VOLUME I OF II

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MAURICE T. SINGLETON,

APPELLANT

APPELLATE CASE NO. 2023-000553

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

STATE OF SOUTH CAROLINA,) TRANSCRIPT
) OF
PLAINTIFF,) RECORD
)
vs.)
)
MAURICE TRIMAINE SINGLETON,) 2018A1010201306
) 2018A1010201307
DEFENDANT.)

January 5th and 6th, 2023

B E F O R E:

THE HONORABLE BENTLEY PRICE, Judge.

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

PETER SHAHID
ESQ.
Attorney for the Defendant

MAURICE T. SINGLETON
Defendant

Transcribed by Pamela E. Green, from
DCRP, Digital Courtroom Recorder Project

I N D E X

(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

P R O C E E D I N G S

THE SOLICITOR: The State calls Maurice Singleton.

Can you please bring the victims in from the lobby?

They're right there. He was asking them to step back. I just called the case.

Can you please bring them in?

UNIDENTIFIED SPEAKER: (Indiscernible) victim's right?

THE SOLICITOR: I, I just called the case.

Can you --.

(Pause.)

THE SOLICITOR: Judge, this is one of the transfers from Judge McCoy's docket this afternoon.

THE COURT: All right.

THE SOLICITOR: Mr. Shahid had just stepped out in the hallway. He -- the -- so this is sort of a -- all right. They're coming to the --.

(Pause.)

THE SOLICITOR: We are here on two matters, judge. Maurice Singleton is currently charged with murder. He's also charged with unlawful carry of a pistol and unlawful possession of a pistol on a separate incident.

The State tried this defendant in October. The jury hung and a mistrial was declared.

Following that trial, judge, in December, Mr. Shahid

had brought a motion to be relieved before the Court. Judge Jefferson heard that motion.

During that hearing, she verbally granted the motion and conducted quasi Faretta hearing. I do not believe that was completed fully.

Following that hearing she instructed Mr. Shahid to prepare a -- an order. That order has still not been filed. And so the Clerk's Office still has Mr. Shahid of counsel as record -- of record.

So we first need to address that and, secondly, the State has subsequently filed a motion to revoke bond on this defendant. He was personally served. His bondsman was served and he has notice of the hearing. My understanding is that he appeared at the Clerk's Office yesterday and attempted to file some motion of his own but was not able to do so because of the counsel issue.

So, the State is prepared to go forward on both of those motions and especially because he was personally served by my investigator in --.

(Pause.)

THE COURT: All right. Stand down for just one minute. We're gonna go get our Faretta warning documents so he can review it.

THE SOLICITOR: Thank you so much, Your Honor.

THE COURT: All right.

MR. SHAHID: Thank you, sir.

THE COURT: Mr. Singleton, we'll be right back with you.

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

THE SOLICITOR: The State recalls Maurice Singleton.

THE COURT: All right. Do you give him Faretta?

MR. SHAHID: Judge, he did not want to sign it.

THE COURT: Okay.

THE DEFENDANT: Yeah, I needed, I needed more time --

THE COURT: Let me hold it.

THE DEFENDANT: -- to go over my decision to sign, Your Honor.

THE COURT: All right. Mr. (indiscernible) explain to me again what -- what's going on. He wants to -- do you want to represent yourself I guess is my question?

THE DEFENDANT: Yes, I'll be presenting myself at the upcoming trial.

THE COURT: Okay. Well, that's what this is telling you.

THE DEFENDANT: I needed -- I, I read that. I have more questions about that that I needed answers to.

THE COURT: Well, you have to ask me. I'm the one person that can answer those questions for you.

What questions do you have concerning this?

THE DEFENDANT: I want -- I don't want to -- I don't want to waive anything. I won't be waiving anything or right to anything.

THE COURT: Where does it say you---

THE DEFENDANT: I retain all of my rights. I believe at the bottom.

THE COURT: It says you---

THE DEFENDANT: And, Your Honor?

THE COURT: ---understand that if you waive screening for a Court appointed attorney, which you have---

MR. SHAHID: No.

THE DEFENDANT: He's not my Court appointed --.

THE COURT: ---that you are responsible for hiring a private attorney if you would -- if you so choose to have one.

THE DEFENDANT: You say this is a Court -- he's a Court appointed attorney?

MR. SHAHID: No, I'm, I'm retained, judge.

THE COURT: You were?

MR. SHAHID: Yes, sir.

THE COURT: Okay. I thought you said earlier that you were appointed to the case.

MR. SHAHID: No, sir. My apologies for that.

THE COURT: That's okay.

All right. So, you understand that if you fire your

attorney, and you want to represent yourself, that it is your own responsibility to hire another attorney if that's what you wish. No one's gonna do that for you.

THE DEFENDANT: You say do I understand, sir?

(WHEREUPON, there was no audible response.)

THE DEFENDANT: I'm not, not --.

THE COURT: Well, you hired Mr. Shahid and you don't want him anymore.

THE DEFENDANT: Right.

THE COURT: So you understand that if you want another attorney, you have to go out and hire.

THE DEFENDANT: I don't believe I want another attorney, Your Honor. I don't, I don't mean to be difficult but---

THE COURT: No, that's fine.

THE DEFENDANT: ---I don't think --.

THE COURT: You don't have to have another attorney.

THE DEFENDANT: Right.

THE COURT: But that's what this is telling you, that you don't have to have an attorney. It's just warning you of the pitfalls of representing yourself.

THE DEFENDANT: Right. No, I'll be -- I, I want -- I'll be presenting myself, Your Honor, because this is -- was a---

THE COURT: What did he attempt to file?

THE SOLICITOR: He attempt (sic) to file a motion in opposition to the State's revocation of bond. I have not seen it. But I'm---

THE DEFENDANT: Here.

THE SOLICITOR: ---again, I'm happy to go forward without having seen it and I think the, the State's fully prepared to present our own motion.

THE DEFENDANT: Your Honor, I have the -- my opposition if you would want it.

THE COURT: Here's the problem. If you hand me that, you're representing yourself.

THE DEFENDANT: That will be -- that's right. I don't need -- I don't, I don't require a lawyer. I would like to file my own oppositions, my own motions. I would like to do all those things --

THE COURT: All right.

THE DEFENDANT: -- myself and that's why -- could I---

THE COURT: Okay.

THE DEFENDANT: Could -- yeah.

THE SOLICITOR: Judge, prior to making the determination, since the defendant has chosen not to sign the Faretta warning sheet, the State would just request, for purposes of the record and future appeals, if you would go through his Faretta warnings verbally with him and have him acknowledge them on the record.

THE DEFENDANT: Judge Price, I believe I, I, I would like to take the time to go over the things that I'm signing on a -- not -- and not to be rushed to sign.

THE COURT: All right. Here you go. Take that.

Mr. Shahid, you are relieved and, Mr. Singleton, at this point in time I want you to review that and be back here tomorrow morning at 9:30AM.

THE DEFENDANT: All right. Thank you.

MR. SHAHID: Judge, before we go, I, I did submit, and he did sign, an order relieving me, a consent order.

Can I hand that to you?

THE COURT: Absolutely.

THE SOLICITOR: And, judge, if you are relieving Mr. Shahid at the -- as counsel, would you be appointing standby counsel to support him as the trial is already scheduled for the March 27th term of court?

THE COURT: We'll talk to him about that tomorrow.

THE SOLICITOR: Okay. Great.

And for your acknowledgment, the victim's mother and the victim's sister with regard to this defendant's murder charge are present in court. They've been here all afternoon. And, if possible, I'm certain that they will be here tomorrow. So this not only is a -- taking up your Court's time, but it is requiring the victim's family to travel to and from on multiple occasions.

THE DEFENDANT: Um.

THE COURT: All right. Mr. Singleton, is this your signature where it says I consent, Maurice T. Singleton, and then it has your address and phone number?

THE DEFENDANT: Could I see it?

(WHEREUPON, the defendant reviews the document.)

THE DEFENDANT: Yes, sir. All rights reserved.

THE COURT: What's UCC?

THE DEFENDANT: UCC 1-308.

THE COURT: Oh, you're talking about Universal, Universal Commercial Code.

THE DEFENDANT: Universal Commercial---

THE COURT: It's federal law. Not state Law.

THE DEFENDANT: Yeah, the -- you said the Uniform Commercial Code?

THE COURT: I know what you're talking about.

All right. File it. See you tomorrow morning at 9:30.

THE DEFENDANT: All right.

MR. SHAHID: Thank you, judge.

THE COURT: Yes, sir.

(WHEREUPON, this case was in recess for the day.)

Friday, January 6th, 2023

THE SOLICITOR: Judge, present before you is Maurice Singleton. He appeared before you yesterday on the defense's motion to relieve counsel and the State's motion to revoke bond. You signed the order relieving Mr. Shahid as counsel of record for Mr. Singleton. However, at, at that time Mr. Singleton either failed to or refused to sign the Faretta warnings that you provided him. You told him that he -- he said that he needed more time. The Court provided him overnight and asked him to come back to -- this morning at 9:30 to address those warnings.

I -- if he is not inclined to sign the form, the State would just ask, for purposes of preserving the record, that you advise him of those warnings on the record.

THE COURT: All right. Do you have the Faretta warning?

THE DEFENDANT: I don't think I'm gonna be signing that today, Mr. Price.

THE COURT: All right.

THE DEFENDANT: Cause that would mean I would have to -- I will be wanting to proceed in pro se, right?

(WHEREUPON, there was no audible response.)

THE DEFENDANT: I do not wish to proceed in pro se. I wish to proceed in my -- in propria persona.

THE COURT: All right. Well, you read the Faretta warning from this?

THE DEFENDANT: Not to be confused with pro se.

THE SOLICITOR: Judge, can we just clarify if he's choosing to not represent himself or --?

THE COURT: I got to figure it out too.

THE SOLICITOR: Okay.

THE DEFENDANT: Y'all let me find that. I ain't got that. Matter of fact, it's in my bag. The Faretta warning's in my bag or whatever.

THE SOLICITOR: Did you just say, Mr. Singleton, that you do not wish to rep -- represent yourself?

THE COURT: I'll talk to him---

THE DEFENDANT: I do not wish --

THE COURT: I'll talk to him more.

THE SOLICITOR: Okay.

THE DEFENDANT: -- to proceed in pro se. In propria persona --

THE COURT: All right. Hold on.

THE DEFENDANT: -- is how I wish to proceed.

THE COURT: Hold on.

THE DEFENDANT: Excuse me.

THE COURT: When I talk you don't.

THE DEFENDANT: Yes, sir. Excuse -- excuse me.

THE COURT: All right. All right. Mr. Singleton,

you've been charged with a criminal offense. Before you can plead guilty or not guilty or participate at trial, you must be informed that you have the right to an attorney. If you can not afford an attorney, an, an attorney will be appointed to represent you if you so choose. If you do not meet the eligibility guidelines to have an attorney appointed to represent you, you still have the right to an attorney to represent you on the charges (indiscernible) Butler that you are being charged with. However, you must retain this attorney at your own expense.

Do you understand that portion?

THE DEFENDANT: No, sir.

THE COURT: You don't understand that you're entitled to an attorney cause you've already had one cause you retained one the first time?

All that's saying is that if you want an attorney, you have to either pay for one or have one appointed.

THE DEFENDANT: Oh, I com -- I comprehend that knowledge.

THE COURT: All right. I advise you that you have the constitutional right to represent yourself. You can proceed without an attorney. However, I must inform you of the following:

Self-representation could be dangerous and you have the right to have the assistance of a lawyer in all stages of

the proceedings. If you can not afford a lawyer, a lawyer can be appointed to represent you.

Do you understand that?

THE DEFENDANT: I comprehend that knowledge.

THE COURT: Criminal defense is a highly specialized and technical area of the law and there may be certain factual, legal, or other defenses to the charges you are facing. And if you choose to proceed without the services of a licensed attorney, you may not be aware of those certain defenses.

Do you understand that?

THE DEFENDANT: I comprehend that knowledge.

THE COURT: There may be issues related to the conduct of trial or a guilty plea that could arise in the future that you may not be aware of and it would be your attorney's responsibility to be aware of those issues and how to properly address them before the Court. And, if necessary, preserve those issues for any and all appellate review.

Do you understand those?

THE DEFENDANT: I compre---

THE COURT: Do you understand that?

THE DEFENDANT: No, sir.

Could you please complete -- repeat that for me please?

THE COURT: There may be issues related to the conduct of a trial, meaning how the trial proceeds, or a guilty plea

that could arise in the future that you may not be aware of and it would be your attorney's responsibility to be aware of those issues and how to properly address them before the Court. And, if necessary, preserve all of those issues for any appellate review.

THE DEFENDANT: I comprehend that knowledge.

THE COURT: There may be collateral consequences of a conviction or plea that you are not aware of including, but not limited to, you could face increased penalties for subsequent offenses, suspension of your driver's license, the restrictions of the right to possess firearms, or your immigration, immigration status may be affected.

You understand all that?

THE DEFENDANT: I comprehend.

THE COURT: If you exercise your right to proceed without the services of an attorney, you're responsible for complying with all applicable rules of this Court including rules of evidence, procedural rules, and proper behavior before the -- this Court.

Do you understand that?

THE DEFENDANT: I comprehend.

THE COURT: You understand that, if you're waiving -- you understand that if you do not want a attorney appointed to you -- for you, that you must retain one on your own accord.

You understand that?

THE DEFENDANT: Say it again please.

THE COURT: If you don't want me to appoint you an attorney, you have to pay for one.

You understand that?

THE DEFENDANT: I comprehend. I don't want -- I don't -- I won't be paying for an attorney, sir.

THE COURT: All right.

THE DEFENDANT: I'm presenting myself.

THE COURT: Those are your Faretta warnings.

Do you wish to proceed and represent yourself?

THE DEFENDANT: I won't be presenting myself, sir.

THE COURT: I didn't ask that question.

THE DEFENDANT: I mean I won't be -- I will not be representing myself, sir. That would mean I have would to stand in the place of the strawman. I want to attend and proceed in my most proper person in propria persona. Not to be confused---

THE COURT: Hold on. I'm gonna ask you a question.

THE DEFENDANT: ---with pro se.

THE COURT: We can't just keep going on.

Do you want to represent yourself in these proceedings?

THE DEFENDANT: I want to present myself, sir.

THE COURT: I didn't ask that. You're gonna answer my question.

Do you want to represent yourself in these proceedings?

THE DEFENDANT: Could you ask -- could you define represent?

THE COURT: You are going to be representing all of your constitutional---

THE DEFENDANT: What---

THE COURT: ---interests---

THE DEFENDANT: What---

THE COURT: ---and rights.

THE DEFENDANT: How you -- how do you mean by represent?

Could you define---

THE COURT: You will be---

THE DEFENDANT: ---represent?

THE COURT: You're gonna be your own lawyer.

THE DEFENDANT: You say I'm gonna be my own lawyer?

THE COURT: Correct.

THE DEFENDANT: I won't -- all right.

THE COURT: We can go around---

THE DEFENDANT: Can I just---

THE COURT: We can keep going around and around.

THE DEFENDANT: Nah, I'm just trying to---

THE COURT: But you're gonna eventually answer my question.

THE DEFENDANT: I'm trying to get a better

understanding of what's being said to me.

THE COURT: Well, do you want---

THE DEFENDANT: So you, you---

THE COURT: ---to be your own lawyer or do you want me to appoint you one?

You already had one that you paid for.

THE DEFENDANT: Um, sir, I want to present myself---

THE COURT: I'm not---

THE DEFENDANT: ---in my---

THE COURT: ---going down that road with you.

THE DEFENDANT: ---most proper status.

THE COURT: You're gonna answer my question.

Do you want to represent yourself or not?

You're not gonna go down that road with me. Trust me.

THE DEFENDANT: No, I'm not to trying---

THE COURT: We can keep doing this all day long.

THE DEFENDANT: No, sir, I don't---

THE COURT: I got nothing but time.

THE DEFENDANT: No, respectfully, I'm just trying to understand what's going on around me.

THE COURT: I'm telling you what's going on respectfully.

Do you want to represent yourself at these proceedings?

THE DEFENDANT: Sir -- all right. The only way I answer -- the best way I can answer that, I can answer that

in the best way by saying I will be presenting myself. In, in, in this trial, I will be presenting myself.

THE COURT: I got all day.

THE DEFENDANT: I want to --.

THE COURT: You want to answer my question or not?

THE DEFENDANT: Is there a specific answer you're looking for?

THE COURT: Yes. A yes or no.

Are you going to be representing yourself in these proceedings?

THE DEFENDANT: I wouldn't be able to answer that, sir, without elaborating on how I want to proceed.

THE COURT: How do you want to proceed?

THE DEFENDANT: In, in propria persona not to be confused with pro se.

THE COURT: Well, in my court it's called pro se.

Do you want to represent yourself pro se?

THE DEFENDANT: You say your court, sir?

These are your courts?

THE COURT: This is my court.

THE DEFENDANT: What kind of court is this?

THE COURT: It's a circuit court.

THE DEFENDANT: You say circuit?

(WHEREUPON, there was no audible response.)

THE DEFENDANT: Define circuit please.

THE COURT: Just detain him. We're just gonna have to deal with this later. I don't have time for this.

THE SOLICITOR: Would you like to hear---

THE DEFENDANT: No, sir, I'm just trying to ask---

THE SOLICITOR: ---the State's motion for bond?

THE COURT: No, I'm gonna -- I'll -- we're just gonna get this when everybody's not here. We don't have to waste all these people's time. Put him back.

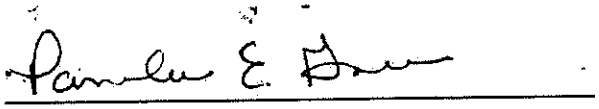
* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Charleston County, South Carolina, on the 5th and 6th days of January, 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 7th, 2023



PAMELA E. GREEN, Court Reporter

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

STATE OF SOUTH CAROLINA,) TRANSCRIPT
) OF
PLAINTIFF,) RECORD
)
vs.)
)
MAURICE TRIMAINE SINGLETON,) 2018A1010201306
) 2018A1010201307
DEFENDANT.)

January 6th, 2023

B E F O R E:

THE HONORABLE BENTLEY PRICE, Judge.

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

MAURICE T. SINGLETON
Defendant

Transcribed by Pamela E. Green, from
DCRP, Digital Courtroom Recorder Project

I N D E X

(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

P R O C E E D I N G S

(WHEREUPON, the following is a transcript in the captioned case that took place later in the morning.)

THE COURT: All right. Go ahead.

THE SOLICITOR: Judge, this is Maurice Singleton. He is back for the third time before you with respect to providing him his Faretta warnings. My understanding, from his prior counsel that was relieved yesterday by Your Honor, is that he has been asserting sort of sovereign citizen language just to -- for full disclosure to the Court so that you understand maybe where this is coming from.

The State is prepared to go forward on our motion to revoke bond. My understanding is that there was an issue prior to the relief of counsel order being filed that Mr. Singleton could not file his opposition. I'm fine and -- fine with waiving that service and ready to go forward with my motion.

I think that it's important that this defendant is advised of his warnings, which you have done on the record this morning. I, I just don't think that either the Court or the State has clarity on what his intention is, whether he intends to represent himself or be represented by counsel or want to be screened by the public defender.

So, if you wouldn't mind asking him that question and

then hearing the State's motion to revoke. We are prepared to go forward on all of these things.

THE COURT: All right. For the record I've asked him, I think, probably about 11 times. So go right ahead.

THE SOLICITOR: Okay. Thank you, judge.

The State has filed a motion to revoke bond, judge. Maurice Singleton is out on bond on a murder charge. This, this case was tried in October. The jury -- a mistrial was declared. The jury hung and he was released on the same bond that had previously been in place. That bond had conditions and provisions that required him to be at home on house arrest with a GPS monitor with the exception of working from 6:00AM to 6:00PM.

I received an email of a, a law enforcement report from the Charleston County Sheriff's Office. This defendant was arrested on a traffic offense on December 19th of this year. He was charged with reckless driving and taken into custody.

At that time, the incident occurred on Sept, excuse me, December the 19th. He was driving the vehicle and had a passenger and it was after that curfew. It was -- well, maybe it wasn't after the curfew. It was 5:04. But he was not coming or going from, from work.

I did request his GPS records from the monitoring company. They have not come off bond. For whatever reason, they did not feel inclined to do that based on Judge

Dennis's order, which I can provide for the Court. But it, it includes exactly what I just stated to you. He can leave his residence only for the purpose of meeting with his lawyer, medical care, and may work outside the home from 6:00AM to 6:00PM and neither of those -- none of those objectives were even met. He was rearrested.

I can't think of a more serious charge that he could be out on bond for and it just, at this point, the State has no other recourse and we're asking for you to hold him into -- in custody until his trial date which is set for March 27th of this year.

THE COURT: You still have that monitor on?

THE DEFENDANT: Yes, sir.

THE COURT: All right. All right. What would you like to tell me?

THE DEFENDANT: First off, we'll start with the -- to, to revoke my bond at this point in time would deprive me of the right to raise a defense for the upcoming trial. Provide the -- it is a violation of South Carolina Constitution Article 1 Section 14 to have compulsory process for obtaining witnesses and to be fully heard by myself and defense.

I'm in a -- I am in a process right now of gathering material evidence so I can prove my innocence for the murder because, when we went to trial, the, the case was not proved

beyond a reasonable doubt. So, I'm innocent of that charge. I'm innocent this whole time.

I've never ran. I've turned myself in. I was out on bond the whole time during trial and showed up. I'm not a flight risk. The traffic infractions -- first of all, Your Honor, the arresting officer, he has---

THE COURT: We're just talking about the bond right now.

THE DEFENDANT: The bond.

All right. Yeah, I'm, I'm not a, I'm not a danger, Your Honor. I never been a danger. I haven't harmed anyone. I don't have a, a history of harming anyone. And it is my right -- that, that -- to -- it is my right to have compulsory---

THE COURT: Well, here's what I'm gonna---

THE DEFENDANT: ---process.

THE COURT: Here's what I'm gonna do. I'm gonna deny their motion to revoke your bond currently. You've come to court twice in a row. I don't think you're a risk of flight However, I am gonna require that you report to your bondsman every Monday morning by 10:00AM. If I have any report that you haven't reported to your bondsman, I'm gonna revoke your bond and come pick you up.

THE DEFENDANT: That's -- I'll, I'll be -- I have -- not a problem. I'm in complete compliance with my bond,

Your Honor. That's not a problem.

THE COURT: Well, those are new conditions.

THE DEFENDANT: Check in -- you say -- what is it so I can be clear?

THE COURT: Go to your bondsman. You have to check in with your bondsperson every single Monday by 10:00AM.

THE COURT: Every Monday. Okay.

THE SOLICITOR: I'll prepare an order.

THE DEFENDANT: I'll write that down. Could you --.

THE COURT: Thank you.

THE DEFENDANT: Ma'am, I'll write it down. Thank you. Appreciate it.

* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Charleston County, South Carolina, on the 6th day of January, 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 9th, 2023

PAMELA E. GREEN, Court Reporter

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March 9th, 2023

Pamela E. Green

PAMELA E. GREEN, Court Reporter

IN THE STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	)
COUNTY OF CHARLESTON	) NINTH JUDICIAL CIRCUIT
THE STATE OF SOUTH CAROLINA	) NO. 2021-GS-10-03219
	)
VS.	) TRANSCRIPT OF RECORD
	)
MAURICE T. SINGLETON	) VOLUME I of III, Pages 1 - 132
	) PRETRIAL; JURY SELECTION; TRIAL

B E F O R E:

The Honorable Bentley Price, Judge; and a jury

Charleston, South Carolina

DATE: Monday, March 27, 2023
11:20 a.m.

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

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dash -- intentional/purposeful interruption; change in thought
ellipses ... trailing off
[ph] phonetically written
[sic] written as said
[indiscernible] unable to be understood due to low volume or quality of audio

JURY STRIKE SHEET

NAME:	RACE:	SEX:	STE:	DFT:	CRT:	SEATED:
1. Susan C. Weetman	W	F				X
2. Helen S. Koenig	W	F				X
3. Katerina Y. Howard	W	F		X		
4. Dai T. Yu	A	M				X
5. Kipling V. Hodge	W	M	X			
6. Kyle R. Dixon	W	M				X
7. Jason A. Jala	W	M		X		
8. William R. Hamill	W	M		X		
9. Allison F. Vanhattum	W	F				X
10. Brian D. Shull	W	M				X
11. Andrew L. Mummert	W	M		X		
12. Andrew J. Burns	W	M				X
13. Anthony A. Ficuciello	W	M		X		
14. Elizabeth M. Obrien	W	F				X
15. William G. Mckibben	W	M		X		
16. Whitney L. Mcluen	W	F				X
17. Malaya E. Myers	B	F				X
18. Jeffrey L. Kaufmann	W	M		X		
19. Thomas J. Holcombe	W	M		X		
20. Deanna L. Trego	W	F				X
21. Christopher J. Gilbert	W	M		X		
22. Lacy J. Fuller	W	M		X		
23. Jeffry P. Diemer	W	M				X

JURY STRIKE SHEET

(cont.)

NAME:	RACE:	SEX:	STE:	DFT:	CRT:	SEATED:
24. Janet M. Laborde	W	F		X		
25. Yolanda K. Footman	B	F	X			
26. Janet B. Miller	W	F		X		
27. Patricia A. Norman	W	F				ALT 1
28. Samuel H. White	W	M				ALT 2

-- P R O C E E D I N G S --

(Court called to order, without the defendant present.)

11:20:04 THE COURT: Do you propose we just go ahead and select the jury?

11:20:07 MR. SINGLETON: I kind of do, Judge. I spoke with his bondsman this morning when he wasn't here at 9:30. He then responded that Mr. Singleton was on the way. Then Mr. Nelson was able to get in touch with him and he -- or I told the bonding company that jury qualifications, roll call started at 9:30, and Mr. Singleton came straight to the clerk's office rather than to that.

11:20:32 Mr. Nelson spoke with him and indicated that jury selection was begunning [sic]. I don't see why we should wait on the jury. I have no issues with addressing all of the motions from the State and whatever he may have. I have no idea what they are.

11:20:46 THE COURT: All right. Call somebody in the clerk's office, go get him, and bring him up. Just keep the jury outside until he gets in here, and as soon as he gets in here then just let me know and I'll come out.

11:20:56 ATTORNEY NELSON: Do you want me to run downstairs and get him or do you want the deputies to get him?

11:21:01 THE COURT: If you think you can get him, I'd love that.

11:21:04 ATTORNEY NELSON: I do.

11:21:04 THE COURT: Take a deputy with you.

11:21:05 ATTORNEY NELSON: Yes, sir.

11:21:05 THE COURT: Thank you.

11:21:06 ATTORNEY NELSON: Thanks, Judge.

11:21:41 (Defendant enters the courtroom at 11:36 a.m.)

11:21:41 PRETRIAL MATTER(S) OF LAW

11:36:32 ATTORNEY NELSON: Your Honor, Mr. Singleton's indicated he does not want me to sit next to him during the proceeding.

11:36:36 THE COURT: Back there's just fine. Not a problem whatsoever.

11:36:42 ATTORNEY NORVELL: Mr. Singleton, I placed a packet on your table of the State's pretrial motions.

11:36:47 Judge, there's a packet on the bench for you, and I provided one for the court reporter as well.

11:36:52 THE COURT: All right. All right, Mr. Singleton. Go ahead and get settled, and we'll get started. I've got a couple of things I need to review with you.

11:37:08 MR. SINGLETON: Actually, Mr. Price, I just wanted to inform you I have my own pretrial motion.

11:37:13 THE COURT: All right. Let's first start off with -- go ahead and get settled, and then I'll let you know how we're going to proceed. Okay.

11:37:45 MR. SINGLETON: Before you -- there's a couple things I wanted to address before --

11:37:49 THE COURT: Hold on. We're going to go how I want to go, you understand that? But we're going to talk about a couple things before we get started, okay.

11:38:03 1 All right. We are here on Indictment No. 2021-GS-10-3219,
2 on the charge of murder; we are here for -6872, unlawful
3 possession of a pistol -- they're stapled. All right -- -71 and
4 -73, which is unlawful carrying of a pistol, unlawful possession
5 of a pistol. Does the State intend to go forward on all four
6 charges?
11:38:45 7 ATTORNEY NORVELL: The State is proceeding only on the
8 indictment for murder, Your Honor.
11:38:48 9 THE COURT: All right. We are going to proceed on
10 Indictment No. -3219, the State of South Carolina v. Maurice
11 Trimaine Singleton.
11:38:56 12 For the record, Mr. Singleton had a hearing in front of me
13 whereby he indicated that he wished to proceed pro se. In doing
14 so, his attorney at the time, Mr. Shahid, filed a motion to be
15 relieved. We had a full hearing in front of myself whereby
16 Mr. Singleton indicated that he wished to proceed pro se. I --
11:39:16 17 MR. SINGLETON: That's correct.
11:39:16 18 THE COURT: -- offered him his *Faretta* warnings.
11:39:21 19 MR. SINGLETON: Objection, Your Honor.
11:39:22 20 THE COURT: Don't interrupt me again.
11:39:22 21 MR. SINGLETON: I'm simply objecting, sir.
11:39:23 22 THE COURT: I understand, but don't interrupt me again.
11:39:28 23 MR. SINGLETON: I'm --
11:39:28 24 THE COURT: Just say, Yes, sir. Say, Yes, sir.
11:39:29 25 MR. SINGLETON: I have a right to object. I just want to

get my objection out --

11:39:32 THE COURT: You're going to do it. Let me finish. We're not going to do this all week like this; do you understand?

11:39:35 MR. SINGLETON: Sir, I just wanted to exercise my right to be heard in a meaningful way.

11:39:39 THE COURT: You will. Let me finish -- whereby he indicated he did not wish to sign those warnings in open court. His attorney, at the time who had been relieved, gave him a copy. I asked him to review those, sign them, and return them back to the court, of which he refused to do.

11:39:57 Mr. Singleton, at this time would you like to review your *Faretta* warnings again or do you still wish to proceed pro se, and do you understand what you're doing?

11:40:05 MR. SINGLETON: Your Honor, I objected because I never wished to proceed pro se. I am here today as a special appearance to challenge the validity of these claims, and I am in propria persona, so the jurors not to be confused with pro se.

11:40:19 THE COURT: All right. For the record, I have appointed Mr. Michael Nelson as his standby counsel. At anytime Mr. Singleton can assert his right to have Mr. Nelson assist him at anything he wishes to assist him in. If Mr. Singleton does not wish to utilize the assistance of counsel then that is his constitutional right, and he will continue to represent himself pro se.

11:40:44 MR. SINGLETON: Your Honor --

11:40:45 1 THE COURT: All right. So at this --
11:40:45 2 MR. SINGLETON: -- I would object to the fact that
3 Mr. Nelson is not qualified to assist me in this trial.
11:40:51 4 Mr. Nelson, are you familiar with that there are legal
5 remedies for every wrong sustained?
11:41:00 6 THE COURT: All right. Mr. Singleton, do you have any --
11:41:03 7 MR. SINGLETON: Excuse me, Your Honor.
11:41:04 8 THE COURT: Do you have any voir dire that you would like
9 for me to ask? Voir dire is a fancy word for --
11:41:09 10 MR. SINGLETON: Your Honor, excuse me.
11:41:10 11 THE COURT: -- for questions?
11:41:10 12 MR. SINGLETON: I have to object because I wasn't finished
13 yet.
11:41:13 14 (Simultaneous speaking.)
11:41:13 15 THE COURT: You don't need to ask Mr. Nelson -- I appointed
16 Mr. Nelson.
11:41:13 17 (Simultaneous speaking.)
11:41:13 18 MR. SINGLETON: Mr. Nelson is disqualified to be -- to
19 assist me in this trial.
11:41:19 20 THE COURT: We're going to do this one more time. If you
21 interrupt me again I'm going to put you back there, and I'm going
22 to let you talk to your attorney. You decide whether you want to
23 proceed pro se. If not, we're going --
11:41:28 24 MR. SINGLETON: Sir, I do --
11:41:28 25 THE COURT: And listen to me. If not, I'm going to put you

back there and I'm going to try you in your absence. Do you understand?

MR. SINGLETON: I wish to attend this trial, so that would be a violation of my --

THE COURT: Then that means you need to listen to me.

(Simultaneous speaking.)

MR. SINGLETON: That would be a violation of due process, sir, because I'm exercising my right to be heard --

THE COURT: That's correct.

MR. SINGLETON: -- in a meaningful way --

(Simultaneous speaking.)

THE COURT: Stop. Take him back there. I'm not going to sit here and do this. You'll be tried in your absence, Mr. Singleton, until you decide that you can --

(Simultaneous speaking.)

THE COURT: -- that you can be quiet.

MR. SINGLETON: Excuse me, sir. I want to --

(Simultaneous speaking.)

THE COURT: Just roll him back there.

(The defendant is escorted out of the courtroom.)

THE COURT: All right. Mr. Nelson, what I'm going to do is put him in a room and see what he wants to do. I'm just going to ask that you go in there and ask him what he wants to do. If he wants to proceed forward he's got to understand he cannot continuously interrupt the proceedings because it does not work

that way, and I'll trust you as an officer of the Court as to what his decision is.

11:42:27 ATTORNEY NELSON: Yes, Your Honor.

11:43:55 (Court recessed at 11:42 a.m. and reconvened at 11:57 a.m., without the defendant.)

11:57:00 ATTORNEY NELSON: Your Honor, I spoke with him. It was not a fruitful conversation. He no longer wants to speak with me and has indicated that I am disqualified.

11:57:10 THE COURT: Okay. All right. If you'll all bring him out, please.

11:57:13 COURT SECURITY DEPUTY: You want him uncuffed?

11:57:13 THE COURT: You can keep him cuffed right now.

11:57:35 (Defendant enters the courtroom.)

11:57:40 THE COURT: State, are y'all aware of any evaluations that's ever been had?

11:57:46 ATTORNEY NORVELL: There never has been, nor has it ever been indicated there would be a need for one.

11:57:52 THE COURT: And I agree. All right. Thank you very much. All right. Mr. Singleton, I have come up with three options for you, and I would like for you to pick between the three, all right. Okay.

11:58:02 The first option is I'm going to allow you to represent yourself, which is what I always said that you could come and do, and not disrupt the Court. And I would like to have that be your main option. I'd like to see you participate in your defense.

I'd like to see you participate in your trial. And so I'd offer you that as number one as long as you and I can agree that I'm going to run the proceedings and you're going to defend yourself. If we can't agree on that, then unfortunately we're not going to be able to go down this road. All right. But that's the one I want to see. I want to see you participate. You've been to all your hearings. You've done a great job of coming to your hearings. You have indicated that you wished to represent yourself. My understanding, you've had some meaningful conversations with the State. They had no issue with you. And I appreciate all that.

11:58:45 And again, Mr. Singleton, I will be as respectful to you as you are to me, and so I think what you need to understand is that option B is your next option. That will be, is I'm going to put you in that back room, all right. You'll be guarded by the deputies. All right. You'll be able to see the proceedings and you'll be able to see the proceedings, but I will not let you interrupt my courtroom. All right. You can ask questions as you need, you can cross-examine the witnesses as you need, you can give opening statements and closing arguments as you need, but you will not interrupt and disrupt my courtroom. All right.

11:59:14 Option C is, you don't want to know.

11:59:16 Would you like to pick between options A and options B? I will let you state whatever objections you have right now but I'd like for you to pick options A or option B. All right. Is that

fair enough?

MR. SINGLETON: Your Honor --

THE COURT: Yes, sir.

MR. SINGLETON: -- when I speak, every time I speak, it is me exercising my right to be heard in a meaningful way. That being said, you can't limit when I talk or what I speak on and how I respond, because this is my right to be heard in a meaningful way. That means objecting when I feel the need to object and addressing any other matters I need to address with the Court, because if I'm denied the right to do so that would be due process violations. That would be procedural due process violations and substantial due process violations.

THE COURT: I could not agree with you more, and I'm going to allow you to do it, but you and I are going to be on the same page. Can you agree --

MR. SINGLETON: I will not interrupt the Court, but I would ask that the Court and neither the prosecutor disrupts me when I'm exercising my right to be heard in a meaningful way.

THE COURT: That's not a problem, but just as you did just now, when you interrupted me when I was talking that's disrupting my court. When I talk, you listen. Yes, sir? And when you speak, as you indicated just now, we'll listen. Is that fair enough?

MR. SINGLETON: Yes.

THE COURT: Can you participate in that manner?

MR. SINGLETON: Yes.

THE COURT: Let's talk about the first one. Let's talk about what we were talking about a second ago. Do you wish to review your *Faretta* warnings?

MR. SINGLETON: Your Honor, could I please have these cuffs removed --

THE COURT: Yes, sir.

MR. SINGLETON: -- so I can go through my paperwork?

THE COURT: Not a problem.

(Court Security Deputies respond.)

THE COURT: Mr. Singleton, please participate.

MR. SINGLETON: He's trying to twist my arm --

THE COURT: No, he's not. He's just trying to take the cuffs off.

MR. SINGLETON: Anyway, Judge, I'm --

THE COURT: Hold on. Hold on.

MR. SINGLETON: I was just going to ask you a question, or re-question you.

THE COURT: I will once you get the cuffs off. Assist him in some manner.

MR. SINGLETON: I try to. He's trying to break my arm.

THE COURT: All right. All right. Your question is: Do you understand all of your *Faretta* warnings which you have already reviewed? You took them home and you brought them back. Would you like to go over them again?

MR. SINGLETON: I don't need to go over them again. I refuse to sign *Faretta* warnings.

THE COURT: Thank you very much. I understand that. Secondly is, in a couple moments I'm going to bring the jury in, and each side, as you witnessed last time in your last trial, you will get to have questions asked of the jury. That's called voir dire, which is a fancy word for questions.

The State has a couple questions. Just to give you an example of some of them -- well --

ATTORNEY NORVELL: It's on the folder in front of you, Your Honor.

THE COURT: Oh.

ATTORNEY NORVELL: I believe it's on the front of the bench.

THE COURT: Here we go. Here are some of the questions that they have asked: Have any of your relatives or close friends been the victim of a violent crime or crime involving the use of a weapon? Have any of your relatives or close friends been charged with a violent crime? Do you or any members of your family reside in Dorchester-Waylyn Terrace neighborhood? They're just simple questions such as that.

And following that, which you are more than welcome to ask questions but you'll need to let me know what questions you would like to ask because I do the questioning, okay. Are there any questions that you have that you'd like for me to ask?

MR. SINGLETON: I'll would have to write -- could I write it

down?

12:03:19 THE COURT: That will be just fine. What we'll do is we'll go through the State's, and then I'll ask for yours, and you can give it to a deputy to bring it up, and I'll be happy to ask your questions.

12:03:28 Now, mind you, I'll only ask the questions that I want to ask, that are relevant, so if I find one of your questions is irrelevant please don't blurt it out. Okay.

12:03:36 MR. SINGLETON: I would ask that you - I'll try my best to make all my questions relevant, so I would ask that you please run through all of my questions, not some of them but all of them.

12:03:47 THE COURT: All right.

12:03:47 MR. SINGLETON: Also, could I ask, when will these motions be heard? I have a few motions, three motions, I filed earlier. That's why I was not --

12:03:56 THE COURT: Fair question. What we're going to do procedurally is this: In about two minutes I'm going to bring the jury in. They're going to sit back there. All right. And here's how it works. You witnessed this last time in your last trial. Once we go through all the voir dire and we have gotten the panel that is qualified to hear this case, at that time I will ask any questions that either side, the State or yourself, would like to ask.

12:04:19 And once we have the panel, then what they do is they call

them up one by one, all right. They'll come up, and the State will either say, Seat the juror, and then you'll say, Seat the juror. It's 10 and 10?

12:04:31 ATTORNEY NORVELL: It's 5 and 10.

12:04:32 THE COURT: I mean 5 and 10. State gets 5 strikes; you get 10 strikes. So you can strike 10 people, okay.

12:04:38 MR. SINGLETON: All right. Who gets to pick first?

12:04:40 THE COURT: State. And they only get five. So if they say, Seat the witness, and you say, Seat the witness, they become a -- I mean, a -- juror, they become a juror. If they say, Strike the juror, they strike five. If you strike a juror, you get 10 strikes. All right? Do you understand?

12:04:55 MR. SINGLETON: Before I -- I believe in my last trial -- I had a couple other things I wanted to address, as well, before you brought the jury in --

12:05:04 THE COURT: All right. What would you like to address?

12:05:06 MR. SINGLETON: Mr. Nelson is not qualified to represent me.

12:05:08 THE COURT: I'm not -- Mr. --

12:05:08 MR. SINGLETON: I want a motion to relieve stand-in counsel.

12:05:12 THE COURT: All right. That's denied. He'll sit there because if I need him do something, he'll do what I tell him to do.

12:05:18 MR. SINGLETON: All right. I object, Your Honor, because, Mr. Nelson, he is not qualified.

12:05:21 THE COURT: Your objection is noted.

12:05:23 MR. SINGLETON: Mr. Nelson has no -- Mr. Nelson has never got with me to go over any facts of my case.

12:05:30 THE COURT: He is here for procedural purposes only. If you need to ask him a question on how something's done he's there to ask him a procedural question.

12:05:37 MR. SINGLETON: I have a question for Mr. Nelson. I want to know if he is familiar with the remedies, that there are remedies for every constitutional wrong sustained. Mr. Nelson, can I have your answer, please, for the record?

12:05:48 THE COURT: Just answer it. I have no idea what he's asking.

12:05:51 MR. SINGLETON: Let me make myself clear. For every wrong there is a legal remedy. For every constitutional wrong and violation there is legal remedy.

12:06:03 THE COURT: Are you aware?

12:06:03 MR. SINGLETON: Mr. Nelson, are you familiar with the remedies, Mr. Nelson, is my question.

12:06:08 ATTORNEY NELSON: In a general sense, yes, but I don't understand the specifics of the question.

12:06:12 MR. SINGLETON: You don't? Let me get even more specific. *Marbury v. Madison.* For every legal wrong sustained -- are you familiar with *Marbury v. Madison,* Mr. Nelson?

12:06:25 ATTORNEY NELSON: I haven't looked at it in a bit --

12:06:27 MR. SINGLETON: You haven't looked at it in a bit?

12:06:30 ATTORNEY NELSON: Correct.

12:06:31 MR. SINGLETON: Are you familiar with *Marbury v. Madison?*

12:06:33 ATTORNEY NELSON: Yes, I am.

12:06:33 MR. SINGLETON: You are. So you would know, Mr. Nelson, that for every legal wrong, every legal violation, there is a legal remedy -- remedy for every one. My question, Mr. Nelson, is: Are you familiar with the remedies? I don't think it can get any more clearer than that, Mr. Nelson.

12:07:26 ATTORNEY NELSON: Yes.

12:06:52 MR. SINGLETON: You are familiar with the remedies?

12:06:53 ATTORNEY NELSON: I've answered yes several times.

12:06:56 MR. SINGLETON: Now, Mr. Nelson, could you please tell me the remedies so I can exercise them?

12:07:01 ATTORNEY NELSON: I'm competent as --

12:07:06 MR. SINGLETON: Mr. Nelson, have you had -- Mr. Nelson, my question was: Can you provide me with the remedies? Can you inform me of all of the remedies for every wrong sustained, or any wrong sustained? Can you?

12:07:18 ATTORNEY NELSON: For any or every?

12:07:20 MR. SINGLETON: Every?

12:07:21 ATTORNEY NELSON: Every, no.

12:07:22 MR. SINGLETON: Any?

12:07:23 ATTORNEY NELSON: Yes.

12:07:25 MR. SINGLETON: Will you please inform me of them?

12:07:26 ATTORNEY NELSON: No.

12:07:27 MR. SINGLETON: That means you are --

He is disqualified, Your Honor, as he just proven he is disqualified. No assistant, no stand-in counsel, can assist if they refuse to assist. He is not qualified to perform his duty, his position as stand-in counsel in this trial, so I, again, would ask that he be removed as stand-in counsel because he has disqualified himself with his own answers.

12:07:55 THE COURT: All right. Mr. Singleton, this is where I answer your question and you move on. That is denied. He will be here for procedural purposes only. I appointed him. Do you understand?

12:08:03 MR. SINGLETON: Your Honor --

12:08:04 THE COURT: Yes or no?

12:08:06 MR. SINGLETON: Your Honor --

12:08:06 THE COURT: This is where me and you, we agreed to get along --

12:08:10 MR. SINGLETON: Right, but I can't --

12:08:10 THE COURT: -- and right now you're not listening to me.

12:08:11 MR. SINGLETON: If I have an objection, Your Honor, I have to have a right to --

12:08:13 THE COURT: You placed your objection on the record. Move on. What's your next issue you'd like to bring to the Court before I bring the jury in?

12:08:21 MR. SINGLETON: I don't want to move past my current issue, Your Honor, because what I've expressed and what Mr. Nelson has proven for me is that he is incompetent. He does not --

12:08:30 THE COURT: Mr. Singleton, procedurally, whenever I make a ruling, we move on.

12:08:34 MR. SINGLETON: Your Honor --

12:08:34 THE COURT: Are you going to participate or not, or do you want to go with option B?

12:08:37 MR. SINGLETON: (Indiscernible.)

12:08:37 THE COURT: Huh?

12:08:39 MR. SINGLETON: One second, Your Honor.

12:08:41 THE COURT: All right.

12:08:41 MR. SINGLETON: Let me get my judicial canons --

12:08:45 THE COURT: I'm not going to go past this.

12:08:47 MR. SINGLETON: My judicial canons.

12:08:57 THE COURT: Mr. Singleton, is there anything else you'd like to address or take up before I bring the jury in?

12:09:29 MR. SINGLETON: Yes. I have a couple of things, actually, so if you would please --

12:09:06 THE COURT: What are they?

12:09:08 MR. SINGLETON: I still have the Mr. Nelson objection, but if --

12:09:12 THE COURT: I've already ruled on that.

12:09:13 MR. SINGLETON: If you want to wait -- but I objected, Your Honor, because --

12:09:16 THE COURT: I already ruled on that. You have to move on. We're going to keep doing this and not get anywhere. I've ruled on it.

12:09:21 MR. SINGLETON: No. But I mean this in a most respectful manner when I say this. I don't mean to get you all riled up or anything.

12:09:25 THE COURT: I'm not riled up. I'm just trying to continue to move forward to give you the opportunity to represent yourself or I'm going to have to put you in the room, which is what I don't want to do. I'm trying to give you enough leeway to assist yourself, and I want you to be able to assist yourself, but --

12:09:41 MR. SINGLETON: Your Honor, I am very much trying my very best to --

12:09:44 (Simultaneous speaking.)

12:09:44 THE COURT: All right. Well, what is your next issue?

12:09:44 MR. SINGLETON: -- because Mr. Nelson is not --

12:09:44 (Simultaneous speaking.)

12:09:45 THE COURT: Don't worry about Mr. Nelson. What's your next issue?

12:09:48 MR. SINGLETON: Your Honor, are you -- did you take a oath to the constitution? Those are other issues I wanted to address.

12:09:58 THE COURT: Yes, I take an oath to be a judge.

12:10:02 MR. SINGLETON: Do you have delegation of authority?

12:10:05 THE COURT: Yes.

12:10:31 MR. SINGLETON: Is it here?

12:10:06 THE COURT: Yes.

12:10:07 MR. SINGLETON: Can you show me it?

12:10:33 THE COURT: No.

MR. SINGLETON: You are not going to show me your delegation of authority?

THE COURT: No.

MR. SINGLETON: You're a judge.

THE COURT: That's correct.

MR. SINGLETON: You're obligated to do that.

THE COURT: I am not.

MR. SINGLETON: Are you aware that you're obligated to do that?

THE COURT: I am not. All right. What's your next issue?

MR. SINGLETON: Excuse me, Your Honor. Like I said, there's a couple things.

THE COURT: I know. I'm asking you to get to them.

(Simultaneous speaking.)

MR. SINGLETON: So if you could please bear with me. I'll let you know when I'm moving on to the next issue.

THE COURT: No, you're not. Listen, Mr. Singleton. You're not going to tell me how to run my courtroom. I'm about to put you back there again and we're going to get that room set up if you can't calm down.

MR. SINGLETON: Sir, I'm --

THE COURT: Go to the next issue.

MR. SINGLETON: Sir, I'm trying to move along but you keep interrupting me, sir. You --

(Simultaneous speaking.)

12:10:44 THE COURT: You told me that you were going to do what you're going to do. You're not going to do what you're going to do; you're going to do what I tell you to do.

12:10:52 MR. SINGLETON: Sir, I understand what you're --

12:10:52 THE COURT: Go to your next issue.

12:10:52 MR. SINGLETON: I have knowledge of what you're saying --

12:10:52 THE COURT: Next issue.

12:10:52 MR. SINGLETON: Sir, could you please let me get my words out, sir? You are being very rude. You're interrupting me while I'm exercising my right to be heard in a meaningful way. So if you could please bear with me as I move along, I have a lot of paperwork here and I have no assistance because, like I said, Mr. Nelson is not assisting me. So if you could, please. I thank you for your patience.

12:11:24 As far as the issue with Mr. Nelson goes, I understand you tried -- or, you denied it, but I just wanted to say by you denying Mr. Nelson to be relieved, sir, you are violating my right to -- this is my trial. You're violating my right.

12:11:46 And I would ask that you please reconsider and relieve Mr. Nelson because, as he has shown for the Court, he has not been involved in my case, in my defense, in any way, and he is incompetent, and he has not the official competence to assist me in this trial. Excuse me for stuttering. Mr. Nelson needs to go is what I -- and before I move on, Your Honor, I would ask that you please grant this motion because I don't know any other way.

I've asked him the questions, he has answered them for the Court, and it's been proven that he is not a help in this trial. He does not have the capacity to assist.

12:12:37 And I have a couple other motions I wanted to be heard because -- the first one, Your Honor, is a motion for suppression of evidence. I ask that that be heard before we continue any further because I understand these motions and all of these filings will take up a couple -- will take up some time. So I ask that these motions please be heard before any proceedings -- before any proceeding continues.

12:13:09 THE COURT: We've got to select a jury first, and then I'll be happy to hear all the motions that you'd like me to hear. Just let me know when you're ready for me to bring the jury in.

12:13:21 ATTORNEY NELSON: Judge, procedurally, during the trial would you like me to come where I am sitting if Mr. Singleton wants me to?

12:13:29 THE COURT: That will be fine, just so you can keep abreast of actually what's transpiring.

12:13:33 ATTORNEY NELSON: So I can come up here?

12:13:34 THE COURT: Yes, sir.

12:13:35 All right. What other issue would you like to address before I bring in the jury?

12:14:00 MR. SINGLETON: You can go ahead, Your Honor.

12:14:02 THE COURT: All right. Bring them in.

12:14:04 MR. SINGLETON: Oh, I apologize. One more question I have.

At the last trial --

THE COURT: You can't talk about the last trial during this trial. You understand that?

MR. SINGLETON: Oh, I addressed those in my motions, sir.

THE COURT: We'll address your motions once we select the jury. We will address all your motions, but don't bring up the previous trial in front of the jury. Do you understand?

All right. Bring them in.

(Jury panel is seated in the courtroom at 12:16 p.m.)

THE BAILIFF: Judge, that's everybody.

THE COURT: Thank you very much.

JURY SELECTION

THE COURT: Ladies and gentlemen, I apologize for the delay. That was my fault. There was a couple matters I needed to take up and didn't realize they would take that long, so I apologize for that, but thank you so very much for coming on up.

What we are going to do now is, that we are going to be doing exactly what we did downstairs, just case specific, meaning we're going to ask you, do you know some of the witnesses; do you know the defendant; do you know anybody who works at the solicitor's office; anything that would need to be brought to our attention to ensure that you can be fair and impartial in this case. All right.

And so at this point in time I am going to ask you a series of questions. I'm going to allow the State to stand and

introduce themselves, and I'm going to allow the defense to stand and introduce themselves, and the parties in which they represent. All right.

12:17:15 At this time, ladies and gentlemen, this is Indictment No. 2021-GS-10-3291. This is the State of South Carolina v. Maurice Singleton, indictment for murder. All right.

12:17:28 The quick facts of this case is that it is alleged on or around March 2nd of 2018 in Dorchester-Waylyn neighborhood the victim in this case was murdered at the railyard under I-26. This occurred on March 2nd of 2018.

12:17:49 Is anyone familiar with any portion of this case? Have you heard about it? Read about it many years ago? Are you familiar with any part of these facts? If so, please stand and indicate.

12:18:00 (No response.)

12:18:01 THE COURT: All right. At this time I'm going to allow the State to stand and introduce themselves and the parties in which they represent and all those who will be at counsel table.

12:18:12 ATTORNEY NORVELL: Good thank you, Judge. Good morning, ladies and gentlemen. My name is Jordan Norvell. I'm a prosecutor in the Ninth Circuit Solicitor's Office. My boss is elected-Solicitor Scarlett Wilson, and I am an assistant solicitor who is prosecuting this case.

12:18:26 Another prosecutor sitting with me this week and working on this trial is Cassity Brewer. If you will please stand. She's another assistant solicitor in our office. Sitting over here is

Investigator John Glen. He is an investigator who works in our office and helps us prepare and investigate the case that we bring to trial. You may also see a case agent, the lead detective in our case, Detective David Pritchard. He'll be in and out of the courtroom this week as he has another trial in this same courthouse. And lastly, we have Investigator Mike Antini [ph]. He is currently out of town but he will also be rotating throughout just if we need him. And that's all. Thank you so much.

12:19:09 THE COURT: All right. Thank you very much. All right. Yes, sir. Mr. Singleton, would you like to introduce yourself to the jury?

12:19:19 MR. SINGLETON: Yes. Just one minute.

12:19:21 THE COURT: All right.

12:19:26 MR. SINGLETON: How are you all doing? I'm Maurice Singleton, labeled defendant. I thank you all for your time, and I just want to welcome you all here today.

12:19:41 THE COURT: Thank you very much. And just as a side, Mr. Nelson has been appointed to be a procedural attorney. He will assist with any procedural matters that Mr. Singleton may need. If he doesn't need any, Mr. Nelson will not be participating but he is here as what we call standby counsel, so if y'all see him come up, that will be the reason.

12:20:02 All right. Ladies and gentlemen, is anybody familiar with the State's attorneys or know anyone that works in the

solicitor's office as investigator or as a prosecutor? If so, please stand.

(No response.)

THE COURT: All right. Is anyone familiar with Mr. Nelson or ever been represented by Mr. Nelson or his firm? Yes, ma'am. Your juror no?

JUROR NO. 267: 267.

THE COURT: All right. In what capacity?

JUROR NO. 267: Friendly. Social. We're friends.

THE COURT: Thank you, ma'am. Yes, sir?

JUROR NO. 125: 125. Friends.

THE COURT: All right. Would that, in any way, affect your ability to be fair and impartial in this case?

JUROR NO. 125: No.

THE COURT: All right. Thank you very much. Does anyone here know or have any close personal relationships with the defendant, Mr. Singleton?

(No response.)

THE COURT: All right. Ladies and gentlemen, Mr. Singleton has chosen to represent himself and, so as I indicated, I will ask you if you know any of these other witnesses or anything along those lines. But just to let you know, Mr. Singleton will be representing himself. All right.

Ladies and gentlemen, this is a list of potential witnesses that could testify in this case and I'd ask, if you know any of

these individuals will you please stand and indicate how you know them. Detective David Pritchard; Sergeant Lucas Cummins; Detective Tiffani Crider; Detective Sam Riedel, R-i-e-d-e-l; PFC Shaun Weatherford; North Charleston Fire Department Chief Tian Griffieth -- it's T-i-a-n; EMS Captain David Palawasta, spelled P-a-l-a-w-a-s-t-a; Niara McFadden; Allison Strader; Brandon Martin; Kimani Pinckney; Dr. Nicholas Batalis; Special Agent Chad Smith; Jerry Roberts; Greggory McKean; Sergeant John Reynolds; and our CCSO Officer Melissa High. Is anyone familiar with any of those potential witnesses? If so, please stand.

12:22:07 (No response.)

12:22:07 THE COURT: All right. There are none. All right, ladies and gentlemen. At this time, as we did downstairs, I'm going to ask you a series of questions. If any of these questions apply to you, if you'll simply just stand, give us your juror number, and I'll ask you how they apply. All right.

12:22:23 Have any of your relatives or close friends been a victim of a violent crime or crime involving the use of a weapon, or has any juror been a victim of any crime with the use of a weapon? If so, please stand. All right. Yes, sir. Juror no?

12:22:40 JUROR NO. 64: Sixty-four.

12:22:40 THE COURT: Yes, sir?

12:22:42 JUROR NO. 64: About seven years ago my son had a knife pulled on him and it ended up going to trial.

12:22:50 THE COURT: Meaning the case went to trial?

12:23:40 JUROR NO. 64: Case went to trial.

12:22:52 THE COURT: All right. And would that, in any way, affect your ability to be fair and impartial in this case?

12:23:52 JUROR NO. 64: I don't believe so.

12:22:57 THE COURT: All right. Thank you, sir. All right. Anyone else?

12:23:02 (No response.)

12:23:02 THE COURT: All right. Do you or any member of your family reside in the Dorchester-Waylyn Terrace neighborhood?

12:23:24 (No response.)

12:23:24 THE COURT: All right. Have you or any close, personal -- or, close relative had any -- I guess the right way of saying it is a -- run-in with police or had any negative interactions with police that would affect your ability to believe any police officer officer's testimony?

12:23:45 (No response.)

12:23:45 THE COURT: There are none. Does anyone have a personal opinion or feeling about the crime of murder which would make it difficult for you to serve on a jury where the defendant is charged with that respective crime?

12:24:02 (No response.)

12:24:02 THE COURT: There are none. The defendant has chosen to exercise his constitutional right and represent himself. Will the defendant's choice to represent himself affect your ability in any way to be fair and impartial to the defendant and/or the

State in this case?

(No response.)

THE COURT: There are none. Is there any personal and/or any other issues that need to be brought to the Court's attention whereby you believe that you could not be fair and impartial as to any part and parcel of this trial? Now will be the time for you to stand and please indicate what that would be.

(No response.)

THE COURT: All right. There are none. All right. Mr. Singleton, do you have any that you ask to be passed up?

MR. SINGLETON: I just wanted to -- can I ask them these?

THE COURT: You're not. The judge has to ask them. If you'll just pass the paper up, I'll be happy to take a look at it.

(The Court reviews submissions.)

THE COURT: All right. Has anyone in the courtroom, personal friend, or family member been the victim of a crime that would require you to be sympathetic in this type of case -- or any type of violent crime whatsoever?

(No response.)

THE COURT: All right. There are none. All right. Anything else from the State pertaining to any of the voir dire?

ATTORNEY NORVELL: Nothing else from the State, Judge.

THE COURT: All right. I'll ask this one, but this jury seems to be very diligent but just out of abundance of caution,

will your evaluation of the evidence presented be influenced by any true-crime stories, news articles, podcasts, social media posts, or any trials that you have recently viewed? If so, please stand.

12:26:40 (No response.)

12:26:40 THE COURT: All right. There are none. All right, ladies and gentlemen of the jury. That will end the voir dire process, so at this point in time what we are going to do --

12:26:50 Nobody was excused, were they?

12:26:52 CLERK OF COURT: No.

12:26:52 THE COURT: So you can randomize it fairly quickly.

12:26:56 We're going to randomize again, as you saw us do downstairs. At that point in time I'm going to give a copy to both Mr. Singleton and to the State. They're going to take a couple minutes to review it and evaluate it, and then at that point in time --

12:27:10 So you can go ahead and start it, Cherae.

12:27:10 And at that point in time will happen is that, by random happenstance, if your juror number is called, if you'll please come up here, they will have an opportunity to talk amongst themselves and evaluate whether, in fact, they want to strike you or put you on the jury panel, and so I'll give them the opportunity to participate in that, and then they will actually ask that you be seated or that you be stricken. For whatever reason, I would have no earthly idea but that's the way the

process works. All right.

So if y'all just hang tight, we'll get the sheets over to the attorneys.

While they're doing that I'll share an interesting story. The bailiffs have heard it a hundred times but it is fairly interesting. I was a prosecutor in my former days, and I was actually in this courtroom, and it was a death-penalty case, and the defendant wanted everything to be done by the book. And so the law says back in those days that, for a death-penalty trial, that it has to be done by -- it has to pulled by a blind person or a minor. And so we put all the names into a bingo hopper, and we rolled it, and we picked them all out, and -- I mean, we were going to pick them all out but we realized we couldn't find a minor because minors aren't allowed in the courtroom. So, of all things, a blind man worked in the courthouse. That's not the funny part of the story.

The funny part of the story is that he came and he selected it, but I later found out what his job was in the courthouse. Guess what it was? He stocked vending machines. How is the question. Every time I went to that vending machine and hit Mountain Dew, it came out, it was never wrong, and he was able to do that job. So, I mean there's a good point, there's a job for everyone out there. And he didn't know -- our court reporter who knew him said he retired in 25 years. Never missed a Dr. Pepper. It's amazing.

I told that story and I didn't know that the court reporter was here, she was the one who knew him, and she indicated later how he did do it. All cans and bottles have Braille on them. I didn't know that. And now I've looked at every bottle I've ever gotten, and it has Braille on them. I obviously didn't know that.

All right. So the way it works is that when your name is called, if you'll just come up. They're going to have to look at their notes, and I'll just give them a couple seconds. You'll stand there very awkwardly wanting to know what they're actually talking about. It's a unique process but it's a constitutional way of doing it, and that's the way it needs to be done.

All right. So the way the process will begin is I'll have madam clerk go ahead and call your name. If you'll come and please just stand and face the parties, and I will give them the opportunity to review their notes, and then I'll ask if they are ready. The State, you will receive 5 strikes; Mr. Singleton, you will receive 10. Yes, sir? All right. You all understand?

ATTORNEY NORVELL: Thank you, Judge.

THE COURT: All right. Madam clerk.

CLERK OF COURT: Ladies and gentlemen, if your juror number is called, please come forward and stand in front of the podium, turn, and face the parties. Please bring any belongings with you. What say you for the State?

THE COURT: Hold on. You've got to call them up.

12:30:59 CLERK OF COURT: Sorry. Juror No. 284.
12:31:11 (Juror presents to the front of the courtroom.)
12:31:14 THE COURT: Ma'am, if you'll just go ahead and come on up right here. And this is the part where you get to stand there awkwardly.
12:31:21 JUROR NO. 284: Oh, okay.
12:31:25 CLERK OF COURT: What sayeth for the State?
12:31:26 THE COURT: Let me give them a couple seconds, Cherae. I'll do it for you --
12:31:29 CLERK OF COURT: Okay.
12:31:29 THE COURT: -- just cause I know they've got to flip.
12:31:29 CLERK OF COURT: Thank you.
12:31:30 ATTORNEY NORVELL: Please present this juror.
12:31:32 THE COURT: All right. Mr. Singleton?
12:31:35 MR. SINGLETON: You can seat this juror.
12:31:40 THE COURT: All right. Ma'am, you may be seated in the box.
12:31:44 CLERK OF COURT: Juror No. 158.
12:31:57 (Juror presents to the front of the courtroom.)
12:32:05 ATTORNEY NORVELL: Please present this juror.
12:32:07 THE COURT: All right. Mr. Singleton?
12:32:12 MR. SINGLETON: She can be seated.
12:32:12 THE COURT: Thank you, ma'am. You may be seated.
12:32:17 CLERK OF COURT: Juror No. 130.
12:32:38 (Juror presents to the front of the courtroom.)
12:32:56 ATTORNEY NORVELL: Please present this juror.

12:33:02 1 ATTORNEY NELSON: I'll strike her.
12:33:07 2 THE COURT: All right. Ma'am, you may have a seat back in
3 the audience.
12:33:18 4 CLERK OF COURT: Juror No. 281.
12:33:26 5 (Juror presents to the front of the courtroom.)
12:33:43 6 ATTORNEY NORVELL: Please present this juror.
12:33:47 7 MR. SINGLETON: You can seat this juror.
12:33:49 8 THE COURT: All right. You may have a seat in the jury box,
9 please.
12:33:53 10 CLERK OF COURT: Juror No. 125.
12:34:03 11 (Juror presents to the front of the courtroom.)
12:34:16 12 ATTORNEY NORVELL: Beg the Court's indulgence. Please
13 excuse this juror.
12:34:46 14 THE COURT: All right. You can have a seat back in the
15 audience. Thank you.
12:34:57 16 CLERK OF COURT: Juror No. 78.
12:35:04 17 (Juror presents to the front of the courtroom.)
12:35:10 18 ATTORNEY NORVELL: Please present this juror.
12:35:15 19 ATTORNEY NELSON: He may sit.
12:35:16 20 THE COURT: All right. You may be seated. You're
21 confident, Mr. Dixon.
12:35:22 22 CLERK OF COURT: Juror No. 142.
12:35:30 23 (Juror presents to the front of the courtroom.)
12:35:49 24 ATTORNEY NORVELL: Please present this juror.
12:35:51 25 MR. SINGLETON: Please strike this juror.

12:35:52 THE COURT: All right. You can have a seat back in the audience.

12:35:55 CLERK OF COURT: Juror No. 111.

12:36:04 (Juror presents to the front of the courtroom.)

12:36:19 ATTORNEY NORVELL: Please present this juror.

12:36:22 MR. SINGLETON: Please strike this juror.

12:36:24 CLERK OF COURT: You can have a seat back in the audience. Juror No. 279.

12:36:34 ATTORNEY NORVELL: Can you please repeat the juror number?

12:36:37 CLERK OF COURT: Yes. Juror No. 279.

12:36:39 ATTORNEY NORVELL: Thank you.

12:36:40 (Juror presents to the front of the courtroom.)

12:36:47 ATTORNEY NORVELL: Please present this juror.

12:36:51 MR. SINGLETON: You may seat this juror.

12:36:54 CLERK OF COURT: Please have a seat. Juror No. 242.

12:37:10 (Juror presents to the front of the courtroom.)

12:37:24 ATTORNEY NORVELL: Please present this juror.

12:37:28 MR. SINGLETON: He may be seated.

12:37:32 CLERK OF COURT: You can have a seat in the jury box. Juror No. 201.

12:37:43 (Juror presents to the front of the courtroom.)

12:37:56 ATTORNEY NORVELL: Please present this juror.

12:37:59 MR. SINGLETON: I'm going to strike the juror.

12:38:10 CLERK OF COURT: Sir, you can have a seat back in the audience. Juror No. 29.

12:38:26 (Juror presents to the front of the courtroom.)
12:38:29 ATTORNEY NORVELL: Please present this juror.
12:38:32 MR. SINGLETON: He may seat.
12:38:34 CLERK OF COURT: Have a seat in the jury box. Juror No. 86.
12:38:43 (Juror presents to the front of the courtroom.)
12:39:00 ATTORNEY NORVELL: Please present this juror.
12:39:02 MR. SINGLETON: I'll strike.
12:39:06 CLERK OF COURT: Sir, you can have a seat back in the audience. Juror No. 208.
12:39:15 (Juror presents to the front of the courtroom.)
12:39:43 ATTORNEY NORVELL: Please present this juror.
12:39:46 MR. SINGLETON: She can be seated.
12:39:47 THE COURT: You may have a seat in the jury box, ma'am.
12:39:50 CLERK OF COURT: Juror No. 184.
12:40:03 (Juror presents to the front of the courtroom.)
12:40:26 ATTORNEY NORVELL: Please present this juror.
12:40:33 MR. SINGLETON: Strike him.
12:40:35 CLERK OF COURT: Sir, you can have a seat back there. Defendant has his sixth strike. Juror No. 185.
12:40:57 (Juror presents to the front of the courtroom.)
12:41:01 ATTORNEY NORVELL: Please present this juror.
12:41:05 MR. SINGLETON: She can be seated.
12:41:06 THE COURT: You may be seated in the jury box.
12:41:10 CLERK OF COURT: Juror No. 203.
12:41:23 (Juror presents to the front of the courtroom.)

12:41:38 ATTORNEY NORVELL: Please present this juror.
12:41:42 MR. SINGLETON: She can be seated.
12:41:43 THE COURT: You may be seated, ma'am.
12:41:46 CLERK OF COURT: Juror No. 151.
12:41:55 (Juror presents to the front of the courtroom.)
12:42:01 ATTORNEY NORVELL: Will you please repeat the juror number?
12:42:05 CLERK OF COURT: 151.
12:42:06 ATTORNEY NORVELL: Thank you.
12:42:08 CLERK OF COURT: You're welcome.
12:42:12 ATTORNEY NORVELL: Please present this juror.
12:42:19 MR. SINGLETON: I'll strike him.
12:42:21 CLERK OF COURT: Sir, you can have a seat back in the audience. Juror No. 127.
12:42:35 (Juror presents to the front of the courtroom.)
12:42:43 ATTORNEY NORVELL: Please present this juror.
12:42:46 MR. SINGLETON: Strike him.
12:42:47 CLERK OF COURT: Sir, you can have a seat back in the audience. The defendant has used eight strikes. Juror No. 272.
12:43:09 (Juror presents to the front of the courtroom.)
12:43:24 ATTORNEY NORVELL: Please present this juror.
12:43:26 MR. SINGLETON: She can be seated.
12:43:28 CLERK OF COURT: You can have a seat in the jury box. Now striking for alternate.
12:43:40 THE COURT: Hold on.
12:43:43 MR. SINGLETON: That's only 11.

12:43:45 1 THE COURT: It's only 11. One more.
12:43:47 2 CLERK OF COURT: I'm sorry.
12:43:48 3 THE COURT: That's all right.
12:43:48 4 CLERK OF COURT: Juror No. 98.
12:43:50 5 (Juror presents to the front of the courtroom.)
12:44:11 6 ATTORNEY NORVELL: Please present this juror.
12:44:14 7 MR. SINGLETON: Strike him.
12:44:16 8 CLERK OF COURT: Sir, you can have a seat back in the
9 audience. Juror No. 97.
12:44:25 10 (Juror presents to the front of the courtroom.)
12:44:41 11 ATTORNEY NORVELL: Please present this juror.
12:44:44 12 MR. SINGLETON: Strike him.
12:44:48 13 THE COURT: One minute. All right. The defense has
14 exhausted all of its strikes.
12:44:58 15 CLERK OF COURT: Juror No. 76.
12:45:02 16 (Juror presents to the front of the courtroom.)
12:45:16 17 ATTORNEY NORVELL: Please present this juror.
12:45:18 18 THE COURT: Any objection for cause? All right. You can be
19 seated in the jury box, sir. No, this jury box. That one. All
20 right. We'll be selecting for two alternates. State gets one
21 strike; Mr. Singleton, you'll get two strikes per alternate.
22 We'll begin with the first.
12:45:41 23 CLERK OF COURT: Juror No. 162.
12:45:49 24 (Juror presents to the front of the courtroom.)
12:45:55 25 ATTORNEY NORVELL: Please present this alternate.

12:46:06 MR. SINGLETON: Strike this alternate.

12:46:08 THE COURT: All right. You may have a seat back in the audience.

12:46:15 CLERK OF COURT: Juror No. 91.

12:46:17 (Juror presents to the front of the courtroom.)

12:46:41 ATTORNEY NORVELL: Please excuse this juror.

12:46:44 THE COURT: You may have a seat back in the audience, ma'am.

12:46:49 CLERK OF COURT: Juror No. 189.

12:46:58 (Juror presents to the front of the courtroom.)

12:47:01 THE COURT: Oh. Mr. Singleton, they only get one strike.

12:47:18 MR. SINGLETON: Oh. Strike this juror.

12:47:21 THE COURT: All right. You've exhausted both of yours and the State has exhausted theirs, so do you understand? You can have a seat back in the audience. Yes, ma'am.

12:47:35 CLERK OF COURT: Juror No. 206.

12:47:38 (Juror presents to the front of the courtroom.)

12:47:45 THE COURT: All right. Any strikes for cause from the State? From the defense? All right. Ma'am, you may be seated in the jury box. All right.

12:47:52 CLERK OF COURT: Juror No. 285.

12:48:04 (Juror presents to the front of the courtroom.)

12:48:29 ATTORNEY NORVELL: Please present this alternate.

12:48:34 THE COURT: All right. You may have a seat in the jury box, sir.

12:48:50 All right. Ladies and gentlemen of the jury, that will

conclude this part of today's activities for you. We would ask that you call in tonight on the number that was on the back of your card after 6:00 indicating whether we will need your services. As soon as we know that we will no longer need your services for the balance of the week we'll go ahead and excuse you, okay.

12:49:09 So as far as your employers and loved ones know, you're probably going to be around all week, all right? See what I'm saying? They won't know about the phone call? So now that I have got you all figured out how this works for y'all, I am going to let you go for the remaining balance of the day. And again, if you'll just call tonight after 6:00, there will be a recording prompting you what to do. And again, as far as your loved ones and employers know, you were in jury duty all day, so enjoy the rest of your day.

12:49:40 (Remaining members of the jury panel are excused at 12:49 p.m.)

12:50:19 THE COURT: All right. Any issues as to the selection of the jury from the State?

12:50:23 ATTORNEY NORVELL: Not from the State.

12:50:25 THE COURT: Mr. Singleton, from the defense?

12:50:28 MR. SINGLETON: I just wanted -- could I request the numbers of every juror?

12:50:32 THE COURT: Yes. I'll be happy to provide that at some point in time. We have that, okay. Not a problem.

All right. Ladies and gentlemen of the jury, real quickly, just to kind of go over how we're going to proceed forward, all right. First and foremost, you're kind of wondering who all these people are here. This is our wonderful court reporter. She's taking everything down. Shockingly enough, she does it with her hands. I don't see how she does that, either.

This is our wonderful clerk who you have already met. She will be running the courthouse for us this week.

You've already seen all of our deputies and our wonderful bailiffs. They will be taking you in and out. You no longer go in and out that way; you'll be taken back here.

All right. And obviously -- not obviously, but my law clerk is in the office right now, but she'll be with me when we start back up. And you will see her and I talk a lot, pass notes, she'll go in and out. Has nothing to do whatsoever with the trial, all right. It's probably lunch is here, whatever the case may be, but she is my assistant and we have to keep the office running while I'm in here, so y'all don't concern yourself if she's kind of just walking in and out and doing other things. All right.

So at this point to in time -- is it Mr. Burns?

JUROR NO. 29: That's correct.

THE COURT: All right. You're sitting in the foreman's seat, so I will appoint you as the foreman of the jury. You have no real role and responsibility currently except two things:

One, make sure that no one talks about the case, because nobody knows anything about the case, all right. And so every time I ask you to recess I would remind you that please make sure that no one is deliberating or talking about the case amongst themselves until I have ordered you to begin your deliberations. That's pretty much it.

12:52:01 If an emergency comes up and need to brought to my attention, simply just reduce it to writing, give it to one of these bailiffs, they'll bring it to my attention, and I'll resolve it. All right. That's it for right now.

12:52:10 Oh, and you have to sit in that chair. That's it. That's the third role. Everybody else can sit wherever they'd like. All right.

12:52:16 Lastly, I'm going to give us about an hour and a half for lunch and ask that y'all come back around 2:30. Give you plenty of time to run, go grab something, and get back in time. We're going to take up some issues while you all are gone.

12:52:29 But the last thing I will instruct you is is that because you will see some of the prosecutors, and you may even see the defendant, you may see myself -- which you'll probably see me because that's my office, it's back there where you all will be -- I have ordered them to not speak to you all, because 99.99 percent of the time it's, Hello?, How are you doing?, How is your day?, you know, Can I hold the door for you?, but we don't want anybody thinking that anything inappropriately was

said, so I just ask them not to speak to you. So if they ignore you, it's because I've asked them to. All right. Does that make it fair enough? We just don't want anybody thinking anything was said that was not said.

12:53:01 When we're in the back back there, I will normally ignore you. Sometimes I will say something extremely funny. You have every right to laugh at that. But it's very rare, so don't worry about that.

12:53:12 But at this point in time I'm going to ask you to go with the bailiffs, have lunch, and be back here at 2:30.

12:53:20 (Jury escorted out of the courtroom at 12:53 p.m.)

12:53:34 MATTER(S) OF LAW

12:53:49 THE COURT: All right. How long will the State need to argue any pretrial matters?

12:53:54 ATTORNEY NORVELL: So I do think that we need to call a witness for a *Denno* hearing. I think, as you saw in the State's pretrial brief, in the prior hearing, the prior trial, Judge McIntosh, he suppressed the defendant's statements to law enforcement based on a finding that the defendant was in custody. We are adopting his ruling on the *Denno* hearing insofar as we are not seeking to introduce it in our case in chief. We understand that ruling was had.

12:54:20 However, if the door is opened to any of those statements by questions of the defendant, or on cross-examination, or whatever, I think that there needs to be a finding by this Court that the

statements were given freely and voluntarily and able to be used for impeachment purposes, or cross-examine purposes, or whatever. So I don't know if you want to do that pretrial or --

12:54:43 THE COURT: No. Let's just -- because I know that would obviously stall a portion of the court, and I don't want to utilize all this time we have now. Just in case --

12:54:48 ATTORNEY NORVELL: Yes, sir.

12:54:48 THE COURT: -- the door's opened, we will discuss it at that time. What that means, Mr. Singleton, is that a prior judge in your prior trial --

12:54:57 MR. SINGLETON: I followed it.

12:54:58 THE COURT: Okay. Fair enough. So we'll take that up at the respective time if that door is opened, okay, if somebody would say something about the statement that was given by the defendant, which we hope they don't. All right. Fair enough. All right. Anything else?

12:55:10 ATTORNEY NORVELL: I can do a very quick one right now. On the indictment for murder, Judge, the State would make a verbal motion to amend that indictment, not as to any of the substantive information on it; however, looking at the indictment where it says witnesses, it has the witnesses as the North Charleston Police Department. We would seek to amend the indictment to include Detective Chris Ross who was the testifying officer at the grand jury. That name was left off the indictment. We, our office, as a whole, has been placing the agency on there, and

we're just seeking to correct it by adding this name.

12:55:55 The indictment, as the Court is aware, is a notice document. This does not change any of the elements of the offense. This does not preclude the defendant from having noticed and the ability to respond in this week's trial to any of the elements of the charge with which he is facing.

12:56:16 THE COURT: All right. It's just a charging document giving me jurisdiction to handle the case here, so I'll allow it for the purposes of the detective that testified at the grand jury.

12:56:25 ATTORNEY NORVELL: Thank you, Judge.

12:56:27 THE COURT: All right.

12:56:29 ATTORNEY NORVELL: I believe the Court may have heard the Court's ruling on the matter that it would be inappropriate and -- inappropriate to address the prior trial in any way in front of the jury. The State's position is that that should not be addressed in any way. If needed to impeach a witness, it should be referenced as a prior hearing.

12:56:52 THE COURT: I would agree.

12:56:53 MR. SINGLETON: I would going to object to that --

12:56:54 THE COURT: All right.

12:56:55 MR. SINGLETON: -- because the jury has a right to know and has to take into consideration the previous trial, so regarding the previous trial, everything is relevant.

12:57:07 THE COURT: I'll take that under advisement, and I'll give you my answer whenever we get back.

12:57:11 ATTORNEY NORVELL: May I respond to his objection?

12:57:13 THE COURT: Yes, ma'am.

12:57:14 ATTORNEY NORVELL: The jury is actually not entitled to hear anything about the prior hearing. The jury's entitled only to review competent evidence that is before them. The references to a prior hearing which are not incorporated in any way are not appropriate, nor are they relevant, nor are they -- they should not be in the jury's purview for their review.

12:57:37 It would be absolutely inappropriate for the defense to argue that because he -- the jury previously hung in another trial that they should also make similar findings or more so. The State will not be arguing what the purported count of the jury was in that case. The State would make no reference to it. And it would be absolutely inappropriate for any reference to be made before them as not competent evidence.

12:58:08 MR. SINGLETON: Your Honor, I've already addressed all the matters about the jury hearing about the previous trial. I've already addressed those matters and these filings that I served the prosecutor with.

12:58:19 THE COURT: All right. As I indicated, I'll take it under advisement, and you'll have my ruling when we return. All right.

12:58:27 ATTORNEY NORVELL: There is -- this is a housekeeping matter, Judge. The other trial that is happening in the other courtroom, that is also a North Charleston Police Department case. There are three witnesses that are testifying in both

trials. The prosecutor and I have already met on that to attempt to coordinate as best as possible, but I wanted to make sure that this Court was aware that there are three overlapping witnesses, and we will address it at anytime -- or, at an appropriate time.

12:58:55 THE COURT: Not a problem.

12:58:56 ATTORNEY NORVELL: I don't know -- I have not been provided a witness list from the defendant. I do not know if he seeks to present any witnesses. If he does, I would ask that they be sequestered from the courtroom. I will have all of my witnesses, except for the victim's mother and sister, present -- or, sequestered from the courtroom. The victim's mother and sister will be present. They are both on the witness list but they are exempt from the rule of sequestration.

12:59:26 THE COURT: All right. Mr. Singleton, if you plan on having anybody testify in your defense, what she's indicating is that they would not be able -- they are not allowed to watch the trial. Okay? Fair enough? You can call them at anytime and I will procure their presence, but they can't come and watch the trial.

12:59:40 MR. SINGLETON: Any witnesses I have?

12:59:41 THE COURT: That would be correct.

12:59:42 MR. SINGLETON: Okay.

12:59:45 ATTORNEY NORVELL: The last matter, Judge -- this was not included in our pretrial brief -- I sent the defendant a summary, a timeline summary, yesterday. It is the timeline of the

evidence that is sought to be admitted in the State's case in chief. It is evidence that we admitted at the last trial, Judge. And it is simply a summary of the competent evidence that we would seek to introduce and admit into evidence, not use as a demonstrative aid, through the case agent. He is the person who created that and we believe that, pursuant to Rule 1006, Rule 601, and *the United States v. Bray,* that would be admissible.

13:00:33 I have a copy of that case for you and the defendant to review but, again, I don't know that we necessarily need to argue that right now but we can argue it, in camera, at the time that it's sought to be introduced.

13:01:04 Here is that case, Mr. Singleton. May I approach, Judge?

13:01:25 THE COURT: Absolutely.

13:01:30 ATTORNEY NORVELL: It's a copy of the case that the State would be relying upon.

13:01:35 THE COURT: All right. Anything further? I'll take this under advisement.

13:01:42 ATTORNEY NORVELL: Thank you, Judge. The only lay witnesses in this case are the victim's sister, mother, the victim's cousin, and another individual. The only witness that the State fully plans on calling at this point in time is the victim's sister. Do you want my office to provide a copy of those lay witnesses' rap sheets to this defendant, being that it has information, even the ones that we don't plan on having testify? They were all provided to his prior counsel before the last

hearing.

13:02:19 THE COURT: If you have it available, that will be fine.

13:02:21 ATTORNEY NORVELL: I will make them available.

13:02:23 THE COURT: All right. All right.

13:02:24 MR. SINGLETON: I'm sorry. Before you close, I need a copy of that juror list so I can go over it. I just want to read over the --

13:02:32 THE COURT: Not a problem. Give me one second. Do you have a blank one? You just want their juror numbers?

13:03:09 MR. SINGLETON: Yes. I have the names.

13:03:12 THE COURT: Because he has the names of the jurors. Just give him that piece of paper. Here it is. All right. Mr. Singleton, and you I got on a bad foot this morning about you being on time, so we're going to start exactly at 2:30, so make sure you --

13:03:22 MR. SINGLETON: Yeah. I was in the clerk's --

13:03:25 THE COURT: I understand that, but when I say we're starting, we're starting, okay? Fair enough? All right. See everybody at 2:15.

13:03:31 ATTORNEY NORVELL: Are we going to address the defendant's motions at 2:15?

13:03:34 THE COURT: Yes.

13:03:36 ATTORNEY NORVELL: Okay. Thank you, Judge.

14:10:03 (Court recessed at 1:37 p.m. and reconvened at 2:16 p.m., without the jury present.)

MATTER(S) OF LAW

THE COURT: All right. Mr. Singleton, if you'll pass up a copy of the motions for consideration, please.

MR. SINGLETON: For you?

THE COURT: For me.

MR. SINGLETON: Could I go make those copies? The only copies I have are for me.

THE COURT: You just give it to me. I can make you a copy.

MR. SINGLETON: May I approach?

THE COURT: No. He does it.

MR. SINGLETON: Actually, Your Honor, could I -- cause I had already written on those copies. Those copies are already marked up and I already marked them. I will be using all that as my notes.

THE COURT: All right. Before we get started I want to make a ruling on the previous motion by the State. I am going to grant the State's motion in ordering that there will be no mention of the previous trial. Again, if someone opens the door and indicates that they have -- excuse me, not opened the door -- if someone needs to be impeached then I agree that I believe we need to utilize the verbiage of, "In a prior hearing you testified to X, Y, or Z," and then you have the opportunity to impeach them on their statement. All right.

MR. SINGLETON: Your Honor, I would object to that because you have -- they have the obligation to hear that there was a

pretrial. So I would move that you let them know of the previous trial, the mistrial, when you charge them.

14:22:25 THE COURT: I've made my ruling. Do not mention it, okay.

14:22:29 MR. SINGLETON: Your Honor, but you haven't listened my objections. I objected and said that you should charge -- that the jury has a right to know of the previous trial, and if you do not charge them you do understand that that's grounds to have my entire case thrown out if you do not tell them of the pretrial -- of the previous trial in your charging.

14:22:48 THE COURT: We will discuss that whenever we're doing a charge conference at the end of the trial, but for right now there will be no mention of the trial. All right. What are your motions, Mr. Singleton?

14:23:06 MR. SINGLETON: I have a motion for suppression, an expedited hearing, and an affidavit in support of that. And I also have a rediscovery and disclosure in support of motion to suppress.

14:23:18 THE COURT: All right. What's your motion to suppress?

14:23:21 MR. SINGLETON: Any evidence and every evidence that has been obtained unlawfully, or any evidence that is a fruit of the poisonous tree. So that would -- do you want me to give the specifics?

14:23:38 THE COURT: Please.

14:23:39 MR. SINGLETON: The State's -- they seized my phone via the/per the unlawful interrogation that was thrown out through

due process violations so, therefore, any evidence that was obtained from that unlawful interaction with the State is inadmissible in court due to the exclusionary rule.

14:24:11 THE COURT: All right. What's the State's position?

14:24:13 ATTORNEY NORVELL: Thank you, Judge. Pursuant to a search warrant, law enforcement retrieved the defendant's phone from his girlfriend, who brought it back to the SRO at North Charleston High School. They did not actually take a phone from him at the time of his interview, and so I think that his argument is a little bit irrelevant.

14:24:33 Further, the detective pursued a search warrant for the data extraction, as well as a search warrant for the cellphone provider records. In this case the State will only be seeking to introduce evidence related to the initial search warrant for the phone dump, the data extraction.

14:24:57 There was also a subsequent search warrant pursued following the initial trial. The software changed, or it became better, and so that that second subsequent search warrant was completed following the initial trial.

14:25:13 THE COURT: All right.

14:25:14 MR. SINGLETON: I would object, Your Honor, to the fact that even -- the exclusionary rule as codified in South Carolina in Rule 403 of the South Carolina Rules of Evidence, which states that evidence must be suppressed as exclusion is required by the Constitution of the United States, or the Constitution of South

Carolina, or the evidence obtained as a result of a substantial violation of the South Carolina Code Annotated 17-13-160. I have a standing to file the present motion.

14:25:47 THE COURT: All right.

14:25:51 MR. SINGLETON: The investigation of the officers was sloppy and they failed, on multiple occasions, to provide material evidence linking me to the crime. No biological evidence collected from me issued into evidence connecting me to the crime. No clothes as described by the alleged witness was ever found connecting me.

14:26:16 Officer Pritchard had a hunch, but that gives him no valid right to produce speculations that slander me, allowing seizures with no probable cause, for search warrant officers have no real proof of guilt.

14:26:30 Officers took my phone and opened it without my consent. I was not told during that interrogation that I was a person of interest, but they began several hours of incommunicado interrogations. That's incommunicado.

14:26:52 Also, there are numerous situations in which a search or seizure violates these provisions. For example, the evidence may have been obtained during a seizure that was not supported by reasonable suspicion or probable cause, and a search without probable cause, or a valid consent to search through coercive or outrageous police misconduct in violation of the Fifth Amendment, which then interrogation was thrown out due to those same

violations. And also, without a warrant when a warrant was required, they received my phone before they received the search warrant.

14:27:30 Rule 403, Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

14:27:59 Probable cause must exist, and all other constitutional requirements must still be followed prior to the issuance of a search warrant, meaning just because they got a search warrant after they violated it does not change the fact that I was violated before they got one in same proceeding they obtained my phone.

14:28:27 Also, there's a couple other suppressions that need to be heard as far as the State's witness.

14:28:43 THE COURT: All right. Go right ahead.

14:28:49 MR. SINGLETON: The State's witness should also be impeached or removed due to the fact that Ms. Norvell -- the witness should be impeached because he has multiple conflicting statements. He was never shown a photo lineup. He originally said he saw gentlemen wearing all black, which did not match the description at the time of my arrest or in a video presented at trial. This witness was later interviewed again just weeks before the previous trial when he gave yet another statement different than

the two he had given before.

And also, Ms. Norvell -- could I ask Ms. Norvell couple questions?

THE COURT: No.

MR. SINGLETON: I have the right to face my accuser and cross-examine my accuser. I would ask Norvell to give testimony as in whether she knew or not that her main witness was dyslexic, because their main witness did, in fact, admit to being dyslexic.

THE COURT: All right.

MR. SINGLETON: She has a duty, being a prosecutor, she has a duty to disclose this information. Let me go -- hold on a second. The plaintiffs have a fiduciary duty of reasonable care to perform proper investigations. Public trustees' duties -- public trustee duties, according to ethics, their oath, as peace officers of a court or municipality, an oath of office, sworn to defend citizens' rights to the Constitution, not to enter the defendant's privacy, general reputation, business, inherent rights, primary rights, civil liberties, and deprive [ph] the private rights protected by state and federal constitution.

As far as this witness goes, Ms. Norvell did not disclose that information of him being dyslexic. She did not -- she read and saw his multiple conflicting statements and still decided to use this witness and let this witness give testimony in open court when he was incompetent and did not have the proper mental capacity to do so.

14:32:04 THE COURT: All right. Ms. Norvell, be happy to let you respond.

14:32:07 ATTORNEY NORVELL: Thank you, Judge. Impeachment is a -- suppression is not a remedy for needing to impeach a witness. Impeachment of a witness occurs through cross-examination. Other than that, I don't think there is an extraordinary remedy to suppress or preclude a witness from testifying.

14:32:26 THE COURT: Just for the record, what witness is he referring to?

14:32:28 ATTORNEY NORVELL: He's referring to Greggory McKean, who was an employee of the CSX Railyard.

14:32:36 THE COURT: All right.

14:32:44 MR. SINGLETON: One second. I want to continue [indiscernible]. Mr. McKean, the witness, he had also given testimony previously in open court that he did not see anything, so if he did not see anything and he has multiple conflicting statements, and a mental -- he has dyslexia. He does not have the -- he should not be allowed to give open -- he should not be allowed to give testimony in this court again after he had already given conflicting statements. It would take away from the dignity of this court to allow such a witness to give testimony, being he is a key witness in this case. Their key witness, their main witness, is incompetent.

14:33:45 She had notice of the dyslexia, as he stated in his interview at 5 minutes and 36 seconds, and Ms. Norvell had not

disclosed this information to my prior counsel or to myself.

Hold on a second. I want to continue. The primary principle that the evidence is unconstitutionally obtained and may not be used against the defendant, this is the so-called exclusionary rule. *Mapp v. Ohio.*

Also, on May 9th my preliminary hearing was held. My preliminary hearing was held and bound over. The shoes that were said to have tested positive for blood came back negative. The shell casings from the scene were never tested for fingerprints, which is negligence on behalf of the State, for this could have helped prove my innocence and exonerated me.

The witness who was never shown a photo lineup said he saw two males shooting and then switched his story and said he only saw one person shooting one gun and gave a description that didn't indicate me as the shooter.

I understand I already said this, but it goes on to say, The prosecutor has a duty to provide any information that tends to cast doubt on the defendant's guilt with respect to any essential element in any charge *count*. *Brady*, 373 U.S. Prosecutor has a duty to provide any physical evidence, testing, or reports tending to make guilt less likely. Failure to disclose investigative report -- in *Benn v. Lambert*, failure to disclose investigative report that fire was not caused by an arson.

Prosecutor has a duty to provide any information regarding the failure of any percipient witness to make a positive

identification of a defendant.

The prosecutor also has a duty to provide any information that relates to the potential mental or physical impairment of any witness, which she failed to do.

Multiple misleading affidavits were formed in order to justify my false imprisonment. One stated I was on camera leaving the scene of the murder but was contradicted at the preliminary hearing by Detective Richard when he stated all he had was a video that captured sound at the crime scene and had no actual visuals of the scene of the murder. He stated he didn't know how far the camera was from the scene.

Phone records showed my phone never went to the scene of the crime but, in fact, maintained a distance from the scene. This affidavit is also irregular because the affiant does not seem to be Detective Pritchard, not in the certified copy of the case law in the affidavit that I received. There's affidavit in my discovery that had his name on it, but that's not in the certified case file copy, meaning it had to have been altered because in the copy I have it was Andrews who was the affiant, but Andrews never came to give testimony at the preliminary hearing.

I say all of that to say there are multiple due process violations, several -- there are multiple procedural due process violations and substantial due process violations throughout this entire case, from day one before I was even arrested.

14:38:37 As far as the witness goes, the fact that this witness was interviewed multiple times and gave different testimony proves his incompetence and lack of credibility. The State's use of this witness shows their motive is other than justice.

14:39:07 Detectives interviewed Mr. McKean knowing that after his statements -- you can see recorded interview of McKean stated he had dyslexic. Dyslexia is a medical condition that affects the sight and neurological functions of the body.

14:39:33 Officers also admitted nothing taken from my house or found could tie me to this murder. The witness who was on the phone with the victim who said they heard me in the background was never brought to court. These facts will contradict the affidavit made in this case and make probable cause void due to the multiple lies under oath and the fact none of this evidence was substantial to the case without relevant evidence. Rule 401, citing *State v. Adams,* it is a well-established principle often advanced by the State in criminal prosecutions that ignorance of the law is no excuse.

14:40:17 There would be a fundamental unfairness in holding the citizens to the traditional rule that ignorance of the law is no excuse while allowing those entrusted to enforce the law to be ignorant of it. United States v. Chanthasouxat. That's C-h-a-n-t-h-a-s-o-u-x-a-t.

14:40:43 And as far as the phone goes, these facts do not contain -- constitute the giving of consent. The officer's affidavit

supports the contention that Maurice Trimaine Singleton El did not give consent to the intrusions of his personal security. A copy of my affidavit of effects for the question as to whether it was forcible, yes and no, officers seized and took control of my phone and information by seizing it without a warrant or probable cause. They had no solid information outside of hearsay and unreliable witness testimony. They relied on a hunch. A hunch undercuts any contention that Maurice Trimaine Singleton El consented to their intrusion.

Are you following me on everything? Am I being clear? I just wanted to make sure.

THE COURT: Absolutely.

MR. SINGLETON: The State may argue that because I, Maurice Trimaine Singleton El, did not physically resist the officers' questioning and commands that I waived my privacy and I gave implied consent to invasion of my person. The argument failed for three reasons: First, on March 5th detectives with the North Charleston Police Department came to my high school and took me to speak with them at the detectives' bureau. I was not told I was a person of interest.

In that time period I, Maurice Trimaine Singleton, wasn't advised -- Maurice Trimaine Singleton El wasn't advised -- that I was a person of interest and was held under threat, duress, and coercion, and forced to continue interrogation for about seven hours even though I stated three times I wish for interrogation

to be over and to return to school.

I should not be required to commit the crime of resisting a public officer under South Carolina Code, Statute 17, in order to protect my constitutional right to be free from unreasonable searches and seizures.

Third, the concept of implied consent is inconsistent with South Carolina's definition of consent to search. As shown in misdemeanor arrests, an officer may arrest, without a warrant, a person who has allegedly committed a crime classified as a misdemeanor only if the crime was committed in the officer's view.

Off-duty police officer may not arrest as private citizen for a misdemeanor committed outside his jurisdictional limits. See *State v. McAteer*. Consent is an affirmative statement to the officer made voluntary. I never gave consent for them to go through my phone, to seize my phone, or anything of that nature. I left my phone at school that day because that's where I planned to return, which they would not have let me and they held me until school was out, and kept my phone, all before they have received a search warrant.

If they had not violated my rights at the interview by false information in the sworn affidavit I would have not been arrested and charged with the present improper charge, and all evidence they obtained thereafter was tainted and inadmissible as the fruit of the poisonous tree.

14:44:13 Evidence obtained after the officers unlawfully searched must be suppressed when there was no consent or warrant. No right is held more sacred or is more carefully guarded by the common law than the right of every individual to the possession and control of their own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law. *Union Pac. R. Co. v. Botsford.*

14:44:44 The warrantless searches are, per se, unreasonable, subject only to a few specific established and well-delineated exceptions. *Katz v. United States.* The exception for a search incident to a lawful arrest applies only to the area from within which an arrestee might gain possession of a weapon or destructible evidence. *Chimel, 395 U.S., at 763,* which, in my case, none of these exceptions exist.

14:45:38 Finally, the search cannot be justified as an exigent circumstances search. A search based upon exigent or emergency circumstances must be strictly circumscribed by the exigencies which justify its initiation. *Georgia v. Randolph.*

14:46:00 A generalized interest in expedient law enforcement cannot, without more, justify a warrantless search. Examples of exigent circumstances include hot pursuit of a fleeing suspect and preventing imminent harm to a law enforcement officer. The State may argue that the observation of the -- was justified -- excuse me. The State may argue the observation was justified, but mere observation was insufficient, for when I was questioned there was

no crime to investigate. The vehicle was parked. There was nothing that indicated that evidence was being destroyed and, thus, justified an exigent circumstance for a warrantless search.

14:46:50 Just a second. The destruction of evidence of a minor offense is not a sufficient exigent circumstance for the warrantless search of a private person or innocent items like bags or cars. Because of the presumption of unreasonableness that attaches to all warrantless searches and seizures, the United States Supreme Court has declared that when the government's interest is only to arrest for a minor offense, that presumption of unreasonableness is difficult to rebut and the government usually should be allowed to make such arrest only with a warrant issued upon probable cause by a neutral and detached magistrate.

14:47:50 It must be recognized whenever a police officer accosts an individual and restrains his freedom to walk away, he has seized that person, and it is nothing less than sheer torture of the English language to suggest that a careful exploration of the outer surfaces of a person's clothing all over his body in an attempt to find weapons is not search.

14:48:15 Moreover, it is simply fantastic to urge that such a procedure performed in public by a policeman while the citizen stands helpless, perhaps facing a wall with his hands raised, is a petty indignity. It is a serious intrusion upon the sanctity of the person which may inflict great indignity and arouse strong

resentment, and it is not to be undertaken lightly.

The officers in this case followed an unconstitutional path of executing a warrant search in the view of unreasonable, warrantless intrusion and search of Maurice Trimaine Singleton El, all evidence including, but not limited to, the physical evidence seized, all evidence -- excuse me -- all evidence including, but not limited to, the physical evidence seized off my person or in this investigation must be suppressed and excluded from evidence.

The officers violated federal and state laws, constitutional rights to be free from unreasonable searches and seizures under the Fourth and Fourteenth Amendment to the United States Constitution and Article I, Section 3, of the South Carolina Constitution. Evidence must be suppressed of its exclusion as required by the Constitution -- evidence must be suppressed if its exclusion is required by the Constitution of the United States or the Constitution of the State of South Carolina.

Is the Fourth Amendment applicable? Generally the Fourth Amendment is intended to protect a person's expectation of privacy from government intrusion. Therefore, the Fourth Amendment does not bar a search and seizure, even an arbitrary one, affected by a private party on his own initiative. It does, however, bar evidence resulting from such intrusions if the private party acted as an instrument or agent of the government. *State v. Cohen.*

14:50:06 In addition, it has been found not only to apply to open fields, or to abandoned property, or abandoned places. *Abel v. United States.* The United States Supreme Court gave explicit approval to warrantless aerial surveillance of areas exposed to observation from above. *Fixed Wing Aircraft, California v. Ciraolo; Helicopters Florida v. Riley*, 499 U.S. 445.

14:50:37 THE COURT: All right. All right, Mr. Singleton. As to your first motion to suppress, that they unlawfully obtained evidence or anything that is fruit of the poisonous tree, I'll grant your motion to suppress. If any of that information or that evidence comes to light, at that time I will take that under -- I mean, I will take that up.

14:50:52 As to the phone, I find that all the evidence obtained was through a valid search warrant, and I'll allow that evidence to come in as well. As to the dyslexic --

14:51:03 MR. SINGLETON: Your Honor, I object.

14:51:03 THE COURT: As to the dyslexic witness, any and all information that the defense has indicating that his information that he testifies to may be inaccurate or conflicting, certainly that can be brought up as impeachment evidence when Mr. McKean takes the stand. All right.

14:51:23 MR. SINGLETON: Your Honor, I had an objection I wanted to go over.

14:51:25 THE COURT: Hold on. What is it?

14:51:27 MR. SINGLETON: The phone.

14:51:28 THE COURT: No. I've made my ruling on the phone. Anything else before we --

14:51:30 (Simultaneous speaking.)

14:51:30 THE COURT: -- bring out the jury?

14:51:32 MR. SINGLETON: You have to hear my objection. You --

14:51:33 THE COURT: Mr. Singleton --

14:51:35 MR. SINGLETON: We have already been through this, Your Honor.

14:51:37 THE COURT: I know, which I ruled. I've ruled.

14:51:39 (Simultaneous speaking.)

14:51:40 MR. SINGLETON: You have obligations to hear my objection.

14:51:43 THE COURT: We're not going down this road again, Mr. Singleton. I've ruled on --

14:51:45 MR. SINGLETON: Sir, your denial --

14:51:46 THE COURT: Mr. Singleton.

14:51:47 MR. SINGLETON: Your denial of --

14:51:49 THE COURT: Mr. Singleton, do you want to go to the room?

14:51:50 (Simultaneous speaking.)

14:51:51 MR. SINGLETON: I am exercising my right --

14:51:52 THE COURT: Do you want to go to the room?

14:51:53 (Simultaneous speaking.)

14:51:53 MR. SINGLETON: I am exercising my right to be heard --

14:51:54 THE COURT: You're not answering my question.

14:51:54 (Simultaneous speaking.)

14:51:54 MR. SINGLETON: -- fully in a meaningful way.

14:51:57 THE COURT: Mr. Singleton, you're about to go to the room. We're not going to have this. Are you going to listen to me or not?

14:52:02 MR. SINGLETON: I'm listening to you. Are you listening to me?

14:52:04 THE COURT: All right. Do you have anything else before we bring out the jury?

14:52:07 MR. SINGLETON: Your --

14:52:07 THE COURT: You can supplement that later, Mr. Singleton. Anything else out of you, I'm going to put you in the room.

14:52:11 Anything further from the State before we bring out the jury?

14:52:15 MR. SINGLETON: I object.

14:52:16 ATTORNEY NORVELL: The only thing I just want to maybe clear up before we bring the jury out, Judge, as a matter of course, in the Courts of General Sessions judges do not entertain speaking objections, and I just feel like there's a little bit of a lack of clarity on Mr. Singleton's point. I would just like to ask if you would explain to him that he is able to make objections to your ruling but speaking objections are generally not permitted from the State, nor from the defense.

14:52:47 THE COURT: If you have an objection, Mr. Singleton, state the objection. Don't begin to make any arguments in front of the jury, okay. If you need to make something for the record I'll ask that the jury be removed, and you can place whatever you'd

like on the record. Okay. Bring them out.

MR. SINGLETON: I have a few things I wanted to say.

THE COURT: Hold on. What? Are they motions?

MR. SINGLETON: I have --

THE COURT: Hold on, Mr. Singleton. Answer the questions I asked.

(Simultaneous speaking.)

MR. SINGLETON: -- let you know. Are you going to listen? Please, I ask that while I'm exercising my right to be heard in a meaningful way, I would ask that I please not be interrupted.

THE COURT: Mr. Singleton, is this a motion?

MR. SINGLETON: What it is, by you denying to take the phone off is a malicious abuse of prosecutorial --

THE COURT: Mr. Singleton --

MR. SINGLETON: -- duty as to interpret the law, not make it --

(Simultaneous speaking.)

MR. SINGLETON: -- your discretion is --

THE COURT: We're just going to have to just put him back there. We're going to have to set up the room. It's not going to work. He's not going to listen.

MR. SINGLETON: I am listening, sir.

THE COURT: You're not. Stop.

(Simultaneous speaking.)

THE COURT: Are you going to listen to me, or am I going to

put you back in the room? Answer the question.

MR. SINGLETON: What is your question?

THE COURT: Do you want to go in the back of the room back there and watch your trial?

MR. SINGLETON: I will be attending my trial personally --

THE COURT: Okay. Then you'll hush when I talk.

(Simultaneous speaking.)

THE COURT: Are you ready for me to bring the jury out, or are you ready to go back there and --

MR. SINGLETON: No, I'm not ready for you to bring the jury out, because I have other things that I need to state that you have not been hearing. You have been interrupting me while I'm exercising my right --

THE COURT: All right. Take him away. We're going to set him up and he can listen in the back. I'm not going to do this.

ATTORNEY NORVELL: There is one further pretrial motion that I received from him.

THE COURT: That's fine. I'm going to put him back there. We've got to set up where he can go back there, because we can't have him in here. Mr. Singleton, you need to go in the back.

MR. SINGLETON: I state for the record that I am being unlawfully removed from my own trial proceeding when I am simply exercising my right to be heard in a meaningful way, and you are turning it into a crime.

THE COURT: I'm not turning it into anything. You're not

going to listen to me, then I'm going to --

(Simultaneous speaking.)

MR. SINGLETON: Your Honor, I --

THE COURT: Take him away.

(Mr. Singleton is escorted out of the courtroom.)

MATTER(S) OF LAW

THE COURT: All right. So the Owl, how does it work?

ATTORNEY NORVELL: My understanding is that it provides a 360 view of the courtroom, and then maybe if -- there's like a logged-in laptop back there. You can log into your virtual court and stream it from the Owl to that laptop right there.

THE COURT: So is there any other way that he can hear and communicate if we did like a Webex?

ATTORNEY NORVELL: You would turn on your Webex, he would set up the Owl, and he will hear everything that's happening in here. There just will need to be a laptop logged for Webex in that room.

ATTORNEY NELSON: Your Honor, if that -- if this is the route that's going to happen, how is he -- if he has a legitimate objection, how is that going to happen without one of us knocking on the window?

THE COURT: Yeah. He can participate all he wants. He just won't be in here.

ATTORNEY NORVELL: And he can do it via the Webex, so we will hear his objection in realtime.

14:55:53 ATTORNEY NELSON: I never dealt with this before, Your Honor. Will that be an objection that's also heard by the jury? Is that something we all hear, or is that just something --

14:55:59 THE COURT: Everybody would hear it.

14:56:01 ATTORNEY NELSON: Okay.

14:56:01 THE COURT: The only difference is that when he goes and he does not listen and he's just reading things into the record that have nothing do with the trial, I can mute him from that.

14:56:10 ATTORNEY NELSON: Yes, Your Honor. As long as he's allowed to object.

14:56:11 THE COURT: Yes. He needs to participate fully in the trial, and I agree, and so we will need to see if we can figure out a way to set that up.

14:56:21 ATTORNEY NELSON: And I'm assuming cross-examination, if he puts up any witnesses, will go, I guess, virtual hearing, how you've been doing?

14:56:29 THE COURT: Yeah. He'll be able to see everything from there, and he'll be able to hear everything. He just can't start blurting stuff out as he continuously does.

14:56:40 ATTORNEY NELSON: When Ms. Norvell intends to introduce something into evidence how is he going to look at it first? And I'm just thinking out loud --

14:56:47 THE COURT: Hey, I'm with you. I think that, as standby counsel, I would probably allow you the opportunity to take a look at it and then allow him to take a look at it at his

request.

14:56:57 ATTORNEY NORVELL: Ms. Brewer tells me that in her Duncan hearing where she had a virtual witness appearing, if you hold the item up to the Owl they can see that closely and inspect it.

14:57:10 THE COURT: All right.

14:57:14 ATTORNEY NELSON: Judge, I might have a couple more questions later. I'm just trying to think about these questions on the fly at this point.

14:57:19 THE COURT: That's completely fine. So am I. What Hayley's saying is somewhat correct, that every time I mute him from his rants then he's going to indicate that that's akin to him not being able to participate in the trial. So I'm open for suggestions.

15:00:09 ATTORNEY NELSON: Further, whatever he says wouldn't be on the record.

15:00:11 THE COURT: Right, because I would mute him at that point.

15:00:29 ATTORNEY NORVELL: Beg the Court's indulgence. May I, Judge, address a scheduling matter? We have four witnesses prepared. They are rather -- I think all of our witnesses for this afternoon would take about an hour. We did have our crime-scene responder prepared to head this way if we needed to make sure that the Court's time was fulfilled properly.

15:02:43 Do you have any way to guess -- I think that would be maybe another 45 minutes of testimony to an hour. I'd hate to have him come from Moncks Corner just to send him back and bring him back

in the morning. Do you have any idea how long you anticipate us going tonight?

15:03:00 THE COURT: Yeah. Just call him off right now. If we can get anything accomplished, I'd like to see if we can at least get the opening statements done, and probably that will be it.

15:03:07 I mean, I just don't know what to do with him. I don't know whether to bring him back out and hold him in contempt, or to, again --

15:03:16 ATTORNEY NORVELL: That's what I'm researching right now.

15:03:18 THE COURT: -- try to resolve his ability to participate in his trial but yet not interrupt the consistent flow of the court.

15:03:29 ATTORNEY NORVELL: That's the State's only concern, Judge, is the speaking objections in front of the jury.

15:03:33 THE COURT: I'm not worried about that. I'm worried about the fact that he doesn't accept my rulings as such, and obviously that's when we have to move to the next thing, and he's not doing that. He won't accept my rulings, so obviously I can't conduct a trial where somebody doesn't accept my rulings.

15:03:49 ATTORNEY NORVELL: Right. I don't know if it would help at all -- I know that the defendant has elected himself to represent himself, but it's quite clear that he does not understand that your ruling is your ruling and, you know, his objection is preserved for the appellate record. I think that that's important to be done but there's a proper way to do it.

15:04:43 THE COURT: Well, I think maybe that, maybe one last-ditch

effort to say it's not all hope lost if I rule against him. He obviously has all of this for his appellate portion. I wonder if I bring him back up, explain that to him, and then obviously say that he can supplement the record any way he wants at the close of trial with any post-trial motions that he wishes to file.

15:05:05 ATTORNEY NORVELL: And even he can supplement the record with whatever he needs to supplement when the jury's gone for the day.

15:05:10 THE COURT: All right. Bring him back up, please.

15:05:17 (Mr. Singleton is escorted into the courtroom.)

15:10:04 MATTER(S) OF LAW

15:10:08 THE COURT: All right. Mr. Singleton, we're going to try it one last time. And what I think you may not have understood is that all of these objections and things that you'd like to place on the record, two things: One, I'll allow you to place it on the record at a later time, all right. It doesn't preclude you at any time of placing these things on the record. You can also supplement anything for the record during the trial, meaning at a lunch break or anything along those lines. I've got no problem with that whatsoever.

15:10:38 But whenever I make a ruling, it's over; we move to the next thing. That's what I don't think you understand. Do you understand that?

15:10:45 MR. SINGLETON: I have just one question. I have a right to object, right? If I have objections or disagreement I have the

right to disagree with your rulings, don't I?

15:10:53 THE COURT: That's correct. But whenever I make a ruling --

15:10:57 MR. SINGLETON: That's fine --

15:10:57 THE COURT: All right. Also, it's come to my attention that you have your phone on. Are you recording? You're not allowed to have phones in the courtroom. Do you have your phone?

15:11:09 MR. SINGLETON: What's your question?

15:11:10 THE COURT: Do you have your phone?

15:11:11 MR. SINGLETON: Yes.

15:11:11 THE COURT: Pull it out, turn it off, put it at the end of the table.

15:11:17 MR. SINGLETON: My phone's already off.

15:11:19 THE COURT: You heard what I said.

15:11:25 MR. SINGLETON: Oh, it's already off. I don't want to be -- I don't want no one touching my property. I don't consent to that.

15:11:39 THE COURT: May I see?

15:11:41 MR. SINGLETON: Oh. Can I approach?

15:11:42 THE COURT: No. All right. Put it down. Anything before we bring the jury out?

15:11:51 MR. SINGLETON: Just could you go over your previous rulings again as far as my motions and my rediscovery? Because, also, I didn't even get to get to my rediscovery. Before you bring the jury out I would like to address that matter.

15:12:03 THE COURT: What's the issue?

15:12:04 MR. SINGLETON: Rediscovery.
15:12:05 THE COURT: What's that? I never heard of that.
15:12:09 MR. SINGLETON: I'll go through it.
15:12:11 THE COURT: You're not going to read a whole bunch of stuff in --
15:12:15 MR. SINGLETON: But I have to read it so you understand, so that's what I'm going to do.
15:12:19 THE COURT: Just make your motion.
15:12:22 MR. SINGLETON: What I was requesting was more time to go over through the discovery that I had just obtained just merely a couple days before this trial, and I have not had the time to review those findings, and ...
15:12:39 THE COURT: All right. Let me hear from the State on that. What's he referring to?
15:12:42 ATTORNEY NORVELL: I don't know what specifically he's referring to other than I think maybe his same issue that he previously had. I'm just -- if you don't mind, Judge, I'll outline the process of discovery for the Court, for the record, and for --
15:12:55 THE COURT: Why don't you just make that a Court's exhibit, because I've seen that. You provided it to me previously, but it's obviously extremely lengthy, so let's just make that a part of the Court's record.
15:13:06 (Court's Exhibit 1 is identified.)
15:13:06 MR. SINGLETON: I just want to say that the first request

for discovery evidence in 2018, through counsel, Mr. Shahid, was not received in full.

15:13:21 Next, after the trial in October of 2022, I filed another discovery requesting the finished discovery. I received ESI and other discoverable evidence only a few days before the scheduled trial. I made it clear to the judge and the trier of the case that there was not enough time to go through the extensive discovery. I needed more time to prepare and look over the discovery, and --

15:13:43 THE COURT: When was this?

15:13:49 MR. SINGLETON: I believe the date was March -- I don't want to give you a specific date, sir. I'm not sure. If you could check --

15:13:58 THE COURT: You're talking about to your previous trial?

15:14:00 MR. SINGLETON: I requested discovery before this trial, before why we're here today, and I have received that just sometime this month.

15:14:09 THE COURT: What's he referring to?

15:14:12 MR. SINGLETON: I can tell you what I'm referring to.

15:14:13 THE COURT: What?

15:14:14 ATTORNEY NORVELL: Is it when you received the thumb drive, or something else?

15:14:24 MR. SINGLETON: You want to know what specifically I'm referring to? I don't understand what the question is that you're asking. Could you ask the question again?

15:14:47 THE COURT: You're asking for more time to review discovery that was produced to you. I'm asking --

15:14:52 MR. SINGLETON: Right.

15:14:52 THE COURT: -- you when was that evidence produce and what was it.

15:14:55 MR. SINGLETON: Oh, right. That would be the thumb drive that I received from Ms. Norvell. And I would like to add that originally Judge Jefferson ordered a 30-day timeline that previous counsel had to give me that discovery, which they failed to do, and that is why I went to Ms. Norvell for the drive because she -- I had not received the drive from her until ...

15:15:24 THE COURT: You're talking about --

15:15:25 MR. SINGLETON: -- two weeks ago.

15:15:26 THE COURT: All right. Ms. Norvell, we talked about this thumb drive before. Did your investigator, in fact, meet with him and go through it?

15:15:32 ATTORNEY NORVELL: So he never appeared at that status conference that he had asked for. I have not heard anything further from him. However, before that email was sent -- so I think that I sent that email to your staff on March the 9th -- everything had been provided to him. Since that time, because there is two -- there were two phone data extractions on there -- I sent him the partial extractions that the State would seek to admit so he's not looking through a cellphone dump that he's not familiar with without understanding what the State would be

seeking to use.

He had -- with his reference to Judge Jefferson ordering 30 days, that order was signed after Your Honor's order relieving counsel. I'm not sure why there was a time discrepancy on that. At that time that the order was filed Mr. Shahid was relieved as counsel.

The State emailed Mr. Singleton directly, told him that we would have discovery ready. We just needed him to provide us with a thumb drive. That was in -- I believe that was on February 16th of this year, somewhere between January 11th and February 16th.

We never received that thumb drive until after the status conference that we held in front of Your Honor on March the 3rd. You ordered discovery to be turned over to him without him needing to sign any of the standard discovery receipt documents, the Court's standing protective discovery order, and my office compiled that data and provided it to him the following Wednesday.

Then that Thursday, when I emailed your clerk, he indicated he wanted that status conference, was because of some discrepancy with materials he claimed was already on that thumb drive.

Either way, he had all of the discovery since that time, and --

MR. SINGLETON: Ms. Norvell, if I may ask --

THE COURT: No. You can't ask her any questions. All

right. So I recall all of that.

MR. SINGLETON: May I, please, interrupt, please? That she had just confirmed that this information, the discovery, only has only recently been provided me, she said, after March 3rd. That time was not -- that time period, from then until now, would not have been sufficient in going through the discovery. Therefore, I would not be able to raise an affirmative defense due to the fact that I had only -- I had such a short amount of time to go through such voluminous discovery.

THE COURT: All right. I'll deny your motion for a continuance at this time, but certainly the record will reflect, if you requested it, if you'd like to supplement anything at a later date, I'd be happy to allow to you do so. Anything else before I bring the jury out?

MR. SINGLETON: You said I had time to object later, at a later period. What period would that have been, after I'm unlawfully convicted? Or when would I have time to --

THE COURT: I'm talking about, you can supplement your motions. I've already made a ruling, but you're trying to make sure that there's information in the record for your appellate issues if, in fact, you're convicted. If you're not convicted, all this is for not. But my point is is that if you want to supplement with all those court cases and everything, even after I made my ruling I will give you the time to do that. Okay.

MR. SINGLETON: Mr. -- sir, your rulings, your denial of my

motions, that's a malicious abuse of process, and you are denying me of fair and impartial trial.

15:19:19 THE COURT: I'm sorry you don't agree with my ruling.

15:19:21 MR. SINGLETON: It's not that I don't agree with it; it's that your ruling is exceeding your jurisdiction, and any judge exceeding their jurisdiction is not legal.

15:19:29 THE COURT: All right. It's noted for the record. Bring them out.

15:20:49 (Jury seated in the courtroom at 3:22 p.m.)

15:22:10 THE BAILIFF: Judge, all jurors are present and seated.

15:22:32 THE COURT: All right. Thank you so very much. All right, ladies and gentlemen of the jury, at this time I'm going to have you sworn. Madam clerk.

15:22:48 CLERK OF COURT: Ladies and gentlemen of the jury, please stand and raise your right hand and be sworn.

15:22:52 (Clerk of Court administers oath to the jurors.)

15:23:18 CLERK OF COURT: If you accepted this oath, please be seated. If you have not accepted this oath, please remain standing.

15:23:22 (Jurors respond.)

15:23:22 CLERK OF COURT: Let the record reflect all jurors have been seated.

15:23:26 THE COURT: All right. Thank you very much. Ladies and gentlemen of the jury, at this time I am going to allow the parties to give their opening statement. An opening statement is

simply just a statement by the parties as to what they believe that the evidence is going to show throughout this trial.

15:23:38 It's not to be considered any -- it's not to be considered evidence by yourself whatsoever; it's simply just opening statement. At the close of the case I'll instruct you that they are going to be allowed to give what's called a closing argument. It's exactly that, it's to argue what they believe the evidence did show. All right. Start with the State.

15:23:55 OPENING STATEMENT ON BEHALF OF THE STATE

15:23:56 ATTORNEY NORVELL: Thank you, Your Honor. Thank you for being here today, ladies and gentlemen. On March 2nd of 2018 18-year-old Vaughn McFadden was shot 14 times under the Bennett Railyard I-26 overpass. He was lured there by his two best friends from middle school, Maurice Singleton, and a co-defendant, JaJuan Lockwood.

15:24:31 This is Maurice Singleton. We are in court for his day in court. This is his trial. He is who you are here to render a verdict on; he is who you will hear about this week. But you do need to know there is a co-defendant in this case. And I'll talk about that a little bit more as I move through this opening.

15:24:51 Maurice Singleton and JuJuan Lockwood and Vaughn McFadden, they had been friends since middle school. Maurice and Vaughn, they attended school together. They went to North Charleston High School.

15:25:03 On March 2nd of 2018 Vaughn McFadden woke up at the house

that he shared with his mother, Allison, his sister, Niara. He left with his mom. Every morning he was dropped off at his aunt's house, and his aunt would take him to North Charleston High School. That's the same thing that he did on the last morning of his life.

15:25:27 He left the house. He said bye to Niara, his sister, and she never saw him again because he went to school, he went to North Charleston, went to class that day, and after school he rode the bus home with Maurice Singleton.

15:25:38 They got off the bus at 4:00 p.m. in the Dorchester-Waylyn neighborhood off Dorchester Road. They got off at Alabama, and they walked from that street down Ranger to the A1 convenience store. They stopped and they got a couple bottles of juice, some blunts, and they went to go smoke weed, and they were together for the rest of Vaughn's life.

15:26:02 After they left the convenience store they walked to JaJuan Lockwood's house, directly there. And you'll hear evidence this week, it's a combination of what you will hear, video evidence and cellphone evidence, and you'll see in that cellphone evidence exactly where Vaughn walked until he died. And with that video evidence you'll see the video starting at 4:00 p.m. when they get off that school bus, you'll see the video, and they walked to the A1 convenience store, and you'll see the video of the direction and where they're walking. And I'm telling you right now, they're walking to JuJuan Lockwood's house. And they stay there

for about an hour. And around 5:18 that evening they start walking towards the Bennett Railyard.

15:26:46 So the way that the neighborhood is structured, the neighborhood is parallel to I-26, and then the railroad is at the top end and end north end of that neighborhood. And if you go to the back of the neighborhood, there's a cut in the fence, and you can cross over.

15:27:03 MR. SINGLETON: Objection. Speculation.

15:27:05 THE COURT: All right. I'll sustain -- I mean, I'll overrule the objection. Go ahead.

15:27:09 ATTORNEY NORVELL: Thank you, Judge. And there's a cut that leads you from the back of that neighborhood into the railyard. And at the back of that railyard is the I-26 overpass. And that that is where Vaughn's life ended. When he got back there with the defendant and the co-defendant, he was shot 14 times, in the face, in the neck, in the chest, and in the hands.

15:27:34 And not only was he shot 14 times, where he fell, he had his pockets turned up and the money that was in his pockets stolen. Why did this happen for a few hundred dollars?

15:27:52 So Vaughn had turned 18 in October of the year before his death, and at that time something special happened for Vaughn. It's the same thing that happened for his sister, Niara, when she turned 18. Their late father, he had a pension, and when the children turned 18 they could receive that lump-sum settlement. And Vaughn received that lump-sum settlement back in October of

2017.

And as you would expect any 18-year-old boy who had just come into money to do, he spent it on sneakers, a jackets, and the evidence that you will be presented this week will show that in the day before his death he had taken out a couple different withdrawals. He had taken out a thousand dollars at the beginning of the week, and $500 the day before his death.

And the reason that's relevant, the evidence that we'll present to you will show there was a picture of Vaughn taken in school that afternoon in his last-period class at 2:37 p.m., and he's sitting in the classroom with several hundred dollars in his lap. And we know that that's important and we know that he had that money, because he left school with Maurice, went to -- got off the school bus at the bus stop, went to the convenience store, went to the co-defendant's house, and walked to the railyard where he ultimately died.

And when law enforcement responded to the railyard to a report that a body had been found underneath the overpass, Vaughn only had nine dollars on him. He did have his school ID, some school papers, and his driver's license. Those were all laying around him. Those were not in his pockets any longer.

This week we will present you, like I mentioned, a combination of that video evidence and that cellphone evidence, a combination of direct and circumstantial evidence. The videos will connect each other. You will see that entire time after

Vaughn got out of school until the time that he died. You'll see the video showing these three, Maurice, JuJuan, and the victim, walking to that railyard. And I didn't tell you this at first, but you'll see the video, that same video, of just two individuals returning. Vaughn is not with them.

15:30:22 And you'll hear testimony from the doctor at MUSC, the pathologist that conducted Vaughn's autopsy, and you'll hear the significance of the trauma, the injuries, from these gunshot wounds that happened to his body, and you'll hear an approximation the time it took for him to die, and you'll hear that that's less than five minutes.

15:30:44 And you'll see, with that combination of that video, by the time these individuals got back to their phones that they had left at the co-defendant's house --

15:30:58 MR. SINGLETON: Objection. Speculation.

15:31:00 THE COURT: Overruled.

15:31:00 ATTORNEY NORVELL: -- they had planned, they had consciously and jointly decided, to leave their phones and take Vaughn, lure him to his death, Vaughn is dead.

15:31:12 You'll hear testimony from the railyard -- from a railyard employee, Mr. McKean. He works on a train. He was a railyard -- or, a train conductor, a remote-control conductor is what it's called. And what that job consists of, he stands outside of the train and he drives it with a remote control, so he's not inside of it; he's outside.

15:31:35 And while he was working on March 2nd, he heard a gunshot, and it drew his attention. He looked over underneath the I-26 overpass of the Bennett Railyard, and he saw two individuals. He was about, he'll tell you, 80 to 90 yards away. He saw two individuals firing into what he thought was the ground. There are pillars pilling underneath the bridge, and he couldn't see anything on the ground, but later, about 40 minutes later, another employee of the railyard found a dead body. And Mr. McKean will tell you that's exactly where he saw the shooting.

15:32:14 But he didn't hear just that one shot. After his attention was drawn and he saw two individuals that he will describe as teenagers, he heard several more gunshots, and then he saw those two individuals lean down, bend over. He's a shooter. He'll testify that if you're going to be a person, a good friend, when you're shooting you pick up your shell casings, you pick up your trash. He thought that's what they were doing. Maybe they were, but we also know that Vaughn only had nine dollars when he was found.

15:32:49 At the end of this week, ladies and gentlemen, I'm going return to you in my closing argument and I'm going to ask that you find Maurice Singleton guilty because you will be firmly convinced --

15:33:03 MR. SINGLETON: Objection.

15:33:03 THE COURT: Overruled.

15:33:04 MR. SINGLETON: She is asking the jury to --

15:33:06 THE COURT: Ladies and gentlemen of the jury, this is just an opening statement. She's simply just making a statement as to what she believes the evidence will show, and now she's indicating what I indicated she'll be able to give in closing argument. Overruled.

15:33:19 ATTORNEY NORVELL: Thank you, Judge. And I'll ask you to return a guilty verdict because you will be firmly convinced that Maurice Singleton is guilty of murder.

15:33:26 In South Carolina two individuals can be charged with the same crime because of our theory of accomplice liability. We call it "The hand of one is the hand of all." And so while both parties may not be the person who pulled that trigger, if you consciously conspire and you work together to create an outcome, that is Vaughn's death, if you conspire to murder Vaughn, you are both guilty, either principle would be, because the hand of one is the hand of all. Thank you.

15:34:05 THE COURT: All right. Thank you very much. Mr. Singleton, if you'd like.

15:34:10 OPENING STATEMENT ON BEHALF OF THE DEFENSE

15:34:19 MR. SINGLETON: Thank you all for y'all time today. The prosecutor is trying to paint an image in your minds for her benefit. She has no proof of any of the --

15:34:30 ATTORNEY NORVELL: Objection.

15:34:32 THE COURT: I'll -- let it go. This is what he believes the

evidence will show.

15:34:36 MR. SINGLETON: She has no proof of anything she has just told you. No proof. She is trying to paint an image in your minds, and I will ask that you all please do not let her do that for you. You all have -- my life is in y'all's hands.

15:34:51 ATTORNEY NORVELL: Objection.

15:34:52 THE COURT: We're not talking about any type of punishment. Just talk about what you believe the evidence will show.

15:34:57 ATTORNEY NORVELL: It goes to the ultimate issue, Your Honor.

15:35:03 MR. SINGLETON: That's a lie. It is nothing more than a lie. They want me to be their fall man to their poor investigative skills. For this to be a murder, the interrogation -- the investigation was carried out poorly as if there was not a motive. They have not tested any shell casings from the scene. They haven't done anything to prove that -- and their witness that they plan to call, he is dyslexic, and he's already given testimony that --

15:35:40 ATTORNEY NORVELL: Objection.

15:35:40 THE COURT: Hold on. Stay with the confines.

15:35:42 MR. SINGLETON: -- that he did not witness what she said. He has multiple conflicting statements. He's gave multiple different stories, and he's even -- and I suspect he's even been coached, coached into giving the answers that she needed him to give because they don't have a case. They want me to be their

fall man.

So I ask that you all, please, review the evidence with clear minds, and please don't have them put paint it for you.

15:36:15 THE COURT: All right. Thank you, sir. Who's going to be the first witness?

15:36:18 ATTORNEY NORVELL: The first witness will be Tian Griffieth with the Charleston County Fire Department -- or, excuse me -- North Charleston Fire Department.

15:36:25 THE COURT: All right. Call your first witness.

15:36:27 ATTORNEY NORVELL: I believe that --

15:36:28 THE COURT: How long do you think it will take?

15:36:29 ATTORNEY NORVELL: -- he will be very quick. Our next -- we have four witnesses available that I think we can get through in the next 40 minutes to an hour.

15:36:38 THE COURT: All right. We'll see what we can get done.

15:36:41 ATTORNEY NORVELL: Thank you. The State calls Tian Griffieth.

15:37:26 TIAN GRIFFIETH,

15:37:26 having first been duly sworn, is examined and testifies as follows:

15:37:35 CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

15:37:43 THE WITNESS: Tian Griffieth, G-r-i-f-f-i-e-t-h.

15:37:49

15:37:49

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q I believe that you can pull the microphone closer to you. I'm not sure. It's at a weird angle. Good afternoon, Captain Griffieth. Thank you for being here today. Where are you currently employed?

A City of North Charleston Fire Department.

Q And how long have you been with the City of North Charleston?

A Fifteen years.

Q And how long have you been working in your capacity as a firefighter?

A Fifteen years.

Q Okay. Perfect. Were you working in your role as a firefighter on March 2nd of 2018?

A I was.

Q And did you have the occasion to respond to an incident at the Bennett Railyard in North Charleston?

A Yes, ma'am.

Q Can you describe how you were dispatched to that location?

A So in the City of North Charleston all of our calls come in through/to a 911 dispatch center. So when we get a call, the call's placed to 911. They dispatch it and then send resources based on wherever that location is that. Units are responding are basically the closest truck, so our station's Station 7 on

Dorchester Road, would be the closest truck, closest in the location to the yard.

15:38:50 Q And were you the first one on scene that day?

15:38:53 A We were the first on scene. Yes, ma'am.

15:38:54 Q And upon arrival what did you do first?

15:38:56 A We arrived on scene. We were -- the call didn't come in as a shooting. Usually a shooting call would get us staged, and so it was staged, but because the call in that a person was down on the train tracks we just proceeded to the scene without PD. Usually any calls like that, we will stage PD to come in and secure the scene, but on this call we were the first one on the scene.

15:39:14 We went to the scene. We located a train conductor who navigated us back to the train yard until we located a male down on the train tracks who we saw that was obviously had deceased.

15:39:25 Q And did you approach the victim?

15:39:26 A We did.

15:39:27 Q Okay. Can you describe what you did upon your approach to the victim?

15:39:32 A So walking up we first kind of thought that maybe he got hit by the train, but whenever we approached closer we saw he had a gunshot wound to the eye.

15:39:40 Q And you observed his injuries. Did you complete any medical treatment on him or did you wait for EMS?

15:39:47 A Based on medical knowledge and understanding, based on his

injuries, based on the amount of blood loss, and based on the injuries significant to his eye and brain matter being visible, we determined there were no signs of compatible life and we treated it as a crime scene.

15:40:04 Q Did you remove anything from the victim's pockets?

15:40:06 A So in the fire department, we do not identify anyone. That's what the coroner would do and not something we would do.

15:40:11 Q Did you touch the victim to determine if his injuries were incompatible with life?

15:40:15 A Just because his injuries were so gross and it so obvious, there was no need to touch him.

15:40:20 Q And so you approached the scene as is?

15:40:21 A Yes, ma'am.

15:40:27 ATTORNEY NORVELL: Beg the Court's indulgence. May I approach the witness, Judge?

15:40:34 THE COURT: Absolutely.

15:40:34 (State's Exhibit 1 is identified.)

15:40:36 Q Captain Griffieth, I am approaching and showing you what's been marked as State's Exhibit 1. Will you please take a look at this and tell me if you recognize this?

15:40:43 A I do.

15:40:44 Q And does it fairly and accurately represent the scene as you responded on March 2nd, 2018?

15:40:49 A Absolutely it does. The thing that reminds me the most are the sneakers. My son had those sneakers, so I remembered that

very particularly.

ATTORNEY NORVELL: Judge, at this time the State would offer State's Exhibit 1 into evidence.

THE COURT: All right. Any objection?

MR. SINGLETON: Objection. That evidence is highly prej --

THE COURT: Hold on. No speaking objections. Just asked if there is an objection to the photo.

MR. SINGLETON: Yes, there is objection.

THE COURT: I'm sorry?

MR. SINGLETON: Yes. I object.

THE COURT: All right. Ladies and gentlemen of the jury, there's a matter we need to take up outside of your presence. If you'll just give us a couple minutes, we'll bring you right back in.

(Jury escorted out of the courtroom at 3:42 p.m.)

MATTER(S) OF LAW

THE COURT: All right. Before we can start, Mr. Singleton, where's your phone again?

MR. SINGLETON: My phone -- my phone? First of all, my laptop has information. I need my phone in order to properly defend myself, so that's why I have my phone --

THE COURT: We don't have cellphones in the courtrooms. We have WiFi. You can get on just like everybody else. The phone will be off, on the table.

MR. SINGLETON: Mr. --

15:42:31 THE COURT: It's Judge Price.

15:42:32 MR. SINGLETON: Is the WiFi in this facility reliable?

15:42:38 THE COURT: Everybody's on it.

15:42:41 MR. SINGLETON: That don't mean it's reliable.

15:42:42 THE COURT: Are you going to abide by my order or not?

15:42:44 MR. SINGLETON: Sir, are you going to continue to make this trial difficult for me and be impartial? Because I'm asking you to leave my phone on while I use it for the --

15:42:55 THE COURT: I need you to turn your phone off and put it on the table. You can use the WiFi like everybody else.

15:43:01 MR. SINGLETON: Well, you gonna have to -- I need help. You're gonna have to help me. Somebody gonna have to help me connect to the WiFi, or else I'm using my phone.

15:43:07 THE COURT: It says Maurice's iPhone is coming up on our --

15:43:11 MR. SINGLETON: Right. Yeah, I actually had it on because I have my laptop on.

15:43:12 THE COURT: Just use what everybody else is using, which is Charleston Judicial.

15:43:17 MR. SINGLETON: If it works.

15:43:22 THE COURT: No, Charleston County Public.

15:43:22 MR. SINGLETON: If it works. Is there a password I have to use in order for it to work?

15:43:40 THE COURT: Courthouse.

15:43:50 MR. SINGLETON: Could you specify that password? Because it says it's incorrect.

15:44:11 THE COURT: I thought it was courthouse. Do you know what it is?

15:44:15 ATTORNEY NORVELL: I think it's --

15:44:18 ATTORNEY NELSON: I think the password's on my phone Your Honor.

15:44:21 THE COURT: What is it?

15:44:22 CLERK OF COURT: It's courthouse.

15:44:23 THE COURT: Yeah. It's always been courthouse for 20 years.

15:44:25 ATTORNEY NORVELL: I just tried it and --

15:44:27 MR. SINGLETON: I tried it, too, and it does not work, so how am I going to proceed to --

15:44:30 (Simultaneous speaking.)

15:46:04 THE COURT: All right. You have to turn your phone off now. It's still coming up as Maurice's iPhone.

15:46:27 MR. SINGLETON: Oh, back to my objection.

15:46:29 THE COURT: Hold on. We're still on the phone. It's still coming up on my connection that Maurice's iPhone is still on. All right. If that phone comes back on, it's mine, okay. I'm letting you know. I'm telling you, the phone comes back on, it's mine. All right. What's your objection?

15:47:15 MR. SINGLETON: That picture is highly prejudicial, and showing the internet, it would be highly prejudicial against me, especially when the State has no proof behind any of this speculation.

15:47:27 THE COURT: All right. What's the State's position?

15:47:29 ATTORNEY NORVELL: Thank you, Judge. The probative value of this photograph outweighs any prejudicial effects. It is a photograph of the victim on scene as he was located by the initial responders. The State would seek to introduce this photo. Being that the State holds the burden of proof in this case, the effect that this photo would have would be in showing and illustrating, with Captain Griffieth's testimony, that he did not remove any of the items from the victim's pockets, so it would be potentially under motive --

15:48:00 MR. SINGLETON: I object to --

15:48:01 ATTORNEY NORVELL: -- as well as this is a photograph of the scene, and the jury has the right to see the location of the crime.

15:48:09 THE COURT: All right. I'm going to --

15:48:09 MR. SINGLETON: I object due to the fact that that information, they have the burden of proof beyond a reasonable doubt. Showing a picture of my friend does not indicate that I'm the one who did that. That there helps -- that does not help prove the case beyond a reasonable doubt. What it does is sway the jury. They see the picture into evidence, and it's very prejudicial.

15:48:34 THE COURT: All right.

15:48:34 MR. SINGLETON: They see the picture --

15:48:34 THE COURT: All right. When I start talking.

15:48:34 (Simultaneous speaking.)

15:48:34 THE COURT: That's when you have to stop.
15:48:36 MR. SINGLETON: -- prejudicial --
15:48:36 THE COURT: Under a 403 analysis, I'm going to find that's more probative than prejudicial. I'm going allow it.
15:48:42 (State's Exhibit 1 is admitted into the record.)
THE COURT: You can bring them back in.
15:48:42 ATTORNEY NORVELL: May I please have the Elmo. Do you mind if I go ahead and publish it?
15:48:50 THE COURT: That's fine.
15:49:49 (Jury seated in the courtroom at 3:50 p.m.)
15:50:09 THE BAILIFF: Jury's all present and seated, Your Honor.
15:50:24 THE COURT: Thank you, ma'am. All right. You may proceed.
15:50:26 ATTORNEY NORVELL: Thank you, Judge. At this time the State would seek to publish State's Exhibit No. 1.
15:50:31 THE COURT: All right, over the objection.
15:50:35 Q Captain Griffieth, you testified that this accurately represents the scene as you responded. Can you please describe what is depicted in State's Exhibit 1?
15:50:46 A A male laying on the ground, arms above head. If you -- there's another -- you can see he's been shot in the eye.
15:50:57 Q And what is the significance of your recognition of the shoes that you mentioned?
15:51:02 A They're Nike Foamposite sneakers. They're what all the kids were wearing at that time, so it was pretty normal in the neighborhood when you're out doing things like things out in the

community, you kind of see what's pretty much what the fashion was at that time.

15:51:16 Q And do you see the three items located next to the victim?

15:51:19 A I do.

15:51:20 Q And did you remove those items from the victim? Does that accurately reflect where those items were located when you responded?

15:51:29 A We removed nothing from his pockets or anything from his clothes.

15:51:33 Q I'm sorry?

15:51:34 A We didn't remove anything from his pockets or clothing.

15:51:36 Q And do you know what those items were?

15:51:37 A One was a school ID, one was a driver's license, and I believe there was a cellphone there as well.

15:51:44 Q Okay. Do you see the cellphone in the photograph?

15:51:46 A I don't see a cellphone in the photograph.

15:51:49 Q Okay. Thank you, Captain Griffieth. I don't have any further questions for you at this time.

15:51:56 THE COURT: All right. Anything from the defense?

15:51:59 MR. SINGLETON: No, sir.

15:51:59 THE COURT: You may step down, and you may be excused. Have a wonderful rest-of-your-day. All right. Call your next witness.

15:52:07 ATTORNEY BREWER: State calls Shaun Weatherford.

15:53:11

SHAUN WEATHERFORD,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Shaun Weatherford, W-e-a-t-h-e-r-f-o-r-d.

DIRECT EXAMINATION

BY ATTORNEY BREWER:

Q Good afternoon, Officer Weatherford. Can you tell the jury where you are currently employed?

A North Charleston Police Department.

Q And how long have you worked there?

A Six years.

Q And what is your position with North Charleston Police Department?

A Currently I'm a K-9 handler now.

Q And was that your position in March of 2018?

A It was not.

Q What was your duty then?

A I was a patrol officer on the street.

Q Do you recall being dispatched to the Bennett Yard Railyard on March 2nd of 2018?

A I do.

Q And why were you dispatched there?

A Someone from the CSX discovered a body under the overpass in

the railyard.

Q And that body was deceased?

A That's what we were told. Yeah.

Q Do you remember what time that was?

A Around 6:00, 6:30 in the evening. It was getting dark.

Q Okay. So when you got there what did you observe?

A Fire and EMS personnel were already on the scene. They were all standing around, what appeared to be, a body on the ground underneath the 26 overpass in the gravel.

Q And did you touch the body when you first got there?

A I did not.

Q Did you make sure that anyone else had not touched the body?

A I'm sure EMS had already touched it because to confirm he was dead, so.

Q But you confirmed that nobody had taken anything off of the deceased?

A No, nobody had taken anything off of him.

Q Okay, great. What else did you do as part of your duties while you were there?

A Secured the crime scene. Pretty much set up the crime scene. I put out crime-scene tape and started a crime-scene log.

Q You started the crime-scene log?

A Yes, ma'am.

Q When you were there were you wearing your --

MR. SINGLETON: Objection, leading.

15:55:22 THE COURT: I'll overrule it.
15:55:25 Q Were you wearing your department-issued body-worn camera?
15:55:29 A I was.
15:55:30 Q Can you explain to the jury what that is?
15:55:32 A It's a body-worn camera, and it captures audio and video on the scene and any interaction we have with citizens.
15:55:40 Q And when do you activate it?
15:55:42 A When I get out of the car.
15:55:43 Q And when does it stop recording?
15:55:45 A Usually when I stop. Usually when I cut it off, I can turn it off when I'm standing around.
15:55:49 Q And where is it located on your body?
15:55:52 A It's usually on my chest.
15:55:54 Q Okay. What do you do with the footage from it after you leave the scene?
15:55:59 A Place it on the Docksal at our essential squad bay, and then it uploads into the computer system.
15:56:05 Q If it's related to a specific case, will it upload for that case?
15:56:08 A Correct, yes. The assigned detectives on the case, or responding officers when they get the case, and it gets moved over to them when it's fully downloaded.
15:56:17 Q Okay. Were you wearing this that day?
15:56:19 A I was.
15:56:19 Q And it activated when you got to the scene, when you --

15:56:21 A When I got there and got out of my car, I turned it on. Yes, ma'am.
15:56:26 Q Okay. And it stopped playing when you were done?
15:56:32 A When I stopped it. Yes, ma'am.
15:56:34 ATTORNEY BREWER: Your Honor, may I approach the witness?
15:56:36 THE COURT: Absolutely.
15:56:38 ATTORNEY BREWER: I'm sorry.
15:56:43 (State's Exhibit 5 is identified.)
15:56:46 Q I'm showing you what's been previously marked as State's Exhibit 5. Do you recognize this?
15:56:50 A Yes, ma'am.
15:56:54 Q And your initials on that?
15:56:56 A They are.
15:56:56 Q Can you tell the jury what that is?
15:56:59 A This is a downloaded copy of my body-worn camera on that disk.
15:57:04 Q From March 2nd of 2018?
15:57:10 A Yes, ma'am.
15:57:11 Q And you've reviewed that prior to today?
15:57:13 A I have. Yes, ma'am.
15:57:14 Q Thank you.
15:57:16 ATTORNEY BREWER: Your Honor, at this time the State would move to admit State's Exhibit 5 into evidence.
15:57:22 THE COURT: All right. Any objection?
15:57:23 MR. SINGLETON: No.

15:57:24 THE COURT: All right.

15:57:24 (State's Exhibit 5 is admitted into the record.)

15:57:30 ATTORNEY BREWER: The State would move to publish a portion of the video.

15:57:32 THE COURT: All right.

15:57:49 (State's Exhibit 5 is published to the jury.)

15:59:20 MR. SINGLETON: Is there no audio?

15:59:23 ATTORNEY BREWER: Your Honor, we're choosing not to play the audio portion of this.

15:59:28 MR. SINGLETON: I would expect -- hold on.

15:59:32 ATTORNEY BREWER: Your Honor, we're choosing not to play it for hearsay reasons.

15:59:35 THE COURT: I understand.

15:59:36 MR. SINGLETON: I object to those. If the witness is giving testimony in this bodycam I would ask that the jury be able to hear.

15:59:45 THE COURT: We'll review it. If it's accessible for tomorrow, I'd be happy to replay the video.

15:59:50 ATTORNEY BREWER: I can turn it on.

15:59:51 THE COURT: That's all. Is that all that needs to be published for now?

15:59:55 ATTORNEY BREWER: Yes, Your Honor.

15:59:56 THE COURT: All right.

15:59:58 Q And that was a fair and accurate depiction of what you saw that day?

A Yes, ma'am.
Q And those are EMS people who are already on the scene?
A Yes, ma'am, EMS and Fire.
Q Did you interview any other witnesses while you were there?
A No. Just the main guy that called it in.
Q Did you transport --
MR. SINGLETON: I'm sorry. I couldn't hear his testimony.
THE WITNESS: I just take -- just the main guy that called it in.
Q Did you transport any witnesses?
A I did.
Q And who did you transport?
A I know -- I can't pronounce his last name, but I took him to city hall, the main witness.
Q Do you know what his title was?
A I think he was the conductor there.
Q Of the railyard?
A Yes, ma'am.
ATTORNEY NORVELL: No further questions, Your Honor.
THE COURT: All right. Anything from the defense?

CROSS-EXAMINATION

BY MR. SINGLETON:
Q My only question for you was, do you recall what the witness told you who you spoke of? Let me rephrase the question.
ATTORNEY NORVELL: Objection, hearsay.

THE COURT: Yeah. He won't be able to say what someone told him. He can say what he did as a result of what he learned by speaking with the individual.

Q Did you speak with the witness at the scene in the video that they just played for us? Did you speak with the witness?

A I did. Yes.

Q You spoke with him there?

A Uh-huh.

MR. SINGLETON: That would be my only question for you.

THE COURT: Thank you very much. Anything as a follow-up?

ATTORNEY BREWER: No, Your Honor.

THE COURT: All right. You may be excused, sir. Thank you. Have a great day.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

ATTORNEY NORVELL: State calls Chief David Palawasta.

DAVID PALAWASTA,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Sure. David Palawasta, P-a-l-a-w-a-s-t-a.

ATTORNEY NORVELL: Thank you, Judge.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Good afternoon, Mr. Palawasta. How are you?

A Good. Thank you, ma'am.

Q What is your current position?

A I'm currently the assistant chief of operations for Charleston County EMS.

Q Is that the same position that you held in March of 2018?

A No, it is not.

Q What position did you hold in March of 2018?

A I was a division chief/district supervisor at that time.

Q And can you tell the jury about what your responsibilities were when you were the division chief in March of 2018?

A Sure. As a division chief, my responsibility was to make sure that the units were staffed appropriately. My other responsibility was respond to high acuity calls where medics might need some additional assistance or some guidance in terms of what was actually going on at any particular time.

Q Did you have the occasion to respond to an incident on Bennett Railyard on March 2nd of 2018?

A Yes, I did.

Q How were you dispatched to that location?

A We were notified via radio to respond to the above location to the report of a party down. We responded to the location and was directed by CSX to a more specific location.

16:04:01 Q Do you know the address of that location?
16:04:04 A I know it's Bennett Yard Road. I don't know the exact address.
16:04:11 Q Did you complete a report with your notes based on responding to this call?
16:04:15 A Yes. Any patients that I go to, that I respond to, I do have to fill out an electronic personal care report, and one was completed that day.
16:04:24 Q Would you have documented the address that you responded in your report?
16:04:28 A Yes, I would have.
16:04:35 ATTORNEY NORVELL: May I approach the witness?
16:04:36 THE COURT: Absolutely.
16:04:37 Q Will you please take a look at this document and tell me if you recognize it? It's currently marked for identification as State's Exhibit 2.
16:04:51 (State's Exhibit 2 is identified.)
16:04:58 A Yes, I do recognize this report.
16:05:00 Q And what is that report?
16:05:01 A This is a report that I did complete regarding the incident that I responded to that day to document who I saw, what I did that specific day, the times, when I get dispatched, and when I arrived on the scene.
16:05:14 Q Can you tell me the address after reviewing that report of the incident location?

16:05:19 A 2700 Bennett Yard Road at the CSX Charleston Bennett Yard.
16:05:24 Q And is that location in the city of North Charleston and county of Charleston?
16:05:28 A That is correct.
16:05:36 Q Once you arrived at that location -- you explained how you were dispatched there -- can you please explain to the jury what you did once you arrived on scene?
16:05:43 A Sure. When I arrived on scene fire department had arrived on scene a couple of minutes prior to me arriving. They stated that there was a male that was laying with an obvious wound to his head, and they said just watch as I approach the scene, that there was some bullet casings around before I walked up there.
16:06:03 So I went to the back of my truck, grabbed my equipment that I thought I would need in case I needed to resuscitate somebody, grabbed said equipment, and then I approached the scene.
16:06:13 Q And what did you do once you approached the scene?
16:06:16 A Sure. As I walked up to the scene, like any scene that I walk up to, I make sure it's safe for myself, make sure I don't step on anything, any kind of evidence or, anything that might be pertaining -- that might be needed later.
16:06:27 I walked up to the gentleman and noticed that I had a male that was laying supine, basically on his back, that had an obvious wound to his left eye and injury to the left side of his head. As I approach somebody, I look at them and determine whether or not they're breathing, if there's any kind of

movement. There was nothing like that with this gentleman at this time.

At that time I placed him on the cardiac monitor to see if he had an EKG where I placed leads on him, and I determined that he was an asystole, so there was no heart movement whatsoever. Due to having a severe head wound, along with being in asystole, at that time I did pronounce the patient at that time to preserve any kind of crime scene at that time, and then I backed out of the scene to make sure -- picked up my equipment and backed out the way that I walked in.

Q And upon your approach you mentioned that you placed these leads. Did you touch the patient in any other way?

A No, just to put the leads on him.

Q Was it your responsibility to withdraw any form of identification from his person?

A No. That is certainly against our protocol to remove anything off a party, not to disturb it anymore than we have to.

Q And did you ultimately learn the name of the individual that you were treating on this evening?

A Yes, I did.

Q And what was the name of that individual?

A If I can refer back to my report, please, to make sure I identify him correctly, please.

ATTORNEY NORVELL: I'm again showing the witness what has previously been marked for identification as State's 2.

16:07:58 A Vaughn James McFadden is who I pronounced that day.
16:08:04 Q And what time did you pronounce him?
16:08:07 A 1838, 6:38 p.m.
16:08:10 Q And did you have any contact with North Charleston Police Department when they responded on scene?
16:08:18 A I had already approached the subject. When I went walking back, that's when North Charleston Police arrived. I did go over to the North Charleston Police and advised them that I had pronounced the subject deceased; let them know what I saw with the patient in terms of what injuries and so forth to make sure they were notifying their supervisors and any other people that they needed to notify as well.
16:08:43 ATTORNEY NORVELL: At this time, Judge, I would like to publish what's already been admitted into evidence as State's Exhibit No. 5. It's Officer Weatherford's bodycam. If I may have it published and have the HDMI turned on.
16:08:55 Q Chief Palawasta, do you recognize the individual depicted on the scene?
16:09:00 A Yes. That's myself there.
16:09:02 Q Okay.
16:09:03 (State's Exhibit 5 is published to the jury.)
16:09:27 Q Chief Palawasta, did you, in any way, touch the victim other than to pronounce him dead and determine his cardiac activity?
16:09:34 A No. Just to put the four leads on him, and that was it.
16:09:44 ATTORNEY NORVELL: Judge, may I approach the witness?

16:09:45 1 THE COURT: Absolutely.
16:09:45 2 (State's Exhibit 3 is identified.)
16:09:47 3 Q I am going to show you what's marked as State's Exhibit
4 No. 3. Will you please take a look at this and tell me if you
5 recognize this document?
16:09:57 6 A Yes, I do. This is a picture of the --
16:09:59 7 Q Please don't tell me what it is yet. Sorry. Does it fairly
8 and accurately represent the victim that you treated on the night
9 of March 2nd, 2018?
16:10:07 10 A Yes, ma'am.
16:10:07 11 Q Does it fairly and accurately represent the leads that you
12 placed on the victim on the evening of March 2nd, 2018?
16:10:14 13 A Yes, it does.
16:10:15 14 ATTORNEY NORVELL: Judge, the State would offer State's 3
15 into evidence at this time.
16:10:18 16 THE COURT: All right. Can I see what it is?
16:10:21 17 ATTORNEY NORVELL: Yes, Judge.
16:10:26 18 THE COURT: Over the objection. Admitted over the
19 objection.
16:10:31 20 (State's Exhibit 3 is admitted into the record.)
16:10:33 21 ATTORNEY NORVELL: Okay. I'm going to publish State's 3.
16:10:37 22 (State's Exhibit 3 is published to the jury.)
16:10:41 23 Q Chief Palawasta, will you please -- the screen in front of
24 you is a touchscreen. Will you please illustrate for the jury
25 where you completed your medical intervention?

16:10:50 A Sure. So when I arrived on scene, as you see, the subject was in this exact same position. Due to the fact there were shell casings and the obvious injury to the left side of his face and eye, you can see here on his wrists, on the one side -- the other side there in this picture, you'll see one down on his waist, and there's one just inside the shirt there, as well, and those are the ones I placed onto the patient to look at his electric heart - at his heart monitor.

16:11:16 Q Are these the normal locations that you place the cardiac leads?

16:11:20 A For somebody where I don't want to disturb the scene, this would be something. Usually we would put them up on the shoulders and on the legs but, again, I wanted to make sure that we didn't disturb anything more than I absolutely needed to so I put them into areas that were already visible to me when I walked up to him to make sure I didn't touch anything or move anything more than I needed to.

16:11:43 Q Thank you, Chief Palawasta. I don't have any further questions for you at this moment.

16:11:51 THE COURT: All right. Anything from the defense?

16:11:52 MR. SINGLETON: No.

16:11:52 THE COURT: All right. You may be excused. Thank you, sir. Have a wonderful rest-of-your-day.

16:12:04 THE WITNESS: Thank you.

16:12:04 THE COURT: You have one more?

16:12:04 ATTORNEY NORVELL: One more.
16:12:04 THE WITNESS: This evidence, you want --
16:12:05 THE COURT: Just leave it there for me, please.
16:12:07 THE WITNESS: Yes.
16:12:07 THE COURT: Thank you very much.
16:12:21 ATTORNEY NORVELL: May I call the next witness, Judge?
16:12:23 THE COURT: Absolutely.
16:12:24 ATTORNEY NORVELL: The State calls Sergeant Lucas Cummins.
16:13:03 LUCAS G. CUMMINS,
16:13:03 having first been duly sworn, is examined and testifies as follows:
16:13:05 CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.
16:13:10 THE WITNESS: Sergeant Lucas Cummins, C-u-m-m-i-n-s.
16:13:14 **DIRECT EXAMINATION**
16:13:14 BY ATTORNEY NORVELL:
16:13:15 Q Thank you for being here, Sergeant Cummins. Where are you currently employed?
16:13:18 A The City of North Charleston Police Department.
16:13:20 Q How long have you been with the City of North Charleston?
16:13:22 A Just a little over 20 years.
16:13:24 Q And have all of those 20 years been in the police department?
16:13:27 A Yes, it has.
16:13:29 Q What is your current role at the City of North Charleston?

16:13:30 A I'm one of the sergeants in the Office of Professional Standards.
16:13:33 Q And was that the same job that you held back in March of 2018?
16:13:36 A It is not.
16:13:37 Q What did you do back then?
16:13:39 A I was a detective/sergeant over the Property Crime Unit.
16:13:44 Q Okay. Were you working in your capacity as a property crime detective on March 2nd of 2018?
16:13:50 A Yes.
16:13:52 Q So can you tell the jury a little bit about the structure of the detective bureau? You're telling us that you were the sergeant over property crimes. Is there more than one section in the detective's bureau?
16:14:03 A Yes. You have the Persons Crime Unit, the Property Crime Unit, Special Victims Unit, and the White Collar Unit.
16:14:13 Q And when you, being assigned as a sergeant over property, do you only work on property cases, or is there any carryover into the other sections?
16:14:21 A No. If a call comes out, we work person crimes, white collar, and special victims crime. Any call that comes out, we can handle.
16:14:29 Q And were you on call in your role as a sergeant over property on March 2nd?
16:14:33 A We were working during that time. We worked the 1:00 p.m.

to 9:00 p.m. shift.

Q So you would have handled anything that happened during 1:00 to 9:00?

A That's correct.

Q Did you have the occasion to respond to the Bennett Railyard while you were on call that night on March 2nd, 2018?

A Yes.

Q How were you dispatched out to that location?

A We were in the detective bay. We heard the call go out for a possible body found on the tracks at Bennett Railyard under the I-26 bridge. When the officers got on scene they called over radio and said it was confirmed the victim was found deceased, and they called for detectives to respond.

Q You went out to the scene?

A That's correct.

Q And what did you observe once you arrived out to the railyard?

A Once I arrived on the scene -- I was the first detective, along with Officer Gray. Arrived on scene. There were some patrols out there, Fire and EMS. Crime-scene tape was set up. And then further out we located a victim under the I-26 bridge at Bennett Yard.

Q And did you observe anything near the victim upon approaching that area?

A Upon approaching the victim I could smell the odor of

marijuana. You could see his driver's license under near his left arm, his South Carolina driver's license. He had a -- saw a high-school lanyard ID down near his knee. He also had a cellphone sticking out of his -- I believe his -- right pocket. And there was another cellphone further up near the tracks by about five feet from him.

16:15:59 Q Did you observe any other paperwork located near him but not in his pockets?

16:16:03 A No, just the IDs that I described.

16:16:05 Q While you were on scene were you asked to take custody of a cellphone?

16:16:08 A That's correct.

16:16:09 Q And why?

16:16:10 A When crime scene collected the phone they noticed the battery was low, so to preserve the phone we were told to plug the phone in and keep it charged. So I had a charger in my car, so I took custody of the phone, went to my car, plugged it in, and secured my car after that.

16:16:26 Q And is part of maintaining custody of the phone securing the item that you've taken custody of?

16:16:32 A That's correct.

16:16:32 Q And so that's why you locked your doors?

16:16:35 A Yes.

16:16:35 Q Do you know if you took the cellphone from the victim's pocket or the cellphone from further down on the ground?

16:16:39 A The crime scene removed it from his pocket.
16:16:46 (State's Exhibit 6 is identified.)
16:16:48 Q Okay. I am going to approach you, Sergeant Cummins, and show you what's been marked as State's Exhibit 6. Can you tell me if you recognize this item?
16:17:03 A I do. That's his phone that I recovered.
16:17:06 Q And how do you recognize that?
16:17:10 A I'm on the chain of custody, and I recognize the phone.
16:17:12 Q Can you just tell us a little bit about, when you recover an item what is the purpose of creating a chain of custody?
16:17:23 A To show who the phone touches to preserve the evidence, so anytime I pass the phone on, somebody else will sign off on it.
16:17:33 ATTORNEY NORVELL: Judge, at this time the --
16:17:34 Q Excuse me. This is the phone that you maintained custody and control over until you turned it over to another officer?
16:17:41 A That's correct.
16:17:42 Q Do you remember who you turned it over to?
16:17:44 A Detective Riedel.
16:17:45 Q And is there any significance in his role as a detective?
16:17:49 A He's our forensic phone analyst.
16:17:51 ATTORNEY NORVELL: Judge, at this time the State would offer State's 6 into evidence.
16:17:54 THE COURT: All right, over the objection.
16:17:55 (State's Exhibit 6 is admitted into the record.)
16:18:02 Q After you collected the phone did you have any other role at

the crime scene?

16:18:08 A Just to maintain the scene, to make sure officers are talking to witnesses, and make sure everything is being handled accordingly.

16:18:17 Q What did you do -- what was your involvement in this case once you left the crime scene?

16:18:22 A Well, I made sure -- before I left the crime scene I made sure that we unlocked his phone because that would preserve the evidence on phone if we have it unlocked because we don't have a password. There's no photo -- facial recognition software on the iPhone was dead, so we had to use his fingerprints, so we got his fingerprint before the coroner transported him to unlock his phone, and I made sure the screen didn't time out. And then I brought the phone back to Detective Riedel so he could analyze the phone.

16:18:52 Q After you turned the phone over to Detective Riedel did you have any further involvement in this investigation?

16:18:55 A Yes. We tried to make notification with the victim's family.

16:18:58 Q And who did you attempt to make that notification to?

16:19:01 A We tried -- we had an address on Hottinger for Lucille Smalls. We tried to make contact with her on the phone and a male answered the phone and said she was at the hospital in reference to her daughter having a baby. So we went to Roper - Saint Francis, it was myself, Lieutenant Johnson, and the coroner

went down to the hospital, talked to Ms. Smalls since she's the -- the victim was her niece. And then she gave us the address for the victim's mother, which is on Ashley Phosphate.

16:19:30 From there, we went to Ashley Phosphate, noted the victim's mother, Allison McFadden, and the victim's sister, Niara, and with them, made notification with them.

16:19:41 Q Was anyone else present when you made the official notification the victim's mother and sister?

16:19:46 A It was the coroner and Lieutenant Johnson, and then shortly after that it was Brandon Martin showed up, which is his first cousin of the victim. He showed up on scene.

16:19:56 Q And did you speak to all three of those individuals; the sister, mother, and cousin of the victim?

16:20:02 A We did.

16:20:03 Q And did you learn whether the victim had been with either of those three on the evening of his death?

16:20:10 A Yes.

16:20:12 Q Was he with them?

16:20:15 A He was with Tatem [ph], Maurice, and JaJuan.

16:20:22 Q And that's the information that you learned in your investigation?

16:20:23 MR. SINGLETON: Judge Price, could I ask that he please repeat that testimony? I couldn't hear him.

16:20:27 THE COURT: Yes, not a problem. If you'll just repeat the individuals in which you testified as to who was there.

16:20:33 THE WITNESS: A guy named Tatem, Maurice, or JaJuan.
16:20:37 MR. SINGLETON: And he said that's who the victim was with that day?
16:20:41 THE COURT: What was the question?
16:20:42 ATTORNEY NORVELL: I said, Did you learn whether the victim was with his mother, sister, or cousin?, and he said yes. And I said, Who was he with?, and he responded with that answer.
16:20:52 THE COURT: All right.
16:20:53 Q And with that information, what did you do in the next steps of your investigation?
16:20:57 A We passed the information on we learned from the victim's family with other detectives.
16:21:01 Q And did you learn whether -- who this Tatem person was?
16:21:07 A Yes.
16:21:08 Q And did you personally make contact with him?
16:21:12 A Other detectives did. Yes.
16:21:14 Q And was he with the victim on the night of his death?
16:21:17 A He was not.
16:21:18 Q Do you know where he was?
16:21:19 MR. SINGLETON: I object. That's hearsay. He answered based off other officer's testimony.
16:21:28 ATTORNEY NORVELL: If he knows based on his role in the investigation he can answer it.
16:21:31 MR. SINGLETON: He cannot testify to what he has learned --
16:21:32 THE COURT: I'll overrule the objection for now. All right.

Next question.

ATTORNEY NORVELL: Thank you, Judge.

Q And did you learn whether the victim was with Maurice in your investigation?

A Yes.

Q And was he?

A Yes.

Q And did you learn whether the victim was with this JuJuan name?

A Yes.

Q And was he?

A Yes.

Q And after speaking with the victim's family and learning these names what did you do next?

A We just passed it on to Detective Pritchard who was assigned the case.

Q And did you have any further involvement?

A I did not.

Q Thank you, Sergeant Cummins.

THE COURT: All right. Anything from the defense?

MR. SINGLETON: No further questions for the witness.

THE COURT: All right. Thank you, sir. You may step down and be excused and have a wonderful rest-of-your-day.

THE WITNESS: Thank you, Your Honor.

THE COURT: Yes, sir. Ladies and gentlemen, that will

conclude today's activities. It is 4:25, and so we will be able to beat a little bit of that 5:00 traffic. So I ask that you be here tomorrow morning around 9:00, 9:15, because we're going to start promptly at 9:30. And we'll do everything I can do to start promptly at 9:30. I apologize for the little bit of the delay today.

16:23:15 Thank you all so very much. I hope you have a wonderful rest of your evening, and we'll see you first thing in the morning.

16:23:22 (Jury dismissed for the day at 4:23 p.m.)

16:23:30 MATTER(S) OF LAW

16:23:48 THE COURT: All right. Deputies, if you'll have the courtroom opened tomorrow morning at 9:00 a.m. so we can get set up. We'll begin promptly at 9:30.

16:23:56 MR. SINGLETON: Judge Price, I don't mean to hold you. I just wanted to clarify what motions you granted and which ones you denied earlier.

16:24:03 THE COURT: All right.

16:24:07 MR. SINGLETON: As far as my --

16:24:07 THE COURT: Your first motion that you made was a motion to suppress any unlawful evidence or any evidence that was the fruit of the poisonous tree. I said I would grant that one if any of that evidence came up. However, at this point in time that is moot because none of that evidence has been presented.

16:24:20 The second one was the phone, and I indicated that I was

going to overrule your suppression and allow the phone to be entered into evidence as it was obtained with a valid search warrant.

16:24:32 The last one was the suppression of the testimony of Mr. McKean, and I denied your motion as to Mr. McKean and indicated that any information that you have obtained that he's dyslexic, or you find any conflicting testimony, you can certainly impeach him on that on your cross-examination. All right.

16:24:50 MR. SINGLETON: And as far as what you said, I had a later time to give my object --

16:24:55 THE COURT: That's right. At any point in time you can supplement the record, and I'll give you the opportunity if you need to do that.

16:25:01 MR. SINGLETON: That will be all.

16:25:02 THE COURT: 9:30.

16:25:03 (End of Transcript of Record for Day I of III.)

CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of General Sessions for Charleston County, South Carolina, on the 27th day of March, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Date: July 3, 2023

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

IN THE STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	)
COUNTY OF CHARLESTON	) NINTH JUDICIAL CIRCUIT
THE STATE OF SOUTH CAROLINA	) NO. 2021-GS-10-03219
	)
VS.	) TRANSCRIPT OF RECORD
	)
MAURICE T. SINGLETON	) VOLUME II of III, Pages 133-340
	)
	)

B E F O R E:

The Honorable Bentley Price, Judge; and a jury

Charleston, South Carolina

DATE: Tuesday, March 28, 2023
9:44 a.m.

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

(Indexes contained in Volume I of III dated March 27, 2023.)

-- P R O C E E D I N G S --

(Court called to order, without the defendant or jury present.)

MATTER(S) OF LAW

(Court's Exhibit 2 is identified.)

THE COURT: Bring me Malaya Myers.

THE BAILIFF: Ms. Myers?

THE COURT: Yeah. Don't tell them why. Just ask Ms. Myers to come in.

(Juror No. 203 enters the courtroom.)

THE COURT: Come on over here, Ms. Myers.

(Juror No. 203 approaches the bench for an off-the-record discussion.)

THE COURT: All right. Ms. Myers sent me a note indicating that she felt as though somebody was trying to communicate and contact her yesterday and last night. She realized that she lived in an adjacent neighborhood. And so people contacted her last night concerning the trial that would have no knowledge of anything about the trial, and she says she feels scared and threatened and she can no longer be fair and impartial.

She will be removed, and all that will stay in -- we won't obviously -- there won't be any issues, and we will replace you with an alternate. All right. You are free to go.

JUROR NO. 203: Thank you.

THE COURT: You're welcome. All right. Bring them out.

ATTORNEY NORVELL: Judge, I, for the record, have contacted the defendant's bondsman, indicating that the Court asked us to be here at 9:15 this morning, and he indicated he would reach out to the defendant.

At this juncture, Judge, the State's been as understanding as possible of the perils, or the necessities, that the defendant has taken on to represent himself. Up until trial, up until the status conference that Your Honor had scheduled, he had appeared at every hearing.

At this juncture he has failed to appear at the status conference, he was late and failed to attend jury qualifications yesterday, and now he is not appearing for Day II of trial, and the State would request that his bond be revoked and a bench warrant issued.

THE COURT: His bond will be revoked. We will send the bondsman to go get him, a bench warrant will be issued today, and he'll be tried in his absence.

ATTORNEY NORVELL: Which, Judge, in the last status conference that Your Honor held that Mr. Singleton did appear to, he inquired of the Court whether he needed to appear on March 27th for trial. You indicated at that time he did need to appear, and you told him and warned him at that juncture that he would be tried in his absence if he failed to appear, so that warning has already been completed.

THE COURT: I agree. I recall all of that.

ATTORNEY NORVELL: Do you mind if I reach out to the bondsman to let him know that Your Honor has revoked his bond and he needs to be picked up?

THE COURT: Yeah. I don't have a problem with that.

ATTORNEY NELSON: Your Honor, I'll call Mr. Singleton and see if he answers.

ATTORNEY NORVELL: Judge, just for purposes of protecting the record in moving forward, the State would ask that you make a finding that the defendant has voluntarily failed to appear and that's why the Court is moving forward with the TIA.

THE COURT: I'm going to instruct the jury, so that will be a part of the charge to the jury.

ATTORNEY NORVELL: Thank you so much, Judge.

ATTORNEY NELSON: No answer, Your Honor.

THE COURT: I understand. Thank you.

ATTORNEY NORVELL: The bondsman knows the bond was revoked.

THE COURT: All right. Mr. Nelson, you no longer need to be here. You're standby counsel for procedural issues only. If he does come we will just text you and email and just tell you to return to the courthouse, but at this point in time your role and responsibility here is done.

ATTORNEY NELSON: Your Honor, I appreciate it. I'll have my phone on all day.

THE COURT: Not a problem.

(Jury seated in the courtroom at 9:50 a.m.)

(Court's Exhibit 3 is identified.)

THE BAILIFF: All jurors are present and seated, Your Honor.

THE COURT: All right. All right. Ms. Norman?

JUROR NO. 206: Yes, sir.

THE COURT: All right. Ms. Myers has been excused from jury service, and so you will be impaneled on the jury, okay. You're the first alternate.

JUROR NO. 206: Yes, sir.

THE COURT: And now you see why we have alternates.

JUROR NO. 206: Yes, sir.

THE COURT: Second question was: Are we allowed to use notepads? And the answer is yes, and I will have Cherae pass those out. What I want to remind you of is that I have no problem with you taking notes, but understand that when you look down and you're concentrating on the notes you may not be concentrating on the witness, so just make sure that you're paying attention because you may miss a very critical part of the testimony or something along those lines. All right.

(Notepads and pens are distributed to the jurors.)

THE COURT: All right. Ladies and gentlemen, obviously the defendant did not show today, and that is not to be taken into consideration by yourself whatsoever because, as I indicated in the beginning, it's the State's burden to prove the defendant guilty beyond a reasonable doubt. All right. A defendant does

not have to ever prove himself innocent, all right, and so the burden is and will and continues to remain on the State to prove Mr. Singleton guilty beyond all reasonable doubt. Do you understand?

Call your next witness.

ATTORNEY BREWER: Your Honor, the State calls John Reynolds.

THE COURT: And, oh, thank you very much for being on time today. I appreciate it. Not the lawyers; y'all. They were late. They were told to be here at 9:00.

JOHN R. REYNOLDS,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: John Reynolds, R-e-y-n-o-l-d-s.

DIRECT EXAMINATION

BY ATTORNEY BREWER:

Q Good morning, Mr. Reynolds.

A Good morning.

Q What is your occupation?

A I am currently retired.

Q And where are you retired from?

A City of North Charleston Police Department.

Q And how long were you employed with the City of North Charleston?

A Twenty-six years.
Q And do you have any previous experience in law enforcement?
A No.
Q What were your roles and duties -- what were your possessions and titles while you were working with the City of North Charleston?
A I was a patrol officer. I was a detective. After getting promoted to a sergeant I was a supervisor of the Crime Scene Unit, also the Crimes Against Persons Unit, the Property Crime Unit, the White Collar Fraud Unit. I was also a patrol sergeant on dayshift. And after that I went back to crime scene, and there, and then I was promoted to a lieutenant in 2018, and I wound up finishing my career as the night shift watch commander.
Q You basically have done it all?
A Pretty much.
Q What was your position in March of 2018?
A I was the sergeant on the Crime Scene Unit.
Q What's your previous experience in crime-scene processing?
A Besides a lot of on-the-job training, I attended numerous schools, to include buried body and surface skeletal recovery, advance crime-scene reconstruction, crime-scene reconstruction. I have a degree in forensic science, and I also was formerly certified through the International Association of Identification. I was a crime-scene investigator. I also attended bloodstain fiber and interpretation school, forensic

pathology, crime-scene techniques for investigators, basic fingerprinting, crime-scene technician, and detective school.

Q And you mentioned fingerprinting, you had training in that?

A Yes, ma'am.

Q Was it part of your duty as sergeant of the crime-scene forensics unit at that time to respond to homicide investigations?

A Yes, it was.

Q And in the course of your duty in crime-scene forensics, how many homicides, approximately, have you responded to?

A Approximately 200 homicides.

Q Do you recall being dispatched to 2700 Bennett Yard Road in the city of North Charleston on March 2nd --

A I do.

Q -- 2018? What time were you dispatched there?

A It was approximately 6:30 p.m.

Q And do you recall why you were dispatched there?

A In reference to a deceased person.

Q And when you got there what did you observe?

A When I got there I observed that the scene had been secured with yellow crime-scene tape. The scene was near the overpass of I-26 on the CSX Railyard, and at the secured yellow crime-scene tape there were numerous officers on the scene, along with EMS and fire department. And then I met with the initial responding officers.

Q And typically tell us what your duties are when you respond to a homicide investigation?
A Well, basically the crime-scene investigation itself entails examining the crime scene, documentation of the crime scene through photography and/or video, examining the scene for evidence, potential evidence, for any items of value for the investigation, also collect those items and preserve them.
Q Thank you. So you took photos of the crime scene?
A I did.
Q What did you use to take those pictures?
A We were using Nikon D70 digital cameras at the time.
Q And can you explain what you do with those pictures and how they're stored after you take them?
A Yeah. A digital camera, of course the pictures are stored on a digital SD card. That card, when we're done with the investigation, when we get back to our office we have a crime-scene drive where all other photos are uploaded to, and which only the unit has access to. Once they're uploaded there, we then burn copies of the photos that we had taken to a portable compact disk.
Q Thank you.
ATTORNEY BREWER: Your Honor, I'm showing the witness -- I'm sorry.
Q Did you take photos of the crime scene that day?
A I did.

ATTORNEY BREWER: Your Honor, may I approach the witness?

THE COURT: Absolutely.

(State's Exhibits 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, and 20 are identified.)

Q Mr. Reynolds, I'm showing you what has previously been marked as State's Exhibits 8 through 14 and 16 through 20. Do you recognize those?

A I do.

Q And they're a fair and accurate representation of the photos you took that day?

A Yes, they are.

ATTORNEY BREWER: Your Honor, we'd move to admit State's 8 through 14 and 16 through 20 into evidence.

THE COURT: All right. So admitted.

(State's Exhibits 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, and 20 are admitted into the record.)

Q I'm going to show you --

ATTORNEY BREWER: Thank you. Your Honor, move to publish State's Exhibit 12.

Q Mr. Reynolds, can you describe what this photo is of?

A Yes. This is a picture of the area of the crime scene. This is an overall photograph. It depicts the railroad tracks on the left-hand side. I had already placed the markers down. You can see a deceased male laying towards the middle, the left middle. And to the right is scattered -- most of the evidence --

cartridge bullet casings, and other items that I also collected.
Q Thank you. In this photo you can see marker no. 15. What is that signifying?
A Marker no. 15 is a black, in color, cellphone.
Q Did you collect that item into evidence?
A I did.
Q And what did you do with it after you collected it in evidence?
A I turned it over to Detective Riedel at approximately 9:00 p.m. that night via the chain of custody.
Q And what's Detective Riedel's role with the City of North Charleston?
A He was a detective with the White Collar Unit at the time.
Q Does he typically examine cellphones?
A Yes. That's part of his duties.
ATTORNEY BREWER: Your Honor, I move to publish State's Exhibit 11.
THE COURT: All right. So admitted.
Q This is a photo showing some more markers. Can you explain what these markers are showing?
A Yeah. These markers are showing items that I had marked for potential evidentiary value. They include cartridge casings and other items that I found at the scene.
Q What about 2, 3, and 4? Can you read these numbers here? What is the significance of those?

A Two, 3 and 4 -- no. 2 is a TulAmmo .40 caliber cartridge casing, marker no. 3 is also a TulAmmo .40 caliber cartridge casing, and marker 4 is also a TulAmmo .40 caliber cartridge casing.

Q You were able to identify those. How were you able to identify those casings?

A By the stampings on the base of the bore.

Q How many of these were collected?

A I collected eight in total.

Q And they were collected and taken into evidence?

A That's correct.

ATTORNEY BREWER: Your Honor, move to publish State's Exhibit 10.

THE COURT: All right.

Q Mr. Reynolds, can you describe this picture?

A Yeah. This picture is to the right of the last two I was already presented. You can see on the right-hand side, next to the overpass culvert, there's a marker no. 1, which is a Minute Maid bottle that I had found on the scene that had condensation on it and appeared to have been freshly deposited there.

Q And that's the body to the left?

A Yes. That is correct.

ATTORNEY BREWER: Your Honor, we'd move to publish State's Exhibit 8.

THE COURT: Yes, ma'am.

Q And what is this, lieutenant?
A This is a close-up photo of the aforementioned, of the bottle, with the marker in place.
Q And what did you do with that bottle?
A I collected it for possible examination. After I dried it out back to the station I tried to process it for fingerprints. I was only able to develop smudges. I then took a DNA swab of the mouth and rim of the bottle to collect any possible DNA.
Q Okay. Thank you.
ATTORNEY BREWER: Your Honor, I move to publish State's Exhibit 9.
THE COURT: All right.
Q Can you explain what we're looking at here, Mr. Reynolds?
A Yeah. This is a photo to the left of the previous one. Depicts the deceased male on the left-hand side behind the sign, and to the right of him, leading back towards the pillar where the Minute Maid bottle was, is a number of cartridge casings.
ATTORNEY BREWER: Move to publish State's Exhibit 13.
Q And can you explain what this is?
A No. 16 is a projectile, a possible projectile, that I had found on the scene. Those appeared to be lead and so I felt it was a possible bullet, so I photographed and collected that also.
Q Do you recall where that was located?
A That was located near to the deceased.
Q Near the deceased?

A Yes, near the deceased.
Q How close, approximately?
A I'd say approximately five feet.
Q Okay. And can you tell what caliber bullet that projectile was?
A No, I cannot.
ATTORNEY BREWER: Your Honor, move to publish State's Exhibit 14.
THE COURT: All right.
Q And what is this?
A This is a South Carolina identification card that was under the left arm of the deceased, and the ID card was for the victim, Vaughn McFadden.
Q And was that located outside of his body?
A Yes, it was.
Q Do you typically take anything off the body of a deceased person?
A I don't, no. The coroner examines the body when they get there to conduct their investigation, and anything that they remove from the body that they don't want to take back with them for their investigation, we usually collect it and bring it back and place it in the evidence room.
Q So you would not -- that would not have been on Mr. McFadden's person?
A No. That's how I found it.

Q Okay.

ATTORNEY BREWER: Move to publish State's Exhibit No. 17.

Q And, Mr. Reynolds, what is this?

A These are Stall High School ID cards that were on a keyring that were located next to the deceased. They were located outside of his body, and that that's how I found them. And I photographed those and collected those also.

ATTORNEY BREWER: Your Honor, permission to approach the witness?

(State's Exhibit 30 is identified.)

Q I'm showing you what's been previously marked as State's Exhibit 30. Do you recognize this?

A I do.

Q And what is that?

A These are the ID cards that are in the photograph there. And this is how I collected them.

Q And what items are in that?

A North Charleston High School, Vaughn McFadden; another one for R.B. Stall High School for Vaughn McFadden; an intern card for Vaughn McFadden; and another R.B. Stall High School ID card for Vaughn McFadden.

Q And were those materially altered or changed in any way?

A No, they are not.

ATTORNEY NORVELL: Your Honor, we'd move to admit State's Exhibit 30 into evidence.

THE COURT: All right. So admitted.

(State's Exhibit 30 is admitted into the record.)

Q And again, those were located outside of Mr. McFadden's body?

A That's correct.

ATTORNEY BREWER: Your Honor, we'd move to publish State's Exhibit 40.

THE COURT: All right.

ATTORNEY BREWER: I mean -- I'm sorry -- 20. I'm sorry. This is State's Exhibit 18.

Q Can you describe this photo?

A Yeah. This is the coroner conducting her investigation and removing items from the victim's clothing.

Q And what can you see? Is there anything in his pockets in this photo?

A I'm sorry?

Q Is there anything in his pockets in this photo?

A Yeah. There's a black, in color, cellphone sticking out of the pocket there, and the coroner had just removed some items from his clothes.

Q And as you stated before, the coroner removed the items. You took photos of them before the coroner removed them?

A That's correct.

Q And what is being held in this photo?

A This photo is the perfume bottle, a perfume bottle, and a

cigarette lighter, a three-dice key, and a container of gel.

Q Okay. Thank you.

ATTORNEY BREWER: And we will move to publish State's Exhibit 20.

Q What is this?

A This was also retrieved from the clothing by the coroner. That's a package of Backwoods cigars and an amount of U.S. currency. There was four one-dollar bills, one five-dollar bill, for a total of nine dollars in currency.

Q Again, the coroner removed that from his pockets?

A That is correct.

ATTORNEY BREWER: Your Honor, we're publishing State's Exhibit 16.

Q Mr. Reynolds, what is this a photo of?

A This is a black-and-white copy of a photo that I had taken depicting the deceased lying on his back, his driver's license found next to his left arm, and it also depicts what appeared to be a gunshot wound to his head.

Q And where were the IDs in relation to those?

A Next to his right leg.

Q Okay. So we've shown you various items. Did you collect anything else from the scene other than what we've just shown you?

A Yes.

Q What did you collect?

A Do you want me to go through all through the casings, too? Everything?
Q We'll go through them.
A Okay. I collected the Minute Maid Watermelon Punch bottle; eight TulAmmo .40 caliber cartridge casings; one cigarette butt, and -- actually, two cigarette butts; a green, metal key; some school papers that were found on the ground. And I also took swabs from the railroad track, I found an unknown liquid that was on there, it appeared to have been freshly deposited. I did not know what it was, so I just took a swab of it anyway. And also a projectile.
ATTORNEY BREWER: Your Honor, may I approach the witness?
THE COURT: Of course.
(State's Exhibits 21, 22, 23, 24, 25, 26, 27, and 28 are identified.)
Q Mr. Reynolds, I'm showing you what has previously been marked as State's Exhibit 20 through 28. Could you just open one of those packets, please. Can you please -- do you recognize that?
A I do.
Q How do you recognize it?
A I can tell by the stampings on the cartridge that it's a TulAmmo .40 caliber cartridge casing. Also, the envelope is labeled by me and also initialed and sealed with my initials and the date that I secured them.

Q And has it been materially altered in any way?
A No.
Q Okay. And do the rest of the envelopes you have in front of you contain the same items?
A They do.
Q And they all have your initials on them?
A Yes.
Q And you were able to review those items prior to trial today?
A That is correct.
ATTORNEY BREWER: Your Honor, we'd move to admit State's 21 through 28 into evidence.
THE COURT: All right. So admitted.
(State's Exhibits 21, 22, 23, 24, 25, 26, 27, and 28 are admitted into the record.)
ATTORNEY BREWER: Thank you.
Q Did you do anything else to the casings when you took them into evidence?
A I did not. I packaged them and I placed them in the evidence room for possible further examination.
Q Did you dust them for fingerprints?
A No.
Q Why not?
A Generally what happens with the cartridge casings, when they're fired in a gun there's an explosion in the barrel of the

gun, and what happens is the hot flame and the gases are expanding out the front of the gun with the bullet. They're also expanding out the back towards the breach and out of the ejection board. This heat and flame and particulates of the gunpowder residue so happens within a split second, so that heat and hot gases and everything else that comes out of the cartridge that goes throughout that gun generally sears over biological material of the cartridge casings.

Now, fingerprints have been taken from cartridge cases over the years; however, with very minimal success, so what we try to do is preserve the cartridge casings in the event that we recover a firearm, which in a lot of cases we do. So instead of destroying the cartridge casing with dyes and powders and things like that which may mess up the marks, the gun I transferred, with the cartridge casing -- that the firearms examiner can try to match the guns with the cartridge casings, we leave it to the firearms examiner so we can keep the cartridge in as good a condition as we found it without destroying any of the striations and markings on the cartridge casing.

So basically this is called like a best-evidence scenario. We have to examine, evaluate, you know, the items in evidence that we pick up and collect, so we try what's going to be best in this situation, where are we going to have the most success.

So if the firearm's recovered, you know, next week, next month, next year, and the firearm is fired, and entered into the

NIBIN, the integrated ballistic identification system database, and we get a possible match, everything's still pristine. So it's an evaluation method.

And with regards to fingerprints on a small item like this, it's very hard to get, and you're not going to -- even if somebody had left some ridge detail on there, most of the time the fingerprint detail that is recovered is of such insufficient value and little detail, that it's useless.

(State's Exhibit 31 is identified.)

Q Thank you. Thank you for explaining that. I'm going to show you what has been previously marked as State's Exhibit 31. Do you recognize this?

A I do.

Q And how do you recognize it?

A I recognize it by the envelope. It has my initials on it, and also the date of March 3rd of 2018, and my handwriting, and it's also sealed by me.

Q And has it been changed in any way since you collected it?

A Does not appear to be. No.

ATTORNEY BREWER: Your Honor, we'd move to admit State's 31 into evidence.

THE COURT: All right, so admitted.

(State's Exhibit 31 is admitted into the record.)

Q Can you explain what this item is?

A I'm sorry?

Q Can you explain what the item is?
A Yeah. This is a probable/possible projectile that I recovered on the scene, previously shown in the photograph at placard no. 16.
(State's Exhibit 29 is identified.)
Q Thank you. I'm going to show you what has been marked as State's Exhibit 29. Can you open this -- or, take a look at it before you pull it out.
A Do you have a pair of scissors?
Q No. Do you recognize that?
A I do.
Q And what is it?
A This is the Minute Maid bottle previously shown in the photograph that I had collected on the scene.
Q And has it been changed in any way?
A Does not appear to be. No.
ATTORNEY BREWER: Your Honor, we'd move to admit State's Exhibit 29 into evidence.
THE COURT: All right. So admitted.
(State's Exhibit 29 is admitted into the record.)
Q And did you test that bottle for -- you said you swabbed it for DNA?
A I did. I swabbed the mouth and rim of the bottle, and also processed it with black powder for possible fingerprints. And I was only able to develop smudges, so no fingerprint detail.

Q Do you know the results of the swabs that you took?
A I do not, no.
Q Are you involved in the investigation of a crime in any way other than after just collecting the items of evidence?
A Yeah. It depends on who's working and what's going on with the investigation, we get involved further.
Q Do you make the decision of whether or not to send items to SLED to process?
A Sometimes I do, depending on the item, and sometimes detectives recover further evidence through the course of their investigation and mark their evidence, compare it to evidence that was recovered from the crime scene. There's many variables, so a couple different people would have to determine what gets examined by SLED.
Q You mentioned that you were able to collect some school papers that you discovered.
A Yes.
ATTORNEY BREWER: Your Honor, may I approach the witness?
THE COURT: Absolutely.
(State's Exhibit 69 is identified.)
Q I'm showing you what's been previously marked as State's Exhibit 69. Will you please open that? And what is that?
A These are the school papers that I had recovered at the scene. These papers were located near the deceased. And the bag itself had been sealed, initialed, and dated by me.

Q And have they been changed in any way since you collected them?
A They do not appear to be. No.
ATTORNEY BREWER: Your Honor, we'd move to admit State's 69 into evidence.
THE COURT: All right.
(State's Exhibit 69 is admitted into the record.)
Q The school papers, do you know who they belonged to?
A To my recollection, they were all blank. Let me just double-check. Yes. All these papers were -- they're actually math papers with example -- problems on them, but they're not -- no handwriting on them.
Q And where were they located in relation to the body?
A Approximately three feet away.
Q Did you participate in any other evidence collection in relation to this crime?
A I did. On March the 6th, at approximately 8:00 p.m., I responded to [redacted] Drive where the detectives were executing a search warrant.
Q And do you know who that house belongs to?
A I do not. No.
Q When you arrived at [redacted] Drive what did you do?
A Detectives were on the scene. In these situations it was my job to document, through photographs, and collect any items of evidence that they wanted collected.

Q And so you took photographs?
A Correct.
Q And where you went through the process of how you took those photographs and stored them, was that the same process you used?
A Yes.
Q What did you take photos of?
A I photographed and collected two plastic baggies from a dresser drawer in one of the bedrooms. Two plastic baggies were in the top drawer of the dresser. And the second drawer down in the same dresser I recovered a TulAmmo 9-millimeter Luger cartridge casing, and also an amount of currency, which one $100 bill, four $1 bills, for a total of $154.
Q And you collected those in evidence?
A I did.

THE COURT: One second. Ladies and gentlemen of the jury, there's a matter that needs to be taken up outside of your presence, if you'll give us about five minutes. Let's utilize this as a break. Use the restroom, stretch your legs, and we'll get you right back in.

(Jury escorted out of the courtroom at 10:22 a.m.)

MATTER(S) OF LAW

THE COURT: So it's just come to my attention from the clerk's office that Mr. Singleton has been downstairs making copies. So the bond's been revoked, so the deputies, y'all go get him, bring him up, and put him in the chair.

(Mr. Singleton is escorted into the courtroom.)

MR. SINGLETON: Mr. Judge Price, did you order this? Did you order this unlawful search and unlawful detainment?

THE COURT: All right.

MR. SINGLETON: Sir, I have a right to be heard and today I will get the facts straight as in who is who today in this courtroom. Sir, who is the trier of fact and who is the trier of the case?

If you ignore me, sir, let it be shown you're inducing a fraud. I asked you a question to clarify for the record, who is the trier of the case and who is the trier of fact?

THE COURT: All right. All right, Mr. Singleton. It is --

MR. SINGLETON: I asked you a question --

(Simultaneous speaking.)

THE COURT: I'm not answering your question, Mr. Singleton.

MR. SINGLETON: -- pertaining to the record. I have a right to be heard, sir --

THE COURT: Mr. Singleton, sit down.

MR. SINGLETON: -- in a meaningful way, and I am asking to clarify for the record, who is the trier of the case and who is the trier of the fact?

THE COURT: Sit down. Do you want to be here?

MR. SINGLETON: Your refusal to answer me is inducement of fraud.

THE COURT: I understand what your position is. Sit down.

MR. SINGLETON: Now that I'm sitting, sir, you still have not answered my questions to clarify for the record. Who's the trustee in here, because I have not yet identified [indiscernible] for the accused. I have a right to face my accuser and cross-examine, and that is what I will do at this moment.

Ms. Norvell, you had knowledge --

THE COURT: Sit down.

MR. SINGLETON: -- of many unlawful things going on in this proceeding in this entire case, you had knowledge that certain evidence came back exonerating me from committing this crime, and you still decided not to drop these charges. That is a violation of your oath. You did take an oath, did you --

THE COURT: You don't have to answer that.

MR. SINGLETON: -- Ms. Norvell? Oh, she has to answer me because this is my right. You are denying me my right to face and cross-examine my accuser.

THE COURT: I'm trying to let you do it but you just won't do it.

MR. SINGLETON: I am doing it currently and you are telling her she does not have to answer not me. That is a violation of due process, and you [indiscernible]. This entire court, this entire proceeding, is void ab initio due to multiple violations of the constitution and failure to uphold your oath and bond.

THE COURT: All right. It's 10:32. I instructed the

parties to be here at 9:15. My understanding from the deputy, they got an indication from the clerk's office that Mr. Singleton arrived about five to ten minutes ago, and I revoked his bond and, therefore, he will remain in custody.

All right. Mr. Singleton, do you want to participate in this trial? Can you behave enough to participate in the trial or not? I will let you face your accuser. I will let you participate in the trial.

MR. SINGLETON: I have been here. Every day I have not ran.

THE COURT: I didn't say you ran.

MR. SINGLETON: So what is the question? Do I want to participate?

THE COURT: Do you want to participate?

MR. SINGLETON: I have been here.

THE COURT: Do you want to participate in the trial?

MR. SINGLETON: My actions speak. My actions speak. I'm here now, and I have been here. I always attended and I never ran.

THE COURT: If I take those handcuffs off are you going to behave?

MR. SINGLETON: The fact that these handcuffs are on me is a violation of due process of law. I was at the clerk of court, and you have stopped me from filing crucial evidence in my defense. And that -- sir, you will be recused. I demand that you be recused because you are not upholding your duty and you

are being very partial in this trial proceeding.

THE COURT: I'm asking you, If I remove those cuffs will you behave well enough to be able to participate in your trial?

MR. SINGLETON: I will participate in this trial regardless, cuffs or not.

THE COURT: Would you like me to take the cuffs off or not?

MR. SINGLETON: I will participate regardless, sir. The fact that you leave -- if you leave these cuffs on me, that will show prejudice.

THE COURT: Take them off.

(Court Security Deputies respond.)

MR. SINGLETON: And you say you revoked my bond. Sir, that was unlawful to do. You had no grounds to revoke my bond, for I am in no violation of the bond, and I am in complete compliance with my bondsman, and I am up on payment. So if you have revoked my bond, that will be very unlawful and you will be held accountable.

THE COURT: If you threaten me one more time, we're going to have a real problem.

MR. SINGLETON: I am not threatening you, sir. That's a constitutional remedy I have.

Anyway, like I was saying, because I'm controlling authority because I have a right to a republic form of government. That means power invested in the people, me, not any corporate entity. You wouldn't let me file that just now while I was at the clerk

trying to file this. You sent your corporate mercenaries down to detain me and they prevented me from filing it, so I am just going to read from it.

THE COURT: No, you're not.

MR. SINGLETON: Sir, you have no right to tell me I can't do that because this is my --

THE COURT: Do you want to go back there, or do you want --

(Simultaneous speaking.)

MR. SINGLETON: I have a right, sir, and --

THE COURT: Do you want to go back there --

(Simultaneous speaking.)

MR. SINGLETON: Sir, did you take an oath to the constitution?

THE COURT: I revoked his bond. Take him in the back. He will not participate.

MR. SINGLETON: I have a right to be heard. I am not going to --

(Mr. Singleton is escorted out of the courtroom.)

MATTER(S) OF LAW

ATTORNEY NORVELL: Judge, at the appropriate time the State would like to address our concerns based on Mr. Singleton's statements prior to Your Honor's reentry into the courtroom.

THE COURT: All right. Give me one second.

ATTORNEY NORVELL: Thank you.

THE COURT: Do they have him under control? They've got him

in cuffs?

COURT SECURITY DEPUTY: He's in a cell right now.

THE COURT: All right. All right. Sorry about that, guys. All right. For the record, the concern that I have is I just don't trust that he won't do anything violent. I just -- with the way he's acting and the way he's behaving, he's been nothing but violent with y'all, I don't know if he needs to be evaluated or what, but I don't trust that he's not going to do something with this jury, or continue to try to tamper with them, or even just be violent with somebody, so I'm very concerned about that.

So I don't know what, really, the best options are; whether we just cuff him and bring him in, whether he can participate in that manner, or whether he'll actually be quiet, but the other concern is that he'll do something to unfortunately force a mistrial by saying something or doing something that's inappropriate.

So what is your concern at this point in time, Ms. Norvell?

ATTORNEY NORVELL: You exactly reiterated what the State's concern is, Judge. Prior to your return to the courtroom he indicated that he would be spilling all of the beans today -- that was his quote -- that the jury would hear everything that happened at the last trial, everything that was happening in this trial, and everything essentially that happened in this case.

It gravely concerns the State that he cannot follow the Court's rulings made in limine. There is case law, Judge,

essentially -- so, of course the defendant's conduct must be egregiously disruptive in order to overcome his Sixth Amendment rights to face his accusers at trial; however, Judge, if he has been given his *Faretta* warnings on the record, which you have done multiple times, and you have a record of your repeated attempts to persuade him to conduct himself in an orderly manner or be held in contempt, then he can be TIA'd with stand-in counsel.

In *Faretta v. California,* 422 U.S. 806, a trial judge may terminate self-representation by a pro se who deliberately engages in serious and obstructionist misconduct. The right to self-representation is not a license to abuse the dignity of the courtroom, neither is it a license not to comply with relevant rules of procedural and substantive law.

In *Illinois v. Allen,* 397 U.S. 337, the accused was warned by a trial judge that he would be removed if he persisted in unruly conduct and it appeared that the accused would not be dissuaded by the trial court's use of criminal contempt powers. He was informed that he could return to the trial when he would agree to conduct himself in an orderly manner but he persisted in disruptive conduct; therefore, he has lost his constitutional right to be present during his trial, and removal of the accused and proceeding with a trial in his absentia was not unconstitutional.

In South Carolina, *State v. Shuller* [ph] demonstrated a

defendant forfeiting his right to be present by misbehaving in the courtroom or voluntarily remaining away for trial, I think that is analogous to the situation we have here. He may be appearing at the courtroom but he is intentionally bound and determined to not comport himself with the Court's orders, rulings, times that we will begin, et cetera.

In *State v. Bell,* which is a South Carolina case, the trial court was generous and patient in accommodating appellant's outbursts prior to excluding him from the courtroom. Even without appellant's candid admissions that he would impede the trial, if he remained in the courtroom, disruptive conduct clearly constituted a waiver of his right to be present.

I think that the Court must find that his behavior has waived his right under the Sixth Amendment.

The only evaluation that I would present to the Court is that his outbursts are outside of the presence of the jury, but I am very concerned based on what he addressed in his opening statement, which was contrary to what your pretrial rulings were, and his statements this morning, he has no plan or intention to follow your rulings.

THE COURT: All right. For the record, I believe it's been more than obvious that I have been patient with Mr. Singleton. I have attempted to give him several options in which he could participate in his trial. He refuses to acknowledge any of my rulings or orders.

And, to be quite honest with you, I am very fearful for the parties in this case. I am not sure if he would lash out, do something violent towards the jury, or Ms. Norvell, or anyone along those lines, so even for that reason I'm not going to allow him to participate. He has forfeited his constitutional right to represent himself based on his actions and outbursts. I'm not going to let him fight the deputies anymore. Bring them out.

ATTORNEY NORVELL: One last thing for the record, Judge. I think that it's important that this be added: The State also has grave concerns of the allegations of witness tampering and witness intimidation that occurred last night with a member of the jury.

I don't know who sent those messages but it had reduced the juror to tears when you brought her in front of you to question her this morning, and it rose to the point where you felt that you needed to remove that juror and replace her with an alternate. And those -- those actions, whether direct or by a third party, are of grave concern to the State.

THE COURT: All right. For the record, he's not here and the jury isn't here. She indicated to me that someone had reached out to her on her social media account, several requests, friend requests, of which she didn't know who these individuals were, and she received a phone call from a cousin that asked her if she was in a murder trial, and she had not communicated with her cousin in quite some time, is what she indicated. She had no

reason to know that that's what she was doing. So that's where she felt like she had been threatened and she felt like she could no longer be fair and impartial, and that is also why she was removed. All right. Bring them out.

ATTORNEY NORVELL: And the only people privy to the jurors' names are the State and the defense.

THE COURT: That's correct.

ATTORNEY NORVELL: Judge, when Mr. Singleton had appeared I had reached to Mr. Nelson. Do you want me to call him off or have him -- he said he would come back.

THE COURT: Did the case law indicate that --

ATTORNEY NORVELL: The *Faretta* case did indicate that there was stand-in counsel but, again, that's outside of this jurisdiction.

THE COURT: Yeah. At this point it would just be -- he's not abreast of the case; he was just standby counsel for procedural purposes only, and that's been a nonissue, so it's moot, so we don't need to bring him back.

ATTORNEY NORVELL: No need to bring -- okay.

(Jury seated in the courtroom at 10:45 a.m.)

THE BAILIFF: Jurors are present and seated, Your Honor.

THE COURT: All right. Thank you very much. All right. Ms. Norvell. Oh, I'm sorry. Ms. Brewer.

DIRECT EXAMINATION (cont.)

ATTORNEY BREWER: Thank you, Your Honor.

(State's Exhibits 32 and 33 are identified.)
Q Mr. Reynolds, we'll refer you to the search warrant. I am going to show you what has previously been marked as State's Exhibit 32 and 33. Do you recognize these photos?
A I do.
Q Did you take these photos?
A I did.
Q And has anything in them been changed in any way since you took them?
A No.
ATTORNEY BREWER: Your Honor, we'd move to admit State's Exhibit 32 and 33 into evidence.
THE COURT: All right.
(State's Exhibits 32 and 33 are admitted into the record.)
ATTORNEY BREWER: And move to publish those as well.
THE COURT: Okay.
Q Mr. Reynolds, I'm showing what's been marked as State's 32. Can you describe what is depicted in this picture?
A Yes. As we were talking earlier about the search warrant over on Ranger Drive, this is the dresser in one of the bedrooms. In the top drawer is the currency and the two clear plastic baggies.
Q And I'm showing you State's 33. What are these items photos of?
A Yes. This is of the next drawer down in the same dresser,

and in the middle of the photo, underneath the cellphone case, is the 9-millimeter TulAmmo bullet.

Q And you collected all the items from the search warrant and took them into evidence?

A I did.

Q Thank you, Mr. Reynolds. I have no further questions.

THE COURT: All right. Thank you very much. You may be excused.

THE WITNESS: Thank you, Your Honor.

THE COURT: Yes, sir. Have a great rest-of-your-day. Call your next witness.

ATTORNEY NORVELL: The State calls Greggory McKean.

GREGGORY B. McKEAN,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Greggory Bryan [ph] McKean, spelling's M-c-K-e-a-n.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Mr. McKean, before we start I'd just like to make sure that you speak directly into the microphone. You're a little bit soft-spoken, and I want to make sure everyone hears you.

Mr. McKean, thank you for being here. I know you had a an

eventful morning. Are you okay?
A Yeah, I'm fine.
Q Did you get in a car accident this morning?
A Yes.
Q Now, Mr. McKean, where were you employed in March of 2018?
A CSX Transportation.
Q And is that still your job?
A No. I'm retired.
Q Okay. When did you retire?
A 2020.
Q And was there a reason for that, or were you just --
A Medical retire.
Q Okay. What was your job when you worked at CSX?
A I was a remote control conductor.
Q Okay. And did that job have you inside the train, outside the train?
A Outside the train.
Q Okay. How long did you hold that position in your career at CSX?
A Twenty-two years total.
Q So you were very familiar with how to control the train. When you worked for CSX what was your -- where were you assigned to work? Was there a branch or --
A Bennett Yard, but the transportation is intermodal transportation. It's part of Bennett Yard, but it's on the other

end.
Q So when you went to work every day you would go to the Bennett Yard?
A Yes, I would. That's where I went on duty.
Q And were you working in your role as a remote control operator for CSX at the Bennett Yard on March 2nd of 2018?
A Yes, I believe I was.
Q And do you remember what time your shift was that day?
A 3:59, I think, is when it started, until 11:59.
Q Okay, 3:59 in the afternoon?
A They've changed the hours a lot, but it's normally from like 4:00 to midnight.
Q Okay, 4:00 in the afternoon?
A In the afternoon, yes. Second shift.
Q And while you were working that day did you hear anything that drew your attention?
A On the way to the Bennett Yard from the ramp I heard a gunshot, and I turned my head and I saw a young gentleman shoot about five, six more times into the ground.
Q Okay.
A Towards the ground.
Q Towards the ground. And did you see one person? Did you see two people?
A Two.
Q Okay. And can you describe those individuals any more than

gentlemen?
A I would say it was young black men around 18 -- 16 to 20 years old.
Q Okay. And were you able to make any observation of those two individuals' faces?
A Their faces? No.
Q How far away from that area that you saw the shots happen were you?
A Ninety to 100 yards.
Q Ninety to 100 yards. And so you couldn't see their faces?
A No.
Q And even if the police showed you a photograph that day, would you have been able to recognize their face?
A No, not at all.
Q Were you ever asked to pick out a face?
A No.
Q Did you ever offer to pick out a face?
A No.
Q Were you able to observe what those two individuals that you saw were wearing? Were you able to make any observations of their outfits?
A It was dark colored clothing like a bluish color, kind of like this (indicating) but darker, and I saw some white, like either a stripe or something, from the side.
Q On the side?

A From the side, is what I saw. It could have been on the front. I just seen part of it on the sleeve.
Q All you know is you saw it on the side?
A Uh-huh.
Q And is that the same outfit for both?
A No. I really couldn't see what the other one was wearing too close. It was just dark colored clothing to me.
Q No patterns or prints that jumped out at you?
A I didn't notice any on the second one.
Q And the first thing that drew your attention was what?
A A gunshot.
Q And was there a pause between that one shot?
A Yes, a second or two.
Q And that's what gave you the opportunity to look to the direction --
A Correct.
Q After that second-or-two pause what happened next?
A I saw them shoot five or six times pointing towards the ground.
Q From where you were working would you have been able to see anything on the ground?
A No.
Q Okay. But you just assumed it was the ground?
A Yes.
Q Is there any reason why you made that assumption?

A Because I've seen people shooting under that bridge before.
Q After the second set of shots what did you observe next?
A Both people were bending down picking up something. I thought they were picking up the brass from the gun.
Q Why did you think that?
A Because I'm a shooter, and that's what I do. After I shoot I reach down and I pick up my brass because I reload.
Q Good neighbor?
A It's cheaper.
Q After you saw the two -- you saw both individuals lean over?
A Yes.
Q And could you tell what they were picking up?
A No.
Q After you saw them stand back up did you see what happened next?
A They turned, ran towards the right. There's a neighborhood over that way, but there's a break in the fence line, so they go along there and go through the woods to go to the houses over there.
Q And the direction that you saw them run was towards that neighborhood?
A Yes, but I couldn't tell you north, east, and west. I'd have to look on a map to show you.
Q Absolutely. Could you observe a firearm that --
A Yes. I saw what looked like a semiautomatic, dark colored,

like a black gun.
Q Did both people have a gun or was there only one?
A I only saw one.
Q But you did see both people bend over?
A Yes.
Q All right. Did you ever have an opportunity to go over to that area where you saw the shooting?
A Yes, later on that night.
Q Okay. And can you please describe the area that you saw the shooting?
A Where I was at, or?
Q Describe where the shooting was occurring.
A The shooting occurred underneath the bridge by the concrete pillars, and right in that area right there (indicating).
Q And can you please tell the jury what bridge you're talking about?
A Twenty-six's bridge. I-26 goes over across our yard, and it's under that.
Q And underneath that bridge is where you saw it?
A Uh-huh.
Q I'm going to show you -- okay, sorry, I think I just asked you this. Did you have an opportunity to go over underneath that bridge where you saw the shooting?
A Yes.
Q What made you go over there?

A One of our city jobs -- our tracks come in that way -- called and said there was a body under the bridge, and I certainly knew, you know, because of the shooting, so then I went over there.
Q And the area where you went after another employee found a body, is that where you saw the shooting occurring?
A Yes, ma'am.
Q Once you went to that area did you have the occasion to speak to anyone?
A A couple police officers showed up --
Q Okay.
A -- and they brought me down here, I believe it is, to give a statement.
Q So did you talk to an officer on scene?
A Yes.
Q And did you talk to another officer at the city hall?
A Yes.
Q And did you talk to the prosecution's office, my office, in preparation for trial?
A Yes.
Q Have you described to us anything different from March 2nd of 2018 until today?
A Not that I recall.
Q And did you have the occasion to write out a written statement?

A Yes.
Q And was that written statement what you observed on March 2nd, 2018?
A Yes.
Q And have you had the opportunity to review that written statement to refresh your recollection?
A Yes, at the last trial.
(State's Exhibit 7 is identified.)
Q All right. I am going to show you what has been marked as State's Exhibit 7. Can you just tell me if you recognize what this document shows?
A That's the track layout where it happens down here.
Q So you're familiar with the area?
A Yes.
Q And does it fairly and accurately represent the area where you were working --
A Yes.
Q -- and what you just testified to that occurred on March 2nd, 2018?
A Yes, ma'am.
Q All right.
ATTORNEY NORVELL: State would motion/move to admit State's 7 into evidence and publish.
THE COURT: All right. So admitted.
(State's Exhibit 7 is admitted into the record.)

Q The screen in front of you is touchscreen, Mr. McKean.
A Okay.
Q I am going to ask you, can you please draw a line where you were working?
A Where I was working? I'm going to show you the route I was bringing the train in.
Q Okay.
A That was the way I was coming in.
Q And can you draw us, just make an arrow, the direction you were facing?
A (Responds.)
Q Okay. And where were you on this map when you saw the shooting occur?
A Right under the bridge. Right in it. Right there.
Q And can you make a mark on the map where you saw the shooting occur?
A Yes, ma'am.
Q And can you make a mark on the map where you saw the two individuals involved in the shooting run afterwards?
A (Responds).
Q And in what direction were they going?
A They went this way.
Q Into that neighborhood?
A Into that neighborhood.
Q All right, Mr. McKean. I don't have any further questions

for you at this time.

THE COURT: All right. Thank you very much.

THE WITNESS: That's it. Nobody else?

THE COURT: No, sir. You're free to go.

THE WITNESS: Okay. Thank you.

THE COURT: Yes, sir. All right. Call your next witness.

ATTORNEY BREWER: State calls Dr. Nicholas Batalis.

DR. NICHOLAS I. BATALIS,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: My name is Nicholas Ike Batalis, B-a-t-a-l-i-s.

BY ATTORNEY BREWER:

Q Okay. Good morning, Dr. Batalis.

A Good morning.

Q In the title, but what is your occupation?

A I'm a forensic pathologist.

Q And what exactly is a forensic pathologist?

A A forensic pathologist is a medical doctor who specializes in the medical legal aspects of medicine, including performing autopsies to determine a cause and manner of death.

Q And where do you work?

A I work at the Medical University of South Carolina here in

Charleston.

Q And do you do any certifications at MUSC?

A Yes. In addition to my work as a forensic pathologist, I also oversee our training program for individuals trying to become pathologists and forensic pathologists. I also teach at the medical school there for general studies and other things for the medical students.

Q Are you board certified?

A Yes. I'm board certified by the American Board of Pathology and Anatomic Pathology, Clinical Pathology, and Forensic Pathology.

Q What kind of training have you received to be a forensic pathologist?

A Sure. After graduating college from Butler University, I went on to medicine school at the Indiana University School of Medicine. After graduating medical school, I came to MUSC in Charleston for a pathology residency, so that was four years of training as a general pathologist. At the completion of those four years I passed an examination to become board certified in anatomic and clinical pathology. After that year I then went on to a one-year fellowship training program in Dallas, Texas, at the Dallas County Medical Examiner's Office that focused specifically on forensic pathology and, again, at the end of that year I took another examination to become board certified in forensic pathology.

At that point I then returned to MUSC and took my current position.

Q Thank you. And you complete continuing education requirements as part of your job?

A Yes. In order to retain our state medical license, and also from the American Board of Pathology, we need to obtain continuing education credits each year, somewhere between 20 and 40 credits each year.

Q Thank you. And does part of the area of pathology includes performing autopsies?

A Yes.

Q Can you tell the jury what an autopsy is?

A Sure. An autopsy is a procedure that we use to investigate individuals after death to determine the cause and manner of death.

An autopsy starts -- we bring a body into our autopsy examination room, we take photographs of the body before we do any manipulation. We will then document any clothing, medical items, any evidence that are on the body, remove those, document those, clean the body, again take another set of photographs.

And once that's all been completed, then move on to an external examination, so it's basically looking at the body from head to toe, basic stuff like height and weight and skin color, hair color, that sort of stuff, but then also any evidence that could point towards why they're dead, so any evidence of trauma

or natural disease.

After we complete that external examination, we then move to the internal examination where we make surgical type incisions to expose the organs of the body that, again, you can look through, one by one, for any evidence or trauma or disease that could have led to the death.

At the completion of all this we then -- we'll then compile those findings into a report that's available.

Q Thank you. How long have you been performing autopsies?

A I first began performing autopsies in residency in 2003, and then since I've been on my own as a faculty member it's been almost 15 years.

Q And approximately how many autopsies have you performed?

A Somewhere between 3- and 4,000 at this point.

Q And you've done autopsies where the cause of death was a gunshot wound?

A Yes. Between homicide and suicides, I would estimate probably close to 500 to 1,000 of those autopsies I've completed have involved gunshot wounds.

Q And have you been qualified as an expert in court in the field of forensic pathology?

A I have. It's probably somewhere around 100 times in South Carolina, I believe twice in Texas, and twice in North Carolina.

Q And in all of those you've been qualified as an expert in the field of forensic pathology?

A Correct.

ATTORNEY BREWER: Your Honor, at this time I'd move to qualify Dr. Batalis as an expert in the field of forensic pathology.

THE COURT: All right. Ladies and gentlemen of the jury, what that means is that a layperson cannot give their opinion on anything; they simply can just testify as to what they have knowledge of. But if you are qualified as an expert in a certain area, he can give his opinion. All right. That's the difference.

ATTORNEY BREWER: Thank you, Judge.

Q Dr. Batalis, did you have an occasion to perform an autopsy on the victim in this case, Vaughn McFadden?

A Yes, I did, on March 3rd of 2018.

Q And how did you know that that body was the body of Vaughn McFadden?

A So when we receive the body from the coroner's office, it was received in a sealed bag that had a unique case number. Then after we removed that tag and examined the body, there are identification bands around the wrist that, again, were labeled by the coroner's office.

Q And you followed the exact procedure of that autopsy that you already explained you perform every autopsy you're in?

A Correct. The only thing in addition I can think of that we did in this case that I did not describe earlier was that we

performed X-rays of the body.

And as we'll get into it, I did see things I believed to be gunshot wounds, so in those cases where we have any sort of penetrating trauma, whether it's from a gun or a knife, many times we'll X-ray that to identify any retained fragments. So that would be the only additional thing we did in this case.

Q And did you make a report based on your findings?

A I did.

Q And does it detail your findings from the autopsy?

A Yes.

Q Are you aware of the date the victim was deceased?

A I believe it was March 2nd of 2018.

Q Okay. So when you were doing an external examination of the victim what did you observe?

A The major findings that became apparent after beginning the external examination, that there were a number of gunshot wounds on the body, I believe at least 14 when we counted them all up.

Q Okay. When you received the victim prior to the autopsy being performed did you note the clothing that he was wearing?

A Yes.

Q Did you take photographs?

A Yes. That would have been photographed in the "as is" photographs. When we first brought him into the autopsy suite we would have photographed him exactly as he came to us.

Q And that's prior to the removal of the clothing?

A Correct.
Q Do you recall what he was wearing?
A Not off the top of my head, but in reviewing the report and the photographs in leading up to the trial, I do.
Q Did you prepare a diagram depicting Mr. McFadden's injuries in anticipation of this trial?
A Yes, I did.
Q And that's standard in most autopsies?
A Correct. We often will have kind of some working notes that we'll use during the course of the autopsy, but in a case like this where there's so many gunshot wounds many times I'll prepare a more clean diagram that just shows the injuries so it can be better described.
ATTORNEY BREWER: Judge, may I approach the witness?
THE COURT: Absolutely.
(State's Exhibit 34 is identified.)
Q I'm showing you what's been previously marked as State's Exhibit 34. Do you recognize this?
A Yes. This is the diagram I prepared.
Q And does it fairly and accurately depict the victim's gunshot wounds as you found them?
A Yes.
ATTORNEY BREWER: Your Honor, at this time we'd move to admit and publish State's 34 into evidence.
THE COURT: All right. So admitted.

(State's Exhibit 34 is admitted into the record.)

Q Dr. Batalis, there is a touchscreen in front of you. Starting with -- starting with no. 1, can you go through these numerically in order?

A Sure. So the first gunshot wound in this case -- and when I -- just to clarify, when I say the first wound -- and you'll see these wounds are number 1 through 14 -- that does not indicate the order in which they, the decedent, received the gunshot wounds, it does not indicate the severity; it's simply when I went to inspect the body, the first one that I looked at and started describing would have been no. 1.

So gunshot no. 1 in this case is shown here on the right hand. And so there is a hole essentially on the palmar surface of the right hand, and then also on the back surface of the right hand. Because of the way the skin is on the hand, it's very much different than the rest of the body, it was not exactly possible to determine which way, whether it was traveling from front to back or back to front. So that would be gunshot wound no. 1.

Gunshot wound no. 2, you can see is on the upper chest in the midline there. This bullet entered there in the mid chest and continued, essentially, through the decedent's body and then exited on the left side of the back where that X is adjacent to no. 2 here. So that would be gunshot wound no. 2. This wound in particular -- the first wound just went through the hand. The second wound, as it traveled from the chest through the back did

hit a couple major organs, including the left lung and also the pulmonary artery, so it's a major artery that leads off your heart and delivers blood to your lung, so that resulted in quite a bit of bleeding, and he had two liters of blood in his left plural cavity.

So a little varied between person to person, but most people have somewhere between 5 and 6 liters of blood, so approximately 30 percent of his blood would have been around his left lung. And again, after perforating the left lung, it then went out the left side of the back.

Gunshot wound no. 3, you can see, is on the left arm, so it would be kind of the inner surface of the left arm here. That gunshot wound essentially goes from straight front to back and then also through the body, exiting on the back of the left shoulder near where the exit wound for no. 2 we've shown there.

The next -- I kind of grouped the next two wounds. So gunshot wounds 4 and 5 are both going to be to the left side of the face. So 4 is going to enter kind of just at or above the eye, and then 5 is going to be just below it. Both of these wounds are going to -- the bullets are traveling, again, kind of from here, working towards from the decedent's right-hand side towards his left, and then exit the left side of his face.

The gunshots wound no. 4 -- so the one that's kind of at the left brow, so it would have been above the eye -- that one did fracture the skull, so the bullet did not go into the brain but

it did fracture the skull and caused some bleeding around the brain in that area. And again, both those exited the left side of the face.

For gunshot 6 and 7, again, I would group those together. We have two entrance wounds that are on the right side of the forehead, or right side of the scalp, and both of these bullets went into the head and then remained, went into the brain, destroyed the skull and the brain, and we recovered those from the brain.

So up until this point all the gunshot wounds had exited the body. Gunshot wounds 6 and 7, we recovered bullets from the brain from those entrance wounds. So again, these are also moving, just like 4 and 5, moving from his right side to his left side.

Gunshot wound no. 8 is -- you can see it on his back, at the back of the neck, kind of mid portion of the neck -- the entrance wound is the circle there in the mid back of the neck, and it exits towards the right side. So this one just goes through kind of skin and subcutaneous tissues, moving from his left side to his right side, across the back of the neck.

Gunshot wound no. 9 is directly above that and essentially does the same thing as far as pathway of the skin and subcutaneous tissues, but it's going the opposite direction. So 8 and 9 are kind of going opposite from one another but neither one is perforating any arteries or any vital organs.

Then if we get down to -- the rest of the wounds are going to be down on the left hand and wrist. So gunshot wound no. 10, there's a clear entrance wound on the kind of inner aspect of the left wrist, but then exits on the back part, so similar to where my watch would be.

Gunshot wound no. 11, again, is almost the opposite of that, so we have an entrance wound kind of at the base of the left thumb that then exits kind of the meat of the palm here.

Gunshots wound 12 and 13, these are basically, again, ones where I can't determine the exact pathway of these, because they essentially obliterated the tip, so gunshot wound no. 12 obliterated the thumb, and then 13 got the second and third fingers on the left hand.

Gunshot wound no. 14, so the last of the wounds, was just a single wound which we'd call a graze wound, kind of on the inner aspect of the left hand.

So if you add it up, he have one gunshot wound on the right hand, five gunshot wounds on the left hand and the wrist, one on the chest, one on the left arm, four on the face, and then two on the back of the neck.

Q Thank you for that very thorough explanation. Can you explain how you know that they are entrance and exit wounds?

A So determining entrance and exit wounds comes a part of our training during fellowship and such. So just examining these, they will have certain features. A bullet, as it comes out of

the gun, is traveling in kind of a perfect spiral like a football, and will typically drill its way into the skin, leaving more of a nice circle with a rim around it, and then after the bullet hits the body it starts to kind of tumble through and oftentimes it will just kind of push its way out. So a lot of times the exit wounds are more irregular, sometimes slit-like, compared to entrance wounds that are usually more circular.

Q And do you examine the stippling around the wounds in order to make that determination as well?

A So certainly stippling would help us as far as the range of the wound. So when a bullet is fired we can determine if it's an entrance or exit, as I just described, but then we can possibly determine the range, so how far the gun was from the body when it was fired.

So what we can do with that is, when the gun is fired, the bullet comes out, a couple other things also come out. One is going to be soot which is essentially a cloud of smoke from the explosion of that bullet being fired. Depending on the ammunition of the gun, this will travel anywhere from six inches to a foot.

The other thing that will come out of the gun are pieces of gunpowder that are burning, or unburned, that will fly a little bit further and can actually strike the skin and cause small abrasions that we call stippling. Again, it depends on the weapon and the ammunition, but you can see that stippling out to

two to four feet.

So in this case I did examine all the wounds, in addition to determining entrance versus exit, also looked for any evidence of soot or stippling, and I did not see any in this case.

Q What does that indicate to you?

A That would either tell us, one, that the gun was at least two to four feet from the body so any of that gunshot residue would have just kind of dissipated and went to the ground, or there was some sort of intermediate object.

So if I was to be shot now, I have a suit coat, a blue shirt, and undershirt. With this layer of clothing, all that soot, all that stippling, would not make it to my body, so looking at the body you would not be able to see that. So it could be a door, a wall, a piece of clothing. Any sort of intervening object between the gun and the body would prevent that residue from me being able to see that residue at autopsy.

Q Thank you. Based on your examination of all these gunshot wounds could you make any determination about the trajectory of the bullet, what direction they would have been traveling in?

A Sure. All of these will vary slightly but the predominant trajectory, if we're going to group most of them together, would be going from the decedent's right-hand side to his left-hand side, and then also from the front of his body towards the back of his body. So again, each of the individual wounds would have some variation but most of them would be kind of coming at this

kind of angle.

The one that is -- the biggest exception of that would be no. 8, because that is the one that's on the back of the neck that traveled from his left to his right.

Q So no. 8 was traveling left to right, and you can say somehow then that the rest were traveling right to left?

A Correct. The only other ones would be the ones on the hand that I said were kind of indeterminate, but all of the major wounds in this case would be traveling from right to left.

Q And no. 9 doesn't have an exit wound. You explained that that's a graze wound?

A No. 9 does have an exit wound. So there's a circle behind the right ear, and then there's an X just to the left of it there.

Q Okay. So it's kind of to the side of his head?

A Yeah, kind of the back right side of the neck where it came in, and then exited towards the mid portion of the back of the neck.

Q Okay. Does it appear that some of those bullets could have traveled through the victim's hands and struck his face?

A It's certainly possible, especially the two that were nos. 4 and 5 that struck kind of the left eye and left brow. These had very abnormal appearance, did not have that typical kind of circular appearance that I mentioned, so one explanation for that is that it hit something else, could have ricocheted.

Possibly -- we know he has six wounds on his hands. It could be possible that one could have gone through his hand, one or two could have gone through his hand, and then into the face. Those would be the two most likely just because they had a very irregular appearance to them.

Q So it's likely that the decedent could have been holding his hands in front of his face when he was being shot?

A It's certainly possible.

Q Okay. In reviewing all of these wounds, can you explain which wounds would have been the fatal wounds?

A Sure. In this case I'd say there would be three, you know, most fatal, and then one that's a little bit less fatal. So starting with the least would be gunshot wound no. 4. So again, that came in the left brow, exited the left side of the face, and, again, it caused a fracture with a small amount of bleeding around the brain. That in and by itself could have caused death but it probably would have taken a little while.

No. 2 now, so no. 2 goes through the chest, goes through the left lung, goes through that pulmonary artery. We have lots of bleeding there. That shot certainly could have been fatal in and of it by itself.

And then certainly gunshot wounds no. 6 and 7 that entered the right side of the forehead and right side of the scalp, that fractured the skull and went into the brain, both of those would be fatal in and of it by themselves.

Q Thank you. Did you do a toxicology report on this victim?
A Yes. So that's another thing that we do. In most of our cases during the course of the autopsy we'll collect body fluids and submit them to a toxicology lab, and we did do that in this case.
Q And did you find anything based on that examination?
A Yes. In this case the toxicology testing was positive for Delta-9 THC, which is the active ingredient in marijuana, and a couple breakdown products of marijuana.
Q And based upon your knowledge, would that indicate that he would have -- the levels in his system, would that indicate that he would have been under the influence of marijuana at the time of his death?
A Yeah. How each person reacts to certain concentrations will vary, but he did have the apparent compound, the Delta-9 THC, which is the active one, so he would have been under the influence of marijuana when he was shot.
Q Okay. You mentioned that there were two bullets found in his brain. What did you do with those?
A So after we have collected those bullets, I then photographed them -- cleaned them up and photographed them, and then we signed them over as evidence to a representative of the North Charleston Police Department.
Q And can you just describe those projectiles?
A Sure. I ended up grouping both of these together because,

again, the entrance wounds are fairly close to each other, the bullets were found in proximity to one another, so I can't say exactly this wound went with this bullet or vice versa. So in grouping them together I could tell that they were both large caliber bullets that were not jacketed.

And I'm not a firearm's examiner, so when I say large caliber, I classify things into basically three categories: Small caliber, which would be like a .22 or .25; medium caliber which is most of what we see, which would include 9-millimeters, .38s, all sorts of in that range; and then, for me, large caliber, the most common ones we'd see would be a .40 or .45 or larger.

Q Thank you.

ATTORNEY BREWER: Your Honor, may I approach the witness?

THE COURT: Absolutely.

(State's Exhibit 36 is identified.)

Q Dr. Batalis, I am showing you what's been marked as State's Exhibit 36. Do you mind looking at this? Do you recognize those?

A Yes, I do.

Q And what are those?

A These are the bullets that we just described corresponding with gunshot wounds nos. 6 and 7.

Q Have they been changed in any way since you collected them?

A I don't believe the bullets have themselves. And my

original envelope is in here, and certainly the examiners or whoever had gone through did some different labeling and such, but the bullets and my envelope do not appear to be altered.

ATTORNEY BREWER: Your Honor, we, at this time, move to admit State's 36 into evidence.

THE COURT: All right. So admitted.

(State's Exhibit 36 is admitted into the record.)

(State's Exhibit 37 is identified.)

Q And you mentioned that you take photos during the autopsy, correct?

A Correct.

Q I am going to show you what has been marked as State's 37. Do you recognize this photograph?

A Yes, I do.

Q And how do you recognize it?

A This is one of the "as is" photographs that I took prior to the examination at the beginning of the autopsy examination.

ATTORNEY BREWER: Your Honor, we'd move to admit State's 37, and publish, into evidence.

THE COURT: All right.

(State's Exhibit 37 is admitted into the record.)

(State's Exhibit 38 is identified.)

Q Dr. Batalis, can you describe what the victim is wearing in this photo?

A Sure. Would you mind turning it upside down for me, please.

Q Yeah.
A So in this photograph we can see a few of the items that he was wearing. Kind of, I guess, starting from top to bottom, he has a jacket. You can't see much of the front of the jacket. It's kind of around his arms and wrapped around the back. But you can see it's got some gray arms and then there's some whitish areas towards the shoulder. Underneath that he has on a green shirt. And then underneath that has a -- has, actually, two black shirts that are there, and is wearing a pair of black shorts on his lower body.
Q And again, you collected all those items of clothing and submitted them?
A Yes. They were transferred, along with the bullet, to the officers from North Charleston.
Q Okay. Thank you. Would you recognize this jacket if you saw it again?
A I believe so.
(State's Exhibit 38A is identified.)
Q Okay. I'm going to show you what has been marked as State's 38A. If you would just look inside of this bag and look in the top, just in the top bag. Without taking it out, do you recognize it?
A Yes.
Q And is that an item that you collected off of the victim?
A Yes, I believe it is.

Q Okay. And what is that item?
A This is the jacket that we saw the kind of arms on in the photograph just now.
Q Okay. Would you mind removing it from the bag?
A (Responds).
ATTORNEY BREWER: Your Honor, at this time we would move to admit State's 38A into evidence.
THE COURT: All right. So admitted.
ATTORNEY BREWER: Thank you.
(State's Exhibit 38A is admitted into the record.)
Q I know you are not a firearm's expert, but there is a noted perforation on the arm of this jacket. Would that be consistent with any of the wounds to the arm that you pointed out for us?
A Can I see that real quick, please. So this would not be. There is a defect on the, it would be the, right elbow area, and in our case we did not have any gunshot wounds. We had one on the right hand but we did not have any wounds on that area of the body.
Q Okay. So a bullet could have gone through there, possibly, but not hit the body?
A Yes.
Q Okay. Thank you. Thank you, Dr. Batalis. Given all of your findings, what did you determine to be the manner of death?
A In this case I determined the manner of death to be homicide, and that would be death due to another individual.

Q And if Mr. McFadden had been shot in this manner on the steps of MUSC would he have survived?
A I don't believe so. With the combination of the wound to the lung and the pulmonary artery and the two shots to the brain, I don't think it would have mattered.
Q Okay.
ATTORNEY BREWER: Beg the Court's indulgence.
Q Approximately how long do you think it would have taken him to die based on these wounds?
A The gunshots wounds to the head would have incapacitated him, essentially, immediately. He could have had some vital signs and such maybe for a couple minutes but, again, with the combination of the bleeding coming from his lung and artery and the wounds to the brain, I would expect the death to occur within a couple of minutes.
Q Thank you, Dr. Batalis. I have no further questions for you.
THE COURT: All right. Thank you very much. You may be excused.
THE WITNESS: Thank you.
THE COURT: How long will the next witness take?
ATTORNEY NORVELL: The next two witnesses should take about a half-hour together.
THE COURT: All right. Oh, together?
ATTORNEY NORVELL: I'm sorry?

THE COURT: Together? Each?

ATTORNEY NORVELL: I would imagine 10 to 15 minutes each.

THE COURT: Okay. Call your next witness. Y'all need a break, anybody? Raise your hand if you do. Okay.

ATTORNEY BREWER: The State calls Nathan Pearson.

NATHANIEL PEARSON,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Nathaniel Pearson, P-e-a-r-s-o-n.

DIRECT EXAMINATION

BY ATTORNEY BREWER:

Q Good morning, Mr. Pearson. Where are you employed?

A North Charleston High School.

Q And how long have you worked there?

A Fifteen years.

Q And what's your position there?

A I am currently assistant principal.

Q And how long have you been assistant principal?

A Seven years.

Q So you were assistant principal in March of 2018?

A That's correct.

Q What were your duties as assistant principal at that time?

A Discipline, the buses, videos, teacher retention,

observations, evaluations, that kind of stuff.
Q When you say videos, did you keep records of video footage from the buses?
A I wouldn't keep records of them. If there's an issue that occurred on a bus I would go ahead and then contact Durham, or the bus company, and ask for a video if a situation occurred on a bus.
Q And you kept copies of attendance records?
A Yes. Correct.
Q If law enforcement requested video footage from these buses would you give it to them?
A Yes, correct. Yes.
Q How does that process work?
A So typically law enforcement will come to us, either SRO or a police officer, and ask for footage of a certain date and time and what bus number. From there we would contact Durham, in the past, and ask for that video. They would burn a CD and they would either, A, drive it over with the bus driver and give it to us, or if it was a pressing matter, we would have to go to the bus lot off of Azalea to pick up that DVD for that footage.
Q And what is Durham?
A So Durham is the bus company that CCSD previously used in order to operate and transport students to school and from school.
Q And they used it back in 2018?

A Yes.
Q They no longer use it?
A No.
Q Do you keep a log of who, which law enforcement officer, asks for video footage?
A I don't keep a log. No.
Q Are you the only member of the staff at North Charleston who is able to obtain footage of this?
A Referring to what happened in the past or right now?
Q In the past?
A In the past.
Q In 2018.
A I would be one of them, probably the main one. We had some other staff that would request videos.
Q It most likely would have been you, though, that would have provided it?
A Yes.
Q Are you familiar with Matthew Kirk?
A He was one of our SROs that worked alongside with Officer Jenkins.
Q So if he had asked you for video footage, you would have -- he would have been the one to provide it to?
A Yes.
Q You said you managed attendance records. Were you asked ahead of this trial to pull attendance records --

A Yes.
Q -- from March the 2nd of 2018?
A Yes.
Q Who were you asked to pull attendance records for?
A I believe yourself, or ...
Q Were you asked to pull attendance records for Vaughn McFadden on March 2nd of 2018?
A Yes.
Q Were you asked to pull attendance records for Maurice Singleton for March 2nd of 2018?
A Yes.
Q Were you able to see, when you pulled those, which classes they were in that day?
A Correct. Yes.
Q Okay. And were you able to see which classes they had around 2:00 that day?
A Yes.
Q What class was that?
A That was Ms. Mullins' [ph] class, Elizabeth Mullins' class, fourth period. I think it was -- it was a science course. I know that much.
Q How long does fourth period last?
A Hour and a half. Ninety minutes.
Q And was Vaughn McFadden and Maurice Singleton both in that class?

A Yes. They're both marked as tardy in that class.
Q They were both tardy for that class?
A Yes.
Q But they were there in that class marked from 2:00 to 3:15?
A Yes.
Q Okay.

ATTORNEY BREWER: I beg the Court's indulgence. I have no further questions for you.

THE COURT: All right. Thank you very much. You may be excused. All right. Call your next witness.

ATTORNEY NORVELL: The State calls Detective Tiffani Crider.

TIFFANI CRIDER,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Full name's Tiffani Crider, C-r-i-d-e-r.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Good morning, Detective Crider.
A Good morning.
Q How are you?
A I'm good. How are you?
Q I'm good. Where do you currently work?
A I work at North Charleston Police Department in the

Detective Bureau.
Q How long have you been with the North Charleston Police Department?
A Twelve years.
Q And have you been a detective for all 12 of those years?
A No, ma'am.
Q Can you tell us about some of the other jobs that you've held at the police department?
A Yes, ma'am. I started out on patrol. I did that for like a year and a half, and then I moved to the school resource office. I did that for four years. So I've been in detective's now almost six years.
Q And so for almost six years you've been a detective. So in March of 2018 were you working in your capacity as a detective at North Charleston?
A Yes, ma'am.
Q And how did you become involved in this specific case?
A I monitor my emails when I'm off work, so an email came through about a wanted-for-questioning. So I recognized the names, the wanted-for-questioning and the victim's name.
Q And who were the individuals that were wanted for questioning in your email?
A JaJuan Lockwood and Maurice Singleton.
Q And who was the victim?
A Vaughn McFadden.

Q And do you know what the date of that incident was?
A I know it was in 2018. I don't remember the exact date.
Q Okay. Would you disagree if I told you it was March 2nd, 2018?
A No, ma'am, I wouldn't disagree.
Q Can you please explain to the jury, how did you recognize those names?
A Yes, ma'am. When I was an SRO -- I believe it was my first year as an SRO -- I had all three of those students in my school at Northwoods Middle School, so I recognized the names. I had developed relationships with -- I tried to develop relationships with all my kids.
Q And were those three individuals -- you had relationships with all three of them?
A Yes, ma'am.
Q And did those three individuals, did you know them to have a relationship with each other?
A Yes, ma'am.
Q And what would that relationship would be?
A They all lived in the same neighborhood. So in North Charleston that's kind of a big thing, like, you kind of stay within your neighborhood.
Q Were they friends?
A Yes, ma'am.
Q Okay. Did you have a closer relationship with any of the

individuals?
A Yes, ma'am. I had a closer relationship with Maurice Singleton.
Q Can you describe the kind of relationship that you had with Maurice when you were an SRO?
A Yes, ma'am. It wasn't uncommon for Maurice to see me in the hallways or, like, to come to my office. He was always friendly, giving me a hug. I always tried to -- when kids were having a bad day, they were allowed to come sit in my office, and we would just talk through whatever.
Q And because of this prior history, knowledge, and relationship were you asked to become involved in this case?
A Yes, ma'am.
Q In what capacity?
A I was asked to try to reach out to Maurice to see if he would be willing to either come to detective's on that Sunday or that Monday when he returned to school.
Q And were you asked to collect evidence in this case?
A Yes, ma'am.
Q And what was the evidence that you were asked to collect?
A His cellphone.
Q Whose cellphone?
A Maurice's cellphone.
Q And were you able to collect that cellphone?
A I was. Yes, ma'am.

Q Can you explain the process of how you were able to get that phone?
A Yes, ma'am. We were able to get ahold of his girlfriend, who had the phone at the time. She took the phone to the school, the SRO at the time, which was SRO Kirk, School Resource Officer Kirk. Well, a friend, her friend, took the phone to SRO Kirk, and then SRO Kirk brought me the phone to the detective bay.
Q Okay. And so you obtained custody and control of the phone at that time?
A Yes, ma'am.
Q And what was the purpose of obtaining Maurice Singleton's phone?
A It was basically to get a timeline to verify the things that he was saying.
Q Did you or any other detective obtain a search warrant for Maurice's cellphone?
A Another detective did. Yes, ma'am.
Q And so you were able to collect the phone pursuant to that search warrant?
A Yes, ma'am.
Q While in your custody or control did you manipulate the data on the phone in any way?
A No, ma'am.
Q Did you take any steps to preserve the phone?
A Yes, ma'am. When we get phones the best practice is to put

them in airplane mode. I believe this was an iPhone, so a lot of times you have to have the code, the passcode, to get into the phone. So I was able to get the passcode, obtain the passcode, to put the phone into airplane mode to preserve so nobody else could mess with the data.

Q How did you obtain the passcode?

A His birthday. I happened to look up his birthday in PowerSchool, which is what the school district uses for records. I tried his birthday, and that worked, so once the phone was unlocked I was able to put it in airplane mode.

Q Once you had preserved the phone, maintained your custody and control over it, did you place the phone into evidence or did you turn it over to another detective?

A I believe I turned it over to another detective so that once the search warrant was typed and signed the phone and the search warrant could go to the lockers.

Q Who was the detective that you turned it over to?

A I believe it was Detective Pritchard.

ATTORNEY NORVELL: May I approach, Judge?

THE COURT: Absolutely.

(State's Exhibit 39 is identified.)

Q I'm showing you what's been marked as State's Exhibit 39. Can you please look at this and tell me if you recognize this item?

A Yes, ma'am. This would be the phone that I collected and

then passed on to another detective.
Q And is it in substantially the same condition as it was when you maintained your custody and control over it?
A Yes, ma'am.
ATTORNEY NORVELL: The State would offer 39 into evidence.
THE COURT: All right.
(State's Exhibit 39 is admitted into the record.)
Q Did you have any further involvement in this case after you collected Maurice Singleton's cellphone?
A No, ma'am.
ATTORNEY NORVELL: No further questions.
THE COURT: Thank you very much.
THE WITNESS: Thank you.
THE COURT: You may be excused.
All right, ladies and gentlemen of the jury. This will get us to our lunch break. It's 11:40. I know that even though I tell y'all to be back at 1:00, the bailiffs always say to be back earlier, so I'll give you a little extra time. So how about we come back at 1:00. Fair enough? All right. Enjoy your lunch break, and we'll see you all back at that time.
(Jury escorted out of the courtroom at 11:41 a.m.)
THE COURT: All right. Anything before we take a break?
ATTORNEY NORVELL: Would you like to cover our schedule for the rest of the day?
THE COURT: Sure.

ATTORNEY NORVELL: We have our case agent and our first cellphone expert this afternoon. I think those are going to be a lot of data and videos. Those will take the majority of the afternoon.

The next person that I would have would be our other phone expert. I'm going to probably save him for the morning time. I mean, realistically, if we get through our three phone experts this afternoon, then we can do three short witnesses in the morning and be done by 10:00 - 10:30.

THE COURT: All right.

ATTORNEY NORVELL: Do you have any preference?

THE COURT: Let's just keep plowing through it.

ATTORNEY NORVELL: Perfect.

THE COURT: So we'll do that. Mr. Nelson, if you will go down and ask Mr. Singleton if he wishes to participate in his trial. If so, he will remain handcuffed and, you know, he won't be able to -- he's not going to come in here and injure anybody. You missed it. He and the deputies got into it, so he had --

ATTORNEY NELSON: Was that in front of the jury, Your Honor?

THE COURT: No, fortunately it was not. He had an extreme outburst and we could not control him, so we had to try to take him in the back, and he fought the deputies. But he's going to remain shackled.

ATTORNEY NELSON: Are you planning to bring him up here when we come back?

THE COURT: He's downstairs. You can just go ask him if he wants to participate. But I don't know if that's going to be any good but, I mean, I think it's at least fair enough that we let you ask him. All right. Sounds great.

(Court recessed at 11:43 a.m. and reconvened at 1:27 p.m., without the defendant or jury present.)

MATTER(S) OF LAW

THE COURT: All right. Yes, sir.

ATTORNEY NELSON: Your Honor, I spoke with him. He does want to participate in his defense. I told him he will be shackled, and he's allowed in the courtroom, and I warned him that if there's any further actions he may not be in the courtroom; he'll be subject to being thrown out again.

As a practical matter I have to bring up one issue. Since his bond has been revoked he'll be spending the night in jail. Normally that wouldn't be such a big issue but since he's acting as his own attorney, his paperwork, as far as I'm concerned, is not allowed to go back with him, along with his computer, he might need that if he is allowed in the courtroom to prep for his defense for the morning. And I don't know what the remedy for that would be.

THE COURT: There won't be a remedy. We'll have to just get him in here and he'll to just review his discovery. I don't know how he's going to do it shackled.

ATTORNEY NELSON: So he cannot have his paperwork go to the

jail with him?

THE COURT: If he'll allow you to assist -- the answer to that question is no. But if he would allow you to assist him, I guess, in some endeavor. But I'm not -- I'm not letting him just run free anymore.

ATTORNEY NELSON: Yes, Your Honor.

THE COURT: He's proven that he can't do that. So if he wants to participate, then I'm okay with bringing him up but, I mean, he understands if he says one word other than yes, sir, he's gone.

ATTORNEY NELSON: I told him he's on a very short lease, your Honor.

THE COURT: Yeah. I mean, I can't give him five chances.

ATTORNEY NORVELL: The State would request that Your Honor please warn him of your prior rulings and his obligation not to address anything that you have granted in the State's motions in limine.

THE COURT: All right. Y'all can bring him up.

(Mr. Singleton is escorted into the courtroom.)

THE COURT: All right. As I indicated before, Mr. Singleton, you'll need to stay in the confines of my previous order. We're not going to talk about the previous trial or anything along those lines, okay.

Do you want to participate in the defense of your trial and can you stay within those confines? You have to answer yes or

no.

MR. SINGLETON: Sir, when I speak I would ask that you show me the same respect that you show -- when I ask questions. In order for this to be an impartial proceeding and a fair proceeding, I would ask that I be shown the same respect that I show. So if you will answer my questions when I ask them, I'll be happy to answer your questions when you ask. Can we do that? Can we agree to that?

THE COURT: No. I don't answer --

MR. SINGLETON: This will not be a fair and impartial proceeding?

THE COURT: We will, but I do not need to answer your questions.

MR. SINGLETON: Sir, you are absurd.

ATTORNEY NELSON: Your Honor, can I have one minute to speak with him?

THE COURT: Sure.

(Attorney Nelson and Mr. Singleton confer.)

THE COURT: All right. Mr. Nelson, what has he indicated? Is he ready to proceed?

ATTORNEY NELSON: He is, Your Honor. And I'm supposed to stay in the back and not participate.

MR. SINGLETON: Mr. Nelson does not have standing to speak for me, for he is not qualified to be my counsel.

THE COURT: No problem. Bring them out.

MR. SINGLETON: If I could ask a quick question?

THE COURT: Sure.

MR. SINGLETON: Did you purposely deny me my right to cross-examine these witnesses that you -- that took the stand in my absence because of you?

THE COURT: No.

MR. SINGLETON: You did not purposely do it?

THE COURT: I did not.

MR. SINGLETON: But you did it, though.

THE COURT: I did it because of your actions, the way you behaved.

MR. SINGLETON: Sir, I just want to -- if we could continue, I would ask that this please be a fair and impartial proceeding, because due to your actions I do not feel like this has been a fair trial and will not proceed to be a fair trial.

THE COURT: All right.

MR. SINGLETON: Will I be given remedy for a wrong sustained? Because my rights to face my accuser is a constitutional right as a protection that you took an oath to, so I have that right. And I want you to answer for the record, clarify for the record, would I be given remedy for that right that has been violated?

THE COURT: The remedy is you're sitting in this courtroom right now.

MR. SINGLETON: Sir, I have -- the witness have already

taken the stand and given testimony in front of the jury when I was not able to cross-examine them. As for the witness that you told me I would be able to impeach --

THE COURT: All right. They're coming. Shh. Shh.

MR. SINGLETON: -- I cannot because you denied me that opportunity.

(Jury seated in the courtroom at 1:34 p.m.)

THE COURT: All right.

THE BAILIFF: Jurors are all present, Your Honor.

THE COURT: Thank you very much. Call your next witness.

ATTORNEY NORVELL: Thank you, Judge.

MR. SINGLETON: I object. Before she calls a witness I would like to give testimony. I would like to take and address the jury.

THE COURT: No. That is not proper procedure.

MR. SINGLETON: Sir, I would ask that you please reconsider, for I have a right, because --

THE COURT: Before you -- I'm going to allow you to sit down and I'm going to allow you to participate in the proceeding, but you're not going to address the jury. Is that what you'd like to do? Would you like to sit down and participate in the proceedings?

MR. SINGLETON: I would ask that this be a fair and impartial trial, because you are denying me that constitutional right.

THE COURT: You don't have a right to address the jury.

MR. SINGLETON: I have a right to cross-examine these witnesses that you allowed to take the stand in my absence due to you detaining me.

THE COURT: All right. Then please have a seat. We'll call the witness, and you cross-examine them.

MR. SINGLETON: I would like to start with Mr. McKean, because he had already give testimony while in my absence due to your arresting me.

THE COURT: All right. Have a seat. Call your next witness.

ATTORNEY NORVELL: The State calls Detective David Pritchard.

DAVID PRITCHARD,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: David Pritchard, P-r-i-t-c-h-a-r-d.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Thank you, Detective Richard. Where do you currently work?

A North Charleston Police Department.

Q And how long have you been with NCPD?

A I started there in 2012.

Q And what is your current role at North Charleston Police Department?
A I'm a detective assigned to the Persons Crime Bureau.
Q Were you also assigned in that role in March of 2018?
A Yes, ma'am.
Q And were you working in your capacity on March 2nd, 2018?
A No. I was off that evening.
Q And when did you -- can you -- actually, let me stop real quick. Can you just tell the jury a little bit about what your responsibilities as a detective are and what role you play?
A Yeah. As a persons crime detective, we work violent crime, is an easy way of saying that. We work anything from felony assaults, all the way to murders, and we also handle armed robberies.
Q You testified that you were not working on March 2nd, 2018. Can you please explain how you became involved in this case?
A Yes, ma'am. Whenever this happened, this was a Friday evening, I had already been off. I did not work the week, and I didn't come back to work until the following Monday, which was the 5th, at 1:00 p.m.
Q And when you came in on Monday what did you learn?
A Well, I learned there was a homicide on Friday. Detectives had been working all weekend on it. I was contacted by my sergeant who advised me of that. He briefed me on it, and he was going to be assigning the case to me.

Q Why would you be assigned a case that you didn't initially respond out to?
A Due to the volume of murders that we have. We have five, sometimes six, detectives that work these murders, and in order to make sure one detective doesn't get overloaded in the case and can dedicate the time needed, there's a rotation that we go through to make sure nobody's gets overloaded.
Q And that's how you became assigned?
A Yes, ma'am.
Q Was somebody taking a lead roll over that weekend, from Friday until Monday?
A Yes, ma'am. Detective Simon Andrews was the on-call persons crime detective.
Q Okay. And are you aware as the case agent where the investigation had led detectives over the weekend?
A Yeah. They identified two suspects in the case, and they started developing that. They were Maurice Singleton and JuJuan Lockwood.
Q And so when you arrived on Monday where did you start?
A Whenever I arrived at 1:00 p.m. both suspects were in our detective bureau in interview rooms being interviewed by assistant detectives, so I was briefed on the case, and then from there I began listening in to their interviews.
Q Were you aware of any evidence that had already begun being collected by Monday?

A Yes. Several videos were starting to be collected. Crime scene had already been out that night, processed the sign. The following day was the autopsy.
Q Okay. And following these interviews that you just testified to, did you follow up on any evidence of your own?
A Yeah. Knowing the area, I knew the victim was in the Dorchester-Waylyn community prior to his death, and I knew where he was found. There was an intersection at Dorchester and Oregon, it's a residence that has surveillance cameras. I use it for other crimes in that area. So I knew that in order for the victim to have gotten to where he was, he would have passed this location if he was on foot, so I went there and collected that video.
Q And can you state what intersection that was again?
A It's at Oregon and Ranger.
(State's Exhibit 40 is identified.)
ATTORNEY NORVELL: May I approach the witness?
THE COURT: Absolutely.
Q I am showing you, Detective Pritchard, what's been marked as State's 40. Do you recognize this document?
A Yes, ma'am. This is an overview of the backside of Dorchester-Waylyn.
Q And does this fairly and accurately represent the area that you began working as part of your role as a case agent?
A Yes, ma'am, it is.

ATTORNEY NORVELL: At this time, Judge, the State would offer State's 40 into evidence.

THE COURT: All right.

MR. SINGLETON: I would object to that evidence being presented.

THE COURT: Let me see it.

MR. SINGLETON: It calls for speculation.

THE COURT: All right. Over the objection.

(State's Exhibit 40 is admitted into the record.)

MR. SINGLETON: [indiscernible] anything he's saying, he would have no proof. It's cause speculation.

Q Detective Pritchard, are you aware of where the victim was located?

A Yes, ma'am, I am.

Q And can you please make a mark on the map where the victim was located?

A It was under I-26 about right there.

Q You indicated that you began collecting evidence. Can you please mark the area where you just testified that you started your evidence collection?

A Yes. This residence at the corner of Oregon and Ranger. It sits right there on the corner.

Q And can you just explain to the jury why you thought that was important in your -- to begin your investigation?

A So with the victim being found underneath the overpass and

knowing where he was in relationship to Louise Drive, which is this street right here, in order to get there he would have had to go through a cut in the fence which is this same general area where I just marked, and that's the only way to get to that area from Dorchester-Waylyn.

Q The only way would be crossing that intersection --

A Yes, ma'am.

Q -- that the video covered?

A Correct.

Q Okay. And did you have an opportunity to obtain video? You did actually obtain video from that residence?

A Yeah, the evening of March 5th. Yes, ma'am.

Q And who did you meet with to obtain that video?

A The homeowner there is a Mrs. Delores Wright.

Q Can you just explain a little bit about the process through which you actually went to procure the video?

A I know her. I've used her video several times. Whenever I got there I told her there was a crime and I needed her video again. She allowed me in. It's in the middle of her living room. It's a monitor that's attached to a DVR.

Prior to collecting the video, the first thing I do is notate any time difference, and the way I do that is I look at the crime on the DVR, and I'll compare it to my cellphone. And whenever I do that, then I'll download whatever timeframe footage that I'm looking for.

MR. SINGLETON: I object. Does he have any proof?

THE COURT: Allow him to answer the question, please.

ATTORNEY NORVELL: Thank you, Judge.

Q And so did you note any time difference?

A Yeah. The DVR system was 30 minutes fast.

Q Okay, from --

MR. SINGLETON: I object. Calls for speculation. He has no proof that there was any time difference. He did not answer that into any evidence as part of Rule 5. That is speculation.

THE COURT: All right. Overruled.

ATTORNEY NORVELL: May the State respond briefly just to put it on the record?

THE COURT: Sure.

ATTORNEY NORVELL: This is not speculative. The detective is testifying to his actual knowledge of what he actually performed, and it's outside of speculation.

THE COURT: All right. Proceed.

ATTORNEY NORVELL: Thank you, Judge.

Q Detective Pritchard, when you noted this discrepancy did you make a report of your -- what you did in this investigation?

A I did. Yes, ma'am.

Q And did you include any time difference in your report?

A I did. Yes, ma'am.

Q So you made a contemporaneous note of it?

A Yes, ma'am.

Q Okay. Thank you.

MR. SINGLETON: I object on the grounds that that evidence is not present. He does not -- he has not entered that evidence as to any Rule 5 or into the court.

THE COURT: All right. I'll allow him to continue to testify. Overruled.

Q And --

MR. SINGLETON: I object to this evidence being presented --

THE COURT: All right.

MR. SINGLETON: -- into evidence on the grounds that it is very prejudice and speculative because it does not have any information or any indications that I have committed any crime to be here for a murder charge.

THE COURT: All right. Overruled. You may proceed.

ATTORNEY NORVELL: Thank you, Judge. I still need to lay the foundation.

(State's Exhibit 42 is identified.)

Q Detective Pritchard, I'm showing you what's been marked for identification as State's 42. Do you recognize this?

A Yes, ma'am.

Q How do you recognize it?

A My initials and date.

Q And did you review the contents of that disk prior in preparation for trial?

A Yes, ma'am.

Q And is the contents of that disk what you retrieved from the homeowner's residence that you've just testified to?
A Yes, ma'am.
Q And is it a full and accurate depiction with no material alterations or deletions?
A It is.
ATTORNEY NORVELL: Judge, at this time the State would move 42 into evidence.
THE COURT: All right, over the objections.
ATTORNEY NORVELL: Thank you.
(State's Exhibit 42 is admitted into the record.)
ATTORNEY NORVELL: I'll publish at a later time, Judge.
Q You reviewed this video?
A Yes, ma'am.
Q And I think you briefly testified that other detectives had begun collecting videos. Were you able to review any other video in this case, or is this Oregon and Ranger camera the only video that you were able to review?
A No. There's two other videos of importance that I reviewed. One was a video from a school bus which was obtained by another police officer, a school resource officer, and then there's a video at the corner of Ranger Drive and Ranger Drive, which is towards the front of the neighborhood near Dorchester Road. That was also obtained from another police officer. And I reviewed those videos.

Q Let's first talk about the school bus video. How did you come into possession of the school bus video?
A A member of the school turned it over to a school resource officer, who then turned it over to us.
Q And did you take custody of that video?
A Yes, ma'am.
Q And did you place it into evidence?
A I did.
Q And did you review that video?
A Yes, ma'am.
MR. SINGLETON: If I may ask, what video was she referring to?
ATTORNEY NORVELL: The school bus video.
Q And the Tsunami video that you just testified to, that's located where?
A That's at the corner of Ranger Drive and Ranger Drive.
Q And does it look over any major streets?
A Yeah. It's right in front of Dorchester Road as well.
Q Okay. And is there any convenience stores covered in the surveillance videos?
A Yes, the A1 store right at the corner of Dorchester and Ranger.
Q And did you retrieve that video?
A The Tsunami?
Q Yes.

A Yes, ma'am.
Q Can you talk about the process in which that video was retrieved?
A Well, at the time it was a Sergeant Ranck who was over retrieving our Tsunami cameras. Anytime we would have any crime, in an area where a Tsunami camera would be, of any importance, we would either call or email him and then give him a time block of what he need, and then he would download it for us and turn it over to us.
Q Was the Tsunami camera a city-maintained camera?
A It is. Yes, ma'am.
Q And does the city have a storage unit for the Tsunami camera within the confines of city hall?
A Yes, ma'am.
Q Okay.
ATTORNEY NORVELL: May I approach, Judge?
THE COURT: Absolutely.
(State's Exhibits 43 and 44 are identified.)
Q Showing you State's 43 and 44. Do you recognize these documents? If you'll take a look at both of them.
A Yes, ma'am.
Q And what are those?
A One is a thumb drive, which is Exhibit 44, and one is the bus video.
Q And how do you recognize them?

A They both have my initials on them.
Q And did you review the contents of those disks or thumb drive prior in preparation for trial?
A Yes, ma'am.
Q And did those disks -- did the disk contain the school bus video that you just testified to?
A Yes, ma'am.
Q And does the thumb drive contain the Tsunami video that you just testified to?
A Yes, ma'am.
Q In your review, were there any material alterations or deletions?
A There was none.
ATTORNEY NORVELL: Judge, at this time the State would offer 43 and 44 into evidence.
THE COURT: All right, over the objection.
(State's Exhibits 43 and 44 are admitted into the record.)
Q Detective Pritchard, at this time I'm going to publish all three of the videos.
ATTORNEY NORVELL: Judge, permission to publish?
THE COURT: That's fine.
Q We are not going to play the entirety of all of the videos. I am just going to publish a portion. Bear with me. This court's a little bit short so I need to move the podium back here in order to start and stop it.

Detective Pritchard, as you watch the clip of this video I'm going to ask you to please take note of the -- if you recognize anyone in the video.

A Okay.

(State's Exhibit 43 is published to the jury.)

A The first person that just got off is Maurice Singleton.

Q And how do you recognize that individual?

A I can see his face and then the clothing as well.

Q Okay. And were you able to make any observations as to the clothing that he was wearing on the school bus video?

A Yeah. He's wearing either a black or blue sweatshirt with gray or white sleeves; he's wearing a light-in-color pants, maybe khakis; he's wearing dark shoes, and on the bottom of his shoes is white soles.

And that's the victim right there getting off with the Nike jacket with the Nike check on it.

ATTORNEY NORVELL: Moving to publish the Tsunami video, State's 44.

(State's Exhibit 44 is published to the jury.)

Q Can you tell us, Detective Pritchard, what angle are we looking at right here?

A This is looking straight down Ranger Drive. The street to the right right there is also Ranger Drive. That's where they intersect. And if you look directly behind this camera, that's Dorchester Road. It's literally left to right from this camera.

(State's Exhibit 41 is identified.)
Q I'm going to interrupt you for a second. I am approaching and showing you what's been marked as State's 41. Do you recognize this map?
A Yes, ma'am. It's another overhead view of Dorchester-Waylyn.
Q Okay. And does it cover the location where the camera that the State just published is located?
A Yes, ma'am, it does.
ATTORNEY NORVELL: May I switch to the Elmo, please.
Q Can you, please, Detective Pritchard, make a mark on this map where the video that -- where the view we just saw is?
A Yeah. It's right there. It's actually a little bit more -- that's about right.
Q And then what is directly in front of that dot that you just placed?
A That's the A1 store just to the right of that.
Q Can you make a dot on that?
A The A1 store is right there.
Q And the school bus video that you just testified to, do you know where that school bus stop occurred where the exit off the bus was?
A Yes, ma'am. That would be at Alabama and Rex.
Q Can you please make a dot where that occurred?
A Right there.

Q And then the view of the Tsunami video that was just published that we were just looking down Ranger, in which direction did you -- or, were you able to see anyone walking on that?

A Yeah. The last -- before you stopped, you can see the victim and Maurice come into view.

Q And in which direction were they walking?

A They're walking from Alabama and Rex area. They're coming straight down Ranger Drive this way.

Q Thank you.

ATTORNEY NORVELL: I am going to return to the HDMI, if you don't mind.

A If you look on the sidewalk to the right, the person on the right is Maurice Singleton. You can tell by his clothing. And then the person walking to his left is the victim, which you can also tell by the clothing because that's what he was found wearing whenever we found him.

Q Are you able, at any point, to see the faces on those individuals walking?

A You can. They're getting ready to walk into the A1 store. There's another view as they walk out of the A1 store, and it appears to be both the victim and Maurice.

Q And in this video that was just published, that is the direction of the A1 store?

A Yeah. They were just turning to go into the parking lot of

the A1 store when they went off view.
Q Is this also a video from that Tsunami camera?
A Yes, ma'am. This is the view from the Tsunami that points towards the front of the A1 store.
Q Okay. And please tell me if you recognize anyone in this video?
A Yeah. The person walking in the front with the white sleeves is Maurice Singleton, and directly behind him is the victim, Vaughn McFadden.
Q And do you recognize or observe anything in their hands?
A They're both carrying drinks. Looks -- maybe Maurice's drink is in a brown bag. It's hard to tell.
Q In which direction are they walking?
A They're walking back the way they just came. They're walking back up Ranger towards the back of the neighborhood.
Q Is this that same view, just not with them?
A That's correct.
Q And we didn't discuss this. When you reached out to your technology sergeant to procure this particular video did you make any observations about the time?
A Yeah. The time was an hour fast.
Q Okay. And how do you know that?
A Based on I know what time they got off school. I knew what time they got off the school bus. I knew, based on the information I received, that they walked straight to the store,

which would have been about 4:00. So just from looking at the time, I knew it had to be off by at least one hour.

Q And so was this time -- what is the time on this?

A That's actually 4:00 p.m.

Q And so it says 1700 but it's actually 1600?

A That's correct.

Q Can you see the shadow in this picture, in the still shot, of where the Tsunami camera is actually located?

A Yes, ma'am.

Q And can you just draw a circle around it?

A It's right there.

Q And that camera holds the view up Ranger and towards the store?

A Yeah. There's four total views on the camera. Yes, ma'am.

Q Can you please describe what this view is?

A That's the initial view that we initially seen with them walking to the store. This is going to be them walking up Ranger until they go out of view.

Q Were you able to make any observations of where the two individuals turned off of Ranger?

A No. They continue on past -- Rusty would be the next intersection. I believe they continued past that.

Q Okay.

A And the next intersection would be Constitution.

Q And have you been able to make consistent observations in

each video about the clothing that each individual was wearing?
A Yeah. It's consistent. Maurice is wearing the same thing, and the victim's wearing the same thing.
Q And the intersection that they're approaching now, is that the one that you said they both went past?
A Yeah. It should be Rusty, I believe.
Q And the next video that you observed is the video that you retrieved?
A Yes, ma'am, the one at Oregon and Ranger.
Q And can you tell us about the differences in the time? You just testified that the Tsunami video was actually at 4:00 p.m. What time, if any, did you make observations on the Oregon and Ranger camera?
A Whenever I collected it, it was 30 minutes fast.
Q Okay. And what time did you find any video that was helpful to your investigation?
A DVR time, it was right around 1748. Almost 1749, I believe.
Q And what was that in real time?
A 5:18, 5:19.
Q And so did you have any video of the period between 4:00 p.m. and 5:18 - 5:19?
A Yeah. We collected this camera from the time they got off the bus until the body was found.
Q Did you find any video that depicted the two individuals that you were just able to identify as Maurice Singleton and

Vaughn McFadden between 4:00 p.m. and 5:18?
A No, ma'am.
Q Okay. And what is this view here?
A Directly in front of us is a sidewalk, and then that's Oregon Drive. To the right is Ranger. The glare's bad but that's Ranger going back up towards the A1 store if you were to go this way. And this is Oregon.
Q Do you know what the next street down Oregon is?
A Yeah. The next street to the left is Houston.
Q And can you just make a mark where that would be?
A That would be probably about right here.
Q And it's parallel to Ranger?
A Yes, ma'am. It parallels Ranger all the way to Constitution.
Q Were you able to make any observations of any of the individuals in this video?
A Yes, ma'am. The two people on the sidewalk, the one walking in front is our victim, Vaughn McFadden; the gentleman directly behind him is Maurice Singleton; and then the third person that's walking on the street, I was later able to identify him as the co-defendant.
MR. SINGLETON: Excuse me. If I may object. I would ask that these cuffs please be removed because I am having a hard time gathering my evidence.
THE COURT: Right now we're going to keep it status quo.

Q In which direction, Detective Pritchard, did the individuals just walk?
A They're walking -- right off camera is where Ranger is. They're walking over Ranger, towards Martha Drive.
Q And the camera, the surveillance videos that you recovered from Oregon and Ranger, how many different views were you able to locate?
A It was either three or four. There's lots of cameras around that.
Q Sorry, the video skipped. And what is the street that is directly in front of this camera angle?
A That's Ranger Drive. They're actually crossing over Ranger Drive right now. And if you look where this tree is right there, directly behind that, that's Martha.
Q Are you able to -- tell me if you're able to make any observations of the individuals shown in this clip?
A Yes, ma'am. The person nearest the camera, that's Vaughn McFadden, that's our victim. The person in the middle, you can see his white sleeves and just sweatshirt, same pants, that's Maurice Singleton. The person to the left of all of them is the co-defendant.
Q And in which direction are the victim and the two defendants walking?
A They're walking up Martha, and the next intersection they'll come to is Louise.

Q And are you able to continue seeing their shapes moving down that street?
A Yeah. They'll continue on, and shortly you're going to see all three of them take a right, which they'll take --
MR. SINGLETON: Objection.
A -- a right on Louise.
MR. SINGLETON: That, you cannot see that. That video is very grainy. I would ask that you please leave that up until the triers of fact, which is the jury, to determine whether they can see that turn being made or not.
Q Detective Pritchard, are you able to observe that turn being made during your review of the clip?
A Yes, ma'am.
MR. SINGLETON: Detective Pritchard, you have good eyesight.
THE WITNESS: Thank you.
Q And can you please make a mark on the screen when you see the turn?
A They're turning right now.
MR. SINGLETON: May I ask that you please rewind the video and let them -- let's see it again?
ATTORNEY NORVELL: Judge, I think that would be proper material for cross-examination.
THE COURT: He can -- rewind it, but don't put the dot there. Just a little bit, not the whole walking. You can fast-forward.

MR. SINGLETON: Can you, please, make the screen fuller? Mr. Pritchard, I ask that you please let us know when you see the --

ATTORNEY NORVELL: Judge, objection. This is my direct examination.

THE COURT: You'll get a chance in a second, Mr. Singleton.

Q And, Detective Pritchard, when that turn is made what street is that?

A That's Louise.

Q And is Louise a dead-end street or does it connect to any other street?

A No. It's a dead end.

Q And is there any connection from Louise to the Bennett Railyard?

A At the time there was a hole in the fence. If you're a pedestrian, that would be the only way to get to the Bennett Railyard.

MR. SINGLETON: Objection. That is not in evidence. That is speculation as you do not have any proof of there being any cut.

THE COURT: Overruled. He's testifying.

Q Detective Pritchard, as part of your role as the investigating officer in this case did you canvass, or walk, Louise Drive?

A Yes, ma'am.

Q And did you canvass, or walk, Louise Drive to observe any cut in the fence?
A Yeah. Actually, I went to Bennett Yard Road to the scene, walked from Bennett Yard Road, through the cut, onto Louise, all the way back to Martha.
Q Detective Pritchard, what -- do you know what the next time that you observed any evidentiary material from the Oregon and Ranger video was?
A I believe it was about 5:35, 5:36-ish.
Q And what was that observation?
A That was Maurice Singleton and his co-defendant coming back by themselves.
Q Was Vaughn McFadden -- was third individual walking?
A No, ma'am, just two people. So it says 1806 but it's actually 5:36, or 1736. And those are the two individuals. The person to the left with the white sleeves, the same sweatshirt that Maurice is wearing, that's Maurice Singleton. And the person closest to the camera right now is his co-defendant. And they're actually on Ranger.
Q Were you able to make any observations other than there was just two of them at this juncture, about their face, about their --
A Something I noticed about Maurice, it appeared that his hood of his sweatshirt was up and he was looking down the whole time.
MR. SINGLETON: I object to that testimony because that is

very prejudice. He's trying to sway the jury in saying that my hood being on presumed is presumed as guilt.

THE COURT: All right. Overruled.

Q And the street that the individuals are turning onto?

A Yeah. That's Ranger.

Q I'm sorry. I accidentally stopped the camera. I apologize.

A They're currently on the sidewalk of Ranger Drive, walking up Ranger.

Q And the time at this juncture is?

A That's 5:37.

Q Is there ever a point in this video that you see the individuals make any turns off of Ranger Drive?

A Yeah. They should be turning in a second, and they're going to cut through a --

MR. SINGLETON: Objection. Do you have any proof that's -- do you have firsthand knowledge of that?

THE COURT: He can testify as to what he's witnessed.

MR. SINGLETON: He does not have firsthand knowledge of where they went. We watched the video and you cannot see where they went in the video. I object again because he does not have firsthand knowledge of that information.

THE COURT: All right. Overruled.

Q Detective Pritchard, as part of your investigation in this case did you also walk down Ranger Drive to what is visible in this video?

A Yes, ma'am. At the time -- where they just turned down, there's the house that's directly in front of us -- there's another house, and at the time there was a vacant lot, and then another house. At the time, I walked through that vacant lot to behind where the third house is, and behind that third house the fence was down. You could walk through it and straight onto Houston.

Q Was there any significance in your investigation of Houston Street?

A Yeah. At the time, if you walked onto Houston and you looked to your right, about three or four houses up on the left is his co-defendant's house.

Q And who is that?

A That's JuJuan Lockwood.

Q And what is his address?

A He lives at 2689 Houston --

MR. SINGLETON: Objection, relevance.

THE COURT: Overruled.

Q What was that address?

A 2689 Houston.

Q Briefly shifting, how were you able to make an identification of Maurice Singleton in those videos?

A Whenever he initially got off the bus you could see the side of his face clearly. And then having information knowing where they got off the bus, who he was with, it was a -- that's how I

did it.

MR. SINGLETON: I object to that information as fruits of the poisonous tree.

THE COURT: Overruled.

Q And were you able to compare, in each video that you reviewed, the outfits?

A Yes, ma'am. They were the same throughout.

Q And were you able to identify Maurice Singleton in each of the three videos?

A Yes, ma'am.

Q And you indicated in the Oregon and Ranger video that there was a third individual. How were you able to make an identification of him?

A JuJuan Lockwood, I've had several interactions with him before. Based off the way he walked, I recognized that. I knew they were coming from Houston Street and I knew he lived on there. And then later we developed some evidence from cellphones and such that tied into it.

MR. SINGLETON: I object on the grounds that that is speculation. You have no firsthand knowledge. You would not able to identify anyone from which you knew or you had a hunch.

THE COURT: Overruled.

Q And following your review of all three videos, what -- did you only review the videos?

A No. After I got done reviewing these videos we did more

search warrants. We did some provider search warrants and stuff like that.

Q And did you actually go out -- you actually went out to the incident location?

A Yes, ma'am.

Q And did you have occasion to review the evidence that was collected in this case?

A I did.

Q And as a case agent is it your responsibility to review all of the materials and make yourself aware of every search?

A Yes, ma'am. Yes.

Q And being that you didn't respond when the crime actually occurred did you later go to that area?

A I did.

Q And, again, canvassed this entire location?

A Yes, ma'am. It was canvassed that night. I redid it the following week.

Q Did you also have the occasion to request and review bank records from the victim?

A Yes, ma'am.

Q And how was that completed?

A It was a subpoena sent to the Bank of America.

Q And did you know the victim to have an account there?

A Yes, ma'am.

MR. SINGLETON: I object to submission of this evidence for

relevance, cause of relevance. It has no relevance to do with the actual -- this is a murder trial. It is murder. The State is not proving any evidence of murder.

THE COURT: Set the foundation --

MR. SINGLETON: It is sheer speculation.

THE COURT: Set the foundation --

MR. SINGLETON: They have not proven their case beyond a reasonable doubt in re: Wensha [ph].

THE COURT: Set the foundation as to what the evidence is, please.

ATTORNEY NORVELL: Thank you, Judge.

Q In your investigation, did you have occasion to learn whether the victim had inherited money?

A Yeah. I learned from the family that the December prior to this incident that he inherited a large sum of money.

Q And did you have -- in your investigation, was any evidence recovered to suggest that the victim had money the day that he was murdered?

A Yeah. Whenever his cellphone was dumped I actually recovered a picture from that. He's in a -- at school, wearing the same clothing in class, and he has a large amount of money displayed on his lap.

Q Did you have an opportunity to review that photograph in your investigation?

A Yes, ma'am.

Q And again, did you learn whether the victim banked with Bank of America?
A Yes.
Q How did you procure records?
A Through a subpoena.
(State's Exhibits 48, 49, 50, and 51 are identified.)
Q I'm showing you what has been marked as 48 through 51. Please take a look at these documents and tell me if you recognize them?
A Yes, ma'am, I do.
Q And how do you recognize them?
A These are documents that we received through the subpoena.
Q And do they fairly and accurately represent the bank records and -- the authenticated bank records as provided by Bank of America?
A Yes, ma'am, they do.
ATTORNEY NORVELL: Judge, the State would offer 48 through 51 into evidence. The State would be introducing these for the purpose of establishing a motive.
THE COURT: Over the objection.
(State's Exhibits 48, 49, 50, and 51 are admitted into the record.)
ATTORNEY NORVELL: I am going to publish.
Q All righty. And, Detective Pritchard, what is this top document?

A This appears to be like a certificate of authenticity from the bank records themselves.
Q Okay. And this second document?
A This would be a deposit into the victim's bank account.
Q And can you tell when this deposit was made?
A Yes, ma'am. That would be December 7th of 2017.
Q And in the amount of?
A It's $83,3- -- just over $83,000.
Q And is this a copy of that check?
A Yes, ma'am.
Q And on this document, what is this?
A This looks like online banking records.
Q And can you tell on this whether any withdrawals occurred?
A Yeah, two withdrawals; February 27th and March 1st.
Q And what were those amounts?
A On the 27th was a thousand dollars; March 1st, $500.
Q And what is the date of the victim's death?
A March 2nd.
(State's Exhibit 66 is identified.)
Q I am approaching with Exhibit 66. can you please tell me if you recognize this document?
A I do. That's the picture that I mentioned with the money on the victim's lap.
Q And does it fairly and accurately reflect what you reviewed in the victim's phone?

A Yes, ma'am.

ATTORNEY NORVELL: Judge, at this time the State would offer State's 66 into evidence. This is a photograph that the detective reviewed in a review of the victim's phone. I don't believe that the defendant has challenge, standing to challenge, the items found in the victim's phone.

THE COURT: Over the objection. It's a pretrial matter, and I've already ruled on it.

(State's Exhibit 66 is admitted into the record.)

ATTORNEY NORVELL: May I publish?

THE COURT: You may.

Q And what is the date of this photograph?

A It's March 2nd.

Q And what is the time of this photograph?

A 2:37 p.m.

Q And can you describe the setting in this photograph?

A Yeah. This is taken in one of their science classes. I believe it was the last period of the day.

Q Are you able to make any observations on the denominations of the bills? If not, I can hand you the actual picture. I know it's a little grainy in this.

A Yeah, it's grainy.

Q And if you're not, that's fine --

MR. SINGLETON: Mr. Pritchard, you gave testimony earlier that you have good eyesight.

A Yeah. It's denominations of 100s and 20s, it appears.
Q Detective Pritchard -- and you mentioned that y'all completed multiple search warrants --
A Yes, ma'am.
Q -- in your investigation. Did you ever have the occasion to access or know whether this defendant held a Facebook account?
A He did.
Q And do you know what his name on that account was?
A Yeah. At the time it was Re Sosa, R-e S-o-s-a.
ATTORNEY NORVELL: I don't have any further questions of the detective. Oh, wait.
Q Detective Pritchard, did you participate in the search warrant of the defendant's house?
A Yes, ma'am.
Q And what was your role in that search warrant?
A I was the scribe. It's a person who just sits down and writes down what's being seized. Other detectives are actually doing the search. My job is just to document what's being seized. That's it.
Q And what was the purpose of completing a search on the defendant's residence?
A Well, subsequent to us obtaining arrest warrants for him, whenever I did it was in close relationship to the actual crime itself, so we're going for -- guns are ideal, I look at the clothing. We're missing several-hundred dollars worth of money.

Looking for money. Just any kind of evidence that would tie the defendant to the case.

Q Did you find a gun at the defendant's house?

A No, ma'am.

Q And did you find any clothing matching what you observed in the three videos that were admitted?

A No, ma'am.

Q And did you find -- did you know whether evidence had been collected on the scene related to the shell casings?

A There was. Yes.

Q And did you know what caliber those were?

A Those were .40 caliber casings.

Q And during the search of the defendant's house did you locate any ammunition?

A Just a single 9-millimeter bullet. That was it.

Q In your investigation, did you consider that relevant?

A Just the fact that he had bullets, yes, but, no, I didn't tie it to the case. No.

Q And did you find any money?

A Yeah. I believe it was $154.

Q Do you know where the bullet and the money were located during that search?

A It was in a dresser drawer in the defendant's bedroom.

Q Thank you, Detective Pritchard.

ATTORNEY NORVELL: I don't have any further questions of the

detective.

MR. SINGLETON: Again, if I may ask, Your Honor, that these cuffs please be removed so I can affirmably cross-examine the witness?

THE COURT: We'll leave everything status quo for right now.

CROSS-EXAMINATION

BY MR. SINGLETON:

Q Detective Pritchard, do you consider yourself a trustworthy person?

A I do.

Q Okay, Mr. Pritchard. You also recovered my shoes from that day, didn't you?

A The day of your arrest.

Q When I turned myself in? Let me be more specific. When I turned myself in over to your law enforcement --

A Yes, sir.

Q -- through my lawyer --

A Yep.

Q -- you received my shoes, didn't you?

A I did.

Q Can you recollect testifying at my preliminary hearing?

A I do.

Q And as far as the shoes, can you remember what testimony you gave at the prelim regarding shoes?

A Yeah. Whenever you turned yourself in, I noticed some red

specs at the front of your shoes. It's not uncommon for people who shoot people to get some blood on their clothing or shoes. I suspected it to be blood, so I got with my crime scene tech --

Q You also speculated that I shot him --

ATTORNEY NORVELL: Objection.

THE COURT: Hold on.

ATTORNEY NORVELL: I'd ask that the witness be permitted to answer.

THE COURT: So this is cross-examination, so he can ask a leading question. You simply just say yes or no, and then I'll give you all the time that you need to explain.

THE WITNESS: Yes, sir.

THE COURT: Hold on. I'll allow you to continue your train of thought.

A So whenever I saw what I seen, I got with my crime scene tech, and there's a presumptive blood test, that's all it is. I don't know exactly how it works, but it's a liquid that goes on a Q-tip, you rub it on suspected blood, and it turned green.

She did that in my presence. It turned green, so at that time I seized his shoes and we sent them up to SLED for further testing.

Q And how did those results come back?

A It came back non-presumptive for blood.

Q Meaning? Could you explain to the jury what that means?

A That means the presumptive test was not correct. There was

not blood.
Q Also, what was your position in this case?
A The lead investigator.
Q You were the lead investigator?
A Yes, sir.
Q So did you recover, or did your prosecution team recover, shell casings from the scene?
A We did.
Q Did you test those shell casings?
A Can you specify what testing?
Q Did you send the shell casings up to be tested, any form of testing?
A Yes, sir, we did.
Q And you tested the shell casings, but I have testimony from another time when you said you did not test the shell casings, so I'm kind of confused. Maybe you're confusing the jury a little bit.
A I think I understand your confusion.
Q Did you test it or did not test it?
A So the testing we conducted was ballistics testing, which is firing it.
Q Right.
A It gets submitted to some system called IBIS. It's where they compare it to any other shell casings from any other scenes.
Q But did you test it for fingerprints?

A I did not test it for fingerprints. No.
Q You've dealt with other murders before; have you not?
A That's my primary job.
Q So you will understand that testing shell casings at a scene when they're at the scene will be a very crucial determination in guilt when you are charging someone with a crime as serious as murder?
A Yes, sir. I've been to several homicide classes. A lot of it has to do with crime scenes. Whenever you shoot a gun, it's something I've been taught, something I've been taught in some of the training that I have, when you shoot a gun, it's explosion, it's fire, it's all encompassing of the gun. Whenever you do that, what is a fingerprint? Well, all it is is just oil with ridges left on the surface. You fire a gun, you've going to lose that.
Q So you're saying, what you just gave, testimony as saying, that basically testing shell casings at a murder scene is not worth much? That's what you're saying; is that what you're giving testimony to?
A I'm not an expert on --
Q But you're not an expert?
A Let me finish. I'm not an expert on what you can get from a shell casing. I can only testify as to what I've been trained on and what I know.
Q Sir, you are the lead investigator. You have to be fully

informed of everything going within the case if you're going to lead in the case. That's correct, right?

ATTORNEY NORVELL: Objection. This is asked and answered, and the witness has already testified that he would be speculating if he did answer.

THE COURT: You can answer that question.

Q You want me to repeat it?

A Yeah, please.

Q My question was, If you're going to lead an investigation you will have to have -- you will have to have well-rounded knowledge to lead an investigation, wouldn't you?

A That's correct.

Q But you're saying you don't have that knowledge, you are not well-rounded --

A I have well-rounded knowledge enough to know you are not going to get fingerprints off a spent shell casing that has been fired from a gun.

Q Is that why you didn't even try to test it for fingerprints? Is that why you didn't even try?

A I'm not a crime scene tech. I wouldn't have done that.

Q You were the one that sent it up. You gave prelim [sic] at my testimony [sic] that you are the one that sent it up. Would you like to see that?

A Sent what up?

Q You give testimony that you are the one who sent it up to be

tested, didn't you?
A For IBIS?
MR. SINGLETON: I have to ask again if I could please have these shackles removed, because this is -- what it is, it's infringing my opportunity to be -- to raise an affirmative defense --
(Simultaneous speaking.)
THE COURT: Ladies and gentlemen, let's go ahead and take a quick break --
MR. SINGLETON: And that's a violation of my --
(Simultaneous speaking.)
THE COURT: -- stretch our legs, and we can come right back in.
MR. SINGLETON: Also, I wasn't finished questioning.
THE COURT: You're going to have all the time in the world. I'm just giving them a quick break.
MR. SINGLETON: All right. We will continue when we come back.
(Jury escorted out of the courtroom at 2:26 p.m.)
THE COURT: All right. Let's take a quick five-minute break, and I'll consider your request at that time.
MR. SINGLETON: Are you talking to me, sir? Excuse me, Judge Price, was you referring to me? You said you would consider my --
THE COURT: Yes.

MR. SINGLETON: I appreciate that. Thank you.

(Court recessed at 2:26 p.m. and reconvened at 2:34 p.m., without the jury present.)

MATTER(S) OF LAW

THE COURT: All right. Mr. Singleton, are you right or left-handed? Are you right or left-handed?

MR. SINGLETON: Right.

THE COURT: All right. You can take the right one off so he can --

COURT SECURITY DEPUTY: We just need to make sure it's not the one that connects everything.

THE COURT: Okay. All right. Fair enough. Bring them out.

MR. SINGLETON: I just wanted to state for the record that me being detained in front of the jury is very prejudiced and shows bias on behalf of the administrator, Mr. Judge Price, Bentley Price. He was very biased, and prejudiced. And I demand that you be recused.

Also, sir, they have informed me that you tried -- that you are revoking my bond. Is that true?

THE COURT: I'm sorry. What was your question?

MR. SINGLETON: Are you revoking my bond?

THE COURT: We'll discuss it when the jury's not here.

(Jury seated in the courtroom at 2:37 p.m.)

THE BAILIFF: Jury's all present, Your Honor, and seated.

THE COURT: All right. Thank you so very much. All right,

Mr. Singleton, you may proceed.
BY MR. SINGLETON:
Q Before the jury left I was asking you if you were a trustworthy person and you said, you gave testimony, that you are. You also gave testimony that technical fingerprints on shell casings, you gave testimony that that is not helpful, or what did you give? Why didn't you test for fingerprints on the shell casings?
A I testified that based on my training and experience in past classes I have taken you are not going to get fingerprints off of fired shell casings.
Q And that's why you didn't even try to?
A That would be why. Yes, sir.
Q You understand that you have a duty to perform proper investigations, and you understand that not testing fingerprints is not proper care, is not proper investigation, because those fingerprints on those shell casings could have exonerated me? Are you aware of that?
A No, sir, I'm not aware of that.
Q You are not aware of that just because you didn't test for fingerprints. I have no doubt my fingerprints would not have came back on those shell casings if you had just tested them.
ATTORNEY NORVELL: Objection. The defendant is testifying.
THE COURT: You need to ask a question, Mr. Singleton.
Q Detective Pritchard, you also gave testimony at my

preliminary hearing that there was nothing at my house connecting me to this crime.

A That's correct.

Q So I ask you, what was in your affidavit, what was in your probable cause, what actual probable cause did you have in your affidavit?

A Do you want me to read the affidavit to you? I don't understand what --

Q Do you have it?

A Yes, sir.

Q You have it? That's perfectly fine. I would ask that you please read it for the jury. The affidavit was stating why I was being charged with these crimes, right?

A Yes, sir.

Q Please explain to the jury why I was being charged with these crimes.

A The affidavit reads: That on March 2nd, 2018, while at 2700 Bennett Yard Road, which is located in the city of North Charleston, County of Charleston, state of South Carolina, the defendant, one Maurice Trimaine Singleton, did knowingly and unlawfully commit the offense of murder in violation of 16-3-10 of South Carolina Code of Laws 1976, as amended; and that the defendant did kill the victim, Vaughn McFadden, with malice aforethought.

Facts to establish the aforesaid are that on March 2nd,

2018, at approximately 6- --

Q Let me hold on a second, if I may please interrupt you. It starts off with: Facts to establish. Could you read that again and proceed from that part again? I apologize for interrupting you. Facts to establish.

A Facts to establish the aforesaid are that on March 2nd, 2018, at approximately 6:26 p.m., officers with the North Charleston Police Department were dispatched to 2700 Bennett Yard Road in reference to a CSX employee discovering a deceased male on the railyard under the I-26 overpass. Officers located the victim suffering from several fatal gunshot wounds.

A witness came forth who reported seeing two black males shoot into the ground where the victim was later found. Surveillance footage from the railyard captures the sounds of gunfire at approximately 5:23.

Another witness later provided information that the defendant was the victim shortly before his death. Surveillance footage in the area captured the victim, the defendant, and another unidentified male walking towards the location where the victim was murdered at approximately 5:18. At approximately 5:37 p.m. the defendant and an unidentified male are seen coming from the scene of the murder.

Q 5:23. We'll start with 5:23. Was that 5:23 timeline in Ms. Norvell's line? Was that 5:23 gunshot sound from the Bennett Railyard included in Ms. Norvell's timeline?

A So the 5:23 timeline was -- our investigation, we collected video from an actual train itself.
Q That was at the scene?
A Yes, sir.
Q At the actual scene of the murder, not where the house camera was blocks away from the scene of the murder, correct?
A No, the train was not near the house.
Q Right, because the house is blocks away from the scene of the murder, right?
A I don't know the correct distance. No.
Q Well, you don't have to know the correct distance --
THE COURT: Continue your explanation. You were talking about the camera and the train.
MR. SINGLETON: Are you -- Mr. Price, are you practicing law from the bench?
ATTORNEY NORVELL: Objection, Judge. He is not --
THE COURT: It's all right. Go ahead.
Q Proceed.
A So that the trains themselves has video cameras. We collected a train that was going through at the time of the murder.
Q Right.
A During review, Detective Andrews heard what he believed to be a gunshot at approximately 5:23. I re-reviewed the video, felt what I heard was a gunshot as well. It wasn't until later

when we got more video and cellphone evidence, additional evidence as we continued to investigate even after the arrest, where we discovered -- when we reviewed a larger portion of this train video, we discovered that it wasn't, in fact, gunshots; that was a loud bang caused by the train. It's something that you could hear periodically through the video, so it turned out to not be gunshots. We discovered that after we developed more evidence and were able to narrow down a timeline of the victim's death.

Q Can I see the affidavit you were reading from as well? Detective Pritchard, who is this affiant?

A It's Detective Simon Andrews.

Q So this is not -- you did not make this affidavit originally, because -- here, let me give you this back.

A It was the initial case agent, Detective Simon Andrews.

Q I have in this -- I have in this certified copy in the case file, the affidavit -- I have two different -- I have an affidavit with your name on it and I have an affidavit with the Detective Andrews' name on it. So who would be the affiant for that affidavit?

A Is the --

Q Who would be the true affiant?

A -- affidavit that you're referring to with my name on it, is it your co-defendant's affidavit?

Q I have that affidavit. I have an affidavit your name was

on. Detective Andrews' name was on my affidavit, yet you came to give testimony at my prelim. That's right?

A He was the assisting lead investigator.

Q But you gave the testimony, so my question is who made the affidavit?

A That would have been prepared by Detective Andrews.

Q But you gave testimony in his place at my preliminary hearing?

ATTORNEY NORVELL: Objection, relevance.

THE COURT: Overruled. You can answer the question.

Q You gave testimony, sir, at my hearing?

A That's correct. Yes, sir.

Q Would that be proper in a preliminary hearing?

A That's not uncommon.

Q Was it proper, was the question, sir. Not is it uncommon; is it proper?

A I would say it's proper.

Q You would say it is proper?

A Correct.

Q You understand that the affiant, the affiant, whoever signed, that is who had to come give testimony at my prelim? You understand that, right? You do have that knowledge?

A I don't understand that, no.

Q You don't have that knowledge? If I could get you to say it again, please. You say you don't have that knowledge?

A I do not have that knowledge. No, sir.
Q Detective Pritchard, that is the truth. Are you aware that that's the truth?
A I'm not aware.
Q Detective Pritchard, do you have, on occasion, to have led this case, are you qualified? Do you consider yourself qualified?
A Yeah. I'm a certified police officer in South Carolina.
Q But this case has not been properly investigated, so you being the lead investigator, that would be on you, correct?
A That was a question? Yes, sir.
Q Let's get into the prelim.
ATTORNEY NORVELL: Objection, relevance.
THE COURT: Ask him a question.
Q Oh, I can. Detective Pritchard, do you have -- also, could I see the affidavit with your name on it that you have with you? Do you have it with you?
A Are you talking about JuJuan Lockwood's affidavit?
Q Whichever one has your name. Thank you. Detective Pritchard, are you familiar with the rules in Title 17? Are you familiar with the rules in Title 17?
A No. I have no idea what you're referring to.
Q Your affidavit does not have the eight specific criteria to be classified as an affidavit because that affidavit is not sworn under the penalty of perjury, meaning you can lie. Have you been

lying?
A No, Mr. Singleton.
Q You say no, you haven't been lying?
A No, sir.
Q I have testimony from the prelim, sir, where it all started. In that affidavit you said at approximately 5:37 the defendant and unidentified male are seen coming from the scene of the murder. But in the prelim transcript you admitted you don't have any visuals of the scene of the murder, correct?
A I do not have any visuals --
Q Would you like to see --
A I was answering. I do not have any video from the scene of the murder. No, sir.
Q But in your affidavit you stated they are seen coming from the scene of the murder, so how could you have -- what made you put that in your affidavit?
A The witness that observed y'all shooting and the video of y'all coming from the railyard.
Q The witness observed -- he said he saw Maurice Singleton? Was he -- was that witness ever shown a photo lineup?
A No. He said he saw two black males, and the two black males I seen coming from the railyard is you and your co-defendant.
Q You don't have any visuals of us coming from the railyard. You have a house camera inside of the neighborhood, correct, so you don't have -- that's another lie. You don't have visuals

there. You're speculating.
A I have video coming from the railyard, the video you all have seen.
Q So Detective Pritchard, how did this -- how did you come across -- what made you suspect Maurice Singleton as a defendant?
A Friends and family of the victim said that he was with you.
Q Did they indicate that I wanted to do any harm to my friend?
A They had no idea.
Q Did they indicate that I --
A They thought you were all friends.
Q Did you speak to anyone else who indicated that I wanted to do harm to my friend?
A No.
Q So what made me the suspect?
A Video and witness statements.
Q A witness who originally said he couldn't see, a witness who originally give a description as two gentlemen wearing all black. Would you like to see that? It's documented. The witness originally said he saw two gentlemen dressed in all black.
A Have you watched the body camera footage from the officer's initial response talking to him?
Q Have you read --
A He described what you are wearing.
Q Oh, after he had given -- I'm aware that he described me after he had given testimony prior to three -- two gentlemen

dressed in all black?
A I'm referring to body camera, the initial officers that arrived --
Q I'm going to get it for you just in case you're confused. Let me get it for you. Detective Pritchard, you were aware of that testimony?
A Aware of what testimony?
Q When he described the two individuals he saw as wearing all black, are you aware of that testimony?
A I wasn't present for the testimony. I was referring to body camera.
Q But you have a duty -- it's not what you were there for. All of these documents were for you two to go through. You two are the prosecution team. What she knows, you know; what you know, she knows. I ask again, were you aware that he had given testimony as the two individuals he saw were wearing all black? Were you aware of that?
A No, sir --
Q You were not aware of that?
A -- I was aware of the body camera footage that night describing you.
Q I'm going to read you Mr. McKean's statement in this document.
ATTORNEY NORVELL: Objection. That's hearsay, Judge.
MR. SINGLETON: This is documented. It's not hearsay. It's

documented --

THE COURT: Just tell me what it is.

MR. SINGLETON: Can I approach?

THE COURT: Just give it to him.

MR. SINGLETON: I actually received that from Ms. Norvell herself. That is a document I actually received from Ms. Norvell.

THE COURT: All right. What do you intend on utilizing the document for?

MR. SINGLETON: To verify.

THE COURT: Ask him the question. If he says he doesn't know, then you can show him that and you can ask him the question again.

ATTORNEY NORVELL: May I please see the document?

THE COURT: Can you show Ms. Norvell, please.

ATTORNEY NORVELL: Thank you. Whose report is this? Detective Pritchard's?

MR. SINGLETON: No. That's not --

ATTORNEY NORVELL: It's not his report?

MR. SINGLETON: No. My question was --

THE COURT: Hold on. She has an objection.

ATTORNEY NORVELL: I would object. It's not Detective Pritchard's report. It would be the report that was compiled by another officer, so I don't know that --

MR. SINGLETON: My question for Mr. Pritchard was --

THE COURT: Let him ask the question.
MR. SINGLETON: -- was he aware of his testimony. It says, on the train yard about eight miles away per one --
ATTORNEY NORVELL: Objection. He's testifying.
MR. SINGLETON: -- and saw two black men shooting --
THE COURT: Just ask a question, Mr. Singleton.
MR. SINGLETON: I already asked my question.
Q Were you aware that he gave testimony that there were gentlemen wearing all black? You said no. Read it for yourself.
A Where am I reading?
Q McKean.
A Okay. I read it.
Q Have you seen that before?
A I have.
Q You have seen it before?
A Yes, sir.
Q Oh, okay. Thank you. Thank you for clarifying it. So, Detective Pritchard, I started questioning you by asking you if you were a trustworthy person. You have told multiple lies in front of the jury.
THE COURT: Ask a question, Mr. Singleton. Please don't testify.
Q So that being said, I'll ask you again, do you still consider yourself a trustworthy person?
A I do.

Q Detective Pritchard, do you remember every interview that you conducted as far as speaking with people around from school, the neighborhood? Do you remember who you interviewed?
A Yes.
Q Could you tell me a couple of those names just off the top of your head? I understand you say you spoke to Ms. Lawson?
A Correct.
Q She's on here. But who else have you spoken to?
A Maurice Singleton and JaJuan Lockwood.
Q You spoke to Shania Clark [ph]?
A No. At least I don't recall.
Q Have you watched Ms. Clark's interview?
A I have. It's been a long time.
MR. SINGLETON: I would ask that I be able to play a piece of Ms. Clark's, Shania Clark's, interview for the jury to hear?
THE COURT: I'm not sure what it is.
MR. SINGLETON: She's giving testimony about the rumor, how it started as a rumor, my arrest started as a rumor.
THE COURT: What is the question for this detective, first and foremost?
MR. SINGLETON: Has he heard it before. That's the question, has he heard her testimony before.
THE COURT: Can you answer the question?
THE WITNESS: I have. I reviewed all the interviews.
MR. SINGLETON: He said it's been a while.

THE COURT: Okay. So what's the question?
Q Do you remember what she said?
A I do not.
MR. SINGLETON: I would like to play for him what she said.
ATTORNEY NORVELL: Objection, hearsay. He can call a witness during his case in chief --
MR. SINGLETON: I want to play --
ATTORNEY NORVELL: -- he cannot play another witness's testimony through this witness.
THE COURT: I agree with that.
Q Ms. Clark gave testimony that --
ATTORNEY NORVELL: Objection, hearsay.
THE COURT: Just ask the question, and I'll make a determination.
Q Detective Pritchard, you said at the prelim, you gave testimony at the prelim, that there wasn't anything tying me to the murder, right?
A Anything? That's not correct. No, sir.
Q That's not correct, that's what you're saying? That's what you said?
A I think you're leaving out witness statements, video --
Q No, no. At the prelim you gave testimony that my name was tied to the murder.
A Are you referring to the search warrant of your house?
Q Yes.

A Then that would be a correct statement. Yes.
Q That there was nothing. All right. So what solid evidence has linked me to the murder and has brought me here today to a trial proceeding? What evidence would that -- what evidence was that, is that?
A It's all the testimony you all have heard so far and all the testimony that you all are going to continue to hear.
Q What testimony is that? What testimony have they heard so far, because I was unlawfully detained by the -- you have my --
THE COURT: Ask a question. Please don't testify.
Q My question was, What testimony did they hear, because I wasn't present, I was improperly --
A I don't know.
Q -- detained.
A I have a second murder trial going on right now, so I'm having to go between two, so I'm not sure.
Q You say there's a second murder trial going on right now?
A Yes, sir.
Q What do you mean by that?
A I am involved in another murder trial that I was the lead investigator on downstairs.
THE COURT: Meaning he wasn't in here, is what he's saying, Mr. Singleton.
Q Oh. So how can you testify the testimony that you heard is tying me to the murder if you didn't hear it?

A Because part of working with the prosecutor and being the team that you described, I know the people they're going to call.
Q Right. So you would also have known that the testimony you spoke of, the main key witness in this case, is dyslexic. You would have that knowledge, as well, wouldn't you?
A I do because you brought it up before. Yeah.
Q So you understand that him being dyslexic, on top of the multiple conflicting statements, would cause --
(Simultaneous speaking.)
ATTORNEY NORVELL: Objection. He's testifying.
Q -- him to be impeached?
THE COURT: Just ask your question, Mr. Singleton.
MR. SINGLETON: I'm asking my question. I don't know if I'm being clear or not.
Q You gave testimony that what they heard was linking me to this murder, but what they have heard --
THE COURT: Don't tell him what they've heard. Ask him a question.
Q Can you say what they have heard is reliable? Can you look at them and tell them what they've heard --
ATTORNEY NORVELL: Judge, object. That's goes --
MR. SINGLETON: -- is reliable?
ATTORNEY NORVELL: -- to the ultimate issue. The jury is --
THE COURT: Correct. That's --
ATTORNEY NORVELL: -- the finder of fact.

THE COURT: You don't have to answer that one. Move on to the question.

MR. SINGLETON: So a jury is the finder of fact --

THE COURT: That's correct.

(Simultaneous speaking.)

THE COURT: They'll determine credibility.

MR. SINGLETON: -- and the prosecutor is the finder --

ATTORNEY NORVELL: Objection.

MR. SINGLETON: The tryer of --

ATTORNEY NORVELL: Objection.

THE COURT: It's all right. It's all right.

MR. SINGLETON: I'm trying to be clear for the record. The jury is the trier of the fact and the prosecutor is the trier of the case, correct?

THE COURT: Yes.

MR. SINGLETON: Okay. Thank you.

Q So, Mr. Pritchard, let me think of a different way to form my question just to be clear for the burden [ph] of taking up your time. What evidence specifically indicates me as guilty of killing my friend?

THE COURT: The jury will determine guilt or innocence. Just ask him a question.

Q What evidence do you have that's pointing toward me killing my friend?

ATTORNEY NORVELL: Objection, Judge. This is the ultimate

issue.

THE COURT: The jury will determine --

MR. SINGLETON: I'm asking him. I think I have a different way to ask this. Excuse me.

Q What evidence led you to believe that I was guilty of the crime? What evidence led you to believe that?

ATTORNEY NORVELL: Objection. It's the same question, Judge.

THE COURT: I'll allow him to answer.

ATTORNEY NORVELL: Okay.

A Video evidence, the witness statements --

Q Right, but --

A Contradicting statements --

THE COURT: Let him answer.

A Video evidence, the witness statements, contradicting statements from defendants, overwhelming cellphone evidence.

Q That's it? No actual -- do you have any actual proof?

A Sir, again, there's no video at the railyard that shows the murder.

Q You put in your affidavit that there was a video coming from the scene. How would you have video of us coming from the scene if you don't have any videos of the scene?

A Those were the facts that I knew them at the time whenever I completed the affidavit.

Q So when these facts came back and you found you were wrong

about them you didn't think to drop these charges, or you didn't try to -- your prosecution team didn't find any -- because the shoes that you claim to have seen blood on at the preliminary hearing, they came back negative; the shell casings at the prelim that you said you sent up, didn't get them tested.

Mr. Pritchard, you told a couple lies --

THE COURT: Don't testify. Just ask him a question.

Q Did you know at the time that you gave this testimony that they were not true?

A Did I know at the time that what was in the affidavit was not true?

Q Right.

A No.

Q You didn't know it wasn't true. So when you found out it wasn't true what steps did you take? Did you go looking for more evidence, or did you -- what --

A That's correct. Whenever we arrest somebody, we're not done. That's just the beginning.

Q Right. But when you find that evidence exonerates someone -- because I believe that you also gave testimony at the prelim whoever did this to Mr. McFadden, my friend, was up close, correct? That's the testimony you gave at my prelim; is that correct? No, it's not correct?

A If you have a document to help me recall. No, I don't recall.

Q I apologize. I'm going through your testimony, Mr. Pritchard. Mr. Pritchard, while I find that testimony, another question I just -- did you perform any gunpowder test on me when I turned myself in to your law enforcement?
A Several days later after the shooting, no, sir.
Q Several days later, or that Monday after? Or did you ever do --
A No, sir.
Q And what was the reason why on that? I mean, it was a murder.
A So GSR on the hands, usually SLED doesn't accept anything that's been collected after five hours.
Q Thank you for your patience. This is your testimony where you said the shell casings were. It's front and back, if you want to read it, it starts with page 14, or wherever you want.
A Okay.
Q My question for you, Detective Pritchard, is what kind of bullets were found at the scene?
A There were no bullets found at the scene.
Q What kind of shell casings were found at the scene, is what I -- I apologize -- is what I meant?
A .40 caliber shell casings.
Q .40 caliber?
A Yes, sir.
Q And in relation, in respect, again, in respect -- how close

were they to the --
A I don't have the exact measurements. They were pretty close to the body.
Q They were pretty close?
A Yeah.
Q So that meaning whoever done this would have had some type of throwback or some type of evidence that they had done it, right? It's correct, right? What do you think?
A It's potential.
Q You say it's potential --
A Yeah.
Q -- that somebody up close, this close to someone --
A I don't know how close the shooter was.
Q Well, you said they were right next to his feet in the testimony. You said the bullets were right next to his feet.
A There were no bullets next to his feet.
Q Shells next to his feet, correct?
A Correct.
Q So that means close?
A Correct.
Q Right, so you do know that was close. That person would have had blood on them somewhere. Just reasonably thinking, there is blowback, correct?
A Possible.
Q So when you claim to have seen blood on my shoes and those

came back negative, that didn't make you think that I didn't -- did that help? That didn't help prove my innocence at all in your eyes?

A No, sir. With the other evidence, no.

Q What evidence specifically?

ATTORNEY NORVELL: Objection, ultimate issue.

THE COURT: I'll sustain the objection. Ask your next question.

Q When you did your investigation of this case did you take any mental note, or physical note, handwritten note of any evidence in my favor?

A Did I take any mental notes of evidence in your favor?

Q Any kind of notes of evidence that came back in my favor proving my innocence, did you take any mental note of that?

A No. I couldn't find any notes for your innocence.

Q You say you couldn't find any?

A No, sir.

Q So the shoes coming back in my favor, that didn't help the --

A That's documented. That's documented on the SLED report.

Q The bullets that you didn't even test, why wouldn't that -- that didn't help?

A You're referring to fingerprints from the shell casings again?

Q Yes, fingerprints on the shell casings.

A I already testified to you that they would have been burned off. When they were fired from the gun, they would have been burned off.

Q That's not a proper investigation you made that --

THE COURT: Ask him a question, please. Don't --

Q So did you properly investigate this case?

A Yes, sir, I did.

Q That's another lie, Detective Pritchard. Did you properly investigate --

THE COURT: Please don't badger the witness. Just ask him a question. Please don't testify.

Q Did you speak to a Mr. Cox, another CSX worker? Did you speak with him or do you have any recollection of who did speak with him?

A I believe it was Detective Rodriguez.

Q You said Rodriguez spoke with him?

A Yeah.

Q Did you go over that? Did you go over his case notes? Did you go over those? Did you read them?

A Yes, sir.

Q You did?

A Yes.

Q So you read Mr. Cox's testimony that he give?

A His written statement.

Q He has a written statement?

A Yes, sir.
Q So in that statement did he give any indication of anybody else being in that area at that time on that date?
A He didn't.
Q He didn't. Did y'all investigate who he saw?
A We did.
Q Who did he see? Who did you investigate?
A Who did we investigate?
Q Yeah, who did you look into, the person he said he saw? Who did you look into?
A The one individual -- I suppose you're referring to the one individual that was cutting through, walking towards Bennett Railyard?
Q Did you ever find out who that was?
A Yes, sir.
Q Did you try?
A We did. We went to Bennett Railyard and tried to collect video.
Q So this is a -- it's not only -- this is not a constricted area, correct, Mr. Pritchard?
A The railyard?
Q Based off your knowledge, this is not a constricted area?
A Are you saying restricted or constricted?
Q I apologize. Restricted. Restricted area?
A It is a restricted area. Yes, sir.

Q It is?
A Yes, sir.
Q There's people walking -- you just gave that testimony that you said you're aware that other people are walking through.
A It doesn't mean it's not restricted. That just means people are trespassing.
Q But other people are there?
A Correct.
Q Were you aware of Mr. McKean's testimony?
A I am. Or, not testimony. I'm aware of his statements that he provided that night.
Q That he always sees people under that bridge. Were you aware that he said that?
A I don't believe he stated that in his original.
Q Detective Pritchard, I'll find for you where he said that.
MR. SINGLETON: If I may, I would like to play Mr. McKean's interview.
ATTORNEY NORVELL: The State would object to that. That would be inadmissible hearsay. He cannot play another witness's statement through this detective.
Q So, Mr. Pritchard, might I ask you questions and move on. Are you aware that you and your prosecution team have been violating my constitutional rights? Are you aware of that?
A No, sir, I'm not.
Q You are not?

A No, sir.
Q I'm going to ask you more questions. Did you take an oath to the constitution, Mr. Pritchard?
A I did.
Q You did. So you're properly bonded?
A I don't know what properly bonded means.
Q You have to be bonded to the constitution properly, if you are going to take an oath, you don't just take an oath; you have to take an oath and have a proper bond so that if you go against your oath you can be held responsible. You're aware of that knowledge?
A I don't know what being bonded means.
Q Oh, you don't understand what being -- Mr. Pritchard, you're a lead detective. You don't know what it means to be properly bonded?
A No, sir.
Q Your entire prosecution teams, this just tares [ph] a date [ph], have to be properly bonded, and to have taken an oath to the constitution, and you cannot war against the constitution without violating your oath to protect it and uphold it. Are you aware of that knowledge?
A I don't know what you're talking about, Mr. Singleton.
Q Mr. Pritchard, you are not qualified to have been leading this team --
THE COURT: Just ask him a question, please. Please don't

testify.
Q Do you feel like you're qualified to lead this case even though you don't know about oaths or bonds?
A I do.
Q If you will please read these two notices at the bottom. You can read them to yourself or you can read them out loud.
ATTORNEY NORVELL: What is he showing him?
THE COURT: Yeah.
MR. SINGLETON: Oh, I apologize. I apologize.
ATTORNEY NORVELL: Thank you. Oh, Judge, the State would object. The officer has no personal knowledge to Mr. Singleton's pretrial motion.
MR. SINGLETON: He's reading a notice at the bottom. I'm just having him read the notice at the bottom in regards to my question I just asked him. Just the two notices so he can properly answer my question.
THE COURT: Hold on. You can ask him if he's aware of this, but then in the end you're going to be stuck with the answer that he gives you. But I don't have a problem with you asking him if he's aware of those two notices.
MR. SINGLETON: All right. Thank you.
Q Are you aware? Have you ever seen those notices on anything or do you remember reading here?
A Not the first one, but the second one.
Q The second one, in *Brady v. McKnight* and *Brady v. Maryland.*

The Supreme Court held that suppression by the prosecution --

ATTORNEY NORVELL: Objection.

THE COURT: Hold on.

ATTORNEY NORVELL: The defendant is testifying.

THE COURT: Ask him a question.

Q I ask, could you please read that for me?

THE COURT: No, he's not going to read it.

MR. SINGLETON: Why he can't -- are you practicing law from the bench?

THE COURT: He read it. You asked him the question and --

MR. SINGLETON: I'm asking him to read it aloud for the record.

THE COURT: No.

MR. SINGLETON: Are you practicing law from the bench, Judge Price?

THE COURT: No. I make rulings on what's admissible and what's not admissible, and I'm telling you that's not admissible. That's my job.

MR. SINGLETON: You're telling me I can't tell him -- I can't ask him to read it?

THE COURT: You asked him to read it, and he read it.

MR. SINGLETON: I want him to read it out loud.

THE COURT: He's not reading it out loud, is the answer. No.

MR. SINGLETON: Why can't he read it out loud?

THE COURT: Because I'm the person who determines whether things are relevant or not, and I don't find it to be relevant. You asked him about it --

MR. SINGLETON: It's relevant because it has to do with --

THE COURT: Mr. Singleton --

MR. SINGLETON: And I'm trying to --

THE COURT: Mr. Singleton, I've made my ruling.

Q The lies that you told --

THE COURT: Ask him a question. Don't testify.

Q The lies that you told, did you purposely not swear your affidavit under the penalty of perjury so you could lie in front of the jury today?

A I haven't said a single lie up here.

Q You haven't lied at all?

A No, sir.

Q Mr. Pritchard, you just testified saying that -- did you not testify saying that you were a trustworthy person?

A That's correct.

Q Have I not stated to you multiple lies you told at the preliminary hearing?

A Not a single one, sir.

Q Have I not -- let me go back over. Mr. Pritchard, you lied saying that the shoes came back presumptive for blood. That was a lie because that's not true?

THE COURT: Please don't testify. Just ask him a question.

Q Is that true that it came back presumptive for blood?
A It is true that it came back presumptive for blood. I don't think you understand what presumptive means.
Q Yeah. Explain that in front of the jury.
A Presumptive is like an initial test. It's like when I get drugs off the street I'm going to do a roadside drug test. In order to confirm it and make it valid for court I'm going to send it to SLED so they can do further scientific analysis on it to determine whether or not it is the drug that I think it is.
That's what it was in this case. We did presumptive test. Came back presumptive for blood. Further test was needed to determine whether it is blood or is not blood. Sent it to SLED. Came back not blood.
Q Also, Mr. Pritchard, you gave testimony that in your affidavit -- you stated in your affidavit that you saw the defendants coming from the scene of the murder. Is that not a lie?
A No. That's true.
Q Do you have a camera of the scene of the murder, Mr. Pritchard?
A There is no camera of the scene of the murder.
Q How could you have them coming from the scene of the murder when you do not have visual of the scene of the murder?
A Well, it's like a cumulative statement based off of witness statements and the video we have.

Q Not your own personal knowledge? Based off of these things --
A It is my personal knowledge, based on my investigation, you and your co-defendant were coming from the scene of the murder.
Q Do you have proof? Can you prove that?
ATTORNEY NORVELL: Objection, the ultimate issue.
THE COURT: Ask him the question. You can answer.
Q Can you prove that?
A We can, sir.
Q Can you prove it here today right now? Please do. Please show them --
ATTORNEY NORVELL: Objection.
THE COURT: What?
Q The question was, Can you show them now?
A You're asking me if I can prove that you were the murderer right now?
Q Yes. I mean, it's been five years.
THE COURT: You don't have to answer that question. That's not for you to determine. That's for the jury to determine.
Q Can you prove motive?
THE COURT: That's not for him to determine. That's for the jury to determine.
Q Can you prove any element of any elements? Do you have any elements pointing to me as a gunman to my friend?
THE COURT: That's the same.

ATTORNEY NORVELL: Objection.

MR. SINGLETON: That will be all my questions. Thank you for y'all time.

THE COURT: All right. Anything on follow-up?

ATTORNEY NORVELL: Briefly on redirect, Your Honor.

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

ATTORNEY NORVELL: Thank you, Judge.

REDIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Detective Pritchard, is there any outlet on Louise Drive?

A As far as?

Q Is it a dead-end street?

A It is a dead end.

Q Is there any outlet at all?

A No, ma'am.

Q Is there any entrance to the Bennett Railyard?

A Yeah. There's a fence down.

Q And did you walk that path?

A I did.

Q And when you testified earlier that a search warrant was completed on the defendant's residence, when was that completed?

A That would have been the evening of March 6th.

Q March 6th. And when was the victim murdered?

A March 2nd.

Q And, Detective Pritchard, does an investigation stop at the

time of arrest?
A No. That's usually towards the beginning of the investigation.
Q And is your investigation only about making an arrest?
A No, ma'am.
Q Is your investigation geared towards only finding exculpatory or inculpatory information?
A That's correct. The investigation towards finding the truth, that's to put it simply. Yeah.
Q And have you testified here today about material that proved ultimately to be of no evidentiary value?
A Correct.
Q And have you also testified here today of material that you believed had significant evidentiary value?
A Yes, ma'am.
Q When you, as you're case agent, and your fellow detectives, complete your report of your investigation, is your -- what does your report contain?
A My personal report?
Q What are your reports to contain?
A Case notes, any investigative reports that were done, any statements taken.
Q And are they a summary of those things?
A Yes.
Q Are those summaries completed in your words as the

detective?

MR. SINGLETON: Could you please repeat the question?

ATTORNEY NORVELL: Yes, I will repeat it.

Q Are your reports written in your words as a summary?

A Correct.

Q And when you include a witness statement in your report do you copy and paste the witness statement into the report?

A No, I don't.

Q It's a summary of the statement?

A It is.

Q And so in order to know exactly what the witness said where would you seek that information?

A Either the written statement or recorded statement.

Q And Mr. Singleton brought up another train employer that saw somebody walking across the railyard. Where was that person as they were walking?

A Towards the entrance to the railyard, so a quarter a mile, a half a mile, away from the scene towards the big yard entrance.

Q And if I showed you --

MR. SINGLETON: Excuse me. If I --

THE COURT: Hold on.

MR. SINGLETON: Could I please get him to repeat his testimony just now, please, that he gave?

Q Would you please repeat your last answer?

A Yeah. He was seen walking towards the entrance from Bennett

Yard Road which, my best guesstimation, would be about a quarter a mile, half a while away from the murder scene.

MR. SINGLETON: So you --

THE COURT: You don't get to ask him a question.

MR. SINGLETON: I just need clarity. I just want to clarify --

THE COURT: You can clarify it in one second. I'll give you the opportunity.

Q Do you know what time that individual was seen?

A I can refer to the statement itself, if I can.

ATTORNEY NORVELL: May I approach to refresh the witness's recollection?

THE COURT: If he needs it.

ATTORNEY NORVELL: He's looking for the same report in his own notes.

THE COURT: Gotcha.

A Thank you.

Q If you'll just review it, and then I'll re-ask the question, Detective Pritchard.

A Yeah. It's reviewed.

Q Okay, thank you. Was the time that this individual was seen, did you find it to be relevant in your investigation?

A I did not.

Q And why that is?

A He says he saw him at 5:10 p.m., and we know based off the

video that we have the victim is still in Dorchester-Waylyn.

ATTORNEY NORVELL: I am going to publish what was previously admitted as State's 40.

Q What was your understanding of where that witness was observed, if you can see this on the map?

A It would be further back this way, going that way. Bennett Railyard will eventually come to -- the Bennett Yard Road where you're not on the railroad property, you're actually in the neighborhood, and it was back walking towards that entrance.

Q I don't have any further questions for you, Detective Pritchard.

MR. SINGLETON: I have a couple more questions I need to ask.

THE COURT: I'll allow you to clarify whatever she discussed.

RECROSS-EXAMINATION

BY MR. SINGLETON:

Q You just gave testimony that the murder scene is a quarter mile from the entrance to the railyard?

A I gave it a guesstimate.

Q Same thing. So how long -- can you guess how long it would have taken to get from the entrance to the murder scene, if you had to?

A On foot, I have no idea.

Q Guess. You just guessed that it was a quarter mile --

ATTORNEY NORVELL: Objection. Calls for speculation.

MR. SINGLETON: He's already speculated.

THE COURT: He can answer the question however he wants to answer the question.

Q Can you speculate again?

A I'm not sure.

Q You're not sure?

A No, sir.

MR. SINGLETON: Ms. Norvell, do you have proof that --

ATTORNEY NORVELL: Judge, I am objecting.

MR. SINGLETON: She is the accuser. I have a right to face her and cross-examine her, and I have not been able to do that yet.

THE COURT: She's an attorney; she's not a party to the action.

MR. SINGLETON: She's the accuser, she's the State --

THE COURT: Mr. Singleton, you heard me.

MR. SINGLETON: That is a violation of due process --

THE COURT: Any further questions for this witness?

Q Did you walk the path that you just claim the defendants took?

A I did.

Q Did you time how long it took you to walk that path?

A No.

Q Well, I did. I had walked that path just weeks ago.

ATTORNEY NORVELL: Objection. He's testifying.
THE COURT: Please keep it to a question.
Q Are you aware that it takes exactly --
ATTORNEY NORVELL: Objection, Judge. This is outside the scope, and he's testifying.
THE COURT: Correct. You have to ask him a question.
Q Are you aware how long it takes to get from one point to the other?
A Same answer. I'm not.
Q So how can you have both the timeline around this information and you don't know how much time it takes? How could you have put the timeline around this information? That's my question. How could you have done that?
A The timeline's based off of facts that we know; it's not based off of I think.
Q Right.
A Right.
Q You could have known this if you had taken a trip and timed it, correct?
THE COURT: Ask him a question.
Q Why didn't you go and walk and time how long it takes? That's not important to you?
A I did walk it. Timing it is not important because am I walking it a half a mile per hour? Am I booking it going at three and a half miles per hour? Am I running it going at

five miles an hour? These are things I don' know.
Q See, you do not --
THE COURT: Ask him a question, Mr. Singleton.
MR. SINGLETON: Mr. Price, I believe --
THE COURT: It's Judge Price, but you've got to ask him a question.
MR. SINGLETON: I would ask that you please stop interrupting me when I'm exercising my right to be heard in a meaningful way and cross-examining the witnesses.
THE COURT: I ask that you ask questions and listen to my rulings.
MR. SINGLETON: Right. Right. Right.
Q This information would have been important in the case. Did you not -- let me think. Did it not occur to you that timing this route would help further your case? Did it not occur to you that?
A Again, Mr. Singleton, without knowing how fast you and your co-defendant were walking, I can't --
Q You do know how fast. You have video. You do know. You saw it, didn't you?
A The videos --
Q You saw the video, right? Didn't you? You saw --
A I did --
ATTORNEY NORVELL: Objection. This is argumentative, Judge.
THE COURT: Just ask him the question and give him a chance

to answer.

Q Since you saw the video you have to guess how fast those individuals are walking. You see it. So walking that speed, did you not think to go and time the path and the time it would take to have walked this path?

THE COURT: I'll allow him to answer that one more time.

MR. SINGLETON: Right. Thank you.

THE COURT: And we're going to move on.

MR. SINGLETON: Appreciate it.

A I could see y'all walking. I couldn't tell how fast y'all were walking.

THE COURT: All right. Next question. We've answered that one.

Q Did you speculate any of the evidence that you put together?

ATTORNEY NORVELL: Objection.

A I don't understand --

THE COURT: This is outside of cross-examination.

(Simultaneous speaking.)

THE COURT: You've got to stick with --

MR. SINGLETON: -- I would you ask that you please explain actual cause, Mr. Price.

THE COURT: It's Judge Price, and I don't have to explain anything.

MR. SINGLETON: You don't have to explain? I'm asking for show cause.

ATTORNEY NORVELL: Objection, Your Honor.

THE COURT: Just ask the question. Will you ask the question to the witness if you have anymore? If not, please --

MR. SINGLETON: No, I have more.

Q Didn't you speculate any evidence --

ATTORNEY NORVELL: Objection.

THE COURT: He had been asked and answered that question.

MR. SINGLETON: You say -- huh?

THE COURT: He had been asked and answered that question. Move on to your next question.

MR. SINGLETON: I thought you just told me that I couldn't ask him that. She objected when I asked him that.

THE COURT: Next question, please.

Q Mr. Pritchard, is there proof behind every fact that you put together and your prosecution team put together? Is there proof behind every fact?, is my question.

A Is there proof behind every fact of the evidence that we collected? I would say yes.

Q You would say yes?

A Yes.

Q I don't know if that proof is here today. Is that proof here today?

ATTORNEY NORVELL: Objection. That goes to the ultimate issue for the jury.

THE COURT: That's not a real question.

MR. SINGLETON: Is there proof here today?, is not a real question?

THE COURT: No. All right. Let's stay inside of her cross-examination. What other questions would you like to ask the detective?

Q Phone records. The phone records tell how far the distance between your pinpoints in the case, right, as far as the camera, the house camera, the residence, and there is a distance map down in the phone records, right?

A I'm not sure what you're referring to.

Q The distance in the phone records. Your prosecution team has done a phone dump, correct?

A What phone are you talking about?

Q Any phone, every phone. A phone dump on every phone. I am talking -- about the victim's phone, there is a timestamp and a distance, right?

A I don't understand your question.

Q Is there a timestamp and the distance in the phone dump?

A There are timestamps and distances in phone dumps. Yes.

Q All right. Is it true that the scene and the house camera is more than a half a mile apart from each other? Is that true?

A I don't know the distance.

Q You don't know the distance. Mr. Pritchard, you understand it has been five years now, right?

ATTORNEY NORVELL: Objection.

THE COURT: Just ask a question.
Q You understand that it's been five years, right?
ATTORNEY NORVELL: Objection.
MR. SINGLETON: I didn't hear your ruling.
THE COURT: Just answer the question, please.
(Simultaneous speaking.)
A I understand 2018, that's five years ago. Yes, sir.
Q So since you have more than enough --
ATTORNEY NORVELL: Objection.
Q Do you have the capacity to have remembered fully the last five years of the changes and the circumstances of the evidence in the last five years? You need me to repeat that again if I wasn't clear?
A I don't understand.
Q Do you have the mental capacity to have kept up over the last five years with the change in evidence?
A I don't understand what your question is, but --
Q Do you have mental capacity --
A Do I have mental capacity? Yes.
Q -- to have kept up with the change in evidence?
A What change of evidence are you referring to?
Q Every change in the evidence. Anything. Any change in evidence that has been -- it's been five years.
A Mr. Singleton, I don't understand what you're asking.
Q Do you know this case well?

A I do.
Q You do? So you should be able to answer most of my questions regarding the facts in this case, right?
A They need to make sense, Mr. Singleton.
Q All right. I will try to make them make sense. Are you aware of the distances from the scene and the house camera, surveillance that you -- are you aware of that?
A Not the exact distance. No, sir.
Q All right, you're not aware of that. Are you aware of the time it would have taken to have gotten from one place to another?
ATTORNEY NORVELL: Objection, Judge. This was asked and answered.
THE COURT: I agree. Move on.
Q All right. So, Mr. Pritchard, what did you -- what was your motive in pursuing this case?
ATTORNEY NORVELL: Objection.
THE COURT: You don't have to answer that question. Ask your next question.
MR. SINGLETON: That will be all.
THE COURT: All right, detective, you may step down. All right.
ATTORNEY NORVELL: That's all the State has for today, Your Honor.
THE COURT: Who's the next witness?

ATTORNEY NORVELL: The next witness is our phone expert.

THE COURT: How long do you think that will take?

ATTORNEY NORVELL: I think that it will take, on direct, about 45 minutes.

THE COURT: What about the shorter witnesses that you talked about? Are they able?

ATTORNEY NORVELL: Not this afternoon, Your Honor.

MR. SINGLETON: Has Mr. McKean already came and given testimony?

THE COURT: One second.

MR. SINGLETON: You say one second? I --

ATTORNEY NORVELL: If we could take a short break --

(Simultaneous speaking.)

MR. SINGLETON: Before we take a break, I would ask that you please respond to my question. Has Mr. McKean already came and given testimony for the jury in my absence?

THE COURT: Ladies and gentlemen of the jury, we're going to take a break quick break to try to figure out what we're --

(Simultaneous speaking.)

MR. SINGLETON: Let the record show he's inducing a fraud. Let the record show he's inducing a fraud.

(Jury escorted out of the courtroom at 3:41 p.m.)

MATTER(S) OF LAW

THE COURT: All right. What do you think that we're going to be able to get accomplished?

ATTORNEY NORVELL: I believe that we'll be able to finish the next witness and that will probably carry us through the end of the day with my expectations for cross-examination. I don't know if Mr. Singleton would like to shed any light on that.

My next witness is going to be Jerry Roberts with the City of Charleston. He was the data examiner for the victim's phone. I will be publishing several locations from that phone after the appropriate foundation is laid.

THE COURT: All right.

ATTORNEY NORVELL: And being that it's 3:45, I have the -- the other witness that I have here is also North Charleston data examiner, phone data examiner, and that would be probably longer than Mr. Roberts, so I think that would be best to start fresh in the morning.

I can -- I actually -- I can go out of order and call the victim's sister this afternoon if we have spare time after cross-examination is completed. What time would you like to conclude for the day?

THE COURT: Not late. About 4:30.

ATTORNEY NORVELL: Okay.

THE COURT: So what I might do is I might let you do direct and I may just let Mr. Singleton think about it overnight and then come back and do his cross-examination.

ATTORNEY NORVELL: Okay, Judge. That is perfectly appropriate. Did you note that Detective Pritchard would be

subject to recall?

THE COURT: That will be not a problem.

ATTORNEY NORVELL: Okay. Thank you so much.

THE COURT: All right. Take a five-minute break.

(Court recessed at 3:43 p.m. and reconvened at 3:51 p.m., without the jury present.)

THE COURT: Mr. Singleton, you've got to listen to them when you've got to walk back there.

MR. SINGLETON: I just want to put on the record --

THE COURT: Hold on one moment.

MR. SINGLETON: -- note this proceeding has been unlawful. My rights have been -- it is a conflict between the rules of law and the rules of equity, and when this happens equity shall always prevail. Let me ask, who is the trustee in here?

THE COURT: All right. Bring them out.

MR. SINGLETON: Who is the accuser in here? Mr. Price, are you the trustee? Because whoever the trustee is, they are failing at their fiduciary duty. I am not being heard fully, and I am being very-much prejudiced and biased. I am being prejudiced by Judge -- excuse me. I'm going to start reading from my affidavit of --

THE COURT: No. No.

MR. SINGLETON: -- filed --

THE COURT: Mr. Singleton, listen to me. You're not going to read anything into the record. We're bringing the jury in.

MR. SINGLETON: Are you --

THE COURT: You can supplement all your stuff at a later day.

MR. SINGLETON: Also, I would ask that I please be able to return to the Clerk of Court where you had me detained so I can finish the filing that is necessary for this case, my defense in this case?

THE COURT: At the close of the day you can give it to me and I'll give it to the clerk for filing.

MR. SINGLETON: I have to print it off. It's on my computer. I was in the process of printing it off and you unlawfully detained me and had me put away in shackles while I was trying to attend the trial and be able to face my accuser and the jury. I have been denied due process of law.

THE COURT: Mr. Singleton, the jury's in the courtroom.

(Jury seated in the courtroom at 3:53 p.m.)

THE BAILIFF: Jury all present, Your Honor, and seated.

THE COURT: All right. Call your next witness.

ATTORNEY NORVELL: Thank you, Judge. The State calls Jerry Roberts.

JERRY ROBERTS,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Jerry Roberts, R-o-b-e-r-t-s.

THE COURT: Cherae, can you turn that up a little bit, please? The mic.

THE WITNESS: Jerry Roberts, R-o-b-e-r-t-s.

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

ATTORNEY NORVELL: Thank you, Judge.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Good afternoon, Mr. Roberts. Where are you currently employed?

A City of Charleston Police Department.

Q How long have you been employed with CPD?

A Thirty-three years.

Q And, I'm sorry. I know your voice is louder than this.

A Thirty-three years.

Q And what is your position at the City of Charleston?

A I am the digital manager for the Digital Evidence Unit.

Q And what are your duties as the -- in the Digital Evidence Unit?

A I oversee the daily run of the lab, and I'm actually an active analyst, as well, doing extractions and analysis on digital media.

Q Are you the director of your lab?

A Yes, I am.

Q And how long have you been the director of digital evidence?

A Going on 15 years.
Q Have you held other positions with the City of Charleston?
A Yes, ma'am, I have.
Q Let me just clear this up. Are you currently in law enforcement, or are you retired?
A No, I'm retired law enforcement. I started that lab in 2005 after coming back from the FBI. I created the lab and I worked it until I retired, and then they asked me to come back to continue to run the lab.
Q Now, have you been the director since before and after you retired?
A Yes, ma'am. Yes.
Q Okay. And prior to the City of Charleston Police Department, did you work anywhere else in law enforcement?
A Worked in Hanahan for a year, and the military prior to that for two years.
Q Can you just explain what kind of devices that you work with in your Digital Evidence Unit?
A We do a multitude of devices, everything from vehicles, to tablets, to desktop computers, proliferation of cellphones now, we do cellphones. Just anything that contains digital media, they submit it to us for analysis.
Q And you have been the director of the lab for 15 years. How long have you specialized in digital evidence as a whole?
A A little over 19 years.

Q And how long have you been a specialist specifically in cellphone evidence?
A It was nineteen years.
Q Can we just talk a little bit about any specialized training and education that you have received in order to -- that helps you within your role as the director of the Digital Evidence Unit?
A I'm just going to use my SOQ, if that's all right, Statement of Qualifications --
Q Yes.
A -- because it's exhaustive, because I've been doing this for 20 years. But I started, like I said -- after 911 they had a program, the FBI started a program, for state and local law enforcement, and so I was selected to go to that, and I actually spent two years in Washington, D.C., at FBI Headquarters where I trained in computer forensics and cyber intrusion.

After that then I came back, as I said, and started our laboratory, was able to get it to internationally accredited a little over 20 months. Since that time I've been to -- let me go back here -- access data, all the way back to 2014, digital forensics, feeding and memory forensics from Fargo Technologies. I've been to the Secret Service training for SCERS, and that was --
Q Is it safe to say, Jerry, that you've had hundreds of advanced digital forensic courses?

A Yes. I've got three pages.
Q Okay. And have you received any certifications --
A I have.
Q -- outside of those trainings?
A I have, using Cellebrite. Also, as a cyber investigator intrusion specialist. Also, as part of our lab we are annually proficiency tested by an internationally, also, accrediting testing body, so everyone in our lab is proficiently tested annually, and we've done that for -- ever since our accreditation. So for 15 years, we do annual testing, as well, for our proficiency.
Q And I heard you mention Cellebrite. What is Cellebrite?
A Cellebrite is a hardware and software solution to analyze cellphones.
Q Is there another software system that you also use along with Cellebrite?
A We do GrayKey, which we specifically -- and specifically use for IOS devices.
Q And how long have you been specialized in Cellebrite and GrayKey?
A Cellebrite since its inception, and also, really, GrayKey. So GrayKey probably 3 years since it became commercially available, and Cellebrite for probably 12 or 14 years. Again, both of them from their start-up.
Q And do you complete independent verification and validation

of those two software programs within your lab?
A We do. We do. As part of the lab, we validate or verify any hardware software we use on test cases prior to using them to, again, verify and validate the results are what the vendors say they are and third parties say that they are.
Q And approximately how many cellphones have you reviewed using these two pro software programs while working in your field of digital evidence?
A Oh, gosh, 5- to 7,000, probably.
Q And how many of those phones were collected and analyzed using the GrayKey software?
A The GrayKey, I would say -- it's off the top of my head -- maybe 900 the last three years, three-and-a-half years.
Q And did your lab only obtain that program three years ago?
A Yes, whenever it became commercially available.
Q I think that you mentioned it. Is your lab accredited nationally?
A Yes, by ANAB, which is the largest accrediting body in the country. And I believe they're in 45 countries for accrediting their laboratories.
Q And that's the reason why you have to complete that verification and validation?
A Yes, ma'am.
Q Okay. Have you ever testified as an expert in court regarding digital forensics and cellphone data extraction?

A I have. Yes.
Q How many times?
A A dozen or so, both here, Berkeley County, and Family Court.
Q And how many times have you been qualified as an expert?
A All of those.

ATTORNEY NORVELL: Judge, at this time the State would move to qualify Jerry Roberts as an expert in digital forensics and cellphone data extraction.

THE COURT: All right. Again, as I indicated before, ladies and gentlemen of the jury, is that he has been qualified as an expert in the respective field and, therefore, he can give his opinion.

ATTORNEY NORVELL: Thank you, Judge.

Q Jerry, what is a cellphone data extraction?
A A data extraction is basically us being able to pull off all the data that is readily available on the phone. You can go into, really, two main types of extractions: A logical, which is what you see if you would open up a Windows program and see all your folders and files and pictures and documents, there's that; and then we have what's called full file systems, also the deleted stuff, things that you don't see that remain on the device.
Q Can you tell the jury what the process that you must go through in order to obtain a data extraction from a phone?
A Yes. When we receive a device in the lab the first thing we

do is we inspect it to see what type of condition it's in. We photograph it to see if there's power to it, if the screen is working, because most of these phones -- or all of them, really -- you have to interact somewhat with the screen and the actual charging port. That's how that they all connect to be able to extract data.

From that, we actually look to see what state it's in. There's a two states called AFU - BFU. To simplify that, AFU is -- it just means After First Unlock, which means you have interacted with the phone after you put your credentials in sometime within the last 24 - 27 hours.

The Before First Unlock is right after restart, you haven't put any kind of information, so obviously when you look at your phone and do that you get less data because you have to have those credentials to be able to get access to the phone. So those are the two main states on devices that we receive in the lab.

Q Okay. And how do you prepare for the extraction after you do that initial review?

A Apple is fairly straightforward. It's basically plug and play. You plug it in, it does a little analysis of the device, telling you what operating system it is, what model it is, what current vers [ph] it's got on there, and whether it's supported or not. It can be supported for three different things: Full extraction, be as if it was a partial extraction; brute-force

passcode cracking, and quick instant unlock.

Q And once you plug the device into the software program how are you able to obtain the results, for lack of a better word --

A Once you plug it into the device, the hardware begins to run and, again, it goes over and it starts pulling data from the device. And as it does so, it does what's called a hashing algorithm, which is basically a digital fingerprint. And all that is, it just assigns a number to everything that it pulls off so you can go back and check and verify, so it goes from A to Z, pulling everything off available.

There's very little, if none, human interaction on that part. We plug it in; we let it run; it does its thing; and then it gives us any feedback with errors or, if it's successful it comes back with success, and gives you everything that was success, along with all the digital fingerprints that are assigned to that, and it gives you an option of how you would like the data downloaded.

And in GrayKey that we use, it's downloaded directly to its device in binary format and, again, with a hashing algorithm number assigned to it to ensure that it's kept intact.

Q And so once you plug it in, you know if the extraction was successful, how do you get that information into a readable or reviewable format?

A We have it hooked up to the network, and from there we bring it over to our individual forensic work machines, and from there

we ingest it into another forensic program, which is Cellebrite, the physical analyzer. What a physical analyzer does, it decodes all the information into a readable and reviewable format.

Q So the GrayKey is a program that takes the information, and then Cellebrite, the physical analyzer --

A Physical analyzer.

Q -- is how you can read it?

A Correct.

Q And those, again, are the two cellphone software?

A Yes, ma'am.

Q Sorry, I think you mentioned this. When you have an Apple device, is that why you use the GrayKey program?

A Yes.

Q Would you only use Cellebrite if it was an android device?

A Yes. Just in my experience, it's quicker and it's more reliable. Android exploits are new to GrayKey, and Cellebrite was based and built upon that, so obviously it's got the upper hand.

Q And just so that the jury kind of understands -- this is definitely above my experience and understanding, but -- does the GrayKey software program, in order to complete the data extraction, does it completely wipe the phone?

A No, it doesn't do anything like that. It just reads the data and pulls it across and compares it with what's on the device and gives you success everything that it was able to read,

is pulled over, and everything on the device that's still intact.
Q And in incredibly simplistic form, would GrayKey essentially be the copy and then Cellebrite Physical Analyzer be the paste that you can review it?
A Yes. Yes.
Q Okay. And what sort of information can you expect -- what sort of information can you expect to be able to read and review in that Cellebrite Physical Analyzer after a GrayKey extraction?
A The big things are the call logs, incoming and outgoing calls, text messages from a multitude of texting applications, web history, locations where a device may have been different apps called upon it, pictures, videos, documents you've done, any banking you've done, social media, cloud. Just a multitude of things.
Q Okay. Is there any way from the time that the GrayKey program is plugged into the phone to be dumped -- and let me stop on that. Is phone dump --
A Extraction.
Q -- a common word for extraction?
A Extraction. Yeah.
Q Is there any way for the material from the phone, when GrayKey is plugged in, could be altered or changed?
A No. No. It's a direct transfer. And again, like I said, each time that something's pulled, it's given a fingerprint.
Q Time-wise how long does it take for an extraction to be

completed? You've testified you've done over 5- to 7,000.
A Yeah. I mean, it can take anywhere from 40 minutes to 40 years, believe it or not, because if it's passcoded -- it's passcode protected and it's brute-force generated, and basically what it does, it goes through and try to figure out a passcode. And if it's four digits, it's quicker, it's only a 10,000 combination. If it's six digits, it's a million, and so it can take -- we've got phones now that's been sitting there for two years.
Q That was going to be my next question, what's your longest phone you're waiting on.
A Yes. So it's a lengthy process if it's locked and it's not able to break into it.
Q Let's shift gears then to this case. Were you working in your role as director of the digital evidence of CPD between July 11th and July 27th of 2022?
A Yes, ma'am.
Q And did you receive a phone that was submitted and marked by CPD under lab no. 22-01047?
A Yes, I did.
Q Did you receive item 4-1 --
A Yes.
Q Or, excuse me --
A 1-1.
Q -- 1-1?

A I did.
Q Thank you for correcting me. Can you please tell me what item 1-1 was?
A It was an iPhone 6S.
Q And do you know who that phone belonged to?
A I have to refer to my notes. And again, it was pulled from the device. It was from a Yung Vezo, Y-u-n-g V-e-z-o, was the only name listed on that.
Q Do you have any contact or reference for who the phone belonged to?
A It would be on the more in-depth report that I provided to you. This is just our internal worksheet, so I'd have to see that. But it was pulled from there, yes.
Q Okay.
A Be on the first page.
Q All righty. And so did you -- do you know if it belonged to the victim, Vaughn McFadden?
A Yeah. I was told that it was his phone.
Q And was a data extraction able to be completed on that phone?
A It was. It was a full data extraction was able to be completed. The phone was passcode protected, but this was an instance where GrayKey was able to break the passcode during the extraction and actually provided the passcode and was able to get a full file system extraction of the device.

Q This is what you previously referred to as brute-force extraction?
A Yes.
Q The ones that you had that can take up to two years?
A Yes.
Q And can you tell me what the date that the exam was started on?
A I believe it was -- let me see here -- July 11th, 2022.
Q And when was the exam completed on this item?
A July 12th, 2022, that morning.
Q Okay. You mentioned that the full file system extraction was completed. Can you just tell me a little bit of the data that you were able to recover from this device?
A Yeah. On the full file system, again, like I said, it's basically everything on the device, so -- and that includes the media stuff, so it would have been location data, text messages, web history, pictures, videos, social media type stuff, interactivity, music, mapping data, and any apps that they have that they use to do just general day-to-day tasks, that stuff would also be pulled off.
Q Did it include activity-sensor data?
A It did.
Q What's that?
A Activity-sensor data is basically -- it comes from the Health app in the iPhone, and it really just monitors your steps.

It's very accurate. How accurate it -- it records it in steps and meters, and it just tells you how many steps you've taken from point A to point B in meters and in steps.

Q And how is that information stored on the device?

A It's stored in a database and called to when an app needs to use it. And mostly -- it's all in the Health app. It's in one of the Apple databases that are on the device.

Q And how do you know that that's a reliable database when you see that pop up on the data extraction?

A We've done individual testing in the lab to verify it in steps and meters. And, you know, it's interesting because it will vary a little because everybody has a different gait when you walk but, at least mine, it's been accurate because I've used my own phone in there testing it, which I would walk up and down the stairs, and it is accurate.

Q And this goes back to the fact that your lab is accredited --

A Yes, ma'am.

Q -- and you have to complete verification and validation of all the material that you're going to interpret?

A Yes, ma'am. Yes.

Q Okay. And following the completed full file extraction on this device were you able to generate a report?

A Yes.

Q And did you tailor your report in preparation for trial to

include certain items?
A I did.
Q And what were those items?
A It was location data between a certain date and time, with all the meta data that occurs with that.
Q Did it also include activity sensor data?
A It did.
Q And did it also include device events?
A It did.
Q What are device events?
A Device events are anywhere where the device would either turn off/turn on, the screen comes on/comes off, screen orientation. You know, you pick it, tap to wake. Any interaction with the phone, it's callid an event. The event will trigger some type of writing to one of a multitude of databases on the device.
Q And how are the device events stored on the phone?
A They're stored, again, in a multitude of databases. The ones that we looked at where the locations. They're in a database called CASS.SQLite, and that's a database that stores a multitude of location data, and in there there's tables. And so there's a main table in there, and it's got a long name, and I'll just shorten it, it's a Z-location type table. And within that table there's columns, and in that column there's a thing where it picks up -- where it picks up timestamps, GO cords like on a

map, lat and long -- that's what it measures off of -- and then it gives a really interesting one called horizontal accuracy.

Basically what horizontal accuracy is is that is what Apple deems to be an accurate circumference from those GO coordinates out. So, for instance, if, say here is, say, Walmart, and here's my phone, and I get a GO coordinate that I can resolve back to Walmart, and I get a coordinate of 15 meters for my device. What that is telling me -- and it comes from the horizontal accuracy -- it's telling me that this device resides within 15 meters in a radius of Walmart. And obviously the lower the number, the more accurate the reading is.

Q And what is the general precision accuracy that you're looking for?

A 25 meters and in.

Q Okay, but --

A Less than 25 meters.

Q And did you filter your table by a horizontal precision accuracy?

A I did.

Q And what was that?

A It think I used 65 meters for there.

Q And why is that?

A Because that is the generally accepted one that most people use, within 65 meters. But you'll have it down to 3 meters if it's accurate. Can I back up just a second?

Q Please do.
A Let me think of how to word this. A cellphone is what's called an A-GPS device, and that's assisted GPS, and what that means is that your phone actually has a GPS radio in it. It also has an A-GPS chip, and what that chip does, it helps make the GPS coordinates more accurate. And the reason why a phone uses that is because GPS -- if you know anything about GPS -- it's a battery hog, doesn't work well indoors, and the A-GPS allows it to take data from other sources. It uses WiFi, Bluetooth, and cell towers.

So if you go on a hierarchy of accuracy, you just think about it, it's commonsense, you know, Bluetooth device on your body is closer than maybe a WiFi location over in the corner. That's closer than a GPS satellite, and that's closer to maybe a cell tower in Texas. So what it does, it uses all of those to triangulate and to narrow down to give you that horizontal accuracy. So it's an A-GPS device, and it takes all that to give you that number.

Q So how do we know that the locations that were produced in your report are accurate?
A Through our individual testing I've also tested individually by taking an iPhone out -- a matter of fact, we had a 6S in the lab, and going out to three locations that I went to and looked at the -- GPS coordinates were accurate, and the lat and longs were also accurate, and then the horizontal accuracy. That

database has been tested, by numerous forensics scientists in the field and experts, to be accurate.

The key thing is that data only resides there only for seven days, so you have to really protect, and after that it gets overwritten with something else. But data within that database is highly accurate, and also, it's representative that the device was actually within that location.

There's another database in there, that is not so accurate. There's two databases. One, which is the one I'm talking about, CASS.SQLite, had all the GPS data from the device go directly into it.

There's another one called encrypted IBB where Apple sends stuff to your device just who knows when. 3:00 in the morning, you know, you get a notification from your aunt in California, and it sends you a California thing that says you may need it in the future. So we don't really look at that database. It's inaccurate.

We always try to concentrate on the CASS.SQLite because we know that database is from that device's GPS. Does that make sense?

Q In compiling your report, the CASS.SQLite database is the only one you looked at?

A Correct.

Q And then once you got in that CASS.SQLite database, you further filtered it down based on the horizontal accuracy?

A Correct.
Q And everything that you compiled in your report, you determined to have a reliable precision accuracy --
A Yes, ma'am.
Q -- based on your own independent verification and validation, which you're required to do to maintain your lab's accreditation?
A Yes. Yes.
Q And you compiled a report with those findings?
A Yes, ma'am.
Q And as part of that report are you able to -- does the program allow you to populate the reliable precision accuracy location onto a map?
A Yeah, it does. It gives you lat and long coordinates which you can then export, and you can put it on Google Map, Google Earth, and reproduce it, and see where the different points plot on the map.
Q And was that done in preparation for trial as well?
A Yes.
ATTORNEY NORVELL: Judge, may I approach?
THE COURT: Absolutely.
(State's Exhibits 52 and 53 are identified.)
Q Mr. Roberts, I'm showing you what has been marked as State's 52 and 53. Can you please take a look at these documents and tell me if you recognize them?

A Yes. The first one here is my extraction report --
Q Let me just -- I'm sorry, I have to lay a foundation. I apologize for cutting you off. Okay. So is that the report that you created based on your review --
A Yes.
Q -- of the item no. 1-1, the iPhone 6S?
A Yes.
Q And is all the information contained in there what you have determined to be reliable and accurate information?
A Yes, ma'am. It was taken directly from the extraction.
Q And the information has not been materially altered --
A No, ma'am.
Q -- changed, interfered with in any way?
A No.
ATTORNEY NORVELL: Judge, at this time the State would offer State's 52 into evidence.
THE COURT: All right. I'll allow it.
(State's Exhibit 52 is admitted into the record.)
Q Jerry, if you would look at State's 53?
A Yes.
Q Do you recognize that?
A Yes. This is just a Google Map, and these are the coordinates that were taken from one of those databases and plotted on the map.
Q And are those the locations that were populated from the

locations in your greater report?
A Yes, the CASS.SQLite.
Q And those are the ones that you determined were precise, accurate, and reliable?
A Correct. Correct.
ATTORNEY NORVELL: Judge, the State would offer 53 into evidence.
THE COURT: All right. I'll allow it.
(State's Exhibit 53 is admitted into the record.)
ATTORNEY NORVELL: May I publish it?
THE COURT: Yes, ma'am.
Q Do you need that report?
A I don't. Well, it depends on how detailed you get.
Q Jerry, in your report, how many locations did you determine --
ATTORNEY NORVELL: May I please have HDMI? Thank you.
Q How many locations did you determine were precise, reliable, and accurate?
A I believe there were 47.
Q Okay. And would that number be located in the top corner of the location column?
A Yes. You can see it there, and you can also see it down the side.
Q And these dots that we see on the screen, what do those represent?

A Those are those coordinates, the lat and long of those coordinates, taken from that database.
Q And again, do you know -- were you advised of whose phone this belonged to?
A Yes. It was the victim's phone.
Q I would like to start with location no. 46 -- or, excuse me, 47. Can you bear with me, please. Publish the address of this location or where this -- the coordinates of this location with the timestamp on it?
A Looks like it's on Ranger Drive.
Q And do you have the timestamp for that?
A If you would click on it. Can you -- what number is that?
Q Forty-seven.
A I'd have to have that report. It would be on that report.
Q Okay. Perfect.
A And this also came from the visited. Again, that's a category in Cellebrite that they deemed the device to be accurate to have been at that location, at again, that radius, that lat and long. So the time on that was March 2nd, 2018, at 4:00:31 p.m.
Q Okay.
ATTORNEY NORVELL: Will you cut the HDMI for one second?
Q I'm going to actually pull this up so that I can leave this with you so I don't have to walk back and forth. If you'd just give me one second.

ATTORNEY NORVELL: And so, Judge, at this time I will be publishing portions of State's 52, along with State's 53, which is the GO coordinate map.

Q I'm going to hand you State's 52 for you to use for reference.

A Okay. Thank you, ma'am.

Q If you'll, please, go to the location portion. And so 47, we indicated, is at 4:00, and that matches your accuracy that you determined to be precise?

A Yes, ma'am.

Q Okay.

A Yeah. I'm getting to the --

Q All right.

A All right.

Q That's on page 13 of your report. And then we'll be working our way up from there. And then the next timestamp, 46, what time is that?

A Let me get back to this. Forty-six, I have at ...

Q Here. You're on page 13 of your report.

A I don't look at it, normally, PDF like that. I'm trying to see. Yes, it doesn't have it.

Q Can I see it, and I'll reorganize it. Thank you so much.

ATTORNEY NORVELL: Beg the Court's indulgence, Judge, with the technical difficulties.

THE COURT: Take your time.

Q Do you have page 13?
A I've got page 26.
Q Okay.
A Oh, here we go. Yeah, I do have 13 now.
Q Okay. Let me grab these just to make sure it's in order.
A Okay.
Q Thank you.
A Sorry about that. Somehow I mixed them up.
Q Not a problem at all. It is open paperwork. I completely understand.
A You ought to staple them together so they don't come loose.
Q I will do that in a moment.
A Okay. So I'm on 13.
Q Okay. And then I will ... And you don't have 12.
A I have 8, 9 -- I do have 12, 12 and 13. Got it.
Q I'm going to be working backwards from page 13.
A Okay.
Q So set that aside.
A Okay.
Q All right. Looking at box no., it's GO coordinate no., 46, what time was that?
A Forty-six was at -- it was on March 2nd, 2018, at 4:01:15 p.m.
Q And did that match your precision and horizontal accuracy?
A Yes. It also came from the native location which is deemed

to be an accurate place.
Q And then I will move to 45. Can you please tell us what time that was?
A Yes. That's March 2nd, 2018, at 4:02 p.m. even.
Q Okay. And 44?
A Forty-four was March 2nd, 2018, at 4:02:45.
Q And did that appear to match all of your horizontal precision reliability and accuracy?
A It does. It's coming from the native location, and also from the visited database, which is accurate.
Q Okay. Forty-three?
A Forty-three is March 2nd, 2018, at 4:04:09 p.m.
Q Can you tell by looking at the map where this GO coordinate appears to be at?
A No. 43?
Q Yep.
A It's at 2767 Houston Street.
Q And that's at what time?
A At 4:04:08 p.m.
Q Okay. Location 42?
A Forty-two is March 2nd, 2018, at 4:04:22 p.m.
Q And what intersection does that appear to be at, reviewing the map?
A This is also resolving to the same address, at 2767 Houston Street.

Q And can you tell, looking at the PDF report in your hand, how many locations in succession, looking at the coordinates and boxes 1 through 47, appear to be at Houston Street?
A Roughly 33.
Q And what are the times that those GO coordinates are between?
A Looks like anywhere between 4:00 p.m. and -- appears a little bit after -- 5:18 or 5:20 p.m.
Q Okay.
A Again, they're not in order by date and time, so you've got to go through each and every single one of them.
Q All right. I am going to go to location 38. If you can look at the box for the GO coordinate at location 38?
A Thirty-eight resolves to 2742 Constitution Avenue. It's also from the visited and native location data source, and it has a time of March 2nd, 2018, at 4:08 p.m.
Q Okay. Going to location 31?
A It is 2689 Houston Street, also from the visited and native locations. It's March 2nd, 2018, at 4:19:51 p.m.
Q And can you tell from the GO coordinates map that multiple GO coordinates were located in and around that address?
A Are there?
Q Yes.
A Yes.
Q Okay. And what does it mean when you said it's a native or

visited address?
A Visited is it's been tested to show that the device was physically there, again, those coordinates, within the radius that it gives the horizontal accuracy.
And the native locations is the actual hold or placehold that it's in in the extraction, again, which is deemed reliable for the device to have been at that location.
Q So this native location means that the phone actually visited 2689 Houston Street?
A Within --
Q That --
A -- the horizontal accuracy there.
Q Okay.
A So within -- you know, if it's 20 or 15, within 15 meters of that address radius.
Q In the circle?
A Radius.
Q And I'm going to go to 26, please.
A Twenty-six was also 2686 Houston Street on March 2nd, 2018, at 4:28:51 p.m.
Q Okay. Location no. 11, please?
A No. 11 is 2686 Houston Street on March 2nd, 2018, at 5:14:24 p.m.
Q Okay. Location no. 10?
A No. 10 is 2681 Houston Street, visited again, native,

location, on March 2nd, 2018, at 5:14:39 p.m.
Q Location no. 9?
A No. 9 is interesting here in that it's 2675 Houston Street. It's also a visited and native location, March 2nd, 2018, at 5:15:51 p.m., but it gives a horizontal accuracy of 28.85 meters.
Q Location no. 8?
A No. 8 is 2670 Houston Street on March 2nd, 2018, 5:16:36 p.m., again from visited and native.
Q And do these locations, these GO coordinates, the last three that you've done, 10, 9, and 8, do they appear to be moving down Houston Street towards Oregon?
A Yes.
Q Location no. 6, please?
A Location no. 6 is [redacted] Ranger Drive --
Q Okay.
A -- on March 2nd, 2018, at 5:18 p.m.
Q And what is the -- if you can look at the map in front of you, what is the intersection that this is at?
A Ranger and Oregon.
Q And what was the time again?
A The time was 5:18:06 p.m.
Q And what was the horizontal accuracy?
A The horizontal accuracy there was 42.48 meters.
Q And moving to no. 5?
A No. 5 is 2665 Martha Drive, and that's also from the visited

and native. It was 3 -- or, March 2nd, 2018, at 5:18:51 p.m.

MR. SINGLETON: Can I ask that the State, please, state that on location no. 5? State that one more?

Q Moving to no. 4, please?

A No. 4 is I-26, it resolves to North Charleston, at March 2nd, 2018, 5:20:21 p.m. It's a horizontal accuracy of 29 meters, again from visited and native.

Q Location no. 3?

A No. 3 resolves to 2670 Louise Drive. It's also visited and native, March 2nd, 2018, at 5:23:59 p.m.

Q And location no. 2?

A It's 2662 Louise Drive, March 2nd, 2018, 5:24:50 p.m., again from visited and native. It's a horizontal precision of 40.83 meters.

Q And location no. 1?

A Again, 2662 Louise Drive, March 2nd, 2018, at 5:45:04 p.m., again from horizontal and native, with the precision of 40.85 meters.

Q And what time is that?

A 5:45:04 p.m.

Q Okay. And so if the phone had this horizontal and precision accuracy in the same location, 1 and 2, from 5:24, was it?

A 5:24:50 to 5:45:04.

Q And after this 5:45 time, did you have any other reliable locations for you to review?

A No. No.
Q Did you have any indication that the phone moved from this location?
A No.
Q Okay. Thank you.
ATTORNEY NORVELL: Can you take the HDMI down, please.
Q Also in your report, you testified that you included device events and steps; is that accurate?
A Yes. Yes.
Q Can you please go to that?
A Give me a second here. All right.
Q And that is page 3 of your report. Can you explain for the jury how the steps data, the activity sensor data, is broken down into time segments?
A Yeah. It does it the same way, using the same lat and lag -- or, lat and long, excuse me -- type of reading, but Cellebrite records it in hour increments and they record it in feet -- or, excuse me, steps and meters. So it goes from, say, for instance, from 4 to 5, 5 to 6, and again it gives steps and meters. It uses the same lat and long cords and horizontal accuracy as the other ones do.
ATTORNEY NORVELL: Can you please turn on the HDMI, Madam Clerk.
Q And looking at this activity sensory data between 5:00 and 6:00 p.m. on March the 2nd of 2018, are there -- how does

the steps -- how do the steps record in the intervals?
A Can you -- you mean --
Q I'm sorry?
A Yeah. It recorded in meters.
Q It recorded in meters, and then it also recorded in steps; is that right?
A Steps, correct.
Q Can you please publish, Mr. Roberts, how many steps are recorded at 5:08?
A Yes. At 5:08, there were 404.
Q And looking at the three segments of time that the steps are broken down into, is it 404 steps at 5:08 or is it 404 steps between 5:08 and the next time?
A It's between the initial time, which is 5:00 to 5:08, and then it would go from 5:08 to 5, 18; 5:18 to 5:25, within that hour increment.
Q Okay. And 5:18 to 5:25?
A Would be 804.
Q And 5:25 until?
A That was the last. It would be 16. Up to the last hour it would be --
MR. SINGLETON: Could y'all please repeat? Repeat your question for the witness, Ms. Norvell? I couldn't really hear.
ATTORNEY NORVELL: I'm sorry. I'll speak up. Thank you for bringing it to my attention.

Q Between 5:18 and 5:25, how many steps were taken?
A Between 5:18, 739.
Q I'm sorry. I'm looking between 5:08 and 5:18. Is that not the 804?
A Oh, I'm sorry, I'm looking at a different line. Yeah, 804 steps.
Q And then from 5:25 until -- how many?
A The last recorded was 5:25:50, and it was 16 steps.
Q Okay. Thank you.
ATTORNEY NORVELL: May I please take down the HDMI.
Q And, Jerry, the last source of information that you compiled in your report was the device events. Can you just remind the jury what those are?
A Yeah. Those are anytime, we'll say, the screen went off and on, notifications came in, screen orientation, just things that happened on the device itself, it's generated.
ATTORNEY NORVELL: May I please have HDMI, Madam Clerk? Thank you.
Q Would you please, Jerry, publish 27, and what that indicates to you?
A That the display was on and off. It gives you a start time of 5:31:36 and an off time of 5:31:44.
Q Okay. And then box 28?
A Twenty-eight is showing display-off. It started at 5:31:44 and ended at 5:31:56.

Q Box 29?
A Twenty-nine is a display-on at 5:31:56 start and 5:32 even for the stop/end.
Q And box 30?
A Box 30 is an off, 5:32 even for start, and for end 8:30:36.
Q Do you know if law enforcement was on scene by 8:30?
A If I recall, they were.
Q So the display never came on the victim's phone from --
A The last time it was on was 5:31:56.
Q And with these very small hundreds-of-a-second intervals, can you, in your testimony, say whether you know if that's a notification coming in or if that is Vaughn tapping the screen of his phone?
A I don't.
Q Do you know that it's either of those two?
A It can be either of those two.
Q Could it be anything else?
A Not in my experience, not in that micro amount of time.
Q So your expert opinion today is that either Vaughn tapped his phone or a notification came in --
A Notifications were coming in to trigger the device to come off and on from a notification coming in.
Q And in your experience and in your opinion, there was no interaction with Vaughn's phone after 5:32 p.m. until law enforcement arrived and collected the phone?

A Correct. That's what the data shows on the device.

Q Thank you, Jerry. I don't have any further questions for you right at this second. Thank you.

THE COURT: All right. Ladies and gentlemen of the jury, we are going to adjourn for the day, it is 4:45, and go ahead and try and see if we can get y'all out of here. As I indicated to you before, please don't discuss the case with anybody. Just tell them the mean judge said that we weren't supposed to talk about it, which I'm fine with.

Mr. Roberts, you may be excused. We'd ask that you be back here tomorrow morning at 9:30. You do not remain under oath. However, please do not discuss your testimony with anybody. But you are certainly welcome to have a break and not worry about it at this point in time, so that's fine.

We will resume tomorrow morning at 9:30. We have about three more witnesses, so I suspect that we will conclude the trial tomorrow. And, now, whether we -- the whole conclusion based on y'all's deliberation, I'm not sure, but we should conclude the trial tomorrow. We have one more longer witness, and then we have two or three shorter witnesses, and so maybe around lunchtime.

But don't worry about it. Tomorrow when you get into your jury room you'll have menus, and if you'll go ahead and just select what you want for lunch, I will graciously have someone else buy you lunch. All right. Have a great evening.

(Jury escorted out of the courtroom at 4:46 p.m.)

MR. SINGLETON: I'm trying to --

(Mr. Singleton is escorted out of the courtroom.)

THE COURT: All right, Mr. Roberts, you may be excused. Have a wonderful rest-of-your-evening. We will see you tomorrow morning at 9:30.

THE WITNESS: Yes, sir, Judge. Thank you.

THE COURT: Yes, sir. Wait until the deputies come out to ask them what they want to do. Have y'all been leaving y'all's stuff here overnight?

ATTORNEY NORVELL: Probably.

ATTORNEY NELSON: That's what I was about to ask you about, Your Honor.

THE COURT: I'm wondering if we can just leave it in here.

ATTORNEY NORVELL: We can.

THE COURT: I think that's the best thing. Just don't touch that desk. You know what I'm saying?

ATTORNEY NELSON: The only issue is -- we spoke about it, the deputies informed me he has her key to get in her house. Do you know where that key actually is right now, or is that --

THE COURT: Is it with his property?

COURT SECURITY DEPUTY: When you come up, will you bring the key?

ATTORNEY NELSON: So we're just going to leave this right here.

THE COURT: So, deputy, I think that's the safest move so we don't have to put it in that evidence room. We obviously can't take it to the jail. We'll just leave it here. If he can behave tomorrow morning, he can stay. If not, at least he knows where it was.

COURT SECURITY DEPUTY: Yes, sir.

THE COURT: I think that's the safest to avoid problems. All right. All right. Tomorrow morning at 9:30.

(End of Transcript of Record for Day II of III.)

CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of General Sessions for Charleston County, South Carolina, on the 27th day of March, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Date: July 3, 2023

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

IN THE STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	)
COUNTY OF CHARLESTON	) NINTH JUDICIAL CIRCUIT
THE STATE OF SOUTH CAROLINA	) NO. 2021-GS-10-03219
	)
VS.	) TRANSCRIPT OF RECORD
	)
MAURICE T. SINGLETON	) VOL. III of III, Pages 341-510

B E F O R E:

The Honorable Bentley Price, Judge; and a jury

Charleston, South Carolina

DATE: Wednesday, March 29, 2023
9:44 a.m.

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

(Indexes contained in Volume I of III dated March 27, 2023.)

-- P R O C E E D I N G S --

(Court called to order, without the defendant or jury present.)

MATTER(S) OF LAW

THE COURT: All right. Young man, come on up. Stand right here. Right there's good. Right there's good. All right. What's your name for the record?

MR POINNSETTE: Keyshon Poinsette.

THE COURT REPORTER: Repeat your name, please.

MR. POINNSETTE: Keyshon Poinsette.

THE COURT: Spell it.

MR. POINNSETTE: (Keyshon) K-e-y-s-h-o-n.

THE COURT: Last name?

MR. POINNSETTE: (Keyshon) Poinsette, P-o-i-n-s-e-t-t-e.

THE COURT: All right. You want to tell me why you have a list of all of the jurors that are in this trial, and it looks as though that -- is this your handwriting, Mr. Nelson?

ATTORNEY NELSON: That is, Your Honor.

THE COURT: How did you come in -- how did you get this?

MR. POINNSETTE: (Keyshon) I rode in with his girlfriend this morning, I caught a ride up here for the defendant, and she told me to give his clothes and that to him. See what I'm saying. So when I came upstairs I was giving the clothes to this man right here.

THE COURT: All right. Ma'am, come on up.

MR. POINNSETTE: (Keyshon) To this man right here, when I was giving it to him, he was like, Hey, what is that in your hand? He goes, it's mine, it's mine. But I was trying to get clear with her, like is this his or where does this go. I don't know.

THE COURT: All right. Why do you have this document? Why do you have the list of jurors?

MS. FORREST: (Destiny) That was in my car with the rest of his papers, and he wanted that one, so.

THE COURT: Why did he indicate that he wanted this one?

MS. FORREST: (Destiny) I don't know.

THE COURT: What did he say to you?

MS. FORREST: (Destiny) All he said was that he wanted it.

THE COURT: Why would he need a list of the jurors?

MS. FORREST: (Destiny) I don't know, but the rest of my papers are in the car.

THE COURT: What are those?

MS. FORREST: (Destiny) I said I thought that was his, too.

THE COURT: What are the other papers that are in your car?

MS. FORREST: (Destiny) Like his notes.

THE COURT: So this is your handwriting, Mr. Nelson?

ATTORNEY NELSON: Yeah, that's mine.

THE COURT: And he just took it off the desk at some point in time?

ATTORNEY NELSON: Since he wasn't in jury poll I gave it to him to pick the jury --

THE COURT: Right.

ATTORNEY NELSON: -- but, honest to God, I thought I took it back. I didn't see him --

THE COURT: No, that's fine. He has to have it for jury qualifications purposes. I just want to know why he wants it back.

MR. POINNSETTE: (Keyshon) I didn't know. I just got in the car and took the clothes and that and turned it over to him, whoever.

THE COURT: All right. Just give it back to Mr. Nelson. Y'all are free to go. All right. Is he dressed out?

COURT SECURITY DEPUTY: Yes.

THE COURT: All right. Make sure he's in shackles.

(Defendant enters the courtroom.)

THE COURT: All right. Mr. Nelson, if you'll come up here, please.

ATTORNEY NELSON: Sure.

(Off-the-record discussion at sidebar with Attorney Nelson and the Court.)

MR. SINGLETON: May I ask that my right hand be released from handcuffs --

THE COURT: No, not after the way you behaved yesterday with assaulting those deputies on the way out. So here's the

procedural background of everything that's going on here today, Mr. Singleton. The fact that you showed up late, your bond was revoked, and obviously that's why you are currently incarcerated. And then as the day wore on, there was not once, but twice, instances whereby you accused the Court of perpetrating some fraud. And then when the proceedings were over for the day I witnessed you fight two deputies, if not three, for whatever purpose, I'm not sure, all the way out. So for that I'm going to hold you in contempt, I'm going to give you six months in the county detention center.

So, Mr. Singleton, we're going to proceed today in a little bit more of an orderly fashion. I'm going to be a little bit more strict and keep you on a tighter leash, so for every time that you have an outburst or you do anything around these deputies, I'm giving you another six months. Are we on the same page?

MR. SINGLETON: I hear what you're saying, but I just want to let the record show that I did not raise a hand against any deputies.

THE COURT: Of course you didn't. You were shackled. You couldn't raise your hand. They were too busy --

(Simultaneous speaking.)

MR. SINGLETON: There was no way I could --

THE COURT: Mr. Proud [ph], bring them out. I'm not listening to this.

MR. SINGLETON: -- deputies when I am shackled. I cannot fight.

THE COURT: Okay. Call it what you want.

MR. SINGLETON: Also, Judge Price, I ask that -- I asked you yesterday if you would have your clerk file my affidavit for me but you ended the session before you -- and you promised that you would do it but --

(Simultaneous speaking.)

THE COURT: I'll make sure everything you need to get filed gets to the clerk.

MR. SINGLETON: But I also have to print it out, so I would ask that you please allow me to print it out whenever there is a recess over there so I can print it out and I can hand it to her in paper form so it will be filed, because you said it would be filed yesterday but it wasn't.

THE COURT: All right.

MR. SINGLETON: And you are holding me up. Appreciate it.

THE COURT: Oh. Where's the witness?

MR. SINGLETON: Also, I wanted to ask, would I be able to cross-examine Mr. McKean, the witness I tried to impeach, but you detained me and I was held and he gave his testimony in my absence?

THE COURT: No.

MR. SINGLETON: I would ask that I be able to cross-examine him because that is my right to do and you deprived me of that

right.

THE COURT: All right. It's noted for the record. The answer's no.

(Jury seated in the courtroom at 9:40 a.m.)

THE BAILIFF: All jurors are present and seated, Judge.

THE COURT: All right. Well, thank you all so very much for being on time. We're not too far behind, a couple minutes. We had one or two things that we needed to address, but we are ready to proceed. You may have a seat.

And you are still under oath, Mr. Roberts.

THE WITNESS: Yes, sir.

JERRY ROBERTS,

having previously been duly sworn, retakes the witness stand, is examined, and testifies as follows:

THE COURT: All right. Have y'all completed your examination?

ATTORNEY NORVELL: Yes, Judge. I have no further questions for this witness.

THE COURT: All right. Would the defense like anything?

MR. SINGLETON: Yes, sir.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. SINGLETON:

Q How are you doing, sir? If I could ask for your name again?

A Yes, sir. Jerry Roberts, R-o-b-e-r-t-s. Good morning to

you.

Q Hello, Mr. Roberts.

THE COURT: Mr. Roberts, give us one second. We're going to turn that mic up for us, please. Just give us one second. All right. Thank you, ma'am. All right.

A Roberts, R-o-b-e-r-t-s.

THE COURT: Perfect.

Q Yesterday when Ms. Norvell was questioning I believe you said that location no. 1 was at 5:45, correct?

A I would have to have the report to look at that. It's in the report.

ATTORNEY NORVELL: May I? Do you want me to pull it up on the AV or do you want me to hand him the document?

THE COURT: Hand him the document first, please, to refresh his recollection, and allow him to review his report. You can give it to Mr. Roberts.

A What number was that again, sir?

Q Location no. 1.

A All right. Okay.

Q You said location no. 1 --

A Yes, sir.

Q -- was at 5:45?

A Yes, sir, 5:45:04 p.m.

Q And location no. 5, could you tell me where location no. 5 was located?

THE COURT: One second. Would it assist the jury if we put it back up there so y'all can follow along with him? All right. Give us one second. Mr. Singleton, I'm going to help you out and put it back up so the jury can follow along with you.

ATTORNEY NORVELL: Beg the Court's indulgence. I have to open it through the software program and it just takes a few moments.

THE COURT: Take all the time you need. How long is it going to take?

ATTORNEY NORVELL: I just got the program opened.

THE COURT: All right. Mr. Singleton, if you'll just ask him the location again.

Q Yes. Location no. 5. Where was location no. 5 located?

A Location no. 5 resolved to 2665 Martha Drive in North Charleston.

Q I'm not really familiar with the columns but --

THE COURT: Hold on.

Q Can you tell me --

THE COURT: See where it says 5? That correlate to that 5.

Q What I want to know is, do those points on the corner of Ranger and Oregon, what number are those locations on the corner of Ranger and Oregon?

A On the corner of Ranger and Oregon.

Q It would be --

THE COURT REPORTER: Mr. Singleton, keep your voice up.

A I can't actually point on it, but if you can highlight that it will tell you what location numbers those are.
Q No. 6?
A It's on the corner of Ranger and Oregon. Yeah, no. 6 which resolved to [redacted] Drive. And what's the next one? No. 7.
Q No, I just needed no. 6.
A Okay, no. 6. I'm sorry. Yeah, it's [redacted] Drive.
Q Was no. 6 timestamped?
A It is. It's March 2nd, 2018, at 5:18:06 p.m.
Q 5:18?
A Yes, sir.
Q Location no. 1 is at 5:45?
A Location no. 1 is 5:45:04 p.m.
Q Do you know how far location 5 is from location no. 1 -- location 6? Do you know how far location 6 is from location no. 1?
A I do not. It doesn't give an A to B. You would have to use a map to measure the distance to see how far it is. I'm just giving the coordinates of where the device is that travels through those areas and the circumference of how close it is to the actual address that it resolved to. So I don't know the distance from there to there.
Q But the time from distance no. -- the time from location no. 6 and the time between location no. 1, how long would that have been apart?

A Appears to be roughly -- you said no. 6?
Q Yes, no. 6 and no. 1.
A No. 1 was 5:45 and no. 6 was 5:18, so 23 minutes, 22 minutes. Yeah.
Q That's actually [indiscernible] --
THE COURT REPORTER: Sir?
Q It would actually end up 27 minutes. If it's 5:18 to 5:45, that's 27 minutes.
A Okay, 27 minutes.
Q And so your testimony you gave yesterday, you said location no. 1 was -- it could have been -- what did you say it could have been? What could have given that signal off?
A That no. 1 is from the visited table in the report and on the phone, and that basically tells you that that device was at that location.
Q But can you tell if it was active or not?
A What do you mean, active?
Q If it was being used around that time?
A No. I'm not sure exactly what you're asking, being used.
Q What I want to know is being that it give off that location at no. 1, can you tell me -- can you tell the Court if it was cause it was in use?
A No. That's not what causes the device to actually pick up a cord. There's a multitude of things that cause that to happen. An app could call for it. As you travel through places, your

phone picks up different WiFi spots, a Bluetooth, and GPS signals, and also cell tower signals. It just does it arbitrarily, and it's plotted.

Specifically, you'd have to go through and look at any type of app usage during that time. It would be in the actual report, but you would have to go back and look at it and see exactly if anything's being used at that time.

This is just showing that the device was within 41 meters of 2662 Louise Drive at this time in that circumference.

Q From your testimony yesterday, you told Ms. Norvell that it could be in use or it could have been notifications. Was that the testimony you gave yesterday?

A Not for this. She was asking about device events.

Q Right. That's what I'm talking about. I'm asking about device events that caused it to give that location at that time.

A No. The device events didn't give the notification. The screen off/screen on gave the notifications.

Q What does that mean? Could you explain that --

A Yes. The screen off/screen on is an interaction just where the screen comes off and on. And there was, I think, 15 or 16 instances, within microseconds, in succession from the last time the device was powered off until it was powered back on again, I think, around 8:30 at night. And so the only interaction on that phone, the screen going off/on, off/on, off/on, which happens either with you tapping it to look at something, or if a

notification comes into your phone it can light your screen up. And so that's what that was. It was in the device events, was a series of off/on, off/on, off/on. She asked if I could determine whether it was a touch or whether it was a notification --

Q Right.

A -- and you can't.

Q But she asked you yesterday could it have been either/or?

A Yes, sir.

Q Either/or?

A Yes, sir.

Q Could there have been other things that would have caused that screen off and on?

A In that microcosm of time, not really, because you're talking microseconds. So human interaction, to do something would be really, really unusual in my experience.

Q You say the time difference from those two was from 5:45 to 5:18?

A No. No. You're getting mixed up. That's travel time of the device moving around.

Q Oh, no. No. No. No. I understood that part. I was asking for clarity on -- you said 5:18 and 5:45 were the two times for location no. 1 and location no. 6, correct?

A Yes, but that has nothing to do with the device events being off --

Q No, I understand. I just wanted to clarify --

A Yes, sir.
Q -- the time between the locations.
A Yes, sir. That's the time.
Q That would be all. Thank you for your time.
A Thank you.
THE COURT: All right. Anything as a follow-up?
ATTORNEY NORVELL: Beg the Court's indulgence.
THE COURT: Take your time.

REDIRECT EXAMINATION

BY ATTORNEY NORVELL:
Q Jerry, if you can look at the device events in your report, what is the last display-off time?
A Let my find those.
Q I want to say page 8.
A My report isn't usually written like this. I don't see it. Maybe you can show it out to me.
Q I'm talking about the device events. I am looking at box 30 in the device events. Can you please ...
A Yeah. The display was off, the last time was, 5:32 p.m. on March 2nd, 2018.
Q Is there an end time on that display-off?
A There is.
Q And what is that?
A 8:30:36 p.m.
Q And are you aware if law enforcement was on scene at that

time?
A Yes.
Q Looking at the steps portion of your report -- if you would hand it to me, I'll skip back there. I'm on page 3. And the steps between our block, and three separate sections between 5:00 and 6:00 p.m.
A Correct.
Q And so you can't tell from the location that populates in the appropriate horizontal accuracy how swiftly the device is moving?
A No. There's no speed.
Q There's no speed, but in the device is there any way for you to tell the path of travel or the distance of travel?
A Well, you can do it by the distance or you can do it by the steps.
Q Okay. And that how many steps are there?
A The steps, there's -- I have to add these up. I don't have a pencil so I have to do it in my head. Looks like there's 1224.
Q And what segments are those broken into?
A They're broken 5:25:50 p.m. at the latest.
Q Between 5:00 p.m. and 5:08 how many are there?
A Between 5:00 p.m. and 5:08 there's 404.
Q And between 5:08 and 5:18?
A There's 804.
Q May I look at it? So in these timeframes, the 5:08 to the

5:18, there's -- is it 404?
A Let me see that back. This is 444.
Q Okay.
A Yeah. You're giving me -- look at that. That's 444.
Q I'm looking at the -- okay. I'm looking at steps, not meters. I'm looking in between 5:08 and 5:18.
A Between 5:08 and 5:18 there's 804 steps.
Q Okay.
A Because they're calculated differently. You've got steps and you've got distance. The steps are the more accurate.
Q And the distance is in meters?
A Distance in meters.
Q Not feet?
A Not feet. And it can be in variance of 20 to 30 percent through testing, where steps are accurate within 2 percent.
Q Okay, great. And so you said that the total is 1200 steps --
A Yes.
Q -- between?
A 1200 steps in that hour timeframe. This report breaks it in hour, between 5:00 and 6:00. So if you add those up -- and they log at three different times, three different series -- so a total of 1224 steps, I believe.
Q After 5:25, how many steps were taken?
A After 5:25, there were no steps recorded. No steps recorded

after 5:25. That was the last motion.

Q I'll take your report.

ATTORNEY NORVELL: Beg the Court's indulgence. No further questions, Judge.

THE COURT: All right. You may be excused. Have a wonderful rest-of-your-day. All right. Call your next witness.

ATTORNEY NORVELL: Thank you, Judge. The State calls Detective Sam Riedel.

SAM A. RIEDEL,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Sam Riedel, R-i-e-d-e-l.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Good morning, Detective Riedel. Where are you currently employed?

A I work for the City of North Charleston Police Department.

Q How long have you been employed with the City of North Charleston?

A Nineteen years.

Q And what is your current position at the City of North Charleston?

A I am currently assigned to our detective bureau as a digital

forensics examiner.
Q Were you also employed as a digital forensic examiner back in March of 2018?
A I was.
Q Is that your primary function of your job?
A Yes. It began to be my primary function in 2018.
Q Okay. And what is the primary -- what are your primary responsibilities with this digital forensic examining?
A I am provided with any and all computers or cellphones that are seized by our department for examination, to include any crimes that they deem relevant, so from harassment all the way up to murder.
Q And have you gone to any special trainings or went through any programs to support your digital forensic examiner job?
A Yes. I've been through both specific training for specific companies and their tools. I have also been to classes with the National White Collar Crimes Center, which provides tool diagnostic training, so it's just the fundamentals and basics, as well as training at the United States Secret Service, National Computer Forensics Institute.
Q And do you hold any certifications in forensics examination?
A Yes. I am certified both through the National White Collar Crime Center, the National Computer Forensics Institute. And additionally, tools specifically for the Cellebrite Company, I hold their basic Operator/Physical Analyst, as well as their

Advanced Smart Phone Analyst, and I am a Cellebrite Certified Mobile Examiner, which is their highest certification.

Q Cellebrite is a term that we've heard come up already this week. Is that a program that you work with?

A Yes, it is.

Q Is there just a few certain programs that are specific to your job relation?

A Yeah. There are a multitude of programs that will perform the same or similar functions.

Q And what are the main ones that you use?

A I use Cellebrite, I use Magnet Forensics, and I use GrayKey.

Q And have you previously testified in court as an expert in cellphone examination?

A I have.

Q How many times have you been qualified as an expert previously?

A I believe eight, between here and Dorchester County.

Q Okay. All in state court?

A Yes.

ATTORNEY NORVELL: Judge, at this time the State would offer Detective Sam Riedel as an expert in digital forensics examination and cellphone data extraction.

THE COURT: All right. Ladies and gentlemen, he'll be qualified as an expert, as I indicated previously, that he will be able to give an opinion in this case.

ATTORNEY NORVELL: Thank you, Judge.
Q All right. Let me just start with this. Let's break it down a little more simply. Are there -- at all the local agencies, does each agency have a forensics examiner inhouse, essentially?
A The majority of the local agencies do, yes. There are a few of the smaller ones that do not.
Q And being that there's just a few if not one of you inhouse, are you familiar with the other forensics examiners locally?
A Yes.
Q Are you familiar with Jerry Roberts?
A I am.
Q And do you conduct cellphone data extractions just like he conducts cellphone data extractions?
A Yes. I use the best practices, which is the standard form.
Q And you just work at the City of North Charleston?
A Yes. I work for the City of North Charleston. I am provided devices from agencies throughout the state, though.
Q Okay. And is that because you're on a certain task force?
A Yes.
Q What is that?
A It's the South Carolina Electronic Crimes Task Force, which is sponsored by the United States Secret Service.
Q The primary function of your job is to complete cellphone data extractions for other devices?

A Yes.
Q How many cellphones would you say that you have extracted in your career?
A Well over a thousand.
Q And the three programs that you mentioned earlier, are those the primary programs that you use for cellphones?
A Yes.
Q And in this case were you provided with two phones from the defendant?
A Yes. I was provided with two phones related to the defendants.
Q Okay. I'm going to start with the iPhone. Were you provided an iPhone SE?
A Yes.
Q And do you know who you were provided that from?
A I was provided that from one of the investigators, and that was via a consent form.
ATTORNEY NORVELL: May I approach the witness, Judge?
THE COURT: Absolutely.
(State's Exhibit 55 is identified.)
Q I'm going to show you, Detective Riedel, what's been marked for ID as State's Exhibit 55. Do you recognize this device?
A Yes. This is one of the two devices that I was provided.
Q And you were provided it directly from one of the other detectives in your unit?

A Yes.
Q And what is the manner in which y'all complete for transfer custody of an item?
A We use a department form, a chain-of-custody form.
Q And what is the purpose of that?
A To track movement of items across individuals.
Q And what type of document provided the basis for obtaining this phone? I think you mentioned it a few minutes ago.
A It was a consent form.
Q And do you know who the device was received from?
A Investigator-wise or owner-wise?
Q The person that provided consent.
A It was a JaJuan Lockwood.
Q And do you know who the investigator that received that phone was? I can show you the chain of custody.
MR. SINGLETON: I object to any reference to Mr. Lockwood during my trial --
THE COURT: All right.
MR. SINGLETON: -- for it has no relevance.
THE COURT: All right. Overruled.
A Yeah. It was provided to me from Investigator Rodriguez.
Q And that is actually the phone that you extracted contents from?
A Yes.
ATTORNEY NORVELL: Judge, at this time the State would offer

55 into evidence.

THE COURT: All right, over the objection.

(State's Exhibit 55 is admitted into the record.)

Q And did you receive another phone in this case, Detective Riedel?

A I did. I received an iPhone 7 Plus.

Q And pursuant to what document did you obtain that phone?

A That was submitted with a search warrant.

Q And do you know which officer provided that device to you?

A If I could see the chain, because the providing officer is not always the same that sign the search warrants. That would be Detective Crider.

Q And do you know who that phone was seized from?

A Mr. Singleton.

Q Pursuant to the consent search and the search warrant, did you complete a data extraction of the two devices that you just discussed?

A Yes. I performed the data extractions on each device which were the most complete for what we had available to us in 2018.

Q And that was going to be my next question. When did you complete those extractions initially pursuant to that consent search and that search warrant?

A On the dates that they were provided. The beginning of March, the 5th through the 7th, is when --

Q Of which year?

A 2018.
Q And did you, subsequently to your initial search, receive a second search warrant for both of those phones?
A Yes. I received a search warrant for each of those devices in October of 2022.
Q Can you tell the jury a little bit about what changed in your field software-wise between March of 2018 and October of 2022?
A Yes. So in 2018 the iPhone device was a -- very limited access to their data and content therein, so in 2018 we were only able to perform what was called advanced logical or file system extractions which, in the long run of it, would be, as you can see the digital tie I have, is if this is part of the data that you created on the front side of the tie, an iTunes backup is what you would use to transfer your data to a new phone. Essentially at that time that's all we were allowed to do, so not all of the data would be able to be transferred, only specific sections as determined by a program.

However, there's plenty of a lo-micote [ph] that is still related; however, it was not accessible in a forensics manner, so the newer technology allows us what's called a full file system.

Now, a full file system grants us access to what's seen here, what's below the jacket, and what's on the back of the tie, which would be the operating system portion.
Q And did you complete those subsequent search warrants in

October of 2022?
A I did.
Q Do you know what date you completed those?
A The 26th of October.
Q And I think you just said it. You were able to obtain a full file extraction from both of those phones?
A Yes.
Q And what sort of information from the phone specifically are you able to get? I understand that you were saying hardware operating system. What is the information that you're able to see that we would be able to see?
A So with the full file system extraction, like I said, you would get the normal things that you have on your phone, your calls, your messages, your health data, your -- some of your application data would be what would normally be seen but with a full file system, you get all those.

Additionally you get location information. You will get information that is collected from other apps, whether it be network connections or cell tower connections. You also get system-generated data, which is data generated by your phone, not so much aware of you, not dictated by anything you do but information that it collects on itself for diagnostic purposes either for Apple or your cellphone provider, so that includes a lot of things like when your phone's on and off, when the screen's turned on, how it's moving, where it's moving, things

like that.

Q How are you able to validate or verify that the information that you receive in a data extraction is an accurate digital representation?

A Two basic ways that you would do it would be: One, after you place it into your analytics tool -- in this case I used the Cellebrite physical analyzer -- you spot-check some of the parsed data, or the data that is decrypted, to put in a readable format for you, spot-check it with the device data like a physical scrolling through the device, and then additionally, for some of the things that you can't see or can't have access to, you go to the database, or the file, that stores that and spot-check and determine whether or not it had been decoded correctly by the program.

Q And what program did you use to complete the data extraction?

A I used both the GrayKey software and the Cellebrite Premium.

Q And do you take the information from those software programs? How do you make it -- in taking the information from those software programs, how do you put it in a readable format?

A Once it's extracted, it goes to a network server, and then I load that from the network server into the analytics program of my choice. This was the physical analyzer program. It goes through its process of parsing and decoding data.

And then once it's presented to me, I review that and

subsequently put that out in a format we currently use, it's called a UFED Reader, which allows the investigator that's reviewing it a chance to navigate through it a little bit easier category by category, versus where a PDF is just what it is, it's straight paper and you have to scroll through it. This allows them easier access to go to one category and then scroll just that category.

Q And in preparation for trial did you specifically create reports of certain contents of information?

A Yes. I did pull certain items from those subcategories within there based upon different criteria, whether it was time or by contact information.

Q Did your report that you generated include location information, device events, call log, music-playing information, and text messages?

A Yes.

MR. SINGLETON: I object to any of these. I object to any evidence that is fruit of the poisonous tree --

THE COURT: All right. Over --

MR. SINGLETON: -- or any evidence that is more prejudicial than probative under Rule 403(b).

THE COURT: All right.

ATTORNEY NORVELL: Judge, the State would offer these --

THE COURT: What are they?

ATTORNEY NORVELL: They are the -- Detective Riedel's report

that he just testified that he generated based on his data extraction. If you'd like to review them I'm happy to show them to you, but the State would offer them for purposes of proving conspiracy and for purposes of establishing the elements of the offense.

THE COURT: All right.

MR. SINGLETON: I object on the grounds that --

ATTORNEY NORVELL: And they were -- as Detective Riedel testified, they were pursuant to a lawful search warrant.

MR. SINGLETON: I objected in my motion to suppress. I had already objected to any evidence that is fruit of the poisonous tree and any evidence that was gathered unlawfully --

THE COURT: All right. I've already ruled on it.

MR. SINGLETON: -- as inadmissible.

THE COURT: I ruled on it pretrial.

ATTORNEY NORVELL: May I approach the witness, Judge?

THE COURT: Absolutely.

(State's Exhibits 56, 57, 58, 59, 60, 61, 62, and 63 are identified.)

Q Detective Riedel, I am showing you what has been marked for identification as State's 56, 57 -- I'm just going to hand them to you -- 58, 59, 60, 61, 62, and 63. Can you please take a look at each one of these documents and tell me if you recognize them before we move on?

A Yes.

Q Are these the location device events, music, call log, basic call log, and text thread reports that you generated from your data extraction completed on October 26th of 2022 pursuant to a search warrant?

A Yes. For the device from Mr. Singleton, I have location device events, a manually parsed for the playing of music, call log, and Facebook call log.

And from Mr. Lockwood, I have location, device events, and chat messages.

ATTORNEY NORVELL: Judge, at this time the State would offer 56 through 63 into evidence.

THE COURT: All right, over the objection.

(State's Exhibits 56, 57, 58, 59, 60, 61, 62, and 63 are admitted into the record.)

MR. SINGLETON: Your Honor, to allow that information in --

THE COURT: Hold on. We don't do speaking objections. I've already ruled. I ruled pretrial and just now.

Q All right. Detective Riedel, I would like to --

ATTORNEY NORVELL: Permission to publish, Judge?

THE COURT: Yes.

Q I am going to start with State's 56. Can you please explain what that document is?

A Yes. This is the device locations from Mr. Lockwood's phone relevant to the date of the incident.

Q And what is that date?

A March 2nd of 2018.

Q Okay. And what are the times of the locations that you were able to receive, and can you just explain why there would only be two?

A The way it's here on the screen, it's reversed chronological. So the bottom, section 2, is from 9:53:18 a.m. adjusted to Eastern Standard Time, until 5:59:53 Eastern Standard Time on March 2nd, 2018. It gives a latitude and longitude for the location. And the times mentioned were the beginning time and ending time for the device being in that relative location.

I say relative because it's shown on the bottom, the last portion where it says ZRT learned location of interest, visit MO, that is associated with an Apple function that you may or may not be familiar with. It's the significant location which is a location that is determined by the device itself from its own analytics of where you visit, when you visit, how long you stay. It compiles all that and then takes it and determines if it's significant to a person. So it could be a place of work, it could be school, it could be home, it could be your grandmother's house.

In my case it used to be where I would go work off duty, so my phone knew every Friday night that if I got in my car after 7:30 that I was going to a specific location. It would tell me how long it was going to take me to get there from where I was at.

Q Were you able to parse this data by any certain level of accuracy?

A This data itself, as I stated, is generated by the device, and because of the back end -- and I don't know all of the back end of how it accumulates and analyzes it -- but from research done by multiple practitioners, it's been indicated that this, the learned location of interest, the significant location of it, may be/can be anywhere in the ranges of 80 meters to 250 meters from the point generated, so that point generated is the central location. As long as the device stays within that area, it's still going to register it as at that significant location.

There are multiple people that have researched it, and it's varied. I guess it could just be device specific or whatnot, but the ranges have been 80 to 250, generally.

Q Okay.

ATTORNEY NORVELL: Judge, may I approach?

THE COURT: Absolutely.

(State's Exhibit 46 is identified.)

Q Detective Riedel, I'm showing you what's been marked as State's 46. Do you recognize this document? And, if need be, you can compare the GO coordinates.

A Yes. This is the coordinates from item no. 2, the latitude and longitude plugged into Google Maps.

Q And did you review both of these locations prior to trial --

A I did.

Q -- on Google Maps?
A I did.
Q And does this map accurately reflect the GO coordinates populated in box no. 2 of your report?
A It does.
ATTORNEY NORVELL: Judge, the State would offer 46.
THE COURT: All right, over the objection.
(State's Exhibit 46 is admitted into the record.)
ATTORNEY NORVELL: May I publish with Elmo?
Q Where does this GO coordinate populate, Detective Riedel?
A On Houston Street, which is in the city of North Charleston.
Q And did you look previously at the GO coordinates for box no. 1?
A Yes.
Q And did that GO coordinate -- do you know where that GO coordinate populated?
A It's in very close proximity to the one right here.
Q I am moving to State's Exhibit 57, Detective Riedel. What is this document?
A This is the location information from Mr. Singleton's phone.
Q And I'm showing you --
ATTORNEY NORVELL: Beg the Court's indulgence.
Q -- box 22. Did you filter these particular locations by any level of horizontal accuracy?
A Yes. Out of all locations that were parsed from the data

taken from his phone, this specific data set is only those with a horizontal accuracy and within a certain timeframe.
Q Okay. And what is that timeframe?
A I believe we went 5:00 p.m. to -- I can't remember the end -- 9:00 -- 7:00 on this. Overall, I have done till 9:00, so.
Q And with box 22, what is the time of that?
A That is March 2nd, 2018, 5:09:36 p.m. Eastern Standard, with an ending time of March 2nd, 2018, 5:09:41 p.m. Eastern Standard time. It also shows an aggregated location count, which means it has registered that many times within itself the GO coordinates that is listed there.
Q In your report did you register any learned locations of this device between 5:09 and 7:00?
A I have to look back through. I'm not sure if that's going to show the learned locations due to the accuracy, and these locations are from a different area.
Q Okay. And is this the GO coordinate for box 22?
A Yes.
Q And what is the horizontal accuracy on that?
A 10 meters.
Q And looking at box no. 21, which is right above that, what time is that location populating?
A March 2nd, 2018, 5:40:20 p.m. Eastern Standard Time, with an ending time of March 2nd, 2018, 5:40:24 Eastern Standard Time, with a total of five aggregated locations.

Q And is this the GO coordinate for that location?
A Yes.
Q And what's the horizontal accuracy on that one?
A 30 meters.
Q Which is how many feet?
A The precise math, I am not sure, but it's relatively close to 90 feet.
Q I am going to move to State's Exhibit No. 58 which, could you please explain what this document is?
A Yes. This is an export from the device events section of the UFED Reader report for Mr. Lockwood's phone.
Q And would you, please, publish boxes 143 through 146 in that report?
A So 143 has an indicated start time of 5:12 p.m. Eastern Standard Time on March 2nd, 2018, and an end time of March 2nd, 2018, at 5:40:44, with an indication that the device was plugged into charging.

Box 144 is 5:21:16 Eastern Standard, with an end time of 5:21:28, indicating that the device display was on, or illuminated, so that is, for that, means indicated display-on. The display-on is between those two times, so it came on at 5:21:16. At 5:21:28 is when the display itself cut off. There's not a specific indicator on this export that says display-on/display-off. Box --

Q I'm going to take a pause right there. Were you able to

cross-reference box 144 with other portions of your report?
A Yes.
Q And were you able to source what that display-on was caused by, whether it was manual or something else?
A It was likely caused by a notification that came up from Facebook Messenger on the device at approximately the same time.
Q And was that notification incoming?
A Yes.
Q Moving to box 145?
A It has an indicated start time of 5:40:40 and an ending time of 5:42:04, both Eastern Standard, on March 2nd, 2018, indicated as the display being on for that duration of time.

And box 146 is a beginning time of 5:40:44, with an ending time of 5:42:04 Eastern Standard on March 2nd, 2018, indicating that the device was unlocked. So the device was unlocked from 5:40:44 until 5:42:04, at which time it was locked.

Q In your opinion as a forensics data examiner, taking boxes 145 and 146, do you believe that that was a manual use of the phone?
A Yes. 5:40:40 seconds, being four seconds beforehand, would likely be the indication of a person picking up or raising the device to where the screen comes on and then accessing the device either via password, or fingerprint, or other biometric means to unlock it.
Q In your opinion as a forensics -- digital forensics

examiner, if there were another manual use of the phone between 5:12 and 5:40, would that populate in this portion of your parsed data?

A Yes. It would indicate some type of interaction with the device. To freely interact with an iPhone, 90 percent of it has to be unlocked, so.

Q Moving to State's Exhibit 59, what is this document?

A This is the device events section of the UFED Reader report for Mr. Singleton's phone from 4:00 p.m. till 6:00 p.m.

Q And would you please publish box 41?

A Yes. Box 41 has an indicated start time of 5:12:36, with an ending time of 5:12:44 Eastern Standard, March 2nd, 2018, with an indication that the device display was illuminated, or on.

Box 42 is a 5:12:36 till 5:12:44 on March 2nd, 2018, with an indication that the device was in an unlocked status from that point.

Box 43, 5:13:40 until 5:13:56 on March 2nd, 2018, it's showing that the device display was again illuminated.

Q And then box 44, please?

A Box 44 is a start time of 5:13:40, with an end time of 6:26:12 p.m., indicating that the device was plugged into charging.

Box 45 is a start time of 5:14:00 to 5:14:08, indicating that the display was illuminated.

Box 46 is a start time of 5:40:12 to 5:41:00 seconds, again

indicating that the display was illuminated.

And box 47 is 5:40:16 to 5:41:00, showing that the device was unlocked.

Q And taking boxes 46 and 47 together, in your experience as a digital forensic examiner, do you believe that that was a manual unlocking and use of the phone?

A And, yes, that would be an indicator of the device being picked up or device illuminated and then a user unlocking it via password or biometric means.

Q And we see that the phone was plugged in in box 44. In looking at box 45, were you able, in this phone, to cross-reference this and make any determination if this was a manual use at 5:14?

A From that I was able to discern that the device did have some indications of movement up until that point. However, at the 5:14 the device ceased to register any movement.

Q And if there were a manual use of this phone between 5:14 and 5:40, in your opinion would it populate in this particular portion of your parsed data extraction?

A Yeah. It would, at the very least, show illumination. For a user interacting with it, they have to have the device screen on.

Q And I am going to move to State's Exhibit 60. What is this document, Detective Riedel?

A This is an export from the generic model, which is a section

of the UFED Reader report that contains data parsed manually by an investigator. As I indicated, I have some advanced analysis training which has allowed me to be able to go in, examine the databases and files that contain data that are not natively parsed by the program and, therefore, examine them and generate queries on the databases that pull that device information out and then allow it to be presented to the reviewer.

This specifically is from one database, the Knowledge C database which contains a lot of device activity information. The specific are relevant to the device playing music or some type of multimedia.

Q May I direct your attention to box 29? What does that mean?

A So this indicates that the device, between 5:13:37 p.m. and 5:13:38 p.m. Eastern Standard Time, the application -- the device was using an application to play an audio track by the artist Kodak Black, with the track being Bill and Jill, and it also indicates that that track has a maximum playtime of 230 seconds.

Q And in your opinion, if this song had played in its entirety of that 230 seconds would the timestamp reflect 5:13:37 until 230 seconds later?

A Yes. At the very minimum it would indicate, if it played the entire track, 230 seconds of duration between the start time and end time as actually is in box 28, right above that, you can see that that is the same media track with different start time, different end time, indicating that that audio clip was allowed

to play or allowed to be active within the device for that specific duration of time.

Q And in box 28 what was the start time for playing that song?

A 5:48:58 p.m.

Q And if any music were playing on the phone between 5:13:38 and 5:48:58, would that populate between boxes 28 and 29, in your opinion?

A Yes.

Q So is it your opinion that there was no music playing?

A Yes. In my opinion there was no music or other media playing.

Q Moving to State's 61, what is this document?

A This is the export from the call-log section of Mr. Singleton's phone which pertains to native calls, or phone-number dialed calls. As we all know, you can make calls a multitude of manners in these days with applications or otherwise.

Q I would like to pause right here. What was the phone number of the phone that you extracted that was attributed to Mr. Singleton?

A Mr. Singleton's phone number was (843) 480-5066.

Q And what was the phone number for the phone that you extracted that was attributed to Mr. Lockwood?

A That was (843) 480-8364.

Q And did you filter this call log in any way to only show

calls between two numbers?
A Yes. As indicated, this was taken from Mr. Singleton's phone, so I utilized the number of Mr. Lockwood's phone to narrow down the list of entire calls on the device and then exported that. As you can see, it only shows the phone number of the other party but it does show the direction of the call.
Q Okay. And can you please -- what are the dates that you filtered this report for?
A As this was taken from the UFED Reader report which had already been filtered to only March 2nd, 2018, forward, it would have been March 2nd, 2018, until the end of its use, or the last call between the two numbers.
Q Until you began the extraction pursuant to the first search warrant?
A Actually, this probably wouldn't have made many calls after it had been taken from Mr. Singleton initially --
Q Okay.
A -- so it was until it -- until the last call registered.
Q Okay. Would you please flip to the end of State's 61? I believe -- is this published in reverse chronological order?
A Yes, the newest at the top, and the oldest being box 17.
Q Box 16, is that an incoming or outgoing call?
A Actually, this one is -- you're on 61?
Q Yes. Okay. Excuse me. I'll publish it.
ATTORNEY NORVELL: Can I please publish it with the Elmo?

Thank you.
Q Sorry. Box 17, was this an incoming or an outgoing call?
A That was an incoming call to Mr. Singleton's device from the 8364 number.
Q Was it answered?
A Yes.
Q For how long?
A Two seconds.
Q Box 16, incoming or outgoing?
A Incoming.
Q Answered?
A Yes.
Q How long?
A Sixteen seconds.
Q What time was that incoming call?
A 4:03:01 p.m. Eastern Standard Time.
Q And no -- box 15, incoming or outgoing?
A Incoming.
Q Was it answered?
A Yes.
Q For how long?
A One minute and 12 seconds.
Q And what time was that?
A 10:36:52 p.m. Eastern Standard on March 2nd.
Q Okay. And box no. 14?

A That was an outgoing on March 3rd, 2018, at 7:55:51 a.m., with a duration of 53 seconds in length.
Q Box 13, was that call answered?
A Thirteen? No, not answered.
Q And it was an incoming --
A Yes.
Q Or outgoing? Box 12, was that call answered?
A Yes.
Q And what time was that?
A 9:18:25 on March 3rd, 2018, in the a.m., Eastern Standard.
Q Was the call answered --
A No.
Q -- in box 11?
A No.
Q Was this call answered in box 10?
A No.
Q Was this call answered in box 9?
A No.
Q Box no. 8, what is the date of this call?
A March 3rd, 2018.
Q And in boxes 6, 7, and 8, are there three phone calls that were answered and within that 12-minute span?
A Thirteen minutes, yes.
Q Yes, 13-minute span. Thank you. And boxes 4 and 5. Is there an answered call in box 4?

A There is.
Q And how long was that phone conversation?
A Four minutes and eight seconds.
Q And on March 4th of 2018 how many calls were answered in box no. 1?
A Just the one.
Q And was that incoming or outgoing?
A That was outgoing.
Q Moving to State's Exhibit 62, as you mentioned, are there multiple ways for phone conversations to take place, or through multiple applications?
A Yes. There's a multitude of them that are available from the native, but you have the applications that are voice-over IP. You also have applications such as Facebook Messenger. Now Snapchat and some of the others will allow you to conduct a call, or a group message, that is most likely video but in some cases can be either audio or video.
Q And in State's Exhibit 62, where did you retrieve those -- or, did you retrieve phone calls?
A These phone calls were retrieved from Mr. Lockwood's phone from the Facebook Messenger app.
Q Did you evaluate Mr. Singleton's phone to see if you could locate Facebook calls on his device?
A I did.
Q And did you locate them on his device?

A I did not.
Q Would you please tell us, in box no. 7, was this call answered?
A No.
Q What time was that?
A 2:44:11 p.m. Eastern Standard Time.
Q On which day?
A March 2nd, 2018.
Q And box no. 6, was that call answered?
A No.
Q And what time was that?
A 2:44:17 p.m. Eastern Standard on March 2nd, 2018.
Q And box no. 5, was this call answered?
A No.
Q And what time was that?
A 3:44:40 Eastern Standard.
Q On which day?
A March 2nd, 2018.
Q Was no. 4 answered?
A No.
Q What time was that call?
A 3:44:49 p.m. Eastern Standard on March 2nd, 2018.
Q Was call no. 3 answered?
A No.
Q And what time was that?

A 4:02:19 p.m. Eastern Standard on March 2nd, 2018.
Q Call no. 2?
A No.
Q And the time?
A 4:02:21 p.m. Eastern Standard on March 2nd, 2018.
Q And was call no. 1 answered?
A Yes.
Q What time was that?
A 7:55:57 a.m. Eastern Standard on March the 3rd of 2018.
Q Moving to State's Exhibit 63, what is that?
A That is an export from the chats section of the device which is solely between the two numbers indicated previously.
Q And who were the individuals attributed to those numbers?
A Mr. Lockwood and Mr. Singleton.
Q And what is the -- when you complete your data extraction with this new software is it able to produce it the same way that we would see it as if it were on the phone?
A Yes. You can export it as the chat bubbles to make it more, I guess, friendly to the viewer, because they're used to seeing it that way on their device. So that's one option, to present it in that manner.
Q And is this exported -- this particular exhibit, is it exported as a streamlined conversation?
A Yes.
Q I'm going to ask you to publish the conversation. Who sent

this message?

MR. SINGLETON: I object to that on the grounds that that -- that is more prejudicial than probative. There is no indication we wished to do any harm to the victim.

THE COURT: All right. Let me see what it is.

Q Can I actually take your hard copy?

A Uh-huh (yes).

MR. SINGLETON: Also, Your Honor, not only is it more probative -- more prejudice than probative, it has no relevancy in that there is no implication or no -- any pistol, premeditate, or anything of that nature to say we conspired to commit a crime.

ATTORNEY NORVELL: The State would be offering this under the hearsay exception for a coconspirator's statement. The conversation is admissible when the conversation includes information that induces each coconspirator to further the conspiracy or keep the coconspirators abreast of the status of the conspiracy.

THE COURT: All right. So the phone number (843) 480-5066 is whom's?

ATTORNEY NORVELL: Mr. Singleton's.

THE COURT: And (843) 480-8364 is whom's?

ATTORNEY NORVELL: Mr. Lockwood's.

THE COURT: All right. For the record, I have viewed all of State's Exhibit No. 63 and all the text messages, and under a 403 analysis I find it to be more probative than prejudicial, and

I'll allow it.

ATTORNEY NORVELL: Thank you, Your Honor.

Q Will you please publish the conversation, Detective Riedel?

A Yes.

Q What's the date and time that the conversation began?

A The chat thread begins on March 3rd, 2018, at 7:02:21 a.m. Eastern Standard Time.

Q And who sent this message, or what number sent this message?

A The 5066 number, which was Mr. Singleton.

Q Okay.

A So for the duration of this chat thread, the blue indications are from the incoming 5066, with the green being outgoing from Mr. Lockwood to the 5066 of Mr. Singleton.

Q At 7:02 what is said?

A Aye.

Q At 7:02:31 what is said?

A Yo.

Q At 7:06?

A Wa boy.

Q At 7:06?

A The three letters, wyd, which is commonly known to be short for, What are you doing.

Q 7:06:56?

A Coolin how you mingin.

Q 7:12?

A Shit wa you bouta do.
Q 7:12?
A Match me bitch.
Q 7:31?
A I coming in like a hour.
Q 7:31?
A You got bullets.
Q 7:54?
A Yea.
Q 7:54?
A Call me rq.
Q Do you know what rq means?
A That can be short for either really quick or right quick.
Q 5:31 on the same day?
A It's the three letters, wya.
Q Do you know what that means?
A Where you at.
Q 6:43?
A Aye.
Q 8:09? What is the date?
A That is March 4th, 2018.
Q What's that?
A Again, the three letters, wyd.
Q 11:30?
A Aye.

Q 11:30?
A The wya again.
Q 11:30:43?
A Yo.
Q 8:30?
A Hou.
Q 11:32?
A Wa happen.
Q 11:32:45?
A Wya up.
Q 11:32:50?
A Bitch you fiya.
Q 11:46?
A Aye ween needa be together fa ah couple days bruh rs.

ATTORNEY NORVELL: May I approach the court reporter?

(State's Exhibit 80 is identified.)

ATTORNEY NORVELL: Judge, may I approach?

THE COURT: Yes, ma'am.

Q Detective Riedel, can you just take a look at State's Exhibit 80 and tell me if you recognize this document?
A Yes. This is a portion of conversation from the Facebook Messenger application.
Q And did you include this document in your examiner's notes?
A Yes.
Q Was it parsed from your review from the data extraction that

you completed?
A Yes.
Q Does it fairly and accurately represent the data that you reviewed during your manual parsing and manual review and manual spot-check of the cellphone data extractions?
A Yes.
ATTORNEY NORVELL: Judge, the State would offer 80 into evidence. Would you like to see it?
THE COURT: All right. Has he seen it?
ATTORNEY NORVELL: I showed it to him.
THE COURT: Okay, over the objection.
(State's Exhibit 80 is admitted into the record.)
MR. SINGLETON: I object to that admission being entered due to the fact that there's a -- due to the fact that this is more -- also more prejudicial than probative, as to indicating that there is something to hide but there was no actual evidence indicating a crime was even committed.
THE COURT: All right. Over the objection, admitted for the record.
ATTORNEY NORVELL: May I publish?
THE COURT: Yes, ma'am.
Q Detective Riedel, can you please publish this portion of the conversation?
A Yes. This is a chat conversation from the Facebook Messenger application from the device of JaJuan Lockwood, so the

messages from the Re Sosa would be incoming, whereas the green box would be outgoing.

And on March the 2nd of 2018, 3:54:16 p.m. Eastern Standard, there is an incoming to Mr. Lockwood with message, Delete these shit; and on March the 2nd of 2018 at 4:02:21 p.m. Eastern Standard, an outgoing attempted Facebook Messenger call from Mr. Lockwood to the Re Sosa account.

ATTORNEY NORVELL: Beg the Court's indulgence. Thank you, Detective Riedel. I don't have any further questions for you at this time.

THE COURT: All right. Ladies and gentlemen of the jury, it's 11:10. It's a perfect time for us to take a quick break, let you use the restrooms, stretch your legs, and we'll come right back in.

Detective Riedel, you can take a break as well. You're still under oath.

THE WITNESS: Yes, sir.

(Jury escorted out of the courtroom at 11:10 a.m.)

(Court reconvened at 11:10 p.m. and reconvened at 11:18 p.m., without the jury present.)

MATTER(S) OF LAW

THE COURT: All right. Mr. Singleton, if you'll stand. All right. I'm going to go ahead and give you this charge now so that you'll have more than enough ample time to think about it. I don't want to put you on the spot or anything so I'm going to

ahead and read it to you. I'm going to go ahead and place you under oath.

At this time I am going to explain to you certain of your rights. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, please let me now. Do you understand this?

MR. SINGLETON: Go ahead and read it.

THE COURT: We are going to reach the stage of the trial where you may present your defense. You have a right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States. This amendment states, in part, "No person shall be compelled in any criminal case to be a witness against himself." This means that you cannot be required to testify in this case. You have the right to testify on your own behalf; however, no one can make you testify. This is a personal right, and no one can waive this right except you.

If you decide to testify you will be subject to the same rules that govern other witnesses, and you may be examined and cross-examined on any relevant issue in this case.

In addition, if you have any convictions involving dishonesty, or false statement, or for crimes punishable by imprisonment for more than one year and this Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to you, the solicitor will be able to introduce your record to attack your credibility.

If you decide to testify, this decision on your part must be freely, voluntarily, and intelligently made with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify.

If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you wish to testify in this case.

You may talk with an attorney, your family, a friend, or anyone else, but the final decision will be left entirely up to you. Do you comprehend?

MR. SINGLETON: Yes, I comprehend, and I have just two questions.

THE COURT: Okay.

MR. SINGLETON: One, would I be able to -- you said I'd be able to speak to my family? Could I do that?

THE COURT: Concerning this?

MR. SINGLETON: Yes.

THE COURT: In the presence of a deputy.

MR. SINGLETON: And also, we will be giving our closing arguments as well, won't we?

THE COURT: That's correct, but you will have your opportunity to present your defense prior to closing arguments,

so you can either choose to, A, testify on your own behalf or, B, you do not have to testify but you would still be able to give a closing argument. That will not preclude you, if you choose not to testify, from giving a closing argument.

MR. SINGLETON: All right.

THE COURT: Thank you very much. You may be seated. I will ask you what your decision is at a later time. All right. Are you all ready?

MR. SINGLETON: Oh, just one more issue I had. This motion -- I'm trying to get this motion filed.

THE COURT: We'll make sure your motion gets filed.

MR. SINGLETON: I don't have it ready. Is there any way I can get it printed off and brought to court before we bring the jury back in and before we proceed?

THE COURT: What's the motion?

MR. SINGLETON: It's an affidavit.

THE COURT: What's the affidavit?

MR. SINGLETON: Of bias and prejudice.

THE COURT: It doesn't have anything to do with the next four witnesses, or three witnesses, so we'll make sure it gets filed and make sure it's part of the record.

MR. SINGLETON: You say -- can you repeat? You said it doesn't have anything to do with what?

THE COURT: With the next three witnesses.

MR. SINGLETON: Oh, no. Yeah, I just wanted to make sure it

was filed --

THE COURT: It will get filed.

MR. SINGLETON: -- because I asked you to file it yesterday but you failed to do so.

THE COURT: It will get filed.

MR. SINGLETON: Also, could I -- due to the fact that you revoked my bond, I was not able to do any studying last night because my papers were left in the courtroom. I would ask that I be able to take my papers and get some things done if the trial does not end today.

THE COURT: All right.

MR. SINGLETON: Because last night I was thrown in the Al Cannon Detention Center without access to my notes and my things that I would need to have came prepared today.

(Jury seated in the courtroom at 11:23 a.m.)

THE BAILIFF: Judge, all the jurors are present and seated.

THE COURT: All right. Call your next witness.

MR. SINGLETON: I didn't have a chance to cross-examine.

THE COURT: Oh, you're right. I apologize. Mr. Singleton, feel free.

CROSS-EXAMINATION

BY ATTORNEY NELSON:

Q Detective Riedel, you conducted a phone dump on all the phones in this case, correct?

A Not all of the phones. No.

Q Which ones did you do a phone dump on?
A I did Mr. Lockwood's phone and your phone. I manually examined the victim's phones but I did not perform a data extraction on those.
Q On the dumps that you did conduct did you find any evidence of conspiracy?
ATTORNEY NORVELL: Objection. It goes to the ultimate issue.
THE COURT: I'll sustain the objection. Ask your next question.
Q When you conducted the dump was there anything that led you to believe you were in pursuit of the right people?
THE COURT: What was the question? That you were in pursuit of what?
ATTORNEY NORVELL: Of the right people, of the people --
THE COURT: That's not his role and responsibility. Ask the next question.
Q What I'm trying to ask you, Mr. Riedel, when you did the dump, could you say that -- when you did the dump, could you say that you were properly -- could you say that you were conducting a proper investigation?
A I was performing my portion of the investigation properly. Yes.
Q May I ask, were those phones lawfully seized?
A They were lawfully provided to me.

Q You say they were lawfully provided to you. Who provided you the phone?
A As indicated, I received one from Detective Crider and one from Detective Rodriguez.
Q Do you have any knowledge of where Mr. Crider received the phone?
A No.
Q You don't have any knowledge of that?
A Not to my recollection.
Q Actually, that will conclude my questioning for you, Mr. Riedel.

THE COURT: Thank you very much. All right.

ATTORNEY NORVELL: No redirect, Judge.

THE COURT: All right. You may step down. You may be excused.

THE WITNESS: Thank you, Your Honor.

THE COURT: Call your next witness.

ATTORNEY NORVELL: The State calls Melissa High.

MELISSA F. HIGH,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Melissa Faye High, H-i-g-h.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Good morning, Ms. High. How are you?

A Good. How are you?

Q I'm great. Where are you currently employed?

A I work at the Sheriff Al Cannon Detention Center in Charleston.

Q Are you an employee of the Charleston County Sheriff's Office?

A Yes.

Q And what is your position with the --

A I am an admin.

Q Okay. Can you tell us about some of the duties and responsibilities of your position?

A When the subpoenas come in for records, I pull those, and then I download whatever documents or records that the attorneys are requesting.

Q And what are some of those records and documents that you are asked to provide?

A Jail calls, video visitation, inmate records.

Q Okay. Can you just tell the jury a little bit about how visitations, in particular, work? Do they have to be prescheduled?

A Yes, ma'am. They're prescheduled. They last 20 minutes. They are aware that they are being recorded.

Q How are they aware that they are being recorded?
A We have a sign-up in each unit that states that they are being recorded and possibly monitored.
Q Is the video visitation in, like, for lack of a better word, like a telephone-booth type?
A Yes.
Q And there is a warning posted in there --
A Yes.
Q -- that those are recorded?
A Yes.
Q In your position as a records administrator at Charleston County Sheriff's Office were you asked to provide records in this particular case?
A Yes, ma'am.
Q And do you know the inmate's name that you were asked to provide records on?
A Mr. Singleton.
Q And did your office provide those records to the solicitor's office?
A Yes, ma'am.
MR. SINGLETON: I would object.
THE COURT: What is it?
ATTORNEY NORVELL: It's a video of the visitation visit. I'm happy to proffer it outside the presence of the jury.
THE COURT: All right.

MR. SINGLETON: I would object to the fact that -- and this video -- this video is not implication, and it's not an implication of any other person, so it would have no relevance.

THE COURT: All right. What is the video of?

ATTORNEY NORVELL: It is a video of visitation that Mr. Singleton participated in.

THE COURT: Video?

ATTORNEY NORVELL: Yes.

THE COURT: All right. So it's from a visit, a visitation where it explains that this is being recorded?

ATTORNEY NORVELL: Exactly.

THE COURT: All right. And have you proffered everything for --

ATTORNEY NORVELL: I have not laid the foundation yet.

THE COURT: All right. Continue.

ATTORNEY NORVELL: Yes.

(State's Exhibit 68 is identified.)

Q Ms. High, do you recognize this disk? I'm showing you what's been marked as State's Exhibit 68.

A Yes.

Q And how do you recognize it?

A That's my initials on there.

Q Did you review the contents of this disk?

A Yes.

Q And does this disk contain records that you provided in your

role as the records custodian at the jail?
A Yes, it is.
Q And did you review those contents again?
A Yes.
Q Did they appear to be materially altered or deleted in any form or fashion?
A No, ma'am.
ATTORNEY NORVELL: Judge, the State would offer State's 68 into evidence.
THE COURT: For purposes of it being relevant, what is the State's position as to what the evidence on the disk is? It's a conversation between whom and whom?
ATTORNEY NORVELL: It's a conversation of the defendant's statement. It has been excerpt. It's been clipped so that there's no hearsay issues. I am only going to publish a seven-second portion of the defendant speaking.
THE COURT: That's fine.
ATTORNEY NORVELL: May I publish, Judge?
THE COURT: Yes, ma'am.
(State's Exhibit 68 is admitted into the record.)
(State's Exhibit 68 is published to the jury.)
ATTORNEY NORVELL: Thank you, Ms. High. I don't have any --
THE COURT: Hold on. We're going to have to play that again. I didn't hear one word.
ATTORNEY NORVELL: I don't have the ability to turn up the

audio any more. Do you --

THE COURT: No, it's just I wasn't ready for it. Do y'all need to hear it again? Okay.

ATTORNEY NORVELL: And also for later purposes, we have, of all of the published disks, we compiled onto one disk so that multiple disks don't have to be sent back.

THE COURT: Okay. All right.

MR. SINGLETON: I have another objection, also, to the relevance of this, that it is also very much more prejudicial than probative. They are seen as I'm being portrayed as a criminal in this clip because I'm in the Al Cannon Detention Center, there is no -- that is highly prejudicial for the jury because they are seeing me in a position as if I'm already guilty.

THE COURT: It was pre-detention. He's presumed innocent until proven guilty. So this is simply just pre-detention at the Al Cannon Detention Center, okay. Play it. Everybody raise your hand whenever you're done and you understand it. Just put your hand down, and I won't have to keep bothering you. Or, put your hand up whenever you've heard it. All right. Go ahead and play it.

(State's Exhibit 68 is published to the jury.)

THE COURT: Play it again.

(State's Exhibit 68 is published to the jury.)

THE COURT: All right.

(State's Exhibit 68 is published to the jury.)

THE COURT: I can't tell you what it says.

ATTORNEY NORVELL: And I can provide a transcript, if necessary, as a demonstrative aid.

THE COURT: I know, but I can't tell them the evidence.

ATTORNEY NORVELL: I'm happy to provide a demonstrative aid.

THE COURT: All right.

ATTORNEY NORVELL: Thank you, Judge.

Q I don't have any further questions for you, Ms. High.

THE COURT: All right. Yes, sir, Mr. Singleton. Ms. Singleton, have you reviewed this audio?

THE WITNESS: Have I?

THE COURT: I mean -- I'm talking to him and looking at you. I apologize. Ms. High, have you reviewed this audio?

THE WITNESS: No.

THE COURT: All right. Anything further?

ATTORNEY NORVELL: I'm comfortable.

THE COURT: Okay. All right. Thank you so very much. You may be excused. Have a wonderful rest-of-your-day.

THE WITNESS: Thank you.

THE COURT: All right. Call your next witness.

ATTORNEY NORVELL: Thank you, Judge. The State calls Niara McFadden.

NIARA McFADDEN,

having first been duly sworn, is examined and testifies as follows:

CLERK OF COURT: Please state your full name, spelling your last name directly in the microphone.

THE WITNESS: Niara McFadden, M-c-F-A-D-D-E-N.

DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Thank you for being here, Niara, this whole week. How old are you?

A I am 28.

Q I'm going to need you to talk directly into the microphone. You're very soft-spoken.

A I am 28.

Q And what do you do for work?

A Right now I work in bachler [ph] service.

Q Who is Vaughn James McFadden to you?

A Me, and probably everybody know him as, my little brother.

Q Can you describe your relationship with Vaughn?

A Every sister and brother love/hate as far as fight, argue. I could call him certain things, but he was my big brother even though -- he was my big brother.

Q And can you tell us a little bit about Vaughn?

A Vaughn was a big teddy bear, gentle giant, sweet soul, wouldn't hurt a fly. I'm sorry.

Q Take your time. There's some water and tissues if you need them.
A Vaughn was just a good person. He wasn't the average 18-year-old kid. Like, he was -- how do you want to say -- someone before their time, like he was way before his time. That's how I felt about him.
Q Did you live with Vaughn in March of 2018?
A Yes, I did.
Q And where did you guys live?
A We lived on -- the actual address, everything?
Q Who did you live with?
A Oh. My mother.
Q And it was her --
A Her apartment, yes.
Q And where did Vaughn go to school?
A Well, Vaughn started off at Stall but he ended up at North Charleston.
Q And who were Vaughn's friends?
A The friends I know of is my cousin Brandon. Recently he started to hang out with this young man named Tatum, which his name is Anthony, and, as I known him to be with Maurice and JuJuan.
Q And when is the last time that you saw Vaughn hang out with Maurice Singleton?
A The last time I seen him with my brother was the weekend

before.
Q Before what?
A Before my brother got killed.
Q And when's the last time that you saw Vaughn hang out with Brandon?
A The last time I saw Vaughn hang out with Brandon was that week, because we always together. Every day we were together.
Q And when's the last time that you knew Vaughn to hang out with Anthony, or Tatum?
A Same thing, every day. Like, Tatum would come stay the night at the house, so it was like a thing. He was around.
Q Was it normal for Vaughn to leave school and go hang out in the Waylyn neighborhood?
A It wasn't but at the same time that was his aunt. Like, if he would go over there, it would only be for one specific reason, and it was only to hang out with them.
Q And who is them?
A JuJuan and Maurice. At the time I known him as Mo Mo.
Q And did you ever know Vaughn to hang out at the Bennett Railyard?
A No.
Q Can you think of any reason why he would have gone back there?
A It's a shortcut. I don't know. Kids go back there probably to smoke. I personally wouldn't go back there but you've got

boys. They're dumb.
Q Did you know about a shortcut between the neighborhood and the railyard?
A I did not know, and I didn't smoke. If you go that way -- I don't specifically know that far back, but I know it's a school right there which was Garrett at the time, and you come all the way around, end up on Dorchester and Louise Avenue.
Q Can you tell us about the morning of March 2nd? Did you see Vaughn that morning?
A Yes. I just came home probably around 8:00 or before that morning. When my mom was leaving in the morning I obviously had just came into the house, and I hear them two rambling, and she fussing at him about, Let's go or you'll be late for school. And then I looked in the corner of my eye, and he do this thing, he was like, Yo, and I was like, Yo, and then we was like, See you later, or What's up, or I talked to him, I said, I love you -- or, I said I loved him. And then he walked out the door, and that was the last time I seen my baby brother.
Q What was Vaughn wearing when he left your house that morning?
A I know Vaughn's clothing, so I can base it off just by seeing what he don't have in his closet. That day Vaughn had on Dream Foamposites and his green --
THE COURT REPORTER: I'm sorry, ma'am?
A I'm sorry. Dream Foamposites, they are Nikes. He had on

his green North Face shirt. He had on his black, white, and gray Nike shirt. He had on his blue baton -- excuse me. He had on his blue baton belt. He had on his Cheshire [p] watch that I gave him. Excuse me. He never carried a book bag; if anything, he carried his books in his hand. So, yeah. That's the last time I seen my baby.

Q And did you have plans to see Vaughn on the evening of March 2nd?

A Yeah. Me, him, and my mother do this thing where if -- we both like -- it's only been three of us as long as I remember us, because us three the har [ph] way. So we all get together, go to movies, go to dinner, even though it's cheesy, because it's like, we grown but after I lost my father it was just us three. So, yeah.

Q What were your plans supposed to be on the evening of March 2nd?

A Well, mommy had to work but she was getting off early, so we was like, well, we gonna get some food and was gonna go to the movies or whatever. If I'm not mistaken, I think we was gonna see Black Panther because it just came out at that specific time. So, yeah.

Q And did dinner and a movie happen that night?

A No, because that night my mother came home, was like, Call Vaughn; Call Vaughn; Call Vaughn. I'm like, Vaughn is out; He's outside. It's 12:00, he don't come in the house till 12. He's

18. Like, Let him be. Call Vaughn; Call Vaughn; Call Vaughn. And I didn't think anything of it.

And so I seen the police at the front door and still didn't think anything of it. And then they asked me what was the last thing he had on. I couldn't specifically remember at the time but his sneakers and his jacket, but -- and know he had two significant tattoos; three roses in the front representing me, him, and my mother; two doves represent my father and my grandmother; and then the back of his arm was some skulls and some ghost faces, typical boy stuff.

Q And had you gone with him to get those tattoos?

A Yes. I was there for both. Yeah.

Q And you never got ahold of Vaughn that night?

A No.

Q And what did you learn when the police came to your house?

A I learned that -- they didn't pretty much tell us everything at first; they just asked me questions about his tattoos, and I said yeah. And they said they found him, and, I don't know, instantly -- I know who my brother's with all the time. It's not like there was no time I do not know who he's with. And if I do not know who he's with, it's he's going to be with four specific people.

My brother is -- he's like clockwork. He don't hang out with nobody he don't know, he don't chill with nobody he don't know. He's a loner just like me. Stay in the house, play video

games all day, and mind our business. Go to school; come home. That's it. Yeah, he might go out and do what he do, hang out, but it was only specifically four people that I know of: One is him; two is JuJuan; three is my cousin; and four is Tatum.

Now, that specific day, cause I knew where one and two were at, it was only logical he would be either with him or the other, or with both of them.

Q And did you know how Vaughn became friends with Maurice and JuJuan?

A Yes. They all became friends at Northwoods Middle. I had known him since, well -- excuse me -- I had known both of them -- my brother died when he was 18 -- I've known him since he was 15, 14, I'm thinking. Yeah. Yeah.

Q And you mentioned your father had previously passed away. Did anything -- did he leave you anything?

A My father left us beneficiary because at the time when my father passed away -- my father died before I graduated high school, so when I got my money was the day I graduated. The day I graduated high school my older brother told me, Hey, we got annuity money from father in pots, and broke it up in three: I got sixty; my old brother got sixty; my younger brother got sixty; but because Vaughn was only 13 at the time, when I got my money when I was 18, his collected interest in the State of New York, so the State of New York had collected interest, and that's how it went from sixty to eighty.

Q Was the annuity part of your dad's pension?
A Yes, it was.
Q And when did Vaughn receive his share?
A Vaughn received his right before Christmas, literally right before Christmas. He had a good Christmas. It was right before Christmas.
Q Do you know some of the things that he spent his money on?
A Mainly me and my mom, if anything, like, whatever we needed, we want -- he'll have a lecture, but if we needed it, if we really needed it.
Q Did Vaughn's spending habits change after he received that pension money?
A Yeah. My spending habits changed after I got my money. You 18 years old with $60,000 in your account, what do the average 18-year old do? Go shopping, buy unnecessary stuff. Just buy unnecessary stuff, just unnecessary because you got it, even though you had a job.
Q Did you know if Vaughn carried cash around?
A Vaughn would carry cash like if he wanted to get something to eat or however, but normally Vaughn would keep mainly all his money on his bank card. If anything -- if Vaughn had cash, he was going to the mall, probably, that day or wanted to go buy some sneakers or something like that.
ATTORNEY NORVELL: Beg the Court's indulgence. Thank you, Your Honor.

THE COURT: All right. Anything from the defense?

MR. SINGLETON: Yes.

CROSS-EXAMINATION

BY MR. SINGLETON:

Q Ms. Niara, I understand your position, so I'll just keep --

THE COURT REPORTER: Sir?

THE COURT: Hold on, sir. You've got to speak up. I can't hear anything you're saying.

Q Ms. Niara, I understand your position, and so I'll just keep it brief so you don't have to talk. But you just testified that Vaughn did not keep cash on him?

A As of my knowledge.

Q After you learned what happened to Vaughn did you make any phone calls?

A Yeah.

Q To?

A People that I had known that was supposed to be his friends. Like I said, friendship, y'all supposed to be a friendship, so I thought his friends -- hey, I reach out to his friends, right, the ones I know him to be with, right. So, yes, I did reach out to his friends.

Q Can you tell us who you spoke to?

A Well, the first I reached out to was my cousin because that's his right-hand man, so, yeah. To my knowledge, I know JaJuan reached out to me, asked me questions, like I told

Ms. Norvell, Where were you?, Where were you all? Excuse my language.

Q You said you spoke to JaJuan?

A As well, to my knowledge, you text me as well.

THE WITNESS: Excuse me. Can I ask him a question?

THE COURT: No, ma'am.

THE WITNESS: Okay.

Q You said you spoke with JaJuan on the phone?

A Yeah.

Q In your previous testimony, Niara, did you say I -- I take it -- did I -- did we -- I never called you?

A You never called as of me remembering at that specific, because that was a long week of my life. Like, I lost my baby brother, so if anybody reached out to me or talked to me I would not remember because I was like that the whole week, but as of me remembering, as of my knowledge, no, I really don't.

Now, maybe you have text me. I think you did text me and say, Is this Niara's phone? I don't think I text you back because that was a rough week. I felt like I didn't need to text you back if you knew what was going on.

Q Ms. Niara, you said you saw us the week before. Would you describe to the Court what was going on when you saw us?

A Yes. I just described very clear as day, it was the weekend before, being I was at my cousin Brandon's house on Baulter [ph] Street. You was all hanging out. I was in the house because I

normally watched his little girl at the time. She was a baby. Right now she's five. I was watching the baby.

I went outside to see what was going on to be nosy, like I always do, and I think I walked up to you first and you was like, Hey, you don't remember me?, and I was like, Hey, what's up, Mo Mo, how ya doing? Talked to Vaughn and Brandon. Then JaJuan came up like, Oh, you don't remember me? Gave him a hug, too. And what did I do? Went right back in the house after that. So, yes, that was the weekend before.

Q You say it was -- who -- you said it was Brandon?

A Oh, excuse me. I'm missing one more person. I'm sorry, because you said that, I am missing one more person, and his name is Juan [ph]. He was a Mexican young man. That's all I know, he was Mexican. I don't know anything else about him. But I just missed one person. So, yes, it was Vaughn, it was Brandon, it was you, it was JaJuan, and it was Juan. Yes, it specifically was. Even though it was dark I know everybody by how they talk, how they look, everybody's figure, how they all dressed at the same time, so I can pinpoint who is who. I know my baby brother and my cousin, and I knew y'all.

Q Ms. Niara, you just stated that you texted, said you know for a fact that -- currently you say you don't remember me calling --

THE COURT REPORTER: Sir, repeat that, please?

Q You said I texted --

A I don't remember you calling me.
Q I have to repeat it. Excuse me.
A Okay. Go ahead.
Q I said -- you said I texted you but you have no recollection of me calling you --
A Yes, I did.
Q If I could tell you how the conversation went, would that help?
A Go ahead, tell me. If you --
THE COURT: You need to ask a question.
Q Ms. McFadden, what did you -- excuse me. I mean this in a most respectful way --
A Say it.
Q When did you suspect me of this crime?
ATTORNEY NORVELL: Objection. She's not an investigator.
THE COURT: Yeah. That's not an appropriate question.
Q I just -- I thank you for your time. Appreciate you.
THE COURT: All right. Anything as a follow-up?
ATTORNEY NORVELL: Nothing on redirect, Your Honor.
THE COURT: All right. You may step down and be excused. All right. Call your next witness.
ATTORNEY NORVELL: The State recalls Detective David Pritchard.
THE COURT: How long do you think this will take?
ATTORNEY NORVELL: Five minutes.

THE COURT: All right.

DAVID PRITCHARD,

having been duly sworn, was recalled, examined, and testifies as follows:

THE COURT: All right.

ATTORNEY NORVELL: Thank you, Judge.

FURTHER DIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Detective Pritchard, did your investigation end once you made the arrest in this case?

A No, ma'am. We continued to investigate.

Q And in preparation for this trial, did you -- did you have opportunity to review all of the evidence and materials that the State intended to introduce?

A Yes, ma'am.

Q And based on your review of the case in its entirety, did you create any documents?

A Yeah. I created a full timeline, from beginning whenever the deposit was made, all the way to the end.

Q Can you just briefly hit the high notes of what you included, what did you look to include, in that document?

A Yeah. It started in December of '17 whenever the deposit was made. Fast-forward to the beginning of March, March 1st, whenever some withdrawals were made, two withdrawals which totaled $1,500. And then the following day whenever the murder

happened, and on through the investigation.
Q And can you just, brief overview, explain the types of data that you included in it other than this relevant information?
A Yes, ma'am. I had a bunch of Facebook data, still clips from surveillance footage that probably you've already seen, the bank records, as well, snippets from the writer data, and other things that I took from the cellphones themselves.
ATTORNEY NORVELL: May I approach the witness, Your Honor?
THE COURT: Absolutely.
(State's Exhibit 45 is identified.)
Q I'm showing you what's been marked for identification as State's Exhibit 45. Do you recognize this document?
A Yes, ma'am. This is the timeline I created.
Q Did you create that document with all the evidence that was under your purview as the case agent and lead investigator in this case?
A Yes, ma'am.
ATTORNEY NORVELL: Judge, at this time the State would offer State's 45 pursuant to Rule 1006, *United States v. Gray,* which I provided earlier. Every piece of information included in this summary has previously been admitted into evidence in this case.
THE COURT: All right. It's all in evidence?
ATTORNEY NORVELL: Yes.
(State's Exhibit 45 is admitted into the record.)
Q And, Detective Pritchard, I'm going to publish this. I'm

not going to go through everything because it has been previously admitted but, just briefly, if you can articulate what sort of information you included?

A Yes. Starting with the beginning of the timeline, December 7th, '17 is the settlement deposit, and then, like I said, fast-forward to end of February/beginning of March, is your withdrawals, on to the date of the murder. I started -- I went through all the phone records, of phone dumps, all the Facebook data I collected, and established a timeline of communication between the two defendants, attached pictures in there that I thought were important, and also clipped out segments from phone dumps, as well, and put them into the timeline.

Q And did you also add in shots from the videos that you recovered?

A Correct. All the important videos that we reviewed, these are the snippets, or the screenshots, of the important parts of the videos.

Q Did you include any location information and music-playing in your timeline?

A I did. And that would have been information that we gathered from Maurice's phone dump.

Q And do you know, did you recover that information from Detective Riedel?

A Yes, ma'am. And again, going through the timeline, more snippets of the video that was important.

Q And did you continue your timeline onto March the 3rd?
A I did. That was also information that we collected from the defendant's phone dumps, as well, showing communication between the two afterwards, and some texts.
Q And after March the 3rd did you include any other information?
A So that goes through the timeline. Fast-forward it to March the 18th, it was the snippet of video that you've all seen from the jail visitation, and I just notated what was said during that.
Q Thank you, Detective Pritchard.
A Thank you.
THE COURT: All right. Anything from the defense?

CROSS-EXAMINATION

BY MR. SINGLETON:
Q Detective Pritchard, you said you put the important information in your timeline. What information would you consider important? What makes that information you have important as far as --
A Any communications between you and your co-defendant, any video that they had already seen, the snippet parts of it.
Q Any communication? Not a specific conversation, just any communication?
A Not any communication. Communication I deemed to be important in reference to y'all talking about the murder.

Q Do you have any -- in those messages, are we speaking of a murder in those messages that you put in your timeline --
A That's what I believe you were speaking of.
Q That's what you believe?
A Yes.
Q On what day was those messages? What date?
A The only texts in the timeline between y'all two would be on the 2nd and the 3rd.
Q You say on the 2nd or the 3rd --
A Yes --
(Simultaneous speaking.)
A -- that's what notated on the timeline? Do you want me to go through? Yes?
Q No problem. I asked you what the messages were.
ATTORNEY NORVELL: I'm sorry, Judge. I didn't hear the question.
MR. SINGLETON: I was asking him what messages are on the 2nd and the 3rd.
A Okay. So at 9:00 a.m. there is a -- on the 2nd there's a phone call from JuJuan to you that lasts two seconds.
Q I refer to text messages. I'm speaking of only text messages. You can't read the phone dumps. I'm asking what text messages did you include in that timeline that you --
A One --
Q -- were important?

A One text message is at 3:54 p.m., which is around the time of y'all getting off the bus. It is from Maurice to JaJuan, and it says, Delete these shit. I believe they're referring to deleting messages.
Q But you recovered -- you all -- recovered messages from the --
A Do you want me to read all the messages or just some of them?
Q No. What day were those messages, on the 3rd?
A No. That message was on the 2nd.
Q No. I'm asking you what messages did you have from March 3rd?
A March 3rd, 7:00 in the morning -- in between 7:02 and 7:31, there's a continued conversation between the two of y'all. One of it's from, appears to be, you asking, You got bullets. I got it backwards. JaJuan asking, You got bullets, and you replied, Yea. At 11:46 a.m. another message between the two: Aye ween needa be together fa ah couple days bruh" real shit. That was the last message. The rest are several phone calls that afternoon.
Q When you said those messages you found important because you believe we were speaking of the murder?
A Yeah. If I'm looking at people for murder, two co-defendants, and they're telling each other that we need to be apart for a couple of days, bruh, it was important to me.

Q You were aware, you said -- just for clarification --
A Yes, sir.
Q -- you said what date that -- was I ask for bullets, or what date was the defendant asking about bullets?
A That was 7:00 in the morning.
Q On what date?
A 7:30 in the morning. I'm sorry. On the 3rd --
Q On the 3rd?
A -- the following morning.
Q This would have been the following morning.
A Yes.
Q Why would we have need bullets if the murder already happened?
A Your magazine of a gun only holds so many bullets, and if you get rid of the bullets by shooting them into somebody, you're going to need more bullets to fill the gun back up. That's the way I take it.
Q So that's the way you interpret it, but you didn't think that maybe we wanted to defend ourself and maybe that is why we didn't need to be together? Did that ever occur to you?
A So you're worried about retaliation? Is that what you're referring to?
Q You say retaliation? That's what you're asking me?
A You said you were worried about defending ourselves.
(Simultaneous speaking.)

Q Right. That's what I'm asking you. I'm not speaking about retaliation, but did you ever consider that we were in danger as well? Did that ever cross you or the prosecution team's --
A Well, retaliation for murder is always something that we're concerned with. Yes, sir.
Q But what I'm saying to you is did it ever occur to y'all that we were in danger, as well, is what I'm asking you?
A That is a chance. Retaliation for murder happens all the time. People -- their friends get killed, friends of that friend come out and try to kill the people that killed them.
Q But what I'm saying to you is --
THE COURT: Rephrase the question. You're asking the question the same way over and over and over. Rephrase it.
Q What led you to actually believe that --
MR. SINGLETON: Could I grab the timeline from the evidence table and review the timeline? Judge Price, I'm speaking to you. Thank you.
Q Mr. Pritchard, you saw that -- you were saying, you were thinking -- you were speaking of retaliation, but what if we feared for our lives because our friend who we recently was with was killed?
A Do you want me to just speculate what you would do if you feared for your life? I don't understand.
Q What I'm asking you is, to prove your assumptions because you were going off based on what you believed at that time, so

for you to have believed we were trying to protect ourself from retaliation, meaning that you also would have already had believed before any proper evidence was gathered that we were already guilty; is that correct?

A I created this timeline in preparation for this trial, so four years later after what I feel has proven the case that you are one of the ones that killed him, I'm putting that in context based on everything else I know.

Q But what I'm saying is you had already went through the evidence. You had already went through certain evidence as far as cameras. You went through that when the case was first opened, correct?

A Yes, sir.

Q So my question for you is, What led you to believe or who led you to believe, what part of the evidence or the case led you to believe, that we were guilty instead of victims?

THE COURT: You don't have to answer that question.

ATTORNEY NORVELL: I'm going to object to the scope.

THE COURT: The jury decides the facts.

MR. SINGLETON: You said I can't ask him?

THE COURT: He's not to determine guilt or innocence. That's for the jury to determine.

Q What led you to believe that you were in pursuit of the right people?

A All the evidence that I collected.

Q Specifically? Specifically what evidence led you to believe that you were in pursuit of killers, murderers --
A The video --
Q -- monsters?
A -- statements provided to me --
Q -- specific? I need specific --
A -- Cellphone evidence --
(Simultaneous speaking.)
A -- text messages between the two.
(Simultaneous speaking.)
THE COURT: Hold on. She can't type when y'all are doing that. Mr. Singleton, let him answer the question. You ask it.
Q I will ask that you please be specific and tell me what evidence? We have evidence gathered here today. Point that evidence out.
A Are there any specifics that you --
Q I need specifics. The jury needs specifics. What led you to believe we were killers?
ATTORNEY NORVELL: Objection.
THE COURT: I'll sustain the objection. Ask another question.
MR. SINGLETON: I'm still waiting on him to answer my previous question, sir.
Q Specific evidence, what specific evidence did you --
ATTORNEY NORVELL: I'm going to object to that, Judge.

THE COURT: I'm going to give him one more chance and then I'm going to consider it asked and answered. You can answer it one more time, detective.

A There's nothing one specific; it's all the evidence. All the overwhelming evidence against you is how I arrested you for murder.

Q You also arrested me due to -- did you refer to that evidence in your affidavit?

A Just like I testified before, whenever the arrest starts it's not the ending of the case.

Q Detective Pritchard, I'm speaking of the beginning of the case. Is there evidence that led you to believe we were guilty that you mention in your affidavit?

A I don't understand your question.

Q I'm asking, did the evidence that I'm asking you about --

A What evidence are you asking about?

Q The evidence that led you to believe that we were killers, that's mentioned in your affidavit, is what I'm trying to get at.

A Not all the evidence. I would have to have another six-page affidavit to complete that.

Q So you would have put in the -- you would have put the most important evidence in the affidavit, wouldn't you?

A I would put the evidence in the affidavit that I had at the time.

Q But the affidavit is stating that you have probable cause to

believe, correct?
A That's correct.
Q In your affidavit, Mr. Pritchard --
ATTORNEY NORVELL: Objection. This is outside the scope of direct.
THE COURT: Ask him a question concerning the affidavit, and be done with --
Q I'm asking you, Mr. Pritchard, at the time that you produced this affidavit -- read it in case you want -- how much evidence in that evidence still stands today against -- How much evidence in that affidavit stands today against me?
A Everything excluding the railyard video, which I testified to yesterday about the discrepancy in the audio.
Q You say everything except for that?
A Yes, sir.
Q You said -- could I get you to repeat? You said everything except for what thing?
A There's a timestamp on there that refers to, I believe it's, 5:23, 5:24.
Q Correct.
A Yes.
Q Why is that excluded?
A Well, because at the time I believed I was hearing gunshots on the video from the train.
Q What made you think that it wasn't gunshots?

A Cellphone data and collecting more video that shows you were still walking to railyard.
Q So the question is, How do you know that this 5:23 was not gunshots?
A Because I listened to the video further and the same consistent noise is happening even after law enforcement gets there. So we're not processing the scene and listening to gunshots right next-door.
Q So when you created this affidavit you did not thoroughly listen to the video? Is that what you're saying?
A I did at the time.
Q So between the time that you first listened to the video and you thought that it was not gunshots, what changed? What --
A Additional video that was collected that showed y'all walking, along with cellphone data that was provided to me --
(Simultaneous speaking.)
A -- by Detective Riedel.
Q What I'm asking you was, at 5:23 in your affidavit you reported the sound of gunfire. What made you -- I don't understand what -- How did you come to the determination that it wasn't after you had already come to the determination that it was? Regardless of who you saw on the camera you said at 5:23 the railyard catches the sound of gunfire.
A Correct.
Q How would the video lead you to believe otherwise that --

ATTORNEY NORVELL: Objection. This has been asked and answered in both his prior testimony and now.

THE COURT: I agree. I'll allow him to answer one more time and then we're going to move on.

A Based on other videos that I collected, all the cellphone data, and then going back and re-reviewing the video that I'm referring to, the noise that I believe to have been gunshots is consistent throughout the entire video.

Q So, Mr. Pritchard, are you constructing evidence on your own? Are you fabricating evidence on your own to try to match your -- to try to match your accusations?

A No, sir.

Q You're not fabricating evidence?

A No, sir.

Q Mr. Pritchard -- you also referred to a witness in this affidavit, Mr. Pritchard. Was that witness ever brought to court?

A You're referring to Mr. McKean.

Q Oh. Was he brought to court at this trial?

A Yeah.

MR. SINGLETON: Judge, I would ask that I be allowed to cross-examine that witness, for I did not --

(Simultaneous speaking.)

THE COURT: We've already talked about that. Continue with this witness.

MR. SINGLETON: -- I have not had the opportunity --
THE COURT: Continue with this witness.
MR. SINGLETON: -- to exercise my right and cross-examine that witness.
THE COURT: Are you finished with this witness?
MR. SINGLETON: Not yet.
THE COURT: We11, continue with this witness.
Q Mr. Pritchard, did you have -- were there any indications of me at the scene of that murder?
A Yes, sir.
Q What were they?
A You walking to the scene of the murder and then you and your co-defendant walking back without the victim.
Q But you had already testified, sir, that you do not have a video of us at the scene, so, Mr. Pritchard, are you speculating that that's where we went?
A No. With witness statements, video, everything put together, that's not speculation.
Q Did your witness identify Maurice Singleton?
A No. He described your clothing.
Q Was that witness shown a photo lineup?
A He says he didn't know or see any facial features. A photo lineup wouldn't have been proper.
Q So, Detective Pritchard, I ask you again, What led you to believe that I was at the scene of the murder? You just said the

witness did not see my face, so what made you believe --

(Simultaneous speaking.)

A There was the video of you walking -- sorry.

Q What made you to believe -- what led you to believe that it was me he was describing? Did that -- also -- I'll ask you another question.

ATTORNEY NORVELL: Judge, at this time I believe the door has opened to the State's pretrial issue.

MR. SINGLETON: I object.

THE COURT: I ruled -- I thought we were still on the question of what led you to believe that he was at the scene.

MR. SINGLETON: Right. I'm speaking of the witness.

THE COURT: So what is your concern?

ATTORNEY NORVELL: I'd be happy to address it outside the presence of the jury, Judge.

THE COURT: Well ...

ATTORNEY NORVELL: May Mr. Nelson and I approach?

THE COURT: Yeah.

MR. SINGLETON: I would ask that I be allowed to approach.

THE COURT: Come up.

(Sidebar discussion off the record.)

Q Detective Pritchard, are you aware of -- did you -- when you reviewed the facts of the case did you note any inconsistencies in this witness that you mentioned of in your affidavit? Did you notice any inconsistencies in the statement that he gave?

ATTORNEY NORVELL: Objection.
THE COURT: Who's he speaking of in that, in the warrant?
THE WITNESS: This is the train conductor.
THE COURT: You can answer it.
Q You want me to ask the question again?
A Yes, please.
Q Did you notice any inconsistencies -- when you interviewed the witness of this case did you notice any inconsistencies in the statements he gave?
A No, sir. He gave general statements but no inconsistencies. No.
Q No inconsistencies. Are you aware of how many -- did you look -- when you reviewed the case did you take note of how many different descriptions that witness gave?
A He was generally pretty consistent.
Q Mr. Pritchard, are you under oath?
A I am.
ATTORNEY NORVELL: Can I see what you're showing him? I'm going to object. He can't impeach this witness based on another detective's report that --
THE COURT: Just ask him a question.
MR. SINGLETON: These are the facts.
THE COURT: Just ask him a question.
MR. SINGLETON: What I'm trying to guilty at, Your Honor, is these are the facts of the case and he is the head --

THE COURT: Will you just please ask him a question.
Q My question for you, Mr. Pritchard, is, Does the witness say he saw people in all black?
A During one of his interviews, yes.
Q In another one of those interviews did -- you said -- what was another description he gave besides --
ATTORNEY NORVELL: Objection, hearsay and improper.
THE COURT: Did you interview the witness?
THE WITNESS: No. It was Detective Rodriguez.
THE COURT: All right. I'll sustain the objection.
MR. SINGLETON: Sir, he is the head of this --
THE COURT: I understand that.
MR. SINGLETON: -- case, so he would have to have interviewed -- or, he would have had to have went through all of the documents and all of the facts of this case.
THE COURT: I understand that.
MR. SINGLETON: So what I'm asking him is about the documents he read, being the head, being the head of the case. He's leading the case.
THE COURT: Did you review any of these documents by the other detective?
THE WITNESS: Yes, sir.
THE COURT: And what did they indicate as to the description of the two --
MR. SINGLETON: I ask that I please, I be allowed to ask him

a question. He answers questions that I ask, please, Judge Price.

THE COURT: You can answer my question.

THE WITNESS: Black males wearing dark clothing.

THE COURT: All right. Go ahead.

Q Did he give any other description besides the one I just stated to you?

A Yeah. He described you initially to patrol officers.

Q And what was that description he gave?

A He said a dark sweatshirt or jacket, and had either white or gray sleeves on the side.

Q And is that consistent with all black, two people wearing all black? Is that consistent?

A I would say in general terms, yeah. He's -- we're talking to a witness that's, I think he testified being, 80 or 90 yards away from this incident, so ...

Q My question for you was, Were those two different descriptions that you just -- that we just went over now, are they consistent with each other, all black --

A Different specific descriptions. However, black males wearing dark clothing --

(Simultaneous speaking.)

Q I don't mean to cut you off. Can you please repeat that again?

THE COURT: Mr. Singleton, he didn't even finish it before

you asked him to repeat it.

MR. SINGLETON: I just wanted -- because I didn't hear what he started off with, so I asked him to please start over, please. He said --

A Can you repeat the question again? I'm sorry.

Q Were the two statements he gave -- were the two descriptions he gave consistent with each other?

A I would say they're consistent coming from somebody who's almost a football field away. Yes, sir.

Q So all black, and dark with white on the sleeve, is consistent, Mr. Pritchard? You believe that's consistent with each other?

A You're saying dark and all black, yes, that's consistent. Maybe during one of his interviews whenever he was interviewed by Detective Rodriguez he left out the white.

Q Right, but that's still not all black. You said he described me, right, correct? You said the witness described me at the scene?

A Yes, sir. Yeah.

Q In the videos that you put in this timeline, Mr. Pritchard, am I wearing all black? Would you say that I had on all black?

A No.

Q You said no? So that means that it was not consistent; that means the statements aren't consistent, is what -- that's what that means.

THE COURT: Ask him a question. Don't testify.
Q Are they consistent? Do you believe that it's consistent? I'll ask you again.
A They are consistent with the fact that that's a witness that's standing 80, 90 yards away.
Q Does that mean it's consistent, just because it's --
ATTORNEY NORVELL: Objection. Asked and answered. Argumentative --
THE COURT: Let's move on.
ATTORNEY NORVELL: -- improper hearsay.
THE COURT: Let's move on.
Q Detective Pritchard, is that witness credible?
A I believe so.
Q Being the head of this case, do you consider that witness credible?
ATTORNEY NORVELL: Object --
THE COURT: Credibility of the witnesses will be determined by the jury. I'll instruct them in the jury -- and charge them as to that. You don't have to answer that question.
Q Detective Pritchard, did you listen to that same witness? Did you listen to this recorded interview?
A No, I --
ATTORNEY NORVELL: Objection.
THE COURT: He answered. He said no.
Q You didn't review that? You didn't listen to that?

A No, I did.
Q You did?
A Yes.
Q Oh, I thought you said you didn't. One second, please. Detective Pritchard, could you tell me, do you have knowledge of when or how many times that witness was interviewed? How many times was that witness interviewed?
A He was interviewed the night of.
Q You said the night of? No. I said how many times was that witness interviewed? That's not a proper answer to my question.
A He was interviewed several times the night of by patrol officers, and then following [indiscernible].
Q Was he ever interviewed anytime after that night?
A No, not an interview. No. I spoke with him on the phone shortly thereafter but, no.
Q So, detective, that witness was not -- that witness did not give a statement in October of 2020?
A To me? No.
Q The period that -- anyone, Mr. Pritchard? Did he give a statement in October of 2020, Mr. Pritchard?
THE WITNESS: Your Honor, I don't know if I'm allowed to refer to that.
Q You are the head of the case, so you --
THE COURT: I'm not sure what he's asking for.
Q What I'm asking is, in October of 2022 --

A Right.
Q -- last year, was that witness, did he give another statement? Was he interviewed again? Did he speak with law enforcement again? Did he give another description in October of 2022?
ATTORNEY NORVELL: Judge, objection. He can't impeach another witness through this witness.
MR. SINGLETON: Your Honor, what I'm asking him is -- this is the basis of the question. He said the witness is credible.
THE COURT: No, you don't --
MR. SINGLETON: No, no. I apologize. What he said was he believes the witness statements are consistent, is what he said --
THE COURT: All right. Let's move past that. We've been on that for about an hour now, and I certainly believe the jury understands what the premise and basis of your questions are. So let's move on.
MR. SINGLETON: I would ask that I please get a full answer to my question before I move on?
THE COURT: I think you've made it.
MR. SINGLETON: I don't feel like I have --
(Simultaneous speaking.)
THE COURT: Ask one more question then.
Q Could you please answer the question that I had just asked so I can ask my next question?

A You're you asking me?

MR. SINGLETON: Your Honor, please let this show that this is not my next question but this is the previous question he's asking me to repeat.

THE COURT: Go ahead.

Q Detective Pritchard, I asked you if that witness give any -- was he spoken to again by anyone on the prosecution time in October of 2022?

A He was.

Q He was. Are you familiar with his ...

ATTORNEY NORVELL: Oh, objection. Can we approach?

THE COURT: All right. Ladies and gentlemen of the jury, let's take a break. Let's just go ahead and do this. It's 12:30. Is their lunch here? All right. We're going to go ahead and take our lunch break, and we'll get this sorted out, and then we'll get you right back in and continue with the case. All right.

MR. SINGLETON: Your Honor, could I approach?

THE COURT: No. Stay right there.

(Jury escorted out of the courtroom at 12:31 p.m.)

(Court recessed at 12:31 p.m. and reconvened at 1:27 p.m., without the defendant or jury present.)

MATTER(S) OF LAW

THE COURT: All right. Do we have enough deputies to bring him in?

ATTORNEY NORVELL: They just went to talk to him.

ATTORNEY NELSON: Judge, there might be a potential plea. Potential.

THE COURT: What's he need to do?

ATTORNEY NELSON: He wants to speak to his family briefly.

THE COURT: In the booth?

ATTORNEY NELSON: Wherever, Your Honor.

THE COURT: Is that what y'all do?

COURT SECURITY DEPUTY: That's what we do.

THE COURT: All right. Put him in the booth.

ATTORNEY NELSON: I'm sorry, Your Honor.

(Court at ease from 1:30 p.m. to 1:38 p.m.)

ATTORNEY NELSON: Judge, I spoke to him about what me and Ms. Norvell spoke. He's asked just to speak to his family right now; his mother, brother, and girlfriend. He says he might need 20 minutes. I told him I'll say that to you, but I also said I'm not sure if the judge will give you 20 minutes.

THE COURT: All right. For the record, what did y'all discuss?

ATTORNEY NELSON: I don't know.

ATTORNEY NORVELL: May we approach?

THE COURT: Sure. Do you want it on the record, or no?

ATTORNEY NELSON: It doesn't need to be on the record.

ATTORNEY NORVELL: Not particularly.

THE COURT: All right. Go off the record.

(Sidebar discussion off the record.)

(Court at ease from 1:39 p.m. to 1:50 p.m.)

ATTORNEY NELSON: Judge, we're ready to proceed.

THE COURT: Bring him out. All right. Anything before we bring back the jury?

ATTORNEY NORVELL: Yes, Judge. The State believes that the defendant opened the door in his cross-examination questions of Detective Pritchard. He asked Detective Pritchard, What led you to believe that I was at the scene?

In pretrial we took up the matter of the defendant's statement in the last prior hearing. The statement was ruled by the Circuit Court at that time to have violated the defendant's right to Miranda, so in pretrial the State conceded and adopted that ruling that it violated the defendant's rights pursuant to Miranda; however, we would be seeking to introduce that statement at such a time that the defendant opened the door to that or it was necessary for impeachment.

At this juncture the State believes the defendant has opened the door for -- to the limited question of asking, Did the defendant tell you that he was with the victim until 6:00 p.m., which he indicated in his statement that he did.

MR. SINGLETON: I would object.

THE COURT: Well, he didn't mention any statements or anything along those lines --

MR. SINGLETON: Right.

THE COURT: -- so I was thinking back about that because my law clerk indicated that y'all had that issue. I don't believe he's opened up the door, and I think we're just going to follow the previous Circuit Court's ruling. So I'm going to deny that request.

ATTORNEY NORVELL: Thank you, Judge.

THE COURT: Bring them out, please.

MR. SINGLETON: It was on me, correct? May I approach?

THE COURT: No. What do you need to tell me?

MR. SINGLETON: What line of questioning was I on? I don't want to have to repeat any questions I have already -- could you please repeat me my last question?

THE COURT: Your last question was still continuously pertaining to the -- where were we -- on the conflicting statements --

THE WITNESS: Correct.

THE COURT: -- of the eyewitness, we were talking about that, and I was telling you that you had one last question.

MR. SINGLETON: Oh, he still had to answer the question before that. That's what. I remember, that's where we were. He had to answer the previous question, and then I would have moved to my last question.

(Jury seated in the courtroom at 1:54 p.m.)

THE BAILIFF: Judge, all the jurors are present and seated.

THE COURT: All right. Mr. Singleton, you may proceed.

CROSS-EXAMINATION (cont.)

BY MR. SINGLETON:

Q Mr. Pritchard, I believe my question before we recessed, for you, was about the conflicting statement that the witness, in your affidavit, gave. I was asking if they were consistent. You had already said you felt that they were before I was telling you -- I was asking you if all were black, and --

ATTORNEY NORVELL: Objection. The defendant's testifying.

THE COURT: Just ask him questions.

Q I was asking if they were all black that he gave in the statement, was that consistent with what I had on in the video?

A You were wearing a dark, hooded sweatshirt with white sleeves or gray sleeves.

Q Mr. Pritchard, is that all black?

A No, that's not all black, but I'm also interviewing a witness that's standing 80 to 90 yards away from what he's witnessing, so I understand there may be some discrepancy there.

Q What time of the day was this?

ATTORNEY NORVELL: Objection. He can't testify --

THE COURT: Hold on. What's your question?

MR. SINGLETON: I'm asking him about the documents. All of my questions are through discovery, are based on discovery, and things that Mr. Pritchard had an obligation to go through.

THE COURT: Just ask him the question.

Q When you went through those documents, what date and, like,

what time -- when you reviewed the documents and the witness statements, what time of day did he say it was?

A Are you talking about his written statement that he provided?

Q Yes, sir.

A I stand by --

Q Sir?

ATTORNEY NORVELL: Judge, this witness can't testify to another witness's statement. That's hearsay.

THE COURT: He can answer what time the alleged incident occurred.

A He guessed -- in his statement he says at approximately 5:40.

Q Is there any clarification of whether it was daylight or not?

A By that time of day, being 5:40, I would assume.

Q That you would assume what?

A Just knowing that it's only 5:40 in the afternoon, I would assume it's still daytime.

Q It was still daylight?

A Yes.

Q So that site wouldn't have been restricted by the dark; it would have been only restricted by the distance, correct?

ATTORNEY NORVELL: Objection. This witness cannot speculate as to what the other witness may or may not have seen.

THE COURT: I'll agree. I'll sustain the objection. Ask your next question.

Q You testified that -- you gave testimony that he was about --

ATTORNEY NORVELL: Objection. He cannot testify to --

MR. SINGLETON: All of these are in the document, Your Honor.

ATTORNEY NORVELL: Objection.

THE COURT: I understand that but there are certain ways that you have to go about asking questions of certain witnesses. So what's the question?

ATTORNEY NORVELL: The question is what I object to.

THE COURT: What's the question?

MR. SINGLETON: How far was the witness?

THE COURT: He doesn't know that.

MR. SINGLETON: It's in the documents.

THE COURT: It's not for him to testify to.

Q Mr. Pritchard, you gave testimony that he wouldn't have been able to see because of how far away he was, correct?

A In regards to your face.

Q But the clothes. We're speaking of the clothes, Mr. Pritchard.

THE COURT: He's testified six times that the witness was about 80 yards away.

MR. SINGLETON: Okay. Thank you. I said clothes. I'm

asking about the clothes, not my facial description.

THE COURT: He has answered that question. Let's ask another one.

Q Are you aware of any other statements that he would have given when you reviewed the facts of this case?

THE COURT: You've already asked and answered that question.

MR. SINGLETON: Oh, I apologize. During the recess, I forgot --

THE COURT: You don't need to apologize. You just need to ask another question.

Q Mr. Pritchard --

MR. SINGLETON: I'm sorry, Your Honor. I'm having trouble remembering the previous questions before the recession [sic]. If I may have a few of those questions --

THE COURT: We've already been down that. The last question was concerning inconsistencies of the sweatshirt based on the testimony of the witness.

MR. SINGLETON: Right.

THE COURT: We just went down that, so I'm asking you to move on and ask another question, please.

MR. SINGLETON: I'm just trying to make sure I ask a question I haven't already asked before --

THE COURT: We're done with the timeline and the sweatshirt. Move on to something else, please. And also, you need to be careful, you've got to stay within the scope of what the

prosecution did. I feel like we're getting slippery out of that.

MR. SINGLETON: All right.

Q Mr. Pritchard, are you familiar with who conducted the interview of the witness in October of 2020?

ATTORNEY NORVELL: Objection. This is outside of the scope of direct.

MR. SINGLETON: I mean -- I didn't mean to say 2020. I mean 2022.

ATTORNEY NORVELL: Objection. This is outside the scope.

THE COURT: We've already talked about it. Let's move on past this question.

Q Again, Mr. Pritchard, in regard to your affidavit ...

MR. SINGLETON: That will be all.

THE COURT: All right. Anything further?

ATTORNEY NORVELL: Briefly on redirect, Your Honor.

REDIRECT EXAMINATION

BY ATTORNEY NORVELL:

Q Detective Pritchard, when Mr. McKean was first interviewed at the railyard did he indicate the clothing that he observed the shooters to be wearing?

A He did.

Q And was that on scene before he had ever been transported for an interview?

A Yeah. That was during the initial talking to the responding officers.

Q The most fresh recollection?
A Yes, ma'am.
Q And what was that description?
A The one I remember is a dark, hooded sweatshirt with white or gray sleeves down the side.
MR. SINGLETON: If I may --
THE COURT: No, that's not how it works. All right. You may be excused. Thank you so very much. All right. Call your next witness.
ATTORNEY NORVELL: Judge, at this time the State rests.
THE COURT: All right. Ladies and gentlemen, there's one or two matters that I need to take up outside the presence of the jury. If you just give us about five minutes, I promise to bring you right back in. All right. Just think about it, you're getting your steps in.
(Jury escorted out of the courtroom at 2:02 p.m.)
MATTER(S) OF LAW
THE COURT: All right. At this time I'll allow the defendant to renew all of his previous motions. Mr. Singleton.
MR. SINGLETON: When you say renew my previous motions --
THE COURT: All you need to -- I can't give you legal advice, but now is your opportunity to renew all your previous motions. You have an attorney if you'd like to ask questions.
MR. SINGLETON: Your Honor, I would like to renew all of my previous objections.

THE COURT: All right. Thank you very much. They're noted for the record. Any other motions that you may have?

MR. SINGLETON: I would move for a motion of directed verdict because the prosecution has not proven their case. They have not proven the elements of murder beyond a reasonable doubt. What they have done is they have speculated. What they have done is they have speculated throughout the entire case.

They have used witnesses who were not credible, who I have not had a chance to cross-examine. They have withheld information which is a *Brady* violation where I had to -- new information, I had to find it for myself when the prosecution had knowledge of this information.

And also, I asked -- I require that before -- I require that I have a fair and impartial trial, which this has not been, for I have been deprived the right to cross-examine witnesses, I have not been heard fully, and I have been very prejudiced. I have been prejudiced against by the Court, by the State, and I would ask that the State -- I would ask the Court -- I would require a direct verdict, or directed verdict.

THE COURT: All right. Any speculation that the defense indicates that is on behalf of the prosecution simply is just circumstantial evidence, and I believe everybody agrees this is a circumstantial case, so all those facts need to be taken up by the jury.

As to credibility, that is something that will be charged to

the jury, and that is for them to take into consideration as to whether the witnesses are credible, and I will charge them as to that.

And any prejudges that the defendant had received have been of his own doings by --

MR. SINGLETON: I would object to that, Your Honor, because before -- on the first day of trial I have been detained multiple times, and I was on time that day, and I have been detained for merely trying to be heard in a meaningful, full manner, which is my right to do so.

THE COURT: The record will reflect everything that --

(Simultaneous speaking.)

THE COURT: Mr. Singleton --

MR. SINGLETON: -- I am being deprived right now, Your Honor, because you are speaking over me. I have not been fully heard by you, or the defendant -- or the jury, and I would ask that I please be allowed to speak without you interrupting --

THE COURT: No. Mr. Singleton, you've made your record. Sit down.

(Simultaneous speaking.)

THE COURT: Sit down.

MR. SINGLETON: I am directing the Court -- intervene --

THE COURT: Are we going to do this again, Mr. Singleton? Are we going to get into it? Any prejudice that may be had were at the defendant's own doings. He showed up -- didn't show up to

court on time the second day. His bond was revoked. He obviously got upset about that, lashed out, and gave the --

MR. SINGLETON: I object. I did not lash out.

THE COURT: -- gave the deputy's a hard time, so he was removed from the court for his outlandish behavior and his continued interruption of the Court. Obviously, as we have seen throughout the trial, it's a constant, continuous process. It's continued up until the last 10 seconds. So that's why he was removed. So any prejudices that he may have received were at his own doings and so, therefore, I will deny his request.

All right. Now comes the time where I will ask you, Mr. Singleton, if you wish to put up a defense and testify on your own behalf?

MR. SINGLETON: No. I'm just fine.

THE COURT: I'm sorry?

MR. SINGLETON: No, I do not wish to testify.

THE COURT: Have you discussed this with your attorney?

MR. SINGLETON: Let the record show Mr. Nelson is not my attorney. Mr. Nelson --

THE COURT: Have you discussed this with everybody you need to discuss it with? Family? Have you had enough time?

MR. SINGLETON: I don't have an attorney. I just spoke with my family.

THE COURT: Have you had enough time?

MR. SINGLETON: Enough time for what exactly, Your Honor?

THE COURT: To think about what I told you, your opportunity to testify on your own behalf. Do you need any more time, I guess, is my question.

MR. SINGLETON: What I would have needed more time for, Your Honor, was to cross-examine the witness that I was not able to do because you had me detained.

THE COURT: All right.

MR. SINGLETON: That would be the only thing I would ask to be able to do, because to deprive me of that right would be a violation of due process of law, for I have not ran. The only way I would have waived that right is if I would have ran from the court. I attended my trial every day. I attended every hearing. I never ran. I turned myself in.

Far from the fact that I wish to have a fair and impartial trial, which I have been deprived that right by bias and prejudice on behalf of the Court.

THE COURT: All right. Ms. Norvell, do y'all have a copy of the charge?

ATTORNEY NORVELL: Yes, Your Honor. We were provided it by your law clerk.

THE COURT: Have y'all had an opportunity to review it?

ATTORNEY NORVELL: Yes, Judge, we have.

THE COURT: All right. Let's go over it. Okay. This is the order in which that I will read it. Mr. Singleton, this is the law that I will charge the jury on:

The first one is charge, arrest, indictment is not considered to be evidence. The second one is presumption of innocence. The third one is duty of jury and trial judge. Next is direct and circumstantial evidence. Next is reasonable doubt charge. The next will be credibility of the witnesses. Next will be expert witnesses.

Is there an issue as to the identification charge, or -- I believe that's sufficient? At this point seems to be the only defense.

ATTORNEY NORVELL: The State would argue that the defendant, during his cross-examination, indicated that it was himself on the video on two separate occasions.

THE COURT: That, he did, and I think you can bring that up in closing arguments. Intent, the charge of murder and malice, mere presence, hand of one, and failure of defendant to testify.

Any objections from the State?

ATTORNEY NORVELL: No objections. I don't know if Your Honor would wish to include any sort of charge or give an instruction on the trial in absentia due to his unavailability on Tuesday morning.

THE COURT: I can instruct them as to that as well. All right. Anything from the defense?

MR. SINGLETON: I would ask that you please let the jury know of the previous -- this is the appropriate time to let the jury know of the previous prial trial so they can -- because they

have an obligation to consider that information if they are to deliberate properly, because not to -- to hide this information from the jury would result in a biased verdict.

THE COURT: All right. I am not -- I'm going to allow you the opportunity to give a closing argument, Mr. Singleton, but you are not to mention the prior trial whatsoever. I've already made that ruling. All right.

Are you all prepared to proceed forward with closing arguments?

ATTORNEY NORVELL: Can I have three minutes to get my technology set up?

THE COURT: All right. Let's take five minutes.

(Court recessed at 3:10 p.m. and reconvened at 3:20 p.m., without the jury present.)

MATTER(S) OF LAW

THE COURT: Anything before we bring the jury out?

ATTORNEY NORVELL: Yes, Judge. Within the last minute the defendant has indicated that he intends to call a witness. He is apparently intending to call his father to the stand. He has provided information that his father attended all of the proceeding in October of 2022 so he was not sequestered at that time because he was not on the witness list.

My understanding is he may not have attended at this juncture but when asked what the scope of that testimony was it would be -- it was told to me from Mr. Singleton that he would be

testifying to just general content, unlawful conduct, and how -- would you care to elaborate? How unlawful the proceedings are.

MR. SINGLETON: Yeah. He's going to come and verify everything I'm about to address in my closing argument, so in order to set that up appropriately I would ask that he be allowed to come give testimony.

THE COURT: All right. What's the nature of the testimony?

MR. SINGLETON: That he's going to be giving?

THE COURT: Yes.

MR. SINGLETON: The nature of the testimony is how my rights are being violated.

THE COURT: That's not -- has anything to do with the defense of the case.

MR. SINGLETON: Actually that is my defense in the case, because this case is unlawful. This case was not able to make it yet another trial after the first trial, because in the first trial there were already prejudice acts that already went through without -- my legal rights have been violated and I have not received any remedy. *Marbury v. Madison*, where there is a legal right, there is a legal remedy by super action at law. I have been denied remedy repeatedly from --

THE COURT: Bring the witness in.

ATTORNEY NELSON: Your Honor, the witness is not here.

MR. SINGLETON: Yeah. I would ask that he be given some time. He's on the way.

THE COURT: He can't -- he has not attended any of these proceedings, he can't talk about the old trial, and he has no idea what's happened here. So what's going to testify to?

ATTORNEY NORVELL: And we've had no notice.

THE COURT: What's he going to testify to?

MR. SINGLETON: I have a witness -- I have actually -- if you're saying he's not qualified, I have somebody who's here who can qualify, who has been here.

THE COURT: What are they going to testify to?

MR. SINGLETON: To everything I just said so that my closing argument will not just be out of the blue; so that my closing argument will have -- would make sense to the jury so they can comprehend that appropriately.

THE COURT: I think you have every right to make a closing argument. I don't think you need a witness to corroborate your closing argument.

MR. SINGLETON: Right, but in my defense I feel it will make my closing argument stronger, and --

THE COURT: That's not how --

MR. SINGLETON: -- I would ask that you require that he be allowed to come give the testimony so that my defense will be thorough.

THE COURT: Well, you're more than welcome to come take the stand if that's what you'd like to do, but to call somebody that has not been here --

MR. SINGLETON: What I'm saying is -- I'm not even just speaking about my father. You say he hasn't been here. I have someone here now.

THE COURT: Right. I'm asking, What is that person going to testify to?

MR. SINGLETON: Everything I just explained to you.

ATTORNEY NORVELL: Yeah, but you indicated you're going to call them as a witness to bolster your closing argument. That's not why you call witnesses.

MR. SINGLETON: What they're going to be giving testimony is today.

THE COURT: All right. Who's the witness that you want to call?

MR. SINGLETON: Keyshon Poinsette.

THE COURT: Spell the last name.

MR. SINGLETON: P-o-i-n-s-e-t-t-e.

ATTORNEY NORVELL: Judge, this is a violation of the sequestration order. This is completely improper testimony. He cannot give specific instances of conduct. We've provided him with a reciprocal Rule 500 asking for any alibi defense, anything like that, which I could perceive relevant. We received no notice of that, no notice of any altered mental state, and to testify on someone's, a layperson's, opinion of legal proceedings when they're asserting sovereign citizen like which is --

(Simultaneous speaking.)

MR. SINGLETON: Sovereign citizen is slander. I am not a sovereign citizen.

THE COURT: All right. Give me a second. Do you want to testify?

(Mr. Singleton and Mr. Poinsette confer.)

MR. SINGLETON: And to rebut the State's argument that the State can raise the defense that it's improper, I definitely have that right because there have been so much improper handling in this proceeding on your behalf, that why does she have all the rights and my rights are being violated and my rights are being disregarded?

THE COURT: You have all the rights. She has all the burden.

MR. SINGLETON: But she can --

THE COURT: What are you trying to get the gentleman to testify to? I need to know specifically. Tell me the first three questions you're going to ask him. Question one, what's the first question you're going to ask him?

MR. SINGLETON: Has he attended this trial.

THE COURT: That violates the sequestration order. You can't do that. All witnesses are supposed to be sequestered. If you wanted him to testify, you shouldn't have had him in here.

What would be the second question that you were going to ask him?

MR. SINGLETON: I was going to ask him to verify the facts

from my affidavit of truth because he has knowledge of the previous unlawful proceeding.

THE COURT: Can't talk about the prior proceeding. That will violent my order.

MR. SINGLETON: Not the case itself; the entire case.

ATTORNEY NORVELL: Judge, the affidavit was addressed by Your Honor pretrial.

THE COURT: I'm not worried about that. You don't need to make the opposing argument as to that.

MR. SINGLETON: What did you rule on in my affidavit? I never remember you ruling on my affidavit of the truth.

THE COURT: What is your third question?

MR. SINGLETON: Before we get to that, what was your ruling on my affidavit of truth?

THE COURT: It's just an affidavit of truth. There was no ruling. There was no motion or anything brought before the Court. I just allowed you to supplement whatever you wanted for the record. There was no ruling.

What's your third question?

MR. SINGLETON: I have more than just three questions, Your Honor.

THE COURT: I'm just asking you, in succession, what's going to be your third question?

MR. SINGLETON: Another question I would have asked is ... Your Honor, he should be allowed to give testimony. My question

would have been on following the grounds of the validity of the evidence.

THE COURT: That's for the jury to determine. All right. I've heard enough proffering as to what the witness would testify. I'm not going to allow it.

Anything before we bring the jury out?

ATTORNEY NORVELL: Judge, briefly, I understand that this is not a contemporaneous objection, but I would like to just address with the Court prior to closing arguments, based on Mr. Singleton's colloquy with the Court just now it seems to be that he's going to be injecting personal opinion into his closing argument. The State would argue that that's improper, and if you'd like to address that before we are in the presence of the jury.

THE COURT: All right. Mr. Singleton, a closing argument is simply what you believe the evidence has shown. You cannot talk about any of your personal opinions or anything along those lines.

And I also warn you again, do not make any mention or reference to any prior trial. Simply just -- we've talk about it -- just refer to it as a prior hearing but do not say anything about the prior trial. Do you understand?

MR. SINGLETON: Your Honor, to deny the jury to hear of the previous trial would be bias. It would not be due process of law. The jury has a duty and obligation to consider all of the

facts. You cannot hide any facts from the jury.

THE COURT: You heard me.

MR. SINGLETON: The jury has an obligation to consider these things.

THE COURT: All right.

MR. SINGLETON: They have to know of the previous trial, they have to know of the mistrial, they have to know these things, because to hide this from them would not only violent procedural and substantive due process --

THE COURT: Here's what I'm going to do. Here's what I'll --

(Simultaneous speaking.)

MR. SINGLETON: -- on behalf of the Court -- your Honor, I'm not -- I require that I be allowed to speak fully before you take the floor.

THE COURT: You waste so much time with that stuff. Just say whatever you're going to say.

MR. SINGLETON: Please. I'm trying to, Your Honor. I'd ask that you please let me get my point across without interrupting. What I'm saying is, to hide any facts in this case from the jury is due process of law and the whole entire case should be thrown out. It will make this trial -- it will make this trial -- this very trial would be the embodiment of due process violations, to have put in facts -- or facts to take into consideration for the jury.

And I ask that either I be allowed to tell them of the previous trial, or you give them the charge -- that you mention the previous trial when you charge the jury.

THE COURT: All right. Here's what we're going to do. If you violate any condition of my order, I am going to instruct the jury to disregard anything that you have said, I'm going to remove you from the proceedings and put you in the back, and you will not participate any further with your closing arguments. That will be my order. Do you understand?

I'll also be holding you in contempt again and adding another six months on.

MR. SINGLETON: Another thing, Your Honor. I'm waiting for Your Honor to file my affidavit that you never filed for me, Your Honor. I would like to note for the record that you are depriving me because you are the reason I was not able to file, Your Honor. You said -- you also said yesterday after the proceeding that you would get it done for me, but you left before you could do that. I don't know if you forgot, but I tried to remind you, Your Honor.

THE COURT: The case isn't over yet.

MR. SINGLETON: I would note for the record that you ignored me.

THE COURT: I said I would let you supplement the record. You also have 10 days from the close of the trial to supplement the record, but regardless --

MR. SINGLETON: It's a way -- there's a test for that. There's a way --

(Simultaneous speaking.)

THE COURT: All right. I'm tired of listening to him. Bring them out. He can talk in front of the jury. I don't care.

MR. SINGLETON: Your Honor, there is -- in *Pendle [ph] Institution Corp. v. Freeman,* the trial judge announced at a hearing more than 10 --

THE COURT: All right. Jurors are coming in.

MR. SINGLETON: -- modification -- see, Your Honor, I'm not being heard. You are continuously interrupting me and I am not being heard throughout the trial at all. You have been very biased, you have been very prejudicial towards me, and my --

ATTORNEY NORVELL: I object to this in the presence of the jury.

THE COURT: Yeah. Mr. Singleton, the jury's coming in.

(Jury seated in the courtroom at 2:32 p.m.)

THE BAILIFF: Judge, all the jurors are present and seated.

THE COURT: All right. Thank you so very much. Ladies and gentlemen of the jury, at this time, as I indicated before the trial started, when I indicated they would be giving their opening statements at the end I'd allow the parties to give what they call closing arguments.

What that simply is is not to be considered evidence by you whatsoever. The evidence that has been presented in this case

has been presented, all right. They are simply going to briefly summarize what they believe that the evidence, as I indicated, has now shown. All right.

And at close of that I, as the sole judge of the law, am going to charge you on the law that you are to ultimately meld with the facts of this case to render your verdict. All right.

And then, Mr. Foreman, at that time you and I will go over the remaining balance of your duties and the jury verdict form, and I will allow y'all to adjourn. I will then make sure that we have all the evidence. I'll bring it back, and I'll allow you to begin your deliberation. Fair enough. We'll start with the State.

ATTORNEY NORVELL: Judge, I believe the defendant needs to be given an opportunity to present --

THE COURT: I'm sorry. Mr. Singleton, at this time do you wish to put up a defense in conjunction with my prior ruling?

MR. SINGLETON: I just wanted to read a couple things for the jury.

THE COURT: No. You either have to take the stand in your own defense or you have to call a witness barring my previous ruling.

MR. SINGLETON: No. I rest.

THE COURT: All right. The defense has rested. I appreciate you doing that. I got caught up, and so thank you so very much. At this point in time the defense has rested, and

that will conclude this portion of the trial, and we'll move on to closing arguments.

ATTORNEY NORVELL: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, ma'am.

CLOSING ARGUMENT ON BEHALF OF THE STATE

ATTORNEY NORVELL: Ladies and gentlemen, on March 2nd, 2018, Vaughn McFadden was 18 years old. He left his house that he shared with his mom and his sister and he went to school, and he got off the school bus after that day, and he was hanging out with his two friends, Maurice Singleton and JuJuan Lockwood, and he walked to the Bennett Railyard where he was to death 14 times, in the face, and through his hand, defending himself against his two friends since they were 14 years old in middle school together.

As you heard through testimony of this case -- and I'll walk you through it together now -- it's the defendant's belief that all we have is that video of them walking. Ladies and gentlemen, that's not what the State has.

Through our witnesses in the last three days, or the last few days, you have heard testimony from cellphone experts, you've heard testimony from Detective Pritchard who reviewed all the video, collected that, went through it, streamlined that, ultimately for your review, and it's the State's position, and the State submits to you, that we have proved beyond a reasonable

doubt that Maurice Singleton is guilty of murder.

The Judge will charge you on the law in a few minutest but just right now I want to briefly summarize it so, as I'm walking you through the evidence, you can piece all that together and you'll know how we have met our burden.

The offense of murder is committed when there's an unlawful killing of another with malice aforethought. Vaughn McFadden was murdered. He was shot 14 times. Malice can be proved either expressly, me saying, I'm going to kill you, or inferred. When you shoot your best friend, since you were 14 years old, 14 times while his hands are up, that's malice, that's overkill. The unlawful killing of another is malice aforethought.

As I had mentioned in my opening statement on Monday, in South Carolina there's a theory of accomplice liability, and it's called "The hand of one is the hand of all." Two people can be charged with the same offense even if only one person pulled that trigger.

And in this case, Mr. McKean, as you heard him testify, he heard one gunshot and then he heard a series of another. He was about, you've also heard, a football field away, so he could see the two individuals. He did see that only one person was shooting. He does not know who the shooter was. He was not -- he told law enforcement right off the cuff, I cannot recognize a face, so they didn't show him a lineup because that would be improper.

But what he was able to see at 5:30 - 5:40 that afternoon is what the two individuals were wearing as they were shooting into the ground. He saw both of them, both of them, bend over in the exact same area as he testified where the victim was found about an hour later. He saw them shooting into the ground and both of them bending over in the exact same area where the victim was found. That, ladies and gentlemen, that is acting in concert with another. That is a conscious and deliberate plan. Working together with your co-defendant, you are involved in this together.

And I don't submit to you that it's just that. Before -- before they even got to the railyard, the State has presented you evidence from Detective Riedel and Jerry Roberts who's retired now, of how they even got to the railyard. And that's what I'm going to walk through with you right now.

Maurice and Vaughn went to North Charleston High School together, and they got off the bus at about 3:55 that afternoon in the Dorchester-Waylyn neighborhood. Detective Pritchard testified that they got off the school bus at Alabama and Rex. You saw his -- I'm sorry.

Can you pull the HDMI? Can you cut the HDMI? I apologize for the frozen computer.

All right. They got off the school bus together at Alabama and Rex, as Detective Pritchard testified. [plays video] Right here, Maurice Singleton, wearing a dark colored jacket with gray

on his sleeves. A few people later, Vaughn McFadden, the same exact outfit that his sister watched him leave their house that morning wearing, an outfit that you ultimately saw him wearing when he was recovered deceased on the Bennett Railyard. Maurice Singleton.

Going from there, ladies and gentlemen, Jerry Roberts testified that he was able to complete a data extraction of Vaughn McFadden's phone, and what Vaughn McFadden's phone showed us is exactly where he walked and when, in a reliable and precise and accurate way, from the time he got off the school bus until the time that he died. And we know that because it's not just his phone; we have the corroborating video footage.

4:01 he's walking towards the A1 convenience store. 4:00 he's even closer to the A1. 3:58 Vaughn and Maurice walking to the A1 from the direction of Alabama and Rex where they exited the school bus, wearing the exact same Nike jacket and the dark colored, with gray, sleeves hoodie. Ladies and gentlemen, that's Maurice Singleton walking out of the A1 convenience store, and that's Vaughn McFadden right behind him. Same outfit.

Detective Pritchard testified that he pulled this video from North Charleston's technology sergeant, and he noted -- the technology sergeant let him know -- that this was an hour off. This was 4:00, ladies and gentlemen, that they're walking out of the store. That perfectly parallels to Vaughn's phone. 4:01 is where they're walking back down Ranger Drive and went in that

direction, Houston Street, to go to his house.

As we continue to follow Vaughn's steps, he gets closer. 4:05 he's on Houston Street. You heard, in Jerry Roberts' testimony yesterday, that between 4:00, roughly, and 5:00 until Vaughn, Maurice, and JuJuan started walking to the railyard, his phone was at Houston Street 33 times. They were hanging out at the co-defendant's house before the co-defendant and this defendant lured him to the Bennett Railyard.

Importantly for your consideration, when Maurice and Vaughn got off the school bus Vaughn's phone shows him in that neighborhood the whole time. Detective Pritchard testified that he recovered a photograph from Vaughn's phone, a picture of Vaughn in his fourth-period class that afternoon at 2:37 with several 100s and some 20s. When Vaughn was found, he only had nine dollars. He was in that neighborhood for the entirety of the afternoon. I submit that it's not possible that he spent hundreds of dollars at the A1 convenience store when we saw him walking out with juice and a pack of Backwoods. Those were found on him, or around him, when he was found dead. 4:27, still on Houston Street.

5:16, now we're walking, ladies and gentlemen. We're walking towards the video that you saw in the 5:18, beginning 5:19, passing the intersection of Oregon and Ranger, the three of them walking together as they head in one direction, as Detective Pritchard testified. He saw them take that turn onto Louise, and