13 You will sign the verdict for the jury.
14 And you noticed this bright young man, Aaron
15 you've got -- I don't want you to leave this
16 courtroom after this case is over, until one of
17 you write on my verdict form that I filled out.
18 He's going to bring you the indictments in this
19 case, and you sign the exact same thing on the
20 indictments, as you do on the verdict form, so
21 don't leave without doing that.

22 Aaron will come to you after the verdict is
23 published; do you understand? All right. Now,
24 let me go over a few things with you. While
25 you're on jury service this week, I'm going to

1 ask you not to discuss the case amongst
2 yourselves, as we don't allow what we call
3 premature deliberations, because you haven't
4 heard all the evidence.

5 So don't try to discuss it at break, don't
6 try to discuss it with other people. I'm gonna
7 ask you not to read or listen to any news report
8 about the case. That's not evidence, Ladies and
9 Gentlemen, and you must base your decision
10 solely and only on the evidence, as is presented
11 during the trial of the case, when both sides
12 are present with the right of cross-examination.
13 As I warned you last night, please don't use a
14 computer, or cell phone, or any other electronic
15 device with communication capability to try to
16 do any research about this case. And that
17 includes any information about a party, or a
18 witness, or an attorney, or a court officer, or
19 to try to read a news account of the case. Even
20 if you think the information would help you make
21 a decision, if you did some jury research,
22 you're not allowed to do that.

23 You must base your decision solely and only
24 on the evidence presented during the trial of
25 the case. Both sides have the absolute right to

1 know exactly what information you are basing
2 your decision on, and not on some outside
3 source. Don't try to communicate with anyone
4 about the case on your cell phone, through
5 email, Blackberry, iPhone, text messaging.
6 Please don't go on Twitter, or any blog, or
7 website, through any Internet chatroom, or by
8 way of any other social networking website,
9 which include Facebook, MySpace, LinkedIn,
10 YouTube, that's forbidden. So I'm asking you
11 not to do that. Don't listen to a radio account
12 of the case. Don't watch a television account
13 of the case.

14 Don't read the newspaper about the case.
15 You can do all of that once your service on the
16 jury's concluded, but while you're on the jury,
17 I want you to focus on what's presented during
18 the trial of this case. Now, I'm gonna go over
19 a few things with you, Ladies and Gentlemen,
20 and, hopefully, give you a better understanding
21 of where we are, and how we have rules about
22 everything that we do in the courtroom. My job
23 is to enforce the rules, the lawyers know that.
24 The first thing, Ladies and Gentlemen, is, and
25 I've mentioned this to you, Mr. Foreman, we are

1 trying five indictments in this case.

2 The indictments charge the Defendant, and I
3 told you the name of the case earlier, it's the
4 State v. Kenneth Mar'Keith Chisholm. Mr.
5 Chisholm is the Defendant. He is charged by
6 five indictments, with three indictments for
7 murder, one for attempted murder, and a fifth
8 for possession of a weapon during the commission
9 of a violent crime. Now, the elements of each
10 one of those offenses, murder, attempted murder,
11 possession of a weapon during the commission of
12 a violent crime, the elements of those
13 indictments as I'll explain to you in my charge
14 to you on the law, it comes at the end of the
15 case.

16 So I'm going to explain to you about each
17 one of them. What you should understand is,
18 that the indictments that I refer to, they're
19 simply charges by which the case is brought into
20 this Court, and the indictment is not, in any
21 sense, evidence of any of the allegations
22 contained in the indictment.

23 One of the reasons I get you to sign the
24 indictments is for recordkeeping for the Clerk,
25 it's for that reason. The indictment isn't

1 evidence, so we don't send the indictment into
2 the jury room. I'll prepare a verdict form for
3 you, but I want you to sign the indictments
4 after you've published the verdict.

5 Now, the Defendant, Kenneth Mar'Keith
6 Chisholm, has pleaded not guilty to these five
7 indictments. The State of South Carolina,
8 therefore, has the burden of proving each of the
9 essential elements of the indictments, beyond a
10 reasonable doubt, and it will be your job,
11 Ladies and Gentlemen, to decide whether or not
12 the State has met that burden.

13 It is your solemn responsibility, as
14 jurors, to determine the guilt or the innocence
15 of the Defendant, and your verdict, as I have
16 emphasized to you, must be based solely and only
17 on the evidence, as it is presented to you in
18 this trial, and on the law as I instruct it to
19 you to be during this trial, and in my charge to
20 you on the law at the conclusion, or close of
21 the trial.

22 Now, in just a minute the Solicitor will
23 make what is called an opening statement, in
24 which she will explain to you the issues in this
25 case, or at least what she contends, as an

1 advocate for the State of South Carolina to be
2 the issues in this case. And following that,
3 the attorney for the Defendant may also make an
4 opening statement, although he's not required to
5 do so. And I want to tell you that I want you
6 to listen to my attorneys. They've worked hard
7 to prepare the case for their client, but what
8 the attorneys tell you in opening statement,
9 what the attorneys argue to you in their closing
10 argument at the conclusion of the case, what the
11 attorneys might even sometime suggest to you in
12 questioning, that's not evidence, Ladies and
13 Gentlemen.

14 The attorneys are advocates for the
15 clients they represent, the State of South
16 Carolina and the Defendant, all right? So in
17 their opening statement, or in their closing
18 argument, it's only their contention, as to what
19 they believe, as an attorney, for either
20 Defendant or the State, as to what the issues in
21 this case are. The evidence in this case,
22 Ladies and Gentlemen, is going to be presented
23 to you by sworn witnesses from this witness
24 stand. You'll notice it's located on the side
25 of the courtroom in closest proximity to you.

1 But you're going to hear testimony of sworn
2 witnesses from the witness stand, or evidence
3 may take the form of an exhibit, such as a
4 photograph, or a document, and you will hear me
5 say -- the lawyers know they have to ask to
6 introduce the exhibit, and you will hear me say,
7 "It is in evidence, as to an exhibit. You may
8 now publish to the jury." Until I say it's in
9 evidence, because my job is to be the
10 gatekeeper, and to decide what evidence is
11 admissible in the trial of this case, and what
12 evidence is not.

13 So evidence may be sworn testimony from
14 that witness stand, it may also take the form of
15 an exhibit. Evidence may even take the form of
16 a stipulation, an agreement between the parties
17 that a fact is true, and, therefore, it's not
18 necessary to be proved. If we have a
19 stipulation, it will be published to you during
20 the trial of the case, so you'll know that the
21 parties agree that a certain fact is true. You
22 must base your decision solely and only on the
23 evidence in this case.

24 Now, in consideration of the evidence, you
25 should remember, Ladies and Gentlemen, that

1 under the Constitution of the State of South
2 Carolina, you and you alone, the members of this
3 jury, are going to be the sole and only Judges
4 of the facts in this case, and that will be
5 based on the evidence. The same law that makes
6 you the sole Judges of the facts in this case,
7 makes me the sole Judge of the law in the case.
8 I cannot invade your province, Ladies and
9 Gentlemen, and tell you, or suggest to you, or
10 comment to you about what the facts are, or what
11 the evidence shows.

12 And you, Ladies and Gentlemen, members of
13 the jury, should not invade my province, and
14 disagree with me about what the law is.
15 Everything that I say to you in this trial is
16 being taken down by my Court Reporter, and if I
17 make a mistake, as to the law, to the detriment
18 of a party, they can appeal the case, through an
19 Appellate Court. And if the Appellate Court
20 agrees that I've made a mistake on the law, they
21 will reverse the case, and send the case back
22 for a new trial.

23 So you should not worry, as a member of the
24 jury, about whether or not I have told you the
25 law correctly, that is somebody else's worry,

1 that is not your concern. Your job is to take
2 the law, as I give it to you, and apply it to
3 the facts, as you find them to be, based on the
4 evidence introduced during the trial of the
5 case. Sworn testimony, exhibits or stipulation.
6 Now, after you've heard all the evidence in the
7 case, you will hear the closing arguments of the
8 attorneys, and then you will receive my charge
9 on the law. I don't know yet all the law that
10 applies to this, because I haven't heard the
11 evidence in this case, just like you haven't.
12 So these young people are finding out that I
13 work on the charge I started a week ago, and
14 we've already gotten two drafts right now, and
15 I'll probably have three, or four, or five
16 before I finally charge you the law at the
17 conclusion of the case, because as things come
18 up in the trial, obviously, I have to edit, or
19 as things are excluded, I take out.

20 Once you've heard all the evidence, and
21 you've heard the closing arguments of the
22 attorneys, and received my charge on the law,
23 you then, as members of the jury, will render
24 your verdict under that solemn oath that each of
25 you just took from the Clerk. Now, from time-

1 to-time this is gonna happen, you're gonna hear
2 one of the lawyers say something like, "Your
3 Honor, I believe we have a question of law, or a
4 matter of law," you saw that yesterday, "to
5 discuss with you," or, "Your Honor, may we
6 approach the bench," or I myself might say,
7 "Counsel, approach the bench." Sometimes I
8 might find it necessary that you be excused from
9 the courtroom, while the attorneys and I discuss
10 the matter of law. Now, we're not trying to
11 hide anything from you, Ladies and Gentlemen,
12 the reason for this is just what I told you a
13 while ago. You are the sole Judges of the facts
14 in this case, based on the evidence, and
15 sometimes when I'm discussing a matter of law
16 with the attorneys, it may be necessary for me
17 to make some comment to the attorneys, as to the
18 facts, in connection with ruling on whether or
19 not a particular piece of law applies to this
20 case.

21 So the custom in this State, since I'm not
22 supposed to make any comment to you about the
23 facts in the case, the practice is to excuse you
24 from the courtroom when such discussions take
25 place, so that in no way will you be influenced

1 by anything that I might say or do, in
2 connection with the facts as the Presiding
3 Judge. And in that connection, let me tell each
4 of you again, so you understand, one of the
5 reasons, if you have any questions about the
6 case, I can't answer them, generally, during the
7 trial. Once your jury service is over, save
8 your questions, I'll answer anything for you
9 after you're excused from jury duty, but I can't
10 make any comment to you, while you're serving on
11 the jury. So I emphasize to you, and tell you,
12 that you, and you alone, and members of this
13 jury, and that applies to the alternate jurors
14 down there, you're the sole Judges of the facts
15 in this case, based on the evidence that's going
16 to be presented to you. And if you should
17 gather at any time, that anything that I might
18 say or do during the course of this trial, that
19 I have any opinion whatsoever, as to the facts,
20 please erase that from your mind, Ladies and
21 Gentlemen, because you are the sole Judges of
22 the facts. I, obviously, might have to rule on
23 some matters in your presence, that doesn't mean
24 I have any opinion about the facts in the case.

25 Now, I'm asked this often by jurors, in

1 determining what the facts are in the case, you
2 of necessity, Ladies and Gentlemen, are going to
3 have to determine or pass upon, as a jury, the
4 credibility, or the believability, of the
5 witnesses who are going to testify during the
6 trial of this case. It's my responsibility, as
7 the Presiding Judge, to rule, as a matter of
8 law, as to whether certain testimony is
9 admissible into evidence or not; but once I've
10 allowed the testimony to be admitted into
11 evidence, whether or not you, as the jury,
12 believe the testimony, is solely a matter for
13 you to determine.

14 So part of your job, as jurors, in passing
15 upon the credibility, or the believability, of
16 the witnesses who will testify in the trial of
17 this case, you will have to pass upon their
18 believability. And you have the right, Ladies
19 and Gentlemen, as the jury, to take into
20 consideration, if proven to you, the interest of
21 any witness, you have the right to take into
22 consideration the bias, if any, of any witness,
23 the prejudice of any witness, the opportunity
24 for the witness to have observed the matters and
25 things about which he or she might testify.

1 You may even take into consideration, in
2 deciding the believability of the witnesses,
3 what we call the demeanor of the witness, the
4 appearance of the witness on the witness stand.
5 Anything that is in evidence you, as the jury,
6 have the right to consider in passing upon the
7 credibility or believability of the witnesses.
8 And that means, Mr. Foreman, and that means,
9 Ladies and Gentlemen of the jury, that it is
10 your duty, under that oath you just took, to pay
11 close attention to the witnesses, to listen to
12 the witnesses.

13 Don't let your thoughts wander but give
14 strict attention to the evidence in this case,
15 and the testimony in this case, so that at the
16 conclusion of all the testimony, after the final
17 arguments of the attorneys, and after my charge
18 on the law, you will have placed yourself in a
19 position by listening, and observing, and paying
20 careful attention.

21 You will have placed yourself in a position
22 to determine what the true facts are in this
23 case, based on the evidence introduced during
24 the trial of the case, and on the law that I
25 will give you at the end of the case, and you

1 will then apply the law, as I charge it to you
2 to be, to the facts, as you find them to be,
3 and, thus, render a true and just verdict. And
4 you must not consider anything that you may have
5 read, or heard, about this case outside of this
6 courtroom, whether before or during this trial.
7 And until I submit the case to you, you must not
8 discuss it with anyone, not even your fellow
9 jurors, or a member of your own family.

10 And why do we emphasize that? Because the
11 very last thing that might happen in this trial
12 might be the difference to you. That's why we
13 don't want you to engage in any premature
14 discussions before you hear everything in a
15 trial. And after I submit it to you, you must
16 discuss it only with your fellow jurors in your
17 jury room. It is important that each of you on
18 this jury keep an open mind, and not decide the
19 case until the entire matter has been submitted
20 to you under my instruction, at the conclusion
21 of the case.

22 And it will be your added duty, Mr.
23 Foreman, to preside in the jury room, just like
24 the Chairperson of a committee, you see
25 everybody gets to voice their opinion, and you

1 will be, if necessary, you will be the jury's
2 spokesperson out here in the courtroom. It will
3 also be your duty to sign and write, for the
4 entire jury, the jury's verdict, and I will give
5 you instructions about that. Now, this is a
6 beautiful old courtroom, 200-years-old. Again,
7 I love to talk about it, because, first of all,
8 when this courtroom was first constructed, many
9 of you know who Robert Mills is, he was the
10 architect of the Washington Monument, but he
11 also designed several courthouses in South
12 Carolina.

13 You notice, if you've got microphones, you
14 notice I talk up, I'm not tentative. You're
15 going to strain to hear it. I want you to be
16 able to hear. If at any time, all you've got to
17 do -- I'll be watching all 15 of you, if you
18 can't hear, raise your hand. Let me know the
19 moment somebody mumbles, speak up. My lawyers
20 are bad about that, they love to turn their back
21 to you and to the Court Reporter, and walk
22 around and look at each other and ask questions.
23 If you can't hear a lawyer, let me know.

24 I want my jury to be able to hear at all
25 times. They have microphones and are supposed

1 to stay at the podium and use them, but they
2 like to wander, and then sometimes it makes it
3 very difficult for you.

4 If an exhibit is introduced into evidence,
5 and you've heard me say it may be published to
6 you, and you can't see it. Normally, we might
7 display it on that screen, but it might be
8 something we pass among the members of the jury.
9 If you can't see an exhibit, raise your hand for
10 me. I want my jurors to be able to hear and to
11 see at all times throughout the trial of the
12 case.

13 Now, I'm going to ask you not to take
14 written notes. Why? Because I found that if
15 the written notetaker makes an error in the
16 written notes, the notes can be harmful, rather
17 than helpful, once your deliberations begin.
18 The time tested system is for each of you to
19 listen, and listen carefully. Now, if you're
20 worried about remembering, don't, I can play
21 back an audio tape of any witness' testimony
22 that you desire, so don't worry about
23 remembering. I want you to listen and listen
24 carefully.

25 Normally, Mr. Foreman, since you're the

1 spokesperson for the jury, we do not allow the
2 jury to ask questions in the courtroom. If,
3 however, a member of the jury has a question, if
4 you're not already in your jury room, you will
5 retire to your jury room, okay? You will write
6 the question on a piece of paper, knock on the
7 jury room door, give it to my Bailiff, the
8 Bailiff brings it out to me, I then have to
9 rule, as a matter of law, just as I would any
10 question asked by either one of the attorneys,
11 whether or not the question can or cannot be
12 answered, as a matter of law.

13 Do you understand? That's the procedure we
14 have to follow. Now, obviously, everybody
15 thinks -- you notice I've got one sitting up
16 here, everybody thinks they can't live without
17 one of these. No cell phones, turn them off, no
18 beepers, while you're on jury service. Mine is
19 off, or it's supposed to be. And I understand
20 that we all think that they're necessities in
21 life, but this is not the time for you to use
22 the cell phone or beeper, while you're on the
23 jury service, so I ask you not to.

24 Now, the order in which we do things in
25 court has a practical effect. The State of

1 South Carolina had the burden of proof in this
2 case, so the State will go first, followed by
3 the Defendant. The Defendant has no burden of
4 proof. I do not intend that what you think I've
5 just said to you should be construed as a charge
6 on the law. I will charge you the law that
7 applies to the case at the conclusion of this
8 case. This has been merely an attempt, on my
9 part, to try to explain to you some of the
10 procedure that we follow in the courtroom, so
11 you have a better understanding, as to what
12 maybe happening from time-to-time in a trial.

13 Now, nevertheless, I always give the
14 parties an opportunity to take exception or
15 objection to anything that I've said to you.
16 Any exceptions or objections from the State of
17 South Carolina on the comments to the jury?

18 MS. LEGETTE: Not from the State.

19 THE COURT: From the Defendant?

20 MR. MATTHEWS: No, Your Honor.

21 THE COURT: All right, Ladies and
22 Gentlemen, I want you to listen to the
23 attorneys, remember, they're advocates, they're
24 not evidence. They represent either the
25 Defendant or the State of South Carolina, but I

1 want you to listen to them. They're here,
2 they're going to try to persuade you, that's
3 their job, to be an advocate. What I want you
4 to base your decision on though is the evidence,
5 the sworn testimony from that witness stand, any
6 exhibit that might be introduced into evidence,
7 or any stipulation that might occur. I'm sure
8 each of you will do exactly that, under the oath
9 which of you took and swore to, administered by
10 my Clerk. Thank you very much, and listen to
11 the opening statement from the State of South
12 Carolina.

13 ***

14 OPENING STATEMENT BY MS. LEGETTE

15 MS. LEGETTE: Thank you, Your Honor, may it
16 please the Court, Mr. Matthews. Ladies and
17 Gentlemen, good morning. May 16th, 2017,
18 Phillip Miller brought home a killer. A killer
19 who would go onto murder Phillip Miller, his
20 wife, Lori, his son, Vinny, and who would then
21 turn the gun on their granddaughter, [K.W. █████] this
22 night. That's what Kenneth Chisholm is accused
23 of. That's why he sits over there today. Let's
24 take a ride, we're gonna go back in time back in
25 May of 2017.

1 In May 2017, Kenneth Chisholm contacted
2 Phillip Miller. Let's just be clear, let's just
3 be frank, Phillip Miller sold drugs, a little
4 weed, he was growing it in his house, and he's
5 contacted by Mr. Chisholm to buy some, so they
6 agreed to meet up. And we ride out to Walmart
7 Plaza, Petco, Fat Jack's, that's where Kenneth
8 Chisholm and Phillip Miller met for the first
9 time. And then they rode around, they smoked a
10 little bit, and Phillip then said, "Well, come
11 onto the house, and we'll sell some," and that's
12 how this all happened. Phillip Miller brought
13 home a killer.

14 Now, Kenneth Chisholm stands accused of the
15 murder of Phillip Miller, the murder of Lori
16 Miller, the murder of V.M. [REDACTED] the
17 attempted murder of K.W. [REDACTED] Wiggins -- K.W. [REDACTED]
18 K.W. [REDACTED], and possession of a weapon during the
19 commission of a violent crime, which would be
20 murder, and that's why we're here. You are the
21 Judges of the facts.

22 The State must prove its case beyond a
23 reasonable doubt. A reasonable doubt, the Judge
24 will tell you is the kind of act that would
25 cause a reasonable person to hesitate to act. So

1 we're going to bring the evidence. Some of the
2 evidence will be in the form of witnesses, who
3 will tell you directly what happened, what they
4 saw, what they perceived. Some will be in the
5 form of some forensic evidence, and what the
6 forensic evidence itself says. We'll have a
7 statement, where Kenneth Chisholm made some
8 admissions in this case. And when it all comes
9 back around at the end of this case, when all
10 the evidence is in, the State of South Carolina
11 will come back before you, and we'll ask you to
12 find Kenneth Chisholm guilty of the crimes for
13 which he's accused, based on the evidence that
14 we'll present to you from that witness stand.
15 Thank you.

16 THE COURT: Counsel for the Defendant?

17 ***

18 OPENING STATEMENT BY MR. MATTHEW

19 MR. MATTHEWS: Thank you, Your Honor. Mr.
20 Foreman, Ladies and Gentlemen of the jury, I'm
21 David Matthews, and this is my client, Kenneth
22 Chisholm. Some things that we're going to agree
23 on is that Phillip Miller was a drug dealer, and
24 there was -- I think the State is going to be
25 able to prove that Mr. Chisholm and Mr. Miller

1 did meet, and did talk about drugs; however, I
2 believe the evidence will also show that the day
3 after this horrible incident, Karissa Wiggins,
4 Mr. Miller's daughter, called up, and talked to
5 Kelly Padgett and James King with the Sheriff's
6 Office, and suggested, "There's somebody else, a
7 white man, who worked at the tire store that
8 owed him \$1,000, and maybe had some reason to do
9 this." There's an awful lot of evidence, I
10 believe, that's gonna come out of this case.
11 Listen carefully to all of it, and understand,
12 as the Court has already told you, the only
13 thing that matters is what comes from that
14 stand. Thank you.

15 THE COURT: All right, Ladies and
16 Gentlemen, before we begin this trial, I want to
17 tell you this trial probably is going to be
18 different from what you might expect. You know,
19 most people do not have the chance or the time
20 to attend an actual court session, as each of
21 you are doing now; and, unfortunately, many
22 people think in going to a movie, or reading a
23 book, or watching television, that trials are
24 always full of high drama, intense action, and
25 riveting, and entertaining circumstances.

1 While all those things may be true at
2 times, an actual trial, Ladies and Gentlemen, is
3 not for entertainment. An actual trial is a
4 fundamental part of our democracy. It is a
5 search for the truth, in an effort to make sure
6 that justice is done between the parties before
7 the Court. Searching for the truth and trying
8 to make sure that justice is done is often slow,
9 it is often repetitive, it is often deliberate,
10 it is the exact opposite of what you may have
11 seen on television, or read in a book, or seen
12 in a movie.

13 This courtroom, Ladies and Gentlemen, is a
14 place of honor. It is dedicated to the
15 protection and preservation of citizens' rights,
16 who what many people have called the greatest
17 justice system in the world. The attorneys
18 appearing before you are advocates for the
19 parties they represent, the State of South
20 Carolina and the Defendant, who are first and
21 foremost the attorneys are officers of this
22 Court; and just as you took an oath a few
23 moments ago, the attorneys have taken an oath;
24 and in that oath they swore to uphold the
25 integrity and the fairness of our judicial

1 system, and they also are here to help you in a
2 search for the truth.

3 So you should expect my attorneys to be
4 professional, you should expect them to be
5 confident, and above all, you should expect them
6 to be ethical in the discharge of their duties,
7 Ladies and Gentlemen, in the representation of
8 their respective client's interest. I want to
9 thank each and every one of you before we start,
10 because you took an oath, just like the
11 attorneys, and I want to thank you for accepting
12 what I consider to be a very important
13 responsibility, and that's jury service.

14 I want to thank you for your contribution
15 to our justice system, because you also, as
16 jurors, are expected to be professional, to be
17 reasonable, and listen to one another. You also
18 are expected to be ethical, as jurors, Ladies
19 and Gentlemen, and I thank you for that service.
20 All right, any exceptions from the State of
21 South Carolina from the Court's comments to the
22 jury?

23 MS. LEGETTE: Not from the State, Your
24 Honor?

25 THE COURT: From the Defendant?

1 MS. LEGETTE: No, sir.

2 THE COURT: Call your first witness.

3 MS. LEGETTE: The State calls Angela
4 Stallings.

5 * * *

6 ANGELA STALLINGS

7 * * *

8 being first duly sworn, testified as
9 follows:

10 THE COURT: Come on up and have a seat.

11 WITNESS: Yes, sir. Angela Stallings, S-T-
12 A-L-L-I-N-G-S.

13 MS. LEGETTE: May it please the Court? May
14 it please the Court?

15 ***

16 DIRECT EXAMINATION

17 BY MS. LEGETTE:

18 Q. Good morning, ma'am.

19 THE COURT: Begin.

20 BY MS. LEGETTE:

21 Q. Good morning.

22 A. Good morning.

23 Q. Captain Stallings, where do you work?

24 A. The Colleton County Sheriff's Office.

25 Q. And, Captain Stallings, what are your

1 duties at the Colleton County Sheriff's Office?

2 A. Currently, I am the Administrative
3 Captain, so that includes the E-911 Center, our
4 SRO School Resource Officer Division, supplying
5 the equipment, the hiring process, applicant
6 process, records, civil process, and court
7 appearances.

8 Q. All right, so that's a lot.

9 A. It is.

10 Q. All right, that's some tap dance. So
11 let's talk about the E-911 Center.

12 A. Yes.

13 Q. All right, so you're also in charge of
14 the E-911 Center?

15 A. I am.

16 Q. And what does that mean exactly?

17 A. At the Colleton County Sheriff's Office
18 we dispatch for seven agencies within the
19 County. We dispatch for Colleton County
20 Sheriff's Office, Colleton County Fire Rescue,
21 Walterboro Police, Walterboro Fire, Edisto
22 Police, Edisto Fire and the Cottageville Police
23 Department. All the 911 calls that come into
24 the County filter through the Colleton County
25 Sheriff's Office.

1 So we receive the 911 call, we have four --
2 we have three to four Dispatchers on duty at any
3 given time. We'll ask a series of questions,
4 when the call comes in. Based on the response
5 that we get from the questions we ask, we then
6 determine which agency or agencies are needed
7 back to the emergency that's coming.

8 Q. Okay. All right, and so, basically,
9 you are dispatching for emergencies?

10 A. Yes.

11 Q. Okay, so how long have you been in
12 charge of the 911 system?

13 A. Out of a total of 24 years in Law
14 Enforcement, I, initially, was over Dispatch in
15 2004, for a short time, and then in 2016 I came
16 back, and I've been over Dispatch since 2016.

17 Q. Okay, and so describe, briefly, your
18 other Law Enforcement experience.

19 A. I started off as a Dispatcher in 1998
20 in the Walterboro Police Department. In '99 I
21 became a certified Officer. I have worked for
22 Patrol, I've been involved with the SWAT Team,
23 I've worked in Investigations, community
24 policing, and I've also been with Cottageville
25 Police Department, and the Solicitor's Office as

1 an investigator.

2 Q. Okay. All right, so now let's talk
3 directly about you being in charge of the E-911
4 Center. Does that mean that you are considered
5 a Records Custodian?

6 A. Yes, I am.

7 Q. All right. And so what does it mean
8 that you are the Records Custodian?

9 A. So when a call comes in, as soon as the
10 call rings, we have a system that automatically
11 starts recording, even before we answer the
12 call. So as soon as the call reaches our
13 Center, it automatically starts recording.

14 It records through the entire phone call,
15 even if we transfer the call out to another
16 agency, as long as we stay on the line and do
17 not disconnect, even though they've taken over
18 the call, our in still line up there is still
19 recording. So everything -- every phone call
20 that we handle is recorded and already tracked,
21 as well.

22 Q. All right, and so, Captain Stallings,
23 were you the Records Custodian for the Colleton
24 County Sheriff's Office on May the 16th, 2017?

25 A. I was.

1 Q. All right, and so are you familiar with
2 the 911 calls that came in on that day,
3 concerning the case at bar?

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

5 Q. All right, you said earlier that it's
6 proper to make a recording of the calls when
7 they come in?

8 A. That's correct.

9 Q. And were recordings made in this case?

10 A. They were.

11 Q. And are those recordings kept in the
12 ordinary course of business?

13 A. They are.

14 Q. All right. And at some point in the
15 past, at our request, have you previously
16 reviewed the recordings and 911 calls in this
17 case for accuracy?

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

19 Q. And have you also review and admit the
20 disk, to make certain that you were able to
21 recognize it?

22 A. I did.

23 Q. And are those calls that you reviewed a
24 fair and accurate reflection of the calls that
25 came into the E-911 Center at Colleton County

1 Sheriff's Office on or about May 16, 2017?

2 A. Yes, ma'am.

3 Q. Momentarily, Captain Stallings, I'm
4 gonna hand you now what's been previously marked
5 for identification, as State's Exhibit 1. Take
6 a moment and tell me, if you recognize State's
7 1.

8 MS. LEGETTE: May I approach the witness?

9 THE COURT: You may.

10 BY WITNESS:

11 A. Yes, ma'am.

12 Q. And, Captain Stallings, what is State's
13 1?

14 A. This is disk with the 911 calls from
15 that day.

16 Q. And are they a fair and accurate
17 reflection of the 911 calls that came in on May
18 16th, 2017?

19 A. Yes, ma'am, and it has my initials and
20 the date that I reviewed it.

21 Q. Very good.

22 MS. LEGETTE: At this time, Your Honor, I
23 would offer State's 1 for admission into
24 evidence.

25 THE COURT: As to State's 1?

1 MR. MATTHEWS: No objection, Your Honor.

2 (State's Exhibit 1 admitted)

3 THE COURT: Ladies and Gentlemen of the
4 jury, State's Exhibit Number 1 will be admitted
5 into evidence in the trial of this case, without
6 objection. You may now publish to the jury.

7 MS. LEGETTE: Thank you, Your Honor. May I
8 approach the witness again?

9 THE COURT: You may. Solicitor.

10 MS. LEGETTE: Yes, Your Honor.

11 THE COURT: What we're doing, Ladies and
12 Gentlemen, just a matter of housekeeping that's
13 not a question. I want to make sure we have our
14 document straight before we proceed. You may
15 publish State's Number 1.

16 (Audio being played in courtroom for jury.)

17 BY MS. LEGETTE:

18 Q. Captain Stallings, were those the 911
19 calls that were taken on May 16th, 2017?

20 A. Yes, ma'am.

21 Q. And did you have any other involvement
22 in this case, Captain Stallings?

23 A. No, ma'am.

24 Q. Thank you, I have no further questions.
25 Please answer any questions for Mr. Matthews.

1 THE COURT: Cross-examination?

2 MR. MATTHEWS: Thank you, Your Honor.

3 THE COURT: Use the microphone.

4 MR. MATTHEWS: Yes, sir.

5 ***

6 CROSS-EXAMINATION

7 BY MR. MATTHEWS:

8 Q. Captain Stallings, you got like three
9 calls in, correct?

10 A. Yes.

11 Q. Okay.

12 And so the first one from Teresa Stephens,
13 I guess, was at 4:47 and 36 seconds?

14 A. Yes.

15 Q. The second one about nine minutes later
16 from Karissa Wiggins?

17 A. Yes, sir.

18 Q. And the other one after -- just a few
19 seconds after that from Jamie Nix?

20 A. That's correct.

21 MR. MATTHEWS: No further questions.

22 THE COURT: Redirect?

23 MS. LEGETTE: None.

24 THE COURT: As to this witness?

25 MS. LEGETTE: We ask that she be excused,

1 Your Honor.

2 THE COURT: Any objection?

3 MR. MATTHEWS: No, sir.

4 THE COURT: Thank you, you may step down.

5 You're excused from the trial of this case. All
6 right, Mr. Foreman, Ladies and Gentlemen, my
7 excellent Clerk of Court tells me that your
8 lunch has arrived.

9 We're going to serve your lunch to you, and
10 then we will continue with the trial. Please
11 don't discuss the case, you haven't heard all
12 the evidence in the case, and we'll give
13 everybody time to have lunch, stretch your legs.
14 We will start back probably around 1:45 to 2
15 o'clock. That'll give you plenty of time to do
16 that, so we can keep the trial moving. Thank
17 you for patience, and please go to the jury room
18 at this time.

19 (Jury exits courtroom.)

20 THE COURT: All right, we're gonna break
21 now for lunch, and we'll start back -- I want to
22 make sure the jury's had enough, it'll probably
23 be an hour, and maybe an hour and 15 minutes,
24 and give you'all time to have lunch, or
25 whatever. Be ready to move forward with your

1 witnesses, Solicitor, at that time. We have
2 recessed now for lunch. Thank you very much.

3 MS. LEGETTE: Thank you, Your Honor.

4 (Recess)

5 (Jury enters courtroom.)

6 THE COURT: Mr. Foreman, Ladies and
7 Gentlemen of the jury, I hope everybody had a
8 good lunch. Let me explain something to you,
9 when we're talking about time. We try to make
10 it convenient for you, that we serve you lunch
11 in the jury room, so you don't have to leave,
12 but everybody else has to leave, and they have
13 to go out, and I have to give them enough time
14 to get back, so I can't always start exactly
15 when you want to, or if it's convenient for you,
16 because I've got to think about the witnesses,
17 I've got to think about the Defendant, I've got
18 to think about everybody, the lawyers, everybody
19 else having to get lunch during the lunch
20 period.

21 I appreciate the fact that you're willing
22 to work, and I promise you, I'm going to see to
23 it we get work, okay, but I can't always start
24 when you want me to, because I have to think of
25 everybody else having that little time.

1 Everybody needs to have a break, use the
2 restroom. I always take at least one break in
3 the morning, and one break in the afternoon for
4 you, so don't think I will make you sit all the
5 way through everything. I appreciate your
6 patience, and I appreciate your service.
7 Solicitor, call your next witness.

8 MS. LEGETTE: Thank you, Your Honor, the
9 State calls David Butler.

10 THE COURT: What number is he on your list,
11 Solicitor?

12 MS. LEGETTE: Beg the Court's indulgence.

13 CLERK: 26.

14 THE COURT: 26. Come around and make sure
15 the mic works.

16 MS. LEGETTE: He's number 26 on the list
17 that was submitted to the Court, Your Honor.

18 * * *

19 DAVID BUTLER

20 * * *

21 being first duly sworn, testified as
22 follows:

23 THE COURT: Talk into that mic and speak,
24 it'll amplify your voice.

25 WITNESS: Okay.

1 THE COURT: State your full name, and spell
2 your last.

3 | WITNESS: David Parker Butler, B-U-T-L-E-R.

4 THE COURT: All right, Mr. Butler, and you
5 see that lady there on the end of you? I want
6 to make sure she can hear everything you say, so
7 you use that microphone for me, okay?

8 WITNESS: Okay.

9 THE COURT: Your witness, Solicitor, for
10 direct examination.

11 MS. LEGETTE: Thank you, Your Honor.

12 * * *

13 DIRECT EXAMINATION

14 BY MS. LEGETTE:

15 Q. Good afternoon, Mr. Butler.

16 A. Good afternoon.

17 Q. Mr. Butler, where are you from?

18 A. I'm presently in Ruffin, South
19 Carolina.

20 Q. Ruffin, okay, and what county is Ruffin
21 located in?

22 A. It's Colleton County.

23 Q. Very good. Now, Mr. Butler, were you
24 living, or staying in Ruffin back in May of
25 2017?

1 A. Yes, I was living in Florida, but I
2 owned the house in Ruffin, and I was visiting.

3 Q. Okay, so you were visiting Colleton
4 County in Ruffin in May of 2017?

5 A. Right, I was visiting my house, so --

6 Q. Visiting your house, very good. All
7 right, so let's talk about, specifically, May
8 the 16th, 2017, the case at bar. Did anything
9 unusual happen on May 16th, 2017?

10 A. Yes. I was in the backyard talking to
11 a friend, and I heard a number of gunshots, then
12 I heard a female voice say, "Stop, don't," and
13 then I heard more gunshots after that. And then
14 I heard a car sped up, and head north on U.S.
15 21.

16 Q. Okay.

17 A. I decided to go out down on the
18 highway, and see what was going on. And when I
19 get there, there was a couple cars parked there,
20 one on each side of the road. There was a SUV
21 in the middle of the road, and there was a
22 couple people in back of the SUV on the ground.
23 I'm not sure what they were doing.

24 And then a female -- a young female came
25 over, and asked me if I had a phone, and I told

1 her I would go get it, so I walked back over to
2 my house to get my phone. I'd come back over,
3 and when I come back around there was more cars
4 there, and other people. There was something on
5 the side of the road, and it appeared to be the
6 driver out of the truck, kneeling on the ground
7 with a little girl. And I stood there and I
8 looked around, and tried to determine if I could
9 do anything right then. I saw a body laying --
10 I assume it was a body laying on the lawn next
11 to the house across the street, and was covered
12 by - and they were covering him with a blanket.
13 And I stood around to be helpful, but there
14 wasn't anything I could do.

15 I had no medical training, and everything
16 seemed to be under control, so I walked back to
17 my house.

18 Q. Thank you, Mr. Butler. So that I am
19 clear, I think you said you heard gunshots?

20 A. I heard four or five gunshots.

21 Q. Okay.

22 A. And then --

23 Q. Go ahead.

24 A. And then I heard a female voice
25 screaming, "Don't, stop," and then there was a

1 number more gunshots.

2 Q. And then you heard the car crank up?

3 A. And then I heard the car start up, and
4 head north on U.S. 21, yes.

5 Q. And, Mr. Butler, did you have anything
6 else to do with this case, other than what you
7 just told us?

8 A. No, I just -- from what I heard, that's
9 -- that was it.

10 Q. All right. Thank you, Mr. Butler, I
11 have no further questions. Please answer any
12 questions from Mr. Matthews.

13 MR. MATTHEWS: No questions, Your Honor.

14 THE COURT: So to this witness?

15 MS. LEGETTE: We ask that he be excused,
16 Your Honor.

17 THE COURT: Any objection?

18 MR. MATTHEWS: No, sir.

19 THE COURT: Mr. Butler, you may step down
20 from the witness stand, and you're excused from
21 the trial of this case, you may leave the
22 courtroom.

23 WITNESS: Thank you.

24 THE COURT: Thank you. Call your next
25 witness.

1 MS. LEGETTE: Wilhelmina Green.

2 THE COURT: What number, Solicitor? Find
3 your witness, Solicitor.

4 MS. LEGETTE: Your Honor, on the list that
5 we've submitted to the Court, Ms. Wilhelmina
6 Green would be number 24.

7 THE COURT: 24.

8 MS. LEGETTE: Yes, sir.

9 * * *

10 WILHELMINA GREEN

11 * * *

12 being first duly sworn, testified as
13 follows:

14 THE COURT: Step up, have a seat. Pull
15 that chair up, make yourself comfortable.
16 Adjust the microphone to your height, and I'm
17 going to ask you to take that mask down when you
18 talk, because you've got a microphone. State
19 your full name, and spell your last name for the
20 Court Reporter.

21 WITNESS: Wilhelmina Green, and it's G-R-E-
22 E-N.

23 THE COURT: Very well, ma'am.. Now, you're
24 in front of this jury, they need to be able to
25 hear you, particularly, this lady down at the

6 MS. LEGETTE: Thank you, Your Honor.

7 * * *

9 BY MS. LEGETTE:

11 A. Good afternoon.

13	A. Smoaks.
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15	A. South Carolina.
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18 A. I've been a bus driver for 30 something
19 years, and I work at Waffle House.

24 A. Yes.

25 Q. And, specifically, what county do you

1 work as a bus driver?

2 A. For Colleton County.

3 Q. Okay. And so what route -- or what
4 schools are on your route?

5 A. Well, I have the elementaries, and I go
6 all in the Smoaks -- I just go through the back-
7 wooded areas, back-wood areas.

8 Q. All right, and that's in Colleton
9 County?

10 A. Correct.

11 Q. All right, so, Ms. Green, I want to
12 turn your attention now, specifically, to May
13 16th, 2017.

14 A. Uh-huh.

15 Q. Were you working as a bus driver for
16 Colleton County then?

17 A. Correct.

18 Q. All right. So did you have some young
19 ladies who rode your bus called K.W. [REDACTED] and
20 Cameron?

21 A. Correct.

22 Q. All right. Ms. Green, did anything
23 unusual -- well, tell us about that day. Did
24 they ride your bus that day?

25 A. Correct.

1 Q. So tell us about the ride that day, did
2 anything unusual happen?

3 A. No.

4 Q. So did you drop them off?

5 A. Yes.

6 Q. Tell us about when you dropped them
7 off.

8 A. When I drop them off, every day that I
9 get there, Grand -- they call him Grandpa, so I
10 started calling him Grandpa. He's always there
11 to let them in the house. When I got there it
12 was around about 3:04, because I went and
13 watched, and I never pulled off, because they
14 were small kids, until someone comes.

15 Grandpa opened the door, they went in, and
16 then by procedures I proceeded on along my
17 route.

18 Q. Okay, and so your route takes you
19 someplace else. Do you ever come back that same
20 way?

21 A. Correct.

22 Q. All right, tell us about that.

23 A. When I came back through, and
24 everything seemed to be okay to me, until I got
25 to the school, then there was another driver

1 asking how did things look? And I told her,
2 "Fine," and we went back.

3 Q. So did you go back?

4 A. Correct. The third time I was in my
5 personal vehicle, when I went back the third
6 time.

7 Q. The third time. So let's talk about
8 the third time, when you went back.

9 A. Uh-huh.

10 Q. So you took them home, dropped them
11 off, Grandpa let them in, and things were fine.

12 A. Correct.

13 Q. All right, and when you came back
14 through, things looked fine?

15 A. Correct.

16 Q. And so when you got to the school,
17 talked to a coworker, things were seemingly out
18 of order, so you went back?

19 A. Correct, me and her.

20 Q. You and her, all right. Give me her
21 name.

22 A. Teresa Stephens.

23 Q. Okay. So and Ms. Teresa Stephens went
24 back?

25 A. Correct.

1 Q. What did you find when you got back?

2 A. When we got back, whatever -- I guess
3 had already token (sic) place, because we'd seen
4 the little boy on the ground --

5 Q. Uh-huh.

6 A. -- and he was laying there. We didn't
7 know what was going on. So after she got on the
8 phone, and we called trying to get them, you
9 know, some help, because nobody was there. We
10 was trying to get somebody to come out and help
11 us see what was going on.

12 Q. Okay. Now, I may have asked you this
13 earlier, but I want to make sure I did, so, Ms.
14 Green, the house that you let K.W. [REDACTED] and Cameron
15 out at, is that house located in Colleton
16 County?

17 A. Correct.

18 Q. All right, so you saw the little boy on
19 the ground?

20 A. Yes.

21 Q. Did you see anything else?

22 A. When I come back from my --

23 Q. When you got back --

24 A. When we got back there, no, I mean
25 there's -- every -- I didn't want to go in, and

1 I told her she wasn't going in until --

2 Q. Uh-huh.

3 A. -- somebody got there, because we
4 didn't have that authority for that.

5 Q. Yes, ma'am. All right, Ms. Green, I'm
6 going to hand you momentarily, what have been
7 pre-marked for identification, as State's
8 Exhibits Number 2 and 14.

9 A. Okay.

10 Q. I want you to take a long look, and
11 tell me if you recognize State's Exhibits Number
12 2 and Number 14.

13 MS. LEGETTE: May I approach the witness?

14 THE COURT: You may.

15 BY MS. LEGETTE:

16 Q. Ms. Green, do you recognize State's
17 Exhibits Number 2 and 14?

18 A. Correct.

19 THE COURT: The numbers on the next page
20 following that.

21 BY MS. LEGETTE:

22 Q. And, Ms. Green, can you just tell us --
23 briefly describe what you see in State's Number
24 2 and Number 14?

25 A. The little boy that we'd seen laying on

1 the grass, when we got there.

2 Q. And what is in Number 14?

3 A. That's the front door of their house.
4 That's how it was when we got back there.

5 Q. Okay, and, Ms. Green, are State's
6 Number 2 and 14 a fair and accurate reflection
7 of the house in Ruffin, when you went back on
8 May 16th, 2017?

9 A. Correct.

10 MS. LEGETTE: Your Honor, at this time I
11 would offer State's 2 and 14 for admission into
12 evidence.

13 THE COURT: Mr. Matthews, as to State's
14 Number 2 and Number 14.

15 MR. MATTHEWS: No objection, Your Honor.

16 THE COURT: Very well. Ladies and
17 Gentlemen of the jury, State's Exhibit Number 2
18 and State's Exhibit Number 14 will be admitted
19 into evidence in the trial of this case.

20 (State's Exhibits 2 and 14 were admitted.)

21 THE COURT: You may publish to the jury,
22 Solicitor.

23 MS. LEGETTE: Thank you, Your Honor. May I
24 approach the witness to get the exhibits back?

25 THE COURT: You may approach.

1 MS. LEGETTE: Madam Court Reporter, and may
2 I have the lights?

3 BY MS. LEGETTE:

4 Q. All right, Ms. Green, I want to direct
5 your attention, Ms. Green, to the screen at your
6 left, and we're gonna look at State's Number 2.
7 All right, Ms. Green, this is State's Number 2.
8 Let me know if you need it to be a little
9 clearer, or a little larger. Are you able to
10 see clearly State's Number 2?

11 A. Correct.

12 Q. All right, Ms. Green, what are we
13 seeing in State's Number 2?

14 A. That's Vinny.

15 Q. That's Vinny?

16 A. Correct.

17 Q. All right, and so this is what you saw
18 when you got back to the house?

19 A. Correct.

20 Q. All right. And now in State's Number
21 14, what are we seeing in State's 14?

22 A. That is what we'd seen when we got back
23 to the house.

24 Q. And that is a picture of the front
25 door?

1 picture the police had already gotten there,
2 right?

3 A. Not when I got there.

4 Q. When you got there, there wasn't, but
5 the picture you identified there's crime
6 scene --

7 A. Correct.

8 Q. When you got there, do you remember
9 whether the front door was open or closed?

10 A. The first time was not, because I'd
11 seen them both, but when we got there the second
12 time -- no, the third time that -- the front
13 door was open, and that's what we got back to,
14 and we saw that.

15 Q. Okay, so the front door was open when
16 you got there, but you didn't go in, because you
17 wanted police and stuff to get there?

18 A. Correct.

19 Q. Somebody with authority.

20 A. Correct.

21 Q. All right, no further questions.

22 THE COURT: Redirect?

23 MS. LEGETTE: None.

24 THE COURT: As to this witness?

25 MS. LEGETTE: We ask that she be excused.

1 THE COURT: Any objection, counsel?

2 MR. MATTHEWS: No, sir.

3 THE COURT: Ms. Green, you may step down
4 from the trial of the case. Have you got the
5 exhibits?

6 WITNESS: Yes, sir.

7 THE COURT: Step down, and be careful on
8 the stairs, and you're excused from the trial of
9 this case. Call your next witness.

10 MS. LEGETTE: The State calls Teresa
11 Stephens.

12 THE COURT: What number?

13 MS. LEGETTE: 23 on the list we submitted
14 to the Court.

15 * * *

16 TERESA STEPHENS

17 * * *

18 being first duly sworn, testified as
19 follows:

20 THE COURT: Watch your step for me. I am
21 going to ask you to take your mask down when you
22 talk. That microphone is going to amplify your
23 voice, and they have to understand what you're
24 saying and be able to hear. Again, take your
25 mask down and state your full name, and spell

1 your last for the Court Reporter.

2 WITNESS: Teresa Stephens. Stephens is S-
3 T-E-P-H-E-N-S.

4 THE COURT: So you're a P-H Stephens, and
5 not a V Stephens?

6 WITNESS: Right.

7 THE COURT: Okay. All right, speak up for
8 me so the jury can hear you. Your witness,
9 counsel.

10 MS. LEGETTE: Thank you, Your Honor.

11 ***

12 DIRECT EXAMINATION

13 BY MS. LEGETTE:

14 Q. Good afternoon, Ms. Stephens.

15 A. Good afternoon.

16 Q. Ms. Stephens, where are you from,
17 ma'am?

18 A. Smoaks, South Carolina.

19 Q. And, Ms. Stephens, what do you do for a
20 living?

21 A. A school bus driver.

22 Q. All right, and is today the first day
23 of school?

24 A. Second.

25 Q. Second day of school.

1 A. Yes, ma'am.

2 Q. Okay, very good. All right, and so,
3 Ms. Stephens, how long have you been a bus
4 driver?

5 A. 26 years.

6 Q. 26 years. And what county do you drive
7 for currently?

8 A. Colleton.

9 Q. And, Ms. Stephens, were you driving, as
10 a bus driver, for Colleton County that day, May,
11 2017?

12 A. Yes.

13 Q. And, Ms. Stephens, does your route take
14 you through the Town of Ruffin?

15 A. Yes.

16 Q. Okay. And, Ms. Stephens, I want to
17 turn your attention, specifically, to the day of
18 May 16th, 2017, okay? All right, so, Ms.
19 Stephens, were you driving the bus that day?

20 A. Yes.

21 Q. All right, so do you drive in the
22 morning, in afternoon, or both?

23 A. Both.

24 Q. Both, okay. All right, so, Ms.
25 Stephens, does your route take you to Ruffin?

1 A. The end of my route --

2 Q. The end of your route.

3 A. -- in Ruffin.

4 Q. Okay, so let's talk about the afternoon
5 of May the 16th, 2017. Can you tell me about
6 that day?

7 A. Well, um, I finished my route, and I
8 was going back to park my bus for today, or that
9 day. And as I was coming through Ruffin, I'd
10 seen someone appear to be running, and a car
11 stopped, and that person got in the car, and
12 they sped off; and I made a comment to myself
13 like, "Dang, they're sure in a hurry."

14 So right after that my attention to me to
15 the right, where I noticed the little fellow,
16 the little boy lying on the ground, and a male -
17 - a man laying in -- on the porch, and it didn't
18 seem right, but I kept going.

19 I parked my bus, and there was another
20 driver that drives for some elementary kids that
21 live there. And I asked her to hold up a
22 minute, then I asked her did she drop any kids
23 off at the house? She said, "Yes, earlier."
24 And I said, "Okay, well, I'd just seen something
25 strange with two people laid out, one on the

1 ground, one on the porch," and I said, "but I'm
2 going back through, and if they're still there,
3 I'm calling the police. When I got back they're
4 still there, and I called 911.

5 Q. All right, so, Ms. Stephens, you said
6 you called 911. Did you tell the operator or
7 Dispatcher what you just saw?

8 A. Yes.

9 Q. Okay. All right, and so, Ms. Stephens,
10 after you saw what you saw, did you do anything
11 affirmatively, as far as putting down any
12 blankets, or doing any help?

13 A. When I got back to the scene, I got out
14 of my car, and stood on the side of -- and go up
15 to the little boy, just saying, "Hey, hey," but
16 there was no response. By that time the two
17 other drivers came up, and I still waited for
18 them to get there.

19 So I called 911, I spoke to her, and she
20 sked me to go get a -- the mailbox number, and I
21 went over across the street, and got the number
22 and gave it to her, the address.

23 Q. Yes, ma'am. And, Ms. Stephens, so
24 while you were there, were you able to make any
25 observations, or look and see anything at the

1 house?

2 A. No. All I noticed when I went the
3 first time, the door was open, and then when I
4 got back, the door was closed that time.

5 Q. So when you stopped, after you came
6 back, did you notice anything?

7 A. Uh-uh.

8 Q. I know you saw a little boy laying on
9 the road, on the ground.

10 A. Yes.

11 Q. And what else did you remember seeing?

12 A. The man --

13 Q. The man, okay.

14 A. -- on the porch there.

15 Q. Ms. Stephens, I'm going to hand you,
16 momentarily, what has been marked and entered
17 into evidence as State's Number 2, but I'm also
18 going to hand you what's been previously marked
19 for identification, as State's Number 3, Number
20 4, Number 5 and Number 6. And I want you to
21 take a moment and tell me --

22 THE COURT: Hold on a second, Solicitor.
23 Give me the number, again, Number --

24 MS. LEGETTE: All right, so Number 2 --

25 THE COURT: -- 3, 4, 5 and 6?

1 MS. LEGETTE: That's correct, Your Honor.

2 THE COURT: Yes. You may approach.

3 MS. LEGETTE: Thank you, Your Honor.

4 BY MS. LEGETTE:

5 Q. I'm gonna hand you the these, and ask
6 if you recognize them, okay?

7 MS. LEGETTE: May I approach?

8 BY MS. LEGETTE:

9 Q. Ms. Stephens, do you recognize State's
10 Numbers 2, 3 --

11 THE COURT: Hold on, Solicitor, I have the
12 photographs in my hand. You may proceed.

13 MS. LEGETTE: Thank you, Your Honor.

14 BY MS. LEGETTE:

15 Q. Ms. Stephens, do you recognize State's
16 Numbers 2, 3, 4, 5 and 6:

17 A. Yes.

18 Q. And, Ms. Stephens, briefly describe
19 what you are seeing in State's 2, 3, 4, 5 and 6.

20 A. 2, I see the young boy lying on the
21 ground with a blanket over him, he's laying on
22 his back.

23 Q. Okay. And Number 3?

24 A. The older man lying on the porch with
25 the front door open.

1 Q. Number 4?

2 A. A few -- and some neighbors standing
3 up.

4 Q. And Number 5?

5 A. A car with blood on it.

6 Q. And Number 6?

7 A. The car with blood down on the ground.

8 Q. And so, Ms. Stephens, are State's
9 Numbers 2, 3, 4, 5 and 6 a fair and accurate
10 reflection of the scene that you saw on May
11 16th, 2017?

12 A. Yes.

13 Q. At this time, Your Honor, I would offer
14 for admission into evidence, State's 2, 3, 4, 5
15 and 6.

16 THE COURT: As to 2 through 6 inclusive,
17 counsel?

18 MR. MATTHEWS: Without objection, Your
19 Honor.

20 (State's Exhibit 2 - 6 were admitted.)

21 THE COURT: Ladies and Gentlemen of the
22 jury, State's Exhibits 2, 3, 4, 5 and 6 will be
23 admitted into evidence in the trial of this
24 case, without objection.

25 You may now publish it to the jury, and you

1 may approach the witness.

2 MS. LEGETTE: Thank you, Your Honor. May I
3 have the lights down? Your Honor, may I
4 approach the witness to give her a pointer?

5 THE COURT: You may.

6 BY MS. LEGETTE:

7 Q. Ms. Stephens, I'm going to speak up. I
8 have a pointer here. I'm going to direct your
9 attention, Ms. Stephens, over to --

10 THE COURT: Stay with the microphone.

11 BY MS. LEGETTE:

12 Q. -- the left. All right, Ms. Stephens,
13 we're gonna go through 2 through 5, okay?

14 A. Yes.

15 Q. All right, Ms. Stephens, let me make
16 this -- is that correct what we see in State's
17 2?

18 A. Yes.

19 Q. You can stand up, if you need to, or,
20 no, stay with the microphone. Ms. Stephens,
21 what are we seeing in State's Number 2?

22 A. I'd see the young boy lying on his
23 stomach, with some patches on him, I guess from
24 the paramedics, a blanket over him, no shoes, no
25 shirt.

1 Q. Now, Ms. Stephens, when you passed
2 through, when you were leaving, going through
3 Ruffin, and you saw the young boy laying on the
4 ground, did you see him with the patches or the
5 blanket over him at that time?

6 A. No.

7 Q. So he didn't have any of that on at the
8 time?

9 A. No.

10 Q. Okay. All right. And now, Ms.
11 Stephens, we're gonna move forward to State's
12 Number 3. What are we seeing in State's Number
13 3?

14 A. An older man lying on his stomach, the
15 door open, paramedic equipment.

16 Q. All right, so, now, Ms. Stephens, also,
17 are you able to see in this particular
18 photograph the address on their house?

19 A. No.

20 Q. So you said earlier that you had gone
21 to the mailbox, when you talked to the
22 Dispatcher.

23 A. Right.

24 Q. All right. And so what was the address
25 that you called out to the Dispatcher?

1 A. On the mailbox.

2 Q. Okay. All right, and so you actually
3 saw this. Now, you indicated also on State's 3
4 there were paramedic bags in this particular
5 photograph. Now, when you passed by going
6 through on your route, were those paramedic bags
7 there?

8 A. No.

9 Q. They were not there, but you were able
10 to see this man lying here in the doorway?

11 A. Correct.

12 Q. Yes, ma'am. And, now, we're gonna move
13 forward, Ms. Stephens, to State's Number 4,
14 okay? All right, Ms. Stephens, what are we
15 seeing in State's Number 4?

16 A. Drivers, myself standing there.

17 Q. So that's you?

18 A. Yes.

19 Q. Okay.

20 A. Some other drivers. This person he was
21 from the community, this gentleman back here
22 talking to the young lady from the community,
23 and other drivers.

24 Q. Okay, and this is the scene, as you'll
25 are standing outside, after Law Enforcement

1 arrived?

2 A. Yes.

3 Q. Okay. All right, Ms. Stephens, and
4 State's Number 5, do you recognize State's
5 Number 5?

6 A. Yes.

7 Q. Where was that car parked?

8 A. Right there in front of the house.

9 Q. In front of the house, okay. And what
10 does that appear to be on that car?

11 A. Blood.

12 Q. And are you able to see in the left-
13 hand corner of this photograph, is there
14 something back there?

15 A. I can't see anything.

16 Q. Okay. All right, but where in
17 relationship to this car -- are you able to tell
18 us where the young boy's body's lying?

19 A. He's further back.

20 Q. Okay. Back in that area?

21 A. Yes.

22 Q. Okay. And, finally, Ms. Stephens, is
23 State's Number 6. What is State's Number 6?

24 A. A car in front of the house.

25 Q. The same car in front of the house?

1 A. Yes.

2 Q. Okay. And that's how it's parked there
3 when you came through --

4 A. Yes.

5 Q. -- the first time?

6 A. Yes.

7 Q. Okay, thank you, Ms. Stephens.

8 MS. LEGETTE: If we can bring the lights
9 up?

10 BY MS. LEGETTE:

11 Q. Ms. Stephens. When you got back to the
12 house, did you notice anyone doing any crime,
13 or --

14 A. No.

15 Q. Okay. All right, now, let's talk about
16 when you were driving through the first time,
17 and you actually saw things were out of order.
18 You mentioned in your testimony that you saw
19 someone running across the street.

20 A. Right.

21 Q. Can you describe for us that person?

22 A. The person was kind of probably like
23 maybe about 5'8", 5'9", shoulder-length hair,
24 dark clothes, and that's all.

25 Q. Was he a white man, or a black man?

1 A. Black.

2 Q. And was it a man?

3 A. Male.

4 Q. And you also indicated that he got into
5 a vehicle. Were you able to describe that
6 vehicle to Law Enforcement?

7 A. A sky blue car, which I thought was a
8 Camry at the time, but --

9 Q. But it --

10 A. -- but it was --

11 Q. -- was a sky blue car from what you can
12 tell?

13 A. Yes.

14 Q. Okay. All right, so you told this
15 information to Law Enforcement?

16 A. Yes.

17 Q. And I want to just ask you, to make
18 sure I've got this, Ms. Stephens, all this
19 happened, when you were doing all this talking,
20 and calling 911, what county was this in?

21 A. Colleton.

22 Q. Thank you, Ms. Stephens, I have no
23 further questions. Please answer any questions
24 from Mr. Matthews.

25 THE COURT: Cross-examination?

1 MR. MATTHEWS: Thank you, Your Honor.

2 ***

3 CROSS-EXAMINATION

4 BY MR. MATTHEWS:

5 Q. Ms. Stephens, I think you indicated
6 that when you arrived, the door was shut, or the
7 second time was it open or shut, the front door?

8 A. The first time, I think, the door was
9 open. The second time I came back it was
10 closed.

11 Q. Okay, all right. And the second time
12 you came back is when you saw the guy fall, or
13 you'd already come back?

14 A. Falling how?

15 Q. Well, you said -- you were describing
16 somebody was running from there. That was the
17 first time, or that was the second --

18 A. The second time.

19 Q. Okay.

20 THE COURT: Let her finish her answer
21 before you ask another question. We can only
22 allow one person to talk at a time. one
23 another. Let him ask his question, you give
24 your answer, and then I'll make him ask you
25 another one, so you don't talk over each other.

1 Proceed.

2 MR. MATTHEWS: No further questions.

3 THE COURT: Redirect?

4 MS. LEGETTE: None, Your Honor.

5 THE COURT: As to this witness?

6 MS. LEGETTE: We ask that she be excused.

7 THE COURT: Any objection?

8 MR. MATTHEWS: No, sir.

9 THE COURT: Ms. Stephens, you are excused
10 from the trial of the case, and you may leave
11 the courtroom. Watch your step on my stairs.
12 Call your next witness.

13 MS. LEGETTE: Thank you, Your Honor, the
14 State calls Jennifer Hiott. Ms. Hiott is number
15 28 on the list that's submitted to the Court.

16 * * *

17 JENNIFER HIOTT

18 * * *

19 being first duly sworn, testified as
20 follows:

21 THE COURT: Hi, Jennifer, have a seat.
22 Pull that chair up, adjust that microphone to
23 your height. State your full name, and spell
24 your last name for the Court Reporter.

25 WITNESS: Jennifer Hiott, H-I-O-T-T.

1 THE COURT: Your witness counsel, direct
2 examination.

3 MS. LEGETTE: Thank you, Your Honor.

4 ***

5 DIRECT EXAMINATION

6 BY MS. LEGETTE:

7 Q. Good afternoon, Ms. Hiott.

8 A. Good afternoon.

9 Q. Ms. Hiott, where are you from?

10 A. Ruffin.

11 Q. Okay. All right, and so, Ms. Hiott,
12 what do you do for a living?

13 A. I was a dental assistant, and now I'm
14 medical assistant --

15 Q. Okay.

16 A. -- at a doctor's office.

17 Q. Okay, and you work in the medical
18 field?

19 A. Yes.

20 Q. And have you previously had any other
21 jobs in the medical field?

22 A. Yes. I've worked in the ER for over
23 eight years.

24 Q. Okay, and in the ER as what?

25 A. A ER Tech.

1 Q. A Tech?

2 A. Yes.

3 Q. All right. And so, Ms. Hiott, how long
4 have you lived in Ruffin?

5 A. Almost 48 years.

6 Q. Okay, and, Ms. Ruffin -- I'm sorry, Ms.
7 Hiott, is Ruffin in Colleton County?

8 A. Yes.

9 Q. I want to turn your attention to May,
10 2017. Were you living in Ruffin in May, 2017?

11 A. Yes.

12 Q. And, specifically, I want to talk about
13 May 16th, 2017, the reason why we're here. Do
14 you recall that day?

15 A. Yes.

16 Q. Ms. Hiott, can you tell us if anything
17 unusual happened on May 16th, 2017?

18 A. Yes.

19 Q. Can you please tell us about it?

20 A. I had actually gotten off work early,
21 and went and got a couple plants with my
22 daughter. We were almost home, and a car passed
23 me with their flashers on almost causing a head-
24 on collision. When we got to the stop sign at
25 21. My daughter stated, "That there was a car,"

1 so I didn't know if something was wrong. So
2 when I went to the car, the two bus drivers were
3 there, stated that --

4 Q. Well, don't tell me what they said, but
5 tell me what happened.

6 A. Well, when -- I was told they were
7 shot.

8 Q. Okay.

9 A. And so by the time I get up to the
10 front porch, the mother and the two little girls
11 were holding them, and all I could see was a man
12 on the front porch, what looked to be dead. I
13 could see feet inside the house, and I
14 physically had to remove the mother and the two
15 children off of the front porch, get them from -
16 - around my car. And got my son to bring some
17 towels, and put pressure on the little girl's
18 wound. And my son kept the four-year-old
19 entertained, while my daughter kept pressure on
20 the little girl's wound.

21 Q. Okay. Ms. Hiott, at some point, did
22 you actually talk to anyone, a Dispatcher?

23 A. I did.

24 Q. Okay.

25 A. I did.

1 Q. And did you tell them what you saw, or
2 able to observe?

3 A. Yes, I did. A log truck driver had
4 stopped, and trying to hold pressure on it.
5 This man, he was on the phone with 911 giving
6 his findings, and I just told the man pretty
7 much, as far as I -- by the time I went and
8 checked back up on the man on the front porch,
9 that's when I saw V.M. [REDACTED] the 13-year-old on
10 the sidewalk. And I had checked the man on the
11 porch and V.M. [REDACTED] and they were all dead.

12 Q. So when you say you checked them, what
13 did you check for?

14 A. Pulses.

15 Q. So you had worked in the ER before
16 this?

17 A. Yes.

18 Q. All right, and so you indicated also
19 that the little girl she had a wound?

20 A. Yes.

21 Q. Were you able to see what the -- where
22 the wound was?

23 A. It was in her thigh.

24 Q. In her thigh. Were you able to
25 determine what it looked like?

1 A. It looked like a gunshot wound.

2 Q. All right, and you also said that you
3 saw someone's feet in the house?

4 A. Yes.

5 Q. Where were you standing to be able to
6 see those?

7 A. On the front porch.

8 Q. But you didn't go in?

9 A. No.

10 Q. Thank you, Ms. Hiott, I have no further
11 questions. Please answer any questions for Mr.
12 Matthews.

13 A. Okay.

14 MR. MATTHEWS: No questions, Your Honor.

15 THE COURT: All set. As to this witness?

16 MS. LEGETTE: We ask that she be excused,
17 Your Honor.

18 THE COURT: Any objection?

19 MR. MATTHEWS: No, sir.

20 THE COURT: Ma'am, you may step down.

21 WITNESS: Thank you, Your Honor.

22 THE COURT: You're excused from the trial
23 of --

24 WITNESS: Thank you.

25 THE COURT: -- this case.

1 WITNESS: Thank you.

2 THE COURT: Call your next witness.

3 MS. LEGETTE: The State calls Corporal
4 Brian Ackerman.

5 THE COURT: What number?

6 MS. LEGETTE: Number 6 on your list that we
7 had submitted to the Court.

8 * * *

9 BRIAN ACKERMAN

10 * * *

11 being first duly sworn, testified as
12 follows:

13 THE COURT: Pull out that chair, adjust the
14 microphone to your height, make yourself
15 comfortable, state your full name, and spell
16 your last for the Court Reporter.

17 WITNESS: My name is Brian Ackerman, A-C-K-
18 E-R-M-A-N.

19 THE COURT: Your witness, counsel, direct
20 examination. Brian, if you would, speak up.

21 MS. LEGETTE: Thank you, Your Honor.

22 ***

23 DIRECT EXAMINATION

24 BY MS. LEGETTE:

25 Q. Good afternoon, Corporal Ackerman.

1 A. Good afternoon.

2 Q. Are you Sergeant now? Are you a
3 Sergeant now, or are you

4 A. I'm a Corporal.

5 Q. Corporal.

6 A. Yes, ma'am.

7 Q. Okay. All right, so good afternoon.
8 Corporal Ackerman, where do you work?

9 A. For the Walterboro Police Department.

10 Q. And how long have you worked at the
11 Walterboro Police Department?

12 A. Going on two years.

13 Q. Two years. And what are your current
14 duties?

15 A. I am road patrol.

16 Q. Okay, so have you ever worked for the
17 Colleton County Sheriff's Office?

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

19 Q. And how long were you at the Colleton
20 County Sheriff's Office?

21 A. I think around 14 years.

22 Q. 14 years, okay. Were you working for
23 the Colleton County Sheriff's Office in May of
24 2017?

25 A. Yes, ma'am.

1 Q. Okay. And so what were your duties in
2 May of 2017?

3 A. I was a Road Patrol Lieutenant.

4 Q. Road Division, okay. And so as part of
5 the Road Division you were working in May of
6 2017, I want to turn your attention now,
7 specifically to May 16th, 2017. Were you
8 working for the Colleton County Sheriff's
9 Office, and were you actually on duty on May
10 16th, 2017?

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

12 Q. Did you have an occasion to respond for
13 a call for assistance at [REDACTED] [REDACTED] [REDACTED]
14 Highway in Ruffin, South Carolina?

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

16 Q. And that address, what county is that
17 address in?

18 A. It in Colleton.

19 Q. All right, and so what was the call for
20 assistance for?

21 A. It was a gunshot.

22 Q. Gunshot. And what was your response?

23 A. Lights and siren.

24 Q. I'm sorry?

25 A. To assist them.

1 Q. Okay, lights and siren to assist, okay.

2 A. Yes.

3 Q. And so you actually arrived?

4 A. Yes, ma'am.

5 Q. All right, so as you are -- are you the
6 first Officer on-the-scene?

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

8 Q. Okay. And when you are headed to this
9 location at [REDACTED] Highway, did you
10 have your lights and cameras activated?

11 A. Yes, ma'am.

12 Q. Did you also have a body-worn camera
13 on?

14 A. Yes, ma'am.

15 Q. And so was there a recording made?

16 A. Yes, ma'am, there was.

17 Q. So a recording was made on your body-
18 worn camera?

19 A. Yes, ma'am.

20 Q. And did you also have an in-car camera?

21 A. Yes, ma'am.

22 Q. And was that recording also made?

23 A. Yes, ma'am.

24 Q. Okay. All right, and so tell us what
25 you found when you arrived at [REDACTED]

1 Highway?

2 A. There was several vehicles parked in
3 the middle of Highway 21, could have been people
4 in that vicinity.

5 Q. Okay, and so what was your response
6 when you got there? What did you do?

7 A. I noticed the ladies sitting there on
8 the side of one of the vehicles, I went and
9 spoke to her, to kinda find out what was going
10 on, and she's --

11 COURT REPORTER: I'm sorry, sir, I couldn't
12 hear you.

13 WITNESS: I'm sorry.

14 THE COURT: You'll have to just talk up --

15 WITNESS: Okay.

16 THE COURT: -- you'll have to bend down.

17 WITNESS: Okay.

18 BY MR. LEGETTE:

19 Q. I guess use our outdoor voice, how
20 about that?

21 A. Yeah.

22 Q. Okay?

23 A. Yeah.

24 Q. Use your outdoor voice.

25 A. Yeah, I'm kind of hoarse, so --

1 Q. Yeah, I'm a little nervous myself, so
2 this outdoor voice. So you got to [REDACTED] [REDACTED]
3 [REDACTED] Highway, you saw someone sitting by the
4 car?

5 A. Yes, ma'am.

6 Q. Did you speak to her?

7 A. I did, I talked to her.

8 Q. What did you figure out was going on?

9 A. She advised that she saw a child that
10 had been shot, and kind of went through that
11 with her. I left her and spoke to the child,
12 and she gave a great description of what
13 happened.

14 Q. Okay. And so once you got the brief
15 description about what happened, what was your
16 next response? Did you call anyone? Did you do
17 anything affirmatively?

18 A. Several other Officers arrive on-the-
19 scene about the same time I did, myself and two
20 more went to secure the residence, and from
21 there.

22 Q. Tell me what it means to secure the
23 residence.

24 A. To make sure there wasn't anymore
25 victims or possibly the suspect inside the

1 house.

2 Q. Okay, and did you do that by yourself?

3 A. No, ma'am.

4 Q. All right, so someone goes with you?

5 A. Yes, ma'am.

6 Q. Okay. All right, and so what did you
7 find, when you went inside the house?

8 A. When we went up to the front door
9 there's a -- what appeared to be a male laying
10 on the front deck of the house. He was covered
11 in blood, and appeared to be deceased. We went
12 up all the way to the house, and we began on the
13 first floor of the house, and I observed a
14 female in the same position.

15 And so we went through the house, and
16 cleared the house, to make sure there's no more
17 victims or possibly a suspect still hiding in
18 the house.

19 Q. All right, so after you cleared the
20 house, to make sure there was no other victims
21 and no other suspects in the house, did you get
22 any crime scene tape, and do anything --

23 A. Yes, ma'am. I went and secured the
24 scene, our procedure, that we used the crime
25 scene tape, and we secured the area around the

1 perimeter, and so I taped up all sides.

2 Q. And you indicated all of this is
3 captured on your body-worn camera?

4 A. Yes, ma'am.

5 Q. All right, and so I am going to hand
6 you, momentarily, what's been previously marked
7 for identification, as State's Exhibit Number 8.
8 I want you to take a moment, and tell me if you
9 recognize State's Number 8.

10 MS. LEGETTE: May I approach the witness?

11 THE COURT: You may.

12 BY MS. LEGETTTE:

13 Q. Corporal --

14 A. Yes, ma'am.

15 Q. You recognize State's 8?

16 A. Yes, ma'am, yes.

17 Q. What is State's Number 8?

18 A. This is the video of my body-worn
19 camera taken from the --

20 Q. It's your body-worn camera video?

21 A. Yeah, I believe this is body-worn, yes,
22 ma'am, body-worn.

23 Q. Okay, and, Corporal Ackerman, at our
24 request have you previously reviewed State's
25 Number 8 for accuracy?

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

2 Q. And is State's Number 8 a fair and
3 accurate reflection of the video captured on
4 your body-worn camera on May 16th, 2017?

5 A. Yes, ma'am.

6 Q. And has State's Number 8 been changed
7 or altered in any way?

8 A. No, ma'am.

9 Q. And previously you have reviewed it for
10 accuracy, correct?

11 A. Yes, ma'am.

12 Q. All right.

13 MS. LEGETTE: At this time, Your Honor, I
14 would offer State's Exhibit Number 8 for
15 admission into evidence.

16 THE COURT: As to State's 8?

17 MR. MATTHEWS: Without objection.

18 (State's Exhibit 8 admitted.)

19 THE COURT: Ladies and Gentlemen of the
20 jury, State's Exhibit Number 8 will be admitted
21 into evidence in the trial of this case without
22 objection. State Number 8 is now in evidence.
23 You may publish to the jury.

24 MS. LEGETTE: Thank you, Your Honor.

25 BY MS. LEGETTE:

1 Q. Corporal Ackerman, before we actually
2 publish State's Number 8, I want to show you
3 what's been previously marked as --

4 A. Uh-huh, yeah.

5 Q. -- State's Number 7. Can you take a
6 moment and tell me if you recognize State's
7 Number 7?

8 MS. LEGETTE: May I approach the witness?

9 THE COURT: You may.

10 MS. LEGETTE: May I?

11 THE COURT: You may approach.

12 BY WITNESS:

13 A. I recognize this.

14 Q. All right, Corporal Ackerman, what is
15 State's Number 7?

16 A. I'm sorry?

17 Q. I just showed you State's Number 7, and
18 you said you recognize it. What is State's
19 Number 7?

20 A. It's a juvenile victim.

21 Q. And is State's Number 7 a fair and
22 accurate reflection --

23 A. Yes.

24 Q. -- of --

25 A. Yes, ma'am.

1 Q. -- the juvenile victim that you saw on
2 May 16th, 2017?

3 A. Yes.

4 MS. LEGETTE: At this time, Your Honor, I
5 would offer State's Number 7 into evidence.

6 THE COURT: As to State's 7?

7 MR. MATTHEWS: Without objection.

8 (State's Exhibit 7 admitted.)

9 THE COURT: Ladies and Gentlemen, State's
10 Exhibit Number 7 will be admitted into evidence
11 in the trial of this without objection. You
12 may publish State's 7 to the jury.

13 MS. LEGETTE: Thank you, Your Honor. May I
14 approach the witness, and get back State's 7?

15 THE COURT: You may approach.

16 MS. LEGETTE: I'm going to approach the
17 witness and give him a pointer, in case we need
18 to --

19 THE COURT: You may.

20 BY MS. LEGETTE:

21 Q. All right, Corporal Ackerman, I'm going
22 to direct your attention to your left, the
23 screen at your left. This is State's Number 8.
24 I'm sorry, this is State's Number 7. Corporal
25 Ackerman, what are we seeing in State's Number

1 7?

2 A. It's the juvenile victim that had been
3 shot.

4 Q. Okay. And this is the one that was
5 sitting by the car, and you talked to her?

6 A. Yes.

7 Q. All right, now, Corporal Ackerman, we
8 are going to publish State's Number 8.

9 THE COURT: This is State's 8?

10 MS. LEGETTE: Yes, Your Honor, this is the
11 video, the body-worn camera.

12 THE COURT: State's 8?

13 MS. LEGETTE: Yes, sir. Oh we need to
14 switch it.

15 THE COURT: Can you see?

16 WITNESS: Yes.

17 (Video being played in courtroom.)

18 BY MS. LEGETTE:

19 Q. Now, I noticed that you were driving,
20 but there's no sound. Does sound come up?

21 A. The sound should come on after like 60
22 seconds.

23 Q. Okay.

24 A. There.

25 Q. Okay.

1 MS. LEGETTE: Could you bring the lights
2 up?

3 BY MS. LEGETTE:

4 Q. Now, Corporal Ackerman, that was your
5 body-worn camera from May 16th, 2017?

6 A. Yes, ma'am.

7 Q. All right, and so, Corporal Ackerman,
8 after you were able to put the crime scene tape,
9 did you have any other involvement in the case,
10 or did you stay around to --

11 A. I stayed around to assist and turned it
12 over to Investigations.

13 Q. Okay, turned over to Investigations.
14 Corporal Ackerman, could you just tell us,
15 briefly, what is the purpose of putting up the
16 crime scene tape?

17 A. It's to secure the area, securing the
18 immediate area, and also to keep, you know,
19 people from walking through the crime scene.

20 Q. Okay, thank you, Corporal Ackerman, I
21 have no further questions. Please answer any
22 questions for Mr. Matthews.

23 A. Thank you.

24 MR. MATTHEWS: Your Honor?

25 THE COURT: Cross-examination.

1 MR. MATTHEWS: Thank you, Your Honor.

2 ***

3 CROSS-EXAMINATION

4 BY MR. MATTHEWS:

5 Q. Corporal Ackerman, you say you were
6 trying to wait until Investigations got there,
7 so in terms of the pictures of the scene and all
8 that, you didn't take any of those?

9 A. Yes.

10 Q. And the pictures you identified, who
11 took those pictures; do you know?

12 A. That was off my body camera.

13 Q. Oh, those were taken from the bodycam?

14 A. What - the video was off my bodycam.

15 Q. No, no.

16 A. They took pictures off the bodycam.

17 Q. I know the bodycam I saw.

18 A. Yeah.

19 Q. But you were asked to identify some
20 pictures.

21 A. Yeah.

22 Q. Okay, so in terms of where shells and
23 slugs and things like that, you don't know about
24 that?

25 A. No.

1 Q. And you encountered one locked door.
2 Do you know what was behind that door?

3 A. A couple of the screen-type doors.

4 Q. Well, there's one door you said that
5 was locked.

6 A. Yes.

7 Q. Okay. All right, I don't have any
8 further questions, Your Honor.

9 THE COURT: Redirect?

10 MS. LEGETTE: None, Your Honor.

11 THE COURT: As to this witness?

12 MS. LEGETTE: We ask that he be excused.

13 THE COURT: Any objection?

14 MR. MATTHEWS: No, sir.

15 THE COURT: Go ahead and step down, and you
16 are excused from the trial of this case.

17 WITNESS: Thank you, sir.

18 THE COURT: All right, exhibits and notes
19 to the Court Reporter, that will be Number 7 and
20 8.

21 (Exhibits 7 and 8 are admitted.)

22 THE COURT: Exhibits to the Court Reporter.

23 MS. LEGETTE: Yes. Yes, sir.

24 THE COURT: All right, next witness?

25 MS. LEGETTE: The State calls number 15 on

1 your list, Your Honor, that'll be Deputy Chief
2 David Greene, Colleton County Fire Rescue.

3 * * *

4 DAVID GREENE

5 * * *

6 being first duly sworn, testified as
7 follows:

8 THE COURT: Deputy Greene, pull that chair
9 out and make yourself comfortable. Pull the
10 microphone down, it's gonna amplify your voice.
11 I want you to begin by stating your full name,
12 spelling your last name for the jury and Court
13 Reporter.

14 WITNESS: My name is David R. Greene, G-R-
15 E-E-N-E.

16 THE COURT: Speak for me, David. You don't
17 have to get right on top of it, but speak loud
18 enough, it'll amplify it, so the people on the
19 jury can hear you. Your witness, counsel,
20 for direct examination.

21 MS. LEGETTE: Thank you, Your Honor.

22 ***

23 DIRECT EXAMINATION

24 BY MS. LEGETTE:

25 Q. Deputy Chief Greene, good afternoon.

1 A. Good afternoon.

2 Q. Sir, where do you work?

3 A. Colleton County Fire Rescue.

4 Q. And for how many years have you worked
5 for Colleton County Fire Rescue?

6 A. Since 1991, so 32 years.

7 Q. Wow.

8 A. 31 years.

9 Q. And so you're a Deputy Chief?

10 A. I am.

11 Q. What does that mean?

12 A. I'm the number two in charge of the
13 Fire Rescue Department.

14 Q. Okay, and so I guess, what are you, a
15 paramedic, an EMT?

16 A. I am a Firefighter and EMT.

17 Q. Okay, and so what does it mean to be --
18 tell me about your education and training and
19 experience it takes to become a paramedic.

20 A. So first you have to become an EMT,
21 that's a two or 300-hour program. It teaches
22 you basic life support skills, and then
23 paramedic school is an additional 1,016-hour
24 program, where you learn advance life support
25 skills.

1 Q. Okay, and so how many levels of, I
2 guess, EMT, paramedic advance basics are there?

3 A. There's three in the State of South
4 Carolina, EMT basic, there's an advanced EMT
5 level, which is sort of the mid-level, and then
6 there's a paramedic level, which is the advanced
7 level.

8 Q. So you're at the top of the food chain,
9 as it relates to being a paramedic, or like on a
10 truck?

11 A. Yes, ma'am.

12 Q. Okay. I may have stated that wrong,
13 probably a bad description.

14 A. Well, a paramedic is the highest level
15 of triage we provide in the State of South
16 Carolina, that's correct.

17 Q. Okay. And so now I also understand
18 that you have a Ph.D.?

19 A. Yes, ma'am.

20 Q. And what's your Ph.D. in ?

21 A. It's in Fire Emergency Management
22 Administration.

23 Q. Okay. All right, and so you said that
24 you've been working for the Colleton County Fire
25 Rescue for 30 something years, and you've been a

1 paramedic how long?

2 A. Since 2001, so --

3 Q. 20 --

4 A. 21 years.

5 Q. 21 years, okay. So having been, I
6 guess, an EMT and all that for 30 something
7 years, and you have a Ph.D. in what you just
8 said, have you ever treated any gunshot wound
9 patients?

10 A. I have.

11 Q. Could you tell us an approximate
12 number?

13 A. I cannot.

14 Q. Yeah. A 100,000?

15 A. Maybe 50 to 100,000 I would say.

16 Q. Okay, all right, very good. All right,
17 and so have you ever been qualified, as an
18 expert, in the field of emergency medical
19 services?

20 A. I believe I have, yes.

21 Q. Okay.

22 MS. LEGETTE: All right, at this time, Your
23 Honor, I would offer Deputy Chief David Greene,
24 as an expert in the field of emergency medical
25 services.

1 THE COURT: Any objection to the
2 qualifications?

3 MR. MATTHEWS: No, sir.

4 THE COURT: Ladies and Gentlemen, you're
5 about to hear testimony from a witness, who
6 claims to have special knowledge, skill or
7 training. Normally, the law does not permit
8 witnesses to get on the witness stand, and give
9 opinions, or conclusions; but an exception to
10 that rule is for those witnesses, whom we call
11 expert witnesses, who get qualified by the Court
12 to giving their opinion in the matters of which
13 they claim to be so skilled. You give weight
14 and believability of this opinion, as you would
15 any other evidence in the case.

16 You give it the weight you feel it should
17 deserve. The witness is qualified without
18 objection, you may proceed --

19 MS. LEGETTE: Thank you, Your Honor.

20 BY MS. LEGETTE:

21 Q. Deputy Chief Greene, you were working
22 for Colleton County Fire Rescue in May of 2017?

23 A. Yes, I was.

24 Q. And, specifically, I want to turn your
25 attention to May 16th, 2017.

1 A. Yes, ma'am.

2 Q. Were you on duty on May 16th, 2017?

3 A. I was.

4 Q. Did you have an occasion to respond for
5 a call for assistance out of Ruffin?

6 A. I did.

7 Q. What location did you respond to?

8 A. The location down there, I can't
9 remember the address exactly.

10 Q. That's fine. And so what was the call
11 for?

12 A. It was for a gunshot wound to multiple
13 victims.

14 Q. Okay, and so what happened when you
15 responded? What did you find?

16 A. I responded lights and sirens from Fire
17 Rescue Headquarters. I arrived and found Fire
18 Rescue personnel treating an adult male on the
19 porch out at the home, and found an adult female
20 laying supine, but face up in the first room of
21 the house. We put her on an EKG monitor to
22 assess her heart rate, and found that she was in
23 asystole, which is the absence of electrical
24 activity in the heart, so we determined that
25 resuscitative efforts would be considered

1 futile, so we did not attempt to resuscitate for
2 that patient.

3 I then proceeded with our Rescue personnel
4 outside down the sidewalk, and found a juvenile
5 male, a child that was laying prone, that he
6 fell. He was also suffering from multiple
7 gunshot wounds, and we put him on the monitor as
8 well to assess any heart activity. He was also
9 found to be in asystole, and which is, again,
10 absence of electrical activity in the heart, so
11 we determined that resuscitating efforts for him
12 were also considered futile, so we did not
13 initiate them for that patient either.

14 Q. Okay, so when you say asystole and you
15 said lack of electrical activity in the heart,
16 in other words, are they dead?

17 A. Yes, that's correct.

18 Q. All right, so you said that you saw the
19 woman in the house first, and you said she was
20 lying supine?

21 A. That's correct, face up.

22 Q. Face up?

23 A. Yeah.

24 Q. Okay. And then you found the young man
25 outside lying prone?

1 A. Correct.

2 Q. That's face down?

3 A. Correct.

4 Q. Okay. All right, Deputy Chief Greene,
5 I'm going to hand you, in a moment, what has
6 been marked and admitted into evidence, as
7 State's Number 2, and also what has been marked
8 for identification as State's Number 9. I want
9 you to take a moment and tell me, if you
10 recognize State's Number 2 and State's Number 9?

11 MS. LEGETTE: May I approach?

12 THE COURT: It's in evidence?

13 MS. LEGETTE: Yes, sir, it's in evidence.

14 THE COURT: You may approach.

15 MS. LEGETTE: And Number 9. May I
16 approach?

17 BY WITNESS:

18 A. Yes, ma'am, I do recognize both of
19 these photos.

20 Q. And, Deputy Chief Greene, State's 2 and
21 State's 9 what are they?

22 A. 2 is the child, or the young man that I
23 mentioned that was on the sidewalk, and Number 9
24 is the adult female that was in the first room
25 of the house.

1 Q. And, Deputy Chief Greene, are State's
2 Numbers 2 and 9 fair and accurate reflections of
3 the child outside, as well as the woman inside
4 the house on May 16th, 2017?

5 A. Yes, ma'am.

6 MS. LEGETTE: At this time, Your Honor, I
7 would offer for admission into evidence State's
8 Number 9.

9 THE COURT: As to State's 9?

10 MR. MATTHEWS: Without objection, Your
11 Honor.

12 (State's Exhibit 9 admitted.)

13 THE COURT: Ladies and Gentlemen of the
14 jury, State's Exhibit Number 9 will be admitted
15 into evidence in the trial of this case without
16 objection. State's 9 is now in evidence. You
17 may publish State's 9 to the jury.

18 MS. LEGETTE: Thank you, Your Honor.

19 THE COURT: Exhibit Number 2 has been
20 previously admitted into evidence in the trial
21 of this case.

22 MS. LEGETTE: Thank you, Your Honor, may I
23 approach?

24 THE COURT: You may.

25 BY MS. LEGETTE:

1 Q. Deputy Chief Greene, we have a little
2 pointer here.

3 MS. LEGETTE: And may I have the lights,
4 Madam Clerk?

5 THE COURT: Dim the lights, and use the
6 pointer.

7 WITNESS: Yes, sir.

8 BY MS. LEGETTE:

9 Q. All right, Deputy Chief Greene, I will
10 direct your attention to the screen at your
11 left, and this is going to be State's Number 9.
12 Can you please tell us in State's Number 9 the
13 individual that you made contact with, that you
14 found lying -- I believe you said supine.

15 A. Yes, ma'am, that's the adult female
16 there in the first room of the residence.

17 Q. Okay, and you indicated that you put --
18 when you say you actually checked her for
19 electrical activity on an EKG machine, does that
20 mean you put the little stickies on her?

21 A. That's right. At first I checked to
22 see if she had any breathing or an erratic
23 pulse, and she was absent both of those, so we
24 put her on the heart monitor, to assess any
25 electrical activity and found none.

1 Q. None, okay. All right, and now in
2 State's Number 2, what --

3 A. Yes, ma'am, this is the juvenile male
4 that I mentioned that was on the -- close to the
5 sidewalk there down outside the residence.

6 Q. Yes, sir. And if I point here to
7 State's Number 2, these little stickies, what
8 are those stickies?

9 A. Those are the leads that we use for the
10 monitors -- for the heart monitor.

11 Q. All right, and you'all put those on
12 there to make sure that there was no electrical
13 activity or asystole?

14 A. Yes, ma'am. Just like with the adult,
15 we were checking for respirations, and found
16 that he was not breathing. We checked for a
17 pulse, he had none, so we placed him on the
18 monitor, and found he had an electrical --
19 absence of electrical activity in the heart.

20 Q. And I think you talked about it
21 earlier, but what did he appear to be suffering
22 from?

23 A. Multiple gunshot wounds.

24 Q. And also the woman in State's Number 9,
25 I didn't ask you, what did she appear to be

1 suffering from?

2 A. I believe she also had multiple wounds.

3 Q. Thank you.

4 MS. LEGETTE: You can bring the lights back
5 up, please.

6 BY MS. LEGETTE:

7 Q. And while I have you up, can I ask you
8 a question about a gunshot wound to a thigh.
9 Could that possibly be a life-threatening
10 injury?

11 A. Oh, certainly, yeah, you would have --
12 you could lose up to a liter of blood from a
13 gunshot wound from the femoral area.

14 Q. So a gunshot wound to a thigh could be
15 possibly life-threatening?

16 A. Certainly, yes.

17 Q. Thank you, David, I'm sorry, thank you,
18 Deputy Chief Greene, I have no further
19 questions. Please answer any questions for Mr.
20 Matthews.

21 A. Yes, ma'am.

22 THE COURT: Cross-examination.

23 MR. MATTHEWS: Thank you, Your Honor. May
24 I approach the witness?

25 THE COURT: You may.

CROSS-EXAMINATION

BY MR. MATTHEWS:

Q. All right, I've handed you what's been marked whatever it's been marked, Defense 1.

THE COURT: What has it been marked?

CLERK: Number one.

MR. MATTHEWS: Okay.

THE COURT: Defense Number 1 has --

BY MR. MATTHEWS:

Q. And do you recognize that?

A. Yes, sir.

Q. What is that?

A. It is a patient care report, using the reporting software.

Q. Okay, so what time were you dispatched to the scene, or were you'all dispatched to the scene?

A. It appears to be 4:52 p.m.

Q. Okay, and how long did it take you to get on-scene, according to that?

A. For this particular ambulance, which is Medic 26, it arrived at 5:07 p.m.

Q. Okay, so 15 minutes?

A. That's right.

1 Q. Okay. And how long, according to your
2 report, was the on-site events, that period of
3 time the call to EMS?

4 A. I don't understand the question.

5 Q. Okay, under patient information, the
6 chief complaint on that line?

7 A. This highlighted area?

8 Q. Yes, please.

9 A. It says on-site of event occurred ten
10 minutes prior to calling EMS.

11 Q. Okay. So the call to EMS was ten
12 minutes after the event, according to that
13 report?

14 A. I don't know. I didn't author this
15 report.

16 Q. Okay, but you're responsible for the
17 reports, aren't you?

18 A. No, sir.

19 Q. You're not the supervisor?

20 A. I am a supervisor.

21 Q. Okay, all right. Is there any reason
22 to doubt that it was ten minutes after?

23 A. I don't have any -- it could be that
24 this is just one of the options that had to be
25 selected on the chief complaint.

1 Q. Okay, all right.

2 MR. MATTHEWS: Your Honor, may I approach?

3 THE COURT: No, just a minute. What are
4 you going to do with the document? You didn't
5 produce it?

6 MR. MATTHEWS: I did not get it. I got
7 several -- I got three other documents, one for
8 Lori, one for Phillip, and one for K.W. [REDACTED] and I
9 was going to ask about those others.

10 THE COURT: Well, if you're going to ask
11 about the contents of the document, then I want
12 the jury to understand what's going on.

13 So you're gonna have to decide whether
14 you're gonna introduce the document or not, I
15 understand at this point, but you're asking him
16 to publish the document you haven't entered; do
17 you understand?

18 MR. MATTHEWS: I understand.

19 THE COURT: All right, proceed. Proceed,
20 Mr. Matthews, cross-examination.

21 MR. MATTHEWS: Thank you, Your Honor.

22 BY MR. MATTHEWS:

23 Q. So in order to testify to this, do we
24 need those particular Officers to say what
25 happened?

1 A. I don't understand that question.

2 Q. The contents of those documents that
3 I've handed you, Exhibits 1 through 4.

4 A. Okay, so I think Number 2 here the
5 author is Matthew S. Parker. I don't know that
6 he went into the scene. He knows the narrative
7 that I was going to make contact with the
8 victims, but he also did the report.

9 Q. I see, so you couldn't say whether
10 that's accurate or not?

11 A. I cannot, because I didn't author the
12 reporting.

13 Q. I see, okay. All right, so you can't
14 say how long from onset to -- from the time that
15 this happened to the time the EMS call was made,
16 how long that was?

17 A. I am not sure.

18 No, sir, I believe this particular field

19 Q. If you had been able to get there more
20 quickly, might you have been able to save these
21 people?

22 A. I don't know.

23 Q. Okay. Is there a reason why you would
24 have that information on intake, for how long it
25 takes you to get there, and all that, before you

1 do that; is there a reason?

2 A. Is there a reason I would --

3 Q. That that information is contained on
4 the reports.

5 A. It's probably a required field that's
6 all.

7 Q. But you don't know why it's on there?

8 A. I do not.

9 Q. Okay. Can you tell how long they had
10 been dead by the time you arrived?

11 A. No, sir.

12 Q. Okay. In order to -- you said you've
13 done 50,000 to 100,000 gunshot wounds, something
14 like that?

15 A. No, sir, 50 to 100.

16 Q. Oh okay, 50 to 100. Is time of the
17 essence in treating a gunshot wound?

18 A. Certainly.

19 Q. Okay. So if you had a ten-minute
20 delay, that would be kind of a big deal?

21 A. It would.

22 MR. MATTHEWS: No further, questions, Your
23 Honor. I don't intend to introduce any of
24 those.

25 THE COURT: All right. And, counsel, in

1 light of the fact that you've published it, do
2 you want to mark for identification only, so
3 there will be a record of what you've done?

4 MR. MATTHEWS: Yes, sir.

5 THE COURT: All right, and it will be for
6 ID only, not in evidence. Hand them to the
7 Court Reporter.

8 (Court Reporter marks Defendant's Exhibits
9 1 - 4 were marked.)

10 THE COURT: Redirect?

11 MS. LEGETTE: None, Your Honor.

12 THE COURT: As to this witness?

13 MS. LEGETTE: We ask that he be excused.

14 THE COURT: Any objection?

15 MR. MATTHEWS: No, Your Honor.

16 THE COURT: David, you may step down,
17 you're excused from the trial of this case, you
18 may leave the courtroom.

19 WITNESS: Thank you, Your Honor.

20 THE COURT: Counsel approach.

21 (Bench conference.)

22 MS. LEGETTE: Janet Laney.

23 * * *

24

25

1 JANET LANEY

2 being first duly sworn, testified as
3 follows:

4 THE COURT: Have a seat, and make yourself
5 comfortable, pull that chair over, pull that
6 microphone down, it'll amplify your voice. You
7 don't have to lean right into it. Please speak
8 up so everybody can hear you. State your full
9 name, and spell your last name for the Court
10 Reporter.

11 WITNESS: My name is Janet Laney, L-A-N-E-
12 Y.

13 THE COURT: And you have a little bit of a
14 meek voice, so I want you to speak up when --

15 WITNESS: Yes, sir.

16 THE COURT: -- you talk.

17 WITNESS: Yes, sir.

18 THE COURT: Your witness, counsel, direct
19 examination.

20 THE COURT: Thank you.

21 ***

22 DIRECT EXAMINATION

23 BY MS. LEGETTE:

24 Q. Good afternoon, Ms. Laney.

25 A. Good afternoon.

1 Q. All right, we're gonna use our outside
2 voice, okay?

3 A. Okay.

4 Q. All right, so, Ms. Laney, where do you
5 work?

6 A. The Colleton County Fire Rescue.

7 Q. And for how long?

8 A. I've been with the County on the EMS
9 side for about three years now.

10 Q. All right, and so what are you? Are
11 you a paramedic? Are you attending?

12 A. I'm a paramedic, Firefighter Captain.

13 Q. So you're Captain Laney?

14 A. Yes.

15 Q. All right, so, hi, Captain Laney. All
16 right, Captain Laney, you've been a paramedic
17 for how long?

18 A. Since '96.

19 Q. '96, all right. And can you just
20 briefly tell us about your training and the
21 experience that it takes at a Station to become
22 a paramedic?

23 A. Back when I came in, in 1996, it was
24 about a 12-month training period. We're trained
25 in life support, trauma, basic life support,

1 CPR, all aspects. We do a little bit more than
2 a Registered Nurse does in the back of our
3 truck, like a RSI, you need to get rapid
4 intubate. So we have a lot of skills that we
5 have to be competent in.

6 Q. Okay, so, basically, you're saving
7 somebody's life in the back of the --

8 A. Correct.

9 Q. -- truck?

10 A. Correct.

11 Q. Okay. And the paramedic, is that the
12 top trainee on the truck?

13 A. Yes, it is.

14 Q. And, Captain Laney, you've been doing
15 this for 30 years, and have been a paramedic
16 since 1996. Have you ever treated any gunshot
17 wound patients?

18 A. Yes, I have.

19 Q. How many would you say over that period
20 of time?

21 A. Probably about ten.

22 Q. Ten? Okay. All right, and so were you
23 working for the Colleton County Fire Rescue back
24 in May of 2017?

25 A. Yes, I was.

1 Q. I'll give the Court Reporter a chance
2 to --

3 MS. LEGETTE: Are you getting that, Madam
4 Court Reporter?

5 BY MS. LEGETTE:

6 Q. Okay, and so I want to turn your
7 attention, specifically, to May 16th, 2017. Do
8 you recall that day?

9 A. Yes.

10 Q. And were you working for the Colleton
11 County Sheriff's Office -- I'm sorry, the
12 Colleton County Fire Rescue and on duty on May
13 16th, 2017?

14 A. Yes, I was.

15 Q. And did you have occasion to respond to
16 a call for assistance on Low Country Highway?

17 A. Yes, we did.

18 Q. Okay, and so can you tell us what was
19 the call in reference to?

20 A. Multiple gunshots.

21 Q. Okay, and so what did you find when you
22 arrived?

23 A. When I arrived, I'd left Headquarters
24 DOT, meaning my own personal vehicle. We all
25 have our vehicles that we respond. We're not,

1 basically, on the ambulance. We respond with
2 them, a vehicle that's fully equipped with all
3 the equipment that an ambulance almost has on
4 it. When I was assigned it and arrived on-
5 scene, some Officers were on-scene, there were
6 medic units on-scene. I grabbed my gear bags
7 out of the back of my truck, and responded up to
8 a patient that was laying on the porch.

9 Q. And when you approached this patient
10 lying on the porch, what did you notice, or how
11 were you able to assess this patient?

12 A. He was prone, which means he was face
13 down on the porch. There was three --
14 approximately, three pools of blood that had
15 bled out, and had bled towards the road. His
16 feet were back towards the door face-first,
17 laying down. And we do a rapid assessment, when
18 we're in that type of situation. And he was not
19 breathing, there was no movement, and we checked
20 for a cardiac pulse, and there was no pulse.

21 Q. All right, and so, at some point, did
22 you actually put him on an EKG machine?

23 A. Yes. Each of us carry a life-pack
24 monitor in our vehicles, and it was on the
25 porch, and the other guys had already dropped it

1 there on the porch. We put the leads on his
2 arms. We did not move the patient. On his arms
3 and on his legs, and it was called asystole,
4 there was no life.

5 Q. Okay. Asystole, can you spell
6 asystole?

7 A. It's A-Y-S-T-O-L-E.

8 Q. And so you say asystole means no life?

9 A. No life.

10 Q. Captain Laney, I'm going to hand you
11 now what's been previously marked for
12 identification and entered, or admitted into
13 evidence, State's Number 3. Can you take a
14 moment and tell me, if you recognize State's
15 Number 3?

16 MS. LEGETTE: May I approach?

17 THE COURT: You may.

18 BY MS. LEGETTE:

19 Q. Do you recognize State's 3?

20 A. Yes, that's the gentleman, yes.

21 Q. And, Captain Laney, is State's Number 3
22 a fair and accurate reflection of the gentleman
23 that you made contact with on May 16th, 2017 on
24 the porch?

25 A. Yes, it is.

1 MS. LEGETTE: At this time, I would offer
2 what is already in evidence, permission to
3 publish.

4 THE COURT: In evidence, yes, you may
5 publish.

6 MS. LEGETTE: May I approach?

7 THE COURT: You can hand it back to her,
8 Ms. Laney.

9 BY MS. LEGETTE

10 Q. All right, Ms. Laney, there is a
11 pointer right here. You can hit that red
12 button, and point it at the screen for State's
13 Number 3.

14 MS. LEGETTE: May I have the lights, Madam
15 Clerk?

16 BY MS. LEGETTE:

17 Q. All right, I direct your attention now
18 to the screen at your left. What are we seeing
19 in State's Number 3?

20 A. This is the front porch.

21 Q. Yes, ma'am.

22 A. As we went up to him, and he was prone
23 face-down.

24 Q. Okay, prone face-down, and those bags,
25 can you use that pointer and point?

1 THE COURT: You've got to push the button.

2 BY MS. LEGETTE:

3 Q. The little red button in the center.

4 A. Oh.

5 Q. I should have given you a better
6 tutorial. There, that one, yes, ma'am.

7 A. Okay.

8 Q. All right, those bags.

9 A. That's -- those are what we call our
10 trauma bags.

11 Q. Okay.

12 A. Those have -- in case there was
13 excessive bleeding, and there was life, we would
14 try to stop the bleeding, and they have
15 equipment in it, bandages, stuff like that, that
16 we would use to stop all bleeding.

17 Q. But in this case, with this man on this
18 porch, you said that there was no signs of life,
19 so --

20 A. No sign of life we found, and blood was
21 on the porch, and a pooling of blood.

22 Q. All right. Thank you, Captain Laney.

23 MS. LEGETTE: Can I have the lights?

24 BY MS. LEGETTE:

25 Q. Captain Laney, I have no further

1 questions. Please answer any questions from Mr.
2 Matthews.

3 THE COURT: Cross-examination?

4 MR. MATTHEWS: No questions, Your Honor.

5 THE COURT: As to this witness, Solicitor?

6 MS. LEGETTE: We ask that she be excused,
7 Your Honor.

8 THE COURT: Any objection?

9 MR. MATTHEWS: No, sir.

10 THE COURT: Ms. Laney, you may step down
11 from the witness stand, and you're excused from
12 the trial of this case, you may leave the
13 courtroom.

14 All right, Mr. Foreman, and Ladies and
15 Gentleman of the jury, I will take my mid-
16 afternoon break, and let you stretch your legs,
17 use the restroom. Do not discuss the case.
18 Talk about the weather, talk about sports, talk
19 about your grandchildren and your children, just
20 don't talk about the case.

21 I'll be back with you, I need to give
22 everybody a break. I give everybody one break
23 in the afternoon, and one in the morning. Thank
24 you very much. You may retire to your jury room
25 at this time. Everyone else remain seated while

1 the jury leaves.

2 (Jury exits courtroom.)

3 THE COURT: All right, we're gonna take
4 that mid-afternoon break at this time. Thank
5 you very much, the Court's in recess.

6 (Recess)

7 (The following proceedings were held in
8 open court. All parties were present.)

9 BAILIFF: All rise and come to order.

10 THE COURT: Thank you, please be seated.
11 The jury has indicated they are ready to
12 proceed, they have used the restroom.

13 MR. MATTHEWS: Your Honor, Ms. Legette has
14 brought up a question that I would imagine she
15 wants to address the Court about.

16 MS. LEGETTE: Your Honor, if I may --

17 THE COURT: Counsel approach.

18 (Bench conference.)

19 THE COURT: May I see my two reporters,
20 please in the courtroom? Stay right here, and
21 don't run off like you'all do, take your
22 position. Let the record reflect I was
23 approached by counsel for the defendant, and the
24 Solicitor expressed to me a concern that the
25 mother of the minor child, who is a witness in

1 the trial of this case, but she previously
2 testified in the Neil v. Biggers pretrial
3 hearing that I conducted. And the mother has
4 tasked, that I have two different
5 representatives of the press and reporter. One
6 of them from WCIP, which I've signed an order
7 on, and one for WCSC, which I've also signed an
8 order on. Both of them have been over the rules
9 with my Law Clerk, and they understand. The
10 mother has expressed her desire not to have the
11 minor child, who's about to testify in the trial
12 of this case, be photographed while the child is
13 on the witness stand. And both representatives
14 of WCSC and WCIP are willing to comply with that
15 request.

16 All right, counsel, are you now satisfied,
17 in light of that issue, Solicitor?

18 MS. LEGETTE: Yes, Your Honor.

19 THE COURT: Mr. Matthews?

20 MR. MATTHEWS: Yes, Your Honor.

21 THE COURT: Bring in the jury, please.

22 (Jury enters courtroom.)

23 THE COURT: Now, I do want to tell you,
24 when you're coming in and out of the jury box, I
25 want you to watch that step. You have to step

1 up on that, I don't want you to fall, I don't
2 want that to happen, so be careful.

3 There is no assigned seats, you'all, except
4 the foreperson. You can sit anywhere you want
5 to. If you want to sit by somebody, it's not
6 that important. What I did ask though, when you
7 come in, usually, you come in and sort of file
8 all the way down, so nobody's got to crawl,
9 because if people have to crawl over you in the
10 backrow, they'll step off that little rise right
11 there, and that's where I've had some people
12 fall, so you want to be careful about that.
13 Thank you for your patience.

14 We'll now continue with the testimony and
15 the trial of this case. Solicitor, you may call
16 your next witness.

17 MS. LEGETTE: Thank you, Your Honor, the
18 State calls number 13, Jordan Eaddy.

19 * * *

20 JORDAN EADDY

21 * * *

22 being first duly sworn, testified as
23 follows:

24 THE COURT: Have a seat, make yourself
25 comfortable. You doing okay?

1 WITNESS: Yes, sir, how about you?

2 THE COURT: Fine. Pull that microphone
3 down to your height, adjust it. You don't have
4 to get right up on top of it, it's more
5 important to just speak up, because it's going
6 to amplify your voice. So that you can pull the
7 chair up for your comfort, state your full name,
8 and spell your last name for the Court Reporter.

9 WITNESS: Jordan Michael Eaddy, E-A-D-D-Y.

10 THE COURT: All right, Mr. Eaddy, you need
11 to speak up for me. Your witness, counsel,
12 direct examination

13 MS. LEGETTE: Thank you, Your Honor.

14 ***

15 DIRECT EXAMINATION

16 BY MS. LEGETTE:

17 Q. Good afternoon, Mr. Eaddy.

18 A. Good afternoon.

19 Q. Mr. Eaddy, what do you currently do?

20 A. Currently, I'm in nursing school.

21 Q. Nursing school, okay. To become a
22 Registered Nurse?

23 A. Yes.

24 Q. All right, very good. So back in May
25 of 2017, where were you working?

1 A. Colleton County Fire Rescue, Station
2 18.

3 Q. Station 18, and what were you doing
4 there, what was your like rank, or whatever?

5 A. Firefighter/Paramedic.

6 Q. Firefighter/Paramedic. And how long
7 have you worked for the Colleton County Fire
8 Rescue?

9 A. Reporting date was September 27th,
10 2010.

11 Q. Okay, and so you worked there for how
12 many years?

13 A. That would be almost seven years.

14 Q. Almost seven years.

15 A. Or nine years.

16 Q. Very good. All right, and so were you
17 a paramedic during the entire time?

18 A. No, ma'am, I was in training on January
19 7th, 2012, and I graduated October 15, 2012.

20 Q. Okay.

21 Okay, and so were you a paramedic in May of
22 2017?

23 A. Yes, ma'am.

24 Q. All right, and just describe for us
25 your education briefly, education, training and

1 experience it takes to become a paramedic.

2 A. You just have to 18-years-old. You
3 have to complete the basic program. Back then
4 that was 120 hours, I believe, I mean in the
5 afternoon it was all education kind of stuff, I
6 was 18, just graduated high school. You had the
7 option to go to -- back then to go to
8 intermediate school, to the intermediate base
9 for paramedical, but you could go straight to
10 paramedic, if you saw fit.

11 Q. Okay. So we're going to slow down a
12 little bit. I have a tendency to talk fast.

13 A. Me too.

14 Q. Yes, sir, so we're going to slow our
15 kids down, okay?

16 A. Okay.

17 Q. I'm gonna breathe, and you're gonna
18 breathe, right?

19 A. Yes, ma'am.

20 Q. All right, so you've been a paramedic,
21 and you were a paramedic for seven years, maybe
22 I'm wrong.

23 A. I was -- I got my paramedic card in
24 October, 2012, and I've been a paramedic ever
25 since.

1 Q. Ever since, so you're still a
2 paramedic?

3 A. Yes.

4 Q. Very good, and you're in nursing
5 school?

6 A. I start Monday.

7 Q. Starting Monday, all right. And so a
8 paramedic, from what I understand is the highest
9 training on a fire truck or ambulance?

10 A. Technically, yes.

11 You can go to -- take an advance sort of

12 Q. Okay, and so you also are a flight
13 paramedic?

14 A. Yes, ma'am.

15 Q. Okay, very good. All right, and so in
16 your years of being a paramedic, how many
17 gunshot wound patients would you say you have
18 seen?

19 A. I honestly couldn't recall, without
20 looking at my County record.

21 Q. Gotcha. All right, and so back in May
22 of 2017 you were working for the Colleton County
23 Fire Rescue?

24 A. Yes, ma'am.

25 Q. All right. And, specifically, I want

1 to turn your attention to May 16th, 2017. Were
2 you working and on duty on May 16th, 2017 for
3 Colleton County Fire Rescue?

4 A. Yes, ma'am. We're allowed to clock in
5 at 7:53 in the morning -- a.m.

6 Q. Okay.

7 A. And I clocked in that morning at 7:53,
8 7:54, whatever time it was. We do 24-hour
9 shifts. I was on duty until 8:00 a.m. the next
10 morning, so I was relieved by the Chief.

11 Q. Okay, and so as part of you being on
12 duty on May 16th, 2017, did you have an occasion
13 to respond to a call for assistance out in
14 Ruffin?

15 A. Yes, ma'am.

16 Q. All right, and so can you tell us what
17 you found, when you responded to the scene on
18 the Low Country Highway in Ruffin?

19 A. So we're dispatched through the County
20 EMS Service, and with this kind, let's say it
21 goes out -- this went out as an incident -- a
22 gunshot wound incident, and that's all relayed
23 by the person who called 911. We don't have any
24 control of it.

25 Q. I'm gonna ask you to slow down --

1 A. Okay.

2 Q. -- okay?

3 A. Sorry.

4 Q. And we're all a little nervous. I know
5 it's the pot calling the kettle black. I talk
6 fast too, so I want you to slow down, because
7 she's taking everything down --

8 A. Yes.

9 Q. -- okay? All right, so start again,
10 you were on duty, the call goes out, you and
11 your partner get in the truck, and what happens?

12 A. So we head to the scene with lights and
13 sirens. In this case, I believe it was [REDACTED]
14 [REDACTED] Highway, so we leave Station 18,
15 make a left, there's the crossroads, make a left
16 to go to Bells Highway.

17 Q. And what does staged mean?

18 A. So in this case we've just got to hold
19 back from the scene. So I knew by our Dispatch,
20 that it was at [REDACTED] [REDACTED] [REDACTED]. I stopped at
21 -- I can't remember if I was driving or not, but
22 we stopped at Hydrick Road and Low Country
23 Highway, which is an appropriate distance for
24 the County, because you don't want anyone on-
25 scene, you know, to --

1 Q. Hurt the firefighters.

2 A. Right, so far enough away that you're
3 safe, but close enough, that when whoever, Law
4 Enforcement agency, clears the scene, we can be
5 there in a minute or two.

6 Q. Okay. And so once you staged, you
7 staged and you wait for them to give you the
8 clearance. So once they give you clearance,
9 what happens?

10 A. We proceed to the scene, lights and
11 sirens. And when we get onto the scene, they
12 tell our Dispatch we're on-scene. We get
13 usually a brief description of what we see
14 through the windshield, and we get out. We'll
15 put our PPE on, gloves, goggles, and take our
16 equipment.

17 Q. All right, and so on this particular
18 occasion, on this particular day, which patient
19 did you have an occasion to see?

20 A. I transported the nine-year-old kid.

21 Q. Okay. All right, and so tell me about
22 her, how did you assess her?

23 A. Oh, so when I got out of the vehicle,
24 she was -- I briefed myself on my report that I
25 wrote, but she was sitting aside the vehicle in

1 the roadway, and I put that she was with her
2 mother, and so another adult and we go up. The
3 first thing we do, as a paramedic, we have to
4 start the report, making sure they're breathing,
5 make sure they have a pulse, make sure vitals
6 are good, and control any kind of life-
7 threatening bleeding, and that's where we
8 started.

9 Q. Okay, and is that what you did in this
10 case?

11 A. Absolutely.

12 Q. Okay. All right, and so I'm going to
13 hand you what's been previously marked and
14 entered into evidence, as State's Number 7.
15 Please take a moment, and tell me if you
16 recognize State's Number 7.

17 MS. LEGETTE: May I approach?

18 THE COURT: You may.

19 BY MS. LEGETTE:

20 Q. Do you recognize State's Number 7?

21 A. I do.

22 Q. And what is State's Number 7?

23 A. It's a picture of the young female on
24 the ground, she's bleeding from her right leg
25 somewhere, the person with the glasses, pretty

1 young, and this is another paramedic to my
2 right, Matthew Carter.

3 Q. And is State's Number 7 a fair and
4 accurate reflection of the scene, as you call it
5 on May 16th, 2017?

6 A. 100 percent.

7 Q. Thank you. All right, and so we've
8 already published it several times, but just
9 for --

10 MS. LEGETTE: May I approach the witness,
11 Your Honor?

12 BY MS. LEGETTE:

13 Q. We're going to put it on the screen and
14 publish it.

15 A. Oh, yes, ma'am.

16 THE COURT: Let me know if you can't see
17 it.

18 WITNESS: Yes, sir

19 BY MS. LEGETTE:

20 Q. All right, so, Mr. Eaddy, can you tell
21 us -- all right this is State's Number 7, and
22 tell us what we're seeing. And if you point --
23 there's a pointer right there in front of you.

24 A. Oh.

25 Q. If you'll grab that, and there's a

1 little red button in the middle, you can point
2 to yourself, and what are we seeing in State's
3 Number 7?

4 A. I'll describe the whole scene. This is
5 the car I was talking about. That's the older
6 female, this is me right here.

7 Q. And so you're right there.

8 A. This is the patient we were called to
9 treat, and this is another person on-scene, so
10 another ambulance was also called. They got
11 there about the same time. I was almost -- I
12 was on the truck with their EMT, who's also on
13 this report, but this is another paramedic.

14 Q. All right, and so I notice that she has
15 blood coming from her -- I think that's her
16 right leg.

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

18 Q. And can you tell us where on her leg
19 that injury seemed to be?

20 A. So to describe it medically, would be
21 on the medial aspect of the leg, the first one I
22 saw was the interior thigh, probably three or
23 four inches away from, you know, the groin area,
24 the middle of the thigh, right thigh.

25 Q. And so with your training, and

1 background, and experience as a paramedic, and
2 now in nursing school, and also as a flight
3 paramedic, those injuries to the thigh, can
4 those be very dangerous or life-threatening?

5 A. Yes, so there -- you have a femoral
6 artery that runs in that area. There's also
7 femoral nerve that runs in there, and can cause
8 leg problems, paralysis, numbness, as well, but
9 the femoral artery nerve and vein are also in
10 that area, along with a multitude of nerves.

11 Q. So the femoral artery, is that -- can
12 you spell femoral for us?

13 A. It's F-E-M-O-R-A-L.

14 Q. Femoral artery, like, femur, like --

15 A. Yes, it's the vein that runs alongside
16 the femur.

17 Q. All right, is that one of the largest
18 arteries in the body, or how is that --

19 A. Not in the body, but it's the largest
20 artery in the leg.

21 Q. Okay, so if it gets nicked or
22 punctured, what can happen?

23 A. You can exsanguinate, you can bleed
24 out.

25 Q. Bleed out, okay, you can die?

1 A. Yes. Yes, ma'am.

2 Q. All right. Okay, so as a result of her
3 having this injury, what did you do?

4 A. So the first thing we would do is apply
5 pressure, if we see bleeding. I believe that's
6 some kind of -- I don't know, shall I say before
7 I got there, but it was kind of over the injury,
8 then apply pressure to the bleeding site. Then
9 the next thing we would do is, I would see if
10 it's through and through, or what I assume to be
11 a through and through, two holes, opposite ends
12 of the leg, which it was.

13 Q. Okay.

14 A. Maybe make sure the other side also is
15 not bleeding, because you've got to think if
16 something traveled to the body penetrating, it
17 leaves a little cone. So if it's bleeding on
18 one side, it's bleeding on the other side, as
19 well.

20 Q. Okay. And so as a result of making
21 this assessment of this patient in this picture,
22 in State's Number 7, what did you do next? Did
23 you put her on an ambulance, or did you send her
24 anywhere?

25 A. So our stretcher was right there behind

1 us, we'd bring that up, and then I'd put her --
2 we picked her up, and then put her on the
3 stretcher, put her in the ambulance, started our
4 assessment, and then transport to the
5 appropriate facility.

6 Q. And in this case do you recall where
7 she was transported to?

8 A. She was actually taken to a helipad at
9 Colleton Hospital, because Colleton doesn't --
10 they don't have the approval to do pediatrics.
11 They can do it in very emergent cases, but she
12 was flown to MUSC.

13 Q. All right, so she was flown in a
14 helicopter to --

15 A. Yes, ma'am.

16 Q. -- a Children's Hospital at MUSC?

17 A. Yes, ma'am.

18 Q. And once you put her on, I guess, the
19 helipad, or in the helicopter then, did you have
20 any other involvement in this case?

21 A. Well, also, when we're seeing, we do
22 vital signs of the patient. We can do IVs, we
23 can do medication, if deemed necessary, take
24 care of pain, and that kind of stuff. And we
25 give a report to the aircraft, and they take

1 report, and then they load her on the aircraft,
2 and they take off to the appropriate facility.

3 Q. Do you recall anything about her
4 demeanor or how she presented that day, when you
5 saw her?

6 A. She was, obviously, distraught, you
7 know, and, you know, from the whole scenario.
8 When we pulled on-scene, we're focused on our
9 patient.

10 Q. Yes.

11 A. So she was distraught, and -- she was
12 distraught.

13 Q. All right.

14 MS. LEGETTE: Can we get the lights back?

15 BY MS. LEGETTE:

16 Q. And just for clarity, the patient that
17 you saw in State's Number 7, do you have her
18 name listed in your report?

19 A. It was in my report, yes, ma'am.

20 Q. And what's her name?

21 A. I don't really know the pronunciation,
22 it's either K.W. [REDACTED] or K.W. [REDACTED].

23 Q. Thank you. I have no further
24 questions. Please answer any questions from Mr.
25 Matthews.

1 A. Yes, ma'am.

2 THE COURT: Cross-examination.

3 MR. MATTHEWS: Thank you, Your Honor. Your
4 Honor, may I approach to see some of the
5 exhibits?

6 THE COURT: Yes, you may.

7 ***

8 CROSS-EXAMINATION

9 BY MR. MATTHEWS:

10 Q. All right, Mr. Eaddy, the Defendant --
11 or Court's Exhibit or Defendant's Exhibit Number
12 4, is that the same report that you have right
13 here?

14 A. Oh, yes, sir.

15 Q. Okay, so if you can just refer to that.

16 A. Of course.

17 Q. All right, you have referred to that as
18 a through and through?

19 THE COURT: Just a moment, is that an
20 exhibit from the prior hearing.

21 COURT REPORTER: It is.

22 THE COURT: So it's just for identification
23 only?

24 COURT REPORTER: Yes, sir.

25 THE COURT: So it's not a Court's exhibit,

1 it was for ID only by Defendant, at least I
2 believe I'm right.

3 COURT REPORTER: Yes, sir.

4 THE COURT: All right, so identify the
5 documents, so the record's clear. What
6 sticker's on it?

7 MR. MATTHEWS: Defendant's 4, Your Honor.

8 THE COURT: All right, so Defendant's 4,
9 for identification only.

10 MR. MATTHEWS: Okay.

11 BY MR. MATTHEWS:

12 Q. Mr. Eaddy, you indicate this was a
13 through and through wound?

14 A. Yes.

15 Q. And the entrance wound that is a big --
16 you mentioned the three to four inches on the
17 medial right side, near the three to four inches
18 from the center, right? From the groin, or
19 where is the three to four inches?

20 A. Where the leg meets the pelvis.

21 Q. Okay.

22 A. This crease right here, three to four
23 inches down.

24 Q. Okay, so it went -- would that be --
25 I'm indicating right there, like somewhere like

1 right there?

2 A. Yes, sir.

3 Q. Okay. Was that the entrance wound, or
4 the exit wound?

5 A. I'm not trained to identify entrance
6 versus exits.

7 Q. Okay. Where was the other wound?

8 A. It was directly across on -- this would
9 be the lateral thigh, same side, well --

10 Q. Okay. So if one hole's about here, and
11 the other hole is about there?

12 A. Thereabouts.

13 Q. Okay. All right. And when it's
14 through and through, obviously, there would not
15 be a bullet in K.W. it would have been on the
16 ground somewhere?

17 A. Presumably, unless there's two gunshot
18 wounds. I mean -- but that takes x-rays, so you
19 can find them.

20 Q. Okay, all right. And she ended up --
21 obviously, she was distraught, I think you
22 indicated, and --

23 A. Yes.

24 Q. -- she was injured, but was she okay,
25 not life-threatening by the time she got to the

1 hospital?

2 A. You'll have to rephrase the question,
3 I'm sorry.

4 Q. That's sort of a stupid question, so
5 I'll just leave it at that. I have no further
6 questions.

7 THE COURT: The Court Reporter needs the
8 exhibit. Redirect?

9 MS. LEGETTE: None, Your Honor.

10 THE COURT: As to this witness?

11 MS. LEGETTE: We ask that he be excused.

12 THE COURT: Any objection?

13 MR. MATTHEWS: No objection, Your Honor.

14 THE COURT: Very well, Mr. Eaddy, you may
15 step down from the witness stand, and you're
16 excused from the trial of this case, and you may
17 leave the courtroom.

18 WITNESS: Thank you, sir, I appreciate it.

19 THE COURT: Call your next witness,
20 Solicitor.

21 MS. LEGETTE: K.W. [REDACTED] She's number
22 21 on the list, Your Honor.

23 THE COURT: 21.

24 * * *

25 KALIEI WILLARD

* * *

being first duly sworn, testified as follows:

THE COURT: How you doing?

WITNESS: Fine.

THE COURT: Pull that chair right there, and watch your back, sit where you're comfortable. The is gonna amplify it for you, all right? State your full name and spell your last name.

WITNESS: K.W. [REDACTED]

THE COURT: Very good, that's a good strong voice, so we can hear you. Your witness, counsel, for direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q K.W. [REDACTED] are you nervous?

A Yes, ma'am.

Q That's okay. I am nervous too. So we will try to talk slowly and use our outside voice. Okay?

A Okay.

Q Where are you from?

1 A Walterboro.

2 Q Who do you live with?

3 A My mom and my stepdad.

4 Q Very good. How old are you?

5 A I am 14.

6 Q Back in 2017, how old were you?

7 A Nine.

8 Q Let's talk -- you said you are 14. What
9 grade are you in?

10 A Ninth grade.

11 Q When does school start?

12 A It started Monday.

13 Q You are in high school?

14 A Yes, ma'am.

15 Q What high school do you go to?

16 A Colleton County High School.

17 Q Have you ever testified in court before?

18 A No, ma'am.

19 Q I want to turn your attention to the
20 month of May 2017. Specifically, I want to talk
21 about May 16, 2017. Okay?

22 A Okay.

23 Q Do you remember that time?

24 A Yes, ma'am.

25 Q In 2017, you said -- you live with your

1 mom and your dad now. Who were you living with in
2 2017?

3 A I was living with my mom, my siter, my
4 grandma, and my grandpa and my uncle and my dad.

5 Q You were living with these people?

6 A Yes, ma'am.

7 Q Let's talk about your sister. What was
8 her name?

9 A Cameron.

10 Q How old is Cameron?

11 A Four or five.

12 Q You said you were how old then?

13 A Nine.

14 Q You were living with your grandpa, you
15 said?

16 A My grandparents and my mom.

17 Q What is your mom's name?

18 A Karissa.

19 Q What was your uncle's name?

20 A V.M. [REDACTED]

21 Q Did you have a nickname that you called
22 him?

23 A Vinny.

24 Q Tell me how old your uncle Vinny was?

25 A 13.

1 Q You lived with your uncle Vinny who was
2 13, your grandma and your grandpa and your mom and
3 dad?

4 A Yes, ma'am.

5 Q What was your dad's name?

6 A Miles Williams.

7 Q Do you remember the city or the town's
8 name was?

9 A Ruffin.

10 Q Do you remember the number or the
11 address?

12 A No, ma'am.

13 Q K.W. I want to turn your attention
14 specifically to May 16, 2017.

15 Were you going to school then?

16 A Yes, ma'am.

17 Q Did you go to school that day?

18 A Yes, ma'am.

19 Q Do you remember what school you went to?

20 A Bells Elementary.

21 Q How did you get to school?

22 A The bus.

23 Q How did you come home?

24 A The bus.

25 Q When you got off the bus in the

1 afternoon, what time of day did you get off the bus?

2 A It was afternoon.

3 Q Who would be home with you when you got
4 off the bus?

5 A My uncle, grandparents, and my sister.

6 Q Very good. Let's talk about after you
7 got home.

8 Did anything strange happen on May 16,
9 2017 after you got home?

10 A Yes, ma'am.

11 Q What strange thing happened? Let's talk
12 about what you were doing.

13 Do you recall what you were doing that
14 day?

15 Yes.

16 Q What were you doing?

17 A I got off the bus. I was getting off
18 the bus after school. I got a snack in the kitchen.

19 Q When you went and got the snack from the
20 kitchen -- are you familiar with how the house
21 looked?

22 A Yes, ma'am.

23 Q All right. I am going to hand you what
24 has been previously marked as State's Number 140.

25 Just look at that and don't show it to anyone.

1 A Okay.

2 Q What is State's Number 140?

3 A A layout of what our house looked like.

4 Q Is State's 140 a fair and accurate
5 representation of how the house looked on or about
6 May 16, 2017?

7 A Yes, ma'am.

8 MS. LEGETTE: I would offer State's Number
9 140 for admission in evidence.

10 THE COURT: Any objection?

11 MR. MATTHEWS: No objection.

12 THE COURT: State's 140 is now in evidence.
13 You may publish.

14 (State's Exhibit 140 was admitted into
15 evidence.)

16 BY MS. LEGETTE:

17 Q Kalie, can you see State's 140 from
18 where you are sitting?

19 A Yes, ma'am.

20 Q Turn your attention here. We will talk
21 about State's 140. You said that your grandma and
22 grandpa were home when you got off the bus?

23 A Yes, ma'am.

24 Q Did your grandpa let you in?

25 A My grandma.

1 Q Before the incident happened, before the
2 strange thing happened, tell us where you were.

3 A I was on the couch sitting there.

4 Q This area right here is considered the
5 couch?

6 A Yes, ma'am.

7 Q So you had gone in the kitchen?

8 A Yes, ma'am.

9 Q Why did you go into the kitchen?

10 A To get a snack.

11 Q What did you do?

12 A I got the snack and went in and sat on
13 the couch and watched TV.

14 Q Who was on the couch with you?

15 A My uncle.

16 Q Tell us where he was sitting on the
17 couch.

18 A Sitting right about here.

19 Q In this particular crime scene sketch,
20 140, is where you were watching TV?

21 A Yes, ma'am.

22 Q Where is the TV located?

23 A That is the TV.

24 Q Put a blue mark here.

25 A (Witness complies.)

1 Q So you were sitting on the couch. Can
2 you tell us in relationship to State's Number 140 --
3 where the front door is?

4 A The front door is right there.

5 Q So you are sitting on the couch. Your
6 uncle Vinny is sitting beside you and watching TV.
7 That is the front door.

8 A Yes, ma'am.

9 Q Anyone else in the living room?

10 A My grandma.

11 Q Do you remember what area she was in?

12 A I don't remember.

13 Q You were sitting there watching
14 television. What happened next?

15 A I heard gunshots from outside. I hear
16 my grandfather yelling, "Help, Vinny." Speaking
17 towards Vinny.

18 Q You are saying that he was saying "Help
19 him"?

20 A Yes.

21 Q What happens next?

22 A He opens the door, and the man opens the
23 door and my grandfather is there. By that time I am
24 in the hallway in front of the doorway next to the
25 fish tank in front of the TV. I freeze when I see

1 the man standing there.

2 Q Let's go back. You are sitting about
3 here on the couch?

4 A Yes, ma'am.

5 Q You heard gunshots?

6 A Yes, ma'am.

7 Q Could you tell us -- if you moved show
8 us where you moved to.

9 A Through here. I stopped right about
10 here.

11 Q Right there in the hallway?

12 A Yes, ma'am.

13 Q That's the hallway?

14 A Yes, ma'am.

15 Q You were standing there. What is in
16 front of you?

17 A The front door.

18 Q You said you froze?

19 A Yes, ma'am.

20 Q How long did you freeze?

21 A For a few seconds.

22 Q The next time, what did you see?

23 A The man standing in front of the door
24 with a gun.

25 Q When you saw this man, what happened?

1 A I stood over and he shot me in the leg
2 and I ran.

3 Q You stood there, and he shot you I n the
4 leg. What did you do next?

5 Did you fall to the floor?

6 A I ran through here and into my bedroom.
7 I shut the door that was right here.

8 Q K.W. [REDACTED] can you tell us -- you were
9 standing in the doorway?

10 A Yes, ma'am.

11 Q Right directly in front of you was the
12 main door?

13 A Yes, ma'am.

14 Q Tell us about the lights inside your
15 house. Were they on?

16 A Yes, ma'am.

17 Q What time of day was this? Afternoon?
18 Was it still bright outside?

19 A Yes, ma'am.

20 Q You were able to see the man?

21 A Yes, ma'am.

22 Q How were you able to see him?

23 A It was only a few seconds.

24 Q Was it long enough to be able to see his
25 face and see what he looked like and see his hair or

1 any jewelry or anything like that? Describe what
2 you saw.

3 A I saw a dark-skinned man with dread
4 locks. He was wearing a chain.

5 Q Did you see anything else?

6 A I saw a gun.

7 Q. So you saw these things, and then you were
8 shot?

9 A. Yes, ma'am.

10 Q. Do you remember where you were shot?

11 A. In my right leg.

12 Q. You ran into the other room?

13 A. Yes, ma'am.

14 Q. Once you ran, did you hear anything else?

15 A. More gunshots.

16 Q. You heard more gunshots. Then what did you
17 do? How long did the gunshots go on? Do you
18 remember what you heard?

19 A. For a little while.

20 Q. Did they ever stop?

21 A. Yes, ma'am.

22 Q. Once they stopped, what did hear, if
23 anything?

24 A. It was quiet in the house. I hear
25 footsteps and my sister coming up to the bedroom

1 door.

2 Q. You said earlier she was 4 or 5?

3 A. Yes, ma'am.

4 Q. What did you do?

5 A. I looked under the door to see if it was
6 her. I opened the door and let her in. I told her
7 to hide in the closet. I looked out the window to
8 see if anybody was out there. I saw the bus driver
9 and somebody else walking with her. I tried to get
10 her attention by hitting on the window. I think I
11 got their attention. I am not sure.

12 Q. Did you ever call anyone?

13 A. Yes, ma'am.

14 Q. Who did you call?

15 A. I called my mom.

16 Q. How were you able to call your mom?

17 A. I ran to the kitchen and grabbed my
18 grandmother's phone to tell her what happened.

19 Q. Did you tell her what happened?

20 A. Yes, ma'am.

21 Q. After all of this happened, did anyone ever
22 come to help you?

23 A. Yes, ma'am.

24 Q. Tell us about that. Did you go outside?

25 THE COURT: One question at a time.

1 THE WITNESS: My mom got there and other people had
2 stopped to help when they saw what was happening.
3 Then police were there. After a while, an ambulance
4 showed up.

5 BY MS. LEGETTE:

6 Q. When the ambulance showed up, did they help
7 you?

8 A. Yes.

9 Q. Were you then able to go to the hospital?

10 A. Yes.

11 Q. After you went to the hospital, did you
12 tell anybody what you saw?

13 A. I told the sketch artist.

14 Q. Were you also able to do a drawing of your
15 own?

16 A. Yes, ma'am.

17 Q. On the drawing that you created, was it
18 your drawing, or did someone tell you what to draw?

19 A. It was my drawing.

20 Q. Did you get the idea or the thoughts to be
21 able to create the drawing.

22 A. What I drew?

23 Q. Yes.

24 A. Yes.

25 A. Did you see anything on the news to make

1 you draw anything?

2 A. No, ma'am.

3 Q. In the description that you gave to the
4 sketch artist from SLED, where did you get the idea
5 to give the description to that person?

6 A. It's the man I saw in the door.

7 MR. MATTHEWS: Objection. Same objection I
8 made in pretrial.

9 THE COURT: You are referring to the
10 pretrial hearing?

11 MR. MATTHEWS: Yes, sir.

12 THE COURT: Overruled.

13 BY MS. LEGETTE:

14 Q. I will hand you now what has been marked
15 for identification as State's Exhibits 10 and 11.
16 Tell us if you recognize State's Exhibit Numbers 10
17 and 11.

18 A. Yes, ma'am.

19 Q. What are State's 10 and 11?

20 A. The sketch of the man that I saw. The one
21 that I drew.

22 Q. What is Number 11?

23 A. 11 is the one that the sketch artist did
24 that I gave the description.

25 Q. Is State's Number 10 a fair and accurate

1 reflection -- fair and accurate reflection of the
2 drawings that you made?

3 A. Yes, ma'am.

4 Q. Is State's Number 11 a fair and accurate
5 description that you gave to the sketch artist?

6 A. Yes, ma'am.

7 Q. Has it been changed or altered in any way?

8 A. No, ma'am.

9 MS. LEGETTE: Offer State's Exhibits 10 and
10 11 into evidence.

11 THE COURT: I understand. Subject to your
12 previous objection in which we conducted the
13 pretrial hearing, State's Exhibits 10 and 11 are
14 admitted into evidence.

15 (State's 10 and 11 entered into evidence.)

16 BY MS. LEGETTE:

17 Q. You also indicated that you had run to your
18 room?

19 A. Yes, ma'am.

20 Q. I will hand you what has been marked for
21 identification as State's Number 12.

22 Do you recognize State's 12?

23 A. Yes, ma'am.

24 Q. What is State's 12?

25 A. It's a picture of me and my sister's

1 bedroom.

2 Q. Is State's Exhibit Number 12 a fair and
3 accurate reflection of the way yours and your
4 sister's bedroom looked on the day of May 16, 2017?

5 A. Yes, ma'am.

6 Q. Changed or altered in any way?

7 A. No, ma'am.

8 MS. LEGETTE: Offer for admission into
9 evidence State's Exhibit 12.

10 MR. MATTHEWS: No objection.

11 THE COURT: Ladies and gentlemen of the
12 jury, State's Exhibit 12 will be admitted into
13 evidence in the trial of this case without
14 objection. You may now publish 10, 11, 12.

15 (State's Exhibit 12 was admitted into
16 evidence.)

17 BY MS. LEGETTE:

18 Q. Tell us what we are seeing in State's
19 Number 10.

20 A. The mailbox. The tree in front of my
21 house. There is my drawing of the man that I saw
22 that came through the door.

23 Q. What is this area right here?

24 A. The sun.

25 Q. The sun was still out?

1 A. Yes, ma'am.

2 Q. K.W. is this where are you standing when
3 you are -- are able to see this particular picture
4 in the hallway?

5 Q. Are you looking directly at the person?

6 A. Yes, ma'am.

7 Q. You indicated he was a brown or dark-
8 skinned man?

9 A. Yes, ma'am.

10 Q. This is the hair that you saw, the way you
11 drew it?

12 A. Yes, ma'am.

13 Q. Look at State's Number 11.

14 A. The picture the sketch artist drew.

15 Q. This what you described to them?

16 A. Yes, ma'am.

17 Q. This is the person that you described to
18 them?

19 A. Yes, ma'am.

20 Q. K.W. after you saw the man in the
21 hallway, you said you were frozen for a period of
22 time?

23 A. Yes, ma'am.

24 Q. You ran from the room into another room
25 into the bedroom?

1 A. Yes, ma'am.

2 Q. State's Number 12. What is that?

3 Is that your bedroom?

4 A. Yes, ma'am.

5 Q. You Share this bedroom with who?

6 A. My sister.

7 Q. Picture of your bedroom that you shared
8 with your sister?

9 A. Yes, ma'am.

10 Q. In this room, can you tell us where you
11 hid?

12 A. The closet was off to the side. It's not
13 in the picture.

14 Q. So I notice here on State's Number 12 there
15 is a rug. This is a picture of -- what Disney
16 characters are these?

17 A. Elsa and Anna.

18 Q. What movie is that from?

19 A. Frozen.

20 Q. Do you remember how that spot got there?

21 A. Yes, ma'am. It was running from my leg.

22 Q. You stopped here for little while?

23 A. Yes, ma'am.

24 Q. State's 12, you stated you stayed there for
25 a period of time?

1 A. Yes, ma'am.

2 Q. Had you ever seen this man before that day?

3 A. No, ma'am.

4 Q. At some point after you made your drawing,
5 did you talk to someone at Hopeful Horizons or Hope
6 Haven?

7 A. Yes, ma'am.

8 Q. Did you tell them what you saw?

9 A. Yes, ma'am.

10 Q. When you were telling the person at Hopeful
11 Horizons what you saw, in describing that person,
12 did anyone suggest to you how to describe the man?

13 A. No, ma'am.

14 Q. I may have already asked this question.
15 How or why were you able to draw what you drew in
16 State's 10?

17 A. Because I was I standing in the hallway
18 long enough to be able to see what this man's face
19 looked like and what he looked like.

20 Q. You also indicated earlier that you said he
21 had dread locks and he had a gun.
22 What else did he have on?

23 A. A chain.

24 Q. I believe in State's Number 10 you also
25 drew the chain?

1 A. Yes, ma'am.

2 Q. Show us on State's Exhibit 10 where you
3 actually drew the chain.

4 A. The chain from here to here.

5 Q. Right in here? This is the chain?

6 A. Yes, ma'am.

7 Q. So you colored that in?

8 A. Yes, ma'am.

9 MS. LEGETTE: Thank you, K.W. I have no
10 further questions. Please answer any questions from
11 Matthews.

12 THE COURT: Cross-examination.

13 MR. MATTHEWS: Thank you, Your Honor.

14 ***

15 CROSS-EXAMINATION

16 BY MR. MATTHEWS:

17 Q. K.W. you testified earlier today; is
18 that correct?

19 A. Yes, sir.

20 Q. Try to relax as much as you can.

21 A. Okay.

22 Q. You met with the lady at Hope Haven about
23 two days after this happened?

24 A. Yes, sir.

25 Q. I think you told her at that time that you

1 were in the kitchen and you were getting a popsicle.

2 A. Yes, sir.

3 Q. You went into the living room when you came
4 home. Did your grandfather, if he is there, or your
5 grandmother lock the door after you got home from
6 school?

7 A. Yes, sir.

8 Q. Was it locked that day?

9 A. Yes, sir.

10 Q. Anybody coming into the house when this
11 happened or any other time would have to lock the
12 door?

13 A. My grandfather was there. He was coming
14 into the house when I was unlocking the door. That
15 is why it was unlocked.

16 Q. You unlocked the door?

17 A. Yes, sir.

18 Q. Before you heard that, you heard gunshots?

19 A. Yes, sir.

20 Q. You told the lady at Hope Haven that your
21 sister was hiding when this was happening. Your
22 sister had went in the bedroom and locked the door.

23 A. Yes, sir.

24 Q. When you talked to the lady at Hope Haven,
25 you wanted to be clear with her that she was not in

1 the kitchen as she had said?

2 A. Yes, sir.

3 Q. How do you know that she was in the
4 bathroom?

5 A. I always thought she was in the bathroom.
6 The bathroom light was on, but the door was shut.

7 Q. Did you test the door to see if it was
8 locked?

9 A. No, sir. I didn't have time to.

10 Q. But your sister had time to go lock herself
11 in the bedroom?

12 A. I believe so.

13 Q. And she was fine?

14 A. Yes, sir.

15 Q. That drawing you showed us, did that
16 include the fish tank?

17 A. No, sir.

18 Q. Point out the fish tank.

19 A. Right here.

20 Q. When you talked to Ms. Patel, you told her
21 that you understood that the guy who did that was 18
22 or 19?

23 A. Yes, sir.

24 Q. You said that you knew that because you saw
25 it on the news?

1 A. Yes, sir. I don't remember it.

2 Q. You remember telling Ms. Patel -- as we sit
3 here, you remember that you saw something because
4 you told her but at this time you don't remember, is
5 that correct?

6 A. Yes, sir.

7 Q. All right. When you called your mom, why
8 didn't you call 911?

9 A. Because I didn't know the address. I
10 didn't want to go outside of my room. I was scared.

11 Q. You called your mom?

12 A. Yes.

13 Q. When did she get there? Ten minutes after
14 that?

15 A. Yes, sir.

16 Q. Where did she work?

17 A. Pack a Sack.

18 Q. That is in Walterboro?

19 A. Yes, sir.

20 Q. You called her. She went from Pack a Sack
21 from downtown Walterboro to Ruffin?

22 A. Yes, sir.

23 Q. Before she showed up -- did she show up
24 first or did the bus driver show up first?

25 A. The bus driver was walking on the road

1 before, like right after it happened. So the bus
2 drivers were there first.

3 Q. I believe you said once it sounded like
4 everything was clear, you went and pushed your
5 grandad's body out of the and ask shut and locked
6 the door, is that correct?

7 A. Yes, sir.

8 Q. The bullet that you got shot with, that did
9 not stay in your leg?

10 A. No, sir.

11 Q. It went right there?

12 A. Yes, sir.

13 Q. Did you leave the bullet?

14 A. I didn't knew where the bullet went. I
15 didn't go look for it.

16 Q. How long did you talk to your mom?

17 A. I don't remember. The phone died.

18 Q. You were able to tell her what happened,
19 and she was trying to talk to you.

20 Did you tell her anything else?

21 A. I told her everything that happened. She
22 was talking to me and telling me not to hang up and
23 stay on the phone. And then the phone died.

24 Q. You have always been protective of your
25 little sister?

1 A. Yes, sir.

2 Q. You were relieved that she had locked
3 herself in the bathroom, right?

4 A. Yes, sir.

5 Q. I think you also told Ms. Patel that
6 initially you thought it was maybe firecrackers
7 because your grandad would light firecrackers.

8 A. Yes.

9 Q. You knew these were gunshots?

10 A. Yes, sir. Afterwards.

11 Q. Why did your sister go put herself in the
12 bathroom. She knew it was gunshots?

13 A. I am not sure. I didn't really talk to her
14 about it.

15 Q. The only place that your blood was after
16 that, was on the carpet in the picture that you
17 already showed the jury?

18 A. Yes. That I could see.

19 Q. Do you remember whether you had talked to
20 the people at SLED that led to that picture first,
21 or did you talk to Ms. Patel first?

22 A. I don't remember.

23 Q. K.W. I am handing you what has been
24 marked as Defendant's Exhibit 8 and on the other
25 side it's Court Exhibit Number 1.

1 Is that picture from the newscast that you saw
2 before you went to Ms. Patel?

3 A. I don't know.

4 Q. Could be, but you are not sure?

5 A. Yes, sir.

6 Q. That is your house on the front?

7 A. Yes, sir.

8 Q. Or the house that you were living in. On
9 the back is a picture of the fellow being arrested?

10 A. Yes, sir.

11 MR. MATTHEWS: No further questions.

12 THE COURT: Redirect.

13 ***

14 REDIRECT EXAMINATION

15 BY MS. LEGETTE:

16 Q. K.W. just briefly. The drawing that you
17 made, how were you able to make that drawing?

18 A. I was able to make that drawing because it
19 was what I saw, like the man that was standing in
20 the doorway.

21 Q. Did you see anything on the news prior to
22 making that drawing?

23 A. No, ma'am.

24 Q. The sketch artist's drawing that you made
25 number 12 --

1 A. It was what I saw.

2 Q. What you saw.

3 Thank you. No further questions.

4 THE COURT: Recross?

5 MR. MATTHEWS: No, sir.

6 THE COURT: Anything further as to this
7 witness?

8 MS. LEGETTE: Ask that she be excused.

9 THE COURT: Any objection?

10 MR. MATTHEWS: No, sir.

11 THE COURT: You may step down from the
12 witness stand.

13 THE COURT: Call your next witness.

14 MS. LEGETTE: Thank you, Your Honor. The
15 State calls Terrence Matthews.

16 THE COURT: What number, counselor?

17 MS. LEGETTE: Your Honor, Terrence is
18 number nine, Your Honor.

19 * * *

20 TERRENCE MATTHEWS

21 * * *

22 being first duly sworn, testified as
23 follows:

24 THE COURT: Come up.

25 WITNESS: Thank you, sir.

1 THE COURT: Any objection?

2 He's brought his notes. Either one of
3 you'll want to see the notes?

4 MS. LEGETTE: I don't need to see them.

5 MR. MATTHEWS: As long as I can look at
6 them at cross-examining, that's fine.

7 THE COURT: Have a seat, make yourself
8 comfortable. Pull the microphone, it's going to
9 amplify your voice. State your full name and
10 spell your last name for the Court Reporter.

11 WITNESS: Terrence Ronald Matthews, M-A-T-
12 T-H-E-W-S.

13 THE COURT: Your witness, counsel, direct
14 examination.

15 MS. LEGETTE: Thank you, Your Honor.

16 ***

17 DIRECT EXAMINATION

18 BY MS. LEGETTE:

19 Q. Good afternoon, Agent Matthews.

20 A. Good afternoon.

21 Q. Agent Matthews, tell us where you
22 currently work.

23 A. I work for the Attorney General's
24 Office as a Safety and Security Coordinate.

25 Q. Okay. And so at some point -- and how

1 long have you been doing that job?

2 A. I've been here since March.

3 Q. Since March? All right. And so prior
4 to working for the Attorney General's Office,
5 what did you do?

6 A. Yes, ma'am, so I had started my Law
7 Enforcement career with the City of Newberry in
8 2010. I left there after about five years, went
9 to work for SLED for approximately five with the
10 State, as a Crimes Investigator for the South
11 Carolina Law Enforcement Division. I left
12 there, went back to the City of Newberry. I was
13 deployed with the National Guard, and then once
14 I returned home from the Guard, did my active
15 deployment, I became a member of the Attorney
16 General's Office.

17 Q. All right, and so how long would you
18 say you've been in Law Enforcement?

19 A. For a little over 12 years.

20 Q. A little over 12 years, okay. All
21 right, and so let's talk about your duties as a
22 Crime Scene Agent, while working for SLED, as a
23 Crime Scene Agent. Can you tell us what a Crime
24 Scene Investigator, or a Crime Scene Agent does?

25 A. Yes, ma'am. So the Crime Scene

1 Investigator for SLED, the South Caroline Law
2 Enforcement Division, is a agency that responds
3 upon call, almost like a customer service
4 request. If you call us, we answer, so crime
5 scenes, canine team, SWAT teams. If it's
6 anything that the State of South Carolina needs,
7 SLED will, essentially, help fulfill that role
8 in a law enforcement capacity for agencies that
9 need assistance.

10 Myself, personally, as a Crime Scene Agent,
11 I would often respond homicides, suicides, any
12 kind of death investigations, such as State
13 House grounds, inmate deaths within prison
14 systems, incidents like this we're called in to
15 come and work as additional personnel, and help
16 out with evidence collection, and processing
17 things for items that are, you know, larger than
18 some of the Departments can handle.

19 Q. Okay. And so as it relates to the case
20 before the Court, were you working for SLED in
21 May of 2017?

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

23 Q. And, specifically, on May 16th, 2017,
24 did you have an occasion to respond to Colleton
25 County?

1 A. Yes, ma'am. We were contacted by the
2 Colleton County Sheriff's Office to respond, and
3 requested for -- at the time a multiple death
4 investigation within Ruffin, South Carolina,
5 that occurred on the 16th of May, 2017.

6 Q. All right. Can you tell us the
7 address, if you know it, that you responded to?

8 A. Yes, ma'am. The first address that we
9 responded to was a residence that was located at
10 [REDACTED] Highway, Ruffin, South
11 Carolina, 29475, zip code.

12 Q. All right, thank you. So, Agent
13 Matthews, may I call you Agent Matthews, or --

14 A. Anything works.

15 Q. All right, very well then.

16 A. Yes.

17 Q. All right, so, Agent Matthews, as a
18 Crime Scene Investigator, who responds to this
19 scene on May 16th, 2017, tell us what you do as
20 a Crime Scene Agent upon response.

21 A. So what happens is, we call -- or we
22 receive a phone call through our OD, that's,
23 essentially, a Dispatch for the SLED agency.
24 They will call, the agency will say, "Hey, we
25 need assistance involving items, and this will

1 be dealing with crimes."

2 We have a death investigation that occurred
3 at a residence, and we need Crime Scene
4 personnel to respond, to help process the scene,
5 collect evidence, and bring them back to the
6 lab, so that SLED can process it forensically
7 for anything that they may need without a court
8 order. So myself, my partner at the time,
9 Jennifer Miller, responded out here, along with
10 multiple SLED Agents from the Low Country
11 Regional Center in Walterboro to the residence.

12 Q. All right, and so tell us what you
13 surmised when you arrived?

14 A. Oh, so once we arrived on-scene, we
15 were notified of a triple homicide. The -- one
16 of the person or persons involved in the
17 incident was on the side of the roadway, and two
18 of them were at, or inside the residence. One
19 was on the front porch of the residence on Low
20 Country Highway, and one was inside in the
21 living room area.

22 Q. All right, and so as it relates to your
23 response, as a Crime Scene Investigator, is it
24 customary for you to document what you see?

25 A. Yes, ma'am. So what we do, and part of

1 the process, one we arrive on-scene, and a
2 search warrant has been presented and used, we
3 will then start collecting photographs, as they
4 are something that is not damaged, so you can
5 take a picture, it doesn't alter, or touch any
6 evidence, anything like that, so we'll take
7 those. Also after the incident, however things
8 lay out, once we arrive on-scene, it's fresh,
9 before we put down markers, before we check for
10 anything.

11 COURT REPORTER: Slow down.

12 BY WITNESS:

13 A. I'm sorry. So once we take the initial
14 photographs of the scene, then we will start to
15 process. We will collect evidence that is
16 found, we will mark it, label it, and then it
17 will be actually physically collected to be
18 returned to the lab.

19 A. All right, and so as part of this
20 process, collecting photographs, as well as
21 documenting it, and collecting evidence, do you
22 also create crime scene diagrams?

23 A. Yes, ma'am.

24 Q. All right. So in this particular case,
25 you actually arrived at the residence and find

1 the person I guess on the lawn, and the person
2 on the porch, and the person inside the house?

3 A. Yes, ma'am.

4 Q. So are you taking photographs during
5 this period of time?

6 A. Yes, ma'am. Once we arrive on-scene,
7 we photograph everything, like I said, as it
8 stands prior to. The victim was on the side of
9 the roadway, in between the sidewalk and the
10 road, had previously been covered by a blanket,
11 due to the bystanders and people passing by to
12 kind of help, you know, shield their view of the
13 incident, with other persons on -- at the
14 residence being uncovered.

15 So we photographed that to show them as
16 they sit. If there's anything documented, such
17 as EMS, prior to our arrival, they may check him
18 for signs of life, or transport them to the
19 hospital or morgue before we get there.

20 MR. MATTHEWS: No objections.

21 MS. LEGETTE: Thank you.

22 BY MS. LEGETTE:

23 Q. All right, so Agent Matthews, I'm going
24 to show you in a moment what had been previously
25 marked for identification and entered into

1 evidence, as State's Number 2, 3, 5, 6, and 9.
2 That's 2, 3, 5, 6 and 9. And I'm also going to
3 show you what has only been marked for
4 identification as State's Exhibits Numbers 13
5 through 22, and State's Exhibits 24 through 41.

6 THE COURT: Inclusive?

7 MS. LEGETTE: Inclusive.

8 BY MS. LEGETTE:

9 Q. I want you to take --

10 THE COURT: 13, 24 through 41, and what
11 else?

12 MS. LEGETTE: 13 through 22, and then --

13 THE COURT: 22?

14 MS. LEGETTE: Yes, sir.

15 THE COURT: Inclusive?

16 MS. LEGETTE: Yes, sir. And then we're
17 skipping 23, but it's 24 through 41 inclusive.

18 THE COURT: 13 through 22 inclusive, and 24
19 through 41 inclusive?

20 MS. LEGETTE: Yes, sir.

21 THE COURT: Which have not been admitted.

22 MS. LEGETTE: Which have not been admitted.

23 THE COURT: All right.

24 BY MS. LEGETTE:

25 Q. I want you to take a moment and tell me

1 if you recognize these exhibits.

2 A. Yes, ma'am.

3 MS. LEGETTE: May I approach?

4 THE COURT: You may approach. Counsel, are
5 State's Exhibits 2, 3, 5, 6 and 9 have
6 previously been admitted into evidence in the
7 trial of this case?

8 MS. LEGETTE: Yes, Your Honor.

9 THE COURT: All right. All right, so
10 you're inquiring about proposed Exhibit 13
11 through 22 inclusive, and 24 through 41
12 inclusive?

13 MS. LEGETTE: That's correct, Your Honor.

14 THE COURT: Proceed.

15 BY MS. LEGETTE:

16 Q. Agent Matthews, do you recognize
17 State's Exhibits Numbers 2, 3, 4, 5 and 6, as
18 well as 13 through 22, and 24 through 41?

19 A. Yes, ma'am, these are all items that
20 were collected on-scene by myself and Agent
21 Miller.

22 Q. And are State's Exhibits Numbers 2, 3,
23 4, 5 and 6, as well as 13 through 22, and 24
24 through 41 a fair and accurate reflections of
25 the scene, at the Low Country address that you

1 responded to on May 16th, 2017?

2 A. Yes, ma'am, they are.

3 Q. And have they been changed or altered
4 in any way? No?

5 A. No, ma'am, not besides the State's
6 Exhibits tag on the exterior of the photograph.

7 MS. LEGETTE: At this time, Your Honor, I
8 would offer for admission into evidence State's
9 Exhibits Numbers 2, 3, 5, 6, 9 and 13 through
10 22, and 24 through 41.

11 THE COURT: Counsel as to 13 through 22
12 inclusive, 24 through 41 inclusive?

13 MR. MATTHEWS: Without objection, Your
14 Honor.

15 (State's Exhibits 2, 3, 5, 6, 9, 13 - 22
16 and 24 - 41 were admitted.)

17 THE COURT: Ladies and Gentlemen of the
18 jury, State's Exhibits Number 13, 14, 15, 16,
19 17, 18, 19, 20, 21 and 22 will be admitted into
20 evidence without objection. Also, State's
21 Exhibits 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
22 34, 35, 36, 37, 38, 39, 40 and 41 will be
23 admitted into evidence without objection. You
24 may publish to the jury.

25 MS. LEGETTE: Thank you, Your Honor.

1 Begging the Court's indulgence, I'm looking for
2 my pointer, has anyone seen it? Thank you.

3 BY MS. LEGETTE:

4 Q. Agent Matthews, that pointer right
5 there, I will ask you to use that, the little
6 red button in the middle, point there, and
7 you'll be pointing at the screen. Thank you,
8 sir.

9 THE COURT: Now, just so you know 14's
10 already admitted into evidence.

11 MS. LEGETTE: Indeed, Your Honor, I
12 apologize to the Court. Yes, sir, thank you.

13 BY MS. LEGETTE:

14 Q. All right, so I'm going to approach you
15 and get the exhibits.

16 MS. LEGETTE: Your Honor, may I approach?

17 THE COURT: Yes.

18 MS. LEGETTE: May I approach?

19 THE COURT: You may.

20 MS. LEGETTE: Thank you.

21 BY MS. LEGETTE:

22 Q. And just, briefly, you also indicated
23 that you documented what you saw inside the
24 residence at the Low Country address by the
25 crime scene sketch, or crime scene diagram.

1 A. Yes, ma'am. As it is with all crime
2 scenes, it's documented with photographs, a
3 sketch, and sometimes other things as well.

4 Q. All right, I'm gonna hand you what's
5 been previously entered into evidence, as
6 State's Exhibit Number 140. Take a moment and
7 tell me if you recognize State's 140.

8 MS. LEGETTE: May I approach?

9 THE COURT: I'm sorry, Solicitor, I was
10 working on my exhibits. Could you repeat that,
11 please?

12 MS. LEGETTE:

13 BY MS. LEGETTE:

14 Q. I'm gonna hand you in a moment what's
15 been previously marked for identification, as
16 State's Number 140. Please take a moment and
17 tell me if you recognize State's 140 previously
18 admitted into evidence.

19 MS. LEGETTE: May I approach?

20 THE COURT: You may approach. I have 140
21 in evidence, Solicitor. It's not marked for
22 identification; is that correct, Kym?

23 COURT REPORTER: Yes. Yes, sir.

24 THE COURT: 140 is in evidence, Solicitor.

25 MS. LEGETTE: Yes, sir, Your Honor.

1 BY MS. LEGETTE:

2 Q. Do you recognize State's 140?

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

4 Q. And what is State's 140?

5 A. 140 is the crime scene sketch that I
6 usually create for a crime scene.

7 Q. And is it a fair and accurate
8 reflection of that crime scene that you saw on
9 May 16th, 2017?

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

11 Q. Thank you.

12 MS. LEGETTE: May I approach to get the
13 exhibit back?

14 THE COURT: You may.

15 MS. LEGETTE: Thank you.

16 BY MS. LEGETTE:

17 Q. All right, Agent Matthews, I will
18 direct your attention to your left, and we're
19 gonna go through State's Exhibits that we
20 discussed.

21 A. Yes, ma'am.

22 Q. All right, so please feel free to use
23 your pointer. I hand you now this is State's
24 Number 2. Are you able to see that?

25 A. Yes, ma'am.

1 Q. All right, so what do we see in State's
2 Number 2?

3 A. State's Number 2 would be the victim,
4 V.M. [REDACTED] as he was covered, when we
5 arrived on-scene.

6 Q. All right, and so did you do anything
7 to document any evidence collection, or did you
8 collect any evidence from V.M. [REDACTED]

9 A. At the initial time of the scene, no,
10 ma'am, we did not. There's several items in
11 evidence that are collected from all persons
12 that are involved in the incident once they go
13 to autopsy.

14 So the only thing that was collected from
15 him, at the time, was a GSR kit, due to him
16 being involved in a shooting incident, if it was
17 going to be present on his hands or person.

18 Q. All right, and did you collect that
19 gunshot residue kit yourself?

20 A. Yes.

21 Q. You or your partner?

22 A. Myself and Agent Miller.

23 Q. All right, and so now I'm gonna show
24 you State's 3. Are you able to see what's in
25 State's 3?

1 A. Yes, ma'am, that would be the front
2 entryway of the residence, as well as Phillip
3 Miller within the front of the doorway, just
4 before the threshold.

5 Q. Very good.

6 A. Yes, ma'am.

7 Q. And, now, in State's Number 5, what are
8 we seeing in State's Number 5?

9 A. That would be the bloodletting incident
10 that was involved on the Toyota Avalon within
11 front of the residence.

12 Q. When you say bloodletting, what do you
13 mean by that?

14 A. With the blood that is observed on the
15 front of the vehicle, as well as within the
16 roadway.

17 Q. Can you point to it?

18 A. Yes, ma'am.

19 Q. Are you able to tell us anything about
20 this bloodletting, based on what you're
21 visualizing in State's Exhibit Number 5?

22 A. Yes, ma'am. So do you see the large
23 volume of blood here on the front, the hood, and
24 within the drip trail on the road? It shows
25 that it was a larger bloodletting incident from

1 a higher impact wound.

2 So that would cause a higher bloodletting
3 in the trunk area of the body, in which blood is
4 going to come more profusely, such as an artery,
5 vein, something larger than just a superficial
6 wound or scratch.

7 Q. All right, and are you able to tell if
8 the person is moving, based on the bloodletting
9 you see here?

10 A. Yes, ma'am. You can follow a
11 bloodletting incident within the roadway, the
12 drip trail -- with drip it's harder to tell,
13 just because of the substrate of the roadway is
14 porous, so you can't tell --

15 COURT REPORTER: Slow down.

16 BY WITNESS:

17 A. I apologize. With the previous
18 photograph of the front porch, there's blood
19 that comes down the front porch, onto the front
20 walkway, which is all concrete, so it is the
21 blood, as well as the roadway around the
22 vehicle; and then there are also additional
23 photographs to show where the blood goes around
24 the driver's side of the vehicle, to the rear of
25 the vehicle.

1 Q. And I believe you just mentioned that,
2 and this is going to be State's Number 6. All
3 right, so in State's Number 6 are you able to
4 see what's in State's 6?

5 A. Yes, ma'am. You can see where the
6 bloodletting comes through here, crosses the
7 white line, and also comes into the roadway
8 adjacent from the side of the road.

9 Q. All right. And I believe this is
10 State's Number 16.

11 A. Yes, ma'am. So if you look, that will
12 be the front driver's side corner of the
13 vehicle. That corner point with the front
14 driver's side tire being there, and you can see
15 the bloodletting as it goes around, actually,
16 touches the white line mark on the roadway
17 against the rear of the vehicle.

18 Q. And we're going to slow down for our
19 Court Reporter, to get everything down. And I'm
20 going to show you now, this is going to be
21 State's Number 9. Tell us what we see in
22 State's Number 9.

23 A. Yes, ma'am. So that would be the third
24 victim, Lori Miller, inside of the residence,
25 with her body placed within the hallway, also

1 living room of the residence inside.

2 Q. And moving forward now to State's
3 Number 13.

4 A. Yes, ma'am, so that would be another
5 vehicle, same -- as well as the same white
6 Toyota Avalon with the bloodletting incident
7 right there at the rear of the vehicle, you can
8 see it above the driver's side rear taillight,
9 as well as around the back of the vehicle on the
10 ground.

11 Q. All right. And, now, this is State's
12 Number 15. What are we seeing in State's 15?

13 A. Yes, ma'am. This would be one of our
14 larger overall views of the front of the
15 roadway, as we arrived on-scene, and the
16 incidents had occurred.

17 Q. All right, and so I'm going to direct
18 your attention on State's Number 15, this is
19 that same Avalon are you talking about?

20 A. Yes, ma'am.

21 Q. All right, and so back here in this
22 corner area right here, you indicated earlier in
23 your testimony that there was another victim
24 outside on the lawn.

25 A. Yes, ma'am, even though it's harder to

1 see, just due to the time of day in the
2 photograph of the incident, but that area is
3 lighter within the grassy area, is where V.M. [REDACTED]
4 [REDACTED] was.

5 Q. Okay. So he actually runs -- it
6 appeared that he goes around this car, and
7 collapses here behind the car on the lawn?

8 A. Yes, ma'am. From the bloodletting
9 incident, what can be assumed is, that he
10 traveled outside of the residence, down the
11 porch, across the concrete area into the
12 roadway, around the driver's side of the Toyota
13 Avalon, comes back onto the area in between the
14 sidewalk and the road, and he collapses.

15 Q. All right, and, now, in State's Number
16 17.

17 A. So that would be the bluer --
18 blueish/green color Jaguar. If you're looking
19 at the front of the residence, that would be
20 parked in the driveway to the left of the
21 entrance.

22 Q. Okay. And were you able to determine
23 whose car that was, at some point, after your
24 investigation, or during your investigation?

25 A. They told us that during the

1 investigation, that they had checked the plates,
2 as well as the paperwork within that vehicle,
3 and that belonged to Mr. Miller, or Phillip
4 Miller.

5 Q. Thank you. And so now in State's
6 Number 18.

7 A. That would be a closeup of the stairs,
8 as well as the entryway to the residence, where
9 you can see a large bloodletting area between
10 the ground here, the porous area, as well as
11 some on the steps.

12 Q. And this is State's 19.

13 A. Yes, ma'am. That would be Mr. Miller
14 covered up by the sheet in the front entryway of
15 the residence.

16 Q. And this is State's 20.

17 A. That would show, again, Mr. Miller, as
18 well as a small area of bloodletting here, and
19 bloodletting within the interior of the
20 residence through the threshold.

21 Q. Okay. This is State's 21, it's a
22 little dark I know.

23 A. Yes, ma'am. So what we do, upon
24 arrival, to show everything, and also show
25 anything that may occur on the entryway, we will

1 photograph it within the interior of the
2 residence, but also to show the doorways and the
3 threshold, to see if any forced entry was done,
4 and it did not appear on this one, that any
5 forced entry was used to go within the
6 residence.

7 Q. I notice the dark area, it appears to
8 be in State's Number 21 appears to be something
9 like a blanket or a sheet, and there's a dark
10 area underneath. What is that?

11 A. Yes, ma'am. They have a large L-shaped
12 sectional couch, so that would be the sectional
13 couch with the white blanket or throw on top of
14 it.

15 Q. All right, now this is State's Number
16 22.

17 A. Yes, ma'am. So this is a view from the
18 living room of the inside of the residence, that
19 shows the of the bloodletting full of blood in
20 the entryway foyer, within the foyer, and also
21 the living room.

22 Q. All right, and over here on this -- I
23 guess left area of State's Number 22, this is
24 that same couch you just discussed in 21, here
25 in this area?

1 A. Yes, ma'am.

2 Q. Okay. All right, now in State's Number
3 24?

4 A. State's Number 24 would be the bed
5 within the far left bedroom of the residence.

6 Q. Okay. And, now, what's in this
7 photograph? What are you seeing? What appears
8 to be in this photograph?

9 A. Yes, ma'am. The view of this
10 photograph you can see just the small
11 bloodletting area right here on the bed.

12 Q. And does this appear to be a phone?

13 A. Yes, ma'am.

14 Q. All right, now State's Number 25?

15 A. That is a large pot of marijuana within
16 a standing shower, and then the rear room of the
17 residence.

18 Q. All right, now in State's Number 26?

19 A. So this is an area, the doorway of the
20 residence would be to the left --

21 Q. Okay.

22 A. -- and this is showing -- we located by
23 the cell phone, and they were later marked as
24 the two cartridge cases that were on the ground
25 here next to the chair and kind of underneath

1 the chair.

2 Q. All right, so if we're looking at
3 State's Number 26, and this chair on the front
4 porch, I'm gonna show you now State's Number 3
5 again. Can you point out where this chair is on
6 this porch?

7 A. Yes, ma'am.

8 Q. All right, and so back to State's
9 Number 26, I think you discussed the phone. Was
10 that phone collected as part of your
11 investigation?

12 A. Yes, ma'am, it was.

13 Q. And did you collect it, or did someone
14 from the Sheriff's Office?

15 A. No, the Sheriff's Office collected it,
16 so that it could be processed.

17 Q. All right, State's Number 27?

18 A. That would be the crime scene markers
19 that we used to mark to indicate evidence that
20 we are going to collect, so that would show the
21 bloodletting incident, as well as the cartridge
22 case that was observed on the ground in front of
23 the porch.

24 Q. All right. And I believe Number 28
25 might be a closer view?

1 A. Yes, ma'am, so it's part of the
2 photographs, as I said earlier. We take an
3 overall, and then we do a mid-range photograph,
4 and then a closeup just to show where it is in
5 relation, because with all the sketching and
6 everything else we do, we also do approximate
7 distances to show where it is in relation, so
8 that if the scene needs to be recreated, or
9 someone needs to know where it is, in scale,
10 with the residents after, then we will have it
11 documented.

12 Q. Slow down a little bit.

13 A. Yes, ma'am.

14 Q. I do the same thing, sorry. All right,
15 so in State's Number 29, what are we seeing in
16 State's 29?

17 A. That is the same item and area, but
18 with marker two and three indicating cartridge
19 cases that were observed on the front porch of
20 the residence.

21 Q. Okay. And this is State's Number 30.

22 A. That would be a closeup of marker
23 number two with the cartridge case.

24 Q. All right, and so did you collect these
25 cartridge cases also?

1 A. Yes, ma'am.

2 Q. All right, and this is going to be
3 State's Number 31.

4 A. That is just a secondary view, just to
5 show where it was, in relation to the other
6 items at the scene for measurements before
7 collection.

8 Q. All right, and these particular
9 cartridge cases are all on the front porch, and
10 they're near that same chair with that cell
11 phone?

12 A. Yes, ma'am.

13 Q. All right, now moving our attention to
14 State's Number 32.

15 A. So this would be a mid-range photograph
16 collected of items four, five and six, that are
17 all three additional cartridge cases that were
18 observed, and later collected within the
19 residence.

20 MS. LEGETTE: Begging the Court's
21 indulgence, having technical difficulties.

22 BY MS. LEGETTE:

23 Q. Agent Matthews, I apologize, we're
24 trying to see if this could be a little bit
25 brighter, but are you able to see what's in

1 State's Number 32?

2 A. Yes, ma'am, that would be a television
3 that is sitting on the ground, as well as marker
4 number four, five and six, that are all marked,
5 indicating cartridge cases that were later
6 collected.

7 Q. Okay. And we're also seeing, I
8 believe, bloodletting here?

9 A. Yes, ma'am.

10 Q. All right, and as to State's Number 33?

11 A. That would be the up close photograph
12 of marker number six, as well as the cartridge
13 case.

14 Q. And State's 34?

15 A. Would be marker number seven, that
16 indicates a cartridge case to the right, or,
17 excuse me, to the left of the entryway of the
18 residence.

19 Q. So right here to the right in State's
20 Number 34 is the front door?

21 A. Yes, ma'am.

22 Q. All right, and then State's Number 35?
23 What can you tell us about State's 35?

24 A. State's Number 35, I believe, is the
25 mark -- well, prior to marking the defect of the

1 rear back room door, well, I say rear, but
2 within the entry way to the end of the hallway
3 would be the back room door of the residence,
4 and it was found, marked projectile.

5 Q. All right. Now, as to State's 36?

6 A. Yes, ma'am. That would be a larger
7 view of the doorway and door of the back room,
8 as it was found.

9 Q. Okay.

10 A. It's hard to tell, I apologize, it's
11 hard to tell on that photograph. We have one
12 that comes in more, but there's actually a fired
13 projectile here lying on the ground that was
14 observed, so once we opened the doorway we left
15 it there prior to marking.

16 Q. All right, so I zoomed in, so you're
17 able to actually see it in State's Number 30?

18 A. Yes, ma'am.

19 Q. And this is State's Number 37.

20 A. And that would be a zoomed in
21 photograph, oh, excuse me, photograph of the
22 fired projectile.

23 Q. Okay. And this is State's 38.

24 A. That was a larger view of the hallway,
25 as well a -- I believe that's fish tank leading

1 to the restroom.

2 Q. And State's 39?

3 A. That would be with marker place number
4 eight of the fired projectile within that rear
5 restroom of the house.

6 Q. All right, so State's 39 correlates to
7 State's Number 38, what we just saw?

8 A. Yes, ma'am.

9 Q. All right. All right, now in State's
10 Number 40?

11 A. State's Number 40 would be a cartridge
12 case that was observed on the couch, and then
13 marked with marker number nine, within the
14 living room of the residence.

15 Q. Okay. All right, and then this is
16 State's Number 41.

17 A. Ten would show the area, where that
18 small child's desk is, just to the right of that
19 would be the end of the L-shaped sectional
20 couch. Ten is to the far right of that living
21 room area, and a cartridge case was marked and
22 collected.

23 Q. All right, so if I zoom in here, this
24 is the cartridge case right here in front of the
25 television?

1 A. Yes, ma'am, right.

2 Q. Can you tell us, in total, how many
3 cartridge cases were collected?

4 A. Ten total.

5 Q. And then you also indicated from the
6 marker eight there was a projectile that was
7 collected as well?

8 A. Yes, ma'am.

9 Q. All right, now I want to show you
10 State's Number 140, this is -- what is this?

11 A. That would be the sketch that was
12 created of the interior of the residence, to
13 show an approximate area of where all the items
14 were, in relation to the scene itself.

15 Q. All right, so if we zoom in here, I
16 think we just went through these photographs.
17 So if you'll start with, I guess, Number --
18 well, if you'll start with, yeah, I guess the
19 front door what we're seeing.

20 A. Yes, ma'am. So markers one through
21 three were on the exterior of the residence, as
22 well as seven, which is on an additional sketch,
23 but this sketcher shows marker four, five, six,
24 nine, ten, eight, 11 and 12, as they were marked
25 within the scene, as well as measured.

1 MS. LEGETTE: Begging the Court's
2 indulgence.

3 BY MS. LEGETTE:

4 Q. Agent Matthews, I'm gonna also show you
5 what's been previously marked for
6 identification, State's Number 147. I want you
7 to take a moment, and tell me if you recognize
8 State's 147.

9 A. Yes, ma'am.

10 Q. All right, Agent Matthews, I'm gonna
11 hand you now what's been previously marked for
12 identification, as State's 147.

13 MS. LEGETTE: It has not been on the list,
14 Your Honor, for some reason.

15 BY MS. LEGETTE:

16 Q. But State's Number 147, take --

17 THE COURT: 147?

18 MS. LEGETTE: Yes, sir, it's not yet on the
19 list. I neglected to put it on the list.

20 THE COURT: Mr. Matthews

21 MR. MATTHEWS: No objection, Your Honor.

22 THE COURT: Show it to the witness.

23 MS. LEGETTE: Yes, Your Honor.

24 BY MS. LEGETTE:

25 Q. Take a moment and tell me if you

1 recognize State's 147.

2 MS. LEGETTE: May I approach?

3 BY WITNESS:

4 A. Yes, ma'am. This would be the exterior
5 sketch that I created of the incident.

6 Q. And is State's 146 a -- I'm sorry, 147?

7 A. 147.

8 Q. 147, is it a fair and accurate
9 reflection of the crime scene sketch, the
10 diagram that you created on or about May 16th,
11 2017 at that location?

12 A. Yes, ma'am.

13 Q. Has it been changed or altered in any
14 way?

15 MS. LEGETTE: At this time, Your Honor, I
16 would offer for admission into evidence State's
17 Number 147.

18 THE COURT: As to 147, Mr. Matthews?

19 MR. MATTHEWS: Without objection, Your
20 Honor.

21 (Exhibit 147 admitted.)

22 THE COURT: Ladies and Gentlemen of the
23 jury, State's Exhibit 147 will be admitted into
24 evidence in the trial of this case without
25 objection. You may publish 147 to the jury.

1 MS. LEGETTE: May I approach?

2 THE COURT: You may.

3 MS. LEGETTE: Thank you.

4 BY MS. LEGETTE:

5 Q. Agent Matthews, I show you now State's
6 147. Can you tell us, briefly, what we're
7 seeing in State's Number 147?

8 A. Yes, ma'am. 147 would be the exterior
9 sketch of the residence, as well as the location
10 of the vehicle, and location of both Phillip
11 Miller and V.M. [REDACTED] as they appeared upon
12 arrival on the incident location.

13 Q. All right, and so I believe there's a
14 Number 7 and Number 3 and Number 2 up here.

15 A. Yes, ma'am, those would be the
16 indications for the markers, as to which they
17 were placed for measurement purposes.

18 MS. LEGETTE: Can we bring the lights back
19 up?

20 BY MS. LEGETTE;

21 Q. Agent Matthews, you indicated earlier,
22 during your testimony, that you collected items
23 of evidence. You also indicated that you
24 collected some cartridge cases?

25 A. Yes, ma'am.

1 Q. And what other items of evidence did
2 you collect, while you were physically at the
3 scene at [REDACTED] Highway?

4 A. So we have the ten cartridge cases, one
5 fired projectile, one area of suspected blood,
6 that was two swabs were collected from the area
7 at marker 11, within the inside of the
8 residence. We then collected multiple swabs of
9 different areas of suspected blood within the
10 interior of the residence, as well as exterior,
11 and the items were collected by the Colleton
12 County Sheriff's Office.

13 Q. All right. So you, personally,
14 yourself, collected the shell casings, or did --

15 A. Yes, ma'am.

16 Q. And did you also collect the bullet?

17 A. Yes, ma'am.

18 Q. You also indicated about GSR kits that
19 were collected.

20 A. Yes, ma'am. All three victims had a
21 GSR it, gunshot residue kit, completed on them,
22 and was collected, and marked, timestamped, as
23 well.

24 Q. Great job. All right, Agent Matthews,
25 I'm going to hand you now what's been pre-marked

1 for identification as State's Number 61, 62 and
2 139. Please take a moment, and tell me if you
3 recognize State's Number --

4 THE COURT: What Numbers, Solicitor?

5 MS. LEGETTE: 61, 62 and 139.

6 THE COURT: You may approach.

7 BY MS. LEGETTE:

8 Q. Take a moment and tell me if you
9 recognize State's Number 61, 62 and 139.

10 A. Yes, ma'am. Yes, ma'am, I recognize
11 all these items.

12 Q. And what are State's Exhibits Number
13 61, 62 and 139?

14 A. 61 is a collection of the cartridge
15 cases that were collected on-scene. They're all
16 marked, identified, as well as initialed with my
17 initials on there, and signature for submission,
18 as well as 62, which is a fired projectile, and
19 139 would be the three gunshot residue kits
20 collected from the three victims, Phillip,
21 V.M. [REDACTED] and Lori [REDACTED].

22 Q. And, Agent Matthews, are State's
23 Exhibits Number 61, 62 and 139 in substantially
24 the same condition today, as when you collected
25 them from the location at [REDACTED] [REDACTED] [REDACTED]

1 Highway on or about May the 16th, 2017?

2 A. Yes, ma'am, they appear to be.

3 Q. And have they been changed or altered
4 in any appreciable way?

5 A. Once they are opened and processed to
6 be collected, they are removed, resealed and
7 then initialed by the lab examiner that used
8 them, but outside of the lab examination, no,
9 ma'am, I do not see any alteration of
10 appearance.

11 Q. Thank you.

12 MS. LEGETTE: At this time, Your Honor, I
13 would offer for admission into evidence State's
14 Number 61, 62 and 139.

15 MR. MATTHEWS: Without objection.

16 THE COURT: As to 61, 62 and 139, Mr.
17 Matthews?

18 MR. MATTHEWS: Without objection, Your
19 Honor.

20 (Exhibits 61 - 62 and 139 admitted.)

21 THE COURT: Ladies and Gentlemen of the
22 Jury, State's Exhibits 61, 62 and 139 will be
23 admitted into evidence in the trial of this case
24 without objection. You may publish to the jury,
25 Solicitor.

1 MS. LEGETTE: May I approach? Can you dim
2 the lights?

3 BY MS. LEGETTE:

4 Q. All right, Agent Matthews, this is
5 State's Number 62 just admitted into evidence.
6 Tell us what this is.

7 A. Yes, ma'am. So that would be a fired
8 projectile that was collected from marker number
9 eight. If you flip over the item in question,
10 it shows what it is, one fired projectile
11 collected from marker eight, with the date,
12 time, as well as my initials. And then once we
13 come back to the lab, it's then -- the lab
14 number is assigned to it, as well as initialed
15 the secondary time, just to show who initiates,
16 both of which times are myself.

17 Q. All right. And, now, Agent Matthews,
18 I'm going to show you State's Number 62, which
19 is actually a box, I'm sorry, 61, that is
20 actually a box. All right, this is actually in
21 a box, and this is said to contain what?

22 A. That would contain the ten spent
23 cartridge cases that were observed, marked and
24 collected from the scene on -- in Ruffin, South
25 Carolina.

1 Q. All right, so I am now taking out what
2 the contents of 61 are, and these items of
3 evidence are sub-marked, coming out of that box,
4 and they are sub-marked as State's Exhibits
5 Number 61.1, 61.2, 61.3, 61.4, 61.5, 61.6, 61.7,
6 61.8, 61.9, and I believe 61.10, which is ten.
7 So, Agent Matthews, just tell us briefly what
8 we're seeing.

9 A. Yes, ma'am, that would be the envelope,
10 as well as the fire cartridge case that was
11 located within the residence, and also on the
12 front porch of the residence at the time of the
13 incident, that were all collected, marked on the
14 other side of the envelope, just as 62 was, and
15 then placed inside for forensic processing.

16 Q. All right, now turning them over now,
17 the contents of item 60, sorry, Exhibit 61, and
18 so we're gonna see your handwriting?

19 A. Yes, ma'am.

20 Q. And, finally, Agent Matthews, with
21 regards to State's Exhibit Number 139.

22 A. State's Number 139 would be the three
23 gunshot residue kits collected from the victims,
24 Phillip, V.M. [REDACTED] and Lori [REDACTED].

25 Q. All right. And you're able to

1 recognize your signature as it appears on here
2 as well?

3 A. Yes, ma'am, both my badge number, as
4 well as signature, and the lab number, and the
5 initials are marked on all three bags.

6 Q. And once you collected State's Numbers
7 61, 62 and 139, what did you do with them?

8 A. Yes, ma'am. So they're collected,
9 brought back to the lab, placed within a secured
10 evidence area. Once they are placed within the
11 computer system that we use to allocate items to
12 different areas, they are then sent through the
13 Evidence Control for forensic processing.

14 Q. Agent Matthews, you collected all these
15 items from the scene at [REDACTED]
16 Highway. Were you also able to collect any
17 other items of evidence that anyone else
18 provided, or gave to you?

19 A. Yes, ma'am, we were. I was provided
20 several items from Investigator King at the
21 initial incident, as well as two other times, in
22 which we were called to respond for evidence and
23 processing.

24 Q. And, specifically, did you ever receive
25 any items from the autopsy?

1 A. Yes, ma'am, we did. The autopsies were
2 conducted out of MUSC. Those items were turned
3 over, I believe, to Investigator King, and then
4 turned over to myself.

5 Q. Investigator King?

6 A. Yes, ma'am, on the 22nd I received the
7 -- several items from Investigator King, as well
8 as the autopsy items, some clothing that was
9 involved in the incident, and on the 22nd I
10 received some items from Steve Bazzle as well.

11 Q. All right, and so I'm gonna hand you
12 now what's been previously marked as State's
13 Number 123 and State's Number 120. Please take
14 a moment and tell me if you recognize State's
15 123 and 120.

16 MS. LEGETTE: May I approach, please?

17 THE COURT: You may.

18 BY MS. LEGETTE:

19 Q. All right, Agent Matthews, I believe
20 that was State's Exhibit 120 and 123.

21 A. Yes, ma'am.

22 Q. Are you able to recognize State's 120
23 and 123.

24 A. Yes, ma'am. State's 120 would be the
25 fired projectiles that were recovered during

1 autopsy at MUSC from the victims, and State's
2 Number 123 would be the blood spot for V.M.
3 [REDACTED].

4 Q. And you are able to recognize those
5 items, because how?

6 A. Yes, ma'am. So once they are turned
7 over to myself, just as in the items that we did
8 earlier, 61, 62 and others, they are documented
9 with both the lab number, item number, as well
10 as my initials, showing that we are the person
11 that places them in evidence.

12 Q. All right, so it is your signature
13 actually here on the bags, on State's Exhibit
14 120 and 123?

15 A. Yes, ma'am.

16 Q. Thank you. I'll take those back.

17 THE COURT: Are you offering them?

18 MS. LEGETTE: I'm not, Your Honor, I'm just
19 -- they are ID only.

20 THE COURT: Proceed.

21 MS. LEGETTE: May I approach? May I
22 approach?

23 BY MS. LEGETTE:

24 Q. Agent Matthews, you also spoke about
25 having received some items of clothing from, I

1 believe it was Mr. Steve Bazzle from the
2 Colleton County Sheriff's Office?

3 A. Yes, ma'am. On the 22nd I received a
4 brown bag containing a necklace and watch, a
5 separate brown bag containing shoes and socks,
6 one brown bag containing a black tee-shirt, one
7 brown bag containing red pants and a belt, and
8 one brown bag containing a napkin with blood,
9 and all of these items were previously collected
10 from the suspect, identified as Kenneth
11 Mar'Keith Chisholm.

12 Q. So in a moment I'm going to hand you,
13 what I've shown counsel, and have been pre-
14 marked as State's Exhibit Number 63 and 64.
15 Take a moment and tell me, if you recognize
16 State's 63 and 64.

17 MS. LEGETTE: May I

18 THE COURT: You may approach.

19 BY WITNESS:

20 A. Would you like me to remove them from
21 the bag?

22 Q. If you have to, that's fine --

23 A. Okay.

24 Q. -- but you need some gloves.

25 A. Yes, please. Thank you. Thank you,

1 ma'am. Item Number 64 is a gold in color watch,
2 you call a necklace. Item Number 63 is going to
3 be shoes and socks. It's a black and gray Air
4 Jordan shoe, as well as gray socks within shoes,
5 and they are marked with both the lab number,
6 item number within the lab, and then the person
7 who processed them.

8 Q. Agent Matthews, go ahead.

9 A. Yes, ma'am.

10 Q. And, Agent Matthews, you actually
11 collected items 62, I'm sorry, 63 and 64 from
12 Sergeant Steve Bazzle from Colleton County
13 Sheriff's Office, and you were actually able to
14 bag those items and put your initial and date on
15 them?

16 A. Those items were previously bagged by
17 the Colleton County Sheriff's Office, and due to
18 the evidence preservation and to not mishandle
19 them, since they were already bagged and sealed,
20 at the time, by the Colleton County Sheriff's
21 Office, it was only indicated with the chain of
22 custody paperwork, and that they were
23 documented.

24 Q. All right, and are they in
25 substantially the same condition today, as when

1 you previously saw them in turning them over to
2 SLED?

3 A. Yes, ma'am. Just as the other items,
4 once they are processed, they are opened, then
5 it's marked, and the persons who process at the
6 time mark those items as well, to show that they
7 have been used, and that is the correct item
8 placed into the report.

9 Q. And as far as you can tell, they have
10 not been changed or altered in any way, as it
11 relates to State's Exhibit 63 and 64?

12 A. No, ma'am, they do not appear to be.

13 MS. LEGETTE: Begging the Court's
14 indulgence.

15 BY MS. LEGETTE:

16 Q. You also --

17 THE COURT: Are you offering 63 and 64, at
18 this time?

19 MS. LEGETTE: I am not, Your Honor.

20 THE COURT: Very well.

21 MS. LEGETTE: ID only.

22 BY MS. LEGETTE:

23 Q. Agent Matthews, were you also asked to
24 come down to the Colleton County Sheriff's
25 Office in Colleton County to process any other

1 items for any other crime scenes?

2 A. Yes, ma'am, on the 22nd we responded to
3 2008 West Washington Street in Walterboro, to
4 process a vehicle involved in the incident, as
5 well as on June 1st, 2017, again, to 2008 West
6 Washington Street to process an additional
7 vehicle.

8 Q. And the items of evidence that you
9 collected from those two vehicles would have
10 been what?

11 A. The vehicle on the 22nd was processed
12 with black powder, and was reliability tested on
13 5/22/2017 and found to be reliable working, and
14 then the exterior of the vehicle was processed
15 with latent print, was scaled and photographed;
16 therefore, digitally collected, as well as a
17 list print card collected. Two latent prints
18 were scaled and photographed on the front
19 passenger door side trim, photographed, and then
20 collected on a latent print card, as well as
21 four sets of swabs, collected from the interior
22 of the vehicle.

23 Q. And the vehicle that you processed?

24 A. The vehicle in question would be the
25 1994 green in color Jaguar XS, it's -- that was

1 initially observed at the time of the incident
2 to be parked in the driveway to the left of the
3 residence.

4 On the 1st of June 2017 we processed a 2007
5 blue in color Toyota Camry. We collected
6 photographs. It was searched for items
7 allegedly which were found, yielding negative
8 results. Then we used Blue Star, Blue Star is a
9 chemical luminescent that reacts to the
10 hemoglobin within blood on dark and porous
11 substrates, such as a car interior, or
12 carpeting, dark clothing, to where blood may not
13 be prevalent to be seen with the naked eye. It
14 was mixed, found to be reliable on the 1st of
15 June, 2017.

16 The interior of that blue Camry was
17 processed, and two areas were found to be
18 positive, which showed that they have a reaction
19 to possible hemoglobin within suspected blood,
20 and collected from the interior of the rest of
21 the vehicle.

22 Q. And those items were turned over to
23 SLED as well?

24 A. Yes, ma'am.

25 Q. And beyond that, Agent Matthews, did

25	Q. What's DNA look like?
----	--------------------------

1 A. DNA comes in multiple forms, most of
2 which is, you know, when you think of blood and
3 other items that can show items of DNA, saliva,
4 semen, bodily fluids. It can also be
5 represented in touch, such as sweat and other
6 things, but for the most part it's hard to see
7 with the naked eye.

8 Q. Okay. So you can have DNA on something
9 and not see the result of it, right? I mean you
10 can see the result, you take a swab and there
11 might not be anything that you can see, but you
12 take a swab in a place, where the DNA might
13 likely be, and then you put it in the little
14 envelope, and you send it off and say, "Does
15 this have any DNA on it?" You can't tell,
16 because the swab's just white, right?

17 A. That's correct, sir.

18 Q. Okay. You'all just have one kind of
19 swab, right? It's one -- like a half of a Q-
20 Tip, but a little longer, right?

21 A. Yes, sir.

22 Q. Okay. Could you just have different
23 color stems, if you wanted to, like say one for
24 victims, one for unknown, one for suspect; could
25 you do that, if you wanted to?

1 A. Yes, sir.

2 Q. But you don't?

3 A. No, sir.

4 Q. Okay. So a swab that you take, or a
5 swab that the Sheriff's Office takes is gonna
6 look exactly the same, no matter what you've
7 taken a swab of?

8 A. As far as just the swab itself?

9 Q. The swab itself.

10 A. Yes, sir, they can be the same.

11 Q. Okay, and that's why you take such
12 care, to make sure that -- because it looks the
13 same, takes care to fold it up, put it right,
14 and keep it in the chain properly, right?

15 A. Yes, sir.

16 Q. Okay. Now, you wouldn't do this, but
17 if somebody were -- just someone else, could
18 they take a swab of blood from one place, and
19 put it on like say a shoe, another place?

20 A. Yes, sir, that's possible.

21 Q. Okay, and because they're white swabs,
22 they're white swabs?

23 A. That's correct, sir.

24 Q. There was a lot of blood on the scene,
25 wasn't there?

1 A. Yes, sir.

2 MR. MATTHEWS: May I approach, Your Honor?

3 THE COURT: You may.

4 MR. MATTHEWS: Thank you.

5 THE COURT: What number?

6 MR. MATTHEWS: This is Number -- State's

7 19, Your Honor.

8 BY MR. MATTHEWS:

9 Q. Agent --

10 THE COURT: In evidence.

11 BY MR. MATTHEWS:

12 Q. Agent Matthews, I'm handing you what's
13 been marked as State's 19. You've previously
14 identified that. Is that a picture looking down
15 the hall straight down at the scene?

16 A. It's a partial angle, just due to the
17 location of Mr. Miller, we were not able to
18 stand in --

19 Q. Okay.

20 A. -- direct front of the doorway.

21 Q. But you can see the bathroom from
22 there?

23 A. Yes, sir.

24 Q. In that picture, is the door open or
25 shut?

1 A. Open, sir.

2 Q. Okay. Okay, I'm handing you now what's
3 been marked as State's Exhibit Number 35.

4 THE COURT: You may approach.

5 MR. MATTHEWS: Thank you, Your Honor.

6 THE COURT: Step back, and don't block the
7 jury's view. Use the microphone, proceed.

8 BY MR. MATTHEWS:

9 Q. Okay, you've identified -- by the way
10 that is a picture of the inside of the bathroom
11 door; is that correct?

12 A. Yes, sir, I believe it is the --

13 Q. You can see the vacuum cleaner in the
14 back --

15 A. Yes, sir.

16 Q. -- so the vacuum cleaner's against one
17 wall, that's how you know that that's the inside
18 of the door, right?

19 A. Yes, sir.

20 MR. MATTHEWS: May I approach, Your Honor?

21 THE COURT: You may.

22 BY MR. MATTHEWS:

23 Q. I'm handing you what's been marked as
24 State's Exhibit Number 36, and that's the door
25 open, showing also the floor, right?

1 A. Yes, sir.

2 Q. Okay. And in that picture can you see
3 the projectile or no?

4 A. Yes, sir, you can.

5 Q. Okay, and there's a little piece of
6 wood next to that too, right?

7 A. Yes, sir, that's correct.

8 Q. Okay. And just looking at the door,
9 that you've already identified, it appears to be
10 missing a chip, does it look like perhaps that
11 chip on the floor came from that door?

12 A. Yes, sir, it appears that the
13 projectile struck the exterior of the door,
14 traveled through the door to the interior side,
15 and then into the bathroom.

16 Q. Okay. All right, sir.

17 MR. MATTHEWS: May I approach, again, Your
18 Honor?

19 BY MR. MATTHEWS:

20 Q. And this is 38, and would that show --
21 standing toward the front door the bathroom with
22 the door open, and a placard showing where the
23 projectile was found?

24 A. Yes, sir.

25 Q. Okay. How do you do a -- and so does

1 it look like, from what you see, that somebody
2 fired, it went through the bathroom door, and
3 then, if it went through anything else, you
4 don't know, because the door was shut?

5 A. Yes, sir, due to the directionality, it
6 can be assumed that the door was closed at the
7 time that the bullet struck; therefore, causing
8 it to go almost a through and through straight
9 from the exterior of the door, through the
10 interior outside and into the bathroom.

11 Q. Okay. And if it went through anything
12 else, you wouldn't know?

13 A. Correct. It appears as though it -- we
14 did not see any bullet mark on the rear wall
15 within the bathroom, so it could have been
16 possible that it struck, hit that large chip
17 that you identified on the ground, and then just
18 merely fell to the ground.

19 Q. Okay, or could it also have gone
20 through somebody's -- it went straight through,
21 whatever it went through, and straight through?

22 A. Yes, sir.

23 Q. Okay. Do you know whether -- I notice
24 a number of those shell casings that you
25 collected, were sent with instructions to test

1 for like prints, DNA, stuff like that, right?

2 A. Yes, sir.

3 Q. I don't notice whether the projectile
4 itself marked the placard date that was sent for
5 DNA; do you know?

6 A. Give me just a moment and I can tell
7 you. Marker eight was only sent to evidence.

8 Q. Okay.

9 A. It was not sent to latent prints or DNA
10 for processing.

11 Q. Okay. So you were looking to see if
12 you had a gun that you can compare it to, you
13 could say it was fired from a particular gun,
14 but you couldn't say whether or not there was
15 any DNA on that, because it wasn't sent for
16 that?

17 A. Correct.

18 Q. Okay. Tell me about GSR, what is GSR?

19 A. So GSR is a gunshot residue kit, as I
20 was saying earlier, and it is used on a gas mask
21 spectrometer, as a means of measuring against
22 the small particles that are fired and burned in
23 the area, a firearm discharge, and can be
24 located or found on the substrate of what you
25 did.

1 So at that time it was on the hands,
2 exterior and the interior of the victims.

3 Q. Okay, so you tested here and here,
4 that's on the web of the hand there, and the
5 palm of the hand?

6 A. We actually do the full hand, sir, so
7 there's an interior pad, and which we will go
8 through and do the fingers, as well as palm and
9 thumb, and then exterior of hand, palm, exterior
10 fingers and thumb.

11 Q. Okay, and if you see gunshot residue,
12 that may possibly indicate that whoever -- if
13 you have gunshot residue here, it may show that
14 somebody has fired a gun?

15 A. Correct, sir.

16 Q. Okay, and you found that on all three
17 of the victims?

18 A. Now, whether it was measured, and what
19 the findings were, I'm not sure about all that,
20 so --

21 Q. I understand, I see, but you measured
22 all three?

23 A. Correct, sir.

24 Q. Okay, all right.

25 MR. MATTHEWS: Let me just put these back,

1 Your Honor.

2 THE COURT: The Court Reporter.

3 MR. MATTHEWS: Okay.

4 THE COURT: They're in evidence.

5 COURT REPORTER: Thank you, sir.

6 BY MR. MATTHEWS:

7 Q. So where are your people from? Because
8 the one T Matthews, I've got to know, where are
9 your people from?

10 A. East Tennessee, sir.

11 Q. East Tennessee, have you ever heard of
12 Sewanee?

13 A. I believe so.

14 Q. Okay, that's in the middle of the state
15 anyway.

16 MR. MATTHEWS: I have no further questions,
17 Your Honor.

18 THE COURT: Have I got all your exhibits
19 now? You didn't leave any up there on --

20 MR. MATTHEWS: I don't think so. These
21 were my pictures, Your Honor. I don't think
22 those are -- no, that's not in evidence.

23 THE COURT: Redirect?

24 MS. LEGETTTE: Briefly.

25 BY MS. LEGETTE:

1 Q. Agent Matthews, Mr. Matthews, when he
2 asked you whether or not GSR kits may show
3 someone has fired a gun?

4 A. Yes, ma'am.

5 Q. Can GSR kits also show that someone was
6 in the vicinity of a gun that is fired?

7 A. Yes, ma'am.

8 Q. As in they had been shot?

9 A. Yes, ma'am.

10 Q. Thank you, nothing further.

11 THE COURT: Recross limited to redirect.

12 MR. MATTHEWS: Nothing, Your Honor.

13 THE COURT: As to this witness, Solicitor?

14 MS. LEGETTE: We ask that he be excused,
15 Your Honor.

16 THE COURT: Any objection?

17 MR. MATTHEWS: No objection.

18 THE COURT: Mr. Matthews, you may take your
19 file, you're excused from the trial of this
20 case, you may leave the courtroom. You can take
21 your gloves, we'll keep our scissors.

22 WITNESS: Thank you, sir.

23 THE COURT: Thank you.

24 All right, Mr. Foreman, I see it's after 6
25 o'clock, we're going to stop at this point for

1 the day. I'm going to ask you to report to your
2 jury room before 10 o'clock in the morning.
3 We're going to start at 10:00.

4 Now, over the overnight recess, as I have
5 instructed you throughout this trial, please do
6 not read, watch, or listen to any news account
7 of the case.

8 Please don't discuss the case with anyone,
9 not even a member of your own family, or with
10 each other. You have not heard all the evidence
11 in the case, it would be improper for you to
12 discuss the case prematurely. Thank you for
13 your patience today. I realize it's been a long
14 day. I hope I haven't worn you out. I know
15 you're sitting, but also when you sit for a long
16 time, it can also cause fatigue, I'm very aware
17 of that.

18 I've watched you, and all of you are paying
19 attention, and that's all a Judge can ask a jury
20 to do, is to listen, and listen carefully. And
21 I am sure each of you are doing that, and I
22 thank you on behalf of Colleton County for doing
23 that. I'll see you bright and early in the
24 morning.

25 I hope everyone has a pleasant evening.

1 You may leave the courtroom at this time.

2 Everyone else remain seated while the jury's
3 leaving.

4 (Jury exits the courtroom.)

5 THE COURT: Is 120 in evidence?

6 COURT REPORTER: No, not yet.

7 THE COURT: Okay, you can probably check
8 with her.

9 COURT REPORTER: Do you think it is?

10 THE COURT: Is it identification only?

11 COURT REPORTER: Yes, sir, identification
12 only.

13 THE COURT: It's not in evidence. All
14 right, and the next page I've got 139 and 140,
15 both in evidence. You got that?

16 COURT REPORTER: 139 and 140.

17 THE COURT: That's it, have you got
18 anything else?

19 COURT REPORTER: 139 and --

20 THE COURT: I've got Defendant's --

21 COURT REPORTER: 140's --

22 THE COURT: We've got three exhibits from
23 the Plaintiff, Kym?

24 COURT REPORTER: I'm sorry, sir?

25 THE COURT: 3, 7 and 8 from the Defendant?

1 That's why I make them do a witness list, Kym.

2 COURT REPORTER: I appreciate it, yes, sir.

3 6, 7 and 8 --

4 THE COURT: You've got 6, 7 and 8?

5 COURT REPORTER: Yes, sir.

6 THE COURT: That's what you have, Kym?

7 COURT REPORTER: 6, 7 and 8, yes, sir.

8 THE COURT: All of them came in?

9 COURT REPORTER: Yes. All right, that
10 should be everything.

11 COURT REPORTER: I don't have it marked.

12 MS. LEGETTE: That was the one I came up
13 with at the end, Your Honor.

14 THE COURT: You didn't offer it into
15 evidence?

16 MS. LEGETTE: I did, Your Honor, that's the
17 crime scene sketch, the second page.

18 THE COURT: I did not check 147. Who did
19 you offer it to?

20 MS. LEGETTE: Matthews.

21 CLERK: Mr. Matthews.

22 THE COURT: Mr. Matthews?

23 MS. LEGETTE: Yes, sir.

24 COURT REPORTER: Yes, sir, it's in --

25 THE COURT: Yep, I've got 147, I just

1 didn't check it, you're absolutely right. All
2 right, counsel, we are gonna start back at 10:00
3 a.m. in the morning.

4 Please be here prior to that. I realize
5 I'm working you hard, but I'm trying to get
6 through this this week.

7 I don't want to rush it because, obviously,
8 it's a serious matter, both to the State and to
9 the Defendant, and I don't know -- and I know
10 I'm wearing you out by working you this long,
11 but I want to try to complete it this week.

12 I thank you for your patience and your
13 cooperation. We are in recess until 10:00 a.m.

14 MS. LEGETTE: Your Honor, if I may, Your
15 Honor, I have one matter. I have a witness who
16 has insisted on not coming, and I need to ask
17 the Court for a bench warrant, because she's
18 been subpoenaed, but she is not coming to Court,
19 and we ask --

20 THE COURT: Who served the subpoena?

21 MS. LEGETTE: The Charleston County
22 Sheriff's Office.

23 THE COURT: All right.

24 MS. LEGETTE: We have a letter here
25 indicating --

1 THE COURT: What's the witness' name? Is
2 it on your list?

3 MS. LEGETTE: On my list, Your Honor, she
4 is number 25, Niffatina Coppadge on the list
5 that we have, and she was absolutely served by
6 the Charleston County Sheriff's Office, and she
7 insisted on not coming.

8 All week she's not been here, and we had
9 our Sheriff's Officer, Tracy --

10 Called her name this morning outside the
11 courthouse and inside the courthouse, and she
12 did not answer, Your Honor, so we're asking the
13 Court now for a bench warrant.

14 THE COURT: She's been subpoenaed and the
15 State has required her to be --

16 MS. LEGETTE: Here.

17 THE COURT: -- where, when?

18 MS. LEGETTE: Here at Colleton County
19 Courthouse throughout the week of August 15.

20 THE COURT: Beginning when?

21 MS. LEGETTE: Beginning yesterday, August
22 the 15th at 9:00 a.m. through the end of the
23 week, and she has not shown.

24 THE COURT: Very well.

25 Mr. Matthews, do you want to be heard on

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

IN THE GENERAL SESSIONS COURT

2017-GS-15-00572 - 574,
2017-GS-15-00704, -710

State of South Carolina,

vs.

TRANSCRIPT OF JURY TRIAL
VOLUME III
PAGES 329 to 514

Kenneth Mar'Keith Chisolm

Wednesday, August 17, 2022
Walterboro, South Carolina

B E F O R E:

The Honorable Perry Buckner, Judge Presiding

R E P O R T E D B Y:

Kymberlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
Post Office Box 8091
Beaufort, South Carolina 29903

A P P E A R A N C E S

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Appearing for the Defendant
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PROCEEDINGS

WEDNESDAY, AUGUST 17, 2022

WALTERBORO, SOUTH CAROLINA

(The following proceedings were held in
open court. All parties were present.)

THE COURT: Thank you.

Good morning, please be seated.

Kym, how are you doing?

COURT REPORTER: Good, Your Honor, thank
you. I hope you are as well.

THE COURT: Hanging right in there.

All right, for your benefit for the record
reflect that I met with the lawyers this
morning, because Drew made a request about still
photography.

Obviously, I'm not gonna allow any
photography, still, or video, or any otherwise
of the minor child for the jury.

However, I have conferred with attorneys
this morning, they have no objection to a still
photograph of the witness in the trial, so long
as it's not prohibited people; do you
understand?

THE PHOTOGRAPHER: Yes, sir, thank you.

1 THE COURT: Thank you. Thank you for your
2 cooperation. All right, the Solicitor has
3 handed -- I issued a bench warrant last night,
4 I've signed it. We were able to get them out,
5 so they can serve that. Solicitor, you've given
6 it to them?

7 MS. LEGETTE: I have, Your Honor, thank
8 you.

9 THE COURT: All right. Is the State ready
10 to proceed?

11 MS. LEGETTE: Yes, Your Honor.

12 THE COURT: Is the Defendant ready to
13 proceed?

14 MR. MATTHEWS: Yes, sir.

15 THE COURT: All right, just so you know,
16 we've got you down for three exhibits, so you
17 put in some evidence now. That would be
18 Defendant's 6, 7 and 8, correct? My team's
19 keeping a close count back here for me. All
20 right. Bring us the jury, please.

21 (Jury enters courtroom.)

22 THE COURT: Good morning, Mr. Foreman.

23 FOREMAN: Good morning.

24 THE COURT: Mr. Foreman, you all right this
25 morning?

1 FOREMAN: Yes, sir.

2 THE COURT: Good. All right, good morning,
3 Ladies and Gentlemen.

4 JURY: Good morning.

5 THE COURT: Thanks for getting here on
6 time. We had a couple of matters that came up
7 this morning, so, you know, we've been working
8 out here.

9 Thank you, appreciate your cooperation.
10 Solicitor, you may call your next witness.

11 MS. LEGETTE: Thank you, Your Honor, the
12 State calls Number 17 on our list, Ray Taylor.

13 * * *

14 RAY TAYLOR

15 * * *

16 being first duly sworn, testified as
17 follows:

18 THE COURT: Your witness, counsel, direct
19 examination.

20 BY MS. LEGETTE: Thank you, Your Honor.

21 ***

22 DIRECT EXAMINATION

23 BY MS. LEGETTE:

24 Q. Good morning, Mr. Taylor.

25 A. Good morning.

1 Q. Mr. Taylor, where do you work?

2 A. I currently own T 7 Security, which is
3 a camera business.

4 Q. All right, and so how long have you
5 owned the T 7 camera business?

6 A. I started part-time in November of
7 2013, and went full-time February of 2017.

8 Q. Now, have you had any other jobs prior
9 to being the owner and operator of T 7 camera
10 business?

11 A. Yes, I was in Law Enforcement in
12 Colleton County, the City of Walterboro and
13 Cottageville for 30 years, retired in February
14 of 2017.

15 Q. So let's draw your attention now back
16 to May of 2017; do you recall the month of May
17 of 2017?

18 A. Yes, ma'am.

19 Q. And were you the owner and operator of
20 T 7 camera business at that time?

21 A. I was.

22 Q. And did you have occasion to have your
23 cameras installed in any businesses in town in
24 Colleton County?

25 A. I did.

1 Q. Specifically, how about Fat Jack's
2 restaurant?

3 A. Yes, ma'am.

4 Q. All right, and so at some point were
5 you contacted by Law Enforcement about the
6 cameras at that Fat Jack's restaurant?

7 A. Yes, I was.

8 Q. Now, tell us about the cameras at Fat
9 Jack's restaurant. Did you install those
10 cameras?

11 A. I did.

12 Q. And are you familiar with that camera
13 system?

14 A. Yes, I am.

15 Q. So why did Law Enforcement contact you?

16 A. They contacted me in reference to a
17 shooting the day it happened and were looking
18 for some vehicles that were in the parking lot.
19 I had cameras on the building that faced the
20 parking lots pretty much 360 around the
21 building.

22 Q. And did they give you a certain
23 timeframe, or a certain description of those
24 vehicles?

25 A. They actually had officers that met me

1 at Fat Jack's and gave me some timeframes that
2 they were looking at, and the vehicles that they
3 were looking for, and I went and set the video
4 up, so they could review those times that they
5 were looking for.

6 Q. After setting up the video to be
7 reviewed, were you able to download the video?

8 A. Yes, I did.

9 Q. All right, so after you downloaded the
10 video, what did you do with it?

11 A. It was given to members of the
12 Sheriff's Office at that time.

13 Q. Okay, and are you familiar with the
14 video from Fat Jack's?

15 A. I am.

16 Q. And at our request have you previously
17 those videos for accuracy?

18 A. I did.

19 Q. At this time -- Mr. Taylor, in a moment
20 I'm going to hand you what have been pre-marked
21 for identification, State's Number 59 and
22 State's Number 143.

23 THE COURT: 59 and 143?

24 MS. LEGETTE: Yes.

25 MR. MATTEWS: Okay.

1 BY MS. LEGETTE:

2 Q. I want you to take a moment --

3 THE COURT: You may approach.

4 BY MS. LEGETTE:

5 Q. Take a moment and tell me, if you
6 recognize State's 59 and State's 143.

7 A. Yes, I do.

8 Q. And what are State's 59 and State's
9 143?

10 A. These are copies of the videos that
11 were taken from the system at Fat Jack's that I
12 reviewed and initialed last week.

13 Q. And you have reviewed those for
14 accuracy, and they are an accurate reflection of
15 the videos from Fat Jack's back on May 16, 2017?

16 A. Yes, ma'am.

17 Q. And have they been changed or altered
18 in any way?

19 A. No, ma'am.

20 MS. LEGETTE: At this time, Your Honor, I
21 would offer State's Number 59 and 143 for
22 admission into evidence.

23 THE COURT: Very well. Mr. Matthews, as to
24 State's Exhibits 59 and 143?

25 MR. MATTHEWS: Without objection, Your

1 Honor.

2 THE COURT: Ladies and Gentlemen of the
3 jury, State's Exhibits Number 59 and 143 will be
4 admitted into evidence in the trial of this case
5 without objection.

6 (Court Reporter marks State's Exhibit
7 Number 59, Copy of Video, as attached hereto.)

8 (Court Reporter marks State's Exhibit
9 Number 143, Copy of Video, as attached hereto.)

10 THE COURT: You may publish to the jury,
11 Solicitor.

12 MS. LEGETTE: Thank you, Your Honor. May I
13 approach the witness?

14 THE COURT: You may.

15 BY MS. LEGETTE:

16 Q. Mr. Taylor, we're going to start with
17 State's Number 143. Give us a moment while we
18 cue it up.

19 BY MS. LEGETTE:

20 Q. Now, Mr. --

21 THE COURT: Your mic's not on.

22 BY MS. LEGETTE:

23 Q. Now, Mr. Taylor, I'll direct your
24 attention to the screen on your left. And while
25 she's cuing it up, and she's gonna -- is this

1 the video from Fat Jack's?

2 A. Yes, that's on the corner of the
3 building, facing back towards the parking lot,
4 over towards Petco and that area.

5 MS. LEGETTE: Your Honor, may I approach
6 and give the witness this pointer?

7 BY MS. LEGETTE:

8 Q. Mr. Taylor, I'm going to hand you this
9 pointer, you can press the little red button
10 right there to point.

11 THE COURT: Is there a problem, Solicitor?

12 MS. LEGETTE: We're just trying to fast
13 forward it, so we don't have to watch the entire
14 video, Your Honor.

15 THE COURT: But it's working?

16 MS. LEGETTE: It's working, yes, sir, it's
17 working, it's just a matter of we don't want to
18 watch the entire thing, and keep us all here in
19 suspense.

20 BY MS. LEGETTE:

21 Q. Mr. Taylor, you are also familiar with
22 still shots from this video?

23 A. Yes, ma'am.

24 Q. Okay.

25 THE COURT: Come forward, please. Tell him

1 what y'all want to accomplish, we need to move
2 on. They're going to run it forward.

3 Solicitor?

4 MS. LEGETTE: Yes, sir.

5 THE COURT: What's the problem?

6 MS. LEGETTE: Your Honor, we're trying to
7 get it to move to a certain location in the
8 video to show a certain vehicle.

9 THE COURT: I understand. Are we able to
10 do it, or do we need to move on?

11 MS. LEGETTE: Your Honor, we can play it
12 with another witness, and we can just move on,
13 but we'll move on.

14 BY MS. LEGETTE

15 Q. Mr. Taylor, you said you were also
16 familiar with the still shots in this video?

17 A. Yes, ma'am.

18 Q. And in the still shots in this video
19 are you able to see the car you were looking
20 for?

21 A. Yes.

22 Q. Okay. All right. I'm gonna hand you
23 now what's been pre-marked for identification,
24 State's 68 and 69. Please take a moment and
25 tell me, if you recognize State's 68 and 69?

1 MR. LEGETTE: May I approach?

2 THE COURT: You may approach. 68 and 69.

3 BY WITNESS:

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

5 Q. And what are State's 68 and 69

6 A. They were the two vehicles that were
7 identified to me by Law Enforcement, that they
8 identified that they were looking for.

9 Q. And are those two, State's 68 and 69, a
10 fair and accurate reflection of the still shots
11 from the video surveillance we were just
12 watching from Fat Jack's on May 16th, 2017?

13 A. Yes, they are.

14 Q. All right.

15 MS. LEGETTE: At this time, Your Honor, I
16 would offer State's 68 and 69 for admission into
17 evidence.

18 THE COURT: Mr. Matthews, as to 68 and 69?

19 MR. MATTHEWS: Without objection, Your
20 Honor.

21 THE COURT: Ladies and Gentlemen of the
22 jury, State's Exhibits 68 and 69 will be
23 admitted into evidence in the trial of this case
24 without objection.

25 (Court Reporter marks State's Exhibit

1 Number 68, Still Shot, attached hereto.)

2 (Court Reporter marks State's Exhibit
3 Number 69, Still Shot, attached hereto.)

4 THE COURT: You may publish to the jury.

5 MS. LEGETTE: Thank you, Your Honor. May I
6 approach the witness?

7 THE COURT: You may.

8 BY MS. LEGETTE:

9 Q. I'm gonna hand you this pointer back.

10 A. Okay.

11 Q. All right, Mr. Taylor, after the
12 technical glitch we just had, I gonna direct
13 your attention now to the screen at your left,
14 and this is going to be State's Number 68, and
15 what are we seeing in State's 68? Is this the
16 same view of that same camera we were just
17 watching?

18 A. Correct.

19 Q. Okay. All right, and so you said that
20 Law Enforcement gave you a detailed description
21 of the vehicles they were looking for. I'm just
22 gonna zoom in on State's 68.

23 Can you tell me what we're seeing?

24 A. There was a sky blue vehicle sitting
25 right here, and then the Jaguar was right here,

1 are the two vehicles that they identified to me,
2 as I was showing them the videos.

3 Q. All right, and there appears to be a
4 figure getting into that Jaguar, or getting out
5 of it?

6 A. Yes, right there getting into the car.

7 Q. Okay. All right, thank you. And now
8 I'll turn your attention to State's Number 69.
9 Is this the same angle, and this is a -- what
10 would you call this? A closeup?

11 A. This is a zoomed in image of the same
12 photo as before.

13 Q. All right, and please identify what
14 we're seeing, what Law Enforcement told you
15 about this photograph.

16 A. This vehicle here they identified as
17 what they were calling a suspect vehicle. This
18 individual got from that vehicle, and then he
19 got in the car, the Jaguar here, and then they
20 left the yard.

21 MR. MATTHEWS: Your Honor, I object to that
22 testimony, we have a running objection.

23 THE COURT: Sustained. Don't refer to what
24 is, the video has not been published, and you
25 didn't personally see it. Rephrase the

1 question, Solicitor.

2 BY MS. LEGETTE:

3 Q. What are we seeing in this video -- I'm
4 sorry, Mr. Taylor, what are we seeing in this
5 still photo?

6 A. The two vehicles that were identified
7 to me from Law Enforcement --

8 MR. MATTHEWS: Same objection, Your Honor,
9 he's referring to what Law Enforcement told him.

10 BY MS. LEGETTE:

11 Q. What do you see in --

12 THE COURT: Sustained.

13 BY MS. LEGETTE:

14 Q. What do you see --

15 THE COURT: Wait a minute, whoa, let me
16 finish, then you can talk. Do you understand
17 the objection?

18 WITNESS: Yes, sir.

19 THE COURT: All right, objection sustained,
20 rephrase the question, Solicitor.

21 BY MS. LEGETTE:

22 Q. What did you see -- not what someone
23 told you, but what do you see in this particular
24 still photo in 69?

25 A. A sky blue vehicle, which is sitting

1 here, and also a Jaguar is sitting here, and a
2 person was getting into that car.

3 Q. And what is this that I'm pointing to?
4 What does it appear to be?

5 A. A van.

6 Q. Okay. All right, explain to us again
7 what we're seeing. Was this an angle from this
8 Fat Jack's video?

9 A. This is a angle from the -- if you're
10 facing the front of that Fat Jack's, this would
11 be the camera that is on the right corner of the
12 building, that is looking over towards the
13 parking lot. Petco used to be on the right-hand
14 side of that parking lot. There's a bunch of
15 businesses in that little parking lot.

16 Q. Okay. Thank you very much.

17 MS. LEGETTE: You can bring the lights up.

18 THE COURT: Solicitor, do you wish to
19 publish 59 and 143, or you haven't got the
20 problem solved yet?

21 MS. LEGETTE: Your Honor, we have not
22 gotten the problem solved yet, and we're trying
23 -- we had technical difficulties. We had to
24 change computers. I wish to publish them, Your
25 Honor, but we have technical difficulties. The

1 computer and equipment won't -- so we can let it
2 play, Your Honor, but it's gonna be about ten
3 minutes for it to play.

4 THE COURT: Do you want to wait? Do you
5 want to move on with this witness --

6 MS. LEGETTE: We --

7 THE COURT: -- or you want to try it now?

8 MS. LEGETTE: We can play it. We'll play
9 it, Your Honor. We'll just play it and publish
10 it.

11 THE COURT: All right, as you wish. State
12 for the record the Exhibit Number that you're
13 displaying on the screen.

14 BY MS. LEGETTE:

15 Q. Mr. Taylor, I will direct your
16 attention, again, to the screen at your left.
17 This is going to be State's Number 149, I
18 believe, no, 143, this is State's 143.

19 THE COURT: 143. Can you see it?

20 WITNESS: Yes.

21 (Video is being played in courtroom.)

22 BY MS. LEGETTE:

23 Q. Mr. Taylor, can you tell us what time
24 and date this is, or thereabouts?

25 A. I don't recall.

1 Q. You don't recall? Very well.

2 (Video continues playing in courtroom.)

3 BY MS. LEGETTE:

4 Q. Now, Mr. Taylor, I noticed -- we talked
5 earlier about the -- in State's Exhibit 9 -- I'm
6 sorry, in State's 69 and 68 you indicated that
7 there's this blue car was in the video -- was in
8 the picture. Do you see that blue car now?

9 A. That's it there.

10 Q. And that Jaguar, do you see it?

11 A. That's it there.

12 (Video continues playing in courtroom.)

13 BY MS. LEGETTE:

14 Q. Mr. Taylor, do you see anything in this
15 screenshot here?

16 THE COURT: Turn to the microphone.

17 BY MS. LEGETTE:

18 Q. Do you see anything in there?

19 A. That was the Jaguar there.

20 Q. Okay.

21 (Video continues playing in courtroom.)

22 BY MS. LEGETTE:

23 Q. And do you see the blue car?

24 A. It just pulled in the back side of the
25 van.

1 (Video continues playing in courtroom.)

2 BY MS. LEGETTE;

3 Q. Mr. Taylor, do you see anything moving
4 now?

5 A. The Jaguar and then the other vehicle
6 was pulling out.

7 (Video continues playing in courtroom.)

8 MS. LEGETTE: You can bring the lights up.

9 BY MS. LEGETTE:

10 Q. Mr. Taylor, after you pulled that video
11 and turned it over to the Colleton County
12 Sheriff's Office, and there was another video as
13 well, another video angle?

14 A. Correct.

15 Q. All right, did you have any other
16 involvement in this case?

17 A. No, ma'am.

18 Q. Thank you, Mr. Taylor, I have no
19 further questions. Please answer any questions
20 from the defense attorney.

21 THE COURT: Cross-examination?

22 MR. MATTHEWS: No, cross, Your Honor.

23 THE COURT: As to this witness, Solicitor?

24 MS. LEGETTE: We ask he be excused, Your
25 Honor.

1 THE COURT: Any objection from defense?

2 MR. MATTHEWS: No, sir.

3 THE COURT: Mr. Taylor, if you want to step
4 down, you are excused from trial in this case.
5 Call your next witness.

6 MS. LEGETTE: State calls Richard Haley,
7 who is number four on the agreed upon witness
8 list.

9 THE COURT: He's number what?

10 MS. LEGETTE: Four on the agreed upon
11 witness list.

12 * * *

13 RICHARD HALEY

14 * * *

15 being first duly sworn, testified as
16 follows:

17 THE COURT: Have a seat, adjust that chair
18 for your back, pull it up.

19 Adjust the microphone to your height, it's
20 gonna amplify your voice so everybody can hear
21 you. You don't have to get right on top of it,
22 just speak up into it.

23 State your full name and spell your last
24 name.

25 WITNESS: Richard Michael Haley, H-A-L-E-Y.

1 THE COURT: Your witness, counsel, direct
2 examination.

3 MS. LEGETTE: Thank you, Your Honor.

4 ***

5 DIRECT EXAMINATION

6 BY MR. LEGETTE:

7 Q. Good afternoon -- I'm sorry, good
8 morning, Mr. Haley.

9 A. Good morning.

10 Q. Mr. Haley, where do you work?

11 A. I currently work at Palmetto Rural.

12 Q. Palmetto Rural.

13 That's a telephone company?

14 A. Yes, ma'am.

15 Q. Okay. All right.

16 And what do you do at Palmetto Rural?

17 A. I'm a Support Analyst.

18 Q. And what does that mean?

19 A. I work the help desk for the phone
20 company, working, phone, internet, tv troubles.

21 Q. Okay, and have you ever had any other
22 jobs, prior to being at Palmetto Rural?

23 A. Yes, I worked for the Sheriff's Office
24 for almost 15 years.

25 Q. 15 years, and that's the Colleton

1 County Sheriff's Office?

2 A. Yes, ma'am.

3 Q. And what were your duties at the
4 Colleton County Sheriff's Office?

5 A. I maintained all the IT aspects of the
6 Department.

7 Q. And what does IT mean, for those of us,
8 like myself, who aren't tech savvy.

9 A. Internet and Technology, anything
10 technology related, computers, servers,
11 networks.

12 Q. Okay. All right, and so you said 15
13 years you worked for the Colleton County
14 Sheriff's Office?

15 A. That's correct.

16 Q. And were you working for the Colleton
17 County Sheriff's Office in May of 2017?

18 A. I was.

19 Q. And did you have an occasion to become
20 involved in the case before the Court?

21 A. Yes, ma'am.

22 Q. All right, and so were you considered a
23 Deputy at the time?

24 A. I was a SO, yes.

25 Q. All right, and so what was your

1 involvement in this case?

2 A. Pulling video.

3 Q. All right, and so where did you go --
4 did you pull any videos in this case?

5 A. Yes, I did.

6 Q. And where did you go to pull videos?

7 A. It was three locations. It started out
8 at Fat Jack's, and from there we located over to
9 Saunders, and the third location was the Pak A
10 Sak.

11 Q. Okay.

12 A. Yes.

13 Q. All right, and so when you went to
14 these locations, were you able to retrieve any
15 videos?

16 A. Yes.

17 Q. All right, and so at Saunders Feed &
18 Seed, can you tell us the location of Saunders
19 Feed & Seed?

20 A. Saunders Feed & Seed was over off
21 Stokes Road.

22 Q. All right, and so are you familiar with
23 the actual video at Saunders Feed & Seed?

24 A. Yes.

25 Q. Okay. And based thereon, were you

1 given any times what you were looking for, or
2 any car descriptions?

3 A. I pulled a timeframe, and what we were
4 looking for, any vehicle descriptions at the
5 time.

6 Q. And what did you do with the Saunders
7 Feed & Seed video, once you actually -- were you
8 able to pull it?

9 A. I pulled the video, exported it, and
10 turned it over to Investigations.

11 Q. Turned it over to Investigations, all
12 right. And did you ever review the video, to
13 make sure it was accurate?

14 A. Yes, I did.

15 Q. All right. And the video that you
16 reviewed was accurate for at least what you
17 pulled from that timeframe?

18 A. Yes, ma'am.

19 Q. All right. And you also indicated that
20 you went to the Pack A Sak and pulled the video.

21 A. Yes, ma'am.

22 Q. All right, and where is Pak A Sak
23 located

24 A. Pak A Sak's located off of Sydneys
25 Road.

1 Q. And both of these are in Colleton
2 County?

3 A. Yes, ma'am.

4 Q. All right, and so once you went to the
5 Pak A Sak, are you familiar with the video
6 system at Pak A Sak?

7 A. I am, I've pulled video a few times.

8 Q. All right, and so were you given
9 timeframes at that location to pull as well?

10 A. I believe so.

11 Q. And were you able to download any video
12 from that timeframe?

13 A. Yes, I did.

14 Q. All right, and so were you able to, at
15 some point, review the video for accuracy?

16 A. Yes, ma'am.

17 Q. Mr. Haley, I'm going to hand you what's
18 been previously marked as State's Number 60 and
19 Number 125. Please take a moment and tell me if
20 you recognize State's Number 60 and State's 125.

21 MS. LEGETTE: May I approach the witness?

22 THE COURT: You may.

23 BY MS. LEGETTE:

24 Q. And are those exhibits State's Number
25 60 and State's 125? Do you recognize them?

1 A. Yes, ma'am.

2 Q. And what are they?

3 A. These are -- this one is from Saunders
4 Farm Supply, and one's from Pak A Sak video.

5 Q. All right, and are State's Number 60
6 and State's 125 fair and accurate reflections of
7 the videos that you pulled from the Pak A Sak,
8 as well as from the Saunders Feed & Seed?

9 A. Yes, ma'am.

10 Q. And at our request, have you previously
11 reviewed those videos for accuracy?

12 A. Yes, ma'am.

13 Q. And have they been changed or altered
14 in any way?

15 A. No, ma'am.

16 MS. LEGETTE: At this time, Your Honor, I
17 would offer State's Number 60 and 125 for
18 admission into evidence.

19 THE COURT: As to 60 and 125, Mr. Matthews?

20 MR. MATTHEWS: Without objection.

21 THE COURT: Ladies and Gentlemen of the
22 jury, State's Exhibit Number 60 and 125 will be
23 admitted into evidence in the trial of this case
24 without objection.

25 (State's Exhibits 60 and 125 were admitted

1 into evidence.)

2 TRHE COURT: You may publish to the jury,
3 and you may approach.

4 MS. LEGETTE: Thank you, Your Honor.

5 BY MS. LEGETTE:

6 Q. All right, Mr. Haley, I direct your
7 attention now to the screen at your left, and
8 she's going to hit play.

9 THE COURT: The Exhibit Number that you're
10 displaying for the record?

11 MS. LEGETTE: This is gonna be 60. This is
12 State's Number 60.

13 (Video is being played in courtroom.)

14 BY MS. LEGETTE:

15 Q. Is this the video you pulled from
16 Saunders Feed & Seed?

17 A. Yes, ma'am.

18 Q. And where did you say this particular
19 location is?

20 A. This camera's located on the main
21 building, looking towards the south side of the
22 parking lot, as they're coming into the
23 building.

24 Q. All right, and so what road are we
25 looking at?

1 A. That is Stokes Road.

2 (Video is being played in courtroom.)

3 BY MS. LEGETTE:

4 Q. And, Mr. Haley, we're still looking at
5 -- this is still State's Number 60. What are we
6 seeing in State's Number 60?

7 A. This is the camera looking towards the
8 northbound side.

9 Q. And I'm going to hand you a pointer.

10 (Video is being played in courtroom.)

11 BY MS. LEGETTE:

12 Q. Mr. Haley, are you also familiar with
13 any still shots from the Pak A Sak video that we
14 just watched in State's Number 60?

15 A. Yes, ma'am.

16 Q. Not Pak A Sak, this is of Saunders Feed
17 & Seed. You are familiar with still shots?

18 A. Yes, ma'am.

19 Q. I hand you now what's been previously
20 marked for identification State's Number 70 and
21 71, and I want you to take a moment and tell me
22 if you recognize State's Number 70 and 71.

23 MS. LEGETTE: May I approach the witness?

24 THE COURT: You may.

25 BY MS. LEGETTE:

1 Q. Do you recognize State's Numbers 70 and
2 71?

3 A. Yes ma'am.

4 Q. And what are State's Numbers 70 and 71?

5 A. Two videos that were shown on video
6 passing by the southbound camera.

7 Q. All right, and are State's 70 and 71 a
8 fair and accurate reflection of the still shots
9 from the Saunders Feed & Seed video we just
10 watched?

11 A. Yes, ma'am.

12 Q. All right, and that is -- and has it
13 been changed or altered in any way?

14 A. No ma'am.

15 MS. LEGETTE: At this time, Your Honor, I
16 would offer State's Number 70 and 71 for
17 admission into evidence.

18 THE COURT: As to 70 and 71?

19 MR. MATTHEWS: No objection, Your Honor.

20 THE COURT: Ladies and Gentlemen of the
21 jury, State's Exhibits 70 and 71 will be
22 admitted into evidence in the trial of this case
23 without objection.

24 (Court Reporter marks State's Exhibit
25 Number 70, Still Shot, attached hereto).

1 (Court Reporter marks State's Exhibit
2 Number 71, Still Shot, attached hereto.)

3 THE COURT: You may publish to the jury.

4 MS. LEGETTE: May I approach?

5 THE COURT: You may.

6 MS. LEGETTE: Hit the lights.

7 THE COURT: State the Exhibit Number for
8 the record.

9 (Video is being played in courtroom.)

10 BY MS. LEGETTE:

11 Q. All right, Mr. Haley, I will direct
12 your attention now to the screen at your left.
13 This is State's Number 70. If you could use
14 your pointer and point to what we're seeing in
15 this video, or in the still shot?

16 A. There's a vehicle right here, the
17 suspect's vehicle it's northbound on Stokes
18 Road.

19 Q. All right, and that was part of that
20 video we just watched Sanders, I'm sorry,
21 Saunders Feed & Seed on Stokes Road?

22 A. Yes, ma'am.

23 Q. Okay. And also now State's Number 71,
24 can you tell us what we're seeing in State's
25 Number 71?

1 (Video is being played in courtroom.)

2 BY WITNESS:

3 A. suspect vehicle following the -- the
4 suspect vehicle heading northbound on Stokes
5 Road.

6 A. And this is for the vehicle that's
7 State's Number 71 is also a part of that video
8 we just watched on Saunders Feed & Seed?

9 A. Yes, ma'am.

10 Q. And I'm just gonna go back briefly to
11 Number 70, if we can kind of zoom in, what you
12 were seeing in State's 70. Can you point to
13 that vehicle again? Okay.

14 MS. LEGETTE: Thank you, if you can bring
15 the lights.

16 BY MS. LEGETTE:

17 Q. Now, you also indicated that you pulled
18 a video from Pak A Sak, and I believe that has
19 been admitted into evidence as State's Number
20 125.

21 A. Yes, ma'am.

22 Q. Are you familiar with still shots from
23 that particular video as well?

24 A. Yes, ma'am.

25 Q. All right, Mr. Haley, I'm going to hand

1 you now what's been marked for identification as
2 State's Number 127, 128, 129, 130, 131, 132 and
3 133. I want you to take a moment and tell me if
4 you recognize State's 127, 128, 129, 130, 131,
5 132 and 133?

6 MS. LEGETTE: May I approach the witness?

7 THE COURT: 127 through 133 inclusive,
8 Solicitor?

9 MS. LEGETTE: Yes, Your Honor.

10 THE COURT: You may approach.

11 BY MS. LEGETTE:

12 Q. Do you recognize State's Exhibit
13 Numbers 127 through 133?

14 A. Yes, ma'am.

15 Q. And what are State's 127 through 133?

16 A. Still shots from the camera system from
17 Pak A Sak on Sydneys Road.

18 Q. And are State's 127 through 133 a fair
19 and accurate reflection of still shots from the
20 video in State's 125 in the Pak A Sak video from
21 Sydney's Road, whatever road.

22 A. Sydneys.

23 Q. Sydneys Road, yes.

24 A. Yes, ma'am.

25 Q. And has it been changed or altered in

1 any way?

2 A. No ma'am.

3 MS. LEGETTE: At this time, Your Honor, I
4 would offer for admission into evidence State's
5 127 through 133.

6 THE COURT: Counsel approach.

7 (Bench conference).

8 THE COURT: Ladies and Gentlemen of the
9 jury, State's Exhibit 127, 128, 129, 130, 131,
10 132, 133 will be admitted into evidence in the
11 trial of this case without objection; is that
12 correct, Mr. Matthews?

13 MR. MATTHEWS: Yes, sir.

14 (Court Reporter marks State's Exhibit
15 Number 127, Still Shot, as attached hereto.)

16 (Court Reporter marks State's Exhibit
17 Number 128, Still Shot, as attached hereto.)

18 (Court Reporter marks State's Exhibit
19 Number 129, Still Shot, as attached hereto.)

20 (Court Reporter marks State's Exhibit
21 Number 130, Still Shot, as attached hereto.)

22 (Court Reporter marks State's Exhibit
23 Number 131, Still Shot, as attached hereto.)

24 (Court Reporter marks State's Exhibit
25 Number 132, Still Shot, as attached hereto.)

1 (Court Reporter marks State's Exhibit
2 Number 133, Still Shot, as attached hereto.)

3 THE COURT: Without objection you may now
4 publish to the jury 127 through 133 inclusive.

5 MS. LEGETTE: Thank you, Your Honor.

6 BY MS. LEGETTE:

7 Q. All right, we were trying to play the
8 video from Pak N Sak, however, we're having more
9 technical difficulty, so we're just going to
10 direct your attention to the screen at your
11 left, and we're going to go through the still
12 shots.

13 THE COURT: State the Exhibit Number for
14 the record.

15 BY MS. LEGETTE:

16 Q. All right. All right, what are we
17 seeing, Mr. Haley? What are we seeing in
18 State's Number 127? What are we seeing?

19 A. The top two cameras and the bottom left
20 cameras are images looking out towards Sydneys
21 Road on top of the building.

22 Q. All right, and so what do you see in
23 this image? Just describe what you see.

24 A. It looks like a blueish color sedan.

25 Q. Okay, and what do we see in this bottom

1 corner right here?

2 A. It's the -- it looks like inside of Pak
3 A Sak.

4 Q. Okay. And this is going to be State's
5 Number 128. What are seeing in State's Number
6 128?

7 A. This is a camera on top of the building
8 looking out towards -- looking towards Sydney's
9 Road.

10 Q. Okay. And do you see anyone in this
11 video? Do you see any people?

12 A. Yeah, the suspect --

13 Q. Don't say that, no, but what do you
14 see, these people here?

15 A. Yes, ma'am.

16 Q. All right. And anyone else?

17 A. There's another person who walked out
18 in front of the vehicle coming -- it looks like
19 coming in towards the building.

20 Q. Okay. All right, this is State's
21 Number 129. What are we seeing in State's
22 Number 129? Do we see any people?

23 A. Two subjects walking around the hot bar
24 -- walking around the counter towards the hot
25 bar.

1 Q. And can you describe the person that
2 you see here, and what this person has on?

3 A. A black male, wearing a gold chain,
4 black and red pants.

5 Q. All right. And now this is going to be
6 State's Number 130. What are we seeing in
7 State's 130?

8 A. So over her at the hot bar and behind
9 the hot bar a subject standing outside the hot
10 bar making an order.

11 Q. Okay. And is this another angle from
12 that camera we just saw?

13 A. Yes, ma'am, this is a zoomed out image.

14 Q. All right, and now, Mr. Haley, in
15 State's Number 131 what are we seeing?

16 A. That same camera angle, a different
17 point in time.

18 Q. Okay. And now this is State's Number
19 132, what do we see in State's 132?

20 A. This is a zoomed in image of that same
21 image.

22 Q. Okay. All right, I notice that this is
23 a person here?

24 A. Yes, ma'am.

25 Q. And describe what this person is

1 wearing.

2 A. A black shirt, chain, and black and red
3 pants.

4 Q. Okay. And, finally, in State's Number
5 133, what are we seeing?

6 A. Another zoomed in image of the same
7 image prior, or same angle prior.

8 Q. Okay.

9 A. Same subject.

10 Q. Thank you. All right, Mr. Haley, we
11 are trying again with State's Number 125 to
12 publish it.

13 THE COURT: You're publishing 125?

14 MS. LEGETTE: Yes, Your Honor.

15 (Video is being played in courtroom.)

16 BY MS. LEGETTE:

17 Q. All right, Mr. Haley, I'm going to
18 direct your attention now to the screen to your
19 left. This is State's Number 125.

20 We just watched those still photos, same
21 video. Can you tell us, basically, what we're
22 seeing in State's 125?

23 A. Same as the pictures of prior. These
24 are the top two cameras and the bottom left
25 camera are looking out towards the pumps,

1 towards Sydneys Road. The bottom right image is
2 from inside of the hot bar.

3 Q. Now, Mr. Haley, what are we looking at
4 in this particular --

5 A. This is inside of the Pak A Sak,
6 looking at the hot bar.

7 Q. All right, so, Mr. Haley, in this video
8 we talked about earlier, I believe in State's
9 127 through 133, the still shots.

10 What we are seeing in this particular video
11 shot right here?

12 A. Those will be of the parking lot, a
13 vehicle is next to the building, a hot bar
14 beside the building.

15 Q. And that was that light blue vehicle
16 you talked about --

17 A. Yes, ma'am.

18 Q. -- in State's, I think, 127?

19 A. Yes, ma'am.

20 Q. And are you able to tell the time on
21 this video?

22 A. It's kind of hard for me to see at this
23 angle.

24 Q. Would it help for you to get up to be
25 able to stand there --

1 A. Yes, ma'am.

2 Q. -- and come see it? Okay. Can you
3 come around?

4 MS. LEGETTE: I've got a microphone, Your
5 Honor, if he could step down and tell us the
6 time.

7 THE COURT: Use the portable mic. Hold it
8 up so we can hear you.

9 BY WITNESS:

10 A. I believe this is 3:39 p.m.

11 Q. All right.

12 COURT REPORTER: I'm sorry, did you say
13 3:39?

14 BY WITNESS:

15 A. 339.

16 Q. And, Mr. Haley, we talked earlier I
17 believe in State's Number 127 through 133, those
18 still shots, you said you saw a man in that
19 video. Do you see the man in this video?

20 A. Yes, ma'am.

21 Q. Can you describe for us what he's
22 wearing?

23 A. Wearing a black shirt, black and red
24 pants, talking on a cell phone.

25 Q. Does he have anything around his neck?

1 A. It looks like he's wearing a gold
2 chain, a shiny watch.

3 Q. And, Mr. Haley, just for brevity, we
4 want to speed it up some. We're just gonna
5 speed it up some.

6 A. Okay.

7 Q. We're going to fast forward the video.
8 Mr. Haley, I want to ask you again, do you see
9 any -- the woman who is standing near the cash
10 register with the blue shirt on, can you point
11 her out?

12 (Video is being played in courtroom.)

13 BY MS. LEGETTE:

14 Q. Mr. Haley, do you see anything moving
15 in this video?

16 A. Yes, ma'am.

17 Q. What do you see?

18 A. A light blue car backing up with the
19 female with the blue shirt driving.

20 Q. Thank you, you can have a seat back on
21 the witness stand. Mr. Haley, aside from
22 pulling the videos in the Pak A Sak that we saw,
23 and the Saunders Feed & Seed, which I believe
24 were State's 60 and 125, along with reviewing
25 still shots, did you have any other involvement

1 in this case?

2 A. No, ma'am.

3 Q. Thank you, I have nothing further.

4 Please answer any questions from Mr. Matthews.

5 THE COURT: Cross-examination.

6 MR. MATTHEWS: May it please the Court?

7 ***

8 CROSS-EXAMINATION

9 BY MR. MATTHEWS:

10 Q. Mr. Haley, how are you doing today?

11 A. I'm good.

12 Q. So you were the IT guy for the

13 Sheriff's Office during that time?

14 A. Yes, sir.

15 Q. And you'd be responsible for procuring,

16 and then for the integrity of the films?

17 A. Yes, sir.

18 Q. And you say that the timestamp on that

19 Pak A Sak video is the blue car arrives at

20 around 3:39, something like that?

21 A. Well, 3:39 was there inside the

22 building.

23 Q. Okay, so sometime --

24 A. It --

25 Q. -- before 3:39?

1 A. Yes, sir, a few minutes prior.

2 Q. Two minutes prior?

3 A. Mm-hm.

4 Q. So they got to the Pak A Sak on Sydneys
5 Road at 3:37?

6 A. A few minutes prior. I don't know the
7 exact time.

8 Q. Okay, or earlier?

9 A. Yes.

10 Q. All right, and they left at just short
11 of 3:50?

12 A. I believe so.

13 Q. Something like that. All right, and
14 where is the -- where on Sydneys Road is the Pak
15 A Sak?

16 A. It is -- I don't know the exact
17 address, but it's right there near the
18 industrial area.

19 Q. Near the industrial area? Okay, is
20 that about 15 minutes or so?

21 A. Maybe a little bit longer.

22 Q. A little longer? All right, and nobody
23 would know video timestamping at the Sheriff's
24 Office better than you would?

25 A. I wouldn't say that.

1 Q. Nothing further.

2 THE COURT: Redirect?

3 MS. LEGETTE: None, Your Honor.

4 THE COURT: As to this witness?

5 MS. LEGETTE: We ask that he be excused.

6 THE COURT: Mr. Matthews?

7 MR. MATTHEWS: Without objection, Your
8 Honor.

9 THE COURT: You may step down. You're
10 excused from trial --

11 WITNESS: Thank you, sir.

12 THE COURT: -- and you may leave the
13 courtroom.

14 WITNESS: Yes, sir.

15 THE COURT: All right, Mr. Foreman, Ladies
16 and Gentlemen, I'm gonna take my mid-morning
17 break, let you stretch your legs, use the
18 restroom. If I have any smokers, we don't allow
19 smoking in the building, but I'll let you go
20 outside, but once you start your break, since
21 the jury has to stay together, so get my smokers
22 outside, if you need to smoke, because you can't
23 smoke inside the building. I understand about
24 that habit, believe me, I had it for any years,
25 but I hope that you can kick it. Please don't

1 discuss the case amongst yourselves or with
2 anyone else.

3 We'll be back in a few after we've had our
4 short break. You may retire to your jury room
5 at this time.

6 (Jury exits the courtroom.)

7 THE COURT: All right, we'll take a short
8 recess.

9 (Recess).

10 (The following proceedings were held in
11 open court. All parties were present.)

12 ***

13 PROCEEDINGS CONTINUED

14 THE COURT: All right, I understand the
15 jury's all had a chance to have a break. I see
16 I've got defense counsel, Defendant and the
17 Solicitor. Can you bring us the jury, please?

18 (Jury enters courtroom.)

19 THE COURT: Counsel approach real quick
20 before they come in.

21 (Bench conference).

22 THE COURT: Call your next witness.

23 MS. LEGETTE: The State calls Jason
24 Chapman, I think he's number two on our list.

25 THE COURT: What number?

1 MS. LEGTTE: Number two.

2 * * *

3 JASON CHAPMAN

4 * * *

5 being first duly sworn, testified as
6 follows:

7 WITNESS: Good morning, Judge.

8 THE COURT: Have a seat and make yourself
9 comfortable.

10 WITNESS: Yes, sir.

11 THE COURT: Come up. make yourself
12 comfortable, pull the chair up, adjust the
13 microphone to your height, and tell them when
14 you're ready.

15 WITNESS: Good morning, Judge, my name is
16 Jason Walker Chapman, last name is C-H-A-P-M-A-
17 N.

18 THE COURT: Your witness counsel for direct
19 examination.

20 MS. LEGETTE: Thank you, Your Honor.

21 ***

22 DIRECT EXAMINATION

23 BY MS. LEGETTE:

24 Q. Good morning, Captain Chapman.

25 A. Good morning.

1 Q. Captain Chapman, where do you work?

2 A. Currently, the Colleton County
3 Sheriff's Office.

4 Q. And for how long?

5 A. I've been there since January 1 of
6 2013.

7 Q. All right, and so what are your current
8 duties as a Captain at Colleton County Sheriff's
9 Office?

10 A. Currently, I'm over the Criminal
11 Investigations Division, Special Response Team
12 and Marine Operations, Search and Rescue, things
13 like that.

14 Q. All right, and so do you have any other
15 law enforcement experience?

16 A. Yes, ma'am. I -- internal, I have 25
17 years. I started at the City of Walterboro, and
18 I worked there from the late '90s until I
19 switched over to the Sheriff's Office on January
20 1 of '13.

21 Q. All right, and so let's draw your
22 attention now to May of 2017.

23 A. Yes, ma'am.

24 Q. Were you the Captain over CID in May,
25 2017?

1 A. Yes, ma'am.

2 Q. And, specifically, did you become
3 involved in the case before the Court in May of
4 2017?

5 A. I did.

6 Q. All right. Can you just go back,
7 specifically, to May 16th, 2017?

8 A. Yes.

9 Q. Do you recall that?

10 A. Yes, ma'am.

11 Q. All right. Can you tell us about your
12 response, or your role in this case before the
13 Court?

14 A. When the call came out, I believe it
15 was at two minutes until 5:00 p.m. that
16 afternoon. I had not yet secured it, so I was
17 still at work, still on duty, responded out to
18 the scene, as most of my personnel did, and I
19 believe there were several Deputies that
20 actually beat me to the scene. I was only a few
21 minutes behind, but I was not the first on-
22 scene. And once I arrived on-scene, a quick
23 estimate for an overlook of the actual scene,
24 and how big was the scene, how many detectives
25 was it going to take to process the outside of

1 the scene, and so forth. Met with the Chief
2 Deputy and the Sheriff at the time, and agreed
3 for a request to call in SLED to assist with the
4 crime scene.

5 Q. All right, and so when SLED assisted
6 with this crime scene, were you also at the
7 crime scene as well?

8 A. Yes, ma'am. When I arrived that
9 afternoon shortly after 5:00, I did not depart
10 that residence until 9 o'clock a.m. the next
11 morning.

12 Q. All right, and, specifically, let's
13 talk about the evidence that was collected. Are
14 you aware of any cells phones that may have bee
15 collected from that scene?

16 A. Yes, ma'am. I know that we collected
17 one cell phone from the victim, that was later
18 identified by a witness as belonging to one of
19 the victims, a Miss Lori. And we collected one
20 from a cupholder in a camping chair on the front
21 porch, that was later identified as belonging to
22 victim, Phillip.

23 Q. And at a point in this investigation,
24 did you have an opportunity to review that cell
25 phone?

1 A. Yes, ma'am. The following day we
2 secured a search warrant for the green phone
3 that was in the cupholder of the camping chair
4 on the front porch. We believed, at that time,
5 that the phone belonged to victim, Phillip.
6 Once the search warrant was approved and signed,
7 we cut that phone on, and we were able to access
8 the phone, did not have a pass lock on it, and
9 we began to review the content of the phone for
10 any evidence.

11 Q. And are you familiar with what that
12 phone looks like?

13 A. Yes, ma'am.

14 Q. And did you, personally, yourself,
15 review that phone?

16 A. I did.

17 Q. All right. I'm gonna hand you what's
18 been previously marked for identification and
19 entered into evidence as State's 26. Take a
20 moment and tell me, if you recognize State's 26?

21 A. Yes, ma'am.

22 MS. LEGETTE: May I approach?

23 THE COURT: You may.

24 BY WITNESS

25 A. Thank you. This photograph marked

1 State's Exhibit 26 I see a green cover on a
2 black covered Smartphone with a small crack in
3 the screen. It's -- again, it's in the
4 cupholder, a folding camping chair on the front
5 porch. These were pictures that were taken by
6 myself, or by the crime scene with SLED, and
7 this is the position of which that cell phone
8 was located before it was collected.

9 A. And is State's 26 a fair and accurate
10 reflection of the location of that cell phone,
11 that was later identified to be the victim,
12 Phillip Miller's, on the date of May 16th, 2017?

13 A. It is, ma'am.

14 Q. All right.

15 MS. LEGETTE: I'd ask that we publish,
16 again, with this witness, Your Honor, State's
17 26. May we publish?

18 THE COURT: 26, that evidence you may
19 publish.

20 MS. LEGETTE: Thank you, Your Honor, may I
21 approach?

22 THE COURT: You may.

23 BY MS. LEGETTE:

24 Q. Captain, there is a pointer in front of
25 you, if you'd like to use it, to be able to

1 discuss State's 26.

2 THE COURT: When you point, push the red
3 button.

4 BY WITNESS:

5 A. Okay.

6 Q. All right, can you tell us in State's
7 26, you point it at green phone.

8 A. That is the phone in question, yes,
9 ma'am.

10 Q. And that phone was collected by you?
11 Did you collect that phone yourself, or did
12 someone else?

13 A. I believe your case -- Detective King
14 is, specifically, the one that collected it. I
15 did take photographs and assisted with the crime
16 scene, but I believe, when it comes to being --
17 he actually retrieved it from the scene.

18 Q. All right. Captain Chapman, I'm going
19 to hand you now what's been pre-marked for
20 identification State's Number 67. Take a moment
21 and tell me if you recognize State's Number 67.

22 A. Yes, ma'am.

23 THE COURT: You may. You may.

24 MS. LEGETTE: Thank you.

25 THE COURT: Just begin at the top.

1 BY WITNESS:

2 A. Yes, sir. So in front of me, this is
3 the cell phone in question, as it was booked.
4 It still has the tag on it, where it was
5 collected by Detective King.

6 Q. All right. And it has not been changed
7 or altered? It's substantially in the same
8 condition today, as it was when it was collected
9 back in May of 2017?

10 A. Yes, ma'am.

11 Q. Thank you. For identification only,
12 you can put it down.

13 A. Okay.

14 Q. Captain Chapman, you indicated that
15 after the phone was collected --

16 A. Yes.

17 Q. -- you got a search warrant, and then
18 you went through the phone?

19 A. Yes, ma'am.

20 Q. What did you find when you went through
21 the phone?

22 A. When we went through the phone, we
23 located an app as, if I remember correctly, it's
24 Signal or Signal 1, it was just a communication
25 app, but it's a text message application. And

1 inside that app there was a conversation between
2 the victim, Phillip, and another individual.
3 The conversation began on the 15th, the day
4 prior to the incident, and it carried up until,
5 literally, I want to say it was around 16 or 18
6 minutes before Law Enforcement was contacted via
7 911 about the incident.

8 And inside the conversation the other party
9 identified themselves as Rambo, and they
10 identified themselves as wanting to meet up,
11 that they did meet, that Rambo followed the
12 victim back to the victim's residence. And like
13 I said those conversations went up to like 1630
14 or 4:30 p.m., and I think the call for 911 was
15 either 16 or 18 minutes after that.

16 Q. Very good. And when you were viewing
17 these conversations in the phone, what did you
18 do, if anything, to preserve what you reviewed?

19 A. Because we were not sure if we dumped
20 the phone, or downloaded the phone, if that app
21 would download, because it wasn't your -- like
22 your standard text app. What we did was, we
23 took digital photographs of the screen. You'll
24 see my hand holding it in front of me, and us
25 taking photographs of the screen, so that we

1 could at least have it recorded, in the event
2 that the download process didn't capture the
3 conversation.

4 Q. All right, and, Captain Chapman, are
5 you familiar with the actual photographs that
6 you took from that particular phone?

7 A. Yes, ma'am.

8 Q. All right. In a moment I'm going to
9 hand you what's been pre-marked for
10 identification.

11 THE COURT: Are you going to admit, at this
12 time, 67, or do you want to leave it up here?

13 MS. LEGETTE: Only identification, I can
14 get it back.

15 THE COURT: Proceed.

16 BY MS. LEGETTE:

17 Q. I'm gonna hand you in a moment, what's
18 been pre-marked for identification, State's
19 Exhibits Number 42 through 58, and 126. That's
20 42 through 58, and 126.

21 I want you to take a moment and tell me if
22 you recognize 42 through 58, and 126?

23 A. Yes, ma'am.

24 MS. LEGETTE: May I approach the witness,
25 Your Honor?

1 THE COURT: You may.

2 BY MS. LEGETTE:

3 Q. I'm handing you now State's 42 through
4 58, and 126.

5 A. Yes, ma'am.

6 THE COURT: 42 through 58 inclusive?

7 MS. LEGETTE: Yes, Your Honor, inclusive.

8 THE COURT: And 126?

9 MS. LEGETTE: And 126, yes.

10 BY WITNESS:

11 A. Yes, ma'am, I do recognize the
12 photographs as the ones that we took, all the
13 ones that you handed me.

14 Q. Thank you, and, Captain Chapman, are
15 State's 42 through 58, inclusive, and 126 a fair
16 and accurate reflection of the photographs that
17 you took of the victim's phone after the
18 incident on May 16th, 2017?

19 A. Yes, ma'am.

20 Q. Have they been changed or altered in
21 any way?

22 A. No, ma'am.

23 MS. LEGETTE: At this time, Your Honor, I
24 would offer State's 42 through 58, inclusive,
25 and 126 for admission into evidenced.

1 THE COURT: Very well. Mr. Matthews, as to
2 42 through 58, inclusive, and 126?

3 MR. MATTHEWS: Without objection.

4 (State's Exhibits 42 - 58, 126 admitted.)

5 THE COURT: Ladies and Gentlemen of the
6 jury, State's Exhibits 42, 43, 44, 45, 46, 47,
7 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58
8 will be admitted into evidence in the trial of
9 this case without objection. Also, State's
10 Exhibit 126 will be admitted into evidence in
11 the trial of this case without objection. You
12 may now publish to the jury.

13 MS. LEGETTE: Thank you, Your Honor, may I
14 approach the witness?

15 THE COURT: You may approach.

16 BY MS. LEGETTE:

17 Q. Captain Chapman, I'm going to ask you
18 to use your little pointer, and we're going to
19 direct our attention to the screen at your left.

20 A. Okay.

21 Q. Captain Chapman, are you able to read
22 that?

23 A. No, ma'am.

24 Q. All right.

25 A. Sorry.

1 Q. I understand.

2 A. Possibly, if I stand up.

3 Q. All right, do you want to stand up here
4 with me, or --

5 A. Whatever you want.

6 THE COURT: Hand him the exhibit, counsel.

7 BY MS. LEGETTE:

8 Q. We're just gonna read through them,
9 rather than have to watch them.

10 A. Certainly, yeah.

11 MS. LEGETTE: May I approach?

12 THE COURT: You may.

13 BY MS. LEGETTE:

14 Q. State's 42, let's talk about it. What
15 are we looking at? Read to me, read, let's
16 read, you're just gonna read.

17 A. Okay. At the top of the photograph we
18 have the number 18435425985, and we have a date
19 stamp, which says Monday and 6:08 -- or 6:07
20 p.m., and the tail-end of a sentence that says,
21 "Tell me again where you got my name, I'll check
22 you out, and go from there."

23 The next message date stamp Monday, 6:08
24 p.m., "If you are for real, we will talk more."
25 Both of those indicated they came from the

1 victim's telephone. The next conversation
2 indicated it came from the other number, "I just
3 sent my man, that's it, I am trying to get
4 nobody in no trouble, I just want to be -- I
5 just want to buy my little sack, feel me? I'm
6 good with this, my man. Just need good weed.
7 What about that, I'll let you hold onto my ID,
8 for real, that's how serious I am." That's
9 Monday at 6:09 p.m.

10 And then Monday 6:15 p.m., the next message
11 says, "Rambo, my man." The following, or the
12 last message on that screen is, "Can't find it,
13 give me your name."

14 Q. All right, so let's discuss this. At
15 the top you read it was a telephone number 843-
16 542-5985. What are we seeing? Is this a
17 conversation?

18 A. This is the Signal App that we
19 discussed.

20 Q. Uh-huh.

21 A. And what's depicted in this picture is
22 the photograph we took from Phillip's phone to
23 843-542-5985.

24 Q. So he's talking to the 84 --

25 A. He's talking to that number.

1 Q. Okay. All right, so you're reading
2 through this. Do you have any idea who Rambo
3 might be?

4 A. I do know who Rambo is, potentially.
5 At this point in time when the name came up,
6 just through previous tenure at the Sheriff's
7 Office, I knew one individual that went by the
8 name Rambo.

9 Q. Okay, and who is that individual?

10 A. That individual was Kenneth Chisolm.

11 Q. Okay. All right, so let's keep going.
12 So now in State's Number 43.

13 A. Continuing it says, "I don't use
14 Instagram, so give me a few," that was at 6:25
15 p.m. Then it says "Shit, they're like fucking
16 admitting it, Rambo, man," at 6:34 p.m. and then
17 "Text me a link or something," at 6:35 p.m.
18 Then it shifts over to the unknown phone, and it
19 says, then back to the victim's phone.

20 Q. And is all this on Monday?

21 A. All this is still on Monday.

22 Q. And Monday was Monday the what?

23 A. Monday would have been Monday, the
24 15th.

25 Q. Of?

1 A. Of May.

2 Q. Okay.

3 A. "What name is the Rambo, under it pulls
4 up a bunch of people using Rambo," and then it
5 shifts back to the unknown, and it says, "Just
6 Rambo, I'm black, and got hair." That's the
7 last message at Monday, 6:45 p.m.

8 Q. Okay.

9 A. Shifting to the other Exhibit 44, 44 is
10 actually a repeat. It's where it said, "Rambo,
11 my man, can't find it, give me your name." Then
12 it shifts back to unknown, it says, "I have
13 Instagram, no Facebook, police just got me last
14 year. Fuck you with that Facebook, but my name
15 on Instagram is Rambo, and everything's good, my
16 man, just give me a chance." It shifts back to
17 the victim, "Okay, Instagram," it shifts back to
18 the unknown, "Yes, do you see it?" Shifts back
19 to victim, "I don't use Instagram, so give me a
20 few," at 6:25 p.m. on Monday.

21 Q. Okay.

22 A. Moving to State's 45, ending with,
23 "Just Rambo, I'm black and got hair," at 6:45
24 p.m. Shifts over to the victim, "Copy and paste
25 a link to your Instagram page. I'm in

1 Walterboro now deciding if I want to meet you,
2 or if I'm going to meet you," that one ended at
3 8:10 p.m. And then it says, "Hey, man, you
4 there," at 8:25 p.m. Shifts back to AK Rambo,
5 "I just need 20 minutes to take the kids home,
6 and we can meet anywhere." Shifts back to
7 victim, "Okay," that pages concludes at 9:04
8 p.m. on Monday. Going to 46 it picks up --

9 THE COURT: This is State's 46?

10 BY WITNESS:

11 A. Yes, sir, I'm sorry. "I'm just Rambo,
12 I'm black, I've got hair." "As we discussed,
13 copy and paste a link to your Instagram page.
14 I'm in Walterboro now deciding if I'm going to
15 meet you." "Hey, man, you there? I just need
16 20 minutes to take the kids home, and we can
17 meet anywhere." "Okay."

18 State's Exhibit 47, catching up from the
19 previous photograph, it shifts back to Rambo,
20 "Why do you want to -- where do you want to
21 meet?" It shifts back to victim, "I'm busy
22 right now, I'm gonna have to call you back." It
23 shifts back to Rambo, "I'm at McDonald's, my
24 little brother just got off." Back to victim,
25 "I'm going to be a while." Back to Rambo, "I

1 can't be out too long, do you want me to come to
2 you?" Back to victim, "I would, man, but I just
3 don't know you like that, you know, what I," and
4 it carries over to State's Exhibit 48, picking
5 up with, "You know what I mean?" That's at 9:52
6 p.m. on Monday.

7 And then it says, "Shit, actually never
8 even met you before. Why don't we do this
9 tomorrow morning. I'll feel more comfortable in
10 the daytime, and we'll meet up, firm one, and
11 talk about it, it's worth the wait," ending with
12 0955, at 9:55 p.m.

13 Q. And is there any type of photograph?

14 A. There's a photograph at the bottom of
15 that screenshot, of what appears to be a
16 marijuana blade.

17 Q. And that would have been sent from the
18 victim?

19 A. That was sent from the victim. All
20 those were the victim conversation. It carries
21 over to State's Exhibit 49, "Pick me up," with a
22 picture of the blunt, and moving to Rambo, "I
23 understand, but I'm spending on big product,
24 just a transaction, my man. I don't know you
25 either, but I'm moving by the week, because I've

1 got my own people who want weed, but I guess
2 so." And the victim's response is, "Well,
3 shit." That page concludes at 9:57 p.m. on
4 Monday. State's Exhibit 50 picks up with the
5 last comment, the victim states, "I'm trying to
6 see things from your side also, but this type of
7 business relationship must be taken seriously,
8 or, obviously, and cautiously.

9 Once we meet, you will never need to search
10 for or run out again." Back to Rambo, "See the
11 weed, it looks sexy, why don't we just meet
12 anywhere in town, or I come to house -- I'll
13 come to your house, 'cause I've got to put the
14 kids on bus and do other shit in Charleston."
15 And that was at 10:00 p.m. "I thought you were
16 from Walterboro," from the victim. Back to the
17 1:00 p.m., it says, "I put my granddaughters on
18 the bus." Moving to State's Exhibit 51, and
19 finishing, "I put my --

20 THE COURT: What Exhibit?

21 BY WITNESS:

22 A. Okay, I'm sorry, Exhibit 51. "I put my
23 granddaughter on the bus too, we're both family
24 men, and, yes, it's a security issue and sent
25 and loud as hell," ending at 10:02 p.m. Shifts

1 over to Rambo, "I do gotta sign my son in for
2 this job." The last message is cut, it says,
3 "Fuck, sexy not," and it ends at 10:03 p.m.

4 THE COURT: It's the same date?

5 BY WITNESS:

6 A. Yes, sir, still on Monday. Picking up
7 at 52, it says, "Fuck, sexy, not sent. I
8 understand, however, I'm not trying to do one-
9 time deals."

10 Q. Can I stop you right there --

11 A. Yes.

12 Q. -- Captain Chapman? When the victim is
13 sending out these, the sent versus sexy, are you
14 able to interpret what he's doing?

15 A. Do I comprehend what the content of the
16 conversation is?

17 A. Yes, he's correcting auto correcting.

18 Q. Okay.

19 A. That's what it looks like.

20 Q. Okay. Go ahead, I'm sorry, I --

21 A. Yes, ma'am. Rambo responds, "And I'm
22 gonna come back, if the price is right, and to
23 smoking, which it looked like I do, it do, but
24 I'm losing more --

25 Q. Is it hard to read?

1 A. -- I'm losing money now." I apologize,
2 that one's kind of shaded. The victim responds,
3 "I do understand that. Once the sale is gone,
4 it's gone. I've been around for a long time, I
5 know," ending at 10:12 p.m. on Monday. Picking
6 up with 53, Exhibit 53, "Do you know Daniel?"
7 Rambo responds, "Hell, yeah. I can come
8 tomorrow, come on, get to know each other and
9 handle business, as long as it run -- there's
10 nothing funny going on. I don't do the drama
11 with anybody in our business. That's why I'm
12 avoiding." Back to the victim, sorry, "That's
13 why I'm avoiding no drama, no bullshit, no
14 games, just good business, continued business,
15 'cause I don't play games either." That's on
16 Monday, at 10:15 p.m., ending with, "No one
17 gonna be into your business," picking up with
18 Exhibit 54, and finishing, "No one gonna be in -
19 - just wondering if you know Darrell from up at
20 the station, and lives in Ruffin.

21 Q. Is that Darrell or Darnell?

22 A. This one so far I believe it's -- well,
23 it could be Darnell. Q. And what time is that?

24 A. The last time that I can actually
25 confirm is 10:15 at the top of the page. It

1 says, "He will vouch for you. I'll let you come
2 through now for whatever," at 10:17 p.m. It
3 goes back to Rambo, "It's either one with the
4 hair," goes back to the victim, "Older guy, 50s,
5 a little heavy. You should do call for you, if
6 I know him, then they know I don't like meeting
7 new people that I don't want," stopping there
8 and moving to Exhibit 55, "meeting people that I
9 don't initiate the conversation with. There
10 lies my problem.

11 No one that knows me is going to spread my
12 name on the streets like this." Monday at 10:42
13 p.m. Shifting to Rambo, "Don't think so, but it
14 don't matter. We can meet tomorrow. How much
15 is a whole P? And you are right, I don't know
16 what you mean when you with new -- I know what
17 you mean with new faces," 10:23 p.m. Back to
18 the victim, "Sorry, I didn't know what you were
19 talking about.

20 I guess we will just have to talk
21 tomorrow," 10:24 p.m. State's Exhibit 56, "Have
22 a good night, call me any time after 9:00 a.m."
23 "Okay, I've got you, talk tomorrow." And then
24 it changes to the 16th of May, and the first
25 conversation is from Rambo, it says, "Jim, or

1 good morning, my man, is this bad timing,
2 because I've still got to go to Charleston."
3 This is 10:00 a.m. on the morning -- the morning
4 of the 16th. The victim responds, "Actually,
5 it's going to work out, because I've got a drug
6 -- a doctor appointment at St. Francis at 1:30."
7 Moving to Exhibit 57, "If you want to get
8 together afterwards, that's fine, or before, I
9 don't care."

10 Back to Rambo, "Can't afterwards, I'm gonna
11 take my son to sign up for work. About 2:00 or
12 3:00 we can smoke together, get to know each
13 other and handle business." Back to victim at
14 3:30, "That's perfect." That message is at
15 12:50 p.m. It starts with, "Okay, meet me at
16 your house." Moving to Exhibit 58, "My side of
17 town to hot," and a question mark. The victim
18 responds, "Okay, I'm at my appointment," this
19 was 1:42 p.m. "Then I'm at friend's at Ruffin,
20 can you head that way," at 3:49 p.m. And then,
21 "What are you driving," at 4:01 p.m. Rambo
22 responds, "Ain't got there yet, but blue car,"
23 4:03 p.m. Moving to Exhibit 126, picking up
24 with in blue car, victim responds, "K." Next
25 message --

1 Q. And what time was that?

2 A. "K" is at 4:08 p.m.

3 Q. That's on Tuesday?

4 A. On -- this is on Tuesday, the 16th.

5 "Park next to Title Max van in Petco parking

6 lot." That was the victim at 4:11 p.m. And

7 then, "The house is on the main road in town,

8 please park in front of the Toyota Avalon you'll

9 see," 4:30 p.m., Tuesday, May 16th.

10 Q. And, Captain Chapman, those were the

11 text messages that you were able to review

12 inside the victim's cell phone?

13 A. That's correct.

14 Q. All right, and were there any other

15 text messages to that number from the victim's

16 cell phone after that last text message at 4:30

17 p.m.?

18 A. No, ma'am.

19 Q. All right, and, Captain Chapman, you

20 indicated earlier that you had gone to the crime

21 scene, and I'm gonna get those back from you.

22 MS. LEGETTE: May I approach?

23 BY WITNESS:

24 A. I'm making sure they don't fall.

25 Q. You indicated you had gone to the crime

1 scene?

2 A. Yes, ma'am.

3 Q. When you got to the crime scene, the
4 information that was discussed in the text
5 messages between Mr. Miller and the person known
6 as Rambo, who you knew was Kenneth Chisholm, did
7 you see any vehicles matching the description
8 that Mr. Miller talked about?

9 A. The text where he said, "Park behind
10 the Toyota Avalon out front," there was a -- I
11 believe it was white in color Toyota Avalon that
12 was parked directly in front of the residence,
13 the victim's residence.

14 Q. All right, I'm going to hand you what's
15 been previously marked and entered into evidence
16 as State's 15 and 13. I want you to take a
17 moment and tell me if you recognize State's 13
18 and 15.

19 A. Yes, ma'am.

20 MS. LEGETTE: May I approach?

21 THE COURT: You may. 15 and 13?

22 MS. LEGETTE: Yes, sir.

23 THE COURT: In evidence.

24 BY WITNESS:

25 A. Thank you.

1 Q. Yes, sir.

2 A. State's Exhibit 15, it's the Toyota
3 vehicle that is parked in front of the victim's
4 residence on the shoulder of the road, and
5 Exhibit 13 depicts the same vehicle from the
6 back side, 15 from the front and 13 from the
7 rear.

8 Q. All right, and are State's 13 and 15 a
9 fair and accurate reflection of the house and
10 Toyota Avalon in front of it on the date of May
11 16th, 2017?

12 A. They are.

13 Q. Thank you.

14 MS. LEGETTE: At this time, Your Honor I'd
15 like to publish 13 and 15 into evidence.

16 (State's Exhibits 13 and 15 admitted.)

17 THE COURT: They're in evidence.

18 MS. LEGETTE: Yes.

19 THE COURT: 13 and 15 is in evidence, you
20 may publish.

21 MS. LEGETTE: Yes, sir. May I have the
22 lights, Madam Clerk?

23 BY MS. LEGETTE:

24 Q. Captain, I'll direct your attention to
25 the screen at your left, and this is State's

1 Number 15. Are you able to see State's 15?

2 A. Yes, ma'am.

3 Q. What are we seeing in State's 15?

4 A. So on the left side of the screen we
5 have the victim's residence.

6 Q. All right.

7 A It parallels on the roadway, and this
8 area right here is where V.M. [REDACTED] was found. The
9 blanket, or the sheet, or whatever you want to
10 call it that's lying there, was placed over the
11 top of V.M. [REDACTED] body by one of the witnesses on
12 the scene prior to our arrival.

13 This vehicle here is the vehicle that was
14 described in the text message by the victim,
15 Phillip, and it was also parked in the position
16 exactly like you see it. When we arrived, it
17 had blood along the front and along the driver's
18 side, and you can see it is well within our
19 secured inner perimeter of the crime scene.

20 Q. And what make and model is this car?

21 A. I believe it's --

22 Q. Or I mean what --

23 A. I don't know the exact year and model,
24 but I believe it was a white Toyota Avalon,
25 four-door sedan.

1 Q. All right, now in State's Number 13?

2 A. And, again, basically, the same picture
3 just from a reverse angle. This is now the
4 vehicle. You see it, it's still inside the
5 inner perimeter tape. Victim V.M. [REDACTED] would have
6 been in this area here. This is the victim's
7 residence here.

8 Q. And it's that same Toyota Avalon?

9 A. That's correct.

10 MS. LEGETTE: If you could bring the lights
11 up, please?

12 BY MS. LEGETTE:

13 Q. Captain Chapman, did you also have
14 occasion to review any videos in this case?

15 A. Yes, ma'am.

16 Q. All right, tell us about it.

17 A. So based on the conversation that we
18 located on the Signal One app, or the
19 application on the phone, we noticed that they
20 had discussed meeting at Petco, and he says,
21 "Park next," you know, "to the van by -- in
22 front of the Petco." So we went to the Walmart
23 Shopping Center, in an attempt to locate any
24 videos that would cover that area. We started
25 with Fat Jack's, or the building -- whichever

1 one people would call it, and it had a multi-
2 camera system that covered the entire exterior
3 of the building.

4 And out of the side of Fat Jack's facing
5 Petco, we were able to capture images of a green
6 colored Jaguar and a blue in color four-door
7 sedan that met up around the timeframe indicated
8 on the text messages. And the individual that
9 exited the blue car and got into the Jaguar,
10 once we were able to blow the video up and look
11 at it, was, in fact, Kenneth Chisholm, who we
12 had previously said we know him as Rambo.

13 Q. And you, yourself, were able to see him
14 get in?

15 A. I actually went to the scene with our
16 IT Detective at the time, or IT Deputy, and with
17 the owner of the system, that installed the
18 system. We actually went to the location, and
19 we were able to pull everything up there, and we
20 initiated the download process under everything
21 that we may need. While we were there, we sent
22 IT Deputy Haley from that scene over to Saunders
23 Feed & Seed, which is off of the Stokes Road.
24 It's a location that's in between there and the
25 crime scene. And it was just a hunch, at that

1 point in time, mainly, because we knew that they
2 had the same style of system that Fat Jack's
3 had, which is a higher quality system, and that
4 we had access to that one, due to the fact that
5 the same person had installed those, which was
6 Ray Taylor, I think he spoke earlier.

7 So we went ahead and sent him there, to see
8 if he could locate either of the vehicles at
9 that crime -- oh, excuse me, on that video
10 system, and he was able also to locate those
11 vehicles passing by. They were to be coming
12 from Bells Highway towards Ruffin Road on
13 Stokes, and they make an outbound turn on Ruffin
14 Road towards Ruffin on the way from town.

15 Q. And as it relates to the Saunders Feed
16 & Seed video that was Stokes Road, turning onto
17 Ruffin Road, how long, approximately, would it
18 take to get from that location driving, I guess,
19 at a normal rate of speed.

20 A. I believe we actually went back and
21 actually test drove it, stopping at all signals,
22 driving the speed limit, and I want to say that
23 it took -- it was around five minutes, if I
24 remember. I don't have the exact timeframe in
25 front of me, but --

1 Q. All right, so you had personally
2 reviewed the actual videos at Saunders Feed &
3 Seed, and you are familiar with the video from
4 Fat Jack's, as well as any still shots from
5 those videos?

6 A. Yes, ma'am.

7 Q. Okay. And you also went to the house,
8 the crime scene itself, and you are familiar
9 with whatever was there as well?

10 A. Yes, ma'am.

11 Q. Captain Chapman, I'm going to hand you
12 what had been previously entered into evidence
13 as State's Exhibits Number 17, 68, 69 70 and 71.
14 I want you to take a moment and tell me if you
15 recognize --

16 THE COURT: What through what and
17 inclusive?

18 MS. LEGETTE: All right, it's inclusive 68
19 through 71, inclusive, and Number 17, they're
20 already in evidence, they're already in --

21 THE COURT: All in evidence?

22 MS. LEGETTE: They're all in evidence.
23 I'll be happy to --

24 THE COURT: Mr. Matthews, is that correct?

25 MR. MATTHEWS: Yes, sir.

1 BY MS. LEGETTE:

2 Q. I'm going to hand you these now.

3 THE COURT: I have 68 through 71, and what
4 was the other number?

5 MS. LEGETTE: 17.

6 THE COURT: In evidence?

7 MS. LEGETTE: Yes, sir, 17.

8 THE COURT: You may publish.

9 BY MS. LEGETTE:

10 Q. I'll hand you now what's been
11 previously marked and entered into evidence as
12 these exhibits.

13 A. Yes, ma'am.

14 Q. Tell me if you recognize these.

15 A. Number 17, or Exhibit 17 is a
16 photograph from the front driver's side corner
17 of the green Jaguar, that was identified at the
18 residence the night of the incident. That
19 vehicle was subsequently impounded and later
20 processed with a search warrant. At that
21 particular point in time though it is inside the
22 perimeter of the crime scene at the incident
23 location. Exhibit 68 is one of the camera shots
24 coming out of Fat Jack's towards Petco. It
25 depicts the victim's Jaguar, stopped on the side

1 travel lane, and the individual we identified as
2 Rambo getting in the passenger seat.

3 Exhibit 69 is a blown up, or a closer image
4 of the same image depicted in 68, which is the
5 individual we identified as Rambo getting in the
6 passenger seat of the victim's vehicle, which is
7 the green Jaguar.

8 Exhibit 70 is a parking lot angle from
9 Saunders Feed & Seed. It depicts the green
10 Jaguar driving by from Bell's towards Ruffin.
11 It is timestamped at -- actually, that's not the
12 timestamp. 70 shows the Jaguar going by, and 71
13 shows the light blue or sky blue sedan that we
14 identified from the first video that the
15 individual Rambo got out of, and it as well is
16 coming down Stokes Road from Bell's Highway
17 towards Ruffin Road.

18 Q. All right, and are State's Exhibits
19 Number 17, 68 through 71, inclusive, a fair and
20 accurate reflection of the scene at the location
21 at [REDACTED] Highway on May 16th, 2017,
22 as well as videos -- still shots from the videos
23 at Saunders Feed & Seed, as well as Pak -- I'm
24 sorry, Fat Jack's on the date of May 16th, 2017?

25 A. They are.

1 MS. LEGETTE: And at this time, Your Honor,
2 I would publish those with him?

3 THE COURT: They're in evidence, you may
4 publish?

5 MS. LEGETTE: May I approach?

6 BY MS. LEGETTE:

7 Q. All right, Captain Chapman, I will
8 direct your attention to the screen at your
9 left. This is going to be State's Number 17.
10 Can you point to this particular Exhibit Number
11 17, and tell us what we are seeing?

12 A. Well, this is the Jaguar previously
13 described in the photos, or the still images
14 from the surveillance video. This is the left,
15 if you're facing the residence, the left side of
16 the victim's residence. The residence is here.
17 This is U.S. 21, or Highway 21, and you can see
18 the crime scene tape in the background, so the
19 vehicle is parked where we located it on the
20 left side of the victim's residence at the crime
21 scene, and this is, again, May 16th of 2017.

22 Q. And this would have been some time
23 after the incident had happened?

24 A. This is correct.

25 Q. And now I direct your attention to

1 State's Number 68. What are we seeing in
2 State's 68?

3 A. So I imagine here being the corner of
4 the building of Fat Jack's --

5 Q. Okay.

6 A. -- looking across this way would be
7 Petco, looking this way would be KFC, and going
8 this way would be Walmart, just for.

9 Q. All right, now, so is Petco still open?

10 A. Is Petco still open?

11 Q. Yeah. 'Cause at this time the Petco
12 was open, but --

13 A. At this time Petco was open.
14 Currently, I do not believe that that store is
15 still in service.

16 Q. Okay.

17 A. Here we see a Jaguar, here we see the
18 blue car, that the individual identified as
19 Rambo got out of. Actually, went to the wrong
20 vehicle, initially, and then walked over, opened
21 the passenger side door and got into the
22 victim's vehicle.

23 Q. And you're reviewing this video, based
24 on the text message that you had reviewed
25 earlier?

1 A. That's correct.

2 Q. All right, and in those text messages,
3 what does the victim say about meeting?

4 A. The victim tells him to park next to
5 the van in the Petco parking lot.

6 Q. And now State's Number 69.

7 A. And that's just a vehicle, the same one
8 we just discussed. Here again we have the
9 victim's vehicle, the -- at the time
10 unidentified sky blue or light blue vehicle that
11 the individual identified as Rambo got out of.
12 He actually comes across, pulls on the wrong
13 door to get in the wrong vehicle, and then he,
14 eventually, gets inside the victim's vehicle on
15 the passenger side.

16 Q. And while we're discussing State's
17 Number 69, you said that you also reviewed the
18 video from Fat Jack's?

19 A. I did.

20 Q. And what -- can you tell us, or remind
21 us what happens in this video, once the
22 individual, and identifying himself as Rambo,
23 gets into that Jaguar?

24 A. If you remember in the conversations
25 that I read to you earlier, I apologize, I know

1 it was kind of choppy reading it the way we did,
2 but the summarization of the conversation was,
3 "We need to meet, we need to see one another
4 face-to-face in public, smoke weed together,
5 then we can move on with a transaction."

6 And I'm assuming that was because either
7 party was concerned about the legitimacy of the
8 other, whether or not they were undercover
9 officers, and so forth.

10 So if you remember during the conversation,
11 they said, "We can meet, we can burn one, and
12 then we can conduct business." We noticed,
13 while watching the video, that once the
14 individual identified as Rambo gets in the
15 victim's vehicle, they simply make a big loop
16 around the Walmart complex. And what they're
17 assumably doing, at that point in time, is
18 burning one, or smoking marijuana, just to
19 ensure that they were okay to do the
20 transaction.

21 When they finished making that lap, they
22 came back to this point here, where the
23 individual identified as Rambo gets out of the
24 victim's vehicle, gets back into the blue
25 vehicle, and both vehicles depart in the same

1 direction, and they depart towards the exit by
2 all the way to the red light as far as we could
3 follow the video. That was the last video that
4 we could follow.

5 Q. All right. And so you also indicated
6 that you were familiar with the video from
7 Saunders Feed & Seed, and what road is that
8 business located on?

9 A. It's located at the end of Stokes Road,
10 almost to the intersection of Ruffin Road.

11 Q. Okay. All right, I'm gonna now direct
12 your attention to State's Number 70. All right,
13 it's a little bit difficult to see, but I'm
14 gonna -- are you able to tell us what --

15 A. Yes, ma'am, I'm able to see it.

16 Q. -- the timestamp is on this, or --

17 A. I could not tell the timestamp.

18 Q. Okay, all right, but is this on May the
19 16th, 20-- --

20 A. It's definitely on May 16th, 2017. I
21 believe once we identified the time difference,
22 and what I mean by that, Ladies and Gentlemen,
23 your camera system at your house may be synched
24 to your phone.

25 MR. MATTHEWS: Objection, Your Honor, the

1 technician was here earlier.

2 THE COURT: Please approach.

3 (Bench conference).

4 THE COURT: The objection is sustained.

5 BY MS. LEGETTE:

6 Q. Did this happen on -- is this video
7 from May 16th, 2017?

8 A. It is.

9 Q. All right. And so at some point, what
10 are we seeing in this particular still shot?
11 This is Number 70.

12 A. We're seeing the same green Jaguar,
13 identified as the victim's Jaguar passing by
14 this location.

15 Q. Okay.

16 A. It is traveling on Stokes Road from
17 Bell's Highway towards Ruffin.

18 Q. All right, and now in State's Number
19 71, what are we seeing?

20 A. And this is the light blue, or sky blue
21 four-door sedan that the individual identified
22 as Rambo got out of, initially, he got back into
23 the rear seat, and left the Walmart Shopping
24 Center at the same time as the green vehicle
25 owned by the victim.

1 Q. And this video also is on May 16th,
2 2017?

3 A. It is, and it was seconds behind the
4 other vehicle.

5 Q. And as you reviewed this video, and saw
6 this car following behind the Jaguar, does the
7 video continue past this point?

8 A. It does.

9 Q. And what do you see in those shots in
10 that video?

11 A. From a different angle, you're able to
12 see that both vehicles come to the stop at the
13 stop sign at Stokes Road and Ruffin Road, and
14 they both make a left turn onto Ruffin Road,
15 towards the Town of Ruffin away from Walterboro.

16 Q. Okay, thank you.

17 A. You're welcome.

18 Q. Now, Captain Chapman, at some point --
19 you said earlier that you were familiar with the
20 individual known as Rambo?

21 A. Yes, ma'am.

22 Q. And what is that person's name?

23 A. Kenneth Chisholm.

24 Q. And do you see Kenneth Chisholm present
25 in Court today?

1 A. I do, ma'am.

2 Q. Could you point him out for the Court,
3 please?

4 A. Yes, ma'am. He is in the dark suit
5 with the tie, sitting next to his counsel at the
6 table on my left.

7 MS. LEGETTE: Let the record reflect the
8 witness identified, Kenneth Chisholm.

9 BY MS. LEGETTE:

10 Q. Captain Chapman, after you went through
11 the phone, and you were able to have the video
12 pulled, and you also were able to review videos,
13 and go through the still shots, as well as the
14 text messages, at some point thereafter, did Law
15 Enforcement get a chance to speak to Mr.
16 Chisholm?

17 A. We did.

18 Q. All right, were you personally able to
19 speak with him, regarding the text messages?

20 A. I had spoke to him briefly at the tail-
21 end of the interview. I believe that, if I
22 recall correctly, Detective King pretty much ran
23 the interview.

24 Q. Yeah.

25 A. There again, I stepped in and spoke,

1 and explained some of the stuff that we had.
2 That I wasn't sure that he was aware that we
3 had, and -- but that was -- I didn't did a whole
4 lot with him.

5 MS. LEGETTE: Begging the Court's
6 indulgence.

7 BY MS. LEGETTE:

8 Q. Captain Chapman, I have no further
9 questions, sir. Thank you. Please answer any
10 questions from Mr. Matthews.

11 A. Yes, ma'am.

12 THE COURT: Exhibits to the Court Reporter.
13 but 67 is not in evidence. You had it up here,
14 I don't know where it is. You got it back?

15 WITNESS: This one?

16 MS. LEGETTE: Thank you.

17 MR. MATTHES: If it please the Court.

18 THE COURT: Cross-examination.

19 ***

20 CROSS-EXAMINATION

21 BY MR. MATTHEWS:

22 Q. I haven't even started, I don't need to
23 drop the mic yet.

24 Captain Chapman, how are you today?

25 A. Good, sir, how are you?

1 Q. I'm doing all right. Prior to your
2 current position, you were on the Drug Squad at
3 some point or another, correct?

4 A. Yes, sir.

5 Q. What's a pound of marijuana cost these
6 days?

7 A. Currently?

8 Q. Currently.

9 A. I would have to take a guess, I mean it
10 -- a pound is gonna run anywhere from \$1,350 to
11 well over four or five, depending on the grade,
12 and where it comes from.

13 Q. When Phillip Miller sent that text
14 responding to, "Can I get a P?" Was it your
15 understanding that that was code for a pound of
16 marijuana?

17 A. Actually, no.

18 Q. What would it be?

19 A. It wasn't for a pound. You're asking
20 me?

21 Q. Yeah, I'm asking you your opinion, you
22 were Drug Squad.

23 A. My interpretation was not for a P.

24 Q. What was your interpretation?

25 A. I was assuming he was asking for a

1 quarter bag.

2 Q. A quarter bag?

3 A. Correct.

4 Q. See this is why I'm asking, okay.

5 A. Yeah.

6 Q. How much is a quarter bag cost?

7 A. Well, it would be a quarter of a pound.

8 Q. A quarter of a pound. How much is a
9 quarter of a pound?

10 A. So if you take into account that it's
11 -- we're gonna add all the grams and everything
12 up, that -- I mean a dollar amount, again, it
13 depends on the type of weed you're talking
14 about.

15 Q. \$500?

16 A. From \$125 -- yeah, \$200.

17 Q. How much weed could you get for \$500?

18 A. Like I said before, depending on the
19 quality of it, you can get anywhere from a
20 quarter all the way up to a pound, but it will
21 be --

22 Q. Okay, so you --

23 \$500 for a P is not an unreasonable
24 ask?

25 A. For a pound?

1 Q. For a P, a quarter pound, whatever.

2 A. Sure.

3 Q. Okay. And that would have been so also
4 in 2017?

5 A. Probably more so.

6 Q. Okay. All right. I don't have any
7 further questions.

8 THE COURT: Redirect?

9

10 MS. LEGETTE: Just briefly.

11 ***

12 REDIRECT EXAMINATION

13 BY MS. LEGETTE:

14 Q. Since we're talking about marijuana,
15 what's the sentence for selling marijuana?

16 A. Simple possession, or actual
17 distribution?

18 Q. Distribution, trafficking.

19 A. It would depend on the number of
20 offenses, but, what is it, first offense is
21 probably three years.

22 MR. MATTHEWS: Objection, Your Honor, I
23 don't think we should be getting into sentences,
24 or I can.

25 THE COURT: Sustained.

1 MS. LEGETTE: I'll withdraw.

2 THE COURT: Recross is limited to redirect.

3 MR. MATTHEWS: Nothing, Your Honor.

4 THE COURT: As to this witness?

5 MS. LEGETTE: We ask that he be excused,

6 Your Honor.

7 MR. MATTHEWS: Without --

8 THE COURT: Any objection?

9 MR. MATTHEWS: No, sir.

10 THE COURT: Jason, you may step down from
11 the witness stand. Leave my exhibits and my
12 pointer. You can take your equipment. You're
13 excused from the trial of this case. Counsel
14 approach.

15 (Bench conference).

16 THE COURT: At this point, Ladies and
17 Gentlemen of the jury, I've been advised by my
18 excellent Clerk of Court that your lunch will be
19 arriving in just a few minutes, and rather than
20 start and break up a witness, it's gonna take
21 longer than what time we have remaining for
22 lunch, we're gonna stop at this point and give
23 you a lunch break. I hope everybody has a
24 pleasant lunch. I understand that lunch is
25 coming from the IGA, so I know it will be

1 delicious, and I hope everybody enjoys it.
2 Please do not discuss the case, you have not
3 heard all the evidence in the case. I'll be
4 back with you. I've got to give everybody a
5 chance to go and get lunch and get back.

6 I've got to make sure everybody gets fed,
7 and not just you. I realize you'll probably
8 finish before anybody else, but that isn't
9 necessarily when we're gonna start. And matters
10 come up, obviously, when we're adjourned that I
11 need to take care of, but I'll be back with you
12 as soon as I can. Thank you for your patience
13 and your service, you may retire to your jury
14 room at this time, thank you.

15 (Jury exits courtroom.)

16 THE COURT: All right, counsel, I'm gonna
17 give you'all -- we won't start back -- I realize
18 that you have to leave, and get lunch, and come
19 back, but I want everybody back here by ten
20 until 2:00, it's ten until 1:00 now, since we're
21 stopping ten minutes early. It'll give you a
22 full hour to get lunch and come back. We'll be
23 in recess until 1:50. Thank you.

24 (Lunch recess.)

25 THE COURT: Would you bring us the jury,

1 please, ma'am?

2 THE CLERK: Yes, sir.

3 THE COURT: Mr. Foreman, Ladies and
4 Gentlemen of the jury, I hope everybody had as
5 pleasant lunch, and we'll now continue with the
6 testimony and trial of this case. Solicitor,
7 call your next witness.

8 MS. LEGETTE: Thank you, Your Honor, the
9 State calls Doris Yarborough.

10 THE COURT: Number?

11 MS. LEGETTE: Number 12.

12 * * *

13 DORIS YARBOROUGH

14 * * *

15 being first duly sworn, testified as
16 follows:

17 THE COURT: Good afternoon.

18 WITNESS: Hi.

19 THE COURT: Could you state your full name
20 for the record, and spell your last name for the
21 Court Reporter.

22 WITNESS: My name is Doris Yarborough, Y-A-
23 R-B-O-R-O-U-G-H.

24 THE COURT: Pull that mic closer. Your
25 witness counsel, direct examination.

1 MS. LEGETTE: Thank you, Your Honor.

2 ***

3 DIRECT EXAMINATION

4 BY MS. LEGETTE:

5 Q. Good afternoon, Ms. Yarborough.

6 A. Good afternoon.

7 Q. Ms. Yarborough, where -- well, what do
8 you do now?

9 A. I am retired.

10 Q. All right. So where have you
11 previously worked?

12 A. I was previously employed with the
13 South Carolina Law Enforcement Division, also
14 known as SLED.

15 Q. And for how long were you employed at
16 SLED?

17 A. Almost 12 and a half years.

18 Q. And what were your duties at SLED?

19 A. I was a Forensic Technician in the
20 Evidence Control Department.

21 Q. And what does that mean?

22 A. That means any of the evidence that
23 comes in from any other State agencies
24 throughout the State of South Carolina comes in
25 through that office, it's logged in, given a

1 unique control number, and then placed in the
2 evidence storage until it's requested for
3 analysis.

4 Q. Okay. And so what is the purpose of
5 evidence control?

6 A. To manage that as it comes in.

7 Q. Okay. All right, and so were you
8 working for SLED in May of 2017?

9 A. I was.

10 Q. All right, and so I want to turn your
11 attention, specifically, to May 24, 2017.

12 A. Yes, ma'am.

13 Q. Did you collect any items of evidence
14 from a Terrance Ryan Matthews?

15 A. I did.

16 Q. All right, can you --

17 A. I received that on May 23rd, 2017 from
18 Mr. -- I'm sorry, the 24th from Mr. Matthews.

19 Q. All right, and can you describe for us
20 what you received from Mr. Matthews on that
21 date?

22 A. It was a box, it's labeled as Container
23 F, because it had multiple items in it, in fact,
24 that container would also have items by number,
25 but it, as we know it, a container, and it had

1 different items.

2 Q. And can you describe for us what the
3 items of it were? I guess describe that.

4 A. According to the chain of custody that
5 you provided to me, Item 35 was a sealed box
6 containing shoes, as a brown bag, containing
7 shoes and socks.

8 Q. Okay, and what was the condition of
9 Container F, when you received it?

10 A. It was properly sealed and labeled --

11 Q. Okay.

12 A. -- and transferred to me.

13 Q. All right, and so if it had not been
14 sealed properly, or had evidence of tampering,
15 would you have made a note of it?

16 A. We would have called the investigate --
17 well, he's an investigator, or was for SLED. We
18 would have come back down and put his initials
19 on the seal.

20 Q. But based on what you were able to
21 remember and see in the chain of custody, you
22 had no problems with it?

23 A. There was no issue, no, ma'am.

24 Q. All right. All right, Ms. Yarborough,
25 I'm gonna had you what's been previously marked

1 for identification, but does not appear on your
2 list, as State's 148.

3 THE COURT: 148, you may approach.

4 MS. LEGETTE: Yes, sir, 48.

5 BY MS. LEGETTE:

6 Q. Ms. Yarborough, I want you to take a
7 moment and tell me, if you recognize State's
8 148.

9 MS. LEGETTTE: May I approach?

10 BY WITNESS:

11 A. This is a box marked Container F. This
12 is a unique bar code system that's used by SLED.
13 The C with the number beside it says, "Container
14 F," so that's what that represents. So all the
15 items, apparently, from Item 34 through 37 were
16 contained in this box, labeled as Container F.

17 Q. And you said earlier.

18 THE COURT: Is that the Exhibit Number
19 right on the back of the box?

20 WITNESS: Yes, sir, 140.

21 THE COURT: Thank you.

22 BY MS. LEGTTE:

23 Q. And you testified earlier that you
24 received items, so it was Container F, and,
25 specifically, Item Number 35, which you

1 indicated was --

2 A. Yes, ma'am, Item 35 is in that box.

3 Q. Was in that box, okay. Did you ever
4 open that box?

5 A. No, sir. No, ma'am. We don't open any
6 or analyze anything that's brought into us, it's
7 already pre-sealed and dated by the submitter.

8 Q. All right. And so does SLED have any
9 chain of custody, or evidence control
10 documentation within your system, like internal
11 documentation to tell where any of those --

12 A. It's an electronic transmission, so I
13 wouldn't -- I took it from Investigator Terrence
14 Matthews, it went into my custody, and from my
15 custody in went into the storage position that I
16 placed it until it's ready for analysis.

17 Q. Okay. And so can you tell us,
18 referring to your internal chain of custody, you
19 go ahead. If you could refer to your internal
20 chain of custody and SLED -- or SLED's internal
21 chain of custody, and can you detail for us
22 where Container F, which is State's Exhibit now
23 Number 148 for identification only, where it
24 went after you put it on the shelf?

25 A. On the 24th of May of 2017, I got it

1 from Terrence Matthews. On that same day I
2 placed it in what's called valuable evidence
3 intake storage. Then on October the 4th of
4 2017, another Forensic Technician in our office
5 by the name of Jackie Davis got it, and
6 transferred it to a Forensic Scientist, by the
7 name of Ila Simmons. Ms. Simmons took it that
8 day, placed it into -- where they put their
9 storage for incoming evidence in the Trace
10 Department.

11 Then on 10/10 of '17 Ms. Simmons again
12 moved it to another incoming, and then on the
13 11th of October she transferred it back to
14 Jackie Davis, she happened to be the one who
15 took possession of it in the Evidence Control
16 Department.

17 And then, again, she once again put it back
18 in the valuable evidence intake storage. On
19 November the 6th of 2017 I got it again from
20 someone who retrieved it, Jonathan Hadley, it's
21 not always the same people, and I transferred it
22 to Jasmine Ruiz-Yi, who is a Forensic Technician
23 in the Processing Department. And then she
24 brought it back on November the 14th, and one of
25 our Evidence Control people took it from her,

1 and then she also put it back into evidence.

2 Q. Okay, thank you. And based on that,
3 that's what you did with this case, as it
4 relates to Container F, and that will be State's
5 148.

6 A. Yes, ma'am.

7 MR. MATTHEWS: Correct.

8 BY MS. LEGETTE: Thank you, I have no
9 further questions. Please answer any -- and
10 that just for identification only. I have no
11 further questions, please answer any questions
12 from Mr. Matthews.

13 MR. MATTHEWS: Thank you, Your Honor.

14 THE COURT: Cross-examination.

15 ***

16 CROSS-EXAMINATION

17 BY MR. MATTHEWS:

18 Q. Ms. Yarborough, how are you today?

19 A. I'm very well, thank you.

20 Q. That's very nice. You take great pains
21 no make sure nobody messes with that stuff,
22 right?

23 A. Yes, sir.

24 Q. But you can -- the only control you've
25 got is when it comes to you?

1 A. That's correct.

2 Q. And what happens to it before it comes
3 to you, you don't know?

4 A. No, sir.

5 Q. Nothing further.

6 THE COURT: Redirect?

7 MS. LEGETTE: None, Your Honor.

8 THE COURT: As to this witness?

9 MS. LEGETTTE: We ask that she be excused.

10 THE COURT: Ms. Yarborough --

11 MR. MATTHEWS: Without objection.

12 THE COURT: -- you may step down, and
13 you're excused from the trial of this case.
14 Leave my exhibit here, and take your file only
15 with you.

16 WITNESS: Thank you.

17 THE COURT: Thank you. Call your next
18 witness.

19 MS. LEGETTE: Michele Eichenmiller.

20 THE COURT: What number?

21 MS. LEGETTE: And Michelle Eichenmiller is
22 Number 7.

23

24

25

MICHELE EICHENMILLER

* * *

being first duly sworn, testified as follows:

THE COURT: Reset the mic and the chair, and state your full name, and spell your last.

WITNESS: Michele Eichenmiller, E-I-C-H-E-N-M-I-L-L-E-R.

THE COURT: Your witness counsel for direct examination.

MS. LEGETTE: Thank you, Your Honor. I'm going to approach and get that box down, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q. Good afternoon, Ms. Eichenmiller.

A. Hello.

Q. Even though I do know, where do you work now?

A. I work for the South Carolina Law Enforcement Division, it's also known as SLED. I work in the Forensic Lab in the Firearms Department.

Q. All right, and how long have you worked for SLED?

1 A. Approximately, 15 years.

2 Q. And tell us about your job title and
3 your duties at SLED, as it relates, and what
4 exactly you do.

5 A. I'm a Forensics Firearms Examiner. In
6 order to work at SLED, I need a Bachelor's
7 Degree. I have a Bachelor's Degree in biology
8 and psychology. In order to be a Firearms
9 Examiner though, there's no college you can
10 attend, so once I was hired I learned with the
11 Examiners that were already employed at SLED.
12 It's a three to four year program. I did a lot
13 of reading on my own, mock case work,
14 microscopic examinations, and at the end of the
15 four years I took a comprehensive final, I
16 passed it and then I worked cases on my own.

17 Q. Okay, and so have you ever been
18 qualified as an expert in the field of firearms
19 identification and/or tool marks identification?

20 A. Yes.

21 Q. And how many times?

22 A. Approximately 115 times.

23 MS. LEGETTE: At this time, Your Honor, I
24 would offer Ms. Michele Eichenmiller -- or Agent
25 Michele Eichenmilller as an expert in the field

1 of firearms identification and/or tool markings
2 identification.

3 THE COURT: Any objection, as to
4 qualifications?

5 MR. MATTHEWS: No, sir.

6 THE COURT: Ladies and Gentlemen, recalling
7 my earlier instruction to you about expert
8 witnesses, you may accept the expert's testimony
9 and give it the weight that you deem it should
10 be given. This witness is qualified for
11 firearms identification and tool markings
12 without objection. You may proceed Solicitor.

13 MS. LEGETTE: Thank you, Your Honor.

14 BY MS. LEGETTE:

15 Q. Agent Eichenmiller, what is firearms
16 identification?

17 A. The branch of forensic science that
18 deals with firearms, and anything that may have
19 been fired by a firearm, so bullets, cartridge
20 cases. We also do serial number restoration, if
21 the serial numbers are erased.

22 Q. And what make such identifications
23 possible with firearms?

24 A. Firearms will mark a cartridge case or
25 a bullet during firing, and those can be

1 perceived as like a fingerprint. Each gun makes
2 unique marks, and we try to match the projectile
3 or the cartridge case back to the firearm.

4 Q. All right, so each gun will have its
5 own type of fingerprint, in other words?

6 A. Yes.

7 Q. Okay. And is that the same thing as
8 tool markings?

9 A. Yes. A firearm is a specific kind of
10 tool.

11 Q. Okay, all right, very well. All right,
12 now did you receive any evidence in the case
13 before the Court?

14 A. Yes.

15 Q. All right, can you just tell us what
16 evidence you received in this case?

17 A. If I could refer to my notes?

18 Q. Yes.

19 A. I received eight fired cartridge cases,
20 actually nine and ten, sorry.

21 Q. So that was ten?

22 A. Ten, altogether, yes. And then one --
23 four -- five fired bullets, and one bullet
24 jacket fragment.

25 Q. Okay. And as it relates to -- and from

1 whom did you receive this evidence?

2 A. Whenever SLED receives evidence in a
3 case it goes into login department, and I will
4 go downstairs and pick up the evidence and bring
5 it back up to my office.

6 Q. Okay. All right, and so what was the
7 condition of the evidence that you received?

8 A. It was all sealed and evidence tape and
9 my credential.

10 Q. Okay, and as it relates to the -- I
11 think you called it cartridge cases, what
12 caliber were those cartridge cases?

13 A. They were .9 millimeter.

14 Q. And upon receiving this evidence, did
15 you actually do any analysis on the evidence?

16 A. Yes. When I receive evidence, I'll
17 document how I received it, I take photographs,
18 fill out a worksheet, caliber, name, any marks
19 that I view on it, and then I'll compare them to
20 each other, using my comparison microscope

21 Q. All right, Agent Eichenmiller, I'm
22 going to hand you in a moment what's been
23 previously marked and entered into evidence as
24 State's 61 and 62, and I'm also gonna hand you
25 what has been identified, marked for

1 identification as State's 120. I want you to
2 take a moment and tell me, if you recognize
3 State's 61, State's 62 and State's 120.

4 MS. LEGETTE: May I approach?

5 THE COURT: You may. Exhibits 61 and 62
6 are in evidence. What's the other number?

7 MS. LEGETTE: 120.

8 THE COURT: 120 is not in evidence.

9 BY WITNESS:

10 A. Whenever you see I've entered a case,
11 I'll mark it with the case number, the item
12 number and my initials. When I complete my
13 examination, I heat seal it and initial it.
14 State's Exhibit 61 is the evidence I examined in
15 this case, 62 is, as well, and State's Exhibit
16 120.

17 Q. And that is evidence you received in
18 this case?

19 A. Yes.

20 Q. And how are you able to recognize them?

21 A. They have my initials, item number and
22 the case number, and they also are heat sealed
23 with my initials on the heat seal.

24 Q. Okay. And are State's Exhibit Numbers
25 61, 62 and 120 in substantially the same

1 condition today, as when you previously examined
2 them and heat sealed them?

3 A. Yes.

4 Q. Have they been changed or altered in
5 any appreciable way?

6 A. No.

7 MS. LEGETTE: At this time, Your Honor, I
8 would offer State's Exhibit 120 for admission
9 into evidence.

10 THE COURT: 120?

11 MS. LEGETTE: Yes, Your Honor.

12 THE COURT: Mr. Matthews?

13 MR. MATTHEWS: Without objection, Your
14 Honor.

15 (State's Exhibit 120 admitted.)

16 THE COURT: Ladies and Gentlemen of the
17 jury, State's Exhibit 120 will be admitted into
18 evidence in the trial of this case without
19 objection. You may publish to the jury,
20 Solicitor.

21 MS. LEGETTE: Thank you, Your Honor. May I
22 have the lights? May I approach the witness

23 THE COURT: You may.

24 BY MS. LEGETTE:

25 Q. And there should be a point up there.

1 A. Uh-huh.

2 Q. All right. Agent Eichenmiller, I will
3 direct your attention to the screen at your
4 left. I'm going to start with State's Exhibit
5 Number 61, and within State's Exhibit 61, we
6 have -- I think you testified earlier about them
7 being cartridge cases?

8 A. Yes.

9 Q. All right, can you tell us about the
10 examination you made to State's Number 61?

11 A. I documented how I received them, and
12 then I compared them to each other, using my
13 comparison microscope. Compared to microscope,
14 they look like a pair of binoculars, one
15 cartridge case on one side, and one on the
16 other.

17 Looked through the binoculars and see both
18 of them at the same time. You can increase the
19 magnification and change the lighting to view
20 any marks that are on them.

21 Q. Okay, so were you able to view any
22 marks on these cartridge cases?

23 A. Yes.

24 Q. And what conclusions were you able to
25 come to, after you conducted your analysis?

1 A. I found matching individual identifying
2 characteristics on the cartridge cases, and
3 concluded that they were fired by one firearm,
4 and that they may be suitable for identification
5 with other related evidence.

6 Q. All right, so in other words, in
7 layman's terms -- you're saying that all ten of
8 these cartridge cases that you received were
9 fired by the same firearm?

10 A. That's correct.

11 Q. And is there anything else significant
12 you didn't tell us about these ten cartridge
13 cases?

14 A. No.

15 Q. Okay. All right, we're gonna turn your
16 attention now, Agent Eichenmiller, to -- this is
17 State's Exhibit Number 62. Can you tell us
18 about the examination you conducted on State's
19 Exhibit 62?

20 A. Is that -- what SLED number is that?

21 Q. I'm sorry, that's 20 -- I think it's
22 item number 18. SLED item number 18, and that's
23 gonna be -- yes, SLED item number 18 collected
24 from marker eight, and it's going to be State's
25 Number 62.

1 A. Okay, that's one fired bullet. I
2 examined that, concluded it was consistent with
3 the .9 millimeter Luger caliber.

4 Q. Okay. And I mean to ask about the
5 shell casings. I think I asked earlier, what
6 caliber were those shell casings?

7 A. They were .9 millimeter Luger.

8 Q. Okay, and I'm now going to turn your
9 attention to State's Number 120, and I believe
10 these are listed as SLED item number 42, 43, 48,
11 49 and 50.

12 A. Yes.

13 Q. All right. Tell us about the
14 examination that you made to State's Number 120,
15 your items 48 through 50, 42 and 43.

16 A. By examining them, the condition that I
17 put them in, filled out worksheets on each one,
18 measured their diameter, they're landing
19 grooves. They had similar class
20 characteristics, lands and grooves, compare them
21 to each other, and reached my conclusions.

22 Q. All right, and just for clarity, can
23 you describe for us what is contained in State's
24 Number 120, but describe for us the item numbers
25 that you received, and how they were described?

1 A. SLED item 42 is one fired bullet. SLED
2 item 43 was one fired bullet, 48 was also a
3 fired bullet, 49 is a bullet jacket fragment,
4 and 50 is also a fired bullet.

5 Q. And to be more specific, what I
6 would --

7 THE COURT: Just a moment, and for the
8 record, this is all part of State's 120?

9 MS. LEGETTE: Yes, Your Honor.

10 THE COURT: All right.

11 BY MS. LEGETTE:

12 Q. And what I'll --

13 THE COURT: I understand you want to use
14 your lights went on, but I've got to keep the
15 record straight, go ahead.

16 BY MS. LEGETTE:

17 Q. And, Agent Eichenmiller, just for a
18 little bit more detail, so as it relates to
19 State's Exhibit Number 120, that contains your
20 item numbers, can you describe them as one fired
21 bullet? Can you tell us from what the label on
22 them was, as where they came from?

23 A. Yes. Item 42 was labeled Phillip
24 Miller, Jr.

25 Q. And it says, "One fired bullet from

1 Phillip Miller, Jr.?"

2 A. I don't know if that's exactly what it
3 said, let's see, 'cause I kind of abbreviated it
4 so -- yes, it says, "Phillip Miller, Jr., jacket
5 projectile."

6 Q. Okay. And as it relates still to
7 Exhibit Number 120, but your item number 43?

8 A. That was described as Phillip Miller,
9 Jr., jacket projectile.

10 Q. Okay, and now moving to -- I believe is
11 still State's Exhibit 120, but your item number
12 48?

13 A. That one is described as Lori Ann
14 Miller - left back bullet.

15 Q. All right, and that would be a fired
16 bullet also?

17 A. Yes.

18 Q. Okay. And so your item -- okay, still
19 on State's 120, but your item number 49, can you
20 describe the description of it?

21 A. Lori Ann Miller - fragments found loose
22 on back of shirt.

23 Q. All right, and now as it relates still
24 on the item State's Exhibit Number 120, but your
25 item number 50?

1 A. That was described as Lori Ann Miller -
2 projectile front, vertebral column.

3 Q. All right, and so, Agent Eichenmiller,
4 can you tell us, as it relates to State's 120,
5 can you tell us anything about the examination
6 that you made to these items, and what, if any,
7 conclusions you were able to reach?

8 A. Yes. Item 42, 43, 48 and 50, which are
9 completed fired bullets, are more consistent
10 with being .9 millimeter Luger caliber. 42 and
11 48 were not suitable for identification. We had
12 four conclusions that we can reach in firearms,
13 one is, it was fired by a gun, or the same
14 firearm not fired, so that's negative.

15 We also have inconclusive, and then we have
16 unsuitable.

17 Q. All right, and so what does it mean to
18 be inconclusive or unsuitable?

19 A. Unsuitable means it was either too
20 damaged, or wasn't marked well enough for me to
21 make a determination, if it was fired by the
22 same firearm. Inconclusive means there just
23 wasn't enough marks. They were there, but there
24 wasn't enough.

25 Q. All right, and so I think you testified

1 that you actually examined the items, and those
2 ones you discussed just now were fired by a .9
3 millimeter?

4 A. Yes.

5 Q. All right. Were you able to make any
6 other conclusions, or was there too much damage
7 about these fired bullets?

8 A. They were mostly too damaged. Item 42
9 and 48 were -- may not be suitable. 43 and 50
10 were unsuitable. We couldn't determine the
11 caliber of item 49, and that was the fragment,
12 and it was also unsuitable for identification.
13 We did compare them to each other, but an
14 inconclusive answer.

15 So they were too damaged and not marked
16 well enough to decide if they were fired by one
17 firearm, or multiple firearms.

18 Q. All right, and did you ever receive a
19 firearm, as it related to this case?

20 A. No.

21 Q. So you were never able to determine
22 what firearm fired those bullets, or the shell
23 casings, although you were able to say that the
24 shell casings were all fired by the same gun?

25 A. Correct.

Q. Okay. And, Agent Eichenmiller, aside from examining these items in State's 120, and I believe 60 and 61, did you have any other involvement in this case?

A. No.

Q. I might have said 61, it's 61 and 62,
any other involvement in this case

A. No.

Q. Okay. Thank you, Agent Eichenmiller, I have no further questions. Answer any questions from Mr. Matthews.

THE COURT: Lights. Cross-examination.

MR. MATTHEWS: Thank you, Your Honor.

* * *

CROSS-EXAMINATION

BY MR. MATTHEWS :

Q. You were not the only person to examine those shell casings; is that correct?

A. At SLED we have a micro-verification process, it's 100 percent, so once I complete my examinations, another qualified firearms examiner will go back over them, and reach their conclusions, and then we sign-off on it, that our conclusions matched.

Q. Okay. And in addition to that, SLED

1 can do more than one test on a given piece of
2 evidence, right?

3 A. Correct.

4 Q. And, for example, the shell case -- or
5 do you know, looking at the bags and stuff, did
6 you see signatures of more than just you, or
7 initials from more than just you within SLED

8 A. Yes. I believe other departments had
9 the evidence.

10 Q. Okay.

11 MR. MATTHEWS: Nothing further, Your Honor.

12 THE COURT: Redirect?

13 MS. LEGETTE: None.

14 THE COURT: As to this witness?

15 MS. LEGETTE: We ask that she be excused.

16 THE COURT: Any objection, Mr. Matthews?

17 MR. MATTHEWS: No, sir.

18 THE COURT: You may step down, take your
19 file, leave my exhibits, have a nice day.
20 You're excused from the trial of this case.
21 Call your next witness.

22 MS. LEGETTE: Thank you. State calls
23 number three on the list, Detective James C.
24 King.

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JAMES C. KING

* * *

being duly first sworn, testified as follows:

THE COURT: Your witness counsel.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q. Good afternoon, Detective King.

A. Good afternoon.

Q. Detective King, where do you currently work?

A. I'm working for the Dorchester County Sheriff's Office in the Criminal Investigations Division, and I work violent crimes.

Q. Okay, and for how long?

A. I've been back with the Sheriff's Office for about a month.

Q. Okay, and did you previously work at the Sheriff's Office in Dorchester?

A. I did, I was at the Sheriff's Office for ten years. I left there out of CID, and came over here to work violent crimes.

Q. All right, and so how long were you

1 working for the Colleton County Sheriff's
2 Office?

3 A. Approximately three years.

4 Q. All right, and were you working --
5 well, you may have said this, but what were your
6 duties at the Colleton County Sheriff's Office?

7 A. My duties were general investigations
8 at first, and then I moved into violent crimes.
9 I've worked homicides, attempted murders, armed
10 robberies. Anything that the State considered a
11 violent crime that was my job to investigate.

12 Q. All right, and so were you working for
13 the Colleton County Sheriff's Office in May of
14 2017?

15 A. Correct.

16 Q. All right, and so I want to turn your
17 attention, specifically, to May 16th, 2017, do
18 you recall working at the Colleton County
19 Sheriff's Office then?

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

21 Q. And did you become involved in the case
22 before the Court?

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

24 Q. Can you tell us about your involvement,
25 as this case first began?

1 A. My involvement with this case was
2 responding to this location in Ruffin, in which
3 Dispatch had called out and stated that a young
4 lady had called 91 -- or had called her mother,
5 and her mother had called 911, and some of her
6 family members had been shot at the house.

7 Q. All right, and so based on the 911
8 call, what did you do?

9 A. At that time, I responded just right
10 here from Washington Street. I went up to
11 Ruffin, to the incident location, and made sure
12 that the crime scene was secured at that time,
13 and tried to gather as much information about
14 what had occurred, in reference to the 911 call.

15 Q. All right, and so you actually went to
16 the crime scene itself?

17 A. I was there.

18 Q. All right, and at any point during the
19 investigation of the crime scene, were you able
20 to collect any evidence?

21 A. Yes. Through -- a crime scene takes a
22 long time. There's rules and laws, like most
23 Law Enforcement has to follow, and at some
24 point, we were allowed to get closer to the
25 crime scene itself, and we located a cellular

1 phone on the front porch.

2 Q. All right. And having located that
3 cell phone, what, if anything, was done with it?

4 A. That cell phone was secured as a part
5 of evidence, as most evidences evidence is done,
6 and it was secured and placed in a evidence bag
7 at the time, and brought back for future
8 analysis, in reference to the crime itself.

9 Q. And did you, personally, yourself,
10 collect that cell phone?

11 A. I did.

12 Q. All right, and what was done with it
13 there? Oh, you said you brought it back for a
14 future analysis?

15 A. Yes, ma'am. I brought it back. At
16 that time, with the limited information that we
17 had, and as well as all property that's found
18 during a crime scene, we obtained a search
19 warrant for that phone, so we could look into
20 it, not knowing whose phone it was.

21 Q. All right, I'm gonna hand you in a
22 moment what's been previously marked and entered
23 into evidence as State's 26. I want you to take
24 a moment and tell me if you recognize State's
25 26.

1 A. I do recognize State's Exhibit 26.

2 Q. And what is State's 26?

3 A. So State's Exhibit 26 is a picture of
4 the cellular phone that I talked about, that we
5 found on the front porch in a athletic-type
6 event chair that was in the cupholder.

7 Q. And State's 26 is a fair and accurate
8 reflection of where that cell phone was located
9 on May 16th 2017?

10 A. It's very accurate.

11 Q. Okay. All right, and thereafter, that
12 cell phone was collected? You said --

13 A. Ma'am?

14 Q. Thereafter that cell phone was
15 collected, right?

16 A. Yes, the cell phone was collected, as a
17 part of evidence of that crime.

18 Q. All right, I'm gonna hand you now
19 what's been previously marked for
20 identification, State's Exhibit Number 67. Take
21 a moment and tell me if you recognize State's
22 67.

23 MS. LEGETTE: May I approach the witness?

24 THE COURT: You may.

25 BY WITNESS:

1 A. I do recognize this exhibit.

2 Q. And what is State's 67?

3 A. State's Exhibit 67 is a cellular phone
4 that we located, that was in the picture that
5 you showed me later, that was later identified.

6 Q. Okay, and is State's 67 in
7 substantially the same condition today, as when
8 you collected it on May 16th, 2017?

9 A. Yes, ma'am.

10 Q. Has it been changed or altered in any
11 appreciable way?

12 A. I do not see that this has been
13 tampered with or altered, as far as the sealing
14 of this evidence bag.

15 Q. And does your name appear on that
16 evidence bag?

17 A. Yes, ma'am. Every piece of writing,
18 inscription on here would be my writing.

19 Q. Very good.

20 MS. LEGETTE: At this time, I would offer
21 State's Exhibit Number 67 for admission into
22 evidence.

23 THE COURT: As to 67, Mr. Matthews?

24 MR. MATTHEWS: Without objection, Your
25 Honor.

1 (State's Exhibit 67 admitted.)

2 THE COURT: Ladies and Gentlemen of the
3 jury, State's Exhibit Number 67 will be admitted
4 into evidence in the trial of this case without
5 objection. You may publish to the jury,
6 Solicitor.

7 MS. LEGETTE: Thank you. May I approach?

8 THE COURT: You may.

9 MS. LEGETTE: May I have the lights, Madam
10 Clerk?

11 BY MR. LEGETTE:

12 Q. All right, Detective King, I direct
13 your attention now to the screen at your left,
14 and this is State's Number 67, and on here you
15 have your signature written. This is the item
16 you collected, the cell phone.

17 A. Correct.

18 Q. All right, and this is that same cell
19 phone that appears in the picture as State's
20 Exhibit Number 26?

21 A. Yes, that's the cell phone that I
22 collected from the front porch.

23 Q. Okay, very good.

24 MS. LEGETTE: If you can bring up the
25 lights?

1 BY MS. LEGETTE:

2 Q. Thank you, Detective King. And so once
3 you collected State's Number 67 to be put into
4 evidence for further and future analysis, was
5 that phone ever searched?

6 A. Yes, it was.

7 Q. Okay. What was found on that phone?
8 Are you aware of what was found on the phone?

9 A. When a search warrant was obtained for
10 the phone, and we opened up the phone, we looked
11 for an identification of whose phone it'd
12 possibly be, in order to correctly notate and
13 annotate what exactly the evidence was. Going
14 through the phone there were several apps that
15 sometimes indicate who the person is. A phone
16 number is very important.

17 Most important, after identifying whose it
18 is, is the last cell phone calls, text messages,
19 any type of cellular communication that that
20 phone went through, prior to the time of the 911
21 call.

22 Q. All right, and so were you able to
23 determine whose phone it was?

24 A. I did.

25 Q. And whose phone was it?

1 A. It was Phillip Miller's phone.

2 Q. Okay, and who was Phillip Miller, as it
3 relates to this case?

4 A. Phillip Miller was the oldest of the
5 three that were murdered at the house. He was a
6 family member of Vinny, he was the husband of
7 Lori, and a grandfather of the child.

8 Q. Okay. And so after you were able to
9 determine whose phone it was, at some point, was
10 the phone itself actually gone through to find
11 more information about who Mr. Miller may have
12 been talking to?

13 A. Yes. We physically went through the
14 phone by touching apps, looking at text
15 messages, looking at phone calls, and once we
16 start finding what we believe would be
17 information that would help us out in the
18 identification of someone, or anybody that had
19 texted him, we would start taking pictures of
20 those text messages, phone calls, anything that
21 would timestamp a significant event that
22 occurred before the homicide.

23 Q. All right, did you find any text
24 messages, or items of evidentiary value that
25 were significant prior to the homicide?

1 A. Yes, we did. We found the information
2 that we were hoping to find, that helped us
3 tremendously in solving this case.

4 Q. All right, and are you familiar with
5 those text messages, as it relates to what was
6 found on that cell phone?

7 A. I'm very familiar with them --

8 Q. All right.

9 A. -- yes, ma'am.

10 Q. All right.

11 MR. MATTHEWS: I believe you said they're
12 already in evidence, if they're already in
13 evidence.

14 BY MS. LEGETTE:

15 Q. I'm gonna hand you what's been
16 previously marked and entered into evidence as
17 State's Exhibits 42 through 58, inclusive, and
18 State's 126. Please take a moment and tell me
19 if you recognize State's 42 through 50,
20 inclusive, and Number 126.

21 MS. LEGETTE: May I approach, please?

22 THE COURT: What's the other number besides
23 42 through 58?

24 MS. LEGETTE: 126.

25 BY WITNESS:

1 A. The exhibits that you had would be
2 exhibits that I capture photos of from the
3 cellular phone of Mr. Miller.

4 Q. And those particular State's 42 through
5 58 inclusive, and 126, they're an accurate
6 reflection of the photographs or screenshots of
7 the cellular phone and conversations had on it?

8 A. Yes, they are.

9 Q. All right, and so, Detective King,
10 based on the text message conversation that you
11 were able to find off the cell phone in State's
12 Exhibit Number 67, the victim's cell phone, were
13 you able to develop a suspect?

14 A. Yes, ma'am, we did.

15 Q. All right, and so who was able to
16 identify the suspect?

17 A. So if I calculate it at the time, it
18 was Jason Chapman, he was familiar with the main
19 thing, that we located on the phone of Mr.
20 Miller.

21 Q. All right, and so thereafter did you go
22 looking for any other items of evidentiary
23 value?

24 A. In the cell phone, at that point, we
25 would look at time, date stamp, where this

1 conversation may or may not have taken place, or
2 where the victim was, who he was talking to, and
3 where that person may have been, and we
4 specifically started looking at a name, Rambo.

5 Q. All right, and so based on the name,
6 Rambo, and the conversation, did you have to go
7 to any locations to find -- look for any videos?

8 A. Yes.

9 Q. All right.

10 A. We -- I followed up with some Facebook
11 pages, and we also looked with the corresponding
12 text message through timestamp, and we looked at
13 those text messages, and we could determine that
14 the victim, Mr. Miller, and Rambo were at the
15 Walmart area at a certain time on the day of the
16 homicide.

17 Q. All right, so before we go back into
18 the videos and the homicide, once the crime
19 scene processing was done, did you ever attend
20 any autopsies?

21 A. Yes, I did.

22 Q. All right, and so when did you attend
23 those autopsies?

24 A. I attended the autopsies shortly -- I
25 would say shortly after, but as soon as I was

1 notified that the victims were ready to do an
2 autopsy, I responded down to MUSC, and,
3 unfortunately, had to go see autopsies.

4 Q. All right, and, Detective King, let's
5 talk about the autopsies. Who were the
6 autopsies of?

7 A. The autopsies at that time were a Mr.
8 Miller, Ms. Lori Miller, and Vinny.

9 Q. All right, and did you retrieve any
10 items of evidence from the autopsies?

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

12 Q. What items of evidence did you
13 retrieve?

14 A. I would retrieve the fingernail
15 clippings, a blood spot. I would have retrieved
16 any ballistics evidence that may or may not have
17 been found. I would have retrieved their
18 clothing, some money, jewelry. A lot of times
19 when we go through the items that are not needed
20 for in-house from MUSC, are given back to us to
21 either return to a family member, personal
22 items, a watch, a wallet, cash, things like
23 that. Anything that would have been on that
24 person, or that would have been directly related
25 to a homicide, as far as a firearm goes, would

1 have been collected, and I would have received
2 it back.

3 Q. And once you received those items of
4 evidence from the autopsy, what did you do with
5 those items of evidence?

6 A. Those items of evidence were placed in
7 my vehicle, secured, and they were transported
8 back to the CID evidence room, and they would
9 have been placed into evidence.

10 Q. And thereafter, were they turned over
11 to any SLED Agents?

12 A. Yes. Eventually, after the processing,
13 that we have gone down, and we made great
14 indication, through paperwork, that we've
15 received these items, what these items are,
16 those items would be sent to SLED for further
17 testing, because we don't have the ability to
18 test items as well as they do.

19 Q. And were those items returned over to
20 Special Agent Terrence Matthews?

21 A. That was one of the agents that
22 received some of the items, yes.

23 Q. All right, so Detective King, let's go
24 back now to the video evidence that you were
25 able to retrieve. You've indicated earlier that

1 after going through Mr. Miller's cell phone, you
2 were able to -- or CID was able to identify a
3 person named Rambo; and, thereafter, you were
4 able to go to Fat Jack's.

5 Are you familiar with the video from Fat
6 Jack's?

7 A. I am.

8 Q. All right, and so were you able to view
9 the video from Fat Jack's?

10 A. I did.

11 Q. What were you able to see on the video?

12 A. So the video at Fat Jack's was related
13 to the text messages. At this time, during the
14 homicide investigation, it's very important to
15 start a timeline. The timeline would have been
16 from the time that you call back to any
17 indication or evidence there of where the victim
18 may have been, or where a suspect may have been.
19 So when we got their camera information, we're
20 looking at the exact times between what the
21 cameras are displaying to us, and how they
22 correspond with the text messages, to make sure
23 that we're articulating that we're on the right
24 path with the investigation.

25 Q. And so based on what you're seeing in

1 the camera and text messages, what are you
2 seeing?

3 A. So when we looked at the text messages,
4 we knew through the text messages, that the
5 victim had met Rambo in the Walmart area parking
6 lot. There was some indications of a certain
7 vehicle that was there in the parking lot, that
8 Mr. Miller asked Rambo to meet him near, that's
9 where he was, and that's where the meeting place
10 would take place prior to the homicide.

11 Q. And, Detective King, you actually were
12 able to pull still photos from that video at
13 Walmart?

14 A. Yes --

15 Q. Or were you?

16 A. -- ma'am.

17 Q. Okay.

18 A. Yes, ma'am.

19 Q. All right, I hand you now what's been
20 moved into evidence as State's Number 68 and 69.
21 Take a moment and tell me if you recognize
22 State's 68 and 69.

23 MS. LEGETTE: May I approach?

24 THE COURT: You may.

25 BY WITNESS:

1 A. I'm familiar with both of the exhibits,
2 counsel.

3 Q. All right, and so what are State's 68
4 and 69?

5 A. So State's Exhibit 68 is a still photo
6 from, I believe, Fat Jack's, and it is a photo
7 of the victim's car in the parking lot, and what
8 appears at the time to be a black male entering
9 the vehicle.

10 State's Number 69, Exhibit 69, is a closer
11 view of State's Exhibit 68, if you will, blown
12 up.

13 Q. All right, and they're a fair and
14 accurate reflection of the still shots from the
15 video at Fat Jack's on May 16th, 2017?

16 A. They are.

17 Q. Are you able to tell us an approximate
18 time, as to when those pictures would have been
19 taken, or timeframe, if you recall it, when --

20 A. Yes. So the 911 call took place
21 somewhere around 4:40, and then through the text
22 messages you can see they're trying to say when
23 it would take place, it would have been,
24 roughly, 15 to 20 minutes, without looking at
25 the text message, again, it would have been

1 prior to the 911 call.

2 Q. And if you will review State's Number
3 126, I believe in front of you.

4 A. Yes.

5 Q. You said earlier you recognized those,
6 they've already been admitted into evidence.
7 Are you able to review and read to us what the
8 final text message says on State's 126, and the
9 time and date stamp?

10 A. Yes. So State's Exhibit 126 is the
11 picture of Mr. Miller's phone with text
12 messages. At 4:01 p.m. on the day of the
13 homicide, he asked Rambo, "What are you
14 driving?" The answer to that text message was,
15 "Ain't got there yet, but a blue car." And then
16 he responded again, "In blue car." Mr. Miller
17 then responds back, the letter, "K," which is
18 often times used to say okay, it's just a string
19 short. That was received -- the, "K" was
20 received at 4:08. He also directed Rambo, "To
21 park next to the Title Max van in Petco parking
22 lot."

23 This message was sent and received on the
24 date of the homicide at 4:11 p.m. There was a
25 final message on this here, "The house is on the

1 main road in town, please park in front of the
2 Toyota Avalon you'll see." That message was
3 sent and received at 4:30 p.m. on the day of the
4 murder.

5 Q. All right, so Detective King, if we go
6 back to the Fat Jack's video that you referred
7 to in those still shots, you actually reviewed
8 that video also?

9 A. I did.

10 Q. All right, and so once you see the
11 individuals in, I believe it's State's Number 61
12 and 62, am I wrong?

13 A. 68 and 69, yeah.

14 Q. 68 and 69, what actually happens, once
15 they get to the car with each other?

16 A. So there was a directive from Mr.
17 Miller for Rambo to park next to the Title Max
18 van in the Petco parking lot. That van is in
19 this photo, and it's time date stamped. Also
20 from this still, which is a longer video, you
21 can clearly see that a black male enters into
22 the vehicle of Mr. Miller. I already knew what
23 his vehicle looked like because it was parked at
24 the house to the left. So as we were viewing
25 this video, I'm looking for his green Jaguar in

1 the parking lot, and I'm looking at the
2 timestamp of the cell phone, and I'm matching
3 that evidence up to get it correct.

4 Q. All right, so I'm gonna hand you now
5 State's 17 and 5, that have already been entered
6 into evidence.

7 Do you recognize State's 17 and 5?

8 A. I do, counsel.

9 Q. All right, what are 17 and 5?

10 A. So in State's Exhibit 17 there's a
11 picture of the victim's car that was taken at
12 the incident location in Ruffin, it is a green
13 Jaguar. And the next picture is a white colored
14 Toyota Avalon.

15 Q. All right, and so you talked about
16 having been able to recognize the victim's green
17 Jaguar --

18 THE COURT: What color did you say?

19 WITNESS: A white color.

20 THE COURT: White?

21 WITNESS: White in color, yes, sir.

22 BY MS. LEGETTE:

23 Q. All right, and so you said that you're
24 able to -- in the Fat Jack's video you can see
25 the green Jaguar pull up in the Fat Jack's

1 video. If we were watching it the Fat Jack's
2 video, we could see that pull up, and the black
3 male get into it?

4 A. Correct.

5 Q. All right, and so once the black male
6 gets into the green Jaguar, what do we see next
7 on the video?

8 A. So the video starts to play, the
9 vehicle that is now occupied by what we believe
10 is Rambo, at the time, according to text
11 messages, and the date of Mr. Miller, they drive
12 around the parking lot. And I say drive around
13 the parking lot, they leave the area of the
14 camera, and then they return back to the same
15 spot within a short period of time, it wasn't
16 very long at all.

17 Q. All right, and once they get back to
18 that location where they park, do those vehicles
19 do anything else in that video?

20 A. Yes, so Mr. Miller exits the area that
21 he has stopped in, what we believe is Rambo,
22 according to the text message at the time, exits
23 the car, and starts walking back towards a car
24 that we knew that he indicated he was in by
25 saying, "A blue car," he walked towards a blue

1 car.

2 Q. And let me stop you right there. So on
3 State's Number 126, I believe that's the last
4 text message --

5 A. Correct.

6 Q. -- on Mr. Miller's phone to Rambo,
7 telling him to park next to the van, so --

8 A. Yes.

9 Q. And then are there any text messages in
10 between that period of time, when he says, "Park
11 next to the van," and for him to park at the
12 house?

13 A. No, there are not.

14 Q. All right. So you're saying that there
15 is a timeline, where Rambo was in the car with
16 Mr. Miller, and there are no text messages
17 coming from Rambo's phone to Mr. Miller?

18 A. Correct.

19 Q. All right, and so once -- at some point
20 you said, I think you testified that Mr. Miller
21 pulls out of the parking lot, or he didn't --
22 please testify, go ahead.

23 A. That -- yeah, I did say earlier that on
24 video you can clearly see -- I know where the
25 entrance is from experience of being in Colleton

1 County, so Mr. Miller's vehicle, or what I
2 believe is Mr. Miller's vehicle, at the time,
3 drives towards the exit of the Walmart, which,
4 at that time, the blue car in which, who we
5 believe, Rambo was at the time, begins to follow
6 Mr. Miller.

7 Q. All right, and so at some point, is
8 there another video putting Mr. Miller and Rambo
9 in the same area?

10 A. Yes, there is another video.

11 Q. And have you ever reviewed that video?

12 A. I have.

13 Q. And where is that video from?

14 A. The Saunders Feed & Seed store,

15 Q. All right, and so are you also familiar
16 with still shots from the Saunders Feed & Seed?

17 A. I am.

18 Q. All right, and so I'm gonna hand you
19 State's Exhibits Number 70 and 71 previously
20 admitted.

21 A. All right.

22 Q. Take a moment and tell me if you
23 recognize these.

24 THE COURT: 70 and 71?

25 MS. LEGETTE: They're already admitted,

1 Your Honor. May I approach.

2 THE COURT: Yes, you may.

3 BY MS. LEGETTE;

4 Q. Do you recognize 70 and 71?

5 A. I do recognize both of these exhibits.

6 Q. What are 70 and 71?

7 A. Number 71 is a still photo of the video
8 from the Saunders store, that captured Mr.
9 Miller's Jaguar going by the camera.

10 Q. All right, and so -- go ahead, sir.

11 A. And 71 would be --

12 THE COURT: Hold up, you said 71 before.

13 BY WITNESS:

14 A. No, number 70 would be Mr. Miller's
15 car, the Jaguar. Number 71 would be the light
16 blue vehicle that Rambo got into after he left
17 meeting with Mr. Miller.

18 Q. All right, and so you said that you
19 previously had reviewed the actual Saunders Feed
20 & Seed video?

21 A. I did.

22 Q. Are you actually getting to see the
23 cars drive on that video?

24 A. Yes.

25 Q. All right, so once those vehicles pass

1 this camera, are they seen on another camera?

2 A. On this -- this camera captures in
3 front, and there's a secondary camera that
4 captured the vehicles going past this location,
5 in that same area, it's on the same building.

6 Q. Okay. All right, and so having
7 observed all these videos, and having seen the
8 text messages, and responding to the location at
9 [REDACTED] were you able to do any driving of your
10 own?

11 A. Yes. So right back to the cell phones,
12 the timestamp of the cell phones, the
13 indications of correspondence, the last time
14 that they left the parking lot, when they talked
15 to each other through text messages, I started
16 at the parking lot from the last time that both
17 vehicles -- well, the first time I saw both
18 vehicles on, and I tried to, what I believe
19 would have been the route that was taken from
20 the Petco area, Walmart area, to the incident
21 location in Ruffin.

22 Q. All right, and what was your timeframe,
23 or did you come up with any -- did you -- were
24 you able to make any determinations about time?

25 A. Yes, I did make a determination of

1 time, and through the process of driving at
2 normal speed limit, and looking at the times,
3 that I was able to make it from the Walmart
4 parking lot to Mr. Miller's house, that
5 corresponded with the text messages from the
6 time indicated on his phone.

7 Q. All right. And once you were able to
8 pull all of these videos, were you then able to
9 at some point, develop a suspect who was
10 arrested?

11 A. Yes. Yes, I did.

12 Q. All right, and did you have anything
13 else, prior to -- you developed a suspect, and
14 who was that suspect?

15 A. The suspect was identified as Kenneth
16 Mar'Keith Chisholm.

17 Q. All right, so how did you actually
18 identify him as the suspect?

19 A. So through investigation, and I spoke
20 with Chapman, we looked at a Facebook page, we
21 started looking at text messages and the
22 description that he gave in the text messages,
23 the video, what he looked like in the video, he,
24 at that point, became our primary suspect.

25 Q. And at some point did you get an arrest

1 warrant for him?

2 A. Yes, I did.

3 Q. All right, and so -- but prior to
4 obtaining the arrest warrant, you had the text
5 messages and you had Mr. Miller's cell phone,
6 did you get any search warrants for that cell
7 phone that was sent anyplace?

8 A. The -- Mr. Miller's phone would have
9 been sent off for a process of the phone and --
10 from there.

11 Q. You got a search warrant to send it to
12 the cell phone company?

13 A. Yes.

14 Q. All right. What cell phone company; do
15 you remember?

16 A. Verizon --

17 Q. Verizon.

18 A. -- I believe.

19 Q. All right. So now let's go back and
20 talk about the arrest of Mr. Chisholm. So Mr.
21 Chisholm was arrested?

22 A. He was arrested.

23 Q. All right, and so did you bring him in
24 for any questioning after he was arrested?

25 A. Yes, he was brought in for an interview

1 after being advised that he was arrested for
2 murder.

3 Q. Okay. And so, at some point, did you
4 actually sit down and talk to Mr. Chisholm?

5 A. I did.

6 Q. You personally?

7 A. I did.

8 Q. All right, and so in that interview
9 were you able to -- let's discuss that
10 interview. Did you actually Mirandize him?

11 A. He was provided with his legal Miranda.

12 Q. All right, and so was he, at that time,
13 free to go whenever he was advised of him having
14 been arrested for murder?

15 A. Yes, he actually tried to cut me off,
16 and said he understood, and I advised him I was
17 going to read his Miranda rights anyway.

18 Q. So he was in custody at that time?

19 A. He was.

20 Q. Okay. All right, so at some point
21 during that video you actually -- and it was
22 captured on video?

23 A. It was. The interview that I -- the
24 very first interview, and the only interview
25 that I had with Mr. Chisholm was captured on

1 video on the day he was arrested.

2 Q. All right, so let's talk about that
3 date. What day was that; do you recall?

4 A. It was about two or three days after.

5 Q. Could it have been May 18th?

6 A. Yes.

7 Q. All right, and so where did this
8 interview take place?

9 A. This interview would have taken place
10 at the CID Annex, in our interview room at --

11 Q. Okay.

12 A. -- our location where we were.

13 Q. And can you tell us who was present for
14 the interview?

15 A. I was present for the interview, and
16 there was an agent with SLED that was present
17 for the interview as well.

18 Q. Did any other people come in and out
19 periodically?

20 A. Yes, Detective Chapman was in the
21 interview room. Andy Strickland was in the
22 interview room. Detective Bardo came in and
23 helped out with the handcuffs, and just a short
24 period, he didn't ask him anything.

25 Q. Okay. Now, let's talk about whether or

1 not Mr. Chisholm would have been able to
2 understand his rights.

3 You've been a detective or an officer how
4 many years?

5 A. 15.

6 Q. All right, and during that period of
7 time have you been familiar with people, who
8 have been under the influence of drugs or
9 alcohol?

10 A. Yes, I was assigned to a Narcotics Unit
11 for three and a half years.

12 Q. All right. So during interview process
13 of Mr. Chisholm, did you ever suspect that he
14 was under the influence of any alcohol or drugs?

15 A. Not from his demeanor, how he spoke to
16 me, the way he looked. Most of the indicators
17 that I would have known from my experience as a
18 Law Enforcement Officer -- he did not seem to be
19 under the influence of any alcohol or drugs.

20 Q. And did he seem to have the ability to
21 understand your questions of him and his Miranda
22 Rights?

23 A. Yes, he was very clear with what I was
24 saying, and he answered very clearly back to me.

25 Q. And did he appear to have any physical

1 or mental disabilities that would impair or
2 impede his ability to understand what you were
3 saying to him, or questions you were asking him?

4 A. No, he was fine.

5 Q. Now, can you -- I think you described
6 earlier the physical surroundings of the room
7 that you were in, but how long did the interview
8 last?

9 A. That interview would have been around
10 three-and-a-half hours.

11 Q. All right, and so did you take any
12 breaks during that interview time?

13 A. Oh, yes, yes. Yeah, you have to take a
14 break.

15 Q. Okay.

16 A. It's important.

17 Q. Was Mr. Chisholm ever denied access to
18 the telephone, or bathroom, or food, or drink?

19 A. No, he was not.

20 Q. Did --

21 A. Never.

22 Q. Okay. Did you, or anyone in your
23 presence, ever make any threats or promises, in
24 order to get him to make a statement?

25 A. Absolutely not.

1 Q. All right, so you said earlier that you
2 advised him of his rights?

3 A. Correct.

4 Q. Okay, and how did you advise him of his
5 Miranda Rights?

6 A. A standard Miranda form is issued to
7 all in custody either suspects or defendants, at
8 the time, and I would have given him that
9 standard issued form.

10 Q. Detective King, I'm gonna hand you now
11 what's been previously marked for identification
12 as State's Number 65. Please take a moment and
13 tell me if you recognize State's 65

14 MS. LEGETTE: May I approach?

15 THE COURT: You may.

16 BY WITNESS:

17 A. I'm very familiar with this document.

18 Q. And what is State's 65?

19 A. This is a standard statement of Miranda
20 rights that are -- that I utilized prior to any
21 questionings of Mr. Chisholm.

22 Q. And is State's 65 a fair and accurate
23 reflection of the Miranda warning that you
24 issued to Mr. Chisholm on or about May 18th,
25 2017?

1 A. It is.

2 Q. Has it been changed or altered in any
3 appreciable way?

4 A. No, it has not.

5 MS. LEGETTE: At this time, Your Honor, I
6 would offer State's 65 for admission into
7 evidence.

8 THE COURT: As to State's 65?

9 MR. MATTHEWS: As to State's 65, no
10 objection, Your Honor.

11 THE COURT: Ladies and Gentlemen of the
12 jury, State's Exhibit Number 65 will be admitted
13 into evidence in the trial of this case without
14 objection.

15 (State's Exhibit 65 was admitted.)

16 You may now publish 65 to the jury,
17 Solicitor.

18 MS. LEGETTE: May I have the lights? May I
19 approach?

20 THE COURT: You may approach.

21 BY MS. LEGETTE:

22 Q. All right, Detective King, it my be a
23 little hard to read.

24 THE COURT: Can you close that up a little
25 bit to read?

1 MS. LEGETTE:

2 Okay, are we gonna just --

3 THE COURT: Can everybody in the jury see
4 the screen all right, and read it okay?

5 JUROR: Yes, sir.

6 THE COURT: Proceed.

7 MS. LEGETTE: Thank you, Your Honor.

8 BY MS. LEGETTE:

9 Q. Detective King, we're gonna have to
10 slide this over that, but, Detective King, this
11 is State's Number 65. Are you able to see it
12 from where you're sitting?

13 A. I am, yes, ma'am.

14 Q. All right. Okay, so this is the
15 Miranda form that you advised Mr. Chisholm of
16 his rights?

17 A. It is the Miranda form, in which I
18 advised Mr. Chisholm of his rights.

19 Q. All right, and can you just demonstrate
20 for us, briefly, and when you advised him of his
21 Miranda Rights, was this advisement of his
22 rights capture on video?

23 A. Yes, it was.

24 Q. Okay. All right, so, briefly, just
25 kind of describe for us, or not kind of

1 describe, but describe for us how you advised
2 Mr. Chisholm of his Miranda warnings.

3 A. So during the process of issuing
4 Miranda warnings to Mr. Chisholm, there's quite
5 a bit of information that I must obtain before I
6 actually read him his Miranda Rights. So the
7 information that I obtained would have been
8 questions that I asked him, that has nothing to
9 do with the crime. It's recorded information,
10 to get his full name, his date of birth, his
11 level of education, that is the grade that he
12 would have completed, not what he went to, and
13 if he was under the effects of any alcohol or
14 drugs, prescription, non-prescription, I need to
15 know anything that he had placed into his body
16 prior to this interview.

17 Q. And I know at the time of State's
18 Number 65 that there is some handwriting. If
19 you could point to it and read what you've got
20 there.

21 Is that what you're referring to about his
22 date of birth and education, and all that?

23 A. Yes. So at the top right of this
24 Miranda form, which you'll see here, this is his
25 name that would have been in my pen, this is his

1 date of birth, this is the level of completion
2 of his education, which is very important that
3 he understands the English language, because
4 this form is written in English, it's also
5 written in Spanish, which really wasn't
6 important at this time. This is also my
7 handwriting notes, so that I can remember when
8 days like this come, that this was his answer to
9 drugs and alcohol, right here.

10 Q. And what is his answer?

11 A. So his answer to me was, he had smoked
12 marijuana around 9:00 or 10 o'clock that
13 morning, and that he was not feeling the effects
14 of the marijuana that he had used at 9:00 or
15 10:00 a.m. that morning.

16 Q. All right, and so once you were able to
17 ascertain that information, did you then go into
18 advising him of his Miranda Rights?

19 A. Yes, at this point, I must start at
20 number one, so number one through five is
21 Miranda, according to the United States
22 Constitution, and I would read him that line,
23 and then I would ask him, "If you understood it,
24 to initial the side," or left, as we sit here,
25 to the number of the Miranda Right that I read

1 him.

2 Q. All right, and so I noticed that there
3 are initials here. Whose initials?

4 A. Those are Mr. Chisholm's initials.

5 Q. All right, and so you demonstrated you
6 read him the right, and he would sign his
7 signature or his initials by saying he
8 understood?

9 A. Correct.

10 Q. Okay. And I notice you have KC by each
11 of the five numbers.

12 A. Yes, that's to ensure that everyone
13 that views this document for future purposes,
14 knows that I read to him, and he has signed it
15 that he has understood that one, two, three,
16 four and five.

17 Q. All right, and so if we move down on
18 this page, what we have here in the center is --
19 what is that?

20 A. So this is a waiver of rights. So this
21 paragraph is also provided to persons in
22 custody, especially Mr. Chisholm at this time,
23 and I would have asked him to read this, or
24 often times I will read it, in some other cases
25 I will read it to them, and that is to make sure

1 100 percent that they understand one through
2 five, there is no question in their mind, and
3 they waive those rights one through five, and
4 they were willing to make a statement.

5 Q. So did Mr. Chisholm actually read these
6 aloud, or you read them to him?

7 A. He did.

8 Q. All right, and I notice underneath
9 there is a signature line.

10 Did Mr. Chisholm actually sign his name?

11 A. Yes. So the line that is under that
12 paragraph, waiver of rights, would have been
13 signed by Mr. Chisholm. That was to indicate to
14 me that he understood everything that is
15 involved with that signature in its entirety.

16 Q. So it was your opinion that Mr.
17 Chisholm understood his rights --

18 A. Correct.

19 Q. All right.

20 A. -- it was.

21 Q. And was it also your opinion or your
22 understanding that he was waiving his rights
23 above in one through five, and was agreeing to
24 talk with you without having an attorney
25 present?

1 A. Correct. He was willing to waive his
2 rights, and he did and was willing to make a
3 statement to me.

4 Q. Okay. And I notice underneath Mr.
5 Chisholm's, excuse me, Mr. Chisholm's signature
6 there's a witness by it.

7 A. Yes.

8 Q. What name is that?

9 A. So earlier -- I spoke about this
10 earlier, that's going to be Mr. Jason Chapman,
11 by his number 8653, is his badge number.

12 Q. All right, and so also it's gonna be
13 his badge number, and that's gonna be an
14 officer's name; whose name is that?

15 A. The officer's name would have been my
16 name, and it would have been abbreviated,
17 Detective, Sergeant J. King, Delta782, so that
18 would have been my badge number at the time of
19 his Miranda.

20 Q. All right. And the date of this
21 particular -- what's the date listed on there?

22 A. The date on the -- this Miranda form is
23 listed as May the 18th, 2017, and the time of
24 the signing of this Miranda, this would have
25 been the last thing that I did on this piece of

1 paper, that would have occurred at 7:45 p.m. on
2 May 18th, 2017.

3 Q. All right, thank you.

4 MS. LEGETTE: If you could bring up the
5 lights, please?

6 BY MS. LEGETTE:

7 Q. Now, I need to ask this question, but I
8 want to make sure, did Mr. Chisholm appear to
9 have any trouble understanding his rights, when
10 you were reading them to him?

11 A. No, ma'am, he didn't.

12 Q. And he didn't appear to be under the
13 effects of alcohol or drugs?

14 A. He indicated that he was not, and I did
15 not see any indication that he was under the
16 influence of any alcohol or drugs, at the time.

17 Q. And did his answers to you appear to be
18 rationale and responsive answers?

19 A. His answers to me towards the questions
20 appeared to be rational and very responsive.

21 Q. All right, did he have -- was he also
22 overcome with any emotion, that he was unable to
23 understand his Miranda warnings, or waive his
24 rights

25 A. No, he wasn't. He was pretty laid back

1 and wanted to talk.

2 Q. All right. Did you, or anyone in your
3 presence, ever threaten Mr. Chisholm, in order
4 to get him to make a statement on May 16th,
5 2017?

6 A. No.

7 Q. I'm sorry, May 18th.

8 A. No.

9 Q. All right.

10 A. No one in my presence, and I do not
11 threaten people to Miranda.

12 Q. All right, and so did you, or anyone in
13 your presence, ever try to coerce Mr. Chisholm
14 to make a statement to you on May 18th, 2017?

15 A. Absolutely not.

16 Q. All right. Did you, or anyone in your
17 presence, ever promise Mr. Chisholm anything, or
18 offer him any type of reward, in order to get
19 him to make a statement on May 18th, 2017?

20 A. No, ma'am, I did not, that's a no, no.

21 Q. All right, and so did Mr. Chisholm
22 respond, when you were asking him to waive his
23 rights, did he ever indicate to you, that he
24 wanted an attorney present prior to answering
25 any questions?

1 A. He neve asked for an attorney during my
2 questioning.

3 Q. Did he ever change his mind while you
4 were questioning him, after his Miranda
5 warnings? Did he ever change his mind, and ask
6 for an attorney, and tell you to stop
7 questioning him?

8 A. No, he did not, no.

9 Q. To the best of your knowledge, was the
10 statement that you took from Mr. Chisholm on May
11 18th, 2017 a free and voluntary statement?

12 A. It was.

13 Q. Now, you said earlier that the actual
14 statement itself was captured on video?

15 A. I did.

16 Q. All right, was it also captured on
17 audio?

18 A. Correct. Yes, ma'am, it was.

19 Q. And at our request, have you previously
20 reviewed that video for accuracy?

21 A. I have reviewed the video.

22 Q. All right, and so, Detective King, you
23 have reviewed the video for accuracy, and but
24 for any redactions previously agreed upon by the
25 State and defense in this case, has the video

1 been changed or altered in any way?

2 A. No, they have not.

3 Q. And is that video a fair and accurate
4 reflection of the video that you took from --
5 I'm sorry, the statement you took from Mr.
6 Chisholm on May 18th, 2017?

7 A. It is very accurate.

8 MS. LEGETTE: May I approach the witness
9 with State's Number 66?

10 THE COURT: Counsel approach, sidebar.

11 (Bench conference.)

12 THE COURT: All right.

13 Mr. Foreman, Ladies and Gentlemen of the
14 jury, we need to set our equipment up. As you
15 know, we had some difficulty with some of the
16 equipment, but I'm hoping that we -- we,
17 actually, and I will tell you this, we show you
18 how conscientious my Clerk staff is, they bought
19 a brand-new piece of equipment that's supposed
20 to be delivered tonight, and they're going to
21 test it at 8 o'clock in the morning, because of
22 all the difficulty. And I'll give you an
23 example. With the selection of the jury this
24 week, when we had a problem, I've been told that
25 a number of Counties had the same problem, not

1 just Colleton. It was a problem that originated
2 for everyone, and it does happen from time-to-
3 time. Because of the length of the exhibit,
4 which the State tells me they intend to
5 introduce, I'm going to give you your one and
6 only afternoon break now, so we don't have to
7 stop and start. We'll stop it, we'll start it
8 and play it. So please don't discuss the case,
9 and please retire to your jury room to take a
10 break at this time. Thank you.

11 (Jury exits the courtroom.)

12 THE COURT: All right, let the record
13 reflect that we had a side bar with the
14 Solicitor and defense attorney concerning the
15 timing of the video. I wanted to make sure it
16 wasn't a three-and-a-half-hour video, because
17 I've held -- actually, I've held three pre-trial
18 conferences in this case, where Mr. Matthews had
19 some objections, he knew how I was going to
20 rule.

21 We redacted the video down to two hours,
22 approximately, yet, when we tried to play that
23 video during the Jackson v. Denno hearing, we
24 had problems with the sound, because you
25 couldn't hear it, so they switched to another

1 video, because of the equipment, so that the
2 jury could hear it. My understanding is, we're
3 going to play the redacted portion, which has a
4 good sound?

5 MS. LEGETTE: Yes, Your Honor.

6 THE COURT: But it's a little longer than
7 two hours.

8 MS. LEGETTE: About two hours and four
9 minutes.

10 THE COURT: All right, now during the
11 Jackson v. Denno hearing, because I didn't have
12 the jury present, Mr. Matthews asked the Court
13 to allow him to cross-examine Detective King
14 before we play the video. I had not determined
15 the voluntariness of the statement of the
16 Defendant at that point. I ruled that it was
17 voluntary and admissible.

18 Mr. Matthews now wants the same request,
19 that he wants to cross-examine the witness
20 before the video, but the State hadn't passed
21 the witness in the jury's presence, and I have
22 to determine voluntariness or admissibility of
23 the State. For that reason I informed Mr.
24 Matthews that if the State didn't agree to pass
25 the witness, he would have to wait and cross-

1 examine after the State passed the witness, even
2 though I showed him at first during the Jackson
3 v. Denno hearing, because I had not determined
4 whether or not I was going to admit it into
5 evidence or not, now I have. And that was also
6 a part of sidebar conference.

7 My understanding is, and, Solicitor, do you
8 want to finish with your witness before you pass
9 the witness?

10 MS. LEGETTE: That's correct, Your Honor.

11 THE COURT: All right.

12 MS. LEGETTE: And your intentions would be
13 after this break to play the redacted portion of
14 the video?

15 MS. LEGETTE: That's correct, Your Honor.

16 THE COURT: All right, and y'all can get
17 your laptops out since you've already seen this.
18 All right, now, Mr. Matthews have I accurately
19 stated what occurred in the side bar?

20 MR. MATTHEWS: Yes, sir.

21 THE COURT: Thank you.

22 Solicitor, have I accurately stated what
23 occurred at the side bar?

24 MS. LEGETTE: Yes, Your Honor.

25 THE COURT: All right, this will be your

1 one and only break. When we come back to do
2 this, it's going to be -- it's 3:20 now, so
3 we're looking at 5:20, or 5:30 to play the
4 video. I am not going to break then, I'm going
5 to let Mr. Matthews have his cross-examination
6 before we adjourn for the day, while it's fresh
7 in his mind.

8 So I'm gonna give him the opportunity to
9 cross-examine, if you pass the witness after the
10 playing of the video; do you understand?

11 MS. LEGETTE: Yes, Your Honor.

12 THE COURT: All right, we'll take our one
13 and only mid-afternoon break at this time.

14 (Recess)

15 (The following proceedings were held in
16 open court. All parties were present.)

17 ***

18 PROCEEDINGS CONTINUED

19 THE COURT: Thank you, ladies and
20 gentlemen. Everyone has had a chance to use the
21 rest room. We will now continue with the
22 testimony of the trial of this case.

23 You may proceed.

24 ***

25 DIRECT EXAMINATION CONTINUES

1 BY MS. LEGETTE:

2 Q. You are familiar with the interview
3 that Mr. Chisolm made on May 18, 2017. Is that
4 video a fair and accurate representation with
5 the redactions that now made it two hours?

6 A. Correct.

7 Q. Handing you what has been previously
8 marked for identification as State's Exhibit 66.
9 Take a moment and tell me if you recognize
10 State's Exhibit 66.

11 A. I am familiar with this exhibit.

12 Q. What is State's Exhibit 66?

13 A. Video disk. I marked it Kenneth
14 Chisolm and my initials and the date that I
15 reviewed it.

16 Q. Fair and accurate reflection of the
17 statement that was given by Kenneth Chisolm?

18 A. Yes, it is.

19 Q. Has it been changed or altered in any
20 way?

21 A. No. It has not.

22 MS. LEGETTE: Offer State's Exhibit 66 for
23 admission into evidence.

24 THE COURT: Subject to your objection, it
25 is admissible in the trial of this case and will

1 be admitted into evidence as State's Exhibit 66.

2 You may publish.

3 (State's Exhibit 66 admitted.)

4 MS. LEGETTE: Thank you, Your Honor.

5 THE COURT: Ladies and gentlemen, if you
6 can't see or you can't hear or you can't
7 understand, let me know. Thank you.

8 Q. Detective King, let's talk about
9 procedure. I noticed that you took Mr.
10 Chisolm's shoes, necklace, and his clothes.
11 What was the purpose of doing those things?

12 A. The purpose of this -- this homicide
13 involved a firearm. Oftentimes there will be
14 blood from a victim to the person that committed
15 the crime on their clothing. Otherwise known as
16 spatter.

17 Oftentimes, blood drops may be transferred.
18 Other times the victim may transfer their DNA to
19 a suspect. Anything that would have been on his
20 clothing at this time that were unknown at this
21 time may have been potential evidence. That was
22 placed in a bag to make sure that that evidence
23 was properly collected and it was not
24 contaminated.

25 Q. Detective King, I will hand you what

1 has been pre-marked State's Exhibit 64 and
2 State's Exhibit 63. Take a moment and tell me
3 if you recognize State's Exhibits 64 and 63.

4 Do you recognize State's Exhibits 63 and
5 64?

6 A. State's Exhibit 63 is a brown paper bag
7 marked shoes and socks of Kenneth Chisolm.

8 Q. Is State's 63 the shoes that you
9 collected from Kenneth Chisolm on or about May
10 18, 2017?

11 A. These are the shoes that I collected
12 from Mr. Chisolm.

13 Q. Are they in substantially the same
14 condition as the day you collected them on May
15 18, 2017?

16 A. Yes, they are.

17 MS. LEGETTE: At this time, Your Honor, I
18 would offer State's Exhibit 63.

19 THE COURT: Over objection 63 is admitted.
20 (State's Exhibits 63 was admitted.)

21 BY MS. LEGETTE:

22 Q. Detective King, I noticed also in that
23 video you collected the necklace from Kenneth
24 Chisolm's neck. I have handed you State's
25 Exhibit 64. Tell us what States 64 is.

1 A. Yes, I can.

2 Q. State's Exhibit 64 is a brown paper bag
3 outside watch and necklace, Kenneth Chisolm.
4 Inside the bag are the items of jewelry clearly
5 indicated on the outside of the bag that were
6 collected from Mr. Chisolm prior to being
7 questioned.

8 Q. Is State's 64 in substantially the same
9 condition?

10 A. Yes.

11 MS. LEGETTE: I would offer State's Exhibit
12 64 for admission into evidence.

13 THE COURT: As to 64, admitted over
14 objection in the trial of this case.

15 (State's Exhibit 64 was admitted.)

16 BY MS. LEGETTE:

17 Q. Detective King, as you were questioning
18 Mr. Chisolm, you collected his shoes and his
19 necklace along with his clothes?

20 A. I did.

21 Q. After you collected those items in
22 evidence, what was done with them?

23 A. Those items of evidence were placed in
24 the brown paper bag. They were marked as the
25 items that I would have placed in the bag.

1 Those bags would have been handed to intake for
2 evidence, and they would have been marked as
3 evidence of this crime.

4 THE COURT: Approach.

5 (Bench conference.)

6 THE COURT: Let the record reflect we had a
7 side bar. Mr. Matthews has raised an objection
8 as to items obtained in State's Exhibit 63. I
9 have overruled that objection. I will make a
10 record as to the exact grounds at a later time.
11 As to that, it will be admitted into evidence
12 over objection as well.

13 BY MS. LEGETTE:

14 Q. Were those items taken to SLED for
15 examination?

16 A. Yes.

17 Q. Let's go back to the video. I want to
18 sit down, and we will continue to watch it.

19 (Video played for the jury).

20 THE COURT: All right ladies and gentlemen
21 of the jury, I have a matter that I need to take
22 up real quick.

23 THE COURT: Ms. Stephens, please remain
24 with me. Everyone else may retire to the jury
25 room.